

# City of East Bethel

## Planning Commission Agenda

7:00 PM  
April 27, 2010



- |         | <b>Item</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7:00 PM | <b>1.0 Call to Order</b>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7:03 PM | <b>2.0 Adopt Agenda</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 7:05 PM | <b>3.0 Site Plan Review and Public Hearing/Variance.</b> A request by owner(s) Cyndi Dooley, Dave Shern, and Gerald Shern and applicant, Classic Construction, for a site plan review for Finishing Touch (a landscaping business), and a variance from the Shoreland Overlay District's impervious coverage area. The location being PIN 32 34 23 24 0013, West Side Estates, Lot 1, Block 3. The Zoning Classification is I – Light Industrial. |
| 7:25 PM | <b>4.0 Temporary Permit for Greenhouse.</b> A request by Cyndi Dooley for temporary construction of a 48 x 30 foot greenhouse from May 20, 2010 - August 31, 2010. The location being PIN 32 34 23 24 0013, West Side Estates, Lot 1, Block 3. The Zoning Classification is I – Light Industrial.                                                                                                                                                 |
| 7:35 PM | <b>5.0 Discussion Pertaining to Retreat Centers</b>                                                                                                                                                                                                                                                                                                                                                                                               |
| 7:55 PM | <b>6.0 Approve March 23, 2010 Planning Commission Meeting Minutes</b>                                                                                                                                                                                                                                                                                                                                                                             |
| 8:00 PM | <b>7.0 Adjourn</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |



# City of East Bethel Planning Commission Agenda Information

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**Date:**

April 27, 2010

\*\*\*\*\*

**Agenda Item Number:**

3.0

\*\*\*\*\*

**Agenda Item:**

Finishing Touch – Public Hearing for Variance Request and Review of the Site Plan

\*\*\*\*\*

**Requested Action:**

Consider Approval of a Variance to Allow Increased Impervious Coverage for New Commercial Construction and Consider Approval of Site Plan Review

\*\*\*\*\*

**Background Information:**

**Property Owner:**

Gerald Shern  
416 Crestwood Court SE  
East Grand Forks, MN 56721

**Applicant:**

Classic Construction  
18542 Ulysses Street NE  
East Bethel, MN 55011

**Property Location:**

West Side Estates  
Lot 1, Block 3  
PIN 32-34-23-24-0013  
Zoning: I – Light Industrial

The Applicant is requesting site plan approval to construct a commercial building on an existing lot of record for the business known as Finishing Touch. Finishing Touch is a landscape business that offers landscape design (specializing in native landscapes), hydroseeding, and retail of garden supplies and plants. The proposed uses of the building are allowed in the I – Light Industrial zoning district.

The plat known as West Side Estates was platted in January 1999 and the lot has been owned by Mr. Shern since 1999. The existing lot of record and infrastructure meet requirements as required by the East Bethel City Code. The existing 3.09-acre parcel is bordered by Highway 65 to the east, light industrial zoned properties to the north and south, and R1 – Single Family Residential to the west. The property will be accessed from the west on Ulysses Street NE.

The proposed site plan provides 13 parking stalls. One accessible stall has been provided to meet ADA requirements. The required number of parking stalls is 16; however, the Applicant would like to provide for 13 with an option to expand the parking in the future, if needed. Proof of parking of an additional 3 stalls is shown on the site plan. Staff has no issue with the request, however, the 3 additional stalls are located in front of the trash enclosure. The Applicant needs

to answer the question: how will the trash enclosure be accessed in the event staff requires the additional 3 stalls to be provided? Parking stalls are 9' x 20' with a proposed 26' aisle width. The parking lot will be constructed of a bituminous surface with mountable curbing. All parking areas will be required to be properly striped.

The Applicant will be planting a variety of trees and shrubs around the site which meets code requirements. The business owners plan to incorporate additional landscaping on the eastern side of the property in which landscape display areas will be planted so clientele can view landscaping options. According to East Bethel City Code, all new plantings, including turf establishment, must be guaranteed for one full year from the time the planting has been completed. A letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season.

According to East Bethel City Code, businesses in the light industrial zoning district are required to have no more than 50 percent of the rear or side yard designated as exterior storage. Since the proposed building is located on State Highway 65 and is highly visible, the Applicant and City Staff are recommending the front of the building face State Highway 65 and the exterior storage located along Ulysses Street NE. According to the site plan, the Applicant is proposing a fenced storage area that encompasses 48 percent of the rear yard, thus meeting code requirements.

The proposed photometric plan provides for recessed lighting around the building and two downcast shielded lights mounted on a pole in the parking area. For safety reasons, City Staff is recommending that additional lighting is added to the exterior storage area. Additional lighting in the exterior storage area will decrease the risk of burglary and will aid in the safety of police and fire in the event they are called to the scene after daylight hours. A revised lighting plan will be required to be submitted prior to a building permit being issued.

The City Engineer has completed his review of the site plan. His comments are attached for your review (attachment 9, letter dated April 9, 2010). Many of the comments of the City Engineer have been addressed by the Applicant and the City Engineer commented on the variance request (attachment 9, letter dated April 20, 2010). The Applicant will need to continue to work with the City Engineer until all comments have been satisfactorily addressed.

A portion of the property falls within the shoreland overlay district (attachment 10). According to the shoreland regulations, impervious coverage of lots must not exceed 25 percent of the lot area. Impervious coverage is defined as the area of the lot covered with buildings, driveways, sidewalks, and similar materials. Gravel bases are considered impervious.

The property owner is requesting a variance to increase the impervious coverage to 45.8 percent to allow for exterior storage on the site. The property is zoned light industrial which allows for uses that are commercial and general services related and/or of a light industrial nature. Exterior storage is a permitted use in the district. If the property was not located in the shoreland overlay district, allowed impervious coverage is 80 percent of the lot area.

The property owner's hardship is based on the following:

1. For the business to be visible and viable, the building needs to be situated as close to Trunk Highway 65 as possible (meeting the 100 foot setback from TH 65 right-of-way), thus creating a longer driveway leading to the parking lot. This increases the amount of impervious coverage on the lot.

2. Meeting the 25 percent impervious coverage may hinder the type of light industrial business that could occupy the lot since the majority of light industrial uses rely on exterior storage as a component to the business.
3. Meeting the 25 percent impervious coverage would require a loss of 7,730 square feet of storage area. This would require the proposed business to store a portion of equipment and/or materials at a different location. It is economically feasible to store all equipment and materials on site.

The City Engineer has reviewed the variance request and has provided comments in attachment 9, letter dated April 20, 2010. The City Engineer stated in his letter that for water quality design purposes, the typical rainfall event that is analyzed is 2.5 inches. The proposed on-site infiltration pond will completely infiltrate up to a 3-inch rainfall. The on-site infiltration pond also provides a slight overall reduced volume of stormwater runoff for the regional ponds, which are north of this lot. With the proposed infiltration pond, it is in his opinion that the increased impervious area will not have a negative impact on the stormwater runoff quality leaving the site.

Kate Drewry, MNDNR Area Hydrologist, is reviewing the variance request and has yet to provide comments.

### **Variance Findings of Fact**

1. The strict enforcement of the zoning code may cause undue hardship. The property owner is not able to put the property to reasonable use as intended by city code. It is a 3.09 acre property, zoned light industrial with permitted exterior storage, and is located in the shoreland overlay district. The permitted uses per zoning code typically require larger building sites because of the larger scale of the business and the exterior storage associated with light industrial uses. According to zoning code, only 1.07 acres is usable (25 percent of the lot area). This particular site is 3.09 acres, yet the strict enforcement of the code only allows the use of 1.07 acres; hindering the rest of the lot as un-usable.
2. The circumstances requiring the variances are unique to the property and the other light industrial properties in the development known as West Side Estates. The subdivision consists of 9 residential lots and 6 light industrial lots. All the light industrial lots will encounter the same situation when they are developed.
3. The property owner did not create the unique situation himself. The property owner purchased the platted lot with the intention of someday developing the site as a commercial business.
4. The variance will not be harmful to neighboring properties nor will it depreciate values of neighboring properties.
5. The variance request is in keeping with the spirit and intent of the ordinance. The purpose of the shoreland regulations is to maintain water quality. According to Hakanson-Anderson professionals (in the field of hydrology), with the proposed infiltration pond, in their opinions, the increased impervious area will not have a negative impact on the stormwater runoff quality leaving the site.

### **Attachments:**

1. Site Location
2. Site Plan Application
3. Variance Application
4. Site Plan
5. Landscape and Lighting Plan
6. Grading and Drainage Plan
7. Floor Plan
8. Building Elevations

9. Letters from City Engineer: April 9, 2010 Site Plan Review Comments, and April 20, 2010 Follow up and Variance Comments

10. Shoreland Boundary Map

\*\*\*\*\*

**Fiscal Impact:**

Undetermined at this time

\*\*\*\*\*

**Staff Recommendations:**

At this time, City Staff recommends Planning Commission to consider one of three options:

- A. Planning Commission could recommend denial of the variance request and the site plan review based on Planning Commission findings of fact and a lack of hardship.
- B. Planning Commission could table the item with the direction to the property owner and Applicant to modify the site plan that shows a decrease in the overall impervious coverage.
- C. Planning Commission could recommend approval to City Council of a site plan review for the construction of a commercial building and approval for a variance to increase the impervious coverage in the shoreland overlay district from 25 percent to 45 percent for the property owned by Mr. Gerald Shern, located at West Side Estates, Lot 1, Block 3, PIN 32-34-23-24-0013, with the following conditions:
  - 1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.
  - 2. Variance Agreement must be executed prior to the issuance of a building permit.
  - 3. Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment.
  - 4. Full set of the site plan must be signed by a licensed professional engineer.
  - 5. Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel.
  - 6. Additional lighting shall be installed in the designated exterior storage area.
  - 7. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.
  - 8. Any modifications to the approved site plan shall be submitted to and approved by City Staff.
  - 9. All conditions must be satisfied prior to the issuance of a building permit.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

# Attachment #1



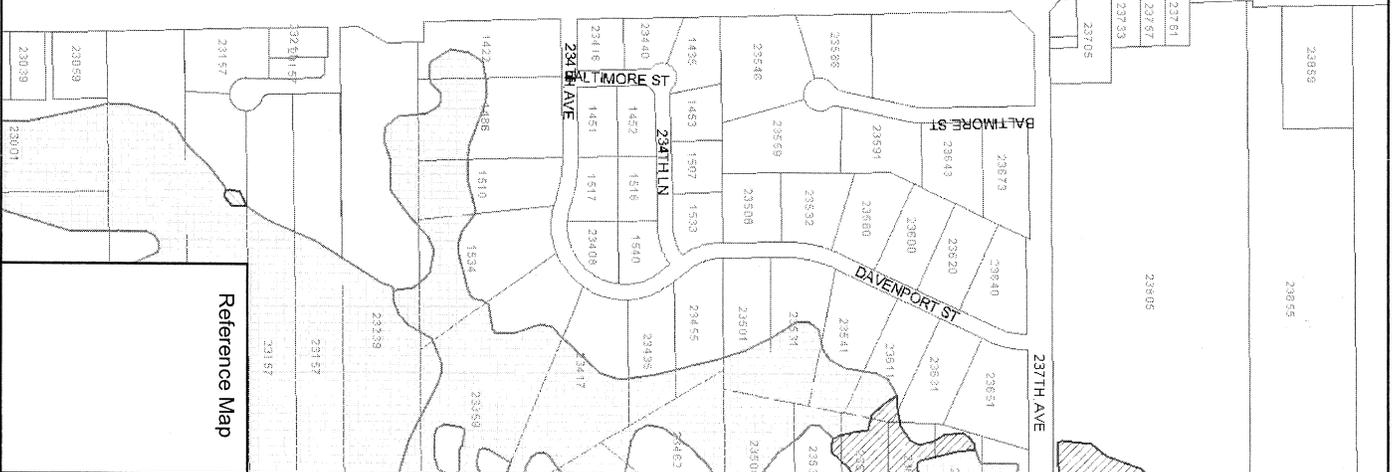
CITY OF EAST BETHEL  
Civicsight Map

**PARCEL INFORMATION:**

PIN - 323423240013  
 Owner Info:  
 Name 1 - SHERN GERALD L  
 Name 2 -  
 Owner Address - 416 CRESTWOOD CT SE  
 Owner CSZ - EAST GRAND FORKS, MN 56721  
 Site Address -  
 Legal Description: LOT 1 BLOCK 3 WEST SIDE EST



**Reference Map**



Map Scale: 1 inch = 807 feet  
 Map Date: 4/12/2010  
 Data Date: March 26, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY





RECEIVED

LAND USE APPLICATION  
 BY: \_\_\_\_\_

OFFICE USE ONLY  
 Date Rec'd 4/1/10  
 By Sekung  
 Fee \$ 500 App fee  
\$1000 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 Finishing Touch (provide narrative below describing proposed use).  
landscape design & Hydroseeding

LOCATION: PID 32-34-23-24-0013 Legal: Lot 1 Block 3 Subdivision West Side Estates  
 PROPERTY ADDRESS: \_\_\_\_\_ PRESENT ZONING: H. Ind

PROPERTY OWNER

CONTACT NAME Cyndi Dooley PHONE 763-286-8808  
 ADDRESS 1908 24th Ave. N.W. FAX \_\_\_\_\_  
 CITY/STATE/ZIP ST Francis, Mn E-MAIL \_\_\_\_\_  
55070

APPLICANT

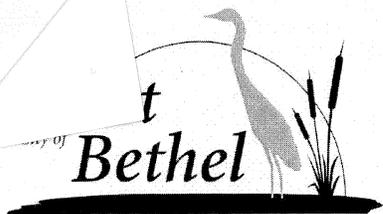
CONTACT NAME Classic Construction, Inc. PHONE 763 434 8870  
 ADDRESS 18542 Ulysses St NE FAX 763 434 7120  
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL Kristin@ClassicConstructionInc.com

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

Cyndi Dooley Property Owner's Signature  
Cyndi Dooley Printed Name  
3-24-10 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>4/1/10</u>	_____	
Planning Commission	<u>4/27/10</u>	_____	
City Council	<u>5/19/10</u>	_____	
<u>5/28/10</u> 60 Day _____ 120 Day			

Attachment #2



# LAND USE APPLICATION

OFFICE USE ONLY

Date Rec'd 4/12/10

By Shane

Fee \$ 300 app fee  
\$500 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 Finishing Touch (provide narrative below describing proposed use).

please see attached

LOCATION: PID 32-34-23-24-0013 Legal: Lot 1 Block 3 Subdivision West Side Estates

PROPERTY ADDRESS: \_\_\_\_\_ PRESENT ZONING: I-light Industrial

**PROPERTY OWNER**

CONTACT NAME Cyndi Dooley & Dave Shern PHONE 763-286-8808  
 ADDRESS 1908 242nd Ave NE FAX \_\_\_\_\_  
 CITY/STATE/ZIP St. Francis MN 55070 E-MAIL \_\_\_\_\_

**APPLICANT**

CONTACT NAME Classic Construction PHONE (763) 434-8870  
 ADDRESS 18542 Wysses St NE FAX (763) 434-7120  
 CITY/STATE/ZIP East Bethel MN 55011 E-MAIL clert@classicconstru-  
chrominc.com

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

Cynthia K. Shern-Dooley Cyndi Dooley 4/11/10  
 Property Owner's Signature Printed Name Date

OFFICE USE ONLY - DO NOT COMPLETE

	Received	Approved/Denied	Notes
Community Dvlp.	<u>4/12/10</u>	_____	
Planning Commission	<u>4/27/10</u>	_____	
City Council	<u>5/19/10</u>	_____	
<u>6/10/10</u> 60 Day _____ 120 Day			

Attachment #3

### **Finishing Touch: Request for Variance**

Section 57, Shoreland Overlay District applies to this 3 acres lot; because 200 feet into the lot going east from Ulysses by 285 feet running horizontal to Ulysses St; are within the Shoreland Overlay district. In this district the requirement is to have less than 25% impervious surface. Our current plan shows 45.8%: (20.8% over the 25% allowed)

Building	4,207 S.F.
Bituminous	17,191 S.F.
Gravel	38,653 S.F.
<u>Future Addition</u>	<u>1,500 S.F.</u>
Total of	<b>61,551 S.F.</b>

Total of lot is        134,174 S.F.

Given the type of business we are proposing to occupy this lot; the ruling in Section 57 would create hardship and jeopardize this entire project. We are in the landscape, design, irrigation, erosion control and hydro seeding line of work. For us to have a location that works economically for this type of business we need the ability to store equipment, plants and landscaping materials such as rock, mulch, etc. on site. It would be counter productive for us to store these items off site at another location. We are proposing the backyard (and future expansion) to be gravel base. We are requesting that you reconsider this ruling and allow us the opportunity to establish ourselves as a business in East Bethel.

Thank you,



Cyndi Dooley,  
Dave Shern



LAMPERT ARCHITECTS

13837 NE Lincoln Street  
Ham Lake, MN 55304  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com

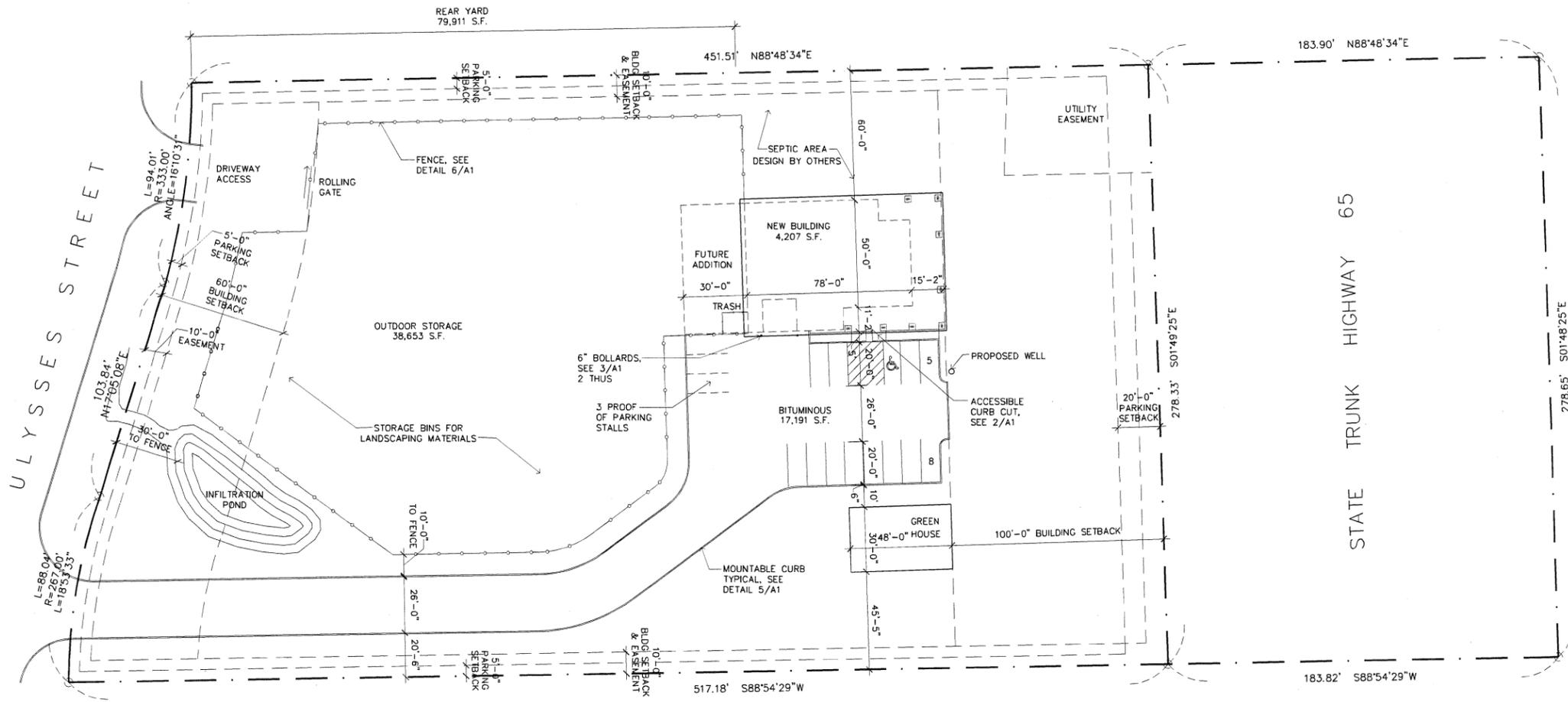
ARCHITECT CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRELIMINARY NOT FOR CONSTRUCTION

CLASSIC CONCRETE & MASONRY

CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
19432 ULYSSES ST. ST. PHONE: (763) 434-8878  
EAST BETHEL, MN 55011 FAX: (763) 434-7178

FINISHING TOUCH  
East Bethel, Minnesota



1 SITE PLAN  
A1 SCALE: 1" = 30'-0"



NOTE: CURB RAMP TO COMPLY WITH ICC/ANSI A117.1 SECTION 406 AND 705

NOTE: CURB RAMP AND ACCESSIBLE AISLE/STALL(S) SHALL BE DESIGNED TO PREVENT WATER FROM PONDING

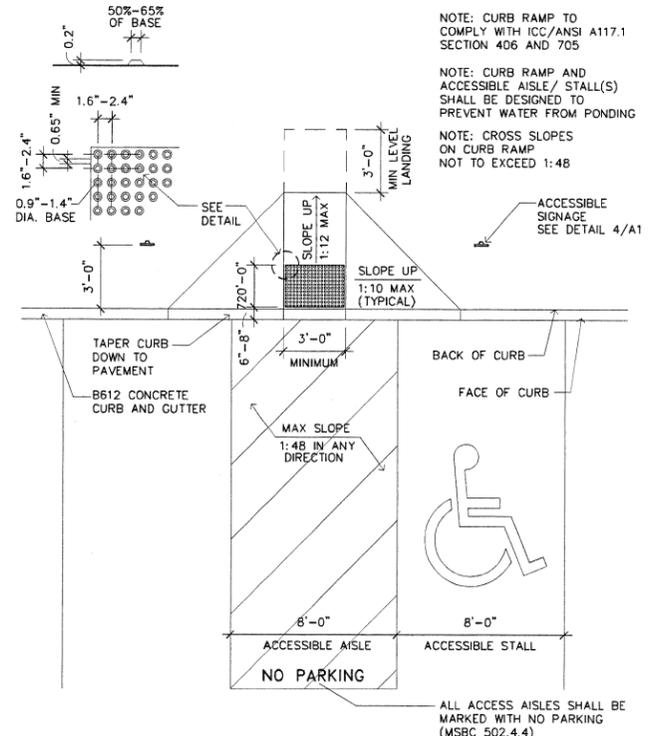
NOTE: CROSS SLOPES ON CURB RAMP NOT TO EXCEED 1:48

IMPERVIOUS SURFACE CALCULATION:  
TOTAL SITE AREA = 134,174 S.F.

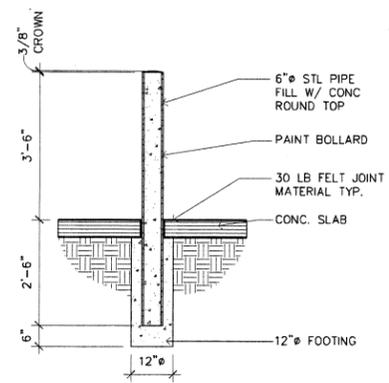
BUILDING = 4,207 S.F.  
BITUMINOUS = 17,191 S.F.  
GRAVEL = 38,653 S.F.  
FUTURE ADDITION = 1,500 S.F.  
61,551 S.F. = 45.8%

25% MAX ALLOWED IMPERVIOUS SURFACE VARIANCE REQUIRED FOR 20.8% OVER 25%

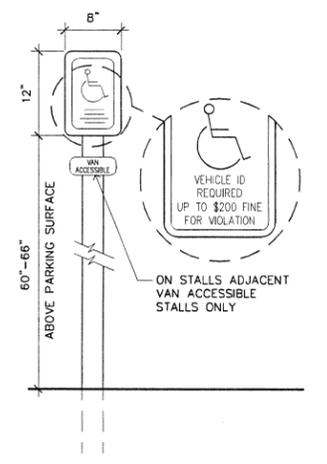
OUTDOOR STORAGE CALCULATION:  
REAR YARD = 79,911 S.F.  
OUTDOOR STORAGE = 38,653 S.F.  
38,653/79,911 = 48.4%



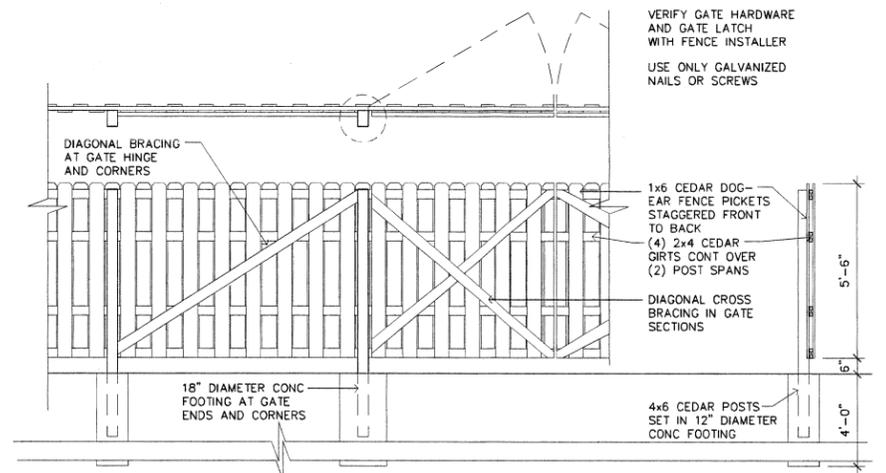
2 ACCESSIBLE CURB RAMP  
A1 SCALE: 1/4" = 1'-0"



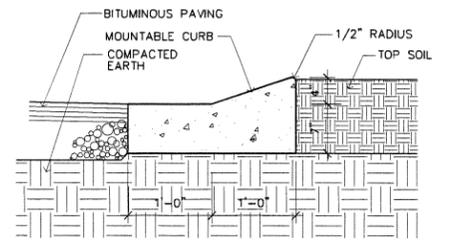
3 6" BOLLARD DETAIL  
A1 SCALE: 1/2" = 1'-0"



4 ACCESSIBLE PARKING SIGN  
A1 SCALE: 1" = 1'-0"



6 FENCE DETAIL  
A1 SCALE: NOT TO SCALE



5 MOUNTABLE CURB  
A1 SCALE: 1" = 1'-0"

Copyright 2010  
Leonard Lampert Architects, P.A.

Project Designer: T. NIENABER

Drawn By: TKN

Checked By: LL

Revisions

03.31.10 CITY SUBMITTAL

04.12.10 REVISED CITY SUBMIT

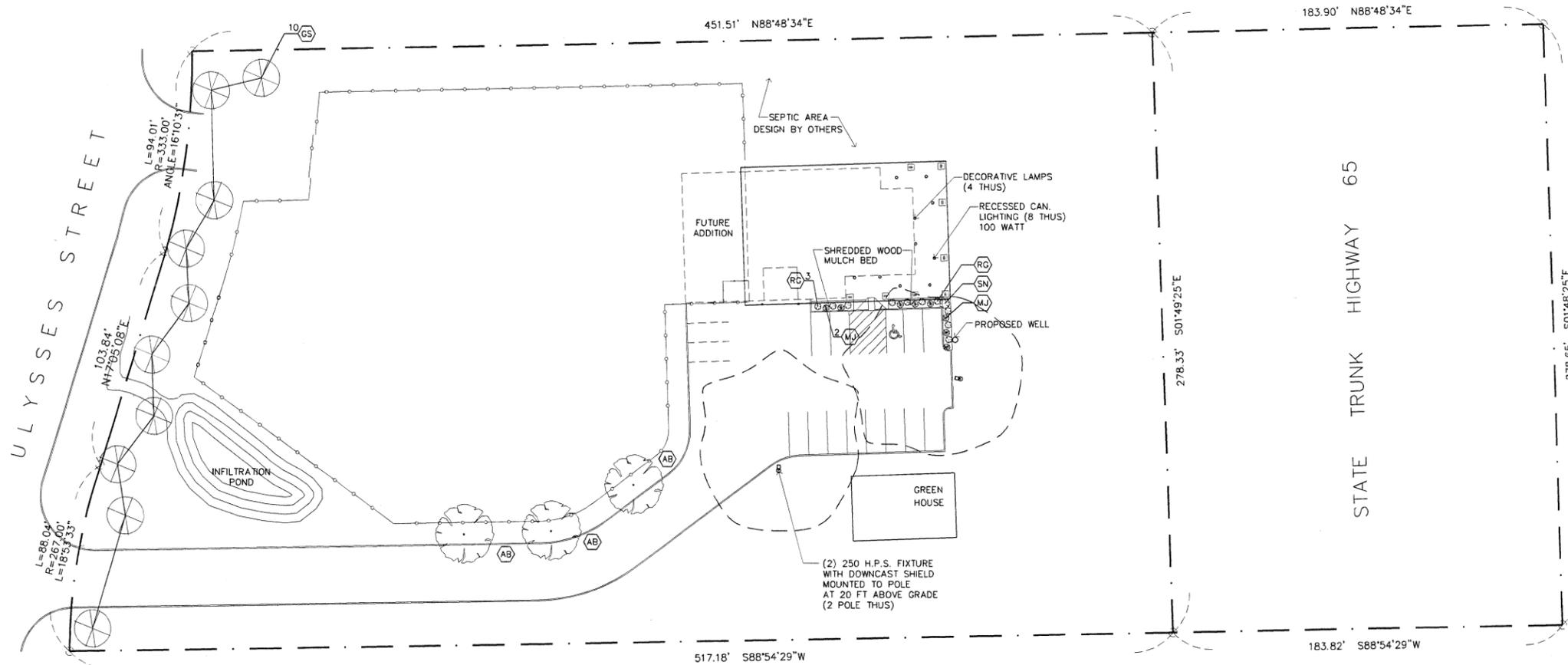
SITE PLAN & DETAILS

Sheet Number

A1

Project No. 100316-2

Attachment #4



1 LANDSCAPE & LIGHTING PLAN  
SCALE: 1" = 30'-0"

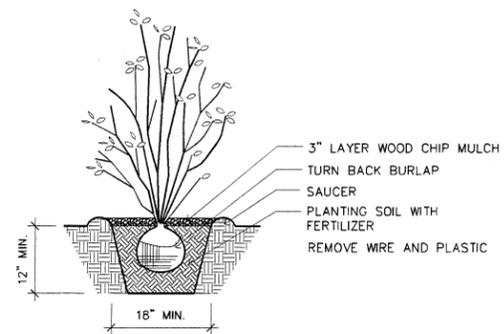


PLANTING SCHEDULE						
QTY.	KEY	COMMON NAME	BOTANICAL NAME	SIZE	MTHD	REMARKS
3	AB	AUTUMN BLAZE MAPLE	ACER X FREEMANII 'JEFFERSRED'	2.5"	BB	
8	MJ	MINT JULEP	JULEP CHINENSIS 'MONLEP'	#5	CONT.	
10	RG	ROSY GLOW JAPANESE BARBERRY	BERBERIS THUNBERGII 'ROSY GLOW'	#5	CONT.	
1	SN	SPIREA 'SNOWMOUND'	SPIREA NIPPONICA 'SNOWMOUND'	#5	CONT.	
10	GS	GREEN SPRUCE	PICEA PUNGENS	6'	BB	

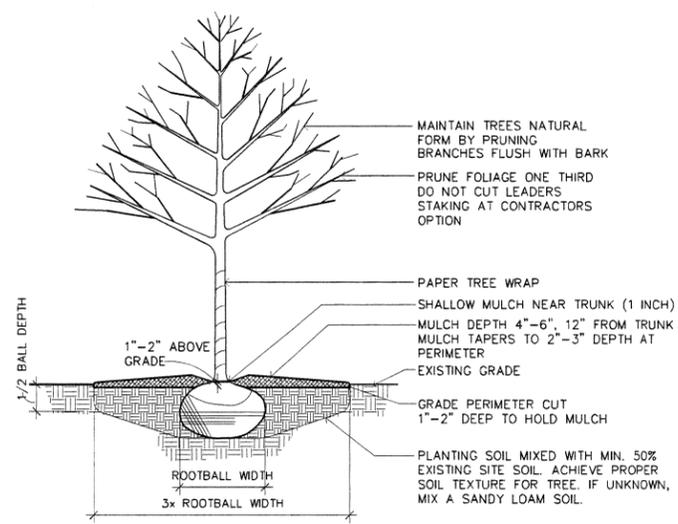
LANDSCAPE CALCULATION:  
 5,698 S.F./2000 = 3 TREES PROVIDED  
 5,698 S.F./300 = 19 SHRUBS PROVIDED

LANDSCAPE NOTES:  
 1. SOD ALL DISTURBED AREAS.  
 2. PROVIDE ROCK OR WOOD CHIPS IN ALL SHRUB PLANTING AREAS.

LIGHTING PLAN NOTES:  
 1. LIGHTING SHOWN FOR SCHEMATIC PURPOSES ONLY. LIGHTING IS DESIGN-BUILD BY ELECTRICAL CONTRACTOR. VERIFY SIZE, STYLE, QUANTITY, AND LOCATION W/ OWNER AND CONTRACTOR. PROVIDE LIGHTING PHOTOMETRICS IF NECESSARY AT CITY'S REQUEST.  
 2. ALL LIGHTING IS TO BE SHIELDED/DIRECTED AWAY FROM ADJACENT PROPERTIES AND STREET RIGHT OF WAYS.  
 3. PROVIDE SECURITY LIGHTING AT ALL MAN DOORS.



2 SHRUB PLANTING DETAIL  
NOT TO SCALE



3 TREE PLANTING DETAIL  
NOT TO SCALE

PRELIMINARY  
NOT FOR  
CONSTRUCTION



FINISHING TOUCH  
East Bethel, Minnesota

Drawn By: TKN  
 Checked By: LL  
 Revisions

03.31.10	CITY SUBMITTAL
04.12.10	REVISED CITY SUBMITTAL

LANDSCAPE & LIGHTING PLAN & DETAILS  
 Sheet Number

L1

CONTRACTOR SHALL CALL:  
**GOPHER STATE ONE CALL**  
 48 HRS. PRIOR TO CONSTRUCTION  
 TWIN CITIES 651-454-0002  
 (outstate 1-800-252-1166)



422 Lafayette Ave.  
 Excelsior, MN 55331  
 (952) 221-3700

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Engineer under the laws of the State of Minnesota.

**PRELIMINARY NOT FOR CONSTRUCTION**

\* FINAL CONSTRUCTION PLANS ONLY WILL BE SIGNED.

**FINISHING TOUCH**  
 East Bethel, MN

Project No. \_\_\_\_\_  
 Digital Drawing Name  
**Sherm-Finishing-Touch.dwg**  
 Drawn By **PMR**  
 Checked By **PMR**  
 Date **3/31/10**  
 Revisions  
**4/15/10 PER CITY COMMENTS**

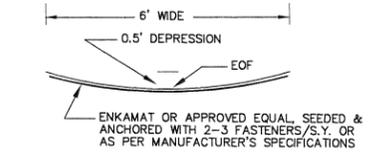
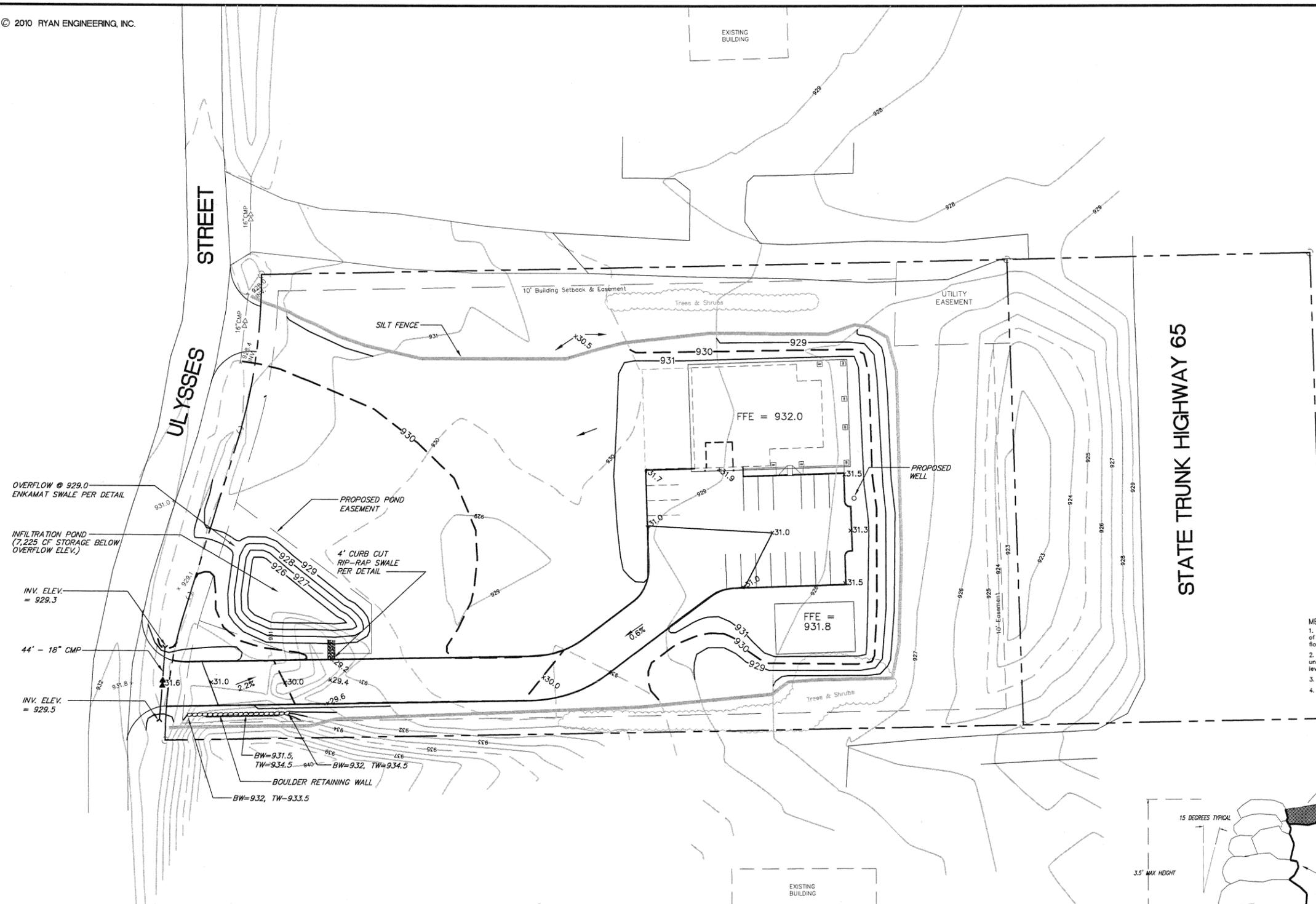
Issued For: \_\_\_\_\_ Date: \_\_\_\_\_  
 Schematic Design \_\_\_\_\_  
 Design Development \_\_\_\_\_  
 Preliminary Review \_\_\_\_\_  
 Final Review \_\_\_\_\_  
 Bidding \_\_\_\_\_  
 Construction \_\_\_\_\_

**Grading and Erosion Control Plan**

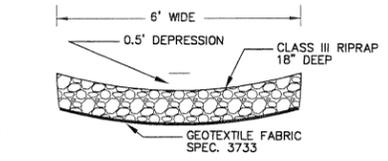
Page

C-1

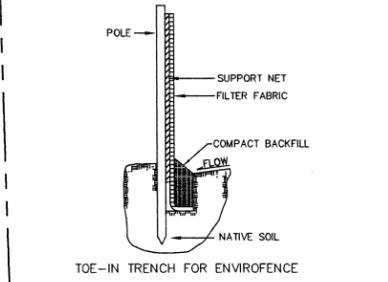
Attachment #6



ENKAMAT EMERG. O'FLOW SWALE

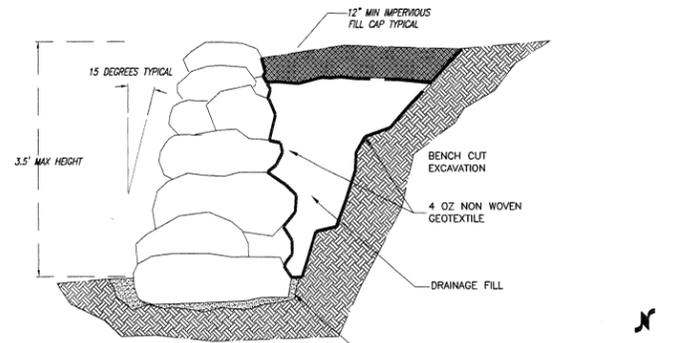


RIPRAP SWALE



SILT FENCE DIVERSIONARY DIKE

- METHOD
- Place the sedimentation control fabric side of the fence in the direction of the anticipated sediment flow (net side of the system away from the flow) and position the poles against the back wall of the trench.
  - Use a #5 sledge hammer or similar device to drive the poles into the ground until the bottom of the industrial netting is approximately 2\"/>



BOULDER RETAINING WALLS

**LEGEND**

- 927 — EXISTING CONTOURS
- 927 — PROPOSED CONTOURS
- x 929.1 EXISTING SPOT ELEVATION
- x 32.0 PROPOSED SPOT ELEVATION (ADD 900)
- 4\"/>

**GENERAL GRADING AND DRAINAGE NOTES**

CONTRACTOR SHALL CONTACT GOPHER STATE "ONE CALL" FOR UTILITY LOCATIONS AT 651-454-0002

THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHICAL FEATURES WITH THE OWNERS AND FIELD-VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.

ALL CONTOURS AND SPOT ELEVATIONS ARE SHOWN TO FINISHED SURFACE/GUTTER GRADES UNLESS SHOWN OTHERWISE. FINAL INFILTRATION POND SIZING SHALL BE DETERMINED WITH COORDINATION WITH CITY ENGINEER AND MODELING OVERALL DRAINAGE GOING TO PONDS TO THE NORTH.

ALL SILT FENCE SHALL BE IN PLACE PRIOR TO INITIATION OF EARTHWORK AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER IS ESTABLISHED, AT WHICH TIME IT SHALL BE REMOVED. TEMPORARY PONDING, DIKES, HAYBALES, ETC., REQUIRED BY THE CITY SHALL BE INCIDENTAL TO THE GRADING.

**SURVEY INFORMATION**

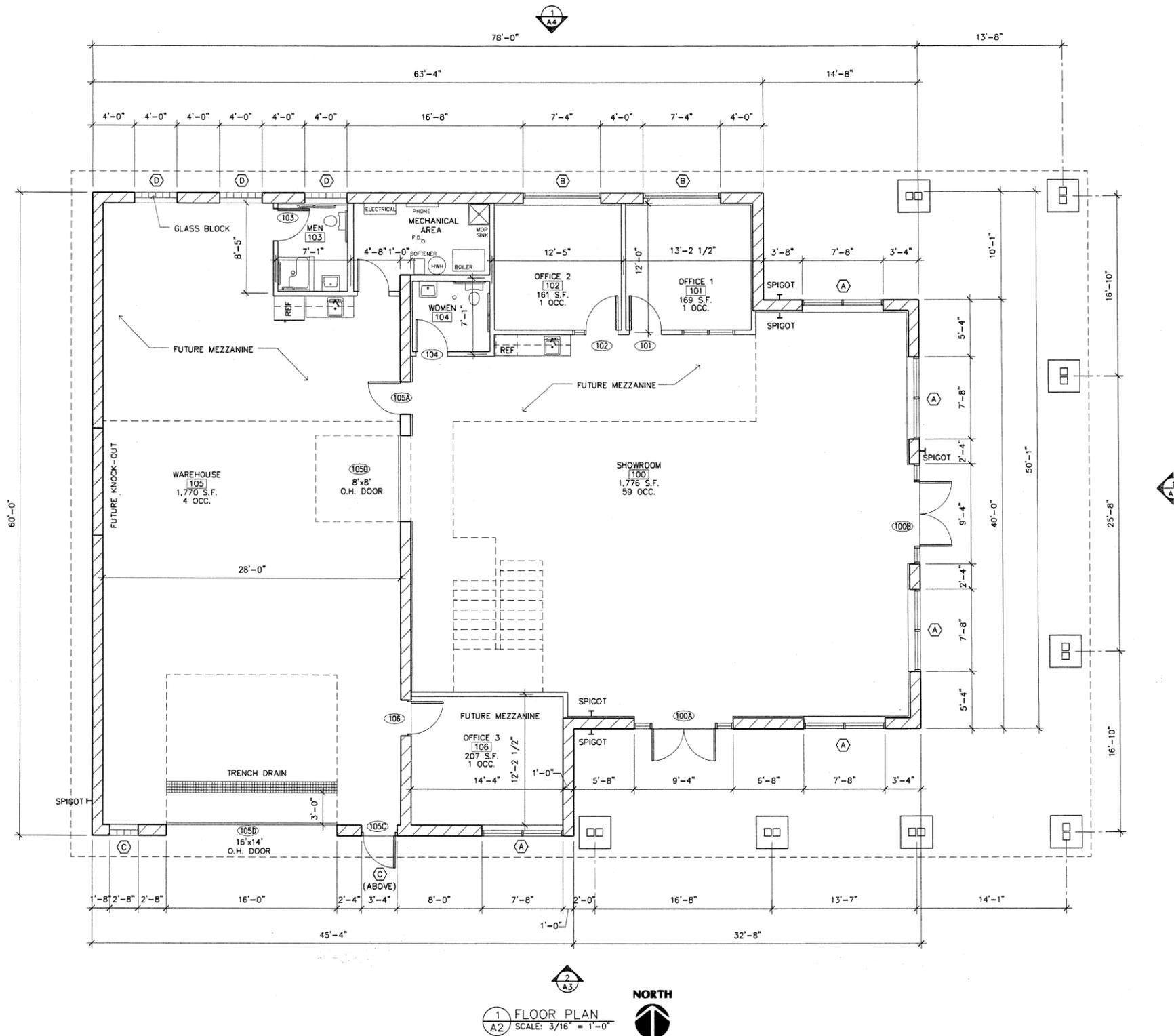
BOUNDARY INFORMATION AND SURVEY PROVIDED BY ACRE LAND SURVEYING HAM LAKE, MN. SURVEY DATED 3/22/2010.  
 SEE SURVEY FOR ADDITIONAL PLAT AND TOPOGRAPHY INFORMATION.  
 BENCHMARK = MNDOT STATION "0208 CC1" - ELEV. = 903.909 (NAVD 88)

THE CONTRACTOR SHALL USE A ROCK CONSTRUCTION ENTRANCE ACCORDING TO THE DETAILS. ALL STREETS DISTURBED DURING WORKING HOURS MUST BE CLEANED AT THE END OF EACH WORKING DAY.

THE CONTRACTOR SHALL INSURE POSITIVE DRAINAGE IS MAINTAINED FROM THE SITE AT ALL TIMES. CONTRACTOR SHALL BE RESPONSIBLE FOR TEMPORARY DITCHES, PIPING, OR OTHER MEANS REQUIRED TO INSURE PROPER DRAINAGE DURING CONSTRUCTION. LOW POINTS IN ROADWAYS OR BUILDING PADS MUST BE PROVIDED WITH A POSITIVE OUTFLOW.

ALL AREAS DISTURBED AS A RESULT OF CONSTRUCTION SHALL BE IMMEDIATELY RESTORED WITH SEED AND DISC MULCHED OR WOOD-FIBER BLANKET OR SOD IN ACCORDANCE WITH THE APPROVED PLANS WITHIN TWO WEEKS UPON COMPLETION OF EACH ACTIVITY IN ACCORDANCE WITH THE CITY'S BEST MANAGEMENT PRACTICE HANDBOOK AND MPCA GUIDELINES, WHICHEVER IS STRICTER.

TOTAL DISTURBED AREA = 1.9 ACRES ±



**LAMPERT ARCHITECTS**  
 13837 NE Lincoln Street  
 Horn Lake, MN 55304  
 Phone: 763.755.1211 Fax: 763.757.2849  
 lampert@lampert-arch.com

ARCHITECT CERTIFICATION:  
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY NOT FOR CONSTRUCTION**

SIGNATURE: LEONARD LAMPERT  
 PRINT NAME: LEONARD LAMPERT  
 LICENSE NO: 13669  
 EXPIRES: 03/31/10

**CLASSIC CONSTRUCTION**  
 CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
 18542 ULYSSES ST. NE PHONE: (763) 434-8870  
 EAST BETHEL, MN 55011 FAX: (763) 434-7120

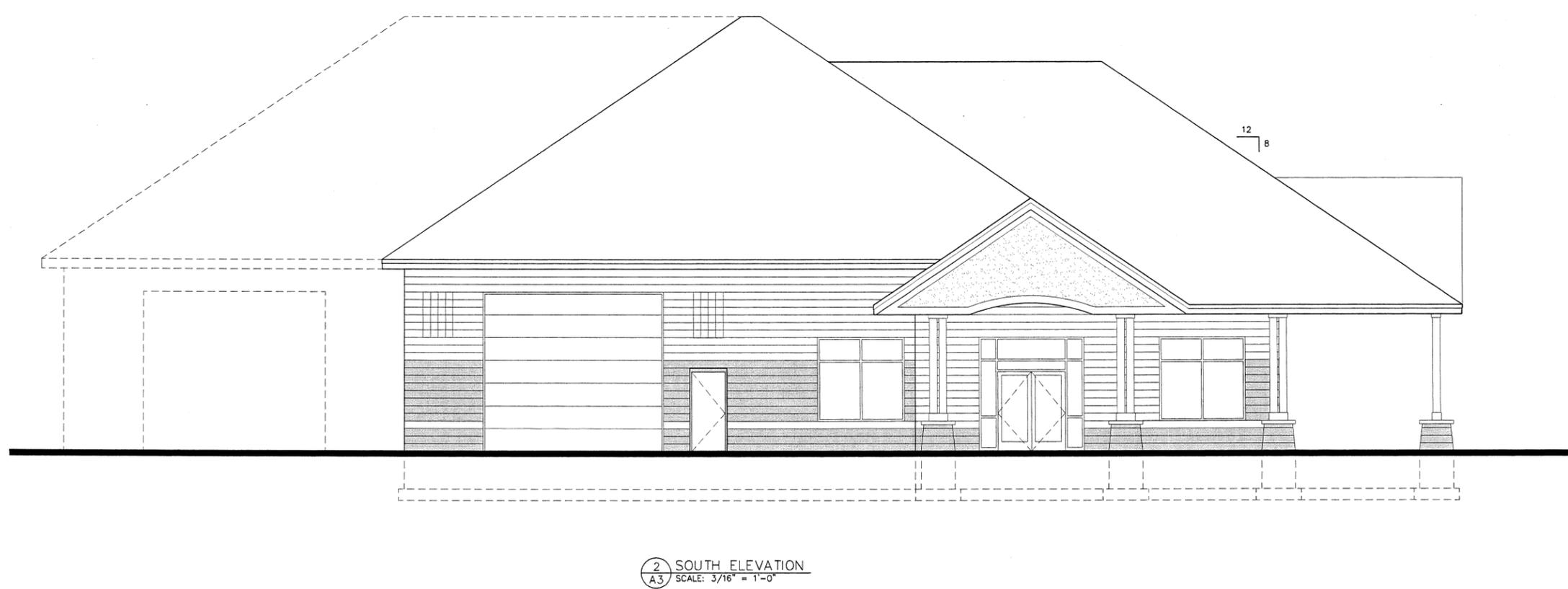
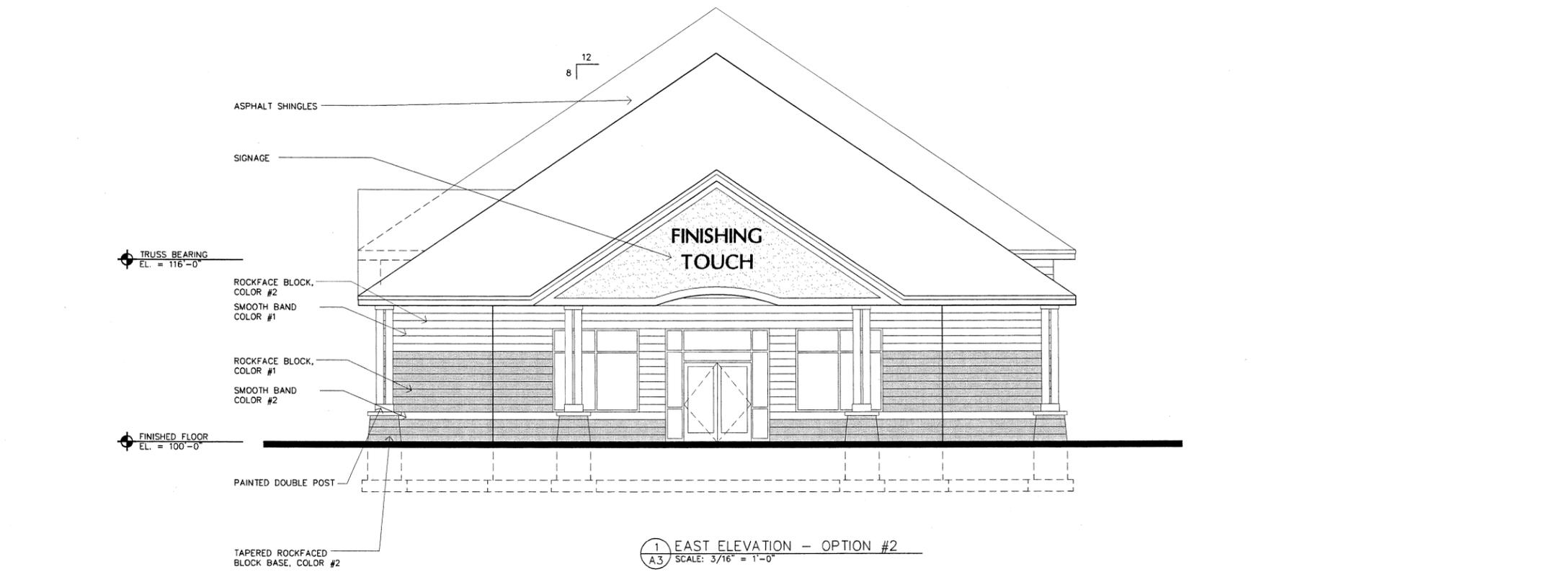
**FINISHING TOUCH**  
 East Bethel, Minnesota

Copyright 2010  
 Leonard Lampert Architects, P.A.  
 Project Designer: T. NIENABER  
 Drawn By: TKN  
 Checked By: LL/LML  
 Revisions

NO.	DATE	DESCRIPTION
03.31.10	CITY SUBMITTAL	

**FLOOR PLAN & DETAILS**  
 Sheet Number

**A2**



**LAMPERT ARCHITECTS**

13837 NE Lincoln Street  
Ham Lake, MN 55304  
Phone: 763.755.1211 Fax: 763.757.2849  
lampert@lampert-arch.com

ARCHITECT CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY NOT FOR CONSTRUCTION**



**CLASSIC CONSTRUCTORS**  
CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
1842 LELYNES ST. NE PHONE: (763) 434-8870  
EAST BETHEL, MN 55011 FAX: (763) 434-7701

**FINISHING TOUCH**  
East Bethel, Minnesota

Copyright 2010  
Leonard Lampert Architects, P.A.  
Project Designer: T. NIENABER  
Drawn By: TKN  
Checked By: LL

Revisions

03.31.10	CITY SUBMITTAL

**ELEVATIONS**

Sheet Number

**A3**

Project No. 100316-2

Attachment #8

April 9, 2010

Stephanie Hanson, City Planner  
City of East Bethel  
2241 – 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011-9631

RE: Lot 1, Block 3, West Side Estates – Finishing Touch

Dear Stephanie:

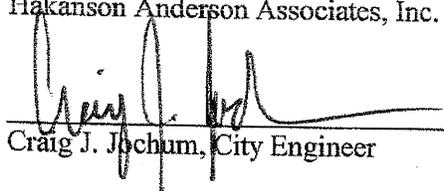
As requested, we have reviewed the Grading, Drainage and Erosion Control Plan by Ryan Engineering, dated March 31, 2010 for the above referenced site. We have the following comments:

1. Add a vicinity map to the plans.
2. Show the footprint of the two proposed ISTS areas on the grading plan. The applicant shall provide sufficient data, including soil borings and percolation tests, to insure that the sites are suitable. Add a note that the ISTS areas shall be protected during construction. The original ISTS areas were shown along the south lot line.
3. Show the location of the proposed well on the grading plan.
4. We would recommend that a minimum of 1.5 percent be maintained as a cross-slope on the pavement.
5. Clearly label the location of the curb and gutter on the grading plan. We recommend ending the driveway curb and gutter at the right-of-way line. We also recommend using a B6 type design in the parking lot.
6. The overflow elevation for the pond is labeled as 929.0. We recommend labeling the elevation as 928.5 since, as shown on the detail, the water will overflow at 928.5.
7. The slopes on the north and south sides of the driveway approaches shall be 4:1 or flatter.
8. Label the elevations of the boulder retaining wall. Provide a retaining wall detail on the plan. All walls greater than 4 feet in height must be certified by a licensed engineer.
9. An NPDES permit will have to be obtained prior to the start of grading.
10. It is not clear what type of surface is proposed in the storage area on the west side of the lot. The north driveway to the storage area shall be paved at least to the right-of-way.
11. We recommend revising the title of the “riprap emerg. o’flow swale” detail to “riprap swale” to match the note on the grading plan.

12. Add a curb detail and a typical parking lot pavement section to the civil plans. Provide specifications or refer to the appropriate Mn/DOT designs and specifications.
13. The grading plan will have to be signed by a licensed professional engineer.
14. Show the location of the trash and waste storage facilities.
15. Per Section 4.12.D of the Zoning Ordinance, add the following to the plan set:
  - A. Name and address of applicant, owner and operator.
  - B. Legal description.
  - C. Right-of-way widths.
  - D. Benchmark information.
  - E. Identify adjoining property owners.
16. Clearly label easements on the grading plan or add the line type to the legend.
17. To ensure maintenance of the onsite pond is performed, the City will require an easement and maintenance agreement. A sample agreement is attached.
18. The existing regional stormwater ponds for this site were designed to take stormwater from the westerly 1/3 of the site. The remaining lot was proposed to drain to the east. The site can remain as proposed if 7,100 cubic feet of storage is provided below the pond overflow.

If you have any questions please call me at 763-427-5860.

Sincerely,  
Hakanson Anderson Associates, Inc.



Craig J. Jochum, City Engineer

CJJ:tae

cc: Douglas Sell, City Administrator  
Jack Davis, Public Works Manager  
Larry Martin, Building Official  
Gerald Randall, City Attorney  
Cyndi Dooley, Property Owner



**AGREEMENT  
TO MAINTAIN EASEMENT**

**THIS AGREEMENT** is made and entered into as of the \_\_\_\_\_ day of October, 2007, by and between Owners Name Here ("Owner") and the City of East Bethel, a Minnesota municipal corporation ("City").

**WITNESSETH:**

**WHEREAS**, the Owner owns certain real property located in the City of East Bethel, County of Anoka, State of Minnesota, legally described as:

**Lot 1 of Block 2 of Shade Tree Commercial Park**

**WHEREAS**, the Owner in title will grant to the City certain drainage and utility easements over all of the Property legally described as:

**Pond Description Here, Anoka County, Minnesota**

(the "Easements"), said Easements being set forth more fully in Document Add Document Number Here as filed with the Anoka County Recorder, and

**WHEREAS**, the Property is suitable with the City of East Bethel, and permanent provisions for handling of storm runoff, including provisions for operation and maintenance of all stormwater runoff facilities and ponds, are required, and such provisions are to be set forth in an agreement to be recorded in the real estate records; and

**WHEREAS**, the City has given approval to the easement subject to compliance by the Owner with certain conditions, including entering into an easement maintenance agreement with the City;

**NOW, THEREFORE**, in consideration of mutual covenants of the parties set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**1. Maintenance of the Pond.** The Owner and its successor or assigns as fee owner of the Property shall be responsible for maintaining the Easements and observing all Drainage Laws governing the operation and maintenance of the Easements. The Owner shall provide the City with a schedule acceptable to the City for inspection of the Easements and outlet control structure. The Owner shall make all such scheduled inspections, keep record of all inspections and maintenance activities, and submit such records annually to the City. The cost of all inspections and maintenance, including skimming and cleaning of the Easements, shall be the obligation of the Owner and its successors or assigns as the fee owner of the Property.

**2. City's Maintenance Rights.** The City may maintain the Easements, as provided in this paragraph, if the City reasonably believes that the Owner or its successors or assigns have failed to maintain the Easements in accordance with applicable Drainage Laws, and such failure shall continue for thirty (30) days after, the City shall give the Owner written notice of such failure. The City's notice shall specifically state which maintenance tasks are to be performed. If Owner shall

not complete the maintenance tasks within thirty (30) days after such notice is given by the City, the City shall have the right to enter upon the Easement to perform such maintenance tasks. In such case, the City shall send an invoice of its reasonable maintenance costs to the Owner or its successors or assigns, who shall pay said costs within thirty (30) days of receipt of said invoice. Notwithstanding the foregoing, in the event to an emergency, as determined by the City Engineer, the thirty (30)-day notice requirement to the Owner for failure to perform maintenance tasks shall be and hereby is waived in its entirety by the Owner, and the Owner shall reimburse the City for any expense so incurred by the City in the same manner as if written notice as described above has been given.

3. **Hold Harmless.** The Owner agrees to indemnify and hold harmless the City and its agents and employees against any and all claims, demands, losses, damages, and expenses (including reasonable attorneys' fees) arising out of or resulting from the Owner's or the Owner's agents or employee's negligent or intentional acts, or any violation of any safety law, regulation or code in the performance of this Agreement, without regard to any inspection or review made or not made by the City, its agents or employees or failure by the City, its agents or employees to take any other prudent precautions. In the event the City, upon the failure of the Owner to comply with any conditions of this Agreement, performs said conditions pursuant to its authority in this Agreement, the Owner shall indemnify and hold harmless the City, its employees, agents and representatives for its own negligent acts in the performance of the Owner's required work under this Agreement, but this indemnification shall not extend to intentional or grossly negligent acts.

4. **Costs of Enforcement.** The Owner agrees to reimburse the City for all costs incurred by the City in the enforcement of this Agreement, or any portion thereof, including court costs and reasonable attorneys' fees.

5. **Notice.** All notices required under this Agreement shall either be personally delivered or be sent by certified or registered mail and addressed as follows:

To the Owner:	Owner Name Owner Address
---------------	-----------------------------

To the City:	City Administrator City of East Bethel 2241 221 <sup>st</sup> Avenue NE East Bethel, MN 55011-9631
--------------	-------------------------------------------------------------------------------------------------------------

All notices given hereunder shall be deemed given when personally delivered or two (2) business days after being placed in the mail properly addressed as provided herein.

6. **Successors.** All duties and obligations of Owner under this Agreement shall also be duties and obligations of Owner's successors and assigns.

7. **Effective Date.** This Agreement shall be binding and effective as of the date hereof.







April 20, 2010

Stephanie Hanson, City Planner  
City of East Bethel  
2241 - 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011-9631

RE: Lot 1, Block 3, West Side Estates - Finishing Touch  
Review No. 2

Dear Stephanie:

As requested, we have reviewed the revised Grading, Drainage and Erosion Control Plan by Ryan Engineering, dated April 15, 2010 for the above referenced site. The following is an update to our review letter of April 9, 2010:

1. OK
2. Show the footprint of the two proposed ISTS areas on the grading plan. The applicant shall provide sufficient data, including soil borings and percolation tests, to insure that the sites are suitable. Add a note that the ISTS areas shall be protected during construction. The original ISTS areas were shown along the south lot line.
- 3.-6. OK
7. The slopes on the north and south sides of the driveway approaches shall be 4:1 or flatter. **(Comment 4/20/10): Still needs to be shown or labeled on the grading plan.**
8. OK
9. An NPDES permit will be have to be obtained prior to the start of grading.
- 10.-12. OK
13. The grading plan will have to be signed by a licensed professional engineer.
- 14.-16. OK
17. To ensure maintenance of the on-site pond is performed, the City will require an easement and maintenance agreement. A sample agreement is attached. **(Comment 4/20/10): The easement is shown on the grading plan. Provide a description that can be inserted into the agreement. The easement needs to provide a minimum of 10 feet between the top of the pond and the easement along the south side of the pond to allow for future maintenance.**

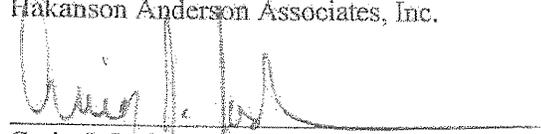
18. OK

Additional Comments 4/20/10:

19. The applicant has applied for a variance for impervious surface. The requirement is 25 percent maximum. The proposed site has 45.8 percent impervious surface. For water quality design purposes, the typical rainfall event that is analyzed is 2.5 inches. The proposed on-site infiltration pond will completely infiltrate up to a 3-inch rainfall. The on-site infiltration pond also provides a slight overall reduced volume of stormwater runoff for the regional ponds, which are north of this lot. With the proposed infiltration pond, it is our opinion that the increased impervious area will not have a negative impact on the stormwater runoff quality leaving the site.
20. The Owner/Contractor must ensure that the infiltration pond is properly constructed. Provide notes on the grading plan that reference the appropriate sections of the General Stormwater Permit.
21. Provide the infiltration pond seed mix on the plans. We recommend Mn/DOT mix 310 or 328.
22. The revised pond shown on the grading plan is not reflected on the Architectural plans.

If you have any questions please call me at 763-427-5860.

Sincerely,  
Hakanson Anderson Associates, Inc.



---

Craig J. Jochum, City Engineer

CJJ:tae

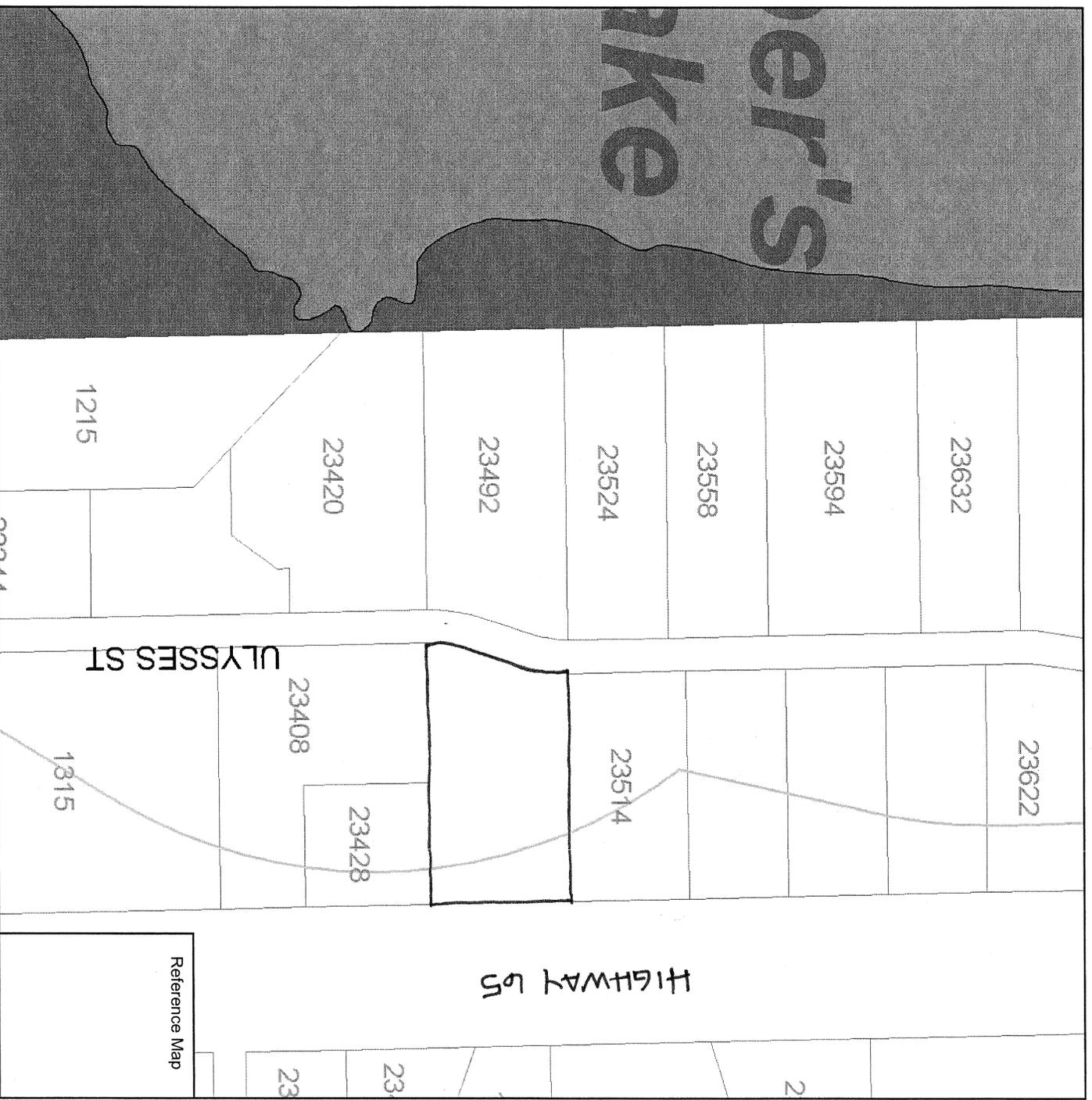
cc: Douglas Sell, City Administrator  
Jack Davis, Public Works Manager  
Larry Martin, Building Official  
Gerald Randall, City Attorney  
Cyndi Dooley, Applicant

# Attachment #10



CITY OF EAST BETHEL  
Shoreland Boundary

- MAP LEGEND:
- SHORELAND OVERLAY
  - WATER
  - PARKS
  - PARCELS



Reference Map

Map Scale: 1 inch = 296 feet

Map Date: 4/20/2010

Data Date: March 26, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY



Disclaimer:  
Enter Map Disclaimer Here



# City of East Bethel Planning Commission Agenda Information

\*\*\*\*\*

**Date:**

April 27, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 4.0

\*\*\*\*\*

**Agenda Item:**

Temporary Permit for Greenhouse

\*\*\*\*\*

**Requested Action:**

Consider Approval of Temporary Permit for a Greenhouse on a Property Without an Established Business

\*\*\*\*\*

**Background Information:**

**Property Owner/Applicant:**

Gerald Shern  
Cyndi Dooley  
416 Crestwood Court SE  
East Grand Forks, MN 56721

**Property Location:**

West Side Estates  
Lot 1, Block 3  
PIN 32-34-23-24-0013  
Zoning: I – Light Industrial

This evening Planning Commission heard the request of Ms. Dooley of a site plan review for a new commercial building to be constructed for the business known as Finishing Touch. Since the construction of the building will not be completed soon, Ms. Dooley is requesting a temporary permit to construct a temporary greenhouse on the property. Her request is to have the greenhouse in place from May 20, 2010 – August 31, 2010. The greenhouse will be used for the propagation of plants, and retail sales of plants and garden accessories.

East Bethel Zoning Code has regulations pertaining to temporary seasonal sales and requires the temporary seasonal sales to be located on the property of an established business. Since there is not an established business on site, staff recommends a temporary permit be granted that will allow the greenhouse to be constructed for the 2010 growing season as long as Ms. Dooley meets the requirements set forth in the East Bethel City Code Section 10.36 Temporary/Seasonal Sales.

\*\*\*\*\*

**Fiscal Impact:**

Undetermined at this time

\*\*\*\*\*

**Recommendation:**

Planning Commission may recommend approval to City Council of a temporary permit to allow for a temporary greenhouse to be erected at the property known as West Side Estates, Lot 1. Block 3, PIN 32-34-23-24-0013 for the duration of May 20, 2010 – August 31, 2010 with the following conditions:

1. Temporary/seasonal sales shall require approval of a certificate of compliance.
2. A site plan shall be provided illustrating location of the structure, parking, and traffic flow.
3. Approval of the local fire marshal is required.
4. Sales area may operate between the hours of 7:00 a.m. and 9:00 p.m.
5. Sale area must not be placed in the right-of-way, nor shall it impair traffic visibility.
6. Temporary structures placed on the property for such sales must be removed no later than September 3, 2010.
7. Facilities may not be permanently connected to permanent facilities including electric, gas, sewer, water, and telephone.
8. One temporary banner not exceeding 75 square feet may be used in conjunction with the operation.
9. Trash containers shall be provided on site for debris.
10. All waste from the operation shall be properly disposed of.
11. Copies of all applicable permits from the state and county shall be provided to the city.
12. Owner of the property on which the sales facility is placed shall not be in violation of any code or ordinance or have unpaid taxes.
13. The city reserves the right to shut down temporary/seasonal sales operation even after the granting of approval if the operation is posing safety concerns, has become a nuisance, or has violated any requirement of this section.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



# City of East Bethel Planning Commission Agenda Information

\*\*\*\*\*

**Date:**

April 27, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 5.0

\*\*\*\*\*

**Agenda Item:**

Retreat Center Discussion

\*\*\*\*\*

**Requested Action:**

Informational Only – Provide Comments to City Council on Recommended Changes

\*\*\*\*\*

**Background Information:**

On April 21, 2010, City Council directed staff to address retreat centers and make some modifications. Specific items to be addressed included screening and roadway access to the retreat center. Staff has prepared proposed language and has incorporated the language in Ordinance 19. Changes are highlighted in gray and include:

Section 01.9 Definitions

Retreat Center: A place designated to serve individuals and groups by offering a natural setting for crafting purposes and interaction. **Spiritual retreat centers such as health spas, places of worship, and Zen and yoga centers are not included in this category of uses.**

Staff’s intention of a retreat center was to allow for uses such as crafting retreats; therefore, more intense uses such as spiritual centers and camps is not included in this category of uses. Spiritual centers such as Zen and yoga centers are defined as places of worship and are currently regulated in the East Bethel code. Uses such as health spas are allowed in commercial districts only. The definition has been modified to reflect this change.

Staff has modified and added additional language to reflect the changes to the proposed definition for crafting and similar retreat centers. The proposed language changes are as follows:

Section 10.33 Retreat Center in Rural Residential Districts

33. Retreat center, in rural residential districts.

A. The retreat center structures must be located at a minimum of 500 feet from property lines and **must not be located in a platted subdivision.**

B. **The retreat center must be located and accessed from an arterial or collector roadway.**

D. Retreat centers are allowed with an approved IUP.

E. Single family homes may be converted, renovated, or enlarged for the purpose of providing additional guest rooms after an IUP is obtained, and must be owner occupied.

F. The exterior appearance of the structure shall not be altered from its single-family character, nor shall there be any detriment to the residential character of the neighborhood.

G. Occupant load will be determined by building and/or fire department, not to exceed a guest occupancy of 20 persons.

H. Primary guest room entrances shall be through an interior room of the center.

I. Guests are limited to a length of stay of no more than seven consecutive nights.

J. Food preparation and cooking in guest rooms is prohibited.

K. On-site parking, sufficient for all residents and participants shall be provided.

L. Retreat centers shall be landscaped and screened from abutting lots, as determined by City Council.

M. Retreat centers require a yearly health and safety inspection by the fire/building departments.

\*\*\*\*\*

**Fiscal Impact:**

Undetermined at this time

\*\*\*\*\*

**Recommendation:**

Staff recommends Planning Commission to review the proposed changes and provide City Council with comments.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## EAST BETHEL PLANNING COMMISSION MEETING

March 23, 2010

The East Bethel Planning Commission met on March 23, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Heidi Moegerle Lori Pierson Glenn Terry  
Julie Moline Lorraine Bonin

MEMBERS ABSENT: Tim Landborg

ALSO PRESENT: Stephanie Hanson, City Planner  
Steve Voss, City Council

Adopt Agenda The March 23, 2010 meeting was called to order by Chairperson Holmes at 7:00 PM.

**Holmes made a motion to adopt the March 23, 2010 agenda. Pierson seconded; all in favor, motion carries.**

Public Hearing/Conditional Use Permit Amendment – Blue Ribbon Pines Disc Golf Course  
Property Owner:  
Ray Jordan  
Ray Jordan and Sons, Inc.  
1901 Klondike Drive NE  
East Bethel, MN 55011  
PIN 21-33-23-23-0001

Owner/Applicant, Ray Jordan, Ray Jordan and Sons, Inc. is requesting a Conditional Use Permit (CUP) Amendment to allow the addition of a restaurant facility at Blue Ribbons Pines Disc Golf Course the location being 1901 Klondike Drive NE, East Bethel, MN 55011, PIN 21 33 23 23 0001. The Zoning Classification is R-1 Single Family Residential.

In June 2006, City Council approved a CUP to allow a recreational golf course. It is in the opinion of City Staff and the City Attorney that the operation of a restaurant in conjunction with a golf course constitutes a permissible accessory use, that is, a use that either is clearly incidental to, customarily found in connection with, and located on the same parcel as the principal use to which it is related. Also, City Staff and the City Attorney are in the opinion that a CUP Amendment would be a way to ensure that such things as hours of operation and future expansions are regulated. The City Attorney's letter has been provided for Planning Commission review.

In the three years since opening, the business has been recognized as one of the best courses in the state and has been rated in the top ten in the country. Summer months are the busy time of year; however, the course is open year-round with many individuals taking advantage of winter disc golf. Currently, Blue Ribbon Pines has a 3.2 On Sale Liquor License from the City of East Bethel and would like to also incorporate a restaurant to serve sandwiches and appetizers as part of the business.

Currently, most players leave the city limits to eat and then come back to the course to

continue playing disc golf. Mr. Jordan sees adding a restaurant to the golf course as a positive asset as it will expand the business and will keep customers in the city. It is proposed that the restaurant will be open year-round. Hours of operation include Sunday – Thursday 11:00 A.M. – 11:00 P.M., and Friday – Saturday 11:00A.M. – 12:00 A.M. (midnight). It is anticipated that the restaurant will close earlier on slower weekdays and weekends depending on clientele.

The site has an existing 5,850 square foot building on-site that is used for offices, a golf pro shop, and equipment storage for the existing agricultural business known as Ray Jordan and Sons, Inc. Mr. Jordan is proposing to use a portion of the existing space, 40 feet by 50 feet or 2,000 square feet, as the restaurant facility. The existing offices will continue to occupy 600 square feet and 3,250 square feet will remain as storage. Attachment 4 that was provided to the Planning Commission indicates the proposed and existing uses of the building.

As part of the approval process for the restaurant expansion, Mr. Jordan will be required to submit a site plan to be reviewed and approved by City Council. Site plan review submittal must meet East Bethel Code requirements set forth in Appendix A, Zoning, Section 4.12, Applications and Procedures, and Section 22, Off-Street Parking and Loading. Submittal includes but is not limited to the following requirements: site plan, lighting plan, parking plan, grading and drainage plan for the expanded parking lot, and landscape plan. Building permits will not be issued until the approval of a site plan.

Holmes opened the public hearing at 7:05 p.m. There was no public comment. The public hearing was closed at 7:06 p.m.

Bonin asked how much business do you anticipate being golf course users versus other people. Jordan said they are setting this restaurant for the people who are already at the course. The food is going to be really, really good. The site currently has a large cedar deck that overlooks the golf course. It is trendy to eat and sit outside, but our main drive is to cater to the people that are already there. Jordan explained disc golf is mainly a south metro sport; most players don't get much farther north than 694. Players generally go through the course twice, which takes 6-8 hours to play (it takes about 3-4 hours to get through the course once). When the players leave, they are always asking where they can go to eat. By adding a restaurant, they are hoping to keep business in East Bethel and make the course that much better. It would really be an asset to the course and the community.

Moline asked how many people they are looking to seat in the restaurant. Jordan said the deck will probably seat 20 people, the restaurant 25 or 30, and the patio space would seat more. Jordan stated they have been looking at other restaurants and are going to bring in some experts to design the restaurant.

Moegerle asked how soon do they plan on opening. Jordan said they will be taking their time on this project, but plan on opening sometime between August of 2010 and spring of 2011. He knows a lot of restaurant people and is looking to get good prices on used restaurant equipment.

**Pierson motioned to recommend approval to City Council for a CUP Amendment to allow the addition of a restaurant facility at the business known as Blue Ribbon Pines Disc Golf Course, located at 1901 Klondike Drive, East Bethel, MN, PIN 21-33-23-23-**

**0001 with the following conditions:**

- 1. Property owner must meet all approved conditions no later than June 7, 2010 or approval will be voided.**
  - 2. Property owner must sign and execute a CUP Amendment Agreement no later than June 7, 2010.**
  - 3. CUP shall be reviewed by City Staff on a biannual basis, at which time, City Staff could require a CUP Amendment with additional conditions, as deemed fit.**
  - 4. CUP Amendment Agreement must be executed prior to the submittal of a site plan review.**
  - 5. Current site plan and code requirements set forth in East Bethel Code Appendix A, Zoning are required to be met at the time of submittal of the site plan.**
  - 6. No building permits for building modifications will be issued until site plan approval by City Council.**
  - 7. Operations of the restaurant includes: Year round, Sunday – Thursday 11:00 A.M. – 11:00 P.M., and Friday – Saturday 11:00A.M. – 12:00 A.M. (midnight). Intensification to the approved hours and expansion of the restaurant facility must be approved by City Council by a CUP Amendment.**
- Terry seconded, all in favor, motion carries.**

This matter will be heard at the April 7, 2010 City Council meeting.

Moline asked if the course brings in tournaments. Jordan explained they have had two big tournaments nad have had players come from all over the United States and Europe. One of the biggest tournaments was in East Bethel for two years in a row. The neat thing about it, the best pros in the United States played here two years in a row.

Bonin asked if other courses have places to eat. Jordan said this is one of two places that will have places to eat. At Hyland Hills it is more of a cafeteria. By adding the disc golf course at Hyland, they make just as much money on the disc golf course as they do on their skiing.

Approve  
February 23,  
2010  
Planning  
Commission  
Meeting  
Minutes

**Pierson motioned to approve the February 23, 2010 minutes. Moegerle seconded; all in favor, motion carries.**

Adjourn

**Pierson made a motion to adjourn the meeting at 7:18 PM. Moline seconded; all in favor, motion carries.**

Submitted by:  
Jill Teetzel  
Recording Secretary