



**PLANNING COMMISSION MEETING  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
MONDAY, APRIL 24, 2023  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ATTENDANCE**

- MEMBERS PRESENT:** Erich Reinhardt, Pam Enz, Ken Baltzer, Jim Berry, Andrea West, Mike Amundsen
- MEMBERS ABSENT:** Mark Lynch
- STAFF PRESENT:** Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician
- OTHERS PRESENT:** Kim DeFlorin, Mark DeFlorin, Ryan McKilligan, Roberta Kolesar, Bill Kolesar, Bob Miller, Yvonne Miller, Jan Johnson, Joe Pavcovich, JP Houchins, Colleen Chermak, Mark Bigalk, Pat Bigalk, Manne Hansen, Kathy Povolny, Rod Collins, Elaine Collins, Albert Gustaveson, David Ryan, Kathy Rust, John Noll, Diane Noll, William Rust, Erik Fleming, David Espe, Sao Vang, Al Rivard, John Sonnek, Henry Elgersma, Jen Greene, Chris Greene, Lisa LaRock, Mike Hemstad, Laurel Hemstad, Andrea Triplett

**2. APPROVAL OF AGENDA**

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

Motion carried, 6:0.

**3. APPROVAL OF THE MINUTES**

- A. Minutes of March 27, 2023

It was moved by Member **Enz** and seconded by Member **Reinhardt** to approve the minutes of March 27, 2023.

Motion carried, 6:0.

**4. CASE ITEMS**

- A. **Case No. 23-11-LS & V:** A request by **Charles Cudd Co LLC** on behalf of Karen Dalke, for a minor subdivision, per code section 1407.030 and two 30 foot variances from the 80

foot minimum lot width requirement, per section 1303.230, subd.5.a.2, in order to split one lot into two at the property located at 4593 Shady Lane.

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

Member Berry opened the public hearing.

William Rust of 4579 Lake Ave explained that Shady Lane is a narrow street especially in the winter with the snow. He explained that the additional traffic and parking on the street would create a problem. He asked if there was information about lot coverage and what is being proposed for the two lots. Miller explained that they are planning to tear down the existing house and rebuilding. They would be limited to the 30% impervious surface coverage, according to city code. Member Berry added that there is no proposal for building on the new lot, but eventually the owner could build on it.

Rust asked what other variances are being requested by the applicant and what the required setbacks are for driveways. Miller responded there are no other variances being requested by the applicant. The proposed new house meets all the city's zoning standards. Miller added that per city code, a 1 foot setback for driveways is required but can be reduced to zero feet. Rust added that he disagrees that the proposal is consistent with the design on the neighborhood.

John Sonnek, representing the applicant, explained that the owner bought the lot after being told that it was a twin lot that could be subdivided. He added that the proposed new home would fit inside the footprint of the existing home. Sonnek explained that the applicant does not want to build on the empty lot and will likely add more plantings to the lot for privacy. He stated that the proposal would create two new lots that are the same width as the two historic lots. He explained that they intend to keep the mature trees on the lot.

Al Rivard, 3590 Glen Oaks Ave, asked about access for emergency vehicles once the vacant lot is developed. Member Berry responded that the buildings would have to meet code.

Sonnek asked if anybody was aware of the easement agreement that allows lake access for the existing lot. David Espe, 4581 Lake Ave, explained that he is the grantor of the easement and he has a copy of the paperwork that reflects the current property has lake access. Espe added that if the lot is split they would likely need to have a lawyer determine how this affects the easement agreement.

Kathy Rust, 4579 Lake Ave, asked if there is any legality to the applicant claiming that they won't be building on the new lot. Member Berry explained that the applicant owns the current property which is currently one parcel and that they don't intend to build on the new lot if the lot split is granted. Lindahl added that the future use of the lot is up to the owner to decide and that staff doesn't want to speculate on how the owner intends to use the lot. He explained if the owner were to decide to build on the lot they would be held to the City's zoning standards

or would be required to get City Council approval for a variance. Sonnek, reiterated that the homeowner's intent is to keep the lot vacant.

Member Berry closed the public hearing.

It was moved by Member **Reinhardt** to recommend approval of Case No. 23-11-LS & V, seconded by Member **Enz**.

Motion carried, 6:0.

- B. Case No. 23-13-PUD:** A request by **Element-Design Build**, for rezoning from B-3, Auto Oriented Business to R-6, Medium Density Residential per code section 1301.040 and both General and Development Stage approvals of a Planned Unit Development, per code section 1301.070, in order to construct a 14 unit apartment building and three townhomes on the property located at 2502 County Road E.

Jason Lindahl, Community Development Director, discussed the case. Staff recommended approval of the case as proposed.

Member Amundsen asked if there is any overlap between the people who signed the petition and the people who submitted comments to the planning department. Lindahl responded he was unsure. Member Amundsen also asked if the commission is approving two separate items, the rezoning and the PUD, or if they are a package deal. Lindahl explained they are being presented together, but the Planning Commission has the discretion to offer separate recommendations if they so choose.

Ryan McKilligan, project manager for Element-Design Build explained that they had a lot of interaction with the neighborhood, City Council, Planning Commission, and City Staff throughout this process and that he understands there is friction around this proposal. McKilligan added that Element-Design Build focuses on infill projects and that a feature of the White Bear Lake future land use plan, is the concept of using the existing spaces in the community for development. He explained that throughout the process, they worked to align with the City's regulations while also respecting the character of the neighborhood. While gathering feedback, they learned parking, building height, pedestrian safety and storm water management are important to the community. He addressed these concerns in the revised plan by adding more parking so that each unit is allowed 2 parking stalls, reducing the height of the building, adding a sidewalk and working to properly treat and manage storm water. He pointed out the new design features of the building so it reflects the character of the community. McKilligan noted that the densest housing, the apartments, will be located at the County Rd E and Bellaire intersection, while the townhomes will serve as a transition between the apartments and the single family homes in the neighborhood. The property will have 34 parking spaces that conform to code and then additional parking in front of the townhome garages which were not included in the 34 parking stall count. He added that they redesigned the

parking garage to make it easier to navigate and that the redesign of the parking garage moved some of the apartment units further from the neighborhood to the east. The 3 story section of the building is located nearest the County Rd E and Bellaire intersection while there is one story of living space above the garage. The parking lot will be concealed with landscaping. In reference to the reduced height of the new proposal, McKilligan explained that the current gas station canopy is the same height of the proposed building up to the gables. McKilligan explained that they intend to use landscaping to minimize the appearance of the development and make it look more cohesive with the community. They plan to use a vegetative bio swale which would include multiple lines of bushes and trees to provide more vegetative buffer for storm water management, contingent on approval from the City and Watershed District. He explained that the bio swale is a low spot with vegetative plantings that absorb the storm water that also has a sand layer underneath. The storm water that goes through this system would be clean before it makes its way to the storm drain system or Peppertree Pond. McKilligan added that this is a standard storm water management practice but it would require approval from the watershed district and City Engineer. McKilligan added that currently the property has no storm water management, so developing the property will be an improvement from a storm water management perspective. McKilligan explained that their proposal also includes adding a sidewalk from the intersection of Bellaire and Jansen so people entering and exiting the neighborhood can establish themselves on the sidewalk to enhance their safety. He added that the lot as is, is a hazard, is unattractive and provides no utility to anybody. He expressed that this is a great opportunity to create housing in a place that is otherwise a liability.

McKilligan continued that as part of the County Rd E Corridor Action Plan workshops, there were many ideas for the site but there was no consensus on how these properties should be used, other than the vacant gas station was not working for the neighborhood. He explained that one of the ideas to have a wine bar on the property, which had a few people in agreement, would have had similar issues such as traffic and parking. He added that when the corridor action plan was presented to council, Council Member Edberg explained that there would likely be friction caused by any development on this site due to the differences between the lots opposite corners. One corner is located at a busy intersection while the other is located next to a residential neighborhood. He concluded by expressing his appreciation for the community input from the neighbors, City Council, Planning Commission, and staff throughout the process.

Member Amundsen, asked for clarification regarding the grading on the site. McKilligan explained that the existing topography of the site drops 4 to 5 feet from the south end to the north end—the highest point being at the southwest corner.

Member Enz explained that it appears that this project would result in less storm water runoff than what currently exists on the site. McKilligan confirmed that yes, there is not currently any storm water management in place on the site so none of the water is treated. The bio swale they plan to use is a standard engineering practice used to manage storm water.

Member West asked the applicant to elaborate on their landscaping plan. McKilligan responded that currently there are trees along the south end and southeast corner of the site. Their

current landscaping plan shows that those trees will be removed but they will try to save as many of those trees as they can. They won't know which trees can be saved until they excavate for footings. They intend to plant as much as they can to replace the removed trees.

Kathy Povolny, 3527 Glen Oaks Ave, explained that she believes the storm water on the site is currently being absorbed because of all the trees on the site. She asked for clarification on the size of the bio swale. McKilligan responded that it is approximately 25 feet wide and 150 feet long.

Lisa LaRock, 3525 Glen Oaks Ave, asked about light and noise pollution from the parking lot lights, and air conditioning units, ADA accessibility, who the target market would be and anticipated pricing for the units. She asked if Jansen will become a no parking street. Henry Elgersma, the architect for the project, responded that the parking lot will have down lighting that will be diffused by the property line and will be in compliance with city code. He added that the air conditioning units will be located in closets, and that the unit for the common spaces will likely be above the parking which would be fairly removed from the neighboring properties. Elgersma also added that 3 of the units in the apartment building will have varying levels of ADA accessibility with one being fully accessible. McKilligan added that the units will appeal to a wide demographic including young professionals, single mothers, people looking to downsize and more.

Member Berry asked if the townhomes would be available for rent or sale. McKilligan responded that the townhomes will be for rent. Member West asked what they expect the rent rates to be. McKilligan responded that the units will be market rate, similar to the pricing nearby for new construction apartments such as the Barnum and the Mahtomedi Flats. Member Berry added that the Barnum is basically full and people are on waiting lists for the new units.

Lindahl explained that the City can bring the feedback about parking on Jansen to the City Engineering department for their input.

Lee Branwall, 3583 Glen Oaks Ave, explained that he submitted photos of the intersection for the Planning Commissioners. He added that a nearby 2.5 story apartment building is built into the grade so that it appears shorter from one side, so it isn't comparable to what is being proposed here. Branwall asked for clarification regarding the measurement of roof height. Lindahl responded that the height of the building is measured to the midpoint of a peak roof. Branwall asked for clarification on the tree removal and replacement for the project. Lindahl responded that the applicant will be required to do a tree inventory for the property and that inventory will determine what the tree replacement requirements will be. Branwall asked what types of trees will be used along the road. McKilligan responded that they are limited with some of the trees they can place along County Rd E and Bellaire because of the power lines. Branwall added that building is too large, will tower over the former gas station and doesn't fit with the neighborhood.

John Noll, 2571 Elm Drive, explained that he is happy to hear that the watershed will be involved in the process, but thinks they should be involved before rezoning takes place because he believes impacts to Peppertree Pond may impact other ponds. Member Berry asked staff what the process is for involving the watershed district. Lindahl responded that the watershed district gets involved during the building permitting stage. He added that it would be a condition of approval that the watershed standards be met, so the project would not be able to move forward without watershed approvals.

Diane Noll, 2571 Elm Drive, expressed that she is not supportive of this project and that she did not receive notice for the previous meetings. She added that the developers should be responsible for fixing the pond if it is negatively impacted by the development. She explained that with additional traffic, she also has concerns about the safety of children as they walk to and from school. Lindahl apologized if staff mischaracterized her phone call. He also explained that the developers and the City have been required to notify the properties within 350 feet of the subject property of the neighborhood meeting and planning commission meetings but that the developers and City noticed about three times the amount of area than what was required.

Joe Pavcovich, 3517 Bellaire Ave, expressed his opposition to the proposal. He described his concerns about safety in regards to additional traffic and parking. He added that he thinks the City should buy the land and build a park on it. Member Reinhardt asked Pavcovich if he thinks a park would be a good idea if he has safety concerns about this intersection.

Rod Collins, 3475 Glen Oaks Ave, explained that he is not as concerned with the concept now as he originally was. He asked how the building will be maintained in the future and who will be managing it. He also mentioned that silt has built up in the pond over the years and the City should be responsible for addressing any negative impacts on the pond. McKilligan explained that a drainage and utility easement will likely be required on the site and there will be a maintenance agreement with the City that would be recorded with the County so they will be required to maintain by legal statute.

Member West asked how they plan to maintain the projects. McKilligan explained that they will not be charging additional cost for parking which will be required by covenant for the property. McKilligan added that they intend to keep the property under their ownership and that it will be a high quality building.

Jan Johnson, who owns the business located at 2479 County Rd E, expressed her support of the project. She explained that she was a part of the County Rd E Corridor Action Plan where members of the community were involved in providing input on the vision of the corridor and how to develop with everyone's interests in mind. She extended her thanks to the developer for listening to the community. She added that she has attended the previous neighborhood and planning commission meetings and she can see how much the developer has listened and taken the feedback from the community.

Lindahl provided some information on how the approval process works. Should this project be

approved by City Council a resolution containing information on what exactly is being approved and a list of conditions of approval would be signed. This includes a condition that the applicants adhere to the City's Engineering, Fire and Building department's requirements. He added that there is currently a draft resolution and memos from the City Engineer and Fire Marshal in the Planning Commission Meeting packet. Within the engineering memo the City Engineer states that the proposal meets or exceeds the City's minimum storm water standards and that it is a substantial improvement over existing storm water conditions on the site. Lindahl added that the sediment concerns people have will be addressed if this proposal is approved because the applicant will be required to meet the City's standards.

John Noll, explained that if Peppertree Pond is a spring fed pond they should determine where the spring that feeds the pond is so it won't dry up which would affect homeowners.

Al Rivard, 3590 Glen Oaks Ave, explained that along Jansen Ave is a berm. He added that rain water already flows along his curb and that if this is built it may raise the rain water levels so high he can't leave his house. He asked where the handicap parking stalls are located. Elgersma responded with the location of the handicap stalls. Rivard added that he believes the parking stalls are small and asked where residents will park when the lot is being plowed. Lindahl explained that the parking spaces and driving aisle meet the city's standards. He explained that the City required moving templates showing how drivers will maneuver into the parking spots. McKilligan added that the parking garage will have a drain to a sand trap for treatment of the parking garage water. The surface parking lot will also have a catch basin for water that will drain to the bio swale.

Rivard asked if drivers will be able to see children walking on the sidewalk while drivers are exiting the parking lot. McKilligan responded that yes drivers will be able to see down the street and pedestrians on the sidewalk. Rivard asked who will be responsible for maintaining the sidewalk and Lindahl responded that because it is in the City's right of way the City will be responsible. Rivard explained that he started a petition against this proposal and went to neighbors for signatures adding that the people he encountered were also against this proposal. He also explained that he doesn't agree with the lot being medium density residential. Lindahl explained that staff use the comprehensive plan as a guiding document when reviewing cases. Rivard expressed concerns about pollution at the site. Lindahl added that the phase 1 environmental report the applicant had done came back clean. There is a note in the staff report from the city's engineering department that the applicant would have to produce a clean environmental report and have the Minnesota Pollution Control Agency sign off on it

Mike Hemstad, 2557 Oak Drive, expressed his support for the project. He asked for clarification where the 7 foot setback is measured from. Lindahl responded that it is measured from the property line adjacent to County Rd E not from the street. Hemstad asked how many times a proposal has come up for this property in the 13 years it has been vacant to which Members Enz responded she can remember only one which was a much denser residential development. Hemstad, expressed that this may be the time to get something done at this property. Hemstad explained the vacant gas station is a blight to the neighborhood and he would like to see the

property developed. Hemstad expressed that he understands that neighbors are concerned but that many of the concerns people have brought up don't make sense to him. He explained that because the site currently drains to the north all the trees congregated on the south end of the property don't absorb the rainwater and that what is proposed here will do better. He added he doesn't think it would make sense for the city to buy the property to turn it into a park, as it is a taxable property and this development could create tax revenue for the City.

Brenda Davis, 3576 Glen Oaks Ave, explained that the upgrades made to the proposal were nice but she doesn't think this development should be located here. She emphasized that this is the highest point in Ramsey County and will make the building appear taller. She also added that previous buildings have been more setback from the street. She has safety concerns regarding visibility for drivers and pedestrians. She also questioned where visitors will park. Member Baltzer explained that the applicants meet code for the parking requirements. Member Berry added that there will also be an additional 6 spaces for visitor parking.

Lindahl added that the City has a standard of 2 parking stalls for residences, so that is the standard that the city can legally require for the development. Lindahl also provided information on the city's sight triangle requirements for how close one can build to an intersection without impeding visibility for drivers and pedestrians. Lindahl explained the applicant meets these sight triangle standards.

Branwall, doesn't think that meeting the minimum requirements is a good standard. Member Enz explained that these minimum requirements are deemed by federal, state and local governments to ensure safety. Member Enz added that she appreciates people's concerns about safety but explained that by holding the developers to these standards the government is working to keep people safe. Branwall continued to mention that the neighboring property will lack privacy from this development.

John Noll, asked if the Planning Commission Meeting packet is available to the community. Lindahl responded that the packet is available on the City's website and available for viewing at City Hall during business hours. Lindahl also explained that the developers were required create a website for the project. Noll requested that the variances and rezoning requests occur separately. Lindahl explained that the deviations requested are to push the building further from the abutting single family homes.

Dave Ryan, 2574 Crestline Drive, explained that people typically use the parking lane on Bellaire Ave as a turning lane. He also questioned where residents of the apartment will park while the lot is being plowed. Ryan asked if it would be possible to make Bellaire Ave a no parking street from County Rd E to Jansen.

Kathy Povolny explained her initial concerns were about storm water but after hearing about the proposed bio swale she hopes that will address those concerns. She added that she believes it will be hard to drive onto Jansen with the buildings being close to the street. Member Reinhardt asked if she's referring to sight lines. Povolny stated yes, currently closest to Jansen it is mostly



trees. Lindahl explained that staff can ask that the applicants include sight triangle information for Jansen and Bellaire in addition to the sight triangles for County Rd E and Bellaire.

Andrea Triplett, 3596 Glen Oaks Ave, added that she appreciates that the developers have proposed adding a sidewalk. She explained she is concerned about visibility of pedestrians for the exit and entrance to Jansen Ave. She also expressed concerns about additional traffic on Glen Oaks Ave. She added that she would be interested in getting an additional stop sign or “Slow Children at Play” sign in the neighborhood.

Member Berry closed the public hearing.

Member Amundsen explained that he supports the proposal. He believes that smaller development projects like this are needed in the City of White Bear Lake. He continued that the only way that White Bear Lake can continue to grow is with these small infill developments because White Bear Lake is a fully developed community. He explained that he appreciates the redesign the developer made since the concept plan process and that they have improved parking for the facility. Member Amundsen emphasized the need for housing was a finding of the housing taskforce in 2020-2021 and the County Rd E Corridor action plan. He added that having rentals available provide an opportunity for new people to move into White Bear Lake. He explained that these newer apartments will help create naturally occurring affordable units at older apartment buildings. He also added that development at this lot could spark more development in the area.

Member **Amundsen** moved to approve Case No. 23-13-PUD.

Member Enz expressed that she understands that change is difficult but people are being priced out of living in White Bear Lake. She added that infill developments like this are the future and they will help keep White Bear Lake alive. She continued that she has never seen a developer be as responsive as Element-Design Build has been. She explained that it would be difficult to find another developer who would work to address the concerns of the community like they have.

Member **Enz** seconded the approval.

Member Berry explained that he has been a resident of White Bear Lake since 1959 and that a lot has changed since then which is bound to happen. He expressed that he likes the proposal and understands some of the concerns people have about traffic, but that the sight lines are good.

Member Baltzer added that he has heard arguments like these many times and that often assumptions are worse than reality. He explained that people get used to the way they live, but people adapt. He expressed that he likes the proposal.

Member West explained that she agrees with the statements of the other planning commissioners. She has lived in White Bear Lake for 29 years. She explained that development is

bound to happen. For example, as when she first moved into her house, behind her lot was a large green space, but it has since been developed. She added that the fears people have about change don't always become reality.

Member Reinhardt added that this developer has been very responsive to the comments they have received throughout the process and that they have made quite a few changes to the design because of this. He explained that the developer has addressed all the concerns he had during the Concept Plan review phase. He explained that this is the best option he has seen for this lot and that it would not be viable to build a park here. He believes this is a good way to keep White Bear Lake moving forward.

Motion carried, 6:0.

## 5. DISCUSSION ITEMS

### A. Downtown Mobility and Parking Study Steering Committee

Member Berry asked if anyone will be interested in serving as a part of Downtown Mobility and Parking Study Steering Committee.

Member Enz volunteered.

Member Reinhardt added that his term is up in June and he will not be renewing, so he will not be able to.

### B. City Council Meeting Overview

Lindahl updated the Planning Commissioners that the City Council approved the conditional use permit for White Bear Lake Area Schools to expand their bleacher capacity at the athletic stadium at North Campus.

Lindahl added that City Council expressed support for the variance for the McNeely Music Center sign. They have asked staff to write a resolution of approval for the City Council to consider during the April 25<sup>th</sup> meeting.

## 6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **West** seconded by Member **Enz** to adjourn the meeting at 10:30 p.m. Motion carried, 6:0.