

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
FEBRUARY 22, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, February 22, 2021, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Michael Amundsen, Ken Baltzer, Jim Berry (7:05 pm), Pamela Enz, Mark Lynch, and Erich Reinhardt.

MEMBERS EXCUSED: Peter Reis.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Stephanie & Dave Herington, Melissa & Brent Peacock, Troy Kampa, Pat Egan, Greg Moore, Brian Kroonblawd, Kathy Morri, Jason Asmus, Bill Walsh, J. Ritter, John Shardlow, and Mark Smith.

2. APPROVAL OF THE FEBRUARY 22, 2021 AGENDA:

Member Lynch moved for approval of the agenda. Member Enz seconded the motion, and the agenda was approved (5-0).

3. APPROVAL OF THE JANUARY 25, 2021 PLANNING COMMISSION MEETING MINUTES:

Member Reinhardt moved for approval of the minutes. Member Enz seconded the motion, and the minutes were approved (5-0).

4. CASE ITEMS:

A. **Case No. 21-1-CUP:** A request by **Brent & Melissa Peacock** for a Conditional Use Permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9, in order to install a u-shaped driveway in front of the home at the property located at 2532 Manitou Island.

Miller discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing. As no one spoke on the matter, Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 21-1-CUP. Member Amundsen seconded the motion. The motion passed by a vote of 6-0 (Berry arrived at 7:05 pm).

- B. **Case No. 21-2-V:** A request by **Dave & Stephanie Herington** for an eleven foot variance from the 15 foot setback from a side property line, per Code Section 1303.040, Subd.5.c.2, in order to construct a living room addition four feet from the east property line at the property located at 2216 2nd Street.

Miller discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Amundsen wondered if the back portion of the addition would be used as recreational space since the elevations showed a railing and if that would require further variances. Kane replied as long as it is clear what is being proposed, the Planning Commission could approve the variance as requested.

Member Baltzer opened the public hearing.

Stephanie Herington, 2216 2nd Street, Applicant, confirmed that the flat roof would be used as a deck. Her neighbors are aware of the request and have signaled support for the design. In response to a question from Kane, Ms. Herington stated that they are still deciding on how to access the roof, but it will not be on the eastern side.

Member Baltzer closed the public hearing.

Member Amundsen moved to recommend approval of Case No. 21-2-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 21-2-CUP & 21-4-V:** A request by **Heartland TC Gun Club & Range** for a Conditional Use Permit for 2,200 square feet of enclosed retail sales in the BW zoning district, per Code Section 1303.180, Subd.4.c, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a ten foot variance from the 15 foot setback required from a street right-of-way, per Code Section 1302.050, Subd.4.h.17.c, in order to locate parking five feet from the east property line at the property located at 4350 Centerville Road.

Crosby discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Baltzer opened the public hearing.

Pat Egan, 4350 Centerville Rd, Applicant, expressed appreciation for the Commissioners time and the efforts of staff. He stated that he believes they are proposing an attractive building that will draw many people to the area. The applicants agree with the conditions that have been proposed. He noted that he just learned of an issue with the neighbor to the north concerning an easement over the driveway.

Mark Smith, 4444 Centerville Rd, stated that he has been the owner of the property directly north of the subject site for the last fifteen years and he has kept the area looking nice through the years. He raised several concerns regarding the proposal, which he finds incomplete. His first concern was the six to seven foot retaining wall, which does not fit and is not allowed by code.

Member Baltzer asked staff about the retaining wall. Crosby explained there is at least one proposed retaining wall on the east side of the property because the grades are so steep in the area. She confirmed that retaining walls are limited to four feet in height and that as of right now, the applicants are proposing a six foot wall. She stated that they have the option of putting two 3 foot tall retaining walls in to meet code.

Mr. Smith interjected that two retaining walls would not fit because the applicants are requesting a five foot variance for parking. The variance should not be granted because the applicants cannot do what they are showing on the plan.

Member Enz requested feedback from staff on the retaining wall. Crosby agreed that they may not be able to fit the wall, but suspects that the applicants erred on the side of caution when making the variance request. In response to Mr. Smith, Crosby pointed out that there are many changes that will need to be made before a permit is issued and the City will ensure code is met.

Mr. Smith's second concern pertained to parking and access. He is afraid that patrons of the gun club will use his parking lot, which is closer to the entrance than most of parking stalls on the subject site. He does not want the tenants in his building to see people in the lot pulling guns out of their cars. He continued that there is an easement on the property that requires the owner of the subject site to maintain and remove snow from the access. The current owner is aware of the easement, yet has never taken care of the easement area. Lastly, he asked if there will be garage doors on the storage area, which may impact parking.

Member Lynch sought clarification on the easement. Crosby confirmed that there is an access easement. There is a curb cut at 4444 Centerville Road to the easement area, which is the entrance delivery trucks use, so it is an important easement agreement.

Member Berry asked if there is some way to verify that the owner neglected care. Mr. Smith stated he has receipts showing he has spent \$30,000 on maintenance.

Crosby explained that maintenance of the easement issue is a civil matter that the property owners would need to work out in a court of law.

Mr. Egan, applicant, responded that if needed, they will put signs up to inform customers not to park in the neighboring lot and will make sure their guests are informed on where to park. He stated that if the easement agreement says they need to do x, y and z, then they will comply. In response to a question from Member Lynch, Mr. Egan confirmed that there are two entrances to the building, one on the southwest side and one on the east. Mr. Egan explained that the overhead doors facing south will be for deliveries. The west to east doors will not have traffic coming through them like in the past, so parking will not be impacted.

Mr. Smith asked what recourse the City has if the retail portion of the business exceeds 2,200 square feet. He is doubtful that the business requires 4,000 square feet of office space. Kane replied that the retail is limited to the highlighted area on the submitted plans. If they want to expand, the applicants would need to seek an amendment to the Conditional Use Permit. If they expanded without going through the proper channels, the City could terminate the CUP.

Member Baltzer closed the public hearing.

Member Lynch summarized the two requests – the retail CUP and the variance. He believes that this is an appropriate location and as long as the proposal is revised to meet the building code, he is okay with the variance.

Member Enz stated that she is excited for the jobs the new business will bring to the city and finds the aesthetic of the building attractive.

Member Reinhardt asked the applicants what the capacity of the shooting range will be. Mr. Egan replied that typically there are 1 to 2 people per stall. He anticipates roughly 20 people at any given time on the weekends.

Member Lynch moved to recommend approval of Case No. 21-2-CUP & 21-4-V with all of staff's recommendations. Member Berry seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary of February 9, 2021.

Member Amundsen asked about the proposed project at 3rd Street and Cook Avenue. Kane provided a brief overview, stating that the developer recently hosted a neighborhood meeting where residents voiced concerns regarding the design and impacts on parking. The City has not received an application as of yet.

B. Park Advisory Commission Meeting Minutes of February 18, 2021 – Meeting Canceled.

No Discussion.

6. ADJOURNMENT:

Member Enz moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the February 22, 2021 Planning Commission meeting was adjourned at 8:04 p.m.