



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 JUNE 27, 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 May 23, 2019.
4. **Consent Agenda:**
 - A. **Andrew Nelson, 3940 Lakewood Avenue** – Request for a 6.375' Side yard Setback & 8.7% Green Area Variance to Pave Driveway 3' From the Side Lot Line.
 - B. **Anthony & Morgan Abbott, 5216 Grand Avenue** – Request for 13.5' Right-of-Way Setback Variance to Construct a 3 Season Porch.
 - C. **Matt & Ann Menior, 5216 Park Avenue** – Request for 24' Right-of-Way Setback & 3% Green Area Variance to Construct a Two Car Garage.
5. **Patrick O'Brien, 1382 Top Lane** – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance.
6. **Nextern, 1185 North Birch Lake Boulevard** – Request for Permitted Use Standards Permit to Add Temporary Driveway from 1185 North Birch Lake Boulevard to 4843 White Bear Parkway.
7. **Redlin Electric, 2350 Leibel Street** – Request for Permitted Use Standards Permit to Construct a 6,558 Square Foot Addition onto the Existing Building.
8. **Message Board Signs** – Consider Ordinance No. 33 (Sign) Amendment.
9. Added Agenda Items.
10. 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
June 27, 2019**

Agenda Number: 1 – 2 - 3

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

Approval of June 27, 2019 Agenda
Approval of Minutes of May 23, 2018

Documentation: June 27, 2019 Agenda
May 23, 2018 Meeting Minutes

Action / Motion for Consideration:

Call meeting to order:	6:30 p.m.
Approval of Agenda:	June 27, 2019 (additions/deletions)
Approval of Minutes:	Meeting of May 23, 2018

**MINUTES
PLANNING COMMISSION MEETING
MAY 23, 2019**

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

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

Absent: Kotilinek, with notice.

APPROVAL OF AGENDA (Additions/Deletions): Artner moved approval of the agenda as submitted with the addition of the White Bear Makerspace for number 7, and moving Consent Agenda B to discussion. Patrick seconded. Ayes all.

APPROVAL OF MINUTES OF MARCH 28, 2019: Artner approved the Minutes of March 28, 2019, with the correction of the approval of the minutes from 2019 not 2018. Patrick seconded. Ayes all.

CONSENT AGENDA – KEVIN & JULIE LUND, 5932 Hobe Lane Request for 14.6 Right-of-Way Setback Variance & Variance from Section 5-29 Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a Garage: Riedesel summarized the request to demolish an existing garage and construct an attached oversized garage which would exceed the allowed 1,000 square foot size and would encroach into the road right-of-way setback. The previous garage was 17.5' from the right-of-way, the new attached garage is proposed to be 20.4' from the right-of-way.

Ordinance No. 8 states that a permit may be applied for an oversized garage if the property exceeds 22,000 square feet. The Lund property is 22,200 square feet in area and abuts Bald Eagle Lake.

At the Variance Board meeting on May 15, 2019, Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the right-of-way setback variance as the right-of-way in this area is greater than normal, there is a decrease in a non-conforming setback. The request meets the standards set forth by Ordinance No. 35 to approve a variance.

The Variance Board also recommend to the Planning Commission to recommend to the Town Board to approve the variance from Section 5-29 of Ordinance No. 8 noting that the property exceeds the 22,000 square foot requirement and abuts Bald Eagle Lake.

Flann moved to approve the Consent Agenda — request for 14.6 Right-of-Way Setback Variance & Variance from Section 5-29 Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a garage. Patrick seconded. Ayes all.

CONSENT AGENDA – Rick & Kim Lucio, 5691 Orchard Avenue Request for a 10.4% Green Area Variance and a 142 Square Foot Lakeshore Accessory Structure Square Footage Variance for Construction of an In-Ground Pool: Riedesel summarized the request for a 10.4% green area variance to allow construction of an in-ground pool between the house and Bald Eagle Lake. The Lucio property is an undersized lot of record.

MINUTES
PLANNING COMMISSION MEETING
MAY 23, 2019

The pool is considered a lakeshore accessory structure which establishes the setback requirement at 10' from the 913' one hundred year high water elevation. The proposed pool meets that requirement, but 142 square feet of the 392 square foot pool exceeds the size requirement for a lakeshore accessory structure.

The Lucio's current green area coverage is 46.9% and they are proposing in the first phase to remove the concrete patio where the pool will be constructed thereby decreasing the green area coverage to 41.5%. In phase two of the project they plan to remove the existing concrete driveway which will further decrease the green area bringing it down to 35.4%. Pavers will be installed to replace the concrete.

It was noted at the Variance Board meeting on May 15, 2019 that Denn stated he could support the variance because of the green area increase.

Artner stated that she was in opposition to this agenda item because she is against pools next to lakes.

Flann moved to approve the Consent Agenda — request for a 10.4% green area variance and a 142 square foot lakeshore accessory square footage variance structure for construction of an in-ground pool. Patrick seconded. Ayes all, save Artner's abstention.

CONSENT AGENDA – DISCUSSION – Marilyn Svee, 2630 South Shore Boulevard request for variances: Riedesel summarized the request to allow for the construction of a 24' x 24' garage and paved driveway which replaces an existing single garage. The Svee property is an undersized lot of record and Svee wishes to construct the new garage in the approximate same location as the existing garage.

The Variance Board had discussed various scenarios of garage and driveway construction taking into consideration the location of the power pole at the Variance Board meeting on May 15, 2019.

The Variance Board recommended the Planning Commission to recommend to the Town Board to require that the garage and driveway meet the 5' side yard setback to the south, with the driveway narrowing to the street to avoid moving the power pole; that the 5' setback requirement be met to the west property boundary; approve a 5' side yard setback to the south property boundary; a 1.19' side and west property boundary; and considering the previous garage has a 0' setback from the south and west property boundary.

Denn had recommended the Planning Commission to recommend to the Town Board to approve up to 5% green area variance, and also requested that the applicant redraw the plans prior to the Planning Commission meeting, which she did.

Svee was present to discuss this agenda item, and so the Commission moved it off of the consent agenda for discussion. Svee noted that the 5' setback would be maintained by her.

**MINUTES
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MAY 23, 2019**

The Commission noted that the garage can be placed at 5' but would have more lenience for the driveway due to the location of the power pole. Svee noted that the property owner behind the garage had agreed to it.

There was discussion of firemen needing space and that the fence may be a little too close to the garage.

Artner made the motion to approve the 7' side yard setback variance for the south side of the driveway tapering to a 5' side yard setback variance for the garage, and on the west side 3.19' setback variance and a 5% green area variance. Loes seconded. Ayes all.

KENT JEFFERSON, 514X WEST AVENUE – Request for a Minor Subdivision with Two 5' Lot Width Variances: Riedesel summarized the request for a minor subdivision on West Avenue. He noted this original request was approved by the Town Board in 2003. But since Jefferson did not file the paperwork with the County in time, the approval lapsed.

The proposed minor subdivision would create two 75' wide lots containing more than 20,000 square feet in area each.

At the Variance Board meeting of May 15, 2019, the Board recommended to the Planning Commission to recommend to the Town Board to approve the minor subdivision creating two 75' wide lots containing 20,000+ square feet in area noting the property was originally assessed for two sewer and water services and two stubs were installed, and noting the previous approval of the Town Board in 2003.

There was discussion of the original application that was approved. How Jefferson had intended all along to split the land this way.

Gail Henry, 5134 Mead Road, was present to discuss drainage issues. She is concerned that if a property is constructed with a basement that would inhibit water flow more. Denn explained that basements don't cause other basements to flood, that that is more of a topographical grading issue. Timothy Stanton, 5137 West Ave, was present and inquired of the possibility of Jefferson building a townhome or duplex. The Commission decided that if the land was not split at all, a townhome or duplex could be built. Due to the split, there would be no townhome or duplex built.

Jefferson noted that the would provide easements regarding the shed that is currently on the rear of his property. Jefferson also noted that he was going to try to preserve as many trees as possible.

Michael Beasley, 5157 West Ave, was present and asked if Jefferson could take trees out to help drainage. Beasley's driveway is eroding away, he stated. There was some agreement that there are drainage issues.

MINUTES
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MAY 23, 2019

Seth Johnson, 1930 Ridgewood, said there were no storm sewer drains, no curbs. It was noted that the Planning Commission would ask Public Works to take a look, and have a potential evaluation before going to the Town Board if possible.

Artner made the motion to approve the request for a minor subdivision with two 5' lot width variances. Swisher seconded. Ayes all.

CONDITIONAL USE PERMIT REQUEST @ THREE OAKS OF WHITE BEAR TOWNSHIP – Approve Conditional use Permit to Allow Modification of the Landscaping Plan: The North Oaks Company had approached the Planning Commission previously, about a year ago. The Planning Commission recommended approval of a Conditional Use Permit which included a Landscaping Replacement Plan.

Gary Eagles, North Oaks Company, was present to go over the landscaping plans. There will be tall trees, medium trees, and shrubs and bushes used. Boulders will also be used in some landscaping plans. The variety causes more coverage for noise and sight. He noted more existing trees were removed from the property due to disease and modifications to the Grading Plan.

There was discussion of whether or not the association would maintain the landscaping. Gary said it would, but it was noted that associations in the past had said they would but failed to do so. There was discussion of putting the maintenance of landscaping in the contract.

Artner moved to approve the Conditional Use Permit to allow modification of the Landscaping Plan, noting that the association will maintain that level of screening per the Landscaping Plan. Swisher seconded. Ayes all.

MAKERSPACE SIGNAGE – 5966 HIGHWAY 61: White Bear Makerspace is located behind Holiday and Bald Eagle Quick Stop. The owners would like a ground mounted sign on the Quick Stop property to advertise their company. The Town's sign ordinance requires the sign to be on the property for which the sign is advertising. Due to Section 4.1.3, this request needs Town Board Approval in order to proceed.

Tom Lendway, from Makerspace was present to answer questions and discuss this application. It was noted that the sign will not be electric. There are regulations on the number of signs a business can have, the brightness of electric signs, how quickly ads can change on signs, and more. These were discussed.

Artner motioned to recommend to approve a variance from the Sign Ordinance to allow a White Bear Makerspace sign at Bald Eagle Quick Stop, the neighboring business, as shown on the site plan. Patrick seconded. Ayes all.

ADDED AGENDA ITEMS: FYI agenda items were included in the packet. Larry Alm's message board was brought up. As stated in the Makerspace Signage agenda item, there are regulations on signage regarding businesses. Businesses' electric signs are not to change ads more than once per 30 seconds. It was noted that Alm's does change sooner than every 30 seconds.

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There was discussion of state regulation near highways and state accessibility standards on highway 61. It was the consensus that the Planning Commission will look into this and may discuss further next meeting.

Artner motioned to adjourn the meeting at 7:43 p.m. Flann seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh
Recording Secretary

DRAFT



Planning Commission Meeting June 27, 2019

Agenda Number: 4.A - Consent Agenda

Subject: Andrew Nelson, 3940 Lakewood Avenue – Request for a 6.375' Side yard Setback & 8.7% Green Area Variance to Pave Driveway 3' From the Side Lot Line

Documentation: Staff Memo w/attachments

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board Meeting
June 19, 2019

ANDREW NELSON, 3940 Lakewood Avenue – Request for a 6.375' Side Yard Setback Variance to Pave Driveway 3' From the Side Lot Line: Riedesel summarized the request for a 6.375' side yard setback variance and an 8.7% green area variance to allow him to pave his driveway up to 3' from the side lot line. The driveway is currently gravel and is constructed up to the lot line.

The paved driveway width is proposed to be 12'4", and the driveway will serve a detached garage located behind the home. There is also an existing parking area which adjoins Lakewood Avenue. This was once a driveway that extended up to the home. A portion of this driveway has been removed and the remainder is used for parking.

The majority of the homes in the Eastwood Manor neighborhood were built in the 50's and 60's, many with single car garages. As these garages are replaced with two car garages it is common for the Town to review variances proposing a 5' side yard setback.

Johnson inquired about calculations of green space for neighboring properties. He also stated that he met with Nelson and found that no other options are really available to him for the driveway.

The Variance Board discussed the parking pad located on the property. Nelson stated that he would like to keep the parking pad as he uses it to park his work vehicle. He also noted that the parking pad is supported on one side by a retaining wall and that would have to be removed and fill brought in to make it look acceptable.

Christopherson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 6.375' side yard setback variance and 8.7% green area variance to allow paving of the driveway. Johnson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JUNE 12, 2019

SUBJECT: DRIVEWAY CONSTRUCTION
REQUEST: 6.375' SIDE YARD SETBACK VARIANCE
8.7% GREEN AREA VARIANCE

LOCATION: 3940 LAKEWOOD AVENUE
APPLICANT: ANDREW NELSON
ZONING: R-1, SUBURBAN RESIDENTIAL
PUBLIC
HEARING: REQUIRED

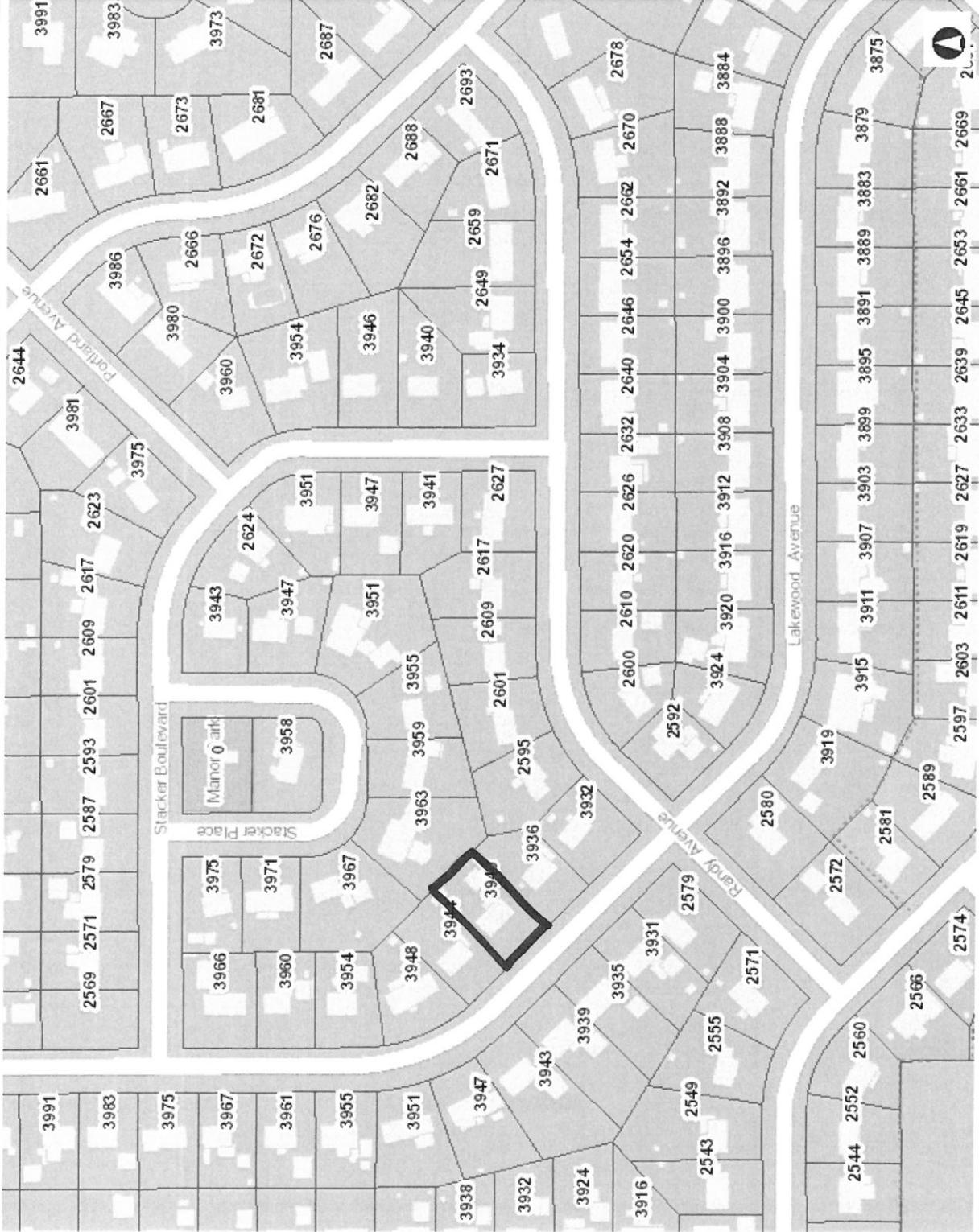
Mr. Nelson is requesting approval of a 6.375' side yard setback variance which would allow him to pave his driveway up to 3' from the side lot line. The driveway is currently gravel and is constructed up to the lot line. A 6.375' side yard setback variance is requested for this 75' wide undersized lot of record. The paved driveway width is proposed to be 12' 4". The driveway will serve a detached garage located behind the home. The garage was constructed in 2004 by a previous property owner.

An 8.7% green area variance is also requested as part of the driveway paving. The lot is 10,890 square feet in area. With the paving of the gravel driveway, the amount of coverage on the lot is proposed to be 38.7%. Thirty percent coverage is permitted.

The 2004 site plan showed a gravel driveway with a planned setback of 5'. Gravel is not considered a "structure" and does not have setback requirements. The 2004 site plan shows 19.5' between the side of the home and lot line. There is also an existing parking area which adjoins Lakewood Avenue. This was once a driveway that extended up to the home. A portion of this driveway has been removed and the remainder is used for parking.

The property is located in the Eastwood Manor neighborhood. The majority of these homes in this neighborhood were built in the 50's and 60's, many with single car garages. As these garages are replaced with two car garages the Town often reviews variances proposing a 5' side yard setback. The 5' setback, which requires a 5' variance is fairly common in this neighborhood.

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



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Legend



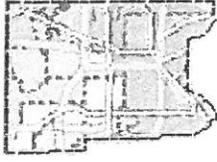
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

Notes

Enter Map Description



Legend



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

Notes

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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

JUN 05 2019

INTRODUCTION

TOWN OF WHITE BEAR

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) ANDREW NELSON PHONE (Home) _____
(Business) _____
(Cell) 651-468-5898

ADDRESS 3940 LAKEWOOD AVE

PROPERTY OWNER ANDREW NELSON

ADDRESS OF SITE 3940 LAKEWOOD AVE ZONING _____

EXISTING USE OF SITE DRIVEWAY

DESCRIPTION OF VARIANCE REQUEST WOULD LIKE TO REPLACE EXISTING CLASS 5 DRIVEWAY WITH NICE NEW ASPHALT DRIVEWAY

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
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.

[Handwritten Signature]

6-4-19
Date

*Signature of Applicant(s)

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

To Be Completed By Office:		Receipt #
Date Request Received	<u>6/5/19</u>	<u>CC # 172035</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: 3940 Lakewood Ave. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

REPLACE CLASS 5 DRIVEWAY WITH ASPHALT DRIVEWAY

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: Tracy Anderson Address: 3934 Lakewood Ave. WBL MN 55110
Phone: (Home) _____
(Bus.) _____
(Cell) 651-200-0263

Comments: _____

Date: June 17, 19 Signatures: [Signature] / _____

2. Name: Marydon O'Brien Address: 6395 Keswick Ave No, Stillwater
Phone: (Home) 651-303-6313
(Bus.) _____
(Cell) _____

Comments: _____

Date: _____ Signatures: _____ / _____

3. Name: Tim Micko Address: 3936 Lakewood Ave
[Signature] Phone: (Home) _____
(Bus.) 651-773-1783
(Cell) _____

Comments: Driveway needs to start away from
3936 property line

Date: 6-17 Signatures: [Signature] / _____



Planning Commission Meeting
June 27, 2019

Agenda Number: 4.B – Consent Agenda

Subject: Anthony & Morgan Abbott, 5216 Grand Avenue – Request for 13.5' Right-of-Way Setback Variance to Construct a 3 Season Porch

Documentation: Staff Memo w/attachments

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board Meeting
June 19, 2019

ANTHONY & MORGAN ABBOTT, 5216 Grand Avenue – Request for a 13.5' Right-of-Way Setback Variance to Construct a 3 Season Porch: Riedesel summarized the request to add a 3 season porch onto the existing deck. Riedesel noted that a variance was requested and received by the previous owner in 1997 allowing construction of the deck. This lot is considered an undersized lot of record at the corner of Grand and Stillwater Street.

In 1997 it was noted that 6 of the 8 homes on this block did not meet right-of-way setback requirements and it was found that the average setback of the homes on this block was consistent with the setback of the proposed deck. The average setback along this block is currently 24' +/-.

The Variance Board discussed the request and no issues were noted.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 13.5' right-of-way setback which will allow construction of a 3 season porch based on the previous variance approval of the deck in 1997. Christopherson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JUNE 12, 2019

SUBJECT: CONSTRUCTION OF A 3 SEASON PORCH
REQUEST: 13.5' RIGHT-OF-WAY SETBACK VARIANCE

LOCATION: 5216 GRAND AVENUE
APPLICANTS: ANTHONY & MORGAN ABBOTT
PUBLIC
HEARING: NOT REQUIRED

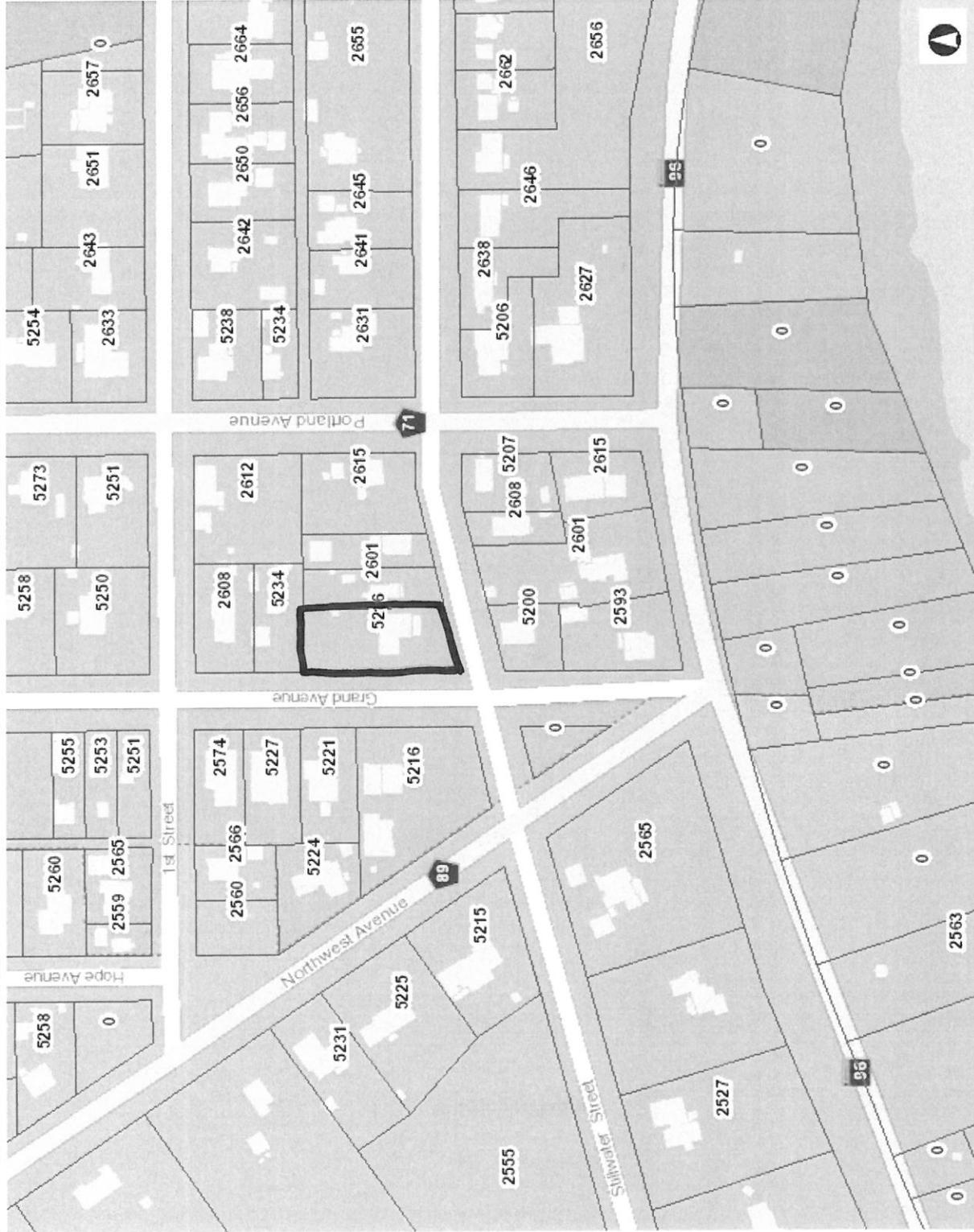
The Abbott's are requesting approval of a 13.5' right-of-way setback variance which would permit them to add a 3 season porch to the Stillwater Street side of the home. A 35' right-of-way setback is required. In 1997 a previous property owner was granted approval of a variance to construct a deck in the location where the porch is proposed. The porch is planned to be built on the footprint of the deck.

The porch which is approximately 6' above grade is proposed to be the same height as the home. The existing deck is 6' above grade.

The corner lot which the home is located on is considered an undersigned lot of record. In 1997, it was noted that 6 of the 8 homes on this block did not meet right-of-way setback requirements. It was found that the average setback of the homes on this block was consistent with the setback of the proposed deck. The average setback along this block is currently 24' +/- . Five of the eight homes/structures on this block do not meet the current setback requirements. It should be noted that one of the homes not meeting setback requirements burned down in 1997 and was replaced by a home meeting right-of-way setback requirements.

The proposed setback for the Abbott home/deck is 21.5' from the right-of-way.

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



Legend



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

Notes

Enter Map Description

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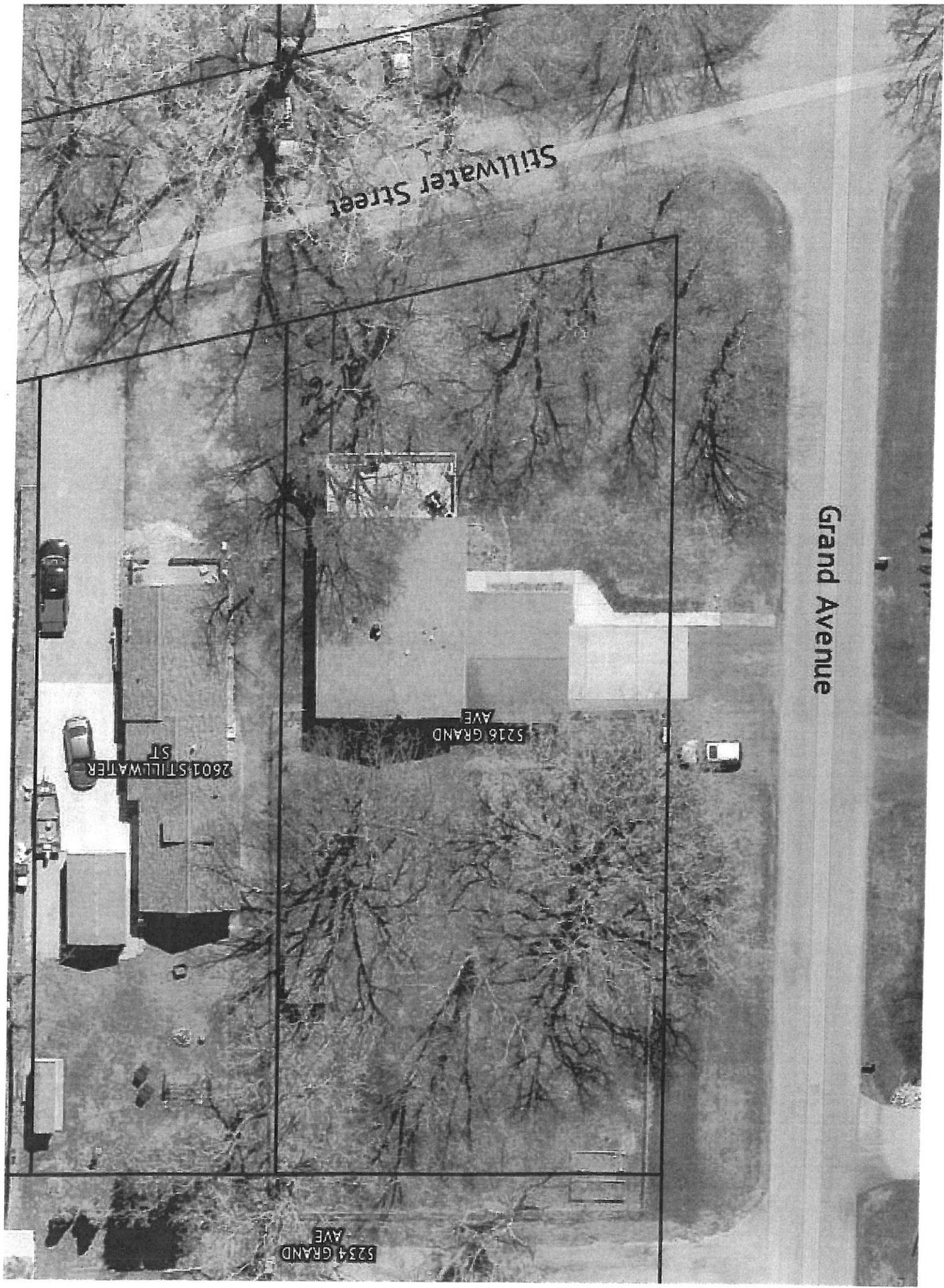
Stillwater Street

Grand Avenue

5216 GRAND AVE

2601 STILLWATER ST

5234 GRAND AVE





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
JUN 05 2019
TOWN OF WHITE BEAR

INTRODUCTION

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✓ Fee \$225

APPLICANT(S) Anthony Abbott PHONE (Home) 612-708-4389
Morgan Abbott (Business) _____
(Cell) _____

ADDRESS 5216 Grand Ave
White bear Township, MN, 55110

PROPERTY OWNER Anthony and Morgan Abbott

ADDRESS OF SITE 5216 Grand Ave ZONING _____

EXISTING USE OF SITE Deck

DESCRIPTION OF VARIANCE REQUEST: Install Roof and 3 season an existing deck, the deck had to have an approved Variance to be built by the prior owners. Attached are Plot measurements and deck design _____

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	<u>21'-6'</u>	<u>21'-6' + 1 foot overhang</u>
Rear Yard	_____	_____	_____
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.

