



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, APRIL 25, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, and Andrea West

MEMBERS ABSENT: Mark Lynch and Erich Reinhardt

STAFF PRESENT: Samantha Crosby, Planning & Zoning Coordinator and Ashton Miller, Planning Technician.

OTHERS PRESENT: Peter Altenly, Tanner Brandt, Shawn & Craig Carpenter, Terry & Jerry Rodrique, Joseph Claussen.

2. APPROVAL OF AGENDA

It was moved by Member **Baltzer** seconded by Member **Enz**, to approve the agenda as presented.

Motion carried, 5:0

3. APPROVAL OF THE MINUTES

A. Minutes of March 28, 2022

It was moved by Member **Amundsen** seconded by Member **Enz**, to approve the minutes of the March 28, 2022 meeting as presented.

Motion carried, 5:0.

4. CASE ITEMS

A. Case No. 22-8-V & 22-3-CUP: A request by **Shawn & Craig Carpenter** for a six foot variance from the 30 foot setback from a side abutting a public right-of-way, per Code Section 1303.050, Subd.5.c.2, a 160 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, and a Conditional Use Permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9, in order to build an addition 24 feet from the north property line and a new two car garage that accesses Roth Place at the property located at 2150 Roth Place.

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

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

It was moved by Member **Baltzer** to recommend approval of Case No. 22-8-V & 22-3-CUP, seconded by Member **West**.

Motion carried, 5:0.

- B. Case No. 22-4-CUP:** A request by **Jerry Rodrique** for a Conditional Use Permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9, in order to install a second driveway in front of the existing detached garage at the property located at 1961 3rd Street.

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

In response to a question from Member Amundsen, Miller stated the proposed pavers would not be considered green space. The Engineering Department recommended that there be no sidewalk between the garages, but after discussing with the applicant, staff believes a small walkway may be appropriate.

Member Enz asked if there was a time frame for the curb cut to be installed. Miller replied that the conditional use permit is good for one year and that the applicant is eager to pave the second driveway.

Member Berry opened the public hearing.

Jerry Rodrique, 1961 3rd Street, applicant, he explained that the main entrance to their home is in the rear, so it would be helpful to have a sidewalk leading from the second garage to the door to keep the area from getting muddy. He is requesting the pavers extend 10 to 15 feet along the driveway.

Member Berry closed the public hearing.

Member Amundsen asked if condition six could be changed to allow some pavers. Crosby replied that a residential sidewalk is typically three feet wide. Ten to fifteen feet would not be in the spirit of what Engineering was looking for. She suggested something up to five feet would be sufficient and the rest be true green space. The pavers would be considered hard surface, so a vehicle could park on it and it would then be a part of the driveway.

Member Amundson moved to amend Condition number six to read “except for a sidewalk adjacent to the garages, green space shall be retained between the two driveways.” Member Enz seconded the amendment. Motion carried 5:0.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-4-CUP as amended and as proposed by the applicant, seconded by Member **Baltzer**.

Motion carried, 5:0.

- C. Case No. 96-5-Sa:** A request by **Beartown Bar & Grill** for an amendment to an approved Conditional Use Permit to expand the deck on the south side of the building by 2,700 square feet, a 4 foot variance from the 10 foot hard-surface setback requirement adjacent to a railroad right-of-way, in order for the deck to be 6 feet from the east property line, per Code Section 1303.226, Subd.6.e, and to modify condition #5 “no outside music shall be allowed”, per Code Section 1301.050, at the property located at 4875 Highway 61.

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

Member Amundsen asked what the required parking is with the new patio and additional seating. Crosby explained that the code requires one stall for every 2.5 seats, so 72 stalls are required – exactly the number of stalls provided.

Member Berry opened the public hearing.

Joe Claussen, applicant and owner, addressed the location and direction of the music. It is ideal for the restaurant to locate the musicians in the southeast corner of the patio. He explained that it is important for patrons to see the musicians, which would be impossible for those sitting on the original deck if the musicians are anywhere on the north side of the patio. The sound would also be muffled. Further, the service door and window along the north side makes it impractical with people coming and going. He asked the Planning Commission to reconsider the condition requiring the musician to face Highway 61. Most musicians will be one or two person groups, there will only be one speaker, and the volume will be low. He does not think it will disturb the neighborhood.

Member Berry provided a history of his experience with playing music at the Lakeshore Players Theater. The first summer they played music, the speakers were facing east towards Highway 61 and there were very few issues. Last year, the stage faced south and the neighbors complained right away about the noise. Anything that can be pointed to the east will be beneficial to the neighborhood and to the applicant’s betterment. He agreed that there will probably not be much noise with just one speaker.

Member Baltzer stated it does make a difference for the audience on where the stage is put. He wants the applicant to find a good place for the music, but if they get complaints, the City will have to come down on the applicant. Member Baltzer does not want the applicant to be locked into one location, so he would like to amend the condition to allow more freedom to experiment.

Member Berry added that in the south corner, one speaker will bounce off the building before it goes up and over to the neighbors.

Member Berry closed the public hearing.

Member Amundsen stated that condition ten addresses the noise issue. He moved to remove condition six. Member West seconded the motion. Motion carried 5:0.

Member Amundsen asked if the future Purple Line (former Rush Line) will have an impact on the number of parking stalls. Crosby replied that there will be no Purple Line parking on private property. The applicant used to have head in parking along the west property line. The row has recently been changed to parallel parking because the stalls extended into the right-of-way and improvements need to be contained to private property. Even with a reduction of parking stalls, the property meets code.

It was moved by Member **Baltzer** to recommend approval of Case No. 96-5-Sa2, seconded by Member **Enz**.

Motion carried, 5:0.

- D. Case No. 22-1-CUP & 22-5-V:** A request by **Christianson Companies / Tommy Car Wash** for the following: a Conditional Use Permit for a car wash in the B-3 – Auto-Oriented Business zoning district, per Code Section 1303.140, Subd.4; Site plan approval for development in the Shoreland Overlay district, per Code Section 1303.230, Subd.6; A 10 foot variance from the 15 foot hard-surface setback from a street right-of-way, per Code Section 1302.050, Subd.4.17, in order to allow the existing curb encroachment to remain; a 79 car variance from the 100 car stacking requirement, per Code Section 1303.140, Subd.4.c.2, in order to stack for the estimated peak demand rather than the maximum capacity of the facility; and a variance from the 30% impervious area limit to allow 57.75% impervious surface in the S – Shoreland Overlay zoning district, per Code Section 1303.230, Subd.5.a.5; all in order to allow the demolition of the existing improvement and construction of a new express car wash facility at the property located at 4061 Highway 61.

Crosby discussed the case. Staff recommended approval.

Member West asked about water use restrictions and if possible legislation would affect the water usage of the car wash. She also wondered how the noise would affect the

neighborhood, since she can hear the car wash dryers at Holiday from her home. Crosby replied that it is unclear how future water usage regulations would impact the business and that she had not looked at the noise levels. She suggested that the applicants could speak to the sound levels of the equipment.

Member Berry sought clarification on the water reuse system. Crosby confirmed that 30% of water from each car washed is recycled.

Member Enz asked if the infiltration basin will use rain garden plantings and where the opt out lane would be constructed. Overall, she believes the reduction in the use of the red is nice and it will be a handsome building. Crosby replied that the applicants will use native grasses around the infiltration pond and rain garden plantings in the basin. She pointed to the opt out lane on the site plan, a surmountable curb on the west side of the property just before entering the car wash, which leads to the south side parking area.

Member Berry wondered if Dairy Queen will stay. Crosby confirmed that the ice cream shop would not be affected by the project.

Member Berry opened the public hearing.

Tanner Brandt, applicant, Fargo, North Dakota, he described the layout of the building and the company's business model. They have car washes all over the country. He reiterated that their equipment reclaims about 30% of water used. They use less water than a person would washing their car in a driveway. He addressed the concerns surrounding noise, stating that the doors close between washes unless there is a steady stream of vehicles. The noisiest part of the wash would be the east side towards Highway 61 where the dryers are located. He thinks the highway should buffer much of the sound.

Member Amundsen asked if there would be employees hand washing the vehicles. Mr. Brandt stated there would never be any employees touching the car. The only employees on site would be someone at the pay station and a maintenance person. The car wash itself is fully automated.

Member Berry closed the public hearing.

It was moved by Member **Enz** to recommend approval of Case No. 22-1-CUP & 22-5-V, seconded by Member **Baltzer**.

Motion carried, 5:0.

5. DISCUSSION ITEMS

- A. City Council Summary Minutes of April 12, 2022.

Member Enz appreciated how the minutes were written. Member Amundsen concurred, adding that he liked the new format of the Planning Commission staff reports.

B. Park Advisory Commission Minutes of April 21, 2022 – Not Yet Available.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Amundsen**, seconded by Member **Baltzer** to adjourn the meeting at **7:58** p.m.

Motion carried, 5:0