



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, NOVEMBER 28, 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: Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, and Andrea West.

MEMBERS ABSENT: Mike Amundsen.

STAFF PRESENT: Jason Lindahl, Community Development Director and Ashton Miller, City Planner.

OTHERS PRESENT: Ben Herkenhoff, Daron Close, Len Pratt, and Scott Wiestling.

2. APPROVAL OF AGENDA

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

Motion carried, 6:0

3. APPROVAL OF THE MINUTES

A. Minutes of October 24, 2022

It was moved by Member **Enz** seconded by Member **Baltzer**, to approve the minutes of the October 24, 2022 meeting as amended.

Motion carried, 6:0.

4. CASE ITEMS

A. **Case No. 93-3-Sa:** A request by **Smarte Carte** to amend a conditional use permit for site plan approval in the DBD zoning district, per code section 1303.225, Subd.4.i, in order to build a warehouse addition and expanded parking lot at the property located at 4455 White Bear Parkway.

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

Member Berry opened the public hearing.

Scott Wiestling, applicant, stated that he is the architect for the project. They are in concurrence with everything in the report and will work with staff to incorporate changes during the building permit phase.

Member Berry closed the public hearing.

It was moved by Member **Reinhardt** to recommend approval of Case No. 93-3-Sa, seconded by Member **Lynch**.

Motion carried, 6:0.

- B. **Case No. 22-19-V:** A request by **Ben Herkenhoff** for an 8.2 foot variance from the side yard setback, per code section 1303.050, Subd.5.c.2 and a 13.65 foot variance from the 28.75 foot lakeside average setback for a deck, per section 1302.040, Subd.4.a.3, in order to expand the existing deck at the property located at 2289 Lilac Lane

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

In response to a question from Member Lynch, Miller confirmed that the deck extension is continuing in a straight line, but the angle of the property line creates a lesser setback.

Member Berry opened the public hearing.

Ben Herkenhoff, applicant, 2289 Lilac Lane, provided a background on the construction of the deck extension. He explained that the old deck was in disrepair and needed to be replaced. He did not realize the property line did not follow the angle of the house and was surprised to find the deck sat that close to the lot line. He stated that they could not expand the deck to the west because it would block windows and create a fire hazard.

Member Berry commented that the slope in the back yard does impact the usable space.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-19-V, seconded by Member **West**.

Motion carried, 6:0.

- C. **Case No. 22-20-V:** A request by **Joshua Winchell** for a 2 foot variance from the side yard setback, per code section 1302.030, Subd.4.e and a 30 square foot variance from the total accessory structure square footage allowed, per code section 1302.030, Subd.4.2.b, in order to construct a 140 square foot shed 3 feet from the side property

line at the property located at 2338 South Shore Boulevard. **(Continued at Applicant's Request)**

- D. **Case No. 22-4-PUD:** A request by **Acqua / Tside 1 LLC** for "General Concept" and "Development Plan" stage approval of a Planned Unit Development, per code section 1301.070 to allow an off-premise monument sign along Highway 61 for the properties located at 4441 Lake Avenue South and 4453 Lake Avenue South.

Community Development Director Lindahl discussed the case. Staff recommended approval of the request as proposed.

Member Berry asked if the billboard is moving. Lindahl replied that the billboard is on the neighboring property, which is owned by someone else, and there has been no indication to staff that it will be removed.

Member Enz commented that the area is in need of work and she likes the idea of combining the two signs.

Member Lynch asked if both properties would have entitlement to the sign should one ever be sold. Lindahl stated that yes, as a shared sign in this location, both properties would have access to the sign.

In response to a question from Member West, Lindahl confirmed that the maximum permitted size is 35 square feet.

Member Berry opened the public hearing.

Daron Close, applicant, 1821 Orchard Lane, provided a history of the property, noting that it has changed ownership several times in the last few years. He stated that he is working to improve the aesthetics of the property and is excited to work with Tally's to provide visibility for both restaurants.

Member Berry closed the public hearing.

It was moved by Member **Lynch** to recommend approval of Case No. 22-6-CUP, seconded by Member **West**.

Motion carried, 6:0.

- E. **Case No. 22-1-Z:** A City-Initiated text amendment to Zoning Code Section 1301 concerning a concept plan review and neighborhood meeting process.

Community Development Director Lindahl discussed the case. Staff recommended approval.

Member Berry commented that the proposal may add more time to the Planning Commission meetings, but should alleviate some of the issues that are often raised during the public hearing. He thinks the feedback that the Commissioners gave to staff during the last meeting was incorporated into the text amendment and did not see anything contradictory.

Member Lynch asked how the Planning Commission meetings would be structured. Lindahl answered that concept plans would likely go under discussion items to keep them separate from the action items.

Member Baltzer asked if the Commissioners would be required to go to the neighborhood meeting. Lindahl explained they would not, only if they were interested.

Member Enz asked if the meetings would be posted in the newspaper. Lindahl replied they would not. The City is putting the process in place, but this is an opportunity for developers to discuss directly with residents.

Member Lynch asked why the term “developer” was used when a lot of applications are not brought by developers. Lindahl replied the word was chosen to help differentiate the application from a full land use request.

In response to a question from Member Baltzer, Lindahl explained that there will be a fee associated with the concept plan review to cover staff time.

Member Lynch expressed concern that the religious holidays listed in state statute did not encompass all religions. He wants to avoid having neighborhood meeting on holy days, but is unsure which days to include. Member West concurred. Lindahl replied that staff chose to follow the holidays listed in state statute because those are the days most often recognized by employers. He stated that staff can work with applicants to encourage them to avoid specific days when planning their neighborhood meetings.

Member West asked how applicants will know they need to go through the process. Lindahl stated that staff will work to educate potential applicants and that there will be a place on the website that provides information. Member West commented that she thinks the web page should emphasize that the process is to encourage public participation.

Member Enz stated that she believes this is the missing piece in the land use process. She noted that it is hard to see developers walk away and this will give them the opportunity to garner feedback directly from the community.

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. 22-1-Z, seconded by Member **Lynch**.

Motion carried, 6:0.

5. DISCUSSION ITEMS

A. City Council Meeting Overview

Community Development Director Lindahl provided an overview of the City Council meeting, highlighting that they approved a resolution of support for Schafer Richardson to receive funding from Ramsey County for affordable housing units. Member West expressed her appreciation that the motion passed.

B. Bylaws, Annual Meeting and Meeting Times

Lindahl explained that meetings will continue to be held on Mondays for the next year, but that staff may explore changing the day in future years. He asked for feedback from the Commissioners regarding moving the meeting times up to 6:30 p.m.

There was a discussion among the members about the pros and cons of an earlier meeting time and the potential impact on community engagement. It was decided that for 2023, the meetings should continue to be held at 7 p.m., and that the Commission will look into whether an earlier meeting time will make it easier for residents to attend for 2024.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **Lynch** to adjourn the meeting at 8:17 p.m.

Motion carried, 6:0