

**MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016**

The meeting was called to order at 6:34 p.m.

Present: Artner, Denn, Kotilinek, Patrick; Town Board Liaison: Prudhon; Planner: Riedesel.

Absent: Griffin and Ulbrich with notice.

APPROVAL OF AGENDA (Additions/Deletions): Artner moved approval of the agenda with the following amendment: Add 9A) Planning Commission Workshop. Patrick seconded. Ayes all.

APPROVAL OF MINUTES OF FEBRUARY 25, 2016: Artner moved approval of the Minutes of February 25, 2016. Kotilinek seconded. Ayes all.

CONSENT AGENDA: There were no Consent Agenda items.

WAYNE & DENISE YOUNG, 5956 WEST BALD EAGLE BOULEVARD / DAVID REED, 5955 HOBE LANE – REQUEST FOR MINOR SUBDIVISION/LOT LINE REARRANGEMENT: The Planner reported that Wayne and Denise Young are working with their neighbor David Reed, to rearrange their rear common property line. Both of the properties are located in the Timber Hills development. The Young's would like to split a 1,862 square foot portion of their property on West Bald Eagle Boulevard and sell it to Mr. Reed. The area proposed to be separated is on the northeast corner of the Young property. The area is triangular shaped. The separation area is situated above both the Young and Reed homes and is unmaintained. The hill in the rear yards crest in this location with the approximate high point being the proposed separation line. The Reed home is situated on the rear of the property at 5955 Hobe Lane. The existing home and deck are not set back 20' from the rear lot line as required by the Zoning Ordinance. The lot line rearrangement as proposed will help the majority of the deck to meet setback requirements. Both the Young and Reed lots exceed the minimum lot size requirements of 12,000 square feet. When the Timber Hills property was developed, municipal sewer and water was not available, therefore, the minimum lot size requirement when the property was platted was 22,000 square feet. Sewer and

MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016

water was recently extended to this development and as a result the minimum lot size requirement is now 12,000 square feet. Both the properties exceed the 12,000 square foot requirement with or without the 1,862 square foot subdivision. No new lot is being created with this subdivision proposal. Only a common lot line is proposed to be rearranged. The lot sizes exceed the minimum square footage rearrangement and the lot line requirement as proposed will help the property at 5955 Hobe Lane to better meet rear yard setback requirements.

David Reed stated that he would like the extra property added to his because he would like to landscape that side of the hill. Currently there is nothing attractive about the hill and by landscaping it would provide aesthetics to his property. Wayne Young stated that he does not use or maintain this property and agrees that it would look better landscaped, as David Reed suggests. There was discussion regarding the lot line rearrangement. A question was asked why not run the separation line to the end of the property. The property owners felt that their delineation is fine.

Artnr moved to recommend to the Town Board to approve the request from Wayne and Denise Young, 5956 West Bald Eagle Boulevard and David Reed, 5955 Hobe Lane for a minor subdivision /lot line rearrangement. Patrick seconded. Ayes all.

NORTH OAKS LAWN SERVICE, 5566 PETERSON ROAD – REQUEST TO RENEW NON-CONFORMING USE PERMIT: The Planner reported that the North Oaks Lawn Service is requesting renewal of a non-conforming use permit which would allow operation of their business from a pole barn at 5566 Peterson Road. The property is owned by Dick Garley who ran a fencing company from the site until his retirement. Since that time, another fence company leased the site and operated their business for several years. In 2010 North Oaks Lawn Service approached the Town for the proper permits to operate their business from the site. The Town approved a non-conforming use permit for the period May 17, 2010 through May 16, 2013. The permit was reviewed on March 2, 2011, in order to see if the business was compatible with the neighborhood. The permit was reviewed, approved, and extended to May 6, 2016.

The Planner reviewed the following list of requirements approved for North Oaks Lawn Service:

1. The site plan and equipment plans dated March 1, 2010, and attached hereto, are made a part hereof.
2. No retail business shall be conducted on the property.
3. The premises shall be maintained in a neat and orderly manner and will create no nuisance. Any outside vehicle storage shall be between the main building and I-35E.

MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016

4. Outdoor storage shall be limited to three pick-up trucks and three trailers (two lawn trailers and one enclosed trailer). Besides the outside vehicle storage, there is miscellaneous equipment and yard and tree waste. The tree and yard waste is transferred off-site in the spring and fall.
5. This Non-Conforming Use Permit shall be in force and effect for three years from May 6, 2013 through May 6, 2016.
6. The applicant will cease use of the property for the purposes granted under the permit at the time designated by the Town Board.
7. There shall be a maximum of six employees.
8. Fertilizers and chemicals used by North Oaks Lawn Services shall be contained in a secured chemical storage area within the building and shall comply with all State and Federal laws. Liquid chemicals shall be stored in an approved containment area.
9. The owners and employees of North Oaks Lawn Service shall recognize that Peterson Road is a gravel residential street. Employees shall travel at 20 mph or less when using Peterson Road.
10. North Oaks Lawn Service shall identify a "contact person" with a phone number for communications with the neighbors. This contact person shall perform in a manner similar to past contacts (i.e. Dick Garley), by being accessible and responsive in fielding complaints and concerns. At the time of the public hearing (5.3.10), the person designated to serve as contact person was Andy Carver, owner. The current contact person and owner is Rick Ringel.
11. Any violation of the terms of this permit or any Ordinances of the Town or any statute shall be deemed a violation of the Zoning Ordinance and subject to the penalties thereunder and will be cause for immediate cancellation of the permit granted hereunder.
12. Federal, State Statutes, rules and regulations and all local Ordinances shall be complied with.

The Planner reported that approval of a Non-Conforming Use Permit is required for this business on this property since it is zoned R-1, Suburban Residential and is planned for residential low-density development in the future. A Non-Conforming Use Permit must be obtained "as evidence that the use lawfully existed prior to the adoption of the provision which made the use non-conforming". Non-conforming use permits have been approved for businesses on this property for many years. The property is located at the end of Peterson Road. Larger undeveloped/underdeveloped properties abut this one. Sewer and water is located on Centerville Road, County Road H-2 and Anderson Lane.

MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016

Because of the proximity of this property in relation to municipal sewer and water, it is expected that this property will be one of the last ones in the area to develop, as underdeveloped property closer to the sewer and water lines are more economically feasible to develop prior to this property. Since this building and a business use for the building predates the zoning in the area, the Town has issued non-conforming use permits to the user. North Oaks Lawn Service provides lawn related and snow plowing services in the area. They use this building and site to store and maintain their vehicles and equipment.

In response to a question regarding how many people are employed at North Oaks Lawn Service, Rick Ringel stated that there are six employees. Prudhon asked about the fifth wheel trailer parked on the property with the tarp removed. Rick Ringle reported that the trailer is tied to Dick Garley. The owner leaves the trailer there for the winter. Prudhon suggested that Rick Ringel contact Dick Garley about the matter. Prudhon stated that the gates are locked and asked how the Fire Department would access the property if needed. Rick Ringel reported that the first gate is not locked. The second gate is locked but the fire truck could still get to the building. Prudhon asked if there is a catch basin beneath the fuel tank. Rick Ringel stated that there is not. The Planner will check with the Fire Inspector to see if a catch basin is needed. There was discussion regarding vehicle speed on the road. Rick Ringel reported that the Town asked that they observe 20 mph but that he asked the employees to keep it to 15 mph. Patrick asked if the neighbors were notified of the Non-conforming Use Permit request. The Planner reported that there will be as part of the public hearing notice.

There was discussion regarding the time period for the Non-Conforming Use Permit. It was noted that Section 7-13.1(c) states that a Non-Conforming Use Permit shall not be issued for a period of more than five years. No. 5 of the requirements approved for North Oaks Lawn Service shall be in force for three years. It was suggested that since the lawn care service operated according to the requirements, that a period of five years be considered.

Artner moved to recommend to the Town Board to approve the renewal of a Non-Conforming Use Permit for North Oaks Lawn Service for a period of five years provided that they provide compliance relating to the trailer on the property and the fuel tank catch basin. Kotilinek seconded. Ayes all.

NEXTERN, 1185 NORTH BIRCH LAKE BOULEVARD – REQUEST FOR PERMITTED USE STANDARDS PERMIT, ZONING ORDINANCE AMENDMENT; AND VACATION OF DRAINAGE & UTILITY EASEMENT TO ALLOW CONSTRUCTION OF AN OFFICE/MANUFACTURING BUILDING: The Planner reported that Nextern is requesting approval of a Permitted Use Standards Permit to construct a new office/manufacturing building on their site at 1185 North Birch Lake Boulevard. In addition to the Permitted Use Standards Permit, Nextern is also requesting approval of Zoning Ordinance amendment to allow reduced setbacks on the east, north, and west

**MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016**

side of the site, and vacation of a portion of drainage and utility easements which are located on the north, east, and west sides of the site.

Melissa Douglas, Nextern, reported that to preserve the wetlands and create natural buffers, the site plan provides for a deep front yard setback and maintains green space over 50% (57.9%). The proposed building meets all required setbacks. However to allow for truck movement, circulation and required parking, proposed parking areas and driveways would be five feet from the north, west, and east property lines at their closest point. She noted that Township Ordinances states: "7-1.2(a). Driveways and sidewalks consisting of poured concrete or bituminous paving shall be considered a structure and shall be allowed to encroach into minimum front yard setback areas but shall conform to minimum side and rear yard setback requirements". In the I-1 Light Industrial Zoning District, the minimum front yard setback is 35 feet, the minimum side yard setback requirement is 15 feet, and the minimum rear yard setback is 30 feet. The ordinance provides for reduced setbacks in some situations including railroad rights-of-way, certain front yard setbacks and for industrial properties abutting undeveloped properties with wetlands. To facilitate quality development and recognizing the unique characteristics of this property, Nextern is requesting the Town to consider the following addition to the Town's Zoning Ordinance: "7-1.2(h). Paved parking areas and driveways in the I-1 Light Industrial Zoning District may have minimum side and rear yard setbacks of at least 5 feet provided that 1) the front yard setback exceeds 60 feet; 2) green space exceeds 50%; and 3) all adjacent properties are zoned I-1 Light Industrial". Melissa Douglas reported that they have reviewed zoning ordinances for nearby communities including Lino Lakes, Shoreview, and White Bear Lake. All of these communities allow for 5-foot side and rear setbacks for parking areas and driveways in their industrial zoning districts.

Prudhon asked about moving the building 2 feet to accommodate the drive lane. Melissa Douglas stated that they are looking at eliminating the drive lane all together as an option. Kotilinek stated that the requirements are too stringent for the parking lot. Research of communities around the Township shows that we are more restrictive with regards to parking lot setbacks. He suggested that the Ordinance relating to parking lot setbacks be reviewed. Prudhon noted that the intent of the Ordinance addresses light industrial areas which abuts residential but does not talk about industrial to industrial. The Planner noted that there are specific requirements for industrial to residential buildings and parking. A question was asked about the easement. The Planner reported that there are 10' drainage and utility easements along the perimeter of the property. Nextern requests that the Town vacate that portion of the easement where the driveway and parking stalls encroach. The easement vacation is for the area greater than 5' from the north, east, and west lot lines. The Planner reported that TKDA has done a site review. For streets, access, and site layout there are no dimensions on the plan set and are unable to review the site for setbacks or other impacts at this time. VLAWMO review is required for the proposed stormwater management plans. The proposed grading plan is incomplete. No contours or retaining wall design have been

MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016

provided. The proposed building finished floor elevation is 938.50 with the parking lot to be graded roughly similar. Currently the site is graded higher than 939. It appears that retaining walls will be required. The west edge of the site will have grading cuts in excess of 10' between the proposed parking lot and property line. The site will require VLAWMO approval and coverage under the NPDES Construction Stormwater General Permit. There is an existing 8 inch watermain in the existing private service drive. This line will provide both fire and domestic service. No fire hydrants are shown onsite. There will be a Local Water Availability Charge for the project. There is an existing 6 inch sanitary sewer line in the existing private service drive. The proposed building will not require a lift station or grinder pump. There will be a local Sewer Availability Charge (SAC) and a SAC from MCES.

The Planner noted that this is a sketch plan. He will come back with engineering plans and will look at square footage of parking and other matters as discussed. The Permitted Use Standards Permit will be discussed at the next Planning Commission meeting. However, a public hearing can be called for Zoning Ordinance amendment and vacation of drainage and utility easements for the first Town Board meeting in May.

Patrick moved to recommend to the Town Board that a Public Hearing be called for Nextern request for Zoning Ordinance amendment and vacation of drainage and utility easements. Kotilinek seconded. Ayes all.

RAMSEY COUNTY – TAMARACK NATURE CENTER, 5287 OTTER LAKE ROAD – REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW FURTHER DEVELOPMENT OF THE NATURE CENTER PROPERTY:

The Planner reported that Ramsey County Parks and Recreation Department is requesting approval of a Conditional Use Permit which would allow the County to make additional improvements to the Nature Center property at 5287 Otter Lake Road. He reported that in 2014 and 2015 the County was approved to construct a learning center building. An addition to the Nature Center building was approved by the Town earlier this year also. The 2014 plan which was approved included master planning of the site which showed improvements to the drop off area, future buildings, and relocated trails. The current plan includes several of the improvements shown in the previously updated master plan. The current improvements being proposed include relocation of the site access; construction of new parking lot and improvements to the existing parking lot adding 148 new spaces and an overflow and bus parking lot. Other modifications include improving site lighting, expansion of the drop off area, relocation of a storage shed, relocation and addition of trails, relocation of the bogs and hollows area, removing non-native vegetation, and replanting with native materials and the addition of stormwater treatment ponding. A dumpster enclosure is also proposed as is a new entry monument sign and information kiosks. The County plans also show future plans for the site including restroom facilities, building expansion, a deck, and future sugar shack.

Brent Blumer, Ramsey County Parks and Recreation, reported that the site lighting will have auto dimming features down to 20% illumination. They will improve the storm

MINUTES
PLANNING COMMISSION MEETING
MARCH 24, 2016

water treatment ponding as compared to what is on the site now. There is very little sediment but will upgrade the ponding. He reported that they are working with VLAWMO. A new sugar shack is proposed in the future. They propose to move entry to the site to Lorane, which makes more sense. At this time they do not propose a turn only lane. They will talk with traffic department in the future regarding the need for a turn only lane. In response to a question if they have done a traffic count, Brent Blumer reported that they have not. He will obtain a traffic count for the Town. If it is an issue Ramsey County will do a study and make appropriate design changes. In response to a question if any trees will be moved with realigning the entryway, Brent Blumer reported that there are a few red oak trees which are rotten and will be removed. They will clean the buckthorn up to Count Road H-2. Prudhon asked about the automated gates and if the fire and sheriff can get through. Brett Blumer reported that the Sheriff's Department has a card and there will be a key pad and the Fire Department will have the code. He reported that the hours of operation will be the same as they are now – 7:30 a.m. – 4:30 p.m. They will have outlets for remote cameras for security. In response to a question about use of the Nature Center, Brent Blumer reported that attendance has exceeded their expectations. They propose to have a gravel parking lot for buses which are not programmed.

Artner moved to recommend to the Town Board to approve the request from Ramsey County, Tamarack Nature Center, 5287 Otter Lake Road, for Conditional Use Permit to allow further development of the Nature Center Property and to provide a traffic count for the Town Board. Kotilinek seconded. Ayes all.

WORKSHOP: The Planner reported that there is a workshop for Cities in Ramsey County on new resources for Comprehensive Plans scheduled for March 28, 2016 at the Arden Hills Public Works Building from 1:00 p.m. – 4:30 p.m. or 6:00 p.m. - 8:30 p.m. Topics include resilient cities; grant funding; active living; master planning.

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Joan J. Clemens
Recording Secretary