M. McPherson
Christa Carter
*Signature of Applicant(s)

6/5/2019
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>		<i>OK # 7008</i>
Date Request Received	<u>6/5/19</u>	
By <u><i>Karen</i></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: 5216. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

Install Roof and 3 season my existing deck

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: Daniel R. Monroe Address: 5200 Grand Avenue
Mary S. Monroe Phone: (Home) 651-583-1595
 (Bus.) N/A
 (Cell) 651-249-6149
 Comments: All for their improvement!

Date: 6-04-2019 Signatures: Daniel R. Monroe

2. Name: Henny Hess Address: 2601 Stillwater
Susan Peterson-Hess Phone: (Home) _____
 (Bus.) N/A
 (Cell) 651-246-0406
 Comments: _____

Date: _____ Signatures: _____ / _____

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

Date: _____ Signatures: _____ / _____



Planning Commission Meeting June 27, 2019

Agenda Number: 4.C – Consent Agenda

Subject: Matt & Ann Menior, 5216 Park Avenue – Request for 24' Right-of-Way Setback & 3% Green Area Variance to Construct a Two Car Garage

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board meeting
June 19, 2019

MATT & ANN MENIOR, 5216 Park Avenue – Request for 24' Right-of-Way Setback & 3% Green Area Variance to Construct a Two Car Garage: Riedesel summarized the request for a 24' right-of-way setback variance and a 3% green area variance to allow for construction of a 24' x 24' detached garage. The garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind it. The new garage is in approximately the same located as the existing garage but would be set back 10' from the right-of-way line.

The Menior property is a corner lot, 49.98' wide and 120' deep, 5,998 square feet in area, and is considered an undersized lot of record. The Town requires a 35' right-of-way setback and a 10' side (rear) setback for a standard sized lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this lot a garage on greater than 9' deep can be constructed without approval of a setback variance.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance.

The Town has historically approved variances to permit construction of a two car garage and this request is consistent with others which proposes a two car garage with greater setbacks than an existing non-conforming garage.

Riedesel stated that the garage could be shifted more to the north, however, this would create more driveway and a greater green area variance

Denn inquired as to whether there would be room to park a vehicle in front of the garage. Johnson stated that there would be room.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the 24' right-of-way setback variance and 3% green area variance to allow construction of a two car garage. Johnson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JUNE 11, 2019

SUBJECT: NEW GARAGE CONSTRUCTION

REQUEST: 24' RIGHT-OF-WAY WAY SETBACK VARIANCE, 3% GREEN AREA VARIANCE

LOCATION: 5216 PARK AVENUE

APPLICANTS: MATT & ANN MENIER

ZONING: R-1

PUBLIC

HEARING: REQUIRED

The Meniers are requesting approval of a 25' right-of-way setback variance which would allow construction of a 24' x 24' detached garage at 5216 Park Avenue. The proposed garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind the garage. The new garage is proposed in approximately the same location as the existing garage but would be set back 10' from the right-of-way.

The Meniers property is a corner lot, 49.98' wide and 120' deep, 5,998 square feet in area. The property is considered an undersized lot of record. The Town requires a 35' right-of-way setback and a 10' side (rear) setback for a standard sized lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this undersized lot, a garage no greater than 9' deep can be constructed without approval of a setback variance.

The garage is proposed to line up with the setback of the existing home, which has a 9.4' setback from Park Avenue.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance. The new garage is approximately 200 square feet larger than the existing shed and garage or 4% greater coverage on the lot.

The Town has historically approved variances to permit construction of a two car garage. This request is consistent with others which proposed a two car garage with greater setbacks than an existing garage. The garage could be shifted so it is further from the

right-of-way than proposed. Requiring this would create a longer driveway, creating less green space.

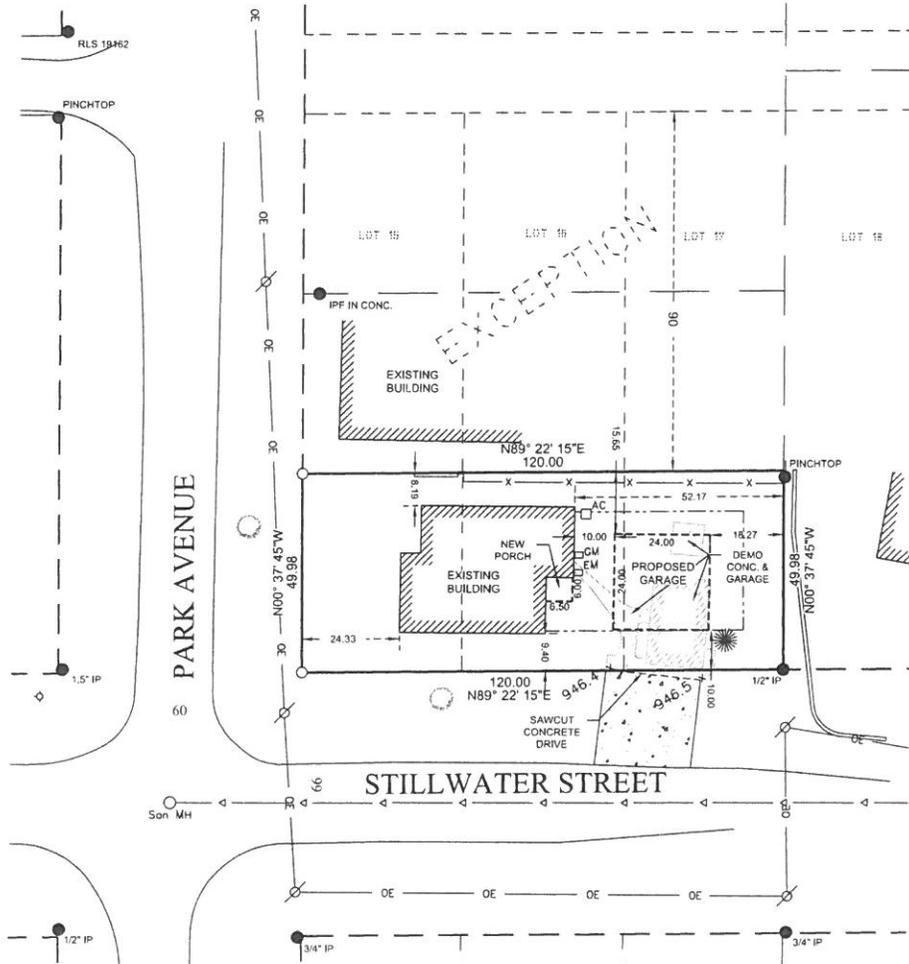
The garage as proposed appears to meet the standards set forth by the Zoning Ordinance to approve a variance. The proposal is also consistent with the Town's practice of allowing a variance for a new structure providing that the new structures is set back further from the lot line than an existing structure to be demolished.

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

SITE PLAN FOR: Ann Menier

PROPERTY ADDRESS
5216 Park Avenue
White Bear Township 55110

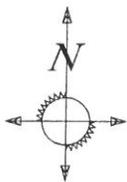
DESCRIPTION:
Lots 15, 16 and 17, except the north
90 feet thereof, Block 24, WHITE BEAR
BEACH, Ramsey County, Minnesota.
Subject to easements of record, if any.



LEGEND

- Iron Monument Found
- Iron Monument Set
- ⊙ Power Pole
- ⊕ Hydrant

940.0 x Existing Spot Elev.



NOTES

Horizontal Datum: Ramsey County PLSS
Vertical Datum: Assumed

Garage Floor Elev.=946.6

Bench Mark: TNH@NW Cor. of
Park & Stillwater.
Elev=937.03

CALCULATIONS

Lot Area: 5998 s.f.
Proposed Garage Area: 576 s.f.
Coverage: 576/5998=9.6%
Garage Height: 14 ft.

ZONING

R-1 Suburban Residential

Setbacks
Front: 35 ft.
Rear: 20 ft.*
Side: 10 ft.

Garage Size

Max. of 10% of Total Lot Size or
less than 1000 s.f.

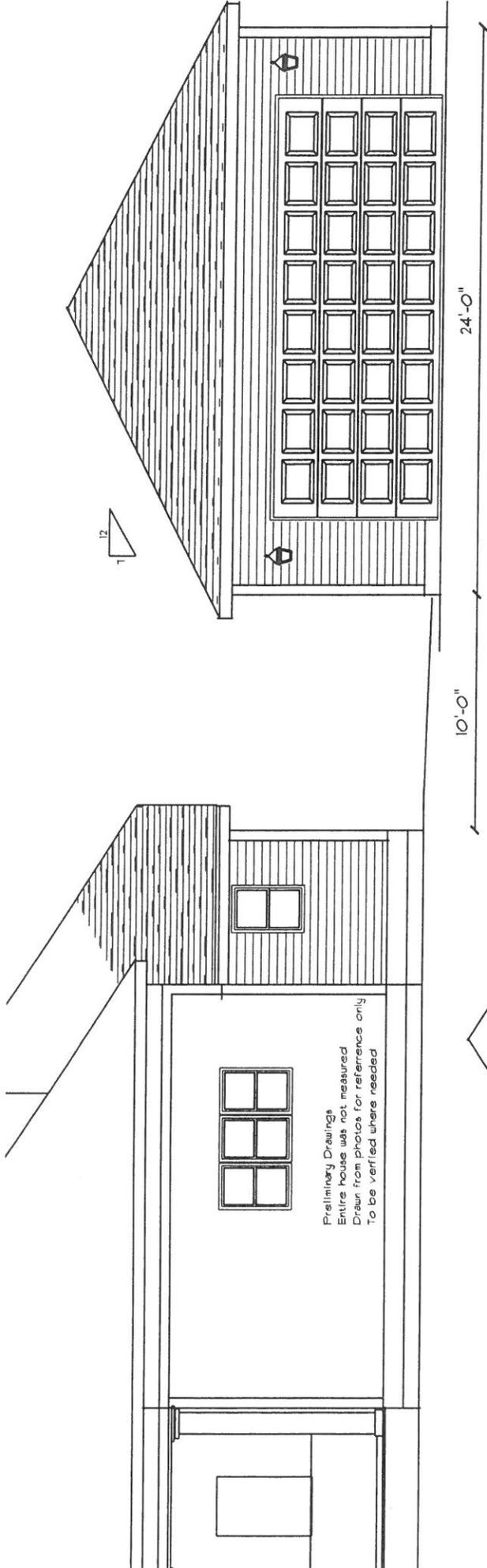
*Rear setback for accessory bldg can
be reduced to 10 ft. for bldg under 15
ft. in height.

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

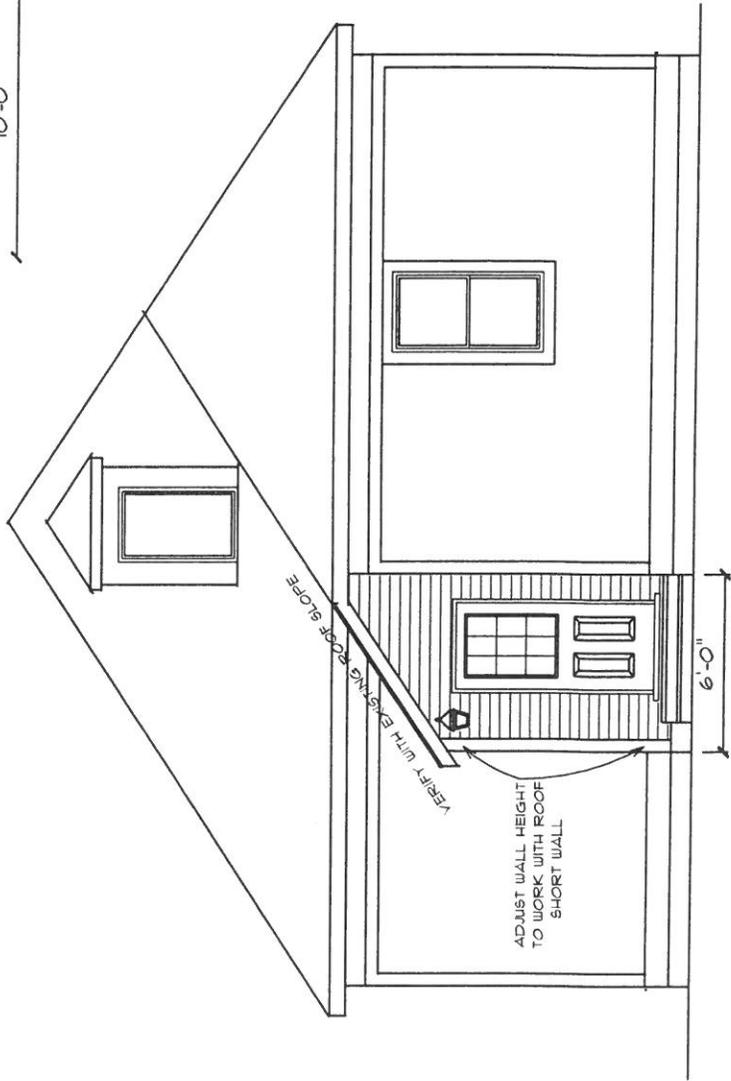
Allen C. Schlipp
DATE _____ LIC. NO. MN 21292



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



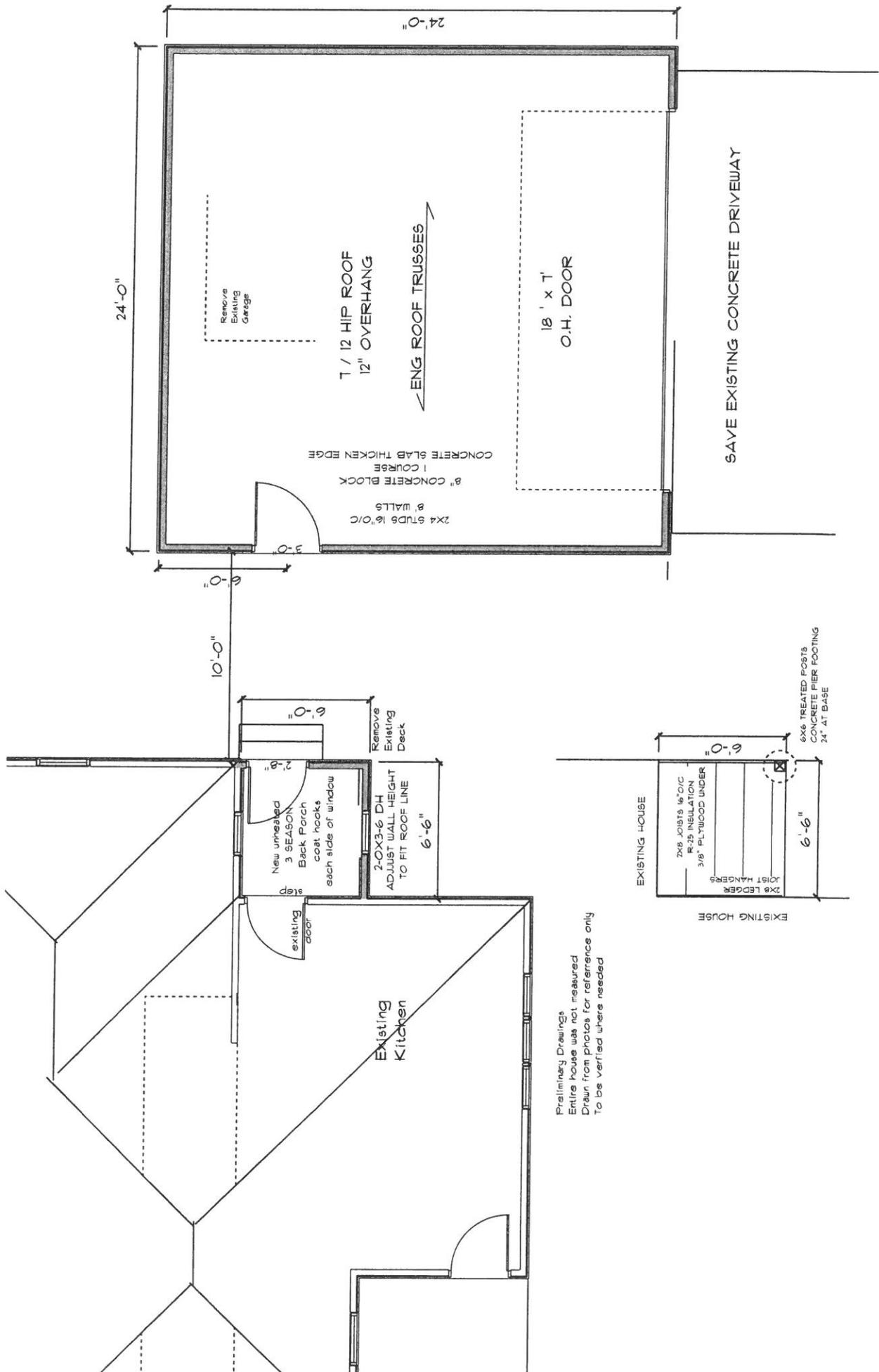
Preliminary Drawings
 Entire house was not measured
 Drawn from photos for reference only
 To be verified where needed



Preliminary Drawings
 March 7 2019

Dan Guidinger
 Guidinger Construction LLC
 651 325-6000

Proposed Drawings
 Matt & Ann Menier
 5216 Park Ave
 White Bear Lake MN



Preliminary Drawings
 Entire house was not measured
 Drawn from photos for reference only
 To be verified where needed

SAVE EXISTING CONCRETE DRIVEWAY

EXISTING HOUSE

EXISTING HOUSE

1/2 HIP ROOF
 12" OVERHANG

ENG ROOF TRUSSES

18' x 1'
 O.H. DOOR

24 STUDS 16" O/C
 8 WALLS
 8" CONCRETE BLOCK
 1 COURSE
 CONCRETE SLAB THICKEN EDGE

Remove Existing Garage

New unheated
 3 SEASON
 Back Porch
 coat hooks
 each side of window

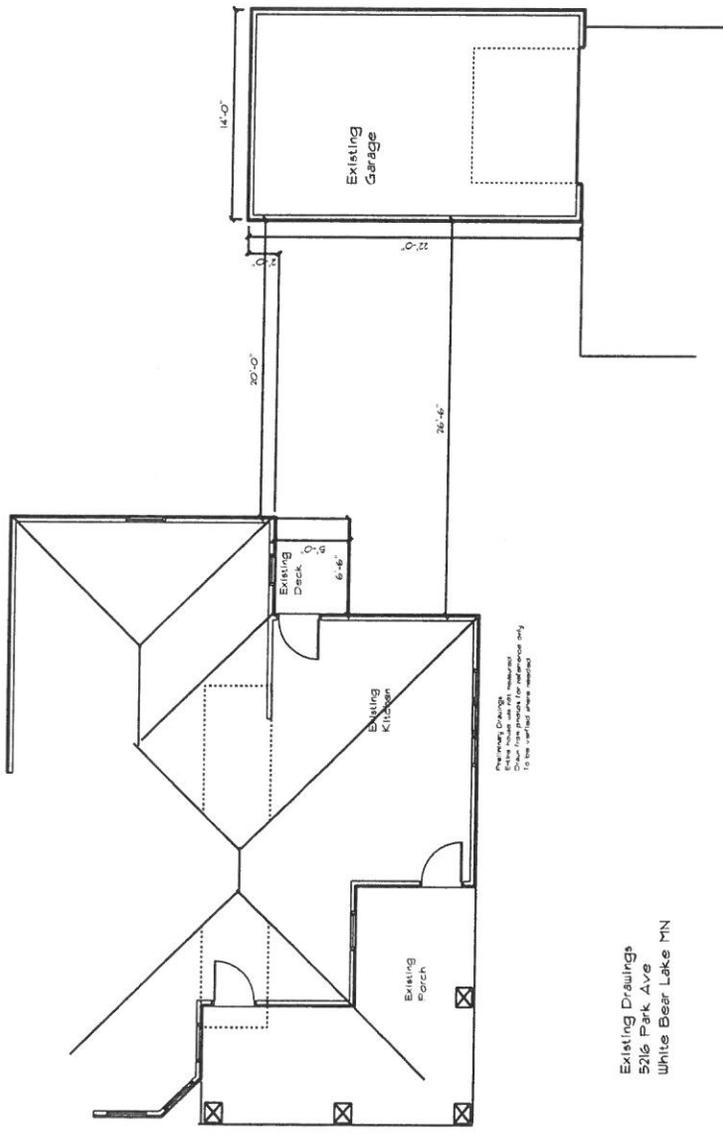
2" OX3-6 DH
 ADJUST WALL HEIGHT
 TO FIT ROOF LINE

Existing
 Kitchen

Remove Existing Deck

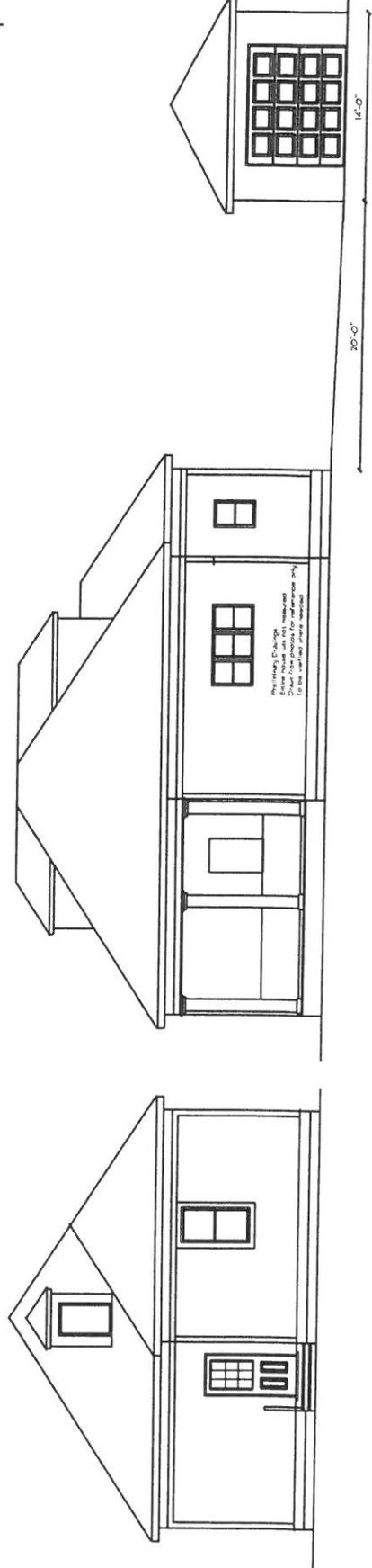
2x6 JOISTS 16" O/C
 R-25 INSULATION
 3/8" PLYWOOD UNDER
 JOIST HANGERS
 2x6 LEDGERS

6x6 TREATED POSTS
 CONCRETE PIER FOOTING
 24" AT BASE



Existing Drawings
 Dimensions are shown
 in feet and inches (rounded up)
 to the nearest 1/4 inch unless otherwise noted.

Existing Drawings
 5216 Park Ave
 White Bear Lake MN





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
 JUN 06 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) MATT MENIER PHONE (Home) _____
ANN MENIER (Business) 651-653-2709
 (Cell) 651-366-7886

ADDRESS 5216 PARK AVE
WBT. 55110

PROPERTY OWNER MATT & ANN MENIER

ADDRESS OF SITE 5216 PARK AVE. ZONING _____

EXISTING USE OF SITE _____

DESCRIPTION OF VARIANCE REQUEST REPLACE SINGLE CAR GARAGE
WITH A DOUBLE GARAGE

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
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.

Ann Marie
Ann Marie

*Signature of Applicant(s)

6-4-19
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>		<u>CB# 4301</u>
Date Request Received	<u>6/6/19</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: 5216 Park Ave. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

to build a two stall garage on our property.

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: Ed Champion Address: 2701 Stillwater St
Phone: (Home) _____
(Bus.) _____
(Cell) 651-276-6719

Comments: _____

Date: June 17-18 Signatures: Ed Champion

2. Name: Kevin & Amelia Hackl Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

Comments: _____

Date: 6/18/19 Signatures: [Signature]

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

Comments: _____

Date: _____ Signatures: _____



Planning Commission Meeting June 27, 2019

Agenda Number: 5

Subject: Patrick O'Brien, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board Meeting
June 19, 2019

PATRICK O'BRIEN, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance: Riedesel summarized the request for approval of a minor subdivision which requires approval of a lot size and lot width variance. The property is located at the corner of Top Lane and South Birch Lake Boulevard. The home fronts on Top Lane and the driveway accesses Top Lane. The property is "L" shaped with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

O'Brien would like to split the property into two lots. One lot approximately 90' wide by 207.56' deep fronting on Top Lane. This lot has the O'Brien home on it. The second lot would be a vacant corner lot 89.05' wide by 110' deep.

The lot containing the O'Brien home would be approximately 18,000 square feet in area meeting lot size and width requirements.

The corner lot is proposed to be approximately 9,790 square feet in area. The Town's minimum lot size is 12,000 square feet in area with a minimum of 105' width along each right-of-way. Therefore, the applicant is requesting a 15.95' lot width variance and a 2,210 lot square footage variance for the newly created lot.

The configuration of the O'Brien property seems as though it should be split; however, no stub was constructed and the property was only assessed for one unit.

Denn stated that he is not in favor of creating undersized lots which will may require variances in the future to construct houses.

O'Brien stated that any home constructed on the new lot would not be a two story dwelling but a single story home that would fit on the lot.

Johnson proposed an option whereby O'Brien could increase the size of the newly created lot by downsizing the size of his lot to 80' wide thereby adding an additional 900 square feet onto the new lot which will decrease the size of the lot size variance needed.

Denn stated he could support Johnson's proposal as it would get the new lot closer to the minimum lot requirement and that no variances be allowed on either parcel in the future.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the minor subdivision subject to the applicant downsizing the size of the lot on which the house is located to be 80' wide which would add approximately 900 square feet onto the new lot thereby getting it closer to the minimum lot requirement and decreasing the amount of the lot size variance, and noting that no variances will be permitted for the newly created corner lot. Christopherson seconded. Ayes all.

The Variance Board stated that a revised sketch plan should be presented prior to or at the Planning Commission meeting.

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: JUNE 13, 2019

SUBJECT: LOT SPLIT

REQUESTS: MINOR SUBDIVISION / LOT WIDTH & SIZE VARIANCE
LOCATION: 1382 TOP LANE
APPLICANTS: PATRICK O'BRIEN
ZONING: R-1, SUBURBAN RESIDENTIAL
PUBLIC HEARING: NOT REQUIRED

Mr. O'Brien is requesting Town approval to subdivide his property into two parcels. The property is located at the corner of Top Lane and South Birch Lake Boulevard. Mr. O'Brien's home fronts on Top Lane. The driveway also accesses Top Lane. His property is "L" shaped with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

Mr. O'Brien would like to split his property into two lots. One lot approximately 90' wide by 207.56' deep fronting on Top Lane. This lot has the O'Brien home on it. The second lot would be a corner lot, 89.05' wide by 110' deep. This part of the property is currently vacant.

The lot with the O'Brien home would be approximately 18,000 square feet in area and meets lot size and width requirements.

The corner lot is proposed to be approximately 9,790 square feet in area.

The Town's minimum lot size requirement is 12,000 square feet. A corner lot should have a minimum of 105' of width along each right-of-way.

As proposed, Mr. O'Brien is asking the Town to consider two lot size related variances. They are: A 15.95' lot width variance and a 2,210 lot square footage variance. Both variances are required for the corner lot as proposed.

There is an existing lot abutting the O'Brien parcel which is approximately 90' wide by 110' deep equaling approximately 9,900 square feet.

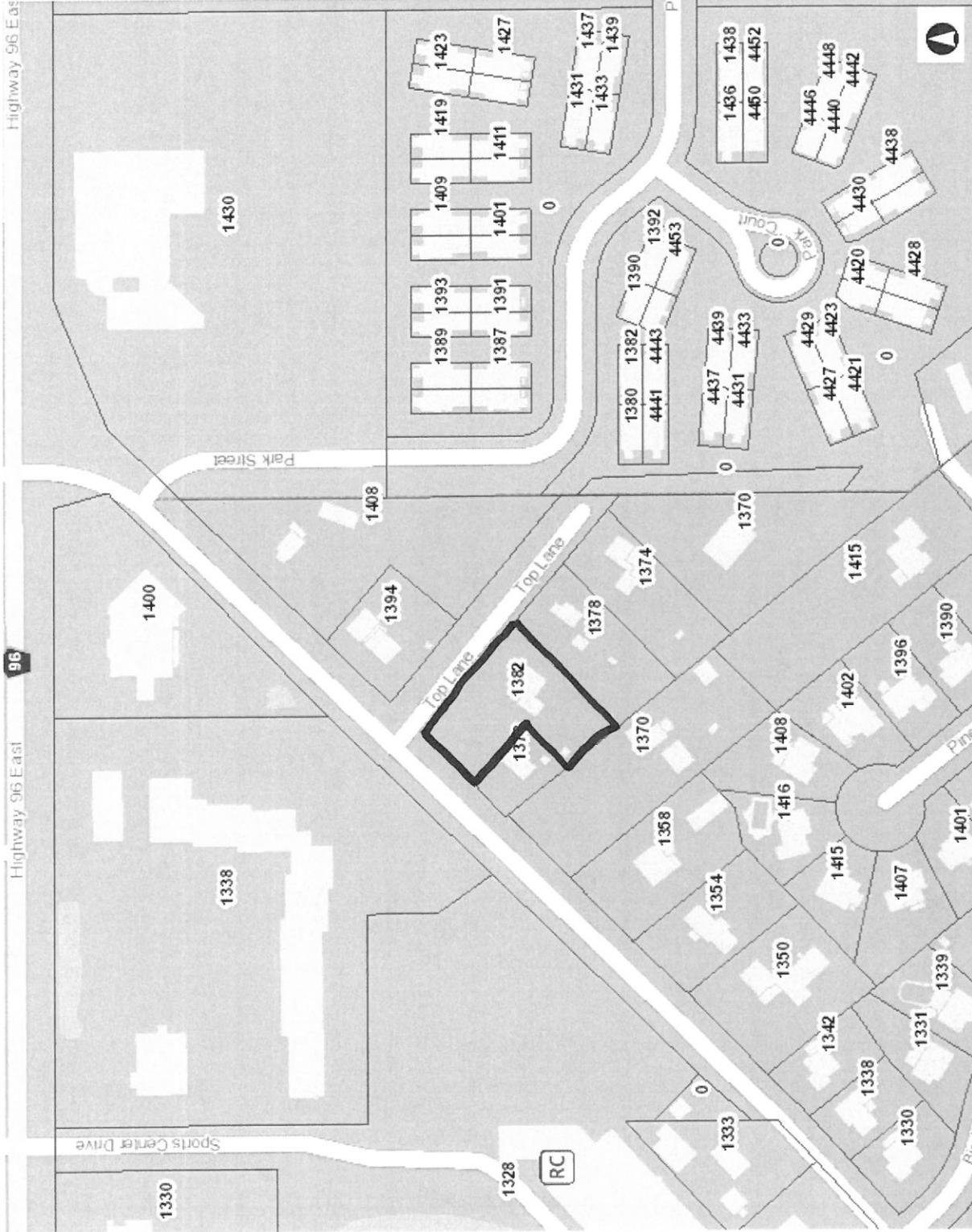
The configuration of the O'Brien lot makes it seem like it should be split into two parcels. The lot as it currently exists was assessed for only one unit. Larger lots which are

subdividable have historically been assessed multiple units, based on how many lots can be created meeting minimum Town requirements.

If approved, the subdivision should be subject to:

1. Payment of one park dedication fee.
2. Payment of the Utility Connection Fee for sewer & water.
3. Payment of SAC, WAC and local SAC when home is constructed on the lot.
4. Provision of 10' drainage and utility easements along all lot lines, avoiding existing structures currently located on the Top Lane property.

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



400.0 0 200.00 400.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend



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

Notes

Enter Map Description



MINOR SUBDIVISION APPLICATION FORM

INTRODUCTION

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

APPLICANT(S) PATRICK J. O'BRIEN PHONE (Home) 651. 398. 8704
(Business) 651. 306. 5820
(Cell) 651. 398. 8704

ADDRESS 1382 TOP LANE
WHITE BEAR TOWNSHIP, MN

PROPERTY OWNER PATRICK J. O'BRIEN

ADDRESS OF SITE 1382 TOP LANE ZONING RES.

EXISTING USE OF SITE SINGLE FAMILY RESIDENTIAL

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

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

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

Pat O'Connell

Signature of Applicant(s)

6-4-19

Date

To Be Completed By Office:

Date Request Received _____

By _____
(Staff Member)

\$35.00 Fee + \$150 Deposit Received

Yes
No

Date Application Complete _____



**Planning Commission Meeting
June 27, 2019**

Agenda Number: 6

Subject: **Nextern, 1185 North Birch Lake Boulevard** – Request for Permitted Use Standards Permit to Add Temporary Driveway from 1185 North Birch Lake Boulevard to 4843 White Bear Parkway

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: JUNE 17, 2019

SUBJECT: CONSTRUCTION OF TEMPORARY DRIVEWAY

REQUEST: PERMITTED USE STANDARDS PERMIT
APPLICANT: NEXTERN, INC., WESLEY OMER
LOCATION: 1185 NORTH BIRCH LAKE BOULEVARD
4843 WHITE BEAR PARKWAY
ZONING: I-1

Nextern, Inc., is expanding their business and has signed a lease agreement with the owners of the VALID building to their north. The Town recently reviewed a proposal from Camp Bow Wow to locate in the suite in which Nextern plans to lease. The Camp Bow Wow plans are no longer being pursued.

Nextern, which has also leased a building in the abutting Comstock industrial park, would like to connect their site with the VALID site using a temporary Class V driveway. The driveway is planned to connect the two properties but would be removed when the suite is no longer leased.

The 16' wide driveway connection is proposed in a location which would not require any tree removal. A culvert is planned under the temporary driveway to keep drainage flowing from west to east into the VALID stormwater treatment pond.

A Permitted Use Standards Permit must be approved by the Town to allow the planned improvements.

Section 9-3.4 of the Town's Zoning Ordinance lists the standards which must be met prior to approving a Permitted Use Standards Permit. They are:

- 9-3.4(a)** The use shall be planned, designed, constructed and maintained to avoid:
- (1). Unnecessary detracting from the appearance of adjacent properties or from the Town as a whole.
 - (2). Aesthetic incompatibility.
 - (3). Aural Incompatibility.
 - (4). Damage to vegetation.
 - (5). Traffic pattern incompatibility.
 - (6). Erosion of soil.

(7). Unnecessary loss of existing natural features (vegetation, steep slopes, wetlands, water bodies).

(8). Increased flood potential.

9-3.4(b). No development shall be allowed which will result in unusual maintenance or repair costs of road, parking areas or utility lines.

9-3.4(c). Development shall be permitted only in such a manner that the maximum number of trees shall be preserved. It shall be the duty of the applicant to demonstrate that there are no feasible alternatives to the cutting of trees on the site.

9-3.4(d). The types and density of land use proposed for the site shall be suited to the site conditions and shall adequately correct problems due to soil limitations, including but not limited to, bearing strength, shrink-swell potential, slope stability, high groundwater, or wetness.

9-3.4(e). The proposed use shall be sited, designed, oriented and landscaped to produce a harmonious relationship of building and grounds to buildings and properties in the neighborhood.

9-3.4(f). The proposed use shall show sufficient landscaping to screen undesirable features and to enhance the development.

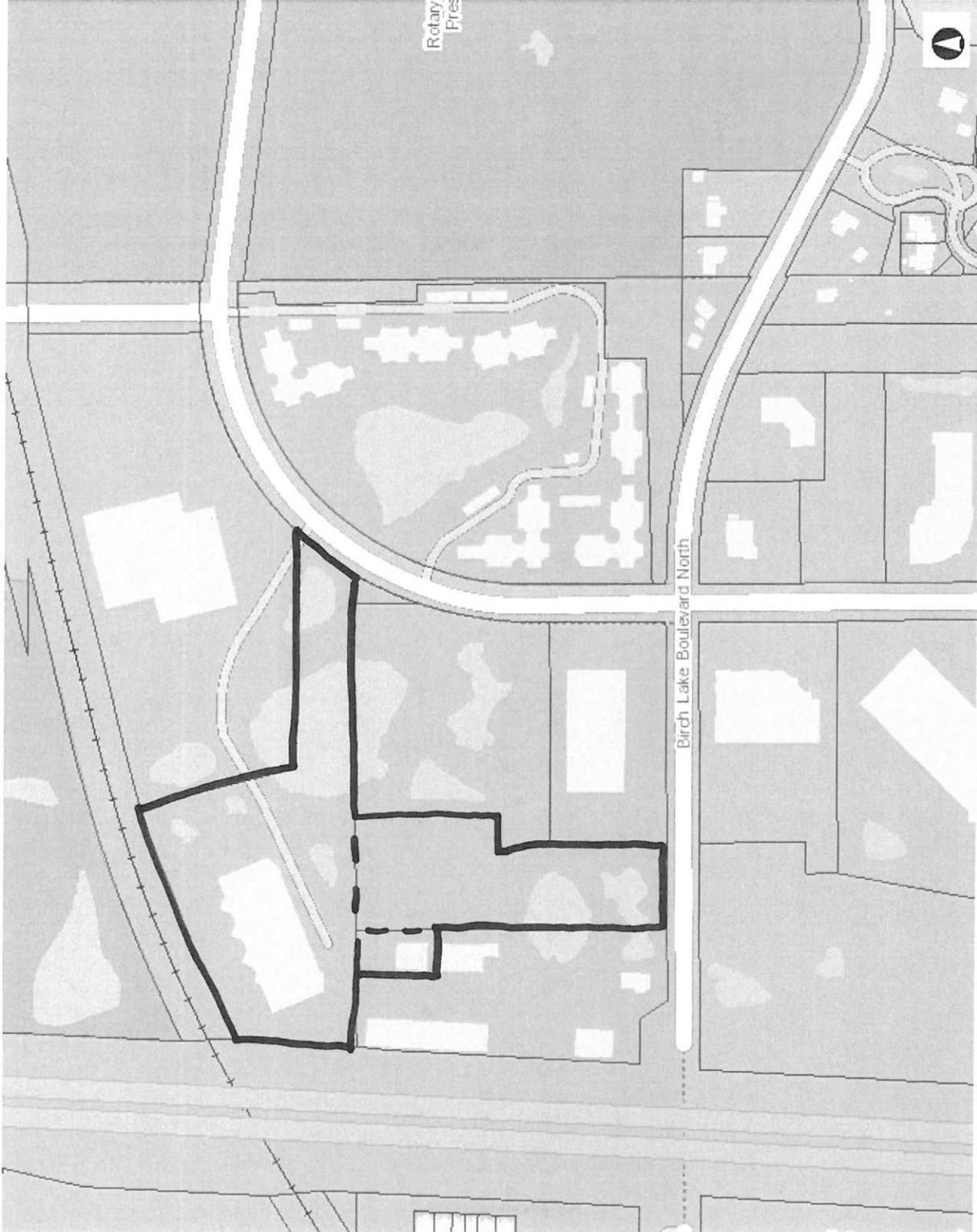
9-3.4(g). The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the policy and recommendations of the Comprehensive Plan.

9-3.4(h). Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters and Town Board shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

The proposed temporary driveway appears to meet the standards set forth by ordinance to approve the Nextern request for the temporary driveway. A recommendation for approval of the Permitted Use Standards Permit should include a requirement that:

“The temporary driveway shall be removed and the site restored upon expiration of the Nextern lease with the property at 4843 White Bear Parkway.”

TR/psw
cc:admin/add.file
b:nextern19



600.0 0 300.00 600.0 Feet

NAD_1983_HARN_Adj_MIN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

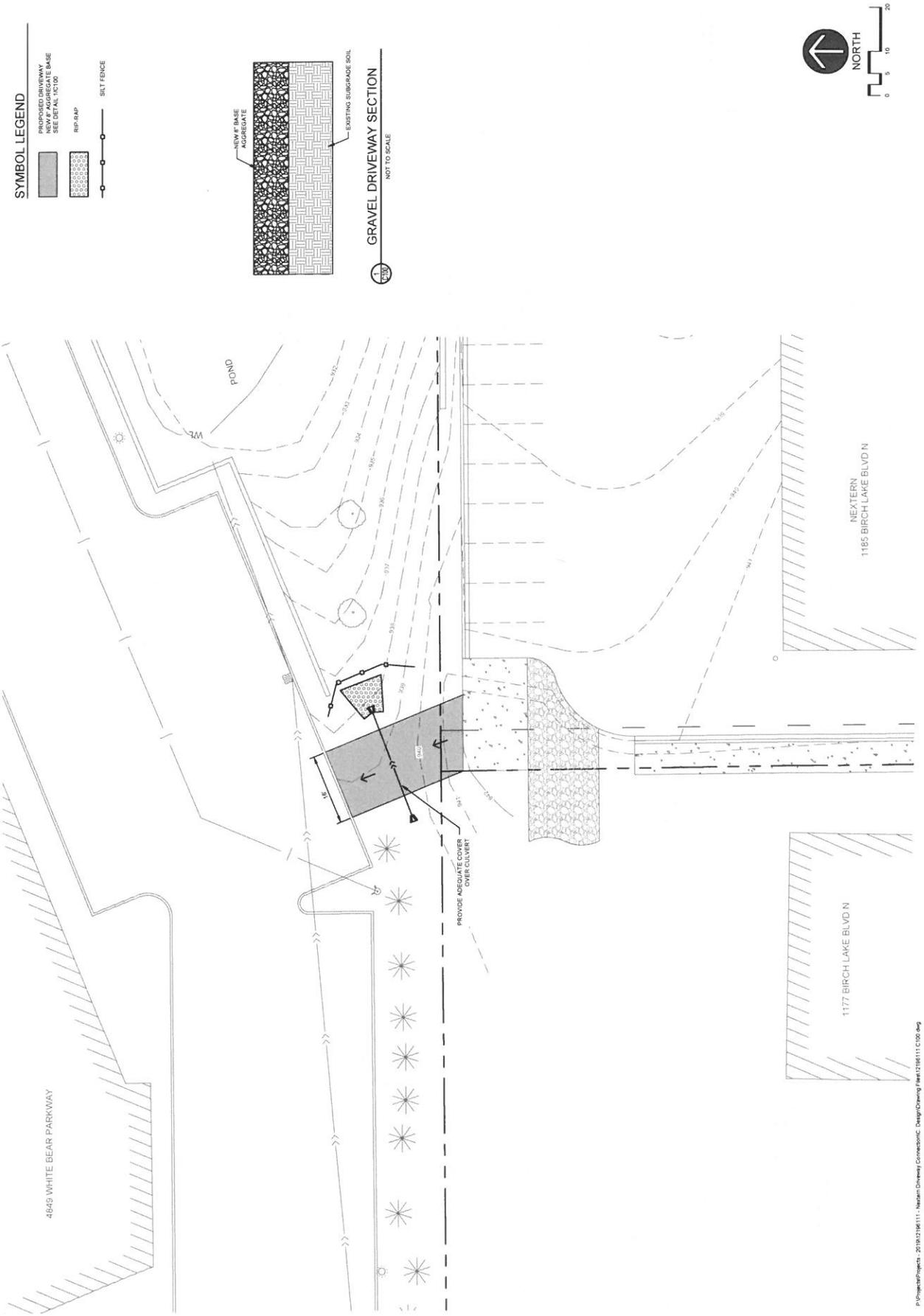
Legend



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

Notes

Enter Map Description





PERMITTED USE STANDARDS APPLICATION FORM

INTRODUCTION

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

APPLICANT(S) Wesley Omer PHONE (Home) _____
Nextern Inc (Business) 612 263 2100 x8208
(Cell) 612 865 9742

ADDRESS 1185 N. Birch Lake Blvd
White Bear Lake, MN

#455
PROPERTY OWNER MIRUMI Properties LLC

ADDRESS OF SITE 4843 White Bear Parkway ZONING I1

EXISTING USE OF SITE Office & Warehouse

DESCRIPTION OF PERMITTED USE REQUESTED Pathway (temporary)
Connecting the parking lots between properties. No removal
of trees or additional landscaping.

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

CHECKLIST:

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

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

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

- Site locations and adjacent land use.
- Site grading and drainage plan. (*Straight grade from lot to lot*)
- Topography (no greater than 2 foot intervals).
- Wetlands (delineation of streams, water bodies, wetlands and 100 year storm elevation). *No change*
- Paved or surfaced area (include type or materials and function of area to be paved).
- Proposed landscaping (include existing trees 7 inches or greater and large shrub massings). *No change*
- NA Building plans (size, intended use of structures, exterior finishes, floor plans and elevations).
- Schedule (when applicant intends to construct.) *ASAP.*
- Additional information if required.
- NA Certificate of Survey. - *existing*
- NA Permits or written comments from other agencies (DNR, COE, RCWD, VLAWMO, Ramsey County Public Works, MPCA).

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).

STANDARDS:

The Town Board will approve a Permitted Use Standards Permit only if the following facts are established.

1. There will be no detraction from the appearance of adjacent properties or Town as a whole.
2. There will not be aesthetic incompatibility.
3. There will not be aural incompatibility (noise).
4. There will not be damage to vegetation.
5. Traffic patterns will not be negatively affected.
6. There is no unnecessary loss of existing natural features.
7. Will not cause soil erosion.
8. Will not increase flood potential.

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

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

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

Wesley [Signature] Nextern, Inc

24th May 2019

Signature of Applicant(s)

Date

<u>To Be Completed By Office:</u>		Ck # 30019	
Date Request Received	<u>5/31/19</u>		
By <u>Karen</u> (Staff Member)	\$75.00 Fee + \$200 Deposit Received	<input checked="" type="checkbox"/>	Yes
		<input type="checkbox"/>	No
Date Application Complete _____			



**Planning Commission Meeting
June 27, 2019**

Agenda Number: 7

Subject: **Redlin Electric, 2350 Leibel Street** – Request for Permitted Use Standards Permit to Construct a 6,558 Square Foot Addition onto the Existing Building

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: JUNE 18, 2019

SUBJECT: BUILDING ADDITION
REQUEST: PERMITTED USE STANDARDS PERMIT

APPLICANT: FAULKNER PROPERTY LLC, JIM FAULKNER FOR CRAIG MARSHAL, REDLIN ELECTRIC
LOCATION: 2350 LEIBEL STREET
ZONING: I-1, LIGHT INDUSTRIAL

Mr. Faulkner is working with Craig Marshall, owner of Redlin Electric to design and build an addition onto their building at 2350 Leibel Street. The existing building was constructed in 1998 and is 4,966 square feet in area. A 6,558 square foot addition is proposed on the south side of the building. The current building has three suites. The addition is also proposed to have 3 slightly larger suites.

The new addition is proposed to be slightly taller than the existing building. One overhead door and one service door is proposed to serve each suite. The existing parking lot is gravel. It will likely remain as gravel but Mr. Marshall is considering paving the drive lane and parking area.

The Redlin building is located in the Leibel Addition light industrial park. This light industrial park has a list of requirements which must be met in addition to the standards set forth by the Zoning Ordinance. The Leibel Addition requirements are:

- a. Limited outside storage shall be allowed with adequate screening consisting of 100% opaque fencing to compliment the building. Maximum fence height allowed shall be 6', 3% of site outside storage max. – defined by section 3-36A of Ordinance #35 (requires a conditional use permit).
No outside storage of equipment is planned. The construction trailers located where the addition is planned will be removed.
- b. No use of wrinkle metal in building exteriors shall be permitted.
None is proposed.
- c. All roof pitches shall be at the ratio of 4:12 or greater.
A 4:12 pitch roof is proposed.
- d. No garage doors shall face any public street.
The doors face away from Leibel Street.
- e. Roof overhangs above sidewall and end wall shall extend a minimum of two feet.

- A one-foot overhang is shown. This must be increased to 2'.
- f. All building exteriors shall be earth tones, e.g., no blue, orange, red, purple, white.
The building exterior will match the existing building.
 - g. Dumpsters shall be screened with a 100% opaque fence painted the color of the principal structure.
A screened dumpster storage area must be provided.
 - h. The Township shall dictate a common light standard for all outside lighting.
 - i. Monument signs using a common design shall be used for identification. No other signage except street number shall be permitted.
 - j. Driveways and parking lot used by the public shall be paved.
Gravel is planned but paving is being considered.
 - k. The 30% green area required in the Zoning Ordinance shall be mowed so that no grass reaches a height of more than four inches.
 - l. An easement should be granted to the Township for location of a "Town of White Bear Industrial Area" sign.
Not applicable to this lot.
 - m. Minimum landscaping requirements must be met based on either the site perimeter or building square footage, whichever creates the greater amount of landscaping.
A Landscape Plan was provided and adopted in 1998 when the lot was developed. Based on the existing landscaping and additional landscaping required, the following additional plant materials must be provided:
 - 10 overstory trees
 - 2 ornamental trees
 - 6 coniferous trees
 - 23 shrubs

A new Landscaping Plan has been provided as part of the application. The updated plan meets the Leibel Addition landscaping requirements.

A Permitted Use Standards Permit must be approved by the Town to permit the proposed addition. Section 9-3.4 of the Zoning Ordinance sets the standards which must be met in order to approve a Permitted Use Standards Permit. It states:

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

- (1). Unnecessary detracting from the appearance of adjacent properties or from the Town as a whole.
- (2). Aesthetic incompatibility.
- (3). Aural Incompatibility.
- (4). Damage to vegetation.

- (5). Traffic pattern incompatibility.
- (6). Erosion of soil.
- (7). Unnecessary loss of existing natural features (vegetation, steep slopes, wetlands, water bodies).
- (8). Increased flood potential.

9-3.4(b). No development shall be allowed which will result in unusual maintenance or repair costs of road, parking areas or utility lines.

9-3.4(c). Development shall be permitted only in such a manner that the maximum number of trees shall be preserved. It shall be the duty of the applicant to demonstrate that there are no feasible alternatives to the cutting of trees on the site.

9-3.4(d). The types and density of land use proposed for the site shall be suited to the site conditions and shall adequately correct problems due to soil limitations, including but not limited to, bearing strength, shrink-swell potential, slope stability, high groundwater, or wetness.

9-3.4(e). The proposed use shall be sited, designed, oriented and landscaped to produce a harmonious relationship of building and grounds to buildings and properties in the neighborhood.

9-3.4(f). The proposed use shall show sufficient landscaping to screen undesirable features and to enhance the development.

9-3.4(g). The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the policy and recommendations of the Comprehensive Plan.

9-3.4(h). Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters and Town Board shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

Staff is working with the applicants to provide additional grading and drainage details as requested by the Town Engineer.

A recommendation will be provided once the Engineer's current comments are addressed.

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

Legend



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

Notes

Enter Map Description



600.0
300.00
600.0 Feet

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

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

1440 Arbor St Suite 250
 Maple Falls, MN 55108
 Phone: 951-779-0208
 Fax: 951-779-0208
 E-mail: info@mpk.com

MPK
 Surveying and Mapping, Inc.

Maple Falls, MN 55108
 Date: 4/15/19
 License No. 2022

REASONS	DATE

OWNER
 JIM FALKNER COMPANIES
 2350 CO. RD J
 WHITE BEAR LAKE, MN 55110

CERTIFICATE OF SURVEY
 MARSHALL PROPERTY LLC
 2350 LABEL STREET
 WHITE BEAR TWP, MN 55110

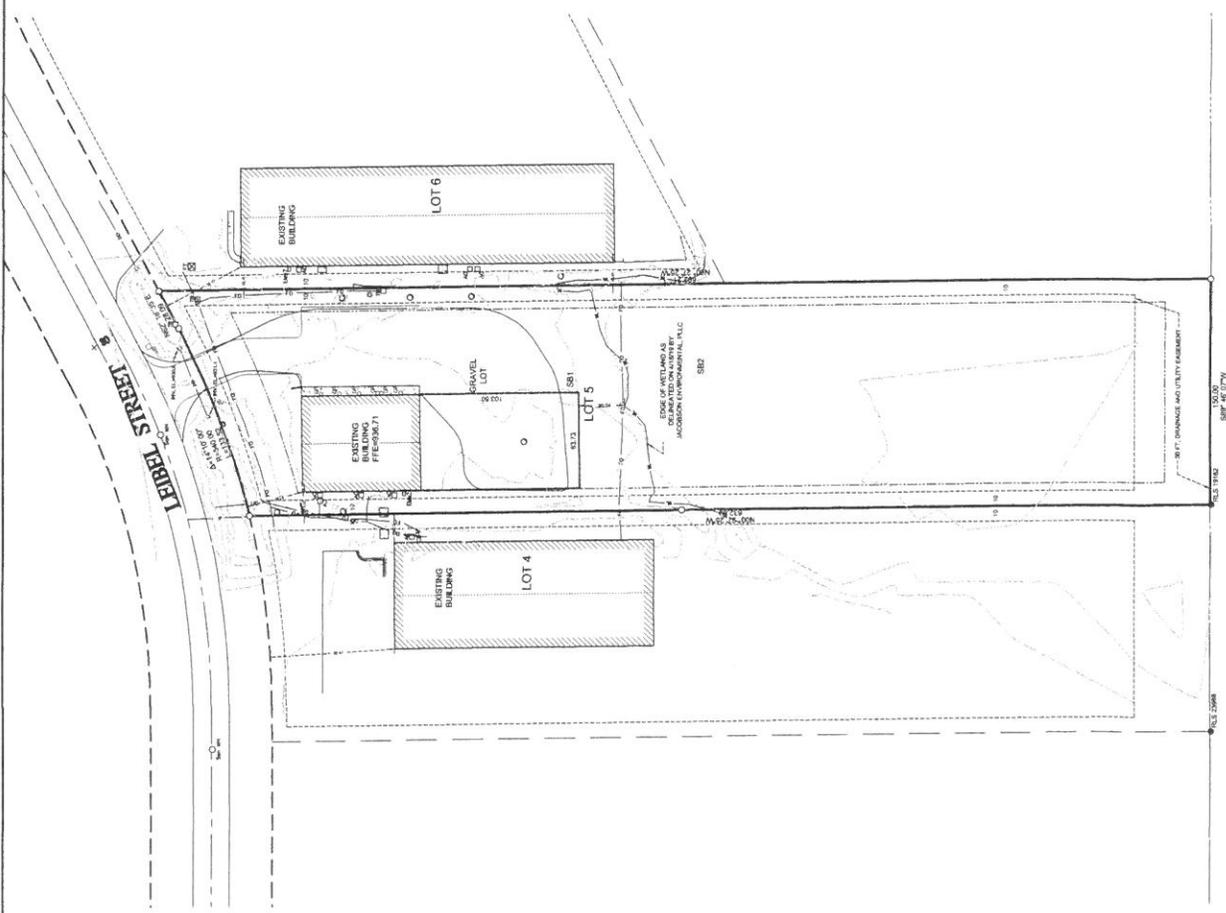
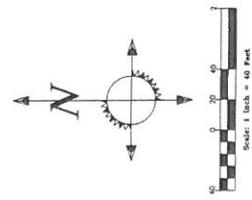
DRAWN BY: MPK
 CHECKED BY: MPK
 PROJECT # 50056-001
 DATE 4/15/19
 SHEET # 1

DESCRIPTION:
 Lot 5, Block 2, LABEL ADDITION,
 Ramsey County, Minnesota, subject to
 easements of record, if any.

PROPERTY ADDRESS
 2350 Label Street
 White Bear Township
 MN 55110

SURVEYOR'S NOTES
 Unable to set 3 lot corners at time of
 survey. Northwest under fire hydrant,
 corner in wetland. Supplemental
 markers (points on line) to be set at
 a later date.

- LEGEND**
- Iron Monument Found
 - Iron Monument Set
 - Hydrant
 - Air Conditioner
 - Electric Meter
 - Gas Meter
 - Transformer
 - Guard Post
 - Telephone Pedestal
 - Lightpole
 - Fiber Optic
 - Storm Sewer / Culvert
 - Wetland
 - Water Main



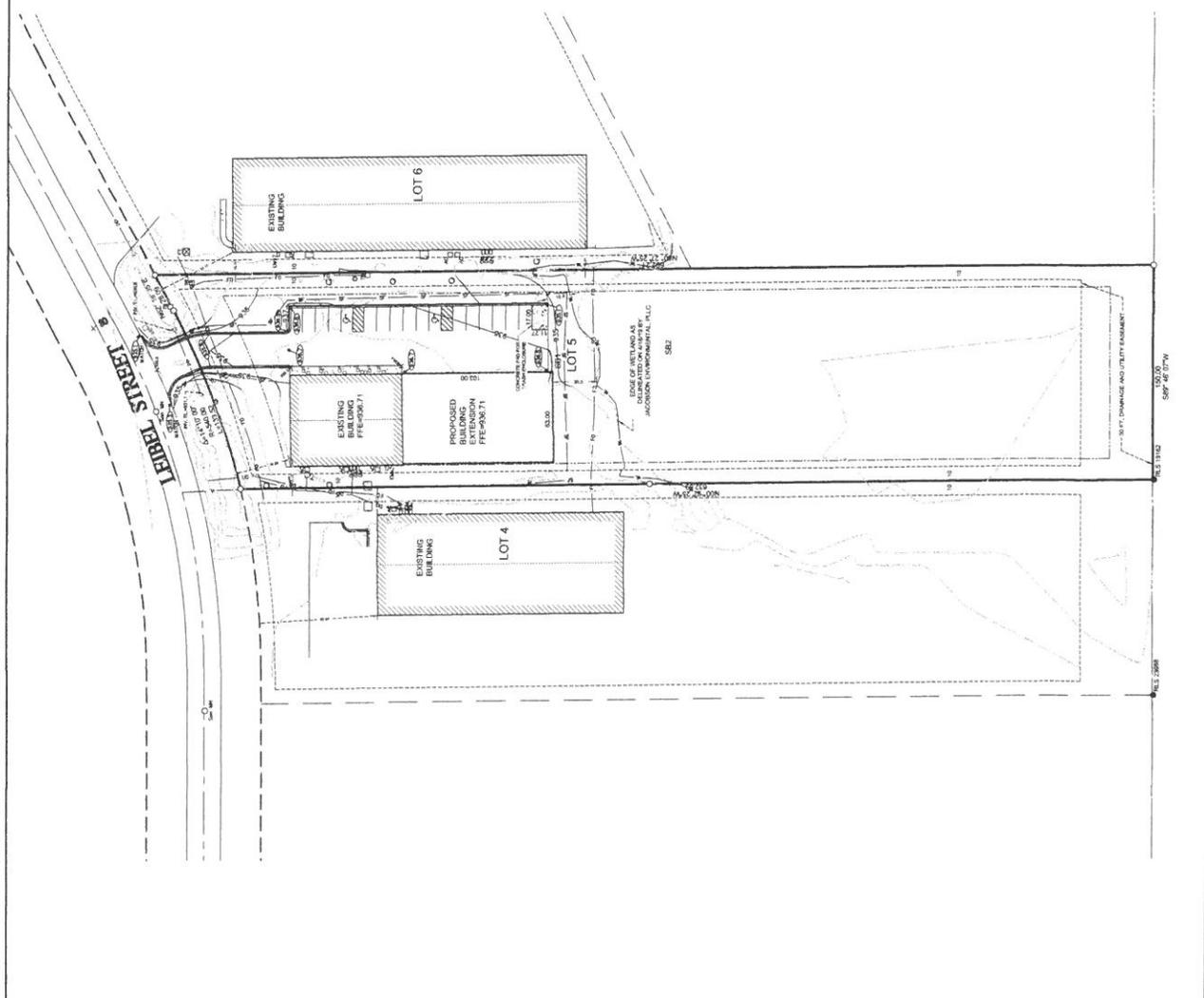
PROPERTY ADDRESS
 2350 Leibel Street
 White Bear Township
 MN 55110

DESCRIPTION:
 Lot 5, Block 2, LEIBEL ADDITION,
 Ramsey County, Minnesota, subject to
 easements of record, if any

ZONING
 Town of White Bear: Ordinance No. 35, Section 7
 District: 1-1
 Setbacks:
 Front: 35 ft.
 Side: 15 ft.
 Wetland-Building: 30 ft.
 Wetland-Paving: 15 ft.
 Required Green Area: 30% Minimum

SITE CALCULATIONS
EXISTING SITE
 Lot Area: 98,285 s.f. (2.27 acres)
 Delineated Wetland: 57,580 s.f. (1.32 acres)
 Existing Building: 4,989 s.f.
 Existing Pavement: 458 s.f.
 Existing Gravel Lot: 15,000 s.f.
 Green Area: 78,338 s.f. (79%)

PROPOSED SITE
 Ex. Bldg with new Extension: 6,300+4,989=11,289 s.f.
 Proposed Paving: 9,862 s.f.
 Green Area: 77,176 s.f. (78%)
 Disturbed Area: 6,500+9,862=16,362 s.f. (0.37 acres)



PROJECT DATA:

ZONING B-2 GENERAL BUSINESS / P.U.D.
 OCCUPANCY - I-1 LIGHT INDUSTRIAL
 LOT SIZE: 99,378 S.F. (2.28 Acres)
 PROPOSED BLDG AREA: 11,824 S.F.
 PROPOSED GREEN SPACE: 84,554 S.F. (87%)
 PARKING REQUIREMENT: 1/500 SF = 15 SPACES
 REQUIRED PARKING: 17 SPACES
 PARKING PROVIDED: 2 ACCESSIBLE

SETBACK REQUIREMENTS
 FRONT YARD - 35'-0"
 SIDE YARD - 15'-0"
 REAR YARD - 10'-0"
 UTILITY - 10'-0"
 BUILDING - 10'-0"
 PAVING - 10'-0"
 FRONT YARD - 20'-0"
 REAR YARD - 10'-0"
 WETLAND BUILDING - 30' - 0"
 PAVING - 15' - 0"

LANDSCAPE DATA:

KEY	SYMBOL	TYPE	MAPLE AND OAK	SIZE	QUANTITY
1	⊙	CANOPY	MAPLE AND OAK	24"	10
2	⊙	EVERGREEN	SPRUCE AND PINE	8"	8
3	⊙	ORNAMENTAL	CRAB APPLE	2"	8
4	⊙	SHRUB	VARIETIES	16" POT	55

FPI
FAULKNER
 PROPERTY
 LLC

2350 COUNTY ROAD J
 WHITE BEAR TOWNSHIP, MN
 55110
 WWW.FAULKNERPROPERTYLLC.COM

COMMERCIAL
 OFFICE
 AND
 WAREHOUSE
 BUILDING
 ADDITION/
 REMODELING

MARSHALL
 PROPERTY
 LLC

2350 LEIBEL ST.
 WHITE BEAR
 TOWNSHIP
 MINNESOTA
 55110

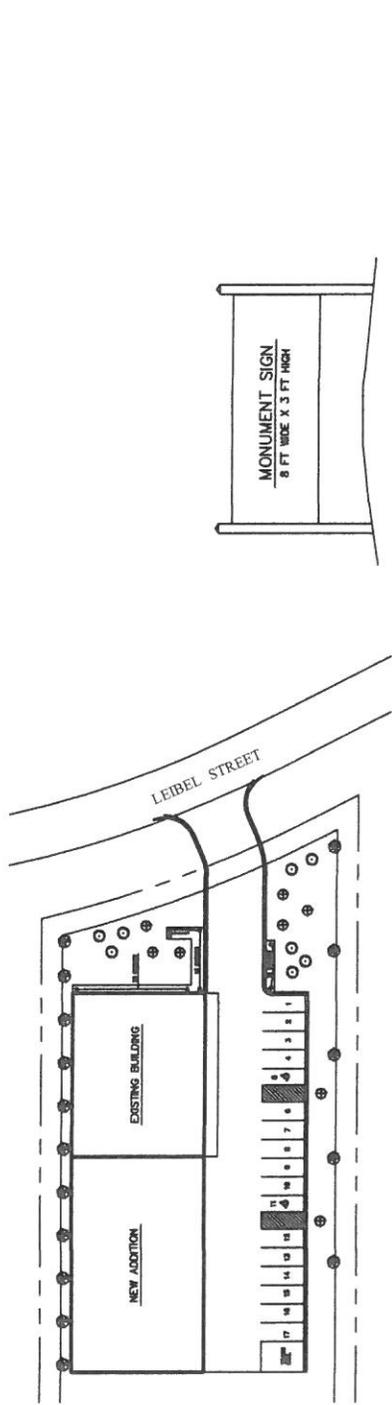
JAMES A.
 FAULKNER
 ARCHITECT

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

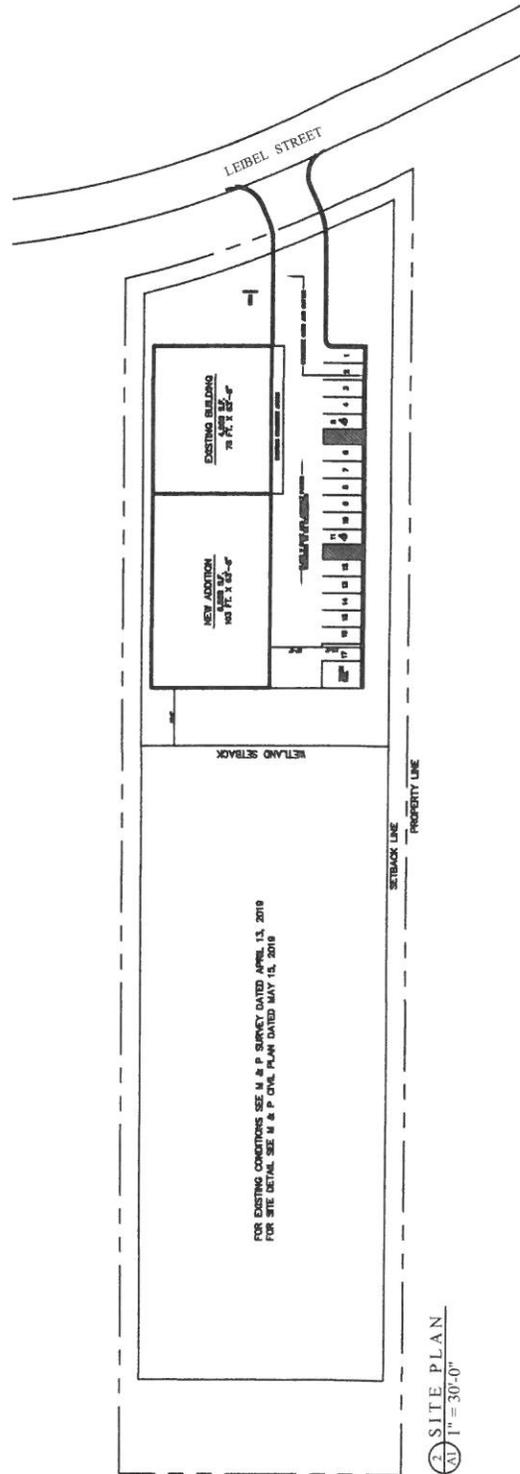
DATE: 05.15.2018
 DRAWN BY: JAF
 CHECKED BY: JAF

SCALE: AS SHOWN

DATE: 05.15.2018



1. LANDSCAPE PLAN
 2. 1" = 30'-0"

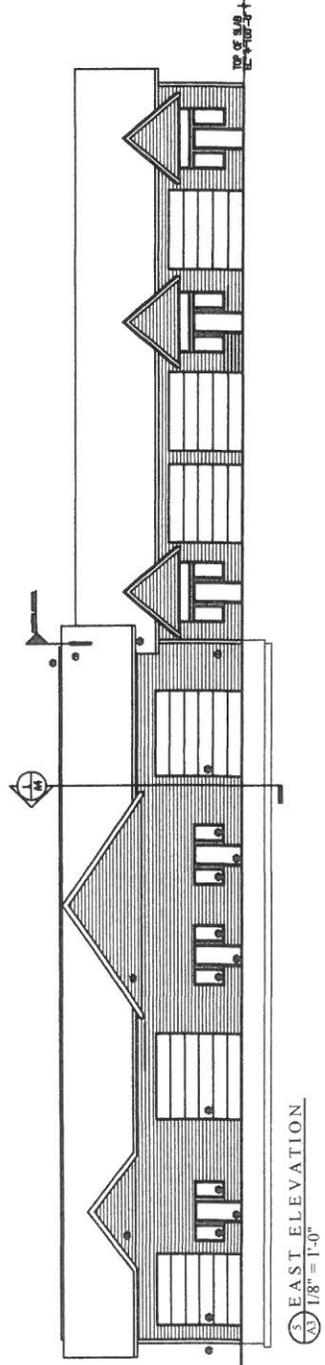
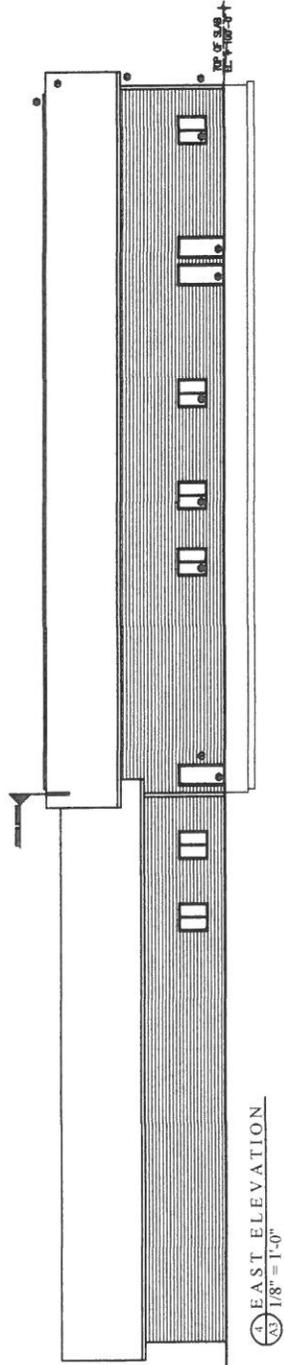
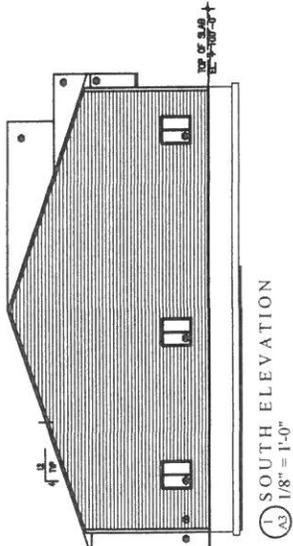
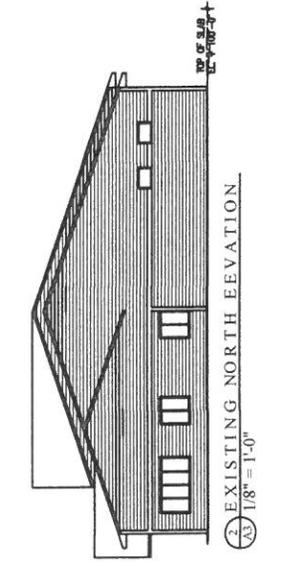
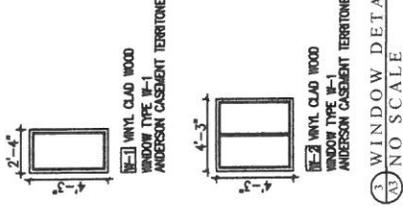


2. SITE PLAN
 3. 1" = 30'-0"

A-1

ELEVATION KEY NOTES:

- 1 CEDAR LAP SIDING
- 2 CEDAR TRIP SIDING
- 3 CLAD CASEMENT WINDOWS
- 4 METAL CLAD ROOF
- 5 INSULATED OVERHEAD DOOR
- 6 METAL CLAD ROOF W/ FULL GLASS &
- 7 METAL FACIA AND SOFFIT
- 8 ASPHALT SHINGLES
- 9 ROOF VENT





RECEIVED

MAY 30 2019

PERMITTED USE STANDARDS APPLICATION FORM

TOWN OF WHITE BEAR

INTRODUCTION

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

APPLICANT(S) FAULKNER PROPERTY LLC PHONE (Home) _____
JIM FAULKNER (Business) 651-426-4706
(Cell) 651-470-9048

ADDRESS 2350 CTY RD J
WHITE BEAR TOWNSHIP

PROPERTY OWNER #905 GRAIG MARSHAN
MARSHAN PROPERTY LLC

ADDRESS OF SITE 2350 LEIBEL ST ZONING I-1

EXISTING USE OF SITE OFFICE / WAREHOUSE

DESCRIPTION OF PERMITTED USE REQUESTED BUILDING ADDITION
USED FOR OFFICE / WAREHOUSE / MANUFACTURING.

yo

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

CHECKLIST:

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

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

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

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

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

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

JAMES FAULKNER

Craig S. Marshall
Signature of Applicant(s)
Craig S. Marshall -

5/29/19
Date

* <u>Craig Marshall</u> To Be Completed By Office:		ck# 24273	
Date Request Received	<u>5/30/19</u>		
By <u>Karen</u> (Staff Member)		\$75.00 Fee + \$200 Deposit Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____		



Planning Commission Meeting June 27, 2019

Agenda Number: 8

Subject: **Message Board Signs** – Consider Ordinance No. 33 (Sign) Amendment

Documentation: Staff Memo

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Planning Commission Meeting
May 23, 2019

ADDED AGENDA ITEMS: FYI agenda items were included in the packet. Larry Alm's message board was brought up. As stated in the Makerspace Signage agenda item, there are regulations on signage regarding businesses. Businesses' electric signs are not to change ads more than once per 30 seconds. It was noted that Alm's does change sooner than every 30 seconds. There was discussion of state regulation near highways and state accessibility standards on highway 61. It was the consensus that the Planning Commission will look into this and may discuss further next meeting.

MEMORANDUM

TO: TOWN BOARD
FROM: TOM RIEDESEL
DATE: MAY 14, 2019

SUBJECT: SIGN ORDINANCE
REQUEST: AMENDMENT TO SECTION 4-1.4, ORDINANCE NO. 33

Section 4 of the Town's Sign Ordinance No. 33 lists a number of signs which are prohibited in White Bear Township. Section 4-1.4 limits word changes on digital signs to no more than once every 30 seconds.

Section 4-1.4 states (prohibits):

4-1.4. Flashing signs or revolving signs, except those with symbols or numerals indicating time and temperature and word changes, provided the words do not change more frequently than once every thirty (30) seconds.

Larry Alm, owner of Bald Eagle Sports & Bald Eagle Liquor currently has two message center signs which are not meeting the 30 second requirement.

Mr. Alm would like the Board to consider amending the Sign Ordinance which would permit more frequent changes to the message center sign.

The Town Board may want to consider amending Section 4-1.4, allowing message center signs to change more frequently than every 30 seconds.

TR/psw
cc:admin/add.file
b:ord33



**Planning Commission Meeting
June 27, 2019**

Agenda Number: 9 - 10

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:



Planning Commission Meeting June 27, 2019

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

Documentation: Minutes

Minutes
Town Board Meeting
June 3, 2019

PUBLIC HEARING – CONDITIONAL USE PERMIT REQUEST – THREE OAKS OF WHITE BEAR TOWNSHIP: Ruzek made the motion to note proper publication of the hearing notice in newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek moved to open Public Hearing. McCune seconded. Ayes all.

Riedesel summarized that the North Oaks Community had approached the Planning Commission previously, about a year ago. The Planning Commission approved a Conditional Use Permit for modification of landscaping plan due to diseased trees. The previous proposal included saving the majority of the trees, but due to grade change and construction, North Oaks lost more trees than was the plan. The Planning Commission and Variance Board had reviewed this agenda item in May, with the Planning Commission's recommendation to the Town Board to approve the Conditional Use Permit to allow the modifications to the landscaping plan.

There was discussion of timing and it was the consensus that the construction would go as quickly as possible since the land is ready to go. It was noted that the retaining wall in the previous plans was moved to the west where trees were originally planned to be planted.

Ruzek moved to open the public comment portion – ask for comments. McCune seconded. Ayes all. Gary Eagles from North Oaks Company LLC was present to go over the landscaping plans. Jake Walton from 5440 Centerville Road, was present to address his concerns with the project. He and other neighbors had concern over this project because the original plans show more trees, but the current progress show trees removed, including a couple large, mature oak trees that Walton enjoyed seeing. There was discussion in adding the contingency of more trees to the Conditional Use Permit. Denny Peterson of 5474 Peterson Road was also present to voice his concerns regarding trees versus open space like the current plans show.

Leif Eichen from 5451 Peterson Road was present to address his question to North Oaks Company. Eichen noticed plenty of flags in the ground marking where there is planned to be trees planted. His question is will there be a replanting of trees if they die due to not being properly planted, planted at the right time, or cared for by North Oaks. Riedesel explained that it would be up to the association to maintain or replace trees. Eichen also brought up the construction traffic that has been a result of this project though the signs clearly state 'no construction traffic' on residential streets.

Eagles stated that North Oaks changed the types of landscaping to produce a layered look, with includes more shrubs and bushes than the original plan. It was noted that the original plan had 58 trees and no shrubs, whereas this updated plan has 66 shrubs and 42 trees. There was discussion on whether or not North Oaks could add more trees to the plan; Eagles stated that North Oaks would do so. There was discussion of whether or not the association would maintain the landscaping. Eagles said it would, but it was noted that associations in the past had said they would but failed to do so. There was discussion of putting the maintenance of landscaping in the contract for bond and lengthening the association's responsibility of caring for the trees from 1 year to 3 years.

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

Based on Planning Commission & Staff review & recommendation Ruzek moved to approve the Conditional Use Permit / Zoning Certificate & Requirements for Three Oaks of White Bear Township to allow modification of the Landscaping Plan & to add to the Bond the tree and shrub warranty for an additional two years and adding back to the original 58 trees plus the shrubs. McCune seconded. Ayes all. Let the record show that Chair Prudhon abstained being an affected property owner.

PUBLIC HEARING – SIDE YARD SETBACK VARIANCE REQUESTS – MARILYN SVEE @ 2630 SOUTH SHORE BOULEVARD – TO ALLOW CONSTRUCTION OF A GARAGE AND DRIVEWAY:

Ruzek moved to note proper publication of the hearing notice in newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek motioned to open the Public Hearing. McCune Seconded. Ayes all.

Riedesel summarized the proposed variance request to allow for the construction of a 24' x 24' garage and paved driveway which replaces an existing single garage. The Svee property is an undersized lot of record and Svee wishes to construct the new garage in the same location as the existing garage.

The original variances were 10' side yard setback, 5.2' side yard setback, and a 5% green area. Svee is asking for a 7' side yard setback, a 3.19' side yard setback, and still a 5% green area variance.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all. Svee was present to discuss this agenda item and explained why she added the difference in variance request since the Planning Commission. The power pole inhibits space for the driveway; her suggestion is to move the garage 3 feet so the driveway can be straight.

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

Ruzek moved Based on the Variance Board, Planning Commission & Staff review & recommendation approve the 7' & 3.19' side yard setback variance & the 5% green area variance to allow construction of a garage and driveway

KENT JEFFERSON, 514X WEST AVENUE – REQUEST FOR MINOR SUBDIVISION WITH TWO 5' LOT WIDTH VARIANCES:

Riedesel summarized the request for a minor subdivision on West Avenue. He noted this original request was approved by the Town Board in 2003. But since Jefferson did not file the paperwork in time, the approval lapsed. The proposed minor subdivision would create two 75' wide lots containing more than 20,000 square feet in area.

Both the Variance Board and the Planning Commission reviewed this agenda item and recommended the Town Board to approve the request for the minor subdivision with two 5' lot width variances for the following reasons: the original application that was approved in 2003, intending to split the land this way all along; the lots contain 20,000+ square feet in area, while the requirement is the lots are to contain at least 12,000 square feet; and when the property was originally assessed for water services and two stubs were installed.

A few neighbors were present at the Planning Commission meeting to address drainage concerns. At the Planning Commission, there was discussion of drainage, and though the building of homes on these lands won't make drainage issues worse, the Town does want to look into these drainage issues on Mead Road, West Ave and Ridgewood as there are no storm sewer drains, no curbs.

It was also noted that the properties would have easements regarding the shed that is currently on the land. Jefferson also noted that he was going to try to preserve as many trees as possible. There was discussion of the type of soil of this property and ideas to help ease draining issues, such as rain gardens and grading.

Ruzek moved based on Variance Board, Planning Commission & Staff review & recommendation approve the minor subdivision with two 5' lot width variances. McCune seconded. Ayes all.

RICK & KIM LUCIO, 5691 ORCHARD AVENUE – REQUEST FOR A 10.4% GREEN AREA VARIANCE & A 142 SQUARE FOOT LAKESHORE ACCESSORY SQUARE FOOTAGE VARIANCE FOR CONSTRUCTION OF AN IN-GROUND POOL: Riedesel summarized the request for a 10.4% green area variance to allow construction of an in-ground pool between the house and Bald Eagle Lake. The Lucio property is an undersized lot of record.

The pool is considered a lakeshore accessory structure which establishes the setback requirement at 10' from the 913' one hundred year high water elevation. The proposed pool meets that requirement, but 142 square feet of the 392 square foot pool exceeds the size requirement for a lakeshore accessory structure.

The Lucio's current green area coverage is 46.9% and they are proposing in the first phase to remove the concrete patio where the pool will be constructed thereby decreasing the green area coverage to 41.5%. In phase two of the project, they plan to remove the existing concrete driveway which will further decrease the green area bringing it down to 35.4%. Pavers will be installed to replace the concrete.

Both the Variance Board and the Planning Commission reviewed this agenda item and had members who opposed the application on the grounds of "reasonable use."

There was discussion of a previous approval of green area variance for an in-ground pool level with Bald Eagle Lake on Bald Eagle Point.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation approve the 10.4% green area variance & the 142 square foot lakeshore accessory structure square footage variance for construction of an in-ground pool at 5691 Orchard Avenue. McCune seconded. Ayes all.

KEVIN & JULIE LUND, 5932 HOBE LANE – REQUEST FOR 14.6 RIGHT-OF-WAY SETBACK VARIANCE & VARIANCE FROM SECTION 5-29 OF ORDINANCE NO. 8 TO EXCEED 1,000 SQUARE FEET FOR CONSTRUCTION OF A GARAGE: Riedesel summarized the request to demolish an existing garage and construct an attached oversized garage which would exceed the allowed 1,000 square foot size and would encroach into the road right-of-way setback. The previous garage was 17.5' from the right-of-way; the new attached garage is proposed to be 20.4' from the right-of-way.

Ordinance No. 8 states that a permit may be applied for an oversized garage if the property exceeds 22,000 square feet. The Lund property is 22,200 square feet in area and abuts Bald Eagle Lake.

Both the Variance Board and Planning Commission reviewed this agenda item and recommended the Town Board to approve the right-of-way setback variance as the right-of-way in this area is greater than normal; there is a decrease in a non-conforming setback. The request meets the standards set forth by

Ordinance No. 35 to approve a variance; approve the variance from Section 5-29 of Ordinance No. 8 noting that the property exceeds the 22,000 square foot requirement and abuts Bald Eagle Lake.

There was discussion of removing the mudroom from the garage and that would decrease the space about 133 square feet. The Lunds agreed.

Ruzek moved Based on Variance Board, Planning Commission & staff review & recommendation approve the 14.6' right-of-way setback variance & in accordance with Ordinance No. 8, Section 5-29.B approve the construction of a garage exceeding 1,000 square feet in area. McCune seconded. Ayes all.

WHITE BEAR MAKER SPACE, 5966 HIGHWAY 61 – SIGN PERMIT REQUEST: Riedesel summarized that White Bear Maker Space is located behind Holiday and Bald Eagle Quick Stop. The owners would like a pylon sign on the Quick stop sign to advertise their company. The Town's sign ordinance requires the sign to be on the property for which the sign is advertising. Due to Section 4.1.3, this request needs Town Board approval in order to proceed.

Teresa Lundwing, 3743 Thomas Court, Vадnais Heights, from Maker Space was present to answer questions and discuss this application. Lundwing explained that the sign will be on two 4 x 4 posts and the sign will be 4 x 6. It was noted that this sign may help traffic control and help cars not wander through Holiday looking for Maker Space.

Ruzek moved based on Planning Commission & staff review & recommendation approve the sign permit request at 5966 Highway 61 with the understanding that the sign laid out in the application does not change a 4 x 6 sign. McCune seconded. Ayes all.