

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
JULY 26, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, July 26, 2021, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Michael Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, and Erich Reinhardt.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Dean Elwell, Mike Arland, Josh Schlichting, Mary and Scott Kuukari, Roxanne McGurk, Beverly and Kevin Farraher, Tim Sweet, Paula Frost, Justin Fincher, Raphael Lister, and Eric Meyer.

2. APPROVAL OF THE JULY 26, 2021 AGENDA:

Member Lynch proposed to flip the order of items C and D. Member Lynch moved for approval of the agenda as amended. Member Amundsen seconded the motion, and the agenda was approved (6-0).

3. APPROVAL OF THE JUNE 28, 2021 PLANNING COMMISSION MEETING MINUTES:

Member Enz moved for approval of the minutes. Member Berry seconded the motion, and the minutes were approved (6-0).

4. CASE ITEMS:

A. **Case No. 21-2-Z & 21-5-CUP:** A request by **Division 25, LLC** for a text amendment to the Sign Code Section 1202.040, Subd.2, to allow billboards; and a Conditional Use Permit, per the amended code, to allow installation of a two-sided V-shaped dynamic billboard at the property located at 4650 Centerville Road. **(Continued)**.

Member Lynch moved to continue Case No. 21-2-Z & 21-5-CUP. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

B. **Case No. 20-2-SHOPa:** A request by **Paula Frost** for a three-year extension to an existing Special Home Occupation Permit, per Code Section 1302.120, in order to operate a massage therapy business out of her residence located at 1904 4th Street.

Miller discussed the case. Staff recommended approval.

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

Member Enz moved to recommend approval of Case No. 20-2-SHOPa. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 21-8-CUP:** A request by **Tjernlund Products** for a Conditional Use Permit for vehicle rental, per Code Section 1303.180, Subd.4.b, in order to operate a U-Haul Dealership on the property located at 1601 9th Street.

Kane discussed the case. Staff recommended approval of the request with the conditions listed in staff's report.

Member Lynch asked if the U-boxes would be allowed by right if the truck component was not included in the proposal.

Kane confirmed that the City does not regulate what exactly is being warehoused and that it is the outside storage of vehicles that U-Haul is requiring of Tjernlund that needs a conditional use permit.

Member Lynch asked if there is a procedure for when a U-Haul vehicle is dropped off overnight in the wrong spot. He wants to protect the residents across the street, so he suggested adding a condition requiring any misplaced U-Hauls to be moved in a timely matter. Member Lynch also asked how many U-Hauls would be on site at any given time.

Kane deferred to the applicant to respond to Member Lynch's inquiries.

Member Enz asked if signage was being proposed. Kane explained that any additional signage will require a permit. The building is allowed up to 200 square feet of signage on the property. If the applicants choose to use some of that square footage for U-Haul, staff would work with the applicant to ensure that the signage remains ancillary to the principal use of the building.

Member Baltzer opened the public hearing.

Andrew Tjernlund, 12867 Greystone Ct, Hugo, Applicant, explained that the main purpose for the partnership with U-Haul is the U-boxes, which he described as little pods used for storage. Most U-Haul dealers are small locations like hardware stores and gas stations where there is no place to store the boxes, meaning this is a service that is in demand. As part of the U-box storage, the property is required to be able to have trucks dropped off and picked up.

Mr. Tjernlund explained that there will be no business after 4 pm and no business on the weekend. It is not a retail location. He commented that the company's interests are in line with their neighbors. They are trying to keep the number of vehicles to a minimum. At the Hugo location, they generally have one truck or trailer at a time. He does not believe they will be moving multiple vehicles a day. If there were multiple vehicles picked up and dropped off in a single day, Mr. Tjernlund opined that it is a sign that there is a need for U-Hauls in the area. He wants to meet the needs of the neighbors, but also the needs of the community as a whole.

Member Lynch sought more information on how the business will operate, specifically on whether multiple trucks will be on site at all times. Mr. Tjernlund replied that they do not control the in or out flow of vehicles. If they do not have the type of vehicle the person is looking for, they do not book the appointment.

Member Lynch asked what would happen if a thirteenth truck showed up on site and what the procedure will be for vehicles dropped off at night. Mr. Tjernlund stated that if the number of vehicles exceeded the number of dedicated parking stalls for U-Hauls, he could move the truck to the Hugo location or call the regional U-Haul manager to have it transferred elsewhere. He continued that he can inform the workers at the warehouse to move any vehicle that gets dropped off in the wrong spot. He confirmed that he would be okay with the addition of a condition requiring vehicles to be moved in the morning.

Member Berry clarified that the main revenue generator is the warehousing, not the truck and trailer renting. Mr. Tjernlund confirmed that was true. He explained that biggest impact on the property is the dropping-off of vehicles. They could limit the amount of pick-ups, but drop-off will always show up as an option.

Member Enz asked what happens if someone drops off a vehicle after hours on a Friday. Mr. Tjernlund replied that it would sit in that location until Monday. The building is not staffed during the weekend, so there is no option to move it.

Member Reinhardt requested further explanation of the U-boxes. Mr. Tjernlund stated that the warehouse will store both empty and full boxes. The boxes make moving easier and can be delivered to the driveway of the customer. They are small and easy to transport. It allows people to move at their own pace. The boxes will be stored inside the building.

Mary Kuukari, 1596 9th Street. She asked if the the storage containers will be transported by a flatbed truck, if the truck be stored on site, and whether there is a projected busy season. She also asked if the signage will be on the building or free-standing. Member Baltzer explained that any signage will need to be approved by the City before it is installed and that the applicant can respond to Ms. Kuukari's other questions.

Dean Elwell, 1592 9th Street, Homeowner Association president. He stated that the HOA is concerned with a retail business. He wonders how this will affect traffic and home values. He agrees that Tjernlund has been a good neighbor, but is concerned with the proposal. He thinks the process is moving too quickly.

Andrew Tjernlund, applicant, responded to the neighbors' questions. The U-boxes will be dropped off in a normal 53-foot long semi-trailer truck, which can fit ten boxes. The delivery trucks will be indistinguishable from the trucks that deliver other goods to the warehouse. He explained that the sign will be a small one foot by one foot in the window. It is not meant for advertising, just to indicate that a person is in the right place. They are looking for minimum signage.

They are not leaving the White Bear Lake area. They have grown over the years, so they have expanded to Hugo. The White Bear Lake location will be less active in terms of traffic over last year because of some movement to Hugo. He stated they are trying to limit the effect on home values, but they are an I-2 zoned business across the street from residential. They are trying to

mitigate the impact on surrounding properties by having the drop-off location in a discrete place. Mr. Tjernlund explained that the peak season is the weekend and they are closed over the weekend. He did not know whether there was a specific time of year that is busier than any other.

Member Amundsen asked what percentage of the warehouse will be used for storing the U-boxes. Mr. Tjernlund stated it has not been fully determined and it is hard to give a precise number because of upward space, but thought it will be roughly 10%.

Member Baltzer closed the public hearing.

Member Enz asked if the applicant would need to come before the Planning Commission if the business was ever expanded. Kane explained that if it was within the CUP as it is presented this evening, it would be okay, but something like extended weekend hours would need a CUP amendment, which requires Planning Commission approval.

Kane noted that staff shares the concerns of the neighbors of losing the manufacturing business and that this allows the company to maximize the use of their facility to continue to be a profitable business. This is a way to keep the business in the City.

Member Lynch moved to recommend approval of Case No. 21-8-CUP with the addition of a condition that the trucks be moved by 9 a.m. the next business day. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

- D. **Case No. 21-7-CUP & 21-3-Z:** A request by **Level Up Academy** for a Conditional Use Permit, per Code Section 1301.050, to allow two building additions totaling 15,450 square feet, and a rezoning of two parcels, per Code Section 1301.040, to facilitate the combination of these parcels with the “parent parcel” of 2600 County Road E: 35XX Rolling View Drive (PID # 363022110026) from B-2 – Limited Business, to R-3 – Single Family Residential, and 35XX Rolling View Drive (PID # 363022110025) from RB – Residential Business Transition, to R-3 Single Family Residential at the property at 2600 County Road E.

Crosby discussed the case. Staff recommended approval of the rezoning and continuation of the conditional use permit to allow the applicant and staff time to arrive at a mutually agreed upon design for the exterior of the gymnasium.

Member Lynch asked if there will be a stacking issue along Rolling View Drive with parents going north and turning left onto County Road E. He speculated whether it would be helpful to limit the intersection to a right turn only during pick-up and drop-off times.

Crosby stated that the current issue is parents stacking along County Road E while trying to turn into the school. She noted that a condition could be included to address traffic related issues if something becomes problematic.

Member Lynch recommended that the City look at the bike rack regulations in the Zoning Code to increase the number of racks required for new projects.

Member Berry commented that it is currently difficult to turn left onto County Road E because the stack up of vehicles is impossible to see over. As a substitute bus driver, he has experienced the back up. To avoid the traffic, busses have been turning right, and traveling towards Bellaire

Avenue. He thinks the separation between the buses and the parent lot is a good idea to alleviate traffic and it keeps children safer.

Kane pointed out that the parent pick-up and drop-off will be further south, which will provide more stacking space along Rolling View Drive. She stated that a right turn only regulation would need to be worked out with the City Engineer and Ramsey County.

Member Baltzer opened the public hearing.

Beverly Farraher, 3470 Rolling View Drive, supports the proposal over all and asked why one of the parcels (PID # 363022110025) will not be used to build a single-family residence.

Justin Fincher, JB Vang Partners, applicant, stated that they have talked with Level Up Academy about the possibility of the lot remaining single family. With the extra month, they may be able to work with the school and the City to develop a new plan. He believes that the school may be open to it, but at the time, it made sense to combine all the parcels and rezone as one.

In response to Member Lynch's inquiry, Crosby confirmed that rezoning the parcels to R-3 leaves single family as an option. If the parking lot is reconfigured, a single family home could be built on the property. She explained that City approval is not required for lot combinations; rather Ramsey County is in charge of the process.

Kane agreed that the City does not want to lose vital housing opportunities. The parking currently exceeds what the code requires, so there is potential to re-design the parking lot to preserve the parcel.

Member Enz suggested that the school could afford to lose a few parking stalls.

Member Baltzer closed the public hearing.

Member Reinhardt moved to recommend approval of Case No. 21-3-Z and continuation of the 21-7-CUP. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

- A.** Renewal of Special Home Occupations by Administrative Variance (neighbor consent) process.

Crosby explained that renewals would require neighbors to sign off on the request. If approvals were not obtained, it would be brought to the Planning Commission and City Council.

Member Baltzer asked how the fee of an administrative variance compares to a special home occupation permit. Crosby replied \$25 as opposed to \$160 to come before the Planning Commission.

Member Amundsen asked which neighbors would need to sign off. Crosby replied that it would be abutting properties. The Commissioners discussed at length how many neighbor signatures should be required. Crosby offered a suggestion that neighbors within 350 feet are notified by mail and there is a set amount of time to respond with any concerns.

Kane added that we do not want to make it too complicated when we are streamlining the process. With the cost of postage, the fee should be higher than current administrative variances if notifications are to be sent out.

B. 10% Deviation by Administrative Variance – not for height limitations and not on top of other A/V's already provided for.

Member Lynch sought clarification on what it means that other administrative variances would not be stackable. Crosby provided an example, stating that through an A/V, residents can deviate from the front setback by up to ten feet, but would not then be able to further deviate by ten percent with another A/V.

Member Amundsen asked if the prohibition on height limitations applied to fences. Crosby answered that yes, the A/V could not be used for fence height deviations.

Member Reinhardt asked whether 10% is the greatest deviation staff is willing to consider or if it is possible to increase to 15%. Kane noted that 10% feels de minimis.

Member Lynch expressed concern that this may be a slippery slope for those looking to expand just because they can. It puts neighbors in a sometimes awkward position approving or denying deviations from code. He wondered how we format the regulation in a way that is incidental and reflects unique circumstances.

Crosby explained that the default would always be coming to the Planning Commission for a full variance.

Member Lynch recommended that maybe the A/V apply only to existing structures and not new construction.

C. City Council Meeting Summary of July 13 2021.

Member Lynch asked about the City Council motions for denial on the non-consent agenda. He was confused on the wording. Kane replied that they will work with the City Clerk on clarifying the language. She provided an explanation on how items are determined to be consent or non-consent.

Member Enz commented that it is great that no restaurants closed because of the Covid-19 pandemic. Kane stated it was due to the great efforts of the City's Economic Development and Housing Coordinator in working with entities such as ReGrow White Bear and the Chamber of Commerce to bring this information to the restaurants.

Member Amundsen noted the signs for a reduced speed limit went up today along the proposed route for the automated vehicle pilot project.

Member Enz observed that the speed along Lake Avenue in front of Boatworks is problematic. Kane replied that they will work with the City Engineer to work on a speed study of the area.

D. Park Advisory Commission Meeting Minutes of May 20, 2021.

Member Enz asked about the Boatworks green space and its use as a place to smoke. It is a City Park, so the building staff cannot prohibit it. Kane stated there has not been interest by the City Council to prohibit smoking in City parks and it would be a hard rule to enforce. When Boatworks was constructed, there was a great effort to bring in a public component. The City will work with Boatworks staff to come up with a solution.

6. ADJOURNMENT:

Member Enz moved to adjourn, seconded by Member Berry. The motion passed unanimously (6-0), and the June 28, 2021 Planning Commission meeting was adjourned at 8:49 p.m.