

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room and Via Teleconference
October 29, 2020**

CALL TO ORDER

Chair Azman called the meeting of October 29, 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, Stig Hauge, Nick Sandell, Grover Sayer III, Joyce Yoshimura-Rank and City Council Liaison Rick Kingston.

Absent: Commissioner Jim Hara.

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

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

Chair Azman asked to add an item to the agenda and asked Attorney Nason to give an update on returning to in-person meetings as the issue has not been discussed in a while. He asked to add it as an Item after the Approval of the Agenda and before Citizen Comments.

**MOTION by Sandell, seconded by Yoshimura-Rank, to approve the agenda as amended.
Motion carried unanimously by roll call.**

UPDATE ON IN-PERSON MEETINGS – ATTORNEY BRIDGET NASON

Attorney Nason noted the City Council and Planning Commission have been meeting remotely since the City initially made a declaration of emergency when the COVID-19 pandemic spread to Minnesota. At this time, the meetings are being conducted remotely pursuant to MN S13D.021, which allows meetings like this to occur remotely when either the presiding officer, the chief legal counsel or chief administrative officer for the affected governing body determines that an in-person meeting or meeting conducted under certain interactive TV conditions is neither practical nor prudent because of the health pandemic or an emergency declared under Chapter 12. She said some cities are already moving back to in-person meetings while other cities did not go remote. Under the existing executive orders – while an indoor social gathering is limited to 10 participants – this does not apply to governing body meetings. The Planning Commission may consider meeting in person when determination is made that it is practical and prudent to meet in person. Considerations include size of meeting space and social distance, and

ability to have the public within the meeting space. Ultimately, it is up to the City to make that determination.

Chair Azman asked if this is something the City Council would typically deal with as opposed to the Planning Commission.

Attorney Nason replied it typically is, and the Planning Commission usually has more members than the City Council. She would anticipate the City Council moving back in to a physical space at the time it is determined by the Mayor, City Administrator, and City Attorney that it is practical and prudent to return to in-person meetings.

CITIZEN COMMENTS

None.

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of the September 10, 2020 Special Planning Commission Minutes

b. Approval of the September 24, 2020 Planning Commission Minutes

MOTION by Sandell, seconded by Cremons, to approve the Minutes of the September 10, 2020 Special Planning Commission Minutes and the September 24, 2020 Planning Commission Meetings. Motion carried unanimously by roll call.

BUSINESS ACTION ITEMS

a. Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision) Application, Gate Hill Parcel

MOTION by Sayer, seconded by Yoshimura-Rank to open the public hearing at 6:16 p.m.

City Planner Bob Kirmis presented the Staff report to the Planning Commission. The North Oaks Company is seeking preliminary plan approval for the Gate Hill development site, located north of County Road H2 and west of Centerville Road. The site overlays 32 acres and is identified as Site G within the East Oaks Planned Development Agreement (PDA). The plan calls for 73 dwelling units on the site; 33 detached townhomes and 40 twin-homes within 20 buildings. According to the PDA the City's Residential Commercial Mix (RCM) PUD zoning district applies to the subject property. The scope of review is two-fold; 1) is the project consistent with the intent of the East Oaks PDA and its purpose statements and 2) determining whether or not the project complies with the various regulations to implement the PDA (specifically the zoning ordinance and subdivision). The Planning Commission should keep in mind that approval of the preliminary plan with or without conditions essentially represents approval of the final subdivision design. While a final plan application will be considered at a later point, it is basically a step intended to implement the approved preliminary plan. The East Oaks PDA makes an allowance for a variety of residential/commercial uses upon Site G including townhomes and multi-family dwellings. The PDA states that a total of 68 dwelling units are allowed upon the site with a potential 30% density bonus/increase, which results in 88

units. Thus, the proposed 73 units are consistent with the PDA requirements. The comprehensive plan indicates that the site is guided for mixed use, which is intended to provide for a mix of housing types and commercial uses. Specifically, the plan notes that the Gate Hill site is to be developed with low-profile single-family residences, townhomes and other multi-family dwellings. It also indicates that an emphasis should be placed on the preservation and protection of the natural environment and connections to the primary community trail system should be provided. In addition to the Centerville Road access, an emergency vehicle access is also proposed from the north, east of proposed Lot 21 and is considered a positive design feature. Staff is recommending that the configuration and width of the access easement be subject to review and approval by the Lake Johanna Fire Department. An internal loop road is proposed to provide access between the townhomes and twin-homes. Regarding lots, as identified as part of the determination of completeness, there was an expressed intent to provide twin-homes within 20 buildings and the initial preliminary plan illustrated a total of 21. In response to that, the Applicant has submitted a site plan alternative which is attached in Exhibit I. The City received a revised plan set earlier in the week in which all plan have been modified to reflect 20 buildings as intended by the Applicant. The RCM-PUD zoning district does not impose a minimum lot area requirement; however, it does stipulate that within RCM districts, a minimum of $\frac{1}{4}$ acre of land is required for each dwelling unit. This requirement has been satisfied as 73 units are proposed over approximately 32 acres; this results in approximately 19,000 square feet per dwelling unit. There are some issues where the lot line abuts the curved street and in some cases the remnant pieces of open space in front yard areas encroach into the actual roadway easement. Staff proposes that front lot lines follow the roadway easement line rather than the staggered pattern illustrated on the easement plan. There are also some pie-shaped remnants which Staff would like to see incorporated into the abutting lots for maintenance purposes and so there are no issues resulting in ownership or maintenance responsibilities. Also highlighted in the Staff report is the jagged configuration of rear lot lines; Staff suggests those become more uniform. This is considered a minor issue and does not impact the placement of buildings. Another comment regarding building types: the twin-homes and townhomes are to be subdivided in a base-lot unit arrangement. The Applicant has indicated that the location, height, and size of the detached townhomes will be determined by homeowners and approved by the City building official and the Architectural Supervisory Committee (ASC) of the North Oaks Home Owners' Association (NOHOA). Included in the packet are two twin-home designs, specifically floor plans and building perspectives have been provided. While building materials and dimensions have not been specified, both appear to provide high-quality finish materials of stone and/or brick at the base of the buildings with a mixture of vertical and horizontal siding. Building footprints of approximately 1,400 square feet for the twin-homes and 1,800 square feet are proposed for the townhomes. As a condition of final plan approval, Staff recommends that twin-home building details be provided which specify finish materials and building dimensions to demonstrate compliance of setback requirements of the PDA. Consistent with the trail easement plan, the submitted preliminary plan includes two trail connections which are intended to link the subdivision to the City's trail system. It is Mr. Kirmis' understanding that there is an error in the graphic provided in the Staff report related to trail configuration and he will let the Applicant address that. From the City's point of view, they view the trail location issue to be something

that should be worked out between the Applicant and NOHOA. The PDA identifies various setback requirements; specifically noted in the report for principal building to principal building it references front-to-front, side-to-side and rear-to-rear conditions; however, within the proposed subdivision there is a side-to-rear condition which is not addressed in the PDA. Therefore, Staff recommends in that situation a side lot line setback of not less than 7.5 feet and a rear lot line setback not less than 25 feet be provided (applies to Buildings 30 and 32). The PDA states that driveway setbacks may not be closer than 10 feet apart unless they are shared and it does not appear that ample area exists to provide a 10-foot driveway separation for the twin-homes. In that regard, Staff recommends they be shared and it is Mr. Kirmis' understanding that is the intent of the Applicant. As part of the concept plan review, the Planning Commission suggested that additional guest parking be provided; in response, two guest parking areas are illustrated on the preliminary plan and are located approximate to pedestrian access points to the central open space and each parking area includes a total of 5 parking spaces. It should be noted the site plan incorrectly indicates that 20 guest parking spaces are provided and that should be corrected. Regarding tree preservation, both the City's comprehensive plan and the East Oaks PDA highlight the preservation of natural resources as a primary objective; however, City ordinances do not impose any specific tree preservation requirements. As in the case of previous preliminary plan applications, Staff has recommended that some recommendations of the City Forester are incorporated as conditions of plan approval and are highlighted in the report. As part of the City's consideration of the concept plan, the Planning Commission suggested that steps be taken to screen the proposed subdivision from Centerville Road; in response, the landscape plan indicates that the existing tree stand along Centerville Road will be maintained and new plantings will be provided near the subdivision's access along Centerville Road. Included in the application is an entrance monument sign plan, and the PDA includes some specific requirements that apply to signage and are recommended to be conditions of preliminary plan approval. With that, the Staff report includes a number of engineering comments; however, the City Engineer is unable to attend the meeting tonight. If the Planning Commission has questions, perhaps the Staff as a group can respond as best they can. Based on the Staff review, it is their opinion that the submitted Gate Hill preliminary plan is consistent with the East Oaks PDA and the master development plan and applicable zoning and subdivision ordinances will, with conditions, comply with the regulations used to implement the PDA. In that regard, Staff recommends approval of the preliminary plan subject to various conditions included in the Staff report. Mr. Kirmis noted that condition No 1 relates to the submission of a plan set which illustrates the 20 twin-homes buildings and has been received.

- Commissioner Hauge asked Kirmis regarding the drawing and staggered lot line, how would smooth that out as it looks like the lots are equal sized.
- Kirmis replied in taking advantage of the configuration of the street, it seems a bit like a rectangular shape has been forced into a curvilinear area and they are looking to have some uniformity along the rear yards and will in a way mimic the lot lines of the detached twin-homes to the west.

- Commissioner Cremons asked regarding the trail connection and the section of the roadway proposed to be used as trail: is it best that the Commission wait for North Oaks Company (NOC) President Mark Houge to respond to that.
- Kirmis replied he would prefer that and they have received some new information this afternoon regarding that.
- Commissioner Cremons noted it looks like a significant portion of the construction and maintenance of the storm water retention facilities are outside the property line. He asked if that poses any issues for NOHOA or the City going forward as far as rights to get in and right to work if it isn't within a PDA site or owned piece of property. He is not familiar with what their rights are in the conservation area.
- Kirmis said it is a unique situation in North Oaks and noted he is used working in cities where those types of features are included in out-lots and he may defer to Mr. Houge.
- Commissioner Cremons asked if there is any way for the Commission to encourage tree preservation within the actual lots; the plan contemplates leaving trees along Centerville Road, but he also saw references to essentially grade out the trees within the development.
- Kirmis said he does not know that the City has the ability to mandate it as it is not in an ordinance form; however, in past subdivisions the Applicant has worked closely with the City Forester in an attempt to save high-quality trees. City Forester recommendations have been guidelines if practical, but without an actual tree preservation ordinance it is somewhat difficult to mandate.
- Commissioner Cremons would like to hear Mr. Houge's plan to preserve any trees within the development.
- Commissioner Yoshimura-Rank said regarding retention walls, it was a red flag especially in reading the letter from NOHOA, and she wonders which lots the retaining walls will be close to and also the distance between the lot lines and the wetlands.
- Kirmis replied that is the realm of the City Engineer and he does not have intimate knowledge of the retaining wall issue at this point.
- Chair Azman said unfortunately the City Engineer had a personal emergency and is not able to attend this evening. Depending on how many questions within her discipline arise, they may need to defer a final decision on a recommendation to the November 10, 2020 meeting.
- Administrator Kress asked if Commissioner Yoshimura-Rank can describe her concern in more detail so he can share with City Engineer DeWalt.
- Commissioner Yoshimura-Rank said the NOHOA letter talked about retaining walls 8-15 feet high and she asked which lots would be close to those walls. She assumes they are between the lots and the wetlands. Her question is where they are located, their purpose and height, and as they are high retaining walls, she wonders also about liability.
- North Oaks Company (NOC) President Mark Houge addressed the Planning Commission and noted Commissioner Yoshimura-Rank is referring to the south side of the site and as one enters off of Centerville Road, the first group of lots to the left is where the retaining wall is required. Historically, NOC has tried to adjust things in the field to make it as low as possible so height doesn't get excessive; they may be able to lower the height as they get out there and make final adjustments. NOC will provide an engineered drawing for the retaining

walls if they exceed, typically, 4 feet. He noted they will submit engineering drawings for the City's approval. Regarding distance between the lots and the wetland, it has been reviewed by the City Engineer and he does not think there is any question with that.

- Chair Azman said regarding the open space, Mr. Kirmis references in his report that the Applicant should work with NOHOA in determining specific activities and open space and he would like some comment on that. Also, he would like comments on the trails, storm water maintenance, and guest parking.
- Commissioner Sandell noted in one of the images it looks like the path connects from the northwest to the southeast, but others look like it enters the common area from the southeast. He asked if there is more detail about that or if it is still to be determined.
- Mr. Houge asked to show the updated drawing on screen and showed the adjustment NOC made after receiving input from the Planning Commission at the last meeting. He noted it has the number of units adjusted so the total number of twin-homes is 20 buildings/40 units and showed how the path meanders through and comes back out on the north end of the loop road and would continue into the trail system to the north. He clarified NOC has had some preliminary discussions with NOHOA on the trails and how they would be connected throughout the area, but the NOHOA Board has not decided how they would like these trails to go. Mr. Houge said NOC would be happy to move forward with the trail wrapping around the south and west sides of the development so that they wouldn't have to go on the road. He noted they are also in dialogue with NOHOA about what features would be put in the central gathering space; this development does not require any active or passive park space, but NOC thinks it would be a good amenity to the residents of Gate Hill and other residents of North Oaks to create something there. It would be considered a gathering space rather than an active sports space, perhaps an open field for recreation, a covered picnic area, swings, and natural features. Regarding storm water management, Houge said the ponds themselves and control devices will be within the boundaries of the project. The grading plan illustrates where NOC will need to shape the grade to tie it together and they have that ability in their agreement with the Minnesota Land Trust. NOC agrees there needs to be access to service the area. Houge reminded the Commissioners that the development will have a sub-association and the lawn care and snow removal will be done by a third-party service. NOC has been in close discussion with Ramsey County regarding traffic issues and access; the County agrees this alignment is what they would prefer. At minimum, there will be a 4-way stop sign and NOC is proceeding with a study on the intersection to confirm whether the County would like any signals put in, although in their initial review they did not think it would be required. Houge also said NOC changed the grading plan on the east side to preserve trees along Centerville Road and will also attempt to save any other trees they can throughout the project, but there is some difficulty given the grades to work around the existing trees in the center. He noted they are older oak trees and there is always a question of how healthy they are and NOC will work with the City Forester to determine which trees are failing.
- Commissioner Hauge asked what the square footage of a duplex unit would be.
- Houge said the footprint of the twin-homes is around 1,400 square feet.
- Commissioner Hauge asked the square footage of the single-family home.

- Houge replied the detached townhomes would be about 1,800 square feet on one level, and oftentimes people choose to finish the basement which would add to the square footage.
- Commissioner Hauge asked if the distance between the duplex buildings is 15 feet.
- Houge stated he thinks that is correct.
- Kirmis noted that would be the minimum separation and could be greater.
- Commissioner Hauge asked who the target market is.
- Houge responded this development is attempting to provide home at a variety of price ranges. One driver for the twin-homes is to come up with more of an entry-level price point which does not mean it will be less quality. NOC believes the detached villas may be more of the 55+ crowd, two working professionals; the twin-homes will generally be a younger demographic and most of those have steps in them. They see an interest in people moving back to North Oaks if they grew up in the City and are not interested or able to buy a larger home. Those people may be in the process of starting their family and are taking that into consideration in the central gathering space.
- Commissioner Yoshimura-Rank asked the price points for these homes.
- Houge said the twin-homes will be in the upper \$400,000's and go up from there; the detached townhomes will be in the range of mid \$600,000's and up.
- Commissioner Sandell asked if NOC would be using a single builder for all of the homes and if there will be consistency among the properties.
- Houge replied NOC envisions 3-4 different builders and some homes may be semi-custom, some may be custom, and no two buildings near one another will look alike.
- Commissioner Yoshimura-Rank asked if the builders will build model homes.
- Houge replied in the affirmative; NOC will ask them to put up a model and show those to interested buyers.
- Commissioner Sayer asked if there will be spec housing or if NOC will wait until they are sold before the build.
- Houge said it depends a bit on the market; some homes will be ready to move in (spec homes) and others will be built strictly for the owner.
- Commissioner Sandell asked if Houge can give perspective on how sales have been going for the similar development in White Bear.
- Houge said that development is 28 townhomes and although it was a bit slow to get started, it is going very well now and there is a very high demand.
- Commissioner Yoshimura-Rank asked if NOC feels they might be overlapping with people interested in moving in to the condos as opposed to the detached homes.
- Houge responded that NOC sees them as two separate markets, but he would guess there may be some people considering both alternatives.
- Commissioner Cremons noted Commissioner Yoshimura-Rank stated she'd like more information on the setback from the wetlands; in looking at the plans there are a few lots where the wetlands appear to cut in to the back of what seems to be a normal lot line. When they receive the update from City Engineer DeWalt, Commissioner Cremons would like to see that addressed. Commissioner Cremons asked Mr. Houge if NOHOA is aware that NOC

is willing to consider the trail along the west boundary as opposed to the trail that runs along the road.

- Houge noted NOC is fine with either option but NOHOA has not made a determination on which they prefer.
- Commissioner Sayer asked if the plan is for these trails to connect with the core trails in North Oaks.
- Houge responded yes; he showed on screen how the trails will layout and connect within the main trail system in North Oaks.
- Commissioner Sayer asked if there will be any fences in the development.
- Houge said no, historically they do not allow fences in these types of developments.
- Commissioner Hauge asked Administrator Kress about the tax revenue regarding the condo project; he asked if Administrator Kress had any thoughts to share on that.
- Administrator Kress said for each \$500,000 added to the market value, \$5,000 is added to the tax capacity. Anything over \$500,000 is 1.25% and is actually worth more. Taking the number of units (74) x \$5,000, it equals \$370,000-\$400,000 added to the tax capacity. He said it really depends on full build what the value of each home is.
- Houge said NOC is very excited about how it is coming together and believes the plan makes a lot of different options available to the residents of North Oaks.
- There were no public comments.
- Chair Azman asked that written comments by resident Bill McNee be admitted into the record, noting he has four questions and Chair Azman would like responses.
- Administrator Kress read the questions from Mr. McNee. 1) There are only 10 off-street parking places for 73 residential units. Parking will be a problem and may become a safety concern if emergency vehicles cannot drive down the streets. 2) Very limited storage for snow removal. This could also become a safety concern. 3) The three drainage ponds do not appear to have any access points to maintain them. [Mr. Kress noted there are easements as noted in the plan sets] 4) Traffic problems on Centerville Road with these 73 additional housing units entering and exiting Centerville Road. This is a safety concern. [Mr. McNee] has the same concern with the condo development along Centerville Road which features 74 additional housing units. [Mr. Kress deferred to Mr. Houge or Ramsey County].

MOTION by Sayer, seconded by Yoshimura-Rank, to accept Mr. McNee's comments into the record. Motion carried unanimously by roll call.

- Chair Azman stated the next appropriate item for admission into the record is the letter from North Oaks Home Owners' Association (NOHOA) with their comments on the proposed development dated October 26, 2020.

MOTION by Yoshimura-Rank, seconded by Cremons, to insert the letter from NOHOA into the record. Motion carried unanimously by roll call.

- Commissioner Sandell noted Ramsey County did not recommend a requirement for any additional traffic lights. He wondered if the traffic study incorporates all of the projects collectively; in the analysis he sees recommendations for each individually but given that the projects are happening together, is there a more aggregated analysis put together.
- Mr. Houge said Ramsey County looked at Island Field, which is in close proximity and would definitely have an impact on Gate Hill. They look at them in aggregate and the challenge is that the County can only consider what is existing or proposed; they look at how the road is currently designed and if it can handle these two projects and they are comfortable with that. The County would like North Oaks Company (NOC) to do an intersection evaluation to confirm whether or not there would be any lights at H2 and Centerville Road. The assumption at the moment is that stop signs would be adequate, but want NOC to complete the ICE report to confirm.
- Commissioner Sandell asked to clarify there is no access from this development into the core of North Oaks; it is in-and-out off of Centerville Road.
- Mr. Houge replied that is correct.
- Commissioner Sandell asked if Ramsey County is the governor in making the decisions or if the Planning Commission has any impact of making recommendations on Centerville Road. For example, if Ramsey County votes one way, could the Planning Commission make a recommendation to still go forward with a different idea they had.
- Administrator Kress replied generally no; Ramsey County has control of the right-of-way permits for street access. He noted an email to read into the record from Carol Bergeson, whose comment was “I can’t imagine a 16-foot distance between my wall and another, that is about the width of my driveway turnaround. I find that unacceptable.”

MOTION by Yoshimura-Rank, seconded by Sandell, to include the email from Carol Bergeson into the record. Motion carried unanimously by roll call.

- Commissioner Hauge asked what the intention is tonight after the closing of the public hearing.
- Chair Azman said he would take some guidance from the Commission on what they feel comfortable with and they have a couple of options. 1) It will depend on the extent they feel they need Engineer DeWalt’s input to get answers. 2) The Commission can wait until the November 10, 2020 hearing to move forward with a vote one way or the other. 3) The Commission could make a motion one way or the other to make a recommendation tonight.
- Chair Azman asked if there are any public comments.
- There were no public comments.

MOTION by Hauge, seconded by Sandell, to close the public hearing. Motion carried unanimously by roll call.

b. Discussion/Action: Preliminary Plan/Preliminary Plat (Subdivision) Application: Gate Hill Parcel

- Chair Azman asked Mr. Kirmis if they can deal with the 16-foot distance between the walls.
- Mr. Kirmis said the bottom line is that NOC must adhere to the setback requirements of the PDA. Once the final designs are provided, they are looking for the Applicant to demonstrate compliance with the setbacks, which are 15 feet between buildings, 50 rear-yard-to-rear-yard and front-to-front is 40 feet.
- Commissioner Hauge said it is unclear what the requirements are; is 15 feet within the requirements of the PDA.
- Kirmis said buildings cannot be closer than 15 feet in a side yard, as that is the minimum separation requirements.
- Commissioner Sandell asked if these numbers are consistent with these types of housing developments.
- Kirmis replied yes, sometimes they see 10-foot setbacks but 15 is consistent. He said there is a trend for lesser side yard setbacks.
- Commissioner Hauge asked about the parking question from the email; is there enough parking spaces for visitors or if there was a fire.
- Kirmis said the RCA requires two parking spaces per unit, one of which must be enclosed. In addition, on space per dwelling will be provided and shared off lot locations unless a dwelling unit has 3 parking spaces. A double garage with a driveway would count as 4 parking spaces. Personally, he thinks it may be a good idea to have more, but in his reading, it is not required to put in additional parking.
- Mr. Houge said they enlarged the parking on the north and east side to be 6 stalls each and could possibly get some more parking on the north side, perhaps two or three depending on the grade. NOC believes there is ample parking given with the number of spaces in the driveways and noted some twin-homes have 3 parking spaces within the structure itself. In regards to fire, cars will be off the road unless they are illegally parked.
- Commissioner Hauge asked about snow removal and where they will put the snow.
- Mr. Houge said looking on the north area of the design is a large area where snow could be pushed off, as well as an area near the entrance. He noted the roads are wide enough to allow for on-street parking.
- Commissioner Cremons suggested any additional parking that could be put in, they should try to do it, even if it is five extra spaces. With shared driveways it makes it that much harder for residents or guests park in the driveway.
- Commissioner Sayer asked if that would be costly or would be fairly easy to do.
- Mr. Houge doesn't want to promise something he cannot deliver, but said it should be possible on the north side, subject to the grades. He would need to study it a bit more but will make every effort to provide space.
- Chair Azman asked if there are actual shared driveways, or if it is one driveway per unit.
- Mr. Houge said driveways for the twin units would be shared.
- Chair Azman would like to look at the October 26, 2020 NOHOA letter and their comments.

- Commissioner Sandell said when reading the NOHOA letter, it says NOHOA prefers the road concept or prefers having the active recreation area. He asked if the Commissioners reading that NOHOA is in agreement with the preliminary plan being presented.
- Chair Azman said the best approach is to take it as it reads and take it at face value.
- Administrator Kress said NOHOA prefers the trail layout running north to south and is different from what was in the plan set.
- Chair Azman asked Mr. Houge if there are issues in the NOHOA letter that the Company is willing to work with that needs to be discussed.
- Mr. Houge said many of NOHOA's comments are repeating some things the City would normally do, for instance the design of the roads. Items like ensuring NOHOA members have additional guest parking, NOC will meet the City's ordinances and cannot be subject to arbitrary opinions by NOHOA on how much parking is appropriate. Clearly, they will work closely with NOHOA on the trails and what they feel comfortable with, and are working with NOHOA to determine what is in the park area. He does not recall any major concerns from NOC regarding the letter. NOC will follow the City's ordinances and will work with NOHOA to come up with trail and recreation solutions.
- Chair Azman wanted to make sure they reviewed the comments and gave consideration to what NOHOA brought up. He asked regarding a few specific bullet points in the NOHOA letter, if NOC has any problem with them.
- Mr. Houge replied no, they will follow City Staff requests.
- Commissioner Yoshimura-Rank asked regarding grading, because there will be so much impervious surface, is there a way to have a map indicating where the storm water will flow through the development.
- Mr. Houge said NOC indicates in the utility drawings where the water is being collected and how it gets from those collection points to the ponds and has all been carefully evaluated by the City Engineer. A separate map for a layperson could be put together if needed. They also have a very detailed storm water plan that will be reviewed by the City Engineer.
- Commissioner Yoshimura-Rank asked regarding the new trail, will it be protected from being washed away by storm water.
- Mr. Houge replied that NOHOA liked the trail along the western boundary because it doesn't require people to go on the street. They also want trails to be graded in such a manner that they drain and don't collect water in low spots. NOC will definitely do that as a course of business.
- Chair Azman said in paragraph 13, there are some fairly detailed engineering requests with respect to Sheet 4C and asked if NOC has a problem with any of those.
- Mr. Houge replied no, these would all be things they would work through.
- Chair Azman asked Attorney Nason how the Commission can integrate some of these things in the letter into the conditions.
- Attorney Nason replied a written resolution is not required; they could make a motion to recommend approval of the preliminary plans with the recommendation that all of the conditions outlined in the Planner's Report would apply to the development. The

Commission could also add to that motion that the items raised by NOHOA in their letter be addressed and revised in accordance with those requests.

- Commissioner Cremons noted they have covered a lot of ground tonight but without the City Engineer available to answer their questions, would it make sense to get the answers to their questions, look at the conditions, and then reconvene in a couple weeks to make a decision.
- Commissioner Sayer said if they do that, one concern he has about the NOHOA letter is that it is not very specific so how does the Commission if they defer, is there an opportunity to get more specific and bring resolution to any interpretation needed on the points in the letter.
- Mr. Houge reminded the Commissioners that NOHOA is joinder to the PDA, but many of the comments in the letter would be similar to those comments offered by residents; they do not have any elevated stature in terms of invoking requirements upon this development, other than what NOC does with trails and roads. He appreciates NOHOA's review of the drawings and will take in to account those recommendations...they are recommendations and not requirements. He would caution the Planning Commission and the City Council from treating them as requirements versus recommendations.
- Administrator Kress received a reply from Engineer DeWalt in response to Commissioner Yoshimura-Rank's questions. Ms. DeWalt said the wetland setbacks are met, and wetland buffers are addressed, and pointed to comment 3 on page 19 of the report. Retaining walls are addressed in comments 15 and 16 on page 17 of the report; the walls proposed adjacent to lots 3-7 and 18-20 of the single-family lots.
- Commissioner Hauge asked if engineering requirements are met and there are no questions open.
- Administrator Kress noted Engineer DeWalt has a condition in already which reads if the design cannot meet the requirements recommended in the engineering comments the grading plan would need to be revised. He read a portion of Engineer DeWalt's report from Page 17 clarifying conditions for the retaining wall.
- Chair Azman does not disagree with Mr. Houge, but as a practical matter, the Commission has generally asked NOHOA to submit comments and they have received them. He would like to recognize those comments in an appropriate manner. He thinks Mr. Kirmis and Ms. DeWalt should take a closer look at NOHOA's letter, provide a response and at the November 10, 2020, the Commission can be better prepared to make a decision.
- Commissioner Hauge said apparently there are not any comments from the engineering side, so he wonders if they are to the point to make a motion now rather than delay.
- Chair Azman noted there are engineering questions submitted in NOHOA's letter and from a big picture standpoint, he understands how the PDA works, but he wonders if Staff should provide comment on how the letter would fit in before the Commission makes a motion. Going through the comments without Ms. DeWalt here is difficult.
- Commissioner Cremons disagrees with the idea of somehow incorporating the letter into the Commission's conditions, but it may allow the Commission to refine some of the conditions to make the approval a more affective expression of the consent. A little time to do it right versus doing it now and leaving things out that should be in there. He does not see a wholesale change but rather some tweaks that may benefit NOHOA and the City and not be harmful to the Company.

- Mr. Houge said he knows NOHOA took the deadline to get this information out last Friday very seriously, with the understanding that the Planning Commission and Staff would have an opportunity to look at it before this meeting. He asked if Mr. Kirmis, Ms. DeWalt, and Attorney Nason had time to consider the letter in a timely way.
- Chair Azman said he received the letter by email Monday night at 8:00 p.m. which only leaves a couple of days to evaluate it. He is not trying to impose conditions that the City does not have authority to do, however, they have received comments from Mr. McNee, Mr. Bergeson, and NOHOA and have tried to go through them and give consideration to them.
- Administrator Kress received another message from Ms. DeWalt; he asked if she had any issues or engineering questions with the NOHOA letter. Ms. DeWalt replied no, she does not think so; most if not all the comments were already captured in her comments.
- Chair Azman said that helps a lot. He suggested fixing the jagged lot lines in the final plan.
- Administrator Kress noted it is already in as a condition.
- Mr. Kirmis said the intent is not to relocate any structures. Physically there would be no change; he is proposing cleaning up the easement lines so portion of lot lines don't encroach upon the roadway easement. There are certain front lot lines that appear to be three feet short of the easement. He is just suggesting cleaning it up and making it a bit more uniform.
- Commissioner Sayer said the buildings would still be staggered but there would be nice, smooth mowing lines.
- Mr. Kirmis said that is correct.
- Attorney Nason noted there are several options available, one of which is to make a motion to recommend approval of the preliminary plans with the conditions shown in the report including those discussed tonight, and direct Staff to prepare some type of response to the NOHOA letter with the input of the Company. Another option is to continue item 7B on the agenda to the November 10, 2020 meeting. She noted there are other options as well.
- Chair Azman asked if they could move for approval and then present the supplemental memo to the Council.
- Attorney Nason said as she understands, it seems like most of the NOHOA comments have been addressed in some fashion. The problem is the cross referencing with regards to the engineering comments. Some of the NOHOA comments are not engineering related, but if the Planning Commission wants to see that response and hold the vote until then they could move it to November 10, 2020. If the Commission is comfortable making a recommendation tonight, they could make a recommendation of approval with conditions and as a side-note direct Staff to work with the developer to prepare a written response so when the City Council receives it, they will receive NOHOA's letter and a Staff response.
- Commissioner Sayer said November 10, 2020 is not that far away, but they should only delay if there will be some real improvements. He noted the recommendation from Staff has a lot of conditions and whatever they do they cannot exceed the zoning requirements in the PDA. The thoroughness of what they have seen and Ms. DeWalt has addressed the comments, so he does not see what the extra 10-11 days gets them.
- Commissioner Yoshimura-Rank noted on Page 12 there is a list of recommendations by the City Forester, and asked if they can incorporate those as a condition.

- Administrator Kress said they will all be incorporated as conditions.
- Attorney Nason noted the conditions are all repeated on Pages 24 and 25 and are included in those conditions.

MOTION by Sayer to approve the Application with Staff's conditions as articulated in the packet.

- Chair Azman asked if they can add a condition regarding the additional parking spaces.
- Commissioner Sayer said he could be persuaded either way because now there is more impervious surface, water runoff, places for people to park there and interfere with the residents. He would include it with his motion if it is practical, doable and not very expensive. Commissioner Sayer noted Mr. Hauge conceded one or two additional parking spaces.
- Mr. Hauge said the NOC would attempt to work in one or two more spots if possible.
- Commissioner Hauge asked that the parking spaces be added to conditions on pages 19 and 20.

MOTION seconded by Hauge.

- Commissioner Cremons noted he received the materials on Monday afternoon but there is a lot of material here and to him it feels rushed. However, Ms. DeWalt's questions were answered and everything else is relatively non-substantive. He doesn't think it's the end of the world to move ahead but prefers the process does not put the Commission in a position where they must make a final decision with just a couple of days to absorb everything.
- Commissioner Sandell asked if moving this to November 10, 2020 changes the timelines with the City Council.
- Administrator Kress said if accepted today, the goal would be to put the packet for the Council's consideration at their November meeting.
- Chair Azman did not hear as part of the motion a requirement for Staff to have a supplemental report to present on the NOHOA comments, along with Applicant input as part of the packet to present to the Council and asked if anyone had thoughts on that.
- Commissioner Sayer said they want to be sensitive and consider NOHOA's comments and he is assuming they have been considered.
- Administrator Kress said Ms. DeWalt would be prepared to answer any questions relative to the NOHOA engineering comments within the letter when it is presented to the City Council.
- Commissioner Sayer said if that is a clarification to the motion, he accepts that.
- Chair Azman said he doesn't think it needs to be integrated into the motion as long as there is an expectation that Ms. DeWalt would be at the City Council meeting.
- Administrator Kress said they will probably tweak the memo from what Planning Commission saw before it goes to the City Council.
- Chair Azman asked if they need to amend the motion.
- Attorney Nason said perhaps they make a motion to amend the original motion to request to direct the engineer to provide a written update and response to the questions raised in NOHOA's letter.
- Commissioner Sayer said he would accept that as a friendly amendment.

- Chair Azman asked if they need a new motion within the pending motion.
- Attorney Nason said technically there is a motion on the table, so the motion would be to amend the primary motion on the table, which would require a vote.
- Chair Azman prefers to do it more formally with these applications.
- Administrator Kress said if Staff has sufficient time, they would supply it to the Council at their November meeting or inform them when they are ready and it would be up to the Mayor and two Councilmembers to call a special meeting to address it.
- Chair Azman asked if there is a motion to amend the motion on the table to have Staff prepare an updated report based on the NOHOA comments and make further recommendations for conditions if they are warranted.
- Commissioner Sayer said he heard the report that Staff would provide was going to tie out where these things have already been addressed. Not to go and make further recommendations, as when Staff makes further recommendations, the Commission is letting go of control of the final product that goes before the Council and he does not think that is a good idea. He said the Commission's job is to sift through Staff's recommendations and provide a final product to the City Council.
- Chair Azman's concern is there are five pages of fourteen paragraphs and he is not convinced that everything could be correlated to an engineering comment. If they discover something that does not have a correlation, then what do they do.
- Commissioner Hauge noted the City Council can change that however they want.
- Chair Azman agrees with Commissioner Sayer that it is the Planning Commission's job to sift through the facts, figures and analyses and provide recommendations to the Council that are consistent with the PDA. He does not want to bind the hands of the Staff to say something is correlated but not allow them to find something that isn't correlated and have a response.
- Mr. Kirmis said his preference is to provide the same planning materials to the City Council with a supplemental cover memo which addresses the items discussed by the Commission and he could see some responses to the NOHOA letter incorporated by Ms. DeWalt in that memo. It would not be a revision to the report, but a supplement to the report that would go to the Council.
- Commissioner Sayer said a supplemental report is informational as to what happened at the Planning Commission which would be useful for the City Council in their decision making.
- Commissioner Yoshimura-Rank asked if the Commission would get a chance to see it.
- Administrator Kress said the commission could still see it and if they had comments, they could send them to Mr. Kress and he would send those to the Council.
- Chair Azman clarified his motion would be to amend the original motion to approve, directing Staff to submit a supplemental report addressing matters in the NOHOA letter.
- Commissioner Sayer said that sounds great and he did not see anything in NOHOA's comments that would result in a huge, earth-shattering change. He noted they cannot impose more on the Company than the ordinances prescribe in the PDA. He supports the amendment as stated.

MOTION by Azman, seconded by Sayer, to amend the motion on the table, and add the condition directing Staff to submit a supplemental report addressing the items raised in the NOHOA letter. Motion carried unanimously by roll call vote.

Original motion as amended carried unanimously by roll call vote.**c. Consider Resolution Determining Completeness for Site H Island Field Preliminary Plan/Preliminary Plat (Subdivision) Application and Setting Public Hearing**

Chair Azman noted this is a review of whether the Applicant has submitted sufficient materials for the City to consider the application complete and ready for the next step of consideration by the Planning Commission. He said they have gone through these on prior subdivision applications and it is always nice to have a refresher on what they are doing.

City Planner Kirmis presented a memo before the Commission. The North Oaks Company has requested preliminary plan approval to allow the construction of 2 phase 74 unit condominium building on approximately a 22 acre site, identified at Site H and referred to as the Island Field site in the East Oaks PDA. A concept plan for the subject site was subject to informal review by the Planning Commission on January 30, 2020 and a revised concept plan was reviewed by both the City Council and Planning Commission at a special meeting on September 10, 2020. The Applicant seeks to subdivide the subject site into two parcels of land, an approximately 12 acre south parcel and a 10 acre north parcel. Phase 1 of the project calls for the construction of a 37-unit condominium building on the south parcel while Phase 2 of the project calls for the construction of a 37-unit condominium building which would result in 74 total units. According to the PDA, the City's RCM - PUD, Residential Commercial Mixed zoning. The condominium building is planned to be served by municipal sewer and water. Prior to the scheduling of a public hearing, the subdivision ordinance directs the Planning Commission to review the plan and submissions and decide whether the submission is complete and contains the information necessary to review the application in conformance with the submission requirements of the Zoning Ordinance, Subdivision Ordinance and the PDA. He pointed out this is unique to North Oaks and usually the determination is made the City Staff but in this case, it is determined by the Planning Commission. If the Planning Commission determines the application is complete they should call for a public hearing at an upcoming meeting, which could happen on December 2, 2020. If the Commission determines the application is incomplete, it must advise the Applicant what is necessary in order to make it complete. It is important to note that this is not a review of the project and it does not consider whether everything is in conformance with applicable ordinance requirements. Basically, have the appropriate materials been provided to allow to move forward and allow the City to do a formal review. There are some related Staff comments, one of which relates to site density. At the October 8, 2020 meeting, the Applicant requested a determination by the City Council regarding the allowed number of dwelling units on this site. When the application was received, Staff had some uncertainty on the technically allowed number of units, whether dwelling units should be rounded up, the conversion of commercial acreage to dwelling units, the extent that would be allowed. With that uncertainty it was brought before the City Council, who determined that the 74 units is consistent based on the math provided by the applicant, which is also incorporated in the memo. With that determination, Staff feels the number of dwelling units is consistent with the East Oaks master plan and the project should move forward in that regard. In review of the materials, Staff has found that the

appropriate information has been provided as outlined in the checklist attached as Exhibit A. Staff feels the application is complete but final determination should be made by the Planning Commission.

- Chair Azman said on Page 99, Exhibit A shows preliminary plan submittal requirements and Administrator Kress has put together a table to help the Planning Commission determine completeness. If there is a vote to confirm completeness, will the Planning Commission set a hearing date tonight and asked if the 120-day rule begins today or the day it was submitted for purposes of final review.
- Attorney Nason noted the 120-day period starts from the date that a completed application and materials was received by the City.
- Chair Azman asked if the Planning Commission does not determine that there is a complete application until today isn't today the day that the application is complete.
- Attorney Nason replied in all of the applications the Planning Commission has been reviewing, the operative date is when a completed application is received by the City and noted that is the language in the statute. There is a unique process that the Planning Commission is determining a completed application has been made. It has been Attorney Nason's interpretation - to err on the side of caution because of concerns of getting the date wrong - to have the date of completeness be deemed the date the materials required for a complete application were received by the City. The Planning Commission is confirming their existence today if they deem the application complete.
- Hauge said it looks like October 21, 2020.
- Administrator Kress said October 15, 2020 is when the application was received and Staff asked for additional materials on October 21, 2020. He noted they put in December 2, 2020 at 6:00 p.m. as that is the earliest they can meet to review it given the 10-day requirements and state statutes, otherwise they would be in the week of Thanksgiving and there will not be meetings during that week.
- Attorney Nason said the date would be October 21, 2020.

MOTION by Hauge, seconded by Sayer, for approval of Resolution #2020-07 determining preliminary plan/preliminary plat (subdivision) Application for subdivision of Site H, Island Field, is complete. Motion carried unanimously by roll call.

Chair Azman noted the Application is deemed complete as of October 21, 2020 and a public hearing on Island Field Site H is set for December 2, 2020 at 6:00 p.m.

COMMISSIONER REPORTS

None

Chair Azman asked if anyone had any public comments.

There were no public comments.

ADJOURN

MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:45 p.m. Motion carried unanimously by roll call.

Kevin Kress
Kevin Kress, City Administrator

Mark Azman
Mark Chair Azman, Chair

Date approved 12/2/2020