



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 14, 2023
7 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 January 24, 2023

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. Accept Minutes – November White Bear Lake Conservation District, December Environmental Advisory Commission, January Planning Commission
- B. Summary of the City Manager’s Performance Evaluation
- C. Resolution approving a special event application for a single event for Big Wood Brewery
- D. Resolution approving a special event application for a weekly summer event for Big Wood Brewery
- E. Resolution approving a massage therapist license application for Shannon Kron at DW’s Therapeutic Massage
- F. Resolution authorizing issuance of a massage therapy establishment license to Legacy of Light LLC
- G. Resolution authorizing issuance of massage therapist license to Allison Crandall at Legacy of Light LLC
- H. Resolution granting two setback Variances for 2338 South Shore Blvd
- I. Resolution granting a Conditional Use Permit for 3220 Bellaire Avenue
- J. Resolution granting a Conditional Use Permit amendment for 2180 7th Street
- K. Resolution granting a Conditional Use Permit for 4857 Bloom Avenue
- L. Resolution authorizing staff to solicit RFPs for professional services to update the City’s development regulations
- M. Resolution granting two setback Variances for 4556 Highway 61
- N. Certification of Private Property Assessment for Recovery of City Expenses

5. VISITORS AND PRESENTATIONS

- A. Community Development Bi-annual Report
- B. Sports Center Annual Report

6. PUBLIC HEARINGS

- A. First Reading of an Ordinance Adopting New Chapter 1128 to Permit Sidewalk Cafes

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

A. Resolution granting a Conditional Use Permit for 2186 4th Street

9. DISCUSSION

None

10. COMMUNICATIONS FROM THE CITY MANAGER

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 24, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

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

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the City Council Meeting on January 10, 2023

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve the minutes. Motion carried unanimously.

B. Minutes of the City Council Work Session on January 17, 2023

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

3. APPROVAL OF THE AGENDA

Mayor Louismet noted the reordering of agenda items. The presentation for the legislative priorities for 2023 was moved from new business to the beginning of Visitors and Presentations, thus following items under Visitors and Presentations being renumbered. It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve the agenda with the reordering of agenda items. Motion carried unanimously.

4. CONSENT AGENDA

- A. Resolution approving a license agreement for shared access and parking at Stellmacher Park **Res. No. 13132**
- B. Resolution approving a temporary liquor license for Church of St. Pius X events **Res. No. 13133**
- C. Resolution accepting bids and awarding contract for the Water Treatment Plant Lime Slaker and Feed Replacement, City Project No: 22-14 **Res. No. 13134**
- D. Resolution accepting bids and awarding contract for the Public Safety Expansion Asphalt Paving Rebid, City Project No: 22-09 **Res. No. 13135**

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

5. VISITORS AND PRESENTATIONS

A. 2023 Legislative Priorities

City Manager Crawford presented the City's legislative priorities for 2023. She provided an overview of the priorities for 2022, including identifying 50% of funding needed to proceed with the Public Safety Building project, increasing the Deputy Registrar filing fees that reimburse offices for costs to provide customer services and seeking legislative relief for cities impacted by the District Court's order for a residential watering ban. She said the City Council, Mayor and staff worked hard to move the 2022 legislative priorities forward to no avail, but did build strong rapport with local legislators. Crawford said potential legislative priorities for 2023 were discussed at a City Council work session on January 17. The proposed priorities include the previous requests to increase the Deputy Registrar filing fees and to seek legislative relief for cities impacted by the District Court's order for a residential watering ban. Along with legislative relief for impacted cities of the watering ban, the City will also be asking for legislative assistance to allow the City to continue to operate under its current approved Water Supply Plan and Comprehensive Plan through their approval periods. A new legislative priority, which is shared among the League of Minnesota Cities membership, is to maintain local control for municipalities regarding potential statewide THC/ legal cannabis regulations and the ability to license and zone related businesses.

Mayor Louismet introduced Senator Heather Gustafson to share comments with the Council. Senator Gustafson invited the City Council to reach out to her anytime. She thanked Crawford and Mayor Louismet for their introductory meeting in December 2022. She shared information about the bill she put forward addressing the Deputy Registrar filing fees and will share the file numbers when they're available. Senator Gustafson made remarks on the topic of THC and was in favor of local control. She said she also plans to advocate the direct distribution of public safety funds to city police departments, especially with having to soon manage cannabinoid products. She addressed the watering ban and said there are bipartisan meetings scheduled to discuss the topic. Mayor Louismet encouraged Senator Gustafson to reach out for local, detailed information on the lake level discussion. Mayor Louismet added his support for the reimbursement of Deputy Registrar filing fees by reiterating that expenditures are exceeding revenues and said it is not sustainable. He noted his support for local control over the licensing and zoning of THC products. He thanked Senator Gustafson for her collaboration and dialogue with the City.

Councilmember Jones expressed frustration with the legislature and covered multiple topics. He first emphasized the importance of supporting the City's License Bureau. He urged the legislature to change the legislation around the lake level and to provide funding for the City's Public Safety Building reconstruction. Councilmember Walsh commented on THC regulation, supporting that local government should regulate it. For the Deputy Registrar filing fees, he pleaded for the state not to pass on any fee increases to customers. Councilmember Walsh also informed Senator Gustafson that the City followed an extensive planning process for the Public Safety Building project that would adhere to state regulation in order to qualify for funding and

explained how costs went up substantially during the project due to state requirements. He wanted her to know how cities are affected by regulations the state puts in place. Senator Gustafson thanked the Council for their comments.

Councilmember Edberg thanked Senator Gustafson for being honest with the Council and asked her to continue keeping them informed. He asked if she has encountered information that cities should know, but may not want to hear. She responded and said there is not a \$17.6 billion surplus after adjusting for inflation. She said there are a lot of conversations happening and ensured she will do what she can for the people in her district and intends to work together with elected officials and staff. Councilmember Jones added on THC products and expressed his concern about the lack of employees working at the state level who are regulating the products. Senator Gustafson shared the concerns. Mayor Louismet wanted to inform Senator Gustafson of a future project coming in the next couple years for the reconstruction of the aging infrastructure of the downtown area of White Bear Lake.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Res. No. 13136** adopting the 2023 Legislative Priorities Agenda as presented. Motion carried unanimously.

B. Northeast Youth and Family Services Annual Report and Service Agreement

City Manager Crawford introduced the annual report for Northeast Youth and Family Services (NYFS). NYFS is described as a non-profit social service agency whose mission is to meet the unmet development needs of at-risk youth and families within the community through collaboration and coordination with existing community resources. Crawford said the City has two contracts with NYFS, one for general resources and one for a mental health case worker assisting the City's Police Department. She invited to the podium Angela Lewis-Dmello, president and CEO of NYFS. President Lewis-Dmello shared general information about NYFS and shared demographic data on the 786 clients served in 2021-2022, with clinic- and school-based clients making up the majority at 492. She talked about the types of meetings that were scheduled in 2021-2022, with the number of appointments totaling 21,696.

Lewis-Dmello provided an overview of the budget, including the revenue sources and expenditures. She provided an overview of the state of youth mental health, saying clients have more severe mental health and resource challenges than ever before. She said one in three youth have a diagnosable mental health condition, which is a significant increase since COVID. She also addressed the high attrition rate of mental health staff, both for early retirement and for those selecting jobs in other industries. There is a growing need for mental health services, but not enough staff. Lewis-Dmello described clinic-based mental health programs, school-based mental health programs and the NETS Day Treatment. All the programs serve various ages and in different settings. The programs fit the needs for individuals, couples, families and groups. She also described the community service programs called Youth Diversion, Community Connections and Community Advocacy. For the future, President Lewis-Dmello said NYFS would like to expand Community Connections, Play Therapy Services and modalities, such as art therapy, horticulture therapy and other culturally-responsive interventions; adding specialized advocates for domestic violence, youth and elders; establishing NYFS as a training site for new

providers with pathways for BIPOC providers; offer more group therapy opportunities and support for parents, and implement staff wellness and work sustainability measures to support longevity in the field.

Councilmember Edberg asked how NYFS tracks the effectiveness of their services so they know their clients' mental health is improving and asked what their strategy is for increasing those particular services. Lewis-Dmello said the organization knows that the wrap-around, resource-intensive services work the best due to the individual attention and connection to the community. She explained that program evaluations measure the effectiveness of treatment and was proud to share that the Youth Diversion Program has 97% success rate. She addressed the wait list and goals for trying to meet with clients faster and sooner. She also said there is less stigma to get help for mental health, so more people are reaching out. When responding to a question about the strategy for more funding, Lewis-Dmello explained she is focusing on seeking grants, individual donations and partnership contracts. Councilmember Jones expressed concern about those waiting to receive services and Lewis-Dmello explained that NYFS is finding creative solutions, such as calling those on the waiting list regularly to maintain contact and trying to organize group sessions to help relieve the waitlist. She said the long-term goal is to work with legislature for rate updates for reimbursement-revenue and increased staff wages for cost of living. Councilmember Walsh asked about the Diversion Program for youth and if local law enforcement offices should be referred to NYFS for youth struggling with criminal behavior. Lewis-Dmello welcomed that idea. Councilmember Hughes complimented Lewis-Dmello and the organization's work.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Hughes**, to approve **Res. No. 13137** authorizing an agreement between the City and Northeast Youth and Family Services. Motion carried unanimously.

C. Quarterly Finance and License Bureau Report

Finance Director Kindsvater introduced the fourth quarter reports for the Finance Department and License Bureau. She said the report consists of unaudited amounts, so the findings may change after the annual financial audit. She said the City's expenditures appear to be lower than expected, but said this was due to delayed project purchases that were not made in 2022 due to supply chain shortages. Those purchases will be made in 2023. She said permit revenue was higher than anticipated due to the school district construction project and the high fluctuation of roofing permits following a damaging storm in the summer. She attributed higher revenue amounts for the Sports Center to a third-party company, LiveBarn, who installed cameras in the rink and offers live streaming of ice center events for a subscription fee. The Sports Center receives a portion of those fees, and she reported receiving \$58,000 in revenue. She doesn't foresee this being an ongoing, long-term revenue source, but said it will be beneficial in the short-term.

Kindsvater said the City has been receiving money back from its recycling providers, who sell disposables on the market. The revenue supplements the processing fees and any extra revenue is returned to cities. She explained that the market has been favorable, but is starting to go down, so the city is no longer getting reimbursed for the processing fees and will be

paying for recycling. For the License Bureau, Kindsvater said the number of transactions were slightly higher than the previous year, but highlighted that the number of processed drivers' licenses increased from 8,990 licenses in 2021 to 18,787 licenses in 2022. Overall, operations of the License Bureau have been going well.

Councilmember Edberg asked how the City handles carried-over funds from projects that weren't complete, specifically if the City Council will have to reconsider how those funds will be used. Kindsvater said expenditures are carried forward to the next year to be used how they were originally approved. In response to a question about what happens to the extra revenue collected from the Sports Center live streaming subscription fees, Kindsvater said that additional revenue will stay with the Sports Center and it will be added to its fund balance. Councilmember Jones complimented Kindsvater's management of the License Bureau.

6. PUBLIC HEARINGS

Nothing scheduled.

7. UNFINISHED BUSINESS

Nothing scheduled.

8. NEW BUSINESS

A. Design Services Proposal for Council Chambers Renovation

City Manager Crawford said City Hall has not had any major renovations since the building first opened in 1988. As the years have passed, needs have changed as it relates to safety, technology, public perception, accessibility requirements for the Americans with Disabilities Act (ADA) and public meeting attendance. She said many public buildings have gone through modernization to meet the present needs of the public, elected officials and staff. She introduced the proposal and said staff is first seeking approval to work with Wold Architects for professional architecture and engineering design services for the proposed renovation of the Council Chambers. While providing background for this proposal, Crawford explained that security and safety were not considered when City Hall was first built as it was necessarily needed. The only safety modification staff have made to its Council Chambers in recent years was incorporating bulletproof material in certain areas. She said the Council Chambers are ADA compliant to accommodate for physical abilities, but may not meet ADA compliance for Title II entities, which states, "Title II of the ADA requires state/local governments to give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities," and more specifically requires government bodies to effectively communicate with people who have communication disabilities. As the Chambers stand now, she said the Chambers may not accommodate those with vision, hearing or speech disabilities.

Crawford reported there have been greater calls over the years for more public participation and transparency in areas of government, and believes improved technology in the Chambers would improve delivery of information. One upgrade proposal would be to move monitors closer to the audience for better viewing and add a monitor in the City Hall lobby. She said American Rescue Plan Act (ARPA) funds are still available from projects that did not take place in 2022. She requested that some of the funds be used for the renovation. She also said there

are remaining funds from the Ramsey Washington Suburban Cable Commission totaling \$13,750 set to expire in March of 2023 that will be used towards technology improvements. Mayor Louismet supported the proposal and said the improvements would not be cosmetic, but for technology, accessibility and safety improvements. He toured other City Council Chambers with staff and reported that the presentation abilities of other Chambers are far superior to White Bear Lake's. He acknowledged City Councilmembers' discussion about what other areas funds could be used for, but he said it would be effective to obtain a cost analysis and proposed architecture plans as a first step.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Res. No. 13139** authorizing the execution a contract with Wold Architects for professional architectural and engineering design services for the White Bear Lake Council Chambers.

Councilmember Jones asked about phases of renovation and cosmetic improvements over time. Mayor Louismet clarified that the first major step is reviewing the footprint and making recommendations for the first phase of major improvements, including the possibility of moving the dais and moving walls. Councilmember Walsh agreed that the City would benefit from improved Council Chambers, and requested that the dais remains the same level as audience members to maintain personal interactions. Councilmember Edberg expressed his support for the first step in the design process, but would also like to know the alternative projects that could be funded. Councilmember Hughes voiced her disapproval of the proposal and said there may be other projects that would benefit from the funds. Mayor Louismet asked Crawford to explain how the ARPA funds can be used. Crawford said ARPA funds have to be used by a certain time and she said a one-time expense like a renovation would be an appropriate use of funds, as the project would not require ongoing tax levy support. She recommended Council consider the design process as a first step.

Motion carried with a 3-2 vote with Councilmembers **Walsh, Jones** and **Edberg** voting for the resolution and Councilmembers **Hughes** and **Engstran** voting against.

9. DISCUSSION

A. Downtown Lighting Discussion

In the opening of the presentation, Public Works Director/City Engineer Kauppi shared pictures of the streets in the downtown area of White Bear Lake, comparing the difference in street lighting. Specifically, he showed the newer and brighter lights on 4th Street compared to 3rd Street which has an aging lighting infrastructure. Underground wiring issues and rotting wooden street poles has been the cause to many inoperable lights and the need to remove light fixtures. Kauppi reported that some of the lights cannot be repaired without digging underground, causing a major expense for the City. He displayed a map that showed where street lights are located, the materials the poles are made from and the condition. He shared history of when newer lights were installed, including the newest aluminum light poles on 4th Street around 2005 and the fiberglass light poles on Banning Street in the 1990's. The rest of the lights are wooden light poles, some without lights being used for hanging banners and flower baskets. Excluding the aluminum and fiberglass light poles, there are 81 wooden light

poles total, with 34 of the poles with working lights, 33 poles without a light fixture and 14 poles with inoperable light fixtures needing repair.

Kauppi said City staff are reviewing a variety of options for addressing the poles with removed or inoperable light fixtures and those with dim lighting. He talked about the option of solar-powered lights. The concern would be the weight of the light fixtures and whether the wooden poles still have structural integrity to support the heavy materials. Each pole would need to be inspected. Kauppi gave insight in some of the costs to add operable lights and said lights installed in residential areas cost roughly \$6,000-\$7,000 per light, whereas installing lights in the downtown area would require cutting channels in the sidewalks for new wire and conduits, resulting in higher installation prices per light. In anticipation of the downtown reconstruction project starting in the next couple years, he provided ideas for curbing costs, such as cheaper light fixtures and cost-saving methods for the footing and refilling trenches. He said each light would still cost somewhere between \$5,000-\$10,000 to replace a light with underground infrastructure, so the cost estimation for replacing the 14 poles that need repair would total approximately \$70,000-\$140,000. This cost doesn't include the 33 poles that don't have light fixtures. Addressing the operable lights that are dim, Kauppi said repurchasing fixtures and installation will cost approximately \$500-\$1,000 each, for an estimated total of \$17,000-\$34,000. As a final option, Kauppi said the City can choose not to make any repairs and wait until the downtown reconstruction begins in 2024. For the 2023 budget, the City allocated \$13,000 for general city-wide street light expenses and \$9,700 for downtown area street lighting expenses.

Mayor Louismet allowed public comment 8:52 p.m. Kim Schoonover, business owner at 2183 3rd Street, expressed her frustration about the lights not working around her business. She urged a temporary solution because she said the area is not welcoming or inviting to patrons and families. She thanked the Council for having the conversation.

Mayor Louismet said a temporary solution seems to be a better option rather than investing money into lighting that will be redone in a couple of years. He had previously requested City Manager Crawford to work with the Police Department for their perspective on the lack of lighting and the Department didn't have major public safety concerns. Councilmember Jones recognized the concern and said it should not be an option to leave the lighting in its current state. Councilmember Walsh asked if there is a way to prioritize certain areas for lighting when the 2024 renovation project starts. Kauppi said the parking lots would be a priority and street lighting would be addressed in 2025. One reason for prioritizing parking lots is for construction staging purposes by starting from the inside and working outward. Councilmember Walsh agreed to spend some money for temporary repairs. Kauppi spoke specifically about the lighting on 3rd Street in response to Councilmember Jones seeking clarification on the condition of lights.

Councilmember Edberg said the disrepair of downtown street lights is an example of deferred maintenance and implied this is happening in other areas of the City. He compared the inconsistent prioritization and handling of projects, which seems to depend on the location in the City. For the street light project, he requested City staff to explore energy efficient fixtures and materials for the long-term replacements. Mayor Louismet welcomed conversation about

other areas of the City, but recognized the downtown area is a high-traffic and pedestrian area. The Mayor and Councilmember Jones shared similar suggested budget amounts of around \$30,000. The direction given to City staff was to identify how many street poles have power and structural integrity that could be repaired, where they're located and the estimated cost for repair. A next step would be to identify dark areas that don't have repairable light poles and would require underground wiring and installation of a new light pole. There was discussion on repurposing operable light posts in other areas of the City once construction starts in downtown. Kauppi said labor costs are still needed to relocate lights, but operable lights could possibly be reused. Councilmember Hughes addressed Councilmember Edberg's earlier comments, acknowledging that the current proposal is only addressing the downtown area but she made it clear she will support expenses to improve other areas of the City when the projects arise.

Schoonover offered another comment wondering if the City could consider string lights. Kauppi said they have looked into that option and the lights consist of robust cables and industrial-grade wiring which would not be supported by the existing poles. The costs to install cable-supporting poles would be the same cost to install a new street light. The downtown mobility and parking study will further inform City staff for long-term planning for lighting. City staff will determine recommendations for the short-term plan for addressing the current lighting situation and proceed forward.

B. Sidewalk Seating Discussion

Housing and Economic Development Coordinator Shimek introduced the sidewalk seating discussion. She shared that during the pandemic, there was a temporary process allowing food- and beverage-serving businesses to expand their seating onto sidewalks to promote social distancing. While there are no longer social distancing requirements, she reported that the City has received requests from businesses to continue providing outdoor seating. Following initial discussion in the spring, Shimek said staff followed City Council direction to come back to present a codified process that offers transparency, fairness and consistency in the application process. Other parameters from the Council included ensuring that public parking will not be impacted by expanded seating and to compare what other communities have implemented. Three areas of focus the ordinance will outline include the purpose, process and administration, and assurance of maintaining safety and accessibility. She explained that the proposal will support local businesses, enhance economic vitality, encourage human interaction and create public space.

Shimek highlighted areas of the application process which will include an initial application and annual renewals of a sidewalk café license for a period of May 15 to October 15. Unless approved through previous land use applications, businesses would be required to apply annually, including those who have previously applied on an ad hoc-basis. She said the changes would apply to zoning districts B-1, B-5 and DCB. She shared clearance measurements that would maintain pedestrian passageway between the sidewalk café and the abutting curb/right-of-way (ROW). It's proposed that licensees are responsible for cost of repair, maintenance and cleanliness, follow aesthetic requirements, and be compact and contiguous for liquor service. She said City staff intends to present a first reading of an ordinance at the February 14 City

Council meeting. Mayor Louismet favored a consistent process for businesses and the City. He asked how the \$150 application fee compares with other City fees and City Manager Crawford said it's consistent with other fees, determined by the amount of time and true cost for staff to review and process applications. The renewal fee will be lower if the sidewalk café has not changed from the year prior.

Councilmember Edberg commended the proposed process. He asked whether businesses located within private commercial lots, like within a strip mall, would be impacted with this process. Crawford said this process only applies to businesses abutting to a public right-of-way. Community Development Director Lindahl said business owners can work with their commercial lot owner on outdoor-use requests, but would need to involve the City if the requests impact accessibility to businesses and general parking. Councilmember Jones requested a process for revoking licenses if businesses don't comply. He wondered how the City would handle requests from retail businesses who want to sell products on the sidewalk. City Attorney Gilchrist explained that mechanisms and defined terms would be included in the ordinance that will outline the specific types of establishments who qualify. Councilmember Walsh requested there be no renewal fee for applicants if their sidewalk café has not changed. Councilmember Hughes agreed to that request, but recommended no renewal fee after two consecutive licenses periods to allow City staff to review the compliance of the applicant's first year. City staff will create the proposed ordinance and bring it back for a first reading at the next City Council meeting.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared information on upcoming events, including Hockey Day MN in White Bear Township, the Bear'ly Open event that raises money for the White Bear Lake Area Food Shelf, a Neighborhood Meeting for the concept plan for 2502 County Road E, Many Faces, and the White Bear Area Chamber of Commerce 2023 Legislative Reception.

11. CLOSED SESSION

Mayor Louismet announced that the City Council was entering into closed session to evaluate the performance of the City Manager and that the conclusion of this meeting would not be video recorded.

It was moved by Councilmember **Hughes** and seconded by Councilmember **Walsh** to go into closed session at 9:59 p.m. to evaluate the performance of the City Manager as permitted by Minnesota Statutes, section 13D.05, subdivision 3(a). Motion carried unanimously.

It was moved by Councilmember **Walsh**, and seconded by Councilmember **Hughes** to re-open the regular City Council meeting at 10:16 p.m. Motion carried unanimously

12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Hughes**, seconded by Councilmember **Jones**, to adjourn the regular meeting at 10:17 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



**White Bear Lake Conservation District
Regular Board Meeting Approved Minutes**

Nov. 15, 2022, 7:00 p.m., White Bear Lake City Hall Council Chambers
(6:00 pm LUC meeting)

1. **Roll Call/Quorum** – Present: Chair Bryan DeSmet, Vice Chair Mark Ganz, Secretary/Treasurer Mike Parenteau, Diane Longville, Chris Churchill, Meredith Walburg, Scott Costello, Susie Mahoney, and Darren DeYoung. Absent: Board Counsel Alan Kantrud. One director position from Dellwood is vacant. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:08 pm by Bryan DeSmet
3. **Approval of Agenda** – Under LQC, add 'Water Quality DNR Grant', and under LUC, move the 'City of White Bear Lake' to the top of the order, and 'Tally's' second. Motion to approve the agenda as amended made by Mike Parenteau, seconded, and passed.
4. **Approval of October Board Meeting minutes** – Motion to approve the October Board meeting minutes made by Mark Ganz, seconded, and passed.
5. **Public Comment's** – none
6. **New Business** – none
7. **Unfinished Business**
 - o WBL City Code Regarding Marine Rental Businesses at Public Parks –
 - The City corresponded with us that NPQD and SilverFinn are not to use Matoska Park, or any other public park to run a business per City Code, Section 905.320. The WBLCD will need to deny applications such as these in the future.
 - As a point of information, the WBLCD office will send a letter to the Ramsey County Parks and Recreation department that the WBLCD will not approve any applications for businesses to operate at a City public park.
 - o USGS response re: publications and survey account closure –
 - Mindy Erickson, USGS, sent a letter listing all the websites with published information they have from the lake level studies that they completed. We can access everything online.
 - The links to the studies will be posted on the WBLCD website.
 - The remaining funds in the study, \$599.62, are being returned to the USGS to close out the account on our books.
8. **Reports/Action Items**
 - o Executive Committee – no meeting
 - o Lake Quality Committee – Mike Parenteau
 - Lake level: Level today is 922.48 ft; that's 9 inches lower than last year at this time.
 - Lake temperature: Temperature today is 33 °F; it was 40 °F last year at this time.
 - DNR Aquatic Invasive Species Control Grant Program: The 2023 application for treating Eurasian Water Milfoil has been completed and sent in for consideration.

- Lake Utilization Committee – The LUC reviewed the following applications, and recommends that the Board approve the following for 2023 permits. Motion to approve the following permits was made by Mark Ganz, with each voted on individually:
 - City of White Bear Lake:
 - Matoska Park – multi-boat dock license renewal: Approved, seconded and passed with the stipulation that a copy of all licenses and permits with the Ramsey County Sheriff's office need to be sent to the WBLCD office when received.
 - Municipal Marina – multi-boat dock license renewal: Approved, seconded and passed with the stipulation that the pending DNR amended permit (for docks not to exceed 300') be submitted to the WBLCD when received.
 - Veterans Memorial Park Pier – permanent dock license renewal: Approved, seconded, and passed with the annual permanent dock fee waived, but application fee accepted.
 - Tally's Dockside multi-boat dock license renewal: Approved, seconded, and passed with the stipulation that the 280' south dock be scaled back to 140' and moved to where the next dock north is, and an additional slip fee of \$75 be charged for one boat slip not added to count. Tally's will send an updated diagram showing the approved configuration.
 - Docks of White Bear multi-boat license renewal: Approved, seconded, and passed - Susie Mahoney opposing - with the stipulation that dock length is no longer than 300' from the OHM, 240 boats are able to egress and access without going into northern and southern neighbor's ADUA.
 - It was noted by the LUC chair that the committee recommends that if there is any consternation between operators in Commercial Bay during with dock placement, and ADUA's in 2023 that the WBLCD will hire a professional surveyor to mark where the ADUAs are; the parties of the contested ADUAs will be billed for surveyor, which is stated in our ordinances.
 - VFW Post #1782 multi-boat dock license renewal: Approved, seconded, and passed with the stipulation that they pay their application fee, and all permits are in.
 - Polar Plunge/Special Olympics event license (Jan. 28, 2023): Approved, seconded and passed with the stipulation that a copy of the insurance be sent to office when ready, and as a fundraiser the application fee is waived.
 - Horseshoe on Ice/VFW Post #1782 event license (Feb. 18, 2023): Approved, seconded, and passed. As a fundraiser, the application fee is waived.
 - Your Boat Club commercial sales/services license renewal: Approved, seconded and passed.
- Lake Education Committee
 - Adopt-A-Drain Challenge October Final – Scott Costello
 - The Adopt-A-Drain Challenge (from March 2022 to Oct. 31, 2022), was a challenge to the five lake communities to double the number of adopted drains registered with the state-wide program. We started at 298, our goal was 596, and we got up to 535 drains, so we did make a difference.
 - The positives of the challenge include: steady progress was made every month; the City of White Bear Lake doubled their number of adopted drains and more than doubled the number of participating households; the White Bear Township more than doubled the number of participating households and came within 5 of doubling their number of adopted drains; and Mahtomedi was ahead in the beginning of the challenge as they started out with a higher percentage of adoptions than other city. Dellwood does not have an urban stormwater system, and when they went to look at the 21 drains that were in the state

database, they noted that most were not drains. Birchwood might be in the same position - we don't know how rural they area, but the available data shows they had the highest percentage of adoptions of all the communities.

- The challenge was a big success, even though we were shy of the goals: we increased participation every month, and increased public awareness of water quality issues related to drains. We probably won't do it again next year, as we are maxed out on what we can do with this data. Thanks to Scott and Meredith for their work on this program.
- Social media update – Meredith Walburg reported that the next 2 month's posts will include: the RCWD water stewards program; starry stonewart; ice-in date; recommended ice thickness from the DNR for ice safety; marking the ends of docks - from the ordinance passed last year - to prevent any snowmobiles, or other things from hitting docks that are left in; and being careful about potential chloride getting in the lake.
- Treasurer's Report – Mike Parenteau
 - November 2022 Treasurer's Report and payments: Motion to approve payments of checks #4804 to #4810, and 3 debit card purchases, made by Mike Parenteau, seconded, and passed. Debit card purchases should be numbered on future Treasurer Reports, so they can be traced.
 - Estimated December 2022 Treasurer's Report: Approved, seconded, and passed. The official December 2022 report, with actual income and expenses, will be presented at the January 2023 board meeting.
- Board Counsel Report –
 - Ramsey County Water Patrol – 2022 Enforcement Summary: Bryan DeSmet presented the enforcement summary showing number of hours, and the number of checks, citations, and warnings.

9. Announcements

- Meeting dates for the 2023 Board and LUC are on the back page of the packet; the next meeting will be held Jan. 17, 2023.
- An email with information from the RCWD Water Stewards program is copied on the back of the Treasurer's Report for board members to help promote the program.
- The WBLCD office will be closed Weds. Dec. 7 to Fri. Dec. 9; emails and phone calls will be monitored.

10. Adjournment –At 8:03, a motion to approve adjournment was made by Mark Ganz, seconded and approved.

ATTEST:

Bryan DeSmet, Chair



Date: 1-17-2023

Cheri Howe, Administrator



Date: 1-17-2023



**MINUTES
ENVIRONMENTAL ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, DECEMBER 21, 2022
6:30 P.M. VIRTUAL MEETING**

1. CALL TO ORDER AND ATTENDANCE

Chair Schroeher called the meeting to order at 6:40 p.m.

MEMBERS PRESENT: Chris Frye, Bonnie Greenleaf, Chris Greene, Rick Johnston, Jeff Luxford, Gary Schroeher (Chair)

MEMBERS ABSENT: Sheryl Bolstad

STAFF PRESENT: Connie Taillon, Environmental Specialist

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes.

It was moved by member **Johnson** seconded by member **Greene**, to approve the agenda as presented.

Motion carried 6:0.

3. APPROVAL OF THE MINUTES

A. Minutes of the Environmental Advisory Commission meeting on November 16, 2022

The commission members reviewed the October 19, 2022 meeting minutes and had the following change: on page 2, second paragraph, first sentence, change the word 'Gosse' to Goose'

It was moved by member **Greenleaf** seconded by member **Luxford**, to approve the minutes of the November 16, 2022 meeting as amended.

Motion carried, 5:0. Member Johnston abstained.

4. VISITORS AND PRESENTATIONS

None

5. UNFINISHED BUSINESS

A. Joint work session presentation

The commission members reviewed and finalized the joint work session PowerPoint presentation. Commissioner Johnston suggested adding the Extended Producer Responsibility (EPR) bill to the presentation. He also asked if he could attend the

meeting virtually. Taillon stated that she will check on the option to attend virtually and get back to him.

B. 2023 Work Plan

Chair Schroeder stated that he prefers to table this discussion until after the work session with Council, and asked Taillon to include the 2023 work plan on the January agenda. Member Frye noted that he will send his top 5 work plan priorities to Taillon prior to the January meeting.

6. NEW BUSINESS

None

7. DISCUSSION

A. Spotlight on Sustainability newsletter article

Taillon mentioned that staff hopes to include a Spotlight on Sustainability article in the spring newsletter. She recently partnered with Ramsey County and Waste Wise to market the BizRecycling program to businesses and multi units in White Bear Lake, and asked the commission members' thoughts on spotlighting a business that received a BizRecycling grant. She mentioned the businesses that received a BizRecycling grant. Members discussed the White Bear Lake United Methodist Church and the White Bear Lake Area Food Shelf as two of their preferred options. Member Frye suggested spotlighting a business that composts food waste. After further discussion, the members directed Taillon to spotlight the food shelf in the spring newsletter.

B. Staff updates

- BizRecycling promotion

Taillon noted again that she recently partnered with Ramsey County and Waste Wise to market the BizRecycling program to businesses and multi units in White Bear Lake. A letter was recently mailed to businesses and multi-units from the City promoting the BizRecycling program. Completion of this activity qualifies the City for an incentive grant from Ramsey County.

- Rotary nature preserve seeding

Taillon reported that she and Sadie from the Parks Department completed a winter seeding of the phase 1 prairie at Rotary Nature Preserve on December 16th.

- Public space recycling container grant

Taillon reported that Ramsey County was unsuccessful in obtaining grant money for the purchase of public space recycling containers in 2022. The County will continue to research funding options in 2023. Member Johnston hopes that the commission members have an opportunity for input on the style of containers.

C. Commission member updates

Chair Schroeder announced that Conservation MN is looking for steering committee members for the annual Environmental Commission meeting. He will forward the date of the 2023 meeting once it is set.

Chair Schroeher reported that he and Taillon were asked to be interviewed by White Bear Magazine for a story on the pollinator pathways map that will be published this spring.

Chair Schroeher also mentioned that the fluorescent bulbs at the Petro Wash station on County Road E and Bellaire have not yet been removed. Taillon noted that the Building Departments previously contacted the owner and asked them to either remove the bulbs or cover them. Chair Schroeher stated that they did add a chain across the Bellaire entrance. Taillon will follow-up with the Building Department.

Member Johnston reported that he has reviewed the MPCA web site for information on the property at the southwest corner of Bellaire Avenue and County Road E. It appears that as part of a real estate transaction an environmental consultant was retained to conduct Phase I and Phase II Environment Site Assessments (ESA) of the property. Based on that work a petroleum leak was reported to MPCA on April 22, 2019 (assigned leak site no. LS 00020942). The web site also reports that a previous consultant had been retained for the site in 1992, but does not indicate the nature of the work or results.

The site was entered into the MPCA Petroleum Brownfields Program (PBP) and Voluntary Investigation and Cleanup (VIC) Program on April 15, 2019 (assigned site file no. BF0001123). The Phase I and Phase II ESAs were reviewed and that site file was closed January 2, 2020. The Leak Site file no. 00020942 was closed February 26, 2021. There was no report of submittal or review of a Response Action Plan (RAP) and the web site indicates there are no Institutional Controls (IC) on the property; based on that it is inferred that the site was deemed suitable for its intended commercial/industrial use without cleanup.

Member Johnson stated that closure of the files does not necessarily mean the site is clean, only that under current use or commercial/industrial use proposed at the time, the site conditions do not present a risk to human health or the environment. The fact that a Leak Site was opened indicates that there were petroleum contaminants present and entry into the VIC Program indicates presence of non-petroleum contaminants. The MPCA has different standards for commercial/industrial use of property and higher risk uses such as residential, schools, daycare, etc. It is theoretically possible that there might be contaminant vapors present in the soil on the site and surrounding property that meet commercial/industrial standards but not higher risk uses, and could present a risk to adjacent residences. Off-site issues would not be the responsibility of the subject site current owner, having received liability releases through VIC and PBP. Off-site issues would be responsibility of previous site owner/operators or MPCA, if previous owners were unavailable or unwilling to perform investigation/cleanup. It is Member Johnston's understanding that the MPCA had previously attempted to gain access to one or more off-site properties without success.

Member Johnston will follow up with MPCA to ascertain current status and availability

of files for review.

Member Greenleaf stated that she approached the volunteer group at her church about opportunities to promote the Adopt-a-Drain program in the Goose Lake subwatershed, but they don't know if it is a good fit for them. She will meet with the associate pastor and provide an update.

D. Do-outs

New do-out items for December 21, 2022 include:

- Members to attend the January 17, 2022 joint Council workshop
- Member Frye to email top 5 priorities for 2023 to Taillon
- Member Johnston to follow up with MPCA regarding County Road E and Bellaire
- Member Greenleaf to discuss volunteer Adopt-a-Drain promotion opportunities with the church associate pastor.
- Taillon to showcase WBL Food Shelf in spring Spotlight on Sustainability article
- Taillon to follow-up on the exposed florescent bulbs at Petro Wash
- Taillon to send reminder to bring treats in January

E. January agenda

Commission members discussed the January agenda items and asked Taillon to add a recap of the joint work session and the 2023 work plan to the agenda, and to send a reminder to bring holiday treats to the January meeting.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Johnston** seconded by member **Frye** to adjourn the meeting at 8:15 p.m.

Motion carried, 6:0



**PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JANUARY 30, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:01 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, Andrea West

MEMBERS ABSENT: None

STAFF PRESENT: Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician

OTHERS PRESENT: Gary Dahle, Elizabeth Dahle, Mark Goodman, Bruce Englund, Joanne Englund, Mitch Honsa, Bart Schultz, Graham Westra, Don Gilbert, Heather Gilbert, John Jacobsen, Rebekah Goodspeed, Josh Winchell, Erika Winchell, Julie Longueville, Brad Longueville, Rose Miller, Mike Miller, Brianna Tahdooahnippa

2. APPROVAL OF AGENDA

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

Motion carried, 7:0

3. APPROVAL OF THE MINUTES

A. Minutes of November 28, 2022

It was moved by Member **Baltzer** and seconded by Member **Enz**, to approve the minutes of November 28, 2022 meeting as presented

Motion carried, 7:0

4. CASE ITEMS

A. Case No. 23-3-CUP: A request by **The Minnesotan** for a conditional use permit, per code section 1303.160, subd.5.b, in order to convert the existing retail use to a liquor lounge with accessory retail at the property located at 2186 4th Street.

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

Member Berry opened up the public hearing.

Corey Roberts, the owner of the Minnesotan and applicant introduced himself and stated he has been a proud member of the downtown White Bear Lake Community since 2019 and is looking to expand their brand and enhance their offerings for their customers, such as by introducing a self-pour system in the proposed liquor lounge.

Member Baltzer asked if they will continue to sell their current retail products or if they will be eliminating that. Roberts responded that no, they will continue to sell their present retail products.

Member Berry asked if Roberts is okay with the conditions listed in the staff report. Roberts replied yes, he is okay with all of the conditions.

Member Berry closed public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-3-CUP, seconded by Member **Amundsen**

Motion carried, 7:0

- B. Case No. 22-20-V:** : A request by **Joshua Winchell** for a variance from the side yard setback, per code section 1302.030, Subd.4.e, and a variance from the total accessory structure square footage allowed, per code section 1302.030, Subd.4.2.b, in order to construct a 160 square foot shed at the property located at 2338 South Shore Boulevard.

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

Member Lynch asked if the house was 50 sq. ft. bigger if there wouldn't be a need for a variance. Miller responded that they would not need a variance for the accessory structure size if that were the case.

Member Berry opened the public hearing.

Josh Winchell, owner of the property and applicant for this case, stated he doesn't agree with a couple of the conditions of approval listed in the staff report. He explained he doesn't agree with the condition of the City not being responsible for any damage resulting from a repair to the utility. He explained that part of the variance includes him placing the new shed closer to his property line so he can remove his current shed off the utility. Winchell, also expressed he does not agree with the condition requiring him to sign easement paperwork for the utilities on the property. He explained that there is

an easement in place already, which was discovered when he had his property surveyed about 10 years ago. He does not know where that easement paperwork is today—he sent over all this title paperwork and the easement paperwork was not found amongst the paperwork.

Member Amundsen asked for clarification if Winchell is referring to condition number 6 from the staff report.

Lindahl responded with some additional information regarding the case. Lindahl explained that he and Winchell had a conversation about the case earlier that day. He explained that based on the research done by the Engineering Department, it still remains unclear if there is an easement in place. Lindahl explained that the utilities were placed after the property was created in 1959 or 1960 and that it appears there was an easement that was supposed to cover the utilities on the west side of the property. He explained that after going through the documents and speaking with the City Attorney, it was discovered that the easement was only generally recorded at the county and not specifically at this property. Lindahl explained that more research is needed to determine if there is a valid easement in place.

Lindahl went on to say that if the research shows there is an easement in place, the City would not require an additional one, but if there isn't, the City Engineer recommends one be put in place. Additionally, if the shed encroaches on that easement there should be a release of the City's liability if there is resulting damage from accessing the utilities. Lindahl explains that the City does not have the intention to go into the easement for periodic repair—the easement is meant to allow access for necessary repairs and replacements, as the infrastructure will not last forever. He explains there is a public interest in maintaining the infrastructure because it serves the surrounding community.

Member Amundsen asked for clarification because the survey image shows the shed will be placed 6 ft. from the sewer line. He asked how that is considered encroachment. Lindahl responded that because we don't exactly know how deep the pipe is, the shed could be in a resulting easement. He explained that easements have a 1:1 correlation to the depth. Member Amundsen asked if the utility line is 6 feet deep, if the resulting easement would then be 6 feet on either side of the utility. Lindahl responded yes. Member Lynch then asked if the issue comes from our not knowing how deep the utility is, to which Lindahl responded yes.

Member Berry then asked if the applicant is penalized if the shed is too close to the utility and repair needs to take place. Lindahl responded that if there's an easement in place, we won't create a new one, but if creating one is necessary, we would work to make it as narrow and tight fit as possible. If the engineering department needs less than 6 feet of space, then no encroachment agreement would be necessary. Lindahl continued that staff is sympathetic to the applicant about how complicated this case has become in order for him to build a shed. Lindahl noted that the couple weeks between

now and the City Council meeting will give staff time to research more about whether there is an easement in place.

Winchell expressed that his biggest concern is where the liability lies. If he must redo an easement agreement and release the City of liability, he wondered if the easement could also have an impact on his house, as it could be expensive if it does and he has to repair his shed and house.

Lindahl explained that he understands Winchell's concerns, but the challenge is that the proposed location has a slight encroachment to the easement. It could be possible to, but less practical, to locate the shed within the setback and away from the utilities, but he understands that there are other reasons why the applicant has chosen the proposed location – convenience of accessing shed, topography, and aesthetics of placing the shed in the side yard as opposed to in the rear yard, between the house and the pond. Lindahl explained that there are some tradeoffs if the applicant wants to place the shed within the setback and so close to the utilities and those tradeoffs include establishing the easement and releasing the City of liability for damage. But because there are some unknowns about the lot, Lindahl suggested that staff makes every effort to work this out prior to the City Council review.

Winchell explained that there is nowhere else on the property to locate the shed. He explained that placing the shed elsewhere would impede his neighbor's view of the pond. The back corner of the lot is unavailable because it has a fire pit. Winchell wants to be cognizant of his neighbors, and place the shed at the bottom of the hill outside of their view. Winchell explained that the only place to locate the shed without impeding their view is in the proposed location.

Member Reinhardt asked the applicant if the easement were to impact the location of the shed, if that would cause him to not build the shed.

Winchell explained that he is at a crossroads and that this could get really expensive so he may move away from building the shed. The original intention of the shed was to provide extra storage space because he has limited garage space because it does not have a pitched roof. He explained that he appreciates the city working with him on this process.

Member Berry closed the public hearing.

Member Lynch asked city staff what the chances are the unknowns of this case would be resolved before the City Council meeting.

Lindahl responded that the City and the homeowners want the same things – they have a reasonable ask for a reasonable use. He explained that staff try to have these resolved

prior to Planning Commission, but at this time, there is still the need for more research. Lindahl explained he is hopeful that we will get to an outcome that works for everyone.

Member Lynch proposed that the Planning Commission, when thinking about this case, should move forward with the assumption that the easement is in a reasonable spot. He continued that the City Council will deal with what comes up in the next couple weeks as further research into the case occurs. Member Lynch suggested that the Planning Commission members express what their concerns are and the best way to move forward and that the City Council will have more information to go off of. Member Lynch continued to say he believes that the easement should be solidified and that the shed should not be built on it or the City should not be liable for damages if it is.

Member Berry explained that the commissioners will look at conditions 6 and 7 and act on this case as if conditions 6 and 7 will be resolved before the City Council meeting or the case will have to be continued.

Member Lynch agreed with Member Berry that based on current knowledge, conditions 6 and 7 are a good idea, knowing that they may change prior to the City Council Meeting.

Member Amundsen asked about the wording of condition 7 which says that the City will not be responsible for any damage to the structure in the event of a utility repair. He asked if the mention of an easement was purposely left out of the wording.

Lindahl responded that the condition was written generally to cover the topic of encroachment. If it gets to the point where an encroachment agreement is necessary, then there would be a more specific template the City Attorney would create for this case.

Member Lynch asked, in the case of the City potentially damaging a shed that is nowhere near the easement, if the city would be responsible.

Lindahl explained that there is a public need of the easement and utilities and that if the City needs to access it, it is because something is wrong or the infrastructure is going to fail soon. He continued that the City would come in to do their work as quickly and carefully as possible and try to restore the area to the way it was. But in construction projects like that, which could be an emergency situation, there could be quick work that needed to be done that could cause some damage. The city does not try to cause damage and would try to make it right if they did.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-20-V, seconded by Member **West**.

Motion carried, 7:0

- C. Case No. 23-1-V:** A request by **Heather Gilbert** for a variance from the side yard setback, per code section 1303.040 Subd.5.c.2, in order to construct a two story home in approximately the same footprint of the existing home at the property located at 4556 Highway 61.

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

Member West asked for staff to elaborate on the ordinary high water level.

Miller responded that ordinary high water level is an average of lake levels and it is determined by the DNR. The setback is based on an average of the two neighbors on the lakeside to protect views.

Member Berry opened the public hearing.

Gary Dahle, an attorney representing Michael and Rosalie Miller, who live at the neighboring property 4552 Highway 61 welcomed the Gilberts to the neighborhood and wished them many years of enjoyment of the existing home. Dahle explained there is a close proximity between the two structures, 7 ft. 3 inches at the closest point, and that the existing foundation is closer than what the setback rules require. Dahle listed seven health and safety concerns about the proposed project as follows:

1. There is a greater fire hazard because of the close proximity.
2. In the winter, icicle formation creates an injury hazard.
3. In the winter, there is also a higher hazard risk for surface icing in the space between the buildings.
4. The close proximity of the foundation creates water damage issues. Water falling from the structure could fall on the neighboring property and drain into the foundation. The proposed doubling of the roof height means rain dropping off the roof falls twice as far which exacerbates erosion.
5. The proximity of the structures could leave inadvertent damage to the neighboring structure from construction activity or moving soils.
6. The close proximity and narrow space could create a wind tunnel effect which could be strong because the property is located near White Bear Lake. The increased wind could blow up additional dirt and grit which could lead to additional maintenance work for the neighbor at the 4552 Highway 61 property.
7. Lakeward extension of the project would amplify any of the previously listed concerns.

Dahle continued to cite the White Bear Lake zoning code and that its purpose is to establish minimum regulations in regards to altering structures and land. He explained that regulations are in part created to provide adequate light, air and convenience of access to property and prevent overcrowding and that the overall purpose of the zoning

code is to protect health, safety and general welfare. He stated the Miller's access to light and air would be impaired and the access to the property may be affected.

Dahle continued to reference that the zoning code requirement for issuing variances includes the proposal will not impair adequate supply of air and light and increase fire hazard or endanger fire safety. Dahle stated that adding a second story to the house would violate these requirements. The code states that a variance should not be granted if the proposed project will diminish nearby property values, and the possible damage that could be caused by the construction and drainage issues could impact the Miller property's value. Dahle continued to reference the Structural Engineer report that states construction could affect the structural performance of the Miller's property.

Heather Gilbert, the applicant, explained that she is not opposed to the conditions of approval listed in the staff report and that her builder is present to answer questions.

John Jacobsen, the builder for the Gilberts, addressed some of the issues brought up by Mr. Dahle. Jacobsen explained they will leave the existing foundation wall so there isn't any excavation in the alleyway abutting the Miller property. The building will be pushed in 1.8 feet in the back, away from the lake and will not encroach on the 20 ft. front yard setback, which is consistent with the rest of the nearby houses so it shouldn't affect the light. There will be gutters and a downspout on the house, and they can put a heat tracing on the gutters to prevent icicle formation. The current distance between the 2 buildings will remain the same with the proposed structure. He explains that the grading shouldn't change.

Member Amundsen, asked what the height difference is between the current and proposed structure, because it looks like the second story appears to be more like a loft space. Jacobsen responded that he doesn't know the exact difference but that they plan to stay within the 35 feet limit. Amundsen then asked if the second story won't have full walls with trusses on top. Jacobsen responded that there will be some wall there.

Member Amundsen asked if the building materials will be fire rated because the walls are so close. Jacobsen responded that they wouldn't be using the same materials that may be used for a fire wall in a condominium such as fire treated lumber.

Member Enz asked what type of materials they will be using. Jacobsen responded they will be using 2x4s and 2x6 and sheathing with an LP material – a high density non burnable material.

Member Enz asked Gilbert if the lower level is intended for rental because there appears to be a full kitchen and could be a separate entrance. Gilbert explained that the lower level is meant to be an additional space to entertain and she does not intend to rent the space.

Member Berry closed the public hearing.

Member Amundsen asked city staff if the code requires different building materials depending on the distance between buildings.

Miller responded that the City follows the state building code which does have certain requirements, and there are extra layers that need to be applied when you encroach into a setback. Miller stated that is something the building official will weigh in on. Amundsen followed up, asking if the variance is approved, if it would come up in the building permit process that the buildings are too close and would require certain building materials. Miller responded yes, and that the City cannot provide a variance from the state building code.

Member Lynch, asked how far away the two properties are built from the lot lines. He continued that it appears 4552 is about 3.2 ft away from the lot line and 4558 is about 10 ft from the property line. Miller confirmed that yes, that is what the survey shows.

Member Lynch said that because they are building on practicably the same footprint and because it appears that the home on 4552 Highway 61 similarly encroaches on the setback as well, it seems reasonable to allow this variance. He continued saying that if there is any damage during construction then that would be something that the property owners would deal with separate from this process.

Member Enz asked if the issue of water mitigation would come up now, or during the building phase.

Miller responded that the engineering department has reviewed the application and has brought up water mitigation in the review memo. The zoning code does not allow for any impact of runoff onto any other property.

It was moved by Member **Amundsen** to recommend approval of Case No. 23-1-V, seconded by Member **Lynch**.

Motion carried. 7:0

- D. Case No. 23-2-CUP:** A request by **Guidepost A LLC** for a conditional use permit, per code section 1302.140, in order to convert an existing office building into a daycare facility at the property located at 3220 Bellaire Avenue.

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

Member Lynch asked if the requirements for schools are much different from the requirements for daycares, in reference to a community comment that thought the Montessori daycare should be considered a school.

Miller answered that there are actually fewer requirements for schools as the city's zoning code section regarding day cares is exhaustive.

Member Berry opened the public hearing.

Mark Goodman, a representative with Guidepost A LLC extended his thanks to city staff for their assistance through this process. He stated that Guidepost LLC only goes where there is a demand. He asked if the condition of approval in the staff report that requires a landscaping letter of credit, can be revised to include the phrasing "or other financial instrument acceptable to the City Finance Department". He explained that Guidepost A LLC does not typically issue letters of credit so it would be more amenable to them to have another option available.

Lindahl explained that the recommendation is based on the standard practice from the City, but that staff is agreeable to the change that the applicant is proposing. Lindahl explained that the City's attorney would review whatever mechanism the applicant proposes.

Member Enz asked if the building will have a secured entrance.

Goodman responded that there are Guidepost Facilities all over the world and country. The Lake Forest location does not have a secured entrance, but there are and will be procedures in place for child pickup.

Member Berry said that if the facility is similar to the graphic provided that it will be an improvement. He also expressed that he likes that Guidepost A LLC, does not purchase property based on speculation and they know they will fill it.

Goodman explained that if they didn't think they would fill it, they wouldn't be able to finance the project.

Rebekah Goodspeed who lives at 2569 Oak Drive, asked how Guidepost A LLC determines need. She also explained she had a discussion with the homeowner just north of the property, who wondered what the fencing would look like.

Joanne Englund of 2537 Sumac Circle, expressed that she and her husband believe that the day care is a great idea for the property. She explained that it isn't a loud area, and she's excited it will be used as a productive venture.

Brianna Tahdoahnippa of 3244 Bellaire Ave, commented that the neighborhood is noisy with road traffic and that she wants to suggest a lower speed limit in the area. She doesn't agree with the proposal because of the increased noise. She would ask that if it is approved that the fencing would be more durable or higher than proposed. She added that there have been squatters on the property, so she does agree it should be occupied but that it shouldn't be a daycare. She also expressed concern because she has seen wolves in the area.

Goodman explained that fencing height is required by state licensing. He continued that the daycare won't contribute any more street noise and that the children won't add much more noise because of the placement of the play areas on the lot and the site being surrounded by large trees.

Member West asked what the fence will look like.

Miller explained that a black iron fence is what was proposed and that there are certain limitations about what types of fencing can be used and how tall the fences can be in the front yard.

Goodman explained they are going to use the highest quality and security fencing as possible and reiterated that they will be regulated by state licensing requirements.

Lindahl explains that there are two applications of fencing in this case, one required by state licensing for children's safety. He explained that because the property is zoned medium density residential, the City applied the medium density zoning requirement which limits front yard fence height. Lindahl continued that the second application of fencing is screening from the adjacent properties. Fencing can be effective, but the city typically looks to do screening through natural planting to create a more natural environment. Lindahl explained that the city could consider additional fencing to the site, if that is more agreeable to the Planning Commission.

Goodman explained that he doesn't see how additional fencing would add much more screening because of the distance from the building and play areas to other residential properties. They are trying to minimize their costs and fencing the entire property could be very expensive.

Member Berry asked how the need for daycare was determined for the area.

Goodman responded that they have a staff that goes out and digs into demographics of communities and that they have an in depth approach to determine need. He reiterates that this facility is only a daycare, not a school and that there will be plenty of parking on site in the parking lot.

Member Berry closed the public hearing.

Member Lynch said he would like to help connect the community member who was interested in suggesting a lower speed limit on the road.

Miller responded that the City has a safety committee that can take concerns and requests from the community and that City staff can help her get in touch with them.

Member Baltzer said that he believes the day care is a good use for the building since it's been empty for so long.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-2-CUP, seconded by Member **Lynch**.

Member Amundsen asked for clarification if the approval includes the previously mentioned amendment to requirement 7 in the conditions of approval.

Member Baltzer confirmed yes.

Member **Lynch** re-seconded.

Motion carried, 7:0.

- E. Case No. 85-11-Sa2:** A request by **Silverstar Carwash** for an amendment to a conditional use permit, per code section 1301.050, in order to modify the existing car wash and add vacuums at the property located at 2180 7th Street.

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

Member Amundsen asked if we know the reason for the significant difference in water usage over the years.

Miller responded that in 2018 Hogwash came in and installed a second wash for motorcycles which could have impacted the numbers. Change of usage could also explain the reduction.

Member Berry opened the public hearing.

Bart Schultz, who works for Houston Engineering, the company working with Silverstar Carwash explained that Silverstar Carwash has been around since 2010 and is located out of Sioux Falls. They have recently moved into Minnesota. He continued that they use high quality equipment at their carwashes and that customer loyalty and customer service is important to them. Schultz explained that the proposal shows they intend to change the exterior façade of the building to have the standard Silverstar Carwash look

and in order to prevent intensification of the building they have removed the standard Silverstar Carwash parapet from their design and moved the vacuum area inside the building. He explained the facility will always be staffed with 4 people during operating hour to assist customers.

Member Amundsen asked Schultz if he is okay with the condition that lists the acceptable hours of operation.

Schultz responded yes and that the hours listed in that condition are their standard hours of operation.

Member Berry closed the public hearing.

It was moved by Member **Amundsen** to recommend approval of Case No. 85-11-Sa2, seconded by Member **Enz**.

Motion carried, 7:0.

- F. Case No. 23-5-CUP:** A request by **White Bear Lake Area Schools** for a conditional use permit, per code section 1303.245, for a gym addition at the Central Middle School building located at 4857 Bloom Avenue.

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

Member West thanked Miller for going over the parking information for the facility.

Member Berry opened the public hearing

Tim Wald, the Assistant Superintendent for Finance and Operations for White Bear Lake Area Schools explained this project is part of the 2019 referendum. He stated that two of their architects are present and can answer any questions.

Member Amundsen asked if they plan to acquire the 4th property, near the three that the school district has already acquired.

Wald responded that there is a purchase agreement in place for that property.

Member Amundsen stated that plays into the setbacks, because acquiring that lot will provide them with even more space to work with.

Wald stated that they intend for that lot to be green space.

Member Enz expressed that watching this process for the school district come together has been exciting.

Wald responded that the high school recently welcomed students into the building.

Member Berry agreed it's been exciting watching it all come together.

Wald expressed his appreciation to the City's Building Department during the last couple years.

Lindahl explained that the Building Department staff have been working hard to make sure the school's projects are moving along and expressed that the school district has been a great partner throughout the process and they are making an incredible investment in the community and the education of the kids.

Wald explained that there are always challenges to getting supplies which has created some challenging timelines for the inspectors and construction managers, but they were able to pull it off.

Member Berry closes the public hearing.

It was moved by Member **Enz** to recommend approval for Case No. 23-5-CUP, seconded by Member **Baltzer**.

Motion carried. 7:0

5. DISCUSSION ITEMS

A. Election of Officers

Lindahl discussed the memo about processes for election of officers.

Member Lynch asked about the timeline for electing officers in the future.

Lindahl explained that the bylaws state the elections should occur at the end-of-the-year meeting and then take effect in the following meeting in January. He continued that elections have typically happened in January because the end of the year agendas tend to be very full. Lindahl explained that staff will continue to consider any changes that should be made to the bylaws as we go through the year.

Member Berry opened the nominations for Chairperson.

Member **Baltzer** nominated Member Berry.

It was moved by Member **Amundsen** to close the nominations, Member **Baltzer** seconds.

It was moved by Member **Berry** moved to elect himself by unanimous consent to the position of Chairperson, Member **Amundsen** seconds.

Motion carried, 7:0.

Member Berry opened nominations for Vice Chair.

Member **Baltzer** nominated Member Amundsen.

It was moved by Member **Lynch** to close the nominations, Member **Baltzer** seconds.

It was moved by Member **Lynch** to elect Member Amundsen to Vice Chair by unanimous consent.

Motion carried, 7:0.

Member Baltzer made a comment that the Chair must first say that he will entertain a motion before members move to approve cases.

Member Amundsen said he will review the process.

Lindahl said that we may be a little rusty since there hasn't been a Planning Commission meeting for a couple months.

Member Baltzer explained he just wanted to mention the procedure.

B. City Council Meeting Overview

Lindahl discussed the Planning Commission cases that have been to City Council since the last Planning Commission Meeting. He explains that Smarte Carte and the Herkenhoff cases were both approved by City Council. The Winchell case was a part of the November agenda but continued at the request of the applicant, which the Commission heard tonight.

Lindahl explained that the sign application from Acqua, was withdrawn by the applicant because the State of Minnesota brought to the City's attention that they have their own sign standards for off premise signs. Acqua would not have been able to meet the State standards.

Member Lynch asked if the spacing requirement that they could not meet was the State or City's requirement.

Lindahl explained the City has setback requirements for signs and spacing requirements

for billboards. Based on the City's definition of signs and billboards, Aqua's proposal fell under the definition of a sign, but based on the State's definition, it was considered a billboard. It was because Aqua couldn't fit within the state required standards for spacing that they chose to withdraw their application

Lindahl continued that the Concept Plan and Neighborhood Meeting text amendment had its first and second reading so it has been officially approved. The Commission will have their first concept plan proposal during the February Planning Commission Meeting

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 9:19 p.m.

Motion carried, 7:0.

DRAFT



City of White Bear Lake
Mayor Dan Louismet

MEMORANDUM

To: City Council
From: Dan Louismet, Mayor
Date: February 14, 2023
Subject: Summary of the City Manager's Performance Evaluation

SUMMARY

There was a closed session at the January 24, 2023 City Council meeting to discuss the performance of the City Manager. The consensus of the City Council was that Ms. Crawford has satisfactorily performed the duties of the city manager position over the past year, and in the area of communication has exceeded expectations of the City Council.

RECOMMENDATIONS

None, information sharing only.

ATTACHMENTS

None



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 14, 2023
Subject: **Special Event Application for Big Wood Brewery – Single Event**

SUMMARY

The City Council will consider approving the special event application for an event at Big Wood Brewery, involving use of a city parking lot, live amplified outdoor music and a single-event liquor extension.

BACKGROUND INFORMATION

On behalf of Big Wood Brewery, Jamey Worley submitted a special event application to host an annual event called “Tree Chugger” from 5-9 p.m. on Saturday, April 29, 2023. The request involves hosting the event in the city-owned parking lot in the space in front of Big Wood Brewery’s outdoor patio. They plan to have a small outdoor band. Big Wood Brewery will provide its own resources for restrooms, electricity and refuse. Parking will not be impacted in the city parking lot.

In order to host an event with liquor outside the premises, events require approval for a single-event liquor extension. Approval of the liquor extension would be conditioned on a staff-approved alcohol control plan such that people with open containers are confined to the area contiguous to the licensed premises, in addition to receipt of liquor liability insurance covering the consumption area.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the annual “Tree Chugger” event hosted by Big Wood Brewery to take place in the city-owned parking lot with amplified music with a single-event liquor extension with conditions.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING AN OUTDOOR EVENT AT
BIG WOOD BREWERY IN WHITE BEAR LAKE**

WHEREAS, a proposal has been submitted by Big Wood Brewery to host an annual event called "Tree Chugger" from 5-9 p.m. on Saturday, April 29, 2023; and

WHEREAS, the request entails using parking lot space, but not impacting individual parking spaces, in front of Big Wood Brewery for live amplified outdoor music and liquor service; and

WHEREAS, Big Wood Brewery has plans for restrooms, electricity use and refuse; and

WHEREAS, Big Wood Brewery has requested an on-sale liquor license extension in order to service attendees of the event.

WHEREAS, Big Wood Brewery has submitted a plan for a designated area of alcohol consumption that has been reviewed by the White Bear Lake Police Department and has submitted proof of liquor liability for the area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby approves amplified music and blocking off portions of the City-owned parking lot behind Big Wood Brewery in order to host their annual event.

BE IT FURTHER RESOLVED that event attendees would be permitted to consume alcohol within the controlled area in the parking lot behind Big Wood conditioned upon the approval of the renewal of their brewer taproom license for the license period of April 1, 2023 through March 31, 2024.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 14, 2023
Subject: **Special Event Application for Big Wood Brewery – Weekly Summer Event**

SUMMARY

The City Council will consider approving the special event application for a reoccurring, weekly event at Big Wood Brewery, involving use of a city parking lot, live amplified outdoor music and an event liquor extension, limited to the same dates as Marketfest.

BACKGROUND INFORMATION

On behalf of Big Wood Brewery, Jamey Worley submitted a special event application for the brewery to provide extra seating beyond the licensed premises during the dates of Marketfest. The requested dates, in line with Marketfest, include the following Thursdays: June 15, 22 and 29, and July 6, 13, 20 and 27. The requested time for the extended patio is 12 p.m. to the closing time for Marketfest. The request involves hosting the weekly event in the city-owned parking lot in the space in front of Big Wood Brewery's outdoor patio. Parking will not be impacted. They plan to have amplified music each week, which will not be allowed past 10 p.m. in compliance with the City's noise ordinance. Big Wood Brewery will provide its own resources for restrooms, electricity and refuse. Parking will not be impacted in the city parking lot.

In order to host an event with liquor outside the premises, events require approval for a single-event liquor extension. Approval of the liquor extension would be conditioned on a staff-approved alcohol control plan such that people with open containers are confined to the area contiguous to the licensed premises, in addition to receipt of liquor liability insurance covering the consumption area.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing Big Wood Brewery to extend its service area in a compact and contiguous manner into the city-owned parking lot with amplified music and with an event liquor extension during days of Marketfest with conditions.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING A REOCCURRING OUTDOOR SUMMER EVENT AT
BIG WOOD BREWERY IN WHITE BEAR LAKE**

WHEREAS, a request has been submitted by Big Wood Brewery to host weekly outdoor events in conjunction with Marketfest; and

WHEREAS, the request entails using parking lot space, but not impacting individual parking spaces, in front of Big Wood Brewery for live amplified outdoor music and liquor service; and

WHEREAS, Big Wood Brewery has plans for restrooms, electricity use and refuse; and

WHEREAS, Big Wood Brewery has requested an on-sale liquor license extension in order to service attendees of the event; and

WHEREAS, Big Wood Brewery has submitted a plan for a designated area of alcohol consumption and has been reviewed by the White Bear Lake Police Department and submitted proof of liquor liability for the area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby approves blocking off portions of the City-owned parking lot behind Big Wood Brewery in order to host their weekly event on the following Thursdays from 12 p.m. to the end of Marketfest on June 15, 22 and 29, and July 6, 13, 20 and 27.

BE IT FURTHER RESOLVED that event attendees would be permitted to consume alcohol within the controlled area in the parking lot behind Big Wood conditioned upon the approval of the renewal of their brewer taproom license for the license period of April 1, 2023 through March 31, 2024.

BE IT FURTHER RESOLVED that the weekly events may have amplified music that ends firmly at 10 p.m. or upon reports of noise complaints from nearby residents, and patterns of ongoing noise complaints will annul permission for outdoor amplified music for the remaining dates.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

RESOLUTION NO.

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 14, 2023
Subject: **Message Therapist License for Shannon Kron at DW's Therapeutic Massage**

SUMMARY

The City Council will consider a resolution approving a massage therapist license for Shannon Kron at DW's Therapeutic Massage.

BACKGROUND INFORMATION

Shannon Kron is requesting approval of a massage therapist license to perform massage therapy at DW's Therapeutic Massage, which is an existing licensed establishment.

Per City Code Section 1127, all persons performing massage therapy and related businesses require a license. The applicant is required to submit documentation which demonstrates they have received the appropriate training and insurance. A criminal history check is also conducted. The White Bear Lake Police department performed the required background check and found that the applicant meets all requirements of the City Code regarding massage therapy.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a massage therapist license for Shannon Kron at DW's Therapeutic Massage.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING ISSUANCE OF MASSAGE THERAPIST LICENSE TO SHANNON KRON AT DW'S THERAPEUTIC MASSAGE

WHEREAS, the City received a complete application from Shannon Kron for a massage therapist license at DW's Therapeutic Massage; and

WHEREAS, massage-related licenses for White Bear Lake are valid for the business cycle beginning April 1 and ending on March 31; and

WHEREAS, DW's Therapeutic Massage is a licensed massage establishment in White Bear Lake; and

WHEREAS, the White Bear Lake Police Department performed a background check and found that the applicant meets all requirements of City Code Section 1127 for a massage therapist license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby approves a massage therapist license for Shannon Kron at DW's Therapeutic Massage effective through March 31, 2023.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 14, 2023
Subject: **Massage Establishment License for Maureen Goerdts at Legacy of Light LLC**

SUMMARY

The City Council will consider adopting a resolution approving a massage establishment license to Maureen Goerdts at Legacy of Light LLC at 4399 Lake Avenue South.

BACKGROUND INFORMATION

Pursuant to City Ordinance Chapter 1127, the City regulates massage businesses and practitioner's licenses to ensure they meet minimum qualifications and basic insurance coverages. A 2019 revision to the Massage Ordinance permitted the City Manager to issue Massage Therapist licenses, however, the City Council approves all Massage Establishment licenses before they may be issued.

Maureen Goerdts submitted an application to allow massage therapy services within a rented-out room at her business Legacy of Light LLC, located at 4399 Lake Avenue South. Ms. Goerdts and a massage therapist, who concurrently submitted a massage therapist license application, have made arrangements to allow her to rent an extra room located within Legacy of Light LLC to run her massage business. Pursuant to the City Municipal Code, businesses which rent or lease space to an independent licensed massage therapist is considered a massage therapist business and must be treated as such, following all provisions of the Municipal Code and the application process to obtain an establishment license.

The Police Department completed a background investigation on Maureen Goerdts and found nothing to preclude issuance of a massage establishment license to the applicant.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution authorizing a massage establishment license be issued to Maureen Goerdts for Legacy of Light LLC located at 4399 Lake Avenue South in White Bear Lake.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING ISSUANCE OF A MASSAGE THERAPY ESTABLISHMENT LICENSE
TO LEGACY OF LIGHT LLC**

WHEREAS, Maureen Goerdts (Applicant) submitted an application for a massage establishment license for Legacy of Light LLC, located at 4399 Lake Avenue South, White Bear Lake; and

WHEREAS, the property is zoned LVMU: Lake Village Mixed Use and massage is a permitted use at this location; and

WHEREAS, the business is not primarily for massage therapy, but the Applicant is offering space within the business to a massage therapist who will offer massage services; and

WHEREAS, pursuant to the Municipal Code, businesses that rent or lease space to an independent licensed massage therapist is considered a massage therapist business; and

WHEREAS, the White Bear Lake Police Department found nothing in the background investigation to preclude the issuance of a massage establishment license to the Applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, it hereby issues a massage establishment license as follows:

Maureen Goerdts
Legacy of Light LLC
4399 Lake Avenue South
White Bear Lake, MN 55110

BE IT FURTHER RESOLVED, that the Applicant and her business will follow the provisions of Chapter 1127 Massage Therapists/Massage Therapist Business of the Municipal Code to maintain a massage establishment license.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

RESOLUTION NO.

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 14, 2023
Subject: **Massage Therapist License for Allison Crandall**

SUMMARY

The City Council will consider a resolution approving a massage therapist license for Allison Crandall operating in a leased space within Legacy of Light LLC.

BACKGROUND INFORMATION

Allison Crandall is requesting approval of a massage therapist license to perform massage therapy in a room located within Legacy of Light LLC at 4399 Lake Avenue South in White Bear Lake. The applicant and the owner have made arrangements for her to use the space for her massage therapy business. Following City Ordinance, the owner of the business is applying for a massage therapy establishment license to permit massage services to occur within her building.

Per City Code Section 1127, all persons performing massage therapy and related businesses require a license. The applicant is required to submit documentation which demonstrates they have received the appropriate training and insurance. A criminal history check is also conducted. The White Bear Lake Police department performed the required background check and found that the applicant meets all requirements of the City Code regarding massage therapy.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a massage therapist license for Allison Crandall.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING ISSUANCE OF MASSAGE THERAPIST LICENSE TO
ALLISON CRANDALL AT LEGACY OF LIGHT LLC**

WHEREAS, the City received a complete application from Allison Crandall for a massage therapist license in a leased space within Legacy of Light LLC, located at 4399 Lake Avenue South; and

WHEREAS, massage-related licenses for White Bear Lake are valid for the business cycle beginning April 1 and ending on March 31; and

WHEREAS, the massage services will only take place in a small, leased space within the business, but Legacy of Light LLC has applied for a massage therapy establishment license to comply with the Municipal Code, requiring a massage therapy establishment license when massage therapy services are being performed anywhere on the premises; and

WHEREAS, the White Bear Lake Police Department performed a background check and found that the applicant meets all requirements of City Code Section 1127 for a massage therapist license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby approves a massage therapist license for Allison Crandall at Legacy of Light LLC effective through March 31, 2023.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Shea Lawrence, Planning Technician
DATE: January 30, 2023
SUBJECT: Winchell Variances – 2338 South Shore Boulevard – Case No. 22-20-V

SUMMARY

The applicant, Josh Winchell, is requesting a 2-foot side yard setback variance and a 50 square foot variance from the total accessory structure square footage allowed in order to construct a 160 square foot shed on the property he owns at 2338 South Shore Boulevard. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommend approval of the requested variances.

GENERAL INFORMATION

Applicant/Owner: Josh Winchell

Existing Land Use / Zoning: Single Family; zoned R-3: Single Family Residential & S – Shoreland Overlay District

Surrounding Land Use / Zoning: East, West, and South: Single Family; zoned R-3 Single Family Residential & S – Shoreland Overlay District
 North: White Bear Lake

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 10,500 sq. ft.; 80 feet
 Site: 32,049 sq. ft.; 92 feet

BACKGROUND INFORMATION

The subject property is located at 2338 South Shore Boulevard just east of McKnight Road. It has lakefront property across the road and partially abuts Lily Lake along the south east side of the property. The property has roughly a 25 foot change in elevation, sloping from west to east. There is both City sewer and water that run the length of the property on the west side of the property. The applicant had previously sought to build a second garage on the west side of the home, but was told by the City that the location of the utilities prevented that from being a viable option, so constructed an addition to the existing garage instead. Attached garages are

limited to 1,000 square feet in size and that is what the applicant constructed.

According to the survey, the home is 1,110 square feet in size. There is also a 1,000 square foot garage and 64 square foot shed on the property. The applicant is proposing to demolish the existing shed and replace it with the new 160 sq. ft. shed. The code states that the combination of accessory structures cannot exceed the footprint of the home.

As stated in the narrative, Mr. Winchell would like some storage space for his water-oriented equipment and the existing 64 square foot shed does not provide quite enough room, so he is proposing to construct a 160 square foot accessory structure; 50 square feet greater than what is otherwise allowed (Accessory structures = 1,064 - 64 = 1,000 + 160 = 1,160 sq. ft.; 1,160 - 1,110 = 50 sq ft). Further, the applicant would like to provide as much space as possible between the city sewer line and the shed to avoid having to move it should the City ever need access. Mr. Winchell is proposing a six foot setback from the sewer line, which leaves a three foot setback from the property line.

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant, Josh Winchell spoke to the case. Mr. Winchell expressed concern about two of the conditions listed in the staff report. The first condition that Mr. Winchell was concerned about was the condition that would require him to sign easement paperwork to officially record the utilities on the property. Mr. Winchell explained he had title work done on his property within the last 10 years and believes that there is already an easement recorded for the property. Mr. Winchell also expressed concerns over the condition that would release the City of liability for damages to the shed resulting from a utility repair on the property. Community Development Director, Jason Lindahl, explained that staff would continue to look into information on the property to determine if there is a legitimate easement recorded on the property and whether the proposed shed would encroach on it, prior to the City Council meeting. After hearing staff's presentation and comments from the applicant, the commission voted 7-0 to recommend the City Council approve the request.

After further research into property documents following the Planning Commission meeting, City staff determined that additional easement paperwork should be recorded on this property and be signed by the applicant. Staff will draft easement paperwork for the applicant to review. It was also determined that the proposed shed or existing house should not encroach the easement. As a result, condition number 7 regarding encroachment and the release of the City's liability is no longer needed and has been removed. Staff communicated this information to Mr. Winchell who is agreeable with this outcome.

ANALYSIS

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 for the variances. The standards for reviewing a variance application and staff's findings for each are provided below.

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

Finding: The purpose of the 'general building and performance requirements' section of the code is to "establish general development performance standards...intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety, and general welfare of the residents of the community." The intent is to not only provide adequate space between structures on adjoining properties, but to also prevent accessory structures from becoming larger than principal structures, which would move the property away from its residential character.

Staff finds that the proposed variances are in harmony with this purpose and intent. The shed will be architecturally similar to the home, so it will be compatible with the aesthetic of the neighborhood. It will also provide the necessary space to store equipment currently outside in the yard, an enhancement to the neighborhood that prevents the look of blight or deterioration. Further, the principal structures on the abutting properties to the west are at a minimum 60 feet from the property line, with the closest accessory structure proposed to be roughly 30 feet away, so there is ample green space between structures. Mr. Winchell is aware of the extra building code requirements for structures that encroach into the five foot setback. Additionally, the lot is located in the shoreland district. The proposed new shed will maintain the impervious surface cover well under the 30% maximum limit. City staff have requested additional information about impervious surface relating to existing retaining walls in the rear yard; however, it is not expected to significantly impact impervious coverage for this property. Staff are requiring those measurements as a condition for approval for issuing of the zoning permit.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variances are not inconsistent with the 2040 Comprehensive Plan. The property is guided for "low density residential", which has a density range of 3 to 9 units per acre. The property is currently a little under that range at 1.35 units per acre. The proposed shed will not impact the density and the property will continue to be residential in character.

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

Finding: The zoning code allows a property of this size to have a combined accessory structure square footage of 1,250 square feet or the first floor area of the home, whichever is more restrictive. The home is two stories, rather than a built out single story home, so the size variance would allow the homeowner the same amount of accessory structure space as would be allowed by right to someone who owned a single-story home of the same size.

Additionally, sewer and water utilities run the entire length of the property on the western side. The applicant has selected a site with a setback of 6 feet from the nearest sewer line which is an improvement from the existing shed's setback. Therefore, staff finds that the proposal would put the subject property to use in a reasonable manner.

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 including the slope of the property. The change in grade limits the available locations to construct a shed on the lot. There are also utility lines running on the west side of the property. The Engineering Department recommends a ten foot setback from a City utility, so removing the existing shed that is directly on top of the water and sewer line and providing a six foot setback to the proposed structure is an improvement. The engineering department is requiring the designation of an easement on the property as a condition of approval to officially recognize the utilities on the property. The applicant will be required to sign off on the easement.

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. The applicant has done a good job at placing the shed in a relatively inconspicuous place that has minimal impact on the neighbors. As a property that abuts the lake, it is not uncommon to have water-oriented and recreational equipment that is used during the summer months, which then needs to be stored away the rest of the year. Many residents along the lake have similar sized water-oriented accessory structures, so staff finds the proposed shed is consistent with the character of the community.

RECOMMENDATION

Both the Planning Commission and staff recommend approval of the requested variances, 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 zoning permit shall be obtained for the shed.

4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Exterior building color, design, and material of the shed shall be compatible with the principal structure.
6. Applicant will provide signature for designation of utility easement running through the west side of the property prior to issuance of a zoning permit for the shed.

ATTACHMENTS

Resolution

Zoning/Location Map

Applicant's Narrative & Site Plan

RESOLUTION NO.

**RESOLUTION GRANTING TWO SETBACK VARIANCES
FOR 2338 SOUTH SHORE BLVD WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Joshua Winchell has requested a variance from the side yard setback, per code section 1302.030, Subd.4.e, and a variance from the total accessory structure square footage allowed, per code section 1302.030, Subd.4.2.b, in order to construct a 160 square foot shed at the property located at:

LOCATION: 2338 South Shore Blvd (PID # 243022320024)

LEGAL DESCRIPTION: SECTION 24 TOWN 30 RANGE 22 W 120 FT OF PART N OF
BLVD AND E OF ...IN GOVT LOT 1 SEC 24 TN 30 RN 22

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; 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 variances 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 alone 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:

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.

RESOLUTION NO.

3. A zoning permit shall be obtained for the shed.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Exterior building color, design, and material of the shed shall be compatible with the principal structure.
6. Applicant will provide signature for designation of utility easement running through the west side of the property prior to issuance of a zoning permit for the shed.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

Applicant's Signature

Date

Jan 4, 2022

To the City of White Bear Lake,

I am seeking a variance approval for a new secondary accessory structure (shed) that addresses the following two items:

- 1) The proposed shed size exceeds the size limitations by 113 sq ft.
- 2) The proposed shed will have a reduced setback of 3 ft to accommodate utility easement.

The proposed shed is intended to meet the intent of the code. The placement of the shed is to accommodate the utility easement, while having less impedance on surrounding/neighborhood structures and neighbors views of the lake.

The proposed structure is to upgrade an old 8x8 shed that is beginning to fall apart and help to beautify the property by building a new structure that is larger but will allow the homeowner to reduce outside storage of lake-oriented items that are currently stored outside on the side of the house. The existing home has garage space but is very limited because both garages are flat with no rafter space for additional storage. The new structure will be constructed of material to match the existing home.

Due to the unique layout of the lot and existing structure, the proposed placement of the shed is to reduce/avoid impedance on neighbors existing views. In addition, the property has 120' of lake front shoreline that currently has 13 properties with lake access easement. The lot on the north side of South Shore Blvd does not allow enough room for an accessory structure.

The proposed structure is to help conform to the essential character of the neighborhood, by improving design elements and reducing outside storage.

Proposed shed design (note: colors are not accurate):

Front:



Side:



Rear:



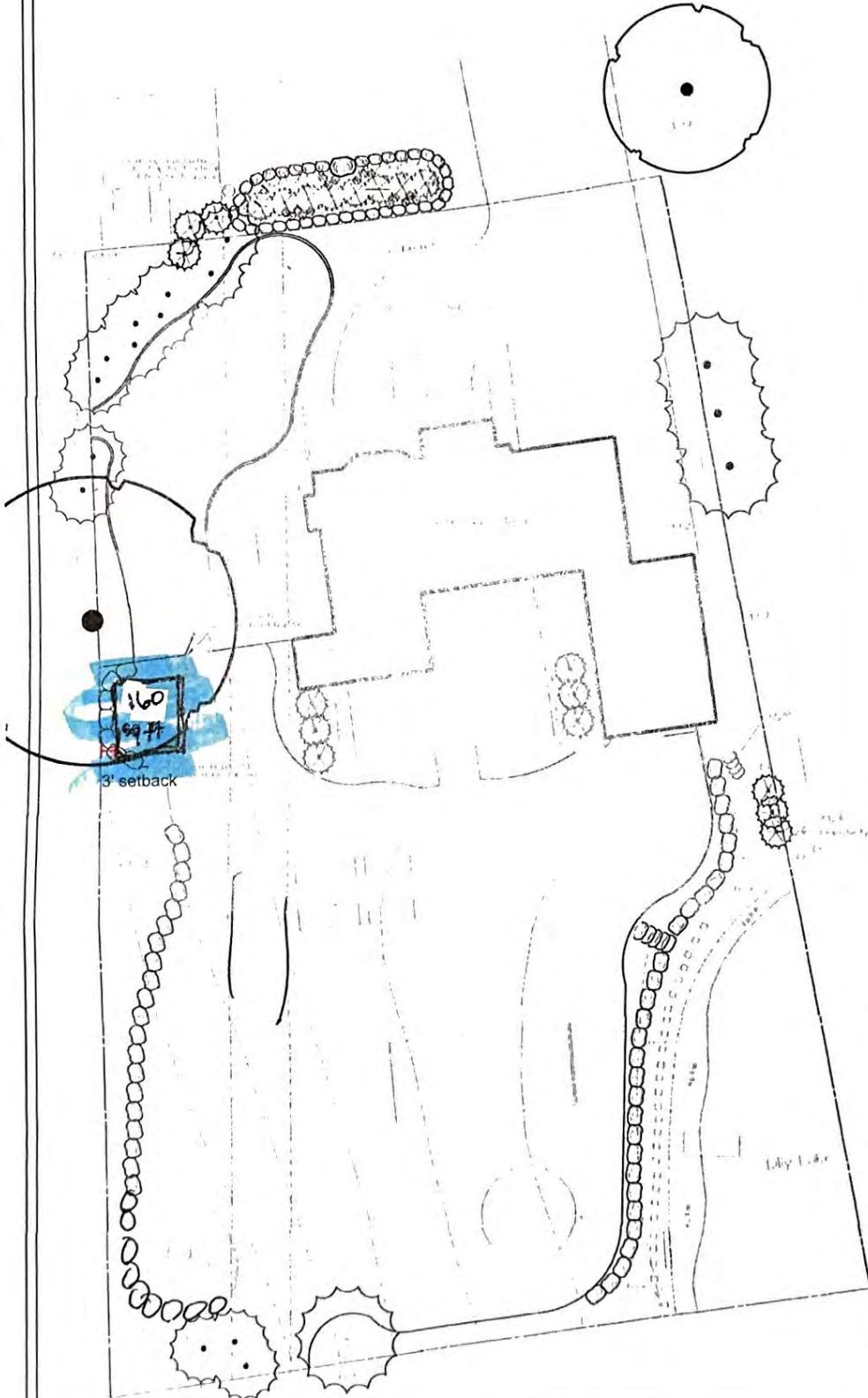
Thank you for consideration of this variance request.

Regards,

Joshua Winchell
2338 So Shore Blvd

Case No. 22-20-V

mes



Area	Acres
160	0.01
69-71	0.01
Total	0.02

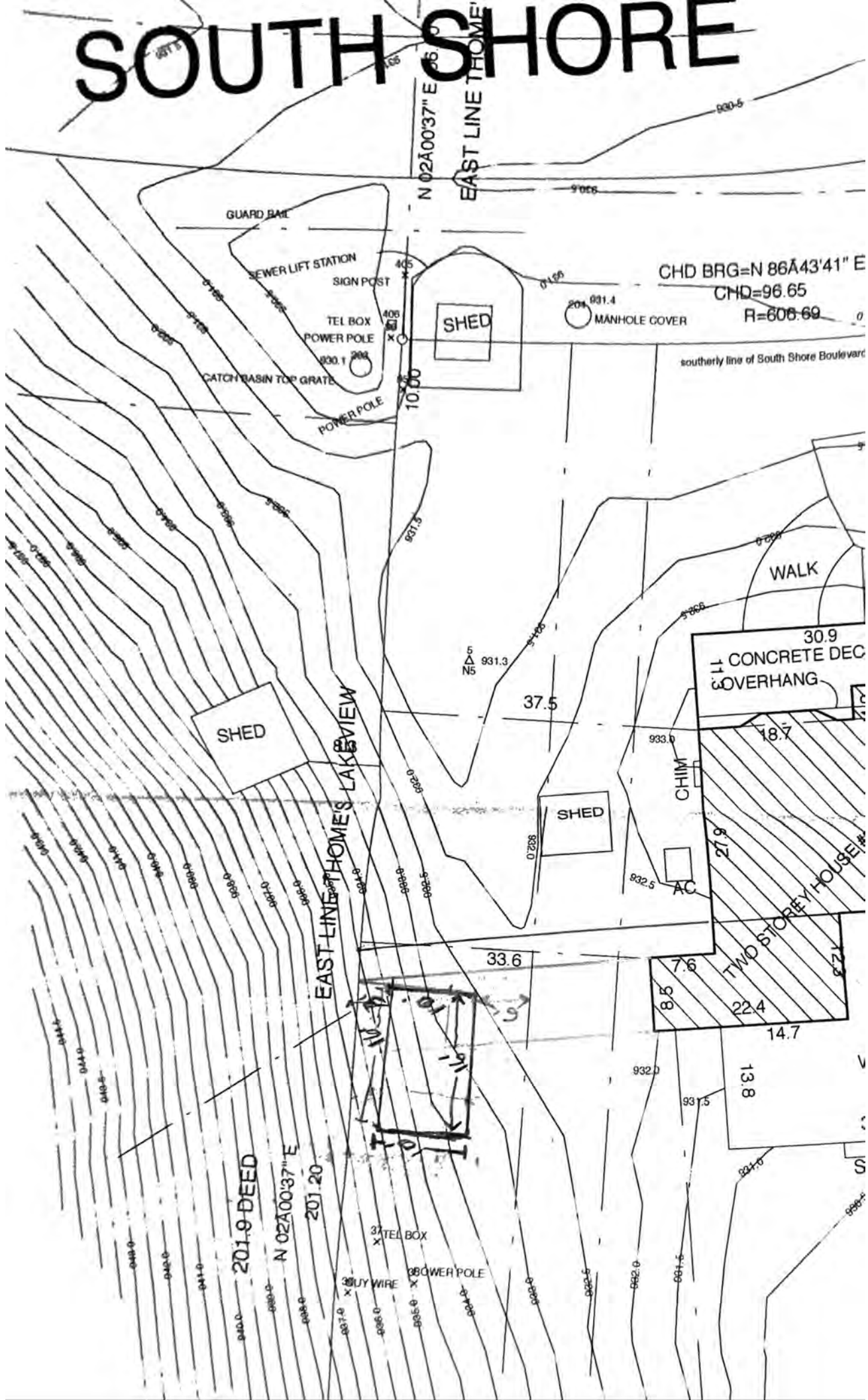
Prepared by:
 2430 10th Street, NW
 10000, Denver, CO 80202



Scale: 1" = 100'

DATE	2022
BY	[Signature]
CHECKED BY	[Signature]
SCALE	1" = 100'

SOUTH SHORE





City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Shea Lawrence, Planning Technician
DATE: February 14, 2023
SUBJECT: Higher Ground Daycare Conditional Use Permit, 3220 Bellaire Avenue
 Case No. 23-2-CUP

SUMMARY

The applicant, Mark Goodman of Guidepost A, LLC requests a conditional use permit to remodel the existing medical facility located at 3220 Bellaire Avenue into a Montessori childcare facility. Based on the findings made in this report, Both the Planning Commission and staff find that the standards for conditional use permits laid out in City Code Section 1302.140 have been satisfied and recommend approval of the request.

GENERAL INFORMATION

Applicant/Owner: Mark Goodman (Guidepost A, LLC)

Existing Land Use / Zoning: Medical Office; zoned R-6: Medium Density Residential; partially located in Shoreland Overlay District

Surrounding Land Use / Zoning: North: Single Family Home; zoned R-3: Single Family Residential & Shoreland Overlay District
 East & South: Townhomes; zoned R-6: Medium Density Residential
 West: Golf Course; zoned P: Public

Comprehensive Plan: Medium Density Residential

Lot Size & Width: Code: n/a
 Site: 78843.6 sq. ft. & 250 feet

BACKGROUND INFORMATION

The subject property is located at 3220 Bellaire Avenue between Orchard Lane and County Road D, just to the east of Manitou Ridge Golf Course. About half of the site is located within the shoreland district associated with Heiner's Pond. Along the northern property line is a 20 foot drainage and utility easement.

The original medical clinic was constructed in 1973. There are no changes proposed to the footprint of the building. Exterior modifications proposed for the site include three separate fenced play areas resulting in the removal of the parking spaces on the north side of the building.

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced comments from three community members residing in the neighborhood. One neighbor, Joanne Englund, stated she was in favor of the proposal. Another neighbor Rebekah Goodspeed asked some questions about the project and another neighbor, Brianna Tahdooahnippa, expressed some concerns with the project such as noise. The applicant, Mark Goodman also spoke and provided some background information on Guidepost A LLC. He asked that the condition in the staff report requiring a landscaping letter of credit be modified to include another financial application because Guidepost typically issues bonds, not letters of credit. This is reflected in the updated resolution.

In addition to the in-person comments from the public hearing, the city also received one written and two phone comments regarding this application. Brian Shipe who lives in a neighboring townhome emailed staff in support saying a child care facility seems like a reasonable use for the building compared to other possibilities. Tom Black who lives at 2546 Sumac Circle, called staff to ask about the daycare participants and explain he believes a Montessori should be considered a school rather than a daycare. Another neighbor who did not identify themselves called to ask about the hours of operation for the daycare and was overall supportive of the daycare after learning about its operating hours.

After hearing staff's presentation and comments from the applicant and neighbors, the commission voted 7-0 to recommend the City Council approve this request.

ANALYSIS

City review authority for conditional use permits 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.

According to City Code Section 1301.050, the City shall consider possible adverse effects of a proposed conditional use, in this case a daycare facility. 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 medium density residential.

Allowable densities this category range from 8 to 14 units per acre. Typical housing stock includes multi-unit townhomes, four-plexes, smaller-scale apartment and senior living facilities without significant medical support services. To minimize the potential impacts of these medium density uses to single family neighborhoods, these uses are generally located along arterial and collector streets. While the proposed use is not residential, child care facilities are permitted in all zoning districts with a conditional use permit.

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

Finding: The proposed use is compatible with present and future land uses of the area. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Medium Density Residential. The properties to the east and south are guided as Medium Density Residential, with the properties to the north as Low Density Residential. The property to the east is guided as Park, Recreation & Open Space. With the current land uses and future land uses of the area guided as residential the proposed use of this property as a Montessori childcare facility fits with the area.

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

Finding: The zoning code permits daycare facilities as a conditional use in all zoning districts subject to the criteria in section 1302.140. The subject site was analyzed according to the following standards laid out in the general provisions section.

Lot Requirement and Setbacks. The subject property must adhere to the lot requirement and setback as listed in the code for the R-5 zoning district. The property requires a 30 front yard setback, a 15 foot side yard setback and a 30 foot rear yard setback for the construction of buildings. The proposal for the site does not include any addition to the existing building which does not encroach on these setbacks. The lot area and lot width requirements in the R-5 zoning district provides minimum square footage standards for residential buildings which does not apply to this facility. However, the building does exceed the greatest minimum requirement for a residential building.

Municipal Sanitary Sewer and Water. The subject property is served by city sewer and water as required by the code. A condition of approval shall require the applicant to receive a Sewer Availability Change (SAC) and Water Availability Charge (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.

Screening. Daycares must be screened when abutting commercial and industrial properties, which is not applicable to this site, as the property abuts only residential and public zoned properties. The outdoor play spaces are required to be enclosed for the safety of the children. Each play area will be enclosed with either a 4 ft. or 6 ft. black steel fence in compliance with

the fencing standards laid out in 1302.030 Subd. 6 of the zoning code. Applicants will need to go through a separate administrative process to receive a fence permit.

Parking. There will be adequate off-street parking in the parking lot which will have 53 parking spaces including 3 ADA parking stalls. While there are not specific parking requirements listed in the code for daycare facilities, historically city staff have applied the parking standards for elementary schools plus 1 parking stall per staff member. Elementary schools require 1 parking space per classroom plus 1 additional space for each 50 student capacity. Because there is a proposed 126 child capacity with 22 staff members, 31 parking spaces are required using this standard. Other communities throughout the metro area use a standard of 1 parking spot per 6 children for childcare facilities. Applying this standard would require 21 parking spots. Using either analysis, the 53 parking spots proposed provides more than the required amount of parking for the facility.

According to city code, because the property is abutting residential properties, the parking will need to be screened off to the residential properties. Staff will be including a condition of approval that proper screening will need to be installed between the parking lot and the residential properties to the north.

Loading. One off street loading space is required for the proposed site in compliance with section 1302.060 of the code. The site plan displays an access point on the north side of the property which will be used to access the trash. This space should be designated as the loading area. The area will be required to be screened and landscaped from the abutting residential properties according to the code. Staff will include this as a condition of approval.

Signage. The design plan displays two separate wall signs. The applicants are only permitted one wall sign up to forty square feet according to section 1202.040 Subd. 1 of the city code and must limit their wall signs accordingly. The applicants are also permitted 1 monument sign on the property with a maximum size of 35 square feet per side because the property is over 1 acre in size. The applicant will be required to submit a commercial signage application and receive proper permitting through a separate administrative process before installation of signs.

Day Care or Group Care Facility. The site plans demonstrate that there will be exterior modifications to the building, including repainting and repairing the exterior and trim on the building which will not cause impairment to surrounding property values. Additionally, the site plan indicates that the front, side and rear yard setbacks will not be encroached on.

Primary Space. There are four standards that address the usable area for daycare in code section 1302.040 Subd. 3. The facility will include 5,638 square feet of classroom space which provides about 44 sq. ft. of space per child, more than the 35 sq. ft. required by code. The applicant will also be required to limit the amount of primary space occupied with stationary equipment to under 25 percent of the space and keep stairways and corridors free from obstructions. Additionally, state licensing will be included as a condition of approval.

Bathroom Facilities. The facility will also have sufficient bathroom facilities for the children and staff. The facility will have 13 toilets and 21 sinks accessible to children, staff and visitors, more than what is required by city code. Code requires 1 toilet and 1 sink per every 15 participants, which would require this facility to have a minimum of 9 toilets and sinks. Each classroom will be equipped with a bathroom with appropriately sized toilets and sinks so that they are easily reachable for the intended age group.

Day Care Facility Sick Room. The site plan illustrates that each child and toddler room will be equipped with a cot on the exterior of the room. This should be utilized to provide space for sick children who can't participate in group activities but can still be supervised. The area should be properly screened from the main activity area.

Day Care Facility Sleeping Area. The classroom sizes exceed the minimum amount required for a daycare which will allow for enough space for the daycare to provide space for rest throughout the program day. The applicants will be required to provide a cot or crib to each child during the day for rest.

Day Care Facility Outdoor Play Area. The child care facility will also feature 3 separate outdoor play areas totaling 12,216 square feet of outdoor play space. This will provide about 96 sq ft of play area per child. This exceeds the required 75 square feet per child required by code. Each play area will be equipped with play equipment designed for the children's intended age group. All play areas will also be enclosed by either a 4 or 6 foot black iron fence. All of the outdoor play space is located outside of the front yard setbacks, as required by code.

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

Finding: The conversion of the building into a childcare facility will not depreciate the area in which it is proposed. The exterior of the building will receive new paint and repairs to the trim as well as mill and overlay to the existing parking lot.

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

Finding: The property is served by city water and sewer and the utilities have the capacity to serve the proposed use. As mentioned above, a condition of approval shall require the applicant to receive a Sewer Availability Change (SAC) and Water Availability Charge (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.

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

Finding: The applicant anticipates the traffic generation will be low for the childcare facility. According to the applicant, traffic generation will be spread throughout the day between 7:00

am and 6:00pm due to varying arrival and departure times for staff and children. The site circulation for drop off and pick up will be communicated with staff and families to minimize cars queuing. Car queuing will not be permitted in the public street. All car queuing must occur on the applicant's own property.

RECOMMENDATION

The standards outlined in the zoning ordinances have been met, therefore, staff recommends approval of the applicant's 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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State, Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. Applicant will obtain proper licensing for operating a child care facility and remain in good standing with the MN Department of Health.
6. Applicant will submit a landscaping plan demonstrating compliance with required screening to abutting residential properties
7. The applicant will submit a landscaping letter of credit (LOC) or other financial form acceptable to the City equal to 125% of the cost of all landscaping.
8. The applicant will submit application for fencing on the property and obtain proper permits prior to construction of fences.
9. Designated loading area on the north side of the property must be screened off to abutting residential property per city code section 1302.060 Subd. 5.
10. The applicant will ensure the parking lot will be screened off to abutting residential properties per city code section 1302.030 Subd 7.
11. All signage will be in compliance with city code and applicant will submit for signage permits as needed.
12. The applicant shall receive a Sewer Availability Change (SAC) and Water Availability Charge (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.

ATTACHMENTS

Resolution

Zoning/Location Map

Fire Review Memo, dated 12/23/22

Community Comment

Applicant's Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT
FOR 3220 BELLAIRE AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Guidepost A LLC (Case No. 23-2-CUP) has requested a conditional use permit, per code section 1302.140, in order to convert an existing office building into a daycare facility at the property located at:

LOCATION: The North 250 feet of the West 348.48 feet of the West 30 acres of the South Half of the Southeast Quarter, Section 36, Township 30, Range 22, except the West 33 feet thereof, according to the United States Government Survey thereof and situate in Ramsey County, Minnesota. (PID # 363022430073)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use 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.

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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the

RESOLUTION NO.

- compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins. Prior to the issuance of a building permit, the applicant shall:
 5. Applicant will obtain proper licensing for operating a child care facility and remain in good standing with the MN Department of Health.
 6. Applicant will submit a landscaping plan demonstrating compliance with required screening to abutting residential properties
 7. The applicant will submit a landscaping letter of credit (LOC) or other financial form acceptable to the City equal to 125% of the cost of all landscaping.
 8. The applicant will submit application for fencing on the property and obtain proper permits prior to construction of fences.
 9. Designated loading area on the north side of the property must be screened off to abutting residential property per city code section 1302.060 Subd. 5.
 10. The applicant will ensure the parking lot will be screened off to abutting residential properties per city code section 1302.030 Subd 7.
 11. All signage will be in compliance with city code and applicant will submit for signage permits as needed.
 12. The applicant shall receive a Sewer Availability Change (SAC) and Water Availability Charge (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

Applicant's Signature

Date

Higher Ground Education



Project Narrative
for
Guidepost Montessori White Bear Lake

3220 Bellaire Ave.

White Bear Lake, MN 55110





APN: # :223316104014

Guidepost A, LLC (the “Applicant”), an affiliate of “Higher Ground Education Inc” and/or “Guidepost Montessori”, is respectfully applying for a Use Permit approval for the property located at 3220 Bellaire, also known and identified by legal description listed in “Section V” below (the “Property”).

I. BACKGROUND

Higher Ground Education includes several “brands” through which they advance their mission to "support the Montessori movement's efforts to professionalize itself, improve its programs, and expand its reach while retaining authenticity and pedagogical integrity." One of the brands, Guidepost Montessori, was founded by a small team of impassioned educators and skilled business leaders to create and scale high-fidelity Montessori networks throughout the world. Guidepost Montessori currently operates over 100 day-care centers and or elementary schools across the United States, Canada, Europe, and Asia, including at-home and virtual learning programs serving thousands of families worldwide. Guidepost Montessori follows five core values dedicated to fostering independence, creativity and intelligence, confidence, and responsibility within the children. Guidepost Montessori also fosters a strong relationship between the care givers and the parents, recognizing the role that a meaningful partnership with a child's parent has on the child's growth and success. Using a holistic approach to enable social, emotional, and physical development alongside academic success, Guidepost Montessori is viewed as one of the most effective and authentic child-centered care centers for children. Guidepost Montessori employs a method of education and care that recognizes that the circumstances of children are as varied as children themselves. The specific needs, the precise resources available, and the particular constraints faced by each child and each family are different. As times change, there is a need to keep step and to ensure that the application is timely. But the fundamental need is timeless: to help the child achieve their own development. So, too, is the fundamental method: to provide the child with material, environment, and guidance that is lovingly optimized to support her in that work. Guidepost Montessori is looks forward to delivering much-needed and highly-desired elementary education to the community of White Bear Lake.

The Applicant will apply for licensing through required state agencies. In addition to state agency oversight, the Applicant is accredited by Cognia/AdvancEd (<https://www.cognia.org>). The Cognia accreditation is a well-respected designation of school quality. Founded in 1895, Cognia has evaluated and provides oversight of thousands of Schools for accreditation. Cognia is also a leader in developing methodology for data-informed school quality assessments. The Applicant’s school system and School were formally approved for accreditation through a vote of the Cognia Global Commission on March 30, 2021 after a rigorous inspection/evaluation process to ensure our Schools meet their high standards. Cognia continues to oversee Applicant’s School on an ongoing basis—making sure that they maintain those standards over time. The Applicant’s accreditation achievement reflects a recognition by highly experienced and expert neutral third-party educators of the high-quality education provided by the Applicant.

II. PROPERTY LOCATION, ZONING, AND PERMITTED USE

The Property is at 3220 Bellaire Ave. The Applicant proposes to repurpose an existing office building into a Guidepost Montessori Day Care facility for a total of 126 children, consisting of 6 classrooms: 1 Nido (6 weeks to 18 months) for 8 children; 2 toddlers (18 months to 3 years) for 28 children; and 3 children’s house (3 years to 6 years) for 90 children. Per the White Bear Lake Zoning Code, Day Care facilities require approval of a Use Permit in the R6 Medium Density Residential Zone.



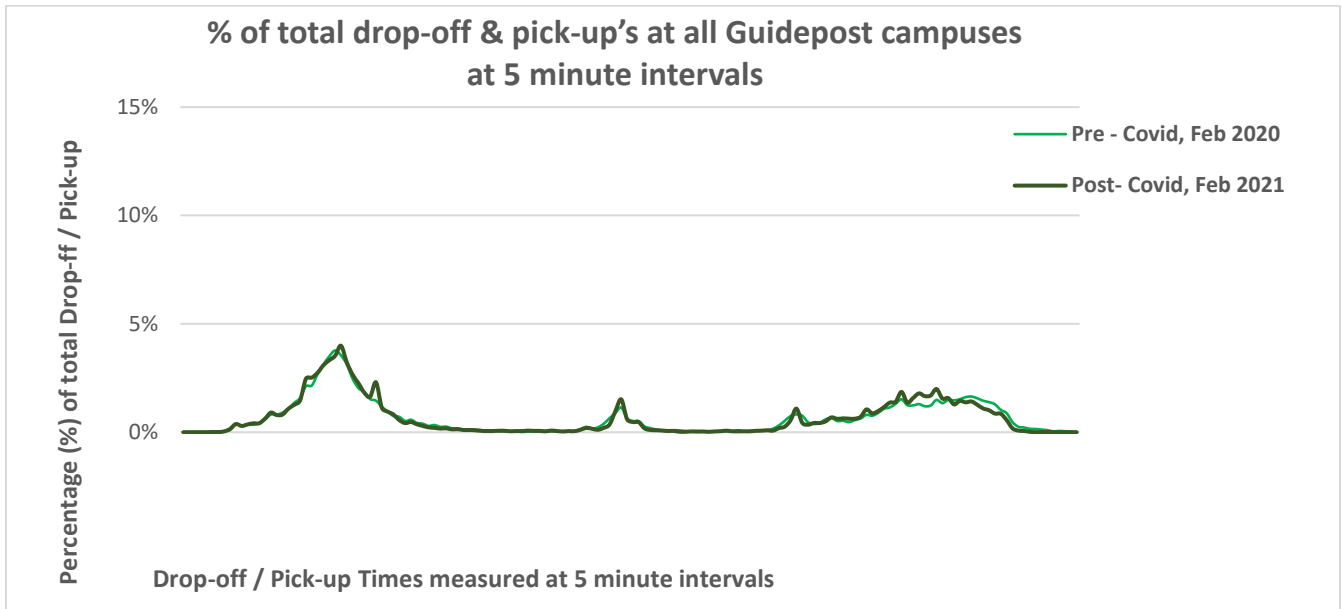
Guidepost Montessori does not build or acquire buildings for day care or educational use on a speculative basis. The subject property is being acquired because there is an existing demand for day care in the immediate area. The modifications to the property and building and the proposed day care use are consistent with the overall goals of the City’s Comprehensive Plan, are compatible with, and actually serve surrounding land uses, will comply with City standards, will not depreciate surrounding property values and can be accommodated by City services. Traffic generation is low and is spread throughout the day (see Proposed Operations below).

III. PROPOSED OPERATIONS

The proposed hours of operation are from 7:00am to 6:00pm - Monday through Friday. The staff typically arrives from 7:00am – 7:30am to prepare for children drop-off and arrivals. Although the facility closes at 6:00pm, the facility will occasionally remain open for evening activities such as routine after-school administrative duties, parent meetings, teacher/professional development, and community activities. The following is a sample school schedule with key arrival and departure time ranges identified. Early arrivals (pre-care) and late pickups (extended care) are part our of standard tuition package, and our families are not penalized for utilizing the following wide range of drop off and pick up windows.

Sample School Schedule	
7:00-7:30	Staff Arrival
7:30-10:00	Drop Off Arrival Window • 7:30am – 9am is pre-care
9:00-11:00	Morning Work Period Starts
11:00-12:00	Lunch and Outside Play
12:00-12:30	Half-Day Dismissals
12:30-2:30	Nap Time
2:30-4:30	Snack and Outside Play
2:30-6:00	Pick-Up Departure Window • 3pm – 6pm is extended-care

Arrival and departure times are spread over an approximate (2.5) hour period in the morning and (3.5) hour period in the afternoon. There are also some half-day dismissals that further spreads out the afternoon pickups. At other campuses, the Applicant generally experiences a steady flow of arrivals and departures throughout the drop off and pick up time zones that does not cause parking lot congestion or the need for traffic mitigation. A typical drop off and pick up cycle takes approximately (5-10) minutes per family. The parking layout will provide parking spaces adjacent to the main entry. These parking spaces will be used as pick-up and drop-off parking spaces, which allows for parent or guardian to park, walk their children into the facility, where each child is checked into an electronic (SmartCare) system. The parent or guardian then returns to their car. The process happens in reverse for pick up. Below is an illustration from over (90+) campuses of the steady flow of drop off and pick up period time-frames.



IV. SITE DEVELOPMENT

PARKING/PARKING LOT

The parking lot will accommodate the drop off and pick up process mentioned herein. Parking configuration and drive aisles will allow for the safe loading and unloading of children, also while allowing for required staff and ADA parking spaces. Per the White Bear Lake Zoning Code, the required number of Vehicular Parking Spaces is 1.5 parking spaces per classroom for Elementary School, but no standard for Day Care has been set.

The proposed parking lot will include 53 regular spaces plus 3 ADA spaces for a total of 56 parking spaces. Based on the number of staff anticipated (22) and the number of students (126) this would be more than adequate. The site circulation will be effectively managed through proactive communication with the staff and families prior to enrollment. The proposed parking lot configuration, controlled conditions, site circulation, and quantity of parking spaces will minimize the necessity for queuing out onto the public street and should not impact the surrounding transportation network. The drop-off and pick-up process, parking configuration, and drive aisles will allow for the safe loading and unloading of children and adequate parking for staff.

BUILDING INTERIOR AND EXTERIOR

All building elevation modifications will be compatible with surrounding architecture and will comply any conditions imposed by the City of White Bear Lake.

LANDSCAPE

Landscaping will be provided to meet city standards.

PLAYGROUND

The Guidepost Montessori will provide playground areas for the different age ranges of the facility (6 weeks to 6 years old). The outdoor play areas will be sized appropriately per the student count of the facility. The proposed playground equipment will fully comply with code requirements for outdoor activity space. All equipment will have legal fall zone material surrounding the equipment such as engineered wood fibers. Ornamental aluminum “picket-style” fencing will be provided surrounding and separating the play areas as necessary. The gates in the playground fencing will include emergency panic bars and latches as necessary to meet egress requirements.

Typical Examples of Playground Equipment

(Actual site design may differ)



SIGNAGE

New exterior signage will meet all City of White Bear Lake requirements and will be consistent with other Guidepost locations and branding. The proposed signage location and design details shall be subject to the review and approval of the City of White Bear Lake staff.

LIGHTING

Lighting will be consistent with the style and type that currently exists on adjacent properties and will comply with all city codes and aesthetic requirements.



SECURITY

Guidepost Montessori is dedicated to the safety and security the children, parents, and staff. The facility will be locked at all times. Security keypads are installed at all points of entry along with commercial grade Ring spotlight cameras. Exterior playgrounds are enclosed with fencing to meet local, county, and/or state licensing requirements.

LOADING AND TRASH

Loading and Trash will be accommodated internal to the site.

V. LEGAL DESCRIPTION

Real property in the City of Saint Paul, County of Ramsey, State of Minnesota, described as follows: The North 250 feet of the West 348.48 feet of the West 30 acres of the South Half of the Southeast Quarter, Section 36, Township 30, Range 22, except the West 33 feet thereof, according to the United States Government Survey thereof and situate in Ramsey County, Minnesota.

Abstract Property

BEING THE SAME PROPERTY AS SHOWN ON TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMMITMENT NO. NCS-1141583-SA1 HAVING AN EFFECTIVE DATE OF JULY 15, 2022

TITLE COMMITMENT INFORMATION
 The Title Description and Schedule 'B' items are the same as shown on the title commitment provided by First American Title Insurance Company, Commitment No. NCS-1141583-SA1, dated 07/15/22

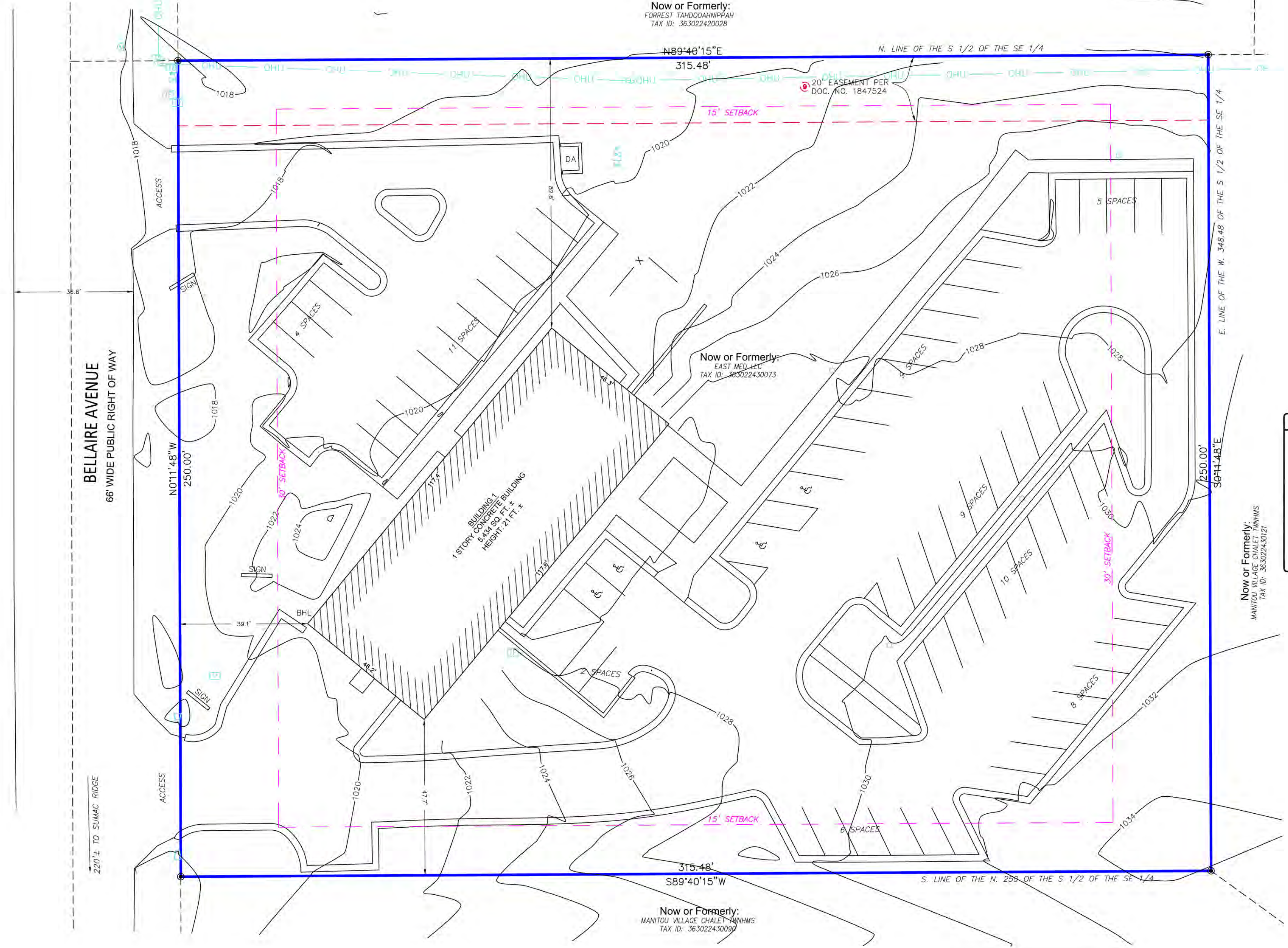
SURVEYOR'S NOTES

- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, EASEMENTS, SERVITUDES, FOUNDATIONS AND POSSIBLE ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- SUBJECT TRACT HAS DIRECT PHYSICAL DRIVEWAY ACCESS TO BELLAIRE AVE, A DULY DEDICATED PUBLIC RIGHT-OF-WAY.
- THE POINT OF HEIGHT MEASUREMENT IS IDENTIFIED ON THE SURVEY AND WAS TAKEN FROM THE NEAREST ADJACENT GRADE AT SAID POINT. THIS POINT REPRESENTS THE HEIGHT OF THE STRUCTURE AS OBSERVED FROM GROUND LEVEL.
- NO UNDERGROUND UTILITIES HAVE BEEN LOCATED AND/OR SHOWN ON THIS SURVEY. ONLY VISIBLE AND APPARENT ABOVE GROUND UTILITY APPURTENANCES ARE SHOWN.
- THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, OR BUILDING CONSTRUCTION ON THE SURVEYED PROPERTY.
- THERE ARE NO OBSERVABLE EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAYS OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.
- THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES ON THE SURVEYED PROPERTY.
- THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING THE LOCATION OR EXISTENCE OF WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDIENCE, SUBSURFACE AND ENVIRONMENTAL CONDITIONS OR GEOLOGICAL ISSUES. NO STATEMENT IS MADE CONCERNING THE SUITABILITY OF THE SUBJECT TRACT FOR ANY INTENDED USE, PURPOSE OR DEVELOPMENT.
- UNLESS SHOWN OTHERWISE, THE SURVEYED BOUNDARY SHOWN HEREON ARE CONTIGUOUS WITH ADJOINING PROPERTIES AND/OR RIGHTS OF WAY WITHOUT ANY GAPS, GORES OR OVERLAPS.
- UNLESS SHOWN OTHERWISE, NO VISIBLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE WERE OBSERVED AT THE TIME THE FIELDWORK WAS PERFORMED.
- ALL RECIPROCAL EASEMENT AGREEMENTS THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAS BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON.
- THE LIMITS OF ANY OFFSITE APPURTENANT EASEMENT THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON.
- SURVEYOR CONTACT INFORMATION, KALEB KADELBACH P.L.S., kaleb.kadelbach@nwsrn.com

ZONING INFORMATION

ITEM	REQUIRED	CONTACT: PARTNER ENGINEERING AND SCIENCE, INC.
ZONING DESIGNATION	R-6	REPORT DATE: 10/21/2022
MINIMUM LOT AREA (SQ. FT.)	NONE	REPORT #: 22-385426.2
MINIMUM FRONTAGE	NONE	
MINIMUM LOT WIDTH	NONE	
MAX IMPERVIOUS COVERAGE	NONE	PARKING REQUIREMENTS:
MAX BUILDING HEIGHT	35'	
MINIMUM SETBACKS		
FRONT	30'	
SIDE	15'	
REAR	30'	

NOTES:



TITLE DESCRIPTION

Real property in the City of Saint Paul, County of Ramsey, State of Minnesota, described as follows:
 The North 250 feet of the West 348.48 feet of the West 30 acres of the South Half of the Southeast Quarter, Section 36, Township 30, Range 22, except the West 33 feet thereof, according to the United States Government Survey thereof and situate in Ramsey County, Minnesota.
 Abstract Property
 BEING THE SAME PROPERTY AS SHOWN ON TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMMITMENT NO. NCS-1141583-SA1 HAVING AN EFFECTIVE DATE OF JULY 15, 2022

SURVEYOR'S CERTIFICATE

TO: TBD; FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 10/09/2022.

DATE OF PLAT OR MAP: 10/19/2022

KALEB J. KADELBACH
 LICENSE NO. 57070
 STATE OF MINNESOTA

PARKING

REGULAR:	64
HANDICAP:	4
TOTAL PARKING:	68

BUILDING AREA

BUILDING 1:	5,434± SQ. FT.
-------------	----------------

BUILDING HEIGHT

BUILDING 1:	21± FT.
-------------	---------

LAND AREA

TOTAL AREA:	78,870± SQ. FT. (1.81 ACRES)
-------------	------------------------------

BASIS OF BEARING
 Bearings and distances are based on Ramsey County coordinate system NAD83 (2011) Adjustment.

UTILITY NOTE

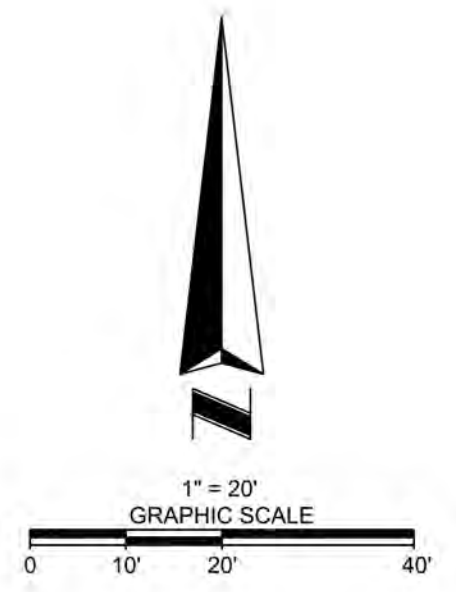
THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE 'X', AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 27123C0065G, WHICH BEARS AN EFFECTIVE DATE OF 08/04/2010, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE 'X' DENOTES AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

LEGEND

• BOLLARD	⊙ STORM MANHOLE	⊞ DEED	⊞ UTILITY BOX
⊞ CONCRETE SURFACE	⊞ TELEPHONE MANHOLE	⊞ DRAINAGE INLET	⊞ UTILITY LID
⊞ ELECTRIC MANHOLE	⊞ UTILITY POLE	⊞ WATER METER	⊞ WATER METER
⊞ FIRE HYDRANT	⊞ WATER MANHOLE	⊞ WATER VALVE	⊞ WATER VALVE
⊞ GAS VALVE	⊞ AIR CONDITIONER	⊞ WOOD PANEL FENCE	⊞ WOOD PANEL FENCE
⊞ GROUND LIGHT	⊞ CHORD BEARING	⊞ ADJOINER LINES	⊞ ADJOINER LINES
⊞ GUY ANCHOR	⊞ CHORD LENGTH	⊞ BOUNDARY	⊞ BOUNDARY
⊞ HANDICAP PARKING SPACE	⊞ CLEAN OUT	⊞ BUILDING	⊞ BUILDING
⊞ LIGHT POLE	⊞ ELECTRIC BOX	⊞ CENTER LINE	⊞ CENTER LINE
⊞ MANHOLE	⊞ ELECTRIC METER	⊞ CHAINLINK FENCE	⊞ CHAINLINK FENCE
⊞ NO PARKING AREA	⊞ GAS METER	⊞ METAL FENCE	⊞ METAL FENCE
⊞ SANITARY MANHOLE	⊞ GENERATOR	⊞ OVERHEAD UTILITY LINE	⊞ OVERHEAD UTILITY LINE
⊞ SET/FOUND MONUMENT AS NOTED	⊞ IRRIGATION CONTROL BOX	⊞ PLASTIC FENCE	⊞ PLASTIC FENCE
⊞ SIGN	⊞ MEASURED	⊞ SECTION LINES	⊞ SECTION LINES
		⊞ WOOD PANEL FENCE	⊞ WOOD PANEL FENCE
		⊞ ZONING SETBACK	⊞ ZONING SETBACK



2021 ALTA/NSPS LAND TITLE SURVEY

3220 BELLAIRE AVE. WHITE BEAR LAKE, 55110
 SITE ADDRESS

3220 BELLAIRE AVE.
 WHITE BEAR LAKE, 55110
 RAMSEY COUNTY, MINNESOTA

PARTNER PROJECT NUMBER: 22-385426.1

COORDINATED BY

PARTNER CORPORATION OFFICE
 2154 Torrance Boulevard
 Torrance, CA 90501
 Phone: 888-213-7479
 ALTA@partneresi.com
 www.partneresi.com

DATE	REVISIONS	DRAWN BY: KJK	DRAWING SCALE: 1"= 20'
10/19/22	FIRST DRAFT	CHECKED BY:	JOB NO.: 22832
10/21/22	NETWORK COMMENTS	FILENAME: 22832_KJK.DWG	
10/25/22	ZONING		

SURVEYED BY

NORTHWESTERN SURVEYING & ENGINEERING, INC.
 KALEB KADELBACH
 20880 ROGERS DR., SUITE 500
 ROGERS, MN 55374
 PH: 763-515-6040
 KALEB.KADELBACH@NWSRN.COM

C1.0

**PRELIMINARY:
NOT FOR
CONSTRUCTION**

3220 BELLAIRE AVE
3220 BELLAIRE AVENUE, WHITE BEAR LAKE, MN 55110
HIGHER GROUND EDUCATION
10 ORCHARD ROAD, LAKE FOREST, CA 92030

PROJECT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew R. Pavsek
DATE 12-19-22 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY

DATE	DESCRIPTION
12-19-2022	CONDITIONAL USE PERMIT APPLICATION

DRAWN BY: KW, JL REVIEWED BY: MP

PROJECT NUMBER: 22460

REVISION SUMMARY

DATE	DESCRIPTION
------	-------------

PROPOSED SITE PLAN

C2.0

© COPYRIGHT CIVIL SITE GROUP INC.

SITE LAYOUT NOTES:

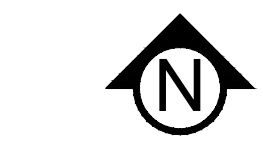
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
- THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
- CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS & ELEVATIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
- LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
- CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
- PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
- CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
- SEE SITE PLAN FOR CURB AND GUTTER TYPE, TAPER BETWEEN CURB TYPES-SEE DETAIL.
- ALL CURB RADI ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
- FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
- PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
- ALL PARKING LOT PAINT STRIPPING TO BE WHITE, 4" WIDE TYP.
- BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
- ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

SITE PLAN LEGEND:

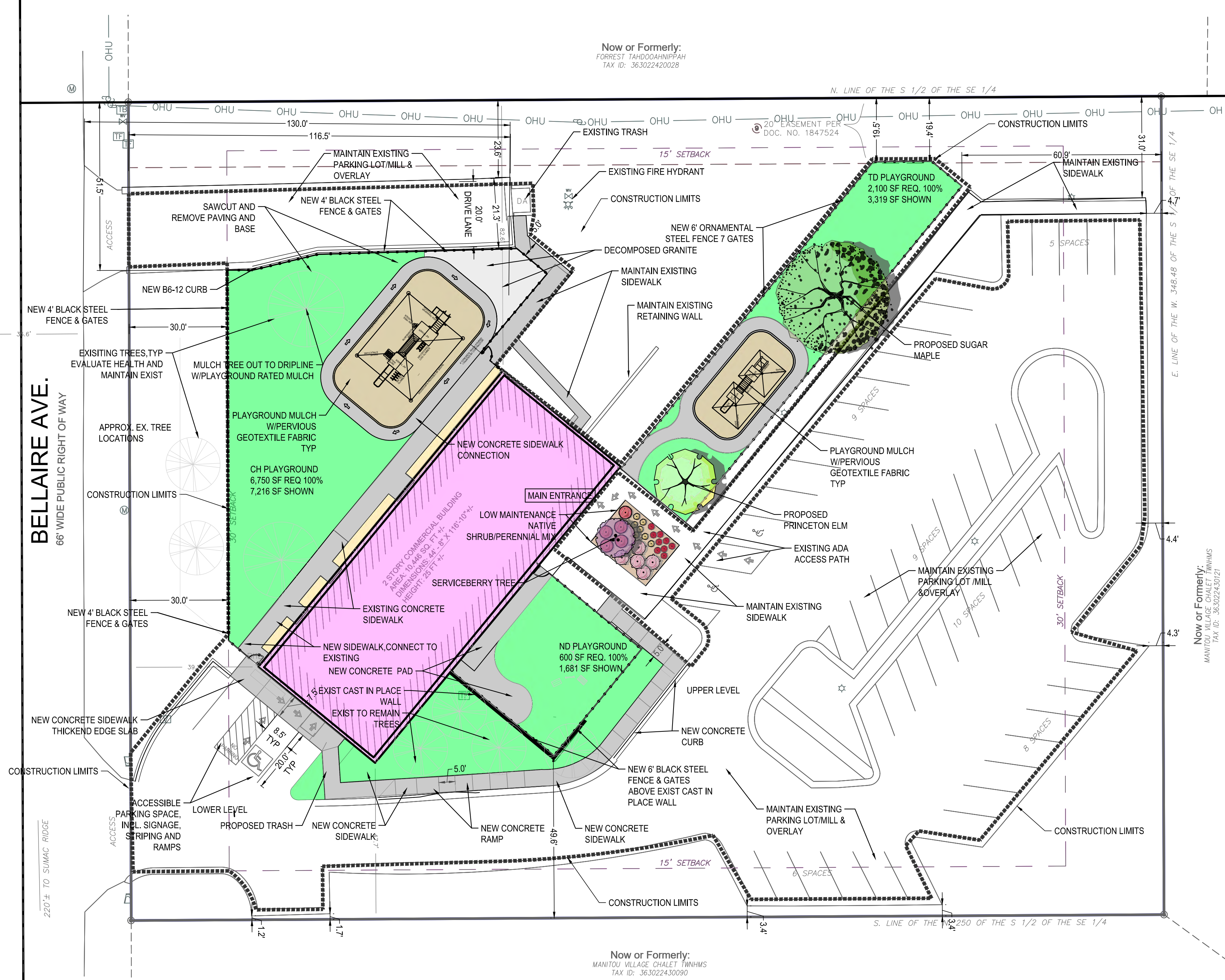
- SPECIALTY PAVEMENT (IF APPLICABLE) - PROVIDE BID FOR THE FOLLOWING OPTIONS. INCLUDE VARIATIONS OF BASE MATERIAL AND OTHER NECESSARY COMPONENTS.
 - STAMPED & COLORED CONCRETE
 - CONCRETE PAVERS
 MAKERS, COLORS, MODELS, & PATTERN TO BE INCLUDED IN SHOP DRAWING SUBMITTAL PRIOR TO CONSTRUCTION.
- LIGHT DUTY BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- HEAVY DUTY BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
- CONCRETE PAVEMENT (IF APPLICABLE) AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS. WITHIN ROW SEE CITY DETAIL, WITHIN PRIVATE PROPERTY SEE CSG DETAIL.
- PROPERTY LINE
- CONSTRUCTION LIMITS
- CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
- TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS (IF APPLICABLE)
- SIGN AND POST ASSEMBLY (IF APPLICABLE).
SHOP DRAWINGS REQUIRED.
HC = ACCESSIBLE SIGN
NP = NO PARKING FIRE LANE
ST = STOP
CP = COMPACT CAR PARKING ONLY
- ACCESSIBILITY ARROW (IF APPLICABLE) DO NOT PAINT.



Know what's below.
Call before you dig.



1" = 20'-0"
10'-0" 0 20'-0"



Now or Formerly:
FORREST T4H00049H1P4H
TAX ID: 363022420028

Now or Formerly:
MANITOU VILLAGE CHALET T1NHMS
TAX ID: 363022430021

Now or Formerly:
MANITOU VILLAGE CHALET T1NHMS
TAX ID: 363022430090

SITE AREA TABLE:

SITE AREA CALCULATIONS		EXISTING CONDITION	PROPOSED CONDITION
BUILDING COVERAGE	5,435 SF	6.9%	5,435 SF 6.9%
SITE IMPERVIOUS	38,546 SF	48.9%	34,732 SF 44.0%
Sidewalk Areas	3,084		5,837
Parking Lot/Curbs/Trash Enclosure	35,462		394
			28,501
ALL PERVIOUS	34,885 SF	44.2%	38,699 SF 49.1%
Planting Island Areas	810		810
Lawn Areas	34,075		36,089
			1,800
TOTAL SITE AREA	78,866 SF	100.0%	78,866 SF 100.0%
IMPERVIOUS SURFACE			
EXISTING CONDITION	43,981 SF	55.8%	
PROPOSED CONDITION	40,167 SF	50.9%	
DIFFERENCE (EX. VS PROP.)	-3,814 SF	-4.8%	

PARKING SUMMARY - 53 TOTAL PARKING STALLS

LOWER LEVEL PARKING	3 STALLS
UPPER LEVEL PARKING/MAIN ENTRY	47 STALLS
REAR PARKING	0 STALLS
ADA STALLS	3 TOTAL, 2 UPPER LEVEL - 1 LOWER

PARKING REQUIREMENTS

STAFF	22 ADULTS
INFANT (3-18 MONTHS)	8 STUDENTS
TODDLER	28 STUDENTS
CHILD	90 STUDENTS
TOTAL STUDENTS	126 STUDENTS
PARKING (1 STALL/50 STUDENTS)	3 STALLS
PARKING (1 STALL/ADULT STAFF)	22 STALLS REQ
TOTAL PARKING	25 PARKING STALLS

CITY OF WHITE BEAR LAKE SITE SPECIFIC NOTES:

- RESERVED FOR CITY SPECIFIC NOTES.

SITE DATA

EXISTING ZONING	MED. DENS. RES.
PARKING REQ.	25 STALLS
PARKING PROVIDED	53 SPACES
PARKING SPACE	8.5'X20'
DRIVE AISLE	24'

OPERATIONAL NOTES:

SNOW REMOVAL	ALL SNOW SHALL BE STORED ON-SITE OUTSIDE PARKING LOT. WHEN FULL, REMOVAL CO. SHALL REMOVE EXCESS OF-SITE
TRASH REMOVAL:	TRASH SHALL BE PLACED IN EXTERIOR TRASH AREA (EXISTING) & REMOVED BY COMMERCIAL CO. WEEKLY.
DELIVERIES:	DELIVERIES SHALL OCCUR AT THE FRONT DOOR VIA STANDARD COMMERCIAL DELIVERY VEHICLES (UPS, FED-EX, USPS).

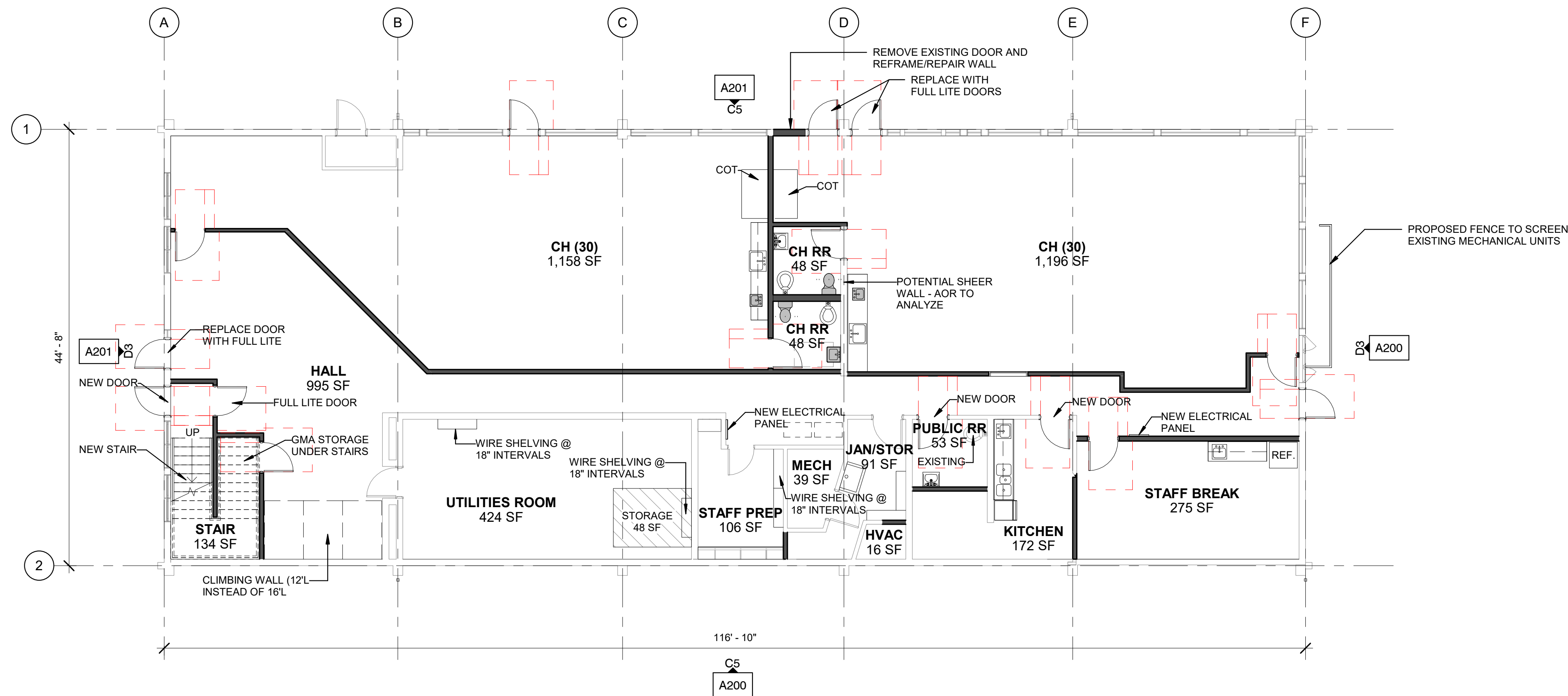
MANITOU RIDGE
GOLF COURSE

BELLAIRE AVE.
66' WIDE PUBLIC RIGHT OF WAY

220' ± TO SUMAC RIDGE



B5 LEVEL 1 PLAN - EXISTING
1/8" = 1'-0"



D5 LEVEL 1 PLAN - PROPOSED
1/8" = 1'-0"

AHJ STAMP

COPYRIGHT 2023
STEELE ASSOCIATES
ARCHITECTS
All rights reserved. Reproduction or use in any form or by any means- graphic, electronic, mechanical, etc.- without written permission of STEELE ASSOCIATES ARCHITECTS is unlawful and subject to criminal prosecution.

NOT FOR CONSTRUCTION

GENERAL NOTES:

- SEE TITLE SHEET FOR DRAWING INDEX.
- DO NOT SCALE DRAWINGS.
- DIMENSIONS ARE APPROXIMATED BASED ON DATA RECEIVED AND SHOULD BE VARIFIED BEFORE CONSTRUCTION STARTS.

PROPOSED PLAN LEGEND:

- PROPOSED WALL
- EXISTING WALL
- CHILD-SIZED PLUMBING FIXTURES

STEELE
architecture interiors planning
541.382.9867 www.steele-arch.com
ASSOCIATES ARCHITECTS, LLC
686 NW YORK DRIVE SUITE 150
541.382.9867 FAX 541.385.8616
BEND, OR 97703
info@steele-arch.com

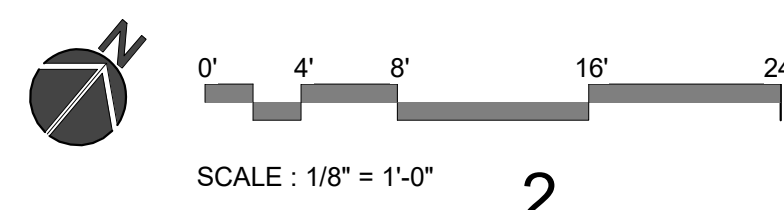
GUIDEPOST A, LLC
3220 Bellaire Ave, White Bear Lake, MN
CITY STATE
LEVEL 1 FLOOR PLAN

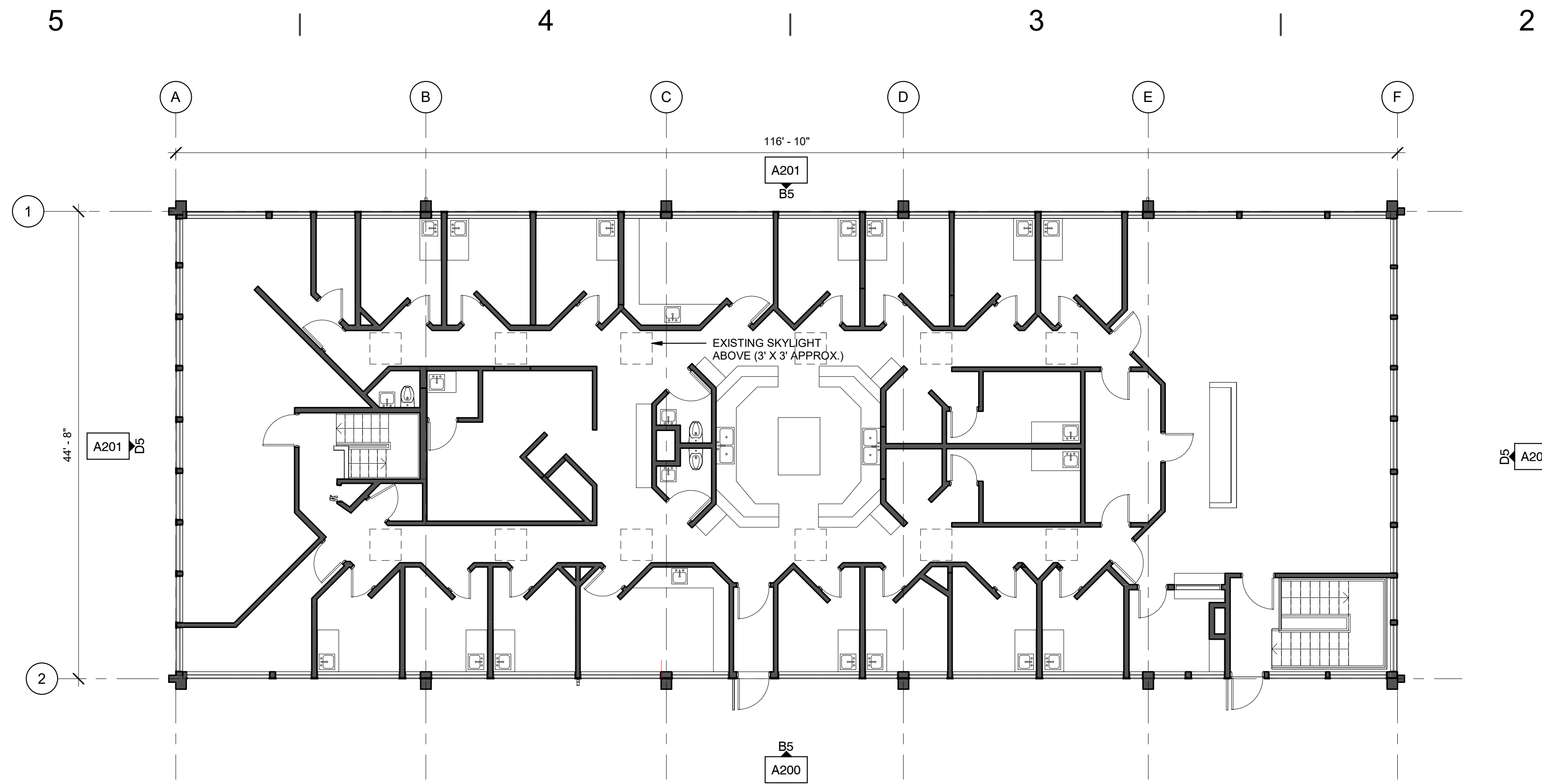
JOB NO.	22123.01	
DATE	01.18.2023	
DRAWN BY	VB/WH	
CHECKED BY	MM	
REV.	DATE	DESCRIPTION

SHEET NO.
A101
LEVEL 1 FLOOR PLAN

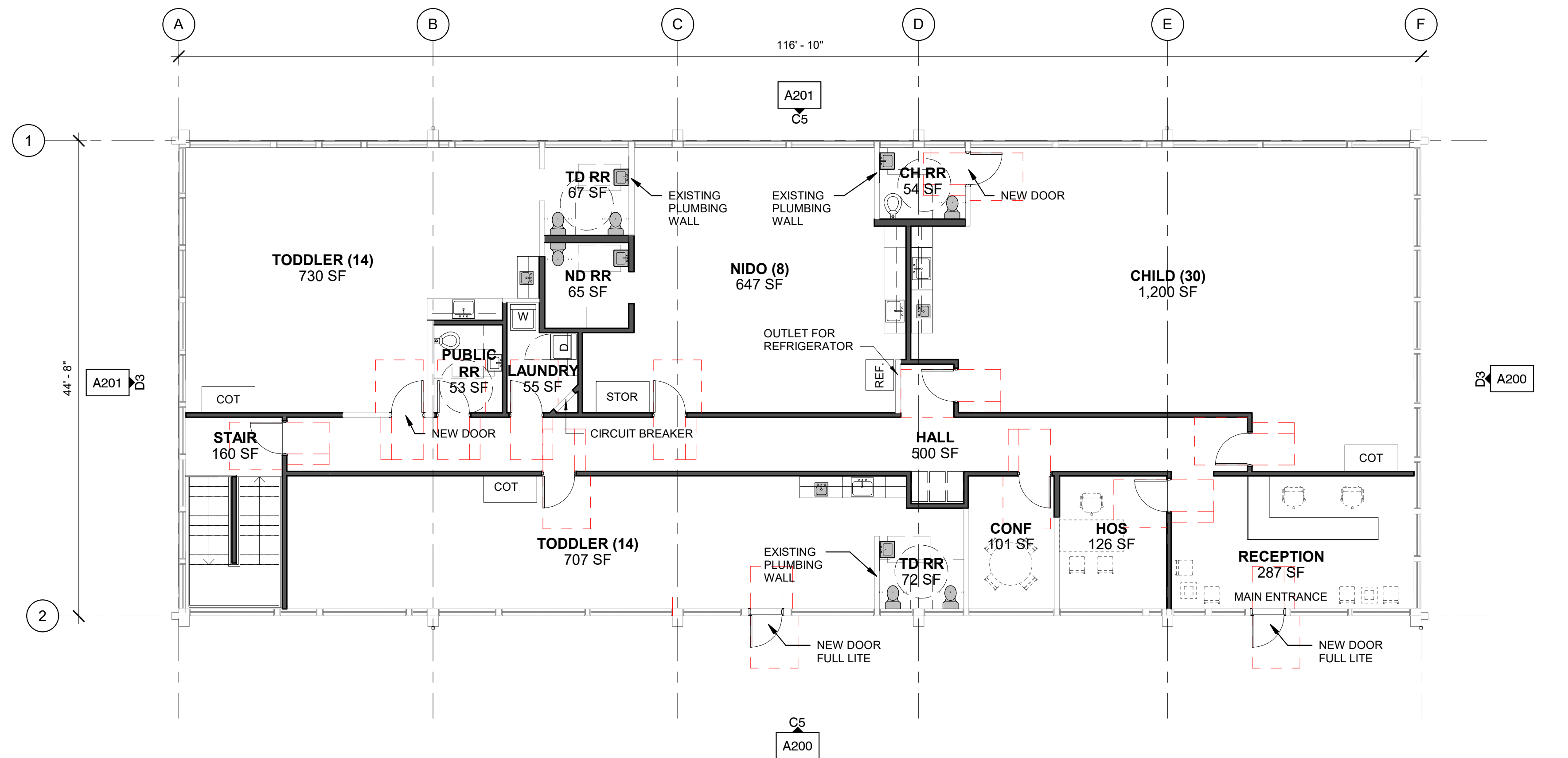
CONDITIONAL USE PERMIT

1/17/2023 4:16:25 PM





B5 LEVEL 2 PLAN - EXISTING
1/8" = 1'-0"



D5 LEVEL 2 PLAN - PROPOSED
1/8" = 1'-0"

AHJ STAMP

GENERAL NOTES:

- SEE TITLE SHEET FOR DRAWING INDEX.
- DO NOT SCALE DRAWINGS.
- DIMENSIONS ARE APPROXIMATED BASED ON DATA RECEIVED AND SHOULD BE VARIFIED BEFORE CONSTRUCTION STARTS.

PROPOSED PLAN LEGEND:

- PROPOSED WALL
- EXISTING WALL
- CHILD-SIZED PLUMBING FIXTURES

COPYRIGHT 2023
STEELE ASSOCIATES
ARCHITECTS
All rights reserved. Reproduction or use in any form or by any means- graphic, electronic, mechanical, etc.- without written permission of STEELE ASSOCIATES ARCHITECTS is unlawful and subject to criminal prosecution.

NOT FOR CONSTRUCTION

STEELE
architecture interiors planning
541.382.9867 www.steele-arch.com
ASSOCIATES ARCHITECTS, LLC
686 NW YORK DRIVE SUITE 150
541.332.9867 FAX 541.385.8816
BEND, OR 97703
info@steele-arch.com

GUIDEPOST A, LLC
3220 Bellaire Ave, White Bear Lake, MN
CITY STATE

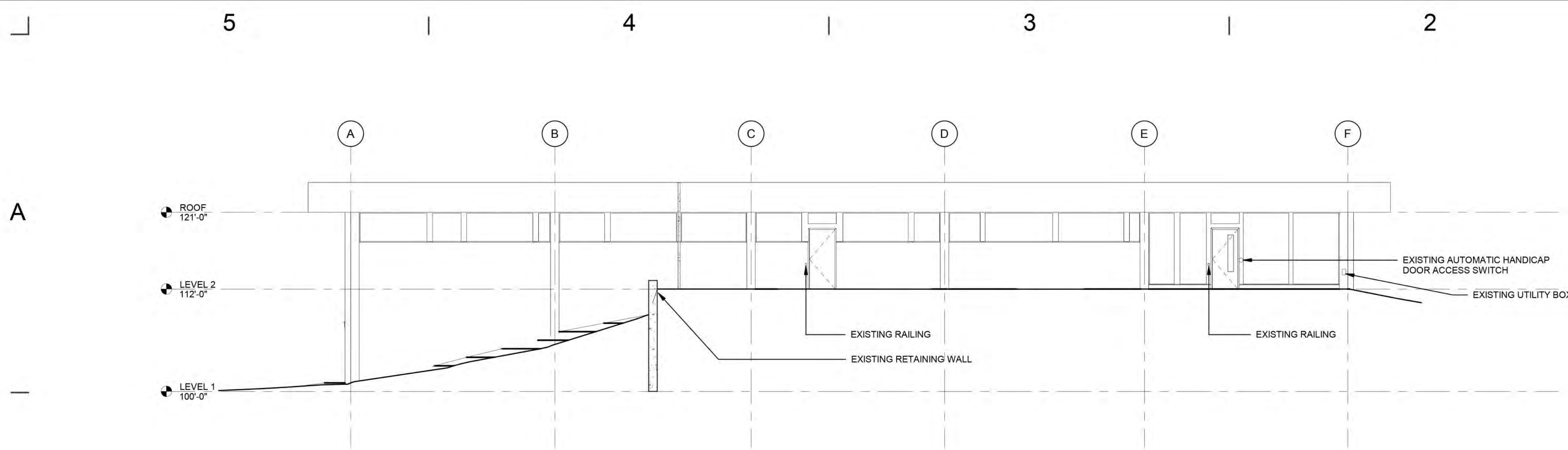
LEVEL 2 FLOOR PLAN

JOB NO.	22123.01	
DATE	01.18.2023	
DRAWN BY	VB/WH	
CHECKED BY	MM	
REV.	DATE	DESCRIPTION

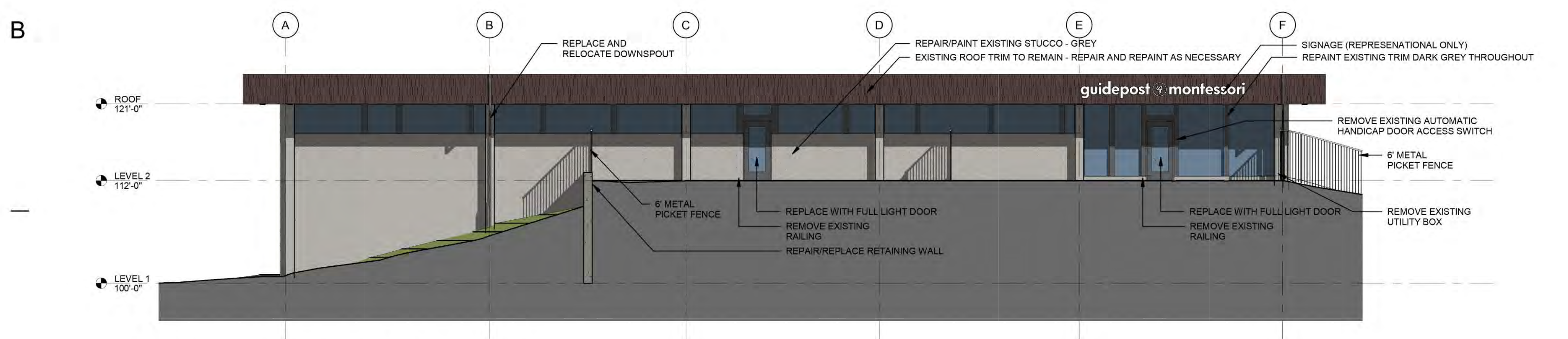
SHEET NO.
A102
LEVEL 2 FLOOR PLAN

CONDITIONAL USE PERMIT

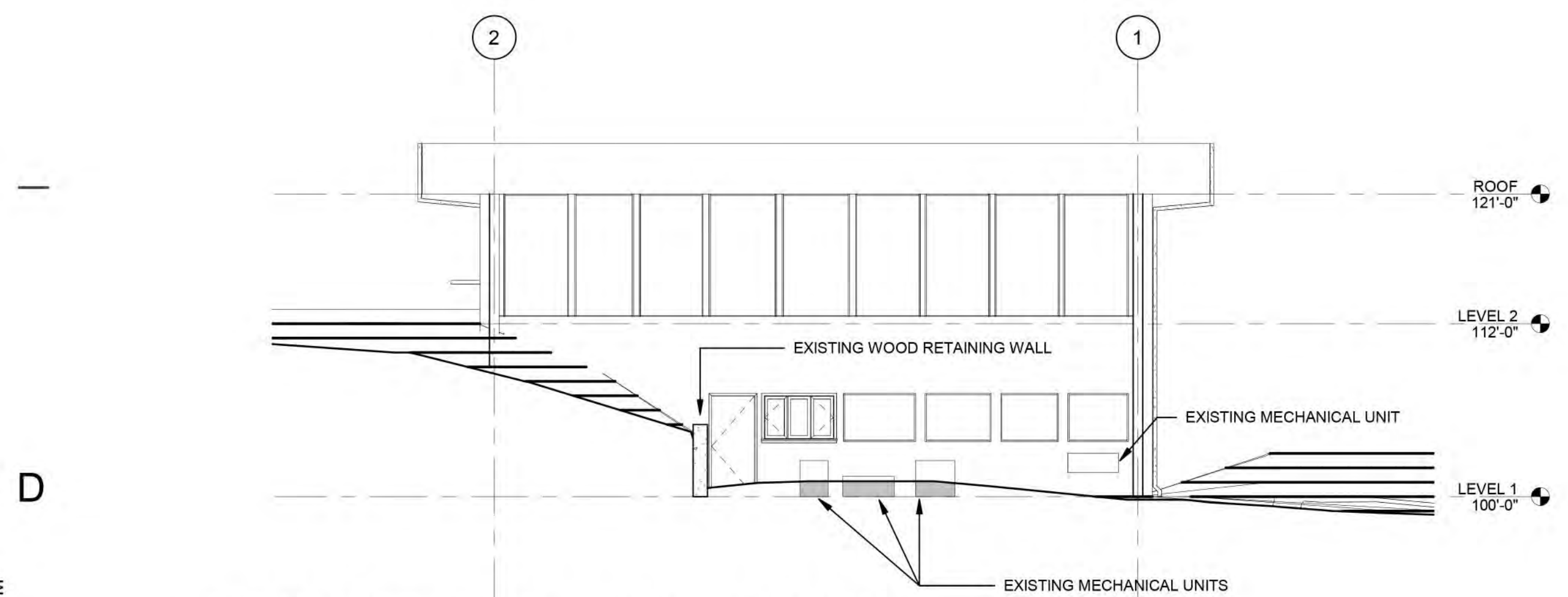
1/17/2023 4:16:26 PM



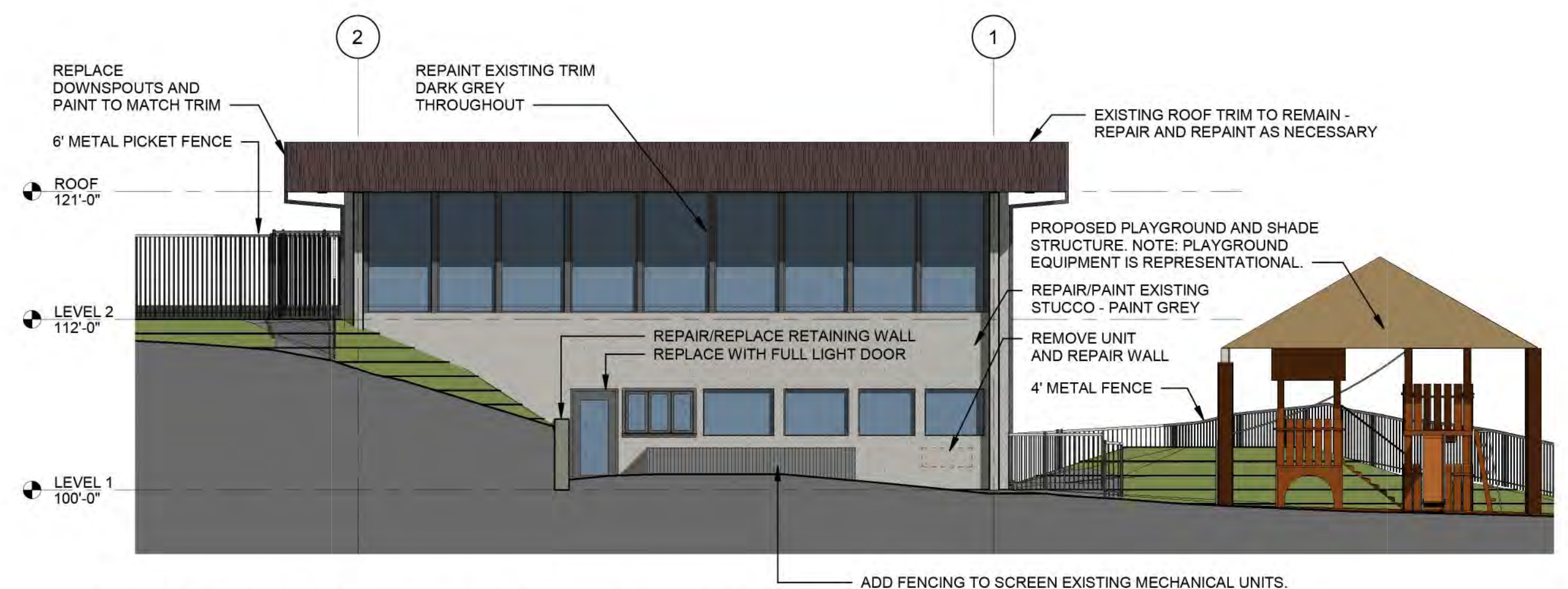
B5 SOUTHEAST ELEVATION - EXISTING
1/8" = 1'-0"



C5 SOUTHEAST ELEVATION - PROPOSED
1/8" = 1'-0"



D5 NORTHEAST ELEVATION - EXISTING
1/8" = 1'-0"



D3 NORTHEAST ELEVATION - PROPOSED
1/8" = 1'-0"

AHJ STAMP

COPYRIGHT 2023
STEELE ASSOCIATES
ARCHITECTS
All rights reserved. Reproduction or use in any form or by any means: graphic, electronic, mechanical, etc. - without written permission of STEELE ASSOCIATES ARCHITECTS is unlawful and subject to criminal prosecution.

NOT FOR CONSTRUCTION

STEELE
architecture interiors planning
www.steele-arch.com
541.382.9867
ASSOCIATES ARCHITECTS, LLC
686 NW YORK DRIVE SUITE 150
541.382.9867 FAX 541.385.8816
BEND, OR 97703
info@steele-arch.com

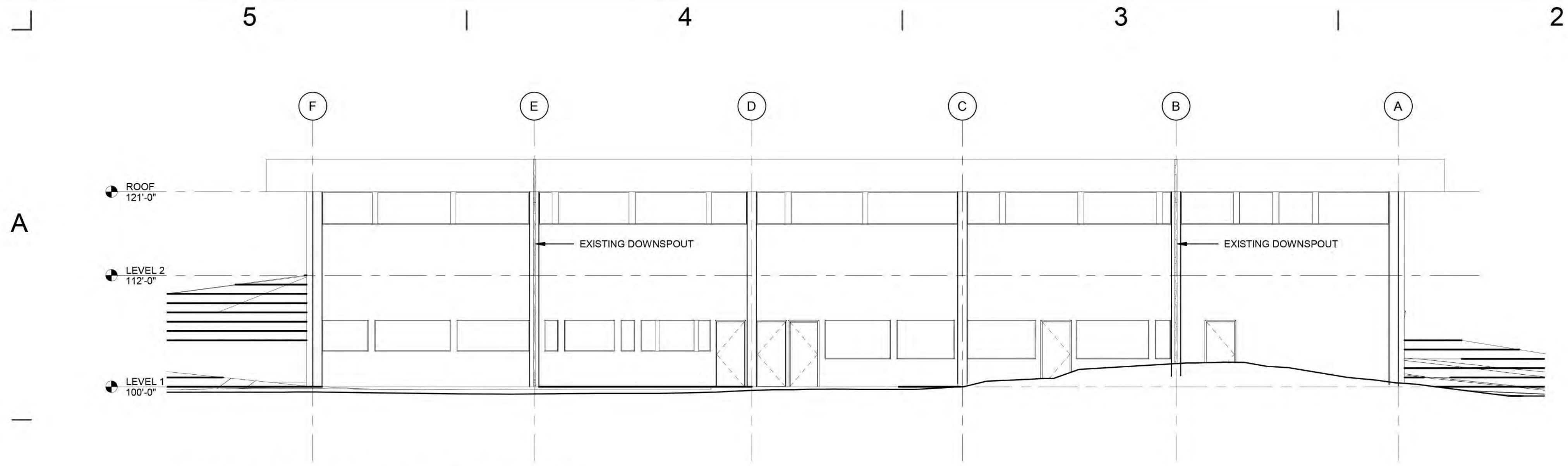
GUIDEPOST A, LLC
3220 Bellaire Ave, White Bear Lake, MN
CITY STATE
EXTERIOR ELEVATIONS

JOB NO.	22123.01
DATE	01.18.2023
DRAWN BY	VB/WH
CHECKED BY	MM
REV.	DATE
	DESCRIPTION

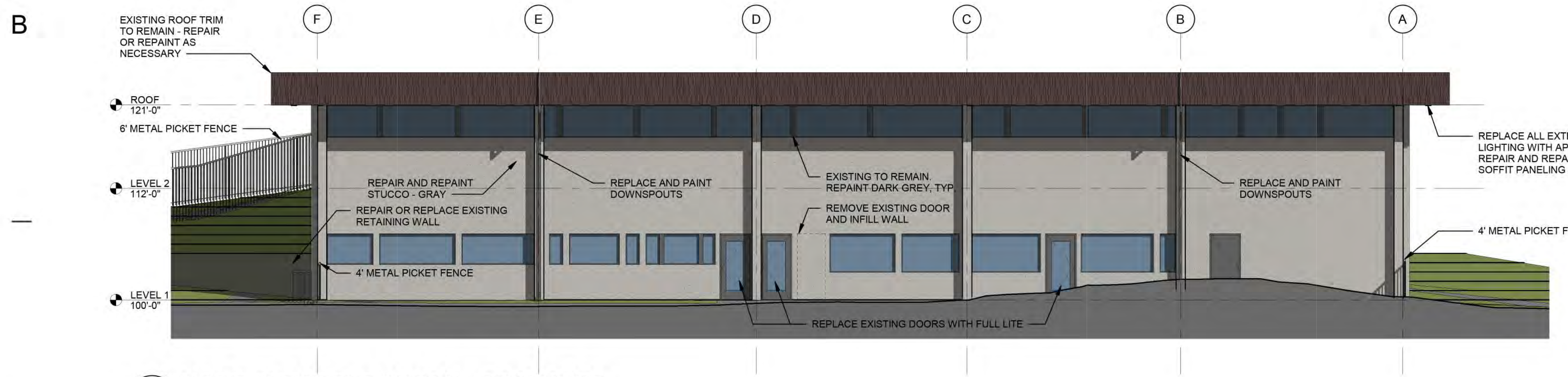
SHEET NO.
A200
EXTERIOR ELEVATIONS

CONDITIONAL USE PERMIT

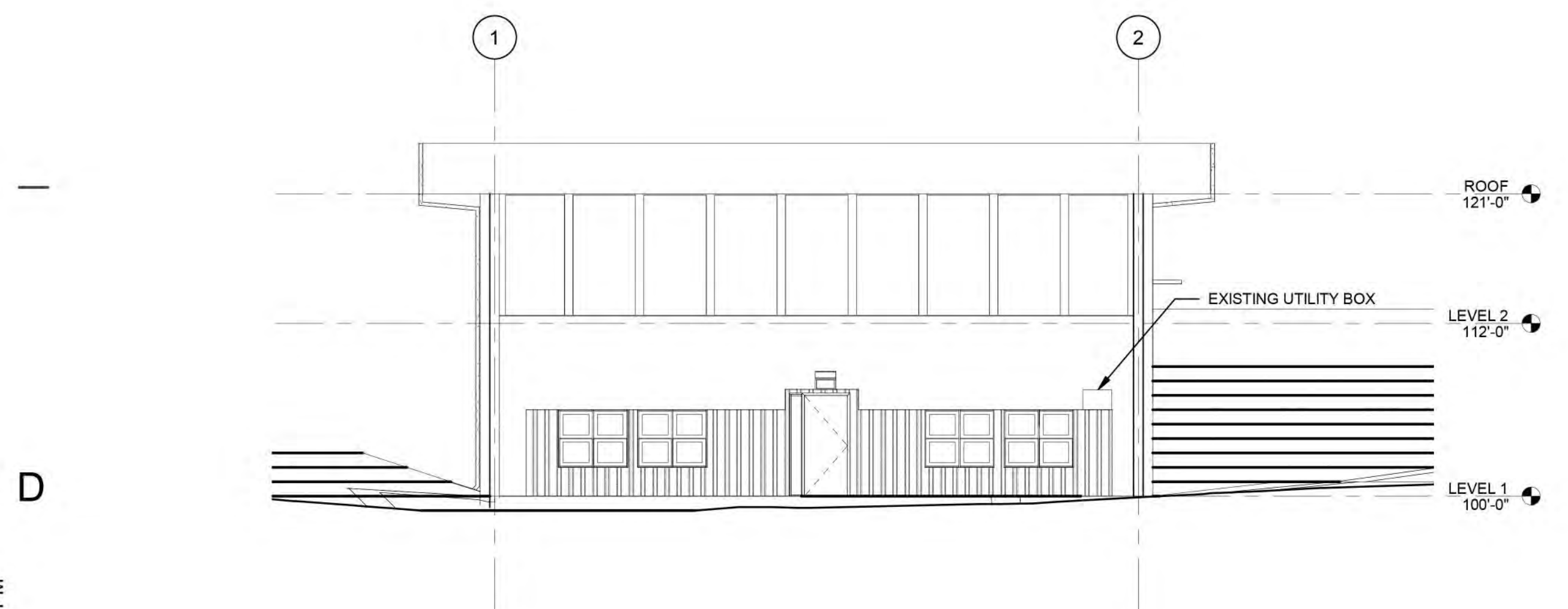
1/17/2023 4:16:29 PM



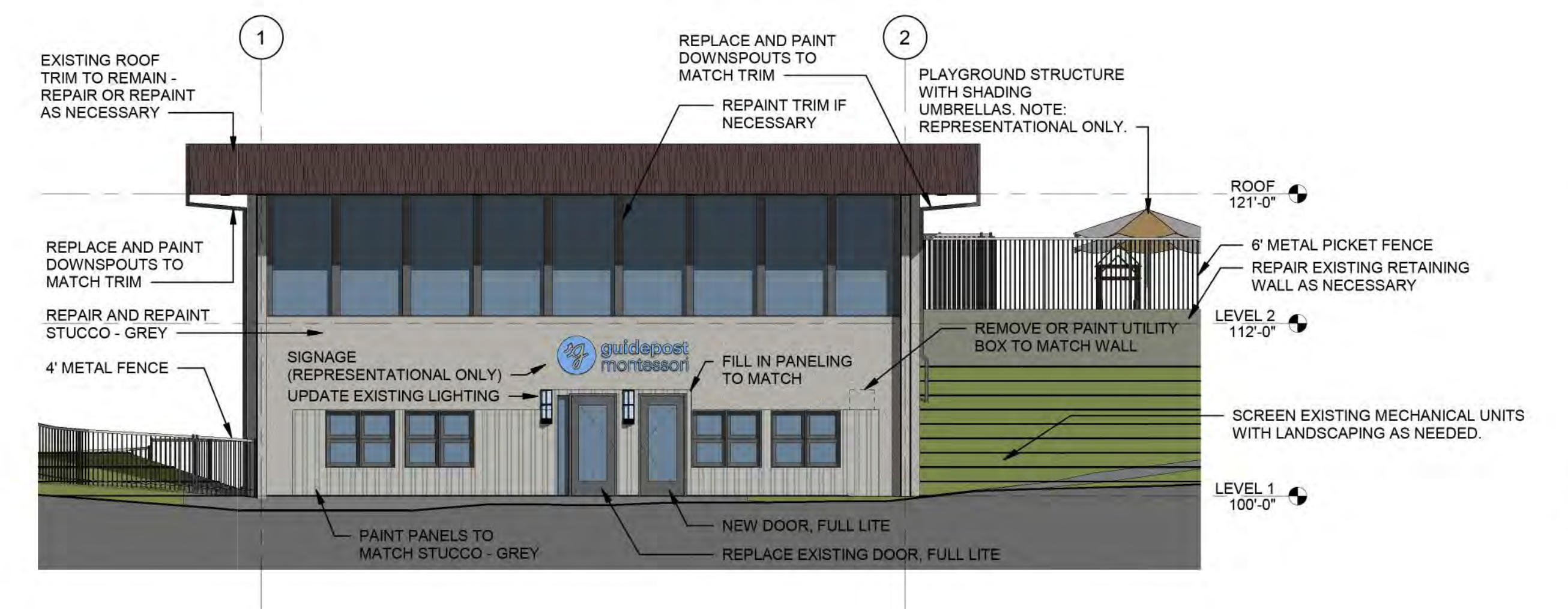
B5 NORTHWEST ELEVATION - EXISTING
1/8" = 1'-0"



C5 NORTHWEST ELEVATION - PROPOSED
1/8" = 1'-0"



D5 SOUTHWEST ELEVATION - EXISTING
1/8" = 1'-0"



D3 SOUTHWEST ELEVATION - PROPOSED
1/8" = 1'-0"

AHJ STAMP

COPYRIGHT 2023
STEELE ASSOCIATES
ARCHITECTS
All rights reserved. Reproduction or use in any form or by any means- graphic, electronic, mechanical, etc. - without written permission of STEELE ASSOCIATES ARCHITECTS is unlawful and subject to criminal prosecution.

NOT FOR CONSTRUCTION

STEELE
interiors planning
architecture
www.steele-arch.com
541.382.9867
ASSOCIATES ARCHITECTS, LLC
686 NW YORK DRIVE SUITE 150
BEND, OR 97703
info@steele-arch.com

GUIDEPOST A, LLC
3220 Bellaire Ave, White Bear Lake, MN
CITY STATE
EXTERIOR ELEVATIONS

JOB NO.	22123.01	
DATE	01.18.2023	
DRAWN BY	VB/WH	
CHECKED BY	MM	
REV.	DATE	DESCRIPTION

SHEET NO.
A201
EXTERIOR ELEVATIONS

1/17/2023 4:16:33 PM

CONDITIONAL USE PERMIT



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Ashton Miller, City Planner
DATE: February 14, 2023
SUBJECT: **Silverstar Car Wash Conditional Use Permit Amendment, 2180 7th Street, Case No. 85-11-Sa2**

SUMMARY

The applicant, Silverstar Car Wash, is requesting a conditional use permit amendment in order to interior vacuums and remodel the existing car wash located at 2180 – 7th Street. Based on the findings made in this report, both the Planning Commission and staff find that the standards for conditional use permits laid out in City Code Section 1301.050 have been satisfied and recommend approval of the request with conditions.

GENERAL INFORMATION

Applicant/Owner: Silverstar Car Wash

Existing Land Use / Zoning: Car Wash; zoned DCB: Diversified Central Business

Surrounding Land Use / Zoning: North: Bar & Restaurant; zoned DCB: Diversified Central Business
 East: Gas Station; zoned B-5: Central Business
 West: Apartments; zoned DCB: Diversified Central Business
 South: Office; zoned DCB: Diversified Central Business

Comprehensive Plan: Downtown

Lot Size & Width: Code: 20,000 sq. ft. & 100 feet
 Site: 31,500 sq. ft. & 147 feet

BACKGROUND INFORMATION

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced comments from the architect, Bart Schultz, who stated that the applicants are in agreement with the conditions in the report. Staff did not receive any written comments regarding this request. After hearing staff's presentation and comments from the applicant, the commission voted 7-0 to recommend the City Council approve this

request.

Since the Planning Commission meeting, staff has received one phone call from resident Debra Verdon, who stated the property should not be allowed to continue to be used as a car wash. She cited noise and past criminal activity as her main concerns.

Site Characteristics. The subject site is located at the southwest intersection of Highway 61 and 7th Street. A conditional use permit was granted in 1985 “to establish an automatic full service indoor car wash” and construction on the building was completed in 1986. At the time that approval was granted, the property was zoned B-4 – General Business. The property was rezoned to DCB in 1989, which is a district that prohibits car washes, so the business became a legal non-conforming use at that time. As a legal non-conformity, the use cannot be expanded or intensified. In 2018, the previous owner was granted an amendment to the conditional use to install an automatic indoor motorcycle wash in addition to the existing mechanical equipment after it was determined the modifications were not considered an intensification.

The current owners would like to again amend the CUP to allow for vacuums inside the building. Vacuums outside of the building have been determined to be an intensification, so locating them within the structure is the only option for this site. There will only be one automatic wash; the motorcycle wash will be removed.

When the CUP was amended in 2018, it was determined that based on historic water usage, 15 to 30 cars, on average, went through the wash per hour. More vehicles or more water usage would be considered an intensification. The applicants state that approximately 200 cars a day are anticipated to use the wash, which over a 12 hour day equals 16 cars an hour and is within the historic range of customers. Water usage over the past two decades has ranged from 1,024 units of water used a year all the way up to 6,125 units in a year (1 unit = 750 gallons of water). When averaged out, roughly 2,700 units of water a year have been used at the car wash, which is 2 million gallons. As required in the previous amendment to the CUP, the car wash should track the water usage and provide the data to the city to ensure it does not exceed the average or the business could be deemed an intensification.

Because the use is expressly prohibited in the DCB district, it is the applicant’s responsibility to prove that the proposed changes will not expand or intensify the manner of operation.

ANALYSIS

City review authority for conditional use permits are 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.

According to City Code Section 1301.050, the City shall consider possible adverse effects of a proposed conditional use. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, both the Planning Commission and staff

recommend approval of the requested conditional use permit amendment.

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 downtown, which is described as 70% commercial, 20% residential, and 10% institutional. The neighborhood is a mix of residential and commercial and the continued use of the site as a car wash will keep the area predominately commercial. Therefore, the proposal is consistent with the City's Comprehensive Plan.

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

Finding: The property is zoned DCB: Diversified Central Business, as are the properties to the north, west and south. The building has operated as a car wash since it was constructed in 1985 with no known adverse effects on the surrounding properties. Vacuums internal to the building will minimize any noise generated, so there should be limited, if any, impact on the apartment next door.

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

Finding: As previously stated, car washes are no longer a permitted use in the DCB zoning district, so the applicants are continuing to use the "grandfathered-in" status of the property. The nonconforming section of the code reads, "any nonconforming structure or use lawfully existing upon the effective date of this Code shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date." The building itself will be retained, although extensive modifications to the interior are proposed.

Elevations. The applicants are not making changes to the height or size of the building. The code requires that all subsequent additions, exterior alteration and accessory buildings constructed after the erection of an original building or buildings shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance. The proposal includes cosmetic improvements such as painting the existing walls and adding panels in the standard Silverstar colors.

Right-of-Way. The applicants are proposing to mill and overlay the lot as well as the portion of Washington Avenue that abuts the property and straighten the road out. The Engineering Department has commented that those improvements are allowed, subject to staff approval. In their review memo, the Engineering Department has also included a condition that the sidewalk along 7th Street be extended in front of the car wash.

Stacking/Parking. In zoning districts that permit car washes, the code requires that enough stacking space is provided to accommodate the maximum number of vehicles that can go

through the wash in 30 minutes. The applicants have stated that the wash takes about 1.5 minutes per vehicle, so 20 stacking spaces would be required for new construction. The car wash is accessed from Washington Avenue and the street has historically been used by the car wash to stack customer vehicles. The proposal will have two lanes for vehicle stacking, which should reduce the use of the City's right-of-way for such purpose. Further, the applicants are providing seven striped parking stalls on the east side of the lot, which is an improvement over the zero stalls currently striped on site. There will be four employees on site during operating hours, so there will be several stalls available if customers should need to park.

Signage. The applicants are working with the City to provide a signage package that meets the standards of the sign code. Separate administrative sign permits are required for any new signage.

Lighting. The applicants are proposing the construction of one 22-foot-tall light pole with a 30-inch base near the entrance of the car wash. The city is asking that the light fixture match the height and style of those found in the adjacent city parking lot. All new lighting is required to be arranged to deflect light away from adjoining residential properties and all LED light sources must be controlled and equipped with opaque covers, lenses, louvers or shields, or otherwise designed to prevent direct views of the light source.

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

Finding: The proposal includes upgrades to the façade and improvements to both the parking lot and city right-of-way. The proposed landscaping provides three trees and a number of shrubs and grasses throughout the site. The enhancements to the site will not depreciate the area.

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

Finding: The property is served by city water and sewer and the utilities have the capacity to serve the proposed addition. A condition is included that reserves the right to revisit the operational capacity of the car wash after a few years to ensure that the use is within the anticipated water usage as projected. The applicants have stated that approximately 87 gallons of water will be used per vehicle and a percentage will be reclaimed. The applicants provided numbers for the same car wash system installed in Coon Rapids. A determination letter was provided from the Metropolitan Council which found that with reclamation, 31 to 32 gallons of new water is used per vehicle. A condition has been included that a water reclamation system be installed at the site.

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

Finding: The applicant expects the car wash will service 200 vehicles a day, spread throughout an 11 or 12 hour day, so it is not anticipated that traffic along 7th Street will be impacted. Currently, the property has three curb cuts along 7th Street. The applicants are proposing to

close one and narrow the other two, which should reduce congestion in the area and increase pedestrian safety.

RECOMMENDATION

The standards outlined in the zoning ordinances have been met, therefore, the Planning Commission and staff recommend approval of the applicant's 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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. Prior to the issuance of a building permit, all plans shall be revised to comply with applicable building and zoning code requirements and shall comply with Fire Department Memo, dated December 23, 2022 and Engineering Department Memo, dated January 10, 2023.
6. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. in the months of May through September and 8:00 a.m. to 7:00 p.m. in the months of October through April.
7. City staff shall revisit the use in 2025 and compare water billing data to ensure that the use is within the anticipated water usage as projected. The City reserves the right, through a public hearing with proper legal notice, to consider further amendment of the use and operation to ensure continued compatibility with the immediate neighborhood and continued compliance with code.
8. An updated SAC (Sewer Availability Charge) determination letter from the Metropolitan Council shall be submitted to the city.
9. A water reclamation system shall be installed prior to operation of the business.
10. The proposed lighting shall be similar in height and style to the city lights on the adjacent lot.
11. A sidewalk shall be constructed along the south side of the 7th Street right-of-way, subject to review and approval from the Engineering Department.

ATTACHMENTS

Resolution

Applicants Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT AMENDMENT
FOR 2180 7th STREET WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Silverstar Car Wash (Case No. 85-11-Sa2) has requested a conditional use permit amendment, per code section 1301.050, in order to remodel the car wash and add vacuums at the following location:

LEGAL DESCRIPTION: Lots 2, 3 and 4, Block 38, White Bear, according to the recorded plat thereof, Ramsey County, Minnesota and The Westerly 25.0 feet of the Burlington Northern and Sante Fe Railway Company's (formerly Northern Pacific Railway Company) St. Paul to Duluth Branch Line right-of-way, being 50 feet wide on the Westerly side and of variable width on the Easterly side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across the SE ¼ NE ¼ of Section 14, Township 30, North, Range 22 West of the 4th Principal Meridian, Ramsey County, Minnesota, lying between two lines drawn parallel with and distant, respectively, 25.0 feet and 50.0 feet Westerly of, as measured at right angles from said Main Track centerline and bounded between the South lines of Seventh Street and the North line of Sixth Street, all according to the recorded plat of the Original Town of White Bear Lake, Minnesota, thereof, Ramsey County, Minnesota. (PID # 143022140086 & 143022140144)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit amendment 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.

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

RESOLUTION NO.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. Prior to the issuance of a building permit, all plans shall be revised to comply with applicable building and zoning code requirements and shall comply with Fire Department Memo, dated December 23, 2022 and Engineering Department Memo, dated January 10, 2023.
6. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. in the months of May through September and 8:00 a.m. to 7:00 p.m. in the months of October through April.
7. City staff shall revisit the use in 2025 and compare water billing data to ensure that the use is within the anticipated water usage as projected. The City reserves the right, through a public hearing with proper legal notice, to consider further amendment of the use and operation to ensure continued compatibility with the immediate neighborhood and continued compliance with code.
8. An updated SAC (Sewer Availability Charge) determination letter from the Metropolitan Council shall be submitted to the city.
9. A water reclamation system shall be installed prior to operation of the business.
10. The proposed lighting shall be similar in height and style to the city lights on the adjacent lot.
11. A sidewalk shall be constructed along the south side of the 7th Street right-of-way, subject to review and approval from the Engineering Department.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

Silverstar Car Wash Narrative

Silverstar Car Wash was founded in 2010 and is a high-quality car wash providing customers with a consistent experience that is quick and convenient. The proposed car wash will be located at the site of the former Hog Wash Facility. The car wash will be contained within the existing building footprint site and consist of 2 drive lanes to enter the car wash; the kiosk lane where patrons are greeted by a customer service associate and a lane for the unlimited pass customers. The unlimited pass customer lane will also serve as a bypass lane. Upon entering the car wash, cars get cleaned using state-of-the-art wash equipment and dried with high-powered dryers. Customers can exit the car wash or enter the vacuum area that is made available to patrons at no cost.

Site improvements will be made to the existing site access, the existing asphalt will be resurfaced with mill and overlay, curb improvements, and the landscaping will be updated per City requirements. Likewise, site signage will be Silverstar Car Wash in accordance with the signage requirements for White Bear Lake.

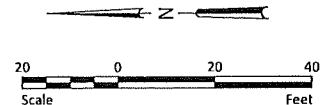
The building exterior will be updated with the signature finishes characteristic of the Silverstar Car Wash Facilities. Specifically, the existing precast exterior walls have been maintained from the original building, as well as the parapet height. The precast walls will be painted in two shades of grey. Prefinished aluminum panels will be added to the North and South side of the wash. A decorative stepped cornice wrapped in prefinished metal will be added to the entire building. There will be one overhead door location on the South end to enter the wash tunnel. The North end will maintain two of the existing overhead door locations. The rest of the openings in the building will be infilled with prefinished aluminum storefronts.

The typical average daily use at the car wash facility is 200 vehicles. The average water use per vehicle based on the wash equipment proposed for the Silverstar Car Wash for White Bear Lake is approximately 87 gallons per vehicle. Silverstar Car Wash uses the PurWater Recovery System in their car wash operation to reduce the overall demand for City water. The PurWater reclamation system treats the wash water collected in the drains and removes oil and grease, floatable materials and settleable solids. The Reclaim System treats 100% of the wash water collected in the drains and returns 60 to 75% of the treated water to the wash cycle. Benefits realized from the PurWater Recovery System includes reduced demand for City water to operate the car wash, and reduced volumes and pretreatment of the water discharged to the sewer.

Silverstar Car Wash will operate seven days a week from 8 a.m. to 7 p.m. during the months from October through April; and from 8 a.m. to 8 p.m. during the months from May through September. Based on the Silverstar Car Wash facilities in operation, peak usage time is typically noon to 4 pm on a Saturday, or during the weekday from 4-6 pm following a snow event. During the weekday peak hours, it's typical to have 15 to 20 cars. During the weekend peak hours, that may increase to 25 to 30 cars per hour.

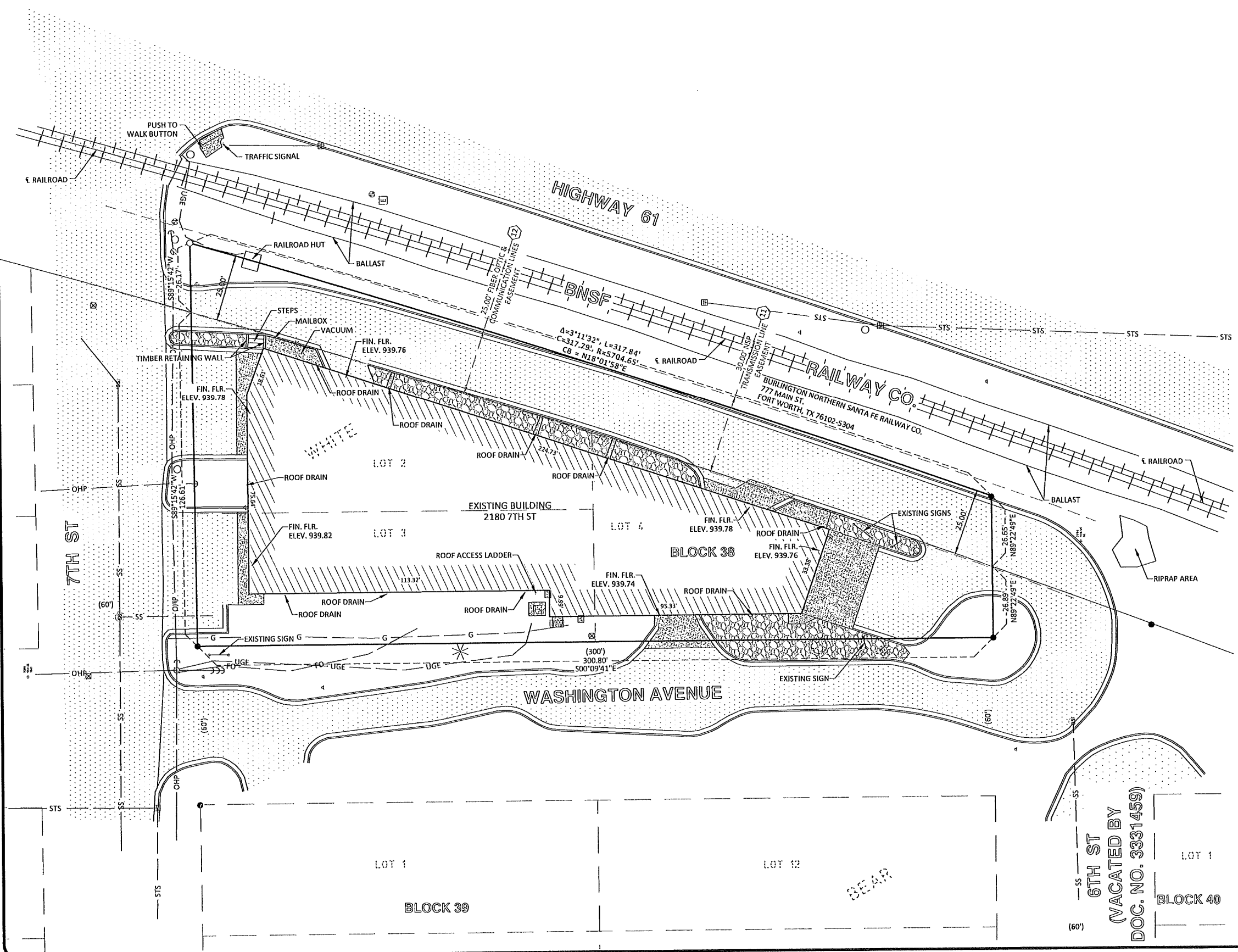
Silverstar Car Wash will staff locally to operate the wash facility. There are four (4) staff members present when the car wash is open to the public for business. One staff member provides customer service at the kiosk area. Two staff members are at the entrance to the car wash spraying down each vehicle as it enters the wash tunnel. The fourth staff member is available to work the kiosk area and wash tunnel as needed, or assist customers.

H:\JRW\10300\10300\10300_0007\CITY OF WHITE BEAR LAKE\ALTA\10300_0007_WBL_ALTA.dwg-ALTA-7/12/2022 1:14 PM-(dbuchholz)



LEGEND

SANITARY SEWER MAIN	SS
STORM SEWER MAIN	STS
STORM INLET	⊠
SANITARY MANHOLE	⊙
STORM MANHOLE	⊙
UTILITY MANHOLE	⊙
FIRE HYDRANT	⊙
GATE VALVE	⊙
UTILITY POLE	⊙
W / GUY WIRE	⊙
LIGHT POLE	⊙
TELEPHONE RISER	⊙
AC UNIT	⊙
ELECTRICAL BOX	⊙
ELECTRIC METER	⊙
GAS METER	⊙
TRANSFORMER	⊙
OVERHEAD POWER	OHP
UNDERGROUND ELECTRIC	UGE
UNDERGROUND FIBER OPTIC	FO
GAS MAIN	G
CONIFEROUS TREE	⊙
DECIDUOUS TREE	⊙
SIGN	⊙
GUARD POST	⊙
WOOD FENCE	⊙
RAILROAD TRACKS	⊙
STANDARD CURB & GUTTER	⊙
SUBJECT PROPERTY BOUNDARY LINE	⊙
EASEMENT LINE	⊙
BUILDING	⊙
CONCRETE	⊙
ASPHALT	⊙
LANDSCAPE ROCK	⊙
IRON MONUMENT FOUND	⊙
IRON MONUMENT SET	⊙



6TH ST
 (VACATED BY
 DOC. NO. 3331459)

By	
Date	
Revision	
No.	
SILVERSTAR CARWASH 2180 7TH STREET WHITE BEAR LAKE, MINNESOTA ALTA/NSP SURVEY	
Drawn By	RLA
Checked By	JAS
Date	7-12-2022
Scale	As Shown
Project No.	10300-0007
SHEET	1 of 2

H:\BN\10900\10904\10904_0025.MNS White Bear Lake\CD\Plans\10300-0026 - C1.0 - Site Plan.dwg.C1.0 SITE PLAN-1/26/2023 10:56 AM-(neu)

PROJECT BENCHMARK
TOP NUT HYDRANT
943.14

6TH ST
(VACATED BY
DOC. NO. 3331459)

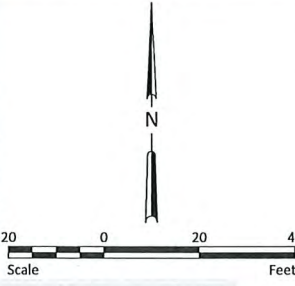
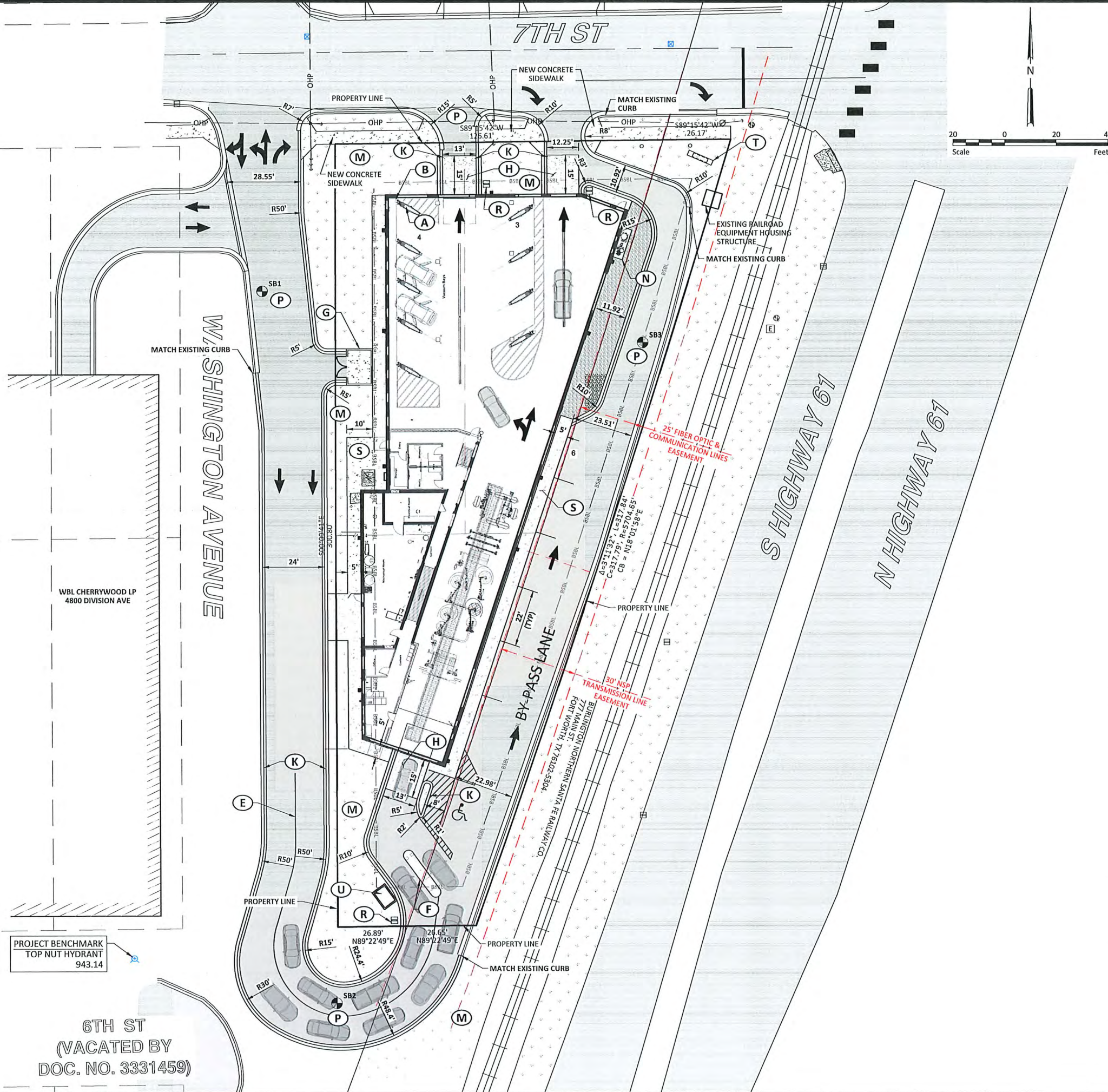
WBL CHERRYWOOD LP
4800 DIVISION AVE

WASHINGTON AVENUE

7TH ST

SHIGHWAY 67
N HIGHWAY 67

BY-PASS LANE



	EXISTING	NEW
WATER MAIN	— W —	— W —
SANITARY SEWER MAIN	— SS —	— SS —
STORM SEWER MAIN	— STS —	— STS —
UNDERGROUND FIBER OPTIC	— FO —	
OVERHEAD POWER LINE	— OHP —	
UNDERGROUND ELECTRIC	— UGE —	
UNDERGROUND NATURAL GAS	— G —	
STORM INLET	SS	
EXISTING SANITARY MANHOLE	ST	
EXISTING STORM MANHOLE	E	
EXISTING ELECTRIC MANHOLE		
FIRE HYDRANT		
GATE VALVE		
AC UNIT		
GAS METER		
TRANSFORMER		
DECIDUOUS TREE		
RAILROAD CROSSING SIGN		
SIGN		
STANDARD CURB & GUTTER		
MOUNTABLE CURB & GUTTER		
CURB & INVERTED GUTTER		
BUILDING		
NEW 4" SIDEWALK CONCRETE		
NEW 6" TRASH ENCLOSURE CONCRETE		
MILL AND OVERLAY PAVEMENT		
NEW 8" HEATED CONCRETE		
NEW 12" MEDIAN ISLAND CONCRETE		
IRON MONUMENT FOUND		
IRON MONUMENT SET		
SOIL BORING LOCATION		

- PAVING NOTES:**
- ALL WORK DONE IN THE RIGHT OF WAY SHALL CONFORM TO THE CITY OF WHITE BEAR LAKE STANDARD SPECIFICATIONS.
 - ALL HANDICAPPED STALLS SHALL HAVE SIGNING INSTALLED PER DETAIL.
 - HANDICAPPED STALLS SHALL BE STRIPED PER DETAIL.
 - SLOPE IN HANDICAP LOADING/UNLOADING ZONES SHALL NOT EXCEED 2% CROSS SLOPE AND ON ANY HANDICAP ACCESSIBLE ROUTE SHALL NOT EXCEED 2%.
 - ALL CURB RAMPS SHALL HAVE DETECTABLE WARNING PANELS INSTALLED.
 - ALL DISTANCES SHOWN ARE TO FACE OF CURB.
 - REMOVE AND REPLACE EXISTING PAVEMENT, CURB AND GUTTER, AND SIDEWALK AS NECESSARY TO INSTALL UTILITIES.
 - EXCAVATION OR OTHER WORK IN THE RIGHT OF WAY SHALL REQUIRE A TRAFFIC CONTROL PLAN THAT MEETS ALL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REQUIREMENTS. THIS PLAN IS REQUIRED BEFORE ANY PERMITS TO WORK IN THE RIGHT OF WAY WILL BE ISSUED.
 - ALL SIGNING SHALL CONFORM WITH THE CURRENT VERSION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
 - SETBACKS PER CURRENT ZONING OF DCB, DIVERSIFIED CENTRAL BUSINESS DISTRICT.

- KEYNOTES:**
- (A) VACUUM SYSTEM, REFER TO PLANS AND DETAILS (BY OTHERS) FOR EXACT SIZE AND LOCATION.
 - (B) CONCRETE FOUNDATION FOR VACUUM POST, INSTALL ISOLATION JOINT AT FOUNDATION PER DETAILS.
 - (C) HANDICAPPED SIGN AT 1'-0" BEHIND EDGE OF SIDEWALK, PER DETAIL ON C6.0.
 - (D) DROPPED SIDEWALK AT HANDICAPPED ACCESS AISLE.
 - (E) 4" WHITE PAINTED STRIPING.
 - (F) RAISED ISLAND SECTION, CONTRACTOR SHALL COORDINATE INSTALLATION OF ALL CONDUITS, FOOTINGS, AND STRUCTURES IN PROPOSED ISLANDS. ISLAND SECTION TO BE POURED SEPARATELY FROM PAVEMENT SECTION AND INSTALL ISOLATION JOINT AROUND ISLAND SECTION.
 - (G) SCREENING AT TRASH ENCLOSURE, REFER TO PLANS AND DETAILS.
 - (H) 8" HEATED CONCRETE, SEE DETAILS.
 - (J) RIBBON CURB.
 - (K) MOUNTABLE CURB AND GUTTER.
 - (L) INSTALL CURB RAMP PER DETAILS.
 - (M) LAWN AREA, SEE LANDSCAPING PLANS
 - (N) VACUUM PRODUCER, SEE DETAILS
 - (P) NEW CONCRETE
 - (Q) LIGHT POLE - SEE LIGHTING PLAN
 - (R) DIRECTIONAL SIGN - SEE DETAILS
 - (S) INTEGRAL CONCRETE SIDEWALK - SEE DETAILS
 - (T) PYLON SIGN
 - (U) PAY KIOSK

PARKING SPACES:
EMPLOYEE: 6
HANDICAPPED: 1
VACUUM BAY: 7



PRELIMINARY
Not for Construction

No.	Revision	Date	By

SILVERSTAR CAR WASH
2180 7TH ST
WHITE BEAR LAKE, MN

SITE PLAN

HOUSTON engineering, Inc.

Drawn By
APD

Checked By
CCO

Date
1-3-2023

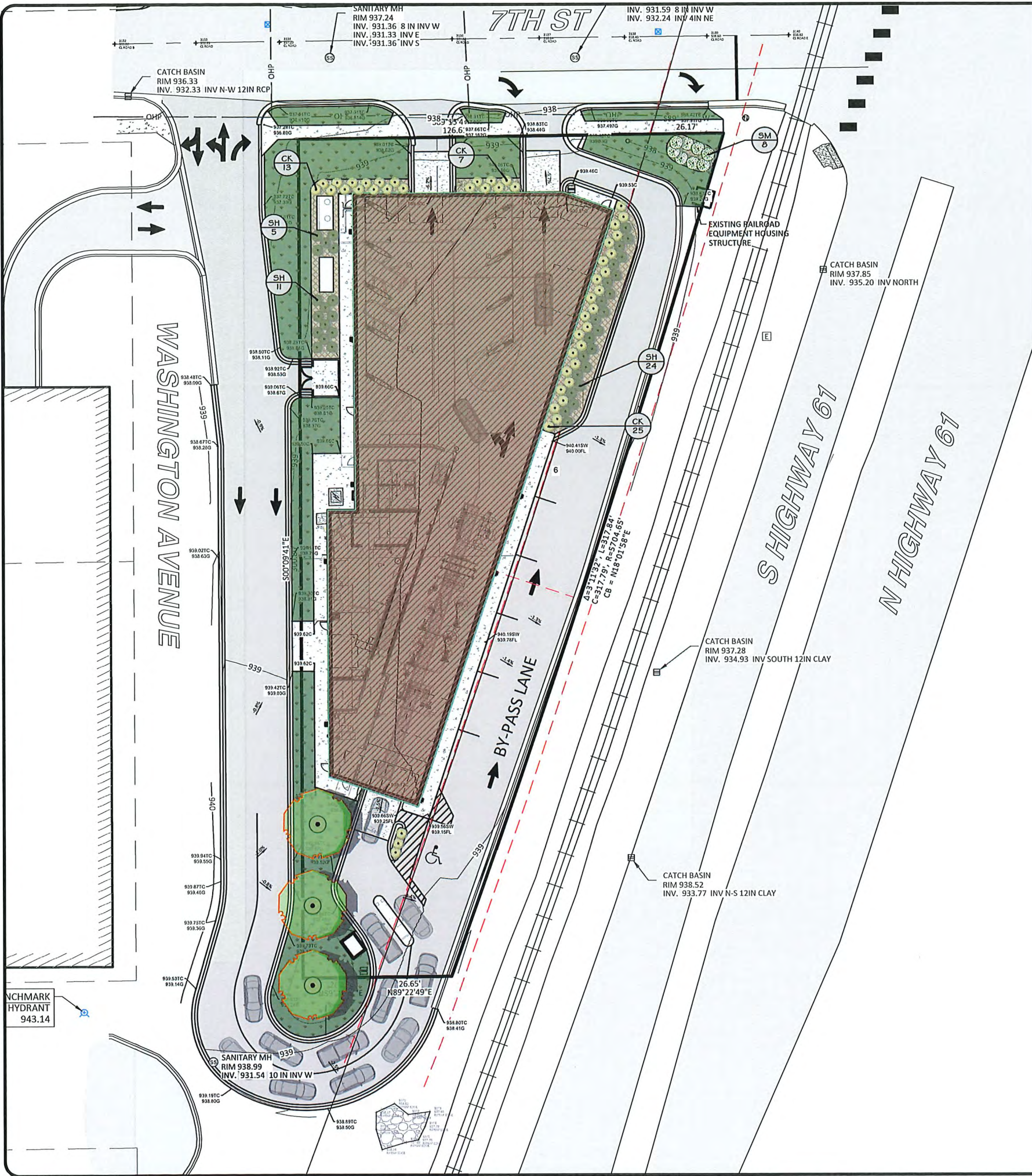
Scale

As Shown

Project No.
10300-0026

SHEET
C1.0

H:\BNA\109000\109004\10904_0025 MN3 White Bear Lake\CAD\Plans\10300-0026 - Landscape.dwg-C8.0 LANDSCAPE PLAN-1/26/2023 10:50 AM-[johanson]



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	Acer platanoides 'Columnarbroad'	Parkway® Maple	2.5" Cal.	3	

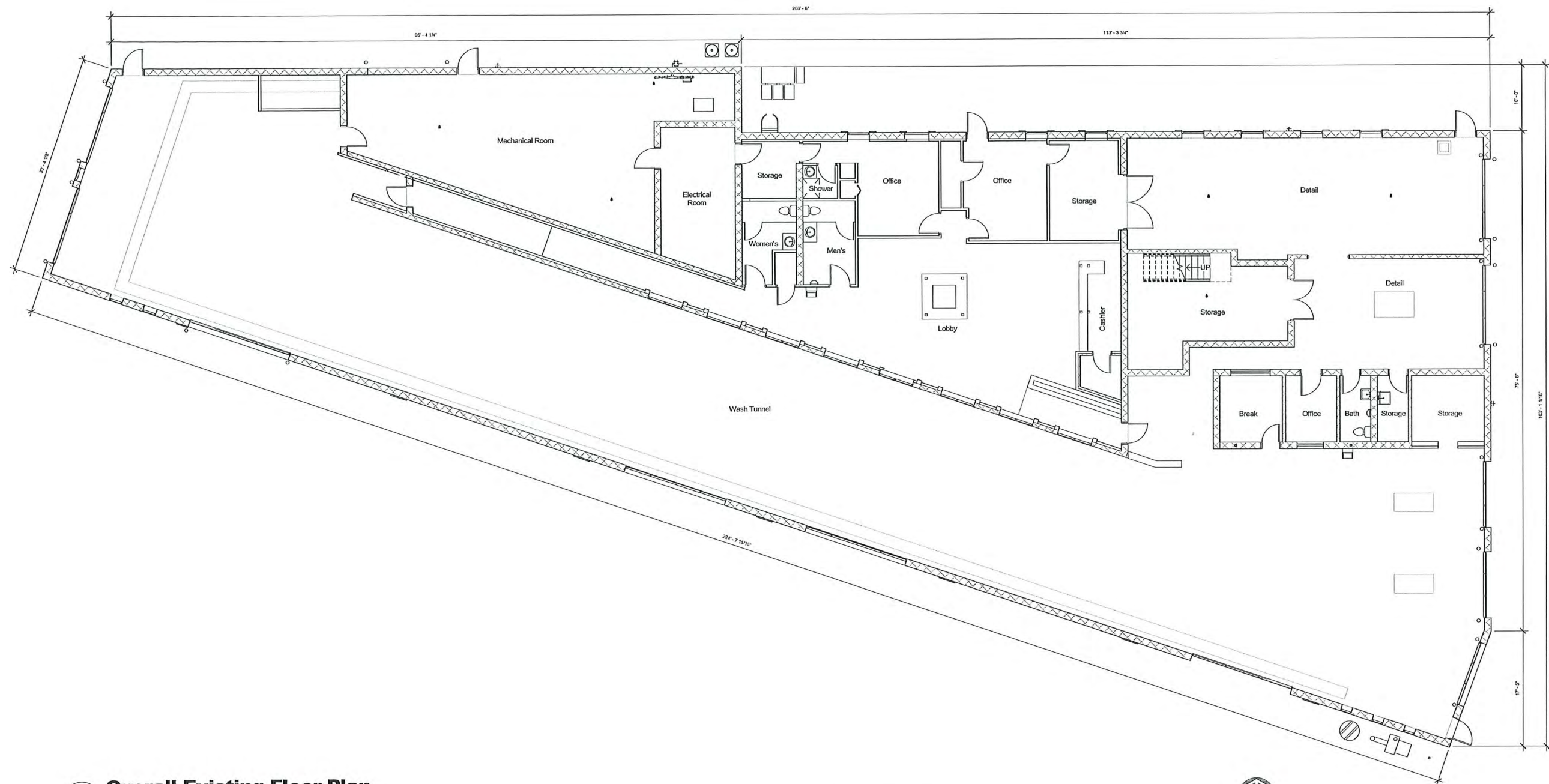
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
CK	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	2 gal.	48	
SH	Sporobolus heterolepis	Prairie Dropseed	2 gal.	40	
SM	Syringa meyeri 'Palibin'	Dwarf Korean Lilac	2 gal.	8	

GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	REMARKS
	ROCK MULCH	1 1/2" RIVER ROCK	MULCH		1,995 sf	
	SOD	SOD	SOD		6,196 sf	

ANCHOR MARK HYDRANT 943.14

PRELIMINARY
Not for Construction

SILVERSTAR CAR WASH 2180 7TH ST WHITE BEAR LAKE, MN		LANDSCAPE PLAN	
No.	Revision	Date	By
Drawn By: APD Checked By: CCO Date: 1-3-2023 Scale: As Shown Project No: 10300-0026 SHEET: C8.0			

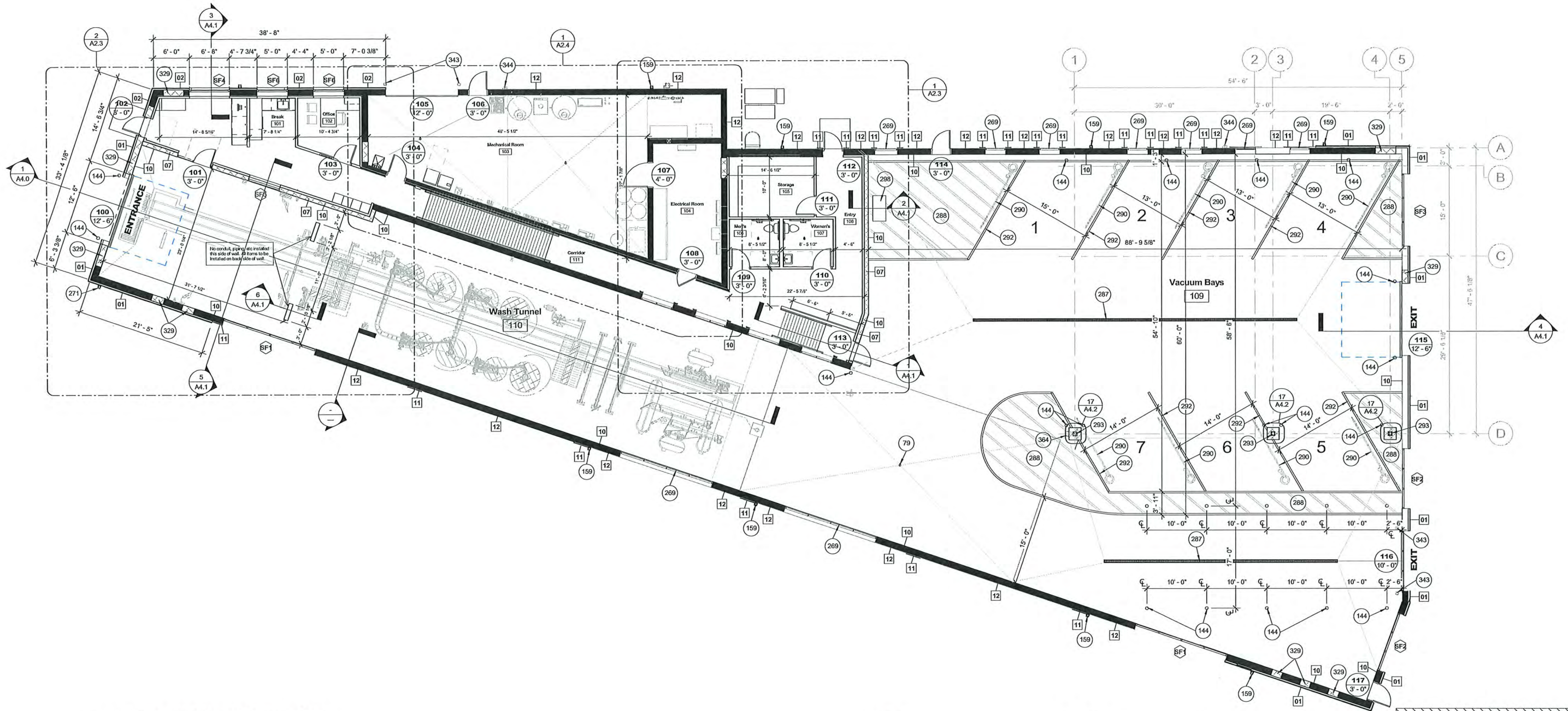


1 Overall Existing Floor Plan
Scale: 1/8" = 1'-0"



1/28/2023 8:40:23 AM Autodesk Docs://Silverstar MN3/22055 Silverstar White Bear Lake-Concept H.rvt

 VanDeWalle Architects LLC ARCHITECTURE • PLANNING • INTERIORS Sioux Falls, S.D. 605-339-4411	
 Midwest Fidelity Partners	
Silverstar Renovation MN3 2180 7th Street White Bear Lake, MN 55110	
Existing Floor Plan	
<small>COPYRIGHT 2022 © This plan is copyrighted and shall be used only for the building shown and is not to be copied or reproduced without written permission from VanDeWalle Architects LLC.</small>	
Project No. 22055	Revisions
Date: 01.27.23	
Drawn By: TJS	A2.0



1 Overall New Floor Plan

Scale: 1/8" = 1'-0"

Square Footage: 13,659 SF

Plan Notes

- 79 Floor drain. See mech.
- 144 6" diameter concrete filled steel pipe bollard w/ prefinished cover.
- 159 Prefinished aluminum scupper & rectangular open faced downspout w/ silver metallic finish. Maintain existing location. Surface drain.
- 269 Existing window to remain. Install new flashing @ sill (exterior side) & caulk perimeter prior to new paint.
- 271 Prefinished aluminum scupper & rectangular open faced downspout w/ silver metallic finish. Relocated from original location. Surface drain.
- 287 Trench drain. See mechanical plans.
- 288 *No parking' area. Paint concrete & locate signage.
- 290 Vacuum arch location. See final supplier drawings.
- 292 Parking lot striping, paint.
- 293 Steel column. See structural.
- 298 *Mat beater' equipment. See mechanical & electrical plans.
- 329 Infill existing opening w/ CMU to match adjacent width & coursing. Use 'Dryblock' in cores & 'Dryblock' mortar.
- 343 Existing bollard to remain. Install new cover to match new bollards.
- 344 Existing hose bib location to remain.
- 364 Surface mounted fire extinguisher cabinet. Must be rated for wet environments. Verify requirements w/ Fire Marshal. Install cabinet @ 48" AFF to top of cabinet per ADA requirements. Cabinet can protrude from wall 4" max per 307.2 of ICC A117.1-2009.

General Notes:

- 01. Provide 'W' style GWB control joints as recommended by the National Gypsum Association. This includes, but is not limited to, control joints @ 30'-0" o.c. max. in long corridors/wall expanses. Control joints @ door jambs, extending from door head to ceiling. Consideration should also be given to locating control joints from floor to ceiling at either edge of large window openings.
- 02. Provide W.R. GWB in all bathroom & laundry areas.
- 03. Provide 2x blocking at all grab bar & future grab bar locations. See detail 10/A5.0.
- 04. All dimensions are from face of stud or CMU, U.N.O.
- 05. Caulk perimeter of all toilets, wall hung lavatories, & backsplashes.
- 06. Verify existing conditions prior to construction. Notify architect of any discrepancies immediately prior to construction.
- 07. See sheet A6.0 for interior finishes.
- 08. Wall types are on sheet A2.13.
- 09. Verify all appliance dimensions prior to ordering cabinets.
- 10. Mechanical, electrical, structural, and civil items shown for reference only. For final design see consultant drawings.
- 11. All doors requiring thresholds shall be ADA compliant thresholds. All door hardware shall be lever type.
- 12. Interior elevations are on sheet A5.0.
- 13. Door, window, and storefront schedules & elevations are on sheet A5.1.
- 14. Verify structural stability of all elements to be removed prior to construction. See structural plans.

Wall Legend:

- Existing wall to remain
- New wall
- New CMU wall



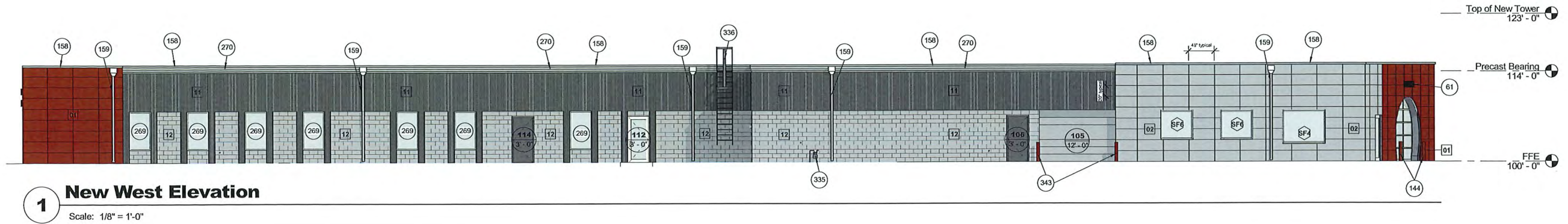
Silverstar Renovation MN3
2180 7th Street
White Bear Lake, MN 55110

Overall New Floor Plan

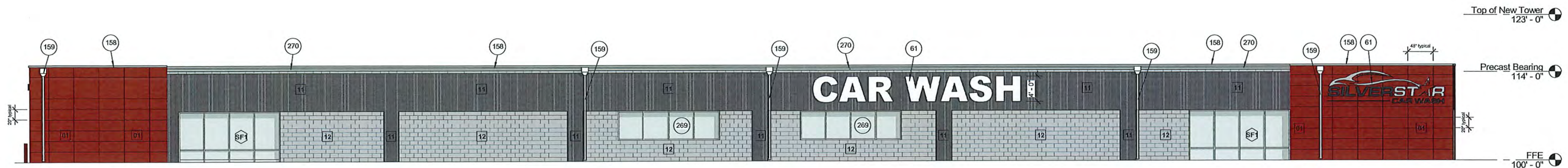
COPYRIGHT 2022 ©
This plan is copyrighted and shall be used only for the building shown and is not to be copied or reproduced without written permission from VanDeWalle Architects LLC.

Project No. 22055	Revisions	A2.2
Date: 01.27.23		
Drawn By: TJS		

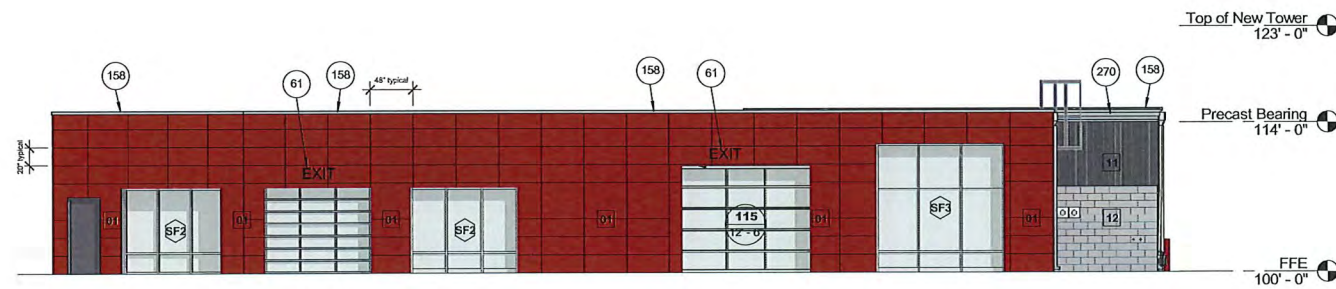
1/26/2023 8:41:27 AM Autodesk Docs://Silverstar_MN3/22055 Silverstar White Bear Lake-Concept H.rvt



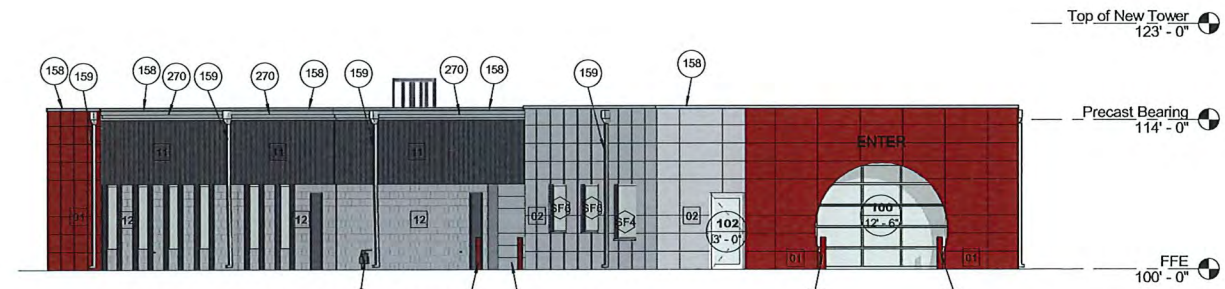
1 New West Elevation
Scale: 1/8" = 1'-0"



2 New East Elevation
Scale: 1/8" = 1'-0"



3 New North Elevation
Scale: 1/8" = 1'-0"



4 New South Elevation
Scale: 1/8" = 1'-0"

Plan Notes

- 61 Signage by Omer. Provide power & blocking as required. Coordinate w/ Owner for power, size & location.
- 144 6" diameter concrete filled steel pipe bollard w/ prefinished cover.
- 158 Prefinished metal parapet cap. Install blocking as required. Match silver metallic finish.
- 159 Prefinished aluminum scupper & rectangular open faced downspout w/ silver metallic finish. Maintain existing location. Surface drain.
- 269 Existing window to remain. Install new flashing @ sill (exterior side) & caulk perimeter prior to new paint.
- 270 2x built up cornice wrapped in prefinished metal. Silver metallic finish.
- 335 Existing gas meter location to remain.
- 336 Existing roof access ladder location to remain.
- 343 Existing bollard to remain. Install new cover to match new bollards.

General Notes:

- 01. Provide 'W' style GWB control joints as recommended by the National Gypsum Association. This includes, but is not limited to, control joints @ 30'-0" o.c. max. in long corridors/wall expanses. Control joints @ door jambs, extending from door head to ceiling. Consideration should also be given to locating control joints from floor to ceiling at either edge of large window openings.
- 02. Provide W.R. GWB in all bathroom & laundry areas.
- 03. Provide 2x blocking at all grab bar & future grab bar locations. See detail 10/A5.0.
- 04. All dimensions are from face of stud or CMU, U.N.O.
- 05. Caulk perimeter of all toilets, wall hung lavatories, & backslashes.
- 06. Verify existing conditions prior to construction. Notify architect of any discrepancies immediately prior to construction.
- 07. See sheet A6.0 for interior finishes.
- 08. Wall types are on sheet A2.13.
- 09. Verify all appliance dimensions prior to ordering cabinets.
- 10. Mechanical, electrical, structural, and civil items shown for reference only. For final design see consultant drawings.
- 11. All doors requiring thresholds shall be ADA compliant thresholds. All door hardware shall be lever type.
- 12. Interior elevations are on sheet A5.0.
- 13. Door, window, and storefront schedules & elevations are on sheet A5.1.
- 14. Verify structural stability of all elements to be removed prior to construction. See structural plans.

VanDeWalle Architects LLC
ARCHITECTURE • PLANNING • INTERIORS
Sioux Falls, S.D. 605-339-4411

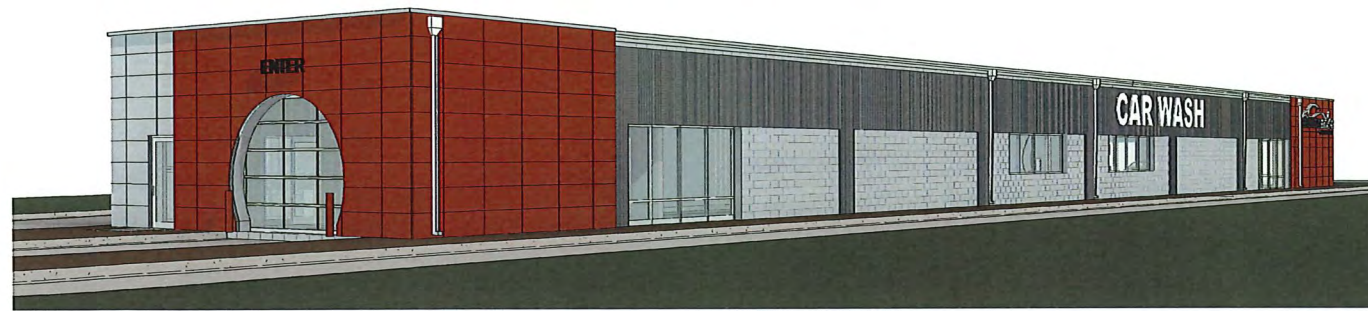
MFP Midwest Fidelity Partners

Silverstar Renovation MN3
2180 7th Street
White Bear Lake, MN 55110

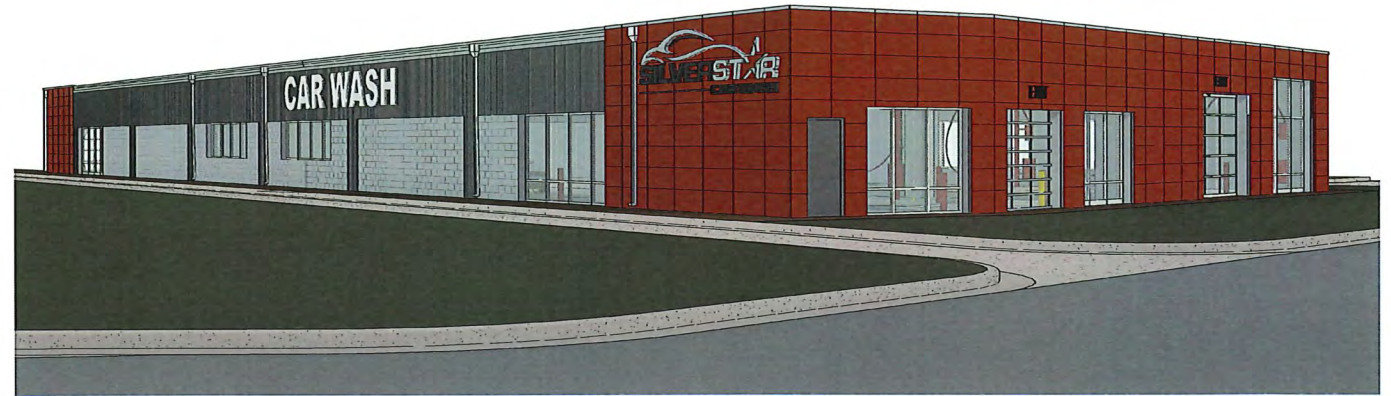
New Exterior Elevations

COPYRIGHT 2023 ©
This plan is copyrighted and shall be used only for the building shown and is not to be copied or reproduced without written permission from VanDeWalle Architects LLC.

Project No.	22055	Revisions	A3.0
Date:	01.27.23		
Drawn By:	TJS		



1 Southeast Perspective
Scale:



2 Northeast Perspective
Scale:



3 Northwest Perspective
Scale:



4 Southwest Perspective
Scale:

PRELIMINARY
NOT FOR CONSTRUCTION


VanDeWalle Architects LLC
 ARCHITECTURE • PLANNING • INTERIORS
 Sioux Falls, S.D. 605-339-4411


Midwest Fidelity Partners

Silverstar Renovation MN3
 2180 7th Street
 White Bear Lake, MN 55110

New Perspective Views

COPYRIGHT 2023 ©
 This plan is copyrighted and shall be used only for the building shown and is not to be copied or reproduced without written permission from VanDeWalle Architects LLC.

Project No.	22055	Revisions	A3.1
Date:	01.27.23		
Drawn By:	TJS		



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Ashton Miller, City Planner
DATE: February 14, 2023
SUBJECT: **Central Middle School Conditional Use Permit, 4857 Bloom Avenue,
 Case No. 23-5-CUP**

SUMMARY

The applicant, Wold Architects on behalf of the White Bear Lake Area Schools, is requesting a conditional use permit allow construct a gymnasium and 11 new classrooms at Central Middle School located at 4857 Bloom Avenue. Based on the findings made in this report, the Planning Commission and staff find that the standards for conditional use permits laid out in City Code Section 1301.050 have been satisfied and recommends approval of the request.

GENERAL INFORMATION

Applicant/Owner: Wold Architects / Independent School District #624

Existing Land Use / Zoning: School; zoned P: Public Facilities

Surrounding Land Use / Zoning: North: North Campus; zoned P: Public Facilities
 East & South: Single Family Homes; zoned R-4: Single Family – Two Family Residential
 West: Single Family Homes; zoned R-3: Single Family Residential

Comprehensive Plan: Public/Semi-Public

Lot Size & Width: Code: none
 Site: 33.36 acres & 650 feet

BACKGROUND INFORMATION

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing. The applicant, Tim Wald, School Superintendent, commented that this project was planned as part of the bond referendum and that they have a pending purchase agreement for the fourth home along Bald Eagle Avenue near the gym addition. Staff did not receive any written comments regarding this request. After hearing staff's presentation

and comments from the applicant, the commission voted 7-0 to recommend the City Council approve this request.

Site Characteristics. The subject site is located at 4857 Bloom Avenue between Division and Bald Eagle Avenue, just south of North Campus. In 2021, as part of the bond referendum passed in 2019, a conditional use permit was approved for major improvements at North Campus that included several shared facilities between the two schools, including practice fields and parking. Modifications to the middle school were not proposed at that time. The current proposal consists of a 10,800 square foot gym addition with bathrooms and storage space that will also serve as a storm shelter. The District Center will move out of the school, creating space for 11 new classrooms, increased cafeteria space and additional flex space.

ANALYSIS

City review authority for conditional use permits are 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.

According to City Code Section 1301.050, the City shall consider possible adverse effects of a proposed conditional use. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, both the Planning Commission and staff recommend 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 public/semi-public. This designation is for properties which are owned by a public or non-profit entity and used for public services and uses other than parks and open space. It is also intended for semi-public uses such as recreation centers, public schools, churches and cemeteries. The continued use as a school is consistent with the Comprehensive Plan.

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

Finding: The area has been the location of a school since the 1920's and much of the neighborhood has developed over time around the school. The continued use as a school and the addition of more classrooms to serve the growing number of students in the community is compatible with present and future land uses of the area.

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

Finding: The Public Facilities zoning district does not have specified setbacks or height requirements, rather the code states, "requirements as to lot size, setbacks, building, parking

landscaping, screening, etc., shall be at least comparable to similar uses in other districts”. The standards for schools in the R-3 and R-4 zoning districts, the predominant surrounding districts, have been used for comparison purposes against this request.

Setbacks. Schools in residential zoning districts (e.g. private and charter schools) are required to double the setback when adjacent to residential properties, which typically results in a 20 foot setback. The proposed gym addition will be more than 20 feet from the adjacent residential property, and several hundred feet from the adjacent right-of-ways, so staff finds the setbacks to be acceptable. The site plan denotes a 20 foot “buffer”, which is typically required when commercial properties abut residential. The dense vegetation in this buffer area will be maintained to minimize any impact on the residential property.

Height. At 34 feet in height, the gym is comparable to what is permitted in other zoning districts (35-36 feet or three stories).

Parking. The zoning code requires elementary schools and junior high schools to provide one parking stall per classroom and one per each 50 students. There will be 57 classrooms and a capacity of 1,350 students, meaning 84 stalls are required. The site includes 214 stalls with additional parking exclusively for school buses so parking requirements are exceeded.

Elevations. The exterior materials of the gym will be consistent with the existing school as a mix of precast paneling and brick in matching colors are proposed.

Landscaping. Shrubs are also proposed around the west side of the gym to soften the appearance of the building.

Lighting. Lighting specifications and details for any new lighting, along with a photometric plan will be required before a building permit is issued.

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

Finding: The proposal will not depreciate the area. High quality school districts play a large role in the vibrancy and appeal of the local community. The proposal at the middle school will enhance and contribute positively to the general vicinity.

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

Finding: As part of the approval for North Campus, existing and proposed sewer and water utility connections were designed to accommodate the expansion in the area, thus the utilities have the capacity to serve the proposed addition.

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

Finding: The applicant has stated that traffic may decrease with the District office moving out of

the building. When North Campus received approval for expansion, several improvements were identified to alleviate traffic congestion in the neighborhood and distribute traffic throughout the existing roadway network. Modifications to traffic controls and access/roadway changes planned for the neighborhood will help keep traffic generated from the gym and classroom addition within the capabilities of the streets. Additionally, staggered school start and dismissal times with the high school should reduce congestion.

RECOMMENDATION

The standards outlined in the zoning ordinances have been met, therefore, the Planning Commission and staff recommend approval of the applicant's 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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
Prior to the issuance of a building permit, the applicant shall:
5. Provide additional information and details as required by the Fire Marshal, detailed in the attached memo dated December 23, 2022.
6. Provide additional information and details as required by the Engineering Department, detailed in the attached memo dated January 12, 2023.
7. Provide a SAC determination from the Metropolitan Council.
8. Submit lighting details and a photometric plan for staff review and approval. All new or relocated lights shall be shielded so that the light source is not visible from surrounding residences.

ATTACHMENTS

Resolution

Applicants Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT
FOR 4857 BLOOM AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Independent School District #624 (Case No. 23-5-CUP) has requested a conditional use permit, per code section 1303.245, in order to construct a gym addition and remodel 11 new classrooms at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use 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.

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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
Prior to the issuance of a building permit, the applicant shall:

RESOLUTION NO.

- 5. Provide additional information and details as required by the Fire Marshal, detailed in the attached memo dated December 23, 2022.
- 6. Provide additional information and details as required by the Engineering Department, detailed in the attached memo dated January 12, 2023.
- 7. Provide a SAC determination from the Metropolitan Council.
- 8. Submit lighting details and a photometric plan for staff review and approval. All new or relocated lights shall be shielded so that the light source is not visible from surrounding residences.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

Applicant's Signature

Date

RESOLUTION NO.
EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION OF PROPERTY SURVEYED

(Per Warranty Deed Doc. No. 888516)

Lots Numbered Twelve (12) and Thirteen (13), Block Two (2), Spruce Grove Addition to the City of White Bear Lake, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey and State of Minnesota.

AND

(Per Warranty Deed Doc. No. 888517)

Lots Numbered Ten (10) and Eleven (11), and Fourteen (14), Block Two (2), Spruce Grove Addition to the City of White Bear Lake, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey and State of Minnesota.

AND

(Per Probate Deed Doc. No. 1127304)

Lot One (1) and the North twenty-one (21) feet of Lot Two (2) and all of Lot Twenty-Two (22), Block One (1) Spruce Grove White Bear Lake, Minnesota, subject to unpaid balance of sewer assessment. The North twenty-one (21) feet of Lot Two (2) described above, being all of said Lot Two (2) except the South fifty (50) feet of said Lot.

AND

(Per Doc. No. 1306834)

The Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), except Bald Eagle Avenue, and except the Easterly one hundred eighty (180) feet, of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), all according to the United States Government survey thereof. Also except (per Deed Doc. No. 1315540): The West one hundred, fifty (150) feet of the East three hundred thirty (330) feet of the North two hundred, fifty (250) feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range twenty-two (22), Ramsey County, Minnesota, according to the United States Government survey thereof.

AND

(Per Doc. No. 1330374)

The North 358.75 feet of the SW1/4 of the NE1/4 of Section 14, Township 30, Range 22, except the West 363 feet and except Murray's Second Addition and except Bald Eagle Avenue, consisting of approximately four (4) acres.

AND

(Per Warranty Deed Doc. No. 1395999)

The North 251 feet of the East 330 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), except therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Town 30, Range 22.

AND

(Per Warranty Deed Doc. No. 1396000)

The North one-half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), except the West 333 feet thereof; and except that part of the North one-half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 14, Township 30, Range 22, described as follows: Beginning at a point on the East line of said North one-half (N1/2) of said Quarter section distant 464.31 feet South of the northeast corner of the North one-half of said Quarter section; thence South along said East line 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of the North 1/2 of said Quarter Section; thence North 75 feet; thence East 189.19 feet to the place of beginning, excepting part taken for Division Street, as conveyed to Beatrice N. Baker by deed dated June 5, 1947, recorded in Book 1311 Deeds, page 35, in the office of the Register of Deeds for Ramsey County, Minnesota; and except the tract of land described as follows, to-wit: the North 251 feet of the East 330 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4), except therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Township 30, Range 22, according to the Government plat thereof, subject to the rights of the public in Division Avenue.

AND

(Per Warranty Deed Doc. No. 3804584)

The South 150 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4787655)

The South 64 feet of the North 256 feet of the East 180 feet of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4800627)

The South 58 feet of the North 122 feet of the East 180 feet of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE 1/4 of the NW 1/4 of the NE 1/4), Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc No. 4805756)

The North 75 feet of the South 335 feet of the East 180 feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 14, Township 30, Range 22, Ramsey County, State of Minnesota.

AND

(Per Warranty Deed Doc. No. 4807238)

The North 150 feet of the South 300 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North Half of the Northwest Quarter of the Northeast Quarter, of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

RESOLUTION NO.

(Per Warranty Deed Doc. No. 4807495)

That part of the North half of the Northwest quarter of the Northeast quarter of Section 14, Township 30, Range 22, described as follows: Beginning at a point on the East line of said North half of said quarter-quarter section, distant 464.31 feet South of the Northeast corner of the North half of said quarter-quarter section, thence South along said East line a distance of 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of said North half of said quarter-quarter section, thence North a distance of 75 feet, thence East a distance of 189.19 feet to the place of beginning, except that part taken for Division Street.

AND

(Per Warranty Deed Doc. No. 4807539)

The South 89 feet of the North 269.75 feet of the West 363 feet of the Southwest 1/4 (SW1/4) of Northeast 1/4 (NE1/4), Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4810300)

The North 100 feet of the South 366 feet of the West 333 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4831999)

The North 100 feet of the South 266 feet of the West 333 feet of the SW 1/4 of the SE 1/4 of Section 11, Township 30, Range 22, subject to roads, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4816711)

The South 102 feet of the North 235 feet of the East 300 feet of the West 333 feet of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4827190)

The East 300 feet of the West 333 feet of the South 125 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4, Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4823423)

The South 80 feet of the North 180.75 feet of the West 363 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Certificate of Title No. 633930)

The South 89 feet of the North 358.75 feet of the West 363 feet of the Southwest quarter of the Northeast quarter of Section 14, Township 30, Range 22, except Bald Eagle Avenue.

AND

(Per Warranty Deed Doc. No. 4810403)

The North 75 feet of the South 381 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4820894)

The North 75 feet of the South 306 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4812756)

The North 75 feet of the South 231 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4835162)

The North Ninety (90) feet of the South One Hundred fifty-six (156) feet of the East One Hundred eighty-nine (189) feet of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 33 feet of the South 66 feet of the East 189 feet of the SW 1/4 of the SE 1/4 of Sec. 11, T.30, R.22, Ramsey County, Minnesota

AND

(Per Warranty Deed Doc. No. 4834928)

The North sixty-four (64) feet of the East one hundred, eighty (180) feet of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section fourteen (14), Township thirty (30), Range twenty-two (22), Ramsey County, Minnesota.

AND

(Per Warranty Deed Doc. No. 4810400)

The South 70 feet of the North 192 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, according to the United States Government Survey thereof.

AND

(Per Warranty Deed Doc. No. 4591857)

The real property in Ramsey County, Minnesota, described as follows: Lot One (1), Block Four (4), Auditor's Subdivision No. 48.

AND

(Per Warranty Deed Doc. No. 4803960)

Lot 7, Oakhurst Acres, except the North 50 feet of the East 190 feet, Ramsey County, Minnesota.

AND

(Per Limited Warranty Deed Doc. No. 4422493)

Lots 1 and 2, Block 8, Murray's Second Addition to White Bear Lake, Ramsey County, Mn.

AND

(Per Warranty Deed Doc. No. A4846929)

The West 70 feet of Lots 3 and 4, Block 8, Murray's Second Addition to White Bear Lake.

AND

(Per Warranty Deed Doc. No. 2423360)

The South 64 feet of the North 320 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22.



ISD #624 – CENTRAL MIDDLE SCHOOL ADDITION AND RENOVATION

Condition Use Permit

In November 2019, the White Bear Lake Area School District passed a referendum to improve and expand facilities districtwide, along with Long Term Facility Maintenance upgrades.

Central Middle School is one of the projects that was included in that referendum. The referendum items at Central were to solve the following issues:

- The building requires additional gymnasium space for a regulation-sized basketball court. The gym will also provide a storm shelter for the facility.
- The building does not have adequate cafeteria seating space and / or kitchen space and equipment to serve the number of students.
- In order to address growing enrollment within the District, renovation of the current District Office spaces into a net gain of 11 additional classrooms that will raise the capacity of the building to a total of 1,350 students.
- Renovations to the existing classrooms, flexible learning spaces, media center, cafeteria, and kitchen areas.
- Address HVAC, electrical, and ADA accessibility issues throughout the building.

The 10,800 square foot proposed addition includes the following spaces: A regulation gymnasium station toilets to support gymnasium use and storm shelter functions, physical education storage associated with the new gymnasium, a water riser and mechanical / electrical support spaces. This addition will bring the total square footage to 215,565. Due to the District Office moving out of the existing building and this space being renovated to additional classroom, the student capacity of the facility will increase to 1,350 to meet the growing enrollment needs as noted above.

The exterior materials of the addition include precast and brick to match the existing building, aluminum windows and entrance systems, and metal roof coping to match colors of the adjacent building being connected to. Since the referendum was passed, a new building code has been adopted requiring the addition to house a storm shelter within the gymnasium addition. Structural design would dictate the storm shelter to be constructed of precast concrete to withstand design wind loads of 250 MPH. The precast is proposed to be integral color and use textures of acid etch and sandblasting to create the patterns on the panels that correspond to features on the existing building.

This application is being submitted for a Condition Use Permit to allow the addition to be constructed.

Per 1301.050 Subd. 2. Procedure e. of the City Code:

Item 2. The proposed addition continues the present use of the site.

Item 3. It is our intent that the proposed expansion meets all the City's performance standards.

Item 4. Typically schools appreciate land values and we believe this expansion would enhance that.



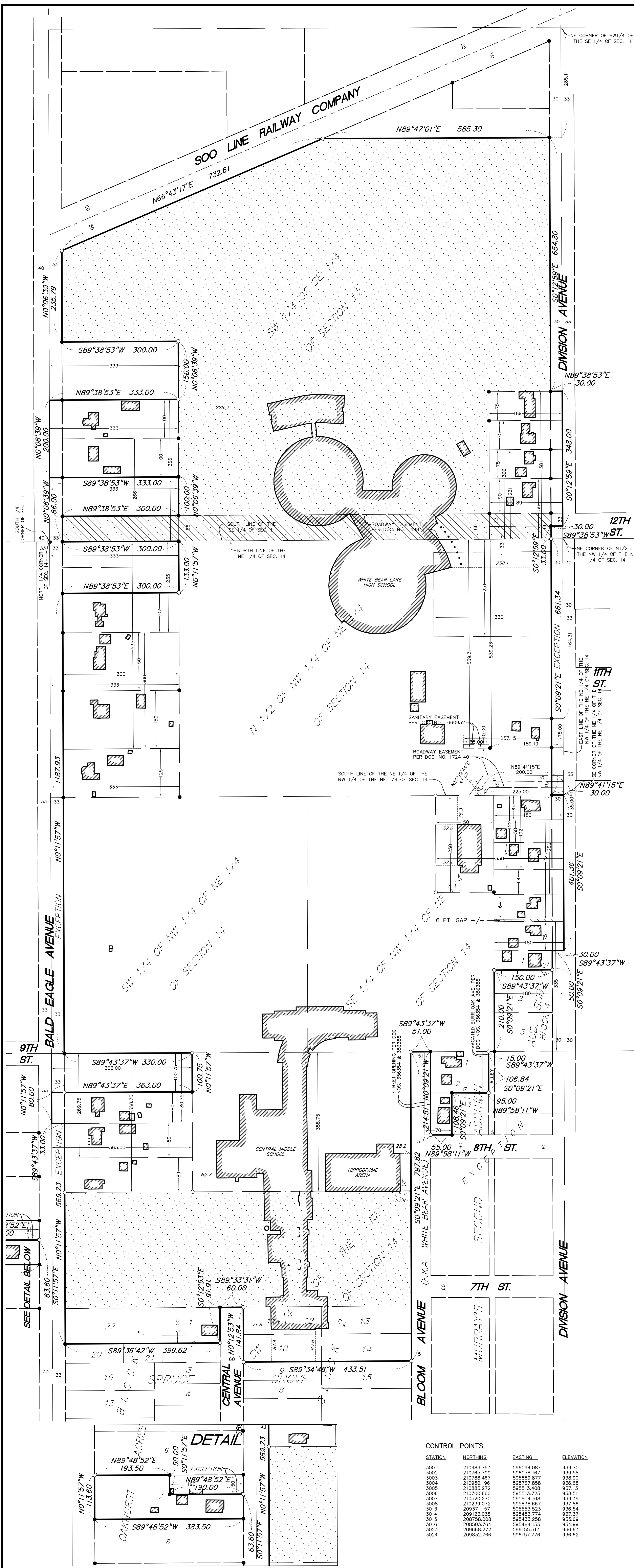
Independent School District #624 – White Bear Lake School District

Central Middle School Addition and Renovation

December 19, 2022

Item 5. The proposed addition is maintaining the existing utility connections and will not overburden the City's service capacity.

Item 6. Traffic generation by the proposed use is within the capabilities of streets using the property and could see decreased use due to the reduced visitors to the District Office functions that will leave the site as part of this project.



DESCRIPTION OF PROPERTY SURVEYED

(Per Warranty Deed Doc. No. 888516)
 Lots Numbered Twelve (12) and Thirteen (13), Block Two (2), Spruce Grove Addition to the City of White Bear Lake, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey and State of Minnesota.
 AND
 (Per Warranty Deed Doc. No. 888517)
 Lots Numbered Ten (10) and Eleven (11), and Fourteen (14), Block Two (2), Spruce Grove Addition to the City of White Bear Lake, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey and State of Minnesota.
 AND
 (Per Probate Deed Doc. No. 1127304)
 Lot One (1) and the North twenty-one (21) feet of Lot Two (2) and all of Lot Twenty-Two (22), Block One (1) Spruce Grove White Bear Lake, Minnesota, subject to unpaid balance of sewer assessment. The North twenty-one (21) feet of Lot Two (2) described above, being all of said Lot Two (2) except the South fifty (50) feet of said Lot.
 AND
 (Per Doc. No. 1306834)
 The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), except Bald Eagle Avenue, and except the Easterly one hundred eighty (180) feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), all according to the United States Government survey thereof. Also, except (per Deed Doc. No. 1315540): The West one hundred, fifty (150) feet of the East three hundred thirty (330) feet of the North two hundred, fifty (250) feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range twenty-two (22), Ramsey County, Minnesota, according to the United States Government survey thereof.
 AND
 (Per Doc. No. 1330374)
 The North 358.75 feet of the SW 1/4 of the NE 1/4 of Section 14, Township 30, Range 22, except the West 363 feet and except Murray's Second Addition and except Bald Eagle Avenue, consisting of approximately four (4) acres.
 AND
 (Per Warranty Deed Doc. No. 1395999)
 The North 251 feet of the East 330 feet of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), except therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Town 30, Range 22.
 AND
 (Per Warranty Deed Doc. No. 1396000)
 The North one-half (1/2) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), except the West 333 feet thereof, and except that part of the North one-half (1/2) of the Northwest Quarter (NW 1/4) of Section 14, Township 30, Range 22, described as follows: Beginning at a point on the East line of said North one-half (1/2) of said Quarter section distant 464.31 feet South of the northeast corner of the North one-half of said Quarter section; thence South along said East line 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of the North 1/2 of said Quarter Section; thence East 189.19 feet to the place of beginning, excepting part taken for Division Street, as conveyed to Beatrice N. Baker by deed dated June 5, 1947, recorded in Book 1311 Deeds, page 35, in the office of the Register of Deeds for Ramsey County, Minnesota; and except the tract of land described as follows, to-wit: The North 251 feet of the East 330 feet of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), except therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Township 30, Range 22, according to the Government plat thereof, subject to the rights of the public in Division Avenue.
 AND
 (Per Warranty Deed Doc. No. 3804584)
 The South 150 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4787655)
 The South 64 feet of the North 256 feet of the East 180 feet of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4800627)
 The South 58 feet of the North 122 feet of the East 180 feet of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE 1/4 of the NW 1/4 of the NE 1/4) of Section Fourteen (14), Township Thirty (30), Range Twenty-two (22), Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4805756)
 The North 75 feet of the South 335 feet of the East 180 feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 14, Township 30, Range 22, Ramsey County, State of Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4807238)
 The North 150 feet of the South 300 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North Half of the Northwest Quarter of the Northeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4807495)
 That part of the North half of the Northwest quarter of the Northeast quarter of Section 14, Township 30, Range 22, described as follows: Beginning at a point on the East line of said quarter-quarter section, distant 464.31 feet South of the northeast corner of the North half of said quarter-quarter section, thence South along said East line a distance of 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of said North half of said quarter-quarter section, thence North a distance of 75 feet, thence East a distance of 189.19 feet to the place of beginning, except that part taken for Division Street.
 AND
 (Per Warranty Deed Doc. No. 4807539)
 The South 89 feet of the North 75 feet of the West 363 feet of the Southwest 1/4 (SW 1/4) of Northeast 1/4 (NE 1/4), Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4810300)
 The North 100 feet of the South 366 feet of the West 333 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4831999)
 The North 100 feet of the South 266 feet of the West 333 feet of the SW 1/4 of the SE 1/4 of Section 11, Township 30, Range 22, subject to roads, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4816711)
 The South 102 feet of the North 235 feet of the East 300 feet of the West 333 feet of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4827190)
 The East 300 feet of the West 333 feet of the South 125 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4, Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4823423)
 The South 80 feet of the North 180.75 feet of the West 363 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Certificate of Title No. 633930)
 The South 89 feet of the North 75 feet of the West 363 feet of the Southwest quarter of the Northeast quarter of Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4810403)
 The North 75 feet of the South 381 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4820894)
 The North 75 feet of the South 306 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4812756)
 The North 75 feet of the South 231 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4835162)
 The North Ninety (90) feet of the South One Hundred fifty-six (156) feet of the East One Hundred eighty-nine (189) feet of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 11, Township 30, Range 22, Ramsey County, Minnesota.
 AND
 The North 33 feet of the South 66 feet of the East 189 feet of the SW 1/4 of the SE 1/4 of Sec. 11, T.30, R.22, Ramsey County, Minnesota
 AND
 (Per Warranty Deed Doc. No. 4834928)
 The North sixty-four (64) feet of the East one hundred, eighty (180) feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Fourteen (14), Township Thirty (30), Range twenty-two (22), Ramsey County, Minnesota.
 AND
 (Per Warranty Deed Doc. No. 4810400)
 The East line of said North half of the North 192 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, according to the United States Government Survey thereof.
 AND
 (Per Warranty Deed Doc. No. 4591857)
 The real property in Ramsey County, Minnesota, described as follows: Lot One (1), Block Four (4), Auditor's Subdivision No. 48.
 AND
 (Per Warranty Deed Doc. No. 4803960)
 Lot 7, Oakhurst Acres, except the North 50 feet of the East 190 feet, Ramsey County, Minnesota.
 AND
 (Per Limited Warranty Deed Doc. No. 4422493)
 Lots 1 and 2, Block 8, Murray's Second Addition to White Bear Lake, Ramsey County, Mn.
 AND
 (Per Warranty Deed Doc. No. A4846929)
 The West 70 feet of Lots 3 and 4, Block 8, Murray's Second Addition to White Bear Lake.
 AND
 (Per Warranty Deed Doc. No. 2423360)
 The South 64 feet of the North 320 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22.

PLAT RECORDING INFORMATION

The plat of Spruce Grove was filed for record on January 3, 1924, in Book 41 Plats, page 15.
 The plat of Oakhurst Acres was filed for record on November 1, 1911.

TITLE COMMITMENT

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

NOTE: It is recommended by this surveyor that title work be performed on this site due to the missing documents and property gap. Also a number of properties may not be completely transferred at the time of this survey.

GENERAL NOTES

- 1.) Survey coordinate basis: Ramsey County Coordinate System (NAD83)
- 2.) There were no wetland delineation markers observed in the process of conducting the fieldwork.

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, Gopher State One Call locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, excavation and/or a private utility locate request may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket numbers 200862331, 200862340, 200862347, 200862359 & 200901245.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.
- 5.) Private utilities are shown as marked by Hance Locating Services, Inc. on April 9, 2020. Private utilities are those utilities installed for the use of their owner, typically by someone other than a Gopher State One Call registered utility operator.

LEGEND

- Denotes iron monument set marked with P.L.S. No. 44900
- Denotes found iron monument
- ⦿ Denotes 1.17 inch diameter copper magnetized mark with disc cap affixed stamped LS-44900 set
- ▨ Denotes no record deed found
- ▨ Denotes existing road easement

BENCHMARKS (BM)

- Area east of Bald Eagle Avenue = 3,435,255 square feet or 78.863 acres
 That part of Lot 7, Oakhurst Acres = 34,066 square feet or 0.782 acres
 Total area = 3,469,321 square feet or 79.645 acres
- 1.) Top of top nut of fire hydrant 120 feet +/- north of door B of High School building. Elevation = 943.06 feet
 - 2.) Top of top nut of fire hydrant 40 feet +/- northwest of northwest corner of High School building. Elevation = 941.47 feet
 - 3.) Top of top nut of fire hydrant 50 feet +/- south of door S of High School building. Elevation = 942.55 feet
 - 4.) Top of top nut of fire hydrant 70 feet +/- south of 11th Street on east side of Division Avenue. Elevation = 939.68 feet
 - 5.) Top of top nut of fire hydrant 80 feet +/- north of door U of Middle School building. Elevation = 940.64 feet
 - 6.) Top of top nut of fire hydrant at southwest corner of parking lot south of Middle School building. Elevation = 937.59 feet
 - 7.) Top of top nut of fire hydrant at southeast corner of parking lot south of Middle School building. Elevation = 938.49 feet
 - 8.) Top of top nut of fire hydrant 25 feet +/- northeast of northeast corner of Middle School building. Elevation = 939.61 feet

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 8th day of December, 2020
 SUNDE LAND SURVEYING, LLC.
 By: *Ailee J. Olson*
 Ailee J. Olson, P.L.S. Minn. Lic. No. 44900

Added	By	Date
Added 3 Lots to overall survey		02/02/2021
Added 21 Lots to overall survey		12/08/2020
Revision		

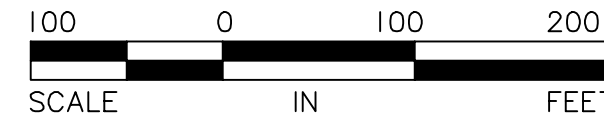
Drawing Title:
BOUNDARY, LOCATION, TOPOGRAPHIC AND UTILITY SURVEY FOR:
WHITE BEAR LAKE AREA HIGH SCHOOL NORTH CAMPUS, WHITE BEAR LAKE, MN.

SUNDE LAND SURVEYING
 Main Office: 9001 East Bloomington Freeway (35W) • Suite 118
 Bloomington, Minnesota 55425-3435
 952-881-2455 (Fax: 952-888-9526)
 www.sunde.com

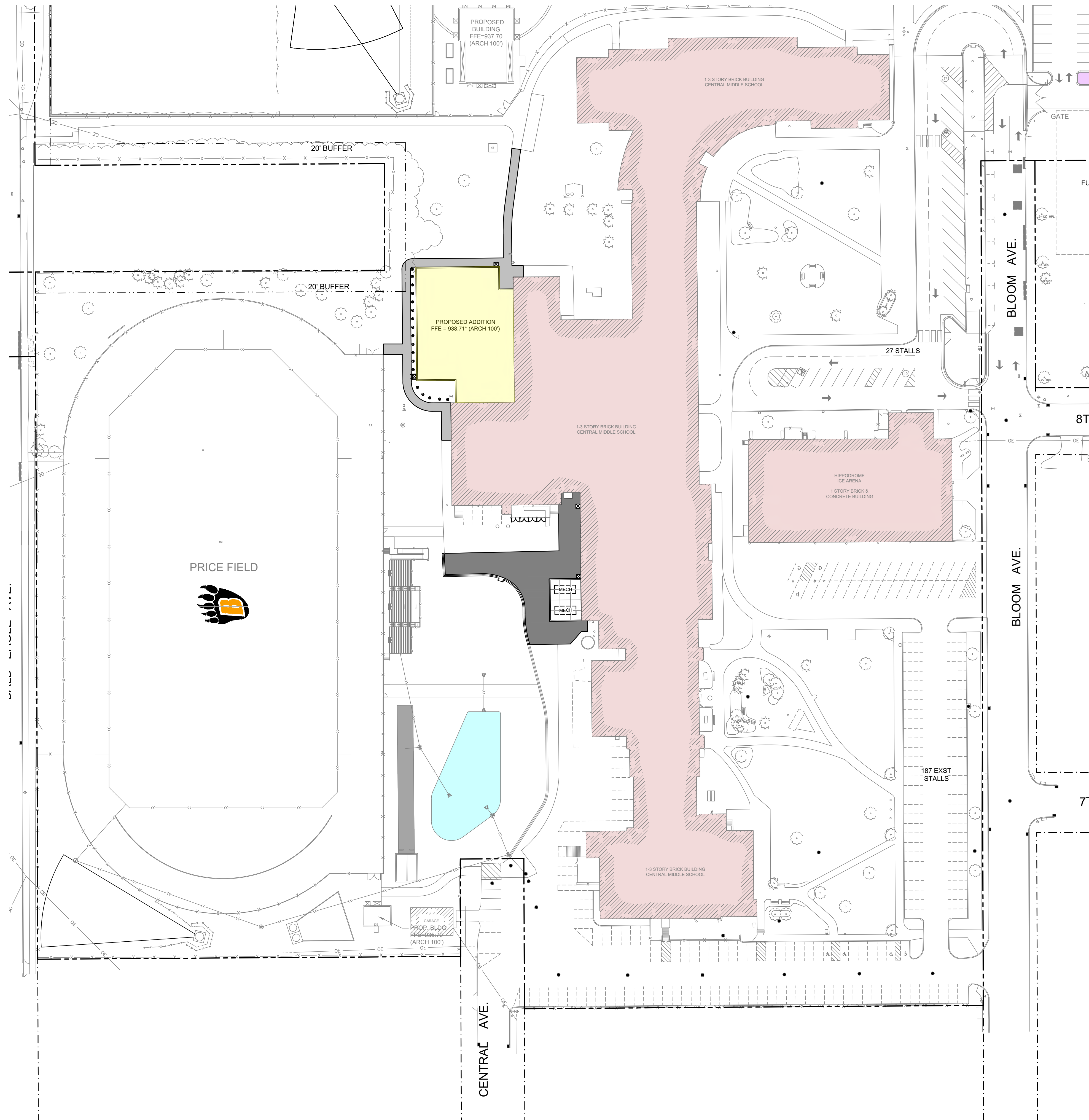
Project: 2020-014-0 Bk/Pg: 808/30 Date: 12/08/2020
 Township: 30 Range: 22 Section: 14E4 MAP 12/08/2020
 File: 2020014001.dwg & 20200148ND-E3.dwg Sheet: 1 of 10

CONTROL POINTS

STATION	NORTHING	EASTING	ELEVATION
3001	210483.793	596094.087	939.70
3002	210765.799	596078.167	939.58
3003	210768.467	595980.877	938.00
3004	210950.196	595767.858	936.68
3005	210883.272	595513.408	937.13
3006	210700.660	595513.723	938.51
3007	210520.270	595654.168	939.39
3008	210239.072	59538.867	937.86
3013	209371.157	595531.523	936.54
3014	209123.038	595453.774	937.37
3015	208758.008	595433.258	935.69
3016	208503.764	595484.135	934.99
3023	208668.272	596155.513	936.63
3024	208832.766	596157.776	936.62



MN



SYMBOL LEGEND

- EXISTING BUILDING
- PROPOSED BUILDING/ADDITION
- NEW BITUMINOUS PAVING
- NEW CONCRETE PAVING

SITE SETBACKS

PER 1303.130 Subd.4 and Subd.5 & 1302.050 Subd.17

Building Setbacks:
Front Yard = 30'
Side Yard = 10' or 30' abutting street
Rear Yard = 30'

Abutting residentially zoned land:
Building & Loading Dock = 50'
Screening/Buffer Zone = 20'

Parking Setbacks:
From Right-of-Way = 15'
From Residential Lot = 20'

SITE SUMMARY

ZONING DISTRICT:
PUBLIC

LOT AREA:
1,453,316 SQUARE FEET = 33.36 ACRES

PARKING REQUIREMENTS:

REQUIRED:		
1356 STUDENTS @ 1 STALL PER 50 STUDENTS	=	28 STALLS
57 CLASS ROOMS @ 1 STALL PER 1 CLASS ROOM	=	57 STALLS
TOTAL REQUIRED	=	85 STALLS

PROVIDED:

EAST DROP OFF	=	27 STALLS (2 ADA)
EXISTING LOTS	=	187 STALLS (7 ADA)
SHARED BUS LOT	=	23 STALLS

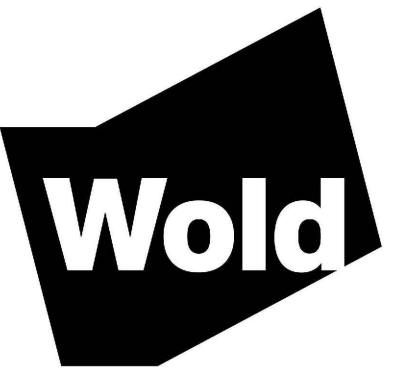
TOTAL PROVIDED	=	214 STALLS
SHARED BUS LOT	=	23 STALLS

Central Middle School Addition and Renovation

4857 Bloom Ave,
White Bear Lake, MN 55110

INDEPENDENT SCHOOL DISTRICT #624

4855 Bloom Ave,
White Bear Lake, MN 55110



WOLD ARCHITECTS AND ENGINEERS

332 Minnesota Street, Suite W2000
Saint Paul, MN 55101

woldae.com | 651 227 7773

Larson Engineering, Inc.

3524 Labore Road
White Bear Lake, MN 55110
651.481.9120 (f) 651.481.9201
www.larsonengr.com

© 2022 Larson Engineering, Inc. All rights reserved.

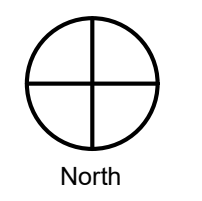
I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Buchal, P.E.

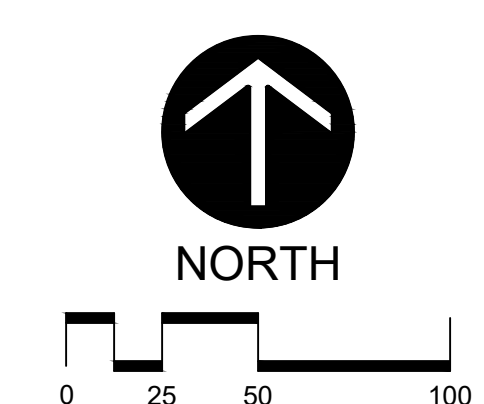
Date: _____ Lic. No.: _____

Description	Revisions	
	Date	Num

Comm: 12226128
 Date: 12.19.2022
 Drawn: MTH
 Check: GAB

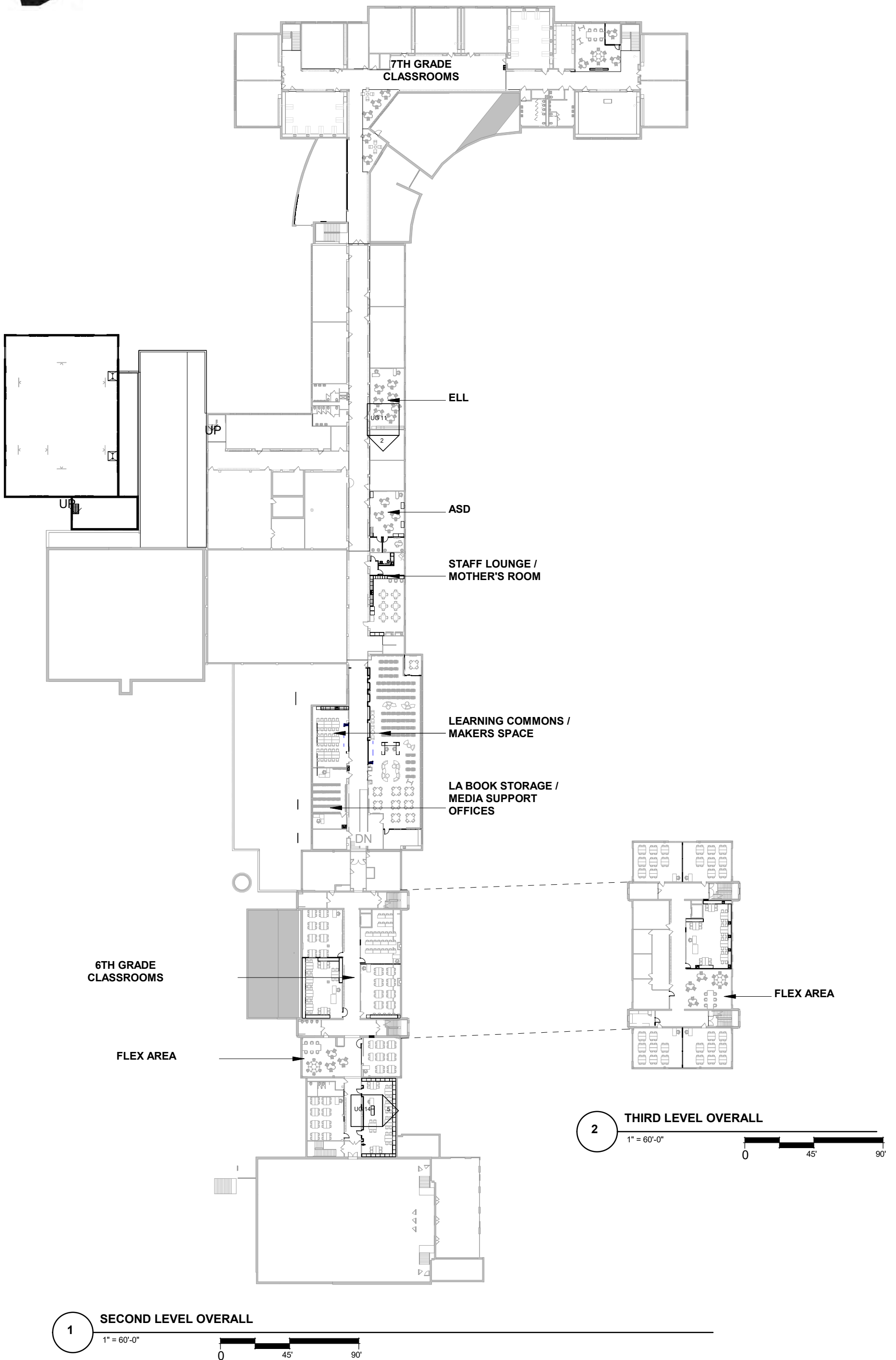


OVERALL PLAN



**12.19.2022 CUP SUBMITTAL SET
NOT FOR CONSTRUCTION**

C000

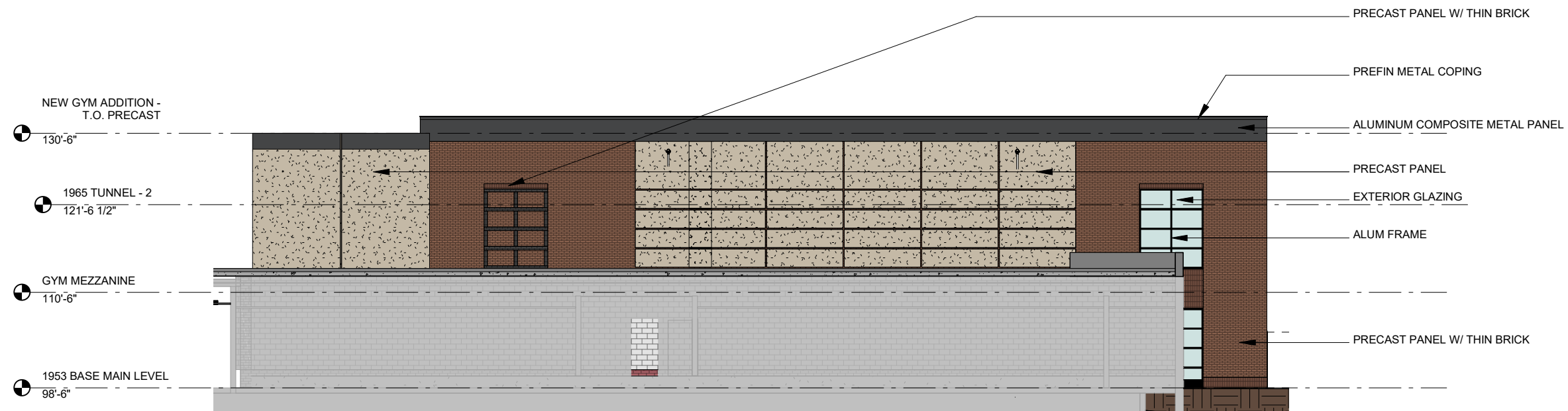
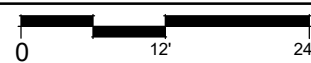




CUP - EXTERIOR ELEVATION
- NORTH

1

1/16" = 1'-0"

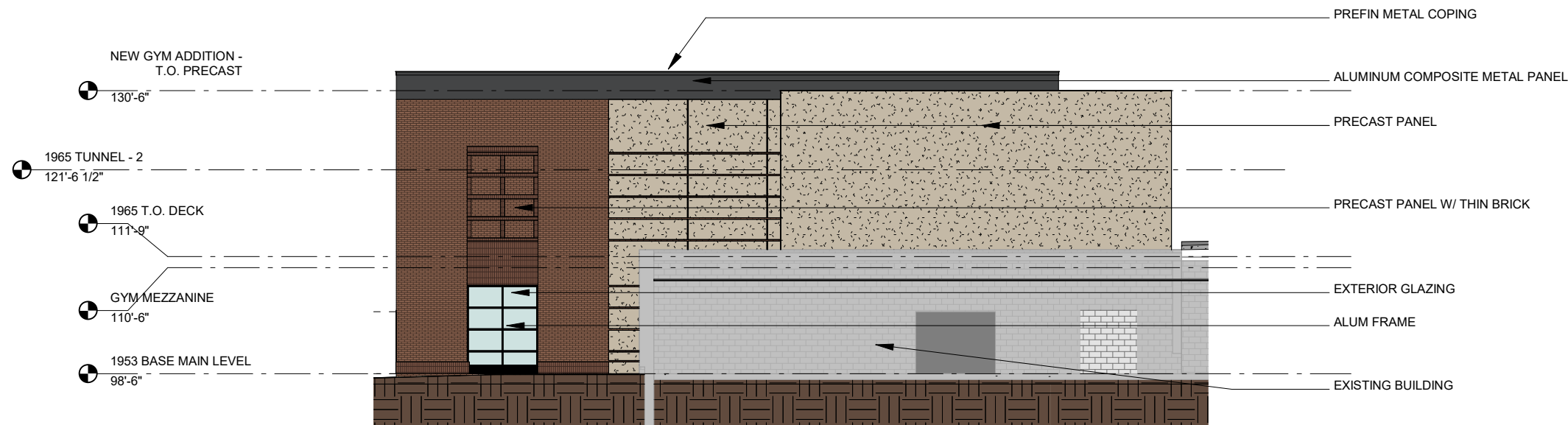


CUP - EXTERIOR ELEVATION
- EAST

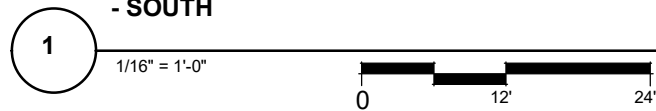
2

1/16" = 1'-0"

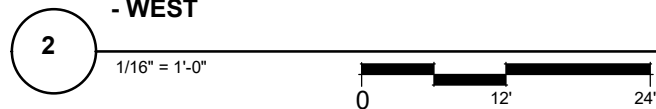




CUP - EXTERIOR ELEVATION
- SOUTH



CUP - EXTERIOR ELEVATION
- WEST





City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl AICP, Community Development Director
Date: February 14, 2023
Subject: **Development Regulations Update Request for Proposals (RFP) Solicitation**

SUMMARY

The City Council will consider adopting a resolution authorizing staff to solicit request for proposals (RFP) for professional services to assist staff with updating the City's Development regulations (Zoning Code).

BACKGROUND

As part of the 2023 budget process, staff requested and the City Council approved funds to retain professional services to assist city staff with a comprehensive review and update of the City's development regulations (Zoning Code). This project is expected to begin in the 3rd quarter of 2023 and take approximately 12 to 18 months to complete. To this end, the City Council allocated a total of \$200,000 for the project with \$70,000 allocated for 2023 and \$130,000 anticipated for 2024.

The first step in the project is to solicit professional consultant services through a request for proposals (RFP) process. Should the City Council authorize this step, staff expects to formalize and distribute an RFP in the next 30 days. Responses should be received by the end of April. Staff will then review, score and interview potential consultants. Once a consultant is selected, staff will come back to the City Council to authorize a specific contact.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing staff to solicit request for proposals (RFP) for professional services to assist staff with updating the City's Development Regulations (Zoning Code).

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUEST FOR PROPOSALS (RFP)
FOR PROFESSIONAL SERVICES TO ASSIST STAFF WITH UPDATING THE CITY'S
DEVELOPMENT REGULATIONS**

WHEREAS, The City of White Bear Lake adopted the 2040 Comprehensive Plan; and

WHEREAS, State law requires local governments to update their development regulations (Zoning Code) to implement their comprehensive plan; and

WHEREAS, the City's Development Regulations have not had a comprehensive review and update since at least 2002; and

WHEREAS, The City Council has allocated funds in the 2023 and 2024 budget to support this project.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of White Bear Lake, Minnesota, hereby authorizes staff to solicit request for proposals (RFP) for professional services to assist staff with updating the City's development regulations.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Ashton Miller, City Planner
DATE: February 14, 2023
SUBJECT: Gilbert Variance – 4556 Highway 61 – Case No. 23-1-V

SUMMARY

The applicant, Heather Gilbert, is requesting an 11.64 foot variance from the required 15 foot side yard setback on the west side and a 9 foot variance from the 15 foot setback on the east side in order to tear down and rebuild a single family home on roughly the same footprint of the existing house on the property located at 4556 Highway 61. Should the City approve the variance requests, the reconstructed home would have a west side yard setbacks of 3.36 feet and an east side yard setback of 6 feet. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Heather & Dan Gilbert

Existing Land Use / Zoning: Single Family; zoned R-2: Single Family Residential & S – Shoreland Overlay District

Surrounding Land Use / Zoning: East & West: Single Family; zoned R-2 Single Family Residential & S – Shoreland Overlay District
 North: State Highway 61
 South: White Bear Lake

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 15,000 sq. ft.; 100 feet
 Site: 11,052 sq. ft.; 38 feet street side; 34 feet lake side

BACKGROUND INFORMATION

The subject site is located on the east side of Highway 61, just south of the Highway 61 and Highway 96 intersection. The property abuts White Bear Lake on the southwest. The property contains a single family home with attached single stall garage that was constructed in 1920.

The applicants would like to demolish the existing home in order to rebuild on roughly the same footprint as the current home, but with a second story and expansion towards the lake. The proposed height of the home is within the 35 foot maximum allowed, as measured to the mean of the roofline. The applicant would also add a second garage stall as a part of this proposal. The zoning code requires that new single family homes have at least a two car garage, so the expansion is bringing the property into greater conformance. The garage will meet the side yard and street side setbacks (5 feet and 20 feet, respectively).

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced comments from an attorney, Gary Dahle, representing the neighbors, Mike and Rose Miller, at 4552 Highway 61. Mr. Dahle commented that new construction on the subject lot would have an adverse impact on the neighbor's property. Those impacts include damage to the foundation, an increased fire hazard, increased water runoff and flooding, and blockage of light from the second story. Mrs. Miller had also provided an engineering report that evaluated the structural condition of her home and documented potential impacts construction could have on the house. The applicant's builder addressed the Planning Commission stating their design and construction techniques could address these concerns. The applicant, Heather Gilbert, clarified that there will not be a full kitchen in the basement and there is no intention to rent the basement out. After hearing staff's presentation and comments from the applicants, the commission voted 7-0 to recommend the City Council approve this request.

Since the Planning Commission meeting, the applicants have submitted revised plans, pushing the proposed home out of the required setback from the Ordinary High Water Level by shifting the home closer to the street side, while still adhering to that setback. The width of the home was also reduced slightly, but still meets the 22-foot minimum width required for principal structures.

ANALYSIS

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 the variance in harmony with the purposes and intent of the ordinance?

Finding: The property is zoned R-2: Single Family Residential and S: Shoreland Overlay. The purpose of the R-2 zoning district is "to provide for urban density single family detached residential dwelling units". The neighborhood was platted in 1907, well before the city adopted its first zoning code. The variances make the reconstruction of the single family home on a substandard lot possible and therefore the proposal will be in harmony with the purpose of the zoning district.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variances are not inconsistent with the 2040 Comprehensive Plan. The property is guided for "low density residential", which has a density range of 3 to 9 units per acre. Typical housing includes single family detached. The property is at a density of 4 units per acre, within the allowable density range. Granting the variance to allow the reconstruction of the home is consistent with the goals and policies of the "low density residential" future land use category of the comprehensive plan.

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

Finding: The proposal puts the subject property to use in a reasonable manner. Both the Comprehensive Plan and the purpose and intent of the R-2 zoning district allow for single family dwelling units, so the request to reconstruct a single family home on the lot is reasonable.

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

Finding: There are unique circumstances not created by the landowner. The property is only 38 feet wide on the street side and 34 feet wide on the lake side at the setback line. The required setbacks are 15 feet from each side, leaving only 4 to 8 feet of buildable space. The code also requires houses to be a minimum of 22 feet wide, so a minimum of an 18 foot variance is required to make the lot buildable. Cumulatively, the applicants are asking for 20.64 feet of variances split between the two sides, and although not the minimum, the proposed variances are consistent with the setbacks of the existing home and at 24.5 feet in width, the house is only slightly larger than the minimum required by code.

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. The surrounding properties are similar in width, roughly 40 to 45 feet on the street side, and tapering to 30 feet or less along the lake. Consequently, all of the adjacent homes also encroach into the side yard setbacks at comparable rates. Further, several side yard variances have been granted for neighboring properties. The property to the north at

4558 Highway 61 was granted a 12.75 foot side yard variance to expand the home in 1995 and 4542 Highway 61 was granted a 12 foot side yard setback in 1998 for a deck.

RECOMMENDATION

Both the Planning Commission and staff recommend approval of 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 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 line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
7. Porous pavers, rain gardens or other mitigating features used to offset impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
8. 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.

ATTACHMENTS

Resolution

Applicant's Narrative & Plans

4552 Hwy 61 Structural Evaluation, Dated 12/13/22

RESOLUTION NO.

**RESOLUTION GRANTING TWO SETBACK VARIANCES
FOR 4556 HIGHWAY 61 WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Heather Gilbert has requested an 11.64 foot variance from the required 15 foot setback along the west side and a 9 foot variance from the 15 foot setback on the east, per code section 1303.040, Subd.5.c.2 in order to construct a two story home on the property at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A (PID # 23302212008)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; 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 variances 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 alone 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:

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 line and have the property pins exposed at the time of the inspection.

RESOLUTION NO.

5. Gutters shall be installed and runoff directed away from adjacent properties.
6. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
7. Porous pavers, rain gardens or other mitigating features used to offset impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
8. 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.
9. The proposal shall be redesigned to meet the required setback from the Ordinary High Water Level and plans submitted to the City prior to the City Council meeting.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

Applicant's Signature

Date

RESOLUTION NO.

**EXHIBIT A
LEGAL DESCRIPTION**

Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, EXCEPT that part described as follows: All that part of Lots 4, 5, 6 and 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Northerly of a line described as follows: Commencing at an iron monument at the Northeast corner of Lot 8 of said Addition, thence on a curve to the right with a radius of 164.15 feet to an iron monument at the intersection with original line of Lake Avenue in Lot 4 of said Addition, said point being 100 feet Easterly from the original angle point of Lot 6 of said Addition, and also EXCEPT all that part of the following described tract: That part of Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Southeasterly of Trunk Highway No. 61 as now located and established, which lies Northwesterly of the following described line: Beginning at the most Westerly corner of the above described tract; thence run northeasterly to the point of intersection of the northeasterly line of said tract with a line run parallel with and distant 5 feet Southeasterly of the northeasterly line of said tract and there terminating. Ramsey County, Minnesota. (PID # 23302212008)

Heather M. Gilbert
4556 Highway 61
White Bear Lake, MN 55110

December 6, 2022

White Bear Lake City Council
White Bear Lake City Hall
4701 Highway 61
White Bear Lake, MN 55110

RE: Development of 4556 Highway 61 (updated December 7, 2022)

Dear Members of the White Bear Lake City Council:

We respectfully request that the city consider and approve the proposed variance to the current structure located at 4556 Highway 61, based on the description and rationale included herein.

We are requesting a side setback variance and allowance to build a partial second story. We are also requesting an additional 3 feet cantilever beyond the back setback allowance.

Background

The current structure located at 4556 Highway 61 in White Bear Lake, MN, is a single-story ~950 sq. foot home constructed in 1920 and expanded over the course of a century. While the lot on which it sits is a highly visible, prime location on White Bear Lake, the structure itself has experienced significant deterioration over years of neglect. It reflects poorly on the neighborhood creates potentially heightened safety concerns due to vacancy and non-compliance with modern building standards. The structure in its current form appears visibly inferior to the surrounding structures and is likely a significant drag on overall property values. See attached photographs. The dilapidated mechanicals of the building require significant improvements to make the property safe for inhabitants.

Proposal

We propose a near-complete demolition of the existing structure and a replacement with a modern lake home that embodies the spirit of White Bear Lake and the surrounding neighborhood. We worked with Mark Englund, designer for Hanson Builders in Anoka MN, to plan a beautiful new structure that will sit atop the existing foundational footprint to minimize physical intrusion beyond existing setbacks and maximize the utility of the lot. See Attached Site Plans. Our vision is to retain the existing south-side foundation wall, assuming structural viability, and construct an entirely new lake home consisting of a single main level + kids loft, with a lake walkout basement below. This new structure will provide a more aesthetically appropriate welcome to the White Bear Lake neighborhood and will result in an inhabitable home that is built to modern safety standards.

The new structure will have an elevation of 35' from the bottom of the rear (lakeside) grade to the ridge of the roof and will extend 15' beyond the existing footprint in the direction of White Bear Lake. These are the only two expansions beyond existing setbacks that we propose to The City, and we

are confident they are consistent with the standards established in §1301.060 Subd. 1 of the White Bear Lake Zoning Code as follows:

General Provision and Standards: Prohibited Impacts (1301.060(1)(b)(1))

- a. Adequate Supply of Light and Air. Because our design incorporates a main level +loft as well as a steep roofline, we retain substantial spacing between neighboring structures at upper elevations. This serves to minimize impacts to light and air circulation. In addition, the situation of the house to the north side of the nearest neighbor avoids impairment of sunlight year-round. The loft design maintains a similar dripline to the existing structure along much of the home except for the loft “bump-out.”
- b. No Impacts to Street Congestion. Because we don’t propose changes to the space on the street side of the building, there will be no increase in the congestion of the public street.
- c. Enhanced Fire/Public Safety. The current structure is essentially a matchbox containing old wiring and all the fireproofing of a building constructed in 1920. The new structure will be built to modern building and fire codes and will enhance the safety of the community. The use of modern gutter and drainage systems will provide for the adequate removal of water away from the roof and structure, eliminating safety concerns related to water or ice.
- d. Enhanced Property Values. The new structure will be an aesthetic improvement and will add approximately 3500 square feet of livable space to the neighborhood. Our designer has a proven track record of creating homes that appreciate over time and add value to existing neighborhoods.

General Provision and Standards: Minimum Variance and General Purpose (1301.060(1)(b)(2)-(5))

Our proposed structure takes advantage of the existing footprint and elevations to the maximum degree possible. This process has been intentional to minimize physical intrusion while creating as much value as possible within the existing parameters of the building. Our original design included a full second story, which we determined to scale back to a loft design to achieve a similar outcome with even fewer intrusions.

Our planned home is harmonious with the general purposes and intents outlined in the code, and serves as an enhancement, rather than a detriment to both the neighborhood and the public. We propose to remedy a problem that has arisen naturally through development of the surrounding neighborhood, as well as unnaturally through neglect of the current structure. We are confident that the result will be a fun, vibrant lake home that is superior both aesthetically and structurally, and that, as one of the first building visible to anyone driving into White Bear Lake, will better embody the spirit of the community than does the current building. We appreciate the city’s consideration of our petition.

Sincerely,

s/Heather Gilbert

s/Daniel Gilbert

Daniel and Heather M. Gilbert

CERTIFICATE OF SURVEY

LAKE AND LAND SURVEYING, INC.

1200 Centre Pointe Curve, Suite 375

Mendota Heights, Minnesota 55120

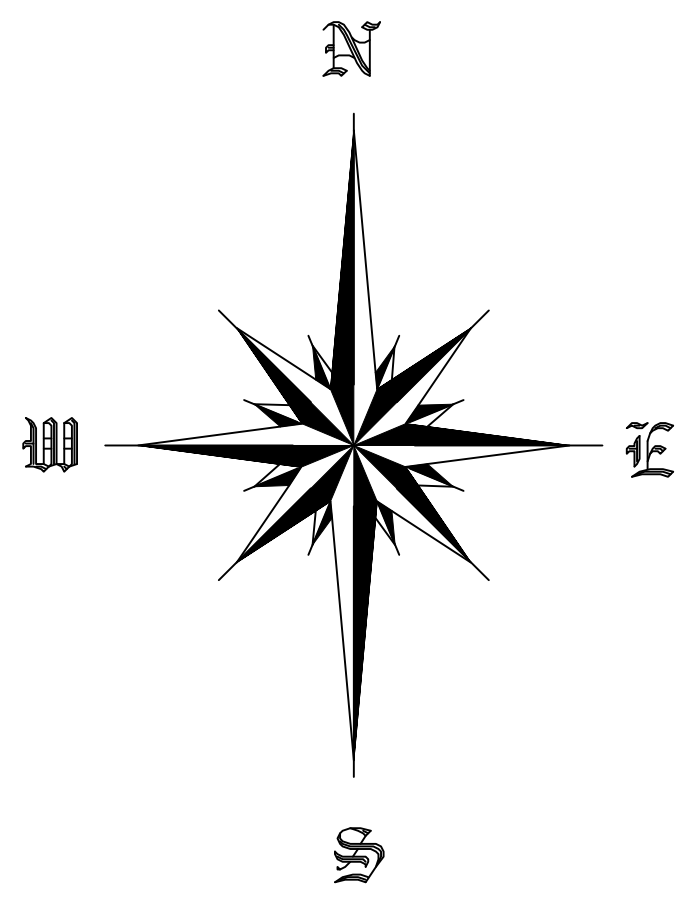
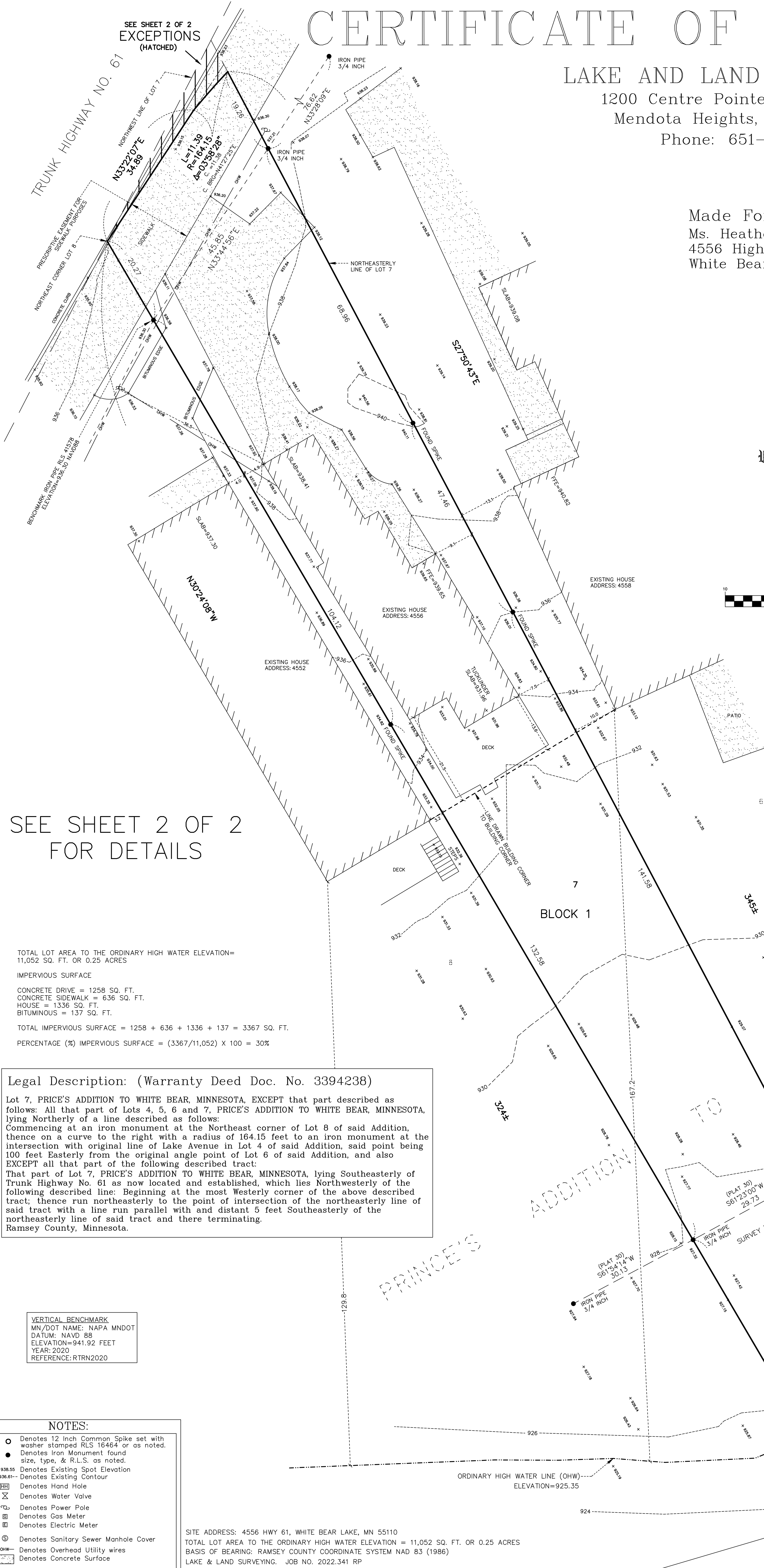
Phone: 651-776-6211

Made For:

Ms. Heather Gilbert

4556 Highway 61, North

White Bear Lake, MN 55110



GRAPHIC SCALE

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

Jonathan L. Faraci
 Jonathan L. Faraci
 Registered Land Surveyor & Registered Engineer
 Minnesota Registration No. 16464

Revision Oct. 3, 2022
 September 9, 2022

SEE SHEET 2 OF 2 FOR DETAILS

TOTAL LOT AREA TO THE ORDINARY HIGH WATER ELEVATION = 11,052 SQ. FT. OR 0.25 ACRES

IMPERVIOUS SURFACE

CONCRETE DRIVE = 1258 SQ. FT.
 CONCRETE SIDEWALK = 636 SQ. FT.
 HOUSE = 1336 SQ. FT.
 BITUMINOUS = 137 SQ. FT.

TOTAL IMPERVIOUS SURFACE = 1258 + 636 + 1336 + 137 = 3367 SQ. FT.

PERCENTAGE (%) IMPERVIOUS SURFACE = (3367/11,052) X 100 = 30%

Legal Description: (Warranty Deed Doc. No. 3394238)

Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, EXCEPT that part described as follows: All that part of Lots 4, 5, 6 and 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Northerly of a line described as follows: Commencing at an iron monument at the Northeast corner of Lot 8 of said Addition, thence on a curve to the right with a radius of 164.15 feet to an iron monument at the intersection with original line of Lake Avenue in Lot 4 of said Addition, said point being 100 feet Easterly from the original angle point of Lot 6 of said Addition, and also EXCEPT all that part of the following described tract: That part of Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Southeasterly of Trunk Highway No. 61 as now located and established, which lies Northwesterly of the following described line: Beginning at the most Westerly corner of the above described tract, thence run northeasterly to the point of intersection of the northeasterly line of said tract with a line run parallel with and distant 5 feet Southeasterly of the northeasterly line of said tract and there terminating. Ramsey County, Minnesota.

VERTICAL BENCHMARK
 MN/DOT NAME: NAPA MNDOT
 DATUM: NAVD 88
 ELEVATION=941.92 FEET
 YEAR: 2020
 REFERENCE: RTRN2020

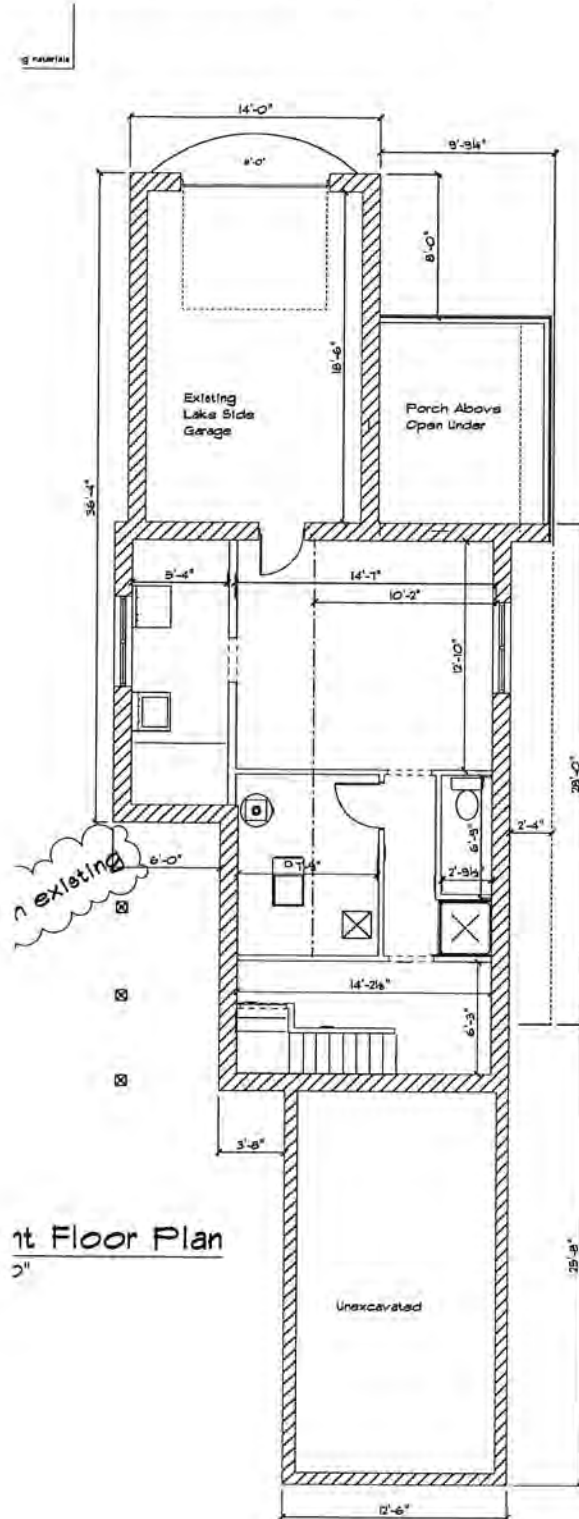
- NOTES:**
- Denotes 12 Inch Common Spike set with washer stamped RLS 16464 or as noted.
 - Denotes Iron Monument found size, type, & R.L.S. as noted.
 - x 938.55 Denotes Existing Spot Elevation
 - 936.61- Denotes Existing Contour
 - ⊞ Denotes Hand Hole
 - ⊗ Denotes Water Valve
 - ⊞ Denotes Power Pole
 - ⊞ Denotes Gas Meter
 - ⊞ Denotes Electric Meter
 - ⊞ Denotes Sanitary Sewer Manhole Cover
 - OHW- Denotes Overhead Utility wires
 - ▨ Denotes Concrete Surface

SITE ADDRESS: 4556 HWY 61, WHITE BEAR LAKE, MN 55110
 TOTAL LOT AREA TO THE ORDINARY HIGH WATER ELEVATION = 11,052 SQ. FT. OR 0.25 ACRES
 BASIS OF BEARING: RAMSEY COUNTY COORDINATE SYSTEM NAD 83 (1986)
 LAKE & LAND SURVEYING. JOB NO. 2022.341 RP

WHITE BEAR LAKE
 ORDINARY HIGH WATER LEVEL (OHW)
 OHW = 925.35 (NAVD 1988)
 MINNESOTA DNR DIVISION OF WATERS
 PROTECTED WATERS AREA 82-167P

Current foot print of basement

- Notice cantilever on west side
- No foundation under garage



1st Floor Plan
2"

SITE & GRADING PLAN

LAKE AND LAND SURVEYING, INC.

1200 Centre Pointe Curve, Suite 375

Mendota Heights, Minnesota 55120

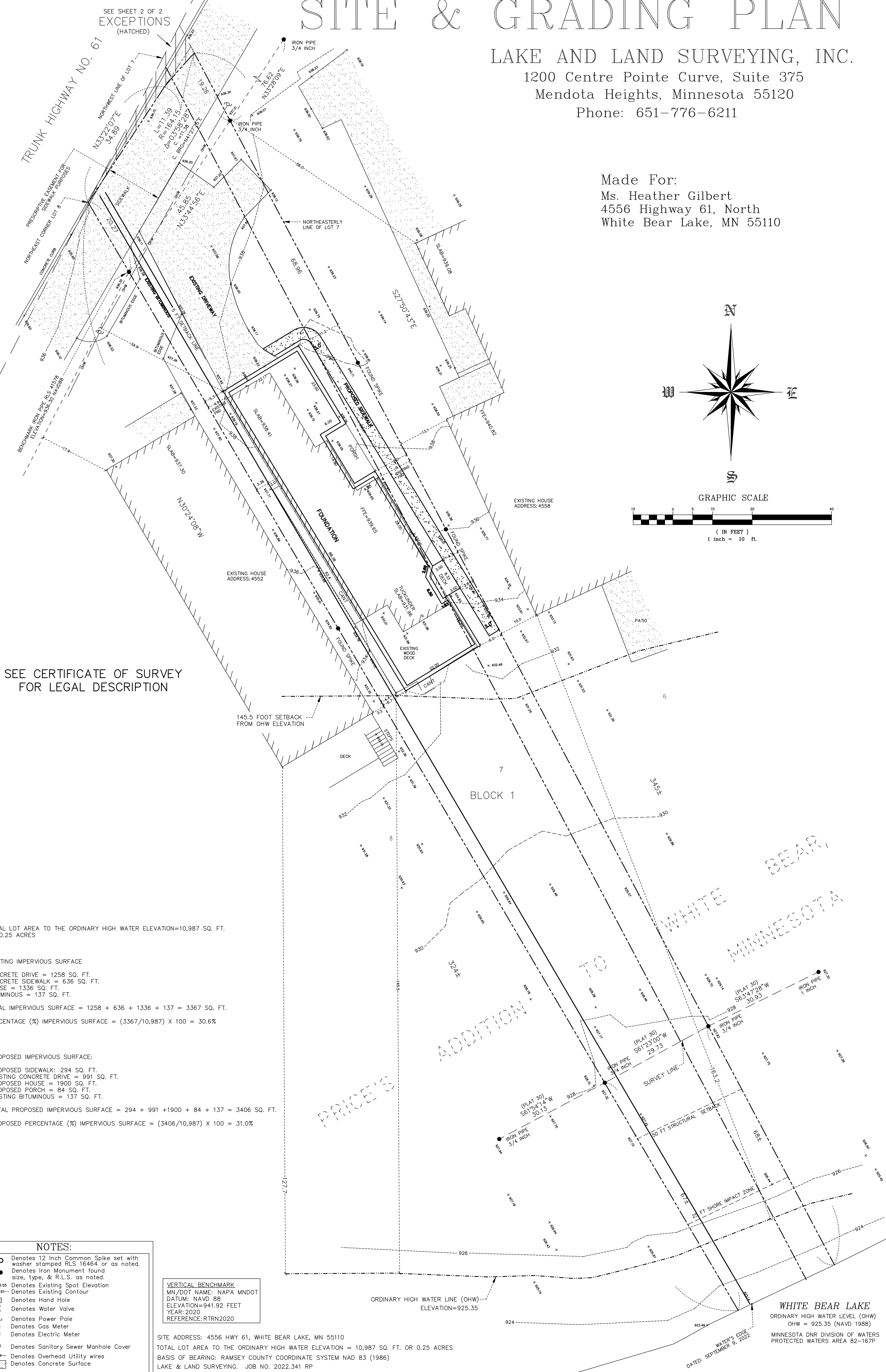
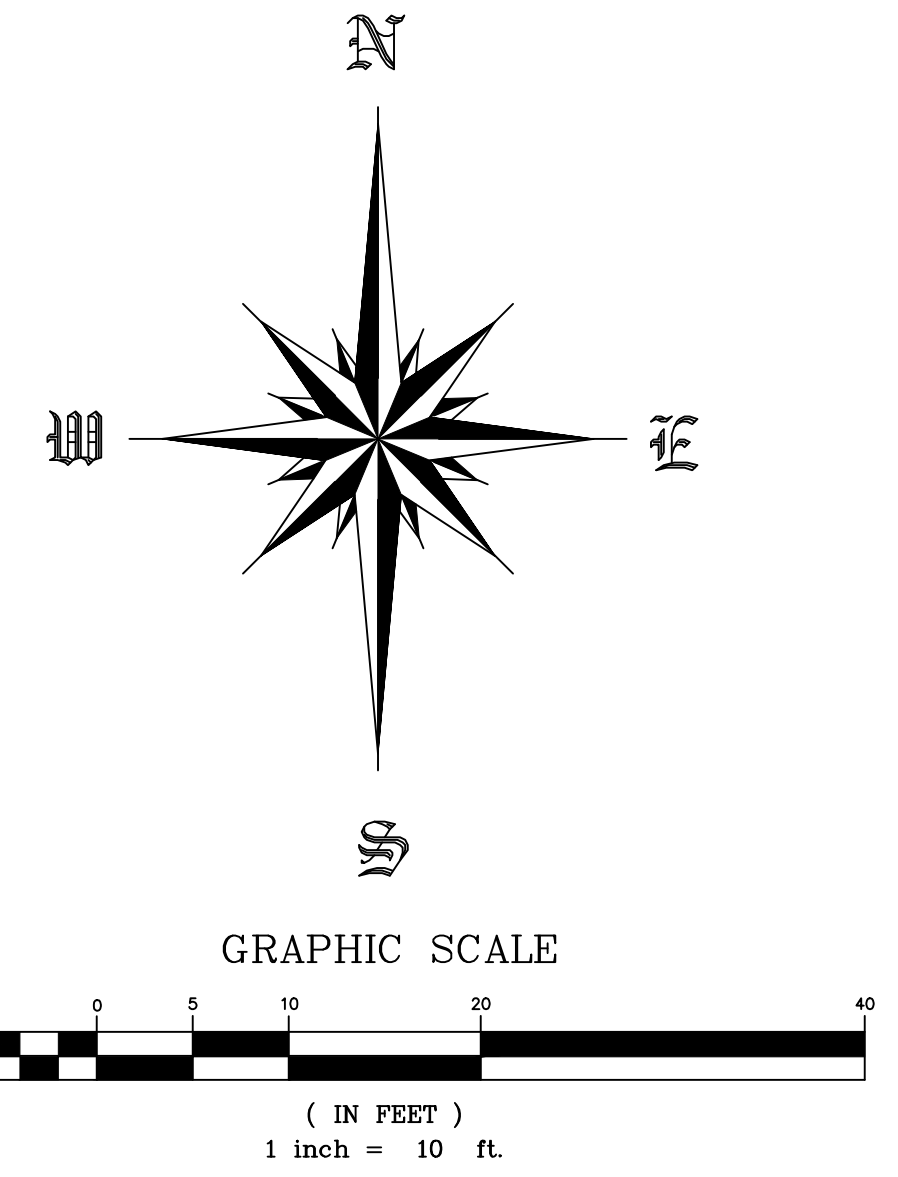
Phone: 651-776-6211

Made For:

Ms. Heather Gilbert

4556 Highway 61, North

White Bear Lake, MN 55110



SEE CERTIFICATE OF SURVEY
FOR LEGAL DESCRIPTION

TOTAL LOT AREA TO THE ORDINARY HIGH WATER ELEVATION=10,987 SQ. FT.
OR 0.25 ACRES

EXISTING IMPERVIOUS SURFACE

CONCRETE DRIVE = 1258 SQ. FT.
CONCRETE SIDEWALK = 636 SQ. FT.
HOUSE = 1336 SQ. FT.
BITUMINOUS = 137 SQ. FT.

TOTAL IMPERVIOUS SURFACE = 1258 + 636 + 1336 + 137 = 3367 SQ. FT.

PERCENTAGE (%) IMPERVIOUS SURFACE = (3367/10,987) X 100 = 30.6%

PROPOSED IMPERVIOUS SURFACE:

PROPOSED SIDEWALK: 294 SQ. FT.
EXISTING CONCRETE DRIVE = 991 SQ. FT.
PROPOSED HOUSE = 1900 SQ. FT.
PROPOSED PORCH = 84 SQ. FT.
EXISTING BITUMINOUS = 137 SQ. FT.

TOTAL PROPOSED IMPERVIOUS SURFACE = 294 + 991 + 1900 + 84 + 137 = 3406 SQ. FT.

PROPOSED PERCENTAGE (%) IMPERVIOUS SURFACE = (3406/10,987) X 100 = 31.0%

VERTICAL BENCHMARK
MN/DOT NAME: NAPA MNDOT
DATUM: NAVD 88
ELEVATION=941.92 FEET
YEAR: 2020
REFERENCE: RTRN2020

SITE ADDRESS: 4556 HWY 61, WHITE BEAR LAKE, MN 55110
TOTAL LOT AREA TO THE ORDINARY HIGH WATER ELEVATION = 10,987 SQ. FT. OR 0.25 ACRES
BASIS OF BEARING: RAMSEY COUNTY COORDINATE SYSTEM NAD 83 (1986)
LAKE & LAND SURVEYING. JOB NO. 2022.341 RP

WHITE BEAR LAKE
ORDINARY HIGH WATER LEVEL (OHW)
OHW = 925.35 (NAVD 1988)
MINNESOTA DNR DIVISION OF WATERS
PROTECTED WATERS AREA 82-167P

DATED: SEPTEMBER 9, 2022

- NOTES:**
- Denotes 12 Inch Common Spike set with washer stamped RLS 16464 or as noted.
 - Denotes Iron Monument found size, type, & R.L.S. as noted.
 - x 938.55 Denotes Existing Spot Elevation
 - 938.61- Denotes Existing Contour
 - ☐ Denotes Hand Hole
 - ⊗ Denotes Water Valve
 - ⊕ Denotes Power Pole
 - ⊖ Denotes Gas Meter
 - ⊙ Denotes Electric Meter
 - ⊗ Denotes Sanitary Sewer Manhole Cover
 - OHW- Denotes Overhead Utility wires
 - ▨ Denotes Concrete Surface

4556
HIGHWAY 61
GATHERING SPACE
MAIN FLOOR

KIDS' LOFT
OVERLOOK

GREAT
ROOM

UP TO
LOFT

DINING

ENTRY





4556 HWY 61
HOME
REMODEL



LAKE SIDE ELEVATION



CANTILEVER
WEST ELEVATION

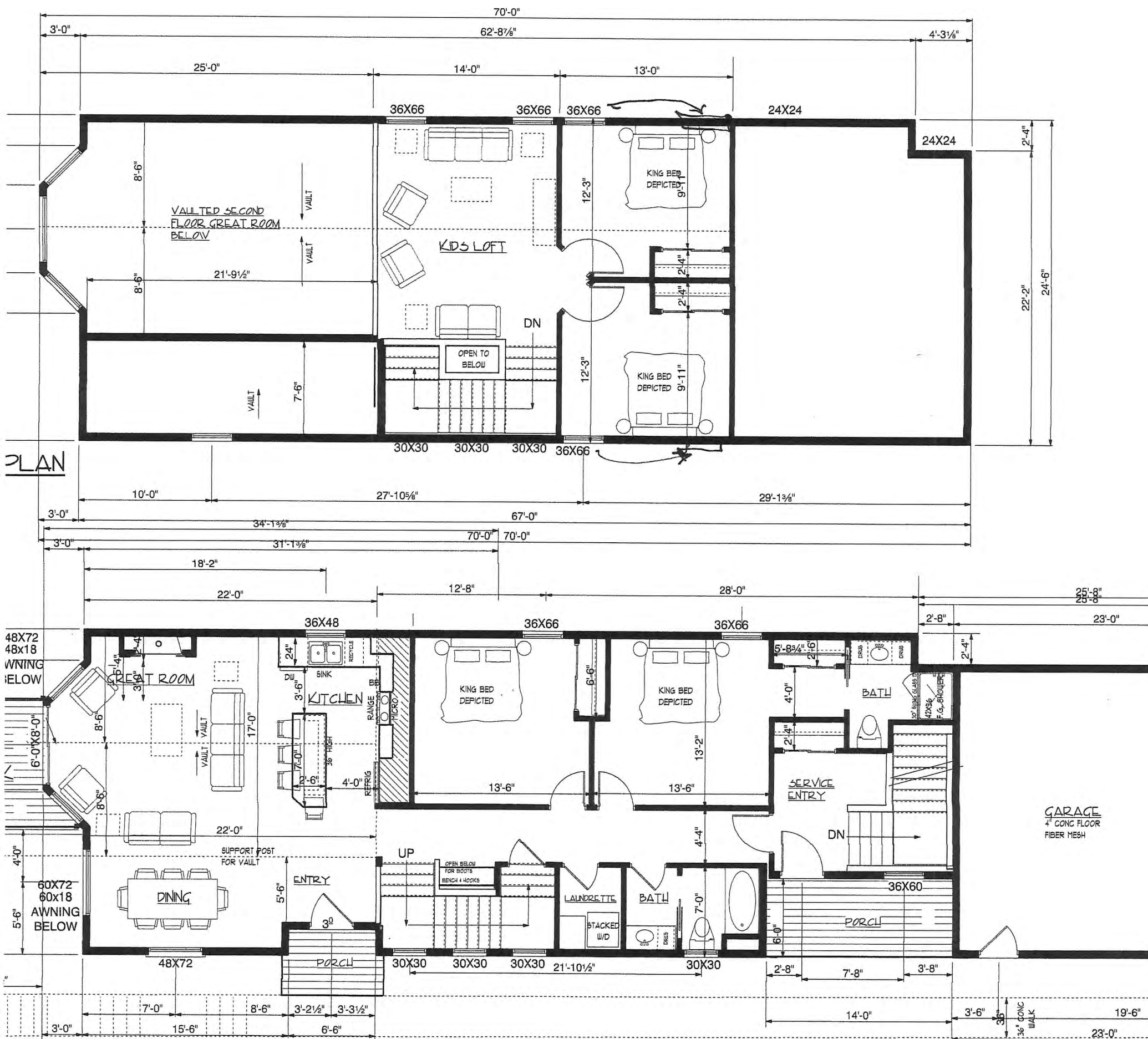
4556 HIGHWAY 61 HOME MAKEOVER



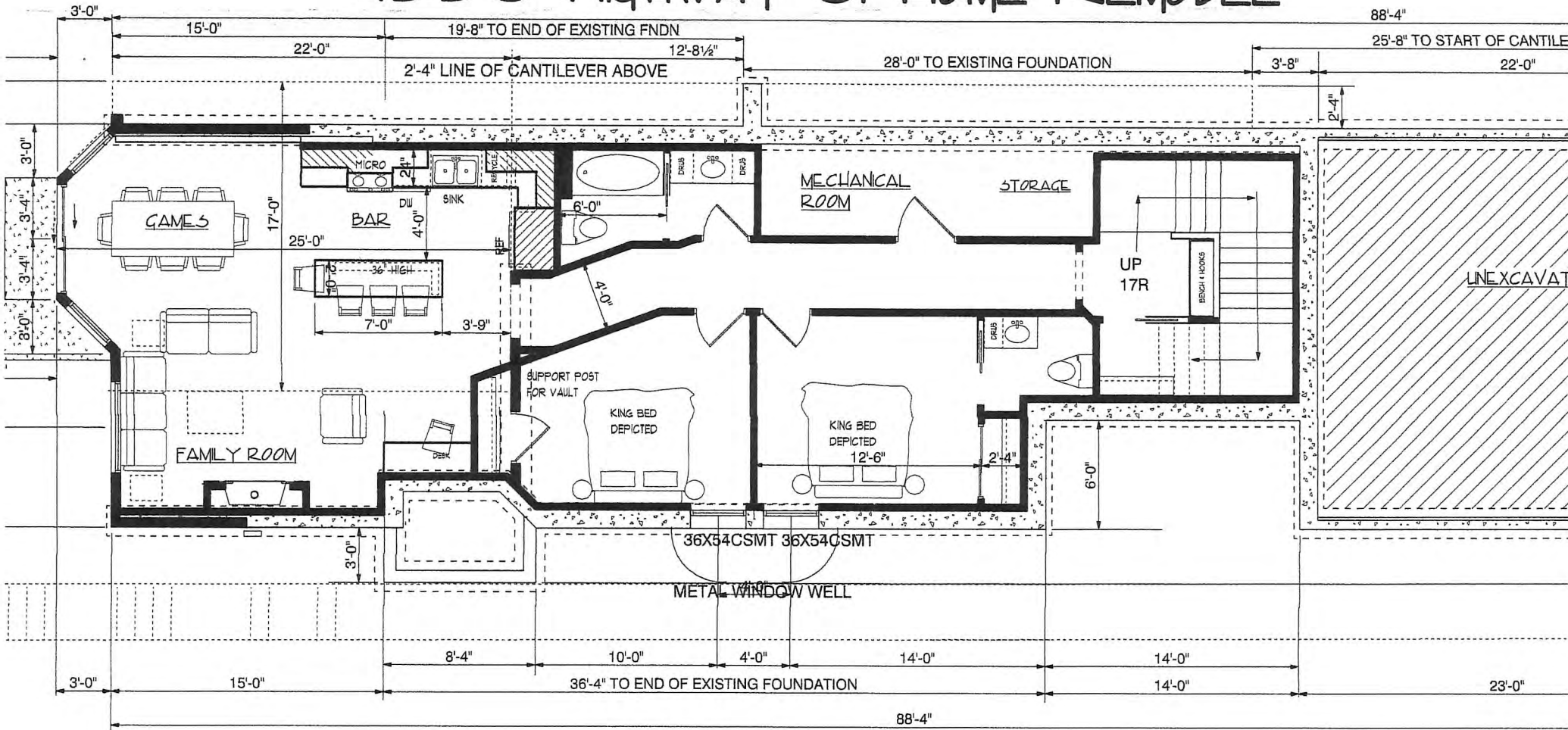
MAIN ENTRY
SERVICE ENTRY
EAST ELEVATION



FRONT ELEV.
(HWY 61)



4556 HIGHWAY 61 HOME REMODEL





December 13, 2022

Rosalie and Michael Miller
4552 Highway 61 North
White Bear Lake, MN 55110
Submitted by email: millerworld@comcast.net

Re: Structural Evaluation
Project Location: 4552 Highway 61 North, White Bear Lake, Minnesota
Criterion File No.: 22-6832

Dear Rosalie and Michael:

At your request, an initial pre-construction condition survey of the above property has been completed, as well as a visual review of the site layout and conditions as related to the adjacent property to the north at 4556 Highway 61 North. The report that follows has been prepared based on that inspection. This inspection was performed by Paul Schimnowski, PE.

My work includes the following:

1. Visual observations during a physical walk-through on December 7, 2022.
2. Observe factors influencing the performance of the structure.
3. Provide a written report containing the following:
 - a. Scope of services.
 - b. Observations, site characteristics, and data deemed pertinent by me.
 - c. Discussion of major structural factors influencing the performance of this house.
 - d. Conclusions and any recommendations for further investigation and remedial or preventative measures.
4. This inspection is limited to the visible site elements, house foundation, framing, and the nearby or related structural elements as determined by the engineer. You asked me to pay special attention to the potential impacts to the house as related to demolition and/or construction activities at the adjacent property to the north.

CONCLUSIONS

The following is a summary of my professional opinions regarding this house and proposed construction on the adjacent property to the north:

1. The structural condition of your house is considered to be good when compared to others of similar age and construction type. No structural repairs are required at this time. recommended. Other items noted and general recommendations have been included as well.
2. Construction activities at the adjacent property to the north could affect the structural performance of your house. Depending on the extent of the work performed, the foundation of your house could be negatively affected. Subsequent and/or other effects of construction activities in close proximity to your house could consist of framing damage and crack/gap development on walls, floors, and ceilings.

Independently Owned and Operated

161 Dunbar Way / Mahtomedi, MN 55115
O: 651.779.7700 / criterium-schimnowski.com



3. More information about the proposed work and construction details on the adjacent property would need to be provided in order for me to elaborate further on potential construction-related damage to your house.
4. Regarding potential site and drainage issues, ensuring that surface water continues to be directed away from your house foundation will be important. You reported that you have not had any significant water intrusion issues in the basement of your house. Maintaining a positive slope away from your foundation and preventing water from the adjacent property being directed towards your house will be important to reduce the chances of future water intrusion.
5. The existing proximity between the two structures varies from approximately 7'-3" to 9'-5". This is less than the current White Bear Lake setback requirement of 10-feet. The City should be consulted to verify this requirement and to inquire about possible exemptions, variances, or "grandfathered" rules. The first zoning code was not established in the City until 1965.
6. It is possible that if the existing foundation at 4556 Highway 61 is fully or partially maintained, a new structure may be allowed to be built on it. The structural engineer for the project will need to determine the feasibility of keeping the foundation.
7. Based on the information you provided, a new 2-car, attached garage is proposed on the west end of the house. This addition would likely require a new foundation which may not be allowed as shown on the drawings due to setback requirements.
8. You requested that I comment on some of your other concerns regarding the close proximity of the proposed structure:
 - a. Fire hazard: Having combustible buildings in close proximity to each other increases the risk of a fire spreading from one structure to another. Contact the City Fire Marshall for more information.
 - b. Winter safety: Reducing the opportunity for icicles to form on the edge of the proposed 2-story overhang will be important for safety reasons. Adequate attic insulation and ventilation, as well as gutters and downspouts, will help to reduce this risk.

RECOMMENDATIONS

Prior to any construction or demolition activities on the adjacent property to the north, another pre-construction condition survey should be performed. The intent would be to document existing cracks, as well as the lack of damage in areas, at the interior and exterior conditions of your house.

A complete plan of all work to be performed on the adjacent property should be provided for review and comment. This could include details regarding excavation, temporary shoring of earth, proposed foundation repair work, and full construction drawings of the proposed modifications to the existing structure.

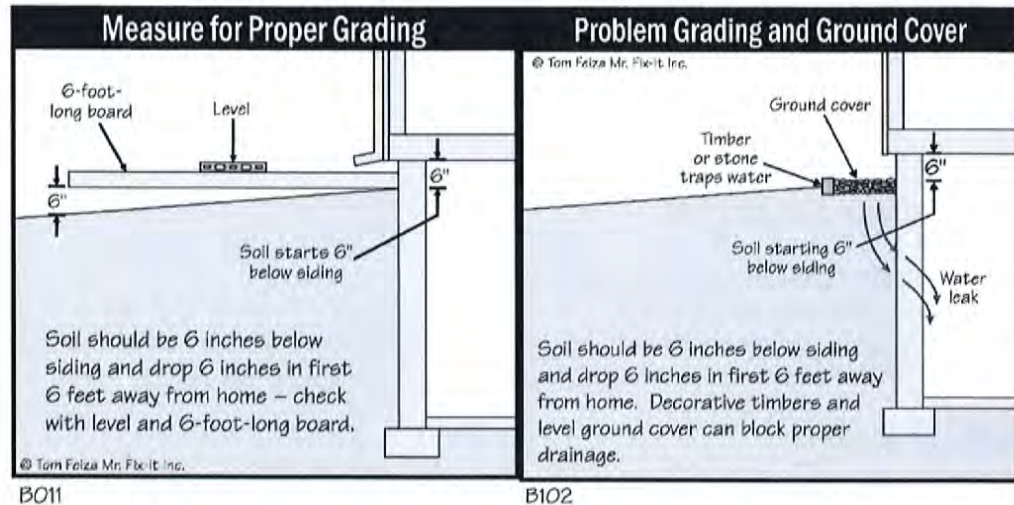
GENERAL RECOMMENDATIONS FOR HOUSES:

1. Continue to verify that grading adequately directs surface water to flow away from the house. Surface runoff water is the enemy of foundations. Maintain/correct the landscaping and grading at the area surrounding the home to direct surface water, and water from the roof, to flow away from the foundation walls. Consider removing any decorative landscape border which traps water against the foundation walls especially if basement water has been noted.

Independently Owned and Operated

161 Dunbar Way / Mahtomedi, MN 55115
O: 651.779.7700 / criterium-schimnowski.com

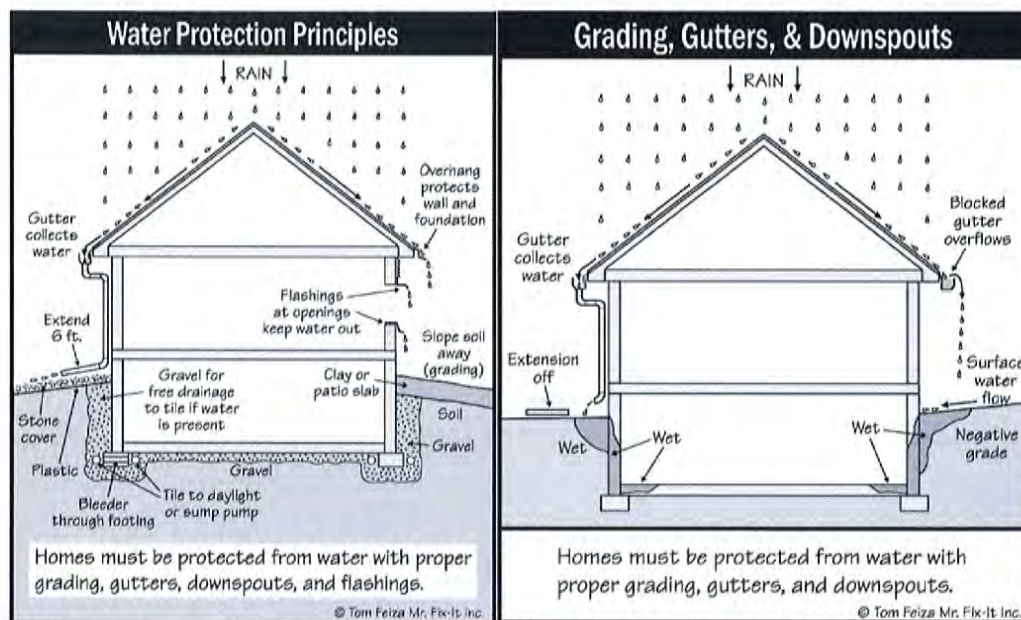




B011

B102

2. **Gutter/Downspouts:** Water from the roof damages foundations. Install a gutter/downspout water control system. Ensure that all gutters are unplugged, flowing and all downspouts and leaders are depositing water at least 5 to 10 feet from the home. Gutters with guards, to keep debris from collecting in the gutters, should be considered if not already installed.



X031

X035

3. In addition to any specific issues noted, the integrity of the entire building envelope should be maintained to prevent water intrusion into the structure. The house envelope includes such features as roofing, flashing, siding, and trim.

INSPECTION DETAILS

- Our client, to whom this report is addressed, is the owner.
- The client was present during our site visit.

Independently Owned and Operated

161 Dunbar Way / Mahtomedi, MN 55115
 O: 651.779.7700 / criterium-schimnowski.com



- The following areas were inaccessible or not visible, and this limited the extent of our structural inspection:
 - Most of the foundation system and slab (underground and/or concealed due to finished conditions)
 - Wall and floor framing (concealed)

DESCRIPTION OF STRUCTURE

- This building is a two-level single-family home.
- The house has a full basement.
- The original structure was built around 1921 with subsequent additions in the 1960s and 1980s.
- The front of the house faces east toward the lake. The attached garage faces west.

DOCUMENT REVIEW

In conjunction with this investigation, the following documents were provided for review:

- Certificate of Survey prepared by E.G. Rud & Sons dated September 29, 2017.
- Drawings of a proposed home remodel for 4556 Highway 61.
- A partial site survey drawing for 4556 Highway 61 with notes indicating the proposed house footprint and 2-car garage addition.

These documents were considered when rendering our professional opinion regarding the performance of the home's structural system and/or when providing design specifications or repair details.

EXTERIOR

The exterior walls of this house are covered with composite siding. The siding is in overall good condition.

The exterior foundation walls are mostly concealed. At the visible areas, they are in good condition without structurally significant cracks or displacement noted.

ROOF

The roof covering of this home consists of asphalt/fiberglass shingles. The roof is snow covered.

GROUNDS

The grounds are snow covered but appear to be generally adequate to control ground water. The driveways and walkways are adequately sloped to keep water away from the building foundation.

Gutters and downspouts are recommended.

BASEMENT

The basement has a concrete masonry unit (CMU) foundation system. It is accessible and partly finished. Thus, portions of the foundation as well as some areas of framing are not visible. The covered walls have no bulging or displacement to suggest underlying structural issues with the CMU walls. The visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The basement floor consists of a concrete slab which is partially visible. The slab is in good condition with some cracks noted. The cracks are typical for this type of construction and do not signify a structural

Independently Owned and Operated



problem. There is no evidence at the covered floors to suggest a structural problem with the concrete slab.

The wood beams and wood posts are in overall good condition. The first-floor joists and subfloor are in overall good condition for age and type of construction. Some typical joist deterioration is seen which contributes to uneven floors above. This is not a structural issue and repairs are not required.

INTERIOR

Some plaster/sheetrock cracking is noted at the upper level(s) which is typical for houses in this climate and due to seasonal temperature and humidity change.

The floors are slightly uneven throughout. This is a common finding in houses of this age and in this climate and due to typical deterioration of joists and subfloor.

GARAGE

The attached garage has a concrete masonry foundation system with a ground supported slab. The garage is partly finished. Visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The concrete slab is in overall good condition and the cracks seen are typical for age and type of construction. No repairs are needed.

There are no indications of structural issues with the garage framing. No bowing or water intrusion is noted at the finished walls/ceiling.

DESCRIPTION OF TERMS

Terms used in this report to describe the condition of observable components and systems are listed and defined below. It should be noted that a term applied to an overall system does not preclude that a part or a section of the system or component may be in different condition:

- Excellent-** Component or system is in "as new" condition, requiring no rehabilitation, and should perform in full accordance with expected performance.
- Good-** Component or system is sound and performing its function. Although it may show signs of normal wear and tear, some minor rehabilitation work may be required.
- Fair-** Component or system falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted standards, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected performance. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor-** Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present condition could contribute or cause the deterioration of other adjoining elements or systems. Repair or replacement is required.

Independently Owned and Operated



SCOPE OF SERVICES and LIMITATIONS

The purpose of this inspection and report is to evaluate the current condition of the **structural system** of this building and to determine what, if any, significant maintenance, repairs, and/or replacement to this system might be expected within the next few years.

The report is not to be considered a guarantee of condition and no warranty is implied.

Our evaluation of this structure is based on many indirect observations. Examination of the foundation is completed without excavation; therefore, we cannot be certain of the condition below grade. Additionally, we cannot certify that the footings extend below the frost line. We cannot see most of the framing. We look for cracks, bulges, and other evidence of distress or deterioration to help us evaluate the condition. In addition, often, construction details cannot be known, and we then assess that system with typical construction practices for our area in mind. As with any limited inspection, it is possible that there are structural deficiencies that cannot be known.

This scope of this inspection does not include a comprehensive evaluation for code compliance, governmental regulation compliance, fire safety, or hazardous materials in or around this building. It does not include an inspection of heating, cooling, plumbing and electrical systems or repair designs. Inspecting for mold is not included in the scope of a structural inspection. Our services do not include determining the presence of a virus in this building. Evidence of any moisture-related problems in the home is not always visible. We cannot be responsible for any such conditions that might be discovered later. This report is not a termite inspection, and no responsibility is assumed for any damage caused by wood-destroying organisms.

This report is based on an examination of the structural system and is an opinion about the condition of the structural system of the building. It is based on evidence available during a diligent inspection of all reasonably accessible areas. No surface materials were removed, no destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation. Examination of the exterior veneer, exterior siding, interior walls, trim, windows, doors or frames is completed only to see if any signs of differential movement are present and not to render an opinion of the condition of these items. Issues concerning the veneer, siding, trim, windows, doors or frames, or any associated rot, caulking, etc., are not included in the scope of a structural inspection and, if we address any of these items in our report, it is only as a courtesy and should not be considered an opinion of these items or an all-inclusive list of deficiencies.

As Professional Engineers, it is our responsibility to evaluate available evidence relevant to the purpose of this inspection. We are not, however, responsible for conditions that could not be seen or were not within the scope of our service at the time of the inspection. If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

No building is perfect. As you review this report, pay particular attention to our notes that often our observations and recommendations are typical of many structures we inspect.

CLOSING

In summary, I consider the structural condition of this house to be good when compared to others of similar age and construction type. Additional documentation and monitoring should be performed prior to and during any construction activity on the adjacent property to the north.

Opinions and recommendations in this report are limited to the scope of work. This report has been prepared in strict confidence with you as our client. Reliance upon our report by other parties is strictly prohibited. If you choose to share our report, you agree to indemnify, defend and hold harmless the

Independently Owned and Operated



Engineer from any third-party action. No reproduction or re-use is permitted without express written consent. Further, we will not release this report to anyone without your permission.

If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

Please call with any additional questions you may have. Thank you for the opportunity to be of assistance to you.

Sincerely,

Independently Owned and Operated

161 Dunbar Way / Mahtomedi, MN 55115
O: 651.779.7700 / criterium-schimnowski.com

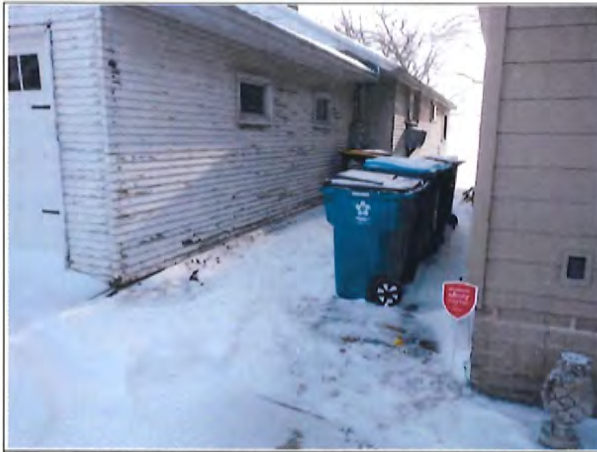


Location
4552 Highway 61,
White Bear Lake, MN

Photos Taken by:
Paul D Schimnowski, P.E.

Inspection Date:
December 7, 2022

CRITERIUM[®]
ENGINEERS



1 View of area between structures. (4552 Hwy, 61 on right, 4556 Hwy. 61 on left). Approx. 9.5'



2 View between existing structures looking east.



3 View between existing structures looking west.



4 View between existing structures looking east.



5 Existing garage at 4556 Highway 61.



6 Overhang from foundation on existing house at 4556 Highway 61 is approx. 2'-4".

Location
4552 Highway 61,
White Bear Lake, MN

Photos Taken by:
Paul D Schimnowski, P.E.

Inspection Date:
December 7, 2022



7 Existing foundation at 4556 Highway 61.



8 Existing foundation at 4556 Highway 61.



9 Existing garage foundation wall at northwest corner of 4552 Highway 61.



10 Existing garage foundation wall on north side of 4552 Highway 61.



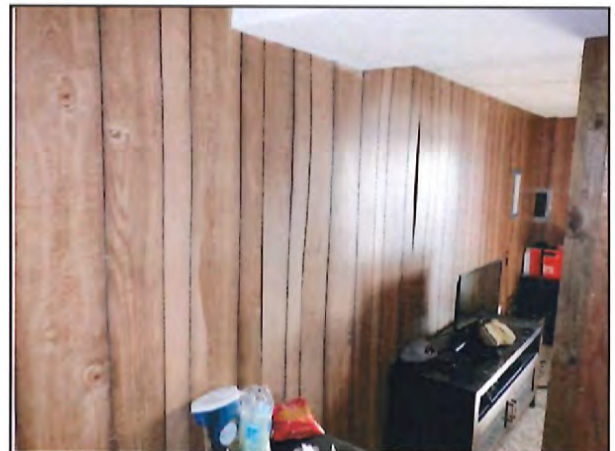
11 Existing north foundation wall at 4552 Highway 61.



12 Existing conditions along north side of 4552 Highway 61.



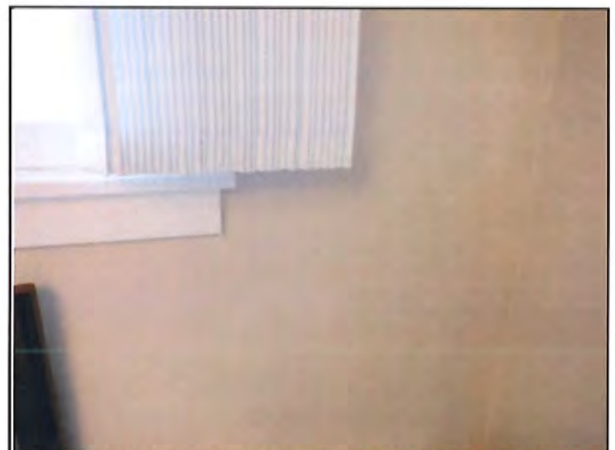
13 Existing conditions along north basement wall. Foundation concealed.



14 Existing conditions along north basement wall. Foundation concealed by paneling.



15 Existing conditions at main level bathroom on north side of house.



16 Existing conditions at main level bedroom on north side of house.



17 Existing conditions along north side of upper level loft area over garage.



18 Existing conditions along north side of upper apartment.



City of White Bear Lake
Finance Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Kerri Kindsvater, Finance Director
Date: February 14, 2023
Subject: **Certification of Private Property Assessment for Recovery of City Expenses**

SUMMARY

The City Council will consider approving a resolution to certify a voluntary private property assessment to cover expenses incurred by the City for the property located at 2341 Spruce Place.

BACKGROUND INFORMATION

The property owner at 2341 Spruce Place has two hazardous trees needing removal. Per the City's ordinances, the property owner must pay the fees to remove both trees. The resident asked to have the total repair costs assessed to their property taxes due to a financial hardship in paying the entire amount due at this time. The total project costs are \$2,160.

The City has previously allowed similar assessments to property owners for improvements and approved this assessment based on the following information:

1. Resident agreed to a 5-year assessment.
2. Resident agreed to pay interest at 2% above the City's true interest rate set at the latest bond issue, which is 3.75%. Therefore, the interest rate will be 5.75%.
3. Resident waves all rights to a public hearing regarding the final assessment.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the assessment to cover expenses incurred by the City for the property located at 2341 Spruce Place.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION CERTIFYING MISCELLANEOUS PRIVATE PROPERTY ASSESSMENT FOR RECOVERY OF CITY OF WHITE BEAR LAKE EXPENSES

WHEREAS, Minnesota Statutes §429.101 allows the City to certify special charges associated with servicing property as special assessments with the County Auditor; and

WHEREAS, the following White Bear Lake, MN private property owner, signed an assessment agreement waiving all rights to a public hearing regarding the following assessment:

2341 Spruce Place White Bear Lake, MN 55110	Removal of two hazardous trees on the property.	Total Assessment: \$2,160.00
--	---	-------------------------------------

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota, that charges associated with maintaining private property within the City are certified to the County Auditor for collection as special assessments.

BE IT FURTHER RESOLVED, by the City Council of the City of White Bear Lake that assessment total listed above shall be payable over five years at an annual interest rate of 5.75%.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl, Community Development Director
Date: February 14, 2023
Subject: Community Development Department 4th Quarter Report

SUMMARY

Attached please find the Community Development Department 4th Quarter Report. This report summarizes activity in the Community Development Department for the fourth quarter (October, November and December) of 2022. It includes three tables with specific data for building permits, code enforcement violations and zoning activity. Staff will present this information during the meeting and take questions or comments from the City Council.

BACKGROUND INFORMATION

Building. The building permit data is provided in two tables. The first compares total numbers, total valuation and total fees for permits for the 4th quarter of 2021 with those same numbers in 2022. These numbers indicate the total number of permits were up by 40%; the total valuation of permits were up by 27%; and the total fees were up by 35% compared to the 4th quarter of 2021.

The second table provides summary numbers for these same categories for Mahtomedi, White Bear Lake and both cities combined by year from 2009 to 2022. These combined numbers indicated in 2022, total permits were up by 3,703 (66%); total valuation was up \$52,620,901 (75%); and total fees were up \$429,440 compared to 2021. It should be noted that these numbers do not include the White Bear Lake Apartment (Schafer Richardson Phase II) development permit which was issued in early January of this year.

Code Enforcement. Code enforcement data is provided for the 4th quarter of 2022 broken down by complaints and proactive cases and by case type in each of the five (5) Wards within the City of White Bear Lake. These data indicate the vast majority of cases were complaint based and the highest number of complaints were in Wards 1 and 5 (20 complaints). Staff believes that overall code enforcement cases were down in the 4th quarter compared to other years because the Code Enforcement Officer position was vacant for most of this time.

Zoning Activity. Zoning activity data is provided for all 4 quarters of 2022 broken down by type. Overall, the 2nd quarter had the highest amount of activity with 450 total cases and the 4th quarter had the lowest amount of activity with 185 total cases. Staff believes this is a seasonal shift that is typical year over year.

RECOMMENDATION

None, this item is information only.

ATTACHMENTS

Community Development Department 4th Quarter Report

WHITE BEAR LAKE
4th QUARTER BUILDING PERMIT DATA

October - December	2022	2021	Change	% Change
--------------------	------	------	--------	----------

PERMIT TOTALS:

Comm./Ind. (New)	1	0	1	#DIV/0!
Comm./Ind. (Alt)	14	7	7	100%
S.F. Dwelling (New)	1	3	-2	-67%
S.F. Dwelling (Alt)	435	224	211	94%
Garage Only	4	4	0	0%
Other Building Permits	3	3	0	0%
Demolition	4	4	0	0%
Electrical	183	144	39	27%
All Other Permit Types	293	279	14	5%
ALL PERMIT TYPE TOTALS:	938	668	270	40%

PERMIT VALUATION:

Comm./Ind. (New)	\$2,300,000	\$0	\$2,300,000	#DIV/0!
Comm./Ind. (Alt)	\$1,345,000	\$2,027,611	-\$682,611	-34%
S.F. Dwelling (New)	\$620,000	\$1,739,000	-\$1,119,000	-64%
S.F. Dwelling (Alt)	\$8,982,426	\$5,150,263	\$3,832,163	74%
Garage Only	\$37,000	\$360,000	-\$323,000	-90%
Fire Suppression	\$120,852	\$217,606	-\$96,754	-44%
Heating (HVAC)	\$978,832	\$2,107,006	-\$1,128,174	-54%
Other Building Permits	\$342,000	\$25,000	\$317,000	1268%
VALUATION TOTALS:	\$14,726,110	\$11,626,486	\$3,099,624	27%

PERMIT FEES:

Comm./Ind. (New)	\$11,312	\$0	\$11,312	#DIV/0!
Comm./Ind. (Alt)	\$12,606	\$12,184	\$422	3%
S.F. Dwelling(New)	\$5,574	\$12,359	-\$6,785	-55%
S.F. Dwelling (Alt)	\$100,842	\$57,485	\$43,357	75%
Garage Only	\$637	\$3,566	-\$2,929	-82%
Other Building Permits	\$2,117	\$593	\$1,524	257%
Demolition	\$1,100	\$1,100	\$0	0%
Electrical	\$27,507	\$14,005	\$13,502	96%
All Other Permit Types	\$25,706	\$37,396	-\$11,690	-31%
PERMIT FEE TOTALS:	\$187,400	\$138,688	\$48,712	35%
PLAN FEES:	\$23,194	\$31,834	-\$8,640	-27%
TOTAL PERMIT & PLAN FEES:	\$210,594	\$170,522	\$40,072	23%

Park Fees	\$1,200	\$1,200	\$0	0%
SAC Fees	\$54,670	\$19,880	\$34,790	175%

DECEMBER YTD**White Bear Lake**

<u>YEAR</u>	<u>COUNT</u>	<u>VALUATION</u>	<u>FEES</u>
2009	1913	\$29,645,946	\$406,985
2010	2217	\$18,449,109	\$351,168
2011	2079	\$12,308,120	\$279,929
2012	2155	\$22,221,773	\$346,546
2013	2203	\$35,343,071	\$408,767
2014	2072	\$28,747,324	\$407,684
2015	2505	\$57,368,908	\$606,905
2016	2362	\$42,543,062	\$491,734
2017	2617	\$39,985,421	\$540,616
2018	2978	\$48,244,578	\$620,836
2019	2685	\$65,328,427	\$736,324
2020	2599	\$54,730,496	\$703,481
2021	2817	\$137,576,203	\$1,326,436
2022	3767	\$140,811,845	\$1,427,947

Mahtomedi

<u>YEAR</u>	<u>COUNT</u>	<u>VALUATION</u>	<u>FEES</u>
2009	513	\$7,894,918	\$111,937
2010	646	\$14,355,214	\$190,406
2011	697	\$9,681,140	\$176,303
2012	660	\$15,638,099	\$200,604
2013	649	\$13,002,121	\$166,952
2014	566	\$10,512,222	\$146,760
2015	802	\$25,060,053	\$258,433
2016	822	\$10,594,606	\$161,503
2017	863	\$19,202,638	\$237,694
2018	1011	\$16,034,266	\$232,574
2019	953	\$26,346,261	\$330,496
2020	980	\$20,736,523	\$289,891
2021	997	\$16,638,816	\$250,687
2022	1957	\$66,024,075	\$641,616

Combined

<u>YEAR</u>	<u>COUNT</u>	<u>VALUATION</u>	<u>FEES</u>
2009	2426	\$37,540,864	\$518,922
2010	2863	\$32,804,323	\$541,574
2011	2776	\$21,989,260	\$456,232
2012	2815	\$37,859,872	\$547,150
2013	2852	\$48,345,192	\$575,719
2014	2638	\$39,259,546	\$554,444
2015	3307	\$82,428,961	\$865,338
2016	3184	\$53,137,668	\$653,237
2017	3480	\$59,188,059	\$778,310
2018	3989	\$64,278,844	\$853,410
2019	3638	\$91,674,688	\$1,066,820
2020	3579	\$75,467,019	\$993,372
2021	3814	\$154,215,019	\$1,577,123
2022	5724	\$206,835,920	\$2,069,563

WHITE BEAR LAKE 4th QUARTER CODE ENFORCEMENT VIOLATIONS BY WARD

October - December 2022

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
--	--------	--------	--------	--------	--------	-------

TOTAL CASES SUMMARY

Complaints	18	12	8	11	20	69
Proactive / City Initiated	2	3	4	1	0	10
TOTALS:	20	15	12	12	20	79

DETAILED CASE SUMMARY

Refuse / Exterior Storage	5	5	4	3	4	21
Parking	1	4	1	1	5	12
Weeds		2	2	3	3	10
Motor Vehicle	1	1	1	1	2	6
Structure Maintenance						0
Miscellaneous	13	3	4	4	6	30
TOTALS:	20	15	12	12	20	79

CASE STATUS SUMMARY

Number of Open Cases	2	2	6	1	9	20
Number of Closed Cases	18	13	6	11	11	59
TOTALS:	20	15	12	12	20	79

CITY OF WHITE BEAR LAKE SUMMARY OF ZONING ACTIVITY FOURTH QUARTER 2022

	OCT	NOV	DEC	SUM 1 st Q	SUM 2 nd Q	SUM 3 rd Q	SUM 4 th Q	YTD (12/5/22)
SIGN PERMITS	9	0	2	11	6	8	11	36
ZONING PERMITS	14	5	0	3	110	61	19	193
OTHER PERMITS	13	10	2	15	31	44	25	115
ZONING LETTERS ¹	1	2	0	2	5	3	3	13
ZONING CALLS ²	0	0	2	0	3	0	2	5
ADMINISTRATIVE VARIANCES	2	0	0	1	6	9	2	18
LAND USE CASES*	2	4	0	11	13	8	6	38
QUESTIONS / INQUIRIES	46	20	28	153	218	110	94	575
MEETINGS	7	6	7	69	53	23	20	165
SITE INSPECTIONS	0	1	0	4	4	0	1	9
ENFORCEMENT LETTERS	0	0	1	1	0	2	1	4
OTHER / MISC [^]	0	0	1	4	1	0	1	6
TOTAL	94	48	4	274	450	268	185	1177

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

OCTOBER LAND USE CASES

3881 Property Group CUP
Lund Family Dentistry CUP

NOVEMBER LAND USE CASES

Smarte Carte CUP
Herkenhoff Variance
Acqua PUD
Concept Plan Review Text Amendment

OTHER MISCELLANEOUS

October: --
November: --
December: Senior Census



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Bruce Bates, Sports Center Manager
Date: February 8, 2023
Subject: **2022 Annual Sports Center Report**

SUMMARY

The City Council will receive the 2022 annual report for the Sports Center.

BACKGROUND INFORMATION

The Sports Center was very busy in 2022 hosting public, youth and high school hockey games, figure skating events, learn to skate programming and open skating sessions.

The new Olympia Ice Resurfacers was delivered in March and provides dependable, consistent high quality ice.

The hockey training facility was very valuable and busy this past year providing space for White Bear Lake Hockey Association members to work out and practice their skills with the new Rapid Shot machine. The association utilized the space for teams to supplement their ice time when visiting the Sports Center.

The sports center hosted several major events this past year:

- 8 youth tournaments
- 6 High School Hockey Games plus 1 section playoff game
- 29th Annual Holiday Open Figure Skating Competition
- 3 Spring Ice Shows (29th Annual)
- 110 Youth hockey games for WBLAHA

This past year, Trane Corporation and All Energy Concepts have completed the upgrading of the Sports Center mechanical, HVAC, roofing, lighting and control systems. All Energy Concepts completed the installation of solar panels on the roof of the Sports Center and Training Center. We look forward to a more efficient operation and energy savings in 2023.

Ice Time Utilization (in hours)

<u>Ice Rental/Hockey</u>	<u>1649.75</u>
<u>Skate School</u>	<u>1156.25</u>
<u>Public Skating</u>	<u>772</u>

Year to Date Analysis

Demand for ice was strong this past year with White Bear Lake Hockey Association expanding their rentals into spring and summer. The attached annual financial report for 2022 is a more typical year compared to 2021, which still was impacted by carry-over from the COVID-19 pandemic.

Comparisons to 2021 for skate school and skate camp are still skewed due to registrations that were delayed from 2020 being pushed into 2021. Freestyle revenue increased due to offering additional sessions in the early morning.

Late in the year, we had two high school games rescheduled for 2023 due to school closings. One additional home game was moved to Hockey Day MN.

Revenues from LiveBarn online streaming services increased significantly this year and have provided a significant source of revenue for the Sports Center.

ATTACHMENTS

2022 Annual Financial Report

**SPORTS CENTER
ANNUAL REPORT****2022
REVENUE****2021
REVENUE****2022 to 2021
COMPARISON****Ice Rental Usage**

Ice Rental Non-Tax	\$206,179.50	\$186,993.05	\$19,186.45
Ice Rental Tax	\$84,960.23	\$110,791.95	-\$25,831.72
Subtotal Ice Rental	\$291,139.73	\$297,785.00	-\$6,645.27

Skate School

Skate School	\$100,183.90	\$120,320.90	-\$20,137.00
Skate School Drop In	\$0.00	\$0.00	\$0.00
Early Morning Ice	\$0.00	\$7.00	-\$7.00
Early Morning Ice Pass	\$23.00	\$0.00	\$23.00
Freestyle	\$93,827.71	\$75,521.50	\$18,306.21
Power	\$0.00	\$0.00	\$0.00
Team Compulsory	\$0.00	\$0.00	\$0.00
Student Teaching	\$0.00	\$0.00	\$0.00
Sleep Over	\$0.00	\$0.00	\$0.00
Subtotal Skate School	\$194,034.61	\$195,849.40	-\$1,814.79

Skate Camp

Show Registration	\$18,605.48	\$21,270.50	-\$2,665.02
Show	\$9,680.00	\$4,104.00	\$5,576.00
Competition Ad	\$0.00	\$105.00	-\$105.00
Competition Vending	\$129.59	\$413.55	-\$283.96
Competition Registration	\$36,724.94	\$42,962.27	-\$6,237.33
Subtotal Skate Camp	\$65,140.01	\$68,855.32	-\$3,715.31

Open Skate

Open Skate Pass	\$5,700.00	\$2,856.00	\$2,844.00
Open Skate	\$4,872.00	\$9,434.00	-\$4,562.00
Open Hockey	\$6,658.98	\$6,054.00	\$604.98
Open Hockey Pass	\$3,531.00	\$2,433.00	\$1,098.00
Dead Ice One Hour	\$1,033.00	\$476.00	\$557.00
Dead Ice Pass	\$42.00	\$0.00	\$42.00
Broomball	\$0.00	\$0.00	\$0.00
Special Events	\$0.00	\$0.00	\$0.00
Sub Total Open Skate	\$21,836.98	\$21,253.00	\$583.98

Hockey Game Receipts

	\$7,694.01	\$14,724.00	-\$7,029.99
--	-------------------	--------------------	--------------------

Rental Income

Skate Rental	\$264.00	\$308.00	-\$44.00
Locker Rental	\$0.00	\$120.00	-\$120.00

Shower/Sauna	\$0.00	\$0.00	\$0.00
Meeting Room Rental	\$30.00	\$73.75	-\$43.75
Aerobic Room Rental	\$2,155.00	\$135.00	\$2,020.00
Birthday Party-Ice	\$1,778.00	\$675.00	\$1,103.00
Girls HS Lease Agreement 5201.4975	\$12,600.00	\$15,000.00	-\$2,400.00
Court Rental (Hockey Training)	\$24,720.00	\$25,234.00	-\$514.00
Subtotal Rental Income	\$41,547.00	\$41,545.75	\$1.25

Donations	\$475.03	\$1,975.04	-\$1,500.01
------------------	-----------------	-------------------	--------------------

Vending Machine Sales

Vending Canteen	\$0.00	\$0.00	\$0.00
Vending Grand Prix	\$153.82	\$390.90	-\$237.08
Vending Jubilee	\$0.00	\$0.00	\$0.00
Vending Machine Subtotal	\$153.82	\$390.90	-\$237.08

Concessions

Concession Stand Profits/lease	\$2,619.99	\$447.14	\$2,172.85
Hockey Tape	\$33.60	\$16.80	\$16.80
Mouthguards	\$5.60	\$5.60	\$0.00
Skate Laces	\$33.58	\$2.80	\$30.78
Skate Guards	\$22.35	\$29.80	-\$7.45
Gloves	\$39.20	\$14.00	\$25.20
Fuzzy Gloves	\$0.00	\$0.00	\$0.00
Pins	\$11.20	\$170.80	-\$159.60
Gel Pads	\$0.00	\$0.00	\$0.00
Tights Adult	\$192.00	\$332.00	-\$140.00
Tights Child	\$196.00	\$196.00	\$0.00
Soaker	\$33.54	\$16.77	\$16.77
Show Video	\$0.00	\$0.00	\$0.00
Subtotal Concessions	\$3,187.06	\$1,231.71	\$1,955.35

Miscellaneous Revenue

Reimb	\$0.00	-\$563.28	\$563.28
ISI	\$0.00	\$0.00	\$0.00
courts	\$0.00	\$0.00	\$0.00
Bear Store Lease	\$0.00	\$0.00	\$0.00
NSF Fee	\$0.00	\$2,191.96	-\$2,191.96
Rink Advertising	\$10,575.00	\$8,800.00	\$1,775.00
Miscellaneous	\$59,952.54	\$2,191.96	\$57,760.58
Federal Operating Grants Apra Rev	\$65,000.00	\$0.00	\$65,000.00
2022 Kadrie Ins Advert A/R	\$400.00	\$0.00	\$400.00
Subtotal Miscellaneous	\$135,927.54	\$12,620.64	\$123,306.90
Over/Short	\$0.80	\$2.05	-\$1.25

TOTAL SPORTS CENTER REVENUE	\$761,136.59	\$656,232.81	\$104,903.78
------------------------------------	---------------------	---------------------	---------------------

Armory

Damage Deposit Res	\$3,070.00	\$2,825.00	\$245.00
Damage Deposit Non Res	\$1,587.50	\$2,700.00	-\$1,112.50
Armory Res	\$9,247.25	\$11,093.50	-\$1,846.25
Armory Non Res	\$3,515.00	\$3,770.00	-\$255.00
Armory Police	\$1,392.00	\$1,628.00	-\$236.00
Armory Clean	\$2,440.00	\$1,224.50	\$1,215.50
Total Revenue Armory	\$21,251.75	\$23,241.00	-\$1,989.25

Boatworks Commons	\$3,475.00	\$3,205.00	\$270.00
--------------------------	-------------------	-------------------	-----------------



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Tracy Shimek, Housing & Economic Development Coordinator
 Paul Kauppi, Public Works Director/City Engineer
Date: February 14, 2023
Subject: **An Ordinance Amending the Municipal Code by Adopting a New Chapter 1128 to Permit Sidewalk Cafes – First Reading & Public Hearing**

SUMMARY

The City Council will conduct the first reading and a public hearing for an ordinance amending Article IX. Public Ways and Property of the Municipal Code. Specifically, the proposed ordinance amendment would add Chapter 1128 outlining a sidewalk café permitting process. The second reading and consideration for adoption will be held at the February 28, 2023 meeting.

BACKGROUND INFORMATION

In 2020 and 2021, with City Council support, staff implemented a provisional administrative review process for restaurants, bars and tap rooms to request temporary approval to expand or add outdoor seating on private property or in the public right-of-way (ROW), including sidewalks and public parking spaces. The review process was intended to grant temporary approval to restaurants as a relief measure during the pandemic and did not grant an ongoing approval of such uses.

In 2022 staff received requests to continue the use of public ROW for outdoor seating. Staff reviewed records to determine if there was evidence of a policy or process to consider these types of requests in the past. Staff found records of a variety of approaches, but no documentation of a clear framework or guidelines with which to review them. Due to the fact various approaches have been used for approval, and that institutional memory of processes is sometimes lost as a result of staff turnover, staff sought guidance from City Council in spring 2022 on how to consider such requests in the future. At that meeting City Council directed staff to research and put forth recommendations for codifying a process to provide a transparent, consistent and fair approach for considering these requests that both protect public safety, while providing the opportunity for businesses to utilize sidewalk space for seating where circumstances permit.

Through research of a number of sidewalk café ordinances, staff identified many commonalities in the regulation of outdoor sidewalk seating areas. With this information and in consideration of the context of White Bear Lake, staff put forth a number of recommendations for City

Council to discuss at their January 24, 2023 meeting for inclusion in a sidewalk cafe ordinance. Generally these recommendations fell into three categories:

- Purpose
- Process and administration
- Safety, accessibility, and impact

During their review of the proposed guidelines, City Council expressed support for the proposal, while offering the following feedback:

- Providing reasonable and clear guidelines for food and beverage establishments to utilize sidewalk cafes
- Ensure an ordinance for sidewalk cafes does not impede a business's ability to utilize private property for outdoor seating provided other related provisions and regulations are adhered to
- Mechanisms to ensure sidewalk cafes are limited to restaurants, cafes and bars which regularly and customarily sell food and beverage for onsite consumption
- Minimal fees which reflect the cost of staff time to review applications and a minimally onerous renewal process that offers an opportunity to remedy problematic situations which may arise out of the use of a sidewalk café

Given the feedback staff is proposing adoption of the attached draft ordinance which:

- Provides clear guidance on eligible businesses and locations
- Defines an application procedure including a permit application, decision and annual renewal process to ensure appropriate documentation is updated as needed
- Outlines the criteria and restrictions in place in terms of sidewalk café placement and operations which ensure the use does not detract from the surrounding environment, inhibit pedestrian access, or otherwise impede public safety
- Sets out specific guidelines for businesses intending to serve alcohol in a sidewalk café
- Protects the public interest by making the permit holder liable for any damage or injury resulting from the use of public ROW for a sidewalk café in addition to making them responsible for any costs incurred by the City for such usage, such as the cost to remove furniture for failure to remove it upon notice
- Includes provisions for enforcement of the ordinance

It should be noted that upon review of a draft ordinance with the City Attorney the language has been updated to reflect the issuance of a permit, and not a license, due to the applications being evaluated administratively.

At this time staff is recommending an initial application fee of \$150 and a renewal fee of \$75 provided there are no changes to site design from the initial application. Additionally, barring previous approval through a land use application explicitly authorizing use of ROW, staff recommends all other food and beverage establishments wishing to use ROW for outdoor seating be required to apply for a sidewalk café permit regardless of previous formal, informal, or implicit approvals.

RECOMMENDATIONS

Staff recommends the City Council conduct the first reading and a public hearing of the proposed amendment to Article IX. Public Ways and Property of the Municipal Code, adopting a formalized process to consider requests to utilize certain city owned public sidewalks for the purpose of sidewalk cafes. The second reading will be conducted at the February 28, 2023 City Council meeting prior to ordinance adoption.

ATTACHMENTS

Draft Ordinance

CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE
BY ADOPTING A NEW CHAPTER 1128 TO PERMIT SIDEWALK CAFÉS**

The Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Legislative Findings. The City Council of the City of White Bear Lake hereby finds the use of public sidewalks for the purpose of sidewalk cafés benefits the City because:

- (a) Sidewalk cafés attract the attention of pedestrians and increases their stay. Not only do sidewalk cafés promote the adjacent business, but they increase other businesses' visibility when customers choose to be seated outside;
- (b) Sidewalk cafés attract visitors by furthering White Bear Lake's brand as a desirable destination and City;
- (c) Sidewalk cafés provide an aesthetically pleasing and nontraditional setting that provides an additional option where pedestrians can relax, enjoy, and interact with their fellow community members;
- (d) By repurposing City sidewalks into sidewalk cafés, it addresses the need for additional public space. It promotes and reinvents new views enhancing the community's charm and activates outdoor space increasing the community's vitality and livability; and
- (e) Sidewalk cafés encourage more pedestrian activity by livening up the street, create more things to look at, and make the businesses appear more active.

ARTICLE II. Sidewalk Café Permitting. The Municipal Code of the City of White Bear Lake is hereby amended by adding a new Chapter 1128 as follows:

1128. SIDEWALK CAFÉS

§ 1128.010 PURPOSE. This chapter is intended assist eligible businesses by allowing them to use the adjacent public sidewalk areas for sidewalk cafés with the issuance of a permit from the City and subject to certain regulations to help protect the public's continued safe use of the public sidewalks, keep public sidewalks clean and orderly, and to minimize negative impacts to neighboring businesses and the public.

§ 1128.020 DEFINITIONS. For the purposes of this chapter, the following terms shall have the meaning given them in this section.

Subd. 1. City Manager. The appointed City Manager for the City of White Bear Lake. The term includes any City staff member designated by the City Manager to manage all or some portion of the permitting process under this chapter.

Subd. 2. Eligible Business. A business located within the City that regularly and customarily sells food or drink to customers for consumption on the business premises, and that is either a restaurant licensed by the Minnesota Department of Health under Minnesota Statutes, section 157.16 or holds a current liquor license issued by the City pursuant to City Code, article X.

Subd. 3. Permittee. An eligible business holding a current sidewalk café permit issued by the City under this chapter.

Subd. 4. Public Sidewalk. A sidewalk owned by the City that is generally available for use by the public for pedestrian traffic. The term does not include any portion of a bike lane, public trail, city parking lot, or area within a public right-of-way intended for vehicular traffic.

Subd. 5. Sidewalk Café. An identified portion of a public sidewalk adjacent to an eligible business within which the business is allowed by a city-issued permit to place and use tables, chairs, and accessory items for the service of food or beverages to its customers for on-site consumption as part of its regular business operations.

Subd. 6. Sidewalk Café Area. The portion of a public sidewalk adjacent to an eligible business within which a permittee is authorized to operate its sidewalk café under a permit issued by the City.

Subd. 7. Sidewalk Café Permit or Permit. A permit issued by the City under this chapter to an eligible business allowing it to operate a sidewalk café on an identified portion of public sidewalk adjacent to the business.

§ 1128.030 SIDEWALK CAFÉ PERMIT.

Subd. 1. Required. No person, business, or entity may use a public sidewalk to place tables, chairs, or other seating on a public sidewalk in conjunction with a business without first obtaining a sidewalk café permit from the City.

Subd. 2. Exception. A permit is not required under this chapter for a business to temporarily place stands, racks, or tables on a public sidewalk to display their goods or products during a community celebration or sidewalk sales event authorized by the City, but only to the extent allowed by the City.

Subd. 3. Eligibility. Only a business that qualifies as an eligible business under this chapter and that is located in the City's B-1, B-5, or DCB zoning district may obtain a permit.

Subd. 4. Ineligible Places. A permit issued under this chapter shall not allow a permittee to place tables, chairs, or other seating in any of the following locations:

- (a) Any portion of a public right-of-way designated for vehicular travel or as a bike lane;
- (b) A bike or walking trail;
- (c) Private sidewalk or other private property;
- (d) A City parking lot; or
- (e) Any place prohibited by state law.

§ 1128.040 APPLICATION PROCEDURE. An application for a permit shall be submitted and processed in accordance with this section.

Subd. 1. Permit Application. An eligible business may apply for a permit on the application form furnished by the City and submitted to the City Clerk. An application shall not be considered complete, and shall not be processed, unless it contains all of the following:

- (a) A scaled site plan identifying the proposed location of the sidewalk café, furniture layout, and demonstrating compliance with the requirements of this chapter;
- (b) The applicable application fee as provided in the City's fee schedule;
- (c) Evidence of a valid commercial general liability insurance policy, through an insurance carrier authorized or eligible to do business in the state, covering damage to the public sidewalk, and for any costs and damages the City might incur because of property damage or personal injury arising out of the use of the public sidewalk for a sidewalk café. The minimum coverage limit of the policy shall be \$1,000,000 per occurrence, but the City may require a higher limit based on the location of the proposed sidewalk café. The City shall be listed as an additional insured on the commercial general liability policy;
- (d) An indemnity agreement, approved by the City Attorney, requiring the permittee to indemnify and hold harmless the City and its officers, agents and employees from any claim arising or resulting from the operation of the sidewalk café; and
- (e) A Sewer Availability Charge (SAC) Determination from the Metropolitan Council.

Subd. 2. Permitting Decision. The City Manager is authorized to determine whether to approve a permit application. The City Manager shall not approve an application if the City Manager determines the proposed sidewalk café does not satisfy the requirements of this chapter or would interfere with the public interest or public use of the public sidewalk. The City Manager may place conditions on a permit as the City Manager determines are needed to further the intent of this chapter and to protect the public sidewalk and public safety. A condition of every permit is the continued compliance by the permittee with state law, this chapter, and any other applicable provisions of this Code related to the sidewalk café and the permittee's eligible business. The permit shall identify the specific area of the public sidewalk authorized for use as the sidewalk café area and the approved type and arrangement of furniture to be used within the sidewalk café. Approval of a sidewalk café permit does not indicate approval of any other permits or permits required to operate within the City. A sidewalk café permit is not transferrable or assignable.

Subd. 3. Reconsideration. If the City Manager denies a permit application, the eligible business may, within 30 days of the denial, submit a revised application for the same business that addresses the concerns associated with the original denial. A new application fee is not required for the resubmitted application if the City receives it within the 30-day period. Any application received after that period will be considered a new application and must be accompanied by a new application fee. The City will process and act on a resubmitted application in the same manner as an original application.

Subd. 4. Appeal. An applicant may appeal the denial of its application to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of the denial. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the denial and provide the applicant an opportunity to be heard. The City Council may uphold the denial or direct the City Manager to issue the permit with such conditions as the City Manager recommends together with any other conditions the City Council may direct be imposed on the permit.

§ 1128.050 PERMIT TERM AND RENEWALS.

Subd. 1. Permit Term. A permit issued under this chapter shall be valid from the date of issuance or May 15, whichever is later, and shall expire on October 15 of each year. A permittee shall remove all its personal property related to the sidewalk café from the public sidewalk by October 15 of each year. If a permittee fails to remove its personal property by that date, the City may remove such property and dispose of it as abandoned property if the permittee fails to remove it after at least 10 days written notice to remove it. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the removal.

Subd. 2. Permit Renewal. An eligible business must renew its permit annually. A renewal application shall contain all information required on the renewal application form, the renewal application fee as established in the City's fee schedule, a current certificate of insurance showing the required commercial general liability coverage and naming the City as an additional insured, and a new indemnity agreement. If the eligible business proposes to change the configuration of its sidewalk café, the renewal application shall also include a new scaled drawing showing the proposed new configuration.

§ 1128.060 SIDEWALK CAFÉ CRITERIA AND RESTRICTIONS. The City Manager shall consider the following criteria in determining whether to approve a sidewalk café application.

Subd. 1. Direct Access. The eligible business must front on, and have direct and unobstructed access to, the portion of the public sidewalk to be used for the sidewalk café. The sidewalk café area must directly abut the building in which the eligible business operates and shall not extend beyond the boundaries abutting the eligible business.

Subd. 2. Pedestrian Corridor. The sidewalk café shall be located to always provide at least a four-foot-wide unobstructed pedestrian corridor. The permittee shall also maintain at least a two-foot setback from the curb edge. The City may require as a condition of a permit a wider pedestrian corridor or increased clearances if it determines such additional area is needed to accommodate pedestrian traffic, public safety, or to comply with the state building code, Americans with Disabilities Act, or other applicable laws.

Subd. 3. Clearance. A clear unobstructed height of eight feet must be maintained between the sidewalk surface and overhead objects, including umbrellas, associated with the sidewalk café.

Subd. 4. Obstruct Public Amenities. The sidewalk café must not block access to public amenities such as street furniture, trash receptacles, or public signage.

Subd. 5. Spacing. The proposed footprint and seating for the sidewalk café shall not exceed the amount of space available on the public sidewalk under all applicable building and fire code requirements.

Subd. 6. Potential Impacts. The City Manager shall consider the proposed site plan in the context of the surrounding environment, and it may impose additional conditions as it determines is appropriate to ensure the safety of pedestrians, patrons, business employees, adjacent traffic, and to preserve public assets.

Subd. 7. Furniture. The furniture used for the sidewalk café must be made of durable material and not detract from the character of the surrounding environment. No plastic, unfinished wood, or pressure treated wood furniture is allowed.

Subd. 8. Planters. City-approved planters or pots may be used to define the sidewalk café area, but are not required. Any proposed planters or other barriers shall be included in the submitted site plan.

Subd. 9. Umbrellas. Table umbrellas are permitted if the umbrellas are completely contained within the sidewalk café, and do not block the site lines of adjacent vehicular traffic.

Subd. 10. Lighting. Lighting associated with the sidewalk café must not cause glare to pedestrians or vehicular traffic, and must not be affixed to City trees or infrastructure.

Subd. 11. Sound. Loudspeakers or amplified sound, including amplified sound from inside the eligible business that is audible outside, are prohibited.

§ 1128.070 OPERATION OF SIDEWALK CAFÉS. A permittee shall operate its sidewalk café in accordance with all the requirements and limitations in this section.

Subd. 1. Business Use. A sidewalk café may be used only by the permittee and only for the seating of patrons in the furniture provided by the permittee. Every patron within the sidewalk café must have their own chair. No overcrowding of the sidewalk café with standing patrons is allowed.

Subd. 2. Hours of Operation. A sidewalk café may only be operated between the hours of 8:00 a.m. and 10:00 p.m., and then only to the extent the eligible business is open to customers. The City Manager may further limit the hours of operation as a condition of the permit.

Subd. 3. Maximum Occupancy. The number of persons within the sidewalk café shall not exceed the number of seats permitted in the permit, excluding the permittee's staff while working.

Subd. 4. Open Air. The sidewalk café area shall be open to the air, except that seating may be located under approved umbrellas, awnings, or canopies.

Subd. 5. Cleaning. Permittee shall keep the sidewalk café and the adjacent one 100 feet of public space surrounding it clean of any solid waste, including food debris, paper, cups, cans, cigarette butts, and any other garbage associated with the operation of the sidewalk café area on a daily basis. Permittee shall wash down the adjacent public sidewalk and right-of-way with water and detergent as often as needed to remove any stains or spills related to the operation of the sidewalk café. Permittee shall properly dispose of all waste and trash in its own trash receptacles. Permittee shall not use of public trash receptacles for disposing of business generated waste or trash.

Subd. 6. Maintenance. The permittee shall at all times keep the sidewalk café area and the associated furniture and accessories clean, orderly, and in good repair. Permittee shall promptly repair or remove any damaged furniture from the public sidewalk. Permittee is responsible for securing its furniture as it determines is needed to discourage theft or to prevent it from damaging adjacent properties or public infrastructure during a storm.

Subd. 7. Extended Closure. The permittee shall remove all furniture, enclosures, and barriers from the public sidewalk if the eligible business is closed for more than 14 consecutive days, unless previous arrangements have been made with the City.

Subd. 8. Compliance. The permittee shall obtain and maintain all other permits and permits that may be required, and shall remain in compliance with all applicable city, state and federal laws and regulations, for operation of the eligible business and the sidewalk café.

Subd. 9. Temporary Suspension. The City Manager may temporarily suspend the use of a public sidewalk for a sidewalk café if it determines such use will interfere with a special event, parade, public celebration, a public maintenance, repair, or improvement project, or as needed to protect public safety. The City will endeavor to give the permittee reasonable advance notice before issuing a temporary suspension. Unless expressly provided otherwise in the suspension notice, the permittee shall remove its furniture from the public sidewalk prior to the beginning of the suspension period. If a permittee fails to remove its furniture by the indicated date, the City may remove the furniture at the permittee's expense. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the City's removal or storage. Operation of the sidewalk café during a suspension period is a violation of this chapter.

Subd. 10. Additional Prohibitions. A permittee shall not violate any of the following prohibitions related to the operation of its sidewalk café:

- (a) No cash registers, tents, minibars, or similar appurtenances shall be allowed within the sidewalk café area.
- (b) Food preparation is not allowed in the sidewalk café area;
- (c) Nothing shall be permanently affixed to a sidewalk or to other public property. All improvements (including furniture and fixtures) must be readily removable without damage to the sidewalk or other public property;
- (d) No business activities may occur outside of the approved sidewalk café area;

- (e) Smoking is not allowed within the sidewalk café area; and
- (f) Use of glass, bottles, or other similar breakable items within the sidewalk café area is not allowed.

§ 1128.080 ADDITIONAL REQUIREMENTS FOR ELIGIBLE BUSINESSES SERVING ALCOHOL. In addition to all other provisions of this chapter, a permittee serving alcohol within its sidewalk café area shall comply with the requirements of this section in addition to the other requirements of this chapter.

Subd. 1. Liquor Permit. The permittee must obtain an amendment to its liquor license to include the sidewalk café area as part of the licensed premises within which it may sell and serve liquor before any sales or consumption of liquor may occur within the sidewalk café area.

Subd. 2. Barriers. The permittee shall provide and place stanchions or other portable, visible, above ground barriers between the approved sidewalk café area and the remainder of the public sidewalk whenever the sidewalk café is in use. The items and materials proposed to be used for the barriers must be identified in the permit application. The permittee may only use barriers consistent with those identified in the City's permit approval. The sidewalk café area in which liquor is served must be compact and contiguous to the permittee's eligible business.

Subd. 3. Liquor Compliance. The permittee shall remain in compliance with all laws related to alcohol service and consumption. The permittee shall post visible signs at all exit points from the sidewalk café to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside of the sidewalk café area. The permittee shall not permit patrons to carry their own alcohol into the sidewalk café area or to carry alcohol sold by the permittee outside of the sidewalk café area.

§ 1128.090 ENFORCEMENT.

Subd. 1. Administrative Penalties. A violation of any provision of this chapter constitutes an administrative offense and is subject to a civil penalty as provided in City Charter, section 8.05 and City Code, chapter 205 in the amount established in the City's fee schedule. The City shall issue and process notices of administrative violations in accordance with the procedures set out in City Code, chapter 205.

Subd. 2. Permit Actions. The City Manager is authorized to take action against a permittee's license for failing to comply with the requirements of this chapter or any of the conditions imposed on the permit.

- (a) Temporary Permit Suspension. The City Manager is authorized to suspend a permit for up to 10 days if the City Manager determines the permittee has violated a provision of this chapter. The City Manager shall issue a written notice of suspension identifying the violation, the period of

suspension, and the corrective actions required to bring the sidewalk café back into compliance with this chapter. If the permittee fails to correct the violation by the date indicated in the suspension notice, or if any other violations occur within 30 days of the end of the temporary suspension period, the City Manager may revoke the permit as provided in this subdivision.

- (b) Permit Revocation. The City Manager may revoke a permit if a permittee fails to comply with the requirements of this chapter, a condition placed on the permit, a suspension notice, or of any regulations governing the use of the public sidewalk or the business activities occurring with the sidewalk café. Before revoking a permit, the City Manager shall provide the permittee a written notice of violation that identifies the violation and provides a reasonable time in which to correct the violation. If the City Manager determines a violation directly obstructs pedestrian use of the public sidewalk or creates an immediate threat to public safety, the City Manager may immediately suspend the permit for the period allowed to correct the violation. If the permittee fails to correct the violation within the correction period, the City Manager may issue the permittee a written notice of revocation that identifies the violation and includes a statement regarding the process to appeal the revocation. The eligible business shall immediately cease using the public sidewalk for its business operations requiring a permit under this chapter.
- (c) Appeal. An eligible business may appeal a revocation of its permit to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of revocation. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the revocation and provide the applicant an opportunity to be heard. The City Council may sustain or overturn the revocation. If the City Council overturns the revocation, it may add conditions to the permit as it determines are needed to address the violations identified by the City Manager.

Subd. 3. Other Remedies. In addition to administrative penalties and any actions against the permit, a violation of this chapter is a misdemeanor and may also be enforced through injunctive or other equitable relief, or a combination of remedies.

§ 1128.100 Code Chapter Controlling. To establish a uniform set of regulations for sidewalk cafés on public sidewalks, the provisions of this chapter shall supersede and preempt conflicting provisions covering the same topic and applicable to public sidewalks and rights-of-way located elsewhere in this Code. An eligible business permitted under this chapter is not required to obtain a right-of-way obstruction permit under this Code, provided its activities are limited to those contemplated in this chapter and comply with the terms and conditions of the permit.

ARTICLE III. Severability. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

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

Adopted by the City Council of the City of White Bear Lake, Minnesota on the __ day of _____ 2023.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE BY
ADOPTING A NEW CHAPTER 1128 TO PERMIT SIDEWALK CAFÉS

The Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Legislative Findings. The City Council of the City of White Bear Lake hereby finds the use of public sidewalks for the purpose of sidewalk cafés benefits the City because:

- (a) Sidewalk cafés attract the attention of pedestrians and increases their stay. Not only do sidewalk cafés promote the adjacent business, but they increase other businesses' visibility when customers choose to be seated outside;
- (b) Sidewalk cafés attract visitors by furthering White Bear Lake's brand as a desirable destination and City;
- (c) Sidewalk cafés provide an aesthetically pleasing and nontraditional setting that provides an additional option where pedestrians can relax, enjoy, and interact with their fellow community members;
- (d) By repurposing City sidewalks into sidewalk cafés, it addresses the need for additional public space. It promotes and reinvents new views enhancing the community's charm and activates outdoor space increasing the community's vitality and livability; and
- (e) Sidewalk cafés encourage more pedestrian activity by livening up the street, create more things to look at, and make the businesses appear more active.

ARTICLE II. Sidewalk Café Permitting. The Municipal Code of the City of White Bear Lake is hereby amended by adding a new Chapter 1128 as follows:

1128. SIDEWALK CAFÉS

§ 1128.010 PURPOSE. This chapter is intended assist eligible businesses by allowing them to use the adjacent public sidewalk areas for sidewalk cafés with the issuance of a permit from the City and subject to certain regulations to help protect the public's continued safe use of the public sidewalks, keep public sidewalks clean and orderly, and to minimize negative impacts to neighboring businesses and the public.

§ 1128.020 DEFINITIONS. For the purposes of this chapter, the following terms shall have the meaning given them in this section.

Subd. 1. City Manager. The appointed City Manager for the City of White Bear Lake. The term includes any City staff member designated by the City Manager to manage all or some portion of the permitting process under this chapter.

Subd. 2. Eligible Business. A business located within the City that regularly and customarily sells food or drink to customers for consumption on the business premises, and that is either a restaurant licensed by the Minnesota Department of Health under Minnesota Statutes, section 157.16 or holds a current liquor license issued by the City pursuant to City Code, article X.

Subd. 3. Permittee. An eligible business holding a current sidewalk café permit issued by the City under this chapter.

[Subd. 4. Public Right-of-Way. Has the meaning given the term in §906.030, subd. 36 of this Code.](#)

Subd. 45. Public Sidewalk. A sidewalk owned by the City that is generally available for use by the public for pedestrian traffic. The term does not include any portion of a bike lane, public trail, city parking lot, or area within a public right-of-way intended for vehicular traffic.

Subd. 56. Sidewalk Café. An identified portion of a public sidewalk adjacent to an eligible business within which the business is allowed by a city-issued permit to place and use tables, chairs, and accessory items for the service of food or beverages to its customers for on-site consumption as part of its regular business operations.

Subd. 67. Sidewalk Café Area. The portion of a public sidewalk adjacent to an eligible business within which a permittee is authorized to operate its sidewalk café under a permit issued by the City.

Subd. 78. Sidewalk Café Permit or Permit. A permit issued by the City under this chapter to an eligible business allowing it to operate a sidewalk café on an identified portion of public sidewalk adjacent to the business.

§ 1128.030 SIDEWALK CAFÉ PERMIT.

Subd. 1. Required. No person, business, or entity may use a public sidewalk to place tables, chairs, or other seating on a public sidewalk in conjunction with a business without first obtaining a sidewalk café permit from the City.

Subd. 2. Exception. A permit is not required under this chapter for a business to temporarily place stands, racks, or tables on a public sidewalk to display their

goods or products during a community celebration or sidewalk sales event authorized by the City, but only to the extent allowed by the City.

Subd. 3. Eligibility. Only a business that qualifies as an eligible business under this chapter and that is located in the City's B-1, B-5, or DCB zoning district may obtain a permit.

Subd. 4. Ineligible Places. A permit issued under this chapter shall not allow a permittee to place tables, chairs, or other seating in any of the following locations:

- (a) Any portion of a public right-of-way designated for vehicular travel or as a bike lane;
- (b) A bike or walking trail;
- (c) Private sidewalk or other private property;
- (d) A City parking lot; or
- (e) Any place prohibited by state law.

§ 1128.040 APPLICATION PROCEDURE. An application for a permit shall be submitted and processed in accordance with this section.

Subd. 1. Permit Application. An eligible business may apply for a permit on the application form furnished by the City and submitted to the City Clerk. An application shall not be considered complete, and shall not be processed, unless it contains all of the following:

- (a) A scaled site plan identifying the proposed location of the sidewalk café, furniture layout, [specific location within which liquor will be served \(if applicable\)](#), and demonstrating compliance with the requirements of this chapter;
- (b) The applicable application fee as provided in the City's fee schedule;
- (c) Evidence of a valid commercial general liability insurance policy, through an insurance carrier authorized or eligible to do business in the state, covering damage to the public sidewalk, and for any costs and damages the City might incur because of property damage or personal injury arising out of the use of the public sidewalk for a sidewalk café. The minimum coverage limit of the policy shall be \$1,000,000 per occurrence, but the City may require a higher limit based on the location of the

proposed sidewalk café. The City shall be listed as an additional insured on the commercial general liability policy;

- (d) An indemnity agreement, approved by the City Attorney, requiring the permittee to indemnify and hold harmless the City and its officers, agents and employees from any claim arising or resulting from the operation of the sidewalk café; and
- (e) A Sewer Availability Charge (SAC) Determination from the Metropolitan Council [and the City](#).

Subd. 2. Permitting Decision. The City Manager is authorized to determine whether to approve a permit application. The City Manager shall not approve an application if the City Manager determines the proposed sidewalk café does not satisfy the requirements of this chapter or would interfere with the public interest or public use of the public sidewalk. The City Manager may place conditions on a permit as the City Manager determines are needed to further the intent of this chapter and to protect the public sidewalk and public safety. A condition of every permit is the continued compliance by the permittee with state law, this chapter, and any other applicable provisions of this Code related to the sidewalk café and the permittee's eligible business. The permit shall identify the specific area of the public sidewalk authorized for use as the sidewalk café area and the approved type and arrangement of furniture to be used within the sidewalk café. Approval of a sidewalk café permit does not indicate approval of any other permits or permits required to operate within the City. A sidewalk café permit is not transferrable or assignable.

Subd. 3. Reconsideration. If the City Manager denies a permit application, the eligible business may, within 30 days of the denial, submit a revised application for the same business that addresses the concerns associated with the original denial. A new application fee is not required for the resubmitted application if the City receives it within the 30-day period. Any application received after that period will be considered a new application and must be accompanied by a new application fee. The City will process and act on a resubmitted application in the same manner as an original application.

Subd. 4. Appeal. An applicant may appeal the denial of its application to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of the denial. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the denial and provide the applicant an opportunity to be heard. The City Council may uphold the denial or direct the City Manager to issue the permit with such conditions as the City Manager recommends together with any other conditions the City Council may direct be imposed on the permit.

§ 1128.050 PERMIT TERM AND RENEWALS.

Subd. 1. Permit Term. A permit issued under this chapter shall be valid from the date of issuance or May 15, whichever is later, and shall expire on October 15 of each year. A permittee shall remove all its personal property related to the sidewalk café from the public sidewalk by October 15 of each year. If a permittee fails to remove its personal property by that date, the City may remove such property and dispose of it as abandoned property if the permittee fails to remove it after at least 10 days written notice to remove it. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the removal.

Subd. 2. Permit Renewal. An eligible business must renew its permit annually. A renewal application shall contain all information required on the renewal application form, the renewal application fee as established in the City's fee schedule, a current certificate of insurance showing the required commercial general liability coverage and naming the City as an additional insured, and a new indemnity agreement. If the eligible business proposes to change the configuration of its sidewalk café, the renewal application shall also include a new scaled drawing showing the proposed new configuration.

§ 1128.060 SIDEWALK CAFÉ CRITERIA AND RESTRICTIONS. The City Manager shall consider the following criteria in determining whether to approve a sidewalk café application.

Subd. 1. Direct Access. The eligible business must front on, and have direct and unobstructed access to, the portion of the public sidewalk to be used for the sidewalk café. The sidewalk café area must directly abut the building in which the eligible business operates and shall not extend beyond the boundaries abutting the eligible business.

Subd. 2. Pedestrian Corridor. The sidewalk café shall be located to always provide at least a four-foot-wide unobstructed pedestrian corridor. The permittee shall also maintain at least a two-foot setback from the curb edge. The City may require as a condition of a permit a wider pedestrian corridor or increased clearances if it determines such additional area is needed to accommodate pedestrian traffic, public safety, or to comply with the state building code, Americans with Disabilities Act, or other applicable laws.

Subd. 3. Clearance. A clear unobstructed height of eight feet must be maintained between the sidewalk surface and overhead objects, including umbrellas, associated with the sidewalk café.

Subd. 4. Obstruct Public Amenities. The sidewalk café must not block access to public amenities such as street furniture, trash receptacles, or public signage.

Subd. 5. Spacing. The proposed footprint and seating for the sidewalk café shall not exceed the amount of space available on the public sidewalk under all applicable building and fire code requirements.

Subd. 6. Potential Impacts. The City Manager shall consider the proposed site plan in the context of the surrounding environment, and it may impose additional conditions as it determines is appropriate to ensure the safety of pedestrians, patrons, business employees, adjacent traffic, and to preserve public assets.

Subd. 7. Furniture. The furniture used for the sidewalk café must be made of durable material and not detract from the character of the surrounding environment. No plastic, unfinished wood, or pressure treated wood furniture is allowed.

Subd. 8. Planters. City-approved planters or pots may be used to define the sidewalk café area, but are not required. Any proposed planters or other barriers shall be included in the submitted site plan.

Subd. 9. Umbrellas. Table umbrellas are permitted if the umbrellas are completely contained within the sidewalk café, and do not block the site lines of adjacent vehicular traffic.

Subd. 10. Lighting. Lighting associated with the sidewalk café must not cause glare to pedestrians or vehicular traffic, and must not be affixed to City trees or infrastructure.

Subd. 11. Sound. Loudspeakers or amplified sound, including amplified sound from inside the eligible business that is audible outside, are prohibited.

Subd. 12. [Liquor](#). [If liquor will be served within the sidewalk café, the additional requirements set out in §1128.080 of this chapter must be complied with along with all applicable federal, state, and local liquor laws, rules, regulations, and ordinances.](#)

§ 1128.070 OPERATION OF SIDEWALK CAFÉS. A permittee shall operate its sidewalk café in accordance with all the requirements and limitations in this section.

Subd. 1. Business Use. A sidewalk café may be used only by the permittee and only for the seating of patrons in the furniture provided by the permittee. Every patron within the sidewalk café must have their own chair. No overcrowding of the sidewalk café with standing patrons is allowed.

Subd. 2. Hours of Operation. A sidewalk café may only be operated between the hours of 8:00 a.m. and 10:00 p.m., and then only to the extent the eligible business is open to customers. The City Manager may further limit the hours of operation as a condition of the permit.

Subd. 3. Maximum Occupancy. The number of persons within the sidewalk café shall not exceed the number of seats permitted in the permit, excluding the permittee's staff while working.

Subd. 4. Open Air. The sidewalk café area shall be open to the air, except that seating may be located under approved umbrellas, awnings, or canopies.

Subd. 5. Cleaning. Permittee shall keep the sidewalk café and the adjacent one 100 feet of public space surrounding it clean of any solid waste, including food debris, paper, cups, cans, cigarette butts, and any other garbage associated with the operation of the sidewalk café area on a daily basis. Permittee shall wash down the adjacent public sidewalk and right-of-way with water and detergent as often as needed to remove any stains or spills related to the operation of the sidewalk café. Permittee shall properly dispose of all waste and trash in its own trash receptacles. Permittee shall not use of public trash receptacles for disposing of business generated waste or trash.

Subd. 6. Maintenance. The permittee shall at all times keep the sidewalk café area and the associated furniture and accessories clean, orderly, and in good repair. Permittee shall promptly repair or remove any damaged furniture from the public sidewalk. Permittee is responsible for securing its furniture as it determines is needed to discourage theft or to prevent it from damaging adjacent properties or public infrastructure during a storm.

Subd. 7. Extended Closure. The permittee shall remove all furniture, enclosures, and barriers from the public sidewalk if the eligible business is closed for more than 14 consecutive days, unless previous arrangements have been made with the City.

Subd. 8. Compliance. The permittee shall obtain and maintain all other permits and permits that may be required, and shall remain in compliance with all applicable city, state and federal laws and regulations, for operation of the eligible business and the sidewalk café.

Subd. 9. Temporary Suspension. The City Manager may temporarily suspend the use of a public sidewalk for a sidewalk café if it determines such use will interfere with a special event, parade, public celebration, a public maintenance, repair, or improvement project, or as needed to protect public safety. The City will endeavor to give the permittee reasonable advance notice before issuing a temporary suspension. Unless expressly provided otherwise in the suspension notice, the permittee shall remove its furniture from the public sidewalk prior to the beginning of the suspension period. If a permittee fails to remove its furniture by the indicated date, the City may remove the furniture at the permittee's expense. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the City's removal or storage. Operation of the sidewalk café during a suspension period is a violation of this chapter.

Subd. 10. Additional Prohibitions. A permittee shall not violate any of the following prohibitions related to the operation of its sidewalk café:

- (a) No cash registers, tents, minibars, or similar appurtenances shall be allowed within the sidewalk café area.
- (b) Food preparation is not allowed in the sidewalk café area;
- (c) Nothing shall be permanently affixed to a sidewalk or to other public property. All improvements (including furniture and fixtures) must be readily removable without damage to the sidewalk or other public property;
- (d) No business activities may occur outside of the approved sidewalk café area;
- (e) Smoking is not allowed within the sidewalk café area; and
- (f) Use of glass, bottles, or other similar breakable items within the sidewalk café area is not allowed.

§ 1128.080 ADDITIONAL REQUIREMENTS FOR ELIGIBLE BUSINESSES SERVING ALCOHOL. In addition to all other provisions of this chapter, a permittee serving alcohol within its sidewalk café area shall comply with the requirements of this section in addition to the other requirements of this chapter.

Subd. 1. Liquor Permit. The permittee must obtain an amendment to its liquor license to include the sidewalk café area as part of the licensed premises within which it may sell and serve liquor before any sales or consumption of liquor may occur within the sidewalk café area.

Subd. 2. Barriers. The permittee shall provide and place stanchions or other portable, visible, above ground barriers between the approved sidewalk café area and the remainder of the public sidewalk whenever the sidewalk café is in use. The items and materials proposed to be used for the barriers must be identified in the permit application. The permittee may only use barriers consistent with those identified in the City's permit approval. The sidewalk café area in which liquor is served must be compact and contiguous to the permittee's eligible business.

Subd. 3. Liquor Compliance. The permittee shall remain in compliance with all laws related to alcohol service and consumption. The permittee shall post visible signs at all exit points from the sidewalk café to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside of the sidewalk café area. The permittee shall not permit patrons to carry their own alcohol into the sidewalk café area or to carry alcohol sold by the permittee outside of the sidewalk café area.

§ 1128.090 ENFORCEMENT.

Subd. 1. Administrative Penalties. A violation of any provision of this chapter constitutes an administrative offense and is subject to a civil penalty as provided in City Charter, section 8.05 and City Code, chapter 205 in the amount established in the City's fee schedule. The City shall issue and process notices of administrative violations in accordance with the procedures set out in City Code, chapter 205.

Subd. 2. Permit Actions. The City Manager is authorized to take action against a permittee's license for failing to comply with the requirements of this chapter or any of the conditions imposed on the permit.

- (a) Temporary Permit Suspension. The City Manager is authorized to suspend a permit for up to 10 days if the City Manager determines the permittee has violated a provision of this chapter. The City Manager shall issue a written notice of suspension identifying the violation, the period of suspension, and the corrective actions required to bring the sidewalk café back into compliance with this chapter. If the permittee fails to correct the violation by the date indicated in the suspension notice, or if any other violations occur within 30 days of the end of the temporary suspension period, the City Manager may revoke the permit as provided in this subdivision.
- (b) Permit Revocation. The City Manager may revoke a permit if a permittee fails to comply with the requirements of this chapter, a condition placed on the permit, a suspension notice, or of any regulations governing the use of the public sidewalk or the business activities occurring with the sidewalk café. Before revoking a permit, the City Manager shall provide the permittee a written notice of violation that identifies the violation and provides a reasonable time in which to correct the violation. If the City Manager determines a violation directly obstructs pedestrian use of the public sidewalk or creates an immediate threat to public safety, the City Manager may immediately suspend the permit for the period allowed to correct the violation. If the permittee fails to correct the violation within the correction period, the City Manager may issue the permittee a written notice of revocation that identifies the violation and includes a statement regarding the process to appeal the revocation. The eligible business shall immediately cease using the public sidewalk for its business operations requiring a permit under this chapter.
- (c) Appeal. An eligible business may appeal a revocation of its permit to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of revocation. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the revocation and

provide the applicant an opportunity to be heard. The City Council may sustain or overturn the revocation. If the City Council overturns the revocation, it may add conditions to the permit as it determines are needed to address the violations identified by the City Manager.

Subd. 3. Other Remedies. In addition to administrative penalties and any actions against the permit, a violation of this chapter is a misdemeanor and may also be enforced through injunctive or other equitable relief, or a combination of remedies.

§ 1128.100 Code Chapter Controlling. To establish a uniform set of regulations for sidewalk cafés on public sidewalks, the provisions of this chapter shall supersede and preempt conflicting provisions covering the same topic and applicable to public sidewalks and rights-of-way located elsewhere in this Code. An eligible business permitted under this chapter is not required to obtain a right-of-way obstruction permit under this Code, provided its activities are limited to those contemplated in this chapter and comply with the terms and conditions of the permit.

ARTICLE III. Severability. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

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

Adopted by the City Council of the City of White Bear Lake, Minnesota on the __ day of _____ 2023.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

-

Document comparison by Workshare 10.0 on Monday, February 13, 2023
10:46:02 AM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/854192/4
Description	DOCSOPEN-#854192-v4-Sidewalk_Cafe_Ordinance
Document 2 ID	PowerDocs://DOCSOPEN/854192/5
Description	DOCSOPEN-#854192-v5-Sidewalk_Cafe_Ordinance
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	11
Deletions	7
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	18



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 AICP, Community Development Director
DATE: February 14, 2023
SUBJECT: **2186 4th Street, The Minnesotan Liquor Lounge Conditional Use Permit
 Case No. 23-3-CUP**

SUMMARY

The applicant, Corey Roberts owner of the Minnesotan, requests a conditional use permit (CUP) to allow conversion of his retail establishment into a Liquor Lounge with accessory retail. The subject property is located at 2186 4th Street which is on the south side of 4th Street midway between Washington Square and Banning Avenue in Downtown White Bear Lake. The subject property is guided Downtown by the 2040 Comprehensive Plan Future Land Use map and zoned B-5, Central Business. Should the City approve the requested CUP, the applicant must also receive separate approval of a liquor license as well as meet all other requirements of the CUP. Based on the findings of fact detailed in this report, both the Planning Commission and staff recommend approval of the request subject to conditions.

GENERAL INFORMATION

Applicant/Owner: Corey Roberts

Existing Land Use /
Zoning: Commercial - Retail; B-5, Central Business

Surrounding Land Use /Zoning: Commercial to the north, east and west, city owned parking lot to the south; B-5, Central Business to the north, east and west, P – Public to the south.

Comprehensive Plan: Downtown for all surrounding properties

Lot Size & Width: None

BACKGROUND INFORMATION

The subject property was originally constructed in 1954 and consists of an approximately 26' by 77' single story commercial building. It is currently occupied by the Minnesotan and until recently also housed a small hair salon in the rear portion of the building abutting the city owned parking lot to the south. According to applicant, the Minnesotan is a family owned and operated retail shop driven by tradition, heritage, culture and nostalgia selling exclusive designs and limit run media and premium apparel brands celebrating the pride as Minnesotans.

According to the applicant, The Minnesotan expansion includes the addition of hospitality to enhance their customer's experience by adding a self-serve alcohol pour station and frozen gourmet pizza to the existing retail concept. The customer checks in at a front counter, submits ID and is furnished with a wristband that is connected to a form of payment to pour their own beverage through a self-pouring tap system. More information about the self-pouring system can be found on the following website – www.ipouritinc.com. Under this revised business model, the applicant proposes to be open Monday thru Thursday from 8 AM to 11 PM, Friday and Saturday from 8 AM to 12 PM and Sunday from 10 AM to 6 PM.

From a zoning perspective, the applicant's proposal amounts to a full conversion from the existing retail use to a Liquor Lounge with accessory retail. The B-5, Central Business district allows Liquor Lounges as a conditional use. The Zoning Code defines Liquor Lounge as "Any establishment other than a hotel or restaurant, open to the general public, licensed for the 'on-sale' distribution of intoxicating liquor and employs an adequate staff to provide the usual and suitable services to its guests. Such establishment shall have facilities for seating not less than 30 guests at one time."

Under the Zoning Code, the Liquor Lounge use must be the principal use of the property while retail activity may be allowed as an accessory use. It should be noted that the zoning requirements regulate the use and development of the building and property. The applicant will also be required to receive separate approval of a liquor license to govern the sale and consumption of alcohol.

Planning Commission Action. The Planning Commission reviewed this item during their January 30, 2023 regular meeting. During the meeting, the Commission heard a presentation from staff and held a public hearing that produced comment only from the applicant. Corey Roberts, owner of the Minnesotan, introduced himself to the Commission and stated he has been a proud member of the downtown White Bear Lake business community since 2019. He continued that he is looking forward to expanding their brand and enhancing their offerings for their customers by adding the liquor lounge use with a self-pouring tap system. Commissioner Baltzer asked if he will continue to sell their current retail products or if they will be eliminated? Mr. Roberts responded that they intend to continue offering their same retail products. Chairperson Berry asked if Mr. Roberts was agreeable to all of the conditions of approval listed in the staff report and draft resolution and he responded yes that he was agreeable to all of the conditions. Having no other questions or discussion, the Commission then voted 7-0 to recommend the City Council approve the request.

Since the Planning Commission meeting, Mr. Roberts has reached out to staff with concerns about the recommended conditions of approval. Specifically, Mr. Roberts conveyed to staff he has concerns about the conditions limiting the liquor lounge to between 30 and 35 seats and his associated retail sales to an accessory use that offers only products marked with the specific name, brand, or identifying logo of the business and have no other name, brand, or identifying logo. Staff described to Mr. Roberts in both written form in the staff report and verbally over the phone that the seat and retail sales limitations were specific requirements of the zoning code. After some discussion, Mr. Roberts indicated to staff that he would like to move forward with his proposal in conformance with these conditions.

ANALYSIS

Review Authority. City review authority for CUP applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the applicable review standards. The city's role is limited to applying the review standards to the facts presented by the application. Generally, if the application meets the review standards, it should be approved. The standards for reviewing CUPs are detailed in City Code Section 1301.050. These standards and staff findings for each are detailed below.

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 a liquor lounge. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, both the Planning Commission and staff recommend approval of the requested CUP.

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 applicant's proposal to convert the existing retail use to a Liquor Lounge with accessory retail is consistent with the specific policies and provisions of the city's comprehensive plan. The 2040 Comprehensive Plan's Future Land Use Map guides the subject property as Downtown. According to the Comprehensive Plan, Downtown encompasses a broad range of uses and intensities, including residential, commercial, and institutional. It is intended that development contribute to the pedestrian-scale, walkable environment that is already present in Downtown. The mix in Downtown is anticipated to be approximately 70% commercial, 20% residential, and 10% institutional. Residential densities are anticipated to range 12 to 50 units per acre. The result of the proposed conversion of the existing retail use to a Liquor Lounge with accessory retail is that the subject property remains within the commercial use classification allowed in the Downtown future land use category.

The 2040 Comprehensive Plan also include five (5) main principals for guiding future land use in White Bear Lake. The second of these five principals focus specifically on downtown and calls on the city to "Support and strengthen Downtown as the 'heart' of the community. Continue to strengthen the critical mass of retail, restaurants, residential, office, service, and entertainment offerings in and around the downtown."

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

Finding: The proposed liquor lounge with accessory retail will be compatible with surrounding present and future land uses. As noted in the General Information section above, the existing land uses surrounding the subject property are commercial to the north, east and west with the city owned parking lot to the south. The 2040 Comprehensive Plan Future Land Use Map guides the surrounding property on all four sides as Downtown.

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

Finding: The proposed liquor lounge with accessory retail use conforms with both the applicable zoning regulations of the B-5, Central Business district and the specific conditional use permit requirements for liquor lounges. Those applicable standards and staff's findings for each are detailed below.

Land Use. The applicant is proposing to convert the existing retail use into a Liquor Lounge with accessory retail. Liquor Lounges are a conditional use within the B-5, Central Business district and limited to 1,500 square feet in area with not less than 30 nor more than 35 seats, and not more than 20 outdoor seats.

The subject property is approximately 26' by 77' or 2002 square feet; however, zoning limits accessory retail to no more than thirty (30) percent of the space (see below). As a result, the proposed Liquor Lounge space will be approximately 1,402 square feet while the accessory retail will be approximately 600 square feet. It should also be noted that the applicant's floor plan shows a seating layout with 51 seats. A condition of approval requires the applicant to revise their plans to include not less than 30 nor more than 35 seats within the 70 percent of the floor plan eligible for use as a Liquor Lounge.

Under the zoning code, retail activity may be allowed as an accessory use, provided it does not exceed thirty (30) percent of the gross floor space of the principal building. The zoning code defines accessory buildings or uses as "a subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or principal use." Staff interprets standard that accessory retail be "reasonably necessary and incidental to the conduct of the primary use..." means the products sold must be marked with the specific name, brand, or identifying logo of the business and have no other name, brand, or identifying logo.

Parking. The parking standards for the B-5, Central Business district state that non-residential uses of 5,000 square feet of gross floor area or less are not required to provide on-site parking. The subject property is approximately 26' by 77' or 2,002 square feet and therefore not required to provide its own on-site parking.

Exterior Materials. The applicant's plans include an elevation of the proposed improvements to the south (rear) side of the building abutting the city's parking lot. They illustrate that they intend to rehab the rear side of the building to install floor to ceiling framed windows. The B-5 district includes detailed building scale and design standards for such improvements along the street sides of any building but does not apply these standards to the rear side of buildings.

Signage. The applicant rear elevation implies it will contain new signage. All signage is approved though a separate administrative sign permit and must comply with the sign standards for the B-5 district detailed in Section 1202.040.

Lighting. The applicant's plans do not appear to show any new exterior lighting. Should the applicant wish to revise or add exterior lighting, it will be required to conform to the standards of the B-5, Central Business district. These standards state "Lighting standards and fixtures shall be

consistent with the historic character of the B-5, Central Business District. All lighting poles and luminaries shall be consistent with the ornamental lighting adopted by the City. All on-site lighting shall be equipped with shielding and cut-off devices, such that no light shall shine directly upon adjacent residentially zoned property. In keeping consistent with the pedestrian scale of the B-5, Central Business District, light poles shall be maximum height of fifteen (15) feet as measured from the finished grade. Light intensity shall not exceed 0.4-foot candle as measured at any residential property line and 1 foot candle as measured at all other property lines.

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

Finding: The propose use should not depreciate the surrounding area. Staff finds that the applicant's investment in their property will likely increase its value and, by association, the values of surrounding area.

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

Finding: The proposed 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 conversion of the existing retail use into a liquor lounge with accessory retail will not notably impact these services. It should be noted that conversion of the property from retail to a Liquor Lounge with accessory retail will require the applicant to request a Sewer Availability Charge (SAC) and water access change (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.

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

Finding: The subject property is located on 4th Street which connects to the city's overall street network and abuts the city owned parking lot to the south. The conversion of the existing retail use into a liquor lounge with accessory retail should not generate traffic beyond the capabilities of these facilities.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit (CUP) to allow conversion of the existing retail establishment into a Liquor Lounge with accessory retail 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 Liquor Lounge with accessory retail use will be consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed Liquor Lounge with accessory retail use will be compatible with present and future land uses of the area.
3. The proposed Liquor Lounge with accessory retail use conforms with both the applicable zoning standards of the B-5, Central Business Districts and the specific conditional use permit requirement for liquor lounges.

4. The proposed Liquor Lounge with accessory retail use will not tend to or actually depreciate the area in which it is proposed.
5. The proposed Liquor Lounge with accessory retail use can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed Liquor Lounge with accessory retail use is within capabilities of streets serving the property.

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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State, Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. A building permit shall be obtained before any work begins.
5. The applicant shall receive all necessary permits from the Engineering, Fire and Police Departments.
6. Prior to issuance of a building permit, the applicant shall revise their plan to include not less than 30 nor more than 35 seats within the 70 percent of the floor plan eligible for use as a Liquor Lounge.
7. Signage is approved through a separate administrative sign permit and must comply with the sign standards for the B-5 district detailed in Section 1202.040.
8. Use of the subject property shall conform to all requirements for properties in the B-5, Central Business District, Liquor Lounges as a conditional (principal) use and accessory retail.
9. Products sold as part of the accessory retail use must be marked with the specific name, brand, or identifying logo of the business and have no other name, brand, or identifying logo.
10. Prior to issuance of a building permit, the applicant shall request a Sewer Availability Charge (SAC) and Water Availability (WAC) determination from the Metropolitan Council and pay all applicable fees prior to issuance of a building permit.
11. Prior to issuance of a building permit, the applicant shall receive approval of a separate liquor license. This liquor license must be maintained in good standing.

ATTACHMENTS

Resolution

Location/Zoning Map

Applicant's Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT
FOR 2186 4th STREET WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Corey Roberts (Case No. 23-3-CUP) has requested a conditional use permit, per code section 1303.160, in order to convert an existing retail business into a Liquor Lounge with accessory retail located at:

LOCATION: White Bear E 28 1/10 Ft of W 53 1/10 Ft Of Lot 1 And E 28 1/10 Ft
...Ft Of N 25 Ft Of Lot 2 Blk 53 Ramsey County, Minnesota. (PID # 143022410058)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on January 30, 2023; and

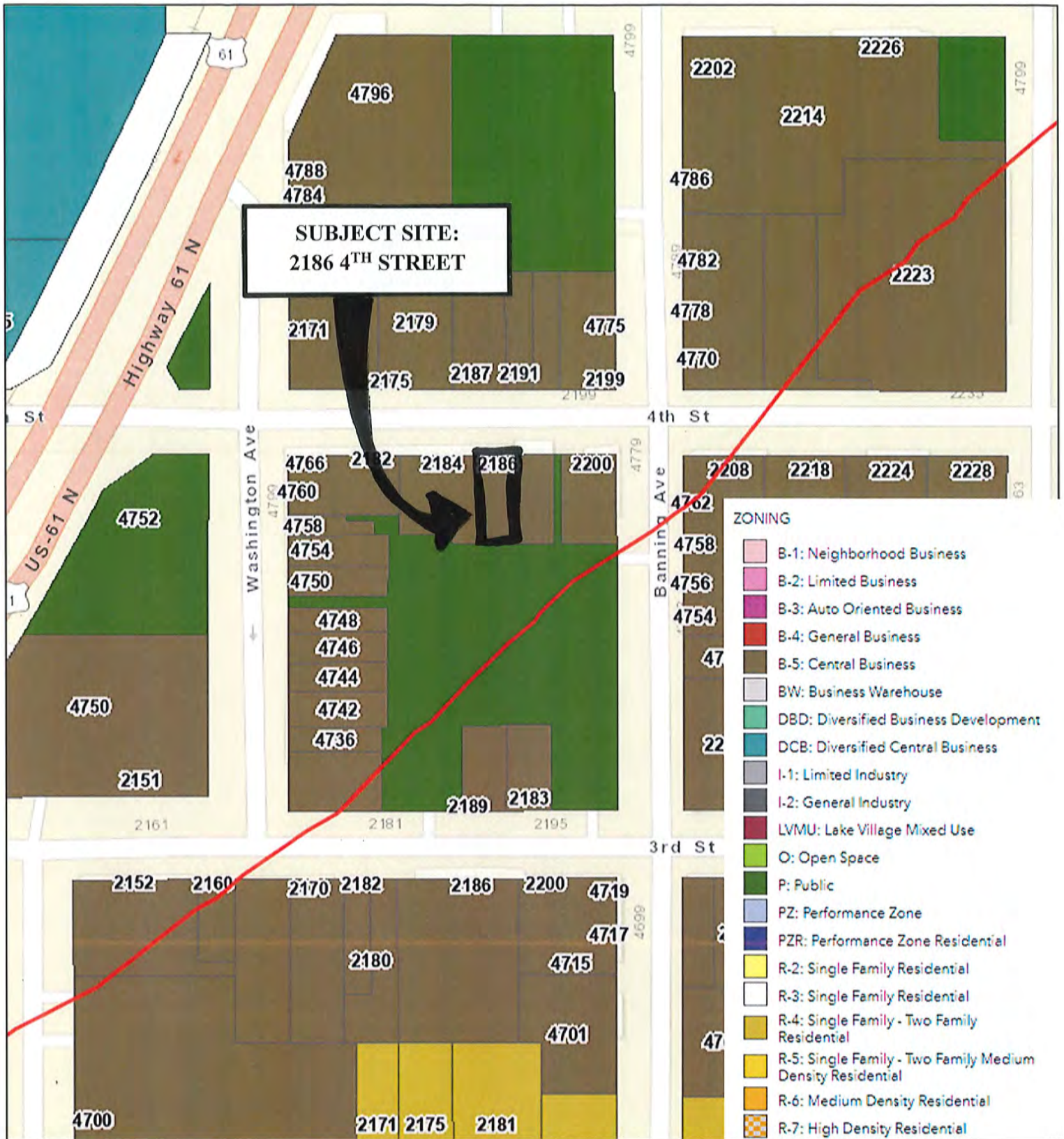
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, 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.

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 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP 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.
3. The Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State, Statute 462.3595 to ensure the compliance of the herein-stated conditions.



City of
White Bear Lake
Planning & Zoning
651-429-8561

CASE NO. : 23-3-CUP

CASE NAME : The Minnesotan

DATE : January 30th 2023



Concept overview

The Minnesotan expansion includes the addition of hospitality to enhance our customer experience by adding a self serve alcohol pour station and frozen gourmet pizza to the existing retail concept.

The customer checks in at front counter, submits ID and is furnished with a wristband that is connected to a form of payment to pour their own beverage through a self-pour tap system. Visit the self pour system web site for a complete overview – www.ipouritinc.com

The request for the conditional use permit has merit for following reasons:

- Enhance the existing downtown offerings with a new concept not currently available.
- Elevates The Minnesotan to remain competitive and relevant in the marketplace
- Property and facade improvement
- Adds an additional hospitality option to downtown White Bear Lake to increase the number of offerings for the consumer and bolsters downtown as a destination

The proposed floor plan allows consumers to walk freely through the space from north to south with ingress and egress on 4th st and the municipal parking lot to the south.

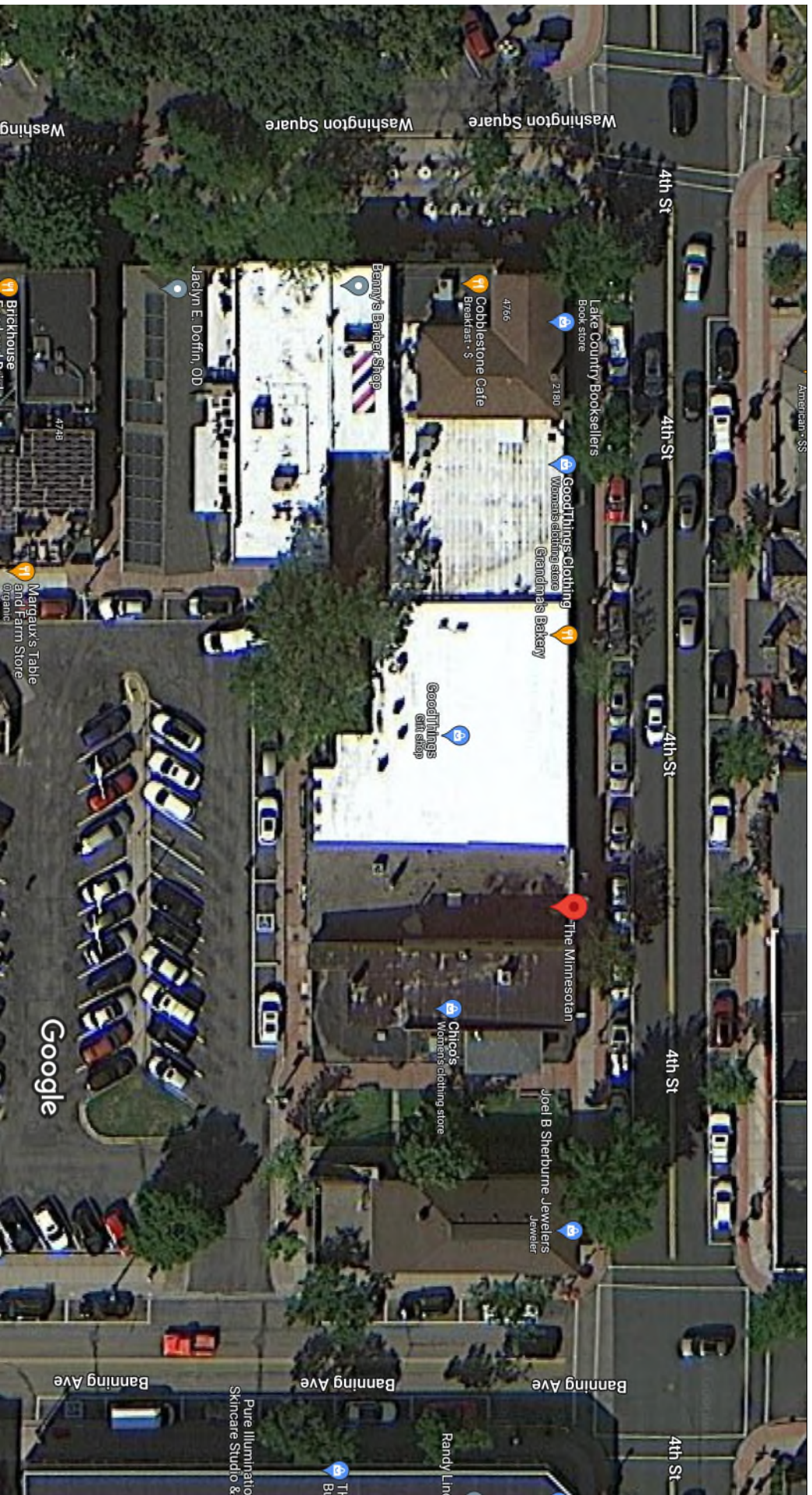
Hours of operation would include the following:

- Monday to Thursday 8am to 11pm
- Friday and Saturday 8am to 12pm
- Sunday 10am to 6pm

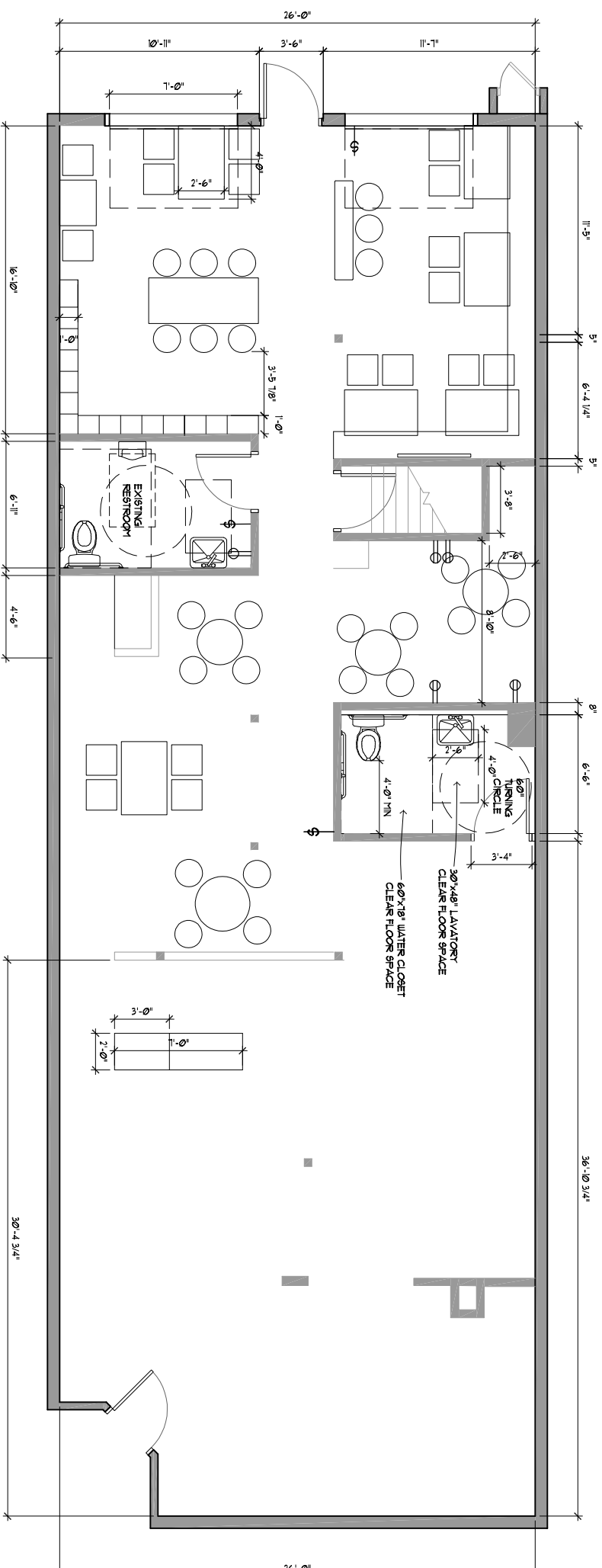
The proposal meets the 70% to 30% floor plan ratio, is a conforming and compatible use, adds value to downtown White Bear Lake and does not impact City's capacity to service.

We look forward to adding this concept for the visitors that shop and dine in downtown White Bear Lake.

Google Maps The Minnesotan



Imagery ©2022 U.S. Geological Survey, Map data ©2022 Google 20 ft



The Minnesotan Bar
 fitplan 1

White Bear Lake, MN 55110



118 E. 26th Street Suite 300 Minneapolis, MN 55404
 P:612-879-8225 F:612-879-8152
 www.tanek.com

scale: 1/8" = 1'-0"
 issued 01.15.2023



MINNESOTA
BAR

