

**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.

MINUTES
PLANNING COMMISSION MEETING
JUNE 27, 2019

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.

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.

Artner 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.

MINUTES
PLANNING COMMISSION MEETING
JUNE 27, 2019

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.

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. Artnr seconded. Ayes Artnr, 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

MINUTES
PLANNING COMMISSION MEETING
JUNE 27, 2019

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.

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

MINUTES
PLANNING COMMISSION MEETING
JUNE 27, 2019

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.

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

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

all the boxes, the Commission has to grant it and once granted, it is permanent; 3) Interm-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