

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

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The City of White Bear Lake Planning Commission will hold its regular monthly meeting on Monday, October 25, 2021 beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61.

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1. Call to order and roll call.
2. Approval of the October 25, 2021 agenda.
3. Approval of the September 27, 2021 Planning Commission meeting minutes.
4. **CASE ITEMS:**  
**Unless continued, these cases will go to the City Council meeting on Tuesday, November 9, 2021.**
  - A. **Case No. 21-19-V:** A request by **Brian Cox** for a two foot variance from the six foot height limit for a fence, per Code Section 1302.030, Subd.6.h.3, in order to keep five sections of eight foot tall fencing at the property located at 2323 Lakeridge Drive.
  - B. **Case No. 21-1-P & 21-2-PUD:** A request by **Jeff McDonnell / Tice Estate** for a Preliminary Plat, per Code Section 1402.020, to subdivide one parcel into six lots, and a Planned Unit Development, per Code Section 1301.070, in order to construct four twin homes at the property located at 1788 Highway 96 E.
  - C. **Case No. 21-1-CPA, 21-5-Z & 21-3-LS:** A request by **White Bear Hotel** for a Comprehensive Plan Amendment to reguide a parcel from “Medium Density Residential” to “Downtown”, a rezoning of the same parcel, per Code Section 1301.040, from R-4 – Single and Two Family Residential to B-4 – General Business, and a recombination subdivision to convey a portion of city-owned land to White Bear Hotel, all in order to construct a parking lot at the property located at 2241 8<sup>th</sup> Street. **(Continued)**.
  - D. **Case No. 99-2-Sa3 & 20-3-CUPa1:** A request by **Tside1LLC** for two Conditional Use Permit amendments, per Code Section 1303.227, Subd.4.f, to reconfigure the docks and reallocate slips between the two properties located at 4441 Lake Avenue S and 4453 Lake Avenue S. **(Continued)**.
  - E. **Case No. 21-2-Z:** A request by **Division 25, LLC** for a text amendment to the Sign Code Section 1202.040, Subd.2, to allow billboards.
5. **DISCUSSION ITEMS:**
  - A. City Council Meeting Summary from October 12, 2021.
  - B. Park Advisory Commission Meeting Minutes from August 19, 2021.

6. **ADJOURNMENT**

Next Regular City Council Meeting .....October 26, 2021  
Next Regular Planning Commission Meeting..... November 29, 2021

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
SEPTEMBER 27, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, September 27, 2021, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Ken Baltzer.

**1. CALL TO ORDER/ROLL CALL:**

MEMBERS PRESENT: Michael Amundsen (7:05 PM), Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, and Erich Reinhardt.

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: Daniel, Megan & Oliver Anderson, Sidney & Sheri Peterson, Rodney Kreuser, and Peter O’Gorman.

**2. APPROVAL OF THE SEPTEMBER 27, 2021 AGENDA:**

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

**3. APPROVAL OF THE AUGUST 30, 2021 PLANNING COMMISSION MEETING MINUTES:**

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

**4. CASE ITEMS:**

A. **Case No. 21-18-V:** A request by **Daniel Anderson** for a 3 foot variance from the 20 foot setback from a side yard for a pool and a five foot variance from the required 51.16 foot front yard setback, both per Code Section 1302.030, Subd.20.b.2.b.1 and a 2 foot variance from the 4 foot height limit for a fence in the front yard, per Code Section 1302.030, Subd.6.h.4, in order to install an in-ground pool and 6 foot tall fence at 1481 Birch Lake Blvd N.

Miller discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Daniel Anderson, 1481 Birch Lake Blvd N, applicant, stated that he is proposing a wrought iron rather than a solid privacy fence to be respectful of the neighbor’s view. He explained that the

sugar maple and play set in the area will be removed, improving the neighbor's view. He asked if it would be possible to permit a four-foot fence around a pool.

Kane replied that she believes the Zoning Code mimics the State Building Code and therefore deviation would not be possible.

In response to a question from Member Enz, Mr. Anderson stated that the fence would be dark grey to match the house. Member Enz commented that the darker the fence, the better it will blend in and reduce the impact on the neighbor.

Member Lynch wondered about the height of the existing fence. Mr. Anderson replied that it is three feet tall.

Rod Kreuser, 1469 N Birch Lake Blvd, he asked if there was any way to place the pool on the south side of the property. Kane explained that it has not been requested, so it has not be analyzed by staff.

Mr. Kreuser continued that his hot tub sits right behind where the proposed pool will be and will obstruct his view of Birch Lake. When the home was built, he agreed to let the Anderson's encroach into the viewing easement approximately four to five feet.

Mr. Anderson responded that there was a verbal agreement between the two previous property owners that no structure would be constructed in the sight line between the corner of the neighbor's garage and a basswood tree located between the pool and the house. There was never a legal document recorded against the property.

Member Baltzer closed the public hearing.

Member Lynch asked if there were any variances granted for the house. Miller confirmed that none were granted when the home was reconstructed in 2010.

Member Berry asked if the pool could be in front of the house. Miller replied that the Zoning Code states that pools are not allowed in front yards, which is why the applicant proposed it in this location.

Member Amundsen commented that the neighbor still has a view of the lake between his property lines. The applicants are not proposing anything that hinders the view directly in front of the home; it is just the angle of the property line that creates an issue.

Member Lynch does not support the variances because of the impact to the neighbors.

Member Baltzer stated that he supports to request because the wrought iron fence will allow for some visibility. Member Amundsen agreed, noting that much of the neighbor's property will retain a view of the lake.

Member Enz moved to recommend approval of Case No. 21-18-V. Member Amundsen seconded the motion. The motion was split (3-3). Member Reinhardt, Member Berry and Member Lynch opposed.

- B. **Case No. 21-10-CUP:** A request by **Sydney Peterson** for a Conditional Use Permit for an apartment building in the B-5 zoning district, per Code Section 1303.160, Subd.5.a, in order to convert the ground floor from commercial to a dwelling unit at the property located at 2218 3rd Street.

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

Member Baltzer opened the public hearing.

Sydney Peterson, applicant, noted that she has reviewed the conditions recommended by staff and spoke to the neighbor on the east about the snow removal problem, assuring him that snow will not be pushed onto his property. She stated that she plans to only have four licensed drivers on the property.

Peter O’Gorman, 2224 3<sup>rd</sup> Street, asked for confirmation that a six foot fence would be installed. He questioned the possibility of parking next to the garage. Crosby confirmed the fence will be six feet tall and stated that the applicant will need to locate the property pins to confirm there will be enough space for a parking stall. The applicant has indicated the pins were found and there is at least eight feet of space for a car to park on the west side of the garage.

Member Baltzer closed the public hearing.

Member Amundsen asked about required inspections. Crosby explained that the applicant will need to pull the permits and pay the fees before the Certificate of Occupancy can be issued.

Member Reinhardt moved to recommend approval of Case No. 21-10-CUP. Member Enz seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 99-2-Sa3 & 20-3-CUPa1:** A request by **Tside1LLC** for two Conditional Use Permit amendments, per Code Section 1303.227, Subd.4.f, to reconfigure the docks and reallocate slips between the two properties located at 4441 Lake Avenue S and 4453 Lake Avenue S. **(Continued)**

Kane explained that the White Bear Lake Conservation District (WBLCD) cancelled the meeting last week where they were going to consider a request for added dock length in the commercial bay. The applicant thought it best to table the request until the WBLCD has had the time to weigh in on dock length. Staff recommended the case be continued.

Member Lynch moved to recommend continuation of Case No. 99-2-Sa3 & 20-3-CUPa1. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

- D. **Case No. 21-2-Z & 21-5-CUP:** A request by **Division 25, LLC** for a text amendment to the Sign Code Section 1202.040, Subd.2, to allow billboards; and a Conditional Use Permit, per the amended code, to allow installation of a two-sided V-shaped dynamic billboard at the property located at 4650 Centerville Road.

Kane discussed the text amendment, noting that the applicants have signed the 60 day waiver for the actual Conditional Use Permit. Kane walked through each of staff’s recommendations for the proposed billboard additions to the sign code. She brought specific attention to the

recommendation that billboards be permitted in the P – Public zoning district to give the City the option of constructing its own billboard in the future.

In response to a question from Member Baltzer, Kane explained the last attachment in the packet was the developer’s “wish list” for the proposed text amendment to the Sign code.

Member Lynch sought clarification on how distance is measured. Kane replied that it is a circle measured from the center of the sign.

Member Amundsen asked if the 1,300 foot spacing from residentially zoned properties included multi-family and if billboards would be allowed along Highway 61. Kane answered that yes, the setback would be for all residentially zoned properties. The Pillars is not zoned residential, so the applicants proposed location for their billboard would still be allowed. She explained that the initial discussion included a one for one switch out of billboards and it was the desire to remove nonconforming billboards from elsewhere in the City. Staff and City Council would probably not support new billboards on Highway 61.

Member Enz asked how the setback is measured. Kane stated that it is measured from the edge of sign to the edge of the right-of-way.

Member Amundsen thought the distance spacing requirement should apply to all signs even those outside the City, since the reason for the spacing is to minimize distractions for drivers.

Member Lynch asked what would happen if the City put up a billboard, then another city constructs one right next to it. Kane replied that the sign would not be penalized because it went through the proper CUP process.

Member Lynch continued that he believes it might be better to not include signs outside of the City in the distance spacing requirements if they are on the other side of the highway.

Kane noted that staff will look into the spacing options and how the potential locations for billboards would be affected by the regulations of surrounding cities.

Member Enz commented that she has been observant of other dynamic billboards and does not think the eight second turnover will be as distracting as she initially thought.

Kane explained that staff is not looking for a recommendation tonight. The formal text amendment is intended to be on next month’s Planning Commission meeting agenda and thanked the Commissioners for their consideration and helpful input.

**5. DISCUSSION ITEMS:**

A. City Council Meeting Summary of September 14, 2021.

No Discussion

B. Park Advisory Commission Meeting Minutes of July 15, 2021.

No Discussion

**6. ADJOURNMENT:**

Member Amundsen moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the September 27, 2021 Planning Commission meeting was adjourned at 8:10 p.m.

DRAFT



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

4.A

## MEMORANDUM

**TO:** The Planning Commission

**FROM:** Ashton Miller, Planning Technician

**DATE:** October 21, for the October 25, 2021 Planning Commission Meeting

**SUBJECT:** Cox Variance, 2323 Lakeridge Drive – Case No. 21-19-V

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### **REQUEST**

The applicant, Brian Cox, is requesting a two foot variance from the six foot height limit for a fence in order to keep five eight foot tall sections of paneling along the side and rear property line.

### **SITE CHARACTERISTICS**

The subject site is located on the northwest corner of Lakeridge Drive and Joy Avenue. The property contains a single family home and two car attached garage.

### **ZONING**

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

### **BACKGROUND**

According to Ramsey County, the home was constructed in 1961. In November of 2019, a fence company on behalf of the property owners applied for and received a fence permit for “18 feet of 6 foot Framed Window Pane Wood Fence”. Modifications were then made in the field to increase the height to 8 feet and the number of panels from three to five. The company did not call for either a footing inspection or a final, so the excessive height of the panels were not discovered until March of 2021 by the Building Department. The current permit in place does not cover the scope of work that was completed.

### **APPLICANT'S PRACTICAL DIFFICULTY**

See applicant's narrative, which states that the elevation changes between properties make a six foot fence inadequate at providing privacy.

### **ANALYSIS**

The Zoning Code defines a fence as “any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure,” so even as individual panels, the structures are considered a fence because of its location along the property line. If the permit application that was originally submitted stated

4.A

that the panels were to be eight foot trellises, a different provision of the Zoning Code would have been applied during the plan review.

The Code allows structures like arbors and trellises in the rear yard as long as they are three feet back from the property line, however the Code is not clear on what constitutes as a trellis or how tall it can be. Fences are permitted to be up to eight feet in height when placed within the buildable area of the lot, which in this case is thirty feet from the rear property line and ten feet from the side.

The panels are open with latticework and are not a solid wall. As the applicant states, the panels only constitute a little over a quarter of the northern and western fence lines and there is space between each panel. Vining plants and other landscaping have been incorporated around the sections to soften their appearance. Because of these characteristics, staff agrees with the applicant that the panels could be classified as trellises.

The panels do not abut a right-of-way, so do not obstruct traffic. They are in the rear and side yard, between two private properties. The neighbors on both sides of the applicant's lot have written statements of support for the fencing, as has one neighbor across the street.

Given the neighbors' approval and extensive landscape screening, staff is not opposed to the height of the panels, but recommends that they be moved back three feet and that the property pins are exposed for inspection to ensure compliance with the applicable code provisions, therefore staff recommends denial of the variance as requested.

### **SUMMARY**

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

### **RECOMMENDATION**

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

1. The variance is not necessary for the reasonable use of the land or building.
2. There are no unique physical characteristics to the lot which create a practical difficulty for the applicant.
3. Granting the variance would not be in harmony with the general purpose and intent of the code – deviation from the code without reasonable justification will slowly alter the City's essential character.

### **Attachments:**

- |                                      |                             |
|--------------------------------------|-----------------------------|
| 1. Draft Resolution of Approval      | Plans (5 pages)             |
| 2. Zoning/Location Map               | 5. Lee Letter of Support    |
| 3. Original Fence Permit & Plans     | 6. Pasdo Letter of Support  |
| 4. Applicant's Narrative (2 pages) & | 7. Fischer Email of Support |



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DENYING A VARIANCE FOR  
2323 LAKERIDGE DRIVE  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-19-V) has been submitted by Brian Cox to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

**LOCATION:** 2323 Lakeridge Drive

**LEGAL DESCRIPTION:** Lot 9, Block 1, Bacchus Lakeridge, Ramsey County, Minnesota. (PID 243022330010)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF:** A two foot variance from the six foot height limit for a fence, per Code Section 1302.030, Subd.6.h.3, in order to keep five sections of eight foot tall fence panels; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on October 25, 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, after reviewing the proposal, that the City Council denies the request based on the following findings of the Planning Commission:

1. The variance is not necessary for the reasonable use of the land or building; alternative design options exist.
2. There are no unique physical characteristics to the lot which create a practical difficulty for the applicant.
3. Granting the variance would not be in harmony with the general purpose and intent of the code – deviation from the code without reasonable justification will slowly alter the City’s essential character.

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

R1-H

WHITE BEAR  
LAKE

SUBJECT SITE:  
2323 LAKERIDGE DRIVE




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

CASE NO. : 21-19-V  
 CASE NAME : Cox  
 DATE : Oct. 25, 2021

# PERMIT

## City of White Bear Lake

4701 Highway 61  
White Bear Lake, MN 55110  
651-429-8518  
www.whitebearlake.org



**Permit Type:** Zoning  
**Permit Number:** WB074343  
**Date Issued:** 11/25/2019

### Site Address: 2323 Lakeridge Dr

Lot: 9 Block: 1 Addition: Bacchus Lakeridge  
PID: 24-30-22-33-0010  
Use:



### Description:

Sub Type: Fence Construction Type:  
Work Type: New  
Description: 18' of 6' FRAMED WINDOW PANE WOOD  
FENCE Occupancy:  
Census Code: -  
Zoning:  
Square Feet: 0

### Comments:

### Fee Summary:

<u>Description</u>	<u>Amount</u>	<u>Revenue Code</u>
Zoning - Fence	\$50.00	1001.4437
<b>Total:</b>	<b>\$50.00</b>	

### Contractor:

DAKOTA UNLIMITED INC  
15953 BISCAYNE AVENUE W  
ROSEMOUNT MN 55068-0000  
(651) 423-3995

- Applicant -

### Owner:

Kay Cox  
2323 Lakeridge Dr  
White Bear Lake MN 55110--742  
(651) 472-7571

I hereby state the above information is correct & agree to comply with the City Ordinances & State Laws regulating building construction.  
Exterior of 1 & 2 family dwellings & accessory bldgs must be complete within 1 year.

Applicant/Permittee: Signature

Issued By: Signature

Office: 651-423-3995  
Fax: 651-423-3996  
www.dakotaunlimited.com  
MN License # BC131577

EST. 1986  
**DAKOTA UNLIMITED**

FENCE. GATE. RAIL. IRON. CUSTOM.

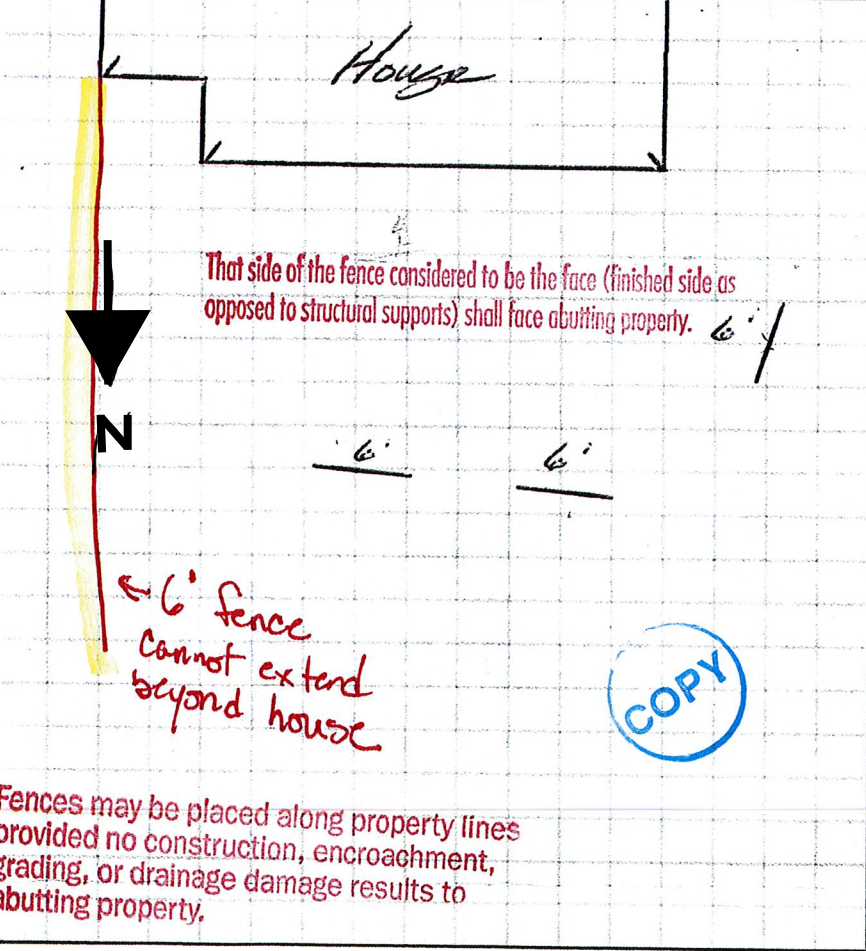
15953 Biscayne Avenue West  
Rosemount, MN 55068

Estimate Date 11-11-19  
Order Date \_\_\_\_\_

INSTALLATION ADDRESS:	BILLING ADDRESS (IF DIFFERENT)
Name <u>Kay Cox</u>	Name <u>Reviewed</u>
Address <u>2323 Lakewood Drive</u>	Address <u>For Code</u>
City <u>White Bear Lake</u> State <u>MN</u> Zip <u>55110</u>	City <u>Compliance</u> State _____ Zip _____
Phone (H) <u>651-472-7571</u> (W) ( )	Contact: By <u>JW</u>
WOOD: <u>Cedar</u>	Phone: ( ) Date <u>11/25/19</u> Email: _____
Style: <u>Framed Window Pane</u>	Board Milling: _____ Walk Gates: _____
Footage: <u>18'</u> Height: <u>6'</u>	Board Space: _____ Gate Type: _____
Posts: <u>4x4x9</u> Post Tops: _____	Trim Boards: <u>1x2s, 2x2s + 1x4s</u> Drive Gates: _____
Support Rails: <u>2x4x8</u> Boards: _____	Top Cap: <u>2x6x6</u> Drive Posts: _____
# of Rails: <u>2</u> Board Grade: _____	Lattice Type: <u>Window Pane</u> Removable Section: _____
Est. Install Date: <u>Spring 2020</u>	Lattice Size: <u>1 3/4"</u> Grid Type: _____

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Combination Job       | <input type="checkbox"/> Pool             | Permit Responsibility                      |
| <input type="checkbox"/> Sprinkler System      | <input type="checkbox"/> Private/Gas Elec | <input type="checkbox"/> Customer          |
| <input type="checkbox"/> Obstructed Fence Line | <input type="checkbox"/> Sawhorse Section | <input checked="" type="checkbox"/> Dakota |
| <input type="checkbox"/> Property Pins Visible | <input type="checkbox"/> Hard Holes       | <input type="checkbox"/> Not Needed        |

- ADD-ONS
- |  |  |
|--|--|
| <input type="checkbox"/> Dirt Haul \$ <u>53<sup>00</sup></u> | Survey \$ <u>350<sup>00</sup></u>                    |
| <input type="checkbox"/> Tear Out \$ _____                   | <input type="checkbox"/> Homeowner                   |
| <input type="checkbox"/> Disposal                            | <input type="checkbox"/> Certified Survey            |
|  | <input type="checkbox"/> Dakota Unlimited to Attempt |



- Customer to see back of contract for terms/conditions of sale.
- Customer agrees to assume all financial responsibility for repairs to damaged sprinkler system.
- Customer agrees to clear obstructions along fence lines.
- All work performed by Dakota Unlimited's specialized crews.
- Uniform spacing of sections.
- No subcontractors.
- All posts set in bell shaped concrete footings.
- Premium western red cedar with stainless steel nails.
- Custom built on site.
- Land alteration from proposed fence may not cause adverse impact upon or result in additional drainage onto abutting property

Fences may be placed along property lines provided no construction, encroachment, grading, or drainage damage results to abutting property.

## **Variance Application for 2323 Lakeridge Drive**

### **Narrative**

In 2019 discussions were held with the neighbors whose properties are adjacent to 2323 Lakeridge Drive (2311 Lakeridge Drive and 2329 Joy Avenue) on ways to improve privacy in the tightly packed yards. We proposed construction of trellises to be located inside the existing woven fences. Climbing plants would be planted so they could grow on both sides of the trellises to offer a pleasing appearance to all properties. Everyone was in agreement that well spaced trellises were preferable to a fence.

The eight foot height of the trellises was established to provide privacy when looking between the back deck of our property and the back door of our neighbor at 2329 Joy Avenue. Our house is elevated and if the trellises were any lower they would not afford the desired privacy as we would still be looking directly into the neighbor's house.

Dakota Unlimited was contracted to build the trellises and work was undertaken in late November 2019. Positive comments were received from both neighbors on the improvement to privacy and appearance afforded by the trellises.

There was no contact with the city regarding the trellises until April 2021 when a city inspector who was performing a final check on a new shed that was constructed on our property indicated that the trellises did not comply with city's height ordinance for fences.

This comment came as a complete surprise to us for two reasons:

1. The trellises had been up for 17 months. During the site inspection for the construction of our shed in November of 2020, there was no mention of any issues with the trellises.
2. The trellises were built to avoid the blockage a fence would impose on engagement between neighbors. The trellises were intended to be free-standing well separated panels to support plant growth for privacy and appearance enhancements for all properties. These positives were why trellises were chosen as opposed to a fence. As we are on a corner lot, we only have two neighbors and both were quite shocked by the inspector's comments.

The inspector suggested that we should have the contractor remove two feet off the top of each trellis to bring them into compliance. The trellises would then be 6' by 6' and look unattractive as well as not providing the effect we were aiming for.

Rather than add more cost to a project that is not a fence and has the support of all neighbors, we are seeking a variance. The trellises only occupy a small portion of the fence lines and lot lines and are clearly not a continuous structure.

### **Rationale for Gaining Approval of the Variance**

The trellises are not a fence. They are discrete panels that are well separated to allow neighbors to interact. The interaction occurs on a regular basis.

The trellises are very popular with our neighbors as indicated by their letters of support.

There are several other instances that we have noticed in the neighborhood of non-compliance such as multiple out buildings on a property on Lakeridge. From discussions with neighbors as to how this situations was allowed, we understand that when the owners supplied letters of support from their neighbors, the compliance issue went away. There are also multiple out buildings on the property at McKnight and Lilac

As well there is a free standing arbor that extends forward of the home at Mcknight and South Shore.

Like our trellises, these other neighborhood structures are visually pleasant and enhance the neighborhood. With these existing situations we trust our variance request will be approved.

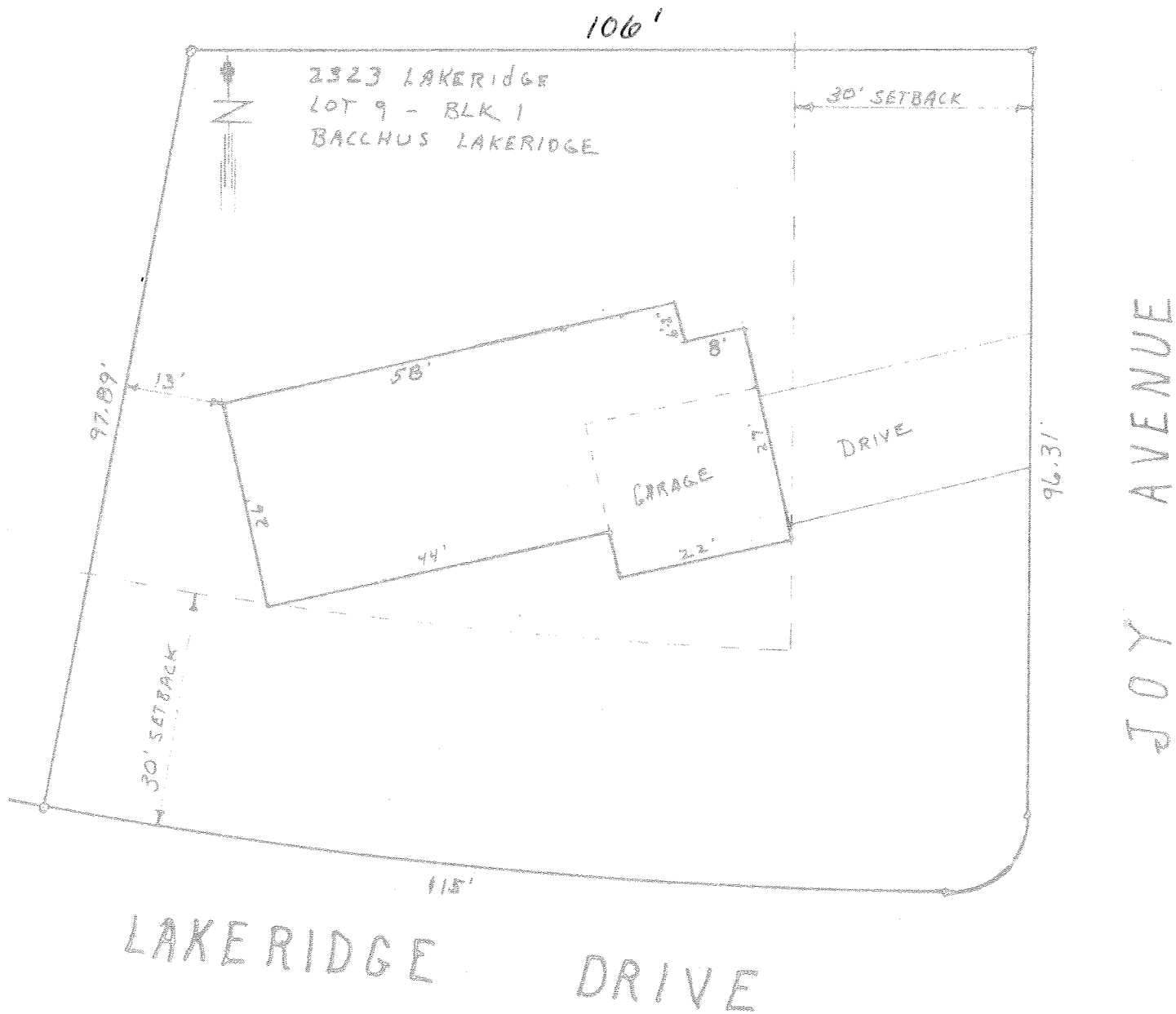
We are trying to build a strong pleasant neighborhood where everyone feels respected. That was the logic in building trellises versus a fence or planting a tall hedge or a continuous row of tall trees which would be acceptable in your standards but would not be neighborly approach. Trellises need to be viewed in a similar manner and not viewed as a fence under your planning code

Please approve this variance request and allow the trellises to stand as is.

