



# WHITE BEAR TOWNSHIP

1858  
RAMSEY COUNTY  
MINNESOTA

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

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 FEBRUARY 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 January 24, 2019.
4. **Consent Agenda:** None.
5. **Nathan Landucci, 5508 West Bald Eagle Boulevard** – Request for the Following Variances:
  - 20.8' Right-of-Way Setback Variance
  - 42.8' Lakeshore Setback Variance
  - 11.3' Height Varianceto Allow Demolition of the Existing Garage & Replacement of a New 2 Story Garage.
6. **Eagle Brook Church, 2401 Buffalo Street** - Request for a Conditional Use Permit to Construct an Addition.
7. **The Stable of White Bear Township, 5685 Portland Avenue** – Major Subdivision / Preliminary Plat Review.
8. **Ordinance No. 35 Amendment** – Shoreland Management Section.
9. **Comprehensive Plan** - Update.
10. Added Agenda Items.
11. Adjournment.

### White Bear Township's Mission:

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



recycled paper



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number:** 1 – 2 - 3

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

Approval of February 28, 2019 Agenda  
Approval of Minutes of January 24, 2018

**Documentation:** February 28, 2019 Agenda  
January 24, 2018 Meeting Minutes

**Action / Motion for Consideration:**

Call meeting to order:	6:30 p.m.
Approval of Agenda:	February 28, 2019 (additions/deletions)
Approval of Minutes:	Meeting of January 24, 2018

**MINUTES  
PLANNING COMMISSION MEETING  
JANUARY 24, 2019**

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

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

**APPROVAL OF AGENDA (Additions/Deletions):** Artner moved approval of the agenda as submitted, with the deletion of Water Gremlin Company (6), as they have withdrawn their request for a Conditional Use Permit. Loes seconded. Ayes all.

**APPROVAL OF MINUTES OF NOVEMBER 29, 2018:** Artner moved approval of the Minutes of November 29, 2018. Patrick seconded. Ayes all.

**MIKE & KATHERINE FLEMING – 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: 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 line 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 meet setback requirements. An area of approximately 12 square feet encroaches one foot into the side yard setback area however. 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.

Tom Fleming, Mike and Katherine'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.

Artner motioned for item to be passed since the minor subdivision lot line division, 25' right-of-way setback variance, 1' side yard setback variance, meets the standards set forth for approving a variance and minor subdivision, and the overhang will not exceed one foot on the south side of the building. Loes 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 after an extended lawsuit with the previous owners. Settlement of the lawsuit included the Town's condemnation of the property and payment to the previous property

MINUTES  
PARK BOARD MEETING  
JANUARY 17, 2019

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 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 could 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 the Town take land in lieu of cash for park purposes for this development which would include Outlots A-E.

Denn proposed a one-way along this property. Mike and LuAnn Bailey live at 5695 Portland Ave. and they greatly opposed that 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. Artner can see Bailey's point of view because she lives on a one-way. Neighbor Dave Hassinger at 5675 Portland Ave. 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, Hassinger said

Artner 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.

**SBA COMMUNICATIONS CORP ON BEHALF OF SMC – 5858 CENTERVILLE ROAD – REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW ANTENNA ADDITIONS:** 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.

MINUTES  
PARK BOARD MEETING  
JANUARY 17, 2019

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.

Artner motioned to approve this plan going forward, making note that the on-ground equipment will be located in the existing 29' x 49' base area. Loes seconded. Ayes: Artner, Denn, Loes, Ruzek, Riedesel. Nays: Patrick.

**COMPREHENSIVE PLAN – UPDATES – PUD DENSITIES:** 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 Community to a “Suburban” designation. With the new “Suburban” designation, new development and re-development needs an average of five unit/acre for the low density zone. For the 2030 plan, the Township had a standard of average of three units/acre in the R-1 Zone. 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.

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

There was discussion regarding high density housing.

Riedesel updated the Commission that this Comprehensive Plan has been submitted for review and it is now up to the Town Board to take action after review at the annual meeting.

**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 worked on by an intern. The members found, at initial review or that copy to be confusing.

**MINUTES  
PARK BOARD MEETING  
JANUARY 17, 2019**

Riedesel explained that the "clear cutting" wording recommended for approval by the Planning Commission was adopted with one addition: is being narrowed to hazardous, dead, or diseased trees. There was discussion at the Town Board hearing that mentioned including storm damaged trees. The Planning Commission discussed the added wording and did not recommend any changes.

Artnr motioned to adjourn the meeting at 7:20 p.m. Loes seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary

DRAFT



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number: 4 - Consent Agenda**

**Subject: None**

**Documentation:**

**Action / Motion for Consideration:**

Receive Information / Discussion



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number: 5**

**Subject: Nathan Landucci, 5508 West Bald Eagle Boulevard – Request for the Following Variances:**

- 20.8 Right-of-Way Setback Variance
- 42.8' Lakeshore Setback Variance
- 11.3' Height Variance

to Allow Demolition of the Existing Garage & Replacement of a New 2 Story Garage

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

**Action / Motion for Consideration:**

Receive Information / Discussion

-----  
**Minutes  
Variance Board Meeting  
February 20, 2019**

**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 886 square feet in area which includes a stairway and balcony.

The garage is proposed to be:

- 3.5' from the lakeshore (elevation 913') requiring a 46.5' variance;
  - 5.5' side setback requiring a .5' side setback variance;
  - 18' right-of-way setback requiring a 17' right-of-way setback variance;
  - 11.3' height variance;
- A green area variance was also discussed.

Landucci explained that the garage lot is owned by Mr. Hildebrandt who owns the house at 5505 West Bald Eagle Boulevard. A 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. Mr. Landucci has been working with Mr. Hildebrandt to correctly define the easement area as it is currently not described correctly.

Landucci also noted that the plans have changed to show the stairway located within the garage and the addition of the balcony plus the relocation of the garage so it is 5' further from the West Bald Eagle Boulevard right-of-way.

He noted that the exterior of the garage is proposed to compliment the island house.

There was discussion regarding the history of this request which began in 2017 but was withdrawn by the applicant.

Denn noted he thought Mr. Landucci was working on a plan to eliminate dormers and downsize the upper area of the garage. Denn recalled that the refuge area was considered as an alternative to the guest cottage since a guest cottage could not meet Zoning Ordinance requirements.

