

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Via Electronic Means and Community Room
March 31, 2022**

CALL TO ORDER

Chair Azman called the meeting of March 31, 2022 to order at 7:00 p.m.

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

ROLL CALL

Present in the Community Room: Chair Mark Azman, Commissioner Scott Wiens, City Administrator Kevin Kress

Present via electronic means: Commissioners Robert Ostlund, Nick Sandell, Joyce Yoshimura-Rank, City Councilors Jim Hara and Tom Watson

Other Staff Present via electronic means: Lake Johanna Fire Department Deputy Chief Matt Sather, City Attorney Jim Thompson

Absent: Commissioners Anne Conroy and Dave Cremons

A quorum was declared present.

PLEDGE OF ALLEGIANCE

Chair Azman led the Pledge of Allegiance.

CITIZEN COMMENTS

Peter Hairston of 14 Red Fox Road commented via zoom. He noted that he believed the siren system under consideration at this meeting is excessive. He preferred that sirens be placed further away from people's homes. He stated that the public can all get warnings on cell phones now, so sirens are a more antiquated technology. He also noted that the sirens plans are proposed to be close to recreational areas, which may damage the hearing and scare small children who are playing in these areas.

Chair Azman noted that Hairston had also submitted an email that was circulated to Commissioners, as well as another email had been sent by John MacHalec.

APPROVAL OF AGENDA

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

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of February 24 and March 3, 2022 Planning Commission Meeting Minutes

Councilor Watson noted that he came a few minutes late, but he was present at the February 24 meeting. He also noted a few spots where Commissioner Sandell's name spelling should be corrected.

Commissioner Sandell noted that on page 6 on the February 24th meeting minutes he had asked for a 6 foot consideration not 8 foot.

MOTION by Yoshimura-Rank, seconded by Wiens, to approve the February 24 and March 3, 2022 meeting minutes as amended. Motion carried by roll call vote.

BUSINESS ACTION ITEMS

a. Discussion and Possible Consideration of Emergency Sirens.

- Matt Sather, Lake Johanna Fire Department Deputy Chief said he had received some outreach about the possibility of adding emergency sirens for the Rapp Farm neighborhood. He had already been looking into it on his own because North Oaks is the only community in Ramsey County that does not have them. He wanted to get more information about where sirens could/should go and what it would take for the city to install them. He presented a sound plan based on where there are existing utilities, therefore making installation as efficient as possible, and where there could be maximum sound coverage for the community. This sound plan was put together by Federal Signal.
- Sather said that the installation of sirens is not a push from him or the fire department, but he provided this information because it is something lacking in the community. The city can choose whether or not it would like to pursue them.
- Sather noted a few items to consider – warning sirens do not sound very often. There is testing once a month and two days in the spring for severe weather awareness. With regard to concerns about decibel ratings, sirens are placed up high enough so you don't get a blast of sound. The technology of phone warning systems is helpful, but sirens are usually placed in places where people are outside and may not be connected to technology. He said that the city could be covered well with three sirens to match the rest of the county in terms of decibel levels. He said that although it would be great to move the proposed siren up by Rapp Farm to the south and east to cover more area of new developments, it would likely cost more to add infrastructure to do so.
- Chair Azman asked where are sirens currently located in surrounding communities. Sather said there is one at the intersection of Rice and Snail Lake Road, and one close to Hodgson. There is also some coverage on the West side of North Oaks, and there is minimal coverage on East side from White Bear Township and some on the South from Shoreview. He did not have Anoka County data for North side coverage. Chair Azman noted that there were some residents in Rapp farm expressing concern that they could not hear sirens and he wondered how far in the sound travels. Sather said the maps he provided shows theoretical decibel range. Matt went over maps included in packet. He noted that most of city is currently under 70 decibels, but most of county is over 70, with the vast majority over 80.
- Commissioner Ostlund said he felt the most telling maps in the packet were the current and modified maps showing what the potential coverage could be. He asked under what

circumstances would sirens be activated other than monthly and seasonal tests. Sather said he would send a document to City Administrator Kress that goes over the full policy on how and when they are activated. Kress shared the Lino Lakes for observation.

