



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 9, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steve Engstran, Dan Jones and Bill Walsh. Councilmember Hughes joined the meeting at 7:25 p.m. Staff in attendance were City Manager Lindy Crawford, Community Development Director Jason Lindahl, Public Works Director/City Engineer Paul Kauppi, City Clerk Caley Longendyke, Police Chief Julie Swanson, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the City Council Meeting on April 25, 2023

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve the minutes. Motion carried 4-0. Councilmember Jones abstained.

B. Minutes of the City Council Work Session on April 25, 2023

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg**, to approve the minutes. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to approve the agenda. Motion carried unanimously.

4. CONSENT AGENDA

- A. Accept minutes: March Environmental Advisory Commission, March White Bear Lake Conservation District, April Planning Commission
- B. Resolution approving a refuse and recyclables collectors license to Veit Container Corporation
Res. No 13194
- C. Resolution accepting Bids and Awarding Contract for the 2023 Bituminous Seal Coating Project
Res. No 13195
- D. Resolution accepting Bids and Awarding Contract for 2023 Joint & Crack Sealing Project **Res. No 13196**
- E. Resolution approving a Memorandum of Understanding with VLAWMO for Oak Knoll Pond Spent Lime Demonstration Project **Res. No 13197**
- F. Resolution granting a minor subdivision and two variances for 4593 Shady Lane **Res. No 13198**
- G. Resolution approving a professional services agreement with Bolton & Menk, Inc. to update Planning & Land Use Regulations **Res. No 13199**

- H. Resolution approving a professional services agreement with the Morris Leatherman Company to conduct a community housing survey **Res. No 13200**

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve the consent agenda. Motion carried unanimously

5. VISITORS AND PRESENTATIONS

- A. Law Enforcement Memorial Proclamation

Mayor Louismet read a proclamation recognizing the service of law enforcement officers in the community and the observation of Police Week in White Bear Lake from May 9 to 20, 2023. Chief Swanson accepted the proclamation on behalf of the White Bear Lake Police Department.

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

- A. 2502 County Road E Planned Unit Development and Rezoning

Community Development Director Lindahl summarized the application by Element Design-Build for the rezoning and Planned Unit Development (PUD) at 2502 County Road E in anticipation of building a 17-unit residential complex. The Planning Commission voted 7-0 to recommend approval to the City Council. Lindahl summarized background information on the property, which currently stands as an abandoned gas station that has been vacant since 2009. He summarized the review process of the concept plan, which was presented at a Neighborhood Meeting on February 2, at the Planning Commission meeting on February 27 and at the City Council meeting on March 14. He noted that most comments were in opposition. Based on the feedback from the meetings, the developer modified their plan to address the concerns, including reducing number of units, decreasing the building height, added off-street parking, incorporating higher quality exterior materials, and more. The new development proposal was summarized and presented with these improvements.

Lindahl explained the process for rezoning and the analysis of the six criteria that the rezoning must meet. He explained each of the standards and the findings from staff for this request. Public Works Director/City Engineer Kauppi presented information about the site's stormwater management and how it currently flows into Peppertree Pond. He shared diagrams for both the existing state and the proposed drainage and impervious surface areas. The new development would add a stormwater treatment system, which currently doesn't exist. Kauppi shared more about stormwater management requirements and stated the proposal meets City and Ramsey-Washington Metro Watershed District stormwater management design standards for rate control and water quality.

Lindahl provided information about the PUD application that is being concurrently proposed with the rezoning application. A PUD provides more flexibility from standard zoning in exchange for a higher-quality development. The developer is requesting more than one building on the property and decreased street and side setbacks, and in exchange modified several components of their plans. Ryan McKilligan of Element Design-Build LLC shared images of the modified plan and explained the changes in more detail. He acknowledged the opposition from neighbors and the difficult decisions needing to be made, and also explained the meaningful purpose behind the proposal and the need to provide housing options.

Mayor Louismet opened up the meeting for public comment at 8:10 p.m. The following spoke and shared comments:

- Joe Pavcovich – 3517 Bellaire Ave – Pavcovich thought it was a bad concept and felt it was too compressed in the space. He expressed concern about traffic on Jansen Ave.
- Larry Behm – 3511 Bellaire Ave – Behm thought the development would be too much for the property. He would be more in support of just townhomes, instead of the current plan for both apartments and townhomes.
- Allen Rivard – 3590 Glen Oaks Ave – Rivard circulated a petition in the neighborhood south and southeast of the property and reported that no one was in support of the development. His concerns included the limited setback, water runoff, parking on Bellaire Ave and snow removal.
- Mark Bigalk – 3594 Glen Oaks – Bigalk pointed out that the images don't depict the change in elevation around the neighborhood and is concerned that the tall building will tower over nearby homes. He is curious about the plan for additional lighting around the development considering the children in the area.
- Lisa Sikich – 3537 Glen Oaks Ave – Sikich complimented the design, but shared concerns of the traffic and congestion generated at the intersection of Bellaire Ave and County Road E. She expressed concern for children around the area.
- Chris Greene – 3587 Glen Oaks Ave – Greene addressed the potential traffic and believed the concern could be alleviated if the development was smaller and the entry to the parking lot would be off of Bellaire Ave instead of Jansen Ave.
- Lee Branwall – 3583 Glen Oaks Ave – Branwall clarified that the measurement of the building height doesn't include the measurement of the gable, so he noted it will be taller than what is being presented. He referenced pictures he took of the area, noting the height of surrounding buildings. He also referenced the submitted petition and letters opposing the plan.
- Kathy Povolny – 3527 Glen Oaks – Povolny believes the development would attract college students who would room together, thus parking would overflow into the neighborhood. She expressed concerns about surrounding schools and the number of children in the area.
- Caley Longendyke – 2579 Elm Drive – Longendyke generally supported the plan. She expressed concern that alternative developments could generate worse traffic or a new developer won't consider feedback from the neighbors.
- John Noll – 2571 Elm Drive – Noll shared concern about density and wondered about the discrepancy in the number of units allowed based on what is provided in the zoning

code. He believes it is too small of an area and believes the neighborhood would be more supportive of a development with 6-8 units.

- Matt Rivard – 2276 Lakeridge Dr – Rivard shared concerns about the street setback from Bellaire Ave regarding blocked vision and being able to turn safely onto the road. He suggested the development be moved to the City-owned lot north of Bellaire Ave where he believed it would fit better.
- Richard Opseth – 2564 Mayfair Ave – Opseth sought clarification on the location of the biofiltration basin. He was concerned that people would park on the street in the event that the developer sells the apartments to someone else who decides to charge for parking.
- Frank Watson – 3569 Glen Oaks Ave – Watson was concerned about how many gallons the biofiltration basin could hold compared to the amount of rain accumulation during weather events. He is also concerned for potential flooding to homes when the slope of the property is changed.

Mayor Louismet closed public comment at 8:47 p.m.

Councilmember Jones asked about where the current runoff is directed. Kauppi explained that both the runoff that goes onto County Road E and Jansen Ave from that property currently runs into Peppertree Pond and there is no runoff control or rainwater retention. The development would provide both. Councilmember Jones asked about the engineering for 100-year storms and wondered if 500-year storms were taken in consideration. Kauppi said while other agencies are considering the new measurement, it currently isn't a recognized engineering standard for regulating agencies. The City studied emergency overflows in the event that the basin fills up to ensure it doesn't affect surrounding homes, and the overflow would follow proper drainage patterns to be discharged to Peppertree Pond. Kauppi said the neighborhood was not designed with any stormwater controls and it drains to the pond unregulated, and the development would limit and regulate the rate of runoff. In response to Councilmember Hughes asking about stormwater management requirements for potential single-family homes on the site, Kauppi said it wouldn't trigger stormwater management requirements and it would remain how it is now. Councilmember Walsh referred to a couple comments made by residents and asked for clarification. Regarding the runoff that flows onto County Road E, Kauppi showed a map of the flow and stormwater system, showing how it flows into Peppertree Pond. Referencing a comment about the development entrance needing to be on the less busy road, Kauppi said an entrance off of Bellaire Ave, where traffic volume and speed limit is higher, would create a more unsafe condition. He also mentioned a commercial business would generate a higher volume of traffic at the intersection compared to a residential development.

In response to a comment about the number of units allowed per the zoning ordinance, Lindahl explained the difference between the zoning ordinance and the 2040 Comprehensive Plan, which includes descriptions for future land use. He explained that City staff will be reviewing and updating its Zoning Ordinance so it reflects the updated 2040 Comprehensive Plan and, in the meantime, staff will rely on the Comprehensive Plan for future land use applications. Mayor Louismet asked about the traffic generated prior to the gas station closing in 2009. Without having the details at hand, Kauppi pointed out that commercial generates more traffic throughout the day, while residential is less traffic and only certain times of the day.

Councilmember Edberg pointed out that there are only a few properties designated under the Neighborhood Mixed Use category, and that it is new to the City's Comprehensive Plan. When Councilmember Hughes asked about the difference of the R-5 and R-6 zoning districts, Lindahl said they each have many of the same standards, like setback, density and height limit, but R-6 zoning allows apartments.

Mayor Louismet opened Council deliberation with his thoughts. First, he acknowledged the intersection is a blighted area. He explained there are not a lot of developers interested in this property, and that the current developer is informed about what the market demands. Second, he recognized that the developer has been closely working with City staff and the design adjustments show they've taken into consideration the feedback from residents. Third, he felt it's most important hearing from the residents who live in the area and thanked them for their testimony. He did comment about the concern for safety, and felt that the traffic generated by the residential development would not pose a greater safety concern than the traffic generated by the gas station when it was open. While he didn't oppose the idea, he understands it might not be the most ideal proposal for that lot based on density. He questioned what else could go there. He weighed the options of moving forward with this plan or waiting for a different idea and not knowing when that would happen.

Councilmember Jones brought attention to other areas of the City where it is mixed with single-family homes, apartments, townhomes and businesses, specifically County Road F and Bellaire Ave. He said a different builder could come on the lot, keep the zoning the same and build a three-story building. He recognized that the Planning Commission voted 7-0 and he felt that needed to be considered. Regarding parking, he said residents have a right to park on the street and it can happen anywhere, even in front of single-family homes with multiple vehicles. He expressed confidence in the plan for stormwater management. He said only two developers have presented a proposal in his tenure as Councilmember of over 15 years. Regarding setback, he noted there is less setback on the streetside to push it away from the neighborhood side. He has heard from real estate agents that say they avoid bringing potential buyers through that intersection because they don't want them to see it.

Councilmember Walsh said the lot being vacant since 2009 is an issue and said this is a good proposal. He pointed out that the developers have listened and their plan meets the standards. He mentioned it is a decision made for the City, not just the neighborhood. He said Council and staff have been discussing housing and development goals, and that this specific intersection has been identified as a priority and there is a good proposal in front of Council. He said he will question how serious the Council is about County Road E and the intersection if the proposed plan is not approved.

Councilmember Edberg shared his history with the area and shared his appreciation with the developer. In his experience, he feels the most tension involves boundary properties, or properties between different zoning areas. He acknowledged that the developer has rights to their property, but also wanted to recognize if there are protections to surrounding property owners. He noted that in the Comprehensive Plan, the designation of Neighborhood Mixed Use is described as having townhomes and villas in transitional areas abutting surrounding residential neighborhoods. He said based on this information, he wouldn't support apartments

on the property and wouldn't support rezoning to R-6. He made the comment that there is a risk that something else could be built that is worse than what is being proposed, and he wouldn't be open to neighborhood complaints if there is other development that meets all the standards. He wouldn't support rezoning to R-6, but hopes another option will be presented.

Councilmember Walsh challenged the idea that the entire property needed be townhomes and pointed out that the apartments are on the street side and it transitions to townhomes that abut to residential properties. Councilmember Edberg reiterated that the plan doesn't seem to match with what is outlined in the Comprehensive Plan and believes it's too dense for the size of the property. Councilmember Jones cautioned those who oppose the current plan to be careful what they wish for and explained what could be built based on the zoning. He brought attention that an alternative plan for just townhomes could be just as physically dense with building size. Councilmember Hughes inquired about the zoning options for the property and what would happen after the City updates its zoning code. Lindahl said he wouldn't be able to speculate what happens, as it is an extensive process for updating the zoning code. He said the staff will refer to the Comprehensive Plan as the guiding tool to determine zoning.

It was moved by Councilmember Walsh, seconded by Councilmember Jones, to adopt the resolution granting the general and development stage PUD approvals. A roll call vote was conducted with Councilmembers Hughes, Jones and Walsh voting in favor and Councilmembers Edberg and Engstran voting against. Motion failed due to a lack of supermajority vote.

The Council welcomed the applicant to make comments on whether they intend to amend their plan based on the vote. McKilligan said he does see opportunity in offering an alternative plan, but he will have to determine the risk of the additional time and effort in trying to design an alternative plan meeting parameters of zone R-5. He summarized his sense of what it would look like and explained it would have to be economically feasible to move forward. He would plan to request roadside setback variances. City Attorney Troy Gilchrist advised the Council on next steps, explaining that the application is approved by default if the Council doesn't formally deny it. Therefore, Council directed staff to prepare a resolution denying the application for rezoning and PUD.

9. DISCUSSION

Nothing scheduled.

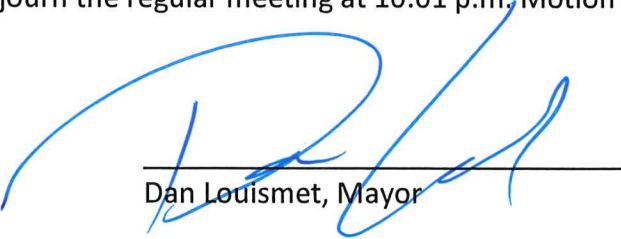
10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared upcoming events, including Heart 4 Art Fundraiser at the Center for the Arts, Ramsey County Law Enforcement Memorial Ceremony, Lakeshore Players Theatre Gala celebrating 70 years, and the City's Touch-a-Truck event. She shared about the Public Safety Building groundbreaking event and thanked Kauppi and other staff for coordinating the event. Crawford thanked the Council and community for a healthy debate and conversation during this meeting regarding the County Road E land use application.

Councilmember Walsh reminded community members that election filing for Wards 1, 3 and 5 of the City Council is open May 16-30.

12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Engstran** to adjourn the regular meeting at 10:01 p.m. Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk