

EAST BETHEL PLANNING COMMISSION MEETING

December 19, 2017

PRESENT: Chair Sherry Allenspach, Tanner Balfany, Lorraine Bonin, Sharon Johnson, Glenn Terry, Lou Cornicelli

ALSO PRESENT: Colleen Winter, Community Development Director
Brian Mundle, City Council Liaison

1. Call to Order Chair Allenspach called meeting to order at 6:35 pm.

2. Adopt Agenda **Mr. Balfany moved and Ms. Johnson seconded to approve the agenda as presented. Motion carried.**

3. Comp Plan Discussion Over the past several months the Planning Commission has hosted a series of meetings related to the 2040 Comprehensive Plan. Eric Zweber of WSB presented information on housing and MUSA.

Existing Housing Needs – Metropolitan Council requires cities to list housing stock, households' incomes and whether there are deficiencies between people who are making 80% less than the area median income and the number of units that are affordable at that level. East Bethel has excess units available and meets the required housing needs. The City needs to show that over the next 10 years it will be able to provide 214 total affordable units.

Housing Tools – Mr. Zweber provided a list of affordable housing tools and what agency administers which tool.

Metropolitan Urban Service Areas (MUSA) – Mr. Zweber needed guidance on how the City is planning for future housing development in the most affordable way with borrowing the least amount of money to provide infrastructure to support future housing growth. There will be a need for an additional water tower to support the growth. The entire cost to build out all three areas A, B, C (as shown on the Draft 2040 Land Use Map) is \$66 million.

Mr. Zweber asked for Planning Commission feedback on what makes the most sense for the 2030 MUSA. Mr. Terry asked what is driving the perceived need to develop at these rates. Mr. Zweber said the already approved plats are driving the development needs. Mr. Terry noted section C was planned back in 2007 and now it's 10 years later and the City hasn't developed section C to full capacity. Why is the City projecting to incur a huge debt to the City for developing section A when C isn't completely developed? What is driving the need to develop at these rates? Mr. Zweber said the development community and the plats that have already been approved. Mr. Terry questioned why more money is being spent on section C, when what was needed has already been spent on section C. Money needs to be spent on infrastructure first, for more development to happen in Section A. Section C has the infrastructure necessary to build up to 3,100 units. Section A does not have the infrastructure to

development the 975 units that the sewer is built to support. Plats have been approved in section A that will exceed the water capacity up there. Developers will eventually cover the costs needed for the infrastructure as they continue to apply for more plats and more lots. This was predicated by the recommendation of the Planning Commission on the draft 2040 Land Use Map back in April 2017. The City needs to have a plan for development for when a developer comes. Staff recommendation is to have section A and section C within the 2030 MUSA.

Next steps are to have the entire document as a draft in February, City Council will review the document in March, and a public hearing will be scheduled in April. The Planning Commission will have approximately two months to review the document before voting on it.

4. Approval of Minutes

Mr. Balfany moved and Mr. Terry seconded to approve the November 28, 2017 minutes with the same grammatical correction “moved to move” made on page 3 of 4 and page 4 of 4. Motion carried.

5. Public Hearing, Variance/ Administrative Sub Division Janet and Larry Taff

Applicants/Fee Owners: Larry and Janet Taff, 21166 Durant St. NE, EB 55011
 Location: 4360 Thielen Blvd. NW, East Bethel, MN 55092
 PIN: 36-33-23-21-0001
 Zoning: R1 Single Family Residential

Background Information:
 Janet and Larry Taff own two parcels of property on Thielen Blvd. The one property is located directly on Coon Lake and it is their desire to split this parcel into two lots. The current lot is 5.13 acres in size. The property is zoned R1 (Single family residential) and according to the City current zoning rules, any new parcels that are created and not connected to city sewer and water must be 10 acres in size. Part of the reason for that classification was that when the 2030 Comp Plan was completed, there was a long-range plan to bring city sewer and water out to Coon Lake. That has changed, and the proposed new 2040 plan has Coon Lake as its own designation with the policy stating – “Creation of a separate land use district facilitates creation of separate regulatory and zoning to manage this unique area.” It further states that areas outside the 2040 Growth Management area can be divided at a gross one unit per 10 acres, which translates to an average of 2 1/2-acre lot sizes net which is consistent with our Rural Residential designation. What the Taff’s are proposing would be consistent with the 2 1/2-acre average lot size. One parcel is proposed at 3.11 acres with a buildable area of 23,773 sq. ft. and the other parcel is proposed at 2.02 acres with a buildable area of 47,972 sq. ft. The lot split was created this way to maximize lake exposure for both parcels and to allow practical access from Thielen Boulevard. The Taff’s completed soil borings and a wetland delineation as well. Creating two large lots and not further subdividing the property is a best management practice for development on Coon Lake.

The Taff's are requesting a Simple lot split, which allows the division of a lot where there is an existing home on a metes and bounds described property and no new public roads are required. Subject to the following conditions:

- a. The lot split will result in no more than two lots, one of which has an existing home on it. – *Meets this section*
- b. The lot split does not require the creation of new roads and all lots (new and old) created by the proposed split have the minimum frontage required for lots within that zoning district on an established public street. – *Meets the requirement of no new roads, however it does not meet the requirement of street frontage of 300 feet.*
- c. Each resulting lot meets all other underlying zoning requirements. – *Meets all the requirements except for the density (10 acres) and the street frontage of 300 feet in R1.*
- d. Adequate access to public roads must be provided for future development. – *This is not applicable.*
- e. A simple lot split can only be done once. If later someone wishes to further subdivide either lot they will need to meet all the requirements of chapter 66, excepting article V. – *the Taff's only wish to split this lot one time.*

In addition to the Administrative Lot split, the Taff's would be seeking the following variances:

- a. Variance from minimum lot size requirement of 10 acres in an R1 zoning district. The Taff's are proposing to split the two parcels into a 3.11-acre piece and a 2.02-acre piece.
- b. Variance from the street frontage of 300 feet in an R1 zoning district. Parcel B does not meet the 300 feet of street frontage, but is easily accessible on Thielen Blvd. and the north south street. This is a practical way to split the two lots.

The variance requests require the Planning Commission to consider a three-factor test:

1. Reasonableness – Are Taff's proposing to use their property in a reasonable manner? The request of the Administrative Lot split is reasonable, and the lots would still be bigger in size than the existing ones in the neighborhood. The proposed street lot width for Parcel B is 50 feet. The lots in the neighborhood average 60-80 feet in width.
2. Uniqueness – The 2030 comp plan density was one lot per 10 acres in the R1 district and the City is no longer considering bringing sewer and water out to the location. The Taff request is consistent with the 2040 Comp Plan.
3. Essential character – The proposed lot split does not alter the character in the neighborhood.

Chair Allenspach opened the public hearing at 7:17 pm.

Bonnie Harvey, 653 Lakeshore Drive, has concerns with changes the 2040 Comp Plan and how they affect this property. Yes, there are condensed properties, but that was done back in the 1940's. This is one of the narrowest parts in the channel on Coon Lake where the traffic on the lake is horrendous.

Ms. Harvey has concerns about docks, roads, the integrity of the lake, and sewer issues. She believes there are endangered species on that stretch of property and is hoping that the DNR is part of this process as well. Ms. Winter shared that the City asked the Technical Evaluation Panel TEP (which consists of representatives from the Department of Natural Resources (DNR), Anoka Conservation District (ACD), and the Board of Water and Soil Resources (BWSR) about a lot split on this property and the wetland delineation and the DNR replied that it does not have an issue with the lot split because it is larger than their jurisdiction said it must be. To address some of Ms. Harvey's concerns, Ms. Winter said because this is a lot split for two houses on a 5.13-acre lot it does not significantly impact the density of the area. The owners did do soil borings and are required to be responsible to ensure they have the well and septic. The integrity of the new septic system will be greater than many of the existing lots. For the integrity of the lake, property owners should not mow down to the lake, but leave a buffer between their lawn and the lake. The DNR will be requiring a buffer zoned. It is a busy area with a sandbar located close to the property, however, having two docks probably will not affect the current lake traffic. Ms. Winter confirmed that if the commission approves the variance pre-Comp Plan, the lot will not be able to be split again after the Plan is adopted. Hearing no further comments, the public hearing was closed at 7:17 pm.

Mr. Terry's understanding is that the existing house on the lot is not livable. Ms. Winter confirmed that the house located there has been vacant for years and can be either remodeled or torn down. Either way a new well and septic will be necessary.

Ms. Johnson moved and Ms. Bonin seconded to recommend to City Council an Administrative Lot split for Janet and Larry Taff to subdivide a 5.13-acre parcel into two parcels, one being 3.11 acres and the other being 2.02 acres, for an average of 2.56 acres. Located at 4360 Thielen Blvd., 36-33-23-21-0001, zoning R1. Motion carried.

Ms. Johnson moved and Ms. Bonin seconded to recommend to City Council a variance from the normal 10-acre density requirement to subdivide a 5.13-acre parcel into two parcels, one being 3.11 acres and the other being 2.02 acres, for an average of 2.56 acres. Located at 4360 Thielen Blvd., 36-33-23-21-0001, zoning R1. Motion carried.

Ms. Johnson moved and Ms. Bonin seconded to recommend to City Council a variance from the normal 300 feet street frontage for Parcel B. Said variance would be 250 feet. Location being 4360 Thielen Blvd., 36-33-23-21-0001, zoning R1. Motion carried.

6. Public Hearing, Variance/IUP for the keeping of Farm Animals

Property Owner: Mary Ekvall, 4537 Viking Blvd. NE, East Bethel, MN 55092
 Applicant/Property Location: Shelly Beck, 4455 Viking Blvd. NE
 PIN: 25-33-23-21-0015
 Zoning: RR
 Shoreland Overlay District: Yes

Shelly Beck and
Mary Ekvall

Background Information:

Shelly Beck is applying for an IUP to keep 1 horse on her property that she recently purchased from her mother, Mary Ekvall the address being 4455 Viking Blvd NE. To keep the 1 horse on the property she will need an Interim Use Permit for Farm Animals. Shelly does not meet the acreage requirements set forth in Chapter 10, article 5, section 10-151, G and H, so she is also applying for a Variance from this section. She has approximately 1/2 acre of pasture land at her property at 4455 Viking Blvd NE. She also has permission from Mary Ekvall who resides at 4537 Viking Blvd NE to keep and maintain a pasture on property that Mrs. Ekvall owns. Between the two properties, Ms. Beck would be able to have 1.2 acres of pasture land, just not contiguous and less than what is required by code.

Chapter 10, article 5, section 10-151, G states “It is a requirement for all IUPs issued under this article that a minimum of one fenced acre of pasture land plus any indicated fraction thereof must be provided for each animal unit described below as the animal equivalent for the animal to be kept pursuant to the IUP.” And Chapter 10, article 5, section 10-151, H states that for every 1 horse, you have an additional 1 acre fenced off. Shelly Beck would require 2 fenced off acres of pasture land to keep 1 horse on her property. She does not have 2 acres of fenced off pasture land, so she is seeking a variance from those two sections. She is planning on having 1.2 acres of fenced off pasture land between 4455 Viking Blvd NE and 4537 Viking Blvd NE. A site plan which indicates the size and areas for the fenced off pasture lands must be provided to the city prior to the issuance of the IUP.

Chapter 10, article 5, section 10-154.5, 2G states that “All domestic farm animals must have access to a shelter,” and Ms. Beck has a shelter for the horse. Chapter 10, article 5, section 10-151, C states that “No animal regulated by this article can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres.” Ms. Beck has 3.64 acres, with a portion being in a wetland and Anderson Lake. Ms. Beck also has access through her Mother’s property to another 16 acres of land, and Mrs. Ekvall has signed the IUP and variance application.

Shoreland: Animals may graze within shoreland and bluff impact zones provided permanent vegetation is maintained and a plan has been submitted that is consistent with the technical guides of the Anoka Conservation District. It should be noted that the pasture areas that Ms. Beck is proposing for her horse are not going to be used as primary grazing areas. She will be feeding her horse with hay and grain supplements.

Other comments: Mrs. Ekvall had a Conditional Use Permit for the keeping of one horse at 4537 Viking Blvd in 1992. Ms. Beck currently has two horses at her property. She was informed that the horse not owned by her would need to be relocated. Ms. Beck is only asking for an IUP for her one horse.

Variance request - The variance requires you to look at a three-factor test:

1. Reasonableness: The first factor is that the property owner proposes to use the property in a reasonable manner. Ms. Beck has reviewed the Code and will abide by the required setback rules for the keeping of her horse, however she will not have contiguous land to meet the pasture size requirement. Ms. Beck in a letter explains how the horse will be supplemented with hay and that the pasture is a minimal source of food for the horse. She also maintains that it is better to have two pasture areas that can be used for areas to exercise the horse.
2. Uniqueness: The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. A portion of Ms. Beck's property is lake, wetlands, and wooded areas causing a hardship to create the necessary pasture land in a contiguous way. The property at 4537 also has a portion of land that is lake or wetlands.
3. Essential Character: The third factor is that the variance, if granted, will not alter the essential character of the locality. The proposed pasture areas are partially screened from other properties; however, they are not screened at all from Viking Blvd. There are no other IUP's for horses in the immediate neighborhood. The paddock/shelter area for the horse is a 3-sided structure and there are no other structures that will be proposed on the lot.

Ms. Winter and Building Official Nick Schmidt visited the property. Electrical fences are in place to keep the horse contained, a heated water source was available, and accessible hay was available. Ms. Beck has provided plans in writing on how she will maintain the manure pile. The horse appears to be very healthy and well cared for.

If the IUP is granted, it stays with the owner. Ms. Bonin asked if the IUP is conditional to Mary Ekvall retaining ownership of her property. Ms. Winter said that that could be a condition if the Planning Commission wants to include it in the IUP. Ms. Winter is not aware of any other IUP being granted for this type of request since the early 1990s.

Chair Allenspach opened the public hearing at 7:35 pm.

Shelly Beck, 4455 Viking Blvd. NE shared that the property has been in the family for many, many years and the reason why there were no horses on the property for a while. She'd really like to have her horse with her on the property.

Frank Henrikson, 4437 Viking Blvd. NE, is a neighbor to the south of the property. Mr. Henrikson asked what the total pasture acreage will be. Ms. Winter replied that the two combined pasture areas will be just over an acre. The horse is currently in a fenced in area that is roughly 16,800 sq. feet, which is .39 of an acre. That is about 4,980 sq. feet short of half an acre. The pasture to the north will have to be bigger than the current pasture. Mr. Henrikson believes it's going to be difficult to come up with a larger pasture area in that location. Mr. Henrikson asked what the set back is from the property line. Ms. Winter said the fence must be five feet off the property line, 75 feet from any structure, and 70 feet from any waterway.

The fence is located 80 feet from the corner of his house; his primary concern is the manure piling up and the smells that come with manure. There are no other farm animals in the surrounding area. Mr. Henrikson does not want to be neighbor to a horse in his side yard. Chair Allenspach asked when Mr. Henrikson purchased and developed his property. He stated 14 years ago.

Shelly Beck said there were no horses on the property 14 years ago. Mr. Cornicelli asked if it is a .8 fenced area or a .4 fenced area. Ms. Winter said the area where the horse is now is the .4 area. Ms. Beck had letters of support from other neighbors that were unable to attend the meeting. Those letters were given to Ms. Winter to for the record. She stated she has two properties to discard the manure. Ms. Beck cleans up the manure every other day. During the day the plan is to keep the horse on the larger pasture, but at night she would move him back to the smaller pasture that is more secure and allows her to keep an eye on the horse. Plus, the shelter is also by the smaller pasture. Plans are to possibly use more land owned by Mary Ekvall for another pasture area.

Mr. Henrikson also voiced concern that certain amounts of property are needed for horses and certain amounts of property needed for chickens, ducks, geese, and peacocks, all of which are on the same property. Mr. Henrikson noted that there is a horse there now, but no permits have been issued. He believes having a horse alters the essential character of the area. The area has developed to include three houses.

Ms. Beck said she spoke with Mr. Henrikson two years ago about buying the property from her parents and bringing a horse home. He thought that was cool. One of the horses has since passed. Mr. Henrikson's two sons would go on the property and pet the horses. No concerns with manure and smell was ever addressed. Ms. Beck has the required acreage for the chickens. Another house in the area also has chickens.

Chair Allenspach confirmed that there is a berm of trees between the properties, however, it is not dense with trees; one can see the fence through the trees. Ms. Johnson stated the additional knowledge of chickens on the property presents a different view for her.

Hearing no further comments, the public hearing was closed at 7:56 pm.

Mr. Cornicelli said he does not see a threshold for a variance. Mr. Balfany agreed with Mr. Cornicelli that the property does not meet the variance requirements.

Mr. Cornicelli moved and Mr. Balfany seconded to recommend to the City Council denial of a variance to allow applicant to have two non-contiguous pasture areas that are equal to 1.2 acres in size resulting in a variance of .8 acres less than the required 2 acres per Section 10-151 G-H East Bethel Code of Ordinances, based on the condition does not meet the threshold nor the requirements of the variance. Motion carried with Ms. Bonin voting no.

If variance requirements are not met, an IUP cannot be issued.

Mr. Terry reminded the audience that this will go before the City Council for a final decision. This will be on the January 3, 2018 agenda.

7. Sauter
Commercial Park
3rd Addition
Final Plat
Approval

Final Plat – Sauter’s Commercial Park 3rd Addition. PID #32-33-23-22-0005
Zoning – Light Industrial
Developer – Tom Sauter dba/ T&G Land, Inc.

Background information:

Mr. Sauter is interested in subdividing his property for purposes of selling off one lot to Advantage Construction. The Preliminary Plat was approved last month by the Planning Commission and by the City Council on December 6, 2017. Ms. Winter noted that there was incorrect zoning on the preliminary plat that was approved last month. A corrected preliminary plat has been provided to the commissioners as a matter of record. Mr. Sauter is going through the process of Map Amendment to get his properties out of the 100-year flood plain boundary. The City does not believe the current flood plain maps are correct.

Mr. Balfany moved and Mr. Cornelli seconded to approve the Final Plat for Sauter Commercial Park 3rd Addition and forward to City Council. Motion carried.

8. Advantage
Construction Site
Plan Approval

Site Plan – Advantage Construction
Location – 18850 Buchanan St NE
Zoning – Light Industrial
PID #'s – 32-33-23-22-0005
Owner: T & G LAND INC
General Contractor: Classic Construction
Architect: Russ Rosa
Business: Advantage Construction – a current home occupation within East Bethel is constructing a new commercial building.

Background Information:

Advantage Construction is a roofing and siding company that will be building a new facility in the Sauter Commercial Park.

Fee Owner: Tom Sauter/T&G Land Inc.

PID: 32-33-23-22-0005

Applicant: Classic Construction/Advantage Construction

Zoning: Light Industrial

Building Design; Proposed to build a 10,030 office/warehousing facility. The east side will be comprised of 20% glass and other approved architectural materials. The other sides would be brick and or stone.

Streets/Utilities – Access will be provided off the service road in the front of the building.

City Sewer and Water will be available to this lot.

Exterior Storage - There are no plans for exterior storage.

Wetland Delineation - Was completed as part of the previous Platting process

Storm Sewer – Storm Sewer calculations were completed and a review is being done by the City Engineer; all proposed storm sewer plans will be done according to our Engineering standards and as approved by the City Engineer.

Environmental Review – Not needed.

Lighting- LED downward facing light packs proposed on the buildings.

Landscaping requirements – Noted on plans and meets the City’s requirements.

Screening – All ground level mechanical equipment will be screened, as well as a trash enclosure for the dumpster.

Parking – proposed parking areas will be curb and gutter and bituminous per city code.

Sign Plan - Per City code

Ms. Winter showed schematics of the proposed building.

Mr. Balfany moved and Mr. Terry seconded to approve the Site Plan for Advantage Construction located at 18850 Buchanan St. NE per the following conditions:

- 1. Final civil plans including storm sewer and erosion control to be approved by the City Engineer.**
 - 2. Approval of all building plans by Building official.**
 - 3. Owner enter into a Site Plan agreement with the City of East Bethel.**
- Motion carried.**

9. City Council

City Council Liaison Brian Mundle reported:

- 2018 budget was approved at \$5,493,200.00. For comparison, the 2018 property tax levy is \$4.3 million and the 2011 property tax levy is \$4.6 million. The budget averaged increase from 2011-2018 is 1.3% per year.

2017 in review:

- New access road from Classic Commercial Park to Viking Blvd. opened.
- Working on multi-unit family housing development.
- Marketing of East Bethel has sky-rocketed through videos and attendance at more expos.
- There were a lot of new businesses and business expansions.

Looking forward to 2018:

- Redevelopment of the east-side frontage road.
- Construction will commence on the multi-unit family housing development.
- RCI construction on Hwy 65 scheduled to begin in July.
- Planning for next frontage road.

Upcoming Events:

- January 27th - Fire Department Waffle Breakfast. 8:00-11:00 am @ Fire station #1.
- Pancake Breakfast January 27, 2018 8:00-11:00 am at Fire Station #1 sponsored by the EB Fire Department.

Mr. Mundle thanked the commissioners for their time and service.

10. Other
Business

- Commissioners were reminded to turn in their reimbursement forms.
- Packet information will be black and white only. Colored items can be viewed on the website.
- Would like for all commissioners to receive their packets electronically.
- There is an opening on this commission.
- The “Year in Review” will be presented at tomorrow night’s Council meeting.

Both Mr. Terry and Ms. Bonin requested to continue to receive paper packets. It was asked that packet items be flipped from landscape to portrait when sent electronically.

11. Adjourn

Mr. Balfany moved and Mr. Terry seconded to adjourn at 8:11 pm. Motion carried.

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 1/9/17