- Commissioner Sandell explained that what triggered people from Rapp Farm to reach out about this issue was a number of concerns expressed at a Rapp Farm Homeowner's Association meeting that people have never been able to hear sirens. Since then, Sandell has tried to listen for sirens and has not been able to hear them. He noted that the comments in Rapp Farm were from a pretty diverse group of residents.
- Commissioner Sandell asked what infrastructure is needed for sirens? Deputy Chief Matt Sather said it would just be electrical. Communication to the sirens is all cellular. Sandell asked how high the poles are. Sather said they are 50-foot poles, with 7-8 feet buried in the ground.
- Chair Azman asked what the industry standard is for sirens in cities? What is recommended from City Planners, fire departments, etc.? City Administrator Kress said that this topic will take more analysis. He would like to look at it with the new City Planner. He just wanted to get this information out to Commissioners for initial consideration so they could digest it and then have further discussion in April. Chair Azman asked if the City Councilors in attendance had any guidance. Councilor Watson said that the reason the City Council sent it to Planning Commission was just to have them take an initial look at the information. Although he believes emergency response is critical for communities he has no specific agenda on this topic and is just looking for advice and thoughts. Chair Azman asked if there are any time critical considerations. Councilor Watson said he assumes it would take a while to install the sirens if they were approved. Deputy Chief Sather said he would look into the timelines and would need to get this information to Councilor Watson.
- Chair Azman asked who owns the equipment, and how would that work with privacy? He wondered if they were owned by the county, would they need authority to maintain them from time to time? And how does NOHOA fit in if they would be on NOHOA land? City Administrator Kress said all the questions that Chair Azman asked is why the city currently does not have them. In all other cities, the cities own the sirens and maintains them, but the county activates them.
- Commissioner Wiens asked, if there are parts of North Oaks where you can hear sirens, is it possible to just put them in the parts of the city where they cannot be heard? City Administrator Kress said he talked to Lino Lakes to see about putting a siren up there as a way to get more coverage for Rapp Farm, suggesting could dually maintained between the two cities. Commissioner Wiens suggested this could be more cost-effective. Commissioner Yoshimura-Rank asked for a ballpark figure on cost. Deputy Chief Sather said he was not sure about the electrical hookup, but it would be about 25-27K per siren location.
- Commissioner Sandell said Councilor Dujmovic is coming to Rapp Farm Homeowner's Association meeting next Thursday to share similar material and get feedback from Rapp residents. He thought the idea of a partnership with Lino Lakes could be a win-win.

b. Discussion on Properties Under 4,000 Square Feet and FAR Application.

- City Administrator Kress shared that he had been working with a resident on a proposed addition, and he came across an issue with a section of the RSL- Single Family Low Density district zoning code in which he wanted to clarify his interpretation. The section states: “For lots where the combined square footage of all buildings thereon exceed 4,000 square feet, then the combined total floor area ratio (FAR) of all buildings on such lots shall not exceed 0.12.” According to his interpretation, this would mean that FAR would not apply in situations where homes are under 4,000 square feet. He asked for feedback from the Planning Commission to confirm that his interpretation is correct.
- Chair Azman asked the applicant and architect that Kevin was working on when this issue arose to present the situation so the Planning Commission could have a real-world example of how this plays out. The applicant and architect from 41 Pheasant Lane shared that they are looking to do a 600 square foot addition over garage. The front elevation with addition would be under 35 ft. City Administrator Kress noted that they were initially looking to add an extra garage, but decided against it because this would push them over 4,000 square feet and trigger the 12% FAR issue. He said by his interpretation, because the addition they are planning does not push the house over 4,000 square feet, FAR by ordinance does not apply. Chair Azman said he agrees with Kress’ read, that FAR would not be triggered. City Attorney Thomson asked if there is any other place in the code where there is a FAR regulation for under 4K? Kress said there is not.
- Commissioners Sandell and Yoshimura-Rank also expressed agreement with Kress’ interpretation, as well as Councilor Hara. Councilor Watson said he remembered that the Planning Commission worked very closely with original owner of this property to fit the home on the lot because it was quite a unique plot of land. He said he felt the new owners’ proposal is reasonable. City Administrator Kress asked if there is any interest to see this at the Council level. Councilor Hara said no, that he believes it is a non-issue. Councilor Watson agreed, and suggested that Kress just include it as part of a report.

c. Discussion on Conditional Use Application Ordinance and Criteria.

- City Administrator Kress shared the latest draft of a document that was created by a subcommittee to propose interpretive guidelines for a height-based CUP with regard to ordinance §§151.050/150.051. He noted that they had a couple questions, whether they should use this as a policy piece, or should it be incorporated as part of the ordinance. He said from a staff perspective, it has more teeth if it is incorporated as part of an ordinance. If it were to be added to an ordinance, you would want to be careful enough to leave some flexibility for interpretation between the Planning Commission and the Council. At some point, depending upon what the Council’s direction on whether or not this should be an ordinance, he would have to call for a public hearing.
- Chair Azman asked for input from City Attorney Jim Thomson and the new City Planner on whether it is a better practice to incorporate into ordinance. Thomson said although he understands the reason to make it a policy, he would be more comfortable if it was added to the code. He said this is because the document defines terms that are already in the code, and sets factors that will be used to determine whether a lot is naturally suited for the design of a

building. Chair Azman asked if Thomson, the City Planner and Kress get together to discuss the document? Kress said he has a meeting with the City planner the next day and would discuss it with her then. The Council meets in a couple weeks and could decide whether or not they want to see it as an ordinance. Although Kress would need to publish the notice for a public hearing on the topic in advance of that, if Council decides they do not want this as an ordinance, the Planning Commission could just open and close the public hearing with no action. Kress said he agreed with Attorney Thomson, that it is always better to have items like this in the code, that it is easier to defend. He said that with the new City Planner coming on, there are probably other sections of the code that may be of interest to change or clarify in order to prevent issues in the future.

- Chair Azman asked if the other issue with setbacks when the height of a home exceeds a certain amount could be reviewed. Kress agreed, saying that rather than adding two feet per every foot of height that you are over 35 feet, he would prefer to have this as a set number so that any property that is over 35 feet should have a new specific setback number on all sides. Chair Azman asked if we could combine this with the current document's suggestions. Kress said yes, if you were to modify this ordinance, it is all part of the same section, and all the districts revert back to RLS, so you would only have to change one section of the code.
- Chair Azman asked if City Council could weigh in on whether they are willing to entertain a change since there is a specific situation under litigation with regard to this ordinance? Councilor Watson asked City Attorney Thomson if it is appropriate to change the ordinance in the midst of some of the legal challenges, or whether they should let these challenges play out first. Thomson said that there would not be time to modify the code in a manner that would allow it to affect any pending applications or litigation. He said he did not see a need to rush through based on the possibility of potential litigation. Kress suggested a May consideration of the public hearing, and that this would give them more time to work with the City Planner because there may be other sections that they would be interested in modifying or clarifying. Chair Azman clarified that he was not thinking about changing the code to affect an existing application, and Kress agreed that any changes under consideration were intended to help with future applications. Chair Azman said he would rather have time for staff and council to think about these things rather than rush it in the April meeting.

COMMISSIONER REPORTS

- Councilor Watson acknowledged Commissioner Anne Conroy's departure. He noted she is moving to Florida and has resigned from the Planning Commission. He thanked her for her service. Chair Azman echoed Watson's sentiment.
- Chair Azman said that if Commissioners want to come to chambers to be in person for the next meeting, they are welcome to do so.
- Commissioner Yoshimura-Rank will not be available for April meeting.

NEXT MEETING

Thursday, April 28, 2022 at 7 p.m.

ADJOURN

MOTION by Yoshimura-Rank, seconded by Sandell, to adjourn the meeting. Motion carried unanimously by roll call. Meeting ended at 8:06 p.m.

Kevin Kress
Kevin Kress, City Administrator

Mark Azman
Mark Azman, Chair

Date approved 4/28/2022