

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
OCTOBER 28, 2019**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, October 28, 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 Ken Baltzer.

**1. CALL TO ORDER/ROLL CALL:**

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

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Ron Folgor, Donovan Kostron, Heidi Holste, Dave Keller, Anthony & Jennifer Lightfoot, Wendy Lulavy, Ryan Eckdahl, Eric Bacon, Jon Skoog, Dave Chapman, Jerry Dressen, Beth Hill, Karl Johnson, Stacie Moore, Doug Hill, Ben Haster, Dave Haster, B.F. Myers, Dale Grambush, Dave Larrive, Gary Schulz, and Howard Lee.

**2. APPROVAL OF THE OCTOBER 28, 2019 AGENDA:**

Member Lynch moved for approval of the agenda, adding elections for chair and vice chair under discussion as item 5.C. Member Reis seconded the motion, and the agenda was approved (5-0).

**3. APPROVAL OF THE SEPTEMBER 30, 2019 PLANNING COMMISSION MEETING MINUTES:**

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

**4. CASE ITEMS:**

A. **Case No. 19-2-LS:** A request by the **Lightfoot and Larrive Families** for a recombination subdivision to convey 4,206 square feet of land from 4701 Bald Eagle Avenue to 1985 Birch Lake Avenue, per Code Section 1407.040.

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

Member Lynch commented on how great it is that neighbors can work together.

Anthony Lightfoot, applicant, 1985 Birch Lake, he and his family are grateful to their neighbors for offering them the opportunity to expand their property. With grandma and ice cream so close to the house, they are happy they will be able to stay in the neighborhood.

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

- B. **Case No. 19-9-V:** A request by **Bruggeman Builders LLC** for a five foot variance from the 15 foot side yard setback requirement, per Code Section 1303.080, Subd.5.c.2.b, in order to build a triplex 10 feet from the west property line on the portion of the property located north of County Road D at 2687 County Road D.

Kane discussed the case. Staff recommended approval with a number of conditions laid out in the staff report.

In response to a question from Member Divine regarding driveways, Kane reported that each unit will have a separate twenty foot wide driveway accessing County Road D.

Member Reis asked how the wetland boundary is determined. Kane explained it is the Ordinary High Water Level (OHWL).

Member Lynch wondered if anything could be built on the property to the west. Kane stated that easements prohibit development of the area.

Member Baltzer opened the public hearing.

Gary Schultz, 3151 Hidden Lake Pointe Drive, he commented that the site is just a little piece of land with not enough room for a quad or a triplex. The setback requirements are there to protect surrounding neighbors. He has been told that the triplex will reduce home values by possibly 20 thousand dollars, which will hurt him significantly. He is not opposed to a duplex on the site, but higher density homes are west of the lake, not on the east. He asked the Planning Commission to deny the variance.

Dave Chapman, 3149 Hidden Lake Pointe Drive, he stated that one of the fundamental assumptions that staff bases their recommendation of approval on is that the neighbors will not be affected. Their homes will lose value. He thought when the property was rezoned, a fifteen-foot setback was guaranteed. Kane replied that monetary value is not the only aspect staff looks at when determining effect on neighbors. She added that by right four to six multiple family units would be allowed here, and a fifteen foot setback was only for anything larger than a duplex.

Chapman conveyed that there are probably over one hundred trees greater than four inches that will be lost with the construction of this building. He bought his townhome for the view. This will have an adverse effect on the surrounding properties in terms of money and greenery.

Member Lynch clarified that the variance request was on the west and asked if fifteen feet would be required if it was denied. Kane confirmed fifteen feet is the setback for triplexes, but the applicant could build a duplex, which only requires a ten-foot setback.

Paul Bruggeman, applicant, he suggested that the density of his project is probably less than at the neighboring Hidden Lake Pointe and that those townhomes only exist because variances were granted for the side and rear yards. He is preserving the space by maintaining a fifteen-foot

setback on the east side. He does not know why a triplex would reduce home values and thinks this project will benefit the neighborhood.

Member Baltzer closed the public hearing.

Member Divine stated that she does not like the garage doors across the front. She wondered how far the building is from the curb and if there will be landscaping. Kane explained that side loading is not an option because of the width of the lot and that there will be landscaping based on the number of trees that will need to be replaced.

Member Berry asked if the Hidden Lake Pointe development was granted variances. Kane gave a history of the Planned Unit Development that was approved in 2001 and included flexibility from the code for rear and side yard setbacks.

Member Reis questioned what condition four regarding tree preservation entails. Kane explained that tree preservation requirements are very specific, so staff does not have discretion in the review. She provided the commissioners with the required replacement values.

Member Lynch asked how far back the trees will be removed. Kane pointed on a map roughly how far back the building will be and confirmed that the construction will not clear-cut all the trees on the property. Member Lynch added that he originally thought the proposed construction was going to be a lot denser than a triplex. He indicated that he is leaning towards voting for approval of the variance.

Member Baltzer remarked that the property does not belong to the townhomes, so they cannot dictate the development that occurs on it. He noted that if the association wanted it to stay the same, they should have bought the land. He agrees with Member Lynch that there could be a lot more on this property.

Member Lynch moved to recommend approval of Case No. 19-9-V. Member Reis seconded the motion. The motion passed by a vote of 4-1. Member Berry opposed.

- C. **Case No. 19-6-Z & 19-5-CUP:** A request by **Lotus Recovery** for a text amendment to Code Section 1302.140, "Day Care and Group Care Facilities" to allow a Group Care Facility with more than six, but not more than sixteen individuals, as a Conditional Use in residential zoning districts, and a Conditional Use Permit, per the amended code, to operate a 16-bed residential treatment center for chemically dependent individuals at the property located at 3561 White Bear Avenue.

Crosby discussed the case. Staff recommended approval of the text amendment and approval of the conditional use permit with a number of conditions laid out in the staff report. She noted that a condition will be added between now and the City Council meeting that the fence needs to be replaced.

Member Divine asked who would enforce the rules and if there is a state agency that has oversight of treatment centers. Crosby replied that the Department of Human Services (DHS) regulates group homes, but does not enforce local regulations. A number of staff members will be in charge of enforcing the conditions.

Member Divine sought clarification on whether the text amendment and conditional use permit are together. Crosby explained that because the rezoning requires two readings, the conditional use permit will have to wait another month to be heard by the City Council.

Member Berry commented that when the residence was being used in 2013, there were issues with vehicle overcrowding. He asked if the residents would be allowed vehicles. The road has one way in, one way out access, which will increase congestion. He also wondered why sixteen was the chosen number of people for the text amendment and if it is solely based on economies of scale. Crosby confirmed that only staff and visitors, not residents, will have vehicles on site.

Member Lynch asked for a definition of major collector roads and if the reported calls at the other treatment centers are only police. Crosby could not provide an exact definition for road classifications, but offered to find a map of the road designations and that the call count included police, fire and EMS.

Member Lynch followed up with the question of whether staff would separate out police calls. Crosby confirmed they would and read the definition for which calls would count towards the three-strike rental license policy. Member Lynch then asked about overflow parking. Crosby replied that, as proposed, the parking is sufficient, but staff is trying to foresee issues and find alternatives if parking becomes problematic.

Member Lynch noted that he had questions he hoped the applicants would address relating to resident travel and the nature of voluntary admittance to the program.

Member Baltzer opened the public hearing.

Ryan Eckdahl and Eric Bacon, applicants, Lotus Recovery, they expressed appreciation for staff's and the Planning Commission's time. Eckdahl described how they have founded or launched eight agencies in relation to this population. They are working to respond to misconceptions surrounding addiction. He stated that residents will be voluntary, be qualified for residential treatment and have no sexual offenses. The organization will conduct a background check on all potential residents and will reserve the right to deny people. There will be 24-hour supervision of the facility and transportation will be provided for all activities that occur outside of the home. No one, resident or visitor, can enter or exit without first talking to staff. Eckdahl commented that everyone is on a journey to bring freedom to themselves. It is in their interest to continue and move out of this facility.

Bacon reiterated that there will be no mandated clientele. He broke down the daily routine stating that the clinical hours will be from 9 am to 5 pm, dinner from 5 to 6 pm, activities from 6 to 8 pm, quiet time from 8 to 9 pm and then down time at 10:30 pm. He assured that in response to neighbor concerns, loud noises in the back yard would not be permitted.

Bacon noted that they have reached out to other residential treatment centers to see how their communities have been affected. They reported minimal issues. He cited that four to five hundred thousand people in Minnesota have been affected by addiction and Lotus Recovery is just trying to help.

Member Lynch asked what kind of addiction they will treat and how long the program will be. Bacon stated that treatment will be for both alcohol and drugs and that it will be a 90-day program or whenever the resident opts to leave.

John Skoog, 3695 County Road 11, Independence, stated that he has worked with Lotus Recovery in the past and they are great and make the process easy with their communication skills. This epidemic needs to be addressed and this population needs someone to speak up for them, which is why he supports the request.

Heidi Holste, Executive Director of Northeast Residence, 2539 County Road E East, she explained that her organization is the current owner of the property, but due to changes in state legislation, they can no longer use the property for their program. The organization has operated twenty-nine programs, many of which are in White Bear Lake. She described how they used to operate a day program for nine individuals in the proposed recovery center. She stated that when they ran the program, parking was often an issue because parents were dropping off and picking up at the same time of day, which is not the case for Lotus Recovery. She also admitted that the garage was used for storage rather than parking.

Holste commented on the size of the house and that she is very pleased that someone has come forward since her organization cannot use the property. She expressed concern about the policy on number of police calls, as she would not want to tell staff to limit the number of phone calls. Things happens and sometimes the police are required to come. Finally, she stated that she knows a number of people who have benefitted from treatment programs, which are in short supply, so she supports the proposal.

Doug Hill, 3564 Jerry Street, he stated that the applicants paint a rosy picture of treatment, when in reality, it is not a good place. In his experience, residential treatment centers are a place of drug deals, prostitution, assault and fighting. These places are not safe. He stated that he will not be able to continue living in his home with his son if the treatment center is allowed.

Beth Hill, 3564 Jerry Street, expressed concern that there will be parties in the backyard, and that the residents will gather to smoke, which is unacceptable for her family. The fence will not be enough to keep people from looking into her house. She does not think a treatment center should be in a residential area. She provided a copy of a petition from surrounding neighbors that are all against the proposed recovery center. She indicated they would have collected more signatures if they had more time.

Karl Johnson, 3550 Jerry Street, spoke on how this house is three times bigger than anything else in the neighborhood. It has been snowballing due to the number of conditional use permits and variances the City Council has granted over the years. Because of this, the building has a limited use. He asked if the conditional use permit would go away if the text amendment were denied. Member Baltzer confirmed that was true.

Don Kostron, representing his mother at 3576 Jerry Street, pointed out that there is a liquor store right next door. He finds sixteen to be a lot of people for one home. He described how the recovery center residents are going to want to leave the property, which means they will be walking around the neighborhood. This facility will bring more people, traffic, and foot traffic to the area. Even if the center is run perfectly, the impression of the center will have a negative impact on the neighborhood.

Wendy Lulavy, 2000 County Road E, owner, she described that she is empathetic, but there are many issues that come with this clientele. People falter and she does not want to dangle the liquor store in front of the residents. There is currently a large vacant space in the shopping center, and the treatment center will impact her ability to find someone willing to lease it. She stated that parking has always been an issue and that the shopping center has not and will not allow overflow parking from the house. The spaces are there for her customers and they need to be used in that capacity. She is concerned about safety and believes that residential neighborhoods are not the appropriate place for treatment centers.

Howard Lee, 3551 White Bear Avenue, has lived in his home since 1971. He explained that a lot of people on the block have lived in their homes for many years and are getting older. He had a number of questions about the program, including what the recovery program entailed, what is meant by the term voluntary, what mental state the residents would be in when they entered the program, what the reasoning was for the increase from nine to sixteen residents, if it would be all men, whether they would be local, and how the staff would be comprised. He is concerned with safety, thinks that fights will break out, and that traffic will be an issue since it is on a busy road. The treatment center does not fit in the neighborhood.

Ron Folgor, representing mother-in-law, 3563 Jerry Street, who has lived in her home since 1947. He referenced a statistic that sixty percent of all drug addicts fail thirty days after treatment. He does not want addicts around his mother-in-law and is concerned that they may break into the neighboring homes for drugs. The treatment facility will lower the property values in the neighborhood. He stated that voluntary is basically mandated by the court when the judge offers a choice between jail and treatment. He wondered if profits were the motivation for the number of beds and felt that the owners would be the only ones benefitting from this.

Dale Grambush, 2415 Gisella Boulevard, he is concerned whenever the city puts a text amendment with a request tied to a property. He thinks that the text amendment is a big change. He does not like the idea of changing the code for one property, since there are not many homes in the city with the number of bedrooms that would be required for sixteen residents. He stated that he does not think the parking standards are sufficient. The text amendment should include parking requirements for group care facilities, so there is a standard for all proposals.

Grambush mentioned the one-mile standard for similar residences. He stated that, based on the wording of the proposed text amendment, because there is another chemical dependency facility within one mile of the property, this facility would not be allowed. He explained that realtors would probably report that this facility would limit the pool of buyers, which will lower property values. He thinks the text amendment will alter the character of the city.

Dave Haster, 3558 Jerry Street, noted that his neighbors made valid points. He thinks the Planning Commission will be doing a great disservice to the neighborhood and to the people in the facility who will experience overcrowding if they recommend approval the request.

Member Baltzer requested that the applicants answer some of the Planning Commissioners questions.

Member Divine asked the applicants if they are for or nonprofit and what their history is with recovery. They are for-profit, so they pay taxes. Bacon stated he has over 20 years of experience

with this population working in different treatment centers, is a licensed counselor, and has worked with the State of Minnesota reviewing other treatment programs. Eckdahl explained that he cofounded a program in Hennepin County and founded one in Ramsey County working with the homeless population.

Member Divine asked where they anticipate most of their residents will come from and whether they would have access to cell phones once admitted to the program. Bacon replied that they would most likely be referrals from Ramsey County Chemical Health Department or other social service agency and that cell phones would not be allowed.

Member Berry asked how many facilities of this size the applicants have owned or operated in the past. Eckdahl responded that they only have the sixteen person outpatient facility in Saint Paul.

Member Reis asked if residents would be allowed to go for a walk in the neighborhood. Bacon explained that staff would bring them to a park and they would always be supervised. Member Reis then asked if residents leave without supervision, do they exit the program. Bacon confirmed that is the policy.

Member Lynch asked about the process of recovery. Bacon replied that recovery is getting back to a healthy state of being, free of drugs and alcohol. The center will provide education on addiction, therapy, and relapse prevention. He posited that there will always be troubled people, regardless of the treatment center being there or not. There are over 50 residential treatment centers in Minnesota. The proximity of the liquor store should not affect where the treatment center is allowed, because an alcoholic is going to drink if they want, regardless of location.

Eckdahl added that the program will not utilize a single model; rather it will be tailored to the individual.

Member Lynch asked if they believe they will be at full capacity all of the time and what the staff make up would be. Bacon suggested that ten residents would probably be the average and that they would have a nurse and two mental health professionals available for the residents.

Member Lynch then asked how guest parking would be handled since there are only six parking stalls for staff and if residents would be allowed to walk to the convenience store. Eckdahl replied that guests will be required to pre-register, so they can track the number of people coming. He acknowledged that they may need to decline visitors on any given day and schedule them for the next available visitation time. Bacon added that residents would be driven to the store if they needed, but not allowed to walk there.

Howard Lee asked how conditions will be monitored besides looking at the police and fire calls. Member Baltzer explained that the workers at the treatment center would be in charge 24 hours of the day.

Member Baltzer closed the public hearing.

Member Baltzer asked which parts of the house the applicants are proposing to remodel and if there are windows in each of the bedrooms. Crosby replied that they are adding one bedroom and a bathroom and the building official would have noted if there were not enough windows.

Member Lynch suggested that the text amendment and conditional use permit should be separate. He thinks people should be given the chance to be in the forty percent success rate and is more worried about the people who are not in recovery yet. He does not know if this is the right location for a treatment center and thinks the text amendment could use reworking.

Member Divine stated this is a difficult discussion since we all want recovery. She has looked at the building, and she is not sure if that is the right use of the property. She thinks sixteen people is too many. She would not want to be in the neighborhood with sixteen people in a recovery house.

Member Berry prefaced that he respects what the applicants are doing, as he has personal experience surrounding addiction with family. He has found that the smaller centers seem to work better for addiction. He does not support the text amendment. He thinks it will negatively affect too many areas of the city and agrees sixteen people is too many.

Member Reis commented that he is concerned with the proposed number of people. He thinks sixteen people may be too many, but he does not know what the number should be. Facilities like this are needed, but not in a solely residential area. White Bear Avenue is busy, so is a good buffer, but he would feel better if the proposal was for a halfway house where people have already completed treatment.

Member Lynch remarked that he would like to send the text amendment back to staff to do more research.

Member Reis moved to recommend disapproval of Case No. 19-6-Z & 19-5-CUP. Member Divine seconded the motion. The motion passed by a vote of 5-0.

- D. **Case No. 19-7-Z: A City-initiated** text amendment to Sign Code Section 1202.040, Subd.2, to allow Drive-Thru Signs to utilize dynamic display style sign faces.

Kane discussed the case. Staff recommended approval of the text amendment.

Member Divine asked how this would affect the downtown business district. Kane replied that menu boards are specifically prohibited in the B-5: Central Business District.

Member Berry asked why the signs do not have to meet the dynamic display criteria regarding resolution. Kane replied that it is a different technology. The signs do not use the large pixels, rather they will be LED.

Member Lynch asked if animation would be allowed. Kane answered no, they will only change once per day for the breakfast and dinner menus.

Member Baltzer opened the public hearing.

Dale Grambush, Downtown Business Group, he noted that when the group looked at trying to install dynamic display, they were not allowed to use 100 percent of the space of the sign. He questioned why static space is required and asked if all monument signs could be held to the same standard as menu boards. Kane described how the downtown area sign is meant to promote sales,



while menu boards are meant to give detailed information about nutrition and pricing. The City will be looking at allowing offsite signs in the future.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 19-7-Z. Member Reis seconded the motion. The motion passed by a vote of 5-0.

**5. DISCUSSION ITEMS:**

**A.** City Council Meeting Minutes of October 8, 2019.

No discussion

**B.** Park Advisory Commission Meeting Minutes of August 15, 2019.

No discussion

**C.** Election of Chair and Vice-Chair.

Member Reis moved to nominate Ken Baltzer as chair, seconded by Member Lynch. Member Baltzer accepted the nomination and the vote was unanimous. Member Berry moved to nominate Mary Alice Divine as vice-chair, seconded by Member Reis. Member Divine accepted the nomination and the vote was unanimous.

**6. ADJOURNMENT:**

Member Reis moved to adjourn, seconded by Member Lynch. The motion passed unanimously (5-0), and the October 28, 2019 Planning Commission meeting was adjourned at 9:30 p.m.