



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JUNE 26, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

MEMBERS PRESENT: Mike Amundsen, Mark Lynch, Andrea West, Jim Berry, Ken Baltzer, Pam Enz, Erich Reinhardt

MEMBERS ABSENT: n/a

STAFF PRESENT: Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician

OTHERS PRESENT: Brett Kvam, Samantha Kvam, Brian A Wings, Rod Collins, Elaine Collins, Trevor Judd

2. APPROVAL OF AGENDA

It was moved by Member **West** and seconded by Member **Lynch** to approve the agenda as presented.

Motion carried, 7:0.

3. APPROVAL OF THE MINUTES

A. Minutes of May 22, 2023

It was moved by Member **Amundsen** and seconded by Member **Baltzer** to approve the minutes of May 22, 2023.

Motion carried, 7:0.

4. CASE ITEMS

A. Case No. 23-21-PUD & Z & P: A request by Element Design Build for both general and development stage approval of a Planned Unit Development, per code Section 1301.070, a rezoning from B-3: Auto Oriented Business to R-5: Single-Family – Two-Family Medium Density Residential, per Section 1301.040, and Preliminary and Final Plat approval, per Sections 1401.020 and 1401.030, in order to construct 9 townhomes on the property located at 2502 County Road E.

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

Member Berry opened public hearing.

Project Manager from Element Design-Build, Ryan McKilligan, provided an overview of the review phase so far. He explained that feedback gathered during previous proposals included a preference for townhomes on the site instead of apartments. McKilligan explained that they took that feedback into consideration during the design process and that now they are proposing 9 townhomes. McKilligan added that concerns brought up by the community throughout the process included parking, density, building height and storm water management. He provided further information on how these concerns are addressed in the proposal.

McKilligan explained that the original proposal included 18 units of apartments and townhomes, and now the proposal is down to 9 for-sale townhomes – 4 of which will be situated off County Rd. E, while the other 5 will be facing Bellaire Ave. The proposed development is roughly 8 feet shorter in height, parking exceeds City standards with almost 2.9 off street stalls per unit, and storm water has been addressed in their plans. McKilligan explained that the townhomes on the County Rd E side are located about 37 feet off the curb, and the townhomes on Bellaire are about 30 feet off the curb to create vibrance and walkability. McKilligan explained that a benefit of dedicating 12 feet to the county in order to expand their right of way, is that it pushes the development further from the street and increases visibility for drivers and pedestrians. McKilligan explained that each townhome will be 3 bedrooms with 2 bathrooms with a two car tuck under garage and that the site will include two amenity spaces, one in the northwest corner of the site and one in the former carwash building. The site will also include 8 surface parking stalls for guest parking. McKilligan added that the site will feature plenty of trees and landscaping throughout. He explained that the storm water concept involves using the southeast corner of the site as a bio swale to filter the storm water before it gets to the storm water pipes. McKilligan concluded that the input gathered throughout this process has worked to make the proposal better.

Member West asked who will be responsible for maintaining the common spaces. McKilligan explained there will be a covenant put in place that lays out the responsibilities of maintaining the property. With the HOA dues, the building and exterior will be maintained. Member West asked if there will be sidewalks leading up the units. McKilligan answered that there will be sidewalks leading up to each unit and that there is a grade change of about 3.5 feet so there will be some steps.

Member Lynch asked to clarify about the drainage on the site. McKilligan responded that their storm water basin will be located on the southeast corner of the site. The basin will drain to the north, as there will be a pipe that slopes down to connect to that existing catch basin.

Member Enz asked about guest parking. She wondered if people would choose to park on the street so they wouldn't have to walk as far. McKilligan explained people generally

prefer private parking to street parking and that guests could enter through resident's garage doors. Enz asked if it would be possible to add a sidewalk so people wouldn't have to walk around the building. McKilligan explained that it may be possible, but it would impact their storm water management system.

Member Berry opened the public hearing.

Rod Collins of 3475 Glen Oaks Ave thanked the developer for taking into account the input of the neighbors. Collins asked if the storm water management plan is the same in this proposal as the previous proposal. He asked for clarification on the maintenance agreement for the common spaces and how those common spaces will be used. He added that overall he thinks the proposal is great. McKilligan answered that the storm water management plan is essentially the same as the previous proposal, except that the storm water basin is a slightly different shape. The basin catches the water then filters through the deeply rooted plants and sand layer before it reaches the pipe. McKilligan explained that the storm water management will require a maintenance agreement that will be drafted up by the City Attorney and then be recorded with Ramsey County to ensure that the storm water continues to be maintained by the owner.

Member Lynch asked if that would mean that Element Design-Build enters into the maintenance agreement now, but then once the units are sold, the maintenance agreement would shift into the HOA's name and would be the HOA's responsibility from that point on. McKilligan answered yes. McKilligan responded that common spaces would be maintained through contracted services. McKilligan added that the community room likely wouldn't require for tenants to reserve the room. He explained that while there will be contracted services for maintenance, it will also be expected that residents do their part to keep common spaces clean, which would be explained in the covenants of the Homeowners Association. Member Berry added that the maintenance expectations would likely be a part of the bylaws of the HOA filed with the state.

Lindahl added that storm water maintenance agreements are a common practice for cities and developers that are recorded with the County which hold the HOA as the responsible party. Member Lynch asked if a maintenance agreement like this is a standard business operation for an HOA, and Lindahl responded yes and there would be HOA documents developed for the site.

Member Berry closed the public hearing.

Member Lynch explained that he thinks dedicating more space for green space and drainage is more important than adding a sidewalk for visitors.

Member Amundsen explained that he has been a supporter of the proposals from Element Design-Build for this location and wished the applicant good luck as they proceed through this process. Member Enz agreed.

It was moved by Member **Amundsen** to recommend approval of 23-21-Z a rezoning from B-3: Auto Oriented Business to R-5: Single-Family – Two-Family Medium Density Residential, seconded by member **Enz**.

Motion carried 7:0.

It was moved by Member **Amundsen** to recommend approval of 23-21-PUD for both general and development stage approval of a Planned Unit Development, seconded by member **Baltzer**.

Motion carried 7:0.

It was moved by Member **Amundsen** to recommend approval of 23-21-P the preliminary plat for Wildwood Rowhomes, seconded by member **Enz**.

Motion carried 7:0.

Lindahl explained that this case will go before council twice, on July 11 and July 25.

B. Case No. 23-17- PUD & Z & P: A request by Brian Wings for both general and development stage approval of a Planned Unit Development, per code section 1301.070, a rezoning from B-2: Limited Business to R-B: Residential Business, per section 1301.040, and Preliminary and Final Plat approval, per sections 1401.020 and 1401.030, in order to construct a 14 unit nursing home on the property located at 2687 County Road D.

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

Member Enz asked what an incidental wetland is. Miller responded that she understands it is a wetland that develops in areas that are not naturally occurring wetlands. Lindahl added that when wetlands are analyzed they look at the type and quality and believes that because this is an incidental it didn't meet the minimum standards to characterize it as a specific type of wetland and that they are most likely depressions that handle water.

Brian Wings, 3900 Van Dyke St, the applicant offered to answer any questions from the commissioners. He explained that the current proposal reflects the input received through the concept plan process. He provided detail on the incidental wetland noting it was the result of the demolition of the house that left a depression on the site. Wings extended his appreciation for the City staff throughout the process.

Member Berry closed the public hearing.

It was moved by Member **Amundsen** to recommend approval of 23-17-P, seconded by Member **Lynch**.

Motion carried 7:0.

It was moved by Member **Amundsen** to recommend approval of 23-17-Z, seconded by Member **West**.

Motion carried 7:0.

It was moved by Member **Amundsen** to recommend approval of 23-17-PUD, seconded by Member **Enz**.

Motion carried 7:0.

Lindahl added that this case will go before council twice on July 11th and July 25th.

- C. Case No. 23-19-CUP:** A request by Brett and Samantha Kvam for a conditional use permit, per code section 1302.125 in order to establish an accessory dwelling unit (ADU) in the home at the property located at 4008 White Bear Avenue.

Shea Lawrence, Planning Technician, discussed the case. Staff recommend approval of the case as proposed.

Member Berry asked about the concept of allowing family members only, but this has been expanded. Lawrence added that the applicants do intend to rent the unit to people outside of their family for some supplemental income.

Member West asked if there are any requirements for Airbnb, stating other cities have regulations for short term rentals. Lindahl replied that other communities do have standards for short term rentals, but White Bear Lake currently does not. If an ADU is rented to a non-family member, a rental license is required like every other rental property. There may be some discussion about short term rental standards in the zoning code update.

Berry asked if the rental license would enforce the conditional use permit. Lindahl stated no, those requirements are geared toward life safety. The conditions in the resolution would be zoning related.

Member Berry opened the public hearing.

Brett and Samantha Kvam, applicants, explained they don't have specific plans and are open to short term, mid, or long term rentals.

Berry commented that the driveway curves, which is a plus.

Member West asked about the laundry situation. Brett noted that is why they considered

short term rental. Samantha added that they would allow the tenants to use the space and they would go elsewhere.

Member Berry closed the public hearing.

Member Amundsen added that he appreciates when homeowners come forward when they realize their property is out of compliance and they try to make things right.

It was moved by Member **Amundsen** to recommend approval of 23-19-CUP, seconded by Member **West**.

Motion carried 7:0.

D. Case No. 23-20-V: A request by Midwest Exteriors LLC MN for a variance from the four foot maximum height allowed for a fence in the front yard, per code section 1302.030, subd.6.4 in order to construct a six foot fence around the entire property located at 3944 Hoffman Road.

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

Reinhardt asked what material the fence will be. Miller responds that it will be a chain link fence.

Berry opened the public hearing.

Trevor Judd, the applicant, explained they want the fence for security reasons because the property has previously been broken into. They would like the fence to provide extra security once they have their work vehicles on site which will have their tools in them.

Member Berry closed the public hearing.

It was moved by Member **Amundsen** to recommend approval of Case No. 23-20-V, seconded my Member **Baltzer**.

Motion carried, 7:0.

5. DISCUSSION ITEMS

A. City Council Meeting Overview

Lindahl explained that the lot split on 8th St. and the variance on Clarence St. were approved at the last City Council meeting. Additionally, the concept plan for a Scooter's Coffee on Highway 96 was withdrawn by the applicant before the Concept Plan went to City Council meeting.

Lindahl expressed his thanks to Member Reinhardt for his nine years of service to the

community as a planning commissioner. Lindahl added that administration is working to fill the vacant spot.

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 8:43 p.m.