



WHITE BEAR TOWNSHIP

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

AGENDA ECONOMIC DEVELOPMENT ADVISORY BOARD SEPTEMBER 11, 2018

1. **5:30 p.m.** Call Informal Meeting to Order at Township Office Conference Room, 1281 Hammond Road.
2. **6:00 p.m.** Call Formal Meeting to Order
3. Approval of September 11, 2018 Agenda (Additions/Deletions).
4. Approval of June 12, 2018 Minutes (Additions/Deletions).
5. 5685 Portland Avenue.
6. Added Agenda Items.
7. Adjournment.

White Bear Township's Mission:

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.





**EDAB Meeting
September 11, 2018**

Agenda Number: 1 – 2 – 3 - 4

Subject: 5:30 p.m. - Call Informal Meeting to Order
6:00 p.m. - Call Formal Meeting to Order

Approval of September 11, 2018 Agenda &
June 12, 2018 Minutes

Documentation: September 11, 2018 Agenda
June 12, 2018 Minutes

Action / Motion for Consideration:

Call Information Meeting to Order:	5:30 p.m.
Call Formal Meeting to Order:	6:00 p.m.
Approval of Agenda:	September 11, 2018
Approval of Minutes:	June 12, 2018 Minutes

**MINUTES
ECONOMIC DEVELOPMENT ADVISORY BOARD
JUNE 12, 2018**

The meeting was called to order at 6:00 p.m.

Present: Artner, Horak, Keleher, McCune, Scherman; Town Board Liaison: Ruzek; Clerk-Treasurer: Short; Finance Officer: Kelly.

Absent: Brunner

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

APPROVAL OF MAY 8, 2018 MEETING MINUTES: Artner moved approval of the May 8, 2018 Meeting Minutes. Horak seconded. Ayes all.

TOWN HALL FUNDRAISING – UPDATE: The Capital Campaign for the Town Hall was reviewed. Tom Horak and Sara Hanson met with the Johnson's regarding fundraising efforts. The next steps include business/organizations followed by a community wide push. The goal is to raise \$145,000. Total raised to date is \$67,690 (which includes \$10,490 in grants) and \$9,600 in expenses. Work on the Town Hall continues. A site visit was held with an electrician who is willing to do the electrical work pro bono under his license with his company. Work should be completed soon. Historic Northern Bedrock will build shutters for the exterior and install them this summer. Bids have been received for drywall work for ceiling and walls. The work will be done once wiring and mechanical is done. The HVAC evaluation is underway and is funded through a Legacy Grant. The final report for the historical markers has been submitted to the Minnesota Historical Society. The Town Hall will be open for the Township Day event on September 8th.

EDA FUNDS – REVIEW: The EDA Fund totals projected through December 31, 2017 were reviewed including fund totals for the following TIF Districts: 1) Cortec (decertified 12/31/2016); Drill-A-Matic (decertified 12/31/2016); Thermoform (decertified 12/31/2016); Cottages (decertification 12/31/2020); St. Croix Valley Hardwoods (decertification 12/31/2024); Water Gremlin (decertification 6/1/2040); ComTal (decertification 12/31/2024); Birch Lake Villas (decertification 12/31/2026); Boardwalk/Bartylla (decertification 12/31/2030); Wyldridge/Davidson (decertification 12/31/2031); SMC (decertified 12/31/2016); Heraeus Vadnais (decertification 12/31/2018); Tecweigh (decertification 12/31/2038); Nextern (decertification 12/31/2038). The distributions for active TIF districts were reviewed. It was suggested that in future review of fund totals of TIF Districts that only the active districts be included.

Surplus tax increment was reviewed. It was noted that the Township has been utilizing its authority to create tax increment financing districts since 1988. During this period of time, 22 districts have been created, ten of which have been decertified or have expired. There remains: 3 Economic Development Districts; 7 Redevelopment Districts; and a Housing District. Due to this variety of districts, and the constant changing of the State's TIF laws, there are many different rules to follow for utilizing the increments, particularly surplus increment which is the

**MINUTES
EDAB MEETING
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increment left over after developer assistance, 10% administrative fee and bond payments are deducted for the tax increments. The Town has utilized surplus increments for various projects, including acquisition and construction of the community park, construction of Township Parkway, reconstruction of Hammond Road, administrative building site improvements, and purchase of properties. Various categories were created for surplus categories: 1) General Surplus Increment Pool; 2) Redevelopment pool; 3) Restricted Redevelopment Pool; 4) Housing Pool (surplus increment can only be used for affordable housing); 5) Restricted Manufacturing Pool. There are only three districts remaining that are still within the five-year rule. They are: 1) Tecweigh; 2) Nextern; and 3) Water Gremlin. MN Statutes, Sec. 469.1763, Subd. 3(c) extends the five year rule to 8 years for Redevelopment Districts certified between 4/30/2009 & 6/30/2012.

CHAIR & VICE CHAIR APPOINTMENTS: **Chair:** Horak moved to recommend to the Town Board to appoint Paul Keleher as Chair of the Economic Development Advisory Board for the coming year. Artner seconded. Ayes all.

Vice Chair: Artner moved to recommend to the Town Board to appoint Tom Horak as Vice Chair of the Economic Development Advisory Board for the coming year. Scherman seconded. Ayes all.

Artner moved to adjourn the meeting at 7:55 p.m. Horak seconded. Ayes all.

Respectfully Submitted,

William F. Short
Clerk-Treasurer



**EDAB Meeting
September 11, 2018**

Agenda Number: 5

Subject: 5685 Portland Avenue

Documentation:

Action / Motion for Consideration:
Report at Meeting / Discussion

MEMORANDUM

TO: EDAB
FROM: WILLIAM SHORT
DATE: SEPTEMBER 7, 2019

SUBJECT: STABLE PROPERTY (5685 Portland Ave.)

