

The Planning Commission Workshop was called to order at 5:10 p.m. by Chair Katy Ross, at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota.

Present were Chair Ross, Commissioners Kara Reis, Mark Azman, Sara Shah, Stig Hauge, and Nancy Reid. City Administrator Mike Robertson, City Engineer Mike Kuno, City Planner Bob Kirmis, City Attorney Dave Magnuson, Recording Secretary Deb Breen and videographer Pat Cook. Commissioner Joyce Yoshimura-Rank was absent.

### **Approval of Agenda**

Chair Ross said that the purpose of workshop is designed to allow City Staff to present information and talk through questions and issues brought up in prior Planning Commission meetings and no public comment is allowed.

**Commissioner Reid motioned to approve agenda, Commissioner Ries seconded. Agenda was unanimously approved.**

### **Review of Proposed Nord Parcel Development Information**

Administrator Robertson introduced City Attorney Magnuson, City Planner Kirmis, City Engineer Mike Kuno and Kristin Mroz from Minnesota Environment Quality Board (EQB). Administrator Robertson reviewed the staff memo which contained information on a variety of topics.

### **Road Connection to Sherwood Road**

Administrator Robertson noted that Ramsey County would allow a road connection to Sherwood Road as long as it met County standards. Engineer Kuno discussed how the North Oaks Company should have adequate room to put in a road. Commissioner Reid asked how much setback from the right-angle corner is needed. Engineer Kuno stated that the preferred area is on the North site of the property. From the South side from the corner just needs to meet a 40-mph zone. Chair Ross asked to have a map of this identified area for a road connection at the next meeting.

Administrator Robertson said the Ramsey County Park director stated that they have no immediate plans for the land to the north. The County will be looking at it in another few years and the City of North Oaks asked to be put on any task force discussing this. Commissioner Shah asked if there had been any discussion about lights at the organic waste site on Sherwood as they are brightly shining in the direction of North Oaks at night. Administrator Robertson said it was the first that he has heard it raised as a concerned and he would check into it.

### **Recreational Zoning**

Commissioner Ries said part of the Nord parcel appears to be zoned recreation and asked how this would affect the proposed development. Attorney Magnuson said he would look into this. Engineer Kuno said they would update their maps to reflect any changes.

Commissioner Azman referred to the 1999 PDA Exhibit B1 on future land use, and asked for clarification on those areas designated as mixed use and whether that creates an

internal conflict between PDA and PUD or if it is consistent in the zoning. Attorney Magnuson stated that the PDA agreement states that it supersedes the Zoning Ordinance.

Commissioner Ries asked Robertson to discuss the subdivision process. He noted that if a preliminary subdivision is approved the applicant will typically start working on the site at their own risk and if changes are needed they will tweak their final subdivision plan and return to the city for approval.

### **Trail**

Administrator Robertson suggested that it looks like a separate piece of land was left to create a trail, possibly without anyone actually looking at the area to know that it was wetlands. That piece of land connects to NOHOA open space. The corner of the Nord property which is guided R-recreational would give access from the NOHOA open space to Sherwood Road. This would allow people to walk from Sherwood Road through the property to access the trails on the conservation land.

Attorney Magnuson reviewed the memo on the trail issue. He found that the PDA states that state law gives some rights, but cities can't make changes to a PDA until at least 1 year after approval and 2 years after approval of the final plat. In regards to the dedication of open space and trail space – the PDA states 885 acres of open space and trail space granted to NOHOA are to act as the official open space. This status allows the City to extract parks and trails. The acceptance of parks and trails has been satisfied. The PDA can be amended in agreement between City and North Oaks Company (NOC).

Commissioner Ries stated Article 13 of 1999 PDA references trail maps, and then there is an attachment Trail Map dated October 1999, describing exactly what was stated. She believes the Map indicates a line as a trail, so the City can request a trail put in place and then turn it over to NOHOA to maintain. She feels that since the 1999 PDA showed an access to Sherwood Road that the line might have been a seasonal trail to connect to rest of North Oaks.

