

City of East Bethel Planning Commission Agenda

7:00 PM

February 28, 2012



Item

- | | |
|---------|--|
| 7:00 PM | 1.0 Call to Order |
| 7:02 PM | 2.0 Adopt Agenda |
| 7:04 PM | 3.0 Appointment of Commission Member, Joe Pelawa, and Oath of Office |
| 7:08 PM | 4.0 Municipal Sewer and Water Project Update, Jack Davis, City Administrator |
| 7:25 PM | 5.0 Planning Department Updates A. Minimal Impact Design Standards (MIDS) Community Project B. Marketing & Branding Plan Update |
| 7:40 PM | 6.0 Discussion: Internet Distribution Sales |
| 7:55 PM | 7.0 Approve January 24, 2012 Planning Commission Meeting Minutes |
| 8:00 PM | 8.0 Adjourn |



City of East Bethel Planning Commission Agenda Information

Date:

February 28, 2012

Agenda Item Number:

Item 3.0

Agenda Item:

Commission Member Joe Pelawa Appointment and Oath of Office

Background Information:

At the January 24, 2012 Planning Commission meeting, Commission members Holmes and Terry took the Oath of Office. Since Commission member Pelawa was absent, he will take the oath of office this evening.

Attachment:

1. Oath of Office



Oath of Office

City of East Bethel
East Bethel, Minnesota

Please raise your right hand and read aloud:

I, Joe Pelawa, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.



City of East Bethel Planning Commission Agenda Information

Date:

February 28, 2012

Agenda Item Number:

Item 4.0

Agenda Item:

East Bethel Municipal Utilities Project

Requested Action:

Information Item

Background Information:

Jack Davis will provide a review of the project and its financial implications to the City of East Bethel

Fiscal Impact:

To be determined

Recommendation(s):

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

City of East Bethel Water Sewer Bond Cash Flows Projection 1

| 2012 | Sources | Uses | Balance |
|-------------------------------------|-------------|-------------|-------------|
| Beginning Cash Balances | | | \$950,200 |
| Debt Payments | | \$798,904 | \$151,296 |
| Ending Cash Balances | | | \$151,296 |
| 2013 | | | |
| Beginning Cash Balances | | | \$151,296 |
| Debt Payments | | \$708,388 | -\$557,092 |
| 55 Connections fees (\$5,600/ERU) | \$308,000 | | -\$249,092 |
| Ending Cash Balances | | | -\$249,092 |
| 2014 | | | |
| Beginning Cash Balances | | | -\$249,092 |
| 55 Connections fees (\$5,600/ERU) | \$308,000 | | \$58,908 |
| 2010A & B Special Assessment Income | \$72,300 | | \$131,208 |
| Debt Payments | | \$708,388 | -\$577,180 |
| Ending Cash Balances | | | -\$577,180 |
| 2015 | | | |
| Beginning Cash Balances | | | -\$577,180 |
| 200 Connections fees (\$5,600/ERU) | \$1,120,000 | | \$542,820 |
| 2010A & B Special Assessment Income | \$72,300 | | \$615,120 |
| Debt Payments | | \$708,388 | -\$93,268 |
| Ending Cash Balances | | | -\$93,268 |
| 2016 | | | |
| Beginning Cash Balances | | | -\$93,268 |
| 200 Connections fees (\$5,600/ERU) | \$1,120,000 | | \$1,026,732 |
| 2010A & B Special Assessment Income | \$72,300 | | \$1,099,032 |
| Debt Payments | | \$1,493,388 | -\$394,356 |
| Ending Cash Balances | | | -\$394,356 |

Assumptions:

ERUs - Used Bolton & Menk 10/6/2010 presentation less 39 (Water treatment plant) Delayed one year
 ERUs include NO ERU reductions & NO 2012 Connections

2010A & B Special Assessment Income-B&M 10/6/2010 presentation less City assessment

Debt payments only - does not consider operations

Delayed Special Assessment Income until 2014

City of East Bethel Water Sewer Bond Cash Flows Projection 2

| 2012 | Sources | Uses | Balance |
|-------------------------------------|-------------|-------------|--------------|
| Beginning Cash Balances | | | \$950,200 |
| Debt Payments | | \$798,904 | \$151,296 |
| Ending Cash Balances | | | \$151,296 |
| 2013 | | | |
| Beginning Cash Balances | | | \$151,296 |
| Debt Payments | | \$708,388 | -\$557,092 |
| Ending Cash Balances | | | -\$557,092 |
| 2014 | | | |
| Beginning Cash Balances | | | -\$557,092 |
| 55 Connections fees (\$5,600/ERU) | \$308,000 | | -\$249,092 |
| 2010A & B Special Assessment Income | \$72,300 | | -\$176,792 |
| Debt Payments | | \$708,388 | -\$885,180 |
| Ending Cash Balances | | | -\$885,180 |
| 2015 | | | |
| Beginning Cash Balances | | | -\$885,180 |
| 55 Connections fees (\$5,600/ERU) | \$308,000 | | -\$577,180 |
| 2010A & B Special Assessment Income | \$72,300 | | -\$504,880 |
| Debt Payments | | \$708,388 | -\$1,213,268 |
| Ending Cash Balances | | | -\$1,213,268 |
| 2016 | | | |
| Beginning Cash Balances | | | -\$1,213,268 |
| 200 Connections fees (\$5,600/ERU) | \$1,120,000 | | -\$93,268 |
| 2010A & B Special Assessment Income | \$72,300 | | -\$20,968 |
| Debt Payments | | \$1,493,388 | -\$1,514,356 |
| Ending Cash Balances | | | -\$1,514,356 |

Assumptions:

ERUs - Used Bolton & Menk 10/6/2010 presentation less 39 (Water treatment plant) Delayed one year

ERUs include NO ERU reductions & NO 2012 or 2013 Connections

2010A & B Special Assessment Income-B&M 10/6/2010 presentation less City assessment

Debt payments only - does not consider operations

Delayed Special Assessment Income & Connections until 2014



City of East Bethel Planning Commission Agenda Information

Date:

February 28, 2012

Agenda Item Number:

Item 5.0

Agenda Item:

Planning Updates

Requested Action:

Informational Only

Background Information:

Ady Voltedge – Marketing and Branding Plan

The project kick-off stakeholder meeting on February 1, 2012 was a success! 41 of the 70 invitees attended the meeting. The overall response to the meeting was very positive – people like to see that the city is looking towards the future and are supportive of the marketing plan.

The online survey is in full swing and getting a great response rate. The survey is available through February 29. Staff will provide Planning Commission with the actual number of completed surveys at the meeting.

The project is on schedule and here is a glance of the schedule:

February 28, 2012 – Conference call with Ady Voltedge and staff to share the Retail Market Analysis and one-on-one interview results.

March 13, 2012 – Conference call with Ady Voltedge and staff to discuss the preliminary results of the community survey.

April 2, 2012 – Work Group and Stakeholder’s Meeting with Ady Voltedge and stakeholders.

Mid-May – Ady Voltedge will present the complete marketing plan.

Minimal Impact Design Standards (MIDS) Pilot Community

East Bethel has been chosen to be a MIDS Pilot Community. What does this mean for the city?

The St. Croix MIDS Pilot Community Project was established to help St. Croix Basin communities meet state water quality regulatory requirements and provide a real testing ground for the application of the new MIDS performance goals.

The Pilot Community Project involves regional and focused community assistance in the form of education, training, review and consultation services, and tools and resources such as model ordinances. Education and training includes NEMO – Nonpoint source Education for Municipal Officials programming and Stormwater U – technical training for staff.

Three communities were chosen to receive free education, training, and consulting services to update plans, codes, and procedures to protect the local water resources and ultimately the St. Croix River. Staff will receive the project schedule within the next 30 days and will move forward from there.

The completed project will result in the city’s adoption of Low Impact Development (LID) standards – an approach to storm water management that mimics a site’s natural hydrology where storm water is managed on site where the raindrop falls, storm water ordinance, conservation design standards, and updates to the city water management plan, engineering standards manual, parks/open space plan, and ecological corridor map.

Fiscal Impact:

Not Applicable

Recommendation:

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel Planning Commission Agenda Information

Date:

February 28, 2012

Agenda Item Number:

6.0

Agenda Item:

Internet Distribution Sales Discussion

Requested Action:

Internet Distribution Sales Discussion

Background Information:

At the January 24 Planning Commission meeting, Mr. DiMuzio and Mr. Valder of Valder Vehicles made a presentation discussing open sales lot. After much discussion, Planning Commission recommended staff to propose a zoning text amendment that would allow for open sales lots with regulations.

City Council discussed this same matter at their regular scheduled meeting on February 1 and again on February 15. It is the consensus of City Council, City Attorney, and Staff that the proposed business can be defined as "Internet Distribution Sales". The City Attorney drafted a definition for "Internet Distribution Sales" and Staff and the City Attorney have developed draft language to regulate the use. The draft language was provided to City Council at the February 15 meeting. City Council directed staff to proceed with the zoning text amendment.

The proposed changes are as follows:

Attachment #1 is the proposed definition to be added to Section 01. General Provisions of Administration:

Internet Distribution Sales: A business predicated on sales through internet communication elements of which consist of the following: ninety-five (95) percent of all sales are initiated and secured through internet communication between buyer and seller with minimal or no need for on-business-site negotiation between buyer and seller; the business has no pre-sale acquired inventory; all sales are substantially completed before the product is delivered to the business site for delivery to the customer; there is little or no need for business site signage with the exception of basic identification signage; there is also no need for on-site advertising signage; there is minimal need for product storage on site with the exception of product awaiting customer pickup; there is limited need for outside storage and no product being stored on site will require storage beyond forty-five (45) days; and no product repair is conducted indoors.

Attachment #2 is the proposed language to be added to the permitted interim uses in Section 47. Highway Commercial (B3) District.

Attachment #3 is the proposed changes to Section 10. General Development Regulations:

19. Internet Distribution Sales

- A. An interim use permit is required and is limited to no more than two (2) years in duration, upon initiation or renewal.
 - 1) Ninety-five (95) percent of all sales shall be initiated and secured through internet communication between buyer and seller with minimal on site negotiations.
 - 2) Exterior storage area for motor vehicles is limited to 4,000 square feet. Exterior storage of vehicles is limited to no more than twenty (20) vehicles.
 - 3) Exterior storage of inoperable vehicles, equipment, parts, or materials used in the conduct of the business is prohibited. On site storage of damaged vehicles is prohibited.
 - 4) Minor vehicle maintenance is permitted as an accessory use as to vehicles awaiting sale and delivery only, within a structure. All vehicles awaiting maintenance must be stored inside the principal structure.
 - 5) No pre-sale inventory shall be stored on site
 - 6) The sales area shall not take up or interfere with access to any required parking spaces.
 - 7) Sales area shall be surfaced with concrete or bituminous and shall meet required parking setbacks. Sales must not occur in the right-of-way.
 - 8) All necessary state and city licenses shall be obtained prior to operation.
 - 9) Business owner must submit vehicle sales records as requested by city staff within fourteen (14) days of request.
 - 10) All signs associated with the use shall be in compliance with the East Bethel Sign Ordinance.

Attachments:

- 1. DRAFT – Section 01. General Provisions of Administration – Internet Distribution Sales Defined
- 2. DRAFT – Section 47. Highway Commercial (B3) District – Permitted Interim Uses
- 3. DRAFT – Section 10. General Development Regulations for Internet Distribution Sales

Recommendations:

Staff requests Planning Commission discuss the proposed changes and provide staff with comments and suggestions.

Also, staff requests Planning Commission provide staff with direction to hold a public hearing at the March 27, 2012 Planning Commission meeting for the proposed changes to the zoning code.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

SECTION 01
GENERAL PROVISIONS OF ADMINISTRATION

Inoperative Vehicle: A vehicle incapable of movement under its own power.

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use: A temporary use of property until a particular date, the occurrence of a particular event, a violation of the permit, or until zoning regulations no longer permit it.

Junk Yard: An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the MPCA, any of which are wholly or partly within one-half mile of any rights-of-way, whether maintained in connection with another business or not, where waste, or discarded material stored is equal in bulk to five (5) or more motor vehicles and which is to be resold for used parts or old iron, metal, glass, or other discarded material.

kennel, Commercial: Any place where a person accepts dogs from the general public and which are kept for the purpose of boarding.

kennel, Private: Any place where more than two (2) dogs, over four (4) months of age are kept or harbored, provided such animals are owned by the owner or lessee of the premises on which they are kept or harbored, and the owner or lessee of said premises is not conducting a business operation involving the dogs, whether for-profit or non-profit.

Internet Distribution Sales: A business predicated on sales through internet communication elements of which consist of the following: ninety-five (95) percent of all sales are initiated and secured through internet communication between buyer and seller with minimal or no need for on-business-site negotiation between buyer and seller; the business has no pre-sale acquired inventory; all sales are substantially completed before the product is delivered to the business site for delivery to the customer; there is little or no need for business site signage with the exception of basic identification signage; there is also no need for on-site advertising signage; there is minimal need for product storage on site with the exception of product awaiting customer pickup; there is limited need for outside storage and no product being stored on site will require storage beyond forty-five (45) days; no product repair is conducted indoors.

SECTION 47
HIGHWAY COMMERCIAL (B-3) DISTRICT

5. Interim Uses

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Drive-thru Services.
- C. Communication Towers.
- D. Internet Distribution Sales; limited to no more than a two(2)-year permit.
- E. 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 01. General Provisions of Administration.

7. Development Regulations

A. Minimum Lot Requirements.

- 1) Lot Area
 - a) With sewer and water 23,000 square feet
 - b) Without sewer and water 10 acres
- 2) Lot Width 100 feet (with or without sewer)

B. Setbacks.

- 1) Front Yard 40 feet
 - a) City right-of-way 40 feet
 - b) State/County right-of-way 100 feet
- 2) Side Yard 10 feet

SECTION 10
GENERAL DEVELOPMENT REGULATIONS

19. Internet Distribution Sales

- A. An interim use permit is required and is limited to no more than two (2) years in duration, upon initiation or renewal.
- 1) Ninety-five (95) percent of all sales shall be initiated and secured through internet communication between buyer and seller with minimal on site negotiations.
 - 2) Exterior storage area for motor vehicles is limited to 40,000 square feet. Exterior storage of vehicles is limited to no more than twenty (20) vehicles.
 - 3) Exterior storage of inoperable vehicles, equipment, parts, or materials used in the conduct of the business is prohibited. On site storage of damaged vehicles is prohibited.
 - 4) Minor vehicle maintenance is permitted as an accessory use as to vehicles awaiting sale and delivery only, within a structure. All vehicles awaiting maintenance must be stored inside the principal structure.
 - 5) No pre-sale inventory shall be stored on site.
 - 6) The sales area shall not take up or interfere with access to any required parking spaces.
 - 7) Sales area shall be surfaced with concrete or bituminous and shall meet required parking setbacks. Sales must not occur in the right-of-way.
 - 8) All necessary state and city licenses shall be obtained prior to operation.
 - 9) Business owner must submit vehicle sales records as requested by city staff within fourteen (14) days of request.
 - 10) All signs associated with the use shall be in compliance with the East Bethel Sign Ordinance.

EAST BETHEL PLANNING COMMISSION MEETING

January 24, 2012

The East Bethel Planning Commission met on January 24, 2012 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Lorraine Bonin Brian Mundle, Jr. Glenn Terry Lou Cornicelli
Eldon Holmes Tanner Balfany (arrived 7:02)

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda Chairperson Terry called the January 24, 2012 meeting to order at 7:00 P.M.

Terry motioned to adopt the January 24, 2012 agenda. Holmes seconded; all in favor, motion carries.

Commission Appointment and Oath of Office

On January 4, 2012, City Council held interviews of interested residents and commission members wishing to continue work for the Planning Commission. City Council appointed the following to the Planning Commission:

1. Eldon Holmes, term expires January 31, 2015
2. Joe Pelawa., term expires January 31, 2015
3. Glenn Terry, term expires January 31, 2015

Each commissioner will be taking an oath of office this evening. Joe Pelawa is absent this evening and will take his oath at the February meeting.

I, Glenn Terry, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Eldon Holmes, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

Elect Chairperson The Planning Commission is to elect a chairperson from among the appointed members for the term of one (1) year.

East Bethel City Code states that chairpersons shall serve for one year; however, no chairperson shall be elected who has not completed at least one year as a member of the commission. Commission members eligible for chairperson include Bonin, Holmes, and Mundle.

City Staff is requesting the Planning Commission to elect a member of the commission as chairperson for the term of one (1) year, starting on January 24, 2012 and expiring on December 31, 2012.

Terry stated the sitting chair cannot be elected as chairperson.

Bonin nominated Holmes as Chairperson. Terry seconded it. Discussion ensued. Cornicelli stated unless Mundle wanted to do it. Mundle stated he would be interested. The Commission could do ballots. Holmes said shall we make it easy, and he will let Mundle do it. **Motion recanted.**

Balfany motioned to elect Mundle as the Chairperson for the 2012 year. Terry seconded, motion carries, unanimously.

**Public Hearing:
Amendment to
Interim Use Permit -**
A request by applicant,
Linda Gutzkow, to
amend her Interim Use
Permit to expand
cosmetic services at
20825 Tyler St. NE,
East Bethel.

Linda Gutzkow
20825 Tyler Street NE
East Bethel, MN 55011
PIN 183323410033

Ms. Gutzkow is requesting an amendment to her IUP to expand her home occupation. In 2006, an IUP was approved to allow an FDA approved electrology business known as Linda Gutzkow's Permanent Cosmetics. Ms. Gutzkow would like to include the following services as part of the home occupation: teeth whitening, facial sculpting, permanent makeup (eyebrows, eyeliner, eye shadow, lips), and micro pigmentation.

Currently Ms. Gutzlow practices permanent cosmetics at two (2) spa locations (Andover and Crystal), and performs electrolysis from her residence. She is licensed by the Department of Health so she is able to provide the services. In order to perform permanent cosmetics from the residence, Ms. Gutzkow must obtain a license from Anoka County Community Health and Environmental Services Department. Ms. Gutzkow has applied for the license and staff has been in contact with Mr. Daniel Disrud regarding the license. Ms. Glutzkow is working with Anoka County to address the concerns that need to be addressed.

The hours of operation are Monday - Friday, 8:00 am - 9:00 pm, and Saturday, 9:00 am - 5:00 pm. The duration of the treatments last between 15 minutes to 2 hours.

Parking needs generated by the home occupation shall be provided on-site, in the designated driveway.

City Staff is requesting the Planning Commission recommend approval to the City Council of an amendment to the IUP for a home occupation to include permanent cosmetics applied to the face, teeth whitening, and facial treatments for Linda Gutzkow (d.b.a. Linda Gutzkow's Permanent Cosmetics), located at 20825 Tyler Street NE, PIN 183323410033, with the following conditions:

1. Home occupation shall meet standards in East Bethel City Code, Appendix A, Zoning, Section 10.19 Home Occupations.

2. The IUP excludes body art tattooing and piercings.
3. The IUP includes electrolysis, permanent cosmetics applied to the facial area (eyebrows, eyes, cheeks, and lips), teeth whitening, and facial treatments. Other services not covered require an amendment to the IUP.
4. Hours of operation will be Monday - Friday, 8:00 am - 9:00 pm, and Saturday, 9:00 am - 5:00 pm.
5. Client parking must be on the residence driveway.
6. IUP must be executed prior to performing cosmetic services.
7. Property Owner/Applicant must submit copy of certification from the American Institute of Education and required permit from Anoka County Community Health and Environmental Services Department prior to performing cosmetic services.
8. Violations of conditions and city ordinances will result in the revocation of the IUP.

Public hearing was opened at 7:10 p.m. and was closed at 7:11 p.m.

Linda Gutzkow - 20825 Tyler Street - was at the meeting to answer any questions the Commission has.

Holmes asked about the other two locations in Andover and Crystal. Gutzkow stated she rents space there and she does the same operation at those locations. The one in Crystal is licensed through the state for two more years. The one in Andover is only licensed through April. She explained the licensing has gotten very expensive through the state.

Bonin asked how her schedule works. Gutzkow stated she works in Crystal on Thursdays and she works at Andover on different days because it is closer. She also stated after being in business this long, she gets most of business through client referrals and finding her on the Internet, so it is no longer as crucial to be in a spa.

Balfany asked how many come to see her at her home at this time. Gutzkow stated she has about 3 to 5 clients a week. There is only one client at the house at a time.

Gutzkow did a survey of the neighborhood, and got the feedback from the neighbors. The surveys were all supportive of her business. She didn't get any negative feedback from the neighborhood. Hanson stated there have not been any complaints from the neighborhood.

Balfany asked how many cars fit in the driveway. Gutzkow stated at least five. Holmes asked how many people visited her in her commercial locations. Gutzow said anywhere between 4 and 6.

Terry asked if the change of licensing fee is the only reason she would be discontinuing service at the other locations. She stated there are other reasons, such as the equipment for electrolysis is very large. In addition to that, scheduling is always challenging at spas.

Mundle asked with the additional services, will there be more area taken up in your house for this. Gutzkow stated that it will not take up any more room. She stated the sunroom is where she does her services.

Mundle stated with the license you are applying for with Anoka County Community Health. Gutzkow stated the County is waiting on authorization from the City of East Bethel. Once they get that they will come out and do an inspection. Bonin asked if this is a full-time job. She stated this is part-time job, she has four children.

Terry motioned to recommend approval to the City Council of an amendment to the IUP for a home occupation to include permanent cosmetics applied to the face, teeth whitening, and facial treatments for Linda Gutzkow (d.b.a. Linda Gutzkow's Permanent Cosmetics), located at 20825 Tyler Street NE, PIN 183323410033, with the following conditions:

1. **Home occupation shall meet standards in East Bethel City Code, Appendix A, Zoning, Section 10.19 Home Occupations.**
2. **The IUP excludes body art tattooing and piercings.**
3. **The IUP includes electrolysis, permanent cosmetics applied to the facial area (eyebrows, eyes, cheeks, and lips), teeth whitening, and facial treatments. Other services not covered require an amendment to the IUP.**
4. **Hours of operation will be Monday - Friday, 8:00 am - 9:00 pm, and Saturday, 9:00 am - 5:00 pm.**
5. **Client parking must be on the residence driveway.**
6. **IUP must be executed prior to performing cosmetic services.**
7. **Property Owner/Applicant must submit a copy of certification from the American Institute of Education and required permit from Anoka County Community Health and Environmental Services Department prior to performing cosmetic services.**
8. **Violations of conditions and city ordinances will result in the revocation of the IUP.**

Seconded by Bonin; all in favor, motion carries unanimously.

This matter will be heard at the Wednesday, February 1, 2012 City Council meeting.

**Discussion –
Automobile Open
Sales Lots –
Presentation by Ryan
DiMuzio**

Mr. DiMuzio would like to discuss the possibility of operating an open sales lot at the former Ham Lake Motors site located at 18803 Highway 65, East Bethel.

Hanson states that Ham Lake Motors has an active Motor Vehicle Dealer's License from the state, however, it has not operated an open sales lot in East Bethel for at least the last three years. Since city code does not allow this type of use, an open sales lot is considered nonconforming. City code Appendix A, Zoning, Section 5.2 states that "nonconforming uses may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion unless the nonconforming use or occupancy is discontinued for a period of more than one year." This language is in conformance with Minn.

Statutes 462.357, Subd.1e. Nonconformities.

The only possible way for an open sales lot to operate from the property would be with a zoning text amendment (ZTA) to allow this type of use in the B3 – Highway Business District. Staff has approached the City Attorney asking for options to address the issue. The City Attorney stated that the City Council could amend the zoning code to allow an interim conditional use permit for such uses that would terminate as the property is transitioning to another use and to put a timeframe on the permit. ZTA's require the formal process of a public hearing at Planning Commission and approval of City Council. The process is typically 8 – 12 weeks.

This particular issue has been in discussion among staff and the tenants of the property since fall 2011. In September of 2011, staff sent a letter to the property owner, Tim Chies. The letter explained the ZTA process. Mr. Chies, being the property owner, could apply for a ZTA. Staff recommended he submit a letter to Mr. Jack Davis, City Administrator, with the request. Staff has not had contact with Mr. Chies.

Mr. DiMuzio would like to present his proposal of operating an open sales lot at 18803 Highway 65. Again, an open sale lot would only be allowed with an approved ZTA and permit.

Staff has the following recommendations and request:

1. Staff recommends Planning Commission allow Mr. DiMuzio to present his proposal of operating an open sales lot at 18803 Highway 65 that will only be permitted with an approved ZTA amendment and permit.
2. Staff recommends Planning Commission discuss the possibility of amending the zoning code to allow an open sales lot in the B3 – Highway Business District as an Interim Conditional Use Permit.

Staff requests Planning Commission make a recommendation to City Council to either give staff direction to move forward with a ZTA to amend the B3 – Highway Business District to allow open sales lots as an Interim Conditional Use Permit, or to make no changes to the zoning code.

Ryan DiMuzio stated that him and Jordan Valder talked with Mr. Chies. He said when they talked with Mr. Chies he had stated they could operate the business at his site so they leased the facility. They spent a lot of their money redoing the structure and they also understand the property will be zoned differently in the future with the City Center. Their auto sales lot is not about flags and gorillas. It won't be a typical 'stage your car' lot. They are a broker [of vehicles], which means they will go find the vehicle for you and they will bring it to their lot to have the potential purchaser look at the vehicle.

DiMuzio passed out an executive summary to the Commission members and then read it to the Commission members.

DiMuzio stated there is a need in East Bethel for a large selection of quality used

cars, and Valders Vehicles will sell these top-quality used vehicles at a competitive price.

DiMuzio stated that between the owner and General Manager we have over 25 years of combined experience in new and used auto sales. They will continue to develop an excellent working relationship with local dealers and auctions to bring the savings to the customer.

We will be successful because we offer something different; a pleasant car buying experience. We will create a purchasing environment that caters to the customer's wants and needs. We are selling a professional service and an experience in car buying that will bring the customers back time and time again, as well as referring friends and family. We estimate an optimistic gross margin over the industry average driving revenue into our own city.

The overall objectives are: 100% customer satisfaction, measured through repeat customers, referrals and surveys; to achieve and surpass the industry average profit margin within the first two-years; and to achieve a respectable net profit by year two.

DiMuzio stated that Valders Vehicles will provide a unique car buying experience to the customer in the city of East Bethel and the surrounding Anoka county area. One that focuses on the customer satisfaction first. We understand that vehicle purchasing is a necessary, but sometimes unpleasant, experience. Our goal is to provide the customers with an enjoyable, honest service by satisfying individual customers practical transportation needs with a quality product.

We also believe it is important to have quality vehicles at low cost. Our company will make a profit by generating sales. It will provide job satisfaction and fair compensation to its employees, and a fair return to its owners and the city. Hard work and performance is rewarded through bonuses and commissions. Job satisfaction is very important for employees and owners; we will create a work environment that is enjoyable and profitable for all, including the City of East Bethel.

To succeed in this business, they must: secure an excellent high-traffic location, establish a network of suppliers, in order to buy and sell projects that are of the highest reliability and quality, at a competitive price; and ensure customer satisfaction by encouraging the two most important values, honor and integrity.

DiMuzio stated they currently have everything in place, except for the license.

Bonin asked if the ages of the cars are older or newer. Valder stated they are 2000 or newer. He stated to be in compliance with the State, they need to put up a sign stating that.

Valder explained the interior of the building has been redone. The insulation has been redone because it was rat infested. They have spent their savings to make this work, but the property owner wasn't honest about licensure.

Terry asked why they need a high traffic area, if it is an Internet business. They said it is more for location for people to come to and ease in giving directions.

Holmes stated they haven't had their own business before, but you are going to run this business. Valder said yes. Holmes said if someone wants to come in and look at the cars, can people come and look at it. Valder said yes, they can; if we have someone who wants a Suburban, and we purchase it and get it to our lot, then the potential buyer doesn't want it, we are stuck with the Suburban. So that vehicle will sit on our lot and potential buyers can stop and look at it.

Holmes asked why we need this business in East Bethel. Valder replied one main reason is they think this would completely benefit the building. He said with us being there, or until someone buys the property, we will keep the building and property up.

Balfany asked if you are currently operating at that location. Holmes said you still need the license from the State. Valder said yes, it needs to be transferred from Spring Lake Park to this location.

Balfany said we had a discussion about car dealerships in the City at our last meeting. The discussion centered on adding another car lot on that frontage area on Highway 65. That was one concern just another lot sitting there again. Valder replied our lot won't look like the typical lot, it is cleaned up and looking good. In the rear area of the lot, they have cut down fences and dragged carpet, etc that was out there. They also have plans to paint the facility. There will be no expansion, no flags, no vehicles on ramps, etc. They began leasing the property on August 1, 2011. Holmes said you have rented it that long and haven't had any money coming in. DiMuzio replied yes and explained he used to be all about business, business, business and he wants to spend more time with his kids. He wants to have a place of business two miles from his house.

Hanson stated she has talked with the City Attorney, said that other cities do Interim Conditional Use Permits, language in the code where the permit expires when the property transitions to another use.

Balfany asked what the precedence would be - if you allow it as an Interim Use - it would be for all of B3. Hanson stated yes, and B3 is located south of the City center along Hwy 65.

Mundle asked if we would recommend approval for any of this, it is not just for them. Hanson stated the permit could go with the lot. Mundle stated that in two months from now if the property owner kicks them off, he could start another car lot sale, what would happen? Hanson said that is a good question for legal counsel. Balfany asked would the permit follow the property or the owner. Hanson said she will check with legal counsel.

Hanson said this is something that staff would have to come back to Planning Commission about. Hanson explained that Mr. Chies will have to complete the application requesting a ZTA. DiMuzio and Valder stated that Mr. Chies is willing to do the ZTA.

Bonin made a motion to make a recommendation to City Council to move forward with a ZTA to amend the B3 – Highway Business District to allow open sales lots as an Interim Conditional Use Permit. Mundle seconded. Balfany wanted to amend the motion to include there should be time constraints on the amendment, the amendment was accepted.

Holmes stated he didn't think there could be a time limit on it. Hanson stated there can be time limit language added according to the City Attorney.

Terry provided a second amendment to the motion providing that the Zoning Text Amendment be tailored to some of their items they stated they are not, such as any flags, any car lifts, etc. Amendment was accepted. All in favor, motion carries.

Update: Marketing & Branding Consultant, Ady Voltedge

This will be discussed at the Wednesday, February 1 City Council Meeting. On December 14, 2011, the Economic Development Authority and the City Council held a joint meeting to interview consultants for the city marketing and branding strategy. The city entered into contract with Ady Voltedge from Madison, WI to provide the services. As part of the consulting services, Ady Voltedge will review the city comprehensive plan.

Attachment 1 is the schedule of services to be performed. The marketing and branding services will wrap up in May 2012. The first public meeting to occur is a stakeholder's meeting on Wednesday, February 1, 2012 from 8:00 am – 9:30 am located at the East Bethel Senior Center. Stakeholders invited include community leaders such as commissions and business owners. Staff recommends Planning Commission members attend the meeting. The meeting will be informational and the consultants will answer questions from community leaders. After the stakeholder meeting, the consultants will conduct individual interviews of selected community leaders. The individual interviews will occur over a period of two (2) days.

Planning staff has Ady Voltedge's Economic Development Plan and Marketing Plan Proposal for your review upon request. This is just an informational item. The meeting will be next Wednesday morning.

Ady Voltedge will have a community survey available to capture more responses through the general public. The survey isn't only for residents. The big thing is to get at least 300 responses through the website. It is to collect information from people on what their thoughts of East Bethel are. She will continue to keep the Commission updated on the plan.

Approve November 22, 2011 Planning Commission Meeting Minutes

Terry motioned to approve the November 22, 2011 minutes as presented. Holmes seconded; all in favor, motion carries.

Adjourn

Mundle states that the last meeting we talked about the landfill, and he was wondering if the PCA would be coming to the meeting. Hanson stated the person from the PCA has not been available. Hanson stated that the comprehensive plan amendment regarding the landfill changes has been postponed until at least this summer. The marketing consultant will be reviewing the comprehensive plan

and may be making recommendations to change some land uses along Highway 65. Staff will submit one amendment as the Met Council frowns upon many amendments to the comp plan. So we will let the consultant do what they need to do first and then make a submittal to Met Council.

Holmes made a motion to adjourn the meeting at 7:54 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT