

EAST BETHEL PLANNING COMMISSION MEETING

August 23, 2011

The East Bethel Planning Commission met on August 23, 2011 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT: None

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda Chairperson Terry called the August 23, 2011 meeting to order at 7:00 P.M.

Bonin motioned to adopt the August 23, 2011 agenda. Bonin seconded; all in favor, motion carries.

Commission Member Appointment/Oath of Office I, Lou Cornicelli, do solemnly swear to affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Tanner Balfany, do solemnly swear to affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Joe Pelawa, do solemnly swear to affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

This was originally put in the paper as a public hearing, and with the City Attorney and staff. We pulled the public hearing and want to get input on what we are working on.

Section 4-10. Variances:

During the 2011 Minnesota Legislative session, the legislature enacted a change to MN Statutes section 394.27, subdivision 7. Variances. The proposed changes to section 4-10. Variances of the East Bethel City Code Appendix A. Zoning reflects the changes to MN Statutes.

The change is only to reflect MN Statutes, no staff changes.

Section 42. Rural Residential (RR) District:

On May 17, 2011, City Council held a Comprehensive Plan review session. As part of the review session, staff and council members discussed rural residential (RR) zoning district requirements. Side yard and rear yard setbacks are twenty-five (25) feet. Although the setback works for larger lots, staff has encountered issues on RR lots that are smaller in size. There are a few developments where the lots are less than 1.5 acres in size in which property owners wanted to construct additions to an existing structure or wanted to construct a new detached accessory structure but were unable to because the twenty-five (25) foot setback could not be met. These are in the older developments or Hidden Haven development. Possibly in other areas, you have to have to primary septic systems and secondary septic systems. This would only affect about 3 subdivisions.

Typical reasons why the setback could not be met include the location of existing wetlands or existing and secondary sites for individual subsurface treatment systems. Also, most principal structures on the smaller lots are built at a ten (10) foot setback.

City Council directed staff to address this particular issue. The attached amendments have been reviewed by the City Attorney, Mark Vierling. Mr. Vierling stated that if staff is going to determine the eligibility of a reduced setback, then the code will also need to have standards to reference to ensure the code is applied equally to each situation. Staff and the City Attorney are in the process of developing standards.

Voltin said a big neighborhood would be Coon Lake Beach. Hanson said no, that area is zoned differently. He said well in 2005 he had to pay to get a variance for a principal residence. Hanson said today it is 25 feet from rear and 10 feet from side. Balfany asked if it would be changed 10 feet from the rear too in Coon Lake Beach. Hanson said no, detached can be 10 feet from the side and rear, and principal are different than that. Balfany said the lots in his neighborhood are narrow. Voltin said the City of Anoka allows detached structures to be 5 feet from the back and the side. He said he was just in their City to apply for permit. He would be in favor of a 5-foot setback. Pelawa was wondering if this could be applied to all lots that are under 1½ acres. Hanson advised R1 and R2 is already a 10-foot setback. Balfany said only lots prior to 2007. Hanson stated since 2007 the lots have been 2½ acres.

Bonin was wondering why the objection for the 2-story garages. Hanson said it was a general thing. Bonin said that she thinks that they should be looked at differently based on the area. Balfany asked about 10-foot sidewall and height. Hanson said that is about detached structures. Cornicelli said it says “and/or,” which one is it? She said it hasn’t been decided. Bonin wondered if the detached could be taller than the principal structure. Hanson said no. Balfany asked if that was stringent. If there is a smaller house, and someone wants a garage, their house might be smaller than the garage. Bonin doesn’t think that the house should be smaller than the garage. Hanson said prior to her coming here, they used to allow a garage on a property across the street from the principal structure.

There are little situations that are different whereby these rules wouldn't apply. Such as the smaller houses in Balfany's neighborhood.

Voltin wondered about the Rural Residential District. What is it? Hanson said it is 2 acres plus. Voltin said we are talking about changing the Rural Residential to a setback of 10 feet and it would not be applied to every lot out there. Hanson said there would be three small developments that it would pertain to. The City has always had the Rural Residential designation in the City. The Rural Residential lots generally are larger lots. Pelawa said this is to offset the people who come in to ask for a variance. They would just have to go through the planning process, versus getting a variance.

Voltin was concerned this would also allow these rules for Coon Lake Beach. Hanson said no, this is just for RR, not R1. The principal structures 10 feet on side and 25 feet in the rear. The detached structure is different. Pelawa said a lot of the setbacks changed in 2007 or about there. Hanson said there weren't any really changed since 2007. Pelawa said maybe in the 1990's. Bonin said just because something is the way it was, doesn't mean that it should stay that way.

Cornicelli said should the acreage be more specific. Hanson said some are 1/2 acre, some .8 acres, some are 1.4 acres. Voltin was wondering if this was a Planned Unit Development. Hanson said no. Bonin said sometimes the original decision should stand, and that standard should be adhered to. There has to be a good reason for the City at large, not for one person. Balfany said if there are enough people asking for variances, then we should review it. Bonin said it doesn't matter about the people asking for variances. We need to consider the original intent. What they moved out there for originally. Just because a certain number of people want something, doesn't mean it should be changed. Bonin said it should be open for consideration.

Balfany said about exceeding the height, a lot that may have some grading, the house is built on the hill. If they wanted to get a bigger garage, but the house was on a hill, does it need to be shorter than the primary residence? How is this measured? It is the measured height, not the sea level height. Hanson said it is always the measured height. Terry said that seems to be counter to doing that. Why would it matter then in the case of the change of grade? The standard needs to have a reason behind it. The sidewall height will still be 10 feet, per Balfany. Pelawa said from an architectural standpoint you don't want a huge garage and small house. Bonin said the garage cannot be higher elevation than the house. If it is lower down, it is still not a higher elevation. She said we are concerned with the way it looks. We don't have to stick to this rule, because that is what we said. Balfany said he is not in favor of one or the other. He is just trying to show the different discussion. The language should address the appearance of the garage being lower than the house. That is the criteria for the appearance. The size of the structure is going to determine the pitch.

Pelawa was wondering, the size of the garage, is it predicated on the size of the house. Hanson said no, that is based on the size of the lot. Hanson said staff has been working with the City Attorney on this. We need to develop standards so it

is applied evenly, so it is applied across the board, and so it can easily apply to all the lots.

Section 56. Planned Unit Developments (PUD):

The purpose of a Planned Unit Development (PUD) is to allow flexibility and variation for ordinance standards in exchange for higher standards of development design, architectural control, etc. PUDs are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure.

Staff is proposing changes to Section 56. Planned Unit Developments (PUD). These changes would require a PUD in R-2 and all commercial districts, and would allow PUDs as an option in the other districts. Staff's intention is to allow for flexibility and higher design standards in the future sewer/water areas along the Highway 65 corridor.

Hanson said you would have to have at least 3 acres. Terry said you are requiring it. Hanson said you could apply it as a PUD or as a regular 2-acre development. Terry said could someone build a townhome in a 3 acre lot. Hanson said yes, and she sees what he is referring to. Hanson will work on the language.

Other Possible Amendment:

Staff would like to discuss with Planning Commission the possibility of amending Section 28. Architectural Standards. This section addresses architectural standards for each zoning district except for R1 – Single-Family. Staff recommends creating architectural standards in the R1 District to ensure uniqueness in new single family developments. Staff will have some examples available at the Planning Commission meeting.

Staff is considering an amendment to Section 49. City Center (CC) District. Staff is proposing to add language to address architectural content. The intent of the language is to develop a uniform image and identity for the City Center area, utilizing similar architectural features for building design within each quadrant of the district. The design controls are also intended to discourage short-lived, trendy styles and design motifs.

Hanson said similar requirements are in place for townhomes, but not in the R1 District. Hanson said R1 is single family homes and higher density. This would be an area with sewer and water, smaller urban lots. Mundle said there aren't any architectural standards for R1. Hanson said no, currently they could build the same exact house through the development and staff has concerns with this. Before Planning Commission only addressed townhomes.

Mundle asked if St. Francis, Isanti or Cambridge have these requirements. Hanson said, "I don't know." Mundle said not to make anything too costly, since those three cities are the main competition. He doesn't want to see the City lose housing to competition. Pelawa asked what the downside is if the houses are the same. Hanson said you can't say there is a downfall. Pelawa said what are we

trying to accomplish. Hanson said what the vision of the area is.

Balfany said if you take Hanson and County Road 242 as an example. They are all the same modified 2 stories, but there are slight differences to make it attractive. If we start handcuffing them on certain things we will lose potential builders. Hanson said in places like Andover you can't build the same house side by side. You can make things different on the outside to make it look different than your neighbors.

Voltin said isn't the area we are talking about normally for first-time homebuyers. Pelawa said the area that he is talking about in Coon Rapids they have a lot of the same houses. Bonin said she doesn't think that is the case now. They want to make life simpler for them and they might not be first time homeowners. Pelawa said we are looking at cookie cutter housing in the R1. Terry said the differences don't have to be elaborate. Mundle said minimal changes won't increase the price. Hanson said if you would like to direct staff to put something together. Pelawa said just north of the courthouse in Cambridge, he thinks of that area during this discussion. There is a lot of variation of the houses.

Terry said are we in a big hurry and do we need to cheapen the way our City looks. What is not sellable about having your house distinguished from the house next to yours, other than just your house number? Voltin said he doesn't think we should regulate it. Bonin said the developer is concerned with bottom line; they don't have to live there. Pelawa said this is individual houses. Some people can put on brick, steel siding, etc. He would hate so many restrictions. Mundle said I think we are just going for some simple guidelines.

Hanson asked the Commission to request staff review and provide a recommendation for the next meeting. Balfany said what language is out there. Bonin said one thing you should look at is what works with the environment. So we are thinking about things that make the houses cost less to heat, more comfortable to live in, etc. She doesn't think these things have been in discussions in the past.

Hanson said there is one other area to look at – Section 49 in the City Center District that would address architectural content. The intent would give a unified identity. This would utilize design for each quadrant. We will not be putting in 50% brick, and we will give that to Planning Commission to review.

Staff will bring something back to the September meeting, and plan for a public hearing in October.

**Approve July 26,
2011 Planning
Commission Meeting
Minutes**

Terry had two changes to the minutes: On Page 7, the middle paragraph, third line, "Terry said that is future water treatment expansion." Change to "Terry said that it might be for water treatment building expansion" and also on Page 8, second paragraph, he would like to add to the second paragraph, "he doesn't want to go through all 16 pages of the minutes and make sense of them." Mundle had a change on page three, second to last paragraph last sentence change to "Mundle

said Is Mister Roth here?"

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

Adjourn

Terry made a motion to adjourn the meeting at 7:58 PM. Balfany seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary