

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
NOVEMBER 25, 2019**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, November 25, 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, Pamela Enz, Mark Lynch, Erich Reinhardt, and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Richard Farrell.

2. APPROVAL OF THE NOVEMBER 25, 2019 AGENDA:

Community Development Director Kane asked to add Vice-Chair elections as item 5.C under the discussion section.

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

3. APPROVAL OF THE OCTOBER 28, 2019 PLANNING COMMISSION MEETING MINUTES:

Member Berry moved for approval of the minutes. Member Reis seconded the motion, and the minutes were approved (6-0). Enz abstained.

4. CASE ITEMS:

A. **Case No. 19-11-V:** A request by **Richard Farrell** for a 1'4" variance from the 2-foot maximum width for an eave, per Code Section 1302.040, Subd.4.a.1, in order to allow the roof overhang to encroach into the required setback at the property located at 4763 Lake Avenue.

Crosby discussed the case. Staff recommended approval of the request with standard conditions.

Member Lynch wondered how this variance differed from what was previously granted. Crosby pointed to the areas of the house that were granted setback variances before, which did not include the proposed eaves. Member Lynch then asked why eaves do not have to meet setback requirements and noted that he was against the original variance because of how it would block

the views of neighbors. Crosby explained that the zoning code allows decorative elements, including chimneys, bay windows, and eaves, to encroach up to two feet into the setback.

Member Baltzer opened the public hearing. As no one spoke, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 19-11-V. Member Reinhardt seconded the motion. The motion passed by a vote of 6-1. Member Lynch opposed.

- B. **Case No. 19-9-Z: A City-Initiated** text amendment to Zoning Code Section 1303.230, Subd.5.c “Stairways, Lifts, and Landings” to clarify that only one stairway down to a waterbody is permitted per property.

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

Member Reinhardt asked if two docks could come down from one stairway. Crosby replied that the conservation district regulates dock density, so the City cannot limit the number allowed per property. Kane added that the conservation district limits docks based on how much of the lake is covered, so the number of docks on a residential property could be limited.

In response to Member Divine’s inquiries, Kane noted that the conservation district has a permitting process if the allowable residential dock standards are exceeded and that the City requires a permit for the construction of all stairways.

Member Reis commented that this is a good proactive move.

Member Enz wondered if lifts would count towards the one stairway. Crosby replied that a staircase would not disallow a lift from being installed. Kane supplemented that some clarifying language could be added to the text amendment to differentiate lifts from stairs.

Member Lynch asked if the one stairway applied to large properties. Crosby confirmed only one stairway is allowed to lead to the waterbody, but it can follow the topography and need not be a straight path.

Member Lynch then expressed concern that the limit could incentivize “goat paths”, i.e. numerous foot trails, leading to issues of erosion. Crosby described how this will only regulate properties with steep inclines. Flat properties that do not need stairs to access the water will not be affected.

Member Baltzer opened the public hearing. As no one spoke, Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 19-9-Z. Member Reis seconded the motion. The motion passed by a vote of 7-0.

- C. **Case No. 19-10-Z: A City-initiated** text amendment to Zoning Code Section 1303.230, Subd.7 “Shoreland Alterations” to create parameters for the use of riprap and reiterate the limitation that retaining walls not exceed four (4) feet in height.

Crosby discussed the case. Staff recommended tabling the text amendment to the next Planning Commission meeting to allow for proper notification of the whole text amendment.

Member Reis asked if staff has looked at making the distinction between nonnative and native plantings, since some things, like purple loosestrife, are bad to introduce. Crosby replied that it was a great idea. Member Reis suggested contacting the Department of Natural Resources (DNR) to verify if they have any oversight on plantings.

Member Lynch asked if there was a way to put language into the text amendment regarding maintaining what is there to preserve the shore as opposed to trying to bring every property into compliance. Crosby stated that the engineering department will have a lot of input on what gets approved and will not allow alterations that will cause great damage.

Member Divine asked about the use of the term “recommend” when discussing the type of rocks and plants used along the shoreline in staff’s report. Crosby clarified the actual text amendment requires the smaller rocks and plants.

Member Baltzer asked if the City is in conflict with the DNR regulation of 30-inch riprap. Crosby explained that the City is able to make rules that are stricter than state rules.

Member Enz asked if the phrase “approved native species” could be added to the text amendment, since homeowners may think something is native when it is actually harmful. Crosby affirmed that could be done, but added that the City’s Environmental Specialist would be involved in approving the plant list of each permit issued.

Member Berry moved to table Case No. 19-10-Z until the January 27, 2020 Planning Commission meeting. Member Reis seconded the motion. The motion passed by a vote of 7-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of November 12, 2019.

Member Divine asked if the recovery center applicants would be returning with a new application. Kane briefed that the City Council vote was 3 to 1 denying the proposal, with many of the same concerns regarding the number of residents echoed by those in attendance. She informed the Commissioners that staff will be meeting with the applicants to discuss potentially reducing the scale of the proposal and a revised application is anticipated.

Member Lynch requested that staff include a discussion surrounding the parking availability when the next application comes forward because he thinks the schedule worked out in the previous application will still lead to issues.

B. Park Advisory Commission Meeting Minutes of September 19, 2019.

No discussion

C. Vice-Chair Election.

Member Baltzer reported that this meeting would be Member Divine’s last on the Planning Commission. He opened nominations for her replacement as Vice-Chair. Member Reinhardt nominated Member Lynch, Member Divine seconded. Vote was unanimous.

6. ADJOURNMENT:

Member Lynch moved to adjourn, seconded by Member Reis. The motion passed unanimously (7-0), and the November 25, 2019 Planning Commission meeting was adjourned at 7:35 p.m.