

City of East Bethel
Amended Planning Commission Agenda

7:00 PM

January 24, 2012



| | | Item |
|---------|------------|--|
| 7:00 PM | 1.0 | Call to Order |
| 7:02 PM | 2.0 | Adopt Agenda |
| 7:04 PM | 3.0 | Commission Appointment and Oath of Office |
| 7:08 PM | 4.0 | Elect Chairperson |
| 7:10 PM | 5.0 | 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. |
| 7:25 PM | 6.0 | Motor Vehicle Sales Discussion, Presentation by Ryan DiMuzio |
| 7:45 PM | 7.0 | Update: Marketing & Branding Consultant, Ady Voltedge |
| 7:55 PM | 8.0 | Approve November 22, 2011 Planning Commission Meeting Minutes |
| 8:00 PM | 9.0 | Adjourn |



City of East Bethel Planning Commission Agenda Information

Date:

January 24, 2012

Agenda Item Number:

Item 3.0

Agenda Item:

Commission Member Appointment and Oath of Office

Background Information:

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.

Attachment:

1. Oath of Office



Oath of Office

City of East Bethel
East Bethel, Minnesota

Please raise your right hand and read aloud:

I, _____ 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:

January 24, 2011

Agenda Item Number:

4.0

Agenda Item:

Elect Planning Commission Chairperson

Requested Action:

Elect Planning Commission Chairperson

Background Information:

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.

Recommendation:

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.



City of East Bethel Planning Commission Agenda Information

Date:

January 24, 2012

Agenda Item Number:

5.0

Agenda Item:

Amendment to Interim Use Permit for Linda Gutzkow

Requested Action:

Consider Granting an Amendment to the Interim Use Permit (IUP) for a Home Occupation to Expand the Use to Cosmetic Services

Background Information:

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, eyeshadow, lips), and micropigmentation.

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

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

Attachments:

1. Location Map
2. Application

- 3. IUP 06-05
- 4. City Code Appendix A, Section 10.19, Home Occupation

Fiscal Impact:

Not Applicable

Recommendation(s):

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, 9:00 am - 8:00 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.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

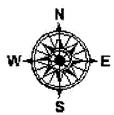
Vote No: _____

No Action Required: _____



Attachment #1

Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes at this time. This information is to be used for reference purposes only.
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LAND USE APPLICATION

| | |
|-----------------|-------------------|
| OFFICE USE ONLY | |
| Date Rec'd | _____ |
| By | _____ |
| Fee \$ | 150. ⁻ |
| RECEIVED | |

Check appropriate box:

- VARIANCE
 CUP
 IUP AMENDMENT
 FINAL PLAT
 BUSINESS CONCEPT PLAN
 PRELIMINARY PLAN
 SITE PLAN REVIEW
 OTHER *JSB*

DEC 20 2011

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

Application is hereby made for Linda Gutzkow's Permanent Cosmetics (provide narrative below describing proposed use).

to provide beautifying services from the sunroom. Services include Electrolysis (permanent hair removal),

Teeth whitening, facial sculpting (massage facial with microcurrent wands), permanent makeup to include eyebrows, eyeliner, eye shadow, lips, scalp micropigmentation. Probes and needles are disposable. One client arrives at 2:30pm.

LOCATION: PID 18-33-23-41-0033 Legal: Lot 1 Block 4 Subdivision HH Country Club

PROPERTY ADDRESS: 20825 Tyler St NE PRESENT ZONING: R-1

PROPERTY OWNER

CONTACT NAME Linda Gutzkow PHONE 763-434-3666
 ADDRESS 20825 Tyler St NE FAX _____
 CITY/STATE/ZIP Cedar, MN 55011 E-MAIL getupwithmakeup@msn.com

APPLICANT

CONTACT NAME Linda Gutzkow PHONE 763-439-7279
 ADDRESS 20825 Tyler St NE FAX _____
 CITY/STATE/ZIP Cedar, MN 55011 E-MAIL getupwithmakeup@msn.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.

Linda M Gutzkow
 Property Owner's Signature

Linda M Gutzkow
 Printed Name

12/16/11
 Date

Attachment #2

| OFFICE USE ONLY - DO NOT COMPLETE | | | |
|-------------------------------------|----------------|-----------------|-------|
| | Received | Approved/Denied | Notes |
| Community Dvlp. | _____ | _____ | |
| Planning Commission | <u>1/24/12</u> | _____ | |
| City Council | <u>2/1/12</u> | _____ | |
| <u>2/17/12</u> 60 Day _____ 120 Day | | | |

**INTERIM USE PERMIT
CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA**

IUP-06-05

This interim use permit is granted to Linda Gutzkow

for a home occupation/Electrology Business at 20825 Tyler St. NE.

in the City of East Bethel, County of Anoka and State of Minnesota, he/she having paid the fee of \$150.00 with application, and hearing held by the Planning and Zoning Commission, interim use permit approved by City Council as required by Ordinance of said City and Laws of said State. This interim use permit to be in effect on the 17th day of May 2006 with a yearly review by the Planning/Zoning Officer or until revocation and subject to the following conditions as checked and/or stated, and provided the holder shall conform to all the Ordinances of this City and Laws of this State now in force, or that may be enacted during the Continuance of this Permit.

CONDITIONS OF PERMIT

1. Home Occupation shall meet the specific standards for a Permitted Interim Use in the RR - Rural Residential Zoning District (Ordinance 168, Section IX, Subd. C.3.a) See back.
2. The square footage used as the home occupation shall not exceed fifty (50) percent of the floor area of principal structure.
3. The IUP shall be reviewed on a bi-annual basis by City Staff.
4. Hours of operation shall be between the hours of 9:00 am - 8:00 pm.
5. Violation of conditions and City Ordinances shall result in the revocation of the IUP.
6. The applicant shall submit a copy of required certification to the City upon successful completion of the electrology program through he American Institute of Education.

Given under our hands this 17th day of May A.D. 2006


Stephanie L. Hanson

City Planner/Coordinator

Attachment #3

COPY

- The home occupation shall be conducted entirely within the dwelling or in an accessory building.
- There shall be no more than three persons, at least one of whom shall reside within the dwelling, employed by the home occupation.
- No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
- 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.
- There shall be no exterior storage of products or materials, no display, and no advertising sign, except for a sign no larger than two square feet, which may be displayed on the premises.

COPY

K. The facility shall be an open-air type facility. A domed or any other type of covered facility is prohibited.

L. Flags shall be used for markers.

M. Maintenance-related equipment shall be kept within an enclosed structure.

N. Facilities shall be located on a collector or arterial roadway as defined in the comprehensive plan.

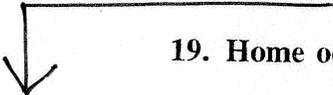
O. The minimum building setback shall be 50 feet from all property lines, except for accessory structures less than 120 square feet in area for which a 25-foot setback is required.

P. A site plan shall be approved by city council in accordance to [with] Section 04. Application[s] and Procedures.

18. Greenhouse, lawn and garden supplies.

Outdoor display of landscape plantings, materials, and lawn and garden supplies are subject to the following:

- A. Landscape materials and lawn and garden supplies are required to be located within an outdoor display confinement area, as specified in outdoor display of this section (Section 01. General Provisions of Administration).
- B. Outdoor display and storage of landscape plantings, materials and supplies, and lawn and garden supplies associated with retail nurseries and/or lawn and garden supply stores, and not located within an outdoor display confinement area, may be permitted on a permanent basis with a conditional use permit obtained pursuant to the provisions of Section 4. Applications and Procedure[s].



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.

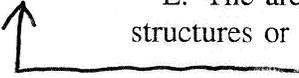
H. Parking needs generated by the home occupation shall be provided on-site.

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.



20. Motor vehicle repair.

A. No vehicles shall be parked on the premises other than those used by employees and customers awaiting service. Storage of salvage vehicles shall be prohibited.

B. The exterior storage area for vehicles awaiting service must be fenced and screened from the public right-of-way and neighboring properties.

C. All structures and ground shall be maintained in an orderly, clean, and safe manner.

21. Motor vehicle repair, major.

A. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall comply with the Minnesota Pollution Control Agency in the control of emission of fumes, dust, or other particulate matter in compliance with Minnesota pollution control standards.

B. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.

C. Outside storage of equipment, parts, or materials used in the conduct of the business is prohibited. The storage of damaged vehicles waiting for repair must be completely inside a building or within an area screened from view of all adjacent properties and the public right-of-way, in accordance with the provisions of Section 23. Screening Regulations.

D. Outdoor display of used vehicles for sale is not permitted.



City of East Bethel Planning Commission Agenda Information

Date:

January 24, 2012

Agenda Item Number:

Item 6.0

Agenda Item:

Discussion – Automobile Open Sales Lots – Presentation by Ryan DiMuzio

Requested Action:

Discussion and Recommendation to City Council Regarding Automobile Open Sales Lots

Background Information:

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.

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 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. Zoning text amendments 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 zoning text amendment (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.

Fiscal Impact:

Not applicable at this time

Recommendations:

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.
3. 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.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel Planning Commission Agenda Information

Date:

January 24, 2012

Agenda Item Number:

Item 6.0

Agenda Item:

Update: Marketing and Branding Consultant, Ady Voltedge

Requested Action:

Informational Only

Background Information:

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 during a period of two (2) days.

Planning staff has Ady Voltedge’s Economic Development Plan and Marketing Plan Proposal for your review upon request.

Attachment:

- 1. Branding and Marketing Plan Timeline

Fiscal Impact:

Not Applicable

Recommendation(s):

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____

In order to meet the stated objectives, we will use the methodology summarized below. Further description of each step is provided in the next section. Bullets represent key milestones. Yellow represents in-person meetings in East Bethel. Gray represents teleconferences/meetings with client.

| City of East Bethel Target Industry, Branding & Marketing Plan | | | | | | | | | | | | | | | | | |
|---|------------------|---|---|-----|---|-------|----|----|----|----------|-------|----|----|--|------------------------|---------------|--|
| Overview of Approach | Timeline (weeks) | | | | | | | | | | | | | | Format and Participant | Deliverables | |
| | 1 | 2 | 3 | 4-5 | 6 | 7-8-9 | 10 | 11 | 12 | 13-14-15 | 16-17 | 18 | 19 | | | | |
| PHASE ONE: BASELINE RESEARCH | | | | | | | | | | | | | | | | | |
| 1. Project Initiation Meeting | • | | | | | | | | | | | | | | | W, T | Shared goals, key dates, etc. |
| 2. Collection and Evaluation of Locational Data (locational criteria and synthesis; preparation of PowerPoint; review current website and collateral) | | • | | | | | | | | | | | | | | | Topline overview on how East Bethel, Anoka County, Greater MSP region, and MN rate on the key locational criteria used by site selectors |
| 3. Retail Market Analysis (analysis, reporting and presentation) | | • | | | | | | | | | | | | | | | Understanding of retail supply/demand in East Bethel region |
| 4. In-Person Stakeholder Input (single stakeholder meeting) | | | • | | | | | | | | | | | | | S, I | Input from local stakeholders on regional assets and weaknesses |
| 5. Online Stakeholder Survey | | | | | • | | | | | | | | | | | | Extensive input on assets, perceptions, etc. |
| 6. Analysis and Summary of Findings to Date | | | | | | | | | | | | | | | | | Analysis and summary of all findings to date |
| 7. Presentation of Findings to Date | | | | | | | | • | | | | | | | | W, T, R | Discussion and presentation |
| PHASE TWO, PART A: TARGET INDUSTRY ANALYSIS | | | | | | | | | | | | | | | | | |
| 1. Preliminary Target Industry Analysis | | | | • | | | | | | | | | | | | | Identification of industries (2-3 digit NAICS) that are big, growing, or both in the East Bethel region |
| 2. Client Conference | | | | | • | | | | | | | | | | | W, T | Agreement on direction |
| 3. Filtering of Target Industries: a. Labor Market Match | | | | | | • | | | | | | | | | | I (for inter- | Refinement of target industries and systematic match against available labor and the experiences of regional |

Economic Development Plan & Marketing Plan Proposal: Rev. 1-10-12

| b. Employer Interviews | | | | | | | | | | | | | | | | | | | | views) | employers |
|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------------|--|
| 4. Development of Proposed Target Industries | | | | | | | | | | | | | | | | | | | | W, R | Proposed target industries |
| 5. Work Session on Target Industries | | | | | | | | | | | | | | | | | | | | W, T | Agreement on direction |
| 6. Finalize Target Industries | | | | | | | | | | | | | | | | | | | | W, R | Agreement on direction |
| 7. Meeting: Recommended Target Industries | | | | | | | | | | | | | | | | | | | | S, I, R | Identification of highest-opportunity industries for attraction and expansion purposes |
| PHASE TWO, PART B: ECONOMIC DEVELOPMENT PLAN REVIEW | | | | | | | | | | | | | | | | | | | | | |
| 1. Comprehensive Plan review | | | | | | | | | | | | | | | | | | | | | Review existing Comp Plan, note questions. |
| 2. Stakeholder Input (one-on-one interviews over two days plus selected telephone interviews) | | | | | | | | | | | | | | | | | | | | I | Conduct two full days of interviews in East Bethel with stakeholders, city staff, and elected officials; telephone interview with Met Council if appropriate |
| 3. Action Plan development | | | | | | | | | | | | | | | | | | | | R | Develop recommendations for what should occur next (who, what, and when) as it relates to overall E.D. plan. |
| 4. Presentation/Discussion of Review Findings and Recommended Next Steps | | | | | | | | | | | | | | | | | | | | W, S; I, R | Present plans to group; finalize; agree on next steps. |
| PHASE THREE: POSITIONING & BRANDING | | | | | | | | | | | | | | | | | | | | | |
| 1. Development of Positioning Statement and Recommendation on Logo | | | | | | | | | | | | | | | | | | | | | How the City of East Bethel differentiates itself among core audiences |
| 2. Work Session on Positioning and Recommendation on Logo | | | | | | | | | | | | | | | | | | | | W, I | Agreement on next steps |
| 3. Implementation of Branding Recommendations | | | | | | | | | | | | | | | | | | | | | TBD based on recommendations |
| PHASE FOUR: MARKETING PLANNING | | | | | | | | | | | | | | | | | | | | | |
| 1. Development of Situation Analysis, Audiences, & Marketing Strategies | | | | | | | | | | | | | | | | | | | | | First half of marketing plan |
| 2. Client Teleconference | | | | | | | | | | | | | | | | | | | | W, T, R | Approval of first half of marketing plan |
| 3. Development of Tactics, Timeline & Budgets | | | | | | | | | | | | | | | | | | | | | Second half of marketing plan |
| 4. Presentation of Comprehensive Marketing Plan & Discussion of Next | | | | | | | | | | | | | | | | | | | | S, I, R | Approval of complete marketing plan |

EAST BETHEL PLANNING COMMISSION MEETING

November 22, 2011

The East Bethel Planning Commission met on November 22, 2011 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda

Chairperson Terry called the November 22, 2011 meeting to order at 7:02 P.M.

Terry motioned to adopt the November 22, 2011 agenda. Mundle seconded; all in favor, motion carries.

Metes and Bounds Subdivision for Genevieve Sylvester Family Limited Partnership to

subdivide a 40-acre parcel into 2 metes and bounds lots: one lot being a 10-acre parcel (zoned B-3, Highway Business), the other lot being a 30-acre parcel (zoned I, Light Industrial); located at 1742 221st Ave. NE, PIN 08-33-23-11-0003.

Consider Approval of the Metes and Bounds Subdivision Request for Genevieve Sylvester Family Limited Partnership

Background Information:

Property Owner:

Genevieve Sylvester Limited Partnership
933 135th Court NE
Ham Lake, MN 55304

Applicant:

Eileen Frisch
933 135th Court NE
Ham Lake, MN 55304

Property Location:

1742 221st Avenue NE
East Bethel, MN 55011
PIN 08-33-23-11-0003

Genevieve Sylvester Limited Partnership and the applicant are requesting approval for a metes and bounds subdivision. The original parcel is forty (40) acres in size. The subdivision would create two (2) parcels: one (1) parcel being ten (10) acres (original homestead site) and one (1) parcel being thirty (30) acres. City Code states that metes and bounds subdivisions are required to have a minimum of 5 acres, however, if the parcel is in the future municipal services area, 10 acre minimums are required. The subdivision meets current city code requirements.

The property is zoned B3- Highway Business and I-Light Industrial (attachment 3). The legal, non-conforming homestead is located on the B3 – Highway Business zoned property. Once the property is subdivided, the homestead will be ten (10) acres in size and zoned B3 – Highway Business. The remaining thirty (30) acres is zoned I-light industrial with the northwest corner zoned B3- Highway business.

Lot information is as follows after the metes/bounds subdivision request (attachment 5):

Parcel A

Lot Size: 10 acres
Buildable Area: +/- 8 acres
Street Access: 221st Avenue NE
Street Frontage: 789+ feet

Parcel B

Lot Size: 30 acres
Buildable Area: +/- 20 acres
Street Access: 221st Avenue NE
Street Frontage: 538 feet

The homestead has four (4) detached accessory structures that total 3,600 square feet. City code allows four structures on parcels greater than five (5) acres. 3,600 square feet is the maximum amount of square footage allowed on a ten (10) acre parcel.

The metes and bounds subdivision has been placed on the December 14, 2011 Parks Commission meeting agenda, at which time the Parks Commission will recommend to City Council the park dedication. City code requires park dedication for commercial parcels to be either five (5) percent of land or cash equal to the market value of the land, not to exceed \$4,500 per acre. If cash is the recommended park dedication, the property owners will be required to submit an appraisal to City Council. The park dedication fee will be determined by the approved appraisal.

At this time the property owner(s) are requesting the park dedication fees be paid at the time "parcel B" is platted. Park dedication fees will be paid for parcel A and parcel B at the time of platting. It has been recommended by Mark Vierling, City Attorney, that a pre-development agreement be executed. The agreement will state that the property owners for parcel B will assume the responsibility of paying park land dedication fees for parcel A and parcel B at the time parcel B is platted. A draft of the agreement will be presented to City Council.

Attachments:

1. Site Location
2. Application
3. Zoning Map of Property
4. Existing Survey
5. Proposed Subdivision Survey

Recommendation:

City staff is requesting Planning Commission recommend a metes and bounds subdivision approval to subdivide 40 acres to create two (2) parcels being 10 acres, and 30 acres for the parcel known as 1742 221st Avenue NE, PIN 08-33-23-11-0003, with the following conditions:

1. Property owners must file a drawing identifying the location of the current septic system, well, and secondary location for the septic system.
2. A current ownership and lien report must be provided for the affected lands.
3. Prior to building permits being issued for “parcel B”, primary and secondary sites for water and septic systems must be identified.
4. Dedication of storm water ponding area is required before any further development is allowed or building permits issued.
5. Pre-development Agreement must be executed to address future payment of park dedication fees for parcel A and parcel B.

Ray Sylvester is here to answer any questions the Commission may have.

Mundle asked why they would like the property split up. Sylvester said to segregate the house from the rest of the property. It currently is a 40 acre parcel that is not sellable. Hopefully the parcel where the house is can be sold and then move on. They will retain the other 30 acres. If properties were moving, they would like to sell the whole parcel.

Balfany asked if the home is currently occupied. Yes, it is maintained stated Sylvester. Balfany said once this happens, then the house would go on the market. Sylvester said yes. Balfany asked about the septic. Sylvester stated it is all on parcel B.

Voltin motioned to recommend to City Council a metes and bounds subdivision approval to subdivide 40 acres to create two (2) parcels being 10 acres, and 30 acres for the parcel known as 1742 221st Avenue NE, PIN 08-33-23-11-0003, with the following conditions:

- 1. Property owners must file a drawing identifying the location of the current septic system, well, and secondary location for the septic system.**
- 2. A current ownership and lien report must be provided for the affected lands.**
- 3. Prior to building permits being issued for “parcel B”, primary and secondary sites for water and septic systems must be identified.**
- 4. Dedication of storm water ponding area is required before any further development is allowed or building permits issued.**
- 5. Pre-development Agreement must be executed to address future payment of park dedication fees for parcel A and parcel B.**

Balfany seconded; all in favor, motion carries unanimously.

This will go before the City Council on December 22, 2011.

**Discussion
concerning Home
Occupations**

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

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

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

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

Recommendation:

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

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

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

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

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

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

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

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

**Discussion
concerning Closed
Landfill Program**

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

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

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

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

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

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

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

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

Adjourn

Mundle made a motion to adjourn the meeting at 7:32. Balfany seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT