

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
June 22, 2023**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chair David Cremons, Vice-Chair Nick Sandell, Commissioners Bob Ostlund, Stig Hauge, Grover Sayre III, Scott Wiens, and Joyce Yoshimura-Rank.

Staff Present: Administrator Kevin Kress, City Planner Kendra Lindahl, City Attorney Bridget Nason (via Zoom)

Others Present: Videographer Kenny Ronnan, City Council Liaison Mark Azman, Michels Homes Applicant, Andy Michels.

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There was no one present in the room, or online wishing to comment on the application.

5. APPROVAL OF AGENDA

Administrator Kress asked if there were any conflicts with the July 27, 2023 meeting.

Commissioner Sayre noted he would be out of town.

Chair Cremons asked if the agenda should include the cubic yards related to the house since it is a part of the Conditional Use Permit. Administrator Kress suggested the Commissioners cover that in the discussion portion. He noted there were 2 Conditional Use Permits, one for the grading and one for the garage.

MOTION by Hauge, seconded by Sayre, to approve the agenda as submitted. Motion carried unanimously.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of May 23, 2023 Minutes

MOTION by Yoshimura-Rank, seconded by Sandell, to approve the Planning Commission Meeting Minutes of May 23, 2023. Motion carried unanimously.

7. BUSINESS ACTION ITEMS

- a. PUBLIC HEARING on the application for a Conditional Use Permit for a garage exceeding 1,500 square feet for the property located at 9 Sandpiper Lane, North Oaks, MN 55127. Discussion and possible action on application.**

**MOTION by Sayre, seconded by Yoshimura-Rank, to open the public hearing at 7:04 p.m.
Motion carried unanimously.**

- Chair Cremons opened the floor for public comment.
- Citizen Comment: Phillip White, 23 Oriole Lane, stated his concern is that the garage would become a garage house. He noted a pipe that runs from the property to the pond and wondered if it would become a concern or issue. He asked if there would be a lighting plan for the pool and patio area. He added it is a healthy sign of investment to see a tear down in the neighborhood.
- Applicant Andy Michels replied that it is not a garage centric house and added nothing will block views for Mr. White's home. The existing pipe is referred to as a "pump and dump" system for geothermal and will be eliminated. All lighting will be down lighting and low voltage and will not be intrusive to the neighborhood.
- Mr. White asked if the front door was facing the Guist (neighbor's) house. Mr. Michels confirmed it was.
- Chair Cremons asked to clarify what would happen with the pipe removal. Mr. Michels stated they would cut it up and leave it, in order to not disturb more trees.
- Chair Cremons asked if the City had any say with the lighting. Administrator Kress replied the City and NOHOA do.
- Mr. White asked how many cubic yards of dirt were being brought in. Mr. Michels explained they are moving dirt close to the lake and need to backfill where the old house was. The backyard is currently 15-20 feet between the hill and the house and will move it back for a driveway.
- Chair Cremons asked if the house would be leveled with the hill. Mr. Michels stated the basement would be the same elevation as the existing basement on the house since the water table is low.
- Chair Cremons asked if they were comfortable with erosion control with the proximity to the lake. Mr. Michels stated nothing will run to the lake since there is a large swale in the front.

**MOTION by Yoshimura-Rank, seconded by Hauge, to close the public hearing at 7:14 p.m.
Motion carried unanimously.**

- Chair Cremons noted in the material provided, a number of setbacks, the septic system and the elevations on the house were not identified.
- City Planner Kendra Lindahl mentioned there was an updated survey that identifies the dimensions of the setbacks and confirms that the setbacks are met. The survey also identifies the well and the septic tank while Mr. Michels has the elevation plans.
- Chair Cremons expressed his concerns on where the septic fields would be located since it is a wet area. Mr. Michels replied that they would be using the existing drain fields and will be simply moving the tanks for it.
- Chair Cremons noted a new home would typically be required to put in a new drain field for the secondary site and asked Administrator Kress if it was consistent to the requirements. Administrator Kress replied the house was built in 1968 and added he could obtain the property file since it would show the secondary site. Mr. Michels added it was a newer

system and could already be on the secondary location which means it would be required to have a category 4 system and can be placed anywhere.

- City Council liaison Azman stated his understanding that it was required to have a second site in order to do a tear down. He asked if the existing drain field was in the setback. Mr. Michels stated it was.
- Chair Cremons suggested if the Commissioners make a vote to approve, there should be a note for further inquiry to the septic issues.
- City Council liaison Azman asked Mr. Michels if the driveway would be built farther from the lake. Mr. Michels replied it would be.
- City Council liaison Azman asked Ms. Lindahl if it was a requirement in the ordinance to have a second site for a tear down. Mr. Lindahl stated she was not sure but believed it would be an alternate system.
- Chair Cremons asked how many square feet would be needed to put in the system. Mr. Michels replied it would be the same as any other system.
- City Council liaison Azman suggested putting a condition in to have the square footage looked at in order to place a secondary site.
- Commissioner Sandell asked how the septic became a topic of discussion since it is not part of the CUP. City Council liaison Azman replied that he did not believe a permit would be issued if it was not resolved. Chair Cremons added that the item could be voted and approved during the meeting but suggested to add a note for the Council to look into the septic issue.
- Ms. Lindahl stated it is a condition to provide more information about the septic site as well as having a condition to provide 2 sites on the plan.
- Commissioner Hauge suggested hearing the overview of the project before continuing with details.
- Administrator Kress suggested updating the current CUP application since there are ordinances that should be noted.
- Ms. Lindahl reviewed the staff report of the demolition of the existing home and construction of the new home which is provided in the Agenda Packet. Highlights of the project include:
 - There are two CUP's that are requested. The first is for the garage size in excess of 1,500 square feet and the second is for grading in excess of 100 cubic yards.
 - The survey illustrates compliance with setback requirements.
 - The plan complies with the 35-foot building height requirements.
 - Staff are not considered about the amount of movement with the grading.
 - Conditions 2a have been resolved.
- Commissioner Sayre asked if the garage was made of stone in order to disguise the garage. Mr. Michels stated it was.
- Commissioner Hauge asked what the 109 cubic yards of dirt was used for. Mr. Michels explained it was used to backfill the existing foundation.
- Commissioner Yoshimura-Rank asked if the original footprint did not work because the new house will be bigger. Mr. Michels stated it was not bigger but the property owner wanted to have fewer steps to the front door.
- Chair Cremons asked about tree removal. Mr. Michels replied he believed 5 trees would be removed.

- Administrator Kress displayed for the Commissioners where the existing drain field and tanks are.
- City Council liaison Azman asked if there needed to be conditions included in the proposed approval. Administrator Kress agreed.
- Mr. Lindahl reviewed the conditions included.
- Commissioner Sayre stated he thought there could be an alternate site for technology used. Administrator Kress replied the 2,500 square foot areas are typically required but with technology that is used now, it is rare to use the whole 5,000 square feet.
- City Council liaison Azman asked if condition 10 should be changed to read “tanks” since the current system would still be used.
- Chair Cremons asked how the current survey data would be reflected in the report. Mr. Lindahl replied item 1 could be changed to read “materials received on June 6 and June 22.”
- Administrator Kress asked about the driveway material. Mr. Michels explained it was a combination of concrete and bituminous.

MOTION by Hauge, seconded by Sayre, to approve the application for a Conditional Use Permit for a garage exceeding 1,500 square feet for the property located at 9 Sandpiper Lane, North Oaks, MN 55127 subject to the fulfillment of conditions 1-15 as revised. Motion carried unanimously.

b. PUBLIC HEARING on proposed amendments to City Code, Title 3, Chapter 34 regarding Planning Commission Composition and Responsibilities and City Code, Title XV, Chapter 151 regarding Comprehensive Plan Amendments and Planning Commission Actions. Discussion and possible action on proposed amendments.

- City Attorney Nason explained the item was a public hearing for 2 ordinance revisions but the ordinance subcommittee has not been able to meet yet. The two options are to open the public hearing and continue the public hearing to the next scheduled Planning Commission meeting so the City does not need to send out an additional notice about the public hearing. The second option is to not take action on the public hearing and request to Staff to send an additional notice for the July 27 meeting.
- Chair Cremons asked if it was permissible to discuss the ordinances. Attorney Nason stated it was.
- Chair Cremons mentioned the first option made the most sense.
- Chair Cremons explained the subcommittee will be able to complete the request by the July meeting since there are minor tweaks to make.

MOTION by Yoshimura-Rank, seconded by Hauge, to open the public hearing at 7:48 p.m. Motion carried unanimously.

MOTION by Cremons, seconded by Yoshimura-Rank, to continue the public hearing on the proposed amendments to City Code, Title 3, Chapter 34 regarding Planning Commission Composition and Responsibilities and City Code, Title XV, Chapter 151 regarding Comprehensive Plan Amendments and Planning Commission Actions at the July 27, 2023 Planning Commission meeting. Motion carried unanimously.

- Commissioner Hauge asked Chair Cremons to summarize the proposed changes to the ordinances.
- Chair Cremons explained Chapter 34 has a section regarding the Planning Commission that was deleted in 2019. The replacement that was created in 2019 left out previous items that were in the code. The first change relates to the role of the City Council liaison within the Planning Commission. The City Council liaison does not vote or has the authority to lead the meeting. The Chair person is not allow to be a liaison with the City Council.
- Chair Cremons noted another change is the requirements on how a Planning Commissioner can be removed if the member has failed to attend 3 consecutive regularly scheduled meetings.
- Chair Cremons mentioned the requirements from the State of the Planning Commission. He added there is a section that explains the Planning Commissions role with the Comprehensive Plan by State requirements.
- Chair Cremons added that they are including language around the role of the Planning Commission and providing recommendations on ordinances to the City Council.
- Commissioner Sandell asked if all of section 151 was nonexistent at the moment and that the change was to include all the items Chair Cremons mentioned. Chair Cremons replied that was correct.
- Commissioner Hauge asked City Council liaison Azman's perspective on the proposed changes. City Council liaison Azman agreed with the changes and believe they are necessary.

8. COMMISSIONER REPORT(S)

- Commissioner Yoshimura-Rank asked for an update regarding the rest of the North Oaks developments.
- Administrator Kress stated there are 4 homes being built in the Shorewood area. The Gate Hill area is now called Spring Farm and has a number of homes built on site. Pond View has 3 models homes and 1 new buildable home. The condos are coming along with current work on the interior mechanics and will have a temporary CO at the end of the year for the common area. A model is open currently. The Council will be working through the Red Forest Way development during the July 13, 2023 City Council meeting.
- Administrator Kress explained John Morast from HR Green was let go and was the primary engineer for the project.
- Commissioner Hauge asked if it was possible to schedule a tour around the various developments for the Commissioners to see. Administrator Kress stated it was a possibility and would coordinate a time.
- Administrator Kress reviewed what he would address at the City Council meeting regarding driveway requirements in the code.
- Chair Cremons stated the next meeting would be July 27, 2023.

9. ADJOURN

MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:08 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

David Cremons

David Cremons, Chair

Date approved 7/27/2023