



CITY OF NORTH OAKS

Regular City Council Meeting
Thursday, May 09, 2024
7:00 PM, Community Meeting Room, 100 Village Center Drive
MEETING AGENDA

Remote Access - City Council members will participate in person in Council Chambers (Community Room, 100 Village Center Drive, Suite 150, North Oaks, MN) and from the following locations: (John Shuman - 680 North Orange Avenue, Orlando, FL, 32801 Members of the public are welcome to attend. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 890 5825 7977 or by joining the meeting via the following link: <https://us02web.zoom.us/j/89058257977>

1.Call to Order

2.Roll Call

3.Pledge of Allegiance

4.Citizen Comments - Members of the public are invited to make comments to the Council during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Council on items raised during the public comment period unless the item appears as an agenda item for action.

5.Approval of Agenda

6.Consent Agenda - These are items that are considered routine and can be acted upon with one vote.

6a.Approval of Fireworks Permit Requests for North Oaks Golf Club - June 1st, 2024 and June 8th, 2024
[Fireworks Permit App 6.1.24.pdf](#)

[Fireworks Permit App 6.8.24.pdf](#)

6b.National Police Week Proclamation May 12-18, 2024
[Proclamation - Police Week - North Oaks.pdf](#)

6c.Licenses for Approval:

Arborist: Clean Cut Outdoor Services

Mechanical: Master Gas Fitters, Inc.

6d. Approval of City Council meeting minutes of 4.11.2024
[4.11.2024 Council minutes Draft db2.pdf](#)

6e. Approval of City Financials

7. Petitions, Requests & Communications - Deputy Matt Lassegard Report

7a. Deputy Lassegard Report - NOT IN ATTENDANCE (report is attached)
[MAY2024CouncilMeeting.docx](#)

8. Unfinished Business

9. New Business

9a. Consider Conditional Use Permit for home height in excess of 35 feet for property located at 8 Sherwood Trail.
Consider driveway setback variance.

[2024-05-09 CC packet_ 8 Sherwood Trail.pdf](#)

9b. Consider Ordinance amending City Code XV, Chapter 151, regarding garage definitions and garage size standards
[2024-05-09 CC Packet_garage size ordinance.pdf](#)

9c. Consider License Plate Reader Pilot program and safety and security initiatives

9d. Discussion and possible action on water meter pits and meter proposal along Centerville Road
[4-18-24 Water Meter Pit Proposal.pdf](#)

9e. Consider Resolution accepting resignation and declaring vacancy
[Memo re JS Resignation .pdf](#)

[NO Resolution Council Vacancy JS.pdf](#)

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

13. Miscellaneous

13a. April 2024 City Forester Report
[April in Review.pdf](#)

14. Adjournment - *The next meeting of the City Council is*

(FOR USE BY LOCAL JURISDICTIONS)

SAMPLE APPLICATION / PERMIT
OUTDOOR PUBLIC FIREWORKS DISPLAY

Applicant instructions:

1. This application is for an outdoor public fireworks display only and is not valid for an indoor fireworks display.
2. This application must be completed and returned at least 15 days prior to date of display.
3. Fee upon application is \$ _____ and must be made payable to _____

Name of Applicant (Sponsoring Organization): Hollywood Pyrotechnics, Inc.

Address of Applicant: 1567 Antler Point, Eagan MN 55122

Name of Applicant's Authorized Agent: Bennie Netzley

Address of Agent: 1567 Antler Point, Eagan MN 55122

Telephone Number of Agent: 651-454-7976 Date of Display: June 1st, 2024 Time of Display: Dusk (9:30pm)

Location of Display: 14 West Pleasant Lake Road, North Oaks MN 55127

Manner and place of storage of fireworks prior to display: Fireworks are stored in our BATFE certified magazines and transported to the display site the day of the display.

Type and number of fireworks to be discharged: All fireworks are 1.3G professional use fireworks up to 3" diameter, requiring 210 feet of safety distance per NFPA 1123. Complete list attached.

MINNESOTA STATE LAW REQUIRES THAT THIS DISPLAY BE CONDUCTED UNDER THE DIRECT SUPERVISION OF A PYROTECHNIC OPERATOR CERTIFIED BY THE STATE FIRE MARSHAL.

Name of Supervising Operator: Sheila Twomey Certificate No.: O 0993

Required attachments. The following attachments must be included with this application:

1. Proof of a bond or certificate of insurance in amount of at least \$ _____
(Suggested Amount: \$1.5 million minimum)
2. A diagram of the ground at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained.
3. Names and ages of all assistants that will be participating in the display.

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any: _____

I understand and agree to comply with all provisions of this application, MN Statute 624.20 through 624.25, MN State Fire Code, National Fire Protection Association Standard 1123 (2006 edition), applicable federal law(s) and the requirements of the issuing authority, and will ensure that the fireworks are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Signature of Applicant (or Agent):  Date: 4/22/24

Signature of Fire Chief/County Sheriff: _____ Date: _____

Signature of Issuing Authority: _____ Date: _____



Bennie Netzley
Manager / Display Operator

Hollywood Pyrotechnics, Inc.
1567 Antler Point
Eagan, MN 55122
bennie@hollywoodpyrotechnics.com
651-454-7976 or 651-454-7975 fax
1-866-PYRD411 (797-6411) toll-free
763-218-1638 mobile

Additional Information
for
North Oaks Fireworks Display
June 1st, 2024

Assistants and age for the Fireworks Display

Crew	Age
Sheila Twomey	48
Bert Rowe	64
Ellie Fregni	47



Bennie Netzley
Manager / Display Operator

Hollywood Pyrotechnics, Inc.
1567 Antler Point
Eagan, MN 55122
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Site Survey
North Oaks Fireworks Display
June 1st, 2024



Shoot site is a set of baseball diamonds in the park central to North Oaks on Pleasant Lake Road. The site easily supports a safety distance of 210 feet (allowing for 3" display material per the NFPA and State guidelines of 70' per inch diameter of shell). The site allows for some movement away from the primary audience of heavy wind conditions exist from the North West. The Audience line also has some variation options in case of wind. The display will be electronically fired and will have monitors and fire suppression on hand at the display site. Display length is about 5-6 minutes and ranges from 1/2" multi-shot cake effects to 3" display shells.

(FOR USE BY LOCAL JURISDICTIONS)
SAMPLE APPLICATION / PERMIT
OUTDOOR PUBLIC FIREWORKS DISPLAY

Applicant instructions:

1. This application is for an outdoor public fireworks display only and is not valid for an indoor fireworks display.
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3. Fee upon application is \$ _____ and must be made payable to _____

Name of Applicant (Sponsoring Organization): Hollywood Pyrotechnics, Inc.

Address of Applicant: 1567 Antler Point, Eagan MN 55122

Name of Applicant's Authorized Agent: Bennie Netzley

Address of Agent: 1567 Antler Point, Eagan MN 55122

Telephone Number of Agent: 651-454-7976 Date of Display: June 8th, 2024 Time of Display: 10pm

Location of Display: North Oaks Country Club, 54 E Oaks Rd.

Manner and place of storage of fireworks prior to display: Fireworks are stored in our BATFE certified magazines and transported to the display site the day of the display.

Type and number of fireworks to be discharged: All fireworks are 1.3G professional use fireworks up to 3" diameter, requiring 210 feet of safety distance per NFPA 1123. Complete list attached.

MINNESOTA STATE LAW REQUIRES THAT THIS DISPLAY BE CONDUCTED UNDER THE DIRECT SUPERVISION OF A PYROTECHNIC OPERATOR CERTIFIED BY THE STATE FIRE MARSHAL.

Name of Supervising Operator: Bennie Netzley Certificate No.: B 0829

Required attachments. The following attachments must be included with this application:

1. Proof of a bond or certificate of insurance in amount of at least \$ _____
(Suggested Amount: \$1.5 million minimum)
2. A diagram of the ground at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained.
3. Names and ages of all assistants that will be participating in the display.

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any: _____

I understand and agree to comply with all provisions of this application, MN Statute 624.20 through 624.25, MN State Fire Code, National Fire Protection Association Standard 1123 (2006 edition), applicable federal law(s) and the requirements of the issuing authority, and will ensure that the fireworks are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Signature of Applicant (or Agent):  Date: 4/22/24

Signature of Fire Chief/County Sheriff: _____ Date: _____

Signature of Issuing Authority: _____ Date: _____



Bennie Netzley
Manager / Display Operator

Hollywood Pyrotechnics, Inc.
1567 Antler Point
Eagan, MN 55122
bennie@hollywoodpyrotechnics.com
651-454-7976 or 651-454-7975 fax
1-866-PYRD411 (797-6411) toll-free
763-218-1638 mobile

Additional Information
for
North Oaks Fireworks Display
June 8th, 2024

Assistants and age for the Fireworks Display

Crew	Age
Bennie Netzley	44
Bert Rowe	64
Jeremy Solomon	51



Bennie Netzley
Manager / Display Operator

Hollywood Pyrotechnics, Inc.
1567 Antler Point
Eagan, MN 55122
bennie@hollywoodpyrotechnics.com
651-454-7976 or 651-454-7975 fax
1-866-PYRO411 (797-6411) toll-free
763-218-1638 mobile

Site Survey
North Oaks Country Club
June 8th, 2024



Shoot site is the North Oaks Country Club Golf Course. The site easily supports a safety distance of 300+ feet (allowing for 4" display material per the NFPA and State guidelines of 70' per inch diameter of shell). The site allows for some movement away from the primary audience of heavy wind conditions exist from the Southwest. The display will be electronically fired and will have monitors and fire suppression on hand at the display site. Display length is about 7-8 minutes and ranges from 1/2" multi-shot cake effects to 4" display shells.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/19/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ryder Rosacker McCue & Huston (MGD by Hull & Company) 509 W Koenig St Grand Island NE 68801	CONTACT NAME: Kristy Wolfe PHONE: 308-382-2330 FAX: 308-382-7109 E-MAIL ADDRESS: Kwolfe@ryderinsurance.com
	INSURER(S) AFFORDING COVERAGE INSURER A : SCOTTSDALE INS CO INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

INSURED
 Hollywood Pyrotechnics Inc.
 1567 Antler Point
 Eagan MN 55122

COVERAGES **CERTIFICATE NUMBER:** 1096403786 **REVISION NUMBER:**


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS4043287	5/15/2023	5/15/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			FWS0000009	5/15/2023	5/15/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.
 Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.
 Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below per attached form CG 20 01 when required by written agreement.
 The City of North Oaks, Minnesota, and North Oaks Home Owner's Association are additional insured as respects the aerial fireworks display on 6/3/2023 located at 14 West Pleasant Lake Road, North Oaks MN 55127.

CERTIFICATE HOLDER

CANCELLATION

North Oaks Home Owner's Association 100 Village Center Drive, Suite 240 North Oaks MN 55127	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Proclamation

WHEREAS, In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week; and

WHEREAS, National Police Week was established by a joint resolution of the United States Congress in 1962; and

WHEREAS, There are approximately 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Ramsey County Sheriff's Office; and

WHEREAS, Everyday law enforcement officers are the first to be on the scene to help those in need and are dedicated to serving the community; and

WHEREAS, National Police Week pays special recognition to law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, Over 43,000 assaults against law enforcement officers are reported each year, resulting in approximately 15,000 injuries, and assaults against officers in Minnesota have increased by over 120% in the last two years; and

WHEREAS, Since the first recorded death in 1786, over 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including members of the Ramsey County Sheriff's Office; and

WHEREAS, The names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, In 2023, 136 officers were killed nationwide in the line of duty and their names will be added to the National Law Enforcement Officers Memorial this spring; and

WHEREAS, The service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's Candlelight Vigil on May 13, 2024; and

WHEREAS, On May 15, 2024, the service and sacrifice of all officers killed in the line of duty will be honored by the National Law Enforcement Officers Memorial Fund and the Minnesota Law Enforcement Memorial Association; and

WHEREAS, The service and sacrifice of Ramsey County suburban law enforcement officers killed in the line of duty will be honored during the Ramsey County Suburban Law Enforcement Memorial Ceremony on May 16th, 2024; Now, Therefore, Be It

PROCLAIMED, The North Oaks City Council designates May 12 - 18, 2024 as Police Week in Ramsey County, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Krista Wolter, Mayor

Attest:

Kevin Kress, City Administrator

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
April 11, 2024**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Krista Wolter. Councilors Mark Azman, John Shuman, Sara Shah, Tom Watson
Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, City Planner Mike

Nielsen

Others Present: Videographer Ninenorth Sam

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

Kevin Kress read a citizen comment letter from resident Katie Robertson questioning the need for licensing pets in the City, and asking for Council to consider eliminating this requirement within the ordinance. **The complete letter is attached to the minutes.*

Rich Dujmovic, 15 Black Oak Road, thanked Council for their service. Several residents have contacted him this week regarding the Met Council discussions which are occurring with the City. He feels many residents selected their homes based on the RSL low density designation, and is concerned about any discussions that result in Met Council requiring additional density. He looks forward to a public hearing on this topic.

5. APPROVAL OF AGENDA

Administrator Kress asked to Met Council application withdrawal letter for consideration as item 9c.

MOTION by Shah seconded by Watson, to approve the Agenda as revised.

Motion carried unanimously by roll call vote.

6. CONSENT AGENDA

6. Consent Agenda - *These are items that are considered routine and can be acted upon with one vote.*

6a. Approval of Licenses:

Arborists: Balsam Tree and Shrub; B4K Tree Industries; Central Minnesota Tree Service; Expert Tree; Primo Tree Experts LLC; Renstrom Tree Service; Rivard Tree Service; Vital Tree Service, LLC;

Mechanical: Air America Heating & Cooling, Inc.; B & D Plumbing, Heating & A/C; Don's Mechanical; Heating & Cooling Two; Little Igloo Heating & Air Condition, Inc.; Metro Gas Installers; Titan Heating & Cooling Inc.

6b. Approval of City Council Minutes from: Special meeting on 2.8.2024 and Regular City Council Meeting on 2.8.2024

6c. Approve resolution accepting donation – Aging in Place Grant

6d. Approve resolution for CUP for building height in excess of 35 feet for property located at 1 Sherwood Trail

6e. Approve resolution for CUP for building height in excess of 35 feet for property located at 2 Sherwood Trail

6f. Approve resolution for CUP for Garage Size in Excess of 1,500 Square Feet and Building Addition at 70 West Pleasant Lake Road

6g. Resolution approving septic variance at 4 Dove Lane

6h. Resolution approving septic variance at 6 Badger Lane

6i. Accept 2023 Audited Financials

6j. Approval of City Financials - EFTs: 820e – 323e, 827e – 843e, Checks #15255 - 15307

MOTION by Shuman, seconded by Azman, to approve the Consent Agenda as presented. Motion carried unanimously by roll call vote.

Watson inquired why Audit was in consent agenda. Kress noted it is an acceptance of Audit. Watson noted that in the future he would prefer the auditor to come present to Council to note whether clean audit and summary of findings.

Shah thanked the Planning Commission for doing the heavy lifting and careful review of all the CUP's and Variance requests.

7. PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Matt Lassegard Report

Deputy Lassegard presented a summary of his monthly report which includes:

- 150 Calls for service. The most notable was a car approaching a young child asking them to get in the car, which thankfully they did not. Requests that parents please speak to their children about stranger safety, go in pairs, know their address and phone number, and to be honest – don't be afraid to tell adult if something suspicious or unusual like this happens.

- Animal complaints - ensure that residents are on same page with keeping their pets in check and in their yards. Residents have a right to walk in road without being accosted by pets in street.
- Overall it's been quieter in neighborhood. Contractor vehicles will be in area now and will pick up now through fall. Suggest MN public history criminal database to see if public criminal record. Recommend vet your contractors and those doing business with.
- There was a car driving down Ridge Road at high rate of speed and doing donuts on golf course. They have been unable to get additional information on it at this time.
- Recommended to bring back out the speed monitor and keep moving it around the community. Will request NOHOA bring it back out.
- Watson asked about the increase in PPV (police proactive patrol) incidents listed on the daily Sherriff report. He noted this is often when visiting an area proactively to safeguard a home, a street that has had issues in past, or when they have meetings, etc.
- The next block captain meeting is April 16th at 6:30 p.m.

8. UNFINISHED BUSINESS

8a. Consider ordinance amending City Code Title XV, Chapter 151, Regarding Solar Energy Systems

- Planner Lindahl noted that a year ago Incarnation Church approached the City regarding possibility for ground solar. Council asked the Planning Commission to investigate this issue. They had several vendors in as well as the originator of the model solar ordinance. They have drafted an ordinance which outlines conditions such as: CUP required, must be in RSM district, minimum 10-acre lot, solar array must be in side or rear yard, meet principal building setbacks and possible landscape buffer required.
- Council can choose to adopt ordinance, or direct staff to revise.
- Shah noted that Planning Commission has thoroughly vetted the ordinance, however deferred to City Council to determine the acreage minimum. She noted that many surround communities are now allowing ground mounted solar and wondering if we should make it even more accessible to more properties than just the larger 10-acre RCM lots. Screening term could be subjective and NOHOA ASC may be more equipped to address screening requirements.
- Azman feels that screening should be part of the ordinance, and wouldn't support it at 2 acres. The report states 46 parcels would meet requirements if allowed ground solar on properties with 3 ½ + acres.
- Watson asked if Incarnation still meets the parking requirement if they were to take some parking spots for solar on the ground.
- Lindahl noted that if the Ordinance passed, Incarnation would still need to apply for CUP and go through the review process.
- Wolter wanted to be sure that the height listed in the ordinance meets the height of ground solar. Lindahl noted the state ordinance sample is at 15 feet in height.
- The City has not had any ground mounted solar requests at this time.
- Shah noted the positive impact solar energy has on reducing carbon emissions.

MOTION by Watson, seconded by Azman, to approve draft ordinance as presented in the packet.

Mayor Wolter noted she would be in favor of allowing it on 3 ½ acre lots in RSM district by CUP process.

Shah was like to reduce the 10 acres to 3 ½, changing 12 to 15 feet, and requiring screening to being approved by NOHOA ASC.

Planner Lindahl stated for RSM with 10 acres minimum it would be applicable for only 3 properties. If it is changed to 3 ½ acres, then 20 properties could apply.

Azman would be in favor of 3 ½ acres, 15 feet in height maximum, with screening.

Watson is in favor of moving forward with 10 acres and 15 feet in height, and adjust if necessary when applicants with smaller lots start coming forth requesting ground solar.

MOTION by Azman, seconded by Watson, to amend the motion on the table to approve to Section D1a. for RSM district to substitute 10 acres with 3 ½ acres, and section 3. Height shifting from 12 feet to 15 Feet in height allowed. Motion carried unanimously.

Shah noted screening is referenced in 4 and 9b. Wolter just wants to make sure it is clear and not too vague.

The primary MOTION has been amended by Watson, seconded by Azman, to approve with the amendments. Motion carried unanimously.

MOTION by Watson, seconded by Azman, to approve Ordinance 146 and Summary Resolution 1515 summary. Motion carried unanimously.

9. NEW BUSINESS

9a. Consider Ordinance amending City Code, Title XV, Chapter 151, Regarding Building heights and Setbacks in the RSL – Residential Single-Family Low-Density District

- Lindahl noted the working group and Planning Commission have reviewed this several times. In the February Planning Commission meeting the commission agreed on the height of 6 feet. There was a lot of discussion by Planning Commissioners on the number of 6 feet which would be required to get to a walk out. Some Commissioners thought perhaps CUP's for excess height, as long as not more than the maximum 42 feet, did not need to come to Planning Commission for review. The revised ordinance in the packet was approved by vote of 6-1.
- Kress read comments by resident Franny Skanser-Lewis, 3 Red Maple Lane, opposing the increased height or easing of procedural requirements to approve excess building height. Asks they remain as exist. ** Ms. Skanser-Lewis' full comments are attached to the minutes.*
- Kress noted that the CUP process has remained the same for many years, these revisions help to clarify the setbacks and heights. There is NO change to the max 42 feet in height that is already in the Ordinance.

- Watson is concerned with the policy regarding the 3-foot water table in the Surface Water management plan, agreed upon by VLAWMO. He feels it should be greater than 3 feet to accommodate wetter seasons.
- The architecture of current homes are being built with higher peaks. The revised verbiage clarifies which side of home needs to have the extra setback.
- Wolter asked to discuss section 3i and 3c
- Shah has issues with 3c. She is not sure if there is enough clarity in the moving of the land restrictions.
- Watson inquired if this ordinance would impact some of the current projects going on in regards to in-fill for remodels. Determining the bottom height of height measurement could be ambiguous. Azman thought that the CUP for fill would address those issues.
- Shah wants to be sure the revised ordinance will be clear for tear down and rebuilds.
- Azman stated the revised ordinance provides more measurements to this and is a good compromise.

MOTION by Azman, seconded by Watson, to move to Adopt Ordinance 145 and Resolution 1516 Summary as presented.

- Azman feels that the complaints by the Red Maple neighborhood are alleviated by this revision. Wolter asks about 3c. Azman stated that 3c has more measurable metrics to help clarify “Naturally suited”, than in the prior ordinance.
- Shah feels that moving 8 feet should be acceptable if sufficient by Planning Commission.
- Vertical height measurement is from grade to highest point in home.
- Wolter asked about 7d. and requirement of basement and 2 full stories. There are several traditional homes within North Oaks that have a walk-up story into attic. Kress noted those would be legal non-conforming and could be rebuilt that way, but the new ordinance would prevent a brand-new home to be built with 4 stories.
- Mark Houge, North Oaks Company, stated it would be extremely helpful to have this clarified for new homeowners so they know what they can build. He feels builders need 2 feet grade up to allow for drainage slope. The garage floor must also be a step up into the main level floor. He feels the new verbiage also helps clarify the side setback. Interpret it to say “before grading” that there must be 6 feet of natural grade change for a walk out. Houge feels the 6 foot as presented is reasonable.

Motion carried unanimously.

- Mayor Wolter would like the subcommittee to take a look to ensure ordinances are suited to encourage and promote redevelopment of lots within older sections as plan in future of North Oaks.
- Administrator Kress stated the subcommittee will keep this in mind as they review ordinances.

9b. Consider resolution supporting retention of City zoning

Attorney Nason shared that MN State legislation HB4009 and HB4010 which were introduced during the current Minnesota legislative session that would minimize the authority of local

government that would override local zoning authority. The LMC shows that HB 4009 will not move forward this season, HB 4010 meets in subcommittee tomorrow. This would require City to accept different forms of multifamily housing within residential single-family zoning districts, eliminate ability of City to impose a FAR, require accessory dwelling units be permitted on single family lots, and allow multi-family housing be permitted in Commercial districts. Private covenants such as NOHOA are not impacted by the State proposals and would still apply such as restrictions on lot splits.

The Council packet includes a Resolution that the City opposing the Minnesota state legislation that removes controls at the local level. If approved, the Resolution would be sent to MN legislature and committee chairs to reinforce the City position on this matter. Private covenants or restrictions would still apply and not allow multi-unit dwellings, lot splits, etc.

Shah asked if our legal teams has talked to the NOHOA legal team to strengthen their rules if need be. Nason stated that they have not, they would wait to see what had been passed at the State level and then reach out accordingly.

MOTION by Shah, seconded by Watson, to approve Resolution 1518 to maintain local control of zoning matters. Motion carried unanimously.

Watson noted there is only two weeks for these matters to make it through both legislatures, however it is possible it may also get amended to other unrelated bills.

Shah encouraged residents to call their local legislators on this matter.

MOTION by Shah, seconded by Watson to change the Resolution 1518 to 1517. Motion carried unanimously.

9c. Discussion to withdrawn the Met Council request to provide municipal sewer and water to Red Forest Way

- Back in 2023, the City received from the North Oaks Company subdivision application for Red Forest Way Phase 2 with sanitary Sewer and municipal Water. There was discussion on adding municipal sewer and water for part of this Red Forest Way area. City made a Comprehensive plan amendment to allow MUSA connections for part of the Red Forest Way as part of the emerging suburban edge designation. This was submitted to Met Council and was met with immediate pushback. There was Met Council Staff review, and community development committee recommended it presented a significant departure from system plans that require emerging suburban edge that it doesn't meet 3 units per acre requirement. The Met Council was going to require the City to force us to modify our PDA plan to require density. All political avenues have been exhausted and it is clear the Met Council will deny the application.
- At this point, Council can let the process play out, or the City can withdrawal the action and let the process end.
- In summary, Met Council is saying if you change your density requirement then we will consider your request, but still no guarantee that they will approve the sewer and water.

- Mark Houge, North Oaks Company, would like the application withdrawn because the Met Council has been unwilling to hear our arguments. They have said yes 2 times previously that is not a substantial departure, with St. Paul Regional water and conservation area. Met Council is now saying it is a substantial departure and would require more density. North Oaks Company and City would both like to withdrawal at this point, and leave the ability to reapply with a different request that would satisfy their requirement. The Company does plan to come back and ask City to reapply with Met Council with: 3 less lots in Red Forest Way on sewer, count the 14 Villas of Wilkinson Lake lots, and taking out the 45 acres of the Hill owned properties. With these adjustments, the proposal should meet the density requirements. If resubmit, also may be able to get White Bear Water and fire hydrants on the east side of North Oaks.
- The new application would be a mix of septic and sewer with the exact same density.
- The Council can withdrawal the request, or request Met council to table it.
- Houge stated that most lots in Red Forest Way can still use septic and water, but there are a few that would need alternate arrangements.

MOTION by Shah, seconded by Azman, to approve Resolution 1518 to withdrawal the request to Met Council. Motion carried 4-1, Watson Nay.

10. COUNCIL MEMBER REPORTS

- Councilor Azman and Administrator Kress stated the Fire Board meeting asked if our Council was in favor of one City doing the bonding with other Cities paying into it, or each City do their own funding. Estimated the total cost minus state portion is 17 million, and the City has budgeted accordingly in the capital fund. There is cost savings by 1 City doing it. Shah in favor of cost savings. Shoreview, Arden Hills and North Oaks would all be in this. Arden Hills has expressed desire to have their own bond. Fire Relief Association is talking about moving to PARA, this would dissolve the need for the Association.
- Councilor Shah noted since the governance model was voted down in Fire Board, a consultant will look at other options. She also encourages families to get out and enjoy earth day and take advantage of the City free seedling program.
- Councilor Shuman attended the VLAWMO meetings which continues to stress the importance of improving quality of Pleasant Lake quality. Would like to meet again to discuss license plate recognition program with task force and NOHOA to ensure aligned with verbiage. Would then like to bring it to the next Council meeting.
- Councilor Watson would like to get meeting scheduled with Deputy Rammacher and then bring it to Council. Watson would like Mark Houge to summarize their proposed changes for Red Forest and circulate to Council, and would like to minimize any interaction with Met Council. On the White Bear MOU, would like to share with residents what is in the agreement and how it may impact residents. There are methods to conserve water that can be put in place. Watson and Cremons will put together resident communications as reach transition point to the new contract. Kress noted City will need to put in 9 gate valves along exterior of the City in which the water can be shut off, and for use in reading meters.
- Mayor Wolter reminded residents of the brush pick up late May. She thanked Attorney Nason for keeping the City up to date on the legislative matters, and also encouraged residents to call their representatives if do not agree with the content of the bills taking away local authority for zoning matters.

11. CITY ADMINISTRATOR REPORTS

Administrator Kress mentioned they will bring to subcommittee the current animal license ordinance to determine if prudent to consider: 1) remove requirement for licensing pets every 1 – 3 years based on rabies vaccination date and putting this responsibility back on homeowners, 2) moving to a 1-time license pet system, or 3) look at modeling it off of Shoreview animal Ordinance.

12. CITY ATTORNEY REPORTS

None.

13. MISCELLANEOUS

13a. City Forester Report

City Forester January reports for January 2024 and February 2024 were included in the packet.

14. ADJOURNMENT

MOTION by Watson, seconded by Azman, to adjourn the meeting at 9:55 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

Krista Wolter, Mayor

Date approved_____

PUBLIC SAFETY REPORT

Deputy Matt 651-448-1890

Matt.lassegard@co.ramsey.mn.us

○ 179 CALLS FOR SERVICE

▪ NOTABLE

- Suspicious White 1994 Ford Econoline van (FJE713) States he is conducting research. Call if in neighborhood. Been warned.
- 3 Animal complaints. 1 dog bite
- PPV's at Spring Farm, South Deep Lake Road, Black Oak Road
- 7 groups of children fishing. Most had a North Oaks kid in the group.
- 2 Solicitor calls.
- 28 Traffic Stops

○ SAFETY AND SECURITY

- WALKING. Left side of the road with reflective vest and flashlight.
- SOLICITING SEASON. No soliciting allowed in North Oaks. City does not give permits. Please call 911 when they are seen.
- DO NOT CALL DEPUTY MATT FOR IMMEDIATE ISSUES. I am always available to talk and help fix problems.

PLANNING REPORT

TO: North Oaks City Council

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget McCauley Nason, City Attorney
Michael Nielson, City Engineer

DATE: May 3, 2024

RE: Conditional Use Permit for Building Height in Excess of 35 feet and Driveway Setback Variance at 8 Sherwood Trail

Date Application Submitted	January 25, 2024
Date Application Determined Complete:	February 2, 2024
Planning Commission Meeting Date:	February 29, 2024
60-day Review Date:	March 25, 2024
Planning Commission Meeting Date:	March 28, 2024
Planning Commission Meeting Date:	April 25, 2024
City Council Meeting Date:	May 9, 2024
120-day Review Date:	May 24, 2024

REQUEST

Scott Hockert of Hanson Builders has requested approval of a conditional use permit (CUP) to allow the construction of a new home at 8 Sherwood Trail to be 44.2 feet in height where 35 feet in is the maximum height permitted in the City Code and a variance to allow an 11-foot setback from the wetland and a 25-foot setback from the side lot line where 30 feet is required for both. The applicant's narrative is attached, as well as building elevations, a survey and a site plan for the proposed structure.



p 651-792-7750
f 651-792-7751



northoaks@northoaksmn.gov
www.northoaksmn.gov



100 Village Center Drive, Suite 230
North Oaks, MN 55127

PLANNING COMMISSION REVIEW

The Planning Commission opened the public hearing for the CUP request and continued it to the March 28th meeting so that it could be reviewed with the variance application.

The Planning Commission reviewed this item at the March 28th meeting. The Commission discussed the building height conditional use permit and driveway setback variance. The Commission continued the item to the April 25th Planning Commission meeting so the full Commission could be present. The Commission asked the applicant to provide alternatives for how the driveway could serve a home in the location shown.

Following the meeting, the applicant provided updated plans with two development options showing the two required 5,000 square foot septic sites, however, the secondary septic site does not meet setback requirements and would need to be revised or a variance would be required:

- Option 1: shows the application reviewed last month. This is a 12-foot wide driveway with a variance to allow a 25-foot setback from the west property line where 30 feet is required and an 11-foot setback from wetland #9 where 30 feet is required.
- Option 2: shows a new concept. This is a 10-foot wide driveway with a variance to allow a 12-foot setback from the wetland where 30 feet is required.

At the April 25, 2025 meeting, the Commission:

1. Voted 4-2 to recommend approval of Variance – Option 1, based on the findings and conditions in the staff report.
2. Voted 6-0 to recommend denial of Variance – Option 2 based on the findings in the staff report.
3. Voted 6-0 to recommend approval of the conditional use permit with the condition that the building should have a 3-foot minimum elevation difference from the basement finished floor elevation to the groundwater elevation, as determined by a geotechnical engineer by a soils investigation.

On May 1, 2024, the applicant submitted a plan that shows a 10-foot driveway resulting in a 25-foot setback from the property line and a 13-foot setback from the wetland where 30 feet is required (updated Option 1). The plans also show two 5,000 sq. ft. septic sites that meet setback requirements. This new plan is attached.



BACKGROUND

The site is currently undeveloped. The property is in the East Preserve (Nord) development. Final approval for this subdivision was granted in 2022.

Zoning and Land Use

The property is guided Low Density residential and is zoned Residential Single Family – Medium Density (**RSM-PUD**). Homes greater than 35 feet in height are subject to the conditional use permit (CUP) standards and process in Section 151.051(D.1) (conditional uses), Section 151.076 (CUP review criteria) and Section 151.079 (CUP procedure) of the Zoning Code, as detailed in the East Oaks PDA.

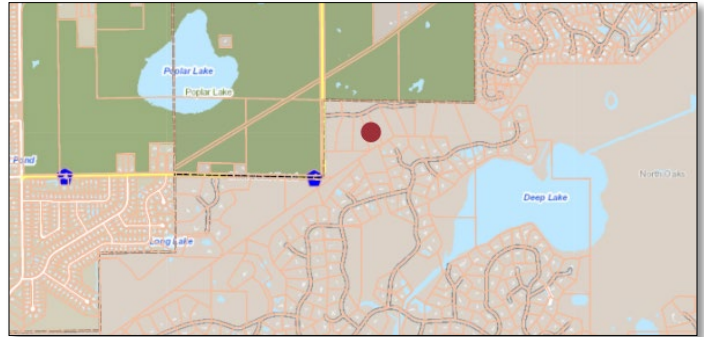


Figure 1 - Subject Parcel

The 2.6-acre property is located along Sherwood Trail, east of the intersection of Sherwood Trail and Sherwood Road (County Road 4).

PLANNING ANALYSIS

Building Height

The applicant is requesting a CUP to allow the southern (rear) elevation of the proposed home to exceed 35 feet in height. Elevations provided by the applicant show the proposed home to be 44.2 feet in height along the side and rear facades. The front facade of the home is 34.9 feet in height. Building height is defined as the vertical distance from grade to the top ridge of the highest roof surface in Section 151.005 of the Zoning Code.

Building Setbacks

The proposed single-family home exceeds the 30-foot minimum setback requirements at all property lines and street easements. The front elevation is set back 272.9 feet from the roadway easement. The side elevations are 50.5 feet from the east property line and 55.8 feet from the west property line. The rear elevation is setback more than 200 feet from the rear property line. The building complies with the setback requirements.





Size

The applicant has provided a FAR worksheet showing 8.25% FAR. Plans must be in compliance with the maximum 12% FAR requirement at the time of review by the Building Official.

Wetlands

There are two wetlands on the site. The Code requires a 30-foot setback from the wetlands and VLAWMO encourages a 30-foot wetland buffer. The Code also requires that driveways be 30-feet from the property line. A setback variance is required to construct the driveway at the proposed location.

The applicant has submitted a letter dated April 12th from VLAWMO stating that they would support the reduced buffer on either option if the developer used buffer averaging. However, regardless of VLAWMO's position on the buffer policy, the City Code requires the driveway to be set back 30 feet from the wetland.

The approved plans for the Nord development showed the home site at the front of the lot, which would have eliminated the need for the driveway variance but would have required a very steep driveway. It is the applicant's responsibility to show that the practical difficulties exist, and that the mandatory criteria for issuance of a variance are met before the City Council can approve the required variance. Without a variance from the wetland and side lot line setback requirements, the house cannot be constructed as proposed.

Septic

Section 51.01 of the City Code requires the plans to show the location of two septic systems, each 5,000 sq. ft. in size, which complies with setbacks and will be protected during construction.

The plans submitted on May 1, 2024 (updated Option 1) show the two 5,000 sq. ft. septic sites meeting setback requirements. Supporting documentation from a licensed SSTS professional is required prior to issuance of a building permit.

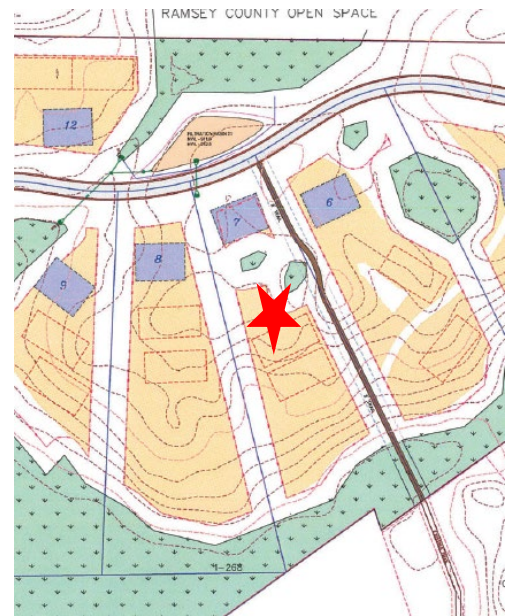


Figure 2- preliminary plans



Trees

At the February Planning Commission, the Commission asked for more information about the tree removal on site. City Administrator Kress noted that the tree removal was part of the subdivision approval and is complete. At the request of the Commission, the applicant has provided information from NOHOA about the required plantings.

Building Height CUP

To allow a conditional use permit for a home greater than 35 feet in height, Section 151.05(D.7) of the Zoning Code requires that the following criteria be considered:

1. *The front elevation of the building does not exceed 35 feet in height at any point;*

The proposed front elevation does not exceed 35 feet at any point.

2. *The building height at any other elevation does not exceed 45 feet;*

The building height at the rear and side elevations does not exceed 45 feet.

3. *The environmental and topographical conditions of the lot prior to building development are naturally suited to the design of a building with an egress or walkout level;*

Based on review of the plans, topography of the site and Ramsey County GIS, the proposed home and walkout level appear conducive to the site's natural layout in this location. Prior to construction, the City will review all erosion control measures to ensure that the construction project does not adversely affect the surrounding environment. The City Engineer will make periodic site visits during construction to ensure all erosion control measures are fully complied with.

4. *Buildings shall be limited to a basement and 2 full stories. Finished areas within the roof structure will be considered a full story;*

The proposed home is two full stories with a basement walkout.

5. *Any time the side or rear elevations of a building exceeds 35 feet in height within 50 feet of adjacent lot lines, the building line shall be setback an additional 2 feet from the adjacent setback line for each foot in height above 35 feet; and*

The home has been designed to meet the 50-foot setback.



6. *Section 151.083 is complied with.*

The applicant has complied with the fees associated with Section 151.083.

In addition to the standards identified for the specific CUP request, the City must also review the conditional use permit request against the standards in Section 151.076 of the City Code. Staff has reviewed the request against those standards:

1. *Relationship of the proposed conditional use to the Comprehensive Plan;*

The proposed use is consistent with the uses anticipated in the Comprehensive Plan and the permitted uses in the single family zoning district.

2. *The nature of the land and adjacent land or building where the use is to be located;*

The use is consistent with the surrounding land uses.

3. *Whether the use will in any way depreciate the area in which it is proposed;*

The proposed single-family should not negatively impact adjacent property values.

4. *The effect upon traffic into and from the land and on adjoining roads, streets, and highways;*

The proposed use will not create a traffic impact.

5. *Whether the use would disrupt the reasonable use and enjoyment of other land in the neighborhood;*

The proposed single-family home use will not cause a negative impact to the use and enjoyment of other land in the neighborhood.

6. *Whether adequate utilities, roads, streets, and other facilities exist or will be available in the near future;*

There are adequate utilities, roads, streets, and other facilities available to the property.

7. *Whether the proposed conditional use conforms to all of the provisions of this chapter;*

The proposed request is compliant with the City's zoning code.



8. *The effect up natural drainage patterns onto and from the site;*

Finished grading will work with existing drainage patterns.

7. *Whether the proposed use will be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city;*

The use as proposed will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city;

9. *Whether the proposed use would create additional requirements at public cost for public facilities and services and whether or not the use will be detrimental to the economic welfare of the neighborhood or city; and*

As proposed, the use will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the neighborhood or city.

10. *Whether the proposed use is environmentally sound and will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, land, or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare, or orders.*

Beyond initial construction activity, and based on erosion control requirements, the proposed residential use and grading activity will not be detrimental to the environment or surrounding area.

Driveway Setback Variance

At the Planning Commission's request, the applicant has provided two concepts for the driveway location. Both alternatives have significant variance requests. It is difficult to evaluate a variance request for two different options because the language in the Code asks if it is the minimum action necessary and clearly there are alternatives.





Option 1 (the one submitted for review and approval):

1. A 12-foot wide driveway (at the narrowest point)
2. A variance for a 25-foot setback from the west property line where 30 feet is required (83% of the required setback)
3. A variance for an 11-foot setback from Wetland #9 where 30 feet is required by Section 151.050(F)(1) of the City Code (37% of the required setback)
4. Shows two 5,000 sq. ft. septic sites but the secondary site does not meet the minimum setback of 30 feet from structures, wetlands and property lines
5. The reduced setback results in 470 sq. ft. of wetland buffer impact and the creation of 555 sq. ft. of new buffer.

Option 2:

1. A 10-foot wide driveway (at the narrowest point)
2. A variance for a 25-foot setback from the west property line where 30 feet is required (83% of the required setback)
3. A variance for a 12-foot setback from Wetland #9 and Wetland #7 where 30 feet is required by Section 151.050(F)(1) of the City Code (40% of the required setback on each wetland)
4. Shows two 5,000 sq. ft. septic sites but the secondary site does not meet the minimum setback of 30 feet from structures, wetlands and property lines
5. The reduced setback results in 360 sq. ft. of wetland buffer impact and the creation of 386 sq. ft. of new buffer.

Option 1 requires less of a variance when the setback variation from the required side yard setback and wetland setback is evaluated but it impacts more sq. ft. of buffer than Option 2 according to the applicant's plan.

This lot was platted as part of the Nord subdivision. That subdivision plan showed building pads for all of the lots up near the street with septic systems in the rear yard, however, several of the adjacent lots did push the home to the back of the lot. They were able to have that flexibility because they do not have the wetlands in the middle of the lot like 8 Sherwood.

The variance being requested is so that the builder can move the building pad to the back of the lot to accommodate a home with a walkout. The Commission asked the applicant to provide two options. The City must now consider each option as a separate application and they are evaluated below:





Option 1 Variance

Section 151.078 of the Zoning Code requires that the following criteria be considered and a variance only be granted when it is demonstrated that following standards have all been met:

(1)(a) Their strict enforcement would cause practical difficulties because of circumstances unique to the individual land under consideration, and the variances shall be granted only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

The applicant argues that they bought the lot, entered into a purchase agreement with a buyer and the house they want to build does not fit on the front building pad. Hanson Builders argues that this creates a practical difficulty because they cannot build a home like the others they are building in the neighborhood without the driveway variance and placing this house up by the street will look out of character with the other homes in the neighborhood.

The Council could find that there is no practical difficulty and the landowner simply needs to develop a home plan that fits the lot without the need for a variance. The final plans/plat for Red Forest Way South Phase 1 showed the house pad on the front of the lot. The approvals for the subdivision were based on the approved plans and due diligence as part of the land purchase should have identified this home site. The City Code prohibits the creation of parcels that are unbuildable, and the developer showed a driveway and home site that they deemed buildable when the lot was created.

b) PRACTICAL DIFFICULTIES means the land in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the land owner is due to circumstances unique to the land in question which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.

