



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

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

Board of Supervisors
ED M. PRUDHON, *Chair*
STEVEN A. RUZEK
SCOTT E. MCCUNE

AGENDA PLANNING COMMISSION MEETING MARCH 28, 2019

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 February 28, 2019.
4. **Consent Agenda:**
 - A. **Thomas Fiutak & Colet Lahoz, 5770 West Bald Eagle Boulevard** – Request for the Following Variances:
 - 8.25' Right-of-Way Setback Variance
 - 18.52' Lakeshore Setback Variance
5. **Luther Company, 2321 Leibel Street** – Request for Zoning Ordinance Amendment & Conditional Use Permit to Allow Temporary New Automobile Parking.
6. **White Bear Lake Dental Clinic, 4100 Bellaire Avenue** – Resident Concerns.
7. **Ordinance No. 35 Amendment** – Shoreland Management Section.
8. Added Agenda Items.
9. 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
March 28, 2019**

Agenda Number: 1 – 2 - 3

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

Approval of March 28, 2019 Agenda
Approval of Minutes of February 28, 2018

Documentation: March 28, 2019 Agenda
February 28, 2018 Meeting Minutes

Action / Motion for Consideration:

Call meeting to order:	6:30 p.m.
Approval of Agenda:	March 28, 2019 (additions/deletions)
Approval of Minutes:	Meeting of February 28, 2018

**MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 28, 2019**

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

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

Absent: Patrick w/notice.

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

APPROVAL OF MINUTES OF JANUARY 24, 2018: Artner moved approval of the Minutes of November 29, 2018, with the deletion of Riedesel and Ruzek's votes from agenda item 6 the SBA Communications' request for antenna additions and the abstention of Kotilinek in his absence; and the edition of headers on page two and three to "PLANNING COMMISSION MEETING JANUARY 24, 2018". Flann seconded. Ayes all.

CONSENT AGENDA: None.

NATHAN LANDUCCI, 5508 WEST BALD EAGLE BOULEVARD — Request for the following Variances: 17' Right-of-Way Setback Variance; 46.5' Lakeshore Setback Variance; 11.3' Height Variance; .5' Side Setback Variance; 15.1% Green Area Variance: Landucci summarized the proposal to tear down the existing garage and replace it with a new two-story structure. The existing garage is 26' x 24'. The new garage is proposed to be 26' x 26' with an upper level 778 square feet in area which includes a stairway and balcony.

Charles Hildebrandt owns the house at 5505 West Bald Eagle Boulevard which includes the Landucci garage which serves Bald Eagle Island. The perpetual easement was signed in 1988, which gives the owner of Bald Eagle Island the right to use and build a garage on the West Bald Eagle Boulevard lot. Landucci explained that he has been working with Hildebrandt to correctly define the easement area as it is "currently not described correctly." Hildebrandt wrote an email to the Planner about his concerns with Landucci's wishes to rebuild the garage and add a loft on top.

Landucci's proposal is designed to complement the island house. Landucci explained an updated garage would beautify the landscape, whereas Hildebrandt explained in his email that adding another floor to the garage would block his view of the landscape.

The Variance Board had recommended the Planning Commission review the proposal including the modifications discussed at the Variance Board meeting on February 20, without a Variance Board recommendation. The Variance Board requested Landucci eliminate a side setback variance and staff review the green area variance. Staff noted that since the garage is connected to the 5505 West Bald Eagle Boulevard property, the green area should be calculated using that property. Staff calculated the hard surface and found that the impervious area is proposed to be less than 25%.

The addition is considered a guest cottage defined by the Zoning Ordinance on Landucci's easement. There are requirements to the ordinance such as it cannot be rented out, has to be

MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 28, 2019

hooked up to sewer and water, cannot exceed 700 square feet, cannot be more than 15' tall, among others.

The Planning Commission discussed the standards set forth by the Zoning Ordinance which must be met in order to approve a conditional use permit and a guest cottage. The Planning Commission consensus was that the guest cottage will not meet the standards set forth by the Zoning Ordinance to approve.

Artnr moved to deny the Conditional Use Permit for the garage with a guest cottage as the easement which permits the garage does not allow for a guest cottage. Kotilinek seconded. Ayes all.

Artnr motioned to approve the 19.3' Right-of-Way Setback Variance for use of the garage reconstruction. Kotilinek seconded. Ayes all. Artnr motioned to approve the 42.8' Lakeshore Setback Variance for the garage reconstruction. Flann seconded. Ayes all. Artnr motioned to deny the 11.3' Height Variance. Swisher seconded. Ayes all.

EAGLE BROOK CHURCH, 2401 BUFFALO STREET – REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN ADDITION: Eagle Brook Church is requesting approval of a Conditional Use Permit which would permit them to remodel and add a 4,161 square foot addition onto the entryway to the church. The addition is proposed to create a larger lobby and to create greater flow in the building. The “café” will be relocated and that space will provide room to build a vestibule in front of the worship center. The addition will allow the removal of a partition behind the gym and worship center, making that space part of the worship center. Approximately 250 new seats may be added to the worship center as a result of this change. Currently, the church seats 1,080 people.

No parking will be eliminated with the proposed addition. The Town requires one parking space per four seats. Based on the 500 currently painted and paved parking stalls, 2,000 seats can be provided. The church will seat up to 1,330 people with this proposed addition.

Based Eagle Brook Church’s proposal which meets the standards laid out in section 9-4.4 of Ordinance No. 35, Artnr motioned to approve the Conditional Use Permit to construct an addition. Kotilinek seconded. Ayes all.

STABLE OF WHITE BEAR TOWNSHIP – 5685 PORTLAND AVENUE – REVIEW POTENTIAL DEVELOPMENT LAYOUT: At the January Meeting, “Artnr motioned to make a recommendation to the Town Board for additional consideration for the traffic on Portland and possible discussion with the County, but keep the plan as is. Patrick seconded. Ayes all.” The Planner explained that this item is in process and is being reviewed by the Town’s EDAB.

ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION: The Planning Commission has been working on a Zoning Ordinance Update for several meetings. Part of the Zoning Ordinance was adopted in the early 90’s based on the DNR model. The Planner will provide a copy of the Zoning Ordinance amendments. The members found, at initial review or that copy to be confusing.

MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 28, 2019

Flann motioned to continue research and discussion at future meetings. Artner seconded. Ayes all.

COMPREHENSIVE PLAN – UPDATES: The Planning team and 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 of change of White Bear Township to a “Suburban” designation. With the new “Suburban” designation, new development and re-development needs an 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 unit/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.

Planner for Hoisington Kogler Group, Inc. Laura Chamberlain updated the Staff on what HKGi has been working on. The Comprehensive Plan was distributed to all cities, counties, watershed authorities in the area, and were given six months to review the plan. Seven of those who received the plan commented. The summary is in the packet. Most of the comments were in recognition that that the Town’s plans are consistent with other City’s plans.

One comment from the City of Vadnais Heights requested the future road connection of White Bear Parkway to Labore Road be removed. This item was considered and discussed by the Planning Commission. Riedesel had advised to keep it as proposed. The I-35 corridor committee came up with this recommendation 20+ years ago as a part of their comprehensive review of the corridor. The connection would make this road a service or frontage road to I-35. Due to the construction of this road disturbing a large wetland, members discussed removing it from the plan but keeping the trail corridor.

Swisher recommended the Board to authorize the submittal of the Draft of the 2040 Comprehensive Plan Update condition on removing the I-35 corridor connecting White Bear Parkway to Labore Road. Artner seconded. Ayes all.

Artner motioned to adjourn the meeting at 8:36 p.m. Loes seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh
Recording Secretary



**Planning Commission Meeting
March 28, 2019**

Agenda Number: 4.A - Consent Agenda

Subject: Thomas Fiutak & Colet Lahoz, 5770 West Bald Eagle Boulevard – Request for the Following Variances:

- 8.25' Right-of-Way Setback Variance
- 18.52' Lakeshore Setback Variance

Documentation: Staff Memo w/attachments

Action / Motion for Consideration:

Receive Information / Discussion

**Minutes
Variance Board Meeting
March 20, 2019**

TOM FIUTAK & COLET LAHOZ, 5770 WEST BALD EAGLE BOULEVARD – Request for an 8.25' Right-of-Way Setback & 18.52' Lakeshore Setback Variances to Allow a Second Story Addition:

Riedesel summarized the request to construct a second story addition onto the existing home. The addition is proposed to be within the footprint of the home with the exception of a small balcony planned on the south side of the addition.

Riedesel noted that the size and shape of the lot makes it necessary to review and approve variances for any home additions.

Denn asked Mr. Fiutak if any trees will be removed as a result of the addition.

Fiutak answered that no trees are planned to be removed because of the addition.

Fiutak noted that he would like to increase the size of the second story balcony to 4' x 6'. This will not impact the setback requirements.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the 8.5' right-of-way and 18.52' lakeshore setback variances as requested noting that the proposed second story balcony could be up to 6' x 6' in area. Christopherson second Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: MARCH 15, 2019

SUBJECT: CONSTRUCTION OF SECOND STORY ADDITION

REQUEST: 8.25' RIGHT-OF-WAY SETBACK VARIANCE & 18.52' LAKESHORE SETBACK VARIANCE

LOCATION: 5770 WEST BALD EAGLE BOULEVARD
APPLICANTS: TOM FIUTAK & COLET LAHOZ

Mr. Fiutak & Ms. Lahoz are requesting approval of 2 variances which would permit them to construct a second story addition onto their existing home. The addition is proposed on the southwest corner of the home. The addition is proposed to be 25' x 19.' 8". The footprint of the addition is within the existing footprint of the home with the exception of a second story balcony. The balcony is proposed on the south side of the addition and would be located approximately 40' from the side lot line. The proposed setback from the lake is 31.48' requiring an 18.52' lakeshore setback variance and 26.75' setback from the West Bald Eagle Boulevard right-of-way requiring an 8.25' right-of-way setback variance. The height of the home within the addition is 22'.

The Fiutak home is located on a shallow odd shaped lakeshore lot. Based on the location of the home on the lot, almost any addition will require approval of setback variances. The home encroaches into the right-of-way and lakeshore setback areas. Because the second story addition is proposed for the part of the home which encroaches into the setback area, an addition to this legal non-conforming home will require variances.

The Town has reviewed several setback variance requirements which propose to increase the height of a home which encroaches into the setback areas. These types of variances have been approved provided that the height does not exceed ordinance requirements. This request is similar to other approved requests.

In order to approve setback variances, the following standards set forth by the Planning Commission must be considered, they include:

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.

(3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

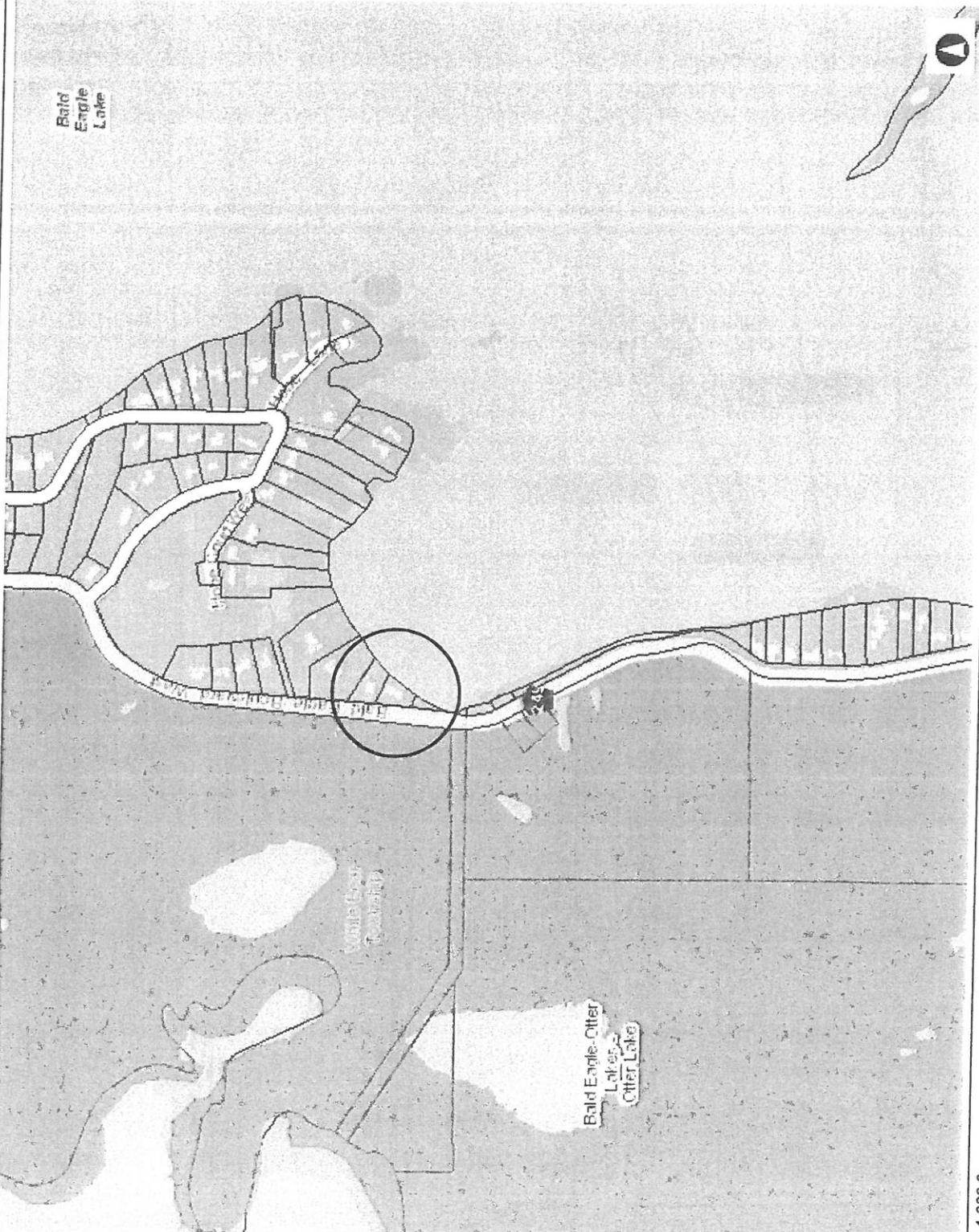
(4). That the proposed action will not unreasonably increase the congestion on public streets.

(5). That the proposed action will not increase the danger of fire or endanger the public safety.

(6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

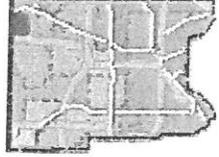
The Fiutak home received approval of a lakeshore setback variance to construct a lakeside deck in 2010. A 29' lakeshore setback variance was approved since the property is considered an undersized lot of record and a hardship is created due to the unique configuration of the lot.

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



NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

Legend



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

Notes

Enter Map Description

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

W BALD EAGLE BLVD

5776

5770

Total 26.75 ft

2ND FLOOR ADDITION

48.91 ft

31.48 ft

Total 31.48 ft

Total 48.91 ft

BALD EAGLE LAKE

Legend

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

100.0 0 50.00 100.0 Feet

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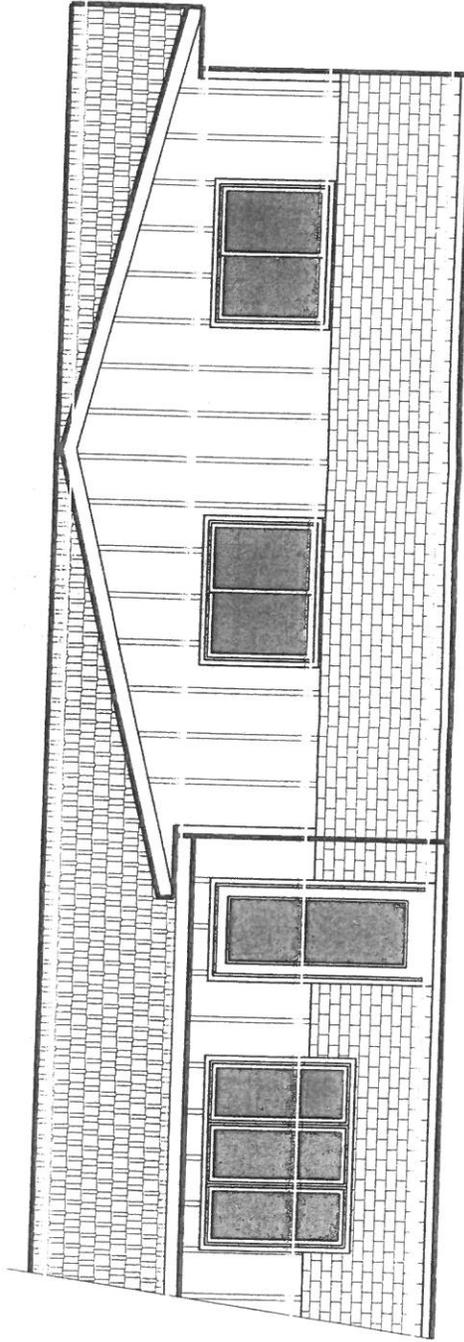
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Notes

ALL CONSTRUCTION WITHIN CURRENT HOUSE BORDERS.

