

**City of East Bethel**  
**Planning Commission Agenda**  
**Planning Commission Regular Meeting**  
**Date: April 25, 2023 at 7 p.m.**



Two or more Council Members and/or the Mayor may be in attendance at this meeting.  
If two or more Council Members and the Mayor attend the event, there will be a quorum of Council Members.

This meeting may be monitored live via the following means:  
Cable Channel 10, MidcoTV Channel 77, or the City of East Bethel YouTube channel  
([www.youtube.com/channel/UC8\\_7ShcME-XG14pN5JrmBGg/live](http://www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live))

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: February 28, 2023 (pg. 1-10)
4. Planning Commission Appointment of Chair Person and Vice Chair Person (pg. 11)
5. Candidate Interviews: (pg. 12)
  1. Joe Reiter (pg. 13-14)
  2. Eldon Holmes (pg. 15)
6. **A. Public Hearing:** Variance – Setback for Septic Drainfield Placement – 19141 E. Front Boulevard (pg. 16-43)  
**B. Public Hearing:** Conditional Use Permit Amendment - Site Expansion: A-Blast Inc. 21473 Johnson St NE (pg 43-68)  
**C. Public Hearing:** Proposed Ordinance Amendments (pg. 69-86)

CHAPTER 74 – UTILITIES, ARTICLE IV.

74-95 - Identification and upgrading of substandard sewage treatment systems.

APPENDIX A – ZONING

SECTION 14 - Agricultural Zoning District storage

SECTION 24 - Exterior storage standards in the B2, B3 and Light Industrial Zoning Districts

SECTION 28 - Architectural standards in the B2, B3 and Light Industrial Zoning Districts

7. Updates
8. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2  
3 EAST BETHEL PLANNING COMMISSION MEETING  
4 February 28, 2023

5  
6 MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, and Gabriel Hanschen

7  
8 MEMBERS ABSENT: Sherry Allenspach and Randy Plaisance

9  
10 ALSO PRESENT: Jack Davis, City Administrator  
11 Aaron Berg, Zoning Administrator/City Planner  
12 Tim Harrington, Mayor  
13 Kevin Lewis, City Council Liaison  
14

15 **1.0 Call to Order**

16 Chair Balfany called the Planning Commission regular meeting to order at 7:00 pm.

17  
18 **2.0 Adopt Agenda**

19 **Commissioner Johnson moved and Commissioner Terry seconded to adopt the agenda as**  
20 **presented.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany  
21 asked any opposed? That motion passes. **Motion passes unanimously.**

22 **3.0 Approve January 24, 2023 meeting minutes**

23 Terry requested on Page 5, paragraph 3, third sentence, last words should be “thorough, fair.”

24 **Commissioner Johnson moved and Commissioner Terry seconded to approve the January 24,**  
25 **2023 regular meeting minutes as corrected.** Balfany asked any discussion? To the motion, all in favor  
26 say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

27 **4.0 Planning Commission Appointment of Chairperson and Vice Chairperson**

28 Berg recommended the Commission appoint a Chairperson and Vice Chairperson to serve a one-year  
29 term ending January 31, 2024.

30 Johnson requested this be discussed at next month’s meeting when all of the Commissioners are present.

31 **Commissioner Balfany moved and Commissioner Hanschen seconded to table to the next meeting.**  
32 Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any  
33 opposed? That motion passes. **Motion passes unanimously.**

34 **5.0 Candidate Interviews – Wanda McLaurin, Narendra Ramnarine, and Joe Reiter**

35 Berg reviewed staff’s report stating on January 31, 2023, the term of Commissioner Karen Krepis  
36 expired. Although the Planning Commission recommended the reappointment of Commissioner Krepis  
37 to an additional term, the City Council did not approve the reappointment. This created an open position  
38 on the Planning Commission to be filled.

39 Berg indicated staff advertised the opening and have received three (3) resumes including Wanda  
40 McLaurin, Narendra Ramnarine, and Joe Reiter.

41 Berg requested the Commission interview the applicants and make a recommendation to City Council to  
42 fill the vacant seat in which the terms will expire on January 31, 2026.

43 Balfany requested the applicants who are not being interviewed to leave the Chamber until they are  
44 called.

45 Balfany asked Wanda McLaurin to approach the podium.

46 Balfany asked Ms. McLaurin why she wanted to be the Planning Commission for East Bethel.

47 Ms. McLaurin responded she originally joined the City Commissions as an EDA member and when they  
48 started working on the Comprehensive Plan she moved to the Planning Commission. She indicated she  
49 was on the Planning Commission for almost three years and chaired the Commission for two of those  
50 three years at which time she was appointed to City Council. She stated when she ran for reelection to  
51 the Council, she was not reelected and now she would like to stay involved in the City.

52 Ms. McLaurin believed the City was a “diamond in the rough” and there was still a lot that could be  
53 done and accomplished. She noted there are some problems and things that are not right, but she  
54 thought the Planning Commission was where everything started. She noted it starts with what they  
55 agreed to, the Ordinance changes, and the precedence that are set. She stated the Commission made  
56 decisions on things that did not fit, which set precedence and she wanted to be a part of that again.

57 Johnson asked Ms. McLaurin what strengths and abilities she would bring to the Planning Commission.  
58 Ms. McLaurin responded she has sat on the Commission for a number of years, chaired it for a number  
59 of years, and she had the familiarity of that. She stated she was also privileged to sit on the City Council  
60 for a year and that gave her a great deal of background knowledge of how the City runs and what  
61 happens.

62 Ms. McLaurin stated she came with critical thinking skills and she can think on her feet. She stated she  
63 can look at the bit picture and not just a narrow scope of what they have. She indicated she also knew  
64 most of the Commissioners and she knew their strengths and weaknesses and they knew her strengths  
65 and weaknesses also. She believed this worked out to be a very good team.

66 Terry asked Ms. McLaurin what issues she was most interested in pursuing or promoting as a  
67 Commission member. McLaurin responded that she believed they needed to look at how they are going  
68 to keep rural rural and the Highway 65 corridor moving forward. She indicated they needed to look at  
69 how they bring new businesses into town and they have to be able to keep the taxes and levies down.  
70 She indicated residential did, but in order to take some of the pain off of the residential people, she  
71 wanted to look at the right businesses in the right places along the corridor. She stated they had a gem,  
72 but unfortunately with the City being north of Ham Lake and south of Isanti, the City was getting  
73 squeezed in where it was becoming, “let’s get proactive and let’s decide what we want instead of these  
74 people coming to us and saying I want to build on this corner and fitting all of the criteria.” She  
75 indicated at that time their hands were tied.

76 Hanschen asked Ms. McLaurin what her vision was for the Highway 65 corridor. Ms. McLaurin  
77 responded the Highway 65 corridor was a unique area. She noted they had water and sewer on the north  
78 end with Whispering Aspens. They had water and sewer on the south end. They had the stubs coming  
79 across Viking Boulevard. She indicated it would take a lot of decisions to make it the right fit. She  
80 stated the City does not need any more storage units or Dollar Generals. She noted what they put along  
81 that corridor represents the City and they don’t need the ugly car lot south of Route 65. She stated they  
82 really had to look at what is coming in and maybe search for what they want there as opposed to them  
83 coming to the City and fitting all of the criteria and the City having their hands tied.

84 Balfany asked Ms. McLaurin if there were any local issues that could place her in a conflict-of-interest  
85 situation (i.e. a situation where she would be financially benefiting by a Planning Commission action or  
86 on a specific topic). Ms. McLaurin responded no.

87 Johnson asked Ms. McLaurin if she had any questions for them or if there was anything she would like  
88 to add. Ms. McLaurin stated she had nothing to add, but she would be honored to be back on the  
89 Commission. She stated the Commission had done a lot of really good work in the years she was on it  
90 and it was extremely challenging. She indicated the years she chaired were the years of the zoom  
91 meetings and it was difficult, but they managed to do a lot of good work.

92 Balfany noted Narendra Ramnarine was not able to make the meeting tonight.

93 Balfany asked Joe Reiter to approach the podium.

94 Balfany asked Mr. Reiter why he wanted to be on the Planning Commission for East Bethel. Mr. Reiter  
95 responded the reason he was applying for the Commission was because he had a vision for East Bethel  
96 that combines economic growth and development with preserving the rural aspect. He did not think it  
97 was one or the other and he believed they could have a solid mix. He noted a lot of the discussion he  
98 has heard is how do they do “this” on Highway 65 and do “this” in the rural areas and he did not think  
99 that was the right way to approach it. He asked how did they make sure the businesses matched the City  
100 and how they would make sure the businesses actually served the work force that they have.

101 Mr. Reiter indicated right now the average commute was 40 minutes and that meant they are missing  
102 some things as far as economic development went. He asked how they would bring those businesses to  
103 the City and to make sure people didn’t have to commute that far. He asked how they could ensure the  
104 City was relevant for the workforce.

105 Mr. Reiter stated the reason he was there was because he felt his vision was slightly different. He did  
106 not think the vision was completely wrong but he felt his perspective was a little bit different and he  
107 could maybe be a diverse voice on the Planning Commission.

108 Johnson asked Mr. Reiter what strengths and abilities he would bring to the Planning Commission. Mr.  
109 Reiter responded that his strengths he knew he had was data collection and analysis. He noted in his  
110 professional career he had been an analyst working with computers and databases as well as working on  
111 a GIS (i.e. mapping software), and figuring out trends. He stated he would be a good addition for  
112 bringing in numbers and analysis for the group. He indicated he did try to find moderation in a lot of the  
113 things that he did and often he found that when there was difficulty it was usually just due to  
114 miscommunication and he was aware of that. He stated another thing was that he was very dedicated to  
115 studying the City and he spent a lot of time looking at the maps and trying to figure out ways things can  
116 be improved; interacting with the public on social media and trying to get people involved. He believed  
117 at some of the City Council meetings there have been more people showing up and he believed it was  
118 important to have civic engagement and engaging with people on a civil aspect was important.

119 Mr. Reiter believed it was better if he collaborated with the Planning Commission on what was going on  
120 there to make sure everyone was aware. He stated unfortunately he has been a single voice by himself.  
121 He believed if he was on the Commission there would be a lot more collaboration and moderation of  
122 viewpoints as well a solid vision and message going out to the community so people would know what  
123 to expect.

124 Terry asked Mr. Reiter what issues he was most interested in pursuing or promoting as a Commission  
125 member. Mr. Reiter responded that the thing that really got him involved in politics in the City was the  
126 water treatment facility on the south end of the City. He noted this was a huge infrastructure investment  
127 and he felt it was sold in and he is worried right now with the economy and interest rates that  
128 development is not going to come for a long time so he wants to see ways that they can reduce the  
129 impact of that infrastructure on the rest of the community. He stated he felt like adding high-density  
130 townhomes and apartments might not be the best approach but he knew the businesses in Soderville  
131 wanted a connection and right now the Met Council seemed to be the hold up by asking the City to  
132 change all of their rules and abide by the plan. He stated from what he knew of Ham Lake, they are not  
133 interested in that so he believes the Planning Commission should be figuring out ways those businesses  
134 can connect while reducing any impact from Ham Lake. He asked how they can get those connections  
135 in a way that was sustainable for the community but also reduce the taxes that the residents on the other  
136 side of town have to pay for. He stated his house would never connect to that and he feels it is unfair to  
137 other residents who are never going to connect to have to pay for it. He indicated he tried to start a

138 discussion on some of the zoning in the water district. He noted they had land investment companies  
139 come in after that development occurred and bought up large portions of land. They knew the land was  
140 undervalued at the time and his feeling is that now they have the land, they can take out loans and can  
141 basically get tax free loans without having to pay taxes. He believed adjusting the zoning to make it  
142 more appropriate for the improvement development going on there might be something that should be  
143 examined. He believed the assessor was missing opportunities. He summarized certain business  
144 properties where the tax rates did not match.

145 Hanschen asked Mr. Reiter was his vision was for the Highway 65 corridor. Mr. Reiter responded his  
146 personal vision would be to see it “skinned up” a little bit. He noted everyone was asking for rural  
147 preservation and having a mile on each side of Highway 65 seemed a little wide to him. He wanted to  
148 focus development on the corners would be better and zoning those correctly so zoning could occur  
149 would be useful. He believed with the zoning being the same all of the way up was preventing  
150 development from happening where they needed it. He did not think this was well planned. He  
151 indicated in the past the Planning Commission had a City vision plan done but for some reason that plan  
152 was abandoned. He believed a lot of the developers wanted to do something in the City and they were  
153 being restricted due to land values being too high.

154 Balfany asked Mr. Reiter if there were any local issues that could place him in a conflict of interest  
155 situation (i.e. a situation where he would be financially benefiting by a Planning Commission action or  
156 specific topic). Mr. Reiter responded he did not own any property and he did not work for any  
157 businesses that would enrich him. He indicated he wanted to enrich everybody in the City and he  
158 wanted to make the properties more valuable without increasing taxes. He summarized some of the  
159 things that could be done such as ditch improvement, drainage issues corrected, and improving Coon  
160 Lake.

161 Johnson asked Mr. Reiter if he had any questions for them or if there was anything he would like to add.  
162 Mr. Reiter responded by addressing some of the social media and the discussion on it. He noted he has  
163 tried to start a discussion which seldom turned out to be a disagreement. He indicated it often turns out  
164 to be in-fighting. He stated he has been trying to get more residents involved in the community and  
165 make them aware of what is going on, but it always seems to evolve into interpersonal conflict. He  
166 stated he does have a love for the City and he has a lot of friends in the community. He asked how did  
167 the City preserve the things that the people value and he wanted to make sure he can work to preserve  
168 that as well as improve economic development and create jobs that are relevant, but at the same time to  
169 make sure everything is balances and that was his motivation for coming to the meeting tonight.

170 Terry asked if this decision should be postponed to give Mr. Ramnarine more time to show up. Berg  
171 stated when he spoke with him on the phone this morning it was left open that they would be meeting at  
172 7 p.m. and he described a conflict with childcare and was unsure if he could make it. He indicated he  
173 had not received a definite answer from him as to attendance.

174 Balfany stated he was comfortable moving this to after Item 7.

175  
176 **6.0A Public Hearing – Interim Use Permit/Home Occupation – Innovations Plus, LLC – 23911 Johnson**  
177 **St NE, PUL Moon-Pruitt**

178 (28:58.1)

179 Berg reviewed staff’s report stating the applicant, Paula Moon-Pruitt, is the owner of Innovations Plus,  
180 LLC. Innovations Plus, LLC is a small family owned, full-service, custom order promotional products  
181 and decorated apparel businesses. Innovations Plus, LLC specializes in advertising, promotional items,  
182 embroidery, custom T shirts and provide service to numerous customers and communities throughout  
183 the Twin Cities area.

184 Berg noted the business hours of operation are Monday through Friday from 9 am to 4 pm, which are  
185 within the identified hours of the City Noise Ordinance. Eighty-five percent of business is generated  
186 through online sales therefore, traffic generated is less than that of a typical retail storefront business.  
187 There is adequate off-street parking for anticipated customer traffic on the existing driveway on the  
188 property. There is no anticipated effect on groundwater, surface water, and air quality as none of the  
189 processes used by the business use water, generate wastewater for disposal or create air pollutants.  
190 Waste or refuse generated by the business is minimal as boxes received in shipment are reused for  
191 outgoing distribution of outgoing merchandise and apparel. Other refuse generated is not more than  
192 regular weekly household waste disposal volumes or bi-weekly recycling.

193 Berg stated the location, 23911 Johnson St NE, is a residence located in a Light Industrial Zone of the  
194 city. Light manufacturing and retail sales are identified as permitted uses in the Light Industrial Zone.  
195 This zoning designation is consistent with the 2040 Comprehensive Plan and will not require rezoning  
196 or create a further nonconforming use.

197 Berg requested the Planning Commission hold a public hearing and recommend approval to the City  
198 Council for an IUP to allow the home occupation of operating an apparel and promotional items  
199 business with the conditions set forth in the resolution.

200 Balfany opened the public hearing at 7:32 p.m.

201 There were no comments made.

202 Balfany closed the public hearing at 7:32 p.m.

203 Berg stated he had received one phone call from a neighbor who was in support of this.

204 Johnson asked why was an IUP required if it was in the light industrial district. Berg responded this was  
205 designated as a residence and not a light industrial use so it has to be declared as one or the other and it  
206 cannot be both in the zoning district. He indicated they needed permission to allow for one or other in  
207 this zone.

208 **Commissioner Terry moved and Commissioner Hanschen seconded to recommend to the City**  
209 **Council approval of Resolution No. 2023-13, A Resolution Granting an Interim Use Permit for a**  
210 **Home Occupation, located at 23911 Johnson St NE, PIN: 29-34-23-31-10009, Legally Described as**  
211 **Lot 6, Block 2, Wargo Pond, Anoka County, Minnesota.** Balfany asked any discussion?

212 Hanschen asked if once this gets approved would this change how they are taxed. Berg responded he  
213 understood that they would be taxed based on the zone currently assigned to their zone.

214 To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.  
215 **Motion passes unanimously.**

216 This item goes before City Council on March 13, 2023.  
217  
218

## 219 **6.0 B Public Hearing – Variance – Detached Accessory Structure Placement – 23911 Johnson St NE –** 220 **Paula Moon-Pruitt**

221 Berg reviewed staff's report stating this property is located in the (I) Light Industrial Zoning District and  
222 is located within the Wargo Pond Subdivision. The property owner is requesting a variance to keep a  
223 detached accessory structure closer to the street than the primary structure.

224 Berg indicated zoning Appendix A. General Regulations – Section 14-2.F states “No accessory building  
225 or detached private garage shall be located nearer the front lot line than the principal building except  
226 when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet  
227 from the lot line. Then the accessory building or detached private garage may be located closer to the

front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. This property is 3.93 acres, with the primary structure set back approximately 149.39 feet from the front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure.

Berg indicated consideration of a variance requires the Planning Commission to consider a three-factor test for practical difficulties:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable. In this case:
  - ***The property owner is requesting a variance to keep a detached accessory structure in which she can continue operating a home occupation - light manufacturing and retail business. This use is listed as a permitted use in the (I) Light Industrial Zoning District.***
  - The second factor is that the landowner's problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees. In this case:
    - ***This property is partially located in the Minard Lake - Shoreland Overlay with specific setback requirements.***
    - ***This property is an irregular shape with approximately three fourths of which are Wargo Pond or a designated Drainage and Utility Easement. These features limit the buildable area available in the rear or side yard for new construction.***
    - ***The Subsurface Sewage Treatment System (SSTS) and Well are located in the side yard, opposite of Wargo Pond and the Drainage and Utility Easement, preventing access to the rear yard for accessory building placement and use.***
  - The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area. In this case:
    - ***Standing tree growth between the primary residence and the front property line will screen it from view from the public roadway therefore not altering the characteristics of this neighborhood.***
    - ***Accessory uses permitted in the (I) Light Industrial Zone include other uses customarily associated with a permitted use as determined by the planning commission and approved by the city council.***

Berg requested the Planning Commission hold a public hearing and make a recommendation to the City Council for a variance for the placement of a detached accessory structure nearer to the front lot line than the primary structure with conditions as written in Resolution 2023-14.

275 Balfany opened the public hearing at 7:40 p.m.

276 There were no comments made.

277 Balfany closed the public hearing at 7:40 p.m.

278 Hanschen asked if this was to keep the existing structure or were they adding to the structure. Berg  
279 responded there request is to keep the existing accessory structure in its location in front of the  
280 residence.

281 Balfany asked how long this structure has been in place. Berg responded he was not sure but it was  
282 prior to 2021.

283 Terry stated he did not remember a variance coming before the Planning Commission previously on this  
284 property.

285 Balfany asked how long the current property owner has lived there. Berg responded he did not know  
286 but he could find that out that information.

287 Terry stated part of the issue was if the Commission allowed this and the building remainder where it is,  
288 this is not something he would think of as setting a precedence as it has so many unique factors to it. He  
289 indicated he would not want to use that as a reason to deny (the fear of setting a precedence. He  
290 indicated he wanted to evaluate each item on its own merits and not be locked into decision making  
291 because of things that are not relevant to things that are specific to this. Berg indicated there were  
292 zoning regulations regarding wetland setbacks. He stated he was not confident that matched the 25-foot  
293 setback for wetland. He stated there are zoning regulations that also need to be applied for wetland.

294 Balfany stated this was an extremely unique property and a complex situation. He asked if this would  
295 have been someone to come before the Commission previously, would they have allowed it at that time.

296 Terry stated if this was before them previously, he would have recommended it be rotated 90 degrees  
297 and the driveway rotated 90 degrees, which would not involve cutting down trees to make it fit. Berg  
298 noted there were a number of options that could potentially work.

299 Hanschen stated he understood this is not something the Commission needs to be concerned about.  
300 Berg stated they needed to be concerned about whether it was in front of the primary residence or not  
301 and not the existing location, although the applicant had applied for that. He stated this department was  
302 willing to work with the applicant to get this to comply with the Zoning Code.

303 Terry asked if their intention would be to move the existing building rather than rebuild something in a  
304 different location. Berg responded the applicant had indicated she was not interested in moving the  
305 building, but rather wanted a variance.

306 Terry stated if there was nothing special about the dimensions of the building, it would be easier to have  
307 it sized differently so it fit better. Berg responded he did not want to speak for the applicant but this was  
308 the building she purchased. He noted the building was not on a permanent foundation and could be  
309 moved.

310 Johnson stated she had no issues with it being in front of the home.

311 Hanschen stated if the Commission said no, there was no other place for the building to go.

312 Balfany noted the Commission had just recently had another front yard accessory structure request based  
313 on a similar unique property so if they were talking along those lines, he could agree they had approved  
314 similar unique situations. Berg stated the applicant was notified of the violation and in terms of  
315 rectifying the situation she has made the application to make things right.

316 **Commissioner Terry moved and Commissioner Johnson seconded to recommend to the City**  
317 **Council approval of Resolution No. 2023-14 with conditions, a Resolution Granting a Variance for**  
318 **the Placement of a Structure Nearer to the Front Property Line than the Principal Structure on**  
319 **Property Located at 23911 Johnson St NE, PIN 29-34-23-31-0009, legally described as: Lot 6,**  
320 **Block 2 Wargo Pond, Anoka County, Minnesota.** Balfany asked any discussion? To the motion, all  
321 in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes**  
322 **unanimously.**

323  
324 This item goes before City Council on March 13, 2023.

325  
326 **7.0A Conditional Use Permit Amendment – Site Expansion: Wasche Commercial Finished – 2133**  
327 **Aberdeen St NE – Matt Wasche**

328 Berg reviewed staff's report stating Mr. Wasche is requesting an amendment to the CUP to expand the  
329 business known as Wasche Commercial Finishes, Inc. The business has been in operation since 1986  
330 and has been operating out of the current East Bethel location since 2004. In 2004, the existing zoning in  
331 the Neighborhood Center allowed Construction, Trade and Service Businesses with Limited Outdoor  
332 Storage as a CUP; therefore a CUP was approved to allow for the business to operate from its current  
333 location. For your review, Attachment 4 is the original CUP and meeting minutes.

334 Berg stated the business has outgrown the indoor and outdoor space and would like to remain in the City  
335 East Bethel. The owner purchased the 1.03 acre parcel to the east of the site and was approved on  
336 September 12<sup>th</sup>, 2022 under resolution 2022-50 to build a 7,200 square foot building and a fenced  
337 storage area. The storage area will be used for the parking of work vehicles, including trailers. All  
338 products will be stored within the building.

339 Berg indicated Mr. Wasche has applied to amend the CUP further to construct a 1400 square foot  
340 unconditioned addition, for storage, to his existing building.

341 Berg noted an amendment to the original CUP is required for the following reasons:

- 342 1. The business is a legal nonconforming use. This means the business is legal because a CUP was  
343 previously approved, however, current city code does not allow for this type of business in the B2  
344 – Central Business district; therefore it is nonconforming. City Council has the authority to  
345 determine if a legal nonconforming use can be expanded.
- 346 2. When a conditional use expands its footprint, an amendment to the original CUP is required.

347 Berg stated if the CUPA is approved, a site plan review is not required prior to issuance of a building  
348 permit for new construction or additions to commercial buildings greater than 25 percent of the existing  
349 building footprint (Appendix A, Sec. 04, 12. – Site Plan Approval). The existing building footprint is  
350 6800 square feet and the proposed addition of 1400 square feet will not exceed 25 percent. A formal  
351 building application will be submitted for review and approval by the Community Development  
352 Department Staff.

353 Berg requested the Commission review the CUPA request and make a recommendation to City Council,  
354 with the conditions set forth in attached Resolution 2023-16.

355 **Commissioner Johnson moved and Commissioner Balfany seconded to open discussion on the**  
356 **CUP request.** To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
357 motion passes. **Motion passes unanimously.**

358 Hanschen noted this had come before the Commission last fall and at that time the plan was to turn it  
359 into additional parking. Balfany believed it was for parking and to expand the building.

360 Terry stated he did not have any issues with this. Johnson agreed.

361 Balfany believed the neighbor also did not have any issues with this proposal.

362 **Commission Johnson moved and Commissioner Balfany seconded to recommend to the City**  
363 **Council approval of Resolution 2023-16 with conditions, a Resolution Approving a Conditional**  
364 **Use Amendment to Allow the Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St**  
365 **NE, East Bethel, PIN 08-33-23-43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel**  
366 **Center.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany  
367 asked any opposed? That motion passes. **Motion passes unanimously.**

368 This item goes before City Council on March 13, 2023.

369 **7.0B Site Plan Review – Wasche Commercial Finishes – 2133 Aberdeen St NE – Matt Wasche**

370 Berg reviewed staff's report stating on September 12<sup>th</sup>, 2022, under Resolution 2022-50, an expansion of  
371 an existing Conditional Use Permit (CUP) was amended and approved with the following three  
372 conditions:  
373

- 374 1. Prior to construction of the new facility, a site plan review must be reviewed and approved by  
375 the Planning Commission and City Council.
- 376 2. Exterior storage is limited to commercial vehicles and trailers associated with the principal use  
377 of the business.
- 378 3. Ingress/egress from the site shall be from Davenport St NE.

379 Berg indicated although Mr. Wasche is not ready to begin the construction of the previously approved  
380 expansion, he is applying for a smaller addition to the existing building for storage. Additionally, he is  
381 requesting to begin the site preparations, to include clearing and leveling of the lot, fencing, ponding, in  
382 addition to constructing the driveway entrance from Davenport St NE for the previously approved  
383 expansion.

384 Berg stated staff has reviewed the site plan and support the configuration of the site. All City Engineer  
385 comments will need satisfactorily addressed prior to the issuance of any building permits.

386 Berg noted the City Engineer comments regarding grading and drainage will need satisfactorily  
387 addressed prior to the issuance of building permits.

388 Berg stated an easement for grading City Owned Lot 1, Block 1, East Bethel Commercial Center will be  
389 required.

390 Berg indicated the landscaping plan will be required at time of application for a building permit of the  
391 new facility and need to meet the requirements of city code. Requirements for plantings are based on the  
392 square footage of the building.

393 Berg stated the future building shall meet established building design and architectural standards.

394 Berg noted a lighting plan will be required at time of application for a building permit of the new  
395 building and need to meet the requirements of city code.

396 Berg recommended the Commission review the site plan and makes a recommendation of approval to  
397 City Council, with the conditions set forth in the Resolution.

398 **Commissioner Johnson moved and Commissioner Hanschen seconded to recommend to the City**  
399 **Council approval of Resolution No. 2023-17, A Resolution Approving the Site Plan Review for the**  
400 **Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St NE, East Bethel, PIN 08-33-23-**  
401 **43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel.** Balfany asked any discussion? To

402 the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.  
403 **Motion passes unanimously.**

404 This item goes before City Council on March 13, 2023.  
405

406 **5.0 Continuation of Candidate Interviews – Wanda McLaurin, Narendra Ramnarine, and Joe Reiter**

407 Balfany requested each Commissioner place their vote for an additional Planning Commission member.

408 Berg tallied the votes and indicated Wanda McLaurin was recommended by a vote of 4-0 to the  
409 Planning Commission.

410 **Commissioner Balfany moved and Commissioner Johnson seconded to recommend to the City**  
411 **Council appointment of Wanda McLaurin to the Planning Commission.** Balfany asked any  
412 discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
413 motion passes. **Motion passes unanimously.**  
414

415 **8.0 Updates**

416 There were no Council liaison updates.  
417

418 **9.0 Adjournment**

419 **Commissioner Johnson moved and Commissioner Hanschen seconded to adjourn at 8:18 pm.**  
420 Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any  
421 opposed? That motion passes. **Motion passes unanimously.**

422 Submitted by:

423 Kathy Altman

424 *TimeSaver Off Site Secretarial, Inc.*  
425

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** April 24, 2023

**Agenda Item Number:** 4.0

**Agenda Item:** Tabled from February 28th, 2023 - Appointment of Chairperson and Vice Chairperson

**Background Information:**

City Code Section 2 – 73 requires the appointment of a chairperson to serve for a one (1) year term. City code states the following:

**Sec. 2-73. - Chairperson.**

The chairperson shall be chosen from the committee or commission membership annually to serve for one year; provided, however, that no chairperson shall be elected who has not completed at least one year as a member of the committee or commission.

Also, a Vice Chairperson is to be appointed to act as the chairperson in the event that particular individual is absent from a meeting.

**Recommendation:**

The Commission is requested to appoint a Chairperson and Vice Chairperson to serve the term of one (1) year, ending January 31, 2024.

**Planning Commission Action:**

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

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

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

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

No Action Needed: \_\_\_\_\_

**City of East Bethel  
Planning Commission Regular  
Meeting Agenda Item Information**



**Date:** April 25, 2023

**Agenda Item Number:** 5.0

**Agenda Item:** Commission Interviews

**Background Information:**

On January 31, 2023, the term of Commissioner Karen Krepis expired. Although the Planning Commission recommended the reappointment of Commissioner Krepis to an additional term, the City Council did not approve the reappointment. This created an open position on the Planning Commission to be filled.

On February 28, 2023 the Planning Commission conducted interviews and recommended applicant Wanda McClaurin to the City Council to fill vacant commission position. On March 13th, 2023 the City Council did not approve the recommendation again leaving an open commissioner position.

City staff re-advertised the opening and have received two (2) Letters of Interest or Resumes. The Letters of Interest, Resumes and interview questions are attached for your review.

**Recommendation:**

The Commission is requested to interview the applicants and make a recommendation to City Council to fill the vacant seat in which the terms will expire on January 31, 2026.

**Attachments:**

1. Joe Reiter
2. Eldon Holmes
3. Interview Questions

**Planning Commission Action:**

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

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

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

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

No Action Needed: \_\_\_\_\_

## Joe Reiter

XXXXX XXXXXXX St NE  
East Bethel, MN 55011  
(XXX) XXX-XXXX

Dear Planning Commission,

I am excited to submit my application for the Planning Commission position in East Bethel. As a resident of East Bethel since 2017, I am passionate about contributing to the community and ensuring that the city continues to grow and develop in a responsible and sustainable manner.

My experience in business analysis and strategic intelligence, along with my expertise in data analytics and digital marketing, have provided me with a strong foundation to be an effective member of the Planning Commission. In my current role as a Senior Business Analyst at Polaris Industries, I provide technical assistance for business and market development, use internal and external data to identify trends and create forecasts, and interpret metrics to diagnose problems occurring throughout the business process. I am also responsible for communicating with executives on the status and performance of their systems, providing insights into operations, and recommending adjustments to strategies.

Prior to my role at Polaris Industries, I worked as a Strategic Intelligence Analyst at the St. Paul Police Department, where I directed a team of analytics professionals and implemented a strategic crime analytics program created by the Chief of Police and City Council. In addition, I provided analytical reports and assessments to executive and C-level leadership, oversaw the development of the department's GIS program, and acted as a liaison for SPPD regarding intelligence programs.

My educational background includes a Bachelor of Science in Business Management from St. Cloud State University and a Digital Marketing Certificate from the University of Minnesota, where I am currently pursuing further education and skills in optimizing campaigns and websites, digital advertising and automation, and identifying strategies to increase awareness, engagement, purchase, and retention.

I am a dedicated and involved member of the East Bethel community, having volunteered at local events and worked to promote civic engagement and community development. I believe my background and experience will enable me to make valuable contributions to the Planning Commission, and I am committed to working collaboratively with other Commission members, Roads and Parks Commissions, and city officials to ensure that new development or businesses comply with city ordinances and are presented for review.

Thank you for considering my application for this opportunity to serve the community. I have attached my current resume for your reference and am available to answer any questions or provide additional information.

Sincerely,

Joe Reiter

A handwritten signature in black ink, appearing to read 'Joe Reiter', with a stylized, cursive script.

## Joe Reiter

XXXXX XXXXXXXX St NE  
East Bethel, MN 55011  
(XXX) XXX-XXXX

### Planning Commission Member

---

**Objective:** To serve as a member of the East Bethel Planning Commission and contribute to the responsible growth and development of the city.

#### **Professional Experience:**

##### **Senior Business Analyst, Polaris Industries (2021-2022)**

##### **Senior Sales and Marketing Analyst, Polaris Industries (2018-2021)**

- Conducted demographic research and categorization of audiences into interest groups
- Analyzed internal and external data to identify trends and create forecasts
- Provided technical assistance for business and market development
- Interpreted metrics to diagnose problems occurring throughout the business process
- Designed standard work business processes for employees

##### **Strategic Intelligence Analyst, St. Paul Police Department (2015-2018)**

- Implemented strategic crime analytics program created by Chief of Police and City Council
- Provided analytical reports and assessments to executive and c-level leadership
- Oversaw development of the department's GIS program
- Acted as a liaison for SPPD regarding intelligence programs - meeting with city councilors and commissions to provide updates, intelligence assessments, and facilitate requests for information
- Monitored legislation and ordinances to ensure the intelligence program remains in scope of mandates

##### **Sr. Intelligence Manager, Department of the Navy (2008-2014)**

- Coordinated high-level regional intelligence preparation and briefings for top-level military leaders
- Guided automation and fusion of new technology, data, and information sources

#### **Education:**

##### **B.S. Business Management, St. Cloud State University, Minnesota (2008)**

##### **Digital Marketing Certificate, University of Minnesota (Mar 2023)**

- Digital Marketing Strategy – Optimizing Campaigns & Websites – Digital Advertising & Automation
- Google Analytics - GA4 Certification

#### **Skills:**

- Conducting research and analysis to inform decision-making
- Interpreting and utilizing data to identify trends and forecast outcomes
- Collaborating with team members and stakeholders to achieve goals
- Communicating complex ideas to diverse audiences
- Monitoring and evaluating program effectiveness to ensure compliance with mandates and ordinances

#### **Community Involvement:**

- Volunteer at local events and in community organizations

April 14<sup>th</sup>, 2023

Sirs;

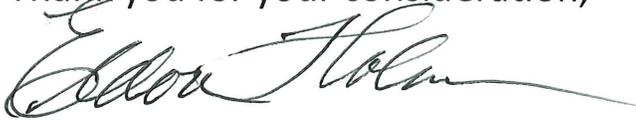
I would like to express my interest in joining the Planning and Zoning Commission. I was a member of this commission for approximately 14 years previously, and was chair on the commission twice. I enjoyed the commission very much and look forward to being on it again. I left the commission, as I accepted an important job of teaching minority's and handicapped individuals on how to work in the construction trade. It just happened to be on Tuesdays.

I have lived in East Bethel for the past 22 years with my wife of 51 years and 3 children. I have always enjoyed living here and trying to stay on top of what's going on in the city.

I was a graduate of Columbia Heights High School and Dunwoody Institute. I have taken some courses at the U of M. I have been a autobody man for approximately 42 years, while also being in construction for approximately 54 years. I am now retired. I have had two businesses, a body Shop in Fridley, MN and a construction Company in Coon Rapids. I have been a company roving superintendent taking care of approximately 110 people. I also was a construction estimator for three companies with some projects having costs of over 2 million dollars. I have taught construction code, estimating, and construction installation. I was an Election Judge a few times for the City of East Bethel.

I feel that having been on the commission before, is a plus for my reason to return to the commission.

Thank you for your consideration,



Eldon Holmes

**City of East Bethel  
Planning Commission Meeting  
Agenda Item Information**



**Date:** April 25th, 2023

**Agenda Item Number:** 6.0 A

**Agenda Item:** **Public Hearing** - Variance – Reduction of Side and Front Yard Setbacks for Drain Field Placement – 19141 E. Front Blvd. NE.

**Background Information:** On May 16, 2022, the city received an application from the owner of 19141 E. Front Blvd. NE, to allow the upgrade an existing outhouse to a Type III for a Subsurface Sewage Treatment System (SSTS), to make the cabin a habitable residence. Due to the size of the .17 Acre Lot, the proposed system design included the placement of a box mound which encroached on property lines and required city permission or variance for its use. City Staff subsequently approved the permit, and the system was installed in July of 2022. During a final inspection, it was noted the installed septic box mound was within the required setbacks. A variance for a reduction of the side and front yard setbacks should have been sought and approved prior to installation.

The applicant applied for a variance, after the fact, for the setback encroachments. City Staff began gathering information in preparation for a variance public hearing. Inconsistencies were discovered in the existing survey (2004) on file and the drawing submitted with the septic system permit application. A site visit was conducted for the purposes of confirming measurements, and City Staff concluded the site didn't match either the 2004 survey or the drawing submitted in the application. City Staff contacted the applicant and requested a new certificate of survey be completed (Attachment 4). The new survey identified that the new septic box mound was not only encroaching on the front and side yard setbacks, but a portion of it was also in the city right of way. City Staff consulted with the City Attorney to determine the best course of action to address the circumstances. It was the recommendation of the City attorney that in addition to obtaining variance approval, a License and Use Agreement would need to be drafted to authorize the use the portion of the E. Front Blvd. City Right-of-Way.

The applicant is requesting a variance to reduce the Southern side yard setback standard from 10 feet to 0 - 3 feet, the Northern side yard setback from 10 feet to 6 - 7 feet and the Western front property line from 10 feet to -0.6 feet and -1.7 feet for the placement of a septic box mound.

The system meets setback requirements of neighboring deep wells.

Consideration of a variance requires the following three-factor test for practical difficulties:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance.

In this case:

***Septic systems are required for a home to be considered habitable. The approval of the variance would allow this property to be used as a residential use.***

- The second factor is, a test of uniqueness, the issue for the variance is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular property.

In this case:

***The property has limited space for a drain field due to the lot sizes created by this 1920's era plat.***

***There is an 8 foot change in elevation from the front lot line (E. Front Blvd. NE) to the Ordinary High Water Level (OHWL) at the shoreline.***

***Minn. R. 7080.1500 requires that a SSTS constructed in a Shoreland area must have at least three (3) feet of vertical separation distance between "redox features" (evidence of groundwater) and wastewater saturated soils (distribution medium). This properties redox feature was located at 1.5 feet (18 inches) below the existing grade at its deepest uphill location.***

***Current setback requirements for wells and structures and DNR lakeshore regulations.***

- The third factor is, that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure or improvement will be out of scale, out of place, or otherwise inconsistent with the surrounding area. When applying this test to a setback reduction, the visual impact or use of the building or improvement relative to the surrounding dwellings is the emphasis of assessment. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In this case:

***The Coon Lake Residential District has had a significant number of septic variances issued due to smaller lot sizes and the age of this neighborhood.***

***A neighboring property (4640 E. Front Blvd. NE) was granted a license in April 2012 (Attachment 8) to use a portion of Sylvan St. for placement of a septic tank, piping and a new deep well, in order to upgrade a failing septic system on the property due to limited lot size. In 2012, setback requirements were narrower than current regulations.***

**Recommendations:** Planning Commission is requested to hold a public hearing regarding a variance for the installation of a septic box mound within side yard and front yard setbacks at 19141 E. Front Blvd. NE.

Staff recommends Planning Commission make a recommendation to the City Council on Resolution 2023-19, granting a variance to the standard allowing for the installation of a septic mound at the southern side yard setback standard from 10 feet to 0 - 3 feet, the northern side yard setback from 10 feet to 6 - 7 feet and the western front property line from 10 feet to -0.6 feet; -1.7 feet for the placement of a septic box mound at 19141 E. Front Blvd. NE with the following conditions:

1. A Certificate of Survey must be submitted indicating the septic system location to verify setbacks.
2. A Monitor and Mitigation Plan must be submitted and approved.

**Attachments:**

1. Resolution 2023-19, Approving Variance to the standard for the installation of a septic mound within side and front yard setbacks.
2. Location Map
3. Aerial of Property
4. Certificate of Survey

- 5. 19141 E. Front Blvd. NE - License & Use Agreement
- 6. Comparison Map
- 7. 4640 E. Front Blvd. NE - Septic As Built
- 8. 4640 E. Front Blvd. NE - License & Use Agreement

**Planning Commission Action:**

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

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

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

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

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2023-19**

A RESOLUTION **GRANTING** VARIANCE FOR THE REDUCTION IN SETBACK FROM THE FRONT PROPERTY LINE FROM TEN FEET TO ZERO FEET FOR THE INSTALLATION OF A SEPTIC SYSTEM DRAINFIELD PROPERTY LOCATED AT 19141 E. FRONT BLVD. NE (PIN 25-33-23-42-0012), LEGALLY DESCRIBED AS:

COON LAKE EAST FRONT LOT 41 COON LAKE E FRONT INCL ABUTTING  
30FT OF VACATED ST. INCLUDING STRIP OF LAND VACATED 4/19/68  
ADJOINING LAKE & ADJ TO SD LOT

WHEREAS, the property owner requested a variance for a reduction in setbacks from the south side yard property line from 10 feet to 0 to 3 feet; north side yard property line from 10 feet to 6 to 8; front yard setback from 10 feet to 0 feet for the placement of a septic system box mound, and;

WHEREAS, the Minnesota Septic Code requires the approval of a variance to the standards by the governing municipality, per Minnesota Rule Chapter 7080; and,

WHEREAS, the Planning Commission held a public hearing on March 28th, 2023; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable request:
  - Minnesota Septic Code allows municipalities to grant variances to the standards.
  - The issuance of a variance for the drain field box mound installation is necessary for this home to continue to be a habitable structure.
2. Is due to circumstances unique to the property, not caused by the landowner;
  - Because of existing lot sizes within this subdivision, setback requirements from wells and residences, and the high water table in this area, the property has limited space for a compliant drain field.
3. Will not have a negative effect on the characteristic of the neighborhood;
  - The Coon Lake Beach neighborhood has had numerous septic variances issued.
  - With a number of the older systems needing to be replaced in this area, this variance request is quite common and granting this variance will not change the essential character of the Coon Lake Beach neighborhood.

WHEREAS, the City Council approves of the variance request.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the variance to the standards to allow for the installation of a septic system box

mound, 0 feet to 3 feet from the south side yard property line, 6 feet to 8 feet from the north side yard property line and 0 feet from the front yard setback on property located at 19141 E. Front Blvd. NE. with the following conditions:

1. A Certificate of Survey must be submitted indicating the septic system location to verify setbacks.
2. A Monitor and Mitigation Plan must be submitted and approved.

Adopted this 8<sup>th</sup> day of May, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

ATTEST

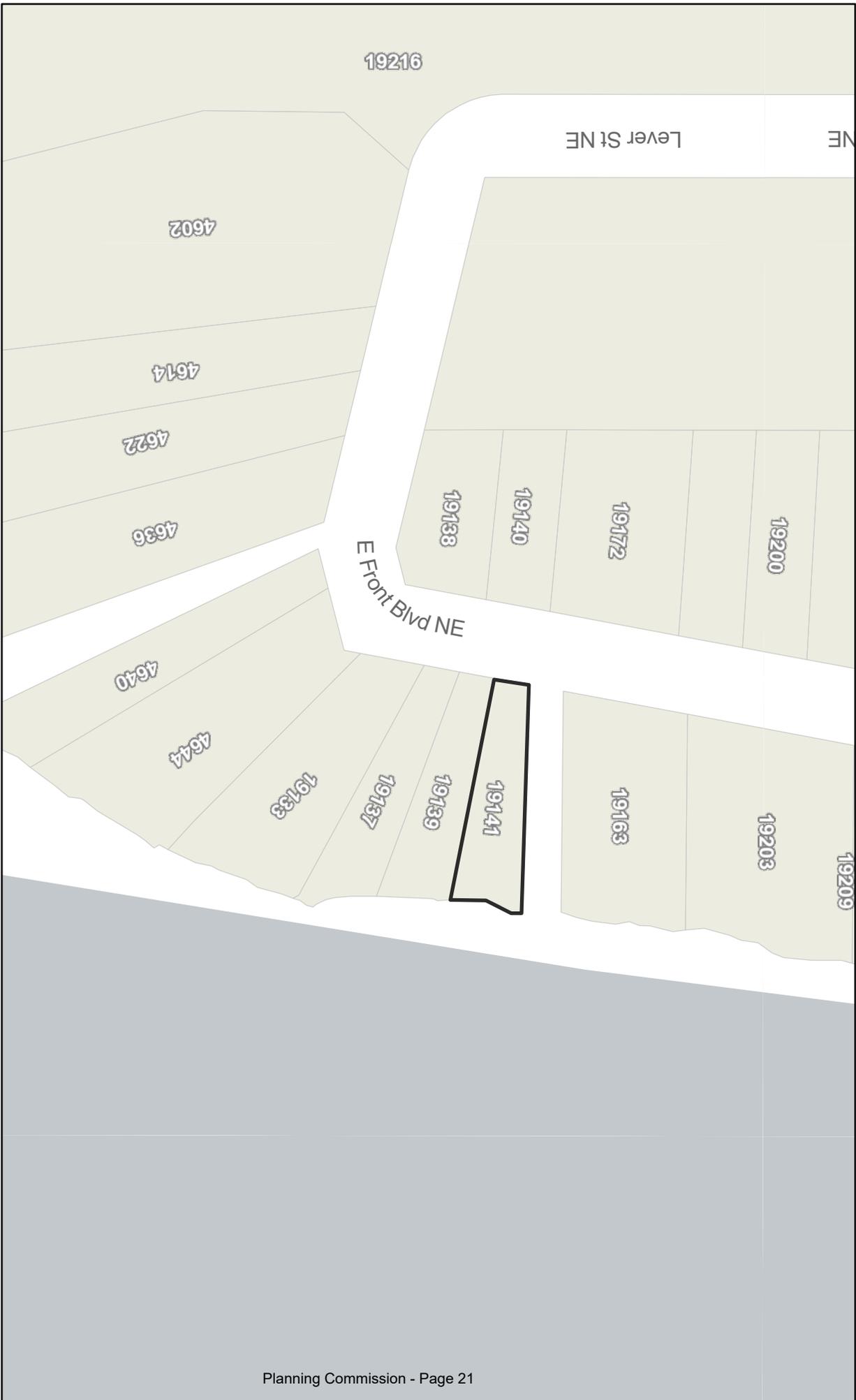
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Tim Harrington, Mayor

---

Jack Davis, City Administrator

# 19141 E. FRONT BLVD. NE



Address Labels  
City Mask

1 inch equals 106 feet

19141 E. FRONT BLVD. NE



Parcels  
City Mask

1 inch equals 53 feet

# CERTIFICATE OF SURVEY

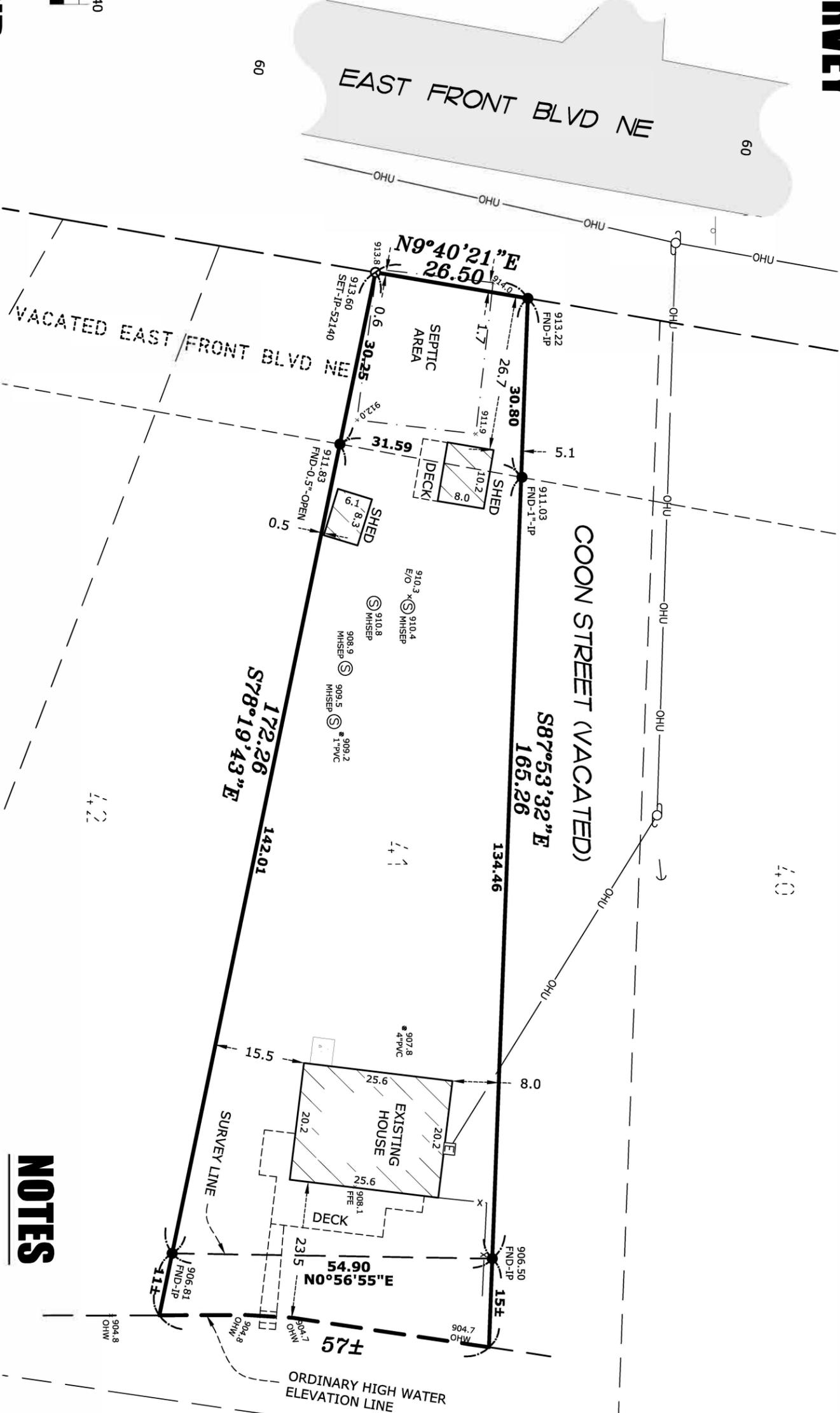
~for~ **JIM MOSKALIK**  
 ~of~ **19141 EAST FRONT BLVD.**  
**EAST BETHEL, MN**

**IMPERVIOUS SURFACE CALCULATIONS**  
 TOTAL LOT AREA ..... 7,488 S.F.  
 HOUSE ..... 518 S.F.  
 SHEDS ..... 132 S.F.  
 CONCRETE ..... 17 S.F.  
 TOTAL IMPERVIOUS SURFACE ..... 667 S.F.  
 PERCENT IMPERVIOUS ..... 8.9%



## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- ⤴ DENOTES GUY WIRE
- ⚡ DENOTES POWER POLE
- ⊕ DENOTES SIGN
- ⊙ DENOTES SANITARY SEWER MANHOLE
- x—x— DENOTES FENCE
- OHU— DENOTES OVERHEAD UTILITY
- ▭ DENOTES CONCRETE SURFACE



## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/02/22.
- Bearings shown are on Anoka County datum.
- Parcel ID Number: 25-33-23-42-0012.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

**COON LAKE (02004200)**  
 ORDINARY HIGH WATER = 904.75 NGVD 29  
 WATER LEVEL ON 1-28-2021 = 904.0

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

By: *[Signature]*  
 Minnesota License No. 52140

Dated 15th day of November 2022.

BEARING DATUM: Anoka		SCALE: 1" = 20'
REVISIONS		
1		JOB NO. 221152AB
2		DATE: 11-03-22
3		DRAWN BY: BCD
		CREW: TBD

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

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Return to:

LICENSE AND USE AGREEMENT

Eric Larson  
Eckberg Lammers, P.C.  
1809 Northwestern Avenue  
Stillwater, MN 55082

PID# 253323420012

DRAFT

## LICENSE AND USE AGREEMENT

This license and use agreement (this “License Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota (the “City”), and Molly and James Moskalik, wife and husband, (the “Moskalik’s” or “License Holders”).

### RECITALS

A. License Holders are the fee owner of Real Property (“License Holders’ Property”), 19141 East Front Blvd, Lot 41, Coon Lake East Front Subdivision, City of East Bethel, Anoka County, Minnesota, PID No. 253323420012, and legally described in **Exhibit A** attached hereto and incorporated herein by reference.

B. License Holders’ Property is contiguous with the dedicated right of way of East Front Boulevard, which is a public street right of way. The License Holders have requested that they be permitted to use a portion of such right of way for the uses and purposes stated in this License Agreement. That portion of such right of way be used by the License Holders is graphically depicted in **Exhibit B** attached hereto and incorporated herein by reference and is herein referred to as the “License Area”.

C. The City has agreed to grant to the License Holders a license Area for such expressed limited uses and purposes and upon the terms and conditions stated in this License Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein and made a part of this License Agreement, and of the terms and conditions hereinafter stated, the City and License Holders agree as follows:

1. **License.** Subject to all of the terms and conditions stated in this License Agreement, the City hereby grants to the License Holders a nonexclusive license (the “License”) for the uses and purposes stated in Paragraph 2 of this License Agreement, in under, over and across the License Area. The City hereby authorizes the License Holders to use the License Area on a nonexclusive basis, limited to and solely for the uses and purposes and on the terms and conditions set forth in this License Agreement. The License granted by this License Agreement shall continue for the term stated in Paragraph 4 of this License Agreement. By granting the License and entering into this License Agreement, the City makes no warranty that it has good and marketable title to the License Area and the City does not agree to, and will not, warrant or defend the License or the License Holders’ interest from other parties who may claim any right, title or interest in the License Area. The License is appurtenant to License Holders’ Property, and may not be transferred or assigned except to an owner of License Holders’ Property in connection with a lawful, and duly recorded, conveyance of License Holders’ Property.

2. **Purpose of License and Use of License Area.** The License is granted for the sole purpose of permitting the License Holder’s to construct, install, and maintain a private septic or sewage treatment system and water well and associated underground piping within the License Area to provide sanitary sewer and drinking water service for the residential structure located on the Licenses Holders’ Property that is and remains in conformance with all applicable rules, regulations, and laws. Moreover, such septic system and well shall be constructed, maintained and installed in compliance with applicable state and local ordinances and regulations and in a location approved by the City. The License and License Holders’ use of the License Area are limited to the specific purposes and uses stated in this License Agreement. No other use of or encroachment within the License Area is permitted by this License Agreement.

3. **No Property Interest.** This License Agreement and the License are personal to the

License Holders. No interest in the title to the public right of way of East Front Boulevard is granted, created or transferred by this License Agreement. This License Agreement and the License are subject and subordinate to the prior, superior and continuing right of the City to use such public right of way as a street and for other public uses and purposes consistent with the dedication of Sylvan Street as a public street.

**4. Term.** The term of this License Agreement and the License shall begin on the date stated in the first paragraph of this License Agreement and shall continue until the earlier of the following dates (which earlier date is herein referred to as the "Termination Date"), namely: a) the date on which public sanitary sewer service has been extended to and is available for immediate connection to the residence located on the License Holder's property; b) the date on which the City has decided to open and improve the right of way of East Front Boulevard as it abuts License Holder's Property by the construction of public street improvements within the right of way; (c) the date upon which the city council decides to vacate the right of way pursuant to Minn. Stat. 412.851; (d) the date upon which the city council determines that it has a public use to which the land needs to be applied which is determined by the city council to be inconsistent with the purpose of this License Agreement; or (e) the variance permitting the installation of placement of the septic drain field is revoked, cancelled, or no longer legally valid. From and after the Termination Date, either party may terminate this License Agreement upon thirty (30) days written notice to the other party. Except for subdivision (e) of this section, upon which Termination shall be immediately effective, should either party wish to terminate the License Agreement and the License, such party shall serve written notice of termination on the other party and this License Agreement and the License shall terminate and be of no further effect thirty (30) days after the date on which notice of termination is given. The recordation of an Affidavit by either party that such notice of termination has been given shall conclusively

establish that this License Agreement and the License have been terminated.

**4. Waiver.** License Holders understand that the City is an “acquiring authority” within the meaning of Minn. Stat. § 117.50-117.56. License Holders represents to the City that they understand that this license is not a property right and that in the event of an exercise of eminent domain, License Holders are not entitled to just compensation or relocation benefits respecting the private septic or sewage treatment system and water well and associated underground piping within the License Area and to the extent License Holder may or would later be entitled to such compensation or relocation benefits License Holders agree that this License Agreement provides just compensation as well as covers Relocation rights and benefits in full and waives any and all rights, if any, to such relocation benefits.

**5. Restoration.** Upon termination of this License Agreement and License, License the License Holders’ or their successors in title to License Holders’ Property shall, if so directed by the City, immediately remove all of the well and septic system improvements from the License Area at their sole expense, restoring the License Area to substantially the same condition that existed prior to installation of the well and septic system improvements. This License Agreement does not in any way obligate License Holders to maintain the License Area or any part of the right of way of East Front Boulevard except as otherwise required by applicable state and local ordinances and regulations and except for License Holders’ repair, maintenance, and replacement of the well and septic systems improvements to be installed within the License Area.

**6. Identification.** The License Holders agree they will defend, indemnify and hold harmless the City, its officers, agents and employees from and against any and all claims, liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, be require to pay arising out of the construction and placement and repair and

replacement of the well and septic system improvements within the right of way of East Front Boulevard.

**7. Notice.** All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be regular mail, hand delivered or sent by certified mail, return receipt requested, to the following addresses:

All notices to Licenses Holder's shall be given to this party listed as the owner and taxpayer in the real property taxation records maintained by Anoka County, Minnesota, and delivered to the address on file in such records for the owner and taxpayer of License Holder's Property.

If to City: City of East Bethel  
Attention: City Clerk  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

Hand delivered notice shall be deemed to have been given on the date of delivery. If notice is given by certified mail, then such notice shall be deemed to have been given on the next business day following the date of mailing. If notice is given by regular mail, then such notice shall be deemed to have been given three days following the date of mailing.

**8. Miscellaneous.**

- a. This License Agreement is made and executed in the State of Minnesota, and shall be construed and enforced according to the laws of Minnesota. Any and all legal actions, claims, or disputes between License Holders and the City shall be initiated, filed, and venued exclusively in the State of Minnesota, Anoka County, and shall not be removed therefrom to any other federal or state court.

- b. The invalidity or unenforceability of any provision of this License Agreement shall not affect or impair the validity of any other provisions, all of which shall remain in full force and effect.
- c. The paragraph or section titles and captions in this License Agreement are for convenience and reference only and do not define, limit or construe the contents of the sections and paragraphs of this License Agreement.
- d. This License Agreement shall be binding upon and inure to the benefit of the parties hereto and, subject to the restrictions and limitations herein contained their respective successors and assigns.
- e. Any modification to this License Agreement shall only be effective if in writing and signed by all the parties to this License Agreement.

IN WITNESS WHEREOF, the City and License Holder's have executed this License Agreement effective as of the date first above written.

City of East Bethel, Minnesota

By: \_\_\_\_\_  
Tim Harrington, Mayor

By: \_\_\_\_\_  
Jack Davis, Administrator

Property Owners:

By: \_\_\_\_\_  
James M. Mosalik

By: \_\_\_\_\_  
Molly E. Mosalik

THIS INSTRUMENT DRAFTED BY:

Eric D. Larson  
Eckberg Lammers, P.C.  
1809 Northwestern Avenue  
Stillwater, MN 55082

DRAFT

**EXHIBIT A**

Legal Description

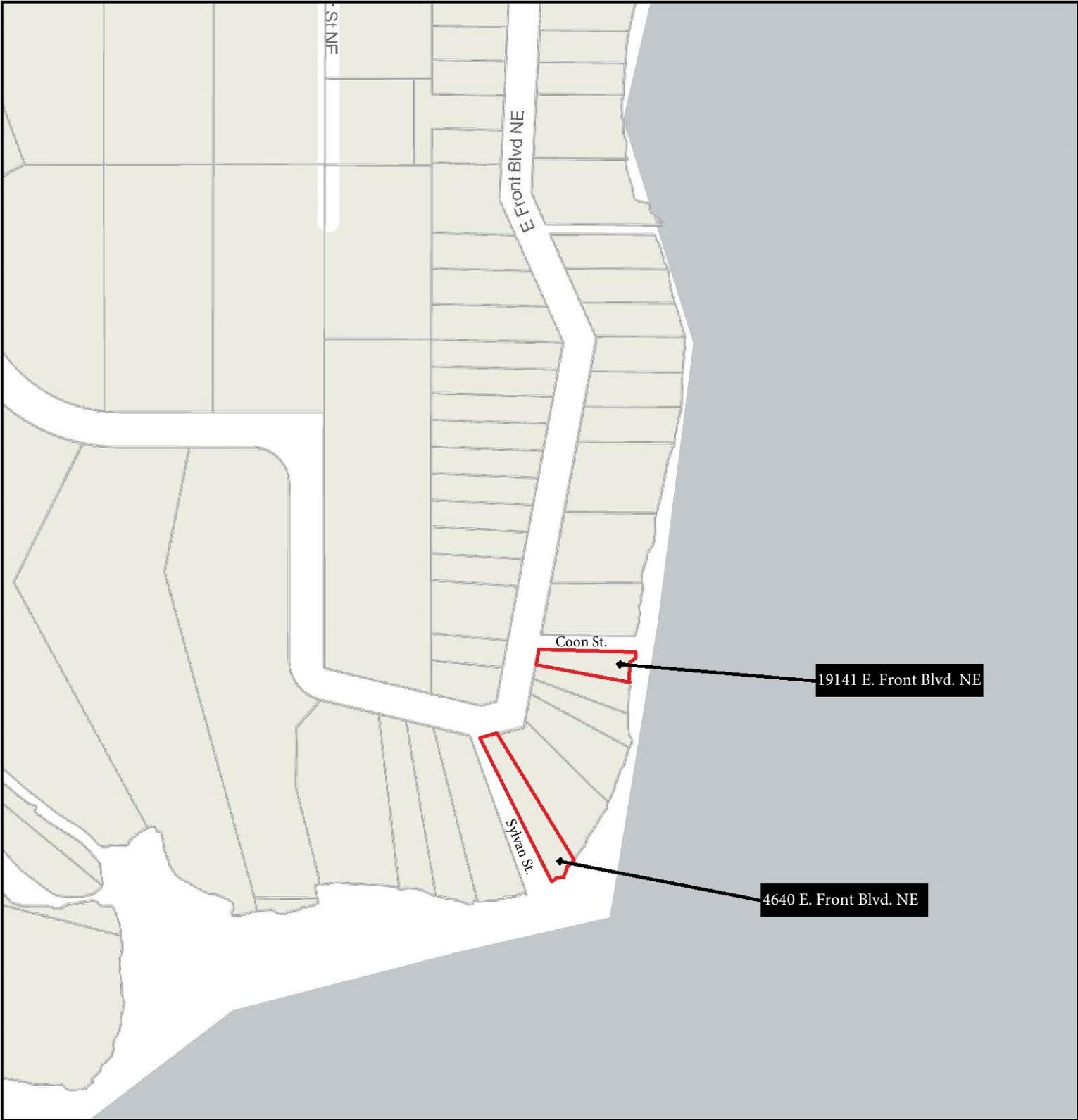
COON LAKE EAST FRONT LOT 41 COON LAKE E FRONT INCL ABUTTING  
30FT OF VACATED ST. INCLUDING STRIP OF LAND VACATED 4/19/68  
ADJOINING LAKE & ADJ TO SD LOT

DRAFT

**EXHIBIT B**

DRAFT

# 4640 E. Front Blvd



-  Parcels
-  City Mask

1 inch equals 252 feet



FILE COPY,

**Lashinski Services, Incorporated**

**M.P.C.A. Certificate # 65**

1326 161<sup>st</sup> Ave. Andover, MN 55304  
Office: (763) 434-3915  
Fax: (763) 434-7152

August 23, 2011

XXXX XXXXXX  
4640 East Front Blvd NE  
East Bethel, MN 550292  
XXX.XXX.XXXX

The onsite sewage treatment system at 4640 East Front Blvd in East Bethel is designed for a type II, two bedroom home in accordance with the Minnesota Pollution Control Agency (M.P.C.A.) chapter 7080 and local ordinances.

The above lot is 33' wide at the street. There is currently a shallow well and a noncompliant septic system on the property that both need to be abandoned and replaced. Because of the small lot size, a standard septic system and well cannot be installed while maintain all required setbacks. Furthermore, the lot directly to the South of this property, 4644 East Front Blvd., also has a shallow well and noncompliant septic system that cannot be replaced without the shallow well at this property being abandoned and sealed. The City of East Bethel is considering vacating the City-owned lot to the South of the property. By doing so, the homeowner would be able to installed a compliant well and septic system while maintaining all required setbacks. ?

The existing septic tank(s) are to be replaced. The tank(s) must be pumped and abandoned as per MPCA chapter 7080. A new 1650-gallon (minimum) double-compartment tank will need to be installed using the smaller compartment as a pumping chamber to lift the effluent to the proposed drainfield location. The main line from the house to the tank must be replaced with 4" SCH #40 PVC. The manhole covers on each tank must be brought to the surface for future maintenance. An effluent filter is required either in the outlet of the septic tank or the discharge of the lift tank.

The proposed soil treatment system must be at least 50-feet from the well, 20-feet from the house and 5-feet from the property line. The entire rockbed must be installed level and the rock materials clean as per MPCA chapter 7080. The homeowner is responsible for establishing a ground covering over the tanks and drainfield after construction is complete. Failure to do so can result in erosion and/or winter freezing problems.

The deep well to be drilled must be at least 50-feet from the tank and drainfield locations. The supply line from the tank to the drainfield must be at least 20-feet from the well location and air-tested as per MPCA chapter 7080. The existing shallow well must be sealed by a state-licensed well driller. All neighboring wells appear to be greater than 100-feet from the proposed ISTS location. **The homeowner is responsible for locating and disclosing any wells within 100-feet from the proposed ISTS location.**

The power supply and switches for the lift pump must be located outside the manhole and pumping chamber in a weatherproof enclosure. A warning device must be installed with both audible and visual alert in case of pump failure. The pressurized force main from the pump to the treatment area must be sloped to allow for drain back and prevent freezing.

**Keep all heavy equipment off the proposed treatment area before and after construction.** The treatment area should be marked off before construction. **Failure to protect the site of the proposed treatment area can result in this design being invalid and the system will need to be relocated.**

Nothing other than human waste, toilet tissue, laundry, showers, water softeners, etc. should be disposed into the septic tanks. **Iron filters must be diverted out of the system.** Garbage disposals are not recommended due to adding more solids and fine solids passing through the tanks and into the treatment area. Excessive amounts of soaps, especially anti-bacterial soaps, cleaning agents, and chlorine may kill the bacteria needed to treat septic effluent, limit the use of these cleaning agents. We recommend using liquid laundry and dish soap instead of powder. **Additives generally should not be used.**

**Each tank should be pumped and cleaned through the manhole cover one year after construction, then at least once every three years thereafter by a state licensed professional.** With proper installation and maintenance, this system should have no problem treating effluent properly.

Sincerely,



Ryan Lashinski



# City of East Bethel As-Built Form

MAY 04 2012

OWNER: [Redacted] PARCEL ID No.: 25-33-23-42-0017 BY: Rtd 6/4/12

STREET/CITY/ZIP CODE: 4640 E Front Blvd

DESIGNER: Lashinski ADDRESS: 1326 161 A PHONE: 434-3915 LICENSE: 65

INSTALLATION DATE: 5-8-12 INSTALLER: Lashinski LICENSE: \_\_\_\_\_

Is the system in Shoreland, serving an MDH facility, or in a Wellhead Protection area?  YES  NO

Number of Bedrooms/Flow Rate: 2) 300 #/gpd Septic Tanks, No. & Size: 1650 Split #/gal

Pump Tank Size: 600 gal Tank Manufacturer: K+S

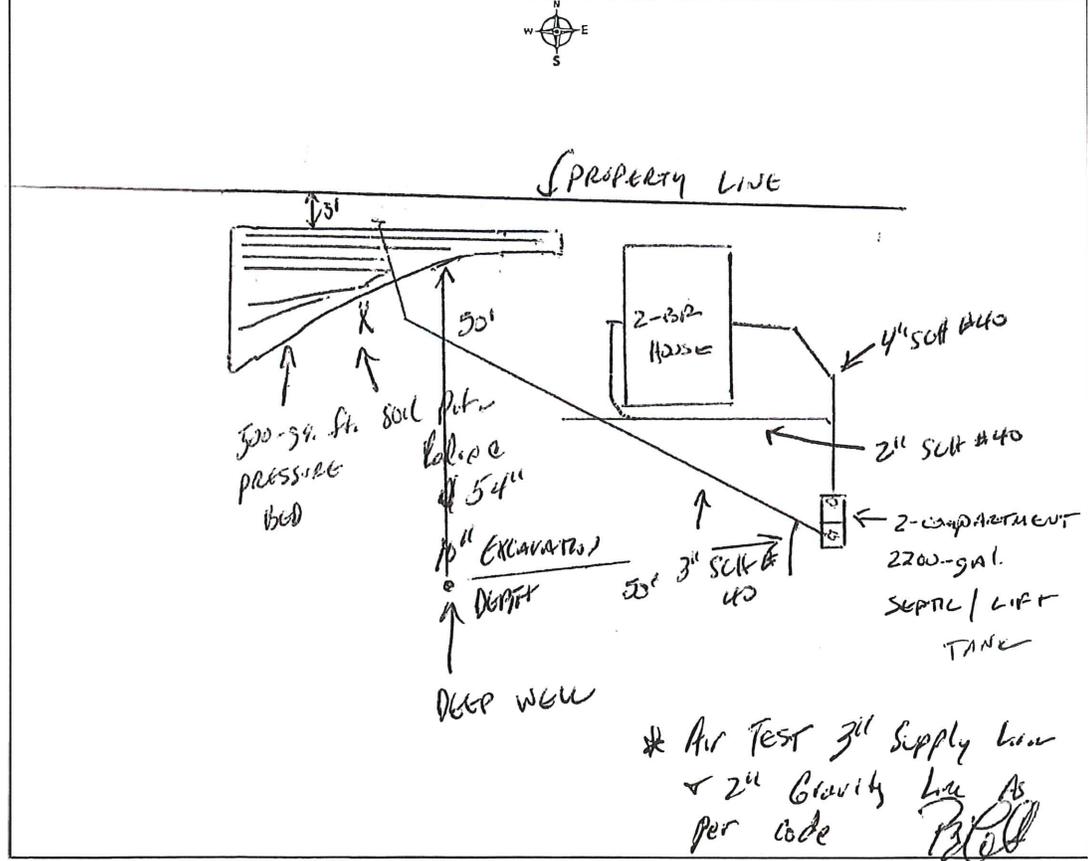
Pump Size: 1/3 hp 30 gpm 15 ft of TDH Limiting Layer Elevation/Depth: 53' from grade / benchmark

- TYPE I  TYPE II  TYPE III  TYPE IV  TYPE V
- TRENCH  BED  MOUND  AT-GRADE  ALTERNATIVE, OTHER & PERFORMANCE
- WARRANTIED

Depth from surface: 16" max in Rockbed size: 15" x 33" Describe: \_\_\_\_\_  
 Rock or slat depth: 6" in Absorption width: N/A \_\_\_\_\_  
 Diameter of gravelless: N/A in Sand depth: N/A \_\_\_\_\_  
 Trend width: \_\_\_\_\_ ft  
 Bottom Square Feet Area 501 ft<sup>2</sup>

DESIGN VARIANCES: SHALLOW WELL MUST BE SEAL BEFORE INSTALLATION OF NEW SYSTEM

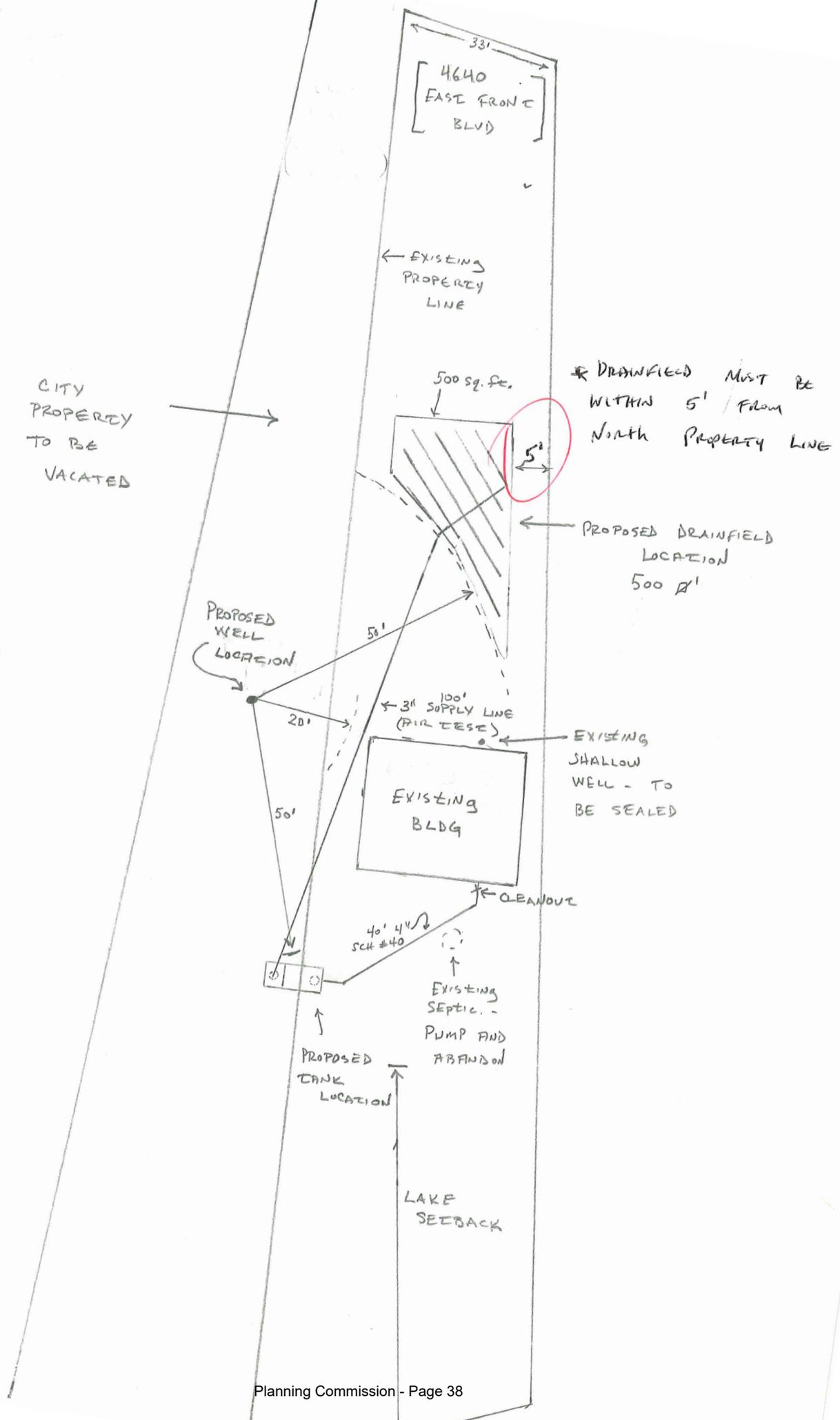
### SITE DRAWING



- Items to be identified:**
1. Septic, holding, and pump tanks, piping, and soil configuration. Label bed or trench width and length or rockbed size, absorption width, and final dimensions. Indicate alarm location.
  2. Show all setbacks from tank and soil system.
    - a) Property boundaries
    - b) Buildings
    - c) Wells
    - d) Water bodies
    - e) Road right-of-way
  3. Improvements: present and future
  4. Benchmark location and distance of tank and soil system from benchmark.
  5. Alternate site.
  6. Abandoned system.

I hereby certify that I have completed this work in accordance with applicable ordinances, rules, and laws.  
 \_\_\_\_\_ Installer 65 License # \_\_\_\_\_ Date 5-12-12

-over-



CITY PROPERTY TO BE VACATED

331'  
4640 EAST FRONT BLVD

← EXISTING PROPERTY LINE

\* DRAINFIELD MUST BE WITHIN 5' FROM NORTH PROPERTY LINE

500 sq. ft.



← PROPOSED DRAINFIELD LOCATION 500 sq. ft.

PROPOSED WELL LOCATION

50'

20'

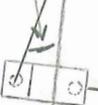
50'

← 3" 100' SUPPLY LINE (AIR TEST)

← EXISTING SHALLOW WELL - TO BE SEALED



← CLEANOUT



PROPOSED TANK LOCATION

40' 4" SCH #40  
↑  
EXISTING SEPTIC - PUMP AND ABANDON

LAKE SETBACK

CRON LAKE

## LICENSE AND USE AGREEMENT

This License and Use Agreement (this "License Agreement") is made and entered into this 6<sup>th</sup> day of April, 2012, by and between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota (the "City"), and XXXXXX X. XXXXXX (the "License Holder").

### RECITALS

A. License Holder is the fee owner of Real Property ("License Holder's Property") situated in the City of East Bethel, Anoka County, Minnesota, and legally described in Exhibit A attached hereto and incorporated herein by reference.

B. License Holder's Property is contiguous with the dedicated right of way of Sylvan Street, which is a dedicated but unimproved public street right of way. The License Holder has requested that he be permitted to use a portion of such street right of way for the uses and purposes stated in this License Agreement. That portion of such street right of way to be used by the License Holder is graphically depicted in Exhibit B attached hereto and incorporated herein by reference and is herein referred to as the "License Area".

C. The City has agreed to grant to License Holder a License to use the License Area for the uses and purposes and upon the terms and conditions stated in this License Agreement.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein and made a part of this License Agreement, and of the terms and conditions hereinafter stated, the City and the License Holder agree as follows:

1. License. Subject to all of the terms and conditions stated in this License Agreement, the City hereby grants to License Holder a nonexclusive license (the "License") for the uses and purposes stated in Paragraph 2 of this License Agreement, in, under, over and across

the License Area. The City hereby authorizes the License Holder to use the License Area on a nonexclusive basis, solely for the uses and purposes and on the terms and conditions set forth in this License Agreement. The License granted by this License Agreement shall continue for the term stated in Paragraph 4 of this License Agreement. By granting the License and entering into this License Agreement, the City makes no warranty that it has good and marketable title to the License Area nor does the City agree to warrant or defend the License or License Holder's interest from other parties who may claim any right, title or interest in the License Area. The License is appurtenant to License Holder's Property, and may not be transferred or assigned except to an owner of License Holder's Property in connection with the conveyance of License Holder's Property.

2. **Purpose of License and Use of License Area.** The License is granted for the sole purposes of permitting License Holder to construct, install and maintain a private septic or sewage treatment system and water well and associated underground piping within the License Area to provide sanitary sewer and drinking water service for the residential structure located on License Holder's Property. Such septic system and well shall be constructed, maintained and installed in compliance with applicable state and local ordinances and regulations and in a location approved by the City. The License and License Holder's use of the License Area are limited to the specific purposes and uses stated in this License Agreement. No other use of or encroachment within the License Area is permitted by this License Agreement.

3. **No Property Interest.** This License Agreement and the License are personal to License Holder. No interest in the title to the public right of way of Sylvan Street is granted, created or transferred by this License Agreement. This License Agreement and the License are subject and subordinate to the prior, superior and continuing right of the City to use such public right of way as a street and for other public uses and purposes consistent with the dedication of Sylvan Street as a public street.

4. **Term.** The term of this License Agreement and the License shall begin on the date stated in the first paragraph of this License Agreement and shall continue until the earlier of the following dates (which earlier date is herein referred to as the "Termination Date", namely: a) the date on which public sanitary sewer service has been extended to and is available for immediate connection to the residence located on License Holder's property or b) the date on which the City has decided to open and improve the right of way of Sylvan Street as it abuts License Holder's Property by the construction of public street improvements within the right of way; (c) the date upon which the city council decides to vacate the right of way pursuant to Minn. Stat. 412.851; or (d) the date upon which the city council determines that it has a public use to which the land needs to be applied which is determined by the city council to be inconsistent with the purpose of this License Agreement. From and after the Termination Date, either party may terminate this License Agreement upon thirty (30) days written notice to the other party. Should either party wish to terminate the License Agreement and the License, such party shall serve written notice of termination on the other party and this License Agreement and the License shall terminate and be of no further effect thirty (30) days after the date on which notice of termination is given. The recordation of an Affidavit by either party that such notice of

termination has been given shall conclusively establish that this License Agreement and the License have been terminated.

5. **Restoration.** Upon termination of this License Agreement and the License, License Holder or his successors in title to License Holder's Property shall, if so directed by the City, immediately remove all of the well and septic system improvements from the License Area, at his or their sole expense, restoring the License Area to substantially the same condition that existed prior to installation of the well and septic system improvements. This License Agreement does not in any way obligate License Holder to maintain the License Area or any part of the right of way of Sylvan Street except for the routine maintenance of the well and septic system improvements to be installed within the License Area.

6. **Indemnification.** License Holder agrees he will defend, indemnify and hold harmless the City, its officers and employees from and against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, be required to pay arising out of the construction, maintenance and placement of the well and septic system improvements within the right of way of Sylvan Street.

7. **Notices.** All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be hand delivered or sent by certified mail, return receipt requested, to the following addresses:

All notices to License Holder shall be given to the party listed as the owner and taxpayer in the real property taxation records maintained by Anoka County, Minnesota, and delivered to the address on file in such records for the owner and taxpayer of License Holder's Property.

If to City:

City of East Bethel  
Attention: City Clerk  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

Hand delivered notices shall be deemed to have been given on the date of delivery. If notice is given by certified mail, such notice shall be deemed to have been given on the next business day following the date of mailing.

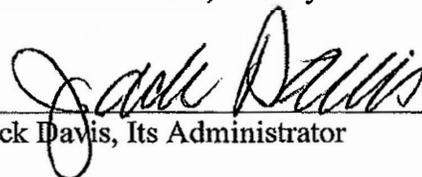
**8. Miscellaneous.**

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- c. The paragraph or section titles and captions in this License Agreement are for convenience of reference only and do not define, limit or construe the contents of the sections and paragraphs of this License Agreement.
- d. This License Agreement shall be binding upon and inure to the benefit of the parties hereto and, subject to the restrictions and limitations herein contained their respective successors and assigns.
- e. Any modification to this License Agreement shall only be effective if in writing and signed by all of the parties to this License Agreement.

IN WITNESS WHEREOF, the City and License Holder have executed this License Agreement effective as of the date first above written.

City of East Bethel, Minnesota

By   
Richard Lawrence, Its Mayor

By   
Jack Davis, Its Administrator

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** April 25, 2023

**Agenda Item Number:** 6.0 B

**Agenda Item: Public Hearing** - Conditional Use Permit (CUP) Amendment – Site Expansion: A-Blast, INC. – 21473 Johnson St NE

**Background Information:**

Classic Construction, INC., on behalf of R. Family Holding, LLC., has submitted a concept plan application for an expansion to A-Blast, INC., located at 21473 Johnson St NE. In addition to A-Blast, INC. R. Family Holding, LLC. owns Coriecity Coatings, currently operating in Elk River. The proposal consists of the adding an 80' X 58'8" warehouse and storage addition to the existing building. The proposed addition would house interior storage and be staging area for the products either waiting to be powder coated or waiting for pickup.

Property Zoning

The property is zoned B-3 – Highway Commercial Business, which allows uses associated with general retail shopping. A-Blast, INC. was and is permitted to operate by Conditional Use Permit 2004-0015, approved on November 17<sup>th</sup>, 2004.

Exterior storage is limited to essential business related material as a condition of the permit.

An amendment to the original CUP is required for the following reasons:

1. The business is a legal nonconforming use. This means the business is legal because a CUP was previously approved, however, current city code does not allow for this type of business in the B3 – Highway Commercial Business district; therefore it is nonconforming. City Council has the authority to determine if a legal nonconforming use can be expanded.
2. When a conditional use expands its footprint, an amendment to the original CUP is required.

Next Steps

If the CUPA is approved, a site plan review is required prior to issuance of a building permit for new construction or additions to commercial buildings greater than 25 percent of their existing building footprint (Appendix A, Sec. 04, 12. – Site Plan Approval). The existing building footprint is 5000 square feet and the proposed addition of approximately 4700 square feet.

**Recommendation:**

Staff requests the Planning Commission hold a Public Hearing and make a recommend to the City Council approving the CUPA to the with the conditions set forth in attached Resolution 2023-27.

**Attachments:**

1. Resolution 2023-27, Approving a CUPA for Business Expansion of a Legal Non-Conforming Use
2. Location Map
3. Aerial Map
4. Site Plan
5. Applicants Letter
6. Conditional Use Permit 2004-0015

**Planning Commission Action:**

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

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

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

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

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2023-27**

**A RESOLUTION APPROVING A CONDITIONAL USE AMENDMENT TO ALLOW THE EXPANSION OF A LEGAL NON-CONFORMING USE AT 21473 JOHNSON ST NE, EAST BETHEL, PIN 08-33-23-34-0006, LEGALLY DESCRIBED AS:**

**LOT 1, BLOCK 3, OAKWOOD TRAILS**

**WHEREAS**, the property owner requested approval for the expansion of the existing business; and,

**WHEREAS**, the property is zoned B-3 - Highway Commercial, in which Construction, Trade, and Service Businesses with outside storage permitted by Condition Use Permit (CUP); and

**WHEREAS**, on November 17, 2004, City Council approved a Conditional Use Permit (CUP) to allow the business to operate from its current location; and

**WHEREAS**, the existing CUP limits exterior storage to essential business related material; and

**WHEREAS**, the existing business is a legal non-conforming use; and

**WHEREAS**, the expansion of the legal non-conforming use requires an amendment to the CUP; and,

**WHEREAS**, the Planning Commission reviewed the Conditional Use Permit Amendment (CUPA) on April 24, 2023; and

**WHEREAS**, as a result of the review, the Planning Commission recommends approval to City Council of the CUPA to allow the expansion of the legal non-conforming use for the following reasons:

1. It meets the intent of the Comprehensive Plan
2. Allows an existing trade business to continue operation within the City of East Bethel

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby agrees with the recommendation of the Planning Commission and approves the CUPA to allow the expansion of the legal nonconforming use onto the property legally described as LOT 1, BLOCK 3, OAKWOOD TRAIL, with the following conditions:

1. Prior to construction of the new facility, a site plan review must be reviewed and approved by the Planning Commission and City Council.
2. Exterior storage shall be limited to the rear yard and cannot exceed the square footage of the Principal building.

Adopted by the City Council of the City of East Bethel this 8th day of May, 2023.

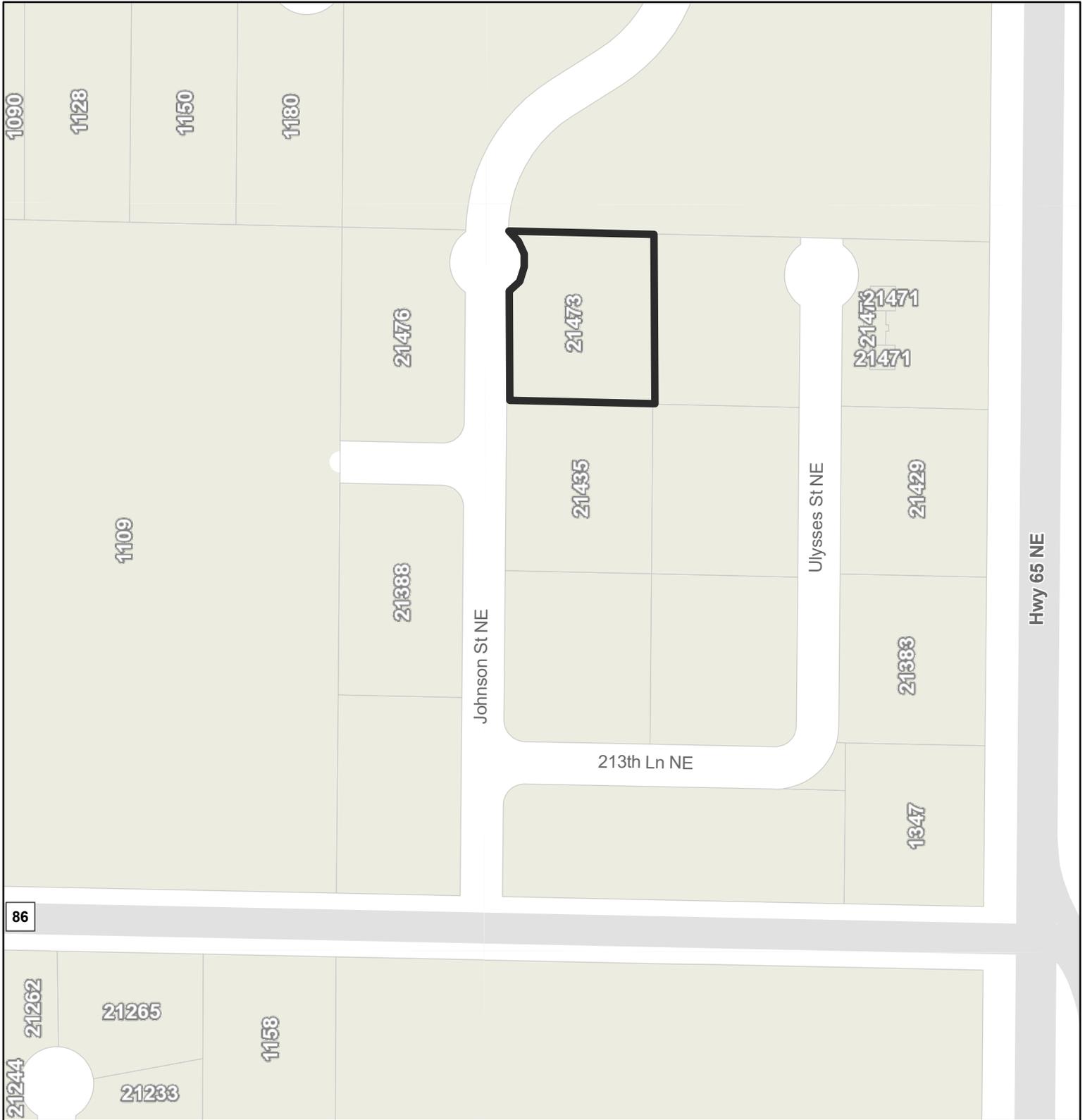
ATTEST

CITY OF EAST BETHEL

\_\_\_\_\_  
Jack Davis, City Clerk

\_\_\_\_\_  
Tim Harrington, Mayor

# 21473 JOHNSON ST NE - LOCATION MAP



1 inch equals 253 feet

Address Labels

Parcels

City Mask



21473 JOHNSON ST NE



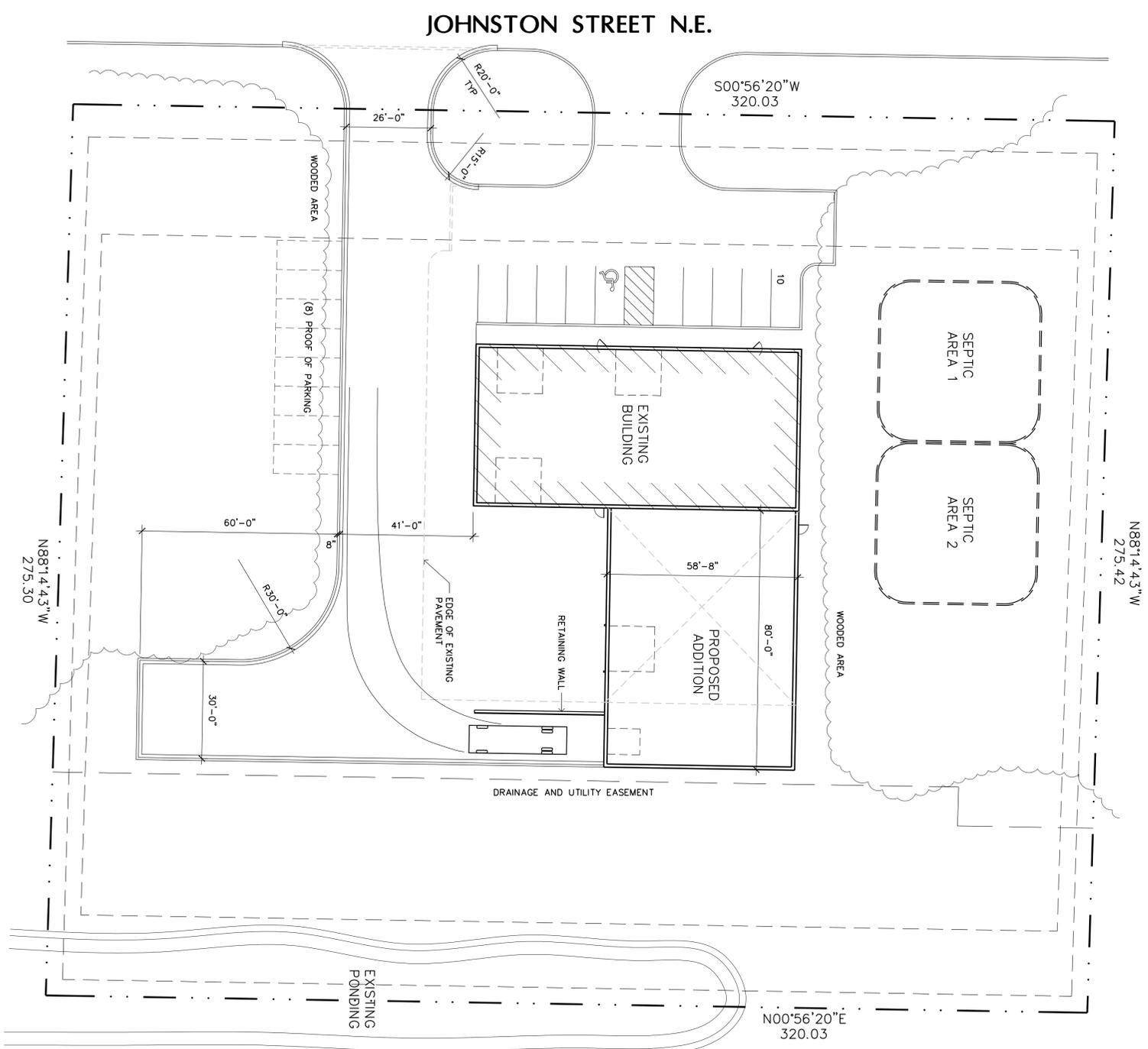
Parcels  
City Mask

1 inch equals 106 feet

Ulysses St NE

Johnson St NE

214th Ln NE



**SITE DATA**  
 LOT SIZE - 88,133 S.F. = 2.02 ACRES  
 ZONING - B3 HIGHWAY COMMERCIAL BUSINESS  
 HARD SURFACE - 29,100/88,133 = 33% < 80% MAX

**PARKING DATA**  
 OFFICE 976 S.F. @ 1/200 = 5 STALLS  
 WAREHOUSE 9,206 S.F. @ 1/700 = 13 STALLS  
 TOTAL STALLS REQUIRED = 18 STALLS  
 TOTAL STALLS PROVIDED = 10 STALLS  
 PROOF STALLS = 8 STALLS

1 SITE PLAN  
 A1 SCALE: 1" = 20'-0"  
 NORTH



**LAMPERT ARCHITECTS**  
 420 Summit Avenue  
 St. Paul, MN 55102  
 Phone: 763.753.1211 Fax: 763.757.2849  
 lampert@lampert-arch.com

**ARCHITECT CERTIFICATION:**  
 HERBERT GERRY HAAS, HAS PLAN, 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 FOR CONSTRUCTION**  
 LEONARD AMPERT  
 13669

**CLASSIC CONSTRUCTION**  
 CONCRETE MASONRY WORK - RESIDENTIAL & COMMERCIAL  
 18342 ULVASSIS ST. NE PHONE: (763) 444-8870  
 EAST BETHEL, MN 55011 FAX: (763) 444-7120

**A-BLAST BY CORIEOCITY COATINGS**  
 21473 Johnson Street, NE, East Bethel, MN

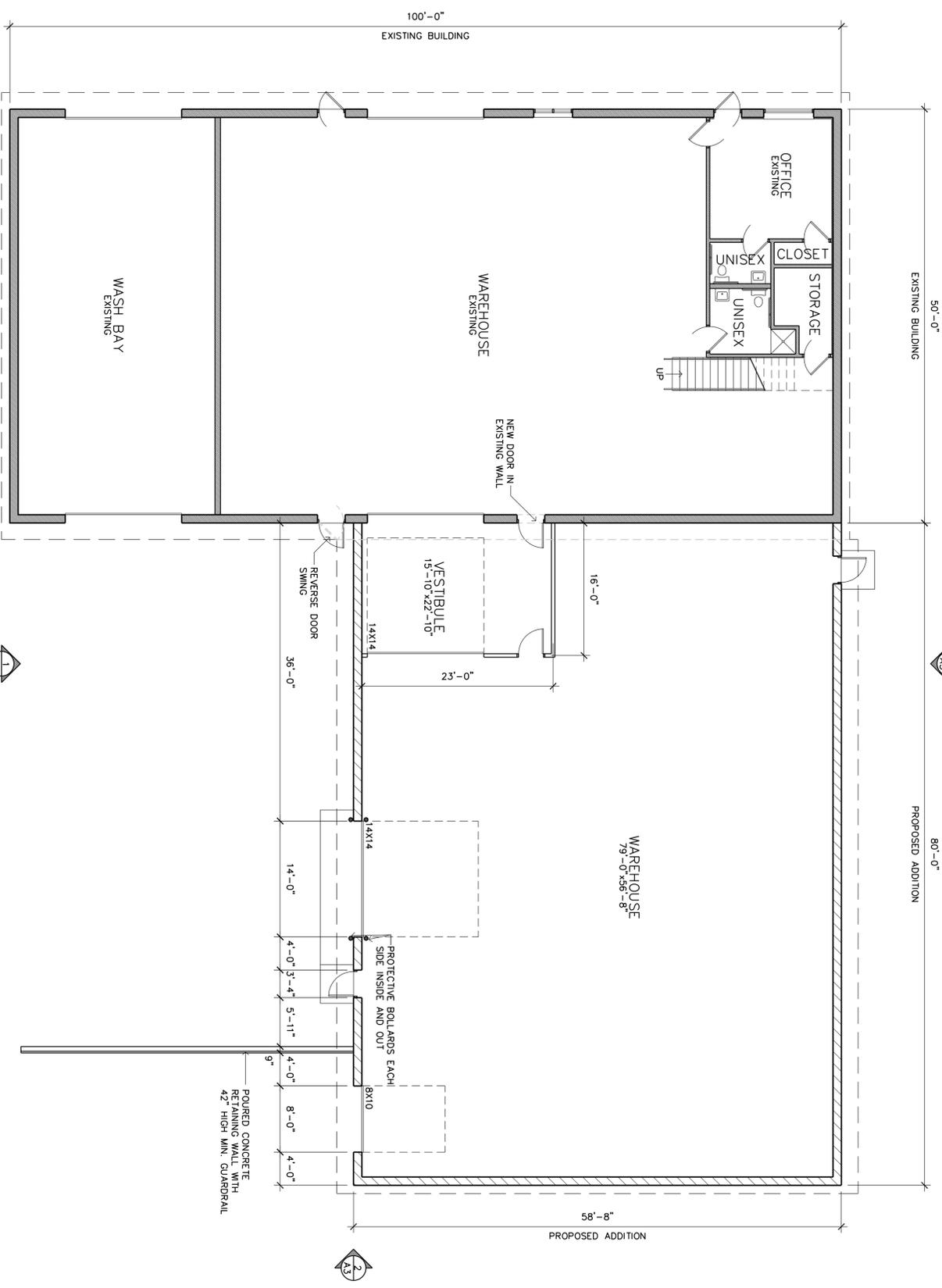
Copyright 2023  
 Leonard Lampert Architects Inc.  
 Project Designer: JAMES B  
 Drawn By: JRB  
 Checked By: LL

Revisions

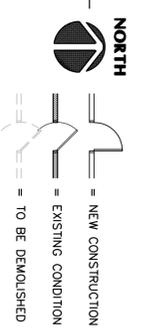
2/22/23	PRELIMINARY
3/1/23	CITY SUBMITTAL

**SITE PLAN**  
 Sheet Number

**A1**



1 FLOOR PLAN  
A2 SCALE: 1/8" = 1'-0"



**LAMPERTS ARCHITECTS**  
420 Summit Avenue  
St. Paul, MN 55103  
Phone: 651.251.1211 Fax: 651.251.7284  
lamps@lamps-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 LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY FOR CONSTRUCTION**

**CLASSIC CONSTRUCTION**  
CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
1500 W. WASHINGTON AVENUE, SUITE 100  
EAST BETHEL, MN 55011  
PHONE: (651) 434-4120  
FAX: (651) 434-4120

# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

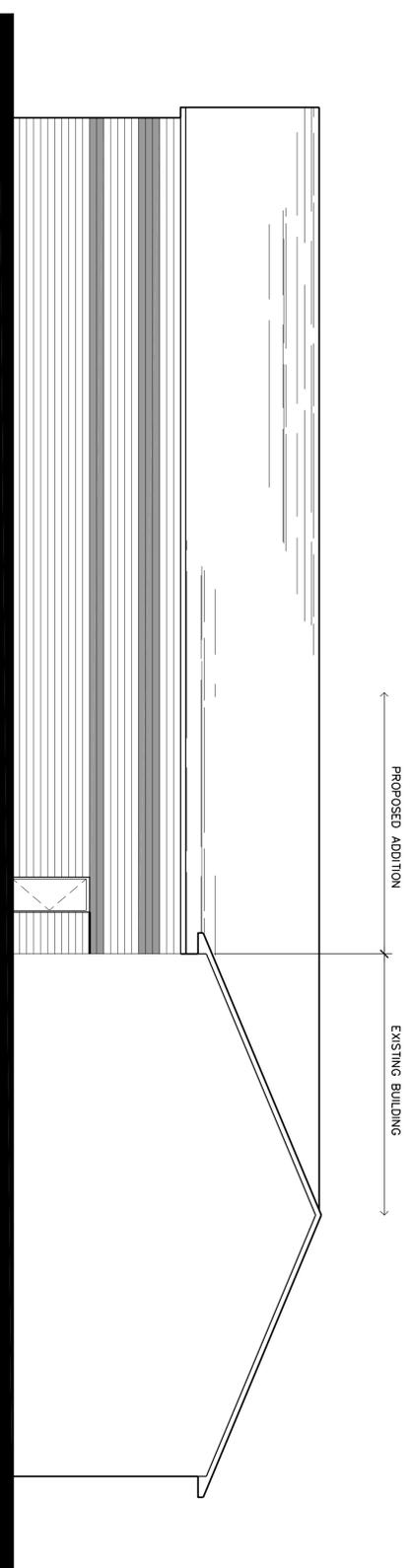
Copyright 2023  
Leonard Lampert Architects, Inc.  
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Revisions

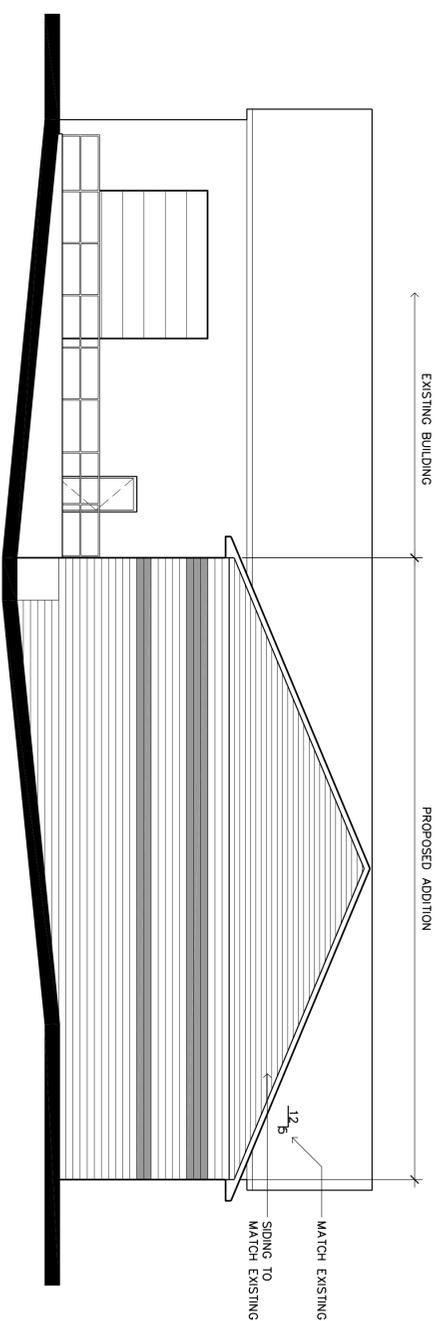
2/22/23	PRELIMINARY
3/1/23	CITY SUBMITTAL

FLOOR PLAN  
Sheet Number

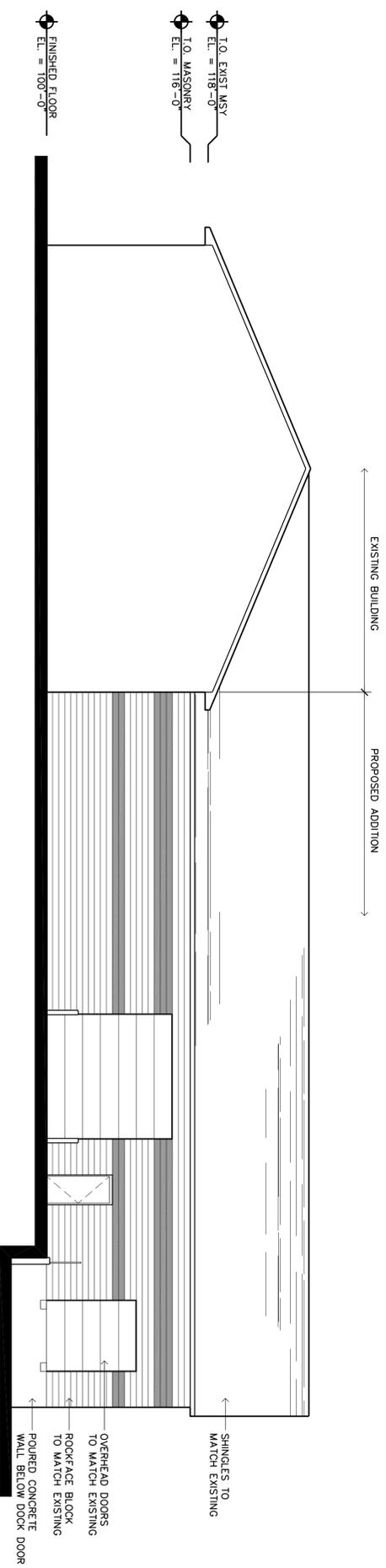
**A2**  
Project No. 230214-3



3 NORTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION  
A3 SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"



**LAMPERTS**  
ARCHITECTS  
420 Summit Avenue  
St. Paul, MN 55103  
Phone: 651.221.1000  
lmpert@lmpert-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 LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY FOR CONSTRUCTION**

**CLASSIC CONSTRUCTION**  
CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
1500 W. WASHINGTON AVENUE, SUITE 100  
ST. PAUL, MN 55108  
PHONE: 651.444.1120  
FAX: 651.444.1120

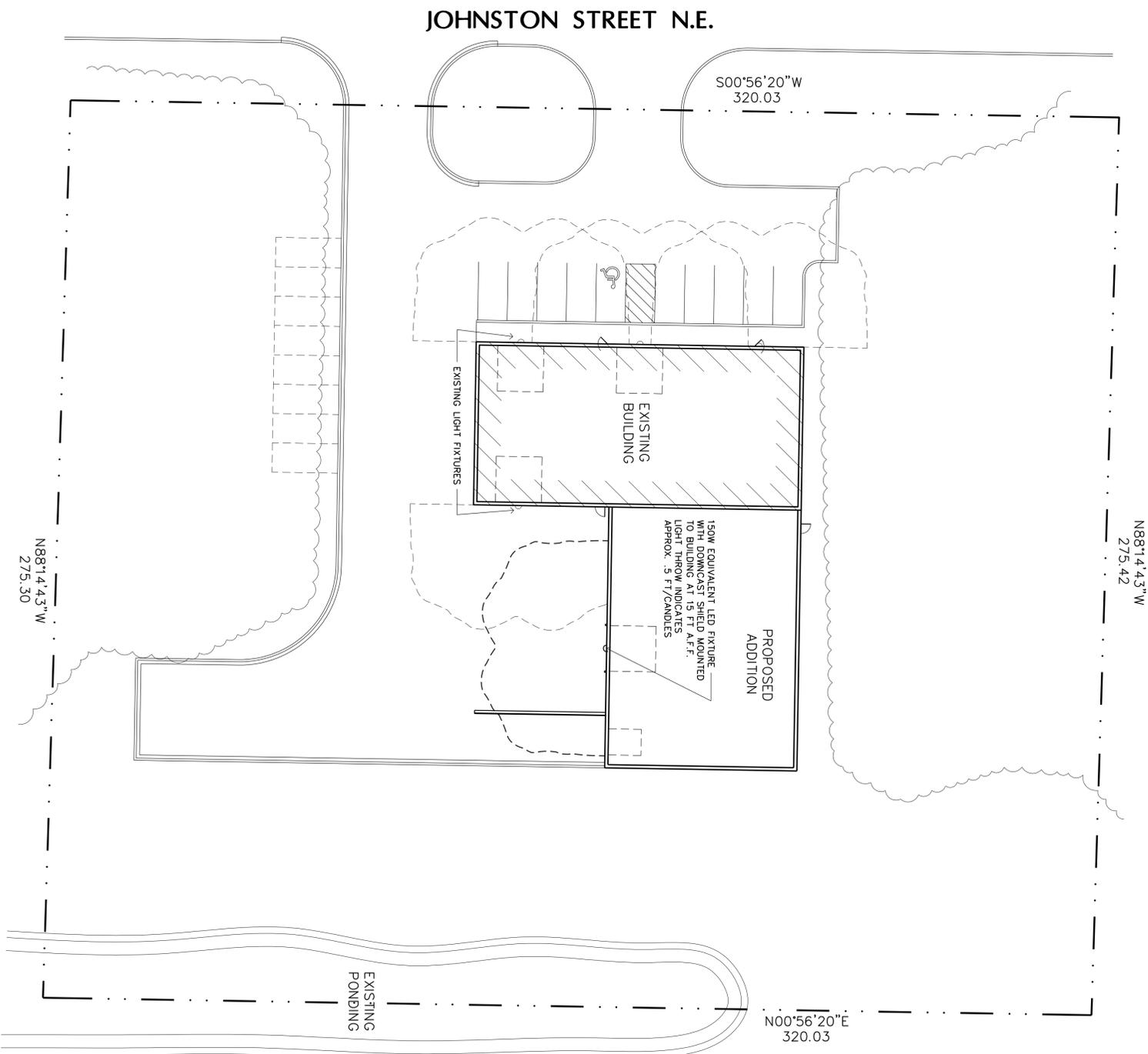
# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

Copyright 2023  
Leonard Lampert Architects Inc.  
Project Designer: JAMES B  
Drawn By: JRB  
Checked By: LL

Revisions	Date	By	Description
2/22/23	PRELIMINARY		
3/1/23	CITY SUBMITTAL		

**BUILDING ELEVATIONS**  
Sheet Number



1 SCHEMATIC SITE LIGHTING PLAN  
 SCALE: 1" = 20'-0"



# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

**CLASSIC**  
 CONSTRUCTION  
 CONCRETE MASONRY WORK - RESIDENTIAL & COMMERCIAL  
 18342 ULVASSIS ST. NE PHONE: (763) 444-8870  
 EAST BETHEL, MN 55011 FAX: (763) 444-7120

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

Drawn By:	JRB
Checked By:	
Revisions:	
3/1/23	CITY SUBMITTAL

**L1**

Project No. 230214-3



Proposed Addition for A-Blast located at 21473 Johnson St NE, East Bethel

A-Blast, Inc. Sandblasting is proposing to construct an 80' X 58'8" cold storage addition onto their current 50' X 100' building. This new addition would house their powder coating business, Corieocity Coatings, which is currently ran out of Elk River. This addition would have the powder coating oven and powder coating booth along with a storage/staging area for the products either waiting to be powder coated or waiting for pickup.

**CONDITIONAL USE PERMIT**  
**CITY OF EAST BETHEL**  
**COUNTY OF ANOKA**  
**STATE OF MINNESOTA**

2004-0015

This Conditional Use Permit is granted to A Blast for property located at: 21473 Johnson St. NE PIN 08 33 23 34 0006 in the City of East Bethel, County of Anoka and State of Minnesota. For the purpose of:

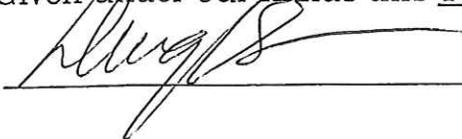
establishing a sandblasting business at Lot 1 Block 3, Oakwood Trails currently zoned as Neighborhood Center.

He having paid the fee of \$100.00 with application, and hearing held by Planning and Zoning Commission approved by City Council as required by Ordinance of said City and Laws of said State. This Conditional Use permit to be in effect from the 17<sup>th</sup> day of November, 2004. This permit will be valid for continuous operation and be subject to the following conditions as checked and/or stated, and provided the holder shall conform to all the Ordinances of this City and Laws of this State now in force, or that may be enacted during the continuance of this Permit.

**CONDITIONS OF PERMIT**

- Buildings must meet architectural standards established by the City of East Bethel.
- Building Plans submitted for review to the Building Official.
- Drainage to be reviewed by City Engineer.
- Parking lot must be paved.
- Compliance with Ordinance 168 Section IX,4.d
- All signage must conform to Ordinance 41A.
- One dumpster allowed on site, absolutely no storage of debris outside the building except in the dumpster.
- Outside storage limited to essential business related material.
- Parking lot must be paved. Number of spaces required to be determined by the Building Official
- Fireman's access lock box required

Given under our hands this 17<sup>th</sup> day of November A.D. 2004



City Administrator/Clerk/Treasurer

The site is currently zoned as **Neighborhood Center**. Ordinance 168 allows "Construction, trade, and, service businesses with limited outside storage" as a Conditional Use in this district.

#### Construction, Trade, and Service Businesses with Outside Storage.

Outside storage shall be limited to an area occupying no more than 50% of the rear or side yard in which it exists and shall not be allowed within any required setback, public right-of-way, private access easement or within the required parking area.

Screening of the outside storage area shall be installed and maintained on a continual basis along all property lines that abut institutional, residential, or business and professional office uses. The screening must not be less than five feet in height, must preclude vision through the barrier, and must be approved by the city council.

All equipment and materials within the storage area must be arranged in a neat and orderly manner on a continual basis.

The outside storage area shall not be located within 200 feet of any residential property.

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** April 25, 2023

**Agenda Item Number:** 3.0 C

**Agenda Item:** Site Plan Review – 21473 Johnson St NE – A-Blast, INC.

**Background Information:**

Classic Construction, INC., on behalf of R. Family Holding, LLC., has submitted an application for a site plan review as a requirement of the expansion to A-Blast, INC., located at 21473 Johnson St NE. In addition to A-Blast, INC. R. Family Holding, LLC. owns Coriecity Coatings, currently operating in Elk River. The proposal consists of the adding an 80' X 58'8" addition to the existing building.

Property Zoning

The property is zoned B-3 – Highway Commercial Business, which allows uses associated with general retail shopping. A-Blast, INC. was and is permitted to operate by Conditional Use Permit 2004-0015, approved on November 17th, 2004.

Code Requirements

A site plan review is required prior to issuance of a building permit for new construction or additions to commercial buildings greater than 25 percent of their existing building footprint (Appendix A, Sec. 04, 12. – Site Plan Approval). The existing building footprint is 5000 square feet and the proposed warehouse addition is approximately 4700 square feet.

Architectural Design

The building exterior proposed is consistent with the current structure, which is legally non-conforming. Approval of this site plan would be an expansion of the legally non-conforming status of this structure, and building materials.

Landscape Plan

City staff have reviewed the proposed Landscape Plan which in compliance with code requirements. The existing tree cover on the North, South and West side of the property provides natural screening. The proposed landscape plan adds a row of 3-4 foot tall shrubs along the East property line.

Lighting Plan

In the proposed renderings of the addition there is an additional light shown over the main overhead door.

Parking Plan

The existing facility has ten (10) designated parking spaces. The Parking Plan includes the addition of eight (8) new spaces for a total of eighteen (18). Per Appendix A- Zoning, Section 22-7 an industrial or research establishments require five spaces, plus one for every 1½ employees in the largest working shift, or one for every 350 square feet of usable floor area, or whichever is determined to be the greater. While warehousing, storage, or handling of bulk goods requires one space for each employee on the largest working shift, or one for every 1,700 square feet of usable floor area, whichever is greater, plus one space for each company-owned vehicle (if not stored inside the principal structure). These two designations based on square footage calculations provide for a range of an additional 2.76 to 13.43 spaces to accommodate the additional warehouse square footage space.

In this situation, considering the present use as well as future uses of the property, staff finds the addition of eight (8) parking spaces reasonable for the following reasons:

- The business at the conclusion of the addition will be expanded to 3 total employees.
- The existing hours of operation are daytime hours only.

Should the warehouse be converted to work floor area there is additional space on the property to accommodate additional parking.

**Recommendation:**

Staff recommends the Planning Commission review the site plan and make a recommendation of approval to City Council with the conditions set forth in resolution 2023-28 and accompanied exhibits.

**Attachments:**

1. Resolution 2023-28, Approval of Site Plan Review for A-Blast, INC.
  - a. Exhibit A Site Plan
2. Location
3. Aerial Map

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2023-28**

**A RESOLUTION APPROVING THE SITE PLAN REVIEW FOR THE EXPANSION OF A LEGAL NONCONFORMING USE AT 21473 JOHNSON ST NE, EAST BETHEL, PIN 08-33-23-34-0006, LEGALLY DESCRIBED AS:**

**LOT 1, BLOCK 3, OAKWOOD TRAILS**

**WHEREAS**, property owner requested approval of a site plan for an addition of 4,700 square feet to a existing legal nonconforming Construction, Trade, and Service Businesses facility; and

**WHEREAS**, the property is zoned B-3 - Highway Commercial, in which Construction, Trade, and Service Businesses with outside storage permitted by Condition Use Permit (CUP); and

**WHEREAS**, on November 17, 2004, City Council approved a Conditional Use Permit (CUP) to allow the business to operate from its current location; and

**WHEREAS**, the existing business is a legal non-conforming use; and

**WHEREAS**, the expansion of the legal non-conforming use requires an amendment to the CUP; and,

**WHEREAS**, the Planning Commission reviewed the site plan; and

**WHEREAS**, as a result of the review, the Planning Commission recommends approval to City Council of the site plan and the expansion of the legal non-conforming.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Bethel hereby agrees with the recommendation of the Planning Commission and approves the site plan to construct a 4,700 square foot addition to a legal nonconforming Construction, Trade, and Service Businesses facility with the following conditions:

1. The approved site plan dated received March 1, 2023 and is shown as Exhibit A.
2. Prior to issuance of a building permit the City Engineer must review and approve drainage and grading plans.
3. A building permit must be issued prior to the commencement of site work.
4. Architectural design and material of the structures must comply with Exhibit B.
5. The landscaping must comply with Exhibit C.

Adopted by the City Council of the City of East Bethel this 8<sup>th</sup> day of May, 2023.

ATTEST

CITY OF EAST BETHEL

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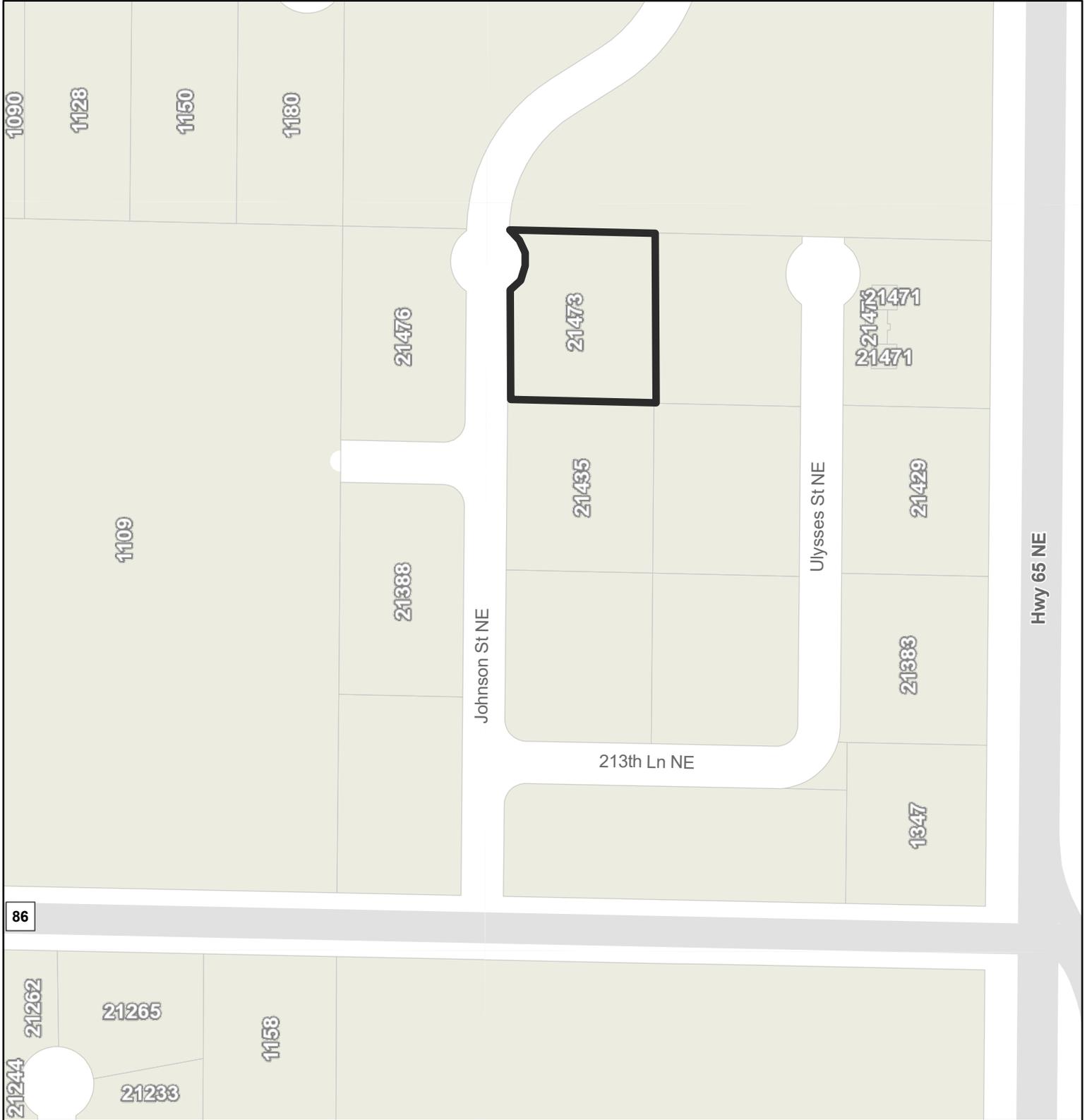
Jack Davis, City Clerk

---

Tim Harrington, Mayor

EXHIBIT A

# 21473 JOHNSON ST NE - LOCATION MAP



1 inch equals 253 feet

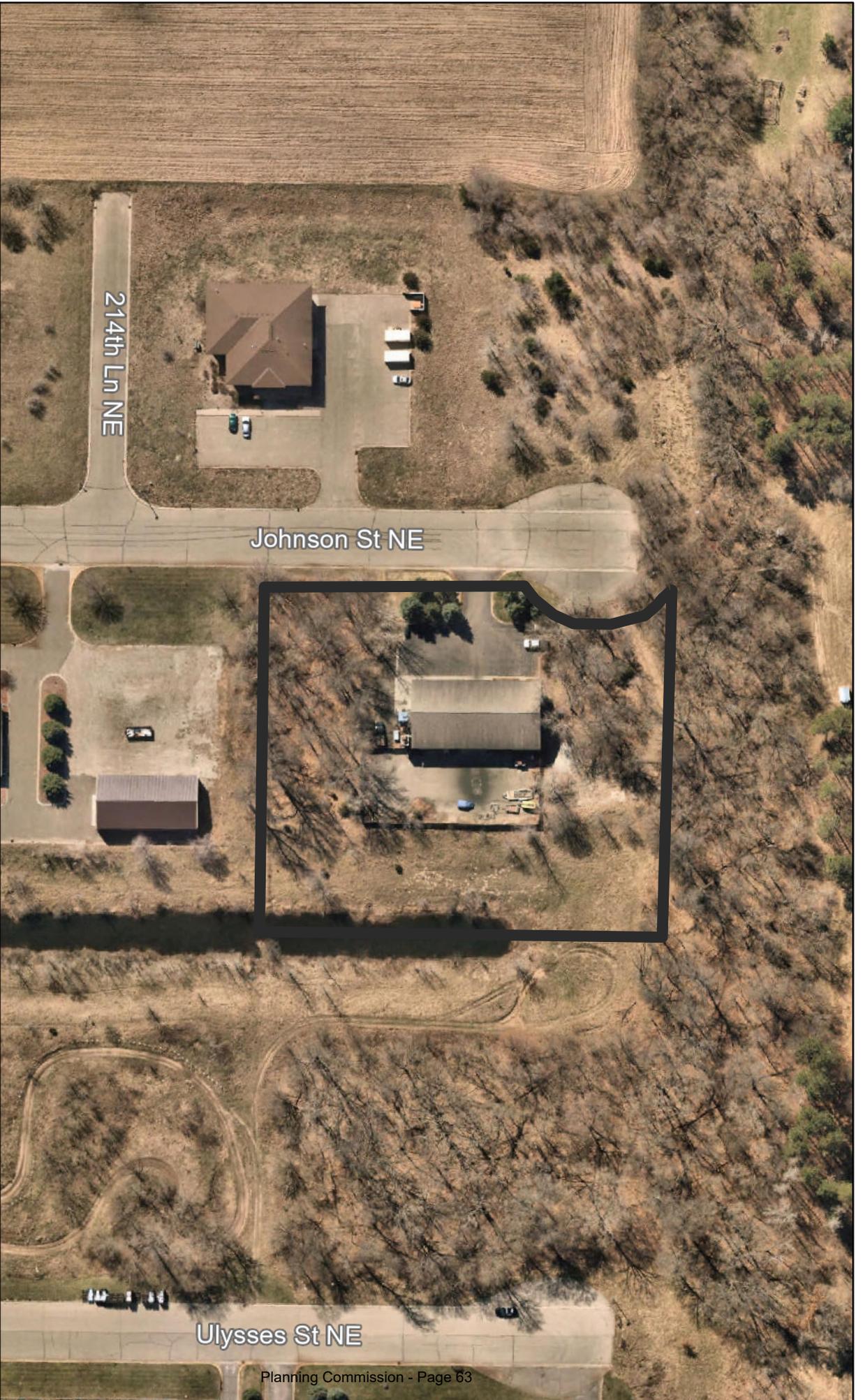
Address Labels

Parcels

City Mask



21473 JOHNSON ST NE



Parcels  
City Mask

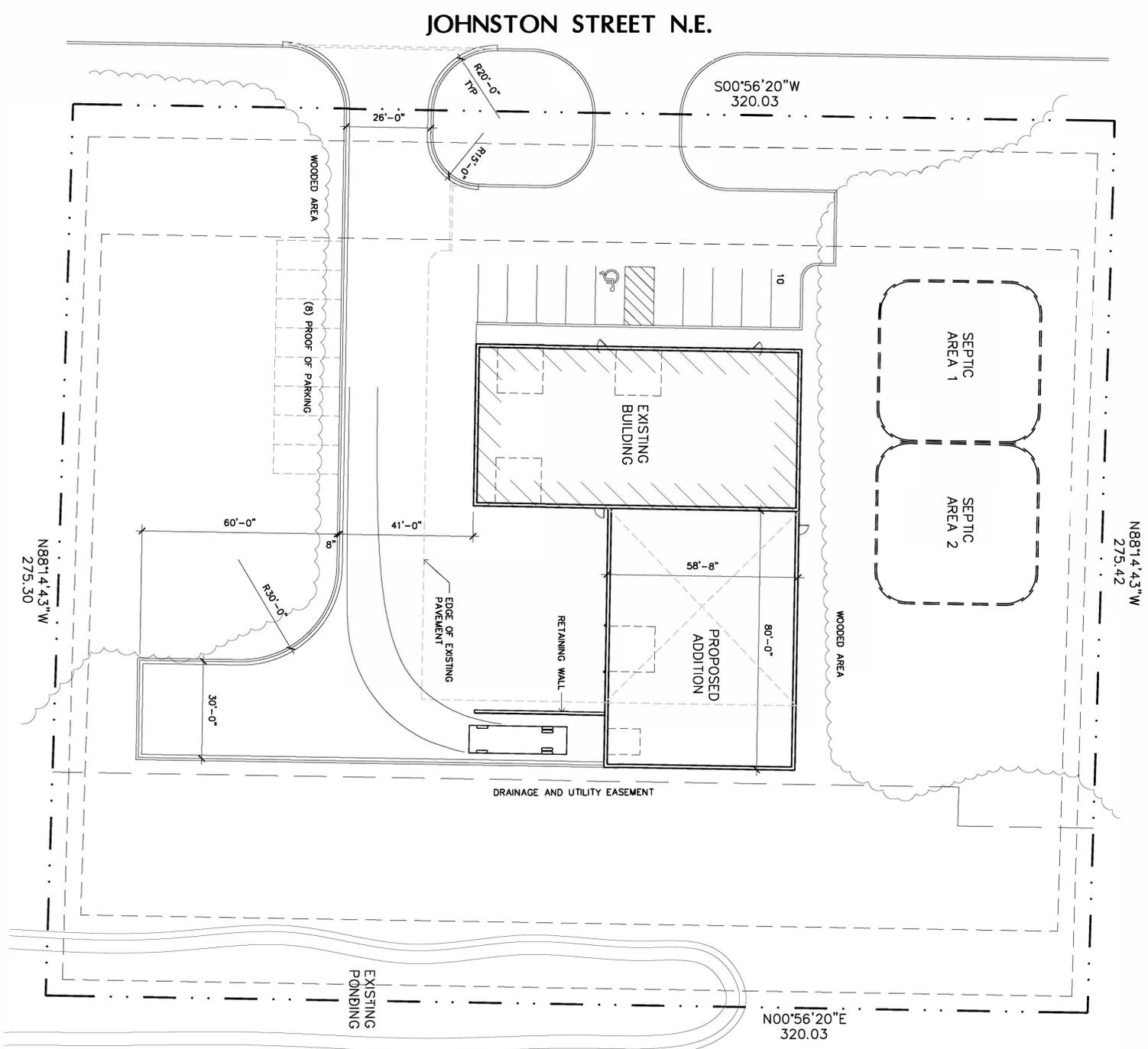
1 inch equals 106 feet

Ulysses St NE

Johnson St NE

214th Ln NE





**SITE DATA**  
 LOT SIZE - 88,133 S.F. = 2.02 ACRES  
 ZONING - B3 HIGHWAY COMMERCIAL BUSINESS  
 HARD SURFACE - 29,100/88,133 = 33% < 80% MAX

**PARKING DATA**  
 OFFICE 976 S.F. @ 1/200 = 5 STALLS  
 WAREHOUSE 9,206 S.F. @ 1/700 = 13 STALLS  
 TOTAL STALLS REQUIRED = 18 STALLS  
 TOTAL STALLS PROVIDED = 10 STALLS  
 PROOF STALLS = 8 STALLS

1 SITE PLAN  
 A1 SCALE: 1" = 20'-0"  
 NORTH



**LAMPERT ARCHITECTS**  
 420 Summit Avenue  
 St. Paul, MN 55102  
 Phone: 763.753.1211 Fax: 763.757.2848  
 lamper@lamper-arch.com

**ARCHITECT CERTIFICATION:**  
 HERBERT GERRY HALL, TRS. P.L.L.C.  
 LEONARD LAMPERT, ARCHITECT  
 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 FOR CONSTRUCTION**

**CLASSIC CONSTRUCTION**  
 CONCRETE MAJOR WORK - RESIDENTIAL & COMMERCIAL  
 1842 ULVSSIS ST. NE. PHONE: (651) 44-8400  
 EAST BETHEL, MN 55011 FAX: (651) 44-7120

**A-BLAST BY CORIEOCITY COATINGS**  
 21473 Johnson Street, NE, East Bethel, MN

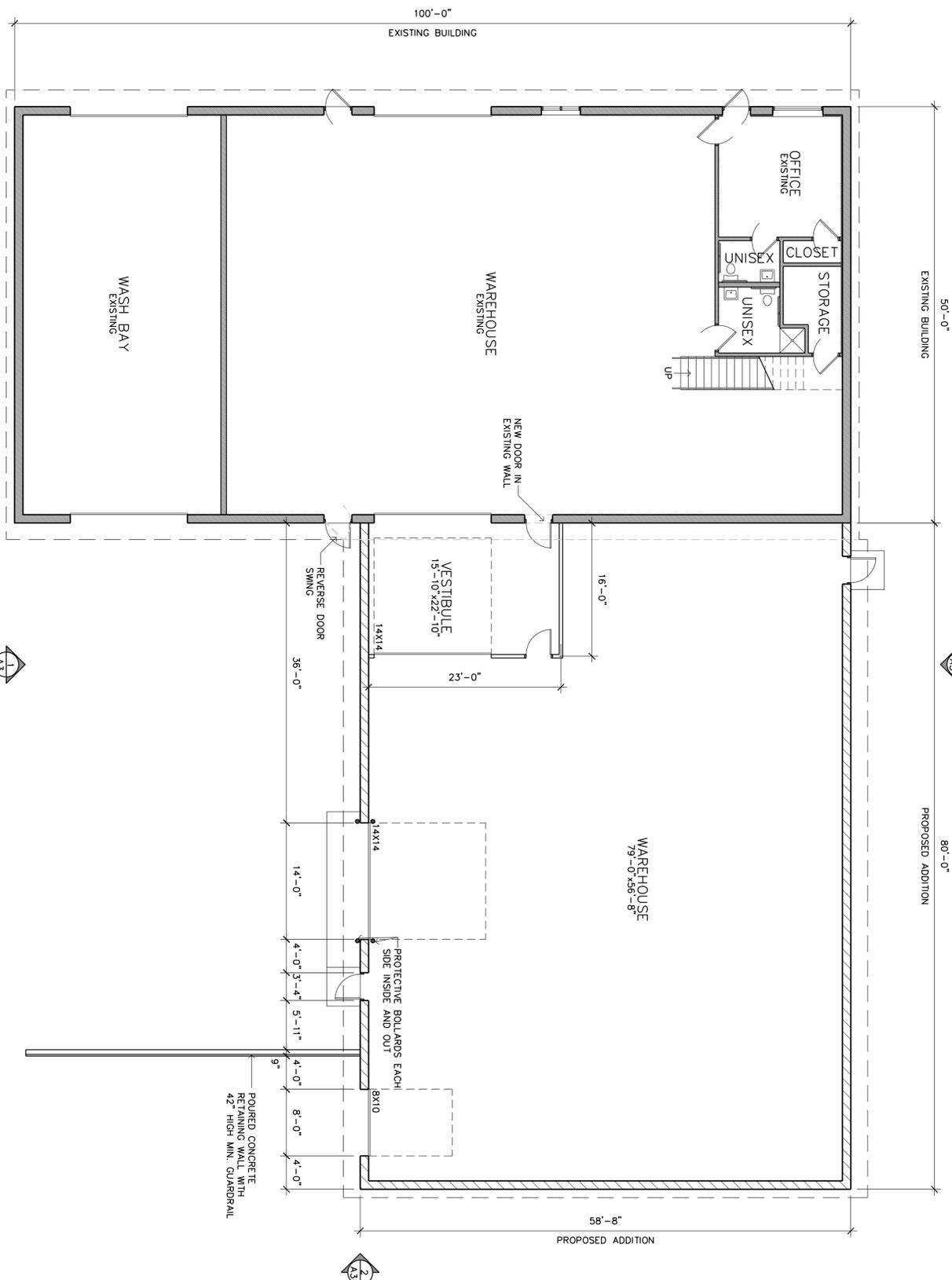
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 Leonard Lamper Architects Inc.  
 Project Designer: JAMES B  
 Drawn By: JRB  
 Checked By: LL

Revisions

2/22/23	PRELIMINARY
3/1/23	CITY SUBMITTAL

**SITE PLAN**  
 Sheet Number

**A1**



EXISTING BUILDING 50'-0"

PROPOSED ADDITION 80'-0"

100'-0"  
EXISTING BUILDING

WAREHOUSE  
EXISTING

OFFICE  
EXISTING

CLOSET

STORAGE

UNISEX

UNISEX

up

NEW DOOR IN  
EXISTING WALL

VESTIBULE  
15'-10" x 22'-10"

REVERSE DOOR  
SWING

WAREHOUSE  
79'-0" x 58'-8"

14x14

14x14

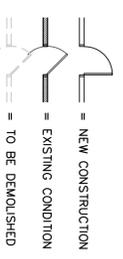
PROTECTIVE BOLLARDS EACH  
SIDE INSIDE AND OUT

8x10

POURED CONCRETE  
WITH  
REINFORCING BARS  
42" HIGH MIN. GUARDRAIL

1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"

NORTH



**LAMPERT'S  
ARCHITECTS**  
 420 Summit Avenue  
 St. Paul, MN 55103  
 Phone: 651.251.1211 Fax: 651.251.7284  
 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  
 LICENSED ARCHITECT UNDER THE  
 LAWS OF THE STATE OF MINNESOTA.

**PRELIMINARY FOR  
CONSTRUCTION**

**CLASSIC  
CONSTRUCTION**  
 CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
 5155 STANLIS AVENUE, ST. PAUL, MN 55112  
 EAST BETHEL, MN 55011 Phone: 651.483.4470  
 Fax: 651.483.4470

**A-BLAST BY  
CORIEOCITY COATINGS**  
 21473 Johnson Street, NE, East Bethel, MN

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 Leonard Lampert Architects, Inc.  
 Project Designer: JAMES B  
 Drawn By: JRB  
 Checked By: LL

Revisions

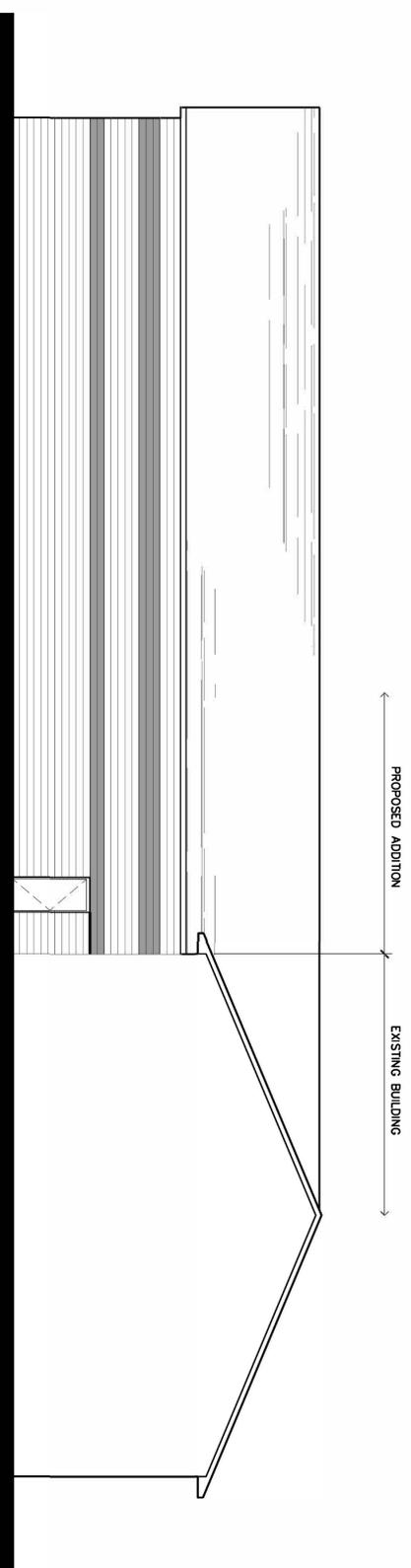
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FLOOR PLAN

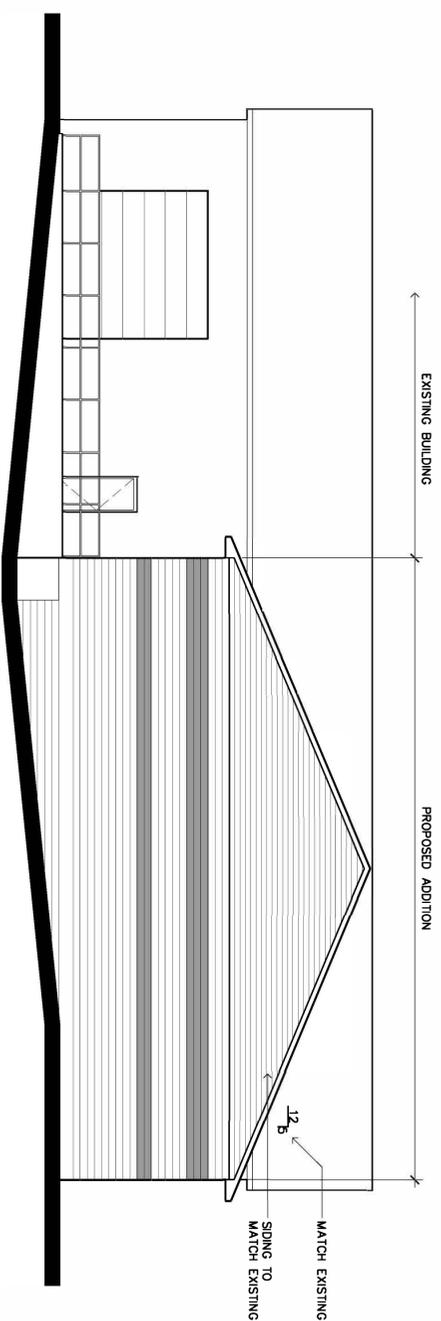
Sheet Number

**A2**

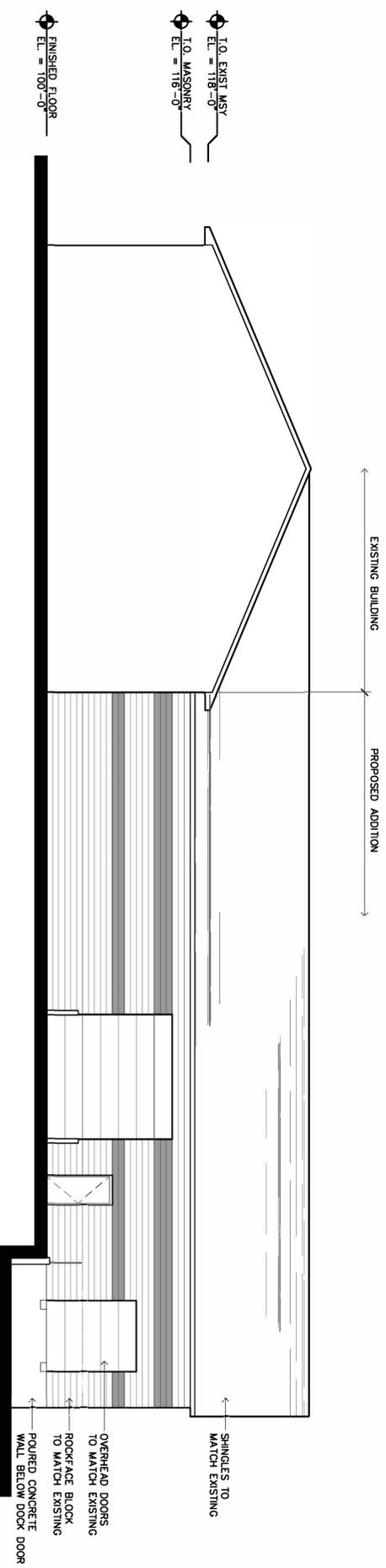
Project No. 230214-3



3 NORTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION  
A3 SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION  
A3 SCALE: 1/8" = 1'-0"



LAMPERT'S  
ARCHITECTS

420 Summit Avenue  
St. Paul, MN 55103  
Phone: (612) 785-2121 Fax: (612) 785-7284  
lmpert@lmpert-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  
LICENSED ARCHITECT UNDER THE  
LAWS OF THE STATE OF MINNESOTA

PRELIMINARY FOR  
CONSTRUCTION

CLASSIC  
CONSTRUCTION  
CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL  
13650  
LENDING REPORT  
LAMPERT'S ARCHITECTS  
13650  
LAMPERT'S ARCHITECTS  
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LAMPERT'S ARCHITECTS  
13650

# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

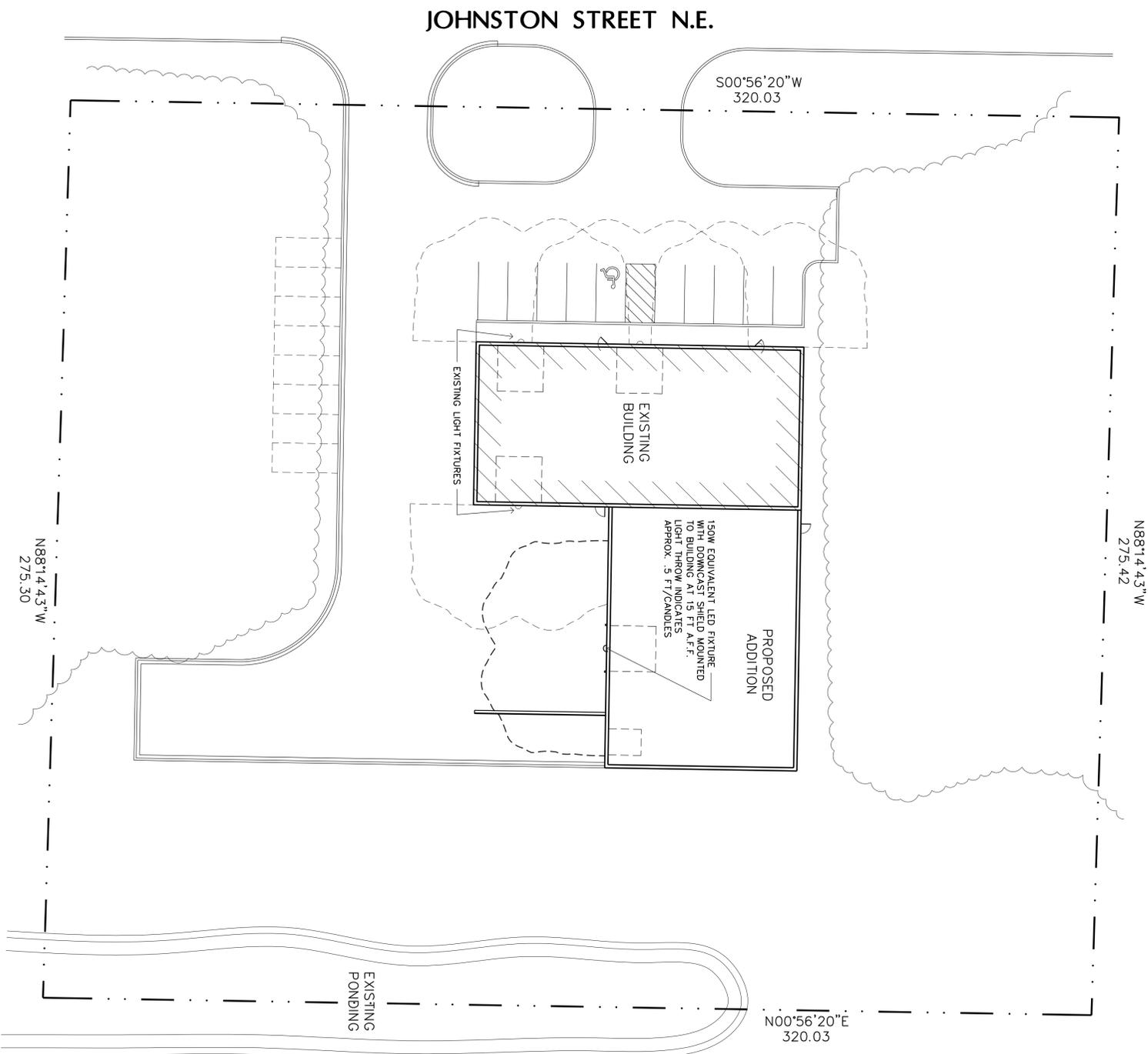
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Project Designer: JAMES B  
Drawn By: JRB  
Checked By: LL

Revisions	Date	By	Description
2/22/23	PRELIMINARY		
3/1/23	CITY SUBMITTAL		

BUILDING ELEVATIONS  
Sheet Number

A3



1 SCHEMATIC SITE LIGHTING PLAN  
 SCALE: 1" = 20'-0"



# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

**CLASSIC**  
 CONSTRUCTION  
 CONCRETE MASONRY WORK - RESIDENTIAL & COMMERCIAL  
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**PRELIMINARY  
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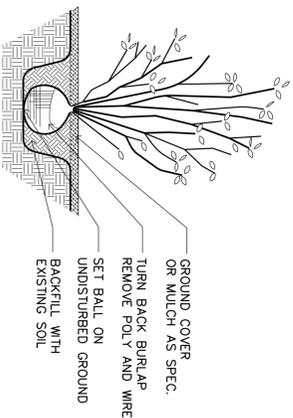
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**L1**

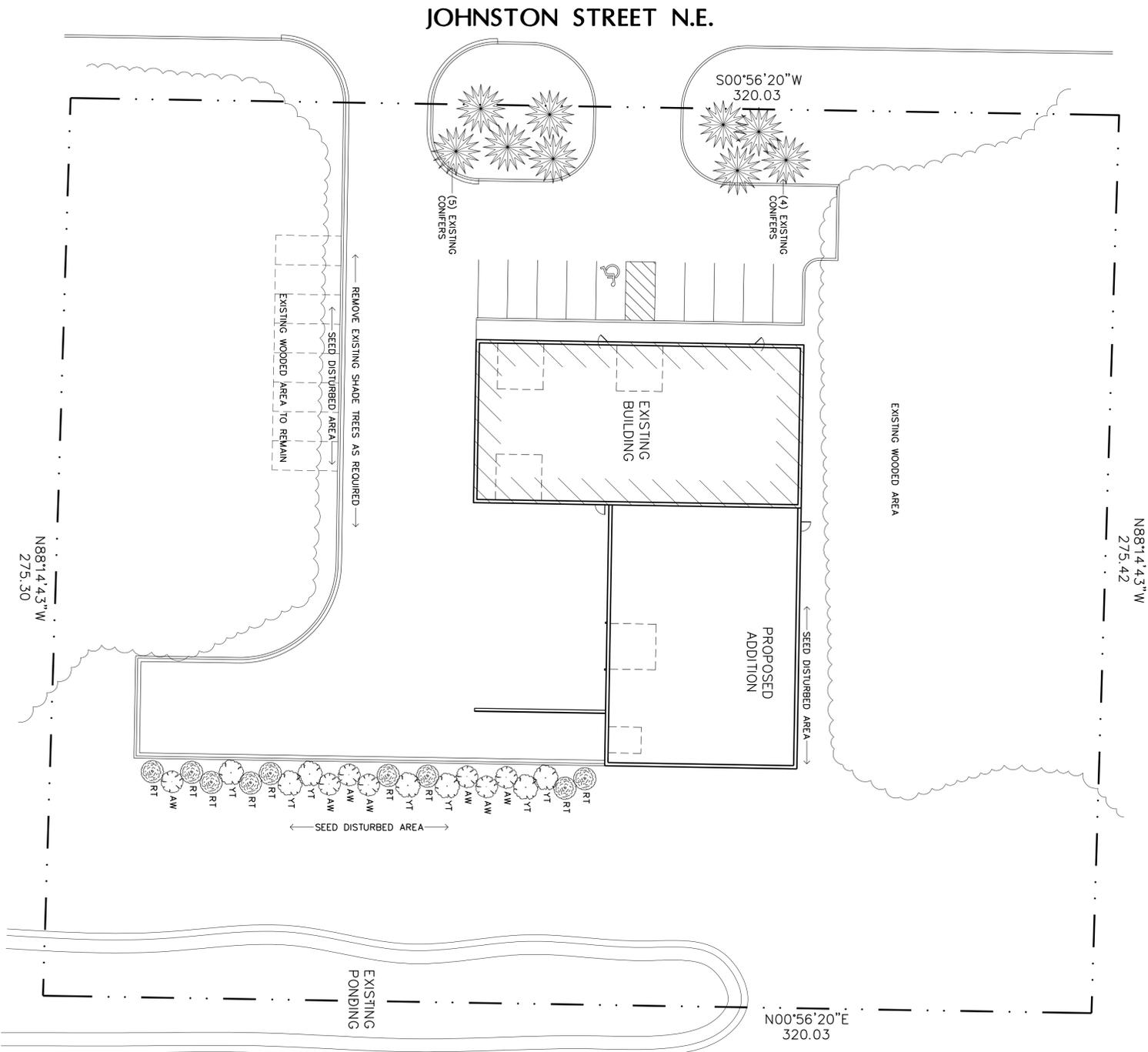
Project No. 230214-3

PLANTING SCHEDULE			
QTY.	KEY	COMMON NAME	BOTANICAL NAME
9	RT	RED TWIG DOGWOOD	CORNUS BAILEYI 'CARDINAL
7	VT	YELLOW TWIG DOGWOOD	CORNUS SERICEA 'FLAYRAMICA'
7	AW	ARROWWOOD VIBURNUM	VIBURNUM DENTATUM

- LANDSCAPE NOTES**
- SEED ALL DISTURBED AREAS AND AREAS SHOWN ON PLAN.
  - TREES REQUIRED:
    - (1) SHADE TREE PER 2,000 S.F. FLOOR AREA OR
    - (1) CONIFER PER 2,000 S.F. FLOOR AREA
    - (5) TREES REQUIRED
    - (9) EXISTING CONIFERS TO REMAIN
  - SHRUBS REQUIRED:
    - (1) SHRUB PER 100 S.F. FLOOR AREA
    - (12) SHRUBS REQUIRED
    - (9) EXISTING SHRUBS TO REMAIN
    - (23) NEW SHRUBS ADDED
  - UNDERGROUND IRRIGATION SYSTEM TO BE PROVIDED FOR ALL FOUNDATION PLANTINGS. IRRIGATION DESIGN BY CONTRACTOR.
  - SEE PLAN FOR EXISTING TREES TO BE SAVED OR REMOVED



2 SHRUB PLANTING DETAIL  
SCALE: NOT TO SCALE



1 LANDSCAPE PLAN  
SCALE: 1" = 20'-0"



# A-BLAST BY CORIEOCITY COATINGS

21473 Johnson Street, NE, East Bethel, MN

**PRELIMINARY CONSTRUCTION NOT FOR**

**CLASSIC CONSTRUCTION**

CONCRETE MASONRY WORK - RESIDENTIAL & COMMERCIAL  
18424 ULVASSIS ST. NE. PHONE: (763) 444-8870  
EAST BETHEL, MN 55011 FAX: (763) 444-7120

Drawn By:	JRB
Checked By:	
Revisions:	
3/1/23	CITY SUBMITTAL

LANDSCAPE PLAN

Sheet Number

**L2**

**City of East Bethel  
Planning Commission Regular Meeting**



**Date:** April 25, 2023

**Agenda Item Number:** 6.0 C

**Agenda Item:** **PUBLIC HEARING** - Zoning Code Amendments

**Background Information:**

At the April 3, 2023 City Council meeting, Council Members Jim Smith and Tim Miller recommended amendments to various city codes which are contained in the Zoning code. Council directed staff to route the amendments to the Planning Commission for a Public Hearing and recommendation. A DRAFT version of the meeting minutes are attached for review.

**Recommendation:**

Staff recommends the Planning Commission hold a Public Hearing and make recommendations to the City Council on the proposed amendments.

**Attachments:**

1. **DRAFT** - Minutes of April 3rd, 2023 City Council Meeting (Pg 3-6)
2. **DRAFT** - Sec. 74-95 – Identification and Upgrading of Substandard Sewage Treatment Facility
3. **DRAFT** - Zoning, Sec. 14. Sub. 5. – Detached Accessory Structures
4. **DRAFT** - Zoning, Sec. 24 – Exterior Storage, Light Industrial, B2 and B-3 Districts
5. **DRAFT** - Zoning, Sec. 28 – Architectural Standards

Lewis wished him well in his new position. Mundle stated Mr. Anderson should feel free to come back to Council with any visions, questions, etc.

Mr. Anderson thanked Davis for all of his assistance and customer service. Davis thanked the School Board for reaching out to the City and indicated he was glad Mr. Anderson was on board.

Miller asked Mr. Anderson to notify the City right away on the results of the water tests. Mr. Anderson responded he would.

#### **4.0 – Ordinance Amendments**

**a) Sec. 74-95 – Identification and Upgrading of Substandard Sewage Treatment Facility**

**b) Zoning, Sec. 28 – Architectural Standards**

**c) Zoning Sec. 14 – Detached Accessory Structures**

**d) Zoning, Sec. 24 – Exterior Storage, Light Industrial and B-3 Districts**

**e) Zoning, Sec. 24 – Exterior Storage, B-2 District**

Davis presented the staff report indicating Councilperson Jim Smith requested an amendment of Chapter 74, Article IV, Section 74-95 – Identification and Upgrading of Substandard Sewage Treatment Facility. The existing ordinance section and proposed change are exhibited in Attachment 1 to Council's packet.

Smith stated the reason he brought this up was because he was reading the older Ordinance and the way he read it was if a resident wants to do something they had to pull a permit and a lot of people who worked on their own homes they either did not know or even if they did know, they were not interested in pulling a permit. He indicated to get a certified inspection it could be \$600 at least and if they have to upgrade, depending on what it is, would be anywhere from \$15,000 or more. To him, he believed this would scare off a lot of people from pulling a permit for any work. In his opinion, he wrote this up so it would be easier and people would not have to have a septic inspection to put in a door, window, or siding on their home. To make it easier and have people not be afraid to pull a permit, he felt this was necessary. Davis believed this really only applied to an addition or alteration to existing plumbing, but it did make it clearer and spelled it out better.

Smith noted for the larger thing he could understand why it was necessary, but not for the little things.

Lewis believed this was a good change and it could clarify it. He noted the trigger would become of owner of the property rather than a City employee who would make a determination about a substandard or insufficient sewer system. Davis noted that was not something the City did.

Smith noted the purpose of adding Item D was if the County had some kind of a grant. Davis responded the County did have some programs but the big problem with that was did have some grant funds available.

Harrington noted the watershed also had grant funds available.

Mundle asked on D, could they change the City Administrator to the City staff. Smith noted the City Administrator was the one in charge and the building official would be making the decision.

Mundle asked who would be looking up grants. Smith stated it could be changed so the City staff did that work. He indicated he had no problem with that. Davis responded that change would be made.

Davis noted this needed to go to a Council meeting for approval along with a public hearing needs to be held.

Davis stated Councilperson Miller requested amendments to:

- a) Zoning, Section 28 – Architectural Standards
- b) Zoning, Section 14 – Detached Accessory Structures
- c) Zoning, Section 24 – Exterior Storage, Light Industrial and B-3 Districts
- d) Zoning, Section 24 – Exterior Storage, B-2 District

Davis indicated the proposed redline changes are exhibited in Attachment 2 to Council's packet.

Davis noted amendments to these ordinance sections will require a Public Hearing have to be approved at a regular Council meeting.

Miller stated the purpose of the architectural standards was to ensure the exterior of the structures were well designed and crafted by standards of architectural designs. He noted he did not suggest a lot of changes as what was there was a good starting point but it actually was too much and he believed it deterred businesses in a sense.

Smith and Lewis believed these were good changes.

Mundle asked on number 2-2 on page 6 where pole type building materials was stricken, was that to make it possible for pole buildings to be the primary structure. Miller replied that was correct.

Mundle asked if the pole building would meet architectural standards. Miller noted not everyone would have the money to build with brick, but if they looked at Highway 65 there were some pole buildings that had been redone and this made it easier on opening up a business or getting an existing one. He noted there were not a lot of changes being made.

Smith stated it looked good to him.

Mundle inquired on page 9, 4(a)(3) exterior storage cannot exceed 12 feet in height. Miller stated he took that out of there as there were already businesses have storage in excess of 12 feet and it was not as if they were getting rid of something the City was enforcing but this made it easier along with the setbacks for the rear of the building, etc. to allow people to have storage for their business on their facility. He noted right now it was very limited.

Mundle asked if they wanted a height restriction. Miller responded he did not know.

Mundle stated he was thinking about the perspective of a neighboring business if there was not height restriction and someone put storage 20 feet right along the fence line and it blocked the neighboring businesses views, etc. where they had some sort of a complaint that the 20-foot height they didn't like it for some reason. He saw this as an issue.

Miller did not believe 12 feet was high enough for these businesses and to extend it to the roof line of the building he was open to. He stated he saw Mundle's point, but he has situations where a business was not by other businesses that they would like to utilize that.

Miller did not know if there was a way to incorporate the best of both worlds to see if they could make it a maximum of something, but the main goal was to open up the back yard to allow the businesses to bring in more inventory to use.

Lewis advocated going with it and see if it became a problem instead of anticipating a problem in advance and try to prevent it. He stated would this be an issue. He indicated from a practical standpoint the lift on a forklift outdoors to get things off there was a practical limit as to how high they generally went. He stated practically speaking the reach for a fork life was 15 feet in most cases or less.

Davis stated one other consideration was expanding the square footage of the existing storage which would give them more space too so they would not need more height. He could only think of one location in the City where there was storage higher than 12 feet. He did not think this was a common problem and it could be addressed down the road if this came up.

Lewis stated he would just go with it and just see what happens. He indicated the whole point of these things was to make it easier for existing businesses to use their property that they paid for and paid taxes for as much as they could so they didn't need an extra site for storage, etc. and to make it more enticing for businesses to come to the City because they didn't have a rule about everything they can possibly think of. He stated he was a libertarian so stuff like this grated his gears real good because it was like people who had no money invested had all of the control over how they used their facility. He indicated he would not be loving it if he had a million dollars in a facility and he wanted to store stuff that happened to be 13 feet high. He stated this was ridiculous.

Smith agreed that too many rules was not good. Lewis stated it discouraged people from investing in the City. Smith stated they did not want to do that.

Miller stated right now they were limited with what they could use behind there and that was going to...

Lewis interrupted and stated he was just talking to a guy the other day who wanted to acquire land and it was because of what the restrictions are as to what he could do with it that was holding him back from doing it. He indicated this a common thing whether they were already here or wanted to come. He noted they had enough obstacles running a business these days supplied by the Federal and State governments and they didn't need to be doing it on the local level too. He complimented Miller on this heavy lifting kind of work. He indicated Ordinances were not war and peace and were not captivating in anyway and to plow through them and look as to how to make changes to make it more doable for people who have businesses here or to be attracted here was the heavy lifting part of the work and so he complimented him. Miller thanked Lewis. Lewis noted he was glad it wasn't him and that he didn't have to do it.

Miller noted implementing these changes, he believed businesses would benefit from it. Lewis agreed. Miller stated this was what they wanted to do.

Lewis stated the number one thing that sells business people on locating at a place was having a city that wanted to work with businesses. He stated from having done corporate planning is that plans are written to be changed. He stated nobody with any sense who was in that work said that they couldn't do it because the plan said something. He noted the plan didn't govern and it was just a guideline, but when circumstances changed because they can't anticipate every circumstance, realty trumps the plan every time and that is just the way the real world works.

Davis asked if they wanted to keep the 12-foot in there or modify it. Lewis stated he thought it was deleted. Smith and Miller agreed to take it out.

Smith thanked Miller also.

Davis stated the question remains, as he was informed by the City Attorney, that traditionally these Ordinance changes regarding zoning were referred back to the Planning Commission for their recommendations. However, the State Statute reads it can go to the Planning Commission or the governing body. He stated if this went to the Planning Commission it would go to them on the 25<sup>th</sup> and then come back to the Council on May 8. If it went to the Council it would go on April 24 and the public hearing at that time also.

Mundle asked if it went to the Planning Commission would they hold the public hearing themselves. Davis responded that was correct and then Council would not hold the public hearing.

Lewis stated he wanted to work with the Planning Commission to as a good faith gesture he wanted to do exactly what was called for. He stated he meant that and this was sincere and not a joke.

Davis stated staff would send this to the Planning Commission on April 25 to have the public hearing and this would come back to the Council in May.

## 5.0 – Community Development Director Update

Davis presented the staff report indicating the job advertisement for the Community Development Director's position was first advertised on December 2, 2022 but received only 5 applicants. At the direction of Council on December 28, 2022, staff was authorized to re-advertise the position.

Davis noted the second ad ran from January 17, 2023 until February 21, 2023. The re-advertisement resulted in 2 additional applications. Both ad postings were run in the *Anoka Union Herald*, the League of Minnesota's Cities (LMC) Job Opportunities Website, the City of East Bethel Website, City media outlets, East Bethel Jobs.Com and InDeed.

Davis stated from the last 4 years' experience with the tight job market and expecting the continued pattern of a low response from an additional advertisement, the top three applicants were invited for interviews. Invitations were sent on February 27, 2023 and the interviews were scheduled for March 2, 2023. Two of the invited candidates withdrew their applications 3 days before the scheduled interview and as a result only one applicant was interviewed by the Personnel Committee.

Davis indicated at the March 13, 2023 City Council Meeting, Council tabled a recommendation to approve a hire for the Community Development Director's position. Council requested that staff expand their advertising to widen the search for a candidate.

Davis stated staff has explored three government related job recruiting services and found their costs range from 20 - 30% of the first year's salary of the position as their fee. A quote was received from the firm of SGR in the amount of up to \$27,400. We have not inquired as to a reduced scope of work at a lesser cost for their services.

Davis indicated the two other government job related staffing services we've requested quotes from are GovHR and Baker-Tilly. GovHR has responded and has requested a meeting to discuss their services but they have expressed concerns that our salary for this position is below rate and may affect recruitment in the current candidate market. We have not received a response from Baker-Tilly at time this report was written.

Davis stated staff is also working with Greg Gilles, Anoka County Regional Economic Development Director, and Mr. Gilles will be providing us with additional advertising contacts for this position.

Davis noted while we have had very little response in the past from job ads placed in the *Star Tribune*, we could use them again. Generally these ads run approximately \$250- \$300 for a Sunday publication.

Davis stated in summary, the LMC site is the primary source for those looking for City employment and is usually the first-place job seekers in the profession look for positions. Beyond the sources we have used, we could advertise in the *Star Tribune* and utilize the contacts Mr. Gilles will provide to expand the coverage for the candidate search.

Davis indicated the timetable for the re-advertisement and recommendation to City Council is by no later than the May 22, 2023 Council Meeting.

## **ARTICLE IV. NONCONFORMING SEWAGE TREATMENT SYSTEMS FOR SHORELAND AREAS**

### **Sec. 74-95. Identification and upgrading of substandard sewage treatment system.**

- (a) ~~Systematically review existing records and determine which sewage treatment systems are potentially substandard during the first two years that implementation funds become available.~~

The city will identify potentially substandard sewage treatment systems.

- (b) ~~Concurrently, as potentially substandard systems are identified, property owners will be notified and provided with information about the pollution potential and hazard to human health by the continued use of a substandard treatment systems. They will be encouraged to voluntarily upgrade their treatment system if it is found to be substandard.~~

Property owners with substandard systems will be encouraged to upgrade voluntarily.

- (c) ~~When a building permit or variance is requested for a property with a potentially substandard system, the property owner will be required to have the system evaluated and, if it is found to be substandard, the property owner must upgrade the treatment system before a building permit or variance will be issued.~~

If a property owner applies for a building permit or variance that affects the capacity of the sewage treatment system, they must have it evaluated. If the system is substandard, they must upgrade it before the permit or variance is issued.

- (d) Upon review of potentially non-conforming septic systems, the city staff will identify grants and other funding opportunities available to residents to repair their septic systems. This will occur prior to sending out notifications to residents. Residents will be notified of funding and grant options available to them.

(Res. No. 1993-1, 1-6-1993)

### **Secs. 74-96—74-118. Reserved.**

## **SECTION 14. DETACHED ACCESSORY STRUCTURES**

These standards have been established to preserve the character of the principal structure, promote building compatibility, and provide for minimal adverse impacts to surrounding property through the implementation of height, size, location, and architectural regulations.

### **1. Permit regulations.**

All accessory buildings and/or structures over 200 square feet in size require a building permit prior to construction, unless specifically exempt under this ordinance. Accessory structures 200 square feet or less shall not require a building permit unless otherwise required by any other ordinance or state requirement. Accessory structures 200 square feet or less shall comply with all provisions of this section and zoning district regulations.

(Ord. No. 46, Second Series, 9-25-2013; Ord. No. 2020-03, 3-9-2020)

### **2. General regulations.**

- A. No accessory building or structure shall be constructed on any lot prior to construction of the principal structure without prior approval of the city council.
- B. Accessory structures located on lots that are subsequently subdivided shall be considered legal non-conforming structures.
- C. Every exterior wall, foundation, and roof of accessory structure(s) shall be reasonably watertight, weather tight, and rodent proof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, or other material.
- D. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure(s) shall be deemed to be out of compliance if more than 25 percent of the exterior surface area is unpainted or paint is blistered or flaking. If 25 percent or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- E. [Reserved.]
- F. No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the front lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback.
- G. The area of a lean-to shall be included in the allowable square footage of detached accessory structures and will be subject to the square footage restrictions for a lot.
- H. Accessory structures on lakeshore lots may be placed between the principal building and the lakeshore or the right-of-way, and are subject to all setbacks and lot coverage.

- I. [Reserved.]
- J. The structure must not be designed or used for human habitation.
- K. No cellar, garage, tent, or accessory building shall be at any time be used as a residentially occupied space, independent residence or dwelling unit, either temporarily or permanently.
- L. For purposes of accessing storage, accessory structures may have exterior stairs to a second story in a side or rear yard.
- M. Engineered drawings are required for the permitting of all pole buildings over 2,000 square feet.

(Ord. No. 46, Second Series, 9-25-2013; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021)

**3. Architectural and design requirements.**

Detached accessory structures over 200 square feet shall comply with the following:

- A. Shall incorporate a finished design and color scheme that is coordinated and compatible with the color and design of the principal structure;
- B. Shall include a minimum 12 inch overhang and corner trim elements;
- C. Shall include two architectural features on sides directly adjacent to and visible from a public right-of-way; such as windows, doors, material/color variations, soffits, gables, dormers, and decorative lighting.

(Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2021-06, 10-11-2021)

**4. Size and number of accessory structures.**

- A. Size of accessory structure:
  - 1) All accessory structures greater than 200 square feet must comply with the following regulations (one shed of 200 sq. ft. or less is allowed on all properties and is not included in the calculation for accessory structures).

Parcel Size	Maximum Square Feet (square footage is inclusive for all allowable structures)	Maximum No. of Detached Accessory Structures	Maximum Sidewall Height Maximum Sidewall Height A, RR, R-1, R-2 & CL Districts*
Less than ½ acres	580 square feet	1	14 feet
½ acres	960 square feet	1	14 feet

¾ acres	1,100 square feet	1	14 feet
1 acres	1,240 square feet	1	14 feet
1¼ acres	1,380 square feet	1	14 feet
1½ acre	1,520 square feet	1	14 feet
1¾ acres	1,660 square feet	1	14 feet
2 acres	1,800 square feet	2	14 feet
2¼ acres	1,950 square feet	2	14 feet
2½ acres	2,100 square feet	2	14 feet
2¾ acres	2,250 square feet	2	14 feet
3 acres	2,400 square feet	2	14 feet
3¼ acres	2,475 square feet	2	14 feet
3½ acres	2,550 square feet	2	14 feet
3¾ acres	2,625 square feet	2	14 feet
4 acres	2,700 square feet	2	14 feet
4¼ acres	2,775 square feet	2	14 feet
4½ acres	2,850 square feet	2	14 feet
4¾ acres	2,925 square feet	2	14 feet
5.0 or more acres	3,000 sq. ft., plus an additional 240 sq. ft., or increment thereof, for each additional acre	4	14 feet
Viking Preserve	200	1	8 feet

\* If utilizing the 14 foot sidewall height, refer to Chapter 6: Wall bracing of the International Building Code, as your project may require engineered drawings for building permits to be issued.

- a) Roof pitch shall be no less than the minimum required by the International Building Code and shall not be the focal point of the property.
- b) Accessory structures shall be of similar design and building materials as the principal building. Pole buildings shall match the design of the principal structure as practical as possible.
- c) Accessory structures less than 200 square feet in all districts shall be limited to a sidewall height no greater than eight feet.

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- B. Fire escapes, landing places, open terraces, outside stairways, cornices, canopies, eaves, window protrusions, and other similar architectural features that extend no more than two feet into the required front, side, and rear yard setback are exempt from the detached accessory structure square footage calculation.

(Ord. No. 46, Second Series, 9-25-2013; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021)

## 5. Exemptions.

Properties within the A zoning district are exempt from architectural and design requirements provided the building is used exclusively for agricultural use and is constructed in accordance with all other zoning ordinance regulations.

Structures of a mobile and temporary or recreational nature provided that:

~~A. They are not used for storage purposes;~~

B. Do not adversely affect surrounding properties;

C. Are removed or placed more appropriately on the property at the request of the city.

(Ord. No. 19, Second Series, 5-5-2010)

## **SECTION 24. EXTERIOR STORAGE**

### **1. Exemptions.**

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

### **2. Inoperable vehicles and refuse materials.**

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

### **3. Residential districts.**

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
  - 1. Play and recreational equipment.
  - 2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
  - 3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.

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1. Motor vehicles stored outside must be parked on a designated driveway.
  2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
    - a. Recreational vehicles,
    - b. Boat/trailer combinations,
    - c. Snowmobile/trailer combinations,
    - d. Items of lawn equipment,
    - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
    - f. Other equipment or trailers, or any combination thereof.
  3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

#### **4. I district, and B-3.**

- A. Exterior storage is permitted in I-1 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
  - ~~2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.~~
  - ~~3. Exterior storage cannot exceed 12 feet in height~~

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
  2. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].
  3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 districts.
1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.

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2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
  3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.
  2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
  3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

**5. ~~B-3 district.~~**

~~A. Exterior storage is permitted in B-3 districts as a Conditional Use permit and subject to the following conditions:~~

- ~~1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right of way, private access easement, or within the required parking area.~~
- ~~2. Maximum amount of exterior storage cannot exceed the square footage of the Principal building.~~
- ~~3. Exterior storage cannot exceed 12 feet in height~~

~~B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.~~

- ~~1. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].~~
- ~~2. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.~~

~~C. Exterior display in B-3 districts.~~

- ~~1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.~~
- ~~2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.~~
- ~~3. Additional parking spaces shall be provided based upon the exterior display and sale area.~~

~~D. Prohibited storage~~

- ~~1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.~~

~~E. Parking~~

- ~~1. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.~~

**6. 5. B-2 district.**

A. Exterior storage is permitted with a CUP.

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~~1. Approved exterior storage shall be limited to an area no more than 100 square feet of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.~~

1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

2. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

B. Exterior display in B-2 Districts

1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.

2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

3. Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited Storage

1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**7. B-1 district.**

A. Exterior storage and exterior displays are not permitted.

B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

**8. Mixed use districts.**

A. Exterior storage is allowed with a conditional use permit.

B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.

C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021)

## **SECTION 28. ARCHITECTURAL STANDARDS**

### **1. Purpose.**

The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural designs.

### ~~2. Mixed use (MXU), limited business (B-1), central business (B-2), highway business (B-3), and non-residential uses in residential districts.~~

- A. *Building design.* Building design requirements for Mixed use (MXU), Limited Business (B-1), and non residential districts. ~~shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.~~
- 1.) Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
  - ~~1) 2.)~~ Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
  - ~~2) 3.)~~ At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
    - a) Brick.
    - b) Natural stone.
    - c) Glass.
    - d) Stucco or stucco-like finishes.
    - e) ~~Other comparable or~~ Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable superior material approved by city council.
  - 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
  - 4) ~~In the, MXU, B-1, B-2 districts and non-residential uses in residential districts, a~~ minimum of 30 percent of the facade facing the public right-of-way shall be glass.
  - 5) ~~In the B-3 districts, a minimum of 20 percent of the facade facing the public right of way shall be glass.~~ Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirements of windows on the sides or back facades.
  - ~~6) — Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.~~

(Ord. No. 2021-06, 10-11-2021)

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**B.) Building design requirements for Central Business (B-2) and Highway Business (B-3) districts.**

- 1) Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.
- 2) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs) are not permitted as primary exterior building materials.
- 3) At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:
  - a. Brick.
  - b. Natural stone.
  - c. Glass.
  - d. Stucco or stucco-like finishes.
  - e. Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.
- 4) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
- 5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirement of windows on the side or back facades.

~~3. Light industrial (I).~~

**C.) Building design requirements for Light Industrial (I) district.**

~~A. 1.) *Building design.* Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.~~

~~B. 2.) *[Agricultural standards.]* Industrial properties which are located within 1,320 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards. Where only a portion of the parcel lies within 1,320 feet of the Highway 65 centerline, the standards shall apply to the entire parcel:~~

- ~~1) —~~Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), ~~and pole-type building materials~~ are not permitted as primary exterior building materials.
- ~~2) 3.)~~ Building exterior wall finishes shall be comprised of any combination of at least two of the following materials:
  - a) Brick.

- b) Natural stone.
- c) Glass.
- d) Masonry stucco.
- e) Architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials, painted steel siding, or other comparable or superior material approved by city council.

~~3) 4.)~~ Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.

~~4) — A minimum of 20 percent of the facade facing the public right-of-way shall be glass.~~

5) Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building, and shall be exempt from the requirement of windows on the side or back facades.

~~C. — [Architectural standards.] Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of Highway 65 shall meet the following architectural standards:~~

~~1) — Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.~~

~~2) — Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.~~

~~3) — A minimum of 20 percent of the facade facing the public right-of-way shall be glass.~~

~~4) — Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.~~

#### **4. D.) Two-family and townhome dwellings.**

Exterior building finish: The exterior of two-family and townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, two-family and townhome dwelling structures shall comply with the following requirements:

~~A-1.)~~ A minimum of 25 percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

~~B- 2.)~~ Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75 percent of one type of exterior finish.

~~C- 3.)~~ For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

~~D- 4.)~~ No more than three buildings within 300 feet of each other shall consist of the same building facade.

#### **5. E.) Exceptions.**

~~A- 1.)~~ The proposed building maintains the quality and value intended by this section.

~~B- 2.)~~ The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.

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~~C-3.)~~ The design exceeds the intent of the ordinance.

~~D-4.)~~ Any building is subject to denial that does not meet architectural excellence as determined by the planning commission and the city council.

**~~6- F.)~~ Site plan review.**

A site plan review is required for new construction, additions, and changes to existing buildings according to Section 04. Applications and Procedures. Each building design will be reviewed for at least the following considerations:

~~A-1.)~~ Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.

~~B-2.)~~ General massing, roof treatments, proportions and quantity of exterior openings.

~~C-3.)~~ Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.

~~D-4.)~~ Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.