City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, December 17, 2013

Agenda

	Item	
7:00 PM	**1.0**	**Call to Order**
7:02 PM	**2.0**	**Adopt Agenda**
7:03 PM	**3.0**	**Discussion regarding KOA campground/recreation area**
7:15 PM	**4.0**	**Year in Review**
7:30 PM	**5.0**	**2014 Goals**
7:45 PM	**6.0**	**Approval of Meeting Minutes** - November 26, 2013 regular meeting minutes
7:50 PM	**7.0**	**Other Business**
7:55 PM	**8.0**	**Adjournment**

City of East Bethel
Planning Commission
Agenda Information

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E. Essential services, government.

3. Accessory uses.

A. Private garage, carport, or parking space.

B. Private swimming pool, tennis court, or other similar facility used by a single family.

C. Shelters temporarily located on-site for construction activities during construction or for six months, whichever is less.

D. Accessory structures as regulated by Section 14. [Detached] Accessory Structures.

E. Unlicensed daycare facility serving six or fewer persons.

F. Licensed daycare facility serving 14 or fewer persons.

G. Pasture—other uses customarily associated with but subordinate to a permitted use as determined by the city council.

H. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations, and television receivers as regulated by Section 17 [16]. Telecommunication[s] Facilities.

I. Kennel, private.

4. Conditional uses.

A. Places of worship.

B. Schools.

C. Cemeteries.

D. City-sponsored senior housing.

E. Essential services, utility substation.

5. Interim uses.

The following interim uses are permitted in the RR district with an interim use permit:

A. Home occupations, as regulated by Section 10. General Development Regulations.

B. Golf courses.

C. Outside storage of more than five motor vehicles, recreational vehicles, items of equipment, or trailers.

D. Grading activities that move more than 1,000 cubic yards of material per acre.

E. Amateur radio antennae less than 30 feet in height.

F. Domestic farm animals as regulated by City Code chapter 10

G. Craft center.

Here are the definitions of Recreation:

> *Recreation, commercial:* Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land designated for park and recreation use in that it is privately owned land rather than being publicly owned.

Recreation, public: Land intended to accommodate uses that provide active and passive recreational opportunities whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land designated for commercial recreation use in that it is publicly owned land rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, green ways and trail corridors, beaches, and community centers.

The questions that the Planning Commission needs to answer are:

Does this fit under Rural Residential?
Should it be considered a Conditional Use Permit?
Does this fit in our Comprehensive Plan?

* * * *

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

SHEET TITLE??
EAST BETHEL, MINNESOTA

DRAWN BY:	DESIGN BY:
C.M.	C.W.P.
CHCKD BY:	PROJ. NO.
C.W.P.	13-XXXX

ORIGINAL DATE:
AUGUST 13, 2013

DATE	REVISION DESCRIPTION

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

CHARLES W. PLOWE
DATE: 08.13.2013 LIC. NO. 18227

PROJ TITLE??
EAST BETHEL, MINNESOTA
SHEET TITLE??

PREPARED FOR:

SITE PLANNING
& ENGINEERING
PLOWE
ENGINEERING, INC.
6776 LAKE DRIVE
SUITE 110
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701

NORTH

0 50 100
1 INCH = 100 FEET

C1

Map

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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Printed 12/13/2013

City of East Bethel
Planning Commission
Agenda Information

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Date:
December 17, 2013

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Agenda Item Number:
Item 4.0

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Agenda Item:
Year in Review

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Requested Action:
For Information Only

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2013 Accomplishments

- Facilitated discussions, coordinated and participated in a cost share agreement with Anoka County Highway Department on behalf of East Bethel Properties, LLC, so that they were able to participate in improvements to their private party at the same time that Anoka County Highway Department was completing a major construction overlay project on County Highway 22 (Viking Blvd.). Resulting in a substantial cost savings for East Bethel Properties, LLC.
- Developed Zoning Text Amendment Changes for Section 14, Accessory Structures
- Discussed Home Occupations, Accessory Structures, and Exterior Storage requirements
- Minimum Impact Design Standards – met and discussed several times
- Held a joint meeting with EDA to discuss Hwy. 65 corridor; Comprehensive Plan; City Center District
- Approved Preliminary Plat of Viking Preserve a 60 lot single family planned unit development project south of Anoka County Highway 22 and west of CSAH 65
- Remodeled Community Development offices to make them more customer friendly and streamlined services
- Hired additional Building inspector
- Started contract with Oak Grove for building inspection services
- New construction housing – 17 homes East Bethel; 51 Oak Grove

<u>Business Expansions/Start-ups/Relocation</u>

- **Aggressive Hydraulics – 18800 Ulysses St NE**. Opened its new 62,000 square foot corporate and manufacturing facility in July 2013. No. of Employees - 47.
    - City assistance included Tax Increment Financing
- **North Country Concrete, Inc. -23034 Ulysses St NE**. Recently moved from Ramsey to East Bethel. They acquired an existing 18,000 square foot facility and purchased vacant lots resulting in a total land purchase of 12 acres. No. of employees – 75.
    - City assistance included meeting at the Ramsey location to see their operation and to answer any questions that they have about planning and zoning regulations in the City of East Bethel.
- **TinMan Fabrication, Inc. – 21461 Aberdeen St NE.** Recently moved into a vacant building, made significant improvements and relocated their business from Oak Grove to East Bethel. No. of Employees – 3.

