

**North Oaks Planning Commission  
Meeting Minutes  
City of North Oaks Via Electronic Means and Community Room  
December 30, 2021**

**CALL TO ORDER**

Chair Azman called the meeting of December 30, 2021, to order at 7:00 p.m.

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

**ROLL CALL**

Present via electronic means: Commissioners Joyce Yoshimura-Rank, Stig Hauge, Anne Conroy, David Cremons

Present in the Community Room: Chair Azman, City Administrator Kevin Kress

Absent: Commissioners Grover Sayre III, Nick Sandell

Other Staff Present: City Engineer John Morast, City Attorney Jim Thompson

A quorum was declared present.

**PLEDGE OF ALLEGIANCE**

Administrator Kress led the Pledge of Allegiance.

**CITIZEN COMMENTS**

There were no citizen comments.

**APPROVAL OF AGENDA**

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

**APPROVAL OF PREVIOUS MONTH'S MINUTES**

**a. Approval of September 30, 2021 Planning Commission Meeting Minutes**

**MOTION by Yoshimura-Rank, seconded by Cremons, to approve the previous months minutes. Motion carried unanimously by roll call, Anne Conroy abstained.**

**BUSINESS ACTION ITEMS**

**a. Public Hearing on Conditional Use Permit #21-16 for a proposed new home in excess of 35 feet in height for property located at 3 Eastview Road. Discussion and possible action on CUP.**

Chair Azman called the Public hearing to order at 7:06 p.m.

Administrator Kress stated the Schmidt family is applying for a new home on 3.4 acres with side and rear elevation in excess of 35 feet. They are asking for 42 feet at the highest point. The building height does not exceed 42 at any point and the site is suitable to a walk out. The proposed home is 2 full stories with basement. Set back requirements are well within range with

conditions satisfied to meet the CUP height guidelines. Staff recommends approval up to the City council.

- Commissioner Cremons inquired if 40.2 feet is the closest to the lot line that they could get due to the 2 feet additional required from adjacent lot line for every foot over the 35 feet required. Staff report will be adjusted to more clearly reflect the minimum setback allowance from lot lines. It was stated that all building setbacks will be at least 50 feet from the lot lines.
- Administrator Kress confirmed that abutting neighbors had been notified, with no feedback submitted to the City prior to the meeting.
- Applicant Ben Schimdt and Gretchen Hall stated they feel they meet all the requirements have been met.

**Chair Azman called the Public hearing to order. MOTION by Hauge, seconded by Yoshimura-Rank, to open the public hearing at 7:19 p.m. Motion carried unanimously by roll call.**

- There were no public comments.

**MOTION to close the public hearing by Hauge, seconded by Conroy. Motion carried by roll call vote at 7:20 p.m.**

- Cremons asked if the septic application is under review by septic inspector. Kress confirmed it was.
- Hauge mentioned it might be prudent to raise to Council that CUP's for height over 35 feet up to the allowed 42 range, have the ability to skip the Planning Commission and go directly to Council if it satisfied requirements.
- Councilor Watson mentioned he feels zoning codes are in place to protect entire community, and there is value to the language currently in place requiring Planning Commission review.
- There were no further comments by Commissioners, staff, or neighbors.

**MOTION by Yoshimura-Rank, seconded by Conroy, to approve the CUP application #21-17 for a home in excess of 35 feet at the property located at 3 Eastview Road, with conditions as listed by City Staff. Motion carried unanimously by roll call.**

Chair Azman noted that the recommendation for approval will go before the Council at their next meeting on January 13, 2021 for final consideration.

**b. Public Hearing Conditional Use Permit #21-16 for home with height in excess of 35 feet for property located at 6 Sherwood Trail. Discussion and possible action.**

Administrator Kress stated the applicant Gonyea Homes has submitted a CUP request to build a home with height over 35 feet. Property is over 3 acres. The proposed new home will be 33 feet

10 inches feet at the front elevation and 44 feet at the rear elevation. It doesn't exceed 45 feet at any point, and is a two story with a basement.

- Cremons asked for clarity that it meets the setback requirements from the lot lines. It appears the extra 9 feet home height would require an additional 18 feet from the 30-foot lot line, which would calculate to the home being setback 48 feet. The plan calls for 46.2 feet from the lot line. It appears it would need to be 2 feet farther from the lot line.
- Applicant Jen Otto from Gonyea Homes confirmed 42.6 and 5/8<sup>th</sup> is to the rear peak, with a 2-foot decorative peak top. They will shift the home on the site to ensure that the extra 2 feet per every foot from the lot line is greater than 35 feet height requirement is met. They will look to shift the home to the west 2 feet to meet the requirement. The plans will be resubmitted prior to the Council meeting.
- Conroy is concerned that we need accurate dimension in height and verbiage before Planning Commission can make final decision to approve or deny it.
- Attorney Thompson stated an option would be recommendation of approval subject to the applicant modifying the plans to comply with zoning code 151.05D7. This would be a condition of approval. This would allow applicant to shift home left or right, or do what is necessary to meet this requirement.
- Otto suggested that the plan sets would be adjusted to meet the 35 feet at the front and 44 at the rear prior to the next council meeting.
- Councilor Watson stated that Planning Commission recommendation should include exact height and plan sets, that could go up to the Council. Cremons and Hauge agreed that they would be more comfortable with the exact plans.
- Commissioners agreed to be available to continue the meeting on this topic until Thursday, January 6<sup>th</sup> at 7:00 p.m., which would allow staff time to still get it into the council packet.
- A revised plan set will be submitted on Monday, January 3rd by the Applicant.

Chair Azman called the public hearing to order at 7:55 p.m.

**MOTION by Yoshimura-Rank, seconded by Hauge, to open the public hearing/public comment portion at 7:56 p.m. Motion carried unanimously by roll call.**

There were no public comments in person or submitted to Administrator Kress by the public.

**MOTION by Yoshimura-Rank, seconded by Cremons, to continue the public hearing/public comment to Thursday, January 6<sup>th</sup> at 7:00 p.m. Motion carried unanimously by roll call.**

There were no further comments by Commissioners.

**New Business:**

- Administrator Kress mentioned that within the PDA it talks about the various requirements for zoning. There is unclarity within the zoning ordinances regarding when a CUP is required for height. In RSM-PUD there is nothing regarding height, the performance standards talks about minimum. There is a conflict: in PDA it states 35 feet, with lots suited for walk out allowed up to 42 feet with sides measured from the lowest elevation. The zoning code states anything over 35 feet requires a CUP. Kress indicated that “consistent with zoning ordinance” means to him to follow the CUP process, however Council and others may have different opinions.
- He also noted that Site C is different from Rapp Farm. Rapp Farm specifically calls out that 47 feet are allowed for home in that development.
- This comes into play because Sherwood Trail lots are designed to be walkouts, and there will several more CUP’s coming up before Council.
- Applicant Jen Otto from Gonyea Homes expressed their interpretation on the ordinance. They do not feel that a CUP is required for these walkouts under 45 feet.
- Councilor Watson mentioned that the PDA verbiage was intentional. The 35 feet designation was in line for parcels adjacent to existing homes in North Oaks which was typical height for homes at that time.
- Chair Azman is concerned with the frequency and expense associated with reviewing Conditional Use permits for height and garage space, when they are fairly standard within the zone code as allowed.
- Watson suggested Administrator Kress take a look at how some of the other developments were calculated outside of East Oaks.
- Azman suggested it be put on the agenda for the January meeting for further discussion. Kress will also chat with Watson offline.

**COMMISSIONER REPORTS**

- Chair Azman thanked Commissioner Hauge for his service on the Planning Commission as he retires.

Chair Azman noted that the next meeting of the Planning Commission will be on the continued meeting on Thursday, January 6<sup>th</sup> 7:00 p.m.

**ADJOURN**

**MOTION by Cremons, seconded by Yoshimura-Rank, to continue the meeting until Thursday, January 6<sup>th</sup> at 7:00 p.m. Motion carried unanimously by roll call. Meeting ended at 8:17 p.m.**

*Kevin Kress*

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Kevin Kress, City Administrator

*Mark Azman*

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Mark Azman, Chair

Date approved 1/27/2022