



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 14, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

- A. Minutes of the Regular City Council Meeting on May 24, 2022
- B. Minutes of the City Council Work Session on May 24, 2022

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. Acceptance of Minutes: April Park Advisory Commission, April White Bear Lake Conservation District, May Planning Commission
- B. Resolution accepting a donation from the White Bear Lions Club Foundation to the City of White Bear Lake for the All-Abilities Playground at Lakewood Hills Park
- C. Resolution of continued support for Beyond the Yellow Ribbon
- D. Resolution authorizing an appointment of a representative to the Ramsey/Washington Suburban Cable Commission
- E. Resolution authorizing the transfer of on-sale wine and 3.2 liquor licenses for Donatelli's
- F. Resolution approving a Food Truck at Podvin Park for the School District for Night to Unite
- G. Resolution approving a temporary on-sale liquor license for the Pine Tree Apple Classic Fund
- H. Resolution approving use of the Armory Parking lot on a Marketfest Night for a Hockey Days 2023 Fundraiser
- I. Resolution approving a request by Mike Fox for three variances at 4985 Johnson Avenue
- J. Resolution approving a request by Annie & Dustin Carlson for five variances and a conditional use permit at 2505 Lake Avenue
- K. Resolution approving a request by Rebecca Pacheco for a special home occupation permit at 3791 Prairie Road
- L. Resolution approving a request by Prelude Holdings for a minor subdivision and recombination subdivision at 4870 Otter Lake Road
- M. Resolution approving a request by Paula Lobinsky for a time extension to an approved variance at 4372 Cottage Park Road
- N. Resolution approving a Utility Occupancy License with Canadian Pacific
- O. Resolution approving on-sale intoxicating, Sunday and 3.2% On-Sale liquor licenses for K & T King City Restaurant Inc.

5. VISITORS AND PRESENTATIONS

Nothing scheduled

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

- A. Resolution approving a request by Schafer Richardson for concept stage approval of a planned unit development at 3600 and 3646 Hoffman Road

9. DISCUSSION

Nothing schedule

10. COMMUNICATIONS FROM THE CITY MANAGER

- A. Energy Improvement Project Update
- B. Fire Ops 101 Participation

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 24, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7:00 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were Assistant City Manager Rick Juba, Public Works Director / City Engineer Paul Kauppi, Community Development Director Jason Lindahl, Housing and Economic Development Coordinator Tracy Shimek, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on May 12, 2022

It was moved by Councilmember **Engstran** seconded by Councilmember **Walsh**, to approve the Minutes of the May 10, 2022 City Council meeting as presented.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Engstran** seconded by Councilmember **Walsh**, to approve the Agenda as presented.

Motion carried unanimously.

4. CONSENT AGENDA

- A. Resolution authorizing the Second Annual Block Party event at Manitou Grill, Saturday July 2, 2022. **Resolution No. 12988**
- B. Resolution approving on-sale and Sunday liquor license transfer for Manitou Grill & Event Center. **Resolution No. 12989**
- C. Resolution authorizing the City Manager to execute a water efficiency grant contract with Metropolitan Council. **Resolution No. 12990**
- D. Resolution approving a food truck for Keegan's 5K for Craniosynostosis Awareness at West Park. **Resolution No. 12991**

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Consent Agenda as presented.

Motion carried unanimously.

5. VISITORS AND PRESENTATION

A. Ramsey County Attorney John Choi

Attorney Choi gave a presentation on the activities of the Ramsey County Attorney's Office. He displayed charts showing an estimated 60% direct correlation between cases referred and cases charged for as follows: adults, youth, theft, robbery, ammo/firearm and 5th Degrees. Attorney Choi reviewed critical issues including increases in violent crime, carjackings, the pandemic, civil unrest and decreased trust, policing challenges and a proliferation of guns. Other issues he reviewed were Rule 20 "Gap" Cases, Cash Bail and limited options for Youth Placement.

Mayor Louismet expressed concern for the Attorney's Office not charging non-public safety traffic stops, noting these are criminal infractions and should be charged as such. Attorney Choi explained, that these types of stops have the tendency for disparate impact against people of color, a practice he did not want to encourage. Mayor Louismet stated that this policy has stifled pro-active law enforcement and as a corollary, crime is increasing. Councilmember Walsh added, this is more of a blanket policy not to charge non-public safety stops, rather than an exercise in discretion. Attorney Choi stated that he does exercise a public safety exception.

Mayor Louismet explained that he understands the spirit behind reasonable sentencing and restorative justice, but he expressed concern for victims' rights while criminals are back on the street. Attorney Choi noted there are many variables to be considered and welcomed deeper conversations to further desirable outcomes for all involved.

Mayor Louismet noted conversations with community and business members and the frustration they experience with repeat offenders. Specifically in the context of theft, these sentences run concurrently and incentivize repeat offenders. Attorney Choi mentioned the judge must consider bail versus possible lengthy jail time while awaiting a case to be tried.

Councilmember Jones stated that an influential role model is needed to raise the children of today. He noted that government agencies, police, prosecutors and teachers are having to step into this function in the absence of hands-on parenting. He also called out the increasing issue of mental health not being addressed affectively.

Councilmember Walsh mentioned the need for more conversation at a future Work Session, but pushed for tougher crack-down on crime in order to catch up to the lawlessness. Mayor Louismet welcomed continuing the conversation with Ramsey County Attorney Choi.

B. Climate-Smart Municipalities German Delegation visit recap

Housing and Economic Development Coordinator Shimek reported that the Climate-Smart Municipalities German Delegation began their visit to White Bear Lake on May 3 at Lakewood Hills Park by reciprocating the Lüdenscheid tree planting. Guests visiting from Lüdenscheid included Mayor Sebastian Wagemeyer, Councilmember Jens Holzrichter, Chair Building & Transportation Committee Hans-Juergen Badziura, Board Chair Heesfeldr Muhle (non-profit) and Ulrike Badziura, Head of Environmental & Climate Protection for the City of Iserlohn. Shimek explained that Mayor Sebastian Wagemeyer was a former school principal so he had an interest in education and the potential for collaborative projects between students in

Lüdenscheid and White Bear Lake. The White Bear Lake School District hosted a breakfast with German language students, while providing presentations on green initiatives in the schools including building efficiency upgrades, solar initiatives, and a farm to school program. Thereafter, the group toured the North Campus school project and learned about the Early Childhood learning program, a partnership with Tamarack Nature Center.

Shimek reported the group then learned about the Century College Solar and Renewable Energy Program, a job market which is in high demand. Shimek thanked Mayor Louismet and Councilmember Jones for hosting the delegation. Councilmember Jones and VLAWMO representatives participated in a walking tour from the Boatworks Commons to Goose Lake to learn about water management and innovative stormwater features at the boardwalk. Mayor Louismet attended a cross-sector E/V panel discussing the challenges and opportunities of electric vehicle adoption and increasing the infrastructure related to them, and a panel about the upcoming automated shuttle project and the cross-sector collaboration, including work force development opportunities.

Shimek thanked the many community partners and members who showed gracious hospitality in participating in the visit including site hosts and panelists. She thanked the White Bear Lake Area Schools, Century College, VLAWMO, Ramsey County, White Bear Mitsubishi, Great Plains Institute, Xcel Energy, White Bear Area Historical Society, members of Council, Mayor, and other City staff.

Councilmember Edberg stated he would be interested in following up on past action plans pertaining to sustainable initiatives, which were identified as a result of past Climate-Smart Municipalities work.

Assistant City Manager Rick Juba expressed appreciation for Shimek's work in organizing this along with assistance from Sam Crosby and Connie Taillon.

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

A. Resolution authorizing construction of a fence around the Water Treatment Plant

City Engineer Kauppi stated that the idea for a fence at the water treatment plant was initiated by the Federal Safe Drinking Water Act. A recent amendment to this Act known as the America's Water Infrastructure Act, required the City to conduct a Risk and Reliance Assessment. He said, one of the outcomes of that study revealed a deficiency in security with old manual gates and no control of access. Mr. Kauppi stated that water is one of the most important infrastructure needs and proposed security measures to protect it include automated gates, keycard-controlled access and a better fence around the structure.

Kauppi explained that in planning for a fence, it was determined that the existing fence was approximately 10 feet into the property line, which effectively extended the rear yards of adjacent property owners. He explained that a search of these properties uncovered one 1987 agreement in place with 3368 Ebba Street, which allowed them to build a fence on the City's property as long as that property was not needed. He explained there were no other agreements found to be in place with other neighbors. Kauppi stated that the City would need to vacate its easement of 3368 Ebba Street and require that neighbor to move its fence back to its property line.

Kauppi stated that the City proposes to construct the new fence on the property line to better open up the entrance to the facility and provide the ability to maintain grass to the edge of the City's property line. He stated the fence there today was built in 1979. Kauppi said that if this were approved by the Council, notices would go out to the neighbors around June 1, 2022, with 60 days' notice of the City's plan to construct the fence in August 2022.

Mayor Louismet received confirmation from Kauppi that the fence was necessary to secure the facility and perform the logistics of snow plowing and facilitate trucks entering and leaving the facility. He also received confirmation from the City Attorney that contained in the agreement with 3368 Ebba Street, is a clause whereby the City may use its property as it sees fit upon 60 days' notice. He recognized the impact of this decision on neighbors and as such, provided them with an opportunity to address the City Council.

Robert Scherrer, who lives along the northern edge of the property inquired as to two large trees. Kauppi explained that unless the trees are in the way or considered to be unhealthy, they would not be removed as part of this project. Kauppi stated that once the fence is constructed, there may be the opportunity to plant more trees to provide a noise and site buffer.

Steve Scherrer of 3416 Ebba Street mentioned that when they constructed their fence, he was told that the City would move their fence back to the property line. Kauppi stated that the City will cut each of the side yard fences down 10 feet and relocate this fence back as well, however, there are some damaged posts that will need to be discussed with the property owner.

Pat Callahan of 3408 Ebba Street asked for documentation of the 10 feet. Kauppi stated that the City surveyor did locate the property pins and staked them with wooden lathe. She expressed concern that the distance seems more than 10 feet. Kauppi noted that was an estimate and confirmed that the fence would be constructed just inches off the property line for maintenance purposes.

An Ebba Street resident stated he has lived there since the late 1960s and has never seen an issue with snow plow operations, nor are the gates closed for security. He stated the residents have been maintaining that property all these years. He hoped the gate was quiet as it will be opening and closing night and day. He threatened to put his place up for sale.

Councilmember Edberg noted that the City has not taken care of its property for 40-50 years, rather it has relied on the neighbors to do so. He did not dispute the City's need for the use of its property. He expressed appreciation that the City will do whatever is reasonable to ensure a smooth transition for the residents who have maintained this property through the years. He

asked about the fence line at Orchard School, which is infested with buckthorn. Kauppi stated that the entire fence will be replaced and invasive species removed during that process. Kauppi agreed to look into noise from an automated fence and stated the majority of traffic occurs during regular business hours at the facility.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt **Resolution No. 12992** authorizing construction of a fence around the Water Treatment Plant.

Motion carried unanimously.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

A. Quarterly Sports Center Report

Assistant City Manager Juba reported that the Skate Show just wrapped up. He presented pictures of the new Olympia Ice Resurfacer, and the Hockey Association's conversion of the racquetball facility into a hockey training space with weights, two Rapid Shot puck practice lanes and a skating treadmill. Mr. Juba confirmed the Sports Center operates annually with a deficit.

B. Assistant City Manager Juba wished City Clerk Kara Coustry well in pursuit of a new opportunity with another organization.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at 8:47 p.m.

Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Kara Coustry, City Clerk



**MINUTES
WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 24, 2022
IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING
IN THE CITY COUNCIL CHAMBERS**

Work Session Opened: 8:55 PM

In Attendance: Mayor Louismet, Councilmembers Walsh, Hughes, Jones, Edberg, and Engstran. Assistant City Manager Juba, Public Works Director/ City Engineer Kauppi, City Attorney Gilchrist, and City Clerk Coustry.

Staff shared an update with the Council regarding the potential transfer of the Armory. The White Bear Lake Historical Society is exploring concepts for converting the Armory into a museum. Staff held preliminary discussions with the Historical Society about the potential to transfer the Armory to the Historical Society. City Staff was directed not to spend money and time seeking an appraisal of the Armory due to its designation as an historical property rather than a commercial property of any significant value. Council discussed the pending elevator repair of the facility and asked staff to research its ability to stop the repair work so the property could be transferred as is to the Historical Society sooner rather than later. Council discussed a Right of First Refusal being attached to the transfer of the Armory for \$1.00 plus the cost of the elevator repair to the Historical Society. Council discussed mechanisms for ensuring good stewardship of the property such as seeking a verification of funds, letter of intent, or asking for a maintenance and operations plan from the Historical Society.

Staff and the Council discussed the Public Safety building project in which there had been no update from the Legislature regarding funding for the project. Krause-Anderson had reported a hold in the construction market with the price of steel actually coming down, however, there was still large lead times for supplies. The Council generally discussed holding off just two more weeks for word about funding from the Legislature, but agreed to plug away on the original plan without cutting any square footage, regardless of the Legislature.

Work Session Adjourned: 9:44 PM



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, APRIL 21, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Bill Ganzlin, Mike Shepard

MEMBERS ABSENT: None

STAFF PRESENT: Andy Wieteki, Parks Working Foreman; Paul Kauppi, Public Works Director/City Engineer; Lindy Crawford, City Manager

VISITORS PRESENT: Jorge Vega

2. APPROVAL OF AGENDA

It was moved by member **Ginny Davis** seconded by member **Mark Cermak**, to approve the agenda as presented with the addition of yearly park inspections and the BoatWorks Community Room being added to New Business.

Motion carried 7:0.

3. APPROVAL OF THE MINUTES

Minutes of February 17, 2022

It was moved by member **Mike Shepard** seconded by member **Victoria Biehn**, to approve the minutes of the February 17, 2022 meeting as presented.

Motion carried, 7:0.

4. VISITORS AND PRESENTATIONS

Jorge Vega is a resident of White Bear Lake and was inquiring about adding a mountain bike trail to one of our City parks. Jorge explained the different styles of mountain biking options that are often found in City parks. One option is a trail in the woods with open spaces that follows the natural contour of the land and gives the rider elevations changes with bumps and turns. The wood trail would consist of a few miles in length at minimum. The other option that is often found in City parks that don't have enough land available for a long trail is a skills area. These areas are usually the size of a hockey rink or slightly larger and offer jumps, bumps, steep banked turns and table tops in a confined area. The skills area offers a different skill level for every rider's ability. Often these areas look like and mimic a skate park but are specifically designed for bikes.

The Commission members asked Jorge a lot of great questions including how large of a foot print would be needed for a trail to make building one worthwhile. Jorge explained that the trails are usually 18" - 24" wide with light clearing of underbrush but little to no disruption to mature trees and vegetation to the surrounding area of the woods. Most trails are between 3 and 10 miles in length. Another question asked was about regular maintenance on the trail and if that is done by volunteers or City staff. Paul Kauppi, who is an avid biker and heavily involved with this sport, told the Commission that he volunteers with a group to maintain a local bike trail where he rides but other trails that may be located in a county regional park would be solely maintained by the county park employees. It is up to each agency to decide how they would proceed with maintenance. The next question was about locations that the City may have for a trail of this type. The only open space available is at Lakewood Hills Park in the wooded northeast corner of the park. Andy showed a map of the area of about 7.9 acres in this area. Paul has a contact with MORC (Minnesota Off-Road Cyclists) and will consult with them on whether it would make sense to install a trail in the outlined area. Bill asked Paul Kauppi and Andy if they would be willing to reach out to MORC and visit the site before the next scheduled Parks Advisory Commission Meeting.

City Manager, Lindy Crawford, formally introduced herself to the Parks Advisory Commission members. She is visiting each commission, taking the time to meet the members and to thank them for serving in this capacity. The Commission members welcomed her to the City and to future meetings – if she wishes to attend.

5. UNFINISHED BUSINESS

A. 2022 Parks Capital Improvement Budget Discussion

Andy explained that he will continue to leave the CIP budget discussion on the Agenda for the meetings. He would like to keep this conversation open to any discussions about future projects and the possibility of moving things around to add new projects that haven't been planned for in our CIP to date. Paul explained that one project that may move some projects around is updating and standardizing our park signs which is following a larger project of updating the City's entrance signs.

B. Peace Pole Placement

Andy Wieteki updated the Commission on the Peace Pole project that the Rotary Club started last year. Andy spoke briefly on the placement for both poles. One pole will be along Lake Avenue trail near 5th Street and the other pole will be at Rotary Park off the trail in the open area leading to the pavilion. The Park Advisory Commission questioned when the poles would be installed. The City is working with Darrell Stone of the Rotary Club on those dates. Both poles will be installed at the same time.

C. Marketfest Spot

Andy Wieteki questioned if the Parks Advisory Commission Members were serious about staffing a stand at Marketfest. The Commission unanimously voted yes. The next

question is do we want to staff this for every Marketfest; and if so, it would interfere with a couple of the Thursday night Park Advisory Commission Meetings. Mike Shepard suggested that maybe this year it is staffed enough for everyone to volunteer one night that isn't in conflict with the already scheduled meetings. The Commission agreed and Andy will send an e-mail with dates. Everyone can sign up for dates that work with their schedules. Lindy Crawford offered City swag for the Marketfest stand to hand out to individuals that stop by the tent. Paul Kauppi suggested that the new GIS person could provide park maps and information to distribute as well. There will be more information at the next meeting about the processes leading up to and after the event.

6. NEW BUSINESS

A. 2022 Arbor Day

Andy announced that this year's Arbor Day Event will be held on May 19th during the May Park Advisory Commission meeting. This year's event will take place at Weyerhaeuser Park and the Commission will be planting trees along a neighboring property where dead trees were removed last season.

B. Lions Park Restroom Remodel Sketches

Andy Wieteki presented the two final sketches that Rust Architects drew up showing the possibilities for this restroom project. The Commission unanimously approved the look of the design that includes a lot of similar features to the restroom at Matoska Park. Andy provided the budget number for the design and it is roughly \$107,000 but that doesn't include some items or the cost of the professional services for Rust Architects. As for a time line, we are looking at tentatively starting mid-summer. Due to the dollar amount, the project will go out for bid. The City hopes to receive three competitive bids from local contractors.

C. Summer Park Tours

As is done every summer, the Park Advisory Commission Meetings will occur at a different park every month. Each month the Commission will conduct the meetings at a new park. The Commission will take a lap around the park looking at the facilities, current amenities and future projects.

The schedule for this summer's park tours is as follows:

May – Weyerhaeuser Park

June – Lions Park

July – Podvin Park

August – Hidden Hollow Park

September – Lakewood Hills Park

D. Yearly Park Inspections

Bryan Belisle would like to continue with the yearly park inspections where each of the

Parks Advisory Commission Members visits select parks and reports back to the Commission on how the park is being used, identifies issues, recommends additions and identifies the best features of the park. In anticipation of Bryan's suggestion, Andy had already created lists of new parks for each member to visit. The reports should be e-mailed to Andy before next month's meeting where they will discuss the findings.

E. Boatworks Commons Community Room

Bryan Belisle is concerned over the usage and availability of the Boatworks Commons Community Room to the community. The rental hours are limited to morning and early afternoon time slots. Bryan would like to see this open up for more usage in the evening and during the week. The cost to rent the space also seems to be out of line with other spaces of similar size around the community. Victoria mentioned that she was looking to rent this room for a shower but the price was too expensive so she moved her party to Podvin Park. She agrees with Bryan that the City may need to re-evaluate the price the City charges to rent this room. The Commission asked how often the room gets rented; but unfortunately, all of the events are scheduled through the Sports Center so none of the City Staff present have the information necessary to answer this question. Bryan asked if the Commission can get a report for the May meeting of who is using this room and how many times it is rented to a non-civic group. Lindy Crawford stated that the City Council adopts the fee schedule for this room but she will look into the fees to see if they are currently in line with other venues that are similar to the Boatworks Commons Community Room.

7. DISCUSSION

A. Staff updates

Ice Damage at City Marina

Andy Wietecki updated the Commission on the damage that incurred at the City Marina. The damage to the area will delay getting the marina up and running for the season. The Commission questioned what, if anything, can be done to prevent this from happening in the future. Andy will be reaching out to other marinas in the area to see how they manage the ice in the spring. The City aerates the marina which melts the ice in the beginning of March. However, short of removing the docks, which would be nearly impossible, there aren't many feasible options.

B. Commission member updates

Because the meeting in March was cancelled due to low attendance, the Commission members shared where everyone went for their spring break. Both Bryan and Bill spent time in Florida, Anastacia and her family hung out in the jungle and Mike was in the White Bear Lake Lions Club Annual Show.

- C. Other Business
None.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Mike Shepard** to adjourn the meeting.

Motion carried, 7:0

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

7:00PM WHITE BEAR LAKE CITY COUNCIL CHAMBERS

Minutes of the April 19, 2022 Meeting

~~Draft Minutes for Approval~~ Approved 5/17/22

1. CALL TO ORDER of the April 19, 2022 meeting of the White Bear Lake Conservation District was made by Chair Bryan DeSmet at 7:00pm.

2. ROLL CALL-Present: Chair Bryan DeSmet, Chris Churchill, Meredith Walberg, Scott Costello, Diane Longville, Mark Ganz, Mike Parenteau, Scott O'Connor, Darren DeYoung. Absent- Susie Mahoney.

3. APPROVAL OF AGENDA- Add to the agenda Swell Enterprises under LUC, Budget Draft, Quickbooks support. Motion by DeSmet to add these items to the agenda and accept the agenda, seconded by Ganz and passed.

4. APPROVAL OF PRIOR BOARD MEETING MINUTES-Motion by DeSmet to approve minutes, seconded by Parenteau and passed.

5. PUBLIC COMMENT-None

6. NEW BUSINESS-Offer for addition boat launch hours from the DNR was discussed. Motion by Parenteau to spend \$2572 from the LEC budget for 100 additional boat inspection hours, seconded by Ganz and passed. The money will actually come from the general fund but credited to the LEC budget.

7. UNFINISHED BUSINESS-Wake boat study letter to be written by DeSmet for next month. Administrative assistant position plan is to have the Search Committee (Bryan, Diane, Mark, Mike) interview candidates. Motion by DeSmet to allow the Search Committee to offer the top candidate the position contingent on Board approval, seconded by Ganz and passed. Rational is; the candidate may not accept the offer so we could go to the next candidate and not wait a month on each job offer.

8. REPORTS/ACTION ITEMS- Executive Committee-Met and discussed hiring for Admin. Position.

Lake Quality Committee- Lake Level is 923.72

Lake weed survey from McComas is \$3600. Motion by Parenteau to accept McComas's bid of \$3600 coming from the LQC budget for survey work and follow up, seconded by Ganz and passed.

DNR grant was approved for \$7,500 for EWM weed survey and treatment. It is a reimbursement grant.

Lake Utilization Committee- Dock and event applications.

Tally's Dockside-Motion by Ganz to approve, seconded by Longville and passed.

Black Bear Yacht Club-Motion by Ganz to approve, seconded by DeYoung and passed.

White Bear Yacht Club-Motion by Ganz to approve, seconded by DeYoung and passed

Becker docks-Motion By Ganz to approve, seconded by DeYoung and passed.

Birchwood Village-Motion by Ganz to approve, seconded by Longville and passed.

Scott Bohnen-Motion by Ganz to approve, seconded by DeYoung and passed.

McCartney Estates-Motion by Ganz to approve, seconded by DeYoung and passed.

Forest Heights-Motion by Ganz to approve, seconded by DeYoung and Passed.

NPQD Rentals-Tabled

Wake Surf Open (Swell)-Motion by Ganz to approve, seconded by DeYoung and passed.

Lake Education-Scott reported the Adopt a Drain is going well and White Bear has gone from 9.7% adoption rate to 11.9% in one month. Goal is to get to 19.4% by October. Scott was asked how to adopt a drain and he replied that you go to the Adopt a Drain web site and sign up and even give your drain a name and then keep it clean. Scott adopted two drains and named them Duane Drain and Wayne Drain. He reported that Duane was relatively clean but Wayne was very dirty and he got about 17 pounds of debris out of Wayne. We expect Scott will be giving further updates on Duane and Wayne.

Meredith reported that on social media she will address ice out, Earth Day, invasive weeds and lake clean up.

Treasures Report-Motion by Parenteau to approve checks #4752 thru #4757, seconded by Ganz and passed.

Budget worksheets to be sent out at next meeting for input and comment.

Quick Books situation needs to be address as we consider a new hire. Motion by DeSmet for Mike Parenteau to get a proposal and possibly hire Charisse LeTourneau Bookkeeping in Downtown White Bear prior to the May meeting to update and do our Quick Books financial reports for up to 6 months and up to \$1000.00. Seconded by Ganz and passed.

Board Council Report- Alan helped in the discussion of a new hire. Also, has one procession in the works.

9. ANNOUNCEMENTS-None

10. Adjournment-Motion by Ganz to adjourn, seconded by DeYoung and passed.

Attested; Bryan DeSmet, Chair



Date 5-17-2022

Mark Ganz, Vice Chair



Date 5-17-22



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, MAY 23, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Erich Reinhardt, and Andrea West

MEMBERS ABSENT: Pamela Enz and Mark Lynch

STAFF PRESENT: Jason Lindahl, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator and Ashton Miller, Planning Technician.

OTHERS PRESENT: Mike & Meagan Fox, Dustin & Annie Carlson, Terri Kaiser, Sue Brewer, Matt Nuebel, Andrea Gahn, Karen Bushee, Barb DeSarro, Phil & Graham Dommer, Rebecca Pacheco, Katie Anthony, Peter Orth, Erik Peterson, and Zach Zelickson.

2. APPROVAL OF AGENDA

It was moved by Member **Baltzer** seconded by Member **Reinhardt**, to approve the agenda as presented.

Motion carried, 4:0

3. APPROVAL OF THE MINUTES

A. Minutes of April 25, 2022

It was moved by Member **Amundsen** seconded by Member **Baltzer**, to approve the minutes of the April 25, 2022 meeting as presented.

Motion carried, 5:0. (Member West arrived at 7:03 p.m.)

4. CASE ITEMS

A. **Case No. 22-9-V:** A request by **Mike Fox** for a 5.7 foot variance from the 30 foot setback along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4, in order to construct a living addition above the garage and a 21 foot variance from the 30 foot rear yard setback, per Code Section 1303.060. Subd.5.c and an 11 foot variance from the 30 foot setback along a side abutting a public right-of-way, both in order to convert the east side deck into an enclosed porch at the property located at 4985 Johnson Avenue.

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

Member Berry opened the public hearing. As no one spoke to the matter, Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-9-V, seconded by Member **Amundsen**.

Motion carried, 5:0.

- B. Case No. 22-5-CUP & 22-10-V:** A request by **Annie & Dustin Carlson** for a Conditional Use Permit for an accessory apartment, per Code Section 1302.125, and the following five variances:
- A 713 square foot variance from the 880 square foot maximum for a home accessory apartment, per Section 1302.125;
 - A 5.5 foot variance from the 15 foot height limit, as measured to the mean of the roof, per Section 1302.030, Subd.4.i.1.b;
 - A variance for a third accessory structure, per Section 1302.030, Subd.4.i;
 - A 968 square foot variance from the 625 square foot maximum size for a second accessory structure, per Section 1302.030, Subd.4.i.2.b; and
 - A 1,083 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per the same Section,

All in order to construct an accessory dwelling unit above the detached garage, construct a new two car attached garage, and expand the existing four car detached garage at the property located at 2505 Lake Avenue.

Lindahl discussed the case. Staff recommended approval subject to conditions listed in the report.

Member Berry sought to clarify that staff support for the variances is based on the size of the lot. He asked if the accessory dwelling unit (ADU) transferred to new homeowners if the property ever sold. Lindahl confirmed that there does seem to be a connection between the potential development of the site and the overall size of the lot relative to the variances. The conditional use permit (CUP) for the ADU runs with the land, not the property owner. The ADU does require the principal structure to be occupied by the owner.

Member Berry wondered if a rental license would transfer to new owners as well. Crosby replied that if rented to family, a license is not needed. If rented to others, a license is required and needs to be renewed every two years.

Member Amundsen asked if anything changes if the detached garage is entirely torn down and rebuilt. Lindahl replied that it would not make a difference whether the

building was added to or demolished. He deferred to the applicants regarding the future of the garage.

Member West commented that ADUs that have two levels typically have a back door. She did not see one on the proposed plans and wondered if that was required. Lindahl explained that the need for an additional access point would be determined during the building permit review, although he is not aware of a requirement for a second door in a residential setting.

Member Berry opened the public hearing.

Dustin Carlson, 2505 Lake Avenue, applicant, he answered the questions raised by the Commissioners, stating that the ADU will not be rented out; rather it will be used for the grandparents. He is not sure if it will be a complete tear down of the garage yet, there are many unknowns that won't be answered until they start construction. The footings may limit what can be kept. Regardless of what is kept and what is rebuilt, they want the garage to feel like a carriage house. Lastly, they are willing to add a second door if the city inspector says they need it.

Member Berry closed the public hearing.

It was moved by Member **Reinhardt** to recommend approval of Case No. 22-5-CUP & 22-10-V, seconded by Member **Baltzer**.

Motion carried, 5:0.

- C. Case No. 22-2-SHOP:** A request by **Rebecca Pacheco** for a Special Home Occupation Permit, per Code Section 1302.120, in order to operate a massage therapy business out of the single-family home located at 3791 Prairie Road.

Miller discussed the case. Staff recommended approval.

Member Berry opened the public hearing. As no one spoke to the matter, Member Berry closed the public hearing.

Member Amundson expressed appreciation for the neighbor's letter of support.

It was moved by Member **West** to recommend approval of Case No. 22-2-SHOP, seconded by Member **Reinhardt**.

Motion carried, 5:0.

- D. Case No. 22-2-LS:** A request by **Prelude Holdings, LLC** for a minor subdivision, per Code Section 1407.030, to subdivide one lot into two and a recombination subdivision, per

Code Section 1407.040, to convey two tracts of land to abutting neighbors at the properties located at 4870 Otter Lake Road, 4859 Sandra Lane, and 1567 Quast Court.

Miller discussed the case. Staff recommended approval.

Member Berry opened the public hearing. As no one spoke, Member Berry closed the public hearing.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-2-LS, seconded by Member **West**.

Motion carried, 5:0.

- E. Case No. 22-2-PUD & 22-1-PUD:** A request by **Marvin Development III, LLC** to subdivide one parcel into two, and approval of both “general concept stage” and “development stage” Planned Unit Development, per Code Section 1301.070, in order to construct a fast food restaurant with a drive-thru and pylon sign at the property located at 4600 Centerville Road.

Crosby discussed the case. Staff recommended denial of the request based on the findings listed in the report.

Member Amundsen asked about the letter sent by the applicants’ attorney to the mayor. He wondered if the case should be continued until all legal issues have been addressed. Crosby answered that she did not think the applicants wanted to wait and would appreciate the case moving forward.

Member Berry opened the public hearing.

Zach Zelickson, Border Foods, represents the applicant. He stated that the owners, the Moriartys, have been working on this property for the past 15 years. They had approvals in the past for retail and a second drive thru on the lot. The parcel is large and vacant, which is unique for this area of town. He provided a graphic depicting the flow of traffic, explaining that they will not route traffic the way staff has suggested. They foresee clients using the right-in, right-out access for both ingress and egress. The traffic report done by a third party engineering firm stated that traffic would not be affected. The grade for the area would remain at a “B”.

Mr. Zelickson stated that they have been working on and amending plans since October of 2021. They are proposing an overabundance of trees and shrubs. All of the stormwater will be captured on site through the use of an underground tank. He believes the proposed use as a Taco Bell is similar to other uses around the area. They typically hire around 40 employees at a single Taco Bell, so will be creating jobs. The company will also add to the tax base.

Mr. Zelickson continued that they have worked hard to meet the City's demands. They have plenty of sites that are the same or similar in size and do not have issues. The site is unique and the proposal fits with the description of the PZ – Performance Zone district. They have obtained approval from the State of Minnesota for the proposed utility connections. It is not unique for the applicants to connect to private lines since many of their restaurants are in malls and shopping centers. They want to work with the City and think the proposal is a great fit for the area.

Member Berry asked how the applicants are going to make the choice for clients to utilize the right-in, right-out access as opposed to driving in front of the Lunds & Byerlys. Mr. Zelickson replied that a lot of traffic will head north, so will leave the same way they entered. He referred back to the traffic report that states the traffic light will not be overburdened.

Member Berry followed up with a question regarding the size of the requested pylon sign. Mr. Zelickson answered that they thought it was a reasonable ask considering the existing McDonalds sign and the recent approval of a billboard north of the property. Theirs would be the shortest sign around and it would be the minimum needed for visibility on the road. They would be willing to work with Lunds and Byerlys to share a pylon sign if they want.

Member Berry wondered if the stacking will ever wrap around towards the Anytime Fitness. Mr. Zelickson explained that they will have nine stacking spaces from the pickup window, so he does not think there will be a problem. The speed of service is high, so they do not have the stacking issues other fast food restaurants face. At a certain point in time, there were approvals for an additional 9,000 square feet of real estate on the lot. The proposed building is one-third of that size.

Member Amundsen asked about the subdivision and if there were considerations to purchase the whole property. It appears that by asking for the lot split, the applicants are creating many of the issues that staff has with the proposal. The project was previously approved as one parcel. Mr. Zelickson responded that even with the split, all the easements and agreements remain. They would have to work out the details with current owners, but they need their own freestanding building as a Taco Bell. Owning the whole parcel or leasing from the existing owners just complicates the matter. However, if the property line is the deciding factor, he would entertain more dialogue with the City.

Member Amundsen commented that, as noted by staff, landlocked parcels are not common or supported in White Bear Lake. Mr. Zelickson acknowledged it is a unique situation, but this request allows them to take an empty piece of land and develop it in a positive way.

Member Baltzer noted that he does not support the pylon sign. Mr. Zelickson asked if the Commission would be supportive if the applicants were willing to omit the sign from the request. It is something they may consider, but the visibility of the pylon sign is very important to them. Member Baltzer stated he personally would be more open to the proposal if the sign was removed.

Member Berry closed the public hearing.

Member Amundsen questioned if the access was needed for fire, and if not, if it could be closed to prevent customers from driving through the Lunds and Byerlys lot. Crosby stated that the access serves multiple properties in the area, including Walgreens and McDonalds, so it would not be a good solution.

Member Reinhardt asked if the Minnesota Department of Labor & Industry would need to approve the utility connections. Crosby confirmed that it would. There have been preliminary conversations that indicate the proposal could be approved by the State. She added that the building would connect to White Bear Township sewer, so there is another entity involved.

Member West commented that she has a lot of concern about the traffic. She is skeptical of the notion that people will use the same entrance for ingress and egress. It is safer to go to the light, so that is the route people will tend to take. She thinks that people going to Anytime Fitness will be affected by the increase in traffic.

Member Berry noted that timing is everything, considering the development around the area. It seems the applicants are trying to shoehorn the project into the area and it may negatively impact the existing grocery store and other businesses.

Member Amundsen reported that the email forwarded to the Planning Commissioners from the applicants' lawyer has caused some concern. He does not want to approve something that will later be changed by the City Attorney.

Lindahl explained that the letter came from the applicants' attorney, but there does not seem to be a legal question raised in the memo. Since the letter was just received over the weekend, the City Attorney has not had time to provide comments, but will before the case is heard at the City Council meeting. Staff's read of the letter is that the general assertion is that the PUD process outlined for the applicant equates to some sort of inherent approval. Staff does not agree with that assertion.

Lindahl continued that the PUD process is the only possible process that the applicant could go through because of the configuration of the site and the proposed use. Staff has worked with the applicant for quite some time, trying to find a solution. In the end, staff found that this is not something that can be approved. The applicant is understandably disappointed. In this case, there is no entitlement to development

because the PUD grants the City a high level of discretion in this matter. The idea is that if a site has deficiencies, the applicant provides enhancements that correct or minimize the challenges that are faced. They have not been able to find a way to address the intensification of the use and access challenges inherent in the site.

It was moved by Member **Amundsen** to recommend denial of Case No. 22-1-P & 22-1-PUD, seconded by Member **Berry**.

Motion carried, 5:0.

- F. **Case No. 22-2-PUD:** A request by **Schafer Richardson** for concept stage approval of a Planned Unit Development, per Code Section 1301.070, in order to construct 243 units of multi-family apartments in two buildings at the properties located at 3600 and 3646 Hoffman Road.

Crosby discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Berry wondered if there is any way to limit the traffic using Linden Street. He believes that Hoffman Road is so underused, comparatively, and wishes there was a way to force people there instead of Linden. Crosby replied the connecting access could be removed, but then the applicants need to provide access all the way around the building or a turn around, so the project would need to be redesigned. The Fire Department does not want to have to back out of the parking lot.

In reference to the title of the project being “phase two”, Member Amundsen sought to confirm that the project was separate from the Barnum. He was surprised the proposal was not identical to the Barnum. Crosby provided a background stating that Schafer Richardson bought the parcels at same time, so staff knew a proposal would be coming. The Barnum is now owned by a conglomerate, which includes Schafer Richardson, but is essentially a different company. The proposal is complimentary in color to the Barnum, but a bit different with the style of the building and flat roof.

Member Amundsen sought more information on the number of parking stalls per unit, the use of counting stalls per bedroom, and the availability of proof of parking. The narrative states 1.59 stalls per unit and 1.02 stalls per bedroom will be provided. He wondered what the 1.14 stalls per bedroom that staff is requesting equates to in stalls per unit. He does not want to require more parking than needed, but does not want to undersize the lot either.

Crosby stated that she did not have that number readily available, but they were going out on a limb with the parking at the Barnum. The proof of parking, or the ability to provide more stalls if needed, helped alleviate some concerns. If proof of parking were available for this site, it would make the City feel a little better about the proposed

number of stalls. The City is unwilling to go much less than 1.14 stalls per bedroom at this time, since that is what was approved at the Barnum.

Member Berry opened the public hearing.

Karen Bushee, 3614 Linden Avenue, she referred to pictures she submitted of vehicles turning onto Linden and explained that her neighbor's driveway is very close to the intersection. The neighbors have to turn their hazard lights on before turning into their driveways to avoid being hit by the cars driving too fast on Linden Street. She thinks the traffic study is off, since the original apartment cited an increase in 836 trips a day from 192 units, with 57% using Linden Street. This proposal will add more units, so will generate many more trips in a day. She is requesting that access not be granted between the new apartments and the Barnum.

Barb DeSarro, 3610 Linden Avenue, she stated that the entire neighborhood has issues with the traffic and speed in which people drive. She concurred that they do not want any more traffic diverted to Linden Street.

Member West asked Ms. DeSarro whether her driveway was by itself or shared. Ms. DeSarro stated she has her own driveway. There are three access points along Linden Street from their building.

Andrea Gahn, 1711 County Road E #117, stated that the new building is going to take away her sunset. She explained that she enters the parking lot along Linden Street since there is never any parking in the front. It is a really tight entrance/exit. She agreed that there should not be access between the two parking lots, since there are already congestion issues on Linden.

Peter Orth, Schafer Richardson, Development Manager, he confirmed that this is phase two, next door to the Barnum. Having the Barnum right next door has been beneficial in the planning and programming of the project. There is a lot of demand for this type of housing in White Bear Lake.

Mr. Orth spoke about the addition of affordable units in this phase. It makes sense for this project to include affordable units based on where the housing market is right now. It is a benefit to the community to have a diverse set of tenants. They are aiming to have 20% of units occupied by households at or below 50% Area Median Income (AMI). It is part of the Schafer Richardson mission to address the stigma of affordable housing. The Barnum was not able to have affordable units, so they are trying to have them with this project.

Mr. Orth stated there is a right-in, right-out access on County Road E. There is underground parking that is all connected, so tenants can use either the Hoffman Road or County Road E entrance/exit. The goal is to have as much underground parking as

possible. At the same time, they are trying to manage the building size, costs, setbacks, and open space. They originally wanted a temporary barrier for the connection between the parking lots. He thinks there is an easy fix in convincing the fire marshal that they could use a temporary bollard system to block the way except for emergency.

Mr. Orth continued that they had discussed the option of a shared parking lot on the east side close to the Barnum, but thought it would negatively impact Barnum residents. They had two versions of traffic scenarios studied, connected and blocked access, and both resulted in a B grade. He thinks the neighbors' concerns about traffic are more related to speed over the quantity of vehicles. He wants to work with the neighbors to address their concerns. He commented that redesigning the parking lot will reduce the amount of green space, which provides a buffer between the two buildings.

Member Amundsen asked if there is dedicated guest parking. Mr. Orth confirmed that there are 8 to 10 stalls near the Hoffman Road entrance.

Mr. Orth continued that in terms of appearance of the new buildings, they wanted to be comparable to the Barnum, but different. They agree with staff's recommendation to add more undulations and other features to make it look less flat. The number of parking stalls proposed is 1.59 per unit, which is what the Barnum is at when the proof of parking is included. They do not want the project to be under parked. That is the worst scenario for developers. It is comparable to the Barnum, but the make-up of units is different. There are no three-bedroom units in the Barnum, which this proposal has and it would be rare to have three drivers in one unit. There are also more studios, so the parking demand should be less, therefore the Barnum parking ratio should not be used here.

Member Berry asked about the number of underground parking stalls, if rent is charged for those spaces, and if access for emergency vehicles is provided underground. Mr. Orth stated there are fewer underground stalls than surface. Rent is charged for underground, but it is less about the income generated, and more about the demand. There is a waitlist at the Barnum. Further, there is a 24-foot wide drive aisle that provides connection, which could fit a fire truck.

Mr. Orth stated that the Barnum is 97% leased right now, and parking seems to be a good fit, which is why they are basing the proposal on those numbers. He does not think the 1.14 ratio is applicable to this project; parking should be based on bedrooms.

Member Amundsen asked the applicant about staff's condition to raise the building to make the first floor true walk up units. Mr. Orth thinks there are architectural features that they could add to make the units look better, rather than raising the building. Issues like ADA limitations, insulating the underground parking, and building costs go up when lifting the structure.

Member Amundsen asked where the pedestrian connection would be, since there is already a sidewalk on the south side. Mr. Orth stated they can create a connection on the north side and that the intent is to provide access to the Bruce Vento trailhead.

Member Berry closed the public hearing.

Member Berry wondered about the proposed barrier between the White Bear Center for the Arts parking lot and Division Avenue. Crosby stated that it was not approved and a turnaround was needed.

Crosby stated that she did some math and a 1.14 per bedroom ratio would equal 1.7 stalls per unit. The applicants are proposing 1.59 per unit, which is about a 45 stall difference.

Member Baltzer stated the he does not want to increase the traffic on Linden Street. He thinks the access should be blocked off or a temporary barrier used.

Member Reinhardt agreed, noting that he is a fan of the Barnum, but knows parking has been an issue. The Barnum parking lot is always full and there are not a lot of spots for visitors. He does not want to lose green space, but providing parking on the east side may be the best solution.

Member Baltzer asked if the green space across the street could be used for parking. Crosby stated that the idea had been discussed, but she thinks the applicants would like to retain that parcel for commercial use in the future.

Member Amundsen stated he really likes the affordable aspect of the proposal. He thinks the connection between the properties makes sense and he does not want to make the applicants redesign everything. He asked for clarification on the PUD process.

Crosby explained that this is the general concept review stage. It will come back to the Planning Commission for development stage at a later date. The access issue can be revisited, but this is the point in development when the applicants are looking for feedback.

Lindahl reiterated that this is the concept phase. He summed up the Planning Commissioners preference for some closure of the access, but a retained fire access.

Member West revisited the condition to raise the building. She felt the applicant had strong reservations about that and wondered if the condition should be further discussed. She appreciates the concern surrounding ADA regulations and the increased cost. She would be okay with making architectural changes as opposed to raising the building.

Member Amundsen and Member Berry both concurred.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-2-PUD with an amendment to condition 2.c to strike the requirement to elevate the entrances, seconded by Member **West**.

Motion carried, 5:0.

5. DISCUSSION ITEMS

A. City Council Summary Minutes of May 10, 2022.

Member West asked how improvements at Whitaker Street and 8th Street along Highway 61 will be impacted if the Purple Line route is altered. If there will not be any improvements at 8th Street, she is concerned with pedestrian safety in conjunction with the Music Center they approved in April.

Crosby responded that the addition to the high school also triggered a requirement for improvements at the intersection, so something like a traffic light will be installed.

Member Amundsen reported that he is part of the County Road E Corridor Planning Study Project Team.

B. Park Advisory Commission Minutes of April 21, 2022 – Not Available.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **West** to adjourn the meeting at 9:26 p.m.

Motion carried, 5:0



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor & City Council
From: Lindy Crawford, City Manager
Date: June 14, 2022
Subject: **White Bear Lion's Club Foundation Donation – All Abilities Playground Donation**

SUMMARY

The City Council will consider adopting a resolution accepting a donation from the White Bear Lake Lion's Club Foundation for the All-Abilities Park.

BACKGROUND INFORMATION

Pursuant State Statute 465.03 – Gifts to Municipalities, any city may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.

Since 2019, the White Bear Lake Lions Club issued a total of \$305,000 in monetary donations from its gambling proceeds to the City of White Bear Lake's Park Improvement Fund for an All-Abilities Park. They have just added another \$70,000 donation for a total of \$375,000 toward this project.

Parks Department staff have been meeting with a representative from the Lions Club to develop an equipment and trail layout, which will be located near the existing playground at Lakewood Hills. In 2019, this project was originally estimated to cost \$350,000. Since that time the Lions Club has added additional features to the design to appeal to a larger range of users. With these changes, along with recent supply chain shortages and other construction related delays, the project is expected to cost \$600,000 today.

To capture some savings and take advantage of a grant opportunity, the playground structure itself was purchased in 2021 leaving a balance of about \$50,000 to use toward the remaining aspects of the project including site work, sidewalks and the special playground surfacing.

The White Bear Lions Club is working on several other grants and donations to fund the remaining \$115,000 needed to complete the overall project.

RECOMMENDEATIONS

Staff recommends the City Council adopt the attached resolution accepting the \$70,000.00 donation from the White Bear Lake Lions Club Foundation and designating its use to go toward the All-Abilities Park.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION ACCEPTING A DONATION FROM THE WHITE BEAR LAKE LION'S CLUB
FOUNDATION TO THE CITY OF WHITE BEAR LAKE**

WHEREAS, the City of White Bear Lake is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts; and

WHEREAS, the White Bear Lions Club desires to fund an All-Abilities Park in the City of White Bear Lake and since 2019 have donated \$305,000 toward that effort; and

WHEREAS, the White Bear Lions Club Foundation provided another \$70,000 donation toward the All-Abilities Park, which is being planned at Lakewood Hills Park in White Bear Lake; and

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donation offered.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the \$70,000 donation is accepted and shall be allocated to the All-Abilities Park Project.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: June 14, 2022
Subject: City Support for Beyond the Yellow Ribbon

SUMMARY

The City Council will consider adopting a resolution reaffirming support of Beyond the Yellow Ribbon – a community initiative working to support military service members and their families.

BACKGROUND INFORMATION

Terry Eggert the Volunteer Chair of Beyond the Yellow Ribbon (BTYR) Suburban Ramsey County Network has circled back with 15 communities that pledged support to BTYR in 2012, White Bear Lake being among them. The purposed of BTYR is to connect military service members, veterans and their families to a network of resources and support. A decade later, many cities have experienced changes in leadership and the group is working to re-establish and create new connections in the community.

BTYR meets virtually once per month on the first Thursday of every month at 5:00 p.m. If City representatives or community volunteers wish to participate in this monthly exchange of information, programming, resources, etc. they are encouraged to contact the City Manager for additional information.

RECOMMENDATION

Staff recommends the City Council adopt the resolution reaffirming support of Beyond the Yellow Ribbon – a community initiative working to support military service members and their families.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE
REAFFIRMING SUPPORT OF BEYOND THE YELLOW RIBBON COMMUNITY**

WHEREAS, many families support their military service members who are serving in the United States and overseas to protect the values and freedom enjoyed by the citizens of the United States of America; and

WHEREAS, a Beyond the Yellow Ribbon Community Group has been formed in an effort to assist connecting local military family members with a community network of support that is understood and trusted by military families, where military residents and their families are recognized and can access information and services to assist them during the deployment cycle and is sustainable for future military families as deployment becomes necessary; and

WHEREAS, the Beyond the Yellow Ribbon Community Group will build on the existing strength of our community and organizations by continuing to support awareness and addressing the needs of spouses and children throughout the deployment, deployment-reintegration process and through extended periods of homecoming in ways to lessen their burden while a family member is deployed or is impacted by their service to community and country; and

WHEREAS, we believe the effects of deployment do not end when the soldier returns home and the family is reunited; this process takes months for some families and years for others; we believe the ultimate vision of the community is to offer support to military families and honor them in our midst; and

WHEREAS, the City Council of the City of White Bear Lake Minnesota and the Beyond the Yellow Ribbon Community Group encourage key groups of the community service members and their families to be proactive and work in harmony to develop a program which empowers community synchronization of effort and build and enduring and sustainable network of support.

NOW, THEREFORE, BE IT RESOLVED, on behalf of our residents, the City Council of the City of White Bear Lake, Minnesota reaffirms their 2012 recognition, appreciation, support, and says Thank You to our military members and their families for their service sacrifices and in all they do.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: June 14, 2022
Subject: **Appoint Representative for the Ramsey Washington Suburban Cable Commission**

SUMMARY

The City Council will consider adopting a resolution appointing John Johnston to the Ramsey Washington Suburban Cable Commission (SCC).

BACKGROUND INFORMATION

The City's current representative on the SCC board of directors is Councilmember Walsh who was temporarily appointed to cover a vacancy. The City placed an advertisement in the local paper and the City Newsletter to find a permanent appointment. The City received one inquiring and one application for the volunteer position. The application was submitted by John Johnston, who has had past experience serving on a Cable Commission in Wisconsin. Mr. Johnston has been a resident of White Bear Lake for eight years.

Until a replacement can be found, it is suggested that Councilmember Walsh serve as the alternate representative.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution appointing John Johnston, and Councilmember Walsh to alternate, to represent the City of White Bear Lake's interests on the Ramsey Washington Suburban Cable Commission Board of Directors.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPOINTING A REPRESENTATIVE ON THE RAMSEY / WASHINGTON SUBURBAN CABLE COMMISSION FOR THE CITY OF WHITE BEAR LAKE, MINNESOTA

WHEREAS, the Ramsey/ Washington Suburban Cable Commission (SCC) was created through a Joint Powers Agreement (JPA) with contiguous cities; and

WHEREAS, SCC has the general purpose of coordinating administration, enforcement and renewal of cable franchises; and

WHEREAS, current member cities include Birchwood Village, Dellwood, Lake Elmo, Mahtomedi, North St. Paul, Oakdale, White Bear Township, White Bear Lake, Willernie and Grant Township; and

WHEREAS, each member entity is entitled to appoint by resolution, one representative and one alternate to serve on the SCC board of directors; and

WHEREAS, the City's current representative on the SCC board of directors is Councilmember Bill Walsh who was temporarily appointed to cover a vacancy; and

WHEREAS, the City received an application from John Johnston, a qualified White Bear Lake resident of eight years, with previous experience serving on a cable commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that it hereby appoints John Johnston as the City's representative to serve on the SCC board of directors.

BE IT FURTHER RESOLVED that Councilmember Bill Walsh will serve as the alternate representative for White Bear Lake on the SCC board of directors until such time a replacement is found.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: May 24, 2022
Subject: On-sale, Wine, 3.2 and Sunday liquor license transfers for Donatelli's

SUMMARY

The City Council will consider approving the transfer of On-sale Wine, 3.2 and Sunday liquor licenses for Donatelli's which will be under new ownership effective July 11, 2022.

BACKGROUND INFORMATION

Michael Tupa, Daniel Gelb and Colin Myers, partners of White Bear Lake Grill, LLC, submitted an application for On-sale Wine, 3.2 and Sunday liquor license transfers for Donatelli's located at 2692 County Road E East in White Bear Lake. This location currently has all three of these licenses valid through March 31, 2023. The applicants plan to close on the sale of the business on July 11, 2022 and desire the ability to retain the same business licenses.

The Police Department conducted a background investigation and found nothing to preclude the issuance of liquor licenses to White Bear Lake Grill, LLC.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing on-sale wine, 3.2 and Sunday liquor license transfers to White Bear Lake Grill, LLC, the soon to be new owners of Donatelli's.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPROVING THE TRANSFER OF AN ON-SALE WINE, 3.2 AND SUNDAY LIQUOR LICENSES TO WHITE BEAR LAKE GRILL, LLC, DBA DONATELLI'S

WHEREAS, an application for the transfer of On-sale Wine, 3.2 and Sunday liquor licenses has been made by Michael Tupa, Daniel Gelb and Colin Myers on behalf of White Bear Lake Grill, LLC, dba Donatelli's; and

WHEREAS, the restaurant establishment currently holds all three of these licenses and is 2692 County Road E East in White Bear Lake, MN; and

WHEREAS, the Police Department found nothing in the background investigation that would preclude the issuance of liquor licenses to the applicants; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota approves an On-sale Wine, 3.2 and Sunday liquor license as follows:

Michael Tupa, Daniel Gelb and Colin Myers
on behalf of White Bear Lake Grill, LLC
dba Donatelli's
2692 County Road E East
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:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: May 14, 2022
Subject: Food Truck Operations for Profit at Podvin Park on Night to Unite

SUMMARY

The City Council will consider authorizing a food truck to attend a Night to Unite event coordinated by ISD 624 at Podvin Park on August 2, 2022.

BACKGROUND INFORMATION

The City received request from the White Bear Area School District to have a Food Truck attend the Night to Unite event coordinated at Podvin Park on August 2, 2022.

The City permits food trucks as transient merchants, which is governed under Ordinance 1118. The applicable definition of a transient merchant in this case, is any person who engages temporarily in the business of selling and delivering goods, within the City. Part of the requirement for transient merchants is they must provide proof of appropriate permission to operate on the proposed site – in this case the parking lot at Podvin Park.

Further, Ordinance 905.320 states that no person shall sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise in any Open Space Site (which includes Parks in the definition) except those concessions authorized by the City Council. The authority to approve this request lies with the City Council. Assuming the City Council approves the request for a food truck on public property, the food truck vendor will be required to register with the City's licensing authority.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing a food truck at Podvin Park on August 2, 2022.

ATTACHMENTS

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING A FOOD TRUCK TO ATTEND A WHITE BEAR AREA SCHOOL DISTRICT, NIGHT TO UNITE EVENT AT PODVIN PARK

WHEREAS The City received a request from the White Bear Area School District for the ability to have a food truck attend their Night to Unite event at Podvin Park on August 2, 2022; and

WHEREAS pursuant Ordinance 905.320 Parks and Open Space, no person shall sell merchandise or service or carry on any manner of business or commercial enterprise in any Open Space site except those concessions authorized by the City Council; and

WHEREAS pursuant Ordinance 1118, both food truck vendors will be required to register with the City's licensing authority.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake hereby authorizes the use of a food truck at Podvin Park on August 2, 2022.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: May 14, 2022
Subject: Temporary Liquor License for the Pine Tree Apple Classic Fund

SUMMARY

The City Council will consider approving a temporary liquor license for the Pine Tree Apple Classic Fund, an annual children's cancer fundraiser held at Life Time Fitness.

BACKGROUND INFORMATION

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to nonprofit organizations in existence for at least three (3) years. The license may not exceed more than four consecutive days. City Code requires proof of liquor liability insurance.

Nancy Jacobson submitted an application for a temporary liquor license for the annual Pine Tree Apple Classic fundraiser held at Life Time Fitness located at 4800 White Bear Parkway. The Pine Tree Apple Classic Fund is a non-profit that supports targeted cancer research at Children's Minnesota and around the world.

The Pine Tree Apple Classic Fund is a qualifying nonprofit organization that plans to sell alcohol on-sale during the event spanning from August 4 – August 7, 2022. The applicant meets State regulations for temporary liquor licenses, and has provided a copy of the liquor liability insurance certificate required by City Code.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing a temporary four day on-sale liquor license for Pine Tree Apple Classic Fund from August 4 – August 7, 2022.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING A TEMPORARY ON-SALE LIQUOR LICENSE TO PINE TREE APPLE CLASSIC AT LIFE TIME FITNESS IN WHITE BEAR LAKE

WHEREAS, an application for a temporary on-sale liquor license was submitted by Pine Tree Apple Classic Fund to the City of White Bear Lake; and

WHEREAS, the Pine Tree Apple Classic Fund is hosting their annual children’s cancer fundraiser at Life Time Fitness on August 4 through August 7, 2022; and

WHEREAS, the required liquor liability has been received as required by City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby approves issuance of a temporary liquor license as follows:

Pine Tree Apple Classic Fund
For the dates of August 4 through August 7, 2022
On the premises of Life Time Fitness
4800 White Bear Parkway
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:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: May 14, 2022
Subject: Hockey Day Minnesota 2023 Fundraiser using the Armory Parking Lot

SUMMARY

The City Council will consider adopting a resolution authorizing Hockey Day Minnesota (HDM) event planners to utilize the Armory Parking lot for outdoor amplified music on Thursday, July 14, 2022.

BACKGROUND INFORMATION

The City received an application from Hockey Days Minnesota (HDM) 2023 event planners. They have requested use of the Armory parking lot on July 14, 2022 in order to launch a fundraiser event to pay for HDM to come to the City and White Bear Lake Township in 2023. This event will be held in conjunction with Big Wood Brewery as they will be brewing the official beer of HDM and at least two other community sponsors are yet to be confirmed. Big Wood Brewery proposes extending their patio to the Armory and The Martin Zellar Band will provide amplified music behind the Armory. Appearances are expected by the Minnesota Wild and other sports celebrities as well.

The area of alcohol consumption will be enclosed with fencing and insurance will need to be provided, which covers the City for liability claims. Amplified music shall conclude at 10:00pm. It should be noted that July 14th is a Marketfest night when parking is tight in the area. Knowing this, event organizers and Big Wood Brewery staff will not be parking in downtown in order to mitigate the impact. Main Street has received a copy of the special event application, is aware of the impact to parking, and has provided their stamp of approval to move ahead with this planned event. The Armory is not booked in the evening, so there is no impact to events at the Armory.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving use of the Armory parking lot by Hockey Day Minnesota planners and Big Wood Brewery on July 14, 2022.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING USE OF THE ARMORY PARKING LOT
BEHIND BIG WOOD BREWERY FOR A SPECIAL EVENT IN WHITE BEAR LAKE**

WHEREAS, The City received a special event application requesting permission to host a live band in the Armory parking lot and extend the patio of Big Wood Brewery on July 14, 2022; and

WHEREAS, the noise ordinance shall remain in effect, and 10:00pm shall mark the end time for all live music; and

WHEREAS, Big Wood Brewery has yet to submit the required liquor liability insurance covering the area external and contiguous to the business where they intend to serve beer within the confines and control of fencing; and

WHEREAS, Main Street has provided approval for the Hockey Day Minnesota event fundraiser as it is expected to take parking in downtown on a Marketfest evening; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that live amplified music be allowed in the Armory parking lot on July 14, 2022 with no amplified noise after 10:00pm.

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, Minnesota that and that Big Wood Brewery be approved for one day liquor extension to the Armory parking lot from on July 14, 2022, contingent upon receipt of liquor liability insurance.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl, Community Development Director
DATE: June 14, 2022
SUBJECT: **Fox Setback Variance, 4985 Johnson Avenue- Case No. 22-9-V**

SUMMARY

The applicant, Mike Fox, requests a rear and two street-facing side yard setback variances to allow expansion of the existing one-unit dwelling located at 4985 Johnson Avenue. The subject property is located at the southwest corner of 11th Street and Johnson Avenue, just west of West Park. The applicant's project includes a second story addition over the existing attached garage and conversion of an existing deck into a covered porch. Based on the findings made in this report, both the Planning Commission and staff find the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subdivision 6 and recommend approval of this request.

Planning Commission Action

The Planning Commission reviewed this item during their May 23, 2022 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced no comments. After hearing staff's presentation and no comments from the public, the commission voted 5-0 to recommend the City Council approve this request.

BACKGROUND INFORMATION

Applicant/Owner: Mike Fox, 4985 Johnson Avenue

Existing Land Use / Zoning: Single Family;
R-4, Single Family – Two Family Residential and the S -Shoreland Overlay District

Surrounding Land Use /Zoning: All Directions - Single Family; Zoned R-4 to the north, south and west and zoned P – Public to the east

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 7,500 sq. ft.; 60 feet (single family)
Site: 7,840 sq. ft.; 78 feet

Site Characteristics

The existing residence was constructed in 1956 and originally included the separate parcel to the west.

The separate property at 2298 Johnson Avenue was split off from the subject property and a new home was constructed in 1998.

This lot split had the added result of changing the front side of the subject property under the zoning code. The zoning code defines the front as “the boundary abutting a city-approved street having the least width.” Originally, the shortest side of the property was its east side along Johnson Avenue (and the front of the house was oriented to this side). However, the lot split changed the subject property’s shortest side to be its north boundary along 11th Street. This change had the added effect of defining new front, side and rear yards and establishing the existing setbacks in place in 1998 that did not meet the zoning regulations as legal non-conforming or “grandfathered-in.”

The applicant’s proposed home expansion includes a second story addition over the existing attached garage and conversion of an existing deck into a covered porch (see attached narrative). The addition over the existing garage would add two bedrooms and a bathroom. The first street-facing side yard setback variance is necessary to allow the second story addition above the garage to maintain the home’s existing 24.3-foot setback from the east (Johnson Avenue) property line. According to the applicant, the requested 5.7 foot setback variance is necessary to help blend the proposed addition with the current house structure and overall architecture of the surrounding neighborhood.

The second part of the applicant’s proposed addition is conversion of the existing deck along the original front of the home facing Johnson Avenue into a 5 foot deep covered porch. This part of the project requires both a 21 foot rear (south) yard variance from 30 to 9 feet and an 11 foot street-facing side (east) yard variance from 30 to 21 feet. In this case, the applicant states these variances are necessary to continue the home’s existing rear (south) yard setback while also allowing for the minimum depth of a functional covered porch.

Community Comment

Under state law and the City’s zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request and public hearing in the White Bear Press and mailed notice directly to all property owners within 200’ of the subject property. That notice directed all interest parties to send questions or comments to the Planning Department by mail, phone or email or to attend the public hearing where they could learn about the request, ask questions and provide feedback. As of the writing of this report, the city had received two comments or questions regarding this request. The first came from the neighbor to the south at 4975 Johnson Avenue. In this case, the neighbor signed and submitted the City’s “Expanding a Line of Non-Conformity Neighbor Agreement” generally supporting the request. Staff also received a phone call from the neighbor to the west at 2298 11th Street requesting copies of the plans. Staff emailed those plans to them but has yet to receive any follow-up comments. During the public hearing, staff will provide an update on all public comments received prior to the Planning Commission meeting.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing

variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variances are in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-4, Single and Two-Family Residential and within the Shoreland Overlay District. According to the Zoning Ordinance, the purpose of the R-4 district is to "provide for low and moderate density one and two unit dwellings and directly related, complementary uses." The proposed variances will allow the applicant to improve their existing one unit dwelling use with additional living space and porch generally consistent with the existing conditions that were established as a result of the 1998 lot split of the property to the west at 2298 11th Avenue.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variances are consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential. This land use category is characterized by low density dwellings with a density range of 3 to 9 units per acre. Typical housing in this land use category includes 1-unit attached and detached dwellings. The 2040 plan calls for continuation of the low density land use pattern. Therefore, granting the requested variance will allow for improvement of the existing 1-unit dwelling consistent with the goals and policies of the Low Density Residential future land use category of the comprehensive plan.

3. Does the proposal put property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. As noted above, both the zoning regulations and comprehensive plan support 1-unit dwellings. The proposed variances would allow expansion of the existing 1-unit dwelling in such a way as to meet the applicant's needs with minimal variance from the zoning regulations.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. In this case, the subject property has unique and legal non-conforming (grandfathered-in) site design and setbacks that result from a previously approved lot split of the property to the west. These unique circumstances result in a site that could not reasonably accommodate the development standards of the R-4 and Shoreland Overlay district.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. Granting the requested variance will allow expansion of the existing 1-unit dwelling

that will result in the house having a two-story design with a front porch which is more compatible with the overall traditional pedestrian-friendly and hometown character of the surrounding neighborhood. In addition, the requested variances limits the proposed home expansion to maintaining the existing east street-facing side yard setback for the second story addition above the existing attached garage while similarly maintaining the south rear yard setback for the porch addition. Only the east street-facing side yard variance for the porch would allow some intensification of the site by adding a roof over the existing deck and this is focused on the side of the property facing the public street and the open space of West Park.

RECOMMENDATION

Staff recommends approval of the requested variances based on the findings of fact made in this report, summarized below and detailed in the attached resolution.

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances will not alter the essential character of the neighborhood.

The staff recommendation for approval is subject to the conditions listed below.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
5. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
6. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.

Attachments

Resolution of Approval

Location/Zoning Map

Applicant's Plans

Applicant's Narrative

Expanding a Line of Non-Conformity Neighbor Agreement

RESOLUTION NO.

**RESOLUTION GRANTING THREE VARIANCES FOR 4985 JONHSON AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (22-9-V) has been submitted by the Mike Fox, to the City Council requesting approval of three variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4985 Johnson Avenue, White Bear Lake, MN

LEGAL DESCRIPTION: That Part of Lot 1, Block 12, Auerbach's Rearrangement of part of White Bear Lying East of the line Parallel with and distant 78.00 Feet From; and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: Three variances in order to construct a second story addition over the existing attached garage and conversion of an existing deck into a covered porch: a 5.7 foot variance from the 30 foot setback requirement from a side abutting a public right-of-way; a 21 foot variance from the 30 foot rear yard setback requirement; and an 11 foot variance from a side abutting a public right-of-way, all per code section 1303.060; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 23, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances will not alter the essential character of the neighborhood.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variances, subject to the following conditions:



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl, Community Development Director
DATE: June 14, 2022
SUBJECT: Carlson CUP for Accessory Dwelling Unit & Associated Variances
 2505 Lake Avenue / Case No. 22-5-CUP & 22-10-V

SUMMARY

The applicants, Annie and Dustin Carlson, request a conditional use permit (CUP) and associated variances to allow construction of an accessory dwelling unit (ADU) and 5 variances to allow construction of an 894 square foot addition to the main house. The subject property is located at 2505 Lake Avenue (County Road 96), approximately one-quarter mile east of White Bear Lake County Park. The subject property is guided Low Density Residential by the Comprehensive Plan, zoned R-2, Single Family Residential and within the Shoreland Overlay district. Both the Planning Commission and staff recommend approval of the requests based on the findings of fact detailed in this report and listed in the attached resolution.

Planning Commission Action

The Planning Commission reviewed this item during their May 23, 2022 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produce no comments.

After public hearing, the commissioners asked several questions about the application. Member Berry clarified support for the variance based on the significantly larger size of the subject property and ask if a rental license would be needed. Staff clarified that rental licenses are not necessary for family members and the applicant intends to have their parents live in the unit. Member Amundson asked if the necessary city approvals would change if the detached garage was entirely replaced with a new structure and staff replied they would not. Member West asked if a second entrance to the accessory dwelling unit would be required. Staff responded that would be determined during the building permit review process. The applicant added that they would add a second entrance to the ADU if necessary. After some general discussion, the Planning Commission voted 5-0 to recommend the City Council approve this request.

BACKGROUND INFORMATION

Applicant/Owner: Annie & Dustin Carlson, 2505 Lake Avenue, White Bear Lake

Existing Land Use / Zoning: Single Family; R-2 Single Family Residential and the Shoreland Overlay District

Surrounding Land Use /Zoning: All Directions - Single Family; Zoned R-2 to the south, east and west and zoned R-3 to the north

Comprehensive Plan: Low Density Residential to the south, east and west and Moderate Density Residential to the north

Lot Size & Width: Code: 15,00 sq. ft.; 100 feet
Site: 1.4 acres (60,984 sq. ft.); 220 feet

Site Characteristics

The subject property was originally constructed in 1941 and includes an existing 1-unit dwelling and detached 4 stall garage. Currently, the house does not have an attached garage. Generally, the lot size and width far exceed the minimum zoning requirements in that the lot is 1.4 acres in size or 45,984 square feet (400 percent) large than required and the lot width is 220 feet or 120 feet (120 percent) wider than required by code. It should be noted that the subject property has approximately 10,000 square feet of additional area on the south side of Lake Avenue adjacent to White Bear Lake.

The Carlson's proposed project includes two components. First, the applicant wishes to expand their existing detached garage from 4 to 5 stalls on the main level and add a 1,593 square accessory dwelling unit (ADU) on the second level. This portion of the project necessitates both a conditional use permit (CUP) for the ADU and variances from the maximum ADU size and detached garage height standards.

The second portion of the project includes an 894 square foot addition to the main house. This addition includes 270 square feet in gardening and exercise rooms as well as a 624 square foot attached garage. As proposed, the garage portion of this addition requires variances from the number of accessory structures, maximum size of a second accessory structure (attached garage) and maximum size of all accessory structures (detached garage, ADU and attached garage).

Community Comment

Under state law and the City's zoning regulations, conditional use permit and variance applications require a public hearing. Accordingly, the City published notice of this request and the public hearing in the White Bear Press and mailed notice directly to all property owners within 350 feet of the subject property. That notice directed all interest parties to send questions or comments to the Planning Department by mail, phone or email or to attend the public hearing where they could learn about the request, ask questions and provide feedback. As of the writing of this report, the city had received no comments or questions regarding this request. During the public hearing, staff will provide an update on all public comments received prior to the Planning Commission meeting.

Review Authority

City review authority for either conditional use permit or variance 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 conditional use permits are detailed in City Code Section 1301.050 while

variance standards are detailed in Minnesota State Statute 462.357, Subdivision 6.

Conditional Use Permit Review

According to City Code Section 1301.050, The City shall consider possible adverse effects of a proposed conditional use, in this case an accessory dwelling unit. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, staff recommends approval of the requested conditional use permit.

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 Land Use Plan and all other plans and controls.
Finding: The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential. This land use category is characterized by low density dwellings with a density range of 3 to 9 units per acre. Typical housing in this land use category includes 1-unit attached or detached dwellings. The 2040 plan calls for continuation of the existing low density land use pattern. The subject property is 1.40 acres (61,000 square feet) in size, so adding the proposed ADU results in a density of 1.4 units per acre, well below the land use standard.
2. The proposed use is or will be compatible with present and future land uses of the area.
Finding: With the proposed ADU, the subject property will be compatible with present and future land uses. As noted above, the 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential and the addition of the proposed ADU is consistent with its future land use guiding. Similarly, the property is surrounded by other low density residential uses that have future land use and zoning designations that could also allow an ADU.
3. The proposed use conforms with all performance standards contained herein.
Finding: The proposed ADU use conforms with applicable zoning regulations for accessory dwelling units, with the exception of those standards for which the applicant is requesting variances. Review of the applicant's variance application is provided below and staff is recommending approval of those requests.
4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
Finding: The propose ADU use will not depreciate the surrounding area. Staff finds that the Carlson's investment in their property will likely increase its value and, by association, the values of surrounding properties.
5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
Finding: The proposed ADU use can be accommodated by the existing public services and will not overburden the City's services capacity. The subject property is served by City sewer and water and the addition of the proposed ADU use will not notably impact these services.
6. Traffic generation by the proposed use is within capabilities of streets serving the property.
Finding: The subject property is located on both Lake Avenue (County Road 96) and Stillwater Street. The addition of the ADU will not generate traffic beyond the capabilities of these roads.

Variance Review

Staff reviewed the applicant's variance requests against the standards detailed in Minnesota State Statute 462.357, Subdivision 6. These standards and staff's findings for each are provided below. Staff recommends approval of the requested variances based on the findings made in this review and listed in the attached resolution.

1. Is variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variances are in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-2, Single Family Residential and within the S – Shoreland District. According to the zoning regulations, the purpose of this district is to provide for urban density single family detached residential dwelling units and directly related, complementary uses. Granting the requested variance to allow both expansion of the existing detached garage to include an additional parking space and an ADU as well as the addition to the existing house to include an attached garage are consistent with the purpose and intent of the R-2 district.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variances are consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential. This land use category is characterized by low density dwellings with a density range of 3 to 9 units per acre. Typical housing in this land use category includes 1-unit attached or detached dwellings. The 2040 plan calls for continuation of the low density land use pattern. Granting the requested variance to allow both expansion of the existing detached garage to include an additional parking space and ADU as well as the addition to the existing house to include an attached garage are consistent with the goals and policies of the Low Density Residential future land use category of the comprehensive plan.

3. Does the proposal put property to use in a reasonable manner?

Finding: Granting the requested variances would put the subject property to use in a reasonable manner. Based on the goals and policies of the Low Density Residential future land use category from the 2040 Comprehensive Plan and the purpose and intent of the R-2 zoning district, it is reasonable for the applicant to improve their property to include an expanded principal house to include an attached garage and an expanded detached garage to include one additional parking stall and an accessory dwelling unit.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. In this case, the subject property is notably larger in both lot size and width than most of the other properties in the R-2 district. This additional area allows the subject property to accommodate the proposed expansion even with the necessary variances without significant impact on the surrounding neighborhood.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. Granting the requested variances will allow the applicant's requested expansion in

such a way as to both meet the needs of the property owner while still having a site design and architecture that is generally consistent with the of the surrounding neighborhood.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving the requested conditional use permit and variances based on the findings of fact made in this report, summarized below and detailed in the attached resolution.

Conditional Use Permit Findings:

1. The proposed accessory dwelling unit will be consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed accessory dwelling use will be compatible with present and future land uses of the area.
3. The proposed accessory dwelling use conforms with all the zoning standards of the R-2 and S-Shoreland Overlay districts with the exception of those standards for which the applicant is receiving specific variances.
4. The proposed accessory dwelling use will not tend to or actually depreciate the area in which it is proposed.
5. The proposed accessory dwelling use can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed accessory dwelling use is within capabilities of streets serving the property.

Variance Findings:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to be use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner in that the subject property is 4 times the minimum lot size.
5. Granting the requested variances will not alter the essential character of the neighborhood.

The staff recommendation for approval is subject to the conditions listed below.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

Attachments:

Resolution of Approval

Location/Zoning Map
Applicant's Plans
Applicant's Narrative

RESOLUTION NO.

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT AND
FIVE VARIANCES FOR 2505 LAKE AVENUE WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (22-5- CUP & 22-10-V) has been submitted by Annie and Dustin Carlson, to the City Council requesting approval of a conditional use permit and five variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2505 Lake Avenue, White Bear Lake, MN

LEGAL DESCRIPTION: THAT PART OF THE SOUTH HALF OF SECTION 12, TOWNSHIP 30 RANGE 22 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH LINE OF STILLWATER STREET IN WHITE BEAR BEACH WHERE THE SAME IS INTERSECTED BY THE CENTERLINE OF CENTRAL AVENUE AS THE SAME EXISTED BEFORE ITS VACATION: THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CENTRAL AVENUE IN A STRAIGHT LINE TO THE NORTHWESTERLY LINE OF THE BOULEVARD N/K/A TRUNK HIGHWAY 96: THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF SAID BOULEVARD, A DISTANCE OF 210 FEET; THENCE IN A NORTHERLY DIRECTION TO A POINT ON THE SOUTH LINE OF STILLWATER STREET A DISTANCE OF 220 FEET WEST OF THE POINT WHERE STILLWATER STREET INTERSECTS WITH THE CENTER LINE OF CENTRAL AVENUE AS THE SAME EXISTS BEFORE ITS VACATION; THENCE EASTERLY ALONG THE SOUTH LINE OF STILLWATER STREET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS OF RECORD.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Conditional Use Permit for a home accessory apartment, per Code Section 1302.125, and the following five variances: a 713 square foot variance from the 880 square foot maximum for a home accessory apartment, per Section 1302.125; a 5.5 foot variance from the 15 foot height limit, as measured to the mean of the roof, per Section 1302.030, Subd.4.i.1.b; a variance for a third accessory structure, per Section 1302.030, Subd.4.i; a 968 square foot variance from the 625 square foot maximum size for a second accessory structure, per Section 1302.030, Subd.4.i.2.b; and a 1,083 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per the same Section; all in order to construct an accessory dwelling unit above the detached garage, construct a new two car attached garage, and expand the existing four stall detached garage at the property located at 2505 Lake Avenue; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on April 25, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit and variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake

RESOLUTION NO.

that, in relation to the Conditional Use Permit, the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposed accessory dwelling unit will be consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed accessory dwelling use will be compatible with present and future land uses of the area.
3. The proposed accessory dwelling use conforms with all the zoning standards of the R-2 and S- Shoreland Overlay districts with the exception of those standards for which the applicant is receiving specific variances.
4. The proposed accessory dwelling use will not tend to or actually depreciate the area in which it is proposed.
5. The proposed accessory dwelling use can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed accessory dwelling use is within capabilities of streets serving the property.

BE IT FURTHER, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council, that in relation to the variances, the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to be use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner in that the subject property is 4 times the minimum lot size.
5. Granting the requested variances will not alter the essential character of the neighborhood.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the full request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
5. The applicant shall receive all necessary approvals from the Rice Creek Watershed District.



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Ashton Miller, Planning Technician
DATE: June 14, 2022
SUBJECT: Pacheco Special Home Occupation Permit, 3791 Prairie Rd,
 Case No. 22-2-SHOP

SUMMARY

Council will consider a request for a special home occupation permit for massage therapy at 3791 Prairie Rd.

Planning Commission

Staff recommended approval of the special home occupation permit. The Planning Commission held a public hearing on May 23rd. No one spoke at the meeting. The Commission voted unanimously, 5-0, to recommend approval of the request as presented.

BACKGROUND INFORMATION

Applicant/Owner: Rebecca Pacheco, 3791 Prairie Rd, White Bear Lake, MN

Existing Land Use / Zoning: Single Family; zoned R-3: Single Family Residential

Surrounding Land Use / Zoning: North, East, & West: Single Family; zoned R-3: Single Family Residential
 South: Bossard Park; zoned P: Public

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 10,500 sq. ft.; 80 feet
 Site: 19,260 sq. ft.; 138 feet

The subject site is located on the southwest corner of the Prairie Road and Oak Terrace intersection. There is a single family home with an attached two-car garage on the lot that was constructed in 1971. The roughly 50 foot long and 24 foot wide driveway accesses Prairie Road, which dead ends to Bossard Park.

Ms. Pacheco will be the only employee. She will work primarily from 9 a.m. to 6 p.m. on weekdays, with sporadic weekend appointments. She will have one client at a time and will generally have one to three clients in a single day. On occasion, she will have up to five clients a

day. Sessions will be between 30 and 90 minutes long and will not overlap.

No changes will be made either to the inside or outside of the residence. The home occupation will be conducted entirely within the principal structure. The business will generate only one additional vehicle at a time, and there is ample room in the driveway to accommodate clients, so there will be minimal impact on the surrounding neighborhood. A massage therapy license is required from the City and Ms. Pacheco has already obtained the necessary approvals.

The first issuance of a home occupation permit is a trial period. The applicant must seek a renewal of the permit after one calendar year. If any issues arise from the proposed home occupation during the trial year, they can be addressed prior to renewal.

The business is proposed to be incidental and secondary to the residential use of the home and does not appear that it will have a negative effect on the surrounding neighborhood.

RECOMMENDATIONS

The Planning Commission recommends the City Council adopt the attached resolution of approval.

Attachments:

Draft Resolution of Approval
Narrative

RESOLUTION NO.

**RESOLUTION GRANTING A SPECIAL HOME OCCUPATION PERMIT
FOR 3791 PRAIRIE ROAD WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Rebecca Pacheco has requested a Special Home Occupation Permit, per Zoning Code Section 1302.120, in order to operate a massage therapy business out of the single-family home at the following location:

LOCATION: 3791 Prairie Road, White Bear Lake, MN

LEGAL DESCRIPTION: Lot 1, Block 9 of Green Acres, Ramsey County, Minnesota.
(PID #: 253022310026)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 23, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed special home occupation permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. The traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of conditional use permits are hereby approved.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1302.120, Subd.3, if within one (1) year after the granting the Home Occupation Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.

RESOLUTION NO.

- 3. This permit is issued for a one-year period with the expiration date being June 14, 2023, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
- 4. The applicant shall not have the vested right to a permit by reason of having obtained a pervious permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
- 5. Permits shall not run with the land and shall not be transferable.
- 6. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
- 7. The applicant shall comply with the applicable building, fire, and health department codes and regulations.
- 8. The applicant shall maintain a Massage Therapist License and Massage Therapy Establishment License with the City for the duration of the home occupation.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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

Hi my name is Rebecca Pacheco. I've been a massage therapist for 20 years. Most of this time has been spent in a Chiropractic Clinic. I've been working in Vadnais Heights for the past 13 years as the Office Manager and Massage Therapist for a Chiropractic Clinic. My clientele load and needs for my family are changing and I'm resigning as the Office Manager. I plan to massage 1 day per week at Performance Chiropractic and Sunbear Salon. I'd like to see my clients on other days from my home office space. I would usually be seeing people during the daytime hours 9am-6pm and on the weekdays. I could see up to 5 people per day, but I'd prefer 1-3. I will request for my clients to park in my driveway or in front of my house. I won't have any employees. I will have online scheduling available for my clients. The people I will be seeing are existing clients of mine and friends/family referrals. I prefer not to work weekends, but if the need arises, I'd like to be able to accommodate that as well. My appointment times are 30, 60, and 90 minutes long.

Please feel free to contact me with any questions or concerns.

651-706-7935

Thank you



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, Planning Technician
DATE: June 14, 2022
SUBJECT: **Prelude Minor Subdivision & Recombination Subdivision, 4870 Otter Lake Rd, 4859 Sandra Lane, & 1567 Quast Court, Case No. 22-2-LS**

SUMMARY

The City Council will consider a request for a minor subdivision and recombination subdivision in order to split one lot into two and convey two tracts of land to two abutting neighbors.

Planning Commission

Staff recommended approval of the minor subdivision and recombination subdivision. The Planning Commission heard the case on May 23rd. A public hearing was not required and no one spoke at the meeting. The Commission voted unanimously, 5-0, to recommend approval of the request as presented.

BACKGROUND INFORMATION

Applicant/Owner: Prelude Holdings, LLC

Existing Land Use / Zoning: Single Family; zoned R-3: Single Family Residential

Surrounding Land Use / Zoning: North, East, & South: Single Family; zoned R-3: Single Family Residential
West: Single Family; zoned R-3 & S: Shoreland Overlay

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 10,500 sq. ft.; 80 feet
Site: 94,525 sq. ft.; 202 feet

The subject site is located on the east side of Otter Lake Road and south of 9th Street. The property was platted in 1933 and a lot split was approved in 1979 subdividing the northern 130 feet from the rest of the property. According to Ramsey County, the existing single-family home was constructed in 1939 and the detached garage in 1981.

The first aspect of the request is to subdivide the lot to create one new parcel while retaining the home on the existing lot. Both lots will exceed the width and area required for properties in

the R-3 district. The existing home and garage will continue to meet the required setbacks and rear yard cover limitations. There are no plans for construction on the new property at this time, but the buildable area is large enough to support a home without any variances.

The parcels should comply with the Comprehensive Plan. The Land Use section of the plan identifies the neighborhood as “Low Density Residential”, which allows 3 to 9 units per acre. The proposed subdivision would result in a density of roughly 2.23 units per acre for 48XX Otter Lake Road and 1.1 units per acre for 4870 Otter Lake Road, bringing the property into greater compliance with the Future Land Use designation desired.

The second aspect of the request is to carve out two pieces of land from the existing property and convey each piece to neighboring properties. Both receiving properties, 4859 Sandra Lane and 1567 Quast Court, already meet lot width, area, setbacks, and other aspects of the code, so the addition of 32,256 square feet and 3,015 square feet of land to the parcels, respectively, will not create or intensify a nonconformity.

The following table displays the existing and proposed lot widths and areas of all four parcels. As demonstrated, each parcel will continue to meet the minimum standards for the R-3 Zoning District.

Table I Property Address	EXISTING		PROPOSED	
	WIDTH	AREA	WIDTH	AREA
48XX Otter Lake Rd	N/A	N/A	122 ft.	19,521 sq. ft.
4870 Otter Lake Rd	202 ft.	94,525 sq. ft.	80 ft.	39,708 sq. ft.
1567 Quast Ct	80 ft.	10,530 sq. ft.	No Change	13,545 sq. ft.
4859 Sandra Ln	157 ft.	52,153 sq. ft.	No Change	84,409 sq. ft.

A tree preservation plan and park dedication will be required at the time building permits are submitted for construction on the newly created lot. Sewer and water are available along Otter Lake Road, which is under the jurisdiction of Ramsey County, so right-of-way access permits will need to be coordinated with the County. Finally, the site plan denotes three sheds, one of which is partially on the property to be combined with 4859 Sandra Lane. The code allows for two accessory structures, the first one being the garage, so the encroaching shed, along with one other, will need to be removed to bring the property into conformity.

The City’s discretion in approving or denying a minor subdivision and recombination subdivision is limited to whether or not the proposed subdivision meets the standards outlined in the Zoning Ordinance and Subdivision Regulations. If it meets these standards, the City must approve the subdivision. Staff has reviewed the request for compliance with the Subdivision Regulations and the Zoning Code and finds that all applicable requirements have been met.

RECOMMENDATION

The Planning Commission recommends the City Council adopt the attached resolution of approval.

ATTACHMENTS

Draft Resolution of Approval
Site Plan

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION & RECOMBINATION SUBDIVISION
FOR 4870 OTTER LAKE ROAD, 4859 SANDRA LANE, & 1567 QUAST COURT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (22-2-LS) has been submitted by Prelude Holdings, LLC to the City Council requesting approval of a minor subdivision and recombination subdivision per the Subdivision Code of the City of White Bear Lake for the following locations:

LOCATION: 4870 Otter Lake Road, 4859 Sandra Lane, and 1567 Quast Court

EXISTING & PROPOSED LEGAL DESCRIPTION LEGAL DESCRIPTION: See Exhibit A.

WHEREAS, the applicant seeks approval of a minor subdivision, per Code Section 1407.030, to split 4870 Otter Lake Road into two lots, and a recombination subdivision, per Code Section 1407.040, to convey 32,256 square feet of land to 4859 Sandra Lane and 3,015 square feet of land to 1567 Quast Court; and

WHEREAS, the Planning Commission has reviewed this proposal on May 23, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested subdivision, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against all four properties and notice of these conditions shall be provided as condition of the sale of any lot.

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EXHIBIT A

EXISTING LEGAL DESCRIPTION

4870 Otter Lake Road

All that part of Lot 15, Auditors Subdivision Number 83, lying Westerly of the East 157 feet, except the North 130 feet thereof, Ramsey County, Minnesota.

4859 Sandra Lane

The east 157 feet of Lot 15, Auditor's Subdivision Number 83, Ramsey County, Minnesota.

1567 Quast Court

Lot 6, Block 2, Independent Estates Plat, according to the recorded plat thereof, Ramsey County, Minnesota.

PROPOSED LEGAL DESCRIPTION

4870 Otter Lake Road

That part of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows: Beginning at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15; a distance of 50.00 feet; thence North 00 degrees 25 minutes 44 seconds West, 172.18 feet to the South line of the North 130.00 feet of said Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of the North 130.00 feet of Lot 15, a distance of 300.46 feet to the West line of said Lot 15; thence South 00 degrees 28 minutes 50 seconds East, along said West line of Lot 15, a distance of 202.19 feet to said point of beginning. EXCEPT the South 122.00 feet of the West 160.00 feet of said Lot 15.

48XX Otter Lake Road

The South 122.00 feet of the West 160.00 feet of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota.

4859 Sandra Lane

The East 157.00 feet of Lot 15, AUDITOR'S SUBDIVISION NO. 83, Ramsey County, Minnesota. Together with that part of said Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 50.00 feet to

RESOLUTION NO.

the point of beginning; thence continuing North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 53.23 feet; thence South 09 degrees 49 minutes 48 seconds West, 30.45 feet to said South line of Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said South line of Lot 15, a distance of 119.23 feet to the West line of the East 157.00 feet of said Lot 15; thence North 00 degrees 25 minutes 44 seconds West, along said West line of the East 157.00 feet of Lot 15, a distance of 202.18 feet to the South line of the North 130.00 feet of said Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of the North 130.00 feet of Lot 15, a distance of 167.04 feet to its intersection with a line bearing North 00 degrees 25 minutes 44 seconds West from said point of beginning; thence South 00 degrees 25 minutes 44 seconds East, 172.18 feet to said point of beginning.

1567 Quast Court

Lot 6, Block 1, INDEPENDENT ESTATES PLAT 2, Ramsey County, Minnesota.

Together with that part of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows: Commencing at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet to the point of beginning; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 103.23 feet; thence South 09 degrees 49 minutes 48 seconds West, 30.45 feet to said South line of Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of Lot 15, a distance of 97.78 feet to said point of beginning.

MINOR SUBDIVISION AND COMBINATION

~for~ PRELUDE HOLDINGS, LLC ~of~ 4870 Otter Lake Road, White Bear Lake, MN

EXISTING LEGAL DESCRIPTION

(Per Title Commitment by Burnet Title, File No. 2167020-04477, Effective Date 3/29/2020 at 7:00am)
All that part of Lot 15, Auditor's Subdivision Number 83, lying Westerly of the East 157 feet, except the North 130 feet thereof, Ramsey County, Minnesota.

(Per said Title Commitment, there are no surveyable easements on this property.)

PROPOSED PARCEL A DESCRIPTION

The South 122.00 feet of the West 160.00 feet of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota.

PROPOSED PARCEL B DESCRIPTION

That part of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows:

Beginning at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15; a distance of 50.00 feet; thence North 00 degrees 25 minutes 44 seconds West, 172.18 feet to the South line of the North 130.00 feet of said Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of the North 130.00 feet of Lot 15, a distance of 300.46 feet to the West line of said Lot 15; thence South 00 degrees 28 minutes 50 seconds East, along said West line of Lot 15, a distance of 202.19 feet to said point of beginning.

EXCEPT the South 122.00 feet of the West 160.00 feet of said Lot 15.

PROPOSED PARCEL C DESCRIPTION

That part of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows:

Commencing at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet to the point of beginning; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 103.23 feet; thence South 09 degrees 49 minutes 48 seconds West, 30.45 feet to said South line of Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of Lot 15, a distance of 97.78 feet to said point of beginning.

PROPOSED PARCEL D DESCRIPTION

That part of Lot 15, AUDITOR'S SUBDIVISION NUMBER 83, Ramsey County, Minnesota, described as follows:

Commencing at the Southwest corner of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, assumed bearing, along the South line of said Lot 15, a distance of 250.31 feet; thence North 00 degrees 28 minutes 50 seconds West, 30.00 feet to the North line of the South 30.00 feet of said Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 50.00 feet to the point of beginning; thence continuing North 89 degrees 58 minutes 35 seconds East, along said North line of the South 30.00 feet of Lot 15, a distance of 53.23 feet; thence South 09 degrees 49 minutes 48 seconds West, 30.45 feet to said South line of Lot 15; thence North 89 degrees 58 minutes 35 seconds East, along said South line of Lot 15, a distance of 119.23 feet to the West line of the East 157.00 feet of said Lot 15; thence North 00 degrees 25 minutes 44 seconds West, along said West line of the East 157.00 feet of Lot 15, a distance of 202.18 feet to the South line of the North 130.00 feet of said Lot 15; thence South 89 degrees 58 minutes 35 seconds West, along said South line of the North 130.00 feet of Lot 15, a distance of 167.04 feet to its intersection with a line bearing North 00 degrees 25 minutes 44 seconds West from said point of beginning; thence South 00 degrees 25 minutes 44 seconds East, 172.18 feet to said point of beginning.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kevin C. McCain
KEVIN C. MCCAIN

Date: 4/25/2022 License No. 58542

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 06/02/20.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 15-30-22-13-0079.
- Tree inventory completed by Jacobson Environmental. See species key and tree table.
- Wet lands were delineated by Jacobson Environmental in June 2020.
- Existing zoning = R-3 Residential
- All adjacent properties are zoned R-3 Residential

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 58542
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- ⊠ DENOTES AIR CONDITIONING UNIT
- ⊞ DENOTES CABLE PEDESTAL
- ⊞ DENOTES CURB STOP
- ⊞ DENOTES ELECTRICAL BOX
- ⊞ DENOTES EXISTING SPOT ELEVATION
- ⊞ DENOTES FIBER OPTIC BOX
- ⊞ DENOTES GAS METER
- ⊞ DENOTES LIGHT POLE
- ⊞ DENOTES MAILBOX
- ⊞ DENOTES POWER POLE
- ⊞ DENOTES STORM SEWER APRON
- ⊞ DENOTES GAS VALVE
- ⊞ DENOTES WATER VALVE
- ⊞ DENOTES WELL
- ⊞ DENOTES FENCE
- ⊞ DENOTES EXISTING CONTOURS
- ⊞ DENOTES EXISTING SANITARY SEWER
- ⊞ DENOTES EXISTING STORM SEWER
- ⊞ DENOTES EXISTING WATER MAIN
- ⊞ DENOTES OVERHEAD UTILITY
- ⊞ DENOTES CONCRETE SURFACE
- ⊞ DENOTES CONCRETE SURFACE
- ⊞ DENOTES PAVER SURFACE
- ⊞ DENOTES WET LAND AS DELINEATED BY JACOBSON ENVIRONMENTAL IN JUNE 2020

TREE DETAILS

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

DENOTES TREE TAG NO.

SPECIES KEY

(SPECIES KEY PROVIDED BY OTHERS)

EC	Eastern Cottonwood
WS	White Spruce
WP	White Pine
SE	Siberian Elm
SP	Scotch Pine
BC	Black Cherry
RO	Red Oak
BO	Bur Oak
WO	White Oak
AB	American Basswood
AE	American Elm
NM	Norway Maple
BW	Black Walnut
AM	Amur Maple
PC	Prairie Crabapple

DRAWN BY:	KCM	JOB NO:	200562.1PP	DATE:	3/10/22
CHECK BY:	KCM	FIELD CREW:			
1					
2					
3					
NO.	DATE	DESCRIPTION			BY

SITE DATA

TOTAL SITE AREA	±2.17 AC.
PARCEL A AREA	±0.45 AC.
PARCEL B AREA	±0.91 AC.
PARCEL C AREA	±0.07 AC.
PARCEL D AREA	±0.74 AC.

MINIMUM R-3 SETBACK DATA:	
FRONT	30 FT.
SIDE	10 FT.
CORNER	30 FT.
REAR	30 FT.

TREE TABLE

(TREE INVENTORY COMPLETED BY OTHERS)

Tag #	DBH	Species	Condition	223	10	SE	2	245	16	WP	6	267	10	RO	4	289	12	AE	4	769	14	RO	4	791	18	RO	5
202	8	NM	6	224	10	SP	5	246	21	EC	4	268	9	RO	4	289	8	WP	4	770	12	RO	5	792	21	WO	6
203	12	RO	4	225	7	BC	3	247	17	SE	2	269	7	RO	4	290	27	EC	5	771	13	RO	5	793	11	AE	5
204	28	WP	5	226	6	RO	4	248	10	RO	4	270	30	EC	6	291	11	RO	4	772	13	RO	4	794	20	AB	6
205	9	AE	4	227	13	WP	6	249	13	RO	5	271	11	WO	4	292	9	RO	5	773	9	RO	5	795	8	BC	4
206	6	SP	4	228	14	RO	6	250	28	EC	5	272	16	BO	5	293	14	RO	5	774	12	RO	5	796	9	WO	6
207	20	BW	7	229	6	WS	4	251	27	EC	5	273	10	RO	5	294	12	BC	4	775	7	AE	4	797	20	RO	3
208	6	WS	3	230	6	WS	5	252	13	BC	3	274	9	RO	4	295	6	AB	4	776	11	SE	5	798	9	WO	6
209	7	WS	3	231	14	WP	5	253	6	WS	4	275	19	BO	5	296	6	RO	4	777	11	BC	5	799	13	RO	4
210	6	WS	3	232	24	EC	5	254	7	AM	3	276	8	RO	5	297	11	RO	4	778	6	WS	3	800	7	RO	5
211	9	WP	5	233	6	WS	2	255	6	BC	4	277	7	RO	5	298	21	BW	6	779	7	WS	4	801	8	SP	3
212	19	WP	6	234	9	WP	5	256	9	BW	5	278	18	WO	5	299	30	RO	5	780	9	WP	5	802	12	BW	5
213	10	WP	4	235	7	SP	3	257	15	SM	6	279	9	RO	5	300	32	RO	6	781	7	WP	4	803	8	SP	3
214	10	SP	4	236	8	BO	4	258	10	BO	5	280	7	RO	4	403	7	AE	4	782	6	RO	4	804	8	SP	3
215	18	WP	5	237	10	WS	2	259	25	WO	6	281	10	RO	6	499	10	WP	4	783	10	RO	3	805	8	SP	3
216	7	WS	1	238	7	WS	3	260	6	BC	2	282	12	RO	5	562	7	RO	4	784	13	NM	5	806	6	SP	3
217	6	WS	4	239	9	WS	5	261	27	RO	5	283	11	RO	5	563	9	WP	4	785	8	NM	2	807	8	AE	4
218	12	WP	5	240	17	RO	4	262	22	RO	4	284	12	RO	5	702	10	WP	5	786	8	AE	4	808	6	SP	3
219	18	EC	4	241	6	WS	4	263	12	SM	5	285	8	BO	5	708	15	RO	4	787	21	WP	4	809	17	AE	5
220	7	WS	5	242	12	WS	4	264	6	RO	1	286	7	BO	5	709	7	WP	3	788	18	WO	4	810	10	PC	3
221	20	WP	6	243	10	WS	4	265	16	RO	5	287	7	AB	5	767	7	RO	4	789	15	WO	6	811	17	RO	5
222	7	WP	3	244	9	BO	5	266	16	RO	4	288	12	RO	4	768	7	RO	5	790	12	SE	3	812	13	RO	4

BENCHMARK

RAMSEY COUNTY BENCHMARK #9140
ELEVATION = 932.662 (NAVD88)

GRAPHIC SCALE



1 INCH = 30 FEET

NORTH

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Samantha Crosby, Planning & Zoning Coordinator
Date: June 14, 2022
Subject: Lobinsky, 4372 Cottage Park Road- Case No. 21-11-Ve

SUMMARY

The City Council will consider adopting a resolution approving a one-year extension to a previously approved variance request at 4372 Cottage Park Road.

BACKGROUND INFORMATION

The Planning Commission heard the case on June 28, 2021. The request was for the following four variances:

- A 10.5 foot variance from the 15 foot side yard setback on the south side;
- A 10 foot variance from the same on the north side;
- A 29 foot variance from the 35 foot street side setback for an attached garage and the living area above it; and
- A 3 foot variance from the 53 foot average lakeside setback for a deck;

in order to tear down the existing residence with two-car detached garage and construct a new single-family residence with a four-car attached garage.

Staff recommended denial of one of the four variances, but approval of a lesser variance, and design modifications to the height of the home.

One neighbor spoke in support of the request. On a 5-0-1 vote, with one abstention, the Planning Commission supported staff's recommendation. The City Council heard the case on July 13, 2021 and voted unanimously (4-0) to approve the variances as recommended by staff.

Per condition 2 of the resolution, if the project is not completed within one year of approval, the variances shall become null and void. The applicant has expressed timing and availability of a designer as the reason for the delay. Many projects have been delayed due to labor and supply storages; this is currently not un-common. Staff has reviewed the surrounding area property owners and no properties have changed hands since the original approval. Also, no significant changes have transpired in the immediate area since the original approval. Consequently, staff recommends approval of the attached resolution extending the variance approvals for one year.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution of approval.

ATTACHMENTS

Resolution
Applicant's Narrative
Resolution No. 12809
Survey

RESOLUTION NO.

RESOLUTION APPROVING A ONE YEAR TIME EXTENSION FOR FOUR VARIANCES FOR 4372 COTTAGE PARK ROAD WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA

WHEREAS, a proposal (21-11-Ve) has been submitted by Paula Lobinsky to the City Council requesting approval of four variances from the Zoning Code of the City of White Bear Lake at the following location:

LOCATION: 4372 Cottage Park Road, White Bear Lake, MN

LEGAL DESCRIPTION: Lot 1, Block 2, of South Shore Rearrangement of part of Blocks 1, 2, 3, and 4 of Cottage Park White Bear Lake, Ramsey County, Minnesota. Also a strip of land along the Northerly side of Lot 3 of Block 2 of the same, described as follows: Beginning at a point which is at the Northwest corner of Lot 3; thence running Southerly along the West line of said Lot 3, a distance of 6.5 feet to a point; thence in an easterly direction a distance of 129.65 feet to a point; thence North a distance of 1.5 feet to a point on the North line of Lot 3; thence West on the North line of Lot 3 a distance of 129.8 feet to the point of beginning. (PID #233022130010)

WHEREAS, the applicant seeks a one-year extension to a previously approved variance request until July 13, 2023. Resolution No. 12809 approved a 5 foot variance from the 15 foot side yard setback on the south side and a 10 foot variance from the same on the north side, both per Code Section 1303.040, Subd.5.c; a 29 foot variance from the 35 foot street side setback for an attached garage and living area above it per Code Section 1303.040, Subd.5.c.1, and a 3 foot variance from the 53 foot average lakeside setback for a deck, per Code Section 1302.040, Subd.4.c.; and

WHEREAS, the Planning Commission has reviewed this proposal on June 28, 2021; and

WHEREAS, the City Council has considered the effects of the proposed extension upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council approves the requested time extension, subject to all the same terms and conditions as the original approval.

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

RESOLUTION NO.

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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

Mike & Paula Lobinsky

1407 Mound Trail
Centerville, MN 55038
612-412-2323

City of White Bear Lake
4701 Hwy 61
White Bear Lake, MN 55110

May 25th, 2022

ATTENTION: City Council Members

With reference to application to extend Resolution N0. 12809 (approved July 13, 2021)

We wished to provide some detail as to the reason a 12-month extension request for variances approved by city council last summer is requested.

Our application for single-family residence building permit was recently submitted to the city building department, we are anxiously awaiting approval. The existing property at 4372 Cottage Park Road demolition was completed in the Fall of 2021. To minimize administrative work and additional project costs, we did not resume any further plan designing or confirm specifications for the new home project until all variances/resolutions were completed and fully approved. The 2021-2022 was (and continues to be) particularly challenging in-regards to construction materials, estimating, and scheduling of contractor's time.

To expedite our process following the resolution and re-design the preliminary house drawings we needed to hire a second draftsman, because of timing constraints with the initial contractor, this process added 3-6 months to our timeline. As any resident of the state of Minnesota can appreciate wintertime then brings its unique challenges and it is impossible to complete certain tasks. For example, soil evaluation for the impermeable surface mitigation calculations, worksheets, and such. We quickly accepted Spring 2022 would be the time to resume work on the additional detail involved in prepping the application for a building permit.

As considerate, thankful, and enthusiastic (new) lakeshore homeowners we appreciate the reason/s behind extenuating factors involved in the city of White Bear Lake processes and are hopeful the city council members consider our extension request as acceptable.

Warm Regards,

Mike & Paula Lobinsky

RESOLUTION NO. 12809

**RESOLUTION DENYING ONE VARIANCE AND
APPROVING FOUR VARIANCES WITH CONDITIONS FOR
4372 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-11-V) has been submitted by Paula Lobinsky to the City Council requesting approval of four variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4372 Cottage Park Road

LEGAL DESCRIPTION: Lot 1, Block 2, of South Shore Rearrangement of part of Blocks 1, 2, 3, and 4 of Cottage Park White Bear Lake, Ramsey County, Minnesota. Also a strip of land along the Northerly side of Lot 3 of Block 2 of the same, described as follows: Beginning at a point which is at the Northwest corner of Lot 3; thence running Southerly along the West line of said Lot 3, a distance of 6.5 feet to a point; thence in an easterly direction a distance of 129.65 feet to a point; thence North a distance of 1.5 feet to a point on the North line of Lot 3; thence West on the North line of Lot 3 a distance of 129.8 feet to the point of beginning. (PID # 233022130010)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: a 10.5 foot variance from the 15 foot side yard setback on the south side and a 10 foot variance from the same on the north side, both per Code Section 1303.040, Subd.5.c; a 29 foot variance from the 35 foot street side setback for an attached garage and living area above it per Code Section 1303.040, Subd.5.c.1, and a 3 foot variance from the 53 foot average lakeside setback for a deck, per Code Section 1302.040, Subd.4.c, all in order to demolish the existing home and reconstruct a new single family residence

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 28, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

WHEREAS, the City Council finds that some aspects of the project are reasonable with certain design modifications;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council hereby denies the 10.5 foot variance from the 15 foot side yard setback along the south side, based upon the following findings:

1. The variance as requested is not necessary for the reasonable use of the land or buildings; other design options exist.
2. The variance requested is not the minimum necessary to alleviate a practical difficulty or unique physical condition. The City herewith approves of a lesser variance.
3. The granting of the variance is contrary to the intent of the zoning code.
4. The mass of structure resulting from the accumulation of the requested variances is not in harmony with the desired character of the neighborhood.
5. Deviation from the code without reasonable justification will slowly alter the City's essential character.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that the City Council hereby approves the three other requested variances along with a 5 foot variance from the 15 foot side yard setback along the south side subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variances shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. Should additional variances arise from the re-design of the residence as required by this approval, the 1 year waiting period (Section 13012.060, Subd.2.b.7) shall be waived.
5. A building permit shall be obtained before any work begins.

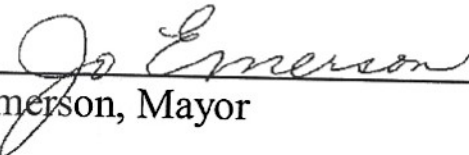
Prior to the issuance of a building permit:

6. The plan shall be revised to provide a 10 foot side yard setback from the south side property line.
7. The height to the peak of the highest gable shall be reduced to 30 feet as measured from the street side grade.

8. The roof over the garage portion of the home shall be a hip-style design with the peak at least 4 feet shorter than the highest gable.
9. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
10. The patio under the deck shall be added to the impervious area calculations or removed from the architectural plans.
11. The plans submitted for building permit shall comply with the Engineering Comments dated 6-8-21.
12. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
13. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.

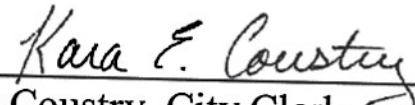
The foregoing resolution, offered by Councilmember **Walsh** and supported by Councilmember **Engstran**, was declared carried on the following vote:

Ayes: Biehn, Edberg, Engstran, Walsh
 Absent: Jones
 Nays: None
 Passed: July 13, 2021



 Jo Emerson, Mayor

ATTEST:




 Kara Coustry, 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.



 Paula Lobinsky



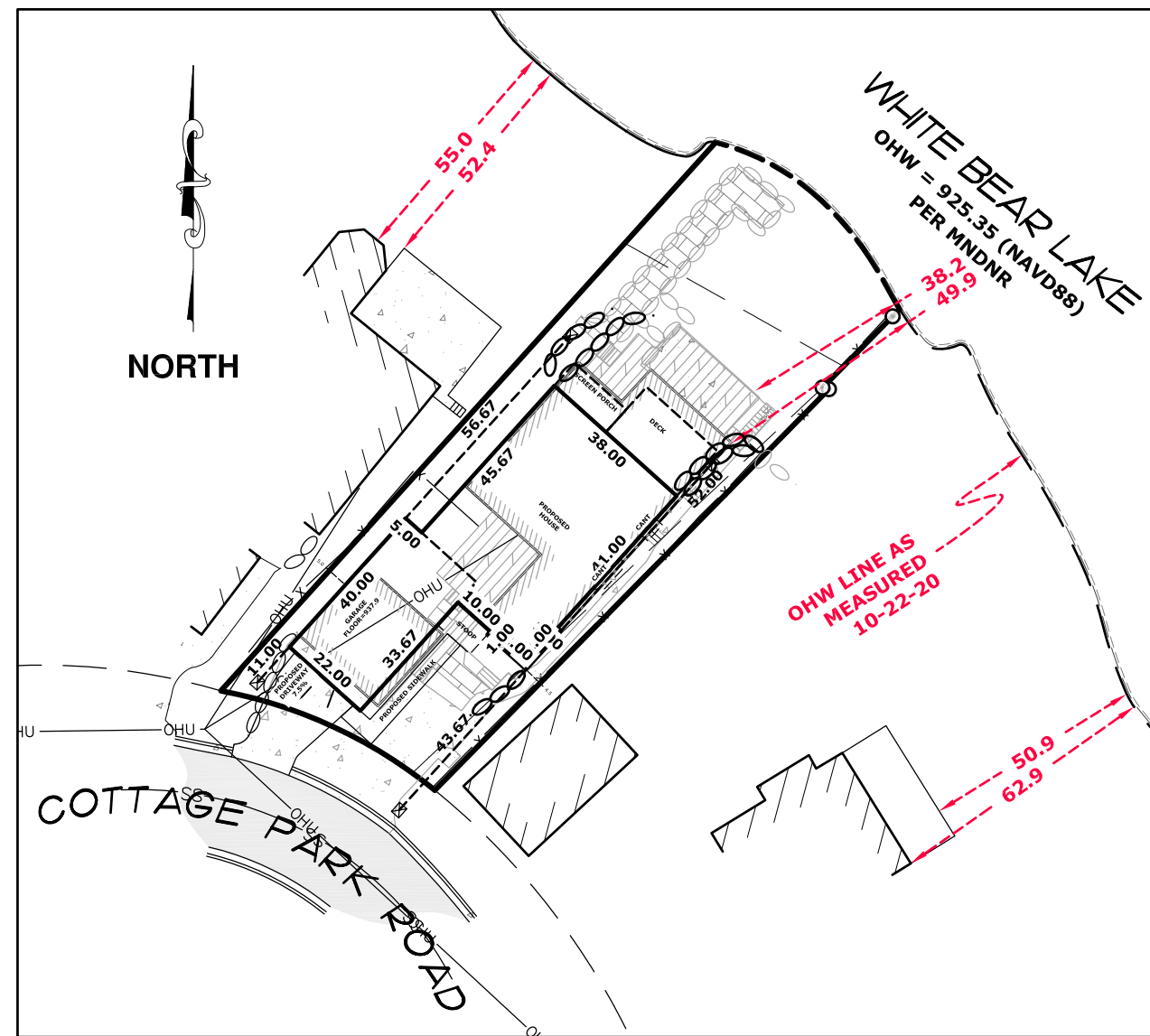
 Date

SITE PLAN - EXISTING AND PROPOSED IMPROVEMENTS

~for~ PAULA AND MIKE LOBINSKY
 ~of~ 4372 Cottage Park Road
 White Bear Lake, MN

LAKE SETBACK DETAIL

(SCALE: 1" = 40')



LEGAL DESCRIPTION

Lot 2, Block 2, of South Shore Rearrangement of part of Blocks 1, 2, 3, and 4 of Cottage Park White Bear Lake, Ramsey County, Minnesota.

Also a strip of land along the Northerly side of Lot 3 of Block 2 of South Shore Rearrangement of part of Blocks 1, 2, 3, and 4 of Cottage Park White Bear Lake, Ramsey County, Minnesota, described as follows:

Beginning at a point which is at the Northwest corner of Lot 3; thence running Southerly along the West line of said Lot 3, a distance of 6.5 feet to a point; thence in an easterly direction a distance of 129.65 feet to a point; thence North a distance of 1.5 feet to a point on the North line of Lot 3; thence West on the North line of Lot 3 a distance of 129.8 feet to the point of beginning.

PROPOSED IMPERVIOUS SURFACE CALCS.

TOTAL LOT AREA	9,030 S.F.
HOUSE AND GARAGE	2,797 S.F.
STOOP AND SCREEN PORCH	182 S.F.
DRIVEWAY	172 S.F.
SIDEWALK	144 S.F.
TOTAL IMPERVIOUS SURFACE	3,295 S.F.
PERCENT IMPERVIOUS	36.5%

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 09/09/20, and 10/22/20.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 23-30-22-13-0010.
- Curb shots are taken at the top and back of curb.
- This survey was prepared with the benefit of title work. Title Commitment No. 618465 as prepared by Stewart Title Guaranty Company was used to supplement this survey.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES PROPOSED RETAINING WALL
- SS— DENOTES EXISTING SANITARY SEWER
- OHU— DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES WOODEN DECKING/STAIRS
- DENOTES PAVER SURFACE

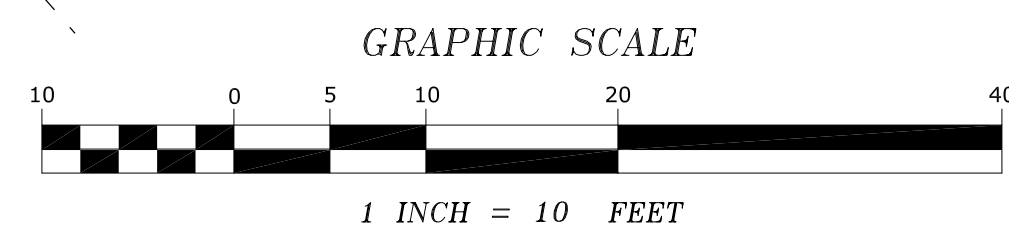
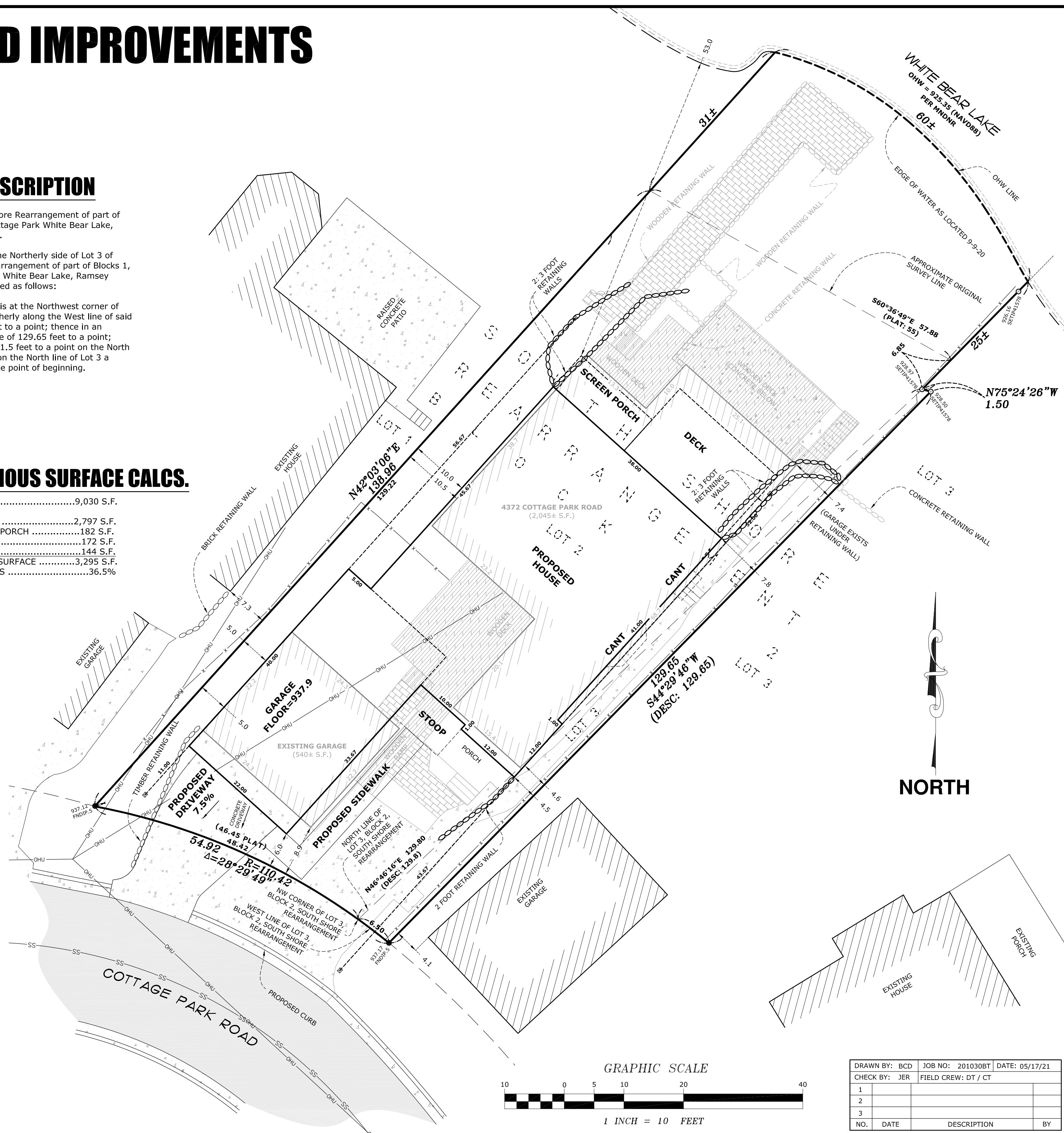
TREE DETAIL

- 950/26 DENOTES ELEVATION
- 04/20/20 DENOTES TREE QUANTITY
- 12 DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 5/17/2021 License No. 41578



DRAWN BY: BCD	JOB NO: 201030BT	DATE: 05/17/21	
CHECK BY: JER	FIELD CREW: DT / CT		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: June 14, 2022
Subject: **Utility Occupancy License with Canadian Pacific**

SUMMARY

The City Council will consider approving a Utility Occupancy License with Canadian Pacific to allow White Bear Lake Area School District (ISD 624) to install a sanitary sewer main on the City's behalf to service the North Campus expansion project. The City will be responsible for future operations and maintenance.

BACKGROUND INFORMATION

The ISD 624 North Campus expansion project necessitated a new connection to the Metropolitan Council sanitary sewer interceptor located on the north side of the Canadian Pacific railroad right-of-way at Bald Eagle Avenue in order to service the additional sewer flow. In the interim, this connection will service only the North Campus, but will also allow the City to ultimately remove a lift station from our system as this new connection will provide the additional depth to service the remainder of the flow area. This project will be feasible when the County reconstructs Bald Eagle Avenue in the future, or allow the City to connect in the event the lift station was to ever fail.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a Utility Occupancy License with Canadian Pacific.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A UTILITY OCCUPANCY LICENSE
WITH CANADIAN PACIFIC**

WHEREAS, a new sanitary sewer connection to the Metropolitan Council interceptor is necessary to service the ISD 624 North Campus expansion project; and

WHEREAS, the proposed sanitary sewer connection needs to cross under Canadian Pacific railroad right of way at Bald Eagle Avenue to make the connection; and

WHEREAS, Canadian Pacific requires the City enter into a Utility Occupancy License for the installation, maintenance and operations of the sanitary sewer main under their right of way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that:

1. That the City Council of the City of White Bear Lake enter into a Utility Occupancy License with Canadian Pacific, a copy of which was before the Council.
2. That the Mayor and City Manager are authorized to execute such agreement, and any amendments thereto.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

UTILITY OCCUPANCY LICENSE

NO. 55205

THIS UTILITY OCCUPANCY LICENSE (“License”) is made effective the 1st day of April 2022, by and between

1. PARTIES:

SOO LINE RAILROAD COMPANY, a Minnesota corporation, doing business as Canadian Pacific, with its general offices at Canadian Pacific Plaza, 120 South Sixth Street, Minneapolis, MN 55402 (hereinafter referred to as “CP”),

and

City of White Bear Lake, with an office at 4701 Highway 61 White Bear Lake, Minnesota 55110 (“Licensee”).

2. ACKNOWLEDGEMENT

CP hereby licenses and authorizes Licensee to install, maintain and operate the following “Utility Line” across, over and/or under its railroad corridor property and tracks, pursuant to the terms and conditions of this License.

(a) Specifications

Utility Type: Underground Sanitary Sewer

Size/Capacity: 12in. PVC carrier pipe in 24in. Steel casing

Installation: 21ft under tracks

Ancillary Items: None

(b) Location

Lat/Long: 45.095851 -93.015513

PLSS: SE ¼ of the SW ¼ 011 / 030-N / 022-W

City, County, State: White Bear Lake, Ramsey, Minnesota

Milepost, Subdivision: Mile Post 14.48 on the Withrow (BE# MN13)

as shown upon Appendix 3 attached and incorporated herein (the “Property”).

(c) Applicable Fees

Licensee agrees to pay CP the following charges:

- (i) One-time fee of **\$1.00** to cover CP’s reasonable expenses incurred in reviewing Licensee’s notice to occupy CP’s right-of-way; and
- (ii) Reimbursement for CP’s reasonable and customary charges to have a flagman or watchman present during Licensee’s work on the Property, pursuant to Section 10.0(c).

Attachments

The following documents are incorporated in this Agreement:

- (i) Appendix 1 – Contacts
- (ii) Appendix 2 – Insurance Requirements
- (iii) Appendix 3 – Exhibit A

(d) Work; License To Be Available At Work Site:

- (i) “**Work**,” shall mean any activity conducted by Licensee relative to the installation, maintenance, repair, replacement, relocation, servicing, or removal of the Utility Line which involves entry onto the Property.

- (ii) **“Work Site,”** shall mean the general location of Licensee’s activities relative to the Work. Licensee shall keep a copy of this License at the Work Site and shall make it available upon request by any employee or agent of CP.

3.0 Effective Date

The **“Effective Date”** of this Agreement shall be April 1st, 2022. Notwithstanding the Effective Date, the rights granted to Licensee under this License shall be effective on the later of the Effective Date, or the last date it is executed by a party.

4.0 Term

The rights granted Licensee under this License shall remain until terminated by either party by providing other party with thirty (30) days’ advanced written notice.

5.0 Mechanics’ And Materialmen’s Liens

If any mechanics’ or material men’s liens, or similar lien, is asserted against the Property, or any other property of CP, as a direct consequence of the Work, Licensee shall immediately take steps to satisfy, defend, or obtain the release of such lien, all at Licensee’s cost and expense.

6.0 Contact; Notices

(a) Contact Persons

Communications pursuant to this License shall be directed to the contact persons listed in Appendix 1, or their designees. Either party may change this contact information by providing written notice to the other party.

(b) Notices

Except at otherwise provided in this License, all notices shall be in writing and shall be effective upon delivery to the Contact Person for the party notice is being given to. If notice is given by facsimile, the notice shall not be deemed effective until received in legible form.

(c) Notification Prior To Beginning Work

Except in the case of an emergency, Licensee shall notify CP’s Engineering contact person by telephone not less than fifteen (15) Business Days before commencing the Work. **“Working Days”** do not include Saturdays, Sundays, or federally recognized Holidays.

7.0 Permitted & Prohibited Use; Rights of CP

(a) Permitted Use

The use of the Property by Licensee shall be limited to the Work, or such other activity as may be approved by CP in writing. Licensee may permit governmental authorities with jurisdiction of the Work to enter the Property for the purpose of performing applicable governmental functions, including but not limited to inspecting or monitoring the Work.

(b) Prohibited Uses and Activities

Licensee shall not use, occupy or permit the Property to be used for any purpose, activity or improvement except as provided in this License, or as may be approved in writing by CP. Specifically:

- (i) *Advertising* – Licensee shall not permit any advertisements or signs upon the Property (except signs that may be required by applicable governmental law, rule or regulation based on the nature and extent of the Work); and
- (ii) *Use of Hazardous Substances* – Licensee shall not, without prior written disclosure and approval by CP, use or authorize the use of any Hazardous Substances on the Property, including installation of any above or underground storage tanks; subject thereto, Licensee shall arrange at its own cost for the lawful transportation and off-site disposal of any and all Hazardous Substances that it shall use or generate. **“Hazardous Substances”** shall mean any pollutant, contaminant, hazardous substance or waste, solid waste, petroleum product,

distillate, or fraction, radioactive material, chemical known to cause cancer or reproductive toxicity, polychlorinated biphenyl or any other chemical, substance or material listed or identified in applicable regulatory or environmental laws.

8.0 Reservation and Rights of CP

(a) Railroad Activities Take Priority Over Work

All Work by Licensee shall be subordinate to the reasonable needs of CP in connection with the operation, maintenance and movement of railroad trains and equipment on the Property. Notwithstanding the foregoing, the parties agree to cooperate in good faith to schedule their respective work activity on the Property to minimize each other's delays.

(b) Interference With Prior/Future Use

Licensee right to use the Property to perform the Work is subject to any prior easements, licenses, or permits to use the Property for tracks, roads, walkways, poles, wires, pipelines, sewers, billboards, and other improvements. Furthermore, CP reserves the right to place upon, across, above and/or under the Property additional tracks, roads, walkways, poles, wires, pipelines, sewers, billboards, and other improvements in any manner that does not interfere with Licensee's Work or the Utility Line.

(c) Relocation – Licensee shall relocate the Utility Line, at its sole cost and expense, if CP determines that such relocation is reasonably necessary for the current operation of the railroad tracks.

(d) Monitoring

CP may elect to be present at the Property during the Work and to monitor same, at Licensee's sole cost and expense.

9.0 Investigation; Compliance with Laws; Safety Requirements

(a) Prior Use – Before performing Work on the Property, Licensee shall obtain consent of all persons or entities that are using or occupying any portion of the Property, if such consent is required by applicable laws and/or regulations. CP will cooperate with Licensee in obtaining such consent from any person or entity that unreasonably withholds consent.

(b) Underground Utilities And Structures

- (i) Licensee shall, pursuant to applicable laws and/or regulations, be responsible for determining the location of all underground utilities (e.g. electric lines, telephone lines, gas lines, steam lines, sewer lines, water lines, fiber optic cable), and utility structures.
- (ii) Licensee shall call the Gopher State One Call at (800) 252-1166 and make arrangements to have all applicable underground utilities marked prior to commencing any excavation or boring on the Property.
- (iii) CP will cooperate with Licensee to identify the location of underground utilities and utility structures known to CP, but such cooperation shall not relieve Licensee of its obligations under (i) and (ii) above.
- (iv) Licensee shall call CP's Call-Before-You Dig group at (866) 291-0741, no less than five (5) Working Days prior to the date that Work is to be performed, in order for CP to mark its underground facilities on the Property. CP shall mark all its underground facilities on the Property within this five (5) day period to avoid delaying Licensee.

(c) Permits and licenses; Compliance With Laws

Licensee shall secure, at no expense to CP, any permits or licenses required in connection with the Work, and shall comply with all laws applicable to the Work and the use and operation of the Utility Line, including but not limited to any laws, standards, regulations, and permit requirements relating to environmental pollution and/or contamination, or to occupational health and safety.

(d) Compliance With CP Safety Requirements

While on the Property Licensee shall comply with CP's safety requirements as set forth in the document entitled "**Minimum Safety Requirements for Contractors Working on Railway Property**". It is Licensee's responsibility to obtain the most up-to-date copies of these requirements prior to commencement of any Work and ensuring that every person on the Property has access thereto.

10.0 Work in Close Proximity to Railroad Operations; Drainage

(a) Interference With Railroad Operations – Licensee shall keep CP fully apprised of its proposed activities on the Property so as to prevent any interference with the operations of CP's trains or equipment (or the trains and equipment of others lawfully using the tracks) operating on or near the Property.

(b) Clearance – No Work shall be done or any equipment or other obstruction placed over or within 25 feet laterally of the centerline of any track without advanced notification to CP.

(c) Flagging – Licensee shall make arrangements with CP for such flagging or watchmen service as CP deems necessary for the protection of railroad traffic. Pursuant to Section 2(c)(2) above, Licensee will compensate CP for its reasonable and customary charges to provide flagging or watchmen service. The fact that CP provides such service shall not relieve either party from liability under this License.

(d) Certain Work Close to Track Not Permitted; Lateral Support

(i) Unless otherwise agreed to in writing by CP, excavations, borings, wells, pits, test holes, probe sites, and the like shall not be located closer than 25 feet from the centerline of the nearest railroad track on or adjacent to the Property, nor will Licensee take, or allow any of its employees, agents or contractors to take, any action on the Property that would materially impair the lateral or sub-adjacent support of adjacent lands or railroad tracks.

(ii) Unless otherwise agreed to in writing by CP, drilling and excavating equipment (and related equipment) shall not be located closer than 25 feet from the centerline of the nearest railroad track or any railroad track.

(iii) In the event that CP permits excavations, borings, wells, pits, test holes, probe sites, and the like in close proximity to tracks, embankments or other features providing lateral support or sub-adjacent support to land or tracks, then notwithstanding anything herein to the contrary, Licensee shall be responsible for designing and constructing, at no cost to CP, any measures required to prevent the collapse, erosion or impairment to said land or tracks.

(e) Storm Water – Licensee shall not, unless otherwise agreed to in writing by CP, make any changes to the Property that would either increase the historic flow rate of storm water from the Property, or create an impediment to the historic flow of storm water from the Property.

(f) Fences – If the parties agree that it is necessary for the safety of the railroad operations, employees and/or the public, for a fence to be erected during the Work, Licensee agrees to erect such fencing at its sole cost and expense. Following completion of the applicable Work, Licensee shall remove such fencing and fill and tamp any post holes with clean material.

11.0 Conduct

(a) Property Clean, Safe and Free From Nuisance – During any Work Licensee shall not permit the existence of any nuisance (as defined pursuant to Minnesota law) upon the Property, and shall at all times during the Work keep the Property in a clean, safe and sanitary condition free from any unreasonable accumulations of waste materials, debris or refuse.

(b) Release of Hazardous Substances – Licensee shall not cause or allow its employees, agents or contractors to cause, the release of any Hazardous Substances on or from the Property.

- (c) Response Actions** – Licensee shall promptly take all necessary action in response to a release or potential release of Hazardous Substance at the Property, caused by Licensee or attributable to any act and/or omission of Licensee (or its employees, agents or contractors), that could:

 - (i) give rise to any claim under applicable environmental laws and/or regulations;
 - (ii) cause a public health or workplace hazard; or
 - (iii) create a nuisance (as defined pursuant to Minnesota law).

- (e) Release or Suspected Release** – Licensee shall promptly notify CP of any actual or suspected release of any Hazardous Substances on or from the Property, regardless of the cause of the release.

- (f) Notices, Summons, Citations, etc.** – Licensee shall promptly provide CP with copies of any all summons, citations, directives, information inquiries or requests, notices of potential responsibilities, notices of violations or deficiencies, orders or decrees, claims, causes of action, complaints, investigations, judgments, or other communications, written or oral, actual or threatened, received by Licensee that is applicable to the Property or Work, including but not limited to notices from the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, or other federal, state or local agency or authority, or any other entity or individual, concerning:

 - (i) any release of a Hazardous Substance on or from the Property;
 - (ii) the imposition of any lien on the Property; or
 - (iii) any alleged violation of or responsibility under any applicable environmental law.

12.0 Liability

- (a) Damage to Tracks, Facilities, and Equipment** – If any tracks, facilities, or equipment owned, used, or maintained by CP are damaged in connection with the Work or Licensee's use or operation of the Utility Line, CP shall repair (or arrange for the repair of) such damage and Licensee shall pay the full cost of such repair within 30 days after receipt of CP's invoice.

- (b) Assumption of Risk** – Licensee is fully aware of the dangers of working on and about railroad property and railroad operations and knowingly and willingly assumes the risk of harm (e.g., injury to or death of persons and damage to or destruction of property) that may occur while on and about the Property. Without in any way limiting the scope of the preceding sentence, Licensee assumes the risk that the Utility Line and any Work or appurtenances thereto on the Property may be disturbed, damaged, or destroyed by CP or third persons, and except where arising from the intentional malicious conduct of CP or its employees, agents, or invitees, Licensee shall not make any claim against CP on account of same, even if such disturbance, damage, or destruction arises from the negligence of CP or its employees, agents, or invitees. Licensee assumes full responsibility for protecting its installations and personal property from theft and vandalism while such installations and personal property are on the Property.

- (c) Indemnity** – As used in this License, “**Indemnified Parties**” means the following businesses and their officers, directors, employees, and agents: Soo Line Railroad Company, Delaware and Hudson Railroad Corporation, Inc., Dakota, Minnesota and Eastern Railroad Corporation, Soo Line Corporation, Canadian Pacific Railway Company, Wyoming Dakota Railroad Properties, Inc., any company doing business as Canadian Pacific, and any railway company or contractor operating trains or rail equipment upon railway tracks in close proximity to the Property or the Utility Line, together with the parent companies, subsidiaries, and affiliated companies of all of the foregoing.

To the maximum extent permitted by applicable law, Licensee shall release, indemnify and defend the Indemnified Parties (as defined below) against all claims, demands, actions, suits, judgments, losses, damages (including, but not limited to, lost profits and other actual, compensatory, direct, consequential, punitive, and exemplary damages), expenses, penalties, fines, sanctions, court costs, litigation costs, and attorneys' fees (collectively, Claims) arising out of or relating to any destruction of (or damage to) any property or natural resource, any injury to

(or death of) any person, or any environmental pollution or contamination whatsoever, where such destruction, damage, injury, death, pollution, or contamination actually or allegedly arises in whole or in part from the presence of the Utility Line on the Property or any Work connected therewith, or any action or omission of Licensee while on or about the Property pursuant to this License, or the exercise by Licensee of the rights and permissions granted by this License.

13.0 Insurance –Licensee shall procure and maintain in effect the insurance coverages set forth in Appendix 2.

14.0 Miscellaneous Provisions

- (a) Amendment/Waiver** – This License cannot be amended, modified or revised unless done in writing and signed by CP and Licensee. No provision may be waived except in a writing signed by both parties. The failure by a party to enforce any provision of this License or to require performance by the other party will not be construed to be a waiver, or in any way affect the right of either party to enforce such provision thereafter.
- (b) Compliance with Law** – Both parties agree to comply with all applicable federal, state and local laws, orders, rules and regulations (“**Laws**”).
- (c) Assignment; Binding Effect** – This License may not be assigned by Licensee without first obtaining CP’s written consent. The terms and conditions contained in this License will bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.
- (d) Entire Agreement** – This License and the appendix attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this License. Except as otherwise stated in this License, each party shall bear its own fees and expenses (including the fees and expenses of its agents, brokers, representatives, attorneys, and accountants) incurred in connection with the negotiation, drafting, execution and performance of this License and the transactions it contemplates.
- (e) Governing Law** – This Agreement will be governed by the laws of the state in which the Property is located, without regard to conflicts of law.
- (f) Interpretation** – Unless otherwise specified, the following rules of construction and interpretation apply:

 - (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof;
 - (ii) use of the term "including" will be interpreted to mean "including but not limited to";
 - (iii) whenever a party’s consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed;
 - (iv) appendix are an integral part of this Agreement and are incorporated by reference into this Agreement;
 - (v) use of the terms "termination" or "expiration" are interchangeable;
 - (vi) reference to a default will take into consideration any applicable notice, grace and cure periods;
 - (vii) to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Agreement, the ambiguity shall not be resolved on the basis of who drafted the Agreement;
 - (viii) the singular use of words includes the plural where appropriate; and
 - (ix) if any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force if the overall purpose of the

Agreement is not rendered impossible and the original purpose, intent or consideration is not materially impaired.

- (g) **Survival.** Any provisions of this License relating to indemnification shall survive the termination or expiration hereof. In addition, any terms and conditions contained in this License that by their sense and context are intended to survive the termination or expiration of this Agreement shall so survive.
- (h) **Singular and Plural –** As used in this License, the singular form of a word includes the plural form of that word, and vice versa, and this License shall be deemed to include such changes to the accompanying verbiage as may be necessary to conform to the change from singular to plural, or vice versa.
- (i) **Duplicate Copies and Counterparts –** This License may be executed in counterparts, which together shall constitute one and the same. The parties may execute more than one copy of this License, each of which shall constitute an original.

THE PARTIES HERETO have executed this License as evidence of their agreement to the terms contained herein.

City of White Bear Lake

SOO LINE RAILROAD COMPANY *doing business as Canadian Pacific*

By: _____

By: _____

Printed Name: _____

Printed Name: Daniel Sabatka

Its: _____

Its: Director Projects and Public Works – US

Date: _____

Date: _____

APPENDIX 1

1. RAILROAD CONTACTS:

A. Real Estate: Processing of License, fees

Address	Contact Info	
Canadian Pacific Real Estate US – Utility Permits Canadian Pacific Plaza – Suite 700 120 South Sixth Street Minneapolis, Minnesota 55402	Phone:	(612) 904-6143
	Fax:	(612) 904-6147
	Email:	Real_Estate_-_US@cpr.ca

B. Risk Management: Submittal of Insurance Coverage Renewals.

Address
Canadian Pacific Risk Management Department 7550 Ogdendale Road Calgary, Alberta T2C 4X9

C. Engineering: Application, Review of Technical Specifications

Address	Contact Info	
Canadian Pacific Plaza – Suite 700 120 South Sixth Street Minneapolis, Minnesota 55402	Name:	Greda Lynn
	Title	Grade Crossing Coordinator
	Phone:	(612) 330-4532
	Fax:	
	Email:	Greda_Lynn@cpr.ca

D. Scheduling of Flagging:

The following must be contact **no less than 15 Business Days** (excludes Saturday, Sunday and holidays observed by CP) prior to date on that Work is to be performed.

Greda Lynn – Grade Crossing Coordinator, contact: (612) 330-4532 and email Greda_Lynn@cpr.ca.

E. Utility Locates

CP: **CP Call-Before-You-Dig** 1-866-291-0741: Must be called **no less than 5 Working Days** (excludes Saturday, Sunday and holidays observed by CP) prior to date on that Work is to be performed.

Local: The Licensee must also contact the local **Call-Before-You-Dig** service
The national number for utility locating is **8-1-1**.

In Minnesota, the utility locating service is called Gopher State One Call at 651-454-0002 and, in addition to dialing 8-1-1, can be reached at
<http://www.gopherstateonecall.org/>

CP does not guarantee the accuracy of the foregoing information. The License is ultimately responsible for contacting and complying with local utility locating requirements and determining the proper contacts or manner of doing so.

2. LICENSEE CONTACTS:

A. Licensee Information

Licensee:	City of White Bear Lake		
Type of Entity:	Municipality	State of Formation:	Minnesota
Mailing Address:	4701 Highway 61 White Bear Lake, Minnesota 55110		
Delivery Address: (if different)	Same		
Billing Address: (if different)			
Telephone No.	651-429-8563	Web Site:	

B. Licensee Contact

THIS IS THE INDIVIDUAL TO WHOM CP SHOULD SEND DOCUMENTS AND OTHER CORRESPONDENCE.

Name:	Paul Kauppi	Address. Write "Same" if same as above
Company:	Same	
Title:	City Engineer / PW Director	Same
Office Number:	Same	
Fax Number:		
Mobile Number:		
Email:	pkauppi@whitebearlake.org	

C Construction Contact

THIS IS THE INDIVIDUAL TO WHOM CP SHOULD INTERACT IN CONNECTION WITH ANY WORK WITH THE UTILITY LINE

Name:		Address.
Company:		
Title:		
Office Number:		
Fax Number:		
Mobile Number:		

Email:		
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D. Additional Contact
Optional information if needed.

Contact for:		
Name:		Address.
Company:		
Title:		
Office Number:		
Fax Number:		
Mobile Number:		
Email:		

E. Emergency Contact:
In the event that there is an emergency affecting the Utility Line, is there an additional contact that CP could attempt to reach?

Name:	
Office Number:	
Mobile Number:	
Email:	

APPENDIX 2

Insurance Requirements

1. Insurance: Licensee shall, at its own expense, obtain and maintain during the Term and prior to entering the Property, in a form and with an insurance company satisfactory to CP, policies of:

- (a) **Commercial General Liability (C.G.L.)** insurance with a limit of not less than Two Million Dollars (\$2,000,000) for any one loss or occurrence for personal injury, bodily injury, or damage to property including loss of use thereof. This policy shall by its wording or endorsement include without limitation the following:
 - (i) Canadian Pacific Railway Company and its associated or affiliated subsidiaries (and the Directors, Officers, employees, agents and trustees of all of the foregoing) as an additional insured with respect to obligations of the Licensee in this Agreement;
 - (ii) "cross liability" or "severability of interest" clause which shall have the effect of insuring each entity named in the policy as an insured in the same manner and to the same extent as if a separate policy had been issued to each;
 - (iii) blanket contractual liability, including the insurable liabilities assumed by the Licensee in this Agreement;
 - (iv) broad form products and completed operations;
 - (v) sudden and accidental pollution liability, if applicable;
 - (vi) shall not exclude property damage due to explosion, collapse, and underground hazards; and
 - (vii) shall not exclude operations on or in the vicinity of the railway right of way.

- (b) **Automobile Liability** insurance covering bodily injury and property damage in an amount not less than Two Million Dollars (\$2,000,000) per accident, covering the ownership, use and operation of any motor vehicles and trailers which are owned, non-owned, leased or controlled by the Licensee and used in regards to this Agreement. In the event any contractors access the Property, each contractor shall independently maintain Automobile Liability insurance covering bodily injury and property damage in an amount of not less than Two Million Dollars (\$2,000,000) per accident covering the ownership, use, and operation of any motor vehicles and trailers which are owned, non-owned, leased or controlled by the contractor and/or its subcontractors and used in connection with this Agreement.

During any period in that Work is to be performed on the Property and/or Utility Line, Licensee or its contractor performing the Work, shall obtain the following additional insurance:

- (a) **Workers Compensation** insurance which shall be in strict accordance with the requirements of the most current and applicable state Workers Compensation insurance laws, and Employers' Liability insurance including Occupational Disease insurance with limits of not less than One Million Dollars (\$1,000,000) each accident/each employee, and where appropriate coverage under said policies to be extended for liability under the FELA, USL&H Act, and the Jones Act. The Licensee shall, before any services are commenced under this License submit written evidence that it has obtained full Workers Compensation insurance coverage for persons whom it employs or may employ in carrying out the services under this License. CP and its associated or affiliated companies (and the Directors, Officers, employees, agents and trustees of all of the foregoing) shall be waived of any and all subrogation in the event of injury, death, losses, incidents, claims and potential claims.

- (b) **Railroad Protective Liability** insurance, in the name of CP, with a single limit (personal injury and property damage combined) of not less than Five Million Dollars (\$5,000,000) per occurrence and Ten Million Dollars (\$10,000,000) per aggregate.
- (c) **Contractor's Pollution Liability** insurance, including naming CP and its associated or affiliated subsidiaries (and the Directors, Officers, employees, agents and trustees of all the foregoing) as an additional insured, with a limit of not less than Two Million Dollars (\$2,000,000) for any one loss or pollution event. Coverage shall include, but not be limited to, claims for bodily injury, death, damage to property including the loss of use thereof, clean-up costs and associated legal defense expenses arising from pollution conditions caused by, and/or exacerbated by, services performed by the Licensee on behalf of CP. The policy shall be endorsed to contain a blanket contractual liability endorsement. If this policy is written on a "claims-made" basis it shall remain in effect for no less than twenty-four (24) months after the expiry or termination of this Agreement.

(collectively, the "**Insurance Coverage**").

Licensee agrees that the insurance requirements set out herein shall not limit or restrict its liabilities pursuant to this Agreement.

The Insurance Coverage required to be maintained pursuant to this Agreement shall be primary and not excess of any other insurance that may be available. Unless otherwise provided above, all insurance coverage shall take place in the form of an occurrence basis policy and not a claims made policy.

Licensee shall waive any and all subrogation in the event of injury, death, losses, incidents, claims and potential claims where permissible under the insurance policies required under this Insurance Section.

Licensee shall provide CP with written notice and all reasonable particulars and documents related to any damages, losses, incidents, claims, and potential claims concerning this Agreement as soon as practicable after the damage, loss, incident, or claim has been discovered. Licensee is responsible for any deductible and excluded loss under any insurance policy. The deductible in any insurance policy shall not exceed such maximum amount that a reasonably prudent business person would consider reasonable.

The Insurance Coverage shall be endorsed to provide CP with not less than thirty (30) days written notice in advance of cancellation.

Licensee shall provide a copy of the certificate(s) of insurance evidencing the above Insurance Coverage prior to entering the Property or commencing any Work and CP may require Licensee to annually provide a copy of updated certificate(s) of insurance evidencing the renewal of the above Insurance Coverage. Such certificate(s) of insurance or notice(s) shall be sent via email to cprail@ebix.com or via fax to (770) 325-6378. Upon request, Licensee shall provide CP with certified copies of the insurance policies.

CP shall have no obligation to examine such certificate(s) or to advise Licensee if its Insurance Coverage is not in compliance with this Agreement. Acceptance of any certificate(s) which are not compliant with the requirements set out herein shall in no way whatsoever imply that CP has waived its insurance requirements.

CP reserves the right to maintain the Insurance Coverage in good standing at Licensee's expense and to require Licensee to obtain additional insurance where, in CP's reasonable opinion, the circumstances so warrant. If the Licensee fails to maintain the Insurance Coverage required in this Agreement, CP may, at its option, terminate this Agreement without notice.

APPENDIX 3



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: June 14, 2022
Subject: Resolution approving on-sale intoxicating, Sunday and 3.2% On-Sale liquor licenses for K & T King City Restaurant Inc.

SUMMARY

The City Council will consider adopting a resolution approving On-sale Intoxicating, Sunday and 3.2% On-Sale liquor licenses for K & T King City Restaurant Inc.

BACKGROUND INFORMATION

Ka Vue, owner of K & T King City (King City) Restaurant Inc., submitted an application for approving On-sale Intoxicating, Sunday and 3.2% On-Sale liquor licenses. King City is located at 3959 Linden Street and has been operated for 40 years in White Bear Lake, but the former owners retired in 2021. No liquor license was previously held at the restaurant.

The Police Department conducts background investigations on Liquor/Tobacco License applicants to provide the City Council with objective data regarding any concerns with the applicant. These elements have been shown to contribute significantly to the successful and legal operation of our community business establishments. The Police Department conducted a background investigation and found nothing to preclude the issuance of liquor licenses to King City.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving On-sale Intoxicating, Sunday and 3.2% On-sale liquor licenses for K & T King City Restaurant Inc.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING ON-SALE INTOXICATING, SUNDAY AND 3.2% ON-SALE LIQUOR LICENSES AT K & T KING CITY RESTAURANT INC., DBA KING CITY RESTAURANT

WHEREAS, the City of White Bear Lake City received an application from Ka Vue on behalf of K & T King City Restaurant Inc., dba King City Restaurant for On-sale Intoxicating, Sunday and 3.2% On-sale liquor licenses at 3959 Linden Street, White Bear Lake, MN; and

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

WHEREAS, the city clerk has reviewed all submittals and found the application to be in conformance with the criteria for issuing an On-sale Intoxicating, Sunday and 3.2% On-sale liquor licenses; and

WHEREAS, approved licenses would be valid through the end of the business cycle on March 31, 2023.

NOW, THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the issuance full On-sale Intoxicating, Sunday and On-sale liquor licenses for the following:

Ka Vue
K & T King City Restaurant Inc., dba King City Restaurant
3959 Linden 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:

Lindy Crawford, City Manager



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Samantha Crosby, Planning & Zoning Coordinator
Date: June 14, 2022
Subject: Schafer Richardson /3600 & 3646 Hoffman Road / Case No. 22-2-PUD &

SUMMARY

The City Council will consider a request for concept stage approval of a Planned Unit Development (PUD), in order to construct a 243-unit apartment complex in two buildings at the properties located at 3600 and 3646 Hoffman Road. Both the Planning Commission and staff recommend approval with some adjustments as detailed in the recommendation section of this report and the attached resolution.

Planning Commission

The Planning Commission held a public hearing to review this item during their May 23, 2022 regular meeting. During that meeting, the Commission heard presentations from staff and the applicant as well as received comments from two neighbors during the public hearing. These residents spoke against connecting the north side parking lots of the existing Barnum apartment site with the subject property as they were concerned about potential traffic it could allow onto Linden Avenue.

During the public hearing the applicant also stated their concerns with condition 2.c that recommends elevating the entrances to individual ground floor units to create true walk-up units. The applicant pointed out that elevating the ground floor entrances reduces the ADA accessibility of these units and asked that condition 2.c be reconsidered.

After some discussion, the Commission removed the first half of condition #2.c and unanimously recommended approval of the project. The Commission also expressed support for the affordable housing element of the project.

Since the Planning Commission meeting, staff has revised their recommendation related to parking lot design and a potential future tax increment financing (TIF) request. Condition 2.d has been revised to clarify the preference from Fire, Engineering and Planning staff that the north parking lots for the Barnum and the subject property be connected. Condition 4 has been added to clarify the applicant's current land use application and any future TIF ask are separate items and any action by the City Council related to the land use application does not obligate the City in any way to a potential future TIF request.

BACKGROUND INFORMATION

Applicant/Owner: Schafer Richardson / WBL Land, LLC

Existing Land Use / Zoning: Stadium Bar & Grill and a single-family residence;
B-4 – General Business

Surrounding Land Use / Zoning: North: Hoffman Place Apts; zoned R-6 – Medium Density Residential
West: Burlington Northern RR & City of Gem Lake
South: Xcel Energy; zoned I-1 Limited Industry
East: The Barnum Apts; zoned R-7 – High Density Residential

Comprehensive Plan: TOD – Transit Oriented Mixed Use

Lot Size & Width: Code: None
Site: 5.7 acres; 440 feet

Analysis

The site is located at the northeast corner of Hoffman Road and Highway 61. It also includes the small triangular-shaped piece across Hoffman Road (on the northwest corner of Hoffman and 61). The applicants purchased the property in 2018 and have been leasing the site back to the Stadium owners since then. In 2020, the applicants constructed The Barnum Apartments, located directly to the east of the subject site. The project leased up in record time and has retained a very low vacancy rate.

On March 4th, the applicant held a neighborhood meeting to gather feedback regarding the concept plan. The notice was post mailed to 158 surrounding property owners. Six people attended the meeting. One of the residents who attended expressed excitement about the affordable component, as she had considered selling her house and moving to The Barnum, but couldn't afford it. Another resident expressed concerns about traffic, particularly if the north side parking lots were to connect. At the time, the plan was that they would not.

Comprehensive Plan / Density

It has long been the City's intent to concentrate development near higher capacity roadways, particularly along principal arterials such as County Road E. In June of 2021, the City finalized and adopted the 2040 Comprehensive Plan which designates the subject site as Transit-Oriented Development (TOD), and allows for 25 to 50 dwelling units per acre. At 243 units on 5.7 acres, the proposed project is 42.6 units per acre. For comparison purposes, The Barnum is 41.7 units per acre. Staff has not yet been able to draft and codify a new TOD zoning district that corresponds to the TOD land use category; therefore, the proposal is being processed as a PUD.

Process

The PUD review and approval process typically consists of three phases: General Concept Plan, Development Stage, and Final Plat. The general concept phase is the entitlement phase. So long as the approval has not expired, and the plans do not substantially deviate or reveal additional

previously undisclosed information, there is little authority to deny the next stages of the review and approval process. The first two stages require public hearings before the Planning Commission with a final determination by the City Council. The last step is the final plat (City Council approval only) and an administrative review of the construction design drawings. This current request represents the initial phase of the PUD process: Concept Plan.

Building Height / Setbacks

The zoning code permits building height to be 35 feet to the mean by right, but allows heights above that when, for each additional story over three floors, or for each additional 10 feet above 40 feet, the front and side yard setback requirements are increased by 5%. The height of the southern (4 story) building is proposed to be 48 feet tall, and the height of the northern (5 story) building is proposed at 59 feet tall. With the additional height – 13 feet and 24 feet, respectively – the setback requirements are: 33 feet from the fronts (both County Road E and Hoffman Road), 30 feet from the rear (north side) and 16.5 feet from the side (east side). The proposed building complies with all setbacks except the south side. The setback from the south property line is 22 feet rather than 33 feet; an 11 foot or 33% deviation. This is one of the ways in which PUD flexibility is being requested from the strict application of the code. Staff supports the deviation as it provides the proximity desired for walk-up type units which are an enhancement to design in regards to the aesthetic of the building from a street-level perspective.

Traffic & Circulation

The applicant is proposing direct access from both County Road E and Hoffman Road. Because the underground parking connects under both buildings, residents will be able to utilize either access no matter where they are parked on site. Originally, the applicant proposed that the north side parking lot and the north side parking lot of The Barnum connect with a gate between the two; however, it is both the preference of the Engineering and Fire Departments that either cross access be maintained at all times (no gate), or the lots be disconnected and a full curb and the required hard-surface setback be provided. The latter option would require the parking lot on the north side of the site to connect with the parking on the south side of the site to provide emergency vehicles full access around the building. The applicant would rather not revise the plans so substantially, consequently is asking to retain full access between the lots.

A traffic study has been provided, and because the site is currently developed with the Stadium Bar and Grill, the projected increase in traffic is a total of 267 trips, with 90 in the a.m. peak hour and 24 in the p.m. peak hour. This is about one-third of The Barnum. The traffic study estimates the traffic flow with and without the connection between the two north side lots. With the connection, the traffic onto Linden Avenue increases by 21 a.m. peak trips and 25 p.m. peak trips. The study further projects that, with the connection retained, the functionality of the Linden Avenue and County Road E intersection will remain un-impacted by the proposed use: it currently operates at a Level of Service (LOS) of B and would continue to do so post development. The County has reviewed the project and does not have any comments in relation to the access or connection.

Without a turn-around for emergency vehicles, it appears that the north side of The Barnum parking lot was designed with the intention of connecting. Generally speaking, access and connectivity are beneficial. Having more options, rather than fewer, helps traffic flow. Staff understands the desire of those who live in the townhomes to limit traffic on Linden, but given the relatively small amount of increase, staff supports making the connection. Staff further recommends that a pedestrian connection (a sidewalk) be provided as well to facilitate access to the Bruce Vento Regional Trail by Linden Avenue residents.

Parking

The code requires two stalls per unit, half of which are fully enclosed. The proposal provides 1.59 stalls per unit, 48% of which are fully enclosed. While the proposal does not meet current code, the city's requirement does not take into consideration the size of the units. A more refined requirement, available to the city as part of the flexibility inherent in a PUD, would correlate with the number of bedrooms per unit. The Barnum was approved at 1.14 per bedroom with 21 proof of parking stalls, which – if ever deemed necessary – would increase the ratio to 1.22. The current proposal provides 1.02 per bedroom and no proof of parking. The main difference between the two projects is that The Barnum does not have any 3-bedroom units and the current proposal has 30. Staff recognizes that 3-bedroom units are a limited product type in the community that would provide greater variety of options for families in the market. At the same time, it has been acknowledged that The Barnum appears to be “right-sized” in relation to parking. It is important that the parking not spill into the street and therefore staff is not comfortable with anything less than 1.14. Staff recommends that the applicant redesign the site so the units and parking meet the 1.14 ratio of spaces per bedroom, while maintaining at least some of the 3-bedroom units.

The applicant has requested that the underground parking be 9.0' x 18.5' in size rather than the code-required 8.5' x 20'. Staff has reviewed the potential impacts of this request and does not foresee any issues.

The Fire Department is also asking that the island and parking stalls be removed from the cul-de-sac on the south side of the site. This will further reduce the parking count.

Utilities

Prior to application for development stage approval, a sanitary sewer study must be conducted to determine if the size of the sanitary sewer trunk line along Hoffman Road, County Road E and Willow Avenue is large enough to accommodate proposed flows from the development.

Stormwater

All stormwater run-off will be directed towards a treatment system located underground. The applicant intends to meet all requirements of the Engineering Design Standards in relation to retention and infiltration. The Barnum provided a tree trench that exceeded the minimum requirements.

Landscaping & Open Space

The applicant intends to meet all requirements of the zoning code in relation to landscaping

and a more detailed plan will be submitted with the next phase. For multi-family housing, the zoning code requires 500 square feet of useable open space per unit. The definition of useable open space is: ground or terrace area intended and maintained for either active or passive recreation, available and accessible to and useable by all persons occupying the unit and their guests. Such areas must be grassed and landscaped for recreational purpose. The applicant estimates 410 square feet per unit – an 18% deviation from code. For comparative purposes, the Barnum has 430 square feet per unit; a 14% deviation. The proposal does provide substantial amenities in the open space, including a pool, a community garden, a pet park, an outdoor fitness gym and yard games area. Staff would rather see the open space be closer to The Barnum ratio and suspects that the difference is an indication that the proposal is too dense.

Elevations

Exterior appearance lacks sufficient articulation (see comparison of other recently constructed multi-family buildings, attached). The expanse of flat walls without any change in plane is too large. Staff recommends that the amount of undulation (insets or bump-outs) be increased to break up the building mass. Also, that a greater amount of ornamentation, such as the moldings and balconies, be used to help increase articulation. Finally, the walk-up units lack definition. We realize this is only a concept rendering and the applicant probably hasn't delved into this level of detail yet, but staff recommends elevating the entrances by two or three feet so that they are a true walk-up design. Staff further recommends including additional architectural features to enhance each entrance. For example, some patios to provide an area for these residents to place a couple of chairs. The patios could be bordered around 2 or 3 sides by a short retaining wall to provide some privacy.

Plat

The properties will need to be platted, which triggers a few things: right-of-way (ROW) dedication, park dedication, and boulevard trees. For ROW dedication, the County has indicated they will be requiring an additional 10 feet of right-of-way along the County Road E frontage, as they did with The Barnum.

Since the city has quite a few parks already, developers typically provide a monetary contribution to meet the park dedication requirement. The current mix of units would result in \$135,100 dedication. Staff inquired about the possibility of land dedication in lieu of cash payment and the applicant indicated a desire to retain land for commercial purposes that might compliment the residential use.

Other

Trash and recycling will be stored inside the building and all roof top and ground mounted mechanical equipment will be screened.

Affordability

The need for more affordable housing has been identified in the 2040 Comprehensive Plan, the 2019 Housing Market Analysis and the 2021 Housing Task Force Report. Additionally, in reaffirming its participation in the Metropolitan Council's Livable Communities Act Program for

2021-2030, the City Council approved a resolution establishing affordable housing goals of 110-200 units. The creation of 48 units at 50% AMI would put the City much closer to both achieving its affordable housing goals and meeting the local need.

The applicant is proposing that 20% of the units, (48 units) be affordable at 50% of area median income (AMI). This would provide “work force” housing units that could be affordable to approximately 30% of White Bear Lake area residents. The applicant has estimated the amount of TIF needed to be \$5.5- \$6 million. This would be roughly 60% of the taxes generated from the project.

Because other state and federal funding options were not available, the applicant is asking the City for Housing TIF (Tax Increment Financing) to close the gap created by the lower rents of the affordable units. The use of TIF to support affordable housing with this project is a City Council decision. While conceptual support indicates a willingness to consider this funding mechanism, it does not grant entitlements. If the City Council is supportive of using Housing TIF, the applicants would need to make a formal request with the next stage of the PUD process and staff would utilize the City’s financial consultant to analyze the development pro-forma to determine if the request is reasonable.

By way of background, TIF is a financing method which uses the additional property taxes paid as a result of development to pay for part of the development costs. In other words, the taxes would not be available to funnel back to the developer were it not for the development itself. In the case of Housing TIF, the taxes are used to close the financial gap created by the lower rents of the affordable units. Housing TIF may be issued for up to a 26 year period. If there are concerns about the length of affordability, the City Council could consider negotiating a longer term. The last time the City granted Housing TIF was for Hoffman Place Apartments in 2009.

Discretion

The City’s discretion in approving or denying a Concept PUD is high. It is up to the City to decide whether the flexibility requested from code is a reasonable trade-off for the quality of development proposed. A PUD must be consistent with the Comprehensive Plan, and, similar to a CUP, the City may impose reasonable conditions it deems necessary to promote the general health, safety and welfare of the community and surrounding area.

Summary

In addition to much needed housing, the project would provide a boost to the local tax base. The increase in residential households will have a significant positive economic impact in the immediate area, and will help to both attract and retain businesses, stimulating opportunities for the enhancement of the County Road E corridor.

Staff is supportive of the project, but finds that the development falls short of the standard set by the developer in 2019. The parking ratios are not comparable, the storm water design does not exceed the minimum standards, and the deviation from open space is greater. Staff recommends redesigning the site to bring the project closer to the standard set by The Barnum and has provided some generalized conditions of approval for doing so.

The project is an ideal opportunity for affordable units. The location is near the regional Bruce Vento Trail corridor and the developer is experienced in constructing and managing a mixed income project. Based on a strong need for units of all types, staff further recommends supporting the affordable housing component.

RECOMMENDATION

Staff finds that, with the revisions outlined below, the flexibility requested from code is a reasonable trade-off for the quality of development proposed. Therefore, staff recommends approval of the request, including the conceptual approval of the use of Housing TIF, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit, unless revised to comply with conditions listed below.
2. The concept shall be revised to:
 - a. Redesign the site so the units and parking meet the 1.14 ratio of spaces per bedroom, while maintaining at least some of the 3-bedroom units.
 - b. Provide greater variety and articulation in the building elevations, subject to staff approval.
 - c. Elevate the entrances by a few feet so that they are a true walk-up design and include additional architectural features to enhance each entrance.
 - d. Full access shall be provided at all times between the two north side parking lots.
 - e. Include a pedestrian connection by sidewalk between Linden Avenue and Hoffman Road.
3. The applicant shall apply for a Development Stage PUD within six (6) months from the date the City Council grants General Concept Plan approval. The following items shall be submitted with the Development Plan Stage application:
 - a. Existing Conditions Survey
 - b. Tree Survey, Preservation Plan and Replacement Plan
 - c. Detailed Landscape Plan with species chart and planting details
 - d. Grading and Drainage Plan with stormwater infiltration details and calculations
 - e. Erosion Control Plan
 - f. Utility Plan
 - g. Sewer capacity study
 - h. Photometric Plan with lighting fixture details
 - i. Demolition Plan
 - j. Complete Floor Plans
 - k. Building Elevations – all four sides
 - l. Building Material Sample Board and Color Palette
 - m. Shadow Study
 - n. Written statement outlining any changes to the plans since General Concept Plan approval, and a summary explaining the rationale behind those changes.
 - o. A TIF application.
4. The conceptual approval of Housing TIF is separate from the concept approval of the PUD.

ATTACHMENTS

Resolution

Project Narrative

Concept Plans

RESOLUTION NO.

RESOLUTION GRANTING GENERAL CONCEPT PLAN APPROVAL OF A PLANNED UNIT DEVELOPMENT FOR 3600 & 3646 HOFFMAN ROAD WHITE BEAR LAKE, MINNESOTA

WHEREAS, a proposal (22-2-PUD) has been submitted by Schafer Richardson/WBL Land LLC, requesting approval of a Concept Phase of a Planned Unit Development (PUD) from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 3600 & 3646 Hoffman Road

LEGAL DESCRIPTION: Attached as Exhibit A. (PID: 273022440210 & 273022440198)

WHEREAS, the applicant seeks general Concept Stage approval of a Planned Unit Development, per Code Section 1301.070, in order to construct 243 units of multi-family apartments in two buildings; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 23, 2022; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Concept PUD upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that, in relation to the Concept PUD, the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal will not depreciate values in the area.
4. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
5. Traffic generation will be within the capabilities of the streets serving the site.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the PUD General Concept Plan, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit, unless revised to comply with conditions listed below.
2. The concept shall be revised to:

RESOLUTION NO.

- a. Redesign the site so the units and parking meet the 1.14 ratio of spaces per bedroom, while maintaining at least some of the 3-bedroom units.
 - b. Provide greater variety and articulation in the building elevations, subject to staff approval.
 - c. Elevate the entrances by a few feet so that they are a true walk-up design and include additional architectural features to enhance each entrance.
 - d. Full access shall be provided at all times between the two north side parking lots.
 - e. Include a pedestrian connection by sidewalk between Linden Avenue and Hoffman Road.
3. The applicant shall apply for a Development Stage PUD within six (6) months from the date the City Council grants General Concept Plan approval. The following items shall be submitted with the Development Plan Stage application:
- a. Existing Conditions Survey
 - b. Tree Survey, Preservation Plan and Replacement Plan
 - c. Detailed Landscape Plan with species chart and planting details
 - d. Grading and Drainage Plan with stormwater infiltration details and calculations
 - e. Erosion Control Plan
 - f. Utility Plan
 - g. Sewer capacity study
 - h. Photometric Plan with lighting fixture details
 - i. Demolition Plan
 - j. Complete Floor Plans
 - k. Building Elevations – all four sides
 - l. Building Material Sample Board and Color Palette
 - m. Shadow Study
 - n. Written statement outlining any changes to the plans since General Concept Plan approval, and a summary explaining the rationale behind those changes.
 - o. A TIF application.
4. The conceptual approval of Housing TIF is separate from the concept approval of the PUD.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

RESOLUTION NO.

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

RESOLUTION NO.

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1: (Commonly known as 3646 Hoffman Rd.)

That part of Lot 22, "Strawberry Acres", according to the plat thereof, lying Westerly of a line drawn from a point on the North line of said Lot 22, distant 490 feet Easterly of the Northwest corner thereof to a point on the North right of way line of Minnesota Department of Transportation Right of Way Plat No. 62-2, distant 490 feet Easterly of the Southwest corner of Lot 25 of said "Strawberry Acres", as measured along said North right of way line.

Ramsey County, Minnesota. Abstract Property.

Parcel 2: (Commonly known as 3600 Hoffman Rd.)

Parcel 2(a)

Lot 26, except the East 330 feet thereof, "Strawberry Acres", according to the plat thereof.

AND

Parcel 2(b)

That part of the East 330 feet of Lot 26, "Strawberry Acres", lying Westerly of a line drawn from a point on the North line of said Lot 22, distant 490 feet Easterly of the Northwest corner thereof to a point of the North right of way line of Minnesota Department of Transportation Right of Way Plat No. 62-2, distant 490 feet Easterly of the Southwest corner of Lot 25 of said "Strawberry Acres", as measure along said North right of way line, EXCEPT that portion of said Lot 26 lying Southerly of the Northerly right of way line of Minnesota Department of Transportation Right of Way Plat No. 62-2.

AND

Parcel 2(c)

Lot 24, "Strawberry Acres", according to the plat thereof.

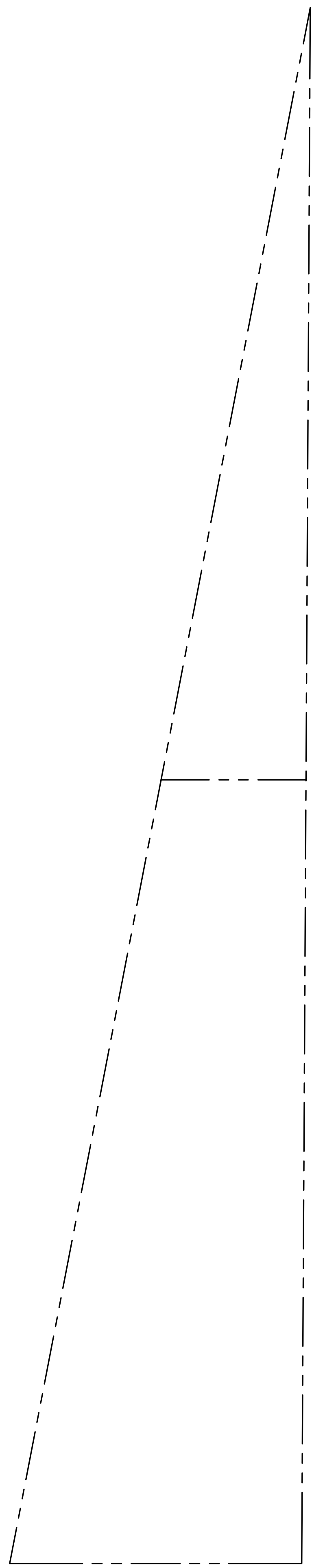
AND

Parcel 2(d)

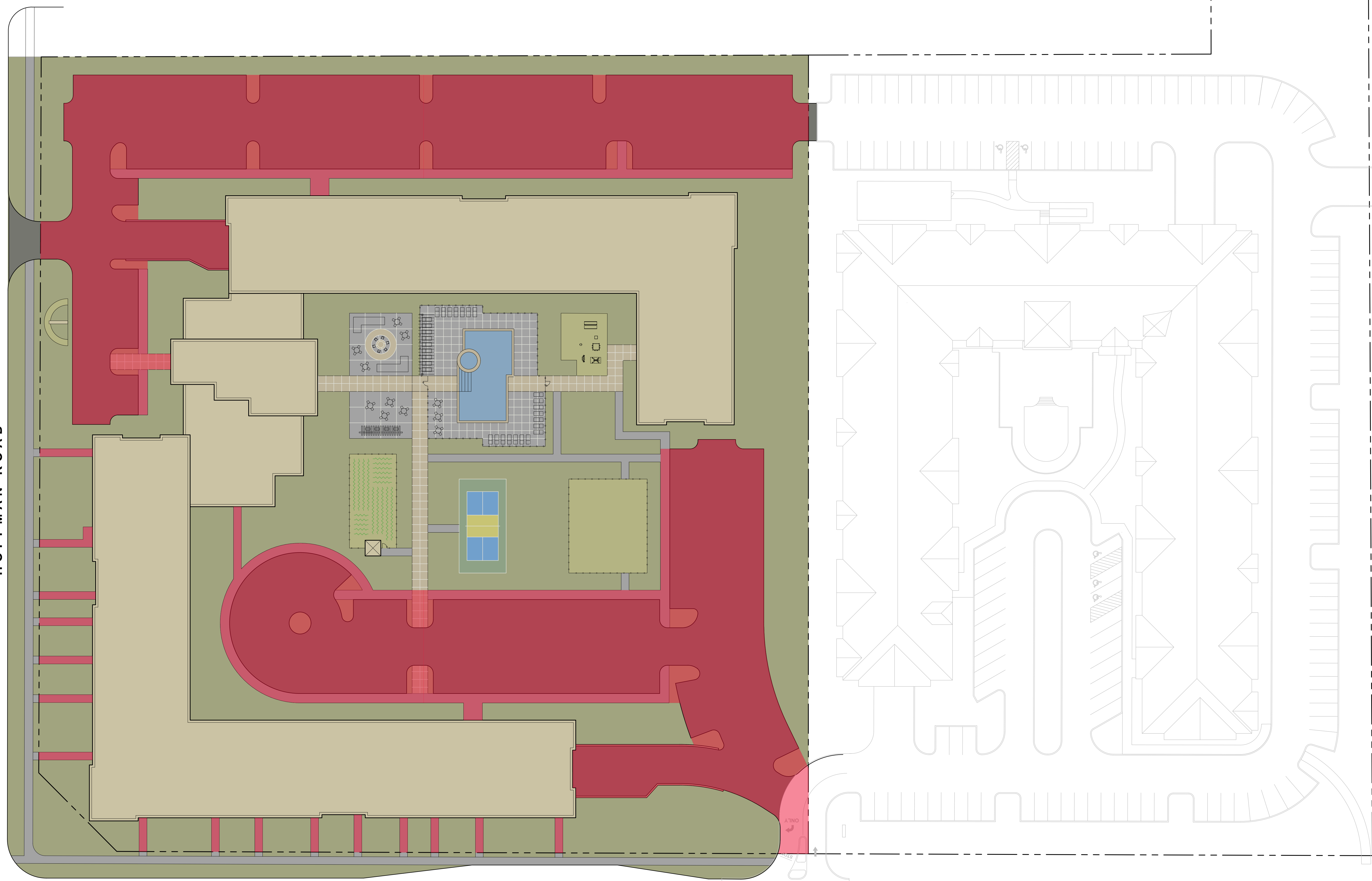
That part of Lot 25, "Strawberry Acres", according to the plat thereof, lying Northeasterly of the following described line: Beginning at a point on the West line of said Lot 25, distant 50 feet North of the Southwest corner thereof; thence run Southeasterly to a point on the South line of said Lot 25, distant 50 feet from said Southwest corner.

Ramsey County, Minnesota. Abstract Property.

W:\1919\White Bear Lake Phase II\Drawings\A003 - Green Space Plan.dwg | 14.03.2023 1:51:46 PM | 05/11/23 | BRJ, GJM, PRR



HOFFMAN ROAD



COUNTY ROAD E EAST

GREEN SPACE:

LOT AREA= 248,189 SF

BUILDINGS = 65,762 SF

PARKING AREAS = 82,652 SF

(248,189 - 65,762 - 82,652) / 243 = 410 SF PER UNIT

ISSUES / REVISIONS:

PROPOSED APARTMENTS

WHITE BEAR LAKE - PHASE II

WHITE BEAR LAKE, MINNESOTA






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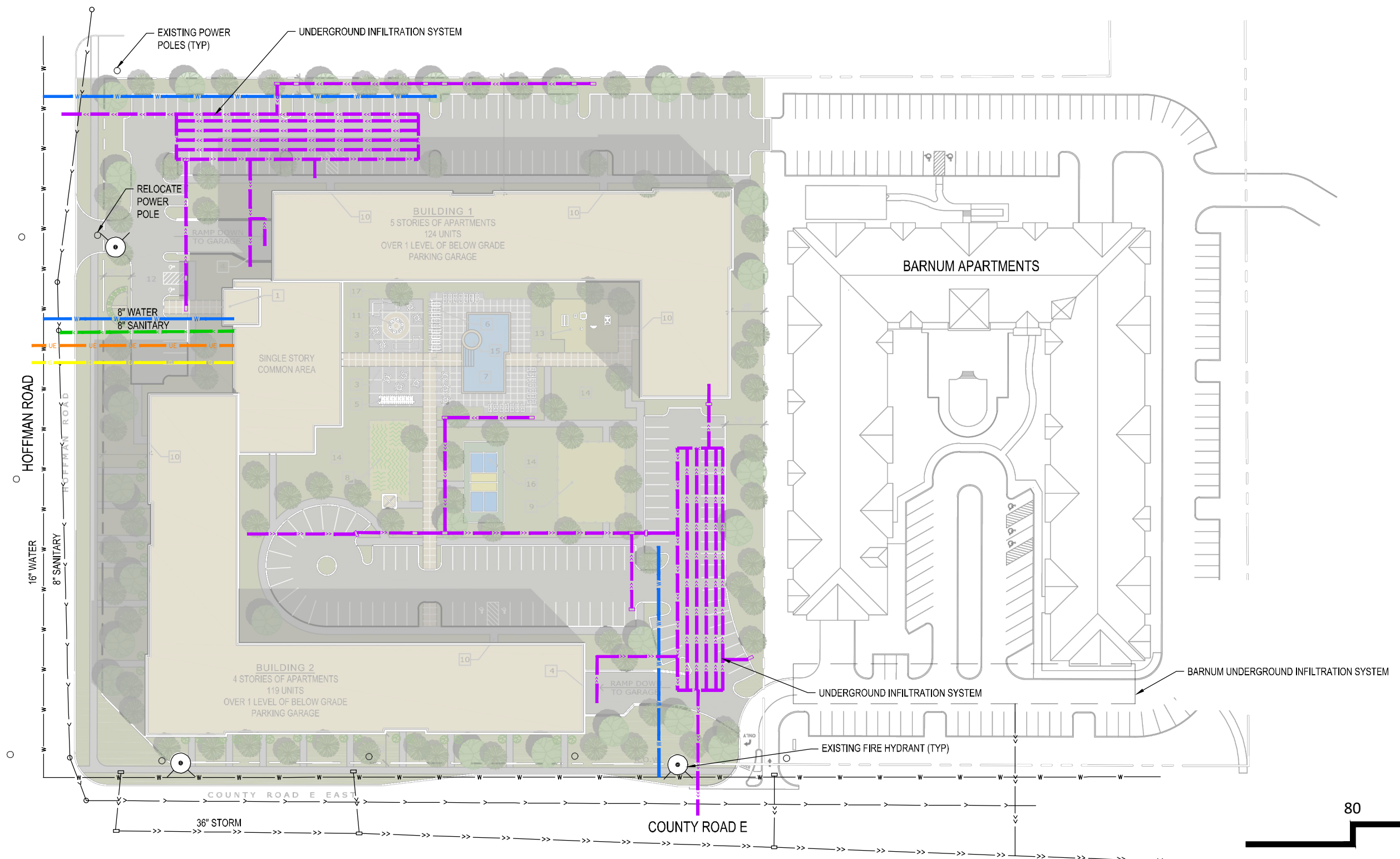
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OR BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT
WRITTEN PERMISSION.

DATE: 01/11/23
DRAWN BY: [Redacted]
CHECKED BY: [Redacted]



LEGEND

-  SANITARY SEWER
-  WATER MAIN/ SERVICE
-  NATURAL GAS
-  UNDERGROUND ELECTRIC
-  STORM SEWER



4/11/2022 (Revised 5.12.2022)

3600 & 3646 Hoffman Road Redevelopment:

Project Statement & Narrative

Schafer Richardson is proposing the redevelopment of two contiguous parcels, totaling 5.7 acres at the intersection of County Road E East and Hoffman Road, into a multifamily rental community. Please see the “**Legal Descriptions**” attachment for exact descriptions of the land. This will be the second phase of a development undertaken by Schafer Richardson in White Bear Lake and is preceded by a 192-unit multifamily building directly east of this site (commonly “The Barnum”). Based on the popularity and interest experienced at The Barnum, there is clearly demand for more multifamily on this site.

The site that is subject to this proposal is currently operated by the Village Sports Bar as a restaurant, sports bar and ballpark. One single family house with a garage is located on the lot to the north of the Village Sports Bar. Schafer Richardson is submitting this concept application for a Planned Unit Development (PUD) in order to pursue flexibility in site and scale-related necessities.

The proposed redevelopment will consist of two separate buildings connected by a single-story common area, with the first building to the north (Building 1) consisting of five stories at 127,045 square feet and the second building to the south (Building 2) consisting of four stories at 122,012 square feet. A single-story common area will house amenities and occupant circulation between the buildings; this will be roughly 9,850 square feet. The total building area is 258,907 square feet above ground. There will be one level of underground parking beneath the footprint of all structures with approximately 70,000 square feet. The building will contain approximately 243 apartments. The current mix of units includes studios (18), alcove (44) 1-bedroom (75), 2-bedroom (76), and 3-bedroom (30) units. Please refer to the “**Concept Site Plan**” attachment.

As provided in the Comprehensive Housing Market Study for the City of White Bear Lake, dated January 27, 2020, there is a need for more quality affordable housing in White Bear Lake. These findings, together with our track record of providing both market rate and affordable housing within the communities where we operate, has motivated the proposed design as a mixed-income apartment community. Twenty percent of the total apartments within this project will be occupied by households whose total income is 50% or less of the area median income (AMI), or \$36,750 for 1 person, \$42,000 for 2 persons and \$47,250 for 3 persons (2021). Income limits and rent restrictions are set annually by the U.S. Department of Housing and Urban Development (HUD). The remainder of the units (80%) will be market rate (no income or rent restrictions).

While the current zoning is B-4 (General Business), the R-7 (High Density Residential) classification is more appropriate for zoning comparison purposes as a multifamily redevelopment. The land use for these parcels was identified as “TOD Mixed Use” within the White Bear Lake 2040 Comprehensive Plan. This

designation is intended to “accommodate community and regional serving commercial retail and service businesses, offices and high-density housing” and it was anticipated that “stacked multifamily housing and courtyard apartments will be the predominant land use, with a desired density of 25 to 50 dwelling units per net acre”. The project would have a density of approximately 43 units per acre, a ratio that is consistent with The Barnum (at 42 units per acre) and within the range provided in the Comprehensive Plan.

The building has been designed to be compatible within the surrounding area, as well as The Barnum next door. The “**Concept Elevations**” attachment shows the proposed exterior appearance of the building. The building’s cladding will be a mixture of masonry (brick), fiber cement and lap siding materials with a flat roof and parapet. Additional information on design can be found in the “**Nine Design Principles**” attachment.

The development will feature indoor and outdoor amenity spaces, with indoor amenities primarily located on the first level to serve community residents. These will include a fitness and yoga center, club room, game room, work from home space, package notification and storage system, and an on-site management office. In-unit amenities will include solid surface countertops, stainless steel appliances, balconies or patios in select units and an in-unit washer/dryer. The two buildings are oriented on the site to accommodate a larger courtyard with green space, recreation and other outdoor amenities common to similarly sized apartment communities. The courtyard will include a patio with a pool and spa, pergolas and grilling area, lounge, fenced pet park, community garden, and an outdoor recreational area. The orientation of the buildings also enables the surface parking to be concealed from the public right of way along County Road E.

There will be approximately 387 parking stalls in total, with 185 located in the underground garage and 202 as surface parking stalls. The site plan shows direct entrances from both County Road E (as a right-in, right out) and Hoffman Avenue. The entrance from Hoffman Road is intended to be the main entrance with guest parking availability near the one-story common entry. The rear surface parking to the north of the site will be connected to the existing surface parking behind The Barnum to create mutual egress from both sites on Hoffman Rd. and Linden Ave. This would eliminate dead ends and allow required fire department access between the two sites; it would also provide a continuous pedestrian and bicycle access to the future Bruce Vento trailhead.

The underground parking is connected between both buildings, via the one-story common area, giving residents in either building the option to enter & exit onto either County Road E or Hoffman Rd. This also alleviates traffic congestion on County Road E. A “**Traffic Study**” has been conducted and is included in the submission materials. To summarize, “*the inclusion of site-generated traffic does slightly increase delays and queuing, but operations remain acceptable and no development related mitigation measures are recommended*”.

A preliminary demolition plan is overlaid on an existing conditions site plan, included in the “**Concept Site Plan**” attachment. Landscaping, lighting, grading and drainage plans elements will be consistent with

code §1302.030. Landscaping will include an appropriate combination of native and urban-tolerant trees and plantings and will also provide screening for vehicular lighting to the east and north boundary lines as required in the code. Appropriate screening will serve as a buffer between walkup entrances and public right of way. With the majority of the off-street parking enclosed within the courtyard, lighting can easily be arranged to deflect light away from any adjoining residential zones, from the public, and from neighboring properties. Subtle decorative lighting fixtures will be used on the building façade that will enhance security and safety for residents. Please see the “**Concept Site Utilities & Stormwater**” attachment for proposed locations of utilities and underground stormwater management. The site will meet the required stormwater management standards through both traditional underground retention systems (beneath the surface parking) as well as permeable landscaping within the courtyard.

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The proposed site plan includes several differences from White Bear Lake’s building code, listed below and described in detail thereafter:

- Reduced parking count from 2 stalls per unit to 1.59 stalls per unit
- Reduced parking stall sizes for underground parking from 8.5’ x 20’ to 9.0’ x 18’-6”
- Reduced usable open space from 500 square feet per unit to 410 square feet per unit
- An increase in height limitations to four stories and five stories for the respective buildings
- A reduced building setback for the south elevation, along County Rd. E.

Parking requirements per code provide a minimum of two parking stalls per unit. Schafer Richardson is requesting a deviation from parking requirements as the proposed development would have approximately 1.59 stalls per unit (387 stalls/243 units). Parking on the site was designed using data and feedback from property management and residents from The Barnum, which has 1.48 stalls per unit.

Our experience has been that determining parking needs for apartments based on a stalls-per-bedroom approach is more indicative of sufficiency as opposed to a stalls-per-unit ratio as it adjusts for the unit mix of the building. It would not be reasonable to require two parking stalls per unit for this project considering the number of studio, alcove and one-bedroom units, accounting for over half of the mix (~56%). We have found that the parking minimum to satisfy ample demand is no less than one stall per bedroom. The proposed project has 1.02 stalls per bedroom (387 stalls/379 bedrooms) which will provide sufficient parking accommodations for residents without further burdening the site. The underground parking was maximized within the footprint of the structures in order to alleviate the impact of additional surface parking. If the project were to meet code, an additional 99 surface spots would be required and would reduce the common open space significantly.

A second deviation related to parking code is related to underground parking stall and drive aisle sizes. The floor plate sizing will be driven by the parking stall sizes and drive aisles within the single level of underground parking. Per code, the parking stall size requirement is 8.5’ x 20’ and staff has provided that the acceptable drive aisle width is 22’. Proposed plans for this project include sizing of all underground parking stalls at 9.0’ x 18’-6” with a 24’ drive aisle, which is due to the required column spacing. The



request is not motivated by a need for “compact parking”, but rather to manage the overall building footprint and size from a feasibility perspective. There are several reasons for this request including but not limited to reduced construction burdens, more efficiency in unit sizing, reduced impervious surfaces and more availability for green space, useable open space & landscaping.

Estimates of useable open space on the site result in 410 square feet per unit, a shortfall of approximately 90 square feet per unit (or 21,870 square feet in total) to meet the code requirement of 500 square feet per unit. We believe the slight reduction of open space over the entire site (5.7 acres) would not materially impact the experience of the common space considering the expansive courtyard.

Regarding height requirements, code indicates that no structure shall exceed three stories and thirty-five (35) feet, measured from the mean ground level to the top of a flat roof. The height for Building 1 is approximately fifty-nine (59) feet at five stories and the height for Building 2 is approximately forty-eight (48) feet at four stories. With a flat roof design as opposed to gabled roof, the massing for this project would still be subordinate to The Barnum next door; this is represented in the elevation provided. Building 2 would be lower in height than The Barnum and the decision for having the taller structure towards the rear of the site was to reduce the visual impact along the primary right of way at the intersection of County Rd. E and Hoffman Road. The massing and scaling are further described in the “**Nine Design Principles**” attachment.

Proposed building setbacks compared to requirements in R-7 (High Density Residential) are below (both County Rd. E and Hoffman Road are considered front yards):

TABLE 1	<u>R-7: High Density Residential</u>	<u>3600 & 3646 Hoffman Road</u>
Setbacks	Front: Not less than 30 ft	Front : 33’-9” (Hoffman Road) 22 ft (County Rd. E)
	Side: Not less than 15 ft	Side: 47’-4” ft
	Rear: Not less than 30 ft	Rear: 89’-4” ft

As Table 1 indicates, the setback from County Rd. E is 22 feet rather than 30 feet. The structure was positioned closer to the street in order to encourage a pedestrian friendly relationship with walkup entries to first floor living spaces. The slightly reduced setback also allowed surface parking to be concealed within the courtyard as opposed to having large expanses of asphalt visible in front of the building. Other setback dimensions are in line with R-7 standards.

Staff has requested feedback on the potential for dedicating the south side of the triangular piece to the west of Hoffman Road (currently being used as overflow parking for the Village Sports Bar) as park dedication. Schafer Richardson had previously dedicated the northern portion of this lot in conjunction



with The Barnum development, and it is our intention to maintain the remainder of the lot as-is until plans can materialize for a future development that would activate the site. Given its frontage on County Rd. E, a main arterial corridor, it could potentially be a drive-through coffee establishment, restaurant or similar commercial function that would not require a large structure but would still need area for parking & drive lanes. We believe this would complement the subject site and would create more value for White Bear Lake residents than park dedication.

Schafer Richardson is requesting financial support for the project from the City of White Bear Lake in the form of Tax Increment Financing (TIF). This request is necessary in order to fill the financing gap created by the inclusion of affordable/workforce housing units (20% of total units). The current estimated TIF request from the city is between \$5,500,000 - \$6,000,000.

This project will provide approximately 48 units of housing affordable to households earning 50% of the area median income; a metric that nearly one-third of current White Bear Lake households meet. The need for a variety of housing types and affordability levels is outlined in both the City's Comprehensive Housing Market Study (2020) and the City's Housing Task Force Report (2021). TIF financing allows the City to utilize a portion of the tax increase created by this new development to off-set the cost of creating workforce housing units. The investment made by the City of White Bear Lake in the form of TIF will yield a significant public benefit, particularly for family-sized households, through the generation of high quality, affordable, apartments.

The design and density were based on the highest and best use for the site given the demand for housing and the proximity to core transit within White Bear Lake. We are excited to work with the City of White Bear Lake again and look forward to the opportunity to present to the Planning Commission.



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: June 14, 2022
Subject: Energy Improvement Project Update

SUMMARY

In November of 2021, the City entered into a contract with Trane to complete energy improvements throughout the city including upgrades to lighting, HVAC and controls, building envelope and installation of solar.

PROJECT UPDATE

Below is a status update on major components of the project:

Sports Center – 90% complete

- Building Automation and Controls – 90% complete
- Mechanical Upgrades (furnace and RTU Replacement) – 50%
- Roofing and Insulation (old racquet ball area) – 100%
- Building Envelope (insulation, weather stripping, wall joints, etc.) – 100%

Solar Array on Sports Center – 0% complete

- Working on Xcel required Interconnection Agreement
- Waiting on equipment availability

LED Lighting Upgrades – 75% complete

- Public Works – 80%
- South Fire Station – 100%
- Sports Center – 80%
- Water Treatment Plant – 50%
- Boatworks – 100%
- Parks – 75%
- Trails – 0%

Completion of several of the components of the project have been delayed due to supply issues.