

## EAST BETHEL PLANNING COMMISSION MEETING

October 22, 2013

The East Bethel Planning Commission met on October 22, 2013 at 7:00 P.M for their regular meeting at City Hall.

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

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

**Call to Order                    Balfany called the meeting to order at 7:00 PM.**

**Adopt Agenda                    Holmes made a motion to adopt the October 22, 2013 Planning Commission agenda. Terry seconded all in favor, motion carries unanimously.**

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

Development – Zoning  
R1, R2 and CC

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, parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. Mr. Shaw is proposing to fill in a pond to create lots around it. This concept plan is a 62 Unit single family residential development, probably 4 units per acre. They are being marketed on a smaller building pad. They are proposing to have sidewalks along all of the roadways. They have also incorporated a trail around the pond and it also connects into the sidewalks. The outlots that he has along the other portion of the property, are not developable, but Outlot B is developable for Commercial development.

The entrance into this subdivision is Taylor Street and another street, which is possibly 193<sup>rd</sup> Lane. He doesn't own this property, so for the interim he is showing this exiting onto Jackson Street. Jackson Street is a north/south street. This is just a Concept Plan, but when we get to the platting process, they are on a fast track and would like to precede with the Preliminary Plat at next month's Planning Commission meeting and the Final Plat the meeting after that. As we get into the platting process the Anoka County Soil and Water Conservation District, Anoka County Highway Department, and other respective entities would be notified and have a certain amount of time to respond.

The purpose of bringing this before the Planning Commission tonight is to really get your input as far as how you feel about the Concept Plan. Are there any other amenities you would like to see Mr. Shaw include? And, then just moving forward so he can proceed with the next step, which is Preliminary Plat.”

Bonin, "So the manmade pond is not something that is a hindrance in any way?" Winter, "No. It was manmade and not designated as part of a wetland at all. It will probably be something that will be used as part of their surface and storm water management." Bonin, "Part of it? Or the main thing?" Winter, "If you note that above Outlot A, they might use this area as well. The permitting process has changed, so you will see a change in how surface and storm water is managed. You might see a series of smaller ponds that are minimum impact." Balfany, "Similar to what we seen in the Minimum Impact Design Standards (MIDS)?" Winter, "Yes, exactly." Cornicelli, "So, is the pond currently a retention pond for natural run-off or what is the use of it?" Winter, "At one time, they needed to mitigate wetlands where East Bethel Properties is, so they created this here." Bonin, "If it was mitigated, doesn't it have restrictions?" Winter, "Actually, the stuff that was mitigated was on Outlot A. This was just manmade and it doesn't show up on our wetland inventory at all."

Terry, "I don't understand how this development would fit the primary purpose of the Planned Unit Development as defined here. I don't see anything that would indicate a higher level of design and creativity, architectural control. They show a sample of a frontage where you have basically a garage with a house behind it, doesn't seem like an architecturally inspiring design. And, I don't see where this is landscaping, open space, public parks, and public and private open space protection. You are taking open space and cramming as many lots in to it as possible. How does that serve the purpose of the City in granting higher density for some trade-offs or benefits to the City?" Winter, "One of the things we did talk to the developer about, and the Road Commission did look at this, I don't know about the Park Commission is not very far from here there is already an existing park facility. And, there is also land that is owned by Anoka County. So, we didn't feel it was necessary to put a park in here." Terry, "I am not saying it is necessary to have a park. I am saying what does this have to do with a PUD? What public interest is it serving?"

Winter, "I think it is serving the marketplace as far as getting residential development to East Bethel. The other thing it is doing is it is, and the developer has indicated, there will be some design standards implemented with this particular development so that homes that go in here will have to have some architectural features to make them a little more unique than if you were in a traditional single family development. The other thing it does have with the sidewalk and the little bit of a path is you do have the ability to move around the whole neighborhood. You do have the water tower that is just to the north of it. So, that is an open space area as well and of course they don't own that, we do. They also have the pond in the middle, which is also a feature." Terry, "A pond they are going to be shrinking to put in more houses. Basically, what I am getting at is the benefit to the City is to get more housing. As though that is the goal, we have developed City Sewer and Water so we can cram houses in here to pay for it." Winter, "I don't know that is the only benefit. But, I think it does state in our Comp Plan that single family residential, we want to provide that to the City." Terry, "But this is granting an exemption to our zoning in order to pack things more tightly together. Usually there is a reason for doing that, creating open space, parks, creating something that would benefit the City. This is packing in

more housing for the sake of packing in more housing.”

Bonin, “That is what this whole area is designed for, denser housing.” Winter, “It does have a PUD Overlay on top of it, that has been there and that was part of the Comp Plan. So this area was already designated PUD Overlay District. I think yes, it is a higher density, no one could argue that. But this is an opportunity for the Planning Commission to be able to say in the Concept Plan stage if there are things you want to see the developer add that would make it more architecturally appealing, more of a cohesive design, this would be the time to do that. The developer has indicated that they have an interest in making sure there is integrity to the design and what they are preserving. They aren’t filling in the entire pond. There is an eight foot walking trail. If you are looking for something unique, this property is not overly unique. There isn’t a stand of oak trees, or something. It does fit the criteria of our Comp Plan and is part of the PUD Overlay District.”

Mundle, “Is the PUD Overlay package put together, any covenants available the yet?” Winter, “Not yet. I think this is the first shot you have. Our ordinances are very generic when it comes to the PUD’s. I think you have a chance to weigh in or direct staff to work with the developer on whatever you would like to see put in.” Bonin, “And those things would show next month or whenever they come back?” Winter, “Yes, they could come back at the Preliminary Plat with some renderings of the architectural standards of the homes. I can’t speak for the developer, but I think he would be willing to provide that. The folks he is working with are very familiar with PUDs. They have done them in several communities.” Cornicelli, “Are the MIDS standards going to be incorporated?” Winter, “Right now the MIDS standards are at the PCA for review. That is where it stands as far as the Ms4 permitting process. We are going to see where that goes. That is 1 inch surface run-off, no impact.”

Mundle, “You said there will be no park in here. What happens with the park fees?” Winter, “They will still get paid. Park Dedication fees you can do cash or land. In this case we felt with the other parks being so close in location that it made more sense to have them pay the cash. And, that is set aside to go towards improvements towards the parks.” Cornicelli, “How far is the closest park?” Winter, “A quarter mile.”

Balfany, “As far as the water feature goes, if there something that can happen to make sure it is well maintained? There is nothing worse than going to a development and setting them all overgrown and not being maintained.” Winter, “Depending on how they design it, whether or not they use it for the surface or storm water run-off, there are things that can be added to it so that it can be maintained. We do have landscape provisions when we get into the design of it. There are also buffer strips that are required around wetlands and water features.” Balfany, “Not that I want to compare this to Blaine. They have done a good job with their water features and I think most of them are stocked. That might help with design features.” Winter, “You also have the water feature to the east.”

Cornicelli, “Historical question for Eldon. Developments in the past, have the typically exempted the park open space? Or have they tried to incorporate them into almost all of them?” Holmes, “They have tried to incorporate them into

almost all of them that I know of.” Mundle, “It defers with every developer.” Winter, “We had this discussion at the staff level and right now we do have a vast inventory of parks. Some are used very regularly and some not at all. And, we felt it would be better due to the connections we have in this development to the walking and biking trail. Given that fact that there is a park so close by.” Terry, “Those connections, walking/bike paths service the residents that would be living in this development. But, it is nothing that any in the City would make use of unless they were visiting any of the 62 residents.” Balfany, “But, we are also talking about one of the first depending on how this develops down the road.” Terry, “Right.” Winter, “So depending on how this is staged say to the east. And, again, we would have to look at that wetland. There may be a way to connect that commercial development into this as well.” Balfany, “Or in the future, to the north. Might help set that standard.”

