

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: October 24, 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: August 22, 2023 (Amended) & September 26, 2023 (Draft) (Pg 2 - 27)
4. Planning Commission Reappointment Recommendation (Pg 28 - 29)
5. **Public Hearing: Use Variance - 1311 229th Ave NE – B&T Trucking (Pg 30 - 42)**
Strandlund Farm – Preliminary Plat – 2836 221st Ave NE (Pg 43 - 49)
Classic Commercial Park 5th Addition – Preliminary Plat – 189TH Ave / Buchanan St NE (Pg 50 - 53)
Classic Commercial Park 5th Addition – Final Plat (Pg 54 - 56)
6. 185XX 3rd ST NE – Variance Re-application recommendation per City Council request. (Pg 57)
7. Updates
8. Adjourn

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL PLANNING COMMISSION MEETING

August 22, 2023

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

MEMBERS ABSENT: None

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 Reiter moved and Commissioner Hanschen seconded to adopt the agenda as presented. 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.**

3.0 Approve July 25, 2023 meeting minutes

Terry stated on Page 10, second paragraph, second sentence, it should read “lots there, but it was at...”. And on Page 12, Line 514 the last word “one” should be replaced with the word “exit.”

Commissioner Johnson moved and Commissioner seconded Terry to approve the July 25, 2023 regular meeting minutes as amended. Balfany asked any discussion? To the motion, all in favor say aye. **Balfany, Reiter, Johnson, Terry, Allenspach.** Balfany asked any opposed? **Plaisance and Hanschen abstained.** That motion passes. **Motion passes 5-0-2.**

4.0 Ordinance Amendment: Section 10-4. Accessory Storage Containers

Berg reviewed staff’s report stating 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.

- 47 4) The Planning Commission shall make findings of fact and make a recommendation on the request. Such
48 recommendation shall be in writing and accompanied by the report and recommendation of the city
49 staff.
50
- 51 5) Upon receiving the report and recommendation of the Planning Commission and the city staff, the city
52 shall schedule the application for consideration by the city council. Such reports and recommendations
53 shall be entered in and made a part of the permanent record of the city council meeting.
54

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

57 The definition of an accessory storage container is found in Appendix A – Zoning, Section 1 -9
58 Definitions. (Attachment 3) Accessory storage container: A container placed outdoors and used for the
59 storage of goods, materials, or merchandise that is used in connection with a lawful principal or
60 accessory use of the lot. The term "accessory storage container" includes, but is not limited to,
61 containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars,
62 piggyback containers, and portable moving and storage containers. The term "accessory storage
63 containers" does not include a garage, barn, or storage shed accessory to a dwelling provided such
64 structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods,
65 materials, or merchandise.

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

69 Staff is requesting the Planning Commission review the proposed ordinance amendment, make a formal
70 recommendation to the city council of approval, denial or propose additional amendments for
71 consideration in the written report.

72 **Commissioner Reiter moved and Commissioner Balfany seconded to open discussion.** Balfany
73 asked any discussion?

74 Reiter stated he believed the way that Councilmember Miller wrote this took into consideration the
75 general aesthetics of storage containers with respect to no graffiti, needing to match existing buildings
76 on site, not exceeding 12 feet high, they are not to be stacked, and with maximum square footage of up
77 to 320 square feet for properties under 4 acres. He noted basically for every 2 or more acres after 4
78 acres, they are going to get another opportunity to put in a 20-foot container. He stated the containers
79 would also need to comply with setbacks and be screened. He believed all of these were appropriate for
80 rural residential and agricultural properties. He stated he did not see any reason to not approve this.

81 Johnson stated she did not know the intent, but when they talked about being on rural residential or
82 agricultural properties, did that mean zoned agricultural or agricultural properties like theirs in which
83 they had a farm. She asked if places like hers get covered by this. Reiter responded he believed
84 Councilmember Miller was trying to expand the ability to use storage containers.

85 Balfany stated the way he read this, they were only allowed in rural residential and only in agricultural
86 zoned property. Johnson stated she was not in the agricultural zone. Balfany did not believe she would
87 fall into this.

88 Balfany stated he was fully opposed to accessory storage containers. He noted he had never liked the
89 look of them. He indicated he was opposed to the ones that were converted into actual accessory
90 structures and the reason he voted for it at the time was because that person had already made massive

91 amounts of changes to that physical structure to the point it was no longer considered a storage container
92 and it was an actual accessory structure.

93 Balfany stated the last thing he wanted to do was open up the City to people who had not started
94 containers. He realized there were some people who already had containers and staff had not had
95 enough time to keep them in compliance. He indicated if this was opened up, he did not think staff
96 could do the code enforcement. He stated he did not want to see storage containers around the City
97 either. He did not see a need for it and there were plenty of other types of accessory structures that were
98 available for people and he did not think they needed to go to rail cars for storage.

99 Johnson stated for her property, they had been looking at getting a container to store their potatoes with
100 refrigeration in because they didn't have enough storage in their storage shed. She noted it would never
101 even have been on their radar to think they had to ask for permission to have a storage container on a
102 farm. She stated for that reason she was in favor of it, but agreed it really needed to be controlled also.

103 Reiter stated if they added a screening requirement, he did not see having this type of a storage container
104 on someone's property as an issue. He noted the whole idea was to help people clean up junk in their
105 yards. He believed this was a low cost and easy fix for that. He stated they could add that if someone
106 violated the Ordinance it could result in fines, penalties, and other legal actions.

107 Balfany asked what would happen if someone ignored a fine. Johnson stated she had seen comments
108 regarding this on Facebook where people were saying they would rather just pay the fine and not worry
109 about it.

110 Balfany expressed his concern again with Code enforcement.

111 Reiter stated he liked what Councilmember Miller was trying to do and he thought this was needed. He
112 believed this fit within the character of the community also. He believed it helped a lot of agricultural
113 property to do the things they need to do. He stated this was low-cost storage and it was more secure
114 than a barn or putting a tarp over stuff.

115 Reiter stated he knew there were already storage containers in the City. He did not believe everyone in a
116 rural or agricultural area would start putting in storage containers. He indicated to put in an entry level
117 pole barn these days someone would have to pay \$50,000 and this would provide the opportunity to get
118 a secure structure for low cost.

119 Johnson asked if they have had a public hearing on this. Berg responded in the interest of speeding this
120 up, the public hearing would be next Monday prior to the City Council meeting.

121 Reiter noted another thing they need to realize was the next agenda item was about an expansion of a
122 residential development where there would be a lot of new homes that would not have storage, and they
123 needed to consider their storage requirements and the City had to be considerate of their storage
124 requirements. Berg responded none of these would be allowed in the next agenda item.

125 Reiter stated they should look at putting the R-1 and R-2 in the townhomes that were coming in. He
126 noted he did not know the occupancy status of the storage areas, but that was something they should
127 consider as well. Balfany responded that was probably why it was currently excluded. He stated he did
128 not want to see 5 to 10 years from now the problems that would come from this because a handful of
129 people reached out and wanted a cheaper solution. He stated what was before them right now was
130 whether the City should or should not allow this.

131 Hanschen stated he was not heavily swayed one way or the other on this, but if people already had them
132 in their yards they were at 100 percent non-compliance and if Code enforcement was having issues with
133 enforcing the ones the City had, and now they were going to add more storage containers. He stated

134 they needed to determine how they would “raise the bar” so it’s not someone purposely not complying
135 and just paying a fine and saying they could do what they want to do.

136 Hanschen stated to him a shipping container belonged in a shipping yard and not next to somebody’s
137 garage because someone had too much stuff, but again who where they to tell people what they could do
138 with their property. Balfany responded they already had a hard enough time managing and being able to
139 regulate the containers they currently had. He indicated they were wasting resources trying to manage
140 something that was in his personal opinion not aesthetically pleasing or being wanted to be seen in the
141 City just because the City was a rural residential area.

142 Berg clarified that there was a current permit requirement for fences over six feet tall be used for
143 screening, but if there was a 12-foot storage container, then there would need to be at least a 12-foot
144 fence and that would make the resident obtain a building permit, and he did not think the idea was to
145 force the residents to get building permits to have storage.

146 Berg stated he has also directed Code enforcement to withhold enforcement on storage containers post
147 Councilmember Miller’s Ordinance proposal so nothing had been done with existing storage containers
148 in approximately 3 months. He noted some of the containers the Commissioners were seeing could
149 potentially have Code enforcement cases on them but because there was the consideration for them in an
150 Ordinance amendment, he did not want to be spending any extra time doing things that might not be
151 worth it.

152 Berg pointed out the current procedure for Code enforcement was the first violation after numerous
153 warnings was a \$50 fine, followed by \$150 fine, then a \$250 fine. After that it was referred to the
154 criminal courts. He noted for someone who didn’t want their storage container to be in compliance, if
155 they continued to ignore Code enforcement, they would eventually find themselves in criminal court.
156 He indicated he did not believe that was the intent of the Ordinance either, so he did not think Code
157 enforcement was the answer to this.

158 Berg noted ultimately they did have a section in the Code that talked about abatement and they could get
159 a Court order to remove storage containers, but right now the City did not want to incur that cost.

160 Reiter asked if the City received a lot of complaints about storage containers. Berg responded since he
161 had been with the City, which was June 2022, he believed they have removed around 8 of them from the
162 City limits.

163 Johnson asked what zoning were those containers in. Berg responded he believed they were all in the
164 residential zones. He noted some industrial properties had them also, but they were well screened and
165 the City had not received any complaints about those. He noted there might be some containers in the
166 City in residential areas also that are so well screened that nobody had complained about them also. He
167 noted the City was complaint-based Code enforcement so if nobody complained, the City likely would
168 not take any action.

169 Reiter asked what were the complaints about. Berg responded most residents know storage containers
170 were not allowed and did not want to see them in their neighborhood. He indicated many people had
171 them placed right in their front yard where they are highly visible and that was what generated the
172 complaints. He noted these were not a situation of a temporary move either. He indicated the City did
173 allow for contractors and/or temporary moves to utilize job boxes or storage and when it was a
174 construction site, the City typically withheld the Certificate of Occupancy for the building until the
175 storage containers were removed from the job site.

176 Reiter recommended they be put within the setback requirement, or they should be in the rear yard
177 behind the house. Johnson agreed.

178 Berg noted his recommendation was to look at the detached accessory structure requirements, and
179 potentially use those as a standard for storage containers which did say that it could not be placed in
180 front of the frontline of a house, and could not be placed on the property prior to the primary residence
181 and could not be lived in. He indicated they could dissect the general regulations from detached
182 accessory structures and add those to the amendment as per Reiter's recommendation.

183 Allenspach stated she was not in favor of storage units like this, but understood some people needing
184 them. She indicated if they could get them placed on the property with the setback requirements and a
185 little bit of color to match to at least not have them stand out and look ugly.

186 Balfany stated if someone had to have storage there were other means and ways to store their things. He
187 noted just because there was a feasible option and maybe no alternative, did not always mean that was
188 the appropriate one.

189 Reiter noted based on the comments, he did not think that was going to get passed and Council was
190 asking for feedback on how to make it better, and not whether they were for or against it. Balfany
191 responded that was presumptuous for something that had not passed yet. He stated the Council asked
192 for the Commissioner's opinion and as a resident he was giving it and he did not want to see this.

193 Balfany stated with respect to this not being done in a timely manner, the Commission has had a very
194 large schedule with long meetings, but that did not change his opinion or his thought process. He
195 believed this would be a regression and not a progression.

196 Terry stated he knew of two railroad cars in the City with one being in his neighborhood that were made
197 of wood and they both had a lot of character and were totally different from storage containers because
198 they had a design to them that was meant for the railroad aesthetic. He indicated they looked nice in the
199 yards.

200 Hanschen stated he did not think they would get a bunch of decorative train cars in people's yards.
201 Terry agreed, but noted these were lumped in with everything else.

202 Hanschen stated he had a concern with the maximum square footage also and it sitting next to a house
203 where everybody driving by was going to see it unless they could tuck it behind a home. Balfany stated
204 he believed this could get out of hand quickly.

205 Hanschen indicated the other issue was what happened to the container when the person moved. It
206 would remain more than likely remain on the property into the future. Reiter noted if somebody living
207 on rural property was moving it would make moving easier because they could fill their storage
208 container.

209 Reiter stated they could not prepare for everything. He believed the set standards made sure people did
210 not have to hide it. Balfany asked what about the diminished neighborhood with a storage container
211 being next door. Reiter responded they could not assume it would diminish the neighborhood.

212 Balfany asked Reiter if he had some knowledge ahead of time that the Council was going to pass this
213 and it was absolutely going to happen. Reiter responded Balfany was being a conspiracy theorist. He
214 noted he had watched the last Council meeting and this appeared to have a consensus at the Council and
215 they wanted to get this pushed through. He indicated if Balfany did not want to provide feedback, other
216 than he did not want it, that was his prerogative. He stated his feedback was to add the setback should
217 be behind the house and then maybe attach in the language from the accessory storage rules they had
218 just to make sure that it followed a similar compliance to detached structures. He believed all of that
219 was valid and reasonable.

220 Balfany stated to Reiter's comment, he asked him to retract his comment that he was a conspiracy
221 theorist. He stated he was not a conspiracy theorist and he just using the verbiage that Reiter used that it

222 was presumptuous that this was something that was going to happen. He understood Council was
223 looking for feedback, which was what he had been doing.

224 Reiter stated he wanted to make sure that the Commissioners knew he was not meeting with the entire
225 Council and asking them for their decision because that was not happening. Balfany stated he was
226 giving a response to the comment that Reiter had said.

227 Reiter retracted his comment that Balfany was a conspiracy theorist. Balfany thanked him.

228 Plaisance stated he might be out of the loop on this, but what was the urgency on this item. Berg
229 responded he could not answer that. He stated it was proposed in May and it was on both the June and
230 July Planning Commission agenda. He indicated Councilmember Miller brought it up at the last
231 Council meeting asking that it be moved forward, but he did not know of the urgency.

232 Plaisance indicated normally when a matter was urgent there was a deadline that had to be met, so he
233 was curious if there was a particular reason that needed to be pushed forward. Berg responded there was
234 no justification provided other than it had been postponed twice by the Commission.

235 Plaisance stated he believed they were making a huge mistake thinking that the current zoning was
236 applicable to the entire City. He noted he lived in a rural residential on a half-acre lot and the way he
237 read this was that he could just go ahead and dump a container in his back yard as long as it didn't have
238 graffiti on it and it didn't matter what the neighbors thought.

239 Plaisance stated it made him shake his head that they were including graffiti as an automatic restriction
240 and that told him that this was an item that many people would consider to be a detriment to their
241 property values rather than something they would want in their neighborhood. He agreed with the
242 comments regarding Code enforcement also and how difficult it was dealing with it right now. He also
243 indicated the penalties were less money than it would cost him to go ahead and correct the issue.

244 Plaisance indicated storage containers definitely did have their place, but the current iteration of what he
245 saw in front of him did not make sense. He stated he was not seeing enough on the restrictions to make
246 sure that these were going to look appropriate for the type of City they've been wanting to build for a
247 long time. He acknowledged there were storage containers that had been converted into houses that he
248 could never afford; they were gorgeous and beautiful, but they had restrictions on how to actually
249 present that through building code enforcement that was way beyond what they were considering here.

250 Plaisance noted it appeared to him that the City wanted to allow residents to take a storage container,
251 throw it into their backyard so they could start throwing stuff in it because there was no other place to
252 put it. He noted he currently had the same storage problem, but there are other avenues where an
253 accessory structure could be built that conformed with the current Ordinance that would take care of this
254 problem. He stated he understood it was more expensive to build this type of structure, but as a
255 homeowner who would have the potential to have multiple different properties in his neighborhood with
256 storage containers on it, there was no way he would support this unless there were some very strict rules
257 about how they were placed, such as what kind of pad they would be on, what kind of design element
258 the outside of the container would have, etc. He indicated he would want a building that someone would
259 be proud of rather than a plain storage container, even if there was no text or graffiti.

260 Reiter asked Plaisance what type of base would he like to see and would he want to add this as a
261 recommendation. Plaisance stated he would not consider supporting this amendment as proposed and he
262 did not care if it took a year to iron out the differences, but he did not want this happening in his
263 neighborhood.

264 Plaisance stated as a Planning Commissioner he also did not want to see all of the things “rolling
265 downhill” that was going to hit them because somebody was not in compliance, or people were going to
266 complain. He indicated he was having a very hard time with this.

267 Plaisance noted some people have said they would want to make a container a mother-in-law’s house,
268 which he was sympathetic to, but in order to do that he would want to see design elements on the
269 container to make it look more natural to the neighborhood.

270 Reiter stated this has been on the Commissioner’s agenda for three months and they have had time to
271 consider their points on the recommendation. He did not know if they should wait on this any longer.
272 Plaisance stated he found Reiter’s comments insulting. He indicated it should not matter how long it
273 had been on the agenda – that it was still not to the point where he was willing to support it as is. He
274 noted he did not think that current amendment was defining everything they would need in order to
275 make sure it was not going to cause issues in the future, or even that his neighbors were not going to
276 come in and complain because somebody had put a storage container in. He stated he did not want to
277 hear it.

278 Terry stated actually the Commissioners had not had three months to consider this, even though it had
279 been on the agenda, and this was the first time they had actually discussed it. He noted it had been
280 tabled the other times, so unless people had been looking at this on their own this was the first time it
281 was discussed. He noted their meetings had been running really late the past few months and that was
282 the reason it had been tabled previously. He stated now they were coming to terms of what this implied
283 and what it meant, so he did not know if the time element was relative to the meeting. He did not think
284 this was a time sensitive issue rather than just somebody wanting to see this happen. He indicated now
285 they were looking at it and they were considering it more carefully.

286 Balfany asked if there was a time element to this and did it fall into the 60-day rule. Berg responded
287 when it was initially brought forward, if he was remembering correctly, that was at the May meeting and
288 there was no formal proposal and the formal proposal came afterwards. He noted they got the formal
289 amendment after that, so technically they would have to look back at the clock to see when that 60-day
290 window would start. He acknowledged there was a “little bit of a tiger element.”

291 Berg stated the Commissions could approve or deny this, but he believed the Council was looking for
292 some constructive feedback and input to help them make a decision so this was the Commissioner’s
293 opportunity to provide the feedback.

294 Terry stated he would like to see the containers treated with materials so they do not appear as storage
295 containers, but as something having an aesthetic look like a shed or something architectural.

296 Plaisance asked if someone could take a storage container to build a structure and basically use it as a
297 frame. Berg responded based on State Statues or the State Building Code, he did not believe a steel
298 corrugated storage container would be considered a habitable structure to Building Code standards. He
299 noted he did know many cities do allow storage containers, and a lot of storage container homes that
300 were built were in townships out in the country where there were very limited Building Code
301 requirements. He noted he would need to look into some specifics of that to ensure that was in
302 alignment with the City’s Code and the State Building Code.

303 Plaisance stated he might be able to get behind this if a container was not just being thrown on a
304 property, but they were actually building a building and using that container structure to help define the
305 building. Balfany noted that went well beyond what they were talking about at this meeting. He also
306 noted that at that point it would no longer be a container, which was what had been approved.

307 Berg stated he had spoken with the City Administrator about this and they were not opposed to allowing
308 storage containers as storage options in the rural residential or agricultural zoning districts of the City.

309 Reiter added a recommendation that if somebody does put a container that it is on a class five minimum
310 pad. He noted that would require some grading and would prevent washout, or other types of erosion.
311 He also believed that consideration for property owners such as Commissioner Johnson's property
312 should be considered and that agricultural or agricultural purpose lands should be included. Berg noted
313 they had to be very careful doing this as there might be some land still classified for tax purposes as
314 agricultural but had small lots. He indicated anything over 200 square feet could require some form of
315 either cement pad with skids or class five gravel, but anything under 200 square feet did not require that
316 because it was not a building permit issue. He stated he preferred this to be in black and white and he
317 believed the residents would appreciate knowing what was and was not allowed.

318 Reiter asked if it was possible to add this into the detached accessory structure but create a subsection
319 that would apply to this and then address the casual storage containers separately. Berg responded
320 anything was possible, but it was easier to reference the general regulations of the detached accessory
321 structure in subdivisions to the amended proposal versus calling out the individual to comply with
322 setback requirements, comply with other applicable ordinances, and violation which result in fines or
323 penalties. He believed it may be easier to say accessory storage containers should meet all of the
324 general regulations of a detached accessory structure as defined in Section 14.

325 Terry asked if someone put beams across the roof and hung façade material, why was that a detached
326 structure rather than still a storage container. Berg responded hypothetically they could classify a lean
327 to that was over 200 square feet as a detached accessory structure. He assumed if you framed over the
328 top of a detached accessory structure more than 200 square feet it should be in compliance with the
329 City's accessory structure and in compliance with the Building Code if it was more than 200 square feet
330 based on Code language. He noted again that staff was not opposed to storage containers, rural,
331 residential, or agricultural but they needed more black and white regulations in terms of what they could
332 and could not tell people when it came to placement, color, location, size, number, etc.

333 Balfany noted when he had previously approved a storage container, it was deemed it was no longer a
334 storage container but rather a detached accessory structure due to the modifications made to it. He noted
335 the City made that individual jump through a number of things to make it compliant versus what this
336 proposal was in which someone could just plop it in their backyard, paint it, and call it a day. Berg
337 stated he was not proposing they require that the exterior surface be brick or block stone, etc. He was
338 saying as a basis for placement and cosmetic things this would be a good place to start if you wanted to
339 look at some sort of regulatory model for placement.

340 Reiter agreed and noted his three feedback items were the setback behind the house, the class five
341 minimum pad, and to match some of the language in the detached accessory structures just to make sure
342 it was conforming within both the setback and the aesthetic requirements.

343 Hanschen stated something either in the backyard or out of sight of the general public, which was going
344 to be difficult to achieve so they were weeding out. Balfany asked what if the neighbor saw it. He
345 noted he could see the backyard of his neighbor from his house. Hanschen responded that was where it
346 became more difficult, so they were allowing the provision while setting a high bar.

347 Balfany stated he did not know how this could be controlled and that was the difficult part. He noted if
348 he cut down a tree in his backyard and now he could see the neighbor's storage container, that would no
349 longer make the container compliant. Hanschen agreed that at that point there would be issues and this
350 would be difficult to control. He noted maybe they needed to have this by a minimum acreage of some
351 type. He stated he was not pleased when Reiter said this was going through anyway and it was
352 inevitable.

353 Balfany stated he wanted to let people do what they wanted, but he wasn't going to support it to the
354 detriment of the City as a whole either. He stated he did not want to see this pass and he felt strongly
355 about that.

356 Johnson stated she believed she had been pretty clear that she was in favor of this, especially for
357 agricultural purposes. She stated she would like to see it have to be conforming to the accessory
358 structure regulations.

359 Plaisance asked for a situation similar to what Johnson owns, this would be an option she wanted to do,
360 so would she be opposed to increasing the acreage that it would require in order to get this or specifying
361 that if it was being used for agriculture there would be an exception. Johnson responded she would not
362 be opposed.

363 Plaisance stated he believed there should be a minimum in order to be able to use this particular
364 solution, rather than just building their own accessory structure on these smaller properties where it
365 would affect the look of the neighborhood. He indicated to him a storage container was not aesthetically
366 pleasing and it did not feel like it was a good match for him when he thought of East Bethel.

367 Johnson stated she would not oppose this at all and she did think they had their place.

368 By consensus, the discussion was closed.

369 **Commissioner Reiter moved and Commissioner Johnson seconded to approve the recommended**
370 **amendment to the Ordinance, adding class five minimum base as discussed. and adding the**
371 **setback requirements that are in the detached accessory structure language of the current existing**
372 **Ordinance and adding a minimum of 1.5 acres for rural lots.** Balfany asked any discussion?

373 Terry stated for him the motion failed his approval on the minimum requirement for acreage being too
374 small. He did not believe it would be possible to conceal the container with this type of acreage.

375 Hanschen stated he wanted to make sure that they were raising the bar to a good standard as well as
376 some sort of screening process, whether that meant it had to be permitted for even just one not up to 200
377 square feet. Balfany responded they would then have to have someone who would need to draft some
378 kind of language for that as well and that would have to be regulated, which would take it beyond the
379 scope of looking at this.

380 Balfany stated he was opposed to this in general and he was even more opposed to the exact motion,
381 especially keeping out the staff recommendation of including the accessory structure language.

382 Reiter asked if this was denied, would Council still receive the feedback so they could consider it.
383 Balfany noted if this was denied, another motion could be done or an amendment could be made to this
384 motion. He indicated the Council had requested a formal recommendation be made by the Commission,
385 whether that was an approval, amendment, or denial.

386 Berg stated that was not Council's request, but it was an Ordinance requirement.

387 Reiter called the question. Balfany stated not all Commissioners have had the opportunity to comment
388 under the discussion.

389 Plaisance pointed out that to call the question was a motion and it had to be dealt with immediately. The
390 requirements for that was they need to have a 66.6% in favor vote from the entire body in order for the
391 call to question to proceed forward. He indicated this had to be treated like a regular motion and have a
392 vote on whether or not to call the question.

393 To the motion to call the question, all in favor say aye. **All in favor.** Balfany asked any opposed? That
394 motion passes. **Motion passes unanimously.**

395 To the motion, all in favor say aye. **Reiter, Johnson, and Henschen.** Balfany asked any opposed?
396 **Balfany, Plaisance, Allenspach, Balfany and Terry.** That motion failed. **Motion failed 3-4.**

397 **Commissioner Reiter moved to approve the amendment as delivered by Councilmember Miller.**
398 **Motion failed for lack of a second.**

399 **Commissioner Terry moved and Commissioner Johnson seconded to approve the amendment**
400 **request by Councilmember Miller adding the attached accessory structure ordinance general**
401 **regulations, adding the minimum class 5 base, adding there be a minimum of five (5) acres for the**
402 **storage containers to be acceptable, and exempting from those requirements the use of a train car**
403 **or the applying of façade material to disguise the appearance of the storage container .** Balfany
404 asked any discussion?

405 Reiter stated he would be voting no on this because he believed it was too restrictive. He believed two
406 acres was the smallest they should go.

407 To the motion, all in favor say aye. **Terry, Johnson and Henschen.** Balfany asked any opposed?
408 **Reiter, Allenspach, Balfany, Plaisance.** That motion failed. **Motion failed 3-4.**

409 Balfany stated again they needed a motion for approval or denial. Berg reminded the Commissioners
410 that if they felt passionate about one version, another version, or some other avenue, there would be a
411 public hearing at the next Council meeting and if they felt compelled to do so, they could show up and
412 speak. He also believed the Council would be willing to look at an email and/or phone call from
413 YouTube if they wanted to speak.

414 **Commissioner Balfany moved and Commissioner Plaisance seconded to deny the amendment.**
415 Balfany asked any discussion? To the motion, all in favor say aye. **Balfany, Plaisance, and**
416 **Allenspach.** Balfany asked any opposed? **Reiter, Johnson, Henschen. Terry abstained.**

417 Berg asked Terry why did he abstain when this would be considered a yes vote. Terry responded
418 because he believed they should be able to craft something that worked rather than a flat denial.

419 Balfany asked Terry if he was in favor of denying the motion then. Terry responded if they denied this
420 then they were done with it.

421 Balfany responded the Commission would be done with discussing it because the motion was denied
422 and they could not come to any other agreement, but it would still go before the City Council after the
423 public hearing.

424 Terry stated he wanted to give the Council something to work with other than a denial. Berg stated
425 Terry should then vote no in favor of the motion to deny.

426 Plaisance asked Terry if he was saying he wanted the Commission to continue the discussion in order to
427 come up with some kind of middle ground in order to make it work.

428 Berg stated right now the motion was to deny and there was a second to deny, the vote was taken and
429 there were three votes in favor of the motion to deny and there were three votes not in favor of the
430 motion to deny with Terry abstaining. He noted right now they were sitting at a 3-3 tie on the motion to
431 deny, so if Terry voted. Terry stated he was interested in what happens if they leave this as that.

432 Hanschen stated they would be here until midnight.

433 Berg stated an abstention was an affirmative vote.

434 Balfany stated that would be a denial and they were back to discussion or to entertain another motion.
435 He noted his motion died and they were back to discussion.

436 Berg pointed out that with Terry abstaining, that was a vote in favor of the denial as an abstention was
437 an affirmative vote. Plaisance stated the vote was a tie, which means it did not pass and therefore they
438 were back to square one.

439 Terry stated he wanted to vote to deny the denial.

440 **Motion failed 3-4.**

441 **Commissioner Reiter moved and Commissioner Balfany seconded to adopt the amended**
442 **ordinance submitted by Councilmember Miller, add the sub-base of class 5, minimum to include**
443 **the detached structure setback requirements that are already contained within the ordinance, and**
444 **then to be amenable to set a minimum requirement of five (5) acres.** Balfany asked any discussion?

445 Berg asked if residents could not place these on any lot smaller than five acres. Balfany responded that
446 was correct and this only had the setbacks from the accessory structure, which was something he was
447 worried about.

448 Reiter stated he just wanted to get this sent to the Council and whether they decided to use it entirely or
449 not was up to them.

450 Plaisance asked if this included any design element for the structure itself. Hanschen stated it required
451 the paint. Berg responded no graffiti, and a neutral color matching the aesthetics of the primary
452 structure.

453 Terry asked if this took into account any screening. Balfany stated as Reiter had pointed out, the
454 Council could choose to do what they wanted and the Commission was only an advisory board.

455 Plaisance asked if this was conforming then with a normal accessory structure – were there increased
456 design standards for a regular accessory structure. Berg responded yes.

457 **Commissioner Plaisance moved and Commissioner Reiter seconded to make an amendment to the**
458 **motion adding that the design aesthetics have to match the current design standards for the**
459 **current accessory structures.** Balfany asked any discussion?

460 Berg noted the design standards for a detached accessory structure required a minimum of a 12-inch
461 overhang and a certain pitch for the roof, so now they were complicating things even more.

462 To the amended motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That amended
463 motion passes. **Amended motion passes unanimously.**

464 Reiter called the question.

465 To the motion to call the question, all in favor say aye. **All in favor.** Balfany asked any opposed? That
466 motion passes. **Motion passes unanimously.**

467 To the motion to all in favor say aye. **Reiter, Johnson, Terry, Henschen.** Balfany asked any opposed?
468 **Balfany, Plaisance, Allenspach.** That motion passes. **Motion passes 4-3.**

469 **5.0 Concept Plan: Viking Meadows Amended Concept Plan – 1788 Viking Blvd NE**

470 Berg reviewed staff's report stating on June 21, 2023 the City Council and Planning Commission held a
471 Joint Special Meeting where Capstone Homes, Inc. presented a Concept Plan for a Mixed Use/ PUD
472 residential redevelopment of the Viking Meadows Golf Course located at 1788 Viking Blvd NE.

473 Berg noted at the June 27, 2023 Planning Commission Meeting a Public Hearing was held and feedback
474 was provided to the developer on the Concept Plan proposal.

475 Berg indicated at the July 24, 2023 City Council Meeting the Concept Plan proposal was presented to
476 the City Council for feedback.

477 Berg stated on August 16, 2023, the developer submitted a revised Concept Plan for the proposed PUD.

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

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

493 Berg stated as part of the preliminary review, staff has offered the following comments:

- 494 • Access – Ingress and egress to the development will be accessible from two locations, Viking
495 Blvd. NE and Sandhill Parkway NE. The original proposal contained a potential connection at
496 189th Ave NE. This is still being requested to be configured as an emergency only access point.
497 The City Engineer, Public Works Manager, and city staff are working in conjunction with the
498 Anoka County Highway Department to evaluate overall traffic considerations of the area in
499 response to concerns expressed during the first concept plan proposal. A Traffic Study will still
500 be required as part of an Environmental Assessment.
- 501 • Open Space - A primary function for a PUD is to encourage development that preserves and
502 enhances the natural characteristics and valuable natural resources of a site and not force intense
503 developments that use all portions of a given site to arrive at the maximum intensity or density
504 allowed. Capstone has proposed over 60 acres of open green space which includes over 8.1 acres
505 of community park and recreation space with walking trails and unique landscaped buffers. The
506 park area is an increase from the original 1-acre park proposal.
- 507 • Streets – Streets and cul-de-sacs, along with utilities should be constructed in compliance with
508 City Code Section 66 – 164 which requires that streets shall provide for future connections to
509 adjoining un-subdivided land. Staff recommends that the streets be city-maintained public streets
510 throughout the development.
- 511 • Housing - The amended plan consists of 252 new single-family homes which is a reduction from
512 the original 350 proposed. A combination of 50', 70', and 80' lots are proposed as opposed to the
513 45' and 65' lots that were included in the original proposal.
- 514 • City Services - The plan indicates the new single-family homes will each be connected to the city
515 sewer and water as the entire development is within the Metropolitan Urban Service Area
516 (MUSA).
- 517 • Density - The plan consist of an overall density for the proposed developable land that is under 3
518 units per acres, which is the city-wide density standard based on the 2040 Comprehensive Plan
519 for all properties in the MUSA.

- 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.

Berg requested 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.

Matt Barker, Capstone Homes, Inc., updated the Commissioners on their plan and indicated what the Commissioners saw was a much more refined plan. He summarized what was different with this plan compared to their previous plan.

Johnson asked if this plan changed the character of the houses now that they reduced the number of houses going in and was the lot and home prices increasing. Mr. Barker responded yes the character of the homes would change on the larger lots and there were a lot of different things that could be done now. He indicated it would add a premium on the larger lots, but they were still trying to keep the detached single-family product or Liberty product as an attainable product so they are not losing a large portion of the market. He indicated it was important to the overall design and the development.

Reiter asked why the open space was pushed all to one side and not put throughout the development. Mr. Barker responded it was due to the location of the wetlands and where they were located.

Reiter asked if the DNR and Army Corps would not allow them to improve the ditch as it existed. Mr. Barker responded there was going to actually be a requirement for environmental assessment to clean the ditch to make sure it was flowing properly, but they could not move or impact the ditch.

Reiter stated this was a mixed-use area of the City with the City's best heavily used service road in front of it, along with the water and going to it, but the plan did not have any commercial area and the whole point of the mixed-use district was to create a sustainable walkable development. He noted this was not a walkable development as it did not offer walking opportunities to local commercial and he would like to see some of that integrated.

Reiter indicated he did not see this getting through the Council without at least taking some of that into consideration because they need the commercial in that area to pay for the street. Mr. Barker pointed out where the commercial area was, but it was not part of their development. He indicated there were not only trails, but also a sidewalk system through the entire development so residents to walk anywhere and connect to Sandhill Parkway. He stated there was walkability in the development.

Reiter asked what were they going to do with the sand from the 39 acres they dug out. Mr. Barker responded the sand would help to lift the development, so it would not be a floodplain.

Reiter asked if they would be retaining any trees on the site. Mr. Barker responded that a lot of the open space areas were wetlands where a lot of the trees were on the development. He pointed out on the map where they would not touch the trees and other areas where the trees would be saved.

Reiter stated he had reviewed the DNR wetland map and only the ditches were considered wetlands on that property. Mr. Barker responded that was not correct and noted they had quite a few wetlands on the property. He indicated a wetland study had already been done on the property. He pointed out where the wetlands were on the property.

Terry asked what were their plans for the 30 acres they don't have on this. Balfany responded that was out of the scope of what they were looking at tonight. Mr. Barker responded they were not presenting a plan with that plan on it and what they were considering tonight was the preliminary plat concept. He indicated they were not seeking any approval, design, or consideration for that 30 acres and they really

563 didn't have a plan for it. He stated they had to have a conversation with the landowner on that to figure
564 out how it could be developed under the rural acreage ordinance that was in place for it right now.

565 Reiter stated this was 170 acres of green space available and making significant changes to the
566 characteristic of the golf course in his mind was a no go and he wanted to retain as much of the golf
567 course as possible. He noted the golf course was already landscaped. He recommended if they were
568 going to be digging, to dig in the middle of the community and turn the water features into community
569 gathering spots and don't push them over to the side. He indicated they had the opportunity to put ponds
570 all the way through the community with this open space and put the homes on the walking trails. He
571 stated this was not what was considered a sustainable project. He indicated the road was in the center of
572 the entire project and there was no focus of the project. He stated this did not fit into the guidance that is
573 provided in the mixed-use plan.

574 Reiter asked if the HOA was going to landscape and manage everything. He noted it did not make sense
575 for people to have to manage small strips of grass and have to have landscaping equipment.

576 Reiter stated if they wanted this density, consider putting in some quads, triplexes, duplexes and then R-
577 1. He thought having detached homes were a bad use of land.

578 Johnson stated she did not think the developer needed to be micromanaged. She noted the developer
579 understood the market and would build what would sell. She stated she liked the plan, except she did
580 not like that the prices of the homes were going up. She indicated they needed affordable housing.

581 Balfany stated he found it unfortunate they were reducing 100 homes and losing millions of dollars. He
582 noted the number one item the community wanted was a grocery store and if someone was going to do
583 that, they would be counting rooftops and this was a reduction of that.

584 Reiter stated unfortunately a grocery store would not be on this property because there was no
585 commercial. Johnson noted the developer was not responsible for that.

586 Reiter noted the mixed-use stated that within the mixed use, there was to be 20 percent commercial.
587 Berg stated the planned unit development concept did allow them the decision-making body to give and
588 take some things in order to achieve a desire that gave the aesthetic they want, so hypothetically,
589 exchanging the reference made in commercial space for 69 acres of open space might be a fair
590 exchange. He pointed out the Planning Commission would not be making that decision and it would be
591 up to the City Council. However, defining the terms of the planned unit development gave them
592 flexibility to deviate from those standards and they were defining that exists in the mixed-use zoning
593 requirements.

594 Allenspach believed the developer had done a great job and they listened to what the public said and
595 what the Commissioners said. She acknowledged they were losing some rooftops that were going to be
596 counted by somebody wanting to come in for a grocery store. She stated she liked the open space and
597 the ponds and believed there would be affordable homes.

598 Balfany stated he appreciated the efforts the developer had put into this and it looked like it could
599 potentially be a great development if it was approved by the Council. He believed this would be a great
600 asset to the community, even though others might not.

601 Terry stated one large component from the last meeting was the traffic volume this would generate and
602 by reducing that by 100 homes, the way it stood now that had addressed that concern.

603 Mr. Barker stated they had a meeting with the Anoka County Traffic Engineer and several other
604 personnel about the traffic and they are looking into this as well. He noted Viking Boulevard was a
605 County road, so they were looking at the entire project. He noted the heavy part that was left was the
606 traffic study which they've agreed to take the City's direction on having that study completed.

607 Plaisance noted this development did not even come close to the mixed-use density that would be
608 allowed for this type of project. Berg responded the developer had come back after the initial proposal
609 with this amended plan, which met or was actually below the density standards of the underlying zoning.
610 He indicated they were not even talking about potential zoning standards for a mixed-use development.
611 He stated they have scaled back and have gone with what is allowable.

612 Plaisance stated he understood that, but if this did not go through then it would be possible to go ahead
613 and fill the entire area with six units per acre. He indicated he has heard from social media sites as well
614 as people in person that they do not want the City to look like Blaine. He stated part of him understood
615 that, but part of him didn't care and he would be okay if some of that came in here.

616 Plaisance stated he had multiple people tell him that if they are going to have a development where they
617 are going to have single residential homes as opposed to multifamily structures, that they are now taking
618 this property that was available for development away from that purpose. He acknowledged that did not
619 seem like that big of a deal, but in another ten years this property would probably be ideal for multiple
620 apartment complexes, townhomes, etc.

621 Plaisance understood people did not like the extra traffic, but what would happen if somebody else came
622 in and developed this with many more people here.

623 Plaisance agreed this was very well designed and he was thrilled that there were sidewalks throughout
624 the development and a trail going through the City park around the ponds.

625 Berg summarized what was presented to the recent EDA meeting regarding the potential fiscal impact of
626 this development for the City.

627 Reiter stated he was not opposed to the development of the golf course and he was just trying to
628 advocate for the comprehensive plan. He noted this mixed-use district was supposed to be the rural City
629 center, but without commercial that did not make sense and they were just putting houses into an area to
630 try and get WAC/SAC money and they were not considering the cultural aspects of what that meant. He
631 indicated this was a beautiful golf course that could be used for mixed use, but there's only residential
632 there.

633 Reiter indicated he did not think this current concept met the conditions they were trying to do here.
634 Balfany responded Reiter needed to have proper consideration for the project as a whole and not just this
635 one piece.

636 Terry stated it was nice to have residential be its own thing but be adjacent to commercial so they were
637 not having them butt up right against each other in the neighborhood setting, but there was still some
638 pretty easy access to it.

639 Reiter stated he was not anti-development and he was trying to ensure that they have commercial
640 development. Berg pointed out on the map where the commercial development was located and how
641 residents could walk to it.

642 Plaisance believed Reiter was saying that this development did not have any commercial property, but
643 everything done on the Elvidge property across the street was an entire business development that would
644 fulfill that.

645 Plaisance stated it was his understanding of the Comprehensive Plan was that it was merely a guideline to
646 use when they were considering how they wanted to do a development in the City, but they did not have
647 to follow it line by line. He indicated the City was allowed to submit a correction of the Plan.

648 Plaisance understood Reiter's feelings about wanting more development and he knew there was a
649 portion of the residents who wanted that as well, but they were not bound by the Comprehensive Plan.

650 Berg pointed out that in a planned unit development, which was a requirement of a mixed-use district
651 that the City allowed for commercial residential parks and open space that were in compliance with the
652 Comprehensive Plan. However, he noted the purpose of a planned unit development was to allow for
653 flexibility and variation in exchange for higher standards of development or creativity, architectural
654 control, natural resource protection, landscaping, public parks, public and private open space that
655 protects pedestrian access through the multi-use corridor. He noted that gave them the flexibility to
656 make exchanges for what the standards were.

657 Reiter stated he did not see they were exchanging this for higher standards and they were having all
658 houses and not following the 20 percent general commercial.

659 Balfany asked Reiter if he didn't consider the high standards to have less homes and more green space.
660 Reiter pointed out the developer had said some of the land was already watershed and this was beyond
661 the control of the developer, so these were not because of beauty and they were there strictly because of
662 function. He believed if it was supposed to be aesthetic, it would be in the middle of the community and
663 the community would be centered on that part.

664 Hanschen stated he noticed the Parks Commission had indicated that \$1,500 per lot was going to be put
665 towards a nature play facility, which would be just under \$400,000. He asked where would that play
666 facility be located. Mr. Barker pointed out on the map where the play facility was being proposed.

667 Berg explained the wetland classifications, the requirements of the DNR, and the wetland credits.

668 **Commissioner Plaisance moved and Commissioner Johnson seconded to approve the Viking**
669 **Meadows amended Concept Plan as written.** Balfany asked any discussion? To the motion, all in
670 favor say aye. **Plaisance, Johnson, Allenspach, Terry, Balfany, and Hanschen.** Balfany asked any
671 opposed? **Reiter.** That motion passes. **Motion passes 6-1.**

672 **6.0 Updates**

673 Council Liaison DeRoche updated the Commission on recent Council actions.

674 Terry requested clarification on communication of Commissioners by email. Berg explained what was
675 and what was not allowed by the Commissioners outside the Planning Commission meetings.
676

677 **7.0 Adjournment**

678 **Commissioner Allenspach moved and Commissioner Reiter seconded to adjourn at 9:46 pm.**

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

681 Submitted by:

682 Kathy Altman

683 *TimeSaver Off Site Secretarial, Inc.*

684

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 September 26, 2023

5
6 MEMBERS PRESENT: Vice Chair Sharon Johnson, Glenn Terry, Sherry Allenspach, Randy Plaisance, and
7 Joe Reiter

8
9 MEMBERS ABSENT: Chair Tanner Balfany 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 Vice Chair Johnson called the Planning Commission regular meeting to order at 7:00 pm.
17

18 **2.0 Adopt Agenda**

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

22 **3.0 Approve August 22, 2023 meeting minutes**

23 Johnson asked any discussion?

24 Terry stated the Minutes were well written. Reiter agreed. Allenspach stated she had nothing.

25 Johnson referenced line 250 and asked Plaisance if City Council should be added. Plaisance requested
26 staff review this from the video to get the actual wording.

27 Berg suggested holding this over to next month for approval for staff to verify this.

28 Johnson stated on line 408, it said the motion passed, but she believed the motion failed 3-4. Berg
29 responded he would verify this also.

30 Johnson stated on line 646, change the word “sue” to “use”.

31 Berg suggested someone make a motion to table.

32 **Commissioner Plaisance moved and Commissioner Allenspach seconded to table the Minutes to**
33 **the next meeting.** To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That
34 motion passes. **Motion passes unanimously.**

35 **4.0 Public Hearing: Variance Request – 185xx 3rd St NE Oak Grove**

36 Berg reviewed staff’s report stating this property is located in the City of Oak Grove abutting the Bear
37 Hollow subdivision in a Rural Residential zone of East Bethel. The property is approximately 40 acres
38 and is located adjacent to the right of way on 3rd St NE. PID #36-33-24-14-0001. The applicant is
39 looking to subdivide the property to build two single family homes. The City of Oak Grove has advised
40 the applicant that permission from the City of East Bethel would be required prior to moving forward
41 with a subdivision application.

42 Berg stated the East Bethel City Code Appendix A- Section 42 -7. A (2) – Rural Residential
43 Development regulations require a minimum lot width of 200 feet at the public right of way.

44 Berg indicated the applicants parcel has 105.88 feet of frontage on 3rd St NE Right of Way and he is
45 requesting a variance to the standard of 200 feet of frontage to a reduction of 52 feet in order to

46 subdivide the property allowing for two (2) access points/ driveways through the East Bethel 3rd St NE
47 Right of Way to the parcel located in Oak Grove.

48 Berg noted Sec. 4 - 10. – Variances stated: The Planning Commission shall not recommend approval of
49 any variance application unless it finds that failure to grant the variance will result in practical
50 difficulties on the applicant and, as may be applicable, all of the following hardship criteria have been
51 met:

52 a. To hear requests for variances from the literal provisions of the ordinance in instances where their
53 strict enforcement would cause practical difficulties because of circumstances unique to the individual
54 property under consideration, and to grant such variances only when it is demonstrated that such actions
55 will be in keeping with the spirit and intent or the ordinance. “Practical difficulties,” as used in
56 connection with the granting of a variance, means that the property owner proposes to use the property
57 in a reasonable manner not permitted by an official control; the plight of the landowner is due to
58 circumstances unique to the property not created by the landowner; and the variance”, if granted, will
59 not alter the essential character of the locality. Economic considerations alone do not constitute practical
60 difficulties.

61 Berg stated consideration of a variance requires the Planning Commission to consider a three-factor test
62 for practical difficulties:
63

- 64 • The first factor, a test of reasonableness, means that the landowner would like to use the property in
65 a practical way but cannot do so under the rules of the ordinance. It does not mean that the land
66 cannot be put to any reasonable use whatsoever without the variance. For example, if the variance
67 application is for a building too close to a lot line or does not meet the required setback, the focus of
68 the first factor is whether the request to place a building there is reasonable. In this case:
69
 - 70 ○ With only 105.88 feet of frontage on the 3rd St NE Right of Way connected to the parcel it would be
71 reasonable for a reduction to the standard of 200 feet.
- 72 • The second factor is that the landowner’s problem is due to circumstances unique to the property and
73 not caused by the landowner. The uniqueness generally relates to the physical characteristics of the
74 particular piece of property, that is, to the land and not personal characteristics or preferences of the
75 landowner. When considering the variance for a building to encroach or intrude into a setback, the
76 focus of this factor is whether there is anything physically unique about the particular piece of
77 property, such as sloping topography or other natural features like wetlands or trees. In this case:
78
 - 79 ○ This property is unique in that it not only does not have any existing Right of Way from the Oak
80 Grove side and it is also bisected diagonally by wetlands that limit access.
- 81 • The third factor is that a variance would not alter the essential character of the neighborhood. This
82 factor is used to consider whether the resulting structure will be out of scale, out of place, or
83 otherwise inconsistent with the surrounding area. For example, when thinking about the variance for
84 an encroachment into a setback, the focus is how the particular building will look closer to a lot line
85 and if that fits in with the character of the area. In this case:
86
 - 87 ○ Due to the city boundary and wetlands throughout the adjacent subdivision there are numerous
88 irregular shaped parcels with varying lot frontages, including cul-de-sac lots with reduced front lot
89 lines.
- 90
- 91
- 92

93 Berg stated staff requested the Planning Commission hold a public hearing, review the prepared
94 resolutions, and make a recommendation of approval or denial to the City Council for a variance from
95 the standard of frontage at the Right of Way for the property located at 185XX 3rd St NE with the
96 conditions in the attached Resolution.

97 Johnson opened the public hearing at 7:11 p.m.

98 Dave Wills, applicant, explained what his intentions were for the land.

99 Brad Clayton, 18421 3rd Street NE, stated he did not have an issue with the two lots and asked if Mr.
100 Wills had any plans to develop behind the two homes and put in a street. Mr. Wills responded that was
101 not in the plan right now, but he could not say if one would be put in in the future.

102 Mr. Clayton stated he had spoken with many people in the neighborhood and they did not have any issue
103 with the two lots but were concerned about future development. Mr. Wills indicated he understood the
104 concern and he had never thought of that.

105 Kurt Nelson, 18553 - 3rd Street NE, asked if there had been any precedence set for anything like this
106 previously. He asked if they had to give a variance from East Bethel going into Oak Grove or another
107 City. Johnson responded she would take all of the questions to be answered later.

108 Mr. Nelson asked if the variance was denied, could a single entrance to the property be used for both
109 parcels. He asked if Mr. Wills had the right for one driveway to go in there with no variance. He noted
110 because each parcel was approximately 5.5 acres each, could Mr. Wills take a parcel and sub-divide it
111 after he received approval. He asked how would granting the variance benefit the City. He did not
112 believe there was any benefit. He noted the tax base would increase, but the City would have to move
113 snow and general road maintenance for Oak Grove residents. He indicated during construction the
114 streets would "take a beating" for construction traffic. He stated there was tree removal, grading work,
115 foundation digging, concrete work, building septic, well drilling, etc. He asked who would pay for the
116 resurfacing of the streets due to the construction traffic. He noted that right now potholes and cracks
117 were filled in the road, there was obviously a detriment for more construction traffic to come into that
118 area.

119 Paul Karpinski, 18478 5th Street NE, asked on the East Bethel side, would emergency services be
120 supported by Oak Grove. He asked if East Bethel would support the utilities. He asked what was the
121 benefit for East Bethel.

122 Berg stated East Bethel Fire and Oak Grove Fire have a mutual aid agreement, so if these homes were
123 built and there was an emergency call there, both Oak Grove and East Bethel would be responding
124 simultaneously until Oak Grove arrives and calls East Bethel off. He indicated East Bethel would be
125 responding because of that location and they both mutually aid respond to each other's border calls.

126 With respect to the driveways question, Berg responded the only control at this point that East Bethel
127 has the right-of-way, so the variance conceivably could be for a reduction from 200 feet to 105.88 feet
128 and one access could be permitted.

129 Plaisance clarified they would still have to approve a variance for just one driveway. Berg responded
130 that was correct since there was a 200-foot requirement. He stated his educated guess was that 3rd
131 Street/184th was not designed to give access to Oak Grove. He noted in terms of anything that
132 happened beyond the right-of-way in East Bethel was totally Oak Grove's call. He indicated they could
133 not control how that parcel got divided up beyond their right-of-way. He stated they do not permit
134 multiple residents off the same driveway.

135 Berg stated if they were to grant one access through the right-of-way, whatever Oak Grove decides to
136 give permissions for beyond the right-of-way was out of their control. He indicated they could do a split

137 driveway where they share the entrance as it reached Oak Grove City limits and if it splits off into
138 multiple driveways was out of their control. He stated what they had control over was the 105.88 feet of
139 the right-of-way, regardless of whether there was one driveway, two driveways, or no driveways. He
140 indicated the snowplows were not going to be losing anything by allowing two or more accesses into
141 Oak Grove as they would run by there anyway.

142 Berg stated regarding the question about if there had been a similar scenario and vice versa, he indicated
143 there were a couple of examples north of this location in which they did have a shared portion of
144 University that the City's Public Works Department plows. He noted there was also a subdivision in the
145 City that could only be accessed by going through Oak Grove, and there were probably 20 plus homes in
146 the subdivision that can only get to their homes by going through Oak Grove. He noted this type of
147 situation was not unique. He stated he did not know if any variances were required in those situations
148 though.

149 Plaisance pointed out that University Avenue was a shared street so there would not be any reason to
150 request a variance off of University as East Bethel owned half of it anyway.

151 Berg noted with respect to the wetlands, unless the developer was willing to spend a lot of money to fill
152 the wetlands in, he did not believe they would be able to subdivide. He indicated he also did not think
153 they would be able to subdivide below 2 acres on the Oak Grove side due to how septic systems worked.
154 He did not think it was a viable option to divide this into 5 or 6 multiples unless the developer was
155 willing to spend money to fill in the wetlands, which was expensive.

156 Johnson stated there were also questions about the construction traffic on the roads and who would pay
157 for it. Berg responded in terms of road cleanup, that would be East Bethel's responsibility to ask the
158 construction company to do some of the cleanup, but ultimately it would be East Bethel's responsibility
159 for repair and maintenance of the road.

160 Johnson asked if there would be a lot of damage done to the road from the construction traffic. Berg
161 responded he did not believe there would be a lot of land clearing or earth moving, but there would be
162 some wear and tear with the extra traffic which could lead to maintenance sooner than it should with
163 regular traffic.

164 Andrea Nelson, 1855 3rd Street NE, stated she lived across the street from this development and was
165 concerned about the trees that would be taken down due to the development and how this would change
166 the aesthetics of the neighborhood. She expressed concern that the lights from the driveways would
167 impact at least two homes in the neighborhood. She noted in other areas in the neighborhood the
168 driveways had been offset to eliminate lighting concerns, but in this case the driveways would be
169 directly facing their homes.

170 Dave Wills stated he did not believe Oak Grove had a 2.5 acre minimum and they did not allow split
171 driveways either without a variance. He indicated what they were trying to put in were high end homes
172 that would be nestled back in the trees. He noted he had 2 homes in the Parade of Homes in Ham Lake
173 and Andover if anyone wanted to look at what they would be building. He stated they were not going to
174 split into 2.5-acre lots because they did not support it. He stated there would be five acres with a lot of
175 wetland.

176 Pat Kivi, 18497 3rd Street NE, asked when this development would start. Mr. Wills responded it would
177 probably start in the spring.

178 Johnson asked Mr. Wills if he had thought about headlights coming into the neighbor's homes. Mr.
179 Wills responded he did not know what to say about that and there were going to be driveways coming
180 off of the homes. He indicated if someone proposed a solution, he would look at it.

181 Les Kivi, 18497 3rd Street NE, noted they already had oak wilt in the area and was concerned about the
182 oak trees being disturbed in the spring and wanted as many oak trees as possible preserved. Mr. Wills
183 stated he had been a forester for the City of Eagan for 7 years and he had a degree in Natural Resource
184 Management, so he cared about the trees, but some oak trees would probably need to be taken down, but
185 they would do their best to help stop the spread of oak wilt.

186 Brian Perschbauer, 18531 3rd Street NE, noted all of the construction work would be directly across
187 from their driveway and it would lose his appeal for living in the neighborhood, which was the reason
188 they came to East Bethel to begin with.

189 Ms. Nelson asked what was the procedure now. Johnson explained the process. Berg stated this would
190 go to the City Council on October 9 for the ultimate decision.

191 Mr. Nelson asked if he understood correctly that a variance was required whether this was one or two
192 driveways and if the variance was granted, then they would no longer have any say on what happened
193 with the two parcels. Berg responded that was correct.

194 Johnson closed the public hearing at 7:44 p.m.

195 **Commissioner Reiter moved and Commissioner Allenspach seconded to open for discussion.**

196 Johnson asked any discussion?

197 Reiter stated his main concern was that the City would not be able to collect any taxes on this because it
198 was out of their jurisdiction in addition to the consumption of services without any type of compensation
199 he believed would be subsidization of Oak Grove and Oak Grove properties. He did not think this was
200 fiscally responsible.

201 Reiter indicated with respect to emergency services, while fire was joint between East Bethel and Oak
202 Grove, he saw issues with potential consumption of Sheriff resources. He expressed concern about the
203 distance that EMS would have to go to get this property also. He believed the emergency services
204 would fall on East Bethel.

205 Reiter stated the addition of two houses to an existing neighborhood that was not expecting development
206 was just wrong. He stated he asked Berg for information regarding easements and buffer zones and who
207 was responsible for those. He noted he had an easement in front of his house and asked if he needed to
208 maintain that and did he have any rights to that easement. Berg responded the easement was Reiter's to
209 some degree, but Reiter provided the City and/or utility company the right to go into the ground or
210 across overhead to do utility work in a right-of-way. He noted the city maintained the right-of-way, or
211 the local municipal or local unit of government would maintain the shoulder of the road or the right-of-
212 way. He indicated in this case, it was probably a ditch, but he did not know what the right-of-way
213 distances were but it was probably 33 feet from the centerline on both sides of the road.

214 Reiter stated it was approximately 15 feet from the road to Oak Grove. Berg stated it was his
215 assumption that it is East Bethel's right-of-way which reached from the road to the city limit line.

216 Johnson asked if there was any way that the excess would come from Oak Grove to make the property
217 buildable. Berg responded it was staff's opinion that there could potentially be a path from Oak Grove
218 through the wetlands across the high ground to potentially reach the property on the other side of the
219 wetlands. He noted he had a conversation with the Anoka County Soil and Water and they indicated
220 that this wetland was not classified as such that it could not be filled. He indicated the developer would
221 have to purchase wetland credit based on how much fill was going to be needed to get across the
222 peninsula/island to make the connection happen. He indicated he had discussed with the applicant a
223 hypothetical possibility, which he outlined for the Commissioners, but he noted he was not an engineer
224 and he did not know how much it would cost.

225 Johnson noted if the developer had the 200-feet there would not need to be a variance at all. Berg
226 responded that was correct but he would need to apply for a driveway permit and go through that
227 process.

228 Reiter asked if any of the other properties had a shorter frontage than 200-feet. Berg showed on the map
229 which property had that situation.

230 Terry stated one of the qualifications for granting a variance was reasonable use of the property and if
231 they were to grant a variance for one driveway, that would allow for reasonable use of the property. He
232 indicated the developer wanting two lots was feasible, but not if East Bethel's does not grant a variance
233 for two driveways, but they were not keeping the developer from reasonable use of the property; rather
234 they were just not accommodating the developer's desire for that particular price. He stated there was a
235 big difference between going from 200 feet to 52 feet versus whatever it was for one driveway.

236 Johnson stated the developer could go to Oak Grove and ask for a variance for a split driveway also.
237 Berg noted the variance request in front of the Commission was only four, dividing that into two and
238 there was no variance request for making it one. He indicated the applicant was requesting two accesses
239 and that is not stopping him from it if this was denied to coming back next month asking for one.

240 Allenspach stated if the land was in East Bethel, the only thing that would change would be who was
241 getting the property taxes and they would still be wrestling with the two driveways and the cars coming
242 out of the driveways with the headlights aiming across the street and the houses that were already there.
243 She indicated on the other hand, the property owner does have a right to use this property. She stated
244 this was a hard decision.

245 Reiter requested Berg repeat his guidance that the suggested variances should not just be granted based
246 on economic considerations. Berg responded that economic considerations alone do not constitute a
247 practical difficulty.

248 Plaisance stated that was where they get to the point of substantial reasons not to approve the variance.
249 He indicated the fact that he is in a different city to him was not a detriment to whether or not they
250 would approve such a thing. He did not believe economic reasonableness should not be a factor. He
251 noted the applicant could put in a road from the other side of Oak Grove and develop out his property
252 from that side. He acknowledged the economic difference between the two was quite extreme though.
253 He stated he did not want to approve the variance.

254 Johnson stated this was one of the hardest variances they had to make a decision on in years because she
255 could see both sides. She indicated to her that they were in another city and they were going over a road
256 was not important. She stated she liked people to be able to do what they want with their property, but
257 she did agree with Plaisance.

258 By consensus, the discussion was closed.

259 **Commissioner Reiter moved and Commissioner Plaisance seconded to deny the variance request.**
260 Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any
261 opposed? That motion passes. **Motion passes unanimously.**

262 This item goes before City Council on October 9, 2023.

264 **5.0 Ordinance Discussion: Mobile Food Units**

265 Berg reviewed staff's report stating Appendix A. – Zoning – Sec. 01. – General Provisions of
266 Administration "East Bethel Zoning Ordinance" permits Food Trucks to operate in Highway
267 Commercial (B3), Central Business (B2), Light Industrial (I) and Mixed-Use Districts (MXU).

268 Berg noted the Code also provides the following definition:

269 Food truck: A mobile food unit (MFU) is a food and beverage service establishment that is a vehicle
270 mounted unit, either motorized or trailered, and readily movable, without disassembling, for
271 transport to another location. The unit can operate no more than 21 days annually at any one place
272 unless it is operated at the site of and in conjunction with a permanent business licensed under
273 Minnesota Statutes, chapter 157 or chapter 28A. All MFU must operate in compliance with the
274 Minnesota food code.

275 Berg stated beyond the definition and allowable zoning districts permitting operation there are no
276 defined parameters or licensing requirements for operation within the city limits of East Bethel.

277 Berg indicated at the July 25, 2023 Planning Commission City staff brought a proposed Mobile Food
278 Vendors Ordinance for review and conversation. An informal recommendation at the conclusion was to
279 revise Article V. - Peddlers and Solicitors to include Mobile Food Vendors in the definition, add a State
280 Licensing requirement, and research an appropriate permit fee.

281 Berg revised how other local units of government permit Mobile Food Units.

282 Berg stated staff is recommending adding the Mobile Food Unit (MFU) definition, already contained in
283 the Zoning Code, to Article V. Peddlers and Solicitors, Sec. 18-230. -Definitions. Additionally require
284 MFU's to register/ provide a copy of their valid State of MN License or Anoka County Temporary Food
285 Truck/ Trailer License with the City of East Bethel by amending Sec. 18-236.

286 Reiter noted basically the City was requesting them to provide their food safety stamp.

287 Terry noted they were not charging a fee.

288 Berg stated all fees were paid at the County level and they were just providing East Bethel proof that
289 they have submitted to a compliance inspection and have a State license or County permit. He noted if
290 there was ever an issue, staff would call the State Health Inspector prior to being issued a 21-day permit
291 from the County.

292 Berg stated if a brick-and-mortar business in East Bethel had a food truck and a catering license, they
293 could operate in their own parking lot and they would not be required to comply with a food truck
294 ordinance. He indicated if this Ordinance was passed, then staff would contact the food trucks currently
295 in the City to advise them of the Ordinance change and ask them to verify whether they have an Anoka
296 County permit. He stated if they did not have a permit, they would be asked to obtain a permit in order
297 to be in compliance with the City's Ordinance.

298 Johnson inquired about the 21-days. Berg responded the Anoka County permit said 21 days – it did not
299 say 21 consecutive days. He stated he did not know how they handled that at the County level.

300 Terry questioned if the truck being in conjunction with a permanent business was too vague. He asked
301 how would that be defined. Berg responded it would have to be the same ownership under the same
302 food or alcohol license.

303 Johnson stated she was thinking the taco truck could stay where it was because they had an agreement
304 with Polar Parts. Berg summarized Chapter 157 noting the taco truck would need to be in conjunction
305 with a restaurant and not a salvage yard as those were two separate business requirements.

306 Johnson asked if Polar Parts could get a food license. Berg responded the City had a separate approval
307 process for outdoor entertainment permits for private events with food trucks. He indicated an outdoor
308 entertainment permit was completely different than the mobile food unit.

309 Reiter stated his issue was limiting them to 21 days. He noted the taco truck was good and a lot of
310 people were starting to go there. He believed as the truck continued to get more people coming, they
311 would grow and potentially buy the property next door and open it as a Mexican food restaurant.

312 However, he stated if they limit them to 21 days that would be restrictive, especially since they were
313 there every day.

314 Reiter indicated if the taco truck was closer to some other restaurants and potentially competing with
315 another nearby restaurant, then he could see regulating them, but this location was too far from anything
316 and he did not think the clientele that went to that food truck was competing with any of the other City's
317 restaurants.

318 Reiter stated he liked the idea of knowing they were food safe, but the 21-day limit was too restrictive.

319 Johnson did not believe they could cater an Ordinance to a taco truck, even though their tacos were
320 good.

321 Allenspach stated the taco truck could go away for a couple of days and then come back.

322 Berg stated the 21-days was defined by State Statute and the County permit was 21-days, but it did not
323 say 21-consecutive days so a truck could be at a site Monday through Friday, take the weekend off and
324 come back for five more days. He indicated this extended them to 4 weeks. He indicated this was the
325 cleanest way for staff to be able to handle this as well instead of doing background checks, licensing,
326 collecting fees, revenue, etc. He noted all staff had to do was to verify that they have completed the
327 food license portion and that they had been inspected.

328 Plaisance clarified East Bethel was just trying to come in line with Anoka County/State where there was
329 a 21-day limit. Berg responded the unit can operate no more than 21 days annually at any one place
330 unless it is operated at a site in conjunction with a permanent business license under Chapter 157.

331 Plaisance stated this seemed absurd to him and asked how would they keep track of how long a food
332 truck was at a particular location. Berg responded they would need to fill the date, time, and address in
333 on the application.

334 Plaisance asked if 21-days were up and everyone really liked the food truck, could it be kept there for
335 another 21-days. He asked if the City was beholden to Anoka County. Berg responded in the
336 application it did state that to discuss a plan review and license requirements if they intend on operating
337 longer, or do not meet license eligibility. He guessed they would have some flexibility.

338 Plaisance stated he did not have any major objections to this other than to point out a few things. He
339 believed the normal progression for someone who has started a food truck was to eventually turn it into
340 a brick-and-mortar restaurant. He understood the reason for wanting to limit as to how long someone
341 can stay at any one place, but he would not mind if the time was longer as he believed establishing
342 themselves as a good food place was paramount to doing that. He noted that would also enable them to
343 have the opportunity to make enough money with their food truck to be able to move into a brick-and-
344 mortar business.

345 Plaisance indicated the other point was that they were allowing somebody to come in as a mobile food
346 truck who is most likely not a resident or a business partner of the City and therefore everyday that the
347 truck sat there was competition for businesses the City already had and who were paying taxes. He
348 realized for the current businesses in the City, a food truck was not necessarily a direct challenge to
349 them as a good truck was more of a fast food. He noted he wanted to point these out, but in general he
350 did not have any major objections to following the State and County Regulations for food trucks.

351 Johnson stated she would like to see the time period extended so a food truck could be there seasonally,
352 but she did not want to add an extra burden to staff either, which was a major concern for her. Reiter
353 agreed.

354 **Commissioner Terry moved and Commissioner Allenspach seconded to forward the Ordinance**
355 **Amendment as written to Council for approval.** Johnson asked any discussion?

356 Reiter stated he was going to vote against this, not because he disagreed, but because he wanted a food
357 truck to be in an area for more than 21-days.

358 Plaisance suggested Reiter made a proposed amendment to the motion if he felt that way instead of
359 voting against it.

360 **Commissioner Reiter moved and Commissioner Plaisance seconded to make an amendment to**
361 **extend this to a seasonal permit .** Johnson asked any discussion?

362 Berg noted they did not have an original permit amount as the City does not permit it, but now the
363 Commission wants to offer a seasonal permit. He asked the Commissioners what fee would they want
364 for a seasonal permit.

365 Reiter noted Wyoming had a six to 12 month permit for \$150. He believed the term should be all they
366 do and verify that they have a State health sticker, and if they do not verify that then they can apply.
367 Staff could contact them once a year and they pay a nominal administrative fee of \$150.00.

368 Berg pointed out that the existing Code currently stated a mobile food unit was a beverage food and
369 beverage service establishment that is vehicle mounted and cannot operate more than 21 days. He asked
370 if the Commission was thinking of adding a seasonal or go back and start all over again for the third
371 time on this Ordinance.

372 Reiter stated he was just trying to be collaborative. He indicated he was really opposed to making this
373 change, but in the spirit of trying to find common ground that was what he was trying to do.

374 Johnson responded he agreed with Reiter's spirit on this, but she was going to vote against the
375 amendment because she wanted to stay with whatever Anoka County had so they do not use staff time
376 going through background checks and doing the enforcement.

377 Allenspach agreed and stated the original recommendation was what they needed to do to get the food
378 trucks into East Bethel and not put additional stress on staff or anybody else.

379 Terry also agreed. He stated he would be happy to extend it if it would not shift everything that staff
380 had to do.

381 Reiter retracted his amendment.

382 Plaisance asked since they were discussing seasonal licensing, what timeframe would that be (365 days
383 a year, only summer months, etc.) and what type of food. He noted if they had a vendor who came to
384 the ice arena to sell hot chocolate, then they were talking about the wintertime also. He stated if they
385 were going to change this, they need to clarify the time.

386 Plaisance stated with respect to the cost for the license, this was something they could definitely put up
387 for discussion, or this could be something that would be dealt with later. He noted they could also have
388 zero for the license and only a bill of health would be required. Berg noted staff would still need to do
389 the background checks.

390 Plaisance asked why would staff need to do the background checks if they just required a health
391 certificate. Berg responded citizens would want to know if there was a registered sex offender operating
392 a food truck in their parking lot and that would not be known without doing a background check. He
393 stated they would be opening the City up to nefarious things to happen in that scenario.

394 Plaisance asked with that in mind, what difference would it make whether it was six months or 21 days.
395 He noted under the current Ordinance, they could have someone who was a sex offender running a food

396 truck in the City. Berg responded that was why the Commissioners were looking at the Ordinance right
397 now because somebody brought up that the current ordinance was unclear and there was no regulation.
398 He indicated the County would do the background check and if they were going to ask for different
399 licensing requirements than what the County did, then they have to come up with their own licensing
400 process.

401 Plaisance indicated if they were required to have the 21-day license from Anoka County and then you
402 can continue with the license for a certain amount of days/months after that expires, the County had
403 already done the work for them. They would just continue to allow them to do their business within the
404 City on a continuing basis for a certain amount of time. He acknowledged that person could be
405 committing those crimes in the meantime, but he believed it would be really reduced. He indicated if
406 they went on that perspective, whoever was going to work here, the City had to start with the 21-day
407 licensing from Anoka County. He asked if that would work.

408 Terry stated he believed they would be violating the terms of the license if they granted an extension.
409 He noted Anoka County gave a defined period of time for a license and then they would say they don't
410 need to follow that anymore because the City would give them more time. He noted they were allowing
411 the food vendor to violate the terms of their permit. Berg responded he did not think the 21-day permit
412 from the County would be valid at that point.

413 Johnson noted they could apply for another one. Berg noted there was a statement if they wanted to
414 discuss or review the plan, licensing requirements, or if they intend on operating longer to contact the
415 County.

416 Plaisance stated he did not intend to add an amendment; he was just curious about what the possibilities
417 were.

418 To the original motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion
419 passes. **Motion passes unanimously.**

420 **6.0 Updates**

421 Council Liaison DeRoche updated the Commission on recent Council actions.
422

423 **7.0 Adjournment**

424 **Commissioner Allenspach moved and Commissioner Terry seconded to adjourn at 8:41 pm.**

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

427 Submitted by:

428 Kathy Altman

429 *TimeSaver Off Site Secretarial, Inc.*
430

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



Date: October 24, 2023

Agenda Item Number: 4.0

Agenda Item: Planning Commission Reappointment – Glenn Terry

Requested Action: Consider recommendation to re-appoint Glenn Terry to the Planning Commission.

Background Information:

Glenn Terry has served on the East Bethel Planning Commission on multiple occasions. His most recent tenure started in October 2008 and his current appointment expires on January 31, 2023. Commissioner Terry has submitted a letter of interest seeking to serve another term that would expire on January 31, 2027.

Recommendation:

Planning Commission is requested to consider the approval of a recommendation to City Council to re-appoint Glenn Terry to the Planning Commission for an additional term to commence on February 1, 2024 and expire on January 31, 2027.

Attachment(s):

1. Letter of interest from Glenn Terry.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: ____

Vote No: ____

From: [Glenn Terry](#)
To: [Aaron Berg](#)
Subject: Re: Planning Term Commission Expiration Jan. 31st 2024 - Reappointment
Date: Thursday, September 28, 2023 4:20:13 PM

Caution: This email originated outside our organization; please use caution.

Yes Aaron, I'm happy to serve another term on the Planning commission.

Thanks,

Glenn

From: [Aaron Berg](#)
Sent: Thursday, September 28, 2023 3:46 PM
To: [Aaron Berg](#)
Subject: Planning Term Commission Expiration Jan. 31st 2024 - Reappointment

Commissioner,

According to my records your term on the Planning Commission is set to expire on Jan. 31st, 2024. I wanted to reach out to give you some time to consider reappointment.

I value your opinions and appreciate your commitment to the community.

Please let me know if you have an interest in continuing to serve on the Planning Commission and want to be considered for re-appointment.

I can get this item on the PC Agenda for Nov/December if possible.

Thank you!

Aaron M. Berg, MPA
 Community Development Director
 City of East Bethel
 Phone: (763) 367-7864 | Fax: (763) 434-9578
aaron.berg@ci.east-bethel.mn.us

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



Date: October 24, 2023

Agenda Item Number: 5.0 A

Agenda Item: **Public Hearing** Variance Request – Legal Nonconforming Expansion – 1311 229th Ave NE – Taras Martynenko.

Requested Action: Consider a variance request to allow a building expansion of a legal nonconforming business.

Background Information:

In 2012, B & T Trucking, an over the road trucking company that has been in business for over 20 years purchased 1311 229th Ave NE and relocated a truck/ motor freight terminal to the city. The property is located in a Light Industrial (I) District and according to Section 48 – 6 A. Trucking and Motor Freight Terminals are a prohibited use. As truck/ motor freight terminals are not permitted in any zone of the city in 2021 B & T Trucking was required to obtain an IUP as they were a legal nonconforming use to ensure compliance for continued use in the city.

The property owners have recently approached the city inquiring about building an additional 50’ X 60’ storage building to the property. An existing slab with foundation exists immediately west of their existing building on the property. Although an IUP (Res. 2021-28) was granted on May 10th, 2021, the use of the property remains legally nonconforming. Expansion of legal nonconforming uses have been approved by previous City Councils albeit under differing permissions (existing CUPs or previously approved plats prior to zoning changes).

According to Section 05 - Nonconformities - It is the intent of this section to regulate such nonconforming situations to accomplish the following:

- A. Recognize the existence of uses and structures which were lawful when established but which no longer meet all ordinance requirements.
- B. Discourage the enlargement, expansion, intensification, or extension of any nonconforming use or structure and discourage any increase in the impact of a nonconforming use or structure on adjacent properties. Only exceptional cases of any expansion or intensification of a nonconforming use will be permitted and only after city approval of a variance.
- C. Encourage the elimination of nonconforming uses and structures or reduce their impact on adjacent properties.

According to Section 05 -2 A. - A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

Sometimes a landowners seek a variance to allow a use of their property that is not permissible under the existing zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota. State law prohibits a

city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located (Minn. Stat. § 462.357, subd. 6).

According to MN State Statute 462.357 OFFICIAL CONTROLS: ZONING ORDINANCE. Subd. 6. Appeals and Adjustments. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

At the September 11th, 2023 City Council Meeting the potential expansion was presented to the City Council who gave a positive informal recommendation for staff to work with the property owner to seek formal approval.

Variance Findings of Fact

1. The property owner proposes to continue the legal, nonconforming use of the property. The existing use of the property is considered a reasonable use and is allowed by city code as a legal, nonconforming use. B & T Trucking would like to expand the structures so they can continue to operate his businesses efficiently by storing the commercial vehicles on site.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner. B & T Trucking has been operating a business from the property in a Light Industrial Zone since 2012. On September 21, 2016, City Council adopted regulations prohibiting Trucking and Motor Freight Terminals. The business can only be expanded with an approved variance.
3. The variance(s) will not alter the essential character of the locality. The business has been at this property since 2012. The existing structures and commercial vehicles have been a mainstay of the business. The presence of the commercial vehicles and the expansion of the buildings will not alter the character of what already exists on the property.

Recommendation:

Staff request the Planning Commission hold a public hearing, review the prepared resolutions and make a recommendation of approval or denial to the City Council for a variance to allow the expansion for the property located at 1311 229th Ave NE with the conditions in the attached resolution.

Attachments:

1. Approval Resolution 2023-72
2. Location Map
3. Aerial Map
4. Survey of Proposed Addition
5. Resolution 2021-28

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2023-72

A RESOLUTION **APPROVING** A VARIANCE FOR THE EXPANSION OF A LEGAL NONCONFORMING USE ON A LIGHT INDUSTRIAL (I) PROPERTY LOCATED AT 1311 229TH AVE NE, FOR (PINs 32-34-23-34-0005 & 32-34-23-34-0006).

THAT PRT OF S 379.90 FT OF SE1/4 OF SE1/4 OF SW1/4 OF SEC 32
TWP 34 RGE 23 LYG W OF WLY R/W LINE OF T H NO 65,
EX RD SUBJ TO EASE OF REC

AND

THAT PRT OF SE1/4 OF SE1/4 OF SW1/4 OF SEC 32 TWP 34 RGE 23
LYG N OF S 379.90 FT THEREOF & LYG W OF WLY R/W LINE OF
T H NO 65, EX RD SUBJ TO EASE OF REC

WHEREAS, the property owner requested a variance for the expansion of a legal nonconforming use through the construction of an additional building on the property, and;

WHEREAS, the Planning and Zoning Commission held a public hearing on October 24, 2023; and,

WHEREAS, the Planning and Zoning Commission finds the request:

1. Is a reasonable use of the property;
 - The property owner is requesting to continue the legal, nonconforming use of the property.
 - The existing use is considered a reasonable use and would be allowed to continue.
 - The expansion, through the build of an additional structure or shop space, will allow the business to operate efficiently.

2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - The plight of the landowner is due to circumstances unique to the property not created by the landowner themselves.
 - B & T Trucking has been operating a business from the property in a Light Industrial Zone since 2012.
 - On September 21, 2016, City Council adopted regulations prohibiting Trucking and Motor Freight Terminals in Light Industrial Zones.
 - The business can only be expanded with an approved variance.

3. Will not have a negative effect the characteristic of the neighborhood;

- The expansion by addition of a building will not alter the character of what already exists on the property.
- The expansion will not alter the essential character of the neighborhood.
- The business has been at this property since 2012.
- The existing structure and commercial vehicles have been a mainstay of the business.

WHEREAS, the Planning and Zoning Commission recommends to the City Council approval of the variance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the variance to allow for the expansion of a legal nonconforming use through the construction of an additional structure on property located at 1311 229th Ave NE with the following conditions:

1. Property owner must obtain a building permit and complete all necessary inspections of the building as required by the Minnesota Uniform Building Code.
2. Property owner must continue to comply with the conditions set forth in approved by Interim Use Permit, Resolution 2021-28.

Adopted this 13th day of November, 2023 by the City Council of the City of East Bethel.

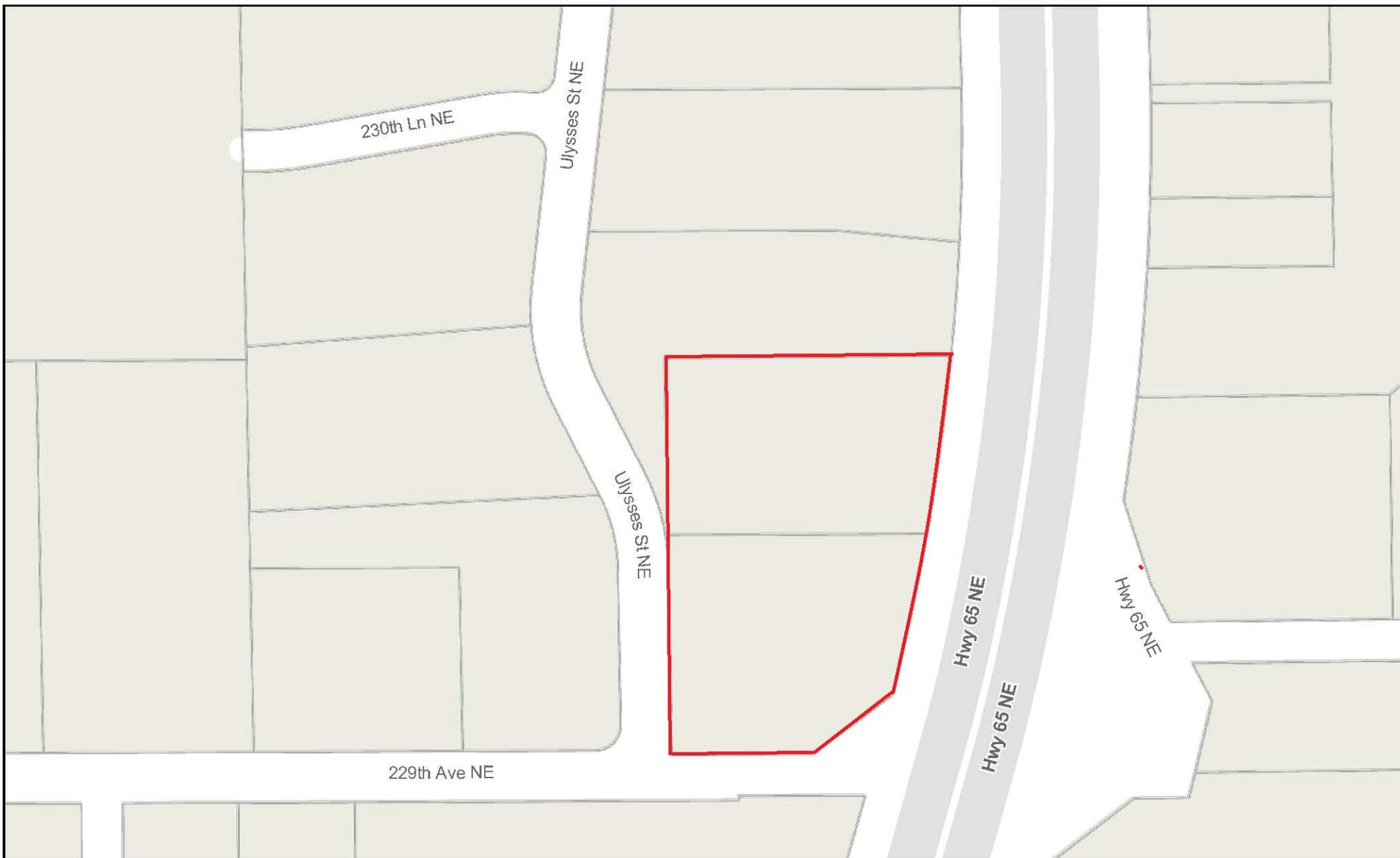
CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Jack Davis, City Administrator

1311 229th Ave NE - Location Map



1 inch equals 211 feet



-  Parcels
-  City Mask

1311 229th Ave NE - Aerial Map



-  Parcels
-  City Mask

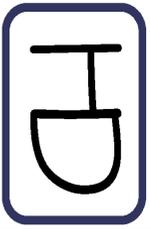
1 inch equals 190 feet



N
September 8, 2023
Map Powered By DataLink



① Site
1" = 20'-0"



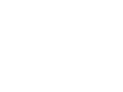
HALMARK DESIGN INC.
 ROMAN ZASTAVSKIY
 7100 MEDICINE LAKE RD. STE 900
 NEW HOPE, MN 55427
 HALMARKDESIGNINC@GMAIL.COM
 763-221-9227

Martynenko Truck Shop
 Taras Martynenko
 1311 | 229th Ave NE
 East Bethel, MN 55005
 763-232-2146

MARTYKENKO TRUCK SHOP

Site Plan

Project	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
A101	
Scale	1" = 20'-0"



PATCH IN NEW FROST DEPTH FOOTING AND FOUNDATION WALL WHERE EXISTING CONCRETE PAD IS DEMOLISHED

REMOVE CONCRETE THAT PERTURBES INTO SHOP SPACE

REMOVE TOP COURSE OF BLOCK AND REPLACE WITH BOND BEAM BLOCK

24" X 12" CONTINUOUS PERIMETER FOOTING REINFORCE W/ (2) #4 BARS CONTINUOUS

REMOVE EXISTING 8" FOUNDATION WALL

INSTALL NEW 8" FOUNDATION BLOCK WALL WITH BOND BEAM BLOCK ON TOP COURSE

ROOF TRUSSES @ 24" O.C.

UNEXCAVATED EXISTING SLAB TO REMAIN

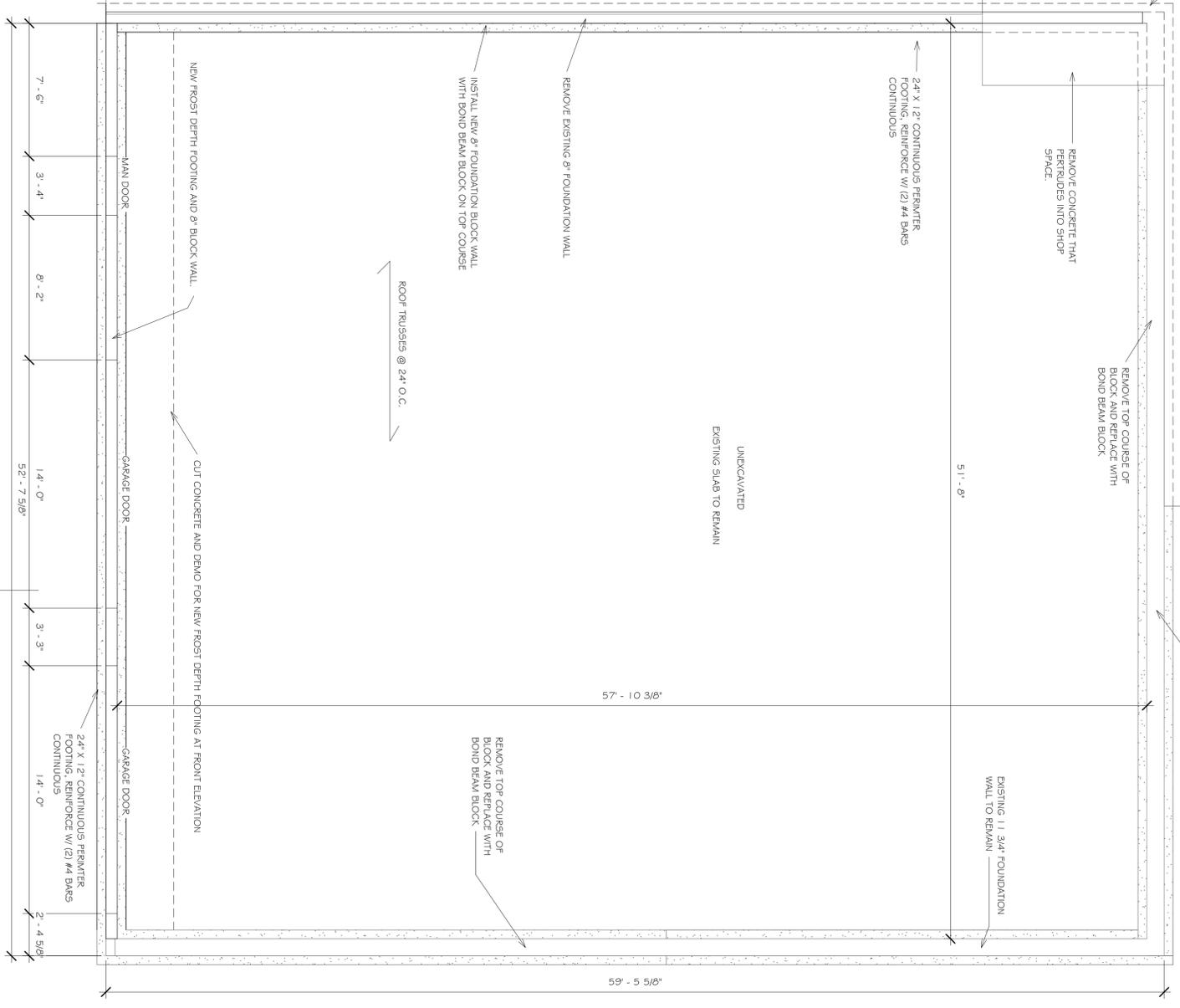
EXISTING 11 3/4" FOUNDATION WALL TO REMAIN

EXISTING 11 3/4" FOUNDATION WALL TO REMAIN

REMOVE TOP COURSE OF BLOCK AND REPLACE WITH BOND BEAM BLOCK

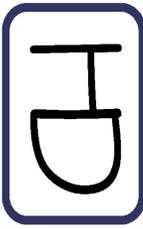
NEW FROST DEPTH FOOTING AND 8" BLOCK WALL

CUT CONCRETE AND DEMO FOR NEW FROST DEPTH FOOTING AT FRONT ELEVATION



- CONCRETE NOTES:
- ALL CONCRETE FOOTINGS AND FOUNDATION SYSTEMS ARE DESIGNED FOR A 2000 P.S.F. SOIL PER SOIL REPORT
 - FOUNDATION WALLS SHALL BE FULL HEIGHT AT UNBALANCED FILL GREATER THEN 3'-4"
 - 1/2" ANCHOR BOLTS EMBEDDED 7" MINIMUM @ 4" O.C. MAX. 12" MAX. FROM EACH END, MINIMUM OF 2" FROM EACH END
 - PAD FOOTINGS REINFORCEMENT IS TO BE LOCATED 3" FROM BOTTOM OF FOOTING TYPE WHEN REQUIRED)
 - CONTRACTOR IS RESPONSIBLE FOR ALL STEEL REBAR SIZING PER STATE AND LOCAL BUILDING CODES
 - MIN. 5000 PSI CONCRETE @ ALL FOOTINGS

1 GROUND
1/4" = 1'-0"



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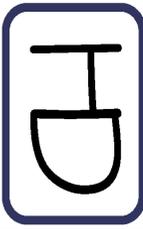
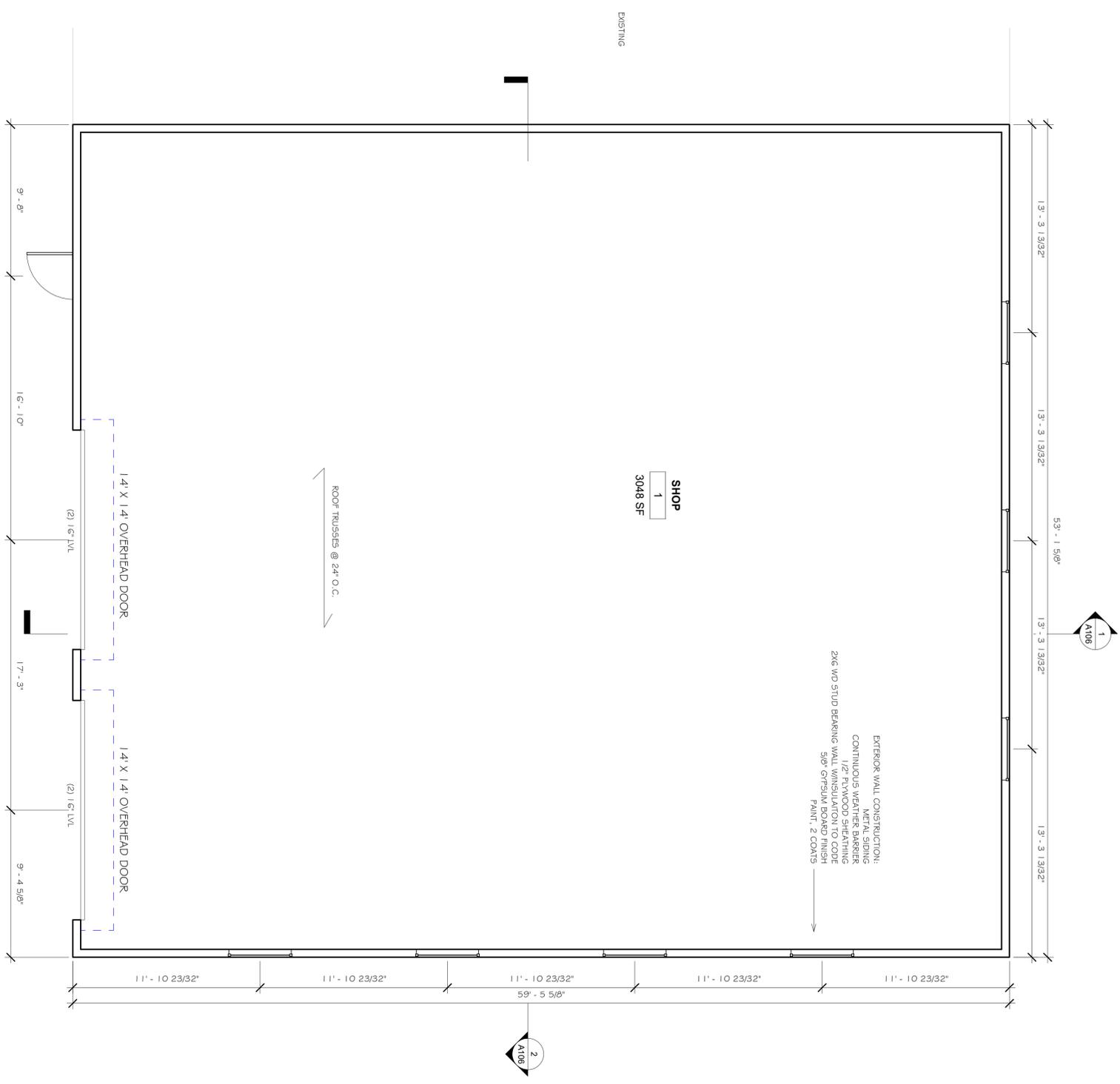
Martynenko Truck Shop
Taras Martynenko
1311 229th Ave NE
East Bethel, MN 55005
763-232-2148

MARTYNYENKO TRUCK SHOP

Foundation Plan

Project	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
Scale	1/4" = 1'-0"
A102	

- CONSTRUCTION NOTES:**
- WOOD ON CONCRETE OR MASONRY IN DIRECT CONTACT WITH EARTH OR WOOD WITHIN 6" OF GRADE MUST BE TREATED OR DECAY RESISTANT.
 - PROVIDE SOLID BEARING UNDER ALL BEAMS, HEADERS, AND CARRIERS TO THE FOUNDATION.
 - CARRIERS TO PROVIDE BLOCKING FOR ALL NIBREL POSTS.
 - LOCATION OF MECHANICAL COMPONENTS WILL BE DETERMINED BY BUILDING CODES AND MAY VARY FROM THAT SHOWN.
 - ELECTRICAL WILL BE PROVIDED TO CODE. LOCATION OF OUTLETS MAY VARY FROM THAT SHOWN. ADDITIONS AND UPGRADES MUST BE SPECIFIED ON PLANS.
 - TOP OF HAND RAILS TO BE MOUNTED AT 36" ABOVE FRONT EDGE OF TREAD NOSING-CONTINUOUS FULL LENGTH OF STAIRS.
 - TURN BUSH INTO NIBREL POST OR WALL.
 - NIBREL POSTS SHALL BE TIGHT WITH MAXIMUM LESS THAN 4" BETWEEN TREADS AND RISES.
 - STAIRS-4" MINIMUM RISE, 7-3/4" MAXIMUM RISE AND 10" MINIMUM RUN ON ALL STAIRS. ANY RISER OR TREAD SHALL NOT EXCEED OTHERS BY MORE THAN 3/8".
 - LEGIBLE SET OF MANUFACTURER'S ENGINEERED TRUSS DETAILS TO BE POSTED ON JOB SITE.
 - BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED.
 - ALL ELECTRICAL, MECHANICAL, AND PLUMBING PENETRATIONS THROUGH EXTERIOR WALLS AND ROOF SHALL BE CALKED, GASKETED, OR OTHERWISE SEALED IN AN APPROVED MANNER.
 - ALL CONSTRUCTION MATERIALS SHALL MEET BUILDING CODES AND MAY BE CHANGED AT THE BUILDER'S DISCRETION.
 - MOISTURE BARRIER TO BE INSTALLED BEHIND ANY FACE BRICK.



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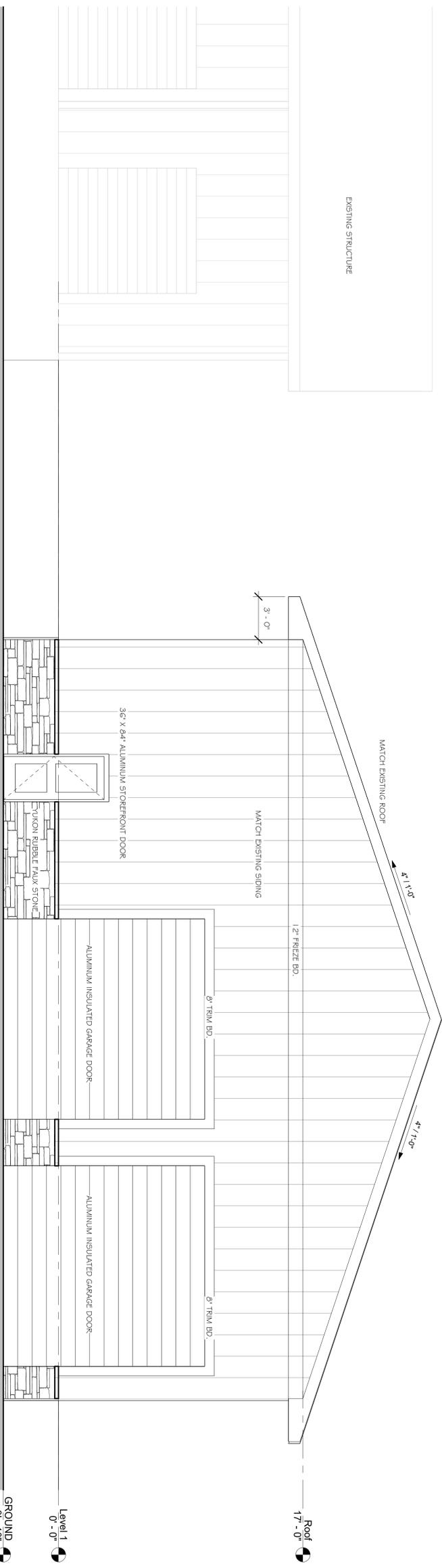
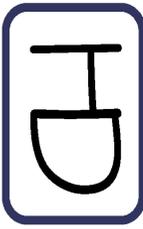
MARTYNYENKO TRUCK SHOP

Floor Plan

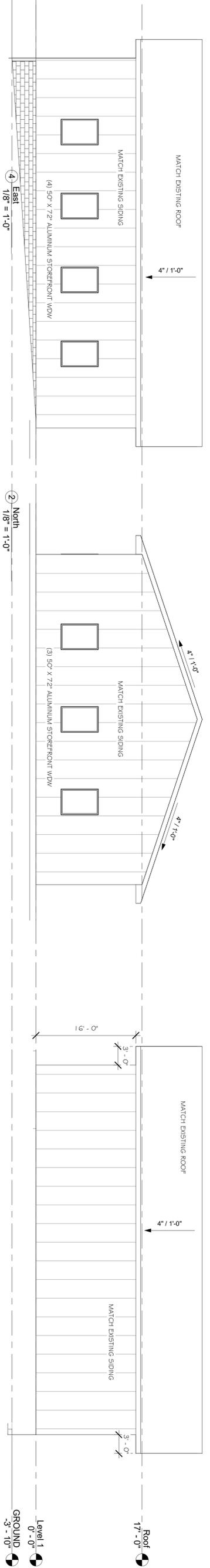
Project	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
A103	
Scale	1/4" = 1'-0"

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1 South
 1/4" = 1'-0"



4 East
 1/8" = 1'-0"

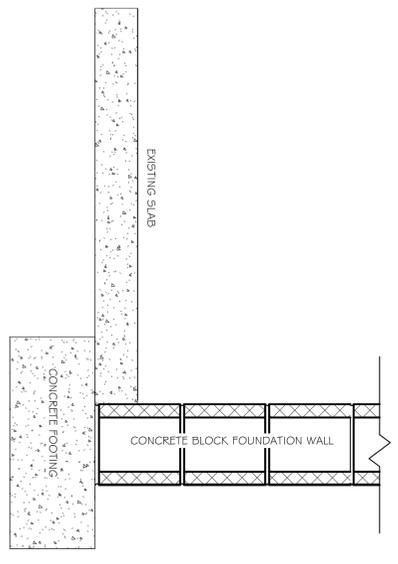
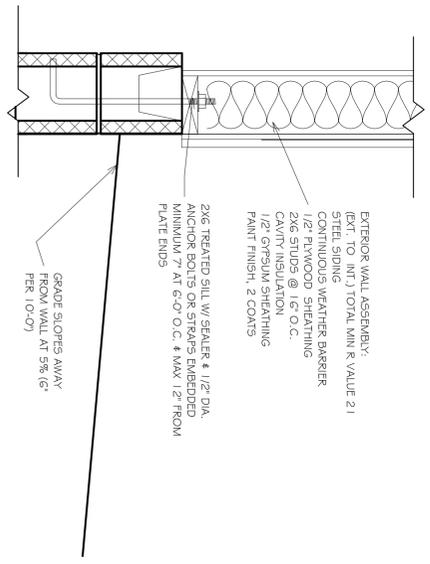
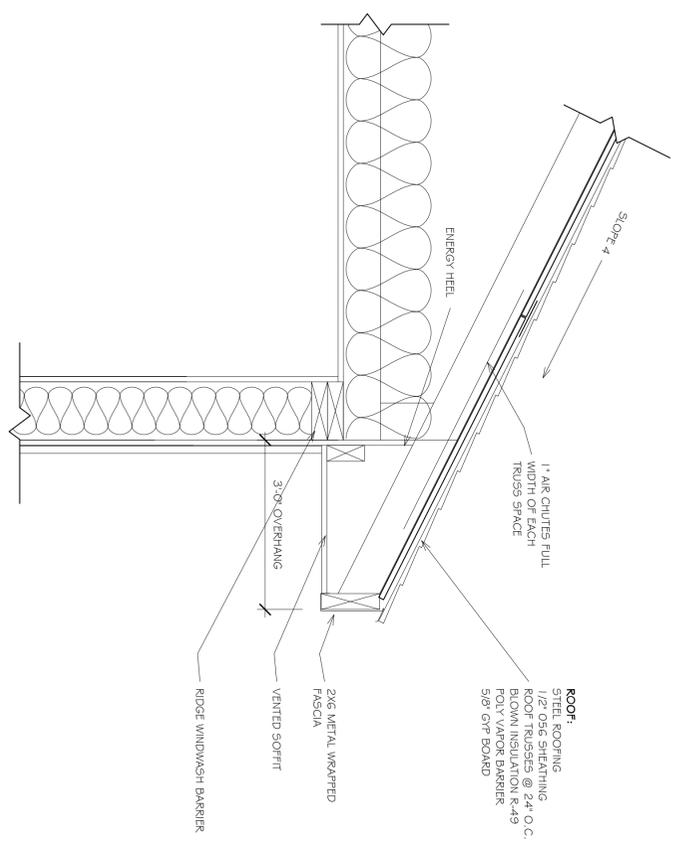
2 North
 1/8" = 1'-0"

3 West
 1/8" = 1'-0"

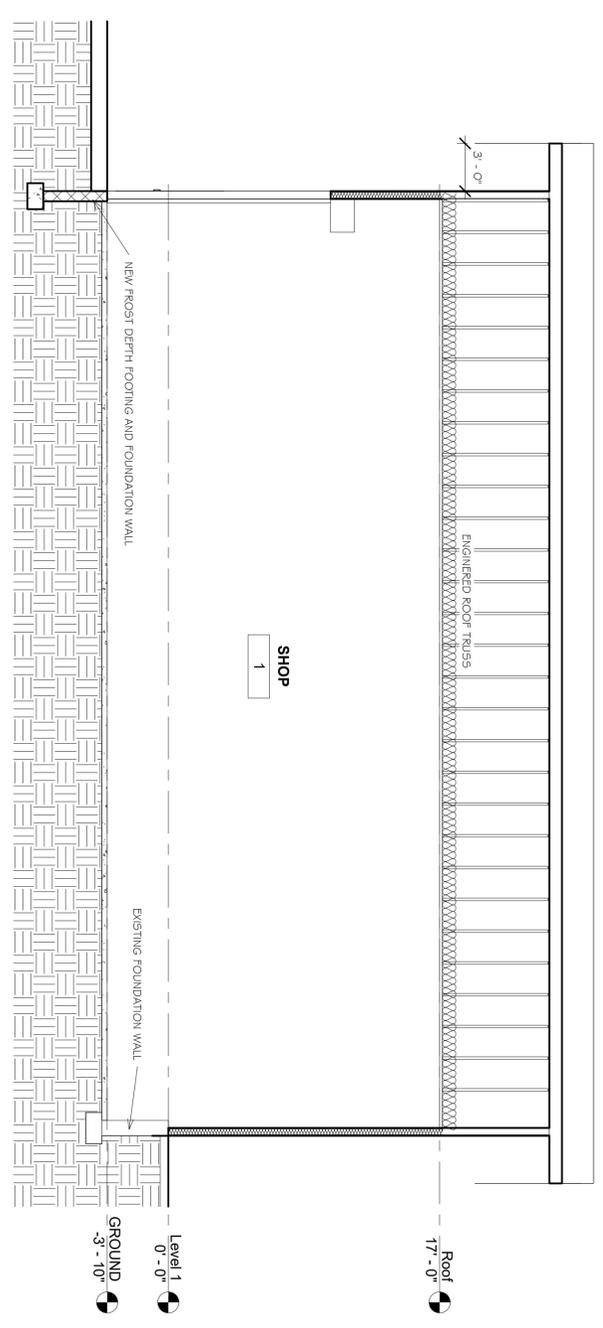
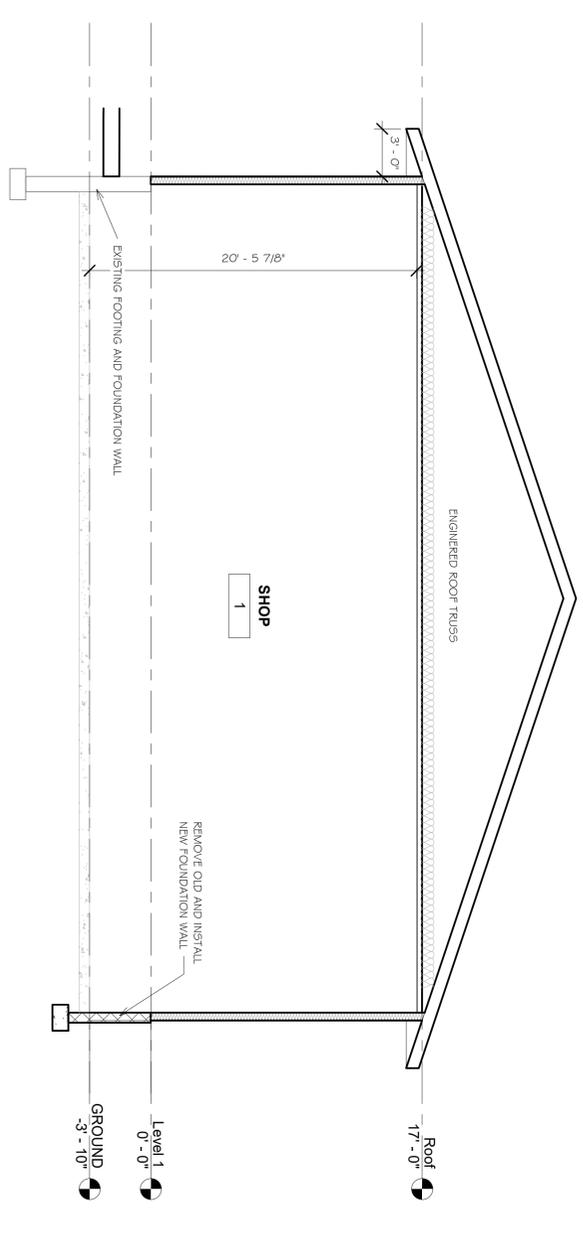
MARTYNYENKO TRUCK SHOP

Elevations

Project	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
Scale	As indicated
A105	



3 Truss Wall Section
 1 1/2" = 1'-0"



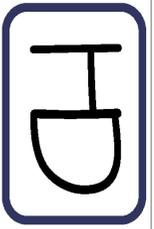
1 Section 1
 3/16" = 1'-0"

MARTYNYENKO TRUCK SHOP

Sections

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Project	Project Number
Date	Issue Date
Drawn By	Author
Checked By	Checker
Scale	As indicated
A106	

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION 2021-28

A RESOLUTION GRANTING AN INTERIM USE PERMIT FOR B & T TRUCKING, LOCATED AT 1311 – 229TH AVENUE NE, PIN'S 32-34-23-34-0005 AND 32-34-23-34-0006, LEGALLY DESCRIBED AS:

THAT PART OF SOUTH 379.90 FEET OF SE ¼ OF SE ¼ OF SW ¼ OF SECTION 32 TOWNSHIP 34 RANGE 23 LYING WEST OF WESTERLY RIGHT OF WAY LINE OF TRUNK HIGHWAY NO 65, EX RD SUBJECT TO EASEMENT OF RECORD;

AND

THAT PART OF SE ¼ OF SW ¼ OF SECTION 32 TOWNSHIP 34 RANGE 23 LYING NORTH OF SOUTH 379.90 FEET THEROFR & LYING WEST OF WESTERLY RIGHT OF WAY LINE OF TRUNK HIGHWAY NO 65, EX RD SUBJECT TO EASEMENT OF RECORD

WHEREAS, the property owner requested an interim use permit to allow a trucking company classified as a warehousing and distribution center known as B & T Trucking, and;

WHEREAS, the Planning Commission held a public hearing on April 27, 2021; and,

WHEREAS, the Planning Commission finds the request:

1. Will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.
 - The business is similar in nature to businesses to the north.
2. Will not have a negative effect on the values of property and scenic views.
 - There are existing businesses located to the north of the property that are similar in nature with storage of businesses vehicles and equipment.
 - The property is screened from the public right-of-way.

WHEREAS, the Planning Commission recommends to the City Council approval of the interim use permit.

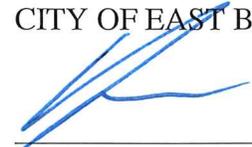
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the interim use permit to allow for the business known as B & T trucking, defined as a truck or motor freight terminal to operate at 1311 – 229th Avenue NE with the following conditions:

1. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions.

2. No more than fifteen (15) tracker trailers may be stored on the property at any given time.
3. The Interim Use Permit is not transferable to any other businesses.
4. The property must remain neat and orderly and trucks and trailers shall be screened from the public right-of-way.
5. The fenced storage area must not be expanded from the existing footprint.
6. City Council, at their discretion, may modify conditions at any time.

Adopted by the City Council of the City of East Bethel on this 10th day of May, 2021.

CITY OF EAST BETHEL



Steven R. Voss, Mayor

ATTEST:



Jack Davis, City Administrator



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



Date: October 24, 2023

Agenda Item Number: 5.0 B

Agenda Item: Preliminary Plat – Strandlund Farm, Carrington Homes, LLC.

Background Information:

The plat consists of twenty (20) buildable single family rural residential lots on 73.90 acres. Of the proposed lots, one lot is at the minimum of 2.00 acres. The average lot size in the proposed plat is 3.27 acres therefore all lots meet city code requirements.

Street Access

This subdivision will be accessed off of Luan Drive NE / Anoka County Highway 74 by the creation of a new section of 219th Ave NE. The new section of 219th Ave will be constructed to the minimum design standards.

Anoka County Highway Dept.

The Anoka County Highway Dept. was sent the Preliminary Plat for review and comments were received on October 19th, 2023. Any and all comments from the Anoka County Highway Department will need to be satisfactorily addressed prior to filing a final plat. (Attachment 4)

Public Works

The Public Works departments reviewed the submitted preliminary plat and are in support of the subdivision as proposed with the recommendation of removal of the gravel cul-de-sac on 219th Ave and make the full connection to the platted road.

City Engineer

City Engineer comments have not been received however the developer will need to satisfactorily address any and all comments prior to filing a final plat.

Building Department

The Building Official had no comments at the preliminary plat stage of the development.

Park Dedication

The Parks Commission reviewed the initial concept plan at their August 8th, 2023 meeting and made a recommendation of park fees in lieu of land with the possible exception of providing a trail easement from the cul-de-sac to 221st Ave NE. The updated preliminary plat will be reviewed at the November 14th, 2023 Parks Commission Meeting.

The park dedication fee is determined by 10% of the fair market value of the undeveloped land; not to exceed \$2,000.00 per lot. Staff will work with the property owner to determine the amount required for park dedication fees, which will need to be paid prior to the release of the final plat for filing with Anoka County.

Attachments:

1. Resolution 2023-72, Approve the Preliminary Plat for Hidden Pines
2. Certificate of Survey and Preliminary Plat for Hidden Pines
3. Location Map
4. ACHD Comment Letter

Recommendation:

The Planning Commission recommends that City Council consider approval of Resolution 2023 – 72, Approval of the Preliminary Plat for Hidden Pines, with the conditions set forth in the resolution.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2023-72

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “STRANDLUN FARM” FOR PROPERTY LEGALLY DESCRIBED IN EXHIBIT A:

WHEREAS, Carrington Development, LLC. has requested approval of a preliminary plat for Strandlund Farm; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of the Planning Commission and approves the preliminary plat of Strandlund Farm, with the following conditions:

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

Adopted by the City Council of the City of East Bethel this 13 day of December, 2023.

ATTEST

CITY OF EAST BETHEL

Jack Davis, City Clerk

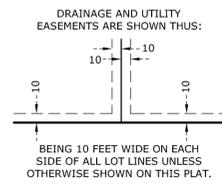
Kevin Lewis, Mayor

PRELIMINARY PLAT

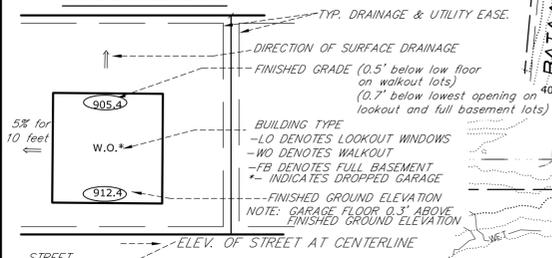
~for~ CARRINGTON DEVELOPMENT ~of~ STRANGLUND FARM

LEGEND

- DENOTES SOIL BORING BY TRADEWELL SOIL TESTING
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- WET DENOTES WET LAND
- DENOTES EXISTING 2 FOOT CONTOUR
- DENOTES PROPOSED 2 FOOT CONTOURS
- WET DENOTES WETLAND DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES COMPANY.
- DENOTES EASEMENT LINE
- BLDSP DENOTES SETBACK LINE
- DENOTES DIRECTION OF DRAINAGE
- 899.0 DENOTES PROPOSED SPOT ELEVATION
- DENOTES PROPOSED WELL LOCATION
- DENOTES WETLAND/VEGETATIVE BUFFER
- **27,986 S.F.** DENOTES CONTIGUOUS LAND AREA OCCURRING WITHIN THE PROPERTY LINES OF A PARCEL OR LOT EXCLUDING DRAINAGEWAYS, WETLANDS, WATERCOURSES AND PONDING AREAS, PARK LAND, ROAD RIGHTS-OF-WAY, AND SLOPES IN EXCESS OF 18 PERCENT.
- △ DENOTES RIGHT OF ACCESS DEDICATED TO ANOKA COUNTY
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ANOKA COUNTY TAX INFORMATION)



TYPICAL LOT



PROPERTY DESCRIPTION

The Northeast Quarter of the Northwest Quarter of Section 10, Township 33 North, Range 23 West, Anoka County, Minnesota, except the North 518.60 feet of the West 475.00 feet thereof.

AND

The Southeast Quarter of the Northwest Quarter of Section 10, Township 33 North, Range 23 West, Anoka County, Minnesota.

DEVELOPMENT DATA

- TOTAL AREA = 73.90± ACRES
- PROPOSED NUMBER OF LOTS = 20 LOTS
- RIGHT-OF-WAY DEDICATION = 8.53± ACRES
- AVERAGE LOT SIZE = 3.27± ACRES

EXISTING ZONING

RR-RURAL RESIDENTIAL

SETBACKS

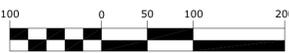
- COUNTY ROAD = 100 FEET
- FRONT ROAD = 40 FEET
- SIDE YARD = 25 FEET
- REAR YARD = 25 FEET
- WETLAND = 25 FEET
- WETLAND BUFFER = 15 FEET

PROPOSED ZONING INFORMATION

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

NORTH

GRAPHIC SCALE



1 INCH = 100 FEET

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

JASON E. RUD
Date: 10/10/2023 License No. 41578

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 05/26/23 and 10/06/23.
- Bearings shown are on the Anoka County Coordinate System.
- ADDRESS PARCEL ID NUMBER FEE OWNER
2836 221ST AVE NE EAST BETHEL MN 55011 10-33-23-21-0001 CARROL M. STRANGLUND AND VERNON D STRANGLUND, TRUSTEES
UNASSIGNED 10-33-23-24-0001 CARROL M. STRANGLUND AND VERNON D STRANGLUND, TRUSTEES
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone A (No base flood elevations determined.), according to Flood Insurance Rate Map No. 27003C0205E Community No. 270012 Panel No. 0205 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015.
- This survey was prepared with the benefit of title work. Title commitment prepared by TitleSmart, Inc., File No. 281361, dated effective August 7, 2023, at 8:00 A.M., was used to supplement this survey.
- Wetland delineation by Kjolhaug Environmental Services Company May 17, 2023.

DEVELOPER

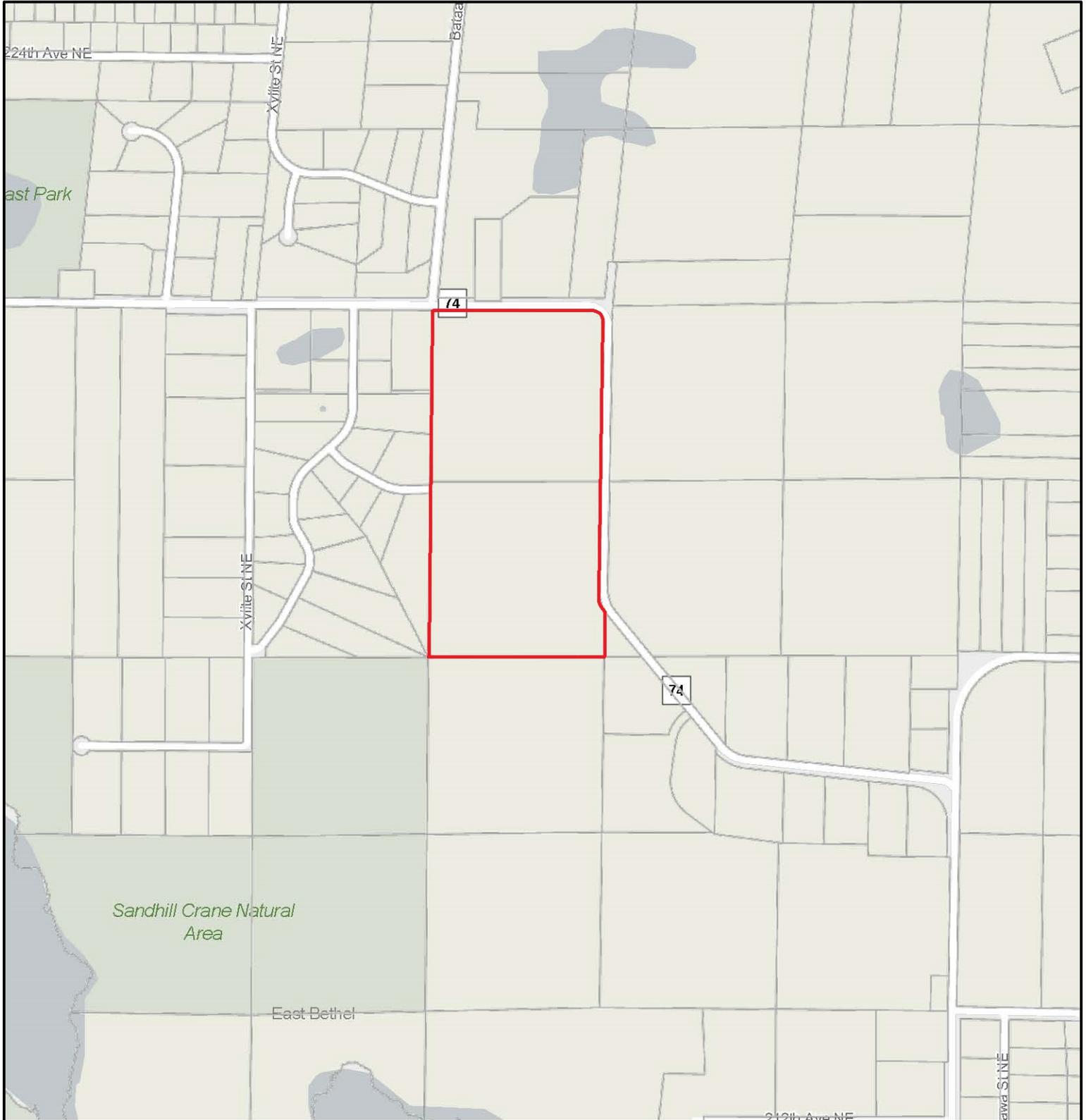
CARRINGTON DEVELOPMENT, LLC
STEVE STRANGLUND
P.O. Box 169
EAST BETHEL, MN 55011
(612) 221-4476

OWNER

CARROL M. STRANGLUND AND
VERNON D STRANGLUND, TRUSTEES

DRAWN BY:	MMD	JOB NO.:	220585PP	DATE:	02/15/23
CHECK BY:	JER	FIELD CREW:	JH / CB		
1					
2					
3					
4					
5					
NO.	DATE	DESCRIPTION			BY

Strandlund Farm - Location Map



N
July 10, 2023
Map Powered By DataLink





Anoka County
TRANSPORTATION DIVISION
 Highway

Aaron Berg
 City of East Bethel
 2241 221st Avenue NE
 East Bethel, MN 55011

October 19, 2023

RE: Preliminary Plat – Strandlund Farm

Dear Aaron,

We have reviewed the Preliminary Plat for Strandlund Farm to be located west of CR 74 (Luan Drive NE) and south of CR 74 (221st Avenue NE) within the City of East Bethel, and I offer the following comments:

- The proposed right of way along CR 74 is 60 feet south and west of centerline which should be sufficient for future reconstruction purposes.
- As proposed, the plat will introduce four new access points onto CR 74, which would be allowed since access to a city street does not seem feasible. Since sight distance is not met at the proposed shared access location, we request that the ROW be cleared to ensure the most sight distance possible in conjunction with approval of the access permits. The right of access is dedicated to Anoka County along CR 74 with exception for the proposed access points.
- Internal site grading shall not commence until the requested ACHD Engineering plan approvals are received and the applicable permits can be issued. If there will be any utility relocation on CR 74, it will be required to be completed by the City/developer as a part of the ACHD Engineering Plan Review process.
- Please note that no plantings or private signs will be permitted within the county right of way and care must be exercised when locating private signs, building, structures, plantings, berms, etc. outside of the county right of way, so as not to create any new sight obstructions for this section of CR 74.

ACHD would like to work with local governments in promoting compatibility between land use and the county highway system. It should be recognized that residential land uses located adjacent to County highways often results in complaints about traffic noise. Existing and/or future traffic noise from CR 74 could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where establishment of the land use would result in violations of established noise standards. It is advised that the City and the Developer assess the noise situation for this development as it is proposed to be located directly adjacent to CR 74 and take the level of action deemed necessary to minimize the impact of any highway noise by incorporating the appropriate noise mitigation elements into the design and phasing of this plat as applicable.

Our Passion Is Your Safe Way Home

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

Affirmative Action / Equal Opportunity Employer

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

- Utility relocation plans
- Traffic Control plans
- Grading and erosion control plans
- Drainage calculations – Note that the post-developed rate/volume of runoff must not exceed the pre-developed rate/volume of runoff for the 10-year critical design storm
- ACHD Design Requirements Checklist
- Engineering plan review fee (estimated at \$150.00)

Following completion of the ACHD Engineering Plan Review process, the contractor(s) who will be completing any work within the county right of way must begin the ACHD Permit process. One permit for Work within the County Right of Way (\$150.00), one street access permit (\$250), and three Access Permits (\$175.00 each) must be obtained prior to the commencement of any construction. License permit bonding, methods of construction, design details, work zone traffic control, restoration requirements and follow-up inspections are typical elements of the permitting process. Contact Sue Burgmeier via phone at 763.324.3176 or via email at HighwayPermits@co.anoka.mn.us for further information and to coordinate the ACHD Permit process.

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

Sincerely,



Logan Keehr
Traffic Engineering Technician

xc: CR 74/Plats+Developments/2023
Jerry Auge, Assistant County Engineer
David Zieglmeier, County Surveyor
Sean Thiel, Traffic Engineering Manager
Sue Burgmeier, Traffic Engineering Technician
Brandon Ulvenes, Engineer II

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



Date: October 24, 2023

Agenda Item Number: 5.0 C

Agenda Item: Public Hearing - Classic Commercial Park Fifth Addition – Preliminary Plat – 189TH Ave NE/
Buchanan St NE – CD Properties North, LLC.

Background Information:

The Planning Commission is asked to review and hold a public hearing for the preliminary plat known Classic Commercial Park Fifth Addition. The development consists of two (2) commercial lots and an additional outlot. Staff have reviewed the submission and offer the following comments.

Commercial Site Plan Review

A Commercial Site Plan must be reviewed and approved prior to the issuance of any building permits. Required submittal plans include, but are not limited to, the following: grading and drainage, architectural, landscaping, lighting, storm water, and utility plans.

Utilities

The lot will be served by municipal sewer and water. All fees associated with municipal services are required to be paid prior to the issuance of any building permits.

Park Dedication

Cash-in-lieu of land will be collected prior to the issuance of any building permits. Required park fees will reflect the most current fee schedule at the time the building permit is issued.

Action Requested

The Commission is asked to review the preliminary plat, hold a public hearing and make a recommendation of approval to City Council.

Attachments:

1. Resolution 2023-74
2. Location Map
3. Preliminary Plat

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2023-74

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF “CLASSIC COMMERCIAL PARK
FIFTH ADDITION” LEGALLY DESCRIBED AS:**

SAUTER’S COMMERCIAL FOURTH ADDITION, OUTLOT A

WHEREAS, CD Properties North, LLC. requested approval of a preliminary plat for Classic Commercial Park Fifth Addition; and

WHEREAS, the preliminary plat is in compliance with the previously approved Sauter’s Commercial Park preliminary plat; and

WHEREAS, pursuant to published and mailed notice thereof, the Planning Commission recommends approval of the preliminary plat to City Council.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA hereby agrees with the recommendation of the Planning Commission and approves the Preliminary Plat of Classic Commercial Park Fifth Addition with the following conditions:

1. Park dedication fees will be collected prior to the issuance of the building permits, at the rate approved on the most current fee schedule, at the time of submittal.
2. All fees associated with municipal services are required to be paid prior to the issuance of any building permits.
3. East Bethel City Engineer comments shall be satisfied prior to the issuance of any building permits. The City Engineer will determine when all comments have been addressed.
4. A Commercial Site Plan must be reviewed and approved prior to the issuance of any building permits.
5. Final plat must be approved and filed with Anoka County prior to the issuance of any building permits.

Adopted this 13th day of November, 2023 by the City Council of the City of East Bethel.

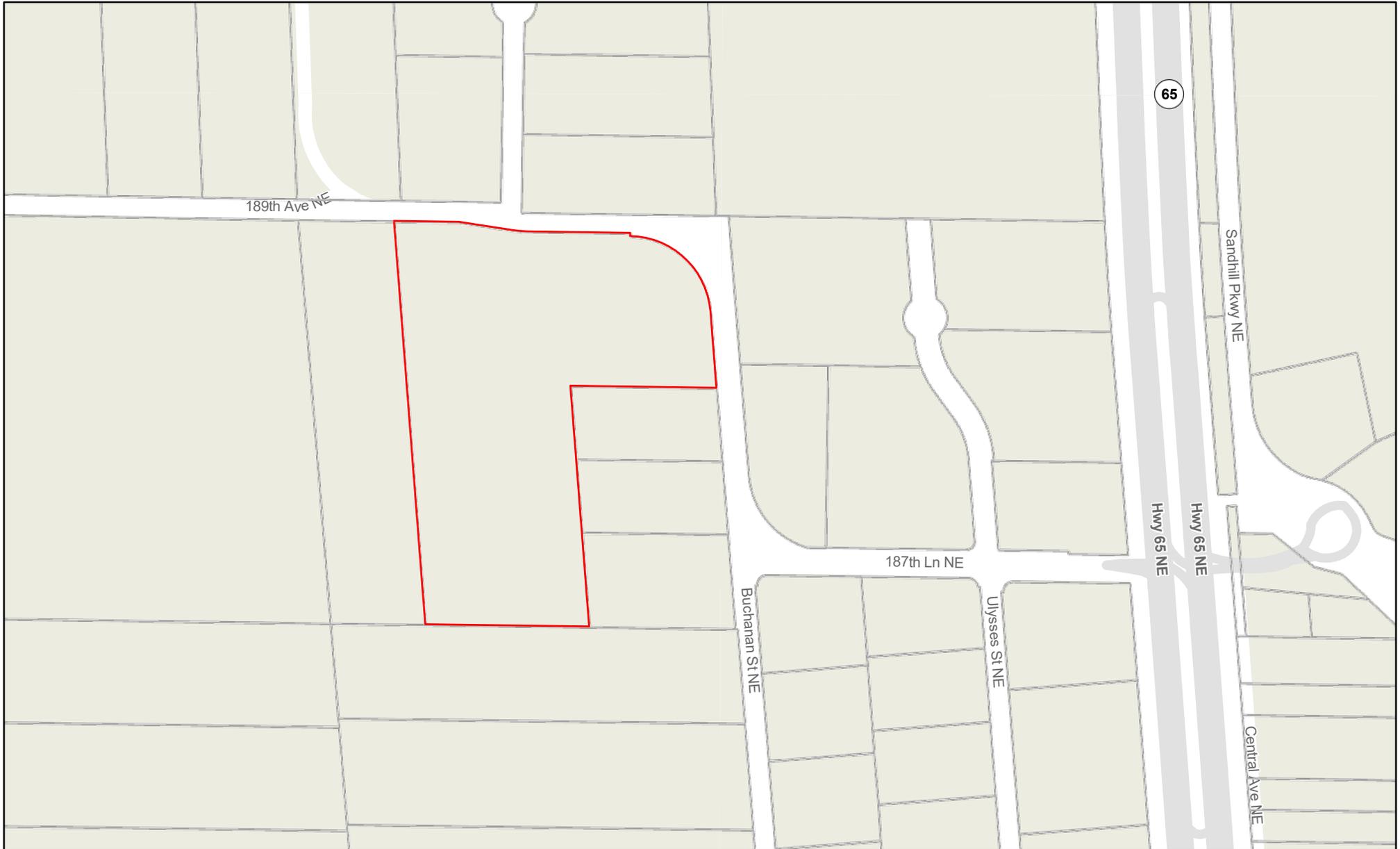
CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Jack Davis, City Administrator

PID:323323220009 - Location Map



1 inch equals 421 feet



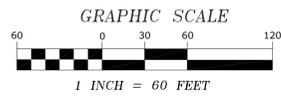
-  Parcels
-  City Mask

PRELIMINARY PLAT

~for~ CD PROPERTIES NORTH, LLC
~of~ CLASSIC COMMERCIAL PARK 5TH ADDITION

OWNER/DEVELOPER

CD PROPERTIES NORTH, LLC
CURT STRANGLUND
18452 ULYSSES STREET NE
EAST BETHEL, MN 55011-0000



VICINITY MAP

PART OF SEC. 32, TWP. 33, RNG. 23



ANOKA COUNTY, MINNESOTA
(NO SCALE)

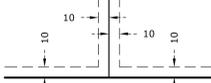
LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES EXISTING CONTOURS
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- OHU — DENOTES POWER POLE AND OVERHEAD WIRES
- S — DENOTES EXISTING SANITARY SEWER
- SS — DENOTES EXISTING STORM SEWER
- W — DENOTES EXISTING WATER MAIN
- G — DENOTES GUY WIRE
- ▨ DENOTES BITUMINOUS SURFACE
- ▨ DENOTES WETLAND BUFFER AREA
- ⊠ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ANOKA COUNTY TAX INFORMATION)

PN No. 17-119-22-14-0008
Owner: City of A
Address: Unassigned

DRAINAGE AND UTILITY EASEMENTS:

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, AND ADJOINING ALL LOT LINES AND RIGHT OF WAY LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.

NORTH

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 7/14/2019, and 09/27/23.
- Bearings shown are on Anoka County datum.
- Wetland delineation by Jacobson Environmental.
- Parcel ID No. 32-33-23-22-0009.
- Surveyed premises shown on this survey map is in Flood Zones A and X according to Flood Insurance Rate Map Community No. 270674, Panel No. 0215, Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015. A LOMA was completed on this parcel dated February 20, 2018, Case. No. 18-05-1752A, based upon a flood elevation of 899.2.
- Site Plan provided by Lampert Architects.
- Topography is shown per field information gathered by E.G. Rud and Sons on 09-27-23.

ZONING AND SETBACKS:

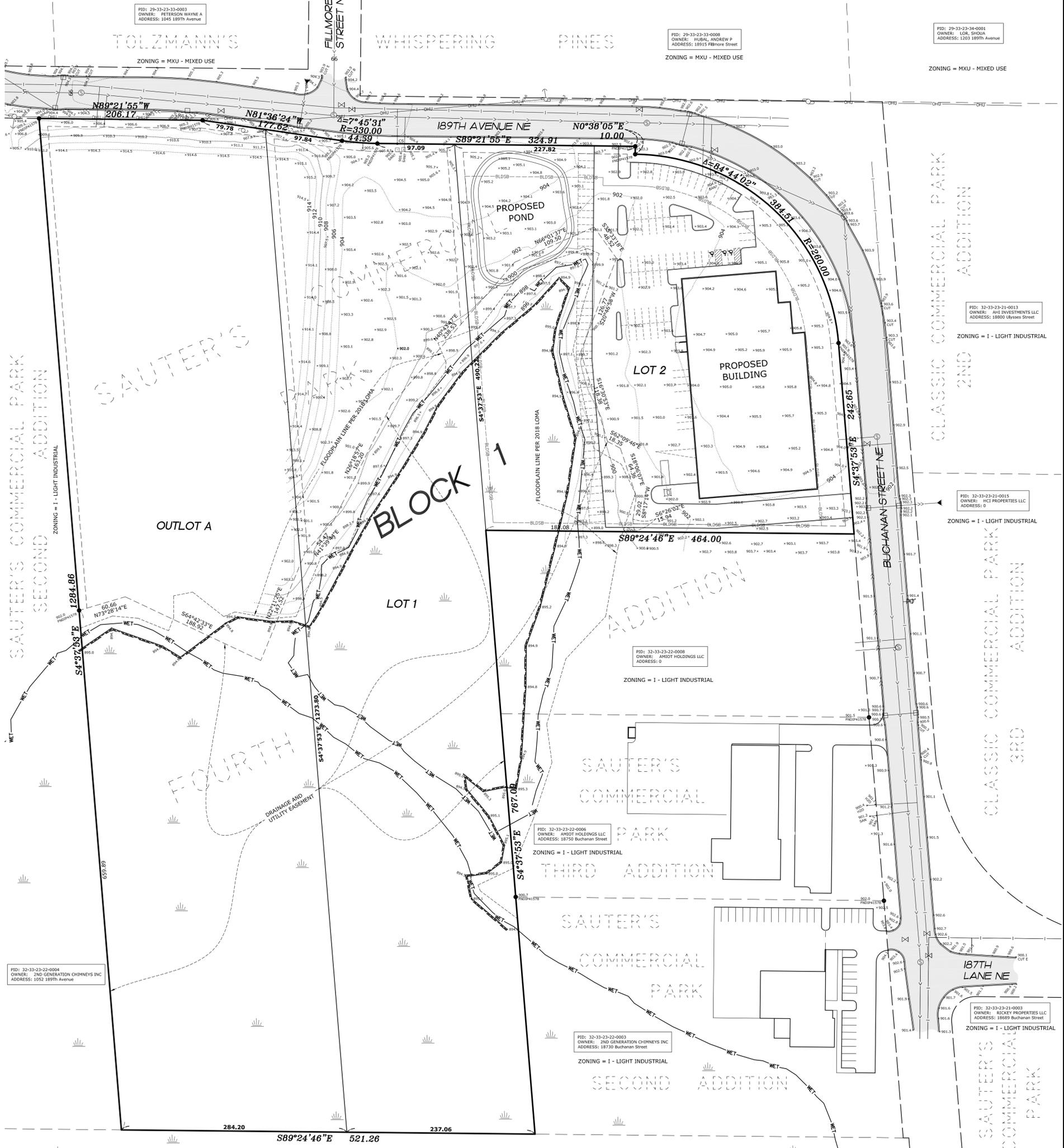
Property is currently zoned I (Light Industrial) with sewer and water.

Lot Standards for Light Industrial:
Minimum area = 1 acre
Minimum lot width = 150 feet
Minimum buildable area = 23,000 sq. ft.

Light Industrial building setbacks:
Front
Local/collector street = 40 feet
Arterial street = 50 feet
State/County Hwy = 100 feet
Side = 10 feet
Rear = 25 feet (60 feet abutting residential district)

LOT AREA TABLE

TOTAL AREA:		AREA EXCLUDING DRAINAGE AND UTILITY EASEMENT DEDICATED OVER WETLAND
LOT 1: 277,457 SF (6.37 ACRES)		87,456 SF (2.01 ACRES)
LOT 2: 212,396 SF (4.88 ACRES)		163,797 SF (3.76 ACRES)
OUTLOT A: 363,184 SF (8.34 ACRES)		179,408 SF (4.12 ACRES)



PID: 29-33-23-33-0003
OWNER: PETERSON WAYNE A
ADDRESS: 1045 189TH AVENUE

PID: 29-33-23-33-0008
OWNER: HUBAL, ANDREW P
ADDRESS: 18915 Fillmore Street

PID: 29-33-23-34-0001
OWNER: LOR, SHOUA
ADDRESS: 1303 187TH AVENUE

PID: 32-33-23-21-0013
OWNER: AHI INVESTMENTS LLC
ADDRESS: 1800 WYMAN STREET

PID: 32-33-23-21-0015
OWNER: HCI PROPERTIES LLC
ADDRESS: 0

PID: 32-33-23-22-0008
OWNER: AMSDT HOLDINGS LLC
ADDRESS: 0

PID: 32-33-23-22-0006
OWNER: AMSDT HOLDINGS LLC
ADDRESS: 18750 Buchanan Street

PID: 32-33-23-22-0004
OWNER: 2ND GENERATION CHIMNEY'S INC
ADDRESS: 1052 189TH AVENUE

PID: 32-33-23-22-0003
OWNER: 2ND GENERATION CHIMNEY'S INC
ADDRESS: 18730 Buchanan Street

PID: 32-33-23-21-0003
OWNER: KICKEY PROPERTIES LLC
ADDRESS: 18600 Buchanan Street

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

EXISTING PROPERTY DESCRIPTION:

Outlot A, SAUTER'S COMMERCIAL PARK
FOURTH ADDITION, Anoka County, Minnesota.

BENCHMARK

BENCHMARK: MNDOT BENCHMARK DENN MNDT
ELEVATION: 899.194 (NAVD88)

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

JASON E. RUD
Date: 9/29/2023 License No. 41578

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

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



Date: October 24, 2023

Agenda Item Number: 5.0 C1

Agenda Item: Public Hearing – Classic Commercial Park Fifth Addition – Final Plat – 189th Ave NE/
Buchanan St NE

Background Information:

The Planning Commission is asked to review the Final Plat known as Classic Commercial Park Fifth Addition. The development consists of two (2) commercial lots and an additional outlet.

Action Requested

The Commission is asked to review the final plat and make a recommendation of approval to City Council.

Attachments:

1. Resolution of Approval
2. Final Plat

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2023-75

**A RESOLUTION APPROVING THE FINAL PLAT OF
“CLASSIC COMMERCIAL PARK FIFTH ADDITION”
LEGALLY DESCRIBED AS:**

SAUTER’S COMMERCIAL PARK FOURTH ADDITION, OUTLOT A

WHEREAS, CD Properties North, LLC. requested approval of a Final Plat for Classic Commercial Park Fifth Addition; and

WHEREAS, the final plat is in compliance with the previously approved Classic Commercial Park Fifth Addition preliminary plat; and,

WHEREAS, the Planning Commission reviewed the final plat for compliancy and recommends approval.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA hereby agrees with the recommendation of the Planning Commission and approves the Final Plat of Classic Commercial Park Fifth Addition with the following conditions:

1. Park dedication fees will be collected prior to the issuance of any building permits, at the rate approved on the most current fee schedule, at the time of submittal.
2. All fees associated with municipal services are required to be paid prior to the issuance of any building permits.
3. East Bethel City Engineer comments shall be satisfied prior to the issuance of any building permits. The City Engineer will determine when all comments have been addressed.
4. A Commercial Site Plan must be reviewed and approved prior to the issuance of any building permits.
5. Final plat must be filed with Anoka County prior to the issuance of any building permits.

Adopted this 13th day of November, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Jack Davis, City Administrator

PRELIMINARY COPY

LAST SAVED BY: BBYER on Tuesday, October 17, 2023 at 3:28:19 PM
LOCATION: C:\USERS\BBYER.EGRUD\DESKTOP\REMOTE JOBS\230981
FILENAME: 230981-FINAL PLAT.DWG
FILESIZE: 4.67MB

CLASSIC COMMERCIAL PARK FIFTH ADDITION

City of East Bethel
County of Anoka
SEC. 32, TWP. 33, RNG. 23

KNOW ALL PERSONS BY THESE PRESENTS, That CD Properties North, LLC, a Minnesota limited liability company, owner of the following described property:
OUTLOT A, SAUTER'S COMMERCIAL PARK FOURTH ADDITION, Anoka County, Minnesota.
Has caused the same to be surveyed and platted as CLASSIC COMMERCIAL PARK FIFTH ADDITION and does hereby dedicate to the public for public use the drainage and utility easements as shown on this plat.

In Witness whereof said CD Properties North, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this day of _____, 20__.

CD PROPERTIES NORTH, LLC

Curtis A. Strandlund, Chief Manager

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this ___ day of _____, 20__ by Curtis A. Strandlund as Chief Manager of CD Properties North, LLC, a Minnesota limited liability company.

(Signature)

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 5, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this ___ day of _____, 20__.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this ___ day of _____, 20__ by Jason E. Rud

(Signature)

Notary Public, _____ County, Minnesota

My Commission Expires _____

CITY COUNCIL, CITY OF EAST BETHEL, MINNESOTA

This plat of CLASSIC COMMERCIAL PARK FIFTH ADDITION was approved and accepted by the City Council of the City of East Bethel, Minnesota, at a regular meeting thereof held this ___ day of _____, 20__ and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of East Bethel, Minnesota

By _____ Mayor By _____ Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ___ day of _____, 20__.

David M. Ziegler
Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ___ day of _____, 20__.

Property Tax Administrator

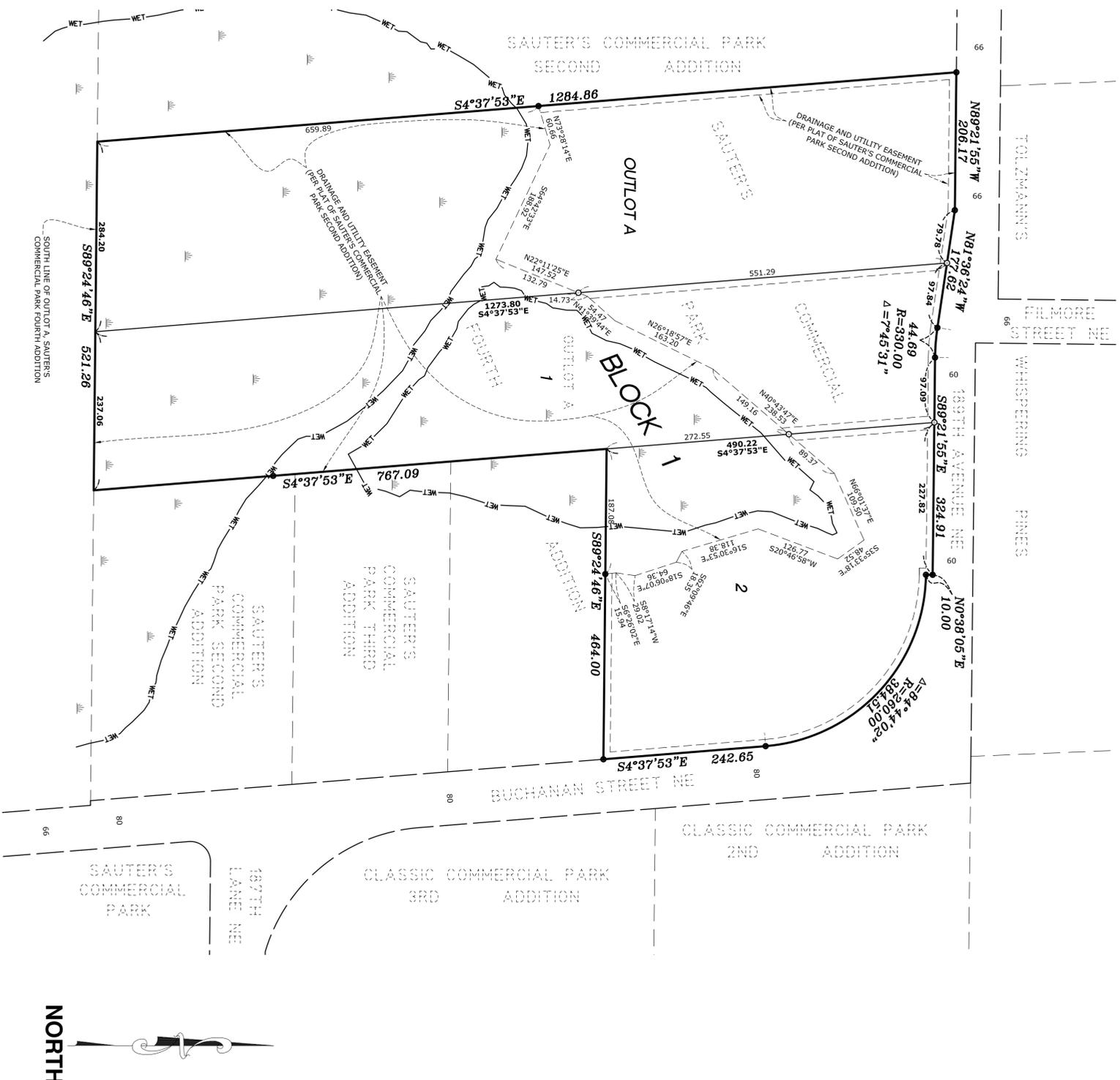
By _____, Deputy

COUNTY RECORDER/REGISTRAR OF TITLES
COUNTY OF ANOKA, STATE OF MINNESOTA

I hereby certify that this plat of CLASSIC COMMERCIAL PARK FIFTH ADDITION was filed in the office of the County Recorder/Registrar of Titles for public record on this ___ day of _____, 20__ at _____ o'clock _____ M, and was duly recorded as Document Number _____.

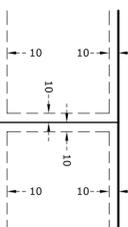
County Recorder/Registrar of Titles

By _____, Deputy



EASEMENT DETAIL:

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, ADJOINING ALL LOT LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.



(SCALE IN FEET)
1 Inch = 100 feet



FOR THE PURPOSES OF THIS PLAT THE SOUTH LINE OF OUTLOT A, SAUTER'S COMMERCIAL PARK FOURTH ADDITION IS ASSUMED TO HAVE A BEARING OF SOUTH 89 DEGREES 24 MINUTES 46 SECONDS EAST.

- DENOTES SET 1/2 INCH BY 14 INCH IRON PIPE
- MARKED BY RLS NO. 41578.
- DENOTES FOUND 1/2 INCH BY 14 INCH IRON PIPE
- MARKED BY RLS NO. 41578.
- DENOTES WETLAND DELINEATED BY JACOBSON ENVIRONMENTAL IN 2015.

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



Date: October 24th, 2023

Agenda Item Number: 6.0

Agenda Item: Variance Request Consideration – Frontage Reduction – 185xx 3rd St NE – Dave Wills

Requested Action: City Council is requesting the Planning Commission provide a recommendation in regards to allowing a subsequent variance request for a frontage/ lot line reduction at the Right of Way for an Administrative Subdivision in Oak Grove.

Background Information:

On September 26th, 2023 the Planning Commission held a public hearing and subsequently made a finding of fact in a denial of a variance request for a reduction to the standard of 200 feet of frontage to 52 feet in order to subdivide the property allowing for two (2) access points/ driveways through the East Bethel 3rd St NE Right of Way to the parcel located in Oak Grove.

At the October 9th, 2023 City Council Meeting the recommendation to deny the variance request was approved by a unanimous vote of the City Council.

Sec. 4, Sub. 10. I. Reapplication, *No application for a variance for a particular use on a particular parcel shall be resubmitted for a period of one year from the date of denial of the previous application unless a decision to reconsider such matter is made by a majority vote of the full City Council.*

The applicant immediately requested a decision be made in order for him to reapply for a variance for a Front Lot Line reduction from 200 feet to the 105.88 feet, for a single access point as oppose to two in his current request. The City Council requested this be brought back to the Planning Commission for a recommendation in regards to the resubmittal for a variance within a one year period.

Recommendation:

City Council is request the Planning Commission discuss and make a recommendation based on the request to allow or deny the applicant the opportunity to reapply for a variance for a front lot line reduction after a denial within a one year period.

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____