

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
APRIL 29, 2019**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, April 29, 2019, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Marvin Reed.

1. CALL TO ORDER/ROLL CALL:

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

MEMBERS EXCUSED: Mark Lynch and Erich Reinhardt.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Anne Lindgren, Joe Braman, Kathy Dixon, Susan Herbert Welles, Robert Wilcox, Jon & Mary Swanson, Keith & Cheri Hisdahl, John Daly, Grant & Kathryn Raykowski, Trevor Martinez, Mark & Nancy Moe, Jan Ferris, Laurie Jones, Dave Mckenzie, and Mike Brass.

2. APPROVAL OF THE APRIL 29, 2019 AGENDA:

Member Reis moved for approval of the agenda. Member Berry seconded the motion, and the agenda was approved (5-0).

3. APPROVAL OF THE MARCH 25, 2019 PLANNING COMMISSION MEETING MINUTES:

Member Divine moved for approval of the minutes. Member Baltzer seconded the motion, and the minutes were approved (5-0).

4. CASE ITEMS:

A. **Case No. 19-1-Z:** A request by **Schafer Richardson** for a Rezoning from B-4 “General Business” and R-6 “Medium Density Residential” to R-7 “High Density Residential”, per Code Section 1301.040, of the five parcels at the northwest corner of County Road E and Linden Avenue, in order to bring the parcels into conformance with the comprehensive plan’s land use designation of “High Density Residential”.

Crosby discussed the case. Staff recommended approval of the zoning change.

Member Divine asked if the City Council had approved the comprehensive plan. Kane explained that while not complete, the comprehensive plan has been approved for the six-month review period. Member Divine commented how there is now a transit-oriented land use category, but not

a zoning district to match. She questioned whether the parcels would remain R-7 or be zoned something else to reflect the new land use category. Kane replied that a transit-oriented zoning district will be developed next year after the comprehensive plan has been fully approved. Member Divine wondered if the density of the transit-oriented development has been determined. Kane responded it will be 25 to 50 dwelling units per acre.

Member Divine asked if a variance would be needed for the proposed apartment density under the R-7 zoning. Crosby stated that the project is currently going through the Planned Unit Development (PUD) process, so a variance is not needed. Rather, flexibility on certain aspects of the code is granted as a part of the PUD.

Member Divine commented that it seems the City usually gets something in return for the deviations from code that the developers receive in a PUD. She wants to ensure that what the City gets in return from deviating from the R-7 zoning density allowance is exceptional, higher amenity apartment buildings. She supports the proposal, but does not want the City to miss the opportunity to get something in return. Crosby noted Member Divine's remarks, adding that in this particular case, the City has worked closely with the developer to ensure the City realizes a benefit from the proposal.

Member Berry clarified that the only approval at this meeting is for the rezoning of the parcels to R-7, whether it is for Schafer Richardson or another developer. Crosby affirmed, stating that if this particular developer were to go away, this spot is still suitable for high density residential.

Member Reed observed the upcoming meeting dates of the various land use requests surrounding this project.

Reed opened the public hearing.

Anne Lindgren, 3616 Linden Avenue, is against project, but appreciates the Planning Commissioners comments. She questioned if the City had done its research before working with Schafer Richardson, referencing a news article about another project of the company's that was delayed due to funding. She asked how the rezoning correlated with the re-guiding that occurred in November of 2018 and whether the process has started all over. She believes that the apartment does not fit with the surrounding community.

Member Reed gave a brief synopsis of the difference between re-guiding and rezoning.

Member Berry added that questions regarding Schafer Richardson should be addressed next month, as the rezoning is not explicitly about the specific apartment proposal.

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

Member Reis moved to recommend approval of Case No. 19-1-Z. Member Baltzer seconded the motion. The motion passed by a vote of 5-0.

- B. **Case No. 19-2-CUP:** A request by **Mark and Nancy Moe** for a Conditional Use Permit, per Code Section 1302.125, for a home accessory apartment in the basement of the property at 2524 Crestline Drive.

Miller discussed the case. Staff recommended approval with standard conditions.

Member Berry questioned the use of the accessory dwelling unit (ADU) as an Airbnb. Kane responded that the City licenses rental housing and there are no minimum length of rental terms, therefore they are allowed. Member Berry mentioned a nearby ADU that is violating their Conditional Use Permit by parking on the street. He noted that enforcement is often complaint-based.

Member Reis inquired about the enforcement process when violations are found. Kane explained letters are sent, the City documents, and then eventually citations are issued. Other avenues are currently being explored to streamline the process.

Reed opened the public hearing.

Jon Swanson, 2519 Crestline Drive, explained how the applicants have been working on their house for five years and now they are proposing this additional living unit. Parking is an issue because it is difficult to back out of his driveway when the applicants' children have cars parked in the street. He questioned if both basement bedrooms are included in the proposal and if the homestead status changes if the ADU is approved. He commented that if the unit was for an elderly parent, it would not be a formal rental and he would be okay with it. He also felt the City needs a better enforcement process.

Member Reed responded that occupancy is limited to four individuals, parking is limited to that which can fit in the driveway, and the ADU does not change the homestead status. He also pointed out that if the applicants sell their home, a new owner would need to reapply to rent the ADU.

Robert Wilcox, 2525 Crestline Drive, has concerns about new people coming and going every week, as well as parking. The S-curve of the road limits visibility and on-street parking aggravates the problem. Many people walk in the street and the parked vehicles make it a dangerous activity. The problems are exacerbated in the winter in regards to plowing. He does not see the benefit to the neighborhood, only to the homeowners.

Jan Ferris, 2418 Crestline Drive, she has no problem with the request as the applicants will live there to monitor their guests. She supports ADUs in general, finding them to be a good reuse of space, and supports this request in particular.

Nancy Moe, applicant, 2524 Crestline Drive, questioned if overnight parking is allowed. Kane replied that it is allowed except when it snows three inches or more and vehicles need to be moved for plowing. Ms. Moe explained that her children will be living at home for the next four years. They do plan to use the ADU for their parents and then their own health care providers once they are older. Using it as an Airbnb in the meantime seems reasonable and is within the code.

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

Member Berry commented that with short stays associated with Airbnb, there are bound to be parking issues, as the applicants will continuously have to educate their new tenants on the regulations.

Member Reis commented that regulating Airbnbs is a national issue.

Member Reis moved to recommend approval of Case No. 19-2-CUP. Member Berry seconded the motion. The motion passed by a vote of 5-0.

- C. **Case No. 19-3-PUD:** A request by **Keith Hisdahl** for a Planned Unit Development, per Code Section 1301.070, in order to expand and remodel an existing mixed-use business with retail on the first floor and residential above, located at 1966 & 1978 Highway 96.

Crosby discussed the case. Staff recommended approval of the PUD with a number of conditions.

Member Divine asked for clarification on the staff suggestion that the orange trim be toned down, as she did not see where in the report staff recommended a change in color. Crosby responded that the applicant will have to submit for building permits, which is when staff can take a closer look at the color palette.

Member Reis asked if staff will help Mr. Hisdahl through the grant application process. Crosby confirmed that Connie Taillon, the City's Environmental Specialist, has agreed to help.

Reed opened the public hearing.

Keith Hisdahl, applicant, 1978 Highway 96, declared that this has been a long process. He approves of the report, but wishes to keep the colors. The mosaic shows the company's uniqueness.

Member Reed asked how long the company will be down, how Mr. Hisdahl felt about staff's recommendation to limit the use or color of the metal panels, and the trash enclosure requirement. Mr. Hisdahl stated they will try to stay open as long as possible, and would like to keep all the colors as proposed, believing a lighter color on the bottom will enhance the building. He was agreeable to what staff proposed for the trash enclosure.

Dave Mckenzie, 4559 Bald Eagle Avenue, lives directly across from Hisdahl's, and likes the proposal a lot more than what he sees now. He commented on the aesthetic and durability of metal panels, noting they are a good addition.

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

Member Reed asked if staff is able to work out the finer details through the PUD process. Crosby pointed to condition 10.f of the staff report that lays out conditions for the colors and balance of materials. She noted that the east elevation is the only elevation that exceeds 50 percent coverage and would need to be reduced, per the condition.

Member Divine reported that she will support the project, but would rather keep staff's condition 10.f as it is.

Member Reis moved to recommend approval of Case No. 19-3-PUD with an amendment to condition 10.f, allowing the panels to be mixed colors, but not to exceed 50% on each side, per code. Member Baltzer seconded the motion. The motion passed by a vote of 5-0.

- D. **Case No. 19-2-V:** A request by **Grant Raykowski** for a 61.5 foot variance from the 95 foot average setback from the lake, per Code Section 1302.040, Subd.4.c; a 20 foot variance from the 40 foot setback required from the street, per Code Section 1303.030, Subd.5.c; and a 320 square foot variance from the 1,250 square foot maximum for both accessory structures combined, per Code Section 1302.030, Subd.4.i.2.b; all in order to demolish the existing detached garage and reconstruct it 314 square feet larger in the same location on the property located at 2503 Manitou Island.

Crosby discussed the case. Staff recommended approval of three variances and denial of one.

Member Berry does like the changes staff recommends. He does not like losing trees, but likes to move the garage out of the floodplain. He appreciates that the applicants are planning to keep the house rather than tear it down.

Member Reed does not like the staff proposed location for the new garage, because as the HOA has stated, this will be the first thing people see when they enter the island. He does not believe that trees should be lost in attempts to bring the garage into compliance with the required setback from the lake. Crosby pointed out that many of the trees on the lot would continue to shield the garage from view if it were shifted to the location as suggested by staff.

Reed opened the public hearing.

John Daly, Wayzata, is working with the clients on the architectural design of the garage. He described how the legally nonconforming structure is not sturdy enough to be remodeled. The intention with the rebuild is to expand the structure towards the road. They used the garage handout that states for lakefront properties, a 20-foot setback is required for accessory structures from a public road, so did not think they needed a variance. The proposed location is open space and does not remove trees. This project creates additional storage space, fits with the neighborhood, and retains the nature on the lot.

Member Berry asked about the handout that the applicants used to plan their rebuild. Crosby pointed out that the handout says “public right-of-way” and the road on Manitou Island is private, and that the handout is meant to be a general guide and may not cover all scenarios.

Member Reed asked if there would be issues with the flood proofing. Mr. Daly replied no.

Katherine Raykowski, applicant, 2503 Manitou Island, stated that her family likes the historic charm of the home, and they want to preserve what they bought, however, 80 year old structures do not meet the needs of today's lifestyle. The size of the garage is not adequate for the family's needs. She countered that the number of trees impacted would be worse than what the staff report indicates, because there are many trees that were not surveyed and the arborists that visited the site informed her that a 10-foot minimum buffer is required around each tree's drip zone for protection.

Ms. Raykowski concluded that her family wants to maintain the island's charm. The HOA and surrounding neighbors approve of their attempt to rebuild in the same spot. She submitted six letters of support from neighboring property owners on the island to the planning commissioners.

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

Member Berry asked if the garage orientation was shifted in staff's recommended location and whether changing the orientation would preserve more trees. Crosby stated it seemed more practical to straighten out as it provides easier road access. More trees could potentially be saved if the garage was oriented another way, but would lead to a u-shaped driveway because of the curvature in the road.

Member Reis moved to recommend approval of Case No. 19-2-V as requested by the applicant, for all four variances, retaining the conditions that do not pertain to staff's recommended garage location. Member Baltzer seconded the motion. The motion passed by a vote of 5-0.

- E. **Case No. 19-3-V:** A request by **Joe Braman** for a 6-foot variance from the 20-foot setback from the side property lines and a 4-foot variance from the rear property line, all per Code Section 1302.030, Subd.20.b.2.a.1, in order to install an above ground pool in the rear yard of the property at 1860 Clarence Street.

Kane discussed the case. Staff recommended approval.

Member Reis likes the re-utilization of the shipping container.

Reed opened the public hearing.

Joe Braman, applicant, offered to answer any questions the Commissioners may have. Member Reis asked if the applicant has looked into the logistics of getting a crane into the space to deliver the storage unit. Mr. Braman affirmed he has.

Member Reed wondered whether there would be a window in the unit and if a four-foot fence would be installed. Mr. Braman replied that there will be a small, above ground window and that a new fence will be going in. He commented that the neighbors are excited to come and use the pool.

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

Member Baltzer moved to recommend approval of Case No. 19-3-V. Member Berry seconded the motion. The motion passed by a vote of 5-0.

5. DISCUSSION ITEMS:

- A.** City Council Meeting Minutes of April 9, 2019.

No discussion

B. Park Advisory Commission Meeting Minutes of February 21, 2019.

No discussion

6. **ADJOURNMENT:**

Member Baltzer moved to adjourn, seconded by Member Reis. The motion passed unanimously (5-0), and the April 29, 2019 Planning Commission meeting was adjourned at 8:54 p.m.