

**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, November 29, 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 November 29, 2021 agenda.
3. Approval of the October 25, 2021 Planning Commission meeting minutes.
4. **CASE ITEMS:**  
**Unless continued, these cases will go to the City Council meeting on Tuesday, December 14, 2021.**
  - A. **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. **(Continued)**.
  - B. **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. **WITHDRAWN BY APPLICANT.**
  - 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)**.
  - D. **Case No. 21-20-V:** A request by **Keith Hisdahl** for a five foot variance from the ten foot setback required from a drive aisle, per Code Section 1202.040, Subd.2.b.1, in order to construct a freestanding monument sign with a dynamic display five feet from the drive aisle at the property located at 1978 Highway 96.
  - E. **Case No. 21-3-SHOP:** A request by **Aaron Briggs** for a Special Home Occupation Permit, per Code Section 1302.120, in order to operate a personal training business out of the garage at the property located at 1919 4<sup>th</sup> Street.
  - F. **Case No. 21-21-V:** A request by **Reid Larson** for a seven foot variance from the 25 foot setback required along a side abutting a public right-of-way (4<sup>th</sup> Avenue), per Code Section 1303.060, Subd.5.c.2, in order to construct a home eighteen feet from the eastern lot line at the property located at 18XX Clarence Street.

**G. Case No. 21-5-CUP:** A request by **Division 25, LLC** for a Conditional Use Permit, per Code Section 1202.040, Subd.2, and a 25 foot variance from the 50 foot maximum height for a billboard, per Code Section 1202.040, Subd.2.2.d, to allow installation of a 75 foot tall two-sided V-shaped dynamic billboard at the property located at 4650 Centerville Road.

**5. DISCUSSION ITEMS:**

- A. City Council Meeting Summary from November 9, 2021.
- B. Park Advisory Commission Meeting Minutes from September 16, 2021.

**6. ADJOURNMENT**

Next Regular City Council Meeting ..... December 14, 2021  
Next Regular Planning Commission Meeting.....January 31, 2022

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
OCTOBER 25, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, October 25, 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: Ken Baltzer, Jim Berry, Pamela Enz and Mark Lynch.

MEMBERS EXCUSED: Michael Amundsen and Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Brian & Kay Cox, Chy Nou Lee, Sandy Matzdorf, Dan Perlick, Pat Kenny, Louis Markel, Michelle Haider-Markel, Paul Rhodes, Brady Soular, Jake DuFour, Tim & Melinda Monigold, Dale Grambush, Susan Loftus, Karin Doyle, Nicole Samida, Andrew Samson, Jarett Klein, Jeff McDonell, Amy & Connor McCall, Brian Mann, Nancy Parsons, Gary & May Chambers, Robin & Nathan Friend, and Edgar d'Almeida.

**2. APPROVAL OF THE OCTOBER 25, 2021 AGENDA:**

Member Lynch moved for approval of the agenda. Member Berry seconded the motion, and the agenda was approved (4-0).

**3. APPROVAL OF THE SEPTEMBER 27, 2021 PLANNING COMMISSION MEETING MINUTES:**

Member Enz moved for approval of the minutes. Member Lynch seconded the motion, and the minutes were approved (4-0).

**4. CASE ITEMS:**

A. **Case No. 21-19-V:** A request by the **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.

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

Member Lynch asked if a three foot variance from the three foot setback requirement for a trellis could be granted rather than a height variance for a fence. Miller confirmed it would be a comparable alternative variance. Either variance would allow the panels to remain in their current location.

Member Lynch noted that if a variance were granted, it would be only for the panels currently in place.

Member Baltzer opened the public hearing.

Brian Cox, 2323 Lakeridge Avenue, applicant, he explained that the fence contractor told him that increasing the height to eight feet was unproblematic. Before the panels were erected, the neighbors all agreed to the eight foot height in order to provide the privacy desired. A slope between the lots makes a six foot fence inadequate. He stated that the existing chain link fence is inside the property line and the panels are inside the fence, so at least some of them are compliant with the three foot setback requirement. The neighbors have all expressed support of the trellises.

Chy Nou Lee, 2329 Joy Avenue, he stated he is the neighbor directly to the north and spoke in favor of the trellises. He asked for the Commission's approval of the request to allow the panels to stay in their current location. He stated that he is okay with any encroachment of the trellises onto his property that may exist.

Member Baltzer closed the public hearing.

Member Lynch indicated approval of the request, but supported the inclusion of a condition that the trellises may not be expanded. He noted that he would not be supportive of future variance requests by the abutting properties to fill in the gaps with their own panels.

Member Berry pointed to the existing setback as reason for support and agreed that the structures are not a fence.

Member Lynch moved to recommend approval of Case No. 21-19-V for a three foot variance from the three foot setback requirement for a trellis, with a condition that no additional panels be constructed by the property owners. Member Enz seconded the motion. The motion passed by a vote of 4-0.

- 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.

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

Member Lynch wondered if the stormwater ponds are proposed to be located on the west side of the property because of the existing stormwater easement. He also sought to confirm that a PUD is only needed because of the proposed shared space and Homeowners Association. Crosby confirmed that because buildings are not allowed in the easement area, it makes the most sense to place the stormwater ponds there and that if it were not for the common area, the developer could build four duplexes by right and the City would have little discretion in the design.

Member Baltzer asked if the required building setback would still be ten feet if the area to the east is vacated. Crosby replied that the assumed property line will not change for most of the 5<sup>th</sup> Avenue right-of-way, just the 60 foot width of roadway access, so the required setback will not be affected.



Member Baltzer opened the public hearing.

Karin Doyle, 1801 Clarence Street, explained that this proposal is not taken lightly by those in the neighborhood. She does not think she will have another opportunity to be heard regarding the street vacation, so she is touching on it this evening. She bought the home in 2019 based on the location and quiet neighborhood. She checked the lot lines on the County's webpage, so she knew what she was purchasing and she has title to the land. She is a full time paramedic/firefighter, which is a stressful job and her home is what gives her peace of mind. The proposed project will diminish that. She stated that it seems the City has been working with the developer for months without communicating with the homeowners. She does not support the packed homes, the removal of all the trees on the densely wooded lot or the addition of so much asphalt. The street is small and short. The neighborhood does not support multi-family living. There is no way to predetermine the number of vehicles on site and she does not think six cars will fit in the cul-de-sac. Her view of nature will be gone and she will only be able to see the side of a townhome. The buffer will be on the west side of the property towards the park and does nothing for the residents in the neighborhood.

Ms. Doyle continued that she does not think the City has taken her concerns seriously nor that the City Council considers the Planning Commission's recommendations. She stated that perhaps the plan looks good on paper, but not in actuality and believes that there is a better solution. She proposed that a different route be used for access like Dillon Street on the west side of the property or by using Highway 96. She also proposed reducing the development down to two single-family homes. In her opinion, the proposal is not consistent with the Comprehensive Plan. She further believes that the development will depreciate the home values. Ms. Doyle explained that she has been forced to spend money on an attorney to fight a battle she does not think she needs to fight. She submitted a petition signed by residents of the neighborhood against the proposal to the Commissioners.

Nathan Friend, 1815 Clarence Street, works in construction and expressed frustration that he cannot pour a driveway closer than five feet from the property line, but the proposed homes can be two feet. He does not think there is enough room for all the buildings. His second concern involves the width of the road, which is currently small. He does not think it should be his responsibility to pay to increase the size. He is also worried that the condition of the road will deteriorate from the construction vehicles. He stated that there is not enough room to store the rafters needed for construction on the site. If the material is stored on his road, he will remove or burn it.

Mr. Friend explained that all the neighbors use the Tice property to access the park and the proposal will cut them off. He stated that ten parking stalls should be provided for on the property and if there is not enough room, the project should not go forward. The occupants of the townhomes should not be allowed to park on the street. He shared that he was told by his realtor that the townhomes will reduce the value of his home. He wants to keep White Bear Lake the way it is and to leave the condos for Hugo. The construction will be cheap junk.

Paul Rhodes, 1823 Park Street, stated that the dump was closed in 1925. The Saint Paul Bottlers Club made the property unusable. The area drains to the water used in Saint Paul for drinking water, so if they hit something toxic it may cause a lot of issues downstream. He wants the exact location of the dump to be known before work starts. He thinks that Dillon Street makes sense

for access, but does not think it is feasible because of a non-working relationship with White Bear Township. He stated that it is not fair that the property owners at the end of the road would lose land.

Pat Kenny, 1800 Park Street, moved into the home about 30 years ago and soon found out that his home was located on top of the old dump. There is so much glass buried in the yard that he could not let his kids play in it growing up. He has been in contact with Vadnais Lake Area Water Management Organization (VLAWMO) about Whitaker Pond over the years and there is a huge E. coli problem in the area. Further, when they redid Whitaker Pond approximately 15 years ago, they discovered toxic material. They buried it in a berm and he is concerned about exposure. He thinks that a serious environmental study should be completed before any work is done. A study should also be done on the impact of traffic because there are many kids in the neighborhood and the addition of 16 vehicles will make the area more dangerous. He commented that it might make more sense to limit the proposal to four single-family homes. There are no duplexes in the area.

Michelle Haider-Markel, 1816 Clarence Street, stated that her father lives at the home and she grew up there. Her father used to maintain the back of the parcel because Mr. Tice was very busy. She does not think the homes fit in with the neighborhood and that the City has not listened to the needs of the residents. She questioned how much more housing White Bear Lake needs. She thinks that even though multi-family housing can be built on the lot does not mean it has to be. She expressed concern that one member of the Tice Family sees profit even though the rest of the family wants to keep the land.

Nicole Samida, 1801 Clarence Street, described how she has been maintaining the end of the road and has improved it with a bike trail. She does not think that empty nesters will want to live in the neighborhood. The park is always bustling with ball games and children playing in the area. She thinks one house in the area is okay, but two houses is possibly getting too dense.

Jarett Klein, 1827 Clarence Street, stated that his family would lose access to the park and that his three children often play in the street. He urged the Commissioners to listen to the residents of the neighborhood.

Melinda Monigold, 1819 Park Street, explained that her family has lived in the home since it was built in the 1980's. Her grandkids enjoy access to the park and there is not a lot of traffic in the neighborhood. She thinks the Tice's can develop the parcel if they want, but this is a neighborhood of single-family homes. Other areas in the City have a mix of housing types and are better suited for multi-family. She thinks the street vacation is a big issue. The streets are narrow and traffic flow is already constrained when cars are parked on the street.

Edgar d'Almeida, 1821 Clarence Street, stated that he has been in his home for 11 years and really enjoys the neighborhood. He is disappointed that the lot will be developed. He is concerned with safety. He wants the Planning Commission to look at all the facts and hopes the right decision will be made by the City.

Andrew Samson, 1830 Highway 96, stated that he was not informed of the proposal. He currently has a hard time getting in and out of his driveway. The additional traffic will make it impossible. He does not approve of the development in this area and thinks other locations are more appropriate. It is a lot of unnecessary housing for the area. He concurs that the road will be destroyed by the vehicles. He is concerned that noise from construction and trucks will ruin the

livelihood of the neighbors. Adding more cars on the road will put the kids and other pedestrians in danger.

Nicole Mann, 1815 Park Street, thinks the project will increase danger to children. There are no sidewalks in the area and there is currently not enough room for kids to wait safely for the bus on the side of the road. She is concerned that the project may decrease property values. She is worried that there is no need for homes geared toward empty nesters and wondered what will happen if the units cannot be filled. She echoed the previous comments regarding environmental issues.

Jeff McDonell, Tice-Haus Design Build, applicant, does not think they actually need the reduced setback along the east side, but wanted the duplexes more separate as a concept. He thinks they could redesign the homes to meet all required setbacks.

Member Berry asked why the units were designed with single car garages and if eight units are necessary to make the project viable. Mr. McDonell replied that the data shows that people who are downsizing typically have one car and that the applicants are trying to be environmentally friendly, reduce the amount of impervious surface, and maintain the green space on the property. He stated that one way or the other, they can make the project work. If there will be less density, the houses will be bigger.

Member Baltzer asked if the applicants had considered building fourplexes. Mr. McDonell answered that they had, but a twoplex design makes the buildings smaller and fourplexes are not permitted uses by the existing zoning.

In response to a question from Member Enz, Mr. McDonell confirmed that there will be an access easement to the park to allow residents to cross the property legally.

Member Lynch asked about the applicant's relationship to the Tice family. Mr. McDonell explained that he works for the company started by Craig Tice called Tice-Haus Design Build LLC.

Member Baltzer wondered about alternative access points to the lot. Mr. McDonell stated that Ramsey County will not allow ingress/egress from Highway 96 and that Dillion is a drainage area so there are no other options to access the back half of the property.

Member Baltzer closed the public hearing.

Member Berry asked if any core drilling had occurred on the site. Crosby replied nothing has been done yet. Soil borings will be done if the project is approved. A number of borings will be required, including one in each storm pond, one for each unit, and in the road. Staff can require more drilling if deemed necessary.

Member Berry asked if the owners have been paying taxes on the portion of 5<sup>th</sup> Avenue along their properties and if they will be compensated for the portion lost to the project. Crosby answered that she thinks the owners have been paying taxes on the land for as long as the error has been in place. Staff has talked to the County, but the response has been limited. They have not discussed what the remedy could be.

Member Berry believes the proposal may be moving too fast and there are questions that need to be answered before it proceeds. He has supported higher density projects in the past, however those have been in more appropriate areas surrounded by commercial, existing high density residential, and high traffic roads; not single-family residential. This neighborhood has been in existence for a long time and the project does not fit. He states that the road is narrow and does not believe the number of vehicles generated by the development will fit in the cul-de-sac.

Member Enz agreed with Member Berry. She acknowledged that the City needs more housing, but does not think this is the right place. She would like to see the area developed, but not with the current proposal. She believes the developers are talented enough to come up with an alternative design.

Member Lynch also agreed with Member Berry's stance on density. He noted that if there is a chance the project is approved, several conditions should be added, including a ten foot buffer, landscaping, and park access. He finds the design to be tightly packed and the density too high for the area. He suggested that the developer come back with a proposal for fewer single-family homes. He thinks there should be more time to decide.

Member Baltzer stated that one thing to remember is that this is private property, and the owners have the right to develop it the way they want within means. The PUD allows the City to apply certain restrictions on the project that could not otherwise be placed if built by right. He hears the concerns that people have toward the change, but nothing is forever. He explained that he is not comfortable with moving the project forward without knowing the legality of the street vacation issue. He recommended that the Commissioners continue the case to the November Planning Commission meeting.

Member Lynch moved to recommend continuation of Case No. 21-1-P & 21-2-PUD. Member Enz seconded the motion. The motion passed by a vote of 4-0.

- 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.

Crosby recommended the case be continued until the applicant has had a survey of the property completed and a full parking lot proposal submitted.

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

Member Enz moved to continue Case No. 21-1-CPA, 21-5-Z & 21-3-LS. Member Lynch seconded the motion. The motion passed by a vote of 4-0.

- D. **Case No. 99-2-Sa3 & 20-3-CUPa1:** A request by **Tside1 LLC** 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 stated that the White Bear Lake Conservation District has decided not to allow the extension of docks in the commercial bay beyond 300 feet, so the applicant will most likely withdraw the request and come back with a different proposal. She recommended continuation of the case until a decision is made by the applicant on how to proceed.

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

Member Enz moved to continue Case No. 99-2-Sa3 & 20-3-CUPa1. Member Berry seconded the motion. The motion passed by a vote of 4-0.

- 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.

Kane discussed the case. Staff recommended approval.

Member Lynch sought clarification on whether the distance between billboards is proposed to be 1,750 feet or 1,300 feet. Kane answered that staff is proposing 1,300 feet between signs, which is intentional because it preserves a portion of Lakewood Hills Park as a possible billboard location. It will also allow a billboard in a few other choice places along Interstates 694 and 35E.

Member Lynch expressed the opinion that the text amendment should read 1,300 feet between billboards in the City and 1,300 feet from all residential districts.

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

Member Enz asked if the Lakeside Shops sign is considered a billboard and if it would count toward the total number of City billboards. Kane replied no, it is just a nonconforming monument sign.

Member Enz moved to recommend approval of Case No. 21-2-Z with the change under 2.E to include the distance between billboards to be measured within the City. Member Lynch seconded the motion. The motion passed by a vote of 4-0.

## **5. DISCUSSION ITEMS:**

- A. City Council Meeting Summary of October 12, 2021.

No Discussion

- B. Park Advisory Commission Meeting Minutes of August 19, 2021.

No Discussion

## **6. ADJOURNMENT:**

Member Lynch moved to adjourn, seconded by Member Enz. The motion passed unanimously (4-0), and the October 25, 2021 Planning Commission meeting was adjourned at 9:08 p.m.



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

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

**DATE:** November 22, 2021 for the November 29, 2021 Planning Commission Meeting

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

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### **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.

### **BACKGROUND**

At the October 25 Planning Commission meeting, 11 people spoke in opposition to the project. In response, the Planning Commission decided to continue the case to allow the City Council time to make a decision regarding the 5<sup>th</sup> Avenue right-of-way issue. The City Council held the public hearing for the 5<sup>th</sup> Avenue right-of-way issue on November 9<sup>th</sup> and continued the item to the December 14<sup>th</sup> Council agenda, in order to allow the City Attorney additional time to conduct further legal research and fully evaluate the issue.

### **RECOMMENDATION**

Staff recommends that the Planning Commission continue this item to the January 31<sup>st</sup> Planning Commission meeting by which time a determination on the 5<sup>th</sup> Avenue right-of-way issue will hopefully have been made. The applicant has waived the statutory 60 day review period.

### **Attachments**

1. 60-day Waiver

RE: Case #21-2-PUD & 21-1-P, Preliminary Plat & PUD for 1788 Hwy. 96 East

Minnesota Statutes §15.99 requires that a city either approve or deny a land use case within 60 days. In order to allow time to reach a resolution regarding the 5<sup>th</sup> Avenue right-of-way prior to Council consideration of the land use request, I hereby waive the statutory 60-day review period for the above-referenced request.

  
\_\_\_\_\_  
Applicant's Signature

11-17-21  
(date)

Craig J Tice  
Applicant's Printed Name



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

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

**DATE:** November 22, 2021 for the November 29, 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, was 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. An application was received by the Planning Commission in October, but had been continued to the November meeting because the applicant had not provided the survey of the properties in sufficient time to formulate site/landscape/lighting plans for review.

Since then, the survey has been completed and the applicant drew up a site plan. However, the parking lot layout, even with narrow drive aisle and tight turning radii, relied heavily upon the neighboring public property to the west, which the applicant did not have the city's consent to access. Also, the plan resulted in extensive impacts to the existing tree canopy. Consequently, the applicant has withdrawn the request. Staff has provided notice to the original 350 foot mailing list, so that they know they do not need to attend the November Commission meeting.

While staff takes pride in working with local business owners to help them achieve their goals, the comments voiced by the neighbors during the neighborhood meeting reinforced staff policy that Cook Avenue remain the boundary line between Downtown and the Old White Bear neighborhood. As an R-4 zoned parcel, 2241 8<sup>th</sup> Street is large enough for a duplex. In relation to future development, staff would hope to see a new single or two-family structure that is consistent with the style and character of the Old White Bear neighborhood.

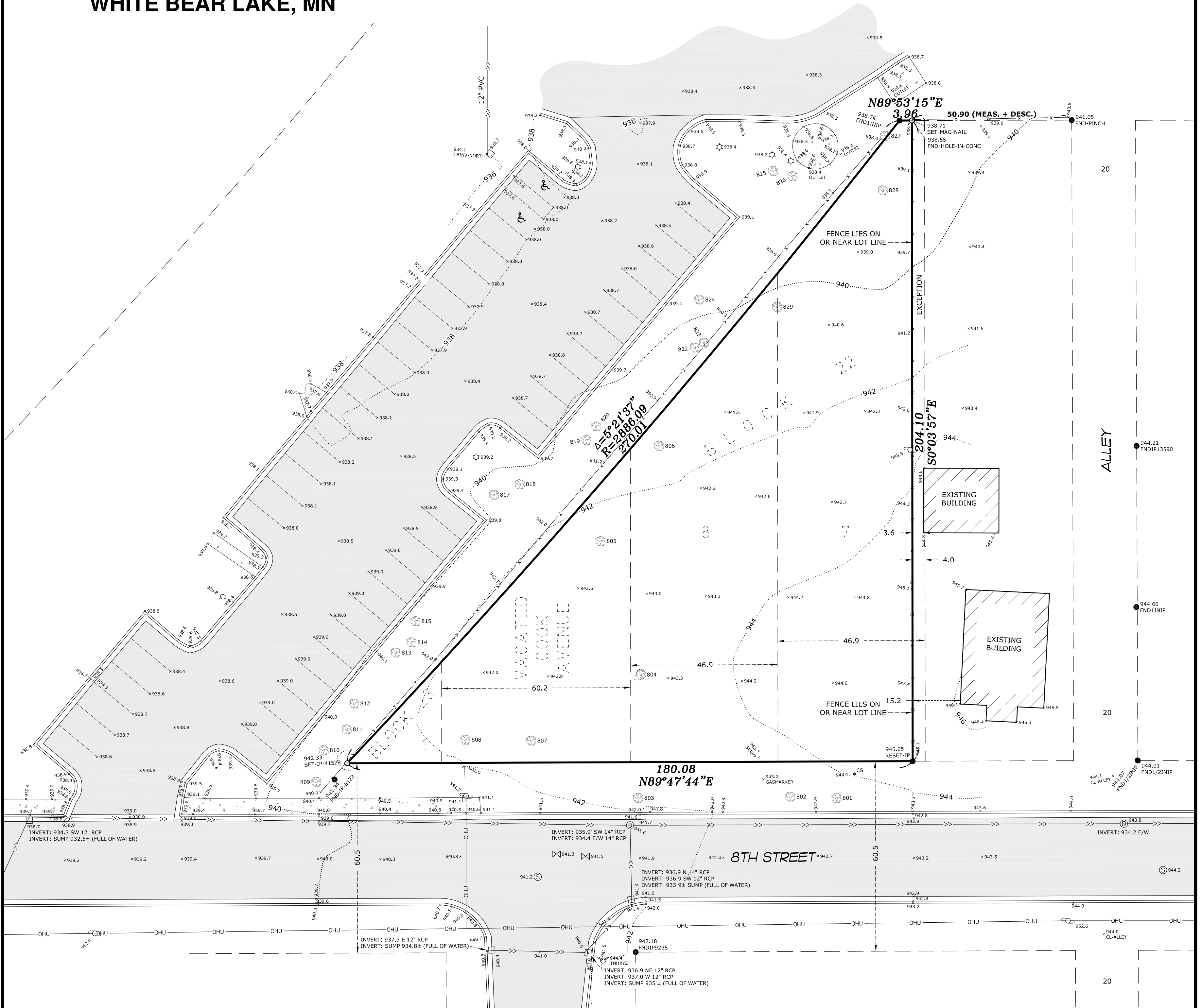
### **ATTACHMENTS**

1. Survey
2. Site Plan
3. Withdrawal Letter, November 17, 2021
4. Notice to Neighbors



# CERTIFICATE OF SURVEY

~for~ WHITE BEAR HOTEL, LLC  
 ~of~ 2241 8TH STREET  
 WHITE BEAR LAKE, MN



TAG NUMBER	TREE TYPE	CALIPER
801	ELM	42.00
802	ELM	26.00
803	ELM	26.00
804	ELM	32.00
805	OAK	46.00
806	CEDAR	15.00
807	ELM	20.00
808	ELM	16.00
809	ASH	10.00
810	PINE	9.00
811	PINE	6.00
812	PINE	8.00
813	ELM	12.00
814	ELM	9.00
815	ELM	16.00
816	PINE	8.00
817	OAK	10.00
818	OAK	18.00
819	ASH	8.00
820	ASH	15.00
821	OAK	11.00
822	ELM	12.00
823	ELM	6-6
824	ASH	11.00
825	ASH	16.00
826	OAK	20.00
827	OAK	36.00
828	ELM	11.00
829	ELM	10.00

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/04/21.
- Bearings shown are on Ramsey County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Total parcel area = 18,213 s.f. (0.42 Acres)

## BENCHMARK:

RAMSEY COUNTY BENCHMARK # 9076  
 EAST OF INTERSECTION OF BALD EAGLE  
 BLVD. AND 9TH STREET.  
 ELEVATION: 935.91 (NAVD 88)

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN
- CS DENOTES CURB STOP
- 850 X 952.36 DENOTES TREE WITH TAG NUMBER
- DENOTES EXISTING SPOT ELEVATION
- ☆ DENOTES HYDRANT
- ☆ DENOTES LIGHT POLE
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES POWER POLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES TELEPHONE PEDESTAL
- ⊙ DENOTES WATER VALVE
- DENOTES FENCE
- DENOTES EXISTING CONTOURS
- - - DENOTES EXISTING SANITARY SEWER
- - - DENOTES EXISTING STORM SEWER
- - - DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

## LEGAL DESCRIPTIONS

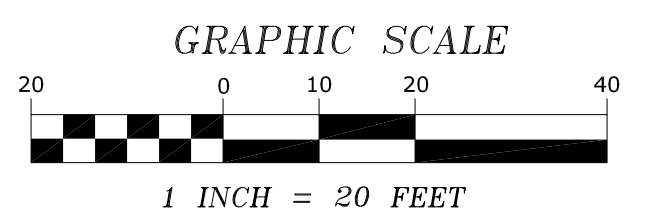
Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

(PER. DOC. NO. 3557166)



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

*Jason E. Rud*  
 JASON E. RUD

Date: 10/18/2021 License No. 41578

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

DRAWN BY: BCD	JOB NO: 211216BT	DATE: 10/18/21
CHECK BY: JER	FIELD CREW: JR	
1		
2		
3		
NO.	DATE	DESCRIPTION
BY		





November 17, 2021

City of White Bear Lake  
Attn: Samantha Crosby  
Planning & Zoning Coordinator  
4701 Highway 61  
White Bear Lake, MN 55110

Sam,

At this time, we are going to withdraw our application to re-zone and re-guide the property at 2241 8<sup>th</sup> Street, White Bear Lake, MN 55110 as you requested.

I am disappointed this didn't work at this time.

Sincerely,

A handwritten signature in cursive script that reads 'Bill'.

Bill Foussard  
Owner

### White Bear Country Inn

4940 Highway 61 N., White Bear Lake, MN 55110 P: (651) 429-5393  
Reservations: 1 (800) 528-1234 [bestwestern.com](http://bestwestern.com)

Wherever Life Takes You, Best Western Is There.®

Each Best Western® branded hotel is independently owned and operated.

November 19, 2021

RE: **White Bear Country Inn / Case No. 21-1-CPA, 21-5-Z & 21-3-LS**

Dear Resident,

Please be advised that the application by the White Bear Hotel to construct a parking lot on the property at 2241 8<sup>th</sup> Street, was WITHDRAWN. Consequently, this request, which was opened at the October 25<sup>th</sup> Planning Commission meeting and continued to the November 29<sup>th</sup> meeting, will NOT be heard. No further action by the Planning Commission or City Council will occur with regards to this application. The site will remain zoned R-4 - Single and Two-Family Residential, consistent with the adjacent residential properties.

If you have any questions, please contact me at either [scrosby@whitebearlake.org](mailto:scrosby@whitebearlake.org) or (651) 429-8534.

Sincerely,

Samantha Crosby  
Planning & Zoning Coordinator





City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

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

**DATE:** November 23, 2021 for the November 29<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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### BACKGROUND

As the Planning Commission may recall, Keith and Jan Dehnert, longtime owners of Tally's Dockside and Marina recently purchase the commercial property that houses Acqua Restaurant and the Lake Avenue Marina. It was initially thought that combing the two marinas through Conditional Use Permit Amendments would optimize the configuration of boat slips at each property. However, upon further discussions with Staff, it may be best to tie the two properties together through a Planned Unit Development. The Dehnerts have waived the 60 day timeframe for action on this application and plan to submit a more comprehensive PUD proposal together next Spring in advance of the 2022 boating season.

