

EAST BETHEL PLANNING COMMISSION MEETING

April 24, 2012

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

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

MEMBERS ABSENT: Glenn Terry Joe Pelawa

ALSO PRESENT: Stephanie Hanson, City Planner
Heidi Moegerle, City Council

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

Mundle motioned to adopt the April 24, 2012 agenda. Bonin seconded; all in favor, motion carries.

**Public
Hearing/Interim Use
Permit – A request
by owners, Keith and
Katy Murschel, to
obtain an Interim
Use Permit for three
(3) ponies and one (1)
horse. The location
being 954 197th Ave.
NE, East Bethel, MN
55011, PIN 30 33 23
11 0009. The Zoning
Classification for this
property is R-1
Single Family
Residential.**

Property Owner:
Keith and Katy Murschel
954 197th Ave. NE
East Bethel, MN 55011
PIN 303323110009

Mr. and Mrs. Murschel are requesting an IUP for the keeping of one (1) horse and three (3) ponies on a 10.5 acre parcel they recently purchased. An IUP for three (3) horses was approved in 2003; however, IUPs are not transferred when the property is sold.

East Bethel City Code Section 10. Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 10.5-acre parcel is not located within a platted subdivision.

There are no wetlands present on the 10.5-acre parcel. There is an existing barn to house the horses and three (3) fenced in pastures for rotating the livestock. City Code has a limit on the number of animals per parcel. Horses require one acre of pasture land per horse. Pasture land is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

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

Staff recommends Planning Commission hold a public hearing for the IUP request. After the public hearing, staff requests Planning Commission to

recommend approval to City Council for an IUP to allow three (3) ponies and one (1) horse at 954 197th Avenue NE, PIN 30-33-23-11-0009, for Keith and Katy Murschel with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owners and the City.
2. Property owners must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
4. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Conditions of the IUP must be met no later than August 1, 2012. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.
7. If the animal units change, the property owner must complete a Request for Change of Animal Units form available from the Planning Division. This form is intended to keep staff updated as to the number and type of regulated domestic farm animals kept on the property. The form will be kept in the address file.

Public hearing was opened at 7:02 p.m. Public hearing was closed at 7:02 p.m.

Bonin asked if there is a difference between a pony and a horse in the City Code. Hanson said no there isn't. Bonin stated they could then switch out a pony for a horse. Hanson agreed. She also said that staff does process the paperwork to change out the different types of animals.

Balfany motioned to recommend approval to City Council for an IUP allowing three (3) ponies and one (1) horse at 954 197th Avenue NE, PIN 30-33-23-11-0009, for Keith and Katy Murschel with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the property owners and the City.**
2. **Property owners must comply with City Code Section 10. Article V. Farm Animals.**
3. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
4. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.**
5. **Property will be inspected and evaluated annually by city staff.**
6. **Conditions of the IUP must be met no later than August 1, 2012. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.**
7. **If the animal units change, the property owner must complete a Request for Change of Animal Units form available from the Planning Division.**

This form is intended to keep staff updated as to the number and type of regulated domestic farm animals kept on the property. The form will be kept in the address file.

Mundle seconded; all in favor, motion carries.

Public Hearing/Interim Use Permit – A request by owner, Tim Chies, and applicant, Jordan Valder, for an Interim Use Permit to conduct Automotive and/or Motorcycle Internet Distribution Sales. The location being 18805 Highway 65 NE, Suite A, East Bethel, MN 55011, PIN 32 33 23 12 0009. The Zoning Classification is B-3 Highway Business.

Property Owner:
Tim Chies
7651 Old Central Ave.
Fridley, MN 55432

Applicant:
Jordan Valder
180 184th Ln. NE
East Bethel, MN 55011

Property Location:
18805 Highway 65 NE, Suite A
PIN 32 33 23 12 0009

Mr. Valder has rented a portion of the building located at 18805 Highway 65 to conduct business from the site. The business is known as Valder’s Vehicles which is defined as motor vehicle and motorcycle internet distribution sales. This type of use is allowed in the B3 – Highway Business district with an IUP that is limited to no more than two (2) years, at which time the property owner and applicant will be required to re-apply for an IUP.

Valder’s Vehicles is an internet-based business that sells used cars and new scooters. Most of the clientele will contact Mr. Valder to find a specific vehicle or they can look at vehicles on the business website. Once Mr. Valder finds a vehicle he brings it to the site to clean it up and makes an appointment for the client to look at the vehicle. Most times the client will purchase the vehicle, however, there are occasions when the vehicle is not purchased. If this is the case, Mr. Valder will place the vehicle on the website and will have it for sale on the lot.

The site will need a designated parking area for customers and for parking of stored vehicles. City Code Appendix A. Zoning, Section 22 regulates the number of parking stalls required. Mr. Valder is required to submit the size of the rented space so staff can calculate parking requirements. Areas where vehicles are parked or stored must comply with code requirements pertaining to size, striping, and identification. Mr. Valder did supply Ms. Hanson with the information tonight, so she will do the calculations and provide them for the City Council meeting.

According to state building and fire codes, a Certificate of Occupancy is required when the occupancy of a commercial building is changed. Mr. Chies and Mr. Valder are required to comply with state building and fire codes. Satisfactory compliance will be determined by the fire and building safety departments.

This type of business is regulated by city code (Attachment 4). Mr. Valder will be required to meet all requirements of the code. Failure to comply will result in the revocation of the IUP.

Staff requests Planning Commission recommend approval to City Council for an Interim Use Permit in the B-3 Highway Commercial District for Automotive and/or Motorcycle Internet Distribution Sales. The business being located at 18805 Highway 65 NE, Suite A with the following conditions:

- 1) At least ninety-five (95) percent of all sales shall be initiated and secured through internet communication between buyer and seller.
- 2) Exterior storage area for vehicles and/or motorcycles is limited to 4,000 square feet and shall not interfere with access to required parking spaces. Exterior storage is limited to no more than twenty (20) vehicles and/or motorcycles for a maximum of forty-five (45) days.
- 3) Parking areas must be identified, striped, and sized according to city code, Appendix A, Zoning, section 22.4, including accessible parking stalls.
- 4) Exterior storage of inoperable vehicles and/or motorcycles, equipment, parts, or materials used in the conduct of the business is prohibited.
- 5) Minor vehicle and motorcycle maintenance is permitted as an accessory use as to vehicles and/or motorcycles awaiting sale and delivery only, within a structure. All vehicles awaiting maintenance must be stored inside the principal structure. Body work is prohibited.
- 6) Life and safety inspection by the city building and fire departments must be completed and satisfactorily addressed by Applicant. A Certificate of Occupancy must be issued by the city building department.
- 7) Vehicle and/or motorcycle storage area shall be surfaced with concrete or bituminous and shall meet required parking setbacks. Vehicles and/or motorcycles must not be stored in the right-of-way.
- 8) All necessary state and city licenses shall be obtained prior to operation and displayed for public view during business hours.
- 9) Business owner must submit records of sales type as requested by city staff within fourteen (14) days of request.
- 10) An Interim Use Permit is limited to no more than two (2) years duration, upon initiation or renewal. Expiration date is May 31, 2014.
- 11) An Interim Use Permit Agreement must be executed no later than May 31, 2014 and all conditions must be met no later than July 1, 2012.
- 12) All signs associated with the use shall be in compliance with the East Bethel

Sign Ordinance.

Public hearing was opened at 7:07 p.m. Public hearing was closed at 7:08 p.m.

Cornicelli wanted to make sure that all the items that have been discussed in the previous meetings pertaining to this topic were addressed in the changes. Hanson stated they are.

Cornicelli motioned to recommend approval to City Council for an Interim Use Permit in the B-3 Highway Commercial District for Automotive and/or Motorcycle Internet Distribution Sales. The business being located at 18805 Highway 65 NE, Suite A with the following conditions:

- 1) At least ninety-five (95) percent of all sales shall be initiated and secured through internet communication between buyer and seller.**
- 2) Exterior storage area for vehicles and/or motorcycles is limited to 4,000 square feet and shall not interfere with access to required parking spaces. Exterior storage is limited to no more than twenty (20) vehicles and/or motorcycles for a maximum of forty-five (45) days.**
- 3) Parking areas must be identified, striped, and sized according to city code, Appendix A, Zoning, section 22.4, including accessible parking stalls.**
- 4) Exterior storage of inoperable vehicles and/or motorcycles, equipment, parts, or materials used in the conduct of the business is prohibited.**
- 5) Minor vehicle and motorcycle maintenance is permitted as an accessory use as to vehicles and/or motorcycles awaiting sale and delivery only, within a structure. All vehicles awaiting maintenance must be stored inside the principal structure. Body work is prohibited.**
- 6) Life and safety inspection by the city building and fire departments must be completed and satisfactorily addressed by Applicant. A Certificate of Occupancy must be issued by the city building department.**
- 7) Vehicle and/or motorcycle storage area shall be surfaced with concrete or bituminous and shall meet required parking setbacks. Vehicles and/or motorcycles must not be stored in the right-of-way.**
- 8) All necessary state and city licenses shall be obtained prior to operation and displayed for public view during business hours.**
- 9) Business owner must submit records of sales type as requested by city staff within fourteen (14) days of request.**
- 10) An Interim Use Permit is limited to no more than two (2) years**

duration, upon initiation or renewal. Expiration date is May 31, 2014.

- 11) An Interim Use Permit Agreement must be executed no later than May 31, 2014 and all conditions must be met no later than July 1, 2012.**
- 12) All signs associated with the use shall be in compliance with the East Bethel Sign Ordinance.**

Balfany seconded; all in favor, motion carries.

This will be heard at the May 2nd City Council meeting.

Public Hearing/Concept Plan – To approve a request by owner, CD Properties North LLC, for a Concept Plan for Classic Commercial Park 2nd Addition. The location being 18765 Ulysses Ave. NE and PIN 32 33 23 12 0009, East Bethel, MN 55011, PINs 32 33 23 12 0008 and 32 33 23 12 0009. The Zoning Classification is B-3 Highway Business.

Property Owner/Applicant:

Curt Strandlund
 CD Properties North
 18542 Ulysses St. NE
 East Bethel, MN 55011

Property Locations:

18765 Ulysses St. NE PIN 323323120009
 East Bethel, MN 55011
 PINs: 32-33-23-12-0008 & 32-33-23-12-0008
 B3 Highway Commercial District

Mr. Strandlund is proposing a concept plan for a commercial development known as Classic Commercial Park 2nd Addition. The 1st Addition was finalized in April 2006. The 19.46 acre parcel is proposed to be developed into two (2) commercial parcels and one (1) outlot that will be further subdivided in the future. The proposed lots meet area and dimensional requirements as required by the zoning ordinance. Municipal sewer and water will be stubbed to each of the parcels.

The City Engineer and City Attorney have reviewed the concept plan and have provided comments as Attachments 4 and 5. Mr. Strandlund will continue to work with staff to satisfy all comments of the City Engineer, City Attorney, and staff during the platting process.

Streets/Access

The main ingress/egress to and from the development is from 187th Lane and Ulysses Street. Ulysses will be extended approximately 300 feet to the north to access the new parcels. The existing temporary cul-de-sac easement will be vacated and a new temporary cul-de-sac easement will be recorded. The easement will remain in place until such time as Ulysses is further extended to the north.

Park Dedication

Park and trail dedication was paid in full during the Classic Commercial Park 1st Addition. As stated in the Developers Agreement executed on April 15, 2006, *future subdivision of any part of the subject property will be exempt from additional park/trail dedication requirements (Attachment 6).*

Staff requests Planning Commission hold a public hearing and to recommend concept plan approval to the City Council for the proposed subdivision known as Classic Commercial Park 2nd Addition with the following conditions:

1. All concerns of the City Engineer, City Attorney, and City Staff must be considered for the concept plan to move forward as a preliminary plat.

Public hearing was opened at 7:12 p.m. Public hearing was closed at 7:13 p.m.

Bonin motioned to recommend concept plan approval to the City Council for the proposed subdivision known as Classic Commercial Park 2nd Addition with the following conditions:

1. **All concerns of the City Engineer, City Attorney and City Staff must be considered for the concept plan to move forward as a preliminary plat.**

Holmes seconded; all in favor, motion carries unanimously.

This will be heard at the May 8, 2012 Planning Commission meeting.

Approve March 27, 2012 Planning Commission Meeting Minutes

Terry sent some changes via email to Hanson. Mundle read the changes. First change was on page 10/11 first paragraph, replace “mute” with “moot” point. Last sentence of first paragraph. “It should say” should have quotation marks.

Bonin has a question on page 37, second from the bottom. She doesn’t know what it was supposed to say. She doesn’t believe what is written is what she said. It is so gobbled and she doesn’t know what to do with it. Holmes asked if we do save the recordings. Hanson said she will listen to the recording and try to decipher it. Bonin said she wanted the next sentence changed from stated to asked. Balfany said he thinks what Bonin was stating was separated versus separate. Bonin stated she thought it might be this, “a tree removal is not separate from development – their intention is development and it should be developed.” That is what she thinks it should be.

Hanson had questions on Terry’s changes. She asked if the first one was on page 10/11. She clarified that he wanted quotations added.

Mundle stated on page 41, third paragraph. He wanted it changed from “do we want to cross our fingers and hope they do the right thing with our property” to “do we want to cross our fingers and hope they do the right thing with their property” Balfany said the next sentence should be changed to the residents are acting in good faith.

Bonin said on page 42, third paragraph, wanted it changed to asked, and then wanted the next one changed to asked also. She also wanted the next sentence changed from Moegerle stated to Moegerle asked. Mundle said on page 42, third paragraph, end of the paragraph, should be changed to “Mundle stated if one

person is going away, how many people are turning away for that reason.”

Holmes motioned to approve the March 27, 2012 minutes as presented with discussed changes. Mundle seconded; all in favor, motion carries.

City Council Report

Moegerle said something will be coming forward before the Planning Commission at the May 8, 2012 meeting about GRE. Tomorrow there is a joint Council and EDA meeting. This will be a very important working meeting on the information from AD Voltage. Thursday there is an Open House here. This past Saturday the Recycling Day was very successful.

She advised during the stakeholders meeting that form-based land development was discussed. This is a very new concept to her. David was saying that we should consider that, and it is the wave of the future for development. She stated Wikipedia has a really interesting article on it. What they are saying is that you want to have somewhat of a uniform appearance; if you do that, it somehow limits what the use is. There are some other sites that she needs to look at regarding this and certainly Stephanie will know more about this than she will ever know. He did say we should move away from the highest and best use. Hanson said a lot of cities deal with this through Planned Unit Developments. Balfany asked if this is what we discussed at our January meeting. Hanson stated yes.

Balfany asked if there was a second meeting with the east side property owners on Hwy 65. Moegerle said the meeting might be on May 23rd but nothing is definite yet. Balfany asked if the meeting would be for property owners and residents or just one or the other. Moegerle said right now it is just business owners. It was asked if this will be an open meeting or closed meeting. Moegerle stated open.

Cornicelli asked if the public hearing for GRE is just a formality due to the legal issues or is it a real public hearing. Moegerle said it is a public hearing. Cornicelli said there are three of the GRE Commission members now on the Planning Commission.

Moegerle said good job on the minutes. Thank you.

Mundle asked about the City Center packet of information and if there will be a time scheduled to discuss the information. Hanson said at this time, there is not a time scheduled to discuss the meeting. Moegerle stated it was referenced in the comp plan. Hanson concurred. Balfany asked if there is anyone interested in the City Center. Hanson said there is interest in the City Center and also the intersection of 221st and Hwy 65.

Hanson said the County will be at the Open House to discuss the projects they will be working on in East Bethel this summer. There is a big project on Viking Boulevard they will be working on and also on Hwy 65 north of 221st. Once Hanson gets all the information on road closures she will distribute it to the Planning Commission members and it will also be put on the website.

Balfany said people are having a hard time finding information on the website.

Adjourn

Cornicelli made a motion to adjourn the meeting at 7:35 PM. Balfany seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary