



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

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

AGENDA PLANNING COMMISSION MEETING SEPTEMBER 27, 2018

1. **6:30 p.m.** Call Meeting to Order at Township Administrative Offices, 1281 Hammond Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Minutes of August 23, 2018
4. **Consent Agenda: None.**
5. **White Bear Lake Dental, 4100 Bellaire Avenue** – Conditional Use Permit Request.
6. **Shook/Worwa, 4043 & 4053 Birch Knoll Drive** – Minor Subdivision / Lot Line Rearrangement.
7. **Off-Season Dock & Boat Lift Storage.**
8. **Intensive Vegetation Clearing.**
9. **Zoning Ordinance Update** – Shoreland Management Section.
10. Added Agenda Items.
11. 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.



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Planning Commission Meeting September 25, 2018

Agenda Number: 1 – 2 - 3

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

Approval of September 25, 2018 Agenda
Approval of Minutes of August 23, 2018

Documentation: September 25, 2018 Agenda
August 23, 2018 Meeting Minutes

Action / Motion for Consideration:

| | |
|------------------------|--|
| Call meeting to order: | 6:30 p.m. |
| Approval of Agenda: | September 25, 2018 (additions/deletions) |
| Approval of Minutes: | Meeting of August 23, 2018 |

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

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

APPROVAL OF AGENDA (Additions/Deletions): Artner moved to approve the agenda as submitted. Kotilinek seconded. Ayes all.

APPROVAL OF MINUTES OF JULY 26, 2018: Artner moved approval of the Minutes of July 26, 2018. Kotilinek seconded. Ayes all.

CONSENT AGENDA: JOHN & KATHRYN SCHWARTZ, 5605 HUGO ROAD – REQUEST FOR: 1) 18.4' RIGHT-OF-WAY SETBACK VARIANCE; 2) 28 SQUARE FOOT GARAGE AREA VARIANCE; 3) 18% GREEN AREA VARIANCE TO ALLOW A GARAGE ADDITION:

The Planner reported that John and Kathryn Schwartz are requesting approval of three variances which would allow them to add a garage to the home they recently purchased at 5605 Hugo Road. There currently is no garage on the property. The Variances requested include: 1) an 18.4' right-of-way setback variance which would allow construction of an attached garage 16.6' from the Hugo right-of-way line; 2) a 28 square foot area variance which would allow a 576 square foot garage on a 5,480 square foot lot; 3) an 18% green area variance which would allow the garage addition and driveway.

Right-of-way Setback Variance: An 18.4' right-of-way setback variance is being requested to add a 24' x 24' garage at 5606 Hugo Road.

Garage Area Variance: The proposed garage addition is 24' x 24' in area totaling 576 square feet. The Schwartz lot is 5,480 square feet in area. A garage and/or accessory structure is permitted to cover up to 10% of the lot area, not to exceed 1,000 square feet per structure. The maximum garage area permitted, based on the lot square footage is 548 square feet. A 28 square foot variance is requested.

Green Area Variance: The Schwartz lot is located in the Shoreland Management Zone which permits up to 25% lot coverage. Based on a 5,480 square foot lot, up to 1,370 square feet of the lot may be covered with impervious surfacing which includes the home, accessory structures, paved or concrete sidewalks or driveways. With an increase in impervious area planned, the Schwartz's are planning to remove the existing paved driveway and sidewalks in trade for the garage and driveway. New sidewalks would be constructed of pavers or pervious surfacing. The total hard surface area within the lot to be eliminated is 1,260 square feet or 23% of the site. An 18% green area variance is requested as 43% of the site is proposed to be covered with impervious surfacing.

The Town has reviewed and approved several variances on Hugo Road. Following are twelve of the variances approved:

5543 Hugo Road: A 13' lakeshore setback variance on a 12,197 square foot lot.

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- 5579 Hugo Road:** A 7% green area and 116 square foot variance for a garage in 1998 on a 6,970 square foot lot.
- 5583 Hugo Road:** A 13' lakeshore setback variance on a 6,098 square foot lot.
- 5593 Hugo Road:** A 15' right-of-way, 17' lakeshore and 1.167' setback variance in 1998 on a 6,098 square foot lot.
- 5599 Hugo Road:** A 25' right-of-way, 5' side and 43' lakeshore setback variances in 1998 on a 12,197 square foot lot.
- 5611 Hugo Road:** A 9' side yard and 10' right-of-way setback variance in 1979 and a 2' side yard and 62' lakeshore setback variance in 1986 on a 5,227 square foot lot.
- 5617 Hugo Road:** An 18' right-of-way setback variance for a new garage in 1995 on a 6,098 square foot lot.
- 5641 Hugo Road:** A 3' side yard, 12' right-of-way setback variances in 1986 on a 5,227 square foot lot.
- 5653 Hugo Road:** A 14' right-of-way, 33.5' lakeshore and 20% green area variance in 2003 on a 2,614 square foot lot.
- 5657 Hugo Road:** 1.8' side yard, 42' lakeshore, 15' right-of-way and 9% green area variances in 2003 on a 6,970 square foot lot.
- 5661 Hugo Road:** A 21' right-of-way setback variance in 1981 and a 15' right-of-way setback and 10' lakeshore setback variance in 1989 on a 5,227 square foot lot.
- 5669 Hugo Road:** A 40' lakeshore variance on a 2,614 square foot lot.

Section 7-1.5 of Ordinance states: "Front yard setback variances may be granted to conform to lesser setbacks of existing adjacent structures. For new structures, the minimum front yard setback shall not be less than 20 feet." It appears that this standard has been followed for the properties along Hugo Road with the following exceptions:

- 5661 Hugo Road** (21' right-of-way setback variance).
5617 Hugo Road (18' right-of-way setback variance).
5599 Hugo Road (25' right-of-way setback variance).

