



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
AUGUST 22, 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 June 27, 2019.

Welcome New Member – Howard Blin

4. **Consent Agenda:** None.
5. **Christopher & Stephanie Ward, 1548 Hennessy Vista** – Request for 22' Right-of-Way Setback Variance to Allow a 10' x 12' Shed (after-the-fact).
6. **Northwoods Entertainment LLC, 1180 County Road J/ Schwing America, 5900 Centerville Road** – Request for Minor Subdivision of Property for Construction of a New Pylon Sign.
7. **SMC Corporation, 5858 Centerville Road** – Request for Minor Subdivision, Wetland Permit, Zoning Ordinance Amendment & Permitted Use Standards Permit to Allow Construction of a 121,728 Square Foot Building.
8. **Message Board Signs** – Consider Ordinance No. 33 (Sign) Amendment.
9. **September Meeting Date.**
10. Added Agenda Items.
11. Adjournment.

**White Bear Township's
Mission:**

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





**Planning Commission Meeting
August 22, 2019**

Agenda Number: 1 – 2 - 3

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

Approval of August 22, 2019 Agenda
Approval of Minutes of June 27, 2019

Documentation: August 22, 2019 Agenda
June 27, 2019 Meeting Minutes

Action / Motion for Consideration:

Call meeting to order:	6:30 p.m.
Approval of Agenda:	August 22, 2019 (additions/deletions)
Approval of Minutes:	Meeting of June 27, 2019

**MINUTES
PLANNING COMMISSION MEETING
JUNE 27, 2019**

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

Present: Artner, Denn, Flann, Kotilinek, Loes; Town Board Liaison: McCune;
Planner: Riedesel; Town Attorney: Lemmons.

Absent: Swisher, with notice.

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

APPROVAL OF MINUTES OF MAY 23, 2019: Artner approved the Minutes of May 23, 2019. Flann seconded. Ayes Artner, Denn, Flann, Loes. Abstention Kotilinek as he was absent.

CONSENT AGENDA – 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: Riedesel summarized the request for a 6.375’ side yard setback variance and an 8.7% green area variance to allow Nelson to pave his driveway up to 3’ from the side lot line. Currently, the driveway is gravel and is constructed up to the lot line.

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

The Variance Board met and discussed this agenda item. It was discussed that the majority of homes in the Eastwood Manor neighborhood were built in the 50’s and 60’s, many with single car garages. As the garages are replaced with two-car garages, it is common for the Town to review variances proposing a 5’ side yard setback.

There was not much discussion on this agenda item.

Artner moved to Approve the Consent Agenda as follows: 6.375’ Side Yard Setback & 8.7% Green Area Variance to Pave Driveway 3’ From the Side Lot Line. Kotilinek seconded. Ayes all.

CONSENT AGENDA – ANTHONY MORGAN ABBOT, 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 above 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.

The Variance Board discussed this agenda item and no issues were noted.

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PLANNING COMMISSION MEETING
JUNE 27, 2019

There was some discussion of what the porch will look like, elevation, what the yard is like, etc. Mr. Abbott was present and stated that he is extending the roof, extending the walls of the deck, and adding screens, to make sure the Commission could visualize his porch. There were no issues found.

Artnr moved to Approve the Consent Agenda as follows: 13.5' Right-of-Way Setback Variance to Construct a 3-Season Porch. Kotilinek seconded. Ayes all.

CONSENT AGENDA – MATT & ANN MENIOR, 5216 PARK AVENUE – Request for a 24' Right-of-Way Setback & a 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' by 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 location as the existing garage but would be set back 10' from the right-of-way.

This property is a corner lot, 49.98' wide 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 corner lot. This undersized corner lot requires a 6' side setback. With these setback requirements applied to this lot a garage no 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. It was noted that 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.

There was minimal discussion and the Planning Commission didn't find any issues with this agenda item.

Artnr moved to Approve the Consent Agenda as follows: 24' Right-of-Way Setback & a 3% Green Area Variance to Construct a Two Car Garage. Kotilinek seconded. Ayes all.

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 n "L" shaped with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

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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 requiring variances 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 Variance Board met to discuss this agenda item and it recommended 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 on in order to add an additional 900 square feet to the other, smaller lot. There was discussion of this, but the Commission looked at the lot and other lots in the area and saw similar sizes. The property has only been assessed as one unit.

Lemmons stated that the Commission can put conditions on variances, and he gave some examples.

Kotilinek moved to recommend approval of the split as requested with the stipulation that no future variances would be needed on the new lot. Artner seconded. Ayes Artner, Flann, Kotilinek, Loes. Abstention Denn.

The public hearing for this agenda item is set to be at the Town Board Meeting of July 15th.

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: Riedesel summarized the request for a Permitted Use Standards Permit which would permit the addition of a driveway access between their building and an abutting building which they are leasing. Nextern employees currently go all the way around the lot to access the new building but they plan to add a gravel drive to make traffic flow of trucks easier. There is a 16' wide culvert underneath. There was discussion on the type of material, asphalt regrind or concrete, that would be used for this driveway. It was noted that gravel is planned, but Nextern would use asphalt if recommended.

Right now Nextern is using 1 large truck to remove materials between the buildings. If this driveway is implemented they could use 4 smaller trucks. There was discussion on the difference of residential driveway standards. It was noted that the term of the lease is 4 years, though they do have the option to extend and right of first proposal to purchase.

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PLANNING COMMISSION MEETING
JUNE 27, 2019**

Denn noted his and the Town's Building Inspector's concern of the other items the Township has asked of Nextern and their incomplete status. It was also noted that the date for the landscaping is in August, the dumpster enclosure would be resolved with the approval of this request as the dumpster slab is where the new driveway is proposed. Nextern stated that they will revise the proposal and plan to show the changes and completion of these items.

Kotilinek motioned to approve the request for permitted use standards permit for the life of the lease with an asphalt surface. Flann seconded. Ayes all.

REDLIN ELECTRIC, 2350 LEIBEL STREET – Request for Permitted Use Standards Permit to Construct a 6,558 Square Foot Addition onto the Existing Building:

Riedesel summarized the Permitted Use Standards Permit that is being requested. Jim Faulkner, architect and contractor, is working with Craig Marshall, owner of Redlin Electric to design and build an addition onto their property on Leibel Street A 6,558 square foot addition is proposed on the south side of the building. The current building has three suites, and with this addition it will have a total of six, the three new suites being larger in area.

This addition is proposed to be taller than the current building, though it still meets the Town's height requirements. There is one overhead door and one service door proposed to serve each suite. A driveway and parking area is also proposed.

Riedesel went through the proposals and the requirements and standards set forth by the Zoning Ordinance. The standards are all met. There was discussion of the building not proposed to have a separate storm water treatment system, and whether drainage needs to be constructed on the property.

Both Faulkner and Marshall were present to discuss the plans and answer any questions the Planning Commission had. Faulkner explained that Redlin Electric has a wetland setback and that the drainage in the landscaping was previously set, that's not something they can change. There was discussion on soil boring and implementing curb with spillways, but due to the wetland location they can't do that. There was further discussion of the landscape plan and stormwater treatment that Faulkner is planning. It was the consensus that there should be some updates to this landscaping plan and current landscaping on site.

The Town's Building Inspector is meeting with the Town Engineers and they are reviewing the proposal. Once the proposal is approved then they will be looking for bids. There was discussion of setting requirements for business use standards agreement for rental properties in the future.

Kotilinek moved to recommend to the Town Board to approve the request for the Permitted Use Standards Permit with the stipulation for businesses other than his have to pave parking, and the tenants would make this property public use, contingent on the updates to the landscape plan and updates to ponding. Loes seconded. Ayes all.

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PLANNING COMMISSION MEETING
JUNE 27, 2019

This agenda item is set to be at the Town Board Meeting of July 15th.

MESSAGE BOARD SIGNS – Consider Ordinance No. 33 (Sign) Amendment:

Riedesel summarized the discussion that was had last Planning Commission meeting. Bald Eagle Quick Stop has an LED digital sign that changes messages. Bald Eagle Quick Stop is wondering if the Town would consider reducing the time so there could be more messages per minute. The minimum a message may change is once every 30 seconds.

There was discussion on this topic and it was the consensus that Staff will contact MN Dot to see what the main requirements are for billboards on the highways. Denn is not in favor. Churches and businesses follow the rules and haven't brought this up previously. It was the consensus to table the discussion to the next meeting. The Commission will discuss the MN Dot requirements and any other findings.

ADDED AGENDA ITEMS: Town Attorney Lemmons was present to discuss any questions or concerns the Commission has with ordinances and variances. Recent proposals were discussed. Lemmons explained that the Town can go either way on a proposal, but whether it approves or denies, it has to give the explanation for why in the form of "findings".

Lemmons explained the three reasons to grant variances: 1) if it is reasonable – the definition of reasonable is changing in terms of variances, but it was explained that the proposal must be reasonable, not whether or not the owners can still reasonably use the land without the variance or ordinance; 2) if the lot problems are not created by the owner; 3) each situation should be considered with other properties in the area or neighborhood, ensuring compatibility.

Lemmons explained three different types of permits: 1) Permitted Use – no conditions and it meets definitions and requirements; 2) Conditional Use – if the proposal checks all the boxes, the Commission has to grant it and once granted, it is permanent; 3) Interim-use – this permit is not used very often, but it is exactly like the conditional use permit, except it has a time limit.

The Commission asked the Town Attorney specific questions that will help them make judgments on these permits, variances, and ordinances.

Artner motioned to adjourn the meeting at 8:14 p.m. Kotilinek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh
Recording Secretary



**Planning Commission Meeting
August 22, 2019**

Agenda Number:

Subject: Welcome New Member – Howard Blin

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion



**Planning Commission Meeting
August 22, 2019**

Agenda Number: 4 - Consent Agenda - None

Subject:

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion



Planning Commission Meeting August 22, 2019

Agenda Number: 5

Subject: Christopher & Stephanie Ward, 1548 Hennessy Vista – Request for 22' Right-of-Way Setback Variance to Allow a 10' x 12' Shed (after-the-fact)

Documentation: Staff Memo w/ attachments /
Variance Application /
Code Enforcement Officer Correspondence

Action / Motion for Consideration:

Receive Information / Discussion

Minutes
Variance Board Meeting
August 15, 2019

CHRISTOPHER & STEPHANIE WARD, 1548 Hennessey Vista – Request for a 22' Right-of-Way Setback Variance to Allow a 10' x 12' Shed After-the-Fact: Riedesel summarized the request to allow a shed which was placed 13' from the Otter Lake Road right-of-way. A 35' setback is required.

The shed was placed in the location to fit the yard layout. Mr. Ward had counted on the contractor to file for a building permit. No permit was applied for and the shed was placed in the current location.

Mr. Ward noted that there is a small area next to the deck which the shed could be relocated to but aesthetically it is not preferred. He also noted and showed photos of water in the rear yard which flows towards Otter Lake Road. He does not want to locate the shed in the drainage routes.

The shed is screened fairly well from Otter Lake Road by a new board on board fence.

Denn stated he could support approval of the variance as requested due to the practical difficulty related to drainage on the property which could negatively impact the neighborhood if the shed were relocated within the drainage way.

Christopherson seconded the request for discussion.

Johnson noted that he agrees with the drainage concerns but does not support the variance as requested. He has denied building permits for similar requests. He prefers that the Town consider an amendment to the Zoning Ordinance which would make the location of this shed "legal". He noted that the Ordinance was amended several years ago which allowed 6' high fences from corner lots to be located along a right-of-way of Otter Lake Road.

The motion to approve the variance was supported by Denn and Christopherson. Johnson voted nay on the motion.

MEMORANDUM

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

SUBJECT: PLACEMENT OF A SHED

REQUEST: 22' RIGHT-OF-WAY SETBACK VARIANCE (After-the-Fact)
LOCATION: 1548 HENNESSY VISTA
APPLICANT: CHRISTOPHER WARD

Mr. Ward is requesting approval of a 22' right-of-way setback variance which would permit him to keep a 10' x 12' shed 13' from the Otter Lake Road right-of-way. The shed was constructed on the property earlier this year without a permit. The Town's Code Enforcement Officer has red tagged the sheds location.

Mr. Ward has met with Staff regarding placement of the shed. Staff informed Mr. Ward that he could apply for an "after-the-fact" variance or relocate the shed in his yard to meet setback requirements. The shed is set on grade with a wood floor. The shed is not on a slab.

Mr. Ward has applied for the variance in hopes that the shed will be approved in the current location.

It appears that the shed could be relocated on the property in the rear yard meeting setback requirements. Mr. Ward notes that the drainage which flows through the backyard towards Otter Lake Road may be negatively impacted if the shed is relocated to the rear yard.

Section 9-6.1 of the Zoning Ordinance states:

9-6.1. GENERAL. The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances 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. Variances 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. Variances 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.

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

9-6.4. STANDARDS. In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4). That the proposed action will not unreasonably increase the congestion on public streets.
- (5). That the proposed action will not increase the danger of fire or endanger the public safety.
- (6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

It appears that the Ward variance request meets some of the standards, but not all of them. In addition, it is hard to define a practical difficulty for a small shed which could be placed elsewhere in the yard meeting setback requirements. The drainage must be considered when locating the shed. The drainage flows along the southerly portion of the lot and flows towards Otter Lake Road.

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



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

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) Christopher Ward PHONE (Home) -
 (Business) -
 (Cell) 651-587-2545

ADDRESS 1548 Hennessy Vista
White Bear Township, MN

PROPERTY OWNER Christopher & Stephanie Ward

ADDRESS OF SITE 1548 Hennessy Vista ZONING _____

EXISTING USE OF SITE yard

DESCRIPTION OF VARIANCE REQUEST Addition of accessory building (shed)
on side of home

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
West Side Yard	_____	<u>35'</u>	<u>15'</u>
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.


*Signature of Applicant(s) _____ Date 8/5/19

*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>		
Date Request Received	<u>8/5/19</u>	<u>CR #1225</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: 1548 Hennessy Vista. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

To place a utility shed on the west side of my home.

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: Vince Carrigan Address: 1558 Hennessy Vista Ct
 Phone: (Home) _____
 (Bus.) _____
 (Cell) 651-377-2420

Comments: I have no difficulty with the shed remaining where it now sits; My adjacent lot has been landscaped to enhance water flow. To make shed would disrupt that.

Date: 8-1-19 Signatures: [Signature]

2. Name: Nathan Dieterich Address: 5064 Otter Lake Rd
 Phone: (Home) _____
 (Bus.) _____
 (Cell) _____

Comments: I don't have any issue with the shed being where it is. And it's a good place where it's at.

Date: 8-1-19 Signatures: [Signature]

3. Name: Todd Riemann Address: 5084 Otter Lake Rd
 Phone: (Home) _____
 (Bus.) _____
 (Cell) 612-200-0595

Comments: I don't care where it is

Date: 8/5/19 Signatures: [Signature]

HENNESSY

NW cor. of
Outlot A

156 35

RD. 43

35 00

OUTLOT

43 00
18' to road edge

33 00

33

Fence 36'

10 00

48'

House/garage

Deck

13'

TRACT

A

Shed
10x12' 9'9"

42'

Rock landscape

Patio
8'x10'

Rock
4'x8" 6'8"

34'

Retaining wall

80 00

10'

211.00

N line of S. 2287
SW 1/4 of SW 1/4 of

W. line of S.W. 1/4 of S.W. 1/4 of S.E. 1/4 of
Sec. 10, T. 30, R. 22

OTTER

100.00

100.17

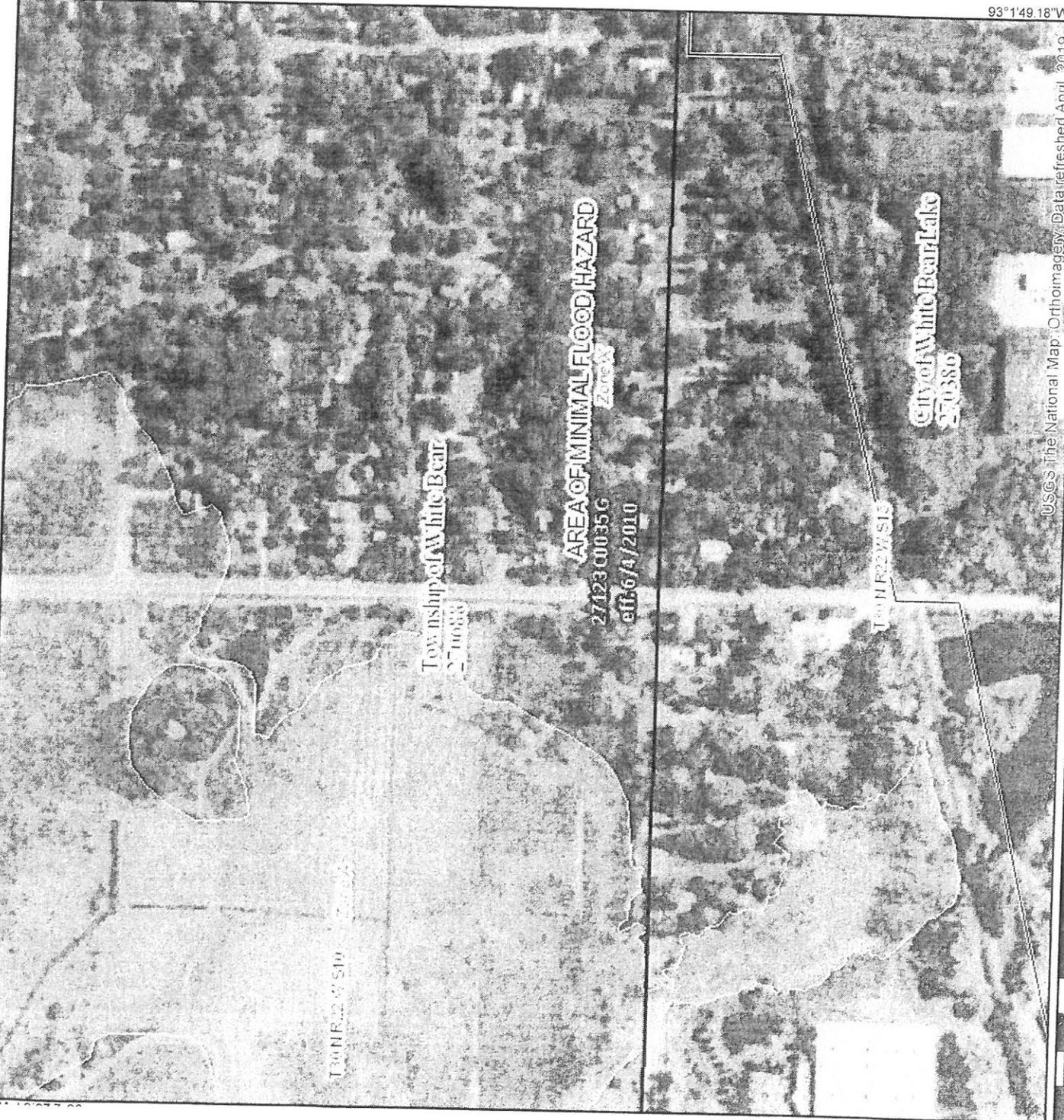
33 00

172 66

National Flood Hazard Layer FIRMette



45°5'53.53"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
 Without Base Flood Elevation (BFE) Zone A, V, AE, AP
 With BFE or Depth Zone AE, AD, AH, VE, AR
 Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile
 Future Conditions 1% Annual Chance Flood Hazard Zone X
 Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD
 Area of Minimal Flood Hazard Zone X
 Effective LOMRS
 Area of Undetermined Flood Hazard Zone X

OTHER AREAS
 Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall

GENERAL STRUCTURES
 Cross Sections with 1% Annual Chance Water Surface Elevation
 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature

OTHER FEATURES
 Digital Data Available
 No Digital Data Available
 Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/1/2023 at 10:30:48 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

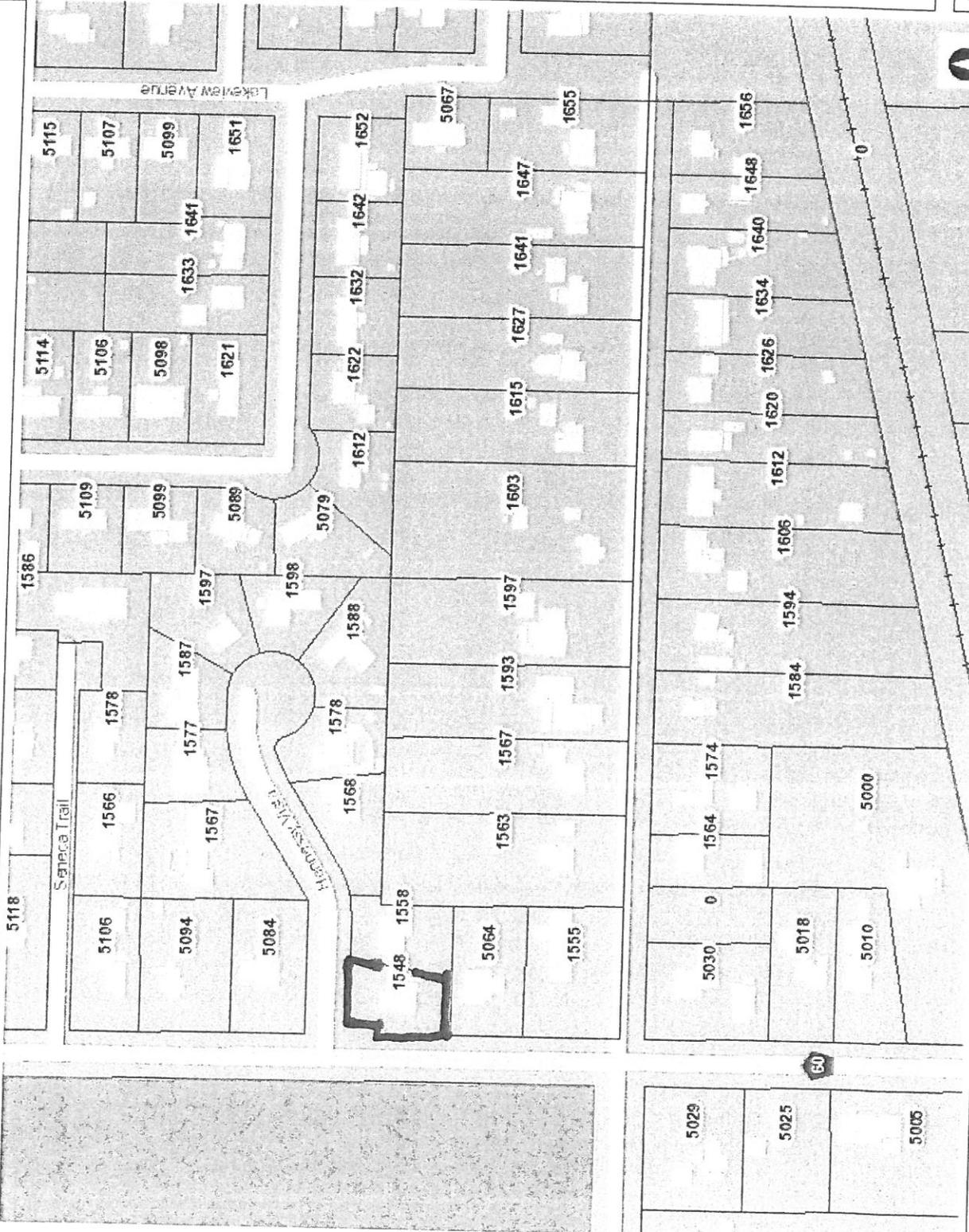
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used.

USGS The National Map, Orthorectified, Data refreshed April, 2019

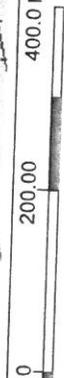
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Scale: 1:6,000

93°149'18"W
 45°5'28.13"N



400.0



200.00 400.0 Feet

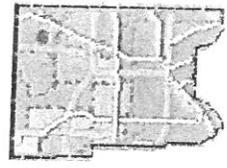
NAD_1983_HARN_Adj_MN_Ramsey_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

Legend



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



1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

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

June 27, 2019

Christopher and Stephanie Ward
1548 Hennessy Vista
White Bear Township, MN 55110

Dear Mr. and Ms. Ward:

The recently placed accessory building constructed on the west side of your property is in violation of the Towns setback requirements. A permit for the accessory building construction is required. The Town has no record of permit issuance. Please submit a zoning permit application form along with a site plan depicting the new code compliant placement of the accessory building on your property.

Respectfully,

Mike Johnson
Building Official



**Planning Commission Meeting
August 22, 2019**

Agenda Number: 6

Subject: Northwoods Entertainment LLC, 1180 County Road J/
Schwing America, 5900 Centerville Road – Request for
Minor Subdivision of Property for Construction of a New Pylon
Sign

Documentation: Staff Memo /
Minor Subdivision Application

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

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

SUBJECT: LOT LINE REARRANGEMENT

REQUEST: MINOR SUBDIVISION
LOCATION: COUNTY ROAD J & I-35E
APPLICANT: NORTHWOODS ENTERTAINMENT LLC
ZONING: I-1, LIGHT INDUSTRIAL

Northwoods Entertainment, owners of the White Bear Township Theatre, is requesting approval of a minor subdivision which would detach a .61 acre parcel from Schwing America and add it to the theatre property. The subdivision would provide an access to the White Bear Township Theatre sign which is currently located on the Schwing parcel. The strip of land proposed for subdivision would connect to the east side of the theatre property.

The subdivision would allow the Theatre to access and maintain their sign on their own property. The area between the Theatre property and the freeway is primary wetland. The Theatre pylon sign is located on upland between a wetland and the freeway.

A legal description of the proposed subdivision must be provided.

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



Legend



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

Notes

Enter Map Description



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Legend



- City Halls
- Schools
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Notes

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**MINOR SUBDIVISION
APPLICATION FORM**

RECEIVED

AUG 02 2019

TOWN OF WHITE BEAR

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) Northwoods Entertainment, LLC PHONE (Home) _____
(Business) _____
(Cell) 248 840-3775

ADDRESS 6632 Telegraph Road #143
Bloomfield Hills, MI 48301

PROPERTY OWNER Schwing America, Inc.

ADDRESS OF SITE Centerville Road, White Bear Township, MN 55127 ZONING _____

EXISTING USE OF SITE Sign Pylon

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

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

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



**Planning Commission Meeting
August 22, 2019**

Agenda Number: 7

Subject: **SMC Corporation, 5858 Centerville Road** – Request for Minor Subdivision, Wetland Permit, Zoning Ordinance Amendment & Permitted Use Standards Permit to Allow Construction of a 121,728 Square Foot Building.

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: AUGUST 15, 2019

SUBJECT: CONSTRUCTION OF TWO ADDITIONAL MANUFACTURING/OFFICE BUILDINGS & AN ADDITION TO BUILDING AT 5800 CENTERVILLE ROAD

REQUESTS: MINOR SUBDIVISION
WETLAND PERMIT
ZONING ORDINANCE AMENDMENT
PERMITTED USE STANDARDS PERMIT

LOCATION: 5800 & 5858 CENTERVILLE ROAD & A FUTURE ADDRESS ON CENTERVILLE ROAD

APPLICANTS: SPECIALTY MANUFACTURING CORPORATION

ZONING: I-1, LIGHT INDUSTRIAL

SMC is proposing to add two new buildings and an addition to their Centerville Road campus. Currently SMC has two manufacturing buildings fronting on Centerville Road. SMC owns the property between these buildings & I-35E. This outlot (A) is 19.1 acres in size. A new building 121,728 square feet in area is proposed to be constructed this year.

A 30,000 square foot building pad and a 12,600 square feet addition onto the rear of the southerly building is planned at a later date(s). The new building also plans parking, stormwater treatment ponds, wetland fill and mitigation and an extension of the road which accesses Centerville Road.

Minor Subdivision:

The area which the new buildings are proposed are located on Outlot A, Specialty Manufacturing Addition. SMC would like to change the legal description of this lot from Outlot A to Lot 1, Block 1, Specialty Manufacturing 2nd Addition. This lot will also include the access road to Centerville Road.

Originally this access road was planned to be a public road which was to be extended southerly accessing the North Oaks Company property and the property between North Oaks Company and SMC. The road was built to Town street standards and reduced street setbacks were adopted to accommodate the parking lots.

SMC no longer has it in their development plan to extend the road through the North Oaks Company property.

Wetland Permit:

The entire property has a total of 159,766 square feet of wetlands. There are several small wetlands and one larger wetland on the property. SMC is proposing to impact 7 of these wetlands. A total of 63,228 square foot office is proposed. SMC would mitigate this fill by expanding an existing wetland; creating a new wetland and providing stormwater treatment basins and upland buffer areas. New wetland construction, 115,220 square feet in area is planned. In addition, upland buffers which abut a wetland and would be permanent open space, in the amount of 31,123 square feet is proposed. To compensate for this fill, new wetland and wetland buffers equaling 94,196 square feet are proposed.

The Town's Zoning Ordinance permits wetland fill but if filled they must be replaced at a 2:1 ratio with 1:1 replacement on site and the remaining 1:1 someplace within the Township.

Zoning Ordinance Amendment:

SMC would like the Town to consider two modifications to the Zoning Ordinance relating to setbacks between a parking lot and an industrial building next to residential zoned or residential used property.

The property to the south of this site is zoned industrial but is currently used as a residence.

Section 7-1.4 of the Zoning Ordinance requires:

A 20' setback between a parking space or drive lane and a residential use.

A 70' setback between an individual building and a residential use.

SMC would like the Town to consider modifying these requirements which would permit a 15' parking lot setback and a 60' setback for the building.

The SMC site plan shows a setback of 15.28' between the parking lot and residential property boundary. The plan shows a 61.52' setback between the southerly building and the lot line.

Permitted Use Standards Permit:

A Permitted Use Standards Permit is required to allow construction of the building(s) and other site improvements such as parking lots and stormwater treatment systems.

A Permitted Use Standards Permit must meet the following standards prior to approval of a permit:

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.

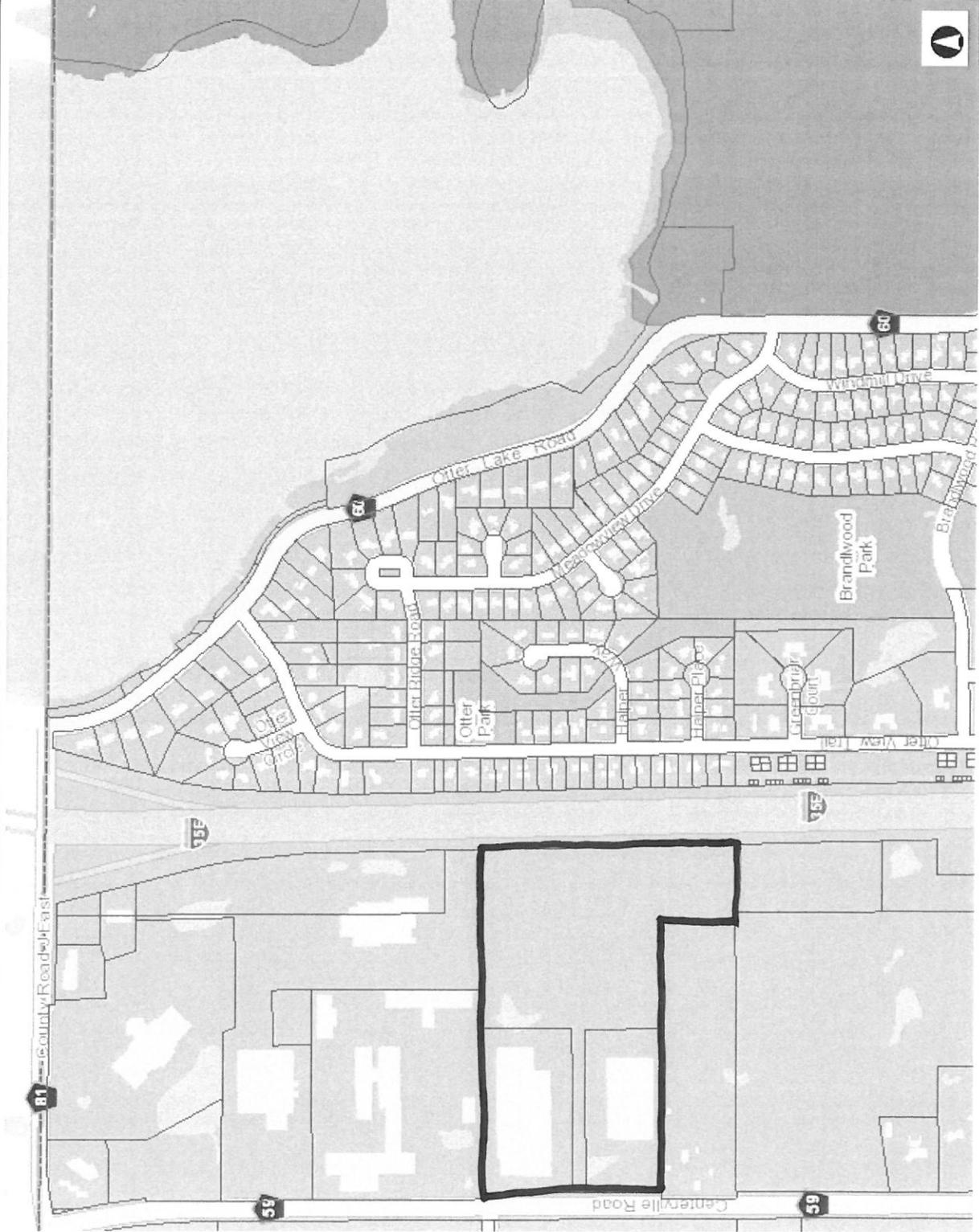
9-3.4(f). The proposed use shall show sufficient landscaping to screen undesirable features and to enhance the development.

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.

At this time staff is working with consultants to complete their review(s) of the proposal. An updated staff report will be provided when the consultant reports are available.

TR/psw
cc:admin/add.file
b:SMC19



1,333.3 666.67 1,333.3 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
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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) Mark Kronbeck PHONE (Home) _____
Alliant Engineering, Inc., (Business) 612-767-9338
(Cell) _____

ADDRESS 733 Marquette Ave, Suite 700
Minneapolis, MN 55402

PROPERTY OWNER The Specialty MFG. CO.

ADDRESS OF SITE 5858 Centerville Road ZONING L-1 Light Industrial

EXISTING USE OF SITE Vacant

_____ 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.



WETLAND PERMIT (REZONING) APPLICATION FORM

INTRODUCTION

A Wetland Permit may be granted or denied by the Town Board after recommendation by the Planning Commission in accordance with Ordinance No. 35 (Zoning), Section 9-5, Wetlands Overlay District Permit Procedure.

APPLICANT(S) Mark Kronbeck PHONE (Home) _____
Alliant Engineering, Inc. (Business) 612-767-9338
(Cell) _____

ADDRESS 733 Marquette Ave, Suite 700
Minneapolis, MN 55402

PROPERTY OWNER The Specialty MFG. CO.

ADDRESS OF SITE 5858 Centerville Road ZONING L-1 Light Industrial

EXISTING USE OF SITE Vacant

DESCRIPTION OF WETLAND USE REQUESTED The purpose of the project is to construct an additional warehouse facility adjacent to the existing Specialty Manufacturing buildings. The site improvement will include parking lots, loading docks, grading for future office space, an addition to the existing southern facility on site, storm water ponds, and on-site wetland mitigation.

x _____ Fee (\$110.00 plus \$200.00 Expense Deposit)

CHECKLIST:

x _____ Site Plan

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

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

REVIEW PROCESS:

1. Submit 15 copies of all plans larger than 11" x 17" and one 11" x 17" or 8 1/2" x 11" plan with the application, and all supporting information to the 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 the Town Hall)
(Call Public Hearing)
4. Town Board _____ Public Hearing
5. Town Board _____
(Action subject to Public Hearing Schedule)

STANDARDS:

A Wetland Permit is necessary if any work is proposed in a wetland, or if a wetland is proposed to be filled. A Wetland Permit may be approved by the Town Board if the proposal complies with the following standards:

1. Filling. A minimum amount of filling may be allowed for the reasonable use of property, but only when it will not have a substantial or significant adverse effect upon the ecological and hydrological characteristics of the water or wetland.
2. Avoidance. The applicant must demonstrate that the proposed filling is the least environmentally damaging practical alternative.
 - a. In evaluating a filling proposal, it shall be determined whether the proposed development requires or is dependent upon proximity to water or wetlands. If the development activity does not require proximity to water or wetlands, it is presumed that other alternatives to filling are available.
 - b. Any reasonable alternative which does not involve filling is presumed to have a less adverse impact upon the aquatic system to filling.
 - c. In evaluating filling, avoidance of a proposal for compensatory wetland replacement cannot be considered.

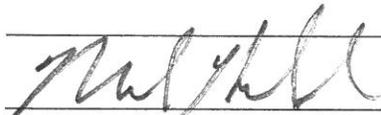
3. Minimization. All reasonable steps of project modification must be taken to decrease the adverse impact to a wetland to the least possible degree.
4. Replacement. Total wetland replacement shall be required for adverse impacts which remain after all avoidance and minimization actions have been taken. Wetland replacement shall be provided on an areal basis of 2 to 1 within the boundary limits of the Town, or at a minimum replacement on an areal basis of 1 to 1 within the site of development or specific use. Wetland replacement will include the following actions in descending order of acceptance.
 - a. Restoration of existing wetlands which have been degraded by filling or draining. Wetland restoration shall occur within the same watershed as the development site or specific use.
 - b. Creation of on-site man-made wetlands within or contiguous to the development site or specific use.
5. Any filling shall not cause the total flood storage capacity of the wetland to fall below the projected volume it would hold following the critical rainfall event over the developed drainage area.
6. Only fill which is free of chemical pollutants and organic wastes, as determined by the Town Board, may be used.
7. De minimus. For projects proposing wetland fill and meeting the avoidance and minimization criteria, a wetland replacement plan shall not be required for draining or filling up to 400 square feet of wetland in a shoreland management zone, or up to 2,000 square feet outside of a shoreland management zone, regardless of the total amount of wetland filled as part of a project. The de minimus exception shall be permitted only one time for any project and/or property.

This plan will require review and approval by the following Governmental Agencies and White Bear Township:

- Rice Creek Watershed District (RCWD)
- Vadnais Lake Area Water Management Organization (VLAWMO)
- Ramsey County
- MnDOT
- US Army Corps of Engineers
- Minnesota Department of Natural Resources (DNR)
- White Bear Lake Conservation District

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

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


Signature of Applicant(s)

8-8-19
Date

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



ZONING ORDINANCE AMENDMENT APPLICATION FORM

INTRODUCTION

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

APPLICANT(S) Kent Brunner PHONE (Home) _____
The Specialty MFG. CO. (Business) 651-762-4481
(Cell) 612-804-4209

ADDRESS 5858 Centerville Road
White Bear Township, MN 55127

PROPERTY OWNER The Specialty MFG. CO.

ADDRESS OF SITE 5858 Centerville Road ZONING L-1 Light Industrial

EXISTING USE OF SITE Vacant

PROPOSED ZONING ORDINANCE AMENDMENT We request a change to section 7-1.4 of the ord. as follows: change the 20' setback for off street parking to 15' and change the 70' setback for an industrial building to 60'

REASON FOR REQUEST Even though the adjacent property south of SMC is zoned L-I it is used as residential, but is being marketed as I-1. Thus, we request this change, since it affects our project.
Initial Fee (\$110.00 plus \$200.00 Expense Deposit)

REVIEW PROCESS:

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

3. Town Board _____ (1st Monday of the following month @ 7:00 p.m. at Town Hall)
(Call Public Hearing)

4. Town Board _____ Public Hearing

5. Town Board _____

(Action subject to Public Hearing Schedule)

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

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

Signature of Applicant(s)

8/15/19

Date

To Be Completed By Office:

Date Request Received _____

By _____
(Staff Member)

\$110.00 Fee + \$200 Deposit Received Yes
 No

Date Application Complete _____



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) Mark Kronbeck PHONE (Home) _____
Alliant Engineering, Inc. (Business) 612-767-9338
(Cell) _____

ADDRESS 733 Marquette Ave, Suite 700
Minneapolis, MN 55402

PROPERTY OWNER The Specialty MFG. CO.

ADDRESS OF SITE 5858 Centerville Road ZONING L-1 Light Industrial

EXISTING USE OF SITE _____

DESCRIPTION OF PERMITTED USE REQUESTED The purpose of the project is to construct an additional warehouse facility adjacent to the existing Specialty Manufacturing buildings. The site improvement will include parking lots, loading docks, grading for future office space, an addition to the existing southern facility on site, storm water ponds, and on-site wetland mitigation.

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

CHECKLIST:

- x _____ Site Plan – 15 full-sized copies (larger than 11 x 17) and one reduced size (8 ½ x 11)
- x _____ Existing conditions (all buildings, open space, retention areas, utility areas, service areas, and storage areas).
- x _____ 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.
- Topography (no greater than 2 foot intervals).
- Wetlands (delineation of streams, water bodies, wetlands and 100 year storm elevation).
- 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).
- Building plans (size, intended use of structures, exterior finishes, floor plans and elevations).
- Schedule (when applicant intends to construct.
- Additional information if required.
- Certificate of Survey.
- 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 detracting 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.



Planning Commission Meeting August 22, 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
June 27, 2019

MESSAGE BOARD SIGNS – Consider Ordinance No. 33 (Sign) Amendment: Riedesel summarized the discussion that was had last Planning Commission meeting. Bald Eagle Quick Stop has an LED digital sign that changes messages. Bald Eagle Quick Stop is wondering if the Town would consider reducing the time so there could be more messages per minute. The minimum a message may change is once every 30 seconds.

There was discussion on this topic and it was the consensus that Staff will contact MN Dot to see what the main requirements are for billboards on the highways. Denn is not in favor. Churches and businesses follow the rules and haven't brought this up previously.

It was the consensus to table the discussion to the next meeting. The Commission will discuss the MN Dot requirements and any other findings.

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 August 22, 2019

Agenda Number: 8

Subject: September Meeting Date

Documentation:

Action / Motion for Consideration:

Receive Information / Discussion

September 2019 						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

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**Planning Commission Meeting
August 22, 2019**

Agenda Number: 10 - 11

Subject: Added Agenda Items
Adjournment

Documentation:

Action / Motion for Consideration:

this subdivision must be met for issuance of permits for structures and sewage treatment systems. Public roads and parking areas, as regulated by Section 8-6.6, are exempt from the provisions of this part.

8-6.5(a). Removal or alterations of vegetation is allowed according to the following standards:

(1). Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.

(2). Limited clearing of trees and shrubs and cutting, pruning, and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:

(i). The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

(ii). The above provisions are not applicable to the removal of vegetation that is dead, diseased, hazardous or storm damaged;

Must be removed to prevent the spread of diseases or insect pests, as diagnosed and recommended by a licensed arborist;
Removal of invasive non-native species;

Restoration and erosion control activities consistent with a plan approved by the Town Board and Rice Creek Watershed District or VLAWMO.

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

(iv.) Legacy trees shall not be removed unless they are dead, diseased, dying, hazardous, or storm damaged as defined by Town Staff or a licensed arborist.

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

= Zoning Ord. wording
ADOPTED JAN 23, 2019.

(3). Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

(4). Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(5). Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

(6). Fill or excavated material must not be placed in a manner that creates an unstable slope.

(7). Plans to place fill or excavate material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.

(8). Fill or excavated material must not be placed in bluff impact zones.

(9). Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes.

(10). Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

(11). Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

8-6.5(c). Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors shall meet the requirements set forth in Section 9-5.5(b). Permission may be given only after the commissioner has approved the proposed connection to public waters.

August 9, 2019

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

RECEIVED

AUG 12 2019

TOWN OF WHITE BEAR

RE: White Bear Township 2040 Comprehensive Plan – Incomplete for Review
Metropolitan Council Review File No. 22083-1
Metropolitan Council District 11, Susan Vento

Dear Mr. Riedesel:

Thank you for the submission of White Bear Township's 2040 Comprehensive Plan (Plan), initially received on March 12, 2018. Council staff found that there are areas where the Plan is incomplete on April 8, 2019. Council staff received supplemental information on June 22, 2019 for Land Use, Wastewater, Forecasts, Housing, and Water Supply. Council staff find that there are two remaining areas that are incomplete for review. Review of the Plan will be suspended until the additional information is submitted and found complete for review. The following items were found incomplete:

REQUIRED INFORMATION

Wastewater (Roger Janzig, 651-602-1119)

- Provide an electronic map or maps (GIS shape files or equivalent) showing the existing sanitary sewer system including the local sewer service districts by connection point.
- Provide a copy of intercommunity service agreements entered into with an adjoining community, or language that confirms the Council's understanding that the communities reimburse each other for the municipal wastewater charges that each will occur by receiving flow from the adjacent community. Include a map of areas covered by the agreements. Appendix F does not contain the intercommunity agreements, it is the MS4 Permit Annual Report. Appendix C is not a full sized map of the Sanitary Sewer System, it is the Inventory of Stormwater Structure & Basins.
 - North Oaks
 - Lino Lakes
 - White Bear Lake
- Provide a table or tables that provide local system information on capacity and design flows for existing trunk sewers and lift stations. Table 5.1 and 5.2 show the Trunk Sewer and Lift Station capacities. The 2040 design flow also needs to be added to show what areas of the system will be under, at, or over capacity in 2040.
 - Include the measured or estimated amount of clearwater flow generated from the public municipal and private sewer systems.
 - Plan values are not calculated using the method described. Please revise.
 - For quantifying I/I, some communities have used the EPA guidance to determine the annual I/I and peak month I/I
<https://www3.epa.gov/region1/sso/pdfs/Guide4EstimatingInfiltrationInflow.pdf>

- Provide a map or maps (GIS shape files or equivalent) showing the following information:
 - Location of sub-surface sewage treatment systems.
 - Location of nonconforming systems or systems with problems.

Housing (Hilary Lovelace, 651-602-1555)

- Land guided to address the Township's allocation of affordable housing need for 2021-2030 is not sufficiently described for review. To be complete, the Plan must:
 - Show where the 7 acres of High Density Residential are within the Residential PUD land use – either in the Future Land Use Map or a new, stand-alone map; OR
 - Provide narrative language ensuring that a minimum of 7 acres of Residential PUD land will remain available for High Density Residential development until such development occurs, and any reduction in available land from 7 acres in the Residential PUD land use will require a Comprehensive Plan Amendment.

To expedite the Council's review of supplemental materials submitted in response to incomplete items, please provide a cover memo that outlines where and how the incomplete items are addressed in the new material. Also, as with the original submittal, please use the online submittal for supplemental information.

After all of the required elements of the Plan are submitted and found complete, Council staff will begin the official review process.

If you have any questions or need further information regarding the comments in this letter, please contact Corrin Wendell, Sector Representative, at 651-602-1832 with any questions or for additional assistance.

Sincerely,



Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Susan Vento, Metropolitan Council District 11
Corrin Wendell, AICP, Sector Representative/Principal Reviewer
Raya Esmaeili, AICP, Reviews Coordinator



Planning Commission Meeting August 22, 2019

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

Documentation: Minutes

Minutes
Town Board Meeting
July 1, 2019

CONSENT AGENDA: McCune moved to approve 5B) Planning Commission – Appoint Howard Blin to fill an unexpired term through April 30, 2020; Ruzek seconded. Ayes all.

Minutes
Town Board Meeting
July 15, 2019

ANTHONY & MORGAN ABBOTT, 5216 GRAND AVENUE – REQUEST FOR 13.5' RIGHT-OF-WAY SETBACK VARIANCE TO CONSTRUCT A 3 SEASON PORCH: The Town Planner summarized the request to add a 3-season porch above the existing deck. It was noted that a variance was requested and received by the previous owner in 1997 allowing construction of the deck. Riedesel noted that the 3-season porch will have the same roofline as the home and the same dimensions as the deck. The Planning Commission took a look at the block and 6 out of 8 don't make setback requirements. Variance Board and Planning Commission made recommendations to approve.

Anthony Abbott, 5216 Grand Ave. was present to answer any questions. It was asked whether or not there would be any plans for doorways or steps on the south side of the deck. He replied that the gate is on the left, nothing will be added closer to the road. It was also noted that he would have to add the footings to support the porch.

Ruzek motioned based on Variance Board, Planning Commission & Staff review & recommendation approve the 13.5' right-of-way setback variance to construct a 3 season porch at 5216 Grand Avenue. McCune seconded. Ayes all.

PATRICK O'BRIEN, 1382 TOP LANE – REQUEST FOR MINOR SUBDIVISION REQUIRING APPROVAL OF A LOT SIZE & LOT WIDTH VARIANCE: The Town Planner 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 property is an "L" shape with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

O'Brien wants to split the land into one small square lot and one rectangle lot. The lot with the home is 90 feet by 207 feet and exceeds the minimum lot size requirement. The other lot is proposed to be 89 feet by 110 feet, which only totals to 9,790 square feet and 12,000 square feet is the minimum requirement. So O'Brien would need a 15.95' variance for the short width and a 2,210 foot variance for the short square footage.

The Planning Commission and Variance Board reviewed this agenda item. Planning Commission recommended if approved there would be no more variances. There was suggestion that the 2,210 square foot short lot should gain 900 additional square feet from the rectangular lot. The lot adjacent to the "L" shaped lot is above 9,900 square feet.

There was discussion of the property line being moved, whether or not there is room for easements. It was noted that easements go around structures, but the plan was to tear down the garage and rebuild it.

If the Board denies the request, O'Brien will have to reapply. The Board will waive the 6 month wait time if O'Brien wants to come back with the proposed changes to the application.

Ruzek moved to deny the requests for the property at 1382 Top Lane. McCune seconded. Ayes all.

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:

The Town Planner summarized the request for a Permitted Use Standards Permit which would permit the addition of a driveway access between their building and an abutting building which they are leasing. There will only be the removal of one non landscape quality tree, and the proposal stated a temporary gravel driveway. Both the Planning Commission and Variance Board reviewed this agenda item and the Planning Commission recommended a paved driveway.

There was discussion of the items considered incomplete by Nextern. Wes Omers, the Director of Operations of Nextern was present to answer questions and explain the plans. Omers stated that the Town's Building Inspector was out to the property and that all items that could be completed, were completed. There was some reluctance on the Board members with timing. Nextern had agreed to finish the items mentioned, but did not. Omers stated that there is new management and communication is better.

The goal is to start yet this July, upon approval by the Board.

Based on Planning Commission & staff review & recommendation Ruzek moved to approve Nextern's request for a Permitted Use Standards Permit subject to the requirements set out in the permit which allows the addition of a temporary driveway from 1185 North Birch Lake Boulevard to 4843 White Bear Parkway with the caveat that outstanding items will be completed before Labor Day. McCune seconded. Ayes all.

Minutes
Town Board Meeting
August 5, 2019

PATRICK O'BRIEN, 1382 TOP LANE – REQUEST FOR MINOR SUBDIVISION REQUIRING APPROVAL OF A LOT SIZE & LOT WIDTH VARIANCE:

The Town Planner 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 property is an "L" shape with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

O'Brien wants to split the land into one small square lot and one rectangle lot. The lot with the home is 90 feet by 207 feet, exceeds the minimum lot size requirement. The other lot is proposed to be 89 feet by 110 feet, which only totals to 9,790 square feet and 12,000 square feet is the minimum requirement. So O'Brien would need a 15.95' variance for the short width and a 2,210 foot variance for the short square footage.

The Planning Commission and Variance Board reviewed this agenda item. Planning Commission recommended if approved there would be no more variances. There was suggestion that the 2,210 square foot short lot should gain 900 additional square feet from the rectangular lot. The lot adjacent to the "L" shaped lot is above 9,900 square feet.

Patrick and Barbara O'Brien of 1382 Top Lane were present to discuss this agenda item. Mr. O'Brien had handouts for the Board to review which showed properties in the area with square footage under what he was proposing. It was noted that if the property line was moved to add square footage to the lesser lot, it would require more work because the driveway of 1382 Top Lane would have to be moved.

There was discussion of actual size of the lot, on the basis that there may be an in calculation adjustment needed with surveying work. The last time the property was surveyed was back in 2004. It was the consensus that the Board wants the property to at least be over 10,000 square feet.

Ruzek moved based on Planning Commission, Variance Board, Town Board, and staff review & recommendation accept Findings of Facts for the denial of the request for minor subdivision lot size & lot width variance included in the supplemental packet. McCune seconded. Ayes all.

PUBLIC HEARING – SIDE YARD SETBACK VARIANCE REQUEST AT 3940 LAKEWOOD AVENUE – TO ALLOW PAVING OF A DRIVEWAY: McCune moved to note proper publication of the hearing notice in newspaper & waive reading of notice. Ruzek seconded. Ayes all.

Ruzek moved to open the Public Hearing. McCune seconded. Ayes all.

The Town Planner summarized the request for a 6.375' side yard setback variance and an 8.7% green area variance to allow Nelson to pave his driveway up to 3' from the side lot line. Currently, the driveway is gravel and is constructed up to the lot line. With the approval of the variance, the driveway would be moved 3 feet in, adding the green area.

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

The Variance Board met and discussed this agenda item. It was discussed that the majority of homes in the Eastwood Manor neighborhood were built in the 50's and 60's, many with single car garages. As the garages are replaced with two-car garages, it is common for the Town to review variances proposing a 5' side yard setback.

Ruzek moved to open public comment portion – ask for comments. McCune seconded.

No one was present to speak regarding this agenda item.

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

Ruzek moved based on Variance Board, Planning Commission & Staff review & recommendation approve the 6.375' side yard setback & 8.7% green area variance to pave a driveway 3' from the side lot line for 3940 Lakewood Avenue. McCune seconded. Ayes all.

PUBLIC HEARING – SIDE YARD SETBACK VARIANCE REQUEST AT 5216 PARK AVENUE – TO ALLOW CONSTRUCTION OF A TWO CAR GARAGE: McCune moved to note proper publication of the hearing notice in newspaper & waive reading of notice. Ruzek seconded. Ayes all.

Ruzek moved to open the Public Hearing. McCune seconded. Ayes all.

The Town Planner summarized the request for a 24' right-of-way setback variance and a 3% green area variance to allow for construction of a 24' by 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 location as the existing garage but would be set back 10' from the right-of-way. It was noted that the existing single car garage was built up.

This property is a corner lot, 49.98' wide 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. It was noted that 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.

This agenda item was reviewed by the Planning Commission and the Variance Board, and both recommended approval. It was noted that the height will not be taller than the house, though the garage will be a bit bigger in square footage than the previous structure.

Ruzek motioned to open public comment portion – ask for comments. McCune seconded. No one was present to speak regarding this agenda item.

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

Ruzek moved based on the Variance Board, Planning Commission & Staff review & recommendation approve the 13.5' right-of-way setback variance to construct a 2 car garage at 5216 Park Avenue. McCune seconded. Ayes all.

Ruzek moved to rescind the last motion. McCune seconded. Ayes all.

Ruzek moved based on Variance Board, Planning Commission & Staff review & recommendation approve the 24' right-of-way setback variance & a 3% green area variance to allow construction of a two car garage at 5216 Park Avenue. McCune seconded. Ayes all.

5508 WEST BALD EAGLE BOULEVARD – DISCUSSION AND UPDATE: The Town Planner reported that Nathan Landucci of Bald Eagle Island has started construction on his garage at 5508 West Bald Eagle Boulevard. He had originally applied to have a guest cottage as a place of “refuge” atop the garage structure earlier this year, but the Board denied it on height. However, the Board approved the setback and lakeshore variances so he could construct a new garage.

The Town Attorney explained that this property is a very unique situation because usually a garage is considered an “accessory” structure verses a “principle use” structure. However, since this garage is the only property on this lot it can be considered as “principle use” since it is a separate tax parcel. The height of 15 feet for the garage is permitted in this situation for this situation.

It was noted that Landucci did change the grade elevation, filling the flood plain as permitted by RCWD. It was noted that the neighbors are concerned with the taller than normal structure, but the Town's Building Inspector has monitored and reviewed everything according to the books.

