

**North Oaks Planning Commission  
Meeting Minutes  
City of North Oaks Community Meeting Room  
October 26, 2023**

**1. CALL TO ORDER**

Chair Cremons called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

Present: Chair David Cremons, Commissioners Grover Sayre III, Bob Ostlund, Joyce

Yoshimura-Rank, Councilor Mark Azman

Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, City Planner Kendra Lindahl

Absent: Stig Hauge, Nick Sandell

Others Present: Videographer Kenny Ronnan

A quorum was declared present

**3. PLEDGE OF ALLEGIANCE**

Chair Cremons led the Council in the Pledge of Allegiance.

**4. CITIZEN COMMENTS**

There was no one present in the room, or online wishing to make comments.

**5. APPROVAL OF AGENDA**

Chair Cremons suggested reversing the order of item 7 to move the garage size discussion first in the agenda, followed by the discussion of building height, setbacks and slope second. Councilor Azman asked to make an addition to the agenda to discuss adding specificity to the noise ordinance.

**MOTION by Yoshimura Rank, seconded Sayre, to approve the agenda as amended.  
Motion carried unanimously.**

**6. APPROVAL OF PREVIOUS MONTH'S MINUTES**

**a. Approval of September 28, 2023 Minutes**

Commissioner Ostlund made a correction to his correction in the previous month's minutes, noting that he said the notes should state "fleshing out" rather than "flushing out".

**MOTION by Yoshimura-Rank, seconded by Sayre, to approve the Planning Commission Meeting Minutes of September 28, 2023 with corrections as noted. Motion carried unanimously.**

**7. BUSINESS ACTION ITEMS**

**a. Discussion on amending Chapter 150 of the North Oaks City Code regarding garages and accessory structure sizes.**

- City Planner Lindahl shared that the working group met to discuss a possible amendment to increase the maximum allowed garage size. City Code currently requires a CUP for garages exceeding 1,500 square feet, with 3,000 square feet as the maximum size allowed. There have been 15 CUP applications for garage size since 2015, and only one was denied. The working group recommends changing the maximum garage size threshold for CUP to 2,000 square feet. They also recommend that Floor Area Ratio shall not exceed .12 or the maximum floor area ratio permitted by the subdivision approval.
- Administrator Kress suggested that they change the wording to not exceed .12 zoning district or maximum Floor Area because there are some districts such as RSM or RMM that aren't in the PUD have higher numbers than .12.
- Chair Cremons said he feels comfortable with the change, that it reflects trends in new home construction. Councilor Azman asked if the size recommendation would translate to a 4-car garage, and City Administrator Kress confirmed that it would. Councilor Azman was in favor of the change, stating it would help remove vehicles from driveways and protect them as well.
- Councilor Azman asked if a garage included living space, would the living space be included in the Floor Area Ratio? City Planner Lindahl confirmed that it would.
- Commissioners Ostlund, Yoshimura-Rank, and Sayre agreed that 2,000 square feet seems like a reasonable threshold.
- A public hearing will be scheduled for the November Planning Commission Meeting.

**b. Discussion on amending Chapter 150 of the North Oaks City Code regarding building height, setbacks, and topography.**

- City Planner Lindahl shared that the working group met to discuss a possible amendment to two parts of Section 151.050(D)7: Building Height and Setback requirements for buildings over 35 feet and the definition of “naturally suited”.
- With regard to building height, the goal was to clarify the existing ordinance language. The working group came up with the following: 1) When ANY portion of the building within 50 feet of the property line exceeds 35 feet: Any time a side or rear elevation of a building exceeds 35 feet in height and such elevation exceeding 35 feet is within 50 feet of adjacent side or rear lot lines, the building line otherwise dictated by City ordinance shall be setback and additional 10 feet from that lot line; or 2) When a building is within 50 feet of the property line and ANY portion of the building exceeds 35 feet.
- Commissioner Sayre asked if the setback would be applied to all sides of the structure, or just the side where the height exceeds 35 feet. City Planner Lindahl said she believed it would need to be shifted on just the sides and rear.
- Commissioner Sayre said he felt this interpretation is different from how the ordinance has been historically interpreted. If the portion of the building that is over 40 feet is far from the lot line, and therefore not theoretically bothering the neighbor behind it, why should the whole building be penalized by the additional setbacks? Chair Cremons stated that it could still be visible and bothersome to neighbors on other sides of the building.

- City Administrator Kress clarified that the goal is to clarify whether a home over 35 feet has a standard additional setback of 10 feet, or if it is a stepped setback of 2 feet for every foot over 35 feet.
- City Planner Lindahl suggested that the current code requires the stepped setback requirement, and they are recommending clarifying the language to say that if a home is over 35 feet, you either increase the setback to 50 feet, or if you don't want to do that, then you look at the height on each side and do the stepped calculation to determine the setbacks.
- City Planner Lindahl said she does not believe anyone thinks of a home in parts, and if the concern is not having buildings over 35 feet next to adjacent properties, then it is better if it is clear that if any part of the house is over 35 feet, the additional setback should be applied to the whole house. City Administrator Kress agreed that it would be a lot easier if there was a standard setback rather than the stepped program. For example, in the properties on Sherwood Trail, none of the houses had an issue just moving the building outside of the 50-foot setback.
- Chair Cremons said the challenge will arise with teardowns on smaller, older lots, where people may want to build more current style homes, but there is not a lot of extra space. Commissioner Sayre added that a 45-foot home may not be as much of a worry in this day and age, and it may depend upon the style of the homes around it. If you are too restrictive on the setbacks, you depreciate the value of the lots.
- Chair Cremons asked whether they want to recommend to the Council that the 2-foot issue is no longer practical given the fact that a lot of the lots to be built on will be smaller and tighter since they will be teardowns? Or is it addressing a significant need?
- Commissioner Ostlund stated that he believes a lot of this is driven by realtors wishes to be able to sell homes that can be torn down. He is concerned about altering ordinances for people who might *want* to move here rather than looking out those who *currently* live here. Commissioner Yoshimura-Rank stated that she believes that historically, the ordinance has served the City well and she prefers to keep it as is, just clarify the language.
- Commissioner Sayre questioned whether it is in the best interest of people who live here now to have such a restrictive ordinance if someday they may want to sell their house, and/or have other homes sell to re-populate schools. Chair Cremons reiterated that the goal is to clarify the ordinance, not change it. City Administrator Kress provided an example of how the setback requirement would be applied on a smaller lot, and noted that he did not believe it would be too restrictive in most cases.
- Chair Cremons stated he would support keeping the 2-foot step calculation, and just making sure the language is clear. Commissioner Sayre asked if there could be some relief if the side of the home that is over 35 feet is in the back and it meets the setback requirements there, then the sides are not required to have the same added setback requirements? In the case of the home where this was an issue on Cherrywood, they couldn't afford to add any additional setback on the sides and still accommodate the size of the house. City Administrator Kress noted that it does not come up very often that the whole house cannot be moved back a full 50 feet. Commissioner Sayre stated he is less concerned about the issue of whether the whole structure needs to be moved or just certain sides if it does not come up very often. But if it does come up often and

- prohibits people from building modern homes in the City, then the Commission needs to be careful not to make the ordinance overly restrictive.
- Commissioner Yoshimura-Rank questioned whether making the ordinance less restrictive would change what makes North Oaks unique, and whether we really want to be like every other community? She believes it is important to have some parameters. City Planner Lindahl stated that North Oaks is currently more restrictive than most cities, but there is historical precedence for that. The City could still require a CUP for buildings over 35 feet, but remove some of the setback requirements. This would give it more flexibility to evaluate each home on a case by case basis. She recommended reviewing other cities' requirements; some have a 35-foot height requirement, period. North Oaks is not outrageous in its requirements.
  - Chair Cremons suggested that they come up with an Option 1 and Option 2 with examples for consideration at the next meeting, and discuss it when more Planning Commissioners are present.
  - The Commission moved on to discuss the interpretation of "naturally suited" in the ordinance. There is currently no definition of this phrase in the Code. The working group believes that the language was meant to suggest that land on a lot should be kept as close to the state it is in at the time construction/reconstruction is proposed, with the goal of minimizing cut and fill during building. They provided two options for discussion.
  - City Attorney Nason recommended that if there is criteria interpreting the language, then it should be put in the code.
  - Councilor Azman stated that he believes the source of the language is the history and culture of the idea that roads and homes are designed to meet and compliment the contours of the land. The land should not be adjusted to meet whatever home a builder or homeowner wants.
  - City Administrator Kress noted that the interior of North Oaks is the only area where the "naturally suited" language becomes an issue because some of the newer developments such as Rapp Farm and Gate Hill are mass graded sites. In the interior, the issue that arises is when a home is torn down, is the new home any more detrimental to what was already there? And what is considered detrimental – soil movement, raising of the house in order to create a walkout? What the language should hone in on is what the threshold is for change to the land.
  - The Planning Commission agreed that there should be guardrails on the amount of grading that can be done. They will revisit the discussion at the November Planning Commission meeting with examples from previous homes that were approved for construction and will attempt to come up with some standards.
- c. Discussion on Noise Standards for Leaf Blowers, Mowers, etc.
- Councilor Azman asked the Planning Commission to consider whether noise standards could be implemented for noise related to yard work tools in the City.
  - Chair Cremons suggested that there are two issues that could address this concern: time limitations and noise level.
  - City Planner Lindahl shared two cities that have such limitations: Corcoran and Inver Grove Heights limit noise primarily by hours. Councilor Azman suggested that there

may be some exceptions to this, for example for the use of snow blowers after a large snow storm.

- City Administrator Kress stated he likes limitations around hours rather than decibel because decibel is nearly impossible to enforce.
- Planning Commissioners were in favor of some limitations, and agreed to continue the discussion to identify specific hours at the November Planning Commission Meeting.

#### **8. COMMISSIONER REPORT(S)**

- None

#### **9. ADJOURN**

Chair Cremons stated the next Planning Commission meeting would be November 30th, 2023.

**MOTION by Sayre, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:34 p.m. Motion carried unanimously by roll call.**

*Kevin Kress*

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Kevin Kress, City Administrator

*Dave Cremons*

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David Cremons, Chair

Date approved 11-30-2023