

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

The City of White Bear Lake Planning Commission will hold a meeting on Monday, May 24, 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 May 24, 2021 agenda.
3. Approval of the April 26, 2021 Planning Commission meeting minutes.
4. **CASE ITEMS:**
Unless continued, these cases will go to the City Council meeting on Tuesday, June 8, 2021.
 - A. **Case No. 20-1-SHOPa:** A request by **Teri Faison** for a three year extension to an existing Special Home Occupation Permit, per Code Section 1302.120, in order to operate a massage therapy business out of the front/main level unit of a triplex at the property located 4445 Lincoln Avenue.
 - B. **Case No. 21-2-LS & 21-10-V:** A request by **Beckmann Custom Homes, LLC** for a minor subdivision to split one lot into two, per Code Section 1407.030, and two 20 foot variances from the 100 foot minimum lot width, per Code Section 1303.040, Subd.5.b, in order to create two 80 foot wide lots at the property located at 4783 Otter Lake Road.
 - C. **Case No. 21-12-V:** A request by **Len Schreier** for a two foot variance from the 20 foot setback from a side yard for a pool, per Code Section 1302.030, Subd.20.b.2.b.1, and a ten foot variance from the 30 foot front yard setback for a fence, per Code Section 1302.030, Subd.6.h.4, in order to install an in-ground pool 18 feet from the west property line and a six foot fence 20 feet from the front property line at the property located at 4775 Brooke Court.
 - D. **Case No. 21-13-V:** A request by **Susan Welles on behalf of Molly Theno** for a 9 foot variance from the 30 foot setback required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; a 7.1 foot variance from the 10 foot side yard setback required, per Code Section 1030.060, Subd.5.c.2, and a 17.5 foot variance from the 30 foot rear yard setback required, per Code Section 1302.030, Subd.4.e, in order to construct a new two car attached garage at the property located at 4870 Johnson Avenue.
 - E. **Case No. 17-1-CP:** Final review and adoption of the 2040 Comprehensive Plan.
5. **DISCUSSION ITEMS:**

- A. City Council Meeting Summary from May 11, 2021.
- B. Park Advisory Commission Meeting Minutes from March 18, 2021.

6. ADJOURNMENT

Next Regular City Council MeetingMay 25, 2021
Next Regular Planning Commission Meeting.....June 28, 2021

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
APRIL 26, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, April 26, 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 PM), Pamela Enz (7:09 PM), 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: Jim Mackey, Christian & Gretchen Peterson, Dale Grambush, Patty Flanagan, James Mattson, Leisa Arndt, and Matthew Hare.

2. APPROVAL OF THE APRIL 26, 2021 AGENDA:

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

3. APPROVAL OF THE MARCH 29, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

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.

Crosby discussed the case. Staff recommended approval.

Member Amundsen requested more information regarding the parking lease agreement as a condition of the Conditional Use Permit. Crosby explained that the parking lot has been leased for decades, so staff does not anticipate parking to be problematic. There is a stipulation that if the agreement is terminated, alternative parking must be secured or the Conditional Use Permit will lapse. Communication between the City and the applicants will need to start a few months in advance if either party anticipates terminating the lease.

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

Member Reis moved to recommend approval of Case No. 21-5-CUP. Member Lynch seconded the motion. The motion passed by a vote of 7-0.

- 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.

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

Member Reis asked about the history of the 30% limitation, why it was implemented, and which community stakeholders were part of that decision. He added that the McComb study cited in the staff report is already eight years old. Retail has changed in recent years, shopping malls and department stores are disappearing, and online sales are increasing. He wondered if there has been discussion of a new study.

Kane explained that the 30% limitation was adopted in 2003, during a time when some professional uses were taking over prime street frontage or foot-traffic generating locations. It was during a time of high vacancy and the resulting regulation was a collaboration between building owners, Main Street and the City.

Kane continued that it may be timely to examine the downtown businesses as we come out of the Covid-19 pandemic to find what is the appropriate balance of service and retail. A fresh look may help to ensure the vitality of downtown White Bear Lake.

Member Lynch commented that in terms of retail, what is happening now during the pandemic may be completely different from what will happen in the future. He cautioned against big changes to the downtown district until we have a better idea of post-Covid-19 trends.

Member Enz stated that she is familiar with the building and thinks that having a tenant is better than leaving the space empty. She was unsure that the area has much foot traffic since it is at the edge of downtown and does not look like part of the retail core.

Member Baltzer opened the public hearing.

Christian Peterson, applicant, stated that he and his wife, Gretchen, acquired the property as an investment in 2018 and love the White Bear Lake area. He had several points from staff's presentation that he wanted to address, the first being that they did not look for other tenants. They initially had a number of tenants express interest in the space; however, they believed the real estate business was a permitted use and was a good contribution to downtown.

Mr. Peterson continued that the Pilates studio will continue to operate out of the building, so the foot traffic should not change. He explained that the Pilates studio was struggling due to the pandemic, so an agreement was made to end the lease in this space 17 months early, something they were not required to do. When looking for a new tenant, they believed that home improvement, show rooms and studios were permitted. They did not think real estate would be

problematic and were not trying to hide anything. They sent the tenants to the City for a sign permit, which is when they were told there was a conflict with the code.

Mr. Peterson's second point was that the Covid-19 pandemic is an exceptional time and they made an exceptional change to the business and operations in order to mitigate the challenges faced by an existing tenant. He disagreed with staff's finding that a true practical difficulty has not been demonstrated. The pandemic has been a physical issue and has resulted in an enormous amount of physical translocation of businesses, people and activities. Mr. Peterson stated that the new tenant is a good fit for the space. The modern realtor office is a very collaborative environment that will bring in lots of people through seminars and other home buying groups.

The third point Mr. Peterson spoke to was in regards to the unique times of the pandemic. He agreed with Member Lynch that long-term decisions should not be made based on current conditions, so he asked that a temporary variance for 24 months be considered to allow the realtor office to stay. He does not think it is fair to create a hardship for the new tenants.

Dale Grambush, 2202 5th Street, stated that he owns a building in downtown and has been a member of the Main Street Downtown business group for many years. He expressed opposition to the variance request and urged the Commissioners to make a decision based on the information available to them now, not what may be true in the future. He has heard from many businesses over the years that every square foot of retail is important to retain. Maintaining retail is what generates foot traffic, which is what makes downtown attractive. He is not opposed to office space, but believes the 30% limit has been beneficial to Downtown White Bear Lake.

Member Baltzer closed the public hearing.

Member Lynch asked if a temporary variance for two years would be possible. Kane replied that it is possible, but would not necessarily be a variance. Other communities allow for interim use permits, which may be a practical solution in this instance. It would not be widely available in the downtown area because a change in use from retail to office space triggers fire sprinkler requirements in the building code. The realtor business looked at several other buildings where owners wanted to move from retail to office, but did not have the required fire sprinklers. This building does have sprinklers, so offers some flexibility.

She explained that if the Commissioners thought temporary approval was appropriate, staff would work with Council on establishing an interim use permit that could be revisited in 24 months.

Member Lynch expressed two concerns with an interim use permit. First, he stated that he does not know the terms of the lease agreement, but it may be harder for the realtor to leave in two years than now, and either way, the tenant will need to leave the space in two years period. Second, he is concerned with how often the temporary approval would be used, not just in downtown, but anywhere that there had been some error. He is not opposed to granting it once, but is opposed to the potential increasing frequency of temporary requests.

Member Baltzer agreed with Member Lynch, but noted that each case would be considered on its own merits.

Christian Peterson, applicant, informed the Commissioners that the current lease is for longer than two years. They would work to be as flexible as possible to avoid putting hardships on the business.

Member Reis agreed with the comments made by Mr. Grambush about the importance of maintaining retail as a way to keep the downtown viable. He added that although there was some debate on whether the use was considered personal use, real estate offices are specifically mentioned in the code as professional offices.

Member Berry also agreed with Mr. Grambush. He believes that granting temporary uses would not be fair to the building owners in downtown that have been following the ordinance since it was put in place. He agrees with staff's recommendation that a variance for the current 40% gross floor area be granted, but not the full request.

Member Enz expressed appreciation for Mr. Grambush's comments, noting it was an important perspective to hear.

Member Reis moved to recommend denial of the variance as requested, but approval of a variance for the current 40.7% nonconforming ground floor office/professional use gross floor area as recommended by staff in Case No. 21-7-V. Member Amundsen seconded the motion.

Crosby explained that by approving the variance for the existing nonconformity, the owners will be able to replace office with office whenever the existing tenant (CHE Enterprises) leaves without going through this process. The existing nonconformity will be legalized.

Member Amundsen sought clarification on how the nonconforming 40% ground floor office gross floor area came to be if not through a previous variance. Crosby explained that years ago, many internal remodel projects were not routed to the Planning Department. This project came through quite some time ago, and planning staff was unaware.

Member Lynch responded that based on that history, he would be supportive of the lesser variance because it has a small frontage and is in the back, so is perfect for some office space.

The motion passed by a vote of 7-0.

- 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 front 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.

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

Member Baltzer opened the public hearing.

Patty Flanagan, 3562 Highland Ave, applicant, expressed appreciation for the City's help throughout the application process.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 21-8-V. Member Enz seconded the motion. The motion passed by a vote of 7-0.

- 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.

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

Member Lynch asked if the fence would interfere with the flow of water. Miller replied that generally, fences do not affect the flow of water, and in this case, the water flows from the roads to the swale.

Member Baltzer opened the public hearing.

James Mattson, 3444 White Bear Avenue, applicant, explained that based on the contour of the land, the taller fence is needed and would be more aesthetically pleasing if it remained level along the top.

Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 21-9-V. Member Berry seconded the motion. The motion passed by a vote of 7-0.

- 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.

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

Member Lynch noted that it makes him happy when neighbors work together.

Member Amundsen expressed excitement at seeing the master plan for his neighborhood.

Member Lynch moved to recommend approval of Case No. 21-1-LS. Member Enz seconded the motion. The motion passed by a vote of 7-0.

5. DISCUSSION ITEMS:

- A. City Council Meeting Summary of April 13, 2021.

Member Lynch asked about the discussion on when in person meetings will be held again. Kane responded that the City Council is starting to have hybrid meetings, which will provide flexibility while more people become vaccinated. She was unsure of an exact date when the Planning Commission would be able to meet at City Hall, but was hopeful for the next few months.

Member Enz asked if masks will be required. Kane stated that she was unsure, but that CDC guidelines would be followed.

B. Park Advisory Commission Meeting Minutes of January 21, 2021.

Member Enz commended the replacement of trees at Railroad Park.

6. ADJOURNMENT:

Member Berry moved to adjourn, seconded by Member Enz. The motion passed unanimously (7-0), and the April 26, 2021 Planning Commission meeting was adjourned at 8:11 p.m.

DRAFT



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: May 20, 2021 for the May 24, 2021 Planning Commission Meeting

SUBJECT: Therese Faison, 4445 Lincoln Avenue - Case No. 20-1-SHOPa

REQUEST

The applicant, Therese Faison, is requesting approval of a three-year extension of a Special Home Occupation Permit (SHOP) to conduct a massage therapy business out of a triplex residence.

SITE CHARACTERISTICS

The property is located on the west side of Lincoln Avenue (as are all the homes on Lincoln) just north of Whittaker Street. The triplex currently houses three tenants – one in each unit. There is a two-car detached garage and a three-stall driveway off the rear alley.

ZONING / BACKGROUND

The property is zoned R-4 – Single and Two Family Residential. The surrounding properties are also zoned R-4. There is a permit in the file from 1964 when the residence was converted to “three apartments” so the triplex is considered legal non-conforming.

ANALYSIS

Ms. Faison’s business model has not changed since she last appeared before the Planning Commission on May 18, 2020. She remains the only employee and she works approximately 3 to 4 hours a day, 4 to 5 days a week, and not past 6:30 pm. Clients park on Lincoln Avenue in front of the home and walk up to the front of the residence. The appointments are scheduled so not to overlap so the on-street parking will rarely be more than one vehicle at a time. What used to be a porch area in the front of the home is the space that is used to see clients. There is a main level bathroom that can be accessed by clients. No changes were made to either the inside or the outside of the residence.

When Ms. Faison initially applied last year, one neighbor expressed concern regarding parking. In response to the concern, Ms. Faison stated, “I will park my car either in the back driveway or on the east side of the road. I will also instruct my clients to always park directly in front of my house.” Staff has not received complaints from any neighbors since the home occupation permit was granted, so client street parking does not appear to be problematic.

The one difference between this request and all past in-home massage therapy requests is that the operator is a tenant, not the property owner. The property owner has provided consent and it is worth noting that the applicant carries both commercial general liability insurance and renter's insurance with an extra clause for business related liability.

SUMMARY/ RECOMMENDATION

City staff does not believe that the requested home-based business has a negative impact to the surrounding residential neighborhood. The business continues to be incidental and secondary to the residential use of the property. For this reason, staff recommends approval of the Special Home Occupation extension, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. This permit is issued for a three-year period with the expiration date being **June 8, 2024**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
3. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
4. Permits shall not run with the land and shall not be transferable.
5. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
6. The applicant shall comply with applicable building, fire and health department codes and regulations.

Attachments:

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

RESOLUTION NO. _____

**RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR THERESE FAISON
AT 4445 LINCOLN AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-1-SHOPa) has been submitted by Therese Faison to the City Council requesting a Special Home Occupation Permit of the City of White Bear Lake for the following location:

LOCATION: 4445 Lincoln Avenue

LEGAL DESCRIPTION: Lot 3, Block 23, Ramaley Park, Ramsey Co. Minn.
(PID # 233022210057)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A three year Special Home Occupation Permit extension to allow a massage therapy business out of a triplex, per Code Section 1302.120, Subd.4; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 24, 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 proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.
7. That the special conditions attached in the form of a conditional use permit are hereby approved.

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. This permit is issued for a one-year period with the expiration date being **June 8, 2024**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
3. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
4. Permits shall not run with the land and shall not be transferable.
5. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
6. The applicant shall comply with applicable building, fire and health department codes and regulations.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

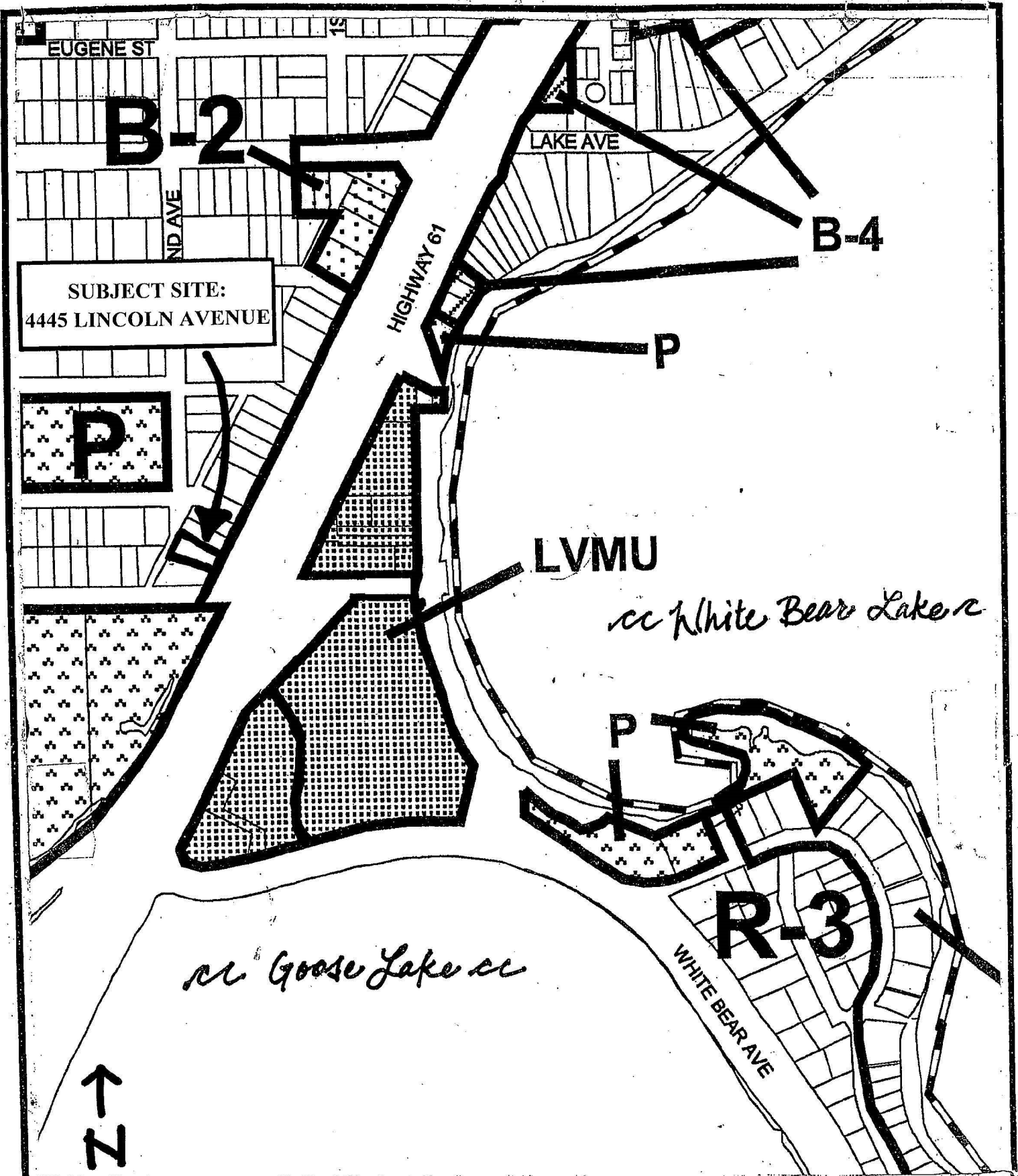
Kara Coustry, City Clerk

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

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

Therese Faison

Date



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

CASE NO. : 20-1-SHOPa
 CASE NAME : Faizon
 DATE : May 24, 2021

April 5, 2021
Got-A-Pain.com, LLC
EIN# 45-3946975- Established 05/2012

Dear City of White Bear Lake,

My name is Therese Faison and I have a current license with WBL to own and operate Gotapain Massage Therapies which is located at 4445 Lincoln Ave #1 White Bear Lake. I am following procedure and re-applying for residential licensing.

I am asking/requesting that you allow me to continue to provide these services within the residence I occupy.

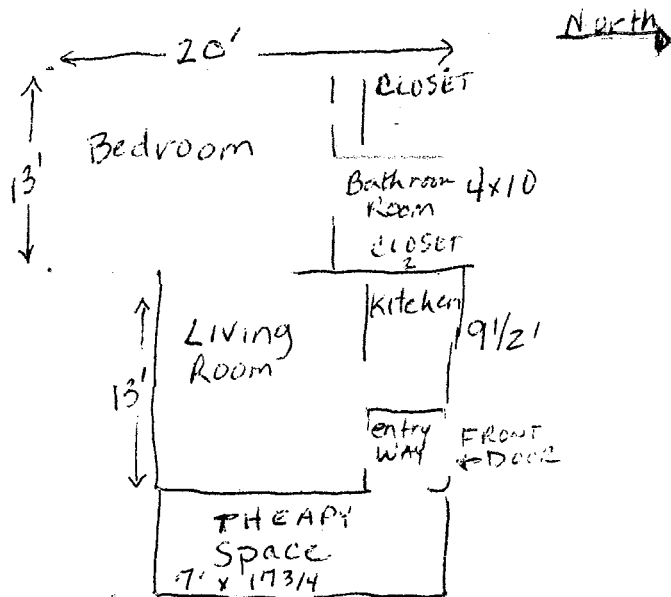
1. I am well established and have been in this line of work for more than 20 years. I have meet all the requirements necessary to operate a massage practice, I specialize in Chronic Pain and on-going issues. I have liability insurance through my Massage and Bodywork association.
2. I have a vital business, my clientele has been with me for years, and any new individuals are received on a referral only basis from doctors, physical therapists, personal trainers and my clients.
3. I provide mindful coaching, stretching, CranioSacral Therapy and Visceral Manipulation most of these services are medically ordered and are a clothes on service. I also provide a small number of clients with massage services as well.
4. I have a suitable office space option located at my residence, which I am renting at:
4445 Lincoln Avenue, WBL MN
5. The entrance to my residence through the front door offers immediate entrance to the Therapy room.
6. The nature of my business is quiet and unobtrusive to the neighborhood and does not attract heavy traffic or require any special parking, allowed street parking is in front of the residence
7. I am not creating competition with existing businesses operating out of my residence as Got-A-Pain is an existing business in WBL.
8. I service one person at time for a session, unless it is a minor child and their parent has brought them. I have no employees, I am the sole provider of services
9. I require no signage to be displayed.
10. I have obtained permission from my landlord to operate from the residence
11. I see approximately 6-10 clients a week between the hours of 3PM-6:30PM Tue-Thursday, Friday mornings from 9:30a-12:00PM and occasional Saturday mornings from 9:30-12P

Thank you so much for your consideration,
Therese A. Faison- 763-286-1343
resefaison@gmail.com

From: Amy Ballata amyg3337@yahoo.com
Subject: Drawing
Date: April 9, 2020 at 3:01 PM
To: resefaison@gmail.com

Hope this helps. They still need info about where neighbors are and parking, but this is pretty close to your place. I'm sure you can just add stuff.

Sent from Mail for Windows 10



1 \square = 1 foot

FLOOR PLAN
4445 Lincoln Ave
WHITE BEAR LAKE, MN
55110

Therese-faison - Got-A-Pain.com, LLC



SITE PLAN
4445 Lincoln Ave

GOTA PLAN
Therese A. Farris



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Ashton Miller, Planning Technician

DATE: May 20 for the May 24, 2021 Planning Commission Meeting

SUBJECT: **Beckmann Custom Homes, 4783 Otter Lake Road - Case No. 21-2-LS & 21-10-V**

REQUEST

The applicants, Chuck Beckmann and Katie Boyd with Beckmann Custom Homes, LLC, are requesting a minor subdivision and two 20-foot variances from the 100 foot minimum lot width in order to split one lot into two lots with 80 foot widths.

SITE CHARACTERISTICS

The subject site is located on the west side of Otter Lake Road and north of Birch Lake Boulevard North. The 32,000 square foot lot contains a single family home, detached garage, and a number of trees.

ZONING / BACKGROUND

The subject site is zoned R-2, Single Family Residential and S, Shoreland Overlay District, as are the properties to the north, south and west. The properties to the east are zoned R-3, Single Family Residential and S.

According to Ramsey County, the existing home was built in 1947.

ANALYSIS

The attached Certificate of Survey shows the proposed subdivision to split the lot in half. The R-2 zoning district requires a minimum lot area of 15,000 square feet in size. Both lots are proposed to be 16,000 square feet, so will exceed that requirement.

While the R-2 zoning district requires a minimum lot width of 100 feet, the Shoreland Overlay district classifies Birch Lake as a "Recreational Development" waterbody and only requires a 75 foot lot width. At 80 feet wide, the proposed lots will comply with State Rules.

As an indication that the request is in harmony with the intent of the code, the newly created parcels should have a buildable area large enough to support principal and accessory structures

without variance. The R-2 district requires a 40 foot rear yard setback and an average of the neighbors front yard setback, which in this case is 47.1 feet, while the Shoreland Overlay district requires a 20 foot side yard setback for principal structures. Staff estimates that the buildable area for each lot to be 4,516 square feet, sufficient space for new single family homes.

Further, the newly created parcels should not reduce the average size or widths of the neighborhood. Excluding the large parcel directly to the west, the surrounding properties range from approximately 15,000 square feet to 24,000 square feet. The lot widths range from 75 feet to 110 feet. Therefore, the proposed lot sizes and widths are consistent with the character of the neighborhood and will not erode the neighborhood average.

The parcels should comply with the Comprehensive Plan. The Land Use section of the plan identifies the neighborhood as "Low Density Residential", which allows 3 to 9 units per acre. The proposed split would result in roughly 2.7 units per acre, bringing the property into greater compliance with the Future Land Use designation desired.

The applicants are proposing to build single-family homes with attached garages on each of the lots. Concepts have been submitted, but final designs have not been determined. In previous lot splits, staff has stipulated that attached garages be stepped back from the front building wall or side-loading. However, front loading garages are consistent with the surrounding neighborhood, so staff did not find it necessary to include this condition.

Both lots will be limited to 30% impervious surface. When the new residences are built, a grading plan will be required. A tree preservation plan and park dedication will also be required at the time of building permits. Finally, sewer and water mains are available in Otter Lake Road right-of-way for the new parcel to tap into.

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

City Staff recommends approval of the requested 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.
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.
7. No construction permits may be issued for improvements prior to approval and recording of the survey and approving resolution.
8. The park dedication fee shall be collected for one parcel at the time when a building permit is issued for each.
9. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for one parcel.
10. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.
11. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit.

Attachments:

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Request Letter
4. Survey
5. Concept Plans (8 pages)

RESOLUTION NO. _____

**RESOLUTION GRANTING
A MINOR SUBDIVISION AND TWO VARIANCES
FOR 4783 OTTER LAKE ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-2-LS & 21-10-V) has been submitted by Beckmann Custom Homes to the City Council requesting approval of a Minor Subdivision and two Variances from the City of White Bear Lake Zoning Code for the following location:

LOCATION: 4783 Otter Lake Road

LEGAL DESCRIPTION: Attached as Exhibit A (PID # 153022310001)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Minor Subdivision to split one lot into two, per Code Section 1407.030; and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: Two 20 foot variances from the 100 foot minimum lot width, per Code Section 1303.040, Subd.5.b; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 24, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed requests 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, by the City Council of the City of White Bear Lake that, in relation to the Variances, the City Council 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 will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Within 6 months after the approval of the survey by the City, the applicant shall record the survey along with the instruments of conveyance with the County Land Records Office or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against 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.

7. No construction permits may be issued for improvements prior to approval and recording of the survey and approving resolution.
8. The park dedication fee shall be collected for one parcel at the time when a building permit is issued for each.
9. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for one parcel.
10. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.
11. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit.

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

Ayes:
Nays:
Passed:

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.

Applicant

Date

Exhibit A
Legal Description

Existing Legal Description: Tract C, REGISTERED LAND SURVEY NO. 293, Ramsey County, Minnesota

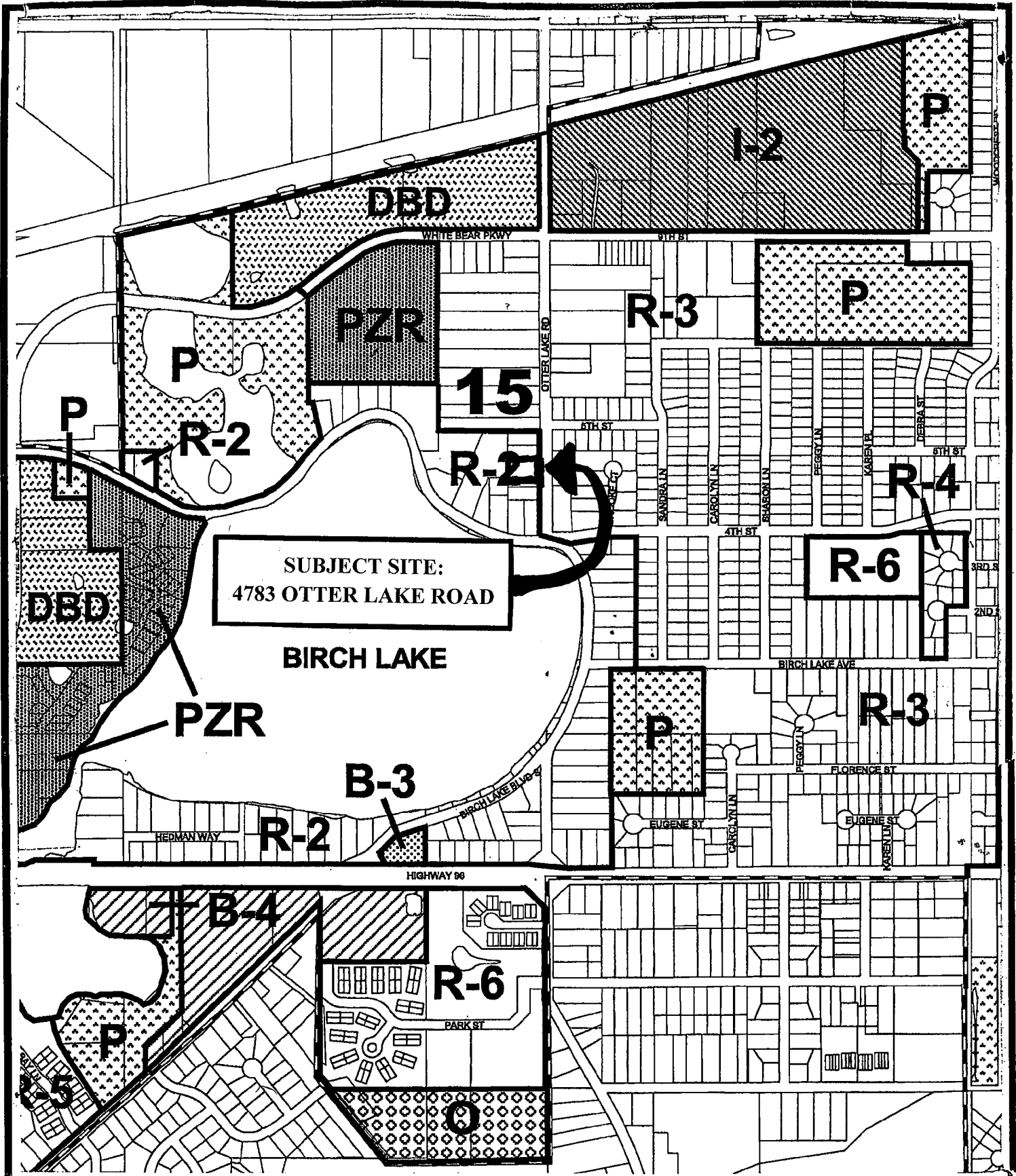
Proposed Legal Descriptions:

Parcel A

The North 80 Feet of TRACT C REGISTERED LAND SURVEY NO. 293 Files of the Registrar of Titles, Ramsey County, Minnesota.

Parcel B

That part of TRACT C REGISTERED LAND SURVEY NO. 293 Files of the Registrar of Titles, Ramsey County, Minnesota which lies South of the North 80 feet thereof.



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

CASE NO. : 21-2-LS & 21-10-V
 CASE NAME : **Beckmann**
 DATE : **MAY 24, 2021**

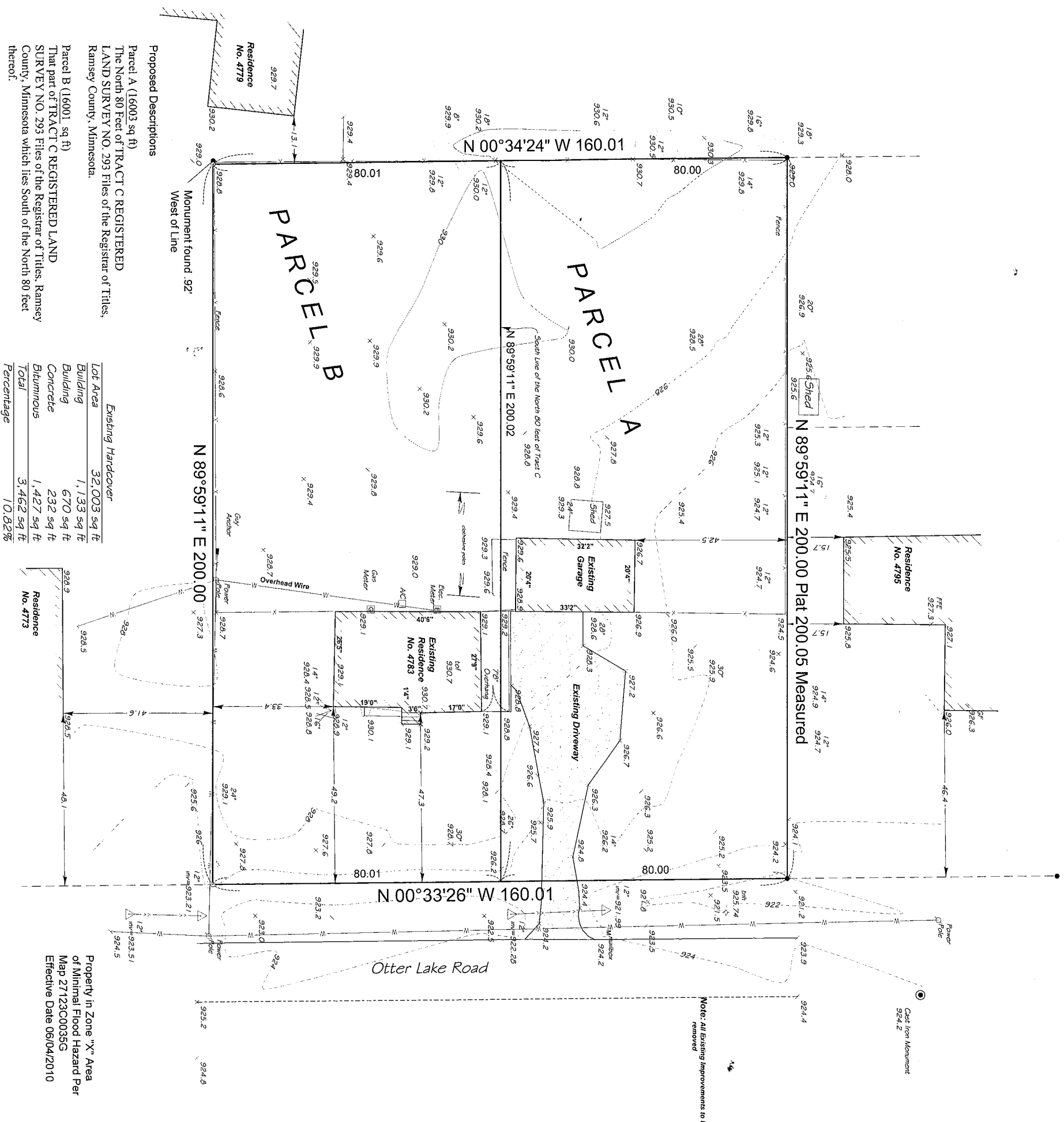
Surveyors Certificate

Lot Split Survey For:

BECKMANN CUSTOM HOMES

Property located in Section
15, Township 30, Range 22,
Ramsey County, Minnesota

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- Denotes Existing Contours
- Denotes Proposed Contours
- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Surface Drainage



Proposed Descriptions

Parcel A (16003 sq ft)
The North 80 Feet of TRACT C REGISTERED LAND SURVEY NO. 293 Files of the Registrar of Titles, Ramsey County, Minnesota.

Parcel B (16001 sq ft)
That part of TRACT C REGISTERED LAND SURVEY NO. 293 Files of the Registrar of Titles, Ramsey County, Minnesota which lies South of the North 80 feet thereof.

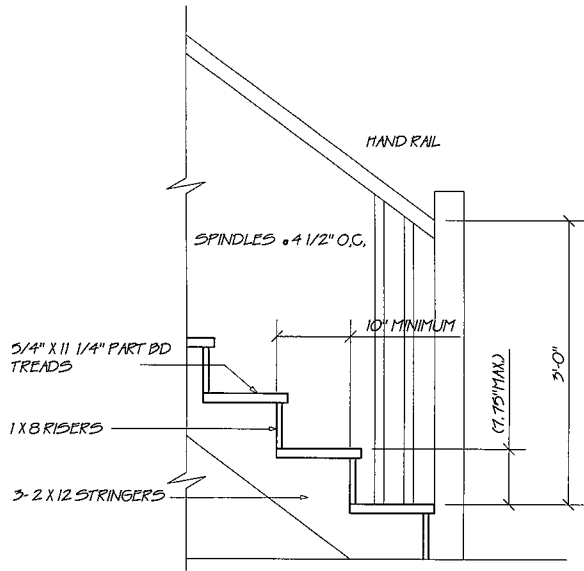
Existing Hardcover	
Lot Area	32,003 sq ft
Building	1,133 sq ft
Building	670 sq ft
Concrete	232 sq ft
Bituminous	1,427 sq ft
Total	3,462 sq ft
Percentage	10.82%

NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

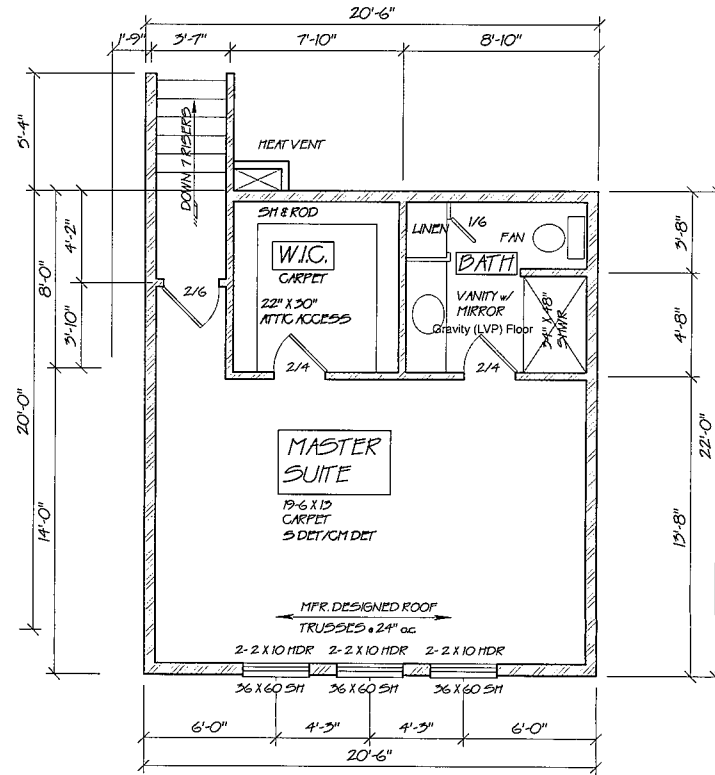
NOTE: The relationship between proposed floor elevations to be verified by builder.

NOTE: The only assessments shown are from plats of record or information provided by client.

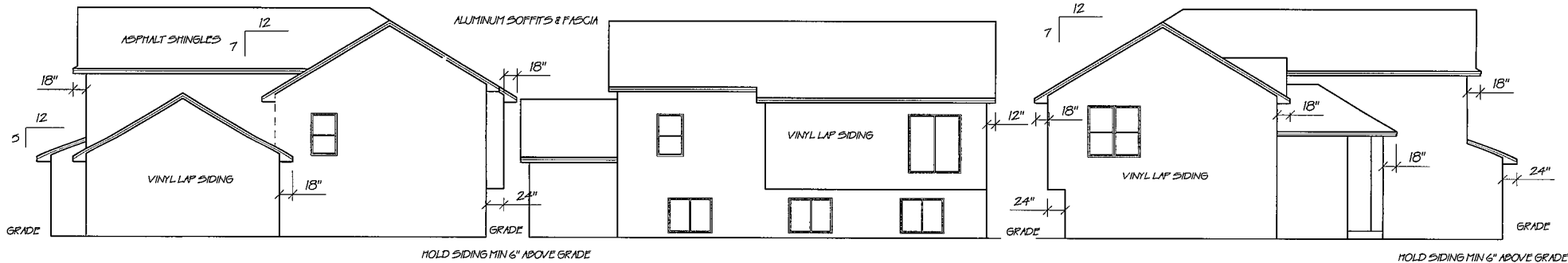
Existing Legal Description Tract C, REGISTERED LAND SURVEY No. 293 Ramsey County, Minnesota		Project No. 89515	Scale: 1" = 20'
Address: 4783 Otter Lake Road White Bear Lake, MN		F.B. No. -	Drawn By: JZ
DEMARC LAND SURVEYING & ENGINEERING 7601 73rd Avenue North Minneapolis, Minnesota 55428 (763) 560-3093 Demarcinc.com		Signed: <i>[Signature]</i> Gregory R. Pasch, Minn. Reg. No. 24892	
		I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Surveyed this 8th day of April 2021.	



TYPICAL STAIR DETAIL
SCALE: 1" = 1'-0"



SECOND FLOOR PLAN
451 SQ FT SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

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

REAR ELEVATION

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

LEFT ELEVATION

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

HOLD SIDING MIN 6" ABOVE GRADE

HOLD SIDING MIN 6" ABOVE GRADE

250# ASPHALT SHINGLES
 15# ASPHALT FELT w/ ICE SHIELD AS REQ'D
 1/2" OSB SHEATHING w/ CLIPS
 PROVIDE 1/500 VENT;
 50% SOFFIT / 50% RIDGE
 AIR CHUTES ENTRUSS SP
 WINDWASH AS REQ'D

RADON MITIGATION

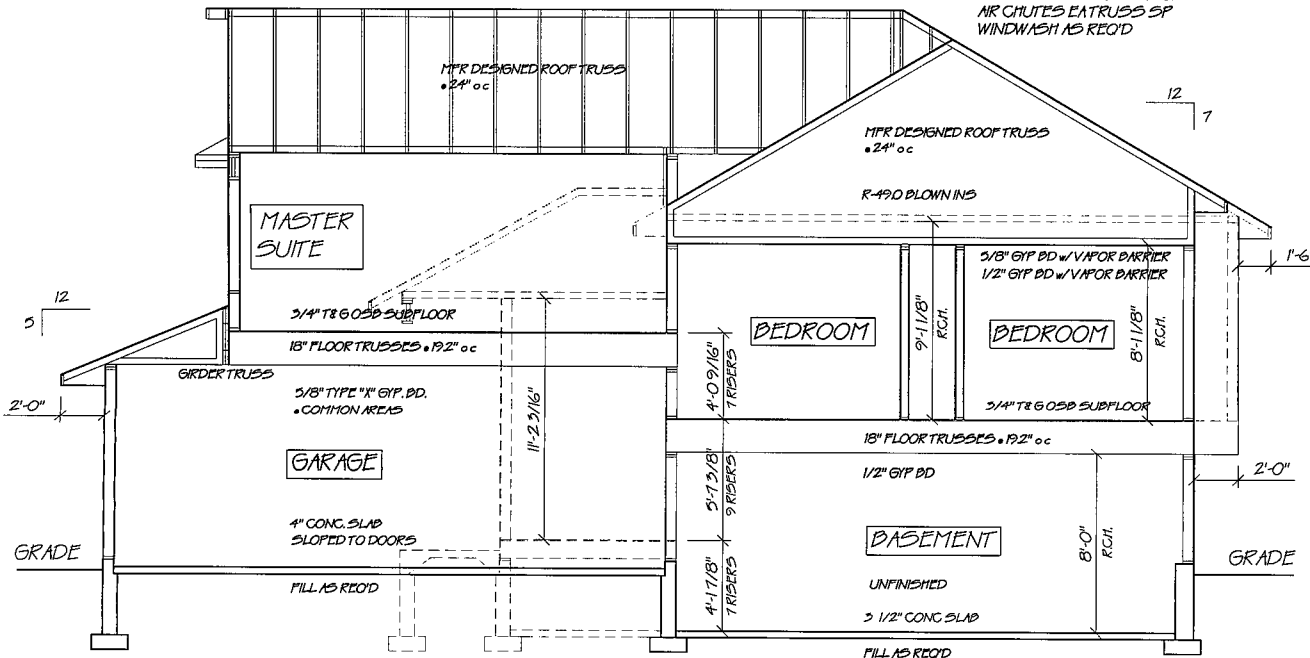
RADON VENT PIPE TERMINATED MIN 12" ABOVE ROOF SURFACE (AF10261)
 3" ABS OR PVC OR EQUAL GAS TIGHT PIPE (AF 10261)
 w/ MIN R-4.0 INSULATION WHEN PASSING THROUGH UNCONDITIONED SPACES
 SPACE PROVIDED FOR FUTURE FAN (AF1026B)
 - MIN 24" DIAMETER CENTERED ON AXIS OF STACK
 - MIN VERTICAL DISTANCE OF 56"
 INSTALL LIVE OUTLET IN ATTIC NEAR FUTURE FAN LOCATION (AF103, 12)

 INSTALL LABEL READING:
 "RADON REDUCTION SYSTEM"
 ON VENT PIPE ON EACH FLOOR AND ACCESSIBLE ATTICS (AF103.4.5)
 INSTALL PIPE AS STRAIGHT AS POSSIBLE

MIN 7 1/2" HEEL • TRUSSES
 2 X 6 SUBFASCIA
 ALUMINUM SOFFITS & FASCIA

RIM AREA:
 HOLD IN FLR TRUSS 1 1/2"
 1 1/2" THERMAX • RIM EXTERIOR
 1 1/2" CLOSED CELL FOAM • RIM INS.
 MIN TOTAL OF (R-20, 0)
 SEAL ALL SEAMS
 2 X 6 STUDS • 16" oc
 5 5/8" BATT INS (R-20, 0)
 1/2" OSB SHEATHING
 TYVEK BUILDING WRAP
 LAP MIN 2" HORIZONTAL
 MIN 6" VERTICALLY
 TO RUN FROM UNDER RAFTER
 AND TO LAP FOUNDATION

2 X 6 TRTD SILL PLATE w/
 SILL SEALER
 1/2" X 12" ABOLTS • 48" oc



CROSS SECTION

SCALE: 1/4" = 1'-0"

DRAINTILE R-402, 1.1

4" PERFORATED DRAINTILE WITH FILTER MEMBRANE WITH A UNIFORM LAYER OF CLEAN AGGREGATE, A MINIMUM OF 4" THICK. THE AGGREGATE MATERIAL WILL BE ABLE TO PASS THROUGH A 2" INCH SIEVE AND BE RETAINED BY A 1/4" INCH SIEVE

INSTALL VENT PIPE (AF10261) INTO SUBFLOOR GAS PERMEABLE LAYER (AF103.2)
 OR DRAINTILE LOOP BEFORE SLAB IS CAST.
 MINIMUM 6 MIL OR 3 MIL CROSS LAMINATED POLY SHALL BE LAPPED 12"
 AND PLACED BELOW THE SLAB.

SHEETS
 OF 5
 PLAN NO.
 030-20

CATEGORY ONE SPECIFICATIONS

FRAMING:

ALL CORNERS TO BE FRAMED SO INSULATION CAN BE INSTALLED AFTER SHEATHING
 ALL PARTON WALLS TO BE FRAMED SO INSULATION CAN BE INSTALLED AFTER SHEATHING
 ALL EXTERIOR OPENINGS TO BE CAULKED
 ALL SILL PLATES TO BE CAULKED
 ALL SILL PLATES TO HAVE SILL SEALER
 6 MIL VAPOR BARRIER ON WARM SIDE OF BUILDING, SEAL ALL SEAMS, OPENINGS, & PLATE LINES
 ALL SHEATHING JOINTS NOT SUPPORTED BY FRAMING TO BE CAULKED
 J-BOXES OR SOLID BLOCKING REQUIRED FOR SIDING TO COMPLETE SEAL OF WEATHER PROTECTION AND AIR BARRIER

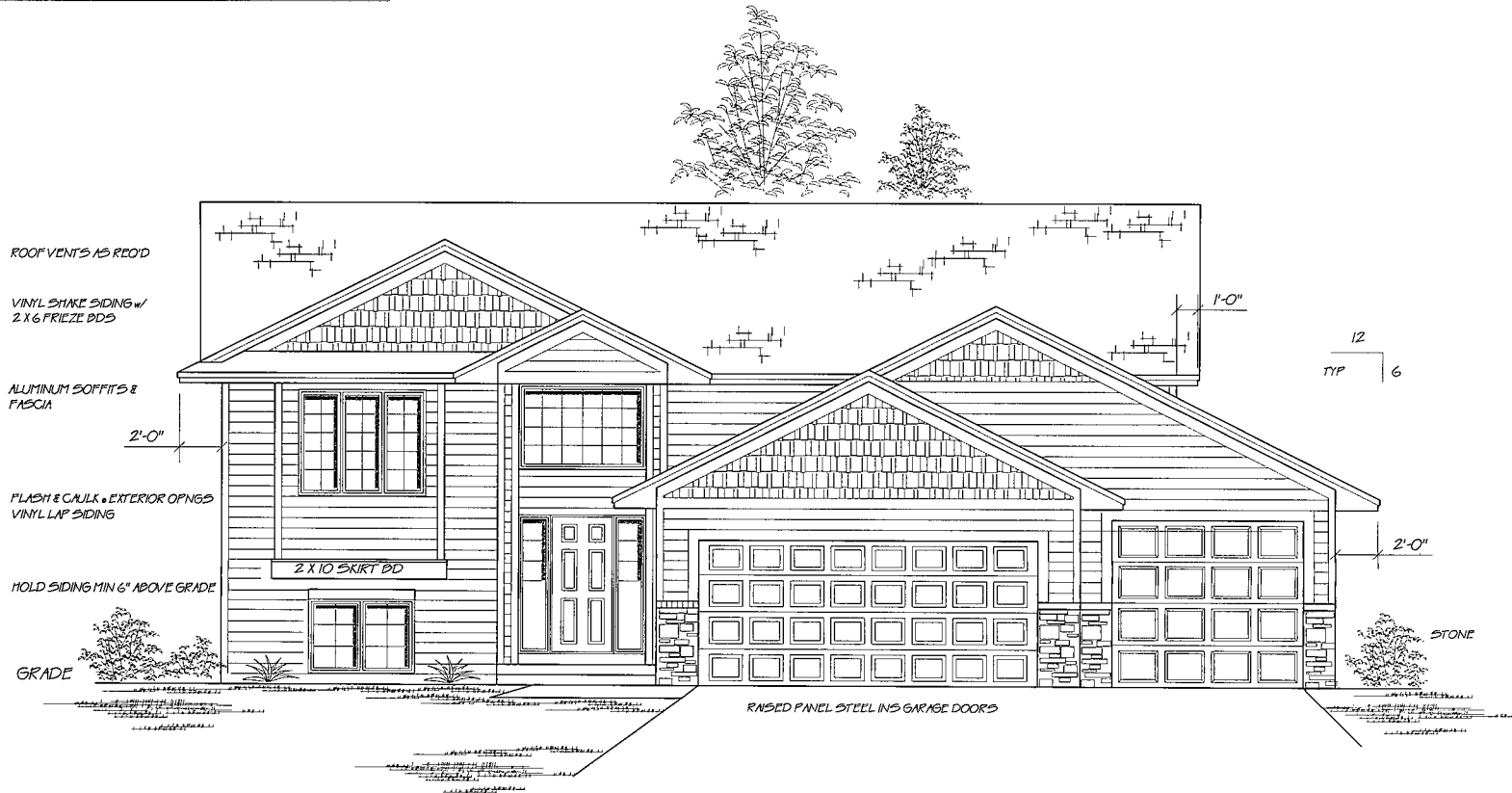
INSULATION:

ATTIC ACCESS TO BE SEALED WITH CAULK OR UNBROKEN SPRAYED CEILING JOINT-SMOOTH GCSB TO WEATHER STRIPPED
 WINDOW MINIMUM "U" VALUE .29 CHITS .31 SLIDERS
 EXTERIOR DOOR MINIMUM "U" VALUE .28
 SEALED ELECTRICAL BOXES IN EXTERIOR WALLS

APPLIANCES:

FURNACE 90% HIGH EFFICIENCY-SEALED
 WATER HEATERS AND GAS FIREPLACES TO BE DIRECT VENT
 CLOTHES DRYER _____ CFM / VENTILATION REQD. _____ CFM / PEOPLE VENT _____ CFM
 SUPPLEMENTAL _____ CFM / BATH FANS _____ CFM HRV _____ CFM
 MAXIMUM CFM ON ANY ONE APPLIANCE-300CFM

Please note: Concept sketch; final plans may differ



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

1531 50 FT UPPER LEVEL

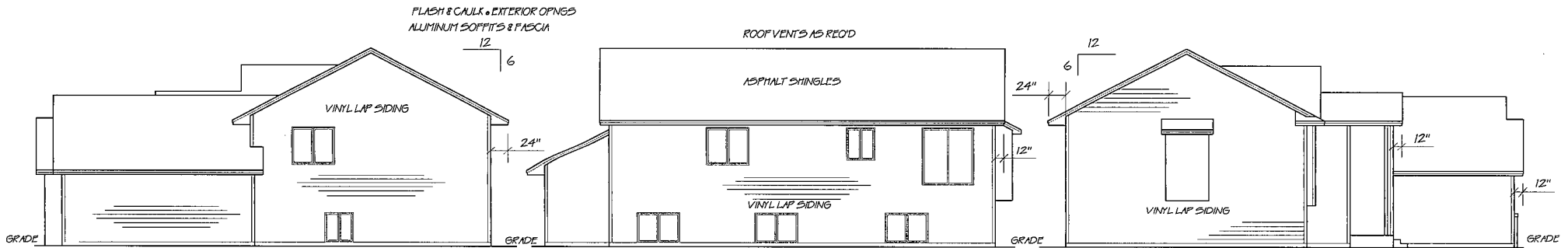
CUSTOMER:

GENERAL CONTRACTOR:
**BECKMANN
 CUSTOM HOMES**

Every effort has been made to ensure the accuracy of this drawing. However, the contractor is responsible for verifying all dimensions and conditions on the job site. General contractor to review all drawings and specifications for accuracy and to be responsible for the same. Confirm to state and local codes.

John Bradley
 1509 SCIENCE DR. DAYTON, MN 55327
 (163)-360-2926 johnbradleyinc@earthlink.net

SHEET OF 41
 DATE 12-3-20
 PLAN NO. 059-20



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

REAR ELEVATION
SCALE: 1/8" = 1'-0"

LEFT ELEVATION
SCALE: 1/8" = 1'-0"

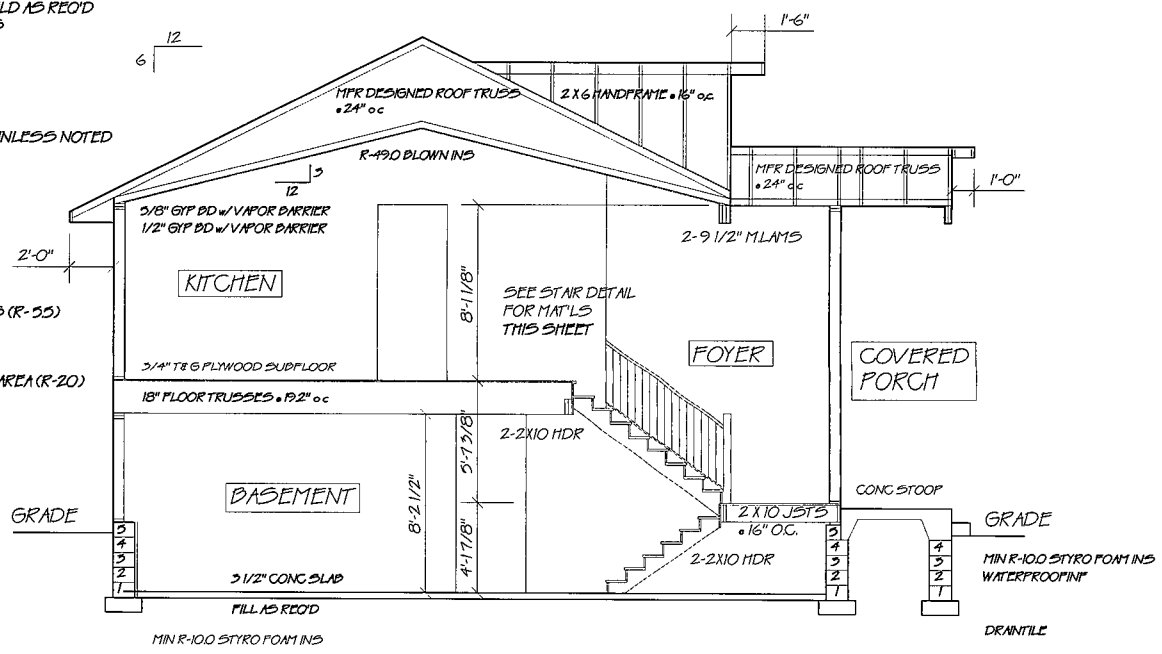
250# ASPHALT SHINGLES
15# ASPHALT FELT w/ ICE SHIELD AS REQ'D
1/2" OSB SHEATHING w/ CLIPS
PROVIDE 1/500 VENT;
50% SOFFIT / 50% RIDGE
AIR CHUTES LATRUSS SP
WINDWASH AS REQ'D

MIN 1 1/2" HEEL TRUSSES UNLESS NOTED
2 X 6 SUBFASCIA
ALUMINUM SOFFITS & FASCIA

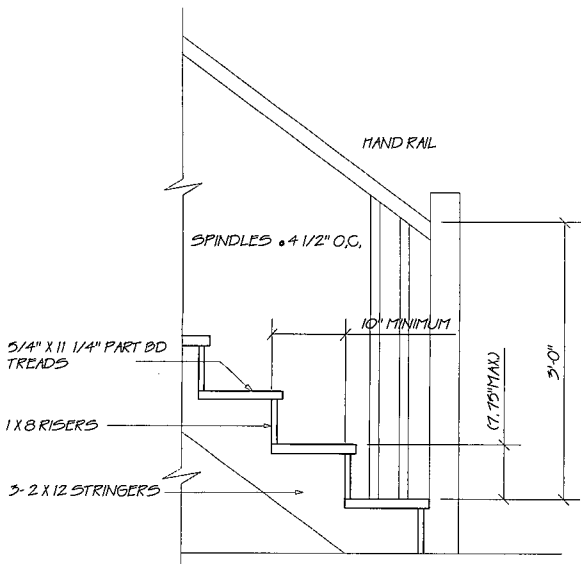
2 X 6 STUDS • 16" oc
5 5/8" BATT INS (R-200)
1" STS TYPE STYRO FOAM INS (R-55)
TYVEK BUILDING WRAP

3" CLOSED CELL FOAM • RIM AREA (R-20)

2 X 6 TRTD SILL PLATE w/
SILL SEALER
1/2" X 12" BOLTS • 72" oc



CROSS SECTION
SCALE: 1/4" = 1'-0"



TYPICAL STAIR DETAIL
SCALE: 1" = 1'-0"



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: May 19, 2021 for the May 24, 2021 Planning Commission Meeting

SUBJECT Schreier Pool, 4775 Brooke Court - Case No. 21-12-V

REQUEST

The applicant, Len Schreier, is requesting a setback variance for an in-ground pool: a 2 foot variance from the 20 foot side yard setback, in order to install a 544 square foot pool 18 feet from the west property line. During the review process staff noticed that the proposed layout also requires a 10 foot variance from the 30 foot front yard setback for a fence, in order to install a 6-foot fence 20 feet from the front property line.

SITE CHARACTERISTICS

The subject site is located at the north end of the Brooke Court cul-de-sac. The compliant lot contains a single-family residence with a three car attached garage. There is a 15-foot wide drainage and utility easement along the north property line.

ZONING / BACKGROUND

The subject property is zoned R3 – Single Family Residential and S – Shoreland Overlay District. All surrounding properties are zoned the same. The lot was platted in 1996 and the house was built in 2001.

APPLICANT'S PRACTICAL DIFFICULTY

See applicant's narrative.

ANALYSIS

The applicant's rationale for the variance is the shape and layout of the lot in relation to installing both a pool and the required stormwater mitigation. Neither the lot nor the house is particularly unique, but based on the existing conditions, the west side of the property is really the only place to locate the pool. Also, because of the roof design and the way the gutters run, the west side of the lot is also the most practical location for stormwater mitigation. Because of the large amount of concrete in and around the pool, 1,050 square feet of hard-surface must be mitigated. This will be a sizeable rain garden – or multiple rain gardens. The applicant has already reduced the amount of concrete on the east side of the pool down to 6 feet in order to maximize the size of rain garden A.

The question that arises is why not reduce the length of the pool by 2 feet so that it meets the code? (And requires less mitigation.) The applicant does not have a viable answer other than he thinks he'll regret not building it to his desired size. The neighbor to the west has landscaping along the shared property line and their garage is on the east side of their house, so the impact to the neighbor is partly mitigated. The variance seems like it is not the minimum necessary to alleviate a practical difficulty, nevertheless staff is supportive of the request given the layout of the site for stormwater mitigation and the low impact to the neighbor.

The code requires that an in-ground pool be completely enclosed by a 6-foot tall fence, but the code also limits fences in front yards to not more than 4 feet in height. The fence as proposed would encroach into the 30 foot front yard setback at an angle; at the western-most end the fence is only 20 feet back from the front property line. See staff's graphic. Given the safety implications of the required enclosure and the relatively short stretch of deviation (approximately 40 linear feet of encroachment) staff supports the variance.

The site is currently 28% impervious and will be increased to approximately 37% with the proposed project. The applicant has been working with Superior Landscape and Irrigation company to design the rain garden(s) and is aware that this design must be finalized and approved prior to the issuance of a building permit.

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. The fence shall be a neutral color, such as beige, tan, brown or grey.
4. A building permit shall be obtained prior to the installation of the pool.
5. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

6. The applicant shall mitigate impervious area according to code. Prior to the issuance of a building permit, the applicant shall provide a stormwater mitigation plan, subject to approval by the Stormwater Engineer.
7. The rain gardens (or other mitigation features) shall be maintained by the homeowner to function to design specifications.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Request Narrative
4. Survey
5. Site Plan
6. Impervious Area Calcs
7. Fence Style – Example Photo
8. Staff's Graphic

RESOLUTION NO. _____

**RESOLUTION GRANTING TWO VARIANCES FOR
4775 BROOKE COURT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-12-V) has been submitted by Len Schreier to the City Council requesting approval of two setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4775 Brooke Court

LEGAL DESCRIPTION: Lot 4, Block 1, Timberwood Addition, Ramsey County, MN. (PID # 153022420108)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: 2 foot variance from the 20 foot side yard setback, per Code Section 1302.030, Subd.20.b.2.b.1, in order to install a 544 square foot pool 18 feet from the west property line; and a 10 foot variance from the 30 foot front yard setback for a fence, per Code Section 1302.030, Subd.6,h.4, in order to install a 6-foot fence 20 feet from the front property line; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 24, 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 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. The fence shall be a neutral color, such as beige, tan, brown or grey.
- 4. A building permit shall be obtained prior to the installation of the pool.
- 5. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 6. The applicant shall mitigate impervious area according to code. Prior to the issuance of a building permit, the applicant shall provide a stormwater mitigation plan, subject to approval by the Stormwater Engineer.
- 7. The rain gardens (or other mitigation features) shall be maintained by the homeowner to function to design specifications.

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

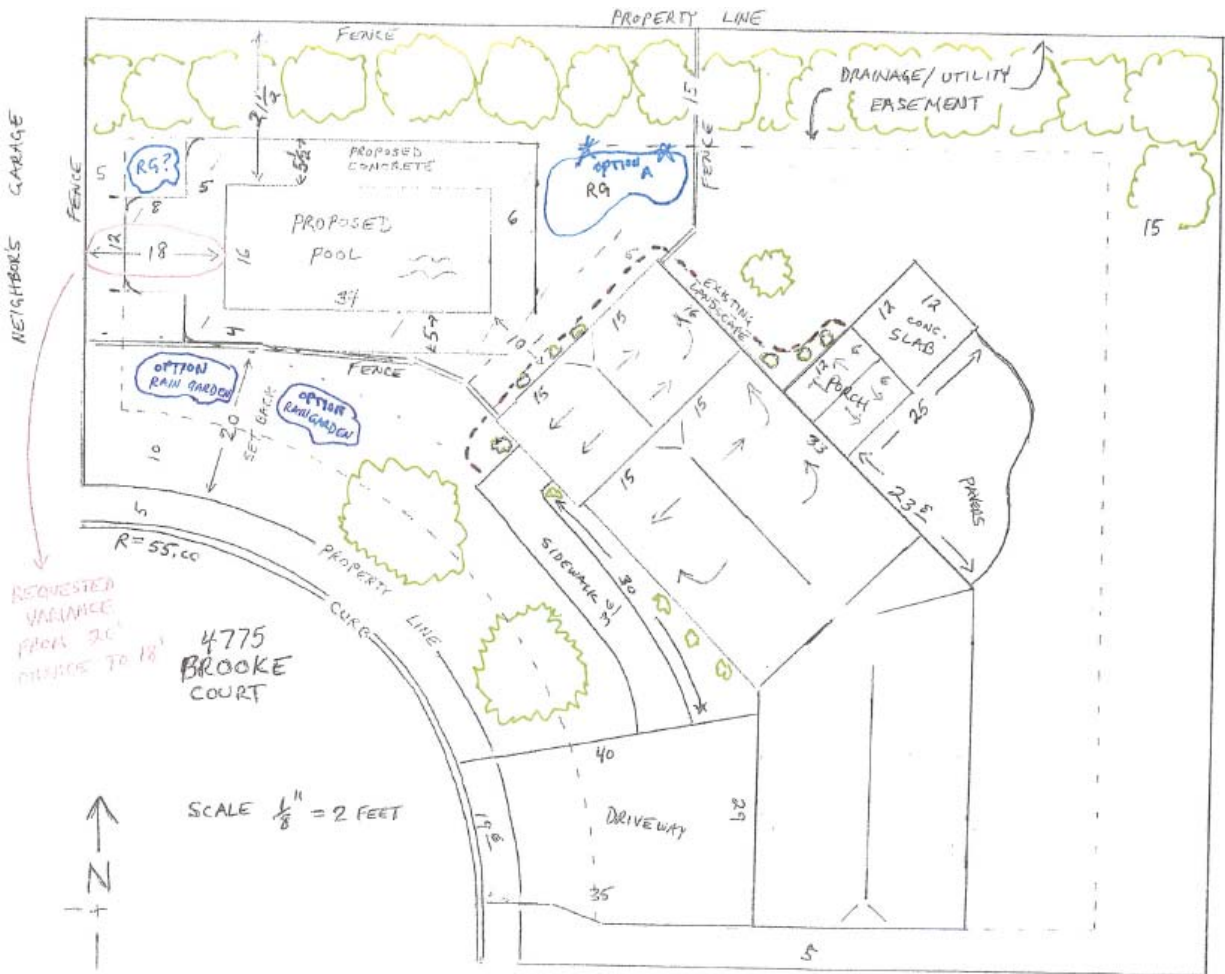
Approval is contingent upon execution and return of this document to the City Planning Office.

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

Len Schreier

Date

SITE PLAN:



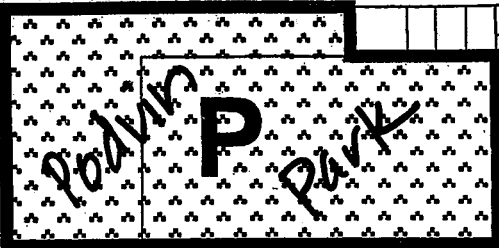
DBD

WHITE BEAR PKWY

9TH ST

ZR

R-3



SUBJECT SITE:
4775 BROOKE COURT

5TH ST

5TH ST

R-2

BROOKE CT

SANDRA LN

CAROLYN LN

SHARON LN

PEGGY LN

KAREN PL

DEBRA ST

R-4

4TH ST

R-6

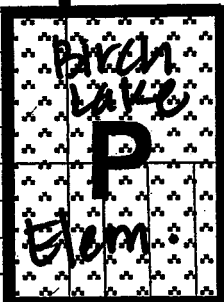
3RD ST

2ND ST

BIRCH LAKE

BIRCH LAKE AVE

R-3



PEGGY LN

FLORENCE ST

B-3

BIRCH LAKE BLVD S

EUGENE ST

EUGENE ST

CAROLYN LN

KAREN LN



HIGHWAY 96

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

CASE NO. : 21-12-V
CASE NAME : Schreiber Pool
DATE : May 24, 2021

April 12, 2021

To: The City of White Bear

To Whom It May Concern,

Please view this letter as an official request made by the owner of the residence located at 4775 Brooke Court in White Bear Lake for a variance from the required 20' swimming pool setback from the side lot line. We are hoping to be allowed to position the edge of the pool 2' further west resulting in an 18' setback from the side property line. None of the other set back parameters will be infringed upon.

My wife (whose name is Becky) and I am set to make a substantial investment in our property with the addition of a swimming pool on the westerly portion of our yard. Given the unique shape of our lot, we are not left with many options as to where a swimming pool and its surrounding apron can be.

Upon figuring out exactly where the pool can be positioned given the required set backs, we feel that 20' from the side lot line seems a little excessive in this instance. Especially because the closest structure to the west is the end of the neighbor's garage. I spoke with my neighbor about my intentions to request a variance in order to position the pool 2' closer towards the property line; after explaining and physically showing her what I had in mind, she does not see any problem with it.

Becky and I take great pride in our home's appearance and love our location in White Bear. We feel granting our request best utilizes our home's available yard.

Thank You for your consideration,

Len and Becky Schreier

CERTIFICATE OF SURVEY

for AZURE PROPERTIES



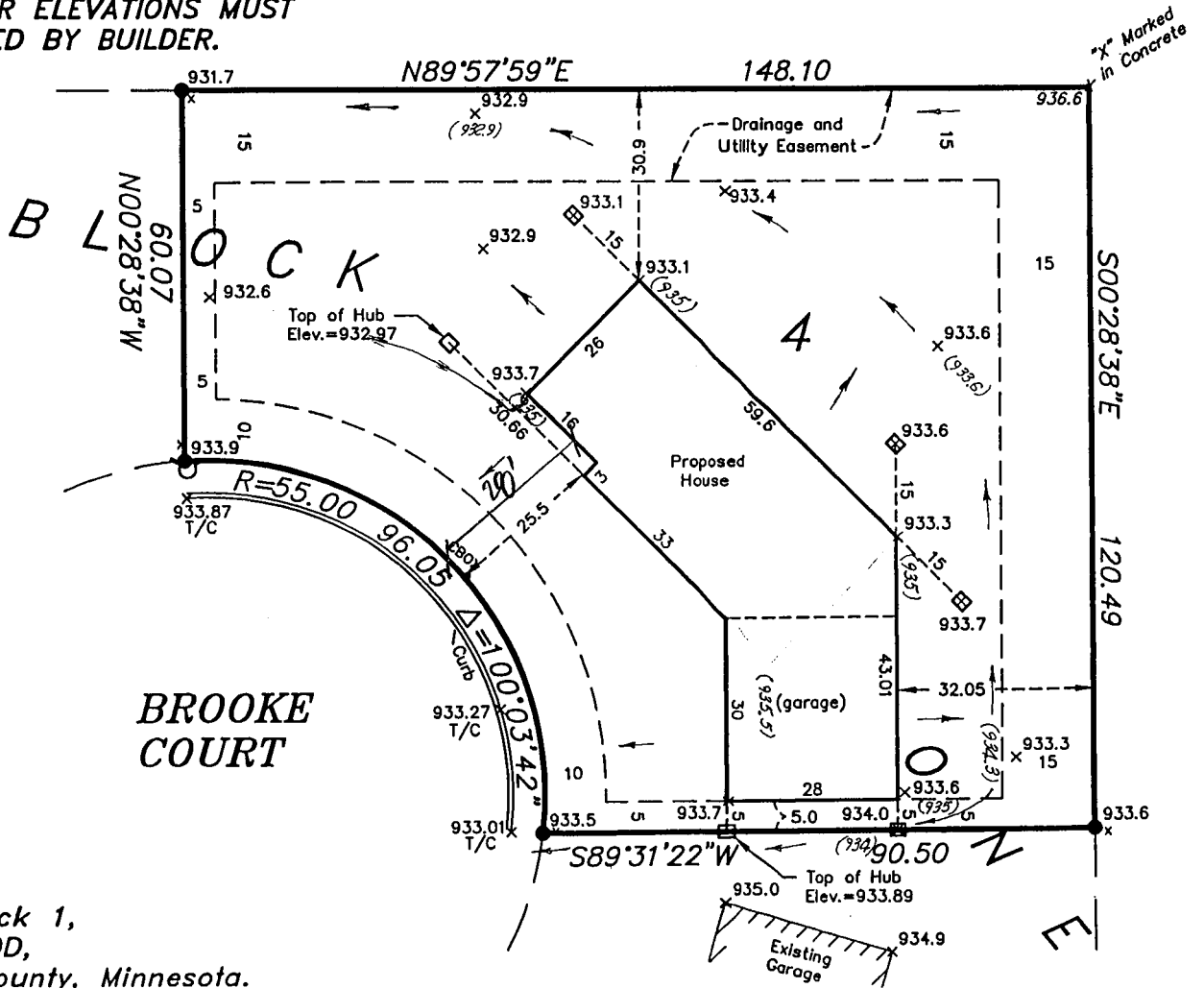
Scale: 1" = 30'

- Denotes Wood Stake Set For Excavation Only
- Denotes Surface Drainage
- () Denotes Proposed Elevation
- x Denotes Existing Elevation
- 935.0 Top of Block Elevation
- 935.5 Garage Floor Elevation

_____ Lowest Floor Elevation
 Type of Building: A Wood Frame House
 Benchmark: T.N.H. @ L1, B1
 Elevation = 933.45

- Denotes iron pipe monument found, marked "RLS 10947"
- The orientation of this Bearing System is based upon the recorded plat of **TIMBERWOOD**.

ALL BUILDING DIMENSIONS AND FLOOR ELEVATIONS MUST BE VERIFIED BY BUILDER.



Lot 4, Block 1,
 TIMBERWOOD,
 Ramsey County, Minnesota.



MIDWEST
 Land Surveyors & Civil Engineers, Inc.
 710 East River Road.
 Anoka, MN. 55303
 Ph. 763-712-9099 Fax: 763-712-9055

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 and
 No certification whatsoever is extended to subsequent owners, mortgagees or title insurers, unless this survey has been redated for this purpose by the surveyor.
 Dated this 14th day of September, 2000.
 By Rodney H. Halvorson Registration No. 10947
 Rodney H. Halvorson - Minnesota Licensed Land Surveyor
 Asbuilt _____ Dated this _____ day of _____, 20__.

IMPERVIOUS AREA CALCULATIONS

Lot Size: 15,012 sq ft

Existing Impervious:

House: 2766

Driveway: 812

Sidewalk: 157

Patio: 544

Total: 4279 sq ft

Proposed Pool & Concrete: 1275

New Impervious Total: 5554 sq ft

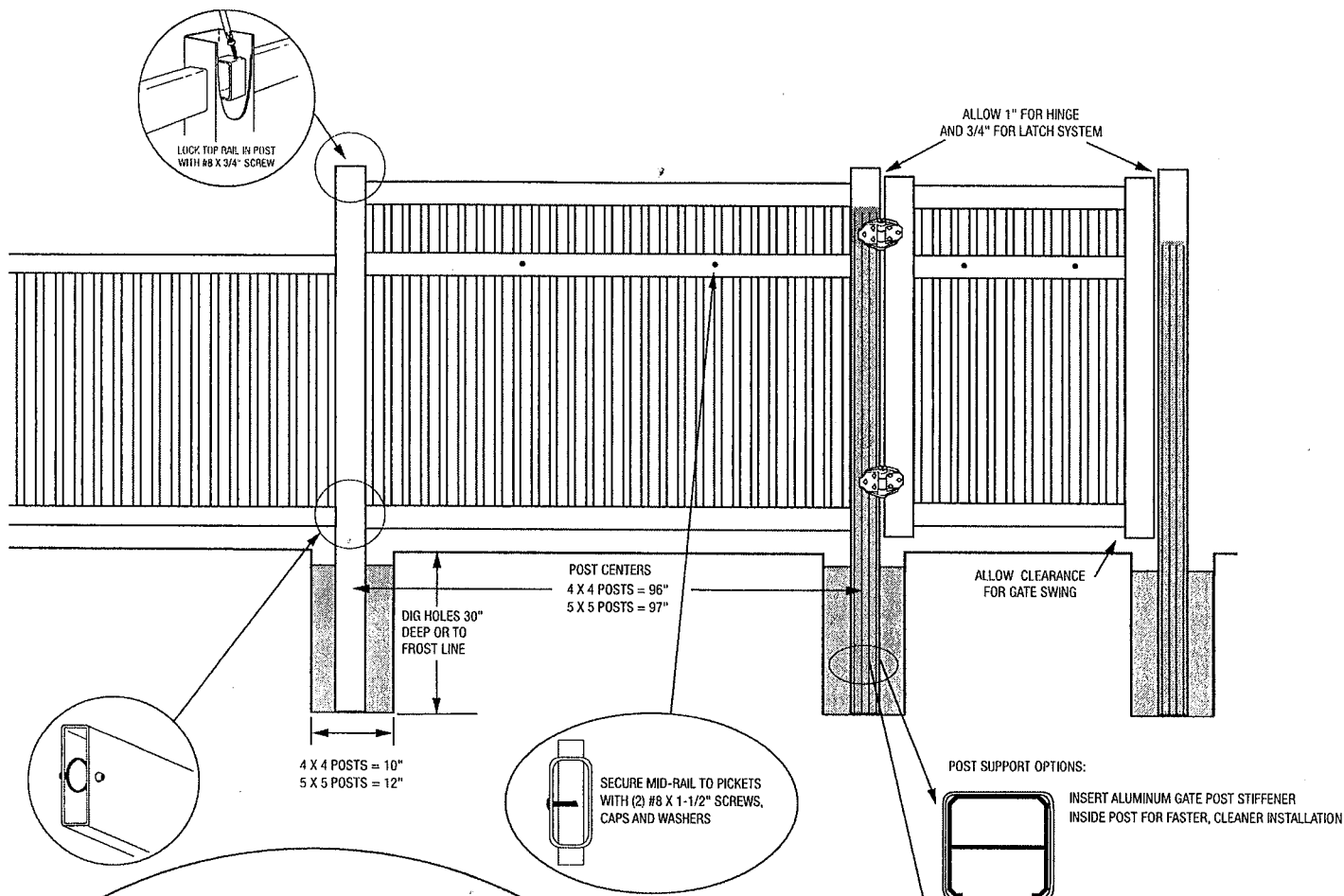
15,012 lot size x 30% allowable impervious = 4504 sq ft

Existing & Proposed impervious 5554 – 4504 = 1050 sq ft over



Semi-Private Fence

Includes: Imperial, Imperial with Select Cedar Texture



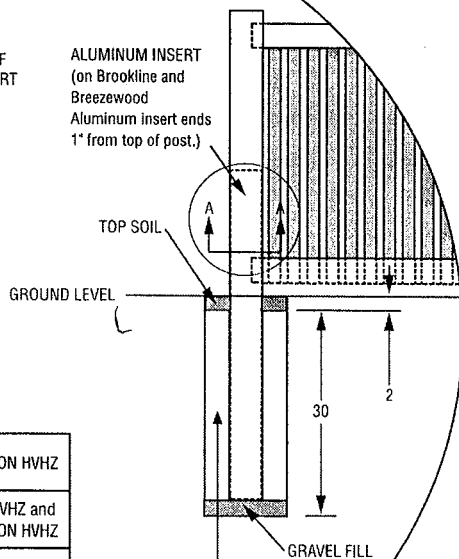
EMBEDMENT DETAIL FOR OPTIONAL LINE POST STIFFENER ALUMINUM INSERT

TO COMPLY WITH THE HIGH VELOCITY HURRICANE ZONES SECTION R44003.1.2.1 OF THE FLORIDA BUILDING CODE, A STEEL INSERT MUST BE ADDED TO THE TOP RAIL AND THE CENTER PICKET MUST BE ATTACHED TO THE TOP AND BOTTOM RAIL WITH (2) #8 X 1-1/2\"/>



SECTION A-A
LINE POST STIFFENER
ALUMINUM INSERT

ALUMINUM INSERT
(on Brookline and Breezewood
Aluminum insert ends 1\"/>

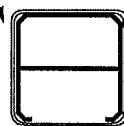


MAXIMUM POST SPACING AND FOOTING DIMENSIONS

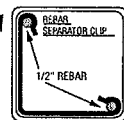
Wind Exposure	Footing Depth	Max. Post Spacing	
B	30"	97"	NON HVHZ
B	24"	66"	
C	36"	88"	HVHZ and NON HVHZ
C	30"	68"	
D	36"	75"	HVHZ and NON HVHZ
D	30"	56"	

HVHZ: Miami-Dade and Broward counties wind exposures as defined in the ASCE 7-10

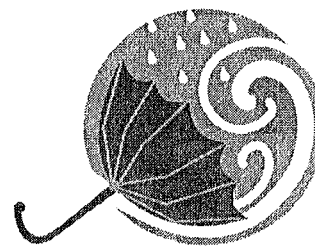
POST SUPPORT OPTIONS:



INSERT ALUMINUM GATE POST STIFFENER INSIDE POST FOR FASTER, CLEANER INSTALLATION

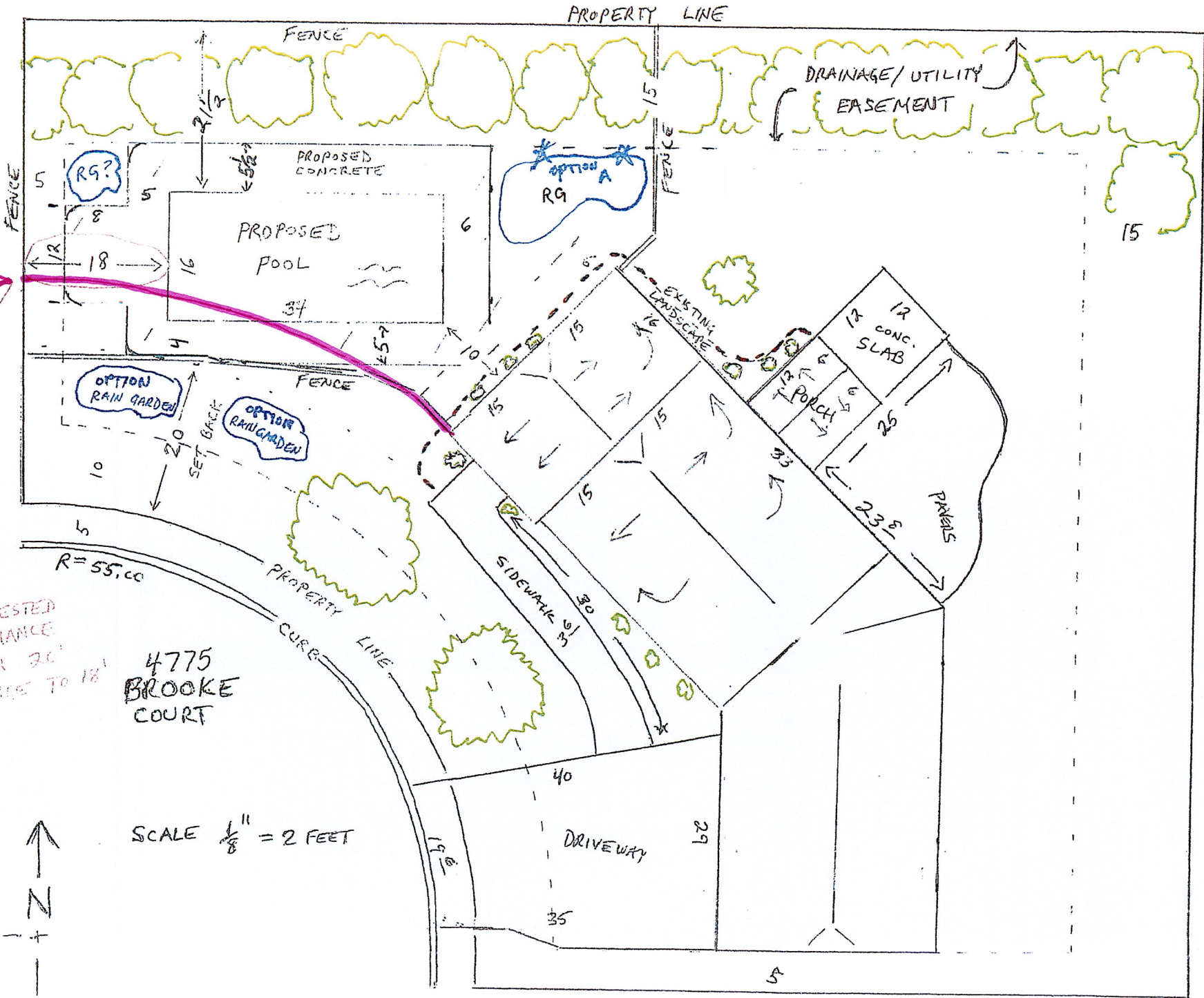


USE (2) PIECES OF 1/2\"/>



FEATURING
WINDZONE™
PERFORMANCE

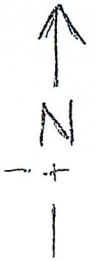
no front yard setback



REQUESTED VARIANCE FROM 20' CURB TO 18'

4775 BROOKE COURT

SCALE $\frac{1}{8}'' = 2$ FEET



Staff's Graphic



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

4.D

MEMORANDUM

TO: The Planning Commission

FROM: Samantha Crosby, Planning & Zoning Coordinator

DATE: May 17, for May 24, 2021 Planning Commission Meeting

SUBJECT: **Theno Setback Variances, 4870 Johnson Avenue – Case No. 21-13-V**

REQUEST

The applicant, Susan Welles, designer, on behalf of the property owner Molly Theno, is requesting three variances in order to construct a new two-car attached garage on the north side of the home:

- A 9 foot variance from the 30 foot setback required along the side abutting a public right-of-way;
- A 7.1 foot variance from the required 10 foot side yard setback from the east property line; and
- A 17.5 foot variance from the 30 foot rear yard setback

ZONING

The subject site is zoned R-4 - Single and Two-Family Residential, and S – Shoreland Overlay, as are all of the surrounding properties.

SITE CHARACTERISTICS

The subject site is located on the northeast corner of 7th Street and Johnson Avenue. The roughly 5,000 square foot lot is substandard in size - by 2,200 square feet in the R-2 district, and by 5,000 square feet in the shoreland overlay district. It is only 50x100 when most residential parcels in this neighborhood are 50x150. The lot contains a two-story single family home.

BACKGROUND

The lot was platted in 1887 and built in 1922. It appears that the very small lot to the north was split from the subject site circa 1962, which pre-dates the first zoning code in 1965. Therefore, the small size of this lot is truly grandfathered-in.

APPLICANT'S PRACTICAL DIFFICULTY

See applicant's narrative.

ANALYSIS

9 foot variance from the 30 foot setback required along a side abutting a public right-of-way

4.D

The setbacks of 30 feet from the west and 10 feet from the east are prohibitive on a 50 foot wide lot. Deviation from the side street yard on a 50-foot wide corner lot in the Old White Bear neighborhood is fairly standard. When possible, we discourage the garage from being closer to a street than the house. In this case the garage is 16 inches closer to Johnson than the house, but the garage is not excessive in size and is pushed as far east as possible. Traditionally the City has supported variances down to 15 feet from the side street property line, which provides a 25 foot wide buildable area, when the code requires a 22 foot wide house. In this case the garage will be 21 feet from the side street property line. Since the garage is accessed from this side, there is plenty of room in which to park a car in the driveway without hanging out into the City right-of-way.

A 7.1 foot variance from the required 10 foot side yard setback from the east property line

This encroachment is due to the location of the existing structure on the lot. The extension of this line of non-conformity is extremely small – only 2.25 feet. Staff is supportive of such a large variance amount (a 71% deviation) due to the very small size of the expansion.

17.5 foot variance from the 30 foot rear yard setback

The position of the house on the lot creates the need for this variance. The north side of the home is the only possible location for the garage and it is a standard two car size – not excessive. If the garage were detached, it and the driveway together would consume 59% of the rear yard area and a different variance would be needed. One tree will be lost to the proposed configuration, but it is an Ash tree, which are now considered not very valuable.

Other

The applicant is proposing porous pavers for the driveway. Even so, the site will be 8% over the 30% impervious area limit. A rain garden will be installed to off-set the remaining overage. The design and approval of these features have, of course, been included as a condition of approval.

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 commends the owners for investing in the existing structure, rather than building new. There's no better preservation of the character of a neighborhood than to retain its original buildings. Staff recommends approval as requested subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variances shall become null and void if the project has

not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.

3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The addition shall be guttered to direct run-off away from the adjacent property to the east.
5. The garage may not be expanded in the future by an administrative variance to extend an existing line of nonconformity as the proximity of the garage to the west and north property lines is considered conforming by the granting of these variances.
6. A building permit shall be obtained before any work begins.
7. The applicant shall mitigate impervious area above 30% according to code. Prior to the issuance of a building permit, the applicant shall provide a stormwater mitigation plan, subject to approval by the Stormwater Engineer.
8. Both the porous pavers and the rain garden (and/or any other mitigation feature) shall be maintained by the homeowner so that it functions to design specifications.

Attachments:

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative
4. Impervious Area Calcs
5. Survey
6. Site Plan
7. Elevations and Floor Plans (2 pages)

RESOLUTION NO. _____

**RESOLUTION GRANTING THREE SETBACK VARIANCES
FOR 4870 JOHNSON AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-13-V) has been submitted by Molly Theno to the City Council requesting approval of three setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4870 Johnson Avenue

LEGAL DESCRIPTION: The South 100 feet of Lot 12, Block 32, Auerbach's Rearrangement of Part of White Bear, Ramsey County, Minnesota. (PID: 133022230049)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 9 foot variance from the 30 foot setback required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; a 7.1 foot variance from the 10 foot side yard setback required per Code Section 1030.060, Subd.5.c.2; and a 17.5 foot variance from the 30 foot rear yard setback required per Code Section 1302.030, Subd.4.e; in order to construct a new two car attached garage; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 24, 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 and the variance is the minimum required to accomplish this purpose.
3. The variances will be in harmony with the general purpose and intent of the City Code.
4. The variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variances shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The addition shall be guttered to direct run-off away from the adjacent property to the east.
5. The garage may not be expanded in the future by an administrative variance to extend an existing line of nonconformity as the proximity of the garage to the west and north property lines is considered conforming by the granting of these variances.
6. A building permit shall be obtained before any work begins.
7. The applicant shall mitigate impervious area above 30% according to code. Prior to the issuance of a building permit, the applicant shall provide a stormwater mitigation plan, subject to approval by the Stormwater Engineer.
8. Both the porous pavers and the rain garden (and/or any other mitigation feature) shall be maintained by the homeowner so that it functions to design specifications.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

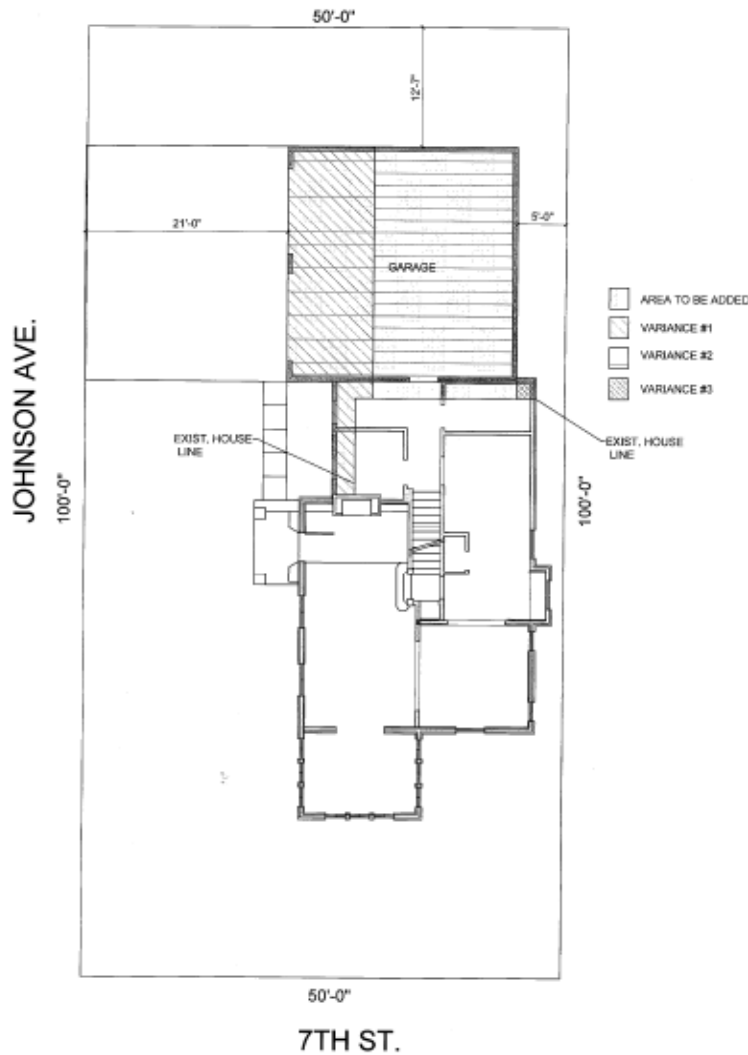
Owner's Signature

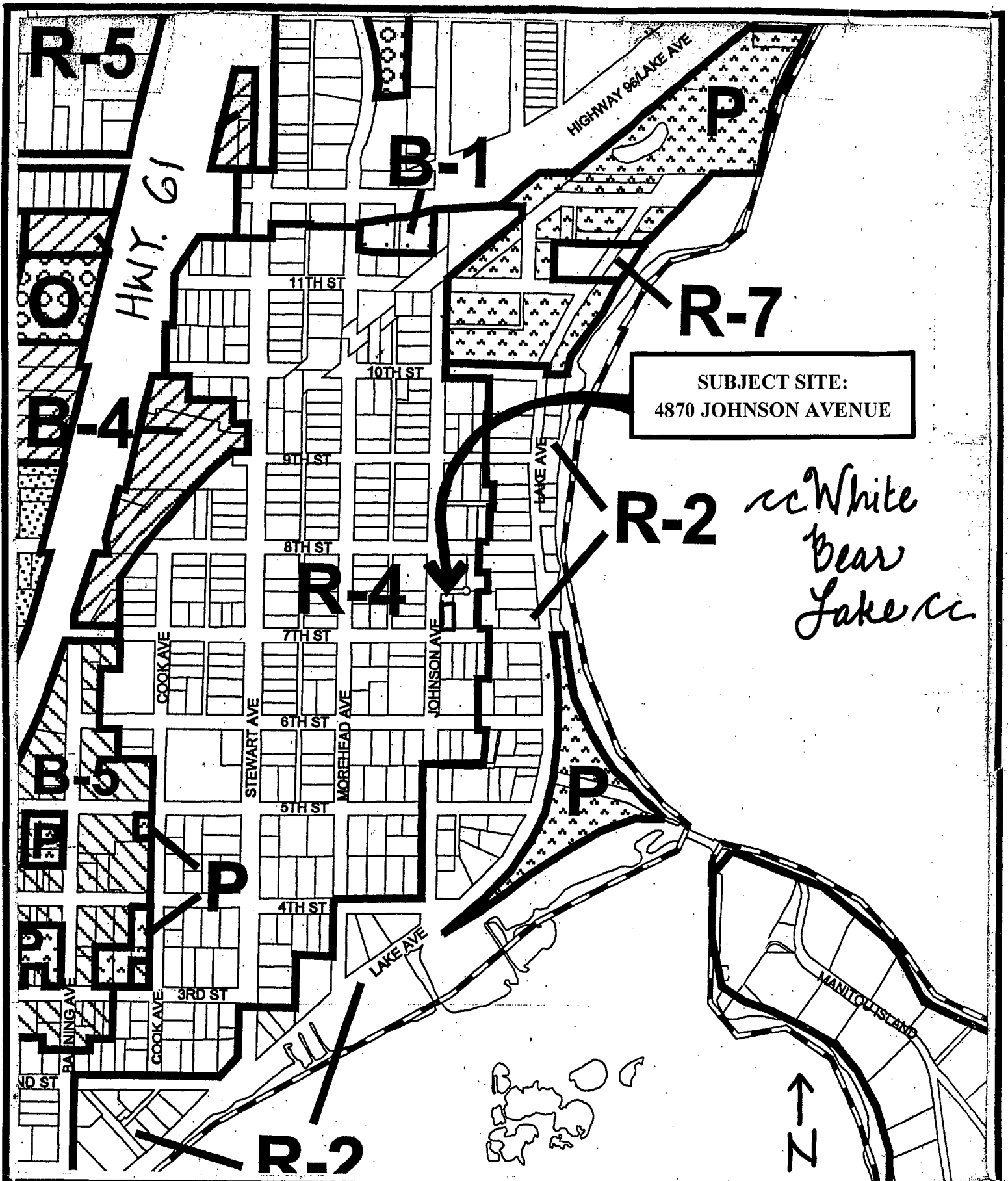
Date

Print Name

Title

SITE PLAN:





SUBJECT SITE:
4870 JOHNSON AVENUE

White Bear Lake cc

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

CASE NO. : 21-13-V
 CASE NAME : Theno Garage
 DATE : May 24, 2021

April 9, 2021

To White Bear Lake Planning Commission/White Bear Lake City Council,

I am petitioning you today to ask for a variance to allow our client-Molly Theno, to construct a new attached 2 car garage and replace an existing single-story addition at 4870 Johnson Avenue in White Bear Lake.

The existing corner lot at Johnson and 7th (in the Shoreland District of Old Town) is non-conforming per the City's Code for a parcel in the Shoreland Overlay District which states lots to be a minimum of 10,000sq. ft. This lot encompasses only 5,000 sq. ft. It currently has an impervious coverage of 33% with existing house, shed, driveway and sidewalks- approximately 1,620 sq. ft of the 5,000. The proposed new impervious surface will be approximately 38% and will require stormwater mitigation on either the west or south front of the property.

The code requires a setback of 30' along Johnson Street, 30' rear set back to the north and a side interior setback of 10' to the east. The proposed new garage will be located to the north of the existing house with the one-story addition that needs to be rebuilt between the new garage and existing home. Currently the home does not have a garage on site but does have a driveway exiting onto Johnson Ave. The existing driveway, sidewalks, shed and front stoop will be removed, and a new driveway constructed of pervious pavers will be installed. The new garage will also exit onto Johnson and will require a new curb cut and the removal of one 18" diameter Ash tree.

We are asking the city for a combination of variances for the proposed new 24' X 24' attached garage and replacement of the existing single-story addition. The first for a variance of 9' for the 30' setback requirement along Johnson Ave. {1302.040 Subd. 5 (c) 2.} This would put the garage at a 21' setback from the property line. We are proposing to set the new garage 5' off the East side property line {(1302.030 Subd. 4 (e))} which closely lines up to the adjacent neighbor's detached garage. Thus, the front of the new garage would supersede the main house by approximately 16 inches but still maintain 21' from the West property line.

The second request is for a 17'-5" variance to the North (which constitutes the rear yard) {1302.040 Subd. 5 (c) 2.} setting the garage at 12'-5" from the property line. The current shed on the property will be removed and the new garage will be roughly a foot further to the North from the existing shed location.

The third request is for expanding the line of non-conformity along the East property line which currently has a 2.9' setback at the existing addition that is to be replaced. The current state of the addition which has a floating slab foundation and deteriorating flat roof will be replaced with a slightly larger footprint to accommodate the rebuilding of a non-conforming stairs to the basement and requires a few extra feet to the North to extend the run for headroom clearance. The rebuilt addition will also have a new crawl space foundation attached to the house and the flat roof will be replaced with a pitched roof matching slope and appearance of the main house. We are proposing to extend the North line of non-conformity at the addition by 2'-3" and to the West by 2'-5".

Please review our attached proposal for the proposed garage and remodel along with a site plan that outlines the above conditions. We will be following all other WBL codes and ordinances to construct this addition and remodel as designed and submitted for your review.

Sincerely,

Susan Hebert Welles
Husnik Homes, Inc

On behalf of Molly Theno, owner of 4870 Johnson Avenue, White Bear Lake, MN

IMPERVIOUS SURFACE CALCULATION WORKSHEET

An impervious surface is defined as an artificial or natural surface through which water, air or roots cannot penetrate. Landscape and decorative rock is not considered an impervious surface. Stepping stones are impervious. A deck is not an impervious surface, provided there is no concrete, plastic or other impervious material underneath the deck. All permanent pools are impervious.

*Any increase in impervious area over 30% must be mitigated by removal elsewhere or by installing a stormwater infiltration feature - see Stormwater Infiltration System Submittal Requirements handout.

Property Owner: Molly Theno
 Site Address: 4870 Johnson Avenue

Lot Width (feet): 50
Lot Depth (feet): 100

Information on lot size can be found in your property records or on the Ramsey County GIS website: www.ramseycounty.us/residents/property/maps-surveys/interactive-map-gis

Please use sq. ft.	Existing	Proposed	Change
Home	930	1010	+80
Garage	0	580	+580
Accessory Structures ¹	94 (shed)	0	-94
Driveway	444	254	-190
Sidewalks	111	31	-80
Patio Areas	0	0	0
Other:	41 (Front stoop)	32	-9
Total Impervious	1620	1906	+257
Total Lot Area	5,000	5,000	0
Percent Impervious ²	33 %	38 %	+5%

¹ Gazebos, sheds, etc.

² Total Impervious divided by Total Lot Area

If any porous paving credit have been grated for any of the above listed items, please explain:

All existing concrete driveway will be removed and replaced with new pervious pavers per site plan.

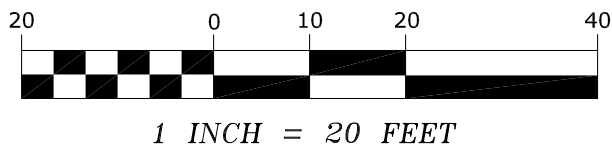
Calculated by: Susan Hebert Welles Date: 4.12.2021

Staff Approval by: _____ Date: _____

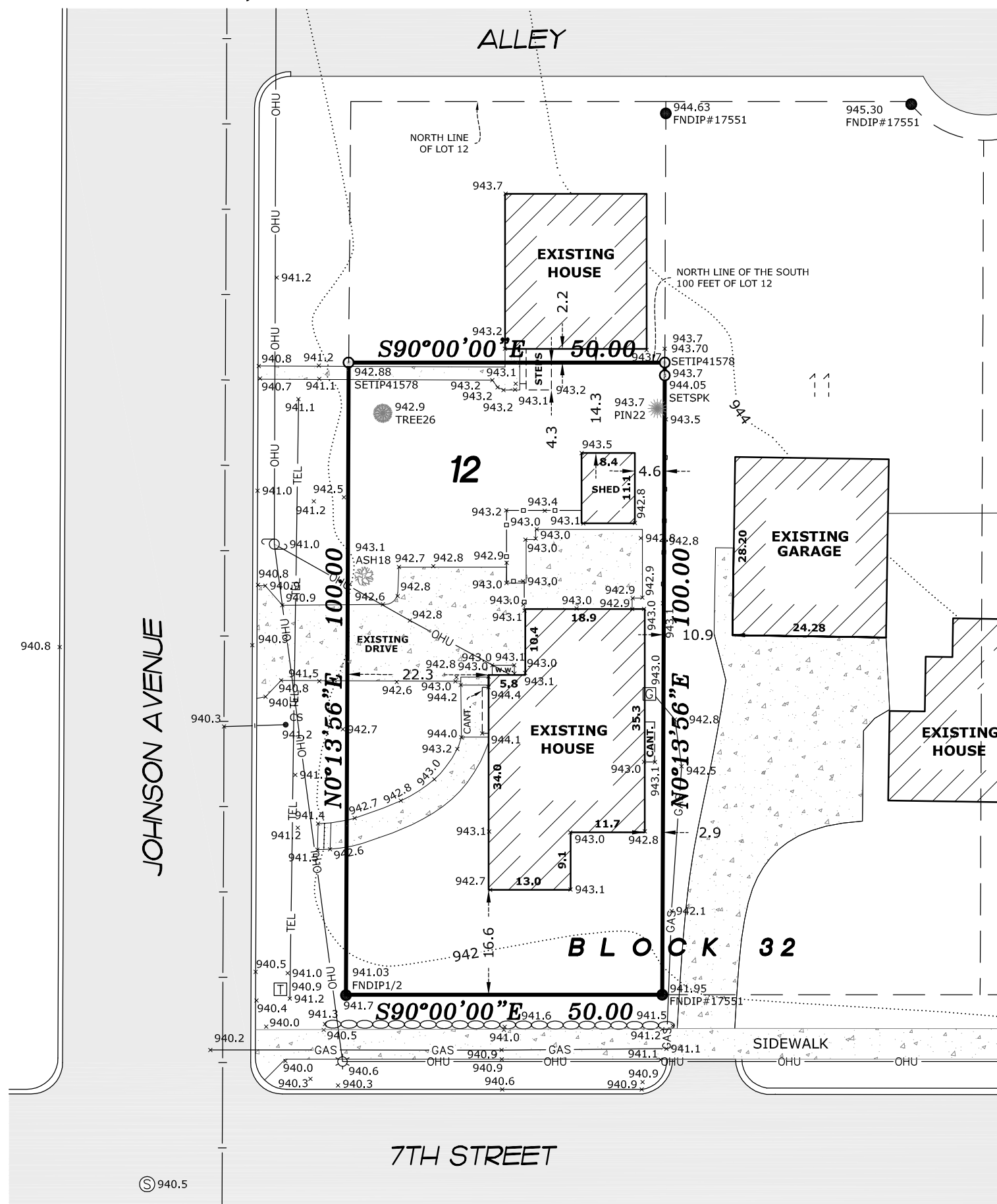
CERTIFICATE OF SURVEY

~for~ HUSNIK HOMES
 ~of~ 4870 JOHNSON AVENUE
 WHITE BEAR LAKE, MN

GRAPHIC SCALE



NORTH



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊗(800.0) DENOTES PROPOSED ELEVATION
- x1011.2 DENOTES EXISTING ELEVATION
- ↘ DENOTES DIRECTION OF DRAINAGE
- ⊠ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET (UNLESS OTHERWISE NOTED)
- ⊡ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES GAS METER
- CS DENOTES CURB STOP
- ☆ DENOTES LIGHT POLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- DENOTES WOOD FENCE
- DENOTES RETAINING WALL
- |— DENOTES EXISTING WATER MAIN
- OHU— DENOTES OVERHEAD UTILITY
- GAS— DENOTES UNDERGROUND GAS LINE
- TEL— DENOTES UNDERGROUND TELEPHONE LINE
- ⋯ DENOTES EXISTING CONTOURS
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE

TREE DETAIL

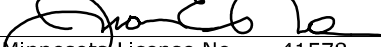
- ↘ DENOTES ELEVATION
- ↘ DENOTES TREE QUANTITY
- ↘ DENOTES TREE SIZE IN INCHES
- ↘ DENOTES TREE TYPE

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/12/21.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 13-30-22-23-0049.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

The South 100 feet of Lot 12, Block 32, AUERBACH'S REARRANGEMENT OF PART OF WHITE BEAR, Ramsey County, Minnesota.

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

By: 
 Minnesota License No. 41578

Dated 3rd day of February 2021.

DATUM: ASSUMED

JOB NO. 210015BT

REVISIONS

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

SCALE: 1" = 20'

DATE: 02-03-21

DRAWN BY: RAF

CREW: JH/CB



E. G. RUD & SONS, INC.

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

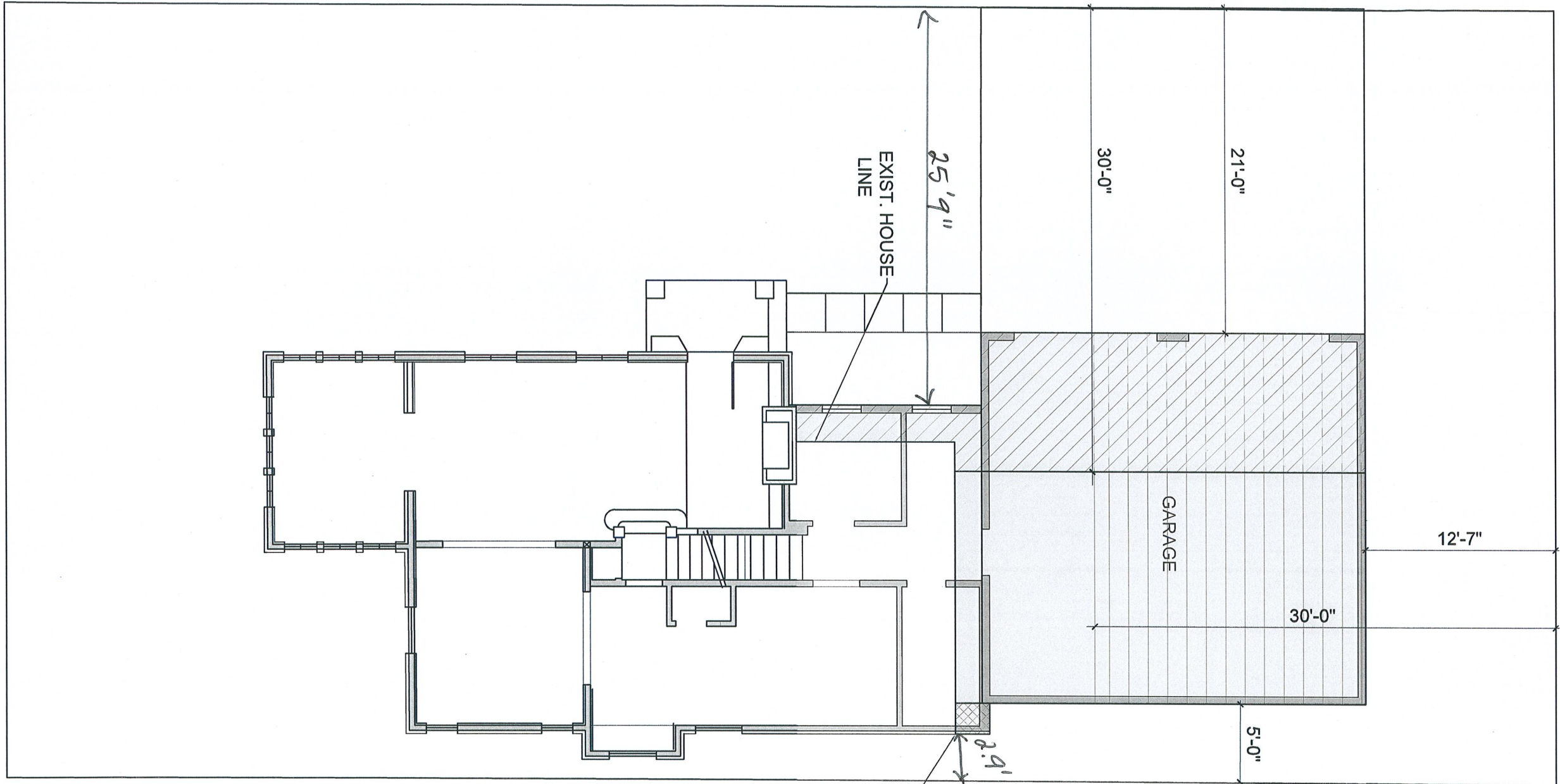
JOHNSON AVE.

100'-0"

7TH ST.

50'-0"

50'-0"



EXIST. HOUSE
LINE

25'9"

30'-0"

21'-0"

GARAGE





12'-7"

30'-0"

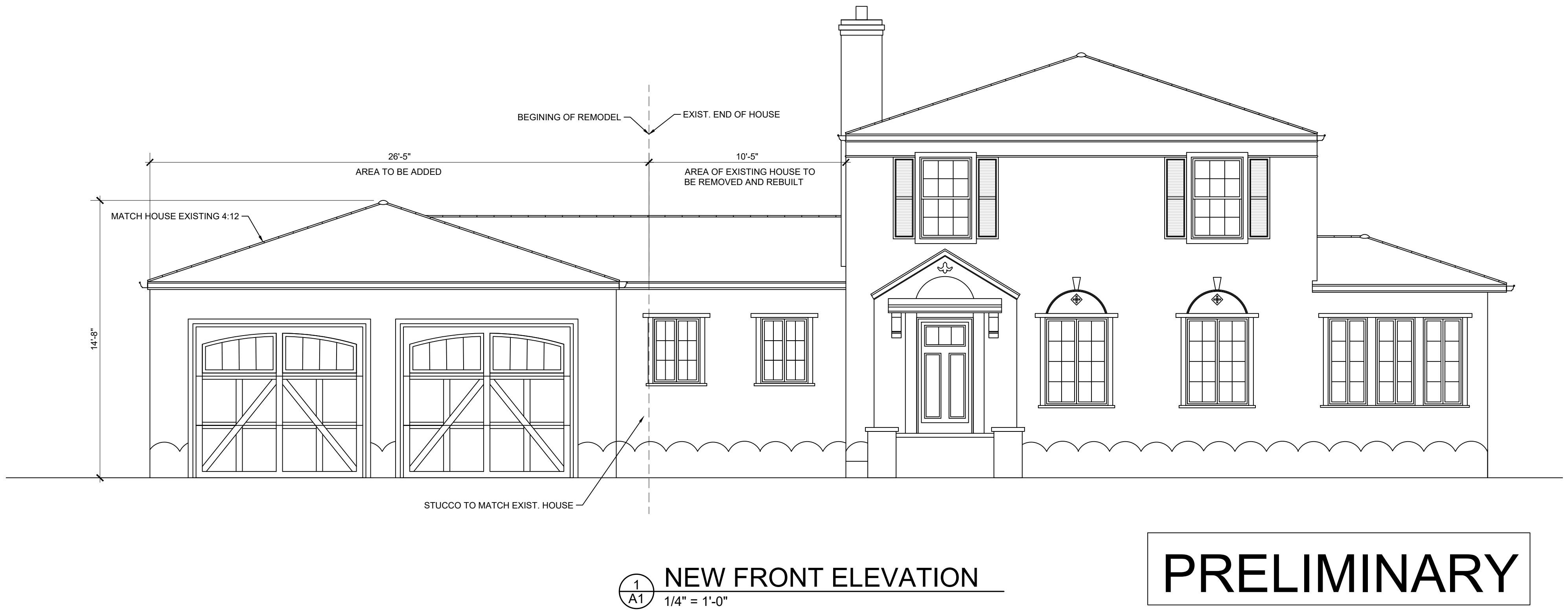
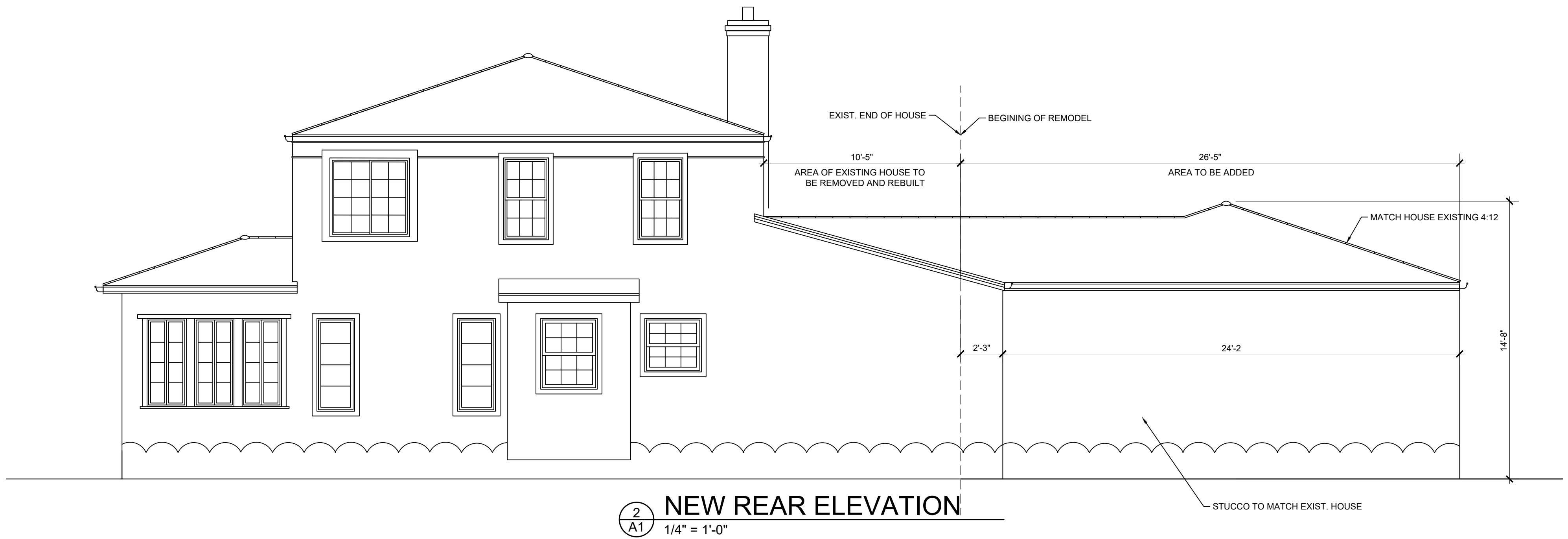
5'-0"

100'-0"

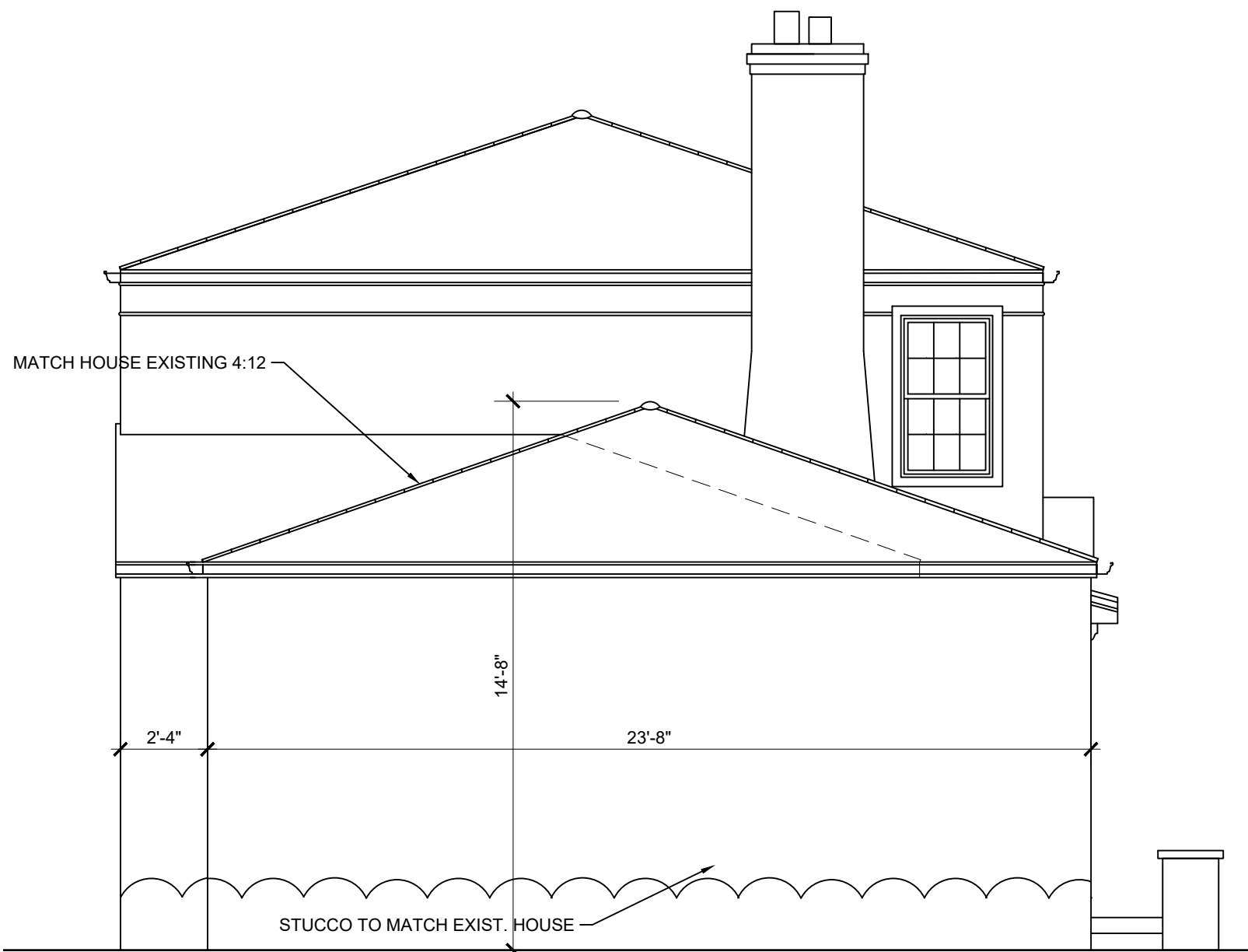
EXIST. HOUSE
LINE

-  AREA TO BE ADDED
-  VARIANCE #1
-  VARIANCE #2
-  VARIANCE #3

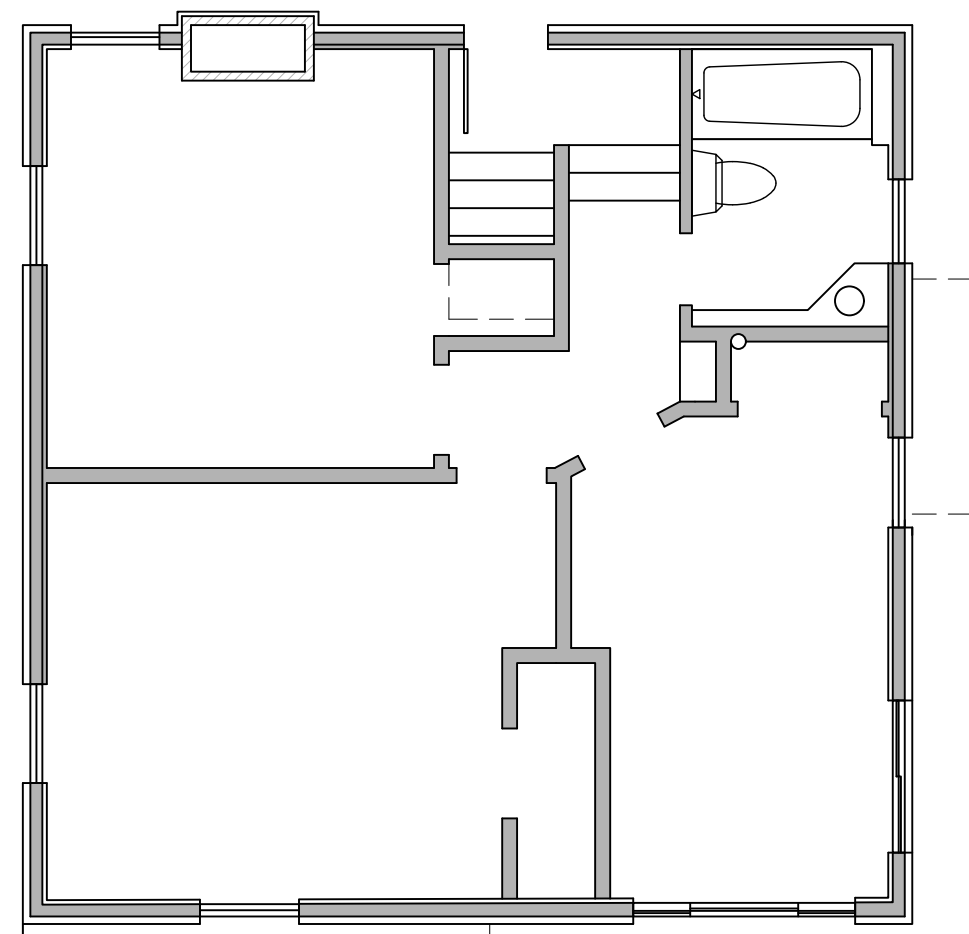




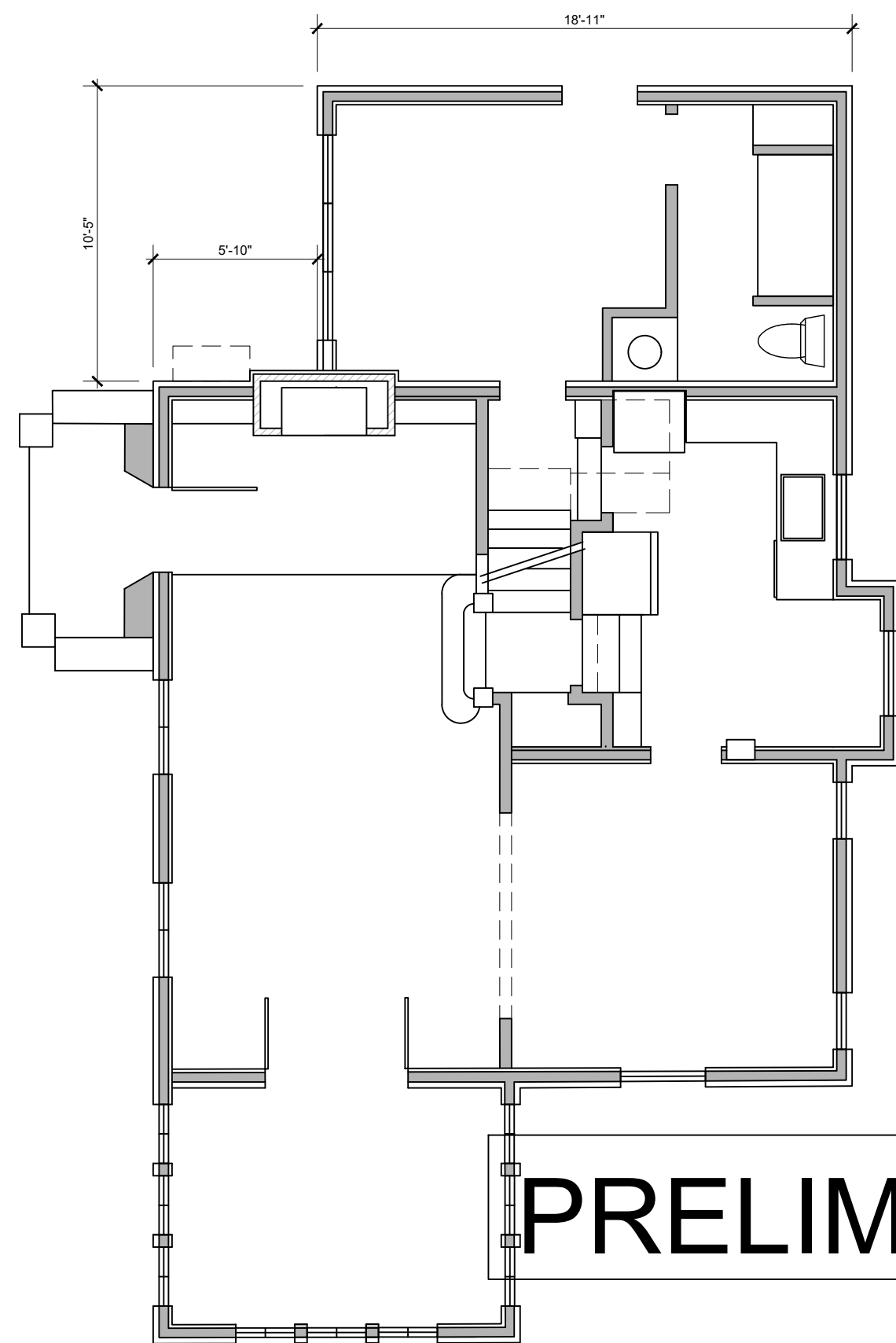
PRELIMINARY



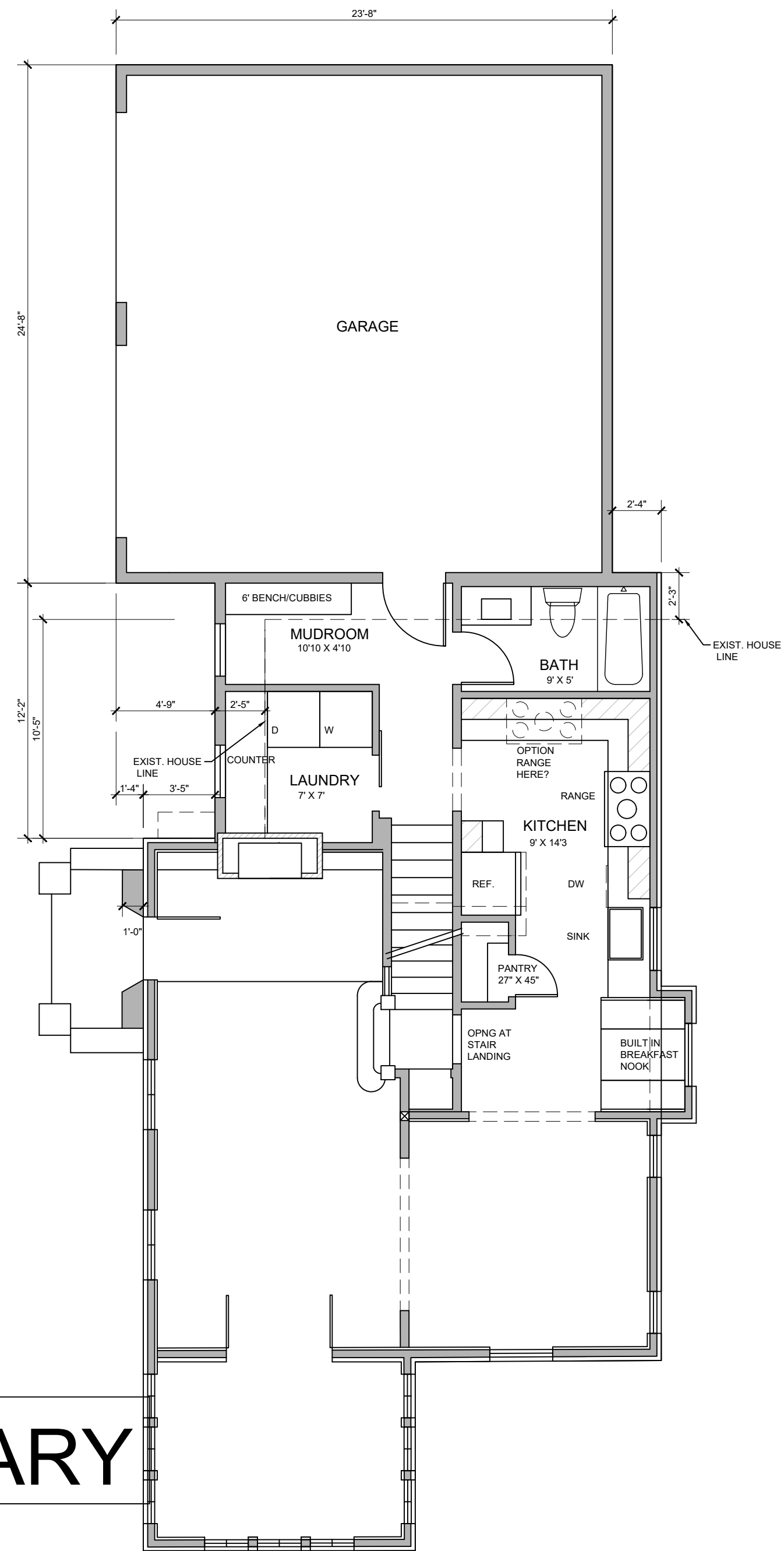
4
A2 LEFT ELEVATION
1/4" = 1'-0"



1
A2 EXIST. SECOND FLOOR PLAN
3/16" = 1'-0"



2
A2 EXIST. MAIN FLOOR PLAN
3/16" = 1'-0"



3
A2 MAIN FLOOR PLAN
3/16" = 1'-0"

PRELIMINARY



City of White Bear Lake
COMMUNITY DEVELOPMENT DEPARTMENT

M E M O R A N D U M

TO: The Planning Commission

FROM: Anne Kane, Community Development Director

DATE: May 20, 2021 for the May 24th Planning Commission Meeting

SUBJECT: **2040 COMPREHENSIVE PLAN - Case No. 17-1-CP**
Metropolitan Council Authorization to Implement Plan

BACKGROUND

Following the adoption of the draft 2040 Comprehensive Plan in 2019, the document was distributed to adjoining communities and affected agencies for review and comment. By statute, the jurisdictions had six months to submit comments. That time period concluded on March 3, 2020 and Staff presented the review comments and suggested revisions to the draft plan at the July 2020 Planning Commission meeting. At its August 12, 2020 meeting, the City Council adopted Resolution No. 12616 accepting the review comments and authorizing the submittal of the draft 2040 Comprehensive Plan to the Metropolitan Council.

CURRENT REQUEST

Following the submission of the draft 2040 Comprehensive Plan to the Metropolitan Council, City and Council staff worked collaboratively to ensure the draft Plan was complete, satisfied the requirements of the Metropolitan Land Planning Act, conforms with metropolitan system plans for transportation, water resources, and parks, and is compatible with the plans of adjacent jurisdictions:

Conformance with Regional System Plans

Regional Parks and Trails
Transportation
Water Resources

Consistency with Thrive MSP 2040 and Council Policy

Land Use
Forecasts
Housing Policy Plan
Water Supply

Compatibility

Compatible with the plans of adjacent and affected governmental district

Throughout the iterative process, minor revisions and modifications were made to the text, maps and figures in the draft plan document. On December 23, 2020 the Metropolitan Council reviewed the City's 2040 Comprehensive Plan and authorized its implementation. The City of White Bear Lake is required to formally adopt the Comprehensive Plan within nine months after the Council's final action or no later than September 24, 2021.

RECOMMENDED ACTION

Staff will be prepared to walk through the revisions and modifications to the draft document and requests that the Planning Commission forward a recommendation to the City Council for final adoption of the 2040 White Bear Lake Comprehensive Plan, as presented in the draft Resolution prepared for your consideration.

ATTACHMENTS:

1. Draft Resolution
2. Metropolitan Council authorization to implement the 2040 Comprehensive Plan, dated December 24, 2020
3. Summary of Met Council Comments and Staff Responses, dated November 4, 2020

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE
2040 WHITE BEAR LAKE COMPREHENSIVE PLAN UPDATE**

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans, and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to completed their decennial reviews by December 31, 2018; and

WHEREAS, the City Council of the City of White Bear Lake authorized the review and update of the Comprehensive Plan, including the Comprehensive Sewer Plan; and

WHEREAS, the proposed 2040 Comprehensive Plan is a planning tool intended to guide the future growth and development of the City of White Bear Lake in a manner that conforms with metropolitan system plans and complies with the Metropolitan Land Planning Act and other applicable planning statutes; and

WHEREAS, the proposed 2040 Comprehensive Plan reflects a community planning process conducted in 2017 through 2019 involving elected officials, the Planning Commission, Park Advisory Board, Environmental Advisory Board, the White Bear Lake Economic Development Corporation, city staff, community organizations, the general public, and other community stakeholders; and

WHEREAS, pursuant to Minnesota Statutes sections 473.858, the proposed 2040 Comprehensive Plan was submitted to adjacent governmental units and affected special district and school districts for review and comment on August 30, 2019 and the statutory six-month review and comments period has elapsed on March 3, 2020; and

WHEREAS, the Planning Commission has considered the proposed 2040 Comprehensive Plan and all public comments, and thereafter submitted its recommendations to the City Council; and

WHEREAS, on July 27, 2020 the Planning Commission conducted a Public Hearing on the proposed 2040 Comprehensive Plan; and

WHEREAS, the City Council approved Resolution No. 12616 on August 12, 2020 authorizing the proposed 2040 Comprehensive Plan, including the Comprehensive Sewer Plan, to be submitted to the Metropolitan Council for review; and

WHEREAS, at its regular meeting December 23, 2020, the Metropolitan Council completed its review of the proposed 2040 Comprehensive Plan and the Comprehensive Sewer Plan and found the Plan meets the requirements of the Metropolitan Land Planning Act; confirms to the metropolitan

Resolution Adopting the 2040 Comprehensive Plan

Page 2

system plans for transportation (including aviation), water resources, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions and affected special districts and schools districts; and

WHEREAS, the 2040 proposed Comprehensive Plan includes all revisions made during the review process and responds to additional advisory comments that are part of the Metropolitan Council's actions authorizing the City of White Bear Lake to place its proposed 2040 Comprehensive Plan into effect; and

WHEREAS, the Metropolitan Council approves the City of White Bear Lake's Comprehensive Sewer Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the 2040 Comprehensive Plan, including the Comprehensive Plan, is adopted and is effective as of the date of this resolutions. The requested variance may impair an adequate supply of light and air to adjacent property.

BE IT FURTHER RESOLVED that, pursuant to sections 473.864 and 473.865 of the Metropolitan Land Planning Act, the City of White Bear Lake will:

1. Review its fiscal devices and official controls;
2. If necessary, amend its fiscal devices and official controls to ensure they do not conflict with 2040 Comprehensive Plan or permit activity in conflict with metropolitan system plans; and
3. Submit amendments to fiscal devices or official controls to the Metropolitan Council for "information purposes."

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

December 24, 2020

Anne Kane
Community Development Director
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

RE: **City of White Bear Lake 2040 Comprehensive Plan - Notice of Council Action**
Metropolitan Council Review File No. 22494-1
Metropolitan Council District 11

Dear Ms. Kane:

The Metropolitan Council reviewed the City of White Bear Lake's Comprehensive Plan (Plan) at its meeting on December 23, 2020. The Council based its review on the staff's report and analysis (attached).

The Council found that the City's 2040 Plan meets all Metropolitan Land Planning Act requirements; conforms to the regional system plans including transportation, aviation, water resources management, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions.

In addition to the Advisory Comments and Review Record, the Council adopted the following recommendations.

1. Authorize the City of White Bear Lake to place its 2040 Comprehensive Plan into effect.
2. Revise the City's sewer-serviced forecasts upward as shown in Table 2.
3. Advise the City that:
 - a. The MPCA re-issued the MS4 General Permit to the City on November 16, 2020. The City's Stormwater Pollution Prevention Program and the Surface Water Management Plan need to be reviewed to determine if any changes are needed to meet the conditions of the reissued permit.
 - b. The City's adopted engineering design standards for stormwater management (or a summary of them) need to be included in the Surface Water Management Plan.
 - c. The City needs to add the projects listed in the 5-year (2019-2023) Capital Improvement Program (CIP) under the heading "Surface Water Fund" as well as the highest priority implementation actions for the subsequent five years, to the Surface Water Management Plan to form the CIP required by Minnesota Rules.
 - d. The recommended actions as fully described within this report for the Surface Water Management Plan must be complete prior to final 2040 Plan submittal to the Council.
4. Advise the City to implement the advisory comments in the Review Record for Forecasts, Land Use, and Water Supply.

5. Approve the City of White Bear Lake's Comprehensive Sewer Plan.
6. Advise the City that:
 - a. The Plan states that the City is considering a project that would enable the phase-out of its existing lift station No. 13 that would result in a redirection of flow to a different location of the regional wastewater system. Prior to project implementation, the City will need to submit to the Council for further review and evaluation, additional information and data related to the project.
 - b. Once the City amends and adopts Ordinances 402 to require the disconnection of existing clear water connections to the sanitary sewer system, the City shall submit a copy of the ordinance and adopting resolution to the Council for the Council's records.

Please consult the attached staff report for important information about the City's next steps. Of particular importance are the Council's actions, listed on page 1, general Advisory Comments listed on page 3, and the specific comments for technical review areas, which are found in the body of the report. The final copy of the Plan needs to include all supplemental information/changes made during the review.

Congratulations on completing this important project. It was a pleasure to work with the City's staff and consultants throughout the review process.

Sincerely,

Handwritten signature of Angela R. Torres in black ink, followed by the text "for:".

Angela R. Torres, AICP, Manager
Local Planning Assistance

Attachment

cc: Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division
Susan Vento, Metropolitan Council, District 11
Raya Esmaeili, Principal Reviewer
Reviews Coordinator

N:\CommDev\LPA\Communities\White Bear Lake\Letters\White Bear Lake 2020 2040 CPU Post Council Action 22494-1.docx

City Responses to Metropolitan Council Incompleteness Comments

Comment	City Response
<p>Regional Parks and Trails</p>	
<p><i>Required</i></p>	
<p>The Plan must accurately describe, map, and label the Lake Links Regional Trail and clearly differentiate regional portions of the Lake Links network from local portions.</p>	<p>So noted.</p>
<p>• On page 4-67, in the third paragraph under “Trails: Bruce Vento and Lake Links”, the Plan needs to differentiate between the regional and local portions of the Lake Links Trail network. As the Lake Links Trail Network Master Plan and the City of White Bear Lake’s 2015 System Statement indicate, the regional trail portion of the Lake Links network travels along the northwest and northern portion of the lake. Regional portions of the Lake Links network in White Bear Lake are shown in red in the Master Plan. Local portions of the Lake Links network in White Bear Lake – on the west and southwest sides of the lake, south of Highway 96 – are shown in blue.</p> <ul style="list-style-type: none"> o Lake Links Trail Network Master Plan: https://www.whitebearlake.org/sites/default/files/fileattachments/parks_and_recreation/page/7561/lake_links_trail_master_plan.pdf o City of White Bear Lake System Statement: https://metrocouncil.org/Communities/Planning/Local-Planning-Assistance/System-Statements/System-Statements/02397299_WhiteBearLake_2015SS.aspx 	<p>Language to differentiate between regional segments and local segments of the Lake Links Trail has been incorporated into the revised text on page 4-67.</p>
<p>• Similar to the above point, on page 6-113, in the fourth paragraph under “Northeast Metro Area Parks and Regional Trails Map (Figure 6.4)”, the Plan needs to differentiate between the regional and local portions of the Lake Links Trail network.</p>	<p>Language to differentiate between regional segments and local segments of the Lake Links Trail has been incorporated into the revised text on page 6-113</p>
<p>• In Figure 6.2 Parks, Open Space and Trails Map, the trail labeled “Lake Ave Regional Trail” needs to be modified to read “Lake Links Regional Trail.” Further, because this is a regional trail, the trail must be depicted in red font like the Birch Lake, Bruce Vento, and Highway 96 regional trails.</p>	<p>See updated Figure 6.2 – on page 6-111 Revised trail label and regional segment depicted in red</p>
<p>• In Figure 6.4 Northeast Metro Area Parks and Regional Trails Map on page 6-114, existing and proposed trails in White Bear Lake need to be differentiated between state, regional, and local trails, consistent with the Lake Links Trail Network Master Plan and the City of White Bear Lake System Statement.</p>	<p>See updated Figure 6.4 – on page 6-114 New map differentiates between state, regional and local trails</p>
<p>Wastewater</p>	
<p><i>Required</i></p>	
<p>• Provide an electronic map or maps (GIS shape files or equivalent) showing the following information regarding the existing sanitary sewer system:</p>	<p>The City uploaded the requested shapefiles to the Met Council’s FTP site</p>

Comment	City Response
<ul style="list-style-type: none"> o Local Sanitary Lines (Gravity and Forcemain) o Local Sanitary Structures (Lift stations) o Existing connections points to the metropolitan disposal system o Future connection points for new growth, if needed o Local sewer service districts by connection point o Intercommunity connections o Proposed changes in government boundaries based on orderly annexation agreements o Location of all private and public wastewater treatment plants in the City 	<p>on October 27, 2020</p>
<ul style="list-style-type: none"> • Provide copies of intercommunity service agreements entered into with an adjoining community, or language that confirms the Council’s understanding that the communities reimburse each other for the municipal wastewater charges that each will incur by receiving flow from the adjacent community. This information is used to confirm the method this flow is accounted for in the regional flow allocation process. 	<p>The City does not currently have any intercommunity agreements for the intercommunity services provided. A description of the situation has been added to page 8-143; City agrees with current billings and no further action required per Roger Janzig.</p>
<ul style="list-style-type: none"> • Include table or tables that provide the following local system information: <ul style="list-style-type: none"> o Capacity and design flows for existing trunk sewers and lift stations. Table 8.1 shows the Lift Station Capacities but needs to also include the Total Pipe Capacity and the 2040 Design Flow for the 12” and larger sanitary sewer lines that connect to a Metropolitan Interceptor. It is also unclear whether the Future Peak Hour Inflow is the 2040 Design Flow. <ul style="list-style-type: none"> □ For local sanitary sewer lines 12” and larger that connect to a Metropolitan Interceptor, provide the 2040 design flow and pipe capacity for each connecting trunk sewer and lift station, including the percentage of the total capacity of each pipe used by 2040. o Assignment of 2040 growth forecasts of households and employment by Metropolitan interceptor facility. 	<p>Table 8.1 has been updated to reflect the requested information. The map of Figure 8.1 has been updated to match Table 8.1. Table 8.3 has been updated to include projections broken down by decade and interceptor. See revised language stating no flow model is available due to lack of system information but City is committed to complete during next cycle. Language per Roger Janzig.</p>
<ul style="list-style-type: none"> • Describe the sources, extent, and significance of existing inflow and infiltration in both the municipal and private sewer systems. <ul style="list-style-type: none"> o Include the measured or estimated amount of clearwater flow generated from the public municipal and private sewer systems. For quantifying I/I, some communities have used the EPA guidance to determine the annual I/I and peak month I/I https://www3.epa.gov/region1/sso/pdfs/Guide4EstimatingInfiltrationInflow.pdf 	<p>See revised language and I/I estimations in plan as per met Council flow monitoring data and calculations as requested.</p>
<ul style="list-style-type: none"> • For new trunk sewer systems that require connection to the Metropolitan Disposal System, include a table that details the proposed time schedule for the construction of the new trunk sewer system. 	<p><i>See revised language stating no proposed new connections to the system.</i></p>
<ul style="list-style-type: none"> • Provide an electronic map or maps (GIS shape files or equivalent) showing the following information: 	<p>The City uploaded the requested</p>

Comment	City Response
<ul style="list-style-type: none"> o Location of sub-surface sewage treatment systems o Location of nonconforming systems or systems with problems 	shapefiles to the Met Council’s FTP site on October 27, 2020
<ul style="list-style-type: none"> • Provide a map including the locations of all Subsurface Sewage Treatment Systems (SSTS) and Community Wastewater Treatment Systems operating in the City. A list of SSTS addresses is acceptable. 	<i>Map provided in plan as requested.</i>
<p>Transportation</p>	
<p><i>Required</i></p>	
<p><u>2040 Traffic Forecasts</u> The Plan must map forecasted 2040 traffic volumes using the Council’s model or another method with approval from Council forecasting staff. Figure 5.5’s title indicates forecasted volumes, but the map legend only indicates existing volumes.</p>	<p>The Metropolitan Council forecasting staff are running a model for the City to establish traffic forecasts. It is assumed this model will be available later this week.</p>
<p><u>Transit</u> The Plan must identify the existing transit advantages along I-35E including MnPASS and bus-only shoulder lanes.</p>	See new and expanded text on Page 5-91 Inserted additional language regarding transit improvements and advantages
<p><i>Advisory</i></p>	
<ul style="list-style-type: none"> • The Plan states on page 4-64 that additional public transportation options are required to meet the demands of Century College’s planned enrollment growth. It must be noted that Metro Transit does not have resources available to add service to/from Century College at this time but can discuss any potential improvements if additional funding for transit operations becomes available. Network Next (an update to the previous Service Improvement Plan) is the likely location for any potential new routes or route improvements within White Bear Lake. 	See revised language on page 4-64 encourages continued dialogue with Metro Transit and the appropriate avenue to secure new routes or route improvements
<ul style="list-style-type: none"> • Table 5.5 White Bear Lake - Transit Market Areas Description on page 5-89 should remove the “or III” in the first column, second row. The City is only within the Emerging Market Area II overlay. 	Revised table to remove reference to Emerging Market Area III
<ul style="list-style-type: none"> • The “Rush Line Connector Bus” is no longer being pursued by the Rush Line project led by Ramsey County and should be removed from the Figure 5.9 Current Transit Map on page 5-90. 	Revised map to reflect correct route configuration.
<ul style="list-style-type: none"> • Table 5.6 White Bear Lake - Bus Service on page 5-91 should include Route 270. 	Corrected table to include to Route 270 (rather than Route 272).
<ul style="list-style-type: none"> • More information should be provided to describe Transit Link and Metro Mobility on page 5-91. <ul style="list-style-type: none"> o For Transit Link: The Metropolitan Council funds/contracts with local governments and private companies to provide county-based general public dial-a-ride service, known as Transit Link. Any description of Transit Link service should clarify that Transit Link is the Twin Cities’ shared dial-a-ride service for the general public and is available within the Twin Cities metro area where regular fixed-route transit service is more than a 1/2 mile away (1/4 mile in winter). Transit Link is for trips that can’t be accomplished on regular transit routes alone. More information about Transit Link can be found at: 	See new and expanded text on Page 5-91 Included expanded description of Transit Link and Metro Mobility

Comment	City Response																									
<p>https://metro council.org/Transportation/Services/Transit-Link.aspx.</p> <ul style="list-style-type: none"> o More information about Metro Mobility, for those that meet the qualifications, can be found at https://metro council.org/Transportation/Services/Metro-Mobility-Home.aspx. 																										
Forecasts																										
<i>Required</i>																										
<ul style="list-style-type: none"> • The Plan needs to assign 2020, 2030, and 2040 forecasts to transportation analysis zones (TAZs), or portions of TAZs within the City’s boundaries. While this information is included Table 5.4, the summary of TAZ forecasts does not match the Council forecasts for the Washington County portion of the City (TAZs 2327 and 2339) and the Ramsey County portion of the City (all other TAZs). The City must revise the TAZ allocations as follows: Add +94 households, +156 population and +60 employment to match the 2014 counts for the Washington County portion, specifically TAZ #2327; reduce households, population and employment by the same amounts in the Ramsey County portion of White Bear Lake. 	<p>The TAZ forecasts have been updated to reflect the break-down between counties</p>																									
<ul style="list-style-type: none"> • The Plan includes a sewer-serviced forecast table (table 8.3) in Chapter 8. This table differs from Council’s 2015 System Statement. The main difference is that the City describes all employment sites as sewer-serviced throughout the forecast period. The System Statement expected a small amount of employment was unserved. The Council will approve the sewer-serviced forecast revision, simultaneous with action on the Plan. The City-provided forecast is as follows with the revisions underlined: <p>Sewer-Serviced Forecast: White Bear Lake (served by Metro Plant)</p> <table border="1" data-bbox="121 857 995 1029"> <thead> <tr> <th></th> <th colspan="4">City’s Forecast Request</th> </tr> <tr> <th></th> <th>2010</th> <th>2020</th> <th>2030</th> <th>2040</th> </tr> </thead> <tbody> <tr> <td>Population</td> <td><u>23,750</u></td> <td><u>24,258</u></td> <td>25,000</td> <td>25,800</td> </tr> <tr> <td>Households</td> <td><u>9,925</u></td> <td><u>10,482</u></td> <td>11,200</td> <td>11,700</td> </tr> <tr> <td>Employment</td> <td><u>11,269</u></td> <td><u>12,000</u></td> <td><u>12,300</u></td> <td><u>12,500</u></td> </tr> </tbody> </table>		City’s Forecast Request					2010	2020	2030	2040	Population	<u>23,750</u>	<u>24,258</u>	25,000	25,800	Households	<u>9,925</u>	<u>10,482</u>	11,200	11,700	Employment	<u>11,269</u>	<u>12,000</u>	<u>12,300</u>	<u>12,500</u>	<p>Noted, City will proceed with the revision throughout the plan</p>
	City’s Forecast Request																									
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<i>Advisory</i>																										
<ul style="list-style-type: none"> • Council staff recommend that the City add or subtract the same amounts (94 households, 156 population and 60 employment) for the 2020, 2030, and 2040 timepoints as well. However, if the City prefers a slightly different allocation, the Council can adjust its 2020, 2030, and 2040 forecasts for the Washington County portion and Ramsey County portion of the City. 	<p>Noted, numbers have been slightly adjusted to accommodate the shift, but not in all cases</p>																									
<ul style="list-style-type: none"> • The Council cannot adjust the historical counts for years 2010-2019. 	<p>Noted. No changes needed.</p>																									
Land Use																										
<i>Required</i>																										
Future Land Use																										
<ul style="list-style-type: none"> • Land use information must be consistently shown across the Plan. Future Land Use categories that are included in Table 2.2 2040 Future Land Use need to match those shown on Figure 2.2 2040 Future 	<p>Inserted two new categories to Figure 2.2 Legend on page 2-28:</p>																									

Comment	City Response
<p>Land Use Map, and references in the text of the Plan. The two categories of Right-of-Way and Water and Wetlands are incorporated in the Table but not shown on the map or included in the narrative.</p>	<ul style="list-style-type: none"> • Right-of-way (white) • Water & Wetlands (light blue) <p>Added two new land use descriptions into the narrative on page 2-31:</p> <ul style="list-style-type: none"> • Right-of-way • Water & Wetlands
<ul style="list-style-type: none"> • Acreage information included in Table 2.2 2040 Future Land Use needs to match those included in the legend of Figure 2.2 2040 Future Land Use map, or an explanation needs to be included to explain the discrepancy. 	<p>Removed acreage from Legend in Figure 2.2</p>
<ul style="list-style-type: none"> • The mixed-use categories need to clearly define an expected share of the residential uses, that is greater than zero. The TOD Mixed Use category defines a 50 to 100 % residential share, depending on the project. It must be noted that when a range of expected share is used, the low end of the range will be considered in calculating the overall density of development within the City, in this case 50% residential. Subsequently, it must be noted that the information presented in Table 2.5 Potential Residential Unit Phasing does not reflect the similar analysis by Council staff, since the table shows the percent residential of TOD Mixed Use as 70% instead. 	<p>Table 2.5 has been updated to reflect the 50% minimum; Tables 3.7 and 3.8 have also been updated to reflect this change as it impacts affordable housing allocation calculations</p>
<p><u>Staged Development and Redevelopment</u> The Plan needs to identify where forecasted residential growth will happen on the Future Land Use Map. It needs to map the land areas that are available or likely to be available for redevelopment, infill development, or new development in the City.</p>	<p>See attached Development Phasing Map, which anticipates a percent of each development phase would develop each decade and used to calculate the acreage and unit range for Tables 2.4 and 2.5 (<i>Please do not include this map in Appendix due to political sensitivity of assumptions</i>)</p>
<p><i>Advisory</i></p>	
<ul style="list-style-type: none"> • The Plan acknowledges the Suburban community designation of the City and includes a list of other neighboring communities with the same designation on page 1-8. Council staff recommend also including Birchwood Village, Oakdale, and White Bear Township to make a complete list. 	<p>Revise list on page 1-8 of neighboring communities with same Suburban designation to include Birchwood Village, Oakdale and White Bear Township</p>
<ul style="list-style-type: none"> • The Rush Line is within the City's boundaries with four stations of Downtown White Bear Lake, Whitaker Street, Cedar Avenue, and Buerkle Road. However, at the time of issuing the 2015 System Statements, Rush Line was still part of the Increased Revenue Scenario Transitway System Investments. However, the 2018 update to the TPP shows Rush Line as within the Current Revenue Scenario. When updated System Statements are issued, the City will need to make this change to the Plan. Therefore, Council staff recommend including the below required transitway information now in 	<p>See revised language related to the Rush Line Transit corridor, planned land uses and minimum densities around future transit station locations on page 2-25</p>

Comment	City Response
<p>order to avoid a comprehensive plan amendment in the future. The following changes would also be needed in order to reflect the most current TPP, if the City wishes to include this information now.</p> <ul style="list-style-type: none"> o While the Plan includes a brief discussion about the Rush Line, the Plan mentions (page 2-25) that the Rush Line is not part of the original 2040 TPP Current Revenue Scenario. This statement needs to be corrected to accurately represent that the Rush Line is in fact one of the Transitway expansions assumed to be funded within the Current Revenue Scenario (2040 TPP, Chapter 6, page 59: https://metro council.org/Transportation/Publications-And-Resources/Transportation-Planning/2040-Transportation-Policy-Plan-(2018-version)-(1)/2018-Transportation-Policy-Plan-Update/Chapter-6-Transit-Investment-Direction-and-Plan.aspx). o Since the Rush Line BRT is a planned dedicated transitway within the City, the Plan must include additional information about development within the future station areas of the four stations. The Plan needs to provide specific information about minimum average net densities near the transit stations, which must meet an average minimum density of 20 units per acre (https://metro council.org/Handbook/Files/Resources/Fact-Sheet/LAND-USE/Density-and-Activity-Near-Transit.aspx). 	
<p>Surface Water Management</p>	
<p><i>Required</i></p>	
<p>The Plan needs to include a Local Water Management Plan (LWMP) that was required by Minnesota Rules Chapter 8410 to be revised in 2017 or 2018. The City needs to submit the LWMP for review to both the Council and the four watershed organizations that the City is part of for approval. At that point, under separate statute, Council staff have 45 days to review the LWMP. Any concerns identified in that separate review, will need to be addressed prior to Council staff considering the Plan complete for review.</p>	<p>City Council is scheduled to review and approve WBL’s LWMP at its meeting on Nov 10th and planned submittal to the four watershed organizations and Met Council on November 11th</p>
<p><i>Advisory</i></p>	
<p>The final Plan will need to incorporate the final LWMP. As part of the final Plan submittal, the Council requests that the City provide the dates that the Vadnais Lake Area Watershed Management Organization, and the Ramsey Washington Metro, Rice Creek and Valley Branch Watershed Districts approved the LWMP, and the date the City adopted the final LWMP.</p>	<p>City will provide the dates of approval of the four watershed districts and final adoption by City Council</p>
<p>Implementation</p>	
<p><i>Required</i></p>	
<p>While the Plan includes a section on Official Controls on page 9-156 and mentions that they can be found within the City’s Code of Ordinances, a brief description of these official controls needs to be included within the implementation chapter of the Plan.</p>	<p>See revised page 9-156 in the Implementation chapter that has been expanded to include land uses created in this Plan, including new zoning district designations that will need to be prepared</p>

Comment	City Response
<i>Other Advisory Information</i>	
<p><i>Housing</i></p> <p>Livable Communities Act (LCA) program re-enrollment deadlines are fast approaching. Participation requires that the 2040 Plan is authorized by the Metropolitan Council and that the Plan is consistent with Council policies for the City to be eligible.</p> <p>It is important to remember that Council staff cannot calculate the affordable and life-cycle housing goals until the City's Plan has been deemed complete for review. Housing goals need to be locally adopted by resolution by November 15, 2020.</p> <p>In order to meet the 2021 LCA participation deadlines, the City's Plan needs to be reviewed and recommended for authorization no later than the December 7, 2020 Community Development Committee meeting and subsequently authorized by the Metropolitan Council at its December 16, 2020 meeting.</p> <p>The City can re-enroll for future funding cycles if it is not possible to meet these timelines.</p>	<p>City Council is scheduled to adopt the City's Affordable and Life-Cycle Housing Goals at its meeting on November 10th</p>

CITY COUNCIL MEETING SUMMARY

May 11, 2021

APPROVAL OF MINUTES – Approved

A. Minutes of the Regular City Council Meeting on April 27, 2021

APPROVAL OF THE AGENDA – Approved

VISITORS AND PRESENTATIONS

A. Shallow Lakes and Alum – Joe Bischoff and Greg Wilson, Barr Engineering

Joe Bischoff provided a presentation focusing on: providing information on shallow lake ecology and management, background on sediment-phosphorus release in shallow lakes, and alum as a management tool in shallow lakes.

City Manager Hiniker explained that, at the next City Council meeting, the Council will hear more about the science behind aquatic vegetation management in shallow lakes.

PUBLIC HEARINGS – Nothing scheduled

LAND USE – Approved

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by the Patty Flanagan for a variance at 3562 Highland Avenue. (Case No. 21-8-V). **Resolution No 12770**
2. Consideration of a Planning Commission recommendation for approval of a request by James Mattson for a variance at 3444 White Bear Avenue. (Case No. 21-9-V). **Resolution No 12771**
3. Consideration of a Planning Commission recommendation for approval of a request by Matthew and Andrea Hare and Jacqueline Mager for a recombination subdivision at 3465 White Bear Avenue and 1996 Elm Street. (Case No. 21-1-LS). **Resolution No 12772**

B. Non-Consent

1. Consideration of a Planning Commission recommendation for denial of a request by Bree LLC for a variance at 4701 Banning Avenue. (Case No. 21-7-V). **Resolution No. 12773**
2. Consideration of a Planning Commission recommendation for approval of a request by the 3881 Property Group for a Conditional Use Permit at 3881 Highland Avenue (Case No. 21-5-CUP). **Resolution No. 12775**

UNFINISHED BUSINESS – Approved

- A. Resolution reaffirming 2021 bond sale amount and changing date for consideration of proposals. **Resolution No. 12776**

ORDINANCES – Nothing scheduled

NEW BUSINESS – Approved

- A. Resolution authorizing Mayor and City Manager to execute Stellmacher Park parking lot Lease Agreement for 3881 Property Group. **Resolution No. 12777**
- B. Resolution approving amendments the Traffic Control Policy. **Resolution No. 12778**

CONSENT – Approved

- A. Resolution authorizing continued Joint Cooperative Agreement in the Ramsey County CDBG & HOME Programs. **Resolution No. 12779**
- B. Resolution accepting bids and awarding contract for the 2021 bituminous seal coating project, City Project No. 21-02. **Resolution No. 12780**
- C. Resolution authorizing grant agreement with Rice Creek Watershed District for Matoska Park shoreline repair. **Resolution No. 12781**
- D. Resolution authorizing grant agreement with Rice Creek Watershed District for the Matoska Park parking lot stormwater treatment structures. **Resolution No. 12782**
- E. Acceptance of Minutes: March Park Advisory Commission, March Environmental Advisory Commission, April Planning Advisory Commission
- F. Resolution authorizing use of Railroad Park. **Resolution No. 12783**

DISCUSSION – Nothing scheduled

COMMUNICATIONS FROM THE CITY MANAGER

- Work Session announced for Tuesday, May 18 at 6:00 p.m. to review the City's Long Range Financial Management Plan and its Capital Improvement Plan, along with information on the newly released American Rescue Plan.
- Filings will be open Tuesday, May 18 through Tuesday, June 1 for the positions of Mayor, Ward 2 and Ward 4, the notice of which was provided in the Spring City Newsletter and in the White Bear Press (April 28, 2021).
- Assistant City Manager Rick Juba will manage the next City Council meeting in the City's Manager's absence.
- City Engineer / Public Works Director Paul Kauppi
 - Annual hydrant flushing is underway (going north to south) this week and water may be tinged in color as a result.
 - The Matoska Dog Beach shoreline restoration is complete, however, traffic should be avoided until new grass germinates.

- Community Development Director Anne Kane
 - The second Housing Task Force Committee meeting and the first community forum will be held on the evening of Thursday, June 10.

ADJOURNMENT – 8:44 p.m.

Park Advisory Commission Meeting Minutes

MARCH 18, 2021

6:30 P.M.

WEBEX MEETING

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

AGENDA TOPICS

1. CALL TO ORDER

The meeting was called to order at 6:31 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from January 21, 2021 was moved by Mark Cermak and seconded by Ginny Davis.

3. APPROVAL OF AGENDA

Approval of the March 18, 2021 agenda was moved by Bryan Belisle and seconded by Victoria Biehn with the addition of 5.D Park Inspections.

4. UNFINISHED BUSINESS

a) Update on Matoska Gazebo

Andy Wietecki gave a brief update. The architectural specifications and plans are being reviewed by the Building Department for a permit. The 2nd floor roof and columns will be removed to preserve them and keep some of the original components. The roof will be then set back into place once the lower level work is complete. The upper floor will be rebuilt out of diamond plate with aluminum pickets replacing the plastic pickets that are easily broken by skate boards. LED lights will be added on both the upper and lower level. The goal is to have the project completed by July 1st.

Bill Ganzlin questioned if the cost of the project will stay within the donation. Both Paul Kauppi and Andy Wietecki believed it would be right around the donation cost. Mark Cermak asked if there would be plaque dedicating the remodel to the donors. The donor wishes to remain anonymous so there will not be a dedication plaque. Anastacia Davis suggested signage be created that tells the unique story of the gazebo's past. Andy Wietecki will relay that idea to the Gazebo Committee.

5. NEW BUSINESS

a) Arbor Day Planning

Andy Wietecki discussed his Arbor Day ideas with the Park Advisory Commission. Andy suggested an Arbor Day event with the Park Advisory Commission as the volunteers to keep it smaller due to Covid-19 restrictions. He has two projects in mind. The main project would be at Ebba Park planting 4-6 trees along the southern property line abutting the Water Treatment facilities fence. A bunch of ash trees were removed in 2020 to prepare for this event. The second project would be planting a pollinator garden at Lakewood Hills Park off the trail by the upper parking lot. The City started this project last year by tilling and killing the grass and weeds to ensure the pollinator seeds won't be overtaken by weeds. Public Works staff will be planting the pollinator seeds.

The Park Advisory Commission members voted to keep the event on their regular Thursday night meeting night instead of the typical Saturday Arbor Day Celebration.

b) Emerald Ash Borer Treatment Plan for 2021

Andy Wietecki reported to the Parks Advisory Commission on the City's EAB treatment plan for 2021. This year boulevard treatments will resume. In response to a Bill Ganzlin's question regarding the state of Ash trees in White Bear Lake, there have been many ash trees declining fast. The City is choosing the trees that need to be removed by the severity of the decline. It is too costly to remove all the declining trees.

c) Memorial Beach Retaining Wall in House Designs

Andy Wietecki explained that the major park project for this coming summer is addressing the hill at the beach. The City allocated the entire parks budget for this year to this project not knowing the exact costs. Andy reported that he is confident that the retaining wall project won't use up the entire parks budget and there should be monies for a few smaller projects. In response to Bryan Belisle's question if the retaining wall was needed and if there are other projects that should be given priority, Andy reported that the 10 year budget has been set and reflects the priorities in our parks system. The City has placed an emphasis on this project to finish this park area between West and Memorial Beach. It is the City's most heavily used park and the erosion and maintenance issues need to be corrected to enhance the area.

Andy Wietecki and one of the City Engineering Technicians have been working together to prepare an in-house design of the proposed two different styles. One of the designs has stairs and one is without stairs. The Park Advisory Commission unanimously decided stairs and tiered wall was the preferred option. The Commission would like to see the wall be constructed of boulders to match the current wall and natural stone steps with a railing coming from the trail.

In addition to excitement from the entire Commission, Anastacia stated that she thinks this is really going to add to the area and with people visiting from all over this will be a good extension of our City.

Andy Wietecki reported that the next step in the project was getting designs done by either landscape contractors or landscape architects. The designs will be engineered to hold the road and trail back and will include two different types of stone to choose from and a couple different designs. The project will begin late summer and/or early fall so it does not interfere in summer activities. The current focus is to find a design.

d) Park Inspections

Bryan Belisle added this to the Agenda for tonight's meeting. He really enjoyed doing the park inspections last year and recommended the Commission do it again this year. Bill Ganzlin recommended that everyone visit different parks than they did last year. Bill and Andy will come up with a list and send it out to the Commission members for their assignments. Since the City is in the parks Monday - Friday from 7:00 am to 3:00 pm, Paul suggested that the Commission visit the parks during the evenings or on the weekends to see how the park is being used at those times.

6. OTHER STAFF REPORTS

None.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

The next meeting will be held on April 15, 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 Victoria Biehn.