

**City of East Bethel**  
**Planning Commission Agenda**

**7:00 PM**

**Tuesday, October 22, 2013**



**Agenda**

	<b><u>Item</u></b>
7:00 PM	<b>1.0 Call to Order</b>
7:02 PM	<b>2.0 Adopt Agenda</b>
7:03 PM	<b>3.0 Shaw Concept Plan – 62 single family Planned Unit Development – Zoning R1, R2 and CC</b>
7:30 PM	<b>4.0 Zoning Text Amendment – Accessory Structure</b>
7:45 PM	<b>5.0 Other Business</b>
7:55 PM	<b>6.0 Approval of Meeting Minutes</b> <b>- Sept. 23, 2013 – Special Meeting</b> <b>- Sept. 23, 2013 – Joint Meeting with EDA</b>
8:05 PM	<b>7.0 Adjournment</b>



# City of East Bethel Planning Commission Agenda Information

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**Date:**

October 22, 2013

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**Agenda Item Number:**

Item 3.0

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**Agenda Item:**

Shaw Concept Plan – 62 unit Single Family Planned Unit Development, Zoning R1, R2, and CC.

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**Requested Action:**

Request that the Planning Commission give comments and feedback to the Developer in preparation of the public hearing and Preliminary Plat.

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**Background Information:**

Shaw is proposing to build a single family residential development. The property is zoned three different ways – City Center, R2 and R1 with a Planned Unit Development overlay in the R1 and R2 districts.

The primary purpose of the planned unit development (PUD) provisions is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

Public benefit: The public benefits to the surrounding neighborhood and the city as a whole that are intended to be derived from the approval of a planned unit development include, but are not limited to:

- A. Preservation and enhancement of desirable site characteristics and open space.
- B. A pattern of development which preserves natural vegetation, topographic and geologic features.
- C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the city.
- D. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
- E. Provision of a variety of housing types in accordance with the city's housing goals.
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- G. Business and commercial development to enhance the local economy and strengthen the tax base.

H. To assure the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the comprehensive plan.

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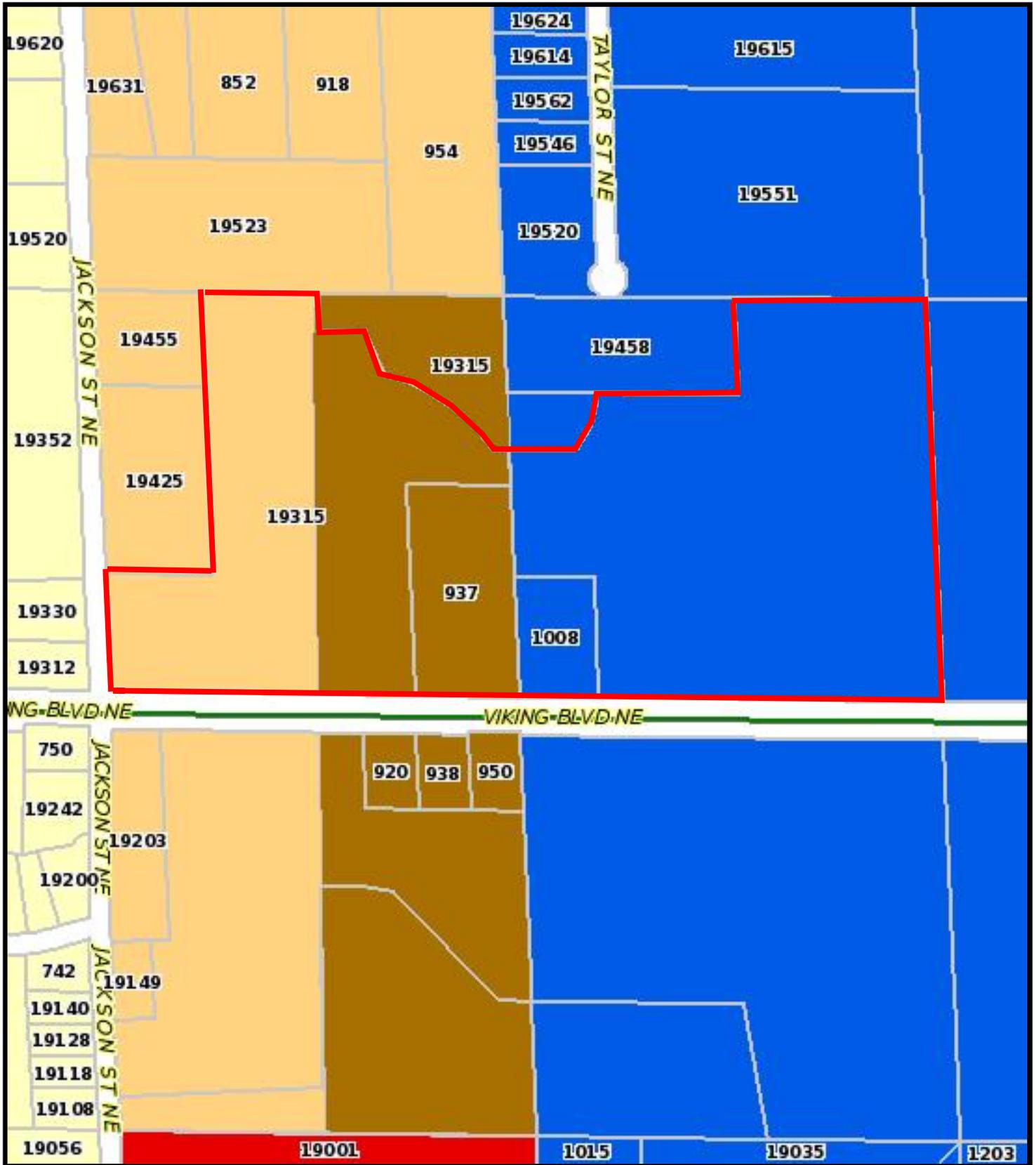
**Attachments:**

- Zoning Map
- Certificate of Survey
- Concept Plan
- Neighborhood Exhibit

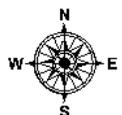


# Map

- RR - Rural Residential
- R-1 - Single Family Residential
- R-2 - Single Family & Townhomes
- CC - City Center District
- Public/Institutional



Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.  
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# CERTIFICATE OF SURVEY

~for~ **SHAW TRUCKING, INC.**  
**18530 Buchanan Street N.E.**  
**East Bethel, MN 55011**

## PROPERTY DESCRIPTION

The Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 23, except the West 370 feet of the North 888.56 feet and also except that part of the Anoka County Highway Right-of-Way Plat No. 13.

