

EAST BETHEL PLANNING COMMISSION MEETING

January 28, 2014

The East Bethel Planning Commission met for a Special Planning Commission Meeting on January 28, 2014 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director

Call to Order & Adopt Agenda

Holmes motioned to adopt the January 28, 2014 agenda. Mundle seconded; all in favor, motion carries unanimously.

Oath of Office

City Council has received letters of interest from commission members wishing to continue work for the Planning Commission. On January 8, 2014, City Council appointed the following to the Planning Commission:

1. Tanner Balfany (reappointed), term expires January 31, 2017
2. Brian Mundle, Jr (reappointed), term expires January 31, 2017

Each commissioner will be taking an oath of office this evening.

I, Tanner Balfany do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Brian Mundle, Jr do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

Congratulations.

Elect Planning Commission Chairperson and Vice Chairperson

Background Information:

The Planning Commission is to elect a chairperson and vice chairperson from among the appointed members for the term of one (1) year.

East Bethel City Code states that chairperson and vice chairperson shall serve for one year; however, no chairperson shall be elected who has not completed at least one year as a member of the commission. Commission members eligible for chairperson include Balfany, Bonin, Cornicelli, Holmes, Plaisance, Mundle, and Terry.

Recommendation:

City Staff is requesting the Planning Commission, in separate motions elect a Chairperson and Vice Chairperson for the term of one (1) year, starting on January 28, 2014 and expiring on January 27, 2015. It should be noted that Mr. Mundle is the current Vice-Chair, and should succeed the existing Chairperson, Mr. Balfany.

Motions for recommendation for chairperson. **Cornicelli motioned for Mundle as Chair of the Planning Commission. Balfany seconded the motion; all in favor, motion carries unanimously.**

Motions for vice-chair person for one year. Anyone have an interest in the position. It will be in succession up to the chairperson. **Bonin motioned for Terry for Vice Chair of the Planning Commission. Holmes seconded; all in favor, motion carries unanimously.**

**Revised Concept
Plan Viking Preserve
Planned Unit
Development, Zoning
R1, R2, and CC.**

Background Information:

The Preliminary Plat for Viking Preserve, a single family residential Planned Unit Development was approved by the City Council on December 4, 2013. As part of the review process several outside agencies submit their comments and the City works with the Developer to incorporate those changes into the Final Plat and as part of the Developers Agreement. Any permits that are required from outside agencies, such as stormwater permitting, access permits, etc. are the responsibility of the Developer. The City also holds a pre-application meeting with the Developer and City Staff to go through the Development process and make the Developer aware of all of the upcoming timelines and walk them through the process, including identifying what outside agencies would be involved.

The pre-application meeting took place on October 8th. In the case of Viking Preserve there were several identified wetlands on their project and so the City pulled together their Technical Evaluation Panel (TEP) that is responsible to review all wetland issues. This panel consists of representatives from the City (Becky Wozney, wetland specialist with Hakanson Anderson), Anoka County Soil and Water Conservation District, Board of Water and Soil Resources, and Army Corps of Engineers. Just as the City has a pre-application meeting with the Developer, the TEP also meets with the Developer to go through the process and identify what permits and requirements are needed from each agency. In the case of Viking Preserve the TEP met several times. The following is the timeline for the TEP:

- Notice of Wetland Delineation and Notice of Application for Wetland Delineation sent to all parties (TEP and Corps): 11/5/2013
- Aaron Diehl and Becky Wozney wetland delineation onsite: 11/11/2013. All were invited but availability was an issue.

- TEP and Corps of Engineers met on 12/6/2013. It was determined that the park trail should be removed; the commercial impacts (Outlot B) removed; and sequencing information needed for impacts from Taylor St. The large wetland excavation was discussed as well as filling the excavated sand pit. Jurisdictional status was discussed. TEP and Corps request additional information. Developer was given verbal permission to remove snow so that ground could freeze in anticipation of further excavating the site. It should be noted that at this time the Army Corps of Engineers did not give any indication that a standard permit would be required.
- On 1/2/14 receive email correspondence from the Corps indicating that the Viking Preserve would be required to go through a standard permit review (120 days or longer). Up until this point we had not gotten an indication that this would be the case. The Developer and all other parties were under the understanding that this project would fall under a Letter of Permission process (60 days or less).
- On 1/3/14 meeting pulled together with the Developer and their representatives, City representatives, and the Project Manager of the Army Corps of Engineers discussing Viking Preserve and Army Corps of Engineer process. Based on that discussion, Developer's surveyor and environmental engineer proceeded with putting together additional information for the Corps, Project Manager from the Corps stated that he would visit with his Supervisor on this project and get back to affected parties.
- On 1/6/14 letter from the Corps received by Developer, copy sent to city outlining process for standard permit review, this is not the same process that was indicated by the Corps earlier.
- City Staff discussed this project with the Corps on the phone and a conference call was set up between the Developer, Corps, and City representatives on 1/9/14. Corps did not waiver from their stance that a standard permit was required and gave every indication that it would not be approved.

Based on the Army Corps of Engineers concerns, the Developer decided to substantially revise their project so that they minimized the Army Corps of Engineers involvement in the process. The new Concept Plan is included with this write up and the following are the changes:

This layout provides 49 single-family lots. Original project had 60 lots.

- Developer is proposing to stop the street construction for Taylor Street just beyond our intersection with 193rd Lane. This greatly reduces their wetland issue, as we believe we can fall under ½ acre of impact. Developer no longer proposing any future homes beyond the proposed Lot 25, so public access will not be necessary.
- There may be space to create a small berm along the south side of

Block 1 along Viking Boulevard; otherwise buffer to Viking Boulevard will be 193rd Lane and future plantings.

- Proposed ponding areas are indicated.
- Developer will continue to provide Outlot C as a buffer and recognize the need to preserve existing trees.
- Developer proposing to dedicate the additional 15 feet of right of way, to satisfy Anoka County Highway. This was part of the Anoka County's review.
- The Developer may submit both his revised preliminary and final plat at the same time.

Fiscal Impact:

There will be a loss of 11 total SAC and WAC units that will reduce these fees from \$336,000 to \$274,400.

There was a drastic change in philosophy due to the Army Corp. They elected to alter their plat. The Corp review is minimized and they would have less than a half of an acre that would be governed by the Army Corp. This will come to the Planning Commission, and a new public hearing, preliminary and final plat at the meeting.

This is what they are proposing for Taylor Street. They are proposing to have lot 25 on Taylor Street. All the additional will not be built as a street. It is shown as right of way when the area develops. They did reduce the amount of lots. They will not have the large berm on 193rd. They will have plantings. The pond stayed relatively the same. There is also a wetland they will not touch. The trail is still proposed to be as before.

Mundle asked about the language regarding removing the trail. Winter said they would remove the trail on Outlot A. There were a number of reasons to remove – the Army Corp is putting it through a 120 process. The City is recommending putting it as a future easement. It would be trails fee per lot. The sidewalks are still there, the lighting is still proposed.

Bonin said the Outlot A is that always going to be a trail or a road. Winter said it is a wetland, so it will largely stay that. That is a separate process now. The proposed way for the lighting and mailbox will stay. The tree preservation plan will stay the same. We have lost 11 lots. Taylor Street is going to dead end sooner, due to no benefit.

Holmes asked where 193rd comes down towards Viking, will there be a fence there. Winter said they are going to do a berm there; they probably will do a series of plantings along here. She hasn't seen that design yet. Part of what they are intending to do is a pond on 193rd. They do not have the opportunity to do that and will have to truck in fill from another area. Winter said it is a disappointment, they could have made that area on Outlot A a nice natural area.

It isn't a pristine wetland. They would have made something that would have been much nicer. Someone in St. Paul said based on what they seen on piece of a paper it wasn't something they were willing to look at.

Holmes said Section 2 lot 15 and 16, they are essentially the same. Winter said there is very little change on this side. Outlot C is the same. In response to the neighbors concern, they brought it out a little more. The residents would very much like the developer actually put trees in. She is not sure the City would force the developer to do. We can everything for a tree preservation plan. They will have to do dust control and comply with construction hours.

Cornicelli said didn't they say they were going to visit with the neighbors. Winter said they have done that. Holmes said they still show a cul-de-sac in there. Is that future. Winter said they would be temporary cul-de-sacs for the future. Cornicelli said if they deal with the Corp issues in the future. Winter said the way the Corp dealt with this one, will have effects on all our developments in the future. Cornicelli asked if they had a staffing change. Winter said they did.

Terry said 16-19 talk about possible ponding and 4/5 in section 2. He is wondering about the lots that are pie shaped, if someone lived there, and they had difficulty with their neighbor, how would they fence their lot in. They are sharing a backyard if you don't fence that. Winter said the scale is deceiving. These are good-sized lots. If you are going to fence, you might not fence the area going into water. Up to the possible ponding. Bonin said otherwise you fence off the two sides up to the pond. Plaisance wondered how close 193rd is to Viking. Terry said he doesn't know if it is desirable. Maybe it could have a barrier fence. Holmes said a jersey bounce. Terry said don't they make them out of wood. Winter said you mean the noise barriers. Mundle said he thinks it is 15 feet. Winter said it is off the right of way. If it is an additional 50 feet from the centerline. No maybe not that much. Holmes said yes, probably from the centerline. Plaisance asked if it has gone through Anoka County Highway Department. Winter said no, they have to finish the plan. Once they do, it will go there. They have already been advised of it though. We will have to bring it before the TEP panel. Plaisance said it makes him nervous it is so close to the highway. He knows it is not due to for another 25 years to make it a highway. That would impact that particular road. Being that close to the road, we would want some barriers, so kids don't cross over onto the street. Mundle said if there are a few trees there. Plaisance said what about when plows come by and remove the snow. Will there be enough room for the snow. Winter said they have already accommodated the request from Anoka County for additional 15 feet. 193rd is almost like a service/frontage situation. It would be somewhat like that. Balfany asked if there were any other points of discussion.

Holmes motion to approve the concept plan. Cornicelli seconded the motion; all in favor, motion carries unanimously.

Role of Planning Commission

The League of MN Cities has webinar training on Planning Commissions. She wants to bring it to show at the next meeting. We deal with land use. The planning commission job to make sure the City is following the comprehensive plan. There are a lot of different training materials. How many of you have taken the League of Minnesota Cities training on being a Planning Commissioner? None of the Commissioners. That might be something that would be worthwhile. Mundle has been to their website, once.

Council Report

Bob DeRoche has replaced the Mayor.

On February 5, there will be a legislative forum. Senator Hackbarth and Benson. We will be talking about bonding primarily. You are welcome to attend that.

Terry wanted to know if there was anything about sending us the City Council minutes we use to get. Mundle wanted to know if there were any minutes to approve at this meeting. No there are not.

Balfany asked if we do have a new business item. Does anyone have anything they want to address?

Adjournment

Holmes made a motion to adjourn the meeting at 7:37 p.m. Cornicelli seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary