

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
OCTOBER 25, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, October 25, 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: Ken Baltzer, Jim Berry, Pamela Enz and Mark Lynch.

MEMBERS EXCUSED: Michael Amundsen and Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Brian & Kay Cox, Chy Nou Lee, Sandy Matzdorf, Dan Perlick, Pat Kenny, Louis Markel, Michelle Haider-Markel, Paul Rhodes, Brady Soular, Jake DuFour, Tim & Melinda Monigold, Dale Grambush, Susan Loftus, Karin Doyle, Nicole Samida, Andrew Samson, Jarett Klein, Jeff McDonell, Amy & Connor McCall, Brian Mann, Nancy Parsons, Gary & May Chambers, Robin & Nathan Friend, and Edgar d'Almeida.

2. APPROVAL OF THE OCTOBER 25, 2021 AGENDA:

Member Lynch moved for approval of the agenda. Member Berry seconded the motion, and the agenda was approved (4-0).

3. APPROVAL OF THE SEPTEMBER 27, 2021 PLANNING COMMISSION MEETING MINUTES:

Member Enz moved for approval of the minutes. Member Lynch seconded the motion, and the minutes were approved (4-0).

4. CASE ITEMS:

A. **Case No. 21-19-V:** A request by the **Brian Cox** for a two foot variance from the six foot height limit for a fence, per Code Section 1302.030, Subd.6.h.3, in order to keep five sections of eight foot tall fencing at the property located at 2323 Lakeridge Drive.

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

Member Lynch asked if a three foot variance from the three foot setback requirement for a trellis could be granted rather than a height variance for a fence. Miller confirmed it would be a comparable alternative variance. Either variance would allow the panels to remain in their current location.

Member Lynch noted that if a variance were granted, it would be only for the panels currently in place.

Member Baltzer opened the public hearing.

Brian Cox, 2323 Lakeridge Avenue, applicant, he explained that the fence contractor told him that increasing the height to eight feet was unproblematic. Before the panels were erected, the neighbors all agreed to the eight foot height in order to provide the privacy desired. A slope between the lots makes a six foot fence inadequate. He stated that the existing chain link fence is inside the property line and the panels are inside the fence, so at least some of them are compliant with the three foot setback requirement. The neighbors have all expressed support of the trellises.

Chy Nou Lee, 2329 Joy Avenue, he stated he is the neighbor directly to the north and spoke in favor of the trellises. He asked for the Commission's approval of the request to allow the panels to stay in their current location. He stated that he is okay with any encroachment of the trellises onto his property that may exist.

Member Baltzer closed the public hearing.

Member Lynch indicated approval of the request, but supported the inclusion of a condition that the trellises may not be expanded. He noted that he would not be supportive of future variance requests by the abutting properties to fill in the gaps with their own panels.

Member Berry pointed to the existing setback as reason for support and agreed that the structures are not a fence.

Member Lynch moved to recommend approval of Case No. 21-19-V for a three foot variance from the three foot setback requirement for a trellis, with a condition that no additional panels be constructed by the property owners. Member Enz seconded the motion. The motion passed by a vote of 4-0.

- B. **Case No. 21-1-P & 21-2-PUD:** A request by **Jeff McDonnell / Tice Estate** for a Preliminary Plat, per Code Section 1402.020, to subdivide one parcel into six lots, and a Planned Unit Development, per Code Section 1301.070, in order to construct four twin homes at the property located at 1788 Highway 96 E.

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

Member Lynch wondered if the stormwater ponds are proposed to be located on the west side of the property because of the existing stormwater easement. He also sought to confirm that a PUD is only needed because of the proposed shared space and Homeowners Association. Crosby confirmed that because buildings are not allowed in the easement area, it makes the most sense to place the stormwater ponds there and that if it were not for the common area, the developer could build four duplexes by right and the City would have little discretion in the design.

Member Baltzer asked if the required building setback would still be ten feet if the area to the east is vacated. Crosby replied that the assumed property line will not change for most of the 5th Avenue right-of-way, just the 60 foot width of roadway access, so the required setback will not be affected.

Member Baltzer opened the public hearing.

Karin Doyle, 1801 Clarence Street, explained that this proposal is not taken lightly by those in the neighborhood. She does not think she will have another opportunity to be heard regarding the street vacation, so she is touching on it this evening. She bought the home in 2019 based on the location and quiet neighborhood. She checked the lot lines on the County's webpage, so she knew what she was purchasing and she has title to the land. She is a full time paramedic/firefighter, which is a stressful job and her home is what gives her peace of mind. The proposed project will diminish that. She stated that it seems the City has been working with the developer for months without communicating with the homeowners. She does not support the packed homes, the removal of all the trees on the densely wooded lot or the addition of so much asphalt. The street is small and short. The neighborhood does not support multi-family living. There is no way to predetermine the number of vehicles on site and she does not think six cars will fit in the cul-de-sac. Her view of nature will be gone and she will only be able to see the side of a townhome. The buffer will be on the west side of the property towards the park and does nothing for the residents in the neighborhood.

Ms. Doyle continued that she does not think the City has taken her concerns seriously nor that the City Council considers the Planning Commission's recommendations. She stated that perhaps the plan looks good on paper, but not in actuality and believes that there is a better solution. She proposed that a different route be used for access like Dillon Street on the west side of the property or by using Highway 96. She also proposed reducing the development down to two single-family homes. In her opinion, the proposal is not consistent with the Comprehensive Plan. She further believes that the development will depreciate the home values. Ms. Doyle explained that she has been forced to spend money on an attorney to fight a battle she does not think she needs to fight. She submitted a petition signed by residents of the neighborhood against the proposal to the Commissioners.

Nathan Friend, 1815 Clarence Street, works in construction and expressed frustration that he cannot pour a driveway closer than five feet from the property line, but the proposed homes can be two feet. He does not think there is enough room for all the buildings. His second concern involves the width of the road, which is currently small. He does not think it should be his responsibility to pay to increase the size. He is also worried that the condition of the road will deteriorate from the construction vehicles. He stated that there is not enough room to store the rafters needed for construction on the site. If the material is stored on his road, he will remove or burn it.

Mr. Friend explained that all the neighbors use the Tice property to access the park and the proposal will cut them off. He stated that ten parking stalls should be provided for on the property and if there is not enough room, the project should not go forward. The occupants of the townhomes should not be allowed to park on the street. He shared that he was told by his realtor that the townhomes will reduce the value of his home. He wants to keep White Bear Lake the way it is and to leave the condos for Hugo. The construction will be cheap junk.

Paul Rhodes, 1823 Park Street, stated that the dump was closed in 1925. The Saint Paul Bottlers Club made the property unusable. The area drains to the water used in Saint Paul for drinking water, so if they hit something toxic it may cause a lot of issues downstream. He wants the exact location of the dump to be known before work starts. He thinks that Dillon Street makes sense

for access, but does not think it is feasible because of a non-working relationship with White Bear Township. He stated that it is not fair that the property owners at the end of the road would lose land.

Pat Kenny, 1800 Park Street, moved into the home about 30 years ago and soon found out that his home was located on top of the old dump. There is so much glass buried in the yard that he could not let his kids play in it growing up. He has been in contact with Vadnais Lake Area Water Management Organization (VLAWMO) about Whitaker Pond over the years and there is a huge E. coli problem in the area. Further, when they redid Whitaker Pond approximately 15 years ago, they discovered toxic material. They buried it in a berm and he is concerned about exposure. He thinks that a serious environmental study should be completed before any work is done. A study should also be done on the impact of traffic because there are many kids in the neighborhood and the addition of 16 vehicles will make the area more dangerous. He commented that it might make more sense to limit the proposal to four single-family homes. There are no duplexes in the area.

Michelle Haider-Markel, 1816 Clarence Street, stated that her father lives at the home and she grew up there. Her father used to maintain the back of the parcel because Mr. Tice was very busy. She does not think the homes fit in with the neighborhood and that the City has not listened to the needs of the residents. She questioned how much more housing White Bear Lake needs. She thinks that even though multi-family housing can be built on the lot does not mean it has to be. She expressed concern that one member of the Tice Family sees profit even though the rest of the family wants to keep the land.

Nicole Samida, 1801 Clarence Street, described how she has been maintaining the end of the road and has improved it with a bike trail. She does not think that empty nesters will want to live in the neighborhood. The park is always bustling with ball games and children playing in the area. She thinks one house in the area is okay, but two houses is possibly getting too dense.

Jarett Klein, 1827 Clarence Street, stated that his family would lose access to the park and that his three children often play in the street. He urged the Commissioners to listen to the residents of the neighborhood.

Melinda Monigold, 1819 Park Street, explained that her family has lived in the home since it was built in the 1980's. Her grandkids enjoy access to the park and there is not a lot of traffic in the neighborhood. She thinks the Tice's can develop the parcel if they want, but this is a neighborhood of single-family homes. Other areas in the City have a mix of housing types and are better suited for multi-family. She thinks the street vacation is a big issue. The streets are narrow and traffic flow is already constrained when cars are parked on the street.

Edgar d'Almeida, 1821 Clarence Street, stated that he has been in his home for 11 years and really enjoys the neighborhood. He is disappointed that the lot will be developed. He is concerned with safety. He wants the Planning Commission to look at all the facts and hopes the right decision will be made by the City.

Andrew Samson, 1830 Highway 96, stated that he was not informed of the proposal. He currently has a hard time getting in and out of his driveway. The additional traffic will make it impossible. He does not approve of the development in this area and thinks other locations are more appropriate. It is a lot of unnecessary housing for the area. He concurs that the road will be destroyed by the vehicles. He is concerned that noise from construction and trucks will ruin the

livelihood of the neighbors. Adding more cars on the road will put the kids and other pedestrians in danger.

Nicole Mann, 1815 Park Street, thinks the project will increase danger to children. There are no sidewalks in the area and there is currently not enough room for kids to wait safely for the bus on the side of the road. She is concerned that the project may decrease property values. She is worried that there is no need for homes geared toward empty nesters and wondered what will happen if the units cannot be filled. She echoed the previous comments regarding environmental issues.

Jeff McDonell, Tice-Haus Design Build, applicant, does not think they actually need the reduced setback along the east side, but wanted the duplexes more separate as a concept. He thinks they could redesign the homes to meet all required setbacks.

Member Berry asked why the units were designed with single car garages and if eight units are necessary to make the project viable. Mr. McDonell replied that the data shows that people who are downsizing typically have one car and that the applicants are trying to be environmentally friendly, reduce the amount of impervious surface, and maintain the green space on the property. He stated that one way or the other, they can make the project work. If there will be less density, the houses will be bigger.

Member Baltzer asked if the applicants had considered building fourplexes. Mr. McDonell answered that they had, but a twoplex design makes the buildings smaller and fourplexes are not permitted uses by the existing zoning.

In response to a question from Member Enz, Mr. McDonell confirmed that there will be an access easement to the park to allow residents to cross the property legally.

Member Lynch asked about the applicant's relationship to the Tice family. Mr. McDonell explained that he works for the company started by Craig Tice called Tice-Haus Design Build LLC.

Member Baltzer wondered about alternative access points to the lot. Mr. McDonell stated that Ramsey County will not allow ingress/egress from Highway 96 and that Dillion is a drainage area so there are no other options to access the back half of the property.

Member Baltzer closed the public hearing.

Member Berry asked if any core drilling had occurred on the site. Crosby replied nothing has been done yet. Soil borings will be done if the project is approved. A number of borings will be required, including one in each storm pond, one for each unit, and in the road. Staff can require more drilling if deemed necessary.

Member Berry asked if the owners have been paying taxes on the portion of 5th Avenue along their properties and if they will be compensated for the portion lost to the project. Crosby answered that she thinks the owners have been paying taxes on the land for as long as the error has been in place. Staff has talked to the County, but the response has been limited. They have not discussed what the remedy could be.

Member Berry believes the proposal may be moving too fast and there are questions that need to be answered before it proceeds. He has supported higher density projects in the past, however those have been in more appropriate areas surrounded by commercial, existing high density residential, and high traffic roads; not single-family residential. This neighborhood has been in existence for a long time and the project does not fit. He states that the road is narrow and does not believe the number of vehicles generated by the development will fit in the cul-de-sac.

Member Enz agreed with Member Berry. She acknowledged that the City needs more housing, but does not think this is the right place. She would like to see the area developed, but not with the current proposal. She believes the developers are talented enough to come up with an alternative design.

Member Lynch also agreed with Member Berry's stance on density. He noted that if there is a chance the project is approved, several conditions should be added, including a ten foot buffer, landscaping, and park access. He finds the design to be tightly packed and the density too high for the area. He suggested that the developer come back with a proposal for fewer single-family homes. He thinks there should be more time to decide.

Member Baltzer stated that one thing to remember is that this is private property, and the owners have the right to develop it the way they want within means. The PUD allows the City to apply certain restrictions on the project that could not otherwise be placed if built by right. He hears the concerns that people have toward the change, but nothing is forever. He explained that he is not comfortable with moving the project forward without knowing the legality of the street vacation issue. He recommended that the Commissioners continue the case to the November Planning Commission meeting.

Member Lynch moved to recommend continuation of Case No. 21-1-P & 21-2-PUD. Member Enz seconded the motion. The motion passed by a vote of 4-0.

- C. **Case No. 21-1-CPA, 21-5-Z & 21-3-LS:** A request by **White Bear Hotel** for a Comprehensive Plan Amendment to reguide a parcel from "Medium Density Residential" to "Downtown", a rezoning of the same parcel, per Code Section 1301.040, from R-4 – Single and two Family Residential to B-4 – General Business, and a recombination subdivision to convey a portion of city-owned land to white Bear Hotel, all in order to construct a parking lot at the property located at 2241 8th Street.

Crosby recommended the case be continued until the applicant has had a survey of the property completed and a full parking lot proposal submitted.

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

Member Enz moved to continue Case No. 21-1-CPA, 21-5-Z & 21-3-LS. Member Lynch seconded the motion. The motion passed by a vote of 4-0.

- D. **Case No. 99-2-Sa3 & 20-3-CUPa1:** A request by **Tside1 LLC** 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 stated that the White Bear Lake Conservation District has decided not to allow the extension of docks in the commercial bay beyond 300 feet, so the applicant will most likely withdraw the request and come back with a different proposal. She recommended continuation of the case until a decision is made by the applicant on how to proceed.

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

Member Enz moved to continue Case No. 99-2-Sa3 & 20-3-CUPa1. Member Berry seconded the motion. The motion passed by a vote of 4-0.

- E. **Case No. 21-2-Z:** A request by **Division 25, LLC** for a text amendment to the Sign Code Section 1202.040, Subd.2, to allow billboards.

Kane discussed the case. Staff recommended approval.

Member Lynch sought clarification on whether the distance between billboards is proposed to be 1,750 feet or 1,300 feet. Kane answered that staff is proposing 1,300 feet between signs, which is intentional because it preserves a portion of Lakewood Hills Park as a possible billboard location. It will also allow a billboard in a few other choice places along Interstates 694 and 35E.

Member Lynch expressed the opinion that the text amendment should read 1,300 feet between billboards in the City and 1,300 feet from all residential districts.

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

Member Enz asked if the Lakeside Shops sign is considered a billboard and if it would count toward the total number of City billboards. Kane replied no, it is just a nonconforming monument sign.

Member Enz moved to recommend approval of Case No. 21-2-Z with the change under 2.E to include the distance between billboards to be measured within the City. Member Lynch seconded the motion. The motion passed by a vote of 4-0.

5. **DISCUSSION ITEMS:**

- A. City Council Meeting Summary of October 12, 2021.

No Discussion

- B. Park Advisory Commission Meeting Minutes of August 19, 2021.

No Discussion

6. **ADJOURNMENT:**

Member Lynch moved to adjourn, seconded by Member Enz. The motion passed unanimously (4-0), and the October 25, 2021 Planning Commission meeting was adjourned at 9:08 p.m.