

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
AUGUST 30, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, August 30, 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 (7:02 PM), Pamela Enz, and Erich Reinhardt.

MEMBERS EXCUSED: Mark Lynch.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Raphael Lister, Barb McIntyre, Eric Meyer, Justin Fincher, Chung Dang, and Dan Louismet,

2. APPROVAL OF THE AUGUST 30, 2021 AGENDA:

Kane requested to move item 4.A to the end of the case items. Member Enz moved for approval of the agenda as amended. Member Reinhardt seconded the motion, and the amended agenda was approved (5-0).

3. APPROVAL OF THE JULY 26, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

- A. **Case No. 21-7-CUP:** 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, at the property at 2600 County Road E.

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

Member Baltzer opened the public hearing.

Justin Fincher, Level Up Academy, applicant, clarified that there are no immediate plans to sell the smaller lot for single-family development.

Member Baltzer closed the public hearing.

Member Amundsen moved to recommend approval of Case No. 21-7-CUP. Member Berry seconded the motion. The motion passed by a vote of 5-0.

- B. **Case No. 21-1-SHOP:** A request by **Barbara McIntyre** for a Special Home Occupation Permit, per Code Section 1302.120, in order to operate a dog grooming business out of the home at the property located at 3696 Glen Oaks Avenue.

Miller discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing. There being no comments from the public, Member Baltzer closed the public hearing.

Member Berry moved to recommend approval of Case No. 21-1-SHOP. Member Enz seconded the motion. The motion passed by a vote of 5-0.

- C. **Case No. 21-17-V:** A request by **Dan Louismet** for a 72 square foot variance from the 120 square foot maximum allowed for a second accessory structure, per Code Section 1302.030, Subd.4.i.2.c, in order to keep a 192 square foot shed at the property located at 1980 3rd Street.

Miller discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Dan Louismet, 1980 3rd Street, applicant, gave a brief overview of the circumstances surrounding the construction of the shed without the proper permit in place. He explained that the neighbor who did not sign the administrative variance acknowledgement stated, "I'm unwilling to get involved".

Member Baltzer asked if the applicant was willing to remove the existing shed and Mr. Louismet confirmed he was.

Member Enz asked if there has been any further discussions with the neighbor regarding the shed. Mr. Louismet stated there has not. He noted that there are similarly sized sheds in several of his neighbors' yards, so it is not out of place.

Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 21-17-V. Member Amundsen seconded the motion. The motion passed by a vote of 5-0.

- D. **Case No. 21-9-CUP:** A request by **Dang Properties** for a conditional use permit, per Code Section 1303.140, Subd.4.e, for open and outdoor storage as an accessory use in order to keep a 40 by 45 foot fence enclosure at the property located at 921 Wildwood Road.

Crosby discussed the case. Staff recommended approval of a reduced size enclosure to provide the Fire Department access to the equipment along the building.

In response to a question from Member Amundsen, Crosby confirmed that the condition in staff's report requires the fence to be pulled back in a straight line away from the building, not diagonally, as the applicant is requesting.

Member Baltzer opened the public hearing.

Chung Dang, 921 Wildwood Road, applicant, stated that it costs a lot of money to maintain the property. They have used a company in the past, but that has become too expensive, so they must remove the snow and cut the grass themselves. He is unsure if the two bobcats will be enough to remove all the snow from the 200 stall parking lot, so they need the room to potentially store a third.

Member Baltzer expressed an openness to the diagonal fence. He asked for more insight from staff. Crosby stated that fire department does not prefer this layout, but there are worse scenarios.

Kane added that this is a newer shopping center that was developed under more modern standards, so it would seem in terms of life safety, not ideal to compromise the Fire Department's access to the connections. The burden should be put more on the property owner to maneuver equipment than on the first responders.

Member Berry asked what the lawnmowers are for, why so much space is needed, and if the applicant would be okay with increasing the height of the fence to seven feet in order to keep the equipment screened from the residents behind the building. Mr. Dang confirmed he was okay with a seven foot fence, and that more space is needed for additional equipment. They currently do not have the lawnmowers on site.

Member Amundsen asked if there was an alley behind the enclosure. Crosby replied that it is more like a driveway that is part of the parking lot.

Member Reinhardt asked if a landscaping business is permitted in this district. Crosby noted that because this proposal just came in the morning of the meeting, she has not had time to look at the code, but she thought it required a conditional use permit.

Kane added that she believes there are other requirements for landscaping businesses that the site may not be able to meet. Further, such use may not be compatible with a successful shopping center. Staff would need to look at the specific language of the code. She acknowledged the desire to plan for the future, but thought it may be best to prove oneself with the smaller storage container first.

In response to Member Baltzer, Crosby confirmed that the Commissioners could continue the case if they wanted.

Member Berry thought they were close to an agreement and did not want to continue the case. He stated that with a seven foot tall fence with a solid portion facing the residents, he would support the angle cut of the enclosure.

Member Enz stated that she believes life safety is more important than storage. She supports the Fire Department's preference.

Member Reinhardt asked if the equipment will be used at other properties, and if so, will they be trailered often. Mr. Dang replied no, the equipment will stay on site.

Member Baltzer closed the public hearing.

Member Berry moved to recommend approval of Case No. 21-9-CUP permitting the storage area to be angled, with the added conditions that a seven foot tall fence be installed, the portion of the fence along the residential side be wood or composite, and a Fire Department connection sign be added.

Kane clarified that what was being recommended for approval was not what staff recommended, nor was it the preferred configuration by the Fire Department; it is what the applicant proposed as a compromise.

Member Enz thought a light in the area was important. Member Berry added the light to his motion as a condition.

Member Amundsen seconded the motion. The motion passed by a vote of 4-1. Member Enz opposed.

- E. **Case No. 21-4-Z: A City-Initiated** text amendment to Zoning Code Section 1302.120, Subd.3.e to allow special home occupations to be renewed through the administrative variance process.

Crosby discussed the case. Staff recommended approval.

Member Reinhardt asked how hard it would be to revoke a SHOP if the City started receiving complaints about the business. Crosby replied that a public hearing would be required and neighbors would be notified.

Kane confirmed that the code requires a public hearing before the City Council. In her time with the City, only one case has elevated to that level, due to parking concerns and being un-neighborly. The SHOP was ultimately amended to ensure it was being respectful of the neighbors. It is possible to revoke the permit, but there are regulations and a legal process that must be adhered to.

Member Amundsen asked about the number of home occupations in White Bear Lake. Crosby stated it is a hard number to come by since some businesses do not get the permit, and some get it, but do not come back for renewals.

Kane noted the City is aware of some home occupations where approvals have never been granted, but neighbors have never complained. She agreed that the City should work to reach out to these people to inform them of the code requirements, acknowledging that some neighbors are afraid to speak up.

Member Enz asked if there has been an uptick in home occupation permits because of the Covid-19 pandemic. Crosby thought so, noting the three renewals that have recently been on the Planning Commission agendas.

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

Member Amundsen moved to recommend approval of Case No. 21-4-Z. Member Reinhardt seconded the motion. The motion passed by a vote of 5-0.

- F. **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**).

Kane acknowledged that staff has not had enough time to research the matter fully. She attended the meeting between the applicants and the residents of The Pillars. They were able to document the view and the impact on some of the units first hand. The residents expressed concern that the sign would block their view of the scenery, one specific tree in particular.

She continued that the applicants have not been able to provide more specifics on the proposed sign itself, in terms of height and location. The 120 days will be up soon, so the City will most likely ask the applicant to withdraw the conditional use permit until staff is given the time to work on the text amendment. She asked the Commissioners if they had more feedback on the ordinance language.

Member Reinhardt asked about billboards in the area. Kane stated that the City has six billboards in its limits. There are two additional signs that are right on the border, but not within the City. Vadnais Heights has one along 694 and White Bear Township has one along Interstate 35.

Member Enz commented that the study is quite old. Traffic patterns and technology have changed quite a bit. Kane added that management of the technology has changed as well. There were originally fears of dynamic display signs being hacked and confusing motorists. Now, there are override shut offs and greater control over the technology that prevent such scenarios.

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

5. DISCUSSION ITEMS:

- A. City Council Meeting Summary of August 10, 2021.

No Discussion

- B. Park Advisory Commission Meeting Minutes of June 17, 2021.

Member Berry pointed out that there is erosion at McCarty Park.

Member Amundsen asked if the wall at Memorial Beach will be a big change. Kane replied that she has not seen the specifications. She thinks there will be some areas created for plantings. Member Berry added that the benches will be built into the wall. Member Baltzer thought that it would be nice to have a stage there instead.

6. ADJOURNMENT:

Member Reinhardt moved to adjourn, seconded by Member Enz. The motion passed unanimously (5-0), and the August 30, 2021 Planning Commission meeting was adjourned at 8:06 p.m.