

City of East Bethel Planning Commission Agenda

7:00 PM

* Monday, April 22, 2013



*** NOTE CHANGE IN DAY AND DATE**

Agenda

	<u>Item</u>
7:00 PM	1.0 Call to Order
7:02 PM	2.0 Adopt Agenda
7:03 PM Pp. 1-7	3.0 Interim Use Permit (IUP) for Creative Threads, a home-based embroidery and fabric cutting business located at 912 207th Ave. NE, East Bethel, MN
7:15 PM Pp. 8-14	4.0 Conditional Use Permit (CUP) request by Paul Partyka, PVC Auto, for the use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel, MN for truck and trailer parking and storing auto parts indoors
7:30 PM Pp. 15	5.0 MIDS Project Update
8:45 PM	6.0 Electronic Version of Planning Commission Packets
8:50 PM Pp. 16-27	7.0 Approve March 26, 2013 Planning Commission Meeting Minutes
8:50 PM	8.0 Other Business
9:00 PM	9.0 Adjournment



City of East Bethel Planning Commission Agenda Information

Date:

April 22, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Public Hearing: Interim Use Permit for Creative Threads, a home-based embroidery and fabric cutting business

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Cathryn Erickson for a Home Occupation in the R-1 – Single Family Residential District.

Background Information:

Property Owner/Applicant:

Cathryn Erickson
912 207th Ave. NE
East Bethel, MN 55011
Hidden Haven Country Club Estates
Lot 3 Blk 5

Property Location:

912 207th Ave. NE
PIN 18-33-23-44-0027

The applicant, Cathryn Erickson, is requesting an IUP to operate a home-based business named “Creative Threads.” The business does contract embroidery on hat and garments, and also does fabric cutting for embroidery companies.

Business is conducted primarily by email and UPS so parking needs generated from the home occupation are small and shall be provided on-site, in the designated driveway.

Attachments:

- 1. Location Map
- 2. Application
- 3. City Code Appendix A, Section 10.19, Home Occupation

Fiscal Impact:

Not Applicable

Recommendation(s):

Home occupations are a permitted use in the R1- Single Family Residential District as long as Ms. Erickson can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the

IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Fiscal Impact:

Not Applicable

Recommendations:

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation known as Creative Threads, located at 912 207th Street NE, Hidden Haven Country Club Estates, Lot 3 Blk 5, PIN 34-33-23-32-0015, with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) 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 City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - 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 and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
 - 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.
2. Violation of conditions and City Codes shall result in the revocation of the IUP.
3. All conditions must be met no later than May 31, 2013. An IUP Agreement shall be signed and executed no later than May 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

City Council Action

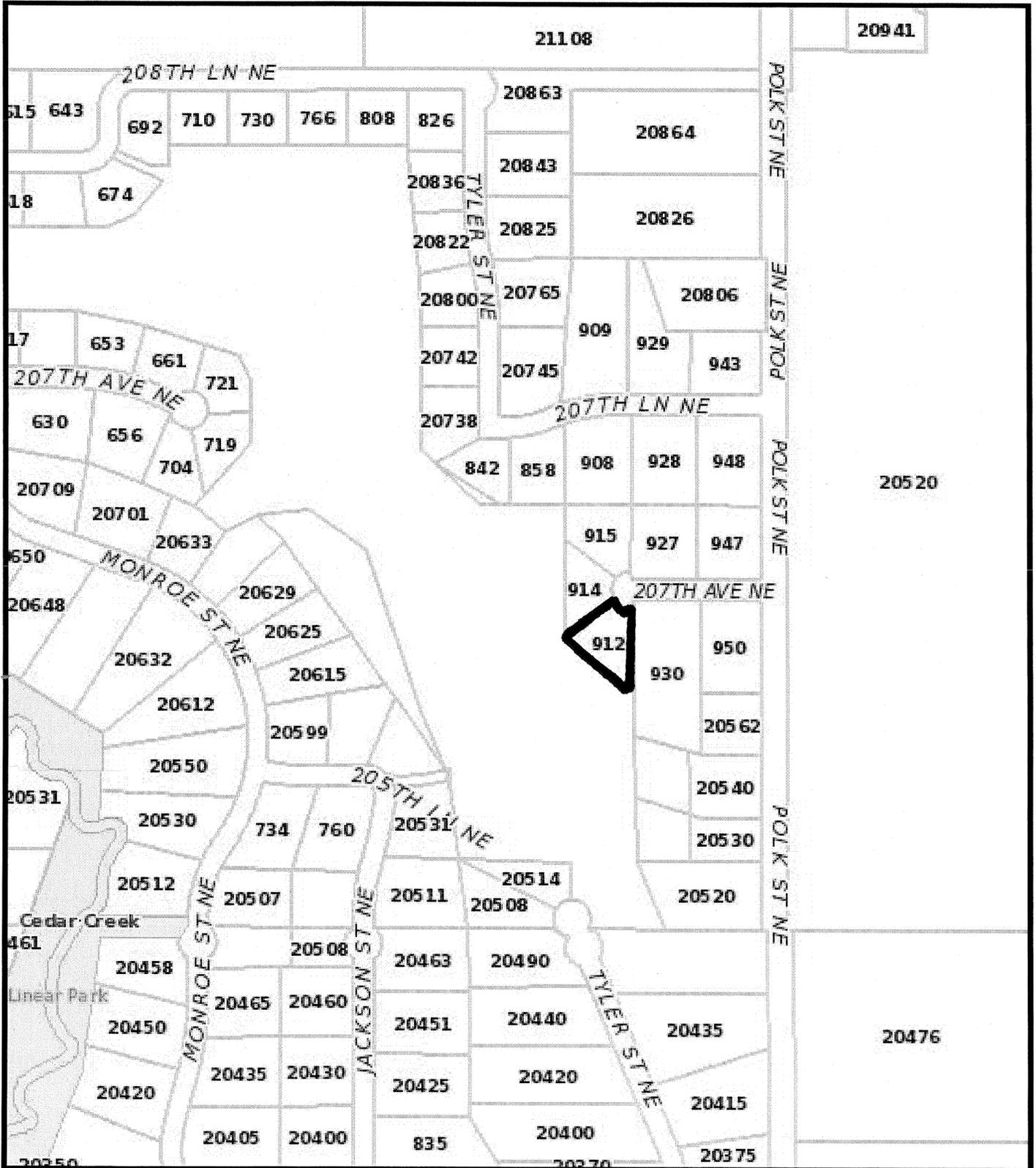
Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: _____

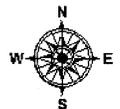


Map



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 3/27/13
 By JSB
 Fee \$ 150 app
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 Creative Threads Inc. (provide narrative below describing proposed use).

Embroidery and fabric cutting

LOCATION: PID 18-33-23-44-0027 Legal: Lot 3 Block 5 Subdivision Hidden Haven Country Club Estates
 PROPERTY ADDRESS: 912 207th Ave NE PRESENT ZONING: Res Hstd

PROPERTY OWNER

CONTACT NAME Cathryn S. Erickson PHONE 763-413-2493
 ADDRESS 912 207th Ave NE FAX _____
 CITY/STATE/ZIP East Bethel MN 55011 E-MAIL creativethreadslnc@hotmail.com

APPLICANT

CONTACT NAME Sgmc PHONE _____
 ADDRESS _____ FAX _____
 CITY/STATE/ZIP _____ E-MAIL _____

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.

[Signature] Property Owner's Signature Cathryn S. Erickson Printed Name 3-27-13 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>3/27/13</u>	_____	
Planning Commission	<u>4/22/13</u>	_____	
City Council	_____	_____	
_____ 60 Day		_____ 120 Day	

Attachment #2

3-27-13

City of East Bethel
Creative Threads Inc.
Cathy Erickson

Creative Threads Inc is a business that does contract embroidery on items like hats, shirts, jackets and other garments. We also do digitizing which is the computer program for the embroidery machine. Custom cut applique is our speciality. ie fabric that is sewn onto garments. We also cut fabric and ship to other embroidery companies. We only have a handful of customers that come to our house. Most everything is email and UPS. We do not need any off street parking as our driveway is plenty big.

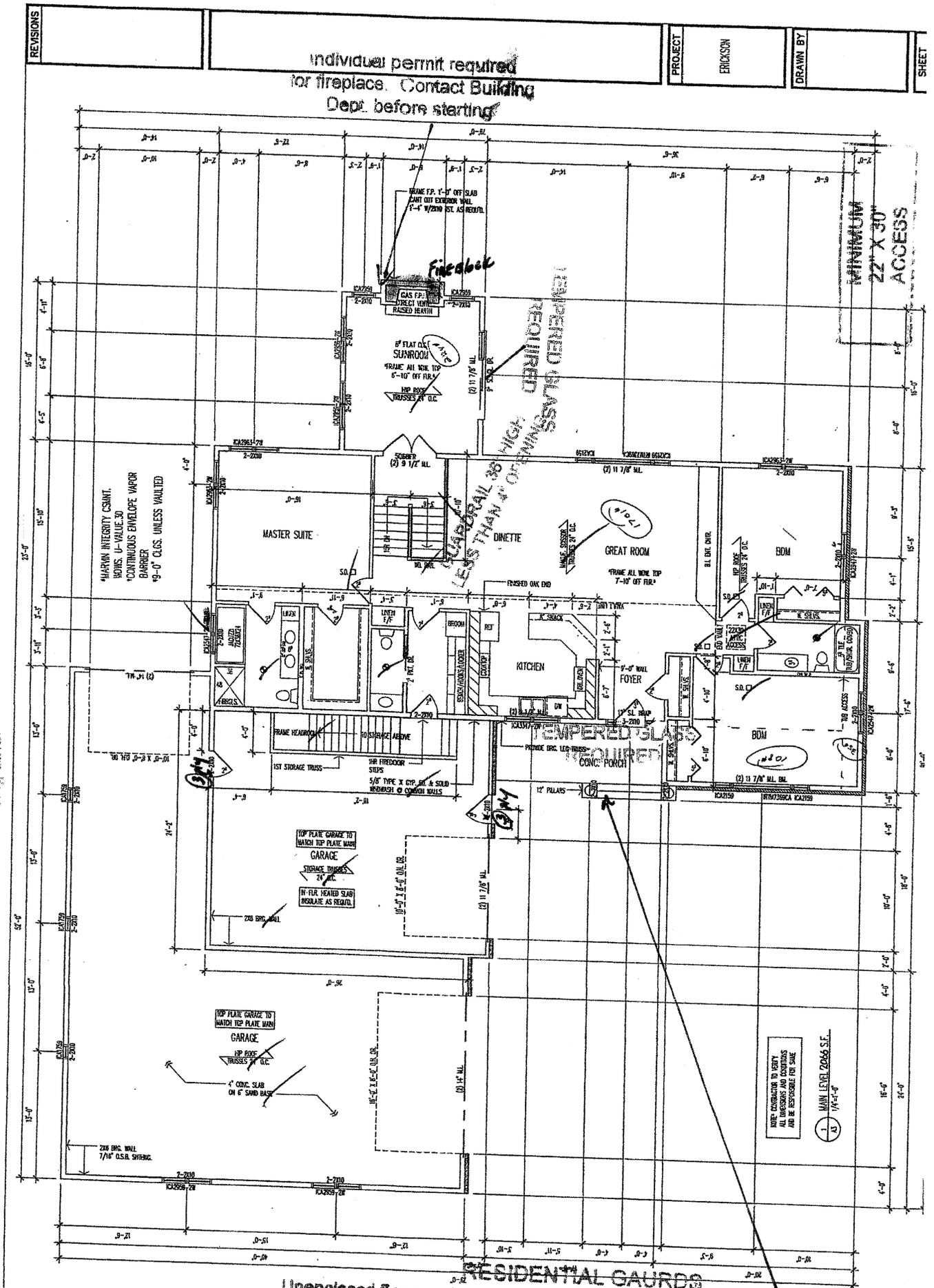
Thanks
Cathy Erickson

UNDER STAIR PROTECTION

If enclosed - provide one layer of 1/2" gypsum on the walls and ceilings on the underside of the stairway

Handrails (top to bottom) contiguous. Return to wall or post 34" - 38" of nosing line

Handrails (top to bottom) contiguous. Return to wall or post 34" - 38" of nosing line



RESIDENTIAL GAURDS
 Unenclosed floor and roof opening, open and glazed sides of landings and ramps, balconies, decks or porches which are more than 30" above grade or floor below, require a guard with a minimum 36" height. Open gaurdrails must have intermediate rails or an ornamental pattern so that a sphere 4" in diameter cannot pass through

19. Home occupations.

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.
4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
5. 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.
6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation. Parking needs generated by the home occupation shall be provided on-site.
8. 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.
9. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
10. 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.
11. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.



