



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JULY 31, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

MEMBERS PRESENT: Jim Berry, Pamela Enz, Andrea West, Ken Baltzer
MEMBERS ABSENT: Mike Amundsen, Mark Lynch
STAFF PRESENT: Jason Lindahl, Community Developer Director; Lindy Crawford, City Manager; Ashton Miller, City Planner; Shea Lawrence, Planning Technician
OTHERS PRESENT: Dan Peltier, Cindy Peltier

2. APPROVAL OF AGENDA

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

Motion carried, 4:0.

3. APPROVAL OF THE MINUTES

A. Minutes of June 26, 2023

It was moved by Member **Enz** and seconded by Member **West** to approve the minutes of June 26, 2023

Motion carried, 4:0.

4. CASE ITEMS

A. Case No. 23-24-Z: A City initiated text amendment to the City Code, Article XIII – Zoning Code concerning tobacco and cannabis related uses.

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

Member Enz asked if the tobacco shop downtown would be affected by this if they are also selling THC. Lindahl answered that the property is in the downtown zone and that they aren't permitted to sell THC. City Manager Lindy Crawford added that there is a moratorium on the sale of THC products in White Bear Lake which they have violated in

the past. Crawford added that the property would be grandfathered in to sell tobacco, but would not be permitted to become a cannabis retailer.

Member Berry asked if other tobacco shops have violated the THC moratorium. Crawford responded that there were violations by other shops, but they have since come into compliance. Berry asked for clarification on the grandfathered in status. Crawford confirmed the existing tobacco shops will be grandfathered in to sell tobacco products, not cannabis products.

Crawford explained that cities will be required to allow for at least 1 cannabis retailer per 12,500 residents, meaning White Bear Lake will be required to allow two. Therefore, the City has to outline locations where these retailers could be permitted. She added that the City will not be licensing for cannabis—that will remain at the state level through the Office of Cannabis Management (OCM). Once OCM receives an application they will reach out to the city for confirmation that the retailer would adhere to the City's zoning requirements before issuing the license.

Member Baltzer asked for clarification on the locations of the B-4 district. Crawford explained that Highway 96 and Century Avenue both have B-4 zones. Lindahl referred to the zoning map in the packet to highlight B-4 locations, noting that many of the B-4 sites are currently occupied by other uses.

Member Enz noted the proximity of some of the locations to the hockey arena. Crawford responded that the State did not provide definitions for public parks and public spaces. Once OCM comes out with further guidelines or definitions, Crawford explained that the zoning ordinance may need to be amended. Crawford emphasized the importance of adopting this ordinance now, so that the City can ensure future cannabis retailers are located in the appropriate zone. Lindahl added that adopting these minimum standards will help the City cover the gap before the State can establish the Office of Cannabis Management.

Member West asked if the B-4 district is also the district used for alcohol retailers. Lindahl responded that liquor sales are permitted starting in the B-2 district but because the zoning code cascades, it is also permitted in B-4. Off-sale liquor is prohibited starting in the B-5 district. Member West asked if the existing tobacco retailers that are not located in the B-4 district could eventually become cannabis retailers. Crawford explained they will be grandfathered in as tobacco retailers, so they would not be allowed to sell cannabis. Crawford clarified that the existing shops are not being rezoned to B-4, but the shops will be permitted to continue as tobacco retailers.

Member Baltzer asked if an existing business in the B-4 district could sell their property to a cannabis retailer. Crawford responded yes.

Crawford explained that changes may need to be made to the zoning code or municipal code as new information becomes available from the State.

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Enz** to recommend approval of Case No. 23-24-Z, seconded by Member **Baltzer**.

Motion carried, 4:0.

Lindahl explained the case will go before City Council two times, on August 8th and August 22nd, because it is a text amendment.

- B. Case No. 23-22-V:** A request by **Saputo Cheese USA** for a 22.4 foot variance from the 30 foot minimum setback in the front yard, per code section 1303.190, Subd.5.c.1 in order to expand the boiler room located at 4041 Highway 61.

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

Member West, asked if the site meets fire code. Miller responded that the building is sprinkled and that the Fire Department requested that the access be maintained. Miller added that the applicant redesigned as to not impact the access and maintain the 16 feet drive lane.

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-22-V, seconded by Member **West**.

Motion carried, 4:0.

- C. Case No. 23-23-V:** A request by **Kaia Kroll** for a variance from the 11 foot maximum height per code section 1302.030, subd.4.i.1.b in order to reconstruct a garage that is taller than the house located at 1876 5th Street.

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

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Enz** to recommend approval of Case No.23-23-V, seconded by Member **West**.

Motion carried, 4:0.

5. DISCUSSION ITEMS

A. City Council Meeting Overview

Lindahl explained that the redevelopment proposal for 9 townhomes at 2502 County Rd E was approved by Council. The proposal for the property 2687 County Rd D for a 14 unit Memory Care Facility was approved. City Council also approved the fence height variance at 3944 Hoffman Road and the conditional use permit for an accessory dwelling unit at 4008 White Bear Ave.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **Enz** to adjourn the meeting at 7:49 p.m.