Holmes, “I would like to see how the pond is going to be re-landscaped. They just drew over it and this is not near the finished product. And the proposed cul-de-sac, why do we have that versus going all the way through to Taylor?” Winter, “We did talk about that at the staff level and with the developer. The issue we have is on the other side of Taylor it is gravel. And, it doesn’t have a large density of homes. And, the only way we would have to get that improved is with an assessment process with the people that live there. And, the feeling was that until that is developed more that should just end in a cul-de-sac versus being a through street just because of where it is. Do you want that many cars going up and down a gravel road? We felt it might be better if we brought them to Co. Road 22. I am sure the county will require a turn lane access on Co. Road 22 for this.”

Holmes, “The reason I asked is the fire department has to get to these houses and Co. Road 22 is busy and if they could get to these houses a back way and a fire truck doesn’t care whether it is gravel or asphalt. I think it would be advantageous for that to be run through there even if it is only for fire protection.” Winter, “We can have someone from that department look at this.” Terry, “Plus if there were ever some kind of blockage on Co. Road 22, some kind of disaster, that would be a problem that would be easily solved.” Mundle, “Doesn’t it also connect to Jackson here?” Bonin, “It isn’t the only place where we will have a surface road stopping and a gravel road continuing. So, it is not something unusual here, we have several places like that.” Terry, “Usually when you have a situation like this you want the developer to put in the road rather than wondering how it is going to get done later. It is an incentive for the developer to do so.”

Holmes, “Mr. Shaw, you have 62 lots, how many different style houses will you there be in there? Or will it be just two different foot plans?” Don Shaw, “What we plan is to put in two different style homes. Walkout basements towards the north because that is a little higher. Anything towards the pond, you will walk out and then it will drop down so there won’t be a definition difference. We will bring in a plan showing how the pond is finished off. As far as the houses we plan on two different styles, mostly split entry and then walk outs. We are going to have covenants on them as far as styles.” Holmes, “So, in other words you are going to have two different style homes and you can flip flop the rooms and that

is it.” Shaw, “Probably, I really am not sure. The builder has a few different layouts for the next meeting that he will have for us.” Mundle, “Who is the builder?” Shaw, “There will be a couple different ones. I haven’t chosen which one yet. But, the one that has been working with us is Mulder Contracting.”

Bonin, “You have two designs, a walk out and not a walk out and still have quite a few variations on the designs.” Shaw, “I would assume so. I do not want this to be a crackerjack place.” Holmes, “What I am trying to get at is what I would oppose. In Blaine over by Roosevelt School there is a development with only four floor plans and they just flip flop them. They all look the same and to me it is just sad. There is no ingenuity.” Mundle, “One of the things we can ask, or build into the covenants, is that no two house faces next to each other or across from each other look the same.” Balfany, “There are simple ways of changing house faces by extending out, or eyebrows.” Holmes, “I understand that, but is this going to be open to a customer comes in and says, “I saw a house over there and I want to put it on lot 6.” Shaw, “If it will fit on that spot, definitely.” Holmes, “Will it be a design build type if possible?” Shaw, “Right.” Balfany, “So, it sounds like it will allow for a custom home style.” Holmes, “I hope so.”

Balfany, “I don’t want to see the same house, crackerjack style either.” Holmes, “I know some people that live over in that other spot and they go to their neighbors and they know where everything is, because they have the house flip-flopped. How sad is that. You come to my house and no one has one like it and I think that adds to the beauty of the City actually.” Balfany, “So then it would be fair to say what we are looking for at the next meeting is to see a multitude of home styles that would be available and would fit and could possibly be part of the covenants.”

Mundle, “You would be just acting as the developer, not the builder?” What are your projected lot sales?” Shaw, “Yes, I will be the developer. That is unknown yet, \$40,000 to 80,000. Until I go in and negotiate with the builder, a lot of that determines the price of the lot.” Mundle, “Once you choose your builder it will be a closed development?” Shaw, “No, but, it will be limited. I want builders I trust. I don’t want just anyone out there pounding nails. I do have pride in development.” Winter, “The one thing that we indicated to Mr. Shaw that we would like to have is some sort of lighting.” Shaw, “I don’t think that would be a bad thing. For the walkways.” Winter, “And clustered mailboxes.” Shaw, “We have talked about these things and understand that this is a lot to throw at you at one time.” Mundle, “If everything was streamlined, when would you start development?” Shaw, “I would start as soon as we had a permit on the pond. By mid-summer houses would be going in next summer. That pond got way over-mined.” Bonin “How deep is it?” Shaw, “I think it is 32 feet.” Holmes, “Will there be fire hydrants in there?” Shaw, “I assume there has to be.” Mundle, “Have you figured out WAC and SAC fees?” Shaw, “No we haven’t talked about that.” Winter, “They will be what is set by Met Council and what we already have.” Balfany, “Around the pond, could there be park benches to stop and view.” Shaw, “Yes, and I talked to the City people when I sold that pond to the City to see if we could take some of that hill down, and it would be a flatter area for you to mow.”

Holmes, "The south berm, how high do you plan on putting that?" Shaw, "Six feet. It won't be flat, we will have curve in it." Holmes, "You want to put a berm in, not a fence?" Shaw, "I think noise wise for the people; it would be a lot better." Winter, "From a planning standpoint, we would rather see that." Shaw, "From where the Decker Lumber building was, it is all wetland there. But, our plan is to enhance that wetland area there. We are in conversations with the DNR to see what we can do to help that whole thing out."

Terry, "Looking at Section 2, Lots 6, 7 & 8 and Section 1, Lots 20, 21 & 22 where you have these pie shaped lots and then I look at number 14 where you have a house and garage in there for example, it seems that these would be better served by having two instead of three pie shaped lots." Shaw, "On the back side of those lots, it is all wetlands, so you can't put anything there." Terry, "Right, but you are cramming all those houses in there." Mundle, "If you were to cut the rear ends off, it wouldn't matter in the lot detail size." Plaisance, "I would be more concerned about the ones that are right along Co. Road 22. Because you have the berm there, then the sidewalk in front. It will be quite far in the future, but any developments to Co. Road 22, will that affect how close they are to the road?" Winter, "One thing about Co. Road 22 is the Right-of-Way that they have for the road. You are not right on the road; it is a little deceiving on the map because they are actually setback quite a ways from the centerline of Co. Road 22." Plaisance, "I did compare with the house that is already there on the corner of Jackson and Co. Road 22, putting that into those lots. I look at that and boy it is tight. That house doesn't seem that big to me when I look at it. Not an objection, just an observation."

Bonin, "I think in an area like this, what you are going to have is individual houses close together. This is the idea of this kind of development. And, to be concerned about what you have around them is sort of beside the point in this sort of development. You have some minimum that you are going to maintain, but, that is not the idea. This is a development that is single family residential, but not apartments. But, you can use the term, you can use the term, you are cramming them together because that is the idea of this particular area." Balfany, "I fully agree with you. And when you look at some of the developments in our neighboring cities, I will pick on Andover. When you drive down Crosstown right now, I have a feeling if I was driving down Viking versus Crosstown I will be looking at something similar, distance and space wise. This is what we are seeing today. This is the standard." Terry, "This is a very poor standard. Why do you want to bring a poor standard into this City if we weren't going there currently? It is only going there if that is where we want to go. Apparently, people have made themselves comfortable with that."

Shaw, "The worst of it is, that is what our new generation is. Our new generation doesn't want a yard to mow. They want a house and a small yard so they can go play. That is what we have found everywhere." Terry, "That is why Blaine is Blaine." Bonin, "We don't have to be Blaine. We can maintain some individuality and quality to it." Winter, "There are two distinct things that happened in East Bethel. We have the corridor and this is part of that corridor development just because of the location where it is located. And, you have the rural character of East Bethel that isn't going to change. You sort of have these

two co-existing realities that you have. The reality is we need to be looking at some urban density. It makes sense to put it here.” Balfany, “There is a generation that will fit this suit. They want to be right next to it all. And then there is the other buyer that wants the other lots and we have that too.” Winter, “There is a way that we can preserve as much as we can. This lot is not really uniquely distinct. But, the developer has indicated that they are willing to work with us. We could make it a connective neighborhood. They will have that connection as a neighborhood.”

Plaisance, “Assuming this was to go forward and assuming again that the corner of Highway 65 and Co. Road 22 gets developed and assuming it is retail. If Outlot A is wetland does that preclude any connection from that retail?” Winter, “We had talked about that. I think we can make a connection to that retail, but, that will be a conversation we will have not only with Mr. Shaw but also with the East Bethel Property owner’s when they get ready to develop. We have talked about that, it is wet, it will be a little bit of a challenge, but there may be an opportunity here.” Plaisance, “Great. I am thinking a trail or path. Obviously if there is going to be this type of housing there will be young children in this neighborhood and I certainly don’t want them walking along Co. Road 22 or the Highway to get to the shops.”

Zoning Text  
Amendment –  
Accessory Structure

Winter, “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. This made sense.

**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. To that end, Randy brought up a good point that we do allow a 120 foot garden shed and often times those are metal.

**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.

Mundle, “Was the Building Official asked about what he would like this to be? I would like to see his recommendation.” Holmes, “Look at State Building Code.”

**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. History of how this ordinance came to be.

Mundle, “Is that a comment section in the ordinance itself?” Cornicelli, “Do we do that with other ordinances?” Winter, “No we don’t.” Mundle, “How about as an alternative, the City Planner has their own book of ordinances that says why the commission made the changes. And if the question is asked, they can refer back to their book.” Cornicelli, “The information may be useful, but not in the ordinance.” Winter, “It is in the Municode when it is adopted.”

Balfany, “Starting back on 2A.” Terry, “I think we made the right call in trying to get the language consistent.” Cornicelli, “I agree.” Balfany, “I don’t see any reason to change it.” Holmes, “You might want to put it in, “Without prior approval of the Building Official.” Cornicelli, “But, it is already addressed in other areas.” Holmes, “I understand that. Just reaffirming.” Mundle, “To do it, wouldn’t they have to get a variance? So they would have to go before the Council anyway. That was the reasoning behind it.” Winter, “I think the reasoning was what if you have someone that wants to put up a pole building and they aren’t going to build a house there, it is just for hunting maybe. Then we get into they might not put in sewer and water and other considerations. But, some people are going to come in and request to put up a pole building on their 20 acres because they just want to have storage on it.” Terry, “It is good that they want to do that, but, by them needing a variance, it assures us that they aren’t doing something they shouldn’t be doing.”

Mundle, “In the areas this is addressed, is it addressing the same issue?” Winter, “We just don’t have the language “Prior approval of City Council”. We just say that the principal structure has to be built.” Plaisance, “So the question being, is there another section that says that the primary structure has to be built first why even have this in here at all?” Winter, “That was kind of where we were going with it.” Plaisance, “Because to me the only reason to have it in here is with the exception of needing the approval of City Council. Why not strike it out if this is in another section, in building accessory structures, if you have to build first, then it becomes a moot point.”

Mundle, "Do those other sections include accessory structures?" Winter, "R1, R2, they all include setbacks as far as accessory structures go. I am also looking up the other section." Terry, "The reason why it is good to have it in this accessory structure section is because if someone is just interested in that, they might not go to the other areas." Mundle, "It may be redundant, but if someone just looks at this section then they will have this included." Holmes, "But if someone gets a permit, then someone at City Hall is issuing a permit, they should know. I like it in there also." Plaisance, "It is fine with me if we leave it there." Winter, "Without Prior Approval of City Council, you want to leave it?" Mundle, "Unless there is a pressing issue to change it, why change it?" Holmes, "If I look at this and see, "Without prior approval of City Council", that means something to me. It means that I can't just go do whatever I want to do. It is telling that person that there is something else that has to happen."

Plaisance, "Would that bypass the need to get a variance if City Council approved it?" Winter, "Yes, it would." Plaisance, "Council then gives them the approval?" Mundle, "It would have to go through us first and then the Council." Winter, "We would still have to follow the same procedure." Holmes, "But this is telling that person that, you can't just go build it." Mundle, "But, it isn't an absolute no." Plaisance, "I was looking at processes, are we going to have to look at reasons why we are making this variance? As opposed to City Council saying oh yeah, go ahead." Mundle, "It could be a simple situation that they need to build a pole barn before they build their house so that they can build parts of their house in their pole barn. Have to get building permit issued first and allow you to build structure first before house." Bonin, "Sounds like if you want to build a structure for hunting then you are precluding that." Mundle, "I am just using that as an example."

Balfany, "Sounds like there is no opposition to putting it back in." Terry, "If someone has 20 acres and they want to put a storage building only, isn't that their principal structure?" Mundle, "Are you asking what a principal structure is defined as?" Terry, "Is that defined as meaning a home? Because if that is all they are using their property for, why isn't that their principal structure?" Winter, "The definition we have is: The main use or principal land in which the property is conducted." Terry, "You could change it to principal residence."

Balfany, "Moving on to 2J Fish Houses." Winter, "You could strike that." Mundle, "Should they be addressed as far as quantity of?" Winter, "We do have a nuisance ordinance that addresses how many vehicles you can have." Balfany, "For me it is hard because some are on trailers, some aren't. Most people I know, once the ice is out and it is back on your property, it is being treated like a shed." Bonin, "I don't know if it makes any difference if it is on wheels or skids or whatever. It is still a shed that is going to be on your property depending on what we decide." Holmes, "It is a temporary structure." Cornicelli, "What if you put it in your garage?" Plaisance, "There is already a code on fish houses and how many you can have on a lot; we have it in our packet. It was (I) and this new one would be (J). You could remove the calculation and allow no more than one." Winter, "Then it needs to be removed from the accessory structures and included in another part of our ordinance. If we are just talking about how many you want

on your lot. I agree it shouldn't be counted against your accessory structures. We can still regulate fish houses. We will just move them to a different section. Otherwise, where do you draw the line?" Holmes, "We do have something in the ordinance about a temporary structure, correct?" Mundle, "Think it should be included somewhere, limited to a certain amount." Winter, "Temporary Structures definition includes ice fishing shanties and I will work it in there."

Balfany, "The next item, 2.E - 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." Plaisance, "This is the one I have a problem with." Mundle, "Why don't you address it as anything over 121 square feet because that would eliminate your garden shed issues?" Plaisance, "Not necessarily. So when someone builds on one acre or less, 580 square foot pole building, that has to be permitted; if you were to put any siding on it to match the housing that would come under the E section, contained exterior siding. You are also talking about these other structures." Mundle, "Are you talking about any structure under 120?" Plaisance, "I am talking about any structure under 3 acres that we are saying you can build." Cornicelli, "Am I missing something?" Winter, "Maybe we need to say if it is less than three acres it shouldn't be a pole barn."

Tom Ronning, "Lorraine and Glenn, bear in mind a dog house is an accessory structure. If you make things too tight, think about what you are considering." Winter, "That was the discussion we had at Council. Trying to make sure we had the flexibility but maintaining the flexibility." Bonin, "We have an ordinance that says what percentage of a structure can cover your property. Maybe we should just do this by making the ordinance a percentage of coverage of the structure, whether it is permanent, an accessory structure, garden shed, can't put more than so much over the property and leave it up to them." Holmes, "If you have less than 3 acres there is no way you can put up a pole building. That is why it is in there at 3 acres. You are not going to build a pole barn that is 10 x 20. It is 25% of the lot isn't it?" Winter, "Maximum coverage is 50%." Winter, "The way our ordinance reads is you can have an accessory structure based on your acreage and in addition you are allowed one 120 square foot shed."

