

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
February 29, 2024**

1. CALL TO ORDER

Chair Cremons called the meeting to order at 7:00 p.m. He welcomed returning Commissioner Joyce Yoshimura-Rank who has accepted a new term of service, as well as new Commissioner David Loegering.

2. ROLL CALL

Present: Chair David Cremons, Commissioners Stig Hauge, David Loegering, Bob Ostlund, Nick Sandell, Grover Sayre III, Joyce Yoshimura-Rank, Councilor Mark Azman

Staff Present: Administrator Kevin Kress, City Planner Kendra Lindahl, City Septic Inspector Brian Humpal

Present Via Electronic Means: City Attorney Bridget Nason via Zoom

Others Present: Videographer Sam Wagner

A quorum was declared present

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There were no comments at this time.

5. APPROVAL OF AGENDA

City Administrator Kress requested to move items 7d. and 7e. to the top of the agenda.

MOTION by Cremons, seconded by Hauge, to approve the agenda as amended. Motion carried unanimously.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of November 30th, 2023 Minutes

MOTION by Sayre, seconded by Yoshimura-Rank, to approve the Planning Commission Meeting Minutes of November 30th, 2023. Motion carried unanimously.

7. BUSINESS ACTION ITEMS

a. Public Hearing – Consider Conditional Use Permit for garage size in excess of 1,500 square feet and building addition for property located at 70 W. Pleasant Lake Road

Chair Cremons noted that the applicant had submitted a similar application to the Planning Commission one year prior, and that application was approved. This new application is a minor amendment that increases the size of the garage.

City Planner Lindahl noted that the CUP is a 1,296 square foot garage addition and a smaller 306 square foot detached accessory structure. This property is in the shoreland overlay district for Pleasant Lake, but below any restrictions related to setbacks. Very little has changed since the prior application. Staff included conditions in their report to address the combined garage square footage of 2,446 that is proposed by the applicant. One item in their conditions noted that the Floor Area Ratio is very close to the 12% limit, and they have included a condition that the applicant needs to confirm compliance at the time a building permit is submitted.

MOTION by Hauge, seconded by Sayre, to open the public hearing at 7:06 p.m. Motion carried unanimously.

A neighbor of the property, Larry Wipf from 66 West Pleasant Lake Road spoke in support of the request.

Chair Cremons stated that the garage is three feet longer than the prior application. The applicant, Mark Udager, commented that he had made a calculation error in his prior application, and apologized to the Commission for not catching it before.

MOTION by Yoshimura-Rank seconded by Sandell, to close the public hearing at 7:10 p.m. Motion carried unanimously.

Commissioner Ostlund noted his concern that the upper floor of the garage should not be constructed with rough-ins for plumbing, electrical, etc. and asked that the Building Official keep an eye out to make sure that the unit could not be turned into an Accessory Dwelling Unit.

MOTION by Sandell, seconded by Sayre, to approve the application with conditions as outlined in the staff report. Motion carried unanimously.

b. Consider septic variance for property located at 4 Dove Lane

Chair Cremons stated that this variance is an application to replace a failing cesspool system. City Planner Lindahl summarized the staff report. Because this is an existing home, it is not considered a redevelopment so the only thing that the applicant needs a variance for is the setback for the system itself. This is a single-family home on a relatively small lot. The only viable location for a septic site is up against the street. The applicant is proposing a zero-foot setback. Staff believe that the variance standards have been met, and the application solves a potential public health issue by allowing the construction of a new, functional septic system and eliminating the noncompliant septic system.

City Septic Inspector Brian Humpal noted that there is still a five-foot buffer to the setbacks because the setbacks are measured from the absorption area and rockbeds of the system, however there will be berms that will extend to the property line. By nature, those are allowed to extend to the setback, they just need to remain on the property. It would not be encroaching on an adjoining property, but the easement to Edgewater Lane.

Chair Cremons asked about an open area to the southeast and if this area was looked at as a possible location for the system. Humpal explained that other setbacks prevented this area from being viable. The setback is applicable to the tanks as well as the drainfield.

The applicant, Jim Christiansen, explained that the issue came to light because he had purchased the home with the intention of renovating it. He wanted to add an additional bathroom but was unable to do so unless the system was updated.

Chair Cremons asked how the existing cesspools would be closed. Humpal explained that a cesspool system is a tank that has been constructed without a bottom and made out of blocks without mortar joints. By design, they leak into the ground. To close the tanks, the existing tanks would be pumped out, collapsed and filled-in. Long-term, if a new system were to fail in a spot where there are no other alternative septic sites, they would need to completely haul out the system and replace it. A typical lifespan of a Type III system would be about 50 years.

Commissioner Ostlund asked for clarification on whether the property was planning to be rented, and how many bedrooms it will have. The applicant stated the intention is to sell it, and that there will be six bedrooms. Humpal confirmed that the new system has been designed to meet the size of a six-bedroom home.

MOTION by Hauge, seconded by Sayre, to approve the application with conditions as outlined in the staff report. Motion carried unanimously.

c. Public Hearing – Consider Conditional Use Permit for building height in excess of 35 feet for property located at 8 Sherwood Trail

City Planner Lindahl asked that this item be continued to the March 28th Planning Commission meeting. After reviewing the application, staff realized that the applicant would also need a variance for wetland setbacks. Lindahl has spoken to the applicant and they have asked to move their CUP application to March so that both applications can be reviewed together. Chair Cremons decided to open the public hearing since it had been noticed to the public.

MOTION by Yoshimura-Rank, seconded by Sandell, to open the public hearing at 7:36 p.m. Motion carried unanimously.

Based on the conversation, Chair Cremons stated they would continue the public hearing at the March 28th Planning Commission Meeting.

Leanne Savereide from 4 Red Maple Lane stated that she would like to welcome the neighbors to the neighborhood, but she is also concerned about the placement of the house near the wetland. She would appreciate the Commission's attention to this matter at the next meeting.

MOTION by Cremons, seconded by Hauge, to continue the public hearing at the March 28th Planning Commission Meeting. Motion carried unanimously.

d. Public Hearing – Consider Conditional Use Permit for building height in excess of 35 feet for property located at 1 Sherwood Trail

City Planner Lindahl stated that this application is for a new home to be constructed 40 feet 7 inches high where the code allows a 35-foot building height. The application complies with the setback requirements. The front elevation is 60 feet from the roadway and the side and rear elevations are more than 100 feet from the adjacent properties. The east side elevation is the side that exceeds 35 feet in height. The Floor Area Ratio worksheet has been provided and shows compliance with the 12% max requirement. Staff believe the applicant has complied with the conditions for a CUP.

Chair Cremons asked the status of trees on this lot. The applicant, Scott Hockert from Hanson Builders stated he was not prepared to answer that question pertaining to the CUP and he would have to get back to them on that.

City Planner Lindahl and the applicant stated that this home is a lookout rather than a walkout, which minimizes the amount of dirt being moved and the impact on the topography of the land. The lookout would be on the East side of the home.

MOTION by Yoshimura-Rank, seconded by Sayre, to open the public hearing at 7:43 p.m. Motion carried unanimously.

There were no members of the public in the Community Room or on Zoom who made comments.

MOTION by Yoshimura-Rank seconded by Hauge, to close the public hearing at 7:44 p.m. Motion carried unanimously.

Commissioner Sayre asked if much excavation would be needed at the lookout site. The applicant and City Administrator Kress noted that it would be about two feet of excavation.

Chair Cremons stated that he would like to discuss the current state of trees on the property and what the plan is for removal or preservation. City Administrator Kress noted that the northern portion is pretty heavily covered with diseased Ash trees, most of which were marked for removal. Chair Cremons stated he is interested in preserving as many trees as possible and is interested in getting reports from the builder on what their plans are for trees when considering these applications.

City Administrator Kress noted that there is not a City ordinance for tree removal. Chair Cremons stated that NOHOA has more discretion on tree removal, and he understands they have been in conversation with the applicant on the issue. He suggested that perhaps the City Forester and NOHOA provide commentary to the City Council at their meeting when considering final approval.

MOTION by Cremons, seconded by Yoshimura-Rank, to approve the application with conditions as outlined in the staff report, and a note to the Council that the Commission is

interested in having the applicant share information about tree work being done on the property at the City Council meeting. Motion carried unanimously.

e. Public Hearing – Consider Conditional Use Permit for building height in excess of 35 feet for property located at 2 Sherwood Trail

City Planner Lindahl stated this application was also submitted by Hanson Builders for a new home on a vacant lot. The proposed home has a front elevation of 33.5 feet and the side and rear elevations are setback more than 80 feet from the adjacent lot lines. The request is for a home that is 39.63 inches in height at the rear. The side facades are less than the 35-foot height limit. The Floor Area Ratio shows compliance with the 12% maximum. Staff finds that the application complies with the conditions for a CUP.

Chair Cremons asked if there was any issue with the slope and City Planner Lindahl confirmed this to be the case. The proposed home is a lookout with very little cut and fill.

MOTION by Hauge, seconded by Yoshimura-Rank, to open the public hearing at 8:10 p.m. Motion carried unanimously.

There were no members of the public in the Community Room or on Zoom who made comments.

MOTION by Yoshimura-Rank seconded by Sayre, to close the public hearing at 8:11 p.m. Motion carried unanimously.

MOTION by Sayre, seconded by Loegering, to approve the application with conditions as outlined in the staff report. Motion carried unanimously.

City Administrator Kress recommended to the applicant that they wait until the April meeting to bring the application to Council for final approval. He anticipates that there will only be three Council members at the next meeting, and it would be beneficial to have a full council look at the applications. The applicant agreed.

f. Public Hearing – Consider Ordinance amending City Code XV, Chapter 151, Regarding garage definitions and garage size standards

Chair Cremons introduced this item stating it has been an issue that the Commission has been working on since August 2023. The purpose is to allow more flexibility with respect to garage size since there has been an increase in CUPs on this issue in recent years. The goal would be to circumvent the need for CUPs for what seem to be a more routine requirement. Basic changes include improving definitions to make things clearer and increasing the baseline garage from 1,500 square feet to 2,000 square feet.

City Planner Lindahl noted that the draft includes updates to the definition section of the ordinance and new conditions in the staff report will reduce the number of CUPs that the Commission reviews for garage size.

Commissioner Hauge suggested it might be beneficial to increase the square footage to 2,500 to reduce the number of CUPs even more. The commission discussed this issue and what threshold would reduce the number of CUPs without encouraging overly large garage sizes. Some Commissioners were open to increasing the number to 2,500 or 3,000. City Administrator Kress stated his personal preference for the number to be on the high end because applications are likely to get approved since it is almost impossible for applicants not to meet the conditions for a CUP unless they are over the Floor Area Ratio. Commissioner Sandell spoke in favor of a 3,000 square foot size limitation.

MOTION by Sayre, seconded by Hauge, to open the public hearing at 8:28 p.m. Motion carried unanimously.

Leanne Savereide of 4 Red Maple Lane stated she admired the Commissioners for going into such depth on this issue, and that she likes the 2,000 square foot limitation.

MOTION by Hauge seconded by Yoshimura-Rank, to close the public hearing at 8:30 p.m. Motion carried unanimously.

The Commission took a straw poll to get a sense of what number each member preferred for a garage square foot limitation. Most members were open to a number over the suggested 2,000 square foot limit.

MOTION by Cremons, seconded by Hauge, to approve the proposed ordinance amending City Code XV, Chapter 151, regarding garage definitions and garage size standards, with a note to the Council that the majority of the Commissioners were not opposed to increasing the garage size limitation to 2,500 square feet. Motion carried 6-1, with Sandell against.

g. Public Hearing – Consider Ordinance amending City Code Title XV, Chapter 151, Regarding building height and setback standards in the RSL – Residential Single Family Low Density District

City Planner Lindahl outlined the proposed changes, including cleaning up and clarifying the language around how height is measured, what counts toward building height, and defining “naturally suited” with measurable allowances. Chair Cremons noted that the working group determined that height would be measured by the tallest portion of the building as opposed to the tallest portion of any particular wall facing a property line.

MOTION by Cremons, seconded by Sayre, to open the public hearing at 8:36 p.m. Motion carried unanimously.

There were no members of the public in the Community Room or on Zoom who made comments

MOTION by Hauge seconded by Yoshimura-Rank, to close the public hearing at 8:37 p.m. Motion carried unanimously.

Commissioners discussed the changes. Commissioner Sayre clarified that unlike the previous amendment, this amendment is not intended to reduce the number of CUPs. Rather, it is meant to help the Commission more clearly evaluate an application and whether it preserves the topography of the land. City Administrator Kress noted that the original intention of the ordinance was to slow down movement of dirt and trees in the RSL district where the development was not mass-graded. The goal was to encourage building to fit the lot, not adjusting the lot to fit the build.

Commissioner Sandell said he not in favor of limiting artificial topographical grade change at six feet because it is too restrictive. He would support eight feet instead. A straw vote was taken, and most commissioners preferred six feet.

- h. MOTION by Cremons, seconded by Hauge, to approve the ordinance amending City Code Title XV, Chapter 151, Regarding building height and setback standards in the RSL – Residential Single Family Low Density District. Motion carried 6-1, with Sandell against.**

Planning Commission requested that a note be made to Council that both Sandell and Sayre preferred eight feet instead of six feet for the limit on artificial topographical grade change.

- i. Consider Ordinance amending City Code Title XIII, Chapter 130, regarding unnecessary noise**

Commissioners discussed a draft ordinance amendment that would provide time limitations to activities such as loud outdoor music, domestic power equipment, landscaping equipment, etc. with some exceptions for public safety vehicles, snowplows, etc.

Commissioner Ostlund stated that he believes lawn mowers should not be an exception. Commissioner Sayre felt that leaf blowers should be added as an exception. He felt not being able to mow after 6 p.m., as the draft currently states, is too restrictive for homeowners that are working regular hours. Commissioner Sandell said he would not support the draft ordinance because he felt it was too restrictive for busy working families. Commissioner Loegering asked if quieter electric lawn mowers or equipment would be allowed after the time limitations. Chair Cremons clarified that the intention would be to limit the noise level, not the activity itself.

Chair Cremons read a letter from Bill McNee, a resident at 11 Sunset Lane. Mr. McNee does not believe there is a noise problem in North Oaks, and feels that lawn and power equipment use is necessary to maintain properties. He feels the time limitations are too restrictive for working people. He also feels the C5 exemptions item is confusing.

Chair Cremons stated that he feels it is important before making any decisions to get the public's opinion on whether noise is indeed an issue for North Oaks. He also noted that it would be challenging to enforce a noise ordinance. City Attorney Nason stated that violation of the ordinance would be a criminal violation.

Councilor Azman felt it is reasonable for the community to have some limitations on noise, and that there is room for discussion on timing and what items are allowed. The draft ordinance was developed after looking at ordinances from other communities. City Administrator Kress stated that the current ordinance is unenforceable since it is based on decibel level, and the City does not have a way to measure this. Commissioner Sayre brought up the issue of whether the Golf Course would also be subject to this ordinance, and that it might be unreasonable for their operations.

No decision was made on the ordinance amendment. Commissioners will provide further feedback to City Administrator Kress over the next month and continue the discussion at the next meeting. Councilor Azman will ask the Council for more specificity on their interests related to this amendment.

8. COMMISSIONER REPORT(S)

City Administrator Kress gave an update on a proposed berm in the Gate Hill/Spring Farm Road area to separate the homes on Spring Farm Road from Centerville Road. He believes the current proposal looks very nice and does not require any approvals from the Planning Commission.

9. ADJOURN

Chair Cremons stated the next Planning Commission meeting would be March 28th, 2024. He will be absent for that meeting, so Commissioner Sandell will serve as Chairman.

MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 9:19 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Nick Sandell

Nick Sandell, Acting Chair

Date approved 03/28/2024