

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
August 27, 2018**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, August 27, 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: Jim Berry, Ken Baltzer, Mary Alice Divine, Mark Lynch, Erich Reinhardt, Marvin Reed, and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Steve Kowalski, Sue Kowalski, Shawn Petry, Barbara Mundis, Heather Mundis, Michele Klegin, Jon Gacek, Melissa Glacek, Joe Remley, Janice Remley, Dave Bonne, Bob Bonne, Susan Bonne Anderson, and Dan Bonne.

**2. APPROVAL OF THE MONTH AUGUST 27, 2018 AGENDA:**

Member Reis moved for approval of the agenda. Member Reed seconded the motion, and the agenda was approved (7-0).

**3. APPROVAL OF THE MONTH JULY 30, 2018 PLANNING COMMISSION MEETING MINUTES:**

Member Baltzer moved for approval of the minutes. Member Lynch seconded the motion, and the minutes were approved (7-0).

**4. CASE ITEMS:**

A. **Case No. 18-9-V:** A request by **BCD Homes** for a 7 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2 and a 10 foot variance from the 30 setback required from the rear property line for an attached garage, per Code Section 1302.030, Subd.4.e for the property located at 4820 Stewart Avenue. (Continued to October 29 meeting at applicant's request.)

B. **Case No. 18-2-LS & 18-12-V:** A request by **Robert, Susan and Dave Bonne** for a lot split and five variances, including a 2,625 square foot variance from the 15,000 square foot

lot size minimum for parcel A and an 85 square foot variance from the 15,000 square foot lot size minimum for parcel B, both per Code Section 1303.040 Subd.5.a; A 13 foot variance from the 80 foot minimum lot width at the OHWL for parcel A and a 12 foot variance from the 80 foot minimum lot width at the OHWL for parcel B, both per Code Section 1303.230, Subd.5a.2; and A 2.92 foot variance from the 100 foot minimum lot width at the street setback for parcel A, per Code Section 1303.040, Subd.5.b, in order to subdivide a property located at 4320 Cottage Park Road into two lots.

Crosby discussed the case. Staff recommended approval subject to conditions laid out in the staff report.

Member Divine asked about the DNR's role in the granting of variances. Crosby responded that she has had discussions with both the DNR Area Hydrologist and the Watershed District; neither organization had objections.

Member Lynch asked about new buyers and what their knowledge of the building setbacks would be, if the existing home on parcel A would remain, and what would become of the boathouse that appears to straddle the property line. Crosby responded that one of the applicant's sons plans to buy parcel B. In addition, the variances must be recorded and disclosed at the point of sale, so future homeowners should be aware. The existing house will remain for the time being and the boathouse will be moved to meet accessory structure setbacks.

Berry opened the public hearing.

Dave Bonne, applicant, 4292 Cottage Park Road. He stated that the family has their reasons for wanting to split the lot, but many of the neighbors agree it will be a benefit to the neighborhood. Cleaning up the lot and removing the Arborvitae will improve the lake view for everyone.

In exchange for the easement, Bonne tried to negotiate for the area outside of parcel A that is not covered by the road. Crosby responded that the small boulevard is necessary for any future work the City may need to do along the road.

Bonne thanked staff for the recommendation of approval and asked about several specific conditions in the staff report. In regards to the retaining wall, he asked if a cost estimate could be provided, because he is concerned that the project may become cost prohibitive if he is forced to remove a wall that has been there longer than his parents owned the home.

Member Berry responded that it appears the condition is written in a way to allow for flexibility depending on the cost and impact of the project. Bonne stated cost is important to know before going through with the split.

Bonne then asked about underground utilities. He questioned why they are needed when no other house in the neighborhood has them. He was unsure if this applied to both lots. Crosby replied that the underground utilities are required for new construction, so the condition applies to both lots, but not for the existing house. She will clarify the wording in the resolution.

Bonne explained that the house on parcel A has a lot of character, but that many people are currently tearing down lakeside homes and building giant new houses. If the family did not split the lot, someone would buy the property and build a huge house that did not fit in with the character of the neighborhood.

Bonne asked if the five-foot easement on the properties allow for the owners to build a driveway and whether the setback is measured from the road or the edge of the easement. Crosby stated that the property would be permitted access to the road and that the building setback is measured from the edge of the road.

Jonathon Gacek, 4311 Cottage Park. He stated he is in support of the split, but it is important to remember that the Planning Commission and City Council have granted variances very close to the property lines in Cottage Park. He noted that his is the oldest house in Ramsey County, and that it is extremely close to the property line. Cars backing up from the new lot may pose a danger to his property. He then added that the frontage of parcel B is the neighborhood parking area and asked if there are minimum parking regulations.

Member Reinhardt asked if staff received any calls or letters regarding this case. Crosby replied she had not.

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

Steve Kowalski, 4324 Cottage Park. He stated his support for the lot split.

Michele Klegin, 4304 Cottage Park. She also expressed her support for the lot split.

Member Balzer commented on the inability to predict water levels and that if the lake levels rose, the retaining wall may serve a purpose. He suggested that the retaining wall remain and other shoreline stabilization techniques be implemented.

Member Divine asked about the OHW setback and whether the future house on parcel B could be pushed closer to the lake with a variance. Crosby responded that a variance could be sought at a later date.

Member Baltzer moved to recommend approval of Case No. 18-2-LS and 18-12-V with the condition that condition 19 in the staff report omit the language pertaining to the removal of the retaining wall. Member Reinhardt suggested that condition 19 be removed all together. Baltzer accepted Reinhardt's suggestion.

Member Reis seconded the motion.

Member Lynch expressed the need for something to be in place that protects the lake.

Member Reis asked that the Chair call the question.

Without further discussion, the motion passed by a vote of 6-1. Reed opposed.

- C. **Case No. 18-5-CUP:** A request by **Brian Hanson** for a Conditional Use Permit for three curb cuts, per Code Section 1302.050, Subd.4.h.9, in order to build a U-shaped driveway on the property located at 4779 Lake Avenue North. (Withdrawn at applicant's request.)
- D. **Case No. 18-6-CUP & 18-13-V:** A request by **Barbara Mundis** for a Conditional Use Permit for a kennel and a 6 foot variance from the 50 foot setback from the west property line for an existing building, both per Code Section 1302.130 Subd.3, in order to operate a pet hotel and daycare in the B-4 zoning district at the property located at 1340 Highway 96.

Crosby discussed the case. Staff recommended approval of the conditional use permit and variance subject to conditions in the staff report.

Member Lynch asked about the waste going to the sanitary sewer from the parking lot. Crosby responded that an indoor connection will be required eventually.

Member Divine brought up condition seven in the staff report and asked if there is a timeframe for the applicant to connect to the sewer. She also asked what would be done with the animal waste in the winter. Crosby stated she anticipates it will be next spring when the City will require sanitary sewer hookup, and that during the winter, the business will be scooping and shoveling the outdoor area.

Member Divine then discussed the lack of detail in the City's kennel regulations. She wondered why the code does not have regulations pertaining to kennel size and the number of dogs allowed and thought this may be an issue the City wants to address.

Member Reed expressed surprise that the kennel code was so vague considering the precision of the chicken ordinance.

Member Berry asked if the black top in the parking lot would be dug up. He also questioned the decision to put the play area along the south, and thus, warmest side of the building. Crosby responded that there are no plans to dig into the asphalt at this time. The location of the play area is based on the current design of the interior, which is one of the reasons the applicant has chosen this building. It is cost prohibitive to have the outdoor area on another side of the building.

Member Reis voiced his concern with tying the outdoor play area into the sanitary sewer. It is not ideal for rain runoff to end up in the sanitary sewer. Crosby agreed and reported that some sort of engineering solution will be needed to prevent rain from entering the sanitary sewer.

Member Lynch echoed the concern with runoff, particularly in the winter. He questioned if there is a plan for preventing a sheet of ice from forming.

Berry opened the public hearing.

Barbara Mundis, applicant. She stated she has been working with City Staff on all of these issues.

Member Reinhardt asked if there are state regulations regarding kennels. Mundis replied that the State allows for a great number of dogs to be kept in a relatively small space, which is not her intention for this business. She wants to provide ample space for the dogs, so the State regulations do not apply.

Member Reed asked the applicant when she plans on opening. Mundis replied that they are aiming to be open by Thanksgiving.

Member Reis asked about the operating hours of the business. Mundis responded that there will be a difference between operating hours and staff hours. The dogs will be alone for six to seven hours at a maximum, but staff will be accommodating. She emphasized that the pet hotel will specialize in elder dog care, and therefore will be open to providing more staff time if needed.

Member Lynch requested information on how animal waste will be addressed in winter. Mundis reiterated that they will not be able to spray the play area off, but snow will help to dilute the liquid waste. She stated that a more specialized disinfectant and a shopvac will be utilized for cleaning, and that solid waste will always be picked up immediately.

Joe Remley, 4823 Lake Avenue. He joked that this business cannot produce more runoff than what already comes from the dogs being walked along Lake Avenue.

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

Member Reis moved to recommend approval of Case No. 18-6-CUP and 18-13-V. Member Reed seconded the motion. The motion passed by a vote of 7-0.

- E. **Case No. 18-1-LS:** A request by **Shawn Petry and the Welch Family** to transfer a 7.6-foot strip of land between neighbors, per Code Section 1407.040, at the properties located at 4777 Wood Avenue and 1891 4<sup>th</sup> Street.

Miller discussed the case. Staff recommended approval of the request.

There were no questions of staff. Member Lynch appreciates that neighbors are able to work together.

Member Lynch moved to recommend approval of Case No. 18-1-LS. Member Reinhardt seconded the motion. The motion passed by a vote of 7-0.

**5. DISCUSSION ITEMS:**

- A. City Council Meeting Minutes of August 15, 2018.  
No discussion.
- B. Park Advisory Commission Meeting Minutes of August 16, 2018 – not available.

**6. ADJOURNMENT:**

Member Baltzer moved to adjourn, seconded by Member Reis. The motion passed unanimously (7-0), and the August 27, 2018 Planning Commission meeting was adjourned at 8:08 p.m.