

**MINUTES  
PLANNING COMMISSION MEETING  
SEPTEMBER 22, 2016**

The meeting was called to order at 6:31 p.m.

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

Absent: Ulbrich, with notice.

**APPROVAL OF AGENDA (Additions/Deletions):** Artner moved approval of the agenda with the following amendment: Delete Item #7) Sign Ordinance – Home Occupation Sign Requirements. Kotilinek seconded. Ayes all.

**APPROVAL OF MINUTES OF JUNE 23, 2016:** Artner moved approval of the June 23, 2016, Meeting Minutes. Kotilinek seconded. Ayes all.

**CONSENT AGENDA: 4A) JOHN AND LINDA STASIELUK, 5326 EAST BALD EAGLE BOULEVARD – REQUEST FOR A 40 SQUARE FOOT EXCEPTION FROM ORDINANCE NO. 8 TO ALLOW AN OVERSIZED ACCESSORY STRUCTURE:** The Planner reported that the Stasieluk's are requesting approval of an exception to Ordinance No. 8 which would allow them to construct a 1,040 square foot accessory structure. The accessory structure is proposed to be located behind the existing home. The structure is proposed to be 26' x 36' with a 6' x 14' extension on a part of the building. The extension is requested so a long iceboat can be housed in the building. The building is designed to complement the existing historic home. Section 5-29 of Ordinance No. 8 regulates accessory structures. The ordinance permits each property to have one garage and one accessory structure, neither of which may exceed 1,000.2 in area. A size exception is allowed if a property meets the following ordinance requests: 1) the property exceeds 22,000 square feet in area; and 2) the property is an agricultural use or is adjacent to a designated open space or a Conservation Wetland Zoning District. The Stasieluk's property is .94 acres in area (40,946 square feet) and a portion of the property abuts Bald Eagle Lake which is considered a Conservation Overlay Area. With the addition of the oversized accessory structure, the 70% green area minimum will not be exceeded. The request is similar to several others which have been approved around Bald Eagle Lake. The Planner reported that the Variance Board has reviewed the request and recommend approval because the request is consistent with others approved by the Town in the past and it meets the requirements for approval as stated in Ordinance No. 8. Kotilinek asked if there would be a driveway. Mr. Stasieluk stated that there will not be a driveway. Kotilinek asked what the height of the accessory structure is proposed to be. Mr. Stasieluk stated that the height will match the height of the house with a standard roof pitch.

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Artnier moved, based on Variance Board and staff review and recommendation to recommend to the Town Board to approve the request for a 40' square foot exception to Ordinance No. 8 to allow an oversized accessory structure at 5326 East Bald Eagle Boulevard. Kotilinek seconded. Ayes all.

**JOY ALSIDES, 2641 SOUTH SHORE BOULEVARD – REQUEST FOR 1.17' SIDE SETBACK VARIANCE & AN 8.2% GREEN AREA VARIANCE TO ALLOW CONSTRUCTION OF AN ATTACHED GARAGE & DECK:**

The Planner reported that Ms. Alsidis is requesting approval of a 1.17' side yard setback variance which would allow construction of an attached 624 square foot garage on the street side of the home and a 460 square foot deck on the lake side of the home. A driveway is also proposed to serve the proposed garage. The driveway as proposed will also encroach into the side yard setback area. With the addition of the proposed garage and driveway, the total impervious area will be 33.2%. A maximum of 25% impervious area is permitted for lakeshore properties. An 8.2% green area variance is requested. The garage addition is proposed to be 23.6' wide by 26' deep. The width of the home where the garage is proposed to be attached to is also 23.6' wide. The driveway is proposed to be the width of the garage and approximately 105' in length. The driveway narrows from 23.6' wide to 21' wide and includes a 14' x 19' turnaround. The square footage of the proposed driveway with the turnaround is 2,616 square feet. A total of 1,030 square feet of impervious area would have to be eliminated to meet greenspace requirements.

A deck is also proposed on the lake side of the building. The deck is proposed to run the length of the house (35') and extend out towards the lake 10'. Setback requirements from the lakeshore (50') will be met as proposed. A 1.17' side yard setback is requested however. The 1.17' side setback variances are requested to continue the existing building line. Reduction of the garage size could be considered to increase the setback but the garage addition may be awkward if reduced in width. The deck could also be set back the 1.17' necessary to meet setback requirements but location of the existing lakeside windows must be considered. Reduction of the driving area should be considered to help increase the green area. Ms. Alsidis has some flexibility with regard to the driveway area and material.

The Planner reported that the Variance Board has reviewed the requests. They discussed in detail the green area variance. Several suggestions included reducing the width of the driveway, use of pervious pavers, relocate the existing garage door so it becomes "side loaded", reduce the area of the existing driveway.

