

## **Planning Commission Meeting**

**March 28, 2019**

**7:00 PM**

### **Call to Order:**

Chair Ross called the meeting to order at 7:00 pm.

### **Roll Call:**

Present: Chair Katy Ross, Commissioners Mark Azman, Stig Hauge, Nancy Reid, Kara Ries, and Sara Shah.

Staff: City Administrator Mike Robertson, Recording Secretary Gretchen Needham, City Planner Bob Kirmis, City Attorney Dave Magnuson and City Engineer Paul Pearson.

Absent: Commissioner Joyce Yoshimura-Rank.

### **Approval of Agenda:**

**Commissioner Reid moved to approve the agenda. Commissioner Hauge seconded. Motion approved unanimously.**

### **Approval of Minutes:**

**Commissioner Ries moved to approve the February 28, 2018 meeting minutes with an addendum to the citizen comments section. Commissioner Reid seconded. Motion approved unanimously.**

### **Concept Plan Withdrawal — North Oaks Company — Red Forest South, Gate Hill, and Island Field Developments and Event Center**

Chair Ross explained that the North Oaks Company (NOC) has withdrawn their concept plan for Red Forest South, Gate Hill, and Island Field Developments and the Event Center.

### **Planning Commission Questions/Feedback**

Administrator Robertson asked if the Planning Commission had any feedback or questions for NOC regarding the withdrawn concept plan. Commissioner Reid let the community know that language in the Comp Plan about a road connection to Centerville Road was removed.

Commissioner Reid asked why the Nord Parcel wasn't withdrawn. She thought that all six areas should be reviewed or none of them should proceed. Commissioner Hauge asked about the number of units and the differing opinions on the count of remaining units. He would like clarification on the number of units from NOC.

Commissioner Ries wanted to remind NOC that any development is done for the benefit of the community and the residents. Historically, new roads coming into the community were limited, in order to protect safety, traffic, and privacy. She echoed Commissioner Hauge's concern for clarification of the numbers of units. Commissioner Ries would like to see an update on the remaining areas and how they are affected by any withdrawal. The decennial review is coming soon and will be important for understanding the totality of the development proposal. City Ordinance, Section 152 outlines subdivisions, including how any development plan is approved.

Commissioner Ries would like to see lists of all information requested so that documents can be found and the proper due diligence followed by the Planning Commissioners.

Commissioner Shah also wants clear numbers on remaining units. She wants a collaborative approach for getting supporting documents and understanding historical context. She does not support an event center. Commissioner Azman cited a statute that allows the Planning Commission 120 days in order to consider the development application. He wants to make sure both ordinance 151 and 152 are properly understood as they apply to the development application. An updated count is needed for each phase of the development; for example, he would like to better understand how a condo is converted to a dwelling unit, and how that affects the count. Commissioner Azman raised the question of whether or not a new environmental assessment worksheet (EAW) is required. Commissioner Ries added that how the dwellings are counted is important, and that the Planning Commission needs NOC to inform them on that. Chair Ross noted that the Comprehensive Plan is being worked on, and that it also applies to the East Oaks Development. She reiterated the need for clear numbers and a desire to see the plan as a whole. The feedback from residents will help inform future applications from NOC.

NOC President Mark Houge said the housing count NOC submitted is their count. Commissioner Shah says that the updated numbers are Exhibit D in her packet, dated March 20, 2019. Commissioner Ries said that the original document with updated numbers was sent to the City in October of 2018; the Planning Commission only received the document on March 20, 2019. She asks that the documents are received in a timely fashion.

Commissioner Hauge questioned the housing unit numbers listed in Exhibit B-1.2, E-2, site 603: 192 total units, but NOC holds the rights to 178, with the remainder held by Presbyterian Homes. President Mark Houge confirmed that the number is 178 units, and Tom Watson, 45 East Pleasant Lake Road, agreed that the 192 number should indeed be 178. Administrator Robertson says it's up to the City to decide on the final number of units.

City Planner Kirmis reviewed the portions of a memo dated March 28, 2019 about the withdrawn concept plan. He recommends that prior to the consideration of future submissions, that the applicant provide a revised concept plan for all phases including all numbers of units. **Commissioner Azman moved to close the public hearing regarding the Concept Plan due to the withdrawal of Red Forest South, Gate Hill, and Island Field Developments and the Event Center concept plans. Commissioner Reid seconded. Motion approved unanimously, Chair Ross abstained.**

#### **Public Hearing — Preliminary Subdivision — North Oaks Company — Nord Parcel**

City Planner Kirmis gave an overview of the Nord Parcel proposal, which consists of 55 acres of land northwest of Deep Lake, with a plan for 10 single family lots. The lots would be a minimum of 1.1 acres. Access to the subdivision would be from North Deep Lake Road via a cul-de-sac. Wetland mitigation will be required in some of the area. Both the 2030 Comp Plan and the current draft of the 2040 Comp Plan have low-density residential land use recommended for

this area. The site is zoned RMM (residential multi-family, medium density) although the 1999 East Oaks PDA references a zoning of RSM (residential single-family, medium density); in the case of conflict, the terms of the PDA apply, so RSM will be the zoning in the Nord Parcel. The project as proposed will be a complete build out of the site. A specific trail has not yet been outlined, but the applicant has expressed interest in providing a trailway.

Commissioner Ries questioned the zoning of lots 9 and 10, which she believes are at least partially zoned recreational. She notes that NOHOA's input is needed for any trails, parks and recreational areas.

Commissioner Azman asked if the application is considered complete, since the updated numbers were only recently supplied for Nord Parcel. City Attorney Magnuson replied that since no objection to the application was filed within 10 days of submittal, the application is deemed complete under state law.

City Engineer Pearson from Sambatek suggested that fire and police departments comment about any emergency response needs for this parcel. Estimated traffic is 100 vehicles per day (calculated by 10 vehicles per day per lot), which the City Engineer feels can be accommodated by the existing street system. He noted that roads in North Oaks can handle approximately 1,000 vehicles per day. He proposed that the diameter of the cul-de-sac be increased to 100 feet. The amount of wetlands to be mitigated is 0.23 acres, with a 2 to 1 ratio of mitigation credits required. The Vadnais Lake Area Water Management Organization (VLAWMO) would provide recommendations on wetland mitigation once a final plan is submitted. Commissioner Reid mentioned that the 1999 East Oaks PDA called for an access street coming in from Sherwood Road, and she asked why that changed to North Deep Lake Road; Engineer Pearson did not know why and suggested that the NOC could address that question.

Administrator Robertson said that emergency response time to the Nord area is 13 minutes, which is the longest response time in North Oaks. Commissioner Ries asked that traffic and safety studies be conducted for Nord Parcel and other phases as they come up for application. She asked whether some sort of noise barrier was needed on the north side of the property due to the Ramsey County Recycling Center being located to the north. City Engineer Pearson said he had no opinion on that.

Commissioner Azman asked about the zoning of lots 8 and 9, which appear to be zoned for open space on the City's zoning map. Planner Kirmis says he will have to research this.

NOC President Mark Houge said they considered the road coming in from North Deep Lake Road better than Sherwood Road from a privacy and safety point of view, and it also keeps encroachment on wetlands to a minimum. Ramsey County would need to give approval for a connection from Sherwood Road into the Nord subdivision. There has been no discussion to connect this parcel to Rapp Farm. Commissioner Hauge asked about negotiations with NOHOA about trails in this parcel; Mark Houge said they have suggested a trail that would connect with

current trails. Commissioner Reid asked if they would consider road from Sherwood during the construction process to reduce traffic on North Deep Lake Road. Mark Houge said they would.

**Chair Ross opened the Public Hearing at 8:39 p.m.**

Franny Skamser Lewis, 3 Red Maple Lane. She would like the road to access from Sherwood Road as outlined in the 1999 East Oaks PDA and to minimize impact on the wetlands. She's concerned about the increase of traffic on the surrounding roads. She asks that the Nord Parcel not be approved until after it is compliant with the East Oaks 1999 PDA, the 2040 Comp Plan, and any additional EAW that is needed.

Leanne Savereide, 4 Red Maple Lane, notes that the 1999 East Oaks PDA says that 0.03 acres of wetlands will have to be mitigated, while the current plan is to mitigate 0.23 acres.

Susan Hinrichs, 55 East Pleasant Lake Road, points out that the change from 0.03 acres to 0.23 acres is a sevenfold increase. She would like an independent review of whether or not a new EAW is needed.

Don Nightingale, 11 Nord Circle, gave background and historical context for the 1999 East Oaks PDA. In the past, roads did not come into North Oaks as a trade off to the higher density developments being allowed on the periphery. The trail system is the connectivity within North Oaks. He asked that the Planning Commission reject the current Nord proposal due to the trail issue.

George Brushaber, 3 Black Lake Court, disagrees with the 100-car estimate for vehicle traffic because it doesn't take into consideration deliveries.

Dave Plummer, 14 North Deep Lake Road, spoke about EMS response time and how it would be faster with access from Sherwood Road and asks that this be considered strongly by the Planning Commission.

Steve Butts, 3 Aspen Lane, says that the road should come in from Sherwood Road.

Mary Topel, 16 North Deep Lake Road, is concerned about drainage in the North Deep Lake Road area.

Tom Woods, 1 Black Lake Road, would like NOC to adhere to the 1999 East Oaks PDA. He thinks subject matter experts should be brought in to weigh on the plans put forth by NOC.

Kathie Emmons, NOHOA Board President, 20 Duck Pass Road, suggested that experts be consulted for traffic studies and environmental impacts. NOHOA has met with NOC and area residents to try to resolve the trail issue. She asks that the Planning Commission stay with the contract agreed to in the 1999 East Oaks PDA.

Kirsten Long, 1 Chickadee Lane, would like to know what triggers a new EAW; she believes there are thresholds that require a new study.

Lisa Dujmovic, 15 Black Lake Road, questions the numbers being used for evaluations written about in Staff memos. She notes that the EAW may be affected by incorrect numbers. She wants to know the Planning Commissioners' opinions on a road connection from Centerville Road into North Oaks.

Bob Cameron, 15 Hay Camp Road, is concerned about drainage and water runoff when the development in Nord is built. He would like an expert to review the plans regarding grading.

Peter Bailey, 30 North Deep Lake Road, has construction debris strewn near his property and the nearby marsh due to construction in Rapp Farm. He asks that the impacts of building this development be carefully monitored.

Cheryl Moore, 29 North Deep Lake Road, wants Sherwood Road to be used as the connection road instead of the proposed road in from North Deep Lake Road.

Tom Foley, 7 Duck Pass Road, would like assurances that a trail is put in Nord Parcel: he wants to see the trail outlined before the Nord project is accepted as final.

Leanne Savereide, 4 Red Maple Lane, would like NOC to stick to the original East Oaks PDA regarding the Sherwood Road entrance and the 0.03 wetland mitigation number. She doesn't agree with the NOC current proposal for a trail and would like to see a different configuration.

Rich Dujmovic, 15 Black Lake Road, is frustrated with the count of units, which has changed various times and still does not make sense to him. He also doesn't agree with the calculation of commercial space outlined. He cited a City ordinance regarding "lot area requirements" for residential single-family units. Emergency response is important, but he feels the tradeoffs for privacy are important as well.

Rob Fitzer, 11 Hay Camp Road, would like to see the road into Nord Parcel come out of Sherwood Road or else connect with Rapp Farm Place.

Mark Asch, 34 North Oaks Road, sees trade-offs for lack of speed for emergency response in return for privacy.

**With no further comments, Commissioner Azman moved to close the public hearing regarding the Nord Parcel at 10:12 p.m. Commissioner Ries seconded. The motion was approved unanimously.**

Chair Ross summarized that the citizen comments revolved mostly around trails, road access, wetlands, and the count of housing units. Commissioner Hauge suggested starting with the road as there's only two options. Commissioner Reid would like to see a study of different road configurations. Commissioner Azman believes the application was not complete due to the lack

of complete numbers and other missing documentation, and in that case, the 120-day time period starts now and the Planning Commission would then have more time to consider the proposal. Commissioner Azman would like to ask NOC to propose a designated trail. He also questioned the zoning of lots 8 and 9. He would like to see if Ramsey County would allow access to the property from Sherwood Road.

Commissioner Ries wants to make sure NOHOA is brought into the conversation about trails. She wants a 1-to-1 count in the future for housing units and for the City to stay true to its zoning. Commissioner Shah points out that the order in which items are decided, such as the road and trail placement, will affect one another.

NOC President Mark Houge outlined the options, which are to approve the plan, reject the plan, or continue discussion on the plan. He suggested the Planning Commissioners consider the latter.

City Planner Kirmis said that changing the road entrance would require an entirely new application from NOC for the Nord Parcel. Commissioner Azman suggested making a condition with any approval to require conceptual plans for each phase of the development. He asked if the Planning Commission could make a motion on the housing unit count. Administrator Robertson said they could.

President Mark Houge suggests the experts at VLAWMO be brought in to consult upon the wetlands portion of the application.

Susan Hinrichs, 55 East Pleasant Lake Road, feels the change in the measurement of wetlands to be mitigated from 0.03 to 0.23 is significant.

Chair Ross summarized that the Planning Commission can approve the application for Nord, reject the application, or table the discussion until the next Planning Commission meeting. Attorney Magnuson explained that a rejection of the application would require the Planning Commission to supply cause for a rejection through findings, which the City staff would prepare.

Commissioner Ries asked President Mark Houge if NOC would consider changing the road configuration, and he responded that they would consider it. Commissioner Azman asked if the Commission could have an additional 30-day extension; President Mark Houge said they would not agree to that. Gary Eagles, of NOC, said that the original wetlands measurement was created without surveys and delineations and was an estimate.

Administrator Robertson and City staff will check into the following issues:

- Check if Ramsey County is okay with a road connection to Sherwood or a connection to it for a construction access;
- Have Sambatek's EAW specialist attend the next meeting to discuss the EAW;
- Review the impacts on wetlands;

- Have the City Attorney provide a legal opinion on the ability of the City to require a trail;
  - Review the open space zoning of the two proposed parcels;
  - Check if Ramsey County will allow driveway access to Sherwood road for the proposed two parcels on the East Preserve property;
  - Seek opinions on emergency access from the fire chief and sheriff's office;
- Commissioner Ries made a motion to amend the PUD ordinance to make submittal of a concept plan a requirement of any application for development and a revised updated count for all housing units be required before any future preliminary subdivision plans are accepted. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Shah made a motion to table the vote on the Nord Parcel. Commissioner Azman seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Reid made a motion to table the vote on Wilkinson South Villa Homes. Commissioner Ries seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Hauge made a motion to table discussion of the Comp Plan. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Adjournment:**

**Commissioner Hauge made a motion to adjourn. Commissioner Reid seconded. The motion was approved unanimously. The meeting ended at 11:36 pm.**

**Next Planning Commission Meeting: Thursday, April 25, 2019**