Brian and Kay Cox  
2323 Lakeridge Drive  
White Bear Lake MN 55110

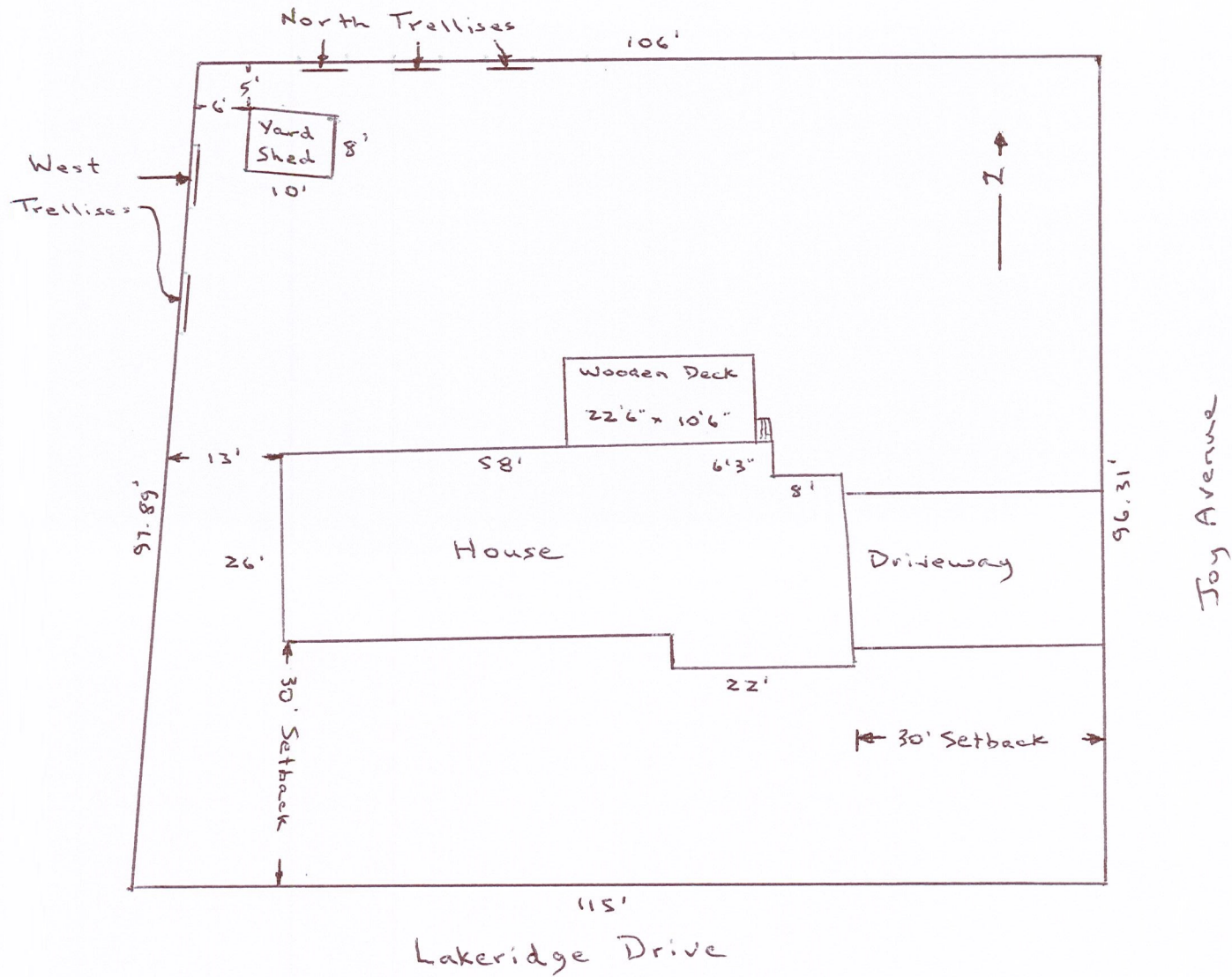
*Kay Cox Sept 14, 2021*

*Brian Cox Sept 14, 2021*





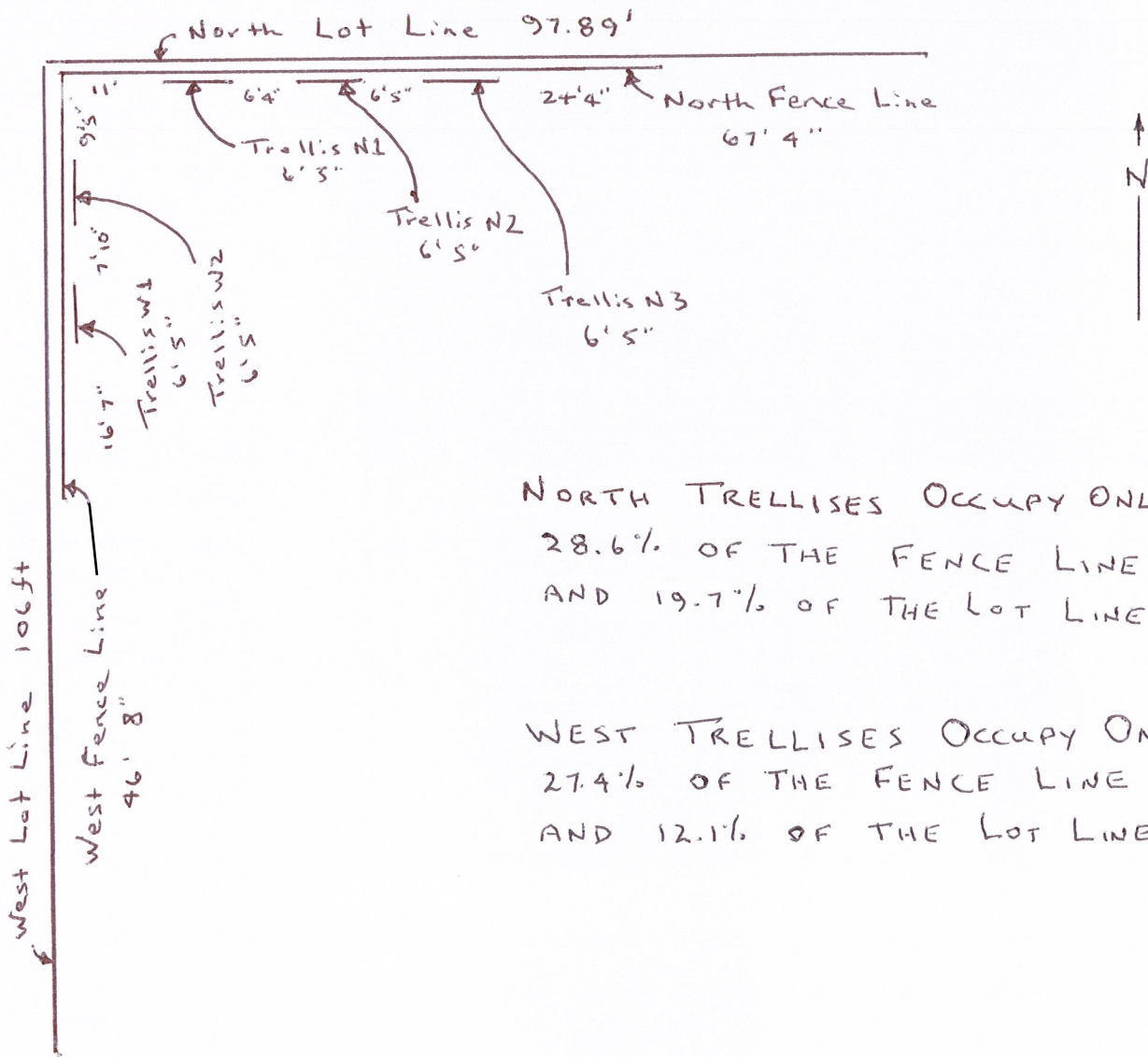
SITE DRAWING FOR  
2323 LAKERIDGE DRIVE  
LOT 9 BLOCK 1  
BACCHUS LAKERIDGE



# LOT LINE AND FENCE LINE DRAWING

FOR 2323 LAKERIDGE DRIVE

LOT 9 BLOCK 1 BACCHUS LAKERIDGE



NORTH TRELLISES OCCUPY ONLY  
28.6% OF THE FENCE LINE  
AND 19.7% OF THE LOT LINE

WEST TRELLISES OCCUPY ONLY  
27.4% OF THE FENCE LINE  
AND 12.1% OF THE LOT LINE

2323 LAKERIDGE DRIVE  
NORTH TRELLISES FACING  
REAR DECK AND ENTRY  
OF 2329 JOY AVENUE



2323 LAKERIDGE DRIVE  
WEST TRELLISES FACING  
REAR DECK AND YARD  
OF 2311 LAKERIDGE DRIVE



## Letter of Variance

In reference to adjacent property address of:  
2323 Lakeridge Avenue  
White Bear Lake, MN 55110

Friday, September 10, 2021

To Whom It May Concern:

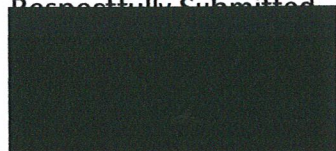
This letter is to request and substantiate the grant of a variance for residence at 2323 Lakeridge Avenue in the City of White Bear Lake, Minnesota. The Variance requested is referring to a recently erected simple structure located in the back yard area of the property, that does not meet the definition of a fence. The structure erected is a trellis that was intended to promote natural plant growth and adds privacy between neighbors. It is not a fence as there is already a fence on the property.

The trellis have really promoted healthy plant growth increasing natural wildlife and most importantly, created privacy between the adjacent properties. The design of the trellis and location of the trellis shares no common purposes of a fence. An average homeowner can clearly establish the fact that the newly erected structure is not a fence. Any citations of the trellis against the property, in terms of a fence, is an unjust violation of the property owner's rights.

Along with this variance is also requesting to expunge of any current or pending violations against this property prohibiting the erection of this structure. And to allow the structure permanently on the property.

This proposed variance of the structure does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed variance would allow the erected structure to encourage healthy and natural environmental growth and allow neighbors to enjoy greater personal privacy.

Respectfully Submitted



Chy Nou Lee, (neighbors on the other side of the trellis)  
2329 Joy Avenue,  
White Bear Lake, MN 55110  
(651) 246-2678 phone  
chynoulee@hotmail.com

White Bear Lake Zoning Commission,

I was made aware of a variance that my neighbors Brian and Kay need to submit to the city in-order to keep up their decorative trellises and would like to provide my viewpoint on these since these are very visible from our backyard. Ever since Brian and Kay moved in next to us, they have consistently updated the exterior of their home to improve curb appeal from all angles and have transformed both the front and back of their yard to look like something from an HGTV show. The trellises that were added in the back of the home are one of the first things you see when sitting on my deck in the back of our home and I truly believe they are a great addition to the aesthetics of the property. Not only do they look great, but I'm sure that the trellises will help increase my home and neighborhood's property values as they blend in wonderfully with their gardening, shed and deck to create a nice visual.

Please allow Brian and Kay to keep their trellises up as they are nothing but a great addition to our neighborhood.

Thanks

**Jeremy & Meghan Pasdo**

2311 Lakeridge Dr.

White Bear Lake, MN 55110

## Ashton Miller

---

**From:** Greg Fischer <fischer55110@gmail.com>  
**Sent:** Monday, October 18, 2021 2:19 PM  
**To:** Ashton Miller  
**Subject:** Public Hearing notice 2323 Lakeridge drive

Hello:

We live at 2341 Lakeridge Dr. and we suggest that the City Planning Commission approve the variance requested by Brian Cox; the fence is very attractive and enhances the beauty of their home and the adjacent community.

Thank you.

Patty and Greg Fischer



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## *MEMORANDUM*

**TO:** The Planning Commission

**FROM:** Samantha Crosby, Planning & Zoning Coordinator

**DATE:** October 20, 2021 for the October 25, 2021 Planning Commission Meeting

**SUBJECT:** Rose's Park View Addition - 1788 Highway 96 Case No. 21-2-PUD & 21-1-P

---

### **REQUEST**

The Tice Estate is requesting a Planned Unit Development and Preliminary Plat approval to subdivide one lot into 6: one lot for the existing single-family residence facing Highway 96, one shared lot for stormwater, and four duplex lots - for a total of 8 units. The new cul-de-sac extension of Clarence Street would be a public road. See applicant's narrative.

### **SITE CHARACTERISTICS**

The subject site is located on the south side of County Highway 96 East, just east of Columbia Park in White Bear Township. The site is 1.85 acres in size. The site contains one single-family residence. The site is extremely flat with a few mature trees scattered throughout. There is a 33 foot wide utility easement that runs north-south along the western boundary of the property and a 60 foot wide utility easement that runs east-west through the property in line with Clarence Street.

### **ZONING**

The property is zoned R-4 - Single and Two Family Residential, as are the properties to the east. The property to the south is zoned P - Public Facilities. The parcel to the west (the township park) is zoned R-2 "Urban Residential". The properties across Highway 96, to the north, are zoned R-3 - Single Family Residential.

### **BACKGROUND**

The land has not yet been platted. The current residence was constructed in 1951. There are notes in the address file about conversations with both Paul Tice and Rose Tice back in 1995 regarding the subdivision of their land. The general gist of those conversation was in regards to density. It was made clear that no matter the layout of the road or parcels, no more than 4 new lots is permitted by code. Current city staff also met with Ms. Tice a few years ago about the development potential of the property. If the Tice's had not wanted to see the land developed they could have placed covenants and restrictions on the land, but they did not.



## **COMPREHENSIVE PLAN**

The site is guided “Low Density Residential” which aims for an overall density of 3 to 9 units per acre. At 1.8 acres, that is 5 to 16 units. The proposed development would be 9 units, which is 5 units per acre – towards the bottom of the allowed density range.

## **ANALYSIS**

### *Planned Unit Development*

The development is a planned community with a homeowners association proposed to manage the maintenance of the common areas: the lawns, the driveways and, most significantly, the stormwater pond. However, this type of development (smaller, low maintenance units) is in high demand by empty nesters wanting to downsize but stay in the general area. The shared lot is the only reason for the “Planned Unit Development” part of the land use approval. If the project did not have shared amenities maintained by an association, the applicant could still create four duplex lots with a total of 8 new units.

The code provides for breaking the PUD approval down into two parts – concept stage and development stage. This project is not so complicated as to require a two-step process. Other examples of less-complex PUDs that wrapped both stages together include Hisdahl’s Trophies and the White Bear Center for the Arts. The applicant has submitted detailed, development level plans, consequently, the request is for both concept stage and development stage approval at this time.

The R-4 zoning district requires an 80 foot lot width and 5,000 square feet per unit. The subject site is 165 feet wide and, without the homestead lot or the new cul-de-sac, it is 1.03 acres in size. The site can yield 4 lots that are 82.5 feet wide and 5,610 square feet per unit; see appendix A of the applicant’s narrative. Because the applicant has proposed “envelope” lots, (they envelope the building only) the proposed lots do not meet with size or width requirements, however, that is a function of the development type. The lots are such that the residents independently own only the building footprint and they collectively own everything else, much like a condominium plat. Again, that is the reason for the PUD.

The proposed site design meets all setback requirements except for the 10 foot setback from the east property line. Staff does not support this deviation and has included a condition that the plan be revised to meet the 10 foot setback from the east property line.

### *Access / 5<sup>th</sup> Avenue Vacation*

The current county records reflect a recording error. The 5<sup>th</sup> Avenue right-of-way between the north side of Clarence Street and the north side of Whitaker Street was never vacated by the City Council. See attached memo and graphic. In short, staff is proposing to correct the issue by vacating that portion which abuts the neighboring properties but retaining the street ends for access. This issue will also be considered by the City Council on the November 9<sup>th</sup> agenda. The subject land use request is contingent upon the outcome of the access issue (see condition #6).

### *Parking / Traffic*

For duplexes, the code requires at least two rent-free spaces per unit, one of which must be fully-enclosed. The proposal meets code. Neighboring residents have expressed concern that the

parking required by code will be insufficient and fear that these residents will park on the street in front of their home. The residents of these new homes may park on the street just like everyone else, but will likely do so as close to their own home as possible; therefore, if any on-street parking is generated by this development it will likely be within the cul-de-sac. There is enough room for approximately 6 cars before parking would overflow out of the cul-de-sac.

The new public street meets all the requirements for public dedication. The development of this parcel into the proposed subdivision has been envisioned for a long time and the roadway capacity of the feeder streets are sufficient to handle the projected 58 trips per day increase in traffic generated by this project (per ITE).

Clarence Street is a narrow road - only about 22 feet wide. The reconstruction of Clarence Street is currently at the end of the 5-year CIP. Staff estimates a 2026 project, but that can change with budgets and other projects. Clarence Street will be widened at the time of reconstruction. The new street width will probably be 28 or 30 feet from face of curb to face of curb. That decision won't be made until the final design phase of the project which is typically the winter before the project.

Staff is recommending a pedestrian easement at the end of the cul-de-sac order to provide the neighborhood the right to access (by foot) the Township park. The cut-through need not be paved or plowed, but will preclude the owners of these lots from erecting a fence in this area. The path would not be labeled or be conspicuous in any other way and would probably not be known to or used by anyone other than those living in the neighborhood.

#### *Stormwater*

The stormwater run off will be directed to two new infiltration basins located on the west side of the property. Their location is due to both topography and the presence of a 33 foot wide (un-buildable) utility easement which runs north-south along the west side of the property. There is a large storm sewer line in the easement. All of Lot 2, including the infiltration basins located therein, will be blanketed by a drainage and utility easement while owned and maintained by the Homeowner's Association.

It has been mentioned that, many years ago, there was a dump in the area. It is believed that the dump was mostly on the City-owned parcel to the south of the subject site. The applicant is aware of the history and if any issues are found during construction the proper reporting and abatement procedures would be required as they would for any construction project that encounters such conditions.

#### *Tree Preservation / Landscaping*

Unfortunately, all of the trees on site must be removed to accommodate the proposed development. The applicant will need to revise the tree replacement calculation to meet code.

Section 1406.030, Subd.6 of the Subdivision Regulations requires street trees (trees planted in the city's right-of-way) at the rate of one per lot. The plans propose some trees that are very close to but not actually in the right-of-way. These would be acceptable, but they are already being counted as replacement trees, and they cannot be counted as both.

### *Utilities*

Sewer and water service mains already run east-west through the property. The main lines were extended southward from Highway 96 through the Township park, and then turned 90 degrees eastward, in line with the Clarence Street end crossing the Tice parcel to serve the single family residences on Clarence Street. These mainlines were built in the late 60's to early 70's. As a side note: had the City approved the vacation of the 5<sup>th</sup> Avenue right-of-way all the way down to Whitaker, it would have required an easement over the utilities in this area. The lack of easement is evidence that the vacated ROW is a county recording error and was never approved by the City.

### *Elevations/Floor Plans*

The homes will be 1,473 square feet of living area with two bedrooms and two bathrooms. The main entry for each unit is on the side of the homes. The exterior design, while garage forward, is space efficient and the exterior materials are modest with some decorative elements.

### *Other*

The City is asking for an escrow deposit of \$2,500 to cover the legal costs of a plat opinion and drafting/ finalizing a development agreement. This is what was required for Blustone Villas, the preliminary plat for Rooney's Farm.

### **DISCRETION**

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

The City's discretion in approving or denying both the concept stage and the development stage PUD is high. A PUD must be consistent with the Comprehensive Plan. It is up to the City to decide whether the flexibility requested from code is a reasonable trade-off for the quality of development proposed. In this case, staff is recommending denial of the only variance requested, leaving the format of the development – with envelope lots and a shared common lot as the only reason for the PUD. Staff is supportive of this format; it is a desirable both in regards to lower city maintenance and higher market demand. Similar to a CUP, the City may impose reasonable conditions it deems necessary to promote the general health, safety and welfare of the community and surrounding area.

### **RECOMMENDATION**

The project offers an opportunity to provide much-needed additional housing sites. The cul-de-sac proposal is a logical and orderly design that fits with the neighborhood and meets the requirements of the Zoning and Subdivision Codes. Consequently, staff recommends approval of the request when subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the subdivision.
2. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the City Planner with two final approved reproducible mylar copies of the plat.

3. Per Section 1402.020, Subd.6.c if within one (1) year after approving the Preliminary Plat, the applicant has not submitted a final plat, (consistent with the approved preliminary plan) the preliminary plat shall become null and void unless a petition for an extension of time has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
4. If the final plat varies significantly from the preliminary plat, Planning Commission review and comments will be required.
5. The applicant shall execute a City approved development agreement covering the construction of all public improvements and will also supply the City Planner with an irrevocable certified letter of credit.
6. The approval of this project is dependent upon the resolution of the Fifth Avenue right-of-way access issue.
7. All public utility, electrical, cable and telephone lines shall be constructed underground within easements as per Section 1405.050.
8. The applicants shall agree to re-apportion any pending or actual assessments on the original parcel or lot of record in accordance with the original assessment formula on the newly approved parcels as per the City of White Bear Lake's Finance Office Schedule for Assessment.
9. The developer must dedicate public rights-of-way and utility easements as illustrated on the preliminary plan or as approved by the City Planner and City Engineer. Easements must also include an east-west easement between the end of the cul-de-sac and Columbia Park for pedestrian access.
10. No construction permits may be issued to the applicants for improvements on this subdivision site prior to approval and recording of the subdivision's Final Plat.
11. No new construction may adversely impact the adjacent parcels with respect to drainage.
12. The site design shall be revised to meet the 10 foot setback from the east property line as required by code.
13. The project shall comply with the Fire Memo dated September 27th and the Engineering Memo dated October 7, 2021.
14. At least one tree per lot shall be planted within the right-of-way, in addition to the tree replacement requirement of the zoning code.

Prior to City Council approval of the final plat:

15. An initial escrow deposit of \$2,500 shall be established to cover outside legal costs of drafting

a plat opinion and development agreement. Actual costs may vary.

16. A development agreement shall be finalized.
17. Homeowner Association Documents shall be approved by staff. Covenants in the association documents shall reference the replaced trees shall be maintained by future owners, with an exhibit illustrating said trees.

Prior to the issuance of a building permit for ANY work on site, the applicant shall:

18. Provide proof of having executed and recorded both the Homeowner Association Documents and the final plat.
19. Submit a final grading and drainage plan to be approved prior to the issuance of a building permit.
20. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every year until released in writing by the City. The amount of the letter shall be based on a cost estimate of the outside and public improvements, to be approved by the City prior to the issuance of the letter of credit. The applicant shall also provide a timetable in which such improvements will be completed.
21. A development agreement shall be entered into prior to Council consideration of the final plat.
22. Black Locust trees are not exempt from tree replacement; the tree replacement calculation shall be revised to comply with code.

Prior to the issuance of a building permit for EACH lot:

23. A final grading and drainage plan shall be submitted for that lot. Frost footings shall be constructed 42 inches below existing grade unless otherwise approved by the Building Official.
24. Watershed District approval shall be obtained prior to issuance of a grading permit for any of the proposed lots within the subdivision.
25. The Metropolitan Council's SAC (Sewer Availability Charge) and City SAC and WAC (Water Availability Charge) for the lot must be paid.
26. Park dedication shall be collected at the time of building permit for each lot.
27. Water and sewer hook-up fees shall be collected for each new lot within the subdivision at the time that the building permit is issued for that lot.

Prior to the release of the letter of credit:

28. Any relevant terms entered into by the development agreement shall be satisfied.
29. The applicant shall provide an as-built drawing meeting the current engineering requirements for such.
30. All replacement trees must be planted and have survived one full growing season.
31. The street trees, and any other required plantings, have been installed and have survived one full growing season.
32. The applicants shall provide the City with the required the two reproducible mylar copies of the final plat.
33. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners.

**Attachments:**

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Narrative Request, dated September 13, 2021
4. Elevation Email dated September 17, 2020
5. Site Plans and Graphics ( )
6. Fifth Avenue Memo and Graphic
7. Fire Memo dated September 27, 2021
8. Engineering Memo dated October 7, 2021
9. Friend Email dated October 18, 2021
10. Samson Email dated October 18, 2021
11. GDO Law Letter dated October 20, 2021
12. Monigold Email dated October 21, 2021

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING A  
PLANNED UNIT DEVELOPMENT AND  
PRELIMINARY PLAT OF  
ROSE'S PARK VIEW ADDITION AT  
1788 COUNTY HIGHWAY 96 EAST  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-2-PUD & 21-1-P) has been submitted by the Tice Estate to the City Council requesting a Planned Unit Development (PUD) & Preliminary Plat from the City of White Bear Lake at the following site:

**ADDRESS:** 1788 County Highway 96 East

**EXISTING LEGAL DESCRIPTION:** The west ten (10) rods of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section twenty-two (22), Township thirty (30), Range twenty-two (22), except the south 3 acres thereof, according to the United States Government Survey thereof, subject to Easement for drainage ditch and roads as now established upon said premises, including easement for improvement of Highway 96, the taking now pending. (PID #: 233022220161)

**PROPOSED LEGAL DESCRIPTION:** Lots 1 through 6, Block 1, Rose's Park View Addition

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A Planned Unit Development, per Zoning Code Section 1301.070 and a Preliminary Plat, per Chapter 1400, in order to subdivide one lot into 6: one lot for the existing single-family residence, one shared lot for stormwater, and four duplex lots; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on October 25, 2021; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake after reviewing the proposal, that the PUD and Preliminary Plat abide by the intent of the City's ordinances, codes and the Comprehensive Plan, and that the developer has petitioned for or will construct all necessary improvements required by code; and

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

1. Because the project provides infill development that fits with the character of the surrounding neighborhood and the density is well below 4.2 units per acre, the proposal is consistent with the City's Comprehensive Plan and with existing and future land uses in the area.
2. The proposal conforms to the Zoning Code requirements.
3. The proposal will not depreciate values in the area.
4. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
5. Traffic generation will be within the capabilities of the streets serving the site.

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

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the subdivision.
2. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the City Planner with two final approved reproducible mylar copies of the plat.
3. Per Section 1402.020, Subd.6.c if within one (1) year after approving the Preliminary Plat, the applicant has not submitted a final plat, (consistent with the approved preliminary plan) the preliminary plat shall become null and void unless a petition for an extension of time has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
4. If the final plat varies significantly from the preliminary plat, Planning Commission review and comments will be required.
5. The applicant shall execute a City approved development agreement covering the construction of all public improvements and will also supply the City Planner with an irrevocable certified letter of credit.
6. The approval of this project is dependent upon the resolution of the Fifth Avenue right-of-way access issue.
7. All public utility, electrical, cable and telephone lines shall be constructed underground within easements as per Section 1405.050.
8. The applicants shall agree to re-apportion any pending or actual assessments on the original parcel or lot of record in accordance with the original assessment formula on the newly approved parcels as per the City of White Bear Lake's Finance Office Schedule for Assessment.



9. The developer must dedicate public rights-of-way and utility easements as illustrated on the preliminary plan or as approved by the City Planner and City Engineer. Easements must also include an east-west easement between the end of the cul-de-sac and Columbia Park for pedestrian access.
10. No construction permits may be issued to the applicants for improvements on this subdivision site prior to approval and recording of the subdivision's Final Plat.
11. No new construction may adversely impact the adjacent parcels with respect to drainage.
12. The site design shall be revised to meet the 10 foot setback from the east property line as required by code.
13. The project shall comply with the Fire Memo dated September 27th and the Engineering Memo dated October 7, 2021.
14. At least one tree per lot shall be planted within the right-of-way, in addition to the tree replacement requirement of the zoning code.

Prior to City Council approval of the final plat:

15. An initial escrow deposit of \$2,500 shall be established to cover outside legal costs of drafting a plat opinion and development agreement. Actual costs may vary.
16. A development agreement shall be finalized.
17. Homeowner Association Documents shall be approved by staff. Covenants in the association documents shall reference the replaced trees shall be maintained by future owners, with an exhibit illustrating said trees.

Prior to the issuance of a building permit for ANY work on site, the applicant shall:

18. Provide proof of having executed and recorded both the Homeowner Association Documents and the final plat.
19. Submit a final grading and drainage plan to be approved prior to the issuance of a building permit.
20. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every year until released in writing by the City. The amount of the letter shall be based on a cost estimate of the outside and public improvements, to be approved by the City prior to the issuance of the letter of credit. The applicant shall also provide a timetable in which such improvements will be completed.
21. A development agreement shall be entered into prior to Council consideration of the final plat.

22. Black Locust trees are not exempt from tree replacement; the tree replacement calculation shall be revised to comply with code.

Prior to the issuance of a building permit for EACH lot:

23. A final grading and drainage plan shall be submitted for that lot. Frost footings shall be constructed 42 inches below existing grade unless otherwise approved by the Building Official.
24. Watershed District approval shall be obtained prior to issuance of a grading permit for any of the proposed lots within the subdivision.
25. The Metropolitan Council's SAC (Sewer Availability Charge) and City SAC and WAC (Water Availability Charge) for the lot must be paid.
26. Park dedication shall be collected at the time of building permit for each lot.
27. Water and sewer hook-up fees shall be collected for each new lot within the subdivision at the time that the building permit is issued for that lot.

Prior to the release of the letter of credit:

28. Any relevant terms entered into by the development agreement shall be satisfied.
29. The applicant shall provide an as-built drawing meeting the current engineering requirements for such.
30. All replacement trees must be planted and have survived one full growing season.
31. The street trees, and any other required plantings, have been installed and have survived one full growing season.
32. The applicants shall provide the City with the required the two reproducible mylar copies of the final plat.
33. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners.

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

\*\*\*\*\*

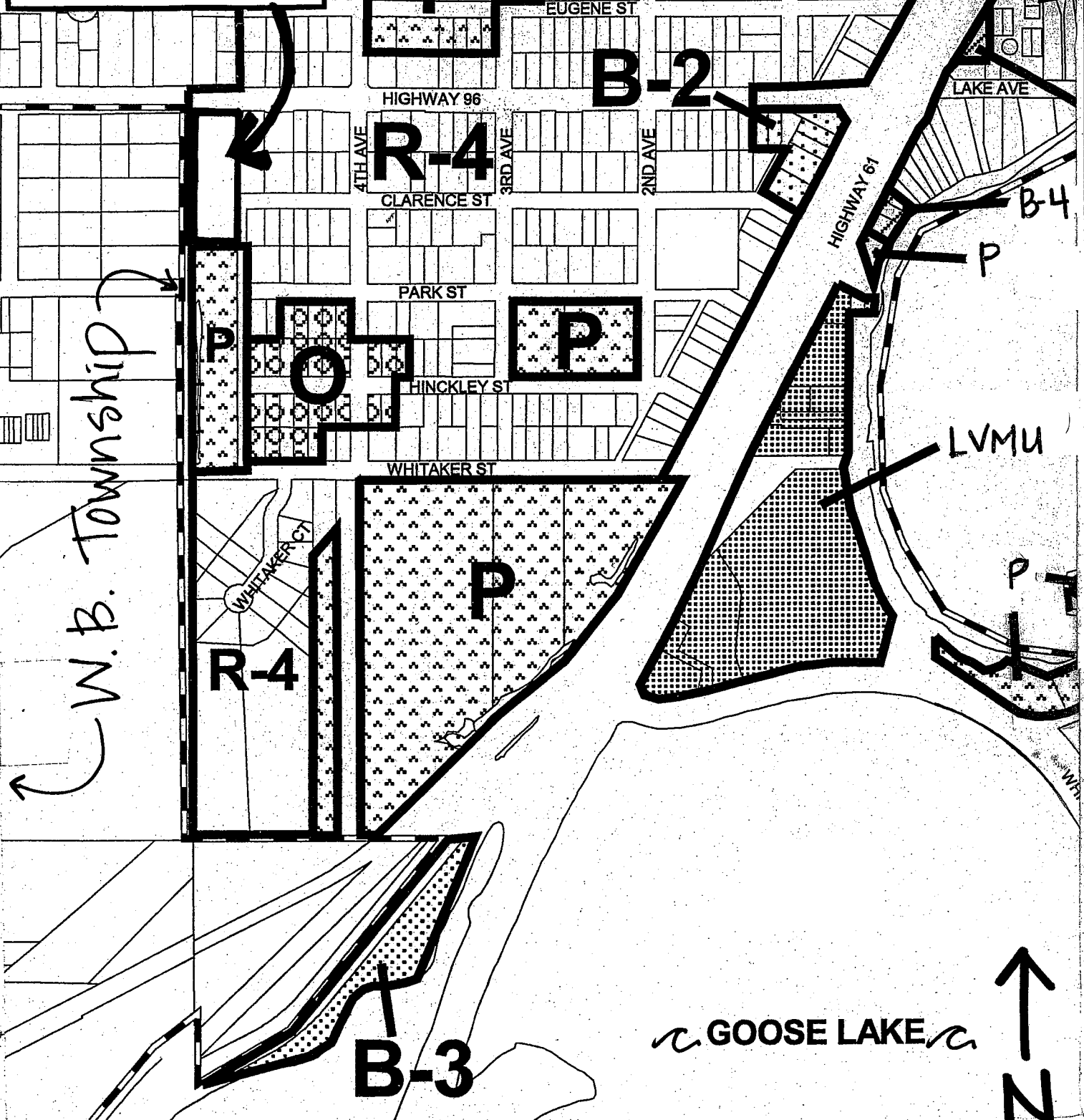
Approval is contingent upon execution and return of this document to the City Planning Office.

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

\_\_\_\_\_  
Berry Tice, Executor, Tice Estate

\_\_\_\_\_  
Date

SUBJECT SITE:  
1788 HIGHWAY 96 EAST



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

CASE NO. : 21-2-PUD & 21-1-P  
CASE NAME : Rose's Park View Addn.  
DATE : Oct. 25, 2021



# TICE-HAUSE

## DESIGN·BUILD

NEW HOMES • ADDITIONS • REMODELING

### Rose's Park View Addition White Bear Lake, Minnesota

October 20th, 2021

#### Purpose / Description

The purpose of this narrative is to describe the proposed development at 1788 East Highway 96 in White Bear Lake Minnesota. The total area of the property is 1.8 Acres. The property currently has one single family home with access off of highway 96. The adjacent land uses included Highway 96 to the north, Single Family Detached to the east and park use to the south and west.

The zoning of this parcel is R-2. It has been the goal of this project to meet all land development code requirements, plans and policies other than one variance on the on the building setback along the east property line.

#### **Request for Variance – Proposed 5 Feet Setback from 10 feet**

The parcel has had a history of R.O.W.'s being both taken and vacated. For years or decades this parcel has been planned by the City of White Bear Lake and the Tice Family to have four lots developed at the current termination of Clarence Street. There have been a variety of concept plans showing the different configurations. For example, see Appendix "A". The vacating of 5<sup>th</sup> Avenue with adjoining properties, the vacation of Dillon Street along the park and the extension of Clarence Street R.O.W across the property have defined the most reasonable configuration of 4 lots for this development.

In a standard subdivisions' design the side lot lines have 10 feet on both sides for a total of 20 feet between buildings. Because the west Right of

Way of Dillon Street pushes the lots 29 feet to the east, it severely challenges the placement of the proposed twin homes.

With this in mind this project asks for the variance to be approved.

### **A P.U.D. Development**

This project proposes to be platted as a P.U.D. with four twin homes for the property for a total of eight dwelling units. The proposed units are proposed to be 2 Bedroom, 2 Bath homes with single car garages.

The units will be marketed as single level living with a bedroom and bath on the second floor for guests. Access doors will be provided on the side of the units with additional access with concrete patios on the rear.

The project is proposing access off of Clarence Street with a termination of Clarence in a cul-de-sac with a proposed R.O.W of 60 feet and a proposed back of curb radius 45 feet and all other standard dimensions.

Stormwater holding ponds are being proposed on the north and south of the cul-de-sac and along the west property line. These ponds are intended to be planted as "rainwater" gardens and provide a natural buffer to the park. Additional landscaping along the single family homes to the north and east are also being proposed to buffer the impact of this development.

### **Facilities**

The following facilities currently serve the existing lots and are available for the proposed lots:

Storm Sewer: Provided off of the Dillon Street R.O.W.

Water: Provided off of the water main on Clarence Street

Sanitary Sewer: Provided off of existing stubs off of Clarence Street

Natural Gas: Provided off of Clarence Street

Connectivity Telephone, Cable TV & Internet: TBD

Fire Protection: City of White Bear Lake

Waste Disposal: City of White Bear Lake

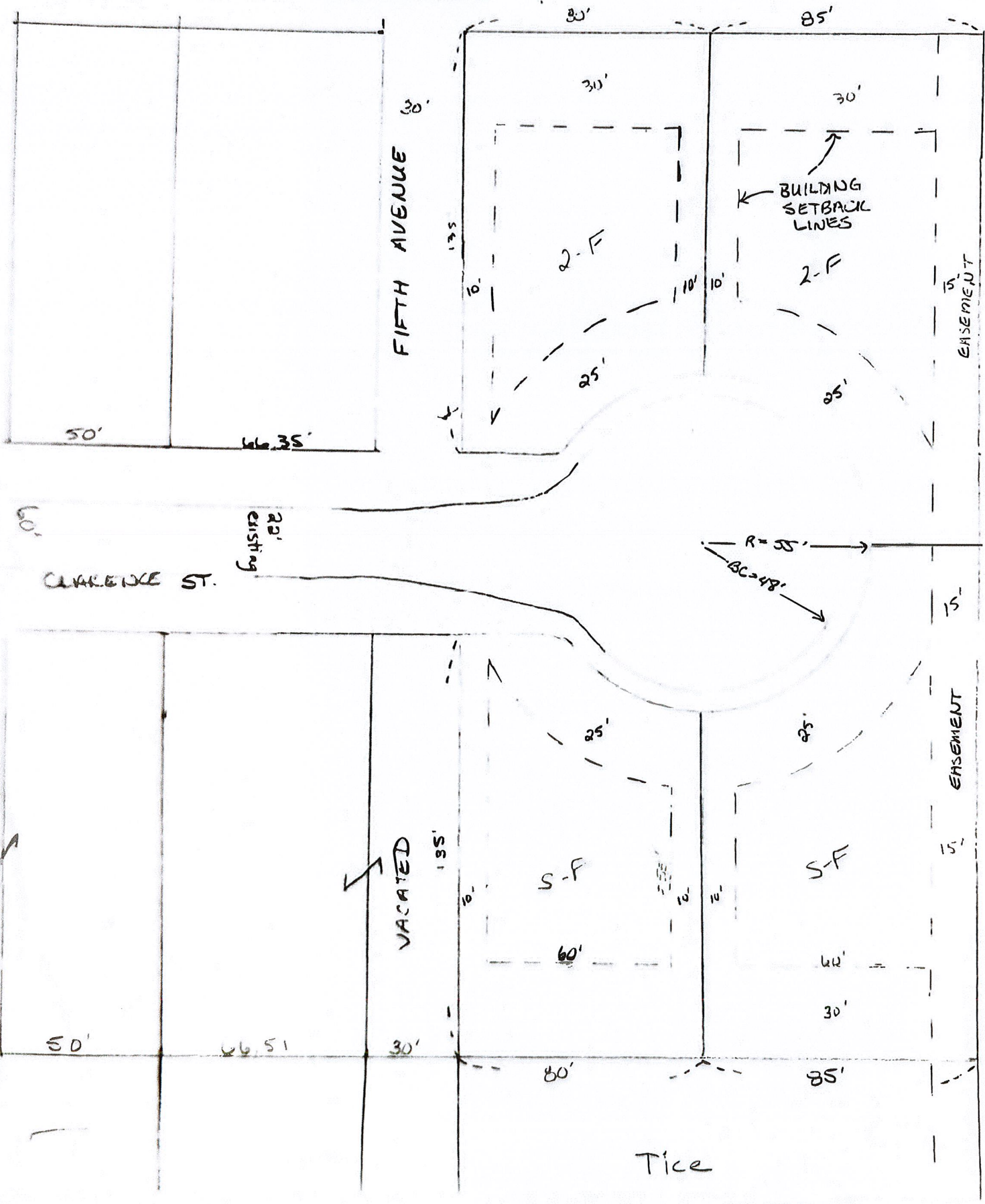
Road plowing and Maintenance: City of White Bear Lake

Post-It Fax Note	7671	Date	9/29/98	# of pages	1
To	CRAIG TICE	From	PAM D.		
Co./Dept.		Co.	CITY OF WBL		
Phone #		Phone #	612-429-9534		
Fax #	715-259-3636	Fax #			



North  
Scale 1" = 40'

# Appendix 'A'



**From:** Mac McDonell <mac@jghause.com>

**Sent:** Friday, September 17, 2021 2:31 PM

**To:** Anne Kane <akane@whitebearlake.org>; Samantha Crosby <scrosby@whitebearlake.org>

**Subject:** Updated building plan and Elevations

Anne and Sam,

Per Anne's request for building elevations to be included with the building plans I have updated the drawings for your review.

A brief description of the exterior would be mid-grade vinyl lap siding with vinyl shakes for the gables. The gables are being accented by a vertical Fypon in the center of the gable. A stone veneer will be installed on the front garage door elevations. The garage doors are leaning towards a "craftsman" feel. Windows are currently an Anderson 100 series.

Please let me know if you have any questions or if you need additional information.

**Jeff "Mac" McDonell**

Project Manager

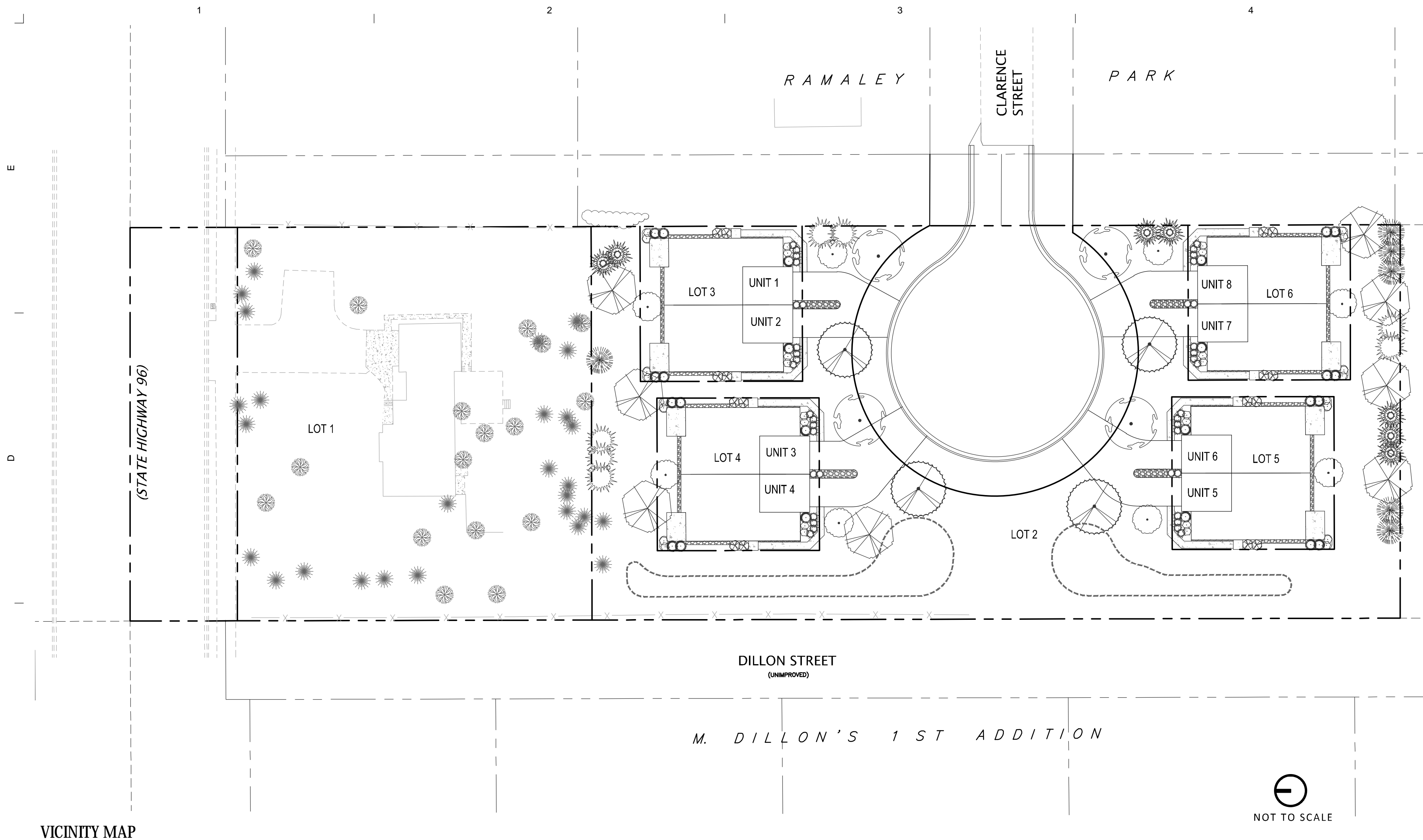
[mac@JGHause.com](mailto:mac@JGHause.com)

C) 612.202.4767

D) 651-358-3033





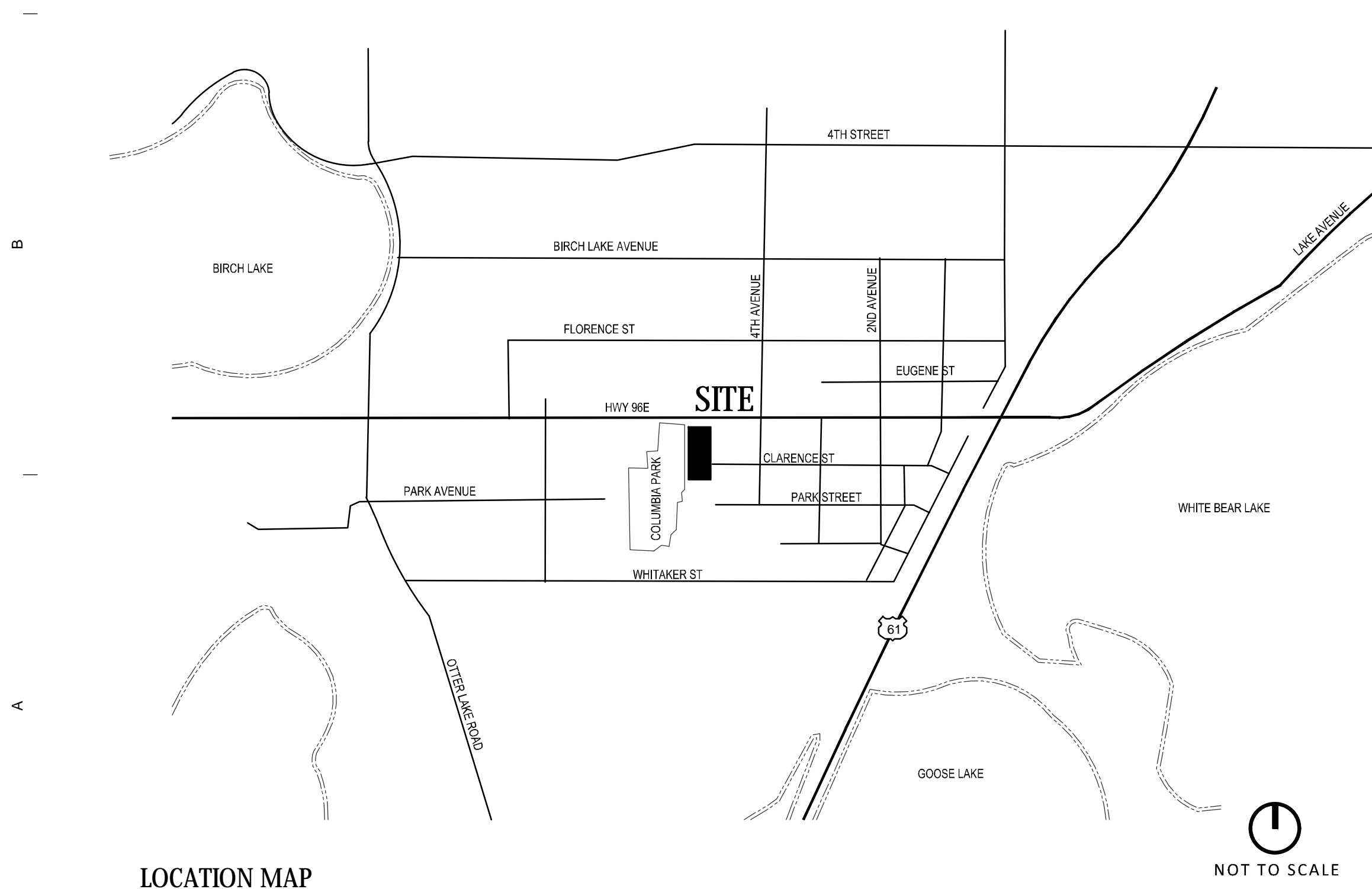


VICINITY MAP

# ROSE'S PARK VIEW ADDITION

WHITE BEAR LAKE - MINNESOTA

PRELIMINARY PLAT  
SUBMITTAL  
SEPTEMBER 13, 2021



LOCATION MAP

PROJECT CONTACTS

OWNER	TICE ESTATE 6211 UPPER 51st. STREET N OAKDALE, MN 55128	JEFF MCDONELL T (612)-202-4767
DEVELOPER	TICE-HOUSE DESIGN BUILD 6211 UPPER 51st. STREET N OAKDALE, MN 55128	CRAIG TICE T (751)-733-0195
CIVIL ENGINEER	ELAN DESIGN LAB, INC. 901 N 3rd STREET SUITE 120 MINNEAPOLIS, MN 55401	STEVE JOHNSTON, PE T (612) 260-7982
LANDSCAPE ARCHITECT	ELAN DESIGN LAB, INC. 901 N 3rd STREET SUITE 120 MINNEAPOLIS, MN 55401	PILAR SARAITHONG, RLA T (612) 260-7980
LAND SURVEYOR	CORNERSTONE LAND SURVEYING, INC. 6750 STILLWATER BLVD. N. SUITE 1 STILLWATER, MN 55082	DAN THURMES, LS T (651) 275-8969
COMMUNITY DEVELOPMENT CITY PLANNER	CITY OF WHITE BEAR LAKE 4701 HIGHWAY 61 WHITE BEAR LAKE, MN 55110	SAMANTHA CROSBY T (651) 429-8534
PUBLIC WORKS CITY ENGINEER	CITY OF WHITE BEAR LAKE 4701 HIGHWAY 61 WHITE BEAR LAKE, MN 55110	PAUL KAUPPI T (651) 429-8563

SHEET INDEX

- C-000 COVER SHEET
- C-001 ALTA EXISTING CONDITIONS
- C-002 PRELIMINARY PLAT
- C-010 DEMOLITION PLAN
- C-101 SITE PLAN
- C-201 GRADING, EROSION & SEDIMENT CONTROL PLAN
- C-202 SWPPP
- C-301 UTILITY PLAN
- C-501 DETAILS
- C-502 DETAILS
- C-503 DETAILS
- L-010 TREE PRESERVATION PLAN
- L-101 LANDSCAPE PLAN
- L-501 LANDSCAPE DETAILS

OWNER

TICE ESTATE

6211 UPPER 51st. STREET N  
OAKDALE, MN  
651-439-3837

C/O JEFF MCDONELL  
612-202-4767

DEVELOPER

TICE-HOUSE  
DESIGN BUILD

6211 UPPER 51st. STREET N  
OAKDALE, MN  
751-733-0195  
C/O CRAIG TICE

PROJECT

ROSE'S PARK VIEW  
ADDITION  
1788 EAST HIGHWAY 96  
WHITE BEAR LAKE,  
MN 55110



310 4TH AVE SOUTH, SUITE 1006  
MINNEAPOLIS, MN 55415  
p 612.260.7980 | www.elanlab.com  
f 612.260.7990

SHEET

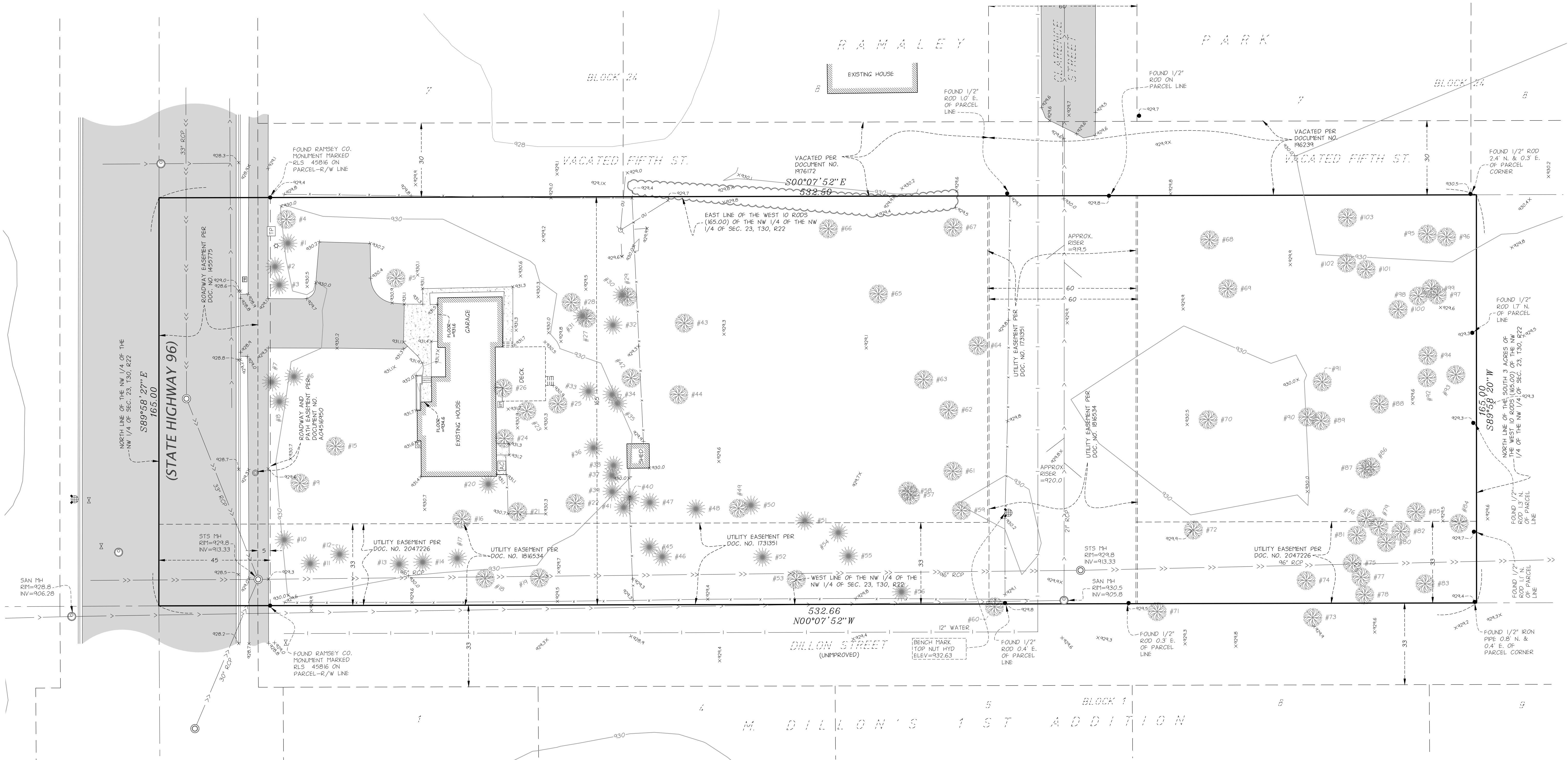
COVER SHEET

C-000

PROJECT NO.

CLS21022

# ROSES PARK VIEW ADDITION PRELIMINARY PLAT



**CONTACT:**  
 Jeff "Mac" McDonell  
 Project Manager  
 mac@JGHause.com  
 mac@thdbuild.com  
 612.202.4767  
 651-358-3033

**COUNTY/CITY:**  
**RAMSEY COUNTY**  
**CITY OF WHITE BEAR LAKE**

**REVISIONS:**

DATE	REVISION
6-17-21	PRELIMINARY ISSUE
8-12-21	PRELIMINARY PLAT

**CERTIFICATION:**  
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor in the State of Minnesota.  
 Daniel J. Murray, Registration Number: 25718  
 6-17-21

**PROJECT LOCATION:**  
**1788**  
**HIGHWAY 96**  
 PID#23302220161

Suite #200  
 1970 Northwestern Ave.  
 Stillwater, MN 55082  
 Phone 651.275.8969  
 dan@cssurvey.net

**CORNERSTONE LAND SURVEYING, INC.**

FILE NAME: SURVJH37  
 PROJECT NO.: JH21037

EXISTING CONDITONS

**LEGAL DESCRIPTION:**  
 (AS SHOWN ON WARRANTY DEED DOC. NO. 4430371)

The west ten (10) rods of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section twenty-two (22), Township thirty (30), Range twenty-two (22), except the south 3 acres thereof, according to the United States Government survey thereof, subject to easement for drainage ditch and roads as now established upon said premises, including easement for improvement of Highway 96, the taking now pending.

**TITLE NOTES:**  
 As shown on available Ramsey County Parcel mapping:

- Trail/Roadway Easement per Document No. A04516950.
- Other easements may exist that are not shown. We reserve the right to update this survey upon receiving a Title Commitment or Title Opinion form the owners of the parcel surveyed.

**AREA:**  
 TOTAL AREA AS SHOWN = 87,876 SQ.FT.  
 INCLUDING 7,425 SQ.FT. OF EXISTING ROADWAY EASEMENT.

**SURVEY NOTES:**

- BEARINGS ARE BASED ON THE RAMSEY COUNTY COORDINATE SYSTEM NAD 1983.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF WHITE BEAR LAKE PUBLIC WORKS DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- CONTOURS SHOWN PER LIDAR DATA OBTAINED FROM THE DNR MNTOP0 WEBSITE. NOT FIELD VERIFIED.

**BENCHMARKS**  
 ELEVATIONS BASED ON GPS DERIVED VALUES FOR (NAVD 88)

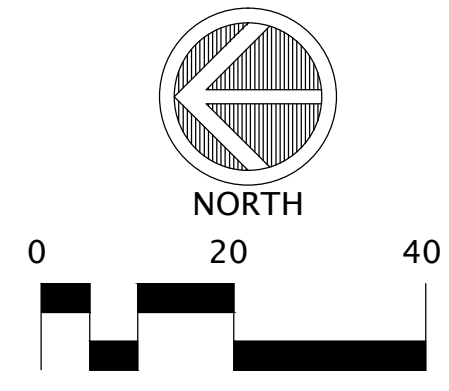
**UNDERGROUND UTILITIES NOTES:**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

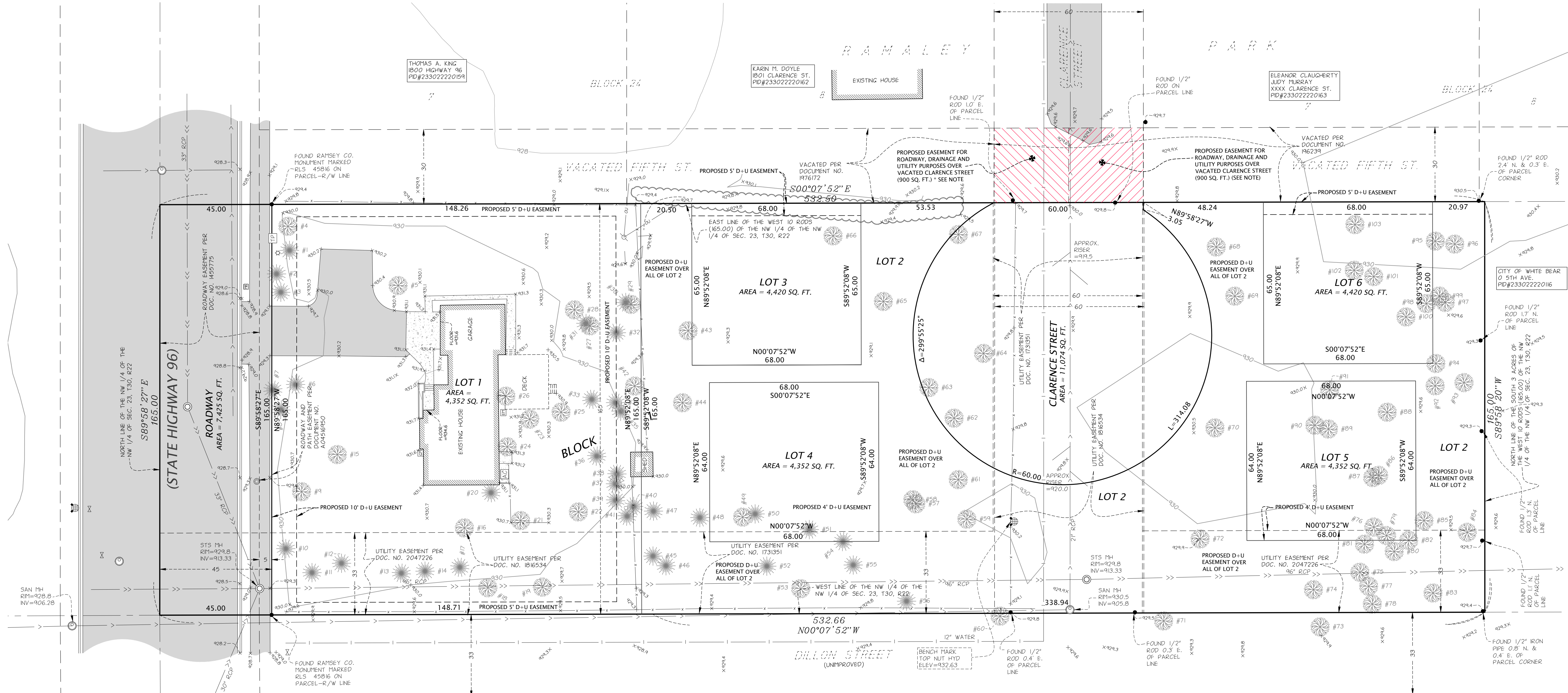


**LEGEND:**

- |                  |   |                     |                   |                    |                  |                     |                        |              |            |              |               |             |                     |                      |                     |                    |               |               |                      |                 |                         |           |             |              |                 |               |                        |               |           |             |               |                |                   |               |                  |                  |                  |                          |                           |                              |                            |                      |                     |                    |                  |               |           |                    |                  |                    |
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| ● FOUND MONUMENT | ○ SET 1/2" IRON PIPE MARKED RLS NO. 25718 | ⊕ CABLE TV PEDESTAL | ⊕ AIR CONDITIONER | ⊕ ELECTRIC MANHOLE | ⊕ ELECTRIC METER | ⊕ ELECTRIC PEDESTAL | ⊕ ELECTRIC TRANSFORMER | ⊕ LIGHT POLE | ⊕ GUY WIRE | ⊕ POWER POLE | ⊕ GAS MANHOLE | ⊕ GAS METER | ⊕ TELEPHONE MANHOLE | ⊕ TELEPHONE PEDESTAL | ⊕ SANITARY CLEANOUT | ⊕ SANITARY MANHOLE | ⊕ CATCH BASIN | ⊕ STORM DRAIN | ⊕ FLARED END SECTION | ⊕ STORM MANHOLE | ⊕ FIRE DEPT. CONNECTION | ⊕ HYDRANT | ⊕ CURB STOP | ⊕ WATER WELL | ⊕ WATER MANHOLE | ⊕ WATER METER | ⊕ POST INDICATOR VALVE | ⊕ WATER VALVE | ⊕ BOLLARD | ⊕ FLAG POLE | ⊕ MANHOLE BOX | ⊕ TRAFFIC SIGN | ⊕ UNKNOWN MANHOLE | ⊕ SOIL BORING | ⊕ TRAFFIC SIGNAL | ⊕ CONFIRMED TREE | ⊕ DECIDUOUS TREE | —E— UNDERGROUND ELECTRIC | —UV— UNDERGROUND CABLE TV | —UF— UNDERGROUND FIBER OPTIC | —UT— UNDERGROUND TELEPHONE | —O— OVERHEAD UTILITY | —G— UNDERGROUND GAS | —S— SANITARY SEWER | —SS— STORM SEWER | —W— WATERMAIN | —F— FENCE | —C— CURB (TYPICAL) | CONCRETE SURFACE | BITUMINOUS SURFACE |
|------------------|---|---------------------|-------------------|--------------------|------------------|---------------------|------------------------|--------------|------------|--------------|---------------|-------------|---------------------|----------------------|---------------------|--------------------|---------------|---------------|----------------------|-----------------|-------------------------|-----------|-------------|--------------|-----------------|---------------|------------------------|---------------|-----------|-------------|---------------|----------------|-------------------|---------------|------------------|------------------|------------------|--------------------------|---------------------------|------------------------------|----------------------------|----------------------|---------------------|--------------------|------------------|---------------|-----------|--------------------|------------------|--------------------|

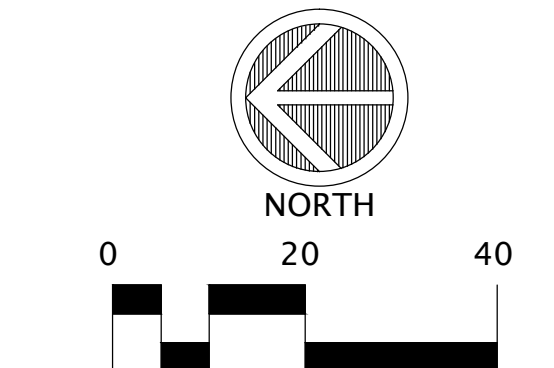


# ROSES PARK VIEW ADDITION PRELIMINARY PLAT



**CONTACT:**  
 Jeff "Mac" McDonell  
 Project Manager  
 mac@JGHause.com  
 mac@thdbuild.com  
 612.202.4767  
 651-358-3033

**COUNTY/CITY:**  
**RAMSEY COUNTY**  
**CITY OF WHITE BEAR LAKE**



**REVISIONS:**

DATE	REVISION
6-17-21	PRELIMINARY ISSUE
8-12-21	PRELIMINARY PLAT

**CERTIFICATION:**  
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor in the State of Minnesota.  
 Dan Reher, Registration Number: 25718  
 6-17-21

**PROJECT LOCATION:**  
**1788 HIGHWAY 96**  
**PID#23302220161**

Suite #200  
 1970 Northwestern Ave.  
 Stillwater, MN 55082  
 Phone 651.275.8969  
 dan@cssurvey.net

**CORNERSTONE LAND SURVEYING, INC.**

FILE NAME: SURJVH37  
 PROJECT NO.: JH21037

**PRELIMINARY PLAT**

**LEGAL DESCRIPTION:**  
 (AS SHOWN ON WARRANTY DEED DOC. NO. 4430371)

The west ten (10) rods of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section twenty-two (22), Township thirty (30), Range twenty-two (22), except the south 3 acres thereof, according to the United States Government survey thereof, subject to Easement for drainage ditch and roads as now established upon said premises, including easement for improvement of Highway 96, the taking now pending.

**TITLE NOTES:**  
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- Trail/Roadway Easement per Document No. A04516950.
- Other easements may exist that are not shown. We reserve the right to update this survey upon receiving a Title Commitment or Title Opinion from the owners of the parcel surveyed.

**AREA:**  
 TOTAL AREA AS SHOWN = 87,876 SQ.FT.  
 INCLUDING 7,425 SQ.FT. OF EXISTING ROADWAY EASEMENT.

**PROPOSED EASEMENTS**

- AN EASEMENT FOR ROADWAY AND UTILITY PURPOSES WILL BE NEEDED OVER THE PORTION OF THE VACATED FIFTH STREET ADJOINING CLARENCE STREET. THIS EASEMENT WILL HAVE TO BE ACQUIRED FROM THE OWNERS OF EACH PARCEL AND WILL BE NEEDED TO GAIN ACCESS TO THE SITE.

**DEVELOPMENT DATA**

TOTAL PARCEL AREA = 87,876 SQ. FT.  
 LOT 1, BLOCK 1 = 24,500 SQ. FT.  
 LOT 2, BLOCK 1 = 27,332 SQ. FT.  
 LOT 3, BLOCK 1 = 4,420 SQ. FT.  
 LOT 4, BLOCK 1 = 4,352 SQ. FT.  
 LOT 5, BLOCK 1 = 4,352 SQ. FT.  
 LOT 6, BLOCK 1 = 4,420 SQ. FT.  
 HIGHWAY 96 = 7,425 SQ. FT.  
 CLARENCE ST. = 11,075 SQ. FT.

**BENCHMARKS**  
 ELEVATIONS BASED ON GPS DERIVED VALUES FOR (NAVD 88)

**SURVEY NOTES:**

- BEARINGS ARE BASED ON THE RAMSEY COUNTY COORDINATE SYSTEM NAD 1983.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF WHITE BEAR LAKE PUBLIC WORKS DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- DATE OF FIELD SURVEY: 6-30-21

**UNDERGROUND UTILITIES NOTES:**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

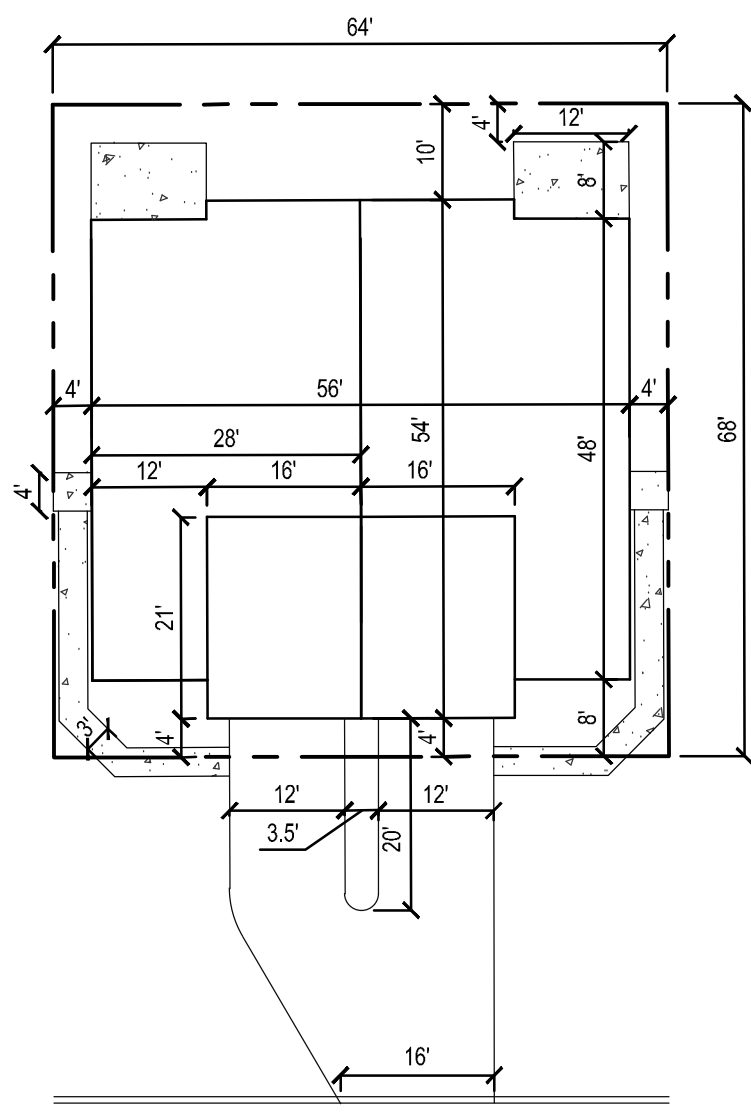


**LEGEND:**

- |                  |   |                   |                    |                  |                     |                        |              |             |              |               |             |                     |                      |                     |                    |               |               |                      |                 |                         |           |             |              |                 |               |                        |               |           |             |            |                |                   |               |                  |                    |                      |
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|------------------|---|-------------------|--------------------|------------------|---------------------|------------------------|--------------|-------------|--------------|---------------|-------------|---------------------|----------------------|---------------------|--------------------|---------------|---------------|----------------------|-----------------|-------------------------|-----------|-------------|--------------|-----------------|---------------|------------------------|---------------|-----------|-------------|------------|----------------|-------------------|---------------|------------------|--------------------|----------------------|

**TREES:**  
 DENOTES TREES AS IDENTIFIED AND LOCATED BY:

Mark Rehder  
 President & CEO  
 Rehder Forestry Consulting  
 www.rehderforestryconsulting.com  
 612-760-3519



**D2** TYPICAL UNITS  
1" = 20'

**LEGEND**

- PERVIOUS AREA
- CONCRETE SIDEWALK OR PAVEMENT
- 2" CURB TAPER FROM 6" TO 1"

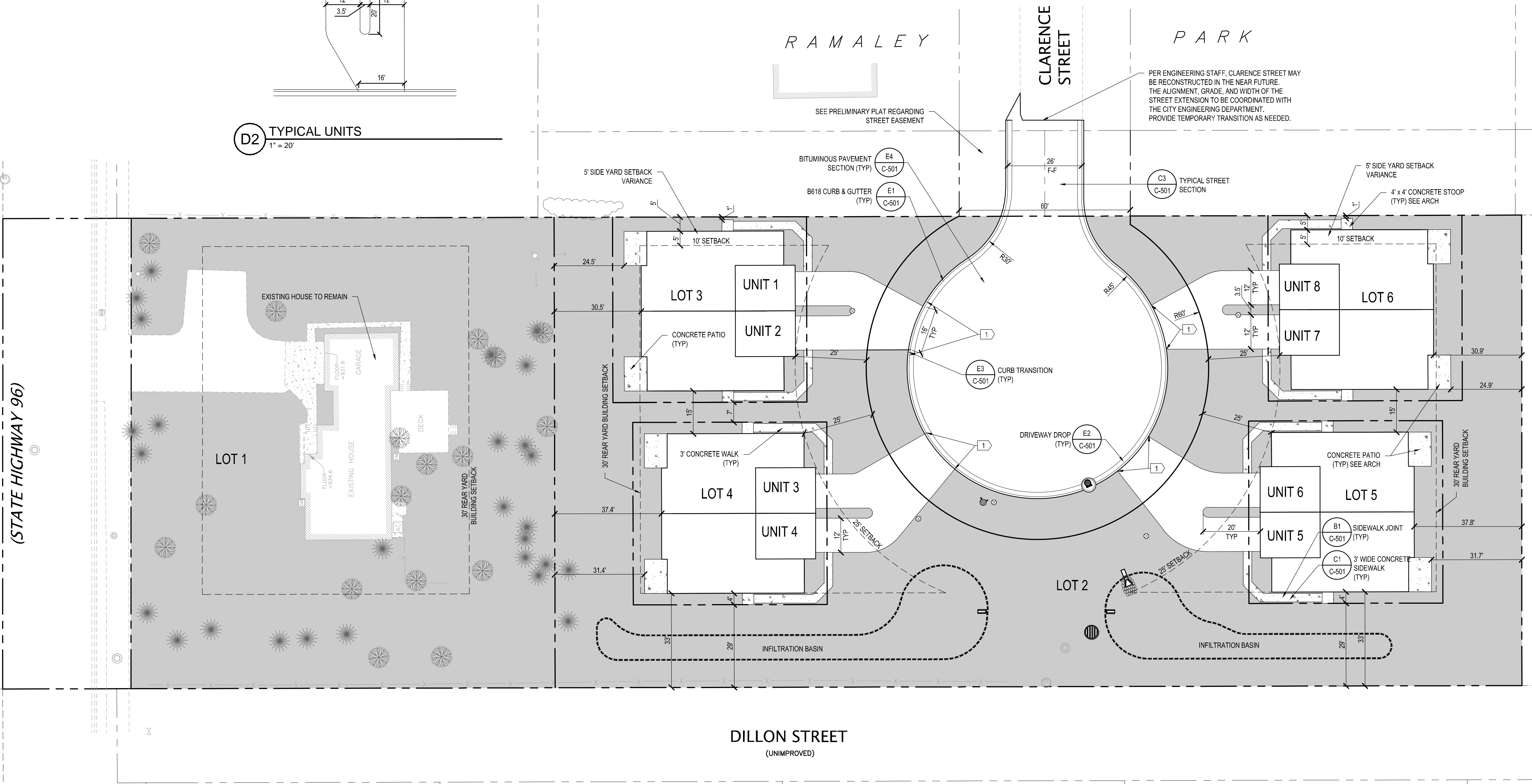
**PROJECT SUMMARY**

ZONED: R-4 SINGLE FAMILY, TWO-FAMILY RESIDENTIAL

	REQUIRED	PROPOSED	EXISTING	PROPOSED
SETBACK			1,965 SF. (2%)	13,485 SF. (17%)
FRONT	25' MIN.	25'	2,667 SF. (4%)	15,724 SF. (19%)
SIDE SETBACK	10' MIN.	5' VARIANCE	4,632 SF. (6%)	29,209 SF. (36%)
REAR YARDS	30' MIN.	30.5'	75,819 SF. (94%)	51,242 SF. (64%)
BUILDING SEPARATION	15'	15'		

TOTAL 9 UNITS  
DENSITY 4.9 UNITS/AC.

	EXISTING	PROPOSED
SITE AREA	87,876 SF. (2.02 AC)	
HWY 96 RIGHT-OF-WAY	7,425 SF. (0.17 AC)	
PROJECT NET AREA	80,451 SF. (1.85 AC)	
CLEARANCE ST RIGHT-OF-WAY	11,075 SF.	
LOT 1	24,500 SF.	
LOT 2	27,332 SF.	
LOT 3	4,420 SF.	
LOT 4	4,352 SF.	
LOT 5	4,352 SF.	
LOT 6	4,420 SF.	



PER ENGINEERING STAFF, CLARENCE STREET MAY BE RECONSTRUCTED IN THE NEAR FUTURE. THE ALIGNMENT, GRADE, AND WIDTH OF THE STREET EXTENSION TO BE COORDINATED WITH THE CITY ENGINEERING DEPARTMENT. PROVIDE TEMPORARY TRANSITION AS NEEDED.

**TICE ESTATE**  
6211 UPPER 51st. STREET N  
OAKDALE, MN  
651-439-3837  
  
C/O JEFF MCDONELL  
612-202-4767

**TICE-HAUSE DESIGN BUILD**  
6211 UPPER 51st. STREET N  
OAKDALE, MN  
751-733-0195  
C/O CRAIG TICE

**ROSE'S PARK VIEW ADDITION**  
1788 EAST HIGHWAY 96  
WHITE BEAR LAKE, MN 55110

**PRELIMINARY PLAT SUBMITTAL**  
09/13/21

ISSUE	DATE

**Elan**  
DESIGN LAB  
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE  
310 4TH AVE SOUTH, SUITE 1006  
MINNEAPOLIS, MN 55415  
p 612.260.7980 | www.elanlab.com  
f 612.260.7990

**CERTIFICATION**  
I hereby certify that this plan, specification or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Stephen M. Johnston DATE  
REGISTRATION NO. 18914 09/13/2021

**SHEET**  
  
SITE PLAN  
**C-101**  
PROJECT NO.  
**CLS21022**

**A1** SITE PLAN  
1" = 20'

M. DILLON'S 1ST ADDITION

**811**  
Know what's below.  
Call before you dig.

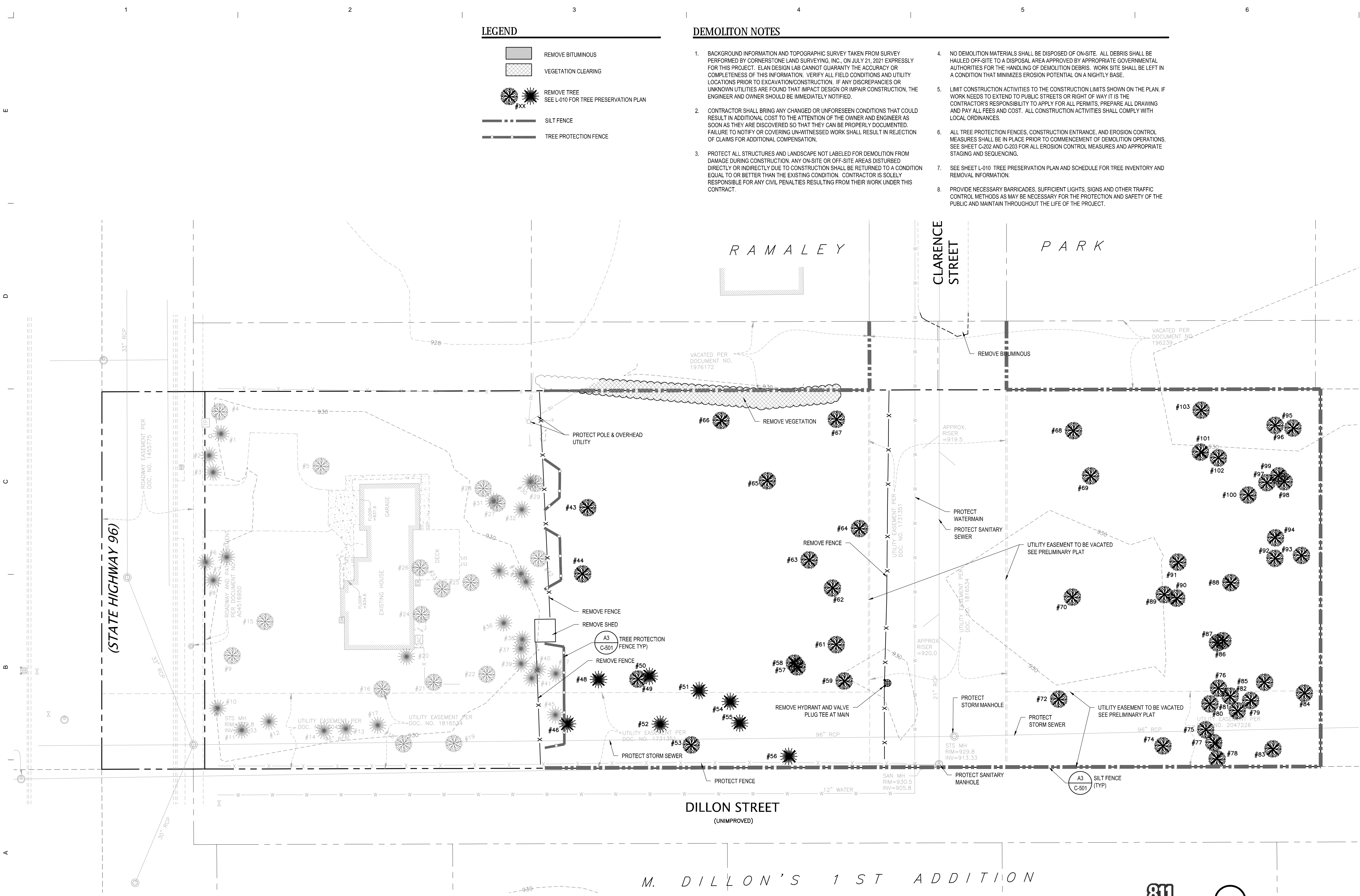
SCALE IN FEET  
20 60

**LEGEND**

- REMOVE BITUMINOUS
- VEGETATION CLEARING
- REMOVE TREE  
SEE L-010 FOR TREE PRESERVATION PLAN
- SILT FENCE
- TREE PROTECTION FENCE

**DEMOLITION NOTES**

- BACKGROUND INFORMATION AND TOPOGRAPHIC SURVEY TAKEN FROM SURVEY PERFORMED BY CORNERSTONE LAND SURVEYING, INC. ON JULY 21, 2021 EXPRESSLY FOR THIS PROJECT. ELAN DESIGN LAB CANNOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. VERIFY ALL FIELD CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES OR UNKNOWN UTILITIES ARE FOUND THAT IMPACT DESIGN OR IMPAIR CONSTRUCTION, THE ENGINEER AND OWNER SHOULD BE IMMEDIATELY NOTIFIED.
- CONTRACTOR SHALL BRING ANY CHANGED OR UNFORESEEN CONDITIONS THAT COULD RESULT IN ADDITIONAL COST TO THE ATTENTION OF THE OWNER AND ENGINEER AS SOON AS THEY ARE DISCOVERED SO THAT THEY CAN BE PROPERLY DOCUMENTED. FAILURE TO NOTIFY OR COVERING UNWITNESSED WORK SHALL RESULT IN REJECTION OF CLAIMS FOR ADDITIONAL COMPENSATION.
- PROTECT ALL STRUCTURES AND LANDSCAPE NOT LABELED FOR DEMOLITION FROM DAMAGE DURING CONSTRUCTION. ANY ON-SITE OR OFF-SITE AREAS DISTURBED DIRECTLY OR INDIRECTLY DUE TO CONSTRUCTION SHALL BE RETURNED TO A CONDITION EQUAL TO OR BETTER THAN THE EXISTING CONDITION. CONTRACTOR IS SOLELY RESPONSIBLE FOR ANY CIVIL PENALTIES RESULTING FROM THEIR WORK UNDER THIS CONTRACT.
- NO DEMOLITION MATERIALS SHALL BE DISPOSED OF ON-SITE. ALL DEBRIS SHALL BE HAULED OFF-SITE TO A DISPOSAL AREA APPROVED BY APPROPRIATE GOVERNMENTAL AUTHORITIES FOR THE HANDLING OF DEMOLITION DEBRIS. WORK SITE SHALL BE LEFT IN A CONDITION THAT MINIMIZES EROSION POTENTIAL ON A NIGHTLY BASIS.
- LIMIT CONSTRUCTION ACTIVITIES TO THE CONSTRUCTION LIMITS SHOWN ON THE PLAN. IF WORK NEEDS TO EXTEND TO PUBLIC STREETS OR RIGHT OF WAY IT IS THE CONTRACTOR'S RESPONSIBILITY TO APPLY FOR ALL PERMITS, PREPARE ALL DRAWING AND PAY ALL FEES AND COST. ALL CONSTRUCTION ACTIVITIES SHALL COMPLY WITH LOCAL ORDINANCES.
- ALL TREE PROTECTION FENCES, CONSTRUCTION ENTRANCE, AND EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF DEMOLITION OPERATIONS. SEE SHEET C-202 AND C-203 FOR ALL EROSION CONTROL MEASURES AND APPROPRIATE STAGING AND SEQUENCING.
- SEE SHEET L-010 TREE PRESERVATION PLAN AND SCHEDULE FOR TREE INVENTORY AND REMOVAL INFORMATION.
- PROVIDE NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC AND MAINTAIN THROUGHOUT THE LIFE OF THE PROJECT.



OWNER

**TICE ESTATE**  
6211 UPPER 51st. STREET N  
OAKDALE, MN  
651-439-3837  
  
C/O JEFF MCDONELL  
612-202-4767

DEVELOPER

**TICE-HAUSE  
DESIGN BUILD**

6211 UPPER 51st. STREET N  
OAKDALE, MN  
751-733-0195  
C/O CRAIG TICE

PROJECT

**ROSE'S PARK VIEW  
ADDITION**

1788 EAST HIGHWAY 96  
WHITE BEAR LAKE,  
MN 55110

SUBMITTAL

**PRELIMINARY PLAT  
SUBMITTAL**  
09/13/21

ISSUE	DATE

**Elan**  
DESIGN LAB  
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE  
310 4TH AVE SOUTH, SUITE 1006  
MINNEAPOLIS, MN 55415  
p 612.260.7980 | www.elanlab.com  
f 612.260.7990

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

Stephen M. Johnston DATE  
REGISTRATION NO. 18914 09/13/2021

SHEET

DEMOLITION PLAN

**C-010**

PROJECT NO.  
**CLS21022**

A1 DEMOLITION PLAN  
1" = 20'

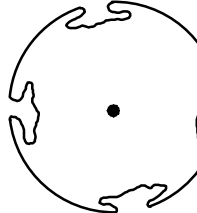
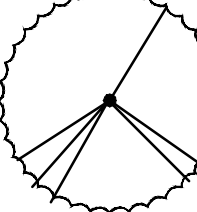
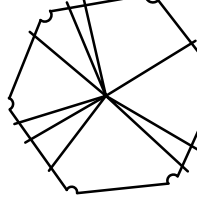
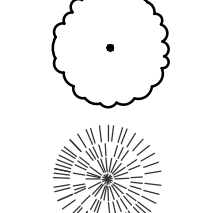
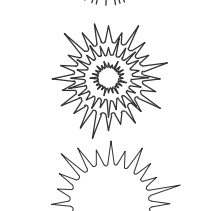
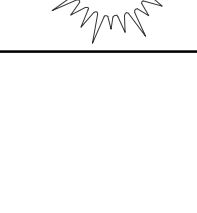

811  
Know what's below.  
Call before you dig.






20  
SCALE IN FEET






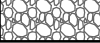

PLANT SCHEDULE

KEY	QUANT.	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT COND.	MATURE SIZE
<b>TREES</b>						
	4	MATADOR MAPLE	ACER X FREEMANI 'BAILSTON'	2.5" CAL.	B&B	45H X 25W
	4	ESPRESSO KENTUCKY COFFEETREE	GYMNOCLADUS DIOICUS 'ESPRESSO-JFS'	2.5" CAL.	B&B	50H X 35W
	8	AUTUMN RADIANCE RED MAPLE	ACER RUBRUM 'AUTUMN RADIANCE'	2.5" CAL.	B&B	40H X 30W
	8	AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	1.5" CAL.	B&B	25H X 15W
	6	NORWAY SPRUCE	PICEA ABIES	6' HT.	B&B	50H X 25W
	7	BLACK HILLS SPRUCE	PICEA GLAUCA 'DENSATA'	6' HT.	B&B	40H X 20W
	7	EASTERN WHITE PINE	PINUS STROBUS	6' HT.	B&B	60H X 25W

KEY	QUANT.	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT COND.	MATURE SIZE
<b>SHRUBS</b>						
	16	ARCTIC FIRE DOGWOOD	CORNUS STOLONIFERA 'FARROW'	24" HT.	POT	3H X 3'W
	40	GOLDMOUND SPIREA	SPIRAEA JAPONICA GOLDMOUND	24" HT.	POT	3H X 3'W
	32	SEM ASH LEAF SPIREA	SORBARIA SORBIFOLIA 'SEM'	24" HT.	POT	3H X 3'W
	24	TECHNY ARBORVITAE	THUJA OCCIDENTALIS 'TECHNY'	4' HT.	POT	12H X 6W
<b>PERENNIALS</b>						
	32	RUBY STELLA DAYLILY	HEMEROCALLIS 'RUBY STELLA'	1 GAL.	POT	1.5H X 1.5W

**SUBSTITUTIONS:** IF ANY SUBSTITUTIONS ARE REQUIRED, SUBMIT WRITTEN DOCUMENTS AND PROPOSED SUBSTITUTIONS TO LANDSCAPE ARCHITECT FOR APPROVAL 5 DAYS PRIOR TO PURCHASE AND/OR INSTALLATION.

**LEGEND**

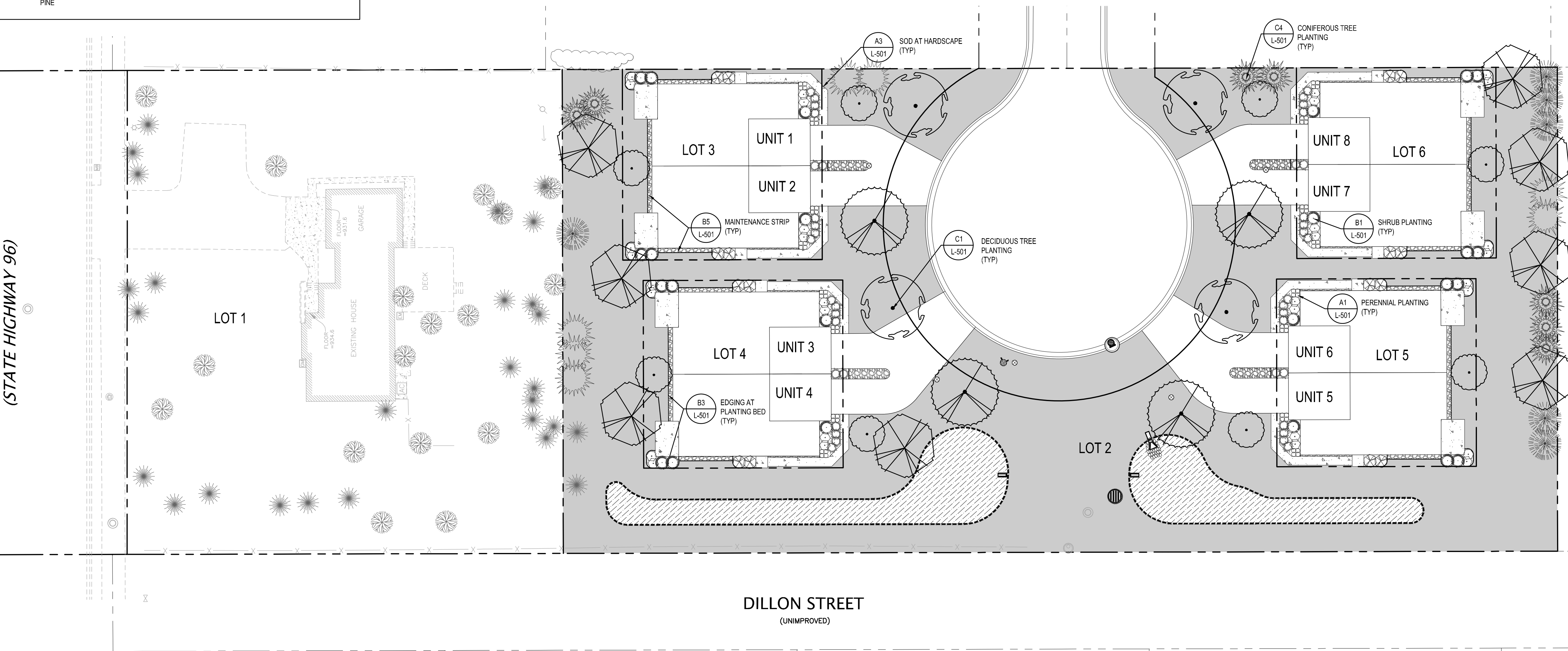
-  10,330 SF. SOD
-  ROCK MULCH
-  3,253 SF. INFILTRATION SEEDING  
SEE SHEET C-201 FOR SEEDING NOTES

LANDSCAPE NOTES

- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINISHED GRADING AND POSITIVE SURFACE DRAINAGE IN ALL LANDSCAPE AREAS. LANDSCAPE CONTRACTOR MUST ENSURE THAT THE FINAL GRADES ARE MET AS SHOWN ON GRADING PLAN. IF ANY DISCREPANCIES ARE FOUND, IMMEDIATELY NOTIFY LANDSCAPE ARCHITECT FOR RESOLUTION.
- ALL PLANT MATERIALS ARE TO CONFORM WITH STATE & LOCAL CONSTRUCTION STANDARDS AND THE CURRENT ADDITION OF THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS. ALL PLANT MATERIALS ARE TO BE HEALTHY, HARDY STOCK, AND FREE FROM ANY DISEASES, DAMAGE, AND DISFIGURATION.
- QUANTITIES OF PLANTS LISTED ON THE PLAN ARE TO GOVERN ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN ON THE PLANT SCHEDULE AND PLAN. PLACE PLANTS IN PROPER SPACING FOLLOWING LAYOUT FIGURES.
- TOPSOIL TO BE MNDOT 3877.2B LOAM TOPSOIL BORROW FOR LANDSCAPED AREAS AND PLANTING BEDS. PROVIDE ROOTING TOPSOIL BORROW MNDOT 3877.2E FOR PLANT RESTORATION, WATER QUALITY, AND FILTRATION PLANTING.
- PLANTING SOIL TO BE CONSISTED OF 50% SELECT TOPSOIL BORROW (MNDOT 3877) AND 50% GRADE 2 COMPOST (MNDOT 3880). PLANTING SOIL TO HAVE A PH BETWEEN 6.5-7.5, BE FREE OF CHEMICAL CONTAMINANTS, DEBRIS, LARGE ROCKS GREATER THAN 1/2" DIAMETER, AND FRAGMENTS OF WOOD. SUBSOIL SHALL BE SCARIFIED TO A DEPTH OF 4" BEFORE PLANTING SOIL IS SPREAD.
- SPREAD PLANTING SOIL AT MINIMUM EIGHTEEN (18) INCH DEEP IN ALL PLANTING BEDS PRIOR TO PLANTING. THOROUGHLY WATER TWICE TO FACILITATE CONSOLIDATION PRIOR TO PLANTING. DO NOT OVERLY COMPACT SOIL.
- MULCH TO BE SHREDED HARDWOOD BARK MULCH (MNDOT 3882 TYPE 6). CONSISTED OF RAW WOOD MATERIAL FROM TIMBER AND BE A PRODUCT OF A MECHANICAL CHIPPER, HAMMER MILL, OR TUB GRINDER. THE MATERIAL SHALL BE SUBSTANTIALLY FREE OF MOLD, DIRT, SAWDUST, AND FOREIGN MATERIAL AND SHALL NOT BE IN AN ADVANCED STATE OF DECOMPOSITION. THE MATERIAL SHALL NOT CONTAIN CHIPPED UP MANUFACTURED BOARDS OR CHEMICALLY TREATED WOOD, INCLUDING, BUT NOT LIMITED TO, WATER BOARD, PARTICLE BOARD, AND CHROMATED COPPER ARSENATE (CCA) OR PENTA TREATED WOOD. THE MATERIAL SHALL BE TWICE-GROUND/SHREDED SUCH THAT NO INDIVIDUAL PIECE SHALL EXCEED 2 INCHES IN ANY DIMENSION.
- APPLY FOUR (4) INCH DEPTH OF SHREDED HARDWOOD BARK MULCH IN FOUR (4) FOOT DIAMETER RING AROUND ALL TREES.
- EDGE ALL SHRUB BEDS WITH 3/16" X 4" MILL FINISHED ALUMINUM EDGING WITH STAKES. ALL EDGING TO BE COMMERCIAL GRADE.
- APPLY FOUR (4) INCH DEPTH OF 1-1/2" DARK GRAY TRAP ROCK MULCH OVER WEED BARRIER FABRIC IN AREAS INDICATED ON PLAN.
- APPLY FOUR (4) INCH DEPTH OF SHREDED HARDWOOD BARK MULCH IN ALL SHRUB AREAS AND APPLY THREE (3) INCH DEPTH OF SHREDED HARDWOOD BARK MULCH IN PERENNIAL AREAS. PRIOR TO MULCHING, APPLY PRE-EMERGENT HERBICIDE TO ALL PLANTING BEDS.
- APPLY PRE-EMERGENT TO MULCH IN PLANTING AREAS TO PROHIBIT WEED GROWTH. APPLICATION RATE TO BE PER MANUFACTURER'S RECOMMENDATIONS. IF WEEDS APPEAR IN TREATED AREAS DURING THE FIRST YEAR, LANDSCAPE CONTRACTOR TO REMOVE ALL WEEDS AT NO ADDITIONAL COST.
- THE ENTIRE LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN UNDERGROUND IRRIGATION SYSTEM. NO WATER IS ALLOWED ON ANY PAVEMENT, PARKING, WALKWAY, AND BUILDING. THE IRRIGATION CONTRACTOR IS TO DESIGN AND SUBMIT SHOP DRAWING OF IRRIGATION DESIGN AND CALCULATIONS TO LANDSCAPE ARCHITECT FOR REVIEW 5 DAYS PRIOR TO PURCHASING AND INSTALLATION. IRRIGATION DESIGN IS TO MEET ALL CITY AND STATE PLUMBING CODES AND REQUIREMENTS.
- FOLLOW LANDSCAPE DETAILS FOR ALL INSTALLATION, UNLESS OTHERWISE NOTED.
- LANDSCAPE CONTRACTOR SHALL MAINTAIN PLANTS IN HEALTHY CONDITION THROUGHOUT WARRANTY PERIOD. THE WARRANTY PERIOD IS ONE FULL YEAR FROM DATE OF PROVISIONAL ACCEPTANCE UNTIL FINAL ACCEPTANCE. WARRANTY PERIOD FOR PLANT MATERIAL INSTALLED AFTER JUNE 1ST SHALL COMMENCE THE FOLLOWING YEAR.

INFILTRATION NOTES

- AVOID COMPACTING SOILS IN INFILTRATION BASIN.
- APPLY TWO (2) INCH DEPTH OF CLEAN, NON-DYED, DOUBLE-SHREDED HARDWOOD MULCH (NO BARK) OVER AREA PLANTING WITH PLUGS.
- MAINTAIN INFILTRATION BASIN FREE FROM WEEDS AND OTHER INVASIVE PLANT MATERIAL.
- MONITOR MOISTURE IN INFILTRATION BASIN FOR ONE FULL YEAR. SUPPLEMENT WATER IF THERE IS INSUFFICIENT RAINFALL PER WEEK (ONE INCH PER WEEK).
- AFTER FIRST GROWING SEASON REMOVE ALL DEAD PLANT DEBRIS FROM PREVIOUS GROWING SEASON AS NECESSARY TO MAINTAIN ACCEPTABLE APPEARANCE OF INFILTRATION BASIN.



OWNER

TICE ESTATE

6211 UPPER 51st. STREET N  
OAKDALE, MN  
651-439-3837

C/O JEFF MCDONELL  
612-202-4767

DEVELOPER

TICE-HAUSE  
DESIGN BUILD

6211 UPPER 51st. STREET N  
OAKDALE, MN  
751-733-0195  
C/O CRAIG TICE

PROJECT

ROSE'S PARK VIEW  
ADDITION

1788 EAST HIGHWAY 96  
WHITE BEAR LAKE,  
MN 55110

SUBMITTAL

PRELIMINARY PLAT  
SUBMITTAL

09/13/21

ISSUE DATE

ISSUE	DATE

*Elan*  
DESIGN LAB  
CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE  
310 4TH AVE SOUTH, SUITE 1006  
MINNEAPOLIS, MN 55415  
p 612.260.7980  
f 612.260.7990 | www.elanlab.com

CERTIFICATION

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

Pilarshnee Sarathong DATE  
REGISTRATION NO. 45059 09/13/2021

SHEET


LANDSCAPE PLAN


L-101

PROJECT NO.

CLS21022

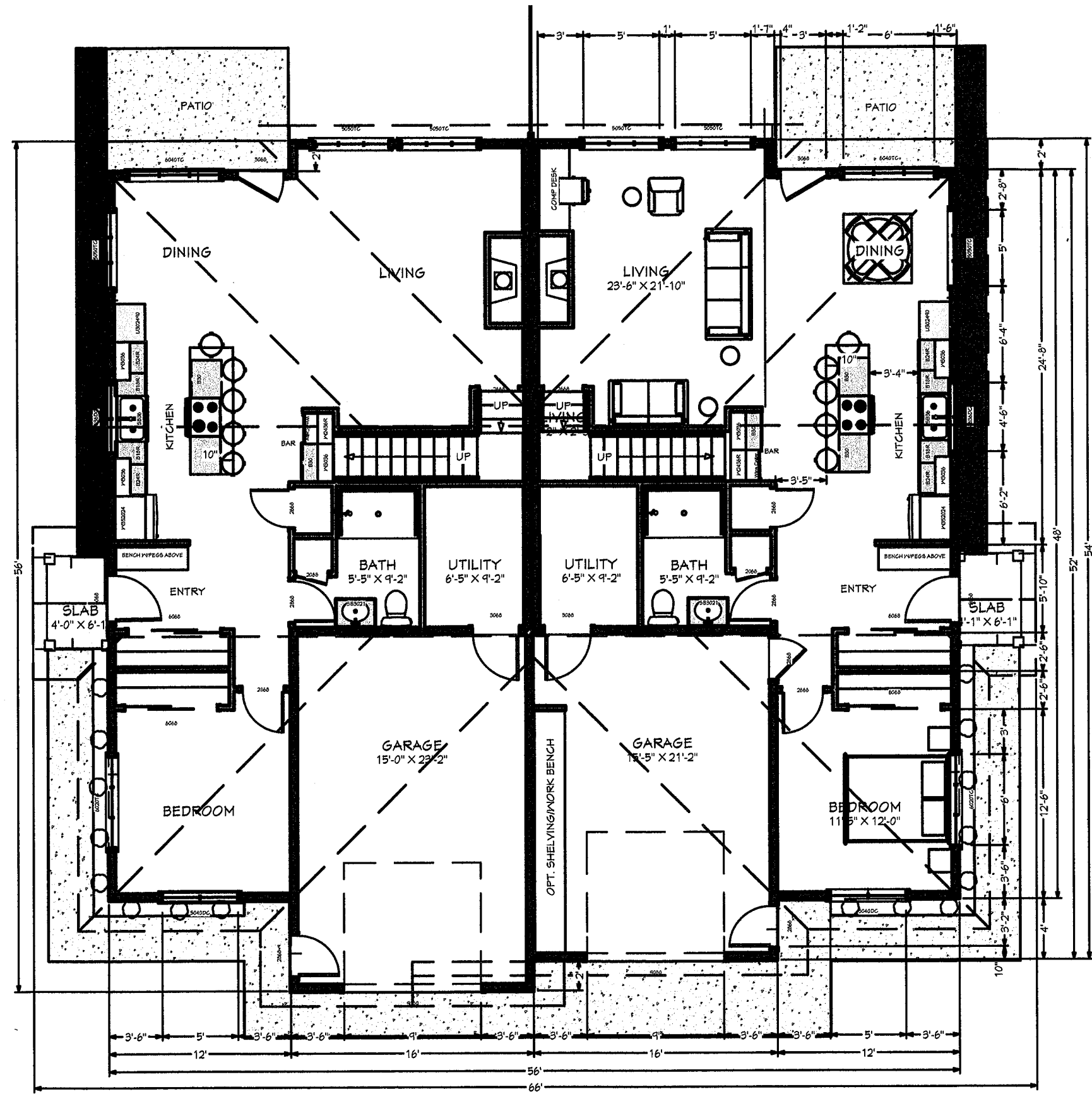
A1 LANDSCAPE PLAN  
1" = 20'

 Know what's below.  
Call before you dig.

 20  
SCALE IN FEET 60

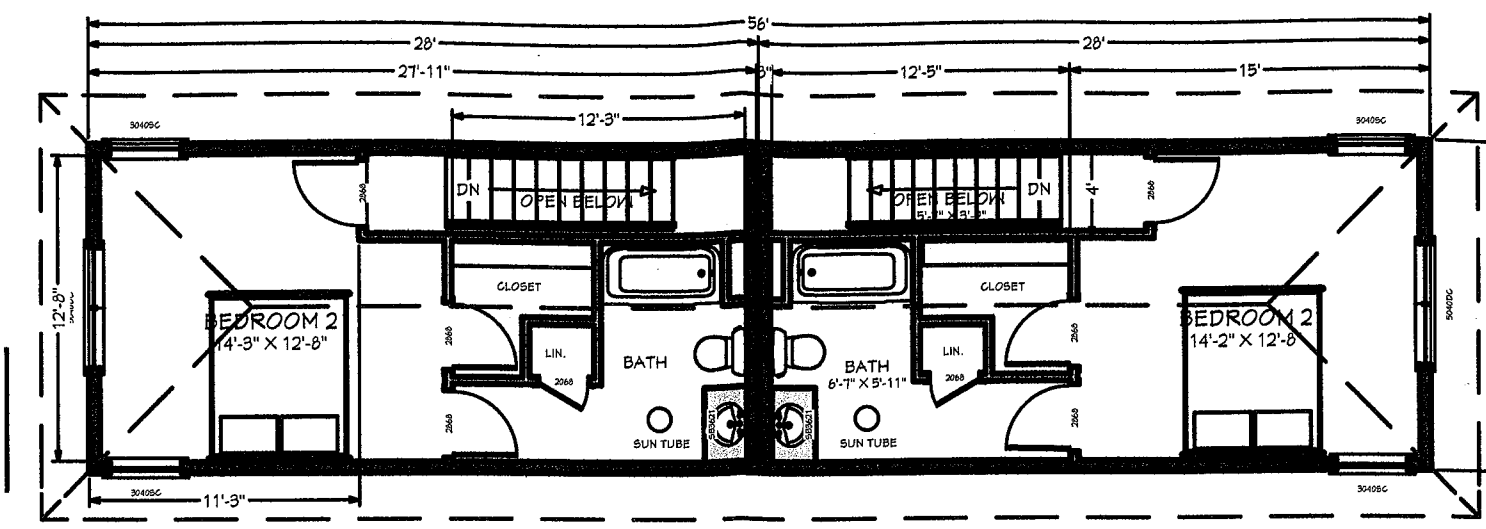
M. DILLON'S 1ST ADDITION



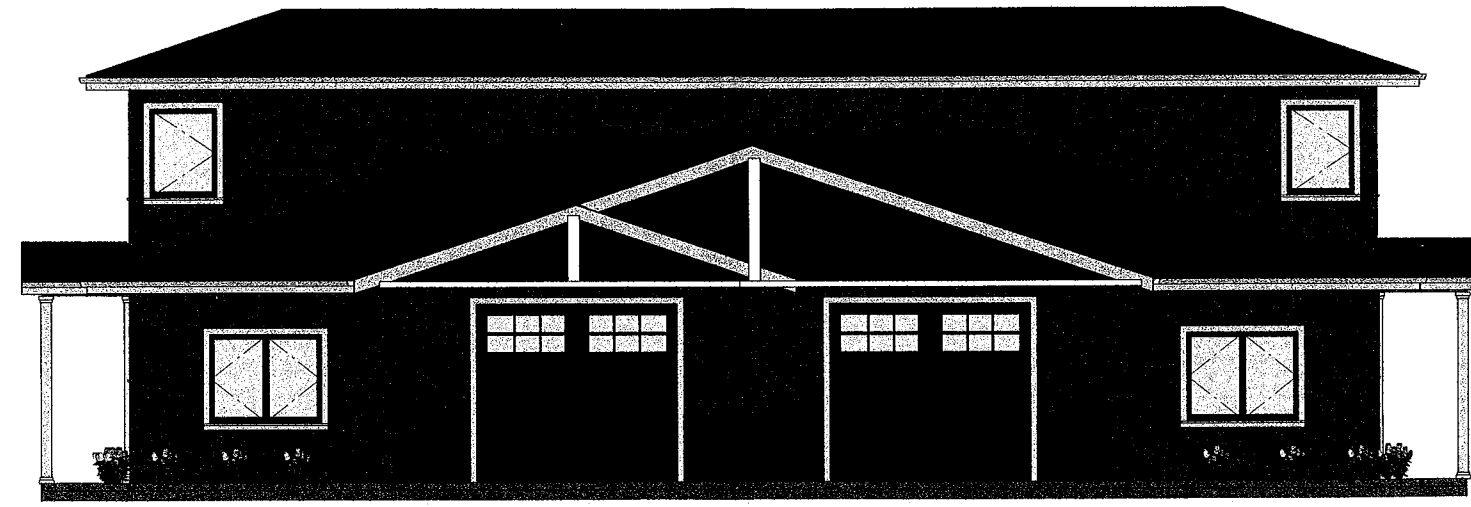


LIVING AREA  
2205 SQ FT      1.473 SF/UNIT/ BLDG 2,946

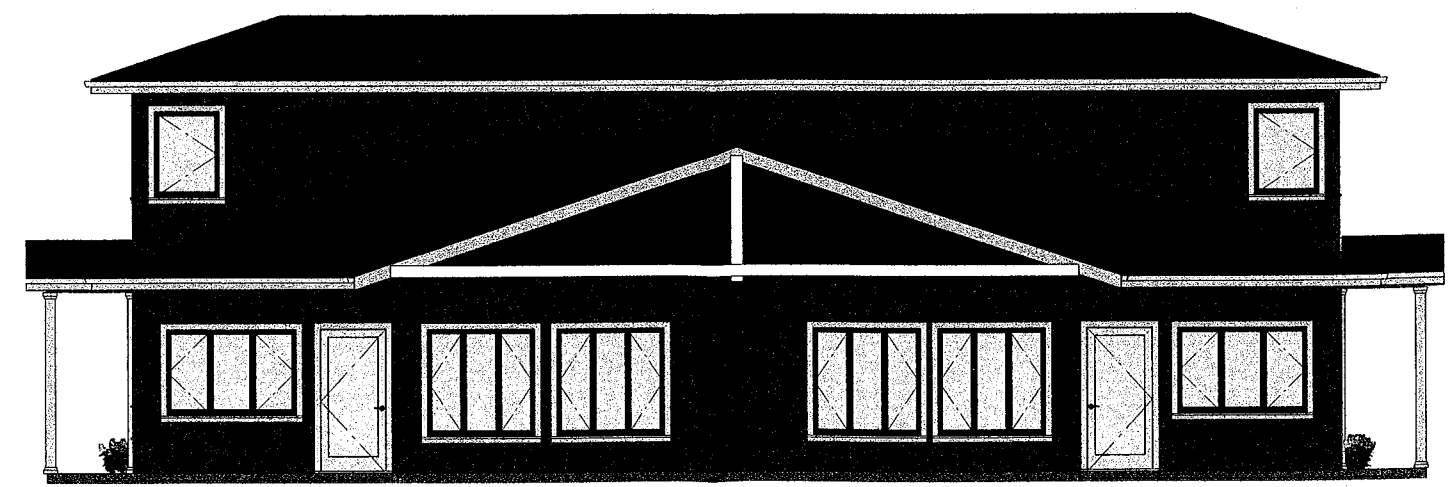
PLAN VIEW MAIN LEVEL - SCALE 1/4" = 1'-0"



PLAN VIEW UPPER LEVEL - SCALE 1/4" = 1'-0"



FRONT ELEV #1 - DO NOT SCALE



REAR ELEV. - DO NOT SCALE

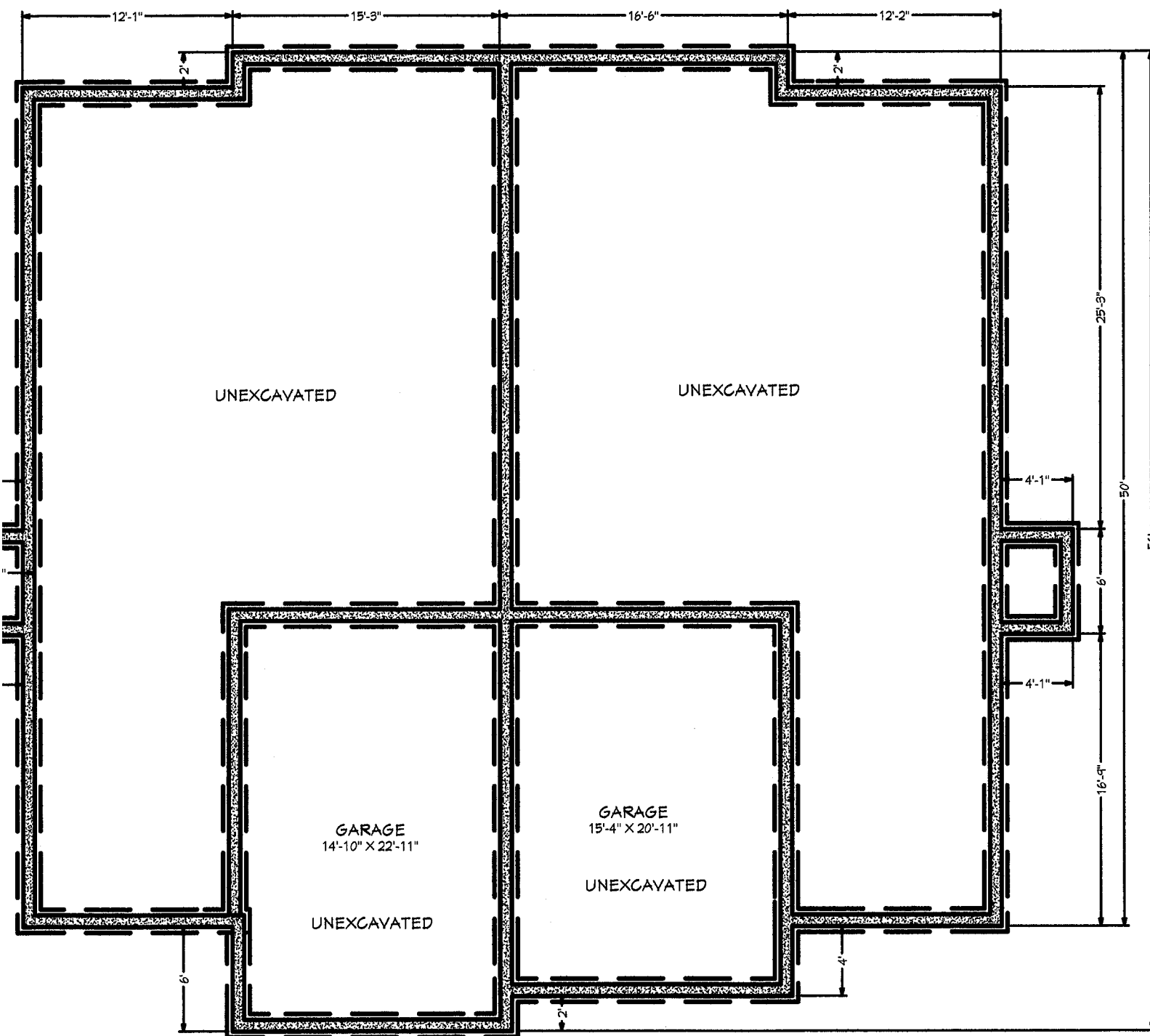
**Oakdale Office/Design Center**  
6211 Upper 51st. Street N. Oakdale, MN  
651-439-3837

CLIENT: ROSES PARKSIDE ADDITION  
SITE ADDRESS: XXXX E. HWY 96

PLAN #: 080921-1  
DATE: 8-9-21

EVERY EFFORT HAS BEEN MADE TO INSURE THESE PLANS ARE ACCURATE AND COMPLETE; HOWEVER, THEY ARE PREPARED BY DRAFTSPERSONS WHO ARE NOT REGISTERED ARCHITECTS OR ENGINEERS AND NO WARRANTIES ARE EXPRESSED OR IMPLIED. THESE PLANS ARE DESIGN REPRESENTATIONS ONLY AND ARE INTENDED AS A GUIDE FOR PERSONS WHO ARE KNOWLEDGEABLE ABOUT CONSTRUCTION PRACTICES AND LOCAL BUILDING CODES. IT IS THE RESPONSIBILITY OF THE BUILDER, OWNER OR USER OF THESE PLANS TO VERIFY ALL DIMENSIONS, DETAILS, ELEVATIONS, SITE CONDITIONS AND STRUCTURAL COMPONENTS INCLUDING THE APPLICATION AND INSTALLATION OF APPROPRIATE MATERIALS. THE CONSTRUCTION ASSUMES NO RESPONSIBILITY FOR ERRORS, OMISSIONS, JOB SITE HAZARDOUS OR IMPROPER CONSTRUCTION METHODS. ALL WORK SHOULD BE DONE IN COMPLIANCE WITH NATIONAL AND LOCAL BUILDING CODES. ELEVATIONS ON THESE PLANS ARE CREATED BY A FINISHED PROGRAM AND ARE SUBJECT TO THE PROGRAM'S PRESET DESIGN CHARACTERISTICS. THEREFORE, ALL ASPECTS SHOWN ON THE ELEVATIONS MAY NOT

SHEET #  
1 OF 2

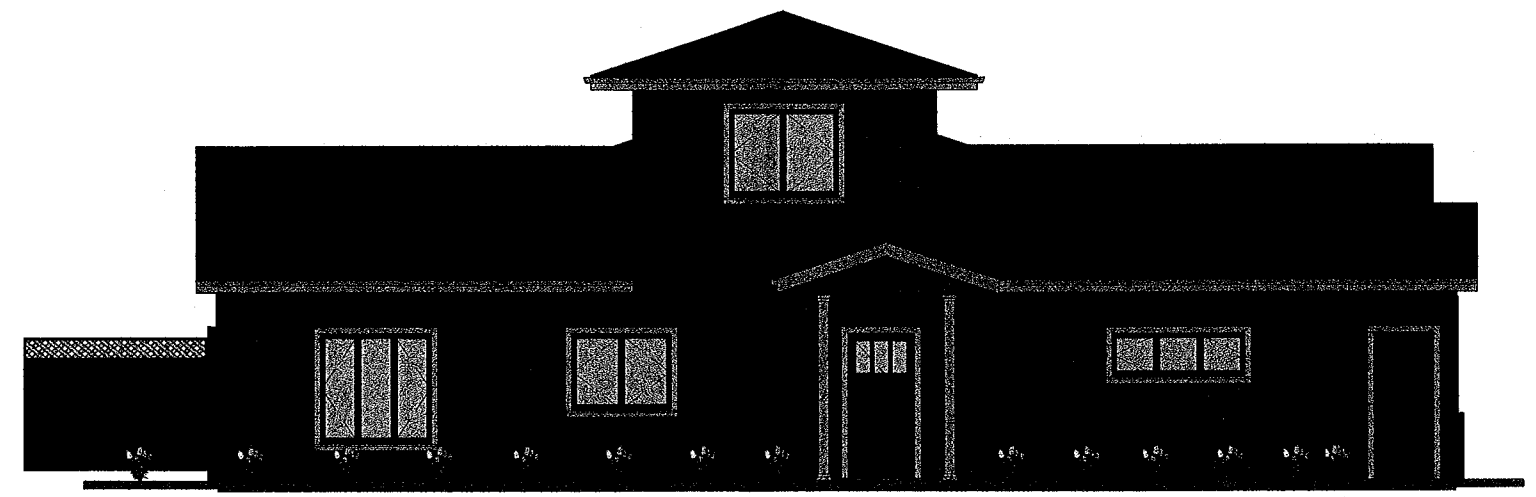


LIVING AREA  
2259 SQ FT

FOUNDATION PLAN - DO NOT SCALE



SIDE ELEV #1 - DO NOT SCALE



SIDE ELEV #2 - DO NOT SCALE

## CROSS SECTIONS IN PROCESS



**City of White Bear Lake**  
Community Development Department

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Anne Kane, Community Development Director  
Samantha Crosby, Planning & Zoning Coordinator

**Date:** August 18, 2021 for the August 24, 2021 City Council Meeting

**Subject:** 5<sup>th</sup> Avenue Vacation

---

### **BACKGROUND**

In July of 1977, two requests for the vacation of two different segments of the 5<sup>th</sup> Avenue ROW were considered by the City Council. Vacation “A” is between Highway 96 and Clarence Street. Vacation “B” is between the north line of Clarence Street and Whitaker Street, south of “A”. Vacation “A” was approved by the City Council, but Vacation “B” was not. The Vacation “B” resolution was accidentally recorded with Ramsey County when it shouldn’t have been. Luckily the error was realized fairly quickly and an affidavit was recorded nullifying the mistake. All three documents are attached, including a graphic depiction of the subject area, and the minutes from the Council meeting at which Vacation “B” was denied.

It is believed that the error was corrected for quite some time, as there are a number of City and County maps from the late 1990’s and early 2000’s that show the correct configuration: 5<sup>th</sup> Avenue vacated only from Highway 96 to the north side of Clarence Street. At some point in the past 10 to 15 years, the error was somehow recreated. Vacation “B” is now reflected on these maps.

### **SUMMARY**

The property to the west of the vacated 5<sup>th</sup> Avenue, 1788 Highway 96, is known as the Tice Parcel. The heirs of Rose Tice are interested in developing the property with a 4-lot cul-de-sac type subdivision for attached (side-by-side) townhomes (8 units total). Such a configuration complies with the R-4 zoning district in which the property is located. However, the cul-de-sac would extend westward from the west end of Clarence Street. These preliminary discussions are what brought the issue to staff’s attention.

There are utilities which extend through both Clarence Street and Park Street. Also, there is a public benefit to having pedestrian access to the nature area west of Park Street. The land is City owned and has never been anticipated for development, but vehicular access would also be useful for purposes such as wetland maintenance and snow plowing.

City staff has reviewed the matter and agrees that not all of the erroneous Vacation “B” needs to be rescinded. Only the two 60 foot wide areas over the west end of Clarence Street and Park

Street are needed for access and utility purposes. (See the yellow areas in the graphic depiction.) The Hinckley Street street-end is not needed because it is completely surrounded by City-owned property.

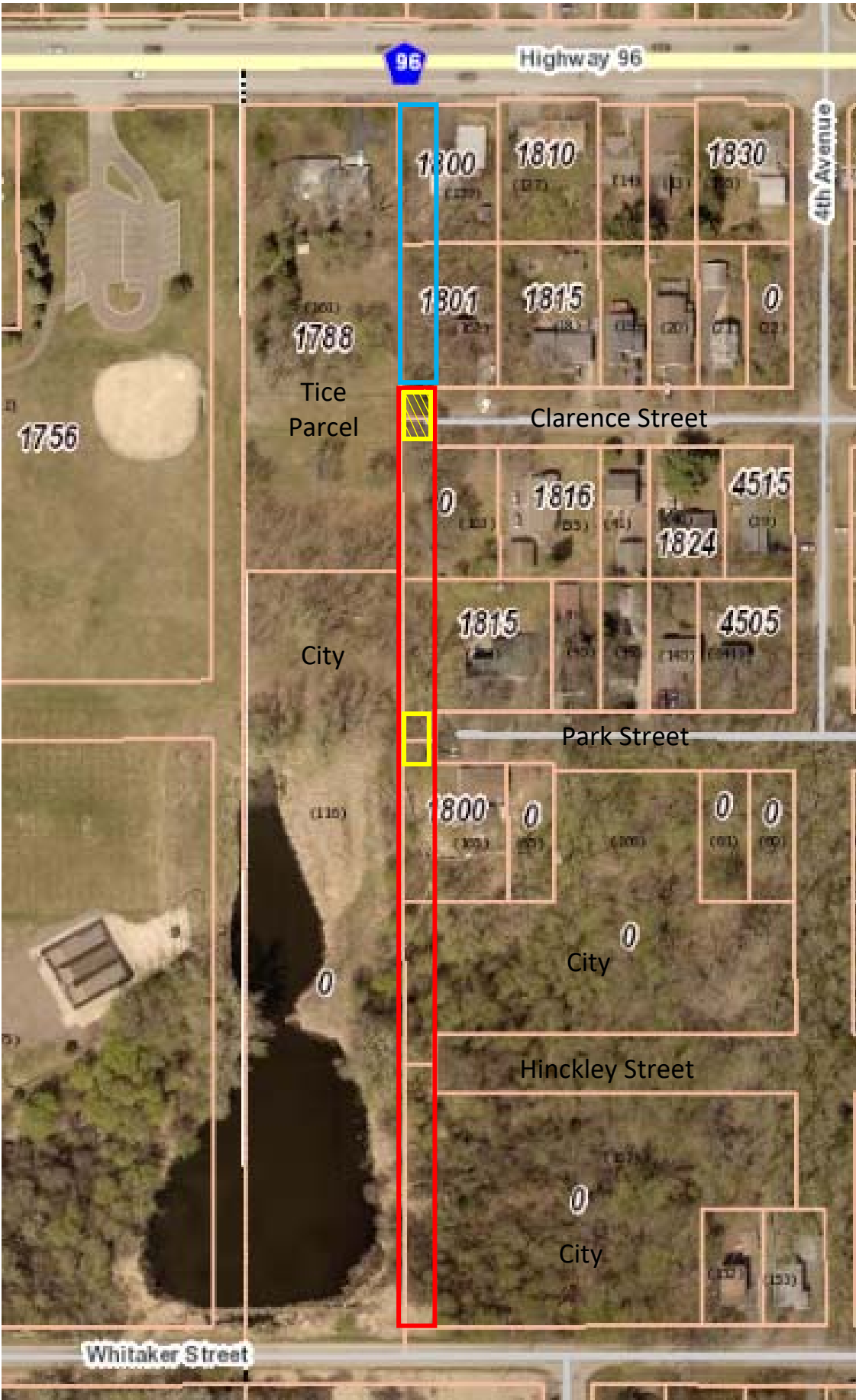
Staff reached out to Ramsey County who expressed doubt about the legal viability of leaving a mistake in place. It appears that the best path forward would be for the Council to re-affirm the denial of Vacation “B”, but simultaneously approve a new two-part vacation of 5<sup>th</sup> Avenue: from the south of Clarence Street to the north of Park Street, and from the south of Park Street to the north of Whitaker Street. This would leave the directly adjacent neighbors the land that they have believed was theirs for the past few decades and would also provide the public road access to the Tice parcel that is desired for logical site layout and development.

#### **RECOMMENDED COUNCIL ACTION**

Staff recommends that the Council direct staff to bring this issue back to the Council for a formal public hearing, with draft resolutions for the above-explained actions.

#### **ATTACHMENTS**


1. Staff Graphic
2. Doc. No. 1976172 – Correct resolution (Vacation A)
3. Doc. No. 1969239 – Incorrect resolution (Vacation B)
4. Doc No. 1976415 - Affidavit nullifying incorrectly filed resolution
5. Council minutes from July 12, 1977.



**5<sup>th</sup> Avenue ROW**

 Vacation A

 Vacation B

 Tice Parcel Access Area

 Park Street Access Area

1801 Clarence:  
Karin M. Doyle

0 Clarence:  
Judy E. Murray &  
Eleanor L. Clagherty

1815 Park:  
Brian M. Mann

1800 Park:  
Patrick & Mary Kenny

1976172

RESOLUTION NO. 3408

RESOLUTION VACATING RIGHT-OF-WAY OF CITY STREET

WHEREAS, the City Council has received a petition from affected property owners requesting the vacation of Fifth Avenue from the south right-of-way line of Highway 96 to the north right-of-way line of Clarence Street, and

WHEREAS, a public hearing has been held to discuss this matter and this hearing has been preceded by a published notice,

WHEREAS, it appears to be in the public interest to vacate this said portion of Fifth Avenue,

NOW, THEREFORE, BE IT RESOLVED by the City Council of White Bear Lake, Minnesota; orders the vacation of Fifth Avenue from the south right-of-way line of Highway 96 to the north right-of-way line of Clarence Street.

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

Ayes: Stanius, McCarty, Anderson, Rask, Strange  
Nays: None  
Passed: June 14, 1977

ENTERED IN TRANSFER RECORD

8-30 1977

LOU MCKENNA

Auditor Ramsey County, Minnesota

By E. J. Puffer  
DEPUTY

ATTEST

Raymond R. Siebenaler  
Raymond R. Siebenaler, City Clerk

Robert J. Hansen  
Robert J. Hansen, Mayor

I, Raymond R. Siebenaler, the duly qualified Clerk of the City of White Bear Lake, County of Ramsey, hereby certify that the foregoing is a true and correct copy of a resolution passed by the City Council on June 14, 1977

Raymond R. Siebenaler  
Raymond R. Siebenaler, City Clerk

I hereby certify that this \_\_\_\_\_  
is entitled to filing or  
recording without payment of  
fees pursuant to laws 1967, Chapter 124,  
it being for the benefit of

6509 340.00 NO 19LE A

AUG 30 2 50 PM '77

It being for the benefit of  
the instrument to have Chapter 154  
to insure the validity of  
to the benefit of the  
I hereby certify that the

Recd.  
1976172

White Bear Lake, City  
Council of

to  
Public

STATE OF MINNESOTA ) ss  
County of Ramsey )  
Office of the County Recorder  
This is to certify that the within instrument  
was filed for record in this office at St. Paul  
on the 30 day of Aug.  
A.D. 19 77 at 2:50 o'clock P.M. and that  
the same was recorded in Ramsey County  
Records as Doc. No. 1976172  
By ROBERT I. GIBBONS Deputy  
County Recorder

✓

NEWCOME WALLACE & NEWCOME  
ATTORNEYS AT LAW  
150 First National Bank Bldg.  
ST. PAUL, MINNESOTA 55102

RESOLUTION NO. \_\_\_\_\_

RESOLUTION VACATING RIGHT-OF-WAY OF CITY STREET

WHEREAS, the City Council has received a petition from affected property owners requesting the vacation of Fifth Avenue from the north right-of-way line of Clarence Street to the north right-of-way line of Whitaker Street, and

WHEREAS, a public hearing has been held to discuss this matter and this hearing has been preceded by a published notice,

WHEREAS, it appears to be in the public interest to vacate this said portion of Fifth Avenue,

NOW, THEREFORE, BE IT RESOLVED by the City Council of White Bear Lake, Minnesota, orders the vacation of Fifth Avenue from the north right-of-way line of Clarence Street to the north right-of-way line of Whitaker Street.

The foregoing resolution, offered by Councilman Stanius and supported by Councilman Strange, was declared carried on the following vote:

Ayes: Stanius, McCarty, Anderson, Rask, Strange  
Nays: None  
Passed: June 14, 1977

Robert J. Hansen s/s  
Robert J. Hansen, Mayor

ATTEST:

Raymond R. Siebenaler  
Raymond R. Siebenaler, City Clerk

Raymond R. Siebenaler, the duly qualified Clerk of the City of White Bear Lake, County of Ramsey, hereby certify that the foregoing is a true and correct copy of a resolution passed by the City Council on June 14, 1977.

Raymond R. Siebenaler  
Raymond R. Siebenaler, City Clerk

9805 \$00.00 TOTL. B

1969239

JUN 27 2 07 PM '77



~~196~~

1969239  
Recd.

City of W. B. L.  
to  
Public

Reg  
of Recds

STATE OF MINNESOTA ) County of Ramsey ) ss
Office of the County Recorder
This is to certify that the within instrument was filed for record in this office at St. Paul on the <u>27</u> day of <u>June</u> A.D. 19 <u>71</u> at <u>2:01</u> o'clock <u>P.</u> M, and that the same was recorded in Ramsey County Records as Doc. No. <u>1969239</u>
By _____ Deputy
ROBERT T. GIBBONS County Recorder

X  
City Planner  
City of W. B. Lake  
55710

1976415

SEP 1 9 32 AM '77

STATE OF MINNESOTA )  
                          ) ss  
COUNTY OF RAMSEY   )

AFFIDAVIT

Thomas W. Newcome being first duly sworn on oath deposes and states that he is the attorney for the City of White Bear Lake, a municipal corporation located in the County of Ramsey and State of Minnesota.

That the unnumbered Resolution filed by the City of White Bear Lake on June 27, 1977 as Document No. 1969232 was filed in error. That the City Council did not adopt a Resolution ordering the vacation of Fifth Avenue from the North right-of-way line of Clarence Street to the north right-of-way line of Whitaker Street as set forth in said Resolution.

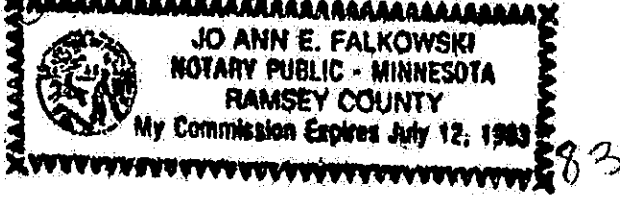
Further Affiant sayeth not except to state that the purpose of this Affidavit is to nullify and revoke the filing of said Resolution.

Dated at White Bear Lake, Minnesota this 31st day of August, 1977.

*Thomas W. Newcome*  
Thomas W. Newcome

Subscribed and sworn to before me this 31st day of August, 1977.

*Jo Ann E. Falkowski*  
Notary Public



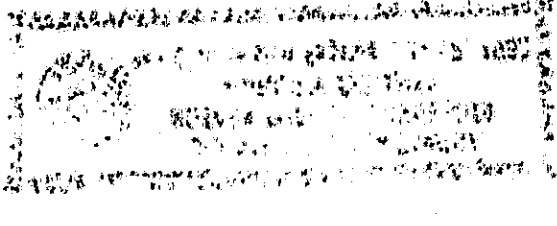
This instrument was prepared by:

NEWCOME, WALLACE & NEWCOME  
Attorneys at Law  
W-1360 First National Bank Bldg.  
St. Paul, Minnesota 55101

I hereby certify that this Document  
is not to filing or  
without payment of  
fees pursuant to laws 1967, Chapter 124,  
it being for the benefit of

7623      \$40.00 - A

44  
1976415  
Newcome  
to  
Public



RECORDED  
INDEXED  
MAY 19 1976  
COUNTY OF RAMSEY  
ST. PAUL, MINN.

STATE OF MINNESOTA )  
County of Ramsey ) ss  
Office of the County Recorder

This is to certify that the within instrument was filed for record in this office at St. Paul on the 1 day of Sept. A.D. 19 77 at 9:32 o'clock A.M., and that the same was recorded in Ramsey County Records as Doc. No. 1976415


By \_\_\_\_\_ Deputy  
ROBERT T. GIBBONS  
County Recorder

X

Thomas Newcome  
W-1360 1st Natl Bk Bldg  
St. Paul 55101

  
Robert J. Hansen, Mayor

ATTEST:

  
Raymond R. Siebenaler, City Clerk

C. Approval of M.T.C. Route changes.

Councilwoman Rask moved approval of the route changes for M.T.C. and was supported by Councilman Strange. On roll call, all voted aye. Motion carried.

V. RESOLUTIONS:

- A. Resolution vacating Right of Way for City Street. Fifth Avenue from north right of way line of Clarence Street to south right of way line of Whitaker Street.

No action was taken on this resolution as it was recommended by the staff and the Council that the vacation be denied.

- B. Resolution Vacating Right of Way for City Street. Hinkley Street from 4th Avenue to 5th Avenue.

No action on this resolution as it was recommended by the staff and the Council that the vacation be denied.

- C. Resolution regarding Metro Housing Grant.

Councilwoman Rask moved approval of the resolution and was supported by Councilman Strange. The following resolution was presented for adoption:

RESOLUTION NO. 3413

RESOLUTION REQUESTING AND AUTHORIZING THE METROPOLITAN COUNCIL HOUSING AND REDEVELOPMENT AUTHORITY TO APPLY FOR REHABILITATION GRANT FUNDS FOR IMPLEMENTATION OF THE HOME IMPROVEMENT GRANT PROGRAM WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA.

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide grants of funds to property owners for the purpose of housing rehabilitation;

WHEREAS, the City of White Bear Lake desires to assist low income homeowners in making repairs to their homes for the purpose of correcting defects directly affecting the safety, habitability, and/or energy usage of the property;

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, will accept applications from housing and redevelopment authorities



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

September 27, 2021

Tice – Hause Design Build  
6211 Upper 51<sup>st</sup> St N  
Oakdale, MN

RE: General Building Plan Review

Project: Rose's Park View Addition  
1788 E HWY 96

The plans for the above project have been reviewed. Please review the comments listed below and let me know if you have any questions.

### **Specific Comments**

- For all Fire related questions or inspections, please call (651) 762-4842.



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

### **General Comments**

1. All roads, cul-de-sacs and drive lanes shall meet the 2020 MSFC Appendix D and White Bear Lake Fire Department requirements for widths and turning radiuses. Provide layout showing White Bear Lake Fire Apparatus turning radius overlay on drive lanes.
2. Address number shall be plainly visible from the street fronting the property and shall contrasting color from the background.
3. The required fire-resistance rating of rated construction shall be maintained. Openings through rated construction for the passage of wiring, sleeves, conduit, piping, etc. shall be protected by repair with approved materials which maintains the rating of the construction damaged, altered, breeched or penetrated.
4. Fire hydrant locations shall be confirmed.

### **Codes and Standards Used for this Review**

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

Thank You,

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

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



City of White Bear Lake  
Engineering Department

# MEMORANDUM

**TO:** Samantha Crosby, Planning & Zoning Coordinator

**FROM:** Nate Christensen, P.E., Civil Engineer  
Connie Taillon, P.E., Environmental Specialist/Water Resources Engineer

**DATE:** October 7, 2021

**SUBJECT:** Rose's Park View Addition Engineering Review Comments

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The Engineering Department reviewed the Stormwater Calculations dated August 16, 2021, and Civil and Landscape plans (C-000, C-001, C-002, C-010, C101, C201, C202, C-301, C-501, C-503, L-010, L-101, and L-501) dated September 13, 2021, and received September 17, 2021. The following items are outstanding:

**The following items must be addressed prior to issuance of a Building Permit**

**General**

- 1) Provide a Geotechnical Report for review when completed. Include 1 soil boring per housing unit, 2 per each infiltration basin, and 2 within the cul-de-sac. The soil borings shall include the historic high groundwater elevation. Please be aware that there was a dump site directly south of this property. Include a reference in the Geotechnical Report if this dump site is found to encroach on the property.
- 2) Change the grading to stay within the parcel boundaries on the East property line or acquire temporary easements.
- 3) There is a deferred sewer and water assessment from City Project 215 in 1971. The current payoff amount is \$6,100.

**Stormwater Calculations**

- 4) This project is within the Vadnais Lake Area Water Management Organization (VLAWMO). VLAWMO does not operate a regulatory program for development review, and instead relies on each Member City to operate a permitting program and have local stormwater controls consistent with VLAWMO water management policy. Please revise the project description accordingly (remove 'and VLAWMO' in the last sentence on page 1, and revise the first paragraph on page 2).
- 5) To clarify our volume control requirements in the Regulatory Requirements table, post construction runoff volume shall be retained on site for 1.1" of runoff from new and/or fully reconstructed impervious surfaces. Existing impervious surface are exempt from this requirement.

- 6) Based on the 'infiltration volume required calculation', the total should be 2,532 cf. Please revise.
- 7) Revise the 'Infiltration Volume Provided' based on comments 20 and 35.
- 8) Calculate the draw down time for the water quality volume of the infiltration basin and include this information in the Volume Control summary.
- 9) As per the City's Engineering Design Standards for Stormwater Management, the 10-year and 100-year storm shall be 4.16 and 7.24 respectively.
- 10) Calculate the actual time of concentration for each subwatershed.
- 11) The existing offsite pervious area in subcatchment ERO has a curve number of 43. For the offsite areas that will not change under proposed conditions, use the same curve number in the proposed subcatchments for consistency.
- 12) Increase the time span in the snow melt condition.
- 13) Change all land areas to a curve number of 98 in the snow melt condition.

#### **Preliminary Plat**

- 14) Change 'Vacated 5<sup>th</sup> St' to 'Vacated 5<sup>th</sup> Ave'
- 15) Also include the blanket 'Proposed D and U Easement over all of lot 2' language in the 'Proposed Easements' notes.

#### **Demolition Plan (C-010)**

- 16) If the existing hydrant tee will not be reused with the new hydrant, the tee must be removed. To do so, the contractor will coordinate a watermain shutdown with the City's water department. The contractor will also be required to notify any affected properties.
- 17) Show the existing gate valve on the watermain. It is near the tee that feeds the hydrant called out for removal.

#### **Site Plan (C-101)**

- 18) Change proposed Clarence Street width from 26 feet to 28 feet.

#### **Grading, Erosion & Sediment Control Plan (C-201)**

- 19) Show the location and elevation of the overland emergency overflow of the infiltration basin on the grading plan. Additional offsite survey may be required to determine this overflow. As per the City's Engineering Design Standards for Stormwater Management, the lowest building opening shall be 1 foot above the emergency spillway from ponding areas and shall be designed to have a capacity to overflow water at an elevation below the lowest building opening at a rate not less than three times the 100-year peak discharge rate from the basin or the 100-year inflow rate to the basin, whichever is higher. See section 9.6 of the Engineering Design Standards for additional emergency overflow requirements.



- 20) Minimize the depth of the water quality volume in the infiltration basin for 1) safety reasons; 2) to minimize compaction of the soils; and 3) to improve plant survivability (very few plants can survive inundation over 1 foot for an extended duration). As per the Minnesota stormwater manual, the maximum water quality ponding depth for a drawdown time of 48 hours is 18" for HSG A and SM (HSG B) soils; 14.4" for loam, silt loam and MH (HSG B) soils, and 9.6" for HSG C soils. See related comment 35 regarding the outlet structure.
- 21) For note 12, add that the native soil below the basin shall be uncompacted to the depth necessary to alleviate the compaction prior to adding the filtration media.
- 22) Add a note stating that topsoil is not allowed in the infiltration basin.
- 23) For the infiltration vegetation establishment period (which could take up to three years) and after the upstream areas have been permanently stabilized, install a temporary erosion control blanket on top of the native seed mix instead of using the biorolls.

#### **SWPPP (C-202)**

- 24) The site does not discharge to Goose Lake. Revise the 'Receiving Waters' paragraph to state that runoff from the project site flows to Whitaker Pond, which outlets to Lambert Creek. Lambert Creek flows through numerous wetlands (Rice, Grass, and Lambert) before discharging to East Vadnais Lake, the drinking water supply for St Paul and surrounding communities.
- 25) Update the 'Stormwater Related Reviews and Permits' table.
- 26) Update the 'Quantities' table.

#### **Utility Plan (C-301)**

- 27) To reduce the chance of clogging, upsize the equalizer pipe between the infiltration basins from 8" to 12".
- 28) The City would like storm sewer stubbed from the existing 96 inch main to the eastern limits of this development. This will minimize additional disruption when nearby streets are reconstructed in the near future. Final size and location to be determined.
- 29) If the old hydrant tee is removed, install a new tee and hydrant when removing the existing tee and hydrant. The hydrant gate valve will need to be within five feet of the new hydrant.

#### **Details (C-501)**

- 30) Detail C3: change 13' proposed final width to 14'.
- 31) Detail E4: replace '2.0" bituminous non-wear' with '2.0" bituminous wear'

#### **Details (C-502)**

- 32) For detail E3, infiltration basin, add the text 'minimum, and to a depth necessary to alleviate soil compaction' after the text '...scarify to a depth of 12"'
- 33) For detail E3, infiltration basin, revise the cross section to reflect the changes made based on comment 35.

34) Detail E3: Provide a specification sheet for the MPCA filtration media for review. The media shall contain a sand and leaf compost mix only. Topsoil will not be allowed in the infiltration basin.

**Details (C-503)**

35) Infiltration basins are meant to capture and infiltrate the required water quality volume only (see related comment 20). An outlet shall be provided for any additional volume captured in the basin that is above the water quality volume. This outlet(s) can consist of smaller orifices or other methods to reduce flow in order to meet rate control requirements. Revise the HydroCAD model, and detail A5 (outlet control structure) to meet these requirements.

36) Detail A5, Outlet Control Structure: include rim and invert elevations on the detail.

**Landscape Plan (L-101)**

37) Infiltration note 1: Add the following language to this note: ‘if compaction of the filtration media or underlying native soil occurs, uncompact to the depth necessary to alleviate compaction’.

38) Infiltration note 2: because the plans specify native seed in the infiltration basin, this note should be removed.

39) Infiltration note 4: Because the infiltration basin will be seeded, and most native plant seeds require cold stratification before germinating, this note may not be necessary.

40) Landscape note 4: Provide a specification sheet for the MPCA filtration planting media for review. This media shall be consistent with the filtration media called out in detail E3 on sheet C502.

41) Landscape note 4: Add language that states: ‘Topsoil is not allowed in the infiltration basin’

42) Landscape note 13: Include language that irrigation is not allowed in the infiltration basin.

43) Add a note on the plan which states that irrigation systems must be equipped with moisture sensors.

**The following items pertaining to Lot 2 must be addressed prior to release of the Letter of Credit**

- i) An as-built record drawing of this project shall be submitted for review. Please see attached for a list of record drawing requirements. The as-built record drawing will need to identify the ownership of the utility, whether public or private.
- ii) A Stormwater Operations and Maintenance Agreement (SOMA) is required for this project. The SOMA shall also include native plant initial establishment and long-term plant maintenance requirements for the infiltration basin. For your convenience, we have attached our standard SOMA template for your use.

**While the following items are not required for issuance of a permit, we would like to take this opportunity to raise these points:**

- A) It is highly recommended that an individual familiar with infiltration basins be on site while the infiltration basin is being constructed to help ensure that it will be constructed as designed.
- B) To ensure the success of the native seeding in the infiltration basin, we highly recommend that the property owner contract with a native plant restoration company to maintain the native seed areas for the three-year establishment period. After the three-year establishment period, we encourage the property owner to continue to contract with the company for yearly maintenance of the infiltration basin plantings to control invasive plants and other weeds. Whether this maintenance is performed by a native plant restoration company or by the property owner, the maintenance must be completed as a requirement of the Stormwater Operations and Maintenance Agreement (SOMA).
- C) Consider specifying Minnesota native tree and shrub species for the southern tree border.

**Note:**

For the next plan review submittal please provide (in addition to the revised plans):

- A response to each review comment in this memo
- Revised stormwater calculations

**Contact Information**

For questions regarding comments 3, 14-18, and 28-31 contact Nate Christensen at: 651-762-4812 or [nchristensen@whitebearlake.org](mailto:nchristensen@whitebearlake.org)

For questions regarding all other comments, contact Connie Taillon at: 651- 429-8587 or [ctaillon@whitebearlake.org](mailto:ctaillon@whitebearlake.org)

**From:** Friend, Robin <[robin.friend@parknicollet.com](mailto:robin.friend@parknicollet.com)>  
**Sent:** Monday, October 18, 2021 11:06 AM  
**To:** Ashton Miller <[amiller@whitebearlake.org](mailto:amiller@whitebearlake.org)>  
**Subject:** Tice Estate

Good Morning,

I am writing because we got the letter about the plan to develop the land at the end of our street.

We bought our house on this street because it is peaceful and quite and a wonderful place to raise a family. We are able to allow our children to play in the street. They all get together with the other kids and play kick ball, basketball, street hockey and many other things. As adults we all get out there and play with all the kids. It's great because we don't have to worry about 100 cars speeding up and down this street!

We really don't want to see this development go in at the end of the street. I understand that our street is slated to be done anyways in 5-6 years. I understand that. I would have no problem paying for it then. But with putting this development in at the end of the street with all the heavy machines and what not going up and down this little road it would have to be done sooner and I feel that the Tice's would be the ones needing to pay for this street to be done as a result of their development and everything that they are wanting to do.

I don't feel that it is right that you are going off a meeting you had with her in 1995 as to what she wanted then. Things change over time! In the 13 years we have lived on this street she has stated time and time again that she didn't want to develop this land. But now that she is gone they are fighting to get this in.

With a street showing it was vacated in the 70's and the people at the end of the street own that property and have been maintaining it for decades and paying taxes it on, and now because this family is wanting to develop the land you all see dollar signs and say no that didn't really happen so sorry. I am sorry that is not right and that is why the people have a Attorney now involved and we are signing a petition to stop this from happening. No one on this street wants to see this happen.

You are putting in 8 homes and that is 16 cars with a 1 car garage and a shared driveway. If they have more then 2 drivers where will these people park? And if it is a HOA they won't be allowed to park on " their street" I will tell you this I see one of their cars parked in front of my house I will call and have it towed away! I don't want them parking in front of my home! Also if they are \$400,000 or more and a HOA who is going to want to look out their window and see mid \$300 to mid \$100,000 homes? I sure wouldn't.

I would like to know about all the environmental issues here? With it a dump in the 20's and 30's that can't be good at digging this all up. Also what about all the issues with Water Gremlin?

I just really wish you all would listen to what we as a community have to say and not just see money!

Thank you,

**Robin Friend**

Authorization Certification Team  
Patient Financial Services  
Tel 952-977-3342  
Fax 952-993-9834



**From:** andy samson <[claousste@live.com](mailto:claousste@live.com)>  
**Sent:** Monday, October 18, 2021 2:11 PM  
**To:** Ashton Miller <[amiller@whitebearlake.org](mailto:amiller@whitebearlake.org)>  
**Subject:** Clarence street neighborhood development

Hello, I'm writing to you on behalf of this proposed plan for a new development in the Columbia park area. I'm strongly against it for it will be very disruptive to the little "community" we currently have here. There are a lot of elderly and young kids that play and walk these streets, adding another 8-16 (Assuming each family has 2 cars) will significantly raise the chance of an accident and less people will be able to enjoy walks with all the traffic. Access to the park from Clarence street will be troublesome for neighbors who go for walks. The construction will prove difficult in itself with trucks coming and going while families are trying to get home from school or work. That road and surrounding roads are already packed with normal traffic as well as people parking on the roads, school busses and other vehicles coming and going. I feel like this will become a nuisance to residents on Clarence street and other nearby roads. Not to mention the removal of all that nature and scenery that some people enjoy from their backyards. Instead of nice sunset there will be a building. Once again I am strongly against this proposed development.

Sincerely,  
Andrew S.

October 20, 2021

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

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

Also via email to [akane@whitebearlake.org](mailto:akane@whitebearlake.org) and [scrosby@whitebearlake.org](mailto:scrosby@whitebearlake.org)

**Re: Tice Property Development Proposal/5<sup>th</sup> Street Vacation  
Case No. 21-1-P & 21-2-PUD**

Members of the Planning Commission and City Council,

Please be advised that I represent Karin Doyle, the owner of 1801 Clarence Street. I am writing in response to a letter from the City of White Bear Lake (“City”) to my client dated September 22, 2021. The letter discusses the “convoluted history” of the 5<sup>th</sup> Avenue right-of-way. It is my understanding that the proposed development at 1788 Highway 96 requires public access from Clarence Street.

Further, the September 22, 2021 letter proposes a staff recommendation that the City (1) reaffirm an alleged partial denial of a vacation request from 1977; (2) grant a new more limited vacation of 5<sup>th</sup> Avenue, (3) retain public ownership of the necessary portions of 5<sup>th</sup> Avenue to allow access to the new development from Clarence Street. I write because the staff recommendation appears to proceed from the faulty premise that the 1977 vacation request was actually denied. The proposal in the September 22, 2021 letter would result in an unconstitutional taking of my client’s private land for a public purpose without any compensation.

The City claims that a part of the 5<sup>th</sup> Avenue vacation in 1977 was actually denied by the City Council. There are multiple legal problems with that position. First, the most controlling legal question is what the County land records showed for more than 40 years, not what the City Council intended all those years ago. Second, the attempt to file an affidavit to “correct” the “error” was not effective. Simply put, the vacation of 5<sup>th</sup> Avenue is complete and final and there is no lawful way for the City Council to summarily reverse the vacation of 5<sup>th</sup> Avenue by resolution.

My client purchased 1801 Clarence Street in 2019. She paid market price for the property at that time and the land she purchased included a substantial portion of the vacated 5<sup>th</sup> Avenue. Under Minnesota law, a purchaser who pays value for a property is entitled to rely on the information in the land records. *Anderson v. Graham Inv. Co.*, 263 N.W.2d 382, 385 (Minn. 1978).

The land records show two recorded resolutions, together vacating all of 5<sup>th</sup> Avenue. The two resolutions were recorded in the land records as document numbers 1969239 and 1976172, respectively. An affidavit was later filed by Thomas Newcome, purporting to “nullify and revoke” one of the two vacation resolutions.

The Newcome Affidavit was not effective for two entirely separate and independent reasons. First, filing an affidavit in the land records does not automatically reform, revoke, or nullify another document in the land records. Under Minn. Stat. § 507.29, an affidavit may be recordable and therefore be admissible in Court as evidence, but there is no legal authority I am aware of that allows an attorney to file a mere affidavit to “nullify and revoke” a document in the land records.

Moreover, even if the Newcome Affidavit could theoretically invalidate a City Council resolution, it does not operate to revoke document number 1969239. Mr. Newcome’s affidavit purports to “nullify and revoke” document number 1699232. The two document numbers for the 5<sup>th</sup> Avenue revocation are 1969239 and 1976172. Thus, no matter how one views Mr. Newcome’s affidavit, it could not possibly operate to nullify the vacation document recorded as number 1969239.

The unavoidable conclusion is that my client owns all of the property she purchased, including the vacated portions of 5<sup>th</sup> Avenue that the county land records have shown as vacated for the past 44 years. While the City may utilize its eminent domain powers and compensate my client for her land, it may not summarily reverse a vacation by resolution. *See* Minn. Stat. § 412.851 (providing statutory requirements and procedures for the vacation of streets). Any attempt by the City to do so would be an unconstitutional taking. U.S. Constitution, Fifth Amendment (. . . “nor shall private property be taken for public use, without just compensation.”).

In addition to the foregoing legal problems with this right-of-way, My client also has significant concerns about changes in traffic and the character of her neighborhood which she intends to address at the upcoming public hearings.

I realize the City does not need a letter from me to explain the law. The City has an excellent city attorney to turn to in the event they have any legal questions with the complicated history of the 5<sup>th</sup> Avenue vacation. However, my client was concerned by the City’s incorrect assumption that there is public access through my client’s property to 1788 Highway 96. I am submitting this letter in an attempt to correct the record. I respectfully request that the City carefully consider the 5<sup>th</sup> Avenue vacation issue before it considers plat or PUD approval concerning the proposed development of the Tice Property.

Thank you for your time and your attention to this letter.

Sincerely,  
GDO LAW



Peter J. Frank  
Attorney at Law

cc: Karin Doyle

**From:** MELINDA MONIGOLD <[TGMMKM1@msn.com](mailto:TGMMKM1@msn.com)>

**Sent:** Thursday, October 21, 2021 6:40 AM

**To:** Ashton Miller <[amiller@whitebearlake.org](mailto:amiller@whitebearlake.org)>

**Subject:** Tice Property Development Proposal

As far as developing 4 twin homes onto this property I am against it for a number of reasons. One being the increase in car traffic. 2 being parking . the addition of 8 dwelling adding about 16 cars to the daily traffic . From the diagram the driveways are not that big so anybody visiting would be parking long Clarence street on the side streets that are narrow to start with. I also wonder about snow plowing on this small cul-de-sac where is it going to be pushed to I cant see much room for it .I also wonder how property the was vacated to the adjacent property owners can just be called a error and taken back , my understanding was it is on there deeds so they have been paying taxes on it will the city pay them back. I have lived here on park st for 30+years and my porch offers me a great view of the park the trees (which will be the first thing that goes they always are) but I guess I will have a view of the back of these twin homes they will be looking a the park I will the now know how the people on Lincoln Ave felt looking at the back side of that fine looking Boat house apartments instead of old white bear lake .I also have always wonderd about the dump that is buried offer here;’ I know its there because I watch it being dug and all the junk that was dug up and then pretty much buried along side it just how far dose it go north from the pond will the be soil test done before .

Mr. Timothy Monigold  
1819 park St





City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

**FROM:** Samantha Crosby, Planning & Zoning Coordinator

**DATE:** October 20, 2021 for the October 25, 2021 Planning Commission Meeting

**SUBJECT:** WB Country Inn, 2241 8<sup>th</sup> Street - Rezoning, Reguiding & Recombination Subdivision - Case No. 21-1-CPA, 21-5-Z & 21-3-LS

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### **BACKGROUND**

Bill Foussard, the owner of the White Bear Country Inn, is under contract to purchase the property at 2241 8<sup>th</sup> Street in the hopes of expanding the parking lot for the hotel/restaurant/event center. The proposal requires 2241 8<sup>th</sup> Street to be rezoned from R-4 - Single and Two Family Residential, to B-4 - General Business and reguided from Medium Density Residential to Downtown. The proposal also requires the recombination subdivision of a small triangular portion of the City's municipal parking lot located directly to the west of the subject site, in order to connect the subject site to the WB Country Inn property. See attached graphics.

The applicant held a neighborhood meeting on Tuesday October 12<sup>th</sup> and gathered some substantive feedback. However, the applicant did not receive the survey of the properties in sufficient time to formulate site/landscape/lighting plans for review. The applicant is in need of additional time and has waived the statutory 60-day review requirement.

### **RECOMMENDATION**

At this time, staff requests the matter be opened and continued to the November 29<sup>th</sup> Planning Commission meeting to allow the applicant time to provide the survey and design plans associated with the project.

### **ATTACHMENTS**

1. Land Acquisition Exhibit
2. Concept Sketch



WB Country Inn /  
Rudy's Redeye Grill

Location of City-  
Owned Property  
to be Acquired  
to join Parcels

Municipal Lot

Proposed  
Parking Lot  
Expansion  
for WB  
Country Inn

4950

(56)

(97)

4943

(105)

0

4940

(57)

4925

(72)

(7) 4916

4917

(1)

4910

(8)

2245

4911

(2)

224

(5)

4907

(3)

(4) 4901

4890

(20)

(126)

2246

(127)

4891

4891

(11)

4886

(19)

4887

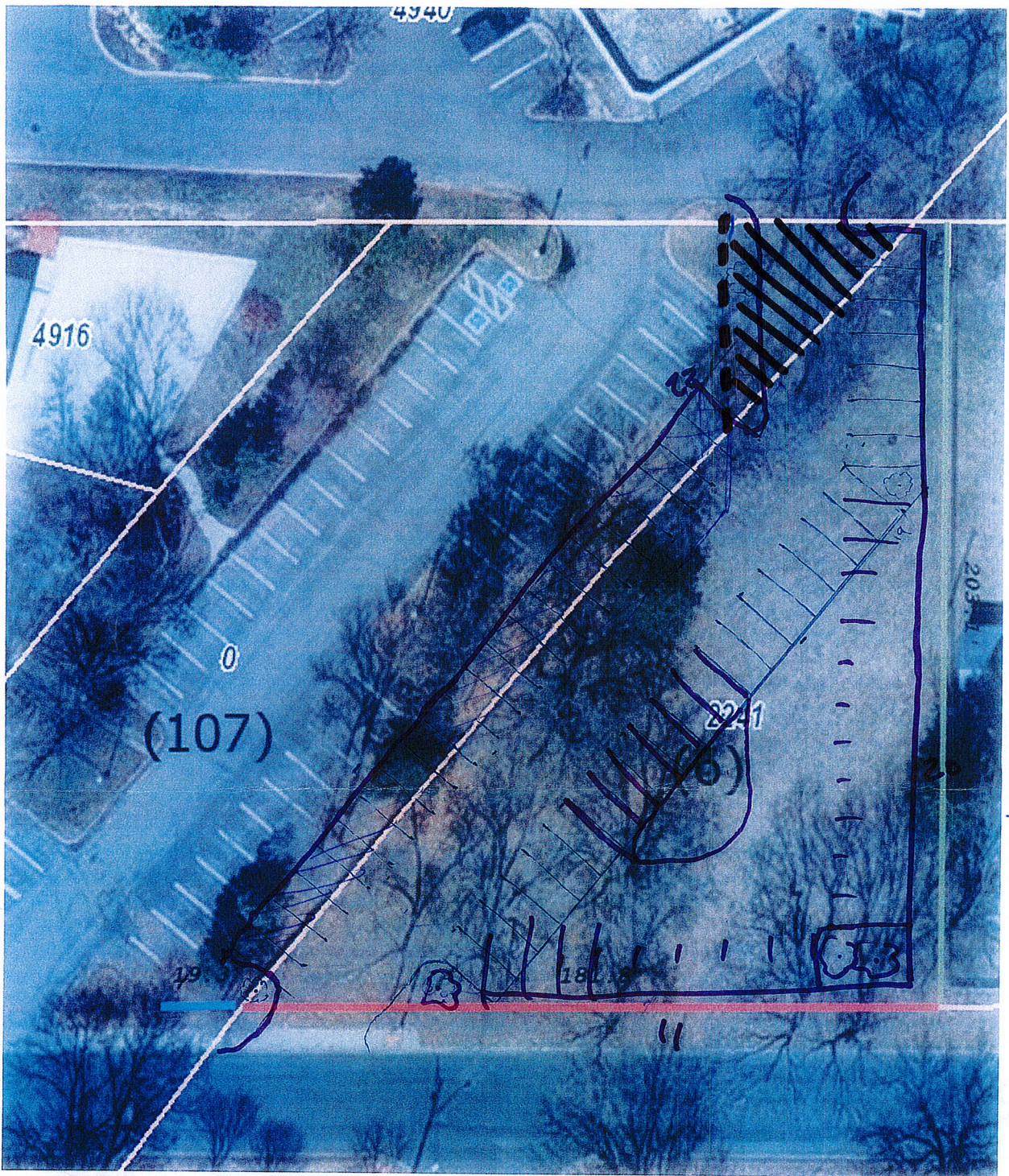
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4886

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4885

4883



25 SCALE N ↑



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

# *MEMORANDUM*

**TO:** The Planning Commission

**FROM:** Anne Kane, Community Development Director

**DATE:** October 21, 2021 for the October 25<sup>th</sup> Planning Commission Meeting

**SUBJECT:** **Tside1, LLC - 4441 and 4453 Lake Avenue South - Case No. 21-11-CUP  
REQUEST FOR CONTINUATION**

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Staff requests the matter be once again be continued to the next regularly scheduled meeting of the Planning Commission in November.



**City of White Bear Lake**  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## *MEMORANDUM*

**TO:** The Planning Commission

**FROM:** Anne Kane, Community Development Director

**DATE:** October 21, 2021 for the October 25<sup>th</sup> Planning Commission Meeting

**SUBJECT:** **DIVISION 25, LLC/Proposed Sign Code Text Amendment to allow Dynamic Billboards (Case No. 21-2-Z)**

---

### **REQUEST**

Division 25, LLC is requesting a text amendment to the Section 1202.040 Subd. 2 of the Sign Code to allow billboard signs, including dynamic display billboards, in certain commercial and industrial districts.

### **BACKGROUND**

In the fall of 2015, the City adopted a six (6) month moratorium on the issuance of any permit for the installation of any billboard to allow a comprehensive study of the Sign Code in light of a 2015 decision of the U.S. Supreme Court in the case of *Reed v. Town of Gilbert*. It found that cities should not treat signs differently based upon the message conveyed. The following year, White Bear Lake repealed and replaced its entire Sign Code to provide “content neutral regulations” for signs and removed any discretion the City has in approving or denying the signs. As part of that streamlining, the provisions allowing for billboards and dynamic display billboards (adopted in 2007) were removed in their entirety from the Sign Code.

Concurrent to the city’s re-examination of the Sign Code in 2015 was the consideration of the phased planned unit development proposal of the former Lande property located at 4650 Centerville Road by Division 25, LLC. As the Commissioners may recall, Mrs. Lande had a pre-existing billboard on her property with two signs oriented towards southbound traffic on I-35E. The developer had originally indicated a desire to upgrade the static billboard to a v-shaped dynamic display billboard but subsequently revised the PUD application to retain the existing billboard for the time being. In 2017, MnDOT constructed a sound barrier along I-35E that obstructed view of the billboard and due to maintenance requirements for the base and support structure, removed the billboard altogether last year.

### **ANALYSIS**

Over the past summer, the Planning Commission has considered the technical specifications of the proposed text amendment in an effort to accommodate the requested text amendment. The attached comparison chart provides a summary of the code provisions as revised over the past

few meetings of the Planning Commission. The primary focus has been on impact of dynamic display billboards on driver safety, particularly with regards to message hold time (20 minute hold time required by the 2007 regulations versus 8 second hold time request by the applicant) and the distance spacing of the billboards along the interstate highways. The attached Ordinance has been revised to reflect direction provided by the Planning Commission.

### **DISCRETION**

The City has a relatively high level of discretion in approving or denying a Sign Code text amendment because the ordinance is one of the enforcement tools used to implement the goals and standards set forth in the Comprehensive Plan. Any changes to the text of the Sign Code should be consistent with the Comprehensive Plan's policies and objectives.

### **RECOMMENDATION**

Staff finds that the proposed amendment is in keeping with the comprehensive vision for the City and has attached a draft ordinance for the Commission's consideration. Staff recommends approval of the ordinance and additional parameters may be included as the Commission sees fit.

### **Attachments:**

1. Draft Ordinance amending Section 1202.040 of the Sign Code
2. FHWA Driver Visual Behavior Study, Executive Summary, September 2012  
*(full report available upon request)*
3. Sign Code Comparison Table, dated October 25, 2021

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE MUNICIPAL CODE  
AT SECTION 1202, THE SIGN CODE, AS  
IT RELATES TO BILLBOARD SIGNS  
(CASE NO. 21-2-Z)**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES ORDAIN  
THE FOLLOWING:

Section 1. The Municipal Code of the City of White Bear Lake is hereby amended at Section  
1202 as follows:

**§1202.010: GENERAL PROVISIONS:**

**Subd. 1 Findings, Purpose and Intent, and Effect:**

*[NO CHANGES]*

**§1202.020: DEFINITIONS:**

*[INSERT ALPHABETICALLY BETWEEN "BANNER" AND "BUILDING"]*

**BILLBOARD:** Any off-premises advertising sign in excess of 300 square feet designed to display  
posters or other composite graphic or dynamic advertisements for products and services sold  
elsewhere.

**§1202.030: ADMINISTRATION:**

**Subd. 1 Administration:**

*[NO CHANGES]*

**Subd. 2 General Provisions:**

A. *[NO CHANGES]*

B. B. Size: No individual sign shall exceed three hundred (300) square  
feet in area other than billboards which are regulated in §1202.040. Subd.  
2.G.

C. *[NO CHANGES]*

D. Prohibited Signs: The following signs are prohibited:

1. through 4. *[NO CHANGES]*

5. Off-premises signs, other than billboards which are regulated in §1202.040. Subd. 2.G.

**§1202.040: REGULATIONS BY ZONING DISTRICT:**

**Subd. 1 Open Space and Residential Districts:**

***[NO CHANGES]***

**Subd. 2 Commercial and Industrial Districts:**

A. through F. ***[NO CHANGES]***

- G. Billboards. Billboards shall be permitted with a Conditional Use Permit in accordance with the procedures outlines in Code Section 1301.050.

1. Maximum Number in City.

- a) The maximum number of billboards allowed in the City will be the number of billboards currently existing and in use in the City as of the date of June 1, 2019.
- b) Existing billboard signs may be upgraded and modernized to the most current technology for either a static or dynamic sign face(s), or relocated, subject to the general requirements listed in this Section.

2. General Requirements:

- a. Billboards may be erected on properties adjacent to Interstate Highways 35E and 694 and only allowed in Zoning Districts I-1, I-2, BW, B-3, B-4, and PZ.
- b. The minimum setback of any portion of a billboard sign to an interstate highway right-of-way is ten (10) feet and the maximum distance from an interstate highway right-of-way is 150 feet.
- c. The maximum allowable area of any sign face, whether a single sign face or each face of a back-to-back or V-shaped signs, shall not exceed 700 square feet per sign face.
- d. The maximum allowable height of any billboard is 50 feet, or at a height above any physical barrier subject to the review and approval of a height variance by the City.
- e. The minimum allowable distance as measured along the centerline of I-35E and I-694 is 1300 feet to nearest billboard and 1300 feet to nearest residential zoned property.
- f. Any upgrade, modernization, or relocation of an existing billboard shall be limited to a billboard containing two sign faces that may be static or dynamic, and shall include a single pole with brick, stone or similar masonry material at the base of the billboard.



- g. No portion of any billboard shall occupy air space above any building or parking spaces.
- h. No billboard may display any moving parts, nor shall it be illuminated with any flashing or intermittent lights.
- 3. Additional requirements for dynamic billboards:
  - a. The image or any portion thereof must have a minimum duration of eight (8) seconds and must be a static display. No portion of the image may flash, scroll, change color, imitate movement in any manner, or otherwise meet the characteristics of a flashing sign.
  - b. The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or which depicts actions, or a special effect to imitate movement (such as fades or bursts).
  - c. The sign image must contain a complete message and not be continued to a subsequent image.
  - d. The sign shall not exceed a maximum brightness of 0.3 footcandles with automatic dimmer control.
  - e. The sign resolution shall not exceed a maximum 25 mm pixel pitch.
  - f. Dynamic signs must provide to the City a minimum of five hours (2,250 eight (8) second spots) per month per enhanced dynamic display sign in the City for community and public service messages at such times as shall be equitably scheduled throughout the day by the City.
- ~~G.~~H. Prohibited Signs: The following types of signs are not permitted in commercial or industrial zoning districts:
  - Flashing signs.
  - Portable Signs.
  - Roof signs.
  - Shimmering signs
  - Temporary signs.

**Subd. 3 Public Zoning District:**

A. through D. **[NO CHANGES]**

- E. Billboard Signs. Billboards shall be permitted with a Conditional Use Permit in accordance with the procedures outlines in Code Section 1301.050.
  - 1. Maximum Number in City.
    - a) The maximum number of billboards allowed in the City will be the number of billboards currently existing and in use in the City as of the date of June 1, 2019.
    - b) Existing billboard signs may be upgraded and modernized to the most current technology for either a static or dynamic sign face(s), or relocated,

subject to the general requirements listed in this Section.

2. General Requirements:

- a. Billboards may be erected on properties adjacent to Interstate Highways 35E and 694 and only allowed in Zoning Districts I-1, I-2, BW, B-3, B-4, and PZ.
- b. The minimum setback of any portion of a billboard sign to an interstate highway right-of-way is ten (10) feet and the maximum distance from an interstate highway right-of-way is 150 feet.
- c. The maximum allowable area of any sign face, whether a single sign face or each face of a back-to-back or V-shaped signs, shall not exceed 700 square feet per sign face.
- d. The maximum allowable height of any billboard is 50 feet, or at a height above any physical barrier subject to the review and approval of a height variance by the City.
- e. The minimum allowable distance as measured along the centerline of I-35E and I-694 is 1300 feet to nearest billboard and 1300 feet to nearest residential zoned property.
- f. Any upgrade, modernization, or relocation of an existing billboard shall be limited to a billboard containing two sign faces that may be static or dynamic, and shall include a single pole with brick, stone or similar masonry material at the base of the billboard.
- g. No portion of any billboard shall occupy air space above any building or parking spaces.
- h. No billboard may display any moving parts, nor shall it be illuminated with any flashing or intermittent lights.

3. Additional requirements for dynamic billboards:

- a. The image or any portion thereof must have a minimum duration of eight (8) seconds and must be a static display. No portion of the image may flash, scroll, change color, imitate movement in any manner, or otherwise meet the characteristics of a flashing sign.
- b. The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or which depicts actions, or a special effect to imitate movement (such as fades or bursts).
- c. The sign image must contain a complete message and not be continued to a subsequent image.
- d. The sign shall not exceed a maximum brightness of 0.3 footcandles with automatic dimmer control.
- e. The sign resolution shall not exceed a maximum 25 mm pixel pitch.
- f. Dynamic signs must provide to the City a minimum of five hours (2,250 eight (8) second spots) per month per enhanced dynamic display sign in

the City for community and public service messages at such times as shall be equitably scheduled throughout the day by the City.

~~E.F.~~ Prohibited Signs: The following types of signs are not permitted in ~~commercial or industrial~~ the Public zoning districts:

- Flashing signs.
- Portable Signs.
- Roof signs.
- Shimmering signs

SECTION 2: This ordinance becomes effective after approval shall take effect and be in force following its passage and publication (or, on "date").

Passed by the City Council of the City of White Bear Lake, Minnesota.

First Reading: \_\_\_\_\_

Initial Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Final Publication: \_\_\_\_\_

Codified: \_\_\_\_\_

Posted on web: \_\_\_\_\_

\_\_\_\_\_  
City Clerk Initials

\_\_\_\_\_

Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk

**DRIVER VISUAL BEHAVIOR IN THE PRESENCE OF COMMERCIAL  
ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)**

**SEPTEMBER 2012**

## EXECUTIVE SUMMARY

This study examines where drivers look when driving past commercial electronic variable message signs (CEVMS), standard billboards, or no off-premise advertising. The results and conclusions are presented in response to the three research questions listed below:

1. Do CEVMS attract drivers' attention away from the forward roadway and other driving-relevant stimuli?
2. Do glances to CEVMS occur that would suggest a decrease in safety?
3. Do drivers look at CEVMS more than at standard billboards?

This study follows a Federal Highway Administration (FHWA) review of the literature on the possible distracting and safety effects of off-premise advertising and CEVMS in particular. The review considered laboratory studies, driving simulator studies, field research vehicle studies, and crash studies. The published literature indicated that there was no consistent evidence showing a safety or distraction effect due to off-premise advertising. However, the review also enumerated potential limitations in the previous research that may have resulted in the finding of no distraction effects for off-premise advertising. The study team recommended that additional research be conducted using instrumented vehicle research methods with eye tracking technology.

The eyes are constantly moving and they fixate (focus on a specific object or area), perform saccades (eye movements to change the point of fixation), and engage in pursuit movements (track moving objects). It is during fixations that we take in detailed information about the environment. Eye tracking allows one to determine to what degree off-premise advertising may divert attention away from the forward roadway. A finding that areas containing CEVMS result in significantly more gazes to the billboards at a cost of not gazing toward the forward roadway would suggest a potential safety risk. In addition to measuring the degree to which CEVMS may distract from the forward roadway, an eye tracking device would allow an examination of the duration of fixations and dwell times (multiple sequential fixations) to CEVMS and standard billboards. Previous research conducted by the National Highway Traffic Safety Administration (NHTSA) led to the conclusion that taking your eyes off the road for 2 seconds or more presents a safety risk. Measuring fixations and dwell times to CEVMS and standard billboards would also allow a determination as to the degree to which these advertising signs lead to potentially unsafe gaze behavior.

Most of the literature concerning eye gaze behavior in dynamic environments suggests that task demands tend to override visual salience (an object that stands out because of its physical properties) in determining attention allocation. When extended to driving, it would be expected that visual attention will be directed toward task-relevant areas and objects (e.g., the roadway, other vehicles, speed limit signs) and that other salient objects, such as billboards, would not necessarily capture attention. However, driving is a somewhat automatic process and conditions generally do not require constant, undivided attention. As a result, salient stimuli, such as CEVMS, might capture driver attention and produce an unwanted increase in driver distraction. The present study addresses this concern.

This study used an instrumented vehicle with an eye tracking system to measure where drivers were looking when driving past CEVMS and standard billboards. The CEVMS and standard billboards were measured with respect to luminance, location, size, and other relevant variables to characterize these visual stimuli extensively. Unlike previous studies on digital billboards, the present study examined CEVMS as deployed in two United States cities. These billboards did not contain dynamic video or other dynamic elements, but changed content approximately every 8 to 10 seconds. The eye tracking system had nearly a 2-degree level of resolution that provided significantly more accuracy in determining what objects the drivers were looking at compared to an earlier naturalistic driving study. This study assessed two data collection efforts that employed the same methodology in two cities.

In each city, the study examined eye glance behavior to four CEVMS, two on arterials and two on freeways. There were an equal number of signs on the left and right side of the road for arterials and freeways. The standard billboards were selected for comparison with CEVMS such that one standard billboard environment matched as closely as possible that of each of the CEVMS. Two control locations were selected that did not contain off-premise advertising, one on an arterial and the other on a freeway. This resulted in 10 data collection zones in each city that were approximately 1,000 feet in length (the distance from the start of the data collection zone to the point that the CEVMS or standard billboard disappeared from the data collection video).

In Reading, Pennsylvania, 14 participants drove at night and 17 drove during the day. In Richmond, Virginia, 10 participants drove at night and 14 drove during the day. Calibration of the eye tracking system, practice drive, and the data collection drive took approximately 2 hours per participant to accomplish.

The following is a summary of the study results and conclusions presented in reference to the three research questions the study aimed to address.

### **Do CEVMS attract drivers' attention away from the forward roadway and other driving relevant stimuli?**

- On average, the drivers in this study devoted between 73 and 85 percent of their visual attention to the road ahead for both CEVMS and standard billboards. This range is consistent with earlier field research studies. In the present study, the presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead.

### **Do glances to CEVMS occur that would suggest a decrease in safety?**

- The average fixation duration to CEVMS was 379 ms and to standard billboards it was 335 ms across the two cities. The average fixation durations to CEVMS and standard billboards were similar to the average fixation duration to the road ahead.
- The longest fixation to a CEVMS was 1,335 ms and to a standard billboard it was 1,284 ms. The current widely accepted threshold for durations of glances away from the road ahead that result in higher crash risk is 2,000 ms. This value comes from a NHTSA

naturalistic driving study that showed a significant increase in crash odds when glances away from the road ahead were 2,000 ms or longer.

- Four dwell times (aggregate of consecutive fixations to the same object) greater than 2,000 ms were observed across the two studies. Three were to standard billboards and one was to a CEVMS. The long dwell time to the CEVMS occurred in the daytime to a billboard viewable from a freeway. Review of the video data for these four long dwell times showed that the signs were not far from the forward view while participant's gaze dwelled on them. Therefore, the drivers still had access to information about what was in front of them through peripheral vision.
- The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road. When dwell times longer than the currently accepted threshold of 2,000 ms occurred, the road ahead was still in the driver's field of view. This was the case for both CEVMS and standard billboards.

### **Do drivers look at CEVMS more than at standard billboards?**

- When comparing the probability of a gaze at a CEVMS versus a standard billboard, the drivers in this study were generally more likely to gaze at CEVMS than at standard billboards. However, some variability occurred between the two locations and between the types of roadway (arterial or freeway).
- In Reading, when considering the proportion of time spent looking at billboards, the participants looked more often at CEVMS than at standard billboards when on arterials (63 percent to CEVMS and 37 percent to a standard billboard), whereas they looked more often at standard billboards when on freeways (33 percent to CEVMS and 67 percent to a standard billboard). In Richmond, the drivers looked at CEVMS more than standard billboards no matter the type of road they were on, but as in Reading, the preference for gazing at CEVMS was greater on arterials (68 percent to CEVMS and 32 percent to standard billboards) than on freeways (55 percent to CEVMS and 45 percent to standard billboards). When a gaze was to an off-premise advertising sign, the drivers were generally more likely to gaze at a CEVMS than at a standard billboard.
- In Richmond, the drivers showed a preference for gazing at CEVMS versus standard billboards at night, but in Reading the time of day did not affect gaze behavior. In Richmond, drivers gazed at CEVMS 71 percent and at standard billboards 29 percent at night. On the other hand, in the day the drivers gazed at CEVMS 52 percent and at standard billboards 48 percent.
- In Reading, the average gaze dwell time for CEVMS was 981 ms and for standard billboards it was 1,386 ms. The difference in these average dwell times was not statistically significant. In contrast, the average dwell times to CEVMS and standard billboards were significantly different in Richmond (1,096 ms and 674 ms, respectively).

The present data suggest that the drivers in this study directed the majority of their visual attention to areas of the roadway that were relevant to the task at hand (e.g., the driving task). Furthermore, it is possible, and likely, that in the time that the drivers looked away from the forward roadway, they may have elected to glance at other objects in the surrounding environment (in the absence of billboards) that were not relevant to the driving task. When billboards were present, the drivers in this study sometimes looked at them, but not such that overall attention to the forward roadway decreased.

It also should be noted that, like other studies in the available literature, this study adds to the knowledge base on the issues examined, but does not present definitive answers to the research questions investigated.



## COMPARISON TABLE

October 25, 2021

STANDARD	2007 Billboard Regulations	Applicant Proposed Regulations	Staff Recommendation
Zoning Districts	I-1, I-2 and BW	I-1, I-2, BW, B-3, B-4, & PZ	I-1, I-2, BW, B-3, B-4, PZ & P
Approval Method	Conditional Use Permit	Permitted Use (by right)	Conditional Use Permit
Message Duration	Twenty (20) minute minimum	Eight (8) second static display	Eight (8) second static display
Resolution	Maximum 25 mm pixel pitch	Not Specified	Maximum 25 mm pixel pitch
Transition	Instantaneous/No movement	Instantaneous/No movement	Instantaneous/No movement
Maximum Brightness	Maximum 0.3 footcandles with automatic dimmer control	Limited to a level necessary for viewing	Maximum 0.3 footcandles with automatic dimmer control
Minimum Spacing	2600' to nearest billboard 1300' to residential zoned property	750 feet minimum distance between billboards	1300' to nearest billboard in City 1300' to residential zoned property
Design	Not specified	Single Pole with brick or masonry	Single Pole with brick or masonry
Size	500 SF per side	700 SF per side	700 SF per side
Height	35 feet	45 feet*	50 feet*
Setback	50 feet from interstate highway	10 feet from trunk highway	10 feet from interstate highway
<i>*or at a height above any physical barrier subject to review and approval by the City</i>			
<i>*or at a height above any physical barrier subject to review and approval of a height variance by the City</i>			

**CITY COUNCIL MEETING SUMMARY**

October 12, 2021

**APPROVAL OF MINUTES** – Approved

- A. Minutes of the Regular City Council Meeting on September 28, 2021

**APPROVAL OF THE AGENDA** – Approved

City Manager Hiniker removed the Land Use Consent item 6A1 at the request of the applicant.

**VISITORS AND PRESENTATIONS**

- A. Toastmasters Proclamation

Mayor Emerson read and presented the Toastmasters Proclamation to the group, which established October as Toastmasters Month in White Bear Lake, MN. Linda Schmidt received the proclamation on behalf of Toastmasters.

- B. Fire Department swearing in new members; retirement of Steven Engstran

Fire Chief Peterson recognized the retirement of Steven Engstran for 30 years of service as a Firefighter, EMT, Lieutenant and Captain and presented him with an engraved axe. Mayor Emerson presented him with the bear plaque in honor of his retirement from the City.

Fire Chief Peterson presented Firefighter, Paramedic Rob Weidman with a Medal of Valor for saving an elderly woman from a smoke-filled, burning home while attending to a medical call in the vicinity.

Fire Chief Peterson recognized the promotion of three Captains position as full-time Firefighters. Family members pinned the Captain's badges on Jeremy Andert, Dylan Berglund and Matt Stallings.

City Clerk Coustry administered the oath to 12 Fire Department Members

- A. WOLD Architects – Preliminary Design of Public Safety Building Project. **Resolution No. 12856**

**PUBLIC HEARINGS** – Approved

- A. Resolution establishing the Downtown Area Special Service District Levy for the years 2022 and 2023. **Resolution No. 12857**

**LAND USE** – Approved

- A. Non-Consent

1. Consideration of a Planning Commission split decision of a request by Daniel Anderson for three variances at 1481 Birch Lake Boulevard North (Case No. 21-18-V). **Resolution No. 12858** was adopted, which approved three variances at 1481 Birch Lake Boulevard North (Case No. 21-18-V) with a condition that no slide be installed.

**UNFINISHED BUSINESS** – Nothing scheduled

**ORDINANCES** - Approved

- A. Second Reading – A City-Initiated text amendment to Zoning Code Section 1302.120, Subd.3.e, to allow special home occupations to be renewed through the administrative variance process. (Case No. 21-4-Z). **Ordinance No. 21-10-2051**

**NEW BUSINESS** – Approved

- A. Resolution of Municipal Consent for Whitaker Street Intersection improvements. **Resolution No. 12860**
- B. Resolution authorizing the City Manager to enter into a contract with TRANE for Energy Performance Project. **Resolution No. 12861**
- C. Resolution authorizing purchase of all-inclusive playground equipment and grant acceptance for Lakewood Hills Playground. **Resolution No. 12862**
- D. Resolution establishing 2022 Group Life, Health and Dental Insurance for Employees. **Resolution No. 12863**

**CONSENT** – Approved

- A. Acceptance of Minutes: July Environmental Advisory Commission, August Park Advisory Commission, September Planning Commission
- B. Resolution approving lease amendment with AT&T for equipment modification at 3495 Century Avenue Reservoir Sites. **Resolution No. 12864**
- C. Resolution ordering preparation of a feasibility report for the 2021 pavement rehabilitation project, City Project No. 22-01. **Resolution No. 12865**

**DISCUSSION** – Nothing scheduled

**COMMUNICATIONS FROM THE CITY MANAGER**

- Reminder: City Manager interviews are set for Wednesday, Oct. 20.

**ADJOURNMENT** – 9:52 p.m.

# Park Advisory Commission Meeting Minutes

AUGUST 19, 2021

6:30 P.M.

MEMORIAL BEACH

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

## AGENDA TOPICS

### 1. CALL TO ORDER

The meeting was called to order by Bill Ganzlin at 6:49 pm.

### 2. APPROVAL OF MINUTES

Approval of the minutes from July 15, 2021 was moved by Mark Cermak and second by Ginny Davis.

### 3. APPROVAL OF AGENDA

Approval of the August 19, 2021 agenda was moved by Victoria Biehn and seconded by Mark Cermak.

### 4. UNFINISHED BUSINESS

#### a) Review and Vote on Updated Bi-Laws

Paul Kauppi reported that the City Council has been reviewing some of the old ordinances and making changes. The Park Advisory Commission's review of the bi-laws will fit in well with the City Council's recent agenda. Paul requested each of the Commission members review the bi-law revisions one last time prior to sending them to the City Council to review. Once the City Council approves the revised bi-laws, the Commission can vote them into our ordinance.

### 5. NEW BUSINESS

#### a) Friends of the Park and Trails Donation

Andy Wieteki explained that the Friends of the Parks and Trails donated \$300 to plant 3 trees in the same park in memory of one of their founding members, Neil Franey. Neil was a long time White Bear Lake resident who ran for City Council and volunteered for Habitat for Humanity. After the planting, Andy will send a picture to Scott Ramsay at Friends of the Parks and Trails of the grouped trees. Andy asked if the members had a preferred location between Bossard Park, Lakewood Hills Park or Yost Park. At this time, there is no plaque planned for the trees. The Park Advisory Commission felt strongly that the trees should

be planted at Yost Park due to the large tree removal project last fall. The trees will be planted this fall once the weather breaks into cooler temps to keep the trees from getting stressed.

Bryan Belisle suggested that we should think about adding some benches facing the Mark Sather trail. Andy and Paul explained that there are a few benches on the trail but the City doesn't own much easement along the trail which is why there aren't more benches.

#### **b) Park Tour – Lions Park**

The Park Advisory Commission members reviewed the CIP for Lions Park while touring Lions Park. Andy Wietecki presented his plans and ideas to replace the existing pavilion with a new slightly larger main pavilion and replace the two smaller pavilions with new single post umbrella style pavilions. The park is highly visible and typically busy along the trail and with the expansion of the trail over the next couple of years, the park is only going to get busier. Bryan Belisle questioned if the style of pavilion fits the around the lake theme and also if the cost was reasonable. Andy is also working on getting a quote to enhance the old outdated bathroom. Andy's vision for the updated bathroom includes a gable roof on the structure with lights in the eaves. The wall that separates the bathrooms would be removed. The roof would be extended over a new small patio in front of the restrooms to act as cover for the trail users to get out of the elements. The other improvements discussed include: new doors, painting, new floor coating, new handicap accessible drinking fountain with trail, and cover the old block exterior walls with a smart LP siding or something similar. A climbing structure is also being considered but the City is waiting until quotes are gathered to see if all improvements can be done at once. With the amount of users Lions Parks gets daily, Andy believes that we need to make an investment in the park so that it is not only functional but also has a lasting style that will help showcase the City's parks and community. The City of White Bear Lake is very fortunate to have a beautiful lake and we should capitalize on its beauty and showcase it.

#### **c) Park Safety**

Bryan Belisle requested that the topic of park safety be added to the agenda today. Bryan reported that a friend who uses the Mark Sather trail often has not felt safe since he/she witnessed a fight and also has learned there was/is a homeless person sleeping in the woods at Matoska Park. According to Andy Wietecki, the fight was an isolated incident since there haven't been any other fights or issues happening on the trails or even in the parks. He knows of a couple of homeless individuals in the area but there is not much that can be done to remove them unless they are creating issues. Paul mentioned he would bring it up in his department head meeting and see what the Police Chief suggested. In recent years, there has actually been a decline in homeless individuals sleeping in the City's parks.

### **6. OTHER STAFF REPORTS**

#### **a) Weyerhauser Dugout Update**

Andy Wietecki reported on the progress of the dugouts at Weyerhauser. The City has finally received all the materials for rebuilding the dugouts and the

project will begin the week of the 23<sup>rd</sup>. The project will continue until all 6 of the dugouts are finished.

**7. COMMISSION REPORTS**

None.

**8. OTHER BUSINESS**

Mike Shepard suggested the City put something in the newspaper or on Facebook explaining the upcoming beach retaining wall project to eliminate a flood of questions by the public.

**9. ADJOURNMENT**

The next meeting will be held on September 16, 2021 at 6:30 p.m.

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