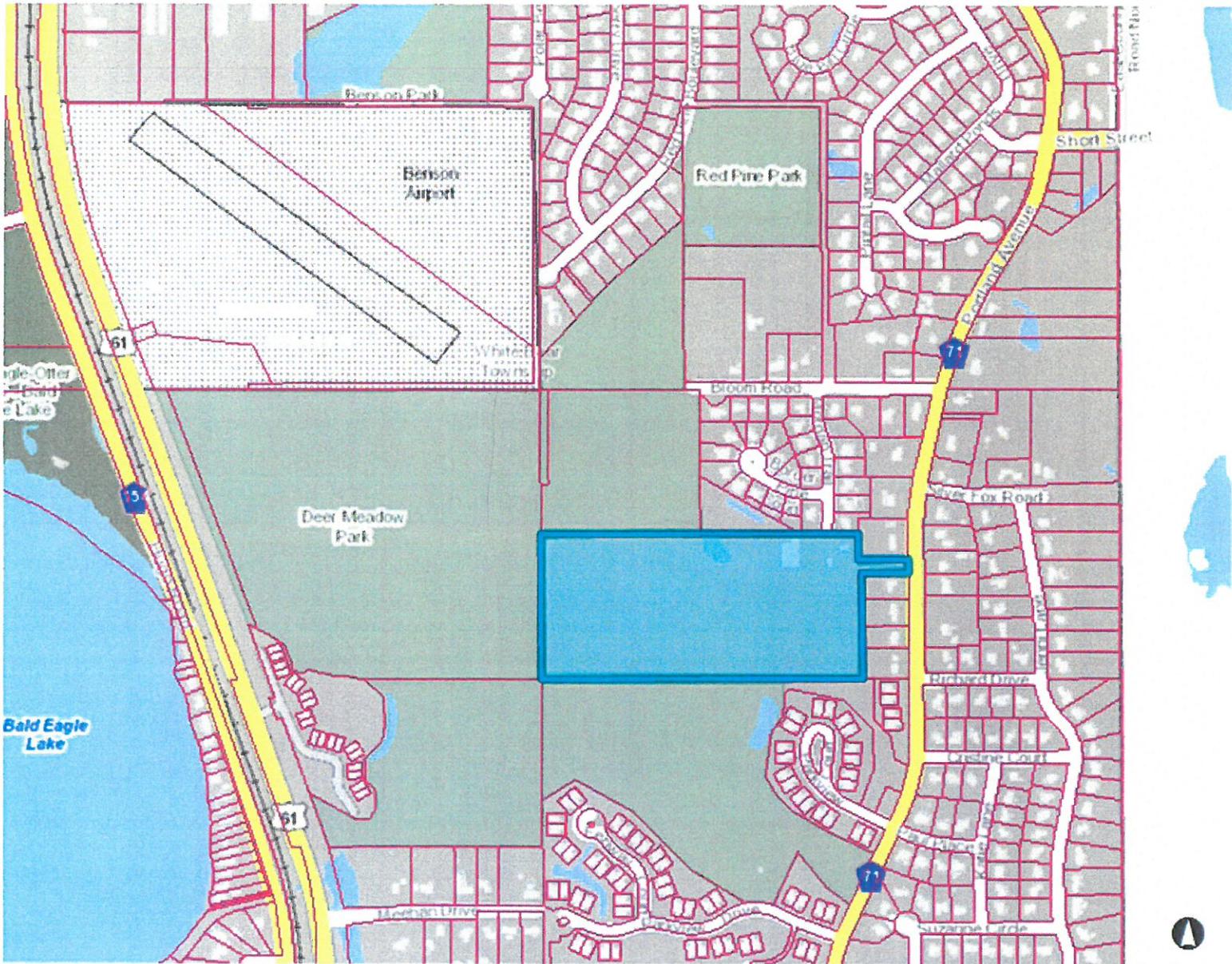
On October 5, 2015, the Town Board denied a request by Southwinds Builders and Scott and Nancy Stoddard (meeting minutes attached). The application was for:

1. Land Use Safety Zone amendment southeast of Benson Airport to allow for a greater number of housing units than was allowed with the existing Land Use Safety Zone boundaries.
2. Conditional Use Permit for a 19 unit (townhomes) Planned Unit Development.
3. Major subdivision for the 19 unit plat.

On December 3, 2016 the Stoddard's sued the Township for a "taking of their private property". The Town and Stoddard's participated in Mediation but failed. The Town then chose to pursue the "prayer for relief" included in their complaint which was to acquire their property through eminent domain. The Town submitted an offer to the Stoddard's to purchase their property for the amount determined by an independent appraiser which was \$528,000. The Stoddard's declined the offer choosing to go through eminent domain proceedings. A three member Board of Commissioners was appointed by the District Court to determine a value of the property. The Town appraiser presented a report supporting his value \$528,000. Stoddard's attorney and appraiser submitted a value of \$1,500,000. The Commissioners came up with a value of \$975,000. Also, since the Town's offer was more than 40% lower than the Commissioner's determination, the Town is responsible for attorney's fees. Those fees will be at least \$175,000.

The Town owns the property and the Town Board would like to put it to use as soon as possible. The EDAB reviewed the Southwinds project in 2015 and recommended creating a TIF Redevelopment District (minutes of 8/11/15 EDAB meeting are attached). The Town Board has referred it again to the EDAB for review and recommendation as to the next step.

Information regarding various residential development options will be presented during the 9/11/18 EDAB meeting.



1,333.3 0 666.67 1,333.3 Feet

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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.
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**MINUTES
ECONOMIC DEVELOPMENT ADVISORY BOARD MEETING
AUGUST 11, 2015**

The meeting was called to order at 6:00 p.m.

Presents: Artner, Horak, Keleher, Scherman, Zinschlag; Town Board Liaison: Kermes; Clerk: Short; Guests: Rich Farrell, Nextern; Mike Brass, Welsh Companies; Dick Sand.

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

APPROVAL OF MAY 12, 2015 & JULY 14, 2015 MEETING MINUTES: Horak moved approval of the Minutes of May 12, 2015. Artner seconded. Ayes all.

Horak moved approval of the July 14, 2015 Minutes with minor adjustments. Artner seconded. Ayes all.

TOWN HALL – Update: At the August 3, 2015 Town Board meeting, the Board authorized TKDA to proceed with preparation of plans and specs for the relocation of the Town Hall structure to Polar Lakes Park, perform the bidding process, and to provide construction administration in the amount of \$7,850.00. The intent is to move the structure this year. The existing handicap ramp and front steps will be removed by the Township. The side door will be boarded up temporarily from any use. The existing septic system will be located and abandoned by Township staff. The current Town Hall site will be leveled off using existing material. A lease agreement has been signed with Universal Forest Products and they have begun using a portion of the site for employee parking. The parking lot will be gravel and not paved. Township Public Works will continue to use a portion of the site for storage of materials. The new location for the Town Hall in Polar Lakes Park will have the existing parking lot retaining wall removed to allow placement of the Town Hall building. The removed wall will be stock piled next to the remaining wall for future use. Trees and stumps will be removed with this project. A full basement will be constructed with a walkout single door to the south. The building will have provisions for future utility connections. No sidewalk will be constructed at this time. The site will be seeded when finished.

MINUTES
EDAB MEETING
AUGUST 11, 2015

SOUTHWIND OF WYLDERIDGE SOUTH – APPLICATION FOR TIF: The Clerk reported that the developer for the Southwind of Wyldrige South project has prepared an application for Tax Increment Financing to provide assistance for extraordinary costs. The project contains 22 buildable acres but only 6 are buildable. The site plan provides for a simple development of 19 units on the 6+ acres. The project will be a Planned Unit Development of detached town homes. The cost of the homes is proposed to be \$400,000 to \$450,000. The Land Use Safety Zone will have an impact on the development. The Township established the Land Use Safety Zone in 1984 to protect people around the airport and pilots and the Town has the authority to adjust it. The Planning Commission will be reviewing the site plan. It was noted that TIF is a way to help with what impacts a project. The owner of the Development Agreement has the right to sell the rights. The requested amount of TIF assistance is \$650,000. The assistance will provide for extraordinary development cost, utilities, low elevations and difficulty to develop the property.

Zinschlag moved, based on public purpose of the Tax Increment Financing Policy, Item F) the project provides enhanced housing opportunities for Township residents, and additional tax revenue to recommend to the EDA to approve the application for Tax Increment Financing in the amount of \$650,000 due to extraordinary development costs, is consistent with the Comprehensive Plan use and to proceed with calling a Public Hearing. Keleher seconded. Ayes all.

The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

William F. Short
Clerk-Treasurer

MINUTES
TOWN BOARD MEETING
OCTOBER 5, 2015

7:40 P.M. – PUBLIC HEARING – 5685 PORTLAND AVENUE (WYLDRIDGE PRESERVE SOUTH) REQUESTS: 1) ORDINANCE NO. 35 AMENDMENT – SECTION 4 (ZONING MAP) & SECTION 7-4 (AIRSPACE ZONES); 2) MAJOR SUBDIVISION; 3) CONDITIONAL USE PERMIT – PLANNED UNIT DEVELOPMENT: The Public Hearing was held at 7:40 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all.

The Planner provided an overhead showing the location of the proposed subdivision on north Portland Avenue. He noted developments around the property identifying Parkview Village, Deer Meadow Park and Wyldridge Preserve North as well as residential neighborhoods, and Benson Airport to the north and west. He reported that the area is zoned R-1, Suburban Residential. He identified the area zoned for low density or lowest density residential housing developments. He reported that the Town has a Comprehensive Plan which identifies the long range future development of Town properties. This property and other properties are designated as residential low density development. This area has developed since the early 90's. Sewer and water came from the area by Highway 61 and worked its way to the east, through the Leibel light industrial park, working its way through White Bear Ponds, I, II, and III Mallard Ponds through Sandterra to the Wyldridge North development which was approved in 2004. The sewer and water dead ends where the Wyldridge Preserve South is proposed. He reported that this property is the last large piece of property for development or re-development. The property was a horse stable at one time and has one single family home. Other development proposals for this property were reviewed. In 2004, Nottingham Meadows was proposed which included a 40 lot subdivision which included Wyldridge Preserve and the Davidson property. This proposal was withdrawn. In 2004 Wyldridge Preserve North was approved on the Stoddard property. In 2005 there was a development proposal for 13 townhomes and four single family homes and included a request for Zoning Ordinance amendment to modify the Land Use Safety Zone. That plan did not go through. In 2006 a plan was presented for 13 single family homes which also requested a Zoning Ordinance amendment to modify the Land Use Safety Zone. That plan was close to approval and went to preliminary plat approval and final plat approval was scheduled but the plan was withdrawn at the last minute. Since that time there has been no formal development proposals. Several developers have identified an interest in the property and provided sketch plans. Southwind Home Builders is presenting a proposal for Wyldridge Preserve South.

The Planner reported that the property is 22.13 acres in size. 14.64 acres on the west side of the property is primarily wetland and 7.49 acres is upland. The Town permits, in this zoning district, 3 homes per upland acre. From the upland acres the storm water treatment ponding areas and public roads rights-of-way, have to be deducted from the area to get the growth net, which based on this development is 6.43 acres of upland which is developable. The proposal is to construct twin homes and detached single family town homes under at Planned Unit Development. The developer would like to subdivide the property into 19 buildable lots with 7 detached single family townhomes and 6 twin homes. He identified Morgan Trail which is proposed to be extended and tied into Portland

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Avenue. There is a trail on the westerly portion of the Wyldridge North development which is proposed to be extended southerly to the south property line where the trail would pick up on Town owned property and attach it to Deer Meadow Park. He reported that storm water treatment is required for new development to drain the hard surface of the road and driveways. An existing pond in the area is proposed to be expanded. The Planner reported that since this would be a Planned Unit Development, building design is required. The proposal shows one story homes with full basement. Landscaping of the entire development is done at one time versus individual homes or as the homes are built. Because it is zoned R-1, Suburban Residential, normal setback from for a single family home from the side lot line is 10 feet. In this case, the units are required to be a minimum of 20 feet.

The Planner reported that the proposal requests a Zoning Ordinance amendment. He reported that in the mid 80's the Town adopted Land Use Safety Zones relative to the airport. He provided an overhead showing the area of the Land Use Safety Zones, explaining that they consist of a primary zone which includes the area of the runway, centered on the runway, 250 feet wide and extends off the ends of the runway by 200 feet. The second zone, is Land Use Safety Zone A which is a two thirds the length of the runway and allows no structures to be constructed in this zone. To the east is Land Use Safety Zone B which is a distance of one-third the length of the runway and each building site must be a minimum of three acres in area. Beyond Land Use Safety Zones A and B is Safety Zone C which extends 6,000 feet from the airport. The only requirement is height limitations which are not higher than would be allowed now. The runway length is 1,910 feet. In 1984 when the Town adopted the Land Use Safety Zones, model ordinances were reviewed based on MnDOT Aeronautics recommendations. The Town chose to adopt the model for a paved public airport. Since that time, Benson Airport has been classified as a private airport with a grass runway versus paved. He noted that the developer has requested that the Town modify the Zoning Ordinance and adopt a different land use safety zone model. He explained that there is model for a grass strip runway. The only change being that the primary zone is 200 feet less. This would bring everything back 200 feet. He noted that this was contemplated at an earlier Wyldridge development but was not modified. He reported that to modify the zone now may impact the homes to the north. On the west side of the runway there would be an impact on Lake Area Animal Hospital. That building is very close to Land Use Safety Zones A and B. Currently the building is outside zones A and B, but the grass strip model, if it were adopted would impact the animal hospital. In 1990 a new model was adopted by MnDOT Aeronautics named Special Purpose Airport. The difference with this model is that it changes the primary zone. The primary zone is 250 feet wide and extends out from the end of the runway by 200 feet. Under the Special Purpose Airport model the primary zone would be 130 feet wide. Zones A and B would stay the same length that they are but would start at the end of the runway. If the Town would adopt this zoning model Land Use Safety Zones C would shift back and would make the property more developable under a low density of 3 units per acre rather than one unit per three acres. Modifying the Land Use Safety Zones would allow the developer to construct additional units.

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The Planner reported that a Conditional Use Permit for Planned Unit Development allows clustering of homes on smaller lots, but requires the minimum separation of 20 feet between units but it has to be an environmental design and clustering of homes should not impact wetlands or other natural features. Planned Unit Developments requires the developer, in addition to park land dedication requirements, also propose a minimum of one-half acre of active recreation area. This is shown on the plan as a 6' wide trail on the easterly portion of the property. He reported that the Park Board reviewed the proposal and recommends cash in lieu of land since there are parks in the area. They would like the trail as part of the recreation area. Other requirements are public utilities, such as sewer and water which is part of the plan; landscaping to abutting properties; and compatible home design consistent with the neighborhood and consistent with each other.

The Planner reported that a Major Subdivision is requested to separate the property into 19 town home lots. Outlot A is a large wetland area and Outlot E is a smaller wetland area. Lot 18, Block 1 is a four acre common area which the Town would have drainage and utility easements over as it Lot 3, Block 2, which is .18 acres in area.

The Planner reported that the three requests as part of this proposal are: 1) Ordinance No. 35 Amendment – Section 4 (Zoning Map) and Section 7-4.1(a) and 7-4.1(b) (Airspace Zones) to modify the Primary Area from 250 feet to 130 feet wide; approach zone would go from 20:1 – 15:1 ratio; and change the approach surface width from 2,500 feet to 1,020 feet; and change the approach surface distance from 10,000 feet to 3,000 which is consistent with a Special Purpose Airport zoning requirements; 2) Major Subdivision to separate the property into smaller lots; and 3) Conditional Use Permit – Planned Unit Development to allow clustering of homes.

The Planner reported that at the Planning Commission review of the requests several of the neighbors were concerned about the connection where Morgan Trail dead-ends and the connection to Portland Avenue. The residents submitted a petition stating that they do not want that to go through. He reported that the Planning Commission reviewed the requests at the August and September meetings. At the September meeting, they made a recommendation not to approve the zoning as requested and to deny the Zoning Ordinance amendment; to deny the Major Subdivision as requested; and to deny the Conditional Use Permit – Planned Unit Development as requested.

The Chair asked the Town Attorney to provide an overview of the process. The Town Attorney stated that the Town has the authority to amend zoning. He stated that case law indicates that there should be a rational basis. He stated that the importance of the Public Hearing is for the citizens to get their points across. He stated that one of the issues faced by the Town Board is to hear everyone. He asked that residents not repeat what others have already said, but to state that they agree with whomever is speaking. He stated that after testimony the Board will make a decision.

Larry Alm, Southwind Builders, 2372 Leibel Street, stated that the development has taken a lot of time and that he appreciates the time spent by Staff and the Planning Commission.

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He stated that this property is a tricky piece of property but is a good spot for development because it is a large piece of land and by clustering a nice development can be made. He said the trail and park system is a nice amenity. He stated that the airport proposal appears to be a "hot button" for some people but for the couple of hundred flights each year it does not appear that adjusting the Land Use Safety Zones to that of a special purpose airport would affect the airport and not be much of a problem. If MnDOT operated the airport they would apply that zoning so they are not trying to get something that would normally be proposed. He stated that the sewer system is very high there and usually they propose a lift station but the Town would prefer not to have one there so there will be grinder pumps in the basements that need it. Some will use gravity. Larry Alm stated that 19 units would support a town home development and sustain itself. He stated that there is a disclosure that could be applied to the association documents detailing the airport and that it is there and people do not have to be afraid of it. He stated that he personally likes the airport and its history. He stated that he does not feel that anyone would object to living near the airport. He stated that it does not negatively impact his proposal.

Kermes asked the MnDOT representative to identify himself and asked if he had any questions. Rick Braunig, MnDOT Department of Aeronautics, stated that he is the Manager of Aviation Safety and Enforcement and a private pilot as well. He stated that MnDOT does not have a position on this matter.

Kermes invited public comment and stated that any comment received will help the Board in making its decision in the process.

Ron Denn, 5655 Portland Avenue, stated that this has come up in the past in 2004, 2005 and 2006. He reported that the 2006 proposal was for single family homes and the neighbors at that time were agreeable with the way the plat was laid out but since that time there has been a change in the people living on Portland Avenue and there has been some change in opinions of the residents. He stated that changing the safety zone does nothing to improve the safety of the residents. He stated that it is what the residents have become comfortable with as a safety standard. To change that would not improve safety and it only gives benefit to one resident, and that is the property owner. He stated that modification of the safety zone creates a conflict with the purpose and intent of the Ordinance which the Town has adopted in the past. He stated that the focus of the ordinance is the health, safety, and welfare of the residents and the users of Benson Airport. A change will have an impact on that intent. Current property owners purchased the property in 1985 with the safety zone intact as it is today. There is no change in their use of the property in the time that they purchased the property. There was implication that there may be legal ramifications to the Town if they don't make a change. He referred to the McShane lawsuit where they enacted ordinances in safety zones after the property owner had purchased the property, and not as it is here. Changing the safety zone puts limits on Benson Airport and we want to keep Benson Airport as it is today and in the future. He stated that it states in the will that gives it to the Township that it remain an airport. He stated that we should not do anything to negate that gift from Mr. Benson.

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According to zoning and planning the property does not experience any change in its use or purpose. It was zoned R-1 and is still zoned R-1. It could be a stable again or five individual homes on that property. It can be a cemetery. There are other uses for this property than a development that does not require a change in the safety zone. Right now, with the safety zone as it is, five homes could be placed on the property. With a zoning amendment using a new model, approximately 11 homes could be placed there. The proposal is for 19 homes which uses the property to the max as if there was no safety zone in place. Even with a modification to the safety zone 19 units should not even be considered in this development. The Planning Commission recommended at its August meeting that the developer take a look at a lower density development and he came back with the same 19 homes. He only modified them to make more of them twin homes. If this is approved, the Town needs to require an avigation easement, and not just a statement that goes into their packet, but an easement that Benson Airport retains the right to fly above those properties. He stated that the biggest issue is the twin homes. According to the Ordinance, Section 7-7.2(c), it says: One structure per three acres. The developer is making three acre lots for the twin homes. That is not the intent of the Ordinance. Ron Denn stated that according to the Ordinance it puts 10 homes in Safety Zone B. He stated that the developer states that 19 homes is a viable situation. In a small town home association there is the ability that the association falls apart and that puts the burden on the Town. He stated that if Morgan Trail does not connect the Town would be in violation of its own ordinance because the cud-de-sac would be too long. He stated that Morgan Trail is already too long with a cul-de-sac in it. He stated that there was never a detailed landscaping legend provided to show what the landscaping of the surrounding properties would be. He stated that this is a single family large lot neighborhood and even though a PUD does allow clustering of homes, it is a difference from the surrounding homes.

A resident on Bloom Road stated that they do not want to see a driveway going out to Portland Avenue.

Jessica Mieke, 5738 Morgan Trail stated that she is speaking on behalf of the Township residents who signed the Petition to Maintain a Single Access for the Wyldridge Preserve neighborhood. She stated that the petition was presented to the Planning Commission on August 26, 2015. She stated that she understands from the September Planning Commission meeting minutes that there continues to be a plan to access the new major subdivision via Morgan Trail for several reasons. According to the minutes Township Staff contacted the Ramsey County Sheriff's Office. The minutes states that the RC Sheriff's officer said that they would like to see a through street but recognize that there are two different types of housing and two different neighborhoods and dead ending the road would keep out unwanted traffic. She referred to an email from Commander Rich Clark regarding the safety question of a through street. She stated that Commander Clark told her that there is no public safety issue with only one egress per neighborhood. The RC Sheriff's Office would support the decision if each area neighborhood would like to maintain their privacy. They would continue to safely and timely access the neighborhood and the new development. Jessica Mieke referred to the September Planning

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Commission minutes and contact made with the White Bear Lake Fire Inspector. She reported that she spoke with Mike Turnbull, the Fire Inspector today and he was unaware of the petition that had been filed by her neighborhood. Mike Turnbull stated that he looks at this issue solely on the ability for the fire vehicles to access neighborhoods. He stated that he recommends that streets do go through so that if fire vehicles miss the turn, they can go to the next entrance. When asked if there has ever been an issue with fire vehicles accessing her current neighborhood he could not recall there ever being an issue. He said that this would be something they would have to review in "call histories". Jessica Miehe stated that if there is not an issue at this time she cannot understand what needs to be fixed. She asked if it is rational to put in a through street because there might someday be a fire and there is a chance that the fire vehicle might miss the turn to the neighborhood while every day in between unnecessary traffic flow will be there from the new development. She stated the emergency vehicle's GPS systems are technologically more advanced. She stated that several years ago she had to call for an ambulance for her daughter and it was not an issue for them to access her neighborhood. She reported that she showed the Fire Inspector a map of the townhome development to the south of her neighborhood and the map showed that the townhomes on Parkview Court have one egress. There is also a townhome development just south of this on Parkview Drive which also has one egress. Taylor Avenue cannot even be accessed via Portland because it is an exit only. She stated that she proposed to the Fire Inspector that rather than connecting to Morgan Trail into a through street to make this area into a grass-way. Public vehicles would not be allowed to drive over this but the space could be easily accessed by emergency vehicles. The Fire Inspector told her that he would be willing to consider this recommendation and would like it to be presented to Fire Chief, Tim Vadnais. Jessica Miehe stated that in the Township minutes it states that school buses pick up children on Portland at Bloom versus coming into the development since it is not a through street and they do not like to back up the buses. If the road were to be completed with a through road they would make that the bus route. She reported that at the beginning of the school year the kindergarteners in the neighborhood were getting picked up and dropped off at Bloom and Portland. She has been working with the Transportation Department and Mike Turitto, Transportation Coordinator for several weeks. Her neighborhood stop has now been changed to Bloom and Morgan Trail effective this week. At the time that the Township talked with the Transportation Department they were unaware that there is a turn-around on Border Pine. The buses do not need to back up to get out of the neighborhood. The bus transports children to and from Lincoln Elementary School. This bus also utilizes Border Pine and does not need to back up. With this new bus stop in the neighborhood a through street is not needed for the bus route. There are an estimated 29 children in the Wylldridge Preserve neighborhood; 13 of those children live on Morgan Trail. The American Academy of Pediatrics states that each year 51,000 children are injured as pedestrians by motor vehicles. When there are inadequate play areas in neighborhoods children will play in and around streets. This is the case with her neighborhood. She stated that they are a single family home development and they want to maintain this and not be connected to a senior housing development. By creating Morgan Trail into a through street it would directly act against the research to keep

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children safe. She asked that the developer and Town to take their neighborhood out of their development plans.

The resident at 2566 Border Pine Court, north of the drainage pond, stated that he has concerns if they make the pond larger what would happen when water comes. Right now it is just at the back of his property. He stated that it appears that a portion of his property may be in the safety zone and if it is modified he is not sure what the impacts will have on his property values.

Tim O'Hara, 5670 Portland Avenue, stated that they have a long driveway and they back out onto Portland Avenue and if it is approved to connect Morgan Trail they would have to look in both directions and behind him to see who is coming out that street behind him. He stated that opening the road will only increase traffic which is a dangerous spot anyway. People drive fast on that road. He stated that he agrees with all that Mr. Denn said.

Julia Morancy, 5665 Portland Avenue stated that she agrees with what Mr. Denn presented. She asked if there has been any feedback from the speed sign on Portland Avenue. The Clerk reported that feedback received from residents who witnessed traffic before the speed sign was installed and after the sign was installed stated that the speed sign does reduce traffic speeds. He stated that a Township speed sign does not record traffic and that the Ramsey County Sheriff's Office does have more sophisticated systems for recording speeds.

Jack Wiesman, 5645 Portland Avenue, stated that he wanted to be on the record for agreeing with what Ron Denn said. He stated that he is against rezoning the airport.

Nick Hartzell, 2596 Border Pine Court, stated that there is a lot of confusion about the safety zone. He asked what the request is for the safety zone. He stated that the residents at Wyldridge North are just asking that the road not go through. The Planner explained that the request is to modify the safety zone, not to eliminate it. He stated that by modifying sections of the zones it would be consistent with a Special Purpose Airport zoning, but there would still be zones A, B and C and the primary zone. The zones would only be reduced in size. Nick Hartzell asked if there would be any impact for the houses that are there now. The Planner stated that there would not. Nick Hartzell asked if it would change the safety. The Planner stated that the model is consistent with a grass strip runway. Nick Hartzell stated that the majority of the people at Wyldridge North do not want the road to go through but does not mean that they don't want to see development.

The resident at 5675 Portland Avenue stated that he agrees with Ron Denn and Tim O'Hara. He stated that he is the corner lot bordering the south side of the new road going out. His lot is lower than everyone else. If the road is built and raises it up he will have water from the north side and east side of his property. He reported that he e-mailed Larry Alm on September 9th telling him that he had concerns about the road. Larry Alm

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replied that he would come out with his engineers possibly the following Monday but they never showed. He stated that the water is a big deal for them. If the road does go in it will border directly on the north side of his property. He stated that they would like trees or screening of some type because the road would be right outside his window. He stated that where the new road would come out is dangerous already. His driveway comes uphill to Portland Avenue. He cannot back out, they have to drive up. They have to back in to get out. If they don't back in they won't get out. They have had to make multiple runs just to get out of their driveway. With another road and more traffic there will be more issues. He stated that people come by too fast. He stated that when Scott and Nanci Stoddard moved out they quit mowing the grass which is two feet high to the north of them. He cut the grass around the mailbox and the end of that property so that they could see when they come out of their driveway. They both drive motorcycles and you can't see and it is dangerous. Kermes asked if he has called the Township. The resident stated that he has not. He does not want to be known as a whining neighbor but he also does not want to be a dead neighbor. Kermes stated that it is a service to the neighborhood to have this taken care of. The resident stated that when the Stoddard's moved out they did not tell anyone. They just moved.

Ron Denn, 5655 Portland Avenue, noted that one of the residents stated that he was not concerned with the development and changing the safety zones. Those residents are all new enough and if the development is put in they may not realize that with the high density development a plane will not be able to ditch. He stated that the safety zone change puts people at risk and there is no reason to change it. Changing the wetlands would not be considered – changing the safety zones should not be considered either.

Jessica Miede stated that their main focus is that if this development does happen they do not want to be connected to the road.

Nick Hartzell stated that he has never seen an airplane go down. He was one of the first residents in Wyldridge North. He asked how many planes have crashed around the area and how many were in the safety zone. He stated that he has heard that most of the accidents at Benson Airport did not happen in the safety zone. It just gives a false sense of security about the safety zones. Kermes stated that information could be obtained. He is only aware of one situation at the airport where an airplane flipped off the west end in the safety zone where there were no dwellings or structures. The Planner reported that a glider went down on the Stoddard property in the safety zone. There was a fatal accident 30 years ago at the end of Bloom road.

