

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
JUNE 24, 2019**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 24, 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, Mark Lynch, Marvin Reed, Erich Reinhardt, and Peter Reis.

MEMBERS EXCUSED: Mary Alice Divine.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Bruce Anderson, Sheila Faulkner, Rich Farrell, Steve King, Kim Koeppen, Corinna Morse, Lynn Dierking, David McCullough, Grace McNamara, Jean Bartolla, Jason Navarro, James Milanovich, Stephanie Parsons, Lourdes & Eustolio Benavides, Peter & Mary Gove, Bill Swanson, Don Murzyn, Scott Golden, Mike Niven, Bill Maass, Bonnie Stewart, Brian Hanson, Dave Chapman, Sheila Faulkner, and Gary Schultz.

2. APPROVAL OF THE JUNE 24, 2019 AGENDA:

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

3. APPROVAL OF THE MAY 20, 2019 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 19-4-V:** A request by **Kim Koeppen** for a 25-foot variance from the 30-foot setback from the rear property line, per Code Section 1303.060, Subd.5.c.3 in order to build a home addition five feet from the east property line for the property located at 2291 9th Street.

Crosby discussed the case. Staff recommended approval of the request as a smaller addition to maintain a 30-foot side yard setback, along the north property line.

Member Berry asked if alternative locations were considered for the art room, especially since all the open space is on the west side of the property. Crosby replied that staff did not research it extensively, but the best alternative would be a detached shed-like structure.

Member Reed inquired as to whether a detached structure could be closer than 30 feet to the rear property line. Crosby confirmed it could.

Member Reis wondered if staff knew of any rationale for how the alleys in the old White Bear neighborhood came to be. Kane mentioned railroad right of ways affected some alleyways, but she had no specific knowledge of why some blocks have alleys and others do not.

Member Lynch noted he would like to hear the applicant's rationale behind attached and detached space.

Member Reed asked if staff discussed the recommended size reduction with the applicant. Crosby replied she had implied as much at the time of application.

Reed opened the public hearing.

Kim Koeppen, applicant. She explained that the house was built in 1959, with the 13-foot setback from the rear alley, so the variance request is not for 25 feet, but eight feet. She described how she has constantly been told by the City that Morehead Avenue is her front yard and the alley is the backyard. She is disheartened by the fact that staff is now calling the north side her rear yard.

She demonstrated the effect of the addition on the property with some photos. She argued that the proposed reduction in size will not fit the crafting furniture she already owns and will not be able to accommodate a number of people. She does not understand how a detached shed would be a better use of land if it can be up to 455 square feet in size. She wants 299 square feet. She believes she meets the conditions laid out for approving a variance.

Member Reinhardt asked where the art material is currently being utilized. Ms. Koeppen explained it is stored throughout the house.

Member Reed clarified the different setbacks for attached and detached structures, noting that staff is doing their best to adhere to the code. Crosby explained that in trying to think through the logic of the proposed request, staff tried to justify the variance by maintaining two open yards. Calling the side the rear yard does not technically make it the rear yard.

Kane stated the code is very specific in defining yards. The request to maintain a 30 foot setback from the north side was a desire to be consistent with other lots. Member Reinhardt iterated that staff is not trying to change the code, just work with the applicant to make the variance more approvable. Crosby confirmed, adding that staff is also trying to be consistent with past variances.

In response to Member Lynch, Crosby stated the side yard setback for a principal structure is ten feet.

Member Berry noted that the existing house is situated all in one corner. With the proposal of building the art room five feet from the alley, the applicant is cramming even more into the area. He asked if there was ever discussion of putting it parallel to the garage and how snow removal in the alley impacted her property. Ms. Koeppen replied that she chose the proposed location of the addition because she is trying to preserve her yard and wants an attached art room. She added that the snow ends up in the neighbors' yard and along her fence.

Member Reis thought it illogical that a detached structure could be larger than what the applicant is proposing.

Corinna Morse, 2291 4th Street, supports the applicant's request. If the City will not grant the variance, a precedent will be set for building additional detached structures that the neighborhood does not want.

Kane noted the zoning code is not a subjective matter and staff's recommendation is based on trying to work within the confines of the code.

Member Baltzer opined that the variance is not a bad idea since it abuts an alley and not a full street. It is only 8 feet and not all that much different from what is existing. He plans to support the full variance.

Member Reis concurred and asked staff to clarify what the recommendation of approval would be. Crosby stated that condition four would be reworded to remove the requirement that the addition must be 30 feet from the north property line.

Member Lynch detailed how one of the functions of the Planning Commission is to think long term. He expressed concern for what would happen if the applicant sold the home and a new owner did not take care of the property, if the reason for the variance was to maintain the beauty of the yard. He believes the applicant meets the criteria for variance approval, except that which requires the minimal variance. However, he was persuaded by her arguments to support the request.

Member Berry stated that the house setback is allowed due to its age, but the addition is changing that which is grandfathered in. A detached building has its own setbacks. As an attached structure, this addition should abide by the setbacks required for principal structures.

In reference to a condition of a previous lot recombination, Member Reed asked if the intent is to mitigate the excessive impervious surface on the property to the north with this project. Crosby responded that it will be mitigated for when a project is proposed on that northern lot.

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

Member Reis moved to recommend approval of Case No. 19-4-V with a rewording of condition four to allow for the requested addition size. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- B. **Case No. 19-3-CUP & 19-5-V:** A request by **Richard Farrell** for a 25 foot variance from the 40 foot rear yard setback, and a 7.2 foot variance from the 35 foot setback from a side abutting a public right-of-way, both per Code Section 1303.040, Subd.5.c, in order to locate the house 15 feet from the north property line and 27.83 feet from the west property line, and a conditional use permit for three curb cuts, per Code Section 1302.050, Subd.4.h.9, for the property located at 4763 Lake Avenue.

Crosby discussed the case. Staff recommended approval of the variances subject to a number of conditions and denial of the CUP. Among the conditions was a recommendation that the height of the garage be limited.

Member Reed clarified that lowering the roof would make the bonus room unavailable. Crosby confirmed that staff is recommending removal of the living space above the garage.

Member Reis did not think there were any dual curb cuts north of the subject site and that those to the south are over 100 years old. Crosby confirmed that no circular curb cuts have been approved in recent history with a caveat that second curb cuts have been approved along high-speed arterial roads, like County Road E, where backing out of the driveway is dangerous.

Member Lynch sought an explanation for reasoning behind the 27-foot setback along the west property line. Crosby explained that the front setback is an average of the neighbors and the applicant is applying that same principle to the side yard along Johnson. Member Lynch conveyed that since this proposal is along the lake, views should be preserved, and the lake protected, so the side yard setback should be 35 feet. As it is a special place, parking cars along Lake Avenue should be avoided.

Reed opened the public hearing.

Bill Maass, 4780 Johnson Avenue, has lived north of the lot for the past five years. He wants to preserve the extraordinary views of the lake, but the garage will eliminate approximately 10 to 15 percent of their view. He questioned if the curb cut of the original driveway, which is partially shared with his own driveway, will be removed. He indicated that the out building is in poor shape and he would be happy to see it disappear.

Rich Farrell, applicant, he would like to be neighborly and reasonable. He has worked with Ms. Crosby to make a reasonable footprint. He wants to figure out what he can do before fully designing the home. The family is looking to make this their forever home. He is okay with losing the curb cut along Lake Avenue.

Member Berry asked if the applicant would be ok with not having a bonus room. Mr. Farrell reported that in a perfect world he would want the space above the garage, but realizes he would upset neighbors if he blocked anyone's view. He wants something with architectural value and character.

Mr. Farrell clarified for Member Lynch that he wants the curb cut off Johnson Avenue as his one allowed driveway.

Member Reed asked a series of questions regarding alternative designs of the garage, including the use of dormers or a stairway in the garage. He wondered if the applicant is in agreement with staff's recommendation to lower the roof. Mr. Farrell replied that they wanted to be able to use the space above the garage and that he would prefer a 26 foot height allowance rather than 22 feet to allow changes to roof pitch and whatnot.

Bill Swanson, 2309 Fourth Street, explained how he has fourteen windows along Johnson Avenue. One used to be able to see Manitou Island from his house. He can see into Matoska Park and along the bike trail, but this proposal will almost completely block his view. He thinks keeping the garage to 22 feet may retain some of the view of Matoska. He suggested that the bonus room not be approved and that since there is a lot of pedestrian traffic along Fourth Street, the extra curb cuts be denied as well.

Peter Gove, 4799 Johnson Avenue, has lived in his home for three years. He has views of the lake both down Fifth Street and Johnson Avenue, but will lose some of the view from the family's four-season porch with this development. He appreciates that Mr. Farrell reached out to some of the neighbors regarding the project. He thinks most of the neighbors knew a new house would be coming at some point. He is supportive of staff's recommendation to lower the roof.

Reed then closed the public hearing.

Member Reinhardt stated that staff's recommendations appear reasonable.

Member Baltzer noted there is a history of blocking views along the lake. He also lost a view. He urged residents to consider how their own homes have blocked a neighbor's view. It is sometimes hard to accept, but change happens.

Member Reis stated he is a neighbor of the applicant, but will not lose his lake view, so will not abstain from the vote.

Member Lynch asked if the existing driveway would be removed. Crosby explained that removal of the existing curb cut would be a condition at the time the building permit is issued. Member Lynch continued that variances are granted to alleviate a hardship on the property and should be the minimal variance needed. He wants the minimal variance as he does not want that hardship passed on to other people, which is why he supports a 35 foot setback from Johnson Avenue and a 22 foot height for the garage. As such, he will vote against any proposal that does not recommend a 35 foot setback along Johnson.

Member Reis moved to recommend approval of Case No. 19-5-V with staff's recommendations and disapproval of 19-3-CUP. Member Berry seconded the motion. The motion passed by a vote of 5-1. Member Lynch dissented.

- C. **Case No. 19-2-Z:** A request by **Paul Bruggeman** for a rezoning from R-3 "Single Family Residential" to R-6 "Medium Density Residential", per Code Section 1301.040 for the portion of the property north of County Road D at 2687 County Road D.

Miller discussed the case. Staff recommended approval.

Member Berry asked if the townhomes to the east were zoned single family at the time of construction and what the density was. Miller confirmed the area is zoned R-3 “Single Family” and the townhomes were approved as a Planned Unit Development. Kane estimated the density to be approximately three to four units per acre. She explained that the zoning could remain R-3 and then go through the PUD process, but the developer is looking for a project that can be built by right rather than go through that process.

Reed opened the public hearing.

Gary Schultz, 3151 Hidden Lake Point, Chairman and President of White Bear Commons Townhome Association. He read a statement in opposition to the proposal that explained how medium density fails to take into account the natural features of the land such as the topography, the wetland and the trees. He measured 62 feet from the west boundary of his property to the edge of the water, 125 feet from 3149 Hidden Lake Point, and 200 from 3147 Hidden Lake Point. By his estimation, the natural features along with the setbacks leave little room for even two units. He felt that any development would reduce their property values and pleaded the Commission to recommend nothing denser than twin homes if any change at all is approved.

Kane pointed out that the existing comprehensive plan and the proposed comprehensive plan have both guided the parcel for medium density residential, meaning this has been the vision for the area since at least 2008. She further explained that the developer will engage in necessary analysis such as slope studies, wetland delineation and tree survey after the rezoning is approved. She surmised that any construction would be closer to the road, providing a large wetland buffer and shorter utility connections and driveways.

Member Berry asked if the townhome association ever considered purchasing the lot. Mr. Schultz replied they have not.

Jim Milanovich, 3162 Hidden Lake Point. He would like to see more law enforcement in relation to speeds in that area. When travelling eastbound, making a right-hand turn at Century is delayed if someone wants to go straight across Century Avenue. He described how the Fed Ex trucks use the gas station property as a way to avoid the backups. More vehicles in the area will exacerbate the problems. He wondered what the area was guided for in 2004 when his unit was built.

Mary, Real Estate Masters, she helped the current owners of 3147 Hidden Lake Point purchase the property two years ago. Their property value will decrease if the woods are removed or if the new development is not up to the standards of the existing development. She does not understand why the City would rezone the property with no proposal.

Kane explained that building setbacks would be larger with a multi-family designation than with a single-family designation, preserving more space between the properties. She noted that since the subject property has been guided for multi-family since at least 2008, inquiries to the City would have revealed the possibility of higher density development on the site.

Old owner of 3147 Hidden Lake Point, now lives at the end. She finds it hard to envision the site being suitable for building. Any development would cause a lot of destruction and be stressful for the residents of White Bear Commons.

Sheila Faulkner, 2680 Sumac Ridge, She has lived in Bruggeman homes since 1978. She provided a history of the development in this area, including the negative impact it has had on the environment. The stream was dammed and the wetlands filled in in order to build. She and other residents created the group "SOLVE", Save Our Lakewood Village Environment, when the apartments were proposed. The trees are mature and gorgeous and it would be a shame to have them removed.

Stephanie Parsons, 3162 Hidden Lake Point Drive. She has concerns about impact to the wetland and the increased traffic on County Road D.

Michael Niven, 2687 County Road D. He provided proof that he is the executor of his late father's estate. He described how the surrounding development has diminished the land. His father planted all the trees that the neighbors are now concerned about losing. He reminded the Commission that the area was very different when his family moved in before the freeway was built. Over the years, development has brought townhomes and apartments, drastically changing the landscape. No one protected his father's land then. Now that he wants to sell his land and develop it in the same way as others have been allowed to do, everyone is objecting.

Member Lynch asked if Mr. Bruggeman is purchasing the entire property, including the part south of County Road D. Mr. Niven confirmed he is, but was unsure of Mr. Bruggeman's plans, other than removal of the house.

Dave McCollough, representing Paul Bruggeman, asked the Commission to endorse staff's recommendation.

Kane reported that staff has had conversations with the applicant about constructing a small office building on the south side of County Road D.

Dave Chapman, 3149 Hidden Lake Point Drive, asked at what point the analysis of what can be built occurs and if the association would be further noticed at that time. Kane responded that it is not until someone has an interest in and right to develop a property that such a level of analysis happens. She explained notices would only go out if variances to the code are requested. She offered to draw-up the setback requirements so the neighbors can visualize the buildable area of the lot.

Jean Bartolla, 3161 Hidden Lake Point Drive, purchased in 2004. The beauty of the neighboring lot is why they purchased this townhome.

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

Member Reinhardt asked if the lot could be combined with the lot to the west, since it seems relatively unbuildable. Kane replied that has not been a part of the conversation and is unsure if the apartment has any excess land to give the subject parcel.

Member Berry agreed that it appears there is little room for development on the lot; however, the only way to preserve what is there is to purchase it. Barring that, the rezoning with the increased setback requirements is probably in the best interest of the neighbors.

Member Lynch commented that the zoning code provides the maximum density, but it does not guarantee that is what will be built. He believes that the property will be developed one way or another.

Member Baltzer moved to recommend approval of Case No. 19-2-Z. Member Reinhardt seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of June 11, 2019.

Member Lynch complimented Kara Coustry on the City Council minutes, noting it was a job well done.

B. Park Advisory Commission Meeting Minutes of April 18, 2019.

No discussion

6. ADJOURNMENT:

Member Baltzer moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the June 24, 2019 Planning Commission meeting was adjourned at 9:35 p.m.