

EAST BETHEL PLANNING COMMISSION MEETING

July 25, 2023

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

MEMBERS ABSENT: Randy Plaisance and Gabriel Hanschen

ALSO PRESENT: Jack Davis, City Administrator
Aaron Berg, Community Development Director
Bob DeRoche, City Council Liaison

1.0 Call to Order

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

2.0 Adopt Agenda

Commissioner Balfany moved and Commissioner Johnson seconded to adopt the agenda adding Item 2.A. – Staff comments and recommendations. 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.**

2.0A Staff Comments and Recommendations

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

3.0 Approve June 27, 2023 meeting minutes

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

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

Berg reviewed staff’s report stating on August 1, 2018 the East Bethel City Council approved a Conditional Use Permit (CUP) for the operation of a Psychiatric Residential Treatment Facility (PRTF) at 900 189th Ave NE. The facility briefly operated as 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.

Berg noted 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.

Berg stated 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.

Berg indicated 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.

Berg stated 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.

Berg noted 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.

Berg stated 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.

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

Berg stated 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 to the Commissioner's packet)

Berg stated 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.

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

There were no comments made.

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

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

Dear East Bethel Planning Commission.

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

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

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

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

Regards,

Pastor Kiri Solberg

Our Saviors Lutheran Church.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Berg stated he did not assume an operator was going to come up with a large emergency safety plan and then not practice or implement it. He noted this was not the only facility that Nexus was currently

operating and he did not think they had any information to say that Nexus was not implementing safety plans in any of their other facilities.

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

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

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

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

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

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

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

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

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

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

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

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

Berg reviewed staff's report stating 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 221st Ave NE and Luan Drive NE.

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 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.

Ken Henrikson, 22809 Bataan St NE, expressed concern that the corners were all water and it was a 90-degree turn. He stated he was also concerned about the number of driveways they were proposing to

put in. He expressed concern about the speed of the traffic. He stated there were too many lots being proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inaudible conversation between Ken Henrikson and Mr. Strandland.

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

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

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

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

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

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

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

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

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

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

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

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

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

Terry asked if this development was too small for a PUD. Berg responded a PUD could be requested in any zone throughout the City and that sort of concept was more built around areas in which it could encompass sort of a different, maybe mixed use to provide a transition between different zoned to come up with something that might not meet one zoning standard and go across zoning lines to come up with some middle ground. He stated there was nothing in the City Code that said they could not request a planned unit development in a rural residential zone.

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

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

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

Johnson and Reiter stated they liked Terry's idea.

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

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

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

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

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

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

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

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 pointed out where the extension could be located, but noting the developer was not required to do that. He noted the route remained the responsibility of the City to acquire the right-of-way to make a connection between the two and there was legal questions that need to be answered and costs

associated with purchasing a right-of-way from private landowners. He understood at one time the landowner was approached about the potential of granting a right-of-way access and the City was denied, so the developer would not even attempt to request that the road be connected if circumstances had not changed.

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

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

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

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

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

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

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

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

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

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

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

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

Reiter stated he agreed with Terry.

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

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

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

Berg stated with respect to Item 5, if the Commissioners wanted to table these until they get closer to the nonbuilding season when they have more time to discuss these, they could do that.

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

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

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

Berg reviewed staff's report stating 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.

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

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

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

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

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

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

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

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

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

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

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

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

6.0 Updates

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

7.0 Adjournment

Commissioner Reiter moved and Commissioner Terry seconded to adjourn at 9:55 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.