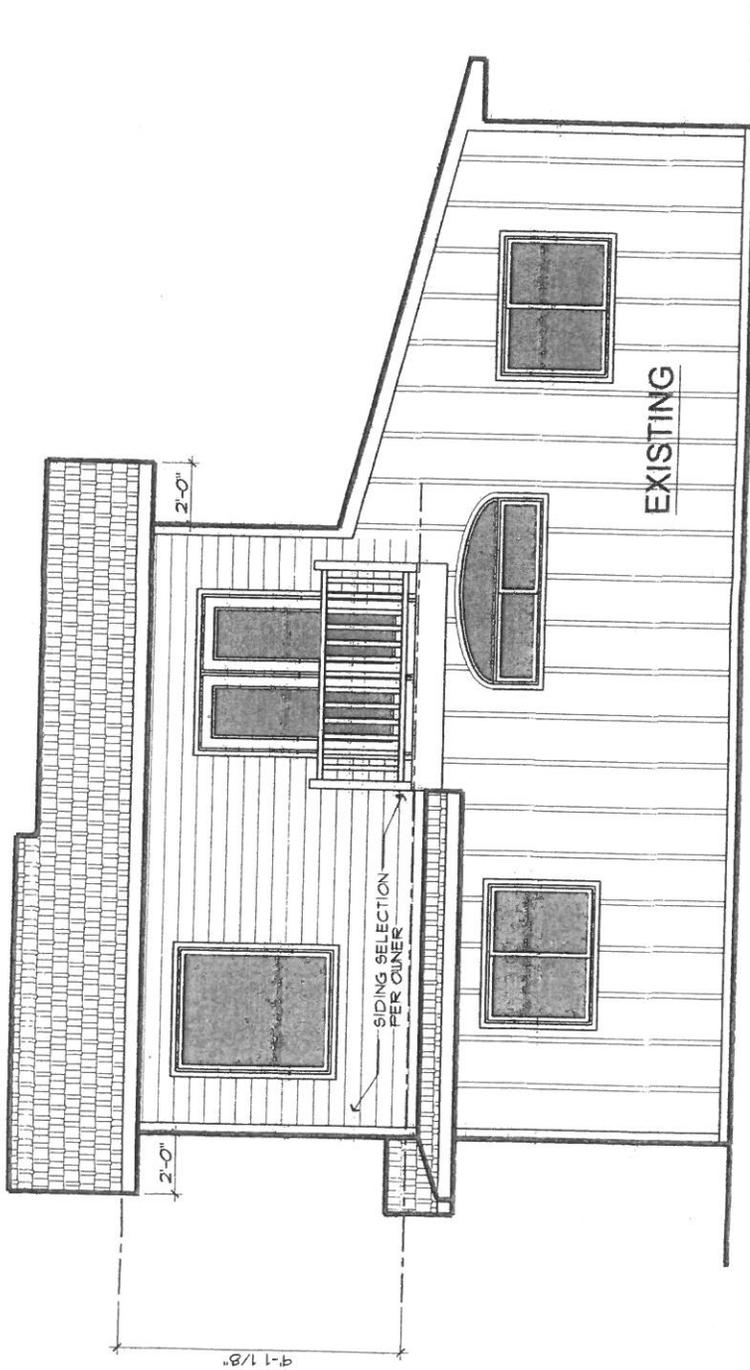




EXISTING
FRONT ELEVATION

GENERAL NOTES

1. SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM AND CENTRALLY LOCATED IN THE HALLWAY GIVING ACCESS TO EACH SLEEPING AREA. EACH STORY OF THE DWELLING AND BASEMENT MUST HAVE A SMOKE DETECTOR.
2. ALL WINDOWS LOCATED IN HALLWAYS (IE: MASTER BATH) SHALL BE INSTALLED WITHIN 18" ABOVE FINISHED FLOOR WITH IN 18" OF A DOOR) ARE TEMPERED GLASS.
3. STRUCTURAL INFORMATION: ALL STRUCTURAL INFORMATION AS HEADER / BEAM TYPE, LOADS AND LOADING ARE TO BE PROVIDED BY THEIR RESPECTIVE TRUSSES.
4. TRUSS SUPPLIER IS TO PROVIDE DRAWINGS THAT HAVE BEEN CHECKED BY A REGISTERED ENGINEER OF THE PROJECT'S LOCATION FOR INSTALLATION.
5. VERIFY FLOOR FINISHES W/ OWNER.
6. VERIFY ACTUAL GRADE CONDITIONS AND REQUIRED MINIMUM FROST DEPTH PER CODE.
7. "INTEGRITY" WINDOWS SPECIFIED BY OWNER.
8. ALL OPENINGS TO EXTERIOR TO BE FLASHED. FLASHING IS REQUIRED WHERE ALL ROOF AND VERTICAL MEET, OR WHERE SIDING MATERIAL MEET.
9. PROVIDE DRIF FLASHING AT ALL SIDING CHANGES AS REQUIRED.
10. PROVIDE ATTIC VENTILATION, NOT TO BE EQUAL TO 1/50TH OF ATTIC AREA. PROVIDE 50% IN UPPER PORTION OF BALANCE IN SOFFIT.
11. ICE DAM PROTECTION TO BE INSTALLED AT THE EAVES TO A LINE 24" INSIDE THE WALL WITH ALL LAP'S CEMENTED.
12. INSTALL 1/2" OSB SHEATHING OVER SHAKE AND STONE LOCATIONS.



RIGHT ELEVATION

1/4" = 1'-0"



VARIANCE APPLICATION FORM

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

RECEIVED

MAR 14 2019

TOWN OF WHITE BEAR

INTRODUCTION

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

Fee \$225

APPLICANT(S) THOMAS FIUTAK PHONE (Home) _____
STELLA COLET LAHOZ (Business) 651-429-9595
 ADDRESS 5770 W. PAIDFACLA BLVD (Cell) 651-724-1822
WHITE BEAR LAKE MN 55110

PROPERTY OWNER THOMAS FIUTAK/STELLA COLET LAHOZ
 ADDRESS OF SITE 5770 W. PAIDFACLA BLVD, WBL, MN 55110 ZONING _____

EXISTING USE OF SITE RESIDENCE / BUSINESS

DESCRIPTION OF VARIANCE REQUEST Set backs

SETBACKS:	Required	Existing	Requested
Front Yard	<u>35'</u>	<u>26.75'</u>	<u>8.25'</u>
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
LAKE Rear Yard	<u>50'</u>	<u>31.48'</u>	<u>20'</u>
Other (Specify)	_____	_____	_____

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

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

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

Thomas F. Fiedel
A. Colet Jahry
*Signature of Applicant(s)

March 13, 2019
Date

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

<u>To Be Completed By Office:</u>		CC
Date Request Received	<u>3/14/19</u>	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	

STATEMENT OF AFFECTED PROPERTY OWNERS

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

I am the owner of the property at: 5776 W. Bald Eagle Blvd.. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

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

PROPERTY OWNERS

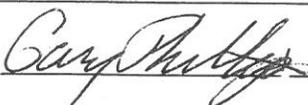
1. Name: Chelsea Calkins Address: 5830 W. Bald Eagle Blvd
 Phone: (Home) _____
 (Bus.) _____
 (Cell) 651-244-8780

Comments: Address above is mine, but I own the small property on south side of Tom. No address since not buildable

Date: 3/13/19 Signatures: 

2. Name: GARY PHILLIPS Address: 5776 W. BALD EAGLE
 Phone: (Home) 651 426 0721
 (Bus.) _____
 (Cell) _____

Comments: _____

Date: 3/13/19 Signatures: 

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

Comments: _____

Date: _____ Signatures: _____ / _____



**Planning Commission Meeting
March 28, 2019**

Agenda Number: 5

Subject: **Luther Company, 2321 Leibel Street** – Request for Zoning Ordinance Amendment & Conditional Use Permit to Allow Temporary New Automobile Parking

Documentation: Staff Memo w/attachments /

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: MARCH 19, 2019

SUBJECT: NEW CAR PARKING/STORAGE

REQUEST: ZONING ORDINANCE AMENDMENT / CONDITIONAL USE PERMIT

LOCATION: 2311 & 2321 LEIBEL STREET
APPLICANTS: LUTHER COMPANY, LINDA MCGINTY
ZONING: I-1, LIGHT INDUSTRIAL

Luther Company is requesting approval of an amendment to the Zoning Ordinance which would permit them to store new cars at 2311 & 2321 Leibel Street. The site has been used for school bus parking and currently has busses, a construction trailer, a fueling station and storage shed. Luther is also currently storing cars on site.

The Town's Zoning Ordinance does not permit auto sales lots. In addition, automotive storage lots are not listed as being permitted or conditionally permitted by the Zoning Ordinance.

School bus parking lot was added to the list of permitted uses in the I-1 Zone in 1991 as requested by Rehbein Transit.

Luther Company is requesting the Town add #12 "automotive storage" to the list of I-1 Conditional Uses to Section 6-5 of the Zoning Ordinance. They are also requesting approval of a Conditional Use Permit if the Zoning Ordinance is amended.

Adding "automotive storage" to the list of Conditional Uses in the I-1 Zone, would allow Luther to store autos as requested. The Town may want to consider adding "new" to "automotive storage" to insure that used or dilapidated autos are not stored on site. Adding "new automotive storage" would restrict the use to new cars. If used car storage is allowed, the site may take on the appearance of a salvage yard which is not permitted in the Town.

The proposed use is for storage of new cars. No sales will take place from the property.

If the Town supports an amendment to the Zoning Ordinance, it is recommended that a Conditional Use Permit be approved for this type of use. Section 9-4.4 of the Zoning Ordinance sets the standards for approval of a Conditional Use Permit. The Ordinance states:

9-4.4(a). The proposed 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.

9-4.4(b). The proposed use shall meet all reasonable requirements, as set forth by the Town Board, in order to protect the health, safety and welfare of the Town. Uses proposed for "O-S" Open Space districts shall provide for a level of police protection and civilian supervision as set forth by the Town Board to ensure supervision and maintenance of said districts.

9-4.4(c). 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.

9-4.4(d). The proposed use shall bear the cost of all additional water availability (W.A.C.) charges, pursuant to Ordinance No. 12 (Regulating Use of Water), and sewer availability (S.A.C.) charges, pursuant to Ordinance No. 36 (Sewer Service Availability and Charges), where the proposed use expands upon a pre-existing use.

9-4.4(e). The proposed use shall not result in the destruction, loss or damage of a natural, scenic, environmental or historic feature of the Town.

9-4.4(f). The proposed use shall not depreciate the value of adjacent properties.

9-4.4(g). 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.

9-4.4(h). The proposed use shall organize vehicular access and parking to minimize traffic congestion to adjacent properties.

9-4.4(i). The proposed use shall preserve and incorporate the site's natural and scenic features into the development design.

9-4.4(j). The proposed use shall have no negative impact of noise, glare or odor effects on adjacent properties.

9-4.4(k). The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the policy and plan recommendations of the Comprehensive Plan.

If these standards can be met by the applicant, a Conditional Use Permit can be approved by the Town.

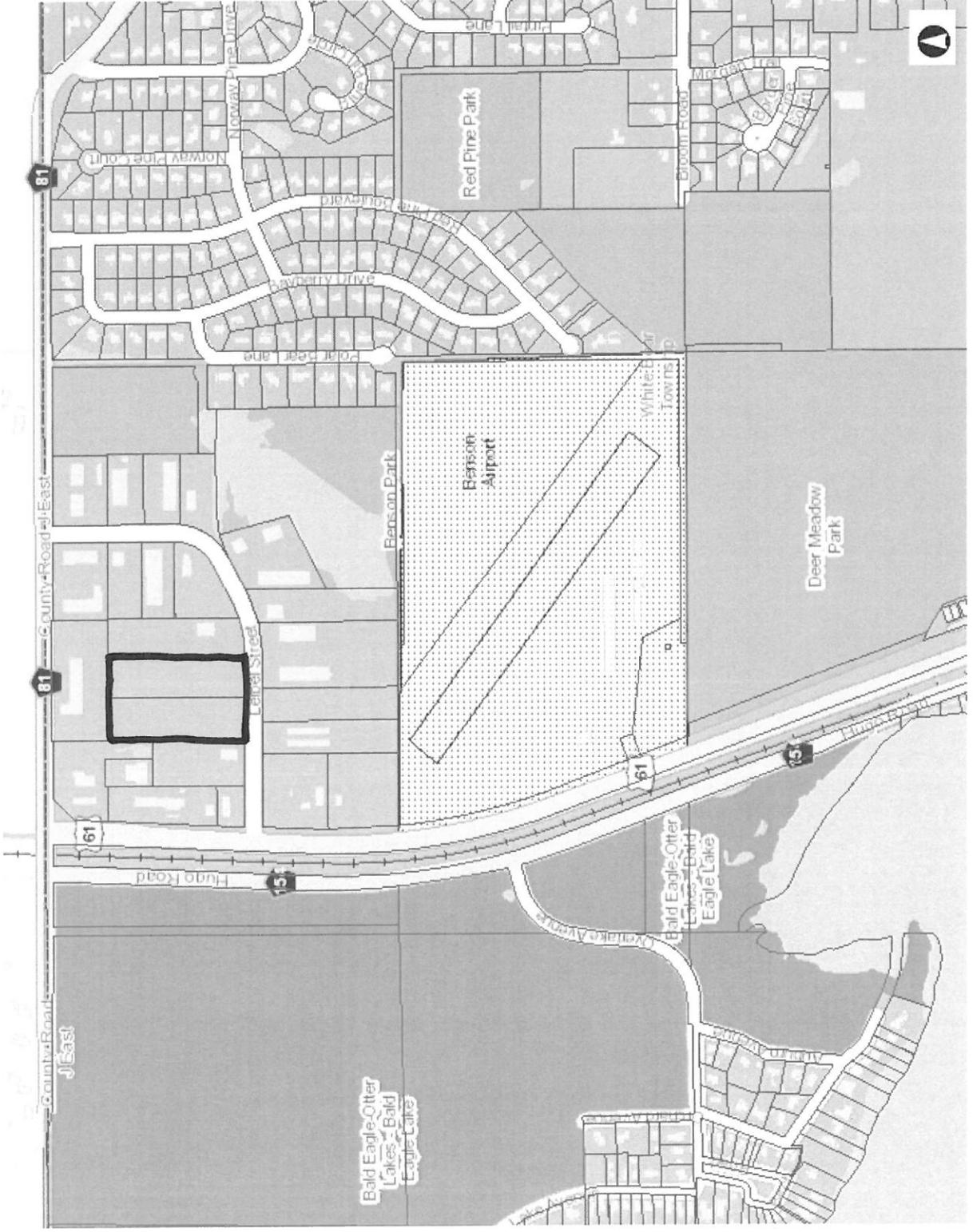
Two actions are required by the Town to approve the Luther request:

1. Approve an amendment to Section 6-5 of the Zoning Ordinance, adding #12 under the I-1 Light Industrial heading as follows - #12 New Automobile Storage.
2. Approve a Conditional Use Permit for the automotive storage use. Approval of the Conditional Use Permit can be subject to reasonable requirements set by the Town.

It must be noted that Luther is leasing the site on Leibel Street. The use, if approved, would likely be temporary.

If the Planning Commission is concerned with this type of use being allowed on all industrial properties, this use could be recommended for a specific time period. The use could be added temporarily with a date of sunset (expiration). The Town did this one other time when it permitted White Bear Mini Storage to store boats outside during the winter months. The approved permit included a sunset date when the list of conditional uses would be amended and #12, New Automobile Storage, would be eliminated.

TR/psw
cc:admin.file
b:luther



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Legend



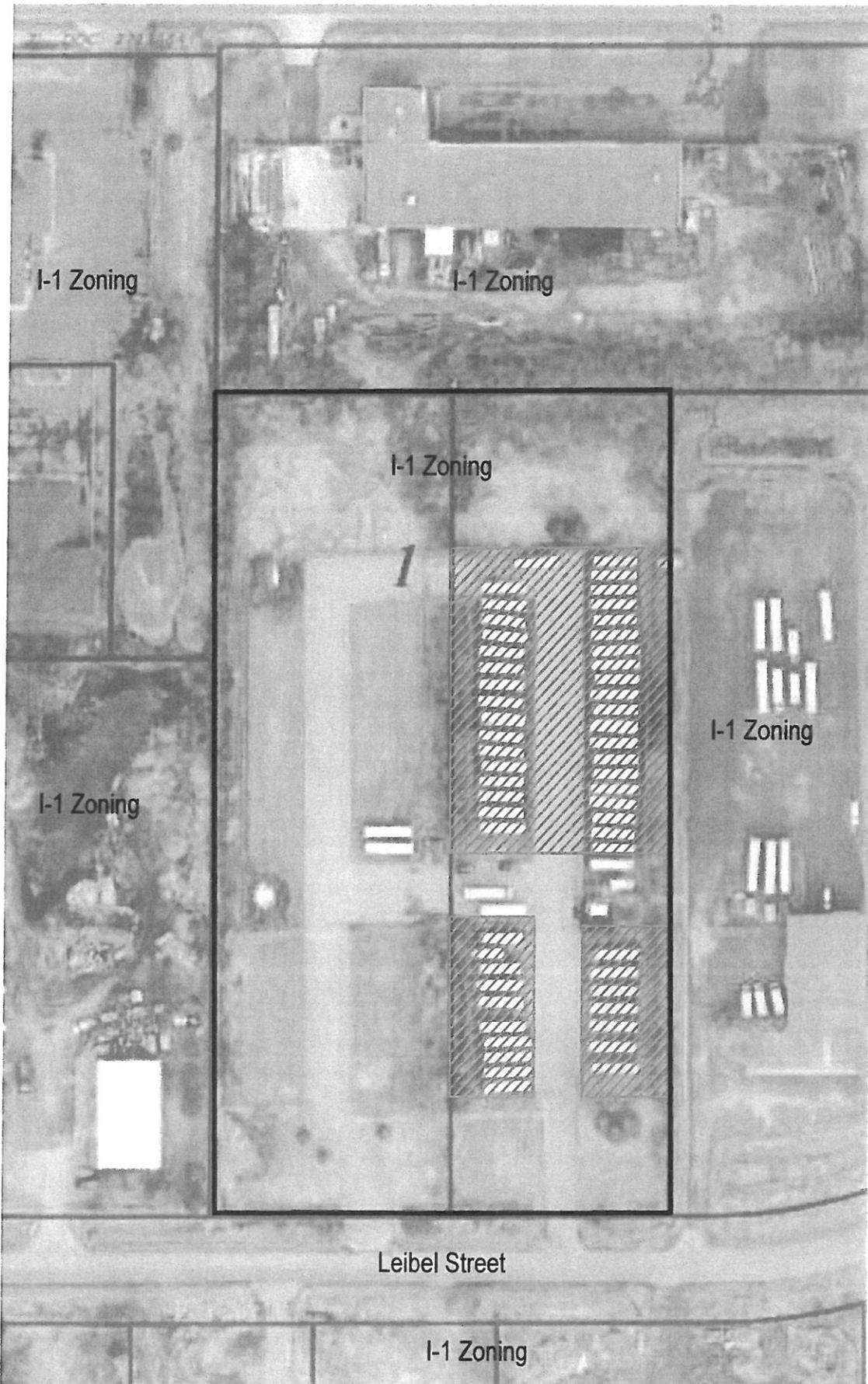
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

Notes

Enter Map Description

Site Address:
5926 Highway 61

 Automobile
Storage Areas



March 11, 2019

Tom Riedesel
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

RE: Zoning Ordinance Text Amendment and Conditional Use Permit

Dear Mr. Riedesel,

On behalf of Luther Company, Landform is pleased to submit this application for a zoning ordinance text amendment and conditional use permit to allow automobile storage as a conditional use in the I-1 district and allow automobile storage on the property located at 5296 Highway 61 (PID 013022220013 and 013022220014).

The zoning ordinance text amendment would amend Section 6-5 of the Zoning Ordinance to add "(12) Automobile Storage" as an allowed conditional use in the I-1 zoning district. The use would be subject to the conditional use standards that all conditional uses are evaluated under. These standards are located in Section 9-4-4 which states, "The proposed use shall be planned, designed, constructed and maintained to avoid:

- (1). Unnecessary detracton 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 subject site for the proposed conditional use is currently used as a bus storage lot. We are proposing to store automobiles, making use of the existing bus storage layout with no proposed physical changes to the site. The eastern parcel is intended as the primary automobile storage area, with the western parcel providing an area for expansion if the need arises.

Luther and Landform respectfully request approval of the proposed zoning ordinance text amendment and conditional use permit. We are willing to work with staff, the Planning Commission and the Town Board to accomplish a positive outcome for all involved.

Sincerely,
Landform



Steve Sabraski



ZONING ORDINANCE AMENDMENT APPLICATION FORM

INTRODUCTION

An amendment to the Zoning Ordinance (Rezoning), may be granted or denied by the Town Board after recommendation by the Planning Commission, in accordance with Ordinance No. 35 (Zoning), Section 9-9, Amendments (Rezoning) Procedure.

APPLICANT(S) Linda McGinty, Luther Company PHONE (Home) _____
Steve Sabraski, Landform (Business) 612-638-0243
(Cell) _____

ADDRESS 105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

PROPERTY OWNER POR-MKR Real Estate LLC

ADDRESS OF SITE 5926 Highway 61 (PID 013022220013 and 013022220014) ZONING I-1

EXISTING USE OF SITE Bus Storage

PROPOSED ZONING ORDINANCE AMENDMENT Amend the zoning ordinance to allow automobile storage as a conditional use.

REASON FOR REQUEST Allow automobile storage

3/11/19 x YD

Initial Fee (\$110.00 plus \$200.00 Expense Deposit)

REVIEW PROCESS:

1. Submit 15 copies of application and all supporting information to Town Planner (minimum of 3 weeks prior to Planning Commission Meeting).
2. Planning Commission _____ (4th Thursday of the month @ 7:00 p.m. at the Town Hall).

- 3. Town Board _____ (1st Monday of the following month @ 7:00 p.m. at Town Hall)
(Call Public Hearing)
- 4. Town Board _____ Public Hearing
- 5. Town Board _____
(Action subject to Public Hearing Schedule)

It is the policy of White Bear Township that all identifiable costs associated with Zoning Ordinance Amendment requests 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.

Steve Sabraski


Signature of Applicant(s)

3/11/2019
Date

<u>To Be Completed By Office:</u>	
Date Request Received _____	
By _____ (Staff Member)	\$110.00 Fee + \$200 Deposit Received <input type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete _____	



CONDITIONAL USE PERMIT APPLICATION FORM

INTRODUCTION

A Conditional Use Permit may be granted or denied by the Town Board after recommendation by the Planning Commission in accordance with Ordinance No. 35 (Zoning), Section 9-4, Conditional Use Permit Procedure.

APPLICANT(S) Linda McGinty, Luther Company PHONE (Home) _____
Steve Sabraski, Landform (Business) 612-638-0243
(Cell) _____

ADDRESS 105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

PROPERTY OWNER POR-MKR Real Estate, LLC

ADDRESS OF SITE 5296 Highway 61 (PID 013022220013 and 013022220014) ZONING I-1

EXISTING USE OF SITE Bus Storage

DESCRIPTION OF CONDITIONAL USE BEING REQUESTED
We are requesting to use the site to store automobiles where buses are currently
being stored. Some of the buses may remain on site.

3/11/19

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

CHECKLIST:

- Site Plan
- Building locations (dwelling, garage, accessory building).
- Site improvements (parking areas, drives, sidewalks, fences, decks, lighting, etc.).
- Yard (front, side, rear setbacks).
- Wetlands (delineation of streams, water bodies, wetlands & 100 year storm elevation).
- Existing trees (6 inch in diameter or more), large shrubs & proposed landscaping.
- Location of site, with adjacent land use.
- Topography, grading.

- _____ Schedule (when applicant intends to construct)
- _____ Additional information, if required.
- _____ Permits or written comments from other agencies (DNR, RCWD, VLAWMO, Ramsey County, MNDot, US Army Corps of Engineers.
- _____ Certificate of Survey, or full legal description
- _____ Building plans (size, intended use of structures, exterior finishes, floor plans and elevations).

REVIEW PROCESS:

1. Submit 15 copies of application and all supporting information to Town Planner (minimum of 3 weeks prior to Planning Commission Meeting).
2. Planning Commission _____ (4th Thursday of the month @ 7:00 p.m. at the Town Hall).
3. Town Board _____ (1st Monday of the following month @ 7:00 p.m. (Call Public Hearing) at the Town Hall).
4. Town Board _____ Public Hearing
5. Town Board _____
(Action subject to Public Hearing Schedule)

STANDARDS:

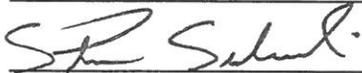
The Town Board will approve a Conditional Use Permit only if the following facts are established:

- X 1. There will be no detracting from the appearance of adjacent properties, or Town as a whole.
- X 2. There will not be aesthetic incompatibility.
- X 3. There will not be aural incompatibility (noise).
- X 4. There will not be damage to vegetation.
- X 5. Traffic patterns will not be negatively affected.
- X 6. There is no unnecessary loss of existing natural features.
- X 7. Will not cause soil erosion.
- X 8. Will not increase flood potential.
- X 9. The proposal is consistent with Comprehensive Plan and complies with other Ordinances.

It is the policy of White Bear Township that all identifiable costs associated with Conditional Use Permits 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.

Steve Sabraski



Signature of Applicant(s)

3/11/2019

Date

To Be Completed By Office:

Date Request Received _____

By _____
(Staff Member)

\$75.00 Fee + \$200 Deposit Received

Yes
No

Date Application Complete _____



**Planning Commission Meeting
March 28, 2019**

Agenda Number: 6

**Subject: White Bear Lake Dental Clinic, 4100 Bellaire Avenue –
Resident Concerns**

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: MARCH 22, 2019

SUBJECT: WHITE BEAR LAKE DENTAL

REQUEST: REVIEW OF LANDSCAPING PLAN
LOCATION: 4100 BELLAIRE AVENUE

In November of 2018, the Town Board reviewed and approved a Permitted Use Standards Permit which permitted improvements to the White Bear Lake Dental Office at 4100 Bellaire Avenue. A Landscaping Plan was not provided at the time of review and the permit was approved with several requirements including: #3 – A Landscaping Plan shall be submitted by the applicants which proposes landscaping in areas around the stormwater treatment pond and other areas on site which will be disturbed by grading and/or has significant trees removed.

The attached Landscaping Plan was submitted by White Bear Lake Dental which proposes 8 6' B & B evergreen trees on the south and east side of the pond.

Mike Gagen, 4112 Bellaire Avenue, which abuts the north side of the dentist office property, has expressed concerns to Town staff and the Town Board regarding the improvements to the property.

The Town Board invited Mr. Gagen to the February Town Board Executive Meeting to discuss his concerns. The Board directed review of the Landscaping Plan to the Planning Commission for discussion.

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

**MINUTES
EXECUTIVE MEETING
FEBRUARY 22, 2019**

Request: The City of Birchwood, for which the Town provides sewer maintenance is looking to connect to a Township manhole off East County Line so they don't have to rebuild a lift station. The area serves 16 homes where the system is failing. They are looking for a way to avoid the capital investment of rebuilding the lift station and are looking at avenues to get to the manhole on east County Line. A location being considered is just south of South Shore Boulevard between two homes where there is space for an easement. The Public Works Director will be meeting with the City of Birchwood next week. The project is still in exploratory stages and he is waiting for a design which will be reviewed by the Utility Commission and the Town Board. Once agreed upon, a joint powers agreement will be prepared.

1:00 P.M. MIKE GAGAN – WHITE BEAR DENTAL CLINIC: Mike Gagan, 4112 Bellaire Avenue stated that he is disappointed with the Dental Clinic project. He stated that a condition of the Permitted Use Permit addressed the number of trees to be preserved. He reported that he had attended a Planning Commission meeting at which the dental clinic request was reviewed and there was no resolution on the number of trees to be removed. There was also no landscaping plan shown. The dental clinic project resulted in clear cutting trees up to his back yard which has adversely affected his property. He has 330' of property that is affected. Neither he nor any neighbors were part of any conversation regarding tree removal. He stated that he talked with the contractor, Frattalone, and that they did not pull a permit for their work. He understood from conversations that they were supposed to have an engineer running the project. Mr. Gagan stated that the drainage onto his property has been affected by the bituminous curbing put in. The contractor brought in 8 loads of fill and added 8 inches where there used to be drainage. He stated that the pond in the back was to collect water from six properties. Now the water drains down his lot. The ground water to the east is impeded and goes to his lot as well. The water cannot get to the catch basin because of what the dental clinic has done. No one told him what was happening. He stated that they paved the parking area but no one ever parks there, either the dentists or customers. Mr. Gagan was informed that with the heavy snows nothing can be done at this time. In response to a question regarding a landscaping permit, the Planner stated that he would review the permit. The Town Attorney noted that if a formal landscaping plan was not approved, the Town could go back and review the process. The Planner stated that a Zoning Certificate was adopted and a landscaping plan was to be submitted. It was the consensus that the project go back to the Planning Commission to review a landscaping plan. After the snow is gone, staff and engineering will review the issues. Mr. Gagan accepted the Town's efforts.

THE STABLE OF WHITE BEAR TOWNSHIP: Larry Alm, developer, sent an email to the Planner in response to a plat layout considered by the Town Board. The Board was interested in the value of the out lots in the southerly portion of the property in relation to the buildable portion of the abutting lots. Larry Alm stated that in his opinion the lots are large enough as they are drawn, Increasing the size by adding in the wetland areas really will not add value, but most likely would be seen as a negative. The bike path is a good lot line (border) as shown and is totally acceptable. The out lot is wet and is not usable



**WHITE BEAR
TOWNSHIP**

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

FAX 651-426-2258

Email: wbt@whitebeartownship.org

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

December 20, 2018

White Bear Lake Dental
4100 Bellaire Avenue
White Bear Township, Minnesota 55110

Re: Permitted Use Standards Permit

To Whom It May Concern:

Enclosed for your records please find the Permitted Use Standards Permit with attached Requirements which was approved by the Town Board at their November 19th Meeting.

Sincerely,

Patti Walstad
Paralegal

PSW/s

ZONING CERTIFICATE

TOWN OF WHITE BEAR, MINNESOTA

I hereby certify that the real estate situated in the Town of White Bear, Ramsey County, Minnesota, described as follows, to-wit: Subject to Bellaire Avenue, the North 125 feet of the South 283 feet of the West 330.22 feet of Government Lot 3, in Section 24, Township 30, Range 22, Ramsey County, Minnesota, and commonly known as 4100 Bellaire Avenue, is in a(n) B-2 General Business District, and can be used for the following purpose: to construct a paved parking lot with concrete curbing in accordance with the attached Requirements, pursuant to Ordinance No. 35, the Zoning Ordinance for the Town of White Bear, Ramsey County, Minnesota.

Dated: November 19, 2018.



TOWN CLERK

- CONDITIONAL USE PERMIT
- PERMITTED USE
- NON-CONFORMING USE
- SPECIAL HOME OCCUPATION PERMIT
- OTHER: _____

PERMITTED USE STANDARDS PERMIT REQUIREMENTS

J & J Properties, LLC
d/b/a White Bear Lake Dental
4100 Bellaire Avenue
White Bear Township MN 55110

1. The following Plans are made a part hereof by reference:
 - Grading & Drainage Plan dated 10/15/18
2. All requirements of the Town's Public Works Department, Ramsey County Engineer, Ramsey County Public Works Department, Town Engineer, and Rice Creek Watershed shall be complied with.
3. A Landscaping Plan shall be submitted by the applicants which proposes landscaping in areas around the stormwater treatment pond and other areas on site which will be disturbed by grading and/or has significant trees removed.
4. Drainage and utility easements shall be provided to the Town over the stormwater treatment pond.
5. All Federal and State Statutes, rules and regulations, and any other governmental agencies shall be complied with.

TR/PSW
cc:admin.file
b:4100bellaire



Legend



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

Notes

Enter Map Description

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



**Planning Commission Meeting
March 28, 2019**

Agenda Number: 7

Subject: Ordinance No. 35 Amendment - Shoreland Management Section

Documentation: None

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission Meeting
February 28, 2019

ZONING ORDINANCE UPDATE – SHORELAND MANAGEMENT SECTION: The Planning Commission has been working on a Zoning Ordinance Update for several meetings. Part of the Zoning Ordinance was adopted in the early 90's based on the DNR model. The Planner will provide a copy of the Zoning Ordinance amendments. The members found, at initial review or that copy to be confusing.

Flann motioned to continue research and discussion at future meetings. Artner seconded. Ayes all.



Planning Commission Meeting March 28, 2019

Agenda Number: 8 - 9

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

Minutes
Town Board Meeting
March 4, 2019

PUBLIC HEARING — 5518 & 5520 SHADYSIDE LANE: Mike and Katherine Fleming, 5518 and 5520 Shadyside Lane request for 25' Right-of-Way setback variance and a 1' side yard setback variance to allow a minor subdivision/lot line rearrangement. Ruzek motioned to Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

Riedesel summarized the Fleming request to construct a new home using the existing foundation and add a new garage at 5518 Shadyside Lane. A lot lien rearrangement is also proposed in order to accommodate a new garage at 5518 Shadyside. The additional property would come from 5520 Shadyside Lane.

The majority of the foundation planned to be reused meets setback requirements. An area of approximately 12 square feet encroaches one foot into the side yard setback area. The new garage is proposed 10' from the public right-of-way. An existing garage and shed, both of which encroach into the right-of-way setback area, are proposed to be removed. Both of these structures are located closer to the right-of-way than the proposed garage.

The Variance Board discussed the proposal. All were in agreement that a non-conformity is being decreased as two structures close to the right-of-way are being replaced by a new garage further from the right-of-way.

In addition, the limited lot size and configuration of the lot and right-of-way create a practical difficulty and green area requirements are being met.

Ruzek moved to open the public comment portion. McCune seconded. Ayes all.

Tom Fleming, the petitioner's son, was present and ensured the plans were correct according to the 25' right-of-way setback variance and the 1' side yard setback variance allotment. Prudhon brought up question of any future splits of the large plot. Fleming said there was not current discussion of it. In regards to this split, he had nothing more to add.

Ruzek motioned to close the public portion of hearing. McCune seconded. Ayes all.

Based on Variance Board, Planning Commission & Town Staff Review and Recommendation, Ruzek motioned to Approve the 25' Right-of-Way Setback Variance, the 1' Side Yard Setback Variance Request, and the Request for Minor Subdivision/Lot Line Rearrangement at 5518 & 5520 Shadyside Lane to Accommodate Construction of a New Home with Detached Garage. McCune seconded. Ayes all.

PUBLIC HEARING — 5858 CENTERVILLE ROAD: Ruzek motioned to Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

Riedesel presented: SBA Communications Corp, is requesting Town approval of a Conditional Use Permit to allow additional antenna on the monopole located at 5858 Centerville Road. The tower is located behind the SMC building and was added to the site in 2005. The tower is 120' in height with the existing antenna located at that height.

SBA would like to add additional antenna at the 100' elevation. They would also add ground level equipment within the fenced area located at the base of the tower.

When the tower was approved by the Town, one of the conditions of approval required that the tower allow for shared use, anticipating that a future user may want to also use the tower for antenna.

A 29' x 49' fenced area is located at the base of the tower to place cabinets and equipment relating to the antenna. Existing equipment within the fenced area is due north of the tower and takes up approximately 100 square feet. The new equipment is proposed to utilize a 12' x 20' area.

A Conditional Use Permit must be approved by the Town to add the new antenna and related equipment.

Town Attorney Beck explained that the carriers would contract directly with SBA and that the Township would not be involved at all legally.

Ruzek made the motion to open this item up for public hearing. McCune seconded. Ayes all. No one was present to address concerns regarding this agenda item. Ruzek motioned to close the public hearing. McCune seconded. Ayes all.

Based on Planning Commission & Town Staff Review and Recommendation Ruzek motioned to Approve the Conditional Use Permit / Zoning Certificate with Attached Requirements for 5858 Centerville Road to Allow for Additional Antennas on the Monopole. McCune seconded. Ayes all.

STABLE OF WHITE BEAR TOWNSHIP — 5685 PORTLAND AVENUE — REVIEW POTENTIAL DEVELOPMENT LAYOUT: The Township currently owns the property at 5685 Portland Avenue. 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 lay out a development which meets current ordinance requirements. Staff asked Rud to lay out 8 single family home lots on the property for consideration by the Town. Previous layouts were also considered.

At this time the Town Board and EDAB are leaning towards the 8 single family proposal. The proposal includes: 1) 8 single family home lots; 2) 5 of the lots meet a 3 acre minimum size as required by Land Use Safety Zone B; 3) a trail is planned along the western edge of the upland portion of the property; 4) the existing Morgan Trail is planned to extend south into the stable property and extend to Portland Avenue; 5) the existing stormwater treatment pond would be expanded; 6) the Town would retain ownership of the trail corridor and the westerly portion of the property which is wetland.

The Park Board also reviewed this item because of the trails that extend south into the property. It was recommended that park fees could be applied as the Town remains the owner of the wetlands, prairie, and the trails that run along this property.

Ron Denn, Planning Commission Chair, proposed a one-way along this property. Residents at 5695 Portland Avenue oppose the idea because the corner house would not be able to drive the opposite direction toward a second driveway that may go to a garage or the backyard. Beth Artner can see the resident's point of view because she lives on a one-way. A neighbor at 5675 Portland Avenue doesn't have a preference on a one-way or not, he is concerned with traffic and potential accidents that could land in his yard. He has a blind driveway and rides a motorcycle. He hopes the town has control over speed and signs in that area. It's more about the outlet than about the one-way or two-way.

The Board directed Staff to look into potential marketing and sale of this property. Staff have been consulting with Bill Short, Jenny Boulton, Town Board Counsel/EDA Counsel, and Attorney Chad Lemmons. However, because of legal reasons it doesn't look like this project will be able to be completed by the end of the year. Right now there is a plan, but no legal direction. Christopherson will update in the coming meetings. This agenda item will also be discussed at the Town Board Executive Meeting.



Planning Commission Meeting February 28, 2019

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

Documentation: Minutes

Minutes
Town Board Meeting
January 7, 2019

ADVISORY BOARDS / COMMISSION MEMBERS / SERVICE PROVIDERS – RECOGNIZE SERVICE: Ruzek recognized and thanked the following Planning Commission members: Steve Swisher, Ronald Denn, Beth Artner, Zachary Flan, David Kotilinek, Bill Patrick, Monica Loes.

Minutes
Town Board Meeting
January 23, 2019

CALVARY CHURCH, 4604 GREENHAVEN DRIVE – CONTINUATION OF HEARING TO CONSIDER THE GRANTING OF A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF 6,000 SQUARE FEET OF CLASSROOM SPACE: Ruzek moved to waive the reading of Public Notice noting that proper publication was made. McCune seconded. Ayes all. Ruzek moved to open the continuation of the Public Hearing. McCune seconded. Ayes all.

The Planner reported that this Public Hearing was continued in the past because some engineer information was lacking on storm water treatment. The information was received late last week but not in time to provide formal review. Representatives of Calvary Church were contacted to see if there would be willing to continue their request to the February 4, 2019 Town Board meeting. They have agreed to a continuation to February 4, 2019. The review will be ready at that time. Prudhon asked how long a public hearing can be waived. The Town Attorney stated that as long as the applicant requests the continuation the public hearing can be waived indefinitely. If the Town elects to continue it, it is subject to the 60 day rule.

Ruzek moved to close the public portion of the Public Hearing and continue the request for Conditional Use Permit to allow construction of a 6,000 square feet classroom space to February 4, 2019 as requested by the applicant. McCune seconded. Ayes all.

ZONING ORDINANCE AMENDMENT – TO CONSIDER AMENDMENTS TO SECTION 3 & SECTION 8 OF ORDINANCE NO. 35 (ZONING) AS IT RELATES TO VEGETATION CLEARING: Ruzek moved to waive the reading of Public Notice noting that proper publication was made. McCune seconded. Ayes all. Ruzek moved to open the Public Hearing. McCune seconded. Ayes all.

The Planner reported that staff has been working with the Planning Commission for the past several months in discussion of lakeshore properties in clearing of vegetation which seems to be an issue. The Planning Commission has made a recommendation to modify the Shoreland Management section of the Zoning Ordinance dealing with property within 1000 feet or closer to a lake. Clear cutting is not allowed around the lake but it is not defined. The Planning Commission and staff have been working together to come up with some modifications for the Ordinance. Current Ordinance prohibits intensive vegetation clearing. Current definition means "the complete removal of trees or shrubs in a contiguous patch, strip, row or block". Other community ordinances were looked at to come up with a better definition and several zoning ordinance amendments are recommended as a result. The first is to define legacy trees. This would be a new definition under Section 3-35E. A legacy tree is any live tree that is greater than 12" DBH (diameter at breast height) and greater than 150 years old, located in a non-old forest stand. Another definition to be added is significant trees. 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 feet above the ground. The recommendation is to adopt those two definitions. The new amendment recommended is: Section 3 – 8-6.5(a). Removal or alterations of vegetation is allowed according to the following standards: (2). Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal dwelling site in shore and bluff impact zones and on steep slopes is allowed, provided that: (i). The screening of structures, vehicles, or other facilities as viewed from the water assuming summer, leaf-on conditions, is not substantially reduced; (ii). The above provisions are not applicable to the removal of vegetation that is dead, diseased, hazardous, or storm damaged; must be removed to prevent the spread of disease as 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 Vadnais Lake Water Management Organization or their successors. (iii) Tree removal in the Shore Impact Zone is limited to 10% of the existing significant trees. (iv) Legacy trees shall not be removed unless they are dead, diseased, dying, hazardous or storm damaged as defined by Town Staff or a licensed arborist. (v) 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. The Planning Commission has reviewed the modifications and recommend approval. The Planner stated that the impetus for the modifications is due to significant tree removal. Prudhon asked if it should say "above grade" and not "above ground". The Planner will make them both consistent. The Public Works Director's suggestion to add "storm damaged" to the list of trees to be removed if necessary in (ii) regarding tree removal was added.

The Clerk asked if the changes suggested by the Town Board should be brought back to the Planning Commission. The Town Attorney stated that the Planning Commission provided recommendations to the Town Board and that it is not necessary for the Board suggestions to be referred back to them. Ruzek, Planning Commission Liaison, stated that there appears no reason for the matter to go back to the Planning Commission since the suggestions are only for clarification.

Ruzek moved to open the public comment portion of the Public Hearing. McCune seconded. Ayes all. There was no public comment. McCune moved to close the public comment portion of the Public Hearing. Ruzek seconded. Ayes all. McCune moved to close the Public Hearing. Ruzek seconded. Ayes all.

Ruzek moved, based on Planning Commission & Staff review and recommendation to approve the amendments to Section 3 & Section 8 of Ordinance No. 35 (Zoning), as it relates to vegetation clearing. McCune seconded. Ayes all.

Ruzek moved to authorize publication of the amendments to Section 3 & Section 8 of Ordinance No. 35 (Zoning) as it relates to vegetation clearing. McCune seconded. Ayes all.

Minutes
Town Board Meeting
February 4, 2019

CALVARY CHURCH, 4604 GREENHAVEN DRIVE – CONTINUATION OF PUBLIC HEARING TO CONSIDER THE GRANTING OF A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF 6,000 SQUARE FEET OF CLASSROOM SPACE:

Ruzek moved to open the Public Hearing. McCune seconded. Ayes all. The Planner reported that this is continuation of a Public hearing initially held on December 3, 2018, continued to January 23, 2019 and now to tonight. The proposal is to add a 6,000 square foot addition to the east side of Calvary Church at 4604 Greenhaven Drive. At previous reviews there were outstanding engineering items that needed to be addressed. The Board asked staff to contact the Ramsey County Sheriff's Department regarding posting one side of Greenhaven Drive for no parking. Area residents provided input stating that posting for no parking should not be necessary since services are limited to Sundays. A response has not been received from the Ramsey County Sheriff's Office as yet. The Planner was in contact with the engineers today regarding outstanding engineer issues. There is an underground storm water treatment system that treats the storm water. The current Zoning Certificate requires annual inspection of the system. That inspection has not occurred in a while. Public Works has been contact with the church who stated that they have not had an inspection or cleaned out the system. That issue will be taken care of. They would like Town Staff to contact the Town's environmental consultants to make sure that the plans are in compliance and to have the Vadnais Lake Water Management Organization to review the plans as well. Those details are being acquired. In discussion with Richard Stuerman, BWBR Architects today, it appears that plans are pretty complete with the exception of looking into the engineering items and for staff to prepare a Zoning Certificate which lists approval criteria. Prudhon noted that the correspondence from TKDA, Dated January 29, 2019 states that the storm sewer is proposed to receive drainage from the new building. The proposed depth is very shallow (1'-2' of cover) requiring the pipe to be insulated. The pipe is in a green area and will not be subject to heavy loads. The Engineer stated he will talk with the architect further regarding this.

Ruzek noted that the continuance of the Public Hearing at the January 23, 2019 meeting was at the request of the applicant. He asked if the continuance being requested tonight is from the applicant or Town staff. The Planner stated that the continuance is at the request of staff in agreement by the applicant. The Town Attorney stated that the initial request was by the applicant. Under the statute an extension requested by the Town would be for 60 days, but a request by the applicant has no limitation. He noted that the Board has never asked for a continuance and the matter has been operating from the request of the applicant. However, the matter needs to be dealt with and suggested that after this continuance no further extensions be considered. The Planner stated that the matter is near ready for consideration for approval. The Board does not have the Zoning Certificate which lists the requirements is not available tonight and a continuation will allow Staff time to clarify some requirements.

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

Richard Stuerman, BWBR Architects, stated that he is representing Calvary Church. He stated that the architect requested a continuation of the Public Hearing when it was known that there was more engineering information needed in December. That information was provided and comments were received from that information. Those comments were just received today and he and the Planner discussed taking care of matters in the next two weeks which would fit in with the project schedule to begin in the next month or six weeks. He stated the matter is now in staff's hands to be taken care of. Prudhon asked if there were any updated plans. He noted that the plans that the Board is operating with is dated October 2018. Mr. Stuerman stated that they do have updated plans which they submitted

to civil engineering a few weeks ago. Those plans are dated January 15, 2019. The Planner noted that the revised plans have been received and are dated January 15, 2019.

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

Ruzek moved to continue the Public Hearing for Calvary Church, 4604 Greenhaven Drive to consider the granting of a Conditional Use Permit to allow construction of 6,000 square feet classroom space to February 20, 2019 at the request of the applicant. McCune seconded. Ayes all.