



**AGENDA
PLANNING COMMISSION OF THE
CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JULY 25, 2022
7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

2. APPROVAL OF AGENDA

3. APPROVAL OF THE MINUTES

- A. Minutes of the Planning Commission meeting on June 27, 2022

4. CASE ITEMS

- A. **Case No. 22-15-V:** A request by **Michels Homes on behalf of the Finnegan Realty Trust** for a variance from the side yard setback, per code section 1303.030, Subd.5.c.2, and a variance from the street side setback, per section 1303.030, Subd.5.c.1, in order to demolish the existing home and construct a new single-family home at the property located at 2503 Manitou Island.
- B. **Case No. 22-3-LS & 22-13-V:** A request by **Michels Homes on behalf of Tom and Nancee Bruggeman** for a variance from the height limitation for a wall, per code section 1302.030, Subd.6.a, in order to permit two entry monument features at the property located at 2510 Manitou Island.
- C. **Case No. 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.

5. DISCUSSION ITEMS

- A. City Council Meeting Summary of July 12, 2022.
- B. Park Advisory Commission Meeting Minutes of May 19, 2022.

6. ADJOURNMENT

Next Regular City Council Meeting August 10, 2022
 Next Regular Planning Commission Meeting August 29, 2022



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JUNE 27, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, and Andrea West.

MEMBERS ABSENT: None.

STAFF PRESENT: Jason Lindahl, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, Tracy Shimek, Housing & Economic Development Coordinator, Ashton Miller, Planning Technician and Troy Gilchrist, City Attorney.

OTHERS PRESENT: Rollo Strand, Kris and Kasey Birch.

2. APPROVAL OF AGENDA

It was moved by Member **Lynch** seconded by Member **Enz**, to approve the agenda as presented.

Motion carried, 7:0

3. APPROVAL OF THE MINUTES

A. Minutes of May 23, 2022

It was moved by Member **Baltzer** seconded by Member **Amundsen**, to approve the minutes of the May 23, 2022 meeting as presented.

Motion carried, 7:0.

4. CASE ITEMS

A. **Case No. 22-12-V:** A request by **Kris & Kasey Birch** for the following four variances: a 2.2 foot variance from the 15 foot side yard setback, per Code Section 1303.040, Subd.5.c.2, a 10 foot variance from the 20 foot street side setback for the garage, per Section 1302.030, Subd.4; a 15.2 foot variance from the 35 foot street side setback for the principal structure, per Section 1303.040, Subd.5.c.1; and a 14.5 foot variance from the 74.8 foot average lake side setback, per Section 1302.040, Subd.4.c; all in order to demolish the existing single-family home and construct a new single-family home at the property located at 4324 Cottage Park Road.

Crosby discussed the case. Staff recommended approval of the request with a number of conditions as presented in the report.

Member Baltzer recused himself since he is a neighbor to the applicant.

Member Amundsen wondered if the existing shed could remain on the property, noting that on past requests for variances on all four sides, it has been a condition to remove them.

Ms. Crosby replied that the shed is nonconforming in its location, so if torn down, could not be replaced. The applicants altered and reduced the size of the attached garage in order to retain the shed, so staff felt comfortable agreeing to let it to stay.

Member Berry opened the public hearing.

Kris Birch, 4324 Cottage Park Road, applicant, he thanked Ms. Crosby for the guidance throughout the process and the Commissioners for volunteering their time. Member Berry asked if the applicant is ok with the conditions proposed by staff. Mr. Birch confirmed that they were. He stated that there are a few things left to figure out in terms of the raingarden.

Member Berry closed the public hearing.

Member Lynch stated that he normally would be hesitant to support a five foot setback, but in this case, it is so close to what currently exists that he feels more comfortable recommending approval.

Member Enz thanked Mr. & Mrs. Birch for having such a complete application.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-12-V, seconded by Member **Enz**.

Motion carried, 6:0. Member Baltzer abstained.

- B. Case No. 22-3-LS & 22-13-V:** A request by **Rollo Strand** for a minor subdivision, per Code Section 1407.030, to untie two historic lots of record and a 1.3 foot variance from the 10 foot side yard setback, per Code Section 1303.060, Subd.5.c.2, at the property located at 1986 Webber Street

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

Member Berry opened the public hearing.

Rollo Strand, 1986 Webber Street, applicant, he explained that the property has been in his family for the last thirty years. It was his father's wish to split the lot. He does not have exact plans yet for the new lot. They may build a home for their son or they may sell. They are just starting the process.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-3-LS & 22-13-V, seconded by Member **Lynch**.

Motion carried, 7:0.

5. DISCUSSION ITEMS

A. Legal Training – Presented by City Attorney

Troy Gilchrist, City Attorney, touched on a number of topics as they related to the Planning Commission. He discussed the zoning authority granted to cities and the limitations on that authority. He informed the Commissioners that they are not bound to past decisions.

Mr. Gilchrist explained the role of the Planning Commission as an advisory board to the City Council. The Planning Commission plays a vital role in due process. In response to a question from Member Lynch, Mr. Gilchrist confirmed that a planning agency is required.

Mr. Gilchrist continued with the fiduciary duty of the Commissioners. Member Enz sought advice regarding a situation where she was speaking with someone who did not know she was on the Planning Commission and they shared information counter to what was presented to the City. Mr. Gilchrist explained that he does not believe the Commissioners have an affirmative duty to report things they may see or hear. The breach of duty would apply more in legal matters.

Member Amundsen asked if it worthwhile to attend the City Council meetings in order to provide the Councilmembers more context to the Planning Commission's decisions. Mr. Gilchrist did not think that was necessary since the Commissioners' voice is presented through staff.

Member Lynch commented that he has attended a City Council meeting, but came in his own capacity as a resident of White Bear Lake.

Mr. Lindahl stated that it is the role of staff to carry forward the recommendations of the Planning Commission. He urged the Commissioners to let staff know if they ever feel their views are not being appropriately articulated.

Mr. Gilchrist explained the aspects of planning and zoning, including the Comprehensive Plan and different types of permits, such as conditional use permits (CUP) and interim use permits (IUP). Member Lynch asked if special home occupation permits are considered IUPs. Ms. Crosby replied that they could be considered a type, since they do not transfer to new property owners. Mr. Gilchrist explained that conditional use permits typically are not meant to have time limits since they run with the land. They can be revoked, however, which generally goes through the Planning Commission and City Council. He spoke about variances and the legal standards used to review requests, which requires a practical difficulty be established.

Mr. Lindahl added that the Commissioners will start to see the variance criteria listed in the staff reports.

Mr. Gilchrist explained the type of zoning decisions, providing a distinction between legislative and quasi-judicial decisions. Legislative decisions involve the weighing of policy and should be made using a rational basis. In quasi-judicial decisions, the policymaking is essentially done since the standards for approval are laid out. He ran through the rules of procedure, noting it is important that the Commissioners voice their opinions. Mr. Lindahl concurred, stating that it helps direct staff.

Member Baltzer asked how much responsibility the Commissioners have in designing the request and if the decision should be based solely on what is presented at the meeting. Mr. Gilchrist stated it is not really the job of the Planning Commission to design the plan, however sometimes a few tweaks are okay. He stated that Commissioners should be neutral decision-makers and keep their minds open when hearing cases.

Member Lynch asked if staff would change the report before it goes to the City Council if the Planning Commission were to disagree with staff's findings of fact. Mr. Lindahl stated that staff would make a distinction between staff's recommendation and the recommendation put forth by the Planning Commission. They would present all the information for the Council to make a determination.

Mr. Gilchrist explained open meeting laws and required notices. The open meeting law prohibits members from meeting outside among a quorum of the body to discuss business. In response to a question from Member Enz regarding a phone call she received from an applicant, Mr. Gilchrist commented that a good response would be to direct the applicant to the public hearing.

Mr. Gilchrist described different conflicts of interest and suggested that if a Commissioner sees something on the agenda that may pose a conflict of interest, to discuss with staff and err on the side of caution. Member Lynch asked if a reason needed to be given when a member abstains from a vote. Mr. Gilchrist replied it is not necessary, but helpful, and that when a member does abstain, he or she should sit in the audience for the duration of the case.

Member Amundsen asked how the Commission keeps up with changing times and trends in the planning and zoning world. Mr. Gilchrist responded that the Planning Commission is relying on staff. He reiterated that the Planning Commission is not held to past decisions. Mr. Lindahl added that the Planning Commissioners bring their life experiences and unique perspectives to cases, which may differ from those who served 15 years ago. It is important for members to apply their perspectives to cases while working within the standards laid out for variances, CUPs, etc. Staff's job to stay up to date with trends and bring forward what is important to the community to the Planning Commission for consideration.

Member Baltzer asked about the phrase of "setting precedent". Mr. Gilchrist replied that it may be helpful to look at how a decision will affect the greater community, but precedent does not mean a decision needs to be made one way or the other.

B. City Council Summary Minutes of June 14, 2022.

In reference to the Schafer-Richardson case, Member Amundsen commented that the height of the building seemed to be a focus, which did not come up during the Planning Commission meeting. He was unsure whether the concept phase was an appropriate time to discuss the design of the building.

Mr. Lindahl explained that the Planning Commission can discuss any aspect of the proposal, including height, parking, building materials, etc. The City Council focused on different things and height was one aspect that several members held strong opinions on. Member Amundsen asked when the next stage will come before the Commission. Crosby stated that the applicant has indicated that they will submit by the July 18th deadline to be on the August 29th Planning Commission meeting.

C. Park Advisory Commission Minutes of April 21, 2022.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **West** to adjourn the meeting at 9:15 p.m.

Motion carried, 7:0



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: The Planning Commission
FROM: Ashton Miller, City Planner
DATE: July 25, 2022
SUBJECT: Raykowski Variance, 2503 Manitou Island – Case No. 22-15-V

SUMMARY

The applicant, Michels Homes, is requesting a 26.3 foot variance from the 35 foot side setback and a 5.6 foot variance from the 40 foot street side setback in order to demolish the existing home and rebuild on the existing foundation.

Based on the findings made in this report, staff finds that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Michels Homes / The Finnegan Realty Trust

Existing Land Use / Zoning: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Comprehensive Plan: Very Low Density Residential

Lot Size & Width: Code: 1 acre; 150 feet
 Site: 1.2 acres; 160 feet

ANALYSIS

Background

The subject site is the first residential lot on the island, just south of the bridge. According to Ramsey County, the existing home was constructed in 1941. The Raykowskis purchased the home in 2016, and when they sought variance for the detached garage in 2019, indicated that they would like to preserve the existing home. They have since discovered the structural issues are beyond repair, so the home will need to be torn down and rebuilt. In an effort to minimize the impact on the property, the owners are opting to build the new home on the existing foundation, which does not meet the current street side setback nor the side yard setback.

The new home is proposed to differ from the existing structure in several ways. First, the foyer is widening and the mudroom is bumping out 5'8" on the south (street) side of the home. Both features will meet the current 40 foot required street side setback. Second, the attached garage will change from a flat roof to a pitched roof that measures 21.75 feet to the peak. Attached garages are limited to one story in height and the applicants are not proposing any living space above the garage, so are meeting height requirements. The code does require a one foot setback for every foot that the garage exceeds 15 feet to the peak. As proposed, the deviation from the required setback (22 feet) is not greater than the side yard setback variance that has been requested on the east side of the home.

Community Comment

Under state law and the City's zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to all adjacent property owners. That notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. As of the writing of this report, city staff received comments from the adjacent neighbor to the east, letter attached, requesting that the existing retaining wall along the shoreline that encroaches onto his property be removed and that the house be set back at least ten feet from the shared lot line. He also pointed to some discrepancies between surveys. A permit for the reconstruction of the retaining wall has been submitted and is currently being reviewed by staff. The encroachment of the existing retaining wall is a property line dispute between the two neighbors, but may be addressed as part of the permit process.

The Manitou Island Board of Directors raised several points regarding the variances requested, the intensification of a nonconformity through the increase in garage height, and the overall variance process that allows nonconformities to be reconstructed. State Statute supersedes the municipal code, and according to Minnesota Statute 462.357, Subdivision 1e., legal nonconformities generally have a statutory right to continue through repair, replacement, restoration, maintenance, or improvement but not through expansion. These rights run with the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the same rights as the previous owner. Therefore, the applicants have the right to replace what is existing as is. The requested variance, if approved, would allow the increased height of the garage, because it would be granting a formal deviation from city code.

Two neighbors, one at 2528 Manitou Island and one at 2509 Manitou Island submitted comments in support of the project, both attached.

During the public hearing, staff will provide an update if any other public comments are received prior to the Planning Commission meeting.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the

application. Generally, if the application meets the review standards, the variance should be approved.

