

EAST BETHEL PLANNING COMMISSION MEETING

May 27, 2014

The East Bethel Planning Commission met for a Regular Planning Commission Meeting on May 27, 2014 at 7:02 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Ron Koller, City Council
Colleen Winter, Community Development Director

Call to Order & Adopt Agenda **Mundle motioned to adopt the May 27, 2014 agenda. Holmes seconded; all in favor, motion carries unanimously.**

Public Hearing for Administrative Subdivision – Lot split of 31-34-23-42-0001 Public Hearing – Owner: Marjorie Wanamaker,
Administrative Subdivision Request – to subdivide a metes and bounds parcel into two lots.
PID #31-34-23-48-0001;
Zoning - Rural Residential

Ms. Wanamaker is interested in subdividing her property into two separate parcels for the purpose of selling off 10.61 acres for a residential home lot. Her existing property is defined as Metes and Bounds and she is allowed to divide off one parcel from the original through the Administrative Subdivision process.

Recommend Approval of the Administrative Subdivision request by owner and applicant, Marjorie Wanamaker to subdivide property into two separate metes and bounds parcels as described below:

Parcel A:

The Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, Anoka County, Minnesota, excepting therefrom that part thereof described as follows: Commencing at the Southeast corner of said Northwest Quarter of the Southeast Quarter; thence North along the East line thereof 330 feet; thence West and parallel with the South line of said Northwest Quarter of Southeast Quarter, 660 feet; thence South and parallel with the East line of said Northwest Quarter of Southeast Quarter, 330 feet and to the South line of said Northwest Quarter of Southeast Quarter; thence East along South line of said Northwest Quarter of Southeast Quarter to the point of beginning and there to terminate, and also excepting therefrom the East 692.37 feet of said Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, lying North of the South 660.00 feet thereof.

Parcel B:

The East 692.37 feet of the Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, Anoka County, Minnesota, lying North of

the South 660.00 feet thereof.

Winter stated the wetlands have been delineated and there is plenty of room for a home site and two septic's.

Mundle opened the public hearing at 7:03 p.m. and closed the public hearing at 7:04 p.m.

Cornicelli asked if there are any structures on the site? Winter said no there is nothing on parcel B. Cornicelli asked where the homestead is on Parcel A. Winter showed where it is.

Resident showed where the home is. The parcel is on a separate PID. Cornicelli asked if there were setbacks issues. Bonin asked if Parcel A had anything on it. Winter said no. Holmes asked if they were selling Parcel A, how someone would access it, the back way? Winter said they would have the three hundred feet of frontage. Holmes said you would only be able to build in the front part of Parcel A. Winter said if we went down to the 2 ½ acre lot size, then they could further subdivide the area in the back. Holmes said they are blocking off the back of Parcel A in case they wanted to sell that. Winter said the only way they could do that is if they put in a full street. That was one of the options we talked about with them. Parcel B allows them enough room to divide. Holmes said the wetland would block from the Jackson Street side. Because this is a wetland here. He is confused. Winter said she would show the aerial view. She pointed out that a street could be built in the future to access the property further to the west.

Resident said there is a park road that goes in. We are right next to Bonde Park. There will probably be no building in that area. Resident said this is bordering Bonde Park. Resident said it is a driveway. Winter said it is a road that we could improve in the future. Holmes said it would be nice to get it squared away. Terry said he doesn't see what is wrong with leaving a portion of land unbuildable. Resident said it is being farmed. Winter said they would have to go through a different process if they wanted to further subdivide. Davis said the Bonde Park road is on private property and the City plans on moving their road to public property. Mundle said that would become an actual street at that time. Davis said it probably wouldn't become a City street and we would work with the property owner to share an easement. Winter said we could look at securing an easement on their side, so if a road would need to be built we would already have the easement. Holmes said things change in the future. We have to look at everything. Winter said would that be a 30 or 33 foot easement? Davis said it would be determined at a later date. Resident asked would the easement be for Parcel C. Davis said the entrance to Bonde park is not on City property. We want to shift the road. We appreciate you allowing us to use it. If you ever sell, there wouldn't be any issue so we want to shift it. Resident said with the exception of the wetland, it is all farm. There is still going to be the farm trail on the north side of the property and will continue to farm the areas behind and around our homes.

Holmes recommend approval of the Administrative Subdivision request by

owner and applicant, Marjorie Wanamaker to subdivide property into two separate metes and bounds parcels as described below:

Parcel A:

The Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, Anoka County, Minnesota, excepting therefrom that part thereof described as follows: Commencing at the Southeast corner of said Northwest Quarter of the Southeast Quarter; thence North along the East line thereof 330 feet; thence West and parallel with the South line of said Northwest Quarter of Southeast Quarter, 660 feet; thence South and parallel with the East line of said Northwest Quarter of Southeast Quarter, 330 feet and to the South line of said Northwest Quarter of Southeast Quarter; thence East along South line of said Northwest Quarter of Southeast Quarter to the point of beginning and there to terminate, and also excepting therefrom the East 692.37 feet of said Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, lying North of the South 660.00 feet thereof.

Parcel B:

The East 692.37 feet of the Northwest Quarter of the Southeast Quarter of Section 31, Township 34, Range 23, Anoka County, Minnesota, lying North of the South 660.00 feet thereof.

Along with the access to the backside. Bonin seconded; all in favor, motion carries unanimously.

**Public Hearing –
Zoning Text
Amendment, Section 14
Accessory Structures**

The Planning Commission has discussed several revisions to the Zoning code related to Accessory Structures. It has been on the Planning Commission agenda a number of times. Please find attached in your packet the latest version that was approved with the edits left in so you can see the changes. I have also enclosed information from other communities related to Detached Accessory Structures, along with a letter from Fe and Brian Mahler.

There was a handout that was given to you tonight. There are several things some items are in red, which indicates it was something we looked at earlier. If it was blue we also looked at it. The purple shows what the recommendation is up to this point. The first thing Winter pointed out under the definition section; we added a definition of what a pole building is. That was something we added to the definition section. If you go to the zoning code, section 14, where it talks about detached accessory structures recommendations in the past:

We had taken out no accessory building or structure cannot be built before the principal structure, without prior approval.

Steel siding accessory structures must be located on lots of more than three acres and they have to be behind the main structure. We will take this out.

Fish houses were included, so we took them out. They were taken out when looking at the square footage.

For the purposes they can have stairs for access. That is something that was added before.

So far we have eliminated only the pole structure.

Under architectural, we took out the language on pole type, we added detached so it will get at the design standards. If you go under item D, it talks about shall include 2 architectural or landscape features on any sidewall greater than 10 feet in height and any visible from the right of way. We did strike the information about trees. The concern is how much you would include one, two or a whole row of trees. It was determined it was best to eliminate.

Number 4, size and number – All accessory structures greater than 120 square feet must comply with the following regulations. One shed at a 120 square feet or less is not included as an accessory structure. You can have one, and have a pole barn. We are recommending if you have an acre or less, you have to stay at 580 feet and allowed 1 accessory structure. On all structures a 14-foot side walls is the highest sidewall. 1-1.99 acres, it should be 960 square feet, one accessory structure. This is where the changes come in when you go from 1.99 – 2 and 2 to 2.99 acres. You can double the size to 1,800 sq. ft and you can have two accessory structures. If you have 2 accessory structures they can total 1,800 sq. ft. When you have 3-4.99 acres and the size goes up to 2,400 square feet. Five acres or more you can have four accessory structures at 3,000 sq. ft, plus 240 sq. ft for each additional acre. The rest of the ordinances are staying the same.

The one thing we did, we look at several different communities. We would be less restrictive than Cambridge and Ham Lake if these were adopted. We would be very similar to Isanti and Ramsey. Anoka and Ramsey they actually have much more liberal standards. We also look at Lindstrom and Forest Lake. We feel this is a good compromise. Hopefully this is the last time it has to come before you. You have included some protections with the standards. If you put 1,800 square feet on two acres, you are still only taking up 2% of the area.

Questions for the Planning Commission to consider:

1. Should the City allow Pole Structures to be built on lots of less than 3 acres? This was discussed at the last Commission meeting. Consensus was we could do something on lots smaller than 3 acres.
2. Should the City increase the size of Detached Structures to be less restrictive?
3. Should the City consider allowing property owners to build more than one building on their property regardless of lot size?

Public hearing was opened at 7:27 p.m.

Fee and Brian Moeller - We have been emailing with Colleen and Jack, we are pleased with the proposal. We are going to ask you to consider recommending. What Colleen just presented. She did a great job on this. Even though 1,800 sq. ft. may seem like a lot it isn't going to change how things look. We are really

happy with this proposal and we hope you will take it into consideration. Any questions for us. Holmes said did you just say 1,800 sq. ft. on a 2 acre lot? Fee said yes. Cornicelli said yes it is on the handout. Balfany said yes here.

Bob Nessinger, 20562 Polk Street – His concern is not the pole building, but the size on the smaller lots. He is interested in putting a stick building and he would only be able to go to 580 sq. ft.. Oak Grove and Forest Lake are allowing more square footage. He is hoping that we could get to 960 sq. ft. on lots that are ½ acre or larger in size.

Public hearing closed at 7:30 p.m.

Winter state the architectural elements cover the design. There has to be the two different architectural designs. It can't block the view of the principal structure. You can put something on the side, as long as it meets the setbacks. He doesn't want to vote for something that benefits him and not anyone else.

On2L, the requirement for the exterior stairs, he thought we were talking about up to a 36 sq. ft. landing. Winter said that is what is required by code. 4 ½ by 8 wouldn't be ok with code. Winter said correct. Terry said it should say it must include a 6x6 if it is required.

The last speaker asked if there has there been consideration in consolidating for 2 acres or less. Winter said you have talked about that. It was brought up where we draw the line. 960 square feet, she is going to defer to Mundle. If you are in Whispering Aspen or Viking Preserve. They are smaller than a ½ acre. 960 becomes big on a smaller lot. If we went down to a ½ acre or up, it would be ok.

Mundle said another thing that would affect it is the 14-foot sidewalls. If you're on less than a half acre, a 14-foot sidewall would block the sunlight. Bonin said instead of combining the first two, if you had ¾ acre or ½ acre, go with the minimum. Balfany said you would have to look at the impervious square footage. Winter said it is 50% if you are outside the shoreline management district, inside it is 25%. You do have to consider that as well. Winter said you just have to make sure you meet the setbacks. You have to be a certain setback from a drain field. Balfany said the 960 or 580 is that square footage or foot print. Winter said foot print.

Cornicelli said in the subdivisions, what is the average parcel size in the City? Mundle said most of the ones in Whispering Aspen are about ½ acre; the range is ¼ acre to ¾ acre. Cornicelli said you are in the subdivision by Deer Haven and 15? Resident said no, Hidden Haven. Winter said the parcels on Hidden Have area larger than .5 acres. Bonin asked when you look at C, two different architectural features. What is a window treatment? Winter said a window is a feature. We maybe just need to say windows, doors. Bonin said treatment sounds fancy. Things we don't want. Cornicelli asked if they are all ½ acres or less. Winter said the only the rural are more than a ½ acre. Viking Preserve is going to be smaller, but they will have protective covenants. Cornicelli said we could say .51 acres and above. Winter said 14-foot side walls were approved by the Council and the determination was made by thinking about RVs. If you are

able to put in an accessory structure down in the beach, it would be tough. Koller agreed on why the 14-foot sidewalls were discussed for that reason. Cornicelli asked if we will see a decrease in variance requests. Winter said yes.

Terry said the design will be of similar design and building materials as the primary structure. If you are doing a pole structure that would not be the case. Winter said we might take that out. Balfany said we are also talking garages, one is pole and one is a garage. Winter said we could remove building materials; we could make it similar to the house. Balfany said you could say with exception to pole building. Terry said the roof pitch shall be that of the international building code, that might not work. Winter said they can do more of a pitch, a gambrel. We wanted to make sure it was a minimum, so there wasn't a flat roof. Terry said the language should be there will be no less than the minimum.

Plaisance said are we still talking about going to 960 for more than a ½ acre. He thinks that is an awful big building for that size parcel. Balfany said they will hit their impervious square footage requirements. Terry said he has an idea about that, to say that any accessory building that would exceed would require a variance. In other words, not a blanket yes or no, if we were able to review them. Mundle asked what would be the hardship. Terry said oh right. Balfany said we open the door for precedence. Cornicelli said one commission approves and another denies, rather have rules. Winter said ½ acre, 21,000, 960 square feet, house size and if you put a driveway. Your chances you are not going to exceed 30% of your lot size is good. ½ acre is pretty good sized.

Cornicelli said what is staff's perspective? Winter said she doesn't have an opinion. She thinks that if you go ½ acre and 960 square feet is not a big deal. Whispering Aspen and Viking Preserve will have other covenants. Do you want people to put things in a building that look nice? If there are cars sitting out, that causes problems with enforcement. 960 or 720, what do you do? Cornicelli asked for Davis opinion. Davis said he thinks the things Tanner said about impervious area and set back requirements will probably make 960 a rare thing in a lot that is less than a ½ acre. Most of them with the way the drain fields are, the setbacks will limit what is available to do. As far as the sizes go, we checked with nine different cities. 5 were less restrictive. 2 of them were much more restrictive. Ham Lake, the most restrictive, doesn't allow anything under 3 acres. Cambridge is about equal to what we are proposing. Isanti is identical to our current ordinance. The pole building industry has come a long way. There is different trim, style, and they can be as attractive as a stick building. Cornicelli the ones that were less restrictive, have they had any issues. Winter said she didn't know. Bonin said when talking about pole buildings, the roof and the overhang have a lot to do with how the building fits into the neighborhood. Davis said we will have eaves and treatments.

Balfany said didn't we have a lengthy discussion about sidewall height in comparison with main building. To see 14-foot height on RR or R1 and someone has a single story walk out, the 14-foot building becomes the primary structure, visually. Cornicelli said he has always had issues with the 14-foot building. Balfany said he understands the motor home community wanting to park them inside. He thinks of this own house and if you build a single structure that over

burdens your property. Bonin said this may sound like she doesn't value people's standards. That is why we have all these storage areas. If people want to have things that are out of proportion to their property, maybe they need to store them somewhere else. Maybe we don't need to cater to everything people want to do. If they can afford those vehicles then they can afford to store them. Balfany said he would have a hard time telling someone you can afford this, so you can go and find somewhere else to store it. He would hate to see a detached structure greater in height than the house. Bonin said she agrees. Cornicelli said the CC wanted it standardized. Could it be worded up to 14-feet or not to exceed the height of the principal structure? Or are we creating an issue where nothing exists. Winter said she doesn't know what the height to the ceiling is in here. The peak here is 10-feet. It seems kind of high. There was a lengthy discussion at the Council on this. Davis said the table says it is a maximum height. Most of them would not do 14 feet. This is an issue that has already been voted on by Council. If we could separate it from the other issue if you want to make a recommendation.

Holmes said first of all, he has a 12-foot high garage and he can get most motor homes in there. We discussed a while back on a retirement residence for somebody on Coon Lake. He suggested we put in a tuck under garage. The house would look out of place. They seem to forget that. He has changed his mind a little bit. He has talked to Balsam Lake, Duluth, Aitkin, Brainerd, Alexandria, Fergus Falls, Ottertail, Marshall, New Ulm and Red Wing and he is not so staunch on what he was before. But there are still a lot of items that contradict one another. This is a real sore spot for him. The stairs going up to the second level, do we have that the stairs have to be according to code. Winter said we don't put everything in relative to code. Holmes said the stairs must be two foot wide and that isn't according to code. We have to have the right rise, according to code. If you are going to start explaining what else is to code, we should reiterate that the stairway should be to code. With the different size structure they have to have different rise. Winter said or we simply take that out, and it is implied that it has to be built to code. Holmes said you need to clarify it a little bit. Our enforcement hasn't been all that great. That is the other problem. The one spot, says two foot wide stairs, you can't have that. Winter said she isn't sure where that is coming from. Holmes said he read it somewhere. Davis said we don't have anything that says that. Terry said we do have something that says 2 feet into the set back. Holmes said no, this was the width of the stairs. Davis said we can't put anything that disagrees with code. Holmes said getting back to the 14-foot sidewall on a small building, is really silly. How big of a motorhome can you get in there? All you need is 12-foot wall and door. He doesn't get the fourteen foot. You go from a 12-foot to a 14-foot door, it is a lot more expensive. It doesn't jive. As far as this design of the principal structure, we forgot about that part. He actually found 6 structures within the last five years that have been built that are not even close to the structure or color of the house. They have passed. That is asinine. If we are going to make rules and regulations, we need to enforce what is said. The stairs, said no isn't a problem then it is a problem. That isn't the way things need to be done. Rules are rules, you have to stop for a stop sign. It just drives me nuts and there is no enforcement. As far as size, um, this new requirement there is a little wrong with that. A lot of places are allowing 1,200 square feet for an acre and a quarter on up which is

understandable. He understands the reasoning behind it. Instead of 960 we could pop up to 1,200. But to pop up to 1,800 is a little extravagant.

This handout was in the packet, you struck out under 3D wood frame and concrete block style building. So you can't have a wood frame building? Winter said no you can. Holmes said it says you can't have a wood frame building. Winter said you can still build a wood frame or block structure. All buildings must have a color scheme with the principal structure. We are not saying you can't build a concrete or wood structure, this was a duplicate.

Holmes said fish houses are not part of an accessory structure? Winter said they are portable. They are not included as part of that calculation because they are not a permanent structure. Holmes said some of them have bathrooms and that would be another violation. Roof pitch, some of the structures that have been put up lately are not even close to the original structure. Oh boy, he doesn't know if this is on the new one. 4c, we talk about fire escapes and open terraces. A fire escape, what regulations do we have on that? Winter said that is part of the old ordinance and she needs to take that out. That is building code related versus land use. Holmes said are we going to require a fire escape? Davis said it is part of the old code and part of the building code.

Holmes said on this sheet, the Code of Ordinances, it says that accessory structures will be modified if the land is subdivided. If we have a 20 acre lot and we have a pole barn, that is 100x200 and we split it into three lots, will we make them tear that down and build a new one? Winter asked where it is. Holmes said 2B. That is telling them they have to redo their building based on the size of the lot. That doesn't make sense to me. Of course he is using an extreme case. We should look at that a little bit more. Once the structure is up, he doesn't know why you would modify it. If you sell off some of your property, Winter said it would be legal non-conforming use in the neighborhood. Bonin said you need to put that in writing that it becomes a non-conforming structure. Holmes said he doesn't think anyone has considered some of this. To put the accessory building in back only, sometimes you can't. Winter said you can put it off to the side. Holmes said then it has to match the main structure? Winter said yes and has the two features. Holmes said wow, he thought of more things while we were talking but he can't remember them. He doesn't agree with the square footage. He thinks we can change the square footage. Too big for 2 acres and too small for the lesser acreage. He totally disagrees with 14-foot sidewalls for the smaller structures. There is no camper that tall. Most of the bridges in the eastern part of the united states are not that tall. If you driving out east you won't go on most of the roads. Other than that unfortunately he is done. Cornicelli said unfortunately? Holmes said fortunately.

Winter said these were the comments:

Section 14, detached accessory structures, under general resolutions, 2B which is not included in 49 second series will be included, subdivided shall be considered legal non-conforming structures if they exceed the square footage requirements.

Mundle said we need to include the acreage requirements. If they have

something that would fit and they separate their property, does that make their pole barn legal non-conforming? Winter said if they subdivide 5 acres to 2 ½, and they have an accessory structure that is 4,000 square feet, we are saying they can keep that but they will need to meet all the setbacks. However, if they can't meet the setbacks and impervious, they will have to reconfigure subdividing or tear it down. Holmes said it was written poorly. Winter said it needs to be rewritten.

Based on the discussion, under item 2, general regulations: we added L, for purposes, may have exterior stairs on a side or rear year. We won't talk about the landing.

Item 3C, we will strike may include such items as window treatments, etc. Change to shall include two architectural/landscape standards such as windows, entry doors and color variations.

Item 4 there has been a substantial conversation. We have talked about ½ acre up to 1.99 acres. From 580 to 960, up to 3,000 sq. ft. Need direction on what you guys want to do there. Or you simply go from 0-1.99 acres and 960 square footage.

Sidewall height being 14-feet.

Pole buildings will have to meet the requirements as set forth in Section 3.

Holmes said are we going to require same color? Winter said it is what is in 3A. Holmes said if we are going to build an accessory building, what if they don't match. Bonin said the word compatible is according to a person's view point. What you think is compatible and what she thinks may not be the same thing. Winter said that part of the ordinance has not been changed, that is what is there before.

Mundle said we need to figure out the square footage size. Cornicelli said he is ok with .5 – 1.99 up to 960 and less than a ½ acre that being 580. ½ of the first line would move to the second section. 0-.499 would be 580. Plaisance said Council wants 14-foot no matter what the size of the structure. Bonin said why do they want 14-foot sidewall? Davis said 14-feet will be the exception not the rule. It raises the expense. The majority will not be 14. The reason the 14-feet came about, you need 14 foot side walls to get a 12-foot garage door. Things come in 2 foot increments. That was their reasoning. Again, he is just laying the facts out. The Council has already approved 14 feet, you can make the recommendation. You can make it a separate item. He would like to see a ruling on what we presented to you. Terry said if you are changing the other to .499 it would give the leeway to change the sidewall on that one. Bonin said do you even need 12-feet at that size. Terry said it is a losing battle. Cornicelli said do you want a motion. Winter said .499, 580 square feet. 960 square feet, 3-4.99 2,400, 5 or more is 3,000 square feet.

Terry said there is still the Holmes 1,200 for 2 acres. Let's see what the consensus is on that. Winter said make the motion and the second, and if there is

additional discussion.

Cornicelli said motioned the acreage that if we do that, we reduce the sidewall on the smallest piece to a 12 foot wall is too much on a quarter acre parcel. Mundle seconded; motion carries (Holmes opposed.)

Cornicelli retracted and Mundle retracted his second; all in favor, motion carries.

Cornicelli motioned to approve all the changes staff read back, adding the exception to the .49 lots of a side wall height change to 12-feet. Mundle seconded; all in favor, motion carries. (Holmes opposed).

**Approval of Meeting Minutes
April 22, 2014 –
Regular Meeting**

Bonin asked if it is necessary to give us as big as the map thing. Winter said we gave them to you with the administrative subdivision, but we certainly don't have to include them.

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

**Other
Business/Council
Reports**

Don't really have a report. Not much to discuss here. You did a good job on it. We won't have any problems at the Council meeting. Thank you.

Mundle said has there been anything else going on at the City council meeting. Things are pretty calm right now, it took a while.

Winter sincerely apologized that the Commission didn't get their packets in a timely manner. We will get it resolved.

Adjournment

Mundle made a motion to adjourn the meeting at 8:35 p.m. Holmes seconded; all in favor, motion carries.

Submitted by:
Jill Anderson
Recording Secretary