The Southeast Quarter of the Northwest Quarter of Section 30, Township 33, Range 23, except the West 370 feet of the North 888.56 feet and also except that part of the Anoka County Highway Right-of-Way Plat No. 13.

Together with a Non-Exclusive, Appurtenant Right-of-Way Easement for ingress and egress over the West 40 feet of the Southeast Quarter of the Northwest Quarter of Section 29, Township 33, Range 23, except that part of the Anoka County Highway Right-of-Way Plat No. 13.

That part of the Southeast Quarter of the Northwest Quarter of Section 30, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Beginning at the Northeast corner of said Southeast Quarter of the Northwest Quarter, thence on an assumed bearing of South 02 degrees 16 minutes 18 seconds East along the East line of said Southeast Quarter of the Northwest Quarter a distance of 48.35 feet; thence Northwest a distance of 418.48 feet along a from-tangential curve, concave to the Southwest, having a central angle of 111.0604 degrees and a radius of 333.00 feet; thence North 55 degrees 04 minutes 53 seconds West; thence North 24 degrees 32 minutes 36 seconds West; thence on a curved line, concave to the Northwest, having a central angle of 00 degrees 52 minutes 14 seconds East to the North line of said Southeast Quarter of the Northwest Quarter; thence East along said North line to the point of beginning.

That part of the Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 23, Anoka County, Minnesota, 1/4th South of the North 1/4th North of the West 1/4th of the hereinafter described Line B and 1/4th extension Line A.

Commencing at the Southwest corner of said Southeast Quarter of the Northwest Quarter, thence on an assumed bearing of South 89 degrees 25 minutes 45 seconds East along the South line of said Southeast Quarter of the Northwest Quarter a distance of 300.02 feet; thence Northwest a distance of 156.83 feet along a tangential curve, concave to the West, having a central angle of 111.0604 degrees and a radius of 333.00 feet; thence North 55 degrees 04 minutes 53 seconds West; thence North 24 degrees 32 minutes 36 seconds West; thence on a curved line, concave to the Northwest, having a central angle of 00 degrees 52 minutes 14 seconds East to the North line of said Southeast Quarter of the Northwest Quarter; thence East along said North line to the point of beginning.

Connecting at the Northwest corner of said Southeast Quarter of the Northwest Quarter, thence on an assumed bearing of South 02 degrees 16 minutes 18 seconds East along the East line of said Southeast Quarter of the Northwest Quarter a distance of 48.35 feet to the point of beginning of the line to be described; thence North 90 degrees 00 minutes 00 seconds East a distance of 350.00 feet and there terminating.

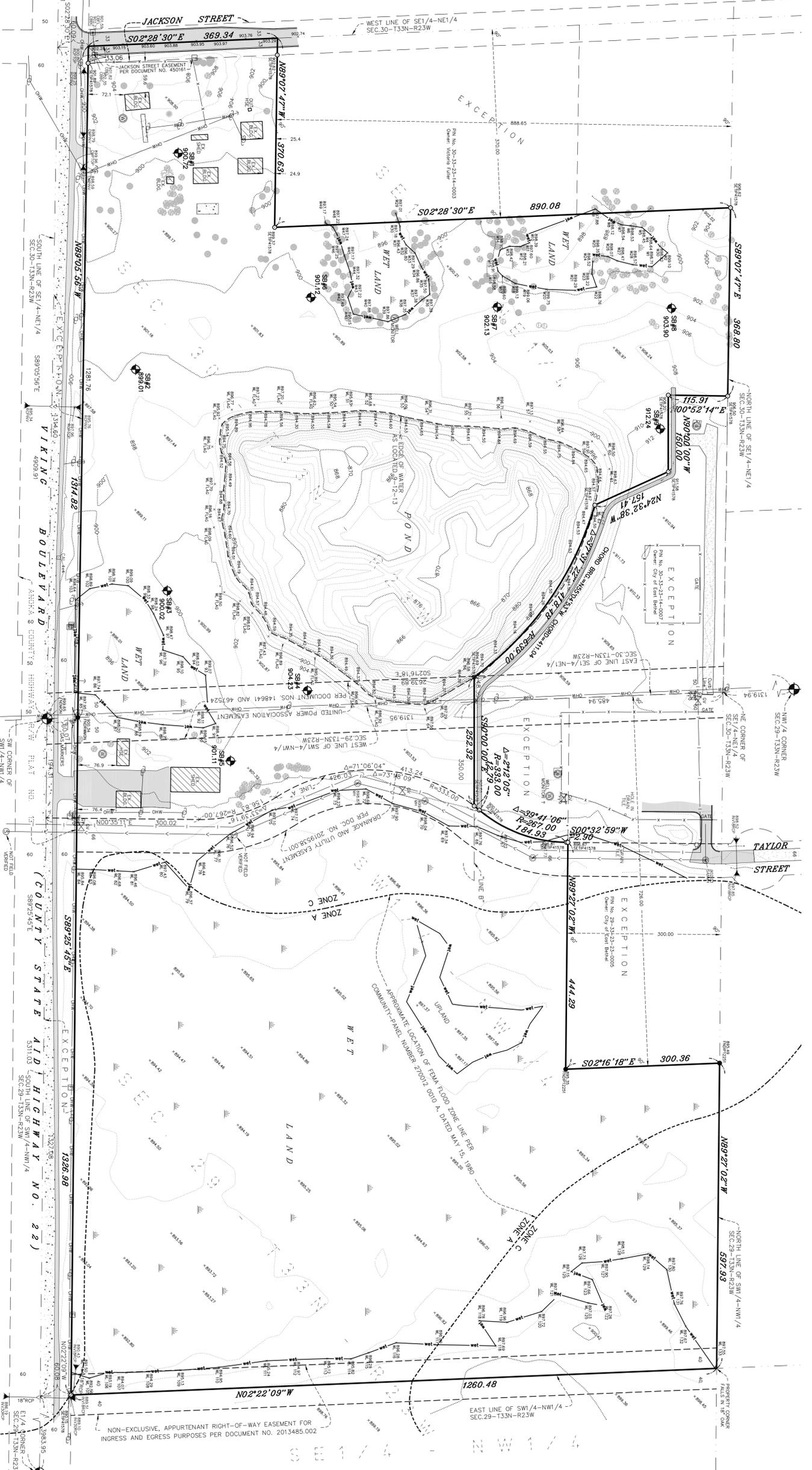
## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/08/13.
- Bearings shown are on the Anoka County Coordinate System.
- The surveyed premises contains 58.92 Acres, more or less.
- Curb shots are taken at the top and back of curb.
- Property description as per Title Commitment File No. 110-020212 prepared by Commonwealth Land Title Company dated February 06, 2010. As noted exception legal description per Document No. 2019538001.
- This survey was prepared without the benefit of current title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to reversion upon receipt of a current title commitment or on attorney's title opinion.
- Parcel ID: Nos. 0098, Unplatted address 29-33-23-14-0008 937 Viking Boulevard
- Parcel ID: Nos. 0099, Unplatted address 30-33-23-14-0005 937 Viking Boulevard
- Parcel ID: Nos. 0100, Unplatted address 30-33-23-14-0008 19313 Jackson Street

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

*John E. Rud*  
 JOHN E. RUD  
 Date: 10-14-13 License No. 41578

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



**VICINITY MAP**  
 PART OF SEC. 29 & 30, TWP. 33, RNG. 23



**NORTH**



## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES HYDRANT
- ⊗ DENOTES GATE VALVE
- ⊗ DENOTES POWER POLE
- ⊗ DENOTES EXISTING SPOT ELEVATION
- ⊗ DENOTES SIGN
- ⊗ DENOTES LIGHT POLE
- ⊗ DENOTES TELEPHONE PEDESTAL
- ⊗ DENOTES FIBER OPTIC BOX
- ⊗ DENOTES GUY WIRE
- ⊗ DENOTES WELL
- ⊗ DENOTES STORM SEWER APRON
- ⊗ DENOTES WET LAND
- ⊗ DENOTES WOVEN WIRE FENCE
- ⊗ DENOTES EXISTING 2 FOOT CONTOURS
- ⊗ DENOTES EXISTING SANITARY SEWER
- ⊗ DENOTES EXISTING STORM SEWER
- ⊗ DENOTES EXISTING WATER MAIN
- ⊗ DENOTES OVERHEAD WIRE
- ⊗ DENOTES CONCRETE SURFACE
- ⊗ DENOTES BITUMINOUS SURFACE
- ⊗ DENOTES GRAVEL SURFACE
- ⊗ DENOTES EDGE OF WETLANDS AS DELINEATED BY EARTH SCIENCE ASSOCIATES, INC., SEPTEMBER 2013
- ⊗ DENOTES TREES 8" OR LARGER
- ⊗ DENOTES SOIL BORING BY ALLED TESTING

NO.	DATE	DESCRIPTION	BY
1	08/29/13	CONCEPT SUBMITTAL	JEN
2	10/14/13	CONCEPT REC-SUBMITTAL	JEN
3			

**BENCHMARK**  
 MANDOT NAME: DENN MANDT  
 ELEV. = 899.21 (NAVD88)



# NEIGHBORHOOD EXHIBIT

~for~ SHAW TRUCKING, INC.  
 18530 Buchanan Street N.E.  
 East Bethel, MN 55011

NO.	DATE	DESCRIPTION	BY
1	10/14/13	Concept Rev-submitted	JEN
2			
3			



**E. G. RUD & SONS, INC.**  
 EST. 1877  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-8701  
[www.egrud.com](http://www.egrud.com)



# City of East Bethel Planning Commission Agenda Information

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**Date:**

October 22, 2013

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Zoning Text Amendment – Appendix A, Zoning Code, Section 14 Accessory Structures

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**Requested Action:**

Consider forwarded changes as outlined in the Attachment on Section 14, Accessory Structures for City Council approval.

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**Background Information:**

**UPDATE**

At a Special City Council meeting that took place on Sept. 25, 2013 the City Council discussed the Zoning Text Amendment and recommendations forwarded by the Planning Commission. They voted to approve the changes, but wanted the Planning Commission to look at some other areas and discuss, those areas are:

**2A - General Regulations** – Language without prior approval of the City Council had been eliminated. One Councilperson wanted to consider leaving that language in the ordinance. I explained that we had removed it because other sections of our ordinance reference that you cannot build a garage prior to the house being built and by removing this language it just kept consistency throughout the Zoning Ordinance. Council still wanted Planning Commission to look at this section.

**2J – Fish Houses** – Council felt that fish houses, especially the new ones that are on trailers or skids should not be considered accessory structures.

**2E – Pole type buildings** – Clean up language to read Pole-type, steel frame, or other accessory structures that have exterior siding or roof of sheet metal must be on 3 acre lots or larger.

**2L – Exterior Stairs** – should read no larger than a 6 ft. x 6 ft. landing at the top of the stairs. Council would like to consider including language that states stairs should be located in a side or rear yard.

**4A – Size and number of Accessory Structures** – There was a discussion regarding the wall height. It may make sense to consider changing the wall height to be the same in all

zoning districts and have it related to parcel size. So for example in an R1 Zoning district if you have more than 1.01 acres you could have 12 foot sidewalls instead of 10 foot sidewalls. There was also a discussion of how to measure wall height. In Section 4A – Maximum height is measured from the floor surface to the underside of the ceiling member. In the orange brochure that we hand out to folks regarding Accessory Structures – Height is defined “Height of structure from grade.” This needs to be changed to be consistent.

**Other Comments:** One Council member wanted to include a commentary section explaining why the proposed changes were made. According to our City Attorney it is legal to add a comment section at the end.

Below is the original Staff report that was completed prior to the Special Planning Commission meeting that took place on September 23, 2013 and ATTACHED is the original Zoning Text Amendments.

At the regularly held Planning Commission on March 26, 2013 a discussion took place about Section 14 of the Zoning Code related to Accessory Structures. It was felt that Section 14 needed some additional clarification and better defined language. Nothing more was done at that time. The Planning Commission further discussed that there are other sections of the Zoning Code that need to be modified, changed, etc. and that if changes are going to be made then it would be best to have one public hearing where all changes to the Zoning Code could be made at the same time.

At the regularly held City Council meeting on September 4, 2013 a private citizen appeared before the City Council and was upset because she wanted to construct an outside staircase and landing to their garage where her husband has built a second story and wants to have a wood shop. The Council requested that the Planning Commission meet and consider changing Section 14 of the ordinance.

If changes are going to be made to Section 14 than Staff recommends that changes be made to all sections and has outlined those sections in the attached document.

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**City Council Action**

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_ Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

## SECTION 14. DETACHED ACCESSORY STRUCTURES

These standards have been established to preserve the character of the principal structure, promote building compatibility, and provide for minimal adverse impacts to surrounding property through the implementation of height, size, location, and architectural regulations.

### 1. Permit regulations.

All accessory buildings and/or structures over 120 square feet in size require a building permit prior to construction, unless specifically exempt under this ordinance. Accessory structures less than 120 square feet shall not require a building permit unless otherwise required by any other ordinance or state requirement. Accessory structures less than 120 square feet shall comply with all provisions of this section and zoning district regulations.

