

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room and Via Teleconference
December 2, 2020**

CALL TO ORDER

Chair Azman called the meeting of December 2, 2020, to order at 6:00 p.m.

Pursuant to Minnesota Statute 13D.021, the meeting was conducted via Zoom, with Chair Azman and Administrator Kress present in the Council Chambers.

ROLL CALL

Present: Chair Mark Azman, Commissioners David Cremons, Jim Hara (arrived at 6:10 p.m.), Stig Hauge, Nick Sandell, Grover Sayer III, Joyce Yoshimura-Rank (arrived at 6:07 p.m.), and City Council Liaison Rick Kingston.

Absent: None

Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, City Planner Bob Kirmis, City Engineer Larina DeWalt.

Others Present: Videographer Maureen Anderson, North Oaks Company President Mark Houge. A quorum was declared present.

PLEDGE OF ALLEGIANCE

Chair Azman led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION by Sayer, seconded by Sandell, to approve the agenda as amended. Motion carried unanimously by roll call.

CITIZEN COMMENTS

Chair Azman noted one agenda item for Red Forest Way has a closed public hearing and there are some residents present that would like to make further comments and this is the appropriate time to do that.

Tom Dybsky, 9 Catbird Lane, thanked Chair Azman for allowing a few minutes to speak. He thanked Mark Houge, Gary Eagles, and the Commission for taking time to consider the residents on a new road coming onto Catbird. As longtime residents of North Oaks it is very important to him to have the Commission and Company listen and consider their concerns regarding the Red Forest Way project. In particular, he thanked Mark Houge for orchestrating six or so walkthroughs since the last meeting. On November 16 and 17, 2020 there were walkthroughs, and again in a follow up call that Mr. Dybsky, his wife, and John Guider had with Mr. Houge and Mr. Eagles on November 25, 2020, the following has been agreed to: the new road coming on to Catbird Lane will be 24 feet wide with two soft shoulders on either side of 2 feet. The road will be moved approximately 100 feet south from the current markings. Mr. Dybsky believes Mr. Eagles has shown a map of that revision. The NOC has agreed to provide and plant 15-20 natural barriers such as hardwood trees, evergreens, and bushes to protect 9 Catbird Lane and 7

Catbird Lane from oncoming headlights and noise with the new traffic as a result of this road. The barriers will be planted on both properties as well as across, to the east of Catbird where the road comes around. In talking with NOC, residents will work with them in selecting the appropriate barriers, and the revised plan shows the trees at the end of that road on the west side of Catbird in a straight line and he noted aesthetically and practically that may not work. NOC has agreed that the neighbors can work with them in the placement of those barriers. Mr. Dybsky said another interesting point is how much will be cleared when they put the road in and how open will that area be, and the City Forester is somewhat concerned about how wet the soil will be and if it is too wet, it will not be able to sustain cedar trees. Finally, with all of the roads being put in, as well as the 30-plus homes that will be built in the Red Forest Way development, it is all east of Catbird. The residents on Catbird, Black Lake Road, and Red Forest Way are very concerned about heavy construction traffic. Mr. Houge has agreed to provide temporary access off Centerville Road for construction equipment and heavy vehicles. This consideration was very important and it is very much appreciated that NOC would take that into consideration. Mr. Dybsky appreciates the fact that the NOC and Planning Commission have been working with them in a very collaborative manner and this is critical to come to a good resolution and all parties can be happy. He asked that they continue to inform residents as the Red Forest Way South development progresses. Mr. Dybsky submitted a document to the Commission with the points laid out and agreed to.

Steve Healy, 1 Catbird Circle, thanked the Commission for the opportunity to make comments. He believes the roads in North Oaks are in need of repair as evidenced by the home owners' association (NOHOA) asking for over a 15% increase in the 2021 HOA fees with the largest portion of this increase being directed to the roads. There has been discussion about having the heavy construction equipment come in via a service road accessed from Centerville Road, and he requests this be included in the project approval, as it will be a lot safer and less wear-and-tear on the roads, and will be similar to what is going on in the other sites where final areas of North Oaks are being developed. Mr. Healy said they would like to thank the Board and the North Oaks Company for taking the time to listen and work with them to come to a good compromise.

Rich Dujmovic thanked the Planning Commission, he has been watching all of the meetings from home and the last meeting was great and very, very encouraging. He addressed the NOC, and said he was very encouraged by the collaboration and respect for citizens; it seems that there were multiple perspectives shared in the last meeting, a bunch of alternatives that were batted around, a great deal of flexibility was shown by the NOC, and respect by the Planning Commission of the various perspectives. He also thinks there was good technical discussion as to why some of the solutions were viable and others were not. Ultimately, he saw collaboration that got to a better solution and a mutually beneficial solution that could work for everyone with just a little bit of compromise and it was wonderful to see. He specifically thanked the NOC because there were multiple walkthroughs of the site that were granted over multiple days, sometimes twice in a day. NOC was very accommodating to the residents of North Oaks, giving multiple opportunities to go look at the site. NOC did not look at just one option but multiple, and they were able to explain why they preferred one over another. He saw great partnership, respect, and seeking that mutually beneficial solution; he loves that behavior and this is exactly what they have all been looking for, he saw it from all parties and thinks it is remarkable.

Chair Azman thanked the residents of the Red Forest Way area for working with NOC and coming to City Hall to express the discussion they had so the Commissioners could all hear an update.

CONSENT AGENDA

a. Approval of Planning Commission Meeting Minutes of October 29, 2020

MOTION by Yoshimura-Rank, seconded by Cremons, to approve the Minutes of the October 29, 2020. Motion carried unanimously by roll call.

BUSINESS ACTION ITEMS

a. Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision) Application - Island Field

Chair Azman opened the public hearing at 6:21 p.m. to consider an application for the subdivision of Island Field known as site H in the Planned Development Agreement (PDA) between the Applicant and the City. This hearing will allow the public an equitable opportunity to be heard on the application and the Planning Commission will consider the comments of Staff and the Applicant, as well.

City Planner Kirmis said the NOC has requested preliminary plan approval to allow the construction of a 2-phase, 74 unit condominium building upon site H, commonly referred to as the Island Field site. The site overlays 22 acres of land south of the Gate Hill parcel, just west of Centerville Road. Of the 74 proposed dwelling units, 62 are proposed to be 2 bedroom units and 12 are proposed to be 3 bedroom units. Also included is a guest suite which does not qualify as a dwelling unit as it does not contain independent cooking facilities and therefore qualifies as a dwelling unit as defined by the zoning ordinance. In addition to the guest suite, the building will include some common spaces, including a community room and exercise room, and outdoor gathering spaces include patio decks, walking paths, and a community garden. The applicant is proposing to subdivide the property into two lots, which correspond with two phases of development. Specifically, an approximate 12 acre southern parcel is proposed, and an approximate 10 acre northern parcel is proposed. Phase 1 would overlap the southerly parcel and would include a 37 unit condominium building. Phase 2 would basically be an addition to that phase, also including 37 dwelling units. According to the East Oaks PDA, the City's Residential Commercial Mix (RCM-PUD) zoning district provisions apply to this property. The proposed condominium building is planned to be served by municipal sewer and water. The site is proposed to be accessed from the East; the single point along Centerville Road is approximately 20 feet south of County Road H2 and this location is consistent with what was previously depicted on concept plan drawings. The Staff report includes a discussion of lot area and density. The City Council has established that 74 dwelling units are allowed upon this 22 acre site and that determination results in a certain residential density which will be applied. The City's RCM zoning district does not impose a minimum lot area requirement; however, it does establish that ¼ acre of land is required per dwelling unit. That equates to approximately 11,000 square feet per unit. The density of the proposed site, using the gross density definition provided

in the ordinance is approximately 9,000 or 9,600 square feet per unit depending upon whether or not the Centerville Road right-of-way is included in that calculation. The proposed density as a result of the allowed 74 units is slightly higher than would otherwise be applied in an RCM zoning district. As stated previously, the East Oaks PDA says in the cases of conflict that the PDA provisions do apply; Staff felt it was worthy to mention that. Also included in the Staff report is a reference to floor area ratio, which is defined as the ratio of the floor area of all buildings of the gross lot area, excluding two-thirds of any wetland. The PUD district requires a full area ratio of 37.5% and the Applicants have indicated that a total of 17.3% floor area will be proposed in the project. In the Staff report, they are not sure whether the reference to the exclusion of two-thirds of wetland areas has been incorporated so they are asking for clarification on that. A couple of comments on lot configurations; as mentioned, the two lots correspond to the two phases of development which are proposed. In regard to modifications to the subdivision design, Staff recommends that the entire turnaround area near the building entrance be included in Phase 1 of the project and therefore included in parcel 1 so that lot line would be modified somewhat to include that turnaround area. Secondly, Staff recommends that prior to building permit issuance, parcels 1 and 2 be combined such that the side lot line which is illustrated is eliminated and does not intersect the building. The intent there is to avoid the creation of a non-conforming setback condition. Perhaps the item of most interest is related to structure height. According to the PDA, the maximum building height within the RCM-PUD district is 35 feet, and for walkout homes, 45 feet. The RCM district further states that “no building shall exceed a basement and two full stories or 35 feet at the front elevation.” The City’s zoning ordinance defines building height as the vertical distance from grade to the top ridge of the highest roof surface. Using the City definition of building height, it appears that the condominium measures 43 feet in height from grade to top ridge of the highest roof surface. In that regard the structure exceeds the 35 foot height requirement established by the PDA. As a condition of preliminary plan approval, Staff recommends that either the building design be modified to meet the 35 foot height requirement or a PDA amendment is processed and approved to accommodate the proposed structure height. A comment about building materials, according to the submitted building elevations the condominium is to be finished in a combination of stone and brick veneer, some fiber cement panels and glass. While building colors are not specified, the elevations do illustrate earth tone finishes. Neither the RCM-PUD district nor the PDA impose specific finish material requirements; however, it is the opinion of Staff that the proposed building finishes are very high quality and exceed standards commonly applied in other communities. Staff thinks it is a good design. A comment about recreational facilities, the Applicant has been working with NOHOA to determine if there are any recreational improvements which would be beneficial to provide upon the site. Staff encourages the Applicant to continue working with NOHOA in this regard. A comment about trails, consistent with the trail easement plan, the preliminary plan illustrated two trail connections which are intended to link the subdivision to the trail system. Also, regarding off-street parking, within RCM-PUD districts, a parking supply requirement of 2 spaces per unit is imposed and one of those two spaces must be enclosed. In addition, the PDA states that one space per dwelling unit must be provided in a shared, off-street location, specifically referring to guest parking. Applying the parking supply requirements of the PDA a total of 222 stalls are required, specifically 148 for

the dwelling units and 74 for guest parking. Appropriately the site plan illustrates 222 stalls. Mr. Kirmis noted that of the 74 guest parking stalls, 18 are intended to be proof-of-parking. Proof-of-parking refers to situations where the Applicant feels that the City's parking supply requirements are excessive, they will illustrate them on a site plan which demonstrates they can construct them if needed, however, they would like the opportunity to construct a lesser amount initially to see if those additional stalls are in fact necessary. The idea is not to construct more stalls than are needed. Typically Staff finds this an acceptable practice as it results in less impervious surface coverage as they do not want an excessive amount of parking if it really isn't needed. As part of the Staff review, they recommend that the City reserve the right to require full off-street parking (the additional 18 stalls), if it is determined that need exists. Provided all the conditions identified in the Staff report are satisfied, it is the opinion of Staff that the preliminary plan meets the requirements in intent of the PDA of the City's subdivision and zoning ordinances and recommends approval subject to those conditions identified in the Staff report which includes a condition related to addressing the building height issue.

- City Engineer DeWalt gave engineering comments which start on page 38 of the Planning Commission packet. She noted she will not go into detail as many of the comments are repeats from previous development sites as far as getting the plans from preliminary to final. She noted the development team was going to do a brief presentation so it may be best to answer any questions after that presentation.
- Commissioner Hara said on page 38 it is a cursory review and asked how thorough and in-depth that review on the application is, as there are a number of pages with comments similar to what they have seen in other applications.
- Ms. DeWalt said the review is as thorough as can be with preliminary plans; as noted, they anticipate the development plans to evolve with final development, so the review is done on a preliminary plan set and although there are many comments that are similar, it is based on the fact that they are preliminary in nature. She said they do not go through and review pipe slopes, for example, but they do a review of the grading utilities, setbacks, and said 11 pages of comments is fairly thorough and based on preliminary plan set.
- Commissioner Sayer asked about the building height and the restriction in the PDA of 35 feet, is that an interpretation or if that is crystal clear in the PDA.
- Administrator Kress pulled up the original PDA on screen.
- Attorney Nason noted the specific references are found in the 7th Amendment and contain a number of performance standard deviations, and each site has specific language with respect to height of buildings. She said there are references to the height of buildings (Mr. Kress pointed it out on page 227 of the City's website on screen). Looking at the specific site itself, there is language that references the RCM zoning district. She noted there are several references to the height with respect to the RCM zoning district.
- Chair Azman noted language on Section IV Performance Standards, paragraph three, subparagraph b) maximum building height.
- Attorney Nason noted they are trying to find that on screen.
- Chair Azman said he thinks it is on Page 4 of 11 of the 7th Amendment.

- Attorney Nason said to answer the question on whether it is clear in the PDA that 35 feet is the height requirement or maximum that applies to this particular development site, from Staff's perspective the answer is yes.
- Commissioner Cremons asked if it is also clear that it is measured to the highest point of the roof.
- Attorney Nason said that is correct.
- Chair Azman asked where they are looking when identifying how the measurement is taken. When he looks at the maximum building height and he sees language that says "measured from the lowest finished grade established," but where does it tell the Commission how high they go.
- Mr. Kirmis said building height is included in the zoning ordinance definition section.
- Chair Azman asked if that is in the PDA as well or if they have to look to the zoning ordinance.
- Mr. Kirmis answered it is in the zoning ordinance, but he thinks it is reiterated in the Staff report.
- Attorney Nason noted Mr. Kress now has the language on screen from Page 4 of 11, looking at 3b, it is the reference to the height limitation.
- Commissioner Cremons asked if it makes sense to listen to North Oaks Company President Mark Houge and then get back into this as there are several issues that are quite important and somewhat technical. He noted Mr. Houge has already responded by letter and Commissioner Cremons would like to hear what he has to say and then get back into these issues.
- Chair Azman agreed and noted he was trying to get the easy questions dealt with.
- Commissioner Cremons had an easy question and asked regarding the floor area ratio. It seems to him they are not even close as they are less than half of what would be permitted in terms of the floor area ratio on the site. The issue as to including or not including wetlands does not seem like it is material as that issue seems to be safe on this development.
- Mr. Kirmis agreed.
- Mr. Houge noted NOC has representatives from HP Holdings, Inc. (developer of the building itself); Jeff Schoenwetter is one of the owners, along with Eric Doty the project manager, and Tom Wasserman from Brown Architectural. At some point Mr. Houge may turn to them and ask them to make comments. Mr. Houge thanked the Chair and members of the Commission for taking the time to review this and for looking at the memo he sent out earlier that morning. He pointed out the PDA has some inconsistencies in it relative to the table; when looking at the other parcels that are zoned RCM-PUD, it clearly states the building height is 47 feet. He is not sure why that was not repeated for Island Field given that it is the same zoning, but it is NOC's position that any of the sites allowed to have a multi-family building should have the same zoning height restriction applied. It is not appropriate to apply a different height to different sites with the same zoning ordinance. He said it is also interesting to note that Rapp Farm has the ability for buildings to be built at 47 feet in height; at one point, NOC was thinking it might be a site where there could be an apartment or condominium but decided not to pursue that. Mr. Houge asked the Commissioners to keep

that in mind as they go through the presentation. He noted as one enters the site from Centerville Road, the intent is to have a crossing through a wetland that looks and feels somewhat like a bridge although it will be an on grade crossing. As one moves into the site there will be a divided median and that will be a place identifying it as a private road and ask those that are not residents or invited guests to turn around and leave. There is a space to the north of the driveway that is an area not planned to be built upon and they are having conversations with NOHOA about potential recreation facilities there and it is a work in process at this point. Proof of parking was mentioned and that occurs at Waverly Gardens, as well, there is a section on the north side of their building that is set aside for proof of parking, it has not been used in over 10 years and Mr. Houge doubts that it ever will be, but it is a way to deal with that zoning requirement. There is an internal trail system surrounding the building which connects to the NOHOA trail system at two points from the southwest corner and the northwest corner. He noted they are very pleased about how the building is positioned on the site; in thinking about the footprint of the building compared to the size of the site, it is a very small footprint and it is tucked into the side of the hill. Mr. Houge asked the development partners to speak to the vision behind the building, the elevations submitted earlier – and noted the challenge with building height is trying to make the building more interesting and more of a residential feel, different from an apartment since it is an owned facility. It has to be of a high quality with interest.

- Mr. Jeff Schoenwetter said they are very proud to be part of the presentation this evening and are excited to be in North Oaks. They have assembled a fabulous team for the project including Sather Bergquist, Firm Ground, Tom Wasserman, North America Bank, North Oaks Corporation, and Homestead Partners. He said the Commissioners have before them a palette of natural inspiration for a lodge-like structure. The condominium has only 10 homes per floor, per wing, so it is a very low-density project. When looking at some of the inspiration it comes from an architectural Adirondack/Yellowstone lodge and something that speaks in brand back to the flavor of some of the history of North Oaks and the Hill family. It will be rich in history, feature luxury modern features, custom options, and standard design efficiencies and will create relative affordability. Going from the exterior influences to the interior influences, they have a flavor that starts to develop which is color, natural palettes, and other things that they are hearing feedback from designers and architects that it is what the market is asking for. In concert with the professionals at Firm Ground and the designers, the project will evolve to 4-6 standardized selection palettes that will involve wallpaper, carpet, color palettes, and finishes. In certain circumstances, customers will be able to leave those pre-determined palettes and invest the time and energy in customizing those, and in some circumstances customers will actually be able to start with a blank slate. Mr. Schoenwetter noted they have tried to create a hospitality feel when walking into the property, there is a concierge desk, a large fireplace anchoring the main lobby, and small niches for breaking out in private conversations or waiting for an activity in the public space. He showed a slide for Unit 8, regarding the interior of the actual units, there are six different perspectives within the actual units. He stated there will be highly detailed finishes, including crown moldings and custom finishes, name brand partners – the same people who just completed the Meyer Place Condominium in Wayzata on Lake Minnetonka including

Kohler, SubZero, and Wolf. He noted the incredible use of glazing, custom windows and said every single home on every floor has a deck, patio, or combination. The first floor is at grade, so the 10 units in each wing on the first floor will have the lifestyle option to open their patio door and walk out on their lawn. He said especially for those with pets, people really like that ingress and egress from the individual units. He showed a slide of Unit 12 with a bit of a different flavor with a softer rounding of some of the archway openings, and bringing some details in to some units reminiscent of architecture that would not be considered modern, but classic lodge such as something found in Vail, Colorado. He said they want to bring these designs before the Commission to help have an appreciation for the hard work the architects and designers have done, and the commitment that the ownership group at Homestead Partners has to this project. They have sought to have a low-density environment, huge acreage, a long sweeping driveway sense of arrival, and a very private, secure, comfortable, safe destination for clients.

- Mr. Houge said it was really important to put a three-story building on this site for reasons of making sure they could get the economies necessary. NOC is looking for a high-value type building which by definition means it has to be both high-quality and affordable, and by going to the third level it improved upon the cost effectiveness of the design relative to vertical circulation. Another unique thing about building a condominium is the need to do something better than one would find in an apartment; for instance, ceiling heights. In apartments where the bottom line is keeping the costs as low as possible, one can get by with lower ceiling heights. However, NOC envisioned this project as being something very enduring, something where residents coming out of their home in North Oaks would want something of similar quality to what they are used to, and by definition that requires higher ceilings, in particular in common areas. He noted that was part of the challenge in coming up with the building design.
- Commissioner Cremons said as a matter of procedure, the Commission has a PDA and a zoning code. They do not have the authority to change either one on their own and asked if that is correct. Their job is to make sure a project meets the requirements so they can approve it and it can go forward. He noted this building looks beautiful, and if the PDA clearly says 35 feet he does not see how they can go forward with a 43 foot building as it is a deviation from the PDA without any amendment or any other permission. There is a similar issue with the density, as it still looks like this site cannot accommodate 74 units and meet the .25 acre requirement of the zoning code. He said those are his only two elements in this, but in looking at them, he does not see this project complying with the PDA or the zoning code and would like the Commission to comment on what they should do.
- Commissioner Sayer said the PDA trumps the zoning code so if they differ in what they say, the PDA trumps that. His initial question was if there was an interpretation issue in the PDA and it seems that perhaps there is. The NOC says one thing and Staff thinks another. One thing the Commission could do is say to the Council that they are the final say, the contract party, the NOC is the contract party, the City is the contract party. So the City Council should interpret it and if they interpret it as 35 feet, then it is non-compliant; if the City Council says it is 47 feet they are the other party to the contract. He said that works only if

there is a clear interpretation issue, otherwise they are asking the Council to amend the PDA and there is a process to be followed in order to do that.

- Chair Azman thinks they should get into these questions and they are pretty significant. However, he does not want to forget the public hearing portion of this. He wonders if there are any easier questions before the public hearing portion and then they can address some of the heavier topics thereafter.
- Tom Wasserman said typically they see Planning Commission make recommendations to the City Council based on the proposed changes to zoning and planning, so he thinks they are within their rights if they like what the team has done, they have the opportunity to vocalize support for the project even if there is a variation in height. The opinions of this group matter to the City Council in terms of their final decision making process.
- Commissioner Sandell asked if the 45 feet and the grade at the bottom starts at the floor of the garage or the floor or the lower level of the residential units.
- Mr. Kirmis noted there is a reference “as measured from the elevation” and that is the lower level of the residential units. He said they do not consider this a walkout residential project.
- Commissioner Sandell asked why it wouldn’t be considered a walkout if the developer/builder just demonstrated that the people on the main level will have walkout access.
- Mr. Houge said what may not be clear until studying the drawing very carefully, is that the grade is at the same level on all four sides of the building. What was alluded to earlier is if one is on the first floor of the unit, they are able to walk out onto the lawn and it is depressed only where they must lower the grade to get into the garage. Mr. Houge’s understanding of measuring is if one is standing at the front door walking into the building, that adjoining grade or lawn is where one would measure to the roof.
- Mr. Kirmis agreed.
- Mr. Wasserman said that elevation is maintained around the entire building except for the ramp to the garage.

MOTION by Hauge, seconded by Yoshimura-Rank to open the public hearing on Island Field. Motion carried unanimously by roll-call.

Chair Azman opened the public hearing at 7:06 p.m.

Chair Azman asked if anyone wanted to speak regarding Island Field Site H. There were no attendees online or in-person who chose to speak. He asked if North Oaks Home Owners’ Association (NOHOA) submitted a letter.

MOTION by Yoshimura-Rank, seconded by Sayer to close the public hearing on Island Field. Motion carried unanimously by roll-call.

Chair Azman closed the public hearing at 7:10 p.m.

b. Discussion/Action: Preliminary Plan/Preliminary Plat (Subdivision) Application - Island Field

- Commissioner Cremons noted Commissioner Sayer raised some good points, one of which was the PDA trumping the zoning code. He asked Staff if there is anything in the PDA that eliminates the .25 gross acre density requirement in the zoning code or is that still something they need to face on this property.
- Mr. Kirmis said in his opinion establishing the number of dwelling units allowed on a particular site establishes the maximum density with that determination. Basically, the number of acres or square footage of a property divided by dwelling units, whatever that result is, is the density requirement. That is established by the PDA and he does not think the intent is to go back and alter the number of allowed units.
- Commissioner Cremons said by that logic, the .25 acres is irrelevant, because it is mentioned in the report.
- Mr. Kirmis noted it is, and the reason is to bring it to the Planning Commission's attention that the requirement does exist in the RCM district. If there was no PUD applied to a project and this was just developed without any sort of previous PDA that specified dwelling units, that development project would have to adhere to that .25 acre requirement. In this case, the number of units per site has already been determined.
- Attorney Nason said the question is, does anything in the PDA explicitly alter that density requirement for the development site. There is nothing that says instead of .25 acres they could have .15 or .10 or .20 acres per dwelling unit. The logical exercise to reach the conclusion that the density would be permitted is to say the PDA establishes a certain number of dwelling units per site and it has been interpreted by the Council that the number of dwelling units allowed on that site are 74. That calculation is reached by taking 35 (the number of dwelling units allowed on the site), multiplying it by the permitted density bonus/density increase amount, and adding into that the commercial acreage conversion dwelling units. Therefore, the developer has indicated that they want to take their remaining commercial acreage and convert it to dwelling units. The logic that is employed is to get to the point where they can have 74 dwelling units on site, which essentially modifies the gross density requirement, is to say that because the site supports 74 dwelling units (if that is how the Council interprets that contract), then that implicitly allows the density of 74 dwelling units on that site.
- Commissioner Cremons said it sounds like the density issue is off the table, and they are all satisfied that 74 units on this site is permitted by the PDA as ratified by the Council. That brings them back to the height issue.
- Chair Azman is not convinced that is necessarily the end of the discussion. He understands that there are dwelling units permitted and there is a resolution by the Council, but he thinks they must harmonize the dwelling unit resolution with the other portions of the PDA and the zoning ordinance in order to figure out what is permitted here and what is not. He is not personally convinced that one trumps the other, but that they need to be harmonized. It does not say NOC automatically gets 74 despite whatever else is there; it simply says here is the maximum number that can be permitted. As he reads the PDA there are a number of other

provisions that might apply or come into play. He noted he did all the calculations to try and figure out what would be permissible if they harmonize the 74 units with the density.

- Commissioner Cremons put it in to context and said it is the difference between 74 units and 62-64 units based on the areas given for the site and the wetland areas. He clarified it is 10-12 units.
- Chair Azman asked if they analyze it using parcel 1 and parcel 2 or using the combined parcels. To him, that is where the 62-64 difference came out.
- Commissioner Cremons asked if the Planning Commission talks about this at length and tries to make an analysis, will it make any difference if the Council has already said there are going to be 74 units on the site. He noted they all have things to do with their time and he is perfectly willing to deliberate over it if it can make a difference, but if the outcome is ordained that it is 74 no matter what, then they do not need to spend a lot of time on it. One issue about this site from the very beginning has been density; the moving commercial rights onto this site, adding the 30% gross up-factor. This site has always been a very dense development – a beautiful building, but a dense development. It is well beyond what was contemplated when the PDA and zoning were contemplating what was going to happen on Centerville in this area. Again, it may not make any difference.
- Commissioner Hara said they talked about that conversion factor a couple of meetings ago. The language says “full acres” and that is a partial acre, which is 3 units and does not get them to the right density. He asked when did it go from a discussion at the Planning Commission to the Council approving it, as they never really concluded that discussion in a Planning Commission meeting.
- Chair Azman said as a practical matter, once the City Council makes a decision, the Planning Commission does not have an opportunity to challenge that. It is a directive from the Council on that particular issue; the Council has decided that 74 units have been permitted. However, he is not convinced in reading some of these other materials that it means one automatically gets that and it trumps the zoning requirements in the zoning ordinance. If he is not mistaken, there may have been some issues in a prior Black Lake submission that had problems with lot size. He does not see anywhere in the PDA that says just because they get their units doesn’t mean that they don’t have to comply. If there is a conflict among the PUD controls, there is a hierarchy of what items control and what don’t, and as he is reading the PDA it seems to suggest that hierarchy occurs after final plan approval, if there is conflict. He said they are not even there yet, so what hierarchy applies if there is a perceived conflict among various documents.
- Attorney Nason said to the extent that something is dealt with or addressed in the PDA, the PDA does trump. The PDA is essentially a zoning contract whereby the City and the North Oaks Company sat down and provided a variety of flexibilities with respect to these different development sites. To answer the question of whether there is a conflict at any point in the interpretation which document controls, it is the PDA.
- Chair Azman asked doesn’t the PDA incorporate the zoning ordinance.
- Attorney Nason stated the PDA references the zoning ordinance, yes. Essentially if there is something continued within the PDA that modifies the provisions of the zoning or subdivision ordinance, to the extent that the PDA modifies those provisions, that is what is

applicable to the particular development site. To the extent that the PDA does not modify those particular zoning ordinance requirements, then the underlying zoning ordinance requirements would apply.

- Chair Azman asked if the PDA modifies the area density requirements.
- Attorney Nason said with respect to the Council's interpretation of the PDA, as the governing body for the City, that is the interpretation they have taken regarding adoption of the resolution determining that the site would support 74 dwelling units. It is an interpretation that says that is what is allowed under the terms of the PDA. By saying the site supports 74 dwelling units, the Council is reading the PDA as having those dwelling units be permitted on the site and allowed, and aggregating any underlying density requirements that would otherwise preclude that type of development density on the site. That is the interpretation the Council is taking of the PDA.
- Chair Azman does not want to quibble too much, but the resolution discusses the calculations the Council went through and the resolution finally as adopted says, "that Island Field may be developed with 74 dwelling units based on the following calculation." He does not want to nitpick but is still not convinced that the resolution (which is not an agreement) decided NOC automatically gets 74 units. He noted he is not trying to rob the NOC of any of their units, but the PDA is what it is and it is presented to the Planning Commission and he still has concerns that there needs to be the ability to harmonize, as this can't be the first time something has arisen and they have harmonized things in the past.
- Commissioner Sandell said if they are looking for differing opinions, he actually differs, as he listens to that and the way Attorney Nason explained it with the PDA being an agreement, that could have a whole host of different exceptions to any one of these ordinances; explicitly agreeing that this unit count is going to be acceptable at that spot. If the Planning Commission were to do that with an asterisk, the way Chair Azman was reading that resolution, it would say "would allow 74 units" but also need to be in compliance with all of these various ordinances for Commissioner Sandell to think that the 74 units is not allowed. He reads it that the 74 number was an agreement between the City and the NOC and that would trump any type of particular ordinance related to that.
- Chair Azman said paragraph 2 of the resolution also specifically states that it outlines "the Council's current understanding and interpretation of the language of the PDA as the date of the resolution." He noted it does not grant any development related approvals, such approvals may only be granted as part of a formal development application process. He is having some trouble being convinced.
- Mr. Houge asked to add some perspective from the NOC's viewpoint. They are talking about a relatively small difference depending on whether they look at parcel 1 or parcel 2 being a comparison of .23 acres per unit versus .25 and it is a little larger when looking at parcel 2. However, he would still argue it is not hugely significant and in the range of 10-20%. He thinks it would be good for the Planning Commission to consider the fact that oftentimes these projects get built on sites that are roughly 3 acres for a building this size. In other words, a 60,000 square footprint building and most of them are built on sites that are just slightly larger than the footprint of the building. What they have here is 22 acres and what is confusing when looking at the floor area ratio is the fact that it is a 3-story building

really diminishes the density and impact on the site. He noted a 60,000 square footprint on 22 acres is roughly 15% the size of the building and he asked people to consider that as they are looking at it, as NOC did that purposefully as there are economies in building a 2-story versus a 3-story. It also lends itself to preserving the natural environment when there is a smaller building footprint. Mr. Houge submits that this is a very low-density development.

- Commissioner Sayer asked Mr. Houge what is the average price point per unit.
- Mr. Houge asked Mr. Schoenwetter to speak to that.
- Mr. Schoenwetter said they would be able to speak to that if they knew what they were building, as cost has something to do with value and the economy of scale as proposed. They would have some units in the \$500,000-\$600,000 range, and other units that may be somewhat more money. The investment opportunity for certain residents to combine two units and perhaps invest slightly more than \$1,000,000 would also exist if someone was looking for square footage more in keeping with the home they were perhaps currently living in. The market says that most of these homes will be a move down in square footage for the residents and perhaps this will not be their only home; there may be a home in a warmer climate for a portion of the year as well.
- Commissioner Sayer responded if the price point on the low end is \$500,000, 12 units is \$6,000,000. He noted that is what they are talking about taking off the NOC. He thinks they need to approach this with caution and if they want the Council to have a further interpretation on the number of units permitted – and he thinks that is how they get to the density modification from what is required under the zoning – is that Council spoke and said 74 units can go on this site. Anything that might not harmonize with that anywhere else, again, Council spoke in its interpretation and again, it is \$6,000,000. He noted they just heard earlier how the NOC was so accommodating to some of the North Oaks citizens in moving things around and getting lights out of people's windows and they are talking about a small little postage stamp in this 12 acre site to preserve as much of the natural as they can. They are also talking about having a recreational area in some of the vacant area and he would like to encourage the Company to be generous, because they have been generous; NOC can continue to do so as long as "we are generous with them." In any event, he thinks the Council has spoken on the 74 unit issue.
- Commissioner Yoshimura-Rank noted she thinks the Council has said up to 74 units. She does not think that is in stone and she thinks it is the Planning Commission's duties to interpret the roles that are before them.
- Commissioner Hauge agrees with Commissioner Yoshimura-Rank, but what he hears is that Chair Azman is arguing with the City Attorney about the interpretation here. He also hears Commissioner Cremons say the density isn't really an issue, and he hears Commissioner Sayer say that the density issue has been dealt with by the City Council. He asked Chair Azman why is feeling uncomfortable and asked for clarification so Commissioner Hauge can understand where they are going with this.
- Chair Azman said ultimately they will have to come to a vote but there are still more issues to work with. He does not know that he is necessarily arguing with Attorney Nason, but he is not convinced that interpretation is correct. He thinks the resolution provides a calculation for that particular site and there can be up to 74 dwelling units and it still needs to go through

the application process. The PDA says the maximum density for each site shall be in accord with the PDA and the development guidelines. Overall density, density transfers, use conversions shall be determined by the PDA and the development guidelines. He certainly understands there is a dollar figure here, but the Applicant and the City signed off on an agreement and that is what controls. They did not sign off on 85 units or 100 units, they signed off on something that says what it says. When the Applicant comes to the City or the Planning Commission, it is his duty to look at it and make a decision based on what the documents tell him.

- Commissioner Sandell said the exception here is to the City's zoning ordinance and not the PDA and asked if that is correct. He said if they were to grant an exception, it would not be an exception to the PDA, rather it would be to the City's zoning ordinance. He still stands by what he said - 74 units is what the City said and agreed to – but if the Commission moves forward with it, they are not moving forward with an exception to the PDA, they would be potentially recommending an exception to the zoning ordinance and asked if that is correct.
- Chair Azman thinks what Attorney Nason is saying is that the PDA controls and the resolution is an expression of the City's belief as to what the PDA says and so there is no real exception needed.
- Commissioner Sandell said even from a very conservative perspective, he agrees there is not an exception to the PDA, but if they wanted to continue that conversation, they'd still be talking about an exception to the zoning ordinance and not to the PDA. That is another path they could take to get to resolution: to consider an exception to the zoning ordinance for this.
- Commissioner Cremons thinks the PDA automatically supersedes the zoning ordinance when there is a conflict. When they signed the PDA, in essence they did just what Commissioner Sandell is talking about. He doesn't think they need to go back and change the zoning code to address this. Commissioner Cremons also noted he has an issue with density, but the question is whether it is going to make any difference. It does bother him that this issue that was before the Planning Commission in the fall was taken away by the Council so they could make a decision when the Commission was in the middle of deliberating over the issue of counts. The Council just said they "were not going to bother with that, we've decided it, it's done." Commissioner Cremons does not disagree with Attorney Nason's analysis and he does not think the Commission has the ability to deprive them of the right to develop 74 units, but he still has a problem with the density issue even though it does not translate to what he sees as a legal remedy for them.
- Attorney Nason said with respect to what the resolution says and unfortunately it is not before the Planning Commission, and she does not know if the Commissioners have had time to review it. The resolution was just an expression of the Council's interpretation and understanding with respect to dwelling unit counts at the time. That is all that resolution is period. With respect to the density and the question of what the density is allowed on site, there are three different approaches that the Council will have to take when interpreting the PDA. The first approach is to say that based on the language of the PDA as articulated previously, it is deemed that 74 dwelling units may be developed on the site and therefore, that inherently aggregates or modifies any density limitations to the contrary. A second interpretation is not withstanding the fact that the developer has the right to construct up to

74 units, there is nothing by way of that right that aggregates the other requirements of the PDA with respect to density and therefore the development is limited to the density that can be sustained on the site based on the calculations found in the zoning ordinances as to gross density. The third approach is that there could be some ambiguity and maybe the Council thinks it is best to develop the site as presented by developer and they want to accommodate that and therefore will propose an amendment to the PDA that specifically addresses this exact concern to clarify what the density allowed on the site it. To the extent that a 74 dwelling unit condo building would exceed any currently permitted density that can be changed, as can the height issues. If the Council and the Planning Commission support the project as the project is proposed and wants to avoid any ambiguity and clarify position, one way to do that is to amend the PDA to specifically articulate and clarify those positions.

- Commissioner Hara commented the height issue has been an issue with residents building homes in North Oaks for quite a few years and to his knowledge, it has never deviated from the 35 foot height. He asked what position they put themselves in if the Planning Commission decides this will be okay for the developer but the next homeowner that comes and wants to exceed 35 feet, how can they approve one and not the other.
- Mr. Houge gave some historical perspective that there are some homes in Rapp Farms that are over 35 feet. There was a period of time within the City that it was interpreted to be the midpoint between the low and the high edges of the roof. He wants to clarify that there are homes in North Oaks that are taller than 35 feet.
- Commissioner Hara said they have cleaned up the interpretation so it is pretty clear on what the measurement of starting and stopping point are.
- Mr. Houge knows there were some changes that occurred and he does not know all the history behind it.
- Mr. Schoenwetter said they took a real hard look at the site and they could design to a standard from the front door up three levels and that could be 30-35 feet; their design evolved around what looks right and what is the approachability from both a brand and a flavor for the community. They are not after excessive height from an entitlement standpoint – they are after doing the right project and they are convinced that a three-story building is right for many reasons, including the efficiency of the construction. Another very important reason is it that is less sprawl, less hardcover, and therefore less impact on the site. Then they need to put a roof on the building and in their opinion, it would just be wrong to put a flat roof on the building and they do not think that would be appetizing at all. From integrity of design standpoint, what the Planning Commission has before them is driven by trying to do the right thing for the site. It is nice that it happens to fit into the box, but it also is very honorable that it be the right thing.
- Commissioner Hara would counter that, while the argument is well stated, every architect for every person that wants to build a house above 35 feet would have the same arguments that it fits the house and what they are trying to achieve with high ceiling heights. The challenge here is how they approve this for the developer yet still hold fast on the 35 foot limit. He noted there are some homes in Rapp Farm that are above 35 feet but two years ago they cleared that up so there is no ambiguity about where to measure from and to. He agrees with the design, he likes the way it looks and they are not able to get the same look and high

ceilings by taking 8 feet off of it, but the bigger question is how do they deal with that with the whole community's interests in the future for other homes such as Red Forest Way.

- Mr. Wasserman said one way to look at it is a commercially zoned property versus a residentially zoned property. One can make the argument very clearly, and it has been made in other communities, that there are rules that apply to residential design and development, and a second set of rules that apply to the commercial development. In some other communities the height is set at the midpoint of the slope rather than the top of the slope, so that is not inconsistent in other locations. He is aware that has been differently defined here and he thinks that was part of the discussion before he got here is understanding why the building is the height it is and why it works as well as it does. He noted they were looking at a footprint that is economical and does not over-cover this piece of property, as it is a beautiful piece of property and it made sense to look at how to sight the building so they are actually improving the site. How do they "be a good neighbor," how does it work visually, from a density standpoint, and also the design patterns. He noted people like to look at buildings with multiple roof heights, and this building does that; it accomplishes that in the middle which is basically a one-story chalet and that portion is lower than the 35 feet and there are the two wings comprising the residential units that are 35 feet to be even and have varying slope roofs above that. The rooflines add aesthetic to the project that makes it desirable to the people in the neighborhood that want to relocate. He noted Mr. Schoenwetter is amazing at understanding his client here, he has built homes for these folks, and he gets what they want when they are looking to simplify their lives with a nice condominium here and perhaps another in a different state. They are not trying to force height just to force height but because they are dealing with a condominium product, they need to be able to go to a 10 foot or possibly even 12 foot ceiling in the third floor vaults and that is what people are looking for at this level in the marketplace. They cannot do an 8.5 or 9 foot ceiling like Waverly Gardens, as that is a typical apartment height and is not what people are looking for in ownership units. Those are basically the fundamentals of how they get to height for a building like this.
- Attorney Nason said regarding the height issue, within the East Oaks PDA development area, there are 15 development sites; 5 sites are zone RCM, which is what the Island Field site is zone. Those sites are E1, E2, and E3, as well as G, and H. Sites E1, E2, and E3, in looking at Appendix 1 to the PDA, have specific language that allows a 47 foot high building. Site G and H do not have similar language, and therefore the height restriction that applies is that 35 foot maximum. With respect to the Rapp Farms development, there are 2 sites within the East Oaks development area: site D and site F that are zoned RMM. Attorney Nason clarified Rapp Farms is not zoned the same as Island Field. In the RMM zoning district, the height limitation is the same as that found in the RSL which is 35 feet. With respect to site D, there is a provision in Appendix 1 that allows for height of up to 47 feet. As to the question of what the height limitations apply to the Red Forest Way development, the answer is that of the RSL zoning district, or 35 feet. With respect to the question of what should the building height be versus what can the building height be; what can the building height be is controlled by what is articulated and written in the PDA. Whatever the logic was behind not having higher building heights on this particular development site predates Attorney Nason's

experience working with the City. However, it is what is written in the PDA and if Planning Commission should think it is a good design, they could recommend that the Council approve the proposed building with the higher height, but that approval would have to include (based on Attorney Nason's interpretation of the PDA) an amendment to the PDA with respect to that height maximum for this development site.

- Commissioner Sayer does not have the documentation in front of him, and asked regarding site G and site H of the RCM, is it silent as to height, or does it expressly say 35 feet.
- Attorney Nason said Table 1 has some specific requirements. G and H do not have any specific height exemptions, they are both zoned RCM. She noted on page 4 of 11 has maximum building height requirements and that is where it says specifically "maximum building heights in the RCM and RMM PUD zoning districts principal and attached accessory buildings, 35 feet; or for lots suited for walkout homes, 45 feet at the back and on the sides measured from the lowest finished grade established by the City-approved grading plan and otherwise measured consistent with the zoning ordinance. Except that multi-story and multi-family dwellings are allowed as further provided in section 5." Attorney Nason said if they were to step outside of the PDA and just look at the City's zoning ordinance, and were talking about a development that was occurring within the City of North Oaks but outside of the East Oaks development area, they would then be looking at the City's zoning ordinance, which says the RMM maximum height for a building essentially follows back to the RSL height maximum which is 35 feet.
- Commissioner Hauge clarified what Attorney Nason is saying is that it is very clear that the height of the building should not exceed 35 feet and asked if that is correct.
- Attorney Nason replied that is correct.
- Commissioner Hauge said it seems like the height of the building is the bigger issue of the two they have discussed. The density, while Chair Azman is concerned, it is fairly clear that the City Council has taken a decision on 74 units, and Commissioner Hauge thinks that is right. The height issue seems to be a bigger problem. In order to change the height issues, it must be done by the City Council and asked if that is correct.
- Attorney Nason replied that is correct.
- Commissioner Hauge said the Planning Commission could decline this application and asked what would happen at that point, would it go to the City Council with that recommendation, but the City Council could still make a decision despite what has been suggested and asked if that is correct.
- Chair Azman replied that is correct.
- Commissioner Hauge said whether they accept or decline it goes to the City Council and they will make a decision.
- Administrator Kress answered that is correct.
- Commissioner Hauge noted they are taking a beautiful construction, which he thinks looks magnificent, and making a flat roof solution instead. He said this could be fine, he is for contemporary solutions to the architecture, but it certainly will be a totally different building than what they are seeing on the drawing and a different atmosphere. Again, the decision is really up to the City Council, not with the Planning Commission.

- Commissioner Cremons said they could recommend that it is approved subject to an amendment of the PDA to clarify the density issue and to increase the height so that the PDA and the building will mesh.
- Commissioner Hauge said that sounds like a very smart solution and he likes that approach. It is a very serious decision to decline this concept based on these two issues, and perhaps only one of them.
- Commissioner Cremons said the PDA has proven so important and controversial over the last couple of years, that anything done that is directly contradictory to the PDA just opens a huge can of worms.
- Commissioner Hauge does not disagree with that and thinks Commissioner Cremons is right; however, at the end of the day it goes to someone else to decide. Basically the Planning Commission is deciding on the architecture because there will be three stories, 74 units, and it will be this construction or a more flat roof, modern construction.
- Commissioner Cremons noted they all want the best possible project for the City and they want a project where the units will be desirable; the PDA should not design the building, but the Planning Commission cannot ignore the PDA. He thinks they need to tweak the PDA as to this one site and this one issue, perhaps including the density, also. Then the respect for the PDA is clear.
- Commissioner Hauge understands and does not disagree. He said for example, if someone goes forward with a motion to deny this application and it goes out of their hands, it goes to the City Council for a decision. That is one road on the height issue.
- Commissioner Yoshimura-Rank thinks the PDA has served the Commission well and they have used it as a guiding light for all the other subdivisions. She is kind of amazed that all of a sudden they think they can throw it out the window.
- Commissioner Sandell does not think anyone is saying to throw it out the window, but sometimes he does not know that the Planning Commission focuses on the spirit of what is being proposed. Throwing out another hypothetical situation, the floor area ratio seems like it is well within their zones right now. If the Commission denies this to say they do not want the extra 8 feet, the NOC has the opportunity to sprawl this out across two levels and now it covers a much larger footprint of the entire land. He noted that is not what they want either, and that is not the spirit of what they are trying to do. However, NOC is well within their rights to do that and he is not sure if they would, if it is economically attractive or if there is demand for that. Ultimately, the Planning Commission made a decision on the variance to this height rule that really did not negatively impact a lot of the things they value. Then it opens the door to potentially things that they do value more; potentially NOC would be grading larger portions of natural or preserve land. The conversation they are having is warranted and he does not think it is throwing out the PDA, but is also looking at the realities and some of the spirit behind this; potentially throwing out a recommendation for approval with a contingency that there is an amendment is another way to handle what Commissioner Hauge just said but from an opposite perspective.
- Commissioner Sayer noted that is exactly what he is worried about, also; that the NOC would come back to the Commission with a product that has a flat roof, that is sprawled out, for all they know it will be low-income tax credit units. What is before the Commission is

something that maybe fits within the PDA and maybe it does not; He is beginning to be persuaded that it does not currently. However, it is a product and if people know the Hill family, they are trying to recreate their ski lodge and in doing so, are perpetuating their legacy and doing all of this down by Centerville. He noted they did not hear anyone from the community come in and complain about it tonight, and it is absolutely beautiful. He thinks they should move forward with this, send it to the Council, and let them know they may want to take a closer look at the density piece and also look into their interpretation. In looking at the agreement, he does not know why they specified a building height with the other two RCM pieces, but not these two. It seems like an omission, but it is there. He said the City Council can look at that and decide.

- Commissioner Yoshimura-Rank said historically, this site was zoned for 35 units and then they went to 48 units and now are at 74 units; now they are going from 35 feet to 45-47 feet. She said it has kind of taken on a life of its own.
- Mr. Houge asked to add some observations. He noted it is unfortunate that there is this confusion created by the PDA and in several cases where there are sites subject to the RCM-PUD zoning, it expressly states 47 feet, and at the same time, this site is the same zoning classification RCM-PUD and for some reason that same statement was not written in the PDA. He thinks it is important that if the Planning Commission likes the design of this building, they make a recommendation for approval and leave it to the City Council to determine how to resolve the inconsistency of the language of the PDA as it appears that does need to happen either in the form of a resolution or an amendment. He thinks there is a risk if the Commission were to suggest that it be denied or not make a recommendation, the Council may be confused as to what the Commission's preferences are on the design of the building. He recommends that the Commission approve with the condition that the Council resolve this issue on the building height.
- Chair Azman said it is not that they do not like the building, but rather their charge is to make a determination and recommendation to the City Council as to whether the application fits within the PDA and either it does or it does not. With the height and the lot area, strictly speaking it does not in Chair Azman's opinion. He noted it is important for the building to look good; however, if a plan is presented that is not consistent with the documents, that is really the Applicant's issue, not the City's issue. While it may feel good, the parties negotiated the agreement a long time ago and for whatever reason they put in 47 and they didn't put in 35 and it wasn't an accident. He thinks they are very close on the lot area and it does not bother him that much. Technically, in his opinion it is inconsistent, the height is a problem, and what does the Commission do. Chair Azman noted they are supposed to be doing the legwork of the Council and he does not think it is appropriate to say the Council "will do whatever, so what difference does it make what the Planning Commission does." The Commission is supposed to figure it out and make those determinations as to whether or not this complies or fits. This is something the parties agreed to 20 years ago and updated 10 years ago. It is important for the Planning Commission to make a decision as to what they think is in the best interest of the City based on the PDA agreed upon. If there is a way to put something like that in the conditions, perhaps that is the way to do it, and then send it up to the Council with comments. If there is a vote for denial, they must be very specific as to why

the recommendation is a denial. He stressed that while they think the building looks good and the NOC has put in the time and the effort to create a drawing and high-quality building, it still has to fit within the PDA and that means something. He is struggling with this one, but the document says what it says.

- Mr. Wasserman asked if it is within the Planning Commission's purview to recommend variances based on their review of the project overall and weigh in on the pieces that are appreciated for this project, for example, the smaller footprint, the elegance of the building, etcetera. If they move to approve it with conditions and the City Council looks at a variance to the PDA, that sends a positive message about the things the Commission likes about the project rather than just being totally stuck on the passage within the PDA that they feel limits their approval.
- Chair Azman noted their charge is to make recommendations on the application in light of the PDA that the parties agreed to. One always feels a struggle when a very beautiful project is put before them and asks how they could deny it; the reason is that it does not meet the qualifications in the PDA. If they bring something that is beautiful and meets the PDA they are happy to make a recommendation up to the Council. In the past they have put restrictions in there that deal with some of these issues. He does not think they can lose the fact of their charge as Planning Commissioners and what the Council expects them to do. He agreed with Commissioner Sayer that nobody came and objected to this project and he was frankly very surprised. He noted there was a letter from NOHOA and he would like to make sure it goes in to the record. Commissioner Yoshimura-Rank is also right – they originally started at 35 units and now they are more than double that number.
- Administrator Kress said Kristi Elfering, the NOHOA Engineer has her hand up.
- Commissioner Sayer said part of what has happened in the conversion from commercial to residential and there is an agreement where the Council tried to interpret the density piece. He noted they can send it to them again and ask if this is what they meant. On the height piece, it seems that it was an omission as it was called out everywhere else but not here.

MOTION by Sayer to approve this application subject to conditions that Staff has recommended and subject to the City Council revisiting their interpretation of the number of units to clarify what was meant by their resolution, and also resolving the height issue.

- Commissioner Cremons asked what the process is for amendment of the PDA, noting he thinks there would be a public hearing. He thinks people will love it and he has no doubt that the 47 foot height variation for this site would be approved, but he thinks there is a procedure set out in the PDA that the Commission cannot ignore.
- Attorney Nason said it depends on whether or not it is a minor or major amendment. There is a process spelled out within the PDA; a minor amendment requires a majority vote of the Council to approve, and it states within the PDA that it is up to the Council as to whether or not there is required to be a public hearing before amendment. Attorney Nason's recommendation is, if there are changes to a zoning component of the PDA (of which height and density would be), to have the potential amendment sent to the Planning Commission for

comment, review, and a public hearing prior to consideration by the Council. That process is not spelled out as explicitly in the PDA.

- Commissioner Cremons thinks they are talking about minor changes here, so with a minor change, he asked if the Council just vote on it or is there still the requirement of a public hearing.
- Attorney Nason said the way the PDA is written, a major amendment is defined as one that increases density within the development area by more than 10%; that is the only amendment that would require a super-majority vote of the Council. All other amendments are considered minor. The language in the PDA simply says, “The Council shall determine if a public hearing is required.” Attorney Nason recommends that this be treated as a zoning ordinance amendment, meaning it would go to Planning Commission for a public hearing, consideration, and recommendation before it goes to Council. Again, the process in the PDA does not provide that much detail with respect to minor amendments.
- Commissioner Cremons said to be clear they are not looking to delay Mr. Houge’s project, or to redesign the project; he does not think anyone in the meeting opposes what they have seen tonight. It is just the question of procedure. Commissioner Cremons said to seek the amendment on the most expedited process possible under the PDA with a statement of the Planning Commission’s support for the project and see if they can get it done pretty quickly and without a lot of damage. He said it would be limited only to site H.
- Commissioner Sayer noted that based on what he just heard, it sounds like the Council could decide it as a minor issue. The question to the Council would be if they have already decided on the zoning interpretation in the other resolution. If the answer to that is no, it sounds like there is more of a public process required as that would now be a major amendment.
- Commissioner Cremons said the way Attorney Nason described the resolution from the Council, they really haven’t decided that issue yet, either. They have basically said what they think but have not taken a definitive decision on that point. The 74 units should be clarified but it does not sound like that necessarily makes the height and density issue on this site automatically into a major issue that would trigger a hugely complicated process.
- Attorney Nason shared her screen with the language regarding minor and major amendments to the PDA. It read “a major amendment is one that changes the permitted land use within the subject property and increases the total number of permitted housing units within the development – the entire project – by more than 10%, and all other amendments are minor amendments.”
- Commissioner Sayer said the motion would be to approve the application subject to all Staff’s recommendations and for the Council to consider amending the PDA as needed to accommodate the density and height.
- Commissioner Cremons would leave out the “as needed” because even though the Planning Commission is an advisory role, Staff has determined that it is needed.
- Commissioner Sayer is okay with that.

AMENDED MOTION by Sayer, seconded by Hauge, to approve the application subject to all Staff’s recommendations and for the Council to consider amending the Planned Development Agreement (PDA) to accommodate the density and height.

- Mr. Houge asked if Mr. Schoenwetter could make one last comment before the vote.
- Mr. Schoenwetter thanked the Commission and said the deliberation has been wonderful. He is enthused to hear the warm reception to the project and he knows the architects are very proud of those comments. From his standpoint, he is hopeful the Planning Commission will give specific direction to the design team in the sense that the developer/architects believe there are 74 units and that the height of the structure complies; the challenge is the question. Do they like a pitched roof so the design is that of a lodge, or do they prefer a flat roof which would be a different flavor and not as preferable in his mind; however their architects have been successful with many apartment projects with flat roofs. They did not ask for that initially but a vote for the project as presented suggests to him that the Commissioners prefer a pitched roof; a vote against the project would suggest that in order to comply, they should start investing time, energy, and money in a flat roof. As one of the Applicants tonight, he would like to leave the meeting with an understanding as to whether there is a preference for a lodge or a traditional apartment.
- Chair Azman said they do not get into too much architectural design. The issue for the Commission is whether the design submitted complies with the PDA. He believes it was said earlier that everyone likes the design, but are stuck in the spot where the PDA says 35 feet pretty clearly and undeniably so. He said it puts the Commission in a tough spot as it is a beautiful building but it is not compliant.
- Commissioner Sayer clarified they want to keep the quality with a pitched roof, and it is in the best interest of North Oaks to have a really nice looking structure there.
- Commissioner Hauge is not an architect but was told once by an architect that the design of the roof really gives the concept of the architecture.
- Commissioner Cremons said he thinks they make the PDA fit the design that everyone likes, so if they need 45 or 47 feet they should be clear on that so when the PDA amendment process goes forward they give the Applicant what they need. He thinks the roof looks great as designed and the PDA needs to reflect the ability to build that roof.
- Chair Azman feels like it would not have mattered what was submitted, the same arguments would have been presented that it fits, or it is compliant, or it should be approved. He does not think that is the way it should operate.
- Commissioner Sandell said to that point, he knows it has been thrown around that the height is 47 feet, but he believes it is 43 feet. Part of this is that it is a reasonable difference; it is not a 75 foot proposal and he thinks that comes into play.
- Chair Azman asked if the Applicant proposes a sub-association.
- Administrator Kress answered in the affirmative.

Amended motion carried by roll call vote as Commissioners Sayer, Sandell, Hauge, and Cremons voted for. Commissioners Yoshimura-Rank, Hara, and Azman voted against.

c. Discussion/Action: Preliminary Plan/Preliminary Plat (Subdivision) Application - Red Forest Way South

- Chair Azman noted they have already had the public hearing and previously decided to close the public hearing, adjourn, and do some further investigation. He said a number of the Commissioners, if not all, were able to go out for a site visit for Red Forest Way to take a look at road configurations, trees, and other issues. He pointed out that neighbors who met with North Oaks Company have submitted a document outlining general understanding of what the Company has agreed to do and they also spoke during the public comment portion of the meeting. Consultants prepared a supplemental report and Chair Azman asked that to be presented.
- City Planner Kirmis said as a follow-up to the November 10, 2020 meeting, the NOC has provided some additional information related to the application. Specifically, a new plan set has been received which responds to some of the primary issues which were raised at the November meeting: the proposed street access location to Catbird Lane, a question about the boundaries of the Ordinary High Water Level (OHWL) of Black Lake, and the boundaries of the Shoreland Management Overlay District which is measured 1,000 feet from that OHWL of Black Lake. He asked Mr. Houge to walk through the response to those issues as part of the revised materials that have been received.
- Mr. Houge stated NOC was happy to accommodate tours and to work with neighbors and members of the Planning Commission. They were able to look at the proposed location in the field after the surveyor staked that location and determined the road could be moved further south, approximately 100 feet. NOC will work with neighbors to place some trees strategically upon their property as they wish and will also look at doing some additional screening on the property on the east side of the road which is part of the development. NOC identified the OHWL setback on all the documents and believe they can accommodate the requests of both neighbors and Staff to make the current design work as requested.
- Commissioner Cremons noted the NOC's presentation describing the barrier of trees and what Mr. Dybsky had indicated – about 20 trees or a number that was significantly higher than what he thought the NOC was proposing. He wants to be sure there is an understanding between the Company and the neighbors as to how that will work and be implemented.
- Mr. Houge answered the NOC had their engineer draw something that depicts 8 trees on the west side of Catbird Lane, which was prior to the last conversation with the neighbors across the street. He noted the neighbors had some additional ideas and NOC is comfortable with that and agreed to what they presented in the letter to the Planning Commission.
- Commissioner Cremons asked based on past history, how will everyone know that it has been done in accordance with that agreement.
- Mr. Houge noted some emails confirming the understanding as well as the letter that Mr. Dybsky presented to the Planning Commission. He suggests having that in the file but will defer to Attorney Nason or Administrator Kress.
- Administrator Kress noted it is currently item 13 in the resolution. Aside from that, they would be happy to accept any agreement between the Company and the individual party. He cannot say there is anything the City can do beyond that.
- Attorney Nason said to the extent that the developer and the adjacent property owners are in agreement on how to address the screening, it is also something that could be put into the

development contract because the developer is saying they are willing to comply with the condition.

- Commissioner Cremons said it seems like there has been a lot of good faith in resolving that issue and he thinks that is great; he wants to be sure that there will not be a future issue as to what was agreed to at this point. Commissioner Cremons said Mr. Dybsky referred to the road moving 100 feet to the south, and when doing the tours it did not look like it moved that far, although it looked like a really good solution. He asked if it is clear to everyone where the road will be and if it is 100 feet of change.
- Mr. Houge noted he did not take a tape measure out to measure it, but he knows there was some speculation that it was possibly 50 feet that it would be moved. In reality, scaled off the drawing it was more like 100 feet. The impediment is, beyond that there is a hill that rises rapidly going south and everyone is in agreement they does not want to cut into that hill for this road.
- Commissioner Hauge thinks it followed the old farm road. He noted on the drawing where the road is put in, it shows that it comes out in between the two lot lines.
- Chair Azman asked to show page 17 of 36, drawing 2 of 6. He pointed out that not only has NOC agreed to this, but also the two owners are also in agreement with this road relocation and the screening. He likes the idea of having something in the conditions or agreement.
- Commissioner Sandell asked if it has been determined when the screening will go up; would it be when the project starts or when the project is complete.
- Mr. Houge answered NOC would be happy to do the trees when they start the construction process. He said they do not want to put the trees in before the construction because things happen, but the trees on the west side of the road could be put in at the beginning of the project. The trees on the east side will have to be done at the end as there will be so much construction activity and they would not survive, so they will need to be one of the last things to be done.
- Chair Azman is there is a reasonable date restriction they can put in, perhaps a certain amount of time after conclusion of road construction or 6 months after the first lift goes down. Unless people are satisfied that paragraph 13 is sufficient as he does not want to overcomplicate it.
- Administrator Kress said they may want to refer that to the City Forester on the Spring and Fall planning schedule.
- Commissioner Sandell also does not want to overcomplicate it but does want it to be memorialized.
- Mr. Dybsky asked to speak.
- Chair Azman noted this is not part of the public hearing but welcomed Mr. Dybsky.
- Mr. Dybsky said Gary Eagles put together a map with the new road and Mr. Dybsky was told it was 100 feet. The point is that they must move that road at least that distance or he will have headlights in his front window. He was relying on what Mr. Eagles had told him. Secondly, it would seem like they would want to wait until the road was finished before planting so they can see the impact of the traffic and how it will come around that road. To

Mr. Dybsky, on his property and Mr. Guider's property, they can put the trees up after they see where the road ends up. They could do the east of Catbird whenever that makes sense.

- Mr. Houge noted it is very typical in development agreements that there be a clause relative to finishing landscaping and this could be handled the same way. NOC would put up cash escrow in lieu of a bond and they would not get that cash back until they complete that element of the development agreement. He thinks it is wise to wait until construction is done if the neighbors are comfortable with that and they know exactly what they are dealing with. NOC will be obligated to complete the work before receiving their cash escrow fully refunded.
- Chair Azman asked to show page 36 on the screen as he thought it was most helpful to see an aerial of where the road would go. He clarified that this is the understanding between the neighbors and NOC. He said regarding construction access, the Applicant has some updates on that.
- Mr. Houge said there is currently a crossing between Island Field and Red Forest Way and that would be the best place to bring in construction equipment materials for the construction of the road. It was suggested to use the driveway to the Hill Farm and house, but that is not built to a standard that would withstand construction traffic as it is radically less capable than a typical road in North Oaks and would pretty much destroy that driveway. They can use this temporary access road during the construction of the streets; NOC does not know how long it will take to build the homes but within any luck and interested people they can build a number of them early which will make it easier to access some of it from Centerville Road. Most likely it will take five years or longer to build on all those lots; when the homebuilders come in selected by the residents, they will have to come in on the normal City streets for the building of the home.
- Chair Azman asked when the temporary road would go in.
- Mr. Houge noted there is a road there now and it has a culvert that is failing and needs to be repaired. Once it is repaired they will have to get the entrance from Centerville Road across that little section of wetland, so it should time out pretty well that sometime next summer when they are starting Island Field, if it is approved, they would also look at accessing Red Forest Way from the same site.
- Chair Azman asked if the farm road is on the north side of Island Field.
- Mr. Houge replied it moves from the center at Centerville Road and then swings to the north so it ends up leaving the very northwest tip of Island Field and that is where the culvert is.
- Chair Azman asked if that is where all construction access will originate from so they avoid interior access.
- Mr. Houge said as a practical matter, they will need to access some from the west, as well. All the major equipment or import of sand can come from the east, but he cannot say that a truck will not either get lost or need to come in from the west occasionally. However, that can be greatly minimized; he noted they will need to greatly police this as everyone will not be NOC's employees.
- Chair Azman asked Administrator Kress if there is a restriction or condition in the approval for the traffic. He would like some condition that for all reasonable purposes that access road

be used. When things are done, he wants to be very sure that road goes away rather than morphing into some type of access road going into that area as it is only temporary.

- Mr. Houge thinks it is the location of the future trail, which by definition would mean the road would have to go in deference to that trail.
- Attorney Nason said it sounds like the Planning Commission would like to see some type of condition imposed as part of any work done either prior to final plan approval or as a condition of the development contract that all construction-related traffic for the subdivision (and not the houses) access the development site through an eastern side exterior entrance to be provided by the Company to minimize the use of internal roads as is feasible. She thinks that can be incorporated into any pre-final plan approval agreements and the development contract.
- Chair Azman said regarding Island Field, something will be built there at some point, and asked how this access road will impact the ability to be used if Island Field will be developed.
- Mr. Houge said calling it a road is too much, it will be a path that construction vehicles can travel down, vehicles used to driving off-road and not on bituminous pavement. The condominium building will probably take 13 months to construct so that should give ample time. While the building is being built, NOC will hold off any permanent road construction such as putting the pavement down, and will have an area roughed in on the northwest corner which would give access to the proposed lift station. It is effectively a path that is sufficient to hold up to trucks that will service the lift station. As a practical matter they can make it work easily as long as the two projects are on a similar schedule.
- Chair Azman noted the development of the subdivision itself will use this access, but when homes are starting to be constructed – he noted there was some concern about home construction trucks that could also cause some damage, be intrusive, or noisy. He asked what the position of the Company is on having that available for home construction activity.
- Mr. Houge said it is impossible for him to predict when those homes would be constructed and they ran into this in one other situation and regretted not being clearer about this; he wants to be clear that if the homes are built while they can still bring materials in across Island Field, they will do that. However, it is unlikely that the homes that are built in the area referred to as Red Forest Way South will be built that quickly. In construction of a home, there are a couple things that impact the road: an excavator brings in a backhoe to dig the basement, ready-mix trucks bringing concrete for the basement walls, and lumber loads. It is relatively insignificant compared to when they are hauling in semi loads of gravel to build a road. Realistically, the building of the homes will happen over a span of five or more years. They will do everything they can to bring in equipment from the east but he wants to be totally candid that those homes will be built long after the development is completed in terms of the roads and that will have to come in from the west.
- Chair Azman noted a condition that Attorney Nason and Administrator Kress can work on regarding the access site for all reasonable purposes, and another condition dealing with the homeowners and the screening. He said they have updated plans showing the new location of the road. Chair Azman asked Ms. DeWalt to help him understand why it is not good planning to have the road exit onto Catbird at Red Forest so it would be like a 4-way stop.

- Engineer DeWalt said at a high-level, she does not believe that design was studied, as she has not seen a study showing it. From reviewing the grading plans and site plans, she understands that it would be difficult to follow that alignment based on the grades, which would require more disturbances of the forested areas, and if they tried to align the road to be a traditional 4-way intersection at 90 degrees it would require wetland impacts to the north. She is also not sure how the lot layouts would be able to align on either side of that road with the lots to the north having already been basically developed and sold.
- Commissioner Cremons said somewhere in the documents, he did not see the map showing the 1,000 foot Shoreland Management Overlay District boundary. It is his recollection that a couple of lots in Phase 1 looked like they were partially within that boundary and he wants to be sure that those lots meet the Shoreland Management criteria which are different than for the other lots.
- Mr. Kirmis noted that is illustrated on the plan set and showed a map onscreen and said it is very lightly drawn.
- Ms. DeWalt said Staff reviewed that as shown, and the lots do comply.
- Commissioner Cremons asked Mr. Houge about the passive private open space as it related to Phase 1. It had previously been indicated in the resolution that it would be transferred when Phase 1 was platted; Mr. Houge had indicated in a memo that it is the Company's preference that it not be transferred until the entire development is done. Commissioner Cremons would like to know why and how they assure if Phase 2 ends up being delayed or not developed that the property ends up being transferred.
- Mr. Houge said as a practical matter, NOC has always recorded easements for trails and how they connect to the open spaces at the time the area was developed. Given they are not developing the area immediately contiguous to the open space, it would be impractical to try to deed that over and convey that until such time that they know exactly where those trails will go. They have a proposal right now which NOC has no intention of changing but it would be subject to Phase 2 being approved as drawn today. He noted there is access from the south off the Black Lake Trail for people to gain access.
- Commissioner Cremons asked how they are assured if Phase 2 does not get developed, that the property ultimately is transferred. In looking at the RLS, there was only a tiny bit of the open space area that abutted Phase 2 and it looked like about 90% of the boundary was opposite Phase 1. If the property is transferred, easements can go anywhere on that property, but it will be under the control of NOHOA. It seems to him it would be neater and cleaner to take care of that with Phase 1.
- Mr. Houge said if they are talking about the same open space, it is the one to the south, which only abuts Phase 2 lots; NOC is in a contract by virtue of the development agreement to convey that property, so both the City and NOHOA are assured that they will get that property. He noted they typically transfer those when they do the abutting developments.
- Commissioner Cremons said he must have been looking at the wrong open space.
- Mr. Houge noted he may have been looking at the out lot with the barn, that will not be conveyed to NOHOA, but will most likely be combined with the property to the east which is where the Hill House is.

- Administrator Kress said for reference those are conditions 3 and 4 in the resolution of approval. He said they spoke internally about condition 3, noting he touched base with NOHOA Staff and the same process was described that Mr. Houge just described.
- Mr. Houge just read the NOHOA letter earlier in the afternoon and it was not a concern of theirs.
- Commissioner Cremons asked if condition 4 is okay.
- Mr. Houge replied yes, that is fine.
- Chair Azman asked what the recommendation is with condition 3.
- Administrator Kress said they could strike condition 3 if they wanted to.
- Chair Azman asked if there is a way to re-word it.
- Administrator Kress said it is a bit unnecessary; they called it out but it is in the PDA that they will have to convey it over.
- Commissioner Cremons stated they will be coming back to Phase 2 anyway; they have a separate approval process they need to go through at that time and that would be the time to deal with it.
- Chair Azman asked if open space management is in any of the other conditions.
- Attorney Nason said there are only 4 private passive open space areas within the confines of the East Oaks development, one was adjacent to site A which has already been developed, the second is included within the Nord development site and will be conveyed, the third is for the East Preserve site, and the fourth is this site. This is not something that the Planning Commission has dealt with in any other applications recently. If the Commission is comfortable with the Applicant's recommendation that the passive private open space be required to be conveyed at the time of further subdivision of Phase 2, that could be included in a motion if the motion was to approve the resolution recommending approval with that change.
- Administrator Kress noted it would read Phase 2 instead of Phase 1 in condition 3.
- Mr. Houge said they would be fine with that change, clarifying it would read the same except that it would say "conveyed as a part of Phase 2 subdivision."
- Administrator Kress replied that is correct.
- Mr. Houge agreed they are fine with that.
- Commissioner Cremons said in paragraph 13 of the conditions, line 3 says the word "existing" but it should be "exiting" as related to Catbird Lane.
- Commissioner Yoshimura-Rank asked about the possibility of Phase 2 being on City sewer and water and the Comprehensive Plan.
- Administrator Kress noted right now the Comp Plan only allows for water and sewer in well and septic form. In the Phase 2 design, they would have to change the Comp Plan to allow for municipal water and sewer.
- Commissioner Yoshimura-Rank noted Mr. Kirmis said it might be possible to change the map.
- Administrator Kress said through a formal amendment, they could change it to a municipal water and sewer structure which will have to be done if they continue on with the proposed

design of Phase 2. Otherwise they would have to propose well and septic based on the existing Comp Plan.

- Commissioner Yoshimura-Rank asked if the Comp Plan is finalized.
- Administrator Kress said the Comp Plan has not been finalized but they will not allow any resubmissions so the City cannot amend any maps within the Comp Plan currently, because it is in Met Council's hands. It is expected at the time Phase 2 is presented, they could go through with a Comp Plan amendment, considering that the Council would have to be on board with it as well as the Planning Commission recommending it. He noted there are a lot of assumptions and if the Council and Planning Commission do not want to do that, they would tell the developer no and that they are leaving the Comp Plan as-is and submit it as well and septic.
- Chair Azman asked if they had any idea on when Met Council would even give an answer.
- Administrator Kress said it has been pretty silent on Met Council's part for a lot of cities. He believes a couple weeks ago there was some correspondence but was not substantial. He asked about Commissioner Yoshimura-Rank's concern.
- Commissioner Yoshimura-Rank said right now it is septic and well and the idea was to possibly have it be City water and sewer because of all the wetlands in Phase 2.
- Administrator Kress said that was a bit of a Staff recommendation to the Company, that it might make more sense to do water and sewer.
- Mr. Kirmis said that change could be incorporated as part of the formal update, so it wouldn't be a separate amendment, if Planning Commission and Council are okay with that change.
- Commissioner Yoshimura-Rank asked regarding the delineation study that was done in 2018, is there ever a follow up study to see if the wetlands are healthy or is it just a one-time deal.
- Administrator Kress said it is part of the MN-RAM report that the developer is required to do.
- Ms. DeWalt said the wetland boundary and type that was done in 2018 was approved by the LGU, it goes through the technical evaluation panel and that approval is good for five years. If the development is approved within that five years then the wetland boundary and type does not have to be redone. If the development is not done within that time period, it is typical for that boundary and type to be updated. Sometimes when developments are phased and in process, surveyors and contractors work together and may notice that there are changes to the topographical conditions that may warrant some slight revisions to that boundary to update the design. Typically the boundary is shown on the design plans and that is used for the preliminary layout of the subdivision and it is designed from there based on the City and wetland LGU policies, which in this case is Vadnais Lakes Area Water Management Organization (VLAWMO).

MOTION by Yoshimura-Rank, seconded by Cremons, to recommend approval of Resolution 2020-08 Preliminary Plan/Plat subdivision Red Forest Way South Phase 1 as amended. Motion carried unanimously by roll call.

- Chair Azman pointed out that Attorney Nason and Administrator Kress were going to work on an access and asked if that would be “as amended,” as well.
- Attorney Nason said that is where they would include it. The motion as passed did not include a specific reference to add as a condition access to the development site through the Island Field parcel. She said they will reference it at the City Council and if there is preliminary plan approval they will include that as a condition.
- Administrator Kress clarified as part of the final plan approval it would be incorporated into the developer’s agreement.
- Chair Azman noted the Commission is directing Staff to make sure the Council knows about that access restriction as part of a final approval.

MOTION by Sayer, seconded by Yoshimura-Rank, to amend the original motion to include the access restriction condition. Motion to amend carried unanimously by roll call.

COMMISSIONER REPORTS

None

ADJOURN

MOTION by Cremons, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 9:23 p.m. Motion carried unanimously by roll call.

Kevin Kress
Kevin Kress, City Administrator

Mark Azman
Mark Chair Azman, Chair

Date approved __2-25-2021__