

EAST BETHEL PLANNING COMMISSION MEETING

January 27th, 2015

The East Bethel Planning Commission met on January 27, 2015 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Randy Plaisance Lou Cornicelli Lorraine Bonin Glenn Terry*
Sherry Allenspach Tanner Balfany Eldon Holmes
* Commission Chairperson

MEMBERS ABSENT: None

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

1.0 Call to Order Mr. Terry called the meeting of the East Bethel Planning Commission to order at 7:00PM.

2.0 Adopt Agenda **Mr. Terry motioned to adopt the agenda. Mr. Balfany seconded the motion. All members were in favor; motion carried.**

3.0 Welcome New Planning Commission Member Sherry Allenspach Mr. Terry and members of the Commission welcomed Ms. Allenspach to her first meeting as a member. Her term will expire on 1/31/2018.

4.0 Oath of Office for New and Re-appointed Members Mr. Holmes and Mr. Terry were both reappointed by the City Council to the Planning Commission for another three year term ending on 1/31/2018. Ms. Allenspach, Mr. Holmes and Mr. Terry took their Oath of Office.

5.0 Election of Planning Commission Chairperson and Vice Chairperson Mr. Terry has been the Vice Chairperson on the Commission for the last year. It is common practice to nominate the Vice Chair to the position of Commission Chairperson. **Mr. Plaisance made a motion to elect Glenn Terry as Chairperson of the Commission. Ms. Allenspach seconded the motion. All members were in favor; motion carried.**

Mr. Terry accepted the position of Chairperson for the Planning Commission.

Mr. Balfany stated it suggested that any member interested in becoming the chairperson should nominate themselves for the vice chairperson position.

Randy Plaisance nominated himself for the Vice Chairperson position. No other members were nominated.

Mr. Plaisance made a motion to elect himself as Vice Chairperson of the Commission. Mr. Holmes seconded the motion. All members were in favor; motion carried.

Mr. Plaisance accepted the position of Vice Chairperson for the Planning Commission.

6.0 Public Hearing/ Interim Use Permit, Home Occupation **Request by owner/applicant, Justin Donnell, to obtain an Interim Use Permit (IUP) to operate a Hydrographic business from his detached accessory structure. The location**

is at 3601 228th Ave NE, East Bethel, MN 55011, PIN 023323210002. The Zoning Classification is Rural Residential (RR) District.

Mr. Donnell is interested in obtaining an IUP to operate a business out of his detached accessory structure. Enclosed in your packet is his application along with a detailed business plan that outlines his business. The Community Development Director and Fire Chief have both been out to the site where he is planning on conducting his business, and the building official has been apprised of his business as well. He will comply with all of the requirements of the building and fire code as required by the City, and will also comply with the home occupation requirements, Section 10-19 of the City of East Bethel Municipal code related to Home Occupations.

Attachment 6.1 – Public Hearing notice

Attachment 6.2 – IUP application

Attachment 6.3 – Location map

Attachment 6.4 – Business Plan

Attachment 6.5 – Examples of products

The Public Hearing was opened at 7:08pm.

Members of the community were invited to attend the public hearing and provide input. (Attachment 6.6)

Mr. Dave Nelson related his concerns regarding the proposed home business. He stated that he had moved to the rural community to “get away from commercialized” areas and rush hour. Mr. Nelson had concerns about the chemicals used in the process of hydrographics – are they harmful? He asked if the chemicals might be drained into the wetland area of the community and if there might be harmful vapors released into the environment. There have been problems with parking on the street in front of the Donnell home in the past and neighbors worry that a business might restart this problem as well as increase vehicle traffic in the area due to customers and employees.

Mr. Terry stated that most of the concerns stated by Mr. Nelson are addressed in the Home Occupation Ordinance that delineates the conditions under which the IUP would be granted. Items specifically noted in the Ordinance include parking (Item 8), hazardous waste (Item 4) (Mr. Terry noted that the issue of hazardous waste was also addressed in Mr. Donnell’s application), traffic (Item 2), and employees (Item 1). He also highlighted Item 11 regarding the prohibition of detriment to the neighborhood.

Ms. Kelly Mingo stated that she moved to the neighborhood for the same reasons as Mr. Nelson and has concerns about the home business as well. She asked who would be responsible for “policing” the business to ensure compliance. Ms. Mingo stated they have private wells and private septic systems, low ground, children playing in the area. She reported that Mr. Donnell was already operating the business. Ms. Mingo related having done a great deal of research and asked who would ensure Mr. Donnell disposed of the waste correctly. She stated disposing of the waste is very expensive. Ms. Mingo stated “We are strongly opposed to this business in this neighborhood. ... a residential area. It’s not meant for a business.” Ms. Mingo closed her remarks with a comment that her biggest concern was “groundwater contamination”.

Mr. Terry again noted the conditions of the ordinance that Mr. Donnell must meet in order to operate his business. He stated that although it is not the neighbors’ responsibility to “police” but that they should inform the city if there are issues of concern and it will be the

city's responsibility to address those concerns. On the groundwater concern, Mr. Terry stated that Mr. Donnell's business plan as submitted addresses this as follows:

“The Company has no hazardous waste that fall under the Minnesota Pollution Control Agency. Although paint is used it is not mixed and all paint cans are full dispensed, therefore never wasted, the Company has adjusted painting techniques to be limit waste in general. All paint comes from spray cans which when emptied are then recycled.”

Ms. Mingo addressed the Commission with further information. She stated that she had contacted a company in California that manufactures the chemicals used in the business and was told that they are the same ones used in the automotive painting industry and that any wastewater would contain chemicals that are hazardous. Ms. Mingo reiterated that the neighbors have private wells and are concerned about the environmental impact.

Mr. Justin Donnell addressed the Commission and public attendees of the hearing. He explained that his customer contact would be done at gun shows and online so no increase in traffic or parking issues should occur. All chemicals used are in spray cans and are not considered as hazardous waste by the Minnesota Pollution Control Agency (MPCA). He stated his business will comply with not only state and federal guidelines but also with city requirements. Mr. Donnell will have one employee who will be working at his own shop off-site.

Mr. Terry questioned Mr. Donnell about the wastewater from the hydrographics process. Mr. Donnell related that the MPCA regulations refer to a certain level of “particles per million” to be considered hazardous. He stated that the wastewater is filtered and does not meet that level. He emphasized that they do not use automotive grade paints and there is no waste as the paint is not mixed but are in a spray can. According to the MPCA once the cans are empty with less than three percent product remaining they can be recycled.

Mr. Donnell explained that the process does not place paint into the water used in the process. The only paint used is to actually paint the object (and allowing it to dry) prior to placing it in the water where a design on soluble film will adhere to the object. The water can remain in the tank 6-12 months and is then drained. It is filtered while in the tank with filters changed monthly. The water does not have any debris or paint particles when it is drained and does not meet any definition of hazardous waste.

Ms. Winter pointed out that Mr. Donnell also has to comply with ATF regulations in order to operate his business. Mr. Donnell has applied for his ATF license.

Mr. Holmes questioned how long Mr. Donnell had been performing the process at his home. Mr. Donnell replied that he has been using the process for friends about two months. He stated that he does not do this at his home. He has his supplies and tank at a friend's shop in Champlin where they have allowed him to work. Mr. Holmes asked if there was any film remaining after the part has been covered. Mr. Donnell responded that there may be particles of film left in the water. This water is filtered to remove these particles and the filters are changed monthly. The water used in the process must be clean of all chemicals and/or debris. When asked why he did not continue using the shop he currently uses for the process, Mr. Donnell stated that the location is an hour away from his home and he also must have a permanent address in order to secure the ATF license which he needs to operate his business.

Mr. Balfany asked about the specific chemicals that the neighbors are concerned about. Mr. Donnell stated that automotive paints and mixing colors do result in hazardous chemicals.

The paint he uses is not automotive grade and no mixing is required. Mr. Cornicelli asked about the number of different colors of paint to be available for the business. Mr. Donnell explained that most of the designs use tan, white or black.

Ms. Winters asked about the volume of business and potential paint cans to be disposed of (recycled) on a regular basis. Mr. Donnell estimated approximately 12 paint spray cans every two months.

Mr. Holmes asked for clarification of the difference between automotive paint and the paint used in the hydrographics process. Mr. Donnell explained that many chemicals and substances are added to automotive paint to make it more durable. The paint used for hydrographics is water based and does not require any special product (like paint thinner) to wash it off.

Mr. Plaisance asked about ventilation while painting. Mr. Donnell stated he was told by the fire chief that as long as he has at least one door and one window open, it should be sufficient. If the business increases he would like to install a paint booth to protect objects in the shop from getting any paint spray on them. Mr. Donnell stated that the vapor from the spray cans would not be enough to be noticed by neighbors.

Mr. Plaisance also asked if the business had a website. Mr. Donnell related that he does have a site but it has not been published yet as he is waiting for approval to open the business. Mr. Plaisance asked about customers coming to the home shop to drop off or pick up items for hydrographing. Mr. Donnell stated that they do not intend to have any customer traffic at the home shop. Finished products will be mailed/shipped or personally dropped off to the customer. Some items to be processed and supplies may be delivered to the home shop but all shipping out will be done through the Bethel Post Office.

Mr. Plaisance asked about the security system as stated in the business plan. Mr. Donnell stated the system will be in place before he is opens the business. He described the details of storage for any weapons or pieces of weapons in his custody while he performs work on them. He stated that most customers would only give him the piece of a weapon that they want to have decorated. They require that customers disassemble any weapons before sending them in for work.

Mr. Holmes again questioned the plan for a paint booth. Mr. Donnell stated that because they use a spray paint can for the process, a paint booth is not required by state or federal guidelines. He reiterated his hope for a booth in the future to protect other objects in the shop.

Mr. Donnell stated that if the business grew large enough to make a paint booth necessary he would anticipate moving the business to a new location. Ms. Winter also related that if a paint booth is required, the business would no longer qualify for the IUP as a home business.

Ms. Winter explained that the Commission has the option of approving the IUP with conditions such as regular inspections.

Mr. Holmes asked Mr. Donnell what his plans were if the Commission does not approve his request for the IUP. Mr. Donnell stated that he would be unable to open the business.

Ms. Patty Larson of 22740 Tippecanoe Street. (She did not sign in on the sheet) Ms. Larson stated her concerns about having the business in the residential neighborhood including

parking, ventilation and wastewater drainage. Ms. Larson stated she also knew Mr. Donnell was already doing the process at his home.

Mr. Jim Harlo related that the area is zoned as residential and should not have a business operating in the neighborhood. He also voiced his concern for his grandchildren and other children in the neighborhood with allergies who might be affected by the vapors. Mr. Harlo was worried about wastewater disposal getting into the groundwater and nearby private wells. He asked what the fire chief's recommendation was regarding the business and Ms. Winter reported that the Chief approved the proposal.

Mr. Terry replied that the City does allow "Home Occupations" in residential areas and they must follow strict guidelines set forth in the ordinance referenced earlier in the meeting.

Mr. Curtis Mingo (did not sign in) shared his concerns regarding the business. He stated that any fumes would be smelled on his property because they are 300 feet apart. Mr. Mingo voiced concern about the wastewater and how it would be disposed of, and the possibility of accidental spills that might leak into the ground. He questioned whether the water filters are considered hazardous waste and where the empty paint cans would be disposed of for recycling.

Mr. Terry asked for any further comments from the public. No comments were forthcoming and Mr. Terry closed the public hearing.

The Public Hearing was closed at 7:50pm

Mr. Donnell responded to additional questions raised. He stated that the process uses residential paint only, not automotive paint. The shop is not located closer than 500 feet to any other structure on any neighbor's property. There are currently three people living in the home with three vehicles and all are parked on the property unless one must be moved into the street to allow another vehicle to move.

Mr. Cornicelli asked about signage for the business. There will only be a small sign on the shop door with information to contact the owner. The door cannot be seen from the street.

Mr. Holmes asked where the filtered water from the tank is drained. Mr. Donnell stated that it would be drained out to the street.

Mr. Donnell reported that he had done extensive research on the entire process through the EPA and MPCA, reviewing all the chemicals used and how to safely operate the business. He stated, "I have been very careful...to make sure that I'm not going to hurt the environment, I'm not going to hurt my neighbors and I am following all federal, state and local guidelines."

Mr. Balfany asked about the disposal of the water filters. Mr. Donnell responded that the filters are made to catch any pieces of water soluble film and can be thrown away in regular garbage.

Mr. Holmes emphasized to Mr. Donnell that if the IUP is granted, the neighbors can report any concerns and, if any violations are found, the business could be shut down. Mr. Donnell replied that he is open to visits from any of the neighbors.

Mr. Cornicelli suggested that the tank water be disposed of through the septic system instead of draining to the street. Mr. Donnell agreed that this could be done.

Ms. Winter clarified the terms of the East Bethel Home Occupation Ordinance as they apply to the business. She stated that unless posted, parking is allowed on the street in the neighborhood. The septic system company will need to be consulted to make sure it is acceptable to dispose of the tank water into the system. The Planning Commission has the option of limit the IUP or review it annually or more frequently if desired. It is common for IUPs to be reviewed annually and to come up for renewal every three years. The Fire Department is required to inspect the business annually and the Community Development department will be doing annual reviews of the IUP.

Mr. Donnell commented that the Fire Chief did make some recommendations which he has complied with. He has upgraded his fire extinguishers and has a fire cabinet for the spray cans. The Fire Chief will follow up on these recommendations before the business opens. Mr. Holmes asked if the Fire Chief's report had been submitted. Ms. Winter had not seen the report but stated it could be included as part of the IUP.

Mr. Balfany made a motion to recommend approval of an IUP for Justin Donnell to obtain an interim use permit to operate a Hydrographic business from this detached accessory structure. Location 3601 228th Ave NE, East Bethel MN 55011, PIN 023323210002, Zoning Rural Residential, subject to the Home Occupation meeting all the applicable building and fire codes as well as the following conditions:

Mr. Donnell must provide proof of ATF licensure prior to performing any work on weapons.

The IUP will be reviewed annually.

The water from the tank will be drained into the septic system, not into the street.

East Bethel's Home Occupation Ordinance

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
5. 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.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
8. Parking needs generated by the home occupation shall be provided on-site.
9. 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.
10. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
11. 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.
12. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

All members were in favor of the motion save two (Ms. Bonin and Mr. Holmes); motion carried.

This item will be presented to City Council next week.

**7.0 Public
Hearing/Conditional
Use Permit**

A request by applicant, Dan Schultz, for a Conditional Use Permit to relocate his business operations to 21058 Davenport St NE, East Bethel, MN 55011, PIN 173323130007. The Zoning Classification is Central Business (B-2) District.

Mr. Schultz currently operates his business at 21185 Viking Boulevard NE, in an area that is zoned Residential (pending zoning change to Highway commercial). Mr. Schultz has outgrown that facility and wants to be in an area that is on Highway 65. Attached in your packet is a letter that explains Mr. Schultz business operations. The proposed new location of his business is 21058 Davenport and is zoned B2 – Central Business District. The majority of Mr. Schultz’s business operations are allowed uses in the Central Business District zoning classification – Section 46, Zoning Ordinance, East Bethel code of ordinances. The one part of his business that requires a Conditional Use Permit is the custom cabinet manufacturing that they will be operating in the east side of the building.

- Noise – Noise levels when doors are closed and machines are operating create minimal impact. Mr. Schultz currently has neighbors next door to his business and they do not have any issues with noise.
- Permitting for waste – The current septic system is compliant and Builders by Design does not do any painting, or finish work that generates hazardous waste. All of the dust is captured in interior dust collectors and a farmer picks up the wood shavings and utilizes them as bedding for his animals. Larger pieces of wood are bundled and put in a dumpster onsite. Very little waste is generated. A septic system inspection was completed for the property and it is compliant.
- Hours – Normal business hours will be from 7 am – 5 pm, Monday through Friday

The proposed location is an existing building in the B-2 (Central Business District). The building has been previously used as a fitness center, electrical contractor warehouse, offices and shop.

Attachment 7.1 – Public Hearing notice

Attachment 7.2 – CUP application

Attachment 7.3 – Location map

Attachment 7.4 – Business Letter

Ms. Winter reviewed the following conditions for the permit:

1. No outside storage of materials, or other parts.
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

The Public Hearing was opened at 8:15pm.

Members of the community were invited to attend the public hearing and provide input. Mr. Terry asked for any comments from the public. No comments were forthcoming and Mr. Terry closed the public hearing.

The Public Hearing was closed at 8:15pm.

Mr. Terry asked about the outside storage of vehicles and suggested the CUP limit what those vehicles would be. Dan Schultz reported that there will be 2 cube vans, a company pickup truck and a truck with a plow at the proposed location. There is an existing berm on the property that has appropriate screening and Mr. Schultz is also considering security fencing and a gate. He does not anticipate an increase in vehicles. Mr. Schultz agreed to work with Staff regarding any changes in vehicle storage to ensure compliance with City requirements.

**Mr. Holmes motioned to recommend approval of a Conditional Use Permit application to Dan Schultz (dba Builders by Design, LLC) to operate at 21058 Davenport St NE, East Bethel MN
PIN: 173323130007
Zoning: Central Business (B2) District**

The granting of this Conditional Use Permit is subject to the following conditions and requirements:

1. No outside storage of vehicles, materials, or other parts.
2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

Ms. Bonin seconded the motion. All members were in favor; motion carried.

8.0 Approval of Meeting Minutes

Mr. Terry moved to approve the December 16, 2014 meeting minutes as written. Mr. Cornicelli seconded the motion. All members were in favor except Ms. Allenspach as she was not in attendance at the December meeting; motion carried unanimously.

9.0 City Council Report

Mr. Koller reported that at the last meeting the Council recognized Bob DeRoche for his service. They approved the Sunrise River Watershed District's budget for this year which was substantially less than the previous year because they had completed several projects. They are working on Nordin Estates flooding and drainage problems. The City will be putting in drainage to an existing sewer system.

10. Other Business

Ms. Winters stated she does not anticipate a regular Commission meeting in February as no new agenda items have been submitted. She noted that a special meeting has been scheduled for February 10th at 6:30pm in Council Chambers for a public hearing on a major mining permit. The company has been going through the steps of the permit process for some time and would like to begin working as soon as possible

Ms. Winters offered the opportunity for Planning Commission members to meet jointly with the Economic Development Authority to discuss goals. There will be a meeting on January 29th with representatives from Anoka County Highway Department and MN Department of Transportation to discuss issues that will be critical in the near future.

Mr. Plaisance asked the members to be mindful of the recent incident at the New Hope City Council meeting and to keep the council members and law enforcement community in our thoughts as they work through this difficult time.

11.0 Adjournment

Mr. Holmes moved to adjourn the meeting. Mr. Balfany seconded; all in favor, motion carried and the meeting was adjourned at 8:30 PM.

Submitted by:
Susan Lori Irons
Recording Secretary

Attachments:

- 4.1. Oath of Office
- 6.1. Public Hearing notice
- 6.2. IUP application
- 6.3. Location map
- 6.4. Business Plan
- 6.5. Examples of products
- 6.6. Public Attendance Sign in
- 7.1. Public Hearing notice
- 7.2. CUP application
- 7.3. Location map
- 7.4. Business Letter