

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: August 22, 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)

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: July 25, 2023 (Pg 1-13)
4. Ordinance Amendment: **Section 10-4. Accessory Storage Containers** (Pg 14- 25)
5. Concept Plan: **Viking Meadows Amended Concept Plan – 1788 Viking Blvd. NE** (Pg 26-32)
6. Updates
7. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 July 25, 2023

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

8
9 MEMBERS ABSENT: Randy Plaisance and Gabriel Hanschen

10
11 ALSO PRESENT: Jack Davis, City Administrator
12 Aaron Berg, 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 Balfany moved and Commissioner Johnson seconded to adopt the agenda adding**
20 **Item 2.A. – Staff comments and recommendations.** Balfany asked any discussion? To the motion, all
21 in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes**
22 **unanimously.**

23 **2.0A Staff Comments and Recommendations**

24 Berg stated he had provided an opinion from the League of Cities and an excerpt from the League of
25 Cities handbook on guidance for public meetings and how emails, telephone calls, and electronic
26 communications apply with a Supreme Court ruling decision. He requested the Commissioners keep
27 those in mind when they are communicating so they are not potentially setting themselves up for an
28 open meeting violation.

29 **3.0 Approve June 27, 2023 meeting minutes**

30 **Commissioner Allenspach moved and Commissioner Reiter seconded to adopt the June 27, 2023**
31 **regular meeting minutes as written.** Balfany asked any discussion? Reiter stated the Minutes were
32 summarized in a way that reflected the intention of what was said so he was not going to “nitpick.” To
33 the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.
34 **Motion passes unanimously.**

35 **4.0 Public Hearing – Conditional Use Permit Amendment – Nexus Diversified Community Services -**
36 **900 189th Avenue NE**

37 Berg reviewed staff’s report stating on August 1, 2018 the East Bethel City Council approved a
38 Conditional Use Permit (CUP) for the operation of a Psychiatric Residential Treatment Facility (PRTF)
39 at 900 189th Ave NE. The facility briefly operated as Cambia Hills until closing in 2021. Nexus
40 Diversified Community Services , a licensed operator of youth psychiatric residential treatment, intends
41 on purchasing and reopening the facility under its intended purpose.

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

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

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

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

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

- 63 1. The CUP is only for the 60 bed Cambia Hills Project and is subject to all licensure requirements
64 with the MN Dept. of Health and Human Services as a Psychiatric Residential Treatment Facility
65 Medicaid Certification/Supervised Living Facility Licensure, and subject to all of the licensing
66 requirements as stipulated by MN Dept. of Health.
- 67 2. No conversion to a Minnesota Department of Corrections licensed facility will be permitted.
- 68 3. Any expansion of the facility beyond the 60 beds to the maximum 72 beds will require an
69 amendment to the CUP.
- 70 4. Any change in the current client demographic or status of clients relative to the court system
71 served by this facility will require an amendment to the CUP.
- 72 5. Cambia Hills will be required to provide the City with a copy of their licensure with the MN
73 Department of Health and Human Services on an annual basis.
- 74 6. Cambia Hills will be required to provide a copy to the City of the Anoka County Sheriff's
75 Department and East Bethel Fire Department Safety and E911 plans for the facility.
- 76 7. Cambia Hills will be required to enter into a Developer's agreement with the City.
- 77 8. Cambia Hills will be required to enter into a Payment in Lieu of Taxes (PILOT) agreement with
78 the City that would commence for pay 2020 taxes.
- 79 9. The CUP for this facility shall be reviewed and inspected by the City on an annual basis.

80
81 Berg stated NEXUS is proposing to amend the following conditions related to the following:
82

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

90
91 Berg noted City staff is recommending the removal of Cambia Hills or Cambia Hills Project and
92 changing the year payable for the start of the PILOT agreement.
93

94 Berg stated as part of the original Developers Agreement signed in 2018 a separate Conditional Use
95 Permit Agreement was identified as a requirement however never completed. A Conditional Use Permit
96 Agreement has been drafted to include the proposed amendments requested by Nexus and city staff.
97 (See attachment 2 to the Commissioner's packet)

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

101 Balfany opened the public hearing at 7:52 p.m.

102 There were no comments made.

103 Balfany closed the public hearing at 7:53 p.m.

104 Berg stated he had received an email this week that was requested to be read into the record:

105 Dear East Bethel Planning Commission.

106 Our Savior's Lutheran Church is a nearby neighbor to the Nexus family healing facility. Our
107 Savior's was supportive of this facility and its services when built and opened as Cambia Hills.
108 We were saddened when Cambia Hills had to cease operation.

109 As a church community, with a calling to serve those who are vulnerable, we recognize the great
110 need for inpatient adolescent psychiatric care that Nexus will provide.

111 We are so pleased that another operator will be taking over the facility and providing the same
112 services as it was originally intended for this site. We're excited to have the space occupied again
113 and provide a much-needed service to the greater community as well as providing employment
114 opportunities in our area.

115 We give thanks to the Planning Commission and the City Council support of the Nexus family
116 healing project.

117 Regards,

118 Pastor Kiri Solberg

119 Our Saviors Lutheran Church.

120 **Commissioner Reiter moved and Commissioner Johnson seconded to go into discussion of**
121 **Resolution 2023-54.** To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed?
122 That motion passes. **Motion passes unanimously.**

123 Reiter congratulated the bond approval. He indicated he had two recommendations for the CUP.

124 Reiter stated the first one recommendation was to change some of the wording in item 8 to: "The owner
125 shall enter into a Payment in Lieu of Taxes (PILOT) Agreement with the City of East Bethel and
126 separately with Independent School District 15. The PILOT payments will be structured in a manner that
127 appropriately reflects the facility's utilization of municipal and ISD 15 resources and infrastructure. The
128 PILOT will commence for payable 2024 taxes." He noted there was no significant change and this was a
129 clarification as to what the PILOT should read.

130 Reiter also requested the addition of a condition as a subsection to Item 6. He read what Item 6 was and
131 added "The owner shall assume full responsibility for implementing comprehensive security measures to
132 ensure the safety and wellbeing for both residents and staff within the facility, and the residents and
133 property of the surrounding community."

134 Johnson stated she was confused on the wording Reiter added to Item 8. Reiter responded that would
135 appropriately reflect the facilities utilization of resources. He read his recommendation to Item 8 again.

136 Berg asked Reiter if he was suggesting that Nexus would also be paying a in lieu of tax payment to the
137 School District on top of what they've already offered to pay the City. Reiter responded there was
138 another taxing, governing body, that was not being considered in the CUP.

139 Berg stated the original CUP was only agreed upon that they would pay in lieu of taxes to the City and it
140 had nothing to do with the School District. He noted the current operator was in contact with the School
141 District and working on how to provide the best possible arrangement they could for classroom space.
142 He indicated he did not know why Reiter would want to include the School District into the PILOT
143 Agreement program. He noted that was far from the Planning Commission's scope of approving or not
144 approving the conditions that were requested to be amended.

145 Reiter noted the Planning Commission could make recommendations and he was making a
146 recommendation on behalf of the School District. Balfany noted this recommendation went beyond the
147 capabilities with the City, especially without the School District asking for it.

148 Berg stated either operator could enter into a PILOT Agreement with the School District if they choose
149 to, but the School District levies differently than the City did for taxes and they were their own taxing
150 body. He stated the Planning Commission did not control how the School District levied or how they
151 would bring Reiter to an agreement for payment in lieu of taxes with the School District itself.

152 Reiter stated he wanted to give the School District an opportunity to make those agreements, whether
153 they chose to or not as it would be up to them. He believed the City needed to at least approach them for
154 a PILOT.

155 Berg asked if Reiter was asking Nexus to give potential revenue to the School District in lieu of taxes.
156 Reiter responded that was just to appropriately reflect the facilities utilization. He noted he had
157 previously heard there should be back payments.

158 Berg stated the operator would work out a contract with the School District to define the terms of
159 classroom space use cost payment repayment was by school. He indicated he was confused as to why
160 they would include a PILOT Agreement with the School District with a private operator. He understood
161 that Reiter's concern was to make sure that the School District was fairly compensated in some form so
162 that there was not a burden on the taxpayers but asking them to sign a separate agreement for payment in
163 lieu of taxes to the School District seemed far beyond what the conditions of the agreement was even
164 originally intended. Reiter indicated he would withdraw his recommendation for condition 8.

165 Johnson requested Reiter repeat his other recommendation. Reiter read again his recommendation for
166 subsection 6.

167 Balfany stated it appeared Reiter was extending liability beyond something they had already implied to
168 have liability for – items within their own care, custody, and control. Reiter responded he was trying to
169 ensure they were liable for their residents.

170 Balfany stated the purpose of the CUP was not to broaden the liability, especially with Section 6 being
171 there. He indicated it was providing what their plans were to the facility to the proper departments, and
172 if there was an issue with the plan, that they would be addressed by those facilities that would be able to
173 give better recommendation then they could.

174 Berg asked Reiter if his intention under Item 6 was to ensure that they implement the plan they provide
175 to the Sheriff's office, to the Fire Department, and to the City. Balfany noted that was already taken
176 care of by the fact that it was conditioned and they provided a plan to those departments.

177 Berg stated he did not assume an operator was going to come up with a large emergency safety plan and
178 then not practice or implement it. He noted this was not the only facility that Nexus was currently
179 operating and he did not think they had any information to say that Nexus was not implementing safety
180 plans in any of their other facilities.

181 Balfany felt that if the intent of the added language was to make sure they have said plan and that it was
182 followed. He personally felt it was already implemented based on the description, and the fact that they
183 have to have said plan and provide it to said departments or they would not continue to operate if they
184 did not. He stated if they didn't, then that would be a violation of the CUP, which would revoke their
185 CUP to begin with.

186 Berg stated he assumed that they would probably consult with the Sheriff's Department on the best
187 practice when calling to implement a safety plan. He indicated if they had a safety concern, and they
188 needed to lock the facility down, they were going to have to work with the Sheriff's Office on the best
189 way to get that facility back up and running again. Reiter stated he heard "assume" and "probably" and
190 he was just trying to make sure that there was no assuming or probable. He felt if they were already
191 assuming, he did not see an issue with adding the language that they would implement as well.

192 Balfany suggested maybe a solution would be adding language to the end of Item 6 such as, "E911 plans
193 for the facility would be followed." He asked Reiter if that addressed his concerns.

194 Berg noted the Fire Department would also do an annual inspection, which would be part of the
195 implementation plan. He indicated in terms of telling an Anoka County dispatcher how an operator was
196 going to participate in an emergency call, he did not think they had the authority to do that.

197 Allenspach stated as a former employee as the Office Manager of Cambia Hills, she could assure them
198 these things were in great detail and they met with each individual department entity and all those details
199 were included in any plan. She indicated it did not matter if it was an inside or an outside emergency.

200 Reiter stated he believed they should add language that ensured they were implemented. He indicated
201 his main concern was if a child ran away in the middle of winter and got hurt.

202 Allenspach reiterated there were great details for these situations. Reiter responded they should ensure it
203 was implemented.

204 Balfany stated that is the intent of the plan in the first place.

205 Berg stated there was a typo in Item 6, which would get corrected.

206 **Commissioner Terry moved and Commissioner Johnson seconded to approve amending the**
207 **conditions requested by the applicant as identified in the Conditional Use Permit Agreement and**
208 **Resolution 2023-54 with the correction of the typo in Item 6.** Balfany asked any discussion? To the
209 motion, all in favor say aye. **Allenspach, Johnson, Terry, and Balfany.** Balfany asked any opposed?
210 **Reiter.** That motion passes. **Motion passes 4-1.**

211 This item goes before City Council on August 14, 2023.

212 **Public Hearing – Strandlund Farm – Concept Plan – 2836 221st Avenue NE**

213 Berg reviewed staff's report stating the Planning Commission is asked to hold a public hearing and
214 review the concept plan for a 21-lot rural residential development at the intersection of 221st Ave
215 NE and Luan Drive NE.
216

217 Berg indicated the property is located within the RR – Rural Residential zoning district. Within the RR-
218 Rural Residential zoning district the minimum lot size required is 2 acres, with a density not to exceed 1
219 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.

Berg noted 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.

Berg stated 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.

Berg noted the internal street would need to be constructed to city standards with no temporary cul-de-sacs permitted. Request consideration for the turning radius of fire apparatus when constructing cul-de-sacs.

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

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

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

Berg stated 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.

Balfany opened the public hearing at 7:28 p.m.

Michael Chies, 2760 219 Avenue NE, stated he was opposed to the proposed road and the cul-de-sac right along his property line with a cul-de-sac 200-feet right across from where his house was. He knew eventually all of this property would be developed and he was asking the Commissioners to be more considerate in terms of putting a cul-de-sac right there. He indicated he was not sure if the proposal was to come down Zumbrota to 290 Avenue. He stated they had an issue if they were going to gravel or tar the road and who would pay for it. He believed the developer wanted to pay for it, they would have a little less concern from residents because it was a dusty road. He asked for consideration in preserving as much as they could for the Sandhill cranes, the geese, etc. also.

Les Spencer, 3032 221st Avenue NE, stated his concern was the sharp curve. He asked how close the homes were going to be. He noted this was a safety concern.

Brett Myhre, 21638 Luan Dr NE, noted where his property was located and that the red line came all of the way up to his property. He asked if that would be developed. He asked if the wooded area would be developed and not the field. He asked what they intended to do with the water in the field.

Deloris Goldeman, 22027 Luan Dr NE, stated her concern was safety. She indicated her home was on the southern border and currently it was a racetrack going by her home because there was a sharp curve on the one side and a curve on the next side. She asked if there would be a turn lane put in because they do not have any shoulder on the road.

263 Ken Henrikson, 22809 Bataan St NE, expressed concern that the corners were all water and it was a 90-
264 degree turn. He stated he was also concerned about the number of driveways they were proposing to
265 put in. He expressed concern about the speed of the traffic. He stated there were too many lots being
266 proposed.

267 Gordy Grebowski, 2715 219 Avenue NE, expressed concern about the excessive traffic to his
268 neighborhood. He understood when he bought his home that eventually the farm fields would be
269 developed, but he asked if it was possible to put a gate at the end of their road so no additional traffic
270 would be on the street. He noted that would force people to come from the other direction while
271 emergency responders would have a key to the gate in the event of an emergency.

272 Aaron Hermanson, 2223 Yancy Street, stated he thought there was not going to be any driveways on the
273 County Road. He expressed concern about the hairpin curves. He believed this was a dangerous area.
274 He wanted the whole thing restructured. He expressed concern about the traffic and the safety issues.
275 He requested a turn lane be put in because there were no shoulders. He asked the roads be reformatted
276 to adapt to the development size. He noted he moved from Coon Rapids because he wanted to get
277 away from developments and this development would be taking away from his way of life.

278 Balfany reminded everyone that there would be no vote taken tonight and this was just a rough concept
279 plan draft for feedback to be given on.

280 Jeremy Mills, 21929 Zumbrota St, inquired about the stormwater pond and where the stormwater
281 would go. He stated he did not want the development as he had moved there so they didn't have to
282 deal with this. He noted they did a lot of things on the back property and now it would all be done for
283 money. He inquired about the asphalt on 219 Avenue NE and what was the plan for that. He expressed
284 concern about the speed of the traffic if this development was put in.

285 Julie Anderson, 2750 219th Avenue NE, stated her primary concern was for the wildlife – the turkeys,
286 deer, Sandhill Cranes, the Trumpeter Swans. She noted her second concern was the amount of traffic
287 that will be going by their home and she did not want to see a lot of cars going up and down their road.
288 She indicated he was concerned about the safety of the children also.

289 Belinda Peterson, 21934 Zumbrota Street, expressed concern about the grading on the dirt roads not
290 being kept up and would they go out more often to grade with this development. She expressed
291 concern about additional traffic. She asked who would be taxed on the paved road and where would it
292 be paved. She stated she was worried about the wildlife and the children in the neighborhood. She
293 stated she was worried about the dust from the road also.

294 Mr. Strandland indicated the cul-de-sac was put there for the purpose of expansion and that was why it
295 was brought to the property line and this was a common practice to do it that way. He indicated they
296 could look at different layouts and not have connections, but he did not think emergency services
297 would want that. He did not believe too many people were going to drive from the new paved road
298 onto the dirt road to get out to whatever direction they were going.

299 Mr. Strandland noted the reason was where it was in the southwest portion was because there was no
300 other way to access the southwest portion due to the large wetland in the middle. He noted his father
301 had been approached by the City and a crane group to sell an easement on the property, but his father
302 had no interest in doing that because he felt there was enough wildlife land in the City with the
303 University of Minnesota.

304 With respect to the driveways off of the County roads, Berg noted whenever any development was
305 proposed that touched any County Road they always asked them for their comment, feedback, and
306 suggestions and provide that to the developer for follow up and consideration. He noted in the County
307 Engineer's comments, they did not say they necessarily would prohibit driveways; it said they would

308 like to see less.

309 Mr. Strandland noted there were currently five accesses on the 80 acres, with two of them to the
310 homestead.

311 Mr. Strandland stated with respect to the 90-degree curve, people had been going off that corner for six
312 year.

313 Mr. Strandland noted with respect to the wetland, there was very minimal wetland impact. He stated it
314 was under the de minimis 2500 square feet.

315 With respect to the runoff, Mr. Strandland indicated that was addressed when the grading plan was
316 drawn up. He stated infiltration or retention ponds were important for water quality and there were
317 certain rules they needed to follow for these. Berg noted the existing drainage now utilized the County
318 ditch which had been in existence for a long time. He stated all of that gets worked into the grading
319 and drainage plan though the entire development or proposed subdivision with the consultation of the
320 City Engineer and all the State Statutes that were applicable to water runoff.

321 Johnson asked if there was a visions for the types of homes going in. She asked if the land was being
322 divided and then somebody else would build on it. Mr. Strandland responded that the homes would be
323 similar to the neighborhood.

324 Berg noted the City Ordinance did have a defined architectural standard and there were some
325 restrictions within the Ordinance that guided how much of a surface could be one product.

326 Johnson asked if these would be affordable homes. Mr. Strandland responded it was both. He noted it
327 has gotten harder to build something affordable for the family starting out. He indicated it would not
328 be track homes.

329 Balfany stated road conditions were brought up. Berg responded Mr. Strandland would be responsible
330 for the finish of the asphalt road.

331 Balfany noted there were also concerns regarding concern for the children and this being a great
332 neighborhood. He indicated neighborhoods were used to having a cul-de-sac, but it was intended to be
333 eventually extended and they were meant to be temporary cul-de-sacs.

334 Reiter asked if it was possible to run the road between two and three and then turn those sideways so
335 that would be the access point, and then run the road through that way. He did not believe any lots
336 would be lost. Mr. Strandland responded that created double frontage lot if it were sideways. He
337 explained the issues that would create and back yards would get eliminated.

338 Reiter stated the people would probably be happier to see the back of properties rather than a road. He
339 recommended finding larger lots as he knew there was a demand for the larger properties.

340 **Inaudible comments made by audience members.** Berg responded to wetland classifications in
341 Minnesota noting that depending on what it was classified as depended on the allowed amount of fill or
342 no fill and whether it could or could not be touched.

343 **Inaudible conversation between Ken Henrikson and Mr. Strandland.**

344 Jackie Chies, 2760 219 Avenue NE, asked when 219 came through would the tar be continued and
345 would all of the other homes be driving on their street. She asked if they wouldn't be required to tar
346 that since all of the properties would be exiting out onto their road. Berg responded to the best of his
347 knowledge, that would be required only within the scope of Mr. Strandland's development. He
348 indicated this ultimately would be the City Council's decision if they wanted to put in a condition to
349 require the developer provide an upgrade to the previous extension to get to their property.

350 Ms. Chies asked how many people would want to buy a home or a lot when the rest of the road they
351 had to come out on was not paved. Balfany noted that assumed they were all headed in that direction.

352 Ms. Chies believed that would be preferable then going out onto the S curved road.

353 Balfany closed the public hearing at 8:20 p.m.

354 Johnson thanked everyone for their comments and noted this was a really emotional issue for
355 everybody and she appreciated the audience being so civil.

