

## EAST BETHEL PLANNING COMMISSION MEETING

November 22, 2011

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

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

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Stephanie Hanson, City Planner

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

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

**Metes and Bounds Subdivision for Genevieve Sylvester Family Limited Partnership** to subdivide a 40-acre parcel into 2 metes and bounds lots: one lot being a 10-acre parcel (zoned B-3, Highway Business), the other lot being a 30-acre parcel (zoned I, Light Industrial); located at 1742 221<sup>st</sup> Ave. NE, PIN 08-33-23-11-0003.

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

**Background Information:**

**Property Owner:**

Genevieve Sylvester Limited Partnership  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

**Applicant:**

Eileen Frisch  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

**Property Location:**

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

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

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

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

**Parcel A**

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

**Parcel B**

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

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

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

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

**Attachments:**

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

**Recommendation:**

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

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

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

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

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

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

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

**Balfany seconded; all in favor, motion carries unanimously.**

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

**Discussion  
concerning Home  
Occupations**

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

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

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

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

**Recommendation:**

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

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

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

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

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

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

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

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

**Discussion  
concerning Closed  
Landfill Program**

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

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

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

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

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

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

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

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

**Adjourn**

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

Submitted by:

Jill Teetzel  
Recording Secretary