

**North Oaks Planning Commission  
Meeting Minutes  
City of North Oaks Community Meeting Room  
March 28, 2024**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Present: Acting Chair Nick Sandell, Commissioners David Loegering, Bob Ostlund, Joyce

Yoshimura-Rank, Councilor Mark Azman

Staff Present: Administrator Kevin Kress, City Attorney Jim Thomson, City Planner Kevin Shay

Present by Electronic Means: City Septic Inspector Chris Uebe

Others Present: Videographer Sam Wagner

Absent: Chair Dave Cremons, Stig Hauge, Grover Sayre III

A quorum was declared present

**3. PLEDGE OF ALLEGIANCE**

Acting Chair Sandell led the Council in the Pledge of Allegiance.

**4. CITIZEN COMMENTS**

There were no comments at this time.

**5. APPROVAL OF AGENDA**

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

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

**a. Approval of the February 29<sup>th</sup>, 2024 Minutes**

**MOTION by Yoshimura-Rank, seconded by Loegering, to approve the Planning Commission Meeting Minutes of February 29<sup>th</sup>, 2024. Motion carried unanimously.**

**7. BUSINESS ACTION ITEMS**

**a. Consider septic variance for 6 Badger Lane**

City Planner Kevin Shay presented on the application. It is a 1.1 acre lot currently zoned R1. The applicant, Thomas Romanko, is requesting a variance for a new septic system that will cross into the neighboring property that is owned by the North Oaks Golf Club. The current system is noncompliant and failing. The rockbed for the new system will extend approximately 15 feet from the property line where 30 feet is required. The mound grading will extend into the golf course property. There is an easement that has been drafted and signed by golf club representatives that would be filed with Ramsey County should the variance be approved. City Staff have found that variance standards have been met and the new system will result in

improvements to the local ground and surface waters by eliminating a non-compliant cesspool system.

City Septic Inspector Chris Uebe noted that they had walked the site and could not find an alternative site that would not also result in a similar need for a variance requirement. Septic Inspectors are in favor of the variance.

Acting Chair Sandell asked for clarification on whether the easement would still apply if the North Oaks Golf Club were to sell the property in the future. City Administrator Kress confirmed that it would.

The applicant, Thomas Romanko, stated that the house was built in 1968. The system is original to the house and has started leaching out the sides, top and bottom.

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

**b. Public Hearing – Consider Conditional Use Permit for building height in excess of 35 feet for property located at 8 Sherwood Trail. Consider driveway setback variance**

The public hearing for this item was opened at the February 29<sup>th</sup> Planning Commission Meeting and was continued at this meeting. Commissioners re-opened the public hearing and heard some additional information on the application for the CUP, as well as the new driveway variance application.

City Planner Kevin Shay gave a summary of the application. The property is a 2.60 acre site that is currently undeveloped in the Nord development. There are two wetlands totaling 0.49 acres in the center of the site. The approved plat showed a building pad at the front center of the lot, with two septic site options.

The CUP application is for a proposed home that is more than 50 feet from all lot lines with a building height of 44.3 feet. Staff find that CUP standards are met. However, the CUP cannot happen without a driveway variance, which ties the two applications together.

The applicant is proposing to push the house to the rear of the lot, but cannot move the house without a driveway variance. The applicant is requesting a variance to the 30-foot minimum driveway setback from wetlands and property lines. The requested variance is for a 25-foot setback from the west property line and 11 feet from the wetland. There are 48 total feet of width between the wetland and the property line to utilize to put in a driveway. The applicant has stated they are open to moving the driveway if the Commission would like them to meet the west property line setback of 30 feet, but they would then only have a six-foot setback from the wetland.

Initial Nord approval showed the building pad at the front of the lot in order to avoid the wetland. The driveway for a house at this location would be at 13.8% where 10% is typically the maximum allowed grade.

Although staff recommend approval of the CUP, they have found findings that support both approval or denial of the driveway variance.

The neighbor to the west, Amanda Guanzini from 6 Sherwood Trail, has been notified of the application. She wrote a letter in opposition to the application. Acting Chair Sandell read the letter which stated that the Guanzinis had also requested a variance to build a house with a walkout basement which was denied by the Planning Commission. In response, they modified their building plans to be more naturally suited to the lot. She also expressed concern that the driveway would be too close to her property and would require removal of too many trees and brush that currently acts as a buffer between her lot and the applicant's lot.

The applicant, Scott Hockert from Hanson Builders, shared that they originally thought they could make it work to put the house at the front of the lot, but the driveway grade requirements became an issue. Their company standard is to never go above 8% grade. In response to the neighbor's concerns, he stated that he felt a driveway close to the property line is preferable to the home itself being closer to the property line.

Commissioner Loegering asked if there was any landscaping proposed to act as a buffer between the driveway and the lot. Hockert confirmed that there is a plan in place that was shared with the North Oaks Homeowner's Association. Ultimately, the specifics of this plan are up to the homeowner. There is no room to do a berm, but there is adequate space for landscape plantings. NOHOA typically does not allow landscaping within 30 feet of the property line, so the plan does need final approval from them. Hockert also noted that there were a number of diseased trees that were removed from the lot, and that his team has worked with NOHOA to come up with a plan for replacement.

Chair Sandell stated all other things being equal, he felt that the back part of the lot is a better spot for the house, however the issues presented are significant. Commissioner Yoshimura-Rank asked if there were other proposals for the home at the front of the lot. Hockert stated that they do not currently have any other proposals.

Commissioner Loegering asked if there is another way to put the driveway between the two wetlands. Hockert stated that they had initially considered this as an option, but after reviewing the requirements, they felt moving it to the west side of the property would be beneficial because it would only impact one wetland versus both of them. They are not opposed to going between the wetlands, however, if that would be preferred by the Commission. Commissioner Loegering thought this placement might appease the neighbors and it would be helpful for the Commission to consider. Acting Chair Sandell noted that it looks like this placement could possibly put the driveway further from the wetland, however exact calculations would be needed to confirm. City Planner Shay took a look at the GIS and noted that there is 42.5 feet between the two wetland boundaries, and putting a 12-foot driveway in between would result in 30 feet to spare. This would result in a minimum of 15 feet between a driveway and the wetland on either side, and would still require a variance.

Commissioners decided it would be beneficial to continue the discussion to the next meeting since three Commissioners were absent. They also requested that the applicant provide plans with the driveway going between the wetlands so both options can be considered.

**MOTION by Sandell, seconded by Loegering, to continue the public hearing and the consideration of the variance at the April 25, 2024 Planning Commission Meeting.**

**c. Consider resolution in opposition of the Missing Middle Housing Bill.**

City Attorney Thomson presented on a resolution in response to several bills before the Minnesota State Legislature that are trying to encourage more duplex and apartment-type development. This legislation would restrict a city's ability to regulate that type of development. The League of Minnesota Cities has stated their opposition to the bills, and many other cities have adopted resolutions opposing the legislation. The Planning Commission was asked for their input on a proposed resolution for the City of North Oaks that opposes this legislation.

City Administrator Kress has discussed the resolution with the Mayor. He asked City Attorney Thomson what authority the Homeowner's Association would have under this legislation, and if their authority would be at risk as well. City Attorney Thomson stated he believes that the legislation would not restrict any covenants in place or any homeowner's association regulations, but it would restrict a city's authority to limit duplexes, twin homes, etc. City Administrator Kress asked if NOHOA would be able to prohibit lot splitting and accessory dwelling units under this legislation. City Attorney Thomson did not think that the legislation could restrict an HOA's ability to prohibit these.

City Administrator Kress stated he believes the resolution does a good job of outlining the objections to the legislation, and that it is appropriate for the Commission to recommend the resolution up to the City Council. Residents have also been informed about the legislation through the City Eblast and the City website.

**MOTION by Loegering, seconded by Yoshimura-Rank, to recommend support of the resolution in opposition to the Missing Middle Housing Bill to the City Council.**

**8. COMMISSIONER REPORT(S)**

There were no commissioner reports.

**9. ADJOURN**

Acting Chair Sandell stated the next Planning Commission meeting would be April 25th, 2024.

**MOTION by Loegering, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:11 p.m. Motion carried unanimously by roll call.**

*Kevin Kress*

Kevin Kress, City Administrator

*Dave Cremons*

David Cremons, Chair

Date approved 04/25/2024