### REQUEST

Staff requests the Planning Commission continue the case indefinitely and will ensure proper notice is published, posted on-site, and sent to surrounding property owners prior to resuming the Public Hearing next Spring.



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## *MEMORANDUM*

**TO:** The Planning Commission

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

**DATE:** November 22, 2021 for the November 29, 2021 Planning Commission Meeting

**SUBJECT:** Hisdahl's Trophies, 1978 Highway 96 E - Case No. 21-20-V

---

### **REQUEST**

Keith Hisdahl, owner and operator of Hisdahl's Trophies, is requesting a 5-foot variance from the 10-foot setback requirement from a drive aisle, in order to construct a free standing monument sign with a dynamic display 5 feet from the drive aisle.

### **SITE CHARACTERISTICS**

The subject property is located on the south side of Highway 96, just west Highway 61. Hisdahl's Trophies is a two-story mixed use building with retail on the main level, two residential units on the second floor and a 12 stall parking lot on the west and south sides of the building.

### **ZONING**

The property is zoned B-2 – Limited Business, and S – Shoreland Overlay, as are the properties across the alley to the east. The properties to the south, west and north are all zoned R-4 – Single and Two Family Residential, and S. It is worth noting that the property to the west and south is Union Cemetery.

### **BACKGROUND**

In April of 2019, the City approved a PUD to request to expand the building to include a second unit and to demo the existing single-family residence next door and construct a parking lot.

### **ANALYSIS**

The applicant knew he wanted a freestanding sign when he planned and built the rain garden in conjunction with the watershed district. With a little more forethought, the problem could have been avoided. However, stormwater mitigation is important and the rain garden is a physical obstacle of locating the sign – a valid practical difficulty. The location of the sign does not encroach towards residential property, nor does it block the required visibility triangle.

The sign could be a maximum of 10 feet in height and it is just over 6 feet tall. The maximum size allowed by code is 35 square feet and the proposed sign is under 20 square feet. With the modest design, the applicant has done a nice job of minimizing the impact of the variance. For

these reasons staff supports the requested variance.

Plantings are shown around the base of the sign and the style of base matches the exterior of the building - both as required by code. Also, the dynamic display portion of the sign does not exceed the 70% limit. The only issue with the sign's design is that the code requires that the dynamic portion be an integral part of the overall monument sign. In this case the static portion of the sign is a separate face with a space between it and the dynamic portion of the sign. Staff has included a condition that this space be removed so that the dynamic and static portions are incorporated into one.

#### *Grading/Drainage*

The rain garden is shown with a drain tile that over flows to the City sidewalk. This has the potential to create unsafe conditions in the winter and is therefore not allowed. Also, the drain tile appears to outlet near the bottom of the rain garden, which would not allow the water to pond as intended. For these reasons the drain tile has been removed and an overland flow must be re-established at the time of construction. Staff has also included a condition that VLAWMO review and approve the final design.

#### *Utilities*

The approved construction plans for the PUD project showed that the water line to the previous single family residence (where the parking lot is now) was to be used as an irrigation line. However, the irrigation line has yet to be connected. If the line is not connected, the line should be properly abandoned at the main. While this does not impact the approval of the variance request, staff will be holding the permit for construction of the proposed sign until the connection is made.

#### **DISCRETION**

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

#### **RECOMMENDATION**

The sign is tastefully sized, designed, and located; further, staff does not foresee any issues with the reduced distance to the drive aisle. Consequently, staff recommends approval of the requested variance subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. The variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A sign permit shall be obtained prior to construction of the sign.

4. The sign shall be redesigned to remove the space between the static portion and the dynamic portion of the sign.
5. All changes to the raingarden must be submitted to VLAWMO for review and approval. Proof of approval shall be provided to the City prior to issuance of a sign permit.
6. An overland overflow towards either the parking lot or the drive aisle shall be reestablished prior to the operation of the sign.

**Attachments:**

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative
4. Site Graphics – with and without variance (5 pages)



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

**RESOLUTION GRANTING A SETBACK VARIANCE  
FOR 1978 HIGHWAY 96 E  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-20-V) has been submitted by Keith Hisdahl to the City Council requesting approval of a setback variance from the Zoning Code of the City of White Bear Lake for the following location:

**LOCATION:** 1978 Highway 96, East

**LEGAL DESCRIPTION:** Lot 24 and Lot 25, Block 21, Ramaley's Park, Ramsey County (PID: 233022210126)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A 5 foot variance from the 10 foot setback required from a drive aisle, per Code Section 1202.040, Subd.2.b.1, in order to construct a freestanding monument sign with a dynamic display 5 feet from the drive aisle; and

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on November 29, 2021; and

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

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

1. The requested variance will not:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonably increase the congestion in the public street.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

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

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. The variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. A sign permit shall be obtained prior to construction of the sign.
- 4. The sign shall be redesigned to remove the space between the static portion and the dynamic portion of the sign.
- 5. All changes to the raingarden must be submitted to VLAWMO for review and approval. Proof of approval shall be provided to the City prior to issuance of a sign permit.
- 6. An overland overflow towards either the parking lot or the drive aisle shall be reestablished prior to the operation of the sign.

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.

\_\_\_\_\_  
Keith Hisdahl Date

SUBJECT SITE:  
1978 COUNTY HWY. 96

R-3

P

B-2

R-4

P

O

P

R-4

P

B-4

P

LVMU

P

23

GOOSE LAKE

B-3

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

CASE NO. : 21-20-V  
CASE NAME : Hisdahl's  
DATE : Nov. 29th 2021

## Hisdahl Monument Sign Variance Narrative

With the process of developing the Hisdahl PUD plan the city has required Keith and Cheryl Hisdahl to include a Raingarden on the property for approval of the PUD development as long as Hisdahls was given help through the VLAWMO grant process.

Hisdahl's applied and received grant approval for the implement of the Raingarden on the Hisdahls PUD development plan. This grant process required a certain size area and plants to be installed. The placement of where the Raingarden is today, is the only land available for this project.

Because of the size of the rain garden, it was impossible to install without confronting the monument sign installation. Because of the 10-foot set back to the east of the driveway. The monument sign will be place directly in the middle of the rain garden. As explained in the nine principles of design. This 10-foot set-back will totally erode the beauty, value, and operation of the Raingarden.

We have already installed an over-flow drain in the middle end of the rain garden, so when there is a great amount of rain fall the raingarden mulch does not flow into the highway 96, like the raingardens at the Art Center. If we put the monument sign at the 10-foot set-back from the drive, it would interrupt the overflow and function of the Raingarden. So far, all rainwater run-off has not gone into sidewalk and highway 96. Since all the landscaping and raingarden has been installed, there has been NO erosion into the sidewalk and HWY 96.

Keith Hisdahl

A handwritten signature in black ink, appearing to read 'Keith Hisdahl', written over a printed name.

Owner/President Hisdahl Inc.

## **Nine Principles of Design for Hisdahl Monument Sign.**

This is great! Just what I'm looking at from my perspective as an artist and graphic Designer. Let alone the fact that Hisdahl's is a very creative company highlighting Keith Hisdahl's creative process and copyrighted spiritwear products and Awards and Recognition.

### **1. Balance:**

The monument sign according to code would be placed in the middle of the raingarden. This will produce a very symmetrical aspect to the whole surrounding area. The symmetrical balance will not highlight and bring importance to the raingarden. Thus, making the raingarden inert to the eye of the beholder. The raingarden is a place of beauty, serenity and calm. When compared to a monument sign placed in the middle those design aspects are lost. The monument sign is meant to attract attention, but placing in the middle, it will steal all the attention and bring my idea of design, balance and feeling off kilter.

### **2. Contrast**

The contrast is obvious. A commercial monument sign placed in the middle of a place of beauty and nature. I want to place the monument sign to the side of the raingarden to soften the commercial value of sight and feel of the sign. Putting the sign in the middle of the raingarden will take away all artistic value of the raingarden.

### **3. Emphasis**

I designed this building to have a creative emphasis of Nordic culture and the creative process it processes within its walls. The sign in the middle destroys the artistic value we are working so hard to achieve. Nordic culture values nature and creativity. Putting a sign right in the middle of nature does not go with my idea of creative expression and artistic vision. I do need a sign for business, and this is the only available space for that sign, I just want to make it the best possible situation that I can express my creativity, my appreciation of nature in its beautiful form.

### **4. Proportion**

We kept the sign smaller and have not used the full size of code specifics. We are not going for the full height of code specifications which is 10 feet high. I want this sign to fit with the character of this development Hisdahl's has created. The proportion of this sign fits with the size of raingarden and building. We are very diligent on keeping the proportion of this building pleasing to the eye of the beholder. I get so many compliments on how nice and

beautiful this building has become. This sign and raingarden will only highlight what a business property can look like for future developments like Hisdahl's.

## **5. Repetition and Pattern**

With this principle, If we don't have the variance the sign will be in the middle of raingarden. The pattern will bring to much visional value to the sign and overtake the raingarden because it sits higher and is in the middle. It will be very repetitious from the drive-up to the sign and raingarden to the wall of the building which is about 12 feet away. With the 10 foot variance the sign and raingarden will be in the center of the area, nothing will be defined, and all will lose their value in its own definition.

## **6. Movement**

With the variance the movement from side to side will be a mountain in the middle. Everyone looks at the mountain in the middle in any scene. That's, better for a businessman who wants to see a sign, but that's not what I'm going for in particular in this case. I want my raingarden to look great, function great and people to notice it. I love it.

## **7. White Space**

Without the variance I can achieve the proper white space balance, creating strength of color between drive-up lawn (green space) sign (brown and Black with a variety of color through dynamic sign) and raingarden (brown with natural green and flower colors). With the raingarden set in its own space it creates a low field of vision bringing the eye down to mother earth. This whole setting will balance out the scene with natural earth tones of color, while keeping manmade and natural objects separate from themselves.

## **8. Variety**

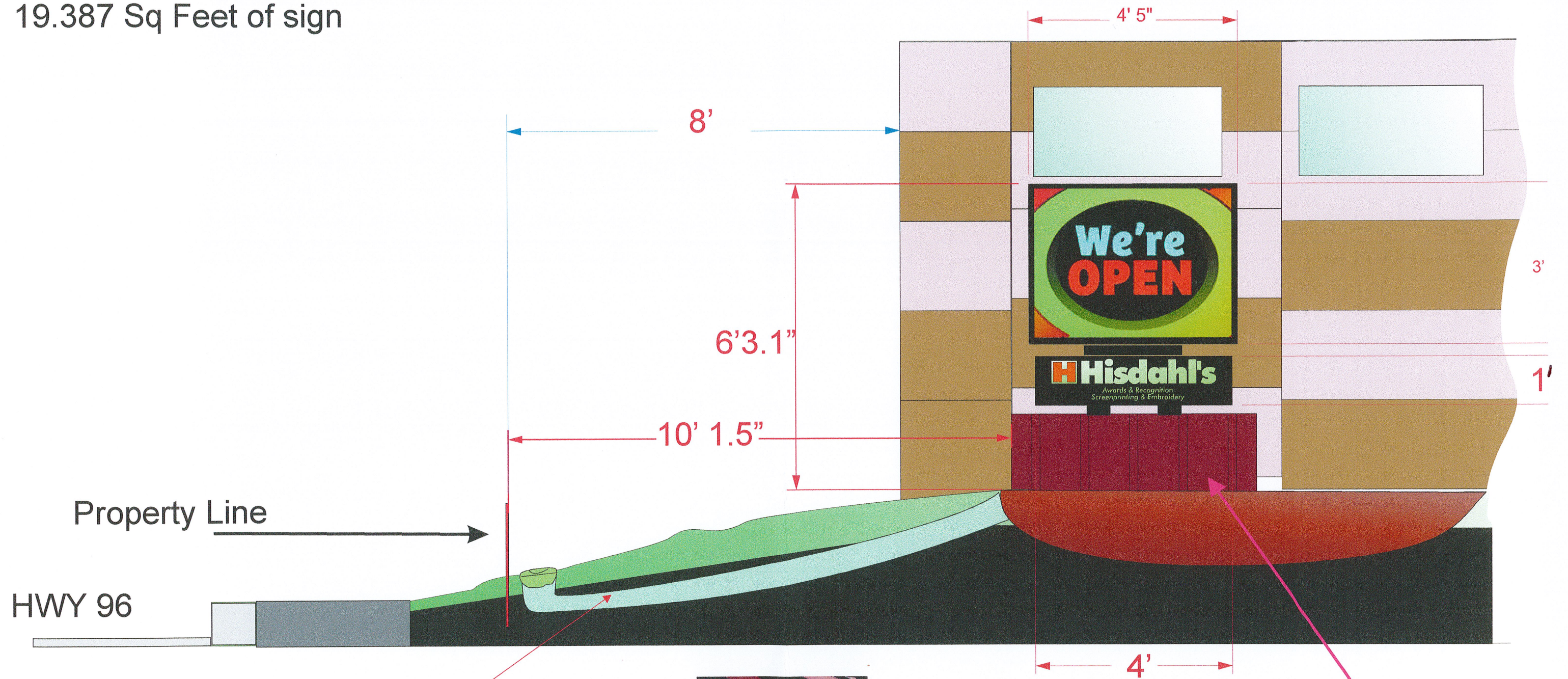
My sign plan without the 10 foot off-set will create the optimal variety of color, white space and movement with natural against manmade signage. This variety will be man and nature working together. The raingarden space has been photographed and is already published by VALOMA in their raingarden directory online.

## **9. Unity**

With the sign and raingarden separate with-in themselves, they compose the vision I want to achieve of creative harmony with business and nature.



15.087 Sq feet for dynamic sign 65%  
 4 sq feet for static sign lighted from inside. 35%  
 19.387 Sq Feet of sign



Drain tile overflow for raingarden

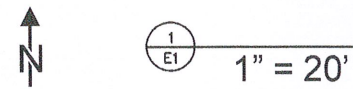


brown board and batten impression colored concrete

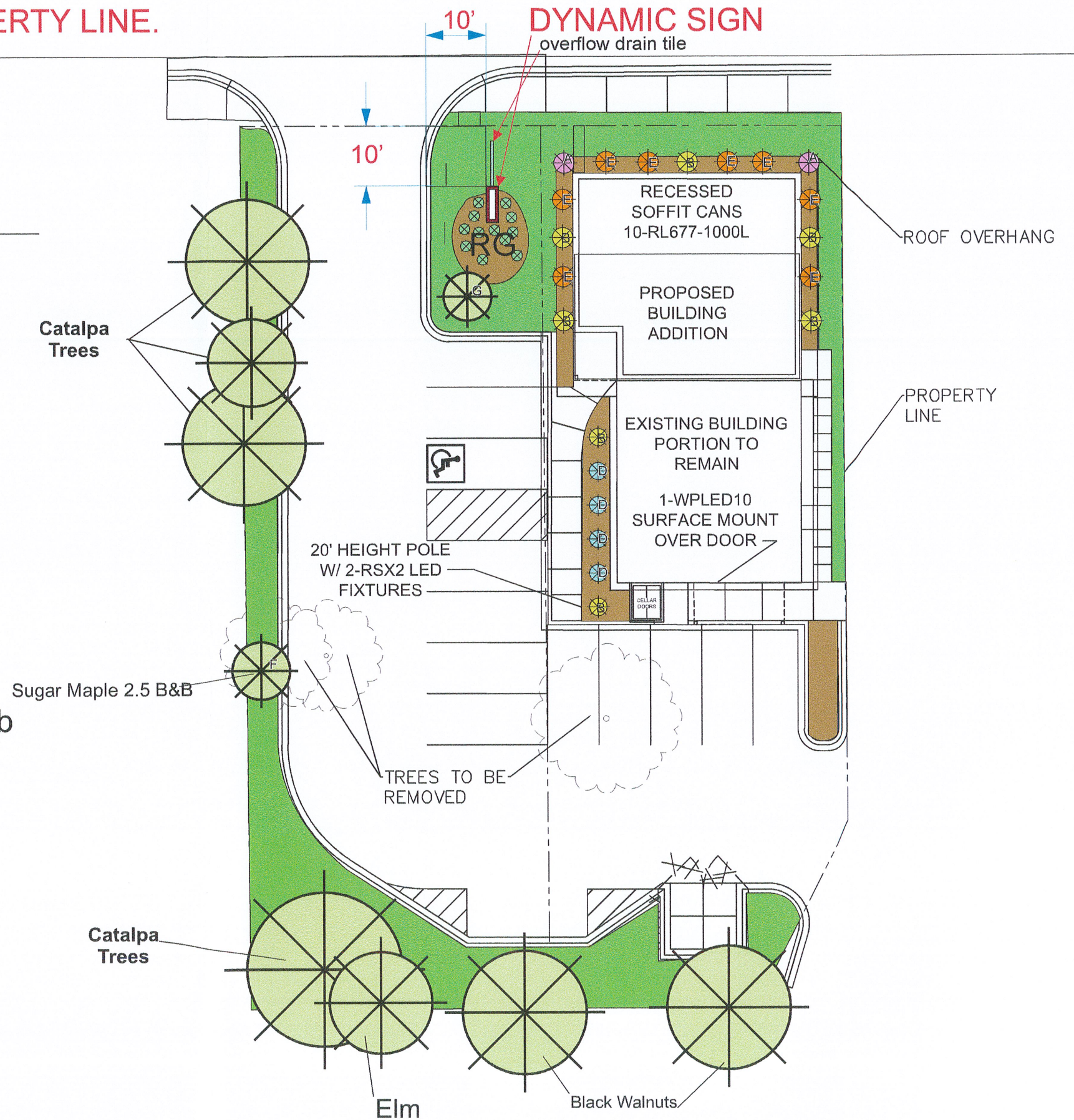


# 10' sign set back regulation no variance

10 FEET FROM DRIVE WAY / 10FT FROM PROPERTY LINE.

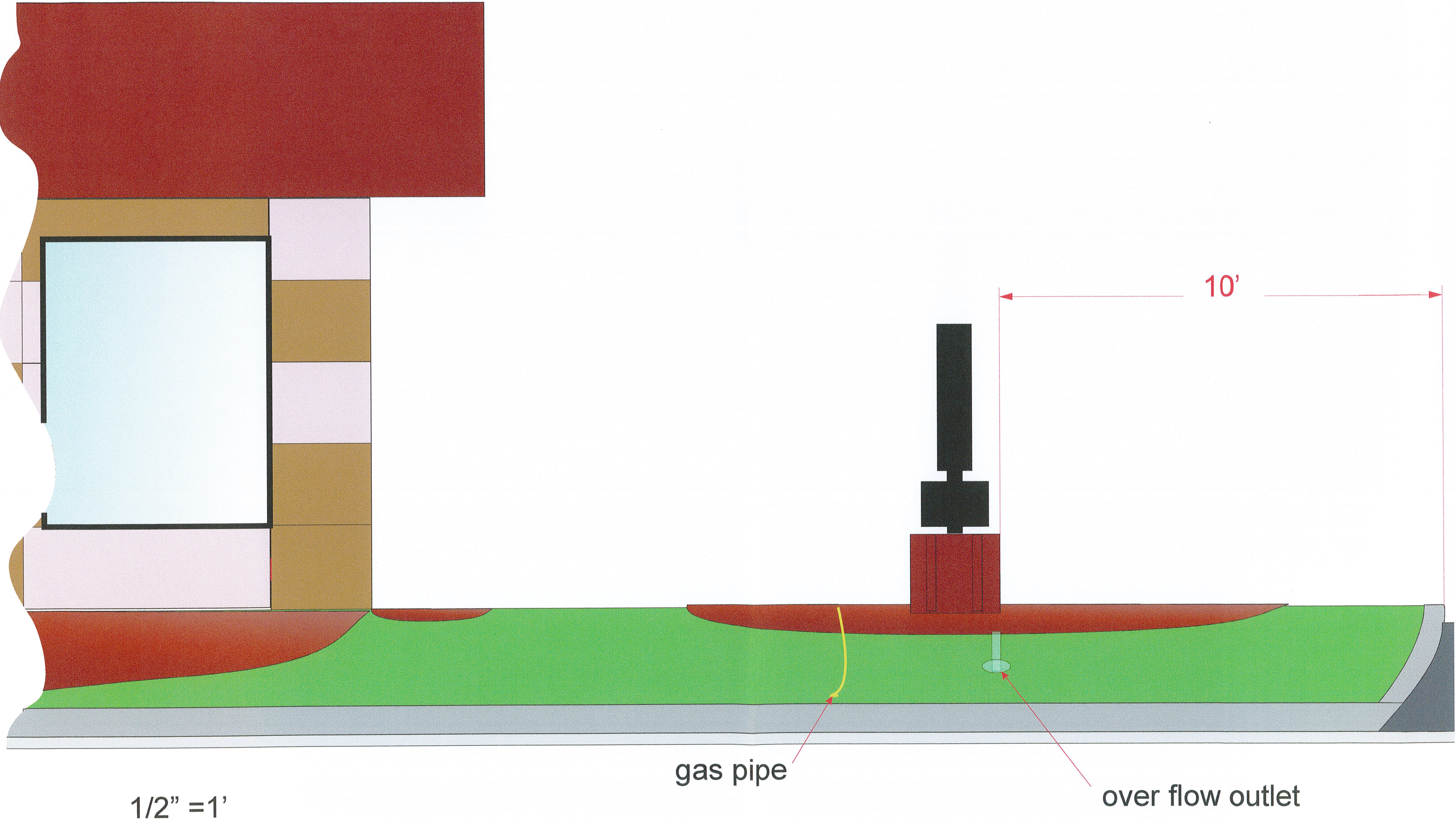


- RG** RAIN GARDEN
- RAIN GARDEN PLANTINGS
- 3455 SQUARE FEET** NoMow grass
- 800 SQUARE FEET** River Rock Mulch
- A-(2) #3 GAL Rhododendron
- B-(7) #5 GAL Magic Carpet Spirea Shrub  
*(Spiraea japonica 'magic carpet')*
- C-(5) #3 GAL Repurposed Hosta
- D-(4) #5 GAL Repurpose Tiger Lilly  
*(picas abies 'elegans')*
- E-(8) #3 GAL Sugar Maple
- F-(8) 2.5 B&B Spring Snow Crabapple
- G-(8) 2.5 B&B Spring Snow Crabapple





# 10' sign set back regulation no variance



1/2" = 1'

gas pipe

over flow outlet

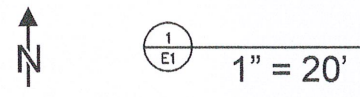


# Proposed 5' variance

5 FEET FROM DRIVE WAY / 10FT FROM PROPERTY LINE.

5' DYNAMIC SIGN

Hwy 96



- RG** RAIN GARDEN
- RAIN GARDEN PLANTINGS
- 3455 SQUARE FEET **NoMow grass**
- 800 SQUARE FEET **River Rock Mulch**
- A-(2) #3 GAL **Rhododendron**
- B-(7) #5 GAL **Magic Carpet Spirea Shrub**  
*(Spiraea japonica 'magic carpet')*
- C-(5) #3 GAL **Repurposed Hosta**
- D-(4) #5 GAL **Repurpose Tiger Lilly**  
*(picas abies 'elegans')*
- E-(8) #3 GAL **Sugar Maple**
- F-(8) 2.5 B&B **Spring Snow Crabapple**
- G-(8) 2.5 B&B **Spring Snow Crabapple**

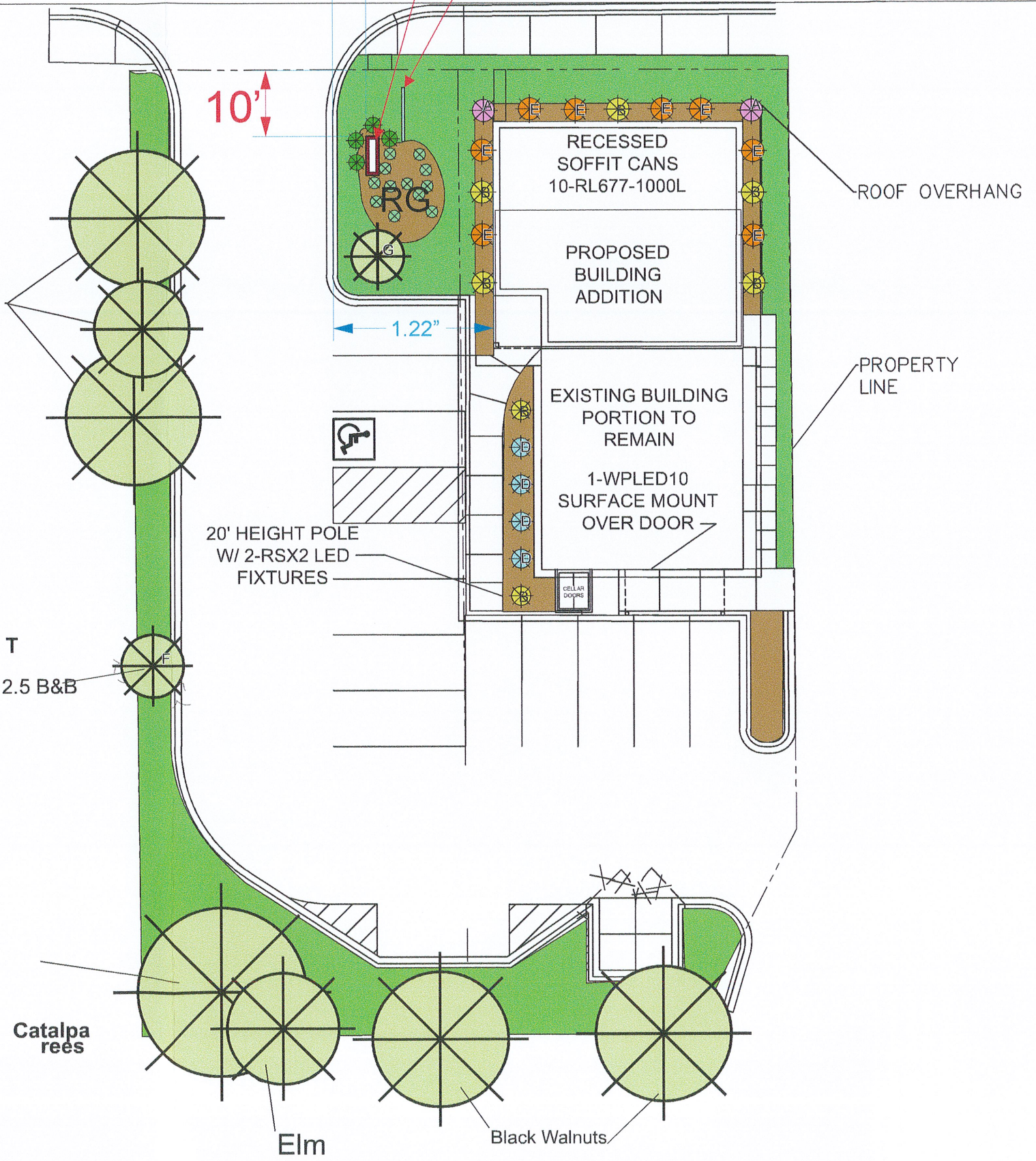
Catalpa Trees

T  
Sugar Maple 2.5 B&B

Catalpa rees

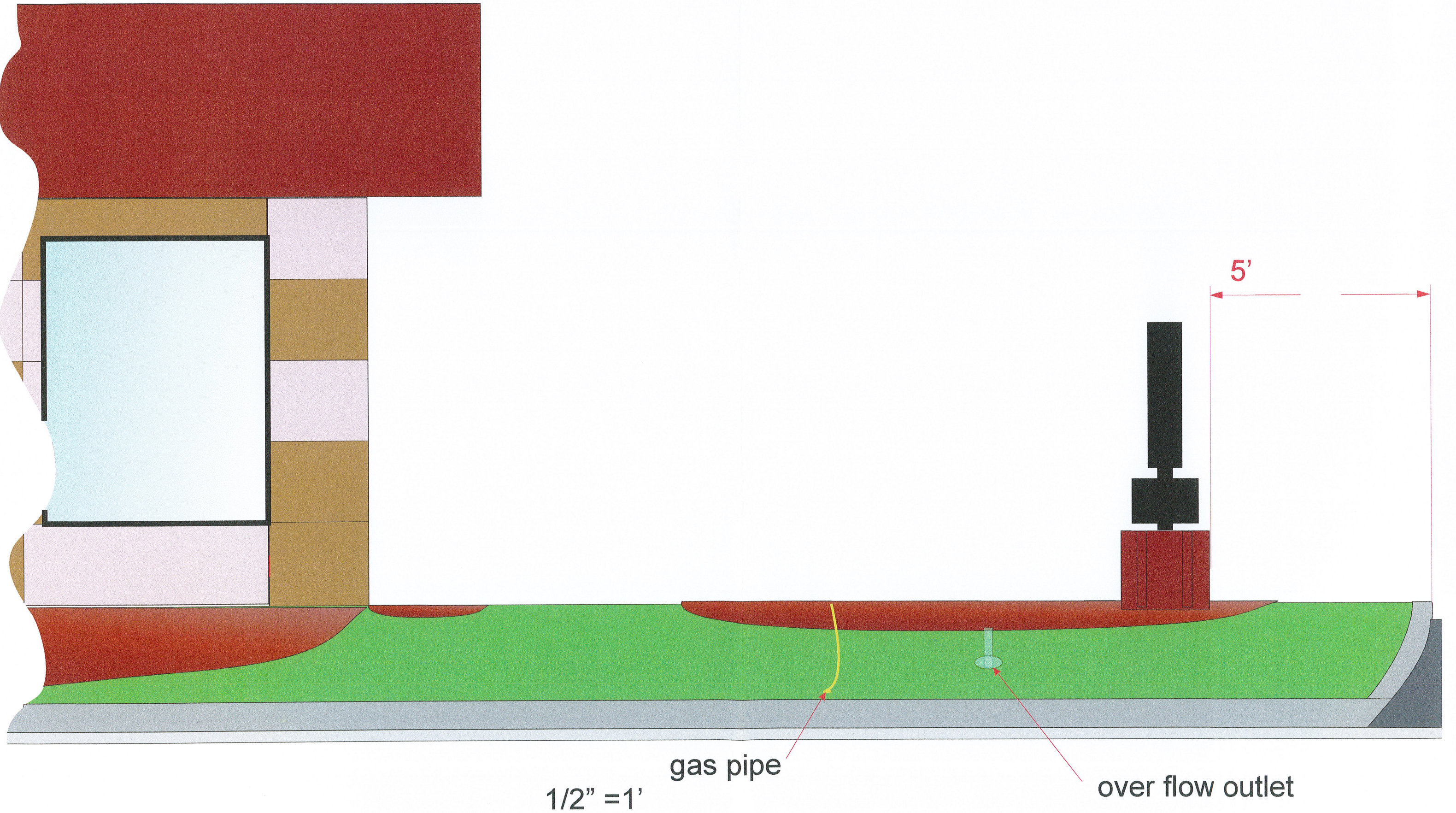
Elm

Black Walnuts





# Proposed 5' Variance







City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

## MEMORANDUM

**TO:** The Planning Commission

**FROM:** Ashton Miller, Planning Technician

**DATE:** November 22, 2021 for the November 29, 2021 Planning Commission Meeting

**SUBJECT:** Aaron Briggs, 1919 4<sup>th</sup> Street- Case No. 21-3-SHOP

---

### **REQUEST**

The applicant, Aaron Briggs, is requesting approval of a Special Home Occupation Permit (SHOP) to operate a personal fitness business out of his detached garage.

### **SITE CHARACTERISTICS**

The property is located on the north side of 4<sup>th</sup> Street and east of Wood Avenue. The property contains a single-family home, 440 square foot detached garage and 100 foot long driveway.

### **ZONING / BACKGROUND**

The property is zoned R-3 – Single Family Residential. The surrounding properties are also zoned R-3. Section 1302.120 of the Zoning Code states that certain types of home occupations are considered Special Home Occupations and require Conditional Use Permit approval. Home occupations that draw clients or customers to the residential property and businesses that are conducted out of an accessory structure require a Special Home Occupation Permit.

### **ANALYSIS**

Mr. Briggs will be the only employee and will see only one client at a time. Services offered will include in-person and virtual personal training and nutrition coaching. Sessions will be appointment-based and will be scheduled Monday through Thursday between 9 am and 6 pm and Friday between 9 am and 12 pm. Appointments will be scheduled for thirty minute or one hour sessions and will not overlap, so there will generally be only one vehicle visiting the property for training at a time. Staff has included a condition that clients be limited to parking in the driveway to minimize the impact on the neighborhood.

A building permit has been issued for the interior remodel of the garage, which includes the installation of various pieces of equipment, including free weights and a punching bag. When not being used as a training facility, the garage will still be able to store at least one, possibly two, vehicles. There are no exterior changes proposed at this time. Any future signage will require a sign permit. The Code allows a four-foot-tall sign up to eight square feet in size.

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

### **SUMMARY/ RECOMMENDATION**

The business is proposed to be incidental and secondary to the residential use of the home and does not appear that it will have a negative effect on the surrounding neighborhood. For these reasons, staff recommends approval of the Special Home Occupation, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1302.120, Subd.3, if within one (1) year after granting the Home Occupation Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This permit is issued for a one-year period with the expiration date being **December 14, 2022**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
4. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
5. Permits shall not run with the land and shall not be transferable.
6. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
7. The applicant shall comply with applicable building, fire and health department codes and regulations.
8. Clients shall be limited to parking in the driveway.
9. A sign permit is required prior to the installation of any signs.

### **Attachments:**

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative – 4 pages
4. Site Plan & Floor Plans – 4 pages
5. Scanlon Email of Support

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

**RESOLUTION APPROVING  
A SPECIAL HOME OCCUPATION PERMIT FOR AARON BRIGGS  
AT 1919 4<sup>th</sup> STREET  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-3-SHOP) has been submitted by Aaron Briggs to the City Council requesting a Special Home Occupation Permit of the City of White Bear Lake for the following location:

**LOCATION:** 1919 4<sup>th</sup> Street

**LEGAL DESCRIPTION:** East half of Lot 38, Oakhurst Acres, Ramsey County, Minnesota. (PID # 143022310023)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF:** A Special Home Occupation Permit to allow a personal trainer business out of the garage of a single-family home, per Code Section 1302.120, Subd.4; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on November 29, 2021; and

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

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

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

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1302.120, Subd.3, if within one (1) year after granting the Home Occupation Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension for time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This permit is issued for a one-year period with the expiration date being **December 14, 2022**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
4. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
5. Permits shall not run with the land and shall not be transferable.
6. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
7. The applicant shall comply with applicable building, fire and health department codes and regulations.
8. Clients shall be limited to parking in the driveway.
9. A sign permit is required prior to the installation of any signs.

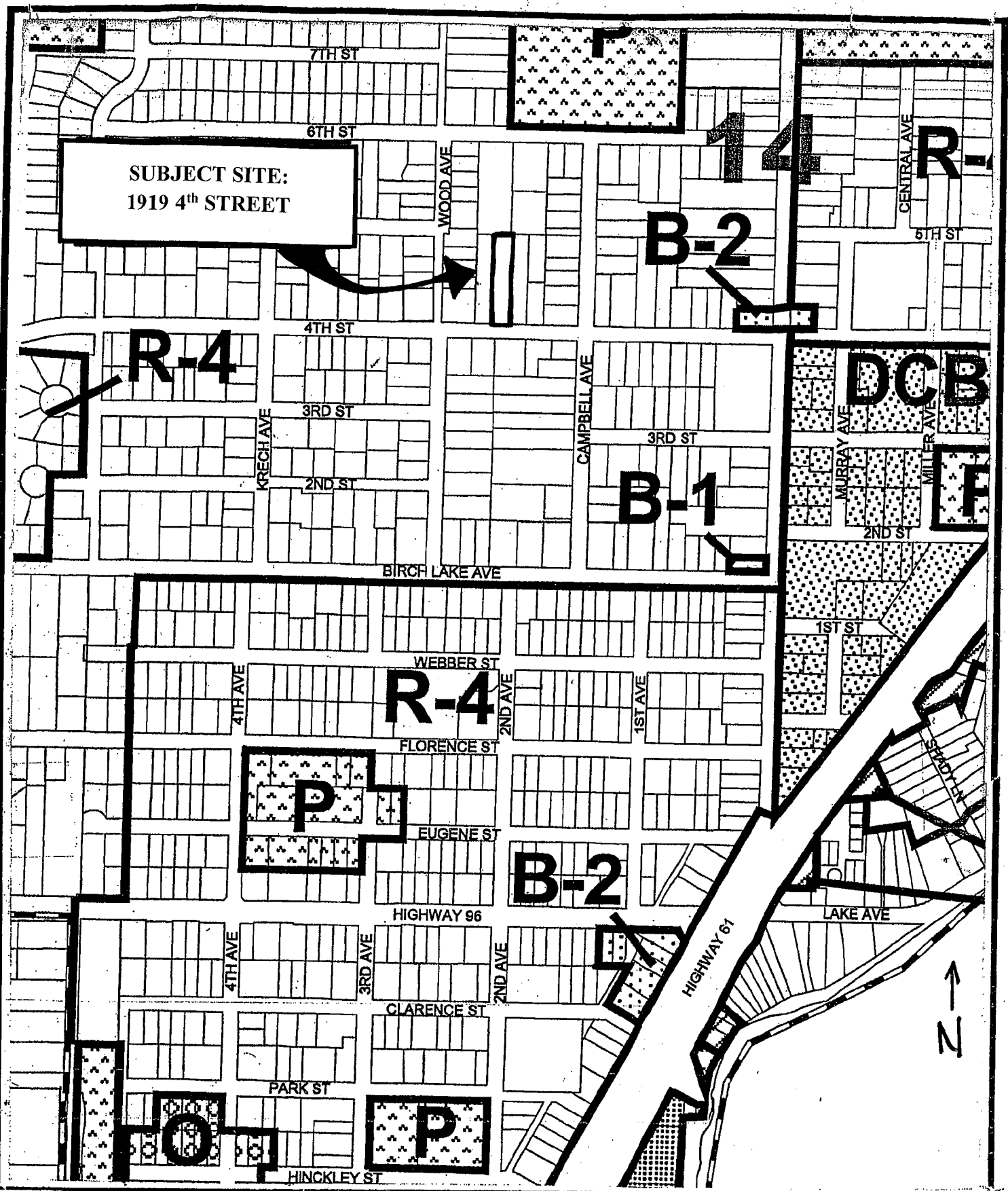
The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor







SUBJECT SITE:  
1919 4<sup>th</sup> STREET

R-4

B-2

DCB

B-1

R-4

P

B-2

O

P

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

CASE NO. : 21-3-SHOP  
CASE NAME : Brigas  
DATE : November 29, 2021

October 10, 2021

Aaron Briggs, Personal Trainer

Briggs.Aaron@gmail.com

651-271-0401

## Home Occupation Business Narrative

1919 4th Street, White Bear Lake

## Personal Training Business Overview

This training studio will provide the community with a spot for private fitness training in a quiet, safe and friendly environment. It will be a business serving one client at a time out of the garage of a single family home.

### Services Offered

- Private personal training
- Virtual personal training
- Personal Nutrition coaching

### Use of the property

- Parking will be available in the large driveway and on the street in front of the house as needed. There should be no more than two customer cars in front of the house at one time.
- Customers will enter and exit through the service door on the garage
- Training will take place inside the garage
- Restroom facilities are located inside the house

### Flow of Operation

- Clients are seen by the hour or half hour. All appointments are arranged prior to the scheduled session.
- On average I will be scheduling about three one-on-one private training sessions per day
- During these sessions, one client will be on the property with me at all times.
- Walk-up appointments are not available.

## Hours of Operation

- Training will take place Monday-Thursday mostly between the hours of 9am-6pm and on Friday between 9am-12pm.
- Over half of these hours are for virtual clients, training off-site and admin at which point clients will not be on the property
- About three hours are reserved for pre-scheduled in-person private training each day

## Example of a weekly Schedule

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
9am	In-person	Virtual	In-person	Virtual	In-person	Closed	Closed
10am	Virtual	In-person	Virtual	In-person	In-person		
11am	Off-site	Virtual	Off-site	Virtual	In-person		
12pm	Off-site	Off-site	Off-site	Off-site	Closed		
1pm	Admin	Admin	Admin	Admin			
2pm	Off-site	Off-site	Off-site	Off-site			
3pm	Virtual	In-person	Virtual	In-person			
4pm	In-person	In-person	In-person	In-person			
5pm	In-person	Virtual	In-person	Virtual			

## Business Culture

- Words I use to describe my training style; safe, fun, practical and mostly low-impact.
- Most of my clients are in their 50-70's and have a high amount of disposable income.
- My training philosophy is to help my clients look and feel better. I help them reach their goals and to have the ability to do what they want to do. For many of my clients, this means being able to get down on the floor to play with their grandchildren, go on bike rides, hikes, and travel.
- The noise level during training sessions is the same as a one on one conversation. It would be like having a friend over for a visit in the garage. I don't train with heavy weights or equipment that slam into the ground or play loud music.

- The physical space will have several windows to allow generous amounts of natural light. The feel of the space is clean, modern, and comfortable, with finished surfaces and ample lighting.

### Community Impact

- I like to start and end my client sessions with a walk around the block. We get to wave at familiar faces, pets ;) and pick-up trash we find along the way.
- We hope to offer complimentary workout gatherings twice a week which are 30 minute opportunities for people in the neighborhood and community to come work out, meet friends and have fun.

### The Big Picture

A goal for me and my wife is to make the world a better place. Yes, that sounds cheesy, but it's true. We know it doesn't happen all at once. It starts here, in our home, then our neighborhood. Spreading into the community and hopefully beyond! We have a dream of being a home where we inspire being better. Better health, better lifestyles, better families, better friendships...all of these lead towards a better world!

Fifteen years ago when we were looking to purchase a home, one of our non-negotiables was to live within walking distance of Cup and Cone. Our realtor thought we were joking, but we weren't! We could have probably purchased something "brighter and newer" somewhere else, but we chose to be near downtown White Bear Lake and have been here ever since. We love our house. It's our home. We love this neighborhood. We love the people. We love that our four children have nick-names for all the places we pass as we walk through downtown. We have purposefully chosen to support local restaurants and shops. We have strategically invited other's into this amazing town so they can see the charm!

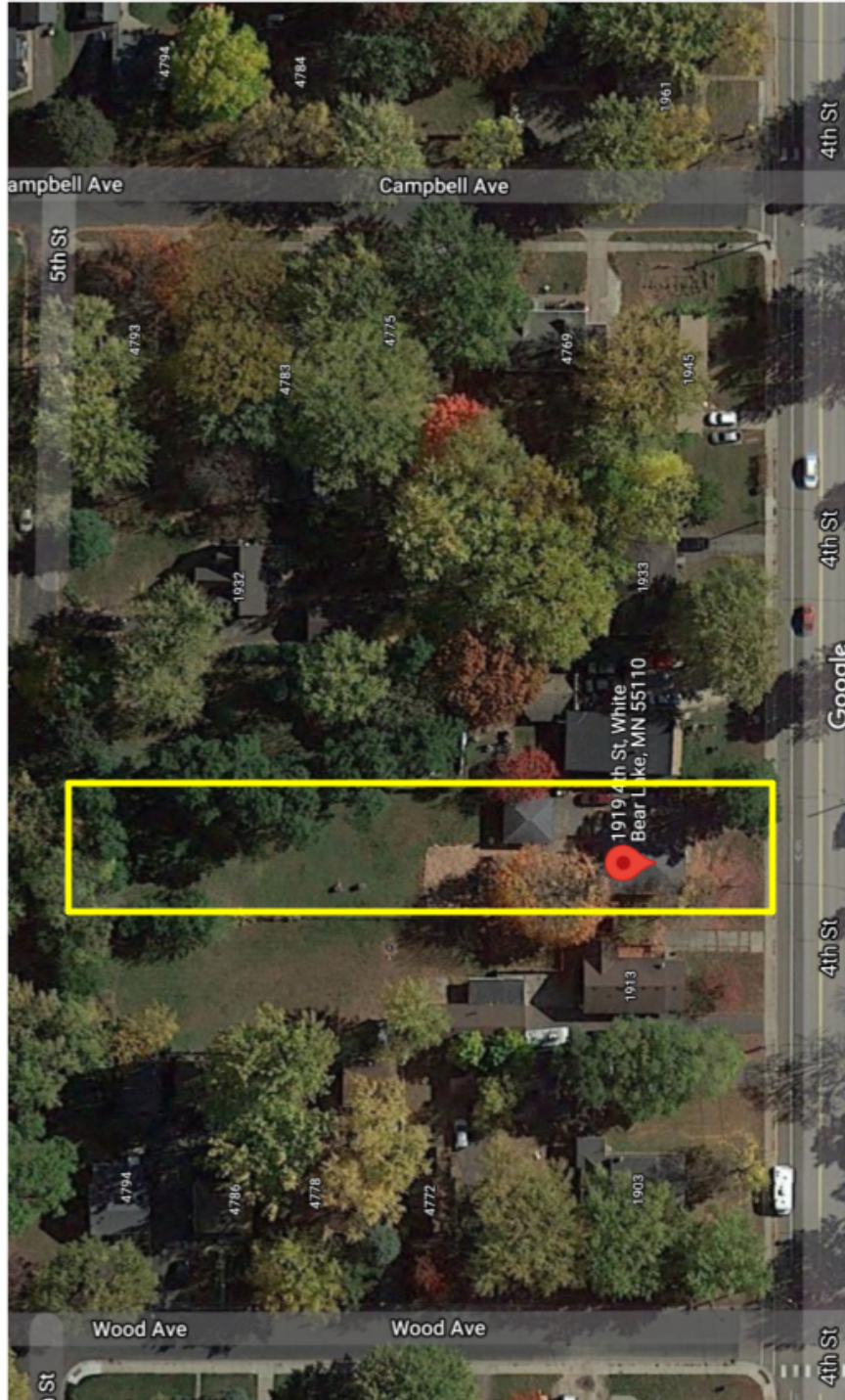
My clients, some of which have been training with me for 14 years, are incredibly loyal, thoughtful and loving people. Several of them started training with me while I was a full time personal trainer at LifeTime Athletic. One of the silver-linings of the COVID pandemic was being able to explore different ways of meeting with clients. A favorite has been online. Another has been outside at parks. I realized I could help my clients more if I became self employed, so that we could meet in better, more low risk ways. As an independent trainer, I'd love to be able to offer a safe, private, well ventilated space

indoors where we can be out of the elements when needed. This training studio isn't just a place to do business. It's a place for me to help guide others in our community to be better.

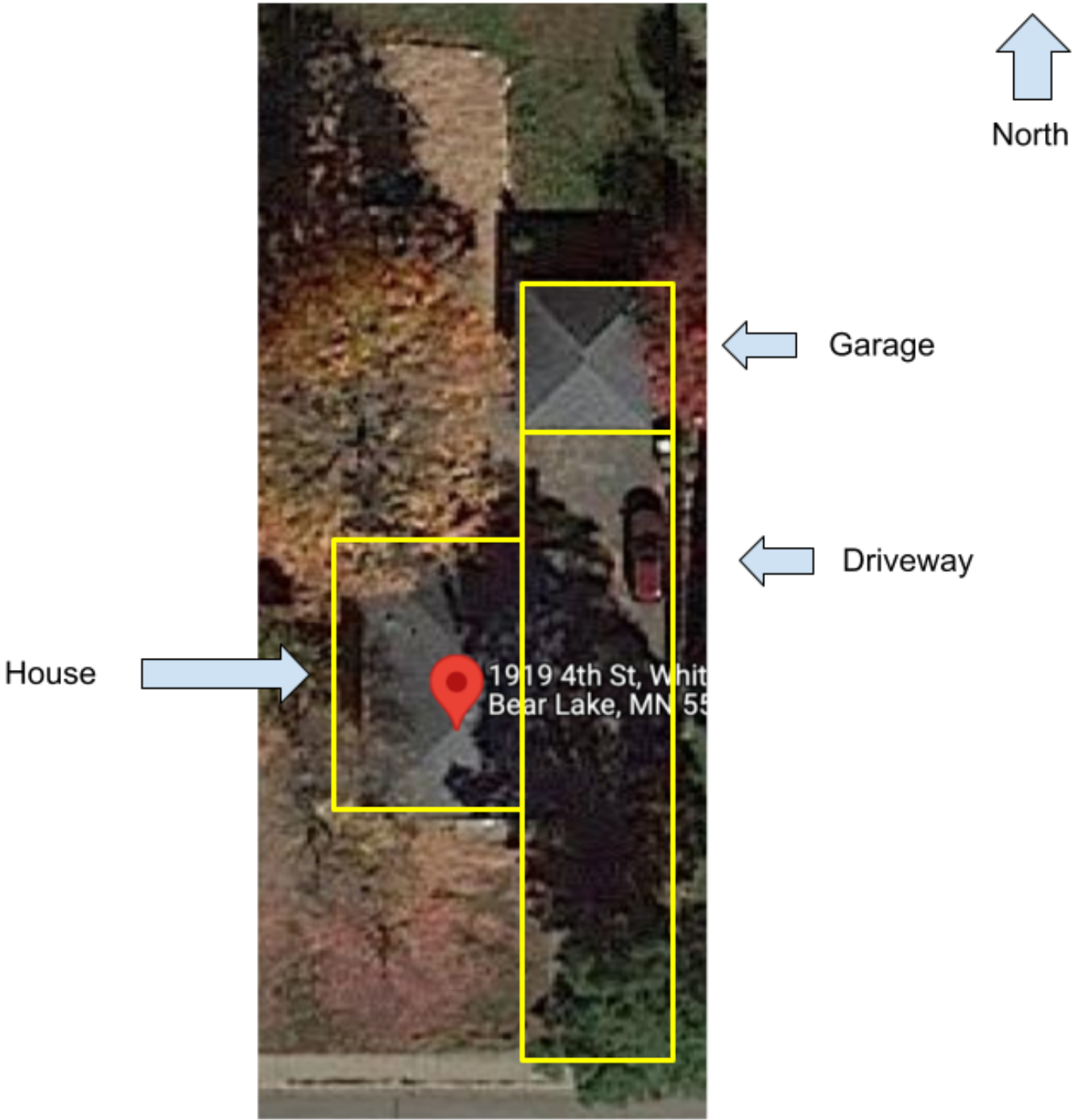
This business is about helping people be healthier, stronger and more connected. It's about building a culture of being safe, staying active, spreading kindness! I am excited to welcome clients to our home, in part because it is in White Bear Lake.

# Diagrams of 1919 4th Street

← North

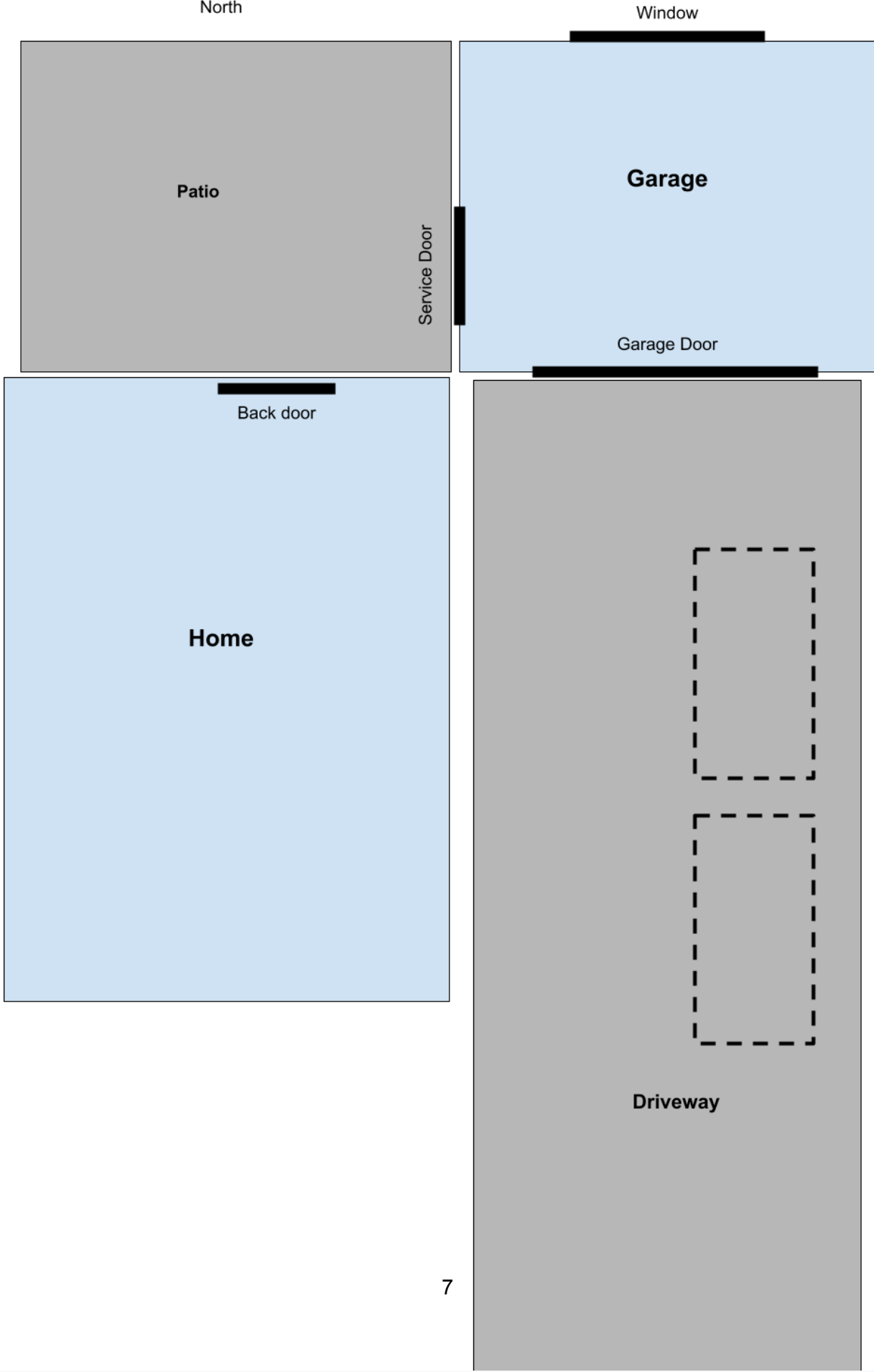








North







1919 4th Street (View from street)



Front of Garage



Service door to enter garage

## Ashton Miller

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**From:** Lindsey Scanlon <lindseyshannon34@gmail.com>  
**Sent:** Friday, November 19, 2021 5:48 PM  
**To:** Ashton Miller  
**Subject:** Case No. 21-3-SHOP

Hello,

My husband and I have reviewed the personal training business overview mailed to our residence.

We have no problem with the plan and see no reason why it would be a nuisance to the neighborhood.

Thank you for asking for input.

Lindsey and Jeremy Scanlon  
1914 6th St, White Bear Lake, MN 55110



City of White Bear Lake  
COMMUNITY DEVELOPMENT  
DEPARTMENT

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## MEMORANDUM

**TO:** The Planning Commission  
**FROM:** Ashton Miller, Planning Technician  
**DATE:** November 23, for the November 29, 2021 Planning Commission Meeting  
**SUBJECT:** Larson Variance, 18XX Clarence Street – Case No. 21-21-V

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### **REQUEST**

The applicant, Reid Larson, is requesting a seven foot variance from the 25 foot setback required along a public right-of-way in order to construct a new single family home.

### **SITE CHARACTERISTICS**

The subject site is located on the northwest corner of Clarence Street and 4<sup>th</sup> Avenue. The property is currently vacant with a dense number of trees on the lot. Sewer and water connection is available to the property.

### **ZONING/ BACKGROUND**

The subject site is zoned R-4, Single Family – Two Family Residential as are all the surrounding properties. The lot was platted in 1883. At 7,389 square feet in size, the property meets the minimum lot area requirements, but at 50 feet wide, does not meet the 60 foot minimum lot width.

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

Because the lot is a corner lot, a 25 foot setback is required along the east side. A 10 foot setback is also required along the west side, leading to only 15 feet of width to build a home. The minimum house width required is 22 feet wide, constituting a true practical difficulty based on special physical conditions of the site. The smallest variance necessary to conform with all aspects of the zoning code would be a seven foot variance, which is what the applicant is requesting.

### **ANALYSIS**

The proposed layout complies with all other aspects of the code and includes several of the features typically required of this type of variance: the garage is located to the rear, there is an unenclosed front porch, and the home displays a high level of architectural design with features such as gabled roof elements, large windows and two different siding types. Staff finds that the proposed design is consistent in character with the immediate neighborhood.

A survey identifying the existing trees on the lot will be required and replacement calculations will need to be determined for the trees to be removed prior to issuance of the building permit. The

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Engineering Department has indicated that both Fourth Avenue and Clarence Street will be reconstructed within the next five years, at which time, stormwater and grading changes will be made to the intersection. A proposed grading plan will need to be submitted as part of the building permit application and approved by staff to ensure cohesion with planned city improvements. As a low point in the area, the property will also need to be graded in a way that does not adversely impact or increase drainage onto the neighboring properties.

### **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.

Historically, staff, the Commission, and Council have all been supportive of past variances from the 30 or 25 foot setback along a side abutting a public right-of-way, in order to allow a 50-foot wide corner lot to be buildable. Because the proposed home is consistent in character with the neighborhood, staff is supportive of the request. Because the request is the smallest deviation from code required to offset a true practical difficulty, the City has little discretion in approval.

### **RECOMMENDATION**

Staff recommends approval of the variance, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. The variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. A building permit shall be obtained before any work begins.
5. Prior to the issuance of a building permit, the applicant shall submit tree preservation calculations and a replacement plan, subject to staff approval.
6. The park dedication fee shall be collected at the time when a building permit is issued.
7. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time when a building permit is issued.
8. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.

### **Attachments:**

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative & Plans (8 pages)

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

**RESOLUTION GRANTING A VARIANCE  
FOR 18XX CLARENCE STREET  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-21-V) has been submitted by Reid Larson 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:** 18XX Clarence Street

**LEGAL DESCRIPTION:** Lot 14, Block 24, Ramaley's Park, Ramsey County, Minnesota. (PID 233022220022)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A seven foot variance from the twenty five foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, in order to construct a home eighteen feet from the eastern lot line; and

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on November 29, 2021; and

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

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

1. The requested variance will not:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonably increase the congestion in the public street.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



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

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

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. A building permit shall be obtained before any work begins.
- 5. Prior to the issuance of a building permit, the applicant shall submit tree preservation calculations and a replacement plan, subject to staff approval.
- 6. The park dedication fee shall be collected at the time when a building permit is issued.
- 7. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time when a building permit is issued.
- 8. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.

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

\*\*\*\*\*

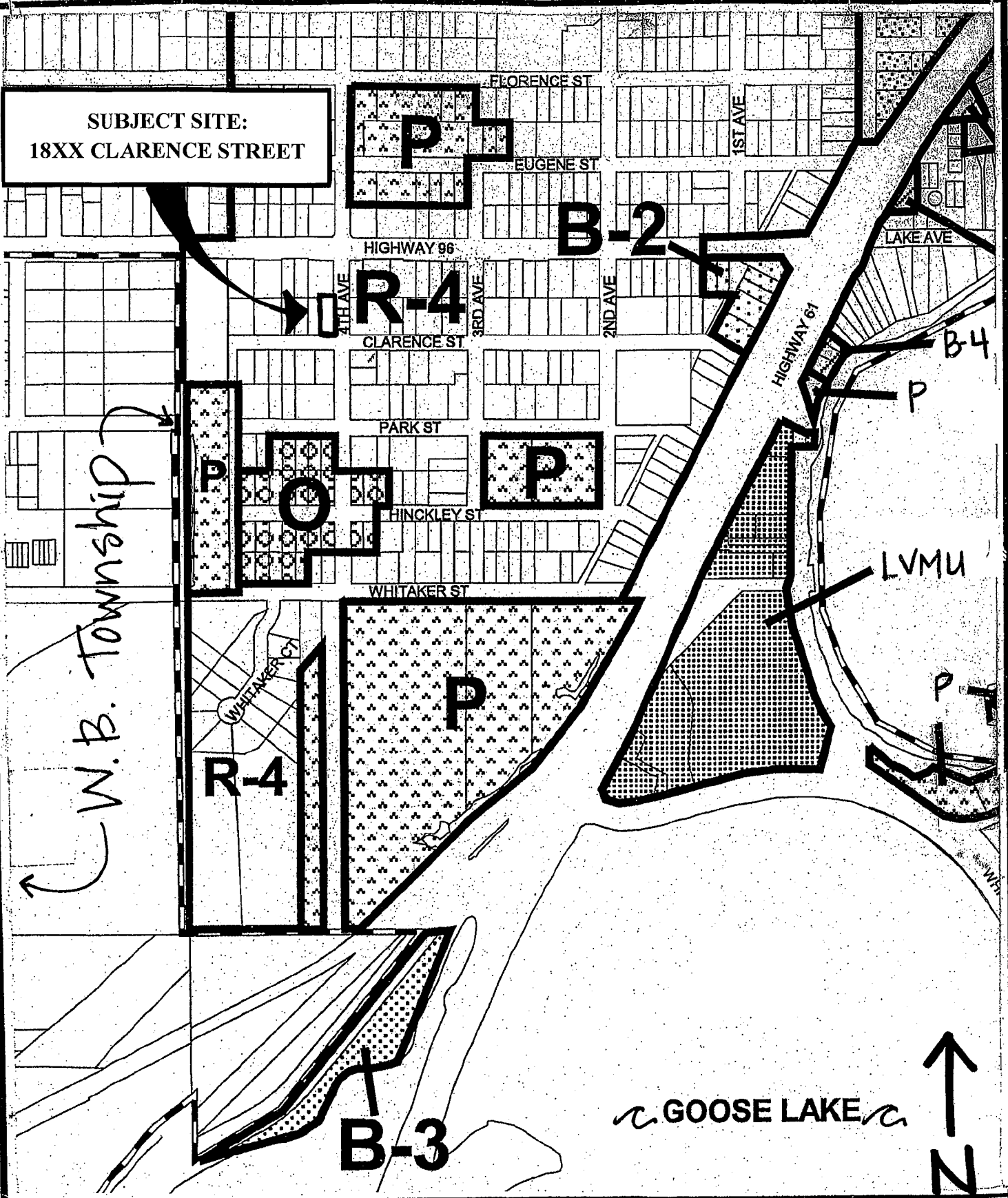
Approval is contingent upon execution and return of this document to the City Planning Office.  
I have read and agree to the conditions of this resolution as outlined above.

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Applicant's Signature

Date

SUBJECT SITE:  
18XX CLARENCE STREET



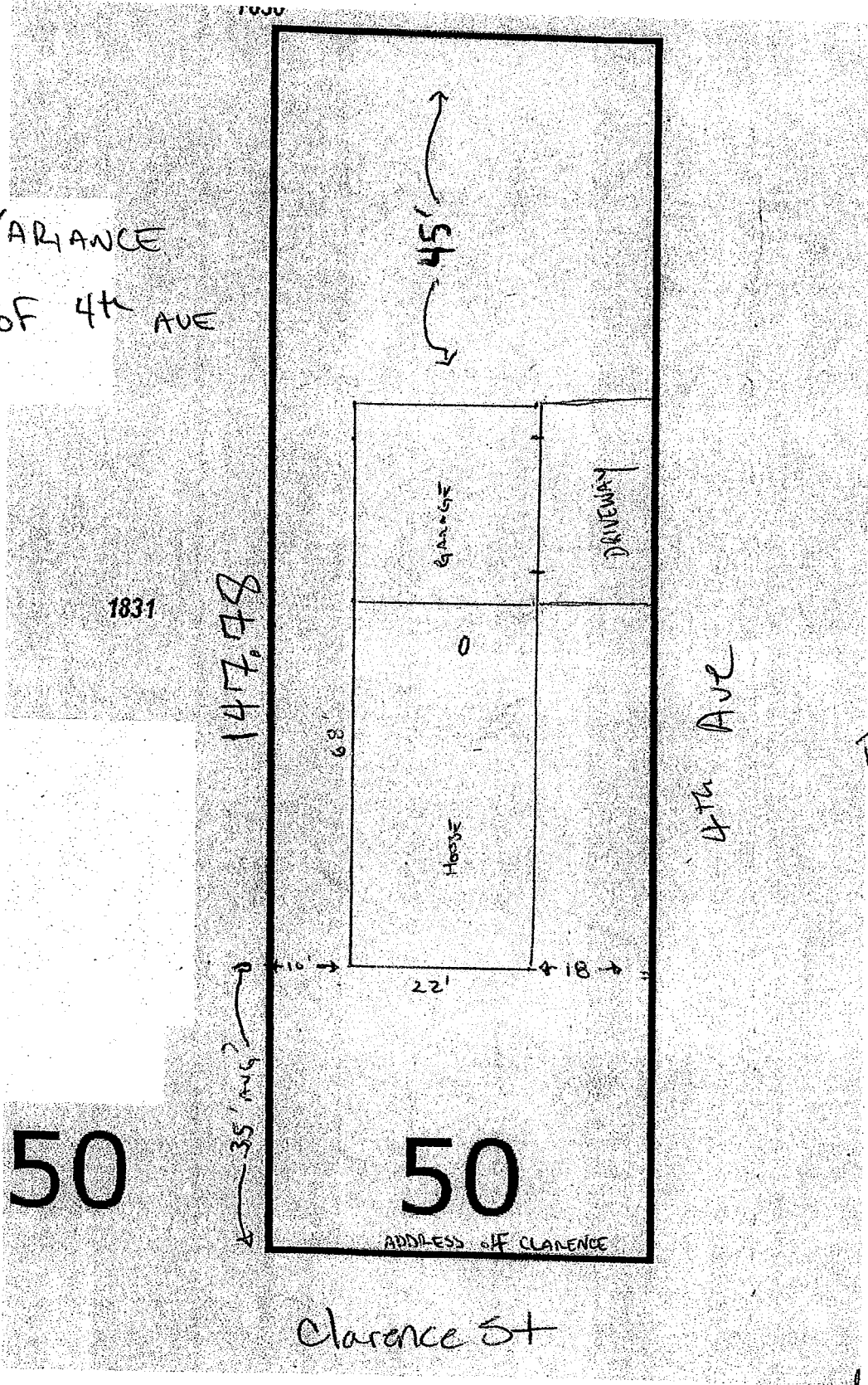
City of  
White Bear Lake  
Planning and Zoning Office  
(612)-429-8561

CASE NO. : 21-21-V  
 CASE NAME : Larson  
 DATE : November 29, 2021

MIN LOT WIDTH 60'  
Min Lot width 60'  
Front setback: Avg  
Side yard: 10'  
Side ROW: 25'  
Rear: 30'

#1

7' VARIANCE  
OFF OF 4th AVE

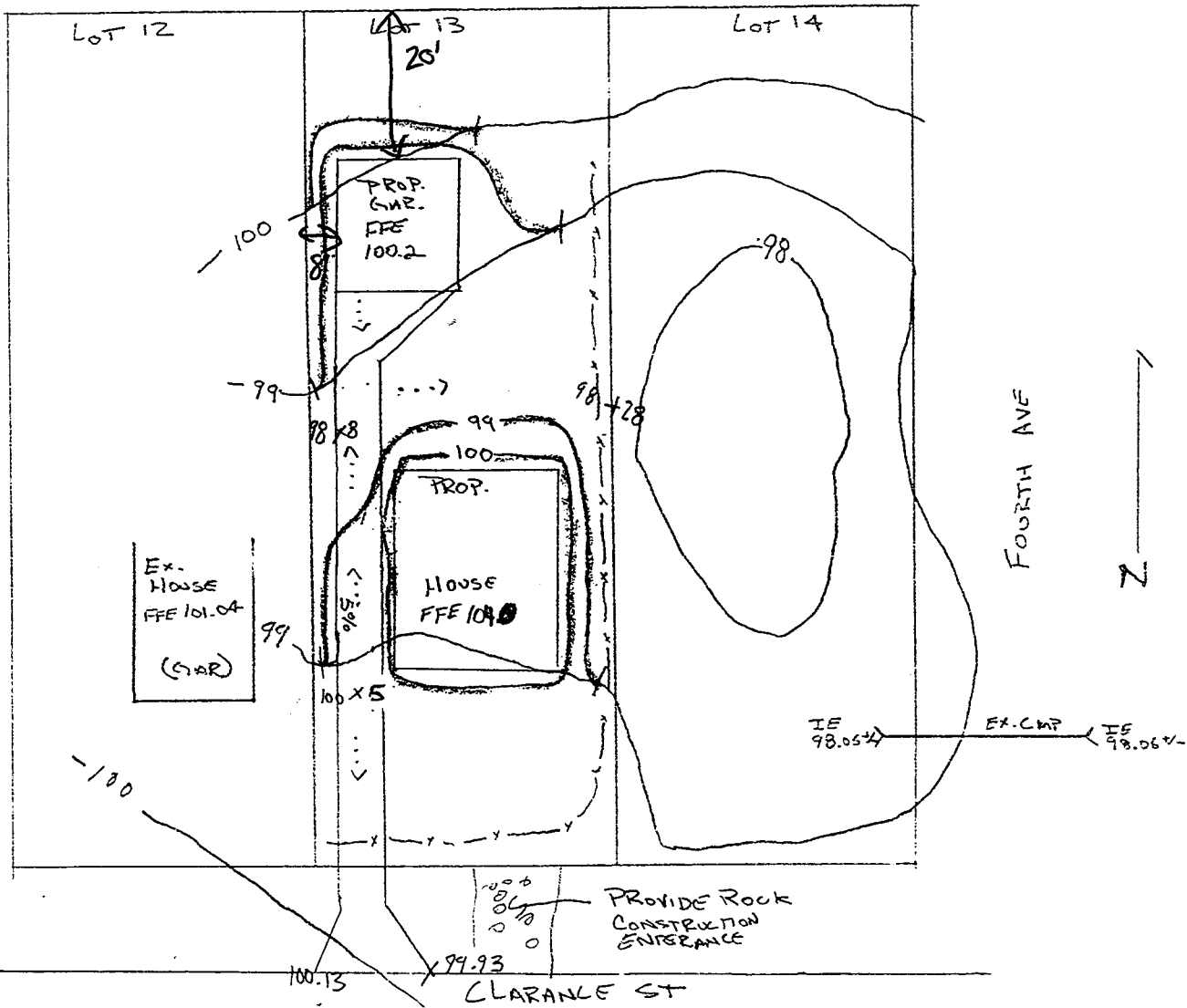


Post Variance Requirement

- Locate garage in rear
- Unenclosed front porch
- Mixture of exterior materials → high level of architectural design (brick, stone, windows, etc.)

\* SAC + \$3825  
WAC  
FEES

\* Tree preservation  
Calculations/  
...



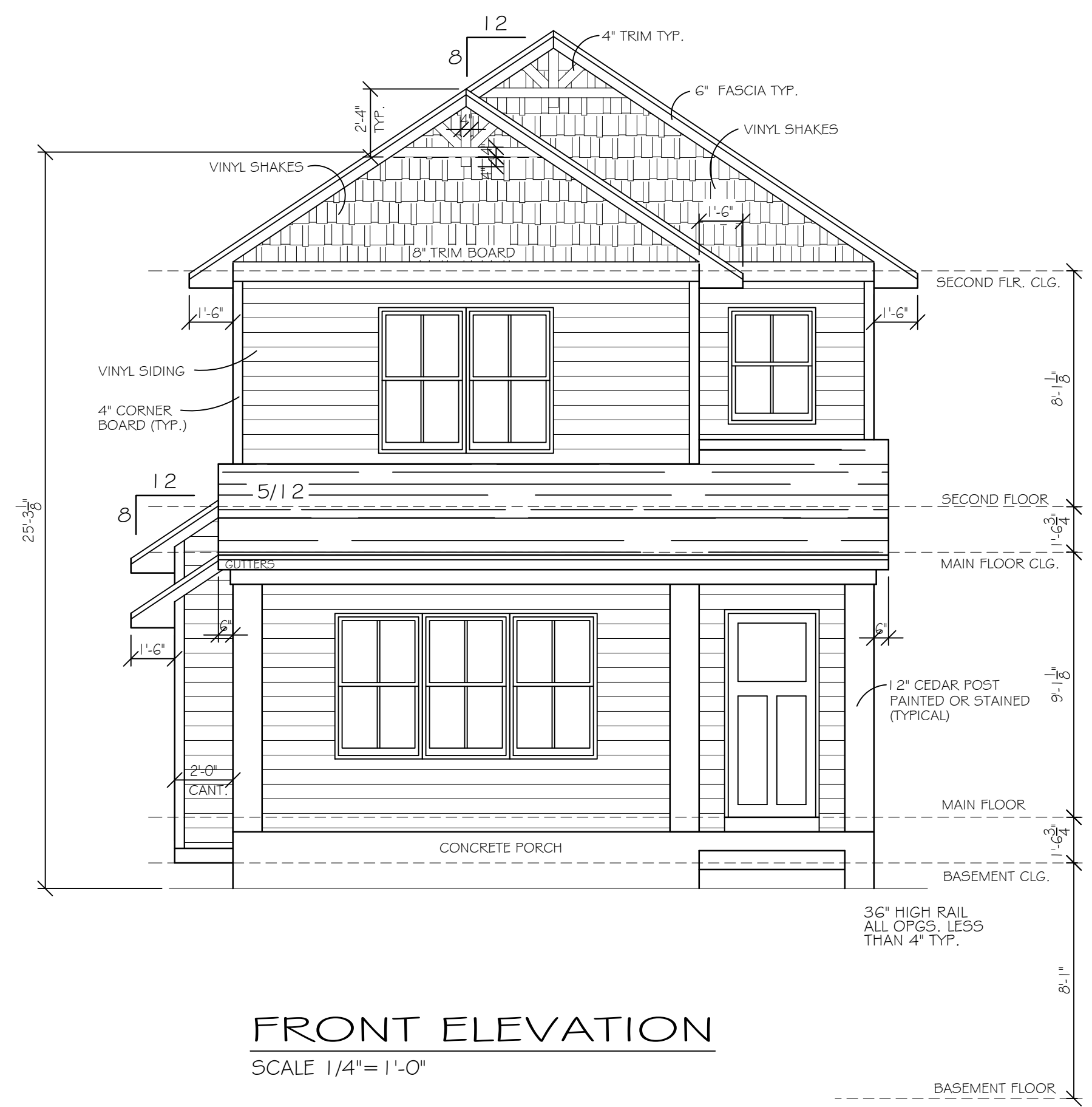
1"=30'

PROPOSED HOUSE  
PLACEMENT & DRAINAGE PLAN

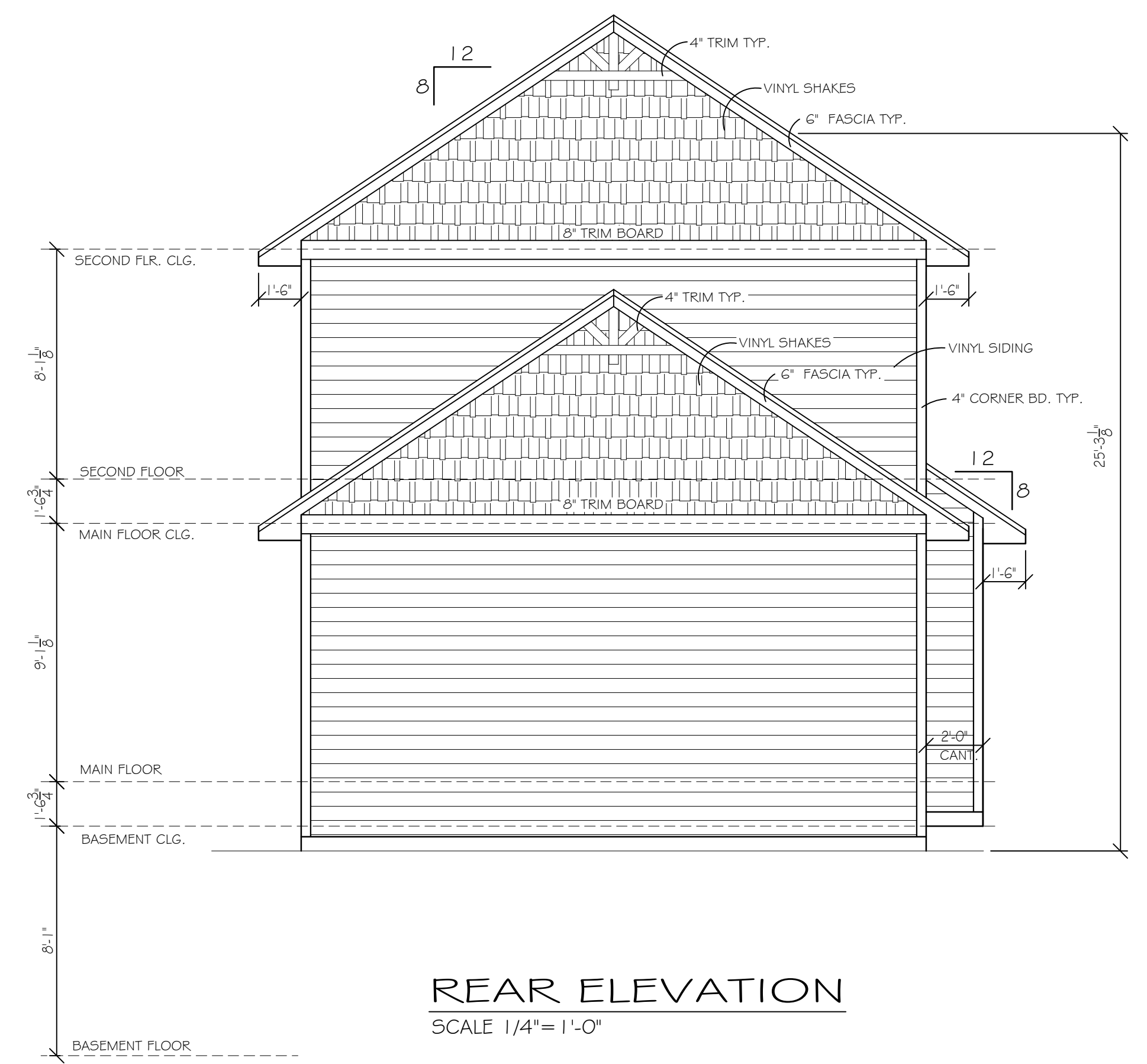
- > DRAINAGE
- 100 — EX. CONTOUR
- 100 — PROP. CONTOUR
- > GUT LINE



NO.	REVISION DATE	BY
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#2		
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#4		



**FRONT ELEVATION**  
SCALE 1/4"=1'-0"



**REAR ELEVATION**  
SCALE 1/4"=1'-0"



**RIGHT ELEVATION**  
SCALE 1/4"=1'-0"

VECTOR	ANDERSEN 100
<b>WINDOW and DOOR PERFORMANCE DATA</b> U-VALUE / SHGC / STC	<b>WINDOW and DOOR PERFORMANCE DATA</b> U-VALUE / SHGC / STC
• SINGLE HUNG UNIT U-VALUE = 0.29 SHGC = 0.22 STC = 32	• SINGLE HUNG UNIT U-VALUE = 0.30 SHGC = 0.32 STC = 30
• SLIDER UNIT U-VALUE = 0.29 SHGC = 0.21 STC = 32	• SLIDER UNIT U-VALUE = 0.30 SHGC = 0.32 STC = 30
• FIXED UNIT U-VALUE = 0.28 SHGC = 0.23 STC = 32	• FIXED UNIT U-VALUE = 0.28 SHGC = 0.33 STC = 21
• CASEMENT UNIT U-VALUE = 0.27 SHGC = 0.20 STC = 32	• CASEMENT UNIT U-VALUE = 0.28 SHGC = 0.28 STC = 28
• AWNING UNIT U-VALUE = 0.27 SHGC = 0.20 STC = 32	• AWNING UNIT U-VALUE = 0.28 SHGC = 0.28 STC = 28
• SLIDING PATIO DOOR U-VALUE = 0.31 SHGC = 0.29 STC = 32	• SLIDING PATIO DOOR U-VALUE = 0.30 SHGC = 0.32 STC = 21

**EXTERIOR NOTES**

\* ELEVATIONS ARE ARTIST INTERPRETATION AND FINAL ELEVATIONS MAY VARY FROM DRAWING.

**FLASHING NOTES**

- KICKOUT FLASHING TO BE INSTALLED AS NEEDED BY ROOFING CONTRACTOR.
- EXTERIOR WALL FINISHER TO VERIFY THAT KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING.
- CARPENTER TO FLASH ALL EXTERIOR WINDOWS & DOORS PER MN & IRC CODE REQUIREMENTS.

**WINDOW NOTES**

- WINDOWS ARE VECTOR OR ANDERSEN 100 SERIES
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR.
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER.

**EXT. FINISHING NOTES**

- VINYL SIDING AND SHAKES
- ALUMINUM 6" FASCIA UNLESS NOTED OTHERWISE
- ALUMINUM SOFFIT W/ VENTS
- VINYL TRIM & CORNER BOARDS UNLESS NOTED OTHERWISE
- SIDING TO FOLLOW GRADE
- 30 YEAR ASPHALT SHINGLES ON ROOF

**BALD EAGLE BUILDERS**  
1831 CLARENCE STREET  
WHITE BEAR LAKE, MN 55110

ELEVATIONS

DATE: 10-5-21

FINISHED SQ. FT. = 1667

DRAWN BY: SP

CHECKED BY:

JOB NO.

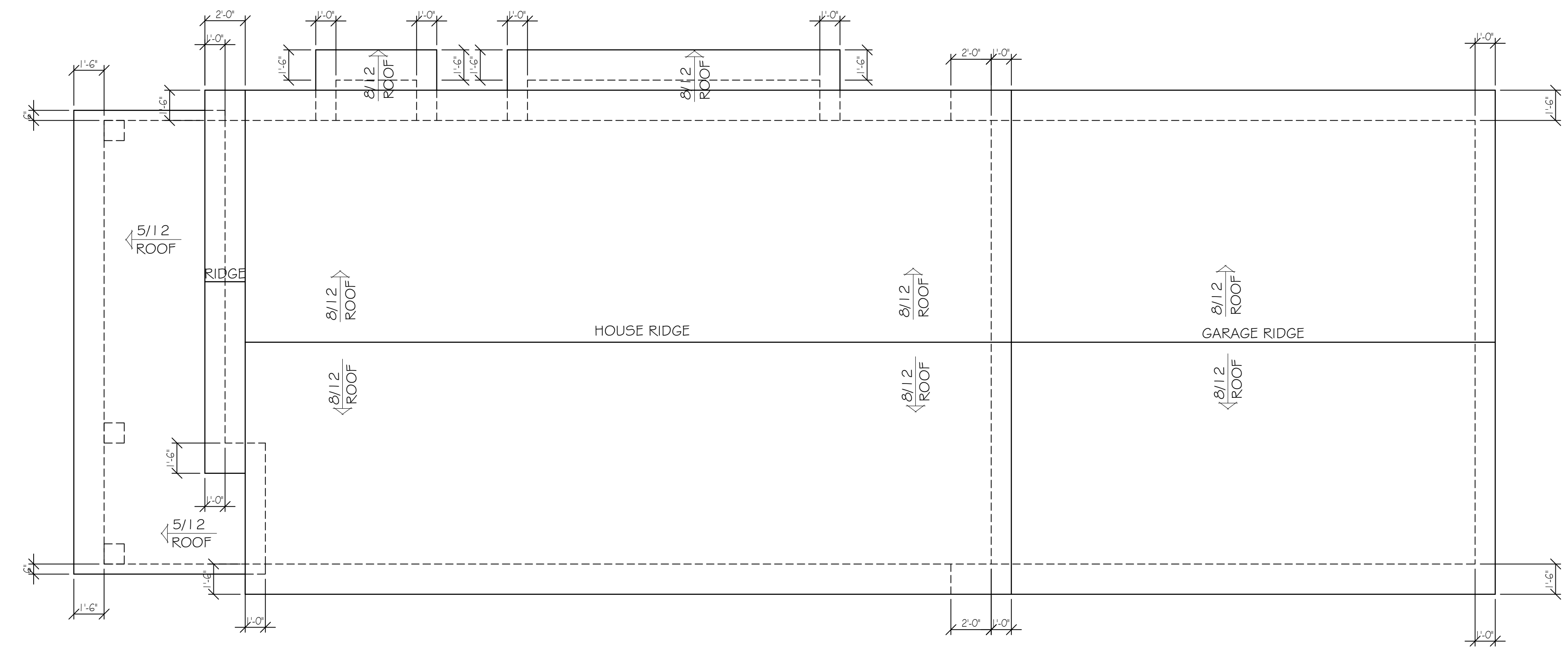
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**LEFT ELEVATION**  
SCALE 1/4" = 1'-0"

- EXTERIOR NOTES**
- \* ELEVATIONS ARE ARTIST INTERPRETATION AND FINAL ELEVATIONS MAY VARY FROM DRAWING.
- FLASHING NOTES**
- KICKOUT FLASHING TO BE INSTALLED AS NEEDED BY ROOFING CONTRACTOR.
  - EXTERIOR WALL FINISHER TO VERIFY THAT KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING.
  - CARPENTER TO FLASH ALL EXTERIOR WINDOWS & DOORS PER MN & IRC CODE REQUIREMENTS.
- WINDOW NOTES**
- WINDOWS ARE VECTOR OR ANDERSEN 100 SERIES
  - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
  - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR.
  - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
  - WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER.
- EXT. FINISHING NOTES**
- VINYL SIDING AND SHAKES
  - ALUMINUM 6" FASCIA UNLESS NOTED OTHERWISE
  - ALUMINUM SOFFIT W/ VENTS
  - VINYL TRIM & CORNER BOARDS UNLESS NOTED OTHERWISE
  - SIDING TO FOLLOW GRADE
  - 30 YEAR ASPHALT SHINGLES ON ROOF



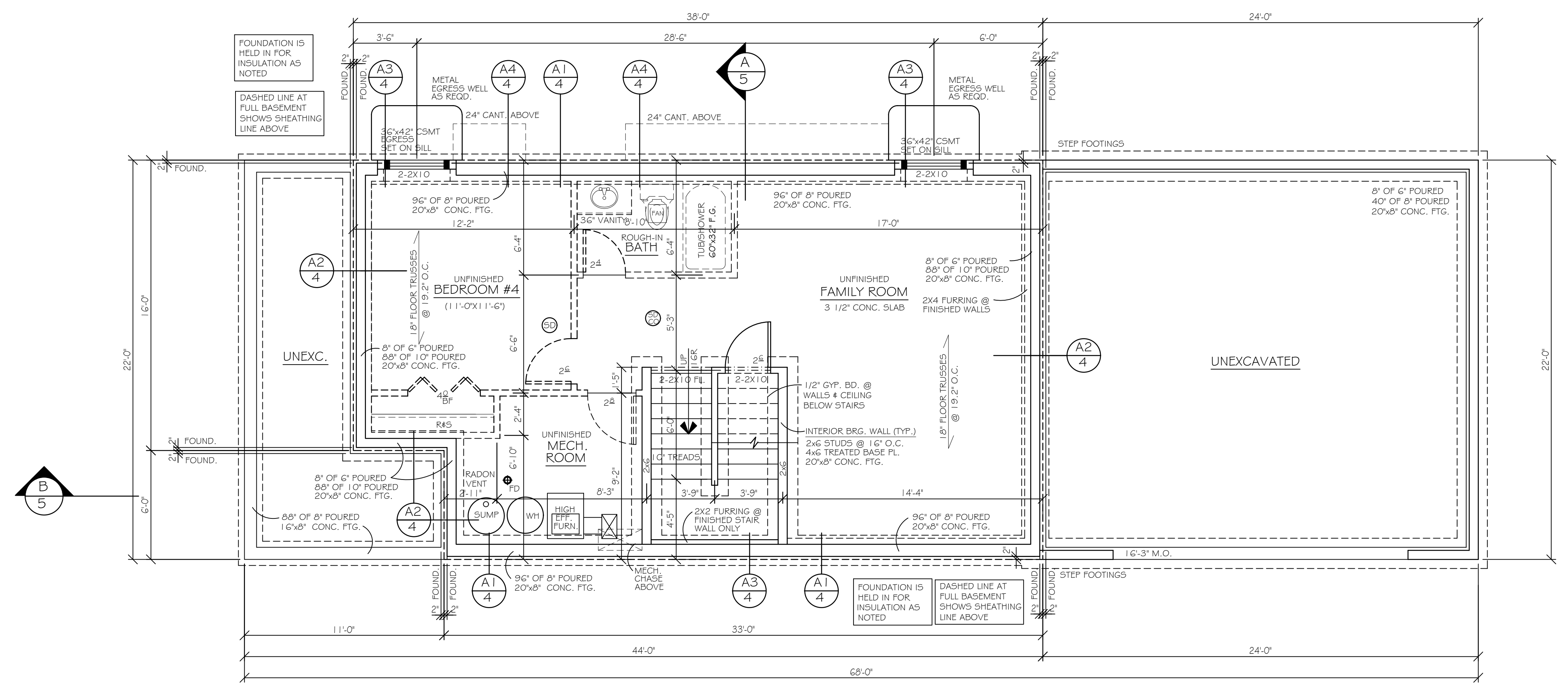
**ROOF PLAN**  
SCALE 1/4" = 1'-0"

- ENERGY CODE NOTE:**
- CONTRACTOR AND SUB-CONTRACTOR ARE RESPONSIBLE FOR COMPLIANCE OF THE CURRENT CODE AS REQUIRED.
  - 1. INTERIOR VAPOR RETARDER ON INSULATED CEILINGS, WALLS AND FLOORS.
  - 2. CONTINUOUS AIR BARRIER AT ALL PLUMBING AND HEATING PENETRATIONS.
  - 3. FIRE STOPS MUST BE INSTALLED TO BLOCK AIR MOVEMENT INTO ATTIC.
  - 4. PENETRATIONS IN THE BUILDING ENVELOPE FOR ELECTRICAL AND TELECOMMUNICATIONS (EXCEPT FOR ELECTRICAL BOXES AND FAN HOUSINGS) MUST BE SEALED TO PREVENT AIR LEAKAGE.
  - 5. WIND WASH BARRIER REQUIRED AT THE EXTERIOR EDGE OF ATTIC INSULATION.
  - 6. WIND WASH BARRIER REQUIRED AT OVERHANGS, CANTILEVERED FLOORS AND BAY WINDOWS.
  - 7. WINDOW AND DOOR FRAMES MUST BE SEALED.
  - 8. ALL EXTERIOR JOINTS THAT MAY BE A SOURCE OF AIR INTRUSION MUST BE SEALED.
  - 9. RIM JOISTS MUST BE SEALED TO PREVENT AIR LEAKAGE.
  - 10. TOPS OF INTERIOR PARTITION WALLS MUST BE SEALED TO PREVENT AIR LEAKAGE.
  - 11. ELECTRICAL BOXES AND FANS MUST BE SEALED TO PREVENT AIR LEAKAGE.
  - 12. BETWEEN ALL WALL ASSEMBLIES, RIM JOISTS, AND FOUNDATION MUST BE SEALED TO PREVENT AIR LEAKAGE.
  - 13. A MECHANICAL VENTILATION SYSTEM WHICH REPLACES, BY DIRECT OR INDIRECT MEANS, AIR FROM HABITABLE ROOMS WITH OUTDOOR AIR (THIS WOULD ALLOW EXHAUST ONLY, AIR EXCHANGER OR HEAT RECOVERY VENTILATOR-HRV)
  - 14. DIRECT VENT, POWER VENT, OR SEALED COMBUSTION FURNACE, WATER HEATER, OR GAS FIREPLACE.
  - 15. IF ANY SINGLE EXHAUST DEVICE (E.G. KITCHEN FAN OR DRYER) OVER 300 CFM IS INSTALLED A SEALED COMBUSTION FURNACE MUST BE USED OR AN ALTERNATIVE MAKE UP AIR SOURCE MUST BE USED.

**BALD EAGLE BUILDERS**  
1831 CLARENCE STREET  
WHITE BEAR LAKE, MN 55110

ELEVATIONS
DATE: 10-5-21
FINISHED SQ. FT. = 1667
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SHEET
2 OF 5

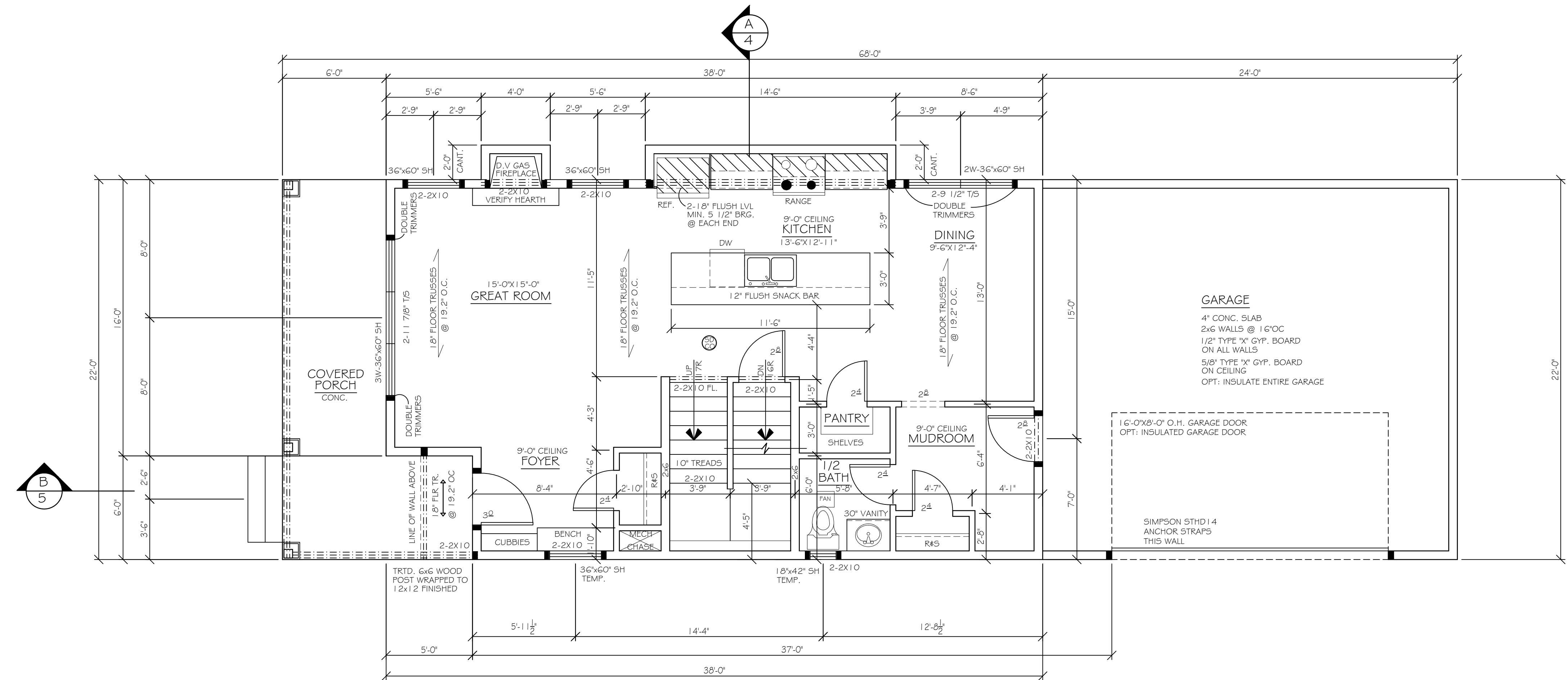
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#3		
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**FOUNDATION PLAN**  
SCALE 1/4" = 1'-0" 640 SQ. FT. OPTIONAL FINISH

**FOUNDATION NOTES**

- SCALE: 1/4" = 1'-0"  
EXTERIOR DIMENSIONS ARE FROM EXTERIOR OF FOUNDATION WALLS AT FULL BASEMENT AREAS AND AS NOTED AT LOOKOUT AND WALKOUT AREAS
- BASEMENT FUTURE FINISHED XXXX SQ. FT.  
BASEMENT UNFINISHED XXXX SQ. FT.
- WINDOW & DOOR NOTES**
- WINDOWS ARE VECTOR OR ANDERSEN 100 SERIES
  - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
  - ALL WINDOWS SET AT 8'-0" UNLESS NOTED OTHERWISE
  - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
  - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
  - WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER
  - ALL DOORS ARE 6'-8" TALL UNLESS NOTED OTHERWISE
- GUARDRAIL NOTES**
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
  - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS
- FLOOR SYSTEM NOTES**
- ALL FLOORS TO BE I480
  - FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
  - FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
  - BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS
- FOUNDATION WALL & INSULATION NOTES**
- 8'-0" POURED FOUNDATION WALLS W/ SINGLE PLATE
  - BASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL
  - ASSUMED SOIL BEARING CAPACITY 2,000 LBS
  - MAINTAIN 42" MIN. GRADE ABOVE FOOTING
  - BOTTOM OF DECK & PORCH FOOTINGS TO BE 42" BELOW GRADE
  - MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS
  - MASONRY CONTRACTOR TO VERIFY ALL WALL AND FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS
  - FOUNDATION WALLS HELD IN FROM SHEATHING ABOVE AS INDICATED BY FOUNDATION WALL DETAIL
  - SILL PLATE OVERHANGS FOUNDATION 1 1/2" MAXIMUM SEE FOUNDATION WALL DETAILS (WHEN TRTD 2X6 PLATE IS USED)
  - SEE FOUNDATION WALL DETAILS FOR FOUNDATION WALL INSULATION
- SHEETROCK & INSULATION NOTES**
- 5/8" GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 20 SQ. FT. MAXIMUM AT MECHANICAL)
  - 1/2" GYP. BD. AT WALLS & CEILING BELOW STAIRS
  - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD. AT HABITABLE AREAS
- FRAMING NOTES**
- 8'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE
  - 2x4 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
  - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
  - PROVIDE LVLSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROCLANS, & GIRDER TRUSSES TO FOUNDATION
  - PROVIDE FIRE BLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
  - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ. FT.
- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR PROVIDING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR PROVIDING ACCESS TO THE BEDROOMS
  - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS



TOP OF WINDOWS @ 7'-0"  
**MAIN FLOOR PLAN**  
SCALE 1/4" = 1'-0" 843 SQ. FT.

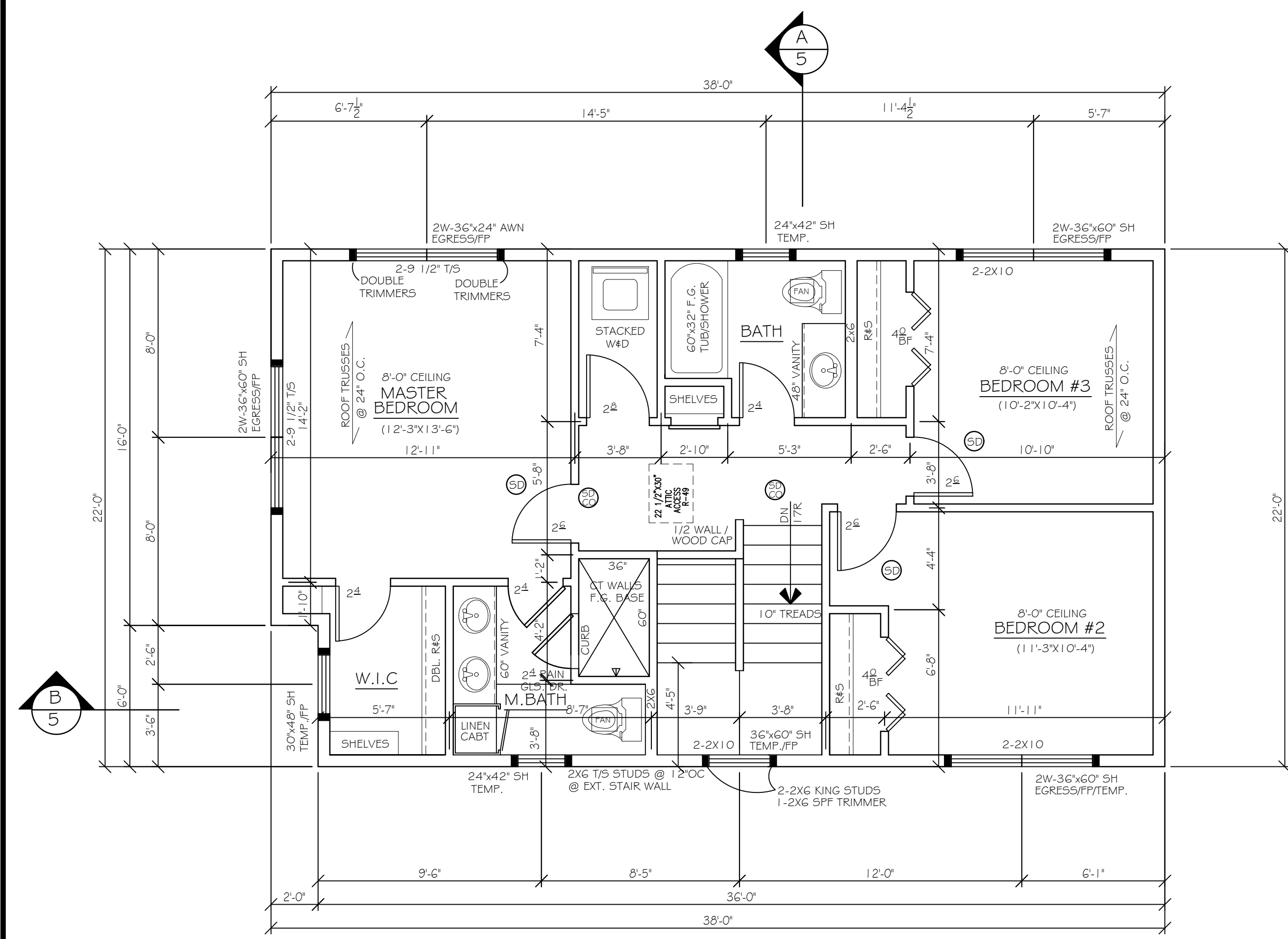
**MAIN FLOOR PLAN**

- SCALE: 1/4" = 1'-0"  
EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING
- MAIN FLOOR FINISHED 643 SQ. FT.  
GARAGE 528 SQ. FT.
- WINDOW & DOOR NOTES**
- WINDOWS ARE VECTOR OR ANDERSEN 100 SERIES
  - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
  - ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE
  - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
  - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
  - PP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS
  - ALL DOORS ARE 6'-8" TALL UNLESS NOTED OTHERWISE
- GUARDRAIL NOTES**
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
  - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS
- FLOOR SYSTEM NOTES**
- ALL FLOORS TO BE I480
  - FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
  - FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
  - BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS
- FRAMING NOTES**
- 9'-1 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
  - 2x4 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
  - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
  - PROVIDE LVLSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROCLANS, AND GIRDER TRUSSES TO FOUNDATION
  - PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
  - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ. FT.
  - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD AT HABITABLE AREAS
- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR PROVIDING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR PROVIDING ACCESS TO THE BEDROOMS
  - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

**BALD EAGLE BUILDERS**  
1831 CLARENCE STREET  
WHITE BEAR LAKE, MN 55110

FOUNDATION MAIN FLOOR
DATE: 10-5-21
FINISHED SQ. FT. = 1667
DRAWN BY: SP
CHECKED BY:
JOB NO.
SHEET
3 OF 5

NO.	REVISION DATE	BY
#1	0000/2019	SP
#2		
#3		
#4		



### SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"  
EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

SECOND FLOOR FINISHED 824 SQ. FT.

#### WINDOW & DOOR NOTES

- WINDOWS ARE VECTOR OR ANDERSEN 100 SERIES
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 6'-10" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR.
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS
- ALL DOORS ARE 6'-8" TALL UNLESS NOTED OTHERWISE

#### GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

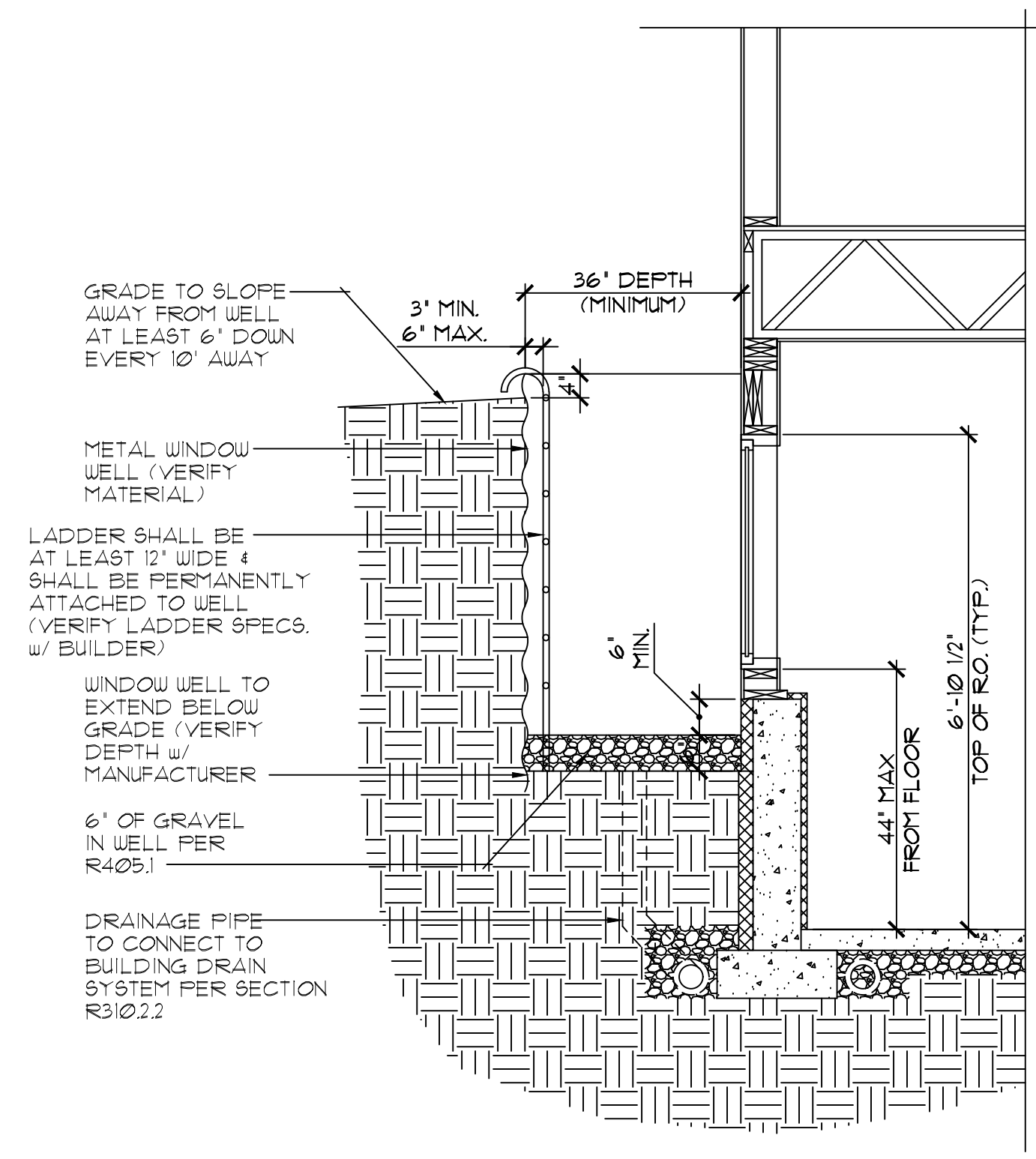
#### FRAMING NOTES

- 8'-1 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X4 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVLSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIREBLOCKING VERTICALLY @ CEILING & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ. FT.
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD AT HABITABLE AREAS

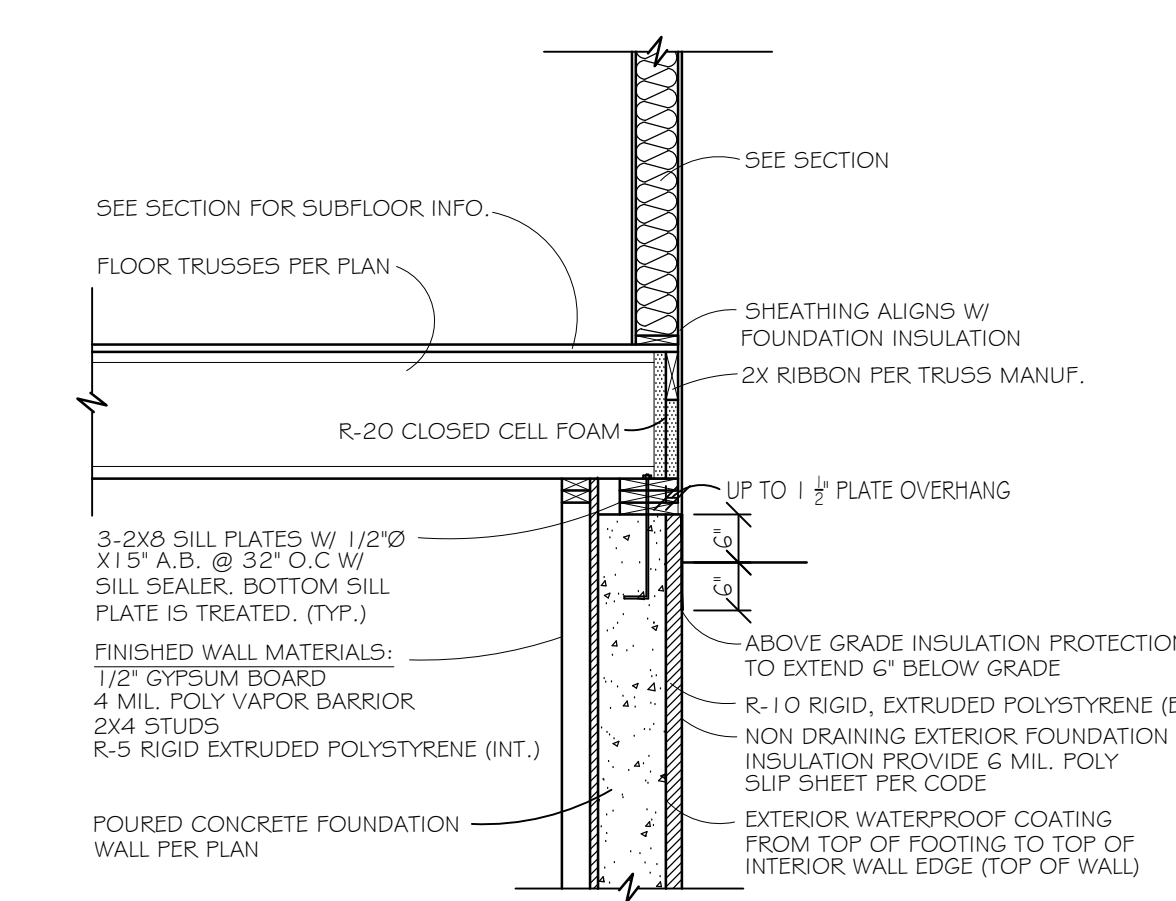
#### SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR PROVIDING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24' HIGHER THAN A CORRIDOR PROVIDING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

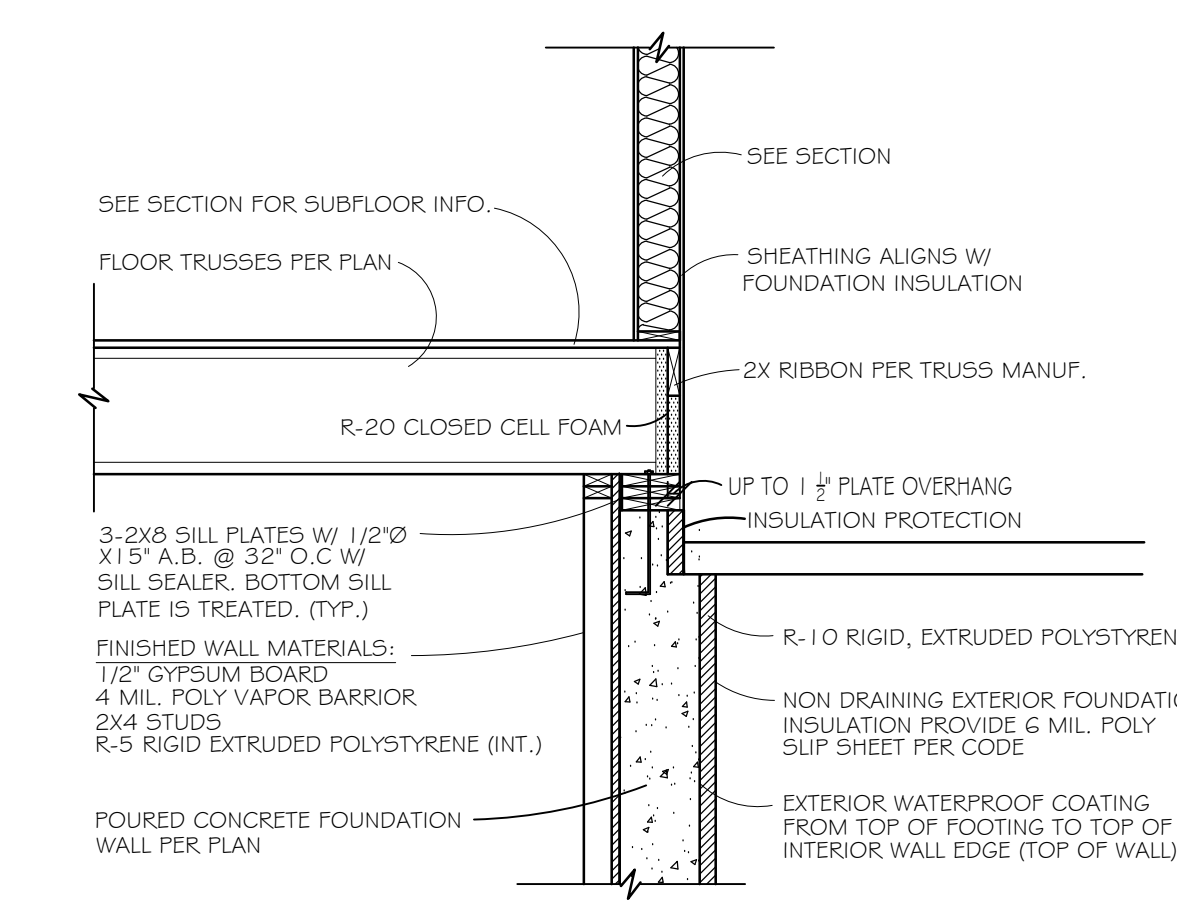
TOP OF WINDOWS @ 6'-10"  
**SECOND FLOOR PLAN**  
SCALE 1/4" = 1'-0" 824 SQ. FT



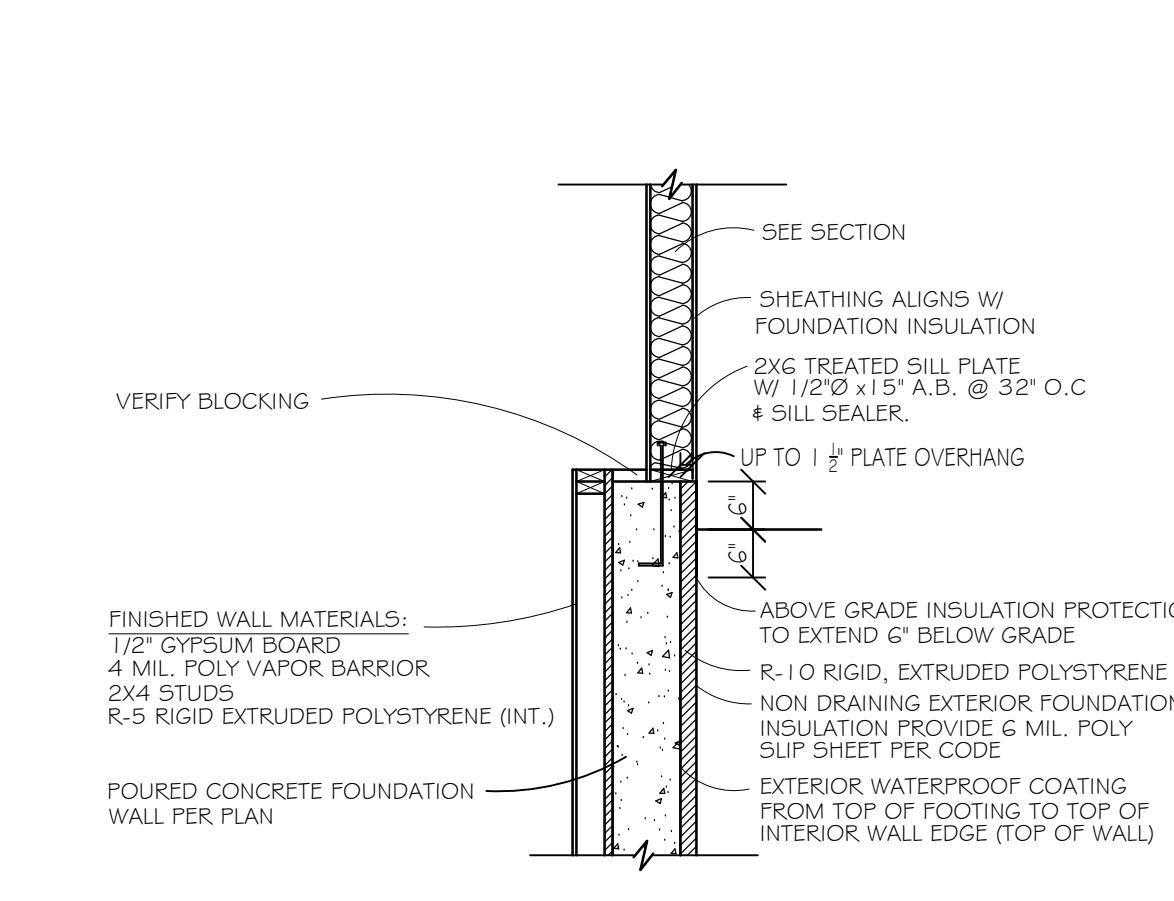
**WINDOW WELL DETAIL**  
1/2" = 1'-0"



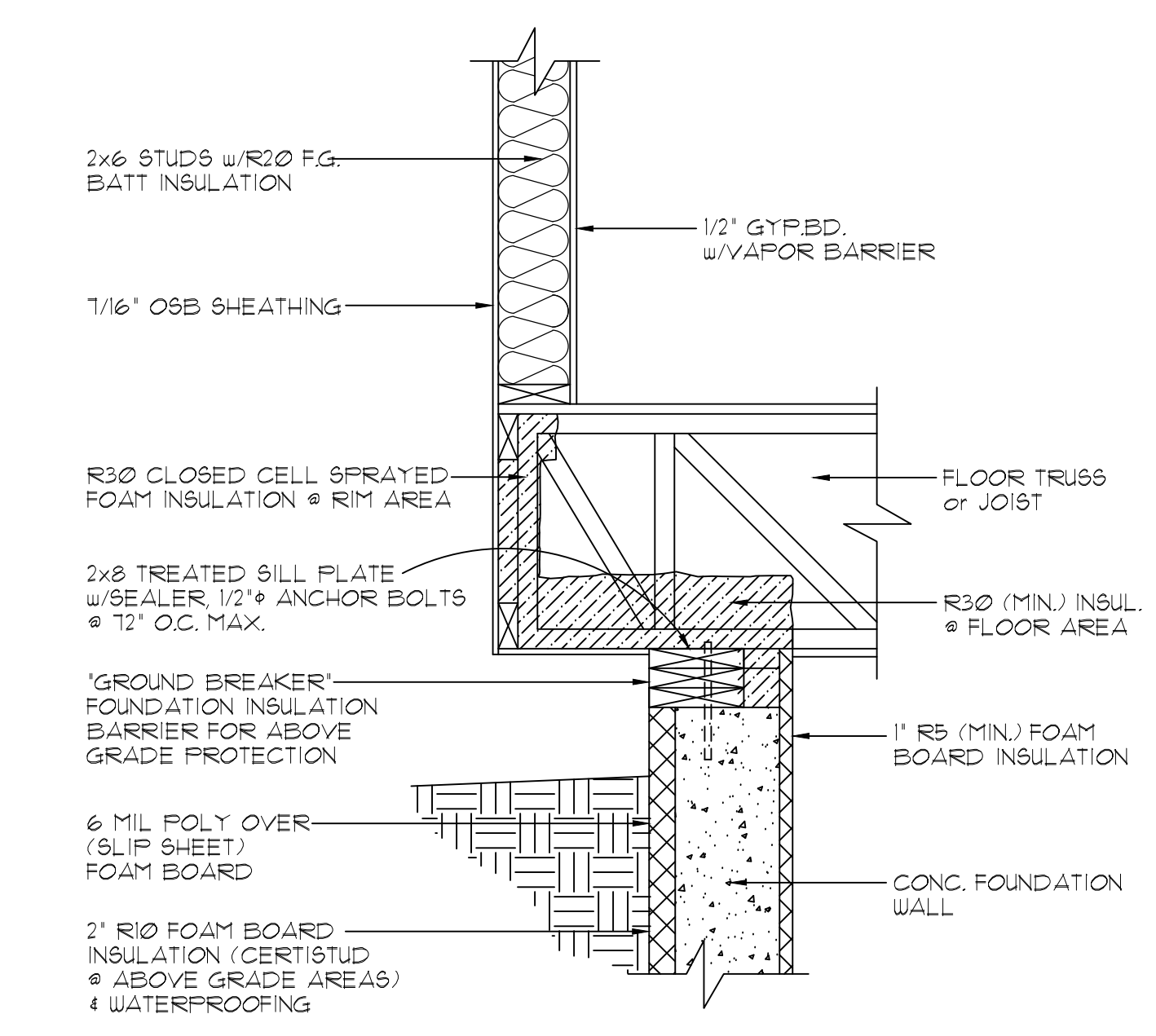
**A1 FULL FOUNDATION WALL DETAIL "A-1"**  
FOUNDATION HELD IN 2" FROM FRAMING



**A2 FULL FOUNDATION WALL @ GARAGE "A-2"**  
FOUNDATION HELD IN 2" FROM FRAMING



**A3 FULL FOUNDATION WALL DETAIL "A-3"**  
FOUNDATION HELD IN 2" FROM FRAMING



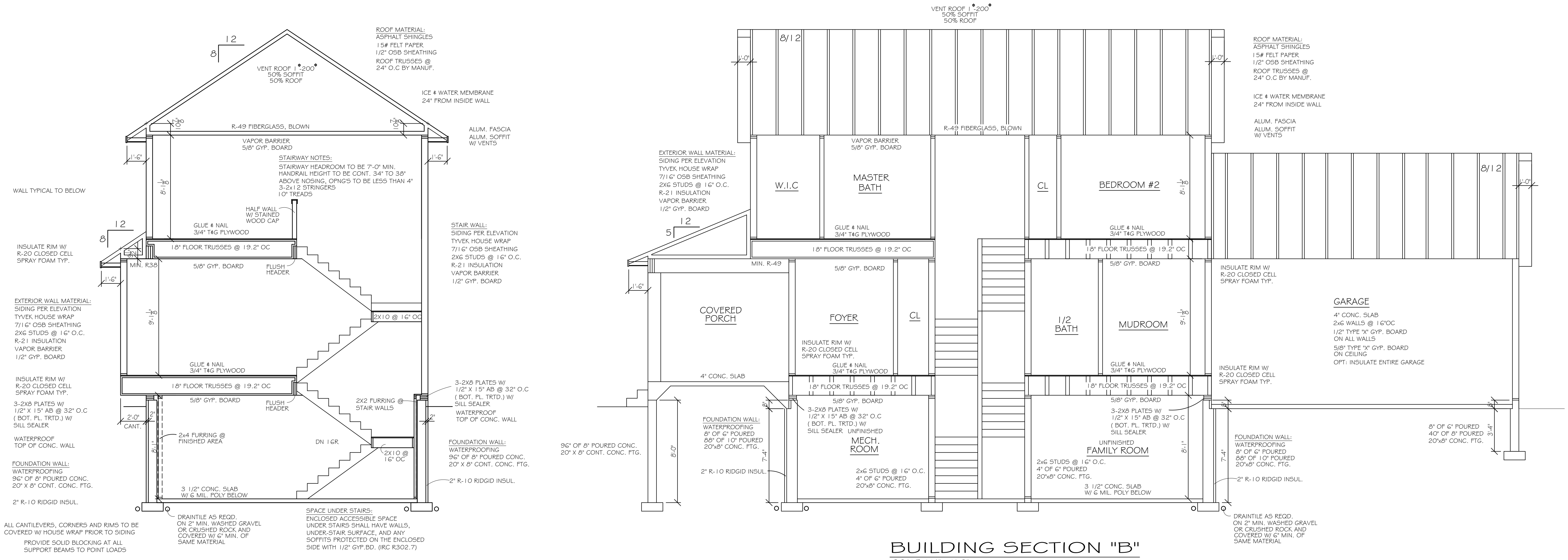
**A4 FOUNDATION/RIM AREA DETAIL "A-4"**  
FOUNDATION HELD IN 2" FROM FRAMING  
CANTILEVERED TRUSSES/JOISTS

**BALD EAGLE BUILDERS**  
1831 CLARENCE STREET  
WHITE BEAR LAKE, MN 55110

FLOOR PLAN DETAILS	
DATE:	10-5-21
FINISHED SQ. FT. =	1667
DRAWN BY:	SP
CHECKED BY:	
JOB NO.	
SHEET	<b>4</b> OF <b>5</b>

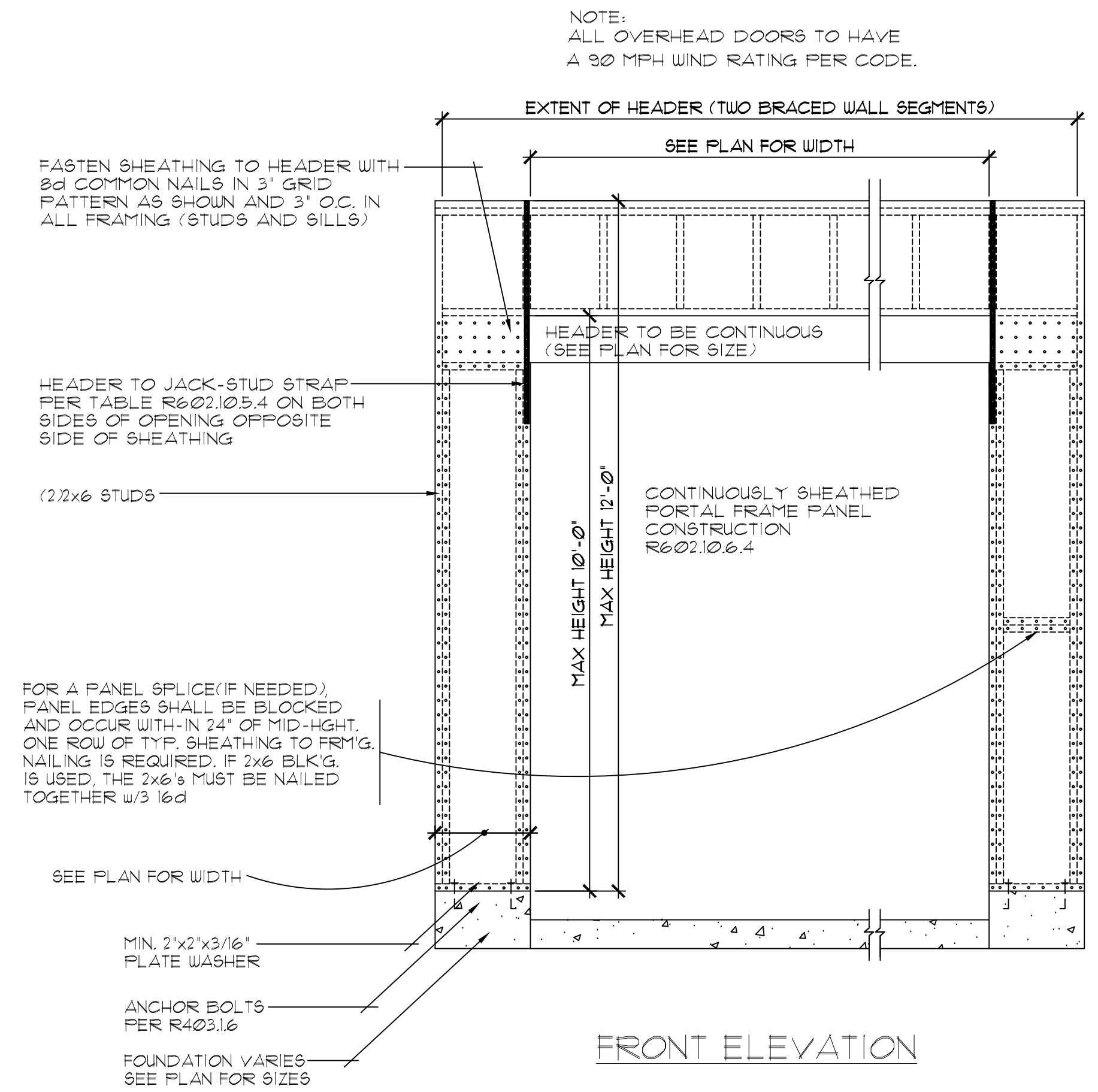


NO.	REVISION DATE	BY
#1	0000/2019	SP
#2		
#3		
#4		

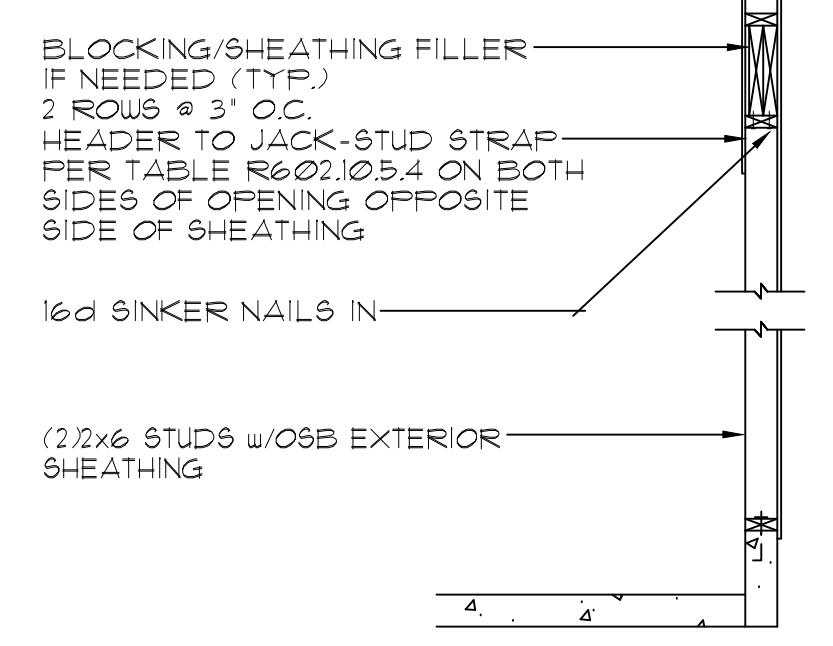


**BUILDING SECTION "A"**  
SCALE 1/4"=1'-0"

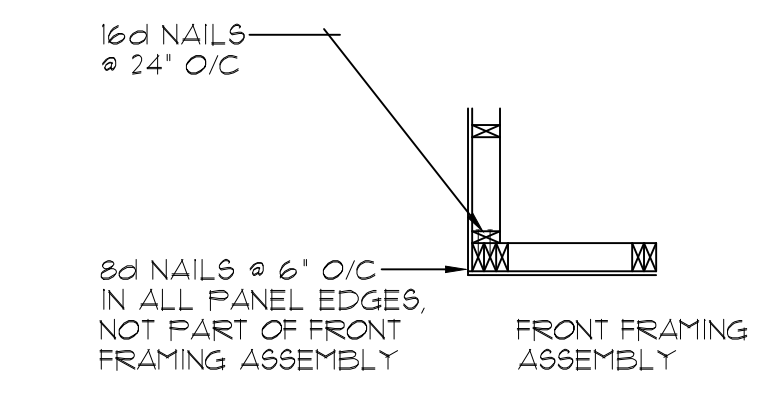
**BUILDING SECTION "B"**  
SCALE 1/4"=1'-0"



**CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION**  
1/2"=1'-0"



**SIDE ELEVATION**



**CORNER FRAMING DETAIL**

**BALD EAGLE BUILDERS**  
1831 CLARENCE STREET  
WHITE BEAR LAKE, MN 55110

SECTIONS
DATE: 10-5-21
DRAWN BY: SP
CHECKED BY:
JOB NO.
SHEET





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

## *MEMORANDUM*

**TO:** The Planning Commission

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

**DATE:** November 23, 2021 for the November 29, 2021 Planning Commission Meeting

**SUBJECT:** **DIVISION 25, LLC – Conditional Use Permit for a Dynamic Billboard/4650 Centerville Road (Case No. 21-5-CUP)**

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### **REQUEST**

The applicant, John Johannson on behalf of Division 25, LLC, is requesting a Conditional Use Permit to allow installation of a V-shape dynamic billboard to replace a pre-existing static billboard in the Tower Crossings PUD. In addition, the applicant is requesting a 25 foot variance to increase the height of the billboard to 75 feet.

### **SITE CHARACTERISTICS**

Tower Crossings is an 8.4 acre mixed use development located north of Highway 96 situated between Centerville Road and I-35E. The PUD consists of The Pillars of White Bear Lake senior living, Lunds & Byerlys grocery store, and the City's water tower. The site comprises approximately 650 feet of frontage along the interstate freeway.

### **ZONING**

The subject property is zoned PZ – Performance Zone, as is White Bear Woods apartment complex to the north and the White Oaks strip center to the south. The commercial properties further to the south are zoned B-4 — General Business District. The properties to the west across Centerville Road, Cub Foods and Meadowlands Park are zoned B-2 – General Business district and are located in the Township. The water tower property is zoned P – Public Facilities. I-35E abuts the property to the east.

### **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 in 2020.

Earlier this year, Division 25, LLC proposed a text amendment to the City’s Sign Code to re-establish the regulations to allow billboards along interstate highways within White Bear Lake. As drafted, the regulations allow existing static billboards to be relocated and/or up graded to dynamic billboards. The Planning Commission considered the technical criteria, including driver safety studies and existing regulations in surrounding communities, in its review and recommendation to adopt the billboard regulations. The City Council conducted the first reading of the proposed Sign Code amendment at its meeting on November 9<sup>th</sup> and is scheduled to conduct the second reading at the December 14, 2021 meeting. The Planning Commission’s recommendation regarding this specific Conditional Use Permit for a v-shaped dynamic billboard is contingent upon formal adoption of the pending Sign Code amendment to allow billboards.

**ANALYSIS**

*Conditional Use Permit*

The following standards allow billboards to be integrated into the community while enhancing the commercial corridors along interstate highways:

<b>STANDARD</b>	<b>ALLOWED</b>	<b>PROPOSED</b>
Zoning District	I-1, I-2, BW, B-3, B-4, PZ & P	PZ – Performance Zone
Message Duration	Eight (8) second hold time	Eight (8) second hold time
Resolution	Maximum 25 mm pixel pitch	Maximum 25 mm pixel pitch
Transition	Instantaneous/No movement	Instantaneous/No movement
Maximum Brightness	Auto-dimming & max 0.3 ft candles	Auto-dimming & max 0.3 ft candles
Minimum Spacing	1300’ to nearest billboard in City 1300’ to residential zoned property	3200’ to nearest billboard in City 1300’ to residential zoned property
Design	Single pole with brick or masonry	Single pole with brick or masonry
Size	700 SF per sign face	672 SF per face
Height	Maximum 50 feet	<b>75 feet overall height*</b>
Setback	10 feet minimum / 150 feet maximum from interstate highway	24 feet distance from interstate highway
<b>* A variance to increase the height of the billboard above 50 feet is required</b>		

*Height Variance*

As outlined in the above code comparison table, the proposed digital display billboard generally complies with the technical criteria to upgrade and modernize the previous static billboard to a dynamic design. The only aspect that deviates from the regulations is the billboard height at 75 feet. A previous design depicted the overall height at 55 feet to ensure visibility over the existing MnDOT sound barrier. However, based on input from the residents and representatives of The Pillars senior living, the applicant increased the height of the billboard to retain sight lines to a large deciduous tree within the MnDOT right-of-way that is visible by a number of residential units and balconies situated on the eastern wing of the facility.

### **SUMMARY**

The City's discretion in approving or denying a Conditional Use Permit is limited to whether or not the proposed billboard meet the standards outlined in the Sign Ordinance. If it meets these standards, the City must approve the Conditional Use Permit. Additional conditions may be imposed as the Council sees fit.

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, is consistent with the Comprehensive Plan, and is in harmony with the intent of the zoning code) then the criteria have been met.

### **RECOMMENDATION**

Staff recommends approval of the Conditional Use Permit and height variance as reasonable given the change in grade between the interstate and the billboard location, surrounding uses and structures, and existing sound barrier, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This Conditional Use Permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The applicant shall submit detailed construction drawings and obtain a sign permit prior to the installation of the billboard.
5. The applicant understands and agrees to turn off the digital display sign within one business day of notice of non-compliance by City.

### **Attachments:**

1. Draft Resolution of Approval
2. Zoning/Location Map
3. Applicant's Narrative, dated May 17, 2021
4. Site Plan, Photometric Plan and Sign Exhibit, Sight Line Study, Perspectives from I-35E and ALTA Land Survey (7 pgs)
5. E-Mail Correspondence from applicant and representative of The Pillars, dated 9/9/2021

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

**RESOLUTION GRANTING  
A CONDITIONAL USE PERMIT AND HEIGHT VARIANCE  
FOR INSTALLATION OF A DYNAMIC BILLBOARD  
LOCATED AT 4650 CENTERVILLE ROAD  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (21-5-CUP) has been submitted by John Johannson, on behalf of Division 25, LLC, to the City Council requesting approval of a Conditional Use Permit and a height variance from the City of White Bear Lake Sign Code for the following location:

**LOCATION:** 4650 Centerville Road (Tower Crossing PUD)

**LEGAL DESCRIPTION:** Lot 1 Block 1 of TOWER CROSSINGS PLAT  
(PID # 163022430039)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT:** A Conditional Use Permit for a dynamic display billboard, per Code Section 1202.040 Subd. 2; in order to install a dynamic billboard on property zoned PZ – Performance Zone; and

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF:** A 25 foot variance from the 50 foot maximum height for the billboard, per Code Section 1202.040 Subd. 2.G.2g, in order to install a 75 foot tall billboard to retain the sight lines of a significant tree within the MnDOT right-of-way;

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on November 29, 2021; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that, in relation to the Conditional Use Permit, the City Council accepts and adopts the following findings of the Planning Commission:

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



6. Traffic generation will be within the capabilities of the streets serving the site.

**FUTHER, BE IT RESOLVED**, by the City Council of the City of White Bear Lake that, in relation to the Variance, the City Council adopts the following findings of the Planning Commission:

1. The requested variance will not:
  - a. Impair an adequate supply of light and air to adjacent property.
  - b. Unreasonably increase the congestion in the public street.
  - c. Increase the danger of fire or endanger the public safety.
  - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building.
3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This Conditional Use Permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The applicant shall submit detailed construction drawings and obtain a sign permit prior to the installation of the billboard.
5. The applicant understands and agrees to turn off the digital display sign within one business day of notice of non-compliance by City.

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.

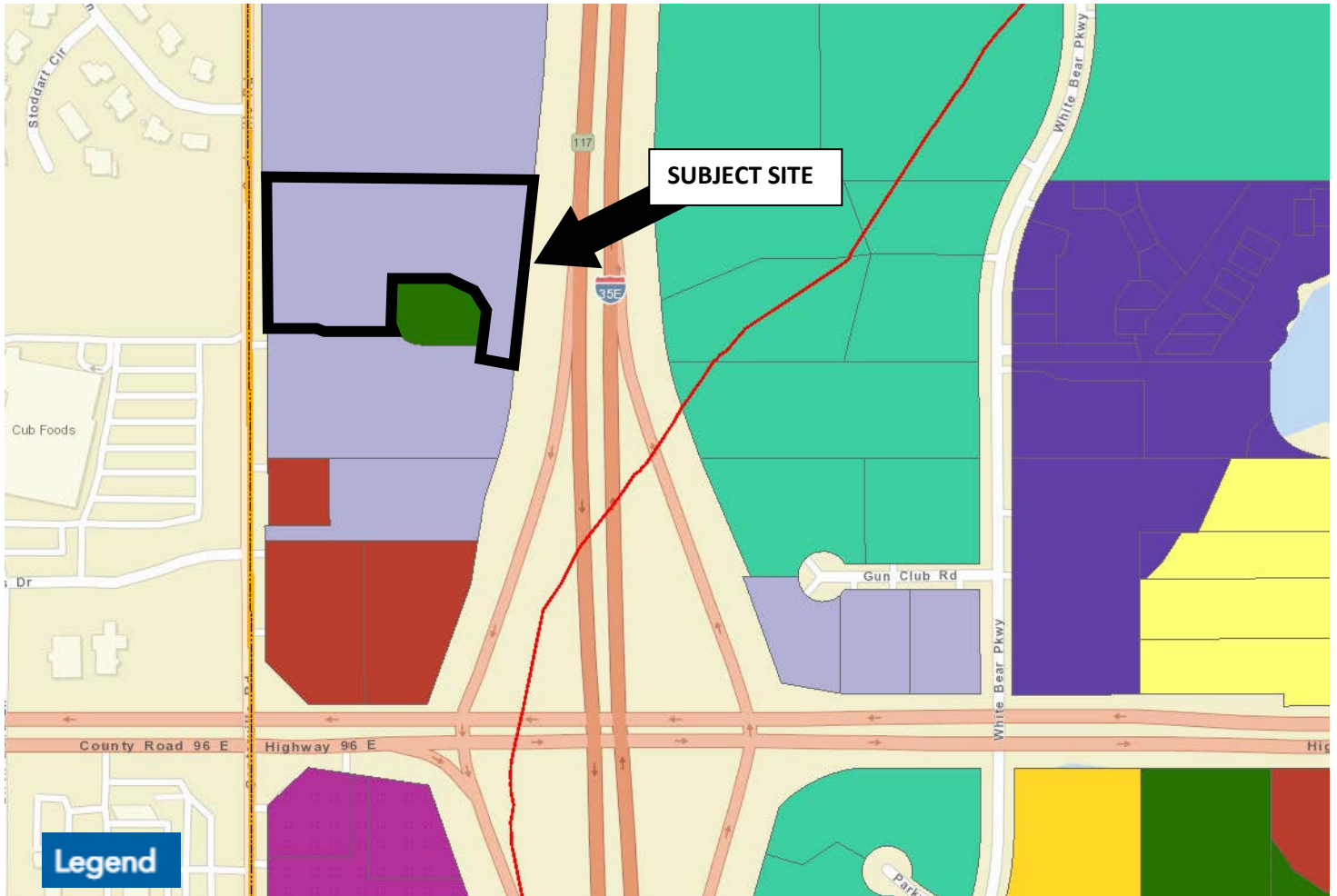
I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
John Johansson, Manager – Division 25, LLC

\_\_\_\_\_  
Date

# Zoning and Location Map – 4650 Centerville Road

## CASE NO. 21-5-CUP



Municipal Boundary



Shoreland Zoning Districts



Zoning

- |                                       |  |
|---------------------------------------|--|
| B-1: Neighborhood Business            | P: Public  |
| B-2: Limited Business                 | PZ: Performance Zone                                       |
| B-3: Auto Oriented Business           | PZR: Performance Zone Residential                          |
| B-4: General Business                 | R-2: Single Family Residential                             |
| B-5: Central Business                 | R-3: Single Family Residential                             |
| BW: Business Warehouse                | R-4: Single Family - Two Family Residential                |
| DBD: Diversified Business Development | R-5: Single Family - Two Family Medium Density Residential |
| DCB: Diversified Central Business     | R-6: Medium Density Residential                            |
| I-1: Limited Industry                 | R-7: High Density Residential                              |
| I-2: General Industry                 | R-B: Residential Business Transition                       |
| LVMU: Lake Village Mixed Use          | R1-I: Low Density Single Family - Island                   |
| O: Open Space                         | R1-S: Low Density Single Family - Shoreland                |

## Anne Kane

---

**From:** Jamie Korzan <Jamie@oppidan.com>  
**Sent:** Thursday, September 9, 2021 5:57 PM  
**To:** John Johannson; Anne Kane; Patrick Barrett; Paul Tucci (cytucci1@gmail.com); kevin.j.johnson@fairview.org  
**Cc:** Chris Simmons; Casey Marka; Sydney Otundo; Janet Olson; Mark Kronbeck - Alliant Engineering, Inc. (mkronbeck@alliant-inc.com)  
**Subject:** RE: White Bear Lake - Dynamic billboard structure - cross section drawing

This is great. The residents will appreciate the effort put forth here. Obviously, the higher option at 75' is Oppidan's preference. It would create a clear site line for the community and its residents which was their main concern.

Thanks again for taking the time to meet and to walk a few of their units. They felt heard and that you genuinely cared about their concerns. Thank you for that.

Talk soon.

Jamie

---

**From:** John Johannson <John.Johannson@transwestern.com>  
**Sent:** Wednesday, September 8, 2021 4:15 PM  
**To:** Anne Kane - City of White Bear Lake (akane@whitebearlake.org) <akane@whitebearlake.org>; Patrick Barrett <patb@oppidan.com>; Paul Tucci (cytucci1@gmail.com) <cytucci1@gmail.com>; kevin.j.johnson@fairview.org; Jamie Korzan <Jamie@oppidan.com>  
**Cc:** Chris Simmons <Chris.Simmons@transwestern.com>; Casey Marka <Casey.Marka@transwestern.com>; Sydney Otundo <Sydney.Otundo@transwestern.com>; Janet Olson <Janet.Olson@transwestern.com>; John Johannson <John.Johannson@transwestern.com>; Mark Kronbeck - Alliant Engineering, Inc. (mkronbeck@alliant-inc.com) <mkronbeck@alliant-inc.com>  
**Subject:** FW: White Bear Lake - Dynamic billboard structure - cross section drawing

**CAUTION: EXTERNAL**

Dear All –

Following up on our meeting with the residents of the Pillars of White Bear Lake, attached please find the cross-section drawing that we discussed.

The assignment was to measure the existing improvements, place the proposed 55' high sign on the plan, and depict sight lines through the project, specifically including the existing large tree within the MNDOT right-of-way.

Our assignment to Alliant Engineering was to not only place the existing 55' sign – but to also identify at what height the sign would need to be placed to allow full view of the tree under the sign from the balconies on the residential suites facing to the east. The second page of the attached depicts this option – with the sign at 75' overall height.

Please review and let me know if you have any questions or comments.

Thanks

JJJ



**John J. Johannson**  
Managing Director of Retail Services  
[john.johannson@transwestern.com](mailto:john.johannson@transwestern.com)

**TRANSWESTERN**

706 Second Ave. South  
Suite 100  
Minneapolis, Minnesota 55402  
Direct: 612.359.1680  
Cell phone: 612.817.2302  
[transwestern.com](http://transwestern.com)

(Corporate office above)

(Current interim office location below)

**TRANSWESTERN**

860 Blue Gentian Road  
Suite 295  
Eagan, Minnesota 55121  
Direct: 612.359.1680

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**From:** Mark Kronbeck <[mkronbeck@alliant-inc.com](mailto:mkronbeck@alliant-inc.com)>  
**Sent:** Wednesday, September 8, 2021 2:04 PM  
**To:** John Johannson <[John.Johannson@transwestern.com](mailto:John.Johannson@transwestern.com)>  
**Cc:** Chris Simmons <[Chris.Simmons@transwestern.com](mailto:Chris.Simmons@transwestern.com)>  
**Subject:** FW: White Bear Lake - Dynamic billboard structure need cross section drawing

John,


See attached graphic for White Bear Lake.

Please let us know if you want and revisions.

Thank you,

**Mark Kronbeck, PLA, ASLA**  
ASSOCIATE  
Alliant Engineering, Inc.  
733 Marquette Ave, Ste 700, Minneapolis, MN 55402  
612.767.9338 DIRECT | 612.758.3080 MAIN

*Building better communities with excellence and passion.*

 **ALLIANT** // An employee-owned company.

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**From:** John Gronhovd <[jgronhovd@alliant-inc.com](mailto:jgronhovd@alliant-inc.com)>  
**Sent:** Wednesday, September 8, 2021 1:51 PM  
**To:** Mark Kronbeck <[mkronbeck@alliant-inc.com](mailto:mkronbeck@alliant-inc.com)>  
**Subject:** RE: White Bear Lake - Dynamic billboard structure need cross section drawing

Hi Mark,

Please find the attached graphic. In the email the client mentions they'd like to have the sign high enough to show the entire tree under the sign. As approved the 55' sign would leave view to roughly half of the tree, so I also added a sheet showing how tall the sign would need to show the full tree – 75' tall according to our survey.



Let me know if anything else is needed here.

Thanks,

**John Gronhovd, PLA, ASLA**

LANDSCAPE ARCHITECT

Alliant Engineering, Inc.

733 Marquette Ave, Ste 700, Minneapolis, MN 55402

612.758.3080 OFFICE | 612.767.9353 DIRECT

*Building better communities with excellence and passion.*



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---

**From:** Mark Kronbeck <[mkronbeck@alliant-inc.com](mailto:mkronbeck@alliant-inc.com)>

**Sent:** Tuesday, August 3, 2021 4:25 PM

**To:** John Gronhovd <[jgronhovd@alliant-inc.com](mailto:jgronhovd@alliant-inc.com)>; Corey Smith <[csmith@alliant-inc.com](mailto:csmith@alliant-inc.com)>

**Subject:** FW: White Bear Lake - Dynamic billboard structure need cross section drawing

---

**Mark Kronbeck, PLA, ASLA**

Associate

Alliant Engineering, Inc.

612.767.9338 DIRECT | 612.758.3080 MAIN

[www.alliant-inc.com](http://www.alliant-inc.com)

---

**From:** John Johannson <[John.Johannson@transwestern.com](mailto:John.Johannson@transwestern.com)>

**Sent:** Tuesday, August 3, 2021 4:19 PM

**To:** Mark Kronbeck <[mkronbeck@alliant-inc.com](mailto:mkronbeck@alliant-inc.com)>

**Cc:** Casey Marka <[Casey.Marka@transwestern.com](mailto:Casey.Marka@transwestern.com)>; Chris Simmons <[Chris.Simmons@transwestern.com](mailto:Chris.Simmons@transwestern.com)>; John Johannson <[John.Johannson@transwestern.com](mailto:John.Johannson@transwestern.com)>; Patrick Barrett - Oppidan Investment Company ([patb@oppidan.com](mailto:patb@oppidan.com)) <[patb@oppidan.com](mailto:patb@oppidan.com)>; Paul Tucci <[cytucci1@gmail.com](mailto:cytucci1@gmail.com)>; Anne Kane <[akane@whitebearlake.org](mailto:akane@whitebearlake.org)>; Johnson, Kevin J <[Kevin.J.Johnson@fairview.org](mailto:Kevin.J.Johnson@fairview.org)>; Jamie Korzan <[Jamie@oppidan.com](mailto:Jamie@oppidan.com)>

**Subject:** White Bear Lake - Dynamic billboard structure need cross section drawing

Mark,

Good afternoon.

We had what I thought was a productive meeting this morning with the residents at the Pillars of White Bear Lake to discuss the billboard.

The overriding question from the residents was the impact that the sign might have on their view to the east – towards the freeway, the land across the freeway and the rather large tree that is on the MNDOT property directly east of the sign structure.

The tree is nearly sacred to some of the residents.

I suggested that we prepare a cross-section drawing that depicts the elevation and sight lines for all the elements – starting with I-35E lanes, through the sound wall, special tree, drive lane into the underground garage, and the senior housing building itself.

---

The goal would be to have the sign at a height that would allow residents in the building to see the entire tree under the lowest part of the sign panel. We believe the sign panel is 14' in height of sign area – so probably about 15' to 16' when including frame structure.



I have attached a sketch depicting what we are after.

You may need to go to the site to determine the height of the tree and the height of the sound wall – the wall steps down as you go south.

The residents would also like a measurement of the width of the tree while it is in bloom now.

Let us know if you can prepare this drawing for us.

Patrick, can we get the plan set for your building so Mark can incorporate exact scale to situate the building and the outside resident decks appropriately.

Mark, I have attached a photo of the east end of the Pillars building.

We would like the cross-section drawing to be at scale – so they can also visualize the distance between the building and the sign, tree, etc.

I have also copied Jamie; Kevin, and Anne – as they all attended the meeting and helped to fully inform the residents.

Thanks

JJJ

**John J. Johannson**

Managing Director of Retail Services

[john.johannson@transwestern.com](mailto:john.johannson@transwestern.com)

**TRANSWESTERN**

706 Second Ave. South

Suite 100

Minneapolis, Minnesota 55402

Direct: 612.359.1680

Cell phone: 612.817.2302

[transwestern.com](http://transwestern.com)

(Corporate office above)

(Current interim office location below)

**TRANSWESTERN**

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Suite 295

Eagan, Minnesota 55121

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# Tower Crossings PZ

## Billboard Sign Submittal Narrative

**Submitted By: Division 25, LLC  
May 17, 2021**

The Tower Crossings development is located on the northeast quadrant of Highway 96 and Centerville Road. The site is a remnant parcel from a former farmstead. The senior assisted living facility, Pillars of White Bear Lake, was approved with the Tower Crossings PZ in 2015, was constructed and is operational. The Lunds and Byerlys was approved in 2017 and constructed in 2018. The site totals approximately 8.47 acres. A City of White Bear Lake water tower is located near the center of the site on a separate parcel.

We are proposing to replace the billboard sign that was located along Interstate 35E. MnDOT constructed a sound wall in 2017 that obstructed 2/3 of the existing Clear Channel billboard sign. Thus, Clear Channel removed the sign in 2020 due to the sign obstruction. We are proposing to replace the previous billboard sign with a new dynamic billboard that will be able to be seen above the MnDOT sound wall.

The required applications include Request for a Text Amendment and Conditional Use Permit. Division 25, LLC is the owner of the Lunds and Byerlys property. They have a signage easement from the senior housing facility for the billboard sign, which is depicted on the attached ALTA Survey.



Drawing name: X:\2015\150033\plan sheets\Senior\_Building\Construction Documents\150033photo 6-24-21.dwg Jun. 24, 2021 - 10:42am

CENTERVILLE ROAD

INTERSTATE HWY 35E

INTERSTATE HIGHWAY NO. 35E

0.3 Foot Candle Light Level

0.3 Foot Candle Light Level

Previous Billboard Sign  
Proposed Billboard Sign

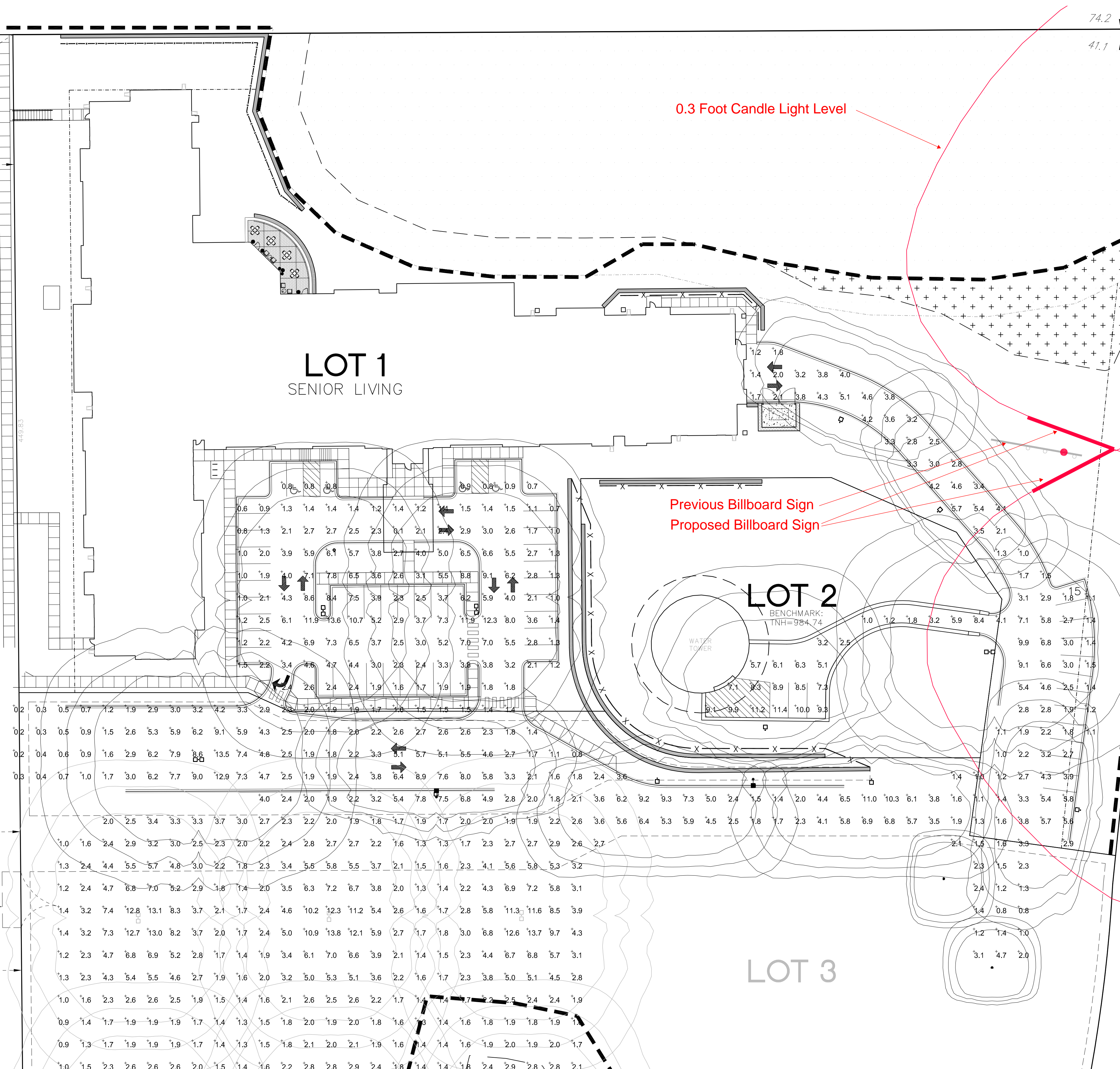
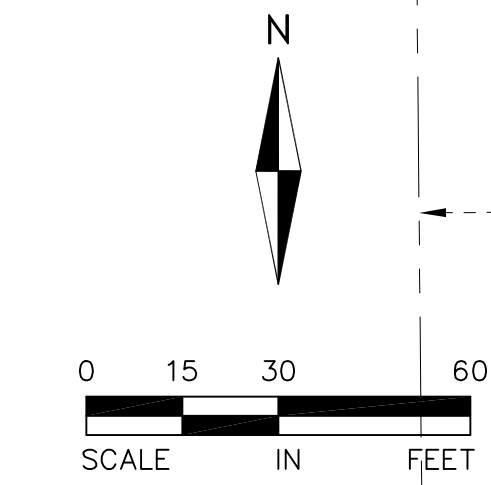
PLEASE CONTACT ADAM CARRIER at  
VILLA LIGHTING SUPPLY FOR PRICING:  
E-MAIL: adam.carrier@villalighting.com  
PHONE: 314-633-0532

Plan Prepared by: VILLA LIGHTING  
Designer: Adam Carrier  
Date: 5.6.15

Plan Prepared by: VILLA LIGHTING  
Designer: Adam Carrier  
Date: 6.26.15

These drawings are for conceptual use only and are not intended for construction. values represented are an approximation generated from manufacturers photometric inhouse or independent lab tests and data supplied by lamp manufacturers.

Billboard Sign Exhibit  
6-24-21



LOT 1  
SENIOR LIVING

LOT 2

LOT 3



233 Park Ave S, Ste 50  
Minneapolis, MN 55415  
612.758.3080  
612.758.3090  
www.alliant-inc.com

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 LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA  
*MALEAH M. MILLER, ASLA*  
DATE LICENSE NO. 19507

**PROJECT TEAM**

DESIGNED:	MMM
DRAWN:	MMM
PROJECT NO.:	215-0033

**QA/QC REVIEW**

BY:	DATE:
-----	-------

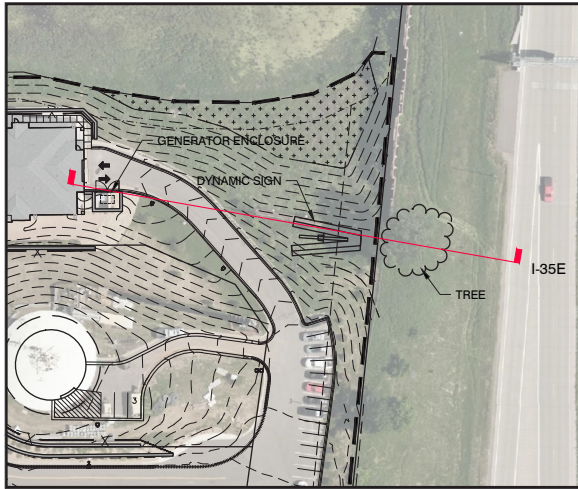
DATE	ISSUE	DATE	ISSUE
6-29-15	FINAL PUD SUBMITTAL	10-27-15	MNDOT SUBMITTAL
7-22-15	CITY COMMENTS	11-2-15	CITY COMMENTS
7-24-15	GRADING REVISIONS	12-16-15	100% CONSTRUCTION DOCUMENTS
8-28-15	BID SET	04-19-17	REVISIONS
9-8-15	RELOCATE MEETING	07-21-17	REV / SITE CLOSEOUT MEETING
9-10-15	BUILDING PERMIT		
9-29-15	CITY COMMENTS		
10-5-15	CITY COMMENTS		
10-13-15	STORMWATER COMMENTS		

# WHITE BEAR HEIGHTS

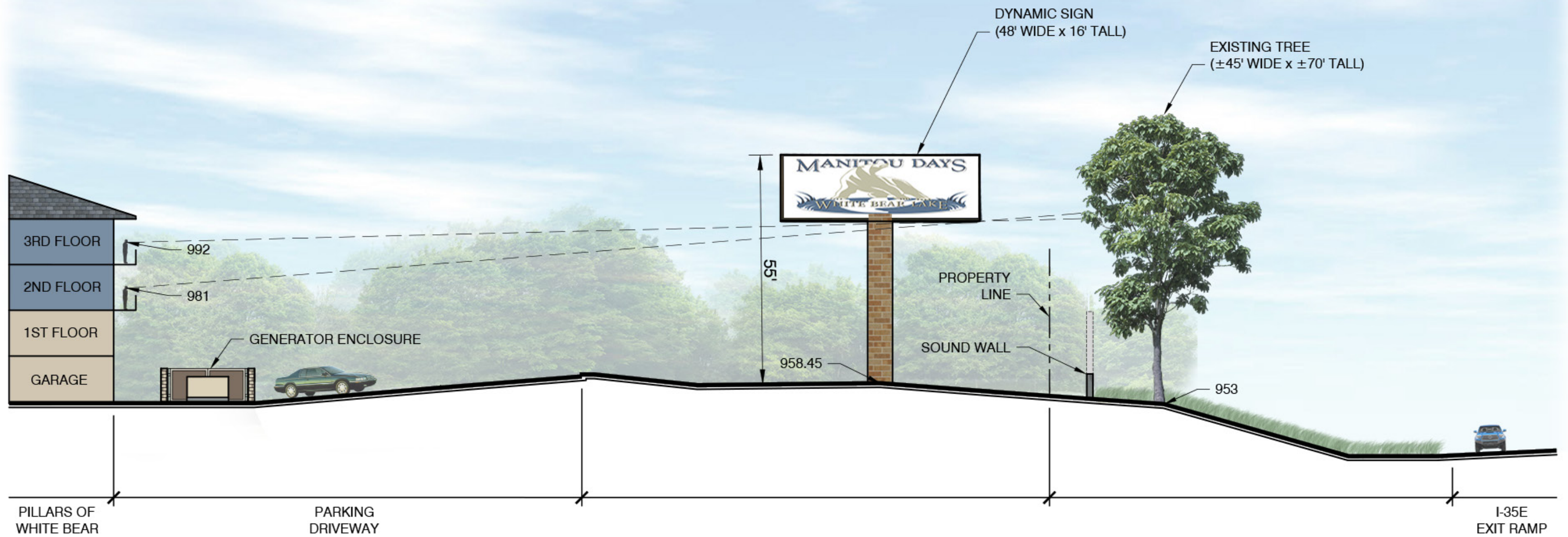
## SENIOR LIVING CONSTRUCTION DOCUMENTS

PHOTOMETRIC PLAN

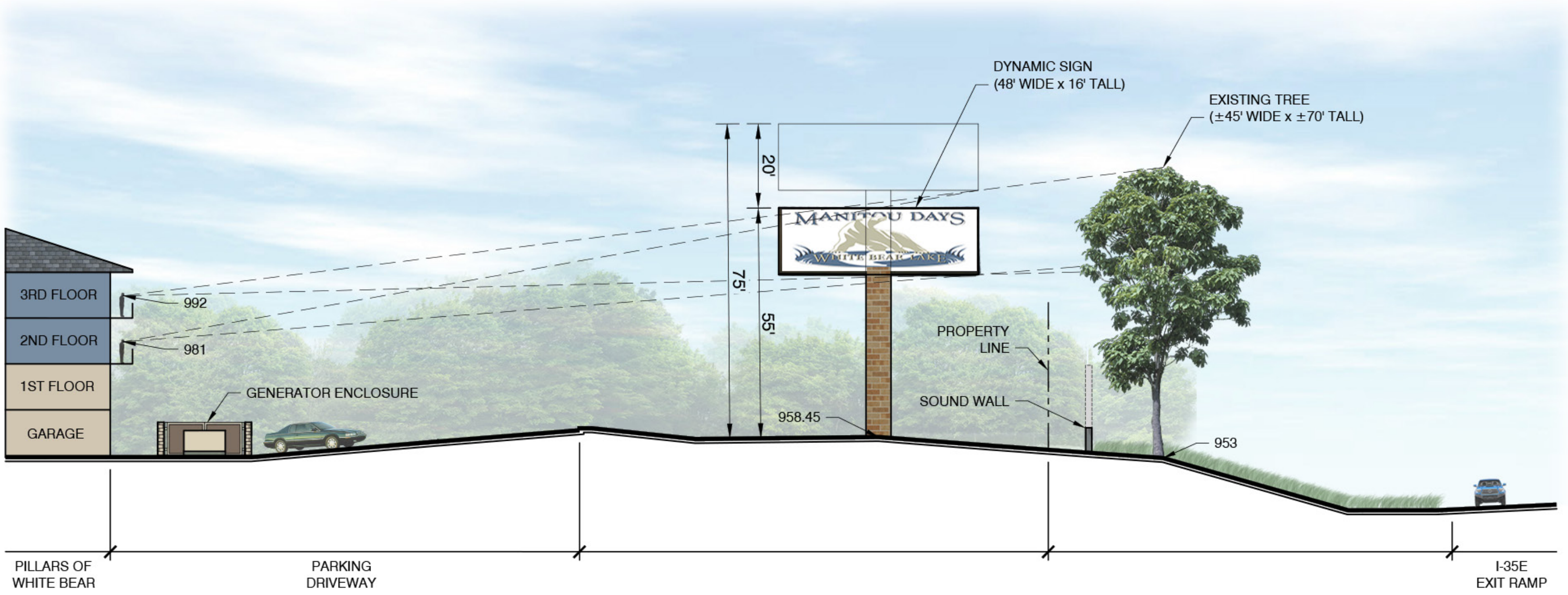
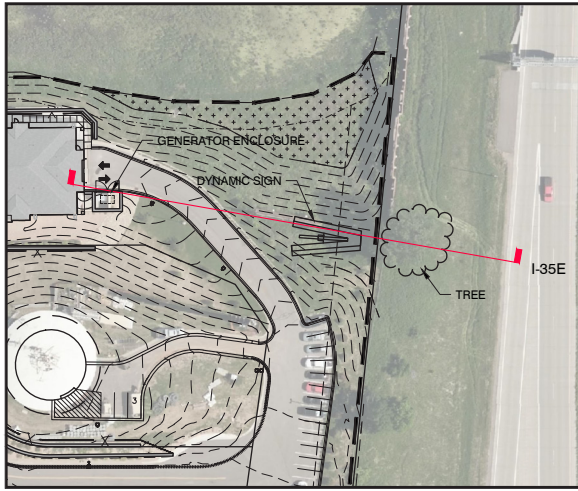




CONTEXT MAP







# DYNAMIC SIGN VIEW STUDY

## WHITE BEAR LAKE, MN





75' BILLBOARD SIGN | NB 35E - 250'

I-35 & County Road 96, White Bear Lake, MN 55439



**ALLIANT**

10-20-2021





75' BILLBOARD SIGN | SB 35E - 150'

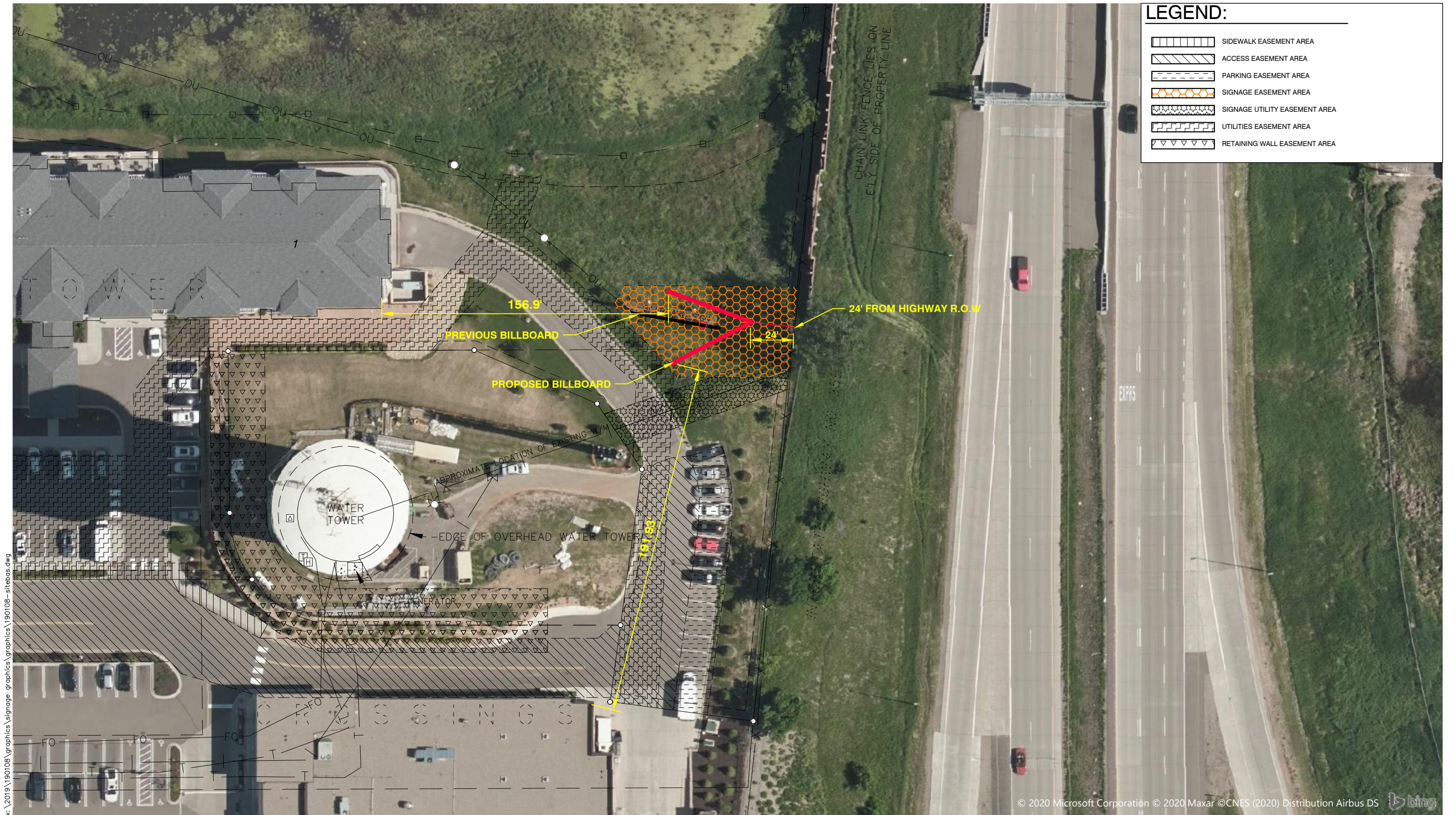
I-35 & County Road 96, White Bear Lake, MN 55439



**ALLIANT**

10-20-2021

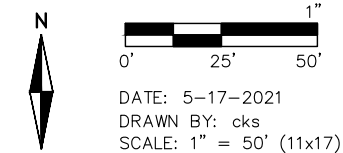




**LEGEND:**

	SIDEWALK EASEMENT AREA
	ACCESS EASEMENT AREA
	PARKING EASEMENT AREA
	SIGNAGE EASEMENT AREA
	SIGNAGE UTILITY EASEMENT AREA
	UTILITIES EASEMENT AREA
	RETAINING WALL EASEMENT AREA

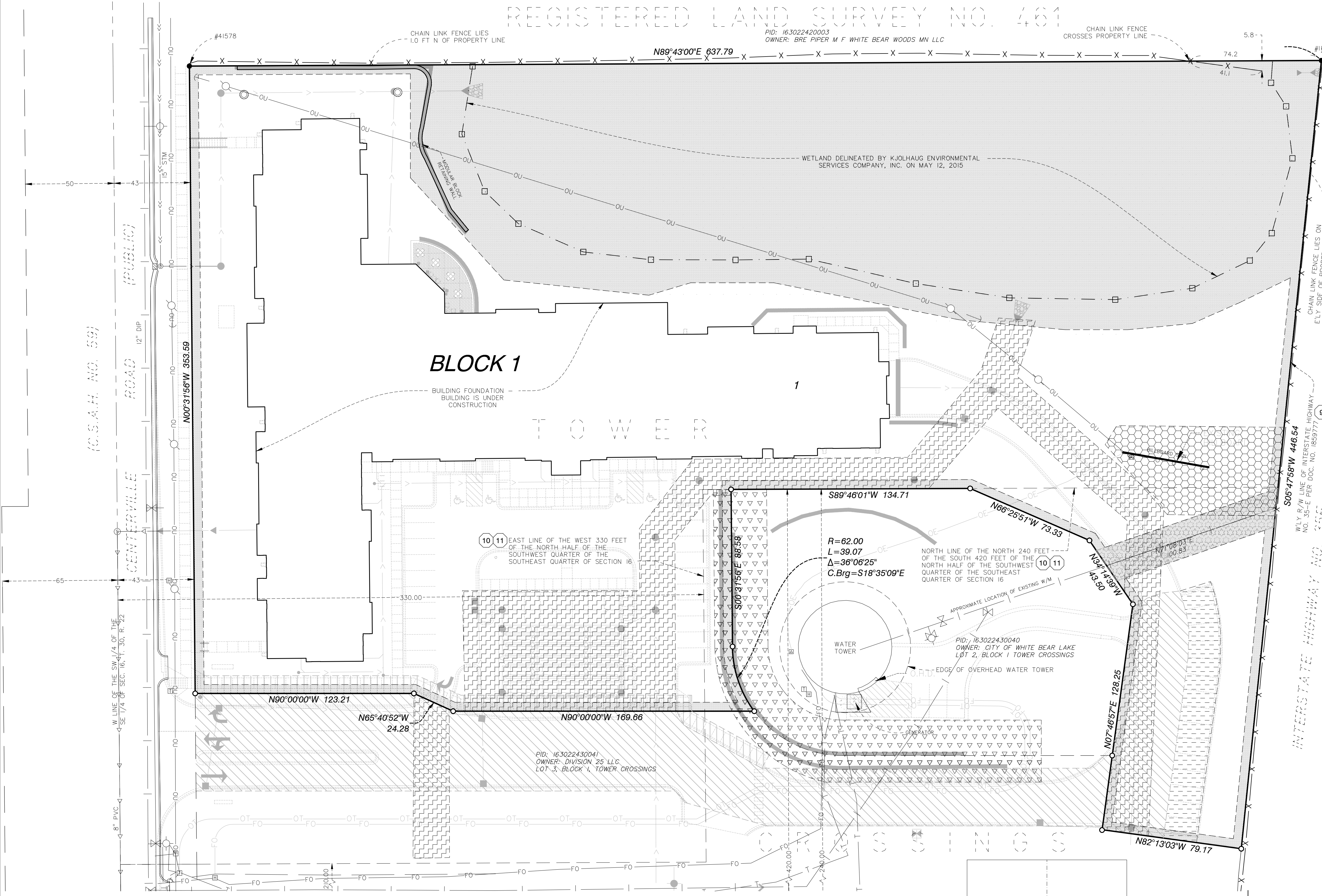
**PROPOSED BILLBOARD LOCATION**  
**I-35 & COUNTY ROAD 96, WHITE BEAR LAKE, MN**





REGISTERED LAND SURVEY NO. 401

PID: 16.3022430003  
OWNER: BRE PIPER M F WHITE BEAR WOODS MN LLC



PROPERTY DESCRIPTION

Lot 1, Block 1, Tower Crossings, Ramsey County, Minnesota.  
Abstract Property

CERTIFICATION

To Western Bank, its successors and/or assigns as their respective interests may appear, and Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 9, 11, 13 and 16 of Table A thereof. The fieldwork was completed on March 1, 2016.

Date of Plat or Map: March 4, 2016

*Dennis B. Olmstead*  
Dennis B. Olmstead, Professional Land Surveyor  
Minnesota License No. 18425

NOTES

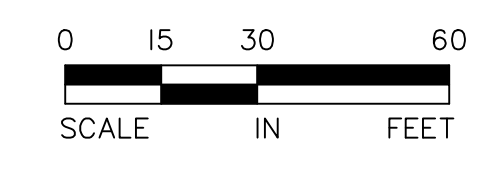
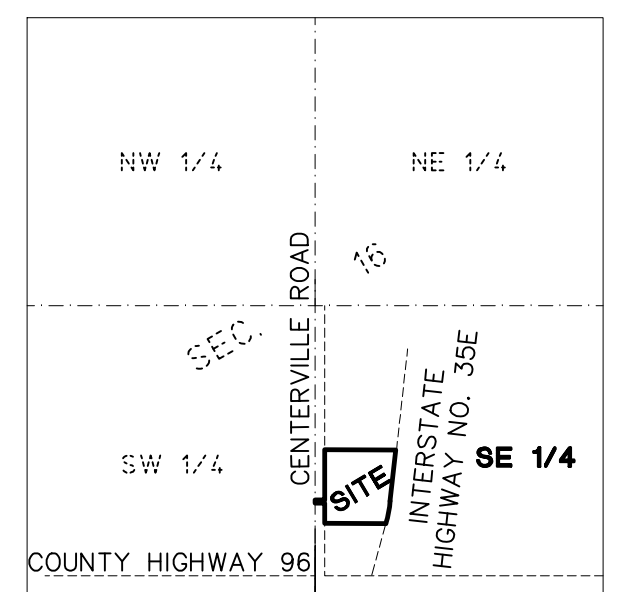
- This survey and the property description shown here on are based upon information found in the commitment for title insurance prepared by Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company, file no. 50999, dated February 14, 2016.
- The locations of underground utilities are depicted based on observed evidence at the time of survey. We did not investigate or call Gopher One Call to located underground utilities. Contact Gopher State One Call (www.gopherstateonecall.org or call (651) 454-0002) to verify critical utilities prior to construction or design.
- The orientation of this bearing system is based on the Ramsey County coordinate system NAD 83.
- All distances are in feet.
- The area of the above described property is 203,977 square feet or 4.683 acres.
- There are 0 regular striped parking stalls and 0 handicapped parking stalls.
- The property lies within Zone X (unshaded - areas determined to be outside the 0.2% annual chance floodplain) of Federal Emergency Management Agency (FEMA) Flood Insurance Community Panel No. 27123C0035G, effective June 4, 2010.
- There was observed evidence of earth moving work and building construction at the time of our field work. Site is currently under construction. Building outline is shown to foundation.
- Names of adjoining owners are depicted based on Ramsey County GIS tax information.
- Proposed improvements are shown (lightly shaded dashed lines) per construction documents by Alliant Engineering, Inc. dated 12/16/15.
- Survey related exceptions set forth in Schedule B, Section Two of the Title Commitment:
  - Item no. 9 - references a Final Certificate per Doc. No. 1859777 which restricts right of access to Trunk Highway No. 35E. The westerly right of way line of Interstate Highway No. 35E is depicted on the survey.
  - Item no. 10 - references Terms and conditions of Site Agreement between the City of White Bear Lake and APT Minneapolis, Inc per Doc. No. 2962645. The legal description on said document includes that portion of Lot 1, Block 1, Tower Crossings lying within the North 240 feet of the South 420 feet of the North Half of the Southwest Quarter of the Southeast Quarter of Section 16, Township 30, Range 22 lying West of Interstate Highway 35-E, except the West 330 feet of the North 210 feet.
  - Item No. 11 - references Terms and conditions of Option and Structure Lease Agreement between the City of White Bear Lake and Cingular Wireless PCS, LLC per Doc. No. 4518205. The legal description on said document includes that portion of Lot 1, Block 1, Tower Crossings lying within the North 240 feet of the South 420 feet of the North Half of the Southwest Quarter of the Southeast Quarter of Section 16, Township 30, Range 22 lying West of Interstate Highway 35-E, except the West 330 feet of the North 210 feet.
  - Item No. 12 - references drainage and utility easements per the plat of Tower Crossings. Said easements are depicted on the survey.
  - Item No. 13 - references Terms and conditions of easements created in Reciprocal Easement Agreement per Doc. No. A04589408. Said easement locations are depicted in said document and approximate locations of said easements are shown on the survey.
  - Item No. 14 - references Terms and conditions of Resolution No. 11651 per Doc. No. A04594929. Said document is not plottable and is not shown on the survey.

LEGEND

- |   |                             |                                      |
|---|-----------------------------|--------------------------------------|
| ● IRON MONUMENT FOUND                                 | — G — GAS                   | — OT — PROPOSED TELEPHONE            |
| ○ IRON MONUMENT TO BE SET MARKED BY LICENSE NO. 18425 | — T — UNDERGROUND TELEPHONE | — W — PROPOSED WATERMAIN             |
| ⊗ WATER VALVE   | — S — SANITARY SEWER        | — S — PROPOSED SANITARY              |
| ⊕ HYDRANT   | — SS — STORM SEWER          | — SF — PROPOSED STORM W/ FLARED END  |
| ⊞ TELEPHONE BOX                                       | — OU — OVERHEAD UTILITY     | — FO — PROPOSED FIBER OPTIC          |
| ⊟ ELECTRIC BOX  | — FO — FIBER OPTIC          | — OF — PROPOSED OVERHEAD UTILITY     |
| ⊛ LIGHT POLE  | — X — FENCES                | — CB — PROPOSED CATCH BASINS         |
| ⊙ SANITARY MANHOLE                                    |                             | — FH — PROPOSED FIRE HYDRANT         |
| ⊚ WELL  |                             | — GV — PROPOSED GATE VALVE           |
| ⊛ HAND HOLE   |                             | — PV — PROPOSED POST INDICATOR VALVE |
| ⊞ TRANSFORMER   |                             |                                      |
| ⊟ CATCH BASIN   |                             |                                      |
| ⊛ STORM MANHOLE                                       |                             |                                      |
| ⊟ POWER POLE W/ GUY                                   |                             |                                      |
| ⊟ WETLAND MARKER                                      |                             |                                      |
- 12 DRAINAGE & UTILITY EASEMENT PER PLAT OF TOWER CROSSINGS
- 13 SCHEDULE B - PART 2 ITEM NUMBER

13 RECIPROCAL EASEMENT AREAS - DOC. NO. A04589408

- ▨ SIDEWALK EASEMENT AREA
- ▨ ACCESS EASEMENT AREA
- ▨ PARKING EASEMENT AREA
- ▨ SIGNAGE EASEMENT AREA
- ▨ SIGNAGE UTILITY EASEMENT AREA
- ▨ UTILITIES EASEMENT AREA
- ▨ RETAINING WALL EASEMENT AREA



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dolmstead@alliant-inc.com

ALTA/NSPS  
LAND TITLE  
SURVEY

ALTA AS-BUILT SURVEY FOR:  
**OPPIDAN**  
WHITE BEAR HEIGHTS  
LOT 1, BLOCK 1, TOWER CROSSINGS  
WHITE BEAR LAKE, MINNESOTA

DRAWN BY	DPE
CHECKED BY	DBO
DATE ISSUED	3/4/16
SCALE	1"=30'
JOB NO.	150033
BOOK	

## **CITY COUNCIL MEETING SUMMARY**

November 9, 2021

### **APPROVAL OF MINUTES** – Approved

- A. Minutes of the Regular City Council Meeting on October 26, 2021

### **APPROVAL OF THE AGENDA** – Approved

City Manager Hiniker added 9F rescheduling the public hearing for the bond issue.

### **VISITORS AND PRESENTATIONS**

- A. Climate Smart Municipalities

Sam Crosby and Tracy Shimek gave a presentation on takeaways from a recent Climate Smart exchange in Germany, made possible by a grant from the Federal Republic of Germany and through a partnership with the University of Minnesota.

### **PUBLIC HEARINGS** – Public hearing held. Council to review at Dec. meeting.

- A. Public Hearing in consideration of a proposed Right-of-Way Vacation

### **LAND USE** – Approved

- A. Non-Consent

Nothing scheduled

- B. Consent

- 1. Consideration of a Planning Commission recommendation for approval of a request by Brian Cox for a setback variance at 2323 Lakeridge Avenue (Case No. 21-19-V).  
**Resolution No. 12875**

### **UNFINISHED BUSINESS** – Nothing scheduled

### **ORDINANCES** – Second reading will happen December 14, 2021

- A. First Reading of an Ordinance to amend the Sign Code to allow billboards. (Case No. 21-2-Z)
- B. First reading of an Ordinance setting the 2022 Fee Schedule

### **NEW BUSINESS** – Approved

- A. Resolution canvassing municipal election results. **Resolution No. 12876**
- B. Resolution approving final design and authorizing the preparation of plans and specifications for the South Shore Boulevard Trail. **Resolution No. 12877**



- C. Resolution authorizing the City Manager to enter into a Joint Powers Agreement with the Town of White Bear. **Resolution No. 12878**
- D. Resolution authorizing an agreement with Short Elliot Hendrickson, Inc. (SEH) for the completion of a Preliminary Design for the Highway 96 Trail from Ramsey Beach to the East County Line. **Resolution No. 12879**
- E. Resolution approving 2022 Union Contract with Local 49 – Public Works. **Resolution No. 12880**
- F. Resolution rescheduling the public hearing for issuance of Bonds to finance renovation of the Public Safety Facility. **Resolution No. 12881**

**CONSENT** – Approved

- A. Acceptance of Minutes: August Park Advisory Commission, August White Bear Lake Conservation District, September Environmental Advisory Commission, October Planning Commission
- B. Resolution approving use of Podvin Park by the Hockey Association for one weekend in January. **Resolution No. 12882**
- C. Resolution authorizing SCORE Grant funding allocation and application. **Resolution No. 12883**
- D. Resolution designating polling places for all 2022 Elections. **Resolution No. 12884**

**DISCUSSION** – Nothing scheduled

**COMMUNICATIONS FROM THE CITY MANAGER**

- The Work Session for Tuesday, November 16, 2021 has been canceled.
- Staff have been preparing for transition of the Mayor, Council and new City Manager.

**ADJOURNMENT** – 9:53 p.m.

# Park Advisory Commission Meeting Minutes

SEPTEMBER 16, 2021

6:30 P.M.

MEMORIAL BEACH

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

## AGENDA TOPICS

### 1. CALL TO ORDER

The meeting was called to order by Mike Shepard at 6:30 pm.

### 2. APPROVAL OF MINUTES

Approval of the minutes from August 19, 2021 was moved by Bryan Belisle and second by Ginny Davis.

### 3. APPROVAL OF AGENDA

Approval of the September 16, 2021 agenda was moved by Mark Cermak and seconded by Victoria Biehn with the addition of Park Vandalism added under Other Staff Reports.

### 4. UNFINISHED BUSINESS

None.

### 5. NEW BUSINESS

#### a) Visitor Presentation

Mike Enz is a resident of the BoatWorks Commons apartments and lives in one of the flagship units directly above the community room. Mike advised the Commission about a smoking issue his wife and himself deal with when residents from the apartments or the community room occupants stand outside and smoke cigarettes. The smell of the cigarette smoke lingers in through their windows and makes for unpleasant living conditions. Mike and his wife are not against smoking as they are both former smokers but the smoke smell is constant. There are a few chain smoker residents that use the park to smoke since the building rules state that you only have to be 15 feet away from the building before lighting up. Mr. Enz has spoken to the property manager but everyone is following the rules so there is nothing they can do to stop people from smoking in this area as long as they are 15 feet away from the building.

Bryan Belisle suggested we make the park smoke free because of its unique situation of being in the middle of an apartment complex. Could City officials consult with the City Attorney and create a smoke free ordinance just for this

property? Mark Cermak stated that we would hate to lose residents due to smoke. Anastacia Davis also stated that it is our due diligence to make the park work with the homeowners that surround it. Mike Enz would like the Parks Advisory Commission to recommend to the City Council that our parks be declared alcohol and tobacco free like other community's that surround White Bear Lake. Andy does not believe the Police Department deal with many tobacco and alcohol issues so there may not be a need to address it system wide.

Mike Enz also asked about the dog bathroom issues at the green space at BoatWorks Commons. He doesn't even want his grandchildren to play there. Andy Wieteki stated that there will be a dog designated bathroom area made of either woodchips or pea gravel early next year. There will be signage for residents so they know where to take their dogs to go to the bathroom.

#### **b) Discussion on Park Hours of Operation**

Andy Wieteki wanted the Park Advisory Commission to review the hours of operation while the City is updating their ordinances. The City website states parks close at 11:00 pm, the ordinance states 10:00 pm and still others parks have signage that says sunup to sundown. Andy first recommended sunup to sundown but the Commission was unanimous that it would be too early for our parks to close in the beginning and at the end of the season. It was determined that all parks would close at 10:00 pm. Andy Wieteki will formally recommend to the City Manager.

#### **c) Park Tour - Memorial Beach**

The main reason for the park tour at Memorial Beach was to see the start of the retaining wall project. The contractor, however, had to push the start date back to the beginning of October due to delays on another big project. Andy showed the Commission members the contractor's markings on the hill so they could visualize where everything will be located. The Park Advisory Commission witnessed someone trying to walk down the hill and that reinforced the decision to put stairs going from the top of the hill to the lower trail. The stairs will prevent people from falling and get injured. The Commission members are excited to see the finished project as this will tremendously improve the area.

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

#### **a) White Bear Lake Lions Accessible Playground Update**

Andy Wieteki reported to the Park Advisory Commission on the progress of the all-inclusive playground. We are getting close to the first step of ordering equipment. The City is applying for a grant by the end of the week with GameTime for the equipment purchase. The White Bear Lake Lions Club is also applying for a grant with the Lions Club International to help fund the project. T.A. Schifsky & Sons is making a sizable donation for this project by donating all of the site excavation that is due to start in early October. Andy Wieteki hopes to order the equipment in the next month and store until the funds are secure. The rising cost of steel keeps raising the cost of the project. It was decided to purchase the materials now before we can no longer afford to build the project. Mike Shepard added that the White Bear Lake Lions Club is really excited about the design of the project and cannot wait to break ground.



**b) Lions Park Bathroom Remodel 2022**

Andy Wieteki received a rough budget number from Pelco Construction for the Lions Park bathroom facelift proposed for next year. The cost is higher than expected at \$128,000. Bryan Belisle asked a few questions about the work that would be completed at this price. Andy Wieteki believes that the project can be done a little cheaper and this is only a rough budget number. The quote from Pelco added to the work already scheduled for next year is higher than what is usually spent on an annual basis in the City's Park CIP. Andy spoke with Kerri Kindsvater, the City's Finance Director, to increase next year's Park funds to allow the entire project to be completed in one year and to avoid splitting the project into multiple years due to lack of budgeted funds.

**c) Park Vandalism**

Andy Wieteki reported that there was a lot of vandalism in the parks over the weekend. Podvin Park had significant property damage with a window smashed and a small fire in the Women's restroom. The restroom had to be professionally cleaned, painted and sealed to keep the smoke smell from lingering. The duct work will also be professionally cleaned of the soot so the smell isn't pushed throughout the facility. The following day the Men's restroom at Podvin was full of graffiti. A group of kids were caught after painting the three urinals, two toilets, mirrors and walls. Lions Park, Spruce Park and Stellmacher Park were all hit as well but less severely with toilet paper thrown around and no property damage. The Park Advisory Commission members were disgusted by all of the vandalism and suggested the City light these areas better. Andy stated that lights seem to actually attract kids who are ready to cause trouble. The Parks Department actually shuts off lights early when problems occur at some locations. The vandals seem to want to hang out under the lights at the pavilions. Bryan Belisle suggested that the City Council should be notified when vandalism happens and the Police Department should increase their presence to curb gathering by kids after dark.

**7. COMMISSION REPORTS**

None.

**8. OTHER BUSINESS**

None.

**9. ADJOURNMENT**

The next meeting will be held on October 21, 2021 at 6:30 p.m.

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