

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
November 30, 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, Stig Hauge, Nick Sandell, Councilor Mark Azman
Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, City Planner Kendra Lindahl

Others Present: Videographer John

A quorum was declared present

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

Resident Bill McNee, 11 Sunset Lane, spoke on concern of the fence variance request. He is concerned about the precedent it sets with the look and durability of vinyl fencing and the long-term visual effect and maintenance as it ages.

Patty Model Jansen who lives across the street in Three Oaks development which is across the road from the proposed fencing. She is concerned about a huge vinyl fence, believes tree shielding and berm already in place that would do the same.

5. APPROVAL OF AGENDA

Chair Cremons

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

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

- Approval of October 26, 2023 Meeting Minutes

MOTION by Yoshimura-Rank, seconded by Sayre, to approve the Planning Commission Meeting Minutes of October 26, 2023. Motion carried unanimously.

7. BUSINESS ACTION ITEMS

a. Discussion and Possible Action on Fence Variance #23-7 at Spring Farm Development

- City Planner Lindahl introduced the two variance fence requests regarding the fence request: 1st is to allow a 6-foot-tall fence with less than a 30-foot setback from the lot lines (12 feet from Centerville Road and 2.2 feet from west lot line of 63 Spring Farm Road). The 2nd variance is to allow the fence to cross property lines (with cross three common open space parcels – tracts YYY, ZZZ, and AAAA on RLS 639. There is nothing in code that prohibits the vinyl type of fence, just the solid nature of fence. The ordinance provides 12 standards for fences including open space, and the plans comply with all but 2 requiring variances. Variances must reflect “practical difficulty”. The fence would be between 2 feet to residential lot lines and 12 feet to Centerville Road.
- There is also a utility line crossing. There would need to be agreement that they would remove the portion of fence if utility work is needed on that easement.
- The staff report reflects 2 options: If believe the variances meet the standard for practical difficulty and choose to approve, there are findings noted. If do not believe variance standards have been met, then Commission should recommend denial with findings that the variance standards have not met based on discussions from the meeting. The ordinance states fence in excess of 48” high must be at least 30 % open through the structure to allow the passage of light, wind and air.
- John Sonnek from Charles Cudd Company from a 30 % open fence to a closed fence. He stated a row of trees doesn’t work here because the old growth trees are in place, and a row of arborvitaes won’t grow well underneath existing oaks. He believes a fence would also provide better noise buffer from traffic than trees. The 6-foot fence would provide privacy from inside homes from the traffic.
- Yoshimura-Rank asked if there is research showing reduction in noise.
- Sayre asked why they selected vinyl. Sonnek noted stated it was select due to their experience of longevity, as opposed to wood fences which can deteriorate quicker and require ongoing maintenance by Homeowners Association.
- Sonnek noted they selected white since it blends in better during winter when there is no leaf coverage. The fence is about 900-1200 feet. It would stay on the North Oaks side of the current oak trees. There is a lot of maples and buckthorn, which actually provides undergrowth.
- Ostlund asked how long the fence is. Planner Lindahl noted Page 18 of packet shows the actual location. Cremons noted it is 1,000 feet. Kress stated there is no other City variance that has been previously granted for solid wall fence. Cremons concerned about setting precedent when there are many other homes in North Oaks that also back up to a road corridor.
- Sandell mentioned he believes that some of the other developments could follow suit, however believes this does have some unique aspects due to proximity as the location of the fence would not be on private property, but on homeowners association land.
- Kress asked why a fence and not install a secondary natural berm. Applicant stated a fence would preserve trees.
- Sonnek noted that NOHOA has not provided their input yet, he believes they are waiting on City input.
- Attorney Nason stated there could be conditions to maintain up keep.

- Cremons asked how many trees would have to come down to provide more berm. Sonnek stated a lot. Sonnek stated the fence as presented is at 1st floor level, and land is designed with concern for water flowage.
- Commissioners general feedback asked for a shortest fence option, concern for quality of materials, and whether there are alternative options.
- Attorney Nason reiterated the factors for approving a variances including: they must be in harmony with environment and that practical difficulties must exist outside of the owners control. Economic considerations alone are insufficient to find for a variance. Council can place conditions of maintenance requirements if they approve the variance request.
- Cremons noted the deadline for decision is December 25th. Believes that additional discussion is needed to address both needs of new homeowners and neighbors across the street. He asked if can revisit at a later time to allow time to explore better options.
- Attorney Nason stated if desire they can continue it to the next meeting with request to applicant to provide additional information, with City staff to send a 60-extension letter from the December 25th date.
- Krista Wolter, 7 Skillman Lane, noted that as a realtor she that has taken buyers through the model home that backs up to Centerville Road. The buyers felt they would not like to see the cars going back and forth. There are lots of trees along Centerville, it would be nice if they were Evergreens. The concern is the visual for buyers.
- Sayre asked if they felt there is a safety concern due to proximity to road. Wolter did not feel that was a concern due to the berm, it is more of a visual road issue.
- Administrator Kress asked that Charles Cudd meet with the City Forester to see if alternate option of adding trees, as well as meeting with Ramsey County to see if there are any plans for the easement / road. Kress would also like to discuss with original developer to see if alternatives.
- Cremons suggested the City issue the 60-day letter, and in interim reach out to NOHOA for their feedback, as well as meet on site with City Forester and Mark Houge of North Oaks Company.

MOTION by Sayre, seconded by Yoshimura-Rank, to continue the hearing to January Planning Commission meeting. Motion carried unanimously.

7b. Discussion on Garage Size Ordinance Amendment

- City Planner Lindall noted this is a follow up discussion regarding the verbiage for the revised Garage CUP ordinance. The working group has met and revised the threshold for requiring a CUP for excess garage space to 2,000 feet. There is no change to the verbiage referencing Floor Area Ratio. The Planning Commission is asked to review draft language and provide feedback for staff. If sufficient, can schedule a public hearing in January.
- Attorney Nason stated that the F.A.R. verbiage is not required because it is elsewhere, however it can be placed here as well if want to bring it to attention.
- Planner Lindall clarified that not all zoning has a .12 floor area ratio (F.A.R.). The .12 FAR listed only applies to RSL, so it could be confusing. Possibly more general statement that “Garage must be calculated in the F.A.R. calculation” would add more clarity.

- Commissioners seemed comfortable with the 2,000 square feet threshold and general F.A.R. statement. A public hearing will be scheduled as part of the January 2024 Planning Commission hearing.

7c. Discussion of Setback/Natural Suitability Ordinance Amendment

Discussion of Height Setback

- Cremons stated this a follow up to prior discussion. Lindall clarified the language of working group is on Page 59 with the alternate language on 65. The focus of discussion was whether if just a portion of building exceeds the 35 feet, does the ENTIRE building needs to have a set 50 foot setback, or whether just that side adjacent to the lot line.
- Key points of the 3 options:
 - Chimney and weather vanes do not count as building height.
 - The options include: move whole building, move building wall, or move element, for the side that is in excess of 35 feet.
 - ▶ **Option 1.** If any portion of the building exceeds 35 feet, the entire building must meet the increased setback (2 feet for every foot in height) or the 50-foot structure setback. This is how staff has been applying the code.
 - ▶ **Option 2.** If a portion of the building exceeds 35 feet , that entire elevation must meet the increased setback. This is the language on page 59 of the packet.
 - ▶ **Option 3.** If a portion of the building exceeds 35, that portion of the building must meet the increased setback. That is the highlighted language on page 64 of the packet.
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- Council Liaison Azman believes that portion or elevation that exceeds 35' only requires the additional setback. Administrator Kress noted that the way it is worded on page 64 is clear to him and allows clarity for applicants. He would also like to have examples shown as “exhibits” as part of the CUP application to help applicants visualize requirements.
- The Ordinance verbiage will be tweaked and scheduled for review at January meeting.

Discussion natural topography for walk-outs.

- Lindall stated working group still under discussion to nail down how to determine verbiage in what is considered a natural condition for a walkout “suitable site”. Updates

to the ordinance verbiage include:

- ii. A house should have a 3-foot minimum elevation difference from the basement finished floor elevation to the groundwater elevation, as determined by a geotechnical engineer by a soils investigation;
- iii. A natural slope in the topography prior to any construction, grading or improvements that organically accommodates a home design with an egress or walkout level and no artificial topographical grade change in excess of 6 feet is required or created; and I
- ~~(c)~~iv. Any other factors that demonstrate the proposed structure is compatible with the natural condition of the land prior to any construction, grading or improvements;

- Cremons stated the intent is to look at the condition of the property at the time the applicant submits. It has a natural slope in topography, no artificial grade change in total excess of 6 feet is required or created for the walkout.
- Sayre noted that it shouldn't be too restrictive, however it is difficult to know what is too restrictive. The goal is to prevent builders from bringing in soil and raising a house on a hill to create an artificial slope.
- Lindall stated that every home and lot is different. Good builders can make homes that fit the land and 6 feet seems reasonable.
- Azman stated that North Oaks guiding principal is to build homes to the land, rather than designing the house and making the lot fit it.
- General consensus that the 6 feet seems reasonable, if it meets the character of land.
- Tweaks will be made to the ordinance based on conversation of Planning Commission, noticed for public hearing and a vote taken at the next meeting.

8. COMMISSIONER REPORT(S)

- Administrator Kress stated the deadline for Planning Commission openings is tomorrow at 4 p.m. There have been a few applications received so far.

9. ADJOURN

Chair Cremons stated the next scheduled meeting of the Planning Commission is Thursday, January 25, 2024.

There was additional conversation by Commissioners regarding the fence proposal on Centerville Road. Commissioners are encouraged to visit the model home to get a feel for what it is like for the new homebuyers.

MOTION by Yoshimura-Rank, seconded by Hauge, to adjourn the Planning Commission meeting at 8:59 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Dave Cremons

David Cremons, Chair

Date approved 2/29/2024

