

EAST BETHEL PLANNING COMMISSION MEETING

February 25, 2014

The East Bethel Planning Commission met for a Special Planning Commission Meeting on February 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

MEMBERS ABSENT: Lou Cornicelli

ALSO PRESENT: Colleen Winter, Community Development Director

Call to Order & Adopt Agenda Ron Koller was welcomed as the new Council Liaison. **Holmes motioned to adopt the February 25, 2014 agenda. Terry seconded; all in favor, motion carries unanimously.**

Holmes motioned to add items 8, 9, and 10 were added to the agenda. Balfany seconded; all in favor, motion carries unanimously.

Basically the home occupation ordinance we want to comment on that; that would go after goal setting and then the City Council update and then adjournment.

Approval of Meeting Minutes

Mundle said you will see in front of you green sheets, if there are any corrections please bring that to Colleen's attention.

December 17, 2013 January 28, 2014

Mundle had a change on December 17, 2013, on page 3 of 8, last paragraph, it states Mundle asked if it is affiliated with the RV park. Mundle asked about the RV park.

On the second paragraph, it reads Community School in Cedar Creek, strike in and replace with on.

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

Discussion regarding Variance Statute Changes

2011 the variance changes took place. Even though we don't address practicable difficulties. A variance is a way a City can allow an exception to the ordinance. Practical difficulties. There was a court case that brought up practical difficulties. Practical difficulties have three factors.

Practical Difficulties Standard Factors:

First factor – Property owner proposes to use the property in a reasonable manner.

Second factor – Landowner's problem is due to circumstances unique to the property not caused by the landowner.

Third factor – Will not alter the essential character of the surrounding area.

Holmes asked about the last variance – the Morgan's. They could have built a house with a tuck under garage. This would have made it legal to do that. Except they didn't want that type of house. They wanted the garage in front of the house. Some of it you could say we did it right. Was it impractical to make them build a different house than what they wanted?

Mundle asked if it is our job to come up with the different choices. Holmes said no, but we need to look at the options to see if there is a different house option, possibly tuck under. If it is, do we do it? The other thing, you have not created a two-story house. It

is not practical. That is one thing we have to look at. Just because they want it that way, is it possible to make it a different way. Bonin said but if they meet those three requirements. They met the requirements of the ordinance. Holmes said it is our duty to look at that. Mundle said not just because they want it. Holmes said it is just something that he thought of. He thinks we did it right. Bonin said a few years ago we didn't have these standards. Holmes said it is a little more critical now. We should look at it closer. Bonin said she thinks it is loser now. Now you have to determine what is practical now.

Winter said it is a 2010 decision. Minnesota Supreme Court adopted a strict determination of hardship. In May the State put in a practical difficulty standard in. A practical difficulty is the absence of the requirement the property cannot be used without the variance.

Holmes said everyone is different. He thinks they could have built a residence, within the regulations. He won't go into detail. Terry said in that instance if the neighborhood had two story houses, they wanted a retirement home without stairs. You would have forced them to have stairs because an arbitrary thing. Holmes said what they should have done is look into it before they bought the property. If you want to be technical. People buy it and think they can do it. Commercial is usually the bigger problem.

Planning Commission Refresher

These are the handouts that should have been in your packet. The first handout talks about the formation of the Planning Commission. The second handout is about comprehensive plans. It talks about the various tools. It talks about the subdivision ordinance and also talks about the cities limited powers. It talks about what a City can and can't do. When you all got this, please review it.

The League of Minnesota Cities does sometimes have training. We are still looking to see if they have this training.

Bonin said she read the comprehensive plan, and she had questions on the purpose of comprehensive planning. She thinks we could do a lot better job of getting people involved in planning the City's future. Accommodating change, we need to do a better job of it. We need to look at what makes sense now.

Winter said when we get to the point of looking at our comp plan. She wants to see us have a series of meetings. That is a standard practice. If we hire a consultant, that is the first thing they would suggest. As far as trends, the Metropolitan Council has come out with their forecast. They have determined trends for a regional plan. In her mind this it is contrary to what is needed in East Bethel.

Holmes said the thing that stuck out in his mind. Page 19 the sixty-day rule, in Chapter 14. We have gone over the 60-day rule more than what we should. Winter said we do date stamp everything. Viking Preserve we were asked to not put it on the agenda. It isn't always the City's problem. It isn't always driven by the City. If the developer is asking for more time. We do have one instance where we were over sixty days, and we asked for an extension. Bonin said the crucial thing is it is in writing. That covers it. Then it is not a problem. Holmes said we have pushed it back because they weren't here. This is before you weren't here. We should look at it closer.

Winter said our process internally is everything gets date stamped. We have a spreadsheet that shows when the different dates are. It is a very critical thing. She is very critical on watching that. She will check to find out what we do on the instances when it is isn't driven by us.

**Met Council 2040
Frame Work**

Met Council does a series of things, and sends out population projects. Please pull out your draft projects.

If you look at this, they are showing a fairly significant increase for the City of East Bethel over the next thirty years. We are not a community that could support that increase. They have backed off on this. These projections are high for the City of East Bethel. Let's assume we have the 48-single family homes. It will take three years. It will take 15 – 20 homes per year. We do have several rural subdivisions. We had 16 or 17 housing permits total last year. With the new facility that is being built on the north. Whispering Aspen also has some lots. She doesn't think we will hit the mark. Bonin asked if it matters. Winter said it does have an impact; they have a tendency to dictate the other things that go into our comp plan. We need to decide this. We have to feel comfortable with whatever these numbers are. Bonin asked if we need to decide if we want that kind of growth. Winter said are we going to see our population go up by 60%. Holmes said places like Lakeville and other places are full and are further away from Minneapolis. Winter said the Met council one of their big things is transportation is orientated. They are trying to get all the population growth in the urban areas. We all pay for the transportation. We pay taxes for the light rail. They are designed for urban densities. They are also concentrated in the urban areas and the southern metro. They are saying they are going to drive the population to have it biggest gains in the urban areas. We are going to have places to walk and bike. People are not going to be driving as much.

Holmes said they are projecting the communities projected high; they are the ones that don't have a lot. Centerville isn't going up very much. Columbia Heights isn't going up.

Plaisance said Ham Lake has a smaller jump than we do. They have 2,000 more people than we do. But in 2040 we will have a thousand more. Are they just assuming with the water tower we would have a larger increase? Winter said she does think the sewer and water does have an impact. They take our comments very seriously. Plaisance said he would have liked to see what has gone back further, looking at 1990 or 1980. You are talking 30 years down the line and see what the increases were at each area. When the metropolitan area is growing, it would be nice to see the demarcation line. Blaine was not the big city it was today. When did it change from the inner city? It might be a good indication on when our increase would come. Winter said it would be interesting to see. There was a big swing for suburbia. People were moving out of the urban area, and they were coming out to the suburbs. Met Council is now saying they were seeing a great growth in the urban areas. It is fine to do that, but there are still going to be people in stand-alone communities. St. Francis is also another large jump. Holmes said don't you think it is part of the Highway system. Winter said that is possibly why you don't see the growth. We as a community need to look at this very closely. She doesn't think the regional framework is something the City of East Bethel should adopt in its entirety. We have a 1 in 10 acre density. You are saying there is not going to be significantly more development unless it is near the corridor. She does think there is room for rural subdivisions in East Bethel. We do have an obligation to the people who own the land.

Winter said we may want to look at a 2 ½ density. Bonin agrees strongly with that. She thinks there should be some protection for people who want to keep the 1 in 10 acre development. She would like to see small lots with a common area. She wants to ensure open space. Winter said that works well with East Bethel. 60% of our community is wetlands. You would be better off doing 2 ½ acre lots and putting them in one area. Possibly having a common septic system. That does make people nervous. She does think there are creative ways to handle that. Bonin said if you are doing a planned unit thing, 2 ½ acres might be too large. You wouldn't need a common open space if you had 2 ½ acres. To cluster them into an acre lot. That would be plenty big enough if you have open space. If you look at the area south of 209th. The lots aren't big. That makes a nice little development. They don't have water and sewer. She doesn't know if there

should be a minimum. Let the lots be of greater variety.

Holmes said on the list of cities, it would have interesting to see what Maple Grove has done in the past few years. That is a place that has exploded. They are planning on building more commercial. Obviously we will not grow like Maple Grove. Winter said this is only Anoka County. She can get the information for any of the counties in the metropolitan area. Holmes said to compare that with us. It is probably hard to compare. Their projection is probably insane. Winter said they have quite a bit of room where they can develop in the gravel pits. Terry said does Blaine have the room to develop 45%. Winter said they don't have a lot more options in Blaine. Bonin said they do have a lot more areas. Mundle said have they dug up all the sod fields. Balfany said yes. Part of this is probably looking at natural growth based on families. If it is young families and they also might have family growth, natural growth. Bonin said their lot sizes are so small. You can get a lot more housing. It doesn't take a huge area. Balfany said in my neighborhood they are between a 1/3 of an acre to a 1/2 lot. We are not Columbia Heights where you can water your neighbor's plants. We are not on top of each other even with the condensed lots. Blaine could be diced up into smaller lots. I don't see us being the next Blaine.

Plaisance said if we also look at, obviously what drives the growth is transportation. Your example of Maple Grove, highways 694, 494, 94, it is a hub of sorts. Blaine when you had 610 cut across. When I look at what we have here. He doesn't see any transportation improvements for 40 years. When we were talking about County Road 22 going into two-lane hwy across the suburbs. That would cause a great increase. That is off the table at this point. Has anyone done a study, as to when there is a certain increase from a two lane to a four lane? Busses or train added to an area. When you have the metro train going from Minneapolis to ST. Paul. What are we going to have here that will bring people here to Hwy 65? He doesn't see it. Mundle said we are getting a bus line. Holmes said light rail is projected to go down Hwy 65. That could be 5 years, or 20 years. It is projected to go to Cambridge. Plaisance said that would change our density. Bonin said it is important to our plan for the future, otherwise we will be stuck. Plaisance said that is why he is trying to figure out what will cause our increase. That should be an indicator to the past. In looking at the future, how much transportation will drive that to a greater height than it is today. Light rail would be huge. Any other improvements would also be looked at.

Winter said Met Council has done their homework, and she can look for the information. That is a critical piece on how we would develop as a City. We have time to look at this. They won't be adopting this any time soon. They are going through a series of meetings.

Holmes said Columbia Heights, how will they get 2,000 more people into the community. Coon Rapids has actually taken down a lot of buildings and has proposed more apartments. They have been aggressive on a lot of things. He thinks their numbers are low. They have a lot of things in the fire. They are doing a good job. Bonin said they are close enough to the downtown area. Whatever development is convenient to downtown. Holmes said they moved their downtown area from Northtown to Riverdale area. Holmes said he thought the City Council was nuts at that point. Bonin said we cannot be so cautious. We need to do those things that people will say we are nuts. We can't get scare off. Balfany said an area off of Albertville. Now towns you have never heard of, Rogers, Otsego, St. Michael. People are still coming here. Holmes said they are further out than we are. Balfany said that is the opposite of business follows roof-tops. Sometimes bold decisions need to be made.

Goal Setting – 2014

The comp plan may not be a term people are comfortable with. We need a corridor plan. What does the sewer and water do in terms of how we see development? Do we want more PUDs? What sort of things at the State level impact the City – such as MPCA, Met Council, they are looking at new standards for managing storm water. Anoka County is looking at water resources. There is probably not the funding for a comp plan. She does think it is a goal we should set for 2014. Obviously as a planning commission you may have other issues.

Bonin wanted to get more specific, how far do you have to go from here to get to a grocery store? Balfany said it is 15 minutes to all the different communities. Really it is 15 minutes from there. He remembers looking at the study; it is a fifteen mile radius for an \$18 million grocery need. In his head, even if you did half of that. If we could capture half of that, that is \$9 million per year. He doesn't know how that statement isn't being used as a sales technique. Especially with Soderquist closing. Balfany said how many times was that said in the article last week.

Winter said Hy-Vee is looking at expanding into the metro. She got a hold of the real estate person. If we can be one of the first ones to get one of them, that would be good. Holmes said Coborn's was looking at buying property here. Winter said they were looking at coming in 2005 or so. Holmes said the person who owns property in East Bethel, Kings County Market. Winter said the owner of East Bethel Properties is one in the same. Holmes said he doesn't think it will be long before they come. Holmes said Soderquist couldn't compete. Even the grocery store in Isanti is having the same problems. Winter said the grocer store in Isanti is closer to competition. The nice thing to the corner is easy in and out access. That is very much on the economic development authority. A grocery store is something that came up in that conversation. The chamber also talked about it this morning.

Holmes said he thinks the City gets a big box store it will progress. The Fleet Farm in Cambridge was supposed to be in East Bethel at one time. It wasn't that long ago. The biggest reason was they didn't have the sewage system. The thing was Fleet Farm really wanted the parcel in East Bethel. If East Bethel would have done something else, they would have been here. A store like that would have made a big, big difference. They are already talking about adding onto the store in Cambridge. Winter said with that aside there are still some needs. If you have any other things you want to see us look at, let Winter know.

Mundle said there should be joint meetings with the EDA. So we can see where they are with planned businesses. So we can take that into consideration with the planning. Winter said the joint planning should also be with the council.

Home Occupations

At the last Council meeting, there was an interim use permit. It is not something that goes before the PC again. Mr. Kirkeby has two full time employees and five part time employees. They felt that wasn't really complying with home occupation. They wanted to take a look at modifying the home occupation ordinance. She thinks that one thing that is unique. They don't work at the location. They park their vehicles and go off sites. She thinks we need to add language, if you are a full time person that works on the site. How does the planning commission feel? She has been charged with bringing something back. Holmes said that is how we always looked at it. Holmes said he knows a person who works out of his house and has 70 employees in another town. He has a permit to work out of his house. None of his employees work out of his house.

Bonin said how many people you have working somewhere else doesn't impact. We are trying to protect the residential area. Winter said the issue is also they might be working offsite, but they are parking their vehicle there during the day. Bonin said the number of vehicles parked there. Winter said maybe we should look at the number of vehicles. Holmes said we have looked at that. We don't want commercial type traffic. He doesn't think there is anything we want to change.

Winter said the Council, do you have any comments. What would you like to see?

Koller didn't think it was problem. They show up and talk all the big trucks out. There is a lot of traffic in the morning. This person is looking for a place to buy. We don't want to make it difficult for him. Winter said he is still looking. Koller said tabling it, is letting it go for a while. We did a temporary for him for sixty days. Mundle said when we did interview him, and the neighbors had no complaints. They didn't have a problem with the business or the neighbor. Balfany said we had more people speaking out for Gordy's cabinets. He had moved out of a business location and they were coming and going. We limited the parameters for them leaving.

Mundle said they don't work on site. Holmes said we have looked at that. You need to find a building. Holmes said that is part of the conditions of the permit. If you say we will allow three and not fifteen. Plaisance said they are not working on site. They come there and pick up equipment and then take off. His understanding is the company is doing roadwork and filling potholes. The work isn't being done there. They might stop by and pick up.

Holmes said he is looking for a building. That should be taken into consideration. Bonin said if we know they are actually looking. If we suspect they are saying they are looking we need to smart. Balfany said he brought specific building to us at that time. It showed he was looking and has a plan in place.

Winter said the home occupation ordinance talks about more than 3 people employed. There shouldn't be more traffic than what a single-family residence. Holmes said if they aren't working on the premise. He doesn't see anything wrong with it. Balfany said the word employed could be a hurdle.

Koller said it could be worded that you can have more employees but they don't work on site. Holmes said now you have 8 employees coming to pick up the truck.

Winter said it also says there won't be outside storage. Parking needs have to be on site. The area set aside for the home occupation shall not exceed 50% of the main structure.

Holmes said if we become too hard on the businesses we do have, will the businesses want to come here. What will they do to us? They look at that. Winter said that is where you strike the balance. Common sense has to come into play. Maybe we define the number based on onsite versus off site. Holmes things we have that. We need to work with him as long as he wants to work with us.

Balfany said didn't we have a review process for Valder automotive. It might be issue a twelve-month interim use permit to be reviewed annually. What is the progress? We need to see what efforts have been done. Holmes said written statements from places he has looked at. Balfany said then it validates the Council.

This person was presented as a good person and business. The suggestion was made that we do a sixty-day permit. We don't want to give the perception that we will make one request and we will change the ordinances. We don't want to look too eager to change the ordinance. He had asked Davis if it resolve other issues and he said yes. He said it would resolve things. Assumedly we all have fudge room. Too much traffic. Every daycare center will have that. You don't want to harm them. Maybe will be shall not employee this many employees. Employed on site might be the simplest way to deal with this. Terry said heavy diesel trucks starting might be a problem.

Winter said this is something that will go before the City Council. This was really for a point of discussion. She thanks Ron and Tom for shedding some lights.

Holmes said he was on the committee that went through all of this. We looked at it many times and it was a tough subject. Winter said our home occupations are not the ones that operate in their home. The auto body and weekend garage stuff are the ones that are tough to deal with. Plaisance said so you would have any objection to the employees on site versus the ones that stop by for five minutes.

Holmes said the way it reads you can look at the traffic and that limits it. It doesn't matter to him. If you limit the three and what if you need four. So those are some of the instances you might come up with. You need to leave it broad, but then again you want to be specific. Plaisance said we had a hair stylist, what if this gentleman wants to find a new place for his business. But still wants to have an IUP at home. If he is offsite with his other employees.

Bonin said that is why the wording becomes important. That covers it. He can have three at home. It can be the same business. We are looking at the impact of the home. Plaisance said if that is the case, we would have an issue with the wording of the ordinance. It was worded that if it is employed by. Winter said yes it says employed by the home occupation. You can change it to principal and two other employees on site at that location.

Holmes asked what if they need more. Winter said then we need to add that last item, where we say, under certain conditions the CC can determine any adjustments.

Holmes said one reason the person. He works out of his house so he can have the tax deduction. His deal is all round the united states. It is a totally different deal. Plaisance said he is using it as an example. If we are really going to be considering a comp plan. This would definitely be one of those things where he would want to revise the ordinance so it is clear. They could have however many employees at a location.

Holmes said we didn't want to make it really restrictive. We always went back to if he needed four or five and that is how we go tin the traffic situation. If you have two employees and a lot of traffic. So that is why you leave if very specific. Balfany said that is why adding onsite adds a clear description. If you say three employees onsite then looks at traffic.

Holmes said they could have six employees on site and if there is not a lot of traffic. That is the business that was allowed. On the flip side, you have a lot of traffic and only two employees.

Winter said that is why you have the discussion on traffic. The ordinance does specifically talk about only three employees. Winter said in certain circumstances if there are more employees, the Council would have the ability to review that. If they exceed the three onsite. It comes back up for review.

Balfany said for a minor part at the Council discretion. Where they were kind of coming up to a hurdle with the employees. As a body and a commission it is a recommendation to the council. We bring them forward. When we are making that recommendation to you. When it is coming back. We are happy to clear up information. Our planning commission ahs reviewed this. He hopes you would feel comfortable making a recommendation. We just had this recommendation before us. We moved forward on it. Here is something that made it more difficult. That would be his recommendation to the council.

Ronning asked what if the people had two people working 9 a.m.-5 p.m. and 2 p.m. -2 a.m., with working. Winter said there are posted business hours in the City ordinance. Ronning asked whose business hours. Winter said we are splitting hairs. What if it is a one-person operation? The more that addresses that, the noise odor and dust. Winter said this is a good discussion.

Council Update

Koller said he doesn't know what he is supposed to update.

Koller said you have just been discussing the big discussion we had. We couldn't renew it because he had too many employees. He is sure you have all read the minutes. We have had a lot of controversy.

Winter said you have a new council member. Tim Harrington is our new Council member. Tom Ronning knows him quite well. He is one person who has shown up to every Council meeting for the last year. Well both Tom and Bob know him. He seems very level headed. Balfany said he is sure he will be a great addition.

**Commission
Member Holmes**

Holmes asked about Valder motors renewal. Winter said that is up for renewal in May.

**Commission
Member Terry**

Terry we decided we didn't need a Council update because we got City minutes. Winter said as you can see they are a number of pages. She is happy to provide them to you. Do you want them every time? She thinks it is very critical to get the updates, especially if they have meetings outside of the Council meeting. As far as the meeting minutes, she is happy to provide. They are on the website. You can access them on our website, and the City Council meeting is online also. If she is directed to keep doing it, she doesn't want to waste the paper.

Holmes said could they be emailed to us, and mailed to the person who doesn't have email. Bonin said she doesn't need them. Winter said she is happy to provide copies. Terry said he was just trying to get clarification.

Adjournment

Balfany made a motion to adjourn the meeting at 8:40 p.m. Holmes seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary