

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
SEPTEMBER 27, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, September 27, 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 (7:05 PM), 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: Daniel, Megan & Oliver Anderson, Sidney & Sheri Peterson, Rodney Kreuser, and Peter O’Gorman.

2. APPROVAL OF THE SEPTEMBER 27, 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 AUGUST 30, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 21-18-V:** A request by **Daniel Anderson** for a 3 foot variance from the 20 foot setback from a side yard for a pool and a five foot variance from the required 51.16 foot front yard setback, both per Code Section 1302.030, Subd.20.b.2.b.1 and a 2 foot variance from the 4 foot height limit for a fence in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to install an in-ground pool and 6 foot tall fence at 1481 Birch Lake Blvd N.

Miller discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Daniel Anderson, 1481 Birch Lake Blvd N, applicant, stated that he is proposing a wrought iron rather than a solid privacy fence to be respectful of the neighbor’s view. He explained that the

sugar maple and play set in the area will be removed, improving the neighbor's view. He asked if it would be possible to permit a four-foot fence around a pool.

Kane replied that she believes the Zoning Code mimics the State Building Code and therefore deviation would not be possible.

In response to a question from Member Enz, Mr. Anderson stated that the fence would be dark grey to match the house. Member Enz commented that the darker the fence, the better it will blend in and reduce the impact on the neighbor.

Member Lynch wondered about the height of the existing fence. Mr. Anderson replied that it is three feet tall.

Rod Kreuser, 1469 N Birch Lake Blvd, he asked if there was any way to place the pool on the south side of the property. Kane explained that it has not been requested, so it has not be analyzed by staff.

Mr. Kreuser continued that his hot tub sits right behind where the proposed pool will be and will obstruct his view of Birch Lake. When the home was built, he agreed to let the Anderson's encroach into the viewing easement approximately four to five feet.

Mr. Anderson responded that there was a verbal agreement between the two previous property owners that no structure would be constructed in the sight line between the corner of the neighbor's garage and a basswood tree located between the pool and the house. There was never a legal document recorded against the property.

Member Baltzer closed the public hearing.

Member Lynch asked if there were any variances granted for the house. Miller confirmed that none were granted when the home was reconstructed in 2010.

Member Berry asked if the pool could be in front of the house. Miller replied that the Zoning Code states that pools are not allowed in front yards, which is why the applicant proposed it in this location.

Member Amundsen commented that the neighbor still has a view of the lake between his property lines. The applicants are not proposing anything that hinders the view directly in front of the home; it is just the angle of the property line that creates an issue.

Member Lynch does not support the variances because of the impact to the neighbors.

Member Baltzer stated that he supports to request because the wrought iron fence will allow for some visibility. Member Amundsen agreed, noting that much of the neighbor's property will retain a view of the lake.

Member Enz moved to recommend approval of Case No. 21-18-V. Member Amundsen seconded the motion. The motion was split (3-3). Member Reinhardt, Member Berry and Member Lynch opposed.

- B. **Case No. 21-10-CUP:** A request by **Sydney Peterson** for a Conditional Use Permit for an apartment building in the B-5 zoning district, per Code Section 1303.160, Subd.5.a, in order to convert the ground floor from commercial to a dwelling unit at the property located at 2218 3rd Street.

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

Member Baltzer opened the public hearing.

Sydney Peterson, applicant, noted that she has reviewed the conditions recommended by staff and spoke to the neighbor on the east about the snow removal problem, assuring him that snow will not be pushed onto his property. She stated that she plans to only have four licensed drivers on the property.

Peter O’Gorman, 2224 3rd Street, asked for confirmation that a six foot fence would be installed. He questioned the possibility of parking next to the garage. Crosby confirmed the fence will be six feet tall and stated that the applicant will need to locate the property pins to confirm there will be enough space for a parking stall. The applicant has indicated the pins were found and there is at least eight feet of space for a car to park on the west side of the garage.

Member Baltzer closed the public hearing.

Member Amundsen asked about required inspections. Crosby explained that the applicant will need to pull the permits and pay the fees before the Certificate of Occupancy can be issued.

Member Reinhardt moved to recommend approval of Case No. 21-10-CUP. Member Enz seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 99-2-Sa3 & 20-3-CUPa1:** A request by **Tside1LLC** for two Conditional Use Permit amendments, per Code Section 1303.227, Subd.4.f, to reconfigure the docks and reallocate slips between the two properties located at 4441 Lake Avenue S and 4453 Lake Avenue S. **(Continued)**

Kane explained that the White Bear Lake Conservation District (WBLCD) cancelled the meeting last week where they were going to consider a request for added dock length in the commercial bay. The applicant thought it best to table the request until the WBLCD has had the time to weigh in on dock length. Staff recommended the case be continued.

Member Lynch moved to recommend continuation of Case No. 99-2-Sa3 & 20-3-CUPa1. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

- D. **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.

Kane discussed the text amendment, noting that the applicants have signed the 60 day waiver for the actual Conditional Use Permit. Kane walked through each of staff’s recommendations for the proposed billboard additions to the sign code. She brought specific attention to the

recommendation that billboards be permitted in the P – Public zoning district to give the City the option of constructing its own billboard in the future.

In response to a question from Member Baltzer, Kane explained the last attachment in the packet was the developer’s “wish list” for the proposed text amendment to the Sign code.

Member Lynch sought clarification on how distance is measured. Kane replied that it is a circle measured from the center of the sign.

Member Amundsen asked if the 1,300 foot spacing from residentially zoned properties included multi-family and if billboards would be allowed along Highway 61. Kane answered that yes, the setback would be for all residentially zoned properties. The Pillars is not zoned residential, so the applicants proposed location for their billboard would still be allowed. She explained that the initial discussion included a one for one switch out of billboards and it was the desire to remove nonconforming billboards from elsewhere in the City. Staff and City Council would probably not support new billboards on Highway 61.

Member Enz asked how the setback is measured. Kane stated that it is measured from the edge of sign to the edge of the right-of-way.

Member Amundsen thought the distance spacing requirement should apply to all signs even those outside the City, since the reason for the spacing is to minimize distractions for drivers.

Member Lynch asked what would happen if the City put up a billboard, then another city constructs one right next to it. Kane replied that the sign would not be penalized because it went through the proper CUP process.

Member Lynch continued that he believes it might be better to not include signs outside of the City in the distance spacing requirements if they are on the other side of the highway.

Kane noted that staff will look into the spacing options and how the potential locations for billboards would be affected by the regulations of surrounding cities.

Member Enz commented that she has been observant of other dynamic billboards and does not think the eight second turnover will be as distracting as she initially thought.

Kane explained that staff is not looking for a recommendation tonight. The formal text amendment is intended to be on next month’s Planning Commission meeting agenda and thanked the Commissioners for their consideration and helpful input.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary of September 14, 2021.

No Discussion

B. Park Advisory Commission Meeting Minutes of July 15, 2021.

No Discussion

6. ADJOURNMENT:

Member Amundsen moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the September 27, 2021 Planning Commission meeting was adjourned at 8:10 p.m.