

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
September 28, 2023**

1. CALL TO ORDER

Chair Cremons called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Chair David Cremons, Commissioners Grover Sayre III, Bob Ostlund, Stig Hauge,

Joyce Yoshimura-Rank, Nick Sandell

Absent: Scott Weins

Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, City Planner Kendra Lindahl and Mark Azman (via Zoom)

Others Present: Videographer Kenny Ronnan

A quorum was declared present

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There was no one present in the room, or online wishing to make comments.

5. APPROVAL OF AGENDA

MOTION by Yoshimura-Rank, seconded Hauge, to approve the agenda with the addition of discussing the upcoming Planning Commission meeting calendar. Motion carried unanimously.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of August 31, 2023 Minutes

Commission Ostlund mentioned that Page 5 should state "fleshing out the ordinance". Hauge made motion on item 7, page 4.(not Sayre). Kress also mentioned the correction of the word "Riparian lot" at the bottom of page 1.

MOTION by Hauge, seconded by Yoshimura-Rank, to approve the Planning Commission Meeting Minutes of August 31, 2023 with adjustments as noted. Motion carried unanimously. Sayre abstained.

7. BUSINESS ACTION ITEMS

a. Public Hearing- Amending City Code Title XV, Chapter 151, regarding solar energy system ordinance. Discussion of possible action on ordinance.

- Chair Cremons noted this solar ordinance is as a result of Incarnation Lutheran Church request for ground mounted solar. Church will still have to apply for CUP and be subject to Public Hearing, however an amendment provides a process for them to submit an application for review.
- Planner Lindall reviewed the amended solar ordinance proposal. City code states that if a use is not specifically addressed in code, it is denied. There would be no means for Planning Commission and Council to discuss a request if someone to bring an application for review. This would provide a path for review.
- The key points include: allowance of ground-mounted solar in limited areas. Requires CUP application and review process, only in RSM zoned district, must be in side or rear yard, must meet all principal building setbacks. Landscaping is required to buffer the panels, and requires a 10 acre minimum lot size. There are only 3 parcels in City that would qualify and none of them are within the North Oaks Homeowners Association boundary.
- The Planning Commission options are: move to approve as drafted, move to recommend with modifications, recommend denial with findings for denial, recommend continuance of the application based on the need for more information.

MOTION by Sayre, seconded by Yoshimura-Rank, to open the public hearing at 7:09 p.m. Motion carried unanimously.

There were no members of the public in the Community Room or on zoom. No comments by the public.

MOTION by Yoshimura-Rank seconded by Hauge, to close the public hearing at 7:11 p.m. Motion carried unanimously.

- City Administrator Kress mentioned he has gotten a few phone calls from residents in the RSM district asking why the acreage was so high. There were some with 3 acres that were interested in solar.
- Commissioner Hauge mentioned that the person he spoke to was concerned with neighboring property values, as well as concerns about taking down trees to put in solar.
- Chair Cremons noted the amendment as draft is more straightforward because it effects only properties on very large lots off Hodgson.
- Sayre was concerned if solar is trend in the future, that perhaps smaller lots should also be considered for ground solar.
- Kress noted that if the acreage was lowered than NOHOA would have be involved in this conversation to determine what they would allow.
- Cremons reinforced that this is a good start, and Council can discuss if they wish to further reduce the acreage number.
- Lindall noted the proposed ordinance states the size of array is limited to ½ the size of the home.
- It was requested that the issue of reducing acreage number in the amendment was discussed at length during the Planning Commission meeting. The council would discuss the impact of having the ordinance set between 3 ½ to 10 acres. If set at 3 ½ acres, there would be 20 properties within RSM district that qualify.

MOTION by Cremons, seconded by Yoshimura-Rank, to Amend City Code Title XV, Chapter 151, regarding solar energy system ordinance as drafted. Motion carried 5-1, with, Sayre against.

Commissioner Sayre believes this is where things are headed, and feels we need to address it proactively and make it less impactful to the public. The City, NOHOA and North Oaks company are all parties to the conversation.

Commissioner Ostlund does not believe it is inevitable due to the amount of tree coverage in North Oaks restricting sunlight getting to solar panels.

7b. Public Hearing – Regarding Ordinance amending Chapter 151 of the City Code regarding signs in the RSM-Residential Single-Family medium Density District. Discussion and possible action regarding the ordinance.

- Chair Cremons noted the discussion regarding the sign ordinance came as a result of Peace United Methodist Church approaching Planning Commission requesting an electronic message center sign.
- The sign ordinance amendments would allow: all ECM signs in RSM district, minimum lot size of 3.5 acres, on a arterial or collector street, display for minimum of 8 seconds (no flashing), limit sign lighting to 6 a.m. – 11 p.m., and max sign area of 32 sq. feet (only 16 sq. ft. may be ECM).
- Peace has reviewed the sign and has asked for us to allow us to include the preschool on the sign since they are principal use of the building.
- Planning Commission options: move to approve as drafted, move to recommend with modifications, recommend denial with findings for denial, recommend continuance of the application based on the need for more information.
- The CUP level is unable to control the message.
- Attorney Nason stated that we could detail in the Ordinance what the Planning Commission allows as principal use, plus others on site. As drafted it states only principal use party and secondary use party be allowed.
- Kita Burleson at Peace United Methodist church noted after a recent review of their church, they received very positive feedback however no one knew where they were located. Peace has been part of the North Oaks community for 60 years. The trend for religious organizations is not good, and feels having more eyes on the sign will enhance membership and attendance. Peace can work within the 32 square feet proposed. They are asking permission within the ordinance to allow Peace to apply to for Electronic messaging to help display the various functions of the church. She noted that the Preschool are a key secondary user working onsite Monday through Friday, contribute to the building cost and would be helping fund the sign. They would also be conscious of light pollution in the evening with light lumination.
- Hauge indicated Incarnation has more space around them than Peace, and inquired if they had spoken to neighbors of the church about the sign.
- Peace stated they had not, however the direction of the sign perpendicular to the road means it would not be facing any homes. The maximum daytime brightness of the planned LED sign is 7,000 nits.
- Lindall stated our ordinance is based on foot candles. There was discussion within Commission on whether to reference nits or footcandles. We used footcandles like Shoreview because it uses

ambience light. This is the standard in the industry. Nits are an LED brightness terminology, and they would work together to ensure the standards are met.

MOTION by Hauge, seconded by Yoshimura-Rank, to open the public hearing at 8:05 p.m. Motion carried unanimously.

There were no members of the public in the Community Room or on zoom. No comments by the public.

MOTION by Yoshimura-Rank seconded by Sayre, to close the public hearing at 8:06 p.m. Motion carried unanimously.

Cremons suggested to modify ordinance with the allowance of Principal Use and secondary user business name to be placed permanently on the sign, with Electronic message to be changed to highlight other temporary users such as the Boy Scouts.

The intent is to have the permanent uses of the building on the fixed part of the monument sign, with the temporary uses within the Electronic message.

MOTION by Sayre, seconded by Hauge, to approve the ordinance as drafted, with the change to also allow secondary use shown on the monument sign. Motion carried unanimously.

7c. Discussion on amendments to Chapter 150 of the City Code regarding the garage size

- Chair Cremons noted that the Planning Commission has had to review many CUP request for garage in excess of 1,500 square feet but less than 3,000 as allowed by ordinance over the years. With the exception of 1, they have all be approved as they have been all conditions detailed in ordinance. Each Cup request costs homeowner money, time, City Staff, Planning Commission, and Council preparation and meeting time. They have also send a building trench that garage sizes have grown over the years.
- The current ordinance is garages over 1,500 square feet, but up to 3,000 square feet are allowed with CUP approval by Planning Commission and City Council.
- If the threshold was moved up to 2,000 square feet there would be many CUP's that would not need review, however it would still be subject the garage not exceeding 50% of the home size. This would keep the home size in check. The garage would also still have to meet the condition of being in similar architectural style as the home.
- If Planning Commissioners agree a change is warranted, staff would be directed to draft an ordinance and notice it for public hearing for next Planning Commission.
- Planner Lindall showed the chart of past garage CUP requests, the proposed square footage, and year requested. Nearly all were under 2,000 square feet, with only 2 being over 2,500 square feet.
- Commissioner Sandell suggested move the threshold to 2,500 allowed without CUP, with garage no more than 50% proportional of the home footprint. He would like to build controls into the standard building permit application process, which would be more efficient for residents and commission.
- Kress suggested the sub-committee take this feedback and develop guidelines for the Ordinance, or whether this could be an administrative ordinance. The draft will be brought back at the next meeting for review and public input.

7d. Planning Commission Calendar Discussion

Chair Cremons noted the date of the next regular Planning Commission meeting will be October 26, 2023. Unless there is an urgent matter, there will be no planning Commission meetings in November and December.

8. COMMISSIONER REPORT(S)

- Commissioner Weins will be vacating his seat as he is moving out of the country to China. There will be an open seat beginning January 1, 2023 for the remainder of Scott Wein's 1-year term.
- If Planning Commissioners term is up at the end of December 2023, submit your interest in reappointment to Administrator Kress. The City Council will decide how to make appointments and recommendations in November.
- Yoshimura-Rank asked if the church needed a CUP for the preschool. Kress stated eventually they may look at rezoning church into a more appropriate district.
- Kress shared current information from White Bear Township that they will provide sewer, but not water to Red Forest Way area new single-family homes. Staff will work with Council and North Oaks Company to discuss further in October and November. White Bear Township would also like the City to enforce and have water sprinkling bans for existing homes with water served by White Bear. They are required to do this to comply with DNR per capita restrictions. The next joint power agreement with White Bear Township is not going to include maintenance of the infrastructure and lift stations. The City of North Oaks will have to contract with a separate company for service. Discussions continue on these topics.

9. ADJOURN

Chair Cremons stated the next Planning Commission meeting would be October 26, 2023.

MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:39 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Dave Cremons

David Cremons, Chair

Date approved 10/26/23