



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, AUGUST 27, 2024
7 P.M. IN THE COUNCIL CHAMBERS

Navigable Agenda

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on August 14, 2024

B. Minutes of the City Council Work Session on August 20, 2024

3. ADOPT THE AGENDA *(No item of business shall be considered unless it appears on the agenda for the meeting. The Mayor or Councilmembers may add items to the agenda prior to adoption of the agenda.)*

4. CONSENT AGENDA *(Those items listed under Consent Agenda are considered routine by the City Council and will be acted upon by one motion under this agenda item. There will be no separate discussion of these items, unless the Mayor or a Councilmember so requests, in which event, the item will be removed from the consent agenda and considered under New Business.)*

A. Resolution renewing the Dignisuites of White Bear Lake final plat

5. VISITORS AND PRESENTATIONS

A. Community Development Department Biannual Report

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

A. Second reading of an ordinance amending the zoning code as it relates to off-sale liquor

8. NEW BUSINESS

A. Off-sale liquor, tobacco, and edible cannabinoid products business licenses for United WBL LLC

9. DISCUSSION

A. On-sale liquor sales extension

10. COMMUNICATIONS FROM THE CITY MANAGER

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, AUGUST 14, 2024
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Andrea West, and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Public Works Director/City Engineer Paul Kauppi, Community Development Director Jason Lindahl, Housing and Economic Development Coordinator Tracy Shimek, City Clerk Caley Longendyke and City Attorney Dave Anderson.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on July 23, 2024

It was moved by Councilmember **West**, seconded by Councilmember **Hughes**, to approve the minutes. Motion carried 3-0. Councilmember Engstran and Councilmember Walsh abstained.

B. Minutes of the City Council Work Session on July 23, 2024

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

3. APPROVAL OF THE AGENDA

Mayor Louismet reported that the *Consent Agenda* item 4E regarding a temporary liquor extension for 4 Deuces Saloon has an amended resolution and there was a request to move *Consent Agenda* item 4M regarding the fair housing policy to *New Business*. It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve the agenda as amended. Motion carried unanimously.

4. CONSENT AGENDA

- A. Accept minutes: June Park Advisory Commission, June Environmental Advisory Commission, July Planning Commission
- B. Resolution accepting restricted donations **Res. No. 13385**
- C. Resolution accepting a Pathways to Policing grant from the Minnesota Department of Public Safety **Res. No. 13386**
- D. Resolution authorizing a state-issued consumption and display permit for Elegance Event Center LLC **Res. No. 13387**
- E. Resolution authorizing a temporary liquor extension for 4 Deuces Saloon for certain dates **Res. No. 13388**

- F. Resolution authorizing a temporary liquor extension for Carbone’s Pizzeria & Pub **Res. No. 13389**
- G. Resolution accepting bids and awarding a contract for the City Hall window replacement project **Res. No. 13390**
- H. Resolution certifying miscellaneous private property assessment for recovery of expenses **Res. No. 13391**
- I. Resolution approving a MOU for a Birch Lake water quality improvement project at the Sports Center **Res. No. 13392**
- J. Resolution authorizing Merrick, Inc. to conduct charitable gambling at The Alchemist **Res. No. 13393**
- K. Resolution granting two setback variances for 48XX Central Avenue **Res. No. 13394**
- L. Resolution declaring costs to be assessed, ordering preparation of proposed assessment roll, and ordering a public hearing for the 2024 Pavement Rehabilitation Project **Res. No. 13395**
- M. ~~Resolution adopting a Fair Housing Policy~~ *Moved to New Business*

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

5. VISITORS AND PRESENTATIONS

Nothing scheduled.

6. PUBLIC HEARINGS

- A. Vacation of sections of easements located at 12th Street and Bloom Avenue and White Bear Lake Schools Addition Preliminary and Final Plats

Community Development Director Lindahl presented an application requesting approval of preliminary and final plat for White Bear Lake Area Schools. The site includes Central Middle School, White Bear Lake Area High School and numerous residential properties acquired and cleared by the school district to accommodate the expansion of the school district’s North Campus. Additionally, the applicant is requesting to vacate the 12th Street roadway easement and a portion of Bloom Avenue. This plat application is necessary to consolidate these properties and fulfill the requirements of the original conditional use permit approving the North Campus expansion. Plot 1 would be for the high school and plot 2 would be for Central Middle School. Director Lindahl provided background information on the campus’ construction and expansion. Mayor Louismet opened the public hearing at 7:08 p.m. There being no comment, the public hearing was closed.

It was moved by Councilmember **Walsh**, seconded by Councilmember **West**, to approve **Res. No. 13396**, granting preliminary and final plat approvals for White Bear Lake Area Schools addition. Motion carried unanimously.

It was moved by Councilmember **Walsh**, seconded by Councilmember **West**, to approve **Res. No. 13397**, vacating certain public easements. Motion carried unanimously.

- B. Second Reading of an ordinance amending the Operation of Cannabis Businesses Interim Moratorium Ordinance

At the July 23 City Council meeting, City Attorney Anderson presented a first reading of an ordinance amending the Operation of Cannabis Businesses Interim Moratorium Ordinance. He summarized the first reading, explaining that legislative amendments passed during the 2024 session could potentially create gaps in the City's current moratorium addressing cannabis businesses. The legislative amendments include separation of certain types of businesses from the definition of "cannabis business," creation of a process allowing certain businesses to apply for license preapprovals, and allowing certain businesses to start growing cannabis prior to obtaining a license. City Attorney Anderson recommends an amendment to the City's moratorium to address the legislative changes, creating a clearer message that the moratorium still applies to these types of businesses separated from the definition of "cannabis business," cultivators, and those pursuing the preapproval process. Mayor Louismet opened the public hearing at 7:11 p.m. There being no comment, the public hearing was closed.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to adopt **Ordinance No. 24-08-2073**, an interim ordinance amending Ordinance No. 23-07-2063 regarding cannabis-related businesses. Motion carried unanimously.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve **Res. No. 13398**, approving the summary publication of an interim ordinance amending Ordinance No. 23-07-2063 regarding cannabis-related businesses. Motion carried unanimously.

Councilmember Edberg asked if staff is prepared for next steps as the Office of Cannabis Management (OCM) is preparing to operate its licensing of cannabis. City Manager Crawford said staff plans to present a zoning ordinance to the City Council in the fall. She reminded Council that the City will no longer be the issuing authority of cannabis-related licenses once OCM initiates its licensing structure, which is expected to be January 1, 2025.

7. UNFINISHED BUSINESS

Nothing scheduled.

8. NEW BUSINESS

A. First Reading of an ordinance amending the Zoning Code as it relates to off-sale liquor

Community Development Director Lindahl presented a first reading of an ordinance related to off-sale liquor in the downtown central business district. The applicant, Hardik Patel, is requesting a zoning text amendment to allow off-sale liquor in the B-5: Central Business zoning district. Mr. Patel is the current owner of Cotroneo's Liquor, which will relocate under a different name to a new parcel, pending Council approval of the text amendment. Director Lindahl explained potential options for allowing off-sale in downtown, which included permitted districtwide and would allow liquor stores at any property; permitted with certain conditions, with conditions limited to certain properties and property size; or allowing it through a conditional use permit. In anticipation that the City Council could select the conditional use permit option, the applicant applied for both the zoning text amendment and a

conditional use permit. Both the Planning Commission and staff recommend approval of the ordinance allowing off-sale liquor as a permitted use within the B-5 Central Business zoning district with conditions. However, should the City Council determine that off-sale liquor should be a conditional use, staff would recommend approval of the associated conditional use permit. Staff asked for Council direction ahead of the second reading on August 27.

Mayor Louismet shared his support for staff's recommendation of permitted use with certain conditions. Councilmember Edberg shared concern about creating a monopoly and giving preferred advantage to one businessowner. He shared support for the businessowner but was not in favor of creating conditions that favor one business. Mayor Louismet sought clarification from Director Lindahl on whether Councilmember Edberg's concerns could be alleviated through the zoning code review process; Director Lindahl confirmed that could happen. Councilmember Walsh asked about the history of not allowing off-sale liquor in the downtown area. Director Lindahl couldn't reference specific reason for White Bear Lake specifically but presumed it could've been the downtown area being considered a destination and Minnesota being generally strict in its liquor regulation in years past. He also pointed out that liquor stores are typically in easily accessible locations where customers can come and go after their purchase. Councilmember Walsh shared his support with staff's recommendation. Councilmember Edberg stated he was not in favor of the recommendation.

A second reading is scheduled for the August 27 regular Council meeting.

B. Resolution adopting a Fair Housing Policy

Housing and Economic Development Coordinator Shimek presented a fair housing policy for City Council to consider. Adopting a fair housing policy is required by the Metropolitan Council for recipients of Livable Communities Act grant funding and recent grant awards for the 2502 County Road E project also necessitate the City to adopt a policy. In addition, adopting a fair housing policy is a goal listed in the City's 2040 Comprehensive Plan. Coordinator Shimek summarized feedback received from Council during the July 9 and July 23 work sessions. She provided an overview of fair housing policy minimum requirements, the purpose statement, complaint identification and referral, internal practices, and external practices. Councilmember West emphasized the importance of the policy and shared her support. Mayor Louismet complimented staff for transforming the original draft after hearing feedback from the Council and himself.

It was moved by Councilmember **West**, seconded by Councilmember **Walsh**, to approve **Res. No. 13399**, adopting a Fair Housing Policy. Motion carried unanimously.

9. DISCUSSION

Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared information on the ribbon cutting and open house of the Public Safety Facility. Upcoming events included Fridays with Firefighters and a White Bear Lake Area

Historical Society program. She shared that the police squad cars have been rebranded and were in service.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adjourn the regular meeting at 7:36 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



**COUNCIL WORK SESSION
MINUTES
6:30 P.M., TUESDAY, AUGUST 20, 2024
CITY HALL 2nd FLOOR BOARD ROOM**

Mayor Louismet opened the meeting at 6:40 p.m. Councilmembers in attendance included: Kevin Edberg, Steven Engstran, Heidi Hughes and Andrea West. Councilmember Bill Walsh was excused. Staff members in attendance included: City Manager Lindy Crawford, Assistant City Manager Rick Juba, and Finance Director Kerri Kindsvater.

1. 2025 Preliminary Budget

City Manager Crawford and Finance Director Kindsvater gave an overview of the preliminary 2025 budget for the City's General Fund as well as an analysis of the fund balance. City Manager Crawford reviewed the City's strategic plan, and the goals and objectives related to budgeting. Budget recommendations were made to align with the strategic plan.

Notable revenue changes in the preliminary budget include American Rescue Plan Act (ARPA) aid and Public Safety local government aid (PS LGA) support concluding in 2024, LGA retained in the General Fund, grant funds received to support activities to address emerald ash borer (EAB) effects on trees and police staffing. Notable expenditure changes for 2025 include salary adjustments per the adopted pay plan and a cost-of-living adjustment of 3%, increase in health insurance premiums, operating technology costs, new personnel, costs associated with EAB and police staffing grant matching requirements. These changes contribute to a preliminary levy increase of 15.70% or \$1,884,000 over the 2024 levy. This equates to \$602.04 tax levy per capita for 2025 which will keep White Bear Lake amongst the lowest taxed cities with populations between 16,000 and 37,000 in Minnesota.

According to Ramsey County, the median valued home for White Bear Lake is \$334,200 in 2024, which is a 7.08% increase from 2023. A home valued at \$334,200 would pay \$991.72 in 2025 for 24/7 police and fire response, street maintenance, street lighting, plowing, park/recreation activities, election activities, access to city publications, and more.

Staff and the Council discussed the 2025 preliminary levy and budget. Staffing increases from 2024 include a firefighter/paramedic position that is already filled but funded by 2024 Public Safety LGA, a facilities maintenance technician position that was budgeted for half of the year in 2024, an additional school resource officer, an additional firefighter/paramedic and communications specialist. Potential reductions to the 2025 tax levy could be made by finalizing employee health insurance renewal rates and removing some or all of the additional staffing positions. The Council did not suggest changes be made to the preliminary budget at this time.

Staff will continue to work on the preliminary budget and tax levy for presentation at the September 10 regular Council meeting. The preliminary tax levy must be set no later than the September 24 regular Council meeting.

The meeting adjourned at 9:25 PM.



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: Lindy Crawford, City Manager
FROM: Ashton Miller, City Planner
DATE: August 27, 2024
SUBJECT: **Dignisuites Final Plat Renewal, 2687 County Road D, Case No. 23-17-FP**

SUMMARY

The applicant, Dignisuites, requests a second renewal of the Dignisuites Addition final plat. Renewal of the final plat is necessary because the original condition of approval to record the final plat within 100 days of City Council approval expired, as has the additional 100 days extension that was granted by the City Council on January 23, 2024. Should the City Council approve renewal of the final plat, it would remain subject all the terms and conditions of the original approvals and the applicant would be granted an additional 100 days to record the final plat.

GENERAL INFORMATION

Applicant/Owner: Brian Wings & Bruggeman Builders LLC, Dignisuites

Existing Land Use/
Zoning: Vacant / R-B: Residential Business Transition

Surrounding Land
Use /Zoning: North: Vacant / R-6: Medium Density Residential
South: Vacant / B-2: Limited Business
East: Office Condos / B-2: Limited Business
West: Apartment / R-6: Medium Density Residential

Comprehensive Plan: Commercial

Lot Size & Width: None & 100 feet

BACKGROUND INFORMATION

In July of 2023, the City Council approved the preliminary and final plats for Dignisuites of White Bear Lake. The approvals allowed subdivision of the property into a lot south of County Road D to be used for a fourteen-unit nursing home and an outlot north of County Road D.

Per condition number 4 of the resolution of approval, the applicant was required to record the final plat with Ramsey County within 100 days of City Council approval. An extension was initially granted on January 23, 2024. The 100 days has again expired, so the applicant has requested to renew the final plat. The subdivision code allows written requests for extensions to be granted as long as approved by

City Council. Staff is agreeable to renewing the final plat based on the finding that the final plat remains consistent with the preliminary plat and all other terms and conditions of the original approvals.

RECOMMENDATION

Staff recommends the City Council adopt a resolution renewing the Dignisuites of White Bear Lake final plat, subject to:

1. Conformance with all requirements of the preliminary plat.
2. Conformance with all requirements of the original final plat.
3. Conformance with all requirements of the rezoning.
4. Conformance with all requirements of the planned unit development (PUD).

ATTACHMENTS

Resolution

Final Plat

RESOLUTION NO.

**RESOLUTION RENEWING THE DIGNISUITES OF WHITE BEAR LAKE FINAL PLAT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Dignisuites has requested renewal of the Dignisuites of White Bear Lake final plat, per City Code Section 1401, at the following location:

LOCATION: 2687 County Road D, PID 363022440312

WHEREAS, the preliminary and final plats were approved through Resolution 13217 on July 25, 2023, and

WHEREAS, a condition of approval for the final plat required the final plat to be recorded within 100 days of the original City Council approval, and

WHEREAS, a 100 day renewal of the final plat was approved through Resolution 13309 on January 23, 2024 and has since expired, and

WHEREAS, the final plat remains consistent with the preliminary plat.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of White Bear Lake renews the Dignisuites final plat, subject to the following conditions:

1. Conformance with all requirements of the preliminary plat.
2. Conformance with all requirements of the original final plat.
3. Conformance with all requirements of the rezoning.
4. Conformance with all requirements of the planned unit development (PUD).
5. Conformance with all requirements of the of the City Attorney’s plat opinion.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature

Date

DIGNISUITES OF WHITE BEAR LAKE

KNOW ALL PERSONS BY THESE PRESENTS: That Bruggeman Builders LLC, a Minnesota limited liability company, owner of the following described property situated in the City of White Bear Lake, County of Ramsey, State of Minnesota:

The West 100 feet of the East 663 feet of the South 613 feet of the Southeast Quarter of the Southeast Quarter of Section 36, Township 30, Range 22, Ramsey County, Minnesota. EXCEPT that part which lies within a distance of 33 feet on each side of the following described line:

Beginning at a point on the east line of said section 36, distant 266 feet north of the southeast corner thereof; thence run westerly at an angle of 90 degrees 01 minute 07 seconds with said east section line (measured from north to west) for 448.91 feet; thence deflect to the left on a 1.6 degree 00 minutes curve (cable angle 43 degrees 00 minutes 30 seconds) for 268.8 feet; thence on tangent to said curve for 30 feet and thence terminating;

And
OUTLOT C, LAKEWOOD VILLAGE, Ramsey County, Minnesota.

Has caused the same to be surveyed and platted as DIGNISUITES OF WHITE BEAR LAKE and does hereby dedicate to the public for public use forever the drainage and utility easements as created by this plat.

In witness whereof said Bruggeman Builders LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20__.

Signed: BRUGGEMAN BUILDERS LLC

Paul S. Bruggeman, Chief Manager

STATE OF _____

COUNTY OF _____

The foregoing Instrument was acknowledged before me on this ____ day of _____, 20__ by Paul S. Bruggeman, Chief Manager of Bruggeman Builders LLC, a Minnesota limited liability company, on behalf of the company.

(Signed)

Notary Public, _____ County, _____

My commission expires _____

I, Jason E. Rud, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certification are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20__.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA

COUNTY OF _____

This Instrument was acknowledged before me on this ____ day of _____, 20__ by Jason E. Rud, Licensed Land Surveyor.

(Signed)

Notary Public, _____ County, Minnesota

My commission expires _____

CITY COUNCIL, CITY OF WHITE BEAR LAKE

We do hereby certify that on the ____ day of _____, 20__, the City Council of the City of White Bear Lake, Minnesota, approved this plat. Also, the conditions of Minnesota Statutes, Section 505.03, Subd. 2, have been fulfilled.

Mayor Clerk

PROPERTY TAX, RECORDS AND ELECTION SERVICES DEPARTMENT

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20__.

Ramsey County Auditor/Treasurer

By: _____ Deputy

COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 383A.42, this plat is approved this ____ day of _____, 20__.

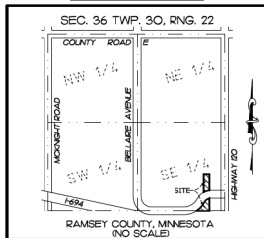
Daniel D. Baar, L.S.
Ramsey County Surveyor

COUNTY RECORDER, COUNTY OF RAMSEY, STATE OF MINNESOTA

I hereby certify that this plat of DIGNISUITES OF WHITE BEAR LAKE was filed in the office of the County Recorder for public record on this ____ day of _____, 20__, at ____ o'clock ____ M, and was duly filed in Book ____ of Plats, Page ____ as Document Number ____.

Deputy County Recorder

VICINITY MAP

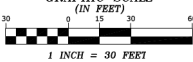


LEGEND

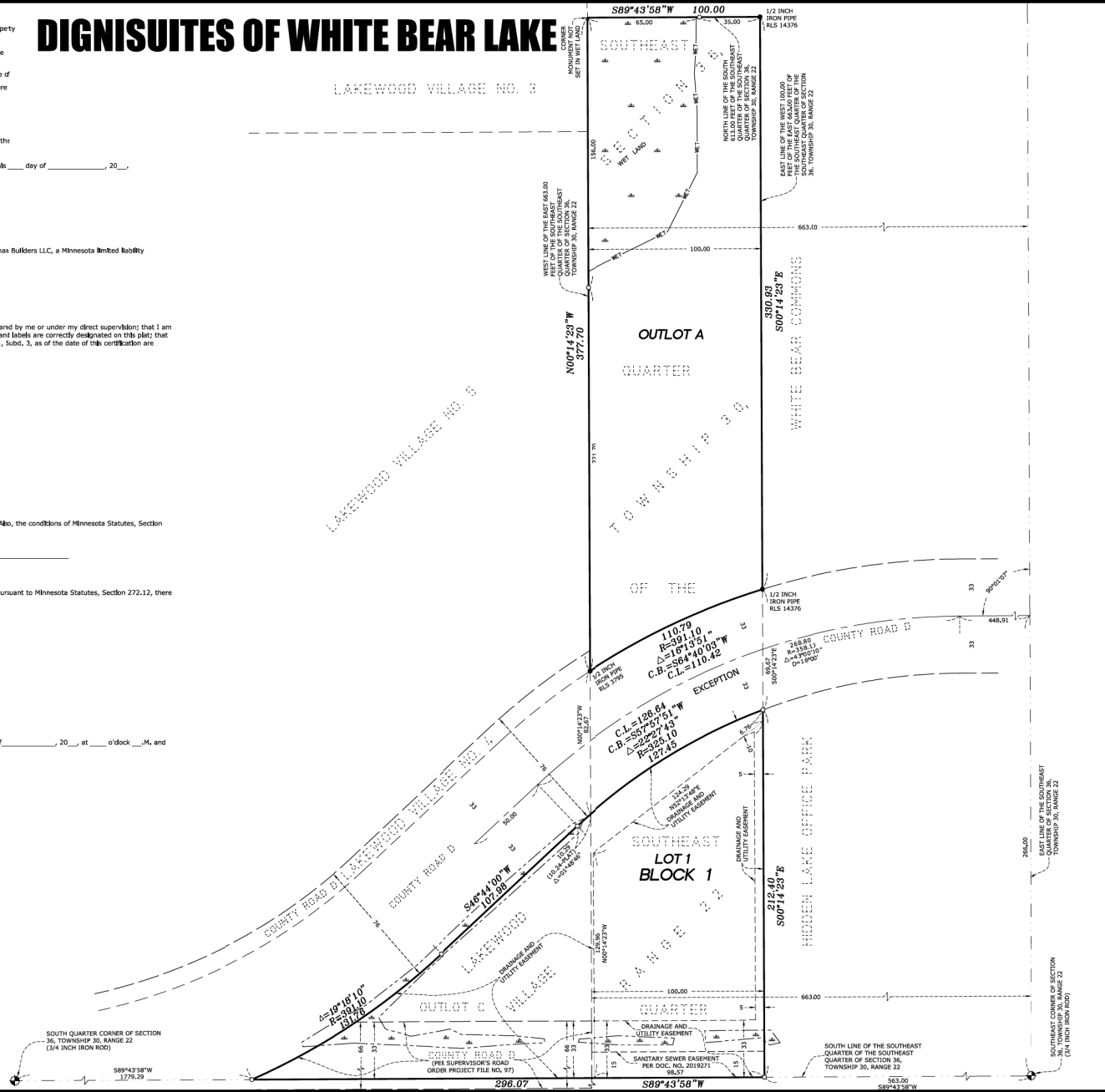
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE SET, MARKED RLS NO. 41578
- ⊕ DENOTES RAMSEY COUNTY MONUMENT, AS LABELED
- ⊙ DENOTES WET LANDS DELINEATED BY BOBRAY ENVIRONMENTAL SERVICES, LLC IN 2023
- (10.24-PLAT) DENOTES DIMENSION PER THE PLAT OF LAKEWOOD VILLAGE

FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 30, RANGE 22 IS ASSUMED TO HAVE A BEARING OF SOUTH 89 DEGREES 43 MINUTES 58 SECONDS WEST.

GRAPHIC SCALE



E. G. RUD & SONS, INC.
Professional Land Surveyors
EST. 1977





City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl, Community Development Director
Date: August 27, 2024
Subject: Community Development Department Report – First Half of 2024

SUMMARY

Attached is the Community Development Department biannual report for the first half of 2024. Staff will present this information during the meeting and take questions or comments from the City Council.

BACKGROUND INFORMATION

The Community Development Department biannual report is based on specific data for building permits, code enforcement cases and zoning activity from January through June of 2024.

Generally, activity continues a downward trend first noticed at the end of 2023 with the most notable decreases in building permit activity. Decreases are mostly attributed to the conclusion of the North Campus and Lochner Apartments projects and less storm damaged roofs over the last year. While activity has decreased compared to recently years, the data appears to show a return to a more normal level after significant increases during the last several years.

Building. Building permit data includes total number of permits, total valuation of permits and total permit fees for White Bear Lake, Mahtomedi and the two cities combined for the first half of 2024 and compared with the first of 2023. Numbers indicate the total number of permits were down 25%; the total valuation of permits were down by 37%; and the total permit fees were down by 34% compared to the first half of 2023.

Code Enforcement. Code enforcement data is broken down by complaints and proactive cases and by case type in each of the five (5) wards within the city. There were 308 total code enforcement cases between January and June of this year. Of those, 83 were complaint based while 225 were proactive cases. Compared to the first half of last year, the total number of cases and complaint-based cases were down slightly while proactive cases were up slightly.

Planning (Zoning). Zoning activity data is provided by type. Overall, there was a slight decrease in total activity from 2023 to 2024. While there were increase for zoning permits, nearly all other zoning activity categories have decreased so far.

RECOMMENDATION

None – information sharing only.

ATTACHMENTS

Community Development Biannual Report – First Half of 2024

WHITE BEAR LAKE & MAHTOMEDI COMPARISON OF PERMITS

MONTHLY COMPARISONS JUNE 2024	2024 WBL YTD	2024 MA YTD	2024 WBL & MA YTD	2023 WBL YTD	2023 MA YTD	2023 WBL & MA YTD	WBL CHANGE IN NUMBERS	WBL % CHANGE	WBL & MA CHANGE IN NUMBERS	WBL & MA % CHANGE	MA % OF TOTAL ACTIVITY
PERMIT TOTALS:											
Comm./Ind. (New)	0	0	0	2	0	2	-2	-100%	-2	-100%	#DIV/0!
Comm./Ind. (Alt)	22	1	23	23	4	27	-1	-4%	-4	-15%	4%
S.F. Dwelling (New)	4	2	6	2	8	10	2	100%	-4	-40%	33%
S.F. Dwelling (Alt)	402	154	556	699	374	1073	-297	-42%	-517	-48%	28%
Garage Only	6	2	8	15	2	17	-9	-60%	-9	-53%	25%
Other Building Permits	15	7	22	10	3	13	5	50%	9	69%	32%
Demolition	3	1	4	5	0	5	-2	-40%	-1	-20%	25%
Electrical	309	99	408	342	132	474	-33	-10%	-66	-14%	24%
All Other Permit Types	582	173	755	547	198	745	35	6%	10	1%	23%
ALL PERMIT TYPE TOTALS:	1343	439	1782	1645	721	2366	-302	-18%	-584	-25%	25%

PERMIT VALUATION:

Comm./Ind. (New)	\$0	\$0	\$0	\$45,385,251	\$0	\$45,385,251	-\$45,385,251	-100%	-\$45,385,251	-100%	#DIV/0!
Comm./Ind. (Alt)	\$43,315,521	\$82,000	\$43,397,521	\$28,227,686	\$231,780	\$28,459,466	\$15,087,835	53%	\$14,938,055	52%	0%
S.F. Dwelling (New)	\$1,870,000	\$1,477,000	\$3,347,000	\$1,622,916	\$6,246,756	\$7,869,672	\$247,084	15%	-\$4,522,672	-57%	44%
S.F. Dwelling (Alt)	\$8,723,001	\$5,905,981	\$14,628,982	\$14,818,198	\$14,353,365	\$29,171,563	-\$6,095,197	-41%	-\$14,542,581	-50%	40%
Garage Only	\$94,000	\$26,734	\$120,734	\$384,931	\$30,500	\$415,431	-\$290,931	-76%	-\$294,697	-71%	22%
Fire Suppression	\$1,040,210	\$0	\$1,040,210	\$1,005,673	\$69,762	\$1,075,435	\$34,537	3%	-\$35,225	-3%	0%
Heating (HVAC)	\$10,652,082	\$740,458	\$11,392,540	\$7,390,749	\$868,442	\$8,259,191	\$3,261,333	44%	\$3,133,349	38%	6%
Other Valuation Permits	\$6,273,487	\$335,561	\$6,609,048	\$7,031,405	\$147,800	\$7,179,205	-\$757,918	-11%	-\$570,157	-8%	5%
VALUATION TOTALS:	\$71,968,301	\$8,567,734	\$80,536,035	\$105,866,809	\$21,948,405	\$127,815,214	-\$33,898,508	-32%	-\$47,279,179	-37%	11%

PERMIT FEES:

Comm./Ind. (New)	\$0	\$0	\$0	\$185,585	\$0	\$185,585	-\$185,585	-100%	-\$185,585	-100%	#DIV/0!
Comm./Ind. (Alt)	\$191,968	\$1,005	\$192,973	\$144,703	\$2,750	\$147,453	\$47,265	33%	\$45,520	31%	1%
S.F. Dwelling (New)	\$14,963	\$10,174	\$25,137	\$22,368	\$40,323	\$62,691	-\$7,405	-33%	-\$37,554	-60%	40%
S.F. Dwelling (Alt)	\$99,619	\$50,749	\$150,368	\$142,457	\$118,120	\$260,577	-\$42,838	-30%	-\$110,209	-42%	34%
Garage Only	\$1,781	\$551	\$2,332	\$6,238	\$568	\$6,806	-\$4,457	-71%	-\$4,474	-66%	24%
Other Building Permits	\$2,364	\$2,270	\$4,634	\$2,566	\$1,747	\$4,313	-\$202	-8%	\$321	7%	49%
Demolition	\$600	\$200	\$800	\$1,000	\$0	\$1,000	-\$400	-40%	-\$200	-20%	25%
Electrical	\$63,574	\$8,539	\$72,113	\$64,202	\$11,428	\$75,630	-\$628	-1%	-\$3,517	-5%	12%
All Other Permit Types	\$140,339	\$21,610	\$161,949	\$130,038	\$22,330	\$152,368	\$10,301	8%	\$9,581	6%	13%
PERMIT FEE TOTALS:	\$515,208	\$95,098	\$610,306	\$699,157	\$197,266	\$896,423	-\$183,949	-26%	-\$286,117	-32%	16%
PLAN FEES:	\$144,842	\$13,901	\$158,743	\$230,419	\$37,162	\$267,581	-\$85,577	-37%	-\$108,838	-41%	9%
TOTAL PERMIT & PLAN FEES:	\$660,050	\$108,999	\$769,049	\$929,576	\$234,428	\$1,164,004	-\$269,526	-29%	-\$394,955	-34%	14%

Park Fees	\$4,400	\$0	\$4,400	\$121,256	\$0	\$121,256	-\$116,856	-96%	-\$116,856	-96%	0%
SAC Fees	\$203,770	\$4,970	\$208,740	\$628,705	\$17,395	\$646,100	-\$424,935	-68%	-\$437,360	-68%	2%

Code Enforcement Activity

WHITE BEAR LAKE FULL YEAR CODE ENFORCEMENT VIOLATIONS BY WARD

January 1 - December 31, 2024

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
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TOTAL CASES SUMMARY

Complaints	20	31	30	25	29	135
Proactive / City Initiated	45	48	78	49	51	271
TOTALS:	65	79	108	74	80	406

DETAILED CASE SUMMARY

Refuse / Exterior Storage	12	14	12	19	20	77
Parking	5	7	11	9	6	38
Weeds	17	16	39	26	31	129
Motor Vehicle	16	20	25	10	13	84
Structure Maintenance	3	5	2	1	0	11
Miscellaneous	12	17	19	9	10	67
TOTALS:	65	79	108	74	80	406

CASE STATUS SUMMARY

Number of Open Cases	42	50	59	36	40	227
Number of Closed Cases	23	29	49	38	40	179
TOTALS:	65	79	108	74	80	406

WHITE BEAR LAKE FULL YEAR CODE ENFORCEMENT VIOLATIONS BY WARD

January 1 - December 31, 2023

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
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TOTAL CASES SUMMARY

Complaints	42	46	51	54	46	239
Proactive / City Initiated	80	107	103	87	70	447
TOTALS:	122	153	154	141	116	686

DETAILED CASE SUMMARY

Refuse / Exterior Storage	26	33	31	33	27	150
Parking	20	21	36	24	19	120
Weeds	5	10	12	17	7	51
Motor Vehicle	30	47	40	29	30	176
Structure Maintenance	7	4	8	6	7	32
Miscellaneous	34	38	27	32	26	157
TOTALS:	122	153	154	141	116	686

CASE STATUS SUMMARY

Number of Open Cases	33	41	47	49	44	214
Number of Closed Cases	89	112	107	92	72	472
TOTALS:	122	153	154	141	116	686

Zoning Activity Summary – First Half of 2024

	JAN	FEB	MARCH	APRIL	MAY	JUNE	YTD (6/30/24)	SUM 1 st H 2023	2023 End of Year
SIGN PERMITS	3	4	1	3	6	4	21	11	35
ZONING PERMITS	2	1	11	24	42	18	98	86	186
OTHER PERMITS	7	10	17	20	22	28	104	76	159
ZONING LETTERS ¹	0	1	0	0	0	0	1	6	8
ADMINISTRATIVE VARIANCES	1	1	2	0	1	4	9	13	24
LAND USE CASES*	4	0	0	3	0	0	7	21	28
QUESTIONS / INQUIRIES	64	48	63	73	96	82	426	479	975
MEETINGS	7	8	5	6	10	10	46	57	115
SITE INSPECTIONS	0	1	1	0	2	4	8	2	7
ENFORCEMENT LETTERS	0	0	0	0	0	1	1	2	2
OTHER / MISC [^]	0	1	0	2	0	0	3	6	9
TOTAL	88	75	100	131	179	151	724	759	1548

1. A zoning letter indicates that a commercial property is being sold or refinanced.

JANUARY LAND USE CASES

CUP - Lake Ave – 3rd Curb Cut
 Variance – Stewart Ave 2nd Acc Structure Size
 Variance – Elm Dr Shed Setback
 Variance – 4556 Hwy 61 House Setbacks

FEBRUARY LAND USE CASES

N/A

MARCH LAND USE CASES

N/A

APRIL LAND USE CASES

Variance/Lot Split – 1783 Hwy 96
 Variance – Solid Ground Garages
 Lot Split/Vac – Bald Eagle

MAY LAND USE CASES

N/A

JUNE LAND USE CASES

N/A

OTHER / MISCELLANEOUS

February:
 Zoning Code Community Advisory
 Committee Meeting

April:
 Zoning Code Update Open Houses



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Ashton Miller, City Planner
DATE: August 27, 2024
SUBJECT: B-5 Zoning District Text Amendment – Case No. 24-9-Z

SUMMARY

The applicant, Hardik Patel, is requesting a zoning text amendment to allow off-sale liquor (liquor stores) in the B-5: Central Business zoning district. Should the City determine off-sale liquor is an appropriate use in the downtown district, this use could be established as a permitted, permitted with conditions, or conditional use. In anticipation that the city may conclude that off-sale liquor should be a conditional use, the applicant has also submitted a conditional use permit application. If the city approves the zoning text amendment request, it will allow the existing liquor store at 2148 3rd Street to relocate across the street to the recently vacated property at 2140 3rd Street (former Frazer Auto).

This memo provides background information on this request, analyzes each of the three options to establish this use in the Downtown district and ultimately recommends the City allow this use in the Downtown district as a permitted use with certain conditions. After hearing the options at the July 29th Planning Commission meeting, the commissioners recommended the code be amended to allow off-sale liquor (liquor stores) as a permitted use in the B-5 district with conditions as proposed by staff.

The City Council conducted the first reading of the proposed ordinance on August 14, 2024 and directed staff to bring this item back before the City Council on August 27, 2024 for a second reading and final consideration. During the City Council meeting, staff recommends the Council conduct the second reading of the zoning text amendment, adopt the ordinance, and approve a resolution allowing publication of said ordinance by title and summary.

GENERAL INFORMATION

Applicant/Owner: Hardik Patel

Existing Land Use / Zoning: Vacant (former auto repair shop); zoned B-5: Central Business

Surrounding Land Use / Zoning: North: Green Space; zoned P
 South: Commercial Mixed Use; zoned B-5

East: Commercial Mixed Use; zoned B-5
 West: Commercial Mixed Use (Across Hwy 61); zoned DCB: Diversified
 Central Business

Comprehensive Plan: Downtown

Lot Size & Width: Code: None
 Site: 9,268 square feet; 128 feet wide

60 Day Review Date: August 6, 2024; Extended 60 days October 6, 2024

BACKGROUND INFORMATION

The applicant, Hardik Patel, is the current owner of Cotroneo's Liquor, which is located in the Getty Building at the southeast corner of Clark Avenue and 3rd Street with an address of 2148 3rd Street. The corner store has operated as a liquor store since at least the 1970's, when it was known as Ciresi's. According to Mr. Patel, he began looking for a new location nearby to relocate his business due to changing lease terms at his current location. The property directly across the street at 2140 3rd Street recently became available after the previous business, Frazer Automotive, closed earlier this year.

Both parcels are zoned B-5: Central Business, which allows for a number of commercial activities as permitted use including: banks without drive-thru facilities, food service, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, home improvement showrooms and studios, upholstery shops, restaurants without drive-thru facilities, indoor recreation, retail shops, grocery stores, and art, music and dance studios, and personal service establishments.

It should be noted that the Zoning Code specifically states that when a use is not expressly permitted or prohibited in a zoning district, it is considered prohibited. Therefore, liquor stores are currently not a permitted use in the downtown zoning district. Due to the fact that Cotroneo's operated as a liquor before the adoption of the current zoning code, it is considered a legal non-conforming use, but only in its existing location. In order for the liquor store to move to the new location across the street, a text amendment would need to be granted to establish off-sale liquor either as a permitted or conditional use.

Planning Commission Action. The Planning Commission reviewed this item during their July 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant, Hardik Patel, spoke about his desire to keep his business in the downtown at the new location, and that he is working with the property owner on a contract for deed. He mentioned that he would make improvements to the façade of the building including the addition of glass windows similar to those at his current store. Two other members of the public spoke. Eli Rupnow spoke in favor of the request, stating he has known the applicant for a few years and he runs his business well. He would like to see the applicant remain downtown. Bryan Longville spoke against the proposed text amendment, stating that it did not conform to the purpose and intent of the B-5 zoning district. In addition to the public

hearing comments, it should be noted that the city received two email comments supporting the request from Lori Hughes of 4984 Stewart and Glen Lacher of 12648 Fondant Trail in Hugo (see attached).

After the public hearing was closed, the Planning Commission discussed whether a liquor store was an appropriate use in the district, ultimately concurring that it did fit in downtown, but should be regulated in some manner. Weighing the pros and cons of the different options to amend the code laid out by staff, the commissioners generally agreed that the option recommended by staff was appropriate. At the end of their discussion, the Planning Commission voted 5-0 to recommend the City Council approve the request to permit off-sale liquor in the B-5 zoning district with conditions.

ANALYSIS

City Code Section 1301.040 outlines the process for amendments to the zoning code. It requires the Planning Commission to hold a public hearing to review the proposed amendment and then make a recommendation to the City Council. The City Council must then review the recommendation from the Planning Commission and hold two readings of the proposed ordinance before it can be published and put into effect.

As noted above, should the City determine off-sale liquor is an appropriate use in the downtown district, this use could be established as a permitted, permitted with conditions, or conditional use. Each of these three options are described below. Of these three, staff recommends establishing off-sale liquor as a permitted use with conditions, as it would both allow this longstanding business to relocate within downtown, while limiting the general allowance of this use throughout the downtown zone.

1. Permitted Use –Establishing off-sale liquor as a permitted would mean that liquor stores would be allowed by right at any property within the B-5 zoning district subject to an administrative building permit process. This approach represents a wholesale change from the current zoning policy to prohibit these uses in downtown.
2. Permitted Use with Conditions – Similar to Option 1 above, establishing off-sale liquor as a permitted use with conditions would also allow liquor stores by right, but in limited locations within the downtown district subject to an administrative building permit process. This option is closest to the “status quo” in that it would allow this longstanding business to relocate within downtown while limiting the general allowance of this use throughout the downtown zone. Staff recommends approval of this option, subject to the following conditions:
 - a. The property is along Highway 61; and
 - b. The property is along 3rd Street or 4th Street; and
 - c. The parcel does not exceed 0.2 acres or 8,712 square feet in size.
3. Conditional Use – As a conditional use, off-sale liquor would be regulated in the same manner as described in the permitted with conditions option above; however, each request would be reviewed using the conditional use permit criteria as laid out in zoning code Section 1301.050. Conditional use permit application requires a public hearing

before the Planning Commission and formal approval by the City Council. In anticipation that the city could select this option, the applicant applied for both the zoning text amendment and a conditional use permit and staff has reviewed the application against the conditional use permit standards.

The procedure and criteria used to evaluate zoning amendment applications (either text changes or rezoning of individual properties) are found in City Code Section 1301.040 – Amendments. Review of this type of application is considered a legislative action. When considering legislative actions, cities have discretion to set the public policy or development standards they decide are appropriate for their community.

By comparison, review authority for conditional use permit applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the applicable review standards. The city's role is limited to applying the review standards to the facts presented by the application. Generally, if the application meets the review standards, it should be approved. The standards for reviewing CUPs are detailed in city code Section 1301.050 and are the same criteria used to evaluate proposed amendments. As such, staff has reviewed both requests concurrently below. Based on these findings, staff recommends approval of the text amendment and, if required, the associated conditional use permit. These standards and staff findings for each are detailed below.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

Finding: Other than the city-owned parking lots, all the parcels zoned B-5: Central Business, including the proposed location for the new liquor store, 2140 3rd Street, are guided downtown on the Future Land Use Map in the 2040 Comprehensive Plan. The Downtown designation does not mention liquor stores specifically, but encompasses a broad range of uses and intensities, including residential, commercial, and institutional. It is intended that development contribute to the pedestrian-scale, walkable environment that is already present in downtown. The mix in downtown is anticipated to be approximately 70% commercial, 20% residential, and 10% institutional. As a commercial use, liquor stores could be considered consistent with the guiding of the downtown land use category.

2. The proposed use is or will be compatible with present and future land uses of the area.

Finding: Permitting liquor stores in the B-5 zoning district is generally compatible with the present and future land uses of the area. The purpose and intent of the B-5 zoning district is to sustain the economic viability of the district by preserving its historic character and allowing for compatible redevelopment. It is intended that the mixed-use, small-scale, and pedestrian-oriented character associated with the district will be strengthened through improvements to existing properties and new infill development that is consistent with its distinct historic scale, architecture, and landscape architecture. The desired mix of uses shall consist of retail, service, and limited office establishments on the ground floor with office and residential above the ground floors. Development shall be carefully controlled to protect neighboring residential

properties from impact while at the same time permitting needed revitalization and redevelopment.

Staff finds that permitting the use with the conditions outlined above particularly achieves the goal of protecting residential properties from impact, since it limits the use to properties nearest Highway 61 and away from where the neighborhood transitions to residential.

3. The proposed use conforms with all performance standards contained herein.

Finding: As either a permitted or conditional use within the B-5 zoning district, liquor stores would be required to conform with all the performance standards listed in the district. The proposed liquor store at 2140 3rd Street would move into an existing building that was previously used as an auto repair shop, a use that is expressly prohibited in the B-5 zoning district. There are currently no changes proposed to the exterior of the building, which meets, or is grandfathered into, the setback, height, and building design requirements. The applicant has been working with the Building Department to make the necessary improvements inside to meet the state building code requirements triggered by the change in use. This includes making the site ADA (Americans with Disabilities Act) compliant.

4. The proposed use will not tend to or actually depreciate the area in which it is proposed.

Finding: The proposed use is similar to other commercial uses in the B-5 zoning district, so it is reasonable that the area will not be depreciated. There is no indication that the existing liquor store is depreciating the area. Rather, the applicant is making an investment in the building across the street at 2140 3rd Street that will improve the site.

5. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

Finding: The properties in the B-5 zoning district, including 2140 3rd Street, are all served by city sewer and water and would be able to accommodate the demands generated by a liquor store. The applicant will need to submit a sewer availability charge (SAC) determination application to the Metropolitan Council and pay any associated SAC and WAC (water availability charge) fees generated by the change in use.

6. Traffic generation by the proposed use is within capabilities of streets serving the property.

Finding: Highway 61, a minor arterial road, runs along the western edge of the B-5 zoning district, providing a number of ingress and egress locations for visitors to access downtown. Traffic generated by a liquor store is generally consistent with other retail uses and the streets in downtown would be able to accommodate those trips.

2140 3rd Street can be accessed from both Highway 61 and Clark Avenue. The existing liquor store is also along Clark, so the number of vehicles using the street should remain consistent with current usage levels. Parking is not required for this site, but it has over 5,000 square feet

of hard space that encompasses most of the lot and could be used for employee and customer parking.

RECOMMENDATION

1. After conducting the second reading, staff recommends the City Council adopt the attached ordinance as it relates to off-sale liquor uses in the B-5: Central Business zoning district, as presented.
2. After adopting the ordinance, staff recommends the City Council adopt the attached resolution approving publication of said ordinance by title and summary.

ATTACHMENT

- Ordinance
- Resolution
- Zoning Location Map
- Applicant Narrative
- Neighbor Comments

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE
AT SECTION 1303.160, "B-5, CENTRAL BUSINESS DISTRICT"
AS IT RELATES TO OFF-SALE LIQUOR (CASE NO. 24-9-Z)**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES ORDAIN THE FOLLOWING:

ARTICLE I. Amendments. The Municipal Code of the City of White Bear Lake is hereby amended at Section 1303.160 as follows:

Subd. 3. Permitted Uses. Any proposed exterior structural change, or exterior remodeling exceeding twenty five hundred (\$2,500.00) dollars in value shall require the unanimous approval of the City Engineer, City Building Official, City Planner, and Zoning Administrator. The following are permitted uses in the B-5, Central Business District: (Ref. Ord. 10-1-1063, 1/12/10)

a. Commercial uses. Commercial uses are limited to the following: banks (without drive-thru facilities), food services, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, home improvement showrooms and studios, upholstery shops, restaurants (without drive-in or drive-thru facilities), indoor recreation, retail shops, grocery stores, and art, music and dance studios and personal service establishments.

b. Liquor stores, provided that:

1. The property is along Highway 61; and

2. The property is along 3rd Street or 4th Street; and

3. The parcel does not exceed 0.2 acres or 8,712 square feet in size.

~~b. c.~~ c. Civic/institutional and transportation uses. Community centers, education/ academic facilities, libraries, museum art/galleries, indoor and outdoor public parks/open space, post offices, customer service facilities, public studios and performance theaters and time transfer and transit stations.

~~e. d.~~ d. Offices, professional uses, located above the ground floor.

~~e. e.~~ e. Offices, professional uses located at ground floor level, limited to no more than 30% of both the gross floor area and linear street frontage on any parcel in the B-5 District. Upper story offices shall be permitted uses and will not be included in determining this percentage. (Ref. Ord. 12-03-1012, 12/9/03).

ARTICLE II. Effective Date. This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the _____ day of August 2024.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

~~Stricken~~ material is deleted and double underlined material is added.

First Reading: August 14, 227

Initial Publication: _____

Second Reading: August 27, 2024

Final Publication: _____

Codified: _____

Posted on web: _____

RESOLUTION NO.

A RESOLUTION APPROVING AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE AT SECTION 1303.160, "B-5, CENTRAL BUSINESS DISTRICT" AS IT RELATES TO OFF-SALE LIQUOR

WHEREAS, the applicant, Hardik Patel initiated an application to amend the Zoning Ordinance related Off-Sale Liquor uses in the B-5, Central Business District; and

WHEREAS, the White Bear Lake Planning Commission held a public hearing and discussed this item and provided comments and feedback to staff during their July 29, 2024 meeting; and

WHEREAS, the White Bear Lake Planning Commission voted 5-0 to recommend the City Council approve this request; and

WHEREAS, the City Council of the City of White Bear Lake conducted a first reading of the ordinance during their August 14, 2024 meeting where they considered comments from the Planning Commission and comments and analysis from staff; and

WHEREAS, the City Council of the City of White Bear Lake conducted a second reading of the ordinance during their August 27, 2024 meeting where they considered comments from the Planning Commission and comments and analysis from staff; and

WHEREAS, the City Council of the City of White Bear Lake adopted Ordinance No. _____ "An Ordinance Amending the City Of White Bear Lake Zoning Code at Section 1303.160, B-5, Central Business District as it Relates to Off-Sale Liquor" at its August 27, 2024 meeting; and

WHEREAS, the City Council may, pursuant to Ordinance No. 83-6-666, City Charter Section 4.14, and Minnesota Statutes, Section 412.191, Subdivision 4, adopt a title and summary of an ordinance for publication in lieu of publishing the entire text of a lengthy ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the following title and summary language for publication of the Ordinance:

**CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE AT SECTION 1303.160, "B-5, CENTRAL BUSINESS DISTRICT" AS IT RELATES TO OFF-SALE LIQUOR

RESOLUTION NO.

In summary, the ordinance amends Section 1303.160, the B-5 Central Business District as it related to Off-Sale Liquor uses. The ordinance establishes Off-Sale Liquor as a permitted use, subject to certain conditions, in the B-5, Central Business District.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby directs the City Clerk to do each of the following:

1. Publish the approved summary language once in the City's official newspaper;
2. Have available for inspection during regular office hours a copy of the entire Ordinance;
3. Place a copy of the entire Ordinance at the White Bear Lake Branch of the Ramsey County Public Library;
4. Obtain an affidavit of publication of the title and summary from the official newspaper and place it in the City's ordinance book together with the Ordinance and a copy of this Resolution;
5. Post this Ordinance on the City's website.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

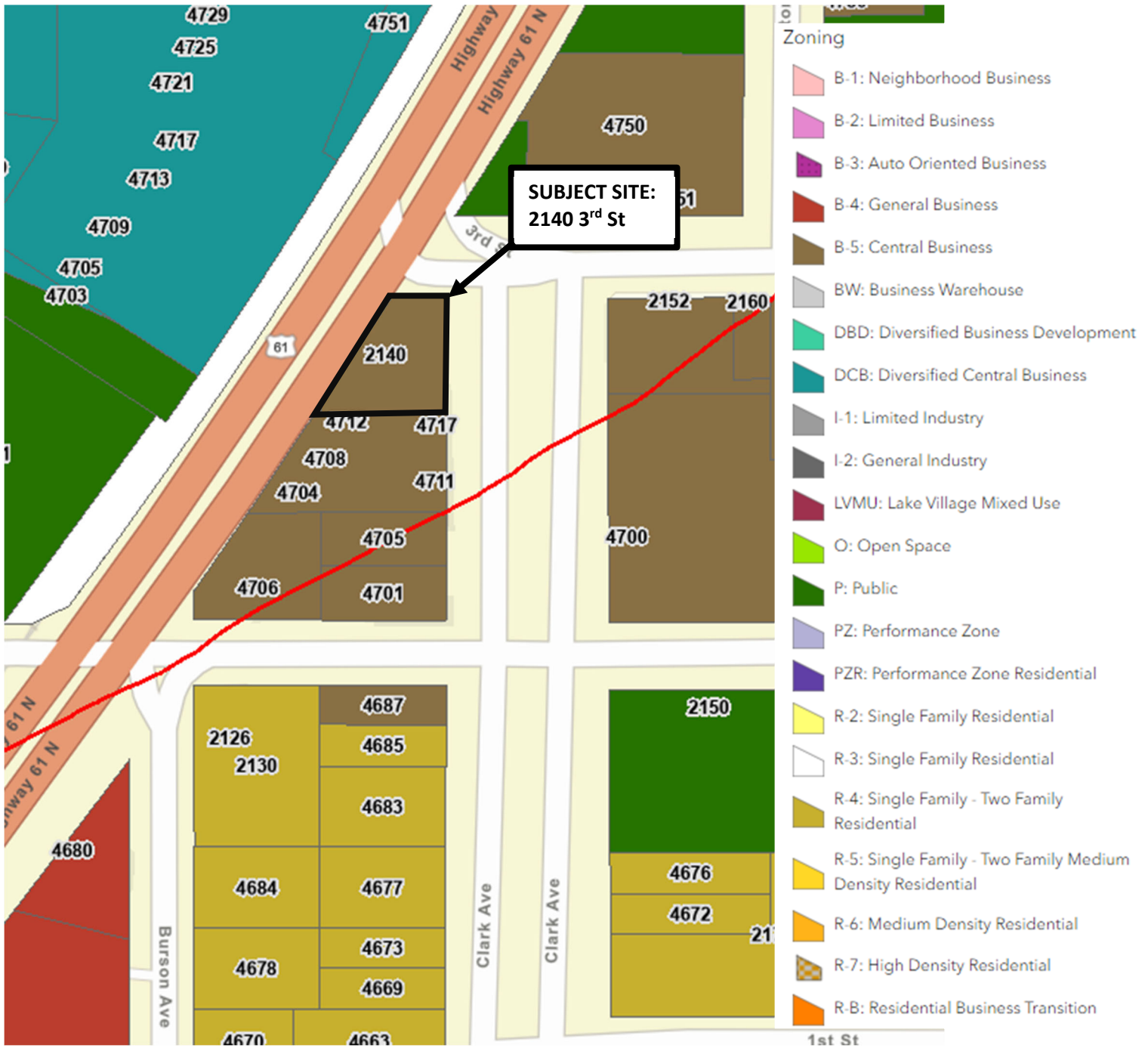
Ayes:
Nays:
Passed:


Adopted this _____ day of August 2024

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



 <p>City of White Bear Lake Planning & Zoning 651-429-8561</p>	<p>CASE NO. : <u>24-9-Z & CUP</u></p>
	<p>CASE NAME : <u>B-5 District Text Amendment and CUP</u></p>
	<p>DATE : <u>07-29-2024</u></p>

DESCRIPTION OF REQUEST: We're getting strongarmed by landlord to empty out the store. The landlord is not willing to attend our lease and asking also asking unrealistic amount of rent. The liquor store is part of the community

for 70 years +. It is part of history in downtown White Bear Lake. Our ask is to please allow us to do business in White Bear Lake & continue the history at 2140 3rd St. White Bear Lake. I am requesting Text Amendment for the BS zoning district to allow liquor store. Since our business is already established in downtown we're asking for temporary amendment so we can move 150ft to new building.

From: [Lori Hughes](#)
To: [Community Development](#)
Subject: potential liquor store at 2140 3rd St
Date: Wednesday, July 24, 2024 2:01:27 PM

Hello, Planning Commission.

Re the request to allow a liquor store at 2140 3rd St, I would be happy to see that the liquor store that has been at the corner of 3rd and Clark for many decades (Ciresi's, then Controneo's) could find a new home that is still within downtown WBL business area. Adapting the zoning to allow the store to move directly across Clark from its current location seems quite reasonable.

Thank you.

Lori Hughes
4984 Stewart Ave
WBL

Ashton Miller

From: lacher.glen <lacher.glen@gmail.com>
Sent: Sunday, July 28, 2024 2:04 PM
To: Community Development
Subject: Amendment to zoning code section 1303.160

I am writing in support of the application by Hardin Patel to amend zoning code section 1303.160.

I am a customer of Mr. Patel's and enjoy the friendly personal service he and his staff provide. His is the type of business that attracts and retains a regular and loyal customer base.

Glen Lacher
952-239-9833

12648 Fondant Trail N
Hugo, MN 55038



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: August 27, 2024
Subject: **Off-sale liquor, tobacco, and edible cannabinoid products licenses for United WBL LLC, dba White Bear Liquor**

SUMMARY

The City Council will consider adopting a resolution approving off-sale liquor license, tobacco, and edible cannabinoid products licenses for United WBL LLC, dba White Bear Liquor.

BACKGROUND INFORMATION

Hardik and Parth Patel, on behalf of United WBL LLC, submitted applications for an off-sale liquor license, tobacco license, and edible cannabinoid products license at White Bear Liquor, to be located at 2140 3rd Street in White Bear Lake.

A review of the background report provided by the Police Department found nothing to preclude issuance of the license to the applicant. The approved license would be effective immediately, pending processing of paperwork by the Alcohol and Gambling Enforcement Division for alcohol sales Department of Revenue for tobacco sales, and would be valid through the end of the business license cycle on March 31, 2025. The edible cannabinoid products license is also dependent on the approval of the liquor and tobacco licenses, a criterion for eligibility of the license.

Operating a liquor store isn't a permitted use in the downtown district, so the prospective business owners applied for a zoning text amendment, which needs to be approved prior to the issuance of these licenses. At the August 14 regular meeting, City staff presented a first reading of the proposed zoning text amendment and, should the Council have the desire to allow off-sale liquor in the downtown district, offered the three following options for allowing its use: as a permitted use, as a permitted use with conditions, or through conditional use. In preparation for potential approval of off-sale liquor being allowed in the downtown district, staff prepared a resolution approving the business licenses for Council consideration.

RECOMMENDATIONS

Should the Council approve agenda item 7A, an ordinance amending the zoning code to allow off-sale liquor within the B-5 Central Business zoning district, staff has prepared and recommends the City Council adopt the attached resolution approving off-sale liquor, tobacco,

and edible cannabinoid products licenses for United WBL LLC, dba White Bear Liquor.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPROVING OFF-SALE LIQUOR LICENSE, TOBACCO, AND EDIBLE CANNABINOID PRODUCTS LICENSES FOR UNITED WBL LLC, DBA WHITE BEAR LIQUOR

WHEREAS, the City of White Bear Lake received an application from Parth Patel on behalf of United WBL LLC, dba White Bear Liquor, for an off-sale liquor license, tobacco license, and edible cannabinoid products license at 2140 3rd Street, White Bear Lake, MN; and

WHEREAS, the city clerk has reviewed all submittals and found the application to be in conformance with the criteria for issuing licenses for off-sale liquor, tobacco, and edible cannabinoids products; and

WHEREAS, upon completion of the applicants' background checks, the White Bear Lake Police Department found nothing to preclude issuance of these licenses; and

WHEREAS, this approved license would take effect immediately, pending processing of paperwork by the Alcohol and Gambling Enforcement Division for alcohol sales Department of Revenue for tobacco sales, and would be valid through the end of the business cycle on March 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota approves the issuance of an off-sale liquor license, tobacco license, and edible cannabinoids products license for the following:

Parth Patel on behalf of
United WBL LLC
dba White Bear Liquor
2140 3rd Street
White Bear Lake, MN 55110

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
 Caley Longendyke, City Clerk
Date: August 27, 2024
Subject: **On-Sale Liquor Sales Extension Discussion**

SUMMARY

The Mayor and City Council will discuss a specific provision regarding 2:00 a.m. liquor permits outlined in the City's liquor ordinance and will hear from owners of liquor-licensed businesses.

BACKGROUND

Chapter 1001 Nonintoxicating Malt Liquor and *Chapter 1002 Intoxicating Liquor* are the City's ordinances for regulating the sale of alcohol. The ordinances are not as descriptive as some comparable city ordinances and certain provisions do not align with Minnesota State Statutes *Chapter 340A Liquor*. Therefore, the Council, staff, and city attorney have discussed amending the liquor ordinance at work sessions on March 21, 2023 and February 20, 2024. However, an ordinance has not been brought forward for formal consideration at a regular Council meeting.

At a work session on July 23, 2024, the Council and staff discussed the possibility of no longer allowing liquor sales after 1:00 a.m. due to concerns for public safety. The disproportionate number of public safety calls to establishments that are open until 2:00 a.m. supports the decision to consider this amendment. While there is a strong desire to improve public safety, there would be an impact to four businesses who have active permits to sell intoxicating liquor until 2:00 a.m. (Doc's Landing, White Bear Bar, Rudy's Redeye Grill, and Little Village Pub) in White Bear Lake.

Therefore, the Mayor and City Council requested direct feedback from liquor-license establishment owners prior to considering amending the liquor ordinance. A letter was distributed to all liquor-license establishment owners inviting them to attend the August 27 City Council meeting to provide feedback and discuss the matter with the Council, in addition to inviting them to schedule a meeting with City staff.

City staff met with owners Bill Fousard of Rudy's Redeye Grill and T.J. Ricci of White Bear Bar during separate meetings and listened to their concerns. Doc Guerin, owner of Doc's Landing, also reached out to staff with plans to schedule a meeting but has not done so as of the date of publishing this memo.

RECOMMENDATION

Discussion only—no action is requested.

ATTACHMENTS

None