

business with no additional square feet being added. This decision is based on the location of the well and septic. The applicant is working with City Staff to find a different site within East Bethel. There will be no increase of traffic; the business truck leaves and returns once per day.

Mr. Terry moved and Mr. Balfany seconded to recommend approval of the IUP subject to the following conditions:

- 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.**
- 13. Applicant is required to follow all local building and fire codes.**
- 14. IUP is issued for a period of no more than three years. Applicant will have opportunity to renew after the three year period.**
- 15. Applicant is subject to all federal, state and local regulations regarding building codes, SSTS and zoning.**
- 16. Food truck to be parked in driveway next to detached garage.**
- 17. Documentation of all applicable Dept. of Health food and catering licenses is required. Motion carried.**

This IUP application should go before City Council on July 6th.

5. 2nd Generation Chimneys Site Plan Review Classic Construction, Inc. (General Contractor) is proposing to build an office/shop/warehouse for David Pixley, owner of 2nd Generation Chimneys, Inc. The building would be built on Lot 1, Block 1, Sauter’s Commercial Park 2nd Addition. The proposed building is 6,500 square feet and will be connected to City sewer and water. The access will be from Buchanan Street. The property is zoned Light Industrial.

Existing Land Use

- The site is just over 3 acres in size and is currently vacant land with a large drainage easement that depicts the wetland. The wetland has been delineated and there will be no impact on the wetland.
- Current access is off of Buchanan Street NE
- Adjacent land uses – North – vacant land, East- Industrial property, West- large pond, South – industrial property.

Proposed Use – 2nd Generation Chimneys is proposing to build and utilize 5% of the property for business operations, and minimal outdoor storage. The remaining acreage will be used for stormwater ponding, open space and preservation of the existing wetlands. 2nd Generation Chimneys, Inc. provides complete fireplace and chimney services. The proposed building will be their corporate headquarters, shop and warehouse facility.

Site Requirements

2nd Generation Chimneys is required to adhere to the following and must comply with city code regarding: Lighting; parking; exterior storage, screening; signage; building; utilities; grading, and landscaping.

Site Plan Comments:

- Screening and Security – there is a proposed solid wall fence that faces Buchanan Street.
- Lighting – LED downward facing lighting is proposed for the site.
- Parking – meets the required allocated parking spaces for office and warehouse.
- Landscaping, sign plans, architectural standards, and grading plans have been reviewed and comments have been forwarded to Classic Construction (General Contractor).
- Building plans have been submitted as required.

The possible future addition shown on the site plan will not come before the Planning Commission, as the concept is being approved now.

Mr. Holmes moved and Mr. Terry seconded to recommend City Council approve the Site plan as presented with the following requirements: Compliance with the requirements of all applicable City ordinances, and Building and fire code approval. Motion carried.

6. Light Industrial discussion – At a Special Meeting of the City Council on June 8, 2016, the Planning Commission was invited to participate in a discussion regarding City Code, Appendix A, Zoning, Section 48, Light Industrial that was adopted in 2007. Due

Ordinance changes

to a previous City Moratorium on all development in the Hwy. 65 Corridor, the recessionary period of 2009 -2012 accompanied by the associated slow recovery from this economic downturn and the City's geographic location in relation to the surrounding and immediate market areas of Blaine, Forest Lake and Cambridge, commercial and industrial development in East Bethel has been dormant since 2008. As a result, the application of the Light Industrial section of the City Code has never been used to evaluate the appropriateness of a proposed use within this zoning designation.

A proposal by CST Companies to locate in the City was the first test of this section of the City Code and, as such, revealed a number of material weaknesses in our Ordinance. Application of this section of the City Code revealed an absence of definitions, deficiencies in content and inconsistencies in performance standards that could be interpreted to permit most any activity listed under permitted, conditional and interim uses.

Revisions to this section of the Code would only be an interim modification and a final review of this section would be performed during the 2017 preparation of the Comprehensive Plan. Amendments to address these issues would provide protection from uses which may be inconsistent with the Comprehensive Plan and beyond the objective of the intended goal of this portion of the Ordinance.

Proposed changes would not alter the Light Industrial zoning designation, but would align the existing Zoning Ordinance with the Comprehensive Plan. Any changes that are considered/implemented would be interim in nature. At the time discussions related to the Comprehensive Plan update commence, other categories for industrial use, transition industrial, and/or mixed use industrial/commercial may be considered as part of revisions to the Code during the revision process.

