

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
MARCH 26, 2018**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, March 26, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Chair Jim Berry, Mary Alice Divine, Marvin Reed, Peter Reis, Ken Baltzer, Mark Lynch.

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director; Samantha Crosby, Planning & Zoning Coordinator; Mark Burch, City Engineer; and, Connie Taillon, Environmental Specialist.

OTHERS PRESENT: Brenda Sweet, Kristie Holman, Dustin Holman, Dave Cebula, Rob Thomas

2. APPROVAL OF THE MARCH 26, 2018 AGENDA:

Member Reis moved approval of the agenda. Member Baltzer seconded the motion, and the agenda was approved unanimously (6-0).

3. APPROVAL OF THE FEBRUARY 26, 2018 PLANNING COMMISSION MEETING MINUTES:

Member Baltzer moved approval of the minutes. Member Reed seconded the motion, and the minutes were approved unanimously (6-0).

4. CASE ITEMS:

A. Case No. 18-1-CUP: An application by **Brenda Sweet** for a Conditional Use Permit, per Code Section 1302.125, for a home accessory apartment in the basement of the property located at 4961 Campbell Avenue

Crosby discussed the case. Staff recommended approval of the conditional use permit subject to the standard conditions.

Berry opened the public hearing.

Brenda Sweet, 4961 Campbell Ave, stated she is the mother-in-law. Sweet commented that she has lived at the property for one year and stated that she has enjoyed it very much, but would like to have her own space.

Dustin Holman, 4961 Campbell Ave, stated that he is Brenda's son-in-law and commented that they moved from a White Bear township to the Campbell address about a year ago. Holman explained that his mother-in-law has been a great support system for him and his wife, and visa versa. He stated that they did not plan on ending up in this situation but are very happy with how it has turned out.

Kristie Holman, 4961 Campbell Ave, stated that she also agreed.

As no one else came forward, Berry closed the public hearing.

Member Reis moved to recommend approval of Case No. 18-1-CUP. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- B. Case No. 18-3-V:** An application by **Lakeshore Players Theatre** for a 2-foot height variance from the 8-foot height requirement for a fence, per Code Section 1303.130, Subd.4.e.3, in order to retain the existing 6-foot tall wooden privacy fence at 4941 Long Avenue.

Crosby discussed the case. Staff recommended approval of the requested variance subject to the standard conditions.

Berry opened the public hearing.

Dave Cebula, 4952/4946 Division Ave, stated that he owns the two properties behind the theater. Cebula stated that he has raised foster children there for 24 years and stated that he prefers the 8-foot fence requirement. Cebula stated that they had also requested the adjacent art center to have an 8-foot fence. Cebula stated that he felt an 8-foot fence provided more safety for the children.

Berry inquired as to the exact nature of his safety concerns. Cebula responded that a 6-foot fence could be easily seen over and that an 8-foot fence would require a ladder to view over the top of it. Cebula also stated that a 6-foot fence could be more easily climbed, and he requested that those parts of the fence which abutted his property be required to meet the 8-foot height requirement and stated that he did not care if the remainder of the fence were only 6-feet in height.

Reed asked, when it was a nursery what was the height of the fence. Cebula responded that he was not exactly sure. Reed inquired if it was a chain link fence. Cebula responded yes, it was a chain link fence with vinyl slats. Reed inquired if the chain link fence was 6-feet in height. Cebula responded that he did not know for sure but stated that it very well could have been. Cebula commented that it was a private business and stated that the lot was not as open back then as it will be now with the parking lot in the back of the building. Cebula voiced his concern with more people traveling through that proposed parking lot area.

Reed asked Cebula how many foster children he currently has. Cebula responded that he currently has four foster children and that he has had a total of 187 foster children throughout the past 24 years. Reed inquired how many children Cebula could have at one time. Cebula responded that they could have up to five children at one time. Cebula stated that they have children of all different ages and commented that they have each child for various lengths of time.

Baltzer asked Cebula to further explain why he thought that the taller fence provided more safety for the children. Cebula replied that having an 8-foot fence would make it more difficult for anyone to see into his property and stated it would also make it more difficult for anyone to trespass onto his property.

Reis commented that it would cost substantially more for the owners to replace the existing 6-foot fence with a new 8-foot fence and asked Cebula if he would be willing to share into that cost. Cebula replied that a mistake was made somewhere along the line in order to have gotten a 6-foot fence in the first place and stated that he would not be willing to share in the cost.

Divine questioned whether or not there was room for green space on the theater side along the fence. Crosby replied that there was a 20-foot setback between the fence and the parking lot. Divine further questioned if there were landscape plantings being proposed along that strip. Crosby replied yes and stated that there were sporadic plantings that already existed on site. Divine stated that perhaps planting additional shrubs along the fence would make it more difficult for anybody to access it.

Berry commented that evergreen trees might be a good thing to plant along that area to provide additional screening. Cebula commented that there is a slope there abutting the infiltration area so he was unsure of what could be planted there.

Reed asked Cebula to clarify if he was more concerned with people coming onto his property or more concerned with children wandering off of his property. He also asked Cebula if he has had security issues in the past. Cebula replied that there have not been any security issues, with the nursery, in the past. Cebula then stated that he was concerned with the planned expansion of the White Bear Center for the Arts (WBCA) project into the residential property adjacent to his.

Crosby elaborated on the project that Cebula was referring to: the White Bear Center for the Arts recently purchased a residential property directly behind the WBCA property and north of Cebula's property. Crosby stated that the Center has already made an application, which is scheduled to be discussed on next month's agenda. The request is a conditional use permit to expand their parking lot onto the residential lot.

Member Baltzer questioned if the new WBCA fence would be an 8-foot fence then and suggested that trees be planted along the existing 6-foot fence. Crosby replied that because WBCA was applying for a conditional use permit on a residentially zoned property, the code only requires a 6-foot fence along that area.

Cebula stated that he also went to a neighborhood meeting regarding the Center for the Arts project and voiced his concern there. At that meeting he was told that they would try to install an 8-foot fence from the garage eastward. Crosby reiterated that the project will be before the Planning Commission on April 30, 2018.

Lynch questioned if Cebula had two houses there. Cebula replied yes and stated that he owned two properties, 4946 and 4952.

Baltzer asked approximately how many feet of his property abutted the properties in question. Cebula replied that his two properties together were under 100 feet.

Berry asked if a two foot height extension on the existing fence would suffice. Cebula replied yes.

Lynch questioned if that would be possible.

Divine questioned if the footings would need to be redone then. Crosby stated that neither the building code nor the zoning code would require the footings to be redone but stated that it was more so a common practice to do so. Crosby also pointed out a jog in Cebula's property line that would make it over 100 feet of lineal frontage.

Berry suggested that the fence could have a lattice addition to the top portion. Cebula agreed.

Rob Thomas, Managing Director at Lakeshore Players Theatre, stated that the theater's goal is to continue to be a growing asset to the community and the surrounding neighborhood. He stated that the theater has worked extensively to construct an aesthetically pleasing building, and he stated that they have also worked extensively to preserve as many neighboring trees as possible. Thomas commented that replacing the fence would be a financial strain on the current construction budget. Thomas explained that the theater had considered adding to the existing fence before requesting a variance and stated that the fencing contractor would not add to the fence without voiding the fence's warranty.

Baltzer inquired about extending only the portion of the fence abutting Cebula's property rather than extending the height of the entire fence. Thomas replied that the theater could certainly get a cost estimate for that. Baltzer questioned if Thomas knew the total length of the existing fence. Thomas replied that he did not. Baltzer asked if the theater would be opposed to making some adjustments to the fence only for the portion that abuts Cebula's property. Thomas replied that the theater would rather not change the fence, but stated that, if necessary, they would certainly look into it.

Reis stated that he felt that the idea of planting conifers would still be good compromise to add an additional visual barrier and commented that there is a 20-foot setback.

Crosby stated that the grade was not clearly shown but said that it could have an affect what could be planted along the fence area.

Lynch questioned if the slope was that steep, would it be more difficult to climb the fence.

Reis stated that he was not trying to diminish Cebula's concerns. Reis stated that the art center has young children and asked if there were security issues on that site. Kane stated that staff was not aware of any issues there and commented that the slope away from the fence appeared to be fairly steep.

As no one else came forward, Berry closed the public hearing.

Divine asked staff to clarify why an 8-foot fence was required here by the code. Crosby replied that in the B-4, commercial zoning district an 8-foot fence is required by code, when abutting residential property.

Lynch questioned what the plan was for the property to the north. Crosby replied that the plan was to tear down the existing home and add approximately 50 parking stalls. Lynch asked if there was any type of formal or informal parking agreement between the theater and the art center. Crosby stated that there was a connecting sidewalk, but that staff was not aware of any formal agreement.

Kane stated that at the time the art center was constructed, the parking was up to code, but the parking need on the site has changed over time with increased popularity and growth.

Lynch stated that an 8-foot fence would have been nice, but stated that due to the existing site conditions, specifically the slope, he feels that an 8-foot fence is not necessary. Lynch then stated that he hears the concerns of Cebula, but he is okay with leaving the existing 6-foot fence due to the site conditions.

Reed stated that he agrees with Lynch and Divine, and he pointed out there have been 24 years with little to no incidents to worry about. He stated he is okay with the 6-foot fence.

Reis pointed out that there will likely be more children on east side of the fence at the theater and the art center; he then said that he is also okay with the existing fence remaining at 6-feet in height.

Member Baltzer moved to recommend approval of Case No. 18-3-V as presented by staff. Member Reis seconded the motion.

The motion passed by a vote of 6-0.

Berry explained that this matter would be addressed by the City Council on April 10, 2018.

5. DISCUSSION ITEMS:

A. Comprehensive Plan: Transportation Element – postponed to April agenda

Kane explained that the engineering department takes an extensive street project on each year and stated that the department was very busy with this year's current street project. Kane further explained that there was recently a lengthy public hearing held at the City

Council meeting for the project and said that as a result the Transportation Element portion of the Comprehensive Plan update was postponed to next month's Planning Commission meeting to allow for more time to complete the section.

B. Comprehensive Plan: Public Facilities and Services Element

Crosby explained that the Public Facilities and Services Element was very similar to the Public Utilities Element of the last Comprehensive Plan update and stated that the section covers three parts: wastewater, solid waste, and public facilities. Crosby pointed out the table, on page 2 of the draft section, and commented that staff is currently discussing the details of that table with the Metropolitan Council.

Lynch inquired about the legend on the Sewer Infrastructure map. Crosby apologized and stated that the map had been incorrectly updated and it would need to be fixed. Burch clarified that there were two types of lines: force main lines and gravity main lines.

Crosby stated that there are only 20 remaining residences that still utilize private septic systems.

Berry inquired about how septic system remediations were handled. Burch stated that generally the tanks are not fully removed but are cleaned out and filled with sand to remain in place.

Crosby stated that the solid waste part of this element has been largely expanded on from the previous 2030 comprehensive plan and stated that there is a strong focus on organics recovery. Crosby stated that data collection is already occurring for future planning on how to handle organics. Crosby also stated that collection of organics would likely start in a central location and then progress to curb side pickup.

Berry asked if there was an estimated time for when curb side pickup would begin. Crosby replied that 2025 was the estimated year to begin curb side pickup for organics

Berry inquired about the objective, on page 10, to collect textiles from single-family residences and questioned if this would include carpet. Taillon replied that the objective was aimed towards clothing and then stated that they could work with local haulers in the future to coordinate curb side pickup for bulky items such as carpet.

Lynch inquired about the objective, on page 11, to amend top soil requirements for new construction projects and asked how that would be achieved. Taillon replied that MNDOT currently does this in certain road construction projects and commented that composted soils compact differently.

Divine stated that businesses are not currently required to recycle and asked why new commercial buildings are not required to build trash enclosures that are large enough to accommodate recycling to further encourage it. Kane stated that requiring enclosures to accommodate recycling could be a future amendment to the code. Kane explained that after a Comprehensive Plan update is approved the following year typically results in changes

and amendments to the zoning code to allow the code to better reflect the goals that were outlined in the plan update.

Taillon commented that current state law requires businesses, including multi-family facilities, to recycle but only if their trash dumpster exceeds a certain size. Taillon also stated that the County's master plan **will be** requiring multi-residential facilities to have recycling by 2020.

Divine stated that future plans should be better designed to accommodate for recycling.

Crosby agreed and went on to explain the Public Facilities part of the element; that a main tenant is to reduce energy use and focus on energy efficient updates.

Lynch asked for an explanation of "cold storage" and inquired which fire station was which. Crosby replied that cold storage referred to non-heated buildings and Station One is in the Public Safety building next to City Hall.

C. Comprehensive Plan: Parks and Recreation Element

Crosby stated that updates to this element include the inventory of the City's parks and open spaces as well as the amenities in these areas. Crosby stated that the maps were updated and pointed out that the maps now include private park amenities and some amenities just outside city limits. Crosby explained that most communities aim for a 10-minute walking distance to the nearest open space area and stated that staff was pleased with the current map, which meets a 5-minute walking distance with only one significant gap area.

Lynch inquired about the gap area and asked how an open space or park could be developed there. Kane explained that there are park dedication fees paid with both residential and commercial developments throughout the city.

Crosby further elaborated and stated that most of the time developers pay these fees but explained that in this case the developer would likely be required to build or dedicate the area.

Kane stated that the walking distance to the tot lots should be reduce down to perhaps a 2 and ½ minute walk versus the current 5-minute walk. This would provide a more refined shape for the gaps areas.

Crosby summarized that, as a fully built-out community, the over-all goals and objectives are primarily focused on maintenance and improvement of existing amenities.

Reis voiced a concern for more benches to be added along the Mark Sather trail; right now there is only one between Matoska Park and Veteran's Park. If the trail is extended all the way around the lake, there should be more opportunities to rest along the way.

Lynch inquired about the exercise stations along the County Road E corridor. Kane explained that this topic has been discussed by the Parks Commission and stated that the

county jurisdiction complicates it, and the high traffic and narrow right-of-way may not be conducive either.

Lynch further inquired about art murals and asked if there was any opportunity for the public sector to work with private sectors to encourage more development of them. Kane replied that the White Bear Center for the Arts has an interest in developing these types of enhancements and the City hopes to be able to work with them on incorporating increased opportunity for public art throughout the community.

Lynch inquired about the historic markers and asked what types of markers existed. Kane stated that there are stone based monuments that tell a detailed story. Kane stated that there is a plan which details additional opportunities for future historical markers.

Divine inquired if there were ongoing discussions about the Marina Triangle public space. Kane stated that the public art was recently finished in the plaza and a spring unveiling is planned. She explained that there is a strong desire to make the space more user friendly but that resources are limited.

Berry inquired if the site could accommodate any musical opportunities. Kane stated that the City Council has approved concerts in other public spaces but stated that they have to be mindful of whether or not the events are non-profit or not.

Berry asked if there were further questions, comments, or feedback.

Reis stated that if composting increases as projected, there could be opportunity to use some of that composted material for City projects and improving the open spaces.

D. City Council Meeting Summary from March 13, 2018

No Discussion.

E. Park Advisory Commission Meeting Minutes from March 15, 2018

No Discussion.

5. ADJOURNMENT:

Member Lynch moved to adjourn, seconded by Member Baltzer. The motion passed unanimously (6-0), and the March 26, 2018 Planning Commission meeting was adjourned at 8:41 p.m.