



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, AUGUST 28, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

- MEMBERS PRESENT:** Mike Amundsen, Ken Baltzer, Jim Berry, Scott Bill, Pamela Enz, Mark Lynch, Andrea West
- MEMBERS ABSENT:** n/a
- STAFF PRESENT:** Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician
- OTHERS PRESENT:** Mike Chilson

2. APPROVAL OF AGENDA

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

Motion carried, 7:0.

3. APPROVAL OF THE MINUTES

- A. Minutes of July 31, 2023.

It was moved by Member **Baltzer** and seconded by Member **Enz** to approve the minutes of July 31, 2023.

Motion carried, 7:0.

4. CASE ITEMS

- A. **Case No. 23-25-V:** A request by **Michael Chilson** for a variance from the 4 foot maximum height allowed for a fence located in the front yard, per code section 1302.030, subd.6 in order to construct a 6 foot PVC privacy fence along the property line at the property located at 2175 Gardenette Drive.

Shea Lawrence, Planning Technician, discussed the case.

Member Berry opened the public hearing. The applicant, Michael Chilson, introduced himself. Member Berry closed the public hearing.

It was moved by Member **Lynch** to approve Case No. 23-25-V, seconded by Member **West**.

Motion carried, 7:0.

- B. Case No. 23-26-V:** A request by **BCD Homes**, for a variance from the 4 foot maximum height allowed for a solid wall, per code section 1302.030, subd.6 in order to allow two 64 inch stone pillars to remain at the property located at 4669 Lake Avenue.

Ashton Miller, City Planner, discussed the case.

Member Amundsen asked if the pillars were disconnected from the rest of the wall, if this variance would be necessary. Miller responded that the code doesn't specifically reference pillars, so staff has considered pillars like this as solid walls, which are regulated in the fence section of the code.

Member Lynch explained that this is a very expensive home, and that he would think that builders would know to check in with the City. He added that it gives him pause that they did not check prior to constructing the pillars. Member West agreed with Member Lynch. She noted that this is the same situation as a case last year on a Manitou Island property where pillars over 4 feet tall were constructed without first seeking a variance. Member Enz asked if there is a way to communicate with people that they first need to connect with the City about projects like this. Member Bill added that he agrees with the other commissioners and that professional builders should know better. He added that it would be more understandable if it was a home owner who mistakenly constructed the pillars too tall, not a professional builder. Member Berry added that he had a feeling that this was an ask for forgiveness type of situation.

Jason Lindahl, Community Development Director, added that staff share the frustration of the commissioners. He explained that it takes more staff time to address these situations retroactively. He added that there is a mechanism where the City can increase fees for jobs completed before proper permits are obtained. Lindahl also added that when considering the two recent pillar variance cases, that we should ask if the city's process is correct. He explained that there should be a mechanism to permit for structures like these because it seems reasonable for a homeowner to construct on their property. He explained that things like this can be addressed in the zoning code update. Member Berry added that there should be procedures in place to regulate them.

Member Bill agreed with the concept of tacking on additional fees for situations where structures are built without first obtaining proper permits. Member Lynch agreed and explained that he thinks pillars like this should be addressed in the new zoning code. Member Lynch also added that he wasn't implying that there was nefarious intent when the pillars were constructed.

Member Enz noted that she walks past the pillars almost every day and she never noticed how tall they are and that they look nice.

Member Berry opened and closed the public hearing.

It was moved by Member **Enz** to approve Case No. 23-26-V, seconded by Member **Baltzer**.

5. DISCUSSION ITEMS

A. City Council Meeting Overview

Lindahl provided an overview of the previous City Council meeting. He explained that the variance requests for the properties at 4041 Highway 61 and 1875 5th St were both approved. He added that a preliminary and final plat was approved by City Council for the White Bear Lake Civic Campus addition as part of the Public Safety renovation. Lindahl also added that the first reading for the tobacco and cannabis ordinance occurred at the August 8th City Council meeting and that the second reading is scheduled for September 12th. He also explained that the City recently posted an RFP for private development at the vacant City owned site at 1755 Highway 96. Member Lynch asked what the size of the lot was; Lindahl responded it is about 0.8 acres.

Lindahl explained that the September Planning Commission meeting has been cancelled because there are no cases. He added that the first meeting of the Zoning Update Community Advisory Committee will take place on September 25th, 2023. He noted that City Council gave input on who to include on the committee and the mayor sent out invitations. Member Berry and Member Baltzer were offered and accepted invitations to serve on the committee from the Mayor.

Member Enz provided an overview of the August 23rd, Downtown Mobility and Parking Study meeting. She explained that there are many passionate people on the committee. She added that the committee was provided a lot of information about parking and traffic downtown and asked many insightful questions during the meeting. She wondered how the 1,735 downtown parking spots can be marketed in a favorable way and how can we shift peoples expectation about parking directly in front of the businesses they are patronizing. Lindahl added that the consultants gathered a lot of the information that was discussed during the meeting, including through an online survey they created for residents to complete. Member Berry asked about the property at 2229 3rd Street as he noticed the house has been demolished. Lindahl added there aren't currently any plans for development on the lot that the City is aware of.

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 7:44 p.m.