Nick Hartzell stated that there are valid concerns about the road but wonders if the concerns about the airport are valid. He stated that he is concerned about the entrance of the road. Most people are coming north on Portland and everyone will take the first left. With the road through there everyone in Wyldridge will take the new entrance and will increase the dangers at the intersection. He stated that everyone on Border Pine will take the first left, as well as those on Morgan Trail. That is something to think about.

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Beth Artner, 5414 Bald Eagle Boulevard East, stated that she had the opportunity to talk to pilots at the Benson and Glencoe airports the past few weeks. Each of them stated that the safety zone should not be shortened. They are used to those spaces.

There was no further public testimony. Prudhon moved to close the public testimony portion of the Public Hearing. Ruzek seconded. Ayes all.

Ruzek asked about the issue of the property to the south side of the driveway and if there would be an issue with ponding water. Larry Alm reported that he did contact the resident with those concerns and asked that he get back to him but did not hear back. He stated that drainage will come on the road and stay on the road and go off to the drainage areas. He stated that if there is some other means that should be followed for extra means or landscaping he would look into it. Kermes stated that whether Morgan Trail connects or not there is a problem that can be solved. Kermes asked the Planner if those terms could be included in a permit. The Planner stated that they could be.

Kermes stated that there were a lot of good comments. Regarding Morgan Trail the concerns can be appreciated, and it is great that there have been no emergency calls, but that could happen next week. When the issue of an emergency comes up the most expedient access route will be used to get to a location. He stated that emergency services cannot be ignored and safety impacts need to be considered as far as how Morgan Trail is routed. He stated that there are issues with utility accesses. He stated that the safety zone will have to be the first issue to be resolved. Kermes asked the Planner how many PUD's the Town has. The Planner identified several PUD's within the Town. Kermes stated that any one of those can be looked at regarding density issues and how it was calculated, denser housing in exchange for more open space. He stated that this development does not appear to be that much different from other PUD's. The Planner stated that whether it is a Planned Unit Development or traditional single family development or twin home development the maximum density allowed is 3 units per acre whether it is a PUD or not. That will not change. Kermes asked Rick Braunig if the MnDOT Aeronautics has an opinion or not regarding the land use safety zone. Rick Braunig stated that they do not have an opinion one way or the other. He stated that they require zoning for public airports and no zoning required for a private airport such as Benson Airport. The Town is free to do as it pleases. Ruzek asked Rick Braunig if the comment, in reference to safety zones, "more is better than less" is correct. Rick Braunig stated that in truth, most pilots do not realize the safety zones around an airport. The Clerk asked Rick Braunig if he had any comment on a question Ron Denn brought up regarding one structure in three acres in Land Use Safety Zone B was not answered. Mr. Braunig stated that in the past they have had flexibility with that. The Town Attorney asked if any modifications would impact the operation of the airport. Rick Braunig stated that it would not impact the operations of Benson Airport. Kermes asked whether or not there was a safety zone would impact licensing. Rick Braunig stated that from a licensing standpoint they license an airport based upon their standards. If the safety zones were modified they would still license the airport as they do any private airport that does not have zoning. He stated that if the modification of the safety zone would not impact the

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pilot's operation of the aircraft. Kermes asked the Town Attorney to review responsibilities and liability. The Town Attorney stated that there is legislative immunity dealing with zoning. He stated that is why the MnDOT Aeronautics has been asked to give some guidance. He stated that the Courts look at what the determination relied on. He stated that if it is health, safety and welfare issue. All the information and testimony is received from the citizens and MnDOT Aeronautics and a decision is made based on that. He stated that everything is subject to lawsuit but if the Board acts in a rational basis and obtains all the information in good faith and due process hearing, there won't be a problem with liability. He stated that would be within the parameters of the Town Board to consider what is the best results for the property owner and citizens. Kermes asked if the Town's liability is at a minimum if we don't have a safety zone and if we don't have a safety zone, the development can be changed considerably from what it is now; if we do have a safety zone, at least the Town has some control over the placement of structures and homes and townhomes. In either case the Town's liability exposure is not going to be different. The Town Attorney stated that the Town Board in legislating, as part of its duties and charges is to interpret the Ordinance and legislate within those ordinances based on the evidence and testimony acknowledging that some type of safety zone is necessary although MnDOT Aeronautics says "no" for private airports. He stated that a decision is based on experience and topography, and testimony of the citizens that there is a need for a safety zone.

Prudhon read his prepared statement as follows: "The Town Board has been criticized in the past for changing zoning ordinances to meet the needs of a single family residential property owner (Bald Eagle Island). I supported that proposal in good faith hoping to keep the island active but now the Town Board must struggle with another proposal to alter the Land Use Safety Zone to meet the needs of a single family residential property owner (Stoddard's).

As liaison to the Public Safety Commission and the Planning Commission I felt it was my responsibility and my duty to take a flight out of Benson Airport to experience first-hand the safety zones from the air. On September 3rd of this year flying in a Piper Cadet and after taking numerous approaches to and from the Benson Airport run way it seems imperative that the Township keep the Air Safety Zones in place and make no modifications.

No one can predict the future of the air travel in and out of Benson Airport. However, it will be here for some time and this proposal will put a virtual wall of homes in the direct path of the runway creating a safety risk to the public and the pilots. We put guard rails on sharp curves and steep embankments for public safety but if no one hits them in 10 years we don't remove the. As a Town Board Supervisor, I cannot support this request as submitted. The following ten findings support my decision: 1) The property has been knowingly purchased by the applicants with the safety zones in place; 2) Modifying the safety zones is in conflict with the purpose and intent of the Town's Ordinance which focuses on health, safety and welfare of the Town residents and the users of Benson Airport; 3) The applicant's property may be used for any and all purposes for which it was

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being used prior to the adoption of the Airport Safety Zones. The applicant's property has continued to have reasonable uses with the safety zones in place, including residential use; 4) No hardship will exist or occur to the applicants as a consequence of the denial to modify the safety zones, in that the applicants may continue to use their property in its present state, and in accordance with the Town's comprehensive use plan and zoning ordinances; 5) Modifying the safety zones is contrary to the purposes served by the Ordinance, and is not consistent with the best interest of the public; 6) Modifying the safety zones would create a potential risk to the public and would create an unreasonable risk to the aviators using the Benson Airport, based on testimony of representatives of Benson Airport; 7) Modifying the safety zones would impact the existing Benson Airport, which creates a limitation in its use, and a safety hazard; 8) Modifying the safety zones is not consistent with the spirit, purpose and intent of the Town's Ordinance; 9) State Law (Minnesota Rule 8800.2400) allows a governmental body to adopt airport zoning ordinances more restrictive than the minimum standards provided by State law; 10) The Town has had its safety zones in place since 1984."



