

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Via Electronic Means and Community Room
August 25, 2022**

CALL TO ORDER

Chair Azman called the meeting of August 25, 2022 to order at 7:00 p.m.

Pursuant to Minnesota Statute 13D.021, the meeting was conducted with attendees and Commissioners participating both in the Community Room and via Zoom.

ROLL CALL

Present in the Community Room: Chair Mark Azman, Commissioners Marc Asch, Dave Cremons, Robert Ostlund, Nick Sandell, Scott Wiens, Joyce Yoshimura-Rank, City Administrator Kevin Kress, City Council Liaison Jim Hara, City Planner John Burbank
Present via electronic means: City Attorney Jim Thomson, City Engineer John Morast
Absent: None
A quorum was declared present.

PLEDGE OF ALLEGIANCE

Chair Azman led the Pledge of Allegiance.

CITIZEN COMMENTS

Resident Mark Klosterman - 5 South Deep Lake Trail. Appreciated the notification of the CUP on the agenda for discussion, the opportunity to be present to listen in and thanked the Commissioner's for their service.

APPROVAL OF AGENDA

MOTION by Ostlund, seconded by Yoshimura-Rank, to approve the agenda as is. Motion carried unanimously by roll-call vote.

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of June 30, 2022 Planning Commission Meeting Minutes

Commissioner Ostlund mentioned the minutes need to be edited to reflect Yoshimura-Rank was present electronically, not in person.
Commissioner Asch noted that on Page 12, the comments need to be reorganized for clarity. He would also like his point of order to be noted in the minutes. The bulleted items, comments by Azman and the City Attorney occurred before the vote, therefore they need

to be reordered. The order should be: discussion, vote taken, point of order, vote failed. He also suggested the minutes strike “it was unclear” down to 2nd line of key notes below. He would like to see Mr. Perry’s comments in the record after the vote at the very end last paragraph after bullet points.

The full requested changes by Asch have been communicated to Administrator Kress. City Staff will redraft the minutes and include for review by the Commission at the next Planning Commission meeting.

Commissioner Cremons also requested to change parcel as “B” instead of “V” on page 9.

MOTION by Asch, seconded by Cremons, to table approval of the minutes of the June 30, 2022 meeting until the September meeting. Motion carried by 7-0 vote.

BUSINESS ACTION ITEMS

a. Public Hearing – Conditional Use Permit FOR A GARAGE IN EXCESS OF 1,500 SQUARE FEET LOCATED AT 1 SOUTH DEEP LAKE ROAD pursuant to City Code Section 151.050(D)(7). Discussion and possible action on application.

- Administrator Kress noted the full materials are in the packet for Commissioner Review. City Planner Burbank noted this is a conditional use permit for a garage in excess of 1,500 Square feet at 1 South Deep Lake Road. Under ordinance, a conditional use permit is required. The applicant is Nick Doeffler and the FAR is below 12 % as 11.69%. The proposed garage is planned to be adjacent to the current driveway and is a 2-story structure with 2nd level unfinished. The city code prohibits the garage can’t be used as accessory dwelling. Structure will include 2 garages and will include stone on the front. He noted the new structure siding would need to match the principal structure.
- Possible actions by Planning Commission include three options: recommend approval with CUP conditions, denial of CUP with findings, or table for more information.
- Yoshimura -Rank inquired about the elevation where garage is to be placed. The engineer stated there will be a foot ½ of material needed in the back to level structure on the southside.
- Azman noted the structure must match the existing siding. The submittal including an old picture of the home.
- Cremons asked if it is a Slab on grade building. The planner confirmed, as well as 1 tree on the backside, and then shrubs behind. The property to the north has a similar side structure. This is a 1969 original house and owner is making improvements to structure.
- Marc Asch inquired to be sure that the 2nd floor is not to be used as a rental or home structure. Administrator Kress confirmed this will be a condition of the CUP. If violation of the conditions of the CUP, this would be a violation of the structure and could be requested to take down.
- Hara noted the property to the South goes into a gully and the neighbor may not view it in the summer with full leaf cover.

- Ostlund inquired about the size of the lot as there were 2 acreage numbers noted in the report. Page 16 of narrative notes a 1.11 acre site whereas the drawing indicates 1.3 acres. Chair Azman noted the survey confirms 1.36 acres. Ramsey County reflects 1.11 which may not include the right away. Engineer stated as presented it meets conditions and is a legal non-conforming use.
- Applicant Doerffler stated he based the FAR calculation based on the official survey. Has a growing family and needs the space items to store additional items. There are no plans currently to build it out, but in the future may want entertaining space for friends and family. The applicant stated the design, siding, roof and windows of the structure will match identical to home which was redone a few years back.
- The architectural style to match will be put as a condition.
- Chair Azman called the public hearing to order at 7:28 p.m.

**MOTION by Asch, seconded by Yoshimura-Rank, to open the public hearing at 7:28 p.m.
Motion carried unanimously by roll call vote.**

- Matthew Rowles, 2 South Deep Lake Road, neighbor across the street. Has reviewed the applicant packet and has no objection to this project.
- Yoshimura-Rank inquired if any significant trees may be affected by the project. The applicant noted there is an Oak tree to the South, smaller oak tree to southeast, and a walnut tree that would need to be taken down. The City Forester has also tagged an oak tree on opposite of property with oak wilt to be removed at the same time.
- Staff concluded that the conditions have been met for a CUP and recommended approval.

MOTION by Ostlund, seconded by Yoshimura-Rank, to close the public hearing at 7:31 p.m.

MOTION by Yoshimura-Rank, seconded by Asch, to approve the CUP for 1 SOUTH DEEP LAKE TRAIL, subject to conditions put forth by staff. Motion carried by 7-0 vote.

- Chair Azman noted that the Planning Commission has made a recommendation for approval, and that the application will now go for final review to the City Council at their September 8, 2022 meeting.
- Commissioner Asch noted that applicant may need to wait on removal of diseased tree until no-threat for spreading after it freezes. Applicant will connect with the City forester.

b. Discussion on Sherwood Trail development site including trails and remnant parcels.

- Liaison Hara noted in the last meeting it was stated parcel B284 and B294 were for future road. The 2 parcels were excluded from the Nord Development. He believes they were deliberately and specifically carved out of the 55-acre Nord development. The trail map that

was included in the development agreement indicated a trail running through the 2 orphan parcels which connects to a trail at Red Maple Lane.

- If a road was the intended use, it would be in the back yard of homes on North Deep Lake Road and Red Maple Lane, and future Nord homes. It would serve no purpose except for use as a NOHOA trail. He feels the orphan parcels were not intended to be a road. The development agreement was crafted carefully over several years, he believes the orphaned parcels were originally designed to connect the west and east trail systems.
- Rezoning the 2 orphan lots provided the developer the opportunity to create new lots. The existing trail was heavily used for cross country skiing. A new trail connection was made and a culvert was put in place to allow a new trail to be put in place. This new connection needs work as it gets very muddy. Hara is concerned that residents didn't get enough back in return for giving up these orphan lots and trail.
- Commissioner Cremons stated the North Oaks news articles made it sound like something shady happened. The lots were owned by the Company and the City didn't get anything because the Company already owned them. The lots were created in 1973 when RLS 284 was developed and owned by the North Oaks Company, which was 26 years before the PDA was finished. He stated the 60 foot right away is the size of a road, vs. a 30-foot-wide section for a normal trail easement. If you look at the PDA map, there are several trails which have shifted over the years. The 1999 map was a guess as to what would happen over next 30 years, it wasn't clearly identified what the layout would look like other than give the option to allow between 10 -13 lots. No one knew the exact house locations or trails. If it was designed as a trail, it runs 1,100 feet through a wetland. He is concerned the 2 lots are being treated as if they are the same. The one lot of 1.27 acres has nothing to do with LePoutre's lot 1 and source of sewer dispute. It is completely independent of the orphan lots – which are a skinny one and smaller rectangle lot to the South. It appears to be land leftover when the road was built and agrees it is a complicated story.
- Asch mentioned those lots were part of NOHOA, and the City council and 8th amendment removed them.
- Commissioners had a chance to share their perspectives and Chair Azman moved to the next agenda topic.

COMMISSIONER REPORTS

- No reports.

NEXT MEETING

The next regular Planning Commission meeting will be Thursday, September 29, 2022 at 7:00 p.m.

ADJOURN

MOTION by Yoshimura-Rank, seconded by Asch, to adjourn the meeting. Motion carried unanimously by roll call. Meeting ended at 7:46 p.m.

Kevin Kress

Kevin Kress, City Administrator

Mark Azman

Mark Azman, Chair

Date approved 3-9-2023