The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The subject site is zoned R-1I and according to the Zoning Ordinance, the purpose of the R-1I district is to "provide for large lot, low density single family detached residential dwelling units directly related, complementary uses in areas of the City containing highly unique natural features and amenities." The variances will allow the reconstruction of a single-family home while retaining many of the large trees and other features on the lot. Because the existing foundation will stay in place, there will be minimal disturbance to the surrounding land, which lessens any potential impact on the lake.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan's Future Land Use Map guides the property as "very low density residential", which is characterized by single-family attached and detached dwellings with a density range of 1 unit per 5 acres to 2 units per acre. The property will continue to be at a density of 0.83 units per acre, consistent with the goals and policies of the very low density residential future land use category of the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. The variances would allow the home to be rebuilt in the same location without fully disturbing the land. The property is intended for single-family use, so it is reasonable to reconstruct a single-family home on the lot.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. The existing home was constructed prior to the adoption of current zoning standards, so the encroachments are considered legal nonconforming (grandfathered-in). Building on top of the existing foundation means those encroachments remain.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The existing setbacks are being maintained, as are the many shrubs, trees and patio areas surrounding the home. The high level of architectural design is commensurate to the other homes on the island. The side of the garage that faces the street has a number of decorative features that blends it in with the rest of the home. The cedar shake siding, gabled roof elements, and numerous windows create a charm that fits the surrounding neighborhood.

RECOMMENDATION

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the 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. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit:

4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

Attachments:

Draft Resolution of Approval

Zoning/Location Map

Applicant's Narrative, Survey, & House Plans (9 pages)

Neighbor Comment – Ommen (3 pages)

Neighbor Comment – Frandsen

Neighbor Comment – Trooien/Ahlcrona

RESOLUTION NO.

**RESOLUTION GRANTING TWO SETBACK VARIANCES
FOR 2503 MANITOU ISLAND WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, the Finnegan Realty Trust has requested a 26.3 foot variance from the 35 foot side yard setback, per Code Section 1303.030, Subd.5.c.2 and a 5.6 foot variance from the 40 foot street side setback, per Section 130.030, Subd.5.c.1; in order to demolish the existing single-family home and construct a new single-family home on the existing foundation at the following location:

LOCATION: 2503 Manitou Island

LEGAL DESCRIPTION: That part of Lot 72 lying westerly of a line measured 39 feet on southwest line of said lot to a point 238.72 feet northeasterly of west COR, and all of lots 73 and 74, Manitou Island, White Bear Lake, Ramsey County, MN. (PID #13.30.22.42.0003)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 25, 2022; and

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

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

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

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

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

RESOLUTION NO.

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

Prior to the issuance of a building permit:

4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

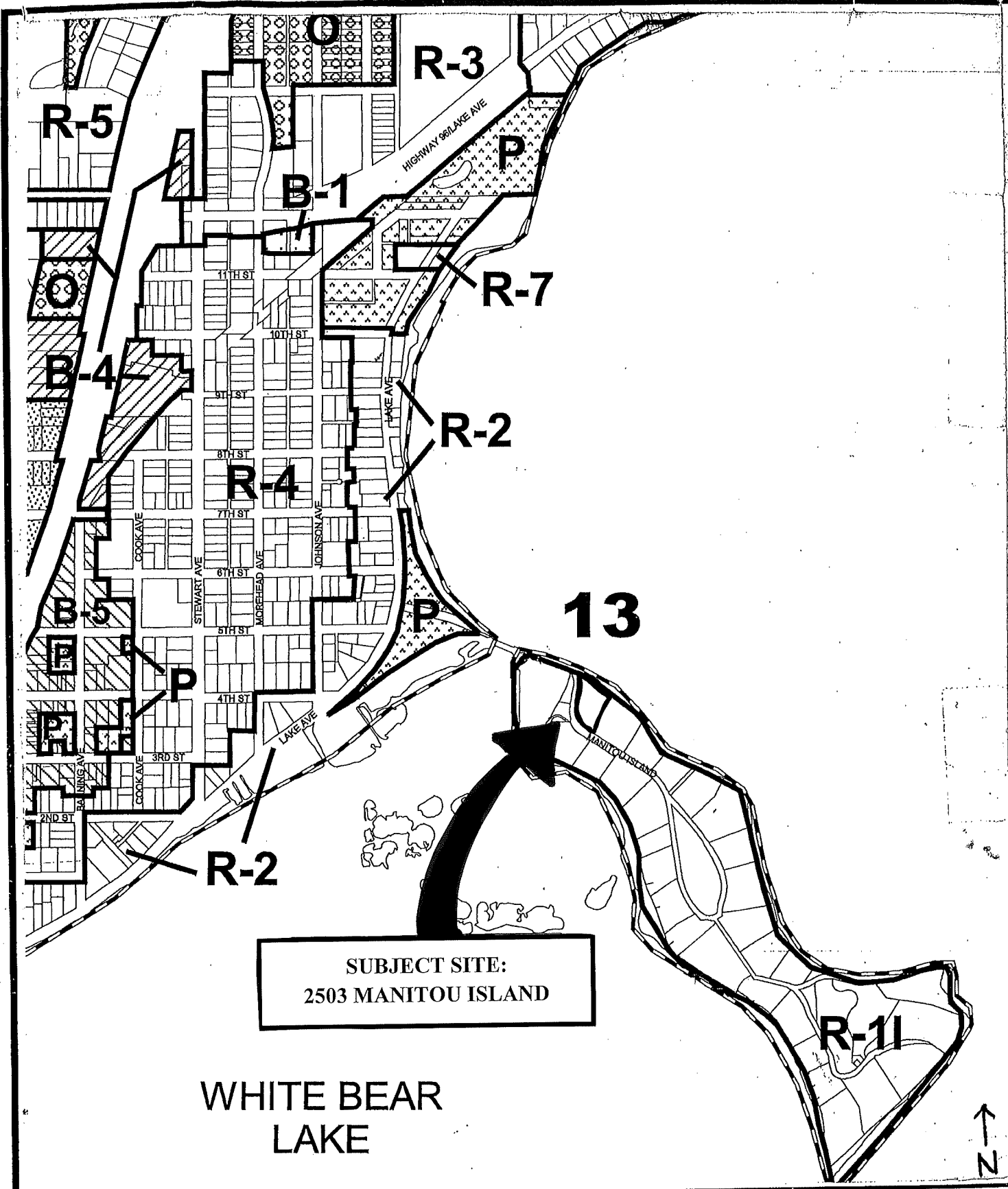
ATTEST:

Lindy Crawford, City Clerk

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

Applicant's Signature

Date



**SUBJECT SITE:
2503 MANITOU ISLAND**

**WHITE BEAR
LAKE**

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

CASE NO. : 22-15-V
CASE NAME : Michels / Ray Kowski
DATE : July 25, 2022

June 12th, 2022

2503 Manitou Island

Objective:

We plan to replace the existing home within the same footprint of the existing 82 year old home. We are seeking variance to allow us to keep the home in the same site it currently sits. Side setback (East side) to keep the location at 8.7' vs the new building setback of 35' (26.3' difference) and road setback at 34.4' vs 40' building setback (5.6' difference).

Narrative:

The home is 82 years old and failing beyond repair. Taking the home down to the studs would not allow us to correct the structural issues. The best course of action is to rebuild the home within the current foundation for the follow reasons:

- Keeping the architectural integrity of the home the same and esthetics of the lot is important to the history of Manitou Island.
- Removing the entire foundation will require removing an excessive number of mature trees and destroy root structure of several other mature trees. This would be a devastating loss to the mature landscape cover of the property. (Refer to photos and the survey for the vast amount of large caliper trees as large as 48" trunk diameter that would be affected)
- We have strategized the removal of the home from the driveway, with no soil disruption or runoff damage to the property, throughout the course of the project. This would not be the case in any new home building strategy.
- This strategy allows for less waste being hauled out as we are maintaining the foundation, concrete floor and large patios on the lake side which are all in great condition.
- Replacing the structure of the home on top of the foundation will allow us to upgrade the home to more energy efficient building techniques (2x6 walls vs 2x4), better energy heels, rim joist construction and insulating techniques for a much more sustainable and efficient home to operate for years to come.
- This plan also benefits our neighbors, the community and the lake as it causes the least amount of disruption to our lot and the common island roadways.

Practically speaking, the strategy put forth is the best option for the property.

We appreciate your consideration for this project.

Michels Homes & Raykowski Family



0 20 40 60
 SCALE IN FEET
 929.2 = EXISTING SPOT ELEVATION.
 X(928.0) = PROPOSED SPOT ELEVATION
 = DIRECTION SURFACE DRAINAGE
 COH = CANTILEVERED OVERHANG
 OHL = OVERHEAD UTILITY LINE
 GFE = GARAGE FLOOR ELEVATION
 TFE = TOP OF FOUNDATION ELEVATION
 LFE = LOWEST FLOOR ELEVATION

LEGAL DESCRIPTION:
 THAT PART OF LOT 72 LYING WLY OF A LINE MEAS.
 39 FT ON SW LINE OF SAID LOT TO APT 238.72 FT
 NELY OF WEST COR, AND ALL OF LOTS 73 AND 74,
 MANITOU ISLAND, WHITE BEAR LAKE, RAMSEY COUNTY, MN.

ADDRESS - 2503 MANITOU ISLAND
 PID# 13.30.22.42.0003

AREA = 52400 SF/ 1.20 AC TO OHW

BOUNDARY INFORMATION BY OTHERS
 SURVEY IS SUBJECT TO CHANGE PER
 TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND
 ELEVATIONS WITH HOUSE PLANS

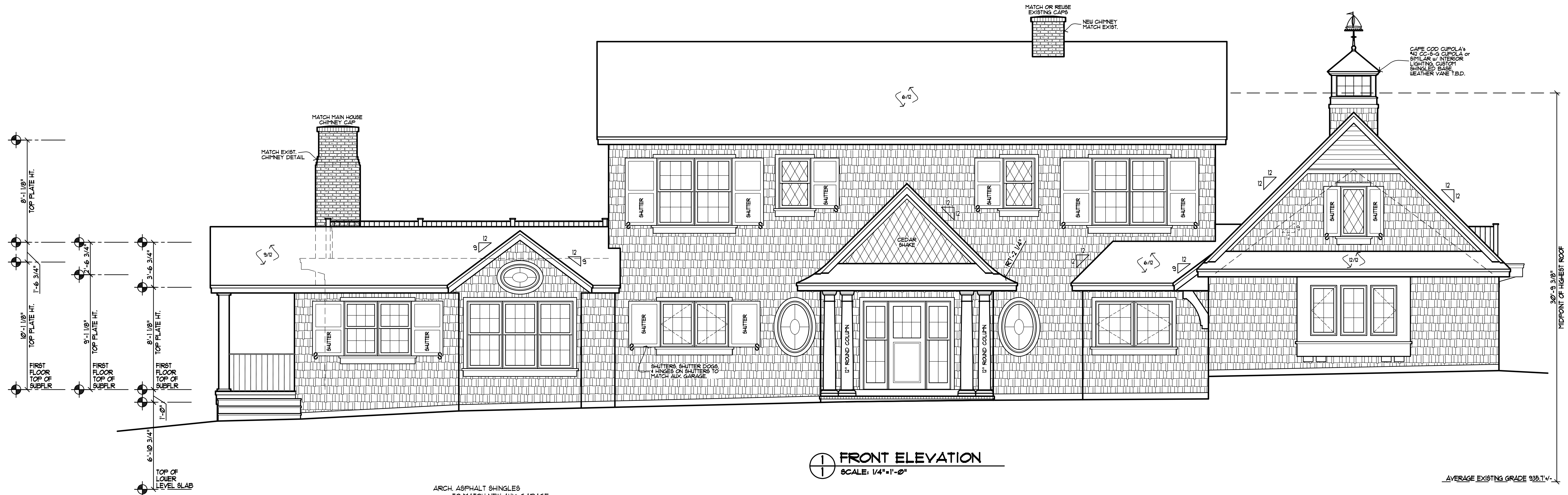
VERIFY ALL SETBACKS WITH CITY

Land Surveyor
Frank R. Cardarelle
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55344
 952-941-3031

BUILDING PERMIT SURVEY
REVISION, MN
KIROSHIO-RAYKOWSKI RES.
LOT 2503 MANITOU ISLAND

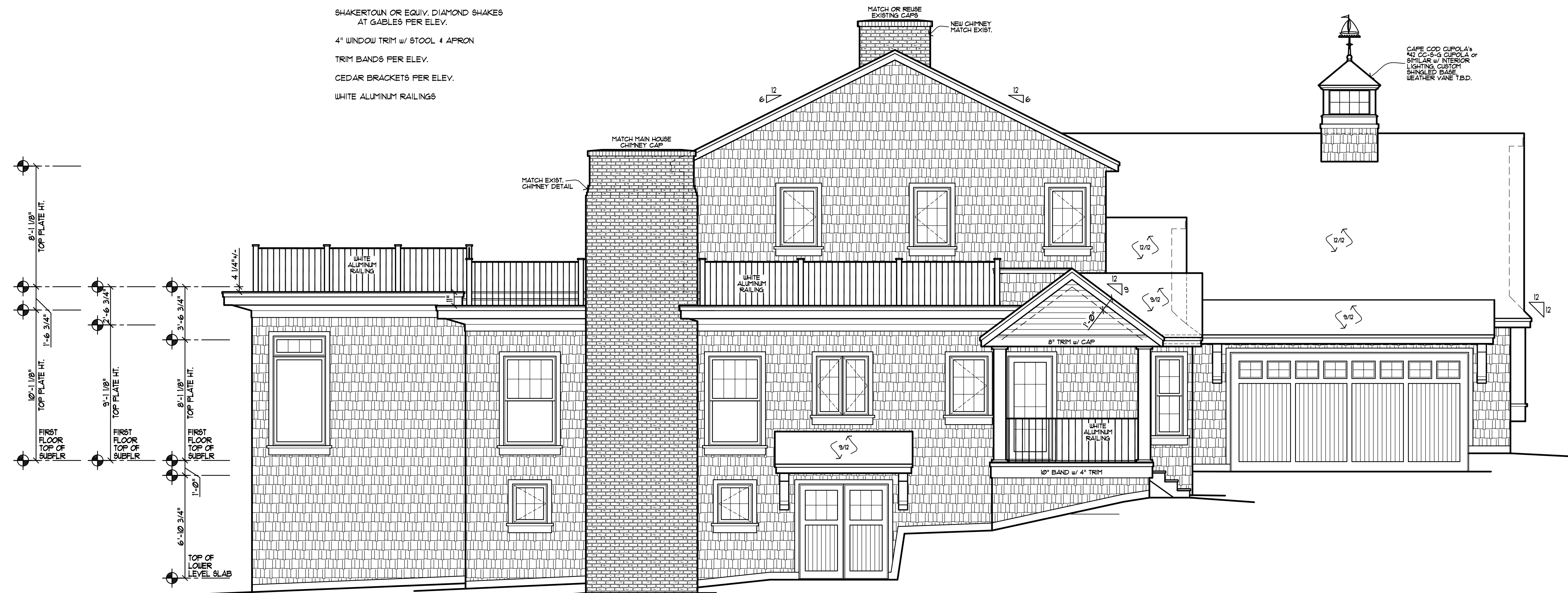
DATE	BOOK	PAGE
JULY 22, 2016		
REVISIONS	DATE	DESCRIPTION
3/11/19	PROP GAR	PREPARED BY
<small> I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. FRANK R. CARDARELLE REG. NO. 6508 </small>		

3/28/19 ADDTL TREES

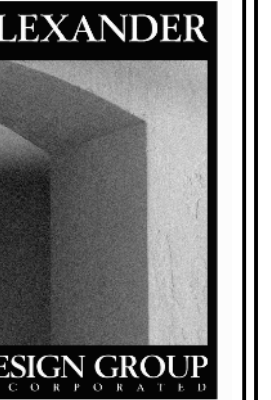


1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

- ARCH, ASPHALT SHINGLES TO MATCH NEW AUX. GARAGE
- CEDAR SHAKE SIDING PER ELEV. TO MATCH NEW AUX. GARAGE
- 6" FRIEZE AT FLAT ROOF
- 4" HARDIE LAP SIDING PER ELEV.
- SHAKERTOUN OR EQUIV. DIAMOND SHAKES AT GABLES PER ELEV.
- 4" WINDOW TRIM w/ STOOL & APRON
- TRIM BANDS PER ELEV.
- CEDAR BRACKETS PER ELEV.
- WHITE ALUMINUM RAILINGS



2 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



275 LAKE STREET EAST
SUITE 107
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:	ISSUE DATES:
1 JUN 2022	5/19/2022
PREVIOUS ISSUE DATES:	5/25/2022
	3/4/2019
	3/21/2019
	4/8/2019
	4/16/2021
	5/25/2021
	6/15/2021

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

BID SET

RAYKOWSKI RESIDENCE
2503 MANITOU ISLAND
WHITE BEAR LAKE, MN

ISSUE DATE:	1 JUNE 2022
PREVIOUS ISSUE DATES:	5/19/2022 5/25/2022 3/4/2019 3/21/2019 4/9/2019
	4/16/2021 5/25/2021 1/13/2020

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

BID SET

RAYKOWSKI RESIDENCE
2503 MANITOU ISLAND
WHITE BEAR LAKE, MN

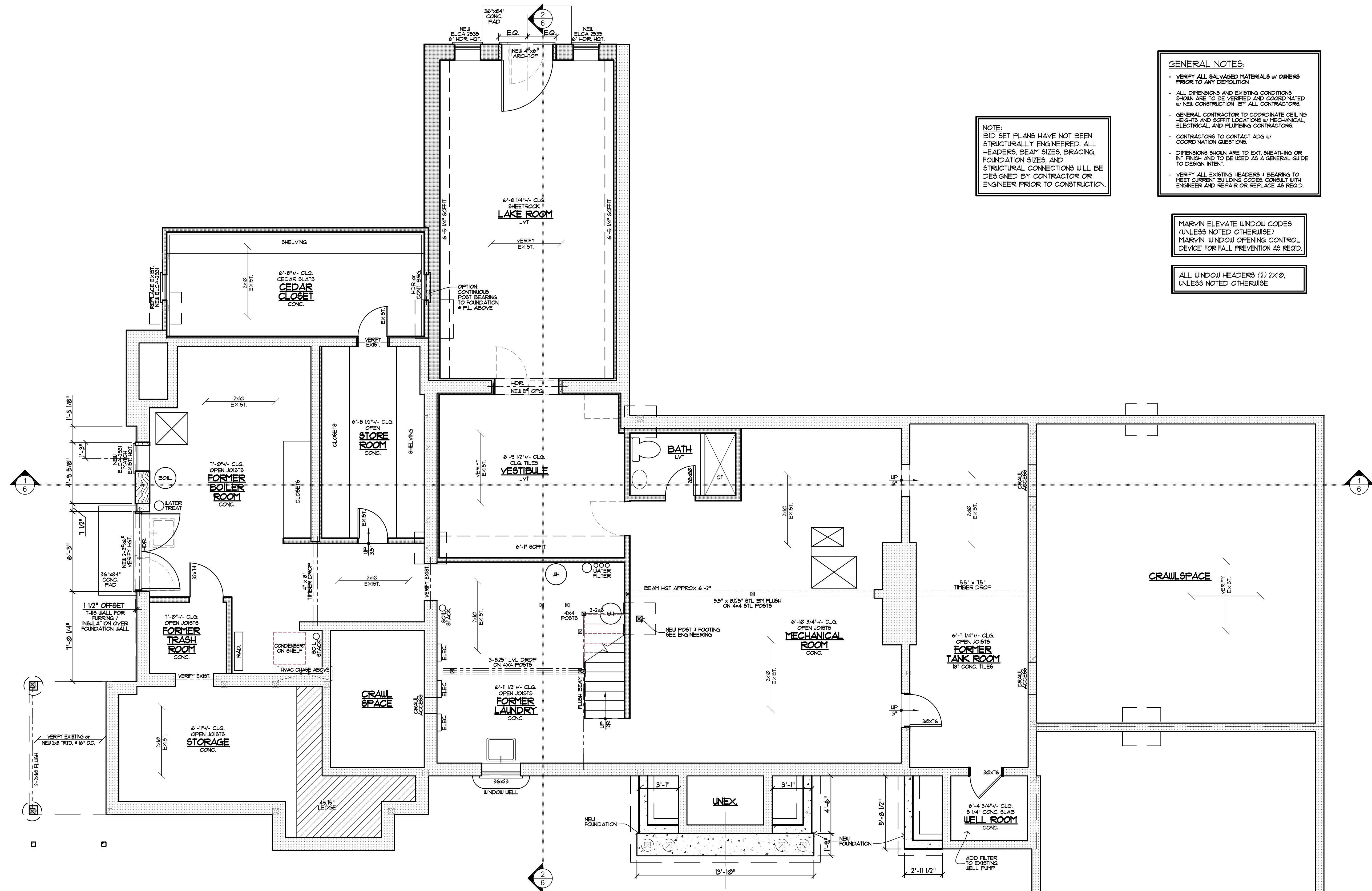


1 REAR ELEVATION
2 SCALE: 1/4"=1'-0"

- ARCH. ASPHALT SHINGLES
TO MATCH NEW AUX. GARAGE
- CEDAR SHAKE SIDING PER ELEV.
TO MATCH NEW AUX. GARAGE
- 6" FRIEZE AT FLAT ROOF
- 4" HARDIE LAP SIDING PER ELEV.
- SHAKERTOWN OR EQUIV. DIAMOND SHAKES
AT GABLES PER ELEV.
- 4" WINDOW TRIM w/ STOOL & APRON
- TRIM BANDS PER ELEV.
- CEDAR BRACKETS PER ELEV.
- WHITE ALUMINUM RAILINGS



2 LEFT ELEVATION
2 SCALE: 1/4"=1'-0"



NOTE:
 BID SET PLANS HAVE NOT BEEN STRUCTURALLY ENGINEERED. ALL HEADERS, BEAM SIZES, BRACING, FOUNDATION SIZES, AND STRUCTURAL CONNECTIONS WILL BE DESIGNED BY CONTRACTOR OR ENGINEER PRIOR TO CONSTRUCTION.

- GENERAL NOTES:**
- VERIFY ALL SALVAGED MATERIALS w/ OWNERS PRIOR TO ANY DEMOLITION.
 - ALL DIMENSIONS AND EXISTING CONDITIONS SHOWN ARE TO BE VERIFIED AND COORDINATED w/ NEW CONSTRUCTION BY ALL CONTRACTORS.
 - GENERAL CONTRACTOR TO COORDINATE CEILING HEIGHTS AND SOFFIT LOCATIONS w/ MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS.
 - CONTRACTORS TO CONTACT ADG w/ COORDINATION QUESTIONS.
 - DIMENSIONS SHOWN ARE TO EXIST. SHEATHING OR INT. FINISH AND TO BE USED AS A GENERAL GUIDE TO DESIGN INTENT.
 - VERIFY ALL EXISTING HEADERS & BEARING TO MEET CURRENT BUILDING CODES. CONSULT WITH ENGINEER AND REPAIR OR REPLACE AS REQ'D.

MARVIN ELEVATE WINDOW CODES (UNLESS NOTED OTHERWISE)
 MARVIN WINDOW OPENING CONTROL DEVICE FOR FALL PREVENTION AS REQ'D.

ALL WINDOW HEADERS (2) 2X10, UNLESS NOTED OTHERWISE

1 EXISTING LOWER LEVEL PLAN
 SCALE: 1/4" = 1'-0"

LEGEND

EXISTING WALL	[Symbol]
DEMO WALL	[Symbol]
PROPOSED NEW	[Symbol]

SQUARE FOOTAGE

MAIN - UPPER	3555#
MAIN - LOWER	1348#
TOTAL (FNU)	1674#
GARAGE - UPR DECK	104#
GARAGE - UPR DECK	021#

ISSUE DATE: 1 JUNE 2022

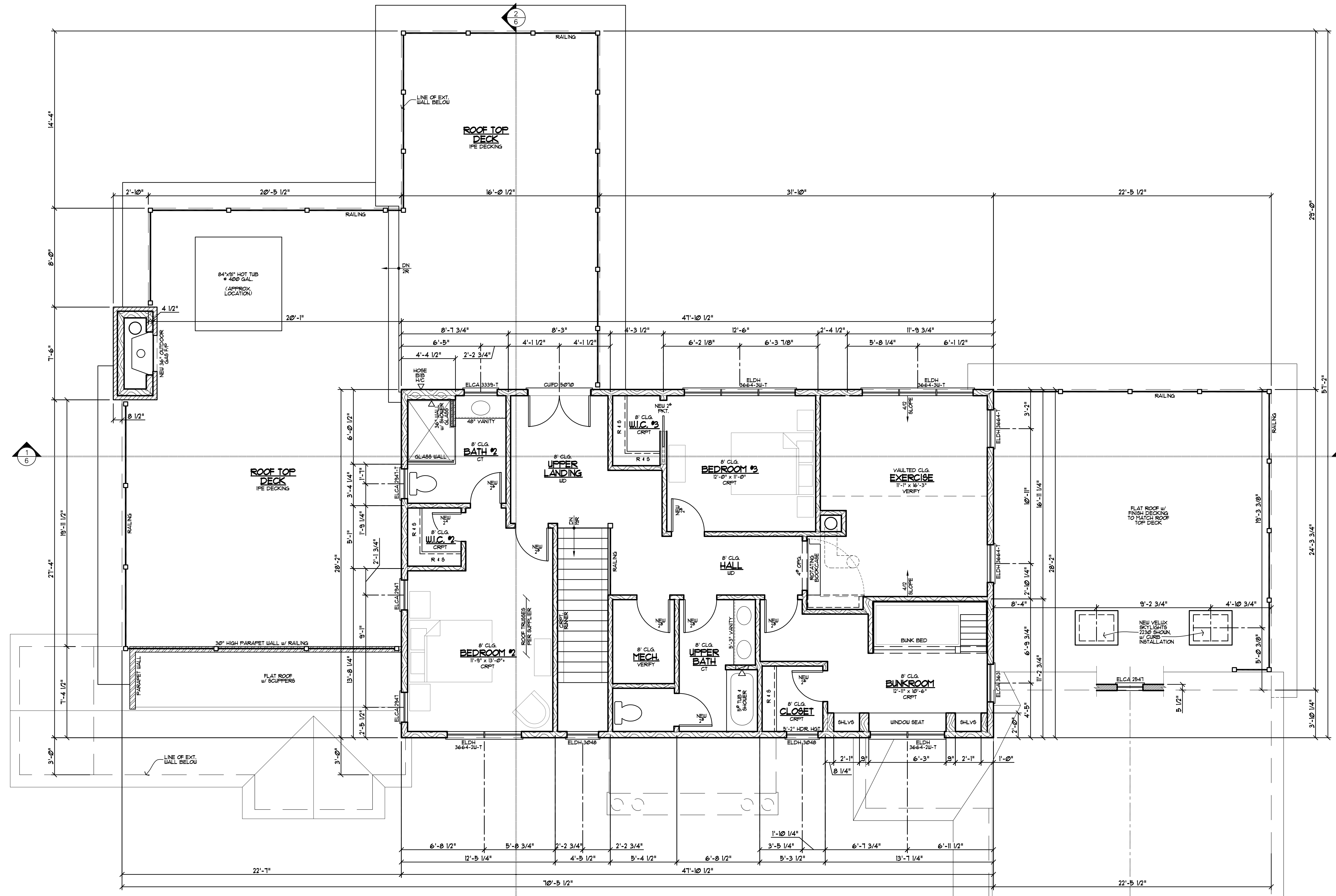
PREVIOUS ISSUE DATES:

5/19/2022	5/25/2022	4/16/2021	5/25/2021
3/4/2019	4/16/2019	12/10/2019	6/15/2021
3/21/2019	4/8/2019	1/15/2020	

DRAWING DESCRIPTION:
 LOWER LEVEL
 FLOOR PLAN

BID SET

RAYKOWSKI RESIDENCE
 2503 MANITOU ISLAND
 WHITE BEAR LAKE, MN



NOTE:
 BID SET PLANS HAVE NOT BEEN
 STRUCTURALLY ENGINEERED. ALL
 HEADERS, BEAM SIZES, BRACING,
 FOUNDATION SIZES, AND
 STRUCTURAL CONNECTIONS WILL BE
 DESIGNED BY CONTRACTOR OR
 ENGINEER PRIOR TO CONSTRUCTION.

MARVIN ELEVATE WINDOW CODES
 (UNLESS NOTED OTHERWISE)
 MARVIN WINDOW OPENING CONTROL
 DEVICE FOR FALL PREVENTION AS REQD.

ALL WINDOW HEADERS (2) 2X10,
 UNLESS NOTED OTHERWISE

NOTE - ALL WINDOW 4 DOOR HEAD
 HGTS. TO BE SET AT 6'-8" AT UPFR
 LEVEL UNLESS NOTED OTHERWISE

GENERAL NOTES:

- VERIFY ALL SALVAGED MATERIALS w/ OWNERS PRIOR TO ANY DEMOLITION.
- ALL DIMENSIONS AND EXISTING CONDITIONS SHOWN ARE TO BE VERIFIED AND COORDINATED w/ NEW CONSTRUCTION BY ALL CONTRACTORS.
- GENERAL CONTRACTOR TO COORDINATE CEILING HEIGHTS AND SOFFIT LOCATIONS w/ MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS.
- CONTRACTORS TO CONTACT AGS w/ COORDINATION QUESTIONS.
- DIMENSIONS SHOWN ARE TO EXT. SHEATHING OR INT. FINISH AND TO BE USED AS A GENERAL GUIDE TO DESIGN INTENT.
- VERIFY ALL EXISTING HEADERS & BEARING TO REST CURRENT BUILDING CODES CONSULT WITH ENGINEER AND REPAIR OR REPLACE AS REQD.

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

LEGEND

EXISTING WALL	[Solid line]
DEMOL WALL	[Dashed line]
PROPOSED NEW	[Thick solid line]

SQUARE FOOTAGE

MAIN	3558#
UPPER	948#
LOWER	271#
TOTAL (FIN)	1614#
GARAGE	104#
UPR DECK	121#

ALEXANDER
 DESIGN GROUP

275 LAKE STREET EAST
 SUITE 102
 WAYZATA, MN 55391
 Phone: 952.473.8777
 FAX: 952.473.8222

ISSUE DATE: 1 JUNE 2022

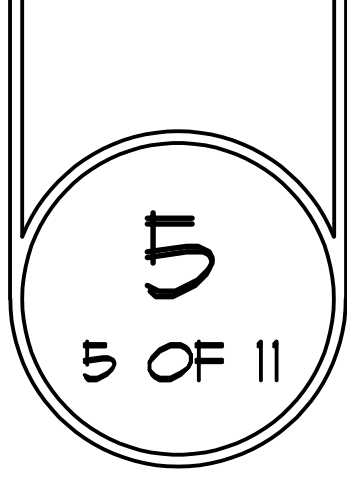
PREVIOUS ISSUE DATES:

5/19/2022	5/25/2022	4/16/2021
3/4/2019	4/16/2019	5/25/2021
3/21/2019	12/10/2019	6/15/2021
4/18/2019	1/15/2020	

DRAWING DESCRIPTION:
 UPPER LEVEL
 FLOOR PLAN

BID SET

RAYKOWSKI RESIDENCE
 2503 MANITOU ISLAND
 WHITE BEAR LAKE, MN



LAKESIDE



LAKESIDE



NORTH STREET SIDE



NORTH YARD VIEW





WEST Elevation



SOUTH Elevation



WEST Elevation

Gordon & Jeri Ommen

2507 Manitou Island
White Bear Lake, MN 55110
651-328-4704

July 18, 2022

Dear City Council Members &
Department of Planning

Re: Case No. 22-15-V

We hope Mr. & Mrs. Raykowski enjoy their new home. The drawings look very nice.

It is our understanding that the Raykowski's also have an application pending with the City regarding some bulkhead work that was done several years ago. Apparently, without DNR or City approval. This bulkhead extends onto our property. We respectfully request that this matter be addressed, and that the portion of their bulkhead that extends onto our property be removed, before additional applications are considered.

We feel it is important that the Commission be provided with accurate information in the variance application, and if there are conflicts related to this information, that they be disclosed. Accordingly, please note that the drawing in the setback variance application highlights the distance of the current house from the side yard property line to be 8.7'. This drawing does not reference survey monuments. Enclosed please find a copy of a survey referencing the monument pins showing this distance to be 8.0'. A full copy of this survey, bearing the seal of Daniel McGibbon (651-442-9823) is also enclosed. Information related to the discrepancy between the Raykowski's drawing and the McGibbon survey can be found in police report CN21010927, compiled by Detective Ryan George.

There is a nice stand of mature trees along the property line, which provide privacy for both neighbors. In order to protect these trees, and given the large size of the property on which the house is to be built, we would ask the Commission to consider if a side yard setback of a minimum of 10' might be reasonable.

Thank you for your consideration.

Sincerely,



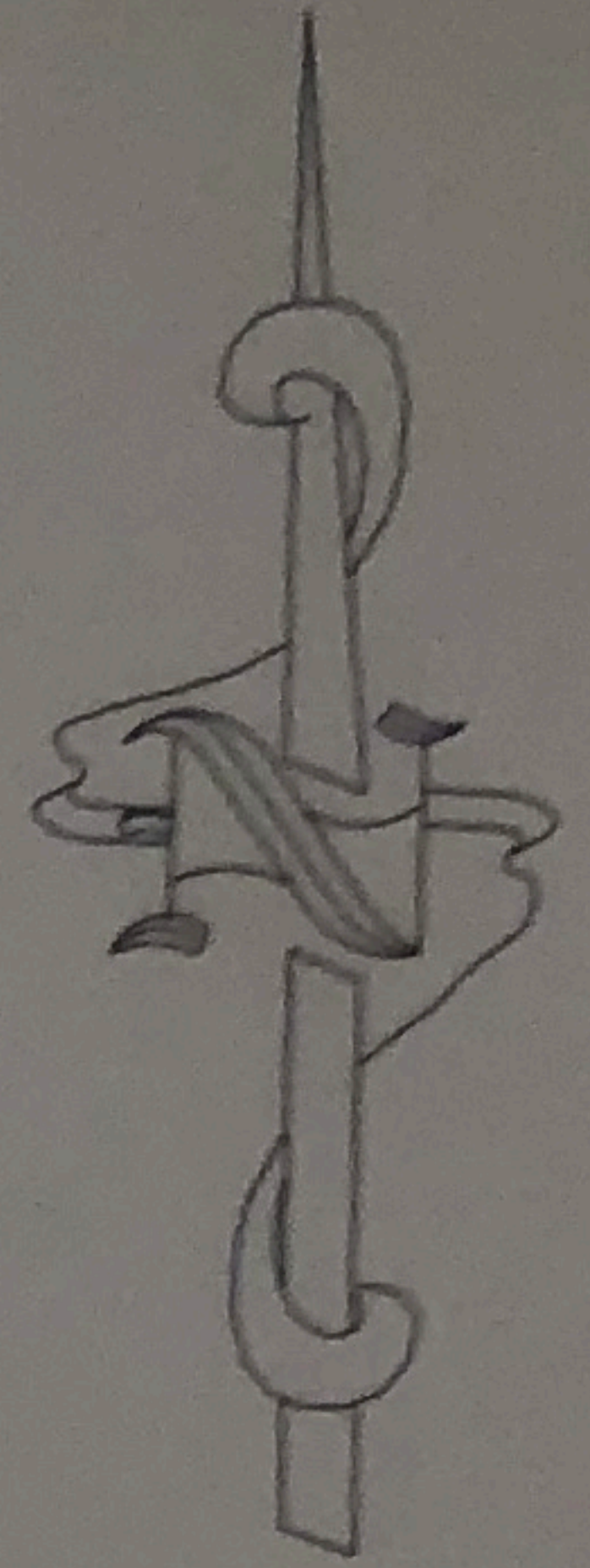
Gordon Ommen

McGibbon Land Surveying

2214 Tower Ct.
Woodbury, MN 55125
(651) 442-9823

Certificate of Survey

WHITE BEAR LAKE



SURVEY OF:
All of Lots 71 and 72, Except that part lying westerly of a line from a point on the westerly line of said Lot 72, a distance of 238.73 feet northeasterly of the southwesterly corner of said Lot 72 to a point on the southerly line of said Lot 72, which said point is 39 feet southeasterly of the southwesterly corner of said Lot 72, all in Map of Manitou Island, according to the plat on file in the office of the County Recorder, Ramsey County, Minnesota.