Plaisance, "I never had a problem with the 120 square feet. When you say 'any exterior structure that contains siding,' that includes every single building there is." Cornicelli, "I agree, that is not the intent." Holmes, "When we went through this a few years back, the theory was if the building was the same face of the structure of the house, it could be beside or in front of the house. If it was pole type then it had to be behind the house. But then you get into pitch and roof." Cornicelli, "You could almost say contains metal exterior siding." Winter, "Maybe we just need a definition of Pole-type and I can include that and it will resolve that issue."

Winter, "Next we have the stairs and the Council just wanted Planning Commission to consider including language that states stairs should be located in a side or rear yard." Planning Commission consensus was that they are in agreement with this.

Winter, "There was a discussion regarding the wall height. I will refer back to the

code and check with the Building Official and get their comments on this.” Holmes, “Can we get back to the stairs? Stairs on the outside versus stairs on the inside. Outside you can get larger items in to the upstairs, inside you probably can’t. When they start building the structure they are going to have to have a load rating on the trusses. No one ever does that. So that is why the outside stairway was taken off.” Cornicelli, “The person that was here last time, when they asked for it they did have the load rating on the trusses.”

Holmes, “I am just saying in general, they are going to say, “I am going to build this and I am going to put some outside stairs on there and I am going to just buy some trusses. And, most of them won’t know what the load rating on those trusses is and now the City has a problem.” Winter, “One thing we can do to eliminate some of that is we can add this to the Goldenrod brochure that everyone gets. They couldn’t get a permit unless they did it after the fact. And, maybe it will be one of the questions we ask. We are going to give them flexibility on the roof style.” Bonin, “We have a neighbor who has built a garage and the roof of the garage is higher than the house. And it looks terrible. That should be addressed. If it is behind the house, then that is one thing.”

Holmes, “Obviously this is all being changed around, and if we make these changes and the City approves them. And, this person continues. And, the permit was taken out with the old plans, it can’t be done. The old permit has to expire and a new permit has to be issued, according to the State of Minnesota. You have to go according to the permit that you got at first.” Winter, “We have talked to the City Attorney to find out the order and we will verify that.” Ronning, “I don’t know about the law but how many homes have you seen changed after the permit is issued?” Mundle, “Not too many after the permit is issued. Not that are changes to what is allowed.” Holmes, “You have to go according to the ordinance at that time.” Winter, “We will go over what we are doing to make sure it is correct.”

Mundle, “I think the sidewall heights should be left as they are. The 10 foot height on the smaller lots is there for a reason. The property values could be affected if we change these and you are affecting your neighbor’s property. If someone builds a larger structure right in front of their neighbor’s window, it affects their value. Such as the lots we looked at tonight. The same principal applies.” Winter, “The reasoning behind this was looking at the underlying zoning district where we have Rural Residential that is denser. In R2 I understand what you are saying and we may want to take that out of there. You do have some zoned R1 that you might want to look at. We need to look at the acres. But, I respect that we may want to take R2 out of here. It should be consistent in allowing the 12 foot sidewall heights if they have the acreage.” Holmes, “When someone comes in for a permit for an accessory structure and they tell you what their acreage is do you check that?” Winter, “I verify that in our GeoMoose program before I sign off on it. I verify the size, check the wetlands, and any other issues.”

**Mundle made a motion to approve the changes as follows to the Zoning Code Section 14: 2A, add back in “without prior approval of the City Council”, 2.J add Fish Houses under the definition of Temporary**

**Structures, 2.E define Pole-Type, 2.L include language that states stairs should be located in a side or rear yard, and 4.A remove R2 from the table with 12 foot sidewalls. Cornicelli seconded; all in favor, motion carries.**

#### Other Business

Doug Tierney of 4610 Viking, "About three months ago you were talking about lake types. I brought in a paper on classification. Last month Holmes mentioned mercury, and that it comes from Canada, the majority of it. Actually, the majority of it comes from our surrounding states. The talk about regional on here, 40% is the Dakotas coming in, global that is Canada. I thought I would bring this. A lot of people didn't know about un-meandered and meandered lakes. Coon Lake is meandered and Anderson is un-meandered. If you look at the Anoka County GIS map you see their land goes right under the lake, they literally own the land under the lake. It is plotted right off. Thought I would bring this to you to read. Three pages. It is an element." Balfany, "We appreciate the education."

Sharon Johnson of 20201 Highway 65, "I was at the EDA meeting last night and I addressed some frustration I have about the zoning and planning of my property and I was asked to come to the meeting tonight. I am here to let you know what my situation is and to ask you to look at the Comprehensive Plan. My husband Bruce and I own Minnesota Fresh Farm, a new farm, but it has been in his family for three generations, four with our son and his new wife. We are a vegetable farm and we are looking to be an agri-tourism or agri-tainment business. It would be a destination farm to get people in to the farm or into the City. Our problem is we are zoned R2, and as far as we know there are only two properties zoned R2. Ours and Irene Stern's. I met with City Staff and it was suggested that I apply for an IUP. But there were so many restrictions, I can only have three employees, (I have four) and traffic, I can't generate any traffic."

"So, I am coming here to ask you to look at the Comprehensive Plan look at why in the middle of business zoned properties are we R2 and if we go through with an IUP will there be some give and take. We can't operate under the rules of an IUP. And what type of concerns do you have for this type of business." Winter, "Just to add on with what Ms. Johnson is saying, we did meet in April and the suggestion was made while we are working on the Comprehensive Plan amendments that she apply for an IUP. It doesn't make sense that they are zoned R2 because of the area surrounding them, it wouldn't be an area where you could put townhomes."

Mundle, "Did it used to be a nursery?" Johnson, "No a sod farm." Holmes, "Basically when we went through all that, we knew there would be changes. We zoned it the best we could. We made some changes on Viking a few months after it was done. But, we don't want everything changed." Cornicelli, "Are you operating now?" Johnson, "Yes, we are operating a vegetable farm, but we are taking all of our vegetables outside of East Bethel. We do about eight farmers markets right now; it would be nice to keep that in East Bethel. It would be nice to bring people into East Bethel." Cornicelli, "Could we do an IUP outside of the normal until this all gets worked out? I know that sets a precedent, but has one already been set?" Winter, "No, I don't think that would be setting a precedent. I think you could work within your IUP process and define it. This whole area might be appropriately naturally area, or whatever you desire to name it. We

have much better areas for high density.” Cornicelli, “Could the City work with Ms. Johnson and bring something back to us?”

Holmes, “Why do an IUP? Why not just change the zoning?” Winter, “I would like to do that. But, we have a lot of areas to address and I would like to do it all at one time. It would be nice to work with Met Council and get it all done at once. This would be a Comprehensive Plan change.” Johnson, “I truly appreciate that attitude. The long term vision is to sell lots of Minnesota wares, such as Minnesota Honey and Minnesota Wine.”

Approve Minutes,  
September 23, 2013  
Special Meeting and  
September 13, 2013  
Joint Meeting

Terry, “I have a change to the September 23, 2013 Special Meeting minutes on Page 3 of 5, first long paragraph: Bonin said we can *have* all kinds of rules and regulations along the highway, but she thinks we should *let* people to do within reason what they want to do.”

**Tanner made a motion to approve the September 23, 2013 Special Meeting Minutes as amended and the September 13, 2013 Joint Meeting Minutes as submitted. Mundle seconded; all in favor, motion carries.**

Council Report

Ronning, “I don’t have much to report. The main thing we are working on is trying to find a way to reduce the 2014 Levy. If anyone has any ideas, please bring them to the table.”

**Adjournment**

**Cornicelli made a motion to adjourn the meeting at 9:01 p.m. Eldon seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk