

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room and Via Teleconference
June 24, 2021**

CALL TO ORDER

Chair Azman called the meeting of June 24, 2021, to order at 7:03 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 Anne Conroy, David Cremons, Stig Hauge, Grover Sayre III (joined at 7:05 p.m.) Joyce Yoshimura-Rank.

Absent: Nick Sandell

Staff Present: Administrator Kevin Kress, City Engineer Tim Korby, City Attorney Jim Thomson.

Others: City Councilor Jim Hara joined at 7:20 p.m.

A quorum was declared present.

PLEDGE OF ALLEGIANCE

Chair Azman led the Pledge of Allegiance.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF AGENDA

MOTION by Yoshimura-Rank, seconded by Hauge, to approve the agenda. Motion carried unanimously by roll call.

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of April 29, 2021 Planning Commission Meeting Minutes

Commissioner Cremons asked about the outcome on the meeting minutes conversation.

Administrator Kress clarified that city staff would be taking minutes going forward, and that they would be minimized. The only exception would be for meetings that have to do with larger public hearings for new developments or other controversial issues. In those cases, Timesavers would be utilized.

MOTION by Cremons, seconded by Yoshimura-Rank to approve the agenda. Motion carried unanimously by roll call.

BUSINESS ACTION ITEMS

a. Public Hearing Conditional Use Permit for a home in excess of 35 feet in height for property located at 16 Cherrywood Circle.

Chair Azman opened the public hearing at 7:08 p.m. and read the notice posted in the newspaper. He asked Attorney Jim Thomson to give an overview of the planning commission's obligations when making a recommendation on Conditional Use Permits, and the standard of law or decision that the Commission will apply.

Thomson explained that land uses fall within one of three categories: Permitted meaning they are allowed as a matter of right and there is no approval required; Conditional Uses, which are uses allowed under the code but subject to certain conditions; and Variances, which are requests made by an applicant that are not allowed within the code. In the case set forth at the meeting, Commissioners must look at whether the applicant has met the conditions as outlined within the code to determine if the Conditional Use Permit may be granted.

Administrator Kress provided a staff report. He gave an overview of the six conditions as outlined by the city code, Section 151.050(D)(7) of the Zoning Ordinance, and noted that the plans for the home at 16 Cherrywood Circle meets all the conditions. Based on the review, City Staff recommended approval of the requested Conditional Use Permit subject to the following conditions:

1. The home shall be constructed in accordance to plan sets received 5/27/21
2. The proposed home shall meet all required setbacks and other zoning standards prior to the issuance of a building permit.
3. Plans shall be approved by the Building Official prior to the beginning of construction.
4. Any outstanding fees shall be paid prior to the issuance of a building permit.
5. Comments of other City Staff.

City Engineer Korby said he has visited the site and agrees with all recommendations by the City Staff.

Jennifer Otto, Architectural Designer from Gonyea Homes spoke on behalf of the applicant. She expressed appreciation for consideration. She noted that the house plans have also been reviewed and approved by the Architectural Supervisory Committee with the North Oaks Homeowners Association.

Commissioner Yoshimura-Rank asked what the square footage and FAR is on the home. Otto said that the house is well within the FAR requirement. The home is 4300 square feet on a lot of approximately 2.3 acres.

Commissioner Cremons asked about the need for additional height based on ceiling height expectations for high end homes. He noted that the elevation difference appeared to be related to the central peak, which did not seem necessary to maintain ceiling height. Otto clarified that the

central peak is not the highest building elevation for the house, and that it does not exceed the front to back pitch which is indicative of the overall building height. When taller ceiling heights are combined with thicker floor systems, floor tresses are often put in in order to pass HVAC systems through the floor system so drop ceilings are not necessary in lower levels. That in combination with walk-out conditions make it difficult to meet the 35 foot threshold at the walk-out inside elevations.

Commissioner Sayre asked if the driver in this case is that the lot slopes a bit. Otto confirmed that that is the main driving force with this particular building height.

MOTION by Sayre, seconded by Yoshimura-Rank, to open the public hearing/public comment portion at 7:30 p.m. Motion carried unanimously by roll call.

There were no public comments.

MOTION by Yoshimura-Rank, seconded by Cremons, to close the public hearing/public comment time at 7:32 p.m. Motion carried unanimously by roll call.

b. Discussion and possible action on Conditional Use Permit for property located at 16 Cherrywood Circle.

Commissioner Cremons asked Attorney Thomson for clarification on whether the Commission has any discretion to reject a Conditional Use Permit application unless one of the factual findings in the staff report is wrong. Thomson agreed that in this particular case, where the criteria are objective and straightforward to determine, there is not much discretion left to the Planning Commission with respect to its recommendation.

Commissioner Cremons commented that adherence to the codes is important, and making exceptions may lead people to citing exceptions as a new set of rules. He noted that it does not apply in this case because the applicant has met the criteria, but generally cautioned that the Planning Commission should watch out for letting height requirements slide upward in the future.

Commissioner Yoshimura-Rank commented that although there was a note made in the application that the variation to the ordinance will go virtually unnoticed due to the heavily wooded nature in the back of the home, there is never a guarantee that homeowners will maintain a wooded lot. She expressed concern about using that type of reasoning when considering applications such as these.

Administrator Kress noted that homeowners do need to comply with NOHOA's new policy around tree removals, which would prevent clearcutting in such circumstances. Kress noted that in this instance, the reference to tree coverage was actually intended to indicate that there will be less light pollution noise because of the size of the trees surrounding the property.

MOTION by Sayre, seconded by Conroy to approve the Conditional Use Permit application for 16 Cherrywood Circle with conditions as listed by City Staff. Motion carried unanimously by roll call.

Chair Azman noted that the recommendation will go before the Council at their next meeting on July 8, 2021.

COMMISSIONER REPORTS

There were no reports.

Chair Azman noted that the next meeting of the Planning Commission will be on July 29, 2021.

Commissioner Cremons asked about when and under what conditions will the Commission begin meeting at city hall. Administrator Kress said that City Council had discussed that they will wait until the State of Minnesota lifts the emergency order. Until that point, the Commission will continue to meet in a hybrid meeting.

Chair Azman asked what the Commission's thoughts are about meeting in person. He noted that he would like to see the meetings happen in person again as soon as possible. Commissioner Cremons, Sayre and Yoshimura-Rank agreed. Administrator Kress said he would mention it to City Council at their July meeting to see if their perspective had changed.

ADJOURN

MOTION by Yoshimura-Rank, seconded by Hauge, to adjourn the Planning Commission meeting at 7:45 p.m. Motion carried unanimously by roll call.

Kevin Kress
Kevin Kress, City Administrator

Mark Azman
Mark Azman, Chair

Date approved 8/5/2021