Commissioner Azman asked if an easement had officially been granted to NOHOA as part of history. Robertson said he talked to NOHOA Exec. Director Griffin and she stated the trail is NOHOA's responsibility and they would handle discussions related to this. Commissioner Shah and Ries both stated their understanding from PUD that City can require trail designation. Magnuson stated that they couldn't do that because the trails have been designated to NOHOA in perpetuity and agreed upon in the PDA.

The Planning Commission all agreed that it is within their right to require a map within the plan, recognizing that there could some modification with the wetland considerations. PC asks that the City request have all options on the table.

### **60 Day Rule:**

Commissioner Shah asked Attorney Magnuson to explain the 60-day rule. He indicated that there are two statutes to consider: 1) A 60-day timeline is required for making decisions such as zoning or variances. It can be extended to 120 days with a City notice. This is

designed to keep cities from just sitting on an application. This statute also says the City can notify an applicant if there are items missing from the application in which case the 60-day timeline does not yet kick in. 2) The statute governing subdivisions states there is a 120-day clock for a decision. If it's not approved in that timeframe it is automatically deemed to be approved. There is question as to whether this application falls into the subdivision or zoning regulation. Magnuson recommends to follow 60-day rule, then staff has opportunity to extend the application decision if necessary. Whereas the only way to extend 120-day subdivision rule is by agreement with the developer.

### **EAW Process:**

Kristin Mroz from the State Environmental Quality Board (EQB) spoke on EAW questions. She said the EQB does not review EAW's but are a resource for citizens, cities and developers for understanding the process. Commissioner Ries asked her to clarify the EAW process. She said an EAW may be done for 3 separate reasons 1) mandatory within 36 categories to be reviewed 2) discretionary, a local government can request based on concerns about a proposed project 3) Voluntary, initiated by the developer. If doing an EAW, steps include: The project proposer first completes the worksheet. Other agencies will review the information completed. City can also supplement with any additional information and analysis that they want included. The City would then own the document and present to the public. There is a 30 days public comment period, then a finding of fact and record of decisions.

The East Oaks EAW was a mandatory requirement at the time. Kristin Mroz referred to EQB 44.10.1000, part 5 talks about when a new one is required. It depends on whether a project has changed significantly – this is up to City to determine. There is no expiration date on an EAW. Commissioner Azman asked if there is a supplemental EAW process in which they could just add onto the existing one. She stated that there is not a supplemental process, but can internally look at areas they have concerns on. This would not go through the official EQB board for review though.

### **Wetlands**

Kristin Mroz stated that both phased and cumulative wetland impacts were discussed in the current EAW. City Engineer Kuno said from an engineering perspective he has reviewed the proposed wetland loss on Nord. He stated that it appears that the developer tried to minimize the wetland impact when designing the road. 0.23 acres of wetland would be lost. VLAMO has told him that there are many projects across the metro area in which there are greater losses than this. If this moves forward North Oaks Company will need to get approval from VLAMO, DNR, Army Corp. and BOWSER. VLAWMO told him that they have been working with North Oaks Company for years and that they have always been easy to work with and have done what they'd been asked to do.

Commissioner Shah asked if they have to widen cul-de-sac to increase diameter to 100 feet allow room for buses to turn around would this impact any wetlands. Kuno confirmed this had to be done but he hadn't look to see what impact it would have. Commissioners asked him to check into this.

Commissioner Azman inquired as to how much land is needed to build homes on each parcel since part of some of the lots have wetlands on them. Kuno said there is adequate land on each lot. When someone asked about a particular lot he said there was 1.6 acres of buildable land on the lot.

Commissioner Shah asked Kuno about drainage from Rapp Farm and past culvert issues on North Deep Lake Road. Kuno said he would look into these matters.

Commissioner Shah said that exhibit C shows 54 acres for Nord but elsewhere it says 50 acres. Robertson said staff would check on the discrepancy.

**ROAD CONNECTION:** Staff recommended that the road access change to North Deep Lake Road would require a traffic study based on EAW rules. If the road was changed back to a Sherwood access, no traffic study would be required.

Kuno said the original EAW showed a daily increase of 10,480 with peak 1,000 vehicles per hour in entire EAW. He doesn't believe there will be a significant impact, but can't make this determination based on EAW information. Under current requirements, Kuno recommends a new traffic study be done. Depending on the result, it could require turn lanes on West Pleasant Lake Road. A traffic study requires physical onsite review for counting. 39 Lots currently exit onto West Pleasant Lake Road.

Current plan shows 9.7 trips per unit per day as the industry standard. Chair Ross asked about deliveries, etc. Kuno said these are included. There may be increase in deliveries from 20 years ago, but there may also be an increase in telecommuting, home businesses, etc. to balance that.

#### **Public Safety:**

Robertson said the Lake Johanna Fire Department indicated there would be a faster response time to this area if they had access from Sherwood Road. They would also love to extend the water line from Rapp Farm for fire suppression service. The Ramsey County undersheriff stated they don't get involved in traffic issues, unless there is a situation that is deemed unsafe, they trust the City Engineer.

Commissioner Shah asked if there was any report on crime from inside vs. outside areas of North Oaks. Robertson said Deputy Burrell had not observed any differences except break ins at construction sites. Commissioner Shah asked if there could be some statistical comparison and Robertson said he would check with the Sheriff's office.

#### **Neighborhood Testimony:**

As requested, Attorney Magnuson reviewed court cases regarding the impact of neighborhood testimony. Courts have consistently ruled that community opposition is not a legal reason to deny an application. The Planning Commission must be careful to weigh their decision based on facts and zoning, not neighborhood opposition. The emotional viewpoint of neighbors should not be basis for decision making, only factual information

brought to the table is valid. Commissioner Azman reiterated that the Planning Commission must also be fair to the applicant and fair to the facts.

**Administrator Robertson summarized direction to staff:**

- Work with the County to get a map of Sherwood Road to see how much space is available to meet County requirements.
- Talk to County re: lights at organics site.
- Update next City Zoning map to reflect PUD zoning.
- Come up with a condition address the portion of NORD zoned recreation.
- Determine which way drainage flows from Rapp Farm.
- Why is there a 4-acre difference between the PUD and the EAW?
- Draft something related to the trail issue that referenced state law.
- Ask NOHOA status of trail discussion.
- Possible impact to wetland acreage because of cul-de-sac increase
- Get estimate of wetland impact from prior fill at Rapp Farm development.
- What caused flooding at North Deep Lake Road?
- Talk to VLAMO re: current plan.
- Review the EQB requirements on what is considered substantial.

**New Business:**

Commissioner Shah asked if fellow commissioners felt that we are utilizing the information given as quickly as possible with the multitude of information coming in. She wondered if they feel like they are getting and turning around the information quickly enough. Hauge and Shah have compiled a project plan outlining the questions presented and those that have been resolved. Concerned if the City has enough staff to respond quick enough. Robertson stated that with the trifecta of the Comp Plan, concept plans and subdivision applications coming at the same time that he feels they should have geared up with additional meetings quicker. He also noted that residents are asking for all information online faster than the City can produce it.

Attorney Magnuson stated he has represented cities since 1977 and in the big picture this is 10 five acre lots on public sewer. Typically, developments that are less than 20 units are not subject to environmental review. Commissioner Ries thought there was a need for tracking document requests. There was a suggestion to hire a full time City Planner or Project Manager to handle just East Oaks Development issues.

City Planner Kirmis shared that in a typical process in cities he has worked for is an applicant comes with idea or sketch and meets with staff first to try to head off any big issues before the application is submitted and the time clock begins. He suggested that concept plans come to City staff, and then get to the Planning Commission and Council before it becomes an application. The Planning Commission said it is looking for more direction up front from City staff. Kirmis believes the incoming documents should go through the City to maintain tracking of issues, instead of to a contract City Planner. To address this issue, there is already a recommended change in the ordinance that would make a concept plan mandatory. It is on the next Council agenda.

Robertson stated that previous direction has been for him to handle as much as he could internally to save money and that has not worked in this case. If the Commission wants to change any ordinances going forward that is something that can be considered. All agreed that there is room to improve the project management process. Chair Ross stated that once the Comprehensive Plan is done, East Oaks should be more straightforward.

Commissioner Ries asked Robertson to put this issue on the next Council agenda and to ask the City of Shoreview for their Community Development Director job description.

**Adjournment:**

**Commissioner Hauge motioned to adjourn, Commissioner Ries seconded, and all unanimously approved. Meeting adjourned at 8:26 p.m.**