Prudhon moved to deny the request for Ordinance No. 35 Amendment – Section 4 (Zoning Map) and Section 7-4 (Airspace Zones) based on the following: 1) The property has been knowingly purchased by the applicants with the safety zones in place; 2) Modifying the safety zones is in conflict with the purpose and intent of the Town's Ordinance which focuses on health, safety and welfare of the Town residents and the users of Benson Airport; 3) The applicant's property may be used for any and all purposes for which it was being used prior to the adoption of the Airport Safety Zones. The applicant's property has continued to have reasonable uses with the safety zones in place, including residential use; 4) No hardship will exist or occur to the applicants as a consequence of the denial to modify the safety zones, in that the applicants may continue to use their property in its present state, and in accordance with the Town's comprehensive use plan and zoning ordinances; 5) Modifying the safety zones is contrary to the purposes served by the Ordinance, and is not consistent with the best interest of the public; 6) Modifying the safety zones would create a potential risk to the public and would create an unreasonable risk to the aviators using the Benson Airport, based on testimony of representatives of Benson Airport; 7) Modifying the safety zones would impact the existing Benson Airport, which creates a limitation in its use, and a safety hazard; 8) Modifying the safety zones is not consistent with the spirit, purpose and intent of the Town's Ordinance; 9) State Law (Minnesota Rule 8800.2400) allows a governmental body to adopt airport zoning ordinances more restrictive than the minimum standards provided by State law; 10) The Town has had its safety zones in place since 1984." Kermes seconded. Ayes Prudhon, Kermes. Nays Ruzek.

Prudhon asked if it is necessary to take action on the request for Major Subdivision and the Conditional Use Permit – Planned Unit Development since the Zoning Ordinance amendment was denied. The Town Attorney stated that there should be separate motions on each of the other two requests.

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Prudhon moved to deny the request for Conditional Use Permit – Planned Unit Development citing that this request does not meet the requirements of the Zoning Ordinance. Kermes seconded. Ayes all.



Prudhon moved to deny the request for Major Subdivision because it does not meet the requirements of the Zoning Ordinance under the Land Use Safety Zones. Ayes all.

Kermes asked if Staff will be entertaining further applications for this site. The Planner reported that there are no other applications. The Clerk reported that the Ordinance provides that the same application cannot be submitted for six months. Kermes stated that the Town wants to work with everyone. The neighbors have a lot invested in their properties and there needs to be a good, safe, comfortable community in White Bear Township. He stated that he appreciates all the input from the neighbors noting that they have rights and the property owners have rights that need to be dealt with.

BOW HUNT – RAMSEY COUNTY PARKS & RECREATION REQUEST TO BOW HUNT AT THE OTTER LAKE UNIT OF BALD EAGLE-OTTER LAKES REGIONAL PARK, TAMARACK NATURE CENTER, BENSON AIRPORT AREA, & POPLAR LAKE COUNTY PARK IN THE TOWNSHIP:

The Planner reported that Ramsey County Parks and Recreation Department requests a permit to hold special hunts at the Otter Lake unit of Bald Eagle-Otter Lakes Regional Park, Tamarack Nature Center, Benson Airport area, and Poplar Lake County Park within the Township. There will be two 3-day hunts at each site and the hunt dates are requested to be: Tamarack Nature Center – October 19-21, November 16-18, with a maximum of 10 hunters; Otter Lake – October 9-11, October 30-November 1 with a maximum of 11 hunters; Poplar Lake – October 9-11, October 30, November 1, with a maximum of 16 hunters; Benson Airport area – October 9-11, October 30-November 1, with a maximum of 4 hunters. He reported that hunters will be provided through the Metro Bow Hunters Resource Group.

Prudhon moved, based on Staff review and recommendation, to approve Ramsey County's Bow Hunting request for the following dates: Tamarack Nature Center – October 19-21 & November 16-18 Bald Eagle; Otter Lake Regional Park – October 9-11 & 30 and November 1; Benson Airport area – October 9-11 & 30 and November 1, 2015; Polar Lake County Park – October 9-11 & 30 and November 1. Ruzek seconded. Ayes all.

VARIANCE REQUEST – 5301 AYDEE CIRCLE – 7' REAR YARD SETBACK

VARIANCE: The Planner reported that the Richard and Danielle Miller are requesting approval of a 7' rear yard setback variance which would allow them to add a deck onto the rear of their home. He presented an overhead showing the property which is located in the White Bear Beach neighborhood on Aydee Circle. The property is 14,232 square feet in area with an existing home and attached garage. The lot depth varies from 89.85' to 120.02'. The lot width is 129.03'. The home is placed on the lot meeting the 35 feet right-of-way setback requirement and is at an angle to the rear lot line. At the northwest corner of the home, the distance between the rear lot line and the home is 20 feet. At the



**EDAB Meeting
September 11, 2018**

Agenda Number: 6 - 7

Subject: Added Agenda Items
Adjournment

Documentation: Miscellaneous Minutes of Interest /
Miscellaneous Articles of Interest

Action / Motion for Consideration:

Receive Added Agenda Items

Adjourn Meeting