The following items were discussed at the June 8, 2016 meeting: Recommend a definition of Light Industrial that relates to our vision of this use and the conditions that are applicable to attracting this type of development. There were several examples from other communities that were provided and both Andover and Blaine seem to have the best definitions:

Blaine Industrial Definition: The purpose of this district is to provide a planned industrial environment for large scale industry and office related developments and related services. This planned industrial environment shall be developed utilizing an overall master development plan. This district shall encourage the development of clean and quiet industrial uses requiring large lots accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage.

Andover Industrial Definition: M. I Industrial District: These are areas that have the prerequisites for industrial development, but because of proximity to residential areas or the need to protect certain areas or uses from adverse influences, high development standards will be necessary. I district uses include service industries and industries which manufacture, fabricate, assemble or

store, where the process is not likely to create offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences. Generally, those include wholesale, service and light industries that are dependent upon raw materials refined elsewhere. An industrial "park" which maintains high development standards would be zoned I. This district's location shall provide sufficient space for buffering from less intense uses.

Further discussion and consensus agreed on by the City Council and Planning Commission was that No Outside Manufacturing should be allowed and Exterior Storage should be limited. While no consensus was reached as to how much Exterior Storage should be allowed or how that should be calculated.

Other discussion items included: Review of Permitted Uses, Conditional Uses, Prohibited Uses, and Performance standards.

Staff is requesting that the Planning Commission discuss and make recommendations on the following:

1. Definition of Light Industrial
2. Permitted Uses
3. Conditional Uses
4. Prohibited Uses
5. Performance Standards

SECTION 48 – LIGHT INDUSTRIAL (I) DISTRICT

1. PURPOSE – “... *do not generate noise, odor, vibration, or other discharge discernable from areas outside the parcel...*” Mr. Holmes believes it will be impossible to regulate these items. He thinks the wording is vague and would like to see it removed. Discretionary decision making will be done by the Planning Commission and/or City Council to determine what would be appropriate for each item. Mr. Terry suggested changing the word “discernable” to “objectionable”, then it would become subjective and become part of the Planning Commission role. Ms. Allenspach suggested changing to the wording to “do not generate *excessive* noise, odor, vibration, or other...” There are already ordinances in place that limit noise. Ms. Bonin believes it best to keep the wording more general, rather than too specific. Mr. Holmes reiterated his desire to remove the wording and to list what group(s) will determine the acceptable levels. Ms. Bonin stated by allowing the Planning Commission and/or City Council to determine acceptable levels, it could become politicized; someone could be elected by their decision or vote as to what is acceptable. Mr. Balfany believes keeping the wording in will give future businesses an idea of what the City expectations are and by not having some type of wording in there it could be detrimental in the long run. Mr. Terry agreed that keeping in the wording in will give business owners an idea of what the City does or does not want. If the wording is too defined, it may be detrimental to businesses considering locating in East Bethel. Ms. Winter noted this paragraph doesn't stand alone, there are other controls in place during the site plan review process. She did ask the commissioners to give thought to the word “discernable” in relation to the type of business. Mr. Terry reiterated his suggestion to change the

word “discernable” to “objectionable”. He views discernable as no tolerance, whereas the word objectionable is viewed as negative impact. Mr. Balfany and Ms. Bonin like the use of the word discernable. Mr. Balfany said he likes it because it fits the premise and what is around and surrounding the business. The wording could be very finite or vague; he believes a happy medium can be found. He does not have a problem with the wording that is now used.

2. PERMITTED USES Item C – *“Manufacturing, light – excluding those uses that generate any discernable discharge that cannot be maintained on the site and any use that requires any outside manufacturing activities.”* Mr. Holmes stated there are some businesses that need outside manufacturing. Ms. Allenspach asked if outside manufacturing could be moved into the next level of medium industrial. Ms. Winter stated East Bethel does not have a category for that type of level. Ms. Allenspach noted that if a business needed to have some type of outside manufacturing, the applicant could meet with city staff to discuss what would and wouldn’t be allowed. However, depending on location, this may not be an issue. If the business were located in the middle of an industrial park, that may not be an issue; it would depend on location and the product. Mr. Holmes said he is just trying to think ahead of what future businesses may be in East Bethel. Ms. Bonin said ordinances need to be written by what is known, not based on what might be future possibilities. The Planning Commission has always been willing to listen to businesses that don’t fit exactly to the wording, changes can be made. Mr. Holmes believes the ordinance should be written so that it doesn’t have to be changed in the future. Ms. Bonin disagreed. She believes ordinances should be changed when they become outdated. If a business wants to be in East Bethel, they will ask for needed variances. That is when conditional use permits are considered.

Item K – *“Essential services, government”* could be changed to public facilities, i.e. fire stations, substations, government buildings, etc.

Item L – *“Other similar uses to those permitted in this section as determined by the Planning Commission and approved by the City council.”* Mr. Holmes would like to see the city employ a Zoning Administrator.

3. ACCESSORY USES Item C – *“Other uses customarily associated with a permitted use as determined by the Planning Commission and approved by the City Council.”* An example would be if it is a campus situation - an industrial building is built and then they want to build a second building. Mr. Holmes asked if the city has accessory uses like roof top unit (RTU) enclosures. Ms. Winter said she doesn’t believe that is defined in the ordinance. Mr. Holmes said the ordinance needs to have this, as most other cities have it in their ordinances. Ms. Winter said the Performance Standards addresses the need for this type of unit to be covered.

6. TEMPORARY/SEASONAL SALES AS PERMITTED IN SECTION 10. GENERAL DEVELOPMENT REGULATIONS.

- A. Prohibited Uses
- B. Trucking Terminals

- C. Slaughterhouses
- D. Recycling centers
- E. Auto reduction yards
- F. Impound lots

Ms. Winter clarified that the above listed items are prohibited and that may be it needs to be rewritten to be clear that all of these are prohibited.

7. DEVELOPMENT REGULATIONS Item C – *“Maximum building height: 50 feet from ground level.”* This is to accommodate those buildings that need clear span heights for cranes, etc. This proposed change is less stringent that what was previously written.

SECTION 24 – EXTERIOR STORAGE

2. INOPERABLE VEHICLES AND REFUSE MATERIALS Item A – *“Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.”* Mr. Holmes asked how the 96 hours are regulated. Mr. Balfany said that once a complaint is made, then the issue is addressed. Ms. Winter noted that most of this page deals with residential and that Section 4. I District deals more with light industrial exterior storage.

Item B – *“... screening shall not be less than five feet in height...”* Mr. Holmes and Ms. Bonin believe the screening height for industrial should be six feet instead of five feet.

3. A, RR, R-1, AND R-2 RESIDENTIAL DISTRICTS Items A & B – *“All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except...”* Mr. Terry noted personal vehicles is not listed; he would like to have personal vehicles listed. Ms. Winter reiterated this section is for residential and that five vehicles are allowed without having to be screened. Mr. Terry would also like items A & B swapped so that it is clear regarding motor vehicles. Mr. Balfany saw no need to change the order as written.

5. B-3 DISTRICT Item B – Mr. Holmes would like to have the screening at six feet, rather than five feet. Commission consensus, with regard to light industrial screening, was to change the height from five feet to six feet throughout the ordinance.

Item A-1 – *“Exterior storage shall be limited to the rear yard...”* Mr. Terry suggested the best option would be to go with “the least intrusive option in relation to residential property”, rather than defining what that area is specifically. Commission consensus was to change the wording as noted and to include the word “residential” to define the definitions for each section.

6. B-2 DISTRICT Item 3 – *“All equipment and materials within the storage area shall be arranged in a neat and orderly manner.”* Commission consensus was to end the sentence after the word arranged.

9. DEFINITIONS Accessory Use – Commission consensus was to eliminate “D” from the list.

Mr. Davis said City staff will incorporate the discussed changes into a draft format for review by the Commission before it goes to the City Council.

7. City Council Update

Tim Harrington, City Council Liaison reported:
Two (2) Farm animal IUPs were approved for chickens.
One (1) private dog kennel IUP was approved.
A three year contract with the union was settled.
Approved an administrative subdivision for Rimma Medelberg.
Approved the 2016 street improvement projects.
Next week (July 6th) the Council will start work on the 2017 budget, any and all ideas are welcome.
July 15 & 16 are Booster Days – Friday has a golf tournament, Movie in the Park, and water ball battle, then on Saturday there will be a pancake breakfast, parade, craft vendors, etc.

8. Other Business

Ms. Winter noted that the Request for Proposals for the Comp Plan update are due 6/29. The Met Council requirement to update the Comp Plan is starting.

There is a new system in place for IUP renewals. Those with IUPs can come in to get their renewals and be put on the City Council consent agenda.

The City will be receiving \$1,600 in reimbursements for some SSTS projects.

9. Adjournment

Mr. Balfany moved and Mr. Holmes seconded to adjourn at 8:07 pm. Motion carried.

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 7/2/16