



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

AGENDA PLANNING COMMISSION MEETING FEBRUARY 22, 2018

1. **6:30 p.m.** Call to Order at Heritage Hall, 4200 Otter Lake Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Minutes of January 25, 2018.
4. **Consent Agenda:**
 - A. **Vickie Baker, 5428 East Bald Eagle Boulevard** – Request for a 15' Right-of-Way Setback Variance; a 9.7% Green Area Variance; a 364' Garage Area Variance to Allow Construction of a New Home.
5. **Nathan Landucci, 5508 West Bald Eagle Boulevard** – Request for:
 - Zoning Ordinance Amendment
 - Setback Variances
 - Conditional Use Permit for a Guest Cottage
6. **Comprehensive Plan** – Update.
7. **Cambridge Downs** – Continue to March Meeting.
8. Added Agenda Items.
9. Adjournment.



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**Planning Commission Meeting
February 22, 2018**

Agenda Number: 1 – 2 - 3

Subject: Call to Order – 6:30 p.m.
Heritage Hall, 4200 Otter Lake Road

Approval of February 22, 2018 Agenda
Approval of Minutes of January 25, 2018

Documentation: February 22, 2018 Agenda
January 25, 2018 Meeting Minutes

Action / Motion for Consideration:

Call meeting to order:	6:30 p.m.
Approval of Agenda:	February 22, 2018 (additions/deletions)
Approval of Minutes:	Meeting of February 22, 2018

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The meeting was called to order at 6:30 p.m.

Present: Artner, Denn, Flann, Loes, Kotilinek, Swisher; Town Board Liaison: Ruzek;
Planner: Riedesel.

Absent: Patrick

APPROVAL OF AGENDA (Additions/Deletions): Artner moved approval of the agenda as submitted. Flann seconded. Ayes all.

APPROVAL OF MINUTES OF NOVEMBER 30, 2017: Artner moved approval of the Minutes of November 30, 2017. Kotilinek seconded. Ayes all.

WELCOME NEW MEMBERS – MONICA LOES & STEVE SWISHER: Denn administered the Oath of Office to Monica Loes and Steve Swisher. Introductions were made and the new members welcomed.

CONSENT AGENDA: There were no Consent Agenda items.

NATHAN LANDUCCI, 5508 WEST BALD EAGLE BOULEVARD – REQUEST FOR: 1) ZONING ORDINANCE AMENDMENT; 2) SETBACK VARIANCES; 3) CONDITIONAL USE PERMIT FOR A GUEST COTTAGE: Mr. Landucci is requesting Town approval of setback variances and Conditional Use Permit which would allow demolition of the existing garage and replacement of a new two story garage located on West Bald Eagle Boulevard. The existing garage has a footprint of 26' wide by 24' deep. The garage footprint is proposed to be expanded to 30'10" wide by 26' deep. The garage is proposed to have a second story with living quarters. The living quarters are proposed as a guest cottage, which is permitted by Conditional Use Permit, subject to meeting Zoning Ordinance conditions. The Variance Board met with Mr. Landucci in November. At that meeting, the Variance Board recommended that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal. The garage is located on a 2,613 square foot lot on West Bald Eagle Boulevard. The garage serves I Bald Eagle Island and is the only structure, other than the driveway, located on the lot. The existing garage is 26' wide by 24' deep and is a single story structure. The garage is proposed to be demolished and replaced in approximately the same location with the two story garage. The lot is 41.35' wide and subject to the following setbacks: 1) 50' lakeshore setback; 2) 6.00' side setbacks; 3) 35' right-of-way setback. Mr. Landucci is requesting the following setbacks: 1) a 33' lakeshore setback – requiring a 17' variance; 2) a 5.25' side setback – requiring a .75' side setback variance on one side of the garage; 3) a 6' side setback – no variance required; 4) a 0' right-of-way setback requiring a 35' variance. Since Mr. Landucci is proposing to construct a guest cottage above the new garage, requirements of the Zoning Ordinance relating to guest cottages must be met. One requirement is that it not exceeds 15' in height. The two story structure is proposed to be 21' in height as measured from grade to the average of the highest gable. A 6' height variance is requested. The garage is proposed to be 800 square feet in area. The upper portion of the guest cottage is proposed to be 672 square feet in area which meets guest cottage requirements. Twenty five percent maximum coverage is permitted on the lot. The lot is 2,613 square feet in area. The garage is proposed to cover 30.6% of the lot. The

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driveway is not included in this calculation as it is in the public right-of-way. If the island is included in the square footage of the property, the 25% impervious area maximum is not exceeded when including the garage lot. However, after contacting Ramsey County Property Records & Revenue Department it was found that due to the distance between the island and the garage lot, the two cannot be combined for tax purposes. The Variance Board reviewed the proposal and recommends that Mr. Landucci attach the properties using deed restrictions on both lots, requiring that they remain together. The standards which must be met in order to approve a variance, as outlined in Section 9-6.4 of the Zoning Ordinance were reviewed.

In addition to the variances being requested, Mr. Landucci is requesting approval of a Conditional Use Permit which would allow the second level of the garage to be used as a guest cottage. Guest cottages are permitted in the R-1 residential zoning district. A guest cottage must meet the following requirements in order for Conditional Use Permit approval:

- The residential lot in a sewer area must be at least 24,000 square feet in area. (The lot where the garage/guest cottage is proposed is 2,613 square feet in area. The island is 2.33 acres.)
- The structure design, building materials and color shall be compatible with the principal structure and surrounding land uses. (The garage is proposed to be consistent with the home on the island.)
- The structure shall not be used for rental purposes. (No rental of the guest cottage is planned.)
- The guest cottage must pay one service (sewer & water) for each utility serving the property. (A metro sewer availability charge (SAC) and local sewer availability charge and water availability charge (WAC) must be paid in addition to the Utility Connection Fee as the property was not assessed in the past. These fees will amount to \$25,425.00.)
- A guest cottage shall not cover more than 700 square feet of land and shall not exceed 15' in height. (The footprint is proposed to be 800 square feet in area. The area of the guest cottage is proposed to be 672 square feet in area. The height is proposed to be 21'.)
- A guest cottage in the Shoreland Management District must be designed to reduce its visibility as viewed from the lake (Bald Eagle).

The guest cottage is proposed to be used in the event of poor weather, which would limit access to the island. There are no plans to rent the living quarters, which would not be allowed or to utilize the building for living purposes full time.

A total of four variances are being requested in addition to the Conditional Use Permit for the guest cottage. At the two previous Variance Board meetings, the Variance Board discussed ordinance amendments which may be preferred to approving the requested variances. Options considered include: 1) Rezone the garage lot from R-1 to BEI so it is consistent with the island zoning. Specific requirements allowing a guest cottage would have to be adopted to accommodate the guest cottage; and 2) Amend the height requirements of the guest cottage

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section of the ordinance allowing structure height up to 21 feet (15' maximum height is currently permitted.)

If recommended, the Planning Commission may want to also consider amending the green area requirements allowing a guest cottage to cover up to 31% of a lot or acknowledge that deed restrictions tying the lots together must be provided by the owner.

If the Zoning Ordinance is amended to accommodate the Landucci proposal, a right-of-way setback variance, a lakeshore setback variance and side yard setback variance must also be approved for the new structure.

Conditional Use Permit: A guest cottage meeting Zoning Ordinance requirements is permitted in the R-1 Zoning District. Since the structure is proposed to be 6' taller than is permitted by the ordinance, and 100 square feet larger, the building must be reduced in height and size or a height square foot variance must be approved by the Town. In the alternative, the Zoning Ordinance may be amended. If the Conditional Use Permit is recommended for approval, it must be subject to approval of the requested variances and payment of a utility connection fee and payment of SAC, WAC, and local SAC fees.

Variances: The following variances are requested: 1) 6' guest cottage building height variance; 2) 17' lakeshore setback variance; 3) 35' right-of-way setback variance; 4) .75' side yard setback variance; 5) 5.5% green area variance. Guest cottages are limited to 15' height. If this were a two story garage, no height variance would be required providing that the garage does not exceed 25' in height. Height variances are unprecedented in the Town for the past 25 plus years. Previously when an applicant wanted to exceed height requirements, the Zoning Ordinance was amended rather than approval of a height variance. Zoning Ordinance amendments to exceed height requirements were approved for Schwing America and Cortec Corporation, both businesses. No height variances have been requested in a residential zone recently

Lakeshore Setback Variance: A 50' lakeshore setback variance is required, a 17' lakeshore setback variance is proposed. Since the maximum depth of the lot is less than 70', either a lakeshore or right-of-way setback variance must be approved, or both to allow any structure on the lot.

Right-of-Way Setback Variance: A 35' right-of-way setback is required. The existing garage appears to be located up to the West Bald Eagle Boulevard right-of-way line. The new garage is proposed to be constructed using a larger footprint than the existing garage. Mr. Landucci would like to shift the garage back 5' from the right-of-way. A 30' right-of-way setback variance must be approved. A 22' lakeshore setback variance must be approved creating a setback from the lake of 28'.

Side Setback: A .75' minimum side setback variance is requested. Based on the proposed width of the garage one side yard setback variance must be approved.

Following are recommendations for consideration:

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1. **Approve:** 1) 35' right-of-way setback variance; 2) 17' lakeshore setback variance; 3) .75' side yard setback variance; 4) 6' height variance; 5) 5.5% green area variance.
2. **Approve an amendment to Section 7-9.7(d) as follows:** A guest cottage shall not cover more than 700 square feet of land surface and shall not exceed 21' in height.

In addition, Section 7-9.7 should also be amended reducing the minimum lot size permitted from 24,000 square feet to 2,613 (2,500) square feet unless deed restrictions are provided. If recommended for approval, the following variances must be approved: 1) 35' right-of-way setback variance; 2) 17' lakeshore setback variance; 3) .75' side yard setback variance.

3. **Rezone the garage lot from R-1 to BEI Zoning. Set the following BEI zoning requirements:** 1) Minimum right-of-way setback requirement = 0; 2) Minimum lakeshore setback requirement = 10'. This is consistent with the lakeshore accessory structure setback requirement. It must be noted that allowing an 800 square foot structure is double the size of an accessory structure permitted in a Shoreland Management Zone, with a 10' setback.
4. Deny the variances as requested since as requested they do not meet the standards set forth by the Zoning Ordinance to approve.
5. Deny the Conditional Use Permit request for guest cottage since the lot is 2,613 square feet in area not meeting the 24,000 square foot minimum lot size, the proposed building exceeds the square footage and height requirements permitted by Section 7-9.7(d) of the Zoning Ordinance.
6. Approve the Conditional Use Permit as requested, subject to approval of the variances as requested or in the alternative, the Zoning Ordinance amendments as discussed.

The Variance Board reviewed Mr. Landucci's request for variances. Following are their comments:

- Recommend that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal.
- The island is over an acre in area but the garage lot cannot be tied to the island for tax purposes since it is located several hundred feet from the garage. The County will not tie the two together due to this distance between the structures which are in different sections. As a result, a 5.5% green area variance must be approved for the new structure.
- After discussion, it was the consensus that the two properties should be tied together for zoning purposes. Since the County will not tie the properties together, a deed

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restriction on the properties will keep the two properties together and cannot be separated.

- As calculated by Nate Landucci, the size of the guest quarters is proposed to be 672 square feet in area on the second story of the garage. The footprint of the garage is approximately 800 square feet.
- The existing garage has a 0' setback from the right-of-way. The new structure is proposed to have the same 0' setback. It was suggested that the driveway be extended so the garage has a setback from the road. Adding to the driveway will increase the impervious area on the lot.
- The accessory structure cannot be used for sleeping. The plan revisions as presented by Mr. Landucci meet the recommendations as discussed at the November Variance Board Meeting.
- What is the purpose of the guest cottage and how will it be marketed when the home is put up for sale. Mr. Landucci plans to define the building as a refuge area when the weather makes crossing the lake dangerous. A suggestion was made that the Bald Eagle Island zoning district could be amended so the proposed accessory structure is defined as a "place of refuge" vs a guest cottage. Although Mr. Landucci prefers to call the proposed living quarters a "guest cottage" since it is currently permitted and regulated by the Ordinance. He states that the guest cottage is less than 800 square feet in area and improvements were eliminated from the cottage such as a kitchen. It was the consensus that due to the small size of the lot, the purpose of the structure should be limited to a "place of temporary refuge" vs a guest cottage. Mr. Landucci stated that the unit will see very little use and will not be used for rental purposes or living quarters.
- The Clerk supports the concept for the "temporary refuge" with the garage lot tied to the island with added restrictions. The Town could amend the Zoning Ordinance eliminating the "commercial/residential recording and film post production studio" from the list of uses permitted in the BEI district. Mr. Landucci supported the elimination of the "studio" from the list of Conditional Uses in the BEI district.
- Could support a 31% coverage of the lot since the overall impervious area when the island is included in the calculation is much less than 25%.

The Variance Board proposes the following additional requirements:

- The "temporary refuge" cannot be used more than 30 days per year.
- The "refuge area" cannot be used for more than 2 consecutive days.
- The garage lot shall be rezoned to BEI.
- Recording studio shall be eliminated from the list of Conditional Uses in the BEI district.
- Refuge area must be defined and included in the amendment to the BEI district.
- The Town will allow the use of a portion of the garage as a temporary refuge only so long as there is a house located on Bald Eagle Island.
- This is considered a unique and necessary connection to the island and is considered part of the island property.

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The Variance Board recommended approval of the requested variances subject to the conditions described above.

The Planner noted that Mr. Landucci held a neighborhood meeting this week with four residents in attendance. The Planner received one phone call from a resident who had concerns that the proposal would negatively impact his property. Denn asked a question regarding what the nature of the easement on this lot is and how does it apply since Mr. Landucci does not own the property. The Planner stated that it is a perpetual easement which allows use of the property. Mr. Landucci reported that he reached out to Mr. Hildebrand who owns the garage and home across the street from the garage. He was not in residence. There was a caretaker on the property. Mr. Landucci sent the documents to Mr. Hildebrand to review. He hopes to reach an agreement. It was noted that the perpetual easement will have to be re-surveyed. Even though the easement says the Mr. Landucci has full use of the property, the easement will have to reflect the changes he wants to make to the property. Flann ask what the definition of "temporary refuge" is. The Planner stated that the Variance Board came up with the definition. In response to a question how the resident on the island gets back and forth the Planner stated that he uses a hovercraft.

The Planner stated that the proposed height of the structure needs to be addressed. Currently the maximum height is 15 feet. To allow 21 feet the section of the Zoning Ordinance needs to be amended. There was discussion regarding the connection fees for sewer and water. It was noted that the amount of \$25,000 is a lot of money if there are no fixtures in the proposed "temporary refuge" to use the utilities. The Planner stated that with the availability of the utilities, the property owner has the right to hook up. He noted that this lot was not assessed for utilities. A toilet is proposed. Kotilinek stated that although the garage will not be used as sleeping quarters has the Fire Inspector reviewed the plans. The Planner stated that the Fire Inspector has not seen the plans as yet but will be provided to him. Kotilinek asked if the DNR has been informed of the lakeshore setback. The Planner stated that they need to be informed. Kotilinek asked if any rezoning for the "temporary refuge" will go through the process. The Planner stated that it does have to go through the process and a public hearing will be scheduled for March 5, 2018. Swisher asked what the height of the current garage is and how long has it been there. The garage was built in 1987. He noted that the owner should present something in writing about the proposal.

Nathan Landucci stated that the Variance Board had proposed doing something about the steep ramp to the lake. He stated that the garage could be shifted to the right or left. Denn noted that Nathan Landucci is not named on the deed for the lot. Mr. Landucci stated that the lot has a separate PID# from the residential property owned by the garage lot owner. Denn asked if the garage lot is part of the residential property can the BEI zoning be extended to the garage lot. Denn asked if the perpetual easement states the size of the garage. The Planner stated that the garage is 26' x 26'. The new garage will be larger.

After discussion it was the consensus that there are questions that need to be answered. Most importantly, the perpetual easement needs to be reviewed. It was the consensus that the matter be tabled for more discussion at next month's meeting when further information will be available.

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Kotilinek moved to table the matter of Nathan Landucci, 5508 West Bald Eagle Boulevard request for: 1) zoning ordinance; 2) setback variances; 3) Conditional Use Permit for guest cottage until further information is available and to schedule Public Hearing on the matter for March 5, 2018. Artner seconded. Ayes all.

NORH OAKS COMPANY – CAMBRIDGE DOWNS – REQUEST FOR A MAJOR SUBDIVISION AND CONDITONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT:

The Planner reported that the North Oaks Company has submitted a subdivision proposal for their 27.61 acre property located in the 5500 block of Centerville Road. The property is currently vacant. It is located between Centerville Road and Peterson Road, north of County Road H-2 and south of Anderson Lane. He presented an overhead showing the location of the property. It is approximately half wetland and half upland. The wetland portion of the property is primarily the northerly part of the site and is 12.58 acres in area. When subtracting the wetland and existing Centerville Road and Peterson Road rights-of-way, the upland portion of the property is 13.01 acres in area. Since the density permitted in the zoning district allows up to 3 units per upland acre, up to 39 lots could be developed, less newly proposed roads, rights-of-way, stormwater treatment ponds and park areas. A roadway connecting Centerville Road to Peterson Road is proposed. The new road also plans a cul-de-sac serving 10 homes. A total of 29 residential lots are proposed. A PUD is requested in order to permit reduced lot size, permitted by the Zoning Ordinance (with limitations). Residential PUDs are permitted by Conditional use Permit in the R-1 zone. A PUD has several requirements which must be followed. They include:

7-10.1(d) Lot Requirements: The minimum lot area, minimum lot width, minimum front yard setback, minimum side yard setback, minimum rear yard setback, minimum percentage of green area and off-street parking space requirements shall comply with the zoning district regulations in which the Residential Planned Unit Development is proposed to be located. Departures from such regulations may be permitted where the resulting requirements will not have an adverse effect upon the health, safety and welfare of the Town. In no event shall single family dwelling units in a Residential Planned Unit Development have a minimum lot area of less than nine thousand five hundred (9,500) square feet, a minimum lot width of less than 70 feet and a minimum corner lot width of less than 95 feet. Where departures from such regulations are permitted the average lot area shall be no less than the minimum lot area in the zoning district.

Standard minimums in the zoning district require a lot to be at least 80' wide and 12,000 square feet in area. The maximum density permitted is 3 units per upland acre.

A PUD allows minimum lot sizes to be reduced to a width of 70' and lot area of 9,500 square feet. The average lot size for a PUD is required to meet zoning requirements of the district (average 12,000 square feet per lot). The maximum net density must not exceed 3 units per acre. The developer is proposing 29 single family lots ranging in size from 9,677 square feet to 19,671 square feet. The average lot as proposed is 12,508 square feet.

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7-10.1(e) Density. The maximum net density of dwelling units per acre shall not be greater than the density regulation of the zoning district in which the Residential Planned Unit Development is proposed to be located.

The maximum net density permitted in the zoning district is 3 per acre. Density is defined as the maximum number of dwelling units per acre of buildable land exclusive of wetlands, drainage retention areas, floodways, Lakes, streams, public parks and public or private rights-of-way. The plan shows a future road right-of-way taking 1.8 acres of the property and .83 acres of stormwater treatment ponds. Based on these calculations, 10.34 acres of "buildable land" allows for 31 units on the property. Park land must also be deducted. The developer is showing a ½ acre active recreation area, leaving a total of 9.84 upland acres available for development. The 29 homes proposed do not exceed the 3 homes per acre density requirement.

7-10.1(f) Minimum Green Area: A minimum of 35% of the area of a Residential Planned Unit Development having multiple family dwelling units shall be reserved for passive recreational open spaces. Areas for passive recreational open space shall be exclusive of lakes, streams, wetlands and the right-of-way of public thoroughfares. Passive recreational open space shall be located within the Residential Planned Unit Development so as to abut parks, playgrounds, trails, open spaces, lakes, streams or wetlands on adjacent properties.

This requirement is for multiple family dwelling developments and will not apply to a single family home PUD.

7-10.1(g) Recreational Areas: Active recreational areas shall be provided in all Residential Planned Unit Developments. The amount of area provided for active recreational use shall be in the proportion of 2 acres of land per 100 dwelling units. In no event shall less than one half acre of land be provided for active recreational use. Areas for active recreational use shall be exclusive of lakes, streams, wetlands and the right-of way of public thoroughfares. Active recreational areas shall be provided in addition to the requirements of Section 7-10.1(f) (Minimum Green Area) and to the park land dedication requirements of Ordinance No. 15 (Subdivision Ordinance).

A one half acre recreation area is shown on the plan. It must be noted that the Comp Plan shows a future neighborhood park in this part of the Town. While it will not likely be on this property, the one half acre recreation area must be provided and shown on a development plan. The Park Board is reviewing this location of a new park in this neighborhood.

7-10.1(h) Public Utilities. All Residential Planned Unit Developments shall be served by public sanitary sewer and public water services. Utilities, such as electricity, natural gas, telephone and cable television, shall be provided to Residential Planned Unit Developments in a manner approved by the Town.

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Public Utilities are planned to serve the proposed development. Peterson Road is the last gravel road in Ramsey County. Most of the existing homes located on Peterson Road are not served by municipal sewer and water. When the North Oaks Company property is developed and sewer and water and a paved road is extended through the property, extending the municipal sewer, water and paving all of Peterson Road could be included with the development of this property. Affected residents would be assessed for upgrades to Peterson Road and if sewer and water is extended to additional properties.

7-10.1(i) Access: All uses in a Residential Planned Unit Development shall abut a public street or abut a private street which has adequate access to a public street. The alignment and design of all private streets shall comply with the provisions of Ordinance No. 9 (Street Ordinance).

A 50' public right-of-way is planned for the new roads in the development.

7-10.1(j) Driveways: All driveways for multiple family dwelling units in a Residential Planned Unit Development shall be provided and maintained in good repair by the developer and the successor Homeowner's Association in a manner approved by the Town.

Not applicable.

7-10.1(k) Storage Areas: Screened storage areas shall be provided for each multiple family dwelling unit in a Residential Planned Unit Development. The minimum area for screened storage shall be 100% square feet per dwelling unit. The Town Board may waive the requirements for screened storage where the Homeowner's Association maintains and enforces restrictive covenants upon the property. Such restrictive covenants shall prohibit the exterior storage of building materials, boats, recreational vehicles, snowmobiles and other similar personal property, except in a screened storage area approved by the Town Board. Also, the Residential Planned Unit Development shall reserve an area adequate for providing the necessary screened storage pursuant to the requirements of this section.

Not applicable.

7-10.1(l) Environmental Design: An environmental design preserving the natural amenities of the existing landscape as well as providing for landscape buffering as to adjacent properties shall be incorporated into all Residential Planned Unit Developments.

A Landscaping Plan has been provided showing landscaping along the southerly lot line. Existing trees at the southeast and southwest corners of the property are proposed to be saved.

7-10.1(m) Architectural Design: The architectural design of all structures in a Residential Planned Unit Development shall be compatible with one another and with structures located on adjacent properties.

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7-10.1(n) No Variances: Notwithstanding the provisions of Section 8-6 (Variances), no variances shall be granted to the site plan and building plan designs of an approved Planned Unit Development.

The proposed development consists of single family homes on lots permitted in a Planned Unit Development. The tradeoff for allowing undersized lots is to design a development which avoids destruction of natural features such as trees and wetlands. In addition, recreation land must be provided plus any park dedication requirements approved by the Town.

The proposed lots are 70' wide with lot areas ranging from 9,677 square feet to 19,671 square feet in area. Separation between buildings is proposed to be 20'.

The Town has also allowed PUDs using a small lot design with common space surrounding the small lot. Developments approved using this design were required to have a 20' minimum spacing between buildings. These types of developments were not allowed to exceed the density requirements of the zoning district.

A sketch plan concept was reviewed by the Planning Commission at the November meeting. One neighborhood meeting was held prior to the Planning Commission meeting.

The development proposal appears to be a good fit for this property as the development proposes an access to Centerville Road as part of the development. Most of the traffic generated from the development will access the property from Centerville Road. Some will utilize Peterson Road. The development is proposed to be marketed towards "empty nesters". As a result, the average trips per day will be less than would be created by a single family home development marketed towards families.

The area around the proposed development is still relatively rural. Several homes near the site are not served by municipal sewer and water. With the increase in traffic on Peterson Road, upgrading this road so it is paved and has curb and gutter is recommended. The Town must determine how much of Peterson Road should be improved. Neighborhood input/interest into improving municipal sewer/water and road, and the cost to residents to do this must be determined.

The Town's Comprehensive Plan shows a future park in the neighborhood. The Park Board has reviewed the proposal and has recommended that the development pay a park dedication fee rather than provide land for a park. The Park Board has recommended that staff contact the owner of the property at 5566 Peterson Road for possible purchase in order to develop as a neighborhood park.

Public Hearings for a subdivision and Conditional Use Permit must be held as part of the development review process. The hearings are held at a Town Board meeting. It is recommended that the Town hold a neighborhood meeting to discuss neighborhood interest in extending public sewer and water to nearby homes as well as upgrading Peterson Road. Staff recommends scheduling a neighborhood meeting prior to the February Planning Commission meeting. Staff recommends hearings be scheduled for the March 5, 2018 Town

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Board meeting which will allow additional review by the Planning Commission at the February 22nd meeting.

Review reports have been received from SEH regarding water resources and/or stormwater management issues; TKDA regarding engineering (plat; streets and access; stormwater management; grading; water system; sanitary sewer) and Spack Consulting regarding a traffic assessment.

The developer stated that they feel good about receiving input from the neighbors. With 70' lots it loosens things up for landscaping and buffering. An overhead of proposed landscaping was presented. There will be trees on the south property where there currently are no trees. The North Oaks Company has its own tree nursery, with trees 30'- 40' tall, and the trees needed for the development will be selected from the nursery. A northbound right turn lane on Centerville Road at the proposed Development Street intersection is recommended. A design could match that provides to Anderson Lane (just north of this site) with an approximately 180 foot taper and 150 foot turn lane. Sidewalks are recommended for the development or planned for a future date to coincide with the sidewalk or trail on Centerville Road to allow for more travel options. They are open to discussion regarding the sidewalk. Overhead pictures of the house designs were provided. Most of the homes will be single story. One half of the homes will have basements and one half will not. The homes are proposed to be 3 bedroom homes with 1600' on the main floor. The homes will be marketed for 55 years and older at first and then probably market to ages 50 and older.

Comments include;

- Artner stated that the homes are lined up in a straight row and is unattractive. Concerned about the traffic that will be put on Centerville Road.
- Kotilinek asked if they meet all the requirements. (Yes).
- A single entrance is key to privacy and safety.
- With 29 homes two accesses are needed.
- With a second driveway off Peterson Road would create too much traffic.
- The park on the Garley property is no good. It is not used.
- Neighborhood comment has impact. Lower density would be better.
- Buffer may help, but not enough.
- Would not want two story homes.
- There is no density issue. It meets the requirements of a PUD.
- Are the narrow lots deeper?
- Focus on 70' width but have them deeper.
- Does not like the PUD concept. It is out of character with the neighborhood.
- If marketed to 55 and older – that age group likes to walk. A trail along the wetland would be nice.
- What is the maximum length allowed for a cul-de-sac? (Town allows 500 feet).
- The plan has not changed a whole lot. Zero steps have been made.
- The residents like the gravel road.

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- Would like to see some of the curves used in the Pine Hill development.
- Would like to see the contract for a Homeowners Association to see what they would be taking care of.
- Would like to see only single level homes.
- The traffic count offered by the traffic consultant does not reflect traffic accurately
- Density is the biggest issue – with the space between homes.
- Cut a few more homes out of the plans.

Kotilinek moved to table the matter of North Oaks Company – Cambridge Downs to next month's meeting for further consideration and to allow the developer to come back with adjustments suggested by the neighbors and the Planning Commission. Artner seconded. Ayes all.

CAPRA'S UTILITIES, INC. – 2320 LEIBEL STREET – REQUEST FOR PERMITTED USE STANDARDS PERMIT TO ALLOW CONSTRUCTION OF A 18,900 SQUARE FOOT OFFICE/WAREHOUSE BUILDING:

Capra Utilities, Inc. is requesting approval of a Permitted Use Standards Permit which would allow construction of an 18,900 square foot office/warehouse building. The new building is proposed for the lot at 2320 Leibel Street. This is the last undeveloped lot in the Leibel Addition Industrial Park. Capra Utilities owns several lots in the Leibel Addition. The building is planned to be leased to one of his current tenants which is looking for additional space to lease. The proposed building is similar in design and will use exterior materials consistent with other buildings in the development. The building is proposed to be a two story wood framed structure with a pitched asphalt shingle roof. Parking areas are planned on both the front and rear of the building. Seventeen stalls are proposed for each end of the building. The building is proposed to be placed 15' from the west lot line with vehicle access to the building on the east side. The garage doors are proposed to face east. The proposed building is located in the Leibel Addition Light Industrial Park. When developed in the 1980's, requirements were adopted for all future developers/users of the platted lots. Based on the site perimeter and building sizes, the following landscaping is required: 1) 15 overstory trees; 2) 9 conifers; 3) 9 ornamental trees; and 4) 63 shrubs. The Landscaping Plan proposes 15 overstory trees, 16 conifers, 7 ornamental trees, and 72 shrubs. The landscaping quantities are consistent with the Leibel Addition requirements, with the exception of ornamental trees. The Capra plan shows areas of wetland on the 2320 and 2330 Leibel Street lots. When the Leibel Addition was developed in the late 1980's, a large wetland area was filled and replaced on the easterly portion of the site. Drainage ditches were graded around the perimeter of the properties. Several of the lots remained vacant after they were graded according to the approved Leibel Addition plans. Without the development or use of the lots, some of the drainage ways did not flow according to plans and "incidental" wetlands were created. Since these incidental wetland were not natural, they qualify for a wetland exemption. This means that they may be filled without replacement. Wetland areas are proposed to be filled on the undeveloped lot at 2320. In addition, Capra would like to modify the site plan at 2030 Leibel Street relocating a stormwater treatment area to the southerly portion of the site. Stormwater treatment at 2320 Leibel Street is also proposed on the south side of the property. Mike Turnbull, the Town's Fire Inspector has reviewed the plans and offers the following comments: 1) an automatic fire protection system shall be installed in the

**MINUTES
PLANNING COMMISSION MEETING
JANUARY 25, 2018**

building; 2) a new fire hydrant must be provided within 120' of the Fire Department connection to the building.

A poll of the members indicated that there were no concerns.

Artnr moved to recommend to the Town Board to approve the request for Permitted Use Standards Permit to allow construction of a 18,900 square foot office/warehouse building at 2320 Leibel Street. Swisher seconded. Ayes all.

Artnr moved to adjourn the meeting at 8:53 p.m. Flann seconded. Ayes all.

Respectfully Submitted,

Joan J. Clemens
Recording Secretary

DRAFT



Planning Commission Meeting February 22, 2018

Agenda Number: 4 Consent Agenda

Subject: Vickie Baker, 5428 East Bald Eagle Boulevard – Request for a 16.6’ Right-of-Way Setback Variance; a 9.7% Green Area Variance; a 364’ Garage Area Variance to Allow Construction of a New Home

Documentation: Staff Memo / Variance Application & Maps

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board Meeting
February 24, 2018

VICKIE BAKER – Request for 16.6’ Right-of-Way Setback Variance, a 9.7% Green Area Variance and a 364 Square Foot Garage/Accessory Building Size Variance to Allow Construction of a New Home with Attached Garage at 5428 East Bald Eagle Boulevard: Jim Baker informed the Variance Board that the plan has been modified, the deck proposed for the right-of-way side of the home has been reduced by 1.5’ to create a 20’ setback from the right-of-way (requiring a 15’ setback variance).

Riedesel summarized the request to construct a new home on the property at 5428 East Bald Eagle Boulevard. Three variances are requested including a 20’ right-of-way setback variance, a 9.7% green area variance, and a 364 square foot garage size variance.

The new home is proposed to have an attached 22’ x 26’ garage. The existing garage/accessory structure is proposed to be retained as the home was designed without a basement due to drainage and high water table concerns.

After describing the requested variances, Riedesel noted that the home location was proposed so it will line up with existing homes on either side of the Baker property. He also noted that Ramsey County approached the Town several years ago with a map of East and West Bald Eagle Boulevards showing the County retaining a 66’ wide right-of-way centered on the current location of the road surface. The County has given the Town the authority to vacate excess portions of the right-of-way. If Ms. Baker were to request vacation of the excess portion of the right-of-way, approximately 21’-25’ of public right-

of-way would be vacated to her lot adding to the setback from the right-of-way. With this vacation, no right-of-way variance would be necessary.

The Variance Board discussed the 9.7% green area variance request. Mr. Baker explained that the plan will be modified to use pervious pavers where a concrete driveway is proposed. By doing this, 410 square feet of hard surface would be subtracted from the green area calculations. The Variance Board also discussed the impact of the vacation of excess County right-of-way on East Bald Eagle Boulevard. It was determined that with the use of pavers and with the vacation of excess right-of-way, at 1.2% green area variance would be needed.

The Variance Board discussed access to the lot from the alley and related snow storage. The Variance Board discussed requiring the applicant to remove additional pavement along the alley in order to create more green space. The Variance Board questioned whether removal of additional pavement in this area could negatively impact snow storage in the alley.

Short moved to recommend to the Planning Commission to recommend to the Town Board to approve a 15' right-of-way setback variance due to the excess right-of-way along East Bald Eagle Boulevard, the proposed home will be set back further from the right-of-way than the existing home, the location of the home as proposed is consistent with the neighboring homes and the neighborhood, and meets the standards set forth by the Zoning Ordinance to approve a variance. Johnson seconded. Ayes all.

Short moved to recommend to the Planning Commission to recommend to the Town Board to approve the green area variance and garage size variance noting that the proposed new double garage is minimum size (22') and the existing detached garage is in good condition and subject to the property owner replacing the proposed concrete driveway with impervious pavers and removal of a portion of the pavement near the alley upon review and approval of the Building Inspector after review by the Town's Public Works Department. Johnson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: FEBRUARY 12, 2018

SUBJECT: NEW HOME CONSTRUCTION

REQUEST: 16.6' RIGHT-OF-WAY SETBACK VARIANCE
9.7% GREEN AREA VARIANCE
364' GARAGE AREA VARIANCE

LOCATION: 5428 EAST BALD EAGLE BOULEVARD
APPLICANT: VICKIE BAKER

Ms. Baker is requesting approving of a 16.7' right-of-way setback variance and a 9.7% green area variance to allow construction of a new home at 5428 East Bald Eagle Boulevard. The home is proposed to be a 2 story structure with a footprint of 1,693 square feet, which includes a 572 square foot attached garage. The existing home has a slightly larger footprint than the proposed home.

The lot area is 9,402 square feet, including both the home lot and the lakeshore lot between East Bald Eagle Boulevard and Bald Eagle Lake. The lot is 68.45' wide. The lot is considered an undersized lot of record.

The home is proposed to be set back 18.4' from the East Bald Eagle Boulevard right-of-way to a second story deck, 10' from the south side lot line, 22.7' from the north side lot line and 38' from the alley at the rear of the lot.

The existing garage on the property which is 733 square feet in area is planned to be retained. The coverage over the lot is proposed to be 3,264 square feet or 34.7% of the lot. The following variances are requested:

- A. 16.6' right-of-way setback variance from the East Bald Eagle Boulevard right-of-way.
- B. A 9.7% green area variance.
- C. A 364 square foot garage area variance.

Right-of-Way Variance:

The existing home is proposed to be demolished and replaced with the proposed home. The existing home is located 26.2' from the right-of-way. The new home is proposed to be set back 29.1' from the right-of-way measured from the front face of the building. A

proposed garage is 572 square feet in area. A 362 square foot garage area variance is requested.

If the additional right-of-way is released to this property, approximately 1,455 square feet could be added to the lot area. This would create a lot approximately 10,860 square feet in area which would permit 1,086 square feet of garage and accessory structure. With a total of 1,305 square feet of garage and accessory structure being proposed, a 219 square foot variance must be approved.

Vacation of a portion of East Bald Eagle Boulevard as shown on the Ramsey County right-of-way map has been approved for several properties along East and West Bald Eagle Boulevards and would create a larger lot and a greater setback from the East Bald Eagle Boulevard right-of-way. This would create a right-of-way setback which exceeds the 35' right-of-way setback requirement.

Right-of-Way Setback Variance:

Staff recommends that the applicant apply for a vacation of the excess right-of-way along East Bald Eagle Boulevard, in order to eliminate the need for a right-of-way setback variance. The requested setback variance may be approved, subject to this requirement.

Green Area Variance:

Staff recommends approval of a 1.2% green area variance requiring the applicant to request vacation of excess right-of-way and that the newly proposed driveway will utilize pavers which will reduce the green area variance requested so it is consistent with other green area variances approved by the Town.

Garage/Accessory Building Square Footage Variance: With vacation of a portion of the East Bald Eagle Boulevard right-of-way, a 219 square foot garage area variance must be approved. It is recommended that the Variance Board discuss reduction of the garage area to reduce the green area variance.

TR/psw
cc:admin/add.file
b:baker



VARIANCE APPLICATION FORM

White Bear Township
 1281 Hammond Road
 White Bear Township, MN 55110
 Phone 651-747-2750 Fax 651-426-2258
www.ci.white-bear-township.mn.us

INTRODUCTION

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

Fee \$225

APPLICANT(S) Vickie Baker PHONE (Home) _____
 (Business) _____
 (Cell) 651-271-7248

ADDRESS 5428 Bald eagle
Blvd. East

PROPERTY OWNER Vickie Baker

ADDRESS OF SITE 5428 Bald eagle Blvd East ZONING Single family

EXISTING USE OF SITE Home

DESCRIPTION OF VARIANCE REQUEST Setback

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
<u>Lake-Front Yard</u>	<u>35</u>	_____	<u>18.4 to Dock</u>
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

Vickie M. Bates

2/8/18
Date

*Signature of Applicant(s)

*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

To Be Completed By Office:

Date Request Received 2/9/18

By [Signature]
(Staff Member)

\$225.00 Fee Received

Yes
 No

Date Application Complete 2/9/18

STATEMENT OF AFFECTED PROPERTY OWNERS

If a signed statement is not provided by the applicant for a variance, the Town Board shall order a public information meeting which will include printed notice to all property owners within 350' of the property where the variance is requested. Public Notice publication costs will be the responsibility of the applicant.

I am the owner of the property at: 5428 Bald Eagle Blvd East I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

Setback

My request will be reviewed by the Variance Board and the Planning Commission, with a final decision being made by the Town Board. I must provide the Board with a statement signed by the adjacent property owners, recording their comments relative to my request. Please feel free to write below any comments you may have regarding this issue. This statement must be signed and dated.

PROPERTY OWNERS

1. Name: Joan + Mark McCormick Address: 5432 Bald Eagle Blvd East
Phone: (Home) 651-653-1716
(Bus.) _____
(Cell) 651-303-6565

Comments: _____

Date: 2/12/2018 Signatures: Joan McCormick | Mark McCormick

2. Name: Kathy + Brad Hawks Address: 5422 Bald Eagle Blvd E
Phone: (Home) 651-331-6379
(Bus.) _____
(Cell) _____

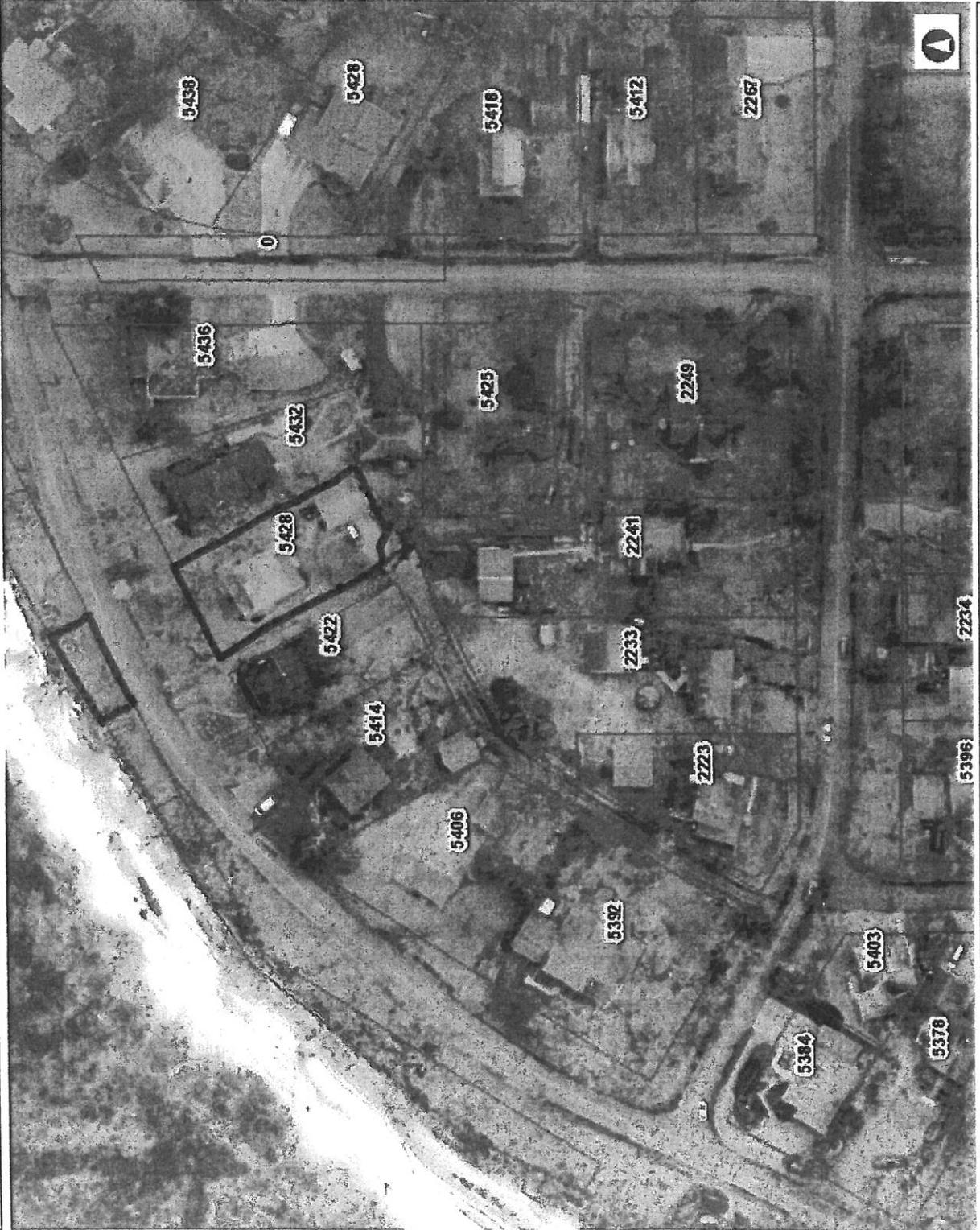
Comments: We should look into digging the drainage ditch deeper to accommodate run-off. It has filled in over the years.

Date: 2-12-2018 Signatures: Kathy Hawks | Brad Hawks

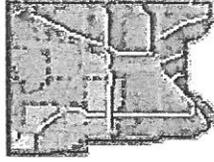
3. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

Comments: _____

Date: _____ Signatures: _____



Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

200.0 0 100.00 200.0 Feet

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Planning Commission Meeting February 22, 2018

Agenda Number: 5

Subject: Nathan Landucci, 5508 West Bald Eagle Boulevard – Request for:

- Zoning Ordinance Amendment
- Setback Variances
- Conditional Use Permit for a Guest Cottage

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission Meeting
January 25, 2018

NATHAN LANDUCCI, 5508 WEST BALD EAGLE BOULEVARD – REQUEST FOR: 1) ZONING ORDINANCE AMENDMENT; 2) SETBACK VARIANCES; 3) CONDITIONAL USE PERMIT FOR A GUEST COTTAGE: Mr. Landucci is requesting Town approval of setback variances and Conditional Use Permit which would allow demolition of the existing garage and replacement of a new two story garage located on West Bald Eagle Boulevard. The existing garage has a footprint of 26' wide by 24' deep. The garage footprint is proposed to be expanded to 30'10" wide by 26' deep. The garage is proposed to have a second story with living quarters. The living quarters are proposed as a guest cottage, which is permitted by Conditional Use Permit, subject to meeting Zoning Ordinance conditions. The Variance Board met with Mr. Landucci in November. At that meeting, the Variance Board recommended that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal. The garage is located on a 2,613 square foot lot on West Bald Eagle Boulevard. The garage serves I Bald Eagle Island and is the only structure, other than the driveway, located on the lot. The existing garage is 26' wide by 24' deep and is a single story structure. The garage is proposed to be demolished and replaced in approximately the same location with the two story garage. The lot is 41.35' wide and subject to the following setbacks: 1) 50' lakeshore setback; 2) 6.00' side setbacks; 3) 35' right-of-way setback. Mr. Landucci is requesting the following setbacks: 1) a 33' lakeshore setback – requiring a 17' variance; 2) a 5.25' side setback – requiring a .75' side setback variance on one side

of the garage; 3) a 6' side setback – no variance required; 4) a 0' right-of-way setback requiring a 35' variance. Since Mr. Landucci is proposing to construct a guest cottage above the new garage, requirements of the Zoning Ordinance relating to guest cottages must be met. One requirement is that it not exceeds 15' in height. The two story structure is proposed to be 21' in height as measured from grade to the average of the highest gable. A 6' height variance is requested. The garage is proposed to be 800 square feet in area. The upper portion of the guest cottage is proposed to be 672 square feet in area which meets guest cottage requirements. Twenty five percent maximum coverage is permitted on the lot. The lot is 2,613 square feet in area. The garage is proposed to cover 30.6% of the lot. The driveway is not included in this calculation as it is in the public right-of-way. If the island is included in the square footage of the property, the 25% impervious area maximum is not exceeded when including the garage lot. However, after contacting Ramsey County Property Records & Revenue Department it was found that due to the distance between the island and the garage lot, the two cannot be combined for tax purposes. The Variance Board reviewed the proposal and recommends that Mr. Landucci attach the properties using deed restrictions on both lots, requiring that they remain together. The standards which must be met in order to approve a variance, as outlined in Section 9-6.4 of the Zoning Ordinance were reviewed.

In addition to the variances being requested, Mr. Landucci is requesting approval of a Conditional Use Permit which would allow the second level of the garage to be used as a guest cottage. Guest cottages are permitted in the R-1 residential zoning district. A guest cottage must meet the following requirements in order for Conditional Use Permit approval:

- The residential lot in a sewerred area must be at least 24,000 square feet in area. (The lot where the garage/guest cottage is proposed is 2,613 square feet in area. The island is 2.33 acres.)
- The structure design, building materials and color shall be compatible with the principal structure and surrounding land uses. (The garage is proposed to be consistent with the home on the island.)
- The structure shall not be used for rental purposes. (No rental of the guest cottage is planned.)
- The guest cottage must pay one service (sewer & water) for each utility serving the property. (A metro sewer availability charge (SAC) and local sewer availability charge and water availability charge (WAC) must be paid in addition to the Utility Connection Fee as the property was not assessed in the past. These fees will amount to \$25,425.00.)
- A guest cottage shall not cover more than 700 square feet of land and shall not exceed 15' in height. (The footprint is proposed to be 800 square feet in area. The area of the guest cottage is proposed to be 672 square feet in area. The height is proposed to be 21'.)
- A guest cottage in the Shoreland Management District must be designed to reduce its visibility as viewed from the lake (Bald Eagle).

The guest cottage is proposed to be used in the event of poor weather, which would limit access to the island. There are no plans to rent the living quarters, which would not be allowed or to utilize the building for living purposes full time.

A total of four variances are being requested in addition to the Conditional Use Permit for the guest cottage. At the two previous Variance Board meetings, the Variance Board discussed ordinance amendments which may be preferred to approving the requested variances. Options considered include: 1) Rezone the garage lot from R-1 to BEI so it is consistent with the island zoning. Specific requirements allowing a guest cottage would have to be adopted to accommodate the guest cottage; and 2) Amend the height requirements of the guest cottage section of the ordinance allowing structure height up to 21 feet (15' maximum height is currently permitted.)

If recommended, the Planning Commission may want to also consider amending the green area requirements allowing a guest cottage to cover up to 31% of a lot or acknowledge that deed restrictions tying the lots together must be provided by the owner.

If the Zoning Ordinance is amended to accommodate the Landucci proposal, a right-of-way setback variance, a lakeshore setback variance and side yard setback variance must also be approved for the new structure.

Conditional Use Permit: A guest cottage meeting Zoning Ordinance requirements is permitted in the R-1 Zoning District. Since the structure is proposed to be 6' taller than is permitted by the ordinance, and 100 square feet larger, the building must be reduced in height and size or a height square foot variance must be approved by the Town. In the alternative, the Zoning Ordinance may be amended. If the Conditional Use Permit is recommended for approval, it must be subject to approval of the requested variances and payment of a utility connection fee and payment of SAC, WAC, and local SAC fees.

Variations: The following variations are requested: 1) 6' guest cottage building height variance; 2) 17' lakeshore setback variance; 3) 35' right-of-way setback variance; 4) .75' side yard setback variance; 5) 5.5% green area variance. Guest cottages are limited to 15' height. If this were a two story garage, no height variance would be required providing that the garage does not exceed 25' in height. Height variations are unprecedented in the Town for the past 25 plus years. Previously when an applicant wanted to exceed height requirements, the Zoning Ordinance was amended rather than approval of a height variance. Zoning Ordinance amendments to exceed height requirements were approved for Schwing America and Cortec Corporation, both businesses. No height variations have been requested in a residential zone recently

Lakeshore Setback Variance: A 50' lakeshore setback variance is required, a 17' lakeshore setback variance is proposed. Since the maximum depth of the lot is less than 70', either a lakeshore or right-of-way setback variance must be approved, or both to allow any structure on the lot.

Right-of-Way Setback Variance: A 35' right-of-way setback is required. The existing garage appears to be located up to the West Bald Eagle Boulevard right-of-way line. The new garage is proposed to be constructed using a larger footprint than the existing garage. Mr. Landucci would like to shift the garage back 5' from the right-of-way. A 30' right-of-way setback variance must be approved. A 22' lakeshore setback variance must be approved creating a setback from the lake of 28'.

Side Setback: A .75' minimum side setback variance is requested. Based on the proposed width of the garage one side yard setback variance must be approved.

Following are recommendations for consideration:

1. **Approve:** 1) 35' right-of-way setback variance; 2) 17' lakeshore setback variance; 3) .75' side yard setback variance; 4) 6' height variance; 5) 5.5% green area variance.
2. **Approve an amendment to Section 7-9.7(d) as follows:** A guest cottage shall not cover more than 700 square feet of land surface and shall not exceed 21' in height.

In addition, Section 7-9.7 should also be amended reducing the minimum lot size permitted from 24,000 square feet to 2,613 (2,500) square feet unless deed restrictions are provided. If recommended for approval, the following variations must be approved: 1) 35' right-of-way setback variance; 2) 17' lakeshore setback variance; 3) .75' side yard setback variance.

3. **Rezone the garage lot from R-1 to BEI Zoning. Set the following BEI zoning requirements:** 1) Minimum right-of-way setback requirement = 0; 2) Minimum lakeshore setback requirement = 10'. This is consistent with the lakeshore accessory structure setback requirement. It must be noted that allowing an 800 square foot structure is double the size of an accessory structure permitted in a Shoreland Management Zone, with a 10' setback.

4. Deny the variances as requested since as requested they do not meet the standards set forth by the Zoning Ordinance to approve.
5. Deny the Conditional Use Permit request for guest cottage since the lot is 2,613 square feet in area not meeting the 24,000 square foot minimum lot size, the proposed building exceeds the square footage and height requirements permitted by Section 7-9.7(d) of the Zoning Ordinance.
6. Approve the Conditional Use Permit as requested, subject to approval of the variances as requested or in the alternative, the Zoning Ordinance amendments as discussed.

The Variance Board reviewed Mr. Landucci's request for variances. Following are their comments:

- Recommend that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal.
- The island is over an acre in area but the garage lot cannot be tied to the island for tax purposes since it is located several hundred feet from the garage. The County will not tie the two together due to this distance between the structures which are in different sections. As a result, a 5.5% green area variance must be approved for the new structure.
- After discussion, it was the consensus that the two properties should be tied together for zoning purposes. Since the County will not tie the properties together, a deed restriction on the properties will keep the two properties together and cannot be separated.
- As calculated by Nate Landucci, the size of the guest quarters is proposed to be 672 square feet in area on the second story of the garage. The footprint of the garage is approximately 800 square feet.
- The existing garage has a 0' setback from the right-of-way. The new structure is proposed to have the same 0' setback. It was suggested that the driveway be extended so the garage has a setback from the road. Adding to the driveway will increase the impervious area on the lot.
- The accessory structure cannot be used for sleeping. The plan revisions as presented by Mr. Landucci meet the recommendations as discussed at the November Variance Board Meeting.
- What is the purpose of the guest cottage and how will it be marketed when the home is put up for sale. Mr. Landucci plans to define the building as a refuge area when the weather makes crossing the lake dangerous. A suggestion was made that the Bald Eagle Island zoning district could be amended so the proposed accessory structure is defined as a "place of refuge" vs a guest cottage. Although Mr. Landucci prefers to call the proposed living quarters a "guest cottage" since it is currently permitted and regulated by the Ordinance. He states that the guest cottage is less than 800 square feet in area and improvements were eliminated from the cottage such as a kitchen. It was the consensus that due to the small size of the lot, the purpose of the structure should be limited to a "place of temporary refuge" vs a guest cottage. Mr. Landucci stated that the unit will see very little use and will not be used for rental purposes or living quarters.
- The Clerk supports the concept for the "temporary refuge" with the garage lot tied to the island with added restrictions. The Town could amend the Zoning Ordinance eliminating the "commercial/residential recording and film post production studio" from the list of uses permitted in the BEI district. Mr. Landucci supported the elimination of the "studio" from the list of Conditional Uses in the BEI district.
- Could support a 31% coverage of the lot since the overall impervious area when the island is included in the calculation is much less than 25%.

The Variance Board proposes the following additional requirements:

- The "temporary refuge" cannot be used more than 30 days per year.
- The "refuge area" cannot be used for more than 2 consecutive days.
- The garage lot shall be rezoned to BEI.

- Recording studio shall be eliminated from the list of Conditional Uses in the BEI district.
- Refuge area must be defined and included in the amendment to the BEI district.
- The Town will allow the use of a portion of the garage as a temporary refuge only so long as there is a house located on Bald Eagle Island.
- This is considered a unique and necessary connection to the island and is considered part of the island property.

The Variance Board recommended approval of the requested variances subject to the conditions described above.

The Planner noted that Mr. Landucci held a neighborhood meeting this week with four residents in attendance. The Planner received one phone call from a resident who had concerns that the proposal would negatively impact his property. Denn asked a question regarding what the nature of the easement on this lot is and how does it apply since Mr. Landucci does not own the property. The Planner stated that it is a perpetual easement which allows use of the property. Mr. Landucci reported that he reached out to Mr. Hildebrand who owns the garage and home across the street from the garage. He was not in residence. There was a caretaker on the property. Mr. Landucci sent the documents to Mr. Hildebrand to review. He hopes to reach an agreement. It was noted that the perpetual easement will have to be re-surveyed. Even though the easement says the Mr. Landucci has full use of the property, the easement will have to reflect the changes he wants to make to the property. Flann ask what the definition of "temporary refuge" is. The Planner stated that the Variance Board came up with the definition. In response to a question how the resident on the island gets back and forth the Planner stated that he uses a hovercraft.

The Planner stated that the proposed height of the structure needs to be addressed. Currently the maximum height is 15 feet. To allow 21 feet the section of the Zoning Ordinance needs to be amended. There was discussion regarding the connection fees for sewer and water. It was noted that the amount of \$25,000 is a lot of money if there are no fixtures in the proposed "temporary refuge" to use the utilities. The Planner stated that with the availability of the utilities, the property owner has the right to hook up. He noted that this lot was not assessed for utilities. A toilet is proposed. Kotilinek stated that although the garage will not be used as sleeping quarters has the Fire Inspector reviewed the plans. The Planner stated that the Fire Inspector has not seen the plans as yet but will be provided to him. Kotilinek asked if the DNR has been informed of the lakeshore setback. The Planner stated that they need to be informed. Kotilinek asked if any rezoning for the "temporary refuge" will go through the process. The Planner stated that it does have to go through the process and a public hearing will be scheduled for March 5, 2018. Swisher asked what the height of the current garage is and how long has it been there. The garage was built in 1987. He noted that the owner should present something in writing about the proposal.

Nathan Landucci stated that the Variance Board had proposed doing something about the steep ramp to the lake. He stated that the garage could be shifted to the right or left. Denn noted that Nathan Landucci is not named on the deed for the lot. Mr. Landucci stated that the lot has a separate PID# from the residential property owned by the garage lot owner. Denn asked if the garage lot is part of the residential property can the BEI zoning be extended to the garage lot. Denn asked if the perpetual easement states the size of the garage. The Planner stated that the garage is 26' x 26'. The new garage will be larger.

After discussion it was the consensus that there are questions that need to be answered. Most importantly, the perpetual easement needs to be reviewed. It was the consensus that the matter be tabled for more discussion at next month's meeting when further information will be available.

Kotilinek moved to table the matter of Nathan Landucci, 5508 West Bald Eagle Boulevard request for: 1) zoning ordinance; 2) setback variances; 3) Conditional Use Permit for guest cottage until further

information is available and to schedule Public Hearing on the matter for March 5, 2018. Artnr seconded. Ayes all.

Minutes

**Variance Board Meeting
January 17, 2018**

NATHAN LANDUCCI, 5508 West Bald Eagle Boulevard – Request for: 35' Right-of-Way Setback Variance; 17' Lakeshore Setback Variance; 6' Height Variance; .75' side Setback Variance; 5.5% Green Area Variance; 100 Square Foot Guest Cottage Size Variance; Riedesel summarized the proposal to replace the West Bald Eagle Boulevard garage, which is the garage lot for Bald Eagle Island, with a new structure. The new structure is proposed to include a guest cottage on the second story. The existing garage is 26' wide x 24' deep. A Conditional Use Permit is required to construct a guest cottage.

The Variance Board met with Mr. Landucci in November. At that meeting, the Variance Board recommended that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal.

The garage lot is 2,613 square feet in area. The island is over an acre in area but cannot be tied to the island for tax purposes since it is located several hundred feet from the garage. The County will not tie the two together due to the distance between the structures which are in different sections. As a result, a 5.5% green area variance must be approved for the new structure.

The Variance Board discussed the requests and it was the consensus that the two properties should be tied together for zoning purposes. Since the County will not tie the properties together, the Variance Board would like to see a deed restriction on the properties which will keep the two properties together and cannot be separated.

Johnson noted that he has been doing research with regards to accessory buildings and state code. The State Building Code requires a building permit for any structure over 200 square feet in area. The Town requires a building permit for an accessory structure over 150 square feet currently. Johnson feels that a Zoning Permit should be issued for any accessory structure less than 200 square feet in area.

Johnson also feels that the maximum allowable height of accessory structures should be limited to less than it is now. There was discussion regarding Mr. Landucci's proposed building. It was noted that the proposed structure is considered a guest cottage.

The Variance Board discussed the details of Landucci's proposal. The size of the guest quarters was discussed, it was calculated by Nate Landucci as 672 square feet in area on the second story. The footprint of the garage is approximately 800 square feet.

The existing garage has a 0' setback from the right-of-way. The new structure is proposed to have the same setback (0'). The Variance Board discussed extending the driveway so the garage has a setback from the road. It was noted that adding to the driveway will increase the impervious area on the lot.

Johnson noted that an accessory structure cannot be used for sleeping. The plan revisions as presented by Mr. Landucci meet the recommendations of the Variance Board discussed at the November meeting.

Short asked Landucci – What the purpose of the guest cottage is proposed to be and how will it be marketed when the home is put up for sale?

Landucci plans to define the building as a refuge area when the weather makes crossing the lake dangerous.

Short noted that the Bald Eagle Island zoning district could be amended so the proposed accessory structure is defined as a "place of refuge" vs. a guest cottage.

Landucci prefers to call the proposed living quarters a "guest cottage" since it is currently permitted and regulated by the Ordinance. He noted that he has followed the direction given to him by the Variance Board, the size of the guest cottage is less than 400 square feet in area and improvements were eliminated from the cottage such as the kitchen.

Short suggested that due to the small size of the lot, the purpose of the structure should be limited to a "place of temporary refuge" vs. a guest cottage.

Landucci noted that the unit will see very little use and will not be used for rental purposes or living quarters, etc.

Short noted he supports the concept for the "temporary refuge". He would like to see the garage lot tied to the island with added restrictions. He would also like to see the Town amend the Zoning Ordinance, eliminating the "commercial/residential recording and film post production studio" from the list of uses permitted in the BEI District.

Landucci can support the elimination of the "studio" from the list of Conditional Uses in the BEI District.

Short recommended the island and garage lot zoning be consistent as BEI. Short felt he could support a 31% coverage on the lot since the overall impervious area when the island is included in the calculation is much less than 25%. He also proposed the following additional requirements:

- The "temporary refuge" cannot be used more than 30 days per year.
- The "refuge area" cannot be used for more than 2 consecutive days.
- The garage lot shall be rezoned to BEI.
- Recording studio shall be eliminated from the list of Conditional Uses in the BEI District.
- Refuge area must be defined and included in the amendment to the BEI District.
- The Town will allow the use of a portion of the garage as a temporary refuge only so long as there is a house located on Bald Eagle Island.
- This is considered a unique and necessary connection to the island and is considered part of the island property.

The Variance Board requested Mr. Landucci submit a survey for the property.

Short recommended approval of the requested variances subject to the conditions described above. Johnson seconded. Ayes all.



**Planning Commission Meeting
January 25, 2018**

Agenda Number: 6

Subject: Comprehensive Plan – Update

Documentation: THE DRAFT PLAN IS BEING EMAILED.
PLEASE CONTACT ME IF YOU WOULD LIKE A PAPER COPY.

Action / Motion for Consideration:

Receive Information / Discussion



**Planning Commission Meeting
February 22, 2018**

Agenda Number: 7

Subject: Cambridge Downs – Continue to March Meeting

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion



**Planning Commission Meeting
February 22, 2018**

Agenda Number: 8 - 9

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:



Planning Commission Meeting February 22, 2018

Subject: Items passed by the Town Board Pertaining to the Planning Commission

Documentation: Minutes