The 10' setback for a garage at 5599 Hugo Road which abuts the Schwartz property appears to have permitted the closest structure to Hugo Road. The Schwartz request would place their garage 16.6' from the right-of-way.

The following appears to be the greatest variances approved along Hugo Road:

- A 25' setback variance at 5599 Hugo Road for a garage. It should be noted that the garage at 5641 Hugo Road is 6.5' from the right-of-way. The Schwartz garage would have a 16.6' right-of-way setback as proposed.
- A 215 square foot garage area variance at 5583 Hugo Road which permitted an 840 square foot garage. The Schwartz's are requesting a 28 square foot garage area variance.
- A 20% green area variance at 5653 Hugo Road. The Schwartz's are requesting approval of an 18% green area variance.

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Comments included:

- Should consider a tear-down and build on the same footprint.
- The neighbor to the north expressed concerns at the Variance Board meeting on July 17 because they will have a visual impact if the variance is approved as requested. He also had concerns with parking because cars cannot part on the opposite side of Hugo road in the winter.

Kotilinek moved to recommend to the Town Board to approve an 18.4' right-of-way setback variance; a 28' square foot garage area variance; and an 18% green area variance to allow garage addition at 5605 Hugo Road. Swisher seconded. Ayes all.

4843 WHITE BEAR PARKWAY (FORMERLY PIONEER PRESS) – CAMP BOW WOW REQUEST FOR ZONING ORDINANCE AMENDMENT & CONDITIONAL USE PERMIT: Jeff and Diana Hall are requesting Town approval to locate their business, Camp Bow Wow in White Bear Township in the westerly most portion of the building at 4843 White Bear Parkway. This light industrial building currently houses Valid on the east end and is vacant at the west end. The previous tenant was the St. Paul Pioneer Press. This would be the Hall's second Camp Bow Wow location in the Metro area. They currently have a Camp in Burnsville. Camp Bow Wow is a daycare and overnight boarding facility for dogs. Training, grooming and retail sales of pet supplies would also be available. Staff is on site from 7:00 a.m. 7:00 p.m. The majority of the facility use is indoors. However, 1,960 square feet of fenced outside play area is planned on the west side of the building. The outside play area is screened with opaque fencing. In order to approve the Hall's request the Zoning Ordinance must be amended to add pet daycare and boarding to the list of Conditional Uses I the I-1 Zoning District. A Conditional Use Permit must also be approved.

The standards set by the Zoning Ordinance must be met when reviewing this or any other Conditional Use Permit. Those standards are:

9-4.4(a). The proposed use shall be planned, designed, constructed and maintained to avoid:

- (1) Unnecessary detractor from the appearance of adjacent properties or from the Town as a whole.
- (2) Aesthetic incompatibility
- (3) Aural Incompatibility
- (4) Damage to vegetation
- (5) Traffic pattern incompatibility
- (6) Erosion of soil
- (7) Unnecessary loss of existing natural features (vegetation, steep slopes, wetlands, water bodies)
- (8) Increased flood potential

The Planning Commission reviewed the concept proposal at the July meeting. The Hall's have now formalized their plans. They have also provided an update to their plans for screened

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outside storage. In addition the Hall's responded to the Planning Commission discussion from July by providing the following comments: They propose to include:

- (1) 24 x 7 monitored fire sprinkler throughout the entire building.
- (2) 24 x 7 monitored temperature controls if the temperature falls below 64 or rises above 78 degrees.
- (3) Monitored internal motion detectors and intrusion protection for security.
- (4) Approximately 20 high-speed video cameras (depending on final design).
- (5) Camp counselors certified in pet safety and CPR.
- (6) Campers (dogs) are screened for aggressive behavior before being allowed access to Camp. They must also be fixed if over 6 months and up to date on vaccinations.
- (7) Separate dogs in the play areas by size and temperament.
- (8) Adhere to a 1 to 15 Camp Counselor to dog ratio and all dogs are supervised during play. At night they sleep in secure individual cabins with a comfy cot, fleece blanket, water and any toys or comforts from home. Family members can share cabins for a discount, or each can have their own cabin at the owner's request.

Kotilinek stated that he would like to see a live person present during the night. It was noted that since this a Conditional Use there could be a stipulation that requires that. Denn stated that he likes having someone there overnight but leave it up to people whether or not it is okay. If a requirement is added stipulating that there must be a live person there overnight the matter should be revisited. Jeff Hall stated that at the last meeting there was mention that there will be fireworks at the Township Day event. He stated that there will be someone there during that time.

Denn noted that in the Zoning Ordinance amendment it refers to "pet" boarding" but in the list of Conditional Uses it refers to it as "dogs" and not "pet".

Artner moved to recommend to the Town Board to approve a Zoning Ordinance amendment to allow a Conditional Use for day care and overnight pet boarding. Flann seconded. Ayes all.

Artner moved to recommend to the Town Board to approve a Conditional Use Permit for a camp to board dogs under the Ordinance. Flann seconded. Ayes all.

5966 HIGHWAY 61 (FORMERLY ZAPPA/S SPORTING GOODS) –THOMAS & THERESA LENDWAY REQUEST FOR CONDITIONAL USE PERMIT / PERMITTED USE STANDARDS PERMIT TO ALLOW MAKER SPACE: The Planner reported that the Lendway's are requesting Town approval to locate their business in the former Zappa's Sports building at 5966 Highway 61. They are proposing to use the building for a "maker space" where "club members" would be allowed to use the building for woodworking or other craft making. The uses as described as being similar to a gym with a membership. The Lendway's plan to purchase and use the building for the maker space in the rear portion of the building. The building is approximately 9,000 square feet in area with 15 parking stalls. The applicants anticipated 8-10 members being at the site on average. The front portion of the building is planned to be used for office and classroom space. A portion of the office area may be leased or used by club members. Currently the Town's Zoning Ordinance does not identify "maker space" as a permitted use in the B-2 General

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Business or as conditional in the B-2 General Business list of allowed uses. Since this specific use is not listed as being permitted the Lendway's are requesting approval of a Zoning Ordinance amendment which would add their requested use to the list of allowed businesses. A similar use which the Town permits in the B-2 Zone is a fitness center. A machine shop is listed as a Conditional Use in the B-2 Zone. "Maker space" needs to be added, if approved, as well as a definition. The maker space concept is relatively new. Similar facilities exist in Burnsville and two others in northeast Minneapolis. One of the northeast Minneapolis facilities is called the "Hack Factory". The use appears to staff to be a good fit for the site. The only concern is the limited parking if the business takes off and the customers fill the parking lot. If that happens there may be an opportunity to work with Holiday to lease some parking stalls. The property has a cross access easement with Holiday currently to provide access to the site through the Holiday property. In order to approve the Lendway proposal, the Zoning Ordinance must be amended to list "maker space club" to the list of Conditional Uses in Section 6-5 of the Zoning Ordinance. In addition, a Conditional Use Permit must be approved by the Town for the maker space club on the property at 5966 Highway 61.

The following definition of "maker space club" was considered: **3-45.c. MAKER SPACE.** A public or private community center that provides technology manufacturing equipment and educational opportunities and makes available to the public or its private membership equipment and facilities allowing them to design, proto-type, and manufacture items using tools that would otherwise be inaccessible or unaffordable. Maker Spaces are typically funded by membership fees.

When the Permitted Use Standards Permit which was approved for Zappa's Sports was approved it was subject to several requirements. They included approval of a landscaping plan and other site improvements. The Landscaping Plan was not completed as adopted and a second lift of the parking lot was never completed. The outlet to the storm pond also needs some maintenance in order to work properly. If the Lendway request is approved the following three actions items would be required:

1. Amending Section 6-5 of the Zoning Ordinance by adding #12 "Maker Space" to the list of Conditional Uses in the B-2 Zoning district;
2. Amending Section 3 of the Zoning Ordinance by adding "Maker Space" to the list of definitions; and
3. Approval of the Conditional Use Permit for the use.

If the Zoning Ordinance amendment and Conditional Use Permit are approved it should be subject to:

- Completion of the landscaping plan including replacement of dead and dying shrubs and providing a total of 36 shrubs;
- Maintenance of the landscaping to include: pruning, removal of volunteer plant growth which is stunting the growth around landscape materials;
- Adding 7 trees. The trees shall be a combination of deciduous and ornamental; a
- Meeting the requirements of the Town's Code Enforcement Officer.

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Comments included:

- Concern about the use of materials that may be toxic. (Mr. Lendway stated that they use non-toxic materials only. He stated that use of toxic materials would be in violation of the use. There will be a finalizing room for water based materials only.)

Artnr moved to recommend to the Town Board to approve an amendment to Section 6-5 of the Zoning Ordinance by adding #12, Maker Space to the list of Conditional Uses in the B-2 Zoning District. Patrick seconded Ayes all.

Patrick moved to recommend to the Town Board to approve an amendment to Section 3 of the Zoning Ordinance by adding "Maker Space" to the list of definitions as follows **3-45.c. Maker Space:** A public or private community center that provides technology manufacturing equipment and educational opportunities and makes available to the public or its private membership equipment and facilities allowing them to design, proto-type, and manufacture items using tools that would otherwise be inaccessible or unaffordable. Maker Spaces are typically funded by membership fees. Artnr seconded. Ayes all.

Kotilinek moved to the Town Board to approve the Conditional Use Permit for the Maker Space use. Artnr seconded. Ayes all.

SMC/SUPREME OUTDOOR ADVERTISING – REQUEST FOR ZONING ORDINANCE AMENDMENT & CONDITIONAL USE PERMIT TO ALLOW OUTDOOR ADVERTISING SIGNS AT 5858 CENTERVILLE ROAD: Supreme Outdoor Advertising & SMC provided a sketch plan for review at the last Planning Commission meeting. They are now asking for formal approval of an amendment to the Zoning Ordinance which would allow them to place 2 two-faced outdoor advertising signs on their property at 5858 Centerville Road. Currently outdoor advertising signs are permitted only in the Outdoor Advertising Sign Overlay District. The Sign Overlay District is located along I-35E between North Birch Lake Boulevard and Hammond Road. Currently there are 3 signs located in the district. The ordinance amendment creating the Overlay Zone was adopted in 2001.

The list of the Sign Ordinance requirements related to off premise outdoor advertising signs was reviewed.

In addition to the Sign Ordinance requirements, the Zoning Ordinance also identifies the Zone in which signs are permitted. It states: "**7-18. Advertising Sign Overlay Area.** An advertising sign overlay area is created consisting of all industrially zoned lots adjacent to I-35E/694 where no suburban or urban residential or open space zone district is located directly across the freeway, and the adjacent land is generally higher than the freeway, allowing construction without the requirement of a variance for height, and readability for the lower profile monument style required by the Town's sign ordinance, Ordinance No. 33. A map is attached which identifies the overlay area."

The ordinance amendment allowing outdoor advertising signs was adopted in part so signs would not be placed across the freeway from residential zoning districts. Since the adoption of

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the Sign Overlay District, noise walls have been added along the freeway abutting residential homes.

After discussion it was the consensus that the following Zoning Ordinance amendment be recommended: **“7-18. Advertising Sign Overlay Area:** An advertising sign overlay area is created consisting of all industrially zoned lots adjacent to I-35/694 where no suburban residential or open space zoning district is located directed across the freeway, and the adjacent land is generally higher than the freeway, allow construction without the requirement of a variance for height, and readability for the lower profile monument style required by the Town’s sign ordinance, Ordinance No. 33. A map is attached which identifies the overlay area including the expanded area.”

The amendment as proposed eliminates “urban” residential. With the amendment a sign(s) may be placed across the freeway from an urban residential zone.

Based on the locations proposed for the SMC signs and spacing limitations defined by the Sign Ordinance, one additional sign may be allowed on the North Oaks Company property south of the proposed site since there is approximately 950’ between the proposed sign and the residentially zoned property to the south.

An outdoor advertising sign is a Conditional Use in the I-1 Zoning District. These signs are only permitted in the I-1 district. The SMC property is zoned I-1 Light Industrial. A Conditional Use Permit may be approved by the Town which also may attach reasonable conditionals to the permit. The standards which must be considered before approval were reviewed.

The Township currently leases two sites in Polar Larks Park. A lease was approved by the Town for use of Town property which included several requirements. Staff recommends that, if the Conditional Use Permit is approved by the Town, the following requirements be incorporated into the MSC/Supreme Outdoor Advertising Conditional Use Permit. They include:

1. The outdoor advertising sign and structure shall not contain any of the following advertising content:
 - Any political candidate or political party, any political action committee, or any organization attempting to endorse any political candidate, political party or political cause;
 - Any tobacco products or the use thereof, including, but not limited to cigarettes, chewing tobacco, cigars, and any advertisement that tends to promote the use or consumption of tobacco products;
 - Any alcoholic beverages or the use thereof, including but not limited to beer, wine, hard alcohol, and any advertisement that tends to promote the use or consumption of alcohol;
 - Any form of adult entertainment, including but not limited to adult bookstores, strip clubs and any advertisement that tends to promote establishments that permit the sale or display of sexually explicit materials.
2. The structure design shall be consistent with the rendering provide in the meeting packet.

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3. The following items must be submitted and approved by Town staff prior to issuance of a building permit:
 - Grading Plan
 - Drainage and Utility Detail Plan
 - Landscape Plan
 - Detained Site, Building, Architectural and Access Plan
 - Electrical Plan.
4. A plan for tree removal must be submitted, and the trees to be removed shall be inspected and approval by Town staff prior to removal. No additional tree removal shall be performed unless approved by the Town Board.
5. No wetland filing shall be permitted.
6. All applicable permits and approvals shall be received from the affected agencies and provided to Town staff.
7. All State, Federal and local laws and applicable ordinances shall be complied with.
8. Lessees shall maintain the property and outdoor advertising structure in a proper operating, safety and secure condition. All costs associated with the maintenance and repair of the outdoor advertising structure, including painting shall be paid by Lessee. Lessee shall maintain at its own expense, any equipment on or attached to the outdoor advertising structure in a safe condition, in good repair to the satisfaction of SMC and so as not to conflict with the use or lease of the property and surrounding areas. Lessee shall have sole responsibility for the maintenance, repair and security of its equipment, personal property, outdoor advertising structure and leasehold, improvements and shall keep the same in good repair and condition to the satisfaction of the SMC during the lease term. Lessee shall keep the property free of debris any anything of a dangerous, noxious or offensive nature which could create a fire or other hazard, undue vibration, heat or noise, interference, etc.

It was the consensus to add the following two requirements:

9. Review the Conditional Use Permit in five years.
10. No static signs.

Comments included:

- Will there be adjustment for light brilliance? (The lighting will be directly on the sign itself.)
- How will this sign impact the industrial area? (The sign is 25' from the north line and 10' from the east. The sign placement meets MnDOT and Township regulations.)
- The sign base is similar to the billboard signs at Polar Lakes Park – that is good.

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It was noted that the applicants have appeared before the Planning Commission previously and questions were addressed.

Artner moved to recommend to the Town Board to approve an amendment to Zoning Ordinance (No. 33.), Section 7-18. Advertising Sign Overlay Area as follows: An advertising sign overlay area is created consisting of all industrially zoned lots adjacent to I-35/694 where no suburban residential or open space zoning district is located directed across the freeway, and the adjacent land is generally higher than the freeway, allow construction without the requirement of a variance for height, and readability for the lower profile monument style required by the Town's sign ordinance, Ordinance No. 33. A map is attached which identifies the overlay area including the expanded area."

Flann seconded. Ayes: Artner, Flann, Denn, Loes, Kotilinek, Patrick. Nay: Swisher.

Artner moved to recommend to the Town Board that the zoning map be adjusted to be consistent with the proposed Zoning Ordinance amendment. Flann seconded. Ayes: Artner, Flann, Denn, Loes, Kotilinek, Patrick. Nay: Swisher.

Swisher moved to recommend to the Town Board to approve a Conditional Use Permit to allow outdoor advertising signs at 5858 Centerville Road with the addition of Requirement #9) CUP reviewed in five years; and #10) No static signs. Artner seconded. Ayes all.

LARKIN & GINA ADEY, 5265 GRAND AVENUE – REQUEST FOR MINOR SUBDIVISION:

The Planning Commission recently reviewed a request for a minor subdivision which required lot width and square footage variances. The subdivision proposed to create a lot 8,998 square feet in area and 61.97' wide. The Town's minimum lot size requirements are 12,000 square feet in area and 80' wide. Both the Variance Board and Planning Commission consensus was the requested variances were too great of a departure from the Zoning Ordinance regulations to recommend approval. The Variance Board and Planning Commission discussed briefly that certain older neighborhoods should be considered for a new zoning district which would permit lot sizes smaller than 12,000 square feet. The Bellaire, Bald Eagle, and White Bear Beach neighborhoods could be included in a new district. In the White Bear Beach neighborhood there are many lots which do not meet the current size minimum. This neighborhood was platted with 40', 43', 50' wide and other various lot dimensions. Many of these lots were combined to create larger lots and larger homes. Several smaller lots with small homes on them remain however.

A new zoning district over the Bellaire, Bald Eagle and White Bear Beach neighbors was discussed. A map of the neighborhood was reviewed. Comments included:

- Designate the area as a historic area. It has a little bit of everything.
- The intent was that the smaller lots would be built on.
- All these lots have access to the lake.
- This is a unique area and should be look at as a variance.

After discussion it was the consensus that a historic district not be recommended to be created.

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Kotilinek moved to recommend to the Town Board that the creation of a historic district for the Bellaire, Bald Eagle and White Bear Beach not be pursued. Artner seconded. Ayes all.

KENNETH & DEBORAH VISSER, 5515 WEST BALD EAGLE BOULEVARD – REQUEST FOR MINOR SUBDIVISION REQUIRING 1 LOT WIDTH VARIANCE AND A 530 SQUARE FOOT VARIANCE FOR PROPOSED PARCEL A: The Visser's are requesting approval of a minor subdivision, which if approved, would allow them to split their property into two parcels. The Visser's purchased the homes at 5513 & 5515 West Bald Eagle Boulevard several years ago along with their son and daughter-in-law. Ken and Deborah have been living at 5515 West Bald Eagle Boulevard. Their son and his wife live in the home at 5513. The property consists of two homes and related garages. It also has a lakeside parcel. The overall size of the property is 28,203 square feet. The lot width is 96.73'. The Visser's are proposing to split the property into Parcel A which is proposed to be 47.22' wide and 170.3' deep and includes a lakeshore parcel 46.77' wide by 78.44' deep. The square footage of this lot is proposed to be 11,470' square feet in area. Parcel B is proposed to be 49.51' wide and 210' deep and wrapping the back portion of Ken and Deborah's lots. A 34' x 77.28' lakeshore lot is included with Parcel B. The overall size of Parcel B is proposed to be 16,733' square feet in area. The Town's minimum lot size requirements are 80' of frontage and 12,000 square feet in area.

To approve the request the following variances must be approved: 1) Parcel A – a 32.78' lot width variance and a 530 square foot lot size variance; 2) Parcel B – a 30.49' lot width variance. In order to avoid multiple variance requests, Ken Visser was asked to consider adding approximately 12 additional feet to the rear of their lot (Parcel A). Adding this square footage would eliminate the need for a lot square footage variance. He is working with his surveyor to add the additional square footage to the rear of Parcel A making the proposed lot greater than 12,000 square feet in area. With the plan modification only the lot width variances must be approved along with a minor subdivision.

At one time the garage at 5513 was owned or leased by the property owner of Bald Eagle Island. With the sale of the island, the ownership of the garage went to the Visser's. Parcel B has two existing garages. The back garage has a door which faces west. It appears that access to the back garage is from the northerly proposed Parcel A. Parcel B is proposed to be 16,733 square feet in area. Adding approximately 12' to the back of Parcel A will create a 12,000 square foot lot. Doing this will reduce Parcel B by approximately 560 square feet making parcel B approximately 16,173' square feet in area.

The Variance Board reviewed the request. They noted that both lots were assessed for utilities and the majority of the subdivision line is consistent with the way the lots were previously separated. The Variance Board recommends approval of the lot width variances as requested noting that Parcel A lot will be enlarged to meet minimum lot square footage requirements since the proposed lot line is consistent with the previous lot line, the homes are currently in place, the lots will exceed square footage requirements, both homes were assessed for sewer and water and a staff report in the address file recommended the lot split.

Patrick moved, based on Variance Board and staff review and recommendation to recommend to the Town Board to approve the request for minor subdivision requiring lot width variances.

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Kotilinek seconded. Ayes: Patrick, Kotilinek, Artner, Flann, Koster, Loes, Swisher. Abstain: Denn (concerned that this proposal is consistent with a previously considered variance/subdivision in the White Bear Beach neighborhood which was recommended for denial).

COMPREHENSIVE PLAN – PUD DENSITIES: The planning team had Township staff have been working with the Metropolitan Council to finalize projections for households and population for 2020, 2030, and 2040. The most challenging requirement so far has been the designation change of the Community to a “Suburban” designation. With the new “Suburban” designation, new development and re-development needs and average of five unit/acre. For the 2030 plan, the Township had a standard of average of three units/acre, under the designation of “Developed Area”. After discussion with the Metropolitan Council, the only areas that need to meet five unites/acre are those parcels that have a new or changed land use designation, or those that are anticipated to not develop until after the timeline of the 2030 Comprehensive Plan, as that plan was already approved by the Metropolitan Council.

The breakdown of the densities and acreages of the Residential – PUD designation from the 2030 plan and what is being proposed in the 2040 plan was reviewed. The planning team’s proposed approach would meet new Metropolitan Council standards for overall community density and would meet allocation of need for affordable housing, which is based on density.

The Planning Commission previously reviewed the Met Council proposal at their July meeting and it was the recommended not to go with the proposal. The Town Board send the matter back to the Planning Commission to have another look at it.

There was discussion regarding high density housing.

Kotilinek moved to recommend to the Town Board that the Planning Commission agrees with the consultant’s recommendation regarding PUD densities, noting that high density would be good for senior housing and that the Planner will discuss high density senior housing with the Town Attorney. Artner seconded. Ayes: Kotilinek, Artner, Loes, Flann. Nays: Swisher, Patrick, Denn.

OFF-SEASON DOCK & BOAT LIFT STORAGE: Artner moved to table the matter of off-season dock and boat lift storage. Kotilinek seconded. Ayes all.

INTENSIVE VEGETATION CLEARING: Flann moved to table the matter of intensive vegetation clearing. Denn seconded. Ayes all.

ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION: Kotilinek moved to table the matter of Zoning Ordinance update – Shoreland Management Section. Artner seconded. Ayes all.

Artner moved to adjourn the meeting at 8:02 p.m. Flann seconded. Ayes all.

Respectfully Submitted,



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 4 - Consent Agenda

Subject: None

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 5

Subject: White Bear Lake Dental, 4100 Bellaire Avenue

Documentation: After the fact request. Plans are still being finalized at this time.
Staff will provide info once received.

Action / Motion for Consideration:

Receive Information / Discussion



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 6

Subject: Shook/Worwa, 4043 & 4053 Birch Knoll Drive

Documentation: None

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: SEPTEMBER 18, 2018

SUBJECT: MINOR SUBDIVISION – 4043 & 4053 BIRCH KNOLL DRIVE

The applicants Casey & Kassie Shook and Dennis & Mary Worwa are requesting approval of a minor subdivision / lot line rearrangement, which would permit them to resolve a property encroachment. Homes along this part of Birch Knoll Drive were constructed close to the south lot lines with a considerable amount of space between the homes and north lot lines.

The Worwa driveway at 4053 Birch Knoll Drive encroaches onto the property at 4043 Birch Knoll Drive. As a result, the Worwa's are proposing to acquire a strip of land from the Shooks. Both lots exceed the 80' lot width and 12,000 square feet in area. Both lots will continue to exceed the minimum lot width and square footage, if the lot line rearrangement is approved as requested.

It should be noted that the Shook property at 4043 Birch Knoll Drive appears to have a sidewalk, which encroaches on the property at 4035 Birch Knoll Drive. An additional lot line rearrangement may be requested for 4043 & 4035 Birch Knoll in the future.

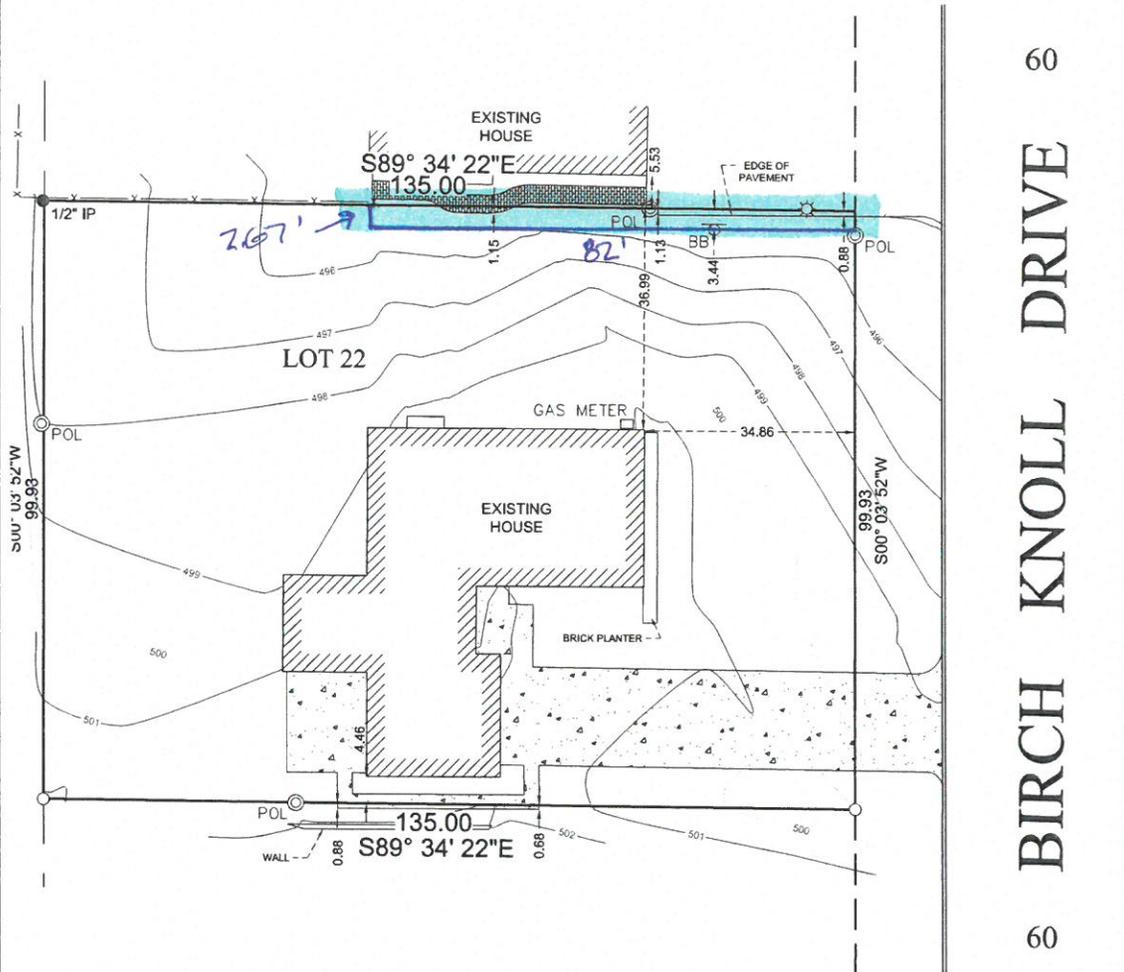
CERTIFICATE OF SURVEY FOR CASEY SHOOK

PROPERTY ADDRESS

4043 Birch Knoll Drive
White Bear Township, MN 55110

DESCRIPTION

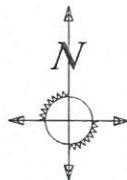
Lot 22, Block 1, BIRCHWOOD KNOLL
ADDITION WHITE BEAR TOWNSHIP
Ramsey County, Minnesota



60

BIRCH KNOLL DRIVE

60



LEGEND:

- Denotes Iron monument found
- Denotes Iron monument set #47223
- POL Denotes Point On Line set

NOTES:

Elevations are on assumed datum.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Allen C. Schlipp

Allen C. Schlipp
DATE 8/29/18 LIC. NO MN 21292



1440 Arcade St. Suite 250
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-776-0206
E-mail: info@mpassco.com



MINOR SUBDIVISION APPLICATION FORM

INTRODUCTION

A minor subdivision is a division of one parcel into two lots. Neither parcel can be further subdivided. The newly created lot must front on an existing street and cannot require the extension of municipal facilities or any public improvement. Utility connection charges and park dedication fees may apply.

APPLICANT(S) Casey and Kassie Shook PHONE (Home) 785-832-2171 (Shook)
Dennis and Mary Worwa (Business) 785-218-5433 (Shook)
(Cell) _____

ADDRESS 4043 Birch Knoll Drive
White Bear Twp, MN 55110

PROPERTY OWNER Casey & Kassie Shook

ADDRESS OF SITE 4043 Birch Knoll Drive ZONING R-1

EXISTING USE OF SITE Residential

185.00 Fee (\$35.00 plus \$150.00 Initial Expense Deposit, Plus All Related Additional Costs Incurred Regarding the Request)

It is the policy of White Bear Township that all identifiable costs associated with a Minor Subdivision 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.



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 7

Subject: Off-Season Dock & Boat Lift Storage

Documentation: None

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission Meeting
August 23, 2018

OFF-SEASON DOCK & BOAT LIFT STORAGE: Artner moved to table the matter of off-season dock and boat lift storage. Kotilinek seconded. Ayes all.



Planning Commission Meeting September 25, 2018

Agenda Number: 8

Subject: Intensive Vegetation Clearing

Documentation: Staff Memo

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission Meeting
August 23, 2018

INTENSIVE VEGETATION CLEARING: Flann moved to table the matter of intensive vegetation clearing. Denn seconded. Ayes all.

Minutes
Planning Commission Meeting
July 26, 2018

INTENSIVE VEGETATION CLEARING: There were discussions at the June Planning Commission meeting regarding adoption of tree removal regulations in the Shoreland Management Zone. The purpose is to better define intensive vegetation clearing. The Commission asked staff to define "legacy trees". The U.S. Forest Service provides the following definition: "Trees that have been spared or have survived stand replacing disturbances. A legacy tree is any live tree greater than or equal to 21" DBH and greater than 150 years old, located in a non-old forest stand".

The Commission also asked staff to define "steep slopes". A steep slope is currently defined in Section 3-68A. It states: **3-68A. STEEP SLOPE.** "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent; as measured over horizontal distances of 50 feet or more, that are not bluffs.

The following ordinance amendments were reviewed at the June Planning Commission meeting. The underlined wording was added in July.

Tree removal in the shore impact zone (which is the area between the ordinary high water level and 50% of the structure setback) is limited to 10% of the existing significant trees.

Legacy trees shall not be removed unless they are dead, diseased, dying or hazardous as defined by a licensed arborist.

Significant trees are defined as: Significant tree – aspen (quaking & big tooth), honey locust, butternut, mountain ash, blue beech, tamarack, hickory, oaks, birch, pine, spruce, basswood, hackberry, walnut, maple (except silver maple), apple, cherry and other native fruit bearing trees and trees exceeding 15” in diameter as measured 4 ½’ above the ground.

The Town may approve removal of existing significant trees on a lot exceeding 10% of the shore impact zone limitation when a re-landscaping plan is approved by the Town Board.

Intensive vegetation clearing – Intensive vegetation clearing is prohibited, except for the following:

Clearing of vegetation that is dead, diseased, dying or hazardous; clearing to prevent the spread of disease or insect pests; removal of invasive non-native species; restoration and erosion control management activities consistent with a plan approved by the Town Board, local watershed district or water management organization.

To better clarify tree removal limitations, the following can be recommended: Add: 1) Definition of Legacy Tree, Section 3-35E; Definition of Significant Tree, Section 3-66I; Section 8-6.5(a)(ii) – Tree removal in the Shore Impact Zone is limited to 10% of the existing significant trees. Legacy trees shall not be removed; (iii) – The Town may approve removal of existing significant trees on a lot exceeding 10% of the Shore Impact Zone limitation when a re-landscaping plan is approved by the Town Board; (iv) – Delete current section (ii) and replace with: The above provisions are not applicable to the removal of vegetation that is dead, diseased or hazardous; must be removed to prevent the spread of diseased of insect pests, as diagnosed and recommended by a licensed arborist; removal of invasive non-native species; restoration and erosion control activities consistent with a plan approved by the Town Board and Rice Creek Watershed District or VLAWMO.

It was the consensus there be a definition of legacy or significant trees. The Planner will provide a definition for addition. It was the consensus to continue this topic until member Artner is present.

Loes moved to continue the matter of Intensive vegetation clearing. Swisher seconded. Ayes all.

Minutes
Planning Commission Meeting
June 28, 2018

INTENSIVE VEGETATION CLEARING: The Planning Commission and Staff have been working on refining the Shoreland Management Section of the Zoning Ordinance to better define what is considered “intensive vegetation clearing”. The City of Gem Lake allows residents to clear up to 10% of the shore impact zone which is the area between the ordinary high water level and 50% of the structure setback.

Significant trees are defined as: aspen (quaking & big tooth), honey locust, butternut, mountain ash, blue beech, tamarack, hickory, oaks, birch, pine, spruce, basswood, hackberry, walnut, maple (except silver maple), apple, cherry and other native fruit bearing trees and trees exceeding 15” in diameter as measured 4 ½’ above the ground.

The Town may approve removal of existing significant trees on a lot exceeding 10% of the shore impact zone limitation when a re-landscaping plan is approved by the Town Board.

Intensive vegetation clearing – intensive vegetation clearing is prohibited, except for the following: clearing of vegetation that is dead, diseased, dying or hazardous; clearing to prevent the spread of diseases or insect pests; removal of invasive non-native species; restoration and erosion control management activities consistent with a plan approved by the Town Board, local watershed district or water management organization.

There was discussion regarding removal of larger trees throughout the Town. The Planner will draft a definition of legacy trees. There was discussion regarding steep slopes and the need for a definition of steep slope.

Ruzek reported that 23 photos what been sent to the Rice Creek Watershed District of tree/vegetation removal on Bald Eagle Island. It is expected that information will be received in 30 days.

Swisher moved to continue the matter of Intensive Vegetation Clearing to allow time for staff to prepare a definition of legacy trees and steep slope. Artner seconded. Ayes all.

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: JULY 24, 2018

SUBJECT: ZONING ORDINANCE DEFINITIONS RELATING TO VEGETATION CLEARING

The Planning Commission discussed adopting tree removal regulations in the Shoreland Management Zone at the June meeting. The purpose is to better defined intensive vegetation clearing.

The Commission asked staff to define "legacy trees". The U.S. Forest Service provides the following definition:

Trees that have been spared or have survived stand replacing disturbances. A legacy tree is any live tree greater than or equal to 21" DBH and greater than 150 years old, located in a non-old forest stand.

The Commission also asked staff to define "steep slopes". A steep slope is currently defined in Section 3-68A. It states:

3-68.A. STEEP SLOPE. "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent; as measured over horizontal distances of 50 feet or more, that are not bluffs.

The following ordinance amendments were reviewed at the June Planning Commission meeting. The underlined wording was added in July.

Tree removal in the shore impact zone (which is the area between the ordinary high water level and 50% of the structure setback) is limited to 10% of the existing significant trees.

Legacy trees shall not be removed unless they are dead, diseased, dying or hazardous as defined by a licensed arborist.

Significant trees are defined as:

Significant tree – aspen (quaking & big tooth), honey locust, butternut, mountain ash, blue beech, tamarack, hickory, oaks, birch, pine, spruce, basswood, hackberry, walnut, maple (except silver maple), apple, cherry and other native fruit bearing trees and trees exceeding 15” in diameter as measured 4 ½’ above the ground.

The Town may approve removal of existing significant trees on a lot exceeding 10% of the shore impact zone limitation when a re-landscaping plan is approved by the Town Board.

Intensive vegetation clearing – Intensive vegetation clearing is prohibited, except for the following:

- Clearing of vegetation that is dead, diseased, dying or hazardous;
- Clearing to prevent the spread of diseases or insect pests;
- Removal of invasive non-native species;
- Restoration and erosion control management activities consistent with a plan approved by the Town Board, local watershed district or water management organization.

If the Planning Commission consensus is to amend the Zoning Ordinance to better clarify tree removal limitations, the following can be recommended:

Add:

Definition of Legacy Tree, Section 3-35E

Definition of Significant Tree, Section 3-66I.

Section 8-6.5(a)(ii) –

Tree removal in the Shore Impact Zone is limited to 10% of the existing significant trees.

Legacy trees shall not be removed.

(iii) –

The Town may approve removal of existing significant trees on a lot exceeding 10% of the Shore Impact Zone limitation when a re-landscaping plan is approved by the Town Board.

(iv) –

Delete current section (ii) and replace with:

The above provisions are not applicable to the removal of vegetation that is dead, diseased or hazardous;
Must be removed to prevent the spread of diseases or insect pests, as diagnosed and recommended by a licensed arborist;
Removal of invasive non-native species;
Restoration and erosion control activities consistent with a plan approved by the Town Board and Rice Creek Watershed District or VLAWMO.

TR/psw
cc:admin.file
b:vegetationdefinitions



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 9

Subject: Zoning Ordinance Updates – Shoreland Management Section

Documentation: None

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission meeting
August 23, 2018

ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION: Kotilinek moved to table the matter of Zoning Ordinance update – Shoreland Management Section. Artner seconded. Ayes all.



**Planning Commission Meeting
September 25, 2018**

Agenda Number: 10 - 11

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:



**Planning Commission Meeting
September 25, 2018**

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

Documentation: Minutes