City of East Bethel Planning Commission Agenda Information

Date:

April 8, 2013

Agenda Item Number:

Item 4.0

Agenda Item:

Conditional Use Permit (CUP) Request by Paul Partyka, PVS Auto, for use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel for truck and trailer parking and storing auto parts indoors.

Requested Action:

Make Recommendation to City Council for a Conditional Use Permit (CUP) Request by Paul Partyka, PVS Auto, for use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel, MN; PID 08-33-23-12-0005.

Background Information:

At the regularly held Planning Commission meeting on September 25, 2012, Paul Partyka, owner of PVS Auto LLC and Harlan Meyer of Bentley Realty appeared before the Planning Commission to discuss their interest in purchasing the former Lampert Lumber site. At that time they were interested in purchasing the property for speculative purposes but wanted to be able to use the existing buildings for interior storage for new and used auto parts. **A copy of a letter dated September 12, 2012 is included in your packet describing their intended use.** The Planning Commission discussed their proposal and forwarded a recommendation on to City Council. On December 5, 2012, the following motion was made and approved by the City Council:

Voss made a motion that based on the use that has been presented by PVS Auto, the City Council recognizes it is consistent with the B-2 zoning, understanding that the primary use is office use with storage within the buildings at 1542 221st Avenue NE. Anything else will have to come back to Council for review, Moegerle seconded. DeRoche, "I will not approve any outside storage." All in favor, motion carries.

Since that time their Business Plan has changed and based on discussions with City Staff it was determined that they would need to go through the process of obtaining a Conditional Use Permit. Their intent is to have an office there daily and sell new and used auto parts. All auto parts would be stored in existing buildings and would not be stored outside. This by itself is fine and a legal permitted use in the B-2 (Central Business) District as determined by Planning Commission and City Council action noted above. However in addition to having the auto parts business, PVS Auto LLC also owns a transportation company (VIP Transfer) and that business has grown substantially to where they now have a need to park their empty trucks and trailers overnight. They currently do not have any room at their facility in Blaine,

MN. They have a fleet of 9 trucks and that would be the maximum trucks parked at 1542 221st Ave. NE. Please find attached a survey, along with a map that shows the location of the truck and semi-trailer parking. The site is currently zoned B-2, Central Business District and the following are permitted Conditional Uses in the District:

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

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

4. Conditional uses.

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

The Conditional Use Permit is for the storage of operational trucks and semi-trailers that are used for VIP Transfer, a part of PVS Auto LLC.

Attachments:

- 1. Location Map
- 2. Application
- 3. Survey and proposed location of truck and semi-trailer parking

Fiscal Impact:

New Business locating to East Bethel, MN and paying commercial property taxes

Recommendations:

Recommend approval of the Conditional Use Permit for PVS Auto LLC/Paul Partyka to park operational trucks and semi-trailers at 1542 221st Ave. NE, PID No. 08-33-23-12-0005. Subject to the following conditions:

1. Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer - PVS Auto, LLC
2. All parking/exterior storage shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
3. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five (5) feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in [Section 23](#). Screening Requirements [Regulations].
4. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

Planning Commission Action

Motion by: _____

Second by: _____

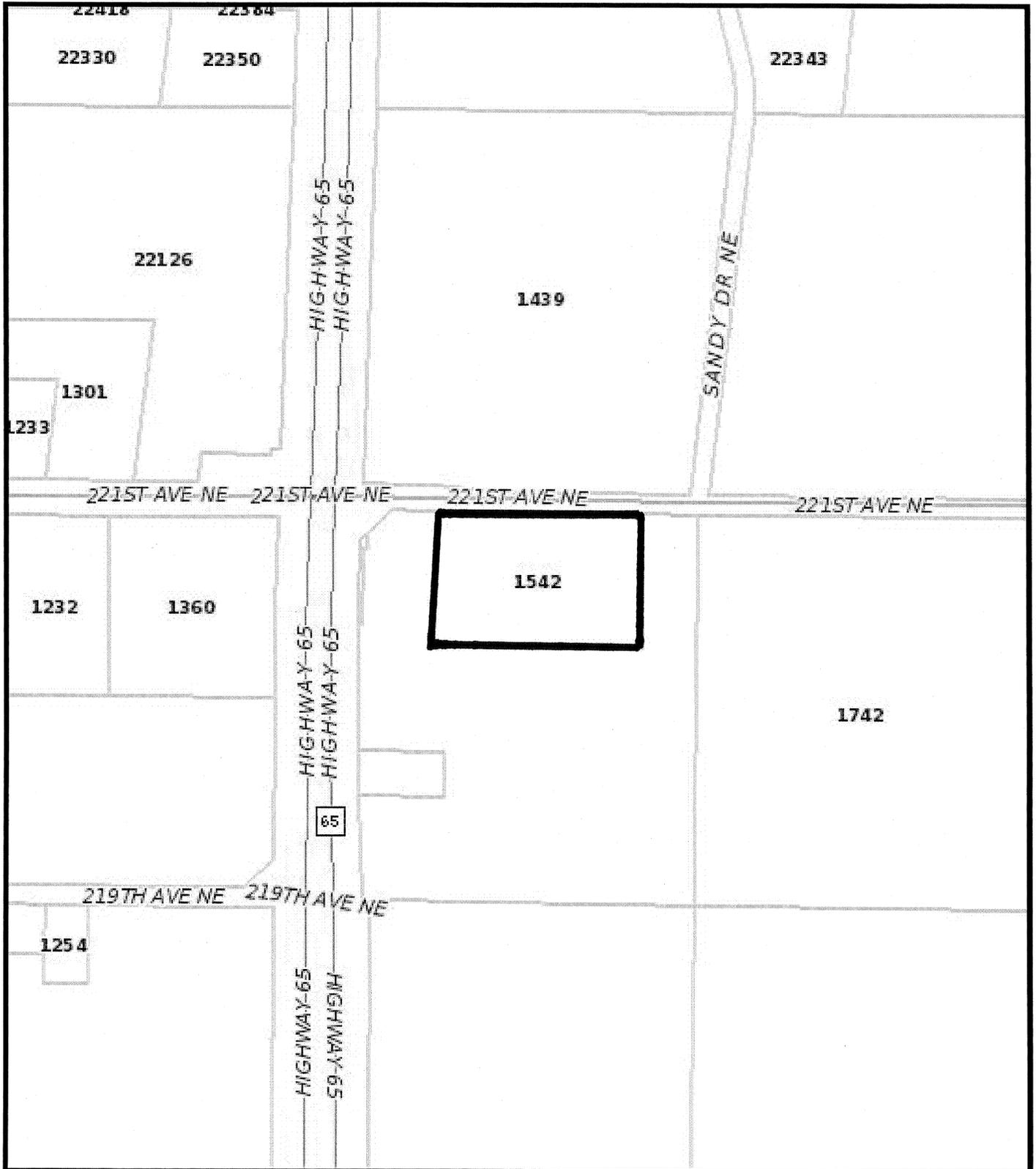
Vote Yes: _____

Vote No: _____

No Action Required: _____

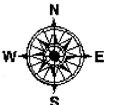


Map



Attachment #1

Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.
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~~Deadline - May 3~~
 PZ - May 28
 City Council - June 19
LAND USE APPLICATION

OFFICE USE ONLY
 Date Rec'd 4/8/13
 By JSB/CW
 Fee \$ 500 Appr
1000 Escrow
55 Filing Fee

Check appropriate box: VARIANCE CUP IUP FINAL PLAT
 BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

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

Application is hereby made for 1542 221ST (provide narrative below describing proposed use).
truck and trailer parking and used
auto parts inside

LOCATION: PID 08332312005 Legal: Lot _____ Block _____ Subdivision _____
 PROPERTY ADDRESS: _____ PRESENT ZONING: B2

PROPERTY OWNER

CONTACT NAME Lampert Lumber Yards PHONE _____
 ADDRESS Corno Ave FAX _____
 CITY/STATE/ZIP St. Paul, MN E-MAIL _____

APPLICANT

CONTACT NAME PVS Auto PHONE 612 701-0772
 ADDRESS 1681 Radisson Rd. NE FAX 763 515-6143
 CITY/STATE/ZIP Blaine MN 55449 E-MAIL Vip1Express@yahoo

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.

J.P. Property Owner's Signature Paul Partyka Printed Name 4/8/13 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>4/8/13</u>	_____	
Planning Commission	<u>4/22/13</u>	_____	
City Council	_____	_____	
<u>6/6/13</u> 60 Day _____ 120 Day			

Attachment #2



Attachment #3

Certificate of Survey

for

PVS AUTO

NOTES:

1. In providing this boundary survey no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on the site, whether private, municipal or public owned.
2. The professional surveyor has made no investigation or independent search for easements of record, encumbrance, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
3. Square footage of lot is 333,399 sq.ft. or 7.65 acres
4. This lot is in Section 08 Township 33 Range 23.
5. Aerial image provided from Anoka County GIS mapping.
6. Bearings are based upon the Anoka County Coordinate System.
7. Buildings were not located for this survey at the request of the client.



1 INCH = 100 FEET



Property Description: (from Anoka County Tax Records)

That part of the North 485.00 feet of the West 1138.00 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 33, Range 23, lying easterly of the following described line:

Commencing at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 40 minutes 50 seconds East assumed bearing along the north line of said Northwest Quarter of the Northeast Quarter a distance of 463.18 feet to the point of beginning of the line to be described; thence South 02 degrees 45 minutes 46 seconds West a distance of 485.44 feet to the South line of said North 485.00 feet and said line there terminating.

I hereby certify that this survey, plan or report was prepared by
me or under my direct supervision and that I am a duly Licensed
Land Surveyor under the laws of the State of Minnesota.

Charles R. Christopherson, MN License No. 18420

04/15/13

Date

LEGEND

- = Iron monument found
- = Iron monument set and marked with license No. 18420.
- ⊙ = Found Anoka County Cast Iron Monument

Job No.: 3791.01

Brian

Apr 15, 2013 - 2:48pm
K:\cad_surv\Land Desktop 2008\3791.01\dwg\3791.01.dwg



City of East Bethel Planning Commission Agenda Information

Date:

April 22, 2013

Agenda Item Number:

Item 5.0

Agenda Item:

Minimum Impact Design Standards

Requested Action:

Continue Review MIDS project that was discussed at a Special Planning Commission Work Session on March 19, 2013

Background Information:

Utilizing the Community Assistance Package, we will be going over three specific issues:

What do we want to recommend be a part of a MIDS program?

1. Storm Sewer Plan: do we want a separate ordinance or include in one document?
2. Subdivision ordinance: do we want to include MIDS as part of this?
3. Design Standards

Attachments:

PLEASE BRING YOUR MIDS COMMUNITY ASSISTANCE PACKAGE WITH YOU TO THE MEETING

Fiscal Impact:

Unknown

Recommendation:

1. Discussion Item only

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X

EAST BETHEL PLANNING COMMISSION MEETING

March 26, 2013

The East Bethel Planning Commission met on March 26, 2013 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Chairperson Balfany called the March 26, 2013 meeting to order at 7:00 P.M.

Switch number 4 and 5 around on the agenda.

Holmes motioned to adopt the March 26, 2013 agenda, with the amendment. Mundle seconded; all in favor, motion carries unanimously.

Discussion Regarding MIDS

Review MIDS project that was discussed at a Special Planning Commission Work Session on March 19, 2013

Background Information:

Utilizing the Community Assistance Package, we will be going over three specific issues:

What do we want to recommend be a part of a MIDS program?

1. Storm Sewer Plan: do we want a separate ordinance or include in one document?
2. Subdivision Ordinance: do we want to include MIDS as part of this?
3. Design Standards

Those are three specific areas Winter wants the Planning Commission to be thinking about.

The regular meeting will be on the 22nd, not on the 23rd.

No decisions tonight, just start thinking about. Are there any other items we should discuss?

Mundle would like it in one document, so if a developer does walk in, they get all information at one time. It is easier that way. If there are other places it could be put, he would rather see it referenced, this information can be found in one MIDS section in the Zoning Ordinance.

Holmes was going to say the same thing. Then you can just hand them the section and there will be less confusion. You can refer to it if you have another

problem. He doesn't see it being separate at all.

Bonin said they would need to be specified and it should be in one spot.

Winter said MIDS is related to impervious water runoff, storm sewer, and not sanitary sewer.

Holmes said the specification for one building, like the IDS, is one document. He would like to also talk about definitions later on. It makes sense to have it in one document.

Winter said Zoning is part of the Code of Ordinances, commonly referred to as the MUNICODE. It also falls in Platting and in a couple of other areas. MIDS will be contained within the Zoning Code. The Engineer will be at the next meeting and will provide some ideas on this item.

**Approve February
26, 2013 Planning
Commission Meeting
Minutes**

Mundle made a motion to approve the minutes from the February 26, 2013 meeting. Holmes seconded.

Mundle wanted a discussion about the minutes; we talked about changing the format. Did the City Council discuss that?

Ronning said two meetings ago the Council discussed it. There were four opinions to one; we are in a mess because of contentious issues. Many rely on the information in the minutes. So the detail is necessary. If you have to get a DVD and hunt for something somebody said it would take a long time. We had a four to one vote to reject summary versus verbatim minutes.

Balfany said he knows in going through packets, detail is good. In his mind simplicity could help clarify. Verbatim, you start to lose people's points on a topic. He sometimes just wants to know what the motion was.

Ronning questioned whose summary would it be? What is important? Who summarizes what someone said? He said most of the cities do summary minutes. He doesn't know but there doesn't seem to be any disagreement in the minutes he's read. If there is disagreement, you're going to want to know why. Cornicelli said isn't that why there are tapes. He isn't convinced that verbatim is always correct but you can always go back to the tapes. Ronning said the minutes are the official records.

Bonin said what is pertinent other than the actual motion is who voted which way. Ronning said Moegerle voted in favor; everyone else voted against. Bonin said the motion that is made is the legal thing, and if you want to know how each person voted, that is included. If you are going to summarize, you will want to have a record how people voted. Other than that she doesn't see what else you would need. Cornicelli said you would want conflict of interest and abstains. Terry said we are a clearinghouse for a lot of the questions that come up. City Council might want to look at what we discussed, how the discussion went, etc. Balfany said isn't that the Council liaison's role. That is the liaison's role to convey that information from the Council to the Commission. Ronning said he is

the newest guy on the block. For example, if Moegerle is the liaison for Roads, and something comes before Council, it would be her turn to inform the Council on the discussion. Ronning said what if the liaison doesn't agree with what was decided. Balfany said they should be acting in good faith. The summary minutes would provide that information. Bonin said the minutes would reflect both sides of the opinion. But since the Council thinks summary minutes aren't the route we are going, this discussion is mute. A number of commission members agreed that summary minutes are a good idea. Balfany said the summary minutes would provide information and a motion. Ronning said summary minutes are open for interpretation. If you disagree with it, the last meeting you had a comment that you would like to correct something. There was a reason for it. Terry said that happens a lot. He sees that summarizing could lead to more errors. Balfany and Bonin said summary could eliminate that. Bonin said it is a mute point. Ronning stated he doesn't know that there is potential for summary minutes here. The summary minutes are an overview of what is taking place. It goes to a secretary somewhere, who hasn't been at the meeting. Winter said that it would be the recording secretary that would be doing the summary.

Leon Mager – 19511 E Tri Oak Circle, Wyoming MN - The recordings are kind of meaningless. The recordings don't work because people don't use the podium. Balfany said we would keep that in mind.

Mundle: can you tell Davis to get a wireless microphone that we can hand out at the meetings. Winter said she would follow up with Jack on this issue.

Zoning Ordinance Changes

Make a recommendation to City Council to change and/or edit language in Zoning Ordinance

Background Information:

There are some changes, edits, additions and discussion that need to take place regarding some items contained in the Zoning Ordinance, as shown on Attachment 1 and specifically in the following areas:

Accessory Structures (Attachment 1, pp. 4)

1. We currently do not have any language in the Zoning Ordinance to state the size of Accessory Structures in R1.
2. We currently do not have any language in the Zoning Ordinance pertaining to Accessory Structures in R2.
3. In B1, B2, and B3, we do not address Accessory Structures other than with generic language.
4. In I (Light Industrial), a detached accessory structure is under Conditional Use Permit.

Exterior Storage (Attachment 1, pp. 5-8)

1. Propose to go through this section.

Home Occupation (Attachment 1, pp. 9 and examples in Attachment 2, pp. 16-27)

1. Need a better definition for Home Occupation

2. Section L – needs to be clarified
3. Do we want to allow home occupations in accessory structures and put restrictions on this?

City Center District (Attachment 1, pp. 10)

1. Contains language that could be applied to several sections along the Hwy. 65 corridor. Begin discussions to identify areas in the corridor where this type of zoning is appropriate.

Attachments:

Portions of current Zoning Ordinance

Analysis done by the City of Bloomington regarding Home Occupations (pp. 10-15) with examples from Bloomington (pp. 16-18), Isanti (pp. 19-22), and St. Francis (pp. 23-27)

We talked about philosophically where we need to go with zoning ordinances. Those are the long range, not more difficult, where the planning commission will be talking about it with Council. Those discussions will be within the next few months. There are some simple language changes, clarifications that need to be taken care of. They are fairly simple. For the most part they are things we need to do to clean up our ordinances.

Page two - Accessory Structures.

We don't have a minimum size. If you have a lot that is less than 1 acre you can go up to 580 square feet and so forth. This is in the zoning ordinance. It is not in R1 or R2. This is the guideline that we have been going by. The one issue we might run into, R2 also gives the ability for multi-family, so we might have to look at it further in the future.

Holmes said when we went through this in our work committee for zoning, somewhere we had a zoning ordinance where it specifically stated it for R1 and R2. Winter said it didn't get transferred into the Code. We are missing where it says R1 and R2. Holmes said we have issued all sorts of things based on that section of the code. He does remember seeing it. He knows it pertained. Winter said she is on the City's website right now and we simply don't have R1 listed. Plaisance said there is a section in Zoning, in R1, accessories uses, accessories, as regulated by section 14. Winter said but when you go to that area, it doesn't add R1 and R2. Balfany said so it is just missing R1 or R2. He asked if Holmes recollects any differences. Holmes said he could see it in his mind that it was there at one time. We did a lot of changes at that time. It could have gotten deleted inadvertently. If it is not in there it certainly should be added back in. Mundle said does it pertain to R1, but it isn't listed in that part of the code. Plaisance said that everything in section 14 would pertain to R1. Winter said the way it reads all accessory structures in the RR and A1 structures, we reference it in single family and we refer to this section. Plaisance said you just want to add R1 and R2. Balfany said at least R1, and maybe R2. Holmes said in other words just clarify. Balfany said do you recall anything different about R2. Holmes said R1 and R2 would both be together. He thinks they spent two hours working on

this section. He has no problem clarifying it. Winter said that is all she is asking. Winter said we are following the spirit of it. Balfany said are you asking for a motion. Winter said no, at our next meeting she will have them in a form. If there is a change to zoning ordinance change requires a public hearing.

Bonin said at some point we will have to look at this less than one acre; something that is one-fourth of an acre, you don't have the same space to put a building on. Ronning said he is one of them. He has .83 acres. He had to show hardship and he doesn't have a hardship. There was zero impact on his property. It was a convenience. He ended up purchasing additional property to be able to build a larger structure. Everyone around here has an extra building. He wanted the same thing and did put something up. When you go around other communities, you see 40x80 or whatever. The house is a little shack and the accessory building is a nice place. He is relatively new to the whole thing. He doesn't see why it is that confined.

Balfany said there are restrictions on where you put them, such as setbacks. Ronning said he tore another building down and put one in the same spot. Ronning said on R2, what are you talking about? Plaisance said it is single family and townhouses. Winter said our maximum lot coverage in R1 states not more than 50 percent of your lot could be covered. Bonin said that covers that. Holmes said for clarification, we should describe what R1, R2 and RR mean. That should be a definition in our ordinance.

Balfany handed out a map that is on our website. Holmes said the ordinances say you should have a definition of what things are – such as a roof. Or reference a certain dictionary. That was another big discussion. Pole barn versus garage are two different items and people have different ideas on what each are. Holmes said the City Council has referenced Webster's dictionary. Winter said when you are defining structures, we have adopted the Unified Building Code. There might be opportunities to reference that document. Winter said there is a definition of Accessory Structure in the City Code and she read it for the Commission. Balfany said he knows where you are going on definitions. For instance, the insurance industry uses definitions a lot. They have their own definitions. Holmes said if you want to reference the Webster's dictionary, you just have to write that down. He suggested the dictionary and no one wanted it. But here he is trying it again. If the City gets in a disagreement on something, a definition could help the City out. That is just a suggestion of something we should look at. Winter will provide some definitions for review. Bonin said I think you will find a lot of garages that are pole buildings. They park cars in them and they have garage doors in them. To them, they are using them as a garage. Mundle said a pole building is a certain type of building. Holmes said if you go into court, this would be a disagreement based on definition. Bonin said you really couldn't argue with that. Cornicelli said the definition in our handout does describe what a pole building is. Holmes said the other thing on this, when you present prints to build a building, and you designate something as a breakfast nook versus a dining room, there are different things you have to do to proceed on building the house.

Winter said the question the Planning Commission has to answer, is it subordinate to the principal structure. Bonin said if you don't have a garage, can

you build a pole building and call it a garage. Mundle said didn't we have this discussion when a resident came in, he wanted to build a pole building and he was required to build a garage. Balfany said what we are getting at here is to describe it properly. Bonin said if you have a small house and small lot and you put up a pole building for a garage. Cornicelli said you need three acres to build that. Bonin said that is not something that will add to the quality of the area. Balfany said a pole building needs to be set behind the house.

As long as we are on the topic of accessory structure. Right now the way it is designed in B1, B2, and B3, we do not address Accessory Structures other than with generic language. We don't have them detailed out. So there had to be a good reason why we don't have square footage size. We go back to other uses that are subordinate to the main building. Holmes said what we based it on was Bethel Marine; they had a main structure and all the other accessory structures that are larger than the main structure. That is why that was done that way. Balfany said there is only one area for B1. That is near County Road 17/Linwood. Does anyone else see any other B1? Mundle said there is a little area in Coon Lake Beach. Holmes said we would probably need a larger map. Winter said we are mostly B2 and B3. She said it was probably set up to accommodate current facilities.

Holmes said everyone talks about a City Center, the City Council was supposed to specify what intersection is going to be the City Center. Winter said it is going to be worked on.

Winter said in the Light Industrial a detached accessory structure is under Conditional Use Permit. It seems a little inconsistent. Winter posed the question wouldn't all buildings in an Industrial area be considered part of the business? Holmes said the way things are built nowadays, businesses build a building and lay then out in such a way as to have room for future additions rather than several separate buildings. Balfany said even Aggressive Hydraulics showed what they would want in the future. Winter said should it be a Conditional Use Permit or should we have it based on standards. Holmes said it is possible they could put something in that doesn't pertain. Balfany said if we give a certain set of standards, like we did in the other districts. If they do need to do something unique or different, they could come before us. We could make the process less for them. Winter said in the other districts, it says the accessory structure has to be complimentary and a part of the main business. Winter asked if we should change that as the other districts. Balfany said yes, then we streamline the process. Mundle said would they reflect B2 or B1. Winter would recommend B2. Holmes asked if Mundle wanted it to be the same, 80 percent. B2 and B3 already are at that. Then it would be the same.

Exterior Storage (Attachment 1, pp. 5-8)

2. Propose to go through this section.

Very clear on what you can and can't do. Right now we don't have anything relevant to overnight parking. We don't define that anywhere.

If you go to page 7, getting back to our business district. Exterior storage in the

other sections, you don't have to go through. In the Industrial area, no more than 50 percent, can't be in the exterior and there are screening requirements. Look at B2 and B3, those are along the Hwy 65 corridor, exterior storage is only allowed with a conditional use permit. Does Bonin and Holmes have any recollection? Winter said that seems a bit restrictive. Holmes said the idea behind it was that the industrial portion would have more storage. Terry said we wanted to have tidiness in those areas.

If the Planning Commission is more comfortable leaving it as conditional use permits, we can leave it that way. Holmes said he likes the way it is.

Winter said referring to B3 you have inconsistency here as well. For example commercial nursery yards, and garden centers are Permitted uses in that district, but because of the how exterior storage is defined you would need to obtain a Conditional Use permit for that portion of your business. Mundle said it should be just left in, and anyone that wants to have exterior storage; we would have a certain look. Why give just one thing an exception, and make someone else come in. Terry said their retail has no other way to sell their items. And another business just wants to store their stuff. Winter said you either say garden supply stores and nurseries or make the exception for them. Bonin said it is not storage if it is stuff you are going to be selling. Holmes said then a hardware store is storage. Bonin said you don't put landscaping stuff in a building. It isn't a storage area, it is a sales area. Winter said she would check on a definition. Terry said that could be under definitions. Winter provided a definition of what exterior storage is. The way you have exterior storage set up now, it is only in the rear area of the building and needs to be screened and occupying no more than 50% of the rear yard space. Bonin said the word storage is the word. The garden area would not fit in there, since it is not storage. Plaisance said if you are selling sod, it is a commodity. You are now calling that storage. Everything that they have out there would have to have a conditional use permit. Bonin said it isn't being stored, it is there to be sold. Bonin said the definition needs to be changed. Terry said there is a definition for exterior display. Balfany said the definition of exterior display really falls back on goods. Holmes said that is why we need some definitions. We left most of this broad for a reason. Now it seems we want to tweak it down a little bit.

Winter said you require a conditional use permit for exterior storage in B3, but you have approved exterior storage that is part of some business operations. If you are going to do a conditional use permit, you put conditions on it. These are the things that need to be included or you simply allow it as you do in other areas of the City. Plaisance said in talking about all the other different ordinances. Is the difference between specifying every little detail, being ok, it will be 50 feet of this and percentage and defining every word down to the last detail. As opposed to the other side with just a design standard and it is only going to be a percent of what it is, instead of going into every detail, such as what you can have and can't have. Rather than just saying as long as you follow these guidelines you are okay. We definitely don't want open pit mining. That is the difference he is seeing. That is what he is seeing coming up in this meeting. How do we want to talk about doing these different ordinances? Either they specify every little detail or it is a general design standard. That is what he would like to figure out, maybe

a policy on what we want going forward. Holmes said we had that discussion before on how tight we wanted. So that is why it so broad. Cornicelli said just like summary minutes versus verbatim. Holmes said we wanted businesses to come here. Do you want to tighten it up? It is a juggling act.

Cornicelli asked what problems have been manifested due to the existing system. Is this just to clean up the ordinances in general? Winter said the detached structures needed to just be cleaned up. The MIDS might take us away from a street grid design and get at what Randy was talking about with setting up minimum design standards. Winter stated it is a philosophical belief. What do we have that will set us apart from other communities and how will we work with future development.

Bonin said we don't have a business now that we used to have that goes back to exterior display. We had a garden center right down the road from where she lived because our ordinance didn't give them a place to display. No garden center is going to want to have their display on the backside of their building. For a city like East Bethel not to have a garden center, seems like we have done something wrong. Holmes said it is somewhere that there are design standards. Winter said we do have that, correct. Holmes said right after we got that done, a resident came in; he was zoned two different areas. We went ahead and changed it. The reason we wrote it was to allow for easy changes. It has already been done with at least one person if not two. If a garden center wanted to come in here, it would be foolish if we turned them away.

Winter said we don't have an executive summary of the comp plan, maybe that should be discussed at our next meeting. Balfany said it would be an agreeable statement that we want to be flexible and also have guidelines. Cornicelli said yes, and design standards. Balfany said we allowed flexibility for business in the City Center with some building standards. Which way do we want to go, set of standards, or set it loose? That was our principal, we wanted to make it so they can move quickly through the process, but still allow flexibility. Holmes said a lot of the basis was based on candy land in Champlin, they had lack of rules, and they finally got rid of it. Winter said there is the fine balance.

Exterior B2 and B3 is conditional use permit. Balfany said he thinks leaving as a conditional use permit. Holmes and Mundle agreed. Holmes said if we had a lot of business already built up, it would be different. We are trying to lure them in per se. Ronning said what is the term for a conditional use permit. How long is it good? Winter said it stays with the property. Bonin said the property or the owner. Winter said I'm sorry it is with the owner. Balfany said after the twelve months of Max sitting vacant for twelve months, they had to allow for a permit for Go For It Gas. Ronning said in his mind you change things to make it better or fix it. Bonin said you couldn't remove a conditional use permit if they don't follow the process. Plaisance said if we removed the requirement for them to come in and get one, if we had certain guidelines for what it is required. You would match the cities expectation. To him that should be optimal. Could we get there? Bonin said if they come in and get a conditional use permit that requires them to know what their conditions are and what they need to follow. Balfany said that is why staff follows up on them. Balfany said if there is a way

to do it, so it is less intrusive on the staff and city, it makes sense. Bonin said she doesn't think it makes it easier. Holmes said you would have to have so many stipulations. If you forget something, they will have to find a way around it. You have to be so particular and get every stipulation in there. He doesn't think it is that hard to get a CUP. It is a one meeting deal. Holmes said most people here have an idea on what we will allow.

Home Occupation (Attachment 1, pp. 9 and examples in Attachment 2, pp. 16-27)

1. Need a better definition for Home Occupation
2. Section L – needs to be clarified
3. Do we want to allow home occupations in accessory structures and put restrictions on this?

Winter explained that over the past ten years, the City of East Bethel has issued 40 Interim Use permits, and many of these have been for what is currently defined as Home Occupations. As Home Occupations have grown it presents the City with some opportunities and challenges and how we want to work with these businesses. Winter provided the Planning Commission with a research study conducted by the City of Bloomington on home based businesses. Out of this research she highlighted several items, - St. Paul and Minneapolis are very restrictive. Brooklyn Park and Burnsville determine that a home based business has to be indistinguishable from the neighborhood. In fairness to what we have in our community, we are different from Minneapolis and St Paul, we have many small business owners that operate out of their garages, homes and accessory structures. Winter stated that it is important to work with these businesses and help them grow and when they get too large they need to move out of their residential area to an appropriate zoned area.

Winter said for instance 25 percent of the home could be used for home occupation. Can a business take up the whole accessory structure, or a portion? They should have IUPs. Do you allow them to build a 10,000 square foot building where they operate in a RR district.

Plaisance said it seems to him it will be very difficult, to police. In other words, we aren't going to know if they change from 15 percent of their house to a larger portion, and are now 75 percent. Bonin said and if you are still living there, should that make a difference. If you are still living there, and it isn't apparent from the outside it is a larger area of the house, does it matter. Bonin said amount of traffic might be the only impact. Holmes said being a previous home occupation business, the biggest thing he could see making it not look like a business. The biggest problem is trying to nail down everything. He said the 25 percent comes from the amount you can write off for the tax code. It got to a point that it was too big to be in the house, you had to move to a different site. He thinks a lot of this takes care of itself.

Winter said the accessory structure is related to this. Are you indistinguishable from your neighbors? Truck repair shops and auto repair shops are the ones that we get the most complaints from. Also small engine repair. Is it appropriate for them to be in these areas? Balfany said we have seen Gordy's Cabinets, he

forgets the other business he had. He had an excavation company. He downscaled it to a home based. Mundle said it was never run out of his home. But some of the equipment was in his home. Balfany said he built an accessory structure at his shop. It did change the face of the neighborhood. Bonin said there you have something on a road that isn't designed to have large vehicles. Mundle said some of his vehicles were being stored on his residential property. Balfany said it was more painting the picture where it is not a home-based occupation, but you have change of appearance because of coming and going.

Holmes said you could use a house 75 percent for your business and an accessory structure that you are using 100 percent of that building. Are you going to be that hard nosed? It just takes one person to put a kink in the armor. Balfany said as a City do we want to and need to know that businesses are being run out of their homes? The ones that we don't know about, we need to be aware of. Winter said if we are going to apply something to someone, we need to apply it consistently across board. At what point do they get too big? There is also the issue of whether or not home based businesses should pay commercial taxes. Winter said the only glaring issue in definitions – in dwelling unit or accessory building. Might need to be cleaned up or defined. Homes said more compact or what. He has no problem with it being broad. There is always going to be an exception. If you have too many rules, you're going to chase people away. Plaisance said you want to encourage and support businesses. He thinks that when we are talking about making rules for home based businesses, people who are doing things once or twice a year, or may be a little bit more. How will we identify when a business is too big, or an annoyance or dangerous. When we are talking about auto repair, now you are talking about industrial type work where someone could get hurt. Or someone working with hazardous materials. Bonin said getting hurt isn't something we need to be concerned with.

T Balfany likes the definition for home occupation, he believes it the section where it states, where it is clearly secondary use to the home. To him at that point, it doesn't fall into the home occupation. You talk about how big the business is -- are we talking money wise. Plaisance said it goes back to how much you affect the neighborhood. Balfany said the stylist who has three chairs in her basement, versus someone who has one chair. The one person has a lot of traffic. You have changed the face of the neighborhood. Holmes said part B of page 9, what is normally to be expected. There is not a definition of normal. Mundle said 100 vehicles are not normal. Holmes said are two vehicles normal, four, etc. Winter said that is why you have the interim use permit process.

Ronning said within that definition, you would have four or five trucks delivering a day. Holmes said who is to say what is normal. He thinks "normal" should be removed. Ronning said reasonable is a little more defining than normal. Mundle said if it was redefined in some way. Holmes said the neighbors would take care of that. Terry said do we have any home occupations that have been an issue for the City. Winter said, if you go to L, in the past when you have issued IUP, you have allowed them to only have 50 percent of the space. Terry said that could probably be struck and we wouldn't have any adversarial consequences. Winter said if we have larger vehicles that leave in the morning. Terry said that would be in our noise ordinance. Winter said there is the question of the fairness. If

someone is operating out of a large structure in the residential area, versus the same sort of business that is working in the commercial district. Holmes said it polices itself, with an IUP.

Bonin said is there any way to tax them as commercial when they are in a home. Winter said she would have to ask the County Assessor. Holmes said they do have to pay business taxes. Mundle said you work out of your house so you don't have the cost of another building. Winter said it isn't the folks that work in their residence. It's more an issue when you are operating out of your accessory structure/pole shed. Bonin said if they are doing it in a building like that, they should be taxed. Mundle said isn't it that persons choice to have a building in a commercial area or in their yard. If they have to pay the commercial taxes, why doesn't the person with 80 acres have to pay the taxes? Bonin said the people with a home occupation should have to pay taxes.

Plaisance said we could define how many employees they could have. Winter said it is limited to three. Home occupations section is good. We don't have people coming forward to get the permits like they should. Balfany said maybe looking at the IUP. Winter said every three years, they need to go on the consent agenda for Council. Holmes said three people that would be at the house, right? Balfany said yes, that is location employees.

City Center District (Attachment 1, pp. 10)

Contains language that could be applied to several sections along the Hwy. 65 corridors. Begin discussions to identify areas in the corridor where this type of zoning is appropriate.

Other Business/City Council Report

Holmes said he hopes we continue other business on the agenda. Mundle said we usually manage to find a way to talk about it.

Council Report

Ronning stated we had a lot of discussion on the way ordinances are being handled and how the language appears. He mentioned you guys are a spectrum of the population. The same thing holds true with the Council. There needs to be enough reason and then democracy takes over.

There was discussion about the sanitary sewer that is always open-ended and long-term, almost a nightmare. There wasn't anything finalized in the meeting. Some of the agenda got dismissed. In a work session ahead of time, there was a lot of disagreement. Usual stuff, approved bills and such.

Balfany asked what topic was so highly debated? Ronning said the MIDS discussion wasn't a big disagreement.

He thinks that the City Council should recognize the work that you guys do. He doesn't think that you are here looking for a pat on the back. You're not in it for the money. He has been thinking about it, he is impressed by the Commission and the work they do. The dedication. That isn't intended as patronizing. You do a nice job.

Adjournment

Holmes made a motion to adjourn the meeting at 9:10 p.m. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary

DRAFT