

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: March 26, 2024 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: February 27, 2024 (Pg 1-8)
4. Candidate Interview: (Pg 9-10)
 1. Eldon Holmes
5. Continued - IUP – Commercial Kennel – 625 221st Ave NE – Andrew Benik (Pg 11-18)
6. Public Hearing:
 - A.) **Variance** – Setbacks – 18440 3rd St NE – Steven Franker (Pg 19-25)
 - B.) **Variance** – Second Driveway – 20910 Buchanan St NE – Scott Pflipsen (Pg 26-39)
 - C.) **IUP Amendment** – 1311 229th Ave NE – Taras Martynenko (Pg 40-51)
 - D.) **CUPA** – 1281 187th Ave NE – Designing Earth Contracting (Pg 52-69)
7. Updates
8. Adjourn

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL PLANNING COMMISSION MEETING February 27, 2024

MEMBERS PRESENT: Sharon Johnson, Tanner Balfany, Glenn Terry, Brian Downie, and Corey Jorgensen.

MEMBERS ABSENT: Gabrien Hanschen

ALSO PRESENT: Aaron Berg, Community Development Director
Jim Smith, 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 Johnson moved and Commissioner Terry 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 January 23, 2024 meeting minutes

Commissioner Terry moved and Commissioner Johnson seconded to adopt the January 23, 2024 regular meeting minutes as written. 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.**

4.0 Oath of Office for Kory Jorgenson and Brian Downie

Berg administered the Oath of Office to Jorgenson and Downie.

5.0 Planning Commission Appointment of Chairperson and Vice Chairperson

Berg stated the Planning Commission was being required to appoint a Chairperson and Vice Chairperson to serve a one-year term ending January 31, 2025.

Commissioner Balfany moved and Commissioner Johnson seconded to appoint Commissioner Hanschen as the Vice Chairperson. 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.**

Commissioner Balfany moved and Commissioner Terry seconded to appoint Commissioner Johnson as the Chairperson. 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.**

6.0A Public Hearing: IUP – Commercial Kennel – 625 221st Avenue NE – Andrew Benik

Berg reviewed staff's report stating on or about December 20, 2023, Andrew Benik dropped of an application for a Kennel IUP at City Hall. City Staff researched the information provided in the application, City Code, and the process for getting a Commercial Kennel operation approval. Since Mr. Benik intended on kenneling other individual's dogs beside his own this met the definition of a Commercial Kennel.

Berg stated Mr. Benik's property is 4.35 Acres and is located in a Rural Residential zoning district of the City. He was advised that due to the location of his property he could not be issued an IUP for a Commercial Kennel. Mr. Benik agreed to withdraw his application and asked for a map of the Commercial and Industrial Zones of the City.

Berg indicated on or about January 18, 2024, the City started to receive calls about social media advertising by Mr. Benik for Dog Bathing, Dog Day Care, and Boarding under the business name Court's Camp Dog Care, with an accompanying website. Although the website use the location of "East

Bethel” it did not provide a specific address for the facility. City Staff confirmed with the MN Secretary of State Business Filings that the Business’s registered office was in fact Mr. Benik’s residence on January 8, 2024.

Berg stated contact was made with Mr. Benik on January 19, 2024, advising him that a commercial kennel was not permitted in a residential zone. Mr. Benik responded by asking what steps he could take to attempt to get approval. He was advised that administratively City Staff could not authorize a Commercial Kennel; however, the City Council could hear his request and make a determination.

Berg noted on January 24, 2024, Mr. Benik delivered an application and associated fees for an IUP – Commercial Kennel, located at 625 221st Ave NE. Berg stated if approved, a Private Kennel – IUP, Mr. Benik’s property would be permitted four dogs belonging to him and not customers or the general public.

Berg requested the Planning Commission hold a Public Hearing, discuss the IUP Request and consider a recommendation to deny the request to the City Council.

Johnson opened the Public Hearing.

Ronald Snodie, 22277 Washington Street NE, indicated he was a dog owner and he had nothing against someone who wanted dogs. However, he requested that people who own dogs watch their dogs and make sure they do not bark and interrupt people’s lives. He stated in the 8 years they have lived in the City, which had become a problem in their neighborhood. He noted he lived around 300 yards from Mr. Benik and he was against the kennel due to barking and disturbing his peace and quiet. He acknowledged he felt bad for Mr. Benik and he understood why he wanted to do this.

Johnson asked if the kennel was located on commercial property or was it as Mr. Benik’s residence. Berg responded it was at Mr. Benik’s residence.

Kristen Smith, 711 221st Avenue, stated her property surrounds Mr. Benik’s property. She indicated Mr. Benik was a great neighbor and he was very responsible. She believed Mr. Benik would be a good kennel owner, the City needed that, and if there would be a problem that Mr. Benik would respond to it. She stated Mr. Benik’s dogs were quiet and he took care of them. She indicated she did not have any problem being Mr. Benik’s neighbor. She stated in the country there were noises such as four wheelers and snowmobiles. She noted if there was a problem then neighbors should talk to each other. She was in support of this proposal

Scott Snider, 22394 7th St NE, stated he was concerned about “creep” including the industrial “creep” going on in the City with people opening up home based businesses. He noted in his neighborhood there was an industrial equipment repair business, an automotive repair business, and a sign business. He indicated some of these businesses had employees and had flatbed trucking coming into them. He stated 7th Street was not built for that. He asked what was the Planning Commission looking at doing and would they continue to allow businesses to open in residential neighborhoods. He asked what was the definition of a residential neighborhood. He stated there were many people who invested hundreds of thousands of dollars into their property and nobody wanted a business to open up next door to them as their property values would go down anywhere from 5 to 7 percent which was a large sum of money. Johnson responded at public hearings, the Commissioners usually listened to the questions and answer them all with similar questions. She noted his comments were off topic, but the Commission could address this at the end of the public hearing.

Andy Benik, 625 221st Avenue NE, stated he was the property owner. He summarized his background in the City as being a lifelong resident since he was a child. He noted he had received a degree in zoology where he studied animal behavior and veterinary medicine. He indicated he wanted to get into the type of work that he loved and was passionate about. He stated his entire five-acre property was

fenced for the safety and security of the dogs that would be staying with him. He indicated he had a cold storage outbuilding with separate kennels where the dogs would be fed, but otherwise the dogs were free to roam on the property and would be sleeping in his house at night. He agreed that huge issues with kennels was noise complaints, but that occurred when the dogs were in separate kennels which would not be the case at his facility.

Johnson asked what breed of dogs would be at Mr. Benik's facility. Mr. Benik responded he personally had 3 mixed breed dogs, but he would take any breed. He indicated he had studied animal behavior and it was not the breed of the dog that determined how they would act. He stated it was important to study the dog's body language and determine if there was going to be an aggressive dog or a bad interaction dog, which were all preventable if you know what to look for. He noted he planned on spending all of the hours outside or inside with the dogs and they would never be left unattended. He acknowledged there were barking dogs in the neighborhood, but that occurred when the owners left them outside alone while the owners were sitting inside. He indicated it was important for owners to be physically outside with their dogs to entertain them.

Jorgensen asked what would happen with the dogs when Mr. Benik was on vacation or ill. Mr. Benik responded if he were ill, he would still be able to take care of the dogs so he would not need anyone else to watch them.

Balfany noted Mr. Benik had originally applied, then retracted the application knowing it was not going to be approved. Mr. Benik responded it was different than when he came to the City in the summer of 2023. He noted the staff member he spoke with had informed him that he had never gone through the kennel license process. He then spoke with Berg who informed him what was needed in order for him to get a 2024 license. However, it was then discovered that where he lived he could not have a commercial kennel license.

Downie asked how many dogs maximum would Mr. Benik have at his facility. Mr. Benik responded that would depend on the IUP which he had not received yet. He noted there were a lot of people who watched dogs inside their homes and did not apply for a kennel license, but he wanted to do everything correctly and follow the rules.

Johnson asked how many dogs would he have. Mr. Benik responded ideally he wanted between 6 and 10 dogs.

Downie stated in the event of approval, he saw the presence of dogs as adding more barking. He asked if there were processes or plans in place to contain or minimize the amount of barking. Mr. Benik responded in his experience that when dogs were separated they barked continuously because they want to exercise and be out in a pack; they want to be outside. He indicated that was going to be the difference with his facility that they were going to be only kenneled during feeding time but otherwise they would be outside interacting with other dogs. He noted he would also be outside with the dogs. He stated dogs were simple – they needed attention, exercise, and love and if those needs were met then barking would not be an issue.

Johnson asked what did Mr. Benik see could go wrong with this. Mr. Benik responded he has not experienced that anything could go wrong. He indicated he did not consider himself an animal expert, but he has watched dogs. Balfany agreed it appeared Mr. Benik had studied this.

Balfany asked how many dogs had Mr. Benik personally watched. Mr. Benik responded he had personally watched 18 dogs by himself in one location. He indicated he was not sure how many dogs he had watched at his location though, but he has had a lot of friends and family dogs over to "hang out." He believed he might have had 13 dogs at the most around.

Johnson asked Mr. Benik if any dogs have jumped his fence. Mr. Benik responded his fence was just

under 6 feet, but he also had different sections of the yard that was fenced in so if I dog were to get over a fence, they would need to get over 2 or 3 other fences to escape. He indicated he had not had any dogs that wanted to leave his property once they arrived though. He invited the Commissioners to his property to see everything.

Bob Knight stated Mr. Benik was a “great guy” who he had known for a long time. He indicated Mr. Benik was responsible and if someone believed his animals were noisy and disturbing them, Mr. Benik would respond and address it. He welcomed Mr. Benik’s business backing right up to his home.

Tammi Gimpl, 22359 Baton Street, stated she supported Mr. Benik and he was trying to do this right. She indicated people in the City wanted to have a place to board their dogs where they would be safe. She stated she had been in the City for over 20 years and has a kennel and they did not hear the dogs barking at her place. She noted Mr. Benik appeared to know what he was doing and he had a lot of support. She requested the Commissioners to consider Mr. Benik’s request.

Pam Kolodziej, 485 224 Lane NE, stated she was sure Mr. Benik was a responsible person and she was not questioning whether he was qualified and he would take care of the dogs to the best of his abilities. She indicated she believed in kennels and she wanted to have her dog in a safe place. She stated she had no objection to this request at all. She indicated her objection was the way this was coming down. She noted she lived in the neighborhood and this felt like it was coming in the backdoor. She was concerned other people in the area would want their license now also.

John Lynch, 2218 Quincy Street, stated he respected what Mr. Benik was trying to do. He indicated he had recently moved to the East Bethel to find a bit of quiet and now something that was zoned residential had the potential for a commercial business. He stated it seemed like this was going backwards. He noted residential areas had families, working families, and they needed their sleep. He indicated he did not know what would happen if this got out of control and the Police could only do so much.

Jillian Fisher, stated she was not a resident of East Bethel, but had grown up in the community. She stated she supported Mr. Benik. She indicated her dog was her child and Mr. Benik watched her dog when she was not able to care for him or when she was on vacation. She indicated she knew her dog was safe there. She stated Mr. Benik was trying to create a special place for the dogs and what he offered was not available anywhere else. She noted when Mr. Benik has watched her dog, he sent her videos and no dogs were barking in them.

Pastor Caroline Holmes stated she walked in this neighborhood and almost everybody in the area had dogs. She stated she would bring her dog to Mr. Benik’s property as it sounded like a nice home environment. She noted there were other kennels in residential areas also. She stated she “love” the idea of having this business in the neighborhood.

Johnson closed the Public Hearing.

Commissioner Balfany moved and Commissioner Terry seconded to open the discussion. Johnson asked any discussion?

Balfany stated he would like to support this, but he could not because he believed this would set a precedent which would make bigger issues down the road. He expressed concerns about an IUP without proper language changes to address precedent and ensure consistency in future decisions. He highlighted the need for careful consideration of commercial and industrial zoning issues to avoid creating unnecessary precedents. He expressed concern about the language in the proposal, finding it too broad and potentially creating a precedent for future issues.

Jorgenson stated he was struggling with the idea that this was a residential area and even though the

181 neighbors supported this now, people moved and things changed.

182 Terry believed this was an ideal location for Mr. Benik's kennel as opposed to an industrial space. He
183 noted the neighbors supported Mr. Benik. He indicated the issue was the Ordinance and not what Mr.
184 Benik had presented. He noted he was torn on this as this was not a variance, but an IUP, which went
185 against the Ordinance. He indicated he did not know what they could do other than to revisit the
186 Ordinance and change it. He indicated he would like to see this work, but he was not sure if they could
187 make it work. He noted he liked this idea, but he was not sure if they would get beyond the Ordinance
188 language.

189 Downie agreed this was a great idea, but the Ordinance specifically did not allow it. He also expressed
190 concern about setting precedent. He asked if the wording of the Ordinance could be changed.

191 Balfany reminded them that the Commission was also not the final say and they were only an advisory
192 body and there was still an opportunity for Mr. Benik to go to the Council.

193 Johnson noted when this went to the Council there would be no public hearing, so all of this input
194 stopped with the Commission's recommendation. Balfany pointed out that comments could be made at
195 the Public Forum at the Council meeting also.

196 Berg addressed the questions that had come up during the public hearing.

197 Johnson reopened the Public Hearing.

198 Mr. Benik noted the commercial zoning started one-half mile on the west side of Highway 65 and on the
199 east side of Highway 65. He indicated he could see the commercial area from his driveway. He stated
200 the City already had a commercial kennel in a residential zone approved miles away from a commercial
201 zone. He noted research had to be done as to how that kennel got through the Ordinance wording. Berg
202 responded that was granted by a City Council at another time and place before he was with the City.

203 Balfany stated that was the reason he was concerned about setting precedent. Mr. Benik responded the
204 City had already set a precedent by allowing the other kennel into a residential area. He noted he was
205 not looking to move and he wanted to stay in the community as he has spent his entire life in the City.
206 He indicated he wanted to bring a business into the City.

207 Johnson closed the public hearing at 8:03 p.m.

208 Johnson noted when she first saw this she did not think it sounded very good, but now she had been
209 swayed the other way as she believed Mr. Benik did know how to handle animals much better than most
210 people.

211 Balfany recommended to Mr. Benik that he push for an Ordinance change.

212 Terry stated he wanted to know how the other kennel was approved for a residential area, and could it be
213 replicated in this case. Berg reminded the Commission that Ordinances changed over time and while he
214 didn't know the history, it was possible in 2009, a kennel in a residential area was allowed.

215 Terry recommended this be tabled to determine if there is a precedent based on the other kennel being
216 approved and what the background was. He believed for Mr. Benik to move to a commercial location
217 defeated the point of what he was doing, which was different than a commercial kennel.

218 Balfany stated if the wording were different he would have no issue with this request, but he was still
219 concerned about setting precedent.

220 Jorgenson stated he liked the idea of tabling this to get additional information.

221 Downie indicated he would like to review the previous Ordinance revisions also.

Balfany indicated he would rather see this request continue so it was not a delay to the application and didn't add more to future agendas.

Downie stated he wanted to make a motion based on the current Ordinance but bring it to the Council's attention that there might be existing documents when it was approved that might want consideration before they make their final decision.

Terry noted he would want any motion to also state that they would like to see this happen. He did not think denying it was a good idea though.

By consensus, the discussion was closed.

Commissioner Downie moved and Commissioner Balfany seconded to recommend denial per the current Ordinance as written but request the City Council consider the approval and 2009 when making their final decision. Johnson asked any discussion?

Terry recommended the applicant decide if this should be denied to tabled to allow time for additional research.

Johnson asked Mr. Benik what he would prefer. Mr. Benik responded he would prefer it be approved the same way it was done in 2009, but he would be okay with this being tabled.

Downie withdrew his motion. Balfany withdrew his second.

Commissioner Terry moved and Commissioner Johnson seconded to table pending further research. Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

6.0B Variance – Detached Accessory Structure Placement – 19455 4th St NE – Geno Brese

Berg reviewed staff's report stating this property is located in the RR Rural Residential Zoning District and is located within the Norseland Manor Subdivision. The property owner is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure, on the South side of the lot. Berg reviewed Zoning Appendix A.

Berg stated consideration of a variance required the Planning Commission consider a three-factor test for practical difficulties which he reviewed for the Commission.

Berg indicated with respect to the test of reasonableness, in this case accessory structures were a permitted accessory use in the RR Single Family Residential Zoning District.

Berg noted with respect to the landlord's problem was due to circumstances unique to the property and not caused by the landowner, in this case: The property is relatively flat with a 2 foot change in elevation across the 1 + acre lot; the primary residence was constructed in 1986 and built in the center of the lot; The well and septic are located on the North side of the residence; there are 25 foot side yard setbacks in the RR Single Family Residential Zoning District. The house is located approximately 88 feet from the side yard property line; there are 25-foot rear yard setbacks in the RR Single Family Residential Zoning District. There is 125 feet between the front foundation and the rear property line; Zoning Code allows for a 1,240 sq. foot detached accessory building (30' X 40') maximum for a property this size; the adjacent property has a significant stand of evergreen trees which straddle the property line; there is a 10-foot concrete slab on the South side of the attached garage; and there is a row of arborvitae bushes/trees (5) adjacent to the slab.

Berg stated with respect to the third factor being that a variance would not alter the essential character of the neighborhood, in this case: Thirty seven of the 74 parcels in Norseland Manor have detached accessory structures; three of the thirty seven are nearer the front line than the primary structure were

constructed prior to 2008; Section 14 - Detached Accessory Structure Ordinance was amended on March 9, 2020; and standing tree growth between the proposed detached accessory structure and the front property line may screen it from view from the public roadway.

Berg requesting the Planning Commission hold a public hearing and recommend denial or approval of the variance request to the City Council for the placement of a detached accessory structure nearer to the front lot line than the primary structure with conditions as written in Resolution 2024-XX.

Johnson opened the public hearing.

Gino Brese, 19455 4th St NE, stated that he and his wife have lived in the house since 2000, they were getting ready to retire, and the last thing they wanted to do before they retired was to build a garage. He explained the reason why they wanted to build a garage where proposed and indicated they had redone their driveway to accommodate that location, and it was only after they applied for a permit to build the garage that they found out they were not allowed to have it in that location. He stated they did not want to lose their 100-year-old trees or landscaping, which is what would happen if they put the garage where the City wanted it. He noted their proposal also matched several homes in their neighborhood. He requested the Commission allow him to build the garage where he proposed to build it.

Johnson asked what hardship did Mr. Brese have. Mr. Brese responded the trees provided shade and they were 100 years old and they would like to keep them standing as long as possible. He noted they would also have to remove their existing driveway because they were not allowed to have two driveways.

Balfany believed it would be possible to build the garage in the correct location without losing trees. Mr. Brese stated cost was an issue for them and a 60-foot driveway would be prohibited for them.

Johnson closed the public hearing.

Terry noted Mr. Brese's home was set far back and it was understandable to him if they had a shorter setback to not extend the accessory structure in front of it, so that is one thing that was in favor of what Mr. Brese proposed. Terry also noted trees act as very good screening in terms of the effect on the neighborhood. He believed the Ordinance was so that a neighborhood was not full of garages as the first thing that would be seen. He wanted to "let the guy do what he wants on his property, because he's not harming anybody." And he indicated it was reasonable to him and noted that the Ordinances are to protect the community and not to cudgel to keep people from being able to do what was reasonable to enjoy their properties.

Jorgensen asked if the garage would be a pole barn or a stick building. Berg responded he had not seen the building permit, but that would be an architectural standard regardless of whether it was a pole barn or a stick build as it would have to resemble the existing structure.

Downie believed this was a reasonable request and the lot would not look scattered or disarray. He believed it would look very nice and it would not be an eyesore in the neighborhood. He noted there were also other lots that had similar structures.

Balfany stated he was concerned about setting a precedent if this were granted. He did not believe the second factor had been met. He indicated he would not vote for this variance.

Terry stated one unique feature was having 100-year-old trees, which would be negatively affected by the garage.

Downie stated the way he read the appendix was specific to a lot that was 3 acres or greater and this was a third of what the regulation was addressing. He indicated the main structure was also in the center of the lot.

Balfany stated it was his opinion that if they changed the Ordinance to specifically address this to prevent that from being the case, they were circumventing the Ordinance. He indicated this did not meet all three factors.

Johnson did not believe this structure would stick out any further than the house going to the south.

Johnson reopened the public hearing.

Mr. Brese stated if the garage were placed in another location it would be cost prohibitive for him to pave it. He indicated they had just had their existing driveway replaced and widened. He noted it would also only be able to have one narrow door at the edge of the wall, which did not leave much room.

Johnson closed the public hearing.

Commissioner Balfany moved to recommend denial based on not meeting the three-factor variance test. Motion failed for lack of a second.

Commissioner Terry moved and Commissioner Downie seconded to recommend approval of the variance request. Jonson asked any discussion? To the motion, all in favor say aye. **Terry, Downie, Jorgensen, and Johnson.** Johnson asked any opposed? **Balfany.** That motion passes. **Motion passes 4-1.**

7.0 Updates

Council Liaison Smith updated the Commission on recent Council actions.

The next Planning and Zoning Commission meeting is scheduled for March 26, 2024.

8.0 Adjournment

Commissioner Balfany moved and Commissioner Terry seconded to adjourn at 9:00 pm. Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.

City of East Bethel

Planning Commission Regular Meeting

Agenda Item Information



Date: March 26, 2024

Agenda Item Number: 4.0

Agenda Item: Commission Interviews

Background Information:

On February 12, 2024, Commissioner Joe Reiter submitted a resignation to the members of the City Council which created an open position on the Planning Commission.

City staff advertised the opening and have received one (1) Letter of Interest. The Letter of Interest is attached for your review and consideration.

Recommendation:

The Commission is requested to review the letter if interest and consider making a recommendation to City Council to fill the vacant seat in which the terms will expire on January 31, 2026.

Attachments:

1. Eldon Holmes

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Needed:

March 18, 2024

Sirs;

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

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

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

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

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Eldon Holmes', with a long horizontal flourish extending to the right.

Eldon Holmes

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



Date: March 26, 2024

Agenda Item Number: 5.0

Agenda Item: IUP Commercial Kennel – 625 221st Ave NE - Andrew Benik

Background Information: At the February 27th, 2024 Planning Commission meeting a Commercial Kennel request by Andrew Benik was presented and a Public Hearing was held. During the discussion there was a request by the Planning Commission for additional information and the item was requested to be brought back to the March meeting. The request was for approval information of an existing Commercial Kennel in a residential neighborhood.

Staff conducted searches of existing IUP data bases for any Commercial Kennels. Although numerous Private Kennel IUP's were located there are no records for any Commercial Kennels. Staff are aware of a property located at 22359 Bataan St NE with multiple IUP's (Private Kennel, Dog and Cat Food Distribution Home Occupation and the operation of an Animal Contractual Services Home Occupation), DBA Gratitude Farms. The conditions of the Animal Contractual Services IUP include, but are not limited to:

1. Property is not to be used for a commercial kennel or commercial boarding facility.
2. Boarding of dogs is limited to a 10 day quarantine period, at which time the dogs are required to be move off-site.
3. Municipal contracts will be required to be filed with the City of East Bethel.

This is not permitted as a Commercial Kennel or boarding facility and is not permitted to accept dogs from the general public, only those dogs in connection with an established Municipal Animal Services Contract. (Res 2021-74)

ARTICLE II. – DOGS, DIVISION 1. – GENERALLY, Section. 10-19. - Definitions.

Commercial kennel means any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.

Private kennel means any place where more than two dogs over four months of age are kept or harbored, provided that such animals are owned by the owner or lessee of the premises on which they are kept or harbored.

ARTICLE II. – DOGS, DIVISION 2. Sec. 10-54. - Kennel license.

(e) No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

Mr. Benik's property is 4.35 Acres and is located in a Rural Residential zoning district of the city. It was presented at the public hearing that Mr. Benik's property is in close proximity to an existing Commercial or Industrial Zone of the city. There are nine (9) parcels between the nearest Industrial Zoned Parcel and the eastern edge of Mr. Benik's parcel, with a distance of 2,145 feet or just under half a mile. Eight (8) of the nine (9) parcels are private residences, zoned residential and one (1) is a church, zoned Institutional. According to a July 31, 2015 article published in the MIT Technology Review, a Texas A & M study confirmed that due to the

curvature of the earth, a distance of 3.1 miles is the farthest possible distance to the horizon the human eye can see. (Ref: <http://arxiv.org/abs/1507.06270>: At What Distance Can the Human Eye Detect a Candle Flame?) This means with an unobstructed line of sight from Mr. Benik's property one could easily see the Industrial and Commercial Zones on both sides of Hwy 65 to the East, North into Isanti County, and South to Rivard Companies Inc. Although this line of sight information maybe be true, it does not change the geographic location of and the existing zoning classification of 625 221St Ave NE, as a Rural Residential parcel.

Recommendation: Staff request the Planning Commission discuss the additional information requested, the original IUP Request and consider a recommendation to deny the IUP request to the City Council.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map
4. Resolution 2021-74

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-XX

A RESOLUTION DETERMINING FINDINGS OF FACT AND DENYING THE APPLICATION FOR INTERIM USE PERMIT, AS APPLIED FOR BY ANDREW BENIK , FOR THE OPERATION OF A COMMERCIAL KENNEL AT 625 221ST AVE NE, EAST BETHEL, MINNESOTA, PROPERTY IDENTIFICATION NUMBER: 06-33-23-43-0014.

WHEREAS, the City of East Bethel on January 24, 2024 received an application from Andrew Benik for an Interim Use Permit requesting permission to operate a Commercial Kennel on a property located at 625 221st Ave NE, East Bethel, Minnesota 55011, affecting property further described as PIN: 06-22-23-43-0014.

WHEREAS, 625 221st Ave NE, East Bethel, Minnesota 55011, is zoned Rural Residential.

WHEREAS, Andrew Benik had been advised by the City in December 2023 that a Commercial Kennel was not permitted in a residential zoning district according to city code, and,

WHEREAS, City Ordinance prescribes the requirements that must be met in order qualify for a Commercial Kennel, and,

WHEREAS, the Benik proposed operation is classified as a Commercial Kennel, within the city, as regulated under City Ordinance Section 10-19, and 10-54, and,

WHEREAS, the applicable provisions of City Ordinance 10-19 provides the following definition: “Commercial kennel means any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.”

WHEREAS, the applicable provisions of City Ordinance 10-54 provide as follows: “No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.”

WHEREAS, on February 27, 2024, a public hearing for the interim use permit was held at the Planning Commission meeting; and

WHEREAS, the Planning Commission reviewed the interim use permit request; and

WHEREAS, as a result of the review, the Planning Commission recommends denial to City Council of the interim use permit based on the following findings of facts:

1. The applicants proposed location is 625 221st Ave NE, East Bethel, Minnesota 55011, a Rural Residential zoned parcel.
2. City Ordinance 10-19 defines a Commercial Kennel as any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.
3. Provisions of City Ordinance 10-54 prohibit commercial kennel licenses to be issued in zoning districts other than commercial and industrial districts.
4. The city shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel as follows:

That the Interim Use Permit - Kennel application dated January 24, 2024, by Andrew Benik, is hereby denied.

Adopted this 8th day of April, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

625 221st Ave NE - Location Map



1 inch equals 298 feet



Parcels
City Mask

625 221st Ave NE - Aerial Map



1 inch equals 226 feet

Parcels

City Mask



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

RESOLUTION NO. 2021-74

A RESOLUTION GRANTING AN INTERIM USE PERMIT FOR THE OPERATION OF AN ANIMAL CONTRACTUAL SERVICE HOME OCCUPATION ON PROPERTY LOCATED AT 22359 BATAAN ST NE (PIN 03-33-23-31-0004, 03-33-23-31-0003), DBA GRATITUDE FARMS.

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 33, RANGE 23, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 208.73 FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER A DISTANCE OF 208.73 FEET; THENCE WEST AND PARALLEL WITH THE FIRST COURSE A DISTANCE OF 208.73 FEET MORE OR LESS TO A POINT WHERE SAID LINE INTERSECTS THE WEST LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER; THENCE NORTH ON SAID WEST LINE A DISTANCE OF 217 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF THE NORTH EAST QUARTER OF SOUTHWEST QUARTER; THENCE NORTH ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER; THENCE WEST ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER TO THE POINT OF BEGINNING.

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 33, RANGE 23, ANOKA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE EAST ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER A DISTANCE OF 208.73 FEET TO THE POINT OF TBEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER A DISTANCE OF 208.73 FEET; THENCE WEST AND PARALLEL WITH THE FIRST COURSE A DISTANCE OF 208.73 FEET MORE OR LESS TO A POINT WHERE SAID LINE INTERSECTS THE WEST LINE OF THE NORHEAST QUARTER OF SOUTHWEST QