



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, FEBRUARY 27, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

- MEMBERS PRESENT:** Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, Andrea West
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Tracy Shimek, Housing and Economic Development Coordinator; Shea Lawrence, Planning Technician
- OTHERS PRESENT:** Lee Branwall, Mark Bigalk, Susan Welles, Ryan McKilligan, Josi Heron, Elisheba Churchill, Julie Crawford, Frank Watson, Joy Erickson, Jan Johnson, Ben Triplett, Mark Newstrand, Ann Koves, Al Rivard, Chris Greene, Nick Davis, Henry Elgersma

2. APPROVAL OF AGENDA

It was moved by Member **Lynch** and seconded by Member **West** to approve the agenda as presented.

Motion carried, 7:0.

3. APPROVAL OF THE MINUTES

- A. Minutes of January 30, 2023

It was moved by Member **West** and seconded by Member **Enz** to approve the minutes of January 30, 2023.

Motion carried, 7:0.

4. CASE ITEMS

- A. **Case No. 23-6-V:** A request by **Tammy and Mike Hilliard** for a variance from the 15 foot side yard setback on both the north and south side, per code section 1303.040, subd.5.c.2, and a variance from the 40 foot rear yard setback, per section 1303.040, Subd.5.c.3, in order to tear down and rebuild a single family home on the property located at 4815 Lake Avenue.

Ashton Miller, City Planner, discussed the case. Staff recommended approval of the request as proposed.

Member Berry opened the public hearing. No public comments were made. Member Berry closed the public hearing.

Member Amundsen explained that he appreciates that the applicants tried to stay within the grandfathered in conditions on the lot.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-6-V, seconded by Member **Enz**.

Motion carried, 7:0.

- B. Case No. 23-7-CUP:** A request by **A New Hope Preschool** for a conditional use permit, per code section 1302.140, in order to operate a day care facility on the property located at 955 Wildwood Road.

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

Member West asked City staff for details on the condition of approval regarding transporting children to and from the park. Miller responded that the City doesn't have specific requirements listed in the code. Miller explained that the State is responsible for licensing childcare facilities, so they may have more specific requirements to look in to.

Member West explained that she has concerns about the feasibility of transporting children of varying ages to the nearby park. Miller explained that the applicant is also exploring adding an outdoor play area in the rear of the property.

Member Lynch explained that he has similar concerns as Member West in regards to transporting the children. He continued that he recently drove around the back of the building and that it doesn't appear to be a very inviting place.

Member Lynch asked where the current location is. Miller responded they are on the County Rd E on the west side of the city. Member Berry added that it is located off Linden by the strip mall.

Member Berry mentioned that the fire department had concerns about the maintaining access to the back of this building during a previous case the commission considered at this strip mall, which may conflict with a potential play area. Member Berry asked if any of these concerns came up during the review process.

Miller responded that the City only received the play area plans earlier in the day and staff have not yet analyzed it and have not had the opportunity to send to the Fire Marshal.

Elisheba Churchill, the applicant, agreed that using the nearby park's playground is not ideal. She explained that she also has concerns about travel and she would hope to use the proposed play space in the rear of the building for the toddlers so that they would not have to bus them to a park. Churchill also explained that there are many childcare bus options nowadays that have good safety features. She added that there is plenty of play space inside the facility as well.

Chris Greene, 3587 Glen Oaks Ave, noted that the proposed daycare is located next to a nail salon which can have poor air quality and pose a health risk. He asked if the unit has their own separate HVAC system independent from the neighbors or if there is the intent to do air quality testing.

Churchill explained that their unit has a separate HVAC system from the nail salon and strip mall. The daycare site has 2 of their own HVAC systems. Churchill continued by explaining that she works with many different organizations during this process including the State of Minnesota for licensing, the Fire Marshal and City Inspectors. She explained that she was able to successfully turn an office building into a childcare facility at her current location.

Churchill discussed the need for daycare in general, and the particular need amongst the middle class for accessible child care. She explained that she wants to be able to provide quality care at low cost while also properly compensating her employees.

Al Rivard, 3590 Glen Oaks Ave, explained that the parking lot at the nearby park isn't close to the playground equipment.

Julie Crawford, 3596 Linden Ave, the Assistant Director for the New Hope Preschool, explained that when traveling with children it is standard that they provide an extra staff member for the trip. She also explained that they use a rope with handles for the children to hold on to while walking and they typically use brightly colored safety vests and a handheld stop sign on their trips.

Member Enz expressed that she agrees with the applicant about the need for childcare.

Member Lynch explained that he has fewer concerns now after hearing from Churchill.

It was moved by Member **Enz** to recommend approval of Case No. 23-7-CUP, seconded by Member **West**.

Motion carried, 7:0.

5. DISCUSSION ITEMS

- A. **Case No. 23-8-C:** A presentation by **Element Design-Build** of their Concept Plan proposing to redevelop the 2502 County Rd. E site to build apartments and townhomes.

Jason Lindahl, Community Development Director, discussed the case. After discussing the case, Lindahl explained that because this is a concept review there will be no staff recommendation for approval or denial at this stage. He explained staff could take comments from the Commission or the public at this time.

Member West asked for clarification on the rear deviation listed as 96 feet on the map although it also lists a 25 foot setback. Lindahl explained that on a corner lot the shortest side of the lot is considered the front. He explains that measured from the back of the apartment build to the property line at Jansen Avenue is approximately 96 ft. Member Berry clarified that the 96 ft. is reflective of the apartment building's setback, not the townhomes. Lindahl responded yes, and that there is a table in the staff report that reflects the setbacks of both the apartments and townhomes. Lindahl explained it shows that the structure's rear and interior side yard meet the requirements for the R-6 district but the front and street facing side yard do not. Member Amundsen clarified that the apartment building is oriented north and the townhomes are oriented to the west.

Member Enz asked if staff foresees a problem for people trying to take a left turn when heading north on Bellaire Ave if the building is too close to the road. Member Berry responded that there is a sidewalk already there that won't be encroached, so sight lines will be retained.

Ryan McKilligan, the founder and project manager for Element Design-Build, explained that they originally became aware of the site through the County Rd E Corridor Action Plan Process. He explained they have done significant door knocking and visited nearby properties to hear from the local community and research the area. He noted that the following topics came up during their research: parking, concerns about number of units, and the long term management of the property.

McKilligan noted the uniqueness of the lot because the northwest corner would make sense for high density housing and would benefit the nearby businesses with the foot traffic, but the southwest corner of the lot is near a low density neighborhood. Because of this, their design focuses the greatest density housing with the 3 story apartment building closest to the County Rd E and Bellaire Ave intersection and then steps down to lower density 2 story townhomes towards the residential neighborhood. There will be a vegetative buffer space in the 25 ft. setback on the east side of the property. He explained that the design focuses on activating the street space on the first floor by locating communal spaces, such as the fitness area, reception and meeting spaces towards the street and then utilizes the rest of the ground floor for parking.

McKilligan discussed that the property is guided Neighborhood Mixed Use in the Comprehensive Plan which allows for a wide range of commercial uses. After talking to various developers and realtors, they determined other uses would not be economically

viable because the current building would need to be torn down for new construction.

McKilligan discussed that a lot of the feedback he received from the community was that they didn't want parking to overflow on to Bellaire or Jansen. He explained that they have a management plan to address the parking issue. Rather than assign stalls, each unit in the building will be permitted to park in any of the stalls. He explained that parking in the lot will not come at an additional cost. Each unit will be permitted the same number of parked cars as bedrooms. Based on the number of bedrooms and parking stalls, that would leave 6 extra stalls for guest parking.

McKilligan expressed that people want to see something done at this location and it's a shame this intersection hasn't been able to find a fitting use. He believes that having this residential anchor could help increase foot traffic and therefore viability for other potential businesses at the intersection.

Member Berry explained that he is the president of his townhome association, and he understands that parking can be an issue. He explained that he likes the concept for the lot. Member Berry then asked for more clarification on parking regulations, including what would happen if tenants have an extra, unregistered car parked in the lot. McKilligan explained that if an unregistered car is consistently in the lot they would be able to find out whose car it is and rectify the situation. Member Berry expressed that he knows that parking can be difficult to manage and that residents in the community probably don't want to see overflow parking on Jansen, considering it is a school bus route.

Member Lynch explained that he believes parking will be more of an issue on Bellaire than Jansen. He added that street parking occurs in all neighborhoods, both single family and high density areas, with visitors and families with children who drive. Member Lynch explained that he sees two main issues with the parking. One issue being that there could be couples who rent a one bedroom apartment who will have 2 cars but only be allowed one registered car. He also explained that it appears the covered parking area would not be easy to navigate. Member Lynch added that he doesn't think the apartments at the other end of Bellaire are comparable to this concept in regards to their parking situation. The Bellaire apartment's parking lot is farther away and so it's more convenient for the tenants to park on the street.

Member Lynch added that the developers should plan to plant a line of trees that grow both fast and trees that grow slow so the tree line develops quickly and lasts. He explained he likes the concept overall and that it tapers down towards residential.

Member Amundsen explained that he appreciates the design, and believes White Bear Lake needs a lot more projects like this. He explained that because White Bear Lake is a fully developed community, we should take these smaller opportunities when they come. Member Amundsen added that parking tends to figure itself out and that people

who have more parking needs may choose to live somewhere else. Member Amundsen also added that he thinks the project could even be greater density. He explained that he really likes the concept overall.

Member Enz explained that she appreciates that the largest part faces the busiest part and then tapers down so it blends into the neighborhood. She continued to say she agrees that the covered parking area may be tricky to navigate. She explained that she really liked the concept and that it could serve as an impetus for the other corners.

Member West explained that she agrees with Member Enz about the tapering down to the nearby neighborhood. She explained that it has been hard to see the gas station close and the lot to sit vacant and get worse over time. She added that she appreciates the proposed concept and that the developers are listening to the community, participated in the Corridor study and are addressing the concerns they heard at the community meeting.

Member Baltzer commented that he likes the concept.

Member Reinhardt echoed that he agrees it's a great concept and use of the space considering its current condition, but is concerned about the parking situation. He appreciates that they want to manage the parking but that in reality it may not be that easy.

Member Enz added that this is a step in the right direction for affordable housing options for the younger generation in White Bear Lake. She explained that they should focus more on this than on the parking situation. She added that she agrees with Member Amundsen that parking does tend to straighten itself out.

Lee Branwall of 3583 Glen Oaks Ave explained that he represents 12 people who live in the area who have discussed their concerns about the project. He noted that there would be a significant number of variances for the project. He explained they have concerns about the following things: building height, design compatibility, unit density, parking and increased traffic on Jansen. Branwall also added that there are not commercial buildings over 1 story on the south side of County Rd E. Member Berry noted that Level Up Academy is a multi-story building.

Branwall explained that there has not been any building like this on County Rd E. He explained he is concerned about increased storm water runoff and doesn't think the proposed underground tanks will be sufficient in the winter. He has concerns that the snow piles will melt into the neighbor's properties and there will be increased runoff into Peppertree Pond. Branwall asked if Ramsey County has been contacted in regards to storm water management. Member Berry explained that because there has not be an official proposal they have not been contacted, but if there is an official proposal, they will be contacted.

Branwall mentioned they have concerns about the trees on the lot being removed. He added that they would prefer a single story building on the lot and that they do want to see something developed on there. He explained that 2 story townhouses might be acceptable to them depending on the height of the roofs. He also suggested an office building for the lot. Member Berry explains that a 1 story commercial or office type building would likely involve even more asphalt parking.

Member Lynch asked City Staff about the City's tree preservation requirement. Miller responded that a tree survey would be required before tree removal and that the survey would guide the developer's to know how many trees they must replace on the lot.

Branwall suggested that the developers could trade their property for another to develop elsewhere. He also noted the proposed 6 ft. fence and added that a fence won't have much impact on preserving the privacy for the neighboring community. He also added that the anonymous comments the Community Development Department received should not be considered if they don't live in the area.

Member Lynch, noted that the plan doesn't show any windows on the east side of the building and asked the developer if there will be windows there. McKilligan explained that it is still in the design phase, so there is potential for more windows.

Branwall asked if the townhomes will be sold or rented. McKilligan answered that they are still deciding about that.

Al Rivard, of 3591 Glen Oaks Ave discussed concerns about water runoff for the site. Member Berry explained that storm water management will be assessed if there is an official application.

Rivard asked if the developers have received the results of the soil borings from the site and where they were taken from on the site. McKilligan responded that there were no issues with environmental concerns at this time and that they received a clean phase one report. He added that they do have some soil corrections that need to be made. McKilligan explained that 4 borings were taken from various locations on the site.

Rivard brought up concerns about long term pollution issues on the site because it is a former gas station. Member Berry mentioned that the State did a test on the site when they took the tanks out and the report was clean.

Rivard explained that Jansen is not a wide street. He also inquired if it would be difficult to make a right turn from Bellaire to County Rd E when there are cars parked there. He asked the developers what the dimensions on the parking stalls are. The architect for the project, Henry Elgersma, responded that he believes they are 9 feet by 18 or 20 feet

and that the drive aisle is 24 feet.

Chris Greene, 3587 Glen Oaks Ave, encouraged the Commissioners to visit the site and picture a 3 story building on that corner. He explained that he is hopeful something can be done in order to scale this project back.

Jan Johnson who owns the building at 2479 County Rd E. and used to live on Glen Oaks Ave, explained that when she opened her business in 1988 it was a viable business area. She explained she was involved in the Corridor E Project and appreciated the opportunity to better understand the issues and opportunities facing this area. She continued that she appreciates the comments and concerns regarding parking and height, but suggested that maybe it is time to consider something new and more attractive to a younger generation. She added that there are people who support something being done on this site.

Joy Erickson, who lives on the North Side of the White Bear Lake explained she is passionate about the development of this corridor and she that appreciates the approach the developers took with their concept. She also added that people with 3 cars probably won't want to live here so parking might not be such an issue.

Ben Triplett, 3596 Glen Oaks Ave, explained that he thinks it's a really nice design but that the lot is too small for it. He added that it will add too much traffic. He explained that he wants to see something go on that lot, but this should not be it. He suggested that they tear the existing building down and put some benches so people can enjoy it.

Mike Bigalk, 3594 Glen Oaks Ave, explained that a 3 story building would tower over all the nearby houses. He added that a 1 or 2 story building would be better and that the additional traffic would make it less safe for pedestrians. He encouraged the commissioners to visit the property.

Fred Watson, 3569 Glen Oaks Ave, mentioned that parking on the street is not illegal and that's where the overflow parking will park. He added that everyone on the pond would probably like to know how this apartment complex will impact them in regards to water runoff. He would like to see something built on the lot. He overall likes the design and the step down but would like to see something less dense.

Member Berry asked City staff if the storm water has been considered at this point in the process. Lindahl responded that the concept plan process does not require the developer to include storm water runoff details. If the applicant chooses to move forward with a formal application, they would be required to meet all the standards and regulations of the City and Watershed District.

In response to a question from Member Lynch, Lindahl confirmed that the applicant would be required to submit a storm water management plan for the City and

Watershed district to review prior to building permit approval.

Branwall mentioned runoff and that he believes the lot currently drains to the south and thinks that if this is constructed it will drain to the southeast. Member Berry explained that we cannot know where the water runoff will drain to because the storm water management plan has not been created yet.

McKilligan explained that through the geotechnical report, they will learn what methods they can use to manage the storm water. He added that the 25 foot setback area could potentially be used as a bio swale. He concluded that they will not be able to build on the lot without first addressing storm water management and that it would be an improvement from the current site that doesn't have much for storm water treatment in place.

Rivard asked about the size of the meeting space shown on the concept plan, and explained that it appears small. Member Berry explained that this is only a concept plan at this phase. Member Lynch added that not every tenant would use the communal spaces at the same time.

Lindahl added that there are certain zoning standards regarding the amount of open space related to unit count. These standards would be considered if and when the applicant chooses to submit a formal application.

Branwall asked if the building will be handicap accessible. Elgersma answers that it will meet all required standards and codes and that there will be designated handicap parking spots and an accessible unit. He explained that the building will not have an elevator, so the entire building is not accessible.

Member Lynch explained that he likes the proposal. He added that with some possible tweaks it is close to perfect.

Lindahl explained that this item will move on to the City Council Meeting on March 14. Member Enz asked if community will be invited to speak on this item at the City Council meeting. Lindahl responded yes.

B. City Council Meeting Overview

Lindahl provided an overview of last month's Planning Commission cases that went to City Council. He explained that all 6 items from last month received unanimous approval from the Planning Commission and that 5 were on the consent agenda. The application for a Conditional Use Permit for The Minnesotan was a discussion item. All 6 cases were approved by City Council. The Minnesotan's next step will be to acquire their liquor licensing.

Lindahl explained that City Council also approved an RFP for updating the City's Zoning Code. Staff are currently drafting the RFP to have it out by early March and open for 30 days so that proposals can be reviewed in April and staff can make recommendations to City Council and have a consultant selected by early May.

Member Lynch asked about the timeline for the zoning code update. Lindahl responded that there would be a few months of internal work with the consultant before the portion of the process that includes the community which would likely start in July or August. The process will be completed over the course of about a year, by the end of 2024. Lindahl added that once there is a consultant selected, staff will work with them to recommend a steering committee. The steering committee should include some City Council members, Planning Commissioners and some advisory people from the community. The City Council will be responsible for approving that committee.

Lindahl also discussed the Housing Work Session that the City Council held last week that looked back at the Housing Taskforce Report and the implementation strategies from it. Staff asked Council to identify a priority redevelopment site out of the eight city owned properties. Council identified the site located at the corner of County Rd E and Bellaire. Council would like staff to draft an RFP for Council to review. The timeline for this would be to have the RFP in place within the first half of the year.

Lindahl explained that part of the process for this site would include connecting with the neighboring sites.

Member Lynch asked if this lot is smaller than the lot owned by Element Design-Build. Tracy Shimek, Housing and Economic Development Coordinator responded that yes, the lot is slightly smaller.

Member Berry explained that he's heard it has been hard to get in touch with anybody about the sale of the Super America lot, 2491 County Road E. Shimek added that she has heard they have switched to a local realtor and that people have been touring the site. She explained that staff have also received multiple inquires about potential uses for the site.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Lynch**, seconded by Member **Baltzer** to adjourn the meeting at 9:44 p.m.

Motion carried, 7:0.