

EAST BETHEL PLANNING COMMISSION MEETING

July 22, 2014

The East Bethel Planning Commission met on July 22, 2014 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT: Lou Cornicelli Randy Plaisance

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

Call to Order & Adopt Agenda **Mundle motioned to adopt the July 22, 2013 agenda. Holmes seconded; all in favor, motion carries unanimously.**

Approval of Final Plat – Viking Preserve

Over the past several months City Staff, Planning Commission and City Council has reviewed the plans for Viking Preserve, a 48 unit housing project in the City of East Bethel located in the sewer and water district. After several revisions and discussions, the Developer – Don Shaw has prepared the final plat that includes all of the information that has been reviewed and discussed in prior months. The City Engineer, and Attorney is reviewing this project, and City Staff has put together a draft Developer's agreement.

The final plat is in good shape and is what we asked for. Please recommend approval, subject to City Engineer and Attorney approval. Put up the grading plan for development.

Mundle said with the reconfiguration that they made, did it take away any involvement with the Army Corp. Winter said it did to some degree. They still have to deal with the Corp on a couple issues. To a lesser extent, we hope, but we haven't heard back from them. Mundle asked if the developer's agreement will be brought before the Planning Commission. Winter said no it will not, that is something the Council would approve; it is not something the Planning Commission would approve.

Bonin said the developer has said it is a starter home area and she has objected to that term. It is an area which could be very nice. There might be a lot of people who would like to live there, in a really nice home, without doing a lot of work around the place. How does that stand, what types of homes? Winter said they have had several different designs. It is going to be a family oriented family type of neighborhood. Split entry or walk out. It will be similar to Whispering Aspen, in terms of the house designs and the way construction is nowadays, and how they build houses. The houses look very attractive. The developer wants to make it an attractive community. You can see based on the grading plan, it will be a nice development. Bonin said it is the first of its kind in our area, so it needs to set the tone. Mundle said the plan shows they are split entry, walk out, they will not be huge homes. Bonin said they shouldn't be huge. They should be well built and should look good.

Mundle asked if the architectural be governed by the City. Winter said it would be covenants developed by the developer. Terry asked what the dashed line is by the pond. Winter said it is where the pond fills into. That's showing how it fills in and it slopes. In-fill from the pond will be part of those backyard soils. Terry said it is the same as the grading line and two in from the one. Winter said she sees it. Mundle said you mean this one right here. Balfany said the third one in. Mundle said it is the building set back line,

the rear set back.

Mundle said we have talked about screening along Viking before. Winter said the landscaping plan shows what they are going to do. Holmes said he thought it shows a fence. Mundle wondered if it was enough screening, based on what the Planning Commission members brought up. Bonin said isn't there going to be a berm there. Mundle said he thought there was to begin with, but then they had to move the road out. So now there isn't a berm.

Holmes motioned to accept the final plat for Viking Preserve. Balfany seconded; all in favor, motion carries unanimously.

It should go to the City Council either at their next meeting or the one after. Depends on the developer's agreement.

**Public Hearing –
Rezoning of Property
from B2 and R2 to I1**

Requested Action:

Recommend Approval for the Rezoning of the following:

PID # - 203323430001

Address – 19801 Hwy 65 NE

Acreage – 33.5 acres

Current Use of Property – Central Wood Products, Rivard Contracting

Current Zoning – B2 & R2

Proposed Zoning – I1 (Light Industrial)

Background Information:

Central Wood Products/Rivard Contracting is a diverse company that provides land clearing services, quality wood mulch, tree services, and over the last six years expanded into home gardening products through their Gromomics line. It is the Gromomics part of their company that has seen tremendous expansion and with that, they have a need to expand their existing facilities.

Currently their property has split zoning on it, the west ½ along Highway 65 is zoned B2 and the east ½ is zoned R2. Neither of these zoning designations reflects what exists there and has been there for a long time. If Rivard wanted to expand, they could not under either the B2 designation or the R2 designation. It makes the most sense to rezone this area to Light Industrial to reflect the existing business and also makes the most sense from a Comprehensive Planning perspective.

As the corridor develops and as we have discussed in the past, we want to be able to allow for flexible zoning along the highway, with the need to consider the environment and overall design. By rezoning this property to I1 (light industrial) it would allow for a number of different types of businesses to be located here, including retail. The most important component is to work with Rivard to ensure that their design is uniform and matches what exists on their property today. There are very few wetlands on this property and the floodplain is located on the south side of the property away from the existing buildings. City Staff would work with the owners of Rivard companies to address any concerns related to design, runoff, parking, etc. at the time that additions or new buildings are built on the property. The property to the north, south and west of Rivard is all currently sod fields.

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.

Public hearing was opened at 7:14 p.m.

Public hearing was closed at 7:15 p.m.

Terry asked if there was anything meant by the bluing out of the document. Winter said the properties around them are all in the flood plain. Somehow it is no longer a sod field designation.

Balfany recommend approval to the City Council for Zoning Map Amendments to the Official Map of the City of East Bethel for the Rezoning of the following: PID # - 203323430001; Address – 19801 Hwy 65 NE; Acreage – 33.5 acres Current Zoning – B2 & R2; to Proposed Zoning – I1 (Light Industrial). Holmes seconded; all in favor, motion carries unanimously.

**Public Hearing –
Comprehensive Plan
Amendment**

Recommend changes to residential density regulations as required in Sections 41-44 and 56, 57 in the City Zoning Ordinance

Background Information:

The City Zoning Ordinance was amended on September 5, 2007 to restrict densities in unsewered residential areas to one unit per 10 acres or four units per 40 acres with no lot exceeding 2.0 acres. Since the adoption of this amendment there have been no subdivision plats filed in the City of East Bethel that do not have access to sewer service. The 2009 downturn in the housing market is a contributing factor in the cessation of plat filings but the "one in ten" density minimums are an equal cause for the lack of rural subdivision development in the City.

There has been discussion in regards to re-consider residential density requirements that would revert to the previous 2.5 acre standard. Given that the previous regulations provided protection against urban type densities and that the "one in ten" requirement was as much a tool to funnel residential development to the Highway 65 Corridor as it was to protect the rural nature of the City of East Bethel, it is appropriate to reexamine these issues. Items to consider regarding changes:

1. Lot size – 2 acre minimum
2. Lot density – 50% developable
3. Wetlands, floodplain
4. Buildable area – minimum of 12,500 square feet, room for onsite septic system and alternative area, setbacks met, and well location.

In your packet is if you put an overlay of the wetlands, those areas you see are truly the areas where you can put development in. Beyond that, you can't do rural development.

Recommendation:

City Staff requests Planning Commission to recommend approval to the City Council for changes to Lot size, Lot density, and buildable areas, subject to Comprehensive Plan amendment and approval.

Freia from Met Council said we broached changing the density. Met Council said they are going to be putting together a technical evaluation on all of this and to see what impact this has on the area. Most of the areas, in yellow, those are the rural residential areas which are

greater than 20 acres. They not in areas where Met Council will serve. Locally we need to hold a public hearing as a beginning to gather input. That is tonight's purpose.

The planning Commission needs to consider lot size, density, wetlands /floodplain, do you want to look at clustering stuff. If you have 40 acres and 20 are wetlands. Would you do a density of up to 20 homes or 16, or however you want to do it? You would also want to look at buildable area. Right now, the buildable area is 23000 sq. ft. for a buildable lot out in the rural residential area – those areas outside the sewer district. Maybe looking at changing the minimum setback back to 12, 500. Just looking at what you would have room for. As long as you were able meet the on-site septic. This is a public hearing.

Public hearing was opened at 7:21 p.m.

Jeff Stallberg, 17404 Ward Lake Drive, Andover – He got this whole thing going back before the recession. He bought 35 acres on mud arm on the lake. He paid a bundle for it. As things gradually get a little better. He was going to have his surveyor do something on it. He found out they changed the rules. Anyway, he has been working with Colleen and Jack and trying to get this reversed back. To get it back to the way it used to be. He has done a lot of developing in the Ham Lake and some in East Bethel. He has opinions on what works best. If you don't mind, and you guys are talking, if he could give his input. He wants to give his thoughts.

Public hearing was closed at 7:25 p.m.

Holmes said he is confused, and he thought they left the corridor to potential residential development. You show it is in the corridor. Winter said whatever is in the yellow, is the corridor, within that, it would fit into urban density. You would want to leave that, so it becomes sewer and water. The area in orange is what we are talking about. They are the rural residential areas. They are all zoned rural residential. You are only allowed one per ten acres. We would want to make it 2 or 2 ½ acres lot size. Holmes said he is confused, we didn't change it. It was 2 ½ acres minimum outside the corridor. All of the sudden we have it changed. Winter said the zoning ordinance reads in rural residential you can build on a lot not less than 2 acres. But the maximum is 1 per ten acres. If you had twenty acres and you could put 2 houses in the five acres but not anything anywhere else. Holmes said something got misinterpreted. He is not sure how it got back in there. Winter said the last time they made a change, they adopted the comp plan in 2007 and in 2010 or 2011 the density standards were adopted. Terry said we had a 2.5 acre average and a 2 acre minimum. It was only done in the corridor to protect development. Holmes said he doesn't understand either how it happened. That is why it stayed that way. He doesn't think anyone changed. He doesn't remember any of the changes. We wanted to make sure all the outlying areas were buildable. That doesn't even make sense. Winter said she thought it was rather odd. She could track everything. There are no packet materials to show us the discussion part of it. None of us were here at the time. Mundle asked you do know what meeting it was at? Winter said she is looking it up in the code. Mundle said we do have transcription back a long way. Bonin said it doesn't make any sense. Holmes said it doesn't make sense.

Winter said she can go back and track all of it. Holmes thinks we should change it back. Jeff said what about the farmer down the road. Holmes thinks something got misconstrued. Winter said there might have been something she missed. We can have someone here track it. It can't get published and adopted into Municode without being sited. If you want to go back to pre-2007, she needs to know were there other things you wanted to look at.

Holmes said he doesn't remember any of it. Terry said that hasn't changed. Holmes said it is totally new. It is like we never existed and someone just made it up. Terry said he is thinking someone made a mistake and rewrote it. Winter said all her documentation shows

it is one per ten no matter where it is in the City.

Holmes said in the yellow it shows potential residential areas. Terry thinks it should be orange. Winter said the keys are wrong and the orange is what we think. It is about 1,500 acres total for development. We could get more detailed on it. Part of it with Met Council will be able to show us where we are at. Balfany asked what the easier solution is. Should we make motion to go back to pre-2007? Holmes said prior to 2010. Balfany said would it be easier to do that, or any other little things in there. Do we want to do anything else? Do we make the blanket statement, on how we want to change it now? Holmes said we don't know what the old one was. We don't have it. We don't even know what it is technically. Terry said it was 2.5 acres density, with a minimum of 2 acres and 23,000 square feet. Holmes said we make a new motion and go forward.

Balfany motioned to amend the rural residential development standards. Not less than 2 acres and scratch out the maximum of 1 per 10. Change the minimum building area to 12,500. Not to exceed the 50% maximum density, density average of 2.5. Subject to having 2 sites for a septic and alternative septic and a well location. Holmes seconded.

Terry asked what the basis for doing the minimum building area is. Winter said that is a little over a ½ acre in size. It is not that necessary to have that size building pad. Jeff said on a developer standpoint and things are more flexible, if it is easier, it makes the development nicer in the long run. It uses the land more wisely. Oak Grove has gone more lenient. Ham Lake is down to one acre lots. Their buildable requirements are less stringent. It simplifies and enhances the development. He likes to make things more minimal. He likes a maximum. You can't just put 80 houses in there, you limit the amount. Ham Lake use to have that. As a developer, he would think how many he would like. Bonin said she likes the idea. There is more flexibility. Terry said we talked about that before. Bonin said it is a form of clustering. Resident said you can design better. You can put things aesthetically nice. Something then, you buy a piece, you have to make sure you get 16 lots out of the property.

Terry asked if we know why we went to 23,000. Winter said she is trying to look it up.

Resident said years ago, in the late 60s or 70s you would do the soil borings, and they would look for model soils. They would find model soils and they would put the house in. As time evolved, people were going to school for soil borings. Mortgage companies started needing septic certifications. One person said the modeling would be 2 feet. They start suing. Back in the day, the 23,000 and 3 feet above modeling was easy to come by. Now you have to be 3 feet above modeled soil it is much more difficult to day. If you ease up on the rules and the engineering process. The process is scrutinized a lot now. State Law for modeling is one foot. The City of East Bethel is 3 feet. Winter said we are looking at changing that.

Balfany said it is 12,500 building area and 2.5 average. Winter said the high water table and wetlands you want to keep in mind. Achieving it is hard. You could put them all in one area and leave the rest as open space.

Bonin said we should consider the one acre lots with maintaining the total number of houses as you would for 2 acres. Winter said the overall density would still be at 50%. It is not something which would be required. You could have it be more of a cluster development idea. Holmes said do we want to stay away from that theory. We wanted to keep away from clustered houses. Jeff said it isn't really a cluster house. Holmes said we didn't want to confuse the applicants. Jeff said you still have your 200 foot frontage. Terry asked what if you did the thing if you did smaller acreage in one part of the lot. What if one person keeps their home to the open area and they sell the acreage. What if they sell it and develop

it, what will stop them from developing again? Winter said they wouldn't meet the density requirement. The overall density has already been met. Terry said if they came in for a meets and bounds split. Winter said they wouldn't be able to define it as a meets and bounds. Bonin said you would have to include the larger acreage in that. Winter said we have one area where the homes are small. They are on an acre or two acre lots. On the other side of the street. They pulled them in with the other lots. You have 13 to 15 acre lot sizes.

All in favor; motion carries 4-1 (Bonin opposed).

Approval of Meeting Minutes – June 24, 2014 Regular Meeting

Holmes motioned to approve the June 24, 2014 minutes. Mundle seconded, all in favor, motion carries unanimously.

Other Business/City Council Report

One in ten which you have been discussing and it came before the Council at a previous meeting. No one knows why it happened. We have a work meeting tomorrow and they want to put in another road by the theater. A couple options were to run it over to Jackson Street. Another option was to run straight south by the mobile home park. The other two options are to go north to Viking. We are going to be discussing that tomorrow. Terry asked what prompted it. Shaw trucking is what instigated it. Winter said Classic Commercial Park is developing. We want it to be shovel-ready. It is really dangerous.

Holmes said it is his interpretation as his interpretation as a liaison when you are here, you are supposed to understand what we are doing. So the Council knows what we are doing. Whereas on the building adjustments, sounded like the Council thought we were at a different meeting. Winter said are you talking about the Accessory Structure. Holmes said it would have been your place to do explain it. If I am wrong, someone should correct me. As far as a report from the City Council, we can all look on the Internet. That is basically what your position is. The City Council acted like we were trying to override them. We were trying to create a logical explanation. Winter said it was one council member. We need Ron's input to know what is going on at the Council level. For example the road project is a good one to bring up. If they come back to us, we can offer them support. It is really good to have the two way communication. It is the liaisons role to bring information back. Holmes said they were complaining about the 14-foot to 12-foot sidewall heights. The comments were we were trying to override the City Council. That is your position as a liaison. Maybe they didn't explain it to you. You should figure out what we are trying to get at. He wanted to straighten it out. If he is wrong he will take back his words. Balfany said Ron it isn't just you, there are have been number of examples throughout the years. Coincidentally he brought the same thing up. There was a clear breakdown on the power lines. It was a long hard work moving forward. We went to Planning and Zoning and there was a huge breakdown in communication. There was another layer of breakdown to the City Council. They started from scratch also. It was like starting from scratch on it. Holmes said he just wanted to put that out there. We do appreciate the Council liaisons.

Mundle said the Booster Day fireworks were spectacular. The finale was far better than anything he has ever seen.

Adjournment

Holmes motioned for adjournment. Balfany seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary