

**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.

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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.

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.

Artnr 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 Artnr'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.

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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.

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.

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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 he 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.

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.

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Artnr 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.

Artnr 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. 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.

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

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary