

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
September 25, 2017**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, September 25, 2017, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Vice Chair Mark Lynch.

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

MEMBERS PRESENT: Acting Chair Mark Lynch, Erich Reinhardt, Mary Alice Divine, Marvin Reed, Peter Reis and Ken Baltzer.

MEMBERS EXCUSED: Jim Berry.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator and Amy Varani, Recording Secretary.

OTHERS PRESENT: Rich and Elaine Anderson, Keith and Jan Dehnert, Mary and Clint Rowles, Mitchell McNamara, Jeff Bock, Brent Roshell, Bob and Renee Nelson, John Boyle, Michelle England, Sandy Langseth and April Shelcogh.

**2. APPROVAL OF THE SEPTEMBER 25, 2017 AGENDA:**

Member Reis moved for approval of the agenda. Member Baltzer seconded the motion, and the agenda was approved (6-0).

**3. APPROVAL OF THE AUGUST 28, 2017 PLANNING COMMISSION MEETING MINUTES:**

Member Reed moved for approval of the minutes. Member Reinhardt seconded the motion, and the minutes were approved (6-0).

**4. CASE ITEMS:**

**A. Case No. 17-3-CUPe1:** A request by **Tally's** for a time extension to a Conditional Use Permit Amendment to expand the existing restaurant per Code Section 1303.227, Subd.4.a with a maximum of 125 seats on "music by the water" nights: Wednesdays, Fridays and Saturdays Memorial Day thru Labor Day for the property located at 4441 Lake Avenue South.

Crosby discussed the case. Staff recommends a seven-year extension of the

temporary Conditional Use approval subject to the same conditions as were imposed for this season. It should also be noted that back in June, staff did not generate a resolution that provided permanent approval of the 63 seats on non-music nights, so that resolution has been included, and is also recommended for approval.

Reed stated that it appears it went successfully. Crosby confirmed that.

Reis asked about the status of the former public works site, recalling that it was considered as a possible site for light rail and/or an express bus terminal. Kane responded that the Rush Line has just entered into its next phase, it's locally preferred alternative, which is a very systematic, long-term planning process that the Federal Transportation Administration oversees. The Rush Line proposes to provide transit service between Union Station and Downtown White Bear Lake with bus rapid transit. Very likely, the former public works site could be redeveloped in the next 8-10 years as part of the Rush Line bus rapid transit corridor. Reis stated that then the 7 years are safe. Kane confirmed that redevelopment would not likely occur before that timeline.

Lynch stated that if the site is developed into a park and ride, it would dovetail nicely. Kane stated that it would be off-peak setting demand for the parking.

Lynch opened the public hearing.

Keith Dehnert, owner and operator of Tally's, came up to speak. He stated that they did a lot of research and data collection and presented slides showing the information. He knows the City collected a fair amount of data too. Dehnert thought the shuttle worked well. Staff and musicians used it. Over half of the people that come to Tally's do not drive a car. They boat, bike, walk or live in the area. Dehnert would like to continue using the shuttle so they can continue with the additional seats on music nights. They did a parking ramp count on every music night at 8 p.m.

John Boyle, 3784 Oak Ridge Lane, White Bear Lake, has lived here since 1980. He stated that he often bikes around the city. When Tally's opened, he saw a vitality come to the marina. It was enjoyable to have music there. It brought a lot of people together. He ran into friends and neighbors there. It adds to the fabric of the community. He loves living in White Bear Lake. He plans to retire and stay here. He would be disappointed if music had to go away from the marina. It's an asset to the community.

As no one else came up to speak, Lynch closed the public hearing.

Divine stated that she thinks they all appreciate the efforts that were made this summer. Improvements were definitely made.

Member Reis moved to recommend approval of both resolutions for Case No. 17-3-CUPe1 with staff's recommendations. Member Baltzer seconded the motion. The motion passed by a vote of 6-0.

**B. Case No. 16-10-CUP, 17-20-V and 17-21-V:** A request by **McNamara Companies** for a Conditional Use Permit for site plan approval in the Shoreland Overlay District per Code Section 1303.230, Subd.6; an 11.5 foot Variance from the 50 foot hard surface setback per Code Section 1303.230, Subd.5.a.8; and a Variance from the 30% impervious area limit to allow 56.9% impervious coverage per 1303.230, Subd.5.a.5, in order to construct a 5,000 square foot building addition and reconfigured parking lot for the property located at 1330 Highway 96.

Crosby discussed the case. Staff recommends approval of the requests, subject to the conditions in the report.

Divine pointed out that on the west side there are some very large trees. Will those be removed? Crosby responded that they will be due to the grading. Divine pressed, even the big one? Is that necessary? Crosby will double check.

Divine asked about the storm water area on the south end. Is that the existing pond that's back behind the trees? Crosby stated that it's actually an extension of Birch Lake. Highway 96 bisected Birch Lake.

Lynch opened the public hearing.

Reed asked if, with all the tweaks and changes Crosby mentioned about the infiltration and the removal of the two pieces of asphalt, has that all been successfully negotiated at this point? Crosby believed so. She contacted the architect before the staff report was written, and asked her to coordinate with the engineer and the owner on the items. Crosby asked them that, if they had any questions or concerns, to let her know and they could talk more. She doesn't believe any of these issues are big enough to be concerns and she didn't hear back from them. The contractor is here tonight and can answer that more directly.

Jeff Bock with Gaughan Companies came up to speak. He stated that Crosby is correct, there are really no big issues that they've had with the staff report. They agree with her analysis.

Lynch encouraged the applicant to install more than one bike rack.

Seeing no other interest, Lynch closed the public hearing.

Member Reed moved to recommend approval of Case Nos. 16-10-CUP, 17-20-V and 17-21-V with staff's recommendations. Member Baltzer seconded the motion which passed by a vote of 6-0.

**C. Case No. 17-2-P:** A request by **Joe and Sharon Hammer** for approval of a Registered Land Survey per Code Section 1407.010 in order to split one lot into two for the property located at 2517 Manitou Island.

Crosby discussed the case. It was a lot split that was approved last year and the County was requiring that this lot split be processed as a Registered Land Survey.

Just to be safe, Crosby kept it on the agenda for this evening while she contacted the city attorney. The city attorney agrees that just because the County is requiring a Registered Land Survey doesn't mean that the City needs to process it as a Registered Land Survey. Consequently, the existing approval from last year still stands, the case is closed and no further action is required by the City.

- D. Case No. 17-1-O:** A request by **The City of White Bear Lake** for a Site Plan approval per Code Section 1303.245, Subd. 5 of proposed capital improvements to the White Bear Lake Sports Center located at 1328 Highway 96.

Kane discussed the case. She stated that the Zoning Code indicates that the Planning Commission is charged with review of design of capital investments in principal buildings.

Kane stated that conversations began with the White Bear Lake skating community, which includes both figure skating as well as the White Bear Hockey Association, regarding proposed improvements to the Sports Center. Federal regulations are doing away with Freon refrigeration systems, triggering replacement of the current R22 system. There have been a couple of occurrences where cracks in the floor allow the refrigerant to leak and then the ice is sometimes no longer reliable. Band-aid attempts over recent years have bought a couple more years, but the City Council has decided to make a serious investment in the Sports Center to serve the youth hockey and youth figure skating programs.

Kane stated that in August, the City Council authorized development of Phase I plans, which includes replacement of the existing sheet of ice, interior renovation of the building, bringing it up to current ADA requirements, replacing the refrigeration system with the new ammonia based system, and some other minor site and façade improvements. It's not an expansion project, as it's staying within its same footprint. The amount of bleacher seating, upon which parking is determined, will either stay the same or go down slightly. There is no expansion of the parking lot at this time.

Kane indicated that there have been some initial conversations in the skating community about adding a second sheet of ice. The City Council has indicated that they're not interested in making that significant of an investment. This project alone is a \$5.5 million dollar project for just the renovation of the existing facility. The existing metal structure is not insulated. The roof leaks. There is infiltration of water from along the eastern building edge, despite the presence of sand bags in front of the doors along that elevation. The existing building will be clad in exterior metal panels that are insulated on the exterior, as well as some significant interior improvements. The White Bear Lake skating community is contributing \$2.5 million dollars of the project cost, so it's very much a partnership with the community residents who will benefit from this investment. If there's another party somewhere down the line who wants to add a second sheet of ice, or if the skating community who has already demonstrated the ability to be very effective in its fund-raising ability, wants to build a second sheet of ice, there is potential for that. That would be part of a future capital improvement project that would go through the full site plan review and the full engineering design standards that Crosby referenced for the McNamara property. At that point, the City would need to design future parking lots

to capture and treat water and bring them up to speed with regards to interior landscaping, etc.

Kane detailed that there will be new LED lighting that replaces the existing 43 year-old lighting system, a new concrete floor that will retain the refrigerant, a new insulated ceiling from the inside as well, energy-efficient mechanical upgrades to the HVAC system and ADA accessibilities throughout, including the locker rooms, the restrooms and the bleacher seating. Kane continued that two of staff's concerns had been the 100% metal building, which would not be allowed for new construction but she thinks most importantly is to recognize that this is a renovation and upgrade of an existing facility; it is not new construction. The exterior panels will significantly improve the appearance of the building dramatically over its current conditions. The architect is using both a light gray and a dark gray panel to give some interest. There will be exterior wall signage and a desire to do some clearing of growth on the south side of Birch Lake Bay so guests could see the facility as they approach on Highway 96. It's the right balance of bringing the current facility up to meet the community's needs without going overboard.

Kane stated that the existing exterior mechanical equipment is located on the south side of the building within a fenced in area. Back in 2004, the City purchased the home located at 1325 Birch Lake Boulevard South, and that home and it's detached garage will be removed to allow for a new ice plant extension. Staff's most significant concern is the height of the chiller extending above the roofline of the ice plant and how to effectively screen it. It's not a requirement that it be screened, but as good neighbors, the City wants to screen the roof top equipment and provide buffering. It will be a balance of building materials creating a taller parapet wall for the lower half of it along with berming and evergreen plantings around it to screen any of the residential properties to the south and east of the site.

Because of the removal of the single family home and the detached garage getting replaced with a slightly smaller footprint of the ice plant, it's actually a slight decrease in the amount of impervious area. Kane showed where the property is located. The City acquired the property from Rottlund Homes when they developed the Birch Bay community back in the early 90's.

Kane stated that staff is recommending approval and they request that the Planning Commission forward a positive recommendation.

Divine asked if the ice plant will make noise. Mark Burch, City Engineer, indicated that the compressors will be inside the new refrigeration building that's going to be built on the southeast corner. The building will be insulated. There's a vibration, but you don't get a lot of noise outside the building. The compressors are currently on the south end of the building now and outside you can hear a little bit of a hum, but there's not very much of a noise. The new system will be even quieter.

Reed asked about the switch from Freon to ammonia gas. Are there any EPA concerns about the use of ammonia? Burch stated that it's more dangerous and that's all part of the design of the facility and the training of their staff who will be operating that equipment. Additional safety measures will have to be taken for

ammonia. It's the refrigerant of choice as people are switching away from Freon. There are other alternatives, but the ammonia system seems to be the way that ice facilities are going.

Lynch asked if the land to the west is forested. Kane stated that it's primarily wooded. There's an overflow gravel parking lot that's occasionally used. Lynch asked if that's the area where a second sheet of ice would go. Kane pointed out where things could possibly be located. She stated that they sized the ice plant to serve two sheets of ice. That's one of the decisions the City Council had to make, was to put an additional \$325,000 into the project now so that, if and when, a second sheet of ice is desired, that a second ice plant wouldn't have to be added, or it wouldn't need to be replaced.

Lynch asked about the house that was purchased in the past. Has the land already been combined? Is it one big plot? Kane responded that she doesn't think it has, so they'll have to do a consolidation of the properties. Right now, it's four different parcels. She explained the history of the acquisition of the land and what parcels would be combined.

Lynch asked about the impervious surface that Kane was talking about. Is it just for one parcel? Kane responded that it's for all four parcels.

Reis asked if the ice is still maintained at the old hippodrome building by the high school. Kane stated that there's a small sheet of ice there that the school district maintains. It is used for bantams, squirts, and younger kids' hockey. The boys and girls high school hockey teams play at Vadnais at the new sports center.

Lynch opened the public hearing.

Michelle Englund, 1330 S. Birch Lake Boulevard, White Bear Township, came up to speak. She lives directly across from the White Bear Sports Center, and directly across from Louise Frogner's old home that is now owned by the City. She has lived there for 27 years. She had a number of concerns. She asked Burch if the insulation that the city will be using for the ice plant is going to be quieter or louder than what's there now. She stated that right now it is loud. She asked if the new ice plant will take up more space than the current one. Her biggest concern is what is the city going to do to hide that? There is a back entrance for the parking lot, and people continuously fly 55 mph down the road, with a bike path there; what is the plan for the traffic? The overflow parking does get used quite a bit. Traffic has always been a concern with the Sports Center. She doesn't understand why they can't close the back entrance and utilize just the front entrance. In addition, she questioned why the ice plant has to be on the south side versus the north side where there's a more wooded area.

Burch stated that the current building has about zero insulation. The improved building would meet current code and be insulated, and be a lot quieter. He pointed out where the new refrigeration room will be. It'll be an insulated block structure with a concrete roof on it. That should contain the noise.

Englund asked about the appearance of it. Burch stated that it'll be architecturally treated concrete block with a band on it.

Englund asked what the timeline for construction will be. Burch stated that the schedule is to start construction on April 1<sup>st</sup> and be finished by September 1<sup>st</sup>. It'll be a 4 or 5-month project.

Lynch asked how far out the ice plant will protrude. Kane replied that it'll be 23 feet from the current building corner.

Englund asked to see the photo of the ice plant in Alexandria. She thought it looked large. How high will it be? Staff estimates it'll be 17 feet tall. Englund asked about the condensing fans; what type of insulation/noise barrier will they have? Burch stated that the towers themselves are metal. They'll be similar to what's there now. It's a different type of system that's more vertical than horizontal.

Englund asked about the parking lot expansion; they don't anticipate that for several years, with the second sheet of ice? Kane responded affirmatively and that it would be when the broader White Bear Lake skating community or high school decides to fund it. It is not in the City's plan to do so. Englund asked who's paying the remaining \$3 million for this part of the project. Kane responded that the City is. The City has owned the Sports Center since 1988.

Englund asked why they didn't choose to put the plant down where there are no existing homes, or where the distance between the homes across the street and the unit is much greater? Burch stated that they looked at a lot of different options. They picked this option because there was talk about doing a second sheet of ice, and they decided to put the refrigeration room and zamboni room in locations that could accommodate both rinks.

Englund asked to see where the second sheet of ice would be. It was pointed out to her. Kane reiterated that there is not a current proposal for it. It would be about the same size as the existing building, but it would be perpendicular at the southwest end of the existing building. All that has been done is the ice plant has been sized to accommodate a second sheet of ice.

Englund asked if they're currently looking to build a privacy fence of some sort, or use landscaping to make it look nicer. Burch stated that they're still developing the landscape plans.

Sandy Langseth, 1338 Birch Lake Boulevard, White Bear Township, has some of the same concerns. He's wondering what they're going to do to cover up the structure. As he leaves his driveway, he'll be seeing that every day. Will there be drawings available? How much room will the cooler take up? How far will it come out into the road?

Kane stated that it would extend 23 feet from the existing south edge of the arena, putting it about 2/3 of the way into the current footprint of the detached garage.

Langseth asked what the city is going to do with the rest of the land. Will it be a parking lot? Kane responded no, there are no plans to include a parking lot.

Kane indicated that the size of the proposed ice plant is 23' x 56'. For the front yard of the Frogner house, there would be some nominal berming and some landscaping. It could help shield the view from neighboring residents and people using the trail. The closer the screening and buffering is to the right-of-way, the taller the equipment can be behind it.

Langseth asked if there are some drawings. Burch showed him what it'll look like. Kane explained that the exterior of the building will be clad with metal, insulated panels. It will be a much cleaner look, with some ridging. The light and the dark panels will provide some interest to it.

Lynch agreed that it'll look better.

Reed stated that the upshot is that it's going to be quieter than it currently is and rather than viewing a house they'll be viewing landscaping.

Lynch asked if the land will be available for a tiny community park, a green space that people can use. Kane stated that it would be passive space where they wouldn't want to incur the cost of putting in infrastructure now and then if the second sheet of ice gets built, it gets isolated from the rest of the site. It's either removed or damaged during the next phase, if it ever was built.

As no one else came up to speak, Lynch closed the public hearing.

Reinhardt asked how likely the second sheet is. A \$300,000 investment seems pretty heavy for a maybe. He gets that it saves money in the long run but how likely is that to come about? Kane stated that it would be pure speculation. It will be if another entity really can tackle that or someone wants to name it after someone. In the scope of the \$5.5 million dollars, the 50% share that was really coming forward from the community through volunteer fundraising efforts, that's why the Council was comfortable making that decision. She doesn't want to speculate how likely it is. She's been amazed to see what the community's fundraising can do and create here in the City—from Lakeshore Players Theater and White Bear Center for the Arts to now 50% of a significant capital improvement for a hockey and skating facility. It's pretty amazing. Reinhardt agreed that it was impressive. He'd just imagine if the renovation was \$5.5 million, a brand new one has got to be significantly more.

Lynch asked when staff will know more about what will be done with the yard of the house that'll be taken down. Burch stated that the landscape plan will be ready by Friday, October 6<sup>th</sup>. Lynch asked if it'll be before the City Council meeting. Kane confirmed that the City Council will see this recommendation at the October 10<sup>th</sup> meeting, and then the plans will be finalized for the October 24<sup>th</sup> meeting. Staff can get the names and numbers from the sign-in sheet and reach out to the residents and schedule a meeting to show them the landscape plan.



Member Baltzer moved to recommend approval of Case No. 17-1-O with the conditions as listed. Member Reed seconded the motion and it passed by a vote of 6-0.

**5. DISCUSSION ITEMS:**

**A.** City Council Meeting Minutes of September 12, 2017.

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**B.** Park Advisory Commission Meeting Minutes – August 17, 2017.

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**6. ADJOURNMENT:**

Member Baltzer moved to adjourn, seconded by Member Reed. The motion passed unanimously (6-0), and the September 25, 2017 Planning Commission meeting was adjourned at 8:08 p.m.