

**PLANNING COMMISSION MEETING
AGENDA
CITY OF WHITE BEAR LAKE, MINNESOTA**

The City of White Bear Lake Planning Commission will hold a meeting on Monday, April 26, 2021 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.

1. Call to order and roll call.
2. Approval of the April 26, 2021 agenda.
3. Approval of the March 29, 2021 Planning Commission meeting minutes.
4. **CASE ITEMS:**
Unless continued, these cases will go to the City Council meeting on Tuesday, May 11, 2021.
 - A. **Case No. 21-5-CUP:** A request by the **3881 Property Group** for a Conditional Use Permit, per Code Section 1303.030, Subd.4.e, in order to convert an existing two-story building into a 24 bed nursing home in the R-3 zoning district at the property located at 3881 Highland Avenue.
 - B. **Case No. 21-7-V:** A request by **Bree LLC** for a variance, per 1303.160, Subd.3.d., to increase the amount of ground floor office/professional use to 64.7% gross square feet and 51.5 linear feet of frontage, an increase over the existing 40.7% gross square feet and 15.2% of frontage, when limited to not more than 30% of each per code, in order to allow a real estate office at the property located at 4701 Banning Avenue.
 - C. **Case No. 21-8-V:** A request by **Patty Flanagan** for a six foot variance from the 20 foot side yard setback, and a six foot variance from the six foot frost footing setback, both for an above-ground pool, both per Code Section 1302.030, Subd.20.b.2.a.1, in order to install a 112 square foot (1,727 gallon) swim spa 14 feet from the south property line at the property 3562 Highland Avenue.
 - D. **Case No. 21-9-V:** A request by **James Mattson** for a 1.5 foot variance from the six foot height limit, per Code Section 1302.030, Subd.6.h.3, and a 2.75 foot variance from the 4 foot height limit in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to construct a fence on the south side of the lot at the property located at 3444 White Bear Avenue.
 - E. **Case No. 21-1-LS:** A request by **Matthew & Andrea Hare and Jacqueline Mager** for a recombination subdivision, per Code Section 1407.040, to convey 16,000 square feet of land to 1996 Elm Street from 3465 White Bear Avenue.

5. DISCUSSION ITEMS:

- A. City Council Meeting Summary from April 13, 2021.
- B. Park Advisory Commission Meeting Minutes from January 21, 2021.

6. ADJOURNMENT

Next Regular City Council Meeting April 27, 2021
Next Regular Planning Commission Meeting.....May 24, 2021

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
MARCH 29, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, March 29, 2021, 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: Michael Amundsen, Ken Baltzer, Jim Berry (7:11 p.m.), Pamela Enz, Mark Lynch, Erich Reinhardt, and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Scott Mareck, Jacob & Chandler Ommen, Bob Rogers, Chad Jorgenson, Chris Hiniker, Eric Meyer, Mark Larson, Tim Wald, Ben Beery, Chris Ganzlin, Cozy Hannula, Daniel Roeser, Deb Larsen, Jim & Barb Engh, Rodney & Nancy Oakes, Joseph Kimball, Kathleen Freiderich, Maggie Briggs, Mike Plumb, Peg Vadnais, Sara Nephew, Shannon Moore, Valerie Hanson, Pat Collins, Carrol Knutson, Tracy Shimek, and Ben Eggan.

2. APPROVAL OF THE MARCH 29, 2021 AGENDA:

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

3. APPROVAL OF THE FEBRUARY 22, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 21-1-EAW:** A request by the **City of White Bear Lake** for review and acceptance of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet (EAW) prepared for the North Campus High School Expansion Project at the property located at 5045 Division Avenue.

Kane discussed the case. Staff recommended acceptance of the Findings of Fact and Conclusions and the determination that an Environmental Impact Statement (EIS) is not needed.

Member Reis asked if the analysis looked at mildew or asbestos since Central Middle School is over 100 years old.

Tim Wald, School District, Assistant Superintendent for Finance and Operations, replied that the building has been renovated in recent years, so the asbestos has been addressed.

Dan Roeser, School District, Director of Building Operations, confirmed that the building is asbestos free. Anything that was in there has already been abated. The roof has been replaced and the building structure is sound.

Member Reis noted that 14.5 acres of hard space will be added to the property, which is a huge increase in impervious surface. He wondered if the school had looked at using pervious paving.

Ben Beery, Wold Architects, stated that they looked at the option, but found that pervious material does not hold up in school settings because of the heavy maintenance and use the surfaces get. The proposed plan to treat the stormwater through a stormwater infiltration basin will be a better long-term solution. The project will meet all watershed requirements.

Eric Meyer, Larson Engineering, added that the durability of pervious pavers is not there. They would need to be replaced often.

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

Member Reis moved to recommend acceptance of the Findings of Fact and Conclusions and the determination that an Environmental Impact Statement (EIS) is not needed in Case No. 21-1-EAW. Member Enz seconded the motion. The motion passed by a vote of 7-0.

- B. **Case No. 21-3-CUP:** A request by **Independent School District #624** for a Conditional Use Permit, per Code Section 1303.245, to allow expansion of the existing North Campus public high school located in the P – Public zoning district at the property located at 5045 Division Avenue.

Kane introduced the case, noting tonight's request is for the land use entitlements for the school campus itself. Staff acknowledged that North Campus' location within the School District, being near Downtown White Bear Lake, adjacent to the emerging Arts District, and its proximity to existing and planned transportation networks make it a highly desirable location to locate a centralized high school. The conversion of this campus back to a full 9-12 grade high school represents a tremendous opportunity and a significant investment for the broader community – but recognizes it not without some challenges and potential impact on the surrounding neighborhoods.

Kane described a detailed planning process involving School District leadership, consultant team, staff from the city, township, county and state met on numerous occasions to identify issues and opportunities, explore options and alternatives, and formulate plans to mitigate negative impacts from the increased intensity of the campus. Throughout this collaborative process the Project Team has sought to find the optimal balance between creating a high-quality school campus with modern amenities and first rate facilities, while configuring the campus to help distribute traffic on the surrounding roadway network, provide appropriate setbacks and buffers from the adjacent residences, and minimizing the negative impacts of the planned campus improvements on the surrounding neighborhood.

Kane explained that in addition to designing the campus to distribute trip generation throughout the existing roadway network, a number of off-site improvements have been identified which will

help alleviate traffic congestion around the campus including safety and capacity improvements, traffic control changes, access/roadway modifications, and enhanced pedestrian/bicycle connections. She noted that while many of the elements have been identified, the specific plans have not yet been finalized for off-site improvements that have been identified:

- Traffic signal at 8th St & Highway 61 intersection;
- Improved capacity and sidewalk along 8th Street b/w 61 and the campus;
- Dedicated turn lanes at entrances on both Division and Bald Eagle; and,
- Pedestrian and bicycle extending north on the campus.

Kane noted that securing the Land Use Entitlements for the high school campus will also serve as a catalyst to finalize plans for other regional investments envisioned for the community – including the Bruce Vento Trail extension and the Rush Line transit corridor. For example, she acknowledged until the final alignment of BVT is known, its difficult to determine the best configuration of sidewalk/trail extensions north along the campus. Staff recognizes that additional public engagement will be needed as these off-site components are finalized and anticipates that process will mirror the same public engagement process used for all road improvement projects throughout the City.

Kane then summarized the redevelopment proposal including the campus layout, building design, parking and circulation, athletic facilities and practice field locations, landscape replacement plan, campus signage, and addressed public comments received from neighbors in advance of tonight's Public Hearing. She noted that new internal sidewalks connect the various components of the campus including improved north/south pedestrian circulation, however, the campus presently disrupts the broader pedestrian and bicycle network of the neighborhood, particularly east-west travel. The campus expansion project presents an opportunity to facilitate a more cohesive network for non-motorized travel throughout the neighborhood and improved connections north of the campus. As plans are finalized for transportation networks around the campus, the Project Team will identify optimal locations and alignments for these critical cross-campus connections and addressed in a Development Agreement between the City and School District. Staff recommended approval subject to a number of conditions listed in the report.

Member Lynch asked if the campus sidewalks would be open during school hours and whether the trails would utilize the campus' internal road system. Kane replied that the desire is for the trails to be separate from the internal roads and not go through parking lots. She stated that it will be a very open campus, so she is not sure about access, but it would be hard to restrict. She deferred to the school district to address.

Member Lynch wondered if the project is meeting all the zoning code requirements and if that is why a Planned Unit Development (PUD) is not being requested.

Kane stated that the use as a school has already been identified as appropriate in all residential districts, so it is fairly simple and straightforward. If there were multiple principal buildings, a PUD would likely be the best approach, however, the proposal is one principal structure with multiple accessory buildings. The project did not require a lot of flexibility, so the proposal is meeting code. The height of the building varies, but it is meeting the increased setback required by code. She stated that the City will hold the school to the allowable signage requirements, which will required additional detailed prior to permitting and installation.

Member Reis commented that there will be a lot of concrete added to the north side of the campus, north of the three existing round buildings. The concrete will run up to newly installed AstroTurf. It is a very wet site and he wondered if the elevation would need to be raised to make it a useable practice field and if the runoff would drain to the wetland.

Eric Meyer, Larson Engineering, explained that with an increase in the number of students, gym classes and sports teams need more space, so the area will be converted to synthetic turf to ensure the fields are useable year round. The surrounding sidewalks will be ADA accessible. There will be some fill added to raise the area above water elevation, but it will not be raised to the level of the school. Water will be able to seep through the turf and be filtered by layers of rock and sand before draining to wetlands on the east and west where it currently flows.

Member Reis asked what will become of the existing auditorium that is currently part of the junior high school.

Tim Wald, School District, replied that it will continue to be used as a smaller performance space. It holds about 375 people, while the larger one will hold just under 800 people.

Member Baltzer opened the public hearing.

Valerie Hanson, 5118 Wild Marsh Drive, stated that she is excited to see the sidewalks connect to the north. She expressed concern over the increased runoff and drainage. She asked when Division Avenue will be paved and whether it would be a city or school project.

Kane stated that the resurfacing of Division Avenue is part of the City's routine capital improvement plan. It is slated for 2024 or 2025. The City will need to coordinate with the school on timing and will need to negotiate a formula for shared payment of the project.

Deb Larsen, 4917 Bald Eagle Avenue, asked if the school district is looking to buy more homes on the west side of Bald Eagle Avenue.

Tim Wald, School District, stated that it is unlikely that the School District will buy more houses on the west side.

Peg Vadnais, Bald Eagle Avenue, asked if the school had an estimate for how much bus traffic there would be for Bald Eagle Avenue. She stated they are not used to buses on the road and this will be a big change.

Tim Wald, School District, confirmed that currently every bus for the high school and middle school uses Division Avenue. He stated that there will be more buses using Bald Eagle Avenue. The bulk of the parent drop off/pick up will be on Division Avenue. Between the high school and middle school, the number of buses will be in the low twenties.

Chris Hiniker, SEH, added that the plan now is to direct the majority of buses to Bald Eagle Avenue and away from Division Avenue to reduce the amount of traffic on Division. The high school and middle school will utilize the same bus pick up and drop off lot.

Joe Kimball, 4930 Walnut Avenue, asked for clarification of what is being represented on the Site Plan south of the student parking along Bald Eagle.

Tim Wald explained that there are ten tennis courts and they will also be striped for pickle ball. Below that is a multi-use synthetic field.

There being no further questions or comments from the public, Chairman Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 21-3-CUP. Member Lynch seconded the motion. The motion passed by a vote of 7-0.

C. **Case No. 21-4-CUP & 21-5-V:** A request by **Jacob & Chandler Ommen** for a Conditional Use Permit for a home accessory apartment, per Code Section 1302.125, and the following five variances,

- A 13 foot variance from the 35 foot front yard setback from the principal structure, per Code Section 1303.040, Subd.5.c.1, in order to expand an existing line of non-conformity for a mudroom addition;
- A 2.7 foot variance from the 20 foot front yard setback for an accessory structure, per 1302.030, Subd.4.d;
- A one-story variance from the one-story maximum for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 321 square foot variance from the 1,000 gross square foot maximum size for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 71 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per 1302.030, Subd.4.i.2.b;

All in order to construct a new attached garage with an accessory dwelling unit (ADU) above at the property located at 4320 Cottage Park Road.

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

Member Lynch voiced his support for ADUs. He wondered if more variances associated with ADUs above garages will be requested in the future and whether the City should consider looking into changing the Zoning Code.

Member Berry sought confirmation that the living space is not accessible from the house and whether the unit will be rented or for family. He asked how the City would be able to enforce the limit of two people and the number of vehicles associated with the ADU. He asked why the City has such conditions if it cannot hold them accountable.

Crosby answered that access is from the back stairway and that the unit can be rented, but so far the applicants have stated it will be used for family. She stated that this is a conditional use for an ADU, so if they cannot meet the conditions, then maybe it cannot be used for a period of time.

Kane stated that if they cannot meet the conditions, then the City will proceed with a revocation of the CUP and bring the matter in front of the City Council.

Member Lynch asked if ADUs need to be accessible from the outside. Crosby confirmed that was not a requirement.

Member Baltzer opened the public hearing.

Mike Plumb, 4350 Cottage Park Road, detailed the number of variances that were granted for the lot split and new home construction. All the variances are interrelated and is an over use of what the regulations allow. He pointed to a question raised by Member Lynch when the lot was split about how new homeowners would know about the stipulations. Mr. Plumb stated that the code only allows ADUs in existing structures and this is a new structure. He also believes that the impervious surface calculations are not correct. Based on his calculations, there is over 30% impervious surface on the lot and he is concerned about runoff.

Member Baltzer closed the public hearing.

Member Lynch stated that he understands Mr. Plumb's concerns. He looks at each variance with fresh eyes and is supportive of this request because it will make the property more conforming by pushing the garage further back from the side and front property lines. He is a proponent of ADUs and appreciates that the property will not exceed 30 percent impervious.

Member Amundsen moved to recommend approval of Case No. 21-4-CUP & 21-5-V. Member Reis seconded the motion. The motion passed by a vote of 5-1. Baltzer abstained. Berry voted no.

- D. **Case No. 21-6-V:** A request by **Jack Tamble** for a four foot variance from the five foot rear yard setback for a detached garage, per Code Section 1303.030, Subd.4.e., and a 7.7 foot variance from the 25 foot setback from a side abutting a public right-of-way, per Code Section 1302.030, Subd.4.d, in order to construct a new two-car garage one foot from the east property line at the property located at 4860 Stewart Avenue.

Crosby discussed the case. Staff recommended approval of the request.

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

Member Reinhardt moved to recommend approval of Case No. 21-6-V. Member Berry seconded the motion. The motion passed by a vote of 7-0.

5. **DISCUSSION ITEMS:**

- A. City Council Meeting Summary of March 9, 2021.

No Discussion.

- B. Park Advisory Commission Meeting Minutes of March 18, 2021 – Not Available.

No Discussion.

6. **ADJOURNMENT:**

Member Amundsen moved to adjourn, seconded by Member Lynch. The motion passed unanimously (7-0), and the March 29, 2021 Planning Commission meeting was adjourned at 9:16 p.m.



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: April 22, 2021 for the April 26, 2021 Planning Commission Meeting

SUBJECT: 3881 Property Group, 3881 Highland Avenue - Case No. 21-5-CUP

REQUEST

The applicant, Jim Mackey Architect, on behalf of the property owner, 3881 Property Group, is proposing to convert an existing two-story office building into a 16 to 24 bed nursing home. The conversion would require the use of the adjacent parking lot in Stellmacher Park, which has historically been utilized by the tenants of the subject site, as summarized below. Consequently, the proposed request is also contingent upon approval of a lease agreement for said lot.

SITE CHARACTERISTICS

The half-acre property contains an 8,572 square foot, two-story building and 4 parking spaces. The driveway access for the subject site encroaches slightly onto the Stellmacher Park property, as does the trash enclosure. Both of these encroachments are acceptable given they create the opportunity for the City to have use of them.

ZONING

The property is zoned R-3, Single-family Residential District, as are the surrounding properties except for Stellmacher Park to the north, which is zoned P - Public Facility.

BACKGROUND

The property originally consisted of a convent. It was later used as offices by the Knights of Columbus, the Board of Social Ministry, and Neighbor to Neighbor. The previous parking lot lease was established in June of 2007 and was terminated in 2018. Over the past few years, staff has met with many prospective buyers about various uses, including active senior housing, child day care, a group living facility, a single room occupancy, and flexible office space.

ANALYSIS

Conditional Use Permit

A nursing home as a Conditional Use in a residential district first appears in the R1-I zoning district and "cascades" to R-3. It allows "Elderly (senior citizen) housing and nursing homes", provided that:

1) Compatibility with the surrounding neighborhood is maintained.

Given that the exterior of the structure or property is not changing in any way, staff finds that the proposal complies.

2) The dwelling structure is in compliance with the lot width and setback requirements of §1303.080 of this Code.

The code requires an 80 foot lot width and 100 feet is provided. The required setbacks are 30 feet from the front, 10 feet from the sides and 30 feet from the rear. The building meets or exceeds the setbacks except it is only 9.6 feet from the south side property line. Although the south side of the building is slightly shy of the setback requirement, it is an existing structure that has existed this way since construction and is not proposed to change. Given that it is an existing condition and that the amount is de minimis, staff finds that the intent of the code has been met.

3) Density calculations for senior multi-family rental and owner occupied condominium buildings with more than eight (8) units are as follows...

The proposal is not classified as senior multi-family housing – it is a nursing home, which is defined as “A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.” Therefore the density restrictions do not apply. (In contrast, senior housing is defined as “Multi-family dwelling units occupied by persons 55 years or older”.)

4) The permanent residents shall be limited to persons who are 55 years of age or over except that one other person may reside in any senior or elderly housing unit including his or her spouse, parent, foster parent, or legal guardian.

The applicant was made aware of this on-going requirement.

5) The structure is in compliance with the Minnesota State Uniform Building Code.

The building permit will ensure that the interior renovations comply with the current building code requirements.

6) The provisions of §1301.050 of this Code are considered and satisfactorily met.

This provision is referencing the CUP section of the zoning code. If the CUP is approved, then the provisions have been satisfied.

7) To continue to qualify for the elderly (senior citizen) housing classification, the owner or agency shall annually file with the Zoning Administrator a certified copy of a monthly census of the residents of the dwelling structure, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants under 55 years of age to the other residents of the dwelling structure.

Again, since the proposed use is a nursing home, not senior housing, the density limitations and bonuses of the multi-family senior housing do not apply. Therefore, the reporting requirements do not apply either.

8) All senior housing developments processed under the provisions of 1303.030, Subd.4.e shall also be subject to the requirements of the Planned Unit Development ordinance as outlined in § 1301.070.

Because of the flexibility inherent in the PUD process, staff believes this provision was intended for new development type projects. The applicant is not proposing any changes to the layout of the property, therefore, calling the project a PUD does not provide much benefit over a CUP, as both may impose conditions as the City finds fit.

Parking

For a nursing home, parking is required at the rate of 4 spaces plus one for each 3 beds for which accommodations are offered, for a total of 12 stalls. With 4 stalls on site, 8 stalls are needed from the City lot (according to code). The plan is for the nursing staff to park in the leased lot leaving the 4 on-site stall for visitors. Approximately 6 staff are anticipated on a regular basis; with potential for visitors overflowing to the lot on weekends and holidays. Despite the low demand, it makes sense to lease the entire lot, to allow for the flexibility of all stalls being available to them, rather than designating a specific area within the lot. The engineering department has pointed out that at some point in the future the City may want to sign the lot as public parking, and, of course, has the right do to so at any time should it deem it beneficial.

Lease Agreement

The draft agreement is very similar to the previous lease agreements: it proposes a lease amount of \$1.00 per year with an initial 10-year period. There is an automatic one-year renewal period. Either party may terminate the agreement with 60 days written notice. The public maintains access to both the shared drive and the parking lot. The tenant is responsible for maintenance and repair.

The draft agreement differs from previous versions in that it will also include some language about the dumpster enclosure that we have learned also encroaches into the park property. Staff pointed out that the dumpster is in need of repair and the applicant is considering a complete rebuild. Should this occur, staff has included a condition that the enclosure not be reduced in size. Multi-unit dwellings in the metro area are required to recycle under the MPCA's commercial recycling law and we would like to ensure that the enclosure remains large enough to accommodate trash, recycling and hopefully, one day, organics. If the applicant so desires, the enclosure may be relocated when reconstructed so that it is entirely on the subject site.

Of note is that the lease agreement does not require a public hearing and is not under the purview of the Planning Commission; it is at the discretion of the City Council. The scope of the lease is explained herein only to facilitate the discussion about the land use request (the conditional use permit).

Other

The applicant has also agreed to install a six-foot tall privacy fence along the west and south side of the subject site. This will provide desirable screening between the proposed use and the abutting properties.

DISCRETION

The City's discretion in approving or denying a conditional use permit is limited to whether or not the changes meet the standards outlined in the Zoning Ordinance. If it meets these standards, the City must approve the Conditional Use Permit. Additional conditions may be imposed as the Council deems fit.

The City has a very high level of discretion in relation to a lease of city property. If the Council so desires, it may enter into such an agreement, but should do so in consideration of what is in the best interests of the immediate residents and the community at large.

SUMMARY

The internal layout of the building is very conducive to reuse as a nursing home. Reuse as a nursing facility is also a good fit because the residents do not drive. As the narrative points out, additional parking could be constructed behind (to the west of) the building, however, the City agrees that the joint use of existing hard space in Stellmacher Park is a preferable arrangement, give there is plenty of space left over to accommodate the public. Consequently, staff supports both the Conditional Use Permit and the Lease Agreement.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit, 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 signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The Conditional Use Permit is contingent upon the approval and continuation of the parking lot lease. Should the parking lot lease be terminated, the Conditional Use Permit shall lapse unless other parking accommodations have been arranged.
5. The approval of this Conditional Use Permit is based on the representation of a facility where residents do not drive. Regardless of occupancy classification, the residents of the

facility shall not have individual vehicles stored/parked at the facility or the leased lot.

6. No exterior changes are proposed or approved other than the construction of a 6-foot tall privacy fence along the west and south property lines in the rear yard area.
7. If reconstructed, the dumpster enclosure shall not be reduced in size; design and location subject to staff approval.
8. The applicant shall obtain a building permit prior to beginning any work on site. The construction plans shall comply with the Fire memo dated March 22, 2021, attached.
9. The construction plans shall include work to be performed on the park property, including seal coat, striping plan, and a landscape plan with evergreens along the east side of the lot, subject to approval by city staff. Improvements to be completed prior to the certificate of occupancy for the nursing home.
10. Prior to the issuance of a building permit, the applicant shall provide a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council.
11. Prior to the issuance of a building permit, the applicant shall have fully executed the Parking Lot Lease Agreement with the City.
12. Prior to the issuance of a certificate of occupancy, the applicant shall provide proof of having recorded the Resolution of Approval and the Parking Lot Lease Agreement with the County Recorder's Office.

ATTACHMENTS

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Photo of Property
4. Applicant's Narrative
5. Plans
6. Fire memo dated March 22, 2021

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR A NURSING HOME AT 3881 HIGHLAND AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-5-CUP) has been submitted by 3881 Property Group to the City Council requesting approval of a conditional use permit for the following location:

LOCATION: 3881 Highland Avenue

LEGAL DESCRIPTION: Lot 1, Block 1, Ridgeview Park, Ramsey County, MN (PID # 263022230008)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A conditional use permit, per Code Section 1303.030, Subd.4.e, in order to reuse an existing two-story building as an up to 24 bed nursing home in the R-3 zoning district; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 26, 2021; and

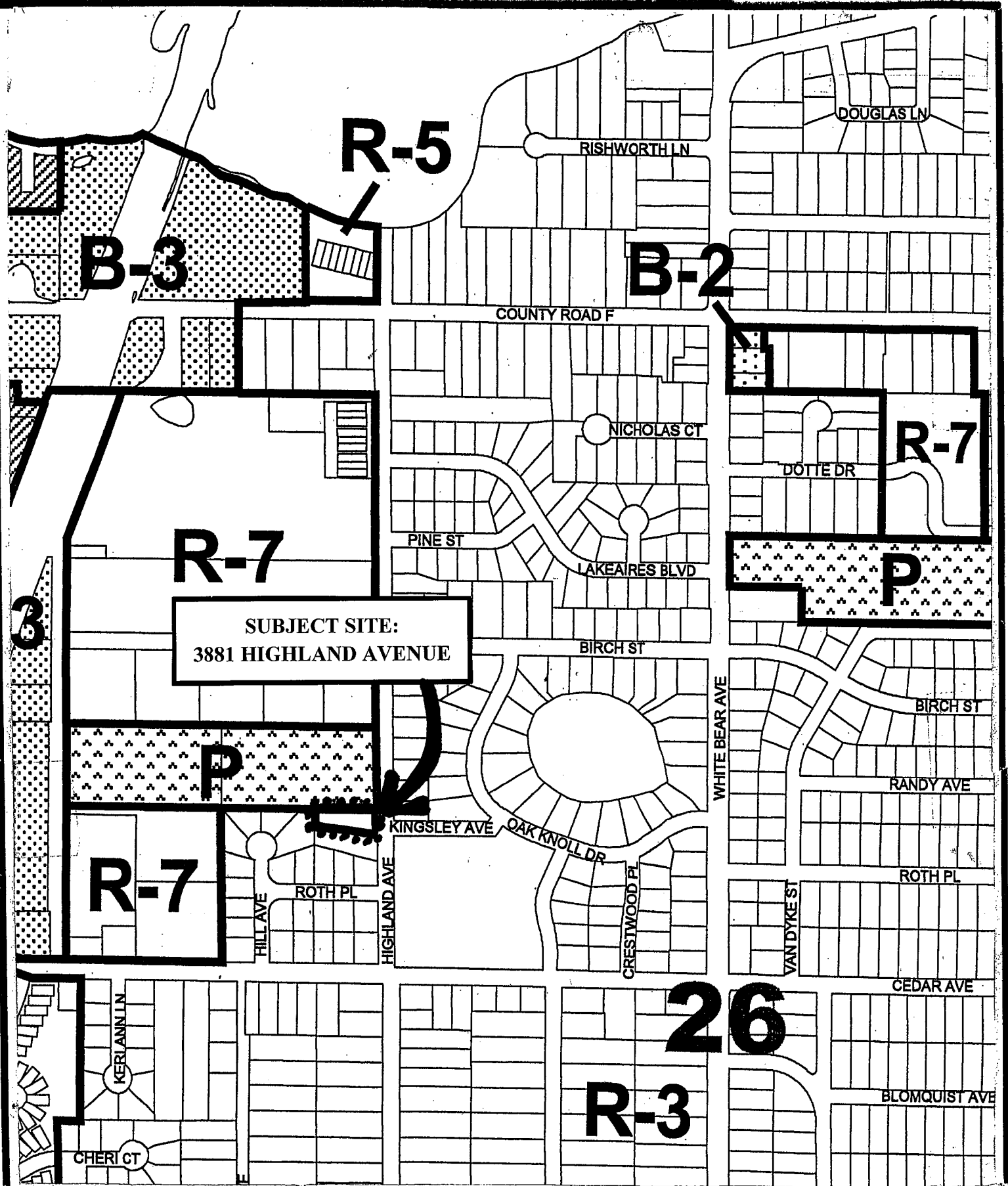
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic,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

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

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

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the conditional use permit, 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 signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The Conditional Use Permit is contingent upon the approval and continuation of the parking lot lease. Should the parking lot lease be terminated, the Conditional Use Permit shall lapse unless other parking accommodations have been arranged.
5. The approval of this Conditional Use Permit is based on the representation of a facility where residents do not drive. Regardless of occupancy classification, the residents of the facility shall not have individual vehicles stored/parked at the facility or the leased lot.
6. No exterior changes are proposed or approved other than the construction of a 6-foot tall privacy fence along the west and south property lines in the rear yard area.
7. If reconstructed, the dumpster enclosure shall not be reduced in size; design and location subject to staff approval.
8. The applicant shall obtain a building permit prior to beginning any work on site. The construction plans shall comply with the Fire memo dated March 22, 2021, attached.
9. The construction plans shall include work to be performed on the park property, including seal coat, striping plan, and a landscape plan with evergreens along the east side of the lot, subject to approval by city staff. Improvements to be completed prior to the certificate of occupancy for the nursing home.
10. Prior to the issuance of a building permit, the applicant shall provide a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council.
11. Prior to the issuance of a building permit, the applicant shall have fully executed the Parking Lot Lease Agreement with the City.



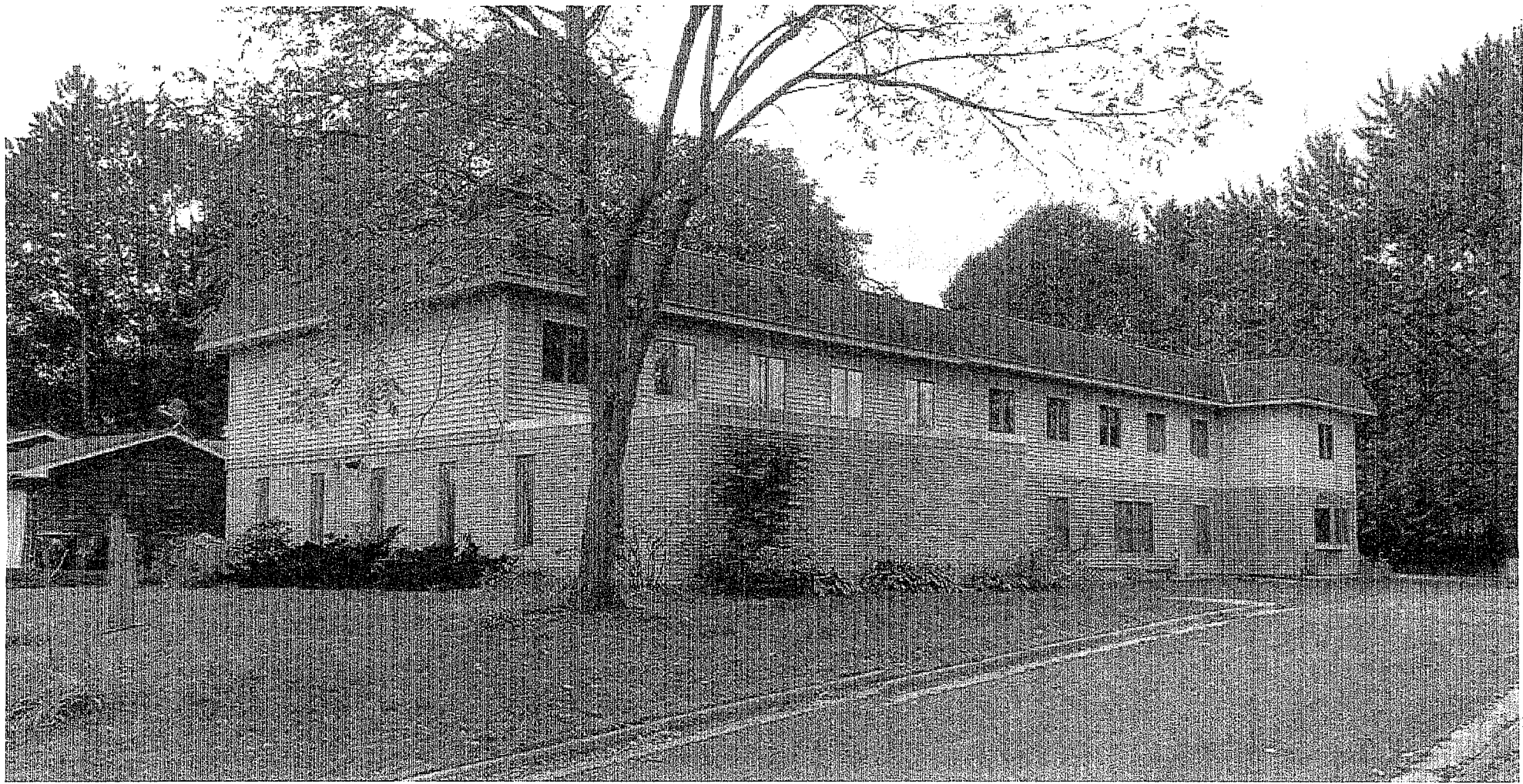
SUBJECT SITE:
3881 HIGHLAND AVENUE

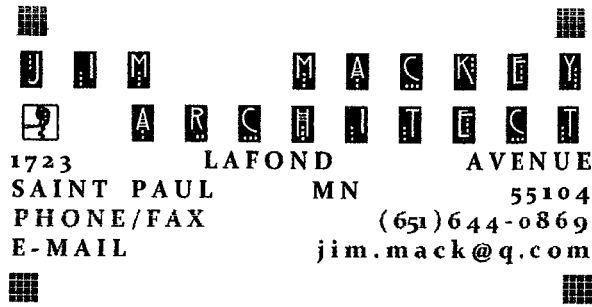
3

26

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

CASE NO. : 21-5-1
 CASE NAME : 3881 Property Group
 DATE : April 26, 2021





Senior Care Facility

3881 Highland Avenue
White Bear Lake, MN

Scope of Work (narrative)

The following is a proposed interior remodeling of an existing building with bituminous paving located at 3881 Highland Avenue. The building was originally constructed as a convent followed by the use as an office building. The building is 2 stories in height with a full basement. The building is equipped throughout with an automatic sprinkler system.

We are requesting a Conditional Use Permit (CUP) to remodel the interior spaces to create a 16 ~ 24 bed senior care facility. We feel this would be a good fit for the neighborhood as this property has been unoccupied for a period of time. The proposed work would include the addition of an elevator and numerous bathrooms. An existing kitchen in the lower level would be updated to meet current codes and standards.

No work is planned for the exterior of the building except cleaning of the existing brick and siding.

The building shares a drive with a public park to the north. The owners intend to enter into a lease agreement with the city to use an existing paved parking area beyond the shared access drive to the northwest. The owner would be responsible for maintenance and repair of the parking area. This will require seal coating and striping the area at a minimum. Proposing to plant evergreen/coniferous shrubs along the east edge of the parking area to screen vehicles. While a new parking area could be constructed along the west rear of the property we desire to keep this green space for recreation of the residents.

A new 6' height privacy fence along the west and south property edge of the green space will be installed. The parking spaces along the north side of the building would be reserved for visitors. The staff would park in the leased area.

An existing trash enclosure will also be repaired and rebuilt as necessary.

Please contact the architect with any questions.

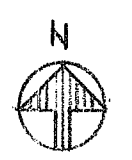
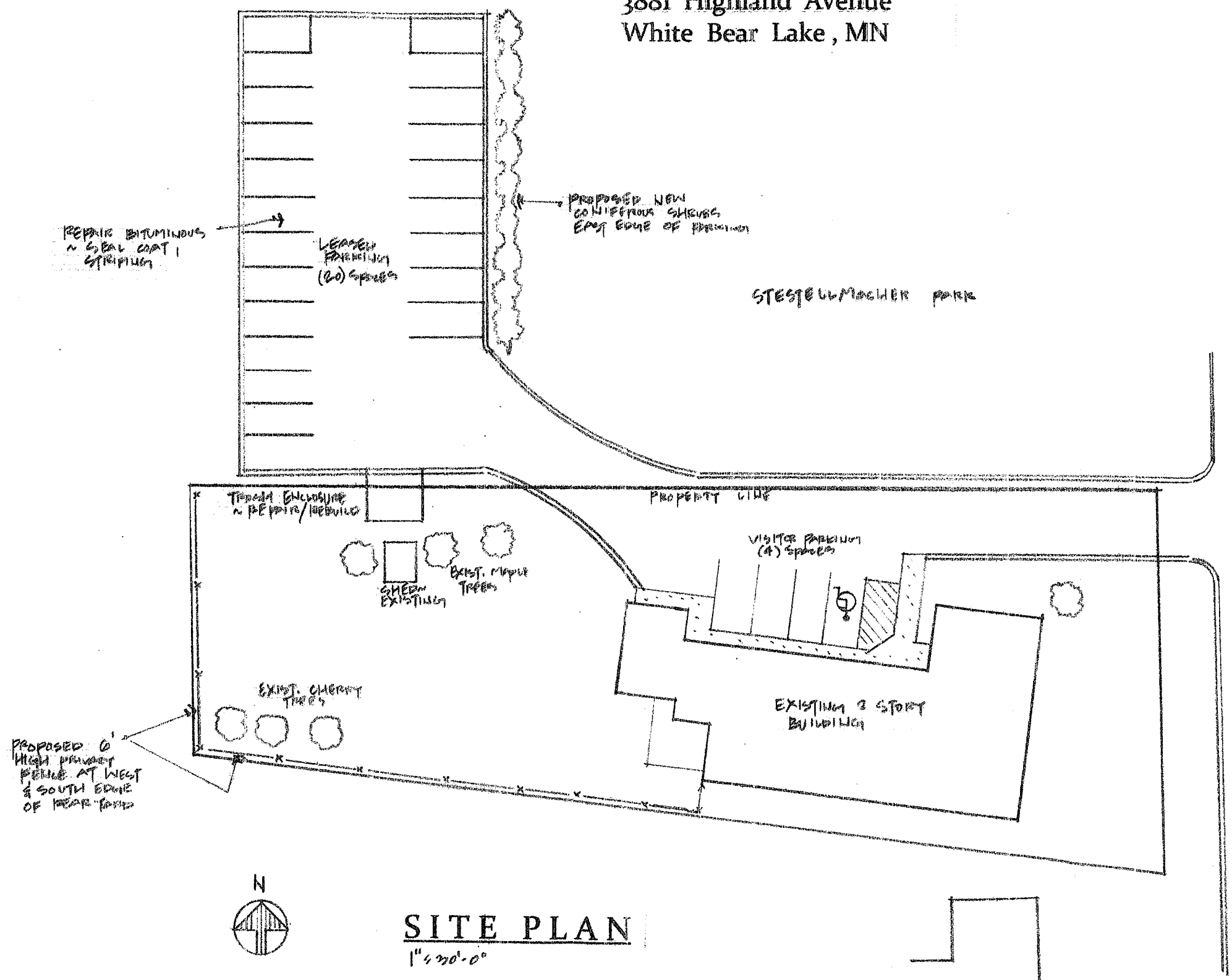
Thank you for your consideration,

Jim Mackey (architect)
651-644-0869

Senior Care Center
 Building Remodel
 3881 Highland Avenue
 White Bear Lake, MN

JIM MACKAY
ARCHITECT

1723 LAFOND AVENUE
 SAINT PAUL, MN 55104
 PHONE/FAX 651-644-0869
 E-MAIL jim.mack@q.com



SITE PLAN
 1" = 20'-0"

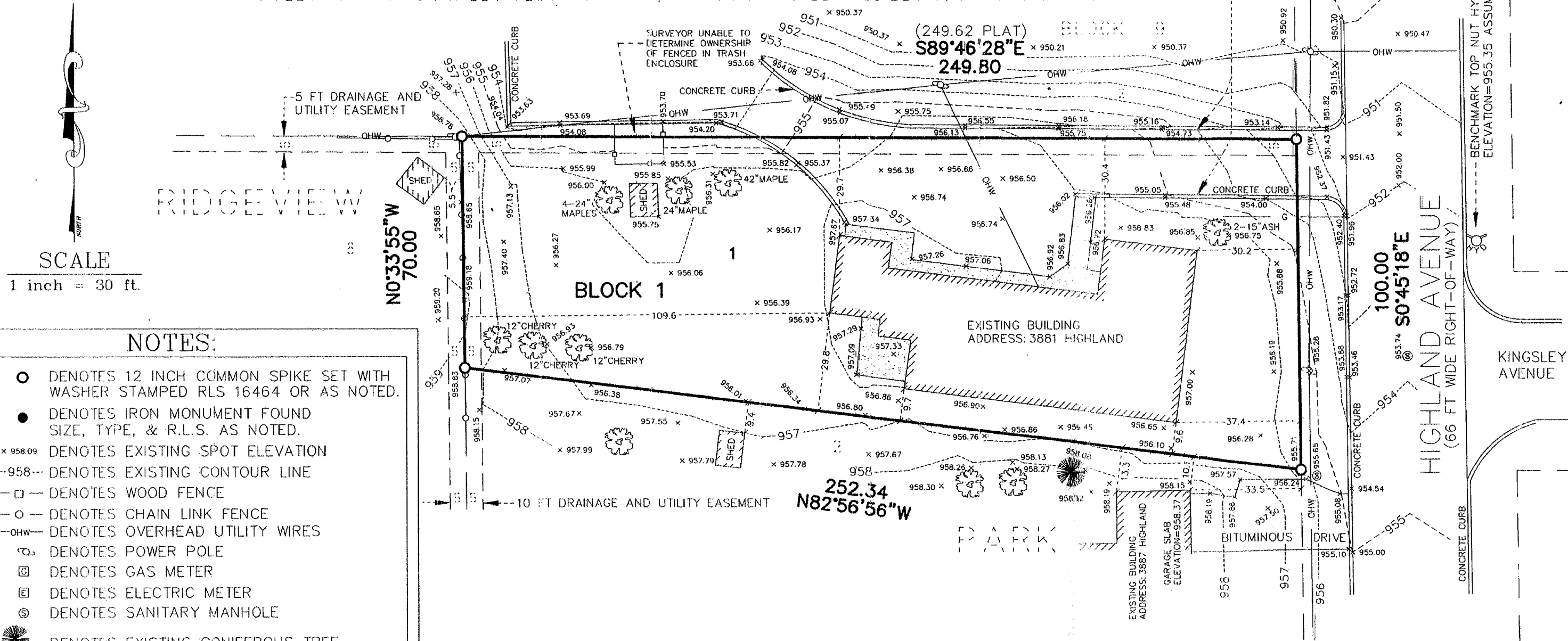
Survey Made For:
 Ms. Khuat Dang
 3881 Highland Avenue
 White Bear Lake, MN 55110

CERTIFICATE OF SURVEY

LAKE AND LAND SURVEYING, INC.
 1200 Centre Pointe Curve, Suite 375
 Mendota Heights, Minnesota 55120
 Phone: 651-776-6211

CLIENT TO CONSULT LAWYER AS TO POSSIBLE SHARED INGRESS AND EGRESS EASEMENT OVER PROPERTY. NO RECORDS WERE PROVIDED BY CLIENT OR OBTAINED BY SURVEYOR REGARDING EASEMENT.

REARRANGEMENT OF WHITE BEAR PARK



SCALE
 1 inch = 30 ft.

NOTES:

- DENOTES 12 INCH COMMON SPIKE SET WITH WASHER STAMPED RLS 16464 OR AS NOTED.
- DENOTES IRON MONUMENT FOUND SIZE, TYPE, & R.L.S. AS NOTED.
- x 958.09 DENOTES EXISTING SPOT ELEVATION
- 958--- DENOTES EXISTING CONTOUR LINE
- DENOTES WOOD FENCE
- DENOTES CHAIN LINK FENCE
- OHW— DENOTES OVERHEAD UTILITY WIRES
- ⊕ DENOTES POWER POLE
- ⊞ DENOTES GAS METER
- ⊞ DENOTES ELECTRIC METER
- ⊙ DENOTES SANITARY MANHOLE
- ⊙ DENOTES EXISTING CONIFEROUS TREE
- ⊙ DENOTES DECIDUOUS TREE
- ▭ DENOTES CONCRETE SURFACE

AREA: 21,242 SQ. FT. OR 0.49 ACRES
 BASIS OF BEARINGS: RAMSEY COUNTY COORDINATES
 LAKE & LAND SURVEYING. JOB NO. 2020.047 RP

Legal Description: (Tax Description)
 Lot 1, Block 1, RIDGEVIEW PARK, Ramsey County, Minnesota.

SITE ADDRESS: 3881 HIGHLAND AVENUE, WHITE BEAR LAKE, MN 55120

I 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.

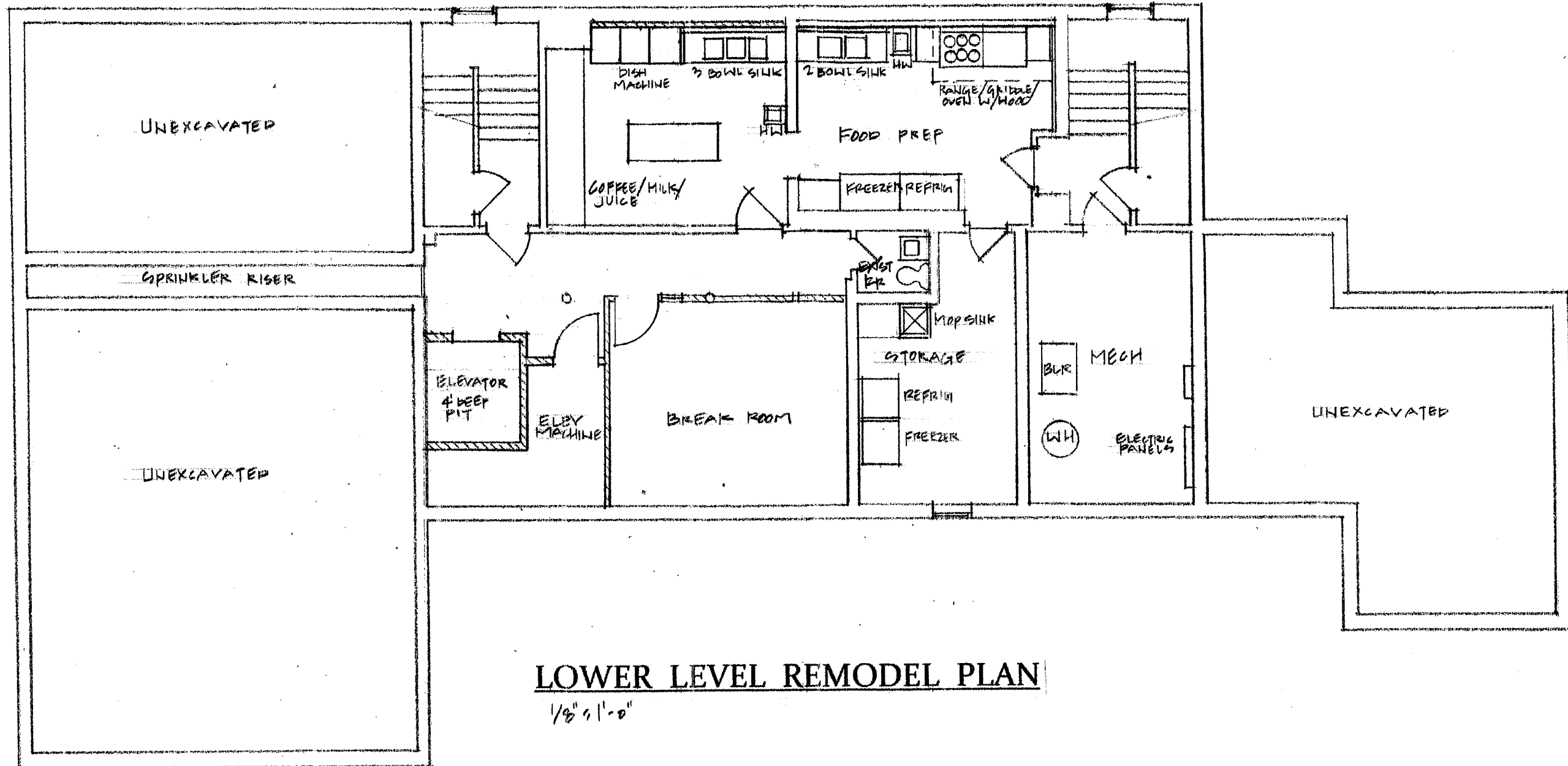
Jonathan L. Faraci
 May 7, 2020
 Jonathan L. Faraci
 Registered Land Surveyor & Registered Engineer
 Minnesota Registration No. 16464

Senior Care Center

Building Remodeling
3881 Highland Avenue
White Bear Lake, MN

JIM MACKAY
ARCHITECT

1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mack@q.com

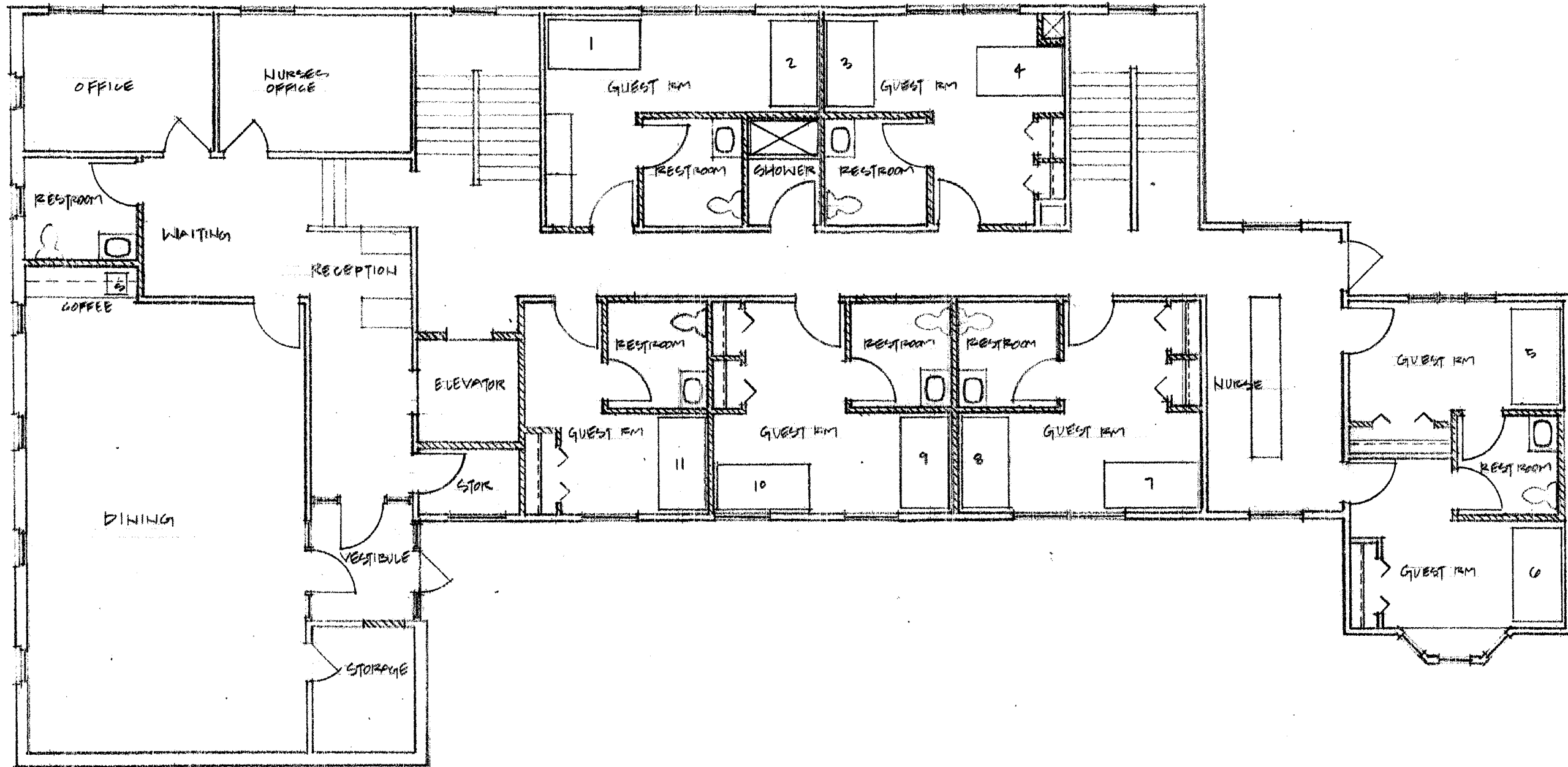


Senior Care Center

Building Remodel
3881 Highland Avenue
White Bear Lake, MN

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ARCHITECT

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SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mack@q.com



MAIN LEVEL REMODEL PLAN

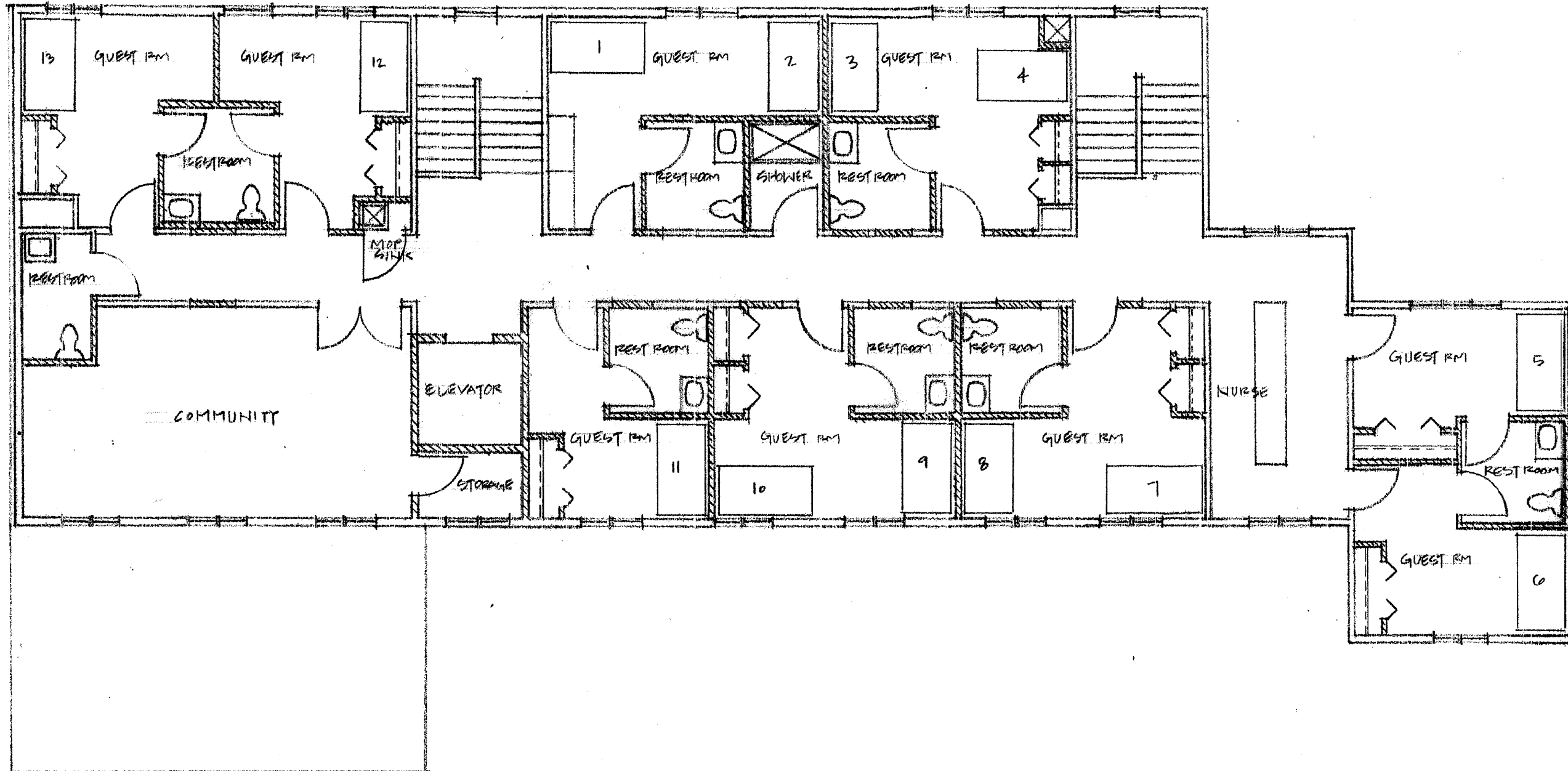
1/8" = 1'-0"

Senior Care Center

Building Remodeling
3881 Highland Avenue
White Bear Lake, MN

JIM MACKAY
ARCHITECT

1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mack@q.com



UPPER LEVEL REMODEL PLAN

1/8" = 1'-0"



White Bear Lake Fire Department
4701 Hwy 61
White Bear Lake, MN 55110
Tel. (651) 429-8568 Fax. (651) 429-8501

General Comments

1. All roads and drive lane shall meet the White Bear Lake Fire Department requirements for widths and turning radiuses.
2. Address number shall be plainly visible from the street fronting the property and shall contrasting color from the background.
3. Provide keys for emergency access into and throughout the occupancy as required.
4. The fire sprinkler system shall be installed compliant with provisions of 2016 NFPA Standard 13, Installation of Sprinkler Systems. City permit required **prior** to initiation of work.
5. The sprinkler system shall be current on annual inspection and testing. Any deficiencies noted during those reports shall be corrected.
6. The landscaping shall be cut back so the Fire Department Connection is visible and accessible.
7. A fire alarm system shall be installed compliant with provisions of MSFC 2020 and 2016 NFPA Standard 72, National Fire Alarm Code. City permit required **prior** to initiation of work.
8. The sprinkler system including the post-indicating valve (PIV) shall be properly monitored by a qualified monitoring company.
9. Install emergency egress illumination in the means of egress including exit discharge compliant with 2020 MSFC.
10. Install compliant exit signage as required by the 2020 MSFC.
11. Provide and install dry chemical fire extinguishers certified for service and tagged as required. Service classification rating shall be a minimum 2A classification rating and maximum travel distance of 75 feet to extinguishers. The minimum classification rating may be upgraded for special or extra hazard areas within the occupancy.
12. Provide information concerning combustible interior finish materials used for this project. Interior finish materials shall be classified as required by 2020 MSFC as to flame spread and smoke development characteristics. Interior wall and ceiling finish shall have a flame spread index not greater than that specified in 2020 MSFC for the group of proposed occupancy and location of interior finish. Please furnish product specification sheets listing this information.



White Bear Lake Fire Department
4701 Hwy 61
White Bear Lake, MN 55110
Tel. (651) 429-8568 Fax. (651) 429-8501

13. The required fire-resistance rating of rated construction shall be maintained. Openings through rated construction for the passage of wiring, sleeves, conduit, piping, etc. shall be protected by repair with approved materials which maintains the rating of the construction damaged, altered, breeched or penetrated.
14. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
15. The elevator shall be current on DLI inspections.

Codes and Standards Used for this Review

- ❖ This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.
 - 2020 Minnesota State Fire Code
 - NFPA 72, 2016 edition
 - NFPA 13, 2016 edition

Thank You,

A handwritten signature in black ink that reads "Kurt Frison". The signature is written in a cursive style.

Kurt Frison
Assistant Fire Chief / Fire Marshal
(651) 762-4842



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: April 21, 2019 for the April 26, 2019 Planning Commission Meeting

SUBJECT: Bree, LLC, 4701 Banning Avenue - Case No. 21-7-V

REQUEST

In order to convert a former pilates space into a real estate office, the applicant is requesting a variance to increase the amount of ground floor office/professional use to 64.7% gross floor area and 51.5% linear feet of street frontage. This is an increase over the existing 40.7% gross square feet and 15.2% of frontage. The code limits ground floor office to not more than 30% of each.

SITE CHARACTERISTICS

The lot is roughly 8,700 square feet in size with a 4,276 square foot building. Unlike many properties downtown, the building does not take up the entire lot. There is courtyard space on both the north and west sides of the building. Although “pulling” the building to the front lot line is a more desired layout, the pockets of space do provide opportunities for activities such as outdoor dining and retail display.

ZONING

The property is currently zoned B-5, Central Business District. The properties to the north, west and east are also zoned B-5. The properties to the south and southeast are zoned R-4, Single and Two Family Residential.

The B-5 zoning district, which encompasses the City’s downtown area, was first established in 1983 when the City’s Zoning Code underwent a major overhaul. The 30% limitation on the amount of office occupying the ground floor level was added in 2003 in response to concerns with the conversion of retail into professional office use. Retail, service and a limited amount of office is allowed on the ground floor with office and residential above.

BACKGROUND

The land was platted in 1871 and the building was constructed in 1948. The pilates studio expanded in 2018. It appears that there may have been retail space in the building prior to that. It is unclear how long the existing office use has been in the building, but based on permits for internal reconfigurations, appears to have moved in circa 2008.

APPLICANT'S PRACTICAL DIFFICULTY

See applicant's narrative.

ANALYSIS

The applicant's main dispute is that the realtor's office is not a professional office but a personal service establishment (which is a permitted use). The reasoning is that to not consider it such would be subjective or arbitrary. However the zoning code clearly defines a professional office as follows, explicitly citing real estate:

Office, professional. This use includes administrative, executive, professional, research, nonprofit, or similar organizations that may have contact with the public, but provided that no merchandise or merchandising services are sold on the premises, except such that is incidental or accessory to the principal professional office use. These uses include offices of physicians, dentists, insurance, **real estate**, security monitoring or other administrative professionals. *(emphasis added)*

Meanwhile, a personal service establishment is also pretty clearly defined as:

Personal Service Establishments: An establishment or place of business primarily engaged in providing individual services related to personal needs. Typical uses include, but are not limited to beauty or barber shops, massage therapy, dry cleaning establishments (only with off-site plants), laundromats, shoe repair shops, tanning salons, photography studios, and tailor shops. This use specifically excludes tattoo parlors and adult uses.

While staff agrees that there may be cause to reconsider these definitions – for example why is a salon a personal service but a chiropractic office is not (one works on your hair, the other on your back) – that discussion is better held at a different time.

The 30% rule was adopted to promote and reinforce a retail/commercial environment that allows the entire Downtown White Bear Lake to thrive as a retail shopping destination. The 30% threshold was reached in a compromise to allow landlords some latitude in filling tenant spaces that were not conducive for retail or other permitted uses. This particular building is at the edge of the commercial area and may not receive the same amount of pedestrian traffic passing by. That may be reason to grant a variance to allow the existing non-conformity (40% gross floor area of office) to perpetuate, however, staff does not find it reason to expand the non-conformity. The health and vitality of the entire downtown area is dependent upon maintaining a significant mass of tenants that draw foot traffic. There is little need for a client to visit a realtor's office more than once. In comparison to a pilates studio, that may be visited by a client once a week, or a chiropractic office, whose clients might visit once a month. Conversion from such active uses to such inactive uses can lead to an erosion of the downtown's overall economy, as it loses its draw as a destination.

The McComb Group Retail Market Demand (McComb Study) was updated in 2013 to evaluate the current mix of tenants and determine demand for additional retail, food service and service uses. One of the recommendations of McComb Study specifically seeks to "emphasize Banning Avenue as a more intensely utilized street and encourage shopper circulation".

The applicant admits that they were unaware of the restriction and therefore an alternate tenant had not been sought. Rather than trying to comply with code, the applicant desires the variance over breaking the already signed lease. The applicant has not cited a true practical difficulty - only the Covid 19 pandemic, which is a financial consideration, not a physical one. Variances are intended to alleviate "difficulty from problems caused by public action, usual topography, lot shapes, wetlands, or other exceptional physical conditions". Staff does not find it in the best interest of the community to provide a long term solution to a short term problem, therefore we do not support the requested variance. The maximum variance staff would support is to bring the existing conditions into conformity (ie: a variance for 40.7% gross floor area office).

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.

SUMMARY

The purpose of the B-5 district is to sustain the economic viability of the entire downtown. The 30% restriction is intended to ensure a critical mass of retail and service uses to draw customers to Downtown White Bear Lake. While every case is unique, to preserve the critical mass of retail and services that benefit the whole downtown district, staff cannot support allowing the loss of any additional retail or personal service space, particularly not without reasonable cause.

RECOMMENDATION

Staff recommends denial of the requested variance based on the following findings:

1. The variance has not been proven necessary for the reasonable use of the land or buildings; no other tenants have been sought.
2. A practical difficulty has not been cited. There are no special conditions or circumstances which are unique to the building or lot which create a practical difficulty for the applicant.
3. The granting of the variance is contrary to the intent of the zoning code, which is to sustain the economic vitality of the downtown district by reinforcing the retail and personal services. Deviation from the code without reasonable justification will slowly alter the City's essential character.
4. The property is already non-conforming in relation to use; the requested variance is not the minimum necessary to alleviate a practical difficulty.

ATTACHMENTS

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative
4. Survey
5. Floor Plans
6. Hilker Email, April 21, 2021

RESOLUTION NO. _____

**RESOLUTION DENYING TWO VARIANCES FOR
4701 BANNING AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-7-V) has been submitted by Bree, 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: 4701 Banning Avenue

LEGAL DESCRIPTION: The South 60 feet of the East 40 feet of Lot 2 and the South 60 feet of Lot 1 and the North 48 feet of the East 20 feet of Lot 17 and the North 48 feet of Lot 18, Block 60, White Bear, Ramsey County, Minnesota (PID #)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A variance to increase the amount of ground floor office/professional use to 64.7% gross floor area and 51.5 linear feet of street frontage, when limited to not more than 30% of each per Code Section 1303.160, Subd.3.d; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 26, 2021; 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 hereby denies the variance, based upon the following findings:

1. The variances have not been proven necessary for the reasonable use of the land or buildings; no other tenants have been sought.
2. A practical difficulty has not been cited. There are no special conditions or circumstances which are unique to the building or lot which create a practical difficulty for the applicant.
3. The granting of the variances would be contrary to the intent of the zoning code, which is to sustain the economic vitality of the downtown district by reinforcing the retail and personal services. Deviation from the code without reasonable justification will slowly alter the City's essential character.
4. The property is already non-conforming in relation to use; the requested variance is not the minimum necessary to alleviate a practical difficulty.

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

Ayes:

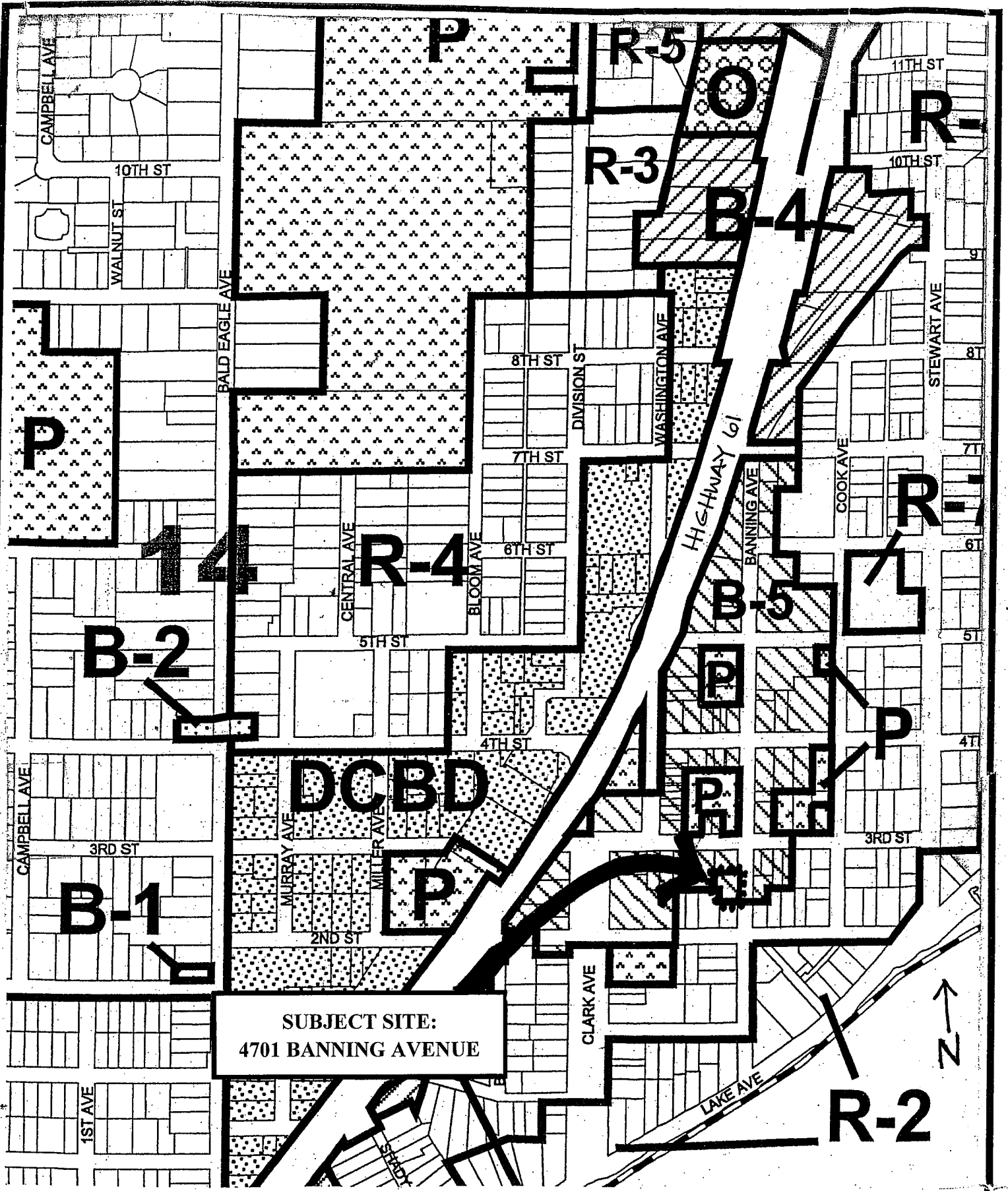
Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



SUBJECT SITE:
 4701 BANNING AVENUE

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

CASE NO. : 21-7-V
 CASE NAME : Breo LLC
 DATE : April 26, 2021

White Bear Lake
March 14th, 2021.

Esteemed Members of the White Bear Lake City Council and Planning Committee,

The property at 4701 Banning Ave was acquired by us on 11/09/2018 at the time containing two tenants: Summit Pilates and CHE Enterprises. The below pertains to Suite 2 (the smallest at 1024 sqft) of the property.

Preamble

The COVID-19 lockdown has brought hardship and disruption to many over the course of the last year. Unprecedented state and local restriction have been cause for significant business closures and disruption. With no intention to diminish the hardship brought upon tenants, the situation has also affected landlords: many of which are caught between fiscal obligations and a desire to assist their tenants in what hopefully is a disaster of temporary nature.

In the spirit of mitigating hardship brought upon Summit Pilates from COVID-19 restrictions, we allowed her to terminate her lease to the Suite 2, forgiving 17 months of contractual rental at no penalty. Summit Pilates continues to inhabit Suite 1 of the building.

Given the availability of Suite 2, we signed a lease with Vertical Realty Partners on 02/08/2021 to occupy the space starting March 1st, 2021.

Request to Deem Activity as Permitted Use

Upon application to erect signage, Vertical Realty Partners was informed by City Staff that their use of Suite 2 may be in violation of city zoning ordinance (by which we assume is meant §1303.160 (Subd.3) of the city code).

Vertical Realty Partners provides personal real-estate services to clients by walk-in and appointment.

It is our view that tenant's use falls within permitted commercial use per §1303.160 in that i) it provides sustenance to economic viability of our beautiful downtown by generating consumer traffic and activity, and ii) it is a personal service establishment as explicitly permitted in section §1303.160. Subd. 3 Permitted Uses (a).

A contrary interpretation that concludes Vertical Realty Partners' business to *not* fall under permitted use, would be either subjective or arbitrary. At best, it would indicate that substantial vagueness exists in the language of §1303.160.

We sympathize that the ever-fluctuating innovation and the nature of businesses makes creation of definitions difficult, especially ones that last over time. However, we hope you agree that a city should not provide guidance that is sufficiently vague for citizens to violate without intent and in good faith. No ordinance may give the trier of fact unstructured and unlimited discretion in determining whether a statute has been violated.

To that end, we kindly request that the City Council deems Vertical Realty Partners use to fall within permitted uses. We would submit that precedence (if any), not be held against our interpretation of the statute, as any such precedence is not readily discoverable and prior cases may not have sufficiently advocated the use.

Provided that the City Council makes such determination our favor, no variance would be needed.

Variance Request

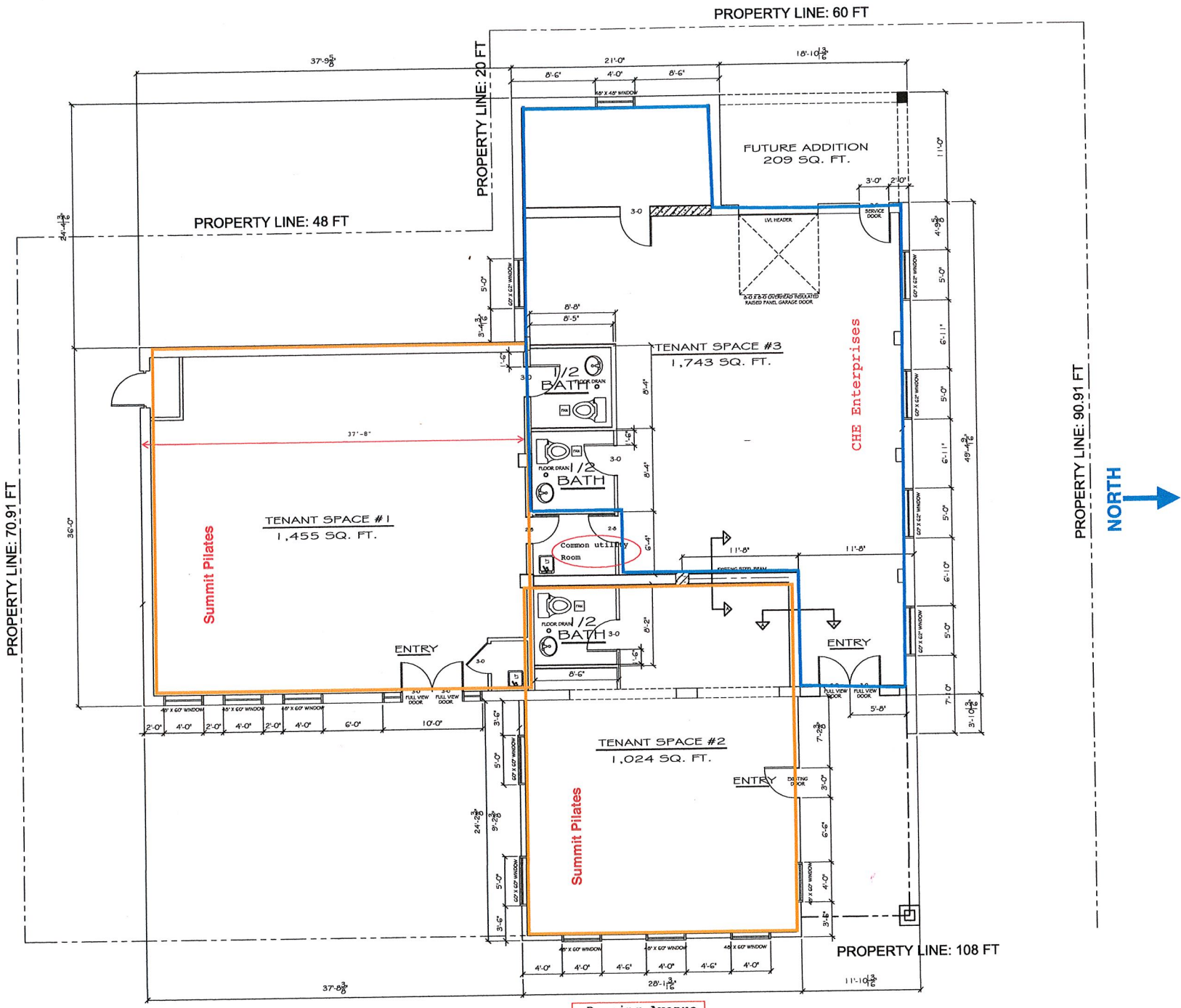
Without prejudice to our case for permitted use, as described above, if the City Council deems that a Use Variance is needed for Vertical Realty Partners to continue its business in Suite 2, we ask that a variance be granted per §1303.160 (Subd.3) from 30% limit to 51.48%, of total frontage, and 64.7% of total interior square footage on the following grounds:

- 1) That the COVID-19 situation has caused substantial changes to businesses and cities, and that any White Bear Lake landlord who volunteers to help tenants survive the situation, should be encouraged to do so by the City. The issuance of the requested variance would be a practical representation of such encouragement.
- 2) That the language describing permitted use in the city code is of such sufficient vagueness, that landlord had no reason to believe that Tenant's use was against code. As such, it would be unduly harsh to punish landlord and Tenant (who is already in place) for good faith behavior.
- 3) That, given the services of Summit Pilates continues in Suite 1 of the building, Tenant's business is a net addition to the city.

We're proud to be members of, and investors in, the White Bear community and we look forward to discussing the above in person.

Best Wishes,

Gretchen and Christian Petersen
Bree, LLC.



Banning Avenue
A 103 MAIN FLOOR PLAN
 SCALE 3/16" = 1'-0"

Previous Layout:

Interior:

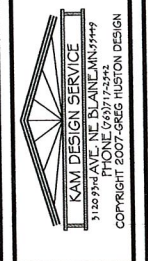
- Suite 1: Summit Pilates: 1455 sq ft - 34.03%
- Suite 2: Summit Pilates: 1024 sq ft - 23.95%
- Suite 3: CHE Enterprises: 1743 sq ft - 40.76%
- GRANDFATHERED**
- Common Area: 54 sq ft
- Total Sq Ft: 4276

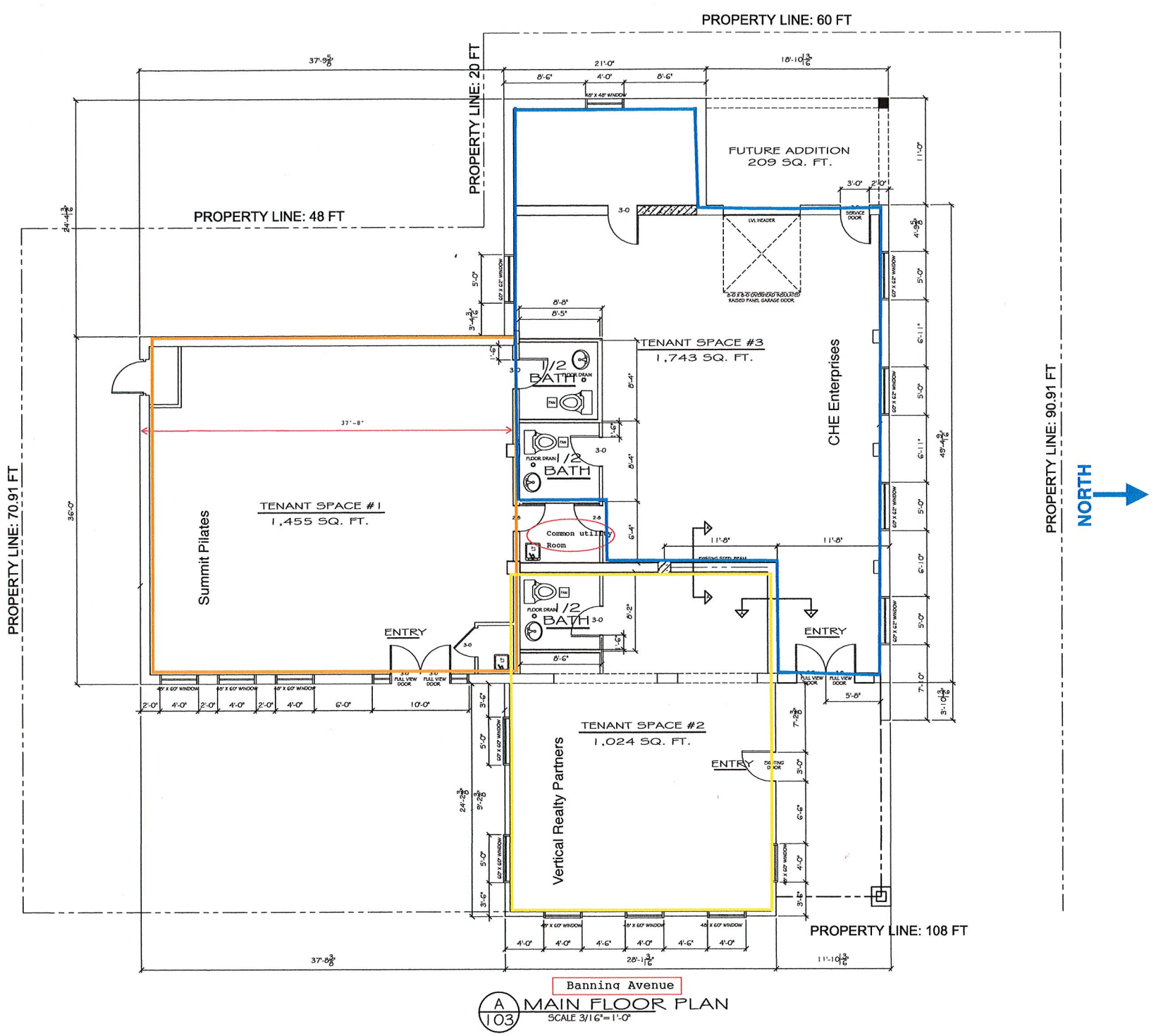
Frontage (east facing) exterior walls:

- Suite 1: 37 ft - 8 3/8 in = 37.698, 48.52%
- Suite 2: 28 ft - 1 3/16 in = 28.099, 36.16%
- Suite 3: 11 ft 10 13/16 in = 11.901, 15.32% GRANDFATHERED
- Total: 77.698

MAIN FLOOR PLAN	
DRAWN BY:	GTH
CHECKED	
DATE	1/12/07
SCALE	1/4" = 1'-0"
JOB NO.	168-2007
SHEET	

4689 Banning Ave.
 White Bear Lake





A
103
 Banning Avenue
MAIN FLOOR PLAN
 SCALE 3/16" = 1'-0"

PROPOSED:

Interior:

- Suite 1: Summit Pilates: 1455 sq ft - 34.03%
- Suite 2: Vertical Realty Partners: 1024 sq ft - 23.95%
- Suite 3: CHE Enterprises: 1743 sq ft - 40.76% GRANDFATHERED
- Common Area: 54 sq ft - 1.26%
- Total Sq Ft: 4276

Frontage (east facing) exterior walls:

- Suite 1: 37 ft - 8 3/8 in = 37.698, 48.52%
- Suite 2: 28 ft - 1 3/16 in = 28.099, 36.16%
- Suite 3: 11 ft 10 13/16 in = 11.901, 15.32% GRANDFATHERED
- Total: 77.698

MAIN FLOOR PLAN	
DRAWN BY:	GTH
CHECKED	
DATE:	1/12/07
SCALE:	1/4" = 1'-0"
JOB NO.:	165-2007
SHEET	

4689 Banning Ave.
White Bear Lake

KAM DESIGN SERVICE
 7125994 AVE. NE, BAINBRIDGE
 PHONE: (651) 773-252
 COPYRIGHT 2007-GREG HUSTON DESIGN

LEGAL DESCRIPTION:

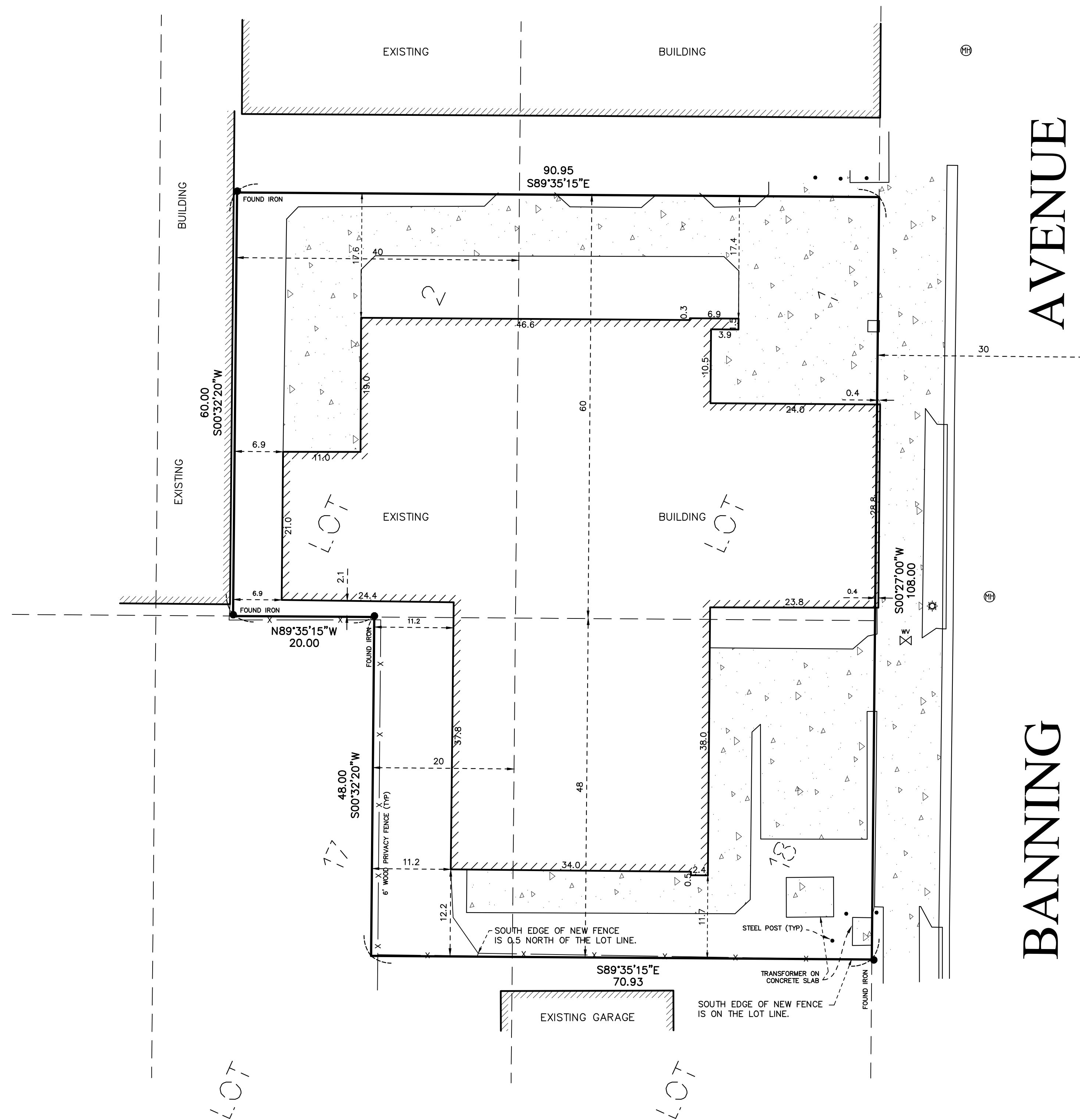
The South 60 feet of the East 40 feet of Lot 2 and the South 60 feet of Lot 1 and the North 48 feet of the East 20 feet of Lot 17 and the North 48 feet of Lot 18, Block 60, WHITE BEAR, Ramsey County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

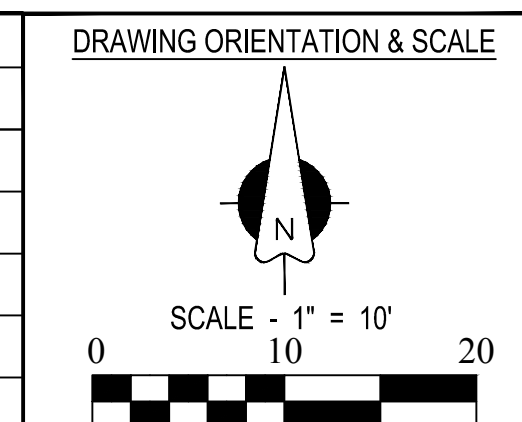
"●" Denotes iron survey marker, set, unless otherwise noted.



LEGEND

	= CATCH BASIN
	= FIRE HYDRANT
	= POWER POLE
	= MANHOLE
	= TELEPHONE PED.
	= ELEC. TRANSFORMER
	= WELL
	= GATE VALVE
	= LIGHT POLE
	= TREE
	= FENCE LINE
	= SANITARY SEWER LINE
	= WATER LINE
	= GAS LINE
	= STORM DRAIN LINE
	= OVERHEAD UTILITY LINE
	= CONCRETE SURFACE

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

GRETCHEN PETERSEN

4701 BANNING AVENUE
WHITE BEAR LAKE, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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.

Thomas M. Bloom

Thomas M. Bloom
42379
LICENSE NO.
OCTOBER 31, 2018
DATE

DATE SURVEYED: OCTOBER 31, 2018

DATE DRAFTED: OCTOBER 31, 2018

SHEET TITLE

EXISTING CONDITIONS SURVEY

DRAWING NUMBER

181337 TB

SHEET SIZE 22 X 34

SHEET NO.

S1

SHEET 1 OF 1

From: Georgie Hilker <gbhilker@comcast.net>
Sent: Wednesday, April 21, 2021 3:42 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Planning Commission meeting

To Whom It May Concern:

I am writing in regard to Case No. 21-7-V which will be heard by the Planning Commission on April 26th.

My husband and I live at 4698 Banning Ave. and are concerned about the additional parking that will be needed by employees/agents of this real estate business.

When Banning Ave. was reconstructed in the mid-1990's, then-City Engineer Mark Burch offered residents of Banning Ave. between 2nd St. and Lake Ave. the option of having the street narrowed to discourage drivers from exiting the downtown area via Lake Ave. We all agreed to this change. Since that time, we have seen these two blocks of Banning Ave. increasingly being used for all-day parking by employees of downtown businesses, oftentimes making it difficult to back out of our driveway safely. In addition, when cars are parked on both sides of the street, the street is no longer wide enough to accommodate two-way traffic.

Does the city have any plans to provide additional parking for employees and customers of downtown businesses? I would encourage members of the Planning Commission to seriously consider this aspect when discussing any further business expansion in the downtown area.

Respectfully submitted,

Marcus and Georgie Hilker
4698 Banning Ave.
White Bear Lake



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: April 21, 2021 for the April 26, 2021 Planning Commission Meeting

SUBJECT Flanagan, 3562 Highland Avenue - Case No. 21-8-V

REQUEST

The applicant, Patty Flanagan, is requesting a 6 foot variance from the 20 foot side yard setback, and a 6 foot variance from the 6 foot front footing setback both for an above-ground pool, in order to install a 112 square foot (1,727 gallon) swim spa 14 feet from the south property line and up against a deck.

SITE CHARACTERISTICS

The subject site is located on the east side of Highland Avenue three lots south of County Road E. The compliant lot contains a single-family residence with a two car attached garage.

ZONING / BACKGROUND

The subject property is zoned R3 – Single Family Residential. All surrounding properties are zoned the same. The lot was platted in 1984 and the house was built in 1985.

APPLICANT'S PRACTICAL DIFFICULTY

See applicant's narrative.

ANALYSIS

The zoning code defines a hot tub as less than 900 gallons; anything more than that is to be regulated as an above ground pool. A hot tub is allowed to be 10 feet from a side property line so long as it maintains a 25 foot setback from a neighboring residence. An in-ground pool is required to be 20 feet from a side lot line.

The question that arises is why not rotate the tub 90 degrees so that it sits parallel to the deck rather than perpendicular? The answer relates to the steps to enter the pool, which are located at the narrow end. However, the deck could be L-shaped and extend into the area where the concrete is shown on the site plan. This solution would require the pool to project slightly further into the open yard space than the existing deck, which is not the desire of the applicant. The variance seems like it is not the minimum necessary to alleviate a practical difficulty, nevertheless staff is supportive of the request given the neighbor's support and the similarities between the proposal and a hot tub.

The intent of the 6 foot setback requirement from a frost footing is mainly to provide distance between a pool and a building. Six feet has been provided between the pool and the house. Although decks do technically have frost footings, having a 6 foot distance between the pool and a deck is less important. The difference is the load transference that the weight of a pool might transfer to a basement wall compromising the integrity of the house's foundation. This is not a concern with a deck. Consequently, staff supports this variance as well, and with the code update may reword this requirement for better clarity.

For above-ground pools, the code says that the walls of the pool itself may constitute the required safety enclosure if they stand at least 4 feet above grade. The proposed swim-spa tub is 4 feet tall and the rear yard is also completely enclosed by a 5-foot tall chain link fence.

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.

RECOMMENDATION

Staff recommends approval of the variances as requested, subject to the standard conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. The variance 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. A zoning permit shall be obtained prior to the installation of the pool.
4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Request Narrative
4. Site Plan
5. Swim/Spa Specs

RESOLUTION NO. _____

**RESOLUTION GRANTING TWO VARIANCES FOR
3562 HIGHLAND AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-8-V) has been submitted by Patty Flanagan to the City Council requesting approval of pool setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 3562 Highland Avenue

LEGAL DESCRIPTION: Lot 3 Block 1 of Ulmer Park, Ramsey County, MN.
(PID #353022210073)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 6 foot variance from the 20 foot side yard setback, and a 6-foot variance from the 6-foot setback from a frost footing, both per Code Section 1302.030, Subd.20.b.2.a.1, in order to install a 112 square foot (1,727 gallon) swim spa 14 feet from the south property line and zero feet from a deck; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 26, 2021; and

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

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 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.
3. The variances should not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.

- 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.

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

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. 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. 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:

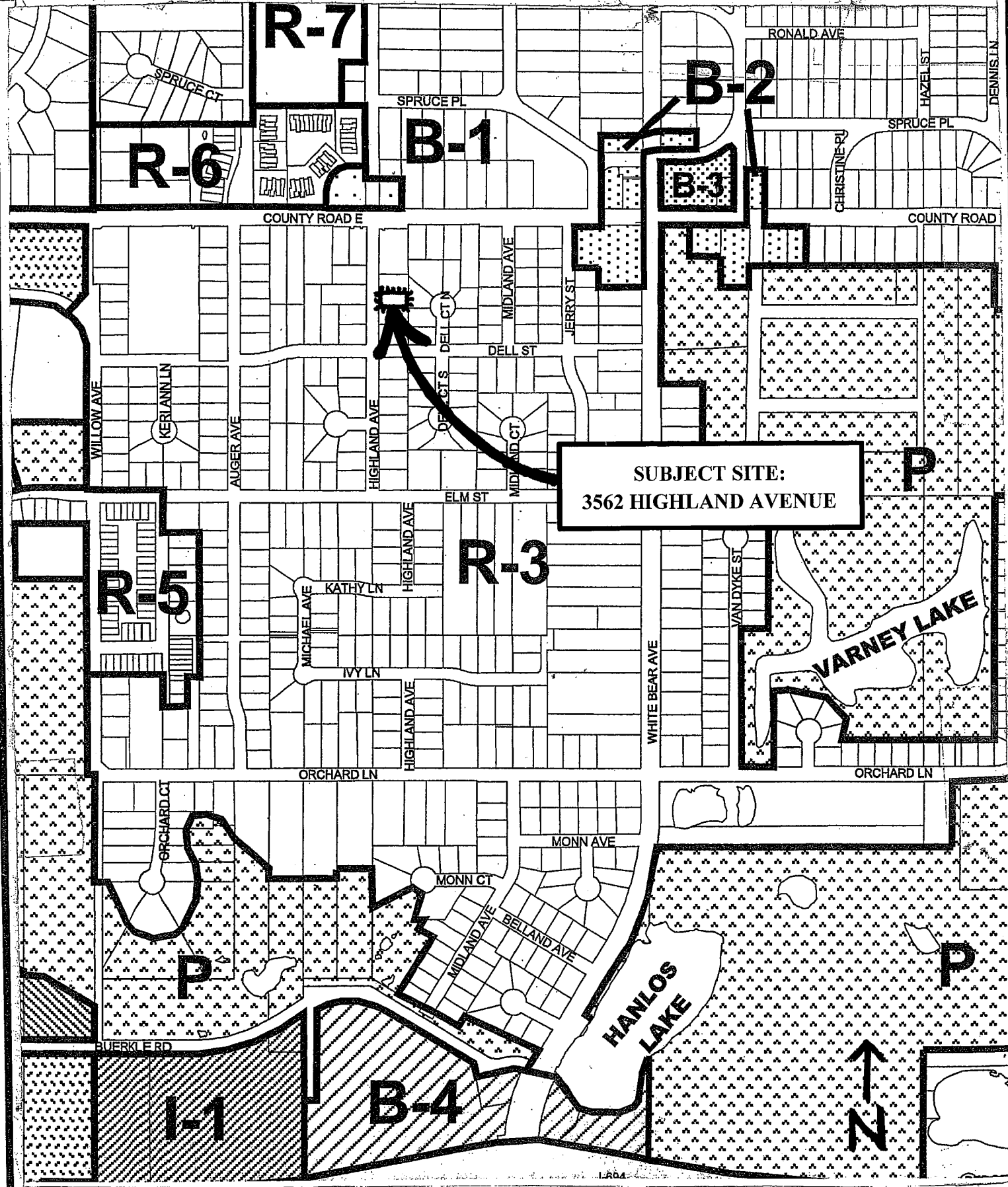
Jo Emerson, Mayor

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.

Patty Flanagan Date



SUBJECT SITE:
3562 HIGHLAND AVENUE

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

CASE NO. : 21-8-V
 CASE NAME : Flanagan
 DATE : April 26, 2021

March 5, 2021

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

Re: Swim Spa Hot Tub – Variance Request
3562 Highland Ave, White Bear Lake, MN 55110

Dear Anne Kane & City of White Bear Lake Council,

We are writing to request a variance & permit for the placement of a new Swim Spa Hot Tub less than 20' from our Southern lot line (in the back yard-East) and for the swim spa hot tub to be placed within 6' of a frost footing on the proposed sun deck. The proposed plan would put the swim spa hot tub at 13'11" from the Southern lot line.

The City of White Bear Lake calls for above ground pools to be at least 20' from any lot line. Many of the surrounding cities call for above ground pools to be at least 10' from the lot line (see attached). The proposed Hydropool Swim Spa Hot Tub holds 1,727 gallons, instead of a standard 3,000-5,000 gallons of an above ground pool. It also has the hard siding of a hot tub (inside & out) instead of the softer sides of a standard above ground pool. While above ground swimming pools are stationary, the swim spa hot tubs are not a permanent fixture. We are asking for the variance based on the layout of our backyard and keeping the rest of the back yard open for our children & their friends to play in (wiffleball, soccer, etc.) as well as the placement of the steps to get into the swim spa hot tub being accessible to all. Since we need to put a concrete slab under the swim spa hot tub, if we ever moved & took the swim spa hot tub with us, there would be a patio left for the new homeowners on the side of the house instead of it being in the middle of the yard.

Please see attached approval letter from our Southern neighbor and the proposed concrete, deck, & swim spa hot tub placement drawings.

Thank you and God Bless You,

Dan Piilola & Patty Flanagan
(homeowners)
3562 Highland Ave
White Bear Lake, MN 55110

March 5, 2021

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

Re: Swim Spa Hot Tub – Support
3562 Highland Ave

To Whom it may concern,

I am writing to inform the City of White Bear Lake that I support the placement of the Swim Spa Hot Tub less than 20' from my Northern lot line but more than 10'.

Please let me know if you have any questions.

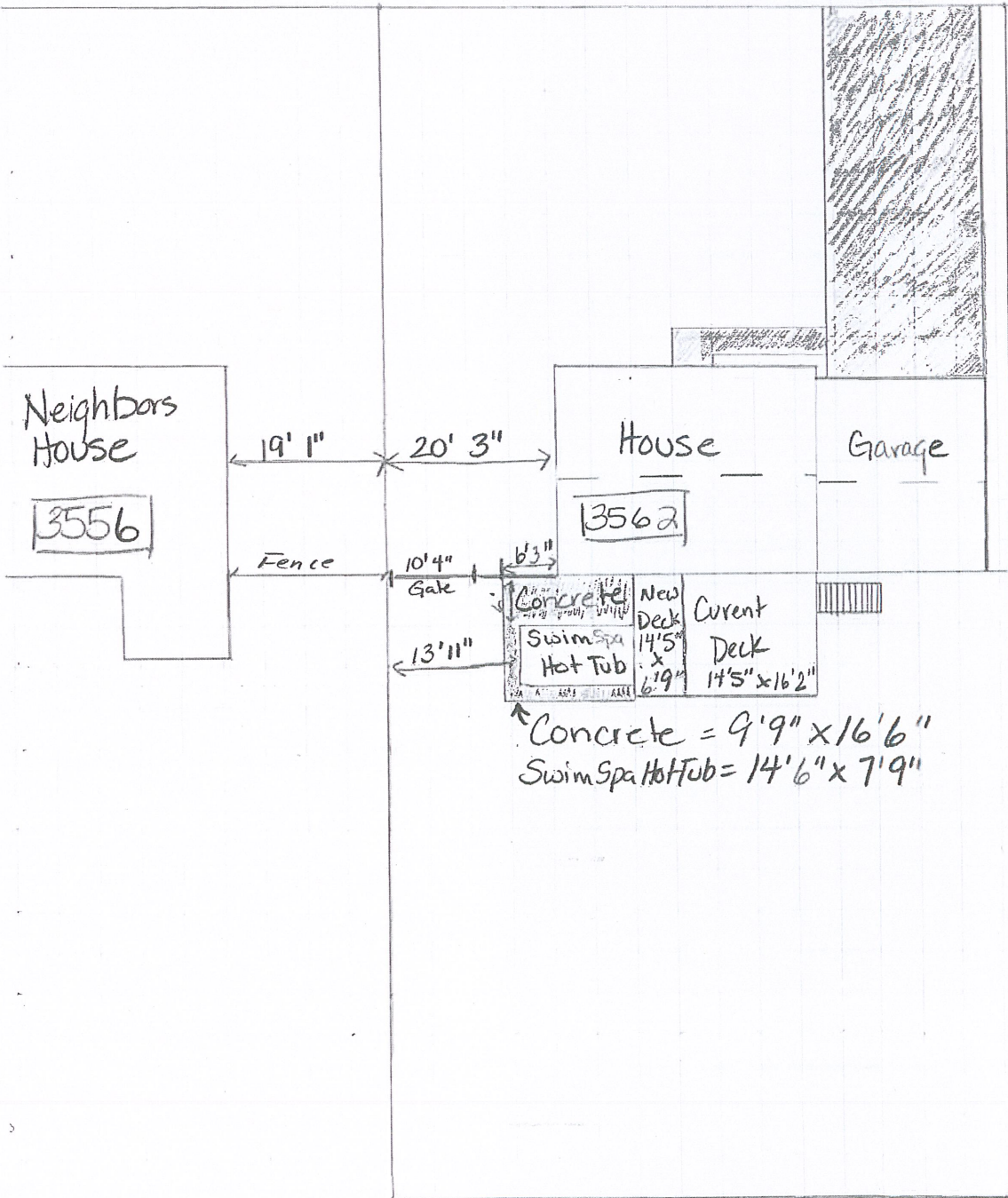
Thank you,

A handwritten signature in black ink, appearing to read "Tim Wright", with a long horizontal flourish extending to the right.

Tim Wright
651-925-9494

NORTH →

HIGHLAND AVE





13 ft 11 in
from
swimspa to
lot line

33 ft from
swimspa to
neighbors
house

This aerial photo shows approximate placement in relation to the lot line and neighbors house.

CITY	GALLONS	DISTANCE TO LOT LINE
HUGO	5000	10'
LINO LAKES	5000	20'
MAPLEWOOD	5000	10'
OAKDALE	3000	10'
ROSEVILLE	3000	10'
SHOREVIEW		10'
WHITE BEAR TOWNSHIP		10'



1. Types of installations:

1.1 Free Standing with cabinet above ground

This installation refers to a swim spa that is placed on a concrete pad, above ground and with a Hydropool Cabinet. Can be adjacent to a deck or butted up to a deck.



1.1 Free Standing with cabinet above ground

1.2 Free Standing in Deck

This installation refers to a swim spa that is placed on a concrete pad, above ground and with or without a Hydropool cabinet. This swim spa is surrounded on 1 or 2 sides by deck.



1.2 Free Standing in Deck

1.3 Below Grade Outdoor

This installation refers to a swim spa that is placed on a concrete pad, below grade and without a Hydropool Cabinet. Can be partially or fully recessed in the ground.



1.3 Below Grade Outdoor

1.4 Below Grade Indoor

Indoor installations of a swim spa must be placed on a concrete pad. Swim spas can be partially or fully recessed in the floor.



1.4 Below Grade Indoor

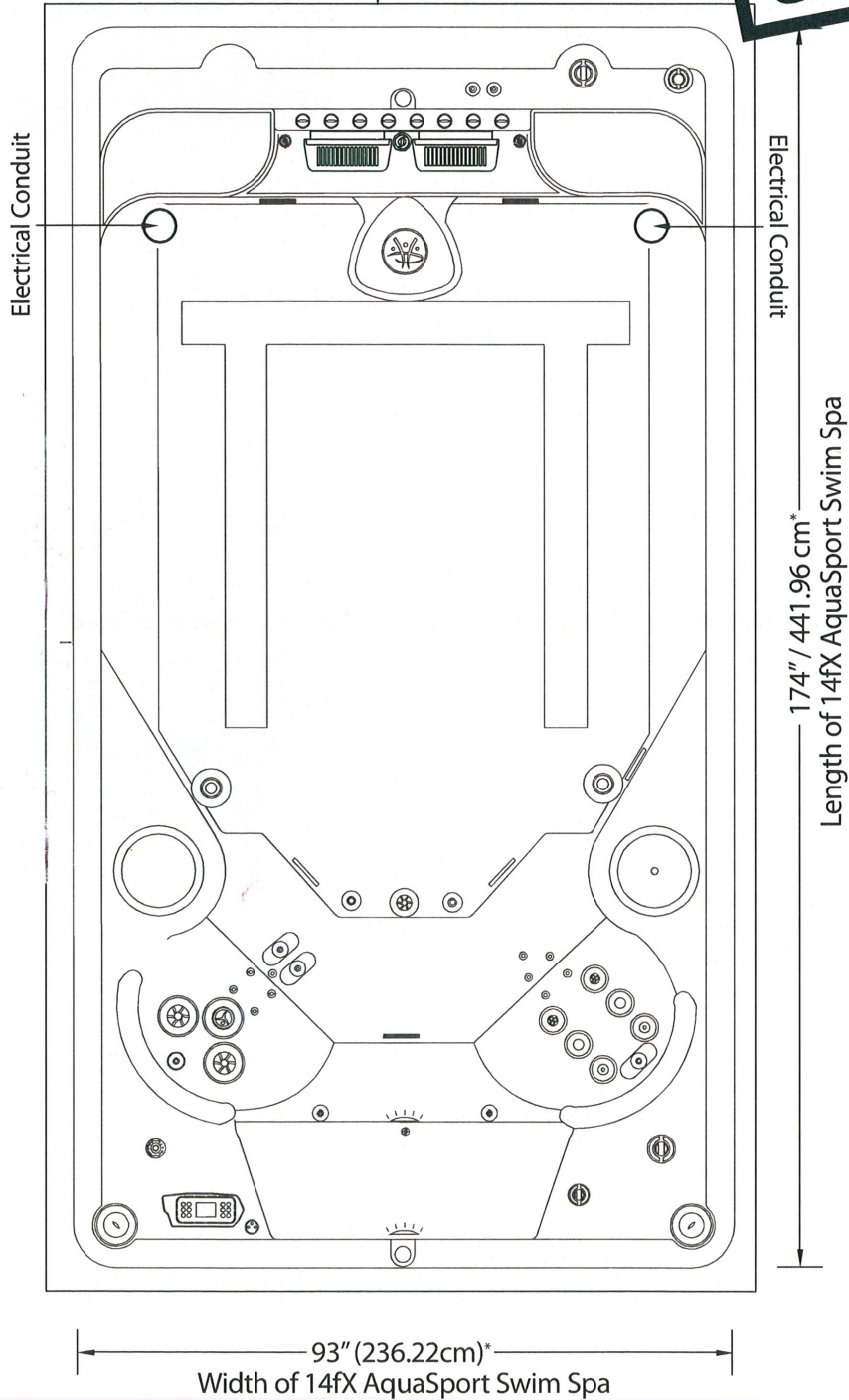




Cross Section Topside View of 2020 14fX AquaSport Swim Spa Install Above Ground

Concrete Pad

SAMPLE



Shell Dimensions:

174" x 93" /
441.96 cm x 236.22 cm

Height:

48.75" / 123.83 cm

Volume:

1727 US gallons /
6563 L

Weight Full:

16,766 lbs /
7,607 Kg

Weight Empty:

2,302 lbs /
1,044 Kg



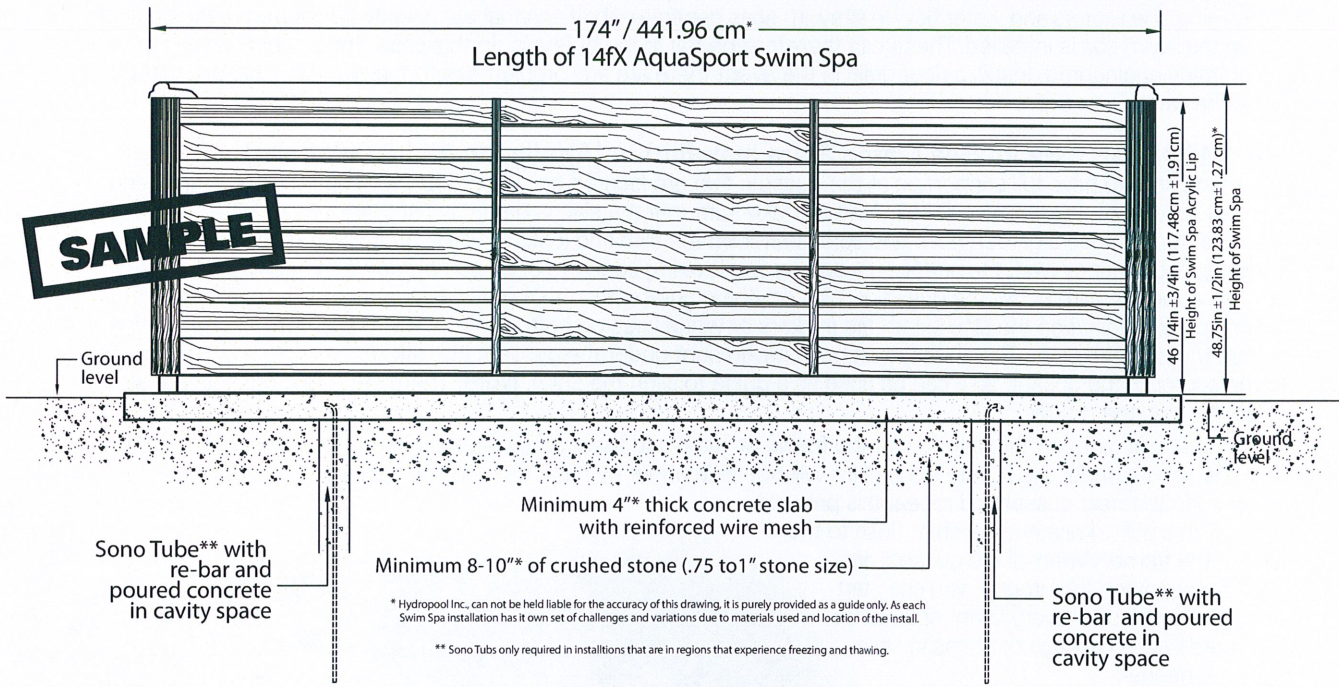
* Hydromall Inc., can not be held liable for the accuracy of this drawing, its purely provided as a guide only. As each Swim Spa installation has its own set of challenges and variations due to materials used and location of the install.

** Sono Tubes only required in installations that are in regions that experience freezing and thawing.





Cross Section Side View of 2020 14fX AquaSport Swim Spa Install Above Ground



* Hydropool Inc., can not be held liable for the accuracy of this drawing, it is purely provided as a guide only. As each Swim Spa installation has its own set of challenges and variations due to materials used and location of the install.

** Sono Tubes only required in installations that are in regions that experience freezing and thawing.





City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

4.D

MEMORANDUM

TO: The Planning Commission
FROM: Ashton Miller, Planning Technician
DATE: April 20 for April 26, 2021 Planning Commission Meeting
SUBJECT: Mattson Variance, 3444 White Bear Avenue – Case No. 21-9-V

REQUEST

The applicant, James Mattson, is requesting a 1.5 foot variance from the six foot height limit along a side yard and a 2.75 foot variance from the four foot height limit for a fence in the front yard in order to construct a privacy fence 7.5 feet tall at its maximum height on the south side of the property.

SITE CHARACTERISTICS

The subject site is located on the east side of White Bear Avenue and south of where Elm Street intersects with White Bear Avenue. The property is 18,000 square feet in size and contains a single family home and detached garage.

ZONING

The subject site is zoned R-3, Single Family Residential and S, Shoreland Overlay, as are all of the surrounding properties.

BACKGROUND

The property was platted in 1946, and according to Ramsey County, the home was constructed that same year.

APPLICANT'S PRACTICAL DIFFICULTY

The existing conditions. See applicant's narrative.

ANALYSIS

There is an 8.9° change in elevation along the southern portion of land, which, as stated by the applicant, makes a six foot fence inadequate for the privacy the family desires. The tallest portion of the fence is proposed to be 7.5 feet and will only extend 16 feet at the very back of the lot, where there is a drainage swale that the Engineering Department has determined needs to be maintained. To keep the top of the fence level, the fence is proposed to contour to the ground, so will vary in height, from 6.25 to 7.5 feet, with an average height of 6.75 feet.

The code does not permit fences taller than four feet in the front yard. Because the house is set back

4.D

140 feet, more than the surrounding homes, any fence taller than four feet is limited to the back third of the lot, which would not provide the preferred screening between the two principal structures. Conversely, a fence up to six feet could be constructed in the same location if it were on neighbor's side of the property line, so staff finds the request to be reasonable.

The fence will be made of cedar, which staff finds aesthetically appealing. It will end roughly 70 feet back from the front property line, so will not be visible from the road and will not impact traffic or pedestrian sight lines.

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 of the 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. 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. A zoning permit shall be obtained before any work begins.
4. The applicant shall verify their property line and have the property pins exposed at the time of inspection.

Attachments:

1. Draft Resolution of Denial
2. Draft Resolution of Approval
3. Zoning/Location Map
4. Applicant's Narrative (1 page) & Plans (5 pages)
5. Neighbor Comments

RESOLUTION NO. _____

**RESOLUTION GRANTING A FENCE VARIANCE
FOR 3444 WHITE BEAR AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-9-V) has been submitted by James Mattson 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: 3444 White Bear Avenue

LEGAL DESCRIPTION: Lot 4, Block 1, Brookdale Park (PID: 353022130004)

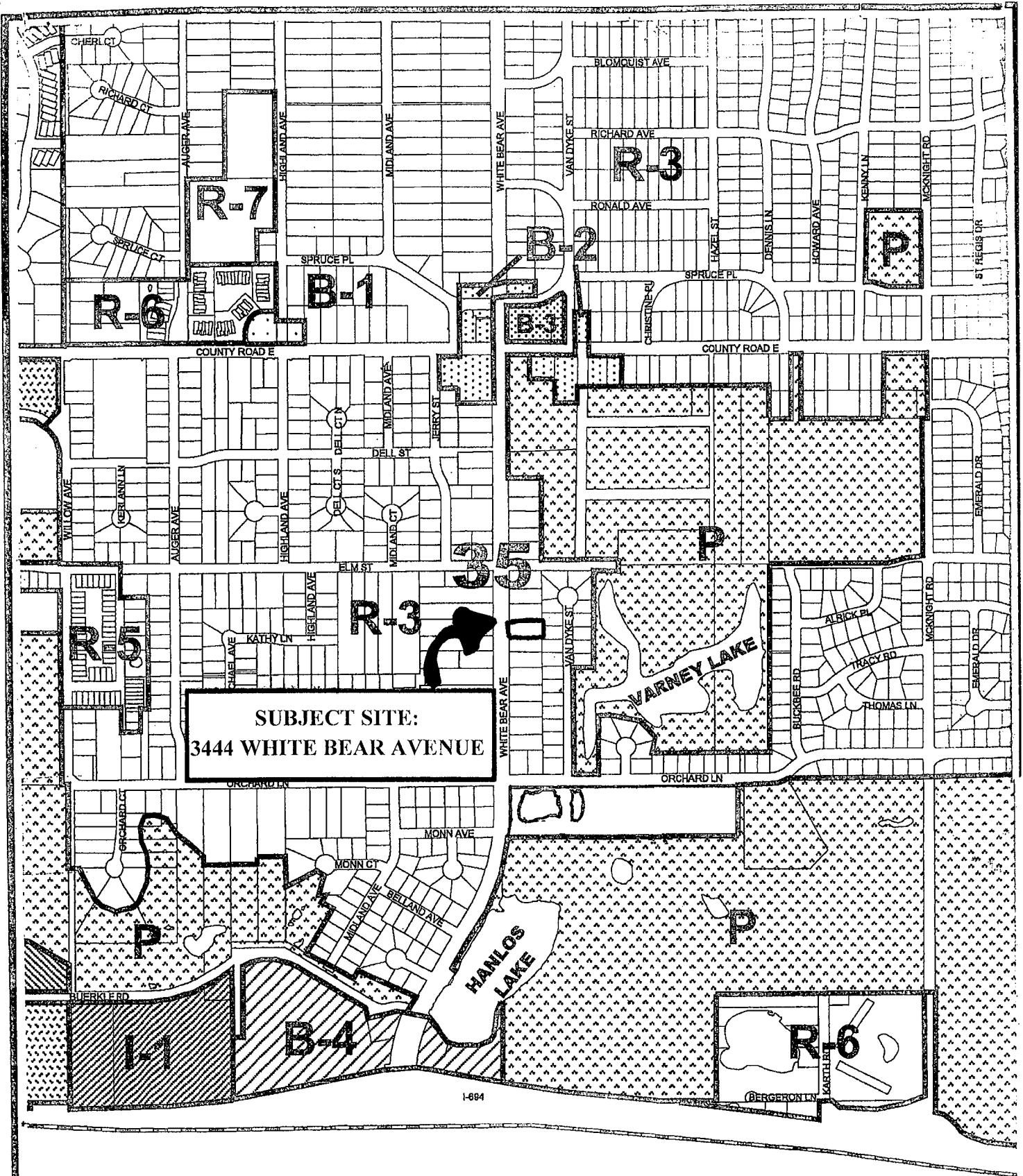
WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 1.5 foot variance from the six foot height limit, per Code Section 1302.030, Subd.6.h.3, and a 2.75 foot variance from the 4 foot height limit in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to construct fence on the south side of the property; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on April 26, 2021; and

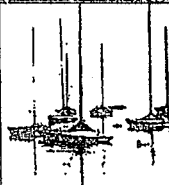
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property 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.



SUBJECT SITE:
3444 WHITE BEAR AVENUE



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

CASE NO. : **21-9-V**
 CASE NAME : **Mattson**
 DATE : **April 26, 2021**

3-15-21

TO THE PLANNING COMMISSION:

WE ARE REQUESTING TO INSTALL A FENCE HIGHER THEN THE COMMON 6' FENCE ON THE SOUTH SIDE OF OUR PROPERTY. THE AVERAGE HEIGHT OF THE FENCE WOULD BE 6'9" WITH LOW SPOTS AT 6'3" AND HIGH SPOTS AT 7'6" TO MAINTAIN A LEVEL GOOD LOOKING FENCE.

WE ARE LOOKING TO INSTALL THIS FENCE FOR PRIVACY FROM OUR NEIBOR, WHO IN THE PAST HAS BEEN HARASSING US. WE DONT THINK THE COMMON 6' FENCE WOULD GIVE US THE PRIVACY WE DESIRE FOR MY KIDS AND FAMILY. WE THINK THIS ADDED HEIGHT WOULD GIVE US PEACE OF MIND AND AVOID ANY CONFLICTS OR FUTURE HARASSMENT. ALSO OUR NEIBOR IS TALL AND THE CHANGES IN GRADE BETWEEN OUR YARDS WOULD MAKE THE 6' FENCE INADEQUATE.

(A) • (BONFIRE PZT) COMPARED TO OUR BACK DECK

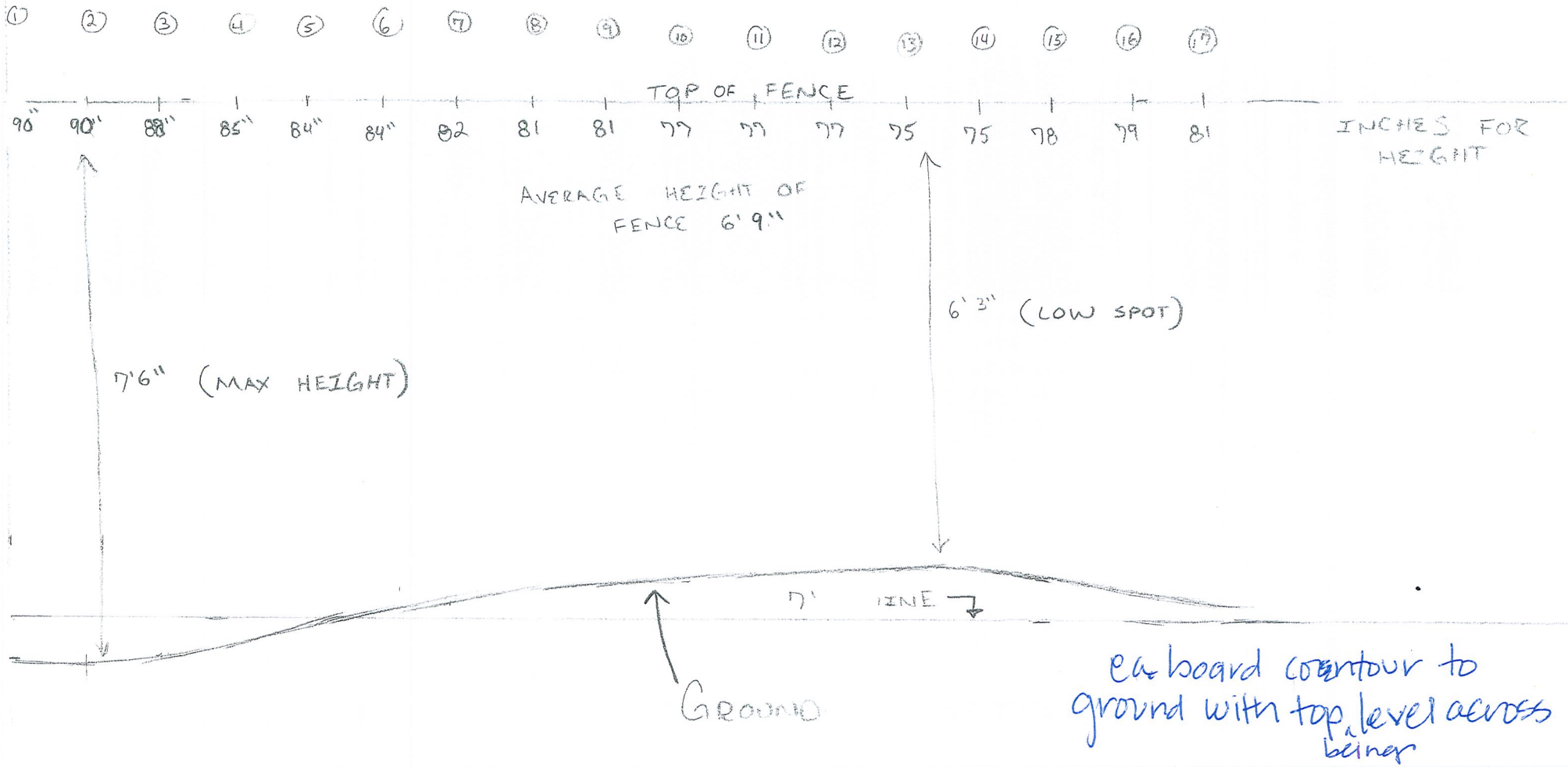
(B) • (BACK SERVICE DOOR) COMPARED TO OUR FRONT DOOR

James
Mattoon

FENCE POSTS 4x4 GREEN TREAT OR CEDAR
 FENCE LEDGERS 2x4 CEDAR
 FENCE PICKETS 1x6 CEDAR

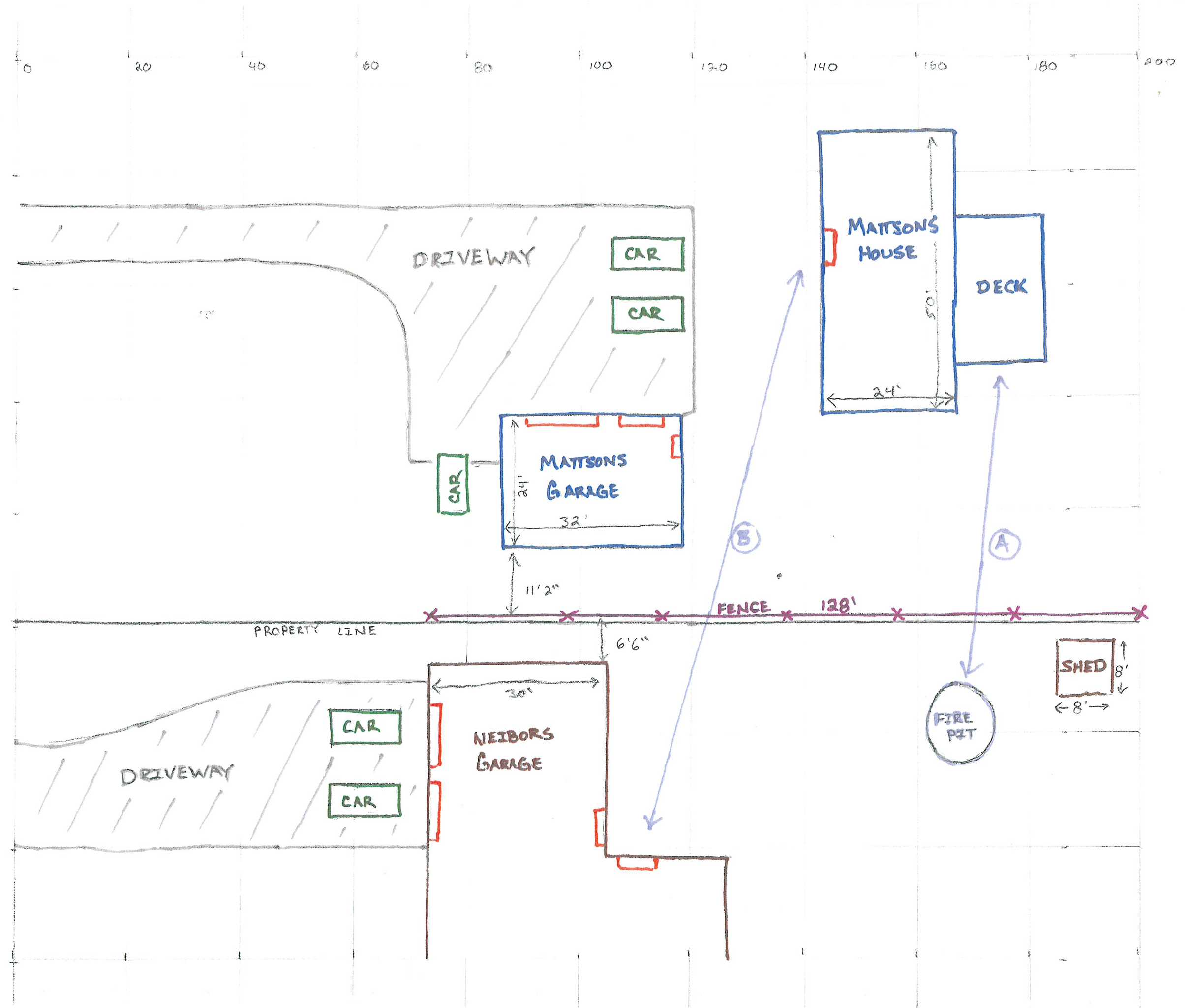
LOOKING FROM MY HOUSE
 TOWARDS SOUTH
 ELEVATION

NUMBERS ARE POSTS EAST TO WEST 8' ON CENTER





WHITE BEAR AVE



(A) AT BONFIRE PIT ← TOP OF BOARD = 17'



Ⓑ AT BACK DOOR, TOP OF BOARD = 7'



PROPOSED FENCE STYLE



Case #21-9-V Mattson

Remarks from Tony and Leisa Arndt at 3436 White Bear Ave N

To whom it may concern,

We are not happy with the height of the fence, but we are willing to work with the Mattson's. We have a few questions before approving what they proposed.

- 1) Would we be able to tie into the Southern/West (facing White Bear Ave) to return to our house either by attaching onto the fence or placing a post next to the fence for gap purposes, so our pets do not get out.
- 2) We would also like permission from the Mattson's to put a small air condensing unit for the garage on our side of the property between the garages next to our garage.
- 3) If the fence is wood, will it be stained/painted on both sides?
- 4) If the fence is not stained/painted on our side, will we be able to stain or paint to our preference?

Thank you, Tony and Leisa Arndt



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: April 19 for the April 26, 2021 Planning Commission Meeting

SUBJECT: **Hare & Mager Lot Recombination, 1996 Elm Street & 3465 White Bear Avenue - Case No. 21-1-LS**

REQUEST

The applicants, Matthew and Andrea Hare and Jacqueline Mager, are requesting a recombination subdivision in order to convey a 16,000 square foot tract of land from the Hare property, 3465 White Bear Avenue, to the Mager property at 1996 Elm Street.

A public hearing is not required for this type of lot split.

SITE CHARACTERISTICS

The subject sites are located southwest of the Elm Street and White Bear Avenue intersection. The properties have frontage along different streets and their yards abut in the rear.

ZONING

The subject sites are zoned R-3, Single Family Residential and S, Shoreland Overlay District, as are the properties to the east and south. The properties to the north and west are also R-3, but are not in the Shoreland Overlay District. Both properties conform to the lot size and width requirements.

BACKGROUND

Both lots were platted in 1924. According to Ramsey County, the home on 3465 White Bear Avenue was built in 1939 and the home on 1996 Elm Street was constructed in 1961.

ANALYSIS

The attached survey shows that the proposed recombination subdivision will transfer land between the rear yards of the two properties. The Hare property, which is currently 44,632 square feet, will be reduced to 28,632 square feet, still well above the 10,500 square foot lot area requirement. The Mager property will increase from 16,000 to 32,000 square feet.

Both properties will be well below the required 25 percent maximum rear yard coverage and

the 30 percent maximum impervious surface coverage. The principal structure on 1996 Elm Street will be brought into conformity by meeting the 30-foot rear yard setback. All other structures will continue to meet setback requirements. Finally, the lot recombination is in harmony with the master plan for the neighborhood.

SUMMARY

The City's discretion in approving or denying a recombination subdivision is limited to whether or not the proposed subdivision meets the standards outlined in the Zoning Ordinance and Subdivision Regulations. If it meets these standards, the City must approve the subdivision.

Staff has reviewed the request for compliance with the Subdivision Regulations and the Zoning Code and finds that all applicable requirements have been met.

RECOMMENDATION

City Staff recommends approval of the requested recombination subdivision 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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey along with the instruments of conveyance with the County Land Records Office or the subdivision shall become null and void. The 20' utility easement shall also be recorded at this time.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of either lot.
4. The applicants shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with two final, recorded copies of the Certificate of Survey.
5. The applicants shall agree to reapportion any pending or actual assessments on the original parcel or lot of recoding in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot line with the existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.

Attachments:

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Request Letter
4. Recombination Subdivision Survey
5. Elmwood Garden Farms Master Plan

DRAFT RESOLUTION NO. _____

**RESOLUTION APPROVING A LOT RECOMBINATION FOR
3465 WHITE BEAR AVENUE & 1996 ELM STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-1-LS) has been submitted by the Hare and Mager families to the City Council requesting approval of a lot recombination per the City of White Bear Lake Subdivision Code at the following location:

LOCATION: 3465 White Bear Avenue & 1996 Elm Street

EXISTING & PROPOSED LEGAL DESCRIPTION: See Attached.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: Approval of a minor subdivision to convey a 16,000 square foot tract of land from 3465 White Bear Avenue to 1996 Elm Street, per Code Section 1407.030; and

WHEREAS, the Planning Commission has reviewed this proposal on April 26, 2021; and

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

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

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

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approved the Recombination Subdivision, 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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey along with the instruments of conveyance with the County Land Records Office or the subdivision shall be come null and void. The 20' utility easement shall also be recorded at this time.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of either lot.
4. The applicants shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with two, final recorded copies of the Certificate of Survey.
5. The applicants shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot line with the existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.

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.

Matthew Hare

Date

Jacqueline Mager

Date

EXISTING LEGAL DESCRIPTION:

3465 White Bear Avenue

Lot 11, ELMWOOD GARDEN FARMS NO. 3, subject to road, Ramsey County, Minnesota.

1996 Elm Street

The West 160 feet of Lot 12, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota.

PROPOSED LEGAL DESCRIPTION:

3465 White Bear Avenue

Lot 11, except the west 160 feet thereof, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota. Subject to road; AND,

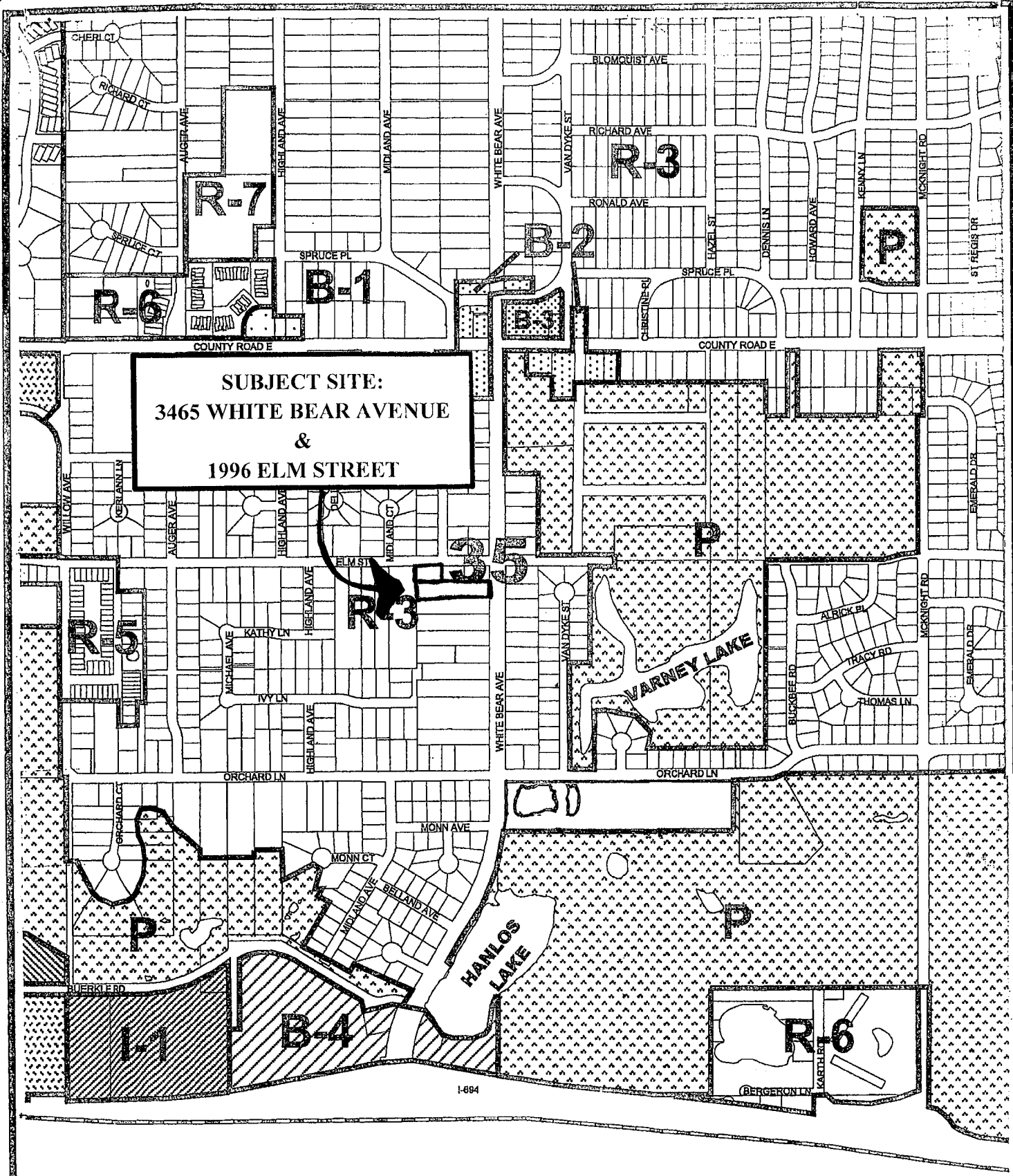
Subject to drainage and utility easement over, under and across the north 5 feet, the east 10 feet, the south 5 feet and the west 5 feet adjoining thereof; AND

Subject to sanitary sewer easement over, under, and across a strip of land 20 feet wide; where said easement lies 10 feet easterly and 10 feet westerly of the following line to be described: Commencing at the northeast corner of Lot 11, ELMWOOD GARDENS NO. 3, Ramsey County, Minnesota; thence westerly along the north line of said Lot 11 a distance of 196 feet to the point of beginning; thence southerly a distance of 100 feet to the south line of said Lot 11 to a point distant 195 feet westerly of the southeast corner of said Lot 11, and there terminating; all in Lot 11, ELMWOOD GARDENS NO. 3, Ramsey County, Minnesota.

1996 Elm Street

The West 160 feet of Lot 11; and, the West 160 feet of Lot 12, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota.

Subject to drainage and utility easement over, under, and across the north 10 feet, the east 5 feet, the south 5 feet and west 5 feet adjoining thereof.



SUBJECT SITE:
3465 WHITE BEAR AVENUE
&
1996 ELM STREET

I-694

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

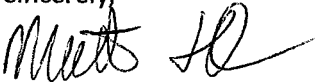
CASE NO. : **21-1-LS**
 CASE NAME : **Hare/Mager**
 DATE : **April 26, 2021**

Dear Planning Commission,

We are requesting a lot split to portion off the back 3rd of our yard (Lot 11 of Elmwood Garden Farms No3) to our neighbor Jacqueline Mager. Since 1996 the land has not been used for anything besides family recreation. We have been in touch with Jacqueline for some time about splitting the lot to extend her backyard. We believe this should be approved so she can have a larger backyard as we are not using that lot for anything specific.

Thank you so much for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Hare".A large, flowing handwritten signature in cursive script, appearing to read "Andrea Hare".

Matt & Andrea Hare

ZONING

R-3/S: Sgl Family Res. Dist. w/Shoreland Overlay

LOT SIZE

Area: 10,000 s.f. min.
Width: 80 ft. min.

SETBACKS (Principle Structure)

Front: 30 ft. or avg.
Side: 10 ft.
Rear: 30 ft.

SETBACKS (Accessory Structure)

Front: 30 ft. or avg.
Side: 5 ft.
Rear: 5 ft.

COVERAGE RATIO

Total Lot: 0.30 max.
Rear Yard: 0.25 max.

EXISTING LEGAL DESCRIPTIONS

Lot 11, ELMWOOD GARDEN FARMS NO. 3, subject to road, Ramsey County, Minnesota.

The West 160 feet of Lot 12, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota.

EXISTING CALCULATIONS

LOT SIZE

Area: 44,632 s.f.
Width: 100 ft.
R. Yd: 34,624 s.f.

LOT SIZE

Area: 16,000 s.f.
Width: 160 ft.
R. Yd: 2,505 s.f.

COVERAGE

House: 907 s.f.
Garage: 583 s.f. (423 s.f. R. Yd.)
Pavement: 2247 s.f.

COVERAGE

House: 1,861 s.f.
Paving: 1,306 s.f.

COVERAGE RATIO

Total Lot: 3737/44632 = 0.08
R. Yd: 423/34624 = 0.01

COVERAGE RATIO

Total Lot: 3167/16000 = 0.20
R. Yd: 0.00

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

Lot 11, except the west 160 feet thereof, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota. Subject to road; AND,

Subject to drainage and utility easement over, under, and across the north 5 feet, the east 10 feet, the south 5 feet and the west 5 feet adjoining thereof; AND

Subject to sanitary sewer easement over, under, and across a strip of land 20 feet wide; where said easement lies 10 feet easterly and 10 feet westerly of the following line to be described: Commencing at the northeast corner of Lot 11, ELMWOOD GARDENS NO. 3, Ramsey County, Minnesota; thence westerly along the north line of said Lot 11 a distance of 196 feet to the point of beginning; thence southerly a distance of 100 feet to the south line of said Lot 11 to a point distant 195 feet westerly of the southeast corner of said Lot 11, and there terminating; all in Lot 11, ELMWOOD GARDENS NO. 3, Ramsey County, Minnesota.

PARCEL B

The West 160 feet of Lot 11; and, the West 160 feet of Lot 12, ELMWOOD GARDEN FARMS NO. 3, Ramsey County, Minnesota.

Subject to drainage and utility easement over, under, and across the north 10 feet, the east 5 feet, the south 5 feet and the west 5 feet adjoining thereof.

CALCULATIONS

PARCEL A

LOT SIZE

Area: 28,632 s.f.
Width: 100 ft.
R. Yd: 18,624 s.f.

COVERAGE

House: 907 s.f.
Garage: 583 s.f. (423 s.f. R. Yd.)
Pavement: 2247 s.f.

COVERAGE RATIO

Total Lot: 3737/28632 = 0.13
R. Yd: 423/18624 = 0.02

PARCEL B

LOT SIZE

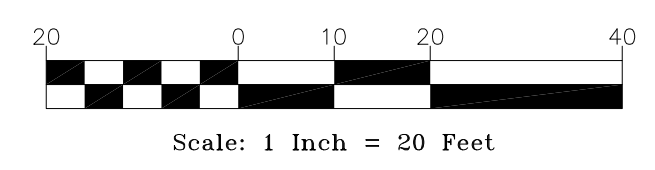
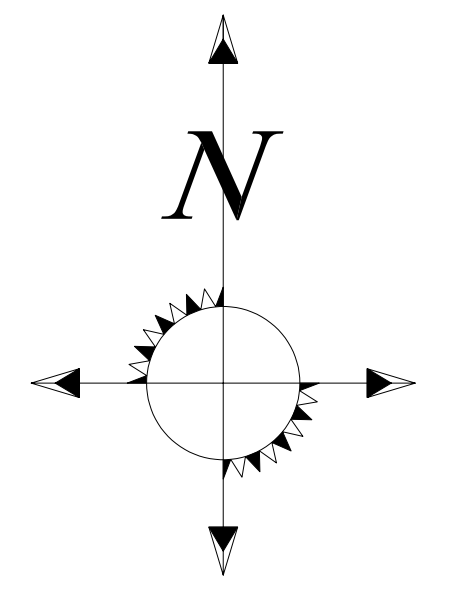
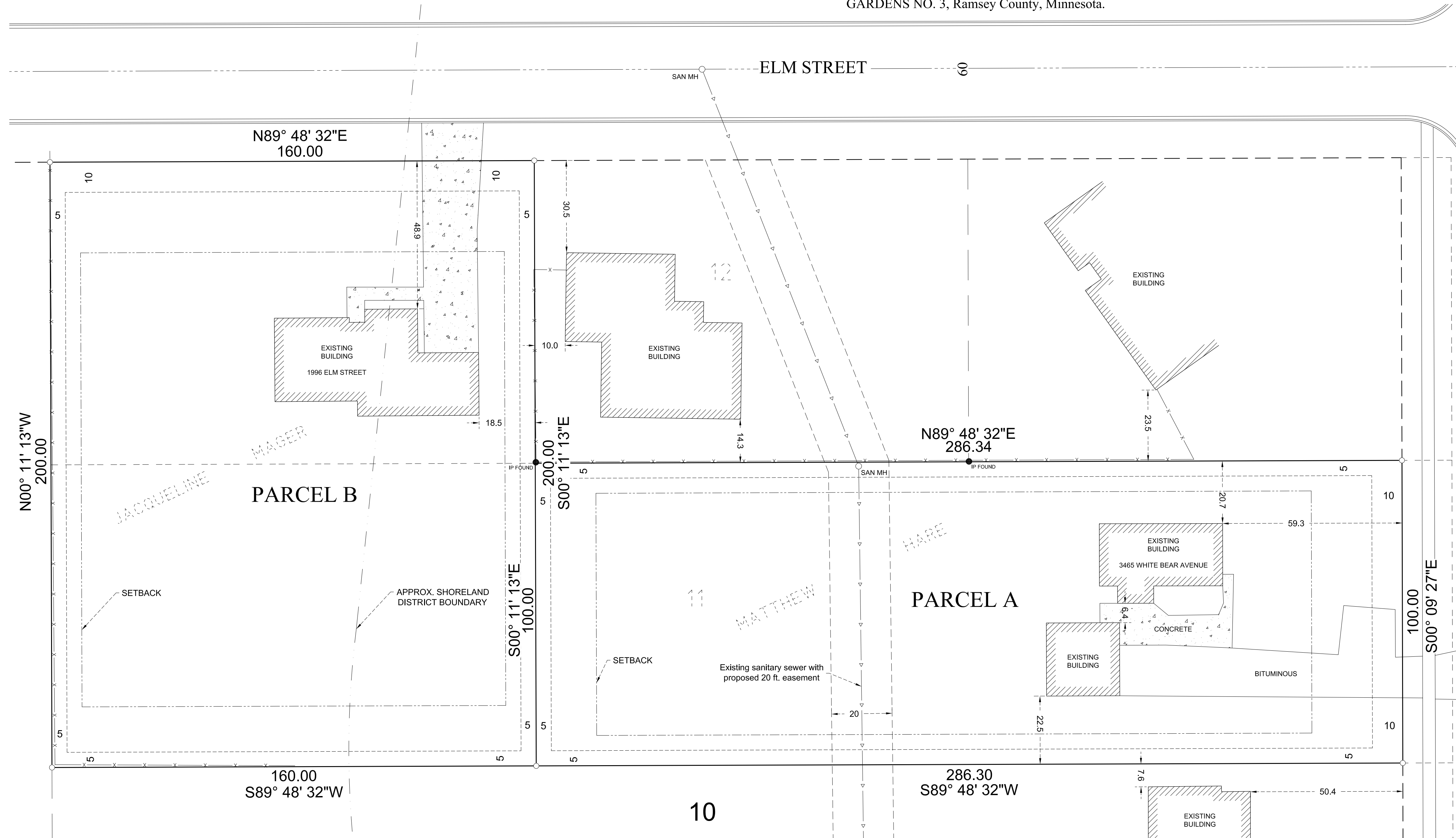
Area: 32,000 s.f.
Width: 160 ft.
R. Yd: 18,505 s.f.

COVERAGE

House: 1,861 s.f.
Paving: 1,306 s.f.

COVERAGE RATIO

Total Lot: 3167/32000 = 0.10
R. Yd: 0.00



LEGEND
● Iron Monument Found
○ Iron Monument Set RLS#21292

SURVEYORS NOTE

Horizontal Datum: Ramsey County PLSS
Due to winter conditions, some feature locations are approximate.
Sanitary sewer easement shown was never recorded with Ramsey County.

1440 Arcade St. Suite 280
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-776-0206
E-mail: info@mpasso.com

M&P
Associates
civil engineering and surveying/planning

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the state of Minnesota.
Allen C. Schlipf
DATE: 3/2/21 LIC. NO. 21292

DATE	REVISIONS

LOT LINE ADJUSTMENT BETWEEN
JACQUELINE MAGER
1996 ELM STREET
WHITE BEAR LAKE, MN 55110

MATTHEW HARE
3465 WHITE BEAR AVE.
WHITE BEAR LAKE, MN 55110

DRAWN KGD	CHECKED ACS
PROJECT # 5221.001	
DATE 3/2/21	
SHEET # 1	



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (June 2, 2010), The Lawrence Group; June 2, 2010 for County parcel and property records data; June 2010 for commercial and residential data; April 2009 for color aerial imagery; All other

CITY COUNCIL MEETING SUMMARY

April 13, 2021

APPROVAL OF MINUTES – Approved

A. Minutes of the Regular City Council Meeting on March 23, 2021

B. Minutes of the Work Session on March 30, 2021

APPROVAL OF THE AGENDA – Approved with 1 addition to the Discussion

VISITORS AND PRESENTATIONS

A. Jeff Hafner with Rainbow Tree Care – Emerald Ash Borer

Jeff Hafner with Rainbow Tree Care provided an update on Ash Tree care in White Bear Lake. In 2020, 695 Ash Trees were protected, amounting to an annual benefit of an avoidance of 769,310 pounds of atmospheric CO₂ and an interception of 1.68 million gallons of stormwater. He explained that treatments are good for two years and if a tree has not already been treated, it may be too far in decline to benefit from treatment.

B. Arbor Day Proclamation

Mayor Emerson declared May 20, 2021 as Arbor Day in White Bear Lake and called upon all White Bear Lake residents to participate in the annual Arbor Day observance.

Park Lead Andy Wieteki reported that the Park Advisory Commission plans to hold their Park Commission meeting on May 20, 2021 at Ebba Park where the group intends to plant a row of trees as a buffer to the water treatment plant. A pollinator garden is also being planted at Lakewood Hills Park, overlooking the softball field. Finally, a new row of arborvitae will be planted to replace the dead arborvitae that was removed between Railroad Park and U.S. bank.

Councilmember Edberg encouraged staff to address invasive buck thorn, which is growing all over within the City.

PUBLIC HEARINGS – Nothing scheduled

LAND USE – Approved

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by the City of White Bear Lake for review and acceptance of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet (EAW) for the proposed North Campus High School Expansion project located at 5045 Division Avenue. (Case No. 21-1-EAW). **Resolution No. 12748**
2. Consideration of a Planning Commission recommendation for approval of a request by Jack Tamble for a variance at 4860 Stewart Avenue. (Case No. 21-6-V). **Resolution No. 12749**

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by White Bear Lake ISD#624 for a Conditional Use Permit for the North Campus High School expansion located at 5045 Division Avenue. (Case No. 21-3-CUP). **Resolution No. 12750**
2. Consideration of a Planning Commission recommendation for approval of a request by Jacob & Chandler Ommen for a Conditional Use Permit and five variances at 4320 Cottage Park Road. (Case No. 21-4-CUP & 21-5-V). **Resolution No. 12751**

UNFINISHED BUSINESS – Nothing scheduled

ORDINANCES – Nothing scheduled

NEW BUSINESS – Approved

- A. Resolution accepting quotes and awarding contract for the 2021 Gazebo Restoration Project, City Project No. 21-08. **Resolution No. 12752**
- B. Resolution accepting bids and awarding contract for the 2021 Pavement Rehabilitation Project, City Project Nos.: 21-01, 21-04, 21-06 & 21-13. **Resolution No. 12753**
- C. Resolution to approve the sale of General Obligation Bonds. **Resolution No. 12754**

CONSENT – Approved

- A. Acceptance of Minutes: January Park Advisory Commission, February Environmental Advisory Commission, February White Bear Lake Conservation District, March Planning Advisory Commission
- B. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Bituminous Seal Coating Project, City Project No: 21-02. **Resolution No. 12755**
- C. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Crack Sealing Project, City Project No: 12-03. **Resolution No. 12756**
- D. Resolution ordering project, approving plans and authorizing advertisement for bids for the 2021 Sanitary Sewer Lining Program, City Project 21-07. **Resolution No. 12757**
- E. Resolution authorizing use of Railroad Park for Sunrise Park Middle School on April 24, 2021. **Resolution No. 12758**
- F. Resolution of support for Accessible Space, Inc.'s application for Ramsey County Community Development Block Grant (CDBG) program funds. **Resolution No. 12759**
- G. Resolution authorizing City's participation in Manitou Days and Marketfest community events. **Resolution No. 12760**

- H. Resolution authorizing food truck operations on public property for St. Mary's 140th Anniversary. **Resolution No. 12761**

DISCUSSION

- A. Proposed modifications to Article II Administration of the Municipal Code

City Manager Hiniker explained that the City has undertaken re-codification, in which each Article of the City's Code will have been reviewed by the Municode Code Attorney, staff, and the City Attorney prior to reaching Council's consideration. Ms. Hiniker reminded the Council that a full code adoption of all 14 Articles will occur at the end of this review period, but as each Article is completed, it will be placed on the Council's agenda for review and comment at a more digestible pace. She explained this allows for the public process along the way, and at the conclusion, staff will provide a summary of any significant policy changes prior to final adoption of a Code.

Ms. Hiniker explained that Article II has one notable change to the Administrative Offense Ordinance (Section 205), as a result of a 2019 City Charter Amendment establishing the ability to assess unpaid administrative fines. She explained that the edits define new procedures including appeal of administrative tickets and assessment of unpaid fines. These changes were brought about in an effort to provide relief to neighbors suffering from unresolved code enforcement issues. Ms. Hiniker stated this Article will not actively be brought back to the Council unless requested, however, the Administrative Offense Ordinance will be highlighted in the final ordinance adoption memo as having significant policy changes for the ability of public and Council to revisit.

- B. Return to in-person meetings in the Council Chambers

Councilmember Biehn expressed desire to return to in-person City Council meetings, with the ability for in-person and zoom meetings combined so that others have the flexibility to attend. He relayed hearing positive feedback that remote participants feel more at ease speaking from home.

There was a general desire to return to in-person City Council meetings in the Council Chambers, with continued remote access for the public. Among concerns expressed was the indoor mask mandate and distancing requirements currently in place by order of the Governor. Staff agreed to further review current mixed-media capability in preparation for a transition to in-person meetings.

COMMUNICATIONS FROM THE CITY MANAGER

- Work Session, Tuesday, April 20, 2021 at 6:00 p.m. regarding work of the Department of Natural Resources and also on the topic of Emerald Ash Borer and Boulevard Trees.
- Cerenity Senior Care has again requested permission for outdoor music as a result of the pandemic and staff intend to support that request unless they hear otherwise from the Council.
- Public Works Director / City Engineer Kauppi reported on the water meter bid opening next Tuesday and hopeful award of this project on an upcoming Council meeting.

ADJOURNMENT – 8:55 p.m.

Park Advisory Commission Meeting Minutes

JANUARY 21, 2021

6:30 P.M.

WEBEX MEETING

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

1. CALL TO ORDER

The meeting was called to order at 6:32 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from November 19, 2020 was moved by Victoria Biehn and seconded by Ginny Davis.

3. APPROVAL OF AGENDA

Approval of the January 21, 2021 agenda was moved by Mark Cermak and seconded by Brian Belisle.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

a) Update on Matoska Gazebo

Andy Wietecki explained that a committee was formed of 7 people to assess the current conditions of the Matoska Park (Geist Gazebo) Gazebo. The main objective is to bring a recommendation to the City Council in the near future on whether it makes sense to restore the current structure or to build a new structure in its place. Brian Belisle reported that there is an anonymous family that has generously donated \$150,000 to help with the Gazebo project. The family would like to see the project completed before Manitou Days begins.

The main goal of the committee meeting next week is determine whether to restore the current structure or build a new structure in its place. If the committee decides to build a new structure, the new shelter would take about 16 weeks from order date to arrive. The structure would then need to be constructed onsite along with concrete work and landscaping.

Paul Kauppi explained to the Park Advisory Commission that there is no historical significance to the Gazebo since it has been rebuilt and modified many times over the years. The Gazebo no long has all of the original components.

The City's building department will ensure that all ADA requirements are followed before approving a design plan.

If the \$150,000 donation doesn't cover the entire cost of the Gazebo, there are other funding sources that can be identified. There may be leftover funds in the retaining wall project that can be used towards the Gazebo project, if needed. The City Council is also very excited to see this project move forward and may also have some funds available to use. The first step, however, is for the committee to decide if replacement or rebuilding is the best option and then identify costs.

b) Yost Park Tree Removal

Andy Wieteki reported to the Parks Advisory Commission on Yost Park tree removal that happened earlier this fall. On the east side of Yost Park, the Parks Department removed a total of ninety-seven trees that were at the end of their life or were dead, dying or diseased. The trees needed to be removed for the safety of the park users. Of the 97 trees, thirty-five were Ash trees that were not treated for Emerald Ash Borer (because of the planned removal). A few trees will be planted as part of the Arbor Day Celebration this year on the east side of Yost Park. However, the deforesting of the east side of the park will hopefully lead to more utilization by park goers.

c) Parks Capital Improvement Projects for 2021

Andy Wieteck explained the Parks Capital Improvement Budget in detail for this coming year. He explained that there will not be as many projects as normal because the City is planning to build the retaining wall at Memorial Beach this summer. The cost of the retaining wall project is not known at this time. If there is money allocated to the retaining wall project but is not used, it will be put towards a project scheduled for 2022 or could be applied to the Gazebo Restoration Project.

6. OTHER STAFF REPORTS

Andy Wieteki reported on the north side of 4th Street next to the downtown information kiosk there was a metal sculpture of an escrow sailboat that totally rotted apart and had to be removed from its post. The sculpture is a replica of an award for the sailboat races on White Bear Lake in the past. They are currently getting pricing from a few different metal shops on rebuilding this sculpture and will hopefully be able to replace it in the next few months.

Andy reported that he reached out to MN/WI Playground for a design concept for the All Abilities Playground at Lakewood Hills Park. A design concept for all ability types was finalized and will accompany a link on the White Bear Lake Lion's Club website for the playground's fundraising efforts. Paul Kauppi reported that the City has plans to resurface the parking lot at Lakewood Hills this year. The resurfacing will incorporate handicap parking stalls nearest the playground.

Brian Belisle updated the Commission and then Andy Wietecky continued on the topic of Bear'ly Open, a fundraiser for the White Bear Area Emergency Food Shelf, that is happening on February 5th and 6th.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

The next meeting will be held on February 18, 2021 at 6:30 p.m.

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