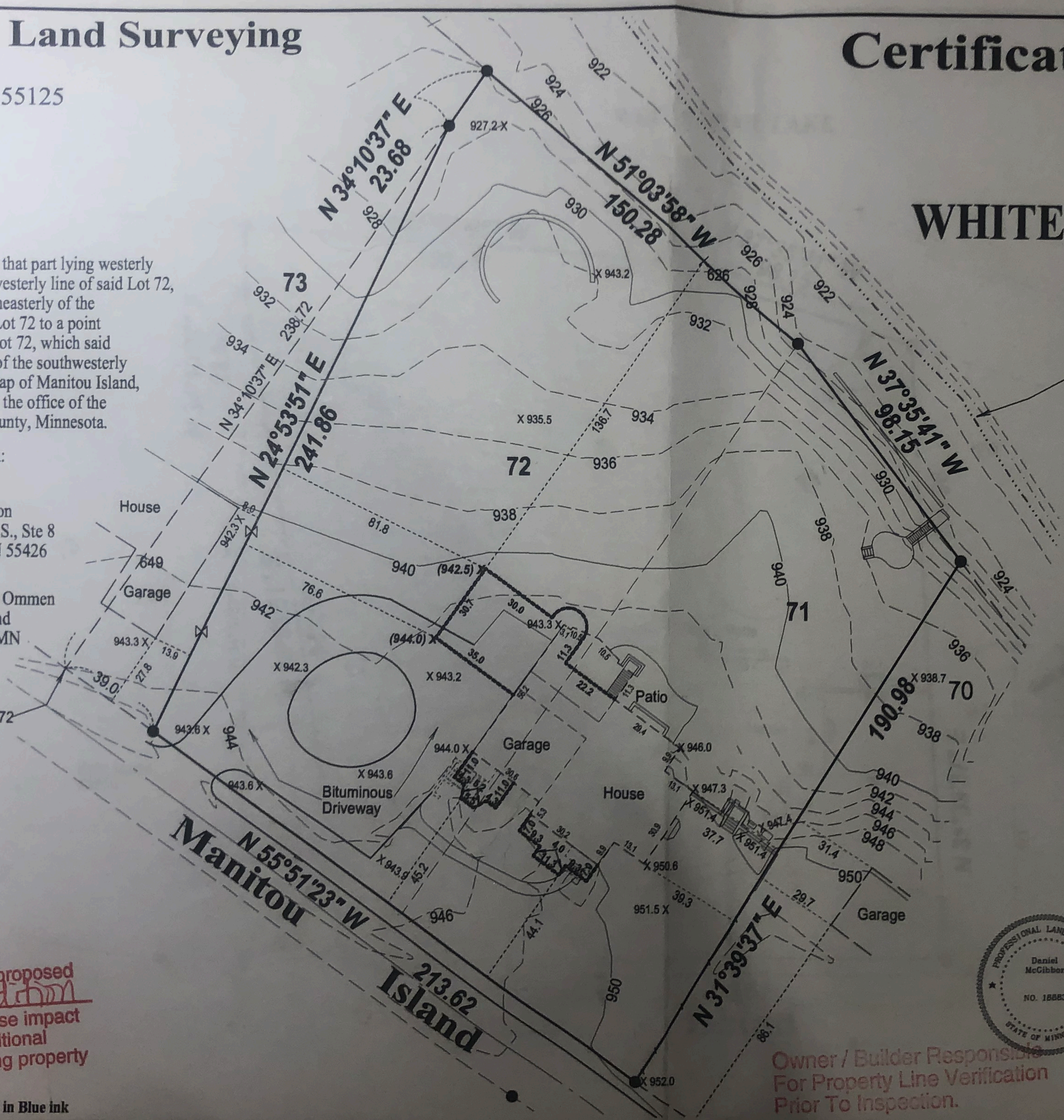
Shore line of White Bear Lake as located December 13, 2007
Elevation on top of ice 921.25 (NGVD 1929)
Highest Known Lake Elevation June 20, 1943 - 926.70 (NGVD 1929)
OHW Elevation = 924.70 (NGVD 1929)

SCALE 1" = 40 FEET

SURVEY FOR:

Builder
OMCO Construction
2246 Nevada Ave. S., Ste 8
St. Louis Park, MN 55426

Owner
Gordon & Jerilynn Ommen
2507 Manitou Island
White Bear Lake, MN



NOTES

- - Denotes Iron monument found
- ⊗ - Denotes nail set
- X 176.4 - Denotes existing elevation
- X (176.0) - Denotes proposed elevation

Existing Lowest Floor = 944.0
Existing Garage Floor = 944.0

BENCH MARK: Top Nut Hydrant
NW Quad 5th St. and Lake Ave
EI = 937.83 (N.G.V.D. 1929)

BEARINGS ARE ASSUMED

For Adjacent House
Setbacks see SHEET 2.

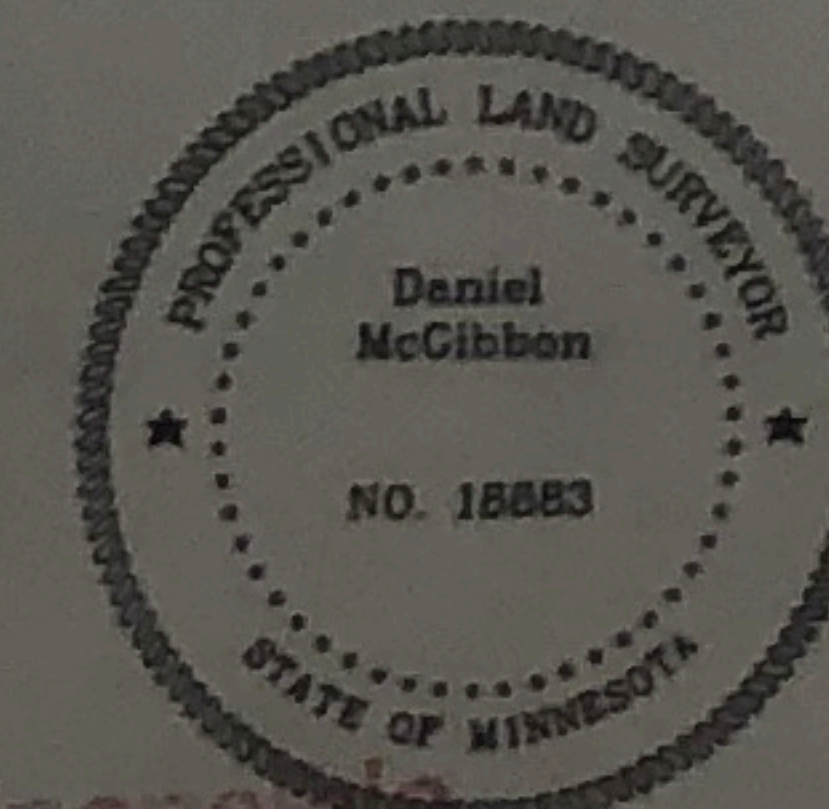
There was no Title work provided to determine if there are any easements or encumbrances on this property.

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

Daniel R. McGibbon

Daniel R. McGibbon P.L.S.
Minnesota License No. 18883

This 8th Day of Jan, 2008 Project 7026



Owner / Builder Responsible
For Property Line Verification
Prior To Inspection.

Land alteration from proposed building addition may not cause adverse impact upon or result in additional drainage onto abutting property

Official Drawing is signed in Blue ink

SHEET 1 OF 2 SHEETS

Land alteration from proposed **FENCE** may not cause adverse impact upon or result in additional drainage onto abutting property

4 foot max height

WHITE BE

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

That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

N 51°03'58" W
150.28'

FENCE FOOTING TO BE EMBEDDED BELOW GRADE 1/2 THE FENCE HEIGHT

N 34°10'37" E
23.68

73

Owner / Builder Responsible For Property Line Verification Prior To Inspection.

N 34°10'37" E
238.72

N 24°53'51" E

241.86

72

Fence

4" from property line
4" tall

116.4

Exist house #2503

Garage

Garage

Bituminous Driveway

106.8

N 55°51'23" W

Manitou

21.3
Isl

Reviewed For Code Compliance

By AM
Date 6/15/21

JOB SITE PLANS

Ashton Miller

From: Greg Frandsen <gfrandsen@industrialnetting.net>
Sent: Thursday, July 21, 2022 8:38 AM
To: Ashton Miller
Subject: 2503 Manitou Is. project

Ashton,

Just wanted to send you a quick note regarding the remodel at 2503 Manitou Island. We are at 2528 Manitou Island and just completed our home with Michel's Construction roughly 18 months ago. Michel's has done a terrific job on our project, not only from a timely basis but also quality and cleanliness of there construction sight. The homeowners like me should be thrilled that this is a Michel's project. As you are aware several other building projects on the Island with other contractors have not gone well.

As another homeowner on the Island, my wife and I completely support this project and endorse Michel's construction. The other homeowners should also endorse projects like this that improve the overall values of the homes on the Island.

Greg Frandsen
Frandsen Corporation

Ashton Miller

From: Denny Trooien <dennis@dennisproperties.com>
Sent: Thursday, July 21, 2022 11:29 AM
To: Ashton Miller
Cc:
Subject: Case No. 22-15-V/Raykowski

Denny Trooien and Sue Ahlcrona
2509 Manitou Island
White Bear Lake, MN 55110

July 21, 2022

Via Email: amiller@whitebearlake.org

Re: Case No. 22-15-V
Raykowski

Dear White Bear Lake Planning Commission Members:

This letter is intended to be a submission of information for the zoning matter 22-15-V that is scheduled for Planning Commission meeting on July 25, 2022.

We have been residents of Manitou Island for over 34 years, having moved into our house in 1988. We are neighbors. This letter is intended to be an expression of **support** for their requested variances. We appreciate that they are substantially keeping the appearance of their existing house, and we fully support the sloped roof on the garage with the architectural element. This new roof will be much more attractive than the existing flat roof.

Very truly yours

/s/ Denny Trooien

/s/ Sue Ahlcrona



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: The Planning Commission
FROM: Ashton Miller, Planning Technician
DATE: July 25, 2022
SUBJECT: Bruggeman Variance – 2510 Manitou Island – Case No. 22-16-V

SUMMARY

The applicant, Michels Homes, is requesting a 1.5 foot variance from the four foot height limit for a solid wall, in order to retain two ten foot long stone monuments that are 66 inches at the highest point.

Based on the findings made in this report, staff finds that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

GENERAL INFORMATION

Applicant/Owner: Michels Homes / Tom and Nancee Bruggeman

Existing Land Use / Zoning: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Comprehensive Plan: Very Low Density Residential

Lot Size & Width: Code: 1 acre; 150 feet
 Site: 1.2 acres; 266 feet

ANALYSIS

Background

The subject site is located on the northwest portion of Manitou Island, on the south side of the road. The existing home was torn down in early 2021 and the owners are in the midst of constructing their new single family home. As part of the construction, extensive landscaping has occurred throughout the property, including two monuments, one at each entrance of the circle driveway. In the midst of construction, it was discovered that the entry monuments were 66 inches in height when the code limits solid walls to 48 inches in height.

Community Comment

Under state law and the City's zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to all adjacent property owners. That notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. As of the writing of this report, city staff has not received any comments regarding this request. During the public hearing, staff will provide an update if any other public comments are received prior to the Planning Commission meeting.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The purpose of the general building and performance requirements section of code is "to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community." The stone monuments do not detract from the unique historical attributes found on the island nor do they pose a health or safety risk to the residents. One monument is set back 8 feet at its closest point and the other is 15 feet from the property line, so neither impede traffic visibility when entering or exiting the driveway.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan's Future Land Use Map guides the property as "very low density

residential”, which is characterized by single-family attached and detached dwellings with a density range of 1 unit per 5 acres to 2 units per acre. The density of this property is not affected by the construction of the monuments and will continue to fall within the allowable range.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. The entry monuments are mainly for aesthetic purposes and provide a design that ties into the architecture found throughout Manitou Island landscaping.

4. Are there unique circumstances to the property not created by the landowner?

Finding: The lots on the island are large, the homes generally have greater street side setbacks, and it is somewhat unique for the property to be adjacent to a private road. Due to their location in the yard abutting the road, staff has included a condition that the monuments be kept at least eight feet from the property line.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The monuments mimic the columns found at the entrance to the island in terms of style and material and there is a large amount of vegetation around the driveway to provide screening and soften the appearance of the walls. Further, only a small portion of the walls exceed the four foot height limit, so they are not creating a feeling of the property being closed off.

RECOMMENDATION

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the 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. A zoning permit shall be obtained for the entry monuments.
4. The monuments shall be set back at least 8 feet from the street side property line.

Attachments:

Draft Resolution of Approval

Zoning/Location Map

Applicant’s Narrative & Site Plan (3 pages)

RESOLUTION NO.

**RESOLUTION GRANTING A HEIGHT VARIANCE
FOR 2510 MANITOU ISLAND WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Tom and Nancee Bruggeman have requested a 1.5 foot variance from the 4 foot height limit for a solid wall, per Code Section 1303.020, Subd.6.a in order to permit two entry monument features at the following location:

LOCATION: 2510 Manitou Island

LEGAL DESCRIPTION: Lots 16 and 17, Manitou Island, White Bear Lake, Ramsey County, MN. (PID #13.30.22.42.0009)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 25, 2022; and

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

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

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the 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. A zoning permit shall be obtained for the entry monuments.

RESOLUTION NO.

4. The monuments shall be set back at least eight feet from the street side property line.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

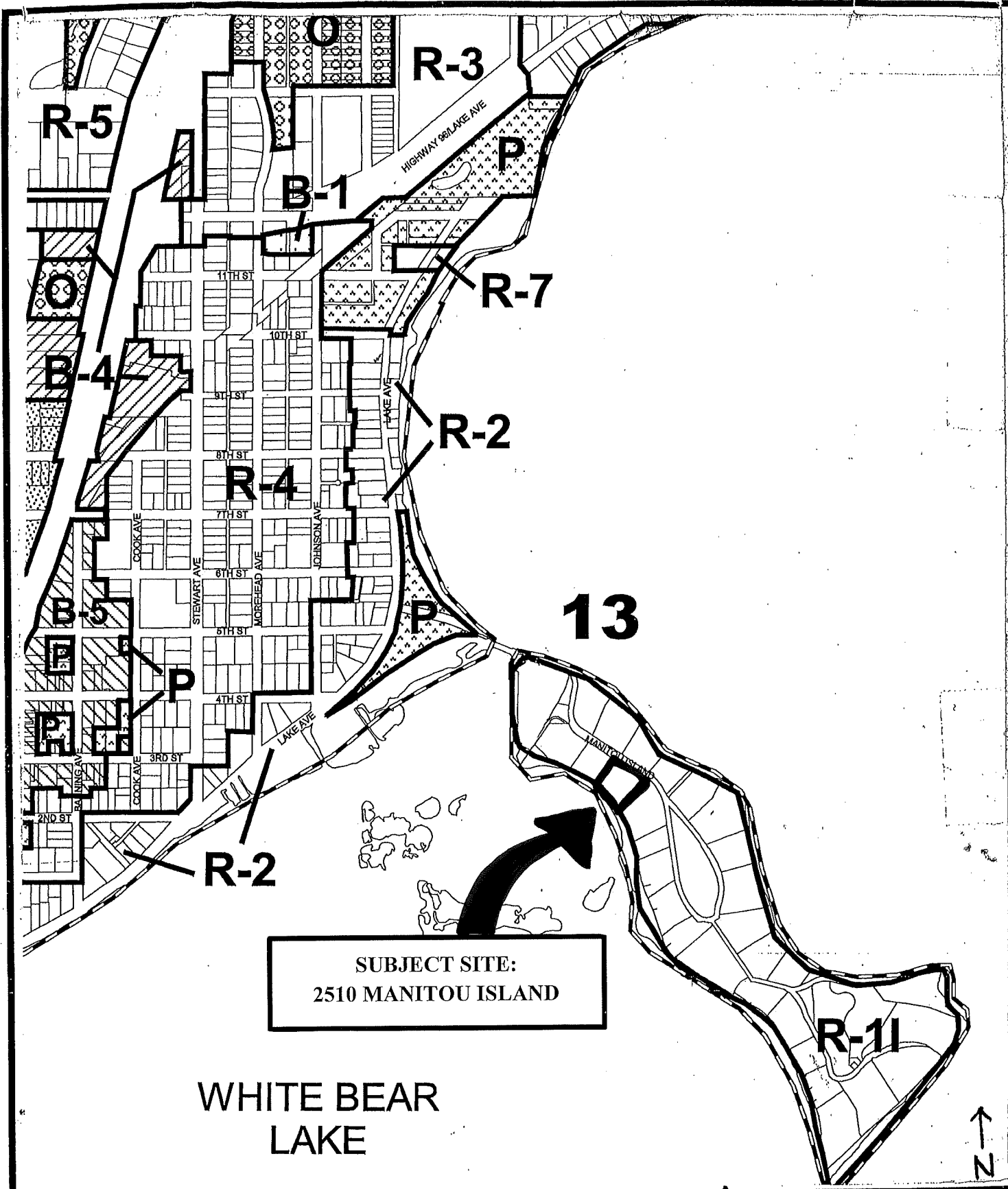
ATTEST:

Lindy Crawford, City Clerk

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

Applicant's Signature

Date



SUBJECT SITE:
2510 MANITOU ISLAND

**WHITE BEAR
 LAKE**

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

CASE NO. : 22-16-V
 CASE NAME : Michels / Bruggeman
 DATE : July 25, 2022



Bob Michels Construction, Inc.

5959 Centerville Road, Suite 250, North Oaks, MN 55127

p 651.653.1210 michelshomes.com

Friday, June 10, 2022

Written Narrative for 2510 Manitou Island, White Bear Lake, MN 55110

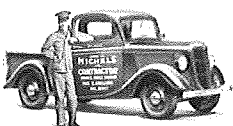
We began constructing two entry monuments at the outside of the circle drive areas at 2510 Manitou Island in May when we learned that the height limitation set forth in White Bear Lake applies to Manitou Island even as it being a private road.

- a) *Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited. The term "solid wall" refers to retaining walls or above grade walls constructed of stone, boulders, concrete, modular block or other similar materials"*

Ultimately, the homeowners intend to mimic the historical presence of the gates as you come onto the island and bring that element to their home. The gates mounted on the monuments at the bridge have a swoop and formed concrete caps made from a field stone. Our monuments at 2510 Manitou Island will have similar architecture with the swoop and formed concrete caps and have the address placard using the same stone that the home has on it. The dimensions can be found on the attached photo which shows grades, heights and overall scale of the monuments.

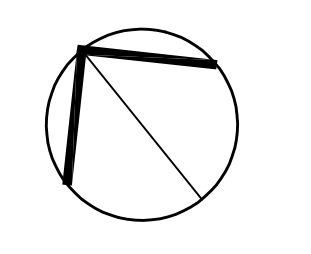
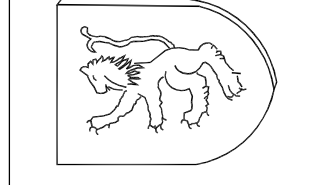
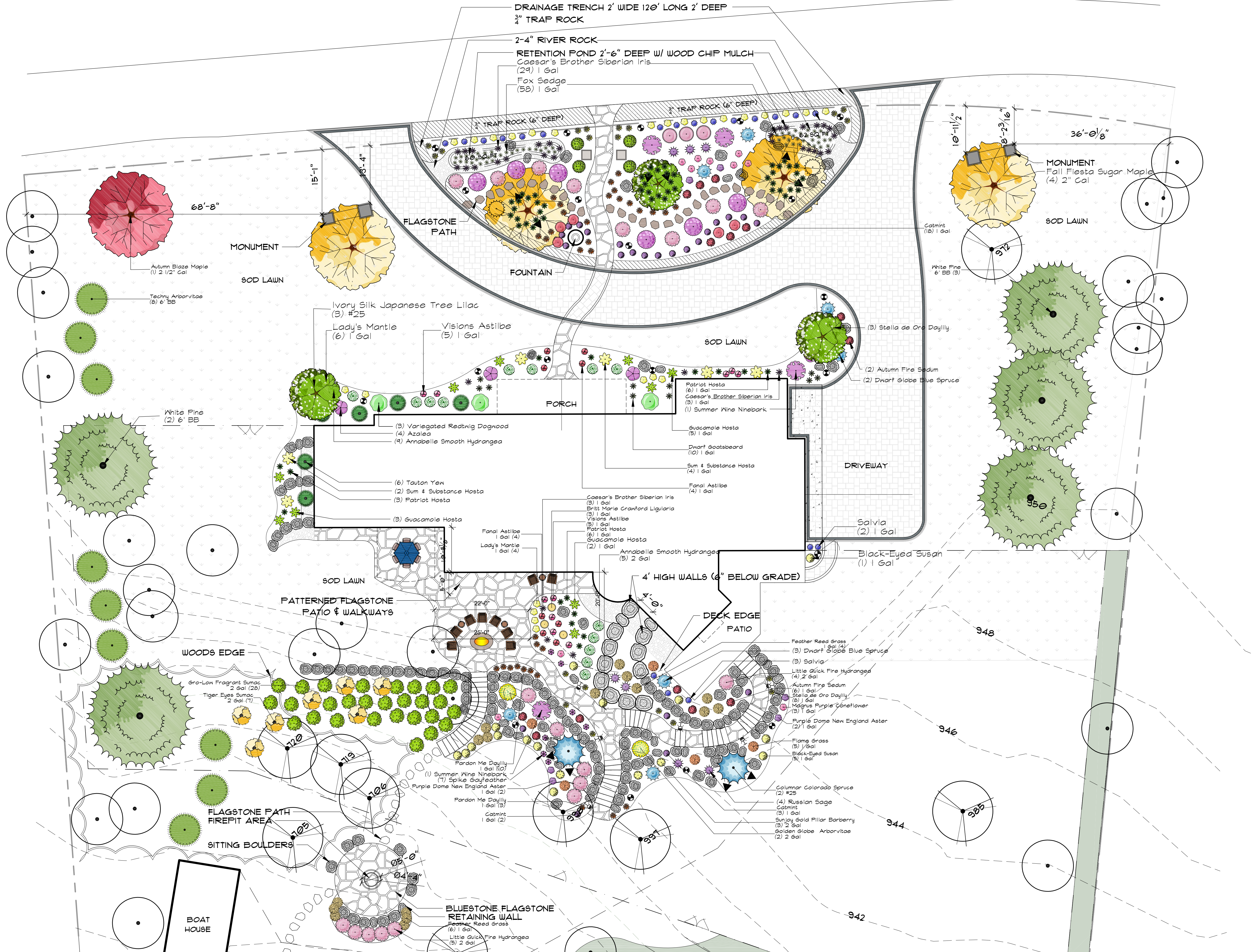
Thank you for your consideration,

Andrew Michels
President
Michels Homes



Four generations of contractors





NORTH
 SCALE: 3/32" = 1'-0"

BRUGGE MAN RESIDENCE
 2510 MANICOU ISLAND
 WHITE BEAR LAKE, MN

Drawn By:
 Clarissa K. Cooper

Date:
 06/16/2022

LSI.O



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: The Planning Commission
FROM: Jason Lindahl, Community Development Director
DATE: July 25, 2022
SUBJECT: Tside1, LLC – 4441 and 4453 Lake Avenue South - Case No. 21-11-CUP

SUMMARY

The applicants, Keith and Jan Dehnert, request amendments to the conditional use permits (CUP) associated with the properties they own at 4441 (Tally's) and 4453 (Aqua) Lake Avenue South. The CUP amendments are necessary to allow reconfiguration of the boat slips associated with the marinas for each of these properties. Specifically, it would allow the applicants to relocate 10 of the slips currently part of Tally's marina to the marina associated with the Aqua property. Staff recommends approval of this request based on the findings of fact detailed in this report and listed in the attached resolutions.

This application was last before the Planning Commission on November 29, 2021. During that meeting, staff noted that the applicant had agreed to continue action on this application indefinitely and waived the City's 60-day review period. The continuation was necessary to allow time for the White Bear Lake Conservation District to act on the applicant's request to reconfigure their marinas. That process is now complete and the applicant asks the city to complete the conditional use permit amendment process. As a result, staff re-noticed this application to both the White Bear Press and surrounding properties.

GENERAL INFORMATION

Applicant/Owner: Keith and Jan Dehnert (Tside1, LLC & Lake Avenue Properties)

Existing Land Use / Zoning: Commercial Marina and Restaurant; LVMU – Lake Village Mixed Use & S – Shoreland Overlay District

Surrounding Land Use /Zoning: All Directions - Commercial Marina and Restaurant; LVMU – Lake Village Mixed Use & S – Shoreland Overlay District

Comprehensive Plan: All Directions – Lake Village

Lot Size & Width: N/A

BACKGROUND

Land Use Request. Tally's Dockside operates a 42-slip marina approved in 1999 by Resolution No. 8465. Lake Avenue Properties operates the Aqua restaurant and an 8 slip marina with 2 transient slips approved in 2020 by Resolution No. 12579. The Lake Avenue Marina property was purchased by Tside, LLC in late 2020 and as part of its annual permitting requirement through the Department of Natural Resources, Tside proposed to "swap" rental and transient slips between the two marinas since they were now under the same ownership. Specifically, it would allow the applicants to relocate 10 of the slips currently part of Tally's marina to the marina associated with the Aqua property. However, since Conditional Use Permits are granted to specific properties rather than individual owners, staff directed the applicant to document the allocation of slips through Conditional Use Amendments to ensure the entitlements run with the land. It should be noted that this reconfiguration of marinas was approved by the MN DNR September 9, 2021 and the White Bear Lake Conservation District on April 19, 2022.

Existing Conditions. The southern of the two properties is home to Tally's Dockside, a seasonal lakefront business with patio dining and live entertainment, along with a marina with fuel operations and offers daily boat and watercraft rentals. Tside, LLC recently acquired the parcel immediately north which contains a two-story building that operates as the year-round Acqua Restaurant with a seasonal outdoor patio on the riparian parcel ("Lake Avenue Properties"). This property also offers an 8 slip rental marina with 2 transient slips. Parking for the Tally's marina (10 stalls) and Acqua Restaurant (36 stalls) is provided in the shared public parking ramp located within the Boatworks Commons.

Community Comment. Under state law and the City's zoning regulations, conditional use permit applications require a public hearing. Accordingly, the City published notice of this request and the public hearing in the White Bear Press and mailed notice directly to all property owners within 350 feet of the subject property. That notice directed all interest parties to send questions or comments to the Planning Department by mail, phone or email or to attend the public hearing where they could learn about the request, ask questions and provide feedback. As of the writing of this report, the city had received no comments or questions regarding this request. During the public hearing, staff will provide an update on all public comments received prior to the Planning Commission meeting.

ANALYSIS

Review Authority. City review authority for conditional use permit applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the applicable review standards. The city's role is limited to applying the review standards to the facts presented by the application. Generally, if the application meets the review standards, it should be approved.

Existing Non-Conformity. Staff finds that both properties are legal non-conforming with regard to boat slip density and parking. The state statute criteria for reviewing non-conformities and narrative evidence supporting staff's conclusion is provided below.

Although it is known that this marina has existed for many years it was surprisingly difficult to document. Due to its small size, the MN Department of Natural Resources (DNR) considered it a "mooring facility" and until recently did not require a permit. Due to the low water levels, between 2013 and 2017, the slips were "tacked onto" the Tally's Dock, and therefore did not receive a permit from the White Bear Lake Conservation District. Prior to 2013, the Conservation District files were not

able to be found.

A private dock does not require additional parking per code, but a Marina (where slips are rented to others) does. Towards that end, staff contacted the previous owner, Pete Sampair. Mr. Sampair purchased the property in 2004 and provided proof of rental income back to that year. According to Mr. Sampair, the dock had been a rental marina prior to 2004 and he had rented the slips to the same people that had been renting them prior to his acquisition of the property.

To help bridge the time gap, a long-standing member of the White Bear Lake Conservation district stated to staff that he recalled issuing permits for this dock as far back as 1998, which pre-dates the City's creation of the LVMU district. This is important because the LVMU imposes the requirement of one parking stall per 4 slips, and the requirement of 4 feet of shoreline per rental slip. Given the well-known presence of the marina, as evidenced by these testimonies, staff supports the marina as "grandfathered-in" in regards to these requirements.

According to Minnesota Statute 462.357, Subdivision 1e., legal nonconformities generally have a statutory right to continue through repair, replacement, restoration, maintenance, or improvement but not through expansion. These rights run with the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the same rights as the previous owner.

Overall, the scope of the applicant's conditional use permit request is to relocate 10 boat slips from one property they own (Tally's) to another property they own (Aqua). This reconfiguration is in response to a requirement from the White Bear Lake Conservation District to shorten the length of their existing boat dock. Staff finds the proposed boat slip reconfiguration does not constitute expansion of the existing non-conformity but rather will simply maintain the existing ratio of boat slips and parking stalls.

Conditional Use Permit Review. The standards for reviewing conditional use permits are detailed in City Code Section 1301.050. According to this section, the City shall consider possible adverse effects of a proposed conditional use. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, staff recommends approval of the requested conditional use permit amendments.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Land Use Plan and all other plans and controls.

Finding: The proposed conditional use permit amendments are consistent with the official comprehensive plan. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Lake Village. This land use category is intended as a mixed-use district with a mix of commercial, office, civic/institutional, and residential uses. Development is to be guided by the Lake Village Master Plan. The mix may occur vertically within the same structure or horizontally with multiple structures on the same site. When mixed vertically it is intended that commercial or civic/institutional uses would occupy the first floor and residential or office the upper floors. It is

anticipated that approximately 50% of uses would be non-residential and 50% would be residential with residential densities of 25 to 60 units per acre.

2. The proposed use is or will be compatible with present and future land uses of the area.

Finding: Amending the applicant's conditional use permits will be compatible with present and future land uses. As noted above, the 2040 Comprehensive Plan Future Land Use Map guides the subject properties as Lake Village. The associated marina and restaurant uses are consistent with this future land use guiding. Similarly, the subject properties are surrounded by properties that are also guided Lake Village and contain compatible land uses.

3. The proposed use conforms with all performance standards contained herein.

Finding: The subject properties are zoned Lake Village Mixed Use and Shoreland and are subject to all applicable performance standards of these districts. Specific to this application, there are two primary standards to review – slip density and parking. It should be noted that staff found the existing number of boat slips and parking stalls to be legal non-conforming or “grandfather-in” (see Existing Non-Conforming section above). Because the proposed conditional use permit amendments proposed to reconfigure and maintain (not expand) the number of boat slips and parking stalls associated with each property, no further land use analysis of the zoning standards is necessary.

4. The proposed use will not tend to or actually depreciate the area in which it is proposed.

Finding: Staff finds that the proposed reconfiguration of 10 boat slips from the Tally's property to the Aqua property will not tend to or actually depreciate the surrounding area. Rather it will maintain the overall intensity of operation associated with the two uses.

5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

Finding: Staff finds the existing uses and proposed boat slip reconfiguration can be accommodated by the existing public services and will not overburden the City's services capacity.

6. Traffic generation by the proposed use is within capabilities of streets serving the property.

Finding: The subject properties are both located along Lake Avenue South. This road is connected to the surrounding street network via White Bear Avenue and Minnesota State Highway 61. The existing uses have not not generated traffic beyond the capabilities of these roads and staff finds the proposed boat slip reconfiguration will not alter or intensify the traffic associated with these uses.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit amendments based on the

findings of fact made in this report, summarized below and detailed in the attached resolution.

Conditional Use Permit Findings:

1. The proposed conditional use permit amendments are consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed conditional use permit amendments are compatible with present and future land uses of the area.
3. The proposed conditional use permit amendments conform with all the zoning standards of the LVMU district except for those related to boat slip density and parking which were found to have legal non-conforming status.
4. The proposed conditional use permit amendments will not tend to or actually depreciate the area in which they are proposed.
5. The proposed conditional use permit amendments can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed conditional use permit amendments are within capabilities of streets serving the property.

The staff recommendation for approval is subject to the conditions listed below.

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof 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.
1. The property owner shall sign the resolution of approval, return a copy of such to the City and provide proof that the resolution has been filed with the County Recorder's Office.
2. The subject site and marina operation shall comply with all applicable provisions of the original conditional use permits not amendment by this conditional use permit amendment.
3. The subject site and marina operation shall comply with all applicable provisions listed in Section 1303.227, the Lake Village Mixed Use (LVMU) and S – Shoreland Districts.

4. The applicant shall enter into a parking and access agreement in a form acceptable to the City Attorney.
5. The applicant shall furnish the City with evidence of annual licensing approval by the Lake Conservation District (and the DNR, if required) including any conditions they may wish to impose on the use. Future use of the marina is contingent upon all applicable jurisdictional authorizations.

Attachments:

1. Draft Resolutions for 4440 Lake Avenue South (Tally's)
2. Draft Resolution for 4453 Lake Avenue South (Aqua)
3. Location/Zoning Map

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR
KEITH R. DEHNERT D.B.A TSIDE1, LLC WITHIN THE CITY OF
WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-11-CUP) has been submitted by Keith R. Dehnert of Tside1, LLC to the City Council requesting an amendment to the existing Conditional Use Permit from the City of White Bear Lake at the following site:

ADDRESS: 4440 Lake Avenue South.

LEGAL DESCRIPTION: The east 70 feet of Lots 12 and 13, Block 3, rearrangement of Lake Shore Addition to the City of White Bear along with the riparian rights appurtenant to said Lots 12 and 13 (PID #233022210088).

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit amendment in order transfer 10 boat slips from the Tally’s marina property to the Aqua marina property; and

WHEREAS, the subject property has an existing conditional use permit that allows a 42 boat slip marina approved through Resolution 8465 approved by the City Council of the City of White Bear Lake on March 9, 1999; and

WHEREAS, the applicant is the owner of both the subject property at 4453 Lake Avenue South ((PID #233022210108) to which the 10 boat slips will be add and the Tally’s property at 4440 Lake Avenue South (PID #233022210088) from which 10 boat slip will be subtracted; and

WHEREAS, the number of boat slips at the Aqua marina will increase from 10 to 20 slips; and

WHEREAS, the number of boat slip at the Tally’s marina will decrease from 42 to 32 splits; and

WHEREAS, the total number of boat slips between the two properties owned by the applicant will remain unchanged; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on July 26, 2022; and

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

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

Planning Commission:

1. The proposed conditional use permit amendment is consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed conditional use permit amendments are compatible with present and future land uses of the area.
3. The proposed conditional use permit amendments conform with all the zoning standards of the LVMU district except for those related to boat slip density and parking which were found to have legal non-conforming status.
4. The proposed conditional use permit amendments will not tend to or actually depreciate the area in which they are proposed.
5. The proposed conditional use permit amendments can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed conditional use permit amendments are within capabilities of streets serving the property.

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

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit amendment 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 property owner shall sign the resolution of approval, return a copy of such to the City and provide proof that the resolution has been filed with the County Recorder's Office.
5. The subject site and marina operation shall comply with all applicable provisions of the original conditional use permit (Resolution 8465) not amendment by this conditional use permit amendment.

- 6. The subject site and marina operation shall comply with all applicable provisions listed in Section 1303.227, the Lake Village Mixed Use (LVMU) and S – Shoreland Districts.
- 7. The applicant shall enter into a shared parking and access agreement in a form acceptable to the City Attorney.
- 8. The applicant shall furnish the City with evidence of annual licensing approval by the Lake Conservation District (and the DNR, if required) including any conditions they may wish to impose on the use. Future use of the marina is contingent upon all applicable jurisdictional authorizations.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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 Dehnert, Owner

Date

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR
LAKE AVENUE PROPERTIES, LLC MARINA WITHIN THE CITY OF
WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-11-CUP) has been submitted by Lake Avenue Properties, LLC to the City Council requesting an amendment to the existing Conditional Use Permit from the City of White Bear Lake at the following site:

ADDRESS: 4453 Lake Avenue South.

LEGAL DESCRIPTION: Section 23, Parcel 030-31, T30, R22, Tracts E, F & G, Registered Land Survey #613 (PID #: 233022210108)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit amendment in order transfer 10 boat slips from the Tally's marina property to the Aqua marina property; and

WHEREAS, the subject property has an existing conditional use permit that allows a 10 boat slip marina approved through Resolution 12579 approved by the City Council of the City of White Bear Lake on May 12, 2020; and

WHEREAS, the applicant is the owner of both the subject property at 4453 Lake Avenue South ((PID #233022210108) to which the 10 boat slips will be add and the Tally's property at 4441 Lake Avenue South (PID #233022210088) from which the 10 boat slip will be subjected; and

WHEREAS, the number of boat slips at the Aqua marina will increase from 10 to 20 slips; and

WHEREAS, the number of boat slip at the Tally's marina will decrease from 42 to 32 splits; and

WHEREAS, the total number of boat slips between the two properties owned by the applicant will remain unchanged; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on July 26, 2022; and

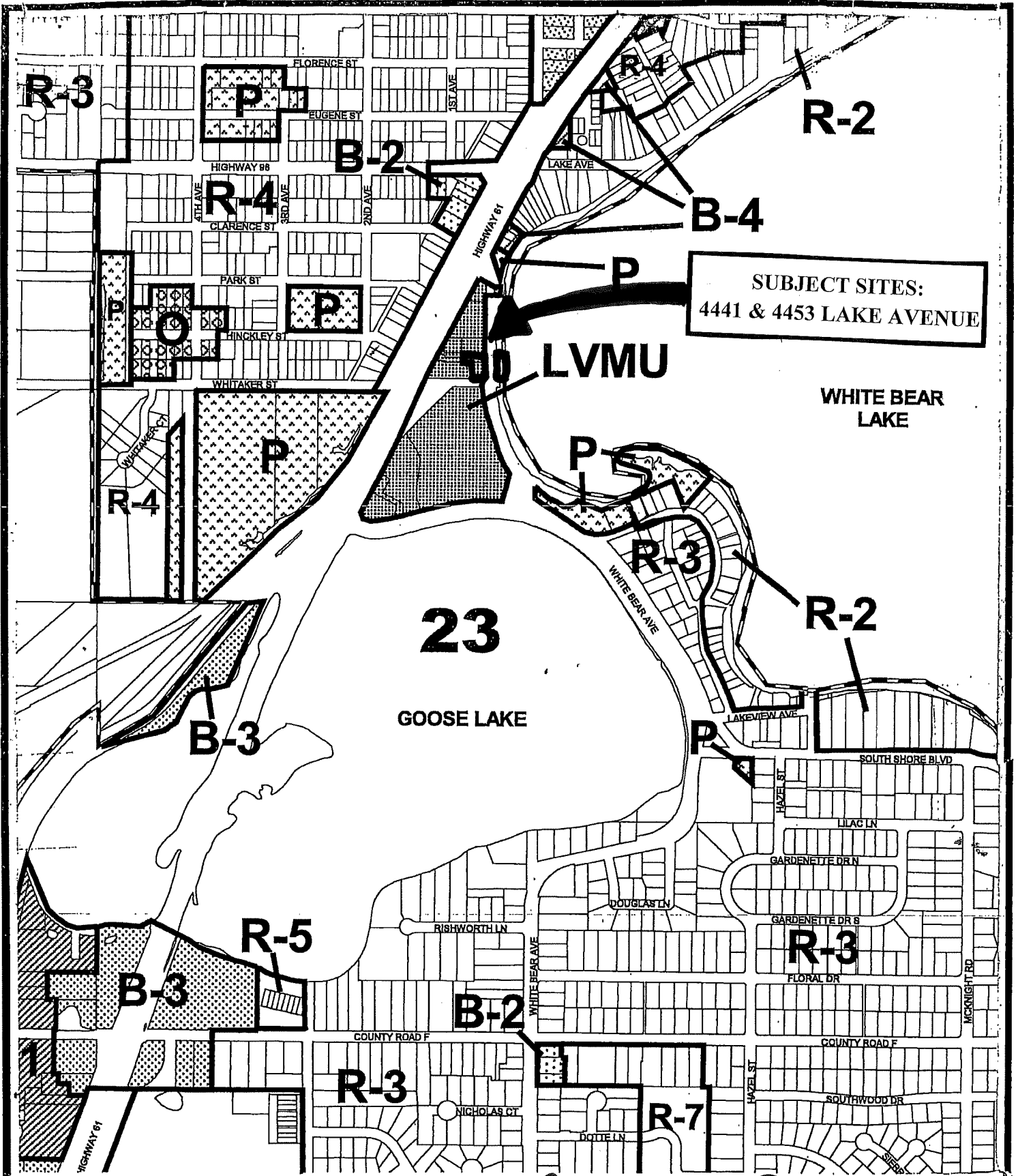
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission considering the effect of the proposed conditional use permit amendment upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility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

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

1. The proposed conditional use permit amendments are consistent with the 2040 City Comprehensive Land Use Plan.
2. The proposed conditional use permit amendments are compatible with present and future land uses of the area.
3. The proposed conditional use permit amendments conform with all the zoning standards of the LVMU district except for those related to boat slip density and parking which were found to have legal non-conforming status.
4. The proposed conditional use permit amendments will not tend to or actually depreciate the area in which they are proposed.
5. The proposed conditional use permit amendments can be accommodated with existing public services and will not overburden the City's service capacity.
6. Traffic generation by the proposed conditional use permit amendments are within capabilities of streets serving the property.

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

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit amendment 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 property owner shall sign the resolution of approval, return a copy of such to the City and provide proof that the resolution has been filed with the County Recorder's Office.
5. The subject site and marina operation shall comply with all applicable provisions of the original conditional use permit (Resolution 12579) not amendment by this conditional use permit amendment.
6. The subject site and marina operation shall comply with all applicable provisions listed in Section 1303.227, the Lake Village Mixed Use (LVMU) and S – Shoreland Districts.



SUBJECT SITES:
4441 & 4453 LAKE AVENUE

23

GOOSE LAKE

WHITE BEAR LAKE

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

CASE NO. : **21-11-CUP**
CASE NAME : **Tally's**
DATE : **July 25, 2022**

CITY COUNCIL MEETING SUMMARY

APPROVAL OF MINUTES – Approved

- A. Minutes of the City Council Work Session on June 21, 2022
- B. Minutes of the Regular City Council Meeting on June 28, 2022
- C. Minutes of the City Council Work Session on June 28, 2022

ADOPT THE AGENDA – Approved

CONSENT AGENDA - Approved

- A. Acceptance of Minutes: April & May Environmental Advisory Commission, May White Bear Lake Conservation District, June Planning Commission, May Park Advisory Commission
- B. Resolution approving a request by Kris and Kasey Birch for four variances at 4324 Cottage Park Rd
- C. Resolution approving a request by Rollo Strand for a minor subdivision and variance at 1986 Webber St
- D. Resolution accepting bids and awarding a contract for the 2022 Crack Sealing Project 22-03
- E. Resolution accepting bids and awarding a contract for the 2022 Bituminous Seal Coating Project 22-02
- F. Resolution approving a tobacco license for MNJ Tobacco Inc at 4074 White Bear Ave.
- G. City Manager Performance Evaluation Summary

VISITORS AND PRESENTATIONS – Discussion only. No action required

- A. Quarterly Community Development Report – Community Development Director Jason Lindahl presented the 2nd Quarter Community Development Department Report to the City Council

PUBLIC HEARINGS - Approved

- A. Vacation of a Portion of 5th Avenue

UNFINISHED BUSINESS – Nothing scheduled

NEW BUSINESS - Nothing scheduled

DISCUSSION - Nothing schedule

COMMUNICATIONS FROM THE CITY MANAGER

- A. 4th of July Fireworks Recap

ADJOURNMENT



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, MAY 19, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Victoria Biehn, Mark Cermak, Ginny Davis, Bill Ganzlin, Mike Shepard

MEMBERS ABSENT: Bryan Belisle, Anastacia Davis

STAFF PRESENT: Andy Wietrecki, Parks Working Foreman and Paul Kauppi, Public Works Director/City Engineer

VISITORS PRESENT:

2. APPROVAL OF AGENDA

It was moved by member **Mark Cermak** seconded by member **Mike Shepard**, to approve the agenda as presented.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

Minutes of April 21, 2022

It was moved by member **Ginny Davis** seconded by member **Victoria Biehn**, to approve the minutes of the April 21, 2022 meeting as presented.

Motion carried, 5:0.

4. VISITORS AND PRESENTATIONS

5. UNFINISHED BUSINESS

A. Boatworks Commons Community Room Report

Andy Wietrecki reported to the Commission that he hasn't received the reports showing usage or who is renting the Boatworks Commons Community room facility. Andy will work on gathering the information for an upcoming meeting. Paul Kauppi mentioned that the City Council looks at the fee schedules yearly and that the Council plans to look more in depth at their next review along with other rentals in the City.

6. NEW BUSINESS

A. Park Inspection Reports

The Park Advisory Commission members were tasked with doing an inspection of a few parks and then reporting back with what was found during their adventures. Some of the items that they were looking for:

- how park is being used;
- number of users;
- condition of infrastructure – buildings, playgrounds, picnic tables, benches, garbage cans, grills, fences, basketball nets & poles, bike racks, drinking fountains, yard lights, boardwalks, signage, etc.
- overall condition and appearance;
- improvements needed at the park (long term and short term); and
- park challenges.

Attached to the minutes are the site visit summaries from the Commission members. The issues were discussed at the meeting and will be addressed over the next couple of weeks.

B. 2022 Arbor Day Tree Planting

This year the Park Advisory Commission planted 8 new trees at Weyerhaeuser Park. The Commission planted a couple interesting styles that grow in more of a pillar style than the traditional canopy style tree. They planted 4 – Prairie Sentinel Hackberry's and 4 – Crimson Spire Oaks. Last year, the City removed a couple of dead trees from the ballfields.

Andy educated the Commission on the proper process of planting a tree and each Commission member did their part in helping with the planting process. The holes were pre-dug but each root ball needed to be box cut. The Commission planted the tree at the proper depth to cover the roots with dirt, placed mulch over the ground to help retain moisture and ended by watering each tree.

C. Park Tour – Weyerhaeuser Park

Due to planting taking longer than expected, the Commission did not walk the grounds but did talk about the newly restored dugouts from last year.

The schedule for this summer's park tours is as follows:

June – Lions Park

July – Podvin Park

August – Hidden Hollow Park

September – Lakewood Hills Park

7. DISCUSSION

A. Staff updates

Marketfest

Andy will be sending out the schedule and details about the Marketfest booth over the next couple of weeks. There will be an in-depth discussion at the next Park Advisory Commission meeting in June about duties and process.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Victoria Biehn** to adjourn the meeting.

Motion carried, 5:0

West Park & Memorial Beach (Anastacia Davis)

Time/Date - Weekday visit in the afternoon

- Play equipment looked good
- Few areas of playground might need a refresh of sand
- Warm day with swimmers at the beach
- Park patron loves the retaining wall and easy access to stairs
- Park patron would love more seating down below the main patio area.
- Beach needed a bit of cleaning
- There should be a crosswalk between stairs and park. Kids see the road as not very busy and linger.

Ebba Park (Bill Ganzlin)

- Play equipment is in good condition
- Shelter is in excellent condition
- Ash trees on park grounds look healthy – no signs of EAB infection
- 5 trees planted by the Park Commission a few years back – three are in good condition. 1 River Birch has some damaged bark and branches. One of the skinny Genes Oak trees has fall over and is dead.

Lakewood Hills Park (Bill Ganzlin)

- Play equipment is in excellent condition
- Bathrooms are clean with no graffiti
- Pavilion is in good condition
- Disc golf course is in good condition with only minor maintenance issues
 - Branch near hole #1 needs to be removed
 - Large branch near hole #13 needs to be cleared about 10' from hole
- Disc golf course was very busy. Park patron comments were favorable.
- West side shelter has picnic table was moved outside of shelter. Picnic table needs to be moved back under shelter.
- Shelters #2 and #3 require maintenance on the trim and edge of roofline
- South of shelter #3 on edge of the park, remnants of a homeless camp. Lots of abandoned clothing and trash – far too much for one garbage bag.
- Trail around Handlo's Pond in good condition with minimal trash
- Shelter adjacent to the playground needs trim repair
- Consider spading out some of the trees planted along northern border
- Canoe/kayak rack on the north end of Handlo's Pond might be good addition.

Podvin Park (Bryan Belisle)

Amenities include:

- (2-3) Lacrosse Fields
- Skating Rink
- Skateboard Pad and elements
- (2) Basketball Courts
- Pavilion
- Restrooms

Report:

- Men's restroom is clean and in good condition
- Women's restroom was closed
- Pavilion doors needs to be repainted. It looks like areas were painted white to cover up graffiti.
- Bench on north side of playground needs to be repaired. Appears it was damaged by vandals.
- Picked up trash in park and parking lot

Weyerhauser Park (Bryan Belisle)

Amenities include:

- (3) Baseball Fields
- (2) Batting Cages

Report:

- Restrooms were closed
- Graffiti on trash can and utility box
- Picked up trash on east side of the parking lot (mixed in with snow piles)

Rotary Park (Bryan Belisle)

- Restroom and shelters are clean and in good condition
- Boardwalk is in good condition
- Osprey nest pole is titled with no apparent nest
- Rotary club members cut buckthorn in preparation of pollinator garden and picked up trash

Hidden Hollow Park (Mark Cermak)

Time/Date - Visited in the morning at 9:45 am

- Trash along path on Jay Lane

- Main asphalt path leading into park is slowly being washed away with lots of ruts. It could be safety issue if someone steps wrong.
- Asphalt is also starting to crack and wash away
- Spoke with park patron and she reported no problems in the park.
- Patron mentioned a kids' fort constructed in woods northeast of the main entrance. There is a lot of trash around the fort.
- Small birch tree blown down on one of the paths along the east side of the park
- A few of the houses on Floral Drive that abut the park seem to be leaving a lot of junk in the woods
- Encountered another park patron who said she brings a trash bag sometimes to collect trash

Bossard Park (Mark Cermak)

Time/Date - Visited in the morning at 10:40 am

- Found no trash
- Overall the park looked great
- No graffiti on the restroom building
- Play equipment look clean
- Spoke with a resident walking her dog and she said there are never any problems with kids hanging around causing trouble

McCarty Park (Mike Shepard)

- Encountered two groups of kids sharing the basketball court
- Little Free Library

Stellmacher Park (Mike Shepard)

- Encountered two families playing on the play equipment and a guy walking his dog
- Volleyball net looked to be in good shape
- Water Fountain had too much water pressure and shot water about 20 feet

Veterans Memorial Park (Mike Shepard)

- Bike rack was being used
- Water fountain wasn't in service

Spruce Park (Victoria Biehn)

Time/Date – Tuesday at 5:00 pm

- Encountered two youth baseball practices and parents/small kids at the playground. Chalk art on the basketball court. Park was very busy.

- Garbage can by the playground was missing a top
- Large branch down on Spruce Street by baseball field
- Restroom was in good shape

Lakeview Park (Victoria Biehn)

Time/Date – Tuesday at 6:00 pm

- Large brush pile to the right of the park
- Benches and a picnic table but no garbage can
- Park sign is very small. Something bigger identifying the park might be helpful for residents to know about park. Victoria has lived here for 35 years and did not know the park existed.
- Does the canoe/kayak rack get used/rented?
- Shoreline is mucky
- Two benches are wooden. Is there any plan to update?

Lions Park (Victoria Biehn)

Time/Date – Tuesday at 6:30 pm

- Restroom was in good shape
- Park patrons were fishing off pier and walking their dogs
- Little Free Library is located near parking lot
- Tree roots by the fishing pier have heaved some pavement. Victoria tripped when walking.
- 1 wooden bench by lake in bad shape
- Wooden picnic table by Admiral D's. Will that be converted?
- Large dirt pile by new bench on White Bear Avenue path
- Large unused area over by the restrooms. Might want to consider a couple of benches for patrons who want solitude.

Railroad Park (Ginny Davis)

Time/Date – Saturday May 7th and Monday May 9th in the afternoon

- Park was quiet with a few people around.
- The park patrons were 4 teenage girls and 1 woman walking
- On the second visit, the park patron was a veteran protesting the war
- Is there a City sign for this park?

Ramaley Park (Ginny Davis)

Time/Date - Saturday May 7th and Monday May 9th in the afternoon

- Restrooms were clean and looking good.
- Park was quiet with a few people around.

- The park patrons were 2 young girls having a picnic and on the play equipment. The 2 young girls only complaint were the bugs at the park. The parents enjoy riding their bikes to Ramaley Park.

Yost Park (Ginny Davis)

Time/Date - Saturday May 7th and Monday May 9th in the afternoon

- Restrooms were clean and looking good.
- Park was quiet with a few people around.
- Drinking fountain has a leaky spout
- The park patrons included a family with 4 boys on the play equipment and a couple of people walking their dogs through the park.