The Variance Board recommended approval of the side setback variance for the garage and deck as requested since the variance as requested meets the standards set forth by the Zoning Ordinance to approve and is consistent with many other variances approved for other properties in the neighborhood. The Variance Board denied the green area variance as requested with a request that staff work with the applicant to modify the plans so as to reduce the pervious surface. They noted that the green area variance must be consistent with others approved in the neighborhood.

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The Planner reported that Ms. Alsidis arrived after the Variance Board adjourned so staff discussed the recommendations with the applicant. She was supportive of the Variance Board's recommendation to increase green area and will work with her designer to modify the plans.

Comments from the Planning Commission included:

- Do not like Class V for the driveway.
- Keep the side yard setback as exists and have the new garage follow along that line.
- If the driveway is upgraded, it cannot be changed to black top. It needs to be an impervious surface.
- The applicant should provide a certificate of survey.

Artner moved to recommend to the Town Board to approve the request for 1.17' side yard setback variance & a 4.3% green area variance to allow construction of an attached garage & deck. Flan n seconded. Ayes all.

**LYNETTE THOMPSON, 4195 LAKEWOOD AVENUE – REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY APARTMENT:** The Planner reported that Ms. Thompson is requesting approval of a Conditional Use Permit which would allow her to have an accessory apartment in her home. The accessory structure is located in the lower level of home.

The Planner reviewed parts of Section 7-9.2 of the Zoning Ordinance which regulates accessory apartment standards.

**7-9.2 Accessory Apartment Standards.** Accessory apartments provide an alternate use of single family dwelling units. Such use allows an expanded choice of housing for sole occupants.

**7-9.2(a).** Accessory apartments shall be located only within single family dwelling units. In no event shall more than one accessory apartment be allowed in a single family dwelling unit. (With Ms. Thompson's request, the accessory apartment is set up to rent to one person in a portion of the lower level of the home.)

**7-9.2(b).** Single family dwelling units having accessory apartments shall be owner occupied, may not have a separate entrance to the outside and there must be free movement between the accessory apartment and the single family portion of the house. (With Ms. Thompson's request, the access to the home is shared (no separate access) and there is free movement throughout the home.)

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**7-9.2(c).** The exterior architectural design and facing materials of the single family dwelling unit shall not be altered by an accessory apartment. (There is no exterior evidence of the apartment within the home)

**7-9.2(d).** Accessory apartments shall be subordinate to the principal single family dwelling units in which they are located. An accessory apartment shall not comprise more than twenty-five (25%) of the total combined area of the single family dwelling unit and accessory apartment. In no event shall the area proposed for use as an accessory apartment reduce the total remaining area proposed for use as a single family dwelling unit to less than the minimum area required by Ordinance No. 8 (Building Code). (The home is a rambler with a footprint of approximately 1,110 square feet and 2,200 square feet including the lower level. The accessory apartment is located in the lower level of the home and does not exceed 25% of the home's area. The minimum area required for a home in White Bear Township is 900 square feet. Two story dwellings are required to have a minimum area of 672 square feet. This requirement is therefore met.)

**7-9.2(e).** One off street parking space, in addition to the requirements of Section 7-6 Off Street Parking), shall be required of a single family dwelling unit having an accessory apartment. (Off street parking is available as there is an attached garage and a detached garage. Both garages are served by a separate driveway.

**7-9.2(f).** Single family dwelling units having an accessory apartment shall maintain one service for each utility serving the property. Each single family unit shall pay two times the Sanitary Sewer Service Charge as provided by Ordinance No. 18 (Regulating the Use of Sewer), and two times the Water Service Charge as provided by Ordinance No. 12 (Regulating the Use of Water). (This requirement has become obsolete due to the installation of water meters in all homes in the Town. As a result, both water and sewer fees are based on actual water use in the home. The Planning Commission may want to consider eliminating this Zoning Ordinance requirement. A Public hearing will be required at a future Town Board meeting to amend the Zoning Ordinance.) The Planner noted that the accessory apartment as proposed appears to meet the requirements of the Zoning Ordinance.

Kotilinek expressed concern regarding safety in a basement and how often it is inspected. It was reported that there is a yearly inspection.

Artner moved to recommend to the Town Board to approve the request for Conditional Use Permit to allow an accessory apartment at 4195 Lakewood Avenue. Griffin seconded. Ayes all.

**ADULT ENTERTAINMENT ORDINANCE – CONSIDER ORDINANCE:** The Planner reported that White Bear Township does not currently permit adult entertainment in any zoning district. The use is not listed as being permitted or permitted by Conditional Use Permit. Therefore, it is not permitted. It is staffs' understanding that the Town must accommodate this type of use somewhere in the Town. Which district and what

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restrictions should be incorporated into the Zoning Ordinance is a question for Planning Commission review. Staff has reviewed a copy of the Maplewood ordinance which permits use within the manufacturing zoning districts. The use is permitted subject to several conditions. They include a minimum of 1,000-foot distance between uses and a minimum of 500-foot separation between the use and churches, schools, parks, daycares, and any residential lot line. If the Town were to allow the use in the I-1 Zoning District, several sites could accommodate the use. The Planner provided a map which shows locations where an adult use could be allowed using the Maplewood ordinance requirements. Another option would be to allow the use in the B-2 Zone with the separation requirements using the Maplewood example. The location would be limited to the White Bear Township Theater and Landmark Bank. Restrictions in the Meadowlands PUD would prohibit his type of use as would the CUP requirements for the Theater which prohibits NC-17 or equivalent movies.

A question was asked if the former site of the Town Hall could be considered. It was explained that there is a lease agreement with Universal Forest Products for use of a portion of the property for employee parking. The Town also uses a portion as a staging area for Public Works projects. A question was asked if any of the North Oaks owned property could be considered. It was the consensus that Staff proceed with investigation as to whether or not the Town Hall site on Hoffman Road could be considered and to verify if there is a lease agreement for the site and the terms of the lease. The matter was tabled to the October Planning Commission meeting.

**ORDINANCE NO. 35 (ZONING) – BEE REGULATIONS:** The Planner reported that currently the Town does not regulate the keeping of bees. The Town Board has requested the Planning Commission to review ordinance amendments to address bee keeping. Staff has reviewed the bee keeping regulations from the cities of Minneapolis and St. Paul. If an ordinance amendment is adopted for regulation for bees, the following may be considered:

Add Section 7-12.25 as follows:

**7-12.25 Honey Bees.**

**7-12.25(a).** No person shall keep, maintain or allow to be kept any hive or other facility for the housing of honey bees on any property in the Town of White Bear without meeting the following requirements:

- (1). Beehives shall be located on properties with single family dwellings.
- (2). Education. The permit applicant must show proof of having taken a beekeeping class not more than two years prior to initial application and must utilize beekeeping best practices to ensure that the bees do not become a public nuisance. Class list can be found at: <http://www.mnbeekeepers.com/classes>.

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**(3).** Number of Colonies. There must be no more than two colonies of bees for every 2,000 square feet of property area, with no more than four (4) colonies on any one property.

**(4).** Water Source. A water source on the property shall be provided for the bees.

**(5).** Location of Colonies. The bee hive(s) must not be located in the front of a property. They may be no closer than twenty-five (25) feet to an occupied building on another lot. The hives shall be located at least 10 feet from a property line.

**(6).** Fencing. Yards housing bees must be fenced. If the primary fence is not 6 feet in height, the applicant may also be required to install a flyway barrier.

**(7).** Flyway Barriers. Flyway barriers must be used to ensure the bees assume a vertical flight pattern in or out of the hive.

**(i).** Flyway barriers must be installed if the colony is less than 25 feet from the property line.

**(ii).** Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.

**(iii).** Barriers must be a minimum of 6 feet in height.

**(iv).** Fencing: a permit is required to install a fence.

**(8).** Signage. The permit applicant must post a clearly visible warning sign, readable a minimum of five feet from the hive, that a bee hive is present on the property.

**(9).** Hive Maintenance. Hives must be kept painted. Unused equipment must be secured to protect from weather, theft, or occupancy by swarms.

**(10).** Roof Top Hives. Bee hives intended for roof tops shall be located only on flat roofs.

Comments included:

- Should the bees be kept in the back yards?
- Should there be a sign that there are bees on the property?

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- Concern that the Township is being over controlling.
- Honey bees are not dangerous.
- Could the Township allow people to keep bee hives in Township open space areas.
- Would a permit be required and notification of neighbors? (No, not under this ordinance.)
- Concern about allergies. The neighbors need to be aware if there are bees.

After review it was the consensus to do nothing at this time and to table the matter for one year. The Planner will find out if any other communities have an ordinance regulating bees. It was suggested that the Planner also contact the U of M Master Gardener program for input.

Artnr moved to table the matter of Ordinance No. 35 (Zoning) – Bee Regulations for one year, noting that the Planner will do some investigation on bee keeping. Patrick seconded. Ayes all.

**COMPREHENSIVE PLAN – REVIEW:** The Planner reported that the Town’s Comprehensive Plan update is due to the Met Council by the end of 2018. In order to initiate the Planning Commission review, Staff and Planning Commission Chair recommend that each member of the Planning Commission review the Goals and Policies Section (#3) of the plan for discussion at the October meeting and if there are goals and policies which should be eliminated or added.

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Joan J. Clemens  
Recording Secretary