

**City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, March 22, 2016**



Agenda

		<u>Item</u>
7:00 PM		1.0 Call to Order
7:02 PM	pg. 1	2.0 Adopt Agenda
7:03 PM	pg. 2-9	3.0 Approval of Meeting Minutes February 23 rd , 2016 – Regular Meeting
7:05 PM	pg. 10-12	4.0 Final Plat for Sauter’s Commercial Park 2nd addition
7:15 PM	pg. 13-15	5.0 CST Update
7:25 PM	pg. 16-24	6.0 Home Occupation review
7:40 PM	pg. 25-26	7.0 Lowest floor elevation review
7:45 PM		8.0 City Council
7:55 PM		9.0 Other Business
8:00 PM		10.0 Adjournment

located to the south of the existing cabin and was replaced in 2012 and designed to accommodate the proposed future home. The existing cabin is setback 6.2 feet from the north property line and has a deck that is located within 52 feet of the ordinary high water (OHW) line, east property line. The Voss's are asking for two variances. They would like to place the house 5 feet from the north property line and 53 feet from the OHW. Under the Shoreland Management ordinance Section 57-8-C-2 there is a provision that states where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with an approved variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. This building site is not in an impact or bluff zone and the property to the north is approximately 32 feet away from OHW, and the property to the south is approximately 67 feet away from OHW. The request was forwarded to the MNDNR and they did not have any comments regarding the variance.

Mr. Voss shared with the Commission that he and his wife purchased the property across the street from their home in 2012 for future estate planning with the intent of eventually building a retirement home on Coon Lake. This lot is very special because it is wider than most Coon Lake lots, it has a sand shoreline which is rare around the lake, it has the original cabin built in the 1930's, which he and his wife updated and winterized when they bought the property, and has several very large white pines with trunks exceeding 30" diameter. Their desire for their new home is to work with the existing lot as much as possible, maximizing the existing layout of trees and topography with minimal impact to both. They are planning a modest single level home with no basement.

Ms. Winter confirmed that neither the neighbors to the south nor to the north have problems with the requested variances, and that the DNR had no comment nor requests.

Mr. Terry moved and Mr. Holmes seconded to recommend approval of the variance requests as proposed for location of a new single family home at 19303 East Front Blvd NE. The requests will allow the applicants to keep many trees and minimize the grading required to construct a new home. The keeping of the trees and the minimal grading helps maintain the lakeshore and complies with preserving shoreland aesthetics, preserves historic values, prevents bank slumping, fixes nutrients, protects fish and wildlife habitat, and prevents erosion into public waters, according to the MPCA's Best Management Practices. Further, the variance requests meet the practical difficulty test as outlined in MN State Statute 394.27-7. Motion carried.

5. Public
Hearing
Preliminary Plat

Preliminary Plat – Sauter's Commercial Park 2nd Addition
Property Owner: T & G Land Inc./Tom Sauter
Address: 1052 189th St. NE, East Bethel, MN 55011
PIN: 32-33-23-22-0002
Zoning: Light Industrial

Applicable City of East Bethel Code Sections: Chapter 66 Subdivisions; Appendix A, Zoning – Section 48, Light Industrial

Mr. Plaisance opened the public hearing at 7:17 pm. Hearing no comments, Mr. Plaisance closed the public hearing at 7:17 pm.

Requested Action: Preliminary Plat approval

Background Information: At the January 26, 2016 Planning Commission meeting a Concept Plan for Sauter Commercial Park 2nd Addition was approved. Before you is the Preliminary Plat of Sauter Commercial Park 2nd Addition. This is a public hearing. At this time Mr. Sauter is proposing to plat only two lots and an Outlot.

Comments:

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.
3. A portion of Lot 1, Block 1 is located in the floodplain and the applicant has been advised to complete a Letter of Map amendment and submit it to FEMA as the boundaries of the FEMA map do not accurately depict the floodplain.
4. Lot 1, Block 2 will remain a single family residence at this time
5. Mr. Sauter has agreed to dedicate the right of way for the City of East Bethel to complete the extension of a Service Road (Buchanan St and 189th)

The intention for the roadway is to be installed this summer.

Mr. Holmes moved and Ms. Bonin seconded to recommend approval of the Preliminary Plat. Motion carried.

6.0 CST
Distribution
Concept Plan

Proposed Business Relocation to 237th Ave. and Hwy. 65 – CST Distribution, LLC

Applicable Code Sections: Appendix A, Zoning, Light Industrial and Section 4, Article 12. Other

Requested Action: Review and comment on the proposed relocation of CST to East Bethel

Background Information: CST Distribution, LLC, and CST Transportation, Inc., are owned by Chad & Megan Toft. CST Distribution, LLC is a Wholesale Distributor of Softener Salt, Mulch, Ice Melt, Firewood, Washer Fluid and Bottled Water and also a Contract Packager of primarily Mulch and Soils.

CST Transportation, Inc. is a Local/Regional Transport Trucking Company, specializing in forklift mounted flatbed trucks, with occasional over the road capabilities. Customers include Menards, Home Depot, Cub Foods, and SuperAmerica stores among others.

CST is proposing to construct up to a 32,000 sq. ft. warehouse/office facility and a 10,000 sq. ft. bagging plant. The property is the Mike Wyatt property at 237th and Hwy 65, which is a 40 acre parcel. The mulch will be stored and dyed outside during the winter months. By June the majority of the mulch piles and pallets are gone. They do not process trees into mulch but the material is shipped in, dyed and bagged on site.

CST's proposed business use as a production, distribution and warehouse facility is consistent with the zoning for the site at 237th Ave. and Hwy. 65. City Code Appendix A, Zoning, Section 4, Article 12, requires a site plan review prior to the issuance of any building permits to ensure safe, functional and attractive development. This plan will be submitted to the Planning Commission and the City Council for approval. Tonight's discussion is a preliminary discussion and the formal site plan will be submitted to the Planning Commission at the regular meeting in March for approval.

Staff has met with the owners of CST Distribution, LLC and discussed with them the requirements of a formal site plan review. City staff has also toured their facilities in Rogers and Elk River. Staff has made them aware of the following:

- Visual Impact upon the immediate neighborhood and the need to provide adequate screening.
- Environmental Issues including but not limited to groundwater drawdown, treatment of dying effluent, stormwater runoff, noise, odors, control of site debris.
- Traffic Issues relating to truck impact on 237th Ave, entrance locations and potential stacking issues, peak traffic concerns, need for by-pass lanes or need for right in right outs. Need for review and approval by Anoka County Highway Department

The Site Plan process does cover the issues as stated along with signage, lighting, and landscaping. A formal site plan review does not require a public hearing, however the Roads Commission and EDA have also reviewed this project and will be submitting their recommendations to the City Council.

It was asked if there will be a service road along Hwy 65. No, the service road will be a continuation of Davenport on the property at this time. If the property to the north is developed, then the service road will continue north. Access points will be determined by Anoka County. Ms. Winter reviewed and explained the concept plan.

Mr. Plaisance asked if there will be a problem with trucks crossing the service road.

There are two known wetlands on the property so a Joint Application will be needed. The property will also need to obtain appropriate permits from the MNDNR and MPCA.

At this time it is unknown how runoff is treated or whether the runoff can be reused, exactly what the daily truck count will be, and if there is a risk to the groundwater supply. Ms. Winter will check if there has been any evidence of water table problems at the Rogers or Elk River locations.

Mulch is delivered in bulk to the site, no mulch is made at the site. Mr. Holmes voiced concern about odors. He has heard complaints about bad smells coming from the current mulch company in East Bethel.

Ms. Bonin asked if there would be traffic on 237th. Yes, there would be traffic.

Troy Strecker, 23673 Baltimore St NE, East Bethel made a comment in the audience and was asked to come to the microphone and state his name, address, and to repeat what he said. Mr. Strecker stated the intersection on 237th by the gas station and liquor store is already a dangerous intersection, and that he too has concerns about smell. Mulch is wood and wet wood smells. Anyone living in the neighborhood knows there is a definite wind tunnel that blows across that property into the neighborhood to the south, thus the wind tunnel probably would carry the smell into the neighborhood.

Other audience members starting asking questions at which time Mr. Plaisance stated this was not a public hearing and asked audience members to attend tomorrow night's City Council work meeting so they could be heard. Some commissioners stated they thought the audience members should be heard tonight in case they could not make the City Council work meeting. Mr. Plaisance put it to vote whether the commissioners wished to open up the floor to the audience. Vote: 3-yes, 2-no, 1-abstain.

Mr. Plaisance opened up the floor for audience comments and requested all speakers approach the microphone, and to state their name and address for the record.

Andrew Mycka, 23554 Goodhue St NE, East Bethel stated many residents have questions because they had not heard of this business relocation until now.

Dennis Anlauf, 590 Alaska Look, Cambridge introduced himself as the owner of the convenience store and liquor store located west of the proposed property. Mr. Anlauf understands both sides of the land use, however, he himself is neutral on the relocation.

David Landis, 1747 237th Ave NE, East Bethel lives east of the proposed location. Mr. Landis stated he is opposed to CST moving into this location. He believes it will be a death nail to property values and will be detrimental to other businesses wanting to be located next to it. He stated Mr. Davis said at

last night's EDA meeting that five other cities turned down this business relocation; he was curious why? Mr. Davis clarified that he did not make that statement, but that he said he had heard rumors about other cities turning away this business.

Mr. Davis reiterated that the City Council work meeting is the place to bring such comments and questions, as CST Distribution Concept Plan is on the agenda.

Rita Biljau, 23600 Goodhue St NE, East Bethel clarified that there will be more information regarding any environmental issues after the various studies are done. Ms. Winter stated that was correct.

Kathryn Morris Echols, 23615 Goodhue St NE, East Bethel lives across from the property. She has three major concerns 1) East Bethel already has a mulch company in the area that has smell complaints, what is this company providing to the City? 2) Allowing this business at the proposed location will set the tone for future businesses in the area. 3) If CST uses 30,000-40,000 gallons of water at its Rogers and Elk River locations which are smaller than the proposed site, will usage be 3x that amount at a larger site, along with 3x the noise, and 3x the number of environmental issues, etc.?

Glen Thies 2124 233rd Ave NE, East Bethel is a long-time resident. In 2004 there was a residential development of 45 homes. Since the addition of those homes, he has seen degradation to his water. Will this business cause draw down on the water table and degradation of the aquifers? Is it possible to put this business on City sewer and water?

Mr. Landis asked Ms. Winter to read the proposed hours of operation. Ms. Winter read the information provided by CST. Mr. Landis noted the possibility of business being conducted from 4:30 am to 9:00 pm.

Michael Biljau, 23600 Goodhue St NE, East Bethel asked where the water goes after it is used?

Mathew Echols, 23615 Goodhue St NE, East Bethel asked how tall the stock piles will be and why can't the business tie into the City sewer and water? Ms. Allenspach stated the sewer and water lines do not run that far north.

Mr. Plaisance closed the open floor at 8:04 pm. He thanked the audience for their comments and questions and asked that they attend the City Council work meeting on 2/24 at 6:00 pm.

The Commission consensus was that visual impact, traffic issues, and environmental issues all need to be addressed.

7. Superstreet Update

Background: The Roads Commission and City Council have focused their previous meetings on gathering information on Reduced Conflict/Superstreet Intersections as an option to address issues on Hwy. 65 locations at Viking

Boulevard, 187th Lane and 181st Avenue.

During these meetings the Commission and Council have received presentations from MN DOT, the Federal Highway Administration and the Anoka County Highway Department that have outlined how this type of design has performed in Minnesota, Texas and North Carolina. The discussions reviewed the advantages and disadvantages of this type of design and how it would apply at our particular locations.

Based on previous information presented to the Council and Roads Commission, traffic counts on Hwy. 65 and Viking Boulevard and crash data do not support the justification of a separated grade interchange at this location for the foreseeable future. While the priority for consideration of a separated grade interchange is low relative to criteria used for evaluation, this intersection is one of the worst on the Hwy 65 Corridor in terms of its efficiency to move both in-line and cross traffic during peak hours. Future development around and growth north of this intersection will generate additional traffic and require up-grades to improve and enhance the movement of the vehicle load at this location and along Hwy. 65.

In order to address the problems at this intersection, interim solutions are being considered that would improve the functionality until such time that warrants are met to justify a separated grade interchange. As an option, MN DOT has presented a reduced conflict intersection design as a potential solution for the concerns at this intersection

In the final analysis the reduced conflict intersection design may be the most practical solution to correcting the problems at Viking Boulevard and Hwy. 65, the City is still seeking more information on this type of design as to accessibility to businesses, impact on total traffic flow and highway safety.

The Roads Commission has discussed this concept at length at their December 8, 2015 and January 12, 2016 meetings. After an involved discussion of the matter at the January 12, 2016 meeting and by Motion of Dan Nowack, second by Kathy Paavola and the unanimous vote of the members, the Roads Commission recommended that City Council consider moving forward with the MN DOT proposal to further investigate upgrading the intersection at Viking Blvd to a Super Street design and to include the Hwy. 65 segment from 181st Avenue to Sims Road for possible Reduced Conflict Intersections as part of the project.

The City Council at their January 20, 2016 meeting voted to endorse the Roads Commission's recommendation and forward a request to MN DOT to conduct a Reduced Conflict Intersection Study for Hwy. 65 between 181st Avenue and Sims Road.

Mr. Davis showed various slides of reduced conflict intersection designs and how the intersections work, along with a draft drawing for Viking Blvd./Hwy 65. He noted that this project has not yet been endorsed by the City Council, but that it is being looked at and considered as one option.

Ms. Allenspach stated that many people take different routes so that they do not have to deal with the Viking Blvd./Hwy 65 intersection.

This is a MN DOT project, so City costs would be minimal. MN DOT would like support from the City on this project.

More information on this project will be available at the Town Hall meeting.

8. City Council
Report

Mr. Harrington, City Council liaison reported:

The Sauter Commercial Park 2nd Addition concept plan has been approved.

A conditional use permit (CUP) was approved for the Barn Goddesses. Ponds of Hidden Prairie will be an event venue.

City Council renewed the ice arena contract with Gibson Management Corporation for two more years.

City Council renewed the city attorney contract for five more years.

Ronald Stanley is retiring from the Fire Department after 30 years of service.

9. Other
Business

Ms. Winter provided the January 2016 Piwik Analysis and noted that city staff will be meeting on 2/24 to discuss changes to the City website.

10. Adjourn

**Ms. Allenspach moved and Mr. Terry seconded to adjourn at 8:45 pm.
Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 2/24/16



City of East Bethel Planning Commission Agenda Information

Date:

March 22, 2016

Agenda Item Number:

4.0

Agenda Item:

Final Plat – Sauter’s Commercial Park 2nd Addition

Property Owner: T&G Land Inc., /Tom Sauter

Address: 1052 189th St NE East Bethel MN 55011

PIN: 32-33-23-22-0002

Zoning: Light Industrial

Applicable City of East Bethel Code Sections:

Chapter 66 Subdivisions

Requested Action:

Final Plat approval

Background Information:

At the February 23, 2016 Planning Commission meeting a Preliminary Plat for Sauter Commercial Park 2nd Addition was approved. Before you is the Final Plat of Sauter Commercial Park 2nd Addition. At this time Mr. Sauter is proposing to plat only two lots and an Outlot.

Comments:

1. All required documents as outlined in our Subdivision Ordinance Chapter 66 have been submitted and review and comments have been given per our City Engineer, all appropriate changes were made on the Preliminary Plat to align with the future Service Road.
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.
3. Lot 1, Block 2 will remain a single family residence at this time
4. Mr. Sauter has agreed to dedicate the right of way for the City of East Bethel to complete the extension of a Service Road (Buchanan St and 189th)
5. A Developer’s agreement will be drafted and approved by the City Council at the same time as the Final Plat

Attachments:

1. Final Plat

Fiscal Impact:

Unknown

Recommendation(s):

Recommend approval of the Final Plat.

Planning Commission Action

Motion by: _____

Second by: _____

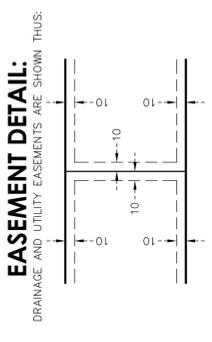
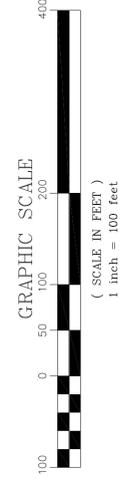
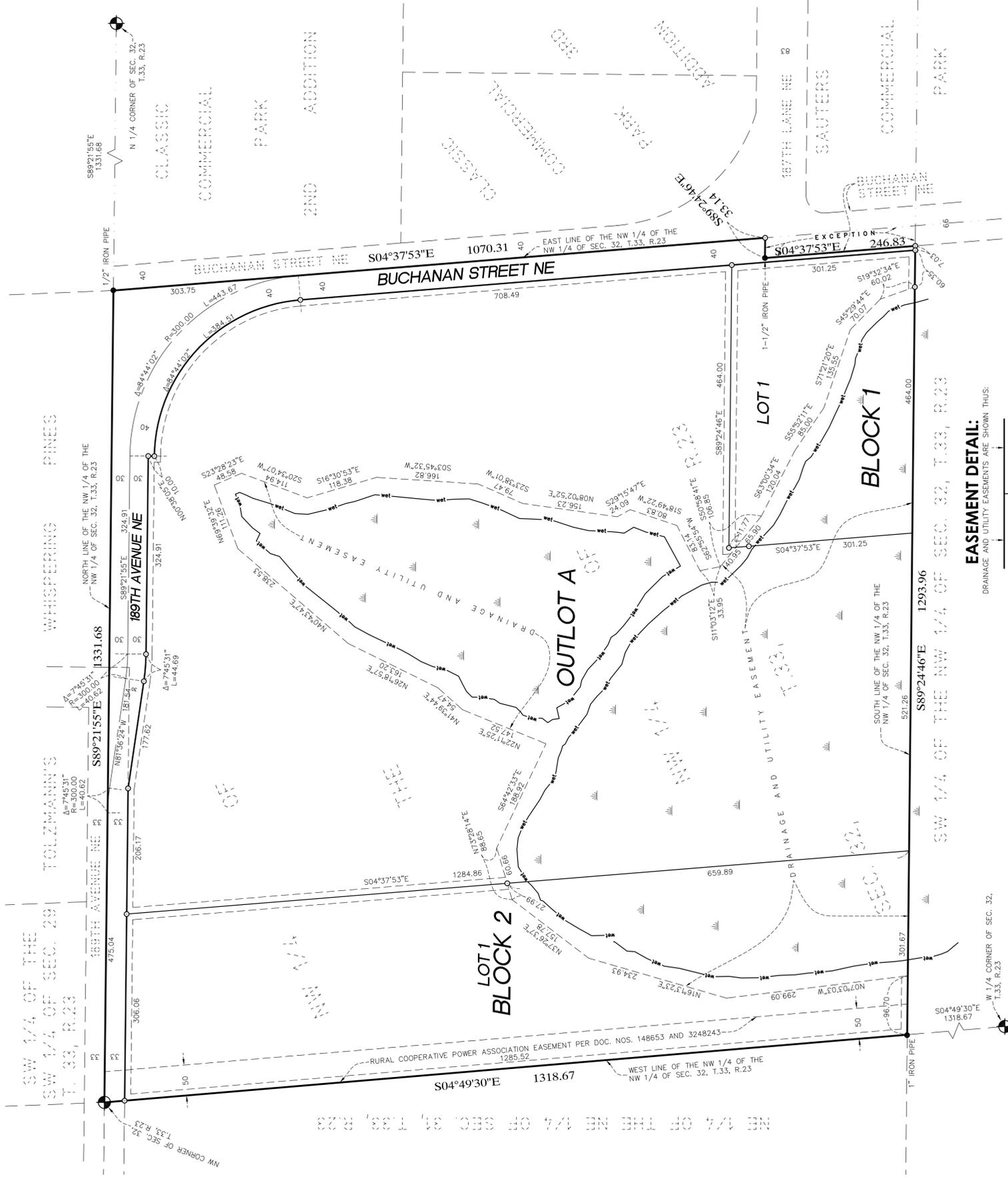
Vote Yes: _____

Vote No: _____

No Action Required: _____

SAUTER'S COMMERCIAL PARK SECOND ADDITION

City of East Bethel
County of Anoka
SEC. 32, TWP. 33, RNG. 23



FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 33, RANGE 23, ANOKA COUNTY, MINNESOTA IS ASSUMED TO BE A LINE BEARING OF SOUTH 89 DEGREES 21 MINUTES 55 SECONDS EAST.

- DENOTES ANOKA COUNTY CAST IRON MONUMENT.
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MARKED BY RLS NO. 41575.
- DENOTES IRON PIPE FOUND AS NOTED.

BEING 10 FEET IN WIDTH, ADJOINING ALL LOT LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

KNOW ALL PERSONS BY THESE PRESENTS: That T & G Land, Inc., a Minnesota corporation, owner of the following described property:
The Northwest Quarter of the Northwest Quarter of Section 32, Township 33, Range 23, except that part platted as SAUTER'S COMMERCIAL PARK, Anoka County, Minnesota.
Has caused the same to be surveyed and platted as SAUTER'S COMMERCIAL PARK SECOND ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown on this plat.
In witness whereof said T & G Land, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 20____.

T & G LAND, INC.
Thomas C. Sauter, President
STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me this ____ day of _____, 20____ by Thomas C. Sauter, President of T & G Land, Inc., a Minnesota corporation, on behalf of the corporation.
Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision, that I am a duly Licensed Land Surveyor in the State of Minnesota, and that the measurements and calculations shown on this plat were made by me or under my direct supervision, and that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this ____ day of _____, 20____

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578
STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me this ____ day of _____, 20____ by Jason E. Rud.
Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF EAST BETHEL, MINNESOTA
This plat of SAUTER'S COMMERCIAL PARK SECOND ADDITION was approved and accepted by the City Council of the City of East Bethel, Minnesota at a meeting held on this ____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.
City Council, City of East Bethel, Minnesota
By _____ Mayor
By _____ Clerk

COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20____.
Larry D. Holm
Anoka County Surveyor
COUNTY AUDITOR/TREASURER
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land herebefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20____.

Property Tax Administrator _____ Deputy
By _____ Deputy
COUNTY RECORDER/REGISTRAR OF TITLES
COUNTY OF ANOKA, STATE OF MINNESOTA
I hereby certify that this plat of SAUTER'S COMMERCIAL PARK SECOND ADDITION was filed in the office of the County Recorder/Registrar of Titles for public record on this ____ day of _____, 20____ at ____ o'clock ____ M., and was duly recorded in Book ____ Page ____ as Document Number ____.

County Recorder/Registrar of Titles _____ Deputy
By _____ Deputy

NORTH



City of East Bethel Planning Commission Agenda Information

Date:

March 22, 2016

Agenda Item Number:

Item 5.0

Agenda Item:

CST Update

Requested Action:

Information Item Only

Background Information:

Staff and City Council have answered a number of e-mails, responded to calls and have met with 2 individuals relating to the proposed CST location.

Staff met with CST on March 8, 2016 regarding the concept plan and site plan application submitted to the City. Staff provided CST with the following information relating to the Site Plan Review Process:

- CST was advised that their timeline for the project was overly optimistic and given a revised timeline. The first actionable item – Site Plan approval will come before the Planning Commission at the regular meeting scheduled on April 26, 2016.
- CST was advised of the petition opposing their location at 23805 Hwy. 65. The prospect of a community meeting to allow CST to address concerns of the project was discussed. CST was advised that the City would have no role in the meeting other than to offer a location for the gathering.
- CST provided a site plan application to the City on March 1, 2016 and additional items that need to be addressed included environmental concerns, wetland delineation, signage, traffic, and visual appearance.
- CST was advised that the burden of proof relating to noise, dust, particulate matter and other requirements contained in Code must be provided to address the conditions set forth in City Ordinance and CST must clearly demonstrate to the City that these issues do not have any impact beyond their proposed site.
- CST was advised that they must obtain all required permits from the DNR, MPCA, Anoka County Highway Department and any other regulatory or permitting agencies that have jurisdictional authority over these matters before the City could issue any permits relating to this project.

Attachments:

Attachment 1 - Site Plan

Fiscal Impact:

None at this time

Recommendation(s):

No action is required regarding this report

Planning Commission Action:

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

KEYED NOTES:

- 1) INSTALL BITUMINOUS PAVEMENT. REFER TO DETAIL 1/C5 FOR SECTION.
- 2) INSTALL 8612 CONCRETE CURB. REFER TO DETAIL 2/C5.
- 3) CONSTRUCT CONCRETE ADA RAMP. REFER TO DETAIL 5/C5.
- 4) INSTALL 4" CONCRETE SIDEWALK. REFER TO DETAIL 4/C5.
- 5) INSTALL GRAVEL SURFACE. REFER TO DETAIL X/C5 FOR SECTION.
- 6) INFILTRATION BASIN. REFER TO DETAIL X/C5 FOR SECTION.
- 7) INSTALL "STOP" TRAFFIC CONTROL SIGN.
- 8) INSTALL SEDIMENT POND. REFER TO DETAIL TO X/C5 FOR SECTION.
- 9) FUTURE OUTDOOR RETAIL DISPLAY AREA. CURRENTLY PLANNED AS OPEN SPACE (TURF).
- 10) CONVENTIONAL SEPTIC DRAIN FIELD.
- 11) PROPOSED WELL LOCATION.
- 12) PROPOSED LOCKING GATE
- 13) PROPOSED VEGETATED 8-FT HIGH BERM (SEE LANDSCAPE PLAN FOR DETAILS)
- 14) EXISTING WETLAND TO REMAIN UNDISTURBED WITH MINIMUM 38-FT BUFFER
- 15) CONCRETE CURBED ISLAND FOR ELECTRICAL HOOKUP FOR SEMI TRAILERS.
- 16) ABOVE GROUND STORAGE TANKS WITH REDUNDANT SPILL CONTAINMENT PER MPCA REQUIREMENTS.

LAYOUT NOTES:

- 1) ALL RADII TO BACK OF CURB
- 2) ALL DIMENSIONS TO THE FACE OF CURB UNLESS NOTED OTHERWISE.
- 3) PAVEMENT STRIPING TO BE 4" WIDE WHITE EPOXY PAINTED STRIPE.

SURFACE AREA ANALYSIS

TOTAL PROPERTY AREA	= 1,708,135 Sq. Ft.
PROPOSED IMPERVIOUS SURFACE	= 971,670 Sq. Ft. (56.86%)
BIT. SURFACE	= 338,570 Sq. Ft.
BUILDINGS	= 42,000 Sq. Ft. (Includes Expansion)
GRAVEL	= 591,100 Sq. Ft.
PROPOSED PERVIOUS SURFACE	= 737,465 Sq. Ft. (43.15%)

LEGEND:

- EXISTING BOUNDARY
- PROPOSED BITUMINOUS PAVEMENT
- PROPOSED GRAVEL SURFACE
- PROPOSED CONCRETE SIDEWALK/APRON
- PROPOSED TRUCK TRAVEL ROUTE
- PARKING STALL COUNT (TOTAL PROPOSED=19)

ERICKSON CIVIL
 333 North Main Street, Suite 201
 Rogers, Minnesota 55374
 Phone (612) 309-3804
 www.ericksoncivilsite.com

DRAWING PHASE:	
OWNER REVIEW	
AGENCY REVIEW	✓
BID DOCUMENT	
PERMIT SET	
AS-BUILT DOCUMENT	

HEREBY CERTIFY THAT THIS REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

TODD A. ERICKSON, PE
 40418
 LICENSE NO.
 03/01/2016
 DATE:

CST COMPANIES, LLC
 21897 S. Diamond Lake Rd. #400
 Rogers, Minnesota 55374
 OWNER/DEVELOPER

CST COMPANIES, LLC
 EAST BETHEL, MINNESOTA

NO.	REVISION DESCRIPTION	DATE

JOB NO. 16-107
 SHEET TITLE LAYOUT PLAN
 SHEET NO. C2
 5





City of East Bethel Planning Commission Agenda Information

Date:

March 22, 2016

Agenda Item Number:

6.0

Agenda Item:

Home Occupation discussion

Applicable City of East Bethel Code Sections:

Appendix A, Zoning – Section 10-19

Requested Action:

Determine if changes should be made to Home occupations under the Zoning code

Background Information:

Home Occupations continue to be an enforcement problem for the City. Currently we have six complaints about home occupations. Those complaints range from operating without a permit, to exceeding total number of vehicles, junk and debris. Automobile repair seems to be the biggest problem, and our Home occupation ordinance does not do a good job of addressing this issue.

Staff is requesting that the Planning Commission consider the following:

- It is not uncommon for metro area cities to list occupations such as body shops, landscaping businesses, and motor vehicle repairs or sales as prohibited home occupations.
- Many cities do not allow any person, other than the property owner, whom must reside on the premise, to be engaged in the home occupation.
- In East Bethel, uses such as motor vehicle repair are allowed in the Highway Business District and Light Industrial district. A question to consider, should the city allow uses permitted in the B3 and I1 districts as home occupations?
- Because the existing ordinance does not specifically prohibit motor vehicle repairs or small engine repairs these businesses could be considered home occupations if they meet all of the other requirements of the ordinance.

This topic has been brought before the Planning Commission as a discussion item at past meetings. The Planning Commission discussed this back in 2011 and those minutes are attached for your review and again in 2014 there was a lengthy discussion and public hearing regarding this issue. At that time, the Planning Commission recommended only one minor change to the ordinance and that was approved by the City Council. Since that time the City has implemented a new code compliance system that allows us to better track complaints and we are working on making sure that all issued IUP's are in compliance. Automobile and small engine repair

continue to still be an issue for the City and staff does not feel that these businesses should be allowed as permitted Home occupations.

Attachments:

1. March 25, 2014 meeting minutes
2. Nov. 11, 2011 Planning meeting minutes
3. Other Communities Home Occupation ordinance language
4. Existing Home Occupation language

Fiscal Impact:

Unknown

Recommendation(s):

Recommend approval of the Final Plat.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Public hearing to consider changes to City Code, Appendix A, Zoning Ordinance, Section 10 General Development regulations, Section 19, Home Occupations.

Consider changes to Home Occupation as presented.

Background Information:

At the February 19, 2014 City Council meeting, the IUP RENEWAL for Jeff Kirkeby of Pavement Resources, Inc. came before the City Council. They elected to approve a 60-day extension and requested that the Planning Commission look at changing the language in the Home Occupation ordinance regarding the number of employees at the site. The Planning Commission has had numerous discussions regarding Home occupations and based on those discussions the following recommendations are suggested:

- Change Home occupation definition
- Clarify number of employees at the Home occupation site
- Ban certain types of businesses from being considered Home occupations

Recommendation:

Propose changes to the Home occupation ordinance as presented, subject to City Attorney review.

Last month at the City Council meeting a gentleman appeared before the City Council and whether the number of employees that are there. Just some things with the language the Council wasn't comfortable with. What you have in front of you, is basically we are looking at checking Item A. We are taking out the shall be employed. Further there is a piece of paper of what a home occupation is. Additionally there is a highlighted section underneath.

As a matter of discussion, I wanted to include businesses such as, machine shops, automobile repair shops and body shops. By definition we are talking about commercial. We have talked about it in the past. Those are the comments as staff.

Bonin wanted to know if you need the work incidental. Could that be misconstrued? Winter said she would suggest that we open the public hearing.

Plaisance motioned to open the public hearing at 7:59 p.m. Cornicelli seconded; all in favor, motion carries unanimously.

Balfany motioned to close the public hearing at 8:00 p.m. Terry seconded; all in favor, motion carries unanimously.

Winter said she sees what Bonin is saying. It could be interpreted in many ways. Bonin said it is dangerous and doesn't add anything.

Terry said his only objection is in a normal world, he has seen language like this perverted to close down something based on nothing. He has seen people having property condemned because of a wetland they didn't cause. There is somewhat on their property from a flood. Suddenly it is a wetland and they can't build an addition. Language like this sounds fine. Someone could see they don't like what their neighbor is doing. Balfany said even in the term increase vehicular traffic, even one car is increase. Terry said our ordinance already address issues that would cover these things. He wants to avoid creating an excuse for someone who has an agenda, to go after someone. They would be pretty clear they would be violating our ordinance. Mundle said keep the first part of the definition and remove the second part. Terry said that would be his thoughts.

Holmes said he could care-a-less, other cities have done this. Automotive body shops,

people thing paint. Some cities allow bodywork but not painting. Many communities allow bodywork but no painting and that would have to be in a commercial setting. Winter said do you want to allow these businesses to be home occupation. Holmes said the City of Plymouth got into a big mess with this. No body shop type work or if you want to allow bodywork with bondo, many communities allow that but not painting. He has done bodywork for 40 years. He knows all about it. The City of Plymouth got in a lot of trouble with the same language. If you want to change it to no auto body type work at all, which would mean bodywork and painting. It is something we need to look at. Winter looked for the definition.

Balfany said do we have a problem with this currently. Do we have people operating home occupations versus hobbies? Cornicelli said aren't auto motive repairs and I hit a deer, I have structural damage and also they are replacing parts.

Terry said it is specialty for auto body repair. Cornicelli said they would be repairing mechanical and body. Holmes said a resident wanted to fix his own car. Many people can fix their own car. The City said you can't do that work and the resident said it is their own car. If you are going to mention those kinds of business we have to define it. Plaisance said if he isn't receiving payment for his own car. Holmes said he is receiving payment from the insurance company. He is just trying to save East Bethel into getting into this problem.

Balfany said take the auto glass industry. In efforts for our business, cities group us into the auto body repair shops. There are operations where they work the business out of their house and drive from there. If that industry said I live at 123 East Bethel, I am going to run the auto glass business out of my house. According to this language it is a home occupation that wouldn't be allowed.

Holmes said when he lived somewhere else, a guy was buying repairable car, and fixing them up and bring them to a body shop and have them painted and then sell them. One year he did 161 cars and that is how they caught him. It blew up. This is very vague. He knows the guy and it cost the City a lot of money. Plaisance said he doesn't disagree with that. If he was doing that, he should have applied for an IUP or CUP. Holmes said it was his own car.

Plaisance said if you sell more than five cars you have to insure the car. Holmes said many years I have sold five or more cars. I even tried to make them give me a license. They wouldn't do it. There are a lot of stipulations. Winter said we have a definition of motor vehicle repair minor and major. One of the ways you could look at it, you could say that motor vehicle major and minor would not be allowed as a home occupation. Holmes said but he person owns the car. That is where it comes into a problem. Cornicelli and they own it and fix it and sell it. Holmes said you can buy and sell 200 cars and you don't have a commercial property. Cornicelli said that is what Mr. Gardner is saying.

Winter said Holmes said it was in a commercial area. Is this is something you are going to allow people to do in a home occupation. Mr. Gardner was trying to make the case tonight. Are you going to limit it to five? Winter said I get more complaints on people that repair cars more than anywhere. People drive up and down our streets. They fix up people cars up. They aren't getting an IUP. That and machine shops. You have some legitimate motor vehicle repair places. They should be where they are appropriately zoned.

Holmes said more people are dealing with repairing cars. That is why it is critical. I would hate to see East Bethel get into a situation like Plymouth. Terry asked how a

Machine shop is defined. Winter said there is not a good definition in here. It is a permitted use. Terry said what is a machine shop. Winter said that is why this is a discussion item. I can further define this. We can define this better.

Mundle wanted to know if we have any repair shops, machine shops, etc in the City. Winter said not legally. We have one, the gentleman that does the Classic cars on Polk Street. Holmes said you might want to define it, like I just made Lorraine a bowl that is made with a machine. Terry said it should be specific to what is the problem. Holmes said you should look at a definition on machine where you operate it for monetary gain. I do it for hobby. I know people who do machining for themselves, not for anyone else. According to what we have now, that would be illegal.

Winter said this is an addition. Holmes said we should cite it for monetary gain. Balfany said are we saying we want this in here or not. How far do we want to define it? Terry said I don't want to limit people. I don't want to do things that would impact the neighbors. I don't know how it would be a problem with the neighbors. Holmes said speaking about that guy that I know, he makes street rod shops. He has a converter to run it. He has a generator to run it. It would affect the homes nearby. He starts the generator so he doesn't disturb the neighbors.

Bonin said whatever decision we make is the decision on this is the bottom line is the neighbors. If it doesn't affect the neighbors it should be allowed. Terry said if you are on a ten or twenty acre property, there probably is no problem. If you are doing it in a two-acre property, it could affect the neighbor. Cornicelli said I have twelve acres and I wish the neighbor would move out the cars.

Winter said I am not sure what the answer is. I just know that is what we get a lot of complaints about. Cornicelli said if the city investigates them, you are not causing that much waste, when you investigate them, what do you find where they dump hazardous area. Winter said they are generating the hazardous waste. They don't have proper permitting. You can either do it; they do have to go through permitting.

Cornicelli said the basic premise is they shouldn't do in home or accessory building. Winter said it doesn't fit the definition of a home occupation. I can't bring back definition. Holmes said if it produces hazardous waste, it shouldn't be allowed. Winter said then we need to define that. Cornicelli said if they are operating their business in their pole barn, and haven't gotten a permit, then they are not taking care of their hazardous waste.

Terry said you might be forcing people to go under cover, rather than getting a permit. You don't say other things like auto sales are not permitted. Letter K addressed the problems with these. Are other restrictions going to filter this out, without listing these things out? Winter said I would like it, the first definition, I would like that language changed. Balfany said I don't think anyone has a problem with that.

Cornicelli said could you argue that machine shops may or may not be home occupation; businesses that involve automotive uses are not home occupations. If those repairs are done onsite, that would cover your guide for someone who runs parts. Terry said what about the guy who does Classic Cars. Winter said the guys got a hazardous waste generator. We can make the people comply. Terry said if we say they are not allowed, they would do it under cover. Winter said I see your point. Cornicelli said no law is going to address that.

Plaisance said I would pass the correction under A and pull the other two. Balfany seconded; all in favor, motion carries unanimously.

**Discussion
concerning Home
Occupations**

Attachment #1 is East Bethel Zoning Code Section 10. home occupation requirements. There have been some concerns and questions regarding certain home occupations in residential districts such as automotive repair facilities and landscaping businesses and whether or not these types of home occupations should be permitted.

It is not uncommon for metro area cities to list occupations such as body shops, landscaping businesses, and motor vehicle repairs or sales as prohibited home occupations. The reason why is because these are uses allowed in more intense land use areas. Also, many cities do not allow any person, other than the property owner, whom must reside on the premise, to be engaged in the home occupation. Some cities have it if you employ other people outside of the house, you have to get a permit from the City for the other persons.

Also, it is common if businesses like beauty salon or are a tax preparer are not required to get a permit.

Staff suggests Planning Commission members discuss current home occupation requirements with the possibility of recommending an amendment to current regulations.

Recommendation:

Staff recommends Planning Commission to discuss current home occupation requirements and possible code amendments.

Hanson asks if the regulations for home occupations should be looked at to possibly update. Hanson asks if the code should list permitted occupations. Bonin said we are looking to have a City Centre where we can be really restrictive on these things. Then we should leave the rest of the City rural, with not a lot of restrictions. That is part of keeping the rural feeling to the rest of it.

Hanson said some of the cities that have urban and rural areas such as Hanover, have requirements for rural residential home occupations and urban residential home occupations. Bonin said it is more complicated in a way, but more clear also.

Mundle said no matter what, everyone has to come in for a permit, even if someone had 320 acres, they would have to follow the same regulations as someone who has one acre. Voltin said everyone has to come in before us right now for a home occupation, correct.

Cornicelli asked if there have been issues in the past. Hanson said no. Bonin said since there haven't been complaints from the neighbors, then there is nothing to fix, if it ain't broke then it don't need fixing. Mundle said they must be well maintained. Mundle thinks the rules are okay. Voltin said leave it as it is.

Cornicelli asked are you trying to get ahead of things that are coming down the road. Hanson said this was a question that was proposed to staff to take a look at, keeping in mind that the city will have an urban area at some point. Balfany said it seems like they are planning for the future.

Cornicelli wanted to know how many home occupations there are. Hanson said there are quite a few but doesn't know the number off the top of her head. Voltin said we have had a few this year come before the Commission.

Planning Commission directed staff to leave it as is, and make no changes to the code. Bonin stated if it isn't broke don't fix it. Mundle said if staff could look at potential problems that other cities face. Hanson said the number one issue with home occupation is auto repair. The issues they usually face are too many cars parked on the street, noise, and the business operating on a small city lot. Voltin said they are a hard one to control. Mundle said right now, if there is no problem and someday we have urban areas, we can then readdress it. Terry said we have covered outdoor storage, screening and codes like that regulate the home occupatons. Balfany said if there is a problem, where would it go, to us or Council. Hanson said it would most likely come back here.

**Discussion
concerning Closed
Landfill Program**

The East Bethel landfill is located just south of City Hall. It was permitted in 1971. The landfill accepted demolition, and mixed municipal and industrial wastes. The landfill was covered and a groundwater pump was installed and began operating in 1994. In 2006-07, the MPCA installed a new landfill cover and an active gas extraction system.

The MPCA must develop a land use plan for the landfill property as part of the Closed Landfill Program. This program requires municipalities to adopt land use controls to better manage the landfills. This includes a comprehensive plan amendment (CPA) to change the existing land use to something more restrictive such as Closed Landfill Restrictive Area and possibly adopting new zoning regulations for the landfill property. The MPCA will offer technical advice to assist staff in the adoption of the land use controls. Staff will be incorporating the required changes in the CPA and may require a zoning text amendment (ZTA).

Staff has invited MPCA to give a brief presentation about the Closed Landfill Program to the City Council at the regular scheduled meeting on December 7. Planning Commission is encouraged to attend the presentation. Hanson encouraged the Commission members to attend the City Council meeting.

On January 24, 2012, Planning Commission will be presented with a ZTA and a CPA to address the Closed Landfill Program requirements.

Mundle said in the future we will be reviewing what the PCA has been putting together for the Comp Plan and Zoning Text Amendment. Hanson stated the Comp Plan has to be formally approved before the Zoning Text Amendment can be brought forward.

**Approve October 25,
2011 Planning
Commission Meeting
Minutes**

Terry said he has a bone to pick with page 10. He has two jokes that he would like to have removed. The first paragraph can be removed. At the bottom on the last paragraph, and he said Bonin and him will be the architectural committee that can be removed.

Terry motioned to approve the minutes with said changes. Balfany seconded; all in favor, motion carries.

Home Occupation Review

City of Coon Rapids

Certain types of home occupations are prohibited, including auto repair, engine repair, firearm sales, and welding.

City of Roseville

The following activities are prohibited:

1. Operation of any wholesale or retail business unless it is conducted entirely by mail or internet. The sale of products incidental to delivery of a service is allowed.
2. Manufacturing, welding, machine shop or similar uses
3. Motor vehicle repair
4. Sale, lease, trade, or transfer of firearms or ammunition
5. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations

City of Elk River

Permitted home occupations may not involve repair of internal combustion engines or use of equipment which is not normally found in a home, except that equipment which is typically in an office may be used.

City of Oak Grove

Does not prohibit type of home occupation.

City of Isanti

The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales, or any other objectionable uses as determined by the zoning administrator.

19. - Home occupations.

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

(Ord. No. 49, Second Series, 4-2-2014)



City of East Bethel Planning Commission Agenda Information

Date:

March 22, 2016

Agenda Item Number:

Item 7.0

Agenda Item:

Discussion regarding lowest floor elevation. Information only.

Background Information:

The City of East Bethel has had numerous discussions regarding this topic before and the request has been made to bring back to the Planning Commission to consider changing the ordinance.

Our current ordinance in the Shoreland Management Areas:

New Construction and additions need to be located three feet above:

- The regulatory floodplain
- Highest known water level (mottled soils) —————> Whichever is greater
- Ordinary High water level

We have applied these same rules city wide.

Currently the Shoreland Management ordinance, Floodplain ordinance, Subdivision Ordinance and engineering manual all deal with lowest floor elevation differently. In order to be consistent and adopt the same standards, proposed changes to the minimum lowest floor elevation will be presented at the next Planning Commission meeting and will include better definitions and exceptions and decreased standards for existing structures.

Attachments:

Attachment #1 – Comparisons to other cities

Recommendation(s):

Information only item.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

For building sites what is the lowest floor elevation? Does this apply in all districts?	
St. Francis	<u>3 feet</u> above the water table. Subdivisions/new developments get one soil boring, and existing properties that are building need to get a soil boring.
Cambridge	<u>3 feet</u> above the highest known water table or ordinary water level.
Oak Grove	Regulatory flood protection elevation means an elevation no lower than <u>1 foot</u> above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
Andover	Basements and low floors: Basement or low floor elevation shall be a minimum of <u>3 feet</u> above the seasonal high water mark or <u>2 feet</u> above the designated 100-year flood elevation, whichever is higher, unless evidence is submitted and certified by a geotechnical engineer hired by the city at the expense of the developer and approval by the City Council that a separation of less than <u>3 feet</u> can be achieved and is warranted. (Ordinance # 9-3-3: A3) Variances: If construction plans are submitted in sufficient detail to substantiate that proper drainage can be maintained at lesser elevations, the City Building Official may, in his or her discretion, vary the terms of this section. (Ordinance # 9-3-3: B) Shoreland Elevation: No structure, except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including a basement, is less than <u>3 feet</u> above the highest known water level. (Ordinance # 12-11-2: B)
Blaine	<u>2 feet</u> above the floodplain or mottled soil.
Linwood	<u>3 feet</u> above the highest known water level
Columbus	Optimum election for new construction is <u>6 feet</u> above the level of the high water table as measured to the top of the lowest footing. Construction at or above 6 feet above the high water table is strongly advised. Acceptable elevation for new construction is <u>3 feet</u> above the high water table as measure to the top of the lowest footing. Any construction below the optimum elevation of 6 feet above the high water table shall require installation of: not less than one sump; one sump pump; and drain tiles either inside or outside all of the footings. The sump pump shall not be connected to the septic system in any manner. (Caution: Although a 3 feet minimum is acceptable under this section, current FHA and VA construction standards require not less than 4 feet minimum elevation required by this section will meet or exceed the requirements of the Anoka County Flood Plain Management Ordinance, the Anoka County Shoreland Management Ordinance, and Rice Creek Watershed District Regulations as of July 1, 1990. Coon Creek Watershed District and Sunrise River Watershed District do not have independent regulations for minimum construction elections. Accessory Buildings do not have a need for on-site sewage treatment and are not required to have a sump, sump pump, or drain ties if built at less than the Optimum Elevation, but in no case can they be built at less than the acceptable minimum elevation.