PLANNING COMMISSION MEETING
AGENDA
CITY OF WHITE BEAR LAKE, MINNESOTA

The City of White Bear Lake Planning Commission will hold a meeting on Monday, July 27, 2020 beginning at 7:00 p.m. Pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, the meeting will be conducted electronically via WebEx. The meeting room at City Hall will not be open to the public.

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1. Call to order and roll call.

2. Approval of the July 27, 2020 agenda.

3. Approval of the June 29, 2020 Planning Commission meeting minutes.

4. **CASE ITEMS:**
Unless continued, these cases will go to the City Council meeting on WEDNESDAY, August 12, 2020.

A. Case No. 94-6-Sa & 20-9-V: A request by **Birch Lake Animal Hospital** for an amendment to a Conditional Use Permit, per Code Section 1303.225, Subd.6.a, for site plan approval in the Diversified Business Development District, and a variance from the 30% impervious surface maximum to allow 38% impervious, per Code Section 1303.230, Subd.5.a.5, in order to expand the parking lot by six stalls for the property located at 4830 White Bear Parkway.

B. Case No. 20-3-SHOP: A request by **Tracy Corcoran** for a Special Home Occupation Permit, per Code Section 1302.120, in order to operate a pet aquamation business out of the detached garage at the property located at 4911 Morehead Avenue.

C. Case No. 20-11-V: A request by **Charles Lowell** for a 19 foot variance from the 80 foot lot width requirement for a duplex in the R-5 zoning district, per Code Section 1303.070, Subd.b.2, and two one foot variances from the ten foot side yard setback from both side property lines, per Code Section 1303.070, Subd.5.c.2, in order to construct a 43 foot wide duplex on a 61 foot wide lot at the property located at 2189 12th Street.

D. Case No. 20-12-V: A request by **Warren & Amanda Peyton** for a two foot variance from the four foot height limit for a fence in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to construct a six foot tall fence along a portion of the north property line at the property located at 1943 Oak Knoll Drive.

E. Case No. 20-13-V: A request by the **Lakewood Place Apartments** for a 12 stall parking variance, per Code Section 1302.050, Subd.8.c, and a six unit density variance, per Code Section 1303.080, Subd.7.e, in order to convert six apartments from 2 and 3 bedrooms into 12 apartments: nine 1-bedrooms and three studio units, at the property located at 3100 Glen Oaks Avenue.

F. Case No. 17-1-CP: Consideration of comments from adjacent and relevant jurisdictions on the final draft of the 2040 Comprehensive Plan and recommendation for submittal to Metropolitan Council for review.

G. Consideration of the conveyance of the property located at 4969 Division Avenue to White Bear Lake School District No. 624 to ensure that it is in keeping with the City's Comprehensive Plan guiding this property for Public/Semi-Public Use.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary from July 14, 2020.
B. Park Advisory Commission Meeting Minutes from May 21, 2020.

6. ADJOURNMENT

Next Regular City Council Meeting ..... July 28, 2020

Next Regular Planning Commission Meeting..... August 31, 2020

MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
JUNE 29, 2020

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 29, 2020, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, and Peter Reis.

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Paula Frost, Susan Husnik, Dan Roeser, Jim Engh, Sean Wagner, Suzi Hudson, Judith Benham, Betsy Larey, Todd Heckmann, Trent Anderson, Tim Kuhnmuench, Jim Kalkes, Tim Wald, Raj Dhital, Kimberly Ford, and Loni Strassman.

2. APPROVAL OF THE JUNE 29, 2020 AGENDA:

Member Lynch moved for approval of the agenda. Member Reis seconded the motion, and the agenda was approved (5-0).

3. APPROVAL OF THE MAY 18, 2020 PLANNING COMMISSION MEETING MINUTES:

Member Berry moved for approval of the minutes. Member Reis seconded the motion, and the minutes were approved (5-0).

4. CASE ITEMS:

A. **Case No. 20-2-SHOP:** A request by **Paula Frost** for a Special Home Occupation, per Code Section 1202.120, in order to operate a massage therapy business out of a single-family residence located at 1904 4th Street.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Paula Frost, 1904 4th Street, applicant, in response to a question from Member Berry about the barking dogs, stated she was unaware they were barking when she was not home. They now have bark collars.

Member Reis asked whether Ms. Frost had a license to practice massage therapy. She explained that one is not needed when working in a doctor's office in Coon Rapids and she has applied for one in White Bear Lake. She believed it to be an annual license.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-2-SHOP. Member Lynch seconded the motion. The motion passed by a vote of 5-0.

B. **Case No. 20-10-V:** A request by **Husnik Homes on behalf of Dave and Jane Linden** for a 5 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, in order to construct a new single-family residence at the property located at 4796 Bald Eagle Avenue.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-10-V. Member Berry seconded the motion. The motion passed by a vote of 5-0.

C. **Case No. 20-5-CUP:** A request by the **Independent School District #624** for a Conditional Use Permit, per Code Section 1303.245, for a gymnasium addition to the South Campus of White Bear Lake High School located at 3551 McKnight Road.

Kane discussed the case. Staff recommended approval.

Member Reis commented that the funding for this project was included in the referendum that was passed by the people last year, so the Planning Commissioners are only voting on the zoning component of the request.

Member Baltzer opened the public hearing.

As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-5-CUP. Member Berry seconded the motion. The motion passed by a vote of 5-0.

D. **Case No. 20-1-PUD:** A request by the **White Bear Center for the Arts** for both General Concept Stage and Development Stage approval of a Planned Unit Development, per Code Section 1301.070, in order to expand the existing community center and associated parking lot for the property located at 4971 Long Avenue.

Crosby discussed the case. Staff recommended approval, noting the first sentence of condition #6 should be deleted.

Member Enz asked about the condition requiring 20 foot light poles when those at Lakeshore Players are only 16 feet tall. Crosby replied that the existing poles at the Arts Center are 25 feet in height, so this is a transition between the two.

Member Baltzer opened the public hearing.

Sean Wagner, Architect, stated that after receiving the staff report and recommendations, the facilities committee and members of the Board, including the Chairman of the Board, met to discuss the staff recommendations. Several issues were raised that the applicants would like the Planning Commission to consider.

The first issue pertains to condition number five, which reads:

> *The applicant agrees to work with the City to identify opportunities to restore the four lost residential units on the property. If an opportunity to restore residential units on the property is identified that the applicant determines is reasonable and does not interfere with its facility, it agrees to participate in implementing the option.*

This was not an issue that was agreed to or discussed with the applicant or the Board, and the Board has given direction that the applicant does not consent to condition number five and would request that condition be stricken from the resolution. There are three other issues he would like the Commissioners to consider, but would pause for discussion.

Member Baltzer agreed it would be best to take the issues one at a time. He asked Crosby to respond.

Crosby explained that there is room on the property that could potentially accommodate artists' lofts in the future, which is something she has discussed with the Executive Director, Suzi Hudson over the years. The City does not support the loss of affordable housing and would like to replace it if possible. She wrote the condition as loosely as possible and does not actually require the applicants to do anything. The intent of the condition was to keep communication open should a developer be interested in such a project in the future.

Mr. Wagner replied that he did discuss this with Ms. Crosby on Friday to better understand the intent of the condition. As you can appreciate, there are more than a few attorneys involved with the Board of Directors. The nature of the language might imply or suggest a financial participation or construction of something on the site, which is not something either the donors who purchased the property, or future Board Members, is in a position to make such an obligation. If City staff would like to engage in a different direction or be more specific in the language, we can do that as members of the community instead of a condition of approval of the PUD.

Member Lynch noted that he would like to see the condition remain vague because no one knows what kind of opportunities will arise in the future. The condition is more along the lines of a good faith measure that the City and the Arts Center may be able to work together in the future to develop artists' lofts or other improvements. It allows for flexibility and open dialogue to pursue opportunities that may arise.

Member Reis agreed that the language of the condition is pretty general and does not necessarily require anything of White Bear Center for the Arts.

Suzi Hudson, Executive Director, White Bear Center for the Arts, acknowledged that this is certainly a conversation she and Sam have had over the planning counter for many years about how we envision the development of the Arts District as a regional destination. There will be opportunities down the road to attracting artists to live in the neighborhood, to develop perhaps artists' lofts. There are several funding opportunities that can support these kind of initiatives, however my intent, and apologies to Sam, if our daydreaming eluded to a commitment on this particular property. As we have developed the site with the intent for it to be a programmatic site and outdoor programming, as well as just the impact of the expansion, ensuring that we leave enough green space, ensuring we don't have any further environmental impact. Clearly, we have to accommodate parking for the expansion. But, the whole philosophical approach of the arts center has always been to bring the outdoors in and the indoors out, and that relationship to nature is an inspiration and is behind this entire project. To make any sort of commitment to utilize this particular property for the replacement for further residential use is beyond any commitment that we can make for this project and certainly wouldn't want to have any vague language that could perhaps 10 to 20 years down the road be a catch or be interpreted as a commitment to restore residential use on that property. She expressed that she is completely open and believes the art center in the spirit of working with the City has always been available for envisioning how to enhance WBL as a creative community, how to attract more creatives and creative businesses to the community and believes the development of the arts district will do that. She stated that she does not see housing being an area that the Arts Center would ever commit to, as a nonprofit arts school, that would then potentially become a landlord to any kind of housing. We simply could not have that condition be open to interpretation well beyond any of our understanding of it.

Member Reis replied that he understands Ms. Hudson's response and the sensitivity to the concept of a commitment, but acknowledged that many people are interested in the possibility of artists' lofts if it works out. He suggested keeping just the first sentence, which does not commit the Arts Center beyond working with the City to identify opportunities.

Ms. Hudson responded that she would not at all be comfortable with it being as specific as restoring the four residential units on the property. Member Reis then suggested a rephrasing to be less specific, something along the lines of "agrees to work with the city to identify opportunities for future artist loft residential units".

Ms. Hudson stated that she understands the desire for this, but she would remain uncomfortable with the conditions for this particular project tying us to future action. She believes the actions of the Arts Center in investing this kind of a resource to this community makes it absolutely clear that we intend to continue to be a great partner, as the City has with us, in continuing to develop opportunities for artists, artistic businesses to come to this area. If that means working with housing, she can certainly make that commitment, speaking as the Executive Director. She would love nothing more than to continue to work with the White Bear Lake Economic Development Board. She looks forward to working with the City on identifying those opportunities. However, she doesn't feel like it's appropriate for that kind of future conversation be a condition on a PUD permit. With the implication of this tied to the loss of those residential properties, we request this condition be stricken. She couldn't approve it without the Board weighing in on this.

Member Reis advised that the Arts Center should ensure the revenues from the proposed gift shop do not compromise the organization's 501(c)(3) nonprofit status. Ms. Hudson assured that the organization is aware of the percentage of income that can be generated from the venture, and

that the gift shop would not be dramatically increased from what currently exists and is used to support and sell artists' work.

Member Baltzer asked if City approval would be needed if artists' lofts were proposed in the future, and if so, wondered if condition 5 could be deleted, since the conversation could occur when a proposal is received. Crosby confirmed it would need an amendment to the PUD, but expressed the desire to keep language surrounding the replacement of the lost residential units.

Crosby recommended rephrasing the condition to delete the words tying the condition to this specific property, allowing the residential units to be replaced anywhere.

Mr. Wagner responded that his discussions with the Board have been clear. If condition number five is on there, it is a non-starter for this project. The Board will not pursue it. The donors who donated the property who are the funders of the project will not pursue it and the project is dead.

Member Lynch asked if the condition could simply state that the applicant is encouraged to work with the City in the future. He is not necessarily looking for a requirement, but something that creates a partnership to continue the dialogue on future housing opportunities.

Suzi Hudson stated that as Executive Director of White Bear Center for the Arts, she is held to the mission and committed to upholding the mission, which is to enrich lives by celebrating art, to nourish imagination by inspiring creativity, and to build understanding by connecting to people. To agree to work in ways beyond that which are vague in terms of committing the Arts Center to resolving residential units is beyond the mission that she can commit to for this organization. This does not mean it goes beyond the spirit of what we are trying to create in this community. Replacing residential units is not the mission work of White Bear Center for the Arts. It is the work of the City and we are glad to be a partner in that. But, for a planned unit development addition, it feels like an overreach beyond our project, and as Sean said, this does become a nonstarter for the Board. She hopes that our years of working with the City would provide enough confidence in our partnership that the Commission wouldn't feel it has to be written in a planned unit development as a condition.

Member Berry commented that from his experience as a former board member for Lakeshore Players and working with the donors, some of which are shared with White Bear Center for the Arts, there is a joint feeling in wanting to look at the entire block that the City has guided as the Arts District to keep it a comprehensive district. He believes that keeping condition number five hampers both organizations in developing the programs that are needed to function as a whole. The expansion of these organizations increase the popularity and participation in the programs, which enhances the Arts District. He thinks there is opportunity for the development of artists' lofts in the area without including a condition that requires the organization to become a residential developer. He stated that he is against condition number five.

Member Baltzer agreed with Member Berry.

Judith Benham, Board of Directors Treasurer, White Bear Center for the Arts, she noted that Sean and Suzi have represented the Board's concerns well. They are wary to have any sort of anticipatory commitments to a different type of development on the site, specifically to the primary place and number of residential properties that were purchased for the expansion.

Sean Wagner continued, stating that the Arts Center has engaged with both Vadnais Lake Area Water Management Organization (VLAWMO) and Rice Creek Watershed District (RCWD) in a meeting for consolidation of joinder of the boundaries that separate the watersheds. An agreement has been made between the watershed districts and the White Bear Center for the Arts and it is currently being negotiated, but the applicants are aware that the issue does need to be resolved. They appreciate the City staff's support in that process.

Mr. Wagner then stated that the Board would like to see condition number nine be revised to read, "The City and the applicant shall monitor the parking situation. Should problems arise from too much on-street parking, the applicant is willing to meet and confer with the City on the issue." The dependence of the Arts Center on making decisions on how to address those concerns should be left up to the Director and the Board as they determine whether they would wish to monitor hours, change programs or take a particular match up to see how it may impact the parking situation. We are providing parking in excess of what the number of required was for the property. The collaborative nature of the Arts District and the ongoing conversation with the performing arts center, and how to think of things more holistically is something that is ongoing, so he requests the condition be revised.

Crosby stated that staff would not be agreeable to proposed revision, but there is a potential compromise to be made. The City does not want to lose the phrase, "take measures as necessary to correct the situation," which is a key component of the condition. Meeting and conferring about it is not enough. If there is a problem, the City wants to see a solution. She explained that with the expansion, the ratio of parking stalls to gross square feet of the building increases from 1 stall for every 180 square feet to 1 stall for every 244 square feet. Since the Arts Center has expressed the need for additional parking with the existing ratio, staff is concerned that, although it meets code, the code requirement may be problematically deficient. The same condition has been included in similar requests in the past, so this is not an unusual condition.

Member Baltzer asked Mr. Wagner if he would be agreeable to working with staff to rephrase the condition. Mr. Wagner acknowledged he would, stating that Crosby's suggestion is acceptable in regards to adding wording to allow the applicant to determine the solution.

Mr. Wagner presented the final issue, which pertained to the fence on the south side of the property. He asked the condition 15b be omitted because the adjacent property is owned by Lakeshore Players and is no longer residential in nature.

Crosby replied that the parcel is still zoned residential and could continue to be used as such, regardless of being owned by Lakeshore Players. She clarified that she was only referring to the six foot portion of the fence, not the existing four foot fence along the south side of 4971 Long Avenue.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Member Enz commented that she agreed with Ms. Hudson that condition five muddies the organization's mission, so she would like to see it removed, with the understanding that the Arts Center has been a good neighbor, and would be willing to have a reasonable conversation with the City if development opportunities arose in the future.

Member Lynch suggested that he would be comfortable taking condition number five out if the Commissioners could direct City staff to take the lead on continued conversations about affordable housing around the Arts District with not only White Bear Center for the Arts, but also Lakeshore Players and other key stakeholders. The condition would not be tied to any specific case or resolution, but would allow for ongoing discussions.

Member Reis moved to recommend approval of Case No. 20-1-PUD with the omission of condition number five and that condition number nine be reworded by City staff, while expressing his dismay that the applicants would present the request as an ultimatum. He knows and respects many on the Board, but did not appreciate being told either condition five is removed or the applicants walk. He agreed with Member Lynch and hopes this does not preclude ongoing discussion between the Arts Center and the City on opportunities for artists' lofts in the future, despite it not being a part of their mission statement, in the spirit of cooperation with the community in which they reside.

Member Berry seconded the motion.

Member Baltzer noted that he agreed with Member Reis. He did not appreciate the applicants threatening the Planning Commission. Member Berry disagreed with the statement.

The motion passed by a vote of 5-0.

E. **Case No. 94-6-Sa & 20-9-V:** A request by **Birch Lake Animal Hospital** for an amendment to a Conditional Use Permit, per Code Section 1303.225, Subd.6.a, for site plan approval in the Diversified Business Development District, and a variance from the 30% impervious surface maximum to allow 38% impervious, per Code Section 1303.230, Subd.5.a.5, in order to expand the parking lot by six stalls for the property located at 4830 White Bear Parkway.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Betsy Larey, former owner of 1298 Birch Lake Blvd N, she was granted approval to split the lot in two. She explained that due to all the development and addition of asphalt along Birch Lake Blvd, drainage has become a huge issue. There was no drainage plan in place, especially in conjunction with the counseling center that the City owns. Ms. Larey spent a lot of time and money proving that 1298 Birch Lake Blvd was never wet before the development of the area. The expansion of the parking lot at the animal hospital will add to the drainage issues. The runoff will not go to the rain garden. It will end up on the property of the neighbor to the east.

She believes that the only solution is for the City to correct its own drainage problems, since the runoff from that site does not end up in the drainage pond. She is opposed to the proposed use of a raingarden at the animal hospital and believes the only solution is to pipe it to the Lifetime pond. She proposed the case be postponed until she can provide the Commissioners with her findings.

Todd Heckmann, 1290 Birch Lake Blvd N, commented that he had spoken to the Building Official about removing the drainage pipe that encroaches on his property. He is concerned because that is where all the water is running on to his property and wants to know what the City will do with the increase in runoff the parking lot expansion will create.

Trent Anderson, 1298 Birch Lake Blvd N, he confirmed that the drainage pipe is directed at 1290 Birch Lake, which causes the runoff to flow into his own back yard before draining to the Lifetime pond. It gets worse when the snow melts, and there is a small river that would not exist without the pipe. He agrees the drainage issues in the area are worth looking into.

Member Berry asked if the City could do anything in terms of addressing the drainage issue. Crosby responded that the former City Engineer had concluded that it was a civil issue. However, the new City Engineer and the Water Resources Engineer may be able to generate new solutions in dealing with the runoff.

Member Baltzer wondered if the Commissioners should wait for more information before making a decision on the case. Crosby responded that she believes the animal hospital's request should not be held up for something the City is willing to look into and attempt to alleviate. She suggested that condition of some sort could be added if the Commissioners wished to move the case forward.

Member Lynch commented that he did not want to penalize the animal hospital for something that may not be a major culprit of the surrounding drainage issues. However, if adding those parking stalls will negatively affect the drainage, he is open to holding the case back.

Betsy Larey replied that the animal hospital does contribute to the drainage problems, because it drains to the same location as the counseling center and adding more asphalt will increase the runoff.

Tim Kuhnmuench, Birch Lake Animal Hospital, noted that they are doubling the capacity of the of the rain infiltration to allow for additional overflow. Right now, they are not stopping any of the overflow, so the raingarden is already a solution. Compared to the other developments in the area, the hospital, its parking lot and the proposed addition is smaller in surface area than several of the neighboring properties. There is a problem with drainage, but he does not think it is coming from his property, and if it is, they are accounting for that with their rain garden design.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Crosby clarified that while the animal hospital is doubling capacity of the rain garden, it is not meeting the full engineering design standards for a commercial property, mainly because it is not triggering the design standards. They are meeting infiltration standards, but not rate control standards.

Member Lynch commented that he thinks the applicant is addressing the needs for their site, and that there is a drainage issue in the area, but he would like the City to look into that aspect. Member Lynch moved to recommend approval of Case No. 94-6-Sa & 20-9-V. There was no second.

Member Reis moved to recommend tabling Case No. 94-6-Sa & 20-9-V for one month in order to obtain more information on the drainage issues. Member Berry seconded the motion. The motion passed by a vote of 5-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of June 23, 2020.

No discussion

B. Park Advisory Commission Meeting Minutes of April 16, 2020.

Member Berry asked about the progress on the pavilion expansion at West Park. Ms. Kane replied that she did not know the status, but could find out and share with the Commissioners.

6. ADJOURNMENT:

Member Berry moved to adjourn, seconded by Member Lynch. The motion passed unanimously (5-0), and the June 29, 2020 Planning Commission meeting was adjourned at 9:03 p.m.

City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 22, 2020 for the July 27, 2020 Planning Commission Meeting

SUBJECT: **Birch Lake Animal Hospital, 4830 White Bear Parkway - Case No. 94-6-Sa & 20-9-V**

REQUEST

Dr. Tim Kuhnmuench, the owner of Birch Lake Animal Hospital, would like to expand the parking lot by 6 stalls. The additional hard-surface created by the expansion requires a variance from the 30% impervious area limit, and the change to the site plan is an amendment to the original conditional use permit. See applicant's narrative.

BACKGROUND

At the June Planning Commission meeting, the neighboring property owners to the east expressed concern about the additional run off in their direction. Consequently, the Planning Commission tabled the issue to allow time for staff to take a closer look at the potential impacts and possible alternatives.

UPDATE

The business owner, the project designer, the City's Stormwater Engineer and I met on site on Tuesday July 7th. It was determined that the new parking area could be sloped towards White Bear Parkway, to the west, (like the rest of the parking currently is) and that the rain garden could be moved to the west side of the property and be designed to accept roof run-off instead of parking lot run-off.

The applicant has provided revised plans for staff review. These plans were received on July 17th, which did not provide Engineering staff enough time to conduct a complete review and thorough analysis prior to the issuance of this report. Therefore we have included condition that the plan design and details are subject to final approval by the Stormwater Engineer. Because the southeast corner of the site will still receive some fill, we have retained the conditions about the wetland delineation and the tree survey. We are also working with the applicant to steepen the slope to minimize the amount of grading in the southeast corner as much as possible. A steeper slope is not as mowable, therefore it will likely be seeded with deep-rooted native plants rather than grass. The rain garden has been relocated to surround the monument sign on the west side of the building and will

accept an equal amount of roof runoff as the expansion area of the parking lot generates. This new rain garden will also overflow to the west (to White Bear Parkway).

SUMMARY

Because the applicant will be providing measures to mitigate any adverse impacts of exceeding the 30% impervious area limit, staff supports the variance. It appears that all the standards of the respective zoning district have been met and therefore staff supports the CUP amendment as well.

RECOMMENDATION

Staff recommends approval of the requests subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with 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. This 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 sign resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.

4. All conditions imposed by the original approval shall continue to apply.

5. The applicant shall obtain a building permit prior to beginning any work.

Prior to the issuance of a building permit, the applicant shall:

6. Hire an environmental firm to conduct a wetland delineation to confirm or negate the presence of wetland on the property.

7. Final grading and drainage plan and details subject to approval by the Water Resources Engineer.

8. The property owner shall be responsible for maintaining the rain garden to the design specifications.

9. Conduct a tree survey, calculate the tree replacement requirements and add replacement inches to the proposed plan as required.

10. The applicant shall indicate where bicycle parking can be accommodated. Bike parking must allow the bike to be locked at the frame, not just at the tires.

11. No change to building, signage or lighting requested or approved.

12. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every six months. The amount of the letter shall be based on a cost estimate of the outside improvements, to be approved by the City prior to the issuance of the letter of credit.

Prior to the release of the letter of credit, the applicant shall:

13. Provide an as-built plan that complies with the City's Record Drawing Requirements.

14. All exterior improvements must be installed.

15. All landscaping must have survived at least one full growing season.

16. The applicant shall provide proof of having recorded the Resolution of Approval with the County Recorder's Office.

ATTACHMENTS
1. Draft Resolution of Approval
2. Location/Zoning Map
3. Revised Site Plans (4 pgs)

RESOLUTION NO. _____

**RESOLUTION APPROVING
A CONDITIONAL USE PERMIT AMENDMENT
AND IMPERVIOUS AREA VARIANCE
FOR 4830 WHITE BEAR PARKWAY
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (94-6-Sa & 20-9-V) has been submitted by Birch Lake Animal Hospital requesting approval of a Conditional Use Permit Amendment and Variance from the City of White Bear Lake at the following site:

ADDRESS: 4830 White Bear Parkway

LEGAL DESCRIPTION That part of Tract A, Registered Land Survey No. 453, lying North of the South 371.53 feet and West of the East 26.47 feet thereof, Ramsey County, MN (PID # 163022410023)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: An amendment to an existing Conditional Use Permit, per Code Section 1303.225, Subd.6.a, for site plan approval in the DBD zoning district,

Reso #7254, Adopted June 14, 1994: A Conditional Use Permit for site plan approval to build a 3,500 square foot veterinary clinic per Code Section 1303.225

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A Variance from the 30% impervious surface maximum to allow 38% impervious, per Code Section 1303.230, Subd.5.a.5, in order to expand the parking lot by 6 stalls; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on June 29, 2020 and continued to July 27, 2020; 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 & variance 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 in relation to the Conditional Use Permit Amendment:

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.

FURTHER, 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 in relation to the variances:

1. The requested variance will not:
   a. Impair an adequate supply of light and air to adjacent property.
   b. Unreasonably increase the congestion in the public street.
   c. Increase the danger of fire or endanger the public safety.
   d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

2. The variance is the minimum required to accomplish this purpose.

3. Because the impact of the additional impervious area will be lessened by the proposed stormwater infiltration feature, the variance is in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The special conditions or circumstances are not the result of actions of the applicant.

5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

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

1. All application materials, maps, drawings, and descriptive information submitted with 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. This 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 sign resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the

herein-stated conditions.

4. All conditions imposed by the original approval shall continue to apply.

5. The applicant shall obtain a building permit prior to beginning any work.

Prior to the issuance of a building permit, the applicant shall:

6. Hire an environmental firm to conduct a wetland delineation to confirm or negate the presence of wetland on the property.

7. grading and drainage plan and details subject to approval by the Water Resources Engineer.

8. The property owner shall be responsible for maintaining the rain garden to the design specifications.

9. Conduct a tree survey, calculate the tree replacement requirements and add replacement inches to the proposed plan as required.

10. The applicant shall indicate where bicycle parking can be accommodated. Bike parking must allow the bike to be locked at the frame, not just at the tires.

11. No change to building, signage or lighting requested or approved.

12. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every six months. The amount of the letter shall be based on a cost estimate of the outside improvements, to be approved by the City prior to the issuance of the letter of credit.

Prior to the release of the letter of credit, the applicant shall:

13. Provide an as-built plan that complies with the City's Record Drawing Requirements.

14. All exterior improvements must be installed.

15. All landscaping must have survived at least one full growing season.

16. The applicant shall provide proof of having recorded the Resolution of Approval with the County Recorder's Office.

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

Ayes:
Nays:
Passed:

_____
Jo Emerson, Mayor

ATTEST:

_____

Kara Coustry, City Clerk

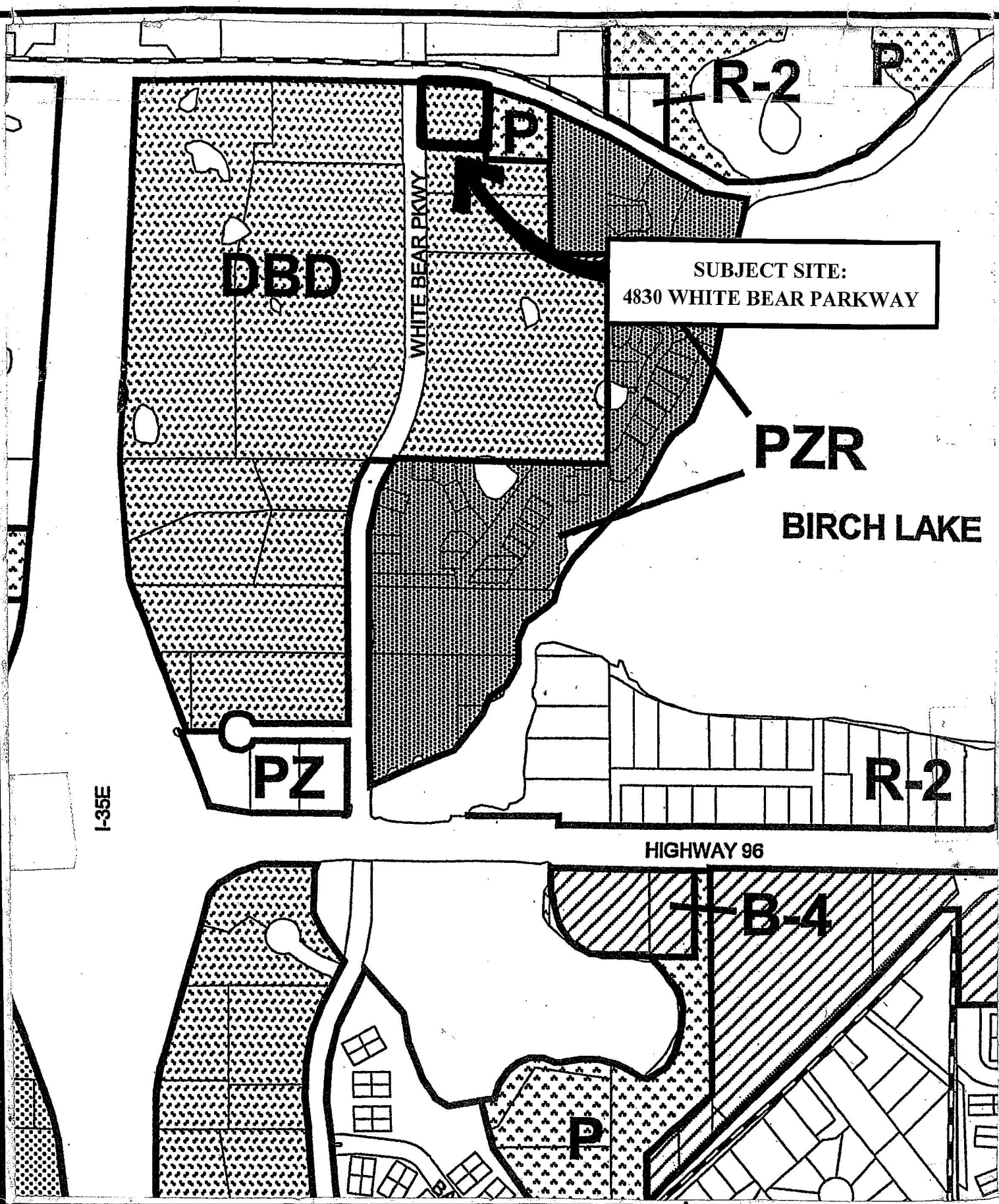
****

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

_____

Tim Kuhnmuench Date



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 94.6.Sa & 20.9.V

CASE NAME : Birch Lake Animal Hospital

DATE : July 27, 2020

CERTIFICATE OF SURVEY

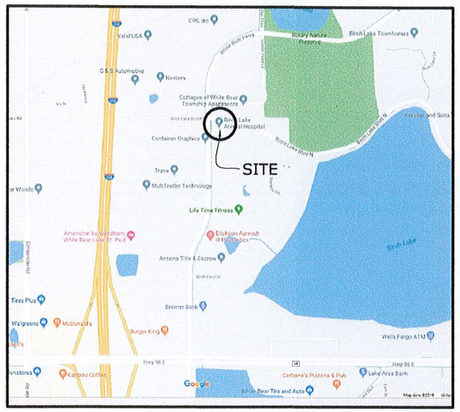
~for~ DREAMSCAPES LAND AND DESIGN
~of~ 4830 White Bear Parkway
White Bear Lake, Minnesota, 55110

PROPERTY DESCRIPTION (Certificate of Title No. 537177)

That part of Tract A, Registered Land Survey No. 453, lying North of the South 371.53 feet and West of the east 26.47 feet thereof, Ramsey County, Minnesota.

Subject to a reservation for the State of Minnesota of all minerals and mineral rights.

VICINITY MAP



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/05/19.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 16-30-22-41-0023.
- Total Parcel Area = 43,561.03 Sq. Ft. or 1.00 acre.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

BENCHMARK

RAMSEY COUNTY GEODETIC STATION 9216
ELEVATION = 944.813 (N.A.V.D. 1988)

TREE DETAIL

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

TREE TYPES

CRA - CRAB APPLE
MAP - MAPLE
SPR - SPRUCE
BAS - BASSWOOD

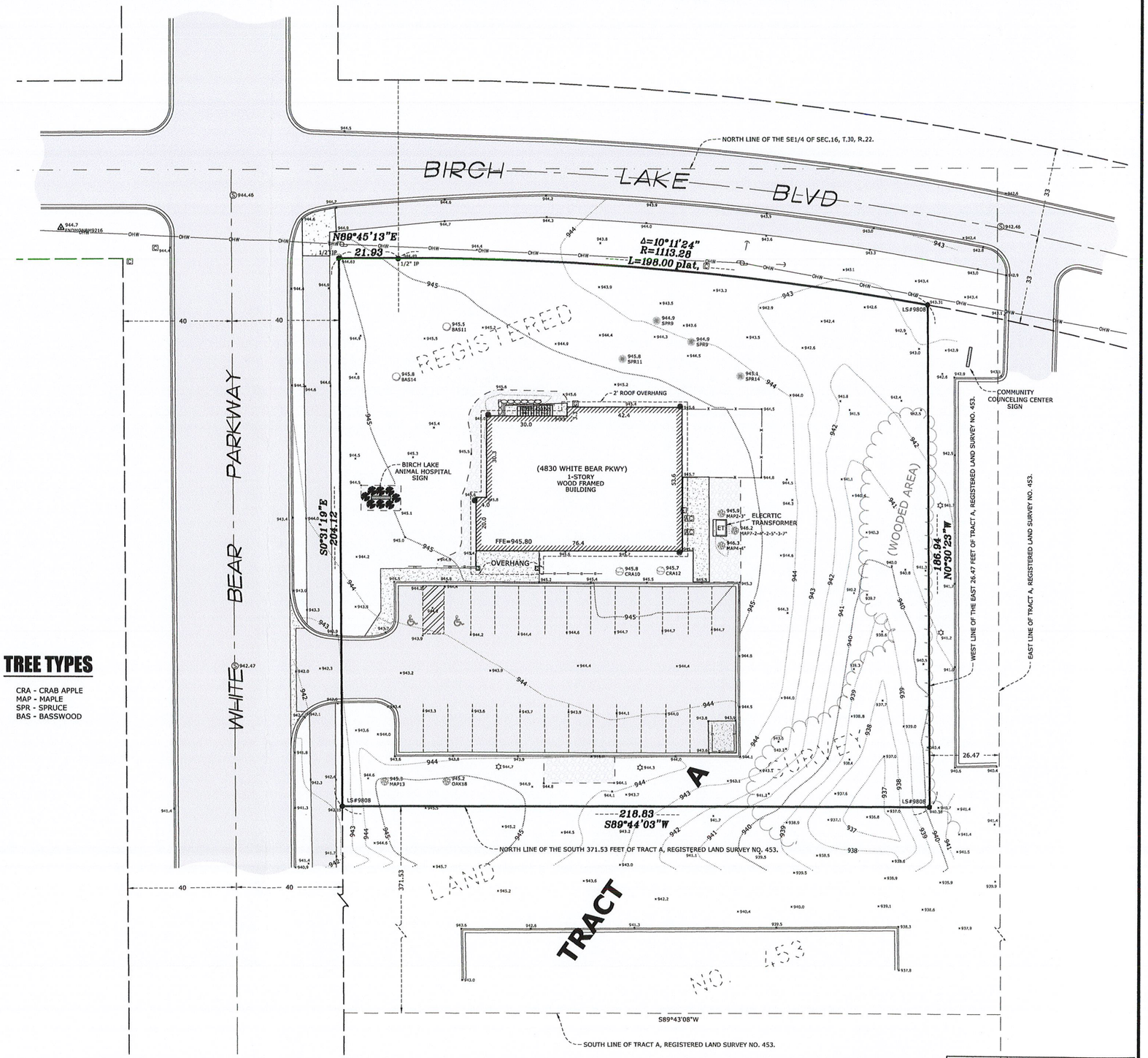
LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES ROOF DRAIN
- DENOTES AIR CONDITIONING UNIT
- DENOTES SIGN
- DENOTES LIGHT POLE
- DENOTES ELECTRIC METER SOCKET
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES CABLE PEDESTAL
- DENOTES HYDRANT
- DENOTES WATER VALVE
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SPOT ELEVATION
- DENOTES TREE LINE
- DENOTES RETAINING WALL
- DENOTES FENCE
- DENOTES WOOD FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES LANDSCAPED AREAS

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

JASON E. RUD
Date: November 19, 2019 License No. 41578

GRAPHIC SCALE
20 0 10 20 40
1 INCH = 20 FEET



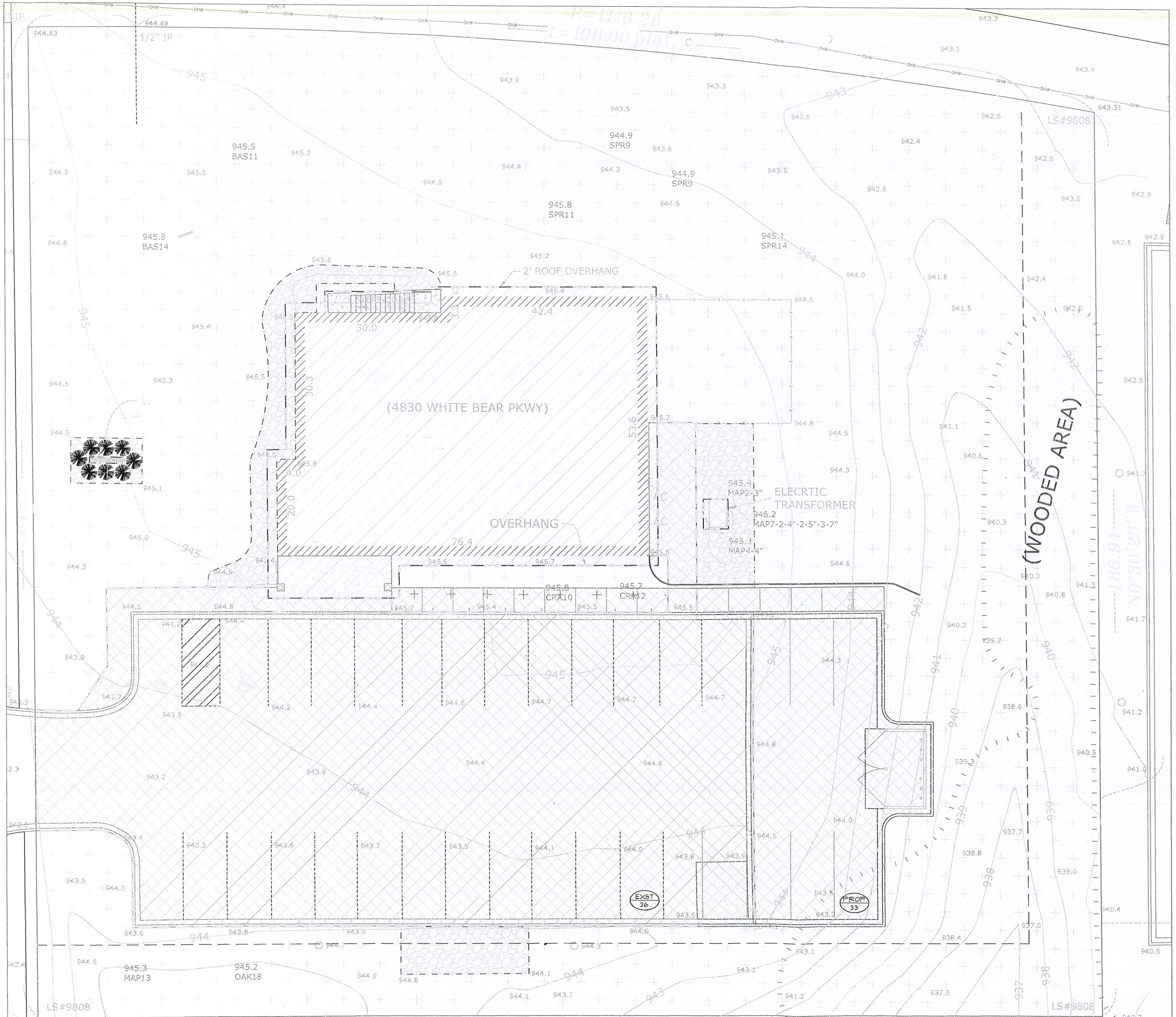
E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

DRAWN BY: CJT	JOB NO: 19837BT	DATE: 11/19/19
CHECK BY: JER	FIELD CREW: JH / CB	

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

S:\RUD\CAD\19PROJ\19837BT\19837BT_CERT.DWG

19837BT



EXISTING CONDITIONS

EXISTING IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA (ABOVE OHWL) ......43,561 S.F.

EXISTING BUILDING .... 4,626 S.F.
EXISTING PARKING/WALK ....9,465 S.F.
EXISTING SIGN ....9 S.F.
EXISTING ELECTRIC PAD.......................31 S.F.
TOTAL IMPERVIOUS SURFACE .... 14,131 S.F.
PERCENT IMPERVIOUS 32.4%

PROPOSED SITE PLAN

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA (ABOVE OHWL) ......43,561 S.F.

EXISTING BUILDING.......................... 4,626 S.F.
PROPOSED PARKING/WALK ....11,900 S.F.
EXISTING SIGN ....9 S.F.
EXISTING ELECTRIC PAD.......................31 S.F.
TOTAL IMPERVIOUS SURFACE .... 16,566 S.F.
PERCENT IMPERVIOUS 38.0%

SF OF IMPERVIOUS OVER 30%...... 3484sf

NORTH

GRAPHIC SCALE

10 0 5 10 20

1 INCH = 10 FEET

BUILDING/SIGN IMPERVIOUS SURFACE

PARKING IMPERVIOUS SURFACE

PERVIOUS SURFACE

PARKING CALCULATIONS

BUILDING FINISHED FLOOR............. 3,728 S.F.
1 STALL PER 200SF OF FINISHED FLOOR AREA
3,728 / 200 = 18.64 ....19 STALLS
1 ACCESSIBLE STALL PER 25 STALLS

RECEIVED
JUL 17 2020
BY:

DreamScapes
Landscaping & Design, Inc.
7087 20th Ave S.
Centerville, MN 55038
651.415.1000
www.DreamScapesMN.com

GOODMANSON CONSTRUCTION SINCE 1971
www.GoodmansonConstruction.com

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

James A. Kalkes
James A. Kalkes, RLA ASLA
Date: 04/08/2020 License No. 45071

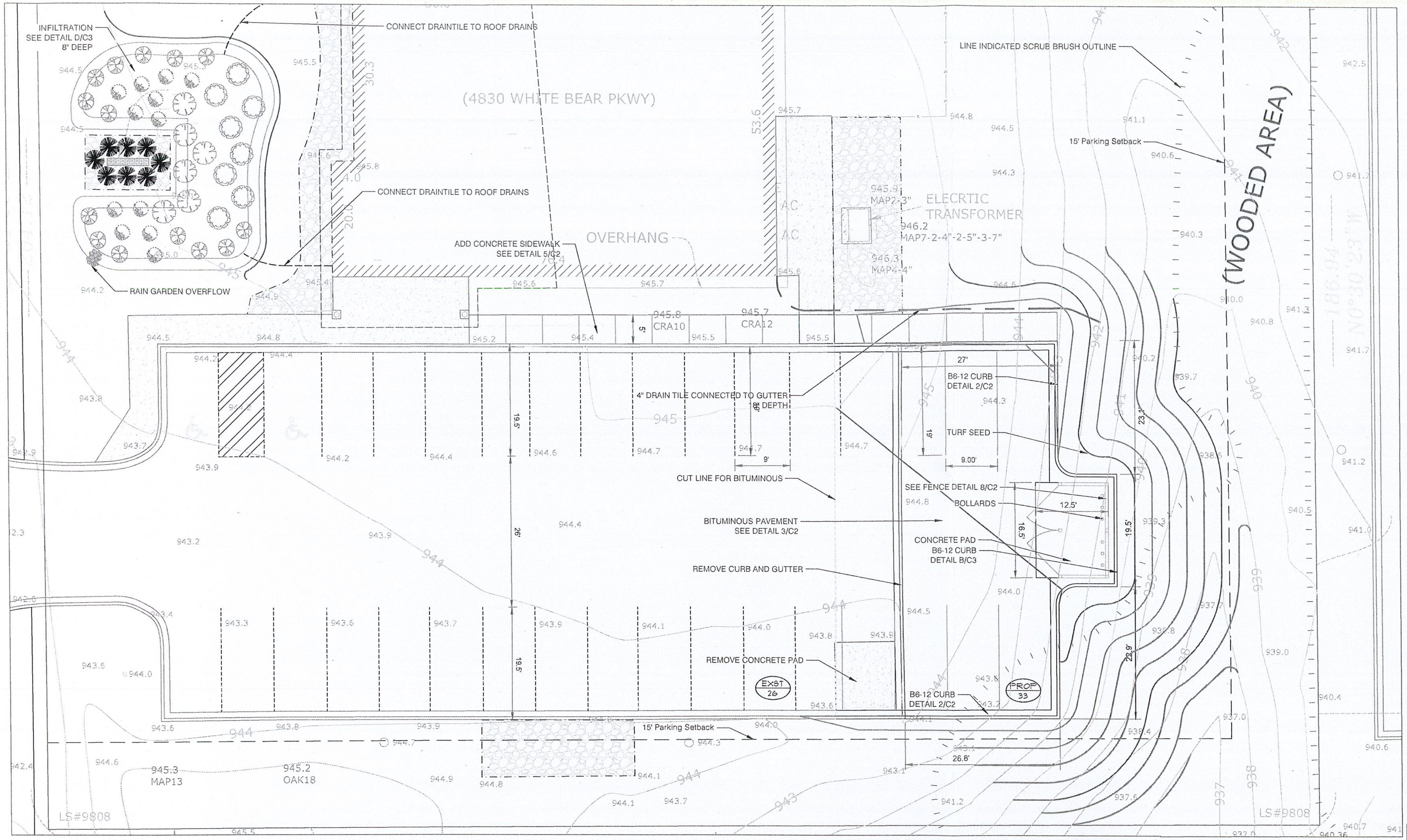
BIRCH LAKE ANIMAL HOSPITAL
4830 WHITE BEAR LAKE PKWY
WHITE BEAR LAKE, MN 55110

DRAWN BY: JAK | JOB NO: 20-0011 | DATE: 04/03/20
CHECK BY: JAK | FIELD CREW: Rude & Sons

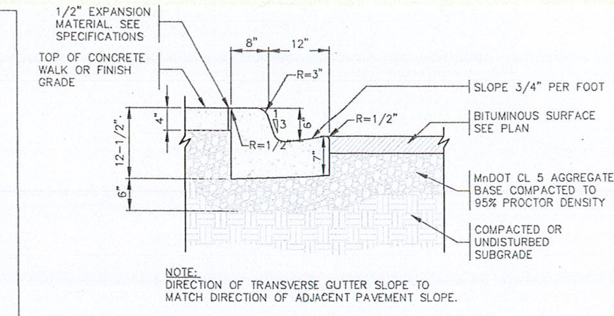
NO.	DATE	DESCRIPTION	BY
1	04/08/20	PARKING LOT EXPANSION	JAK
2	05/12/20	CITY SUBMITTAL	JAK
3	06/18/20	CITY COMMENTS	JAK
4	07/15/20	CITY COMMENTS	JAK
5			
6			
7			

EXISTING / PROPOSED IMPERVIOUS

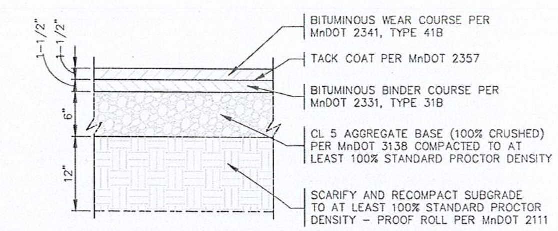
C1



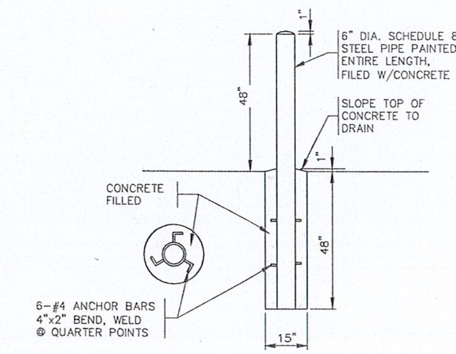
1
C2
BIRCH LAKE ANIMAL HOSPITAL - SITE PLAN



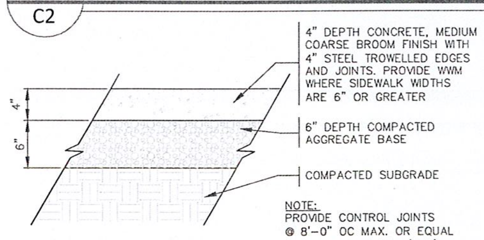
2
C2
CONCRETE CURB AND GUTTER
B6–12 TYPE CURB



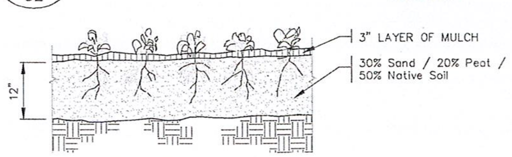
3
C2
BITUMINOUS PAVEMENT
MEDIUM DUTY



4
C2
STEEL BOLLARD

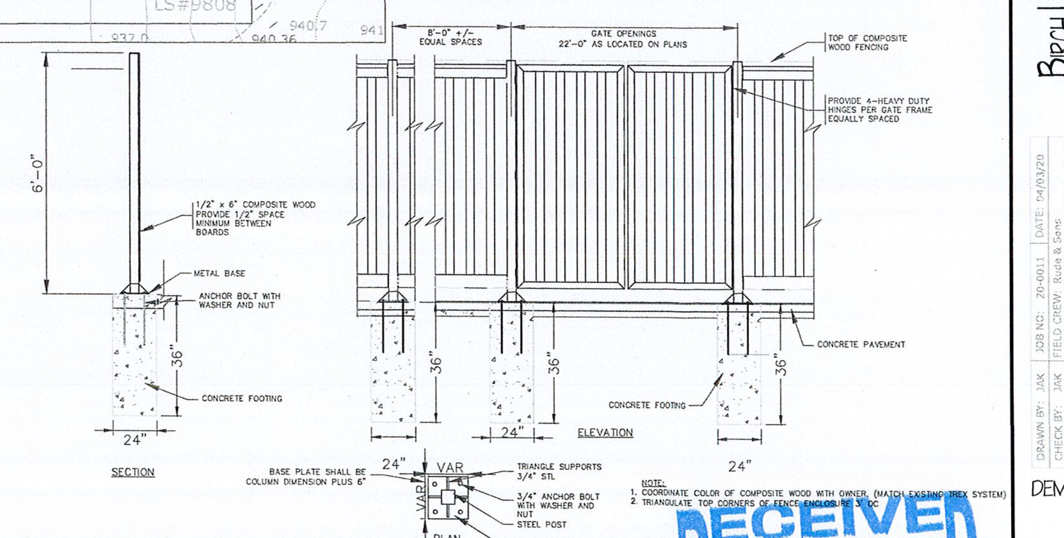


5
C2
CONCRETE SIDEWALK



6
C2
INFILTRATION

7
C2
WASTE ENCLOSURE TO MATCH EXISTING FENCE
ON–SITE FENCE (TREX FENCE)



8
C2
WASTE ENCLOSURE DETAIL
MATCH FENCE AT DOG RUN
S–0010a

DreamScapes
Landscaping & Design, Inc.
7087 20th Ave S.
Centerville, MN 55038
651.415.1000
www.DreamScapesMN.com

GOODMANSON CONSTRUCTION SINCE 1971
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I hereby certify that this plan or report was prepared by me or under my direct supervision and that I am a duly Registered Landscape Architect under the laws of the State of Minnesota.
James A. Kalkes
James A. Kalkes, RLA ASLA
Date: 04/08/2020 · License No. 45071

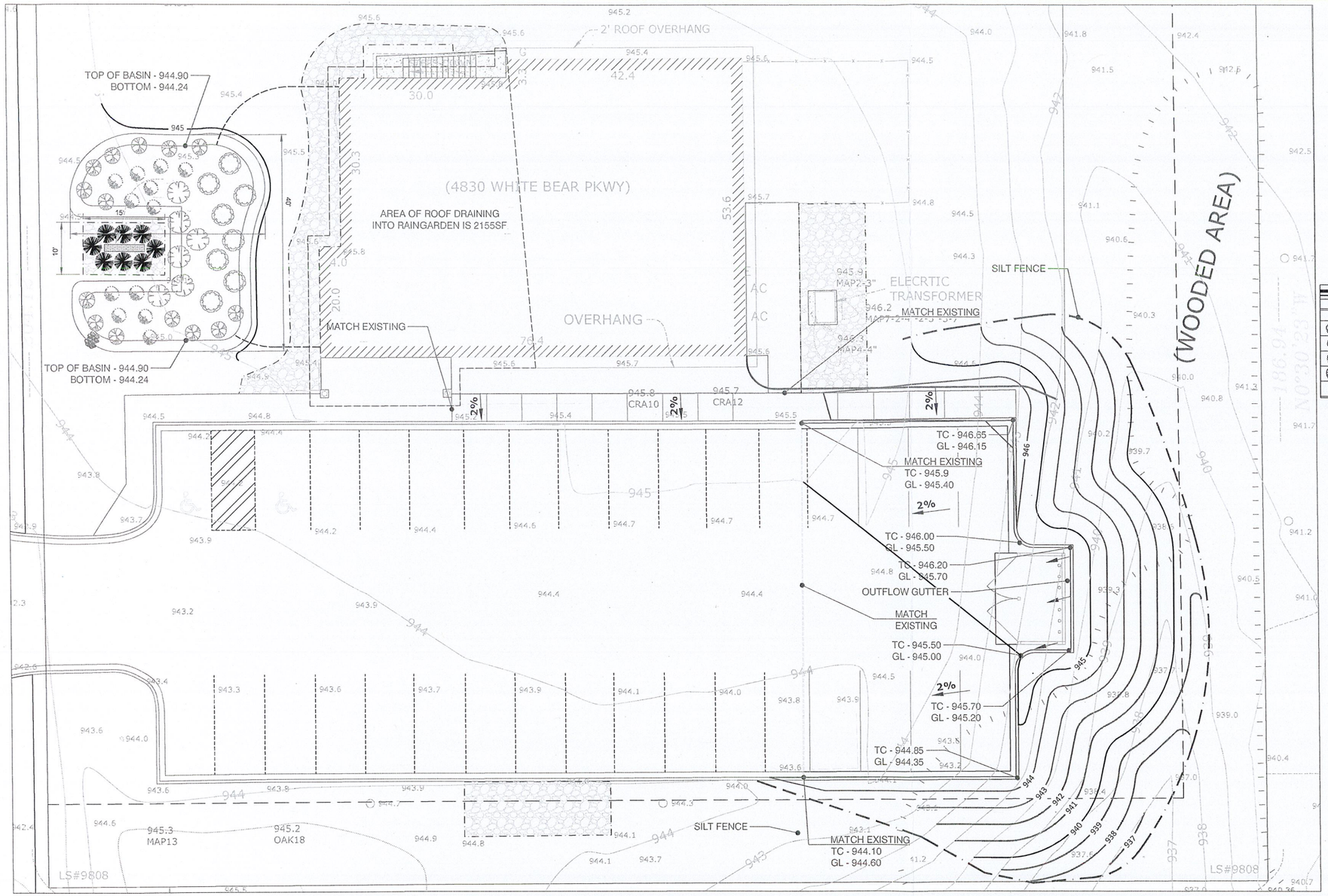
BIRCH LAKE ANIMAL HOSPITAL
43830 WHITE BEAR LAKE PKWY
WHITE BEAR LAKE, MN 55110

DRAWN BY: JAK | JOB NO: 20-0011 | DATE: 04/03/20
CHECK BY: JAK | FIELD CREW: Rude & Sons

NO.	DATE	DESCRIPTION	BY
1	04/08/20	PARKING LOT EXPANSION	JAK
2	05/12/20	CITY SUBMITTAL	JAK
3	06/18/20	CITY COMMENTS	JAK
4	07/15/20	CITY COMMENTS	JAK
5			
6			
7			

DEMOLITION / LAYOUT

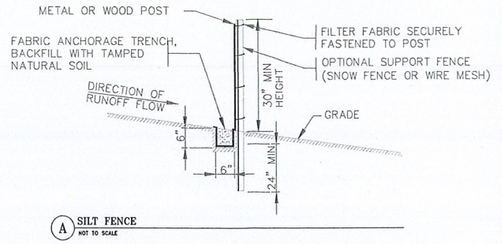
C2



1 C3 BIRCH LAKE ANIMAL HOSPITAL - GRADING PLAN

SCALE 1" = 10'

NORTH



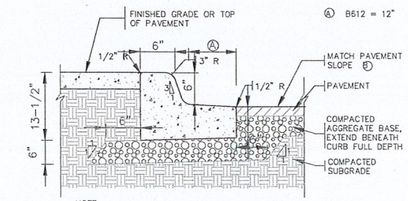
A SILT FENCE
NOT TO SCALE

LANDSCAPE LEGEND

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QTY.	INSTALL HEIGHT	MATURE HEIGHT
SHRUBS							
DBW	Salix purpurea 'Nana'	DWARF BLUE ARCTIC WILLOW	#5	CONT.	6	1'	3'x4'
RTD	Cornus Sericea 'Bailey'	RED TWIG DOGWOOD	#5	CONT.	8	1.5'	5'x5'
BCB	Aronica melonocarpa elata	BLACK CHOKEBERRY	#5	CONT.	5	1.5'	4'X4'
JDW	Ilex verticillata 'Jim Dandy'	JIM DANDY WINTERBERRY	#5	CONT.	14	1.5'	3'X3'
RSW	Ilex verticillata 'Red Sprite'	RED SPRITE WINTERBERRY	#5	CONT.	12	1.5'	3'X3'

SOD / SEED MIX LEGEND

SYM.	TYPE	SEED MIX
	NATIVE WET PRAIRIE	MN SEED MIX **34-271** (OLD BWSR W2)
	COMMERCIAL TURF - SOD	HIGHLAND SOD



NOTE:

B DIRECTION OF TRANSVERSE AND LATERAL GUTTER SLOPE TO MATCH ADJACENT PAVEMENT SLOPE.

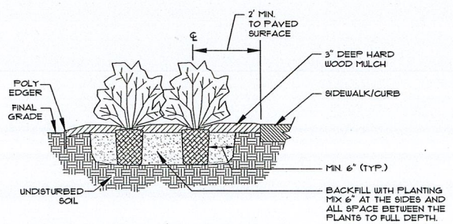
PROVIDE EXPANSION JOINTS @ 30'OC MAX.

PROVIDE CONTRACTION JOINTS @ 10'OC OR MATCH ADJACENT WALK.

ALL DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.

B DESIGN "B6-12" CURB W/OUTFALL GUTTER
NOT TO SCALE

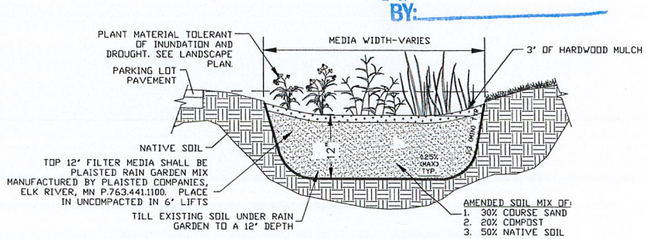
RECEIVED
JUL 17 2020
BY:



C SHRUB & CONTAINER PLANTING DETAIL
NOT TO SCALE

Raingarden Calculation

- Maximum depth for rain garden is 8"
- The surface area required to meet requirements ---------- 958sf
- The surface area provided to meet requirements ---------- 964sf
- 3,484 x (1.1/12) x 2 = 638 CF @ 8" Depth
- Soil is in the Hydrolic Soil Group "B" - Hayden Fine Sandy Loam



*** THE BOTTOM OF THE RAINGARDEN SHALL BE GRADED FLAT AT AN ELEVATION OF 942.33

*** PROTECT THE RAINGARDEN FROM COMPACTION. IF COMPACTION OCCURS, THE INFILTRATION AREA SHALL BE UNCOMPACTED TO A DEPTH NECESSARY TO ALIVE THE COMPACTION

D INFILTRATION BASIN DETAIL
NOT TO SCALE

DreamScapes
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7087 20th Ave S.
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I hereby certify that this plan or report was prepared by me or under my direct supervision and that I am a duly Registered Landscape Architect under the laws of the State of Minnesota

James A. Kalkos, RLA ASLA
Date: 04/08/2020 License No. 41977

BIRCH LAKE ANIMAL HOSPITAL
4830 WHITE BEAR LAKE PKWY
WHITE BEAR LAKE, MN 55110

NO.	DATE	DESCRIPTION	BY
1	04/08/20	PARKING LOT EXPANSION	JAK
2	05/12/20	CITY SUBMITTAL	JAK
3	06/18/20	CITY COMMENTS	JAK
4	07/15/20	CITY COMMENTS	JAK
5			
6			
7			

DRAWN BY: JAK | JOB NO: 20-0911 | DATE: 04/03/20
CHECK BY: JAK | FIELD CREW: Buck & Sons

GRADING PLAN

C3

City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 23, 2020 for the July 27, 2020 Planning Commission Meeting

SUBJECT: **Tracy Corcoran, 4911 Morehead Avenue - Case No. 20-3-SHOP**

REQUEST

The applicant, Tracy Corcoran, is requesting approval of a Special Home Occupation Permit (SHOP) to conduct pet aquamation services out of a new three car detached garage associated with a single-family residence. Section 1302.120 of the Zoning Code states that certain types of home occupations are considered Special Home Occupations and require Conditional Use Permit approval. Any business that operates out of the garage is automatically classified as a Special Home Occupation. See applicant's request narrative.

SITE CHARACTERISTICS

The property is located on the west side of Morehead between 8th Street and 9th Street. The two story residence was built in 2009 and currently has a two-car detached garage that is served by the alley.

ZONING / BACKGROUND

The property is zoned R-4 – Single and Two Family Residential and S – Shoreland Overlay. The surrounding properties are also zoned R-4 and S.

ANALYSIS

Aquamation is similar to cremation, but with decomposition by alkaline hydrolysis rather than incineration. When the process is complete only the bones will remain. The bones are then dried out and ground up for return to the owner as "ashes". The aquamation process has been legal in Minnesota since 2003. There is one "pet" unit at the University of MN for large animals (horses, cows, etc). There are two human units in the metro area: Bradshaw Cremation in Stillwater, and Metro First Call Funeral Services in Savage. The Mayo Clinic in Rochester also uses these units.

The Pet400, which is the particular model of Bio-Response Solutions unit the applicant hopes to purchase, can accommodate up to 400 pounds per cycle. Each cycle takes approximately 20 hours. The unit has a main compartment with dividers that can be re-arranged to accommodate various sized pets. How many pets will fit in the unit at one time depends upon the size of the pets collected that day. (For example, either ten Chihuahuas or only two Labrador Retrievers.) The dividers

allow the solution to pass between, but the bones of each pet remain segregated from others. The applicant has indicated that only the pets acquired from her appointments that day will be processed on site; there will be no cold-storage of animals for later processing. The applicant currently works approximately 10 to 12 days a month, and states in the narrative that the machine would run 1 to 3 times per week. The drying of the bones would be accomplished either by either convection oven or in a dehumidified room. According to the manufacturer's website, the machine that grinds the bones takes approximately 10 to 15 seconds and according to the applicant, the noise is similar to a kitchen blender.

Staff finds that the size capacity of the unit seems rather industrial for a residential neighborhood. Bio-Response Solutions does make a Pet100, which is intended for a few smaller animals or one larger animal, and has a cycle time of 6 to 18 hours depending upon the contents. The unit takes up less space and would be easier to manage. Staff finds that the smaller sized unit would be more appropriate for a home occupation type business. The larger capacity unit is more appropriate for a commercial or industrially zoned area.

If approved, the processing room would occupy 288 square feet of the 816 square foot accessory structure. The remaining 528 square feet of the garage will be used for personal vehicles and belongings. Because she makes house calls, staff agrees that the proposed use would not increase traffic to the neighborhood. Due to the overall size of the garage, an administrative variance for rear yard cover is needed and the applicant is working to secure those signatures.

The narrative points out that sewer system was redone two years ago, so all the sanitary pipes are new. While that may be the case in regards to a specific section in their street, the sewer flows for miles in the rest of the system that is made up of various materials of various ages. More so than harming the sewer lines, Engineering staff was concerned about the possibility of harm to sewer department staff, who routinely come in contact with sewer water. The applicant has provided a report by an independent laboratory that analyzed the contents of the effluent. The report, a copy of which could be provided if desired, was acceptable to the City Engineer.

The applicant has also provided a letter from the Metropolitan Council Environmental Services (MCES) that indicates the proposed operation is so small that a permit from them may not be required. If approved by the City, the applicant will apply for a permit from the MCES and a final determination will be made. Regardless of whether a permit is required, a SAC determination letter must be obtained to know if additional SAC fees should be charged because of the increase in water useage.

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

SUMMARY/ RECOMMENDATION

Staff understands there may be an "ick" factor to this request, however, we have not found any reason to believe that the requested home-based business will have a negative impact to the surrounding residential neighborhood, particularly when operated at a lesser scale. The proposed business is not expected to create any noise or odor and would be incidental and secondary to the

residential use of the property. For these reasons, staff recommends approval of the Special Home Occupation extension, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.

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

3. The size of the unit shall not exceed the Pet100. No cold storage is proposed or approved. Business operations shall be fully contained within the 288 square foot area proposed.

4. This permit is issued for a one-year period with the expiration date being **August 12, 2021**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.

5. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

6. Permits shall not run with the land and shall not be transferable.

7. The property shall not display any business signage.

8. The exterior material types and colors of the garage shall match that of the home.

9. The patio area shall be removed prior to the first inspection.

10. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125) and with all applicable building, fire and health department codes and regulations.

Attachments:

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative
4. Site Plan & Garage Plans
5. Johnson Email 7-17-20
6. Howe Email 7-20-20
7. Anonymous Letter 7-21-20
8. Fuith Email 7-22-20
9. Goranson-Jensen Email 7-23-20
10. Matzdorf Email 7-23-20
11. Walker-Stark Email 7-23-20

RESOLUTION NO. _____

RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR TRACY CORCORAN
AT 4911 MOREHEAD AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA

WHEREAS, a proposal (20-3-SHOP) has been submitted by Tracy Corcoran to the City Council requesting a Special Home Occupation Permit (SHOP) within the City of White Bear Lake at the following location:

LOCATION: 4911 Morehead Avenue

LEGAL DESCRIPTION: Lot 4, Block 21, Auerbach's Rearragement of Part of White Bear, Ramsey County, MN. (PID # 133022230017)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A Special Home Occupation Permit to allow pet aquamation services out of the detached garage of a single-family residence, per Code Section 1302.120, Subd.4; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 27, 2020; and

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

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

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

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approved the request, subject to the following conditions.

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.

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

3. The size of the unit shall not exceed the Pet100. No cold storage is proposed or approved. Business operations shall be fully contained within the 288 square foot area proposed.

4. This permit is issued for a one-year period with the expiration date being **August 12, 2021**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.

5. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

6. Permits shall not run with the land and shall not be transferable.

7. The property shall not display any business signage.

8. The exterior material types and colors of the garage shall match that of the home.

9. The patio area shall be removed prior to the first inspection.

10. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125) and with all applicable building, fire and health department codes and regulations.

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

Ayes:
Nays:
Passed:

_____
Jo Emerson, Mayor

ATTEST:

_____

Kara Coustry, City Clerk

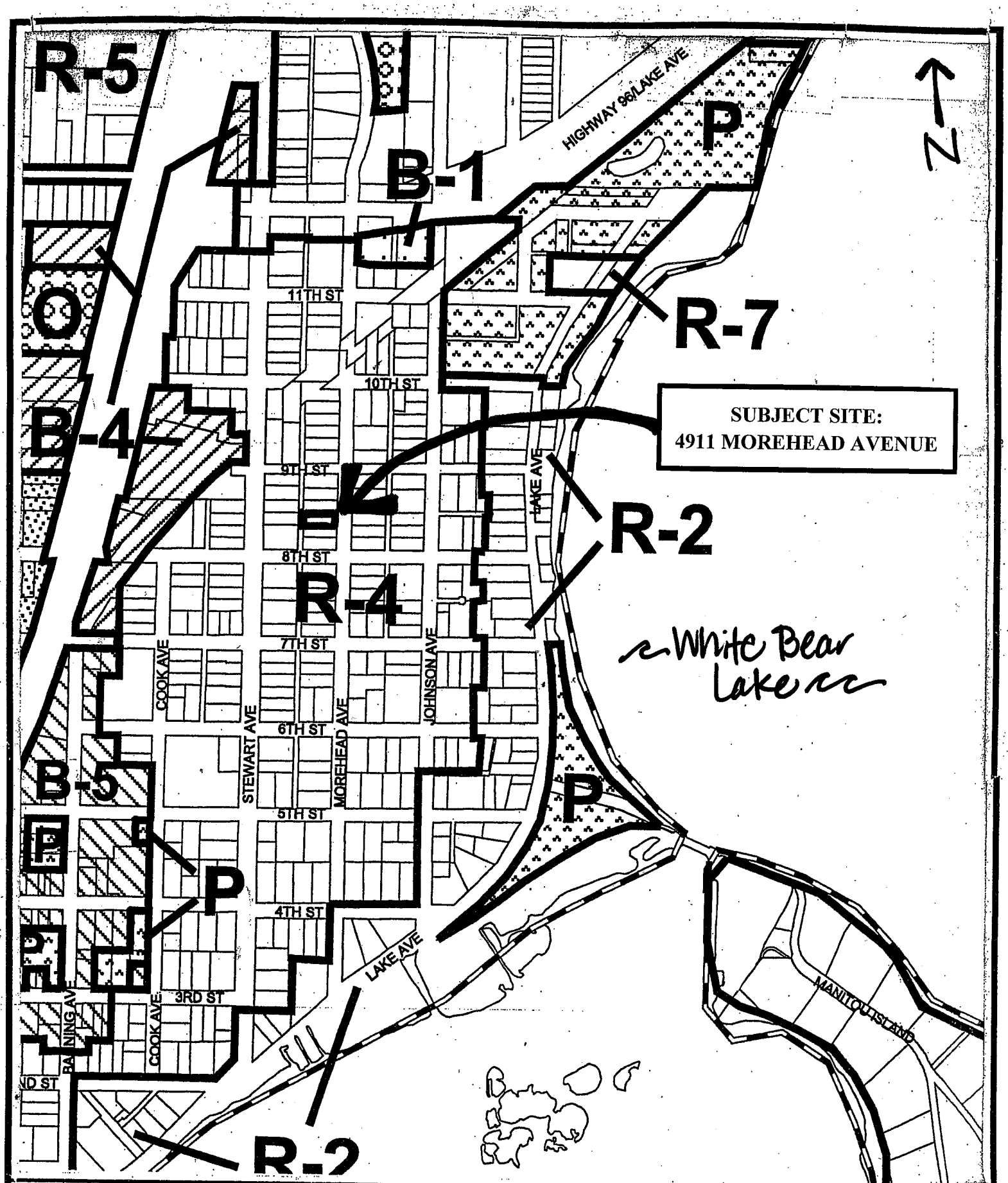
****

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

_____

Tracy Corcoran Date



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : Corcoran

CASE NAME : 20-3-SHOP

DATE : July 27, 2020

We are requesting a Special Home Occupation permit for 4911 Morehead Ave to create a home business. We would like to replace our small garage with a new, larger garage. The new garage would have a separate treatment room containing a pet aquamation unit secured with interior security doors and monitored with interior and exterior cameras.

I (Tracy) am a full time Veterinarian, and currently run a home end of life care for my clients (Blue Skies Pet Euthanasia Service), in which I provide in-home care and treatment for their pets. We (Tracy and husband Brian) believe that adding after body care and disposal, as a service, is needed (and has been requested) to help our clients even more during this difficult time. This can also provide additional financial support to our family during these financially trying times.

How my business works now is that I travel to client's homes and basically provide a "pet hospice service", and when needed, I can dispose of the pets' body. Currently I bring the remains to a crematory, and then return home. By having an Aquamation machine at home I can pull into my garage, close the garage door, and care for my patient in complete privacy of the treatment room. The Aquamation machine would run 1-3 times a week, and due to the size of the machine roughly a table 84" x 36" I would only be caring for pets under 60 lbs. After they are cared for, I will return the pet remains back to their owners while I am already out on my current appointments, thus creating no new traffic for our ally. There will be no "cold storage" of these pets on our property. Any pets that are above the stated 60 pounds, will be brought to our alternate cremation service, which I am currently using after I am done caring for the pet.

What is Aquamation? Aquamation is a form of cremation but uses a natural process known as alkaline hydrolysis. Using water flow, temperature and alkalinity, it is more like natural decomposition when compared to any other method. Following both the Aquamation or cremation process, only the bones remain. Unlike cremation, Aquamated remains resemble fine sand and contain no black, carbonized ash, and no large bone fragments.

In 2003 the State of Minnesota approved aquamation as an environmentally friendly/safe way of end of life disposal. Aquamation machines are small, discrete and use water and a non- regulated Alkali powder for cremation. Because the unit uses a gentle wash cycle, there are no harmful emissions, no harmful and/or regulated chemicals, no burning of fossil fuels, no noise and no odors. A cycle lasts about 20 hours and uses 70-100 gallons of water which is about what the average household uses in one day. At the end of the process the remains are 100% sterile, liquid material discharged directly into the sanitary sewer line. The discharge is made up of amino acids, sugars, nutrients, salts and soap. The discharged water is so safe that in many states, including California, is used as a soil fertilizer. We have spoken with the MET Council and have been told we need a CUP from the City before they will proceed with their permit approval.

We have done hours of research into pet after body care and believe this business is environmentally safe and can be performed in a residential neighborhood. There will be discretion, respect and no increased traffic to our ally. If a Special Home Occupation Permit is issued the existing garage will be torn down and replaced with a new 24' x 34' garage where our current garage stands. A 12' x 24' will be sectioned off, inside the garage, containing the aquamation unit. We have already spoken with a contractor and the City and there are no variances required for the building. Our house was built in 2009, and the roads/sewer system was redone 2 years ago, so all sanitary sewer pipes are new and have been scoped by the city.

Thank you for your time and consideration, please feel free to contact us anytime you may have questions,

Tracy Corcoran, DVM p#651-338-3347

Brian Corcoran p#651-334-4144

Exhibit D

BIO-RESPONSE SOLUTIONS

200 Colin Court
Danville, IN 46122
317.386.3500
www.bioresponsesolutions.com
www.bioresponsefuneral.com

March 7, 2018

RE: Sterilization Capability of Alkaline Hydrolysis Systems

To Whom It May Concern:

This letter is to provide a formal statement that the alkaline hydrolysis process achieves complete sterilization of all pathogenic material.

Alkaline hydrolysis has been used for over 22 years for the sterilization and disposition of animal mortalities at universities, research facilities, and pharmaceutical and bio-containment laboratories. This process uses heat, alkali, and water to thoroughly break down and sterilize tissues and chemicals. Alkaline hydrolysis for whole tissue and bodies exceeds sterility assurance level III of the US State and Territorial Association on Alternate Treatment Technologies (STAATT) requirements, which is the highest level of pathogen reduction. Alkaline hydrolysis systems achieve inactivation of bacteria, fungi, viruses, parasites and mycobacteria at 10^6 reduction, inactivation of spore-forming bacteria at 10^6 reduction, and complete prion inactivation through lysing of peptides to <3kDa in size.

Our world's most heavily regulated BSL-2, BSL-3, and BSL-4 biocontainment research laboratories use alkaline hydrolysis specifically for its sterilization and drug/chemical neutralization abilities. These include many of our nation's most renowned Animal Disease Diagnostic Centers, Medical Research Centers, and Veterinary Research Institutions that work with exotic pathogens (such as Ebola, anthrax, prions, etc.) at high concentrations. Hundreds of validation tests have been performed to verify this technology's ability to sterilize pathogenic material. Nearly 300 systems of this type discharge to their local wastewater treatment plants without issue, including many extremely large systems (up to 10,000lb/4500kg systems).

The following are a few examples of the types of institutions that employ alkaline hydrolysis for sterilization of high titer pathogenic material: United States Federal Government, The National Institute of Health, Albany Medical College BSL-3, University of Florida, Mississippi State (two locations), State of Alabama (two locations), University of Kentucky, Ohio Department of Agriculture, Ohio State University, University of Wisconsin, University of Minnesota, Illinois Animal Disease Laboratory, Tulane Primate Center BSL-3, Penn State University, Kansas State University, Kansas Biosecurity Research Institute BSL-3-Ag, Duke University, Texas A&M Medical School, Texas A&M Institute for Infectious Animal Diseases, State of Maryland, University of Texas Southwest Medical Center, Mayo Clinic, UCLA Medical School, South Dakota

State University, Oklahoma State, Arizona State University, State of Pennsylvania, University of Georgia BSL-3-Ag, Oregon State University, National Animal Disease Center, US Government at Fort Detrick, US Military at Fort Bragg.

Our company has over 24 years' experience with advance sterilization systems. Please contact me with any additional questions.

Respectfully,

Samantha J. Sieber

Samantha J. Sieber
Biologist
Vice President of Research
Bio-Response Solutions, Inc.
sam@bioresponsesolutions.com

July 14, 2020

Brian Cocoran

Blue Skies Pet Aquamation
4911 Morehead Ave.
White Bear Lake MN 55110,

Dear Mr. Cocoran,

Thank you for your permit application. There is nothing in the permit application that would preclude you from obtaining an Industrial Discharge Permit with Metropolitan Council Environmental Services (MCES). We have other alkaline hyrolysis facilities, both for animal and human on permit currently. You would have to meet the conditions of the Waste Discharge Rules, including the limits of pH of 5.0 - 11.0 S.U and the Prohibitions in Sections 401.00 and 406.00. There is also a chance that your facility would not be considered significant enough to warrant a permit, in which case you would get an approval letter. Here is a link to the Waste Discharge Rules:

https://metrocouncil.org/Wastewater-Water/Services/Industrial-Waste/IWPP-Pubs/WasteDischargeRules-pdf.aspx

A permit may include sampling and reporting requirements as well as permit fees, potential strength charges and a Service Availability Charge (SAC) Review that could result in SAC or Industrial Capacity Charges. For more information on the various fees and requirements of the Industrial Waste Section of MCES, please see the Industrial Waste Page of the Metropolitan Council Web Site:

https://metrocouncil.org/Wastewater-Water/Services/Industrial-Waste.aspx

The Industrial Waste Section of MCES does not make any zoning decisions. This is left to the individual cities. Also, the hazardous waste authority for White Bear Lake is Washington County, so you would have to meet the conditions of Washington County Hazardous Waste as well.

If you have any further questions, please contact me at *Robert.Nordquist@metc.state.mn.us*, or Nanette Ewald at *Nanette.Ewald@metc.state.mn.us*.

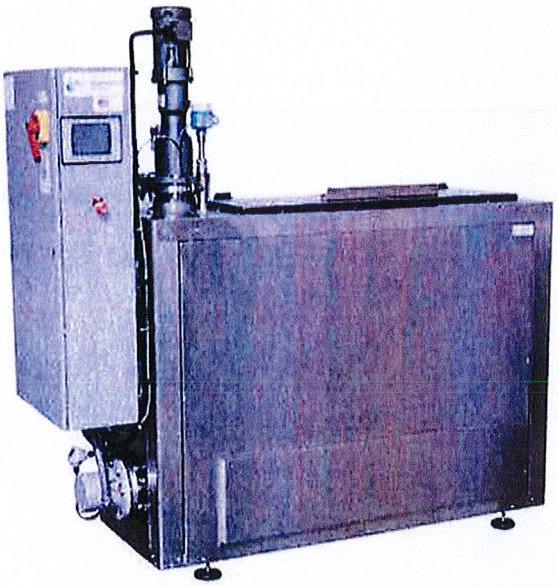
Sincerely,

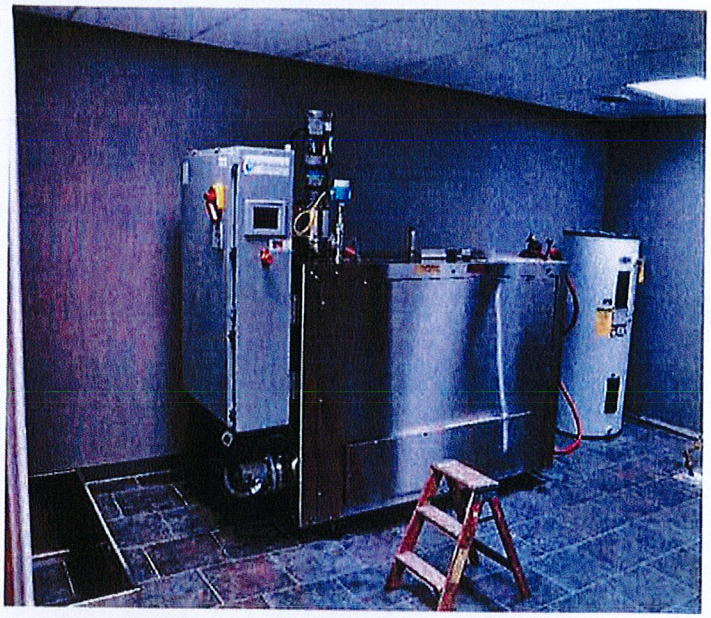
Robert Nordquist
Industrial Waste & Pollution Prevention Manager

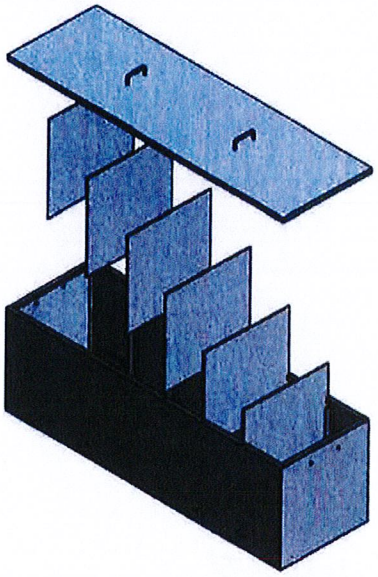
390 Robert Street North | Saint Paul, MN 55101-1805
P. 651.602.1000 | TTY. 651.291.0904 | metrocouncil.org

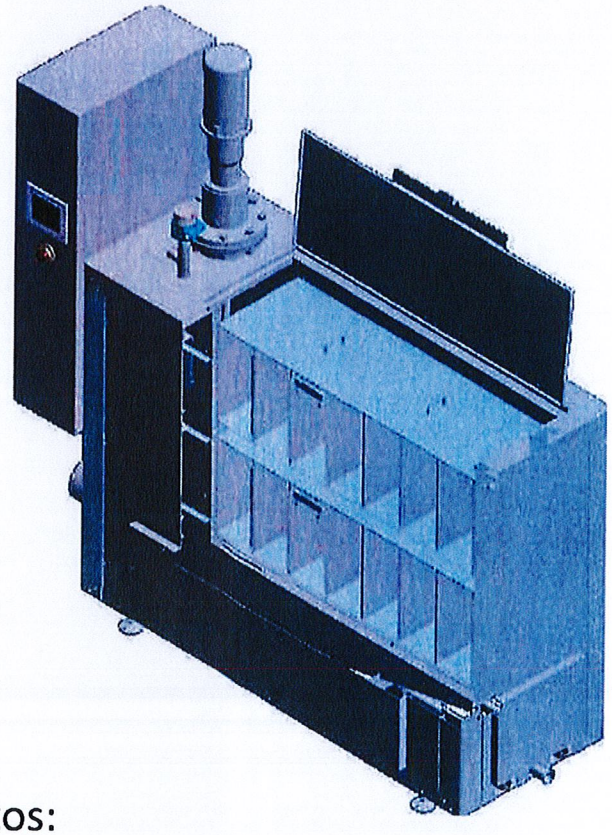
METROPOLITAN COUNCIL

Exhibit B: Example Photos







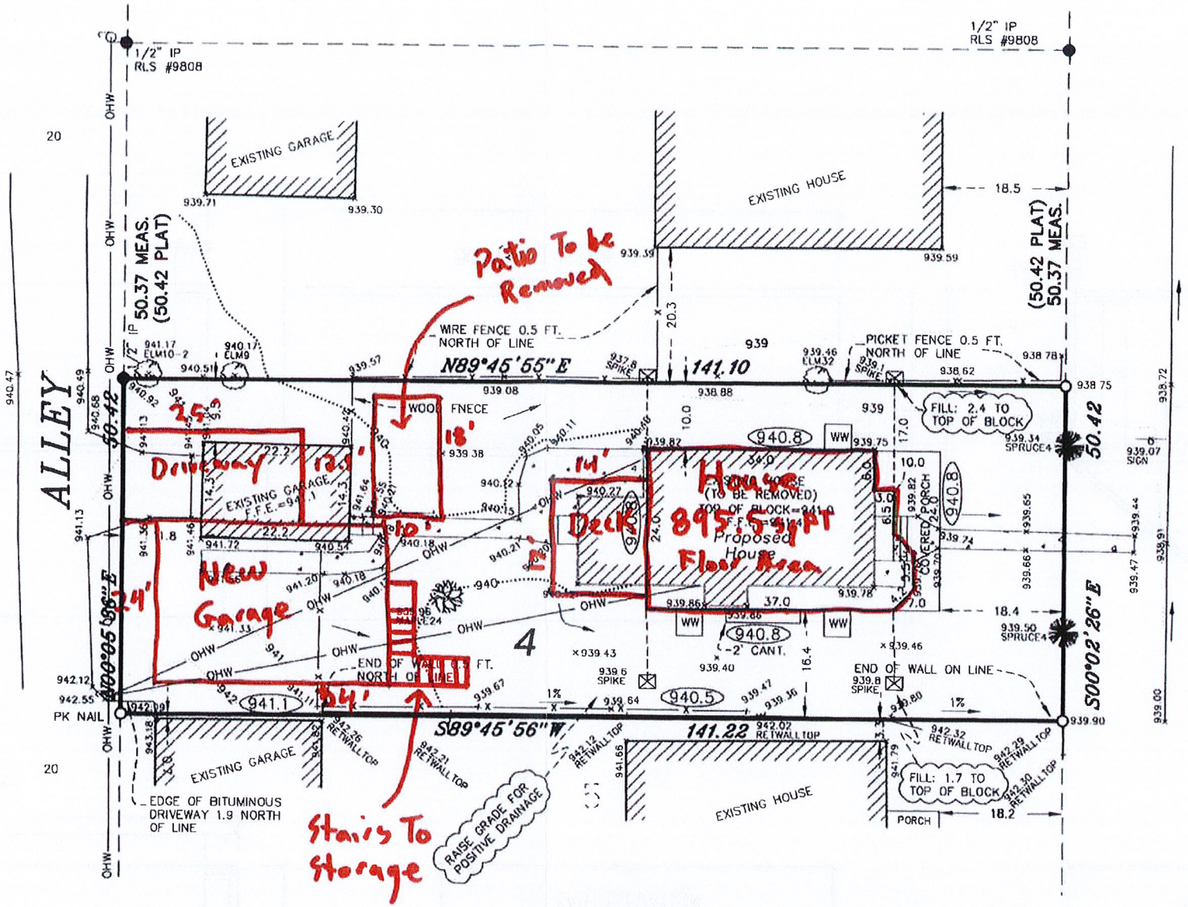


Website with installation photos:
http://bioresponsefuneral.com/pet_systems.php

Video:
http://www.youtube.com/watch?v=uxONVGG3vhs

CERTIFICATE OF SURVEY

~for~ BALD EAGLE BUILDERS
~of~ 4911 MOREHEAD AVE.
WHITE BEAR LAKE, MN 55110



DIAGONAL: 46.00 X 37.00 = 59.03
(8 FT. POURED WALL BASEMENT)

PROPOSED ELEVATIONS:

TOP OF BLOCK = 941.5
LOWEST FLOOR = 933.8
TOP OF FOOTING = 933.5

*BUILDER TO VERIFY HSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH

*FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO

*FIELD SURVEY OF EXISTING CONDITIONS COMPLETED BY E.G. RUD AND SONS, INC. ON 6/30/09.

*PROPOSED FRONT SET BACK IS AVERAGE OF FRONT SETBACKS OF ADJOINING HOUSES TO THE NORTH AND SOUTH.

(1023) *DENOTES PROPOSED ELEVATION.*

x1011.2 *DENOTES EXISTING ELEVATION.*

DENOTES DIRECTION OF DRAINAGE.

⊠ *DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)*

DENOTES EXISTING CONTOURS (1 FT. INTERVAL)

Lot 4, Block 21, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

Scale 1"= 20'	Drawn By: BAB	Project Manager: JER	Job No.: 09199HS
o Denotes Iron Set	● Denotes Iron Found	Bearings shown are on an assumed datum.	

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 17th day of July, 2009.

7/17/09: ADD HSE STAKING INFO BAB

License No. 41578

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

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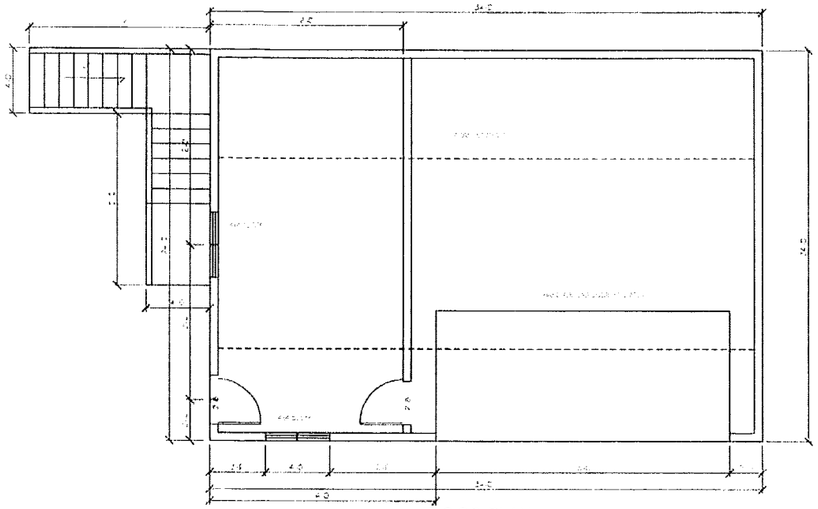
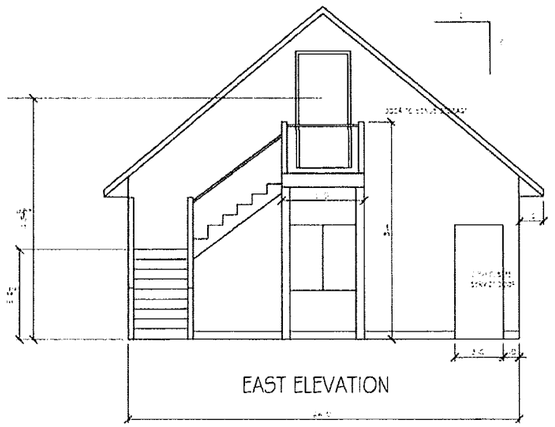
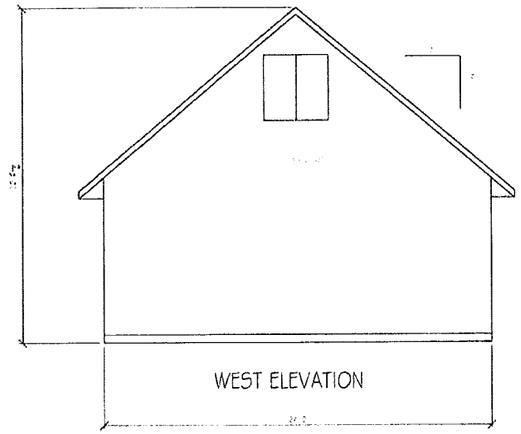


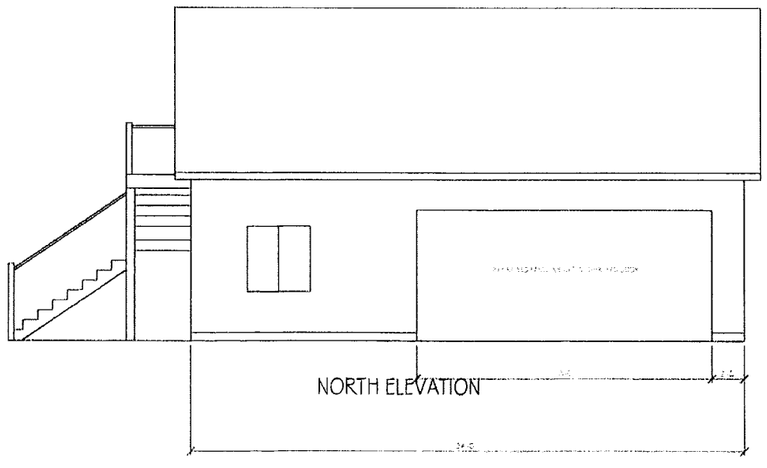
FLOOR PLAN



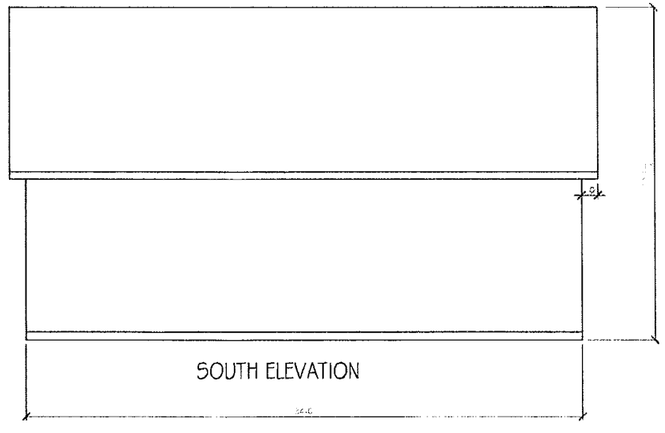
EAST ELEVATION



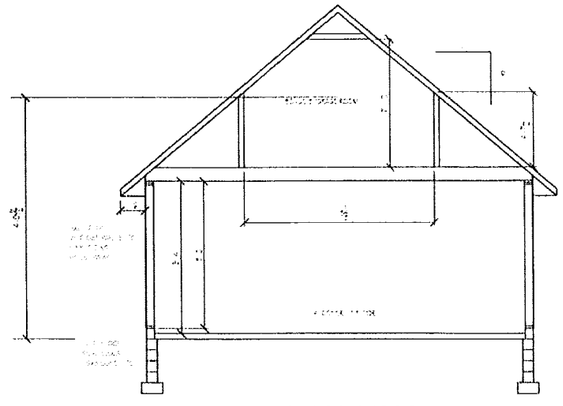
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



CROSS SECTION

NO	REVISION DATE	BY
1		
#2		
#3		
#4		

BALD EAGLE BUILDERS INC.

BRIAN CORCORAN
WHITE BEAR LAKE

ELEVATIONS

DRAWN BY:

CHECKED BY:

JOB NO:

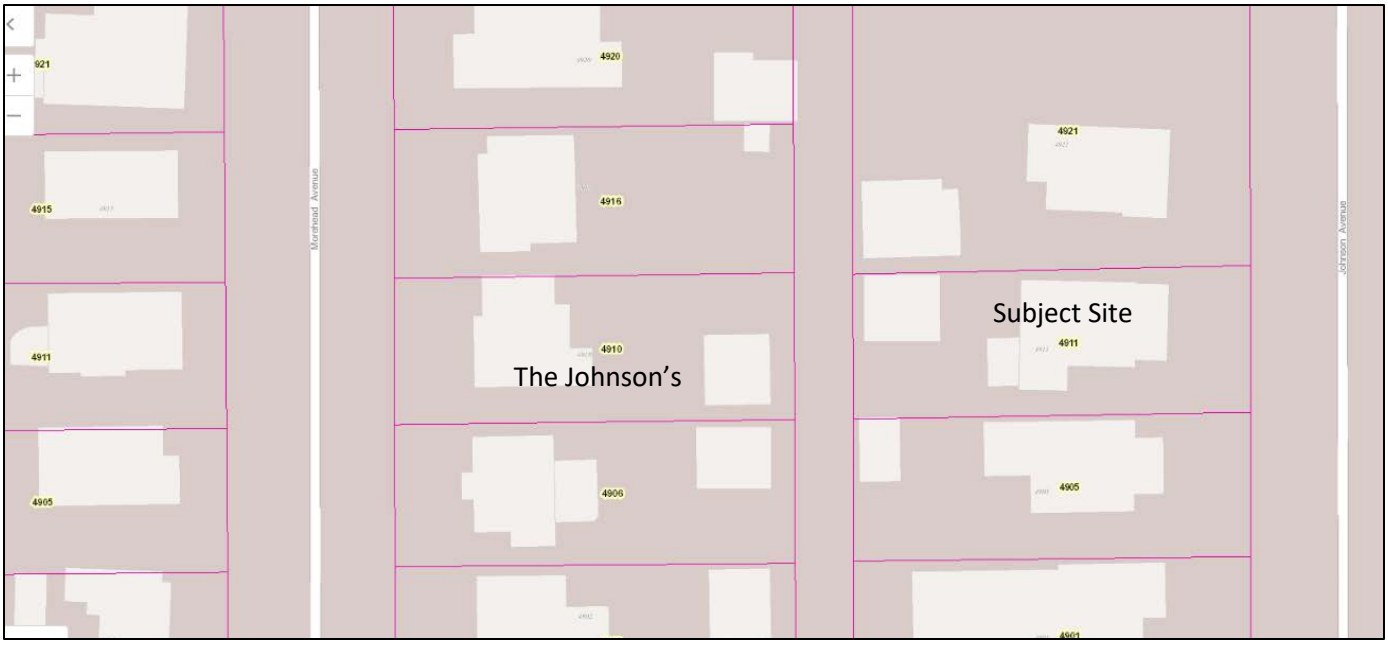
SHEET #

100

From: Jeff Johnson <jeffj@lifetechsolutions.com>
Sent: Friday, July 17, 2020 3:14 PM
To: Ashton Miller <amiller@whitebearlake.org>
Cc: Rossana Johnson <rossana@lifetechsolutions.com>
Subject: Case No. 20-3-SHOP, Tracy Corcoran

We support Brian & Tracy's efforts are 4911 Morehead Avenue. Great neighbors!

Jeff & Rossana Johnson
4910 Morehead Ave
WBL, MN



From: DAVID HOWE <dhowe55038@comcast.net>
Sent: Monday, July 20, 2020 4:56 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Case # 20-3-SHOP

To: City of White Bear Lake Planning Commission
From: David and Lynn Howe 4935 Johnson Avenue
Re: Special home occupation permit

House call veterinary euthanasia services are a valuable and a needed service for pet owners, they provide a great comfort in a difficult time. We believe this could be a home based business. We don't believe that having a pet disposal operation in a residential neighborhood is appropriate. In light of the fact that a building will be replaced and enlarged with a space specifically to accommodate this business, it would seem to be a commercial business and subject to commercial property taxes and regulation.

Who would oversee this operation? Is it subject to the Minnesota State Veterinary Board? Is a hazardous waste generator license required? As the waste water is discharged into the sewer system, is the lye neutralized and would it create a hazard for city workers? Having had the city sewer back up into my basement, would this create a dangerous situation? The sewer lines are in good shape now, will they be scoped periodically? We are also concerned that there would be an inventory of a caustic chemical stored in a residential area. This process requires heat, as well as water. What happens if there is a power outage half way through the process? Since Dr. Corcoran has a full-time job and the business is not inside her home, the business would be unattended most of the time. What would happen to the leftover "sand" if the owners did not want the remains back?

Blue Skies Veterinary service has three veterinarians and we would assume that all three would be using this service. Lastly, as Aquamation becomes more accepted and popular as an alternative to cremation, would this facility be available to other veterinarians? This may require expansion and additional equipment.

Sincerely, David and Lynn Howe

July 17 2020

City of White Bear MN Lake Planning Commission

City of White Bear Lake MN City Council

Re: case number 20-3-shop

1. A detached residential garage on Morehead Ave is not zoned for a business.
2. The Morehead Ave and 8th street neighborhood is not zoned for a business.
3. Currently there is too little parking space on the alley or on Morehead Ave for business parking.
4. Do not need a pet aquamation business in a residential detached garage in a residential area.
5. Consider the proper disposal of the chemical that would be used in pet aquamation.
6. Pet owners can use the existing pet aquamation businesses in the twin cities area.
7. Too much time, money and attention is being put on pets and pet services.

Thank you,

Resident on Morehead Ave, White Bear Lake MN

From: Tom Fuith <tfuith@comcast.net>
Sent: Wednesday, July 22, 2020 3:03 PM
To: Ashton Miller <amiller@whitebearlake.org>
Cc: tfuith@comcast.net
Subject: Special Home Occupation permit request

To whom it may concern

I own the property at 2280 8th Street and I recently received a letter asking for my opinion on a recent request to operate a Pet Aquamation business at 4911 Morehead by a Tracey Corcoran.

My comment is I am NOT in favor of this special occupation permit. I do not think this is the type of business that should operate in a residential area. While I am not an expert in the Pet Aquamation business I think there are too many questions about it and I am concerned about both the safety and the potential impact to property values.

We know times are tough due to COVID, but on the other hand there are a lot of properly zoned business areas either for sale or eagerly wanting renters and this would be an appropriate business there. NOT in a residential area. Also interest rates are at historic lows so it also is a good time to invest in a business.

Thank you for your allowing me to voice my opinion.

Respectfully
Tom Fuith

From: Steve Goranson <slgoranson@gmail.com>
Sent: Wednesday, July 22, 2020 8:08 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Case 20-3- SHOP

We have a few questions:

- Are there other communities in the Twin Cities that have allowed aquamation facilities in residential neighborhoods? If so, what has been the reaction in those neighborhoods?
- Do other aquamation facilities that are in commercially zoned areas have any special disposal protocols, or are their remains also disposed of in city sanitary sewers?
- You mentioned the MET Council and a "CUP from the city". We assume this means Conditional Use Permit. Is that different from the Special Home Occupation permit? And what does the MET Council require for a business operation such as this to do in order to receive approval to operate in a residential neighborhood?
- As for water usage: In Minnesota about 327 million gallons of water are withdrawn and delivered every day for domestic use, with the average Minnesota resident using 62 gallons per day in and around their home.*The National Environmental Education Foundation (NEEF)* Not 70 to 100 as stated.
- How many days per week do you anticipate operating the equipment?
- We see that some aqualine hydrolysis machines can accommodate up to 14 animals per usage. How will you store carcasses prior to aquamation in order to use the system efficiently?

And a comment: Certainly there are ample commercial properties available nearby that could easily be used for this purpose. Other than convenience and profitability for the business owners, we don't perceive a compelling reason for construction of a dead pet disposal facility in our residential neighborhood.

Steve Goranson and Marcia Jensen
4927 Morehead Avenue
White Bear Lake, MN 55110
Mobile 612.247.8299
slgoranson@gmail.com

From: Sandy Matzdorf <smatzdorf@gmail.com>
Sent: Thursday, July 23, 2020 9:34 AM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Input for Special Home Occupation Permit Case #20-3-SHOP that has been requested for Aquamation services at 4911 Morehead Avenue.

Below you will find my comments on the request by Tracy Corcoran, 4911 Morehead Avenue for a Special Home Occupation Permit - Case #20-3-SHOP

First and foremost this is a residential area. The business itself is quite unique. Since the solution that animals are "bathed" in goes directly into the sewer, will it harm our newly installed sewer system that your neighbors have all paid for? Will this have any effect on the lake? I have read that there is a drying process for the bones / remains. Drying makes sense but I am not an expert. If so where would this occur? Some people will want their pets remains returned to them and some won't. For the people who do not what want their pets remains what will happen to then? How are they disposed of? As you grow your business, is it your idea that people would "drop off" their deceased pets? If so I cannot imagine the health issues that this would bring to people...humans. As you know, the demographics of our neighborhood are drastically changing with the entrance of young families and children. Even though you would lock your garage you may forget or one of those curious little ones just might find a way in themselves. This is just too dangerous Moving on to the survey map for expansion it would appear that you would violate the amount of "green space" you are required to have in your yard. It is my opinion that this is not a neighborhood business and is best located in a commercially zoned business location and not in a neighborhood setting. Quite honestly, I am shocked that you would even consider having this business in our neighborhood. I am very much against granting the requested Special Home Occupation Permit Case #20-3-SHOP that has been requested for Aquamation services at 4911 Morehead Avenue.

Sandy Matzdorf
4890 Stewart Avenue

From: Lynne Arnold-Walker <lynne.arnold-walker@moundsviewschools.org>
Sent: Thursday, July 23, 2020 1:31 PM
To: Ashton Miller <amiller@whitebearlake.org>
Cc: warren.e.stark@gmail.com; JWalker <jwalker59663@gmail.com>
Subject: Case #20-3-SHOP

My husband and I live right next door to the Corcoran's and our 89 year old Uncle lives 1 block south of the Corcoran property. ALL 3 of us are in 100% AGREEMENT of this request.
The Aquamation process is environmentally safe and will NOT be noticed by the neighbors or add any additional traffic to the alley.
I hope you don't have a pet that you need to use Blue Skies service but if and when you do, knowing the process of this service and Tracy & Brian's commitment to all their research to what is best for the pets after body care and environment's safety makes this request a no brainer.

If you have any other questions, please feel free to contact us at: 651-426-9636

Thank You,
Lynne Arnold-Walker, Jon Walker and Warren Stark

From: Molly Bonin <mmbonin47@gmail.com>
Sent: Thursday, July 23, 2020 3:35 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Public Hearing July 27

I'm writing about the request for a pet Aquamation business in a garage at 4911 Morehead.
It sounds like this would be a great service for families and an easy way for a Veterinarian to do business. And I like the idea of an environmentally safe process. However I am concerned that this would be a commercial business in a residential neighborhood, with many children in the area, especially since it deals with the death of pets. Therefore I would be opposed to granting this request.
Molly Bonin
4905 Johnson Ave.

City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: July 20 for July 27, 2020 Planning Commission Meeting

SUBJECT: **Lowell Variance, 2189 12th Street – Case No. 20-11-V**

REQUEST

The applicants, Chad and Charles Lowell, are requesting a 19 foot variance from the 80 foot lot width requirement for a duplex in the R-5 zoning district, and two one foot variances from the ten foot side yard setback from both side property lines in order to construct a 43 foot wide duplex on a 61 foot wide lot.

SITE CHARACTERISTICS

The subject site is located on the north side of 12th Street and west of Long Avenue. The mostly flat, sporadically wooded lot has been vacant since 2012 when a single-family home and detached garage were demolished.

BACKGROUND

2189 12th Street originally included the parcel that is now 2195 12th Street. The two lots were split in 1991, so a house could be built on the front portion of 2195 12th Street, with hope that the back portion would someday be subdivided into residential lots.

ZONING/ COMPREHENSIVE PLAN

The subject site is zoned R-5, Single Family – Two Family Medium Density Residential, as are the properties to the east, west and north. The properties to the south are R-3, Single Family Residential.

The proposal is consistent with the comprehensive plan, which designates the area as low density residential.

APPLICANT'S PRACTICAL DIFFICULTY

The zoning code requires wider lots for duplexes than for single-family homes. The lot meets the 60 foot lot width requirement for single family homes in the R-5 zoning district. The 12,200 square foot property has the required square footage for a duplex, which is 5,000 square feet per unit; it just happens to be a long narrow lot.

ANALYSIS

The 61 foot wide parcel is consistent in character with the immediate neighborhood, as many of the surrounding parcels are 60 feet wide. Consequently, staff is generally supportive of the request, so long as the duplex is also consistent in character with the immediate neighborhood. The applicants are proposing a number of design features that will achieve this.

There are several other garage forward houses along this block of 12th Street, including the two houses directly east, so the proposed design matches surrounding homes. The garages themselves are only one stall, so do not overtake the whole front of the home. They are staggered, breaking up the walls, and minimizing the visual impact of the garages. The garage doors also feature windows, giving it a higher level of architectural design than most typical garages.

The front stoops are open, which provide balance to the appearance. There is a proposed mix of exterior materials, which enhances the character of the design. To further increase the level of architectural detail, staff encourages the applicants to consider incorporating brick or stone to the bottom portion of the duplex.

The proposed layout complies with all other aspects of the code. Several trees will need to be removed as a part of this project, so the applicants will need to submit a tree preservation and replacement plan before construction begins.

Finally, staff received one email regarding the proposal from the neighbor to the west. The neighbor asked that a privacy fence be installed between the two parcels. The Planning Commission could add this as a condition if it believes it to be warranted.

SUMMARY

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the Comp Plan, and it is in harmony with the intent of the Zoning Code) then the criteria have been met.

RECOMMENDATION

Staff recommends approval as requested 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. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

4. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

5. Submit tree preservation calculations and a replacement plan, subject to staff approval.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative (1 page) & Plans (6 pages)
4. Neighbor Email

RESOLUTION NO. _____

**RESOLUTION GRANTING THREE VARIANCES
FOR 2189 12th STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-11-V) has been submitted by Charles Lowell to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2189 12th Street

LEGAL DESCRIPTION: Attached as Exhibit A

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 19 foot variance from the 80 foot lot width requirement for a duplex in the R-5 zoning district, per Code Section 1303.070, Subd.b.2, and two one foot variances from the ten foot side yard setback from both site property lines, per Code Section 1303.070, Subd.5.c.2, in order to construct a 43 foot wide duplex on a 61 foot wide lot; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance 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 requested variance will not:
   a. Impair an adequate supply of light and air to adjacent property.
   b. Unreasonably increase the congestion in the public street.
   c. Increase the danger of fire or endanger the public safety.
   d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.

3. The variance will be in harmony with the general purpose and intent of the City Code.

4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, 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. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

4. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit, the applicant shall:

5. Submit tree preservation calculations and a replacement plan, subject to staff approval.

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

Ayes:
Nays:
Passed:

_____
Jo Emerson, Mayor

ATTEST:

_____
Kara Coustry, City Clerk

****

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

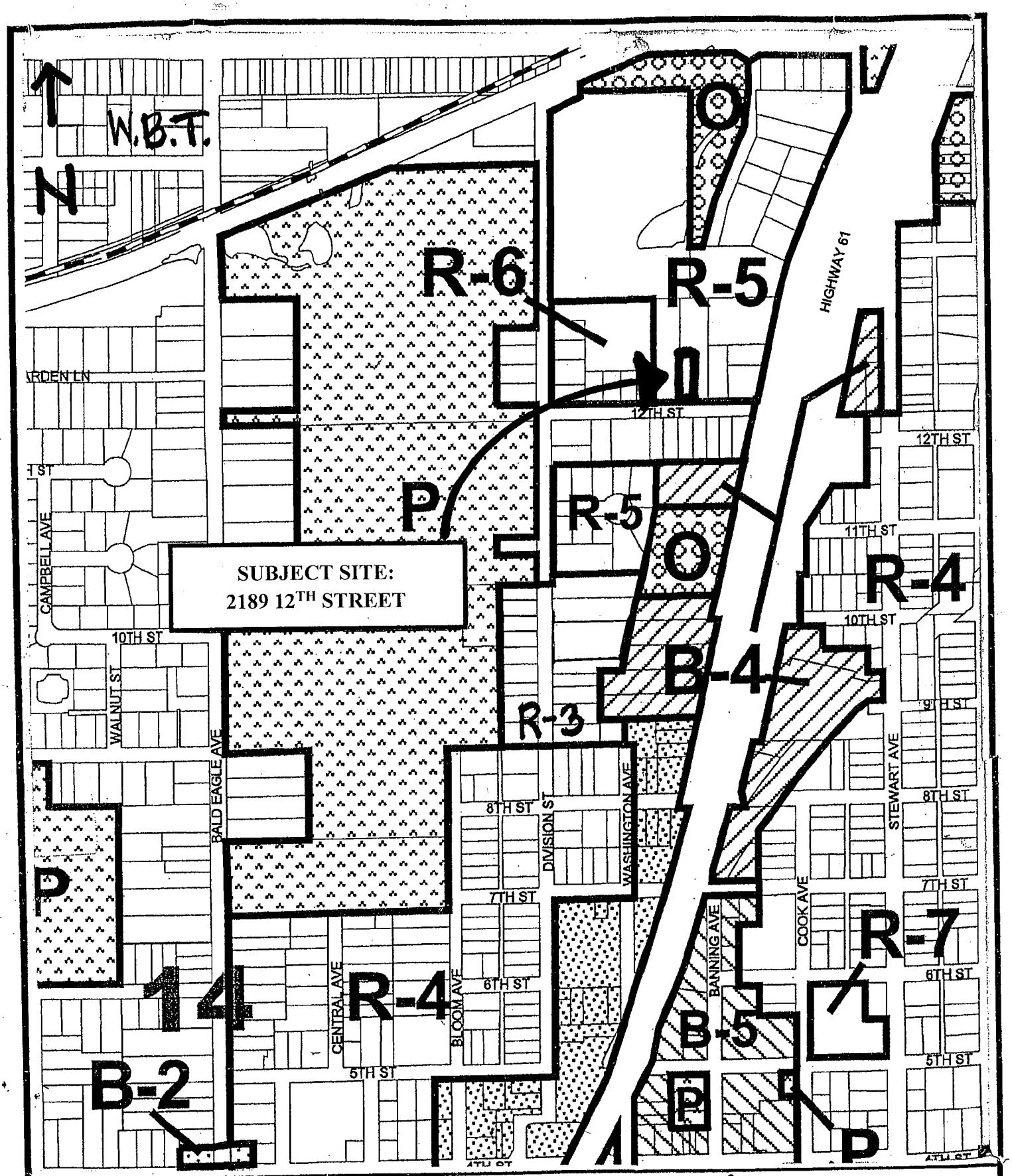
_____ _____

Charles Lowell Date

EXHIBIT A

LEGAL DESCRIPTION

The south 200.00 feet of the west 61.0 feet of the following described parcel: the easterly 115 feet of the westerly 227 feet of the following described tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 11, Township 30, Range 22, described as follows: commencing at the southwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 30, Range 22; thence east on the Section line between Sections 11 and 14 of the above named Township and Range, 450.5 feet; thence north and parallel with the west line of said Section, 66 feet to a stake on the north side of the road for the place of beginning of the land to be described; running thence east 485.15 feet, more or less, to the west line of the right of way of the St. Paul and Duluth Railroad, (now a branch of the Northern Pacific Railroad); thence northeasterly along the west line of said right of way of said railroad. 420 feet, more or less, to a stake or point 1028.5 feet east of the line of said Southeast Quarter of the Southeast Quarter of said Section 11; thence west and parallel to the south line of said Section 11, 578 feet, to a stake or point; thence south 417.35 feet to the place of beginning.



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 20-11-V

CASE NAME : Lowell

DATE : July 27, 2020

June 10, 2020

City Council:

My name is Chad Lowell. I am a White Bear Lake resident. I am requesting a variance to build a duplex at 2189 12th Street in the city of White Bear Lake. It is zoned R5. My father will be assisting me in the building process.

There was a house on it which was torn down when my father purchased it a few years ago. My father also owns a house and a duplex east of the property. There are 2 acres behind the homes which he also owns.

He bought it hoping I could build on it someday. I am a single father with custody of a 4 year old son. Building a duplex on this property would be an opportunity for me to not only build my own home but be able to afford it. I currently work in Hugo at Schweiters Company.

The lot is 61'w x 200'd. The duplex is 43'w x 63'd. I am asking for a 1 foot variance on each side. This would be on the east and west side. I have contacted the neighbor west of the property, Bob and Andre Letourneau and they are fine with the variance.

Chad Lowell

200588HS

CERTIFICATE OF SURVEY

~for~ CHUCK AND LORI LOWELL
~of~ 2189 12TH STREET
WHITE BEAR LAKE, MN

LEGAL DESCRIPTION

(PER DOC. NO. 4351005)

The south 200.00 feet of the west 61.0 feet of the following described parcel: the easterly 115 feet of the westerly 227 feet of the following described tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 11, Township 30, Range 22, described as follows: commencing at the southwest corner of the Southeast Quarter of the Southeast Quarter of Section 11, Township 30, Range 22; thence east on the Section line between Sections 11 and 14 of the above named Township and Range, 450.5 feet; thence north and parallel with the west line of said Section, 66 feet to a stake on the north side of the road for the place of beginning of the land to be described; running thence east 485.15 feet, more or less, to the west line of the right of way of the St. Paul and Duluth Railroad, (now a branch of the Northern Pacific Railroad); thence northeasterly along the west line of said right of way of said railroad. 420 feet, more or less, to a stake or point 1028.5 feet east of the west line of said Southeast Quarter of the Southeast Quarter of said Section 11; thence west and parallel to the south line of said Section 11, 578 feet, to a stake or point; thence south 417.35 feet to the place of beginning.

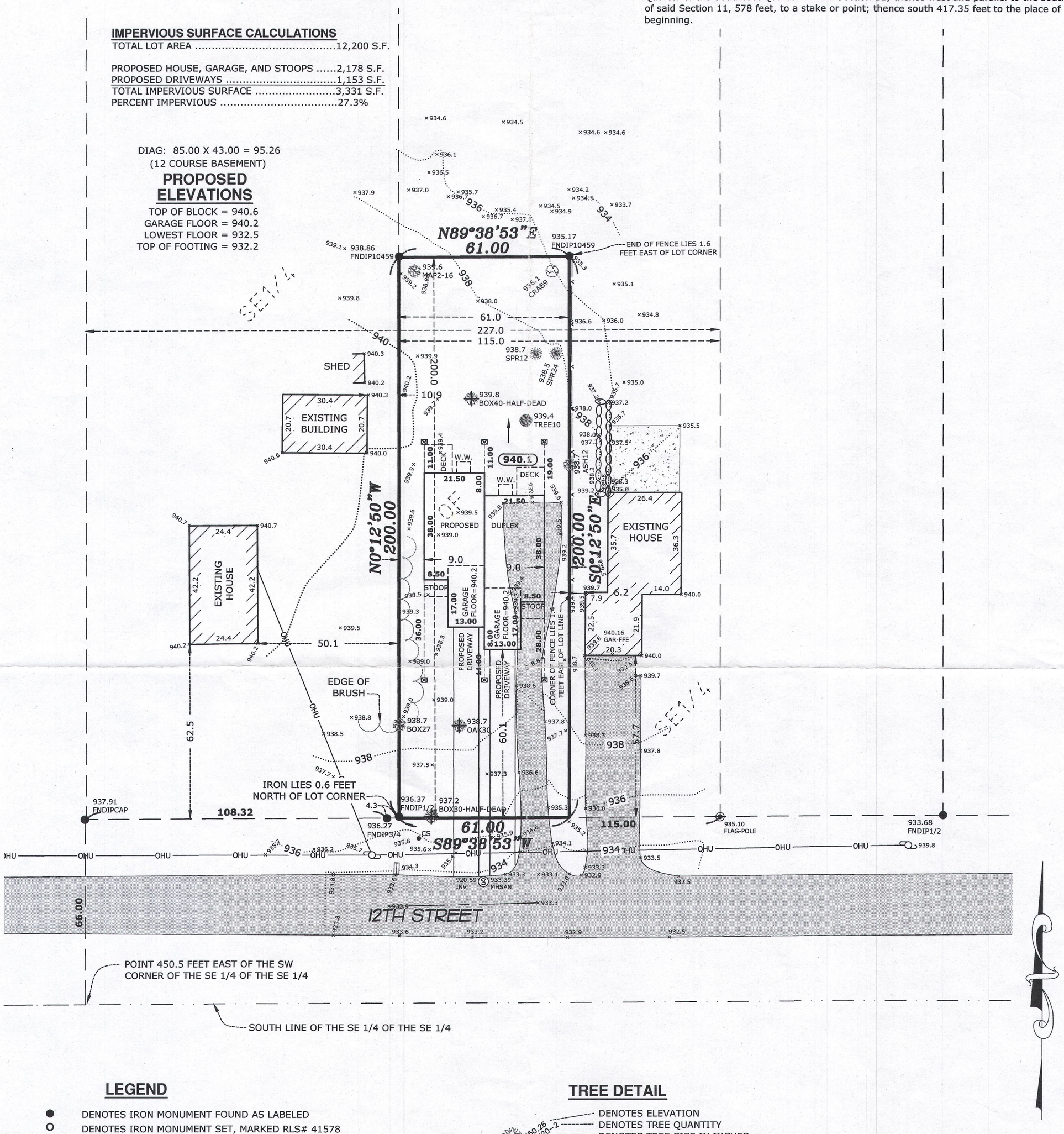
IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA	12,200 S.F.
PROPOSED HOUSE, GARAGE, AND STOOPS	2,178 S.F.
PROPOSED DRIVEWAYS	1,153 S.F.
TOTAL IMPERVIOUS SURFACE	3,331 S.F.
PERCENT IMPERVIOUS	27.3%

DIAG: 85.00 X 43.00 = 95.26
(12 COURSE BASEMENT)

PROPOSED ELEVATIONS

TOP OF BLOCK = 940.6
GARAGE FLOOR = 940.2
LOWEST FLOOR = 932.5
TOP OF FOOTING = 932.2



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES BOLLARD
- CS DENOTES CURB STOP
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES MAILBOX
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- OHU DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

TREE DETAIL

950.26 OAK20-2

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

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 06/04/20.
- Bearings shown are on Ramsey County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Benchmark: Ramsey County Benchmark #9076 Elevation = 935.91 (NAVD 88)

* BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
* DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
* FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

GRAPHIC SCALE

30 0 15 30 60

1 INCH = 30 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 Registered Land Surveyor under the laws of the State of Minnesota.

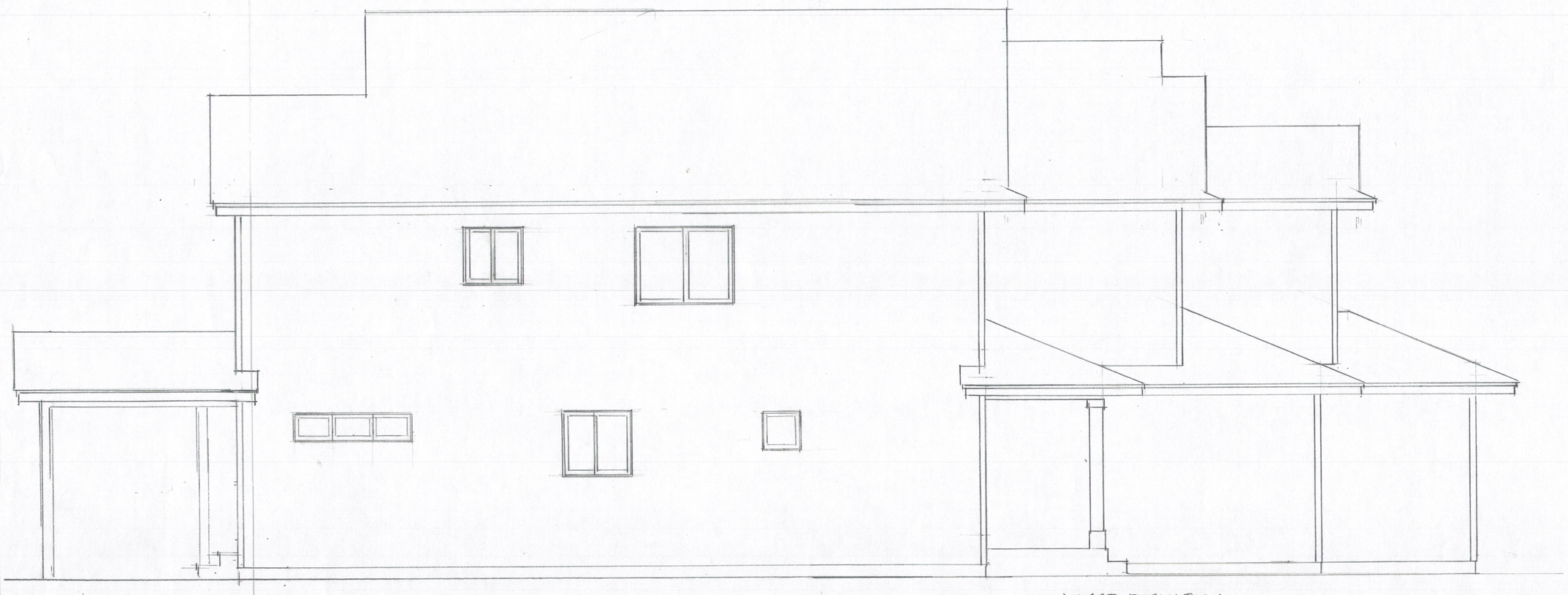
JASON E. RUD

Date: 06/11/2020 License No. 41578

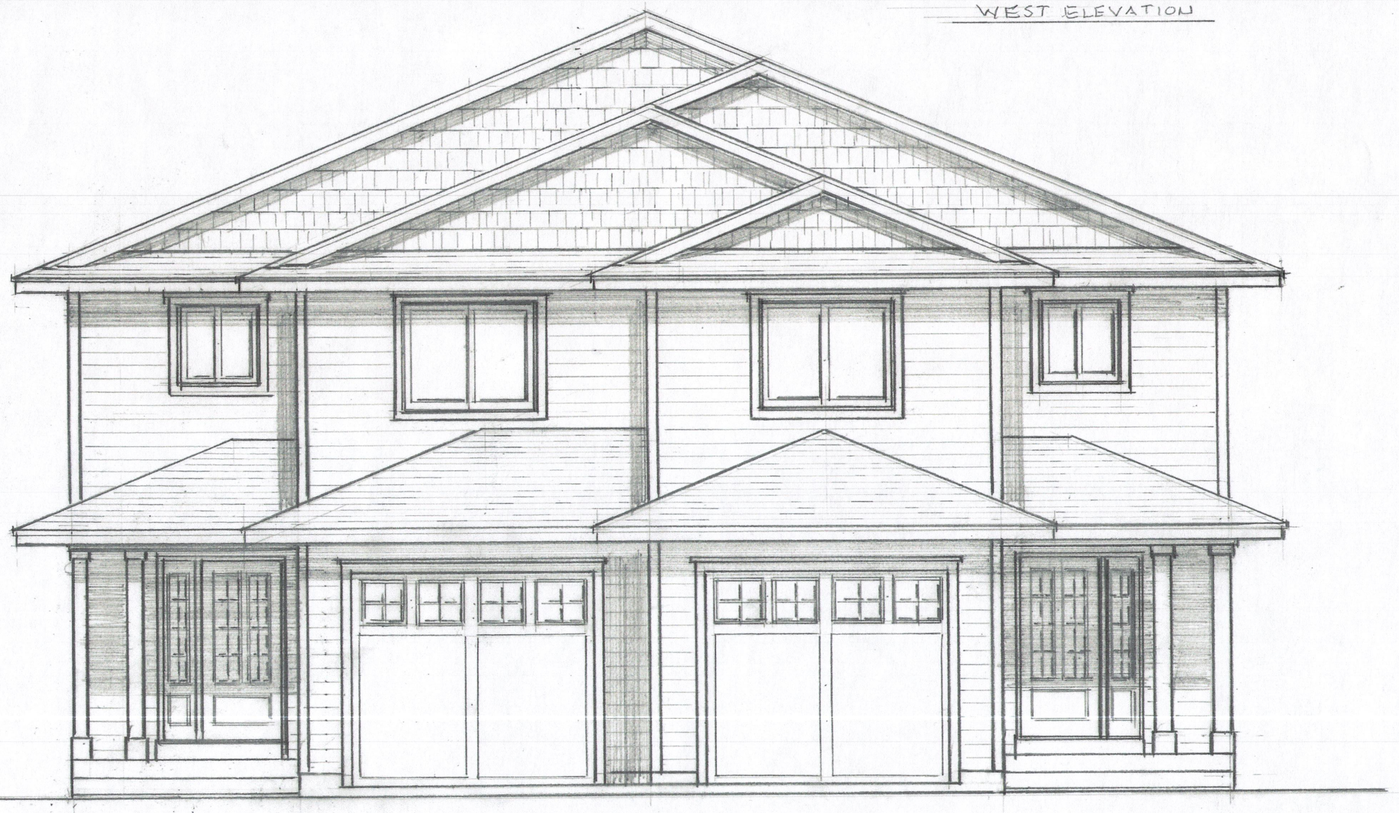
DRAWN BY: BCD		JOB NO: 200588HS	DATE: 06/11/20
CHECK BY: JER		FIELD CREW: JH/CB	
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

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

CONTRACTOR TO VERIFY ALL
INFORMATIONS AND DIMENSIONS
BEFORE CONSTRUCTION AND BE
RESPONSIBLE FOR SAME



WEST ELEVATION



SOUTH ELEVATION

CHUCK LOWELL
651-245-3123

CARLSON DESIGN
651-429-7695
13753 FOREST BLVD. HUGO, MN

6-2-20

1/4"=1'-0

1 OF 6

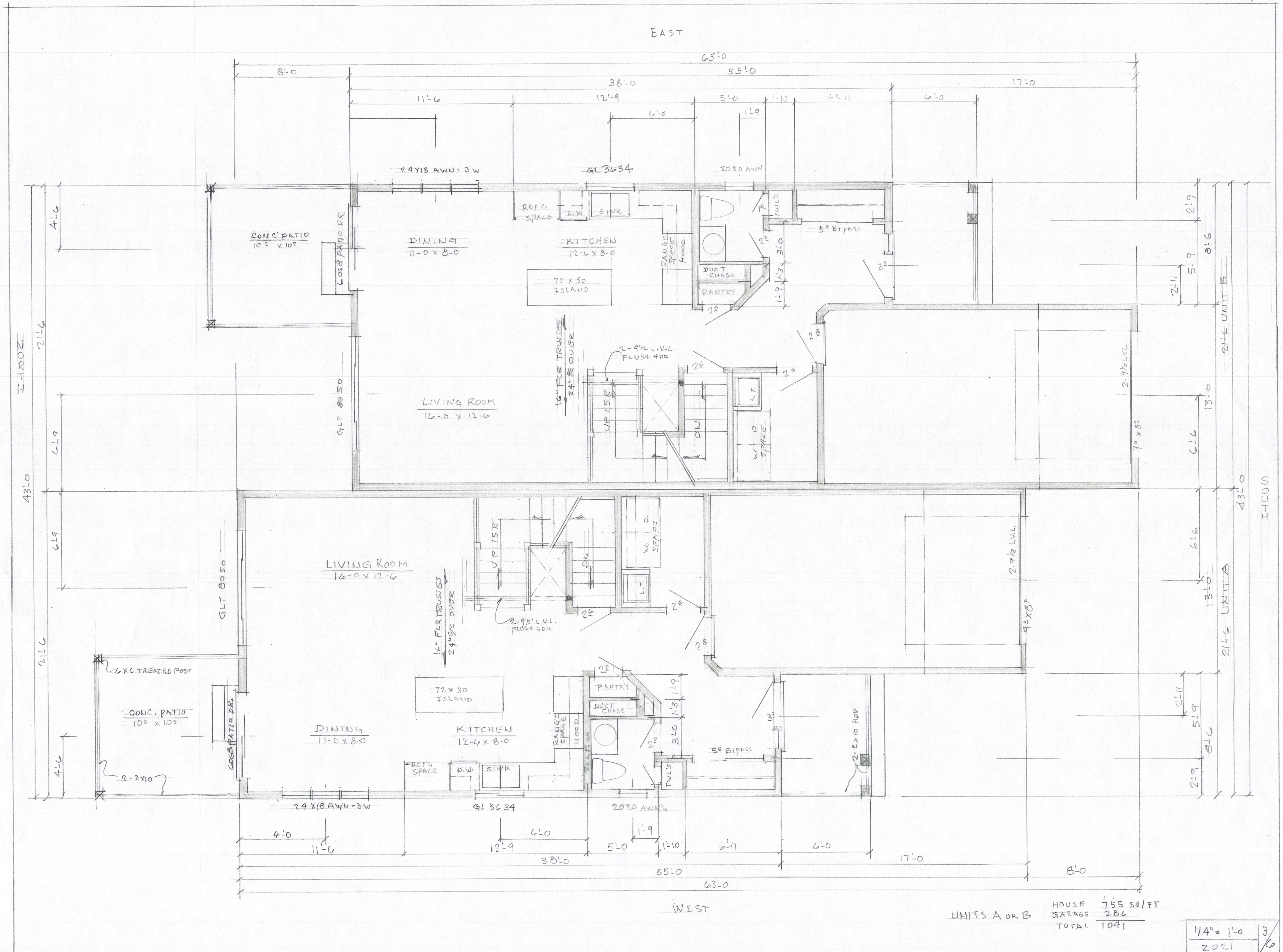
2021

EAST

62'-10
54'-10
38'-2
2"
8'-0
10'-0
16'-8
4"
6'-8
2"
2" RIGID INSUL. (R10)
10-0
UNEX
DUCT CHASE ABOVE
8'-6
21'-8
13-7
16" FLR. TRUSSES 24" OC OVER
9'-9
AREAWAY 4 SUNKEN
GL 4636
UP 15R
6'-4
13-2
UNEXCAVATED
NORTH
21'-4
42'-8
6'-9
2"
GL 4636
UP 15R
12"
45'-0
SOUTH
15-7
16" FLR TRUSSES 24" OC OVER
9'-9
12'-10
6'-6
21'-4
21'-4
12"x8" CONC FTG 6 #6 BE TREATED POST
10-0
DUCT CHASE ABOVE
UNEX.
8'-6
2"
2" RIGID INSUL. (R-10)
10'-0
4"
6'-8
16'-8
8'-0
38'-2
54-10
62'-10

WEST

1/4" = 1'-0
2021
2/6

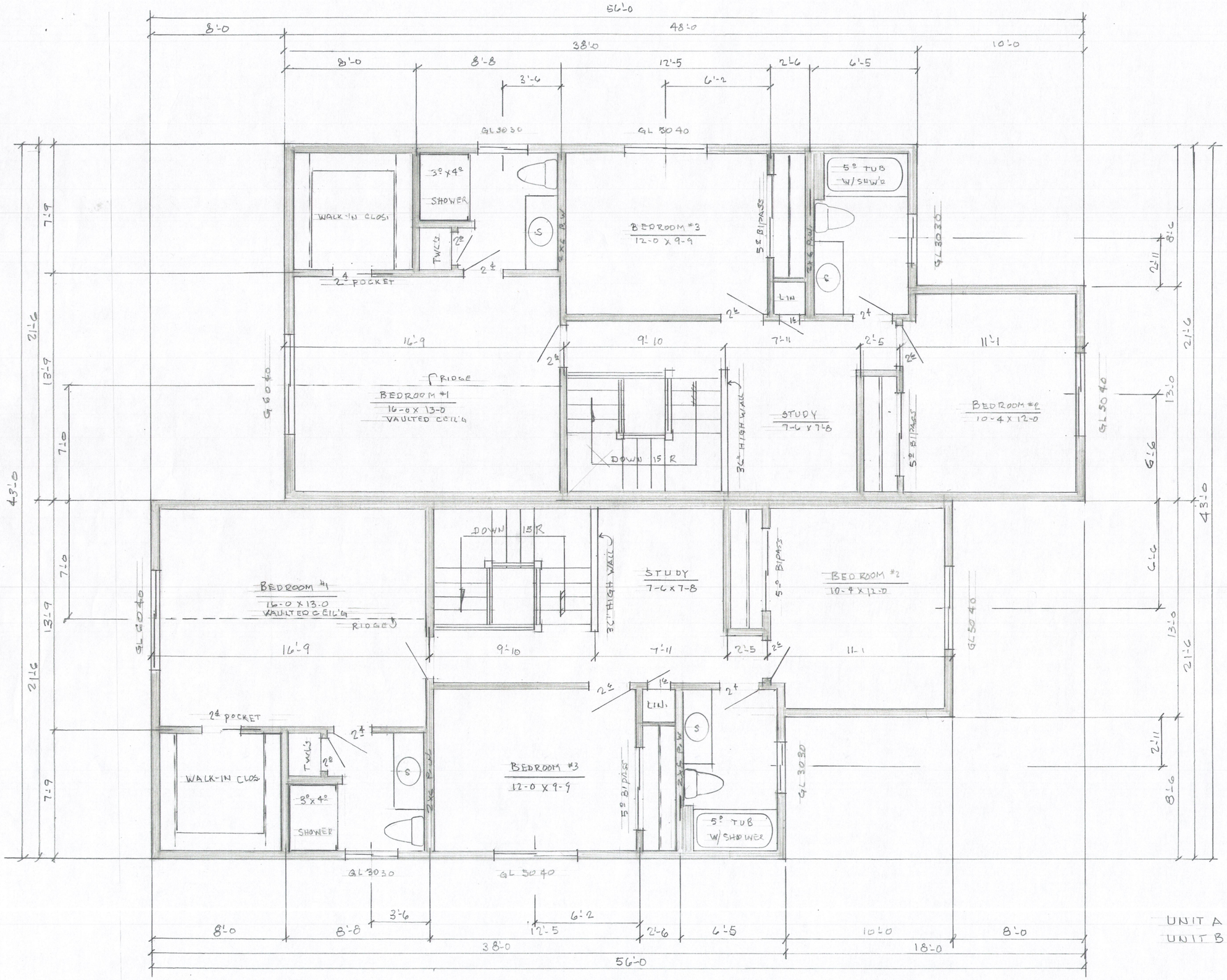

EAST
63'-0
8'-0
55'-0
38'-0
17'-0
CONC. PATIO
10² x 10²
DINING
11-0 x 8-0
KITCHEN
12-4 x 8-0
72 x 30
ISLAND
REF'G SPACE
D/W
SINK
RANGE SPACE HOOD
DUCT CHASE
PANTRY
5⁰ BIPASS
24X18 AWN - 3W
GL 3634
2020 AWN
6068 PATIO DR
LIVING ROOM
16-0 x 12-6
GLT 8050
16" FLR TRUSSES 24" O/C OVER
2-9½ L.V.L. FLUSH HDR
UP 15R
DN
W/D SPACE
L.T.
2-9½ L.V.L.
9⁰ x 8⁰
UNIT B
LIVING ROOM
16-0 x 12-4
GLT 8050
16" FLR TRUSSES 24" O/C OVER
2-9½ L.V.L. FLUSH HDR
UP 15R
DN
W/D SPACE
L.T.
2-9½ L.V.L.
9⁰ x 8⁰
6x6 TREATED POST
CONC. PATIO
10² x 10²
6068 PATIO DR.
2-2x10
DINING
11-0 x 8-0
KITCHEN
12-4 x 8-0
72 x 30
ISLAND
REF'G SPACE
D.W.
SINK
RANGE SPACE HOOD
DUCT CHASE
PANTRY
5⁰ BIPASS
2-2x10 HDR
24 X 18 AWN - 3W
GL 3634
2020 AWN'G
UNIT A
WEST
UNITS A or B
HOUSE 755 SQ/FT
GARAGE 286
TOTAL 1041
1/4" = 1'-0
2021
3/6

EAST

WEST

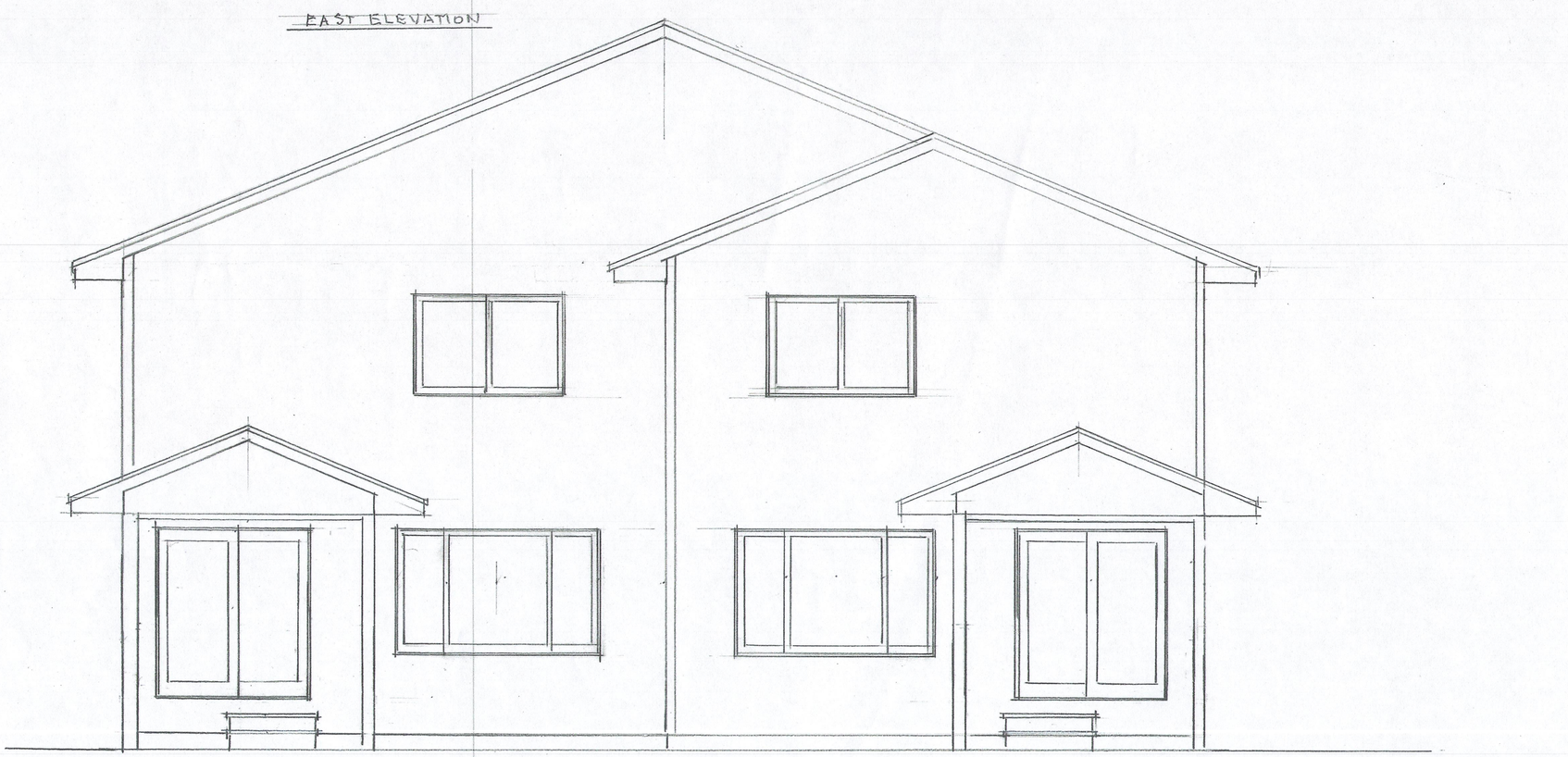
NORTH

SOUTH



1/4"=1'-0	4/6
2021	

EAST ELEVATION



NORTH ELEVATION

1/4" = 1'-0	6/6
2021	

Ashton Miller

From: Hdr1996 <hdr1996@aol.com>
Sent: Wednesday, July 22, 2020 11:25 PM
To: Ashton Miller
Subject: hearing notice case no.20-11-v

hi i am robert letourneau i live on the lot west of 2189 12th street. that lot seems small for a duplex to me.If its goes through i would like a privacy fence on my side like the one on the other side of that lot. Thank you

City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: July 20, for July 27, 2020 Planning Commission Meeting

SUBJECT: **Peyton Variance, 1943 Oak Knoll Drive – Case No. 20-12-V**

REQUEST

The applicants, Warren and Amanda Peyton, are requesting a two foot height variance from the four foot height limit for a fence in the front yard, in order to construct a six foot tall fence along a portion of the north property line.

SITE CHARACTERISTICS

The subject site is located at the southwest corner of Birch Street and Oak Knoll Drive. The front of the home faces Oak Knoll Drive and the attached garage accesses Birch Street. There is currently a four foot fence that extends along the northern property line.

ZONING

The subject site is zoned R-3, Single Family Residential, as are all the surrounding properties.

APPLICANT'S PRACTICAL DIFFICULTY

See attached narrative.

ANALYSIS

The zoning code does not allow six foot fences in the front yard. On corner lots, where two sides abut a public right of way, the zoning code states that the front is defined as the shorter of the two sides. In this case, the side that abuts Birch Street is 139.4 feet, while the side that abuts Oak Knoll Drive is 157.11 feet, a difference of a little over 17 feet. A slight change to the lot line dimensions and the applicants would be able to build the fence by right, since they are proposing a twelve foot setback.

Since the home both faces and is addressed to Oak Knoll Drive, it seems reasonable to consider that side to be the front. The applicants are not proposing a six foot fence in this yard, so staff finds that the intent of the code is being met, as one yard abutting a public right-of-way will remain open, and the other yard abutting a public right-of-way will meet the twelve foot setback requirement.

The proposed fence will not impede pedestrian and vehicle sight lines at the intersection, and at roughly 30 feet back from the curb, will provide the required open space for driveway visibility. The applicants are proposing several plantings to soften the appearance of the fence and minimize the impact on any surrounding neighbors.

SUMMARY

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the Comp Plan, and it is in harmony with the intent of the Zoning Code) then the criteria have been met.

RECOMMENDATION

Staff recommends approval as requested 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. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

4. A zoning permit shall be obtained before any work begins.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative (2 pages) & Plans (2 Pages)
4. Neighbor Signature Support Map
5. Neighbor Comment

RESOLUTION NO. _____

**RESOLUTION GRANTING A VARIANCE
FOR 1943 OAK KNOLL DRIVE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-12-V) has been submitted by Warren and Amanda Peyton to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 1943 Oak Knoll Drive

LEGAL DESCRIPTION: Lot 1, Block 2, Lakewood Hills, Ramsey County, Minnesota (PID: 263022240025)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A two foot variance from the four foot height limit for a fence in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to construct a six foot tall fence along a portion of the north property line; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance 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 requested variance will not:
   a. Impair an adequate supply of light and air to adjacent property.
   b. Unreasonably increase the congestion in the public street.
   c. Increase the danger of fire or endanger the public safety.
   d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.

3. The variance will be in harmony with the general purpose and intent of the City Code.

4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, 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. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

4. A zoning permit shall be obtained before any work begins.

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

Ayes:
Nays:
Passed:

_____
Jo Emerson, Mayor

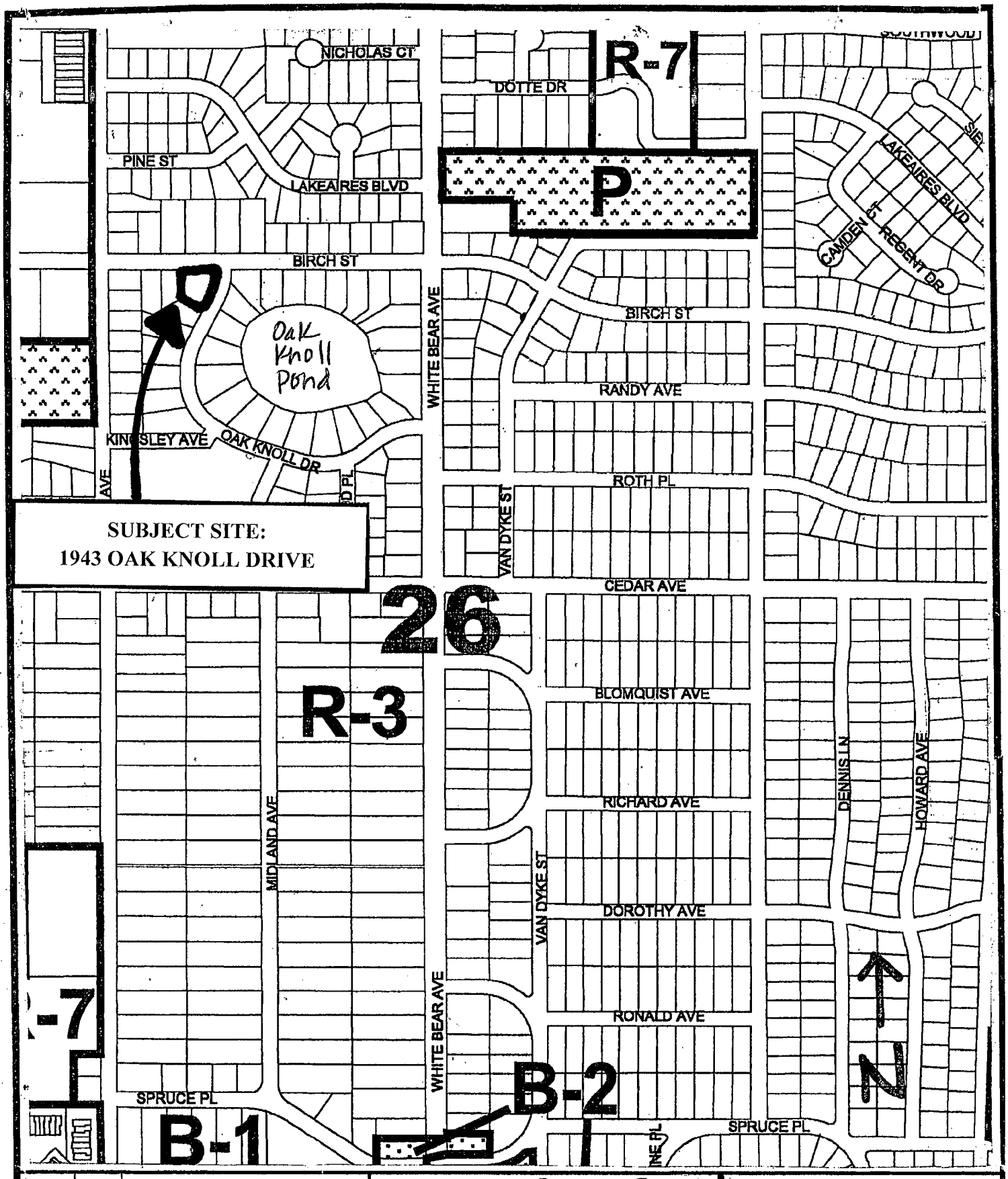
ATTEST:

_____
Kara Coustry, City Clerk

****

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

_____ _____
Warren Peyton / Amanda Peyton Date



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 20-12-V

CASE NAME : Peyton

DATE : July 27, 2020

Our home is on a corner lot. The longest side facing a street is on Oak Knoll Drive. The shorter of the street adjacent sides is along Birch Street. I understand that the municipal code would consider Oak Knoll Drive to be my equivalent side yard and Birch Street to be my front yard. The house is situated such that Oak Knoll Drive is my address, the location of my front door and aesthetically the front of my property. I would like a variance in the municipal code to allow the construction of a six foot tall vinyl privacy fence as if it were my equivalent side yard in accordance with the requirements listed in §1302.030. Subd.6.h.4. We believe that the proposed fence would be constructed in such a manner and location as to ensure clear lines of sight for pedestrians and vehicles on Birch Street as well as Oak Knoll Drive. Attached to this narrative are several photos of my property, the proposed location of the new fence, and examples of other corner lots in our area that utilize six foot tall privacy fences as an example of our proposed fence being in keeping with the existing neighborhood aesthetic.

The primary reason we would like to change our fence from the current four foot tall chain-link fence to a six foot tall privacy fence is that we have a dog who jumps over the fence when pedestrians, cyclists, or dogs on leashes are seen on Birch Street. Our proposed fence is tall enough to adequately contain the dog. It is also to be constructed in a manner which would minimize barking by limiting his observation of pedestrians etc. In addition to containing our dog, it would also allow us to have a modicum of privacy in our back yard. The current fence does not shield us in anyway from anyone who cares to observe us. We understand that there is no reasonable expectation of privacy if something can be observed or photographed with or without consent from a public right of way. We have two young children and do not wish to put them at unnecessary risk. A privacy fence would give us peace of mind when our children are playing in our backyard.

We have discussed our proposed fence with our neighbors, we have received no objections to our proposed fence. Attached are notes of approval from those who would be directly impacted. This includes the neighbors directly abutting our property on both sides, as well as those across the street who currently have a direct view into our back yard.

The proposed fence is of a type which requires minimal maintenance and is to be installed by a reputable contractor. Our intention is not to disrupt the "flow" of the neighborhood, but rather to enhance the experience of those who walk along birch street by minimizing the noise our dog makes, as well as safely containing him. Attached are photos of the fence we intend to install as well as the overall aesthetic we intend to create. Including a layer of greenery near the base of the fence to "soften" the appearance of the fence.

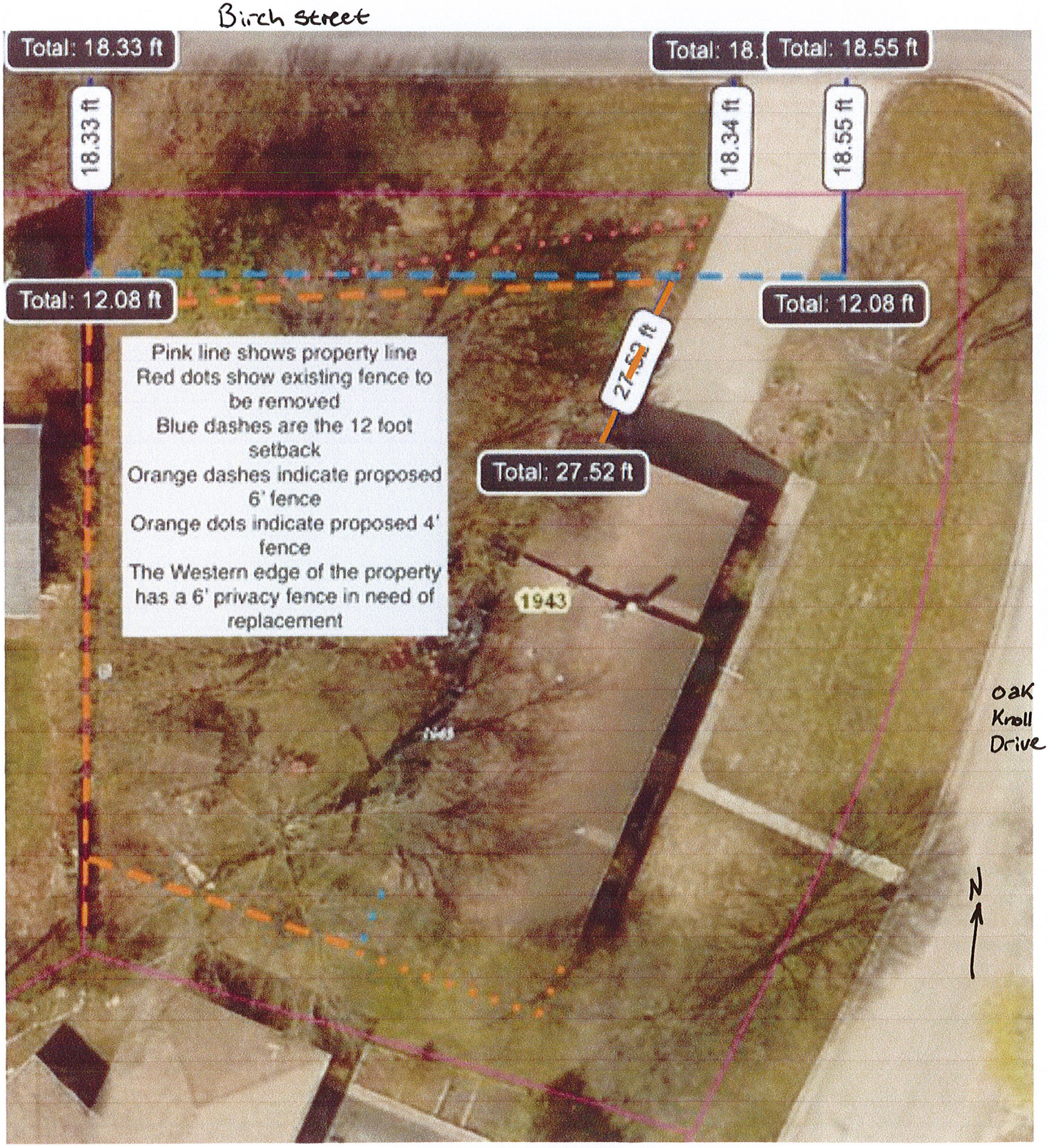
The six foot section would encompass the entirety of the backyard (a few feet in from current fence to ensure that the twelve foot setback from property line on a side yard is adhered to). A section four feet in height would be installed along the common front building line and back to the rear of the house, connecting with the six foot section behind the house.

It is our belief that this variance is in keeping with the feel of the neighborhood; makes sense for our needs; and meets the intent of the municipal code. This fence is not being requested to spite anyone. We believe this fence is for the betterment of our neighborhood and my family. We appreciate your consideration and hope that you feel we are not attempting to circumvent the municipal code, but rather ask for an interpretation of the intent of the code which, is occasionally difficult to apply the blanket code to all individual circumstances.

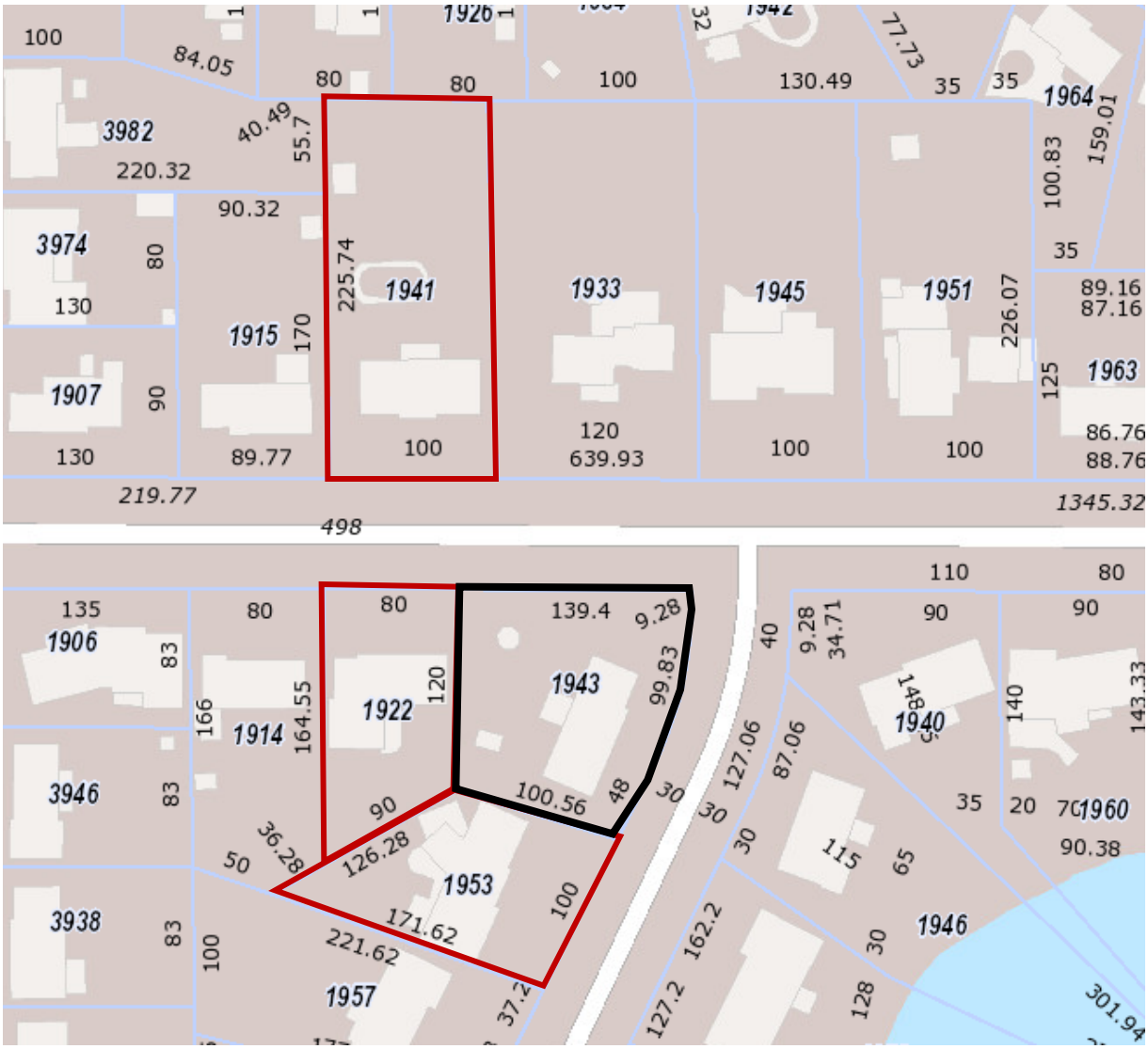
I have included sections of the municipal code below for easy reference, which I believe are germane to this request.

§1302.030. Subd.6.h.4) In residential districts, no fence or wall more than four (4) feet in height shall be constructed within any required front yard. At the intersection of corner lot lines, the height is limited to thirty (30) inches in height (See Municipal Code Section 904.010). On corner lots in residential districts, both yards abutting a right-of-way shall be considered a front yard. A fence up to six (6) feet in height may be allowed within a front yard which qualifies as an equivalent side yard abutting a public right-of-way provided that it is setback at least 12 feet from the property line and does not impede safety by obstructing vision for pedestrians or motor vehicle operators. At no point shall a fence greater than four (4) feet in height be located in front of the front building line of the principal structure. Chain link fences are not permitted in front yards, not including side yard areas otherwise defined as a front yard. (Ref. Ord. 10-1-1062, 1/12/10)

§1301.030 ZONING CODE §1301.030 Subd. 2. "B" Definitions: Common Front Building Line. In residential districts, the common front building line shall be a line between the two corners of the structure closest to the street right-of-way, except for structures on a corner lot, where the common front building line shall be the longest line between two corners of the structure, which are adjacent to a street right-of-way. (Ref. Ord. 04-10-1024, 10/12/04)


Birch Street
Total: 18.33 ft
18.33 ft
Total: 18.
18.34 ft
Total: 18.55 ft
18.55 ft
Total: 12.08 ft
Total: 12.08 ft
Pink line shows property line
Red dots show existing fence to be removed
Blue dashes are the 12 foot setback
Orange dashes indicate proposed 6' fence
Orange dots indicate proposed 4' fence
The Western edge of the property has a 6' privacy fence in need of replacement
Total: 27.52 ft
1943
Oak Knoll Drive
N

Example of proposed style, color and shape of fence provided by Northland Fence (contractor selected for fence construction). The difference would be the greenery, it is our intention to use hostas in place of the shrubs.



Subject Site

Neighbors who have submitted signatures of support

Date: July 22, 2020

RE: Public Hearing Notice Written Comments Submission
Variance Request (Case No. 20-12-V), 1943 Oak Knoll Drive

To: City of White Bear Lake Planning Commission

From: John Gertz, 1933 Birch Street, White Bear Lake, MN 55110

Planning Commission Members,

Thank you for the opportunity to comment on the variance request noted above. I live directly across the street from Warren and Amanda Peyton and in direct view of their north facing frontage and fence line. I have lived here over thirty years and have always considered the frontage facing me to be a side lot in terms of zoning, especially considering that the house is oriented with its front facing Oak Knoll Drive and that the property address is also listed as such. I understand the unique and often difficult position that so-called corner lots impose on property owners. I often observe the family's need for the taller fence. It is my opinion they have justifiable safety concerns for their young children, and pet dogs, some of which routinely jump over the low fence and run into Birch Street, a busy through street. Approval of the variance, in my opinion, makes absolute sense, both from a practical manner and a zoning matter. To deny this variance request seems to me would amount to no more than an arbitrary zoning decision that does not consider the real-life condition's that the Payton's face daily.

As such, I submit to the Commission for consideration my recommendation for approval of this variance request by the Payton's, and the Commission's further recommendation for approval to the City Council.

Sincerely,

John Gertz
1933 Birch Street

City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: July 22, 2020 for the July 27, 2020 Planning Commission Meeting

SUBJECT: Lakewood Place Apartments, 3100 Glen Oaks Avenue - Case No. 20-13-V

REQUEST

The property owner, Becky Nelson, is requesting two variances in order to convert 6 apartments from 2 and 3 bedrooms into 12 apartments: 9 one-bedroom units and 3 studios. The first variance is a 6 unit density variance and the second variance is a 12 stall variance from the parking requirements.

SITE CHARACTERISTICS

The subject site, which is located on the northeast corner of Glen Oaks Avenue and County Road D, is 5.23 acres in size and is developed with a 3-story, 60-unit apartment building. The southern tip of Hidden Lake and an associated wetland occupy the eastern one-third of the site. With 120 stalls, half of which are underground, the site meets the current code requirement of "two rent free spaces per unit, one of which must be fully enclosed". The rental housing license is current and the premises is well-run; there are no unresolved code violations and complaints are rare.

ZONING

The subject property is zoned R-6 – Medium Density Residential. The properties to the north and west are zoned the same. The property directly to the east was recently (2019) rezoned from R-3 to R-6. The properties to the east of that are zoned R-3 but were developed as 14-unit townhome development through a Planned Unit Development in 2001. The property to the south, across County Road D, is zoned B-2 – Limited Business.

BACKGROUND

The apartment is one of the newest non-senior facilities in the City – it was built in 2003.

APPLICANT'S PRACTICAL DIFFICULTY

Keeping up with current market trends while having plenty of parking available is the applicant's reasoning; see attached narrative.

ANALYSIS

Density Variance
The R-6 zoning district allows up to 12 units per acre. With 5 buildable acres, 60 units were allowed. A 6 unit variance is a 10% variance, which is relatively minor in size. In 2008, a similar variance was granted to White Bear Woods Apartment to allow a 4 unit increase. Staff supports the request for the following reasons:

the units will be more affordable than new development,
modifying an existing building has less impact on the environment than new development,
the landlord has an excellent management history,
the parking is sufficient as outlined below.

Parking Variance
Although the number of units is going up by 6, the number of bedrooms will be decreasing by 3. This means that the parking ratio will be increasing from 0.9 stall per bedroom to 1.1 stall per bedroom. The number of stalls per unit will be decreasing from 2 to 1.8. After the conversion, the building will no longer have any 3 bedroom units.

The applicant has pointed out that only 65% of the available parking is being used. Our staff was able to confirm that historically parking has not been an issue – in other words, residents are not parking on the street instead of on site - the parking is genuinely under-utilized. Further, the applicant has owned the property for 15 years, so is confident that the underutilization of parking is not just a recent trend. For quite some time now staff has held that the current parking requirement of two per unit is out-dated and has supported smaller ratios for new developments. This experience from the owner/manager of a local apartment complex supports that stance.

DISCRETION

The City has a high level of discretion when approving or denying a variance because the burden of proof is on the applicant to show that they meet the standards of the ordinance. If the proposal is deemed reasonable (meaning that it does not have an adverse effect on neighboring properties, it is consistent with the Comprehensive Plan, and it is harmony with the intent of the zoning code) then the criteria have been met.

With a 40 stall vacancy rate, the apartment complex can absorb the six additional units, even if demographics of the tenants changes slightly over time. Therefore, staff finds the request to be reasonable.

RECOMMENDATION

Staff recommends approval of the 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 variances shall become null and void if the project has not been completed 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. Additional park dedication is due at the time the building permits are issued (current rate: $750 per unit).

4. A building permit shall be obtained before any work begins.

5. Prior to the issuance of a building permit, the applicant shall provide a SAC determination letter from the Metropolitan Council.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Request Narrative
4. Site Plan and Graphics

RESOLUTION NO. _____

**RESOLUTION GRANTING TWO VARIANCES FOR
3100 GLEN OAKS AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-13-V) has been submitted by Becky Nelson on behalf of Tetchie LLC, to the City Council requesting approval of two variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 3100 Glen Oaks Avenue

LEGAL DESCRIPTION: Lot 1, Block 1, Lakewood Village No. 5, subject to conservation easement, Ramsey County, Minnesota (PID # 363022440286)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A six unit density variance, per Zoning Code Section 1303.080, Subd.7.e ; and a 12 stall parking variance, per Zoning Code Section 1302.050, Subd.8.c, in order to convert 6 apartments from 2 and 3 bedroom units into 12 apartments: 9 one-bedroom and 3 studio units; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on July 27, 2020; 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 that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances will not:
   a. Impair an adequate supply of light and air to the adjacent property.
   b. Unreasonably increase the congestion in the public street.
   c. Increase the danger of fire or endanger the public safety.
   d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.

2. The variances are a reasonable use of the land or building and the variances are the minimum required to accomplish this purpose.

3. The variances will be in harmony with the general purpose and intent of the City Code.

4. The variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approved 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 variances shall become null and void if the project has not been completed 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. Additional park dedication is due at the time the building permits are issued (current rate: $750 per unit).

4. A building permit shall be obtained before any work begins.

5. Prior to the issuance of a building permit, the applicant shall provide a SAC determination letter from the Metropolitan Council.

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

Ayes:
Nays:
Passed:

_____
Jo Emerson, Mayor

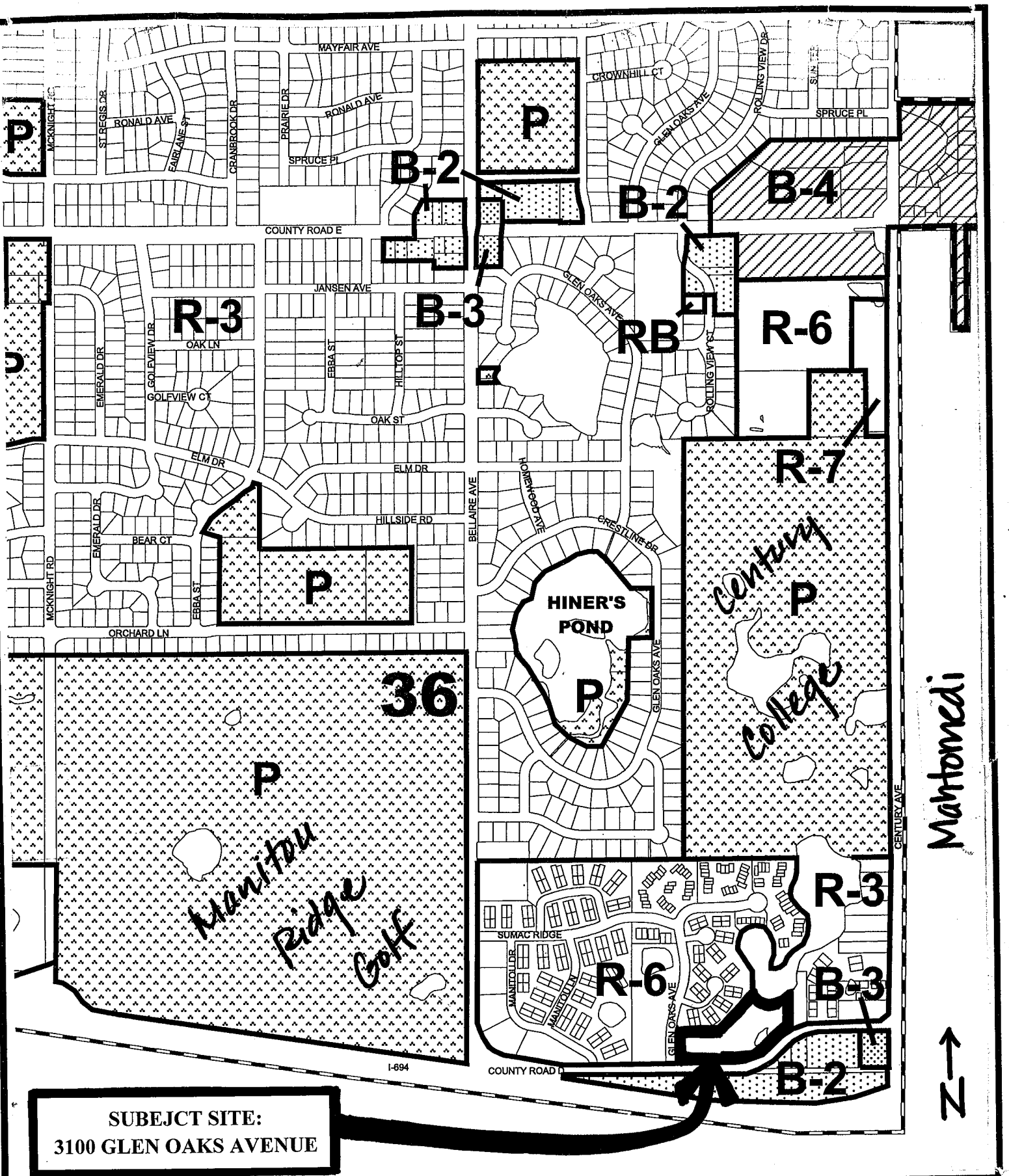
ATTEST:

_____
Kara Coustry, City Clerk

****

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

_____
Owner's Printed Name and Signature Date



SUBEJCT SITE:
3100 GLEN OAKS AVENUE

City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. : 20-13-V

CASE NAME : Lakewood Place Apts

DATE : July 27, 2020

LAKEWOOD
Place Apartment Homes

June 15, 2020

To: The City of White Bear Lake
From: Lakewood Place Apartments
Re.: Land Use and Parking Variance Application

We are respectfully requesting the City's approval to reconfigure six apartments. These six (6) apartments (currently 2 & 3 bedroom apartments), would convert to nine (9) one bedroom and three (3) studio apartments. There is a large demand for smaller, more affordable studio/one bedroom homes, this would help meet those needs.

The variance requested is for the additional apartment parking stall requirement.

Currently Lakewood Place is comprised of:

15 one-bedroom apartments
42 two-bedroom apartments
03 three-bedroom apartments
60 underground parking stalls/ 60 outdoor parking stalls

After reconfiguring the six apartments there will be:

24 one-bedroom apartments
39 two-bedroom apartments
03 studio apartments
60 underground parking stalls/ 60 outdoor parking stalls

Our market share for the last fifteen years has been predominately, young single professionals and seniors. Currently, our building apartment demographics are:

Age 55+	60%
Adults - no children	27%
Families	13%

The current count of resident vehicles is 79. With a 120 parking stalls available, we are using only 65% of available parking. We have 40 stalls open for guests and additional parking.

Sincerely,

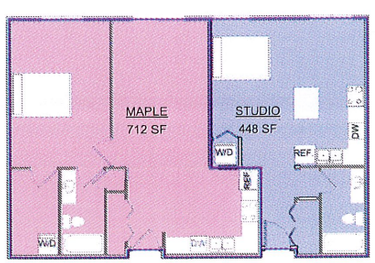
Becky Nelson
Lakewood Place Apartments

Phone: 651.777.0775
Fax: 651.777.6201

LAKEWOOD PLACE APARTMENT HOMES

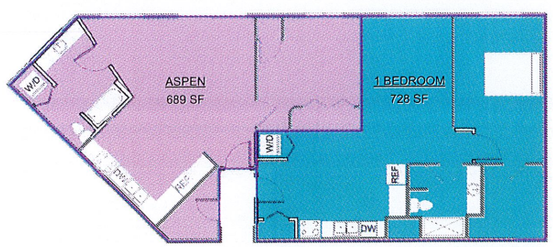
Building Area Legend

- 1 BEDROOM
- ASPEN
- MAPLE
- STUDIO



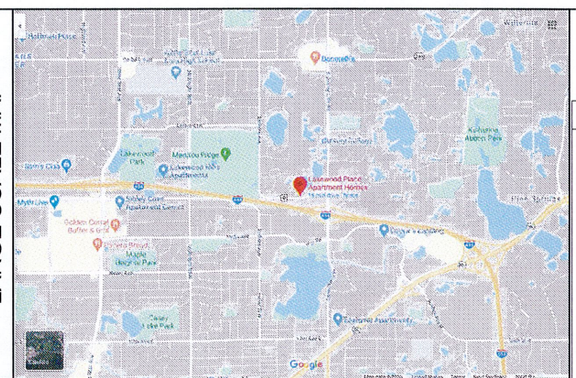
SF AREAS ARE APPROXIMATE

1 MAPLE AREA PLAN
G1 1/8" = 1'-0"



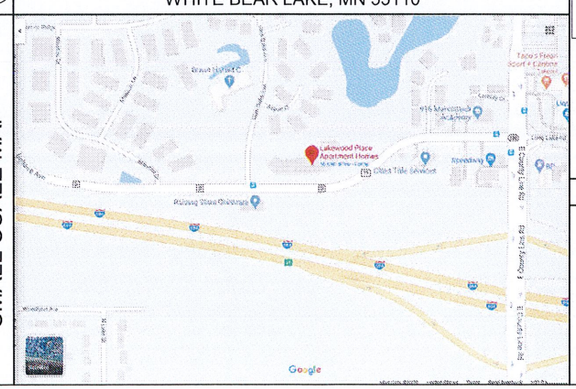
2 ASPEN AREA PLAN
G1 1/8" = 1'-0"

LARGE SCALE MAP



PROJECT LOCATION: 3100 GLEN OAKS AVE,
WHITE BEAR LAKE, MN 55110

SMALL SCALE MAP



Drawing Index

GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS.
2. CONTRACTOR TO VERIFY ALL FINISHES, MATERIALS, CABINETRY, AND EQUIPMENT WITH OWNER.
3. NOTIFY DESIGNER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
4. ALL WORK TO CONFORM TO STATE AND LOCAL CODES.
5. GC RESPONSIBLE FOR PERMITS AND CALCULATIONS.
6. GC SHALL BE RESPONSIBLE FOR ASBESTO ABATEMENT OR LEAD REMOVAL IF FOUND ON PREMISES.

JRH • DESIGNS
2570 Aldine St.
Roseville, MN 55113
701.320.6065
Justin.Roland.Hayes@gmail.com

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the state of Minnesota

NOT FOR CONSTRUCTION

Justin R Hayes
Date 06/30/2020 Reg. No. 54986

LAKEWOOD PLACE

APARTMENT HOMES

3100 Glen Oaks Ave,
White Bear Lake, MN 55110

PROPOSED FLOOR PLAN LAYOUTS

Revision Schedule

No.	Description	Date

GENERAL INFO

Project number	20-08
Date	06/15/20
Drawn by	JH
Checked by	JH

G1

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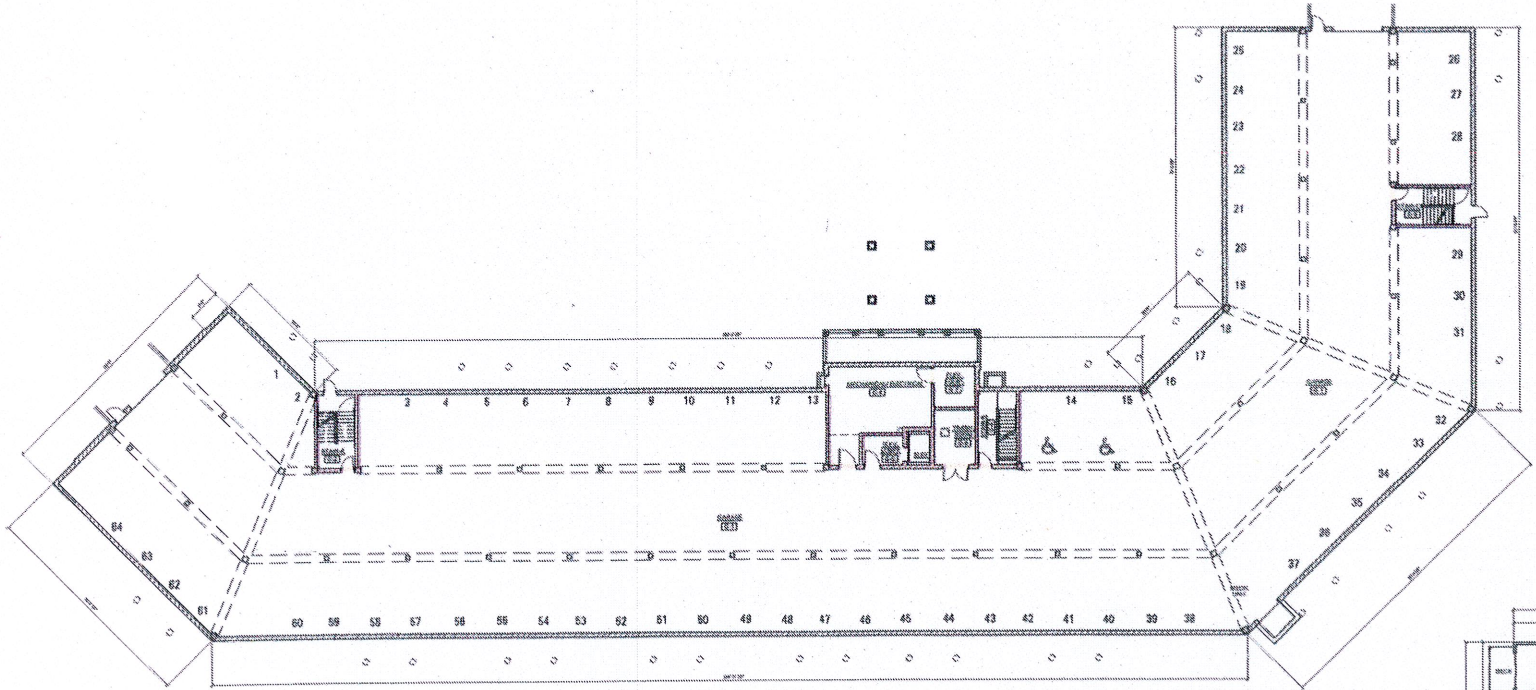
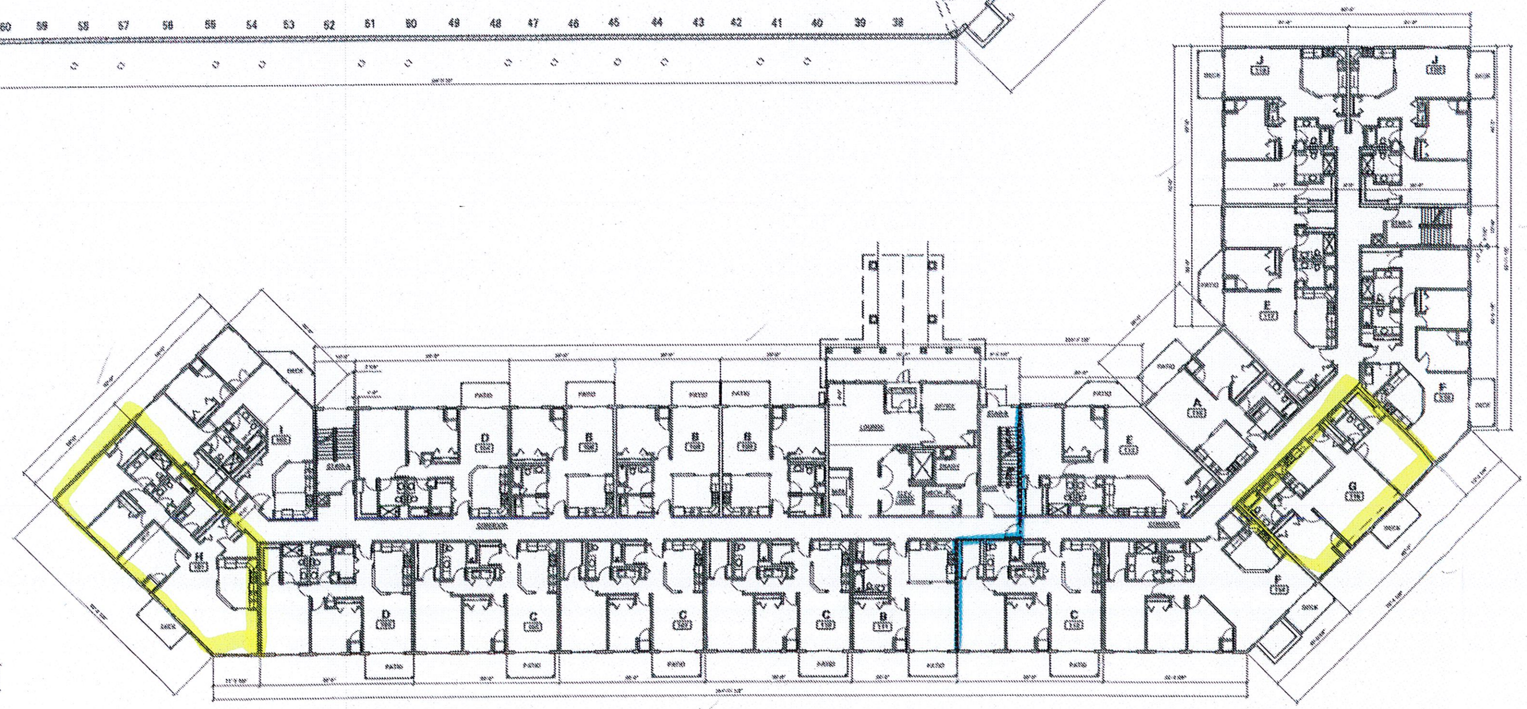


GARAGE PLAN

APPROX. AREA 25,596 S.F.

SCALE: 1/16" = 1'-0"



FIRST FLOOR PLAN

APPROX. AREA 25,578 S.F.

SCALE: 1/16" = 1'-0"

Two-Hour Area Separation Wall

Three-Hour Construction

johnson, sheldon, sorensen & hafner
ARCHITECTS, inc.
14525 highway 7 suite 375

LAKEWOOD PLACE
60 UNIT APARTMENTS

GARAGE PLAN
FIRST FLOOR PLAN

5/25/01

2.

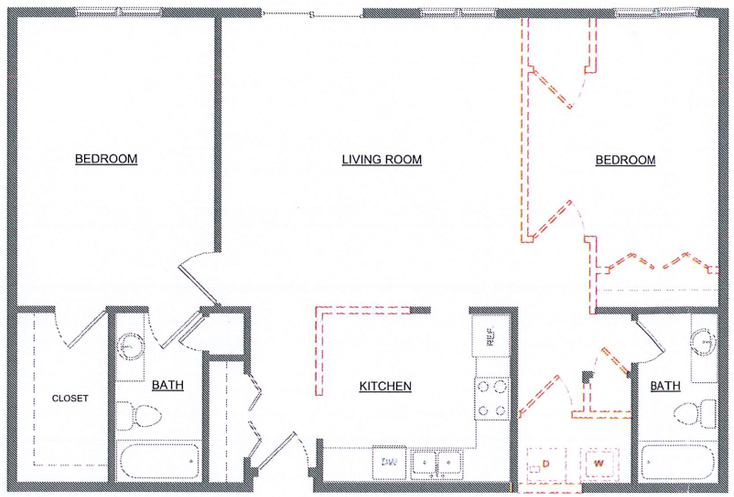
WALL AND PARTITION KEY

WALLS AND PARTITIONS TO BE REMOVED.

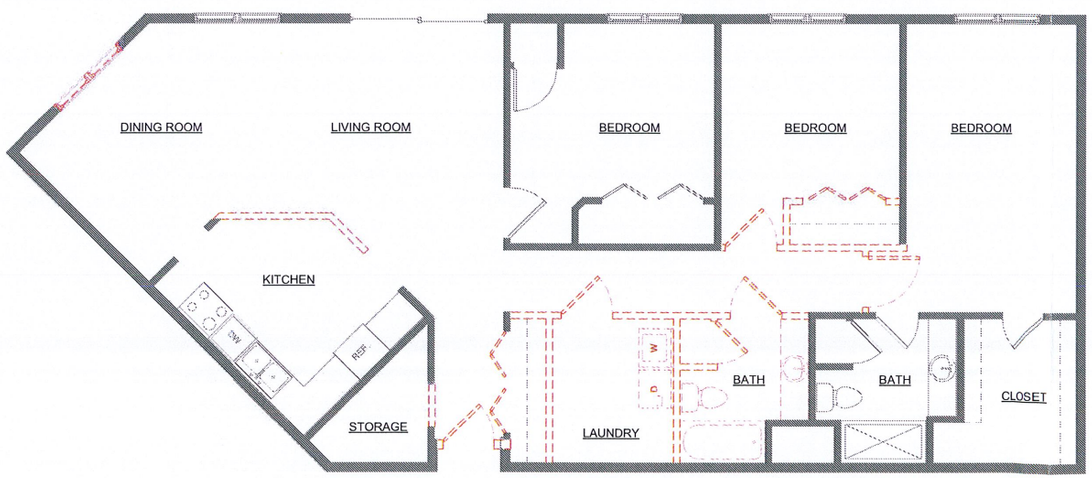
EXISTING WALLS TO REMAIN.

2X4 INT. WALLS@ 16" O.C. WITH 1/2" GYP BD. EA. SIDE, U.N.O

2X6 INT. WALLS@ 16" O.C. WITH 1/2" GYP BD. EA. SIDE, U.N.O



1 MAIN FLOOR - DEMO PLAN (MAPLE)
EX1 1/4" = 1'-0"



2 MAIN FLOOR - DEMO PLAN (ASPEN)
EX1 1/4" = 1'-0"

JRH • DESIGNS
2570 Aldine St.
Roseville, MN 55113
701.320.6065
Justin.Roland.Hayes@gmail.com

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the state of Minnesota

Justin R Hayes
Date 06/30/2020 Reg. No. 54986

NOT FOR CONSTRUCTION

LAKEWOOD PLACE

APARTMENT HOMES

3100 Glen Oaks Ave,
White Bear Lake, MN 55110

PROPOSED FLOOR PLAN LAYOUTS

Revision Schedule

No.	Description	Date

EXISTING/DEMO PLANS

Project number	20-08
Date	06/15/20
Drawn by	JH
Checked by	JH

EX1

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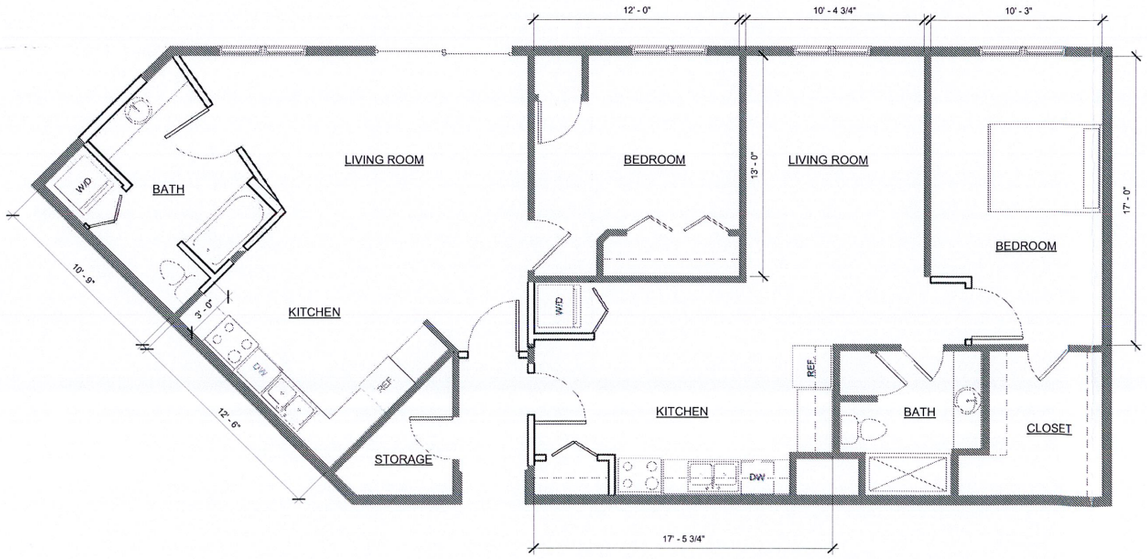
2 MAIN FLOOR - THE MAPLE
A1 1/4" = 1'-0"



1 MAIN FLOOR - THE ASPEN
A1 1/4" = 1'-0"

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Justin R Hayes
Date 06/30/2020 Reg. No. 54986

LAKEWOOD PLACE

APARTMENT HOMES

3100 Glen Oaks Ave,
White Bear Lake, MN 55110

PROPOSED FLOOR PLAN LAYOUTS

Revision Schedule

No.	Description	Date

PROPOSED PLANS

Project number	20-08
Date	06/15/20
Drawn by	JH
Checked by	JH

A1

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City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Anne Kane, Community Development Director

DATE: July 23, 2020 for the July 27, 2020 Planning Commission Meeting

SUBJECT: **2040 COMPREHENSIVE PLAN - Case No. 17-1-CP**
Affected Jurisdiction Review Comments and Revision

Following the adoption of the draft 2040 Comprehensive Plan on April 23, 2019, the document was distributed to adjoining communities and affected agencies for review and comment. By statute, these jurisdictions have six months to submit comments. That time period concluded on March 3, 2020 and Staff is now presenting the comments and suggested revisions to the draft plan for the Planning Commission's consideration.

Staff will be prepared to walk through the proposed modifications and requests that the Planning Commission forward a recommendation to the City Council for authorization to submit the final draft to the Metropolitan Council for review prior to final adoption. A draft resolution will be provided for the Commission's consideration in advance of the meeting.

ATTACHMENTS:

1. Summary of Comments and Responses from Affected Jurisdictions, dated July 27, 2020
2. Red-Lined Revisions to the affected sections of the draft 2040 Comprehensive Plan, dated 8/2019

White Bear Lake Comprehensive Plan
Summary of Comments and Responses from Six Month Review

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
Birchwood Village		No comments received.	No response needed.	
Gem Lake		No comments received.	No response needed.	
Mahtomedi	11/20/2019	FUTURE LAND USE MAPS: Along County Road E / Century Avenue, where Mahtomedi and White Bear Lake share a boundary, the future land uses are compatible with each other, in large part because the Century College campuses connect across Century Avenue. Additionally, other future land uses are compatible across the boundary, whether is it residential use meeting residential use, or residential and commercial places next to each other.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	REGIONAL PARKS AND TRAILS: Proposed trails that are planned to connect Mahtomedi and White Bear Lake inlcude a trail around White Bear Lake (with a trail gap in the northwest portion of the lake), and a trail planned to run east-west along County Road E East / Wildwood Road / 244. There is also a proposed trail to run north-south along the Mahtomedi and White Bear Lake boudary (Century Avenue). In addition to connecting trail users to regional trails, the proposed trails will help link non-vehicular traffic between the two communities, as well as increasing access to nature along the lake.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	Mahtomedi is located directly east of White Bear Lake and the communities share a municipal boundary along County Road E / Century Avenue (which is also the county boundary separating Ramsey County and Washington County). Both communities are also situated on White Bear Lake.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	The County Road E corridor is a key transportation route between Vadnais Heights, White Bear Lake, and Mahtomedi, funneling traffic from I-35E, I-694 and Highway 61.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	White Bear Lake and Mahtomedi share the Century Collage Campus, which is separated by ***Century Avenue*** (West Campus in White Bear Lake and East Campus in Mahtomedi).	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	The wastewater flow of both communitiies is metered at the Metropolitan Council Meter #26 located in the southwest corner of White Bear Lake. The meter measures the combined flow from White Bear Lake, White Bear Township, Birchwood, and Mahtomedi.	Acknowledged, no response needed.	
Mahtmedi	11/20/2019	White Bear Lake provides sanitary sewer service to various parcels in Mahtomedi, including the East Campus of Century College.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	WORKFORCE: People working within the City of White Bear Lake are from areas distributed fairly broadly acress the northeast metro with the concentration focused in the White Bear Lake area and stretching into North St. Paul on the south, Hugo on the north, Vadnais Heights on the west, and Mahtomedi on the east.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	TH 120 Traffic Study - Century College, Washington County, the City of Mahtomedi, and MnDOT partnered to analyze traffic operations for TH 120/Century Avenue intersections between I-694 and County Road E in 2012. The traffic study addressed concerns related to Century College and traffic growth in the surrounding area. The study recommendations including improvements to the Century College and I-694 intersections. MnDOT has a pavement preservations project on State Highway 120 scheduled for 2021.	Acknowledged, no response needed.	
Mahtomedi	11/20/2019	Because of the close proximity of White Bear Lake and Mahtomedi, residents of White Bear Lake work in Mahtomedi, and residents of Mahtomedi work in White Bear Lake. But, Mahtomedi does not make it into the top ten cities for where White Bear Lake residents work, or for where White Bear Lake workers live (the number is estimated to be under 250 people for both numbers).	Acknowledged, no response needed.	
Maplewood	2/28/2020	No comments.	No response needed.	
North St. Paul	11/20/2019	FUTURE LAND USE COMPATIBILITY: North St. Paul and White Bear Lake do not share a boundary and are further separated by i-694 and Maplewood, so there is minial concern about land use and future land use compatibilities between the two communities.	Acknowledged, no response needed.	

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
North St. Paul	11/20/2019	REGIONAL PARKS AND TRAILS: North St. Paul and White Bear Lake share one proposed trail, planned to run along County Road E / Century Avenue, south across i-694 and along Geneva Ave N to connect with the Gateway State Trail that runs along the south side of Highway 36. This proposed trail will better link the two communities, especially for non-vehicular traffic, and can help bridge the gap created by I-694 between the two communities.	Acknowledged, no response needed.	
North St. Paul	11/20/2019	North St. Paul and White Bear Lake municpal boundaries do not actually touch (separated by Maplewood). North St. paul is located south of White Bear Lake.	Acknowledged, no response needed.	
North St. Paul	11/20/2019	WORKFORCE: People working within the City of White Bear Lake are from areas distributed fairly broadly acress the northeast metro with the concentration focused in the White Bear Lake area and stretching into North St. Paul on the south, Hugo on the north, Vadnais Heights on the west, and Mahtomedi on the east.	Acknowledged, no response needed.	
North St. Paul	11/20/2019	Because of the close proximity of White Bear Lake and North St. Paul, residents of White Bear Lake work in North St. Paul, and residents of North St. Paul work in White Bear Lake. But, North St. Paul does not make it into the top ten cities for where White Bear Lake residnets work, or for where White Bear Lake workers live (the number is estimated to be under 250 people for both numbers).	Acknowledged, no response needed.	
Oakdale	9/12/2019	No comments.	No response needed.	
Vadnais Heights	7/13/2020	No comments.	No response needed.	
White Bear Township	7/13/2020	No comments.	No response needed.	
Ramsey County		No comments received.	No response needed.	
Washington County	10/22/2019	**Land Use:** page 2-36 Minnesota became a state in 1858 not 1958.	HKGi to correct in final draft document.	See attached page 2-36.
Washington County	10/22/2019	**Housing:** The Washington County CDA commends the plan for strongly advocating a diverse supply of housing that serves those at all income levels and life stages, and is well supported by a very thorough implementation plan.	Acknowledged, no response needed.	
Washington County	10/22/2019	**Water Resources:** Minnesota State Statute 103b.235 subdivision 3 states that Local Water Management Plans, identified in White Bear Lake's Comprehensive Plan as the Surface Water Management Plan (SWMP), must be submitted to a county for review if the county has a state approved and locally adopted groundwater plan. The county's most recent groundwater plan was adopted on September 23, 2014. The Washington County 2014-2024 Groundwater Plan has the goal to "manage the quality and quantity of groundwater in Washington County to protect health and ensure sufficient supplies of clean water to support human uses and natural ecosystems." Please submit your Water Management Plan to the county for review.	It is anticipated the the City's Surface Water Management Plan will be completed in early 2021 and will be submitted to both Washington and Ramsey counties for their review.	
Washington County	10/22/2019	**Water Resources:** The County is encouraged by the city's proactive approach to water conservation practices. Please consider listing Washington County as a potential partner on future water conservation projects and practices.	HKGi to update list of potential partners to include Washington County	

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
Washington County	10/22/2019	**Healthy Communities:** The County is encouraged by the city's goals and objectives to support the health of their community in numerous ways. The following efforts are of particular note in supporting healthy communities: 1. Promoting access to physical activity and active transportation through developing connections to and among parks and to city trails as well as identifying safe walking and biking routes to school and other key locations. 2. Recognizing the need for affordable housing and plans to support the development of life-cycle housing for older and low-income residents. 3. Partnership with the Active Living Ramsey Communities initiative and Regional Bicycle Transportation Network (RTBN). 4. Promoting access to healthy foods with emphasis on local produce and community garden initiatives. 5. Maintaining recreational opportunities and facilities that reflect the community's diverse interests.	Acknowledged, no response needed.	
Washington County	10/22/2019	**Sustainability / Recycling:** The County commends the city of White Bear Lake for their support for solar panels as an accessory use in all districts. It is encouraging to hear the city would like to see an increase in the use of green building standards. We look forward to partnering with you where and when opportunities arise to create a more sustainable region. To align with the Washington County Waste Management Master Plan 2018-2036 strategy in creating away-from-home recycling opportunities in parks, athletic fields, arenas, and recreation centers consider collaborating with the County to add waste and recycling stations along city trails and in parks and other public spaces as applicable.	The City does not have any parks or trails located in Washington County but will apply this same principle to city parks and trails located in Ramsey County.	
School District 622: NSP-M'wood		No comments received.	No response needed.	
School District 624: WBL		No comments received.	No response needed.	
School District 832: Mahtomedi		No comments received.	No response needed.	
Ramsey - Washington WSD		No comments received.	No response needed.	
Rice Creek WSD	10/11/2019	Please ensure the RCWD is engaged in the development process for new development/redevelopment sites with the RCWD boundary to ensure compliance with RCWD rules and the Wetland Conservation Act (1991).	Acknowledged, no response needed.	
	10/11/2019	General Comments on Chapter 7 Natural Resources & Sustainability, Surface Water Management: Please ensure the City submits its draft SWMP for RCWD's formal review. The final version of the City's 2040 Comprehensive Plan must include the SWMP that is approved by RCWD and the other watershed organizations in its entirety in an added appendix, as the City states on page 7-122.	It is anticipated the the City's Surface Water Management Plan will be completed in early 2021 and will be submitted to Rice Creek Watershed District for review.	
	10/11/2019	Chapter 7 Natural Resources & Sustainability, Surface Water Management, first paragraph, first sentence, page 7-122: The SWMP is no longer considered a "stand-alone" document since it is incorporated into the City's Comprehensive Plan. Recommend removing "stand-alone."	Acknowledged and "stand-alone" text will be deleted from final draft.	The City of White Bear Lake Surface Water Management Plan (SWMP) is a document that provides the framework for a comprehensive program to protect and improve the quality of water resources within the City. (See attached page 7-122.)
	10/11/2019	Chapter 7 Natural Resources & Sustainability, Native Plants/Habitat, third paragraph, first bullet, page 7-128: Recommend revising "a much better job." Though native plants are preferred, their effectiveness for preventing or reducing erosion on shorelines tends to be site-specific.	Acknowledged and text of first bullet point will be revised in final draft.	Prevents or reduces bank erosion, as the deep roots of the plants tend to be more effective and are the preferred alternative to stablize soil than rocks on the surface; (see attached page 7-128)
	10/11/2019	Minor spelling and grammatical suggestions Chapters 1, 2, 3 and 7.	Acknowledged and corrected.	City staff to provide details to HKGi for final draft.
VLAWMO		No comments received.	No response needed.	

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
Valley Branch WSD		No comments received.	No response needed.	
Ramsey County Parks		No comments received.	No response needed.	
Washington County Parks		No comments received.	No response needed.	
MDH		No comments received.	No response needed.	
MnDOT	9/20/2019	Bicycle-Pedestrian Comments: There are two maps (5.11 Non-Motorized Transportation Plan on page 5-94 and map 5.12 - The RBTN Map on page 5-96) where it is difficult to make out the existing features from the proposed.	Staff will work with LOGIS and Met Council to better distinguish between existing features and planned improvements.	See attached pages 5-94 and 5-96.
MnDOT	9/20/2019	Upcoming Projects: On page 5-83 there is a discussion of corridor studies and a pavement preservation project on MN 120. There are ongoing discussions and studies that may influence the timeline of this project, therefore MnDOT recommends not including a specific reference or timeline in the comprehensive plan.	HKGi to remove reference to the pavement preservation project on MN 120.	See attached page 5-83.
MnDNR	1/23/2020	**Natural Heritage Information.** We appreciate the discussion of native habitat in the plan. For further conservation planning and to ensure compliance with the Minnesota endangered species laws, the DNR encourages communities to check the NHIS Rare Features Data for known occurrences of state-listed species. The NHIS Rate Features Data contains nonpublic data and can only be accessed by submitting a License Agreement Application Form for a GIS shapefile or by submitting a NHIS Data Request Form for a database printout. Both of these forms are available at the NHIS webpage. Consider adding a discussion of what the city can do to preserve the species and preserve their habitat into the future (see section below on more policies to protect wildlife). For instance, one of the species that shows up in White Bear Lake in the Rare Features database is Blanding's Turtles (Emys blandingii). The DNR's Blanding's Turtle fact sheet describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare information about the type of habitat that may harbor these turtles. Blanding's turtles use upland areas up to and over a mile distant from wetlands, as well as wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Because of the tendency to travel long distances over land, Blanding's Turtles regularly travel across roads and are therefore susceptible to collisions with vehicles. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels. Other factors believed to contribute to the decline of this species include wetland drainage and degradation, and loss of upland habitat to development. For more information on the biology, habitat use, and conservation measures of these rara species, please visit the DNR Rare Species Guide. NHIS training includes rules for using/displaying nonpublic data in public documents.	All of these points are addressed in the City's Surface Water Management Plan that will be incorporated as an appendix to the 2040 Comprehensive Plan.	
MnDNR	1/23/2020	**Groundwater.** Your community is within the North and East Metro Groundwater Management Area (GWMA), designated by the Minnesota DNR. The North and East Metro GWMA includes all of Washington County, and a portion of Anoka and Hennepin Counties. The GWMA Plan will guide the DNR's efforts to manage groundwater appropriates sustainably in this area over the next five years. The Plan establishes sustainability goals to help appropriation permit holders plan for their future water use and ensure groundwater supplies remain adequate to meet human needs while protecting lakes, streams and wetlands. White Bear Lake participates on the advisory team for the GWMA.	So noted.	

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
MnDNR	1/23/2020	**Development and transportation policies to protect wildlife.** Consider adding policies that take wildlife into consideration in transportation and redevelopment projects. To enhance the health and diversity of wildlife populations, encourage developers of private and public lands to retain natural areas or restore them with native species after construction. One larger area is better than several small "islands" or patches; and connectivity of habitat is important. Animals such as frogs and turtles need to travel between wetlands and uplands throughout their life cycle. These considerations are especially relevant for redevelopment areas that are adjacent or between two wetlands. Consult DNR's Best Practices for protection of species and Roadways and Turtles Flyer for self-mitigating measures to incorporate into design and construction plans. Examples of more specific measures include: • Preventing entrapment and death of small animals especially reptiles and amphibians, by specifying biodegradable erosion control netting ('bio-netting' or 'natural netting' types (category 3N or 4N)), and specifically not allow plastic mesh netting; • Providing wider culverts or other passageways under paths, driveways and roads while still considering impacts to the floodplain; • Including a passage bench under bridge water crossings because typical bridge riprap can be a barrier to animal movement along streambanks; • Employing curb and storm water inlet designs that don't inadvertently direct small mammals and reptiles into the storm sewer. Installing "surmountable curbs" (Type D or S curbs) allows animals (e.g. turtles) to climb over and exit roadways. Traditional curbs/gutters tend to trap animals on the roadway. Another option is to install/create curb breaks every, say, 100 feet (especially important near wetlands); • Using smart salting practices to reduce impacts to downstream mussel beds, as well as other aquatic species; and, • Fencing could be installed near wetlands to help keep turtles off the road (fences that have a j-hook at each end are more effective than those that don't).	As opportunity sites are proposed for development, the City will explore opportunity to incorporate conservation design practices to enhance wildlife health and diversity. Street reconstruction projects will explore designs that enhance and protect wildlife. The first and fourth bullet points are addressed in the SWMP.	
MnDNR	1/23/2020	**Community Forestry.** As noted in your plan, the loss of tree canopy due to threats such as emerald ash borer and oak wilt has negative impacts on the health and environment of many Minnesota cities, and a planned community forest can provide numerous community benefits. You have an implementation goal to protect and increase the quality, quantity and diversity of the City's tree population. We encourage you to add these action steps to that implementation goal: a comprehensive tree inventory followed by a community forestry management plan.	In 2016, the City completed a comprehensive Ash Tree Survey and in 2013 a Comprehensive Canopy Study was completed by a group of students from the University of Minnesota.	See suggested changes to page 7-130.
MnDNR	1/23/2020	**Native Species.** The Comprehensive Plan could reinforce the city's pollinator-friendly resolution by discussing native plants and pollinators in multiple places in the documents, such as the land use, economic competitiveness and housing sections to encourage developers of private and public lands to use native flowers, grasses, shrubs and tree species. Plant lists and suggestions for native plans can be incorporated into: 1.) Proposed landscape guidelines to improve the aesthetics in for housing, commercial and industrial areas; 2.) Street tree planting plans; 3.) City gateway features; 4.) Along ponds and waterways; 5.) Small nature play areas in tot lots; 6.) Along the edges of ballfield complexes; and, 7.) Lakeshores.		See suggested changes to page 7-130.

Jurisdiction/ Agency	Date Received	Comment	City Approach (will not be printed at end)	City Response (formal wording for submittal)
MnDNR	1/23/2020	**Invasive Species.** The section describing invasive species contains useful information for city residents and developers. We suggest adding the Latin names as well as the common names. In that section, or in the implementation section, you could include a strategy to encourage citizens as well as staff to report invasive species {to} the county weed management coordinator. Species to consider adding to the list include: invasive European common reed, phragmites australis, which has been verified along the south lake shore {of White Bear Lake}; and wild parsnip, Pastinaca sativa L, which has been reported at the Tamarack Nature Center. The discussion of Garlic Mustard includes information about disposal that was reviewed by DNR's invasive species coordinator, Laura Van Riper (laura.vanriper@state.mn.us). She provided the following language to accurately reflect best practices and state law: Garlic Mustard is an aggressive biennial herbaceous plat, which means it grows as a rosette in its first year, it flowers in its second year and then it dies. It grows in a way that crowd out native wildflowers, tree seedlings, and woodland plants and can totally dominate a woodland within five to seven years. Garlic mustard can be managed by pulling up the second years plans before they flower and produce seed, typically in early spring. Even though it is a prolific seed producer, garlic mustard can be managed by preventing seed production of plants over several years. Managing this species takes a strong commitment once it becomes established. Garlic mustard rosettes can be spot treated in the fall when many native plants are dormant. Flowering garlic mustard plants can be treated with herbicides or hand pulled. Because flowing garlic mustard can spread seed even after it's been pulled up by the roots, the Minnesota Department of Agriculture (MDA) recommends that plants be placed in bags for disposal and not simply left on the ground where they were picked. The bagged plants can be kept on site for burning or piled and covered with a tarp for decay. Be sure to monitor the site and remove any plants that sprout from the burn or decay site. If plants must be moved off site, contact your local yard waste or compost site to see if they are equipped to compost at high enough temperatures to accept noxious weeds at their site. Transportation is only allowed to a disposal site and the MDA requires the load is protected in a manner that prevents the spread of noxious weed propagating parts during	Tamarack Nature Center is located in White Bear Township not the City of White Bear Lake. Latin names will be added to the plan along with including the European Common Reed species. The specific language regarding treatment of Garlic Mustard will replace the current language.	See suggested changes to pages 7-130, 7-132, 7-133 & 7-134. • Spotted Knapweed (Centaurea stoebe) • Leafy Spurge (Euphorbia esula) • Garlic Mustard (Alliaria petiolate) • Crown Vetch (Securigera varia) • Common Buckthorn (Rhamnus cathartica) • Glossy Buckthorn (Rhamnus frangula) • Tartarian Honeysuckle (Lonicera tatarica) • Giant Knotweed (reynoutria sachalinensis) • Amur Maple (Acer ginnala) European Common Reed (Phragmites australis) • European common reed can form dense stands that displace native common reed and other wetland plant species, reduce habitat quality for fish and wildlife, and alter ecosystem functioning and hydrology. • European common reed is a "cryptic invader" in Minnesota since the native subspecies is widespread throughout the state and the non-native subspecies is easily confused with it.

HISTORICAL BACKGROUND & RESOURCES

White Bear Lake takes pride in the fact that it was a city long before it was a suburb. Much of the community's charm and character can be attributed to its historical roots. The earliest inhabitant of the White Bear Lake area were the Dakota and Ojibway Indians who used the area for their migratory and harvesting grounds. The United States government designation the area as Dakota land in an 1825 treaty, but later purchased all Dakota Territory east of the Mississippi River to open it for European-American settlement.

Rich land, abundant game, and scenic lakes attracted early pioneers to the area. In 1858, the year Minnesota became a state, the first European-American settlers established White Bear Township, which consisted of 36 square miles of land. As word of its scenic landscape spread, the town grew into a popular resort area, attracting visitors from all along the Mississippi River. People would travel up the river to St. Paul by steamboat and onto White Bear Lake by buggy or train. Soon resorts and hotels lined the shores of White Bear Lake while restaurants, theaters, and stores set up shop in the downtown to accommodate visitors to the area.

The extension of the Lake Superior and Mississippi Railroad to White Bear Lake in 1868 turned what used to be a three hour horse and buggy ride from St. Paul into a twenty minute train ride. Rail service provided new and exciting opportunities for business and industry in the area, eventually connecting to Duluth in 1871.

As the resort era faded shortly after the turn of the 20th century, other industries, including farming and lumbering, continued to prosper, In keeping pace with this steady growth and development, leaders of the community officially incorporated the City of White Bear Lake in 1921. At the time of incorporation, the city was 2¼ square miles with a population of just over 2,000 residents. Post World War II brought along interstate highways and rapid residential expansion. By 1960, the city's area had grown to seven square miles with a population of 13,000 residents.

During the 1970s and 1980s, large parcels of land were opened for development through the city's efforts to extend roads and utilities. The city's aggressive economic development program lead to extensive expansion of its tax base and employment levels. While Downtown White Bear Lake lost some of its vibrancy following the opening of the Maplewood Mall in the 1970s, it has experienced a renaissance of retail tenants and restaurants and benefitted from added density and daytime population with the expansion of the central business district designation west of Highway 61.

For purposes of this plan, water conservation relates to ground/drinking water. Water conservation is the most cost-effective and environmentally sound way to insure our demand for drinking water continues to be met in the future. Conservation stretches our supplies farther, and protects our water resources. Using less water also puts less pressure on our sewage treatment facilities and saves energy as water requires energy to be heated.

Public awareness and participation in water conservation has improved significantly in recent years. This is evidenced by a 20% decline in total water demand over the past 10 years. At 67 gallons per person per day, the City of White Bear Lake has the second lowest residential water use of the outer-ring suburbs studied between 2007 and 2013. However, future per capita use may increase slightly as more households with younger children move into the area. While great strides have been made, continued water conservation efforts are critical to the protection of the supply for future generations to come.

In early 2016, the City revised the water utility rate from a tiered rate structure to a seasonal rate structure, intended to encourage water conservation during the summer months. The City has also promoted water conservation through the "Make a Splash" campaign, sponsored by the non-profit organization MN Clean Energy Resource Teams (CERTs). The City purchased 200 low-flow faucet aerators to distribute to residents. The aerators use 1.0 gallon per minute, instead of the average 2.2 gallons per minute. They generate tremendous water savings, and do not affect the water pressure. Other existing water conservation practices and programs include: the rain barrel sales, stormwater reuse systems for irrigation in Lakewood Hills Park and Boatworks Commons, time-of-day lawn watering restrictions, and the new water efficiency rebate program.

SURFACE WATER MANAGEMENT

(delete)

The City of White Bear Lake Surface Water Management Plan (SWMP) is a ~~stand-alone~~ document that provides the framework for a comprehensive program to protect and improve the quality of water resources within the City. The SWMP has been prepared in accordance with Minnesota Statutes and Rules and is consistent with the Ramsey Washington Metro Watershed District (RWMWD), Rice Creek Watershed District (RCWD), Valley Branch Watershed District (VBWD), and Vadnais Lake Area Water Management Organization (VLAWMO) plans. The Metropolitan Council requires that the SWMP be included in the Comprehensive Plan in its entirety, either as a chapter or as an appendix. The City of White Bear Lake's SWMP can be found as an appendix of this plan.

The City's SWMP serves as a reference document with information on the physical environment and specific water resources within the City, regulatory requirements related to surface water management, recognition of current design standards, and highlights of past projects.

NATIVE PLANTS/HABITAT

A public land survey was completed between 1847 and 1907 prior to opening Minnesota to land sale and to European settlement. Surveyors recorded the size and species of larger trees and the physical geology of the landscape. Although not a detailed vegetation survey, the records provide a valuable account of what Minnesota looked like at the time of European settlement. In 1930, Francis J. Marschner used the Public Land Survey to create the Map of the Original Vegetation of Minnesota, which details the different types of vegetation that existed in Minnesota before it was settled by Euro-Americans. Figure 7.7 shows the presettlement vegetation in Ramsey County based on the Marschner Map.

In just over a century after the Public Land Survey, nearly all of the natural vegetation communities in Minnesota have either disappeared or have been substantially altered. In the City of White Bear Lake, the remaining natural communities exist as small remnants in parks, wetlands, and around lakeshores. The City has an interest in collaborating with Watershed Management Organizations, Ramsey County, Lake Conservation Districts, and local native plant groups to protect and restore these remaining natural resources and to find additional locations to re-establish the native plant communities similar to what once existed in this area.

Native plants and habitat is most impactful along the shorelines of our lakes. Vegetation along the edge of a water body, (including trees):

- Prevents or reduces bank erosion, as the deep roots of the plants ~~do a much better job of holding~~ soil than rocks on the surface;
- Provides wildlife food and habitat for insects and birds;
- Improves fish habitat by provide hiding places;
- Filters out pollutants; and
- Adds beauty and grace to views both of and from the shore.

Shorelines provide food and shelter for fish and wildlife. The complex interplay of plants, animals, land and water combine to make the shoreline the most important part of a lake's ecosystem. The terracing and denaturalization of the lakeshore has a detrimental effect on a lake's ecosystem and water quality, which has a direct effect on property values and hence quality of life. A UW-Stout study showed that for every foot of water clarity, property values go up about $3,650. A study of over 3,000 real estate transactions over 10 years on 7 Wisconsin lakes indicated lakes with poor water quality had property values two to three times lower than lakes with good water quality. This is evidence that how we manage shoreline affects more than just the lake. The addition of new retaining walls and flattening out of the land between the retaining walls should be limited.

Replace:
tend to be more effective and are the preferred alternative to stabilize

Figure 5.11 Non-Motorized Transportation Map

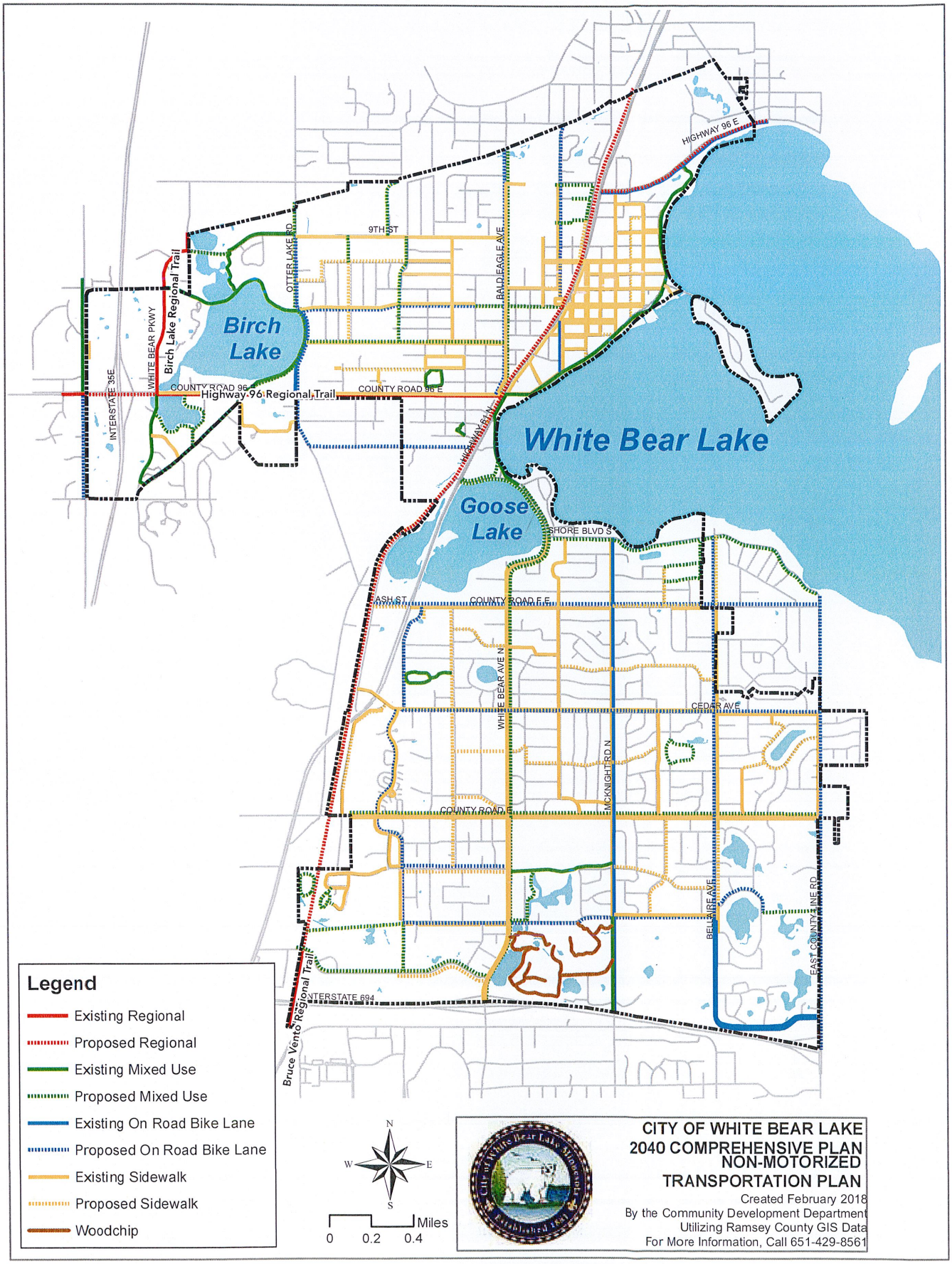
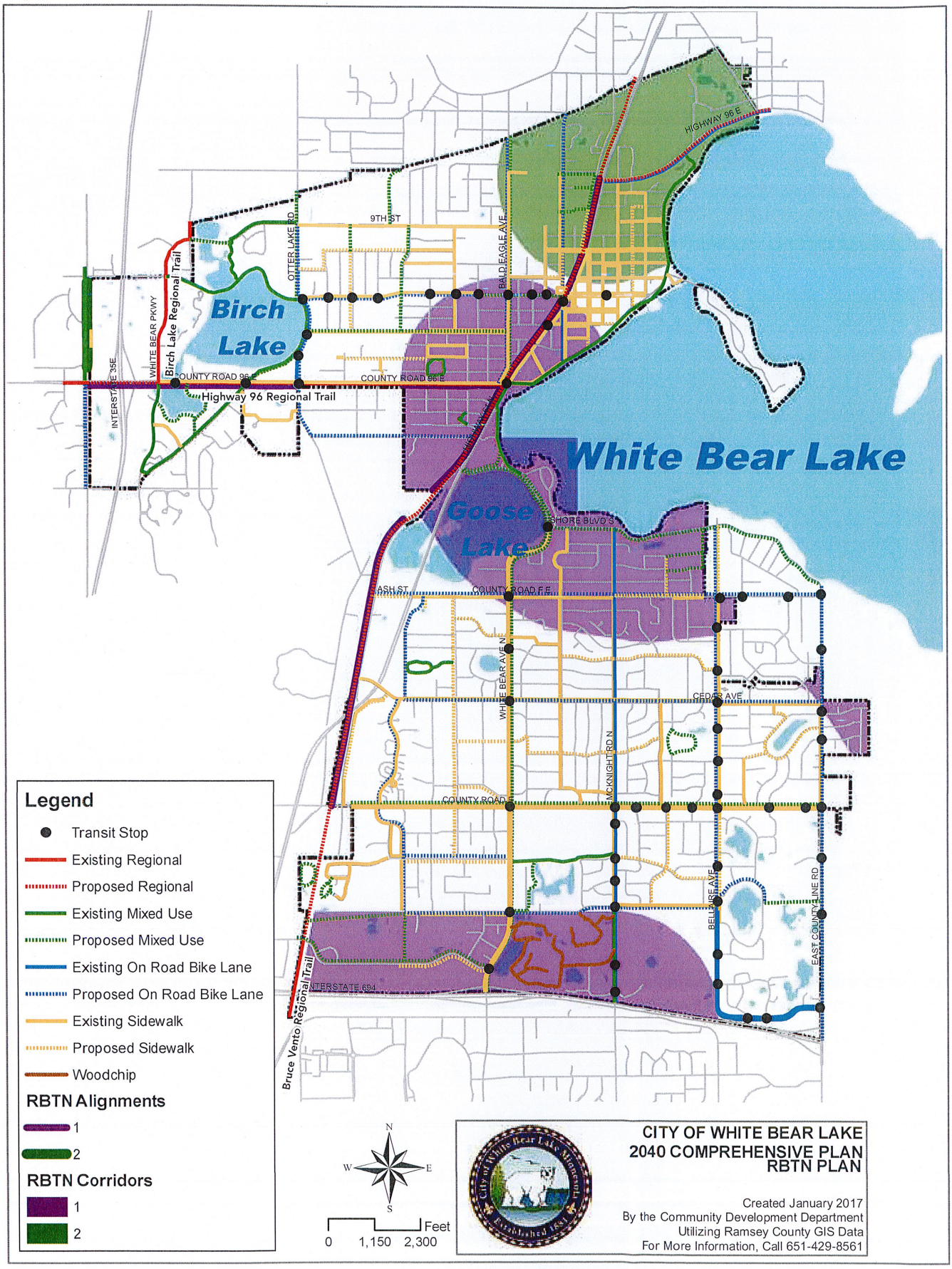


Figure 5.12 RBTN Map



benefits of managing access in an appropriate manner. The government agency which has jurisdiction over a given roadway determines the applicable access management guidelines for that facility. MnDOT has access management guidelines (See Table 5.2 and Table 5.3) that apply to Highways, such as TH 96 E (Lake Ave). Similarly, Ramsey County's access management policies apply to County roadways within White Bear Lake. County roadways make up a substantial portion of the arterial roadway network serving the City. Access management is also important for roadways under White Bear Lake's jurisdiction. The City of White Bear Lake does not have access management guidelines for city streets. The City evaluates new and modified accesses to its city streets through a permitting process on a case-by-case basis.

EXISTING STUDIES

Below are studies that were undertaken to explore certain issues and corridors in White Bear Lake.

Minnesota Jurisdictional Realignment Project

MnDOT prepared this 2014 report evaluating possible changes in roadway jurisdiction. The report identified roadway segments that might be appropriate for a jurisdictional transfer between state, county, and city agencies. State Highway 120 was identified as possible turnback candidate to Ramsey and Washington Counties.

TH 120 Traffic Study

Century College, Washington County, the City of Mahtomedi, and MnDOT partnered to analyze traffic operations for TH 120/Century Avenue intersections between I-694 and County Road E in 2012. The traffic study addressed concerns related to Century College and traffic growth in the surrounding area. The study resulted in recommendations including improvements to the Century College and I-694 intersections. ~~MnDOT has a pavement preservation project on State Highway 120 scheduled for 2021.~~

Delete.

I-694 Non-Motorized Crossing Study

MnDOT completed the I-694 Non-Motorized Crossing Study in 2016 to identify pedestrian and bicycle mobility needs across the I-694 corridor. A multimodal crossing at TH 120 and I-694 was identified in the study. TH 120 generally lacks pedestrian and bicycle facilities. The bridge over I-694 has narrow sidewalks but only desire paths for the approaches.

COMPLETE STREETS AND NETWORKS

Complete streets are streets for everyone. The City of White Bear Lake is committed to building a complete and integrated public right-of-way to ensure that everyone can travel safely and comfortably along and across a street regardless of whether they are walking, biking, taking transit, or driving. City right-of-way, in addition to serving a transportation role, is the largest and most important public space in the City. The City supports a modal hierarchy that:

Replace ¶.

There is increasing evidence that insect pollinators are in serious decline. Major factors in the decline of pollinator species include habitat loss and systemic insecticide use. The City is committed to supporting pollinators by incorporating key native pollinator plant species in restoration projects, shoreline plantings, and park plantings. The City will also preferentially choose plants and seeds that have not been treated with systemic insecticides. A Pollinator Friendly Resolution supporting this commitment was passed by City Council on April 12, 2016.

TREES

Trees modify air temperature, solar and thermal radiation exchanges, and humidity of the air, all of which influence human comfort. Trees act as wind breaks, noise buffers and screening. Their beauty inspires writers and artists, while their leaves and roots clean the air we breathe and the water we drink. Trees provide valuable environmental benefits beyond just wildlife habitat. Maximizing tree cover and minimizing impervious surface serves our ecosystem by reducing stormwater runoff, decreasing erosion, storing and sequestering atmospheric carbon and reducing energy consumption due to direct shading of buildings. Even a dead and decaying tree serves to replenish the nutrients in soil. Finally, there is also evidence that trees increase community pride, positively impact consumer behavior, and increase property values.

Over the decades, tree cover has decreased as the City has developed, particularly during the lumbering and farming era of the early 1900's. More recently, on average, the City plants approximately 25 to 30 trees per year in public parks during Arbor Day, and removes approximately 5 to 10 annually from the City's parks. In 2017, 38 trees were removed from the street boulevards and not replaced. Tracking of tree planting through private development and redevelopment plans (Tree City USA submittal requirements) indicate that tree planting may exceed tree removal, when counted one for one. However, if conducted, caliper inch per caliper inch (size) comparisons would likely tell a different story. Also, there is no way to track the replacement of trees removed on private properties that are not being developed/redeveloped.

Replace ¶

With the rise of invasive species such as Dutch elm disease and Emerald ash borer, it is vital that our urban forest be intentionally replenished and increasingly diverse. A vigorous planting schedule for public parks, private properties and road right-of-ways will help to off-set the impacts of climate change and increased urbanization. If autonomous vehicles change our driving/transportation patterns in such a way as to reduce the need for parking, the "recaptured" space created should be used for tree planting as much as possible; such a rare opportunity to convert hard-surface back to greenspace should not be missed.

Revised text for page 7-130:

NATIVE SPECIES

(last paragraph)

There is increasing evidence that insect pollinators are in serious decline. Major factors in the decline of pollinator species include habitat loss and systemic insecticide use. The City is committed to supporting pollinators by incorporating key native pollinator plant species in restoration projects, shoreline plantings, and park plantings. The City will encourage developers of private lands to use native flowers, grasses, shrubs and tree species. The City will prepared a list of preferred plant species for reference and to guide designs for public and private development projects. The City will also preferentially choose plants and seeds that have not been treated with systemic insecticides. A Pollinator Friendly Resolution supporting this commitment was passed by City Council on April 12, 2016.

TREES

(last paragraph)

With the rise of invasive species such as Dutch elm disease and Emerald ash borer, it is vital that our urban forest be intentionally replenished and increasingly diverse. A vigorous planting schedule for public parks, private properties and road right-of-ways will help to off-set the impacts of climate change and increased urbanization. The City will consider a comprehensive tree inventory followed by a community forestry management plan. If autonomous vehicles change our driving/transportation patterns in such a way as to reduce the need for parking, the "recaptured" space created should be used for tree planting as much as possible; such a rare opportunity to convert hard-surface back to greenspace should not be missed.

Spotted Knapweed (Centaurea stoebe)

Classification: State Prohibited Noxious Weed - Control

Spotted Knapweed is native to Europe and Asia. It prefers dry soils and is commonly found in natural areas and along roads, rail lines, and trails. The plant produces a chemical that is toxic to other plants, allowing it to spread quickly. Small patches of Spotted Knapweed can be managed by hand-pulling and digging. Gloves and long sleeves must be worn when handling this plant.

Leafy Spurge (Euphorbia esula)

Classification: State Prohibited Noxious Weed - Control

Leafy Spurge is native to Eurasia and invades prairies, grasslands, and roadsides. The plants spreads aggressively by seed and extensive underground roots. Herbicide applications in the early spring and fall can effectively reduce Leafy Spurge populations. Biological control is also an option to control larger infestations.

Garlic Mustard (Alliaria petiolate)

Classification: Restricted Noxious Weed

Replace text.

Garlic Mustard is an aggressive biennial herbaceous plant, which means it does not flower until its second year and then it dies. It grows in a way that crowds out native wildflowers, tree seedlings, and woodland plants and can totally dominate a woodland within five to seven years. Garlic mustard can be managed by pulling up the second year plants before they flower and produce seeds, typically in early spring. Even though it is a prolific seed producer, garlic mustard can be managed by preventing seed production of plants over several years. Managing this species takes a strong commitment once it becomes established.

Because flowering garlic mustard can spread seeds even after it's been pulled up by the roots, the Minnesota Department of Agriculture (MDA) asks that plants be placed in paper bags for disposal. Bagged plants should dry thoroughly before disposal by burning, burying deeply in an area that will not be disturbed, or landfilling.

Crown Vetch (Securigera varia)

Classification: Restricted Noxious Weed

Crown Vetch is groundcover that is native to central and Eastern Europe. It was introduced to the U.S. in the mid 1800's, and by the 1950's was widely planted along roadways and waterways as a slope stabilizer. Crown Vetch spreads by seed and rhizomes and forms a dense monoculture in prairies, streambanks and along roadsides. Once established, Crown Vetch is difficult to control and may need to be treated for several years. Treatment options include mowing, prescribed burns, and foliar herbicide. Crown Vetch has been identified on City

Revised text for page 7-132:

Garlic Mustard (Alliaria petiolate)

Garlic Mustard is an aggressive biennial herbaceous plat, which means it grows as a rosette in its first year, it flowers in its second year and then it dies. It grows in a way that crowd out native wildflowers, tree seedlings, and woodland plants and can totally dominate a woodland within five to seven years. Garlic mustard can be managed by pulling up the second years plans before they flower and produce seed, typically in early spring. Even though it is a prolific seed producer, garlic mustard can be managed by preventing seed production of plants over several years. Managing this species takes a strong commitment once it becomes established. Garlic mustard rosettes can be spot treated in the fall when many native plants are dormant. Flowering garlic mustard plants can be treated with herbicides or hand pulled.

Because flowing garlic mustard can spread seed even after it's been pulled up by the roots, the Minnesota Department of Agriculture (MDA) recommends that plants be placed in bags for disposal and not simply left on the ground where they were picked. The bagged plants can be kept on site for burning or piled and covered with a tarp for decay. Be sure to monitor the site and remove any plants that sprout from the burn or decay site. If plants must be moved off site, contact your local yard waste or compost site to see if they are equipped to compost at high enough temperatures to accept noxious weeds at their site. Transportation is only allowed to a disposal site and the MDA requires the load is protected in a manner that prevents the spread of noxious weed propagating parts during transport. It is illegal in Minnesota to dispose plants in a landfill. See the MDA Noxious weed disposal website for additional information.

property along Heiner's Pond.

Buckthorn

Classification: Restricted Noxious Weed

Buckthorn is a non-native shrub brought over from Europe in the mid-1800s for use as a landscape hedge or windbreak plant. It forms dense thickets in wooded areas and will out-compete native shrubs, tree seedlings, and perennials such as wildflowers for sunlight, water, and soil nutrients. Buckthorn was classified as a restricted noxious weed in 2001 and can't be purchased in Minnesota.

(Rhamnus cathartica)

Common buckthorn and **Glossy Buckthorn** are the two species of interest. They can be easily identified because they leaf out earlier in the spring than most native plants and retain green leaves well into November. Control may take several years and usually cannot be done in a single season. The most effective time for buckthorn removal and control is late summer through fall. Proper identification is important so that native shrubs, such as American plum, chokecherry, or grey dogwood, are not removed by mistake.

(Rhamnus frangula)

Priority should be given to removing female berry-producing plants. This can be done by cutting plants close to the base and treating with glyphosate or covering stumps for 1 to 2 years with cans or thick black bags to keep sunlight out. A weed wrench is helpful for larger plants. Buckthorn may be taken to Ramsey County yard waste collection sites.

Buckthorn has been identified in Hidden Hollow Park, Lakewood Hills Park, Rotary Nature Preserve, Matoska Park, and on City property along the east edge of Heiner's Pond.

Tartarian Honeysuckle (Lonicera tatarica)

Classification: Restricted Noxious Weed

Tartarian Honeysuckle is a shrub native to Eastern Asia that was brought to the U.S. in the 1700's as an ornamental plant. It spreads by seed dispersal and has naturalized in woodlands, roadsides, and meadows throughout Minnesota.

Giant Knotweed (Reynoutria sachalinensis)

Classification: Specially Regulated Plant

Giant Knotweed is a perennial shrub native to Asia that was imported to North America in the late 1800's as an ornamental plant. The plant escaped cultivation and can be found growing along streambanks and riparian habitats. Infestation generally occurs through the transport of root fragments in streams or from soil movement. Knotweed spreads aggressively by underground rhizomes and forms dense thickets that displaces native vegetation. It is still sold commercially but a label must be affixed to the plant container indicating that it is inadvisable to plant this species within 100 feet of a waterbody or floodplain. Japanese Knotweed is a smaller, related species that is also on the Specially Regulated Plant list. Knotweed is found on the shoreline of Heiner's Pond, White Bear Lake, and Willow Creek Wetland. Because of its preferred habitat near waterbodies, goals and implementation items

for the control of Knotweed on City property is addressed in the City's Surface Water Management Plan.

Amur Maple (Acer ginnala)

Classification: Specially Regulated Plant

Amur Maple is a small tree native to central and northern China, Manchuria, and Japan. The tree seeds prolifically and is becoming invasive in open wooded areas where it displaces native shrubs and understory trees. It is still sold commercially and is widely planted as an ornamental tree due to its brilliant red fall color. Amur Maple is classified as a Specially Regulated Plant, requiring sellers to affix a label that advises buyers to only plant Amur Maple in landscapes where the seedlings will be controlled by mowing or other mean. Amur Maple should be planted at least 100 yards from natural areas.

Amur Maple can be controlled by cutting the stump and treating with glyphosate or bark treatment around the stem with triclopyr. Amur Maple has been identified in Rotary Park.

Insert:

European Common Reed → (Phragmites australis)

European common reed can form dense stands that displace native common reed and other wetland plant species, reduce habitat quality for fish and wildlife, and alter ecosystem function-ing and hydrology. European common reed is a "cryptic invader" in Minnesota since the native subspecies is widespread throughout the state and the non-native subspecies is easily confused with it.

TERRESTRIAL INVASIVE ANIMALS-INSECTS

The Minnesota Department of Agriculture regulates the introduction and spread of invasive insects through the State Plant Pest Act (Minnesota Statutes Chapter 18G and Chapter 18J).

Emerald Ash Borer (EAB)

EAB is an invasive forest beetle from Asia which attacks all types of ash trees. Woodpeckers readily feed on EAB larvae and leave evidence of such (called "flecking") as they remove the outer bark. Feeding larvae create tunnels in the bark and emerging adult beetles chew 1/8-inch, D-shaped exit holes. Once trees begin to show these signs and symptoms of EAB, they generally die within one to three years.

Ash trees make up as much as 60% of the tree species in some communities. Homeowners should consider removing and replacing ash trees, or may try to save ash using preventative insecticide treatments. Insecticides are less costly than removal, but require treatment on a semi-annual basis. It is recommended to fully research the impacts of treatment options or consult with a certified arborist prior to application.

The City has mapped the Ash trees on the manicured public property but has not yet surveyed the naturalized areas. Of the 356 Ash trees found so far, approximately 125 have been identified as specimen trees which are candidates for treatment versus removal. Emerald Ash Borer has been found on the south side of the City and staff is currently in the process of formulating a plan of action.

City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Anne Kane, Community Development Director

From: Rick Juba, Assistant City Manager

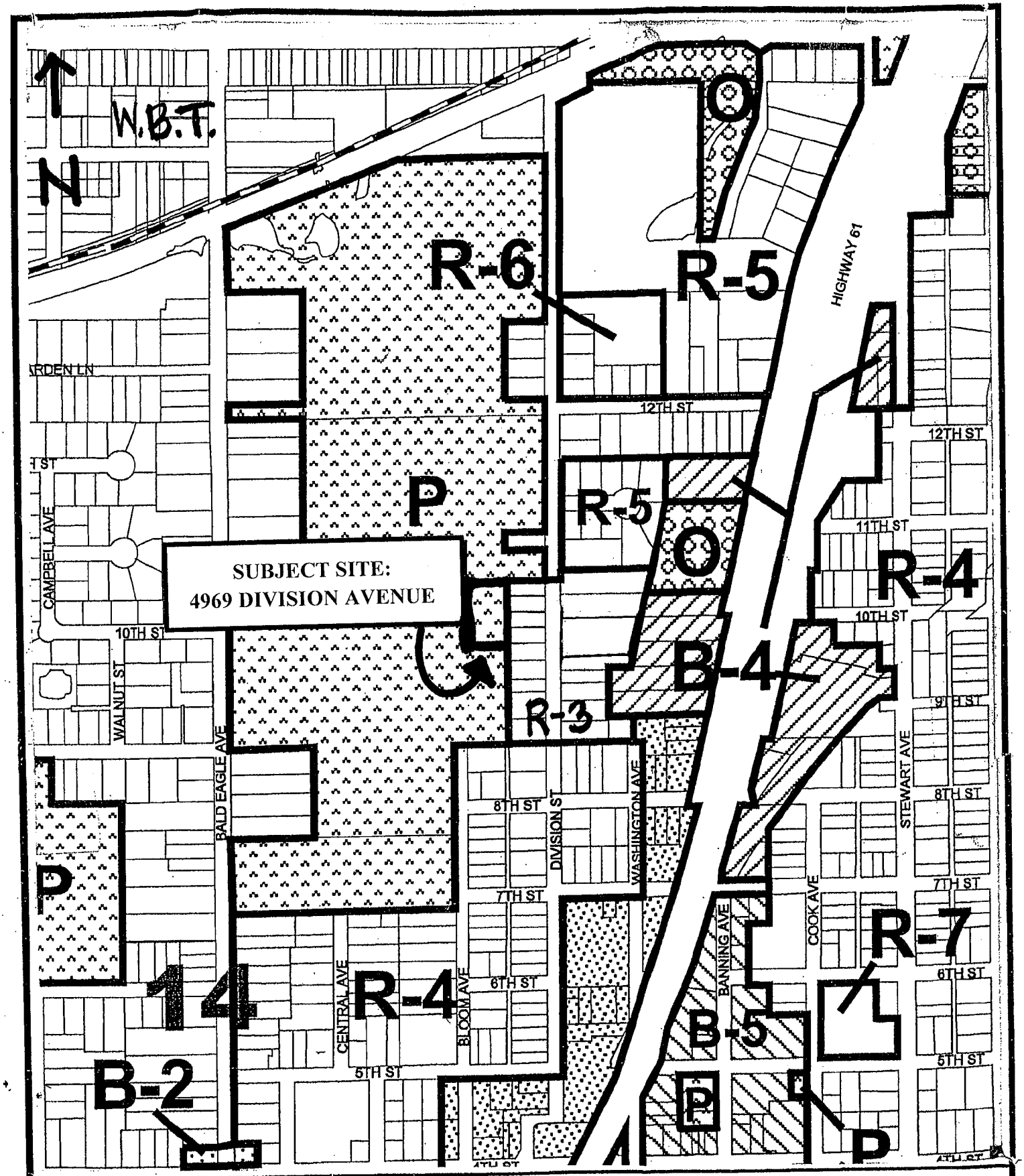
Date: July 23, 2020

Subject: **Bus Garage Property – 4969 Division Avenue**

The City purchased the property at 4969 Division Avenue ("the property") from the National Guard in 1996. It was originally a maintenance facility that accompanied the Armory in downtown White Bear Lake. After closing the Armory, the National Guard leased the maintenance building to the school district. After selling the Armory to the City in the mid 1990's, the National Guard offered to sell the maintenance facility as well. At the time, the National Guard only conveyed property to cities, counties or the general public. Because there was no avenue for the National Guard to sell the property directly to the school district, the City purchased the property from the National Guard and leased it back to the district to allow them to maintain their bus maintenance facility. While the City has owned this property for over 20 years, it has been leased to the district the entire time.

As part of the district's facilities plan, they have requested the City to convey the property to the district. City staff supports this action and is preparing to recommend to the City Council approval of the conveyance. As part of that process, the City Attorney's Office has recommended that the Planning Commission review the proposed conveyance of property for compliance with the City's Comprehensive Plan. The property is .86 acres and is guided Public/Semi-Public in both the 2030 Comprehensive Plan and the proposed 2040 Comprehensive Plan. Public schools are an identified use within the Public/Semi Public designation. While the specific use of the parcel has not yet been identified by the School District, it will allow more contiguous property to accommodate planning for expansion of all aspects of the site.

Please advise the Planning Commission on this potential conveyance at their July 27, 2020 meeting and request their affirmation that the continued use of the property by the school district is consistent with both the current and proposed comprehensive plan.



City of
White Bear Lake
Planning and Zoning Office
(612)-429-8561

CASE NO. :

CASE NAME : BUS GARAGE

DATE : July 27, 2020

CITY COUNCIL MEETING SUMMARY
July 14, 2020

APPROVAL OF MINUTES – Approved

APPROVAL OF THE AGENDA – Approved

- Mayor Emerson moved 11B to 4B - regarding face coverings.
- Councilmember Walsh added 9C – Resolution rescinding the mask proclamation.

VISITORS AND PRESENTATIONS – Approved

A. Children's Performing Arts, Development Director Marlene Petersen asks for use of Railroad Park for Children's Performing Arts pop-up singing on Thursdays, August 20 and 27, from 6:00 p.m. – 7:00 p.m. SCC will record and broadcast on local public access Channel 16

B. Mayor Emerson signed a proclamation requiring facial coverings indoor areas where public has access within the City of White Bear Lake, taking effect at 12:01 a.m., Friday, July 17, 2020 and continuing until the enactment of a statewide proclamation by the Governor, the state peacetime emergency declaration ends, the Council votes to rescind it, or 30-days from the enactment of this proclamation.

PUBLIC HEARINGS – Nothing scheduled

LAND USE – Approved

A. Consent
   1. Consideration of a Planning Commission recommendation for approval of a request by Paula Frost for a special home occupation permit at 1904 4th Street. (Case No. 20-2-SHOP). **Resolution No. 12605**

   2. Consideration of a Planning Commission recommendation for approval of a request by Husnik Homes on behalf of Dave and Jane Linden for a variance at 4796 Bald Eagle Avenue. (Case No. 20-10-V). **Resolution No. 12606**

   3. Consideration of a Planning Commission recommendation for approval of a request by White Bear Area ISD 624 for a conditional use permit at 3551 McKnight Road. (Case No. 20-5-CUP). **Resolution No. 12607**

B. Non-Consent
   1. Consideration of a Planning Commission recommendation for approval of a request by White Bear Center for the Arts for a planned unit development at 4971 Long Avenue and 4953, 4962, 4970 & 4980 Division Avenue. (Case No. 20-1-PUD). **Resolution No. 12608**

UNFINISHED BUSINESS – Nothing scheduled

ORDINANCES – Nothing scheduled

NEW BUSINESS

A. Resolution regarding Goose Lake Access Agreement with VLWMO. **Resolution No. 12609**

B. Resolution authorizing the City Manager to order repairs and maintenance to the Armory elevator. **Resolution No. 12610**

C. Resolution rescinding the Mayor's mask proclamation. **Failed 2:3**

CONSENT - Approved

A. Acceptance of Minutes: May Park Advisory Commission, May Environmental Advisory Commission, June Planning Commission

B. Resolution authorizing use of Railroad Park for Children's Performing Arts performances in August **Resolution No. 12611**

DISCUSSION

A. Racial equity discussion – public engagement

Mayor Emerson mentioned a conversation planned tomorrow night with students and one of the school district's cultural liaisons. The following night, Mayor will be conversing with parents and staff, which will provide a basis for identifying racial equity issues.

Ms. Hiniker highlighted work with other cities and a consultant, which starts with an inventory to gage the organization. She identified savings in training due to COVID-19, and announced intention to fund a consultant for this internal work. Ms. Hiniker suggested two Councilmembers join staff in selecting a consultant if there is a desire to move this process outward into the community.

Councilmember Walsh and Councilmember Jones both agreed to serve on this committee on behalf of the City Council. Councilmember Biehn offered his assistance as a resource having worked in law enforcement.

COMMUNICATIONS FROM THE CITY MANAGER

- AV Pilot Project – Despite a hold on state funding, AECOM continues to be dedicated to this work and recently assisted with selection of a vendor. All collaborators are continuing work with MnDOT, however, a contract cannot be solidified until later this fall or next spring until funding is in place.

- South Shore Blvd Project - Ramsey County will provide a summary of comments from the open house at the next City Council meeting on July 28th.

- Census reminder – the city continues to promote the Census along with the county and state.

- City Engineer/Public Works Director Kauppi reported the water tower project is on track and work had been coordinated on weekends with surrounding businesses. Street and Mill and Overlay projects are moving along nicely, and the restoration stage of street construction with sod placement is underway.

ADJOURNMENT – 8:43 p.m.

Park Advisory Commission Meeting Minutes

MAY 21, 2020 6:30 P.M. WEBEX

MEMBERS PRESENT	Bill Ganzlin, Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Mike Shepard
MEMBERS ABSENT	
STAFF PRESENT	Paul Kauppi and Andy Wietecki
VISITORS	
NOTE TAKER	Andy Wietecki

1. CALL TO ORDER

The meeting was called to order at 6:30 pm via Webex.

2. APPROVAL OF MINUTES

Approval of the minutes from April 16, 2020 was moved by Mark Cermak and seconded by Ginny Davis.

3. APPROVAL OF AGENDA

Approval of the May 21, 2020 agenda was moved by Mark Cermak and seconded by Mike Shepard.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

a) Park Commission Reports of Park Inspections

All of the Park Advisory Commission members visited a park or two between the May and June meeting and reported to the Commission the areas that are in need of some improvement. The goal of the park inspections is to shed light on some items in the park that need maintenance.

Bill Ganzlin visited Hidden Hollow Park and Bossard Park. At Hidden Hollow Park, he found an illegal compost dumping in the woods on the southeast side of the park. There was also Oak Wilt in the woods. Bill also reported that there are some bike jumps in the woods. After consulting the Ramsey County GIS website, the jumps are all on private property. It appears that the City only owns 16' off the trails' edge and the jumps are past that. Bill spoke to a child using the playground and that child would like to see a zip line and some bigger equipment for older children.

At Bossard Park, Bill found garlic mustard growing along the wetlands and roughly 5 trees that need to be removed. Bill also noticed some graffiti on the

south side of the restrooms. The ball fields are overgrown and do not look like they have had much use in recent years.

Mike Shepard visited West Park, Matoska Park and Railroad Park. There are some tables that need to be replaced and a couple grill posts that need to be removed at West Park. At Matoska Park, Mike found the rain garden by the wooden bridge overgrown as well as wood benches that have started to rot. Railroad Park was in great shape. He did not spot anything that needed maintenance.

Victoria Biehn visited Stellmacher Park, McCarty Park and Willow Marsh Preserve. Stellmacher Park had a lot of trash in the park. She also noticed that the stumps from trees removed over the winter had not been removed yet. Andy reported that the stumps were removed last week ahead of the Tree Trust tree planting. Victoria noted that the play equipment was in great shape. McCarty Park was well maintained and did not need any maintenance. Lastly, Victoria visited Willow Marsh Preserve and reported that it felt like she was going through someone's backyard.

Bryan Belisle visited Lakewood Hills Park, Varney Lake Park and Cottage Park Preserve. Bryan reported fallen trees in the wooded disc golf area along with some trash being collected in the fireplace. Bryan noticed that most of the disc golfers were practicing social distancing. At Varney Lake Park, he noted that it had recently been mowed and looked great. Bryan also visited Cottage Park Preserve which was hard to find. Bryan suggested that the City install a bench and a small sign. Paul responded that due to an agreement that was signed when the City purchased the land, it is meant to be kept a preserve and not a heavily used park. The preserve is meant to be kept a natural habitat for animals to live. Paul reported that they City recently had some residents neighboring the preserve move items that were encroaching onto Park property like fire pits and wood stacks.

Ginny Davis visited Podvin Park, Rotary Park and Lakeview Park. Ginny reported that trash was blown up against the lacrosse fields fences at Podvin Park. She witnessed kids using the skate park that were practicing social distancing. At Rotary Park, everything looked great and the boardwalk was solid. Ginny did notice some graffiti that has since been removed by Parks Department employees. Lastly, Ginny visited Lakeview Park and asked about installing a park sign. She noted that there were no trash cans and there was some trash laying around from park users. Andy responded that there was a trash can there previously, but it was rarely used so it was removed. A trash can be reinstalled but a concrete pad needs to poured first.

Anastacia Davis visited Lions Park, Veterans Park and Spruce Park. At Lions Park, she noted that the smaller shelter and split rail fence were falling apart. Andy Wietecki advised the group that White Bear Lake Lions Club donated money to replace the fence last fall and the City plans on installing a new fence this summer. Anastacia asked about the privacy screens and Andy reported that the were installed for an Eagle Scout Project but fell apart over the winter. The City will be removing them and doing something more aesthetically pleasing in that spot. At Veterans Park, Anastacia reported that the new sidewalk looks great and that the woods on the north side look really good since cutting trees

out and planting new plants in the area. She did notice that the area needed more benches. The benches were refinished over winter and are ready to go out. According to Anastacia, Spruce Park looks much better than the last time she visited it.

Mark Cermak visited Jack Yost Park, Ramaley Park and Ebba Park. Mark noticed that the park amenities like the trash can and benches in the wooded area at Jack Yost Park were falling apart. Andy Wietecki reported that the City is aware of the issues in the wood area. The City plans on replacing them with new composite boards to get more life out of them. The price per garbage can is $265 in lumber and the benches cost $800 per bench to re-wood. At Ebba Park, Mark noticed a hole where a tree was but Andy reported that it has since been filled in with dirt and grass seed. Mark also noticed someone dumping on the hill. Andy believes that area is not park property but will double check.

6. OTHER STAFF REPORTS

a) Restroom Closures

Andy Wietecki updated the Park Advisory Commission members that the park restrooms will be opening on Friday, May 22nd. The bathrooms were not opened until the City had all the proper PPE to ensure the safety of City employees for cleaning the restrooms.

b) Financial Update

Paul Kauppi updated the Commission members about some of the financial struggles that are looming in the future for the Parks Capital Improvement Fund. He stated that he will have more updates for the Commission later this year after the ongoing workshops with the City Council.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

The Park Advisory Commission will hold its next meeting at Lakewood Hills Park on Thursday, June 18th at 6:30 p.m. They will be walking through the disc golf course to take an in-dept look at some of the safety hazards the forest possesses.

9. ADJOURNMENT

The next meeting will be held on June 18, 2020 at 6:30 p.m. at Lakewood Hills Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Bryan Belisle and seconded by Mark Cermak.