### 2. General regulations.

- A. No accessory building or structure shall be constructed on any lot prior to construction of the principal structure ~~without prior approval by the city council.~~
- B. Accessory structures located on lots that are subsequently subdivided shall be modified accordingly to maintain compliance with zoning districts and/or acreage requirements.
- C. Every exterior walls, foundation, and roof of accessory structure(s) shall be reasonably watertight, weather tight, and rodent proof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, or other material.
- D. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure(s) shall be deemed to be out of compliance of repair if more than 25 percent of the exterior surface area is unpainted or paint is blistered or flaking; it must be painted. If 25 percent or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- E. Pole-type, steel frame, or any other accessory structure(s) that contain exterior siding or roof of sheet metal must be on lots with more than three acres ~~located behind the principal building.~~
- F. No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the front lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback.
- FG. Accessory structures shall have a minimum separation of eight feet from all other structure(s).
- GH. The area of a lean-to shall be included in the allowable square footage of detached accessory structures and will be subject to the square footage restrictions for a lot.

~~HJ.~~ Accessory structures on lakeshore lots may be placed between the principal building and the lakeshore or the right-of-way, and are subject to all setbacks and lot coverage.

~~IJ.~~ Fish houses shall be included in the calculation of the gross maximum square footage for detached accessory structures. No more than one fish house shall be permitted on a lot. Fish houses must meet all required accessory structure setbacks.

~~JK.~~ ~~The structure must not be designed or used for human habitation and must not contain sewage treatment facilities.~~ No cellar, garage, tent, or accessory building shall be at any time be used as a residentially occupied space, independent residence or dwelling unit, either temporarily or permanently.

~~KL.~~ ~~Accessory structures shall have exterior doors only at ground level. For purposes of accessing storage, A~~ accessory structures may ~~not~~ have exterior stairs to a second story ~~and~~<sup>[MV1]</sup> a six foot by six foot (6' x 6') landing at the top of the stairs.

### 3. Architectural and design requirements.

Pole-type, steel frame buildings or any other accessory structure that contains exterior siding or roof of sheet metal shall be constructed utilizing the following architectural and design requirements:

- A. Shall incorporate a finished design and color scheme that is coordinated and compatible with the color and design of the principal structure;
- B. Shall include complete eave and corner trim elements;
- C. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as window treatments, door treatments, or material/color variations; and
- D. Shall include a minimum combination of two architectural and/or landscape features along any sidewall greater than ten feet in height and any sidewall directly adjacent to and visible from a public right-of-way; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental, or evergreen trees in excess of four feet in height.

Wood frame and concrete block style buildings and any building that is not of a pole or exterior steel wall and/or roof style construction shall have the following location and architectural qualities:

- A. Shall incorporate a finished design and color scheme that is coordinated and compatible with the color and design of the principal structure;
- B. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as window treatments, door treatments, and material/color variations;
- C. Shall include a minimum combination of two architectural and/or landscape features along any sidewall greater than ten feet in height and any sidewall directly adjacent to and visible from a public right-of-way; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental or evergreen trees in excess of four feet in height.

### 4. Size and number of accessory structures.

A. Size of accessory structure:

- 1) All accessory structures greater than 120 square feet ~~in the RR and A~~ districts must comply with the following regulations:

Parcel Size	Maximum Square Feet	Maximum Sidewall Height RR & A Districts	<u>Maximum Sidewall Height R-1 &amp; R-2 Districts</u>
1.0 acre or less	580 square feet	10 feet*	<u>10 feet*</u>
1.01 to 2.0 acres	960 square feet	12 feet*	<u>10 feet*</u>
2.01 to 3.0 acres	1,200 square feet	12 feet*	<u>10 feet*</u>
3.01 to 4.99 acres	1,800 square feet	14 feet*	<u>10 feet*</u>
5.0 or more acres	2,400 sq. ft., plus an additional 240 sq. ft., or increment thereof, for each additional acre	14 feet*	<u>10 feet*</u>

\*Maximum height is measured from the floor surface to the underside of the ceiling member.

- a) ~~Accessory structures greater than 120 square feet in the R-1 and R-2 districts shall be limited to a ten-foot sidewall height. Roof pitch and style shall match the principal structure. Roof pitch shall be the minimum required by the Uniform International Building Code and shall not be the focal point of the property~~<sup>[MV2]</sup>.
- b) Accessory structures shall be of similar design and building materials as the principal building.
- ~~b~~c) Accessory structures less than 120 square feet in all districts shall be limited to a sidewall height no greater than eight feet.

B. Number of accessory structures:

- 1) On parcels 2.5 acres or less, one accessory structure is allowed with one additional single-story storage shed 120 square feet or less.
- 2) On parcels 2.5 acres to five acres, two accessory structures are allowed with one additional single-story storage shed 120 square feet or less.
- 3) On parcels greater than five acres, four accessory structures are allowed with one additional single-story shed 120 square feet or less.

C. Fire escapes, landing places, open terraces, outside stairways, cornices, canopies, eaves, window protrusions, and other similar architectural features that extend no more than two (2) feet into the required front, side, and rear yard setback are exempt from the detached accessory structure square footage calculation.

5. Exemptions.

Properties within the A zoning district are exempt from architectural and design requirements provided the building is used exclusively for agricultural use and is constructed in accordance with all other zoning ordinance regulations.

Structures of a mobile and temporary or recreational nature provided that:

- A. They are not used for storage purposes;
- B. Do not adversely affect surrounding properties;
- C. Are removed or placed more appropriately on the property at the request of the city.

(Ord. No. 19, Second Series, 5-5-2010)

## EAST BETHEL PLANNING SPECIAL PLANNING COMMISSION MEETING

September 23, 2013

The East Bethel Planning Commission met for a Special Planning Commission Meeting on September 23, 2013 at 6:30 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Lorraine Bonin Brian Mundle, Jr. Tanner Balfany Glenn Terry  
Lou Cornicelli Randy Plaisance

MEMBERS ABSENT: Eldon Holmes

ALSO PRESENT: Jack Davis, City Administrator  
Tom Ronning, City Council Member  
Heidi Moegerle, City Council Member

### Call to Order & Adopt Agenda

**Mundle motioned to adopt the September 23, 2013 agenda. Cornicelli seconded; all in favor, motion carries unanimously.**

### Public Hearing, Zoning Text Amendment, Zoning Code, Section 14 – Accessory Structure

At the regularly held Planning Commission on March 26, 2013 a discussion took place about Section 14 of the Zoning Code related to Accessory Structures. It was felt that Section 14 needed some additional clarification and better-defined language. Nothing more was done at that time. The Planning Commission further discussed that there are other sections of the Zoning Code that need to be modified, changed, etc. and that if changes are going to be made then it would be best to have one public hearing where all changes to the Zoning Code could be made at the same time.

At the regularly held City Council meeting on September 4, 2013 a private citizen appeared before the City Council and was upset because she wanted to construct an outside staircase and landing to their garage where her husband has built a second story and wants to have a wood shop. The Council requested that the Planning Commission meet and consider changing Section 14 of the ordinance.

If changes are going to be made to Section 14 then Staff recommends that changes be made to all sections and has outlined those sections in the attached document.

Staff has further included comments from Eldon Holmes who is not able to attend the meeting on Monday, Sept. 23, 2013, along with Staff comments and clarification in red.

### Public hearing opened at 6:32 p.m.

Doug Tierney, 4610 Viking Boulevard. Didn't know all three names of the lake classifications. There are three classifications, natural and environmental. There are three different types of lakes. There are meander and non-meander. Balfany said we appreciate all the information. Tonight's meeting is about zoning text and we appreciate your help. Tierney said I know you're used to people complaining

and he wanted to help out the Commission.

Sheryl Hallstrom, 2459 243 Avenue NE. She is the resident who spoke at the meeting. She wanted that there would be a wood construction. They canvassed their neighbors for their support. They have signatures. It will be a workshop and also has heavy equipment up there and also bring construction out there. Had the current building inspector actually went out up there to look, they would have understood what we were doing. We have one large room up there 19 x 30 wide. There is storage on either side. There is 300 square feet on each side that will be unheated. We have no way to get it up there, because there is no opening for an inside stair. So we would like your help and if we need to sign an affidavit that no one will live up there, we will. The camera croaked, but they do have pictures on their phone.

**Public hearing closed at 6:37 p.m.**

Balfany asked if everyone had a chance to look at the revised amendment. Staff's recommendation was to go ahead with the latest update. Eldon Holmes had comments and if you would like to read it, you can. There is also an email from a Jason Pauly. Most of his concerns were taken care of with the most recent change.

Cornicelli asked what the definition of directly in front of. Is it 25% or 50% or 100%? Should be adjacent to? Balfany said that would be an interesting way to consider it. Bonin said they couldn't be in front of each other. Mundle said what if we take out directly. Cornicelli said he was just asking. Terry said it could be closer to the front line, if you don't say directly in front. If the house is set back far enough. Maybe it should be a percentage in the language. Maybe someone would have a curving drive way and it would be in front.

Ronning said there are some grammar problems in here. Balfany said if we recommend this and it makes it to City Council, then make the changes there. Ronning said there is an area in 14 that is needless. Balfany said I don't mean to be rude and cut you off but you should make those changes at Council. Tom said on 2.C – every exterior wall, is made plural is not grammatically correct. Balfany asked if all of his changes are grammatical. He said no, 14.4, size and accessory structures. In the blue, in the table it is 10 feet. This is what has been gone by. He would recommend that, rather than make people wrong, correct us, so we are right. Mundle said the 10-foot isn't changing anything. We are taking section 14.4.A.1A. and we are changing R1 and R2. We are moving that language to into a table, so it is clear. That is not changing it is a different way of presenting. Bonin has a question on page 5 about the focal point of the property. Balfany said there is roof pitch is a minimum so it can hold snow. Bonin said what does the roof being the focal point of the property. Mundle asked if Davis had any clarification. Ronning said it was probably a steeple. Davis said it could probably be deleted and makes it clearer. Terry said could we strike that line.

Mundle asked if we could make a motion to deny. Balfany said we need a motion to approve on the floor and then amend the motion. Mundle wanted to know if

we needed to make a motion to discuss. Balfany said yes, we need a motion to change it.

Davis said offset to not directly block the main view of the house. If it is an angle or a curve. If it is a straight road, it will at some point block the view. If it is coming around the curve, then it is that view. That does allow a little latitude. Then it does allow the offset. Bonin asked what the problem is with blocking the view from the road. Davis said it is aesthetics. Bonin said if it is a nice yard. Balfany said if you are going to put a garage directly in front of the house, then you will attach it. Davis said garages are secondarily architectural. It looks better if the garage is not the main focal point of the property. Mundle asked if we had that settled. Mundle said while we are on 14A1A, the portion that is struck is roof pitch and style shall match, he would like that in. Cornicelli asked why the house is not probably a barn style. Mundle said then why was it allowed. It shouldn't have been approved. Davis said he thinks what this reference it prohibits gambrel type roofs. To eliminate second story storage in a garage. If something is done properly, he doesn't see that that you can have a different in roof styles, if materials are similar, and structures are matching. If the accessory structure matches the house. Terry said if that is our purpose we should make that clear in the ordinance. Bonin asked what the objection to the gambrel roof is. Davis said he isn't sure, he is assuming it had something to do with a second story. If the roof pitch has to match the house, then the sidewall heights will eliminate most second story on the garage. So it would eliminate the possibility of second floor storage. Terry said rather than say no roof, then why not say eliminate second story storage. Davis said he doesn't think we should eliminate second story storage, just the living situation. Cornicelli said if it is done tastefully it shouldn't be precluded. Terry said someone might need the height for their job. Davis said you could still have a gambrel roof for a job. Balfany said are you still in favor of it or not. Mundle said it is in other communities; the newer developments have a covenant. Do you want a more uniform looking City? Terry said no. Cornicelli asked what the lot size was. He was informed over an acre. Balfany said he is unbiased on that. Someone can make a motion. Terry said as long as public safety is covered, he would like to see it be as least restrictive as possible. Bonin said we can all kinds of rules and regulations along the highway, but she thinks we should people to do within reason what they want to do.

Mundle said we probably should talk about 2L. Bonin said when we are talking about second story, garage storage. What they want to do is not garage storage. Mundle said you could have stairs inside your structure. If you are going to have stairs, you're going to have stairs inside. Bonin asked why? Mundle said because of public safety. We have four seasons here. In the wintertime, is snowfall going to be cleared all the time. Cornicelli said my deck has stairs, and if I am going to go outside, I will clear the stairs. Balfany said we could restrict the livable quarters. Bonin said if you don't have plumbing up there, then people would live there. Cornicelli said within L we should probably reword it. It should say a landing up to 6x6 it required. Terry said what is different than having a stairway to a deck. Mundle asked what the original intent of just having a door was. Cornicelli said beats me. Mundle said originally read, "accessory structures shall have exterior doors only at ground level". Cornicelli said it pre-dates all of us. Terry said they weren't as wise back then. Balfany said it was for deterrent for

things. Cornicelli said the likely problem was people living out of the structure. Bonin said if they are operating a business out of the detached structure or out of a house. What is the difference? People can come in and get permission to run the business in the detach garage. What would be the difference? Balfany said it would depend on the business. Bonin asked in the general sense what the difference is.

