

**City of East Bethel**  
**Planning Commission Agenda**  
**Planning Commission Regular Meeting**  
**Date: July 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: June 27, 2023 (Pg 1-14)
4. **Public Hearing: Conditional Use Permit Amendment – 900 189<sup>th</sup> Ave NE** (Pg 15-31)
  - Strandlund Farm – **Concept Plan** – 2836 221<sup>st</sup> Ave NE (Pg 32-36)
  - Hidden Prairie – **Concept Plan** – E. Bethel Blvd. at 198<sup>th</sup> Ave NE (Pg 37-44)
5. Ordinance Review Discussion - Section 10-4 - Accessory Storage Containers (Pg 45)
  - Section Sec. 18-240. – Mobile Food Vendor Units (Pg 46-49)
6. Updates
7. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2  
3 EAST BETHEL PLANNING COMMISSION MEETING  
4 June 27, 2023

5  
6 MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sherry Allenspach, Sharon Johnson, Gabriel  
7 Hanschen, Randy Plaisance, and Joe Reiter

8  
9 MEMBERS ABSENT: None

10  
11 ALSO PRESENT: Jack Davis, City Administrator  
12 Aaron Berg, Interim Community Development Director  
13 Bob DeRoche, 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 Reiter moved and Commissioner Johnson 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 May 23, 2023 meeting minutes**

23 **Commissioner Reiter moved and Commissioner Johnson seconded to adopt the May 23, 2023**  
24 **regular meeting minutes as written.** Balfany asked any discussion? To the motion, all in favor say  
25 aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

26 **4.0 Public Hearing: Conditional Use Permit – Designing Earth Contraction**

27 Berg reviewed staff's report stating Designing Earth Contracting, INC., an East Bethel company for 16  
28 years, has outgrown its current location and on June 9, 2023, JSN Ulysses Holdings, LLC, purchased  
29 two adjacent, 2 + acre, parcels of land, at 1282 187th LN NE, PIN: 32-33-23-21-0004 and PIN: 32-33-  
30 23-24-0011, in the Sauter's Commercial Park.

31 Berg noted a Concept Plan proposal was reviewed by City staff and presented at the May 23, 2023  
32 Planning Commission Meeting. The proposal consisted of the construction of a new 19,000 square foot  
33 building for a Construction, Trade, and Service Business facility.

34 Berg stated the properties are Zoned (I) – Light Industrial and in accordance with Appendix A, Sec. 48  
35 (4), Construction, Trade, and Service Business are permitted by a Condition Use Permit (CUP).  
36 Additionally, the CUP also regulates exterior storage.

37 Berg indicated the light industrial (I) district is intended and designed to provide areas of the city  
38 suitable for activities and uses that are industrial in nature. The proposed use aligns with the approved  
39 2040 Comprehensive Plan.

40 Berg stated the next steps, if the CUP was approved, a formal site plan will be submitted for review and  
41 approval by the Planning Commission and City Council.

42 Berg recommended the Commission review the CUP request, hold a public hearing, and make a  
43 recommendation of approval to City Council, with the conditions set forth in attached Resolution 2023-  
44 47.

45 Balfany opened the public hearing at 7:09 p.m.

46 There were no comments made.

47 Balfany closed the public hearing at 7:09 p.m.

48 **Commissioner Hanschen moved and Commissioner Allenspach seconded to open the discussion.**

49 Balfany asked any discussion?

50 Hanschen stated this appeared to be a formality at this point.

51 Reiter stated his concern was potential dust that would go over the fence, but if they could be assured the  
52 dust levels would be kept down, he didn't see any problem with this.

53 Hanschen asked if vehicles would be stored outside once they were finished. Berg noted the existing  
54 location for Designers Contracting was right next door to the Hot Rod Shop on the south side, and they  
55 are also in an adjacent parcel currently.

56 Balfany stated he would not speak for the owner, but he seemed to be an agreeable and understanding  
57 person and he hoped they could be neighborly if there was any issues.

58 Berg pointed out that the Conditional Use Permit for storage was also included within the same  
59 application and materials. He asked the Commissioners if they were comfortable with the conditions in  
60 the Resolution regarding the exterior storage.

61 Hanschen responded that was kind of the point of their discussion and the last time this came up, there  
62 had been a big concern, especially with the Resolutions to change the Ordinances.

63 Reiter stated his perception of a construction yard was property that was under development – this was  
64 more of a construction business. Berg noted the Ordinance read that construction sales or construction  
65 services were in the same category. He noted whether they did construction, or stored equipment that  
66 was construction services. He stated construction sales would be the sales of material equipment for the  
67 purposes of the industry of construction.

68 Berg pointed out that the Ordinance revisions for exterior storage was approved at the last Council  
69 meeting also. However, they did not technically go into effect for 9 days, so these storage parameters  
70 were based on the new upcoming Ordinance as the upcoming Ordinances would be in effect when the  
71 CUP was approved in July.

72 **Discussion closed by general consensus.**

73 **Commissioner Reiter moved and Commissioner Johnson seconded to recommend approval to**  
74 **City Council with the conditions set forth in the provided Resolution 2023-47, a Resolution**  
75 **approving a Conditional Use to allow the construction of a construction trade and service business**  
76 **with exterior storage.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.**

77 Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

#### 78 **5.0A Site Plan Approval – Designing Earth Contraction**

79 Berg reviewed staff's report stating Designing Earth Contracting, INC., an East Bethel company for 16  
80 years, has outgrown its current location and has submitted an application for a site plan review for the  
81 construction of a new Construction, Trade, and Service Businesses facility, located on at 1282 87th LN  
82 NE. The proposal consists of the adding a 19,000 square foot building, consisting of 7,500 square foot,  
83 two story, office space and 11,500 square foot shop, with additional land for future expansion.

84 Berg stated with respect to zoning, the property is zoned (I) – Light Industrial, in which Construction,  
85 Trade, and Service Businesses is permitted by Condition Use Permit (CUP).

86 Berg indicated a site plan review is required prior to issuance of a building permit for new construction  
87 and is also required in conjunction with an application for a Condition Use Permit (CUP) as defined in  
88 Appendix A, Sec. 04, 12. – Site Plan Approval.

89 With respect to architectural design, Berg stated the City Staff have reviewed the proposed building  
90 exterior and determined that it is consistent with the architectural standards as defined in Appendix A,  
91 Sec. 28, 3. – Light Industrial (I) Zone.

92 With respect to the landscape Plan, Berg indicated City Staff have reviewed the proposed Landscape  
93 Plan and have determined that it exceeds the minimum landscaping code requirements as defined in  
94 Appendix A, Sec. 27, 3. C. - Light Industrial (I) Zone.

95 With respect to the lighting plan, Berg noted City Staff have reviewed the proposed Lighting Plan which  
96 is in compliance with Appendix A. – Sec. 26. – Lighting Regulations.

97 With respect to the parking plan Berg stated it includes a total of 45 parking spaces, divided up between  
98 19 paved spaces for the office, 2 Handicap stalls and 24-yard stalls for the warehouse. This combination  
99 of spaces meets Appendix A. – Sec. 22. – Off Street Parking and Loading Requirements.

100 Berg recommended the Planning Commission review the site plan and make a recommendation of  
101 approval to City Council with the conditions set forth in Resolution 2023-48 and accompanied exhibits.

102 **Commissioner Terry moved and Commissioner Balfany seconded to open the discussion.** Balfany  
103 asked any discussion?

104 Johnson asked if they needed to add that this was conditioned upon the engineer's report. Balfany  
105 believed the way Berg worded it, he already had the verbiage in there. Berg responded that was correct.

106 Berg stated there was a lot of technical information with a lot of plans and information and he went  
107 through each one of those and the City Engineer would also review everything too.

108 Hanschen stated this was the first time he had seen a lighting display with respect to light pollution.  
109 Balfany noted this was the first time he had seen this in a packet as well.

110 Hanschen asked if the light was going to become a requirement. Berg responded this was a requirement  
111 under City Code, but this particular diagram was not a City Code requirement.

112 **Discussion closed by general consensus.**

113 **Commissioner Terry moved and Commissioner Allenspach seconded to recommend approval to**  
114 **City Council with the conditions set forth in the provided Resolution 2023-48.** Balfany asked any  
115 discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
116 motion passes. **Motion passes unanimously.**

#### 117 **5.0B Metes and Bounds Parcel split – 2863 221<sup>st</sup> Ave NE**

118 Berg reviewed staff's report stating on June 15, 2023, Steve Strandlund Trustee, submitted an  
119 application for a Metes and Bounds split of a 39-acre parcel of land, located at 2836 221<sup>st</sup> Ave NE,  
120 PID:10-33-23-21-0001, into two parcels. The first parcel, the original family farmstead, will be divided  
121 off as a 5.66-acre lot and the remaining 34.16 acres will be subdivided at a later date as a future  
122 subdivision. The property proposed for the division is zoned Rural Residential and per City Code,  
123 Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres.

124 Berg stated to be eligible for using metes and bounds divisions as outlined in Appendix A, Zoning,  
125 Section 12, the following conditions must be met:  
126

- 127 1.) The parcel must be a minimum of five acres.  
128 2.) The parcel must have a minimum road front of 300 feet.  
129 3.) The parcel must contain 23,000 square feet of buildable area as defined in other portions of this  
130 ordinance.  
131 4.) Appropriate road, public utility, and drainage easements, as outlined in Ordinance 151 as  
132 amended, must be dedicated to the city.  
133 5.) Park and trail dedication fees as adopted by the city council by resolution must be paid at the time  
134 of city certification of parcel division.

135 Berg indicated this request for a metes and bounds parcel split meets the conditions as it is more than  
136 five acres, has over 300 feet of road frontage and has an existing primary residence which is in  
137 compliance with the remaining conditions.

138 Berg recommended the Planning Commission review this petition for a metes and bounds parcel split  
139 satisfies the requirements of City Code, Appendix A, Zoning, Section 12 and make a  
140 recommendation to City Council to approve the parcel split.

141 **Commissioner Balfany moved and Commissioner Johnson seconded to open this up for discussion.**  
142 Balfany asked any discussion?

143 Balfany thanked Berg for putting this together in a way that was understandable for them. He indicated  
144 he did not see any issues with it.

145 Reiter stated with respect to their City vision, this was slightly different than what the Ordinance stated.  
146 He indicated he had sent Berg some information on this.

147 Reiter stated the East Bethel 2040 Comprehensive Plan was the vision guidance on what they were  
148 trying to do with the City. He believed it was a promise to the residents on how to progress with  
149 development in the future. He noted the Comprehensive Plan tells the property owners what they could  
150 do with their land. He indicated the current 2040 guidelines for this property does not allow the  
151 property to be split into a minimum one unit per ten acres. He stated the proposal did not fit with the  
152 vision, and the assessment was splitting the property beyond the minimum 10-acre guidelines of the  
153 2040 Comprehensive Plan and will result in suburbanization of rural areas protected under the 2040  
154 Comprehensive Plan.

155 Berg noted Reiter was not correct in his acronym. He indicated the MUSA was the Municipal Urban  
156 Service Area, not the mixed-use service area. He noted the Municipal Urban Service Area was the future  
157 area upon which the Comprehensive Plan identified as potential to receive city sewer and water. He  
158 stated this parcel was far beyond the future use area in the corridor of Highway 65. Therefore, some of  
159 the guidance did not apply.

160 Berg stated in the Ordinance there was also a reference in the long-term Comprehensive Plan which  
161 identified that the rural residential designation allowed for an overall average of one unit per 10 acres.  
162 He noted higher densities might be achieved by utilizing the Met Council's flexible development  
163 guidelines. He stated the flexible development guidelines identified conflicts between the  
164 Comprehensive Plan and the existing City Ordinance, and the existing City Ordinance took precedent  
165 over the guidelines if there was a conflict. In addition, one unit per 10 acres, or the entire rural  
166 residential area of East Bethel. He noted if they defined the municipal boundary of East Bethel it was  
167 about 48 square miles. He guessed the density was much below one unit per 10 acres if the City  
168 encompass the entire rural residential area on both sides of Highway 65.

169 Reiter thanked Berg for the clarification and believed he was looking at one document and comparing it  
170 to the other. Berg understood Reiter's confusion. He noted although this is not in the 2040

171 Comprehensive Plan to reach this parcel down to 21<sup>st</sup>, it might be some time beyond 2040 if this was  
172 even considered a future use area just based on proximity to Highway 65.

173 Balfany noted in a few years they would be going through another Comprehensive Plan review also.  
174 Berg noted the Comprehensive Plan was a living document and not the law.

175 Berg stated if there were any questions regarding the Ordinance having a detached accessory structure  
176 prior to the primary residence, he had a conversation with the applicant about the garage, the barns, and  
177 the buildings that would be on the outside of this parcel division. He noted at a later date for the  
178 subdivision, those buildings would be disappearing and they would not be existing on a parcel prior to a  
179 primary residence. He indicated that was part of the process.

180 Hanschen inquired what made a metes and bounds parcel split different than a traditional parcel split.  
181 Berg explained the difference between the two.

182 **Discussion closed by general consensus.**

183 **Commissioner Reiter moved and Commissioner Hanschen seconded to recommend approval to**  
184 **City Council the approval of the metes and bounds parcel split 632 121<sup>st</sup> Avenue NE.** Balfany asked  
185 any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
186 motion passes. **Motion passes unanimously.**

#### 187 **5.0C Concept Plan Review – 1788 Viking Blvd NE**

188 Berg reviewed staff's report stating the Planning Commission is requested to review the concept plan for  
189 a Mixed-Use PUD as proposed by Capstone Homes, Inc. The development consists of approximately  
190 173 acres, of which 115 acres are buildable, and is located at 1788 Viking Blvd NE. The developer has  
191 submitted an application and supporting materials for the proposed PUD.

192 Berg noted this large tract of property is located on land which spans across zoning classifications of  
193 Mixed Use, Single Family Residential and Rural Residential Districts. Over 70 percent, or  
194 approximately 123.00 acres, of the proposed development are located in the MXU, while 11 percent, or  
195 approximately 20 acres are in a Single-Family Zone, leaving 17 percent, or 30 acres in the Rural  
196 Residential Zone.

197 Berg stated according to City Code Section 56 - PLANNED UNIT DEVELOPMENT (PUD),  
198 Subsection D. – A Planned Unit Development is required in Mixed Use Districts in the city. Mixed use  
199 allows for commercial, residential, parks and open space and, as such, are in compliance with the East  
200 Bethel Comprehensive Plan.

201 Berg indicated the purpose of a PUD is to allow flexibility and variation from conventional ordinance  
202 standards in exchange for higher standards of development design and creativity, architectural control,  
203 natural resource protection, landscaping, public parks, public and private open space protection,  
204 pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to  
205 promote the efficient use of land and promote cost-effective public and private infrastructure systems.  
206 Attachment 3 is City Code Section 56 – Planned Unit Development District.

207 Berg stated the Concept/PUD Plan Application was submitted to staff on Wednesday, June 21, 2023.  
208 Staff are in the process of reviewing the plan. Comments will be provided to the Planning Commission,  
209 the City Council, and the developer once the reviews are completed.

210 Berg noted a phased Concept Plan has been submitted for the entire PUD. The concept plan review  
211 should encompass the project as a whole, however, during the platting process, the PUD standards will  
212 be approved for phase 1. Future phases will require the PUD standards be amended if necessary to  
213 include new standards for each phase.

214 Berg stated the PUD Concept Plan is used to provide feedback to the developer through staff review, the  
215 Planning Commission and City Council.

216 Berg indicated as part of the preliminary review, staff has offered the following comments:

- 217 • Access – Ingress and egress to the development will be accessible from three locations, Viking  
218 Blvd. NE, Sandhill Parkway NE, and 189th Ave NE. The City Engineer, Public Works Manager  
219 and Anoka County Highway Department will be conducting a review of the street plans and will  
220 provide comments.
- 221 • Open Space - A primary function for a PUD is to encourage development that preserves and  
222 enhances the natural characteristics and valuable natural resources of a site and not force intense  
223 developments that use all portions of a given site to arrive at the maximum intensity or density  
224 allowed. Capstone has proposed over 50 acres of open green space within the 173 acres (115  
225 buildable acres) of the development, which includes over a 1-acre community park space, in  
226 addition to walking trails and unique landscaped buffers.
- 227 • Streets – Streets and cul-de-sacs, along with utilities should be constructed in compliance with  
228 City Code Section 66 – 164 which requires that streets shall provide for future connections to  
229 adjoining un-subdivided land. Staff recommends that the streets be city-maintained public streets  
230 throughout the development.
- 231 • Housing - The plan consists of 350 new single-family homes in two neighborhoods. A  
232 combination of 45' and 65', single level, multi-level or two-story floor plans have been  
233 proposed.
- 234 • City Services

235 The plan indicates the new single-family homes will each be connected to the city sewer and  
236 water as a majority of the development is within the Metropolitan Urban Service Area (MUSA).

- 237 • Density – The plan consist of a density at 2.5 dwelling units per acre which is slightly lower than  
238 the 2040 Comprehensive Plan target of an average of 3 dwelling units per acre in the MUSA.  
239 (See attachment 2040 Comp Plan Table 3-4)
  - 240 • Parks Commission
- 241 The Concept Plan will be placed on an upcoming agenda for the Parks Commission to review  
242 and comment.
- 243 • Next Steps

244 Based on the commentary relating to the concept plan, the developer will modify the plan as  
245 necessary and make application for the preliminary plat/PUD. At the time of preliminary plat,  
246 the PUD standards for Phase 1 will need to be determined.

247 Berg indicated staff is requesting the Planning Commission discuss the Concept Plan/ PUD and  
248 informally and advise the developer on adjustments to the proposal and plan.

249 Balfany opened the public hearing at 7:46 p.m.

250 Randy Johnson, 18816 Greenbrook Drive, Cedar, stated his concern was that he had to follow the rules  
251 when he built his place and he knew a large piece of this was rural and he wanted it to stay that way. He  
252 did not see a reason to change just because it was a development and he did not want to see it disappear.

253 Allenspach stated her concern was the traffic going up and down.

254 Phil and Patty Affolten, 2030 189<sup>th</sup> Avenue NE, stated their property back up to this property. He  
255 stated he wanted to see it stay rural residential. He noted when they bought their property they wanted  
256 to live in a rural community and they did not want to see multiple rooftops in their backyard. Secondly,  
257 they had not addressed the blind curve on 189<sup>th</sup>. He noted they had said that would be an emergency  
258 access, so would the access go all of the way through and would it be paved and if so, who paid for it.  
259 He stated if it was a through street, they were going to use it and right now with the golf course there  
260 were employees that used it and they went down it very fast all of the time. He also indicated if there  
261 was a 3-foot rule, which would also impact them.

262 Mr. Johnson stated the other issue was if City sewer and water would be brought down there and what  
263 was the likelihood of them having to tap into it.

264 Kyle Grandlund, 2043 189<sup>th</sup> Avenue NE, stated putting in the number of homes they were proposing  
265 was a lot and they liked it being rural. He stated he would not buy a home there and would consider  
266 moving further north and move out of the area.

267 Amy Knutson, 1623 Viking Boulevard NE, stated they would be directly impacted by looking at this  
268 every day. She asked where would the other access be located. She noted there were enough issues on  
269 Viking as it was. She expressed concern about traffic in front of their home. They indicated they had  
270 moved and had five acres for a reason and this would bring in a lot of people.

271 Carole Carlson, 1945 189<sup>th</sup> Avenue NE, asked if 189<sup>th</sup> was going to be only used for emergency  
272 vehicles. She noted in reality that would not be the case because everyone was going to find out about  
273 the road and they would all be using it due to there being only one access going in and out of there. She  
274 believed Viking Boulevard would probably need to be widened also because this would cause a lot of  
275 traffic. She was also concerned about the trail. She noted their family had lived on that land for 90  
276 years and she would like it to stay rural with five acres, but she understood things change and got  
277 developed. She requested this have the least impact on them. She noted they were used to living in  
278 nature. She asked where phase one would be. She asked if 189<sup>th</sup> was paved would the construction  
279 company pay that. She stated they had wells and did not want to be on City water and sewer either.

280 Palee Yang, 2234 189<sup>th</sup> Avenue NE, stated their home was right at the corner of where they were going  
281 to build. She noted they liked their space, peace, and quiet. She noted her elderly parents lived with  
282 them and they liked to go outdoors and enjoy nature. She stated this was not something they signed up  
283 for and she did not like the idea at all. She indicated her parents were devastated to hear about this and  
284 to them culturally, it was not something they wanted to be involved in. She stated they want to keep the  
285 land the way it was and did not want any change.

286 Patty Affolten stated she had older children and when her kids went to the St. Francis School there were  
287 not enough teachers and the school bus company did not have enough drivers. She noted this would  
288 impact the School District. She recommended this be addressed in a condition.

289 Berg noted some of the concerns had a consistent theme. He noted the current City Code and zoning  
290 districts were zoned to allow for certain developments, densities, lot sizes, and combinations, so  
291 residents might be living next to a zoning different than what theirs was. He noted in terms of the use of  
292 the land, although the City had some regulation in use, it was a private real estate action and as long as  
293 the owner complied with zoning and City Codes, they would be allowed to do what they want with their  
294 land as long as it was in compliance with the Code.

295 Matt Barker, representing Capstone Homes, Inc., stated this was a large part of the discussion when they  
296 came to the City and asked what their zoning looked like in this region. He stated the mixed-use area  
297 had a lot of density opportunities, including commercial. He noted everything would be considered in  
298 their design.

299 Berg pointed out this was a 30-acre parcel and the current proposal's density was 3.04 dwelling units per  
300 acre. He noted the current Comprehensive Plan identified a density range of 2.25 to 4 units per acre  
301 under the low-density standard.

302 Hanschen stated 3.4 units equated to 3.4 homes. Berg explained how the 3.4-unit rate was determined.  
303 Reiter asked if that included the open and unbuildable space also. Barker, the developer, responded if  
304 they looked at the entire property they were looking to create a neighborhood which would come closer  
305 to 2 units per acre. He noted the 3.04 was based off the buildable acreage, but they were sectioning off  
306 some acres for open space, so the actual density would be closer to 2.2.

307 Reiter stated they were not going to see six or eight homes per acre in the lower density area. Barker the  
308 developer, responded in the R1, they would not be able to do that. He indicated they have chosen to go  
309 with their two single family products.

310 Berg noted with the traffic concerns, the developer was required to do an Environmental Assessment  
311 Worksheet, which also encompassed a traffic study. He indicated they had proposed City roads which  
312 would currently be adjacent to or toughing City roads. He noted the County Engineer, the City  
313 Engineer, and the City's public work staff were all working together on any roads and trails being  
314 proposed. He noted without having the traffic study done they don't have any facts to say 300 homes  
315 was going to produce how many cars at the intersection ad how much more was needed.

316 Berg stated there would be some connection at 189<sup>th</sup> and staff was still working on that. He indicated in  
317 terms of the street plans, the Ordinance did require future connections to undeveloped lands. Barker, the  
318 developer, stated they had a long conversation and they would continue to rely on City staff and work  
319 with the County and State also.

320 Allenspach asked about access off Viking. Barker, the developer, responded the current driveway was  
321 very narrow, so they had to consider a different location to connect on to Viking be moved. Berg noted  
322 the County Engineer was going to determine whether the distance between intersections or driveways  
323 was acceptable.

324 Hanschen asked if City staff foresee any complications with the increase in density for the intersection  
325 of Viking and Highway 65 intersection. Berg responded that the traffic study was going to tell them a  
326 lot.

327 Berg stated with respect to sewer and water connections, the City was not in a position to require  
328 residents outside of the potential proposal to connect to sewer and water. He noted the City did not have  
329 the financial capacity to run enough City sewer and water liens to get to residents outside of was  
330 currently proposed and the developer was going to be responsible for providing all of the infrastructure  
331 for this development and it was not coming out of City funds.

332 Berg stated the Comprehensive Plan did not show any extension beyond the three quarters of a mile  
333 boundary. He indicated this was a very unique situation based on the land that was purchased by the  
334 buyer. He noted there were a number of complications and they were going to hear from the Met  
335 Council on some of them, as well as needing to amend the Comprehensive Plan to allow a Planned Unit  
336 Development to exceed the three quarter of a mile MUSA boundary.

337 Johnson asked who did the negotiation for a higher standard of development. Berg responded that  
338 ultimately landed on the City Council to come to an agreement with the developer. He indicated the  
339 purpose of this meeting was so if the Commissioners had any feedback, the developer would like to hear  
340 that feedback so when they come in with a preliminary plat, they don't need to pick and choose, pull too  
341 many things apart, or pull too many things apart because they will have a concept.

342 With respect to the school impact, Berg stated that was beyond the City's control. He understood  
343 teacher shortages was a nationwide problem and he understood the concerns about the impact to the  
344 school district. Allenspach noted when the City approved a development the School Board and School  
345 District was aware of those plans so they know what the potential was for incoming students in the  
346 future.

347 Balfany believed the School Districts were given funds from the State based on the number of residents  
348 also.

349 Barker, the developer, stated the other issue brought up was the phasing of the project. He indicated  
350 they were planning on phases that stretched several years – 5 to 7 years, so that gave some time for  
351 growth components within the School District to catch up with potential new students.

352 Terry asked if there was just one access for the homes on Viking. Barker, the developer, responded  
353 there were two access points with the main entrance on the north end and the second entrance on  
354 Sandhill.

355 Kyle Grandlund, 2043 189<sup>th</sup> Avenue NE, stated he did not believe Capstone's claims they were going to  
356 better the community was not going to be better for the City. He felt the owner of Capstone was a  
357 money hungry developer that needed to stay out of East Bethel.

358 Phil Affolten, 2030 189<sup>th</sup> Avenue NE, requested clarification on the 30-acre parcel. He asked how many  
359 homes were there going to be. Berg responded this was a concept plan and they could ask the developer  
360 to make whatever adjustments, as necessary.

361 Mr. Affolten stated he was concerned about 10 houses in his backyard versus 2 or 3 houses. Barker, the  
362 developer, stated this ended up being 2 units per acre. He believed there was opportunities for them to  
363 take feedback and look at this a little bit and see what we can do and adjust some features.

364 Carole Carlson, 1945 189<sup>th</sup> Avenue NE, expressed concern about run off and flooding of 189<sup>th</sup>. Balfany  
365 responded it would be a requirement that the developer manage the water that came from their property.  
366 Berg stated it was a State law regarding drainage and runoff that doesn't allow it to be moved outside of  
367 your own contiguous parcel of property, with the exception of County ditches. He stated the developer  
368 would not be able to grade the site away from their own existing ponds.

369 Palee Yang stated the new homes would be built right behind her backyard. She stated she was  
370 concerned about the peace and quiet and she did not want to see any change. She asked the City to take  
371 their voice into consideration and think about this project.

372 Phil Affolten stated 100 was a tragedy at night and asked it be addressed as an emergency exit; how do  
373 you stop the traffic from going in and out; was it going to be a through road that people were still going  
374 to be able to use because they will use that access point. She stated that was a deathtrap already and she  
375 did not want to see her kids get killed when they were leaving her home. She asked them to address the  
376 traffic going down that road. Balfany explained the County, City Engineer, and City staff would all be  
377 thoroughly looking at this.

378 Tracy Johnson asked if 189 was going to be connected to the development. Balfany responded this still  
379 needed to be reviewed by engineering.

380 Ms. Johnson stated she was concerned about people will take Briarwood to 68 to 189 and they already  
381 had enough traffic on Briarwood. She indicated she did not want people taking that shortcut because  
382 they already took a shortcut from 65 to 68. She expressed concern about more traffic. Berg responded  
383 at the completion of the Environmental Assessment Worksheet, it was required to solicit feedback from  
384 the public on the findings of the that Worksheet. He indicated all of the concerns were important and  
385 would be considered.

386 Paul Steinbrecher, asked if there would be another public hearing before this was approved. Balfany  
387 responded there would be multiple public hearings as this went along.

388 Mr. Steinbrecher, expressed concern about setting a precedent with this development. Berg responded  
389 that each proposed unit development was evaluated based on its own standards, its own zone, its own  
390 encompassing facts and just because it was approved in one location did not mean that it was going to be  
391 approved at another location.

392 Reiter stated this was just the beginning of a process and the approval tonight did not guarantee a final  
393 approval of this development. He indicated this was a feedback session for the developer to understand  
394 what they want as a community.

395 Balfany stated nothing was going to be approved tonight.

396 Balfany closed the public hearing at 8:39 p.m.

397 Berg stated there was also a concern about hunting or shooting. He pointed out that there was no  
398 prohibition to hunting within the City limits, the City did prohibit hunting on City or County owned  
399 property. He indicated the City also did not allow a discharge of a firearm within 500 feet of any  
400 dwelling house, or commercial/industrial building without written permission of the person who owned  
401 the property.

402 Johnson thanked everyone for attending the meeting. She stated it appeared a sticking point seemed to  
403 be the 30 acres in the southeast corner. She asked if there was anything that could be done to mitigate  
404 the concerns heard.

405 Terry recommended some kind of buffer, trees, or berms on the northern strip of the parcel on the east  
406 side for the people who had their yards butting up against it so they don't see the home in their  
407 backyards. He noted the east side of that block should also be looked at. He stated a lot of green space  
408 occurred where it was not adjacent to homes also.

409 Terry indicated he also had a concern about the two access points and that they were both on the north  
410 side of the development. Berg responded they exploring some sort of an emergency access off of 189<sup>th</sup>.

411 Reiter stated for the record, he wanted to present what he had prepared regarding the vision plan:

412 "So this is a mixed-use district. The Viking Meadows concept plan is proposed in a mixed-use  
413 area the City concept plan provides for only residential development does not meet the  
414 conditions described in mixed-use development description. What the purpose of mixed uses is  
415 to create an urban feel that's walkable and the mixed-use guidelines are to contain 72.5%, low  
416 density residential, 20% general commercial, and 7.5% high density.

417 This current proposal only has residential. So based on the guidelines, the recommendation is to  
418 include commercial out lots of development near Sandhill Parkway, it is very valuable land, and  
419 it would get gobbled up by commercial pretty quickly if you left those as out lots. And it would  
420 help us follow what our vision is. And allow people walking, you know, walkability to  
421 restaurants or even retail stores. Could you go to the next one?

422 This slide, another wordy slide. But this is a table describing the roadways around our City.  
423 Viking is considered a minor arterial roadway, the current speed limit is 55. Full movement  
424 intersections, meaning that you can turn to the right or crossover and go to the left, need to be  
425 spaced at a half a mile.

426 Currently Sandhill Parkway is not in compliance with this since it is under an eighth a mile. In  
427 order for us to come into compliance with what our guidelines are, we would need to reduce the  
428 speed limit or ask the county to reduce the speed limit to 35 miles an hour at that intersection. If

429 we were to reduce it to 40 to 45 miles an hour, it would be allowable to have a turn right only  
430 lane, but a median would have to be built so that people don't turn left onto that. This is our  
431 guidelines...”

432 Balfany asked out of curiosity where Reiter was going with this. Reiter responded he was describing  
433 what was going on in the area.

434 Balfany reminded Reiter that they were talking about the concept of this development. Reiter stated he  
435 was not trying to make this contentious, but he wanted to describe what was going on and stated he  
436 wanted to finish his presentation as he had been cut off.

437 Balfany requested Reiter make his comments pertinent to the meeting in regard to this concept to give  
438 feedback to the developer. He stated he did not want to go through a full presentation if they were just  
439 able to give the developer the facts of what his concerns were. Reiter stated this was relating to the use  
440 of Sandhill Parkway and the proposed other egress, which might be called Viking Meadows Drive. He  
441 noted he was not against development and he was presenting what was in the vision plan for the 2040  
442 Comprehensive Plan.

443 Reiter asked if they should follow the guidelines leaving Sandhill Parkway go to the east. He hoped the  
444 County could build that as an intersection or reduce the speed so they were within the guidelines. Berg  
445 responded that the County set the speed limit on County roads and not the City.

446 Reiter stated he was concerned about the densities and the ability for the residents to leave that  
447 neighborhood which would create traffic conditions within the community and could cause residents to  
448 leave the community.

449 Johnson stated they were all concerned about that.

450 Balfany asked Reiter to get more direct and to bullet point his concerns.

451 Reiter stated he wanted to get on the record the following and to give him 10 minutes to finish:

452 “These two proposed intersections are, are very close to 65. They're there, they're within a half  
453 mile of each other. And within our guidelines, there are significant issues with what an Anoka  
454 County is going to let us do, or what Anoka County will do with Viking.

455 Next slide. This is where the proposed intersection is for context. Again, it's less than a half mile  
456 from 65.

457 Next slide. On current state under our guidelines, Sandhill was showing a right turn only and this  
458 is not what the current state is. But if we were following guidelines or get an Anoka County to  
459 follow guidelines, that section of road is going to turn at 35 miles an hour and potentially have a  
460 stoplight. Hopefully, we can convince them to do that.

461 Next slide. This is where for context, this is the photo.

462 Next slide please. With the current conditions in the guidelines as a right turn only if a median  
463 has to be put in and this isn't to become a 35 mile an hour road, this potential traffic impact to  
464 start of the North Academy as drivers are going to find an ingenious way to divert back towards  
465 the highway.

466 Next slide. We also have traffic transportation analysis zones that was conducted by the Met  
467 Council for development. Your planned development is in TAZ3, which describes what we  
468 forecast for growth.

469 Next slide. As you can see here in 2040 projected households in TAZ3 is 460 units. When we  
470 look at Elevage which is a plan development with 213 households, and then your development

471 with additional 370, this puts us approximately at 583 units in this TAZ, which surpasses our  
472 housing forecast by 160% by 2030. Not 2040 but by 2030.

473 So the point of this is to show that the Met Council and the State have not planned and the  
474 roadway development it not in a state yet to support this.

475 Again, hopefully we can work with the County and the State to change their plans, but really all  
476 these last slides have shown is that this is going to create a lot of traffic that we haven't planned  
477 for and we are not ready yet.

478 Next slide, please. This is the MUSA 2030 map, the green and black line denotes what that area  
479 is. The 35-acre parcel that's been talked about tonight resides outside...30. Excuse me, 30, as the  
480 vision plan, I guess is not enforceable. What our vision is, in the plan is to keep this around 10  
481 acres. I think everybody has suggested that they'd be amenable to rural residential course that's  
482 up to you to make that decision on your next plan. And again, this is in our vision plan. I'm  
483 trying really hard to keep my opinion out of it.

484 Next slide, please. I showed this earlier today and this is just documentation describing what our  
485 vision was around land that's outside the urban service boundary and future growth area.

486 Next slide. This is Section 66-41. This is the information around concept plan, which we were  
487 talking about tonight. Multiple things that I guess I didn't see in the packet covered, including  
488 Kurt, in proposed land use and zoning, we saw a plat map, but not the zoning map. Evaluation  
489 by the applicant that the subdivision would not be determined to be premature pursuant to the  
490 criteria outlined by the comp plan, which I'm trying to advocate for tonight.

491 Additionally, with the concept plan, a hydrologic characteristics study needs to be submitted,  
492 which is described. Also site vegetation, cover type, woodland area boundaries, and visual trees  
493 having a diameter at breast height of 18 or more inches, and then different vegetation types.

494 Being that is a golf course, there's a lot of really mature and beautiful trees there that I think we'd  
495 hate to see go as a green city.

496 Moving on to the next one, the transportation system. In the proposal that was submitted  
497 functional classifications, current projected traffic volumes, general conditions, and provisions  
498 for alternate modes of transportation were not submitted in the proposal. And hopefully we can  
499 get those by the next meeting.

500 Moving on to the next slide. While you did present a general idea, our concept subdivision plan  
501 or concept plan does ask for a lot layout. And then additionally, size and location of commercial  
502 industrial buildings, which you haven't put into here. But base based on the mixed-use request  
503 and vision, hopefully we can find a way to include those on this development.

504 That's all I have. That's literally all from the vision plan. Those aren't my words."

505 Balfany stated he appreciated the hard work Reiter put into his presentation and this could be easily  
506 forwarded to the developer so they could see that.

507 Berg noted the purpose of a Planned Unit Development provision was to allow for flexibility and  
508 variation from conventional ordinary standards in exchange for potentially higher standards and this  
509 was the Commission's opportunity to give the parameters on what they wanted to see. Reiter  
510 responded that as what he was trying to do. He noted obviously a PUD was going to suggest other  
511 things, but he believed the closer you get to the vision, the more digestible the development will be for  
512 everyone in the community.

513 Berg stated in terms of the missing application material, which was on him and there was no point in  
514 going through items without knowing what direction they wanted to go. He noted they were going to  
515 be spending time, money, and resources as well as taking up the engineer's time to put something  
516 together that might never get off the ground. He stated when they have the items based on the  
517 feedback, staff will bring them forward. He stated he didn't see any purpose in having a conversation  
518 about what they want to see as a standard requirement based on application material as they will get to  
519 those items as part of the next phase of the concept plan or preliminary plat if it gets to the next level.  
520 He stated the requirements in the preliminary plat were significantly more than the requirements in the  
521 concept plan.

522 Terry asked if there was any possibility of accessing or acquire land so that the southernmost part of the  
523 road would connect either to Briarwood or 68 without having to use 189. Berg stated someone would  
524 need to acquire the land and donate it to the City in order to make that connection.

525 Terry asked if they needed another access point, was there a means to do it, or would it all be filled  
526 with homes. Berg responded he understood the developer had been out in the neighborhood and had  
527 talked to neighbors and they have made opportunities to make connections. He assumed if there was an  
528 opportunity for the developer to buy additional land south of there they were in the process of doing  
529 that, but if it was not available to them, then they were probably not going to acquire it.

530 Berg stated by Statute, they had to at least provide an extension or a roadway to undeveloped property  
531 and that was all the developer could be obligated to at this point, unless the City wanted to spend tax  
532 dollars to acquire property and easements to put in roads.

533 Hanschen stated he had heard everyone's concerns. He noted the developer had said they pulled back  
534 from the amount of density they could have there and their goal was not to come in and take over, but  
535 rather to merge and be a part of what the City had going on.

536 Hanschen understood this development was difficult for the residents where it was occurring in their  
537 backyard and he also moved to the City for the peace and quiet. He believed it would be the intention  
538 of the residents who were moving to the City that they would be moving in for peace and quiet also.  
539 He indicated it should be the City and resident's objective to welcome the new residents. He believed  
540 this development could be done but the resident's concerns needed to be heard. He noted the City had  
541 something to offer and that was why people moved into the City and they should cherish and focus on  
542 that instead of fighting it. With respect to the resident who wanted to be able to shoot off her guns, he  
543 suggested "let's walk them in with a 21-gun salute."

544 Reiter stated what Hanschen said made a lot of sense, but there was the potential for inequity issues to  
545 arise by having a development that didn't match the neighbors, the powersport users, the hunters, etc.  
546 He indicated people liked to be outside and have big bonfires. He asked in the design considerations  
547 that the developer take into consideration that they would like a community that shared some of those  
548 interests. He stated they were the gateway to the north surrounded by lakes and wooded areas and if  
549 this neighborhood didn't match that it would be an issue. He stated if there were people there who  
550 wanted more urbanization in the future, it would overpower the rural areas.

551 Johnson commended the developer for listening. She indicated she had never been through a process  
552 like this where somebody sat there and really tried to understand what was going on and she  
553 appreciated that. She stated the one thing that sounded "scary" to her was to have 350 houses in an area  
554 like that, but they had said they could put in 8 units per acre if they had wanted to.

555 Balfany stated this was another opportunity to extend this to new neighbors and give new people who  
556 want an opportunity to come out into a quiet area to come to the City. He indicated the City got to  
557 work with a developer who was not trying to fit every incident and squeeze this for every drop.

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Balfany believed this developer was different and was listening.

**6.0 Ordinance Review Discussion – Appendix A – Zoning, Section 10-4, Accessory Storage Containers**

Berg suggesting tabling this item to the next meeting due to the time.

**Commissioner Johnson moved and Commissioner Allenspach seconded to table the Ordinance Discussion.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

**7.0 Updates**

Council Liaison DeRoche updated the Commission on recent Council actions.

**8.0 Adjournment**

**Commissioner Allenspach moved and Commissioner Reiter second to adjourn at 9:20 pm.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

Submitted by:

Kathy Altman

*TimeSaver Off Site Secretarial, Inc.*

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



**Date:** July 25, 2023

**Agenda Item Number:** 4.0

**Agenda Item:** Conditional Use Permit (CUP) Amendment – Nexus Diversified Community Services – 900 189<sup>th</sup> Ave NE

**Background Information:**

On August 1<sup>st</sup>, 2018 the East Bethel City Council approved a Conditional Use Permit (CUP) for the operation of a Psychiatric Residential Treatment Facility (PRTF) at 900 189<sup>th</sup> Ave NE. The facility operated briefly Cambia Hills until closing in 2021. Nexus Diversified Community Services, a licensed operator of youth psychiatric residential treatment, intends on purchasing and reopening the facility under its intended purpose.

**Zoning**

The property is Zoned Single Family and Townhome Residential (R-2) District in which Licensed Residential Care Facility is identified by ordinance as a Conditional Use.

**Statute**

According to Minn. Stat. § 462.3595, Subd. 3. A conditional use permit is a property right that “runs with the land.” That is, it attaches to and benefits the land and is not limited to a particular landowner. State statute says a conditional use permit remains in effect as long as the landowner continues to meet the conditions agreed upon.

**Ordinance**

According to East Bethel Ord. Appendix A, Sec 04, Sub. 9, I. Holders of a CUP or IUP may propose amendments to the permit at any time following the procedures for a new permit set forth in this chapter. No significant changes in the circumstances or the scope of the permitted uses shall be undertaken without approval of those amendments by the city council. The city shall determine what constitutes significant change. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, and operational modifications resulting in increased external activities and traffic, and the like. The planning commission may recommend and the city council may approve significant changes and modifications to CUPs or IUPs, including the application of additional or revised conditions.

NEXUS is proposing changes to the conditions which according to the East Bethel City Attorney constitute a significant change. Some insignificant changes are proposed by city staff to clean up language and make the conditions consistent with land use in general terms and not specific to the individual owner or operator.

**CUP**

The existing conditions were generated prior to construction of the facility back in 2018, contain language no longer relevant to the property and are identified as follows:

1. The CUP is only for the 60 bed Cambia Hills Project and is subject to all licensure requirements with the MN Dept. of Health and Human Services as a Psychiatric Residential Treatment Facility Medicaid Certification/Supervised Living Facility Licensure, and subject to all of the licensing requirements as stipulated by MN Dept. of Health.
2. No conversion to a Minnesota Department of Corrections licensed facility will be permitted.
3. Any expansion of the facility beyond the 60 beds to the maximum 72 beds will require an amendment to the CUP.

4. Any change in the current client demographic or status of clients relative to the court system served by this facility will require an amendment to the CUP.
5. Cambia Hills will be required to provide the City with a copy of their licensure with the MN Department of Health and Human Services on an annual basis.
6. Cambia Hills will be required to provide a copy to the City of the Anoka County Sheriff's Department and East Bethel Fire Department Safety and E911 plans for the facility.
7. Cambia Hills will be required to enter into a Developer's agreement with the City.
8. Cambia Hills will be required to enter into a Payment in Lieu of Taxes (PILOT) agreement with the City that would commence for pay 2020 taxes.
9. The CUP for this facility shall be reviewed and inspected by the City on an annual basis.

NEXUS is proposing to amend the following conditions related to the following:

1. A change from 60 to 40 beds and the age range as indicated on Nexus' license application.
2. A change in client demographic from a range of 6 - 17 years to an age range of 10 -19 years of age.
3. A "Medicaid Certification/Supervised Living Facility" license is named specifically in the previous CUP which is not required by the Minnesota Department of Health to operate a PRTF.
4. Enter into a Developers Agreement is unnecessary as the facility is now built and all requirements were prior to their intended purchase of the property.

City staff are recommending the removal of Cambia Hills or Cambia Hills Project and changing the year payable for the start of the PILOT agreement.

As part of the original Developers Agreement signed in 2018 a separate Conditional Use Permit Agreement was identified as a requirement however never completed. A Conditional Use Permit Agreement has been drafted to include the proposed amendments requested by Nexus and city staff. (See attachment 2)

**Recommendation:**

Staff requests the Planning Commission hold a public hearing and recommends approval amending the conditions requested by the applicant as identified in the Conditional Use Permit Agreement and Resolution 2023-54.

**Attachments:**

1. Resolution 2023-54, Approving a CUPA
2. Conditional Use Permit Agreement.
3. Location Map
4. Aerial Map
5. Applicant's Letter
6. Resolution 2018-42, Approving a Project by Cambia Hills of East Bethel, LLC.

**Planning Commission Action:**

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

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

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

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

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

**RESOLUTION NO. 2023-54**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A REDUCTION IN BEDS FROM 60 – 40, A DEMOGRAPHICS CHANGE IN AGE RANGE FROM 6 – 17 YEARS OF AGE TO 10-19 YEARS OF AGE, THE REMOVAL OF “SUPERVISED LIVING FACILITY” LICENSING REQUIREMENT AND THE REQUIREMENT OF THE NEW OWNER TO ENTER INTO A DEVELOPERS AGREEMENT FOR THE PROPERTY LOCATION AT 900 189<sup>TH</sup> AVENUE NE, PIN 31-33-23-11-0001, EAST BETHEL, MN, ANOKA COUNTY.**

**WHEREAS**, on August 1, 2018 City Council approved the original conditional use permit to allow for the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota on the real property in Anoka County, Minnesota.; and

**WHEREAS**, Nexus Diversified Community Services requested approval of a conditional use permit amendment to reduce the number of beds from 60 – 40; and

**WHEREAS**, Nexus Diversified Community Services requested approval of a conditional use permit amendment to the demographic client age range from 6-17 years of age to 10-19 years of age; and

**WHEREAS**, Nexus Diversified Community Services requested approval of a conditional use permit amendment to remove the identification license requirement of a Medicaid Certification/ Supervised Living Facility; and

**WHEREAS**, Nexus Diversified Community Services requested approval of a conditional use permit amendment to remove the requirement of entering into a Developers Agreement; and

**WHEREAS**, City staff reviewed the request and determined the conditional use permit amendments will not be detrimental to the health, environment or safety of the community; and

**WHEREAS**, on July 25, 2023, a public hearing for the conditional use permit amendment was held at the Planning Commission meeting; and

**WHEREAS**, the Planning Commission reviewed the amendment request; and

**WHEREAS**, as a result of the review, the Planning Commission recommends approval to City Council of the conditional use permit amendment.

**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 conditional use permit amendment with the following conditions:

1. The CUP is only for the 40 bed facility and is subject to all licensure requirements with the MN Dept. of Health and Human Services as a Psychiatric Residential Treatment Facility.
2. No conversion to a Minnesota Department of Corrections licensed facility will be permitted.
3. Any expansion of the facility beyond the 40 beds to the maximum 72 beds will require an amendment to the CUP.
4. Any change in the current client demographic or status of clients relative to the court system served by this facility will require an amendment to the CUP.
5. The owner or lessee will be required to provide the City with a copy of their licensure with the MN Department of Health and Human Services on an annual basis.
6. The owner or lessee will be required to provide a copy to the City of the Anoka County Sheriff's Department and East Bethel Fire Department Safety and E911 plans for the facility.
7. The owner will be required to follow any remaining items identified in the original Developer's agreement with the City.
8. The owner will be required to enter into a Payment in Lieu of Taxes (PILOT) agreement with the City that would commence for payable 2024 taxes.
9. The CUP for this facility shall be reviewed and inspected by the City on an annual basis.

Adopted this 14<sup>th</sup> day of August, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL:

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Kevin Lewis, Mayor

ATTEST:

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Jack Davis, City Administrator

CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
CONDITIONAL USE PERMIT (CUP)

CUP 2018-02

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Dated: August 14, 2023

Property Owner: Nexus Diversified Community Services  
505 HWY 169 N. Suite 500  
Plymouth, Minnesota 55441

Property Applicant: Nexus Diversified Community Services

Parcel Numbers: 31-33-23-11-0001

Parcel Location: 900 189TH AVE NE CEDAR, MN 55011

Legal Descriptions: UNPLATTED VILLAGE OF EAST BETHEL NE 1/4 OF NE  
1/4 SEC 31, TWP 33 NORTH, RANGE 23 WEST -EX EASE  
TO RURAL COOP --SUBJ TO RR RT OF WAY

Present Zoning District: SINGLE-FAMILY AND TOWNHOME  
RESIDENTIAL (R-2) DISTRICT

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**CONDITIONAL USE PERMIT AMENDMENT (CUP):** to allow the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota on the real property in Anoka County, Minnesota.

**GENERAL DESCRIPTION**

Nexus Diversified Community Services, 505 HWY 169 N. Suite 500, Plymouth Minnesota 5544, has the intent to reopen the 65,000 square foot, single story residential mental health treatment facility at 900 189th Ave NE Cedar, MN 55011, as Nexus East Bethel Family Healing (NEB). The facility consists of a 40 bed residential living quarters, treatment service areas for youth, classrooms, gymnasium and outdoor physical activity courtyards, a cafeteria & various other associated support infrastructure necessary for the inpatient behavioral health and educational programs that are provided by Nexus Family Healing. The facility would be for children, ages 10-19. To be eligible for admission, all the children must have conditions that will respond to treatment in three to nine months and be able to live safely in a congregate setting. This facility would serve medically directed youth only and no court adjudicated juveniles would be permitted at this location. The licensing for this facility is through the Minnesota Department of Health and Human Services and would be licensed as a Psychiatric Residential Treatment Facility Medicaid Certification Supervised Living Facility.

## **PLANNING COMMISSION ACTION**

On July 24, 2018, the Planning Commission heard the request for a Conditional Use Permit to allow the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota, on the real property in Anoka County, Minnesota. By a 7-0 vote, the Planning Commission approved a recommendation to City Council for consideration of this matter.

## **CITY COUNCIL ACTION**

On August 1, 2018, the City Council approved the Conditional Use Permit (CUP) to allow the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota on the real property in Anoka County, Minnesota.

## **DECISION**

The City Council hereby grants the CUP to allow the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota on the real property in Anoka County, Minnesota.

## **CONDITIONS AND REQUIREMENTS**

The granting of a (CUP) Conditional Use Permit for the operation of a psychiatric residential treatment facility located at 900 189th Avenue NE, Cedar, Minnesota on the real property in Anoka County, Minnesota, is subject to the following conditions:

1. The CUP is only for the 40 bed facility and is subject to all licensure requirements with the MN Dept. of Health and Human Services as a Psychiatric Residential Treatment Facility.
2. No conversion to a Minnesota Department of Corrections licensed facility will be permitted.
3. Any expansion of the facility beyond the 40 beds to the maximum 72 beds will require an amendment to the CUP.
4. Any change in the current client demographic or status of clients relative to the court system served by this facility will require an amendment to the CUP.
5. The owner or lessee will be required to provide the City with a copy of their licensure with the MN Department of Health and Human Services on an annual basis.
6. The owner or lessee will be required to provide a copy to the City of the Anoka County Sheriff's Department and East Bethel Fire Department Safety and E911 plans for the facility.
7. The owner will be required to follow any remaining items identified in the original Developer's agreement with the City.
8. The owner will be required to enter into a Payment in Lieu of Taxes (PILOT) agreement with the City that would commence for payable 2024 taxes.
9. The CUP for this facility shall be reviewed and inspected by the City on an annual basis.

## **ACCEPTANCE**

IN WITNESS WHEREOF, the parties have executed this Conditional Use Permit and the owners and lessees acknowledge their acceptance of the above conditions.

Dated, \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EAST BETHEL

By: \_\_\_\_\_

Kevin Lewis, Mayor

\_\_\_\_\_

Jack Davis, City Administrator

STATE OF )

) ss.

MINNESOTA )

COUNTY OF ANOKA

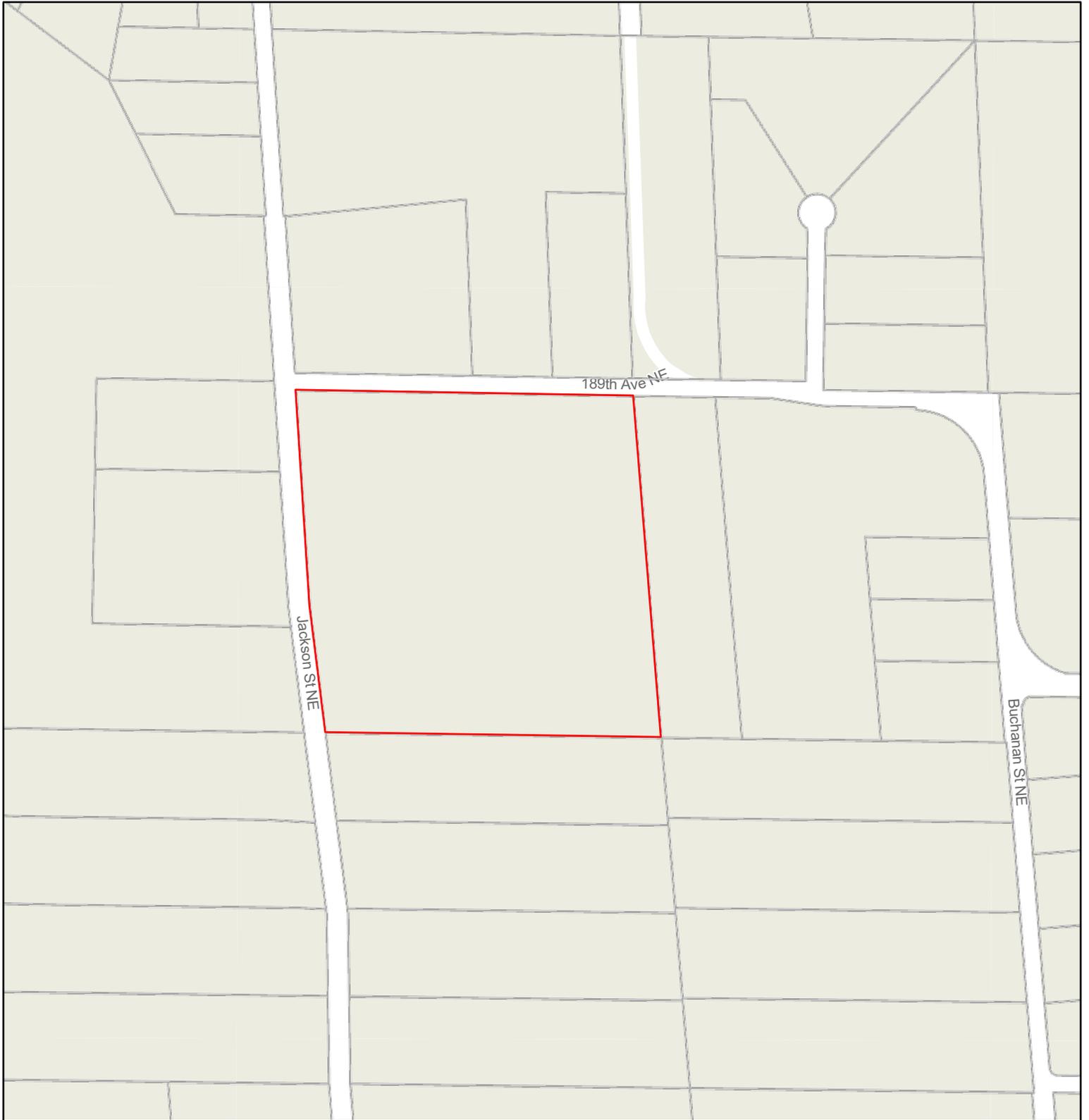
On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a notary public, personally appeared Kevin Lewis and Jack Davis, the Mayor and City Administrator of the City of East Bethel, a municipal corporation under the laws of the State of Minnesota, who signed the foregoing instrument and acknowledged said instrument to be the free act and deed of the City.

\_\_\_\_\_

Notary Public



# 900 189th Ave NE - Location Map



-  Parcels
-  City Mask

1 inch equals 505 feet



# 900 189th Ave NE - Aerial Map



1 inch equals 423 feet

-  Parcels
-  City Mask



# **REPORT TO EAST BETHEL CITY PLANNING COMMISSION**

Amendment of Conditional Use Permit for  
PRTF Facility at 900 189<sup>th</sup> North, Cedar, MN  
July 17, 2023

## **Introduction**

The property located at 900 189<sup>th</sup> North, Cedar, MN is zoned as a Single-Family and Townhome Residential “R-2” District, in which a residential treatment facility is designated as a Conditional Use. The property was briefly operated as a psychiatric residential treatment facility (“PRTF”) under a Conditional Use Permit (“CUP”). That facility closed for financial reasons in 2021 and the Nexus organization of affiliated Minnesota nonprofit tax-exempt entities (collectively: “Nexus”) now seeks to purchase the property for use as a PRTF. Nexus believes that its intended PRTF program is not sufficiently different from the program operated by its predecessor to legally require an amendment to the CUP but, in the spirit of cooperation and full disclosure, and not as a waiver, Nexus is participating in this application process.

## **Existing CUP**

The existing CUP permits the operation of 60-bed residential mental health treatment facility with living quarters, treatment service areas, classrooms, gymnasium, and outdoor physical activity courtyards, a cafeteria, and other support infrastructure, to serve children ages 6 to 17 with a majority of those admitted to the program in the 10 to 12-year age group. The existing CUP describes the conditions for eligibility to the program as follows:

To be eligible for admission, all the children must have conditions that will respond to treatment in three to nine months and be able to live safely in a congregate setting. This facility would serve medically directed youth only and no court adjudicated juveniles would be permitted at this location.

The existing CUP provides that licensing be as follows:

The licensing for this facility is through the Minnesota Department of Health and Human Services and would be licensed as a Psychiatric Residential Treatment Facility Medicaid Certification Supervised Living Facility.

The existing CUP also provides a list of nine Conditions and Requirements.

## **Proposed Use of the Facility**

Nexus’ use of the facility as a PRTF would be governed by the licensure that Nexus receives from the Minnesota Department of Human Services and the Minnesota Department of Health. Nexus has been approved to operate a 40-bed PRTF facility at the site serving male and female youth ages 10 to 19 years. All of the nine conditions and requirements listed on

the existing CUP are acceptable to Nexus insofar as they are currently applicable to the operation of a PRTF at the facility. Residents of the Nexus PRTF would be medically directed, and no court adjudicated youth would be admitted to the program.

### **Change of Nominal Age Range**

The change in the stated age range of the PRTF program that Nexus would operate at the facility reflects the practical application of State licensing and federal funding of PRTF programs rather than a proposed change in the demographics of the treatment population at the facility.

By law, younger children are not allowed to be housed with older teens. There is another PRTF provider that treats young children in Minnesota and there is currently not enough Minnesota children under the age of 10 in need of PRTF-level treatment for Nexus to economically operate a separate young children's unit at the facility. As a result, , Nexus did not request licensing to serve children younger than 10 years of age.

The usual age of high school graduation is 18. Youth who require PRTF-level treatment are often delayed in their education and, therefore, are often unable to graduate by the time that they turn 18. The system of Federal and State funding of PRTF programs recognizes this fact and allows youth to stay in treatment after turning 18 as long as they are actively pursuing their high school degree. Nexus' licensing reflects the possibility that some of its PRTF residents may need additional time to complete their high school education. Those residents will be allowed to stay in treatment. However, no youth who are already 18 or older will be admitted to the PRTF program, and no youth 18 or over would be allowed to stay in the facility after having received a high school diploma or GED or after discontinuing their efforts to acquire them.

### **Inapplicable Conditions and Requirements.**

Two of the Conditions and Requirements listed on the existing CUP are no longer applicable:

1. The Condition described at paragraph 1 which requires a "Supervised Living Facility License"; and
2. The Condition described at paragraph 7 which requires *the entry into a "Developer's agreement with the City"*.

The Minnesota Department of Health does not currently require a Supervised Living Facility License for the operation of a PRTF. Because of this, the requirement of a Supervised Living Facility License should be deleted from the CUP. Any future changes in the Health Department's licensing requirements would be covered by the existing general language of paragraph 1.

Similarly, the requirement of entry into a development agreement is no longer applicable. Such an agreement was entered into by the original operator and the City, and the agreement has been recorded in the chain of title to the property. Therefore, to the extent that the Development Agreement pertains to subsequent owners of the property, Nexus is bound by it. The Conditions should be revised to require such compliance with the Developer's agreement.

**RESOLUTION NO. 2018-42**

**RESOLUTION GIVING APPROVAL TO A PROJECT BY CAMBIA  
HILLS OF EAST BETHEL, LLC**

BE IT RESOLVED, by the City Council of the City of East Bethel, Anoka County, Minnesota (the "City"), as follows:

Section 1. General Recitals. The City makes the following recitals of fact:

1.01 Cambia Hills of East Bethel, LLC, a Minnesota nonprofit limited liability company, or an affiliate thereof (the "Borrower"), the sole member of which is The Hills Youth and Family Services, a Minnesota nonprofit corporation and tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), located at 4321 Allendale Avenue, Duluth, Minnesota, has proposed the issuance of revenue obligations, in one or more series, in an amount not to exceed \$31,500,000 (the "Obligations") by the Duluth Economic Development Authority (the "Issuer"), to finance the construction and equipping of an approximately 72,000 square foot facility comprised of a 60 bed psychiatric residential treatment facility that will include 10 classrooms, to be located at 900 - 189<sup>th</sup> Avenue NE in the City, which will be operated by the Borrower (the "Project"), and paying costs associated with the financing.

1.02 The Borrower desires to finance the Project through the issuance of the Obligations of the Issuer, and the Issuer has agreed to issue the Obligations.

1.03 The Borrower has requested that the City cooperate by consenting to the issuance of the Obligations by the Issuer.

1.04 Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel ("Bond Counsel") has advised the City as follows:

(a) The legal authority for the issuance of the Obligations is Minnesota Statutes, Sections 469.152 through 469.1655, as amended (the "Act").

(b) In order for interest on the Obligations to be exempt from federal income taxation, the tax-exempt bond rules of the Internal Revenue Code of 1986, as amended, require that each jurisdiction in which the Project is located must hold a public hearing on the Project and approve the issuance of the Obligations.

(c) In order for the Obligations to be legally issued by the Issuer, Minnesota State law (Minnesota Statutes, Section 471.656) requires that the City consent to the issuance of the Obligations by the Issuer.

Section 2. Public Hearing Held.

2.01 A Notice of Public Hearing was published in the *Anoka County Union Herald*, the City's official newspaper and a newspaper of general circulation, calling a

public hearing on the proposed issuance of the Obligations and the proposal to undertake and finance the Project. Publication of the Notice of Public Hearing is ratified and approved.

2.02 The City Council has, on September 5, 2018, held a public hearing on the proposed issuance of the Obligations and the proposal to undertake and finance the Project, at which all those appearing who desired to speak were heard and written comments were accepted.

Section 3. Recital of Representations Made by the Borrower.

3.01 The City has been advised by representatives of the Borrower that: (i) conventional financing is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced; (ii) on the basis of information submitted to the City Council by the Borrower and their discussions with representatives of area financial institutions and potential buyers of tax-exempt bonds, the Obligations could be issued and sold upon favorable rates and terms to finance the Project; (iii) the Borrower will experience a significant debt service cost savings as a result of the Project; and (iv) the Project would not be undertaken in its present form but for the availability of financing under the Act.

3.02 The Borrower has agreed to pay any and all costs incurred by the City in connection with the issuance of the Obligations, whether or not such issuance is carried to completion.

3.03 The Borrower has represented to the City that no public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

Section 4. Findings. It is found, determined and declared as follows:

4.01 The welfare of the State and the City requires the provision of necessary health care facilities so that adequate health care services are available to residents of the State and the City at reasonable cost.

4.02 The City desires to facilitate the selective development of the community and help to provide the range of services and employment opportunities required by the population. The Project will assist the City in achieving those objectives and enhance the image and reputation of the community.

4.03 On the basis of information made available to the City Council by the Borrower it appears that: (1) the Project constitutes properties, real and personal, used or useful in connection with a revenue producing enterprise engaged in providing health care services within the meaning of Subdivision 2(d) of Section 469.153 of the Act; (2) the Project furthers the purposes stated in Section 469.152 of the Act; (3) the Project would not be undertaken but for the availability of financing under the Act and the willingness of the Issuer to furnish such financing; and (4) the effect of the Project, if undertaken, will be to: (i) encourage the development of economically sound industry and commerce, (ii)

assist in the prevention of the emergence of blighted and marginal land, (iii) help prevent chronic unemployment, (iv) provide the range of service and employment opportunities required by the population, (v) help prevent the movement of talented and educated persons out of the State and to areas within the State where their services may not be as effectively used, (vi) promote more intensive development and appropriate use of land within the Issuer, eventually to increase the tax base of the community, and (vii) provide adequate health care services to residents of the Issuer at a reasonable cost.

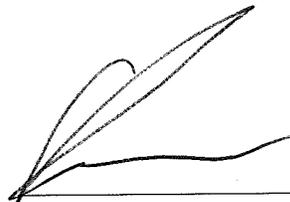
Section 5. Approval.

5.01 The City consents to the financing of the Project and approves the issuance of the Obligations by the Issuer, subject to the approval of the Project by the Department of Employment and Economic Development of the State.

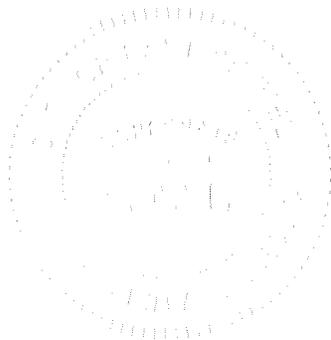
5.02 The Authorized Officers are authorized and directed to execute and deliver such other documents or certificates needed from the City for the sale of the Obligations.

Section 6. Nature of the Obligations. The Obligations, when and if issued for the Project, shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City. (There will, however, be a charge, lien or encumbrance on the Project, which is not an asset of the City.) The Obligations, when and if issued, shall recite in substance that the Obligations and the interest thereon, are payable solely from revenues received from the Project and property pledged for payment thereof, and shall not constitute a debt of the City.

Adopted: September 5, 2018

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Administrator

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF EAST BETHEL, MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of East Bethel, Minnesota, was duly called and held at the City Hall located at 2241 – 221<sup>st</sup> Avenue NE, East Bethel, Minnesota, on Wednesday, September 5, 2018, at 7:00 p.m.

The following members were present: Voss, Harrington, Mundle, Plaisance, Ronning  
and the following members were absent: (none)

MOTION: Member Plaisance moved to adopt Resolution No. 2018-42, entitled “Resolution Giving Approval to a Project by Cambia Hills of East Bethel, LLC”

SECOND: Member Harrington

RESULT: On a roll call vote the motion was carried.

Ayes: Voss, Harrington, Mundle, Plaisance, Ronning  
Nays: (none)  
Not Voting: (none)  
Absent: (none)

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



**Date:** July 25, 2023

**Agenda Item Number:** 4.0 B

**Agenda Item:** Public Hearing – Concept Plan – Strandlund Farm Residential Development – 221<sup>st</sup> Ave NE/ Luan Drive NE – Carrington Development, LLC.

**Discussion Information:**

The Planning Commission is asked to hold a public hearing and review the concept plan for a 21 lot rural residential development at the intersection of 221<sup>st</sup> Ave NE and Luan Drive NE.

Conformance with Local and Regional Plans and Ordinances

The property is located within the RR – Rural Residential zoning district. Within the RR- Rural Residential zoning district the minimum lot size required is 2 acres, with a density not to exceed 1 unit per 2.5 acres. All lots within the proposed Strandlund Farm Subdivision meet the 2 acre minimum lot size and the 21 units’ fall below the density requirements. Additionally, each lot meets the required minimum 200 foot width at the right-of-way setback line.

Streets

The development is proposed to be access off of Luan Drive NE creating an extension of 219th Ave NE from east to west connecting at the existing termination point of 2700 Block of 219th Ave NE. Luan Drive NE is also Anoka County Road 74 therefore, the Anoka County Highway Department is required to review the plan. They submitted the following preliminary comments on July 12, 2023.

- We would like to see a SB CR 74 right turn lane at the proposed City street access.
- We would like to see the Concept Plan reconfigured so that all driveways are captured within the new City Street and no driveways have direct access to the county road.

The Strandlund Farm Concept plan shows 7 of the 21 lots with driveway access onto CR 74. Although not platted subdivisions there are portions of CR 74 and CR 15 East of this proposal with consecutive driveway access at much higher volume than the 7 proposed in this concept.

The internal street will be need to be constructed to city standards with no temporary cul-de-sacs permitted.

Fire Department

Request consideration for the turning radius of fire apparatus when constructing cul-de-sacs.

Public Works

East Bethel Public Works comments were in relationship to the potential upgrade of the existing gravel portion of 2700 block of 219<sup>th</sup> Ave NE beyond the new extension.

Parks Commission

The new concept plan will be placed on the August 8, 2023 Parks Commission meeting agenda.

Next Steps

Based on the feedback received on the concept plan the developer can modify the plans prior to making an application of the preliminary plat.

Action Requested

Staff is requesting that Planning Commission hold a public hearing, take public feedback on the proposed concept plan and informally advise the developer on any adjustments to the plan prior to the

creation of a Preliminary Plat application.

**Attachments:**

1. Location Map
2. Aerial Map
3. Concept Plan

**Planning Commission Action:**

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

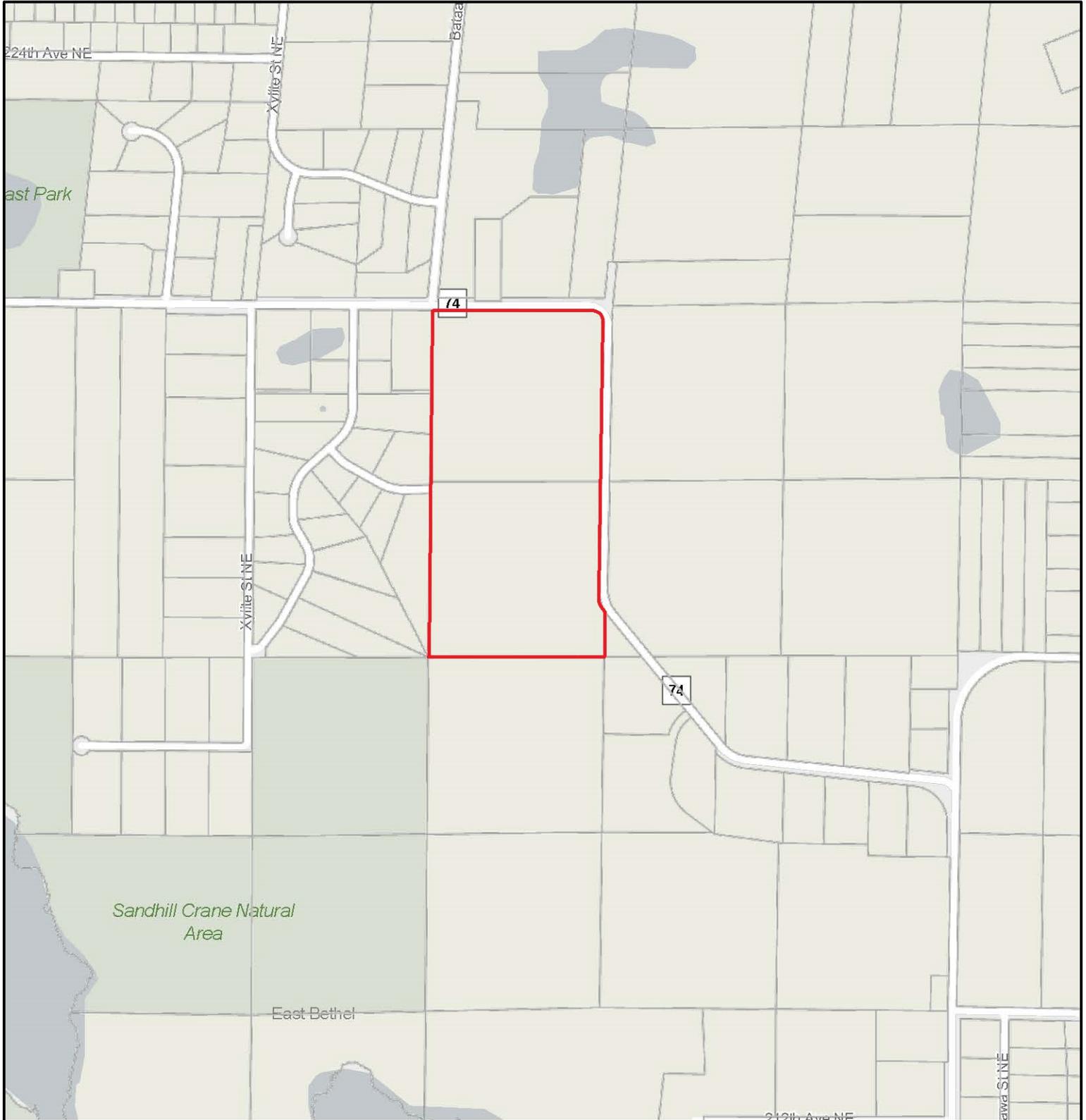
Second by: \_\_\_\_\_

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

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

Recommendations:

# Strandlund Farm - Location Map

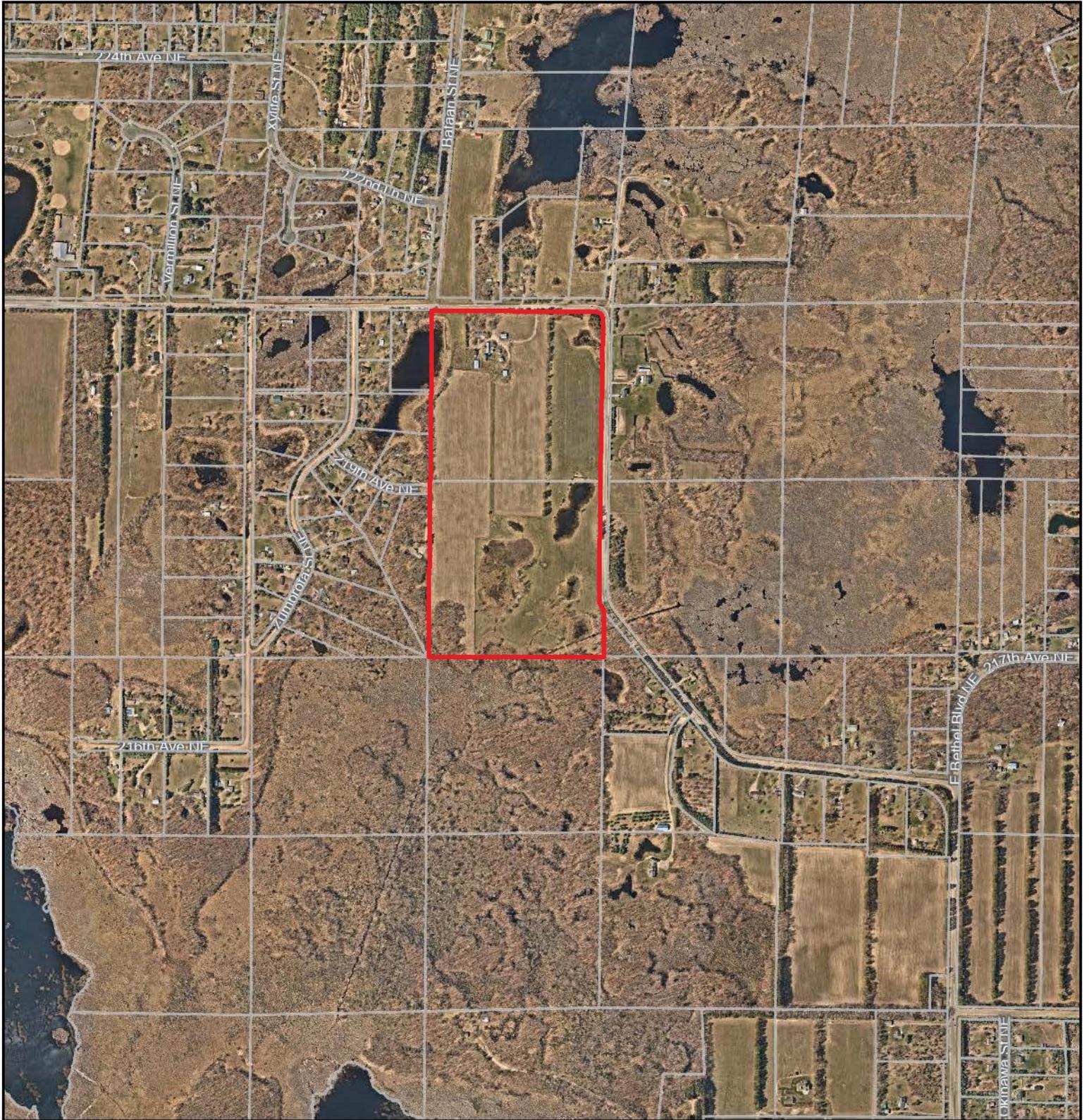


-  Parcels
-  City Mask

1 inch equals 1,008 feet



# Strandlund Farm - Aerial Map



-  Parcels
-  City Mask

1 inch equals 1,008 feet

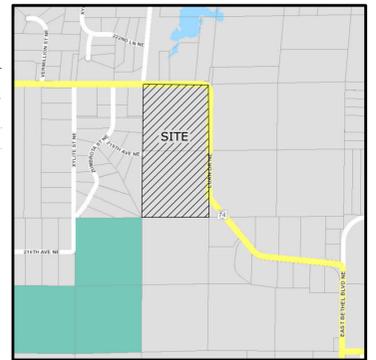


# CONCEPT PLAN

~for~ CARRINGTON DEVELOPMENT  
~of~ STRANGLUND FARM

## VICINITY MAP

PART OF SEC. 10, TWP. 32, RNG. 23



ANOKA COUNTY, MINNESOTA  
(NO SCALE)

NORTH

GRAPHIC SCALE



## BENCHMARK

ANOKA COUNTY BENCHMARK NO. 2025  
ELEV.=919.76 FEET (NAVD88)

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ⊠ DENOTES ELECTRICAL BOX
- ⊞ DENOTES EXISTING SPOT ELEVATION
- ⊞ DENOTES GAS METER
- ⊞ DENOTES GUY WIRE
- ⊞ DENOTES LIGHT POLE
- ⊞ DENOTES POWER POLE
- ⊞ DENOTES STORM SEWER APRON
- ⊞ DENOTES WET LAND
- ⊞ DENOTES FENCE
- ⊞ DENOTES LIDAR CONTOURS
- ⊞ DENOTES EXISTING STORM SEWER
- ⊞ DENOTES OVERHEAD UTILITY
- ⊞ DENOTES BUILDING SETBACK LINE
- ⊞ DENOTES WETLAND SETBACK LINE
- ⊞ DENOTES BITUMINOUS SURFACE
- ⊞ DENOTES CONCRETE SURFACE
- ⊞ DENOTES GRAVEL SURFACE
- ⊞ DENOTES SOIL BORING, (BY TRADEWELL SOIL TESTING)
- ⊞ DENOTES GROUND ELEVATION 1 FOOT ABOVE MOTTLED



## PROPERTY DESCRIPTION

[ANOKA COUNTY TAX DESCRIPTION]  
UNPLATTED VILLAGE OF EAST BETHEL NE1/4 OF NW1/4 SEC 10 33 23  
EXCEPT THE NORTH 518.60 FEET OF THE WEST 475.00 FEET THEREOF.  
AND  
UNPLATTED VILLAGE OF EAST BETHEL SE1/4 OF NW1/4 SEC 10 33 23

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 05/26/23.
- Bearings shown are on the Anoka County Coordinate System.
- ADDRESS: 2836 221ST AVE NE EAST BETHEL MN 55011
- PARCEL ID NUMBER: 10-33-23-21-0001
- FEE OWNER: STRANGLUND TRUSTEE, VERNON D
- UNASSIGNED: 10-33-23-24-0001
- STRANGLUND TRUSTEE, VERNON D
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone A (No base flood elevations determined.), according to Flood Insurance Rate Map No. 27003C0205E Community No. 270012 Panel No. 0205 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015.
- 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.
- Wetland delineation by Kjolhaug Environmental Services Company May 17, 2023.

## DEVELOPMENT DATA

TOTAL AREA = 73.90± ACRES  
PROPOSED NUMBER OF LOTS = 21 LOTS  
RIGHT-OF-WAY DEDICATION = 7.59± ACRES  
AVERAGE LOT SIZE = 3.16± ACRES

## DEVELOPER

CARRINGTON DEVELOPMENT, LLC  
STEVE STRANGLUND  
P.O. Box 169  
EAST BETHEL, MN 55011  
(612) 221-4476

## EXISTING ZONING

RR-RURAL RESIDENTIAL

## OWNER

VERNON D STRANGLUND TRUSTEE

## PROPOSED ZONING INFORMATION

RR-RURAL RESIDENTIAL  
MINIMUM LOT WIDTH = 200 FEET  
AT BUILDING SETBACK = 2 ACRES  
MINIMUM LOT AREA = 2 ACRES  
MINIMUM BUILDBLE AREA = 23,000 S.F.

## SETBACKS

COUNTY ROAD = 100 FEET  
FRONT ROAD = 40 FEET  
SIDE YARD = 25 FEET  
REAR YARD = 25 FEET  
WETLAND = 25 FEET  
WETLAND BUFFER = 15 FEET

NO.	DATE	DESCRIPTION	BY
1	5/31/23	ADDITIONAL TOPO	JEN
2	6/13/23	ADDITIONAL TOPO	JEN
3			

**E. G. RUD & SONS, INC.**  
EST. 1977  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701

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



**Date:** July 25, 2023

**Agenda Item Number:** 4.0 C

**Agenda Item:** Public Hearing – Concept Plan– Hidden Prairie Residential Development – East Bethel Blvd/198<sup>th</sup> Ave – T.H. Construction of Anoka, Inc.

**Discussion Information:**

The Planning Commission is asked to hold a public hearing and review the concept plan for a 17 lot rural residential development. This is a revision of a previously approved Preliminary Plat for the Hidden Pines Subdivision. The developer acquired additional adjacent land and has submitted a revised plan for consideration.

Conformance with Local and Regional Plans and Ordinances

The property is located within the RR – Rural Residential zoning district. Within the RR- Rural Residential zoning district the minimum lot size required is 2 acres, with a density not to exceed 1 unit per 2.5 acres. All lots within the proposed Hidden Prairie Subdivision meet the 2 acre minimum lot size and the 17 units’ fall below the density requirements. Additionally, each lot meets the required minimum 200 foot width at the right-of-way setback line.

Streets

The development will be accessed off of East Bethel Blvd/County Road 15; therefore, the Anoka County Highway Department is required to review the plan. They submitted a comment letter on December 27, 2022 for the previous approved preliminary plat. When asked to comment on the revised development plan, the ACHD confirmed that their previous from their original letter stand. The developer is required to abide by the requirements of the ACHD.

The internal street will be constructed to city standards with no temporary cul-de-sacs permitted.

Fire Department

Request consideration for the turning radius of fire apparatus when constructing cul-de-sacs.

Public Works

East Bethel Public Works comments were addressed during the previously approved preliminary plat and they have provided no new comments.

Parks Commission

The new concept plan will be placed on the August 8, 2023 Parks Commission meeting agenda. During the November 15, 2022 meeting the Parks Commission recommended cash in lieu of land based off of the original development proposal. The Parks Plan does not support a park in this area of the city.

Next Steps

Based on the feedback received on the concept plan the developer can modify the plans prior to making an application of the preliminary plat.

Action Requested

Staff is requesting that Planning Commission hold a public hearing, take public feedback on the proposed concept plan and informally advise the developer on any adjustments to the plan.

**Attachments:**

1. Location Map
2. Aerial Map
3. Concept Plan
4. Anoka County Transportation Department Comment Letter
5. Resolution 2023-01 – Hidden Pines

**Planning Commission Action:**

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

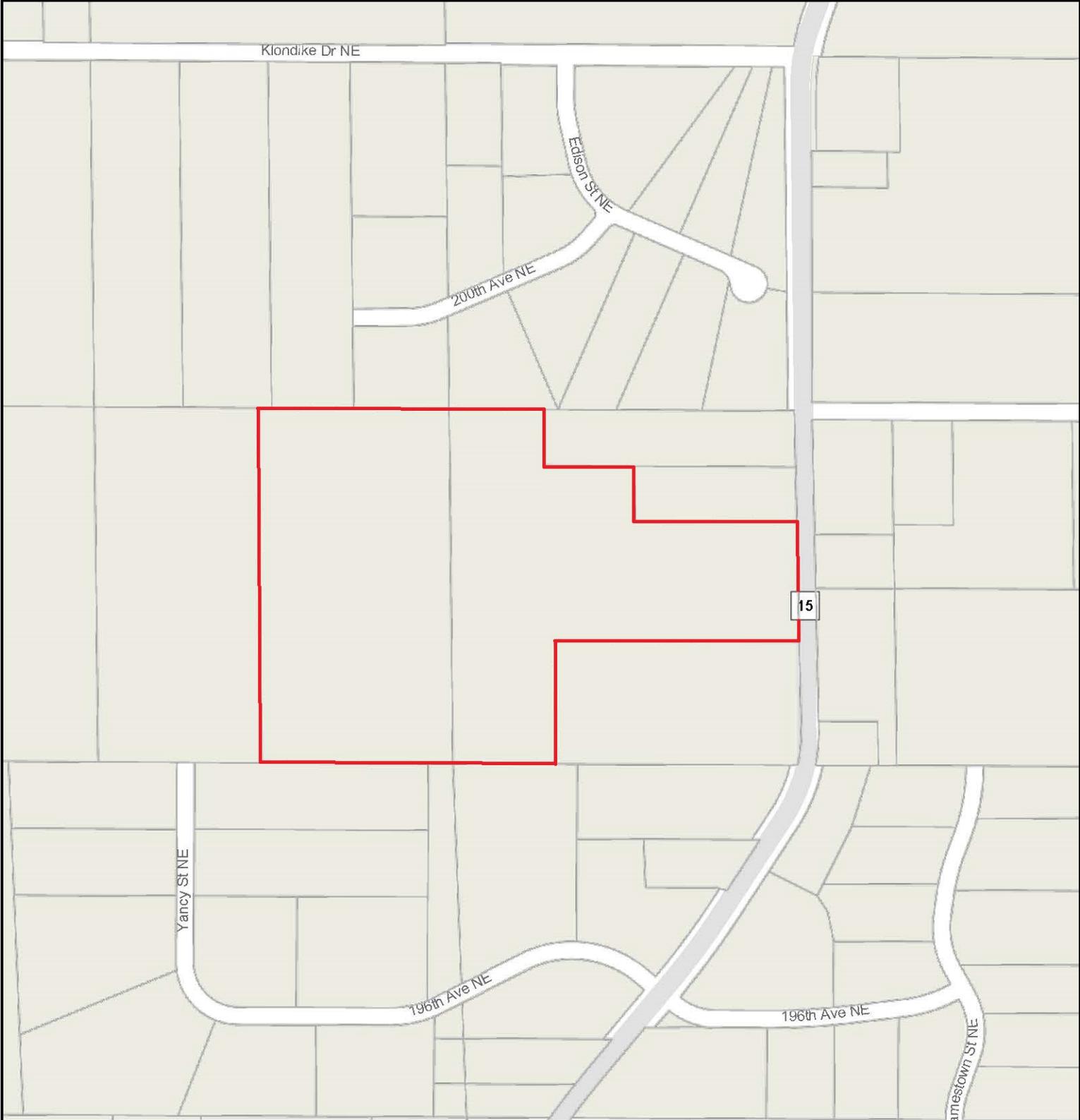
Second by: \_\_\_\_\_

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

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

Recommendations:

# Hidden Prairie - Location Map

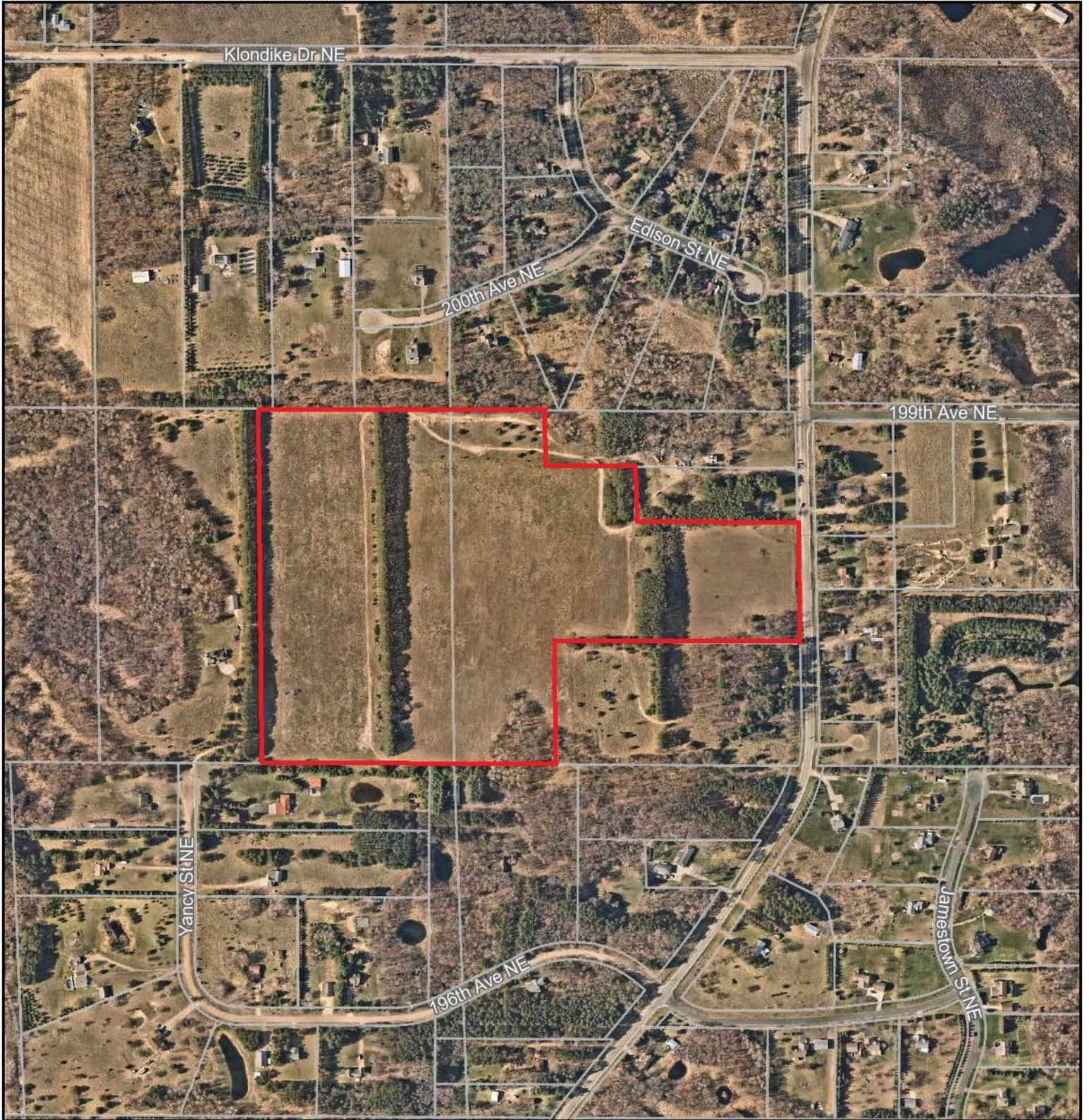


-  Parcels
-  City Mask

1 inch equals 504 feet



# Hidden Prairie - Aerial Map



-  Parcels
-  City Mask

1 inch equals 504 feet



# CONCEPT PLAN

~for~ T.H. CONSTRUCTION OF ANOKA, INC.  
 ~of~ HIDDEN PRAIRIE

## SITE DATA

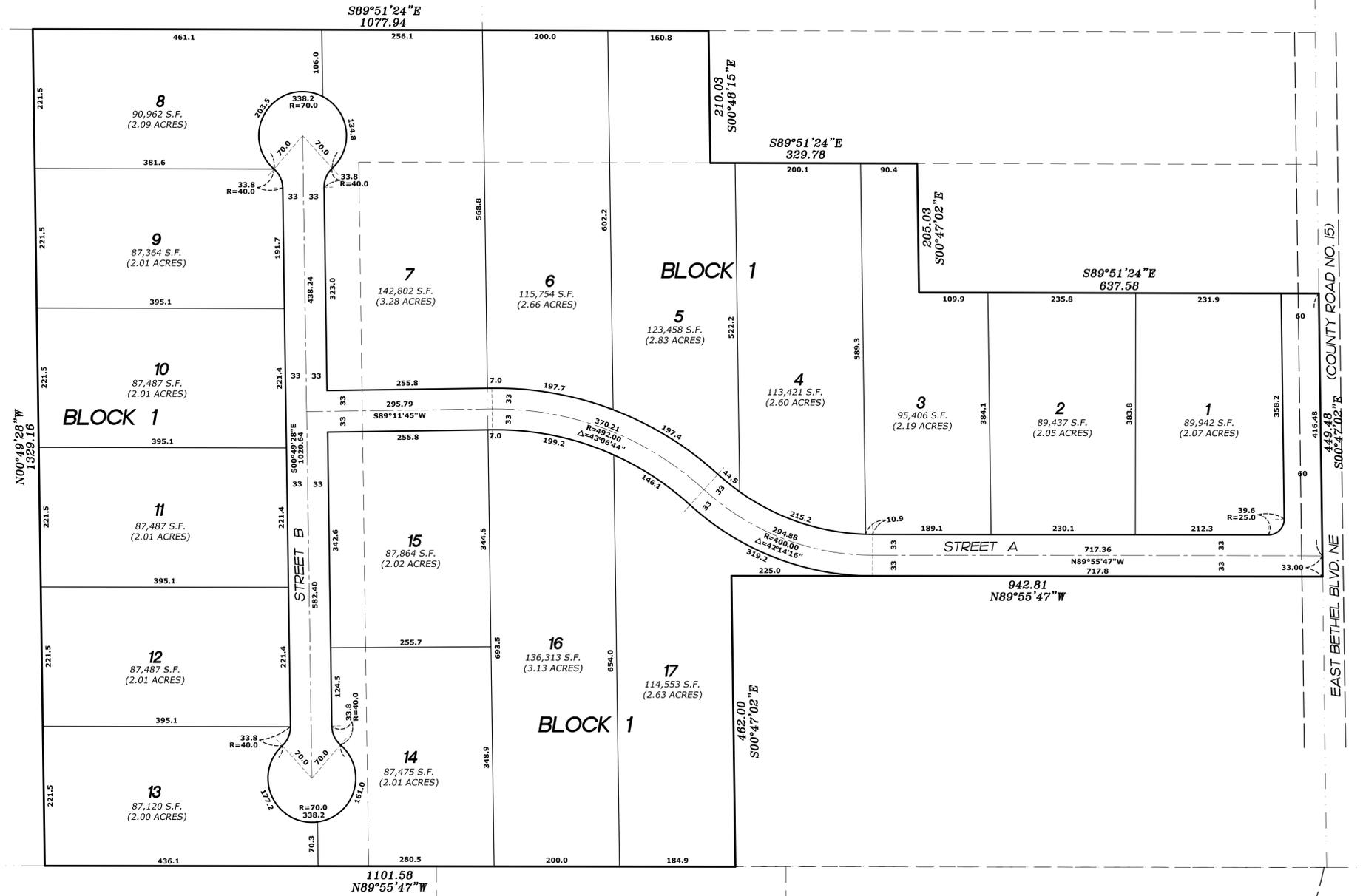
TOTAL BOUNDARY AREA = 1,945,553 S.F. (44.66 ACRES)  
 RIGHT OF WAY AREA = 221,221 S.F. (5.08 ACRES)  
 LOT AREA = 1,724,332 S.F. (39.58 ACRES)  
 DENSITY (44.66 ACRES/17 LOTS) = 2.63 ACRES/LOT  
 LOTS = 17

## PROPOSED ZONING INFORMATION

RR-RURAL RESIDENTIAL  
 MINIMUM LOT WIDTH = 200 FEET  
 AT BUILDING SETBACK = 200 FEET  
 MINIMUM LOT FRONTAGE = 200 FEET  
 MINIMUM LOT AREA = 2 ACRES  
 MINIMUM BUILDABLE AREA = 23,000 S.F.

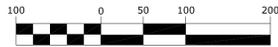
## SETBACKS

COUNTY ROAD = 100 FEET  
 FRONT ROAD = 40 FEET  
 SIDE YARD = 25 FEET  
 REAR YARD = 25 FEET  
 WETLAND = 25 FEET  
 WETLAND BUFFER = 15 FEET



NORTH

GRAPHIC SCALE



1 INCH = 100 FEET

**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

NO.	DATE	DESCRIPTION	BY
1	6/9/23	REVISE LAYOUT	KCM
2	6/13/23	CITY COMMENT	KCM
3	6/14/23	CITY COMMENT	KCM
4	6/28/23	CLIENT COMMENTS	KCM



# Anoka County

## TRANSPORTATION DIVISION

Highway

Aaron Berg  
City of East Bethel  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

December 27, 2022

RE: Preliminary Plat – Hidden Pines

Dear Aaron,

We have reviewed the Preliminary Plat for Hidden Pines to be located west of CR 15 (East Bethel Boulevard NE) and south of 199<sup>th</sup> Avenue NE within the City of East Bethel, and I offer the following comments:

- An additional 27 feet of right of way along CR 15 will be required for future reconstruction purposes (60 feet total right of way width west of CR 15 centerline).
- As proposed, the plat will introduce one new street access point onto CR 15, which will be permitted provided that construction of a SB CR 15 right turn lane is completed in conjunction with the plat.
- Intersection sight distance shall be met to the fullest extent possible at the proposed 198<sup>th</sup> Avenue.
- No other access points onto CR 15 will be permitted for this plat and the right of access along CR 15 should be dedicated to Anoka County with the exception for the proposed new city street.
- Internal site grading shall not commence until the requested ACHD Engineering plan approvals are received and the applicable permits can be issued.
- Any utility relocation on the CR 15 right of way, will be required to be coordinated directly by the city/developer.
- Please note that no plantings or private signs will be permitted within the county right of way and care must be exercised when locating private signs, building, structures, plantings, berms, etc. outside of the county right of way, so as not to create any new sight obstructions for this section of CR 15.

ACHD would like to work with local governments in promoting compatibility between land use and the county highway system. It should be recognized that residential land uses located adjacent to County highways often results in complaints about traffic noise. Existing and/or future traffic noise from CR 15 could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where establishment of the land use would result in violations of established noise standards. It is advised that the City and the Developer assess the noise situation for this development as it is proposed to be located

**Our Passion Is Your Safe Way Home**

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005  
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ [www.anokacounty.us/highway](http://www.anokacounty.us/highway)

**Affirmative Action / Equal Opportunity Employer**

PC PACKET Pg #42

directly adjacent to CR 15 and take the level of action deemed necessary to minimize the impact of any highway noise by incorporating the appropriate noise mitigation elements into the design and phasing of this plat as applicable.

The ACHD Engineering Plan Review process will apply to this site. The following items should be submitted to Brandon Ulvenes, Engineer I, [Brandon.Ulvenes@co.anoka.mn.us](mailto:Brandon.Ulvenes@co.anoka.mn.us) (checklist and payment information are available on our website: <https://www.anokacountymn.gov/4072/Development-Review>):

- Construction plans (including turn lane plans)
- Utility relocation plans
- Traffic Control plans
- Grading and erosion control plans
- Traffic reports for the new traffic signal
- Drainage calculations – Note that the post-developed rate/volume of runoff must not exceed the pre-developed rate/volume of runoff for the 10-year critical design storm
- ACHD Design Requirements Checklist
- Engineering plan review fee (estimated at \$350.00)

Following completion of the ACHD Engineering Plan Review process, the contractor(s) who will be completing any work within the county right of way must begin the ACHD Permit process. One permit for Work within the County Right of Way (\$150.00) and one Street Access permit (\$250.00) must be obtained prior to the commencement of any construction. License permit bonding, methods of construction, design details, work zone traffic control, restoration requirements and follow-up inspections are typical elements of the permitting process. Contact Sue Burgmeier via phone at 763.324.3142 or via email at [HighwayPermits@co.anoka.mn.us](mailto:HighwayPermits@co.anoka.mn.us) for further information and to coordinate the ACHD Permit process.

Thank you for the opportunity to comment. Feel free to contact me if you have any questions regarding this review.

Sincerely,



Logan Keehr  
Traffic Engineering Technician

xc: CR 15/Plats+Developments/2022  
Jerry Auge, Assistant County Engineer  
Jorge Bernal, Traffic Engineering Manager  
David Zieglmeier, County Surveyor  
Sean Thiel, Signals Manager  
Sue Burgmeier, Traffic Engineering Technician  
Brandon Ulvenes, Engineer I

CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA

RESOLUTION NO. 2023-01

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “HIDDEN PINES”  
FOR PROPERTY LEGALLY DESCRIBED IN EXHIBIT A:**

**WHEREAS**, T.H. Construction of Anoka, Inc. has requested approval of a preliminary plat for Hidden Pines; and

**WHEREAS**, the East Bethel Review Committee has reviewed the preliminary plat and have provided comments; and

**WHEREAS**, pursuant to published and mailed notice thereof, the Planning Commission has conducted a public hearing on said plat; and

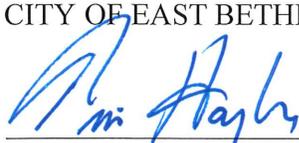
**WHEREAS**, as a result of such public hearing, the Planning Commission recommends approval of the preliminary plat to the City Council.

**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 preliminary plat of Hidden Pines, with the following conditions:

1. The approved preliminary plat lot lay out is shown as Exhibit B.
2. City of East Bethel Engineer comments dated December 8, 2022 as seen in Exhibit C shall be satisfactorily addressed prior to any grading of the site. The City Engineer will determine when all items have been addressed.
3. The Anoka County Highway Department comments shown in Exhibit D must be satisfactorily addressed.
4. The applicant shall be responsible for the cost of construction of all improvements proposed as a part of the preliminary plat.
5. Prior to final plat recording at Anoka County, a Development Agreement acceptable to the City Attorney must be executed by the Developer and filed with Anoka County.
6. Prior to final plat recording at Anoka County, Vehicle Maintenance Access Easements must be executed.
7. Park dedication fees must be paid prior to the release of the final plat.
8. A wetland delineation must be approved by the City Engineer prior to approval of the final plat.

Adopted by the City Council of the City of East Bethel this 9<sup>th</sup> day of January, 2023.

CITY OF EAST BETHEL

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

ATTEST

  
\_\_\_\_\_  
Jack Davis, City Administrator



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



**Date:** July 25, 2023

**Agenda Item Number:** 6.0 A

**Agenda Item:** Ordinance Amendment Discussion – Storage Containers, Appendix A – Zoning, Section 10-4. Tabled from June 27, 2023.

**Background Material:**

Councilmember Tim Miller has requested that a review of City Ordinance Appendix A – Zoning, Section 10-4, Accessory Storage Containers. That section of the ordinance reads, *Accessory storage containers, as defined in [Section 01](#). General Provisions of Administration, are not a permitted use within the City of East Bethel.*

The definition of an accessory storage container is found in Appendix A – Zoning, Section 1 -9 Definitions, and reads as; *Accessory storage container: A container placed outdoors and used for the storage of goods, materials, or merchandise that is used in connection with a lawful principal or accessory use of the lot. The term "accessory storage container" includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term "accessory storage containers" does not include a garage, barn, or storage shed accessory to a dwelling provided such structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.*

The City permitted the use of a storage container in a rural residential zone on November 8, 2021 but only with the condition that the exterior contained architectural features and was framed and sided with material and of a color that matched the finish of the home.

Options for modification or the removal of the prohibition of these containers could include but not be limited to:

1. Allowance of these units in all zoning districts with only setback requirements,
2. Allowance of these units in limited zoning districts with restrictions on location and requirements for screening;
3. Allowance of these units in limited zoning districts with restrictions on location and requiring exterior finishes of the container units that match the materials and color of the principal structure on the site;
4. Allowance of these units to be calculated as allowable square footage for structure based on zoning code; or
5. Any of the above but with lot size restrictions required to accommodate set back and screening requirements that would set the standard for use or prohibition of the units;
6. Other considerations as appropriate.

**Recommendation(s):** Discussion Item with Staff seeking direction on the ordinance review.

Planning Commission Action:

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

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

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

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

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



**Date:** July 25, 2023

**Agenda Item Number:** 5.0 B

**Agenda Item:** Ordinance Amendment Discussion – Mobile Food Vender Units - Appendix A – Zoning, Section 18-240.

**Background Material:**

City staff continue to field questions from vendors and the public on Mobile Food Vendors and city licensing. Although the city has an ordinance in Article V. - Peddlers and Solicitors that regulates Transient Merchant and Peddlers, the ordinance is not clear if this applies to Mobile Food Vendors.

Staff have conducted research into surrounding cities of Cambridge, Isanti, and St. Francis to determine how they regulate Mobile Food Units.

The following proposed ordinance was drafted utilizing a combination of the other cities that best works for the City of East Bethel.

**Attachments:**

- 1. Proposed Ordinance - Appendix A – Zoning, Section 18-240.**

**Recommendation(s):** Discussion item with staff seeking direction on the proposed ordinance for preparation for Public Hearing and ordinance amendment.

Planning Commission Action:

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

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

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

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

**NEW**

**Sec. 18-240. – Mobile Food Vendor Units**

Mobile Food Units (MFUs) shall adhere to the following standards:

- a) Each MFU shall obtain the proper licenses/permits from the City of East Bethel, Anoka County and the State of Minnesota Department of Health or Department of Agriculture which shall be posted at all times on the MFU.
- b) License exemptions.
  - (1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.
  - (2) Food truck units serving ice cream or similar frozen snacks are allowed to operate within the public right-of-way and all residential zoning districts and do not require a city-issued permit under this division.
  - (3) Licensed caterers are exempt from this division for catered events.
  - (4) Food trucks affiliated with the city's annual "Booster Days" festival that operate within the boundaries of the event and are contracted with the Booster Day's Committee.
  - (5) Food trucks operating within the property lines of the St. Francis Independent School District ISD #15 in conjunction with a school-sanctioned event.
- c) Insurance. A certificate of insurance evidencing the following forms of insurance shall be submitted to the City.
  - (1) Commercial general liability insurance, including products and completed operations coverage, with a limit not less than \$1,000,000 for each occurrence/\$2,000,000 aggregate.
  - (2) Automobile liability insurance with a limit not less than \$1,000,000 combined single limit.
  - (3) A signed statement that the food truck licensee shall hold harmless the city, its officers and employees, and shall indemnify the city, and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

- d) The MFU shall obtain written approval from the private property owner on whose property the MFU is to be parked.
- e) No mobile food unit shall sell alcoholic beverages.
- f) Inspections, mobile units shall comply with all applicable fire codes and may be inspected by the City prior to operation.
- g) MFUs shall be limited to operating no more than 21 days annually at any one place and shall obtain an annual permit with the City prior to operation.
- h) Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. The City Council may allow different hours on a per-event basis.
- i) MFUs shall not remain at an authorized location longer than the permitted number of consecutive days and nights. The number of consecutive days and nights allowed shall be specified on the MFU's permit from the City but in no case shall be more than seven (7).
- j) No MFU may obstruct ingress or egress from commercial buildings during the buildings' hours of operation.
- k) No MFU may be located within 300 feet from the perimeter of any pre-approved festival, sporting event, or civic event unless a license is issued to be part of the festival or event, or within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area during that restaurant's hours of operation. MFUs may be located closer than the distances specified in this standard with written approval from the festival or event organizers or the restaurant owner/manager. MFU operators who are unable to obtain the necessary written permission may appeal their case to the City Council.
- l) Tables and chairs associated with the MFU may be permitted so long as they do not obstruct the flow of pedestrian or vehicular traffic.
- m) No more than one (1) temporary sign, in excess of six (6) square feet in area nor shall they exceed five (5) feet in height, is permitted during hours of operation and must not be placed in the public right-of-way, impede vehicular or pedestrian traffic.
- n) MFUs shall not be left unattended during operation.
- o) MFUs shall be powered by an independent power supply screened from public view which complies with the City's noise regulations.
- p) Each MFU shall supply its own waste/recycling receptacles. At least one (1) receptacle shall be provided for customer use per MFU.
- q) Operators of MFUs shall remove waste and litter and dispose of gray water daily. Public trash cans shall not be used to dispose of waste generated by the

operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.

- r) The operator of the MFU shall clean the area within 25 feet of the MFU at the end of each day.
- s) All MFUs shall be kept in good repair with a neat appearance.
- t) Operators of MFUs may not call attention to that permittee's business by crying out, blowing a horn, ringing a bell, loud music, or by any loud or unusual noise, or by use of any amplifying device.
- u) Out-of-service MFUs shall comply with all applicable zoning ordinance requirements, including Sec. 22. – OFF STREET PARKING.
- v) MFU operators may not claim endorsements by the City based on their permit.
- w) Enforcement, a MFU permit may be suspended, revoked or denied for renewal for any violations of this division or conditions of the permit.

### Amend

#### **Sec. 18-230. - Definitions.**

*Mobile Food Vending Unit.* A self-propelled vehicle or fully contained trailer licensed by the State of Minnesota to operate on streets or public roadways, which vends food at retail for immediate consumption by the customer.

*Vend or Vending.* The process of transfer of a food product from the food truck operator to a customer. Vending begins when the food truck stops in a location at which customers can access the food truck until and continues until the food truck leaves the location.