    - City assistance included helping them obtain a Conditional Use Permit
- **Minnesota Fresh Farm – 20241 Hwy 65 NE.** Obtained an Interim Use Permit for agri-tourism activities. Business Start up.
    - City assistance included helping them obtain an Interim Use Permit

Planning Activities

- **Home Occupation permits – 5**
- **Interim Use Permits – 6**
- **Conditional Use Permits – 2**
- **Variances - 2**

EAST BETHEL PLANNING COMMISSION MEETING

November 26, 2013

The East Bethel Planning Commission met on November 26, 2013 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT: none

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Holmes made a motion to adopt the November 26, 2013 agenda. Bonin seconded; all in favor, motion carries unanimously.

Public Hearing - A request by Shaw Trucking for approval of a Preliminary Plat/Planned Unit Development for a residential development known as Viking Preserve. The 58.92 acre parcel consists of 60 proposed single family lots in a planned unit development.

Property Location: Southern boundary – Viking Boulevard NE (Anoka County Highway 22) Western boundary – Jackson St NE Part of Sec. 29 & 30, TWP 33, RNG 23 Zoning: R-1/PUD overlay Single Family Residential /Planned Unit

Request that the Planning Commission recommend approval of the Preliminary Plat of Viking Preserve to the City Council.

If any one is interested in speaking, please sign the sign in sheet.

Background Information as presented by Colleen Winter, Community Development Director

The Developer/Owner, Don Shaw (d/b/a Shaw Trucking) hereafter referred to as "The Developer" is proposing to build a single family residential development. It is the second forty on Viking Boulevard. The property is zoned three different ways – City Center, R2 and R1 with a Planned Unit Development overlay in the R1 and R2 districts. In the R2 and R1 zoning districts is where the development will take place.

Winter pointed out that in addition to the slides that she will be going through, there are also three presentation boards. The first is the preliminary plat. The second is a mock up of what the neighborhood will look like when built out, and the third is a neighborhood exhibit. There are also 11x17 copies of the preliminary plat available for the public.

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 multiuse corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

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Development, R-2/PUD overlay Single Family and Townhome Residential/Planned Unit Development, CC City Center District

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.

The Planning Commission reviewed the Concept Plan of this property at the regular meeting in October and based on Planning Commission feedback, the Developer proceeded with the preparation of the Preliminary Plat.

Comments regarding Preliminary Plat:
1. All required documents as outlined in our Subdivision Ordinance Chapter 66, Article III have been submitted and are in the review and comment period.
2. Changes from Concept Plan to Preliminary Plat – The Developer has added an additional proposed trail from Taylor street through Outlot A and is working on a lighting plan, and cluster mailbox system.
3. Building pads - As shown on the Grading Plan, the homes will be a combination of split entry and walkouts. I know there was some discussion about custom homes being allowed to be built on the property, but to preserve the integrity of the development and to work with the existing grading plan, the house designs will not allow for a lot of flexibility in floor plans. However as the Developer has indicated, the design will allow for some unique architectural elements and varying color schemes.
4. Landscaping – All properties will have two trees as per our requirements.
5. Grading and landscaping around ponds. Engineer is reviewing that information and requirements will be put in the Developer’s agreement as to maintenance of these areas.
6. Tree Removal – The Developer has indicated that they want to minimize the number of trees that will be removed from the development and the plans show minimal tree removal and protection during construction phase of existing trees.
7. Cul-de-sacs – At the last Planning Commission meeting there was discussion about Taylor Street and whether or not that should be a through street. It is City Staffs recommendation that Taylor Street not be shown as a through street at this time.
8. Outlot C – Is reserved for Future development and as a current buffer.

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Neighborhood comments:
There is a letter in your packet from Darlene and Mike Murray stating concerns about the Development. I have forwarded their concerns on to the Developer and the Developer's representative.
Winter explained - The eastern portion of the development is designated wetland. For the most part, this part will stay as it is. It will not be developed in any way. With the exception of Outlot B, which may be used for commercial development at some future date. Winter pointed out that a trail is now shown beginning at Taylor Street and continuing to the east through Outlot A, it connects the development to the commercial area. There are three streets that will serve this neighborhood. The streets will have 60 foot right of ways. There are two north south streets – Taylor Street and Able Street, and one east-west street – 193rd Lane NE, which connects to Jackson St NE. The southern boundary of the development is Anoka County Hwy 22 and both Taylor and Able connect to CSAH 22. Staff is not recommending that Taylor street be connected to the existing Taylor Street at this time. A portion of the existing Taylor street (further north of this proposed development) is gravel. Staff is recommending that the Taylor Street that serves Viking Preserve end in a cul-de-sac. Eventually if the existing Taylor Street were to be developed at a higher density, then it would make sense to connect the two. The other uniqueness of this development is the water features and wetlands. An existing body of water, that is not designated as a wetland will be filled in for additional lots. Where Taylor Street is going to be put in, there will be some taking of a wetland. The developer is going through a mitigation plan for the wetland right now and the local Technical Evaluation panel, which is coordinated by the City Engineer's office will be meeting to determine wetlands, mitigation, etc. We are still waiting for the Developer's wetland specialist to give us their report. Anything related to the wetland will be handled through the City Engineer's office.
Most lots will be over 9000 square feet. The set backs are side yard 7 feet, rear yard 25 feet, front yard 25 feet, wetland 25 feet, corner side yard 25 feet, and CSAH 50 feet. Where houses are currently shown, they will be demolished. Storm sewer will be handled through a series of smaller ponds. All other utilities will be located in the street or right of way. There will also be a geotechnical evaluation done for the existing pond to ensure proper compaction, and to make sure the lots are buildable.

Right now we are still in the review process. All comments are due back by December 3.

Outlot C is reserved for future development. They put a ghost plat to the west. It doesn't mean that the property is going to be developed. They had to show that to show how the roads would go. If this does not happen, then Outlot C, in the near term, it serves the purpose of being a buffer zone. There is a series of sidewalks on the west side of Able and Taylor. There is also one on 193rd Lane. There is also a trail on the City property on the north side of the development. A lighting plan will be forthcoming. That is the first map Winter wanted to show the Commission.

The second map is the plat over layed on what exists today. You can get an idea

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of where we are. This is the City's water tower. This is County Road 22 and wetland area. These are the houses that will be coming out.

The next thing is the tree inventory and removal plan. The developer has indicated they will try to preserve as many trees as possible. There are some trees coming out on the north side of the property. There will be five trees coming out. Per City Code, there is a process that a developer has to follow preserving trees and drip line. They will have to follow that as part of the developer's agreement.

The next two maps that Winter showed were the grading drainage and erosion control maps. These indicate where things are going to drain to and show the silt fence. This shows the building pads and elevations. There are three types of plans. There are walkouts, split levels and ramblers.

Again you can see where the trees are, they are trying to preserve as much as they can. A portion of the pond will be filled in and used for development.

They are going to be putting in a berm along County Road 22. Per our landscaping requirements, two trees will be planted in the front yards of every built home.

Winter also showed a couple of slides that indicate the types of houses that could be built here.

The Planning Commission had talked about the custom homes, with the building plans and the elevations. There will be a way to do architectural features. Staff stated that the job of the Planning Commission is to approve the preliminary plat, and not legislate housing types. There are developer representatives here also.

That concluded staff's presentation.

Mundle motioned to open the public hearing at 7:20 p.m. Terry seconded; all in favor, motion carries unanimously.

Please keep the speaking to 2-3 minutes.

Balfany stated we did receive a letter and will be read for public record. The letter was from Mike and Doreen Murray at 19523 Jackson Street NE. Tree Protection on Property Line – We have existing oak trees on our property line which we want protected and not disturbed during construction on the north lot line of the development. Install tree protection zone (TPZ) highly visible fence around Oaks 24 and Oak 20-2 before construction/grading begins. Figure 1 shows Oak 20-2 directly west of proposed Able Street dead end with branches clearly over the property line. Need more clarification on four Oak 10 trees close to or on our property line Figure 2. Please see Table 2 Mature Tree Protection Zone Guidelines on page 3 of the Construction and Tree Protection publication by NC State University Cooperative Extension bulletin. We are requesting the "Best Protection" zone radius guideline.

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Construction Hours – What are the hours of work and what days for construction?

Dust Control – What type of dust control practices will be used to reduce or prevent the surface and air transport of dust during construction?

Drainage – Would like more clarification regarding site runoff from adjoining lots and where the water runs into.

Minimize impact of development to our property – Development property line is about 30 feet from our dwelling. Past discussions with prior city council considered planting trees on the property line to minimize impact to our privacy. Asking developer to plant trees on property line from NW corner stake (next to our house) to proposed Able Street dead end.

Outlot next to our property – Is the Outlot next to our property designated to be subdivided into lots and blocks at a later date, or is the land to be use for a specific purpose as designated in an agreement between the City and the developer. Will there be any future assessments for any water or sewer charges for the stub up to our property line at the end of Able Street? We do not intend to hook up or use either service. We feel with this proposed 60 lot development right next to our 10 acres will negatively impact the value of our property and the ability to sell it to a private party.

Mike & Doreen Murray – 19523 Jackson Street. We are on the northwest corner of Outlot C. Lot 15. The trees that we are concerned with are the four oak trees. We believe that they are on the property line. We didn't know whether there was some County or City ordinance for that type of situation. We want to preserve the trees. According to the visual of the trees, if you tamper with any one, you will kill all four of them. If they are tampered with, limbs, etc, the trees will die within a short period of time. How does the Planning Commission take that into consideration? What do you do?

Winter said that while you have to look at the concerns of the neighbors, the Developer will be required to follow the City's tree preservation plan policy. The developer has indicated that he wants to take out a minimal amount of trees. The Murray's have talked with her. There are two trees that are further to the south. The concerns they have are for two trees that they might take down. They will take down a 10-inch, 18-inch oak and a 20-inch oak. Murray's asked for clarification on the trees. Winter said the tree inventory shows the plan. James or Jason have you marked the trees? They responded no. Murray said you mentioned the City Forester. They have to follow the subdivision in relation to tree preservation plans, so they are not impacting drip lines. Doreen gave a document for North Carolina. Winter indicated to her that we have a part of the ordinance that addresses this. Murray asked if the Planning Commission got a copy of that. Winter said no. She said we could go out and indicate which ones are coming out. She has had extensive conversations with the developer. They want to preserve as many trees as possible. Murray asked if the construction hours have determined. Winter said that is not determined by the Planning Commission. There is work that was done on County Road 22 all summer long.

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Contractors will work when they can. Holmes said some cities have it from 7 a.m. – 5:30 p.m. Most construction companies go by that. Murray said he has been around since the conception of this whole parcel. We have had to deal with construction on Saturday's and Sunday's. He works at night. They should take that into consideration. If they have to work extra during the week to prevent it on weekends. Everyone needs to understand when you are living next to this for five or six years, you get construction fatigue.

Other than the trees to fill in the area to separate the development from our property. We have talked with Colleen about that. A barrier to fill in the voids, to dampen the sound or visual. Winter said one of the things that has changed, a portion of Outlot C is part of the buffer.

Paul Cole – All questions have been answered.

Hollister Struck, 8512 197th Avenue East Bethel. We purchased our property a little over two years. We moved out here to get away from this kind of development. Coming from a town house, is why we bought a six-acre hobby farm. The road traffic that will be increased on our roads. Heavy equipment, road damage who pays for that. During restricted road travel, which was not supposed to be used. There is basically wetland and wildlife that basically their territories will be moved. Let's move it and replace it, doesn't sound like a sound decision. He doesn't share as close proximity. We haven't had to deal with the construction. We didn't know there would be a water tower in our back yard.

Holmes motioned to close the public hearing. Mundle seconded; all in favor, motion carries. Public hearing closed at 7:35 p.m.

Terry said he wanted to address what Winter said we aren't here to legislate what the houses will look like. Letter D specifically addresses that. Winter said she shouldn't have said it like that. What she meant to say is there are only certain types of houses that could be put in this development. The selling point of this is we want to have uniform architectural standards. The way you preserve architecture is through different color schemes, facades and windows. This development will be designed to have only a certain number of building plans. Versus someone coming in here and putting up an Aframe or some other housing that does not conform to the development. The building design is not different, through color and architecture they look different.

Jason Rud, Ham Lake 15644 Wake Street. Long time Anoka County Resident, is the surveyor and developer representative for the project. It has been nice to work with Colleen and Jack. The developer, Don Shaw is in Louisiana, but there is a representative from Shaw here this evening. He stated he wanted to address some of the neighbors concerns.

The Murray's to the north. He does have an exhibit that shows some trees may be removed. We are showing a building pad that will be created. There is no guarantee that the four trees as shown will be removed, it will depend on the type of house that will be built. A builder may come in with a footprint where the trees could be saved. We are probably being conservative in showing they will

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be removed. Construction hours, we are fortunate that Shaw trucking is in the dirt business. There hours in general would be probably 7:00 a.m. – 6:00 p.m. They don't have plans on working over the weekends.

Rud stated to address Hollister Struck's concerns. He understands that change is hard. He respects that, but our density is less than the approved density. We are less dense that could be done. On the wetland piece of it, the alignment for Taylor Street has been predetermined with the City's water tower. The fact that we are not going to make this connection at this time, it will reduce the amount of wetlands we need to fill. A side from that, we are not filling any wetland. The pond is not an environmental wetland. It was a big hole that was dug to fill in the area on Hwy 65 and Viking Boulevard. There is one more wetland that will be added on northwest corner of the site. It is Outlot C. It will be added to the Plat.

Rud said Don does want to have a nice looking neighborhood. His plan is to limit the number of builders to a couple. He wants similar brick and colors.

Terry said the consistency you have presented is just standard fair of what is out there. It is going to be standard there won't be variation, as if you were having custom built homes. It is a standard that doesn't impress. Balfany said the plans shown were for example. Winter said the Planning Commission does have to decide if you want a standard. You want to have integrity in the neighborhood. If you open it up you might have things that don't fit. What will sell right now? You have to look at the market. Holmes said everyone he talked to absolutely hates the houses south of Blaine High School. All the houses are flipped or flopped. It looks ugly. He is in a development. It looks like pretty much every other house in the neighborhood. But it shows individualism. It is not just a copycat. We have two plans to offer. If we want to put in three or four shopping centers, they shouldn't be the same.

Rud said he doesn't have committed builders. The initial builder gave us five plans. He cannot predict the future. They want variety in the process. This is an entry-level development. Don has a goal to have a nice looking neighborhood. Holmes said you can have a lot of low budget housing, but there are still 200 house plans. But to have two house plans and just flip-flop them.

Tom Kane, Shaw Trucking indicated that Don doesn't want a cookie cutter development. Kane gave the example of where he lives. He said he lives in a Planned Unit, where there were four builders in there. They have four plans, and they couldn't be in eye site of the same house.

Ronning said we are here to gather information, and recommend to Council. Rud said we have four sample homes from a builder. We are all on the same page. Holmes said we are all talking about the same thing.

Mundle wanted to know if there would be covenants. Rud said yes. Kane said yes. Winter said the covenants would not come before the Planning Commission, I take that back you will see them as part of the final plat.

Terry said the cul-de-sac versus the through street on Taylor. You said it follows

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what was laid down for an easement. Winter said that is where the location of Taylor Street needs to go due to the existing sewer and water. What they are mitigating is very minimal. Rud said the sanitary sewer follows the centerline on that area. We are following the path that is there. Terry said the larger concern is to not connect Taylor Street. He is concerned about another exit on Taylor Street. He doesn't want the residents to have one exit point. Even if it had a locked gate. Winter said the engineer is looking at that, but out of respect for the folks that are to the north, we would have to significantly improve the existing Taylor Street and that would mean significant assessments to the folks that live there now.

Lynn Harlen 19644 Taylor Street. Resident said it was 26 years ago when they bought their lot. It is a 2 ½ acre lot. When did the City change the size of the lots? We live on the dead end. We have raised our family here. It makes her sad to see the change. It was all suppose to stay rural. This was a rural community. We have seen fields taken over by houses. We have seen a water tower. We have seen traffic where kids can't ride their bikes out on streets. All she can do is feel sorry for the young couples who just bought. All she can do is hope that, with the construction it might bring our property value up so we leave East Bethel.

Winter addressed the concerns about density. In 2008, the Comprehensive Plan was revised so that rural subdivisions became more restrictive and more rural, going from one lot per 2 ½ acres to 1 lot per 10 acres. This development is served by City services, and is not rural, but rather meets the requirements for an urban subdivision. Even before 2008, this area was planned for high-density development.

Bonin said before the theater came in, there was talk of City services. If you people have never heard it. This is not new. It has been in the work for many, many years. If you didn't know, you weren't paying attention.

Resident spoke up saying it is not a matter of not paying attention. It is not a matter of us not paying attention it is us expressing our concerns.

Balfany said again, we need people coming up to the podium, otherwise people can't hear that are at home watching. For purposes of moving along we can't have the back and forth.

Winter said there are again certain sections that are zoned for high density as defined by the Hwy 65 corridor, and a mile to two miles on either side of that. All of the development that is going to take place is developer driven. It will be in an area that is designated for this type of development. If you live outside of the corridor, it has become more rural from 2.5 acres to now 1 home per ten acres. We are unique that we do have an area that is zoned for high density, and outside of that we are maintaining the rural character.

Holmes said he appreciates the Taylor Street deal. You have to consider that the house is burning by connecting this road from the south. We are talking about safety. We have to look at safety for all the residents. He would like to see it go

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through. For safety wise he thinks it should go through. Terry said install a locked gate so it wouldn't impact the traffic. Bonin said there are other places that roads go from black top to dirt. Winter said if it were a through street, she would be more concerned. The ones on the gravel road would have intensified traffic. Our city engineer has looked at it. At this time staff is not in favor of it being a through street.

Eric Durby -19546 Taylor Street. People are coming through, City trucks, coming down 40 –50 mph. They are hauling big time. The tandem trucks are driving very fast. Fast enough that he won't let his dog or any kids playing out there. Twenty-six years the development has been here and they are coming down there way more often then when we moved in. Now all he see is headlights and taillights, and he use to see deer and woods. What are the plans with the road?

Winter said Planning Commission would make recommendation with regards to the preliminary plat.

Bonin said what about the northeast end that goes across the wetland. The pond in the middle. The east north part that isn't on the road. Will that be accessible to anyone? Rud said there is a bituminous path that will go around the pond. That will connect north of Lot 1 on Able and will connect to Taylor. Those lot lines that extend all the way through the pond. The ponds will be covered by drainage and utility easements.

Holmes said Block 2 north 15, when you put that cul-de-sac in it will cut down lot 15 and 14. Rud said we do show where the temporary cul-de-sac will be at. We do take that into consideration on when it would be put through. The cul-de-sac would be removed once the road becomes a through street. Holmes said the house will have to be set back then. Mundle asked if the house on Lot 15 would have to comply with the setback from the temporary cul-de-sac. The request by the City Engineer is to have it offset to the west. Holmes said once the cul-de-sac is done, it would look like the houses are set back too far. Terry said it would add some novelty. Bonin asked if you could increase the size of the lots. Winter said they have increased the size of the lot. Holmes said Block 3, Lot 11 and 12. 12 is 8,000 square feet. 11 is 11,000 square feet. He is not telling you have to do this, you should move the west side of 12 over a little bit. It is small compared to the other lots. We have the double frontage on lot 11 and we have to try to adhere to the requirements. It is tight. Holmes said he was doing some calculations about the house and out buildings. It is possible, with regards to 12, you could go down to 720 square feet. If you put in a rambler then you have to keep at 1,000 square foot. Then if you want to put up an accessory building, you are getting close to a 50% size of the lot. Holmes said the pond, is there anything towards fencing around the large pond. Mundle said for permanent. Holmes said there would be kids. Mundle said wouldn't that be the individual homes. Rud said there would be a 4/1 safety bench. There is a plateau off the edge. Winter said she doesn't think we can require fencing. In some respects that might be more tempting. Holmes said in his back yard it is 4 –5 feet deep and mucky. He was just wondering if they were considering it. Winter said that is something that is being taken a look at in the internal review.

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Holmes said there is tree removal plan, why would you want to remove those trees, like on 4.

Balfany said we would be seeing a lot of this. It will be at the January meeting.

Winter said you need to make a recommendation to Council. Balfany said we don't need to be on every tree and line.

Mundle said there are several trees that have a W with a circle. Is that a monitor for the existing City well that is there. Rud said yes, that is what it is. Mundle asked if that is something that would be left on the property. Rud said he doesn't know how long Craig will need them there.

Balfany to recommend approval of the preliminary plat. Holmes seconded; all in favor; motion carries (Terry opposed based on residents concerns.)

Go before the Council on December 4, 2013.

Public Hearing - Request by owner/applicant, Joseph and Jane Morgan, to obtain a Variance for side yard setbacks. The Zoning Classification is R1 – Single Family Residential in the Shoreland Overlay District, 3710 Edmar Lane NE, PID No. 353323210012

Variance request from side yard setbacks for construction of new home and new septic system.

Requested Action:
Make recommendation to City Council for a Variance to Joseph and Jane Morgan from side yard setbacks on both the west and east side of their properties for the construction of a new home and septic system.

Background Information:
Property Owner/Applicant: Property Location:
Joseph and Jane Morgan 3710 Edmar Lane
3710 Edmar Lane PIN 35-33-23-21-0012
East Bethel, MN 55092 Lot 12, Block 1, Edwards Beach

The applicants, Joseph and Jane Morgan are requesting two different variances (both side yard setbacks) to construct a new home and septic system on their property. Mr. and Mrs. Morgan purchased the above reference property and torn down an old cabin on the property. They now wish to construct a new home and install a new septic system that will replace a non-compliant system. Because this property is located in the Shoreland Management District, they are required to have the house constructed 75 feet from the ordinary high water mark on Coon Lake.

They are also required to have the house setback a minimum of 20 feet from the septic system. However in this case, the garage is located on the front of the house, and that portion of the structure is allowed to be located 10 feet from the septic system. In addition, the City requires that a proposed septic system be setback from the front property line a minimum of 10 feet. Mr. and Mrs. Morgan are complying with all of those setbacks. However, due to the need to meet those standards, they need to request variance on both sides of the property.

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Normal side yard setback requirements are 10 feet and the Morgans' home will be located 5 feet from the west property line, and the proposed edge of the drain field will be located 8 feet from the east property line. This lot is very narrow and long, and due to the unique geography and the location of where the septic needs to be put on the property because of the design, there is no other appropriate location on the lot for the septic, so therefore the following are the variance requests:
- 5 foot variance from the normal side yard setback of 10 feet on the west side of the property for construction of a home
- 2 foot variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a drain field.

a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent or the ordinance. "Undue hardship" as used in conjunction with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Recommendation(s):
Staff recommends that the Planning Commission approve Mr. and Mrs. Morgan's variance requests as outlined above.

Two areas they will need variances are:
- 5-foot variance from the normal side yard setback of 10 feet on the west side of the property for construction of a home.
- 2-foot variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a drain field.

Winter provided pictures on where the old home was. This is where they are proposing to put the new structure. Edmar Lane is out here. You can see where the fence line is. That indicates where the retaining wall starts. The other set back she wanted to show, is where the five feet is. This picture is a little deceiving. This is what they are proposing at this time. This meets the requirements as far as a variance goes. Due to the need to meet the other standards on the lot. They need a variance on both sides of the property. The biggest thing is this is where their drainfield has to go. This isn't a design for a large structure. It will be a garage out front and a two-bedroom home. Knowing that the drain field is here and the well is here. They do meet the requirements of a variance.

They are improving this property. It is going to be an improvement in the neighborhood.

Two areas they will need variances are:

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- 5-foot variance from the normal side yard setback of 10 feet on the west side of the property for construction of a home.
- 2-foot variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a septic system.

There are homes that are located that close to their neighbors property.

Mundle motioned to open the public hearing at 8:25 p.m. Terry seconded; all in favor motion carries unanimously.

Resident at 3724 Edmar. Lot 11 has no house on it. Is it going to line up? That is my garage in the picture. It was an old crappy cabin there and now it looks pretty good. So will the setback from the lake be aligned with the rest of the houses. You want to have a consistent set back. It is a weird neighborhood. It is famine one day and feast the next. Winter stated that Morgans lakeside setback will line up with the neighbors property. They have to be set back based on the minimum. The resident at 3724 stated he is in favor of the variances.
Resident said the lot next to them is empty. They had to put in a septic system in on their side. They have two lots.
3700 and 3704 are the same owner, per Cornicelli. Winter said yes.

Mundle motioned to close the public hearing. Terry seconded; all in favor, motion carries unanimously at 8:28 p.m.

Holmes said the house size is 1500 square feet the garage size is 2 feet smaller. If you put on a house that is 720 square feet is there room without a variance. Winter said the lowest floor elevation required them to have a slab on grade. Holmes said this is what they want. If it is two-story, can be 720 square feet which is half of this house. This would push the house and garage back. Cornicelli said no, it would be 24 feet wide. Holmes said the house would be smaller. Cornicelli said it is the garage. Holmes said it would have to be a 2 story, you could cut the house in ½ and move it to the east. Terry said bear in mind this is a retirement home. Holmes said he realizes that. We are giving a variance for something that we don't have to give it for. If they bought the property without looking into. The State of Minnesota said they don't want to have variances anymore. Do we need the variances? Bonin said how many of the properties have less than the required set back. Winter said she doesn't have that information available, but is confident that several homes in this area are closer than the required setbacks. Balfany said a large number are sitting with needing a variance. Resident said two stories would be out of place in that area. All the other houses are single level. Holmes said we are creating a variance based on what they want. Winter said we are not making an exception for this property. The other thing is you know, undue hardship. Is it practical? The uniqueness of the property not created by the owner. Keeping with the character. From those two standpoints, it could be approved. Holmes said the house could be 26 feet wide versus 30 feet wide that would help. It is hardship. He doesn't believe it is a hardship. He just is throwing it out there.

Bonin wanted to know if it is one level house. Resident said we are moving from the south side of the lot to north side of the lake. It is our retirement home. We

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found this spot, smaller place on the lake. We aren't being pushy. He doesn't see anything wrong with it. This is what we are proposing. My wife has an idea in her head. This is her dream home. As far as a slab home, he doesn't know what is going to happen there. He is looking at a chalet type home. So we can see the lake. Right now he has a 360 angle of the lake.

Cornicelli said even if you force a two story, they will still need a variance. You will need a variance either way, and then you have to cut down to 26. Holmes said we are still going to need the variance. Cornicelli said we don't want a stacked box.

Plaisance said it has been covered. In the discussions the important point is we would be changing the character of the neighborhood if we went to a two-story house.

Plaisance motioned to recommend approval to the City Council Mr. and Mrs. Morgan's variance requests as outlined above.

Two areas they will need variances are:
- 5-foot variance from the normal side yard setback of 10 feet on the west side of the property for construction of a home.
- 2-foot variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a drain field.

Holmes seconded; all in favor, motion carries unanimously.

Winter stated it will go before the City Council on December 4, 2013.

Public Hearing - Request by owner /applicant, Bruce and Sharon Johnson, d/b/a Minnesota Fresh Farm, to obtain an Interim Use Permit to operate Agri-tourism activities including but not limited to, Pumpkin Patch, Corn Maze, and U Pick Berries. The location being 20241 Hwy 65 NE, East Bethel, MN 55011, PIN 203323130001 and 203323140001. The Zoning Classification is

Winter explained that the next agenda item is very unique. The Johnsons are in an area that is zoned R2, and Ms. Johnson came and saw me (Winter) in April 2013 about starting an agri-tourism business. Ms. Johnson also appeared at a town hall meeting and now at the Planning Commission meeting . The type of business that the Johnson's are interested in, does not fit with a home occupation, and the area where they are located does not fit an R2 zoning, this area should not be designated that way. So after speaking with the Johnson's, staff felt that an Interim Use Permit process would be the best solution and meet their business needs.

Consider Granting an Interim Use Permit (IUP) to Bruce and Sharon Johnson, d/b/a Minnesota Fresh Farm to operate an Agri-tourism business that includes pumpkin patch, corn maze, and u pick berries.

Background Information:
Property Owner/Applicant: Property Location:
Bruce and Sharon Johnson 20241 Highway 65 NE
20241 Highway 65 NE PIN 20-33-23-130001
East Bethel, MN 55005-9772 PIN 20-33-23-140001

The applicants, Bruce and Sharon Johnson owners of Minnesota Fresh Farm would like to open up an agri-tourism business on their family farm. Plans in

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Single Family and Townhouse (R-2) District.

2014 include U-pick strawberries and raspberries, a Pumpkin Patch, a child's Corn Maze, and other family activities. Long-term plans include renting out space for weddings, renovation of an existing barn to accommodate a small retail area, cooking and food preparation classes.

The Zoning designation on the Johnson property is R2 (single and two family zoning). While Public Recreation is listed as a permitted use in the R2 zoning district, Private Recreation is not. The existing zoning classification on the Johnson property does not make sense given that the primary use of the property has been agriculture and that it is in an area that is also designated as a Significant Natural Environment Overlay district. The type of use that the Johnsons' are proposing for this property is much better suited for the type of property that it is rather than higher density residential. There are other areas along the Highway 65 corridor that are much better suited for residential development now and long term.

The property that is immediately north of Johnson's and the property to the south of Johnson's that abuts Highway 65 is zoned B-2 (Highway Commercial) which makes sense given their location in the corridor. Johnsons' property should also have that same or similar zoning designation. In order to meet Johnsons'short-term needs an Interim Use Permit would be appropriate.

Winter provided a picture of their property. They have the fortune or unfortune of being affected by the construction on Hwy 65. There is the Frisbee disk golf course that is to the east of here and the Sportsman Club. What they are proposing to do, the Johnson's have a comprehensive plan. They do have a driveway that comes in off of Hwy 65. MnDOT won't allow them to use that for access. There are three proposed entrance points off of Klondike. The front part would be the pumpkin patch. Mundle said because it is right off of Hwy 65 is there a required entrance set back. Winter said it isn't an improved road, and it is an existing lot. Right now these are existing entrances off of Klondike.

Holmes said access to any local City street requires the approval of the City Building Department. All access would have to be accepted by the Building Department.

This is a picture of the second driveway. This areawould be assigned for parking purposes. This is where the pumpkin patch would be. This would be one of the field that would be for the u-pick berries. This is just another field for u-pick berries. Their situation is a little bit unique. She has walked the property as well. She would suggest recommend approval to the City Council that an IUP be granted to the Johnsons for the operation of an Agri-tourism business subject to the following conditions:
1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide access and parking from the second driveway entrance off of Klondike Ave NE.
3. That all parking shall be located on site and not on Klondike Avenue
4. Hours of Operations:
a. Friday 11 am – 7 pm

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b. Saturday 9 am – 5 pm
c. Sunday 9 am – 5 pm
5. Property owner shall obtain appropriate permits for signage as outlined in the Sign Ordinance Section 54-8 Central Business District.
6. Property owner shall obtain all appropriate building permits and comply with applicable building and fire code requirements.
7. Interim Use Permit shall be granted for a period of 2 years, beginning on the date the IUP is approved by City Council.
8. Permit shall expire when:
a. The property is sold, or
b. Non-compliance of IUP conditions
9. Property will be inspected and evaluated annually by City staff.

Further City Staff will work with the Johnson's to expedite the rezoning of their property to a zoning designation that is more appropriate to their proposed use and to the overall area as it relates to the Highway 65 corridor.

Bonin wanted to know if they are going to have strawberries. Two years sounds like a short amount of time. Winter said if we could open the public hearing.

Plaisance motioned to open the public hearing at 8:50 p.m. Terry seconded; all in favor, motion carries unanimously.

Couple letters that were submitted that need to be read.

Irene Stern's letter –
I am writing to express my support for Bruce and Sharon Johnson and their Interim Use Permit application. The Johnson family has lived across the highway from me for well over fifty years, working hard on their sod business and more recently as fruit and vegetable growers. Bruce and Sharon are providing a wonderful product to the community – fresh locally grown produce. The addition to family-friendly activities to our community, in my opinion, is always welcome. The Johnson's have my full support and I hope they have your support.

Kathleen Bell-Fiedelman letter –
I am a neighbor of Bruce and Sharon Johnson in East Bethel, Minnesota. I am very much in support of the Interim Use Permit to be granted to this applicant. Not only are they life-long friends but people that have been residents in East Bethel should be encouraging in our community to make it a better place. I am very excited for Bruce and Sharon to achieve their goals but also excited for this kind of farming in our community. It would be another option for not only good quality produce but great entertainment for my family. Please grant them this permit.

Gary and Kathy Stern letter –
We are neighbors of Bruce and Sharon Johnson in East Bethel, Minnesota. We are in support of the Interim Use Permit to be granted to this applicant.

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Neighbors in support Gary and Kathy Stern

Neighbor in support of IUP. Not only are they lifelong friends. Very excited for them to achieve their goal.

Express support for the IUP. The Johnson family has lived across the highway from me. Bruce and Sharon are providing a service. 20204 Hwy 65 NE, Cedar, MN 55011.

Sharon Johnson 20241 Hwy 65 – Thank you for your time and patience. Winter did a nice job of presenting.

Cornicelli asked about deer damage. Johnson said there are deer. We try to bait them as much as we can. We have dogs that come and visit and help us chase the deer. Nothing new.

Terry wanted to know why the hours are limited to weekends. Johnson said we do farmers markets during the week. We will have the farm stand open Fri-Sun. Terry said wouldn't be easier for us to have more hours, so you don't have to come back and ask them to expand. Johnson said just know we will probably only do Fri-Sun. Bonin said u pick strawberries every day when they are in season. You need to have more flexibility. Raspberries are a much longer season.

Mundle asked if the IUP addresses employees. Winter said she doesn't think it is a home occupation, you need to treat this as a business. Johnson said they would hire two part time employees to help out with the farm. They haven't done planning for all the other areas. It won't be a big thing for a couple years. Holmes wanted to know if they lived on the property.

Cornicelli thinks it is a great idea.

Holmes asked why don't we rezone it now. Winter said because it takes a bit of time to get it in place. We still have to work with Met Council on it. She does think this area will be justified in completing a zoning change. There are other parts of Klondike and Hwy 65 and do it all at once, versus piece meal. Mundle said if the zoning is changed, would they still need an IUP. Winter said no, they would just have to meet the underlying zoning requirements. She would like a little more time, this is an opportunity where we could be more creative. There may be an opportunity to look at this area for a recreation designation, because of the environmental overlay. Cornicelli said it could fit in with the Sportsman Club, Frisbee Disk.

Terry motioned to close the public hearing at 9:03. Cornicelli seconded; all in favor motion carries unanimously.

Terry motioned to approval to the City Council that an IUP be granted to the Johnsons for the operation of an Agri-tourism business subject to the following conditions:
1. An Interim Use Permit Agreement must be signed and executed by the

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property owner and the City.
2. Property owner shall provide access and parking from the second driveway entrance off of Klondike Ave NE.
3. That all parking shall be located on site and not on Klondike Avenue
4. Property owner shall obtain appropriate permits for signage as outlined in the Sign Ordinance Section 54-8 Central Business District.
5. Property owner shall obtain all appropriate building permits and comply with applicable building and fire code requirements.
6. Interim Use Permit shall be granted for a period of 2 years, beginning on the date the IUP is approved by City Council.
7. Permit shall expire when:
a. The property is sold, or
b. Non-compliance of IUP conditions
8. Property will be inspected and evaluated annually by City staff.

Further City Staff will work with the Johnson's to expedite the rezoning of their property to a zoning designation that is more appropriate to their proposed use and to the overall area as it relates to the Highway 65 corridor.

Seconded by Holmes. All in favor, motion carries unanimously.

Public Hearing - The hearing will be to consider several changes to the City Code, Appendix A, Section 14 – Accessory Structures.

This is nothing new and we have voted on this umpteen times.

Mundle motioned to open the public hearing at 9:04. Cornicelli seconded; all in favor, motion carries unanimously.

Cornicelli motioned to close the public hear at 9:05 p.m. Mundle seconded; all in favor, motion carries unanimously.

Will go before the Council on the 18th.

Approval of Meeting Minutes
- Aug. 27, 2013 – Regular Meeting
- Sept. 23, 2013 – Special Meeting
- Sept. 23, 2013 – Joint Meeting with EDA
- October 22, 2013 – Regular Meeting

There is a correction to number 7 on the agenda. We don't need to approve all of those meeting minutes.

The two in September have already been approved.

Balfany motioned to approve the August and October meeting minutes. Cornicelli seconded; motion carries unanimously.

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Council Report

Balfany said although appreciated, Tom you need to refrain from the interjections during our meetings. As a liaison you are reporting what we are doing here back to Council. Having an interjection does interfere with our meeting. Please address during the Council report.

Plaisance said could he address during an open forum. Balfany said yes.

Ronning said what I brought up is your job, so if you do your job, I will just sit in the corner.

Ronning said we had a guy from the Met Council that filled in a number of questions. We inherited it, they inherited it. We all have to work together to fix this thing. Hopefully we can get some sort of joint effort with the Met Council. Wednesday at the Council meeting, the main thing, we did a bonding issue to pay off one of 2010 bonds. The first year will be a five digit saving, the following years it will be a six digit savings, then we can entertain other ideas. We cannot use bond money pay them off. They are such tight constraints on them. The selling point is they had a rebate on the interest. With the sequestration they pulled back part of the rebate. If that goes away, we are stuck holding a bucket of money. That will save in excess of a million dollars. Which everything counts right now. We are still looking at the budget. Ronning is going to meet with Jack tomorrow. Your closed on Friday. Winter said correct. Ronning said there is an opportunity to find savings.

Holmes wanted to know how come the City of East Bethel didn't have the flag at half staff on Kennedy's 50th. Winter doesn't know and will look into it.

Adjournment

Plaisance made a motion to adjourn the meeting at 9:15 p.m. Holmes seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary

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