

**City of Gem Lake
Planning Commission Meeting – September 10, 2024
Meeting Minutes**

Planning Commission Chair Joshua Patrick called the meeting to order at 7:00 p.m. Commission Members Art Pratt and Don Cummings were present. Not present was Commission Member Derek Wippich and Stephanie Farrell. Also present: City Planner Evan Monson, Graduate Community Planner CJ Sycks, City Attorney Kevin Beck, Acting City Clerk Melissa Lawrence, Phillips Architects & Contractors President David Phillips, Barnett Companies General Manager Jack Mayeron, Barnett Kia General Manager Michael Barnett, White Bear Montessori Head of School Marnie McPherson, Civil Site Group Civil Engineer Robbie Latta, Project Manager CoBeck Construction Cletis Levisay

September 10, 2024

A motion was introduced by Commissioner Pratt to accept the agenda, seconded by Commissioner Cummings. Motion carried 3-0.

Minutes

A motion was introduced by Commissioner Pratt, seconded by Commissioner Cummings to approve the July 9, 2024, Planning Commission Meeting minutes. Motion carried 3-0.

Public Hearings

1201 County Road E East – White Bear Montessori School Variance Request for Shed Setback from Side Yard

City Planner Evan Monson summarized the request. The White Bear Montessori School (WBMS) operates at 1201 County Road E East, at the southwest corner of the city. The school is in the midst of an expansion project that started earlier this year. Building permits for the project were issued by the City in April of 2024. The project includes an addition onto the existing school and exterior improvements to the site. As part of the project, a 14-foot by 16-foot storage shed was constructed on the south side of the property. The shed was placed at a setback of 33.2 feet from the south lot line, which is within the required side yard setback of 50 feet. Prior to the new construction on the property, a storage shed of similar size was located on the property, just east of the parking lot, at a setback of 62 feet from the south lot line.

The Building Department inspected the site and noted that the shed was within the setback from the side lot line. Building Department staff notified the applicant’s contractor and noted that the two options were to move the shed to a compliant setback or request a variance from the city to keep the shed in the existing location.

The project plans were forwarded to staff and other agencies for comments prior to the Planning Commission meeting.

- Ramsey County
 - County staff is currently reviewing the plans and had not submitted comments at the time of drafting this report.
- Vadnais Heights Watershed Management Organization (VLAWMO)
 - The watershed staff had no comments on this request.
- Building Inspector
 - The Building Inspector confirmed that the site of the proposed shed was included in their plans that were approved for building permits in April of 2024. The as-built shed does not meet setback requirements, but it was noted that other requirements are met.
- Engineering
 - Engineering staff are currently reviewing the submitted plans and had not submitted comments at the time of drafting this report.

Commissioner Pratt introduced a motion to open the public hearing on the matter at 7:06 p.m., seconded by Commissioner Cummings. Motion carried 3-0.

The applicants shared their rationale for the request and identified 'impact criteria' in consideration of their variance request.

1. Adjacent uses – Within Gem Lake city boundaries to the east along County Rd E East and to the north along Labore Rd, the property borders two single family home properties. Both properties are screened from the school property by dense brush and tree foliage. In addition, both adjacent properties (along with other nearby properties along the roadways) also maintain accessory structures along their right-of-way frontages at approximately 30-foot setbacks.
2. Air and water quality – The project team does not consider the shed to have impacts on air and water quality. Locating the shed outside of the setback would require additional pavement and would harm water quality.
3. Traffic generation – The shed at its as-built location allows space for 2 additional parking stalls [compared to a setback-compliant location]. These two stalls decrease the number of visitors needing to park at the office center across Labore Rd from the school property.
4. Public safety and health – The garbage dumpsters and property maintenance equipment were previously housed in a dilapidated shed just to the north and east of the as-built shed. The previously existing building was in danger of collapse. The new building provides a much safer enclosure than previously provided.
5. Area aesthetics – The as-built shed is clad in materials similar in aesthetics to the school building and new addition. Existing, mature pine trees provide partial screening of the shed from the roadway.
6. Economic impact on the entire area – The project team does not consider there to be an economic impact on the area.
7. Consistency with the comprehensive plan – The project team considers the as-built shed in consistency with the surrounding neighborhood and other accessory structure setbacks at adjacent properties.

Commissioner Pratt introduced a motion to close the public hearing on the matter at 7:20 p.m., seconded by Commissioner Cummings, Motion carried 3-0.

The Commission discussed the information and understood that it was an oversight on the City's part by approving the designs. Commission Chair Patrick asked City Attorney Kevin Beck's advice on the situation and if the City has any obligation to grant this variance due to the already approved plans. Mr. Beck shared that the city does not have an obligation, and it is to be denied or granted based on if the City sees that they have endured undue hardship. Members of the Commission all saw no problems with the current location the shed was built. No changes are being suggested to an ordinance, and these situations will be taken case by case and will work to prevent this from happening in the future.

City Planner Evan Monson shared that the Commission has options for next steps. If the commissioners find the request does not meet the criteria for a variance, the commission can direct staff to prepare a resolution of denial for the City Council to consider. If the commissioners recommend approval of the request, the commission can direct staff to prepare a resolution of approval to include conditions recommended by staff.

Commissioner Pratt introduced a motion to recommend approval to the City Council based on the conditions by staff, seconded by Commissioner Cummings. Motion carried 3-0.

Old Business

Zoning Requests – Barnett Kia (Zoning Compliance Request, Lot Line Adjustment Request, Zoning Amendment Request)

City Planner Evan Monson summarized the requests. At the August 14, 2024, Planning Commission meeting, commissioners moved to table this request for additional review by the City Engineer, Building Inspector, and other contacted agencies. The city also exercised a 60-day review period extension for the request, as permitted by Minnesota Statute 15.99.

At 3610 Highway 61, Barnett Companies is looking to remove their existing building (31,865 SF) and build a new one (34,060 SF) on the north side of their property. The building would be an upgraded version of their existing one, including spaces for a carwash, service garage, sales floor, vehicle delivery, and administration. The existing building is proposed to remain until the new building is constructed, and then would be removed. Phasing and sequencing plans would be put in place to remain operational during construction.

The property to the north, 3700, is also owned by Barnett Properties. Both properties are within the City's Gateway District and are within the Neighborhood Center Sub-Zone. The applicant's proposed building type would not be consistent with the building types currently in the Gateway District, while the proposed use is currently listed as a nonconforming use in the zone.

This request requires three separate applications for review and approval:

1. **A lot line adjustment application.** Barnett Properties owns both subject properties and is requesting a lot line adjustment to the north, to align with the parking lot entrances. The city has reviewed lot line adjustments through the 'Minor Subdivision' process.
2. **A zoning ordinance amendment application.** The Gateway District does not currently permit Automotive Dealerships, the applicant is requesting to allow Automotive Dealerships as a permitted use. The applicant is also proposing a new building type.
3. **A zoning compliance permit application.** This permit is required for redevelopment projects within the Gateway District.

Lot Line Adjustment

The applicant is requesting to adjust the lot line to accommodate the entrance from Highway 61. The subject lot (south/on the right) is currently 5.16 acres, and the abutting lot (north/on the left) is 4.17 acres. The proposed lot line would result in the subject lot being 5.56 acres and the abutting lot being 3.96 acres. The requested lot line adjustment is consistent with the requirements listed in Ord. No. 131.

Zoning Ordinance Amendment

The applicant is proposing a new building type template as "Figure 15a Automotive Dealership" within Section 9.6 of Ord. No. 131. Proposed language was submitted for the new building type template to determine if the proposed language is appropriate.

The proposed building type template can be used for new or redevelopment of other sites in the Gateway District, such as the Ford dealership across Highway 61 or the 3700 Highway 61 property also owned by the applicant. The proposed designs from the applicant show a decrease in impervious surface coverage, an increase in landscaping, new lighting, and a modern building compared to the current site; the proposed building template would require other automotive dealerships to adhere to the same standards.

Zoning Compliance Request

Contingent on the approval of the lot line adjustment and ordinance amendment, the applicant is requesting a Zoning Compliance Permit to allow for construction of a new automotive dealership building. This request for a Zoning Compliance Permit is consistent with the requirements in Ord. No. 131. The applicant must submit a complete development plan prior to the receipt of any building permits.

Staff Comments

The project plans were forwarded to staff and other agencies for comments prior to the August Planning Commission meeting.

- Ramsey County
 - Applicant shall keep the intersection signal timing and ingress onto Scheuneman Road in mind as it relates to construction activities.
- Department of Transportation (MnDOT)
 - MnDOT staff have not submitted comments at the time of drafting this report.
- Vadnais Heights Watershed Management Organization (VLAWMO)

- The watershed will need to review any stormwater management plans for the development.
- There are no wetlands are shown on site, therefore no wetland conservation act (WCA) permit needed.
- Fire Department (City of White Bear Lake)
 - Applicant shall update apparatus accessibility information.
 - Request to move Fire Department Connection to the West facing side, ideally the SW corner.
 - This positions it near a fire hydrant and initial access point for Fire Apparatus.
 - A Fire Department Knox Box required. Location to be determined on-site.
 - Gate access. Fire Department Access to gate on East side of lot is required, powered “KNOX” opener.
 - Address numbers posted on West side of building. (Address side).
 - Fire Sprinkler and Alarms to be submitted by others.
 - Applicant shall verify parking lot weight capacity @ NE area with equipment underneath.
 - For reference: WBL Ladder trucks: GVWR 56,300lbs. GAWR Rear: 33,500lbs.
- Building Inspector
 - The Building Inspector did not have any comments regarding the request.
- Engineering
 - Engineering staff reviewed the submittal and provided their comments. See attached memo from SEH dated 8/23/24 for complete list of comments.
 - The project must obtain coverage under the MPCA’s CSW Permit.
 - Review and revise submittal as needed to comply with City Ordinance No. 131, Section 22.1. Erosion, Sediment, and Waste Controls.
 - Review and revise submittal as needed to comply with City Ordinance No. 131, Section 22.1. Stormwater Management.

While there is no public hearing on the requests this month, Commission Chair Joshua Patrick asked the applicants if they had anything they would like to say regarding the requests. Phillips Architects & Contractors President David Phillips wanted to inform the commission that he heard their concerns regarding lighting and suggested that based on the recommendation’s city staff suggested that Mr. Phillips would suggest that the parking lot lighting would dim to 15% illuminance between the hours of 10 p.m. and 6 a.m. The Commission was very happy with that suggestion.

City Planner Evan Monson recommend the Planning Commission approve all three (3) requests with following conditions:

1. Lot Line Adjustment.

- a. The proposed lot line adjustment between 3610 Highway 61 (Parcel ID 273022430031) & 3700 Highway 61 (Parcel ID 273022430019) shall adhere to the dimensions as proposed in the plans submitted to the City on 7/23/24 and reviewed with this request.
- b. The proposed lot line adjustment shall include legal descriptions for each parcel.
- c. The applicant shall dedicate a drainage and utility easement along the proposed realigned lot line, and around the storm sewer line. Said easement shall be at minimum 10 feet in width.
- d. The applicant shall dedicate an access easement to allow the north parcel (3700 Highway 61) to have continued access to Highway 61.
- e. The applicant shall record the lot line adjustment with Ramsey County within one year of the date when the request was approved by City Council. The applicant shall submit a revised survey to the City for review showing that conditions a, b, c, & d are met prior to recording.
- f. The applicant shall adhere to all applicable local, State, or Federal regulations.
- g. The applicant shall acquire any other applicable local, State, or Federal permits for this request.

2. **Zoning Ordinance Amendment.** Staff recommend the Planning Commission recommend approval of the Zoning Ordinance Amendment Request to create the proposed Building Type Template 15a, with the edits as proposed by staff.
3. **Zoning Compliance Permit.**
 - a. The applicant shall construct the proposed building and sales lot as per the plans submitted to the City on 07/23/2024 and reviewed with this application.
 - i. The applicant shall revise their plans to address comments from the City Engineer dated 8/23/24, and comments from the watershed district.
 - ii. The applicant shall revise their plans to meet the requirements and conditions of the Lot Line Adjustment between 3610 Highway 61 (Parcel ID 273022430031) & 3700 Highway 61 (Parcel ID 273022430019).
 - b. The applicant may construct the proposed fencing shown on the site plan, with said fencing meeting the requirements of Section 16.13. and Building Type Template 15a.
 - c. The applicant must dim sales lot and parking lot lighting to 15% illuminance between the hours of 10pm and 6am.
 - d. The applicant shall adhere to all applicable local, State, or Federal regulations.
 - e. The applicant shall acquire any other applicable local, State, or Federal permits for this request.

Commissioner Cummings introduced a motion to recommend approval of the lot line request to the City Council based on the recommended conditions by staff, seconded by Commissioner Pratt. Motion carried 3-0

Commissioner Cummings introduced a motion to recommend approval of the zoning amendment request to the City Council based on the recommended conditions by staff, seconded by Commissioner Pratt. Motion carried 3-0

Commissioner Cummings introduced a motion to recommend approval of the zoning compliance request to the City Council based on the recommended conditions by staff and recommendation of Mr. Phillips, seconded by Commissioner Pratt. Motion carried 3-0

New Business

Ordinance No. 124B Hunting and Discharge of Weapons

Graduate Community Planner CJ Sycks summarized the proposed changes to Ordinance No. 124B. The Commission requested archery turkey hunting be incorporated into the Hunting and Weapons Discharge Ordinance, No. 124B. Proposed changes were suggested for Section 4 of the ordinance to include language regarding turkey hunting and creating an item for archery deer hunting and archery turkey hunting within that section. The fee to be charged to archery turkey hunting was also discussed. Commission Chair Patrick felt that a \$100.00 fee was too much for only being allowed to take one (1) turkey per MN hunting regulations. A \$5.00 per hunter suggestion was made. The archery turkey hunting would follow the same city requirements as archery deer. Commission Chair Patrick also wanted to tighten up the language regarding the distance of the maximum shot to be taken. The current language is a little unclear and Commission Chair Patrick suggested language that would help make it clearer.

Commissioner Cummings introduced a motion to recommend approval of the draft ordinance with the additional suggested changes to the City Council, seconded by Commissioner Pratt. Motion carried 3-0.

Ordinance No. 48 Alarm Systems

Graduate Community Planner CJ Sycks summarized the proposed changes to Ordinance No. 48. The City Council has tasked the Planning Commission with reviewing Ordinance No. 48 regarding Alarm Systems. Ord. No. 48 was adopted in August of 1987, and has not been amended since. The ordinance regulates the use of alarm systems, establishes user fees, and provides penalties for false alarms. The city of Gem Lake works with the city of White Bear Lake's (WBL) Fire Department to respond to triggered fire alarms and the Ramsey County Sheriff's Department to respond to burglary/robbery alarms. Proposed updates include changes to definitions, user fees, alarm report and enforcement and penalties. Ms. Sycks shared what some

of the surrounding cities have in their ordinances. Acting City Clerk Melissa Lawrence had one suggestion based on the proposed changes. Mrs. Lawrence suggested that the user fee still be based on a calendar year and not a 12-month period. Reports received by the City from White Bear Lake are based on the calendar year and would make it easier to track the false alarms. The Commission wants to keep things simple and agreed with the Acting City Clerks suggestion.

Commissioner Pratt introduced a motion to recommend approval of the draft ordinance with the additional suggested changes to the City Council, seconded by Commissioner Cummings. Motion carried 3-0.

Fee Schedule Updates per Ordinance Suggested Changes

Graduate Community Planner CJ Sycks summarized the proposed changes to the fee schedule. The City’s fee schedule currently includes False Alarm User fees within Section 12, Miscellaneous. 3-14 false alarms are \$50.00/occurrence within a calendar year and \$150.00 for 15+ false alarms/occurrence within a calendar year. Rather than raising fees like other communities, it is recommended by City Staff, that the “15+ False Alarms” be reduced to “7+ False Alarms” and false alarms are tracked by 12-month periods rather than calendar years. Again, Mrs. Lawrence suggested changing it to a calendar year instead of a 12-month period.

Commissioner Pratt introduced a motion to recommend approval of the suggested fee schedule changes with the additional suggested change to the City Council, seconded by Commissioner Cummings. Motion carried 3-0.

Open Items for Commission Members to Bring Up

None

Future Meetings

City Council Meeting, Tuesday, September 17, 2024, at Heritage Hall, and Planning Commission Meeting, Tuesday, October 8, 2024, at Heritage Hall.

Attendance Inquiry

Commission Chair Patrick surveyed the Commission to see if any of the members would have any issues attending the October 8, 2024, meeting. At that time all those in attendance had no conflict.

Adjournment

There being no further business, following a motion from Commissioner Pratt, seconded by Commission Cummings, the meeting adjourned at 8:10 p.m.

Respectfully submitted, Melissa Lawrence