356 Balfany reopened the public hearing at 8:21 p.m.

357 Becky Grebowski, 2715 219 Avenue NE, asked if they were talking about the other configurations, was
358 there a point where the residents would be able to see them. She inquired as to what the next step
359 would be and was it possible to see the alternatives. Balfany responded that this public hearing was to
360 discuss the concept plan and at other times during the process there would be other public hearings for
361 residents to comment.

362 Berg believed Mr. Strandland would be more than happy to open his office and provide her with a copy
363 of any alternative plan.

364 Ms. Grebowski stated she would prefer not to see a development, but she would not fault Mr.
365 Strandland for developing the land but she would like to see the plans and she requested this have the
366 least amount of intrusion on the existing neighborhood as possible. She believed a happy
367 neighborhood would be a much better outcome.

368 Balfany reclosed the public hearing at 8:23 p.m.

369 Berg stated from a City Planning perspective, the developer could come into this property taking into
370 account the County and everyone else's feedback and proposed a T-handle with two cul-de-sacs on the
371 north and south end and route all of the cars on 219th. He noted the intent of the extension of 219th was
372 to be the route into the unplatted, undeveloped farmland. Currently, he was providing an alternative to
373 get those cars off of 219th in this current configuration. He stated the developer could be required at
374 that time to upgrade and pave 219th, then he would be routing all of the traffic through there, but that
375 did not alleviate the concern of the neighbors of putting traffic through the neighborhood as all of the
376 cars would have to go through the neighborhood at that point. He indicated he was not sure what the
377 alternative configuration was, but if it was a T-handle with two cul-de-sacs north and south, there was
378 no other way for traffic to go unless they want to put it back onto Luan Drive at that intersection, which
379 most people have expressed concerns about connections to the County Road, including the concern
380 from the County.

381 Berg noted there were a lot of considerations and he was not saying anyone's opinion was more
382 valuable than the other and there were many ways to develop a piece of land and all considerations and
383 concerns were valid for Mr. Strandland to consider.

384 Johnson asked on this development, would there be a traffic study done and who would do that study.
385 Berg responded the City could to some degree request a traffic study, but usually it would require 250
386 units to trigger an environmental assessment or a traffic study. He did not think an environmental
387 assessment or a traffic study was warranted in this case though. He indicated the City would probably
388 rely on the County to make that request since the access was on County roads and the City did not have
389 any authority at that point to make that required other than the connection to 219th.

390 Terry asked if this development was too small for a PUD. Berg responded a PUD could be requested
391 in any zone throughout the City and that sort of concept was more built around areas in which it could
392 encompass sort of a different, maybe mixed use to provide a transition between different zoned to come

393 up with something that might not meet one zoning standard and go across zoning lines to come up with
394 some middle ground. He stated there was nothing in the City Code that said they could not request a
395 planned unit development in a rural residential zone.

396 Terry stated the reason he was bringing this up was they saw what could be done in terms of putting 21
397 lots there, but it was the cost of some issues that had been raised. He noted if there was some kind of a
398 compromise with a PUD where there could be a cluster development that kept away from the wetlands,
399 minimizes the road infrastructure, and in exchange made for a smaller density of lots. Berg responded
400 that the Comprehensive Plan really pointed towards the zoning standards for rural residential lots. He
401 indicated they could look at the language of a PUD, but they were then going against the
402 Comprehensive Plan in terms of rural development when they go below 2 acres per residential unit.

403 Terry noted this would preserve the rural character by leaving all these areas open land and clustering
404 the development would be a trade-off. He indicated its intent would be to preserve the natural aspect of
405 the northern corner in the southern wetlands. Balfany noted this would be debatable because by saving
406 one side they were giving up on the rural aspect on the other as opposed to maintaining what would
407 still be considered in the rural standard. He indicated if anything, they would actually be reducing the
408 rural by having higher density in a smaller area. He stated this would also be telling the landowner
409 what to do or not to do with his property.

410 Berg stated the difficulty with clustering homes in the rural residential area was they needed to find a
411 location for a well and septic system which meant they had to be a certain distance apart. He noted to
412 make some sort of an arrangement to accommodate this would take some major creativity, which he
413 was not sure could be done on this project.

414 Johnson and Reiter stated they liked Terry's idea.

415 Terry suggested taking the road where it was showing coming in and end it with a cul-de-sac about
416 two-thirds or three-quarters of the way into the property which would allow things to radiate out. He
417 noted this would reduce frontage and lot sizes in exchange for leaving the open space and having less
418 for infrastructure for the developer to do.

419 Mr. Strandland asked who decided where the higher density was put in that neighborhood. He believed
420 if the couple of plats that were in the works in the southern part of the City came to fruition, there was
421 going to be plenty of high density "city lot" stuff and that was not what they were looking for.

422 Berg stated the concept of moving to rural East Bethel and then they "jam" 10 to 12 houses next door
423 to each other with 10-foot distances between each one just to try and accommodate the potential land
424 there was counterintuitive to a Comprehensive Plan and the density suggestions.

425 Terry indicated as he had imagined it would not put any of these houses up against the neighbors. He
426 noted they would be concentrated in the interior space away from the borders of the property, except
427 for the ones right at the edge of the road.

428 Balfany stated these are great in concept, but the developer might not have a desire to do that. He
429 indicated they had made the suggestion and they had heard from Mr. Strandland that was not the desire
430 and not what he was looking to do with his property.

431 Johnson responded it was nice to open the door if Mr. Strandland would like that, but if not, that was
432 okay also. Balfany stated he wasn't discrediting the idea but he didn't want to go too far down the
433 rabbit hole.

434 Reiter stated he liked the idea of maximizing the open space, but if it was not possible then it was what
435 it was.
436

Public Hearing - Hidden Prairie – Concept Plan – E. Bethel Blvd. at 198th Ave

Berg reviewed staff's report stating 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.

Berg indicated 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.

Berg stated 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 previously 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.

Berg noted the internal street will be constructed to city standards with no temporary cul-de-sacs permitted. Request consideration for the turning radius of fire apparatus when constructing cul-de-sacs.

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

Berg indicated 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.

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

Berg stated 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.

Balfany opened the public hearing at 8:38 p.m.

Barb Mace, 2839 196 Avenue NE, stated her land butted up to this new development. She indicated she was here when they proposed their first concept in April, 2002 and at that time it was for ten 2.5 acre lots, which she was told at that time was what the City required. She noted now they were saying the lots were 2 acres. She asked when that changed. She stated with the initial plan, there was a temporary cul-de-sac which would have eventually gone out to Yancy Street. She asked if the original proposed streets were still shown and what additional streets would be added. She expressed concern about the type of housing and the pricing of the housing being proposed to be put in. She asked where the temporary cul-de-sac would be located. She asked who would pay for the blacktop. She expressed concern about additional traffic.

Peter Hanson, 19994 Edison Street NE, pointed out where his property was located. He inquired about a home for sale and how would that come into play with this development. He inquired about the planned park.

Balfany closed the public hearing at 8:43 p.m.

Berg stated they have had discussions about the need to provide extensions to the undeveloped land and

480 pointed out where the extension could be located, but noting the developer was not required to do that.
481 He noted the route remained the responsibility of the City to acquire the right-of-way to make a
482 connection between the two and there was legal questions that need to be answered and costs
483 associated with purchasing a right-of-way from private landowners. He understood at one time the
484 landowner was approached about the potential of granting a right-of-way access and the City was
485 denied, so the developer would not even attempt to request that the road be connected if circumstances
486 had not changed.

487 Berg noted the developer was able to access all of his internal property by his street proposal so no
488 connection to those cul-de-sacs would be required. He indicated if there was a potential future
489 connection, they would permit temporary cul-de-sacs until those connections would be made, but in
490 this case, since it was not a requirement, they are not allowing temporary cul-de-sacs so they would
491 need to be permanent. He indicated all of these acts would be at the cost of the developer. He
492 explained how they could possibly separate the home that was for sale from the parcel.

493 With respect to the two-acre minimum, Berg stated as far as he knew, that had been in existence in the
494 Code since the last revision in 2008. He indicated he started working for the City in 2022, so he did
495 not know the history of the Zoning Code changes. He stated although a lot could be 2 acres, they could
496 not have more than 1.5 units for 2.5 acres, which puts the standard at around 2.3 acres in order to match
497 the density standard for most of the rural residential lots. He was not sure where the 2.5-acre concept
498 came from.

499 With respect to HUD homes, Berg stated these would not be HUD homes. He indicated Mr. Hennen
500 did not build HUD homes and he had built multiple subdivisions within the City. He noted Mr.
501 Hennen was a reputable builder who had an office in Anoka. He stated all of the lots met the standards
502 and Mr. Hennen would have to abide by the County's requirement of a turn lane off of the County road
503 or East Bethel Boulevard. He stated City streets would have to meet City standard at his cost. He
504 noted internal streets would have to meet City standards also at his cost. He noted all the right-of-ways
505 were the road frontages meet the standard and all of the lot sizes also met lot size standards.

506 Allenspach asked if the roads going into this development from East Bethel Boulevard had changed.
507 Berg responded the location was identical and the only thing that changed was that it went uphill a little
508 bit. He indicated the entrance point off East Bethel Boulevard was exactly the same.

509 Reiter asked if the trees were going away where indicated. Berg responded it appeared the line might
510 be running just on one side of the trees.

511 Reiter asked if the roads had to be that long. Berg responded the developer was asked to meet the
512 minimum 200 feet for road frontage on the lot to achieve a longer lot frontage. He indicated this was a
513 very common practice in development.

514 Terry asked how long could they have a cul-de-sac before it was too long without having another one.
515 Berg responded he did not have that information offhand, but he did not believe it was longer than 500
516 feet. He noted the Public Works Director had already reviewed this and did not have any comments.

517 Terry asked if there was some limit on how long a road could be without having a secondary access
518 point. Berg responded he was not aware of this, but he would look into it. Reiter stated he had the
519 same question.

520 Reiter stated it appeared from East Bethel Boulevard all the way to the end of one of the cul-de-sacs it
521 looked like it was 700 feet plus 400 feet, for 1100 feet.

522 Terry suggested maybe the language was not correct. He noted if something happened to the access
523 point, everyone would be trapped in that space with no way to get out.

524 Balfany believed this would be a question for the City Engineer. Berg responded there were no
525 comments received from the City Engineer on this plan.

526 Berg noted the City Engineer or Public Works Director would review this again when the preliminary
527 plat was submitted and it would need to have their satisfaction before they would approve the
528 preliminary plat.

529 Reiter stated he agreed with Terry.

530 Allenspach requested the Fire Department also look at the plat. Berg noted the Fire Department
531 wanted to ensure the developer was taking into consideration that the turnaround radius was sufficient.

532 Reiter inquired about the property to the south and the road next to it, would the road running alongside
533 that affect the tax rate for the property. Berg responded the City Code did not allow for a buffer strip
534 because that would allow the developer to essentially landlock the property from accessing the City
535 right-of-way and making it less valuable and more attainable for him to purchase, so the property did
536 have potential access to that inner street should they request driveway access. He indicated the road
537 would be constructed at the cost of the developer, so there would not be an assessment of the
538 surrounding properties at this point.

539 540 **5.0 Ordinance Review Discussion – Section 10-4 – Accessory Storage Containers**

541 Berg stated with respect to Item 5, if the Commissioners wanted to table these until they have more time
542 to discuss these, they could do that.

543 Terry stated he believed they could get through the mobile food truck quickly as there was not many
544 issues were, but the other one might require more discussion.

545
546 **Commissioner Johnson moved and Commissioner Terry seconded to table 5.0 – Ordinance**
547 **Review Discussion – Section 10-04 – Accessory Storage Containers.** Balfany asked any discussion?
548 To the motion, all in favor say aye. **Allenspach, Johnson, Terry, and Balfany.** Balfany asked any
549 opposed? **Reiter.** That motion passes. **Motion passes 4-1.**

550 **Ordinance Review Discussion – Section 18-240 – Mobile Food Vendor Units**

551 Berg reviewed staff's report stating City staff continue to field questions from vendors and the public on
552 Mobile Food Vendors and city licensing. Although the city has an ordinance in Article V. - Peddlers
553 and Solicitors that regulates Transient Merchant and Peddlers, the ordinance is not clear if this applies to
554 Mobile Food Vendors.

555 Berg indicated staff have conducted research into surrounding cities of Cambridge, Isanti, and St.
556 Francis to determine how they regulate Mobile Food Units.

557 Berg stated the attachment to the Commissioner's packet is a proposed Ordinance for their review.

558 Berg indicated this was a discussion item with staff seeking direction on the proposed ordinance for
559 preparation for Public Hearing and Ordinance Amendment.

560 Terry asked if these were pulled from any particular cities Ordinances. Berg responded they came from
561 three City Ordinances and these were a combination of all three cities.

562 Reiter asked how did these affect graduation, wedding, and anniversary parties. Berg responded that the
563 regulations were for commercial properties and had nothing to do with a private residence. He stated
564 this would be in place to protect the City's existing restaurants and businesses. He noted the
565 Commissioners could make this as simple or as complicated as they wanted. He stated there were some
566 protections for the commercial businesses in the peddler solicitation Ordinance that already existed also.

567 Terry inquired about the insurance and noted it appeared to be excessively large. Balfany responded
568 that was standard and these were almost minimum standard with \$1 million to \$2 million for a food
569 truck liability.

570 Johnson noted even farmers markets that had stands had to have the same type of insurance. Berg
571 agreed the insurance was an industry standard. He noted they had the opportunity as a local unit of
572 government to provide a more restrictive set of standards than the County or the State. He indicated this
573 was written in order to protect the local brick and mortar businesses because they are the ones paying
574 property taxes. He stated the food trucks come in and park in a restaurant parking lot and now people
575 are not going inside to pay those taxes. He stated most mobile food vendors are cash operations also.

576 Johnson believed a big part of the regulation would go through the Department of Health.

577 Berg stated this would allow the City the opportunity to require that food vendors come in to acquire a
578 permit and provide proof that they have been inspected by the Department of Health. He noted if they
579 only add them to a list of transient merchants, they lose out on the opportunity to require that obligation
580 to prove they have sought certification through the Department of Health.

581 Johnson asked what were the nature of complaints received. Berg responded that a local business has
582 had a taco truck parked in front of their main entrance on multiples occasions without obtaining any
583 license or even checking with the City to see if they needed a license. He noted if a mobile food vendor
584 had a statewide catering license, that superseded any local requirements for mobile food unit because
585 that was stricter than any local Ordinance. He indicated those mobile food vendors would still be
586 required to receive some sort of permission from the local business that they were allowing that
587 operation to happen in their parking lot.

588 The Commissioners discussed the 21-day provision for a mobile food truck to operate annually at any
589 one place. Some of the Commissioners believed 21-days was too constraining, other Commissioners did
590 not see this as a large issue right now, and other Commissioners wanted to ensure the trucks were
591 licensed by the Department of Health.

592 The Commissioners also discussed the fees food trucks should be charged and recommended Berg
593 explore other cities to determine what those cities charged for a short-term permit and the timeframes
594 those cities had and bring this back along with language of adding food trucks as a transient merchant to
595 a future meeting.

596 6.0 Updates

597 Council Liaison DeRoche updated the Commission on recent Council actions. The Commissioners and
598 DeRoche discussed the possible moratorium regarding the recent cannabis laws.
599

600 7.0 Adjournment

601 **Commissioner Reiter moved and Commissioner Terry seconded to adjourn at 9:55 pm.** Balfany
602 asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed?
603 That motion passes. **Motion passes unanimously.**

604 Submitted by:

605 Kathy Altman

606 *TimeSaver Off Site Secretarial, Inc.*
607

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



Date: August 22, 2023

Agenda Item Number: 4.0

Agenda Item: Ordinance Amendment Discussion – Storage Containers, Appendix A – Zoning, Section 10-4.

Background Material:

Councilman Tim Miller has proposed amendments to City Ordinance Appendix A – Zoning, Section 10-4, Accessory Storage Containers. This item was on the June and July agendas however it has been tabled.

MN State Statute 462.357 OFFICIAL CONTROLS: ZONING ORDINANCE. Subd. 4. Amendments.

An amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

East Bethel Appendix A. – Zoning, Sec 04. – Applications and Procedures 11. - Zoning ordinance text and map amendments (Attachment 1)

D. Procedure.

- 1) The planning commission shall consider possible adverse effects of the proposed amendment.
- 4) The planning commission shall make findings of fact and make a recommendation on the request. Such recommendation shall be in writing and accompanied by the report and recommendation of the city staff.
- 5) Upon receiving the report and recommendation of the planning commission and the city staff, the city shall schedule the application for consideration by the city council. Such reports and recommendations shall be entered in and made a part of the permanent record of the city council meeting.

Section 10-4. Accessory storage containers, as defined in Section 01. General Provisions of Administration, are not a permitted use within the City of East Bethel. (Attachment 2)

The definition of an accessory storage container is found in Appendix A – Zoning, Section 1 -9 Definitions. (Attachment 3) **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.*

Staff Recommendation: Staff have reviewed the ordinance amendment proposal and recommend that the General Regulations applicable to Detached Accessory Structures, as defined in Section 14. Sub. 2., should be included. (Attachment 5)

Recommendation(s): Staff is requesting the Planning Commission review the proposed ordinance amendment, make a formal recommendation to the city council of approval, denial or propose additional amendments for consideration in the written report.

Attachments:

1. **Sec 04. Sub 11. – Applications and Procedures**
2. **Section 10-4. – Accessory storage containers.**
3. **Section 1 -9. - Definitions**
4. **Proposed Amendment**
5. **Section 14. Detached Accessory Structures**

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Recommendation:

11. Zoning ordinance text and map amendments.

- A. *Purpose.* This section specifies the procedures for amendments to the text of this chapter or associated official zoning map.
- B. *Application.*
- 1) An amendment to the text of this chapter or a change in the boundaries or designations in the official zoning map may be initiated by a simple majority of the city council. Any persons owning property within the city, or their designated agent, may initiate an application to amend the district boundaries or designation on the official zoning map for property in which they have a real estate interest.
 - 2) A request for an amendment to the text of this chapter or a change in the boundaries or designations in the official zoning map shall be filed with the city on an official application form. Such application shall be accompanied by a fee as set forth by the city council. Such application shall include detailed written and graphic materials fully explaining the request. The city may require that the applicant submit the following information before the application can be deemed complete:
 - a) The name and address of the applicant(s) and fee owners;
 - b) The legal description of the area proposed to be rezoned;
 - c) The name and addresses of all the owners of property lying within such area, and a description of the property owned by each;
 - d) The present zone classification of the area and the proposed zone classification;
 - e) A description of the present use of each separately owned parcel within the area, and the intended use of any parcel of land therein;
 - f) A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping, and other improvements;
 - g) A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire city;
 - h) A survey showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of 350 feet in the MXU all business districts and R-1, R-2 and CL districts, and 1,250 feet in the RR district, including the street pattern of such area, together with an addresses of the owners of the land in each area;
 - i) Proof of ownership of the property;
 - j) Such other information as the city may require.
- C. *Notice.*
- 1) Pursuant to Minnesota Statutes, an application for an amendment to the text of this chapter or a change in the boundaries or designations in the official zoning map shall be approved or denied within 60 days from the date of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to Minn. Stats. § 15.99. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.
 - 2) Upon receipt of a complete application as determined by the city, and following preliminary staff analysis of the application, the city, when appropriate, shall set a public hearing following proper hearing notification. Notice of said hearing shall be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall also be mailed at least ten days prior to

the hearing to all owners of land within 350 feet of the boundary of the property in question if the property to which the amendment applies is an area of five acres or less.

- 3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter provided a bona fide attempt to comply with the provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

D. *Procedure.*

- 1) The planning commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following:
 - a) The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the city comprehensive plan;
 - b) The proposed action meets the purpose and intent of this chapter and in the case of a map amendment, it also meets the purpose and intent of the individual district;
 - c) There is adequate infrastructure available to serve the proposed action;
 - d) There is an adequate buffer or transition between potentially incompatible districts;
 - e) The proposed type of building development is in the best interest of the entire city;
 - f) The proposed action will not adversely affect property values; and
 - g) The proposed action is in the interest of the health, safety, and welfare of the public.
- 2) The planning commission, city council, and city staff shall have the authority to request additional information from the applicant.
- 3) The applicant or the applicant's representative may appear before the planning commission in order to present information and answer questions concerning the proposed request.
- 4) The planning commission shall make findings of fact and make a recommendation on the request. Such recommendation shall be in writing and accompanied by the report and recommendation of the city staff.
- 5) Upon receiving the report and recommendation of the planning commission and the city staff, the city shall schedule the application for consideration by the city council. Such reports and recommendations shall be entered in and made a part of the permanent record of the city council meeting.
- 6) Approval of a request shall require passage by a majority vote of the entire city council, except that an amendment changing a district from residential to commercial or industrial shall require a two-thirds majority vote.

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

4. Accessory storage containers.

Accessory storage containers, as defined in Section 01. General Provisions of Administration, are not a permitted use within the City of East Bethel.

9. Definitions.

The following words and terms used in this ordinance shall be defined as follows. Words found in this ordinance not defined in this section shall have the meanings customarily assigned to them by any standard dictionary, except where such a meaning is clearly contrary to the intent of this ordinance.

Accessory apartment: An apartment located within a single-family home and is incidental to the principal use to which it is related.

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.

Accessory structure or facility: Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants or caretakers.
- B. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
- C. Residential- or agriculture-related storage in a barn, shed, tool room, or similar accessory building.
- D. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
- E. Accessory off-street parking spaces, open or enclosed.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Addition: A physical enlargement of an existing structure, excepting that said physical enlargement shall not be larger than the existing structure.

Adult uses: Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult companionship establishments, adult conversation/rap parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

Agricultural building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

This proposed amendment changes the existing ordinance to allow storage containers on Rural Residential and Agricultural properties, sets requirements for the size, color, and placement of the containers, and outlines enforcement measures for violations.

Proposed Amendment: Accessory Storage Containers

1. Accessory storage containers, as defined in Section 01. General Provisions of Administration, are permitted within the City of East Bethel on Rural Residential and Agricultural properties, subject to the following requirements:
 - a. The storage container shall be free of text and graffiti.
 - b. The storage container shall be a neutral color or shall match the general aesthetics of the primary structure of the property. Neutral colors include white, beige, gray, or a similar earth tone.
 - c. The storage container shall not exceed a height of 12 feet.
 - d. Storage containers shall not be stacked on top of each other.

2. The maximum square footage of storage containers shall be up to 320 square feet for properties under four acres, and an additional 80 square feet for each additional acre thereafter.
 - a. The storage container shall comply with all setback requirements as specified in the City of East Bethel zoning ordinance.
 - b. The storage container shall comply with all other applicable city ordinances and regulations.
 - c. Any violation of this ordinance may result in fines, penalties, or other legal action as deemed appropriate by the City of East Bethel.

- CODE OF ORDINANCES
APPENDIX A - ZONING
SECTION 14. DETACHED ACCESSORY STRUCTURES

SECTION 14. DETACHED ACCESSORY STRUCTURES

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

1. Permit regulations.

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

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

2. General regulations.

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

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

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

3. Architectural and design requirements.

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

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

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

4. Size and number of accessory structures.

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

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

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(Supp. No. 22)

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

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

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

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

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

5. Exemptions.

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

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

- A. They are not used for storage purposes;
- B. Do not adversely affect surrounding properties;
- C. Are removed or placed more appropriately on the property at the request of the city.

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

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



Date: August 22, 2023

Agenda Item Number: 5.0

Agenda Item: Viking Meadows - Amended Concept Plan

Discussion Information:

On June 21st, 2023 the City Council and Planning Commission held a Joint Special Meeting where Capstone Homes, INC. presented a Concept Plan for a Mixed Use/ PUD residential redevelopment of the Viking Meadows Golf Course located at 1788 Viking Blvd NE.

At the June 27th, 2023 Planning Commission Meeting a Public Hearing was held and feedback was provided to the developer on the Concept Plan proposal.

At the July 24th, 2023 City Council Meeting the Concept Plan proposal was presented to the City Council for feedback.

On August 16th, 2023, the developer submitted a revised Concept Plan for the proposed PUD which is attached for your review. (Attachment 3)

The property is located on 129 acres of land which spans across the zoning classifications of Mixed Use and Single Family Residential. The proposal shows that of the 95 acres which are developable, 69 acres will contain a proposed 252 lots. In addition, the amended proposal contains 60 acres of open space which also includes 8.5 acres of park and recreation space. This revised concept plan removes the Rural Residential 30 acre parcel south of 189th Ave NE from the plan and results in a decrease of 98 lots.

According to City Code Section 56 - PLANNED UNIT DEVELOPMENT (PUD), Subsection D. – A Planned Unit Development is required in Mixed Use Districts in the city. Mixed use allows for commercial, residential, parks and open space and, as such, are in compliance with the East Bethel Comprehensive Plan. The purpose of a PUD is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access, and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

As part of the preliminary review, staff has offered the following comments:

- Access – Ingress and egress to the development will be accessible from two locations, Viking Blvd. NE and Sandhill Parkway NE. The original proposal contained a potential connection at 189th Ave NE. This is still being requested to be configured as an emergency only access point. The City Engineer, Public Works Manager, and city staff are working in conjunction with the Anoka County Highway Department to evaluate overall traffic considerations of the area in response to concerns expressed during the first concept plan proposal. A Traffic Study will still be required as part of an Environmental Assessment.
- Open Space - A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. Capstone has proposed over 60 acres of open green space which includes over 8.1 acres of community park and

recreation space with walking trails and unique landscaped buffers. The park area is an increase from the original 1 acre park proposal. (Attachment 4)

- Streets – Streets and cul-de-sacs, along with utilities should be constructed in compliance with City Code Section 66 – 164 which requires that streets shall provide for future connections to adjoining un-subdivided land. Staff recommends that the streets be city-maintained public streets throughout the development.
- Housing - The amended plan consists of 252 new single family homes which is a reduction from the original 350 proposed. A combination of 50', 70', and 80' lots are proposed as opposed to the 45' and 65' lots that were included in the original proposal.
- City Services - The plan indicates the new single family homes will each be connected to the city sewer and water as the entire development is within the Metropolitan Urban Service Area (MUSA).
- Density - The plan consist of an overall density for the proposed developable land that is under 3 units per acres, which is the city wide density standard based on the 2040 Comprehensive Plan for all properties in the MUSA. (Attachment 5)
- Parks Commission - The developer presented the Concept Plan to the Parks Commission on August 8th, 2023. The Parks Commission was agreeable to the \$1500 fee per lot and 8.1 acres of land. The developer is requested the cash be used for the improvements to the active play area with addition of a nature play facility.

Action Requested: Staff is requesting the Planning Commission discuss the amended Concept Plan for a Mixed Use/ PUD and formally make a recommendation of approval or denial to the City Council.

Attachments:

Attachment 1 - Location Map

Attachment 2 - Aerial Map

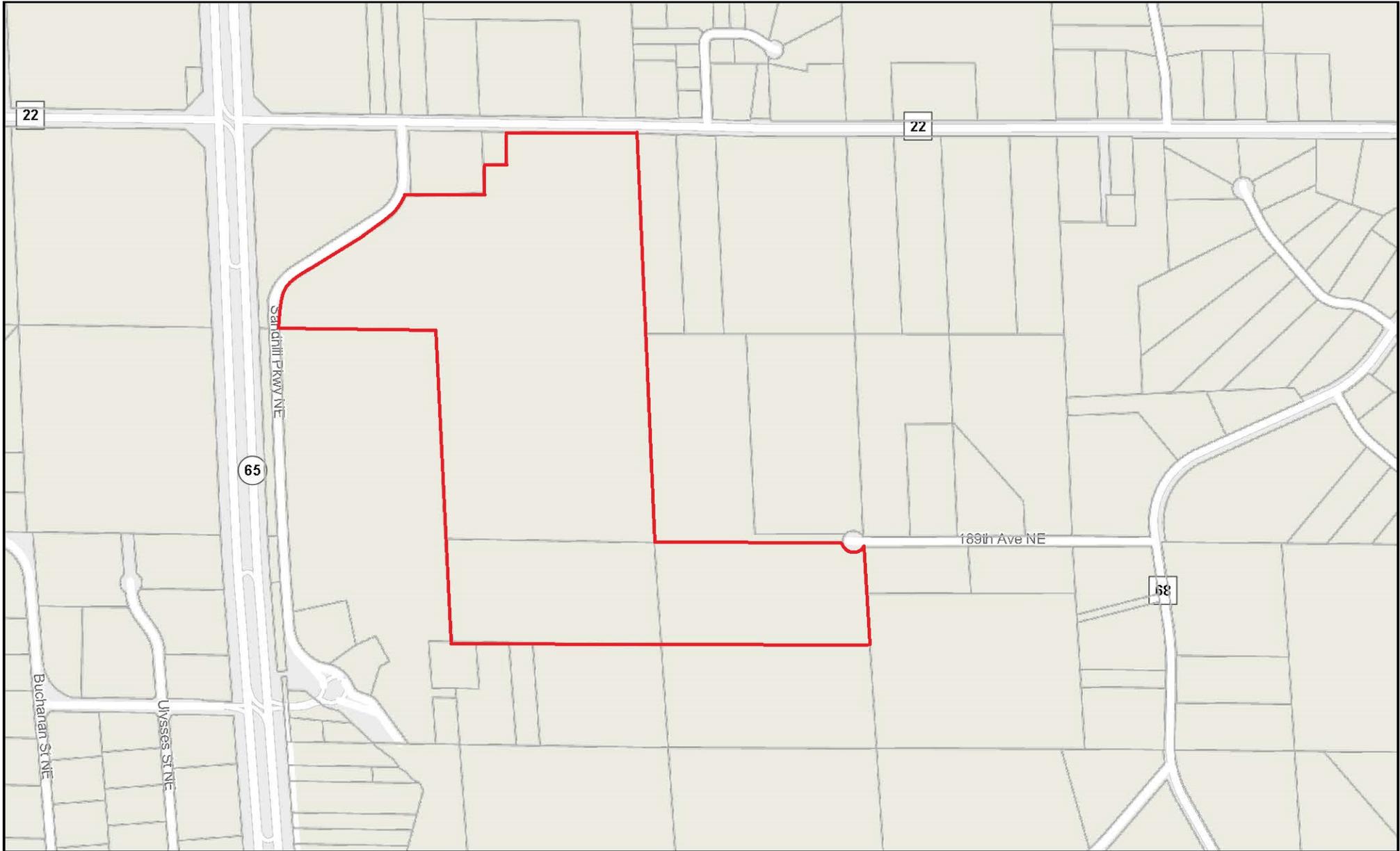
Attachment 3 - Amended Concept Plan

Attachment 4 - Open Space Concept

Attachment 5 - 2040 Comprehensive Plan – Table 3.5 Density Table

Viking Meadows - Location Map

Item 5.0 Attach 1



1 inch equals 845 feet



-  Parcels
-  City Mask

Viking Meadows - Aerial Map

Item 5.0 Attach 2



1 inch equals 845 feet

-  Parcels
-  City Mask





LEGEND

- 50' Liberty Lots (± 106 lots, 23 ac.)
- 70' Classic Lots (± 105 lots, 32 ac.)
- 80' Classic Lots (± 41 lots, 14 ac.)
- Park / Recreation Space (± 8.5 ac.)
- Open Space
- Wetlands
- Ponds
- Property Boundary (± 129 ac.)
- Parcel / PLS Lines
- Developable Areas (± 95 ac.)
- Existing Wetlands
- County Ditch
- Proposed Trails
- Proposed Sidewalks



LEGEND	
	50' Liberty Lots (± 106 lots, 23 ac.)
	70' Classic Lots (± 105 lots, 32 ac.)
	80' Classic Lots (± 41 lots, 14 ac.)
	Open Space (± 60 ac.)
	Property Boundary (± 129 ac.)

East Bethel 2040 Comprehensive Plan Chapter 3: Land Use Plan

TABLE 3-4: RESIDENTIAL GROWTH POTENTIAL BASED ON FUTURE LAND USE DESIGNATIONS AND REDEVELOPMENT AREAS.

Land Use Type	TOTAL Dev. Acres	Acres now-	Acres 2021-	Acres 2031-	Density Range			Yield %	Min Units Now	Min Units 2021-2030	Min Units 2031-2040	TOTAL Minimum Units	Mid Units Now	Mid Units 2021-2030	Mid Units 2031-2040	TOTAL Midpoint Units	
		2020	2030	2040	Min	Mid	Max		2020	2030	2040	Minimum Units	2020	2030	2040	Midpoint Units	
2040 Future Land Use	Low Density Res	152.23	58.92	66.08	27.23	2.25	3.125	4	100%	48*	149	61	258	48*	207	85	340
	Medium Density Res	212.44	44.16	140.50	27.78	4	8	12	100%	130*	562	111	803	130*	1,124	222	1,476
	Mixed Use (LDR) ¹	614.68	0	344.24	270.44	2.25	3.125	4	100%	0	775	609	1,384	0	1,076	845	1,921
	Mixed Use (HDR) ²	63.59	7.07	31.65	24.87	12	21	30	100%	106*	380	298	784	106*	664	522	1,292
	Guided Total	1042.94	110.15	582.47	350.32						284	1,866	1,079	3,229	284	3,071	1,674

*City Council Approved Units

Community Designation Density (2021-2040)	5.09
Total expected housing units	4,745
Units considered affordable at <80%AMI	380

¹ Mixed Use (LDR)'s 614.68 developable acres is 72.5% of the overall Mixed Use 847.83 developable acres

² Mixed Use (HDR)'s 63.59 developable acres is 7.5% of the overall Mixed Use 847.83 developable acres