Plaisance arrived at 7:00 p.m.

Terry asked if there was a reason that we have to conclude it tonight. Balfany said if we table this would it affect anything. Davis said this is an issue that was brought before City Council on September 4. This was to address the situation. The people in question are leaving in about a month. Then it will have to layover and wait until springtime for them to finish their project. There is a special City Council meeting on Wednesday to review.

Balfany said this is to review things in the code. That is why we are here tonight. Davis said it does help accommodate them, but will also help resolve more than one case.

Cornicelli wanted to know if we had all the changes. Balfany said he thinks he has them:

Offsetting structure

L – so it doesn't have to be a 6x6

Roof pitch and style leaving in – barn style roof

Davis said when the permit was issued it was in the transition time. This could have been an oversight. Cornicelli said ok.

Balfany said the changes he saw was:

F – The changes that Colleen had been made. The accessory structure would be offset not to block the main view of the house.

L – At minimum a 3x3

Matching the roof pitch

Terry said are you going to say that roof style and pitch shall match the principal structure. Your needs in the outbuilding may not match the needs in the principal structure. Balfany said in cases like that, they would ask for a variance, for that set structure if there was a specific need. Terry asked why you would want it to match the roof pitch. Mundle said it is to keep the styling a little bit more uniform throughout the City. So you don't have many different, essentially people building what they want, and it may not be good visually. Bonin said what is good visually is very subjective. So to talk about good visually is to not do anything productive. In most cases we want to let people do what they want. We don't have to have total conformity. Things can look boring with total conformity. Terry said if you want to add roof pitch and style should match he would vote against it. Cornicelli said he would defer to Mundle for construction. Mundle said you would see it more and more for development and covenants.

Terry said there was one more change, he had suggested striking, shall not be the focal point of the property.

**Cornicelli motioned to accept the changes as presented by staff to Section 14 of the Zoning Code related to Accessory Structures, with three modification:**

- **In section 14.2.F – Change the language from to directly to offset**
- **In section 14.2.L – Change the language to no smaller than 3x3 to a maximum of 6x6**
- **In section 14.4.A – Remove shall not be the focal point of the structure**

**Terry seconded; all in favor, motion carries unanimously.**

**Adjournment**

**Terry made a motion to adjourn the meeting at 7:15 p.m. Cornicelli seconded; all in favor, motion carries.**

Submitted by:

Jill Anderson  
Recording Secretary

DRAFT

**City of East Bethel**  
**Joint Meeting Planning Commission and**  
**Economic Development Authority Meeting**  
September 23, 2013

The East Bethel Economic Development Authority (EDA) met on September 23, 2013 for a joint meeting at City Hall at 7:25 p.m.

MEMBERS PRESENT: Brian Bezanson Dan Butler Heidi Moegerle Julie Lux  
John Landwehr Lou Cornicelli Randy Plaisance Tanner Balfany Glenn Terry  
Lorraine Bonin Brian Mundle, Jr. Mike Connor

MEMBERS EXCUSED: Eldon Holmes Richard Lawrence

ALSO PRESENT: Jack Davis, City Administrator

**Introduction  
and Meeting**

This is a joint meeting, so there hasn't been any formalization. There is just a moderator or facilitator from each group.

**Purpose –**

**Jack Davis,  
City**

Moegerle called the meeting to order and Planning Commission can adjourn it.

**Administrator**

**Presentation  
by Craig**

**Jochum, City  
Engineer –**

Over the past year, the City of East Bethel has been participating in the Minimum Impact Design Standards (MIDS) Community Assistance Package Pilot program. This program was sponsored by the University of Minnesota – Extension service, MPCA, the Builder's Association of Minnesota, and EPA. The goals of the program were:

**The New MS4  
permitting  
process and**

- Review our Existing ordinances related to management of stormwater, runoff, and development practices

**how it relates  
to Best**

- Receive new MIDS model ordinances
- Recommendations and guidance for local revisions and opportunities

**Management  
Practices and**

- Customized training
- Streamline compliance for State water quality regulations

**Minimum**

**Impact Design  
Standards**

It is important to note that the City of East Bethel is a Municipal Separate Storm Sewer (MS4) community and are already required to follow MPCA rules regulating storm sewer. The MIDS project went beyond just looking at MS4 permitting and set the stage for land use, land management and water management through best management practices, streamlined approval and permitting process, and a method for calculating water impacts in the community.

Another important note is that the City of East Bethel is part of 2 different Watershed Districts – The Upper Rum River and the Sunrise River. Both of these districts are governed by Watershed Management Organizations that already require Best Management practices (BMP) and Minimum Impact Design Standards related to water quality and development. An example of a recent project that was completed using BMP's is the Walmart that was just built on Hwy. 65 in Blaine, MN. That project is located in the Coon Creek Watershed District and had certain requirements that needed to be met and the result was a low impact design for the treating of the storm sewer on

that site. This example illustrates the way that storm sewer is now handled in commercial development projects.

In the year that we have been discussing MIDS, several things have happened at the State and Federal level related to stormwater management as well as overall water quality management. August 1, 2013 new rules went in to effect by the MPCA for MS 4 communities, of which the City of East Bethel is one. **Please find attached a handout that discusses what an MS 4 community is and requirements that they have to meet.**

There has been some concern on the part of the City Council that if we move forward and implement the recommendations that are outlined by the MIDS assistance package that we would be creating a negative impact on development and increasing development costs. Further the City Council is also concerned about MIDS on small-scale projects, including individual lots. The Planning Commission shares some of those same concerns, particularly when it comes to small projects and individuals. The Planning Commission and Staff recommend moving forward with managing what is required under MS4 permitting at this time as that now deals with low impact development practices. Craig Jochum, City Engineer will be making a presentation that discusses MS4 permitting.

Jochum handed out a sheet to everyone. This summarizes the standards that are out today and what is coming. Maybe that will help you make a decision on which way you want to go as a city. The three standards are infiltration, quality and control. If a developer came into East Bethel today, they would follow the Upper Rum and Sunrise WMO standards. They are in general the same standards - .5 inches of runoff, 2.5 inch store event and 2, 10 and 100 year storms. Those requirements have all been around for a while. The General Construction permit standards have always been in effect, but they were changed as of August 1, 2013. This particular standard applies with an addition of 1 acre of impervious surface. The new General MS4 permit is now coming up in January 1, 2014. This will bring in cities greater than 5,000. It started out that it was the bigger cities.

MIDS was put into place so it would comply with the net increase for the NPDES. It really comes down to looking at developers. Some are pushing the MIDS so it is standard wherever you go. Others want to do it on a case-by-case basis. Each site is going to be different. There are already requirements in place, whether you go with MIDS, you will still be faced with your new permit on January 1, 2014. Davis asked what would be more restrictive. Jochum said it would be site restrictive. Davis asked if a larger impervious area would be more restrictive. Jochum said if you are tearing down woods, then it would be harder to meet the no net increase. It is very site specific. Every way you go, he is not sure what is all involved.

Davis said one of the question about the standards, if you adopt one, then which standard usurps the other. Jochum said if you adopt a MIDS program that will satisfy the general permit. Davis said if we have a MIDS program in place would that satisfy the MS4 permit. Jochum said we have to apply our SWPP by January 1, 2014. They are trusting you to develop a SWPP to comply with the MS4. It is self-policing.

Butler asked if it is determined that we are not in alignment, how do they determine that. Jochum said this is for new development and redevelopment. Butler said what if you are not in alignment a few years later after an audit. Jochum said he doesn't see that happening. The City will review the standards they won't review it to that degree. They will review that you have the ordinances in place. It is up to the City to make sure. Butler wanted to know if we had a hydrologist on staff. Davis stated the City Engineer

would review. Balfany said MIDS would have taken care of all of this.

Ronning asked for the history of the permits. Jochum said the General Construction permit has been around for many years. If you disturb an acre of land, then you have to get the permit. It is statewide. Ronning said I thought you said renew a permit. Jochum said it is a permit that expires in 2014. Ronning wanted to know if we had a copy of the permits on file. Davis said yes, we do have copies. Jochum provided copies of the General Construction Permit and the MS4 Permit. That is the standard, and you have to write the SWPP to handle that. Ronning said he was reading the eligibility, and wondering if we fit that. Jochum said yes, we are in an urban area and also have a population of more than 5,000. Balfany said we are MS4 plain and simple. Balfany asked if it would be advantageous for us to adopt MIDS. Jochum said he would like to look at it more to give a recommendation. Balfany said he thought there was a requirement and that he didn't want a small project to be included. Davis said we could modify those proposals to meet our needs. These are particular areas of concerns and we do have the latitude to make those changes. Balfany the purpose of MIDS was to get us to look at what works for our City. We had the ability to modify the land disturbances. We went through it for a reason. We don't want to let it go, just because there is a new process.

Cornicelli stated all of our discussions were really about new development, not redevelopment. Balfany said yes. Moegerle asked if someone subdivides their property, and then they grade to put in their garage and out-structures does that trigger this and do we want it to? Is this residential or commercial? Mundle asked if you are looking at high density, would that be covered. Cornicelli said yes.

Moegerle was wondering how disturbance was defined. Jochum said that is something we need to look at. Landwehr said the MPCA does have a definition of disturbance. Ronning said the term any disturbance, is for the person to do the checking. He asked if there are any exceptions. Cornicelli said it is zoned agriculture. Jochum said development and redevelopment are the categories, so in a sense they are except. Moegerle wants the definition of disturbance provided.

Davis said would it be beneficial for the City Engineer to look at the two, provide definitions, and with staff assistance could they still be tailored to the City. Balfany said we went through the rough ordinances, and before we spent any more time, we wanted Council's recommendation, and then we would look at making changes to the ordinances. Cornicelli said he also thought the same thing. Jochum said MIDS is a general term. He doesn't know how erroneous the ordinances are. The storm water standards aren't a big deal. He doesn't know what else is coming along with the ordinances. Moegerle asked if Jochum could put together a table of comparing apples to apples, that summary format might be more helpful. Jochum said he could. Balfany said the whole point was to adopt some minimum impact design standards. Jochum said a lot of times that goes along with that, is ordinances. Ronning was wondering how broadly the term development is. Jochum said that is defined.

Moegerle asked if you had enough direction at this point. Are there any other concepts that we need to have for Council or this group? Balfany said he doesn't think so. Terry said in the terms of smaller roadway widths, he objected to that, because of road safety. Bonin said they have a cul-de-sac and no one uses the whole circumference. Ronning said the clock is ticking and wants to know what is the drop-dead date. Jochum said January 1, 2014, that is when the application is due. Balfany said we either need to adopt MIDS or apply for the permit. Moegerle said the last Council meeting is December 18, 2013. Ronning asked if the SWPP goes in with the permit. Jochum said you submit

your SWPP and your done.

**Discussion regarding the Highway 65 corridor**

Discussion regarding the Highway 65 corridor

- Background information – Jack Davis, City Administrator
- Three potential Zoning Classification changes
- Hwy 65 Corridor discussion

In 2009 the City of East Bethel approved a Comprehensive Plan and Future Land Use Map for the community. Since that time, there have been some significant changes in the community – namely municipal sewer and water. The scale of the municipal sewer and water project is much smaller than what was originally envisioned, and that along with the economic downturn and slow recovery have had an impact on development now and in the future. With that in mind, it is a good time to look at how we can best market “The Corridor” and position East Bethel as a community that is open to new businesses and development. There are three specific areas where the Land Use and underlying Zoning may need to be changed, and there may be other areas as well where the Land Use simply does not fit what is needed for East Bethel. The three areas that need to be looked at are:

1. West side in Sewer and Water District – Need to look at changing this to Light Industrial to support the application as a Shovel Ready Site to MN Dept. of Employment and Economic Development. This has been a priority for the EDA and the new designation would allow us submit a single application.
2. City Center District – Is this still applicable? The concepts outlined in this district are ones that could apply to many areas in the corridor and we may want to look at expanding this area.
3. Higher Density Residential Development – Look at implementing Planned Unit Development Concepts, similar to the City Center District.

Other areas to discuss:

- Viking Blvd.
- MPCA landfill site – required zoning change.

Attachments:

- Future Land Use Map
- West end map
- MPCA map
- City Center requirements

The Sept. 23<sup>rd</sup> meeting is a Strategic Planning Session and as a group the following questions should be answered:

1. Do you agree with Staff’s recommendations to propose changing the Comprehensive Plan to reflect the change in Land Use designations as outlined above?
2. Should the focus of modifications to the Comprehensive Plan be limited to the Highway 65 corridor?
3. Should Viking Boulevard be designated a different zoning classification to reflect the business community that exists along that street?
4. Are there other areas that should be looked at for higher density residential development?

Do we want to have zoning in place that is flexible enough to allow a number of different uses to coexist together with common design elements (reference City Center corridor)?

Davis said regarding number one – we feel this area is light industrial, especially the area that doesn't front Hwy 65. Changing the zoning would give more flexibility. Landwehr said B1 and B2 are still permitted uses in that area. Davis said the character of this area is really light industrial. Unless there is another access point, the commercial use will be limited.

The other area we would like to have reconsidered for zoning would be the City Center area. It is a grand idea, and he doesn't think it will ever happen. We need to find something that is realistic. The other areas that we talked about are higher density uses. We may want to consider some sort of a concept that is a form based zoning component, like a PUD.

The other areas that we want to look at area by 221<sup>st</sup>. The one area that we have been mandated to make a change on is the MPCA landfill. That has to be changed to give it certain protections.

The other area is to the east of Hwy 65 on Hwy 22. This is currently a mixed commercial/residential area. We would should look at this area all the way down to the East Bethel Fire Department.

Balfany said we had an issue on Viking where the gas station went vacant, and needed a conditional use permit because it sat vacant for over a year. So it lost its legal non-conforming use. Davis said that is clearly a commercial use Balfany doesn't know why we wouldn't look at it going the other way also. Moegerle said it was recently changed to residential. Davis said from Jackson Street west it is residential. Moegerle said going east it used to be commercial, and was recently switched to residential. Davis said it was done because at some point it was thought that County Road 22 would be turned over to the State, and it would be cheaper to buy residential versus commercial right of way for future improvements. The potential four lane of Viking was talked about. Davis said it was a concept that was discussed once upon a time but based on information from MnDOT, it is not going to happen anytime in the near future

Davis said he recommends that we look at the requirements for the specific zoning classifications. We need to look at outdoor storage in the B-1 and B-2 categories. He thinks some of those things might be a little too restrictive. He thinks there maybe other ways to address the intent. Butler said it allows you to have an enclosure for your recycling bin and dumpster. Davis said you are looking at a very small space. He understands the primary intent is so we don't have wall-to-wall car lots in East Bethel. We need to work to achieve that objective where we could do it, so it isn't so restrictive. Moegerle said she is looking at light industrial and B1. So is there a way to say, this is either B1 or Industrial. Davis said the only area that is B1 is a small area at the 22 and 17. Moegerle said she was thinking the NW corner would be B1.

Davis stated that it is important to remember too, that when it was done it reflected the conditions of the time. It needs to be modified to reflect current conditions. It was probably cutting edge at the time. Is this something that we want to look at? Commissioners agreed it is something that we have to look at. There is no right or wrong answer. Bonin said if we are suggesting the development of two areas, we are looking doing too much. We need to focus on one area. She is not sure that is going to happen. Moegerle said isn't that driven by the demand. Davis said why we would like to it all together as a total package to minimize the reviews by Met Council. We want to send one packet of changes to them. If it were possible to make all the changes at one time, it would simplify things. Bonin said we would do the zoning and not promote the

other areas. Davis said we would promote all the areas in the sewer district first.

Bezanson said he sees the growth being on the east side. Davis said if we are talking about growth, we will be looking at nodes – 221<sup>st</sup>/Hwy 65 and Sims/Hwy 65. When something big comes in, the City might have to consider investing in infrastructure. There will be additional costs for water. What he envisions is at Sims/Hwy 65, there will need to be a new water tower and treatment installed at some point in the future.

Bezanson stated that he has always thought that you need to adjust your zoning because you have a better chance of businesses of the same type to be there. He thinks that we should look at something along those lines. That is going to affect the marketability of the other properties.

Ronning said they took this to the Met Council three times before it was approved. They kept adding high-density housing. Davis stated that what we need to consider, if we were looking at numbers, the bulk of commercial development will be at the major intersections. The infilling would be high density residential. To make the project cash flow 80% of the development in the Hwy 65 Corridor needs to be higher-density residential. We will have to double in population, and the population will have to happen in the sewer district. Davis said we need to look at form-based zoning/PUD. Butler said when you talk about residential housing on the Hwy 65, what are the traffic patterns. Where are the frontage roads? How we are going to route the traffic. The way they have Hwy 65 set up now, are they going to build bridges? Davis stated that there are going to be no improvements on our main intersections for at least 20 years, or 30 years. The Anoka County Hwy Department and MnDOT have said there are four other intersections south of Viking that will probably be done prior to those in East Bethel. They will take out signals and put in overpasses. Bunker will happen first, then Crosstown and then Constance. Last would be Viking. We cannot wait on Anoka County or MnDOT on this. Ronning said housing on Hwy 65 would be like having a railroad tracks in front of your house. He doesn't know anyone that wants to live by Hwy 65. Balfany said there is a demand. The commissioners discussed how people like different things. There are demands for all types of property.

Davis stated, that as we talk about development, we need to attempt to concentrate development along the Hwy 65 corridor. The pace of the development is the question. Cornicelli asked if developers are approaching us? Davis stated we have been working with developers for the NW corner of Viking Boulevard and a couple of other properties. We are working actively on two properties. Going north of Hwy 65, we have had a little interest and there has been some interest on the Fat Boys property. Balfany asked if there has been anything done to reach out to local and national builders. The ERUs are going to come from high density. Davis stated we are continually talking to developers and site selectors. Julie Lux has been very helpful in getting us contacts. We have been approaching things in broad range. There are a lot of opportunities here.

Balfany asked if there is anything that is hindering us from attracting business. Davis said from 2008-2010 we had a moratorium on the Hwy 65 corridor. There may be some people that think that still exists. We do have to do a better job at overcoming our past image and provide a unified voice as a City. We are in a very competitive game. We have to use all of the tools available to us.

Plaisance says he thinks there is a lack of identity. We can't even decide among ourselves what is the best place. How do we make that happen? We have to start by going and finding these businesses. Investments are these portions of the municipal utilities project. The small area is the seed, and developer driven to extend it further

north. Because of certain economic realities, that won't happen. When he talks investment, if something happens at Hwy 65/Sims, we may have to extend services. To put in more money, we have to make sure we have the development lined up. Industrial developments will be looking for something along with commercial. We will have to commit to some of those things in the future. Balfany said to take one step back; we have to have a uniform message. That is the very beginning and positive image. It has to be scripted. He doesn't see a whole lot of positive coming out. We have to have a positive message. We all have to be on the same page so it is uniform and it is out there. It's Marketing 101, you can't be part of a group where 50 people are saying 50 different things. Cornicelli said the Ady Voltedge study identified ways to work on that. Butler said the EDA assisted with the formation of a Chamber of Commerce. He appreciates what everyone does. To parrot what Balfany said, we need to focus on the big issues to present to the City Council. We need to present the City in the best light possible all the time.

**Moegerle motioned to adjourn the meeting. Cornicelli seconded; all in favor, motion carries.**

Respectfully submitted by:

Jill Anderson  
Recording Secretary