

City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, April 22, 2014



Agenda

	<u>Item</u>
7:00 PM	1.0 Call to Order
7:02 PM	2.0 Adopt Agenda
7:03 PM	3.0 Public Hearing/ Comprehensive Plan Amendment – Consider multiple proposed land use changes in the City of East Bethel.
8:00 PM	4.0 Discussion regarding pole buildings in residential districts
8:15 PM	5.0 Approval of Meeting Minutes - March 25, 2014 – Regular Meeting
8:20 PM	6.0 Other Business/Council reports
8:30 PM	7.0 Adjournment



City of East Bethel Planning Commission Agenda Information

Date:

April 22, 2014

Agenda Item Number:

Item 3.0

Agenda Item:

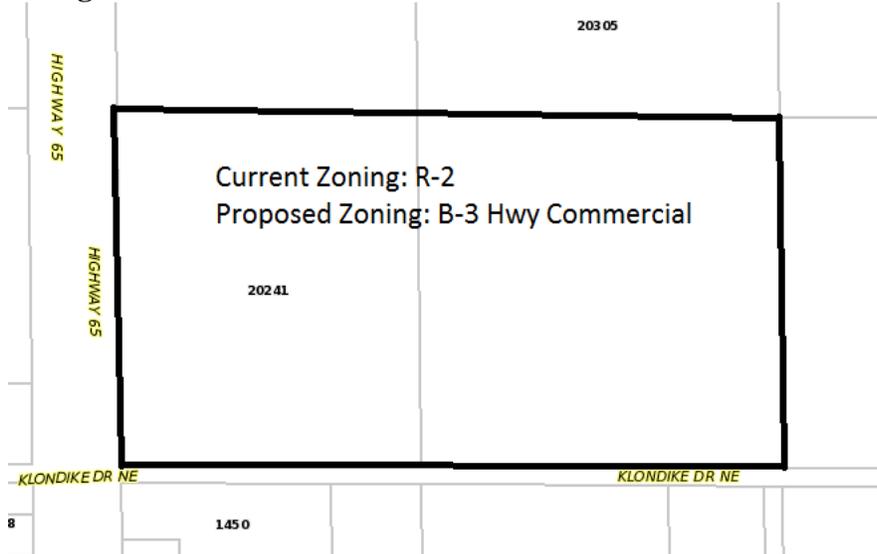
Zoning Map Amendment to the Official Map of the City of East Bethel

Requested Action:

Recommend Approval for the Rezoning of three different, separate parcels of land and noticed as follows:

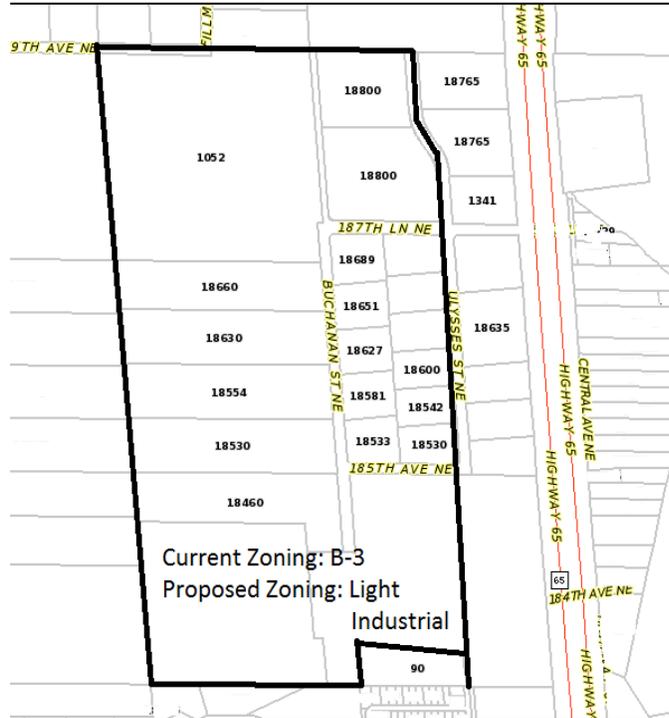
- Parcel of Land east of Highway 65 and North of Klondike Dr NE, Current Zoning R2, proposed change to B3 – Highway Commercial
- Parcel of Land west of Ulysses St NE, South of 189th Avenue NE, Current Zoning B3, proposed change to I – Light Industrial
- Parcel of Land North of Viking Blvd NE, approx. ½ mile east of Hwy. 65, Current Zoning R1 and R2, proposed change to B3, Highway Commercial

Background Information:



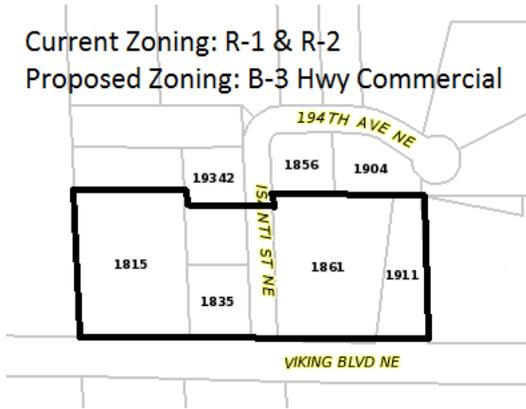
The first property is in an area that is currently zoned residential and has a Significant Natural Environment overlay on the east section of it. This property is currently being farmed and the owners have indicated that they will continue to farm it. MN Fresh Farm is currently operating a business at this location. The business is something that we discussed at a previous Planning meeting (11/26/13) and at that time an Interim Use Permit was given to them with the idea that the zoning in this area would be evaluated and changed to a more appropriate zoning designation

not just to serve their business, but also for future development. This property is adjacent to Hwy. 65 and the property both to the north and to the south is zoned business. What MN Fresh Farm is proposing at this site – u pick berries, pumpkin patch, fall tourism activities is a much more appropriate for this area than high density residential development. If the city were to continue to grow and sewer and water were made available in this area, a business zoning next to Hwy. 65 is appropriate. Residential development would most likely occur in areas away from the highway and outside of any SNEA area.



The second proposed rezoning area is in the Classic Commercial Park. It is an area that consists of primarily construction trades companies, and manufacturing. It is also where the new wastewater treatment facility is located. The EDA has been in discussions to designate this area as a shovel ready site. We have several properties that are for sale and would like to market for manufacturing, warehousing, and other construction trades related companies. The current zoning does not allow for as much flexibility, and if a manufacturing company wants to locate in this area we do not have the ability to work with them under our current zoning. An argument could be made that a manufacturing facility could go through a conditional use permit but that is a pretty liberal interpretation of the current B3 district and it would be best to rezone this area to allow for the most types of industrial uses. The portion of the park that faces Highway 65 would remain B3 to allow for commercial/retail uses.

Current Zoning: R-1 & R-2
 Proposed Zoning: B-3 Hwy Commercial



The last zoning area that we would like to take a look at rezoning is on Viking Blvd. NE approx. ½ mile east of Hwy. 65 and north of Viking. Currently there are three businesses located in this area and the property immediately to the west is zoned business. At one time this area was zoned business and should go back to that zoning classification as all of these businesses are currently nonconforming uses. The impact to the residential area is minimal and having these businesses be designated as B3 provides better screening standards between the businesses and the residents.

Recommendation:

City Staff requests Planning Commission to recommend approval to the City Council for Zoning Map Amendments to the Official Map of the City of East Bethel.

1. Final approval of the Zoning Map Amendments to the Official Map of the City of East Bethel is contingent of the final approval of the land use amendment to the City of East Bethel’s 2030 Comprehensive Plan by the Metropolitan Council. The 2030 Comprehensive Plan Amendment will be submitted to Metropolitan Council for review upon final approval by City Council.

Attachments:

1. Location Maps
2. Public hearing notice

Planning Commission Action

Motion by: _____

Second by: _____

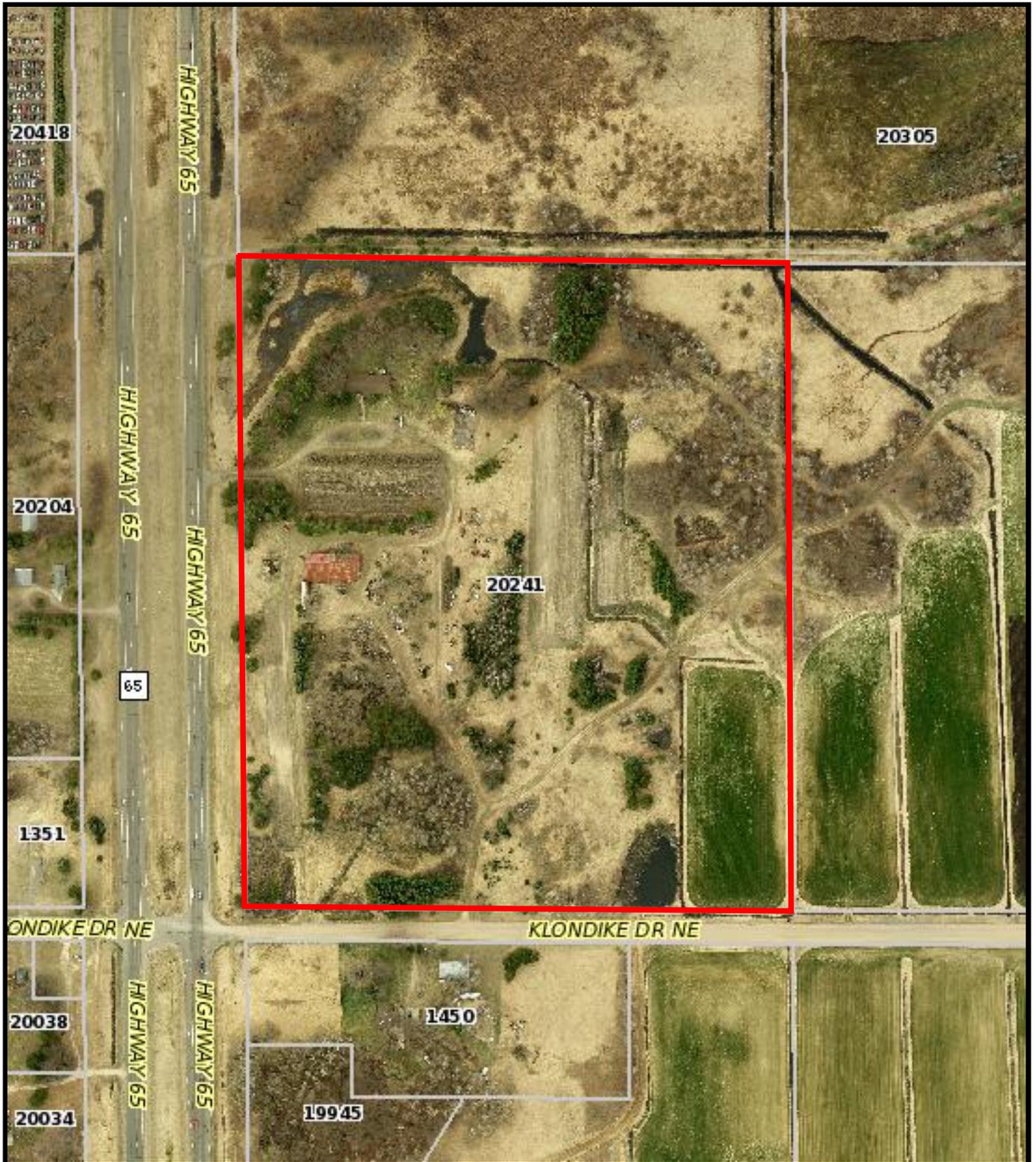
Vote Yes: _____

Vote No: _____

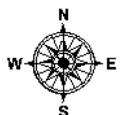
No Action Required: _____



R2 to B3 Hwy Commercial



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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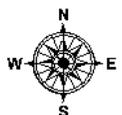




B3 to I (Light Industrial)

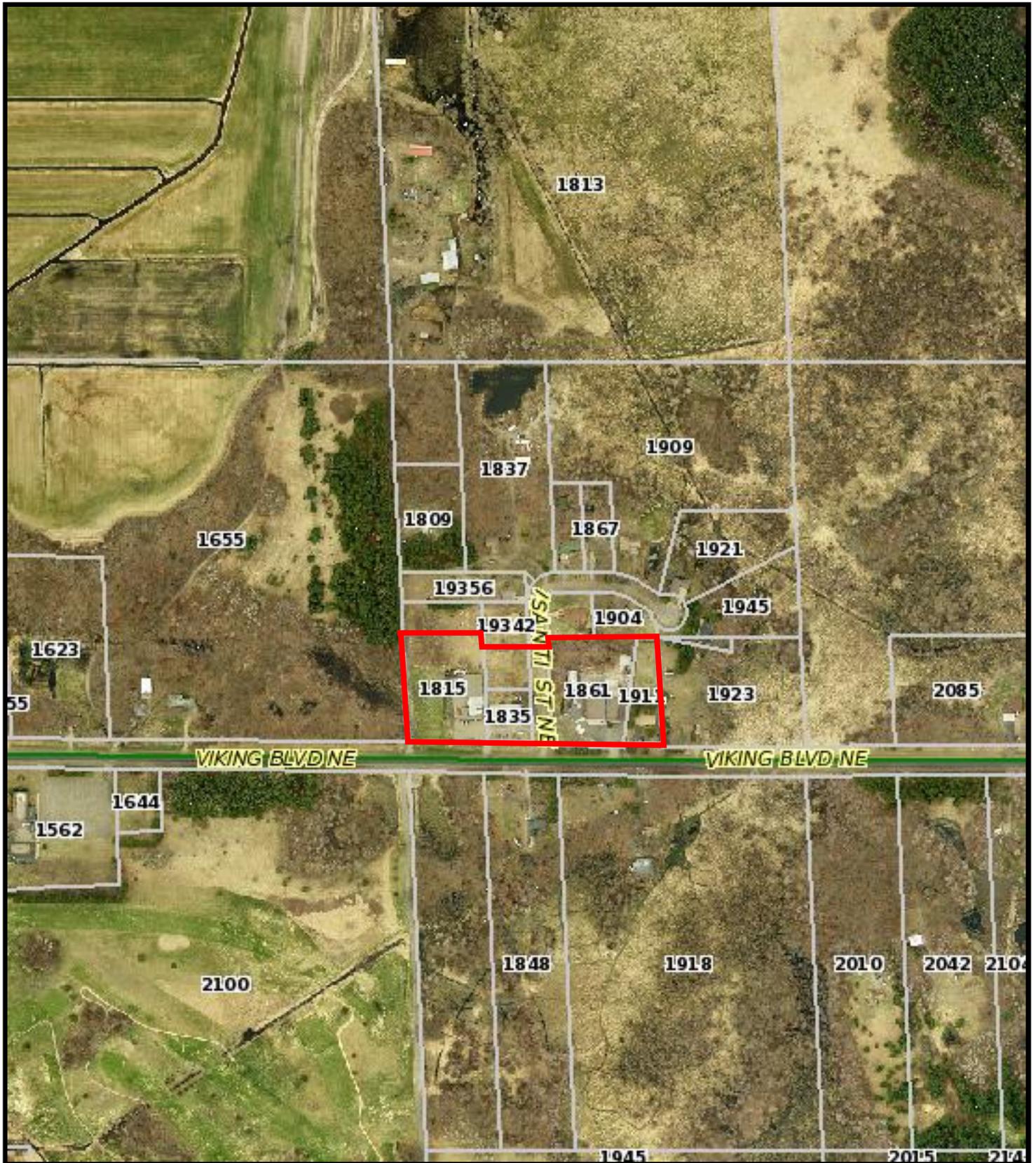


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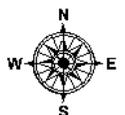




R1 & R2 to B3 Hwy Commercial



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**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL PLANNING COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of East Bethel will hold a public hearing for a Comprehensive Plan Amendment on Tuesday, April 22, 2014, 7:00 p.m. at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider multiple proposed land use changes in the City of East Bethel (please see attached maps).

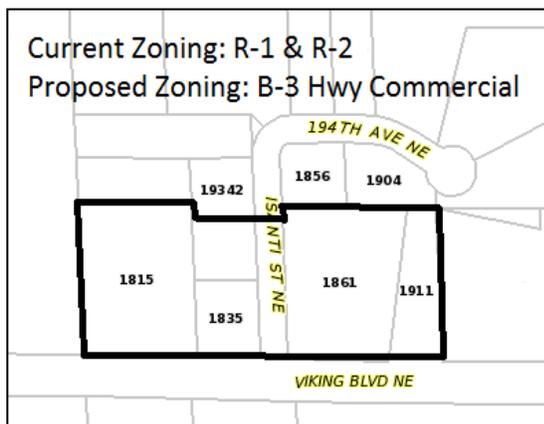
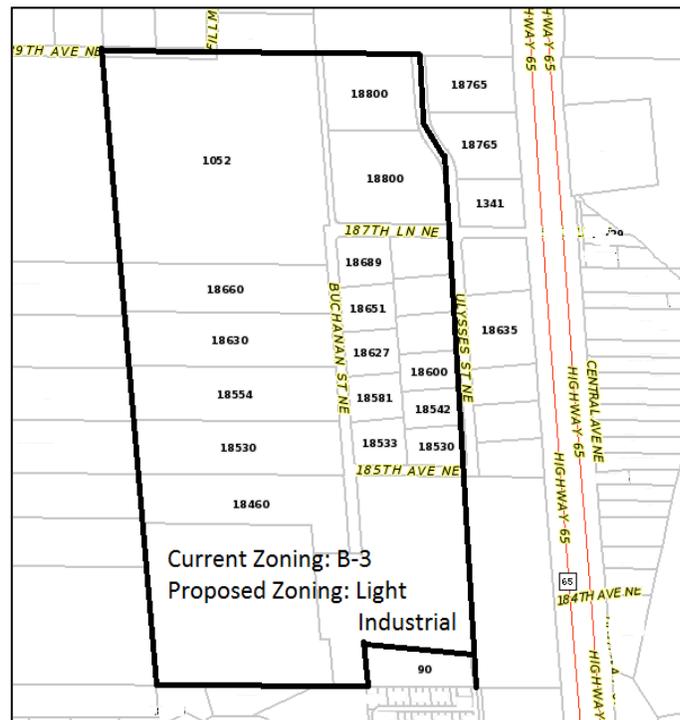
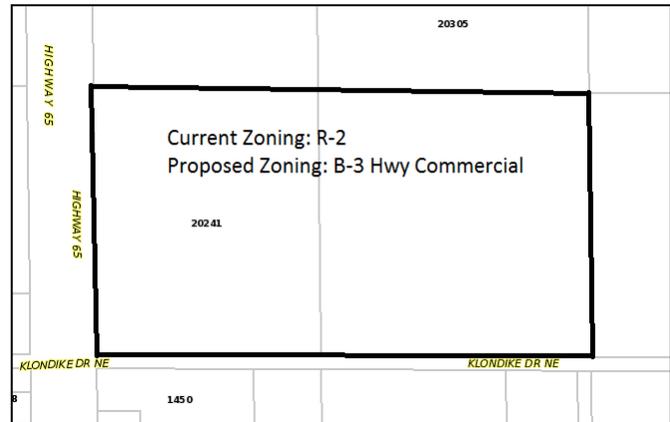
The hearing of this request is not limited to those receiving copies of this notice. If you know of any neighbor or interested property owner who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

Published in the Anoka County Union April 11, 2014.

Colleen Winter, Community Development Director

Subscribed and sworn to me this 8th day of April 2014.

Carrie Frost, Notary Public





City of East Bethel Planning Commission Agenda Information

Date:

April 22, 2014

Agenda Item Number:

Item 4.0

Agenda Item:

Allowing pole buildings on lots of less than 3 acres in size.

Requested Action:

A request has been made by the City Council to discuss allowing pole accessory structures to be built on lots of less than 2 acres in size. Pole buildings are a much more cost effective way to construct an accessory structure and they look much better than they did years ago. See example below:



Typical pole building



Pole building with design controls

If they are going to be allowed on lots of less than 3 acres I would say you need to put in some design criteria.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

EAST BETHEL PLANNING COMMISSION MEETING

March 25, 2014

The East Bethel Planning Commission met for a Regular Planning Commission Meeting on March 25, 2014 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director

Call to Order & Adopt Agenda **Holmes motioned to adopt the March 25, 2014 agenda. Terry seconded; all in favor, motion carries unanimously.**

Revised Preliminary Plat Viking Preserve Planned Unit Development, Zoning R1, R2, and CC.

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 preapplication 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.

They didn't want him to take the fill out of Outlot A. He created a revised plat, which concept plan was before you last month. Tonight we are looking for preliminary plat for this development.

The 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 48 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. The road that goes through will be adjacent to the County Highway.

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. The ponding areas have changed a little bit.

Developer will continue to provide Outlot C as a buffer and recognize the need to preserve existing trees. That is something that has been a concern of the neighborhood to the north of here. The developer's plan will save as many trees as they can.

Developer proposing to dedicate the additional 15 feet of right of way, to satisfy Anoka County Highway.

There will still be lighting, sidewalk and a trail in the development. The one thing we have met with the developer a number of times. **City Staff has met with the Developer and it is now his intention to complete the Grading work only this summer and**

start construction in 2015.

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

Recommendation:

Preliminary Plat approval subject to the following:

1. Grading permit application
2. Pre-development agreement
3. City Engineer approval

Approve the revised preliminary plat. Subject to many conditions, of which she can go through after the public hearing.

Balfany motioned to open the public hearing was opened at 7:05 p.m. Terry seconded the motion to close the public hearing. There is a lot on the agenda this evening. Keep comments to three minutes and comments will be made after the public hearing is closed.

Is there anyone here that signed up to talk about this item?

The public hearing was closed at 7:06 p.m.

Terry wanted to know about the cessation of the road to Taylor Street. It would be good to continue if it had access. Winter said it goes back to the Army Corp of Engineers because of the wetlands being impacted. The Army Corp would not be favorable about anything in that area. We wanted the impact to be less than a ½ acre impact. Therefore it was the intention to stop that. We did have both the City Engineer and Fire Chief look at it. With the outlet being 193rd, they wouldn't need Taylor street to go any further. Holmes said the satellite view looks like it already has been a road. Winter said it is not virgin property by any means. You have to decide if it is worth dealing with the Federal agency.

Bonin wanted to know about their concern. Winter said without getting into detail on that, she will have the discussion offline about it. Holmes said on section two lot fifteen where the turn around is. Winter said the temporary cul-de-sac. Holmes asked if they were going to put in a temporary cul-de-sac, when someone buys that property and builds. Winter said it will be a turn around and it won't have surmountable curb. Mundle said when further development for the development, then it can be taken out. Winter said the way it is platted, the lot house would be set back. That is just one of the things they will have to look at. Buyer beware. As long as it is disclosed.

Bonin wanted to know why the turn around could not be on Outlot B. Winter said it is because of engineering. It has to do with snowplowing. To move it over that way, it wouldn't work because of the angle of the street. The engineer can take a look at that. Bonin said you have space there, why do something to that other property. You wouldn't impact the other lot. Holmes said if that street ever goes through then you have an odd looking house in the back. Terry said if you go through streets around the City there are deep set back. Bonin said not when the houses are set this close together. She doesn't think the set back should be the same on every house. Holmes said we are trying to improve the City. Terry stated he doesn't see why a different set back is a problem. If it is a deeper set back, why is it a problem. Holmes said all these houses are going to be lined up. Balfany said the road bends. Right now the road will go straight. It will continue straight. In the future you would have to pull the road back over.

Bonin said she thinks having the cul-de-sac there in most places it would be fine. With lots so small the house will look into the back of other houses. Her concern is that, rather than the way it would look from the street. Holmes said he brought this up before he would like to see a minimum of different seven different plans in that development.

Bonin said she would like to see the concept that has been presented to us is these are starter homes. She would like to get rid of that idea. She can see people spending their whole lives there. They might want to live there. Don't call them starter homes. Encourage it to be a development where people move in and want to stay. Winter said from a marketing standpoint, that is a good point and we can tell the developer. Holmes said the right of way there could be a problem on the right of way, are there going to be trees or bushes, so people don't trail over. Winter said there would be something there to distinguish between the two.

Mundle said what about a sound fence, like on the interstate. Winter said where you are adjacent to Anoka County Highway, we would have to talk to them. We would have to defer to them for their comments. Mundle said some sort of barrier other than plantings. Balfany said it isn't like we don't have a lot of houses on Viking that are getting hit. Holmes said he is concerned about a head on collision. Terry said when you have a car going down 193rd at night. That could be disconcerting. You would see headlights not where you expect them to be. Winter said we could have the traffic folks and our engineer take a look at it. Terry said that is why the fence would be a perfect plan. There is the big park on 116, there is a lake. On 116 west of here, huge Anoka County park. Balfany said Bunker Hills. Terry said there are some fences by this park. That is a County Road. Winter said it is something we can take a look at. Mundle said something that would give a little bit of privacy for the development. Balfany said you don't want to block off the development. Bonin said you just want to acknowledge there isn't an entrance there.

Cornicelli said weren't we talking about trees there. Less than an eye sore. Winter said the houses are on the other side of 193rd. On County Road 5 in Isanti, there is a development off the road. They are just the backs of the houses you see. Their street is running next to a County Road. It is something we can request and work with the developer. Mundle said he is not comfortable with just plantings. He wants to know what is going to be there.

Balfany recommend approval of the Preliminary Plat approval subject to the following:

- **Grading permit application**
- **Pre-development agreement**
- **City Engineer approval**

Bonin seconded; all in favor, motion carries unanimously.

Public Hearing:
Request by
owner/applicant Scott
Gardner to obtain an
Interim Use Permit to
operate a vehicle
dealership at 3656 213th
Ave NE, East Bethel,
MN, PIN
143323210004. The
Zoning Classification is
Rural Residential (RR)

Requested Action:
Deny IUP request

Background Information:
Applicant:
Scott Gardner
3656 213th Ave. NE
East Bethel, MN 55011
Lot 1, Block 1, Whispering Oaks

Property Location:
3656 213th Ave NE
PIN 14-33-23-21-0004

Mr. Scott Gardner approached City Staff wondering if we would sign off on a permit that would allow him to get his dealer license with the State of Minnesota. In order for

District.

him to obtain that license, he needs something from the City stating that he is zoned appropriately for an automobile dealership. I explained to Mr. Gardner that he is not zoned for an auto dealership and we would not sign off on any permit. He then came back to City staff and stated that all he wanted to do was store vehicles at 3656 213th Ave NE inside an existing detached accessory structure, and applied against the advice of City staff for an Interim Use Permit. He feels that he would like to pursue an IUP because the person he bought the property from operated a business (cabinet shop) out of the accessory structure for many years and the City allowed that to happen. The former owner had obtained a Conditional Use Permit (CUP) in 1997 to operate a cabinet shop. However, staff pointed out to Mr. Gardner the CUP was only good for a cabinet shop business not for any other type of business. Mr. Gardner stated that he will not be doing any repairs at that location and not conducting retail sales and there will be no outside signs advertising his business.

Originally he would need to two different addresses for his pole shed and house. He did state that all he would do is store vehicles at his location. Staff had explained the concerns about that, and it still didn't feel it was an appropriate use. Prior to Mr. Gardner owning the property. It was a cabinet shop in that lot. That was a Conditional Use Permit. It was expired for a number of years. There was a little bit of gray area. He is interested in an Interim Use Permit. It would fall under the home occupation. Winter doesn't believe it falls under. He won't do any repairs at this location. He won't do any outside sales. The site map is up on the screen. As far as where he is located. The summary of his operation. As well as a petition that the neighbors had signed that they didn't have a problem with what they had to do. The petition it had said they supported a variance. That is not what this would be. It would not be a variance on the zoning. You would have to rezone this. What is in front of you tonight is an IUP. I will after the close of the public hearing, I will give you my recommendation.

Balfany motioned to open the public hearing at 7:25 p.m. Cornicelli seconded the motion; all in favor, motion carries unanimously.

We have received three emails – one from Wendy Shultz, one from Beth Olson, and one from Leslee Kafka and they will be entered into the minutes. Please keep your comments to three minutes.

Vernon 3691 209th Avenue NE - My interest in this the property due south of his 3691 209th Avenue north NE. What divides us a piece of wetland? About ten years ago was the first time I had to deal with this property. This is the second time I had an issue with this property. The previous guy was operating a landing strip on his property. He wanted to have an airstrip there. You could see the gold fillings of the pilot. Luckily enough, my son was studying in aviation. My neighbor was working for the airlines. Mr. Pearson was not happy it got closed down. I got this letter last week. Mr. Gardner would like to have a business. I wish him all the luck on having a business. I don't think this is the appropriate place. People walk there. Once the door is open, he will then be able to say he wants to change a tire, or take out a stereo set. Ms. Winter said he will do his work outside and I would be willing to bet he will want to consolidate his cost to have his establishment as his own and building it. Once he would be able to establish it, not only do we get the added traffic, we also get the lighting and where will he only want to store. He will not remain at that number. All of the sudden the property values will be hit. Where will he park them, or will then the back part of his property become a different change. If you go up and down Hwy 65 there are a lot of used sales lot and they have privacy lots. The idea that you can store the cars in side. By having them out in the open and not having adequate security. You are inviting trouble. He will have lighting and supervised and we can say the City will not let this happen. On the corner of Okinawa a house was vacant for three years. The City did nothing with boulevard and

yard. To say the City will monitor him, it is virtually impossible. If you have any questions, I will gladly answer them.

John Porter, 21117 Rendova Street NE - I abut to the backside of his property at 21117 Rendova Street NE. I totally disagree with a dealership. I moved out in 1998. I grew up in northern Minnesota. That is they way I want to keep it. When this happens we will have lights over there. Like Vernon said junk will pile up and it will be in my back yard and when I come to sell my house in twenty or thirty years. Because I have a high fence with a junkyard. He says he will advertise on Craigslist and Cars.com. He says he won't sell cars out of his home. If you are going to do that, there is no way to monitor what he is doing. We walk along 213th with our kids and dogs and whatever else. That will bring in more traffic. It will bring in more traffic and there are daycares in our neighborhoods. They're always some weird person going on. You can barely send your kids out without someone supervisor. When you are dealing with Craigslist people looking for a deal and also lower level people looking to buy things as a deal. I totally disagree with it.

Kevin Lindenfelser, 21187 Okinawa Street NE – I am on the next street over in the development. My wife runs a daycare in the development and is concerned because of the safety. There is another daycare on Rendova Street. There are twenty kids extra in the street. They are walking down to the park. I am concerned about additional traffic. If there vehicles. Everyone has private wells and sewer and what about containments.

Jerry Gaysek, 21063 Okinawa Street – I oppose it. I believe that bringing in extra traffic is not good. We don't know where the people are coming from. Our property values will go down. I thought we built a business area on Hwy 65 for business. There is City sewer and water. I don't think we should be changing anything among this.

Scott Gardner asked if he could talk. If you have anything relative to the public hearing. Winter said he would have an opportunity to talk.

Terry motioned to close the public hearing at 7:37 p.m. Balfany seconded the motion; all in favor, motion carries unanimously.

Winter said we talked about this, you all received in your commission packet. I do not feel this fits or does it fit under a home occupation nor do I feel it should be recommending rezoning. It doesn't fit the home occupation. Mr. Gardner is here however and he should have an opportunity to speak to the Planning Commission.

Mr. Gardner said he agrees with all the people who spoke. I moved to that place about 11 months. The place was a nightmare. I have made the place so immaculate. It is worth over double what I placed for it. I am a permanent working for Delta Airlines. This is a hobby job. Everything you said is right on the money. All I wanted to do, is I took the shop. I didn't know what to do with it. Could you show a picture of my shop? I will not be selling more than one car. They won't be stored outside. I will wait until the picture shows up. I can't disagree with anything you guys said. That is the urethane 40x60 shop in there. I just store my two vehicles on top of that. That is my friends car that he stores. All I wanted to do is fly down south, buy a car, one owner and put it out for sale. I wasn't going to light the area. I have three commercial outfits that will let me park at their location. I will never have anyone come down my driveway ever. By the way, all the neighbors, I know them all. I know the daycare, I know Gary's wife, I know Glenn, and I know John. The neighbors know me. They know I won't park one car outside of my shop. They wouldn't mind getting a use car from me. A used car deal will buy them for \$4,000 and sell them for \$14,000. I can pop the babies out for like \$10,000. I will give the township tax dollars. What happened when I got started on

this? At Northwest Airlines when they went on strike. They paid me half price for being a support tech. I am not doing any repair in the shop. It is no big deal. I wouldn't blame you. Your subject about him flying the Cessna. I am authorized inspector and I could build the airplane. Are you the one that lives at the end of the pine trees?

Vern said they had to do an emergency turn. There were four planes that took off, before we got it shut down. It was touch and go. They were making 90-degree banks without a stall.

Gardner said no plane for me. Planes are like boat, you are glad when you buy them and when you sell them. I have plenty full time job. I just wanted to go back and I don't know what to do with that shop. I had three places written down where I would sell them. The town drives in my driveway and if they see one car parked shut me down. That is what the interim is. I have no problem with that. This is a hobby. That is all it is. Another thing. I don't drink don't smoke and don't gamble. I got to do something with my time.

Terry said you could do everything on your own, without a permit. When you have a statement from the City saying you were zoned for a dealership.

Gardner said it would be an IUP that would allow me to turn it into the state. Winter said we have talked about it. In order for us to sign off, you have to be zoned appropriately. You felt you fit under the home occupation. If you were in an area that was zoned appropriately. You cannot spot zone this area.

Balfany said the precedence is specific that it would be great to sign off for the hobby. The next guy down the street. Taking advantage the next guy would come in with a similar. Part of our job is to make sure it doesn't happen.

Gardner said I am not giving you the no that statement. If you do it for me, you have other people jumping in.

Bonin asked how many cars could you sell without a dealer's license. Gardner said five. If you get zoned commercial they will do it. The township won't zone my residential land. They might give us an IUP and I have a feeling they would.

Holmes said I have commercial property and I wanted to be a dealer. They said I didn't have a place in the front for display. I tried to force them to. I had a commercial property. There is no way I will vote for this. This property would have to be zoned for commercial property. We are not going to change the ordinances. Balfany said not to open the door to help solve the issue, if you have partnership if you have outside vendors. You might want to start a business with one or both to use an office to use their commercial address. You could sell them that route. Gardner said this is the first step.

Holmes motioned to deny interim use permit as it does not fit the definitions of a home occupation and is not appropriate for a rural residential zoning district. Balfany seconded; all in favor, motion carries unanimously.

Mundle said if there is anything to help you, please let us know. We wish you the best of luck in your endeavors.

**Public Hearing:
Interim Use Permit for
a home-based turnover
cleaning service**

Consider Granting an Interim Use Permit (IUP) for Michelle Arellano for a Home Occupation in the RR – Rural Residential District.

Background Information:

Applicant:

Michelle Arellano
449 220th Ave. NE
East Bethel, MN 55011
Lot 2, Block 3, Erickson Addition

Property Location:

449 220th Ave. NE
PIN 07-33-23-21-0018

The applicant, Michelle Arellano, is requesting an IUP to operate a home-based turnover cleaning service business. She would be utilizing the address at 449 220th Avenue NE as her home office only and storing cleaning supplies in the garage. Her business is cleaning homes.

Recommendations:

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation for a turnover cleaning service, located at 449 220th Avenue NE, Erickson Addition, Lot 2 Blk 3, PIN 07-33-23-21-0018, with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Violation of conditions and City Codes shall result in the revocation of the IUP.
3. All conditions must be met no later than April 30, 2014. An IUP Agreement shall be signed and executed no later than April 30, 2014. Failure to execute the IUP Agreement will result in the null and void of the IUP.

Balfany motioned to open the public hearing at 7:50 p.m. Terry seconded; all in favor, motion carries unanimously.

My name is Dave Schmidt and I live next door to Michelle Arrellano. Will there be other employees and people parking out of there. Arrellano said she has an office and cleaning supplies. We go and clean houses. I have no one coming to my house and I have a PO Box.

Balfany motioned to close the public hearing at 7:52 p.m. Terry seconded; all in favor, motion carries unanimously.

Bonin said how many people are involved and how many workers are there.

Arrellano said there are just me and her. It will be strictly through email and giving estimates in person. Holmes said are the materials stored on site and are they flammable. Arrellano said she would have bleach and pine sole. Just the regular cleaners.

Balfany motioned to recommend approval to City Council for an IUP for a home occupation for a turnover cleaning service, located at 449 220th Avenue NE, Erickson Addition, Lot 2 Blk 3, PIN 07-33-23-21-0018, with the following conditions:

Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:

- **No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.**
- **No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.**
- **Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).**
- **The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.**
- **A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.**
- **The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.**
- **There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.**
- **Parking needs generated by the home occupation shall be provided on-site.**
- **The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.**
- **No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.**
- **There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other**

nuisance resulting from the home occupation.

- **Violation of conditions and City Codes shall result in the revocation of the IUP.**
- **All conditions must be met no later than April 30, 2014. An IUP Agreement shall be signed and executed no later than April 30, 2014. Failure to execute the IUP Agreement will result in the null and void of the IUP.**

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

DRAFT

Public hearing to consider changes to City Code, Appendix A, Zoning Ordinance, Section 10 General Development regulations, Section 19, Home Occupations.

Consider changes to Home Occupation as presented.

Background Information:

At the February 19, 2014 City Council meeting, the IUP RENEWAL for Jeff Kirkeby of Pavement Resources, Inc. came before the City Council. They elected to approve a 60-day extension and requested that the Planning Commission look at changing the language in the Home Occupation ordinance regarding the number of employees at the site. The Planning Commission has had numerous discussions regarding Home occupations and based on those discussions the following recommendations are suggested:

- Change Home occupation definition
- Clarify number of employees at the Home occupation site
- Ban certain types of businesses from being considered Home occupations

Recommendation:

Propose changes to the Home occupation ordinance as presented, subject to City Attorney review.

Last month at the City Council meeting a gentleman appeared before the City Council and whether the number of employees that are there. Just some things with the language the Council wasn't comfortable with. What you have in front of you, is basically we are looking at checking Item A. We are taking out the shall be employed. Further there is a piece of paper of what a home occupation is. Additionally there is a highlighted section underneath.

As a matter of discussion, I wanted to include businesses such as, machine shops, automobile repair shops and body shops. By definition we are talking about commercial. We have talked about it in the past. Those are the comments as staff.

Bonin wanted to know if you need the work incidental. Could that be misconstrued? Winter said she would suggest that we open the public hearing.

Plaisance motioned to open the public hearing at 7:59 p.m. Cornicelli seconded; all in favor, motion carries unanimously.

Balfany motioned to close the public hearing at 8:00 p.m. Terry seconded; all in favor, motion carries unanimously.

Winter said she sees what Bonin is saying. It could be interpreted in many ways. Bonin said it is dangerous and doesn't add anything.

Terry said his only objection is in a normal world, he has seen language like this perverted to close down something based on nothing. He has seen people having property condemned because of a wetland they didn't cause. There is somewhat on their property from a flood. Suddenly it is a wetland and they can't build an addition. Language like this sounds fine. Someone could see they don't like what their neighbor is doing. Balfany said even in the term increase vehicular traffic, even one car is increase. Terry said our ordinance already address issues that would cover these things. He wants to avoid creating an excuse for someone who has an agenda, to go after someone. They would be pretty clear they would be violating our ordinance. Mundle said keep the first part of the definition and remove the second part. Terry said that would be his thoughts.

Holmes said he could care-a-less, other cities have done this. Automotive body shops,

people thing paint. Some cities allow bodywork but not painting. Many communities allow bodywork but no painting and that would have to be in a commercial setting. Winter said do you want to allow these businesses to be home occupation. Holmes said the City of Plymouth got into a big mess with this. No body shop type work or if you want to allow bodywork with bondo, many communities allow that but not painting. He has done bodywork for 40 years. He knows all about it. The City of Plymouth got in a lot of trouble with the same language. If you want to change it to no auto body type work at all, which would mean bodywork and painting. It is something we need to look at. Winter looked for the definition.

Balfany said do we have a problem with this currently. Do we have people operating home occupations versus hobbies? Cornicelli said aren't auto motive repairs and I hit a deer, I have structural damage and also they are replacing parts.

Terry said it is specialty for auto body repair. Cornicelli said they would be repairing mechanical and body. Holmes said a resident wanted to fix his own car. Many people can fix their own car. The City said you can't do that work and the resident said it is their own car. If you are going to mention those kinds of business we have to define it. Plaisance said if he isn't receiving payment for his own car. Holmes said he is receiving payment from the insurance company. He is just trying to save East Bethel into getting into this problem.

Balfany said take the auto glass industry. In efforts for our business, cities group us into the auto body repair shops. There are operations where they work the business out of there house and drive from there. If that industry said I live at 123 East Bethel, I am going to run the auto glass business out of my house. According to this language it is a home occupation that wouldn't be allowed.

Holmes said when he lived somewhere else, a guy was buying repairable car, and fixing them up and bring them to a body shop and have them painted and then sell them. One year he did 161 cars and that is how they caught him. It blew up. This is very vague. He knows the guy and it cost the City a lot of money. Plaisance said he doesn't disagree with that. If he was doing that, he should have applied for an IUP or CUP. Holmes said it was his own car.

Plaisance said if you sell more than five cars you have to insure the car. Holmes said many years I have sold five or more cars. I even tried to make them give me a license. They wouldn't do it. There are a lot of stipulations. Winter said we have a definition of motor vehicle repair minor and major. One of the ways you could look at it, you could say that motor vehicle major and minor would not be allowed as a home occupation. Holmes said but he person owns the car. That is where it comes into a problem. Cornicelli and they own it and fix it and sell it. Holmes said you can buy and sell 200 cars and you don't have a commercial property. Cornicelli said that is what Mr. Gardner is saying.

Winter said Holmes said it was in a commercial area. Is this is something you are going to allow people to do in a home occupation. Mr. Gardner was trying to make the case tonight. Are you going to limit it to five? Winter said I get more complaints on people that repair cars more than anywhere. People drive up and down our streets. They fix up people cars up. They aren't getting an IUP. That and machine shops. You have some legitimate motor vehicle repair places. They should be where they are appropriately zoned.

Holmes said more people are dealing with repairing cars. That is why it is critical. I would hate to see East Bethel get into a situation like Plymouth. Terry asked how a

machine shop is defined. Winter said there is not a good definition in here. It is a permitted use. Terry said what is a machine shop. Winter said that is why this is a discussion item. I can further define this. We can define this better.

Mundle wanted to know if we have any repair shops, machine shops, etc in the City. Winter said not legally. We have one, the gentleman that does the Classic cars on Polk Street. Holmes said you might want to define it, like I just made Lorraine a bowl that is made with a machine. Terry said it should be specific to what is the problem. Holmes said you should look at a definition on machine where you operate it for monetary gain. I do it for hobby. I know people who do machining for themselves, not for anyone else. According to what we have now, that would be illegal.

Winter said this is an addition. Holmes said we should cite it for monetary gain. Balfany said are we saying we want this in here or not. How far do we want to define it? Terry said I don't want to limit people. I don't want to do things that would impact the neighbors. I don't know how it would be a problem with the neighbors. Holmes said speaking about that guy that I know, he makes street rod shops. He has a converter to run it. He has a generator to run it. It would affect the homes near by. He starts the generator so he doesn't disturb the neighbors.

Bonin said whatever decision we make is the decision on this is the bottom line is the neighbors. If it doesn't affect the neighbors it should be allowed. Terry said if you are on a ten or twenty acre property, there probably is no problem. If you are doing it in a two-acre property, it could affect the neighbor. Cornicelli said I have twelve acres and I wish the neighbor would move out the cars.

Winter said I am not sure what the answer is. I just know that is what we get a lot of complaints about. Cornicelli said if the city investigates them, you are not causing that much waste, when you investigate them, what do you find where they dump hazardous area. Winter said they are generating the hazardous waste. They don't have proper permitting. You can either do it; they do have to go through permitting.

Cornicelli said the basic premise is they shouldn't do in home or accessory building. Winter said it doesn't fit the definition of a home occupation. I can't bring back definition. Holmes said if it produces hazardous waste, it shouldn't be allowed. Winter said then we need to define that. Cornicelli said if they are operating their business in their pole barn, and haven't gotten a permit, then they are not taking care of their hazardous waste.

Terry said you might be forcing people to go under cover, rather than getting a permit. You don't say other things like auto sales are not permitted. Letter K addressed the problems with these. Are other restrictions going to filter this out, without listing these things out? Winter said I would like it, the first definition, I would like that language changed. Balfany said I don't think anyone has a problem with that.

Cornicelli said could you argue that machine shops may or may not be home occupation; businesses that involve automotive uses are not home occupations. If those repairs are done onsite, that would cover your guide for someone who runs parts. Terry said what about the guy who does Classic Cars. Winter said the guys got a hazardous waste generator. We can make the people comply. Terry said if we say they are not allowed, they would do it under cover. Winter said I see your point. Cornicelli said no law is going to address that.

Plaisance said I would pass the correction under A and pull the other two. Balfany seconded; all in favor, motion carries unanimously.

**Comprehensive Plan
Amendment, Zoning
change on Viking
Boulevard**

Staff will be presenting information on proposed zoning changes to Viking Boulevard

Requested Action: Call for public hearing

Rick Larson, owns R and L automotive. Where his location is on Viking when you go east. When he opened the business, the zoning was changed. The city Center district. There is two block that got assigned and R1 and R2 designation and the rest are rural residential. In these two areas it is all businesses. It is similar to when we were dealing with Minnesota Fresh Farm. He wants to expand his business. Since he is a legal non-conforming use. This shouldn't be residential. Some argue the whole of Viking until you get to north of Convenience it. It should all be rezone commercial. In this case, I would certainly look at calling a public hearing. We don't know when our comp plan will happen. The council and EDA are heading in the direction of looking at our comp plan. In the interim, we should look at this small r1 and 2 into business designation a B2. Until such time we can rezone it to form based. I would recommend you call a public hearing.

Cornicelli this would be like the Anderson. Winter said the difference there they are residential going to business. They were requesting an IUP to start thing. By no fault of their own, can we just give them an IUP. Winter said no, not according to our attorney. We will need a zoning text amendment. We haven't moved off center with the comp plan.

Holmes said he was on the committee when we went through all this. The consensus was we zoned it residential. We didn't know if the companies would stay there. We based it on, the grandfather writings from 1929; they were all grandfathered in. until we figured out what we were going to do with those properties in case those properties wanted to move to Hwy 65. That is why it was done that way.

Winter said it is a legal non-conforming use. Holmes said if he is doing the same business he could. Winter said it is a different business. The other side of it is, there are two areas that are R1 and R2, and then to rural residential. As much as we want to think will be on Hwy 65, there is a significant amount on Viking. Holmes said we did it so we could who would want to be on Hwy 65. We did rezone some areas right away. Winter said there have been two businesses that have expanded on County Road 22, and another one that was just bought. There is some value of having commercial zoning. Balfany said we had to do that with the convenience store. We had to change that zoning for that.

Balfany said you just want us to call for a public hearing. Terry said are there any other areas. Winter said where Minnesota Fresh Farms is; we could also look at that same area. Bonin said that place is a farm. When did it become residential? Winter said in 2007. Balfany said you just want us to say a public hearing. Terry said we should review all places and have a public area.

Terry motioned to call for a public hearing. Cornicelli seconded; all in favor, motion carries.

**Approval of Meeting
Minutes February 25,
2014**

Holmes motioned to approve the minutes. Terry seconded the motion; all in favor, motion carries unanimously.

Other Business and Council Report

You may have seen activity and Fat Boys was sold and a business will be going in there. The gentleman owns two restaurants one in Cross Lake and Fargo. He understands there is a need for families. Cornicelli said something other than hamburgers and Coors Light.

You should have all received an email about the Sunrise Business breakfast. They talked about getting it in the mail. There is a business breakfast on April 10.

Holmes said he was pleased to see the East Bethel bulletin about cleaning up the yards. We have been talking about the car dealership. I know you keep saying when their permits come up, we can deny it. Winter said it is something we are looking at. He has provided us notification that he is meeting the requirements of the zoning text amendment. He will be coming before the Planning Commission, Valders Motor.

Holmes said he got a call from an East Bethel resident and he called me every name in the book. He doesn't like what the Commission has done. He hates me. I explained to him that I have been on the Commission for quite a while and we have done a good job. He stated that we did it just despite everyone in this town. We have tried to do the opposite. We have gone to the point to tell people how to do things. I got my call, it sounded like he might call others. I believe this commission has tried to do what is best for East Bethel, not for each one of us. If the resident doesn't feel that. He can call me and call me names again. It was an hour-long discussion. If you don't like it apply for the Commission. He doesn't understand the system. I believe he is wrong. Everyone here has done their job. Bonin asked if he has been at meetings. Holmes said I don't know the guy. It doesn't matter. Winter said she got the same phone call. Holmes said he commented on the electrical lines. I don't know what else this commission could do.

Terry said the proper place is not to call you privately and they should have come to the public forum. Bonin said it doesn't matter what we decide it is the council. Holmes said I was the first one he called. Cornicelli said that is what you get for having a land line.

Koller had no report. Last Saturday we had a fundraiser for Booster Days and we had a beach party. There were quite a few kids. We will find out if we made any money at it.

Adjournment

Balfany made a motion to adjourn the meeting at 8:45 p.m. Holmes seconded; all in favor, motion carries.

Submitted by:
Jill Anderson
Recording Secretary