



# WHITE BEAR TOWNSHIP

1858  
RAMSEY COUNTY  
MINNESOTA

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

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750  
FAX 651-426-2258  
Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

## AGENDA PLANNING COMMISSION MEETING NOVEMBER 29, 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 October 25, 2018.
4. **Consent Agenda:** None.
5. **Water Gremlin Company, 4400 Otter Lake Road** – Request for Permitted Use Standards Permit to Allow an Addition to the Equipment Building.
6. **Cottages of White Bear Township** – Decertification of TIF District #9.
7. **5685 Portland Avenue** – Review Potential Development Layout.
8. **Off-Season Dock & Boat Lift Storage.**
9. **Intensive Vegetation Clearing.**
10. **Zoning Ordinance Update** – Shoreland Management Section.
11. Added Agenda Items.
12. 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.





**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 1 – 2 - 3

**Subject:** Call to Order – 6:30 p.m.  
Township Administrative Office  
1281 Hammond Road

Approval of November 29, 2018 Agenda  
Approval of Minutes of October 25, 2018

**Documentation:** November 29, 2018 Agenda  
October 25, 2018 Meeting Minutes

**Action / Motion for Consideration:**

Call meeting to order:	6:30 p.m.
Approval of Agenda:	November 29, 2018 (additions/deletions)
Approval of Minutes:	Meeting of October 25, 2018

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

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

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

Absent: Supervisor Ruzek with notice.

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

**APPROVAL OF MINUTES OF SEPTEMBER 27, 2018:** Artner moved approval of the Minutes of September 27, 2018 with the following amendment: Add: Absent with notice: Loes. (Remove from members present). Flann seconded. Ayes all.

**CONSENT AGENDA:** There were no Consent Agenda items.

**J & J PROPERTIES, LLC d/b/a/ WHITE BEAR DENTAL, 4100 BELLAIRE AVENUE – REQUEST FOR PERMITTED USE STANDARDS PERMIT & 14.2' SIDE SETBACK VARIANCE TO ALLOW SITE IMPROVEMENTS:** J & J Properties, LLC, is requesting Town approval of a Permitted Use Standards Permit which would allow site improvements at White Bear Lake Dental, 4100 Bellaire Avenue. The Johnson's are relatively new owners of the dental clinic and recently finished a remodel of the building. As part of their remodel, they also added concrete curbing to the parking lot and drive lane. A portion of the parking lot behind the building was Class V gravel. This area of the lot was also curbed and paved. Expansion of a parking lot requires approval of Permitted Use Standards Permit and also a side yard setback variance. No Permitted Use Standards Permit or variance application were processed prior to the construction taking place. After the fact permits have been requested by the applicants. A Permitted Use Standards Permit is required to permit the requested site improvements including: curbing and paving of the parking lot, construction of a trash enclosure and modifications to the stormwater treatment pond.

A 14.2' side yard setback variance is requested to allow the expanded parking lot. A side yard setback of 20' is required for off-street parking spaces and drive lanes when abutting a residential property. The dentist office abuts residential homes on the north and east side. The paved parking lot was constructed as close as 6.4' from the property to the north. With the addition of the curbing and paving and expansion of the rear parking area, the side setback was reduced to 5.8' at its closest point to the northerly lot, expanding to 6.5' at the east end of the parking lot. The rear portion of the dental office property contains a stormwater treatment pond which collects water from the parking lot and surrounding properties. Some stormwater from Bellaire Avenue also makes it way to the site. A stormwater culvert was added to Bellaire Avenue between County Road F and Bellaire Beach to help alleviate stormwater concerns along Bellaire Avenue. It appears that the Bellaire Avenue storm pipe overflows onto the dental clinic property during heavy storm events. The overflow also impacts the abutting property at 4112 Bellaire Avenue with standing water due to the grade. With the rain this past summer and fall, a lot of water was flowing onto the abutting property. The Town Engineer, applicant's engineer and representatives from Ramsey County are working together to improve drainage.

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

The side setback variance is requested to allow the clinic to pave the rear portion of their parking lot. The lot was previously gravel. Concrete curbing was also added to delineate the edge of the parking lot and drive lane as well as to direct stormwater. The parking area in the rear is approximately 30% larger now than previously. With the addition of the concrete curb, the north side of the parking and drive lane are 6" closer to the north lot line.

Section 9-6.4 of the Zoning Ordinance was reviewed relative to variances. A Permitted Use Standards Permit is required to allow the site modifications as proposed and completed. They include expansion of the parking area, the addition of the enclosed dumpster area, and expansion of the stormwater treatment pond. The employee parking area in the rear of the building was previously gravel. The lot was also expanded by approximately 30%. A dumpster storage area was also added on the east side of the rear parking lot. With the addition of more impervious surfacing, the stormwater treatment pond on the easterly most portion of the property must be expanded. The expansion of the pond as show on the plans has not been completed to date. Representatives for White Bear Township, Ramsey County and the applicant's engineer are working together to finalize the drainage plan. A new stormwater structure is being added within the Bellaire Avenue right-of-way. Concrete curb was added to the parking lot to help direct stormwater to the pond. Previously the paved parking area flowed partially to the pond and/or to the north.

The improvements to the site are a compliment to the remodeled building. It is recommended that when the pond excavation is completed, new landscaping be added around the pond in order to replace trees removed to grade the basin. In addition, the drainage improvements must be agreed upon by the Town and Ramsey County staff as well as the property owners.

If recommended for approval, the Permitted Use Standards Permit should be subject to: 1) final approval of the grading plan and stormwater improvements by the Town Engineer, Public Works Director and Ramsey County Public Works; 2) the applicant shall provide new landscaping around the perimeter of the regraded stormwater treatment pond; and 3) the applicant shall provide drainage and utility easements in favor of the Town over the revised stormwater treatment pond.

Chuck Plowe, Plowe Engineering, stated that the existing pavement has increased the impervious surface a lot in the back. In response to a question if the pond would be increased, the Mr. Plowe stated that calculations were done for runoff as requested. As result the size of the basin was increased. It will be wider and have more capacity. It now has a 4:1 slope.

Mike Gagan, 4112 Bellaire Avenue, stated that one side of his property gets drainage from the north side of the culvert. He stated that the dental clinic parking lot is higher than his property and the water spills over the curb. Chuck Plowe stated that they would survey the elevation. He stated that quite a few trees would be removed in the ponding area. He provided a drawing showing how many trees will be removed. They will vegetate the area so the plants can handle the water. The Planner stated that a landscaping plan has been requested. In response to a question the Planner stated that when work was done at Bellaire Beach a storm water treatment pond and culvert was added along Bellaire Avenue. A retaining wall is proposed that will help to stop drainage onto the Gagan property in addition to the curb and gutter. In response to a

MINUTES  
PLANNING COMMISSION MEETING  
OCTOBER 25, 2018

question if the curb keeps the water from draining onto his property Mike Gagan stated that it does not keep the water from draining because it flows east. Chuck Plowe stated that the curb will now help to prevent some runoff. Prudhon asked if the Rice Creek Watershed District has been involved. The Planner stated that they have not. The issue is drainage along the right-of-way. In response to a question what the time line is to get the work done, Chuck Plowe stated that it should be done as soon as possible, however they need to get the structure so it may not happen this year. They have to realign the county overflow pipe. In response to a question if it is possible to have a cistern, Chuck Plowe stated that they would need a place to build it.

Artner moved, based on Variance Board and staff review and recommendation to recommend to the Town Board to approve a 14.2' side yard setback variance to allow site improvements at 4100 Bellaire Avenue. Flann seconded. Ayes all.

Artner moved, based on staff review and recommendation to recommend to the Town Board to approve a Permitted Use Standards Permit to allow site improvements at 4100 Bellaire Avenue, subject to: 1) receipt of a landscaping plan around the perimeter of the regraded stormwater treatment pond; 2) final approval of the grading plan and stormwater improvements by the Town Engineer, Public Works Director, and Ramsey County Public Works; 3) drainage and utility easements in favor of the Town over the revised stormwater treatment pond. Flann seconded. Ayes all.

**CALVARY CHURCH, 4604 GREENHAVEN DRIVE – CONDITIONAL USE PERMIT REQUEST TO CONSTRUCT 6,000 SQUARE FEET OF CLASSROOM SPACE:**

Calvary Church is requesting approval of a Conditional Use Permit which would allow them to construct a 6,000 square foot classroom addition onto the east side of the church building. Christ Community Church was constructed in 2002 and was part of a PUD which included the Bradshaw Funeral Home and 54 townhomes constructed by Southwind Builders. The Church changed names to Calvary Church after it was originally constructed. The Church property is 9.66 acres in size and shares parking and stormwater treatment with the Bradshaw Funeral Home. The stormwater treatment system is below the parking lot. The master plan showed future additions on the north, east and west sides of the Church with additional parking on the east side of the building. The parking lot is located on the west side of the building. The original master plan for the Church shows approximately 40,000 square feet of future additions. The 6,000 square foot addition is consistent with the additions shown on the master plan, as proposed. A church is listed as a Conditional Use in the R-2 Zoning District. A Conditional Use Permit must be approved by the Town prior to construction of the proposed addition. The standards which must be established prior to approval were reviewed. The addition as proposed appears to meet the standards set forth by the Zoning Ordinance to approve a Conditional Use Permit. Staff is working with the church architect to provide additional information regarding stormwater treatment. The existing subterranean system is due for inspection and it appears that the 6,000 square foot addition will require additional stormwater treatment on site. To recommend the Conditional Use Permit it should include the following requirements: 1) submission of drainage documentation to the Town Engineer and approval of the final drainage plan by the Town Engineer; 2) replacement of existing landscaping being removed to make room for the new addition; 3) inspection of the subterranean stormwater treatment system by the Town Engineer and Public Works Director and following the

MINUTES  
PLANNING COMMISSION MEETING  
OCTOBER 25, 2018

requirements for cleaning and/or improvements to the system as required. Kotilinek noted that the materials for the addition should be similar to the existing building. In response to a question if there would be any change to the signage. The Planner stated that nothing is proposed.

Kotilinek moved, based on Staff review and recommendation to recommend to the Town Board to approve a Conditional Use Permit to construct 6,000 square foot classroom space at Calvary Church, 4604 Greenhaven Drive subject to: 1) submission of drainage documentation to the Town Engineer and approval of the final drainage plan by the Town Engineer; 2) replacement of existing landscaping being removed to make room for the new addition; 3) inspection of the subterranean stormwater treatment system by the Town Engineer and Public Works Director and following the requirements for cleaning and/or improvements to the system as required. Artner seconded. Ayes all.

**LARRY & CAROL LEIBEL, JERRY & RACHAEL PERRON & JOYCE PERRON – REQUEST FOR MINOR SUBDIVISION/LOT LINE REARRANGEMENT AT 5956 & 5952 PORTLAND AVENUE & 5959 EAST COUNTY LINE ROAD:** The applicants are requesting approval of a minor subdivision which would allow a lot line shift along the common property line. The lot line rearrangement proposes moving the northerly lot line of the Perron property 43' to the north reducing the width of the Leibel lot line the same distance. The purpose of the lot line shift is to clear up an encroachment on parcel C and to allow parcel B space to construct an accessory structure at the northeast end of the driveway. Parcel A, the Leibel property, is 3.22 acres in size and approximately 172' wide at the Portland Avenue right-of-way. Parcel B, the Jerry and Rachael Perron lot is 1.21 acres in size and the lot width is 313'; Parcel C, the Joyce Perron lot is 3.38 acres in size and the lot width is 313'. With the proposed lot line rearrangement, all three lots will continue to meet minimum lots size and width requirements. When the Perron property was subdivided, drainage and utility easements were provided along the perimeter of the property. The easement must be vacated along the line to be relocated and reestablished in the new location. Since the minimum lot size and width will continue to meet Town requirements if the lot line is relocated as proposed, the minor subdivision and easement vacation can be recommended for approval as requested. A new legal description with information on drainage and utility easement will be provided.

It was noted during discussions that the drainage and utility easements were not provided to the Town when the Perron lot was created.

Kotilinek moved, based on Staff review and recommendation to recommend to the Town Board to approve the request for minor subdivision/lot line rearrangement at 5956 & 5952 Portland Avenue & 5959 East County Line Road, noting that a new legal description will be provided for the drainage and utility easement. Artner seconded. Ayes all.

**OFF-SEASON DOCK & BOAT LIFT STORAGE:** Artner reviewed information relative to Shoreline Dock/Boat Storage and proposed regulations from the City of Spring Lake Park. Docks and boatlifts for non-riparian lots having lake access may be stored in the street side yard property provided that the equipment is set back a minimum of twenty feet from the edge of the street surface and the equipment does not obstruct traffic visibility along the street or lake view to mitigate unsightly storage considering sightlines with adjacent properties. Dock storage

MINUTES  
PLANNING COMMISSION MEETING  
OCTOBER 25, 2018

shall be neatly stacked to a height not to exceed four feet. The lesser profile (thinner profile from street) rather than horizontal placement. Shore stations are huge and pretty unsightly and would recommend some dismantling if possible or storage off the lakeshore where street, sightlines, views are impeded.

It was suggested that information about dock/boat storage be placed in News & Views, on the Town's website, or in the Bald Eagle blog.

Artnr moved to continue the matter of off-season dock & boat lift storage to a future meeting. Loes seconded. Ayes all.

**INTENSIVE VEGETATION CLEARING:** Artnr moved to continue the matter of intensive vegetation clearing to a future meeting noting that information is being compiled. Loes seconded. Ayes all.

**ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION:** Artnr moved to continue the matter of Zoning Ordinance update and Shoreland Management Section to a future meeting. Loes seconded. Ayes all.

Artnr moved to adjourn the meeting at 7:30 p.m. Patrick seconded. Ayes all.

Respectfully Submitted,

Joan J. Clemens  
Recording Secretary



**Planning Commission Meeting  
November 29, 2018**

**Agenda Number: 4 - Consent Agenda**

**Subject: None**

**Documentation:**

**Action / Motion for Consideration:**

Receive Information / Discussion



**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 5

**Subject:** **Water Gremlin Company, 4400 Otter Lake Road – Request for Permitted Use Standards Permit to Allow an Addition to the Equipment Building**

**Documentation:** Staff Memo w/attachments /

**Action / Motion for Consideration:**

Receive Information / Discussion

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: NOVEMBER 20, 2018**

**SUBJECT: ADDITION REMODEL & EXPANSION**  
**REQUEST: PERMITTED USE STANDARDS PERMIT**

**LOCATION: 4400 OTTER LAKE ROAD**  
**APPLICANT: EDWARD FARR ARCHITECTS, INC.**  
**ZONING: I-1, LIGHT INDUSTRIAL**

Edward Farr Architects, on behalf of Water Gremlin Corporation, is requesting approval of a Permitted Use Standards Permit which would permit them to increase the height of a temporary addition onto the east side of the north manufacturing building.

The Water Gremlin building is approximately 84,000 square feet in area. The equipment building is an addition to the main building and was constructed to house pollution control equipment. The existing equipment is outdated and being replaced with new equipment. Some of the equipment is larger/higher than the existing equipment and the roof is proposed to be increased in height to accommodate the new equipment and some old equipment which is taller than the existing roof. The height of the roof will be raised 6' in one location and 13' on the other side of the building to create a uniform structure with a pitched roof.

The improvement is proposed on the east side of the building and is screened from public view by the existing 31' high building.

This addition is proposed to be demolished in the near future as the technology being used in this addition is becoming obsolete. A new addition onto the north side of this building is currently being considered by Water Gremlin. This addition is unrelated to the existing Permitted Use Standards request. This addition is planned for review by the Planning Commission in January.

Section 9-3.4 of the Zoning Ordinance sets the standards which must be met in order to approve a Permitted Use Standards Permit. It states:

**9-3.4(a).** The use shall be planned, designed, constructed and maintained to avoid:

**(1).** Unnecessary detracting 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.
- 9-3.4(b).** No development shall be allowed which will result in unusual maintenance or repair costs of road, parking areas or utility lines.
- 9-3.4(c).** Development shall be permitted only in such a manner that the maximum number of trees shall be preserved. It shall be the duty of the applicant to demonstrate that there are no feasible alternatives to the cutting of trees on the site.
- 9-3.4(d).** The types and density of land use proposed for the site shall be suited to the site conditions and shall adequately correct problems due to soil limitations, including but not limited to, bearing strength, shrink-swell potential, slope stability, high groundwater, or wetness.
- 9-3.4(e).** The proposed use shall be sited, designed, oriented and landscaped to produce a harmonious relationship of building and grounds to buildings and properties in the neighborhood.
- 9-3.4(f).** The proposed use shall show sufficient landscaping to screen undesirable features and to enhance the development.
- 9-3.4(g).** The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the policy and recommendations of the Comprehensive Plan.
- 9-3.4(h).** Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters and Town Board shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

The footprint of the proposed addition will not increase but the height of the addition will. The proposed height will not exceed the height of the main building and cannot be seen from the Otter Lake Road or Whitaker Street rights-of-way.

The addition as proposed appears to meet the standards set forth by the Zoning Ordinance for approval. The Planning Commission may recommend approval of the addition remodel since it will meet the standards set forth by the Zoning Ordinance to approve.

TR/psw  
cc:admin/add.file  
b:watergremlin18

# Water Gremlin Company – Roof Remodel of Equipment Building

4400 Otter Lake Rd. White Bear Township, MN

By

Edward Farr Architects

November 12, 2018

On behalf of Water Gremlin Company, we are seeking approval to remodel the profile of the roofline of their Equipment Building, a small portion of the larger factory building located at 4400 Otter Lake Rd. The subject roof area is located in the most remote southeastern corner of the building. The Equipment Building is not visible from any portion of the public way, including Otter Lake Rd. or Whitaker St. Also, the Equipment Bldg is 1,670 ft (>3/10ths of a mile) west of the homes on Whitaker Court, with heavily wooded areas between, so there are no significant visual impacts from there either.

No alteration of site work is needed for this project. It does not affect grading, utilities, storm water rates, wetland impacts, lighting, signage, noise generation, landscaping or pavements. The project meets all 14 of the Standards itemized on the Permitted Use Standards Permit Application Form.

The entire Water Gremlin building footprint is approx. 83,893 sq ft; and this Equipment Bldg portion is 1,039 sq ft. The main building height facing Otter Lake Rd is 31 ft; which completely screens the smaller Equipment Bldg portion behind it (see photo), even when the roof gets raised as proposed.

The Equipment Building encloses large pollution control equipment used to filter and cleanse exhaust air from the manufacturing process. It is not normally occupied by employees. The old equipment is at the end of its service life, and is being replaced with new equipment in January. One of the pieces of old equipment did not fit inside completely when it was originally installed, so a hole was hastily cut through the roof where the equipment sticks through and extends up about 3 feet above the roofline currently. Of course, the roof leaks continuously because of this. The new replacement equipment is the same size, but the manufacturer wants it all inside, under the roof. So the roof profile must be raised to accommodate it.

A second piece of equipment in this building has an exhaust vent stack that also sticks up above the roof (purposely) to discharge cleansed air back into the sky. When the roof gets raised up, the mechanical code requires that the exhaust stack get extended up to about 6 feet above the new roof for proper dispersion of the exhaust.

The Equipment Bldg. is clad in prefinished metal siding panels; and the roof is made of steel roof panels, pitched for drainage. The roof profile steps up currently with two different roof heights; but our new design will simplify that profile with a more uniform structure, pitched two ways. The new roof profile will be approximately 6 feet higher than the current highest portion of the stepped roof; and our new east façade wall will be approx. 13 ft higher to simplify the structure. The prefinished steel siding will be extended up, matching the other siding on the building.

Due to the remote location of this portion of the building on the property, none of these improvements will be visible from the public way, and will not have any adverse effects to the public. As a secondary point, it can be noted that all of this equipment is becoming technologically obsolete within the next few years. Solvent-based chemicals are being replaced with water-based chemicals which will be much better for the environment. When the switchover to new technology happens in a few years, Water Gremlin will demolish this portion of the building due to its obsolescence.

We appreciate your understanding of these important repairs necessitated to the facility. We intend to start construction in December, after your approval, and be complete by the end of January, 2019.



RECEIVED

NOV 13 2018

# PERMITTED USE STANDARDS TOWN OF WHITE BEAR APPLICATION FORM

## INTRODUCTION

All permitted uses outlined in the Zoning Ordinance, Section 6-4, with the exception of single family dwellings and their accessory buildings are required to meet the standards set forth in Section 9-3, Permitted Use Standards Procedure of the Zoning Ordinance.

APPLICANT(S) Edward Farr PHONE (Home) \_\_\_\_\_  
Edward Farr Architects, Inc. (Business) 952.943.9660  
(Cell) 952.210.8206

ADDRESS 7710 Golden Triangle Drive  
Eden Prairie, MN 55344

PROPERTY OWNER Water Gremlin Company

ADDRESS OF SITE 4400 Otter Lake Road ZONING I-1

EXISTING USE OF SITE Heavy Industrial / Manufacturing

DESCRIPTION OF PERMITTED USE REQUESTED See enclosed.

Fee (\$75.00 plus \$200.00 Expense Deposit)

## CHECKLIST:

Site Plan – 15 full-sized copies (larger than 11 x 17) and one reduced size ( 8 ½ x 11)

Existing conditions (all buildings, open space, retention areas, utility areas, service areas, and storage areas).

N/A Site improvements (proposed locations of buildings, parking areas, drives, fences, walls, signs, lighting, walkways, patios, decks and barriers).

- \_\_\_ 9. The proposal is consistent with the Comprehensive Plan and complies with other Ordinances.
- \_\_\_ 10. Will not result in unusual maintenance or repair costs of road, parking areas or utility lines.
- \_\_\_ 11. The maximum number of trees will be preserved.
- \_\_\_ 12. The type and density of land use proposed will be suited to site conditions.
- \_\_\_ 13. The proposed use will be designed, sited, oriented, and landscaped to produce a harmonious relationship with building and properties in the neighborhood.
- \_\_\_ 14. The site will be landscaped to screen undesirable features and enhance the development.

It is the policy of White Bear Township that all identifiable costs associated with Permitted Use Standards Permits within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to: 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.

  
\_\_\_\_\_

EDWARD FARR ARCHITECTS  
Signature of Applicant(s)

NOVEMBER 12, 2018  
Date

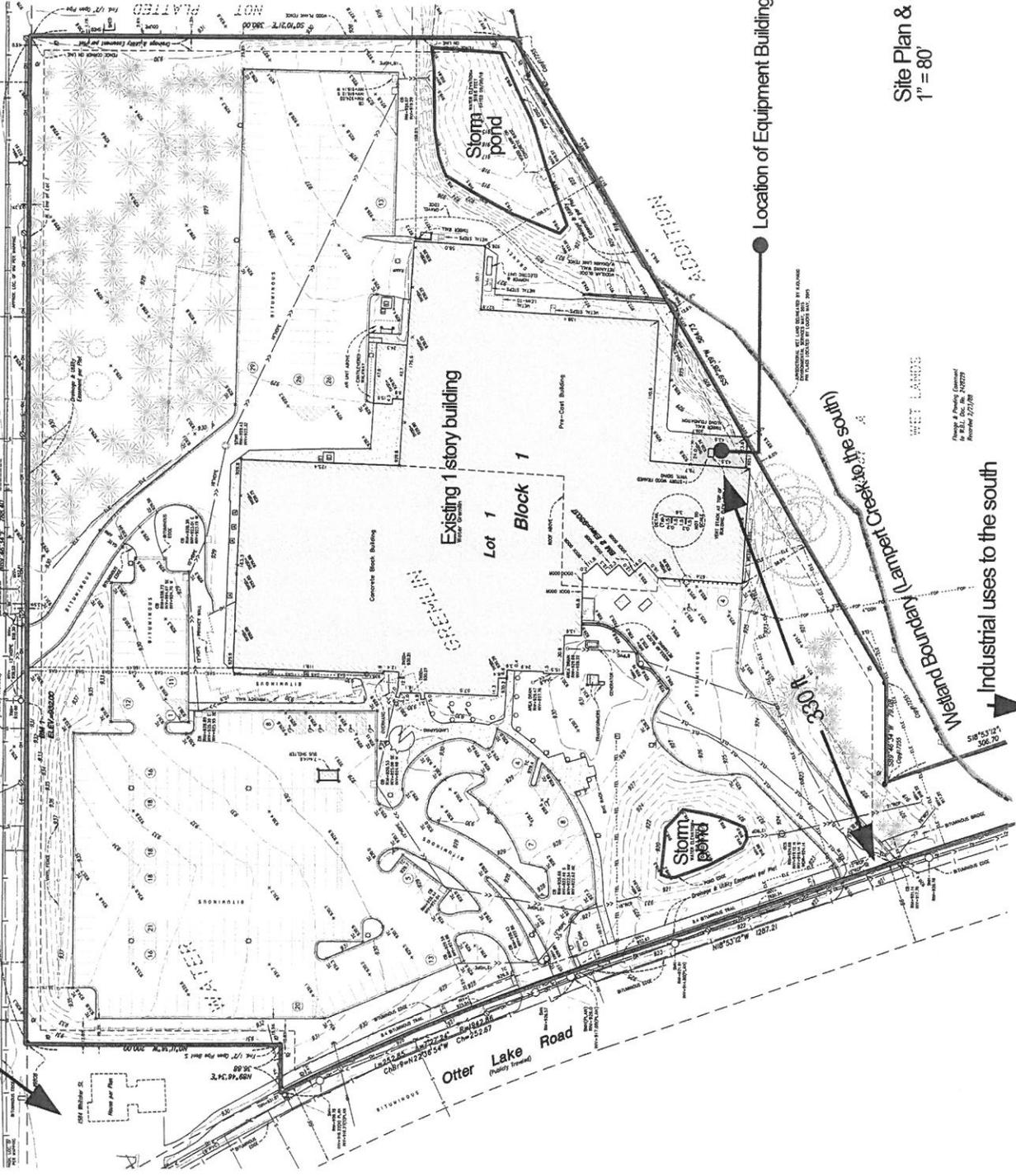
<u>To Be Completed By Office:</u>		CR #	
Date Request Received	<u>11/13/18</u>	<u>039555</u>	
By <u>Karen</u>		\$75.00 Fee + \$200 Deposit Received	<input checked="" type="checkbox"/> Yes
	(Staff Member)		<input type="checkbox"/> No
Date Application Complete	_____		

Single family residential uses



Whitaker Street

Whitaker Street



Location of Equipment Building



Wetland Boundary (Lampert Creek to the south)



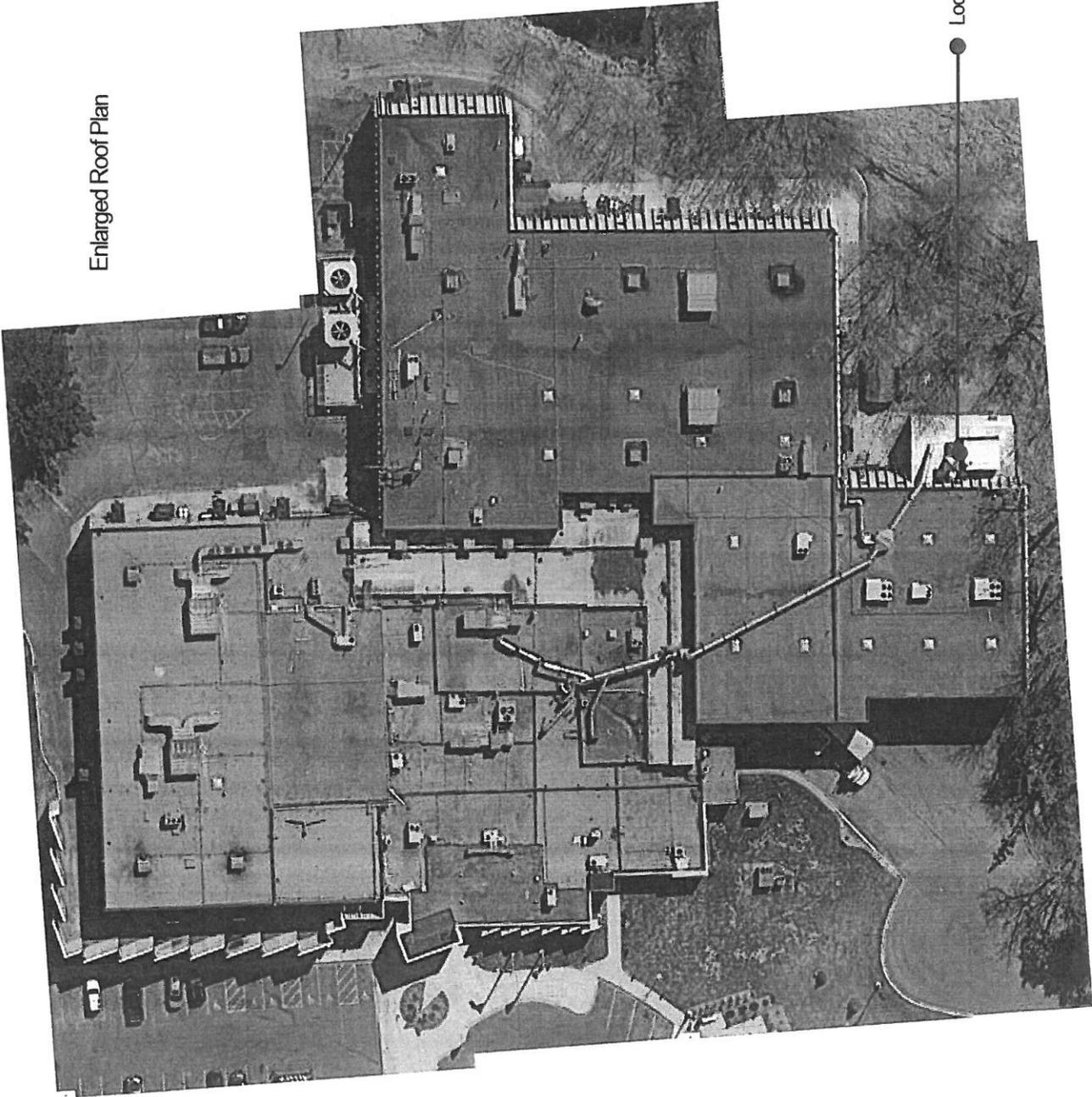
Industrial uses to the south



Site Plan & Property Survey by Loucks  
1" = 80'

Engineering & Planning Consultant  
in N.C., Lic. No. 142879  
Member 277338

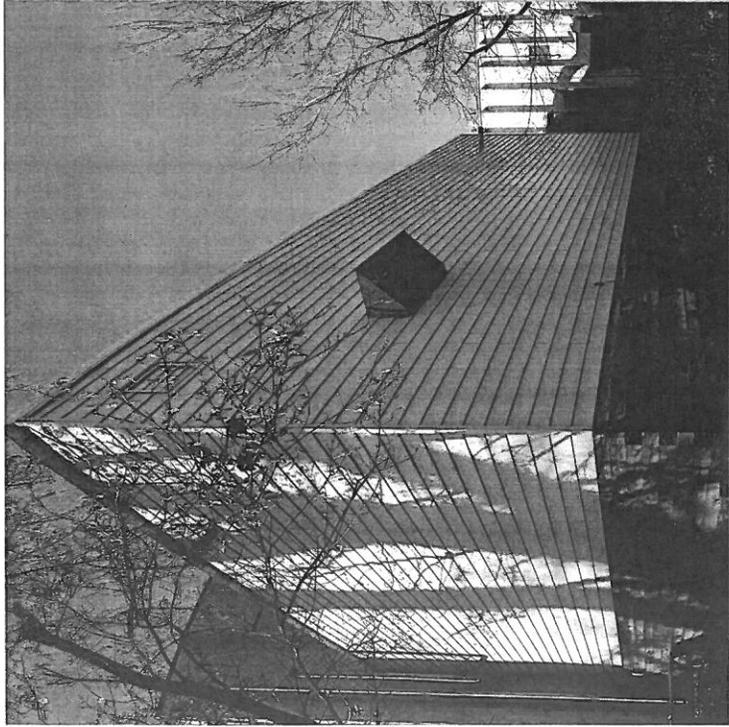
Enlarged Roof Plan



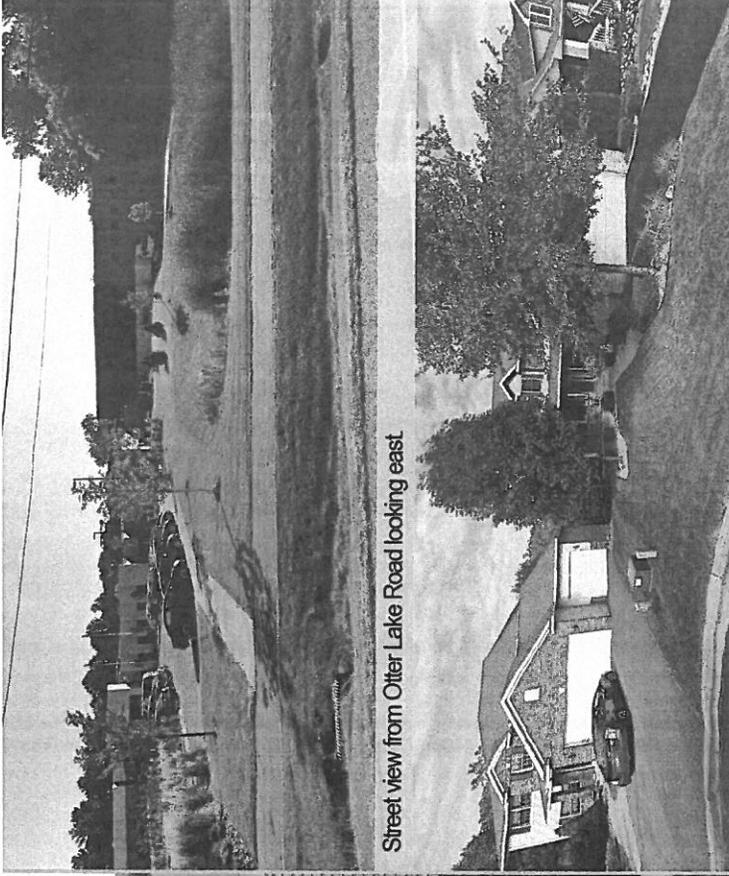
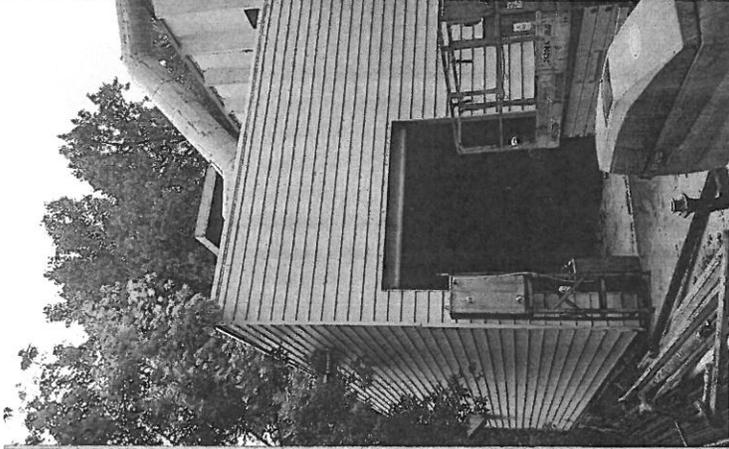
Location of Equipment Building

Neighborhood Map

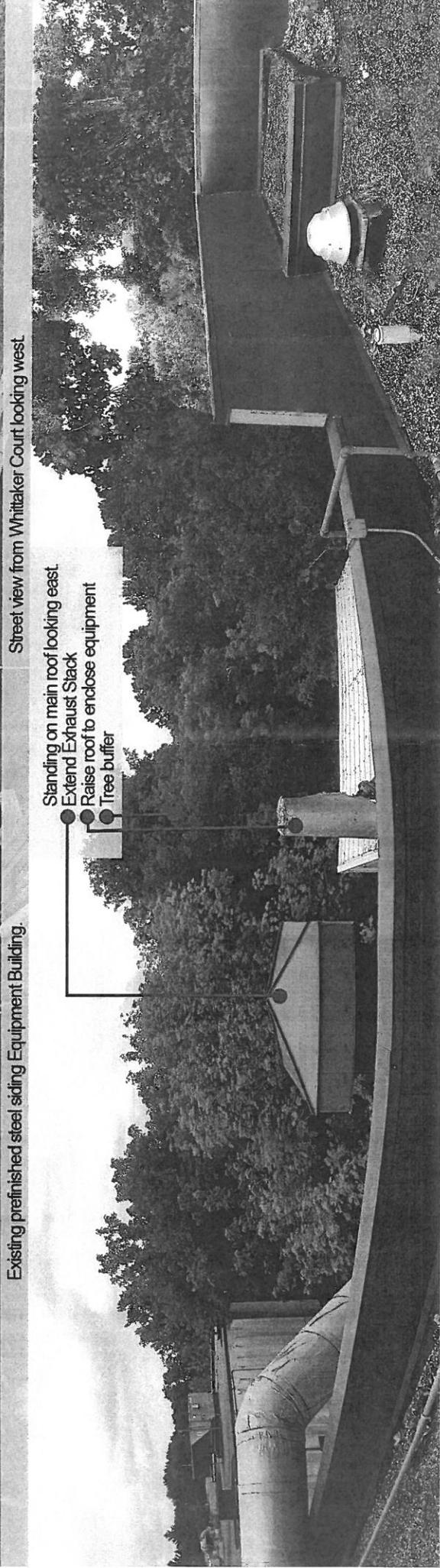




Existing unfinished steel siding Equipment Building.



Street view from Otter Lake Road looking east.

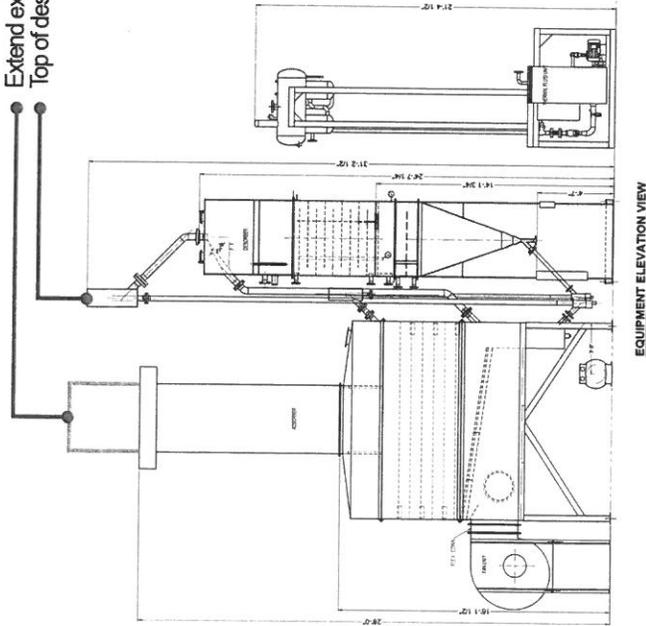


- Standing on main roof looking east.
- Extend Exhaust Stack
- Raise roof to enclose equipment
- Tree buffer

Street view from Whittaker Court looking west

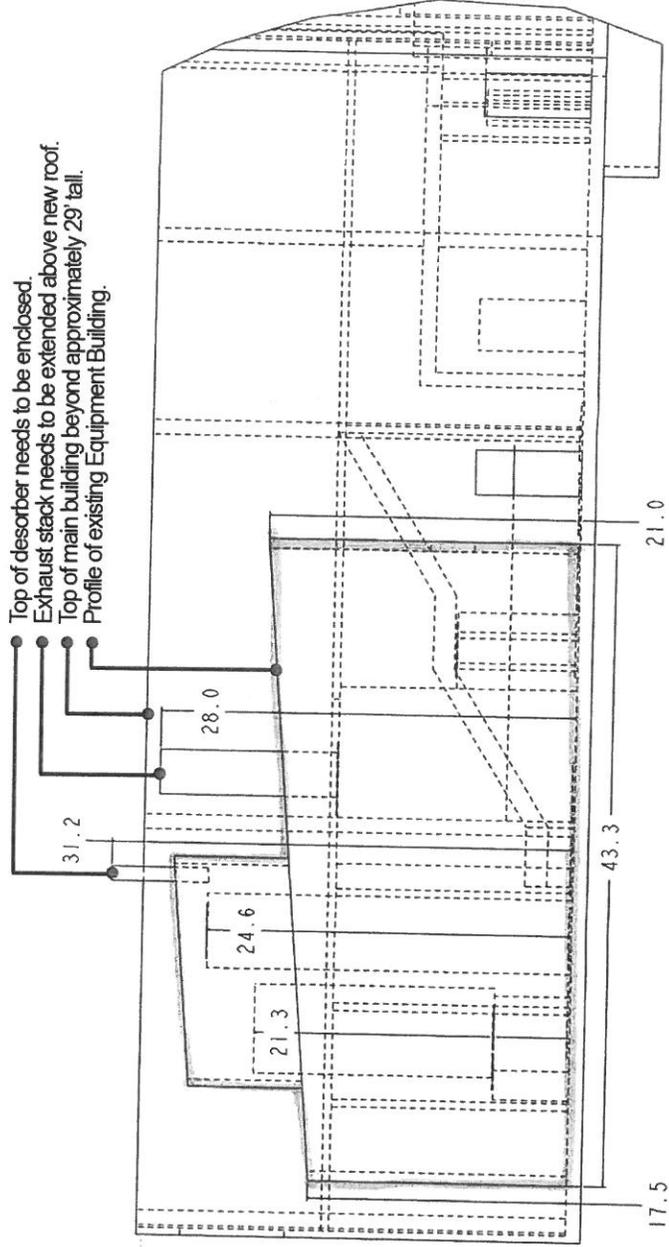


Extend exhaust stack up to approx. 39' tall  
 Top of desorber 31'-3" tall



## Existing Conditions

Building section diagram looking west



DIMENSIONS ARE IN FEET



**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 6

**Subject:** Cottages of White Bear Township – Decertification of TIF  
District #9

**Documentation:** Finance Officer Memo w/ attachments

**Action / Motion for Consideration:**

Receive Information / Discussion

**Consideration of Decertification of Tax Increment District 9.** (TK)

**A. REFERENCE AND BACKGROUND:**

Tax Increment District 1 – 9, the Cottages of White Bear Township is a Housing District created in 1994 and is required to be decertified by December 31, 2020. The District had a budget of \$785,000.00 and has spent \$601,046.00 through 2017 with no additional obligations remaining.

Through 2017, the district collected revenues totaling \$838,276.00, which was \$53,276.00 more than the budget. The \$53,276.00 had to be returned to Ramsey County for redistribution to all taxing jurisdictions as it is deemed excess increment, as will all future increment the EDA collects on this district.

Based on the information above, the EDA has the following options related to TIF District 9;

1. Do nothing and continue to collect approximately \$50,655.00 in tax increments in 2019 and 2020.
  - This increment will then be returned to Ramsey County for redistribution to each taxing jurisdiction each year.
2. Amend the budget so the Town can continue to collect increment through 2020.
  - By amending the district, the Town can retain the increment collected in 2019 and 2020.
  - Increment can only be used for qualifying housing districts in the future.
  - Requires public hearings.
  - Attorney fees are estimated be between \$10,000 and \$20,000 to amend the budget.
3. Decertify the District.
  - Places approximately \$50,000 in tax capacity back on the tax rolls, which will generate about \$10,000 in taxes for the Township.
  - Due to Conduit debt requirements, the Cottage would remain below market rental housing units.
  - Since this district is a housing district, the Town can retain the TIF District balance of \$237,229.86 for future qualifying housing districts.

Based on the pros and cons of the three options above, staff would favor decertifying TIF District 9.

**A1. Budget Impact:** Under option 1, the Town would refund any increment back to the County and the Count would redistribute the funds to all taxing jurisdictions. The Town would receive about 20% of \$10,000, which the Town could use the funds however, they see fit. Under option 2, the Town would receive about \$80,000 in tax increment, which could only be used for qualifying housing districts in the future. Under option 3, the property would go back onto the tax rolls and lower the Town’s tax rate.

**A2. Staff Workload Impact:** No staff affect under options 1 and 2. Under option 3, staff would no longer need to complete the State Auditor TIF reports for this district, which would save about 1 hour of staff time each year.

**B. ALTERNATIVE ACTIONS:**

1. Take no action and thus option 1 would be in effect.
2. Authorize staff to proceed with the process to amend the budget for TIF District 9.
3. Adopt a resolution to decertify TIF District 9.

**C. STAFF RECOMMENDATION:**

Staff recommends alternative #3 for the adoption of the resolution to decertify TIF District 9.

**D. SUPPORTING DATA:**

State Auditor TIF Reports pages 15 and 17.  
TIF District 9 budget (page I-22).  
TIF District 9 spreadsheet.  
Resolution Decertifying TIF District 9.

**White Bear Twp EDA - TIF 1-9 Cottages of Wb Twp - 2017 Annual Reporting Form**

Home Overview District Info Debt Interfund Loans PAYG Project Costs Transfers Rev & Exp Balance Sheet EIC AF

**Revenues, Expenditures, and Changes in Tax Increment Balance**

	A	B	C
	Prior Years	2017 Amount	Total Through 2017
<b>REVENUES</b>			
1 Tax increment revenues distributed from the county	\$ 778,983	\$ 50,655	\$ 829,638
2 Interest and investment earnings	\$ (32,691)	\$ 6,329	\$ (26,362)
3 TIF Credits	\$ 0	\$ 0	\$ 0
4 Loan/advance repayments	\$ 35,000	\$ 0	\$ 35,000
5 Lease proceeds	\$ 0	\$ 0	\$ 0
6 Repayments or return of tax increment per agreements	\$ 0	\$ 0	\$ 0
7 <b>Total Revenues</b>	<b>\$ 781,292</b>	<b>\$ 56,984</b>	<b>\$ 838,276</b>
<b>EXPENDITURES</b>			
8 Project costs (other than PAYG)	\$ 600,573	\$ 473	\$ 601,046
9 Tax increment returned to the county	\$ 0	\$ 0	\$ 0
<b>Bond Payments</b>			
Principal			
10 Payments for PAYG note or contract	\$ 0	\$ 0	\$ 0
11 Payments on all other TIF bonds	\$ 0	\$ 0	\$ 0
Interest			
12 Interest on PAYG	\$ 0	\$ 0	\$ 0
13 Interest on all other (TIF and Non-TIF) bonds	\$ 0	\$ 0	\$ 0
14 Interest on interfund loans	\$ 0	\$ 0	\$ 0
15 <b>Total Expenditures</b>	<b>\$ 600,573</b>	<b>\$ 473</b>	<b>\$ 601,046</b>
16 <b>Revenues over (under) expenditures</b>	<b>\$ 180,719</b>	<b>\$ 56,511</b>	<b>\$ 237,230</b>
<b>OTHER SOURCES AND USES</b>			
17 Transfers in	\$ 0	\$ 0	\$ 0
18 Transfers out	\$ 0	\$ 0	\$ 0
19 TIF Bonds issued (other than refunding bonds)	\$ 0	\$ 0	\$ 0
20 Refunding TIF bonds issued	\$ 0	\$ 0	\$ 0
21 TIF Bonds refunded	\$ 0	\$ 0	\$ 0
22 TIF Bond discount	\$ 0	\$ 0	\$ 0
23 TIF Bond premium	\$ 0	\$ 0	\$ 0
24 Sales of property	\$ 0	\$ 0	\$ 0
25 Other (see instructions, comment required)	\$ 0	\$ 0	\$ 0
26 <b>Total Other Sources and Uses</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
27 <b>Net change in tax increment balances</b>	<b>\$ 180,719</b>	<b>\$ 56,511</b>	<b>\$ 237,230</b>
28 Tax Increment balance (beginning 01/01/2017)		\$ 180,719	
29 Tax Increment balance (ending 12/31/2017)		\$ 237,230	

30 Comments (500 Character limit):

**White Bear Twp EDA - TIF 1-9 Cottages of Wb Twp - 2017 Annual Reporting Form**

Home	Overview	District Info	Debt	Interfund Loans	PAYG	Project Costs	Transfers	Rev & Exp	Balance She
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**Excess Increment Calculation**

**Excess increment calculation report required?**

If the total costs authorized by the TIF plan to be paid or financed with tax increment from the district exceed the total tax increment collected from the district by 20 percent or more, the excess increment calculation is not required to be reported.

Excess increment calculation reporting exemption: Minn. Stat. § 469.176, subd. 2 (g).

1	Tax increment generated by the district since certification	\$ 838,276
2	Multiply the above amount by 1.2	\$ 1,005,931
3	Total costs authorized by the TIF plan to be paid or financed with tax increment	\$ 785,000
4	Based on the calculation above, the Excess Increment Calculation Report is:	<b>REQUIRED</b>

**Excess Increment Calculation Report**

5	Total tax increment generated by the district since certification	\$ 838,276
6	Subtract total tax increment returned to the county	\$ 0
7	Subtotal A	\$ 838,276
8	Total costs authorized by the TIF plan to be paid or financed with tax increment	\$ 785,000
9	Subtract authorized costs that have been or will be paid from sources other than tax increment	\$ 0
10	Subtract principal and interest payments due after the year ended December 31, 2017	\$ 0
11	Add transfers of increment made prior to December 31, 2017, used to pay for Minn. Stat. § 469.1763 deficits	\$ 0
12	Subtotal B	\$ 785,000
13	Excess increment (Subtract subtotal B from subtotal A)	\$ 53,276
Subtract any of the authorized uses of excess increment listed below:		
14	Prepayment of any outstanding bonds	\$ 0
15	Discharge of the pledge of tax increment for any outstanding bonds	\$ 0
16	Payment into an escrow account dedicated to the payment of any outstanding bond	\$ 0
17	Excess increment after subtractions of authorized uses*	\$ 53,276

\*Excess increments after subtractions must be returned to the county for distribution to the city, county, and school districts in which the TIF district is located within nine months after the end of the year (by September 30).





EXTRACT OF MINUTES OF A MEETING  
OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE  
TOWN OF WHITE BEAR, MINNESOTA

HELD: November 19, 2018

Pursuant to due call and notice thereof, a meeting of the Board of Commissioners of the Economic Development Authority of the Town of White Bear, Ramsey County, Minnesota, was duly called and held at the Town Hall in said Town on the 19<sup>th</sup> day of November, 2018, at \_\_\_\_\_.m. for the purpose of, among other things, decertifying Tax Increment District No. 9.

The following Commissioners were present:

and the following were absent:

Commissioner \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION DISSOLVING TAX INCREMENT  
FINANCING DISTRICT NO. 9 AND RETURNING  
EXCESS TAX INCREMENTS TO OTHER TAXING JURISDICTIONS

WHEREAS, the Economic Development Authority of the Town of White Bear (the "EDA") established Tax Increment Financing District No. 9 (the "TIF District") and adopted a tax increment financing plan;

WHEREAS, all of the capital and administrative costs of the TIF District as set forth in the tax increment financing plan have been paid or provided for;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of the Town of White Bear as follows:

1. The Board of Commissioners hereby finds, determines and declares to dissolve Tax Increment Financing District No. 9 as of December 31, 2018.
2. The Town Clerk is hereby directed to send a copy of this resolution to the County Auditor of Ramsey County and to take all other steps which are necessary to dissolve the TIF District.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.





**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 7

**Subject:** 5685 Portland Avenue – Review Potential Development  
Layout

**Documentation:** Staff Memo w/ attachments

**Action / Motion for Consideration:**

Receive Information / Discussion

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: NOVEMBER 21, 2018**

**SUBJECT: DEVELOPMENT OF THE STABLE PROPERTY**  
**REQUEST: PLANNING COMMISSION PLAN REVIEW**

**LOCATION: 5685 PORTLAND AVENUE**  
**ZONING: R-1, SUBURBAN RESIDENTIAL, SUBJECT TO THE LAND USE SAFETY ZONE OVERLAY**  
**PROPERTY OWNER: WHITE BEAR TOWNSHIP**

The Township currently owns the property at 5685 Portland Avenue after an extended lawsuit with the previous property owners. Settlement of the lawsuit included the Town's condemnation of the property and payment to the previous property owners.

The Town has reviewed several development proposals for this property over the past 15 years. None have been approved by the Town as all of the proposals requested the Town to modify the Land Use Safety Zones to accommodate additional density on the property.

Plans have proposed 14 lots, 19 lots and other sketch plan alternatives in the past.

Once the Town purchased the property, staff was asked to work with E.G. Rud & Sons Surveyors to layout a development which meets current ordinance requirements. Staff asked Rud to layout 8 single family home lots on the property for consideration by the Town. More dense layouts were also considered.

At this time the Town Board and EDAB are leaning towards the attached development proposal which shows 8 lots. The Town plans to market this property based on a specific plan.

The Town Board has asked the Planning Commission to review the attached proposal and provide input and a recommendation regarding this proposal. The proposal includes:

- 8 single family home lots
- 5 of the lots meet a 3 acre minimum size as required by Land Use Safety Zone B
- A trail is planned along the western edge of the upland portion of the property

- The existing Morgan Trail is planned to extend south into the stable property and extend to Portland Avenue
- The existing stormwater treatment pond would be expanded
- The Town would retain ownership of the trail corridor and the westerly portion of the property which is wetland

Staff will present the development proposal at the November meeting for Planning Commission discussion and input.

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



**Legend**



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

**Notes**

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1,333.3 Feet

666.67

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1,333.3



**Legend**



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

**Notes**

Enter Map Description

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

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division





**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 8

**Subject:** Off-Season Dock & Boat Lift Storage

**Documentation:** None

**Action / Motion for Consideration:**

Receive Information / Discussion

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Minutes  
Planning Commission Meeting  
October 25, 2018

**OFF-SEASON DOCK & BOAT LIFT STORAGE:** Artner reviewed information relative to Shoreline Dock/Boat Storage and proposed regulations from the City of Spring Lake Park. Docks and boatlifts for non-riparian lots having lake access may be stored in the street side yard property provided that the equipment is set back a minimum of twenty feet from the edge of the street surface and the equipment does not obstruct traffic visibility along the street or lake view to mitigate unsightly storage considering sightlines with adjacent properties. Dock storage shall be neatly stacked to a height not to exceed four feet. The lesser profile (thinner profile from street) rather than horizontal placement. Shore stations are huge and pretty unsightly and would recommend some dismantling if possible or storage off the lakeshore where street, sightlines, views are impeded.

It was suggested that information about dock/boat storage be placed in News & Views, on the Town's website, or in the Bald Eagle blog.

Artner moved to continue the matter of off-season dock & boat lift storage to a future meeting. Loes seconded. Ayes all.



## Planning Commission Meeting November 29, 2018

**Agenda Number:** 9

**Subject:** Intensive Vegetation Clearing

**Documentation:** Staff Memo

### Action / Motion for Consideration:

Receive Information / Discussion

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Minutes  
Planning Commission Meeting  
October 25, 2018

**INTENSIVE VEGETATION CLEARING:** Artner moved to continue the matter of intensive vegetation clearing to a future meeting noting that information is being compiled. Loes seconded. Ayes all.

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Minutes  
Planning Commission Meeting  
August 23, 2018

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

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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 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.

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.

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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.



**Planning Commission Meeting  
November 29, 2018**

**Agenda Number: 10**

**Subject: Zoning Ordinance Updates – Shoreland Management  
Section**

**Documentation: None**

**Action / Motion for Consideration:**

Receive Information / Discussion

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**Minutes**  
**Planning Commission Meeting**  
**October 25, 2018**

**ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION:** Arther moved to continue the matter of Zoning Ordinance update and Shoreland Management Section to a future meeting. Loes seconded. Ayes all.



**Planning Commission Meeting  
November 29, 2018**

**Agenda Number:** 11 - 12

**Subject:** Added Agenda Items

Adjournment

**Documentation:**

**Action / Motion for Consideration:**



## Planning Commission Meeting October 25, 2018

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

**Documentation:** Minutes

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Minutes  
Town Board Meeting  
November 5, 2018

**SIDE SETBACK VARIANCE REQUEST AT 4100 BELLAIRE AVENUE – CONSIDER GRANTING A 14.2' SIDE YARD SETBACK VARIANCE AND A PERMITTED USE STANDARDS PERMIT TO ALLOW SITE IMPROVEMENTS:** The Public Hearing was held at 7:19 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Clerk reported that the hearing tonight was required before approving a side setback variance. That variance request was tied together with the Permitted Use Standards Permit which includes grading and other site improvement review. While the variance information has been prepared and ready for action the Permitted Use Standards Permit, especially the aspects dealing with drainage are still being worked on, so the Permitted Use Standards Permit cannot be approved tonight. Therefore it is recommended that the hearing for variance request be continued for two weeks to allow time for the applicant's consultant, Town Engineer and staff to come back with a recommendation for approval for the project.

Prudhon moved to open the public comment portion of the Public Hearing. Ruzek seconded. Ayes all.

Meri Gagan, 4112 Bellaire Avenue stated that their property is to the north of the dental office and wanted to be sure that nothing was being approved tonight. It was explained that while the variance information has been prepared and ready for action the Permitted Use Standards Permit, especially the aspects dealing with drainage are still being worked on, so the Permitted Use Standards Permit cannot be approved tonight. The Public Hearing will be continued to November 19, 2018 at 7:00 p.m. at which time a report will be received and action taken.

Joy Johnson, 4100 Bellaire Avenue, one of the property owners of 4100 Bellaire Avenue apologized for not being available for a few meetings as they were out of town. She stated that it is her understanding that the Town is waiting for a final grading plan. She asked if that is the only thing needed at this time. The Clerk reported that he talked with the Town Engineer today and he thinks that the grading and drainage plan has specifics that still need to be completed. Information was submitted last Friday but review has not been completed yet. Prudhon asked if Rice Creek Watershed District and Ramsey County have to review the project. The Clerk stated that he did not know what the status is but would find out. Joy Johnson stated that she thinks that Rice Creek Watershed District is not involved.

Prudhon moved to continue the Public Hearing to November 19, 2018, at 7:00 p.m. at Heritage Hall to allow for receipt of additional information. Ruzek seconded. Ayes all.

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**Minutes**

**Town Board Meeting**  
**October 15, 2018**

**SMC, 5858 CENTERVILLE ROAD – CONTINUATION OF PUBLIC HEARING REQUEST TO AMEND ORDINANCE NO. 35, SECTION 7-18 – ADVERTISING SIGN OVERLAY AREA AND ISSUANCE OF A CONDITIONAL USE PERMIT:** The Public Hearing was held at 8:00 p.m. Ruzek moved to waive the reading of Public Notice noting that proper publication was made. Prudhon seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Planner reported that this is a joint application of SMC Corporation and Supreme Advertising with a request to modify the Zoning Ordinance which would allow them to place 2 two-faced outdoor advertising signs on their property at 5858 Centerville Road. SMC is in the northwest portion of the Township. The property is zoned I-1, Light Industrial. The applicants are requesting an amendment to the Zoning Ordinance and Zoning Map which would allow additional outdoor advertising signs and approval of a Conditional Use Permit for specific advertising signs requested by Supreme Advertising. In 2001 the Township adopted an Outdoor Advertising Sign Overlay District which permitted signs along I-35E between North Birch Lake Boulevard and Hammond Road. Currently there are three signs located in the district. The signs have to be on industrial property along the freeway and located directly across the freeway from industrial property or In this case it would be across the freeway from multiple family in the R3 residential. When the sign overlay district was adopted there were specific requirements adopted by the Town requiring a minimum spacing for signs of 800 feet and signs themselves could be no larger than 672 square feet with a maximum height of 40 feet. The sign base structure has to be innovative and custom. He referred to the billboard signs at Polar Lakes Park and south of the railroad tracks which have an innovative design required by the Town. The applicants would like the area where signs are allowed to be expanded to include a portion of the SMC property. The request is for an amendment to Section 7-18 of the Zoning Ordinance that would permit billboards across the freeway from R-2 Urban Residential Zoning District along the freeway. This would allow the opportunity with 800 foot spacing for two billboards on the SMC property along the freeway. There would be spacing for another billboard on the property owned by the North Oaks Company. The only thing that has changed since the 2001 adoption of the Outdoor Advertising Sign Overlay District is the noise walls that have been installed abutting residential zoning districts along MN Pass portion of I-35E.

Two signs, one on the northeast corner and one the southeast corner are being requested, along with a Conditional Use Permit. The Planner provided overhead drawings of what the signs would look like. They are innovative with custom base and Township logo and similar in design to the billboards at Polar Lakes Park. Prudhon asked if there is a concept plan for development of the vacant part of the SMC property. The Planner reported that SMC has plans to develop that property but no layout has been provided yet. The plan is to extend the private road which dead ends now through the property. It will be looped and connected along the border and through the North Oaks property and going south and turning back toward Centerville Road. Prudhon asked if SMC would be selling the vacant property. The Planner reported that SMC has plans to build another building.

The Planner reported that a Conditional Use Permit may be approved with reasonable conditions attached to the permit. Standards are set by the Zoning Ordinance to allow the use of any conditional use in the Township, including a billboard. The following standards must be considered prior to approval. The proposed use shall be planned, designed, constructed and maintained to avoid: 1) Unnecessary detracting from the appearance of adjoining property, 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; 8) Increase flood

potential. The proposed use shall meet all reasonable requirements as set forth by the Town Board in order to protect health, safety and welfare of the Town. The proposed use shall not result in the destruction, loss, or damage of a natural or scenic environmental or historic feature of the Town. The proposed use shall not depreciate the value of adjacent properties. The proposed use shall be sited, oriented, designed, landscaped and maintained to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties. The proposed use shall preserve and incorporate the site's natural and scenic features into the development design. The proposed use shall have no negative impact of noise, glare or odor effects on adjacent properties. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the policy and plan recommendations of the Comprehensive Plan.

In 2001 the Town negotiated with the sign company to place two billboards in Polar Lakes Park with conditions for construction of the billboards. The Planner reported that if the Conditional Use Permit is approved there are requirements which must be incorporated into the SMC/Supreme Outdoor Advertising Conditional Use Permit. They include: 1) The outdoor advertising sign and structure shall not contain any of the following advertising content: a) Any political candidate or political party, any political action committee, or any organization attempting to endorse any political candidate, political party or political cause; b) 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; b) Any alcoholic beverages or the use thereof, including, but not limited to beer, wine, hard alcohol, and any advertisement that tends to promoted the use of consumption of alcohol; c) Any form of adult entertainment, including but not limited to adult bookstore, strip clubs and any advertisement that tends to promote establishments that permit the sale or display of sexually explicit materials.

The structures themselves would be designed and constructed consistent with the rendering provided. The following items must be submitted and approve by Town staff prior to issuance of a building permit: 1) grading plan; 2) drainage and utility detail plan; 3) landscape plan; 4) detailed site, building, architectural and access plan; 5) electrical plan. A plan for tree removal must be submitted, and the trees to be removed shall be inspected and approved by Town staff prior to removal. No additional tree removal shall be performed unless approved by the Town Board. No wetland filling shall be permitted. All applicable permits and approvals shall be received from the affected agencies and provided to Town staff. All State, Federal and local laws and applicable ordinances shall be complied with. The Lessee shall maintain the property and outdoor advertising structure in a proper operating, safe and secure condition. These recommendations were made by staff during staff review. This proposal was reviewed by the Planning Commission and they recommended approval of the Zoning Ordinance amendment and the Conditional Use Permit. The recommendation for approval of the Conditional Use Permit was subject to the conditions reviewed with the addition of review in five years and no static or LED signs would be allowed, only stationary signs with lighting from the ground or from the board itself.

Kermes asked about the property southwest of SMC. The Planner stated that is a residential farmstead zoned I-1. Kermes asked about the overlay district. The Planner reported that the overlay district is on the western side of the freeway. The district would involve the SMC and North Oaks property. Prudhon asked how tall billboards are allowed to be. The Planner stated that they are not allowed to be higher than 40 feet. In response to a question how high the proposed billboards will be, the Planner stated between 30-40 feet in height. Kermes asked about impacts on R-1 and R-2 area along I-35E immediately across from the sign location which is R-2. He asked if it would be part of the overlay. The Planner stated that billboards are not permitted in residential zones. They are permitted in light industrial zones.

Ruzek moved to open the public comment portion of the Public Hearing. Prudhon seconded. Ayes all.

Dan Remes, Supreme Outdoor Advertising, clarified the definition of static signs. He stated that "static" sign implies a vinyl sign or unpainted sign. The conditions state "no static signs" but should state "no LED or digital signs".

The Town Attorney reported that the prohibition against political candidates is unconstitutional and cannot be part of the conditional use. That is non-commercial speech and cannot be prohibited. The Planner explained that this was a condition of the lease between the Town and the billboard company for the billboards at Polar Lakes Park. He stated that he applied the same condition to the SMC request. The Town Attorney stated that it is one thing to place conditions in a Township lease but you cannot put conditions on another property owner. The prohibition against tobacco, alcohol beverages, and adult entertainment is commercial speech unless the Town can show a compelling interest and it is unlikely that can be done. That language will have to be excluded. The Town has no content control. The only control, according to the Supreme Court, is traffic, safety and aesthetics.

Prudhon stated that the Planning Commission would probably want to revisit the request. Ruzek agreed, noting that this is information that they did not have.

The Town Attorney noted that this is a Public Hearing and the matter was extended once and the 60 day period needs to be considered. He noted that the applicant agreed to a previous extension and an extension would need to be considered again.

Mark Houge, North Oaks Company, reported that they own the property to the south. They are fine with changing the overlay district to include that area but coincidentally from the north end of the district to the very south end is about 2,465 feet which would provide for two signs on the SMC property and two signs on the North Oaks property, notwithstanding proximity to the residences to the south. Their request is that the applicant and the Town consider placing the most northerly sign as close to their northern boundary as possible and place the southerly sign as close to 800 feet from that location which would then allow North Oaks to place two signs on their property. Mark Houge provided a letter with their request.

Ray Siebenaler, 5776 Centerville Road, reported that he owns the ten acres between the SMC and North Oaks properties. There is a small piece of property 300 feet wide that SMC owns between his property from the I-35E right-of-way. That small piece is owned by SMC and it is on that small piece that they are asking to put the second sign. It is important to him as a landowner and someone who would like to find a buyer for his property to not have a sign right there. It would have a negative impact on the value of his property, at least the salability of the property. They are utilizing the 300 foot strip to put their big sign. It could go up near their factory and free up the area when and if North Oaks decides to put up a sign. Ray Siebenaler identified the strip of land that he owns which is 240' by 1280' on the map and where it is in relation to the North Oaks and SMC properties. He stated that the billboards would be an eyesore and a detriment to his property and the North Oaks property. He stated that SMC could sell the "shirt trail" piece of property, add to his strip of land and North Oaks property and then would be right where there would be a sight line to the freeway. He stated that whatever happens it will be a mark against the adjacent property. He stated that a lot of people do not like billboard signs and he is one of them. He stated that he would like to see no signs. Mr. Siebenaler stated that if they did put up a sign he did not know how they would get to it unless they went through the North Oaks property. He stated that a tractor cannot even be driven over it. It is like a floating bog. He does not know how they would service it. He stated that the Ordinance says, as he read it, that the sign could be built 40 feet from the level of the ground or level of the highway which is about 5 feet higher than the level of the land so the sign could go 45 feet in height. He asked if it would be visible at 45 feet high on the other side of the noise wall. He asked what the process would be if they came back and wanted to change over the sign to LED or digital. He stated that would not be wanted. Prudhon stated that any variation of the sign would have to start the process over.

Prudhon moved to close the public comment portion of the Public Hearing. Ruzek seconded. Ayes all.

Kermes asked if this should be referred back to the Planning Commission again. The Clerk reported that if the Town Board has a position on the matter it does not have to be sent back to the Planning Commission for the third time. Ruzek stated that with two signs and now with the possibility of four signs from H-2 looking to the freeway you will see them. It is not directly across but will impact the residential areas. The further south you come from the overlay the more they will be seen. The Town Attorney stated in reviewing the meeting minutes from the October 1<sup>st</sup> Town Board meeting, the Public Hearing was continued for 30 days but believes that the applicant also agreed to an indefinite extension. He stated if the review was only extended for 30 days there would not be enough time to have it back for the next Town Board Meeting. After review of the minutes it was confirmed that the application is open for review until the first Town Board meeting in December so there is time if the Town Board chooses. It was noted that density of the signs in the overlay district and the changes in the conditions of the Conditional Use Permit relative to having no control over what is advertised on the signs appears enough to deny the request.

Dan Remes, Supreme Advertising clarified that they have no intention of building on the south side across from the open space. They would not build where there was no noise wall. He stated that within the lease agreement with SMC it addresses the issues brought up tonight. The agreement states that the lessee agrees not to advertise any competitors, adult oriented or politically charged or non-family business. He stated that he understands that it is a private agreement but they intend to honor it. In response to a question how they would access the site since it is wet, Dan Remes stated that they would wait until the ground froze. He explained that if they had to change the vinyl they could just walk those in.

Prudhon moved to deny the request for amendment to ordinance No. 35, Section 7-18 – Advertising Sign Overlay Area. Ruzek seconded. Ayes all.

Dan Remes asked if he could appeal the decision. The Town Attorney stated that an appeal could not be used for amendment to the ordinance. If the Conditional Use Permit were denied it could be appealed to the Town Board who is the Board of Appeals.