Denn noted that a side setback variance could be eliminated if the garage were to be shifted half a foot. There was also discussion regarding the shifting of the garage closer to the lake and further from the right-of-way. Denn felt that the lakeshore setback should be increased.

Landucci agreed to modify the plan as recommended by Denn. Denn also felt that the building should be scaled down and the balcony should be eliminated.

There was discussion regarding a Zoning Ordinance amendment which could be adopted to address Mr. Landucci's garage plan.

Denn noted he would not support a Zoning Ordinance amendment.

Denn requested staff review the green area on the Hildebrandt property since the proposed garage is actually on the Hildebrandt property. (Staff calculated the green area of the Hildebrandt property with the Landucci garage. As proposed the green area would exceed 75%.)

Christopherson moved to recommend to the Planning Commission to review the proposal including the modifications discussed to the Planning Commission without a Variance Board recommendation. Denn seconded. Ayes Christopherson. Nay Denn.

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: FEBRUARY 15, 2019**

**SUBJECT: GARAGE RECONSTRUCTION**

**REQUESTS: 20.8' RIGHT-OF-WAY SETBACK VARIANCE**  
**42.8' LAKESHORE SETBACK VARIANCE**  
**11.3' HEIGHT VARIANCE**

**LOCATION: 5508 WEST BALD EAGLE BOULEVARD**  
**ZONING: R-1, SUBURBAN RESIDENTIAL**  
**APPLICANT: NATHAN LANDUCCI**

Mr. Landucci is requesting Town approval of setback variances and Conditional Use Permit which would allow demolition of the existing garage and replacement of a new 2 story garage located on West Bald Eagle Boulevard. The existing garage has a footprint of 26' wide by 24' deep. The garage footprint is proposed to be expanded to 26' wide by 26' deep. The garage is proposed to have a second story with a refuge area. The refuge area proposes open space with a utility area and bathroom fixtures including a toilet, sink and shower. The height of the garage is 21'3", as measured to the average of the highest gable.

The Variance Board met with Mr. Landucci in November of 2018 and requested that he consider eliminating the kitchen and reducing the size of the living area in what was proposed as a guest cottage. The Variance Board did not feel that the property qualifies for a guest cottage per the Zoning Ordinance requirements. The refuge area was discussed and it was agreed that without kitchen facilities, the second story area is not considered a guest cottage.

The garage is located on a 2,613 square foot lot on West Bald Eagle Boulevard. The garage serves 1 Bald Eagle Island and is the only structure, other than the driveway, located on the lot. The existing garage is a single story. The new garage is proposed to be demolished and replaced in approximately the same location with the 2 story garage. The lot is 41.5' wide and subject to the following setbacks:

- 50' lakeshore setback
- 6.00' side setbacks
- 35' right-of-way setback
- 10' maximum height for a lakeshore accessory structure

Mr. Landucci is requesting the following setbacks:

- A 7.2' lakeshore setback - requiring a 42.8' variance
- A 6' side setback. No variance necessary
- A 8.2' side setback – no variance required
- A 14.2' right-of-way setback requiring a 20.8' variance
- An 11.3' height variance

The garage is proposed to have a 26' x 26' footprint or 676 square feet in area. The upper portion of the garage is proposed to be 886 square feet in area. A 4' balcony is proposed on the lake side of the garage. Twenty-five percent maximum coverage is permitted on the lot. The lot is 2,613 square feet in area. The garage is proposed to cover 25.9% of the lot. The driveway covers another 390 square feet of the lot. If the island is included in the square footage of the property, the 25% impervious area maximum is not exceeded when including the garage lot. However, after contacting Ramsey County Property Records & Revenue Department it was found that due to the distance between the island and the garage lot, the two cannot be combined for tax purposes. The Variance Board reviewed the proposal and recommends that Mr. Landucci attach the properties using deed restrictions on both lots (requiring that they remain together). Without this lot combination, the coverage on the garage lot is proposed to be 40.1% requiring a 15.1% green area variance.

After review by the Variance Board and further review by staff, it was determined that the garage lot is in the ownership of 5505 West Bald Eagle Boulevard. A perpetual easement is used to allow owners of the island to use and improve the property. Staff calculated the green area for 5505 West Bald Eagle Boulevard and added the island garage. The lot coverage is less than 25% which is the maximum coverage permitted in the Shoreland Management Zone.

It must be noted that the garage lot area was purchased from the property at 5505 West Bald Eagle Boulevard. The use of this property had some limitations on it. They include:

- The easement may be used by the Van Brunts, their heirs and assigns, their families, and guests for all riparian rights including, but not limited to the following: Construction and maintenance of a garage and driveway, said garage of a dimension not to exceed 26 feet by 26 feet; installation and use of a dock for boating and swimming; storage of dock sections, boats and other water crafts; landscaping and gardening; parking of motor vehicles.
- The easement conveyed herein shall be perpetual, and it shall be appurtenant to and run with Parcel 2, as above described. Nothing herein shall constitute a dedication of any interest in the easement to the public or give any members of the public any rights hereunder.

- Should any portion of the easement area be taken by eminent domain, the Van Brunts, their heirs and assigns, shall receive the entire compensation for loss of use or said easement area.
- The Van Brunts, as owners of Parcel 2, and their heirs and assigns, shall be solely responsible for the maintenance of the easement. For purposes of valuation for real property taxation and for special assessments for local improvements, the easement shall be considered as appurtenance to Parcel 2, as above described.

Section 9-6.4 of the Zoning Ordinance sets the standards which must be met in order to approve a variance. It states:

- (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.

In addition to the variances being requested, Mr. Landucci is requesting approval of a Conditional Use Permit which would allow the second level of the garage to be used as a refuge area. Previous review of the Landucci proposal included a request for a guest cottage which is permitted in the R-1 residential zoning district. A guest cottage must meet the following requirements in order for Conditional Use Permit approval. They include:

- The residential lot in a sewered area must be at least 24,000 square feet in area.

The lot where the garage/guest cottage is proposed is 2,613 square feet in area. The island is 2.33 acres. The Hildebrandt property including the garage lot is 23,522 square feet in area.

- The structure design, building materials and color shall be compatible with the principal structure and surrounding land uses.

The garage is proposed to be consistent with the home on the island.

- The structure shall not be used for rental purposes.

No rental of the guest cottage/refuge area is planned.

- A guest cottage must pay one service (sewer & water) for each utility serving the property.

A Metro sewer availability charge (SAC) and local sewer availability charge and water availability charge (WAC) must be paid in addition to the Utility Connection Fee as the property was not assessed in the past. These fees will amount to \$25,425.00.

- A guest cottage shall not cover more than 700 square feet of land and shall not exceed 15' in height.

The footprint is proposed to be 676 square feet in area. The area of the guest cottage/refuge area is proposed to be 886 square feet in area. The height is proposed to be 21'3".

- A guest cottage in the Shoreland Management District must be designed to reduce its visibility as viewed from the lake (Bald Eagle).

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

Based on the size of the lot and the height of the garage, the proposed structure does not qualify as a guest cottage.

A total of 3 variances are being requested in addition to the Conditional Use Permit for the refuge area. At the two previous Variance Board meetings, the Variance Board discussed ordinance amendments which may be preferred to approving the requested variances. Options considered include:

1. Rezone the garage lot from R-1 to BEI so it is consistent with the island zoning. Specific requirements allowing a guest cottage/refuge area would have to be adopted to accommodate the guest cottage/ refuge area.

2. Amend the height requirements of the guest cottage section of the ordinance allowing structure height up to 21 feet (15' maximum height is currently permitted). In the alternative, allow a lakeshore accessory structure to be 21.3' high. The current for a lakeshore accessory structure is 10'.

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

### **Conditional Use Permit:**

A guest cottage meeting Zoning Ordinance requirements is permitted in the R-1 Zoning District. Since the structure is proposed to be 6' taller than is permitted by the ordinance, and 186 square feet larger, the building must be reduced in height and size or height and square footage variances must be approved by the Town. In the alternative, the Zoning Ordinance may be amended. If the Conditional Use Permit is recommended for approval, it must be subject to approval of the requested variances and payment of a utility connection fee and payment of SAC, WAC and local SAC fees.

If the Town feels that the request as proposed does not qualify as a "guest cottage", then the structure will be considered a lakeshore accessory structure. No Conditional Use Permit is required for a lakeshore accessory structure. Approval of variances will be required however.

### **Variances:**

The following variances are requested:

- A 6' 3" guest cottage/refuge area height variance or 11.3' lakeshore accessory structure height variance
- A 42.8' lakeshore setback variance
- A 20.8' right-of-way setback variance

Guest cottages are limited to 15' in height. If this were a two story garage, no height variance would be required providing that the garage does not exceed 25' in height. Lakeshore accessory structures are limited to 10' in height, however. Since the garage is located on a lakeshore, it is considered a lakeshore accessory structure. Height variances are unprecedented in the Town, for the past 25 plus years. Previously when an applicant wanted to exceed height requirements, the Zoning Ordinance was amended rather than approval of a height variance. Zoning Ordinance amendments to exceed height requirements were approved for Schwing America and Cortec Corporation, both businesses. No height variances have been requested in a residential zone recently.

**Lakeshore Setback Variance:**

A 50' lakeshore setback variance is required as measured to the 100 year high water elevation, which is 913' for Bald Eagle Lake. A 7.2' lakeshore setback is proposed. Since the maximum depth of the lot is less than 70', either a lakeshore or right-of-way setback variance must be approved, or both to allow any structure on the lot.

**Right-of-Way Setback Variance:**

A 35 right-of-way setback is required. An 14.2' setback is proposed. A 20.8' variance must be approved.

**Side Setback:**

A 1/2' side setback variance was originally requested. Based on Variance Board review, the setback was modified and now will meet side setback requirements.

The following are recommendations for the Variance Board to consider:

1. Approve:
  - A 20.8' right-of-way setback variance
  - A 42.8' lakeshore setback variance
  - A 11.3' height variance

2. Approve an amendment to Section 7-9.7(d) as follows:

A guest cottage shall not cover more than 700 square feet of land surface and shall not exceed 45' 21'.3" in height.

In addition Section 7-9.7 or Ordinance No. 35 should also be amended reducing the minimum lot size permitted from 24,000 square feet to 2,613 (2,500) square feet unless deed restrictions are provided. If recommended for approval, the following variances must still be approved:

- 17' right-of-way setback variance
- 46'.5" lakeshore setback variance

3. Rezone the garage lot from R-1 to BEI Zoning. Set the following BEI zoning requirements:

Minimum right-of-way setback requirement	=	14.2'
Minimum lakeshore setback requirement	=	7.2'

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

TR/psw  
cc:admin/add.file  
b:landuccigarage19

# SITE PLAN

FOR: Landucci Homes

## PROPOSED BUILDING ELEVATIONS

HOUSE TYPE = SLAB ON GRADE  
GARAGE FLOOR = 914.9

### PROPOSED LEGEND

- ⊗ DENOTES OFFSET HUB
- ⊕ DENOTES EXISTING ELEV.
- ⊖ DENOTES PROPOSED ELEV.
- DIRECTION OF PROP. SURFACE DRAINAGE
- - - 930.0 PROPOSED CONTOURS
- - - 930.0 EXISTING CONTOURS

### EROSION CONTROL MEASURES

- SF — DENOTES SILT FENCE

NOTE: SEE OTHER SHEETS FOR EASEMENT SKETCH AND DESCRIPTION AND LOCATION SURVEY PREPARED BY CORNERSTONE LAND SURVEYING, INC FOR THIS PROJECT.



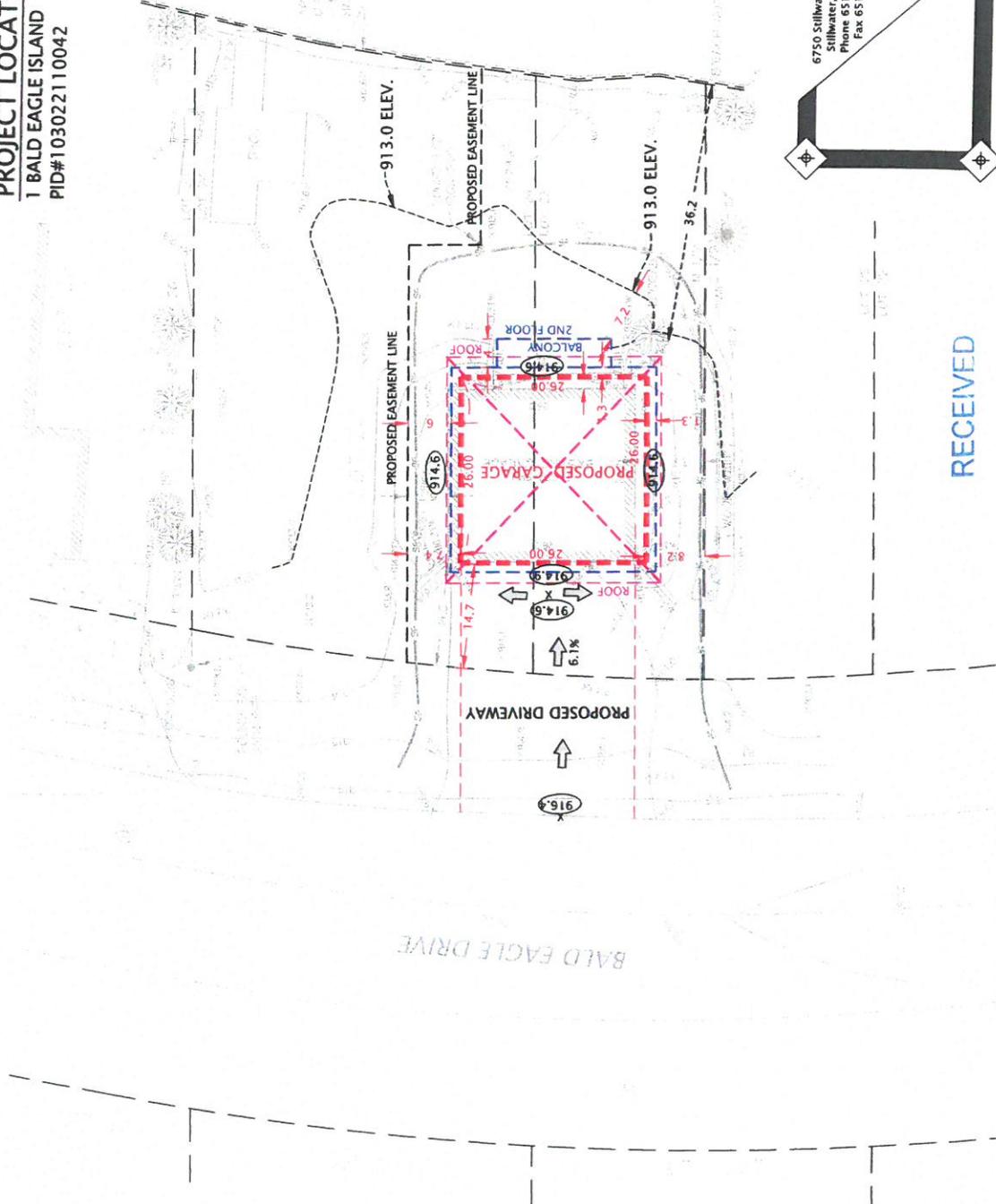
### CERTIFICATION

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

*Daniel L. Thurmes*  
 DANIEL L. THURMES  
 License No. 25718  
 Date: 2-16-18  
 Project: LAD18004

REVISED 2-20-19  
 REVISED 2-12-19  
 REVISED 3-7-18

**PROJECT LOCATION:**  
 1 BALD EAGLE ISLAND  
 PID#103022110042



Suite #1  
 6750 Stillwater Blvd. N.  
 Stillwater, MN 55082  
 Phone 651.275.8959  
 Fax 651.275.8976  
 daniel@cornerstonecsurveying.com  
 .net

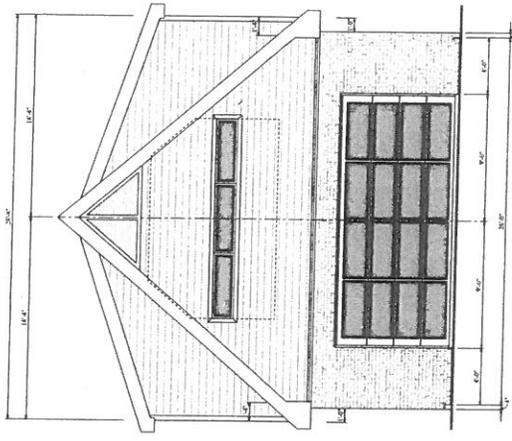
**CORNERSTONE**  
 LAND SURVEYING, INC.

RECEIVED

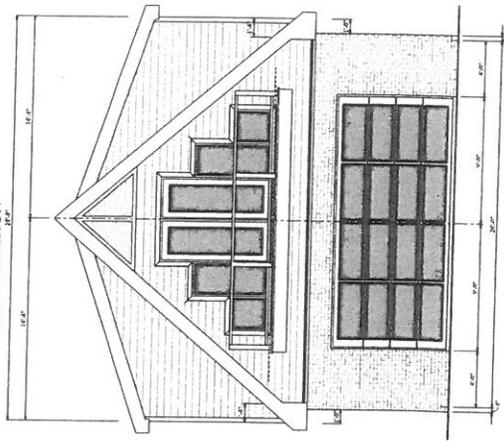
FEB 20 2019

TOWN OF WHITE BEAR

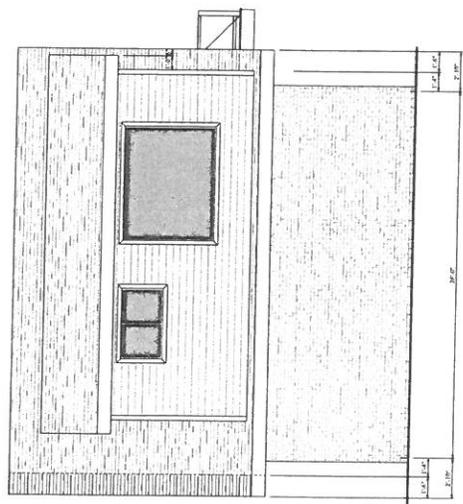
Revised  
2/12/19  
m



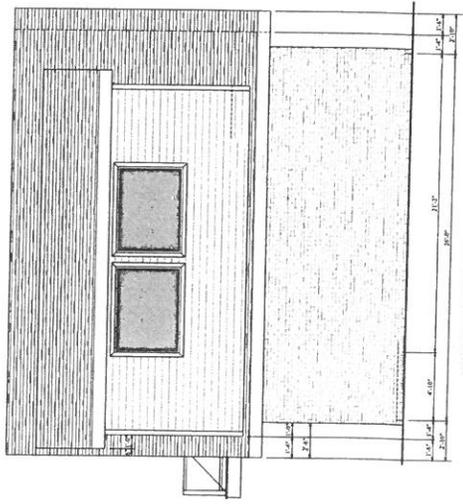
WEST ELEVATION



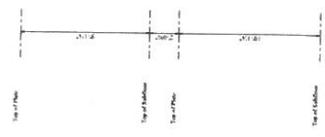
EAST ELEVATION (LAKE)

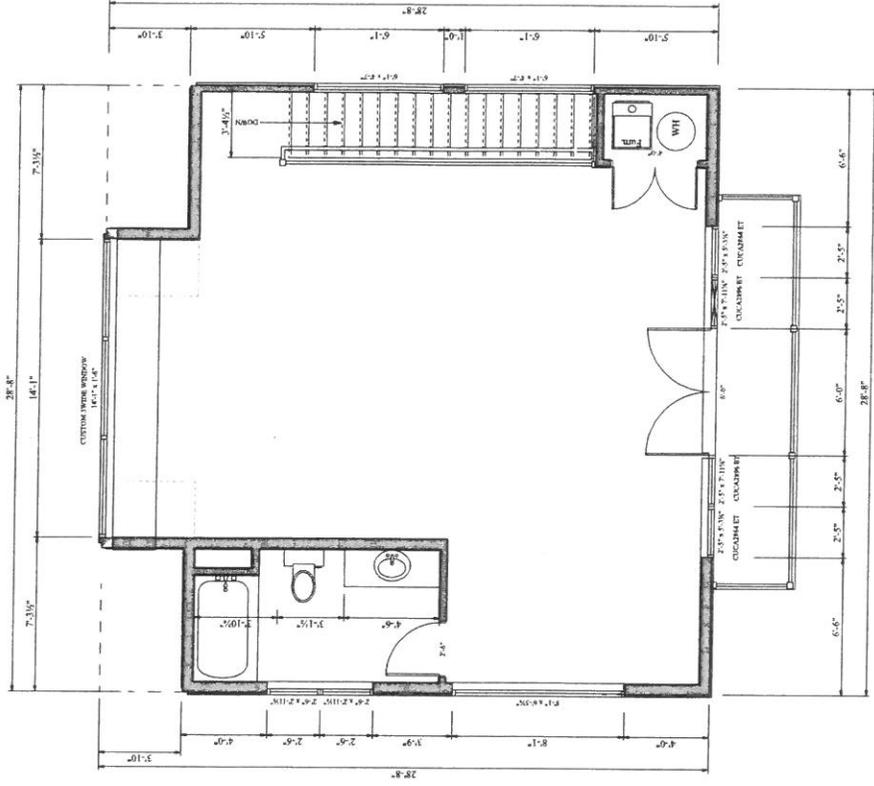


SOUTH ELEVATION

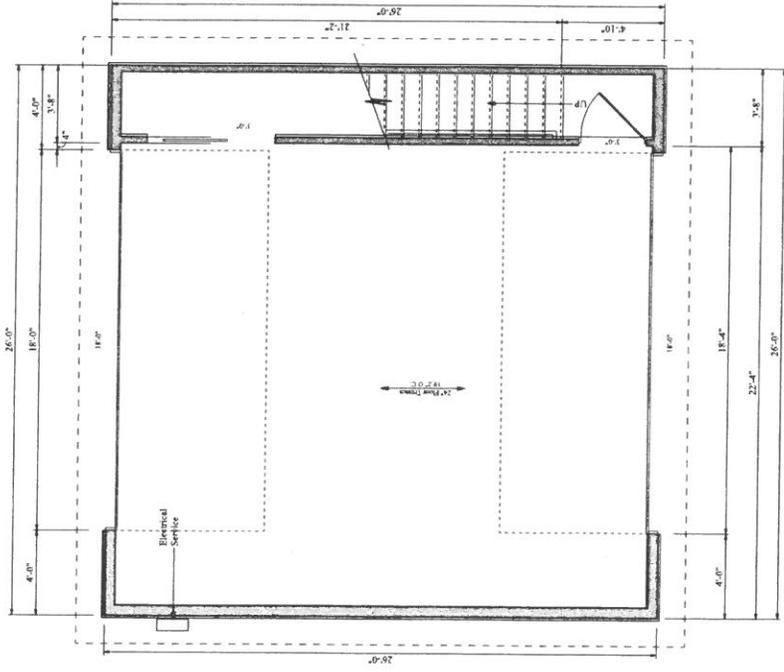


NORTH ELEVATION





UPPER FLOOR GARAGE 2.14.2019  
 FSF = 678 (does not include stair or mechanical)



MAIN FLOOR GARAGE - 2.14.2019  
 SF = 676



# EASEMENT SKETCH

FOR: Landucci Homes

# PROJECT LOCATION:

1 BALD EAGLE ISLAND  
PID# 103022110042

NOTE: SEE OTHER SHEETS FOR LOCATION SURVEY AND SITE PLAN PREPARED BY CORNERSTONE LAND SURVEYING, INC FOR THIS PROJECT.

## EXISTING EASEMENT DESCRIPTION

(INGRESS AND EGRESS EASEMENT PER DOC. 871 734)

A perpetual easement over and across that part of the North half of Lot 23 and all of Lot 24, Victoria Addition to Bald Eagle, Ramsey County, Minnesota described as follows:  
Commencing at the Meander Post No. 12 on the North line of Government Lot 1, Section 10, Township 30 North, Range 22 West of the 4th Principal Meridian; thence Easterly 12.21 feet along said North line; thence southerly, deflecting to the right 95 degrees 17 minutes 09 seconds, a distance of 214.19 feet to the South line of said North half of Lot 23, said point being the beginning of the easement to be described; thence Northerly 41.35 feet along the last described line to a point on a line 30 feet South of and parallel with the North line of said Lot 24; thence Easterly, parallel with the North line of said Lot 24 a distance of 48 feet; thence Southerly at right angles to the last described line a distance of 10 feet; thence Easterly parallel with the North line of said Lot 24 to the shoreline of Bald Eagle Lake; thence Southerly along said shoreline to the south line of the North half of said Lot 23; thence Westerly along said South line to the point of beginning and there terminating.

## REVISED EASEMENT DESCRIPTION

(TO REPLACE INGRESS AND EGRESS EASEMENT PER DOC. NO. 871734)

A perpetual easement over and across that part of the North Half of Lot 23 and all of Lot 24, VICTORIA ADDITION TO BALD EAGLE, Ramsey County, Minnesota which lies southerly of the following described line and its easterly and westerly projections and which lies easterly of the easterly right of way line of Bald Eagle Drive:

COMMENCING at the North Quarter corner of Section 10, Township 30, Range 22; thence on an assumed bearing of North 89 degrees 20 minutes 36 seconds East along the north line of the Northeast Quarter and the north line of Government Lot 1 and it's easterly extension a distance of 2,475.15 feet; thence South 00 degrees 39 minutes 25 seconds East a distance of 182.07 feet to a point hereinafter referred to as "Point A"; thence North 89 degrees 21 minutes 24 seconds East a distance of 25 feet more or less to the shoreline of Bald Eagle Lake and the POINT OF BEGINNING; thence South 89 degrees 21 minutes 24 seconds West along last described line a distance of 25 feet more or less to the aforementioned "Point A"; thence North 00 degrees 39 minutes 25 seconds West a distance of 10.00 feet; thence South 89 degrees 20 minutes 35 seconds West a distance of 58 feet more or less to the easterly right of way line of Bald Eagle Drive and said line there terminating.

## CERTIFICATION

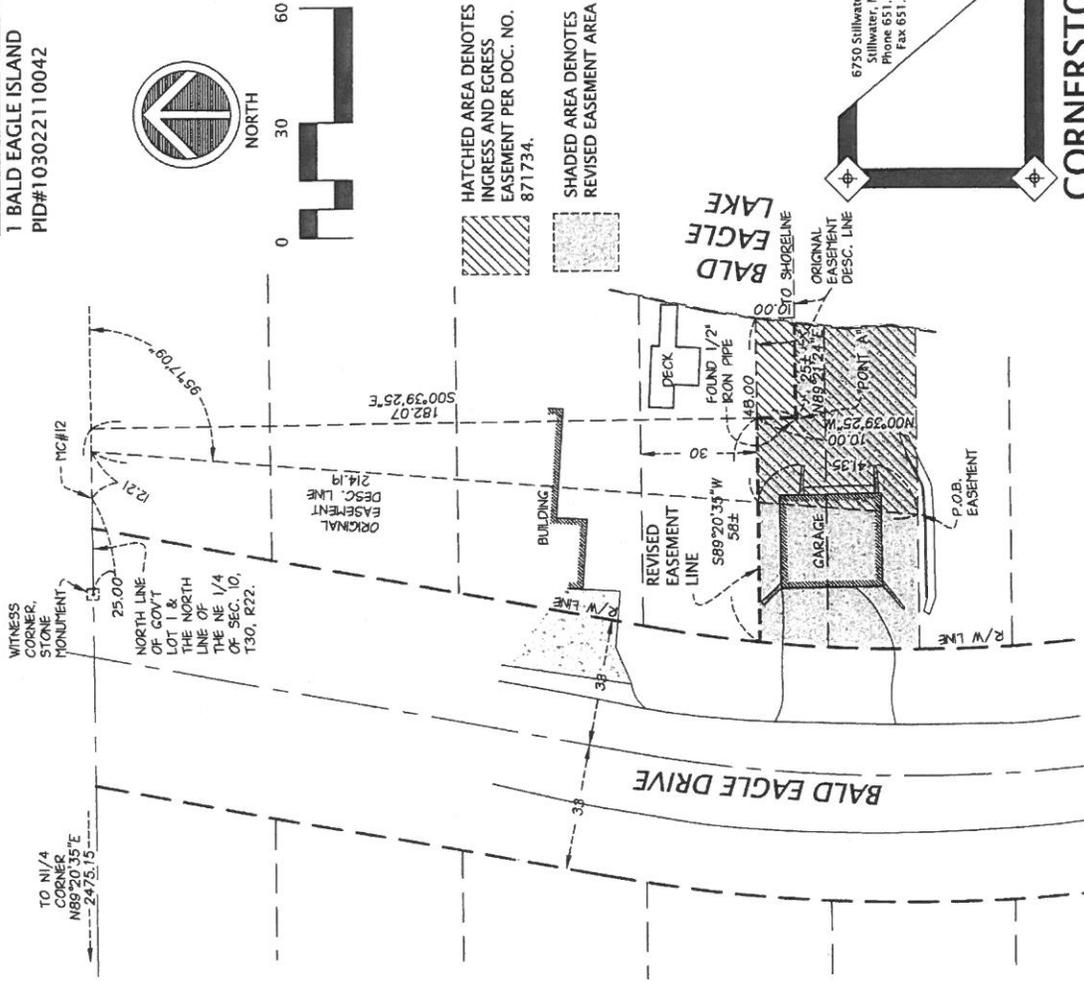
I hereby certify that this survey, plan or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of MINNESOTA.

*Daniel L. Thurmes*

DANIEL L. THURMES  
License No. 25718  
Date: 4-11-18  
Project: LAD18004

## NOTES:

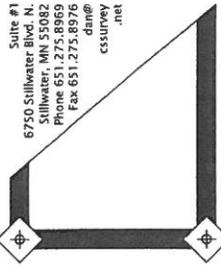
- VARIOUS ITEMS APPEAR TO BE IN ERROR WITH THE ORIGINAL EASEMENT DESCRIPTION. CONSULT AN ATTORNEY TO RECTIFY THE MATTER.
- THE UNDERLYING PARCEL THAT THE EASEMENT OCCUPIES IS TORRENS TITLE.



HATCHED AREA DENOTES INGRESS AND EGRESS EASEMENT PER DOC. NO. 871 734.

SHADED AREA DENOTES REVISED EASEMENT AREA

Suite #1  
6750 Stillwater Blvd. N  
Stillwater, MN 55082  
Phone 651.275.8969  
Fax 651.275.8976  
dan@  
cssurvey  
.net



**CORNERSTONE**  
LAND SURVEYING, INC.



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number:** 6

**Subject:** **Eagle Brook Church, 2401 Buffalo Street** - Request for a Conditional Use Permit to Construct an Addition

**Documentation:** Staff Memo w/ attachments

**Action / Motion for Consideration:**

Receive Information / Discussion



SAINT PAUL | MADISON

380 St. Peter Street, Suite 600  
Saint Paul, MN 55102

651.222.3701  
bwbr.com

February 7, 2019

Re: Eagle Brook Church Addition and Renovation  
2401 Buffalo Street  
White Bear Township, MN 55110

Parcel ID: 123022210039

Plat Name: FIRST BAPTIST ADDITION TOWHIT

Legal Description: Ex S 240 Ft & Ex N 956 Ft; The W 82.5 Ft Of E 330 Ft Of Ne 1/4 Of Nw 1/4 In Sec 12 Tn 30 Rn 22 Also The S 240 Ft Of E 1/2 Of W 1/2 Of E 330 Ft Of Ne 1/4 Of Nw 1/4 (subj To St)in Sec 12 Tn 30 Rn 22 And In Sd First Baptist Add To White Bear Lake Outlot A And Ex E 15 Ft Of N 230 Ft;lot 4 Blk 2 And All Of Lot 5 Blk 2

Worship times: Saturday 4PM & 6PM, Sunday 9AM & 11AM; Students Worship: Wednesday 6PM & 7PM

Eagle Brook Church is proposing to add approximately 4,160 sf to expand the lobby space in front of the Worship Center and to convert the gym that is currently used for overflow seating on Sundays to become a permanent part of the Worship Center. Other portions of the gym will be repurposed into support spaces. With approval from the Township Board, EBC plans to break ground in April/May 2019.

The current Lobby is small which limits its ability to function well and impacts the circulation and flow to other parts of the church. The expanded Lobby will provide places for people to get more information about church activities, places for people to connect with others while clearing the way for others to flow through the space and get to other parts of the building like the kids classrooms. The expansion will relocate the café out of the main circulation space, and it will provide room to build a vestibule in front of the Worship Center doors to minimize the disruption of people arriving or departing during the service.

The changes to the Worship Center are small but important. One change is to extend the wall along the access ramp to the platform so the musicians can arrive and depart more discreetly. The second change is remove the operable partition between the gym and worship center and enclose the current overflow area with walls to make it a permanent part of the worship center. This will provide a more cohesive room and give all the attenders a more comfortable and similar experience. With the chairs being movable there are several ways to layout the room, however EBC expects to fit 1,100 – 1,200 seats when complete which is very near to the current set up with overflow that provides 1,080 seats.

The exterior walls of the addition will match the existing building which is a raked architectural precast concrete, with dark bronze aluminum windows. If budget allows, we are proposing to have a sandblasted concrete tower to support a large metal cross that will be seen from Buffalo Street and by those entering the Church.

The 4,161 sf addition will create very little impact to the 13.76 acre site. No parking will be lost and the existing 490 spaces exceeds the townships parking requirement (1 space: 4 seats allows 1,960 seats). Most of the addition is built over impervious surface; so the added impervious is less than 1,000 sf and only 0.28% of the site.

End.

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: FEBRUARY 19, 2019**

**SUBJECT: BUILDING ADDITION**  
**REQUEST: CONDITIONAL USE PERMIT**

**LOCATION: 2401 BUFFALO STREET**  
**APPLICANTS: EAGLE BROOK CHURCH, RICHARD STUERMAN, BWBR ARCHITECTS**  
**ZONING: R-1, SUBURBAN RESIDENTIAL**

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. Currently, the area proposed for the addition is a covered entry with drive lane. The covered drive lane is proposed to be eliminated but an existing drive lane would remain intact and will become a new drop off area. The addition is designed so existing exterior sidewalks can be incorporated into the new addition.

The addition is proposed to create a larger lobby and to create greater flow in the building. An existing "café" will be relocated within the church and provides room to build a vestibule in front of the worship center. In addition, the addition will allow removal of a partition behind the gym and worship center making the space part of the worship center. Approximately 20 to 120 new seats may be added to the worship center as a result. The church currently seats 1,080 people.

The proposed addition will be built over an area which is primarily impervious surfacing. The added impervious area is proposed to be less than 1,000 square feet. No parking is to be eliminated with the proposed addition. There are approximately 500 paved parking spaces on site. The Town requires 1 parking stall per 4 seats. Based on the 500 stalls, 2,000 seats can be provided. The church will seat up to 1,200 people with the proposed addition.

A Conditional Use Permit must be approved for expansion of the church or modifications to the site. Section 9-4.4 of Ordinance No. 35 sets the standards which must be met in order to approve a Conditional Use Permit. It states:

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

- (1). Unnecessary detraction 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.

The addition as proposed appears to meet the standards set forth by the Zoning Ordinance to approve a Conditional Use Permit. If recommended for approval, the approval should be subject to meeting all requirements of the Town Engineer and Town Fire Inspector.

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

# MEMORANDUM

TO: James E. Studenski  
FROM: Zach Moen, EIT  
PROJECT: Eagle Brook Church Addition – White Bear Lake Campus  
SUBJECT: Existing and Proposed Stormwater Management  
DATE: 2/7/2019  
CC: Tom Riedesel, Trevor Gruys

---

James,

Based on correspondence with you via email on 01/22/19, it is the understanding of the design team that White Bear Township will not require additional stormwater data as long as the proposed project is below the following thresholds:

- Less than 10,000 square feet of new or reconstructed impervious surfaces
- Less than 1 percent change in impervious area draining to existing pond

The existing site consists of a church building, surface pavements, green spaces, and a stormwater pond. The proposed project consists of a 4200 square foot addition and reconfiguration of a drop off lane. The project creates approximately 9,415 square feet of new or reconstructed impervious surfaces. A summary of the predevelopment and post-development impervious areas draining to the pond are shown in Table 1.1 below.

**Table 1.1 – Existing and Proposed Impervious Areas Draining to Pond**

	Existing Condition	Proposed Condition
<b>Impervious Area Draining to Pond (ft<sup>2</sup>)</b>	163,922	163,800
<b>Percent Increase</b>	0.00%	

As seen in Table 1.1, the project creates less than 1 percent of additional impervious area draining to the existing pond; therefore, no additional stormwater data is required.

Thank you,

Zach Moen, EIT  
Loucks

Attached: Existing Impervious Areas to Pond Exhibit, Proposed Impervious Areas to Pond Exhibit



White Bear Lake Fire Department  
4701 Hwy 61  
White Bear Lake, MN 55110  
Tel. (651) 429-8568 Fax. (651) 429-8501

February 15, 2019

BWBR  
380 St. Peter Street STE 600  
St. Paul, MN 55102

RE: General Building Plan Review

Project: Eagle Brook Church  
2401 Buffalo Street  
White Bear Township, MN 55110

The plans for the above project have been reviewed. Please review the comments listed below and let me know if you have any questions.

**Specific Comments**

- For all Fire related questions or inspections, please call (651) 762-4842.



White Bear Lake Fire Department  
4701 Hwy 61  
White Bear Lake, MN 55110  
Tel. (651) 429-8568 Fax. (651) 429-8501

### General Comments

1. All roads and drive lane shall meet the White Bear Lake Fire Department requirements for widths and turning radiuses. Provide layout showing White Bear Lake Fire Apparatus turning radius overlay on drive lanes.
2. Address number shall be plainly visible from the street fronting the property and shall contrasting color from the background.
3. The fire sprinkler system shall be installed compliant with provisions of 2010 NFPA Standard 13, Installation of Sprinkler Systems. City permit required **prior** to initiation of work.
4. Fire Department sprinkler connection location to be **approved** prior to installation and must be within 100' of a fire hydrant.
5. The fire alarm system, shall be installed compliant with provisions of 2010 NFPA Standard 72, National Fire Alarm Code. City permit required **prior** to initiation of work.
6. The sprinkler system shall be properly monitored by a qualified monitoring company.
7. Install emergency egress illumination in the means of egress including exit discharge compliant with 2015 MSFC.
8. Install compliant exit signage as required by the 2015 MSFC.
9. Provide and install dry chemical fire extinguishers certified for service and tagged as required. Service classification rating shall be a minimum 2A classification rating and maximum travel distance of 75 feet to extinguishers. The minimum classification rating may be upgraded for special or extra hazard areas within the occupancy.
10. Provide information concerning combustible interior finish materials used for this project. Interior finish materials shall be classified as required by 2015 MSFC as to flame spread and smoke development characteristics. Interior wall and ceiling finish shall have a flame spread index not greater than that specified in 2015 MSFC for the group of proposed occupancy and location of interior finish. Please furnish product specification sheets listing this information.
11. The required fire-resistance rating of rated construction shall be maintained. Openings through rated construction for the passage of wiring, sleeves, conduit,



White Bear Lake Fire Department  
4701 Hwy 61  
White Bear Lake, MN 55110  
Tel. (651) 429-8568 Fax. (651) 429-8501

12. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

**Codes and Standards Used for this Review**

- ❖ This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.
  - 2015 Minnesota State Fire Code
  - NFPA 72, 2010 edition
  - NFPA 13, 2010 edition

Thank You,

A handwritten signature in cursive script that reads 'Kurt Frison'.

Kurt Frison  
Assistant Fire Chief / Fire Marshal  
(651) 762-4842



# 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) Stephanie Hauber, EBC PHONE (Home) \_\_\_\_\_  
Richard Stuerman, BWBR (Business) 651-429-9227 (EBC)  
(Cell) 651-815-2765 (BWBR)

ADDRESS 7015 20th Avenue  
Centerville, MN 55038

PROPERTY OWNER Eagle Brook Church

ADDRESS OF SITE 2401 Buffalo Street

ZONING R-1

EXISTING USE OF SITE Church

## DESCRIPTION OF CONDITIONAL USE BEING REQUESTED

A 4,000 sf addition to expand the lobby in front of the Worship Center to make more room for attenders to gather after service, to improve circulation to the kids classrooms, to improve the cafe, to convert Gym used for temporary/overflow worship seating to a permanent seating area dedicated to worship.



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.

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.

  
\_\_\_\_\_  
Signature of Applicant(s)

2.7.2019  
\_\_\_\_\_  
Date

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



## Planning Commission Meeting February 28, 2019

**Agenda Number:** 7

**Subject:** The Stable of White Bear Township, 5685 Portland Avenue  
– Major Subdivision / Preliminary Plat Review

**Documentation:** None

### Action / Motion for Consideration:

Receive Information / Discussion

-----  
**Minutes**  
**Planning Commission Meeting**  
**January 24, 2019**

**STABLE OF WHITE BEAR TOWNSHIP – 5685 PORTLAND AVENUE – REVIEW POTENTIAL DEVELOPMENT LAYOUT:** The Township currently owns the property at 5685 Portland Avenue after an extended lawsuit with the previous 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 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 could 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 the Town take land in lieu of cash for park purposes for this development which would include Outlots A-E.

Denn proposed a one-way along this property. Mike and LuAnn Bailey live at 5695 Portland Ave. and they greatly opposed that 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. Artnr can see Bailey's point of view because she lives on a one-way. Neighbor Dave Hassinger at 5675 Portland Ave. 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, Hassinger said

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.



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number:** 8

**Subject:** Ordinance No. 35 Amendment – Shoreland Management Section

**Documentation:** None

**Action / Motion for Consideration:**

Receive Information / Discussion

-----  
**Minutes**  
**Planning Commission Meeting**  
**January 24, 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 worked on by an intern. The members found, at initial review or that copy to be confusing.

Riedesel explained that the "clear cutting" wording recommended for approval by the Planning Commission was adopted with one addition: is being narrowed to hazardous, dead, or diseased trees. There was discussion at the Town Board hearing that mentioned including storm damaged trees. The Planning Commission discussed the added wording and did not recommend any changes.



## Planning Commission Meeting February 28, 2019

**Agenda Number:** 9

**Subject:** Comprehensive Plan - Update

**Documentation:**

**Action / Motion for Consideration:**

Receive Information / Discussion

-----  
**Minutes**  
**Planning Commission Meeting**  
**January 24, 2019**

**COMPREHENSIVE PLAN – UPDATES – PUD DENSITIES:** 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 Community to a “Suburban” designation. With the new “Suburban” designation, new development and re-development needs an average of five unit/acre for the low density zone. For the 2030 plan, the Township had a standard of average of three units/acre in the R-1 Zone. 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.

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

There was discussion regarding high density housing.

Riedesel updated the Commission that this Comprehensive Plan has been submitted for review and it is now up to the Town Board to take action after review at the annual meeting.



**Planning Commission Meeting  
February 28, 2019**

**Agenda Number:** 10 - 11

**Subject:** Added Agenda Items  
Adjournment

**Documentation:**

**Action / Motion for Consideration:**



## 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 foot 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.