

City of East Bethel

Planning Commission Agenda

7:00 PM

November 23, 2010



		Item	
7:00 PM		1.0	Call to Order
7:03 PM		2.0	Adopt Agenda
7:10 PM	Pp. 1-5	3.0	Public Hearing: Interim Use Permit. A request by owner/applicant, Our Saviour's Lutheran Church, to obtain an Interim Use Permit for continued use of the property as a worship center. The location being 1562 and 1644 Viking Blvd. NE, East Bethel, MN 55011, PIN 29 33 23 41 0001 and 29 33 23 41 0002. The Zoning Classification is CC - City Center District.
7:20 PM	Pp. 6-18	4.0	Public Hearing to consider adoption of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code which includes amending driveway access and standards, and further defining essential government services.
7:45 PM	Pp. 19-24	5.0	Approve October 26, 2010 Planning Commission Meeting Minutes
7:50 PM		6.0	Adjourn



City of East Bethel Planning Commission Agenda Information

Date:

November 23, 2010

Agenda Item Number:

Item 3.0

Agenda Item:

Public Hearing: Interim Use Permit (IUP) Request for a Place of Worship in the City Center (CC) Zoning District

Requested Action:

Consider Approval of an IUP for a Place of Worship in the CC District for Our Saviour’s Lutheran Church

Background Information:

Property Owner/Applicant:

Cynthia Delmonico
Our Saviour’s Lutheran Church
19001 Jackson Street NE
East Bethel, MN

Property Location:

1562 and 1644 Viking Blvd. NE
East Bethel, MN
PINs: 29-33-23-41-0001
29-33-23-41-0002

The property owner is requesting an IUP for the continued use of the property located at 1562 and 1644 Viking Blvd. NE, East Bethel, as a place of worship as defined by city code. Place of worship is defined as, “A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.”

Our Saviour’s Lutheran Church used the property on Viking Blvd. as a place of worship for approximately 70 years. About 5½ years ago, a new facility was built at 19001 Jackson Street and worship services moved to the new facility. The property on Viking Blvd. continued to be used for other uses accessory to a place of worship such as a daycare center and food shelf.

In 2007, Zoning Ordinance 203 was approved by City Council. As part of the new zoning code, place of worship was not a permitted use in the City Center District. This resulted in the property owned by Our Saviour’s Lutheran Church on Viking Blvd. to become a legal, non-conforming use.

MN State Statute and East Bethel City Code states that legal non-conforming uses may be continued unless the non-conforming use or occupancy is discontinued for a period of more than one year. Because Our Saviour’s Lutheran Church discontinued worship services over five years ago at the Viking Blvd. property, it was questioned if the property could still be used as a place of worship. The property has been on the market for sale for many years, with interest from other places of worship to purchase the property. After many conversations with the city’s legal

council and Our Saviour's Lutheran Church's legal council, it was determined to allow places of worship in the CC District with an IUP.

Ordinance 27, Second Series was approved by the City Council at its regular scheduled meeting on November 3, 2010 which allows places of worship in the CC District with an approved IUP.

If the IUP is approved, a Certificate of Occupancy must be issued prior to occupying the existing structure. The Certificate of Occupancy must be issued within one (1) year of new ownership. It is the responsibility of the property owner to contact city staff to schedule inspections with the building and fire departments. Also, required permitting must be obtained prior to any modifications, repairs, etc. to the existing structure.

Attachments:

- 1. Location Map
- 2. Application

Fiscal Impact:

Undetermined at this time

Recommendation(s):

City Staff requests Planning Commission to recommend approval to the City Council of an IUP that will allow a place of worship in the CC District. The property being located at 1562 and 1644 Viking Blvd., East Bethel, PINs 29-33-23-41-0001 and 29-33-23-41-0002 with the following conditions:

- 1. An Interim Use Permit Agreement must be executed no later than February 1, 2011.
- 2. The property is to be used as a place of worship where persons regularly assemble for religious worship. Regular worship services must be conducted at a minimum of one (1) day per month. Discontinuing regular worship services for more than one (1) year shall terminate the IUP. Regular worship services must be conducted starting one (1) year after the transaction of new ownership takes place.
- 3. Expansion of the place of worship and/or its accessory uses will require a site plan review before the Planning Commission and approved by City Council. Expansion of the uses on the site must meet requirements set forth in city code at the time of the submittal of the site plan review.
- 4. It is the responsibility of the property owner to obtain required permitting from the City of East Bethel prior to modifications, repairs, etc. to the existing structure.
- 5. A Certificate of Occupancy must be issued prior to occupying the existing facilities. The existing facilities must be inspected by the City of East Bethel Building Safety Department and Fire Department.
- 6. Once a Certificate of Occupancy is issued, the place of worship must submit to city staff detailed documentation of the use of the building for the prior year. This documentation must be submitted by January 31 of each year.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



CITY OF EAST BETHEL CivicSight Map

PARCEL INFORMATION:

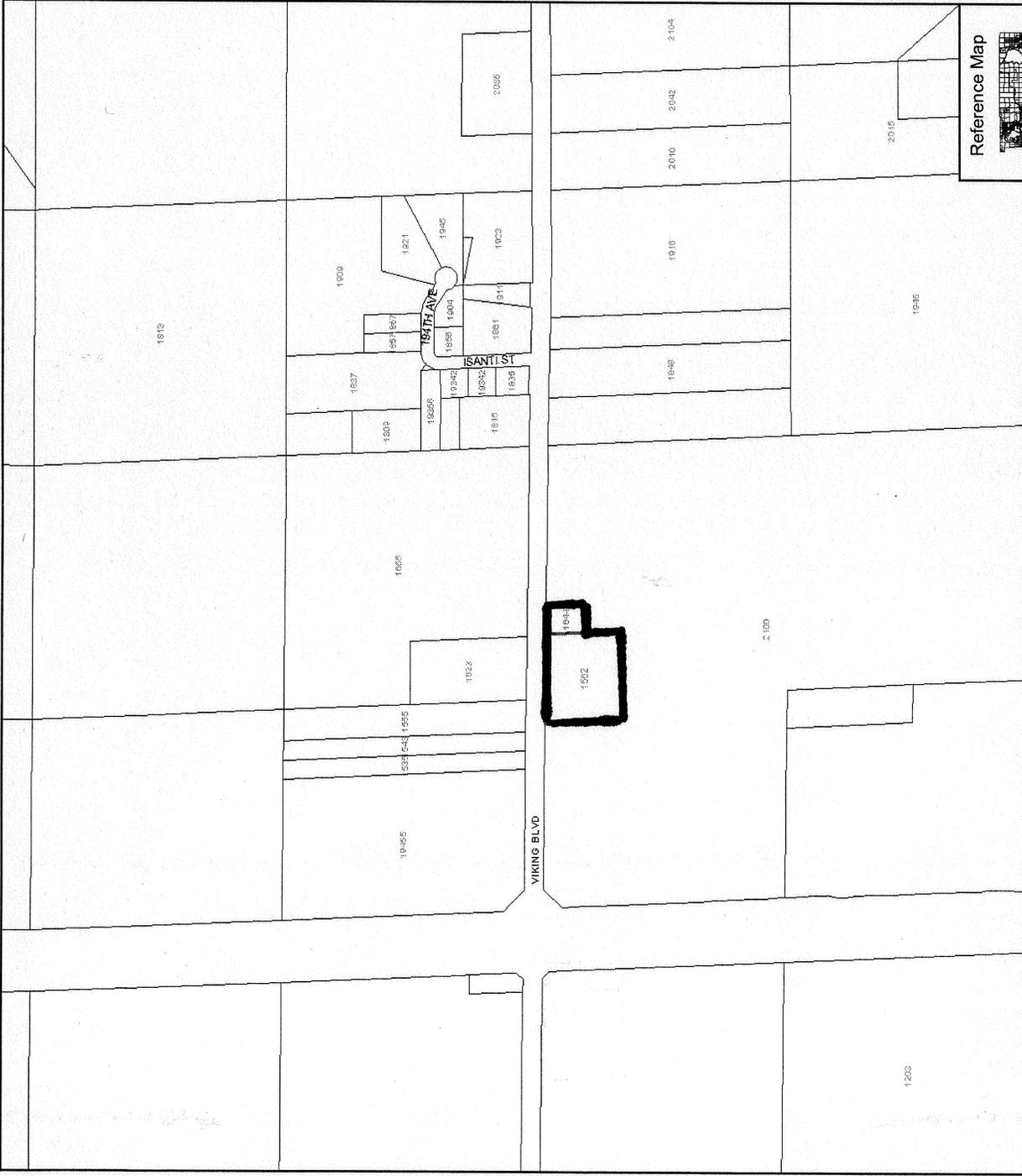
PIN - 293323410002
 Owner Info:
 Name 1 - OUR SAVIORS LUTHERAN
 CHURCH
 Name 2 -
 Owner Address - 19001 JACKSON ST NE
 Owner CSZ - EAST BETHEL, MN 55011
 Site Address - 1562 VIKING BLVD



Map Scale: 1 inch = 839 feet
 Map Date: 11/16/2010
 Data Date: August 12, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
 Enter Map Disclaimer Here





LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	11/3/10
By	<i>[Signature]</i>
Fee \$	150 app. fee 300 escrow

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 Our Saviour's Ministry Center (provide narrative below describing proposed use).

Interim Use Permit allowing property to be used as a place of worship by the next owner of the property.

LOCATION: PID 29-33-23-41-000/29-33-23-41-0002 Legal: Lot _____ Block _____ Subdivision _____

PROPERTY ADDRESS: 1562 & 1644 VIKING Blvd PRESENT ZONING: _____
E. Bethel, 55011

PROPERTY OWNER

CONTACT NAME Our Saviour's Lutheran Church PHONE 763-434-6117
 ADDRESS 19001 JACKSON ST NE FAX 763-434-0394
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL cindy@oursaviours/c.org

APPLICANT

CONTACT NAME Our Saviour's Lutheran Church PHONE 763-434-6117
 ADDRESS 19001 JACKSON ST NE FAX 763-434-0394
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL cindy@oursaviours/c.org

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.

Cynthia A Deemonico
Property Owner's Signature

Cynthia Deemonico
Printed Name

11/2/10
Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>11/3/10</u>	_____	
Planning Commission	<u>11/23/10</u>	_____	
City Council	<u>12/1/10</u>	_____	
_____ 60 Day _____ 120 Day			

Attachment #2



City of East Bethel Planning Commission Agenda Information

Date:

November 23, 2010

Agenda Item Number:

Item 4.0

Agenda Item:

Public Hearing: Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

Requested Action:

Consider Recommending Approval of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

Background Information:

City staff is proposing amendments to city code as Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. Ordinance 28, Second Series has been attached for review.

The definition of “essential services” reads, “The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities but not including buildings greater than 120 square feet necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.” Staff is proposing to omit the language “but not including buildings greater than 120 square feet” as it is common for accessory facilities associated with essential services to be greater than 120 square feet in size.

On October 23, 2010, Planning Commission recommended approval to City Council of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. On November 3, 2010, City Council approved Ordinance 27, Second Series. As part of Ordinance 27, Second Series, Governmental Essential Services is now a permitted use in the City Center zoning district. Ordinance 28, Second Series will allow Governmental Essential Services as a permitted use in all of the city’s zoning districts rather than as a conditional use.

At the October 20, 2010 City Council meeting – Public Forum, Mr. Chris Lee expressed his concerns regarding development regulations for driveway access and standards. Current code requires newly created driveways to be constructed of either bituminous or concrete materials extending from the street a minimum of 75 feet. This includes driveways located on unimproved streets. Mr. Lee lives on an unimproved street and is installing a second driveway to access his pole barn. Mr. Lee questioned the reason why it would be required to hard surface a driveway on an unimproved street. After discussion, City Council directed staff to propose changes to the driveway access and standards; therefore, staff is proposing an amendment that would read:

“In all residential zoning districts, driveways located on a paved street require a bituminous or concrete driveway ~~is required in the RR district~~ extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.”

“In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after improvements of the street are completed with either a bituminous and/or concrete surface.”

At the November 3, 2010 City Council meeting – Public Forum, Mr. George Cossette, owner of George’s Boat Repair, located at 18611 Highway 65 explained that the property located directly north of his property is for sale. Mr. Cossette is interested in purchasing the property so he can expand the boat repair business (George’s Boat Repair has been in operation since the 1970s). According to city code, Mr. Cossette’s existing business is no longer a permitted use in the B3 District, therefore, it is a legal non-conforming use. A legal, nonconforming use cannot be expanded, therefore, the zoning code prohibits Mr. Cossette to expand his business.

City Council supported Mr. Cossette’s desire to grow his business in East Bethel. Staff was directed to continue working with Mr. Cossette on this issue. Staff is proposing an amendment to the conditional uses in the B3 District to allow “retail sales and services – boat sales” and to amend the definition of retail sales and services to allow boat sales which would read:

“Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, ~~boats, or open sales lots~~open sale lots are not included in this category of uses.”

The City Attorney has reviewed the proposed amendments. He does not have concerns regarding the proposed language.

Attachment:

1. Ordinance 28, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.

Fiscal Impact:

Not Applicable

Recommendation(s):

City staff requests Planning Commission to recommend approval to City Council of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ORDINANCE NO. 28, Second Series

AN ORDINANCE AMENDING APPENDIX A. ZONING, OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

Section 01. GENERAL PROVISIONS OF ADMINISTRATION

9. Definitions

Essential services: The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities; ~~but not including buildings greater than 120 square feet,~~ necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, ~~boats, or~~ open sale lots are not included in this category of uses.

Section 10. GENERAL DEVELOPMENT REGULATIONS

14. Driveway Access and Standards

A. Access Requirements.

- 1) Properties in the R1 and R2 districts are allowed one (1) access point from a public street.
- 2) Properties in the RR district are allowed two (2) access points from a public street; however, properties located on Municipal State Aid Streets, major thoroughfares, and major streets are allowed one (1) access point from a public street.

B. Surface and Drainage.

- 1) Off-street parking areas and driveways in the R-1, R-2, B-1, B-2, B-3, I, and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.
- 2) In all residential zoning districts, driveways located on a paved street require a bituminous or concrete driveway ~~is required in the RR district~~ extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located entirely on

a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.

- 3) Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.

4) In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after improvements of the street are completed with either a bituminous and/or concrete surface.

Section 41. AGRICULTURAL DISTRICT (A)

2. Permitted Uses

- A. Single-family detached dwelling at a maximum density of one (1) unit per ten (10) acres.
- B. Licensed residential facility – serving six (6) or fewer persons.
- C. Agriculture, including crop production, sod farming, nurseries, and horticultural activities.
- D. Animal husbandry, including the raising of livestock, dairy animals, or game animals, and excluding animal feed lots and commercial stockyards.
- E. Raising of poultry, rabbits, or game birds.
- F. Recreation, Public.
- G. Essential Services, Utility Substation.
- H. **Essential Services, Government.**

Section 42. RURAL RESIDENTIAL DISTRICT (RR)

2. Permitted Uses

- A. Single-family detached dwelling.
- B. Licensed residential facility - serving six (6) or fewer persons.
- C. Recreation-public.
- D. Agricultural use.
- E. **Essential Services, Government.**

4. Conditional Uses

- A. Places of worship.
- B. Schools.
- C. Cemeteries.
- D. City-sponsored senior housing.

~~Essential Services—Governmental.~~

E. Essential Services, Utility Substation.

Section 43. SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

2. Permitted Uses

- A. Single-family Residential.
- B. Licensed Residential Care Facility - serving six (6) or fewer persons.
- C. Recreation – Public.

D. Essential Services – Governmental.

4. Conditional Uses

- A. Principal Use.

~~1) Essential Services—Governmental~~

~~2)1)~~ Places of Worship

2) Essential Services, Utility Substations

~~2)3)~~ Schools

Section 44. SINGLE-FAMILY AND TOWNHOME RESIDENTIAL DISTRICT (R-2)

2. Permitted Uses

- A. Single-family Residential Detached.

B. Single-family Residential Attached – maximum six (6) units per building.

C. Licensed Residential Care Facility – serving six (6) or fewer persons.

D. Recreation – Public.

E. Essential Services, Government.

4. Conditional Uses

~~Essential Services—Governmental.~~

~~B.A.~~ Essential Services, Utility Substations.

~~C.B.~~ Place of Worship.

~~D.C.~~ School.

~~E.D.~~ Hospital Services.

~~F.E.~~ Other uses similar to those permitted in this section as determined by the City Council.

Section 45. LIMITED BUSINESS DISTRICT (B-1)

2. Permitted Uses

A. Retail/Office/Multi-tenant Structure.

B. Convenience Store.

C. Motor Vehicle Service Station (with no minor or major repair facilities).

D. Tavern or Bar.

E. Restaurant (Full Service).

F. Video Store.

G. Retail Sales and Services (conducted completely within structures).

H. Florist, Commercial.

I. Essential Services, Government.

4. Conditional Uses

~~Essential Services—Governmental.~~

~~B.A.~~ Day Care Facility – Licensed.

~~C.B.~~ Uses having a drive-thru window, except for tavern or bar.

~~D.C.~~ Essential Services – Utility Substation.

~~E.D.~~ Other uses similar to those permitted in this section as determined by the City Council.

SECTION 46. CENTRAL BUSINESS DISTRICT (B-2)

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.

4. Conditional Uses

~~Essential Services—Governmental.~~

~~B.A.~~ Essential Services – Utility Substation.

~~C.B.~~ Place of Worship.

~~D.C.~~ Schools.

~~E.D.~~ Drive-thru Services.

~~F.E.~~ Licensed Residential Facility – serving seven (7) or more persons.

~~G.F.~~ Daycare Facility – Licensed.

~~H.G.~~ Exterior storage associated with retail sales and services.

~~I.H.~~ Hotel/Motel.

~~J.I.~~ Funeral Home.

~~K.J.~~ Crematorium.

~~L.K.~~ Veterinary Services.

~~M.L.~~ Bed and Breakfast Inn.

~~N.M.~~ Nursing Home.

~~O.N.~~ Recreation, Commercial.

~~P.O.~~ Other uses similar to those permitted in this section as determined by the City Council.

SECTION 47. HIGHWAY COMMERCIAL DISTRICT (B-3)

Permitted Uses.

- A. Motor Vehicle Service Station with minor or major repairs.
- B. Club or Lodge.
- C. Day Care Facility, licensed.
- D. Funeral Home.
- E. Garden Supply Stores and Nursery Yards.

- F. Health/Recreation Facility.
- G. Hotel/Motel.
- H. Medical Uses.
- I. Office.
- J. Plant Nursery, Commercial and Wholesale.
- K. Restaurant – Fast Food and Full Service.
- L. Retail /Office/Multi-tenant Structure.
- M. Retail Sales and Services.
- N. School, Specialty.
- O. Tavern or Bar.
- P. Whole Office and Showroom.
- Q. Veterinary Services.
- R. Recreation – Public.
- S. Financial Service.

T. Essential Services, Government.

Conditional Uses

~~A. Essential Services – Governmental.~~

- A. Essential Services – Utility Substations.
- B. Retail Sale and Services – boat sales.**
- C. Residential Care Facility – serving seven (7) or more persons.
- D. Self Service Storage.
- E. Hospital Services.
- F. School.
- G. Place of Worship.

- H. Recreation – Commercial.
- I. Construction Sales and Services.
- J. Agricultural Sales and Services.
- K. Nursing Home.
- L. Research Facility.
- M. Crematorium.
- N. Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.
- O. Exterior storage associated with permitted and conditional uses.

SECTION 48. LIGHT INDUSTRIAL DISTRICT (I)

2. Permitted Uses

- A. Uses allowed in the B-2 and B-3 districts.
- B. Industrial Condominium/Multi-tenant Structure.
- C. Manufacturing.
- D. Medical Science Uses.
- E. Office.
- F. Recreation – Public.
- G. Research Facility.
- H. Warehousing and Distribution.
- I. Wholesaling.
- J. Adult Uses.
- K. Self-Service Storage.
- L. Construction Sales and Service.
- M. Motor Vehicle Service Station with minor or major repairs.

N. Essential Services, Government.

O. Other similar uses to those permitted in this section as determined by the Zoning Administrator.

4. Conditional Uses

- A. Detached Accessory Structure.
- B. Place of Worship.
- C. Daycare Facility – Licensed.
- D. Essential Services – Utility Substations.
- E. Kennel, Commercial.
- F. Commercial and Public Radio and Television Transmission and Public Utility Microwave Antenna.
- G. Residential Care Facility – serving seven (7) or more persons.
- H. Nursing Home.
- I. School, Specialty.
- J. Drive-thru Services.

~~Essential Services – Governmental.~~

~~L.K.~~ Recreation – Commercial.

~~M.L.~~ Other similar uses to those permitted in this section as determined by the Planning Commission and City Council.

Adopted by the City Council of the City of East Bethel, Minnesota, this 1st day of December, 2010.

For the City:

ATTEST:

Greg Hunter, Mayor

Douglas Sell, City Administrator

Adopted: XXX
Published: XXX
Effective: XXX

EAST BETHEL PLANNING COMMISSION MEETING

October 26, 2010

The East Bethel Planning Commission met on October 26, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Julie Moline Lori Pierson
Tim Landborg Heidi Moegerle Glenn Terry

MEMBERS ABSENT: Lorraine Bonin

ALSO PRESENT: Stephanie Hanson, City Planner
Kathy Pavola, City Council Member

Adopt Agenda The October 26, 2010 meeting was called to order by Chairperson Holmes at 7:02 P.M.

Holmes made a motion to adopt the October 26, 2010 agenda. Pierson seconded; all in favor, motion carries.

Public Hearing: Interim Use Permit

A request by owners/applicants, Daniel and LaVonne Murphy, to obtain an Interim Use Permit for Domestic Farm Animals (3 cows, 200 chickens). The location being 2557 225th Ave. NE, East Bethel, MN 55005, PIN 04 33 23 14 0026. The Zoning Classification is Rural Residential (RR) District.

Property Owner/Applicant:

LaVonne Murphy
2557 – 225th Avenue NE
East Bethel, MN 55005
PIN's 04-33-23-14-0026 & 04-33-23-14-0012

Ms. Murphy is requesting an IUP for the purpose of keeping three (3) cows and up to two hundred (200) chickens for egg production on the 5.12 acres she owns in East Bethel.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 5.12 acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals allowed per parcel. Three (3) cows require 3 grazeable acres, but Hanson stated this is a misprint and City Code states one cow requires 1.4 acres and two hundred (200) chickens require 2 grazeable acres. The property contains approximately 3.25 acres of fenced grazeable lands; however, there is land available to expand the pastured area if needed. The cows and chickens will not have free reign of the fenced acreage, rather the animals will be rotated into different pastured areas so the land is not over-grazed and degraded. Rotating livestock is a common farming practice and Ms. Murphy practices organic/sustainable agricultural practices.

There is shelter provided for the cows; however, the chickens will have access to portable shelters that have roosting boxes. The shelters will be rotated between

the pastured areas along with the animals.

Ms. Murphy is planning to breed two (2) of the heifers and to possibly have one (1) dairy cow. It is typical for heifers to give birth in the spring and then the calves are weaned by fall. The calves will be weaned at approximately 3 months of age. The calves will either then be sold or brought to a farm Ms. Murphy owns in Wisconsin.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

Staff requests Planning Commission to recommend approval to City Council for an IUP to allow no more than 3 cows and 200 chickens for the property known as 2557 – 225th Avenue NE, East Bethel, PIN's 04-33-23-14-0026 & 04-33-23-14-0012 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Conditions of the IUP must be met no later than December 1, 2010. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Due to the discrepancy on the acreage, there will need to be some figuring done on the amount of animals that will be allowed.

Public hearing was opened at 7:04 P.M.

Lavonne Murphy, 2557 – 225th Avenue NE, East Bethel. Ms. Murphy stated the requirement is 1.4 acres for regular sized cattle. Her cattle will be a smaller breed of cattle, which will require less grazeable acreage. The breed she is getting is low line angus breed and they utilize the land better.

Moegerle asked about the cows, are they beef cattle? Murphy stated she would like three animal units. She will keep the cows in an area for two days, then move the chickens in, and keep rotating. She wants to start small with the chickens. Moegerle asked again if the cows were for beef? She stated yes, she would like to build a herd. Pierson said 200 chickens is a lot of chickens. Murphy said she doesn't want to degrade the land; she wants to be able to use the animal units on the 5 acres. Holmes asked if the heifers would be bred on site or off-site. Murphy said they would be bred off-site, probably artificial insemination.

Public hearing was closed at 7:08 P.M.

Hanson said there are so many different animal units. Landborg said a 2,000 lb. animal would eat more than a 200 lb. animal and maybe we should look at changing the animal units on some of the animals. Moline asked if there is other food for the animals other than the grazeable acreage. Murphy stated yes.

Hanson said the units that the City adopted she believes are from the US Department of Agriculture. She will be taking a look at the categories and possibly recommending changes. Moegerle asked how soon Murphy would be getting the chickens. Murphy said she would not be getting the chickens probably until spring. Landborg explained the Commission could approve her for 3 cows and 100 chickens, would that work since you don't meet the grazeable acres for all of the animals. Moegerle asked if the IUP could automatically be increased to 200 chickens if the per unit acreage requirements change. Hanson stated the IUP could be amended as a consent agenda item for the City Council.

Landborg motioned to recommend approval to City Council the Interim Use Permit request by owners/applicants, Daniel and LaVonne Murphy, for Domestic Farm Animals (3 cows, 100 chickens). The location being 2557 225th Ave. NE, East Bethel, MN 55005, PIN 04 33 23 14 0026. The Zoning Classification is Rural Residential (RR) District with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the applicants and the City.**
2. **Applicants must comply with City Code Section 10. Article V. Farm Animals.**
3. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
4. **Property owner shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.**
5. **Property will be inspected and evaluated annually by city staff.**
6. **Conditions of the IUP must be met no later than December 1, 2010. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.**

Pierson seconded; all in favor, motion carries.

This will be before the City Council on November 3, 2010.

Public Hearing to consider adoption of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. The proposed changes include amending

At the August 18, 2010 City Council meeting, staff was directed to explore the possibilities of allowing a place of worship in the City Center (CC) zoning district. "Place of Worship" is defined as "a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship."

After discussion between staff, City Council, and the City Attorney, it is being recommended to make "Place of Worship" as defined in the City zoning

Section 49. City Center (CC) District to include essential governmental services, and to include Place of Worship as an interim use; and proposed changes to the Home Occupation regulations.

regulations as an interim use permit (IUP) in the CC district. Attachment 1 is Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.

At the September 28, 2010 Planning Commission meeting, Commission members discussed the existing language pertaining to home occupations and its' interpretation as it related to a specific request for an IUP.

Appendix A, Zoning, Section 10.18 Home Occupations current language reads "a home occupation shall occupy no more than 50 percent of the floor of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use." In the past, when a request for a home occupation was presented, staff applied the provisions of this section of code to mean only 50 percent of the structure that the home occupation could occupy. It made no difference whether it was a tax service in the principal structure or a catering business in the accessory structure when this section of the Zoning Ordinance was applied.

During the discussion, Planning Commission members and Councilmember Voss indicated that they thought this might be a misapplication of the intent of this section of the Zoning Ordinance. Based on the discussion, it was indicated that the intent of the code was directed towards home occupations in a principal structure but does not regulate home occupations in an accessory structure. Planning Commission, by consensus, seemed to indicate it favored home occupations in an accessory structure having an ability to use the entire square footage of the accessory structure for the business.

Based on the discussion, Planning Commission asked staff to propose language to the Zoning Ordinance that would clarify this section. There was consensus that the City fully supports the "home occupation" concept as it frequently provides a base from which a full commercial venture grows.

On October 6, 2010, a proposed amendment was forwarded to City Council for their review; at which City Council directed staff to move forward with the proposed amendment. The proposed amendment will occur in Appendix A, Zoning, Section 10.18 Home Occupations and would include the following (Attachment 1 is Ordinance 27, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment):

Delete the language "A home occupation shall occupy no more than 50 percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use".

The language is proposed to be replaced with "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."

Additional language is proposed to read: "The area set aside for the home

occupation in attached or detached accessory structures or garages shall not exceed total accessory structure space allowed on the property of the home occupation.”

City staff requests Planning Commission to recommend approval to City Council of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code.

Public hearing was opened at 7:18 P.M.

Robert Deroche, 158 Colleen Street, Wyoming, MN. He was wondering what prompted the change, why the rezoning?

Holmes stated because the Planning Commission has had circumstances more than once where a resident wants to use their accessory building for a business, but they can only use 50% of the their accessory building. That is why we the Commission agreed to look at this.

Deroche said the accessory building could be used for whatever you want. Holmes stated according to these proposed change, the accessory structure can be used 100 percent for a business, but only 50 percent of the house would be able to be used.

Moegerle said she did research on this topic and she is concerned about the theory that the home occupation could be in a structure that is larger than the house. If we allow the business to be in a building that is larger than the house, would we be creating a commercial area. The Commission members stated no, it would not be. Terry stated the business also has to pass the test of the home occupation. Moegerle said maybe we should spell it out more. Holmes said City staff understands the recommendations and they do a great job of explaining the requirements. Landborg explained the size of an accessory structure is regulated based on the parcel size. Holmes said if someone comes in and says I have three acres, and I have an accessory structure that is 1,100 square feet, could I add on to it. Holmes said staff would then explain the limitation on the size of the building they can have based on the acreage they have.

Public hearing closed at 7:24 P.M.

Terry motioned to recommend approval to City Council the adoption of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. The proposed changes include amending Section 49. City Center (CC) District to include essential governmental services, and to include Place of Worship as an interim use; and proposed changes to the Home Occupation regulations. Pierson seconded; all in favor, motion carries.

This will be before the City Council on November 3, 2010.

Approve September 28, 2010 Planning Commission Meeting Minutes

Holmes had three changes in the minutes. Each time there is a closing of a public hearing add P.M. to them. Terry stated on page 11, the sentence near the bottom needs to have “expect” added to it. “Terry asked why he would *expect* to benefit from what the neighbors would do.” Then four sentences down he also wanted added, “troubling”. There hasn’t been any “troubling” smell from them.

Pierson motioned to approve the September 28, 2010 minutes. Moegerle seconded; all in favor, motion carries.

Other

Terry wanted to clear the air on a letter about the ethics policy that the Commission members received. He is the person discussed in the letter. He did some mural work for the City at about one-third of the actual cost and there was no conflict of interest because he was nearly giving away his work. He did the work at what it amounted to as a loss. In the letter it was mentioned as a troubling ethics situation and he is pretty bothered by that characterization, to have his ethics questioned. This is coming from a Council that is wrecklessly pursuing a sewer and water policy that will bankrupt the City.

Moline stated Cambridge has a policy on ethics and she thinks their policy is good and didn’t know if anyone wanted to take a look at it. Moegerle wanted to know how many pages the policy is. Moline said it is six pages and it was put in effect after the City went bankrupt. Moegerle wants to know what is different in the Cambridge policy than what is in the October 13, 2010 letter. Moline said it is similar. Holmes said maybe that could be presented to the City Council. Moline said she would present it.

Adjourn

Moegerle made a motion to adjourn the meeting at 7:38 PM. Pierson seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary