

**City of East Bethel**  
**Planning Commission Agenda**  
**7:00 PM**  
**Tuesday, July 28, 2015**



**Agenda**

	<u>Item</u>	
7:00 PM	<b>1.0 Call to Order</b>	
7:02 PM	pg. 1	<b>2.0 Adopt Agenda</b>
7:03 PM	pg. 2-7	<b>3.0 Elizabeth Erickson – IUP, Farm Animal</b> 22790 Jewell St NE, PID# 01-33-23-21-0011, Rural Residential
7:15 PM	pg. 8-12	<b>4.0 Andrew Nelson – Variance</b> 4640 East Front Blvd NE, PID# 25-33-23-42-0017, Single Family Residential
7:30 PM	pg. 13-15	<b>5.0 Discussion: Park Dedication Fees</b>
7:50 PM	pg. 16-17	<b>6.0 Approval of Meeting Minutes</b> June 23 <sup>rd</sup> , 2015 – Regular Meeting
7:52 PM		<b>7.0 City Council Report</b>
7:55 PM		<b>8.0 Other Business</b>
8:00 PM		<b>9.0 Adjournment</b>



# City of East Bethel Planning Commission Agenda Information

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**Date:**

July 28, 2015

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**Agenda Item Number:**

3.0

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**Agenda Item:**

Public Hearing: Interim Use Permit to keep a Farm Animal

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**Requested Action:**

Consider Granting an Interim Use Permit (IUP) for Elizabeth Erickson to keep a Farm Animal

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**Background Information:**

**Owner/Property Location:**

Elizabeth Erickson  
22790 Jewell St NE  
Bethel, MN 55005  
PIN 01-33-23-21-0011

Elizabeth Erickson is requesting an IUP for a farm animal for the keeping of one (1) miniature pot-bellied pig on the 4.98 acre parcel she owns. She is working with the Martin County Humane Society in Fairmont, MN to rescue this animal. The pig will be kept as a pet and housed in the home and in an existing pasture area that is currently fenced in. This property is part of Deer Haven subdivision where over 80% of the lots are 3 acres or larger in size therefore meeting the requirement of allowing Farm Animals.

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**Zoning Code Sections:**

Chapter 10. Article V – Farm Animals

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**Recommendation(s):**

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for keeping a single miniature pot-bellied pig for Ms. Erickson, located at 22790 Jewell St NE, Bethel, MN 55005, PIN 01-33-23-21-0011 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
  - a. The property is sold, or
  - b. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove the approved domestic farm animals upon expiration of the IUP.
5. Conditions of the IUP must be met no later than September 1, 2015. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

6. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP.
7. Property will be inspected and evaluated annually by city staff.

**Attachments:**

1. Location Map
2. Site Plan
3. Draft IUP

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**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



## Parcel Information

1 in = 376 ft

PIN: 013323210011

Acres: 4.98

Owner Name: SCHMOLL MARILYN

Address1: 22790 JEWELL ST NE

Address 2: EAST BETHEL, MN 55011

Site Address1 : 22790 JEWELL ST NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: RR

Shoreland: null

Legal: LOT 4 BLK 2 DEER HAVEN; EX RD; SUBJ  
TO EASE OF REC



July 24, 2015



## Parcel Information

PIN: 013323210011  
Acres: 4.98

Owner name: SCHMOLL MA  
Address 1: 22790 JEWELL ST NE  
Address 2: EAST BETHEL, MN 55011

Site Address 1: 22790 JEWELL ST NE  
Site Address 2: EAT BETHEL, MN 55011-9523  
Zoning: RR  
Shoreland: null

Owner name: Elizabeth Erickson

Legal: LOT 4 BLK 2 DEER HAVEN; EX  
RD; SUBJ TO EASE OF REC

1 in = 94 ft



July 24, 2015

Map Powered by DataLink  
from WSB & Associates

CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
INTERIM USE PERMIT (IUP) AGREEMENT

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Dated: August 5, 2015

Property Owner: Elizabeth Erickson

Applicant: Elizabeth Erickson

Parcel Location: 22790 Jewell St NE  
Anoka County  
East Bethel, MN 55005

Parcel Number: 01-33-23-21-0011

Present Zoning District: RR - Rural Residential

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IUP REQUEST: to allow for an interim use permit for the purpose of owning and caring for one miniature pot-bellied pig at 22790 Jewell St NE, East Bethel, Minnesota 55005.

PLANNING COMMISSION ACTION

A public hearing was held by the Planning Commission of the City of East Bethel on July 28, 2015, at which all persons interested were given an opportunity to be heard. The Planning Commission recommended approval of the IUP with conditions.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on August 5, 2015 and approved the IUP request with conditions.

CONDITIONS AND REQUIREMENTS

The granting of this IUP is subject to the following conditions and requirements:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
  - a. The property is sold, or
  - b. Non-compliance of IUP conditions





# City of East Bethel Planning Commission Agenda Information

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**Date:**

July 28, 2015

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**Agenda Item Number:**

Item 4.0

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**Agenda Item:**

Variance request from side yard setbacks for construction of detached accessory structure

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**Requested Action:**

Make recommendation to City Council for side yard setback variances on both the east and west side for Andrew Nelson for construction of a Detached Accessory Structure.

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**Background Information:**

**Property Owner/Applicant:**

Andrew Nelson  
4640 East Front Blvd NE  
East Bethel, MN 55092

**Property Location:**

4640 East Front Blvd NE  
PIN 25-33-23-42-0017  
Lot 12, Block 1, Edwards Beach

The applicant, Andrew Nelson is requesting two different variances (both side yard setbacks) to construct a 22ft. x 26 ft. detached garage on his property. Because this property is located in the Shoreland Management District, he is required to construct the detached garage 75 feet from the ordinary high water mark on Coon Lake and 25 ft. from the property line on East Front Blvd. NE. Mr. Nelson is complying with both the OHW and street setback. However, due to the need to meet those standards, and due to the location of his septic system, well and drainfield, the proposal to locate the garage as shown on the attached site plan is the only option that Mr. Nelson has for this property. Normal side yard setback requirements are 10 feet and the proposed garage will be located 1 foot from the east property line and 1 foot from the west property line. Mr. Nelson has spoke to his neighbor to the east and they are fine with allowing the garage to be located at that location. I have asked Mr. Nelson to provide to the City in writing a letter from his neighbor stating this is ok. On the west side, the proposed garage will be located 1 foot from the unused city street known as Sylvan Street. This property has a long complicated history with the City due to the need to put in a new septic system and well. This history is explained by Mr. Nelson in the attached document. I further have asked the City Attorney to review this request. This lot is very narrow and long, and due to the unique geography and the location of the existing septic, drainfield and well there is no other appropriate location on the lot for the garage, so therefore the following are the variance requests:

- 9 feet variance from the normal side yard setback of 10 feet on the west side of the property for construction of a detached accessory structure
- 9 feet variance from the normal side yard setback of 10 feet on the east side of the property for the construction of a detached accessory structure.

Per the following:

- a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in conjunction with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

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**Attachments:**

- 1. Location Map
- 2. Site Plan
- 3. Letter from Homeowner

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**Recommendation(s):**

Staff recommends that the Planning Commission approve Mr. Nelson's variance requests as outline above.

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**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



## Parcel Information

1 in = 94 ft

PIN: 253323420017

Acres: 0.28

Owner Name: NELSON ANDREW F

Address1: 2210 CEDAR LAKE PKY

Address 2: EAST BETHEL, MN 55011

Site Address1: 4640 EAST FRONT BLVD NE

Site Address 2: EAT BETHEL, MN 55011-9523

Zoning: R-1

Shoreland: null

Legal: COON LAKE EAST FRONT LOT 48 COON LAKE EAST FRONT INCLUDING STRIP OF LAND VACATED 4/19/68 ADJOINING LAKE & ADJ TO SD LOT



July 24, 2015

8 FEET BTW BUILDINGS

4644 sq ft EXISTING GARAGE

6 FEET BTW 60' x 100' G.P. PUMP & PIPING DRAINAGE FIELD

PROPOSED SEPTIC LOCATION  
500 sq. ft.

EXISTING SHALLOW WELL - TO BE SEALED

EXISTING 2-BEDROOM HOUSE

EXISTING SEPTIC TANK

NEW 4" SEWER LINE

PROPOSED SEPTIC TANK LOCATION

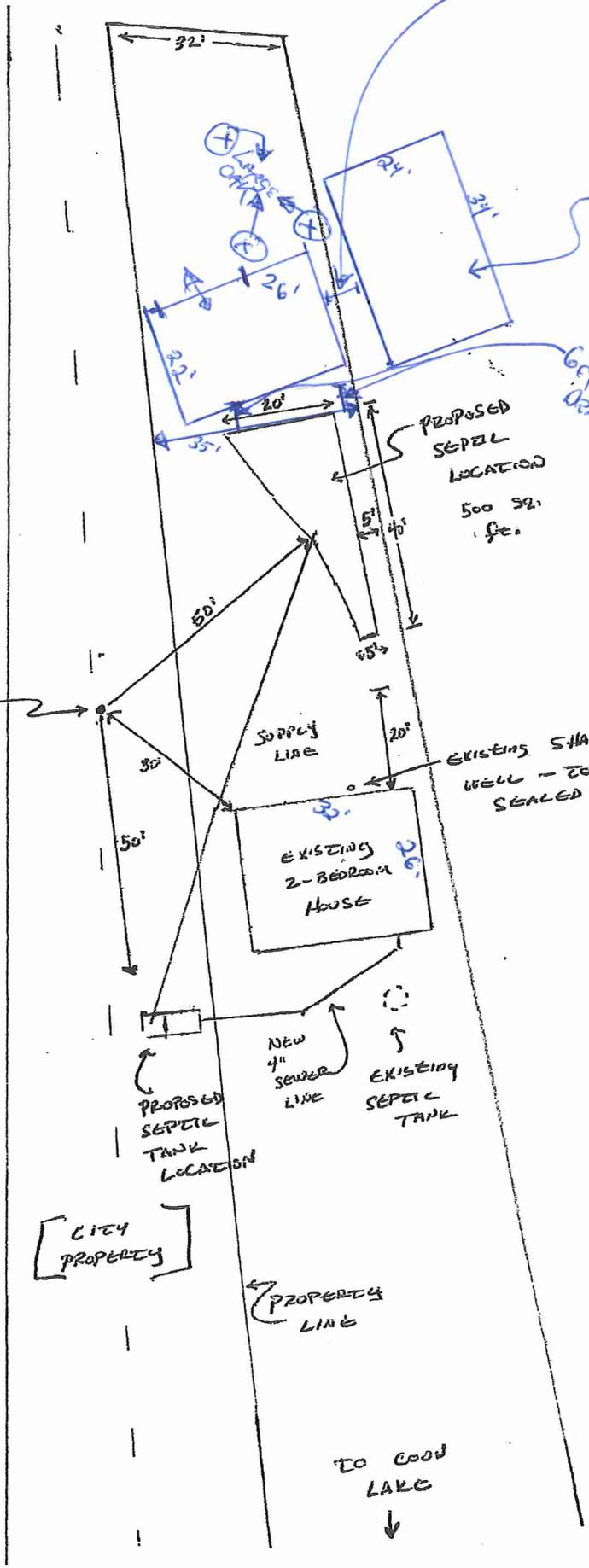
CITY PROPERTY

PROPERTY LINE

TO COOD LAKE

BURIED SEWER SUPPLY PIPE

PROPOSED WELL LOCATION



July 16, 2015

To: Colleen Winter and Jack Davis at the City of East Bethel

From: Andy Nelson

Regarding: Request for Variance to build a garage

I herein request a variance to build a garage at 4640 East Front Blvd. NE, East Bethel MN 55092. In 2012, I worked with the City of East Bethel and my neighbor to address their failing septic system. We worked out a complicated solution to establish both properties wells and septic systems. During those arrangements we were careful to allow for the future garage that is the subject of this request.

The property plan for the septic and well system from 2012 is attached with the now proposed garage. The variance is necessary because the building will be closer to the neighbors property and the unused city street, Sylvan Street, than current regulations permit. The neighbor, at 4644 East Front Blvd, Doug and Linda Foster, was permitted a variance to build his garage closer or nearly on this same, common property line. The proposed garage will closely mirror the neighbor's garage in location and proximity to that common property line with a separation of at least 8 feet between his existing and the proposed garage.

Facts about the property:

Current house on the property is 32 feet by 26 feet, for a total of about 830 square feet. The proposed garage will measure 580 square feet. Currently there is a non permanent storage shed measuring about 12 feet by 12 feet on the proposed garage building site. The non permanent storage shed will be moved to allow garage construction. A large, 200 year old oak tree is impeding an easy building site location. To avoid removing this historic tree and constructing the building a proper distance from the newly installed septic drainage field, the building will have a none square dimension and closely approach the neighbor's and Sylvan Street property lines. Taxes are paid up to date. Neighbors on both sides understand our proposal and are supportive.

Thank you for your consideration.



# City of East Bethel Planning Commission Agenda Information

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**Date:**

July 28, 2015

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**Agenda Item Number:**

Item 5.0

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**Agenda Item:**

2015 Fee Schedule Amendment

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**Requested Action:**

Discuss amending the 2015 Fee Schedule - Residential Parks Dedication Fee. City Staff has asked that the Planning Commission discuss this item and forward recommendation to City Council

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**Background Information:**

Our Current Residential Park Dedication Fee is:

- Up to 6 units/acre: 10% of land or cash = to market value of land;
- 6 or more units/acre: 10% of land = 1% for each unit over 6 units per acre or cash = to market value of land.
- In no event shall the cash in lieu of land payment exceed \$6,000.00 per residential unit.

Residential Park Dedication Fees for neighboring Cities are as follows:

<u>Cambridge</u>	<u>Oak Grove</u>	<u>St. Francis</u>	<u>Isanti</u>	<u>Columbus</u>	<u>Ham Lake</u>
\$1,600/lot	\$2,000/lot	\$2,500/lot	\$1,500/lot	\$1,525/lot	\$2,500/lot*

\*Ham Lake does utilize percentages of land value, but their maximum costs are \$2,500/lot

In relation to the Residential Park Dedication Fees of other surrounding Cities, Council may wish to consider amending our fees for this requirement.

Another consideration that may be appropriate for review would be the charge for Residential Park Dedication Fees for Metes and Bounds Subdivisions. Our current schedule does not differentiate this type of subdivision of land from platted developments. Metes and Bounds subdivisions involve only two lots and the cost per lot for these fees becomes disproportionate to platted divisions of land in which there are a larger number of lots over which to spread the costs. This may be another issue that Council may desire to consider.

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**Attachments:**

- 1.) Comparative Fee Schedule

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**Recommendation(s):**

Discuss and forward recommendation to City Council

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**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

Fee Comparison	Residential	Commercial
Park Dedication		
<b>East Bethel</b>	UP TO 6 UNITS/ACRE: 10% OF LAND OR CASH = TO MARKET VALUE OF LAND; 6 OR MORE UNITS/ACRE: 10% OF LAND + 1% FOR EACH UNIT OVER 6 UNITS/ACRE OR CASH = TO MARKET VALUE OF LAND	5% OF LAND OR CASH = TO MARKET VALUE OF LAND
<b>Cambridge</b>	\$1,600 per lot	\$2,940 per lot
<b>Columbus</b>	\$1,525 per lot	\$762.50 per lot
<b>Isanti</b>	\$1,500 per lot	\$1,500/industrial acre
<b>Oak Grove</b>	Park dedication fee in lieu of land \$2,000 per lot created	Park dedication fee in lieu of land \$2,000 per lot created
<b>St. Francis</b>	\$2,500/lot	\$2,500/lot

## EAST BETHEL PLANNING COMMISSION MEETING

June 23, 2015

The East Bethel Planning Commission met on June 23<sup>rd</sup>, 2015 at 7:00 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Glenn Terry\* Randy Plaisance Lorraine Bonin  
Sherry Allenspach Eldon Holmes  
\* Commission Chairperson

MEMBERS ABSENT: Lou Cornicelli Tanner Balfany

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 7:00 PM.

**2.0 Adopt Agenda** **Mr. Terry motioned to adopt the agenda for the May 26<sup>th</sup> meeting as written. Ms Allenspach seconded the motion. All members were in favor; motion carried.**

**3.0 Public Hearing  
Larsons Woods -  
Minor Subdivision**

Larsons Woods Preliminary Plat and Final Plat for a three lot subdivision  
PID # 223323140001  
Zoning Rural Residential  
Location – Off of Naples St NE

**Requested Action:**

Request that the Planning Commission recommend approval of the Preliminary and Final Plat of Larsons Woods to the City Council.

**Background Information:**

The Developer/Owner, Jim Malvin hereafter referred to as “The Developer” is proposing to develop two single family lots off of an existing street (Naples St NE). The property is zoned Rural Residential (RR).

**Comments regarding Preliminary Plat:**

1. All required documents as outlined in our Subdivision Ordinance Chapter 66, Article III have been submitted and are in the review and comment period.
2. The Applicant submitted a Joint Application form for Activities affecting Water resources and there will be no impact to existing wetlands. A wetland delineation was completed. We are still waiting to hear back from the Army Corps of Engineers regarding any impacts. It is not anticipated that there will be any. This property is located in a floodplain and soil borings have been completed and lowest floor elevations have been noted.
3. Building pads - As shown on the Grading Plan
4. Landscaping – All properties will have two trees as per City requirements.
5. Drainage easements along property lines and there will be culverts for the driveways.
6. Drainage runoff will be sloped towards the natural wetland areas and it will not be necessary to have any ponds on site
7. Lot 3 – Is not buildable and will be linked to another property off of 203rd Ave NE. Staff recommends that Lot 3 be changed to Outlot A.
8. Proposed lots meet the requirements in the Rural Residential Zoning District, Appendix A, Section 42.

Members reviewed the Site Plan, Plat and Grading Plan. The original lot was over 40 acres. The intent is to divide it into three different lots, two of which will be off of Naples Street and those will be used for residential development, the remaining part will become part of Lot 3. The property owner attended the meeting and was available to answer questions.

The Public Hearing was opened at 7:07 pm.  
No members of the public were present to speak.  
The Public Hearing was closed at 7:07 pm.

**Mr. Terry made a motion to recommend approval of the Preliminary and Final Plats of Larsons Woods to the City Council. Mr. Holmes seconded the motion. All members were in favor; motion carried. This item will go to the City Council on July 1<sup>st</sup>, 2015 for approval.**

**4.0 Approval of Meeting Minutes - May 26, 2015**

Mr. Terry noted that on page two, second paragraph, last sentence there are two extra words. The sentence should read: "...to ask questions and voice their concerns."

**Mr. Holmes moved to approve the May 26, 2015 meeting minutes as written. Ms Bonin seconded the motion. All members were in favor; motion carried unanimously.**

**5.0 City Council Report**

Mr. Koller reported that the City Council reviewed two subdivisions recommended for approval by the Planning Commission. The Medelberg Estate did not have enough road frontage for the subdivision so that plan is on hold or the time being. The Lonesome Dove Angus, Inc. Subdivision was planning on access through another property. This was not acceptable according to the City Attorney unless the properties were joined but one of the properties was platted and one was metes and bounds. There is a process that will allow the required access and it has been completed through the building department so the subdivision will be going forward.

**6.0 Other Business**

The denial of the Medelberg Estate Subdivision brought up the question of why "flag lots" don't seem to be acceptable to the City. Ms Bonin asked what criteria are not met by this type of lot. Ms Winter agreed to put this item on an upcoming agenda for discussion.

Mr. Terry noted that it is very helpful to have a satellite image of any properties discussed during the meetings included in the packet that members receive before the meeting for review. Ms Winter agreed that this is something they always intend to include in the package for any discussion regarding property.

Ms Winter presented the PIWIK analysis for May for the City website for the members review as well as the data on building department contacts, permits and other information for East Bethel, Oak Grove and Bethel.

**7.0 Adjournment**

**Mr. Holmes moved to adjourn the meeting at 7:22 PM. Ms Bonin seconded; all in favor, motion carried.**

Submitted by:  
Susan Lori Irons  
Recording Secretary