

City of East Bethel Planning Commission Agenda

7:00 PM

November 27, 2012



	Item
7:00 PM	1.0 Call to Order
7:02 PM	2.0 Adopt Agenda
7:04 PM Page 1-9	3.0 Approve October 23, 2012 Planning Commission Meeting Minutes
7:06 PM Page 10-21	4.0 Public Hearing: Interim Use Permit to Allow Home Occupation of Asphalt Maintenance/Equipment Sales at 23310 Monroe St. NE in the RR-Rural Residential Zoning District
7:30 PM Page 22-27	5.0 21461 Aberdeen Street Zoning Request
8:00 PM Page 28-41	6.0 B-2 Zoning Determination at 1542 221st Avenue NE
8:30 PM Page 42-45	7.0 Comprehensive Plan Review, Sewer District
9:00 PM	8.0 City Council Report
9:15 PM	9.0 Adjourn

EAST BETHEL PLANNING COMMISSION MEETING

October 23, 2012

The East Bethel Planning Commission met on October 23, 2012 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Eldon Holmes Lorraine Bonin
Brian Mundle, Jr. Lou Cornicelli Glenn Terry

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Jack Davis, City Administrator
Heidi Moegerle, City Council

Adopt Agenda

Chairperson Mundle called the October 23, 2012 meeting to order at 7:00 P.M.

Mundle motioned to adopt the October 23, 2012 agenda. Holmes wanted to remove items 5, 6 and 7. He said he wanted item 5 removed because at the last meeting he made it clear he believes that topic should be discussed in a committee setting. The other two items are strictly items the City Council should address. They should be the ones proposing those. They have nothing to do with the Planning and Zoning Commission. Bonin asked what Moegerle thought. Moegerle said ordinances always have gone through the Planning Commission. The Comprehensive Plan Review is a lot about what the Planning and Zoning does. She thinks they are properly on the agenda. She also sees the value of the Planning and Zoning Commission. Mundle said items 5, 6, 7 are discussion items and it seems the City Staff is looking for additional viewpoints on it. Holmes said item 5, at the last meeting we discussed having a committee address this. Ethics is for the City Council to discuss. Vision and Community Value is also a City Council discussion item. He believes this shows that City Council isn't doing their job. Davis said on item 5, this is the beginning of the Comp Plan Review. We are talking about zoning and land use issues. He would like to see the Planning and Zoning Commission entertain these issues. He sees this as the Planning Commission's Review. Holmes said last time we had a committee go over this before it came to the Planning Commission. The Committee was made up of City Council members, Planning Commission members, and residents. If we discuss this at our meetings, it will take months and we will be here until midnight each meeting. City Council should devise the committee, then they can present to the Planning and Zoning and we can make a recommendation that can be presented to the City Council. **Mundle rescinded his motion. Mundle made a new motion to adopt the agenda, remove items 6 and 7, leaving item 5 on the agenda but the discussion should be short. Seconded by Terry; all in favor, motion carries.**

Approve September 25, 2012 Planning Commission Meeting Minutes

Terry said there is a spelling error on page five of the minutes. On page five, third paragraph, third sentence, should be cannibalized parts.

Mundle stated on page two, third paragraph, last line, it should not say you have cleared out trees it should say removed for the area. Also at the end of the paragraph it should say they can turn it down, versus they will turn it down.

Terry made a motion to approve the September 25, 2012 minutes as amended. Balfany seconded; all in favor, motion carries.

Finishing Touch Landscaping Fence Requirements

Finishing Touch is in the process of completing their landscaping for their business at 23488 Ulysses St. NE. As part of their landscaping plan, they are required to install a fence at the rear of their property as an enclosure for their storage area. City Code states this type of fence must be of wood, brick or masonry construction.

Mr. Shern's property, 23488 Ulysses Street, abuts a residential neighborhood on the west zoned R-1 and light industrial uses on the north and south side of the property. Mr. Shern desires to substitute chain link fence with screening slats in lieu of code requirements. They would like a security fence, versus a screening fence.

Davis went out and looked at the property. He stated they have planted 6 - 8 foot spruce trees that provide adequate screening. According to City Code, the vegetative screen is sufficient. The Shern's want to still install a fence, chain link, but for security reasons.

Mundle said the fence was replaced by the trees for screening. Davis said yes, and the houses on the other side of the street are about 8-10 feet higher than the business, so the fence for screening would not work. The trees are an adequate screen. This would be the slated, chain link fence. Looking from the street the fence would be behind the trees and wouldn't show much from the street.

Terry said you are saying the trees form an adequate screen and if that is true, then why would they need the slats for the chain link fence. Davis said the slats would not be necessary. The fence would be a security fence. Balfany said the slats do provide more security too. Bonin thinks the slats are not necessary and would not be attractive. Davis said the Sherns did go out and contact the neighbors in the area and found no objections to the change.

Mundle wondered if there were any other regulations that dictate materials for security fences. Terry said he would vote in favor of the chain link fence, but would not be in favor of the chain link with slats.

Holmes said we discussed this as why we didn't want a chain link fence because the slats would get blown out with wind. According to the State of MN, we can only grant variances for trees or because of distances, not because it is cheaper. That is not allowed by the State of MN. Legally we have to not grant this variance, because it would be allowable. Davis said the screening ordinance allows for trees to be used for screening, it also mentions fencing. But it doesn't

say either/or or both. Holmes said we can't accept a variance because of the State of Minnesota Statutes. Moegerle said she is looking at the following statute about exterior storage and all must be screened. There is no standard there that says chain link fence can't be allowed. Holmes said we are missing that we can't and the City Council can't allow them a variance, because it is against the State of MN statutes. We cannot allow a variance. Moegerle said the trees have already been planted. She asked Holmes to site what he was referencing. Moegerle said he planted the trees and the fence would be a supplement to the trees. She asked if Holmes disagreed with that.

Holmes said he doesn't need a variance and we should not grant him one. He can get a fence for the security. Balfany clarified Holmes is just making a statement. Moegerle said she agrees with that. He doesn't want to open ourselves to a problem. Davis said he has met the requirements of the code. Bonin asked about buffer yards. Davis said it provides screening and noise. Holmes asked why this is being brought up in front of us. Davis said just so it is clear, in the event it is questioned. Davis said this is just informational.

**Discussion:
Comprehensive Plan
Review-Business
Overlay District**

Davis thanked the Commission for allowing a brief discussion on this tonight.

In 2007 the City adopted a Comprehensive Plan to address the land use and growth strategies that confronted the City at that time. In the last six years there have been changes in the economic conditions which affect growth and the need for a more flexible policy on the progression of growth in the Hwy. 65 Corridor.

More specifically, it will be beneficial to examine the Business Overlay District that was created and imposed as an additional layer of land use control over the 221st Avenue/Hwy. 65 intersection. This area was recognized as a redevelopment area and one with significant development potential. The intent of the zoning and Business Overlay District was to add flexibility for large scale development (20 acres +) and to prevent this intersection and its surrounding parcels from becoming a re-use area.

In the application of the Business Overlay District regulations and land use plans for the 221st Ave. intersection area, there may be issues with the following:

1. Size of acreage eligible for consideration of a development plan;
2. Sewer requirements for B-2 and B-3 and the Light Industrial zoning districts;
3. Inclusion of properties that are undevelopable within the Business Overlay District;
4. Exclusion of properties that are outside but contiguous to the Business Overlay District that would appear to be beneficial to the development of the district as a whole; and
5. An evaluation of the zoning that is currently in place for the district.

As prescribed in the ordinance, any development plan in this district must be a minimum of 20 acres. Within the existing boundaries of the district, there are 26 parcels, however, there are only 8 that exceed 20 acres. With the intent of the ordinance to limit projects within the district to 20 acres or greater, this may create a condition that precludes some use of the 18 parcels that do not meet this

size requirement. The Planning Commission may wish to consider a clarification of the definition of project size and/or the inclusion of an exemption that would allow certain development on parcels that would not meet the current size requirements.

While the Business Overlay District will not immediately be served by a standard gravity sewer system, sewer service in the form of a force main will bisect the district and be available under certain circumstances. The conditions of availability will depend upon the size of a development and the ability of the developer to finance a pump station which could service the district. The Planning Commission should consider redefining the minimum lot sizes specified in the zoning ordinance for B-2, B-3, and Light Industrial classifications as they relate to the availability of utility service. The current standard for each classification is a 10 acre minimum without water and sewer service. There will be some form of sewer service, even though potentially limited in availability, in the district. Clarification of the requirement should be addressed to minimize confusion with the interpretation of the standard and an evaluation of the requirement is recommended to insure that it is consistent with goals and intent of the ordinance.

There is one property within the Business Overlay District that should be removed. This property is located at 1007 221st Ave. NE and is zoned Light Industrial. The parcel is 38 acres in size but contains 33 acres of wetlands. The remaining 5 acres are split into 3 areas that are non-contiguous. This property adds no value to the district and is essentially undevelopable in terms of most commercial or light industrial use.

There are a minimum of 7 parcels, totaling approximately 200 acres that could be added to the district. These parcels are indicated on the Attachment #2 map. The addition of these parcels would allow for the natural progression of growth and remove potential issues of differing zoning classifications for larger scale developments.

The overall zoning of the Business Overlay District should be examined. The provision of limited utility services, the signalization of Hwy. 65 and 221st Ave., and the scheduled and proposed service roads in this area create the need for a re-evaluation of the existing zoning that is currently in place. These pieces of infrastructure open additional opportunities for more higher-use types of land uses within the district.

Davis explained everything along Hwy. 65 is zoned B-2. There is Light Industrial and other zoning in the area. He would like to look at standardizing the zoning. There is B-2 and B-3 zoning and there isn't much difference. We might want to look at also removing the Light Industrial or making it all Light Industrial. Additionally the Commission may want to review the 20 acre minimum. That might not be an adequate requirement. He hasn't found out anything on where the City came up with that number.

He went on to explain there is a planned service road that will be bid in the spring of 2013, which will connect up the west side of Hwy. 65 from Sims to 221st.

There is also a scheduled service road on the east side. With the lights at Sims and 221st Ave., it will make the area readily accessible. He would like to open it up to brief discussion.

Bonin asked how difficult is it to add or subtract areas. Davis said it would be a public hearing at the Planning Commission meeting and recommendation to City Council. Bonin said that one corner area could be added by another property, if they need it. Davis said it would be next to the Methodist church.

Balfany asked about the frontage roads particularly on the east side. There was a big stall with the property owners. We couldn't get the right-of-way from the property owners so we switched to the west side. Balfany asked without knowing what those lots are going to look like, how confident are we on where the road should go. David said we should leave adequate depth between the road and Hwy. 65. There is a huge row of pines that minimizes the disruption to the residential area. Davis said some of the area is B-2 and the other is B-3. He would like uniformity and we need to look at the zoning on both sides. There needs to be similar uses in the area. Bonin said because you have the housing, you don't want to put the road right at the back of their property.

Davis explained there are a couple of gentlemen in the audience interested in the planned overlay district area. The only way this property can be developed is if it is combined with another property.

Holmes said when he was on the committee they had a special meeting with the City Council, not knowing what would go in where Lambert Lumber was. We hashed this over for months. The committee and City Council came up with what we have now and we can design as we go. The reason we did it was because of the Comp Plan. The thought was if someone comes in and we need to change it again, we will change as needed. He believes this is a committee type project.

Davis said there probably was a lot of thought and consideration put into it, but there are 26 parcels and 18 are less than the 20 acres. If the corner property wanted to be developed and if the neighbors don't want to sell, then they are stuck. Holmes said the Planning and Zoning Commission already made a change for someone who came in. He still thinks there should be a committee chosen by the City Council to look at it. Moegerle said this is in response to the annual review of the Comp Plan. Should we have a standing committee for the Comp Plan review? Holmes said no, he thinks it should be created each time, based on the changes with the Council. If you have two or three nights you can get it done.

Moegerle said she doesn't understand why the Planning and Zoning Commission aren't the ones to look at this. Mundle said it would be more streamlined. Holmes said you could have a business, a resident, the Council, and the Planning Commission have members. Holmes said we can review it and have one meeting to really look at it. It is very time consuming. It took us two and a half years to come up with the last one and that was a committee. Moegerle said the annual review is a tweak of the Comp Plan.

Davis said the Comp Plan has never been reviewed. It needs to be reviewed especially along the Hwy. 65 service area. Terry said the whole Comp Plan was based on a city sewer and water system. He said we spent hours and hours going over it. It seems to him that we are cavalierly revising something that we took a long time to come up with. If there are some proposals that require us to look through it, then we should. Otherwise we are just taking up time speculating. Terry said we haven't heard any proposal. Balfany said there is someone in the audience that would like to address the Commission.

John Bussick, 661- 207th Ave. NE. He is looking to purchase the Lambert site. He doesn't want 20 acres, he only wants 7 acres. His proposal would be to remodel some buildings. He would like used car offices at the site. There would only be five cars in there at each site and there would be 10 dealers there. So a maximum of 50 cars on the site. He doesn't want to give a down payment until he knows what the Commission wants. He believes nothing is going to happen in the corridor and he wants to use something that is already there.

Mundle asked what the company name is. He explained they would create a new LLC to rent out properties. Right now he is looking at a proposal and was wondering if the City would allow a used car license dealer in the location. Balfany said with Valdeer motors we made a recommendation to grant internet sales for vehicles. Gentleman explained he has one operation in Ham Lake and another in Forest Lake. In Forest Lake there has to be five areas where they have five cars. Each office has five stalls. They store their records on site in their offices. The site is used to jockey cars from the auction by small independent dealers. Bonin said they have an office there and they are not there most of the time. He said at his Forest Lake office and he has seen two guys. Balfany said he thinks it is similar to Valdeer Motors. These types of dealers are just to allow legal sales of cars. They will have people come to that location to conduct the exchange of the vehicle. These dealers can buy all over the county and then ship the vehicles here. By having a dealer's license they can get into the auctions. Terry asked why you can't share an office. Every office has to have their own office space, which includes an independent door and five car stalls.

Holmes said he knows there is quite a deal with this. He has been involved in this type of business before. Some people don't deal in a lot of cars, but if you have sold more than five cars in a year, you need a license.

Davis said he would respectfully disagree with Bussick, and believes this area will develop with the service road. We are getting requests every day from Greater MSP. This area would be great area for a data center. We will have a lot more requests for uses in this area. The way we are doing business is changing. We need to be up to the standards to make us competitive. Terry didn't know the businesses were changing. Bussick was at the City Council meeting last week; Davis explained and said this is just an introduction.

Holmes said two months after we created the plan someone wanted a change, so we made a change. The overlay district offers that now. That is why we left it changeable. Eventually it can be changed, it isn't written in stone. We needed a

plan to begin with. Davis said there have been enough changes in infrastructure and business policy, which warrants looking at all the areas. This is not 2006 and 2007. This 2012 and 2013 and the sewer system is a reality. He thinks this body or another start discussing the overlay district.

Holmes said we have discussed the City Center, is it going to be on Viking Boulevard (County Road 22) or at 221st. Davis said the concept of the City Center may have changed and the thought on it may have changed also. Holmes said how can you make a decision when you don't know anything. We will just have to keep changing. Davis said there has to be some flexibility. We need to make some changes now. It will change again in another five to six years. We need to go ahead and start the process.

Mundle make a recommendation for a committee to be formed to review this. Holmes seconded; all in favor, motion carries.

Bonin wanted to know if the ordinances can be vague enough so we don't have to make changes. Davis said we can do that. Bonin said so the things we want will fit there. But that gives us a say over whether it is appropriate. Terry said we had that before the Comp Plan; we did business more on that basis. Holmes said we came up with the plan that is changeable. After going through all the committee meetings, boy to just lay it on someone without a full discussion on what might be in there. He is on the Planning Commission and for the Commission to go through this and go through this for the next five or six months seems time consuming and drawn out. A committee can be together and discuss this. It just seems a little easier for them to present to us and then City Council.

Moegerle said it stuns her that the Planning Commission would want an advisory committee to them. She wondered if there should be a work meeting and would that make them more comfortable. Holmes said we don't know what is being changed or being proposed. We don't have that information to make a decision and we don't have a vote on what we are doing tonight. To him it is a discussion on wasting time.

Bonin said we don't want businesses to come in and do what they want to do. We want them to present their plan, they can't just come in here and they want to do this, we need to be the ones to decide if it is appropriate. Balfany said we have to be open minded to what they want to do. In his opinion, they should have the right to ask what they want to do. He doesn't want people to be left with the impression that you can't do things. We want to relay flexibility and openness. Bonin said we have to keep the goals that we have in mind always in the forefront to make sure it fits what we want. We can't out of desperation just accept anything. Balfany said we have zoned areas that say what we want in areas. We don't want to force or strong arm people into an area. Holmes said the Planning Commission meets once a month. We will be discussing it on a monthly basis for many months. Moegerle said work meetings are available. Holmes said it takes up too much time on a Planning Commission.

Moegerle said Mundle hasn't taken off his hat and others haven't taken off their jackets. Two issues of discussion were taken off the agenda. As a citizen

advisory commission, discussion is very valuable. The message we are getting is this meeting will be one meeting a month for an hour. Holmes said the Planning Commission meetings are open to the public and have to be printed up in the paper. At a meeting we get paid, at a committee meeting we don't. We can expedite the process with committee meetings. We can get it done much faster that way. You have to facilitate the public knows we only meet only one a month. You have a way of putting down when the meetings are going to be definitely, we can have a work group meeting where we don't have to notify anyone. If it is a committee meeting we have a variety people involved. Everyone from every part of the city was part of the committee. It was a better rounded discussion.

The buyer wants to know if he can do his business. He went to the Council and then came here. He wants to know what he can get done in the property with only using the 7 acres. He wants to know what the chance is of getting it done. Balfany said he thinks we are all in agreement that something can be done. Holmes said if he wants to buy only seven acres. He brings in the information to the City. Then there would be a request for a change to the Comp Plan. Davis said there would need to be a public hearing. Holmes said we are still in limbo because we are arguing. Cornicelli asked what is the average acreage size of each parcel. Davis said they range from 6/10 to 38 acres. Bussick said if you don't allow them to sell the 7 acres, it is inverse condemnation. That means you have to buy the property in court.

Balfany said if we are going to convene a work group, would it be beneficial to discuss this is a whole. Davis said his recommendation would be to address every issue that is out there. He would have the work group look at all the Hwy. 65 corridor. There are several issues that need to be looked at with the current conditions.

Balfany said then the work group would be tasked with looking at all the projects along the Hwy. 65 corridor. The commission concurred that this was the objective. No motion necessary.

Ethics Policy

Vision and Community Values

Council Report

Moegerle stated the property on the NW corner on Viking Boulevard (County Road 22) and Hwy. 65 has been purchased and they are waiting to hear who has purchased and what will be developed.

She also advised there are four candidates for the Planning and Economic Development position. Final interviews will be Friday with recommendation before the council at their next meeting.

Pelawa has resigned from the Planning Commission.

John Bilotti (made a presentation at the August Planning Commission meeting) is

ready to present again to the Planning Commission. He wants to present in November; Davis is going to ask him to wait until January. We will have a new Community Development/Planner person. There will also be new City Council and Planning Commission members. Davis also stated Cornicelli and Bonin terms are up this year. Cornicelli said his term expires in 2013 and he is not ready to quit yet.

Adjourn

Holmes made a motion to adjourn the meeting at 8:18 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary

DRAFT



City of East Bethel Planning Commission Agenda Information

Date:

November 27, 2012

Agenda Item Number:

Item 4.0

Agenda Item:

Public Hearing - Interim Use Permit for a Home Occupation in the RR – Rural Residential District

Requested Action:

Consider recommending the approval of a Home Occupation IUP for an Asphalt Maintenance and Equipment Sales in the RR – Rural Residential District

Background Information:

Property Owner/Applicant
Jeff Kirkeby
23310 Monroe St. NE
East Bethel, MN 55005
PIN 31-34-23-13-0013

The property owner/applicant is requesting an IUP for an asphalt maintenance/equipment sales business for the parcel located at 23310 Monroe St. NE. This application is similar to a temporary IUP that was granted to Gordon Hoppe at 189th Avenue for an excavation business on February 4, 2004. At the time of approval of Mr. Hoppe’s IUP, there were 3 employees, not counting Mr. Hoppe, working from the residence and business traffic accessed the property through a residential area.

Mr. Kirkeby’s business would generate a lower volume of traffic and the traffic from the business would flow directly to Jackson Street, a MSA and a City arterial street. There would no traffic through a residential area from Mr. Kirkeby’s business.

Mr. Kirkeby employs two full time and five part-time employees at this location. However, upon relocation of the home occupation to another site, the number of employees would be reduced to less than the stipulated amount required by the Home Occupation Ordinance. Mr. Kirkeby is making a legitimate attempt to comply with the Home Occupation Ordinance while seeking an alternate location for his business within the City. For this reason, Mr. Kirkeby could be temporarily accommodated by restricting his home occupation business to require that no new employees would be operating from this address.

Mr. Kirkeby is requesting the IUP for this address to comply with City Ordinance to legally operate his business while he seeks another location outside a residential zone for Pavement

Resources. Upon relocation to a new site, Mr. Kirkeby proposes to continue to utilize the Monroe Street address for equipment storage inside his existing facility.

Since the property is located in the shoreland district, Mr. Kirkeby will be required to have a septic compliance inspection.

Home occupations are a permitted use in the Rural Residential District as long as the applicant can meet the requirements of the City Code and complies with the conditions of the IUP. This proposed home occupation will meet requirements of the ordinance if the IUP conditions are approved. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

1. Site Location
2. Application
3. East Bethel City Code Appendix A, Zoning, Section 10.19, Home Occupations
4. Notice of Public Hearing

Fiscal Impact:

Not Applicable

Recommendation:

If there are no uncompromising objections from Mr. Kirkeby’s neighbors, Staff requests Planning Commission recommend approval of an IUP for an asphalt maintenance/equipment sales business for the property known as 23310 Monroe St. NE, East Bethel, PIN 31-34-23-13-0013 with the following conditions:

1. Signage must comply with East Bethel City Code, Chapter 54, which states “for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.” Signs must be placed on the business property as directional signs are not allowed.
2. At least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
3. Structure must be inspected by the Fire Inspector on a yearly basis.
4. Business street parking shall be prohibited and business parking must be on the driveway.
5. State licensing requirements must be current and a copy provided to the city and prior to opening.
6. The Interim Use Permit shall expire at the time the property changes hands and/or any of the prescribed stipulations have been violated.
7. Conditions must be met and an IUP Agreement executed no later than 30 days from the date of City Council approval of the IUP. Failure to comply will result in the revocation of the IUP.
8. The IUP will be issued for _____year(s) from the date of Council approval. The IUP could be renewed for an additional term with the limits and conditions subject to City Council approval.
9. There will be no expansion of the current accessory building on the site.
10. There will be no additional employees utilized in the business from this site.
11. No additional equipment can be exteriorly stored on the property.
12. Outside storage is limited to essential business related material and personal possessions and is to be in compliance with Ordinance, 26-40, 26-52 and 26-110.
13. Business must not emit odors or noise to the extent that surrounding property owners are affected with the exception of vehicle back up alarm systems.
14. Hours of operation shall be from 6 Am to 7 PM.

City Council Action

Motion by: _____

Second by: _____

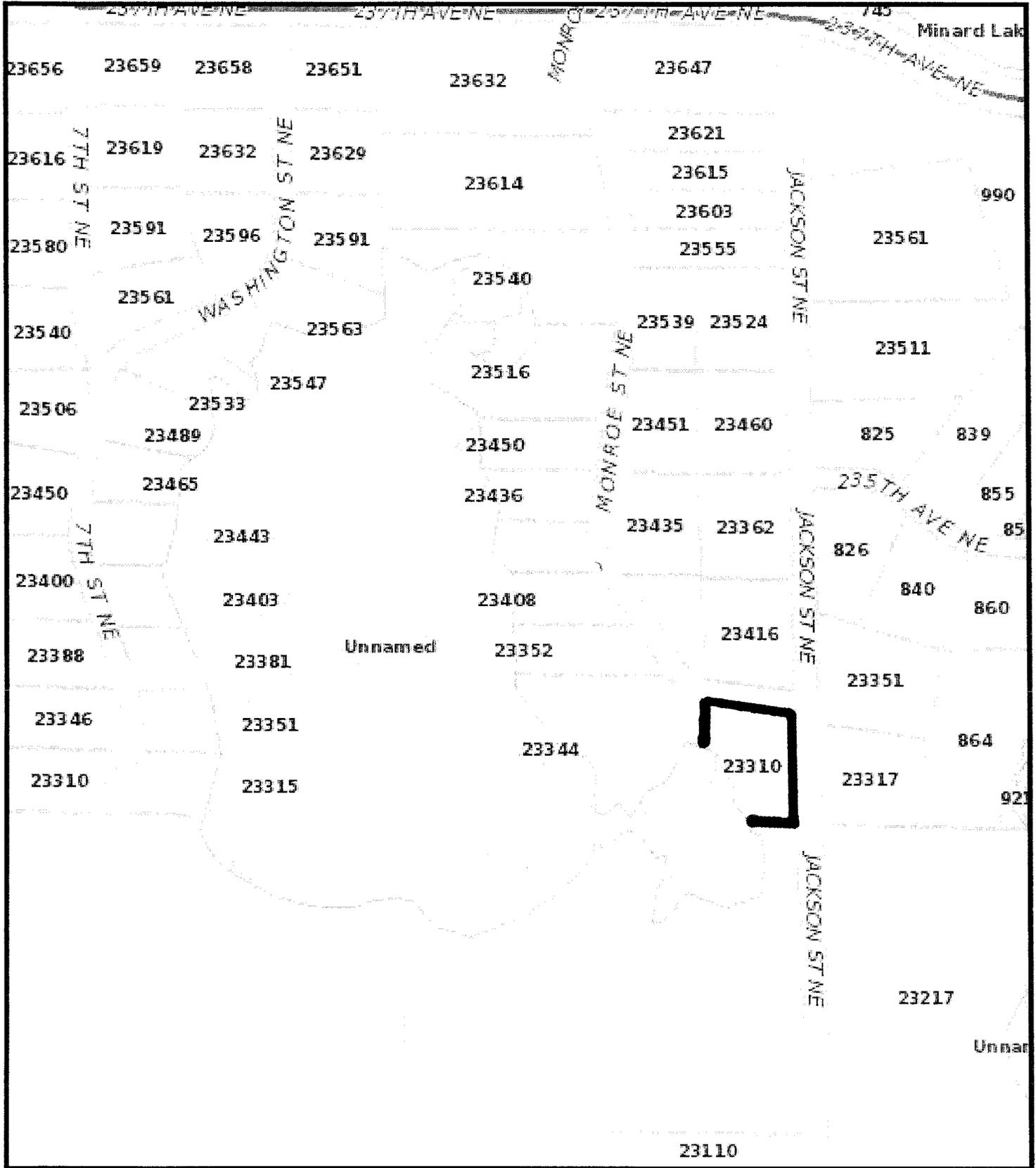
Vote Yes: _____

Vote No: _____

No Action Required: _____

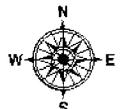


Map



Attachment # 1

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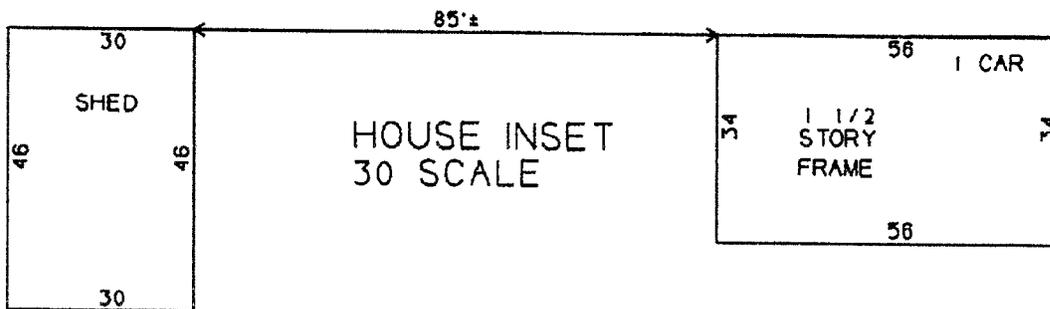
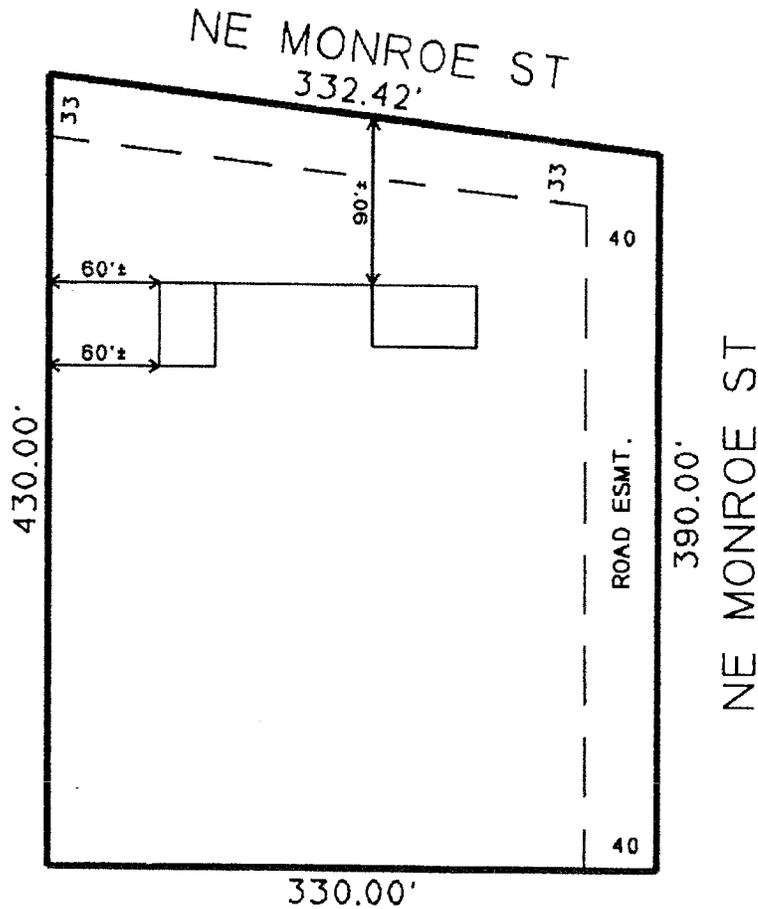


File No. 116559

PROPERTY SKETCH
ACCESS INFORMATION SYSTEMS
(This is not a survey)

LEGAL : SEE SCHEDULE A

100 SCALE



Property Address 23310 NE MONROE ST EAST BETHEL

THIS IS NOT A SURVEY NOR SHOULD THIS BE USED AS A SURVEY TO LOCATE FUTURE IMPROVEMENTS. This drawing is for residential mortgage informational purposes only. The information relating to the property dimensions is based upon the recorded plat or maps in the county records. The improvement location and dimensions shown are approximate and based upon a visual inspection.



LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	_____
By	_____
Fee \$	_____

Check appropriate box:

VARIANCE

CUP

IUP

FINAL PLAT

BUSINESS CONCEPT PLAN

PRELIMINARY PLAN

SITE PLAN REVIEW

OTHER _____

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for business use (provide narrative below describing proposed use).

Proposed uses: Office for business in room in house, shop for business in pole barn on property, storage for equipment behind fence and pole barn.

LOCATION: PID 31-34-23-13-0013 Legal: Lot _____ Block asphalt maintenance and equipment sales Subdivision _____

PROPERTY ADDRESS: 23310 Monroe St NE PRESENT ZONING: RR
2.6 acres

PROPERTY OWNER

CONTACT NAME Jeff Kirkeby PHONE 612-597-9995

ADDRESS 23310 Monroe St NE FAX 763-434-2830

CITY/STATE/ZIP East Bethel MN 55005 E-MAIL jeff@pavementresources.com

APPLICANT

CONTACT NAME Jeff Kirkeby PHONE 612-597-9995

ADDRESS 23310 Monroe St NE FAX 763-434-2830

CITY/STATE/ZIP East Bethel MN 55005 E-MAIL jeff@pavementresources.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

Jeff Kirkeby
Property Owner's Signature

Jeff Kirkeby
Printed Name

11-14-12
Date

OFFICE USE ONLY – DO NOT COMPLETE

	Received	Approved/Denied	Notes
Community Dvlp.	<u>11-14-12</u>	_____	
Planning Commission	<u>11-27-12</u>	_____	
City Council	<u>12-19-12</u>	_____	
_____ 60 Day _____ 120 Day			

Attachment #2

Joan Steffen-Baker

From: Jeff Kirkeby [jeff@pavementresources.com]
Sent: Wednesday, November 14, 2012 1:01 PM
To: Joan Steffen-Baker
Cc: Jack Davis
Subject: IUP app additional info

Pavement Resources Inc is a successful and growing asphalt repair and maintenance, asphalt equipment sales and rentals, snowplowing, and ice melt sales company. 2012 marks our 10th year in business, employing five full-time people and six part-time. Our customers are cities, including East Bethel, counties, townships, schools, property management companies, and private commercial businesses. The business is run out of the owner's residence at 23310 Monroe St NE, and we were recently made aware that we need an Interim Use Permit from the city to do this. As much equipment as possible is stored in the pole barn, the rest is outside behind a fence and behind the pole barn. We work hard to keep the area around the shop neat and the noise and traffic to a minimum, so as not to disturb the neighbors.

Website: pavementresources.com

Thanks,

Jeff Kirkeby



Jeff Kirkeby

Pavement Resources, Inc.
612-597-9995

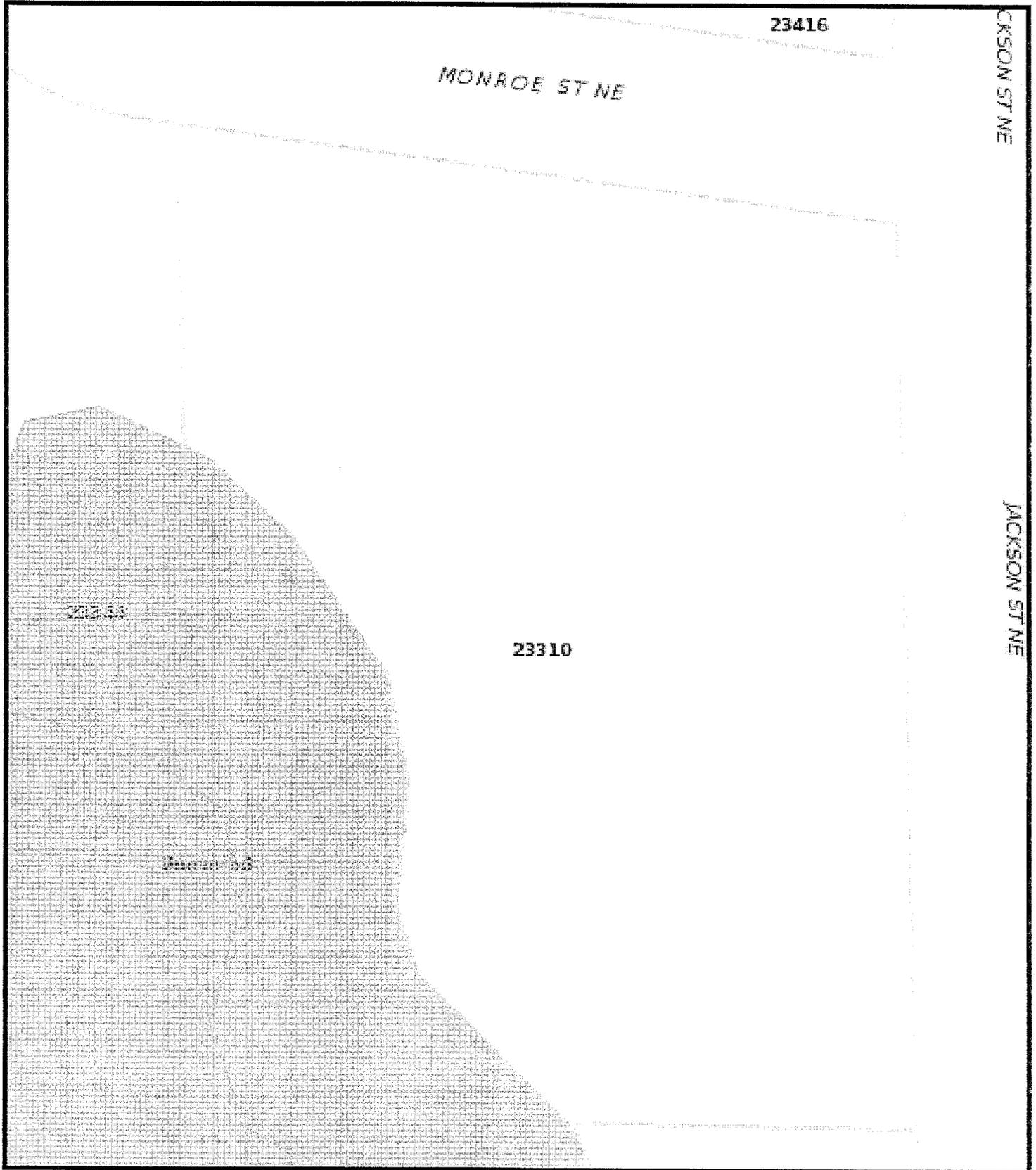
**Pavement
Resources**

19. - Home occupations.

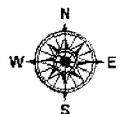
- A. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
- B. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
- C. 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.

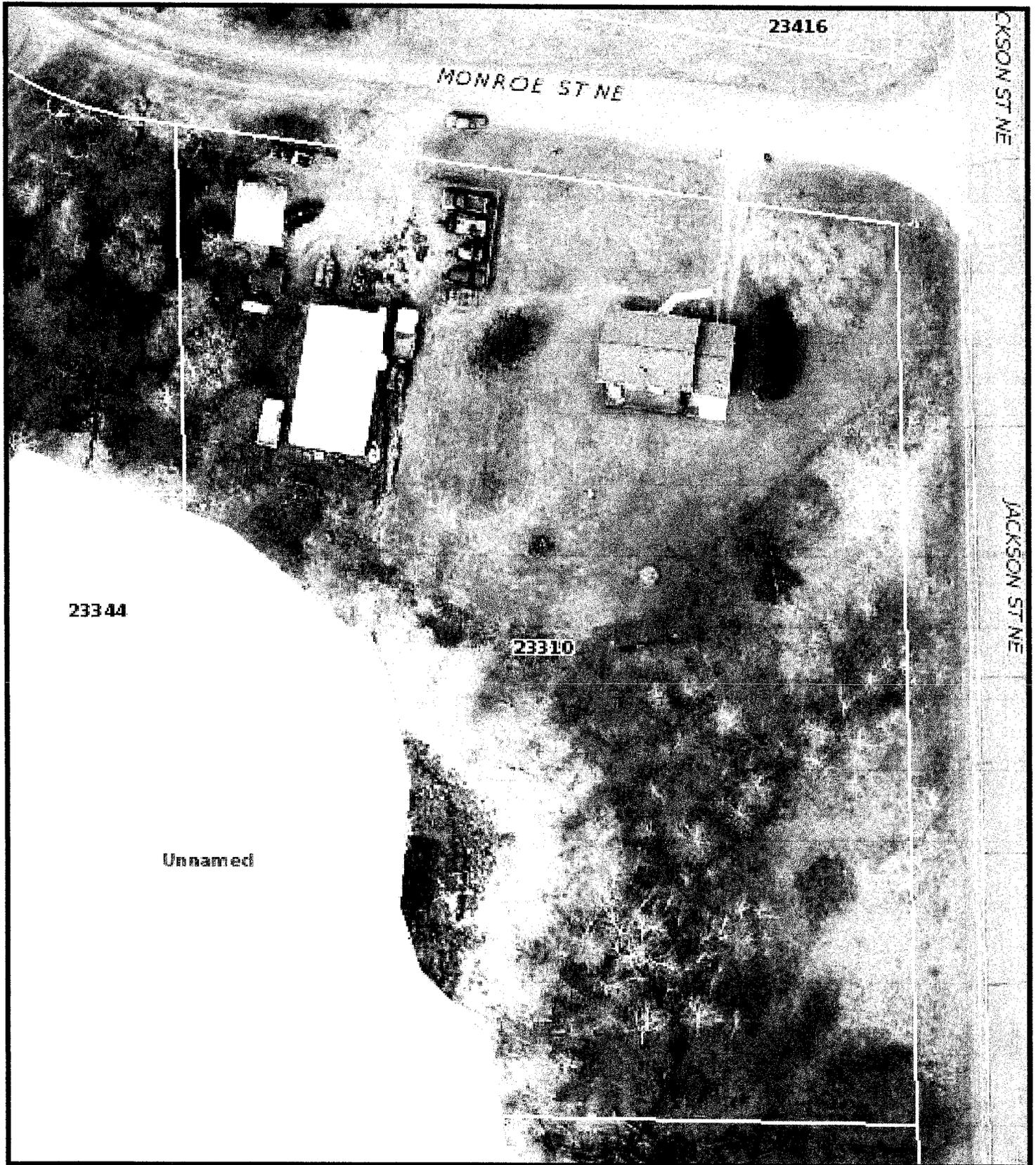


Map



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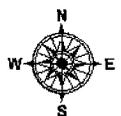


EXHIBIT A

That part of the West half of the Northeast Quarter (W1/2 of NE1/4) of Section 31, Township 34, Range 23, described as follows: Commencing at a point on the North line of said w1/2 of the NE1/4 said point being 692.62 feet West of the Northeast corner thereof, thence South 1 degrees 03 minutes 14 seconds West on a line at right angles to said North line a distance of 40 feet, thence deflect left on a curve having a radius of 637.67 feet a distance of 231.37 feet, thence South 19 degrees 44 minutes 06 seconds East a distance of 70.87 feet, thence deflect right on a curve having a radius of 1432.4 feet a distance of 390 feet, thence South 4 degrees 08 minutes 06 seconds East a distance of 214.67 feet, thence deflect right on a curve having a radius of 458.37 feet a distance of 105.33 feet, thence South 9 degrees 01 minutes 54 seconds West a distance of 642.45 feet, thence deflect left on a curve having a radius of 171.03 feet a distance of 124.58 feet, thence South 32 degrees 42 minutes 06 seconds East a distance of 428.31 feet, thence deflect left on a curve having a radius of 101.41 feet a distance of 86.66 feet, thence South 81 degrees 39 minutes 46 seconds East a distance of 10.49 feet to the point of beginning of land to be described, said point being 330 feet as measured parallel to said North line, West of the East line of said W 1/2 of the NE1/4, thence continue South 81 degrees 39 minutes 46 seconds East on same described line to its intersection with said East line; thence South on said East line to the Southeast corner of said W1/2 of the NE1/4, thence West on South line of said W1/2 of the NE 1/4 to a point 330 feet, as measured parallel to the North line of said W1/2 of the NE1/4, West of the East line of said W1/2 of the NE1/4, thence North and parallel to said East line to the point of beginning..

Being abstract land.

Commonly known as: 23310 Monroe Street Northeast, East Bethel, Minnesota



**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL PLANNING COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of East Bethel will hold a public hearing on Tuesday, November 27, 2012, 7:00 PM, at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider the request by owner/applicant, Jeffrey Kirkeby, to obtain an Interim Use Permit to operate an asphalt maintenance and equipment sales business (known as Pavement Resources) from his property. The location being 23310 Monroe St. NE, East Bethel, MN 55005, PIN 31 34 23 13 0013. The Zoning Classification is Rural Residential (RR) District.

The hearing of this request is not limited to those receiving copies of this notice, and if you know of any neighbor or interested property owner, who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

Published in the Anoka County Union
on November 16, 2012

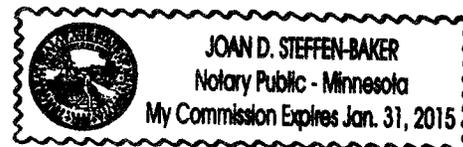
A handwritten signature in cursive script that reads "Jack Davis".

Jack Davis
City Administrator

Subscribed and sworn to me
this 13th day of November 2012.

A handwritten signature in cursive script that reads "Joan D. Steffen-Baker".

Joan D. Steffen-Baker
Notary Public





City of East Bethel Planning Commission Agenda Information

Date:

November 27, 2012

Agenda Item Number:

Item 5.0

Agenda Item:

21461 Aberdeen Street Zoning Request

Requested Action:

Consider the approval of a Zoning Interpretation for a business use at 21461 Aberdeen Street

Background Information:

Pavement Resources is a local company that is owned by Jeff Kirkeby and operates out of a residence at 23310 Monroe Street NE. Pavement Resources is a full service asphalt repair and maintenance company, serving Minnesota and Western Wisconsin and their specialty service is spray injection pothole repair.

Mr. Kirkeby's business has expanded to the point that his residential location can no longer accommodate his needs and is seeking a location that will be compatible with his operation and permit the necessary space for the expansion of his business.

Mr. Kirkeby is considering the property located at 21461 Aberdeen Street for his business. As part of his operation, Pavement Resources would utilize a portion of the parking area at the rear of the building to construct a detached accessory structure. As the business grows and at some point, Mr. Kirkeby would consider the addition of a cold storage building on the property north of the existing parking lot. If the cold storage building were constructed, it would match the exterior finish of the existing building. Mr. Kirkeby would also be involved to some degree in retail sales and services at this location with his sales of de-icing products, equipment rentals and his offering of small engine repair service.

While this isn't a traditional B-2 use, there are elements of the business that fall in the permitted use category for this zone with those being point of purchase retail sales and services. If it is determined that this activity does not meet the test of this permitted use, this business could fall into the conditional use category of Section 46-4 O. , "Other uses similar to those permitted in this section as determined by the City Council".

Retail sales and services of large items or open sales lots are not allowed in the B2 Central Business District. Outdoor storage is not permitted except for an area no larger than 100 square feet WITH an approved CUP. This proposed use would fall would be in compliance with these requirements and from a non-zoning standpoint would utilize a deteriorating vacant property that would provide value to the City both in terms of aesthetics and business retention.

Below are a listing of the permitted uses in the B-2 Zone:

The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

2. - Permitted uses.

- A. Club or lodge.
- B. Florist, commercial.
- C. Health/recreation facility.
- D. Dwelling, condominium, when located above the street level floor.
- E. Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation—Public.
- H. Restaurant—Fast food and full service.
- I. Retail/office/multi-tenant structure.
- J. Retail sales and services conducted completely within the structures.
- K. Financial services.
- L. Tavern or bar.
- M. Motor vehicle service station (with no minor or major repair facilities).
- N. Essential services, government.

3. - Accessory uses.

- A. Outdoor sidewalk cafe.
- B. Trash enclosure service structure.
- C. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- D. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

4. - Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.
- I. Funeral home.
- J. Crematorium.

- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.

5. - Interim uses.

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Communication tower.
- C. Other uses similar to those permitted in this section as determined by the city council.

6. - Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

Attachments:

- 1. Site Map
- 2. Building Photograph

Fiscal Impact:

N/A

Recommendation(s):

Staff recommends the Planning Commission consider the approval of Pavement Resources as an approved B-2 permitted use for the 21461 Aberdeen Street address.

City Council Action

Motion by: _____

Second by: _____

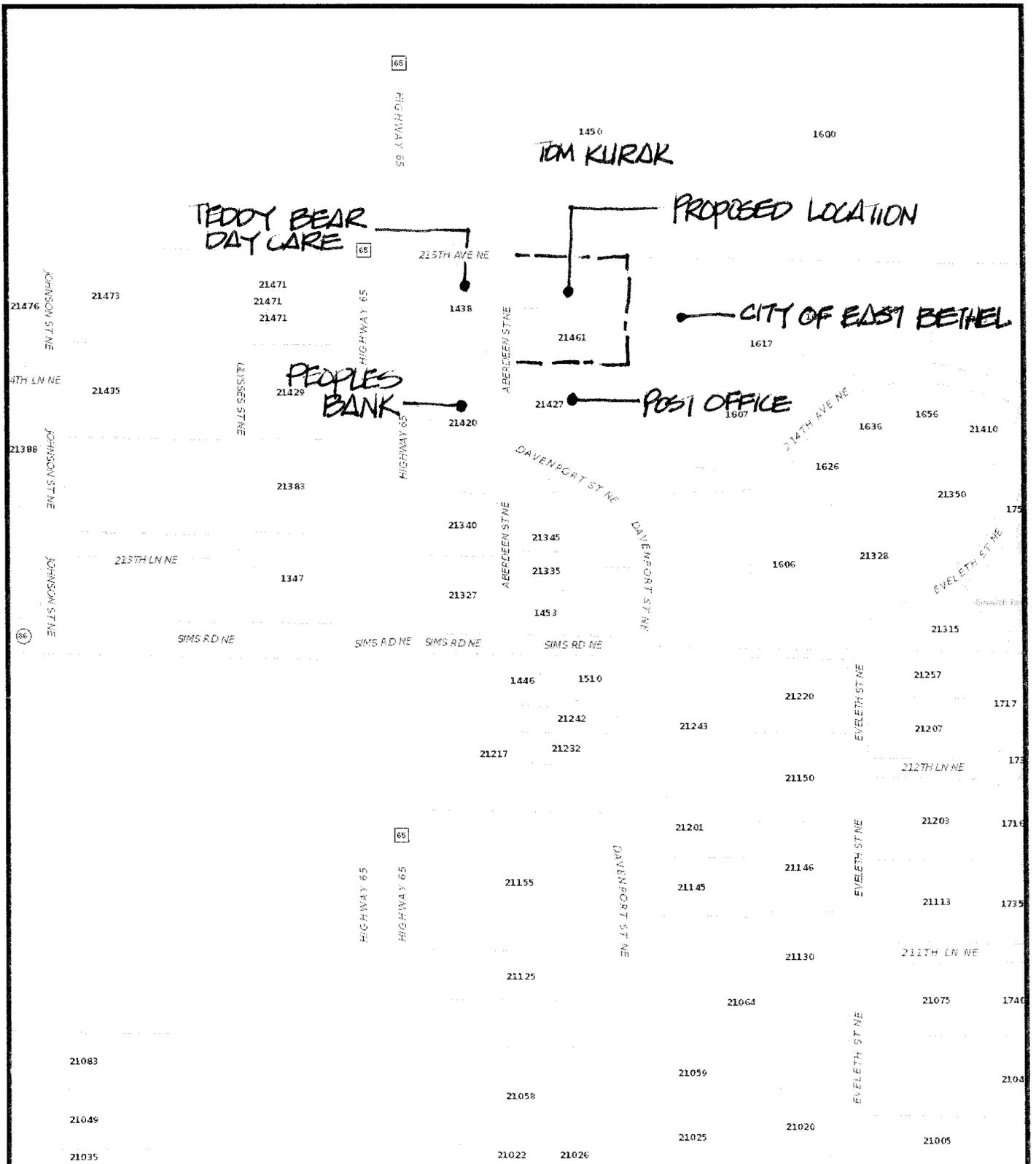
Vote Yes: _____

Vote No: _____

No Action Required: _____



Map



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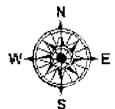


PHOTO #1
EXISTING
SITE CONDITIONS

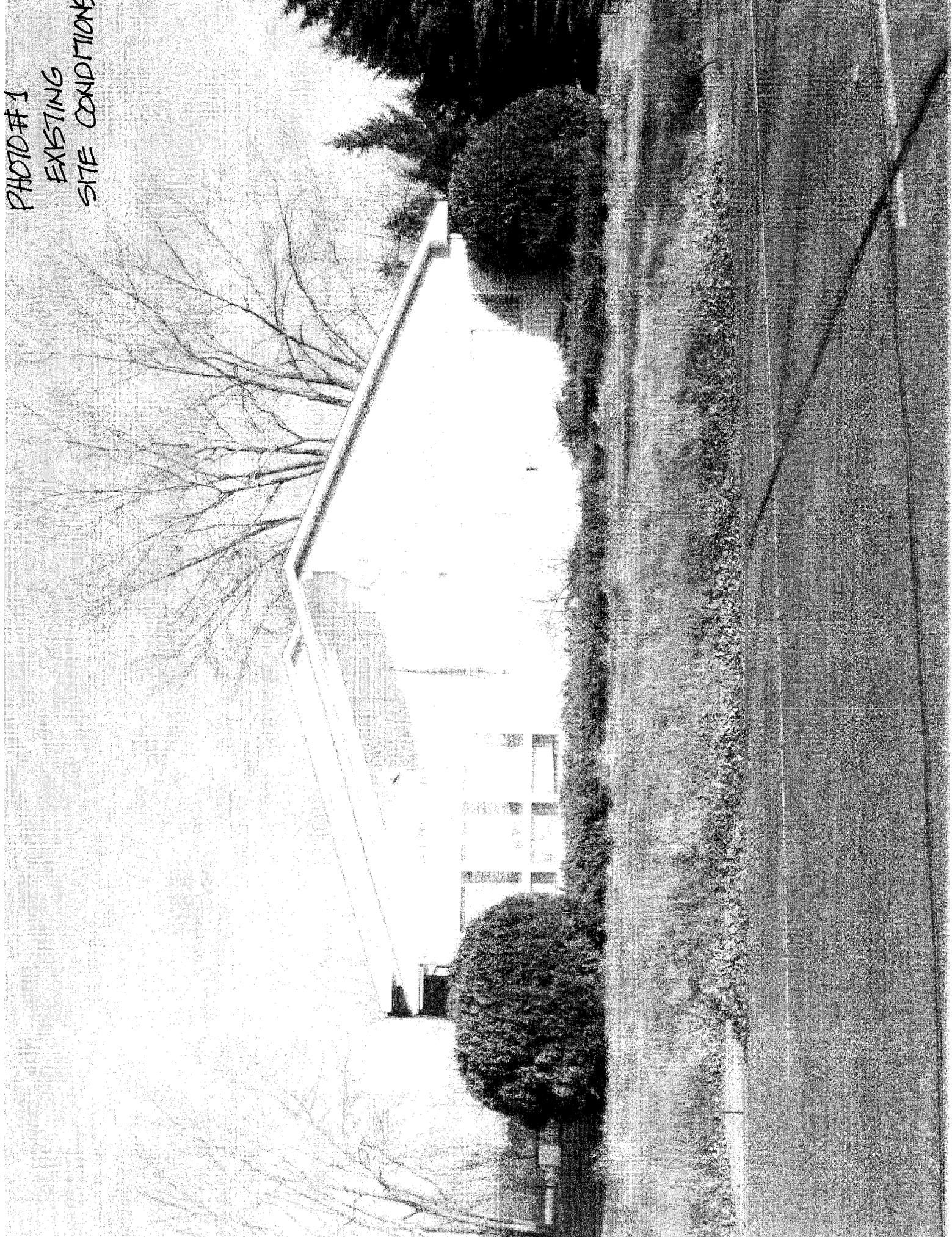
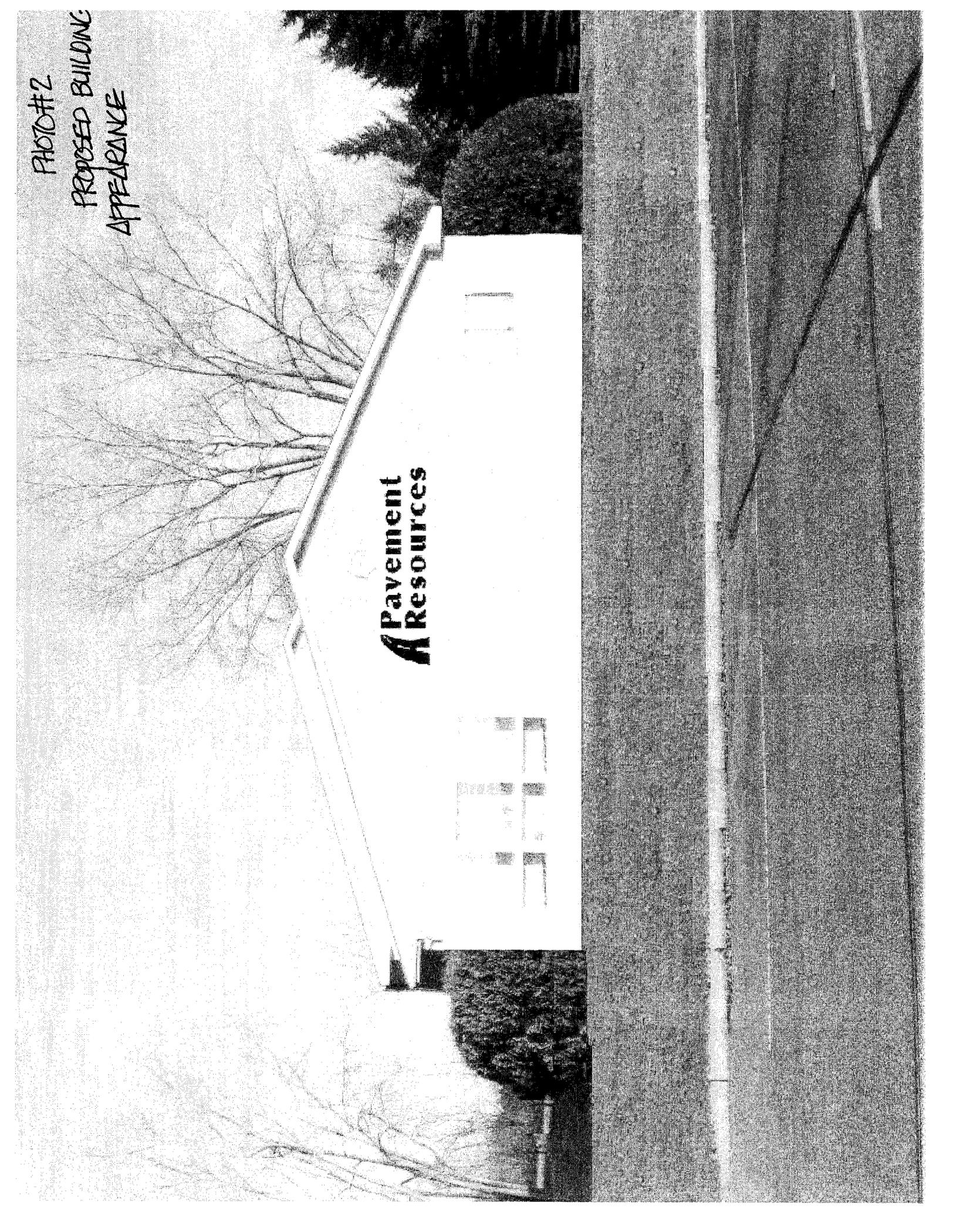


PHOTO #2

PROPOSED BUILDING
APPEARANCE

 Pavement
Resources





City of East Bethel Planning Commission Agenda Information

Date:

November 27, 2012

Agenda Item Number:

Item 6.0

Agenda Item:

Lampert Lumber Property Use Request

Requested Action:

Consider the permissibility of uses in B-2 Zone at 1542 221st Ave.

Background Information:

There are two potential purchasers of the property at 1542 221st Ave. that have requested either City Council or the Planning Commission to consider the approval of their proposed use of this property.

One of the purchasers, PVS Auto Parts, is proposing to purchase the property and use the existing buildings for storage of used automotive parts. This purchaser has indicated that there will be no exterior storage on the property.

The other potential purchaser, Mr. John Buzick, has proposed to utilize the property as offices for used car dealers to meet the state requirements for licensure. His proposal features multiple dealer offices with stalls to display up to 5 vehicles per office. This individual stated that most of the dealers who would occupy the offices are usually only present once a week to perform paper work required by the State.

Since neither of these uses would be a new development but a continuation of a use of a non-conforming lot of record, the requirements for the Business Overlay District that are part of this zone would not be applicable. The requirements for a minimum lot area of ten acres for lots without water and sewer do not apply as this is only a change in an existing use and does not involve a new development.

This property is zoned B-2 and per the zoning code open sales lots are not listed as a permitted use within this classification nor is exterior storage permitted that exceeds 100 SF. This would seem to exclude the use proposed by Mr. Buzick and could, depending on the intent and interpretation of the Code, prohibit the use by PVS Auto Parts. The question that needs answered in regards to PVS Auto Parts purchase of the property is if the requirements for the B-2 zone can regulate what can be done inside a structure if there is no selling of goods or services on the premises and there is no exterior storage on the site. In other words, with the exception of the removal of any structurally unsound buildings and some cosmetic treatment of the remaining structures, the site would remain as it currently exists under the PVS proposal. With that being

said, would there be any difference between the use of the site as it is and its use if purchased by PVS Auto.

The City Attorney has provided an opinion (see attachment) that indicates that the proposed PVS usage of the property may be permitted if there were some service performed on the site and a CUP for this activity is approved by City Council.

While neither of these uses is a traditional B-2 activity or specifically listed as permissible use in the Zoning Code, there may be exceptions as noted above for consideration for approval of their use, particularly the PVS proposal. One other item that relates to this issue that should be considered is the need to address the issue of vacant commercial properties and determine the following:

1. Is it in the City's interest to enforce a strict interpretation of the Zoning Code to achieve a land use pattern that produces a perfect match between Code requirements and business uses; or
2. Is it better policy to accommodate certain interim types of compatible uses, consistent with the development goals of the City, that fill store fronts with business activities that add value to the City and prevent the further deterioration and blight of vacant commercial properties.

Attachments:

1. Letter of Request from John Buzick
2. City Attorney Report
3. Location Map
4. B-2 Zoning Conditions and Uses

Fiscal Impact:

To be determined

Recommendation(s):

Staff is seeking recommendations from the Planning Commission as to the permissibility of the proposed uses by Mr. John Buzick and PVS Auto for the property at 1542 221st Ave.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

Jack Davis

From: Wendy Warren
Sent: Friday, November 02, 2012 12:37 PM
To: Jack Davis
Subject: FW: Contact Form (form) has been filled out on your site.

Please see below.

-----Original Message-----

From: Please Do Not Click Reply [<mailto:support@govoffice.com>]
Sent: Friday, November 02, 2012 12:30 PM
To: Wendy Warren
Subject: Contact Form (form) has been filled out on your site.

Your Site has received new information through an online form.

Online Form: Contact Form

Site URL: www.ci.east-bethel.mn.us

Subject: Zoning

Type your question, comment, or suggestion: Mr Davis, I`m representing East Bethel Properties LLC. We are interested in Sylvester 7 acre site and have a tentative purchase agreement. It is contingent of City approval to operate as Used Vehicle and storage site. We have several operations where we rent out a small office and give the dealer 5 car stalls to display vehicles. In our Forest Lake location we have 6 dealers and one car is presently in the lot. The dealers for the most part are only part time any usually there once a week to do paper work required by the State.

This property has been for sale for couple years and no other inquiries for purchase that I know of except for one that was piggy backing our proposal .

We would like to consummate this sale if the City ok`s Used Vehicle Zoning and outside storage.

Thanks john buzick.

My Mn Residence is 661 207th ave ne, East Bethel.

Name: john buzick

Reply E-mail Address: kennaj@aol.com

Property Address (if needed): Sylvester site Phone (if needed): (612) 743-9586

Do Not Click Reply - This e-mail has been generated from an online form.

Jack Davis

From: Mark Vierling [MVierling@eckbergglammers.com]
Sent: Thursday, November 15, 2012 11:03 AM
To: Jack Davis
Subject: RE: Lampert Lumber Property

Jack,

Sorry for the delayed response...was out Tuesday on a family matter.

On the issue:

I didn't really get the detail I would have liked from either the letter or the presentation but reviewing my notes I observed that the former use and land is probably non-conforming under the ordinance. As the use has been discontinued for more than a year it probably is a non factor any longer. The city's ordinance on the use of the non-conforming lot provides:

- Nonconforming lot of record.

Any separate lot or parcel that was legally created and is of record with the Anoka County Recorder's Office, but became nonconforming as a result of the adoption of this chapter, may be used for the legal use for which it is zoned subject to the following:

A.

The lot shall have frontage on an improved public road or on a private road approved by the city council. The city council must, by resolution, specify the private road, verify that the private road is capable of supporting emergency vehicles, and specify that provisions exist for ongoing maintenance of the private road.

B.

Vacant lots of record may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot(s) was created compliant with official controls in effect at the time, sewage treatment is in compliance with MPCA subsurface sewage treatment system, MN Rules 7080-7083, and setback requirements of this ordinance are met.

C.

A vacant lot or parcel not served by public sewer may be used for a permitted use provided it has at least one acre of buildable area, and it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such use and meet required setbacks and lot coverage.

D.

If in the case of two or more contiguous lots or parcels of land under single ownership, any individual lot or parcel does not meet the minimum requirements of this ordinance, such individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots so the combination of lots will equal one or more parcels of land meeting the full requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive.

In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record that do not conform to the provisions of the existing zoning district.

The applicant would need to be aware of those requirements highlighted above.

On the use aspect the city's current zoning code will apply. It didn't seem to me that any of the "permitted uses" were applicable so they need to justify their use under the CUP provisions. The two that may be reviewed for applicability seem to be :

"G. Exterior storage associated with retail sales and services." And

"O. Other uses similar to those permitted in this section as determined by the city council."

The trouble I have with "G" is that it presumes that sales or service is being conducted on site. That did not appear to be the plan of the realtor that explained the nature of the business use intended. His presentation seemed to be a "storage only" type business without any sales or service being conducted on site.

Provision "O" becomes somewhat more subjective but..... the proposed use needs to be similar to a "permitted use" however, reviewing the list the similarities don't readily appear, they are:

A.

Club or lodge.

B.

Florist, commercial.

C.

Health/recreation facility.

D.

Dwelling, condominium, when located above the street level floor.

E.

Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.

F.

Office.

G.

Recreation—Public.

H.

Restaurant—Fast food and full service.

I.

Retail/office/multi-tenant structure.

J.

Retail sales and services conducted completely within the structures.

K.

Financial services.

L.

Tavern or bar.

M.

Motor vehicle service station (with no minor or major repair facilities).

N.

Essential services, government

All in all I think the applicant would be better served by establishing...even if only on a limited scale...some aspect of service being performed on the site with the trucks and trailers being stored there. In that manner the exterior storage could be accessory to that primary use and possibly qualify under the ordinance. The applicant should also be ready to address things like, lighting, signage, hours of operation ect.

Hope this helps...feel free to follow up

Mark J. Vierling, Esq.
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

From: Jack Davis [mailto:jack.davis@ci.east-bethel.mn.us]

Sent: Tuesday, November 13, 2012 2:24 PM

To: Mark Vierling

Subject: Lampert Lumber Property

Mark,

Harlan Meyer presented a request to Council regarding consideration of his client, PVS Auto, for a zoning interpretation for this use in a B-2 Zone for the property at 1542 221st Ave. This subject was discussed by Council but not no recommendations were offered. If this does move forward I suppose that the Mr. Meyer's client s would be required to apply for a CUP for this use. What do you see as any problems that relate to the interpretation of this proposed use in this zone. Thanks.

Jack

East Bethel, Minnesota, Code of Ordinances >> - CODE OF ORDINANCES >> APPENDIX A - ZONING
>> SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT >>

SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

- 1. - Purpose.
- 2. - Permitted uses.
- 3. - Accessory uses.
- 4. - Conditional uses.
- 5. - Interim uses.
- 6. - Certificate of compliance.
- 7. - Development regulations.

1. - Purpose.

The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

2. - Permitted uses.

- A. Club or lodge.
- B. Florist, commercial.
- C. Health/recreation facility.
- D. Dwelling, condominium, when located above the street level floor.
- E. Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation—Public.
- H. Restaurant—Fast food and full service.
- I. Retail/office/multi-tenant structure.
- J. Retail sales and services conducted completely within the structures.
- K. Financial services.
- L. Tavern or bar.
- M. Motor vehicle service station (with no minor or major repair facilities).
- N. Essential services, government.

3. - Accessory uses.

- A. Outdoor sidewalk cafe.
- B. Trash enclosure service structure.
- C. Other uses customarily associated with but subordinate to a permitted use as determined by the city.

- D. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

4. - Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.
- I. Funeral home.
- J. Crematorium.
- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.

5. - Interim uses.

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Communication tower.
- C. Other uses similar to those permitted in this section as determined by the city council.

6. - Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. - Development regulations.

- A. Minimum lot requirements.

1) Lot area		
a)	Without sewer and water	10 acres
b)	With sewer and water	No minimum
2) Lot width		
a)	Without sewer	

	and water	300 feet at the public right-of-way
b)	With sewer and water	No minimum

- B. Setbacks. No setbacks are required unless adjacent to a residential district; a setback of 60 feet shall be required.
- C. Maximum building height: Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
- D. Maximum lot coverage: 80 percent.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

East Bethel, Minnesota, Code of Ordinances >> - CODE OF ORDINANCES >> APPENDIX A - ZONING
>> SECTION 24. - EXTERIOR STORAGE >>

SECTION 24. - EXTERIOR STORAGE

1. - Exemptions.
2. - Inoperable vehicles and refuse materials.
3. - A, RR, R-1, and R-2 residential districts.
4. - I district.
5. - B-3 district.
6. - B-2 district.
7. - B-1 district.
8. - All zoning districts.

1. - Exemptions.

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

2. - Inoperable vehicles and refuse materials.

- 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.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

3. - A, RR, R-1, and R-2 residential districts.

- A. 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 for the following:
 - 1) Play and recreational equipment.
 - 2) Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
 - 3) Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. A maximum of five motor vehicles, or recreational vehicles, or boat/trailer combinations, or snowmobile/trailer combinations, or items of lawn equipment, or items of construction equipment with a weight limit of 20,000 GVWR, or other equipment or trailers, or any combination thereof, may be stored outside of structures at any time. The storage of recreational vehicles, items of equipment, or trailers must be on the driveway of the residence or within an outside storage area located in a side or rear yard. The storage area shall be screened from the public right-of-way and from adjacent lots. Motor vehicles stored outside on a designated driveway must maintain and display current licensing and registration and must be operational and roadworthy.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

4. - I district.

- A. Exterior storage shall be limited to an area occupying no more than 50 percent of the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in [Section 23](#). Screening Requirements [Regulations].
- C. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- D. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.
- E. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
- F. Additional parking spaces shall be provided based upon the exterior display and sale area.
- G. Accessory storage containers, as defined in [Section 01](#). General Provisions of Administration, shall not be permitted.
- H. Up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.

5. - B-3 district.

- A. Exterior storage is permitted with a conditional use permit (CUP).
- B. Approved exterior storage shall be limited to an area occupying no more than 50 percent of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- C. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- D. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.
- E. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
- F. Additional parking spaces shall be provided based upon the exterior display and sale area.
- G. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
- H. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

6. - B-2 district.

- A. Exterior storage is permitted with a CUP.
- B. Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
- C. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
- D. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- E. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.
- F. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
- G. Additional parking spaces shall be provided based upon the exterior display and sale area.
- H. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

7. - B-1 district.

- A. Exterior storage and exterior displays are not permitted.
- B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

8. - All zoning districts.

- A. All outside storage must be accessory to the principal use of the property.
- B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.
- C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord No 19 Second Series 5-5-2010)



City of East Bethel Planning Commission Agenda Information

Date:

November 27, 2012

Agenda Item Number:

Item 7.0

Agenda Item:

Comprehensive Plan Review

Requested Action:

Review the Highway 65 Zoning in the Sewer District

Background Information:

In 2007 the City adopted a Comprehensive Plan to address the land use and growth strategies that confronted the City at that time. In the last six years there have been changes in the economic conditions and infrastructure which affect growth and the need for a more flexible policy on the progression of growth in the Hwy. 65 Corridor.

More specifically, a review of the current zoning in the area served by the City's Municipal Utilities project is required to insure compatibility with the development potential of that area. The following zoning changes are proposed for the Planning Commission's consideration:

- 1.) Change the current B-3 Zoning for those areas west of Hwy. 65 (see attached map # 1) to Light Industrial. There are 27 parcels in this zone and their use is as follows;
 - a. Light Industrial-11
 - b. Retail Sales/Services-3
 - c. Residential-3
 - d. Vacant-10

With the exception of Village Bank, River County Co-op and the East Bethel Theatre the predominant use in this area is light industrial/service industries. The choice commercial lots in this area are, with the exception of the two lots at the corner of Ulysses Street and 187th Lane, occupied and future development in this zone will continue to trend toward light industrial/service type businesses. Even with the provision of an additional access point on Hwy. 65 between 185th and 181st Avenue, this area's potential for highway commercial development will be limited due to somewhat inconvenient traffic ingress and egress issues. For that reason, a change in zoning from the current B-3, Highway Commercial, to I, Light Industrial, would be in line with the highest and best land use for this area. Uses that are permitted in B-2 and B-3 are also permissible in the I Zone. This change would be enable the continuing land use pattern in this area to evolve and meet the needs of mixed use business center; and,

- 2.) The area east of Hwy. 65 (see map #2) is a mixture of B-3, R-1 and R-2 uses. Various lots are split by differing zoning classifications and with the availability of utilities additional acreage could be reclassified to reflect the potential for other land uses. This area needs to be re-evaluated in terms of its growth capacity and its possibilities for other

types of development approaches. There are no specific recommendations for this area at this time but staff proposes to examine the options for development opportunities within the east side on the Municipal Utilities Project Boundary. We will continue to discuss this item and present alternatives to the Planning Commission concerning recommendations to zoning changes in this section of the Project in upcoming meetings.

Attachments:

1. Location Maps

Fiscal Impact:

To be determined

Recommendation(s):

Staff is requesting recommendations from the Planning Commission as to the zoning within the areas discussed above.

City Council Action

Motion by: _____

Second by: _____

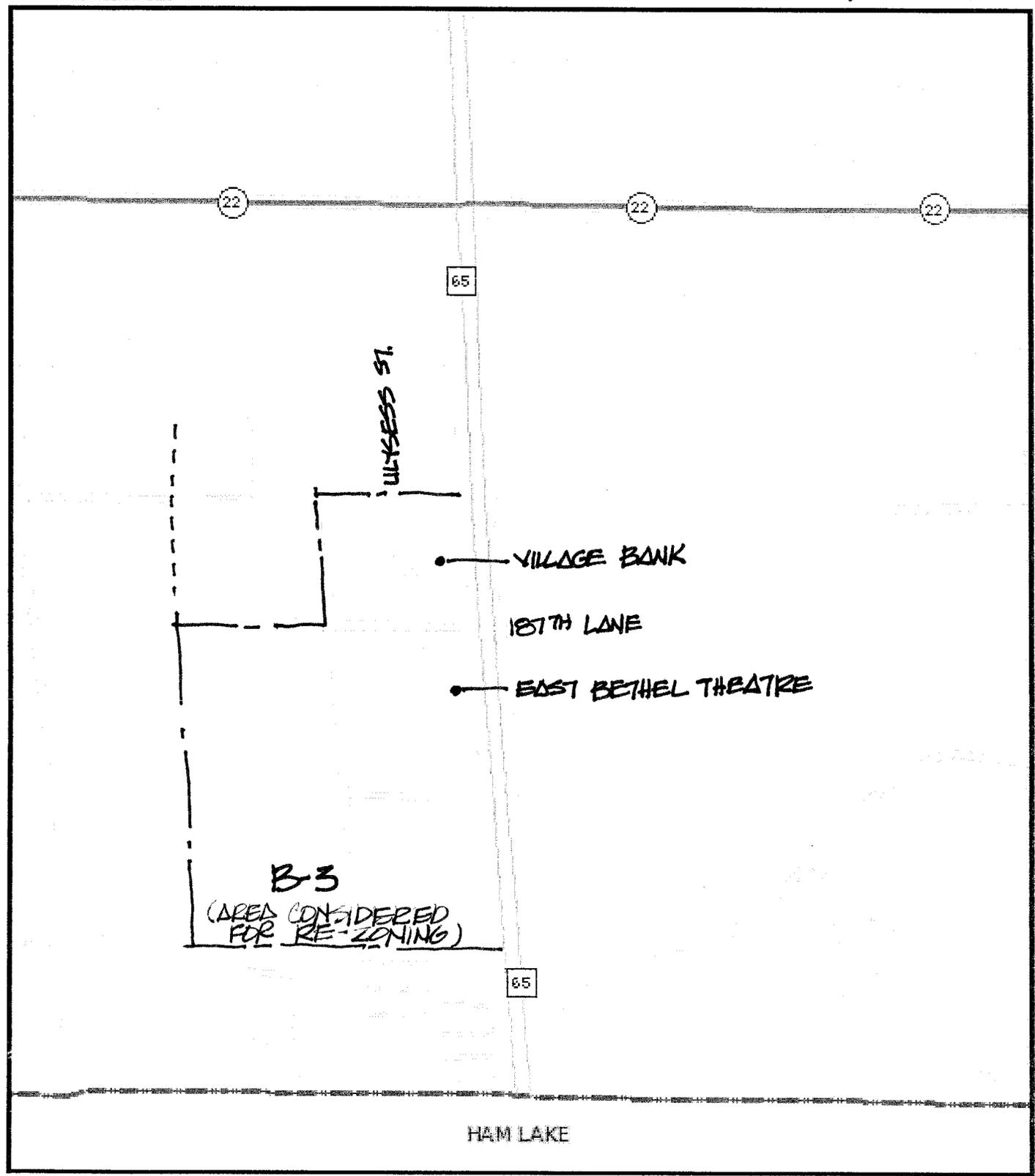
Vote Yes: _____

Vote No: _____

No Action Required: _____



Map #1 B-3 REZONING PROPOSAL



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