

The Planning Commission Workshop was called to order at 7:00 p.m. by Chair Katy Ross, at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota.

Present were Chair Ross, Commissioners Mark Azman, Stig Hauge, Kara Ries, Nancy Reid, Sara Shah and Joyce Yoshimura-Rank. City Administrator Mike Robertson, City Planner Bob Kirmis, City Engineer Mike Kuno, Recording Secretary Deb Breen and CTV videographers Pat Cook and Maureen Anderson.

Commissioner Ries shared the CTV analytics which indicate the City of North Oaks is 2<sup>nd</sup> in the metro area of viewing public meetings from home, a testament to a strong involved community.

**Approval of Agenda**

**Chair Ross moved to shift the Public Hearing for Wilkinson to after the Nord parcel discussion. Commissioner Ries motioned to approve revised agenda, Commissioner Shah seconded. Agenda was unanimously approved.**

**Approval of Minutes**

**Approval of the March 28, 2019 minutes: Commissioner Reid motioned to approve, Commissioner Shah seconded, all in favor.**

**Approval of March 13, 2019 workshop minutes: after a small correction in Spelling on the March 13<sup>th</sup> minutes, Commissioner Ries motioned to approve, Commissioner Reid seconded, all in favor.**

**Approval of March 28, 2019 workshop minutes: Commissioner Reid motioned to approve, Commissioner Yoshimura-Rank seconded, all in favor.**

**Approval of April 3<sup>rd</sup>, 2019 workshop minutes: Commissioner Ries motioned to approve, Commissioner Shah seconded, all in favor.**

**Preliminary Subdivision – North Oaks Company - Nord Parcel**

City Planner Kirmis reviewed the staff memo which summarized the findings to questions the Planning Commission had asked. The findings include:

**Sherwood Road Access:** He reviewed where access could be provided along Sherwood Road. The County does not expect any conflicts with having an access off of Sherwood and emergency service indicated that response time would be improved. The impact to wetlands is unknown if the road were to be based off Sherwood.

**County Compost site:** Administrator Robertson has spoken to compost site supervisor and was told that the lights are supposed to be off after hours and they will check into it further.

**Zoning Map Update:** The process to revise the zoning map will begin later this summer. The Planning Commission will be the first to review the change, Kirmis believes it would require approval of NOHOA as well as the City Council.

**Recreation zoning:** The City Attorney has researched and confirms that the zoning designations in the PUD supersede the zoning ordinance in any conflict and therefore the Nord parcel is zoned RSM.

**Drainage Issues:** City Engineer Kuno indicated there are 3 designated stormwater ponds in Nord area plan that would mitigate the stormwater requirement. The Rapp Farm development has its own stormwater ponds which were built to handle their stormwater.

**Site Area:** Kuno spoke to the discrepancy of 51 acres in the EAW and 55 acres in the current Nord application. There are 2 lots that are about 2 acres each that are not part of the main parcel and that makes up the difference. The 4-acre difference runs along what appears to be a trail in former maps. Commissioner Ries said the parcel identified as V-284 is now part of the Nord parcel. Parcel B-292 is also part of the proposed Nord subdivision.

North Oaks Company (NOC) Vice-President Gary Eagles said that when Mari Hill Harpur acquired the property from her father, parcels B-292 and V-284 existed in the North Oaks Company name, not the farm name like the other Nord parcels. They were not part of the original Nord subject project. NOC is requesting to replat V-284 and B-292 as part of the current Nord application.

Staff thinks that parcel V-284 was intended to be a trail. Gary Eagles stated that there is not an easement along V-284. NOC has agreed to work with NOHOA to set up a trail to serve the Nord parcel. Commissioner Ries referenced Article 13 of the 1999 PDA agreement which states the applicant is obligated to construct a trail and work with NOHOA on this.

**Trails:** The City Attorney stated that in his review of language in the East Oaks PDA, it is his opinion is that the 880 acres of trails have been provided already with easements granted to NOHOA. Commissioner Ries has asked Kirmis to follow up with Attorney Magnuson for specific citation. Robertson said that circumstantial evidence and the shape of the parcel suggest that this parcel was meant to be a trail leading into the recreation area.

**Cul-de-sac Diameter:** Kuno stated it appeared there would be no impact to wetland impact if the cul-de-sac diameter were increased to 100 feet.

**Wetland Impact:** Kuno said that he asked VLAWMO if they could provide overall wetland impact for East Oaks. They said they did not keep that information. Administrator Robertson confirmed that the City doesn't track it either. He reviewed a few past developments in East Oaks and found no information in the files.

**North Deep Lake Road Flooding** – Kuno indicated that this was a localized situation. Culverts were installed at an incorrect elevation and not maintained. That has been corrected by replacing the culverts at a higher elevation with regular maintenance.

**Crime History** – Information from Officer Burrell was that there is not significant difference between crime in internal vs. external access. Commissioner Shah asked that data from Ramsey County Sheriff's office be analyzed. Robertson stated the data comparison could be tricky between streets with a small amount of homes vs. 1,200 in the internal area. He will talk to the Sheriff's Office about it.

**Remaining Dwelling Numbers** – This topic was anticipated to be addressed at the City Council meeting but that did not occur.

**Additional Commissioner Comments:** Commissioner Ries pointed to additional language in section F in the 1999 agreement regarding the allowance to adjust trail based on environment. She thought that might be why the easement wasn't officially granted yet, because the parcel hadn't been platted. Commissioner Azman read a letter from NOHOA Executive Director Griffin stating NOHOA will accept open space, roads and trails only if they are consistent with the 1999 East Oaks agreement. This is the official response from NOHOA on the trail topic.

Commissioner Hauge asked Commissioner Azman whether he thought the intent of the PUD was for roads to come from perimeter, not internally. Commissioner Azman said road access and lack of a firm trail are still concerns from his perspective. Commissioner Hauge said that it seems the entire problem could be solved, or at least remediated, if the application had remained true to the original agreement. Commissioner Reid indicated that the information put forth now seems much clearer than in the beginning.

**Planner Kirmis reviewed the options for Approval or Denial:**

Commissioners discussed importance of sticking to PUD and PDA agreements while reviewing all applications. Commissioner Ries asked that staff cite the specific sections from the PDA and EAW. Commissioner Shah asked the lawyers on the Planning Commission if they felt the findings for denial were sufficient and that the city is safe from legal issues if they are adopted. Commissioner Reid stated that the City Attorney approved the language for denial and that therefore she thought it was adequate.

**Motion was made by Commissioner Reid to Deny the Nord Parcel preliminary application of subdivision by the North Oaks Company based on the following findings of fact:**

1. The subdivision's proposed access location and street layout is inconsistent with that provided in the EAW which illustrates a cul-de-sac access from the west via Sherwood Road.
2. The subdivision's proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan included in the 1999 PDA
3. The trail plan included in the 1999 PDA requires a well-defined trail within the subject site. Such a trail is not included in the submitted preliminary subdivision plan.

**Motion seconded by Commissioner Ries. All in favor of denial, with Ross abstaining as City Council liaison. The application was denied.**

### **Public Hearing – Preliminary Subdivision – North Oaks Company Wilkinson South Villa Homes**

City Planner Kirmis reviewed the preliminary subdivision application which is located south of Osprey court and west of Centerville Road. The application consists of 36 acres with 4 villa lots which average 1,900 square feet in size. The majority of the site is dedicated to permanent open space. The Comp Plan calls for mixed residential use, including detached single homes and townhomes. The designated RMH zoning allows for the proposed villas. This is subject to the shoreland overlay district of Wilkinson Lake and all lots meet the shoreland requirements. It is site F within the East Oaks PUD, and calls for 10 single family units with potential increase to 13. The PUD does not impose any minimum width requirement, but imposes a 20% max floor area ratio. The subdivision doesn't include parkland as the park requirements were satisfied as part of previous approvals. The Comp Plan states that these lots must have a connected trail plan accepted by NOHOA. Building architecture will be of a similar design and quality to those on Osprey Court and will go through the NOHOA ASC process.

City staff recommends that applicant provide information as to what would happen on the south end of the property as a condition before final subdivision. These conditions would not prevent approval, they're just required before final subdivision approval. Engineer Kuno spoke to the hammerhead turnaround proposed in lieu of a cul-de-sac. He proposed as condition that NOC confirm that it meets fire safety, snow removal and school transportation guidelines. The remainder of the noted conditions are standard engineering conditions. From a staff perspective, the application is consistent with the planned unit subdivision. Exhibit E outlines conditions for either approval or denial.

Commissioner Feedback: Commissioner Ries said the preliminary plan shows this as a gravel road. Administrator Robertson clarified that gravel roads are now not permitted by ordinance. Commissioner Ries reviewed Map of PUD B2 which she believes shows a separate entrance for this area. Commissioner Azman noted that Map B2 has been updated in the 7<sup>th</sup> amendment and shows the street carrying through from existing Wilkinson development to the north.

### **Public Hearing was opened at 9:20 p.m.**

Tom Watson, 45 East Pleasant Lake Road. He does not recall a road connection between site E and Site F in original plan. He wonders if they connect them, then how they are going to do unit counts in Table 1, appendix 1 as there is not a measure to combine the two.

Bill McNeill, 7 Sunset Place. For the end of the road, he would like to see a cul-de-sac instead of a hammerhead for access for snow plows and ease of maintenance. From his experience as part of NOHOA road committee, he suggested this would be helpful for Mel's Service plowing and recommends a 100-foot cul-de-sac if possible. There are pros and cons of hammerhead vs. cul-de-sac. Cul-de-sac is more road surface to plow vs. a smaller road. He wondered if the holding pond could be moved south to provide more room for a cul-de-sac. Engineer Kuno thought they may need to remove a lot in order to do a cul-de-sac.

North Oaks Company Vice-President Gary Eagles stated that the maps were concept drawings back in 1999 and were not meant to be specific. He mentioned North Oaks Company was part of the wetland banking program that was established in the early 1990's.

**With no further Comment Chair Ross closed public hearing 9:33 p.m.**

Commissioner Azman said the only issue is the turn-around for him. Commissioner Ries would like to see how the southern part of the land is going to be used. Commissioner Hauge sees the proposed 4 units as a natural extension of the existing villas. North Oaks Company indicated that the Summit and Pines both have hammerheads, but they are not quite the same and very difficult to maneuver around. Commissioner Ries doesn't believe it the proposed extension was contemplated in 1999 and has concerns whether it was planned for in East Oaks EAW.

Mark Houge, President of NOC confirmed in the proposed application the access would terminate with the 4 lots. Other proposed lots further south would access off of Centerville Road or from the Hill farm lot. They are open to looking at the cul-de-sac option if necessary. Hauge mentioned it is an unofficial 55+ community so busing may not be a huge issue. NOC confirmed they have met with residents on Osprey Court as recently as November's annual meeting, and they are aware that Osprey Court always planned to be extended. Houge stated the connection to the trail off Osprey Court is accessed by walking down the street just as residents on Osprey currently do to reach the trail

Engineer Kuno stated the roadway width is standard to others in North Oaks at 24 ' wide. They did ask the applicant to check to ensure fire trucks can access it. It may need to be less than a 100' cul-de-sac given the wetlands. NOC confirmed it was a conscious decision to preserve the land to the south.

Commissioner Azman doesn't see the hammerhead as a big issue. Commissioner Ries is concerned about hammerhead and possible safety issues with maintenance and garbage trucks backing up. Commissioners Hauge and Azman feel the subdivision seems to be in line with agreements. Commissioners Shah and Ries have concerns with the hammerhead end. Commissioner Reid asked if they can recommend approval based on the condition that there would be no access from Wilkinson to new single family lots to the south. Kirmis stated that he does not believe they could connect to the south since they are separated by a large wetland.

Commissioner Azman referenced language in the East Oaks PDA that development can be done in a phased approach and thought that applied to this proposal. Other commissioners mentioned this verbiage could also be referencing phases by site, not necessarily phases within a site. Commissioners Ries and Hauge requested to take out Item #37 about making any approved subdivision part of the East Oaks PDA. Kirmis said the condition was to try and memorialize any approvals and that he would look for another way to do that. Chair Ross, Commissioners Ries and Reid believe that having the NOC come back to City Council

with answers to these concerns would be not fulfilling the Commission's role to fully assess application.

**Commissioner Azman motioned to approve the Wilkinson application with 39 conditions, adding the cul-de-sac option and removing condition #37.**

**Commissioner Hauge seconded. Commissioners Shah, Ries, Reid, and Yoshimura-Rank opposed. Ross abstained. Motion failed 2-4.**

**Commissioner Ries motioned to deny the Wilkinson Application based on recommended findings of fact:**

**1) As a result of the withdrawal of the East Oaks concept plan, a conceptual subdivision layout for the southern one-half of the subject site has not been provided. Approval of the preliminary subdivision prior to the receipt and review of such concept plan for the remainder of Site F is considered premature.**

**2) Comments have not been received from the local fire department of the proposed "hammerhead" turn around. Approval of the preliminary subdivision prior to Fire Department approval of the proposed "hammerhead" turn around design is considered premature.**

**3) The subdivision's proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan included in the 1999 PDA.**

**Commissioner Yoshimura-Rank seconded. In favor to Deny the application were Commissioners Ries, Shah, Reid and Yoshimura-Rank. Commissioners Hauge and Azman opposed, and Ross abstained. Application was Denied 4-2.**

#### **2040 Comprehensive Plan Update**

Chair Ross suggested the Commission postpone its review of the final Comp plan to the May meeting, with the plan to be submitted to Council in May. Commissioners are asked to closely review and submit any comments to Gretchen prior to next meeting.

Chair Ross stated the next Planning Commission meeting will be held May 30, 2019 at 7:00 p.m.

#### **Adjournment:**

**Commissioner Hauge motioned to adjourn, Commissioner Yoshimura seconded, and all unanimously approved. Meeting adjourned at 10:42 p.m.**