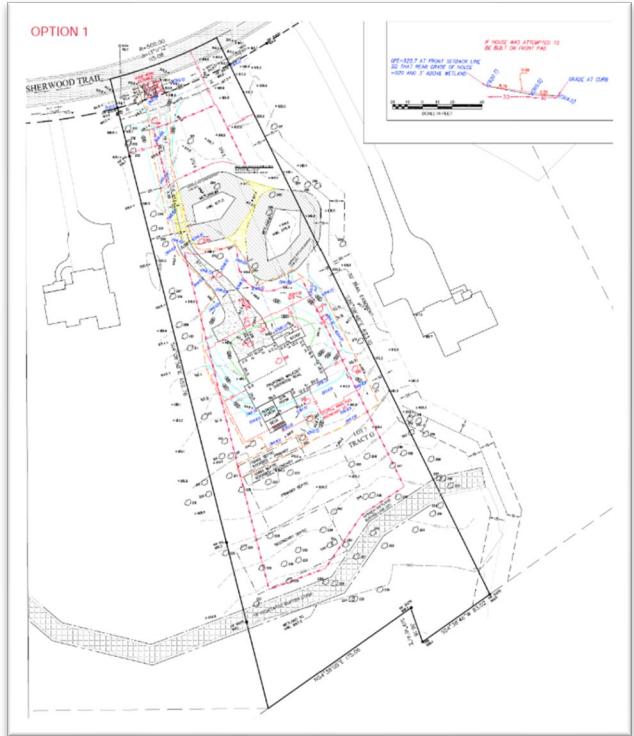


Figure 3-Option 1



Hanson Builders has provided a detailed narrative outlining what they believe are the practical difficulties that necessitate the variance. They argue that the small building pad in the front of the lot is out of character with other homes in the neighborhood and the home needs to be behind the wetlands to build the home the buyer wants. They also make the argument that that the driveway would be too steep if they built on the house pad in the front of the lot. The City Engineer has reviewed the plans and concurs that the originally approved home site would require a driveway grade in excess of 10% in order to meet the code requirements for the low floor elevation of the home and that is in excess of standard practice.

The City Council must evaluate whether or not the original building pad proposed by The North Oaks Company and approved by the City is a reasonable location or whether the location is not feasible and creates a practical difficulty. The Council could agree with Hanson Builders that the house they designed does not fit on this lot, but find that is not a practical difficulty, because a different home could be designed to work with the site conditions and not require a variance. The Council could find that while not ideal, a driveway with a grade in excess of 10% could be constructed and such driveways do exist in the region.

(c) Economic considerations alone shall not constitute an undue hardship if reasonable use for the land exists under the terms of this chapter.

The variance request is not driven solely by economic considerations, but the Council must first answer the question of whether a practical difficulty exists that requires the home to be built on the rear of the lot triggering the need for the variance from the wetland setbacks for the new driveway.

The Council could find that if there is a practical difficulty and that it is not driven entirely by economic considerations. Alternatively, the Council could find that there is no practical difficulty and that the variance is driven by economic considerations so the applicant can build a larger home in the rear of the lot.

(d) A variance may not be granted for any use that is not permitted under this chapter for land in the zone where the affected person's land is located.

The variance would not allow a use that is not permitted under this chapter.

(2) Subject to the above, a variance may be granted only in the event that all of the following circumstances exist:



(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the land have no control;

The two wetlands in the center of the lot are unique to this lot. The applicant's narrative argues that there are unique circumstances because placing the home near the street would be out of character with the other homes in the neighborhood and to avoid the wetlands the home needs to be moved to the rear of the lot if a walkout is to be built. If the home is moved to the back of the lot the driveway cannot be built without driveway variances.

However, the Council could find that the approved plans showed the home site on the front of the lot and a home could be built there but would require a steep driveway grade and/or a smaller house than others in the neighborhood. The City of North Oaks has many lots with wetlands, and this is not a unique circumstance.

(b) The proposed uses is reasonable;

The applicant states that the proposed variance is reasonable because the building pad at the front of the site where originally approved is not feasible for the home they wish to build. The proposed home is reasonable as it is a comparable size and style as the adjacent homes.

The Council could find that in North Oaks homes should be built to the particular site conditions and expecting every lot to support every home type is not reasonable. The parcel has a buildable home site as approved with the plat and a smaller home with a steep driveway grade could be built in that location.

(c) That the unique circumstances do not result from the actions of the applicant;

Hanson Builders was not involved in the original platting or lot layouts of this development and are simply trying to work with the constraints for this lot.

Alternatively, the Council could find that the owner had a responsibility to understand the site constraints before purchasing the lot and designing the home, circumstances of the lot are not unique to the lot and the builder has alternatives to build on this vacant lot.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;



The Council could find that the site constraints require the home to be placed on the rear of the lot, which creates the need for the driveway setback variance and granting the variance does not grant special privileges.

Alternatively, the Council could find that the developer provided a building pad site at the front of the lot to avoid this exact circumstance and granting the variance would confer special privileges to the applicant.

(e) That the Variance requested is the minimum variance which would alleviate the practical difficulties;

The applicant argues that the variance is the minimum action needed to alleviate the practical difficulties on site because the house they want to build won't fit on the approved building pad site and that a house that could fit would be out of character with the neighborhood. The variance is the minimum action necessary to allow the builder to build the selected home plan on this lot.

Alternatively, the Council could find that the variance is not the minimum action necessary as the driveway width could be reduced from 12 feet to 10 feet to reduce the variance. The Council could find that there is no practical difficulty because the building pad site as approved can be developed but simply requires the builder to develop a smaller house plan that works with the existing site.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

N/A





Option 2

Section 151.078 of the Zoning Code requires that the following criteria be considered and a variance only be granted when it is demonstrated that following standards have all been met:

(1)(a) Their strict enforcement would cause practical difficulties because of circumstances unique to the individual land under consideration, and the variances shall be granted only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

The applicant argues that they bought the lot, entered into a purchase agreement with a buyer and the house they want to build does not fit on the front building pad. Hanson Builders argues that this creates a practical difficulty because they cannot build a home like the others they are building in the neighborhood without the driveway variance and placing this house up by the street will look out of character with the other homes in the neighborhood.

The Council could find there is no practical difficulty, and the landowner simply needs to develop a home plan that fits the lot without the need for a variance. The final plans/plat for Red Forest Way South Phase 1 showed the house pad on the front of the lot. The approvals for the subdivision were based on the approved plans and due diligence as part of the land purchase should have identified this home site. The City Code prohibits the creation of parcels that are unbuildable and the developer showed a driveway and home site that they deemed buildable when the lot was created. Furthermore, there is an alternative (Option 1) with less of a variance required.

b) PRACTICAL DIFFICULTIES means the land in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the land owner is due to circumstances unique to the land in question which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.



Figure 4-Option 2





Hanson Builders has provided a detailed narrative outlining what they believe are the practical difficulties that necessitate the variance. They argue that the small building pad in the front of the lot is out of character with other homes in the neighborhood and the home needs to be behind the wetlands to build the home the buyer wants. They also make the argument that that the driveway would be too steep if they built on the house pad in the front of the lot. The City Engineer has reviewed the plans and concurs that the originally approved home site would require a driveway grade in excess of 10% in order to meet the code requirements for the low floor elevation of the home and that is in excess of standard practice.

The City Council must evaluate whether or not the original building pad proposed by The North Oaks Company and approved by the City is a reasonable location or whether the location is not feasible and creates a practical difficulty. The Council could agree with Hanson Builders that the house they designed does not fit on this lot, but find that is not a practical difficulty, because a different home could be designed to work with the site conditions and not require a variance. The Council could find that while not ideal, a driveway with a grade in excess of 10% could be constructed and such driveways do exist in the region. Or the Council could find that a driveway could be located in a different location with less of a variance required.

(c) Economic considerations alone shall not constitute an undue hardship if reasonable use for the land exists under the terms of this chapter.

The variance request is not driven solely by economic considerations, but the Council must first answer the question of whether a practical difficulty exists that requires the home to be built on the rear of the lot triggering the need for the variance from the wetland setbacks for the new driveway.

The Council could find that if there is a practical difficulty and that it is not driven entirely by economic considerations. Alternatively, the Council could find that there is no practical difficulty, and that the variance is driven by economic considerations so the applicant can build a larger home in the rear of the lot.

(d) A variance may not be granted for any use that is not permitted under this chapter for land in the zone where the affected person's land is located.

The variance would not allow a use that is not permitted under this chapter.

(2) Subject to the above, a variance may be granted only in the event that all of the following circumstances exist:



(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the land have no control;

The two wetlands in the center of the lot are unique to this lot. The applicant's narrative argues that there are unique circumstances because placing the home near the street would be out of character with the other homes in the neighborhood and to avoid the wetlands the home needs to be moved to the rear of the lot if a walkout is to be built. If the home is moved to the back of the lot the driveway cannot be built without driveway variances.

However, the Council could find that the approved plans showed the home site on the front of the lot and a home could be built there but would require a steep driveway grade and/or a smaller house than others in the neighborhood. The City of North Oaks has many lots with wetlands and this is not a unique circumstance. The Council could also find that the landowner has options for a driveway that would result in less of a variance.

(b) The proposed uses is reasonable;

The applicant states that the proposed variance is reasonable because the building pad at the front of the site where originally approved is not feasible for the home they wish to build. The proposed home is reasonable as it is a comparable size and style as the adjacent homes.

The Council could find that in North Oaks homes should be built to the particular site conditions and expecting every lot to support every home type is not reasonable. The parcel has a buildable home site as approved with the plat and a smaller home with a steep driveway grade could be built in that location. Additionally, there is another driveway location that would require less of a variance.

(c) That the unique circumstances do not result from the actions of the applicant;

Hanson Builders was not involved in the original platting or lot layouts of this development and are simply trying to work with the constraints for this lot.

Alternatively, the Council could find that the owner had a responsibility to understand the site constraints before purchasing the lot and designing the home, circumstances of the lot are not unique to the lot and the builder has alternatives to build on this vacant lot and options to locate the driveway to the west with less of a variance required.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;





The Council could find that the site constraints require the home to be placed on the rear of the lot, which creates the need for the driveway setback variance and granting the variance does not grant special privileges.

Alternatively, the Council could find that the developer provided a building pad site at the front of the lot to avoid this exact circumstance and granting the variance would confer special privileges to the applicant.

(e) That the Variance requested is the minimum variance which would alleviate the practical difficulties;

The applicant argues that the variance is the minimum action needed to alleviate the practical difficulties on site because the house they want to build won't fit on the approved building pad site and that a house that could fit would be out of character with the neighborhood. The variance is the minimum action necessary to allow the builder to build the selected home plan on this lot.

The Council could find that there is no practical difficulty because the building pad site as approved can be developed but simply requires the builder to develop a smaller house plan that works with the existing site. The Council could also find that a driveway variance is required but the driveway could be moved to the west and result in less of a variance.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

N/A

Attached for reference:

- Exhibit A: Location Map
- Exhibit B: Approved Nord Plan
- Exhibit C: Applicant Narrative dated April 22, 2024
- Exhibit D: Site Plan Options 1 and 2
- Exhibit E: REVISED Site Plan received on May 1, 2024 (Option 1 updated)
- Exhibit F: Building floor plans and elevations dated January 25, 2024
- Exhibit G: FAR Worksheet
- Exhibit H: City Engineer memos dated February 14, 2024, March 26, 2024 and April 18, 2024
- Exhibit I: VLAWMO letter dated March 9, 2023 and April 12, 2024
- Exhibit J: VLAWMO wetland buffer basics
- Exhibit K: Email from NOHOA dated March 4, 2024
- Exhibit L: Email from Amanda Guanzini
- Exhibit M: Resolution Approving CUP
- Exhibit N: Resolution Approving Variance (option 1)

SUMMARY

Staff finds that applicant does comply with conditional use permit standards for building height in excess of 35 feet as outlined in the staff report. However, the conditional use permit is tied to the variance request, because without the driveway variance the home could not be built as proposed.





ACTION

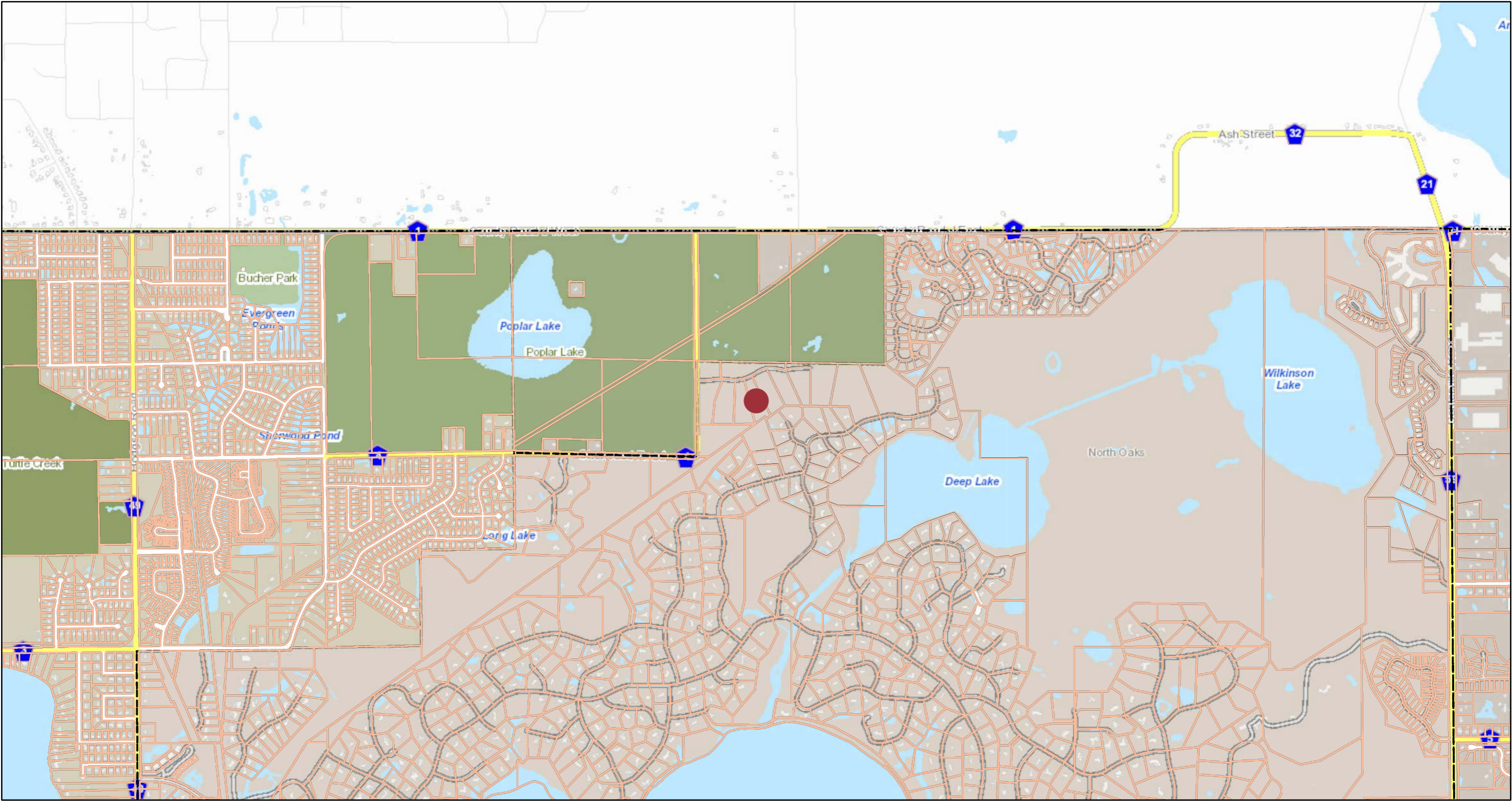
The Council is required to take action the CUP and variance applications. If the Council finds that the grounds for approving the CUP or variances are not met, the Council must deny the same. If the Council finds that the grounds for approval of the CUP and variances have been met, the Council may approve the requested Conditional Use Permit and variances.

Attachments:

1. Resolution approving Conditional Use Permit
2. Resolution Approving Variances



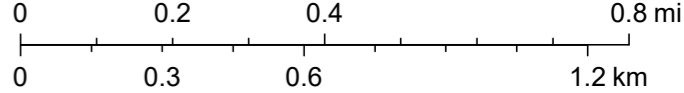
Map Ramsey

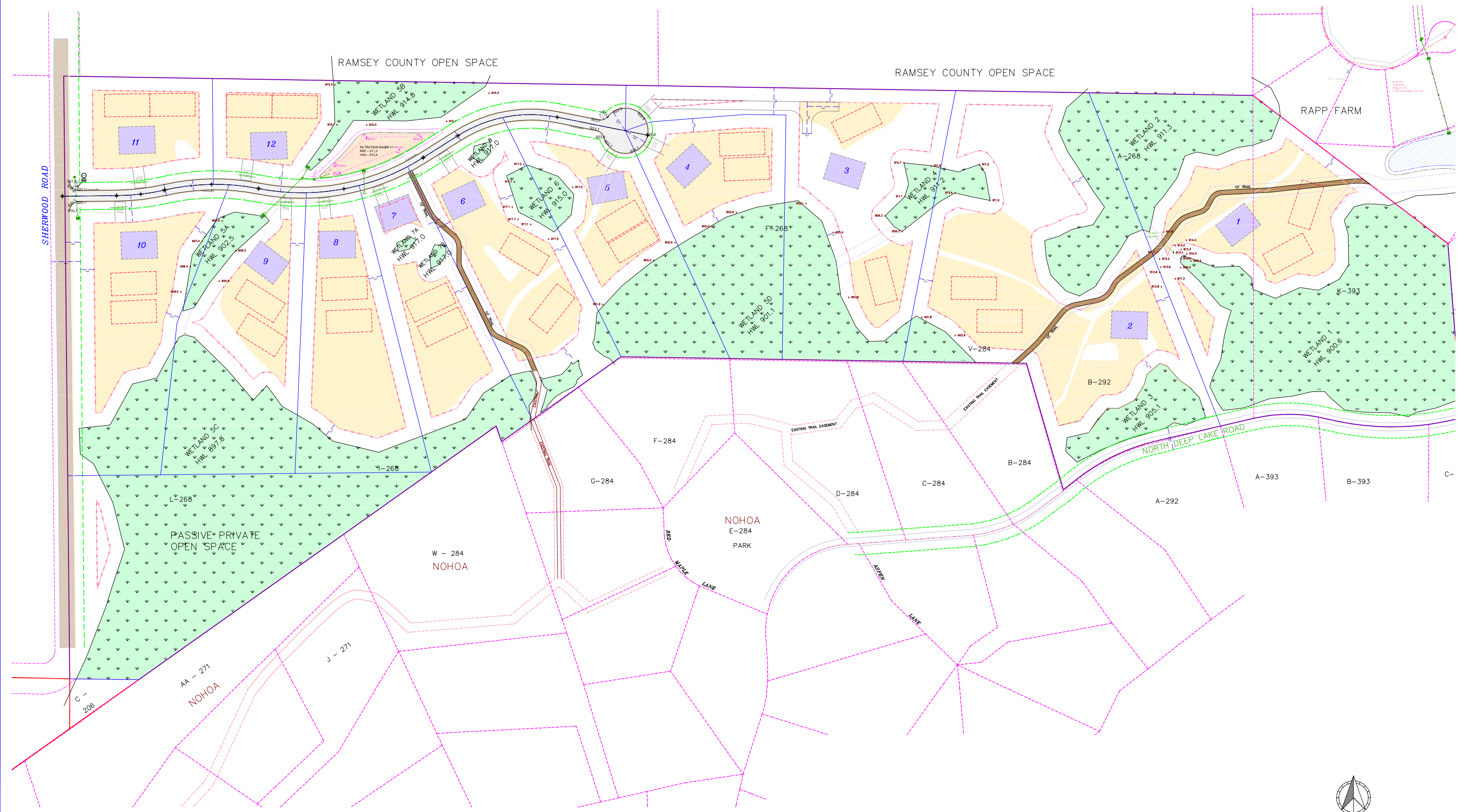


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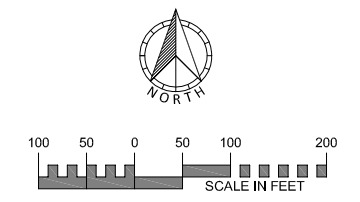
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- Personal Property
- Tax Parcels
- Cities
- County Offices





EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

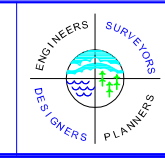


DRAWING NAME	NO.	BY	DATE	REVISIONS
NORD	01	CAW	07/30/20	BID SET
DRAWN BY	02	CAW	08/03/20	UPDATE STREET SECTION
ERJ	03	ERJ	08/31/20	FINAL PLAN REVISIONS
CHECKED BY	04	ERJ	09/23/20	FINAL PLAN REVISIONS
ERJ	05	ERJ	11/10/20	STORM SEWER REVISIONS
DATE	06	ERJ	11/18/20	EASEMENT PLAN REVISIONS
08/31/20				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 09/23/20 Lic. No. 56659



SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

NORTH OAKS, MINNESOTA

FINAL PLAT PLAN
NORD
NORTH OAKS COMPANY

FILE NO.
 64500-013
2
6 39

Variance Request

8 Sherwood Trail, Tract G
North Oaks, MN

Description of Variance Requested:

Hanson Builders (license BC0004568) on behalf of itself and Mr. and Mrs. Becker (future homeowners for this property), are respectfully requesting a variance to allow a driveway upon a portion of the 30-foot buffer setback from a wetland area based upon practical difficulties caused by the features of the property. The project will be completed according to one of the two proposed layouts.

Description of the Property and the Need for a Variance:

The property is located at 8 Sherwood Trail and is one of several lots in a single-family residential development with large lots and homes set far back from the road. The property includes two wetlands in the center and front 1/3 of the lot where a home would ordinarily be constructed. The property is narrow in the front and expands to be wider in the back. The front 1/3 of this lot is narrower than the front areas of other properties in the neighborhood. The property also includes a significant grade change and rising up from the street.

Due to the grade change, a home constructed in the front 1/3 of the property would have a driveway with an average slope of 13% and a maximum slope over 18%. This is a dangerous feature, particularly during Minnesota winters. It is also uncharacteristically steep for the neighborhood and would be a bulky visual feature from the road. The home would also be placed much closer to the road than others in the neighborhood and will disrupt the front yard setback established by the homes immediately next to the property.

The wetlands have a 30' buffer area that prevents placing the driveway through the center of the lot and, because the front of the lot is narrow, a driveway cannot be built outside the wetland buffer without encroaching into the side yard setback. Granting this variance will allow the home to be constructed in a manner consistent with the neighborhood, preserve natural views and privacy among neighbors, and not be harmful to the wetlands.

Specific Location of the Variance request:

We have two proposals for the driveway location. We initially worked with the city planner to create Proposal #1, which includes a 12' wide driveway running along the western edge of the wetland #9 buffer (the westernmost of the two wetlands) and the western property line. This proposal meets the 25' side yard setback and provides an 11' buffer between the driveway and wetland #9. Vadnais Lake Area Water Management Organization ("VLAWMO"), the entity with technical expertise over wetlands in the City, expressed no concerns with the 11' buffer in Proposal #1 in its 3/20/24 letter.

After discussion at its meeting on 3/28/24, the planning commission members wanted to see an additional option that would place the proposed driveway between the two wetlands in order to increase privacy along the lot line. In response, we prepared Proposal #2, which provides a larger wetland buffer average of 12' and keeps the driveway far outside the side yard setback areas. The driveway width is reduced to 10' in the area between the wetlands. As with Proposal #1, VLAWMO has no concern about the wetland buffer average in its letter dated 4/12/24 and finds both proposals to be

acceptable in light of its water management policies. We ask the City to adopt VLAWMO’s determination that the variance provides enough buffer space to protect the wetlands.

Reasoning for the Variance Request. We will address the code section 151.078 Variances and Appeals, specifically subsection (E,2):

- (a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size shape, topography, or other circumstances over which the owners of the land have no control.**

The location of the two small wetlands is a unique condition that does not exist on any other lot in this development. While wetlands are not uncommon in this area, they are rarely located in the center-front of a buildable residential lot. In this instance, the location, size, and shape of the wetlands prevent construction in the middle of the lot, where it would normally occur, and requires the home to be moved either forward into the typical front yard area or all the way behind the wetlands.

In this case, the challenges posed by the wetlands are exacerbated by the topography of the property and the fact that the front 1/3 of the lot is narrower than other lots in the area, which causes the side yard setback to have a greater impact on the property as compared to other lots in the surrounding area. This combination of conditions does not exist on the other properties in the area and, as discussed more in section (b) below, the other homes in the neighborhood *would all require at least one setback variance* place them on the front portion of this lot. Not only are these characteristics unique to this property and beyond the applicant’s control, but they prohibit the reasonable use of the property.

Additionally, the significant elevation change from the road makes it unsafe to construct a home in the front of the property because it would result in an average driveway slope in excess of the City’s maximum guideline of 10% (see below) and what we, in our professional judgement, believe to be safe.

The calculation is straightforward. The street elevation is 914.0 and complying with the requirement to stay within existing grade and the wetland rules (requiring the home to be 3’ above the high-water line) results in a garage floor at 920.7 and over a distance of 48’ from the front of the garage to the street results in *an average driveway slope of 13.8%*. Importantly, a driveway cannot be sloped uniformly from the low point to the high point, and here the *steepest portion of the driveway will be sloped upwards of 18.7%*! This creates an unsafe condition year-round because it limits visibility in an out of the driveway, but this will be particularly dangerous during icy Minnesota winters. This also requires a slope in the front yard that increases the potential for erosion and runoff into the road.

Granting the variance will allow the home to be located in the rear of the property and will allow a driveway to more gradually adjust to the topography. This will be safer for the property owner, allow better visibility when entering the street, reduce runoff, and maintain a similar appearance to other driveways from the street.

12. A grading plan for each “custom” lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. Staff recommends that a minimum driveway slope of 3 percent, and a maximum of 10 percent. Details of proposed driveway sections over drainage ditch with proposed culverts shall be included in plans for building permit review to ensure grading and drainage plan is maintained.

(b) The proposed use is reasonable:

It is reasonable to seek a variance to allow a driveway for this single-family home in this zoning district. This property is constrained by the location of two wetlands along with the topography and the available front building area is small at only about 65 feet wide and 50 feet deep.

The requested variance is reasonable from the perspective of the local watershed agency with technical expertise over these wetlands. VLAWMO has reviewed the proposed variance and both proposed driveway layouts. It has determined that sufficient wetland buffer protections will exist to meet the requirements of its water management policy and City ordinance requirements. In arriving at this conclusion, VLAWMO notes that the strict buffer requirements can be relaxed when site constraints exist, as they do here, and that buffer averaging is an acceptable calculation method.

For context, we wanted to see if the other homes in the neighborhood could be built in the front building area without encroaching into setback areas so we had engineering place the building footprints within front buildable area of the property. See attached exhibits for the floor plans of Sherwood 1, 2, 6, 8, 10, and 14. All of the neighboring homes needed a setback variance to be constructed in the front building area. The only reasonable location for a home consistent with the caliber of homes in this neighborhood is behind the two small wetlands.

Granting this variance will create a front yard setback that is uniform with the immediate neighbors and consistent with the essential character of the surrounding area. The lots on Sherwood are particularly deep and the homes have large front yard setbacks and it is unreasonable to shoehorn a home into the front lot in the neighborhood, particularly when the lot is more than 600' deep and about 180 feet wide at the rear for a total of 2.6 acres. The home immediately to the west (6 Sherwood) is set back roughly 150' and the home immediately to the east (10 Sherwood) is set back roughly 300'. Without a variance, this home would be set back only 48 feet from the street; this is out of character with the surrounding area. This will also provide more privacy to the future property owners as well as their neighbors at both 6 and 10 Sherwood and better preserve natural views of the undeveloped portions of the property rather than force those owners to look at the backside of this home.

Granting the variance will have a beneficial impact on the septic system. Building the home in the front area will require an exceptionally long pipe for the septic system, which increases the opportunity for a pipe failure over time. It is reasonable to build the home behind the wetlands so that a more reasonable sized septic pipe can be used and there will be more flexibility in siting the location and ensuring adequate sloping without disturbing the wetlands to install septic piping.

(c) That the unique circumstances do not result from the actions of the applicant:

Hanson Builders was not involved in the original platting or lot layouts of this development. The wetlands, topography, and development setbacks were not created by Hanson Builders. We are trying to resolve the issues of the constraints for this lot.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same district:

The requested variance does not provide a special privilege on the applicant to allow the property to be developed in a manner that is different from the single-family homes on other properties within the

district. Rather, the variance will allow for a typical driveway and enable the property to be developed in the same manner as other properties in the district.

In this context, special privileges would be to allow an increase in FAR or the ability to develop a multi-family building; moving the home back from the front portion of the lot is not a special privilege. As discussed during the prior planning commission meeting, several of the homes in Sherwood are constructed further into the rear of the lot than initially shown on proposed buildings pads at subdivision approval. Granting this variance does not provide any special privileges not enjoyed by other properties and will encourage development that is consistent with the existing character of the neighborhood.

(e) That the requested variance is the minimum variance which would alleviate the practical difficulties:

We are trying to be very sensitive to the natural environment, the character of the surrounding neighborhood, and the ordinance. We have proposed the minimum amount of variance that will resolve the difficulties of this lot and we believe that Proposal #2 is the least impactful. The minimal nature of the variance is shown by:

1. Building a modest driveway and further reducing it to 10' in the area next to the wetland;
2. Increasing the total amount of wetland buffer zone to be equal to or greater than the wetland buffer zone area in the initial proposal, as calculated by the wetland buffer averaging principle;
3. Understanding that the driveway will not reduce the size of or physically contact the wetlands;
4. The total amount of buffer area surrounding the two wetlands is increased;
5. Agreeing to install wetland buffer zone signs around the buffer areas;
6. Increasing privacy between neighboring properties; and
7. Eliminating the need to construct a dangerously steep driveway.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance does not affect any of the above concerns for air, light, congestion, fire danger, public safety, or property values. The requested variance will have a positive impact on each of the criteria and make it possible to use a front yard setback that is more consistent with the surrounding neighborhood, thereby eliminating building bulk in the front of a lot and increasing the appeal of the neighborhood. Granting the variance will also eliminate the need for a dangerous and excessively steep driveway that would be highly visible to the neighborhood and uncharacteristic of the surrounding area.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

Hanson Builders purchased this lot in September 2023 as currently platted and there have neither been any changes to the property boundaries during our ownership nor the common ownership of contiguous land. We did not create the wetlands, alter the elevation, or establish the lot boundaries. The initial home placement (with home on rear/southern building pad) was reviewed by the City, which expressed

no concerns about using the rear portion as opposed to the front portion of the lot. The current issue was discovered only recently and we are working to resolve this issue as delicately as possible.

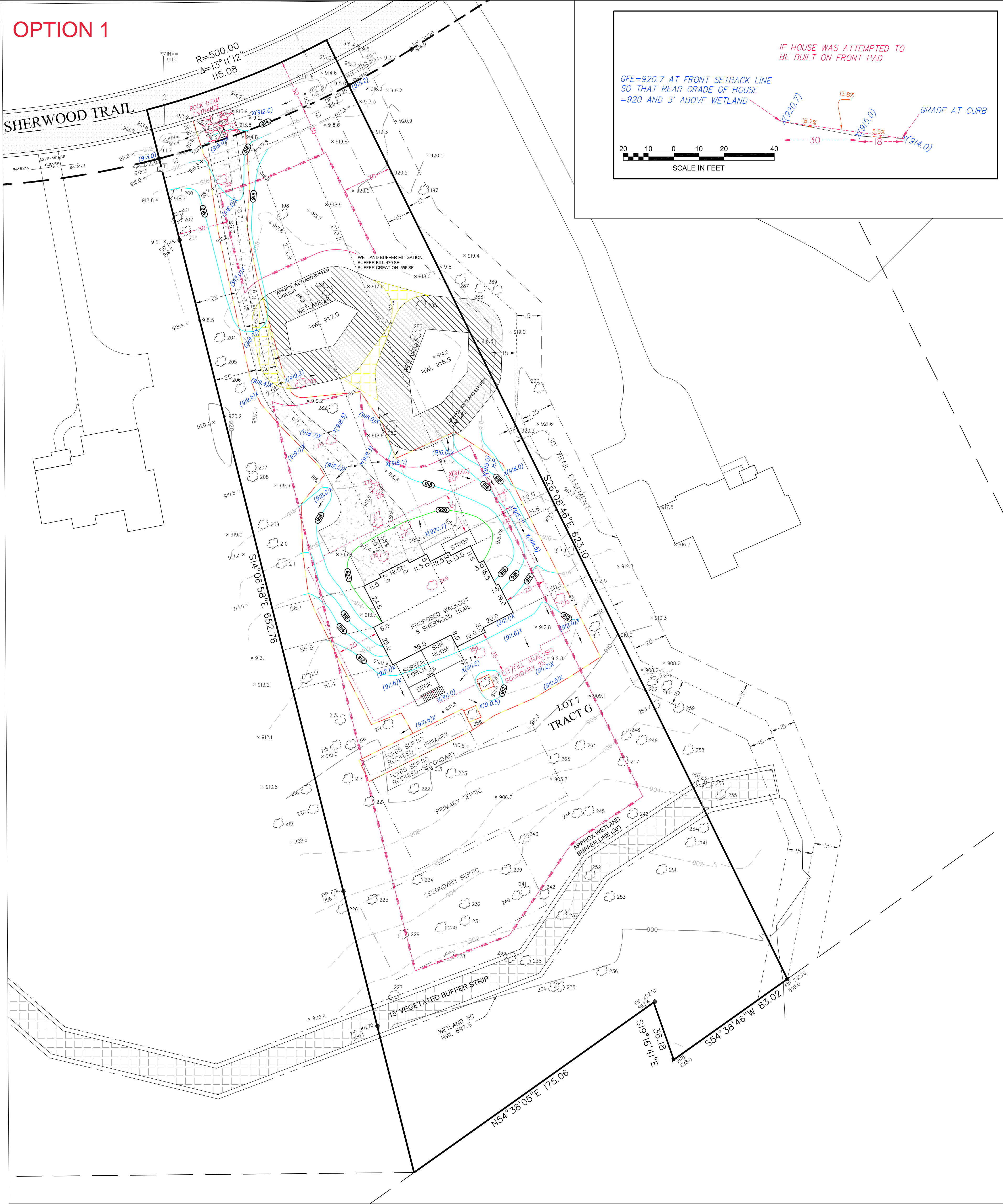
Hanson Builders is trying to build a single-family home on the property. This is consistent with the Comprehensive Plan and a permitted use in applicable zoning district. The proposed home is of similar size and scale as other homes in the development and surrounding area. The circumstances that impact this property are unique and were not created by us and, as we've demonstrated, the other homes in the neighborhood could not be constructed on this lot without a similar setback variance. Constructing the home in the rear portion of the lot is reasonable and consistent with the essential character of the area, which generally maintains large front yard setbacks. Finally, extending the driveway into the typical wetland buffer is technically and environmentally acceptable according to the VLAWMO policies.

For all the reasons stated above, we ask that you grant the variance as requested.

Thank you for your consideration,
Hanson Builders Inc.

4884-2664-9528, v. 3

OPTION 1



DESCRIPTION OF PROPERTY SURVEYED

Tract G, REGISTERED LAND SURVEY NO. 634, according to the recorded plat thereof, Ramsey County, Minnesota.

Tract G, #8 Sherwood Trail

An easement, for purposes of a roadway for ingress and egress, over the northwesterly 30.00 feet thereof and being adjacent to Tract L, REGISTERED LAND SURVEY NO. 634.
 An easement for utility purposes over the southeasterly 12.00 feet of the northwesterly 42.00 feet thereof.
 An easement for trail purposes lying 15 feet each side of the following described line:
 Beginning at the southeast corner of Tract G, thence on a bearing of North 11 degrees 00 minutes 00 seconds East, assuming the most southeasterly line of said Tract G bears South 54 degrees 38 minutes 09 seconds West, a distance of 85.00 feet;
 thence North 22 degrees 22 minutes 00 seconds West, a distance of 76.00 feet;
 thence North 64 degrees 27 minutes 40 seconds West, a distance of 83.14 feet;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 169.00 feet;
 thence North 00 degrees 40 minutes 00 seconds East, a distance of 55.00 feet;
 thence North 48 degrees 00 minutes 54 seconds West, a distance of 80.11 feet to a point on the northeasterly line of said Tract G, distant 122.00 feet from the most northeast corner of said Tract G;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 122.00 feet to said northeast corner.

GENERAL NOTES

- 1) **Site Address:** 8 Sherwood Trail, North Oaks, Minnesota 55127
- 2) **Flood Zone Information:** This property appears to lie in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Panel No. 27123C0030G, effective date of June 4th, 2010.
- 3) **Parcel Area Information:** Gross Area: 113,362 s.f. ~ 2.60 acres
 Roadway Easement Area: 3,547 s.f. ~ 0.08 acres
 Lot Area To Roadway Easement: 109,815 s.f. ~ 2.52 acres
 Wetland Area: 23,404 s.f. ~ 0.49 acres
- 4) **Principal Structure Setbacks -** Front: 30 feet from roadway easement
 Side: 30 feet
 Rear: 30 feet

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- 5) **Utilities:** We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 25th day of January, 2024.

Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com

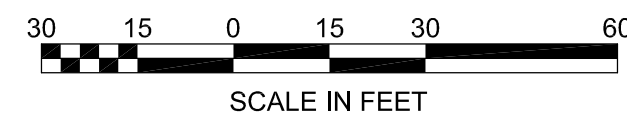
Minnesota License No. 26147

Proposed Elevations - WO
 Proposed Garage Floor Elevation = 921.0
 Proposed Top of Foundation Elevation = 921.3
 Proposed Basement Floor Elevation = 912.6

Offset Irons
 (elevations are to the top of pipe)
 OS #1 = 914.07 OS #2 = 916.85
 OS #4 = 910.60 OS #3 = 913.24

Grading Quantities (CY)

Fill	
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98



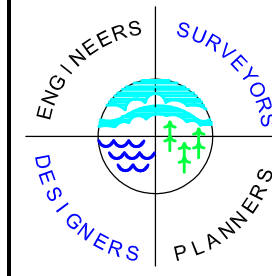
Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.).

SURVEY LEGEND

● CAST IRON MONUMENT	⊕ PIEZOMETER	⊕ WOE WALKOUT ELEVATION
⊙ IRON PIPE MONUMENT SET	⊕ POWER POLE	⊕ FFE FIRST FLOOR ELEVATION
⊙ IRON PIPE MONUMENT FOUND	⊕ GUY WIRE	⊕ GARAGE FLOOR ELEVATION
⊙ DRILL HOLE FOUND	⊕ ROOF DRAIN	⊕ TOP OF FOUNDATION ELEV.
⊙ REBAR MONUMENT FOUND	⊕ LIFT STATION	⊕ LOE LOWEST OPENING ELEV.
⊙ CHISELED "X" MONUMENT FOUND	⊕ SANITARY MANHOLE	⊕ CONCRETE
⊙ CHISELED "X" MONUMENT FOUND	⊕ SANITARY CLEANOUT	⊕ BITUMINOUS
⊙ PK NAIL MONUMENT SET	⊕ STORM MANHOLE	⊕ BUILDING SETBACK LINE
⊙ PK NAIL MONUMENT FOUND	⊕ STORM DRAIN	⊕ CABLE TV
⊙ PK NAIL W/ ALUMINUM DISC	⊕ CATCH BASIN	⊕ CONCRETE CURB
⊕ SURVEY CONTROL POINT	⊕ FLARED END SECTION	⊕ CONTOUR EXISTING
⊕ A/C UNIT	⊕ TREE DECIDUOUS	⊕ CONTOUR PROPOSED
⊕ CABLE TV PEDESTAL	⊕ TREE CONIFEROUS	⊕ GUARD RAIL
⊕ ELECTRIC TRANSFORMER	⊕ TREE CONIFEROUS REMOVED	⊕ DRAIN TILE
⊕ ELECTRIC MANHOLE	⊕ TREE DECIDUOUS REMOVED	⊕ ELECTRIC UNDERGROUND
⊕ ELECTRIC METER	⊕ FIBER OPTIC MANHOLE	⊕ FENCE
⊕ ELECTRIC OUTLET	⊕ UTILITY PEDESTAL	⊕ FIBER OPTIC UNDERGROUND
⊕ LIGHT POLE	⊕ UTILITY VAULT	⊕ GAS UNDERGROUND
⊕ FIBER OPTIC MANHOLE	⊕ WATERMAIN MANHOLE	⊕ OVERHEAD UTILITY
⊕ FIRE DEPT. HOOK UP	⊕ WATER METER	⊕ TREE LINE
⊕ FLAG POLE	⊕ WATER SPOIGT	⊕ SANITARY SEWER
⊕ FUEL TANK	⊕ WELL	⊕ STORM SEWER
⊕ PROPANE TANK	⊕ MONITORING WELL	⊕ TELEPHONE UNDERGROUND
⊕ GAS METER	⊕ CURB STOP	⊕ RETAINING WALL
⊕ GAS VALVE	⊕ GATE VALVE	⊕ UTILITY UNDERGROUND
⊕ GAS MANHOLE	⊕ HYDRANT	⊕ WATERMAIN
⊕ GENERATOR	⊕ IRRIGATION VALVE	⊕ TRAFFIC SIGNAL
⊕ GUARD POST	⊕ POST INDICATOR VALVE	⊕ RAILROAD TRACKS
⊕ HAND HOLE	⊕ SIGN	⊕ RAILROAD SIGNAL
⊕ MAIL BOX	⊕ SOIL BORING	⊕ RAILROAD SWITCH
		⊕ SATELLITE DISH
		⊕ WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
JD	1	ML	1/24/2024	HOUSE STAKE IN FIELD
DRAWN	2	ML	2/16/2024	DRIVEWAY
ML	3	ML	2/16/2024	HOUSE MOVED WEST
CHECKED	4	ML	3/4/2024	DRIVEWAY
DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024	7	ML	3/29/2024	PRIMARY/SECONDARY SEPTIC AREA

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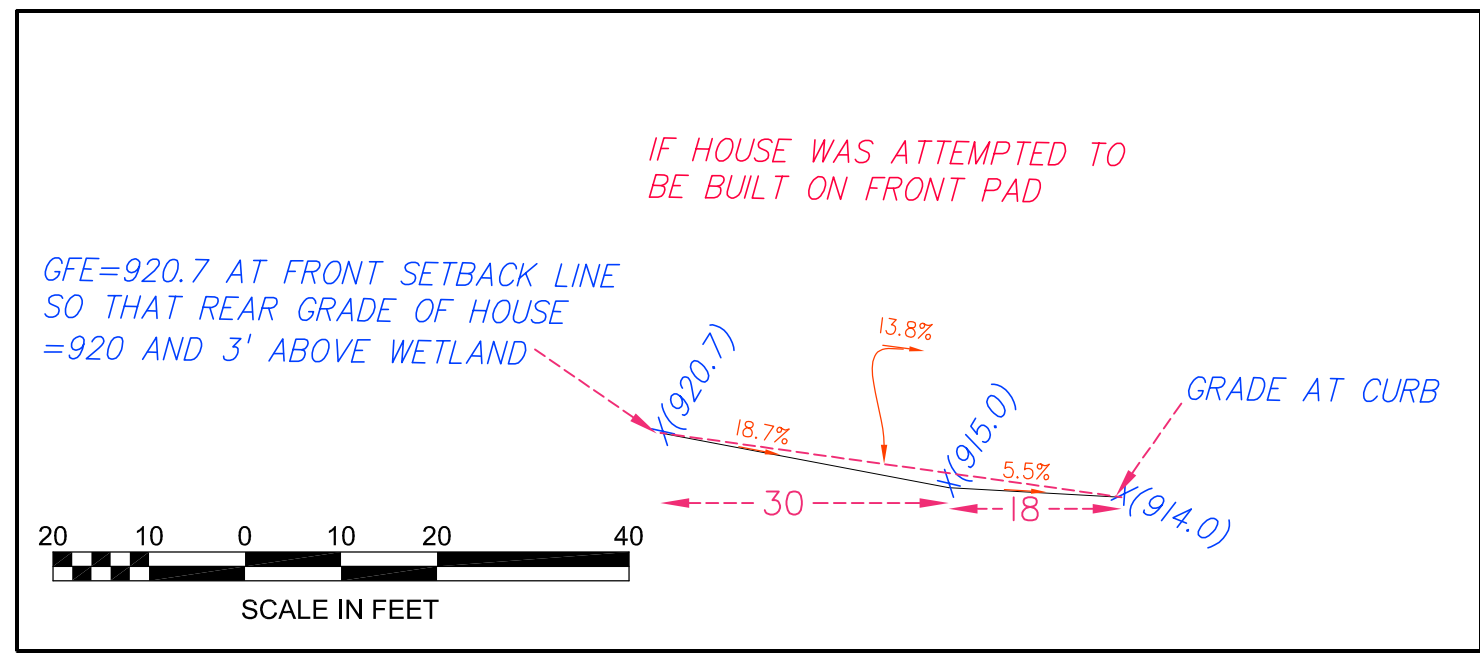
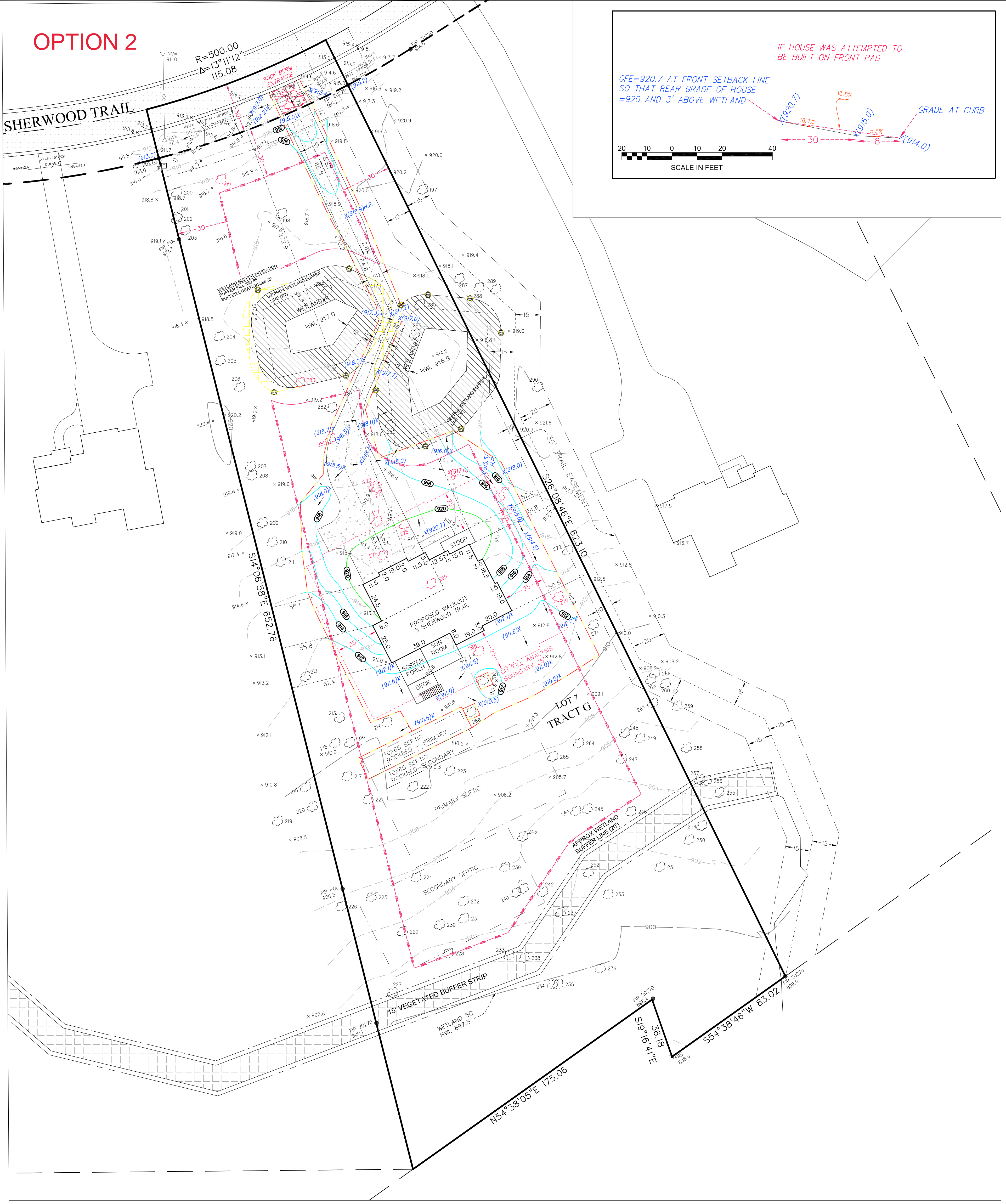
SATHRE BERGQUIST INC.
 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH MN 55447
 (952) 476-8000 WWW.SATHRE.COM

TWP:030-RGE 22-SEC 06
 Ramsey County
NORTH OAKS, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
HANSON BUILDERS

FILE NO.
 3279-1538
1
2

OPTION 2



DESCRIPTION OF PROPERTY SURVEYED

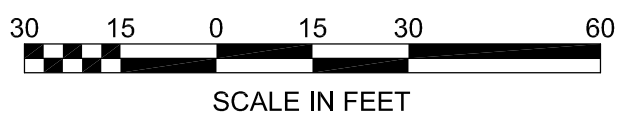
Tract G, REGISTERED LAND SURVEY NO. 634, according to the recorded plat thereof, Ramsey County, Minnesota.

GENERAL NOTES

- Site Address:** 8 Sherwood Trail, North Oaks, Minnesota 55127
- Flood Zone Information:** This property appears to lie in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Panel No. 27123C0030G, effective date of June 4th, 2010.
- Parcel Area Information:** Gross Area: 113,362 s.f. ~ 2.60 acres
Roadway Easement Area: 3,547 s.f. ~ 0.08 acres
Lot Area To Roadway Easement: 109,815 s.f. ~ 2.52 acres
Wetland Area: 23,404 s.f. ~ 0.49 acres
- Principal Structure Setbacks** - Front: 30 feet from roadway easement
Side: 30 feet
Rear: 30 feet

Tract G, #8 Sherwood Trail

An easement, for purposes of a roadway for ingress and egress, over the northwesterly 30.00 feet thereof and being adjacent to Tract L, REGISTERED LAND SURVEY NO. 634.
An easement for utility purposes over the southeasterly 12.00 feet of the northwesterly 42.00 feet thereof.
An easement for trail purposes lying 15 feet each side of the following described line:
Beginning at the southeast corner of Tract G, thence on a bearing of North 11 degrees 00 minutes 00 seconds East, assuming the most southeasterly line of said Tract G bears South 54 degrees 38 minutes 09 seconds West, a distance of 85.00 feet;
thence North 22 degrees 22 minutes 00 seconds West, a distance of 76.00 feet;
thence North 64 degrees 27 minutes 40 seconds West, a distance of 83.14 feet;
thence North 26 degrees 09 minutes 36 seconds West, a distance of 169.00 feet;
thence North 00 degrees 40 minutes 00 seconds East, a distance of 55.00 feet;
thence North 48 degrees 00 minutes 54 seconds East, a distance of 80.11 feet to a point on the northeasterly line of said Tract G, distant 122.00 feet from the most northeast corner of said Tract G;
thence North 26 degrees 09 minutes 36 seconds West, a distance of 122.00 feet to said northeast corner.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.).

SURVEY LEGEND

<ul style="list-style-type: none"> CAST IRON MONUMENT IRON PIPE MONUMENT SET IRON PIPE MONUMENT FOUND DRILL HOLE FOUND CHISELED "X" MONUMENT SET CHISELED "X" MONUMENT FOUND REBAR MONUMENT FOUND PK NAIL MONUMENT SET PK NAIL MONUMENT FOUND PK NAIL W/ ALUMINUM DISC SURVEY CONTROL POINT A/C UNIT CABLE TV PEDESTAL ELECTRIC TRANSFORMER ELECTRIC MANHOLE ELECTRIC METER ELECTRIC OUTLET LIGHT POLE LIGHT POLE FIBER OPTIC MANHOLE FIRE DEPT. HOOK UP FLAG POLE FUEL PUMP FUEL TANK PROPANE TANK GAS METER GAS VALVE GAS MANHOLE GENERATOR GUARD POST HAND HOLE MAIL BOX 	<ul style="list-style-type: none"> PIEZOMETER POWER POLE GUY WIRE ROOF DRAIN LIFT STATION SANITARY MANHOLE SANITARY CLEANOUT STORM MANHOLE STORM DRAIN CATCH BASIN FLARED END SECTION TREE CONIFEROUS TREE DECIDUOUS TREE CONIFEROUS REMOVED TREE DECIDUOUS REMOVED WATER MAIN MANHOLE WATER METER WATER SPIGOT WELL MONITORING WELL CURB STOP GATE VALVE HYDRANT IRRIGATION VALVE POST INDICATOR VALVE SIGN SOIL BORING 	<ul style="list-style-type: none"> W/OE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. CONCRETE BITUMINOUS BUILDING SETBACK LINE CABLE TV CONCRETE CURB CONTOUR EXISTING CONTOUR PROPOSED GUARD RAIL DRAIN TILE ELECTRIC UNDERGROUND FENCE FIBER OPTIC UNDERGROUND GAS UNDERGROUND OVERHEAD UTILITY TREE LINE SANITARY SEWER STORM SEWER TELEPHONE UNDERGROUND RETAINING WALL UTILITY UNDERGROUND WATERMAIN TRAFFIC SIGNAL RAILROAD TRACKS RAILROAD SIGNAL RAILROAD SWITCH SATELLITE DISH WETLAND BUFFER SIGN
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Proposed Elevations - WO
Proposed Garage Floor Elevation = 921.0
Proposed Top of Foundation Elevation = 921.3
Proposed Basement Floor Elevation = 912.6

Offset Irons
(elevations are to the top of pipe)
OS #1 = 914.07 OS #2 = 916.85
OS #4 = 910.60 OS #3 = 913.24

Hardcover
Lot Area = 113,362 S.F.
House Area = 3,734 S.F.
Driveway Area = 6,029 S.F.
Stoop Area = 159 S.F.
Sidewalk Area = 95 S.F.
Screen Porch Area = 281 S.F.
Deck Area = 203 S.F.
Total Area = 10,501 S.F.
Coverage = 9.3 %

Grading Quantities (CY)	
Fill	0
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

- Utilities:** We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 25th day of January, 2024.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

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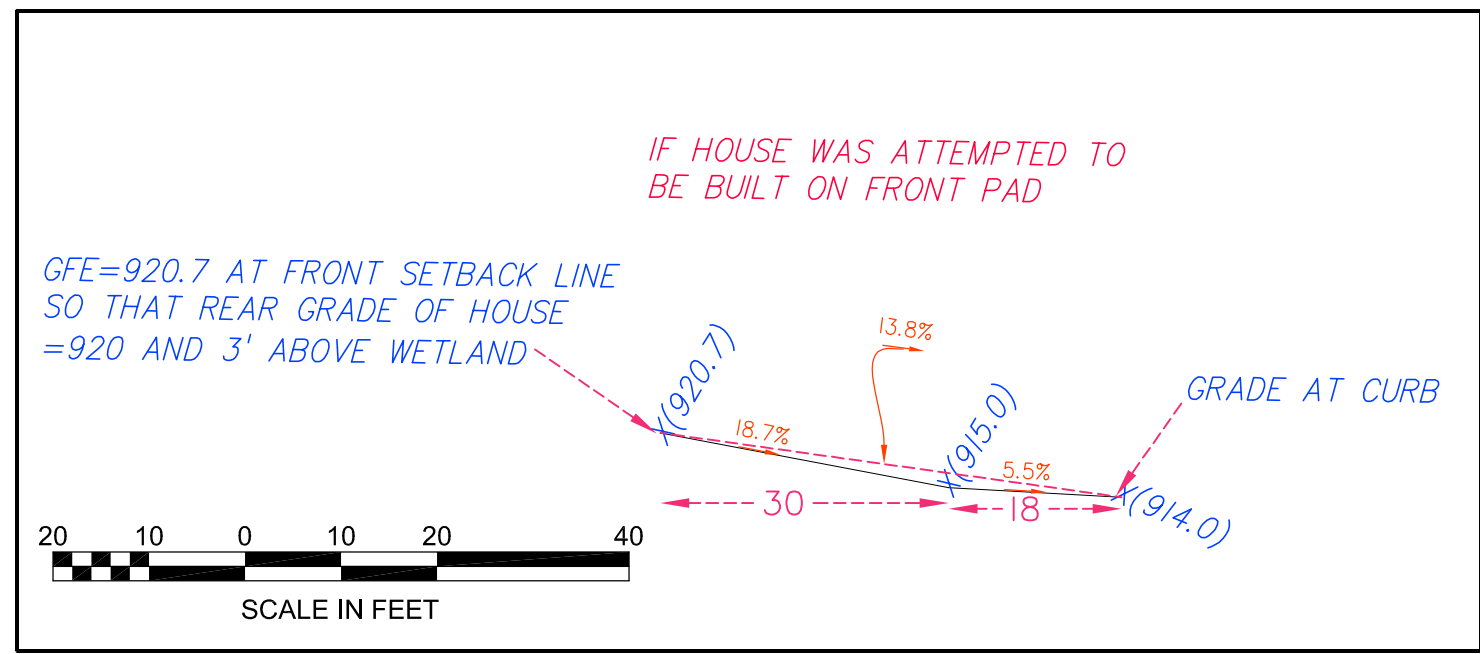
TWP:030-RGE 22-SEC 06
Ramsey County
NORTH OAKS, MINNESOTA

CERTIFICATE OF SURVEY
PREPARED FOR:
HANSON BUILDERS

FILE NO.
3279-1538
1
2

FIELD CREW	NO.	BY	DATE	REVISION
JD	1	ML	1/24/2024	HOUSE STAKE IN FIELD
DRAWN	2	ML	2/16/2024	DRIVEWAY
ML	3	ML	2/16/2024	HOUSE MOVED WEST
CHECKED	4	ML	3/4/2024	DRIVEWAY
DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024	8	ML	4/5/2024	DRIVEWAY MOVED - BUFFER AVERAGE

Received 05/01/24



DESCRIPTION OF PROPERTY SURVEYED

Tract G, REGISTERED LAND SURVEY NO. 634, according to the recorded plat thereof, Ramsey County, Minnesota.

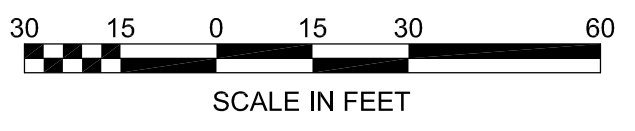
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 Rear: 30 feet

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 thence North 26 degrees 09 minutes 36 seconds West, a distance of 122.00 feet to said northeast corner.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SURVEY LEGEND

- CAST IRON MONUMENT
- IRON PIPE MONUMENT SET
- DRILL HOLE FOUND
- CHISELED "X" MONUMENT FOUND
- REBAR MONUMENT FOUND
- PK NAIL MONUMENT SET
- PK NAIL MONUMENT FOUND
- PK NAIL W/ ALUMINUM DISC
- SURVEY CONTROL POINT
- A/C UNIT
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC OUTLET
- UTILITY MANHOLE
- UTILITY PEDESTAL
- UTILITY VAULT
- WATERMAIN MANHOLE
- WATER METER
- POST SPIGOT
- WELL
- PROPANE TANK
- GAS METER
- GAS VALVE
- GAS MANHOLE
- GENERATOR
- GUARD POST
- HAND HOLE
- MAIL BOX
- PIEZOMETER
- POWER POLE
- GUY WIRE
- ROOF DRAIN
- LIFT STATION
- SANITARY MANHOLE
- SANITARY CLEANOUT
- STORM MANHOLE
- STORM DRAIN
- CATCH BASIN
- FLARED END SECTION
- TREE CONIFEROUS
- TREE DECIDUOUS
- TREE CONIFEROUS REMOVED
- TREE DECIDUOUS REMOVED
- WATER PUMP
- WATER METER
- WATER SPIGOT
- HYDRANT
- GATE VALVE
- IRRIGATION VALVE
- POST INDICATOR VALVE
- SIGN
- SOIL BORING
- WOE WALKOUT ELEVATION
- FFE FIRST FLOOR ELEVATION
- GFE GARAGE FLOOR ELEVATION
- TOF TOP OF FOUNDATION ELEV.
- LOE LOWEST OPENING ELEV.
- CONCRETE
- BITUMINOUS
- BUILDING SETBACK LINE
- CABLE TV
- CONCRETE CURB
- CONTOUR EXISTING
- CONTOUR PROPOSED
- GUARD RAIL
- DRAIN TILE
- ELECTRIC UNDERGROUND
- FENCE
- FIBER OPTIC UNDERGROUND
- GAS UNDERGROUND
- OVERHEAD UTILITY
- TREE LINE
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND
- RETAINING WALL
- UTILITY UNDERGROUND
- WATERMAIN
- TRAFFIC SIGNAL
- RAILROAD TRACKS
- RAILROAD SIGNAL
- RAILROAD SWITCH
- SATELLITE DISH
- WETLAND BUFFER SIGN

Proposed Elevations - WO
 Proposed Garage Floor Elevation = 921.0
 Proposed Top of Foundation Elevation = 921.3
 Proposed Basement Floor Elevation = 912.6

Offset Irons
 (elevations are to the top of pipe)
 OS #1= 913.38 OS #2= 915.48
 OS #4= 910.27 OS #3= 912.47

Grading Quantities (CY)	
Fill	
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 25th day of January, 2024.

Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com

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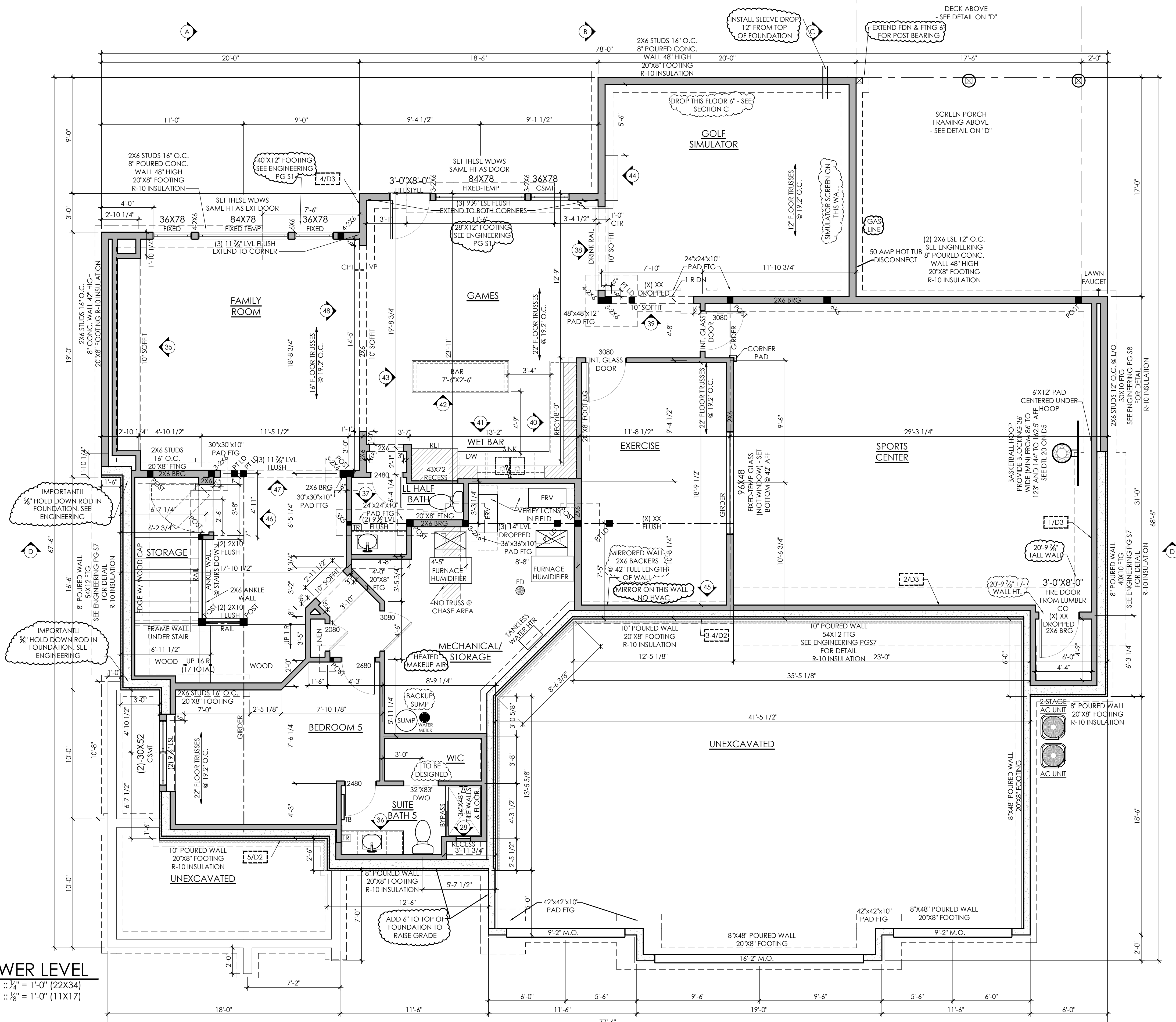
CERTIFICATE OF SURVEY
 PREPARED FOR:
HANSON BUILDERS

FILE NO.
 3279-1538
1
2

FIELD CREW	NO.	BY	DATE	REVISION
JD	1	ML	1/24/2024	HOUSE STAKE IN FIELD
DRAWN	2	ML	2/16/2024	DRIVEWAY
ML	3	ML	2/16/2024	HOUSE MOVED WEST
CHECKED	4	ML	3/4/2024	DRIVEWAY
DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024	8	ML	5/1/2024	DRIVEWAY 10' NEAR WETLAND BUFFER

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LOWER LEVEL
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/8" = 1'-0" (11X17)



- LOWER FLOOR PLAN NOTES**
- 8'-10" CEILING HEIGHT UNO
 - 7'-8" WINDOW HEADER HEIGHT @ WALKOUT UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING WALLS
 - 2X6 BEARING WALLS UNO
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

HANSON
 BUILDERS

BUILDERS LICENCE #BC004568
 13432 HANSON BLVD. NW
 ANDOVER, MINNESOTA 55304
 763-421-5435

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BECKER RESIDENCE
8 SHERWOOD TRAIL
 TRACT G
 EAST PRESERVE
 NORTH OAKS, MN
OAKMONT
 CUSTOM

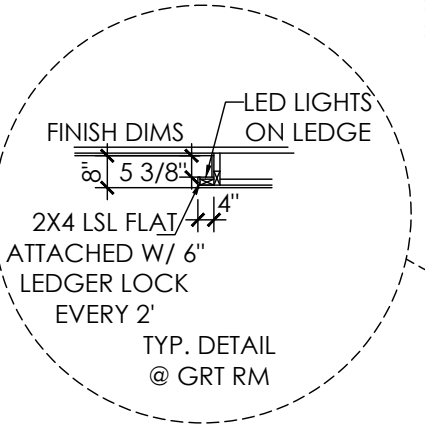
WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

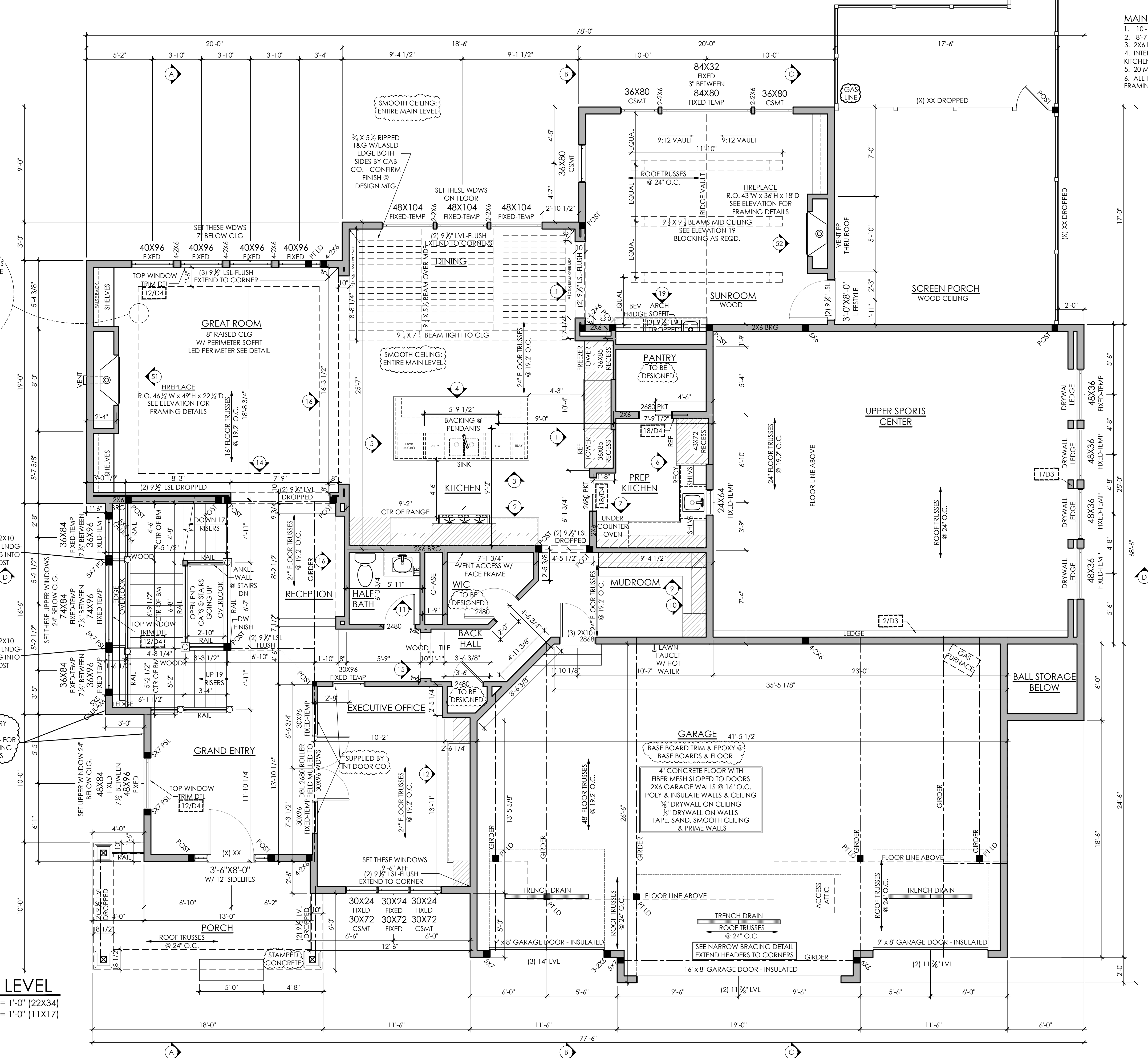
SHEET TITLE
 LOWER FLOOR

SHEET NUMBER
A1

PLOT DATE: 1/31/2024 11:37 AM - © COPYRIGHT HANSON COMPANIES, LLC - C:\Users\Chris Vonesh\Hanson Builders\Dropbox\Garrison_Groustra\05_Drafting\01_HBI_Plans\1_2023_HBI_Projects\East Preserve\8 Sherwood Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker



MAIN LEVEL
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/8" = 1'-0" (11X17)



- MAIN FLOOR PLAN NOTES**
- 10'-1 1/2" CEILING HEIGHT UNO
 - 8'-7 1/2" WINDOW HEADER HEIGHT UNO
 - 2X6 BEARING WALLS UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING & KITCHEN WALLS
 - 20 MINUTE FIRE DOOR @ GARAGE TO HOUSE
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

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BECKER RESIDENCE
8 SHERWOOD TRAIL
 TRACT G
 EAST PRESERVE
 NORTH OAKS, MN
OAKMONT
 CUSTOM

WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE:	1/31/2024	

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
 MAIN FLOOR

SHEET NUMBER
A2

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- UPPER FLOOR PLAN NOTES**
- 8'-1 1/2" CEILING HEIGHT UNO
 - 6'-11 3/4" WINDOW HEADER HEIGHT UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING WALLS
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

HANSON
BUILDERS

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13432 HANSON BLVD. NW
ANDOVER, MINNESOTA 55304
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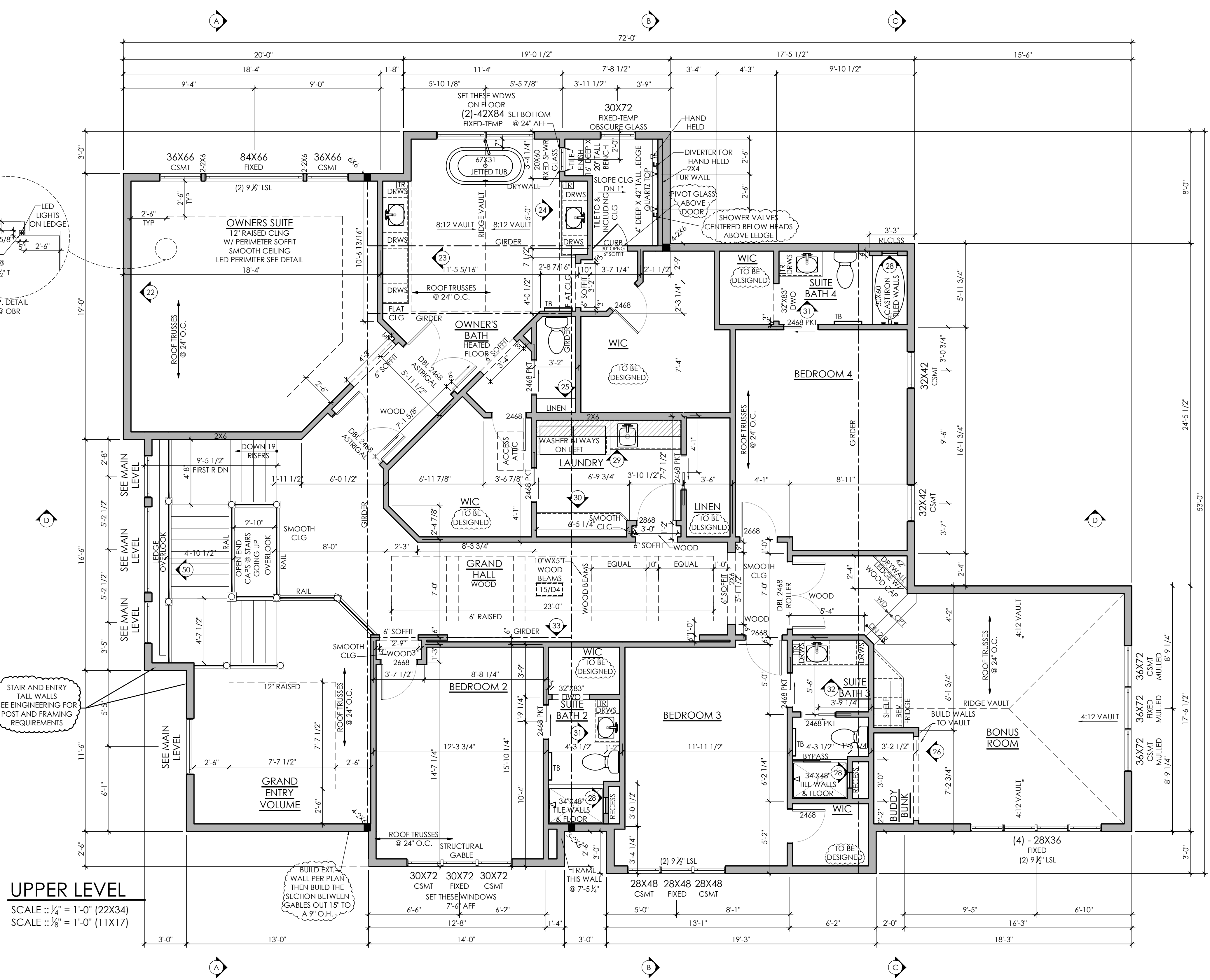
BECKER RESIDENCE
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WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
UPPER FLOOR

SHEET NUMBER
A3



UPPER LEVEL
SCALE :: 1/4" = 1'-0" (22X34)
SCALE :: 1/8" = 1'-0" (11X17)

STAIR AND ENTRY TALL WALLS SEE ENGINEERING FOR POST AND FRAMING REQUIREMENTS

BUILD EXT. WALL PER PLAN THEN BUILD THE SECTION BETWEEN GABLES OUT 15" TO A 9" O.H.

PLOT DATE: 1/31/2024 11:37 AM - © COPYRIGHT HANSON COMPANIES, LLC - C:\Users\Chris Vonesh\Hanson Builders Dropbox\Garrison.Groustra.05.Drafting\01.HBI Plans\1. 2023.HBI Projects\East Preserve\8 Sherwood Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker



REAR ELEVATION

SCALE :: 1/4" = 1'-0" (22X34)
SCALE :: 1/2" = 1'-0" (11X17)



SIDE ELEVATION

SCALE :: 1/4" = 1'-0" (22X34)
SCALE :: 1/2" = 1'-0" (11X17)

ELEVATION NOTES

- FRONT:**
1. 8 1/2" CEMENT BOARD SIDING (7" REVEAL)
 2. 3/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. SEE DETAIL 10/D4 FOR CORNERS U.N.O.
 4. NOTE: FILL IN OPENINGS OVER ALL BRACKETS
 5. SHIP FRONT DOOR W/ NO BRICK MOULD
 6. BOARD & BATTEN @ 24" OC SPACING U.N.O.
- SIDES AND REAR (PER NEIGHBORHOOD):**
1. 8 1/2" CEMENT BOARD SIDING (7" REVEAL)
 2. 3/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. METAL CORNERS @ BACK U.N.O.

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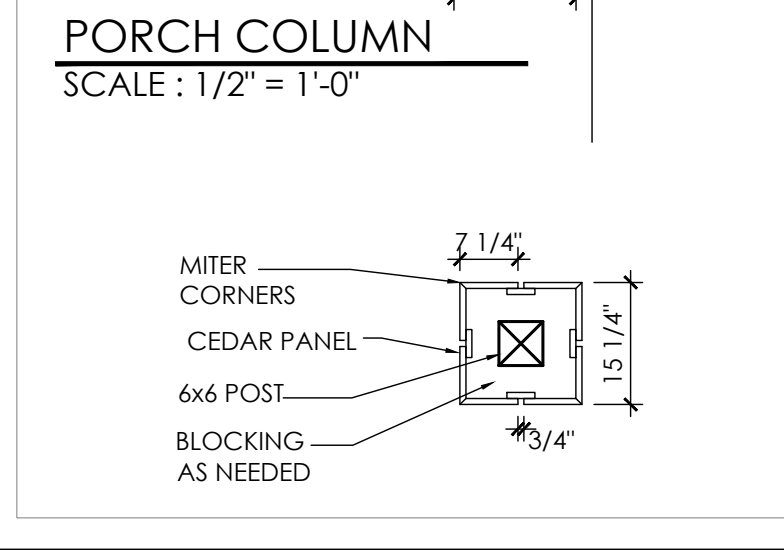
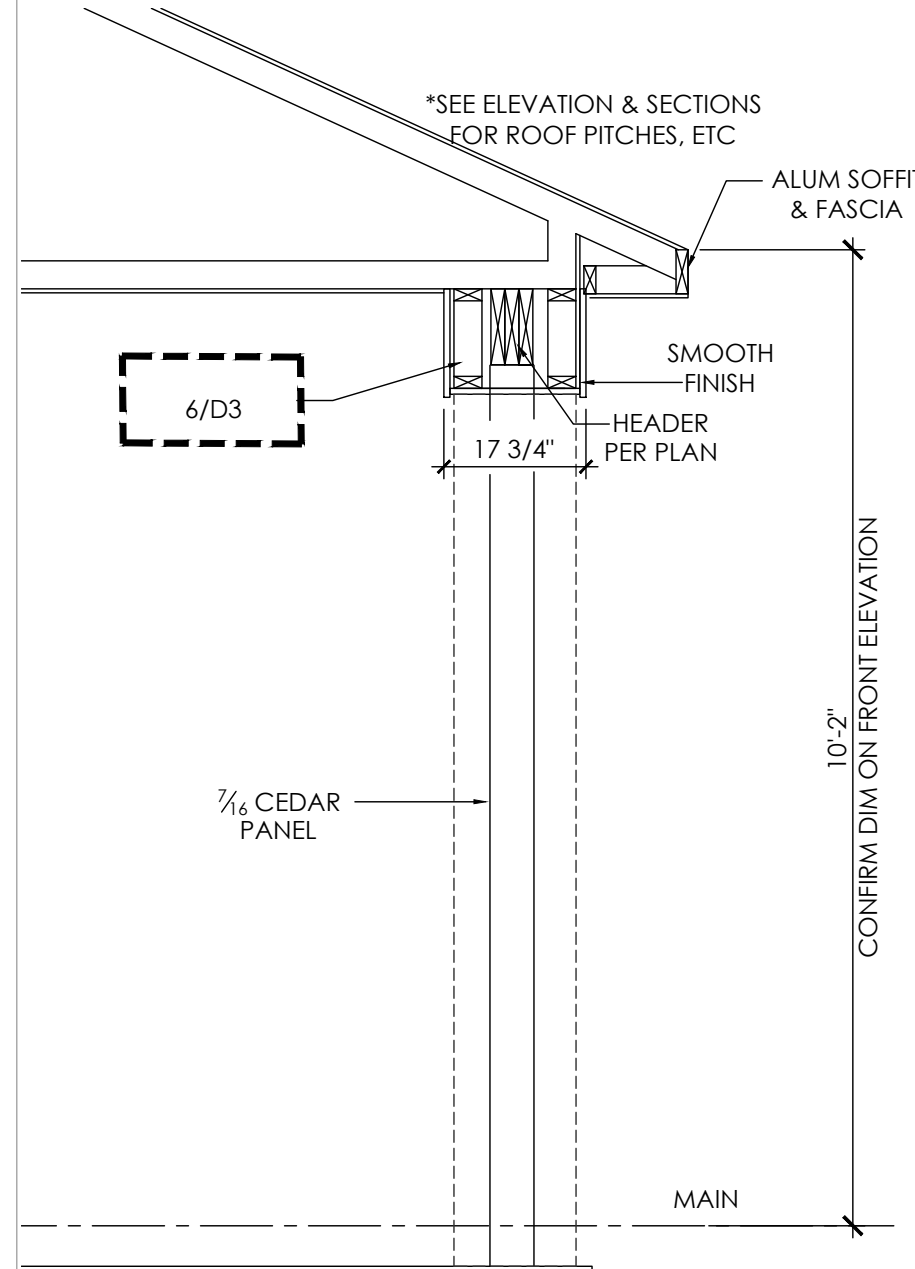
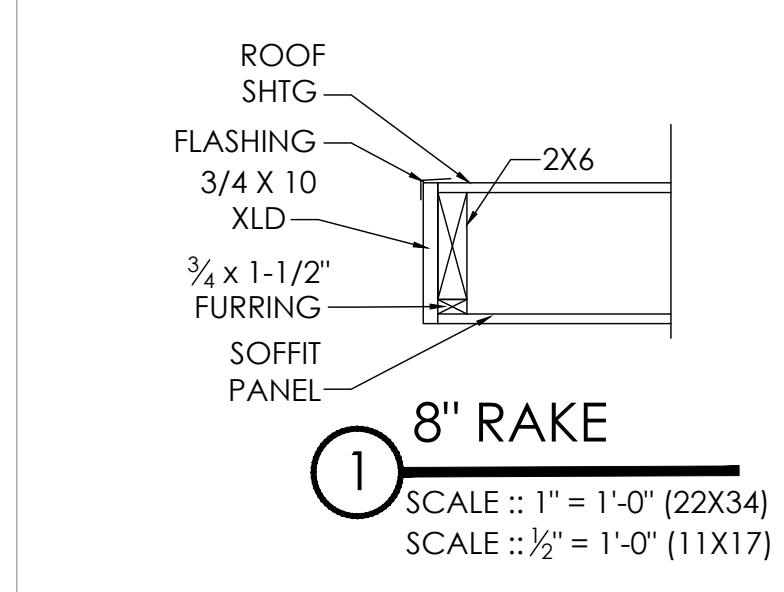
BECKER RESIDENCE
8 SHERWOOD TRAIL
TRACT G
EAST PRESERVE
NORTH OAKS, MN
OAKMONT
CUSTOM

WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A4



FRONT ELEVATION

SCALE :: 1/4" = 1'-0" (22X34)
SCALE :: 1/8" = 1'-0" (11X17)



SIDE ELEVATION

SCALE: 1/8" = 1'-0" (22X34)
SCALE: 1/4" = 1'-0" (11X17)

ELEVATION NOTES

- FRONT:**
1. 8 1/4" CEMENT BOARD SIDING (7" REVEAL)
 2. 1/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. SEE DETAIL 10/D4 FOR CORNERS U.N.O.
 4. NOTE: FILL IN OPENINGS OVER ALL BRACKETS
 5. SHIP FRONT DOOR W/ NO BRICK MOULD
 6. BOARD & BATTEN @ 24" OC SPACING U.N.O.

- SIDES AND REAR (PER NEIGHBORHOOD):**
1. 8 1/4" CEMENT BOARD SIDING (7" REVEAL)
 2. 1/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. METAL CORNERS @ BACK U.N.O.

HANSON
BUILDERS

BUILDERS LICENCE #BC004568

13432 HANSON BLVD. NW
ANDOVER, MINNESOTA 55304
763-421-5435

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DISCLAIMER - ALL MEASUREMENTS AND LOCATIONS OF OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS.

BECKER RESIDENCE
8 SHERWOOD TRAIL
TRACT G
EAST PRESERVE
NORTH OAKS, MN
OAKMONT
CUSTOM

WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
ELEVATIONS

SHEET NUMBER

A4.1

FLOOR AREA RATIO (FAR) WORKSHEET JOB ADDRESS: 8 Sherwood Trail

- 1) Total Lot Area 113,362 Sq. Ft.
- 2) Total Area of Road Easement(s) 3,547 Sq. Ft.
- 3) **Adjusted Total Lot Area** 109,815 Sq. Ft.
(Subtract Line 2 from Line 1)
- 4) DNR-Designated Wetland 23,404 Sq. Ft. X .66 = 15,447 Sq. Ft.
- 5) **Gross Lot Area** 94,368 Sq. Ft.
(Subtract Line 4 from Line 3)
- 6) Floor Area of Existing or Proposed House
- A) First Floor 2,558 Sq. Ft.
- B) Second Floor 2,679 Sq. Ft.
- C) Basement 3,072 Sq. Ft.
Exposed Basement Walls 50 %
- 1) Adjusted Basement Area 1,536 Sq. Ft.
(Multiply Line 6C by 6C1)
- D) Garage 1,039 Sq. Ft.
- E) Add Lines A, B, C2, D** **Sub-Total:** 7,812 Sq. Ft.
- 7) Additional Floor Area
- A) Additions - Sq. Ft.
- B) Detached Accessory Buildings - Sq. Ft.
- C) Add Lines A and B** **Sub-Total:** - Sq. Ft.
- 8) **Total Floor Area TOTAL:** 7,812 Sq. Ft.
(Add Lines 6E and 7C)
- 9) **FLOOR AREA RATIO** .0828
(Divide Line 8 by Line 5)

Note: For Lots where the combined square footage of all Buildings thereon exceeds 4,000 square feet, then the combined total Floor Area Ratio (FAR) of all Buildings on such Lots shall not exceed 0.12

Date: 3/22 Phone: 952.482.4793 Signature: 

Print Name: Scott Hockett

12/10

February 14, 2024

Kendra Lindahl, AICP
City Planner

Via E-mail: KLindahl@landform.net

RE: **8 Sherwood Trail**
Sambatek Project No. 51986

Dear Kendra:

I have reviewed the Conditional Use Permit request for the overall building height for this parcel.

The proposed home location requires the driveway to be located between 2 existing wetlands. City Ordinance requires a 30-foot setback from all wetlands. This condition cannot be met and I am recommending denial of this request.

Sincerely,
Sambatek, LLC



Michael J. Nielson, PE
City Engineer

CC: Kevin Kress, Administrator

March 28, 2024

Planning Commission Members
City of North Oaks

Via E-mail C\O Kevin Kress, City Administrator
kkress@northoaksmn.com

Re: **8 Sherwood Trail - Variance Request**
Sambatek Project No. 51986

Dear Commission Members:

I have reviewed the information provided by the applicant regarding the low floor elevation of 920.7 to meet the 3' High Water Separation and concur that elevation is necessary. This does create a significant slope on the driveway of 13.8% as noted on the plan sheet. The applicant is showing a 5.5% grade adjacent to the roadway as a landing or stopping area before entering the roadway to account for icy or snow-covered conditions. While this helps with the stopping condition before entering the roadway, it also creates an 18.7% grade approaching the garage. From my experience this is unsafe during winter conditions.

The industry standard for an acceptable driveway is a maximum of 10% with appropriate landing areas adjacent to the garage and roadway and we would not recommend a driveway with a 13.8% average grade.

Respectfully Submitted,
Sambatek, Inc.



Mike Nielson, PE
Municipal Practice Leader

Cc: Kevin Kress, City Administrator
Kendra Lindahl, City Planner

April 18, 2024

Kendra Lindahl, AICP
City Planner

Via E-mail: KLindahl@landform.net

RE: **8 Sherwood Trail**
Sambatek Project No. 51986

Dear Kendra:

I have reviewed the request for Variance to the 30-foot wetland buffer setback and concur that this option provides a reasonable alternative use of this parcel.

My previous review memo dated March 28, 2024, outlined the difficulties and safety concerns with the home located near the street due to the excessively steep driveway required for his alternative. This alternative has been reviewed by the watershed (see memo from Brian Corcoran, Vadnais Lake Area WMO (VLAWMO)). Mr. Corcoran has not objection to either option presented.

Based on the revised plan set reducing the width of the driveway located between wetland #7 & #9, I have no objection to the proposed home and driveway location.

Sincerely,
Sambatek, LLC



Michael J. Nielson, PE
City Engineer

CC: Kevin Kress, Administrator



TO: Kevin Kress
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: March 9, 2023
SUBJECT: Comments – 8 Sherwood Trail - Driveway

Please find below, per your request, the VLAWMO “advisory” comments for 8 Sherwood Trail – Driveway, received 3-8-2023. These comments are advisory only given that VLAWMO does not operate a regulatory program for development review with exception of the Wetland Conservation Act (WCA). Our Water Management policy and standards have been adopted and are enforced by our respective City’s and Township.

- A MN Routine Assessment Method (MNRAM) worksheet was completed on 4/6/2020, which identifies management classes for each wetland on site. 8 Sherwood Trail wetlands (W9 & W7) are Manage 2 wetlands. Base buffer width of 30ft, Applied buffer with of 24ft. See below table:

Management Class	Base Buffer Width (ft)	Minimum Applied Buffer Width (ft)
Manage 3: Storm Ponds	20	16
Manage 2	30	24
Manage 1	40	34
Preserve	75	67

- Per the Buffer section in the Water Management Policy (chapter 11 “Buffers” starting on pg 26) The buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the applied buffer width is maintained (in this case that would be 12ft). See section 5 in chapter 11 Buffers.

Brian Corcoran



TO: Scott Hockert
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: April 12, 2024
SUBJECT: Comments – Variance Request Narrative– 8 Sherwood Trail

Please find below, per your request, the VLAWMO “advisory” comments for the Variance Request Narrative– 8 Sherwood Trail received 4-12-2024. These comments are advisory only given that VLAWMO does not operate a regulatory program for development review with exception of the Wetland Conservation Act (WCA). Our Water Management policy and standards have been adopted and are enforced by our respective City’s and Township.

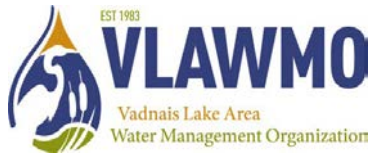
Two options have been proposed for providing driveway access to the back portion of Lot 8:

- Option #1 initial submitted layout was with a 12’ wide driveway between wetland #9. 25’ setback from the westerly property line and 11’ buffer to wetland and utilizing wetland buffer averaging.
 - Per buffer rules adopted by the City Option #1 will work. Buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the Applied Buffer Width is maintained at all points; there is no reduction in total buffer area; and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform Applied Buffer Width. For this option it is recommended that a minimum of 12’ buffer be utilized from driveway edge to wetland line to follow adopted buffer rules. Plan sheet Option #1 TRACT G, L7, EAST PRESERVE, 8 SHERWOOD TRAIL - COS 032924[100]
- Option #2 recent submitted layout is with the driveway between wetland #7 & wetland #9 reducing the driveway to 10’ in the wetland area, utilizing wetland buffer averaging and the VLAWMO’s minimum buffer of 12’
 - Per buffer rules adopted by the City Option #2 will work. Buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the Applied Buffer Width is maintained at all points; there is no reduction in total buffer area; and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform Applied Buffer Width. This option follows adopted rules and slightly increases overall buffer around both wetlands. Plan sheet Option #2 TRACT G, L7, EAST PRESERVE, 8 SHERWOOD TRAIL - COS 040524
- It is recommended that Wetland Buffer Zone signs be placed around buffer areas.

VLAWMO has no issues with either option outlined above for driveway access to the back portion of Lot 8.

Thank you,

Brian Corcoran



800 County Road E East, Vadnais Heights, MN 55127
www.vlawmo.org

WETLAND BUFFERS: THE BASICS



A buffer is an area surrounding a wetland, pond, stream, or lake where plants are allowed to grow. When turfgrass or only rock surround a waterbody, pollution and sediment are easily washed into them. Buffers help trap sediments and nutrients, keeping them on land before they can get to the waterbody. This benefits people in the form of clean, secure water resources and replenished groundwater for the future. If you live next to a waterbody, you're the first and best protector of that resource for everyone downstream.

VLAWMO staff and grant programs are available to help design and install buffers that beautify your property while also supporting the greater watershed.

Why maintain a buffer?

- Provide clean water by filtering and storing pollutants such as phosphorus.
- Support efficient drainage systems from culverts to streets. Buffers help reduce sediment build-up downstream and the need for costly dredging.
- Help prevent flood damage by enhancing storage during large rain events.
- Promote groundwater recharge instead of sending runoff to a neighbor.
- Enhance aesthetics and property value.
- Provide pollinator habitat and support the aquatic food chain.

BUFFER SIZES:

Wetlands have different classifications depending on vegetative diversity and size. These factors create different recommendations for buffer sizes.

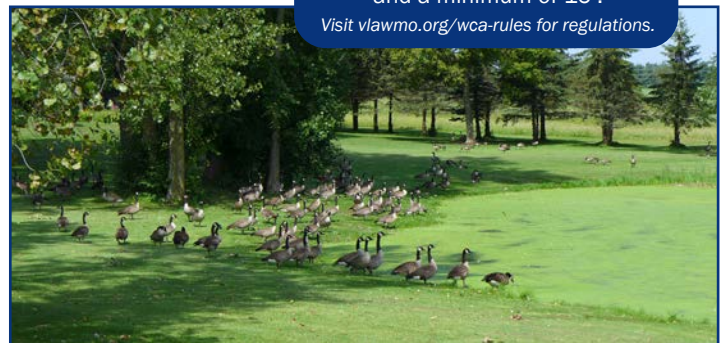
EXAMPLE:

Most small wetlands and stormponds call for a buffer with an average of 20' vegetative width and a minimum of 16'.

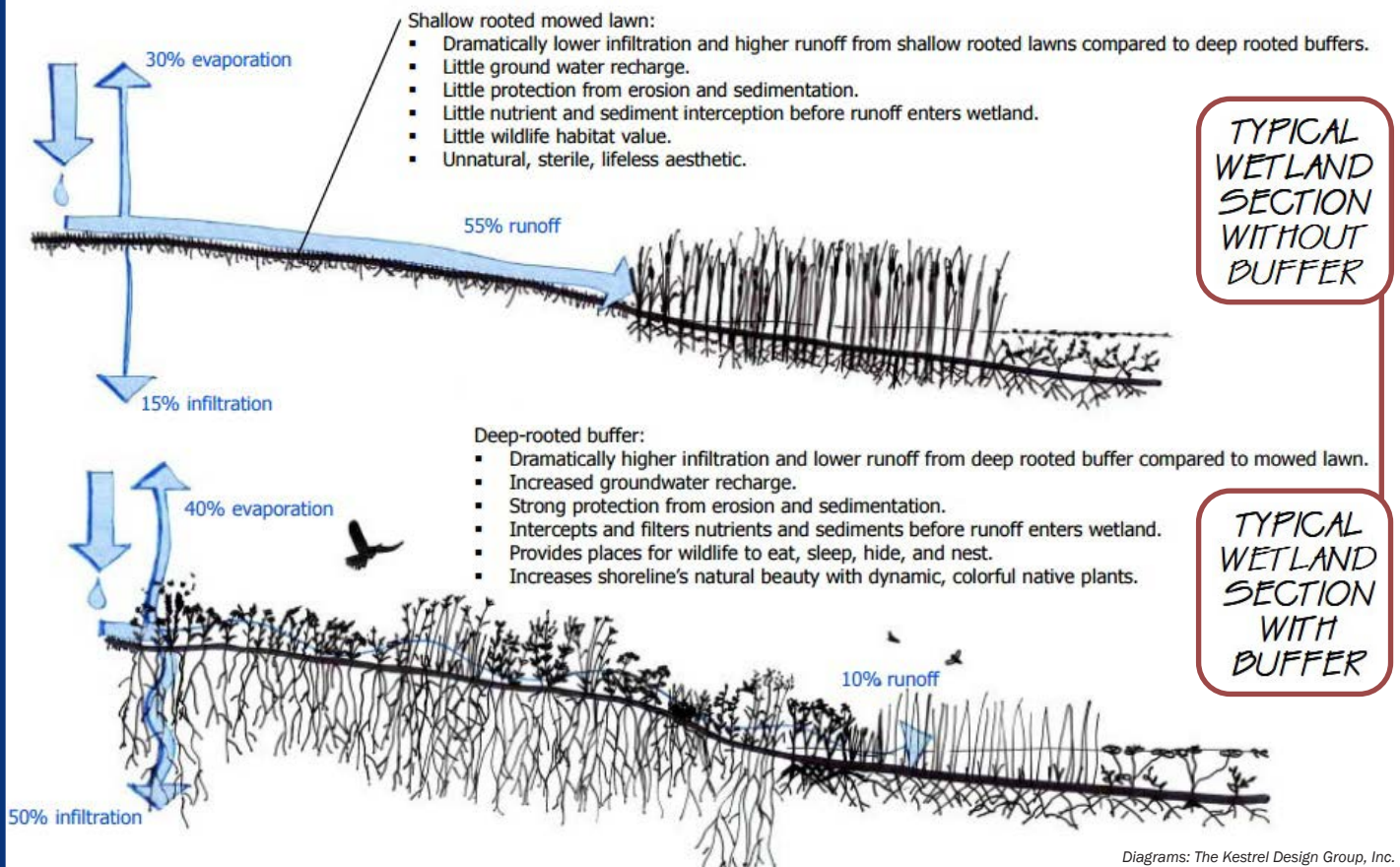
Visit vlawmo.org/wca-rules for regulations.



Buffers and shoreline restorations are great ways to protect water quality.



With a clear view and easy access to water, Geese can become a nuisance when no buffer exists.



Sherwood. We followed your suggested format of addressing code section 151.078 pertaining to variances and provided as much supporting information and visuals as we thought necessary to address the practical difficulties of building on this lot.

Take a look and let us know if you have any questions or suggestions before compiling this packet for the next planning commission meeting

Thanks for your help so far

SCOTT HOCKERT

VP of Production

HANSON
■■■ BUILDERS ■■■

952.452.4793 | hansonbuilders.com

13432 Hanson Blvd NW, Andover, MN 55304



From: Scott Hockert <Scott@hansonbuilders.com>

Date: Tuesday, March 5, 2024 at 2:25 PM

To: Kendra Lindahl, AICP <KLindahl@landform.net>

Cc: Kevin Kress (kkress@northoaksmn.gov) <KKress@northoaksmn.gov>

Subject: Re: 8 Sherwood

Below is the email communication from Bill Long pertaining to the tree agreement. I'll follow up with the revised narrative

Good Afternoon Everyone,

I want to update you on the plan that NOHOA has agreed to with Hanson Builders in the Sherwood Trail area.

1. NOHOA and Hanson Builders have agreed that Hanson will plant a total of twenty trees, each of a minimum 2.5 inch diameter at breast height, on the five lots that Hanson acquired from the North Oaks Company on Sherwood Trail in North Oaks.
2. Tentatively, these trees will be planted on Sherwood lots 1,2, 8 and 12. Taking a closer look at the topography of the area and where the most ash trees were lost, we think planting along the west side of lots 1 and 2 along Sherwood Road will improve screening for the entire area. Planting trees on the south sides of lots 8 and 12 will ensure some screening of the homes on Red Maple Lane. Since lot 4 basically backs up to a wetland, we didn't feel the need to screen that area.
3. Hanson to consult with Steve Nicholson, a certified forester, of TreeBiz LLC on species selection and exact locations of the plantings to optimize their benefit. The locations, but not the total number of trees to be planted, may be modified based on Mr. Nicholson's input.
4. Neighbors on Sherwood Trail and Red Maple Lane are encouraged to collaborate with Hanson in

planting additional trees at the neighbors' expense on their own properties to help mitigate the loss of so many ash trees in the area to Emerald Ash Borer.

5. NOHOA (Bill Long and Julia Hupperts,) can assist in coordinating a walkthrough of the area with Hanson, TreeBiz and neighbors in the area as the tree plan is finalized.

Also, though this wasn't part of the agreement, NOHOA is trying to find a way to get better pricing on trees to be planted in this area. With such a large number going in to a single neighborhood, we may be able to get a discount. Please let me know if you have any questions or concerns. I will keep you posted as to next steps and timing.

Bill

Bill Long
NOHOA Secretary
BODLong@nohoa.org
651-276-4392

SCOTT HOCKERT
VP of Production

HANSON
■■■ BUILDERS ■■■

[952.452.4793](tel:952.452.4793) | hansonbuilders.com

13432 Hanson Blvd NW, Andover, MN 55304



From: Kendra Lindahl, AICP <KLindahl@landform.net>

Date: Tuesday, March 5, 2024 at 1:43 PM

To: Scott Hockert <Scott@hansonbuilders.com>

Cc: Kevin Kress (kkress@northoaksmn.gov) <KKress@northoaksmn.gov>

Subject: RE: 8 Sherwood

Scott,

Yes, please share whatever information you have about the tree removal and restoration agreement. It may help head off further discussion at the Council.

If you can get your narrative in by the end of the week, that would be great.

We are only going to have 3 council members at the 3/14 meeting, so we will push all of the planning items to the April 11th Council meeting.

Kendra Lindahl, AICP

Subject: FW: 8 Sherwood Trail Variance - March 28th Planning Commission Meeting

From: Guanzini, Amanda <aguanzini@deloitte.com>

Sent: Tuesday, March 26, 2024 10:29 AM

To: Kevin Kress <kkress@northoaksmn.gov>

Cc: guanzini.steven@gmail.com

Subject: 8 Sherwood Trail Variance - March 28th Planning Commission Meeting

You don't often get email from aguanzini@deloitte.com. [Learn why this is important](#)

Caution: This email originated outside our organization; please use caution.

Hi Kevin – Thanks for your voicemail. Can you give this to the chair to read as part of the planning commission documents for the March 28, 2024 meeting as it relates to the variance request for 8 Sherwood Trail?

Thank you,
Amanda Guanzini

We understand that there has been a variance request for the home to be built at 8 Sherwood Trail. As residents that recently built at 6 Sherwood Trail, we had also previously requested a variance in order to build a house with a walkout basement. Our variance request was denied and we modified our building plans so that it was more naturally suited to the lot as requested by the Planning Commission and City Council.

In addition, we understand that there is a variance requested for the driveway to be within 25 feet of the property line on the side of the property adjacent to our lot. After all of the trees and brush have been removed from the property at 8 Sherwood Trail, there is less of a buffer between the properties. The previously wooded lots in the Nord development, and North Oaks in general, was a significant draw to the purchase of our lot. An approved variance to the current set back requirements, would amplify the loss of that privacy due to the recent tree and brush removal.

Amanda Guanzini

Audit Partner | Audit & Enterprise Risk Services
Deloitte & Touche LLP
Tel: 612 397 4635
www.deloitte.com

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v.E.1

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR BUILDING
HEIGHT IN EXCESS OF 35 FEET AT 8 SHERWOOD TRAIL**

WHEREAS, an application for a Conditional Use Permit has been submitted by Mark Englund of Hanson Builders for the real property located at 8 Sherwood Trail, North Oaks, Ramsey, County, Minnesota, and legally described on the attached **EXHIBIT A** (the “Property”); and

WHEREAS, a Conditional Use Permit is required for a home in excess of 35 feet in height; and

WHEREAS, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.051 and 151.076, regarding the criteria for issuance of a Conditional Use Permit, and meets the minimum standards, is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance, and does not have a negative impact on public health, safety, or welfare; and

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on February 29, 2024, which was continued to subsequent meetings on March 28, 2024 and April 25, 2024, after which hearing the Planning Commission voted 6-0 to recommend approval of the Conditional Use Permit application, subject to certain conditions.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that a Conditional Use Permit to exceed a 35-foot building height, is approved for the Property subject to the following conditions:

1. The home shall be constructed in accordance with the plans sets received on January 25, 2024 and shall have a maximum height as shown on the plans of 44.2 feet.
2. The building must be constructed so that it has a 3-foot minimum elevation difference from the basement finished floor elevation to the groundwater elevation, as determined by a geotechnical engineer by a soils investigation.
3. A variance must be obtained for the driveway to access the house. The house may not be constructed unless a variance is first approved for the driveway to access the house at the location of the house shown on the plan set.

4. The conditions of Title 151.027(D)2 (land reclamation) shall be satisfied before the issuance of a building permit. The building permit application shall contain an erosion and sediment control plan.
5. Tree disturbance should be strategically completed and remaining trees abutting construction disturbance areas shall have tree protection barriers installed at the dripline.
6. Erosion control shall be in place prior to the beginning of construction.
 - a. Erosion control measures such as silt fence must be installed downstream of all proposed grading, in order to ensure proper containment of sedimentation on site. Extra care shall be taken to maintain all existing erosion control measures to ensure sedimentation due to grading activities is not tracked off site.
 - b. Applicant shall ensure that grading and filling work does not result in the deposit of additional stormwater runoff onto adjacent properties.
7. Plans shall be approved by the Building Official prior to the commencement of construction.
 - a. Plans must be in compliance with the maximum 12% FAR requirement at the time of review by the Building Official. If plans exceed the 12% FAR requirement, the applicant shall:
 - i. Revise plans to comply with the 12% FAR requirement; or
 - ii. Request a variance from the 12% FAR requirement before a building permit may be issued.
8. Any outstanding fees shall be paid prior to the issuance of a building permit.
9. The applicant shall comply with all applicable local, state and watershed district rules and regulations.

BE IT FURTHER RESOLVED that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized and directed to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

Adopted by the City Council of the City of North Oaks this 9th day of May, 2024.

By: _____
Krista Wolter
Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Real property located in Ramsey County, Minnesota legally described as follows:

Tract J, Registered Land Survey No. 634, Ramsey County, Minnesota.

PIN: 063022130014

RESOLUTION NO. 2024- ____

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

**RESOLUTION GRANTING SETBACK VARIANCE TO ALLOW DRIVEWAY TO BE
LOCATED WITHIN WETLAND BUFFER AND SETBACK AREAS AND WITHIN 25 FEET OF
A SIDE YARD LOT LINE**

WHEREAS, the City of North Oaks (City) has received an application for a variance for the property located at 8 Sherwood Trail and legally described on the attached **Exhibit A** to allow a driveway to be located within thirty (30) feet of a wetland (11-foot setback from Wetland # 9) and within the wetland setback area, and within twenty-five feet of the side yard lot line as shown on the attached **Exhibit B**; and

WHEREAS, the variance would allow a house to be constructed towards the rear of the Property, instead of at the front of the property where the driveway grades would be unacceptably steep; and

WHEREAS, as part of its consideration of the variance application, the Planning Commission directed the applicant to submit an alternative option for placement of the driveway on the lot that would have routed the driveway through the middle of the lot, between the two existing wetlands, which the applicant did; however a review of that alternative driveway location revealed that a greater wetland-related variance would be required if the driveway were placed at the alternative location; and

WHEREAS, the Planning Commission reviewed the request at a duly called public meeting and following public hearings on March 28, 2024 and April 25, 2024, ultimately voted 4-2 to recommend approval of the variances, subject to certain conditions; and

WHEREAS, on May 1, 2024, the applicant submitted a revised plan which showed a reduced driveway width (10 feet instead of 12 feet at its narrowest point) and two 5,000 square foot septic sites.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of North Oaks that the requested variances are hereby approved as detailed below, subject to the following conditions and findings:

1. A variance to allow a driveway to be located within thirty (30) feet of a wetland and within the wetland buffer area as shown on the attached **Exhibit B** is hereby approved, subject to the following CONDITIONS:
 - a. The driveway shall be constructed in the location as shown on **Exhibit B**.
 - b. Additional wetland buffering and mitigation shall be established as shown on **Exhibit B**.
 - c. Wetland buffer signs acceptable to the City shall be placed on the Property at the locations shown in **Exhibit B**.
 - d. The driveway shall not exceed 10 feet in width at any location where the driveway encroaches into the wetland setback areas and the side yard setback as shown on **Exhibit B**.

- e. Before a building permit may be issued, the applicant must provide a septic report with supporting documentation from a licensed SSTS professional or a variance would need to be requested.
2. The Council finds that the standards in Section 151.078 of the Zoning Code and Minnesota Statutes, Section 462.357, subd. 6 for granting a variance have been met and hereby makes the following findings of fact related to the variance application:
- a. Practical difficulties exist which justify the granting of the variance, as further detailed herein.
 - b. The requested variance is in harmony with the purposes and intent of the City's zoning ordinance.
 - c. The requested variance is consistent with the City's comprehensive plan.
 - d. The property owner proposes to use the Property in a reasonable manner: the property is intended to accommodate a single-family residence and allowing the proposed house to be located at the rear of the lot is consistent with other lots in the neighborhood, avoids the need to construct a smaller house at the front of the lot or building the proposed house at the front of the lot with excessively steep driveway grades.
 - e. There are unique circumstances to the property not created by the landowner: the existing wetlands on the lot create a constraint on reasonable development of the lot that were not created by the current owner, as the lot was platted by a previous owner.
 - f. The variance will maintain the essential character of the locality because it will allow the construction of a house that is consistent with other houses in the neighborhood, and will comply with the spirit and intent of the Zoning Ordinance.
 - g. Strict enforcement would cause practical difficulties because of circumstances unique to the individual land under consideration; namely, the existence of two wetlands in the middle of the lot.
 - h. The variance is not based on economic considerations alone.
 - i. The variance would not allow a use that is not permitted by City Code.
 - j. The circumstances of this site do not apply to other properties in same zone and are the result of the existing lot lines, topography and existing conditions on this lot.
 - k. The proposed use is reasonable. It will allow construction of a house of similar stature to those around it.
 - l. The circumstances do not result from the action of the applicant. The current lot owner did not plat the property.

- m. Granting the variance will not confer upon the applicant any special privilege. It will merely allow them to construct a house and driveway of a similar nature to those in the immediate area.
- n. The variance is the minimum action needed to alleviate the practical difficulties on site: the Planning Commission directed the applicant to prepare an alternative option that would have routed the driveway through the middle of the lot and between the two wetlands; a review of that option showed that it would actually require a greater variance than the option of routing the driveway along the wester lot line proposed by the applicant.
- o. The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- p. At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

Adopted by the City Council of the City of North Oaks on this 9th day of May, 2024.

Ayes:

Nays:

By: _____

Krista Wolter

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Real property located in Ramsey County, Minnesota legally described as follows:

Tract G, Registered Land Survey No. 634, Ramsey County, Minnesota.

Parcel ID: 063022130011

PLANNING REPORT

TO: North Oaks City Council

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget Nason, City Attorney

DATE: May 4, 2024

RE: Amending City Code Title XV, Chapter 151, Regarding Garage
Definitions And Garage Size Standards

PLANNING COMMISSION MEETING

The Planning Commission held a public hearing at their February 29, 2024 meeting. There was one resident who spoke at the public hearing in support of the increase to 2,000 sq. ft.

The Commission had discussion about whether increasing the maximum garage size was adequate or whether larger garages should be allowed. Four of the Commissioners suggested a larger size would be appropriate (both 2,500 and 3,000 sq. ft. were suggested). There was also discussion of whether this should simply be permitted by right rather than by conditional use permit since requests are typically approved. After debate, the Commission did not make any changes. The Commission voted 6-1 to recommend approval of the ordinance as drafted.

BACKGROUND

A working group made up of Chair Cremons, Council member Azman and staff is meeting monthly to address a number of zoning ordinance sections that have been identified by staff, the Planning Commission and City Council as in need of review and potential amendment. Staff will bring individual items to the Planning Commission on a regular basis to present amendments for consideration. This month we are bringing garage size back for discussion.

The Planning Commission reviewed this item at the September 28th meeting, the October 26th meeting and the November 30th meeting. The draft ordinance was developed by the working group based on Planning Commission feedback.

ISSUES AND ANALYSIS

The City requires a conditional use permit for garages exceeding 1,500 sq. ft.

City Code Section 151.005 defines a garage as “An accessory building or accessory portion of the main building which shall not exceed 1,500 square feet.”



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100 Village Center Drive, Suite 230
North Oaks, MN 55127

Since 2015, the City has received 15 applications for a conditional use permit to exceed this limit. Only one of those applications has been denied. If the City is comfortable with larger garages (as the history suggests), it is time to consider modifying the standards to reflect the current market and the City's comfort with larger garages.

It is important to ensure that garages are in scale with the home to avoid the appearance of a garage with an attached house. There are a number of tools available to manage garage size including limits to the square footage or front elevation.

Definitions

The current City Code definitions should not include performance standards. Staff recommends the following changes with underlined text for the proposed additions to the City Code and ~~struck through~~ text for the deletions:

ACCESSORY BUILDING, STRUCTURE, OR USE. A subordinate building, structure, or use which is located on the same lot on which the main building or principal use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the main building or principal use.

CARPORIT. An area serving the same purpose as a garage as defined herein, but not entirely enclosed with walls.

GARAGE, PRIVATE. An accessory building or accessory portion of the main building- which is intended for and used to store the private passenger vehicles, boats, RVs, or other similar items of the owners and/or tenants who reside upon the premises~~which shall not exceed 1,500 square feet.~~

PRINCIPAL BUILDING OR USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A PRINCIPAL USE may be either permitted or conditional.

Garage Size Discussion

The following language is recommended by the working group for approval. The draft language shows underlined text for the proposed additions to the City Code and ~~struck through~~ text for the deletions.

Section 151.050(C) of the City Code (permitted accessory uses):

(C) Permitted accessory uses. The following accessory uses shall be permitted:

- (1) Attached or detached private garage and private carport facilities, and other accessory buildings or structures, provided the structure buildings are constructed in the same architectural style as the principal building or structure. ~~and provided that t~~The combined facilities square footage of

all accessory buildings, structures, and any private garages shall not exceed 1,5002,000 square feet;

- (2) Private tennis courts and swimming pools, which are maintained for the enjoyment and convenience of the resident of the principal use and their guests;
- (3) Buildings and uses accessory to the principal use, small tool houses, sheds for storage of domestic supplies, and noncommercial recreation equipment, provided the structurebuildings are constructed in the same architectural style as the principal building or structure, but accessory dwelling units shall not be permitted;
- (4) Noncommercial greenhouses; and
- (5) Signs showing residents' name and/or address identification not to exceed 2 square feet and 1 real estate sale sign not to exceed 8 square feet.

Section 151.050 (D)9 of the City Code (conditional uses) would be revised as follows:

(9) Garages which exceeds 1,5002,000 square feet, provided that:

- (a) The garage shall not exceed 3,000 square feet;
- (b) The garage shall be constructed in the same architectural style as the principal building or structure;
- (c) The square footage of floor area of the garage will be included in the calculation of the floor area ratio for the property. The floor area ratio shall not exceed 0.12 or the maximum floor area ratio permitted by the applicable zoning ordinance provisions or other official controls;
- (d) No use of the garage shall be permitted other than for private residential or other usual noncommercial garage uses; and
- (e) The factors set forth in § 151.076(C) shall be considered.

Attached for reference:

Exhibit A: Draft Ordinance amending Chapter 151

Exhibit B: Zoning Map



ACTION REQUESTED

Move to adopt the Resolution approving the Ordinance amending City Code Title XV, Chapter 151, regarding garage definitions and garage size standards, as recommended by the Planning Commission.



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING
GARAGE SIZE**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title XV, Chapter 151 Amendment: Title XV, Chapter 151.005, of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

GARAGE, PRIVATE. An accessory building or accessory portion of the main building which is intended for and used to store the private passenger vehicles, boats, RVs, or other similar items of the owners and/or tenants who reside upon the premises~~which shall not exceed 1,500 square feet.~~

Section Two. Title XV, Chapter 151 Amendment: Title XV, Chapter 151, Section 151.050(C) of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

(C) Permitted accessory uses. The following accessory uses shall be permitted:

- (1) Attached or detached private garage and private carport facilities, and other accessory buildings or structures, provided the ~~structure~~buildings are constructed in the same architectural style as the principal building or structure, ~~and provided that~~ The combined facilities-square footage of all accessory buildings, structures, and any private garages shall not exceed ~~1,500~~2,000 square feet;
- (2) Private tennis courts and swimming pools, which are maintained for the enjoyment and convenience of the resident of the principal use and their guests;
- (3) Buildings and uses accessory to the principal use, small tool houses, sheds for storage of domestic supplies, and noncommercial recreation equipment, provided the ~~structure~~buildings are constructed in the same architectural style as the principal building or structure, but accessory dwelling units shall not be permitted;
- (4) Noncommercial greenhouses; and
- (5) Signs showing residents' name and/or address identification not to exceed 2 square feet and 1 real estate sale sign not to exceed 8 square feet.

Section Three. Title XV, Chapter 151, Section 151.052 Amendment: Title XV, Chapter 151, 151.050 (D)9 of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

- (9) Garages which exceeds ~~1,500~~2,000 square feet, provided that:
 - (a) The garage shall not exceed 3,000 square feet;
 - (b) The garage shall be constructed in the same architectural style as the principal building or structure;
 - (c) The square footage of floor area of the garage will be included in the calculation of the floor area ratio for the property. The floor area ratio shall not exceed 0.12 or the maximum floor area ratio permitted by the applicable zoning ordinance provisions or other official controls;
 - (d) No use of the garage shall be permitted other than for private residential or other usual noncommercial garage uses; and
 - (e) The factors set forth in § 151.076(C) shall be considered.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2024.

CITY OF NORTH OAKS

By: _____

Krista Wolter, Mayor

Attested:

By: _____

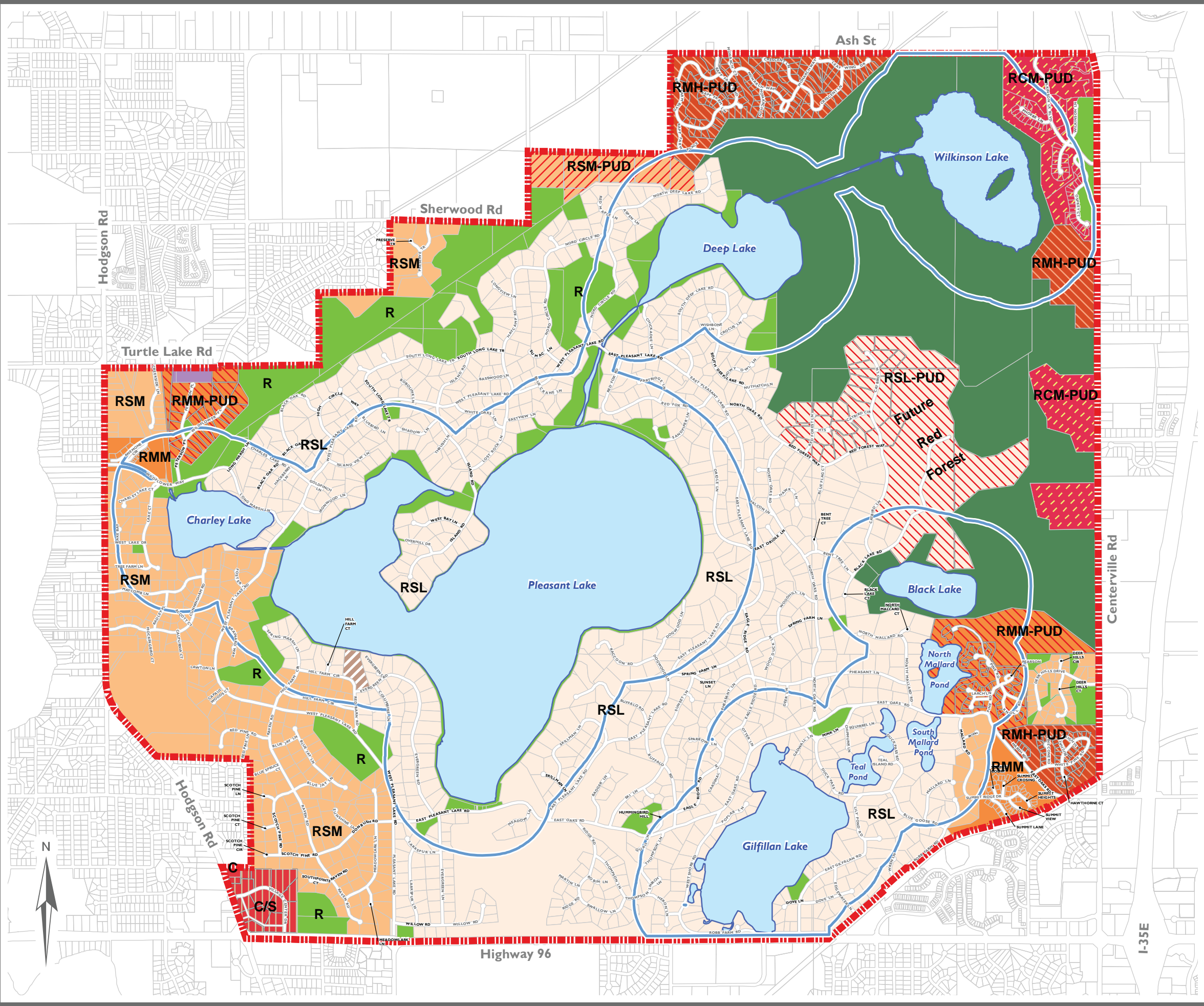
Kevin Kress
City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2024)



MAP 8

Existing Zoning Districts Map



- OS (Open Space)
- RSL (Residential Single Family - Low Density)
- RSL-PUD (Residential Single Family - PUD)
- RSM (Residential Single Family - Medium Density)
- RSM-PUD (Res. Single Fam. - Med. Density - PUD)
- RMM (Residential Multiple Family Medium Density)
- RMM-PUD (Residential Multiple Family Medium Density - PUD)
- RMH-PUD (Residential Multiple Family High Density - PUD)
- RCM-PUD (Residential-Commercial Mixed-PUD)
- C (Commercial)
- C/S (Commercial/Service)
- LI (Limited Industrial)
- R (Recreation)
- HP (Historic Preservation)
- Shoreland District Boundaries

North Oaks Boundary

Source: City Zoning Map as of 5 - 10 - 21

April 18, 2024

Kevin Kress, Administrator
City of North Oaks, MN

Via E-mail. kkress@northoaksmn.gov

RE: **Whitebear Water Supply Metering Vaults – Nine (9) Locations**
Sambatek Project No. 52886

Dear Kevin,

Whitebear Township is requiring the City of North Oaks to construct a metering pit at each of the nine (9) connections to the water system to accurately measure the amount of water provided to the city. The metering pit will include a magnetic meter and bypass piping to allow the removal of the flow meter for servicing.

Below is a brief description of the tasks required for this project.

Design & Biding Services

1. Site survey of the 9 sites	\$ 3,000
2. Gopher One Locates (9)	\$ 450
3. Preparation of Plans and specifications.....	\$18,000
4. Coordinate small utility relocation. (Gas, Telephone, Electric etc).....	\$ 2,500
5. Meet with White Bear Lake and City of North Oaks to review the plans and specifications....	\$ 900
6. Make changes and review final Plans and specification and probable cost with North Oak and White Bear Lake officials.....	\$ 3,500
7. MDH Permits.....	\$ 750
8. Solicit bids and conduct a pre-bid meeting with potential bidders.....	\$ 850
9. <u>Receive and review bids and prepare a letter of award of contract.....</u>	<u>\$ 1,500</u>
Total Task 1-9 =	\$31,450

Construction Observation and Administration

When bids are received and a contractor is selected Sambatek will provide an estimate of fees to complete the survey, construction observation and administration based on the contractor's estimated time to complete the work.

- 10. Conduct a pre-construction meeting.
- 11. Review Shop Drawings
- 12. Prepare a letter to be sent to City of North Oaks residents regarding construction Schedule and impact on the water service.

13. Observe the construction and send progress reports to all concerned.
14. Review progress payments and recommend payment.
15. Conduct a final review of the construction and prepare a punch list.
16. Recommend final payment and project close out.
17. Complete record survey and record drawings.

Our understanding of the project is that:

- A standard metering manhole will be used at all nine (9) locations.
- Plans will be posted on QuestCDN for electronic bidding.
- Sambatek will address one set of design comments by Whitebear Township
- Changes after the initial comments are addressed will be made on an hourly basis charged at our normal hourly rates.
- Field inspection will be on as needed basis charged at our regular hourly rates. The hours to complete the observation will be determined when a contractor is selected, and their schedule is known. complete the work.
- Record drawings will be required including field survey for horizontal and vertical verification.

Schedule

Sambatek will complete the plans and specifications within 30-working days following authorization to proceed, assuming 5-working days for plan review by Whitebear Township.

If this proposal is acceptable, please sign below.

Respectfully Submitted,

Sambatek, Inc.



Mike Nielson, PE

Municipal Practice Leader/City Engineer

Authorization to Proceed

Sambatek is authorized to proceed with the work as outlined above for an estimated fee of \$31,450.

Signed: _____ Date: _____

Kevin Kress, Administrator

Cc: Naeem Qureshi, Sambatek
Jeff Ostrom, Sambatek



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150 South Fifth Street, Suite 700
Minneapolis, MN 55402

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MEMORANDUM

TO: Mayor and Members of the Council
FROM: Bridget Nason, City Attorney
DATE: May 3, 2024
RE: Council Vacancy

Background

The City has been advised that Council Member John Shuman will be resigning effective June 15, 2024. This resignation leaves a vacancy on the Council in the office council member. Because there are more than 2 years remaining in his term, the City is required to hold a special election to fill that vacancy. In the interim, the City must also fill that vacancy by appointment. A resolution formally accepting Councilmember Shuman's resignation and declaring a vacancy is included in your council packet. This Memo discusses the Council's options for filling that vacant council seat.

1. Filling a vacancy on the council

If a temporary or permanent vacancy occurs on the council, the remaining council members are required to fill the vacant seat. If less than two years remain in the unexpired term of office for the vacant set, the Council shall fill the vacancy by appointment. If more than two years remain on the unexpired term, the Council shall fill the vacancy by appointment and a special election shall be held at or before the next regular city election, and the appointed person shall serve until the qualification of a successor elected at the special election.

A. General Qualifications for Appointment; Filling Existing Vacancy.

Upon resignation of a member of the Council, the Council may appoint any individual who is eligible for election to fill the vacancy. Generally, to be eligible to serve as a member of the City Council, a person must be a U.S. citizen, a resident of the city, a qualified city voter, and at least 21 years old. The Council must determine what process it wishes to employ for appointing an individual to serve out the remainder of the vacant position's term. This process could be as simple as soliciting applications from interested candidates to a more complicated process including interviews with the Council.

As long as at least a quorum of the council is present, a majority vote of those present is sufficient to make the appointment. In the event of a tie vote, the mayor is authorized to appoint a person to fill the vacant council position. State law does not place any limitation on a mayor's ability to make an appointment in the case of a tie vote. As a result, the mayor can appoint any qualified person willing to fill the vacancy.

Conclusion

The Council is asked to consider the following actions at its meeting on May 9, 2024:

1. Consider a resolution declaring a vacancy on the council and directing that the vacancy be filled at a special election to be held on the same date as the next general election.
2. Provide direction to staff regarding the process it would like to employ to fill that council vacancy.

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION ACCEPTING RESIGNATION OF COUNCILMEMBER JOHN
SHUMAN AND DECLARING A VACANCY ON THE CITY COUNCIL**

WHEREAS, Councilmember John Shuman was duly elected to the North Oaks City Council for a term running through 2026; and

WHEREAS, the North Oaks City Council has received the written resignation of Councilmember John Shuman effective as of May 15th, 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, MINNESOTA, AS FOLLOWS:

1. The Council accepts Councilmember John Shuman’s resignation as described above.
2. The council declares that a vacancy exists on the Council effective as of May 15th, 2024.
3. Pursuant to Minn. Stat. § 412.02, subd. 2a, the Council shall fill the vacancy by appointment until an election is held pursuant to Minn. Stat. § 412.02, subd. 2a.
4. Since the vacancy has occurred before the first day to file affidavits of candidacy for the next regular city election and more than two years remain on the unexpired term of Councilmember John Shuman, a special election shall be held at the next regular city election on November 5, 2024, and the appointed person shall serve until the qualification of a successor elected at the special election to fill the unexpired portion of the term.

Adopted by the City Council of the City of North Oaks, Minnesota, the 9th day of May, 2024.

Ayes:

Nays:

Krista Wolter, Mayor

Attest:

Kevin Kress, City Administrator/City Clerk

April Month in Review

April 2024



Rehder Forestry Consulting

- All diseased oak trees from 2023 have been removed per city ordinance.
- Confirmed Cudd Homes berm on Spring Farm Ln was planted according to City staff discussions.
- We responded to a homeowner call at 29 Knoll Rd and provided tree care advice.
- Coordinated brush pick-up program for the end of May and confirmed Budget Tree will be providing the services.
- Over 800 tree seedlings will be distributed to residents on May 5th, May 6th, and May 9th at City and Garden Club events. Residents who have had to remove a lot of trees as a result of EAB will be encouraged to re-plant areas impacted by EAB.
- EAB removals have been in full swing and all residents with tagged trees have been notified of removal requirements.
- Provided tree preservation advice for builder at 25 Pine Rd.
- Marked numerous trees as nuisance trees and notified residents of concerns.
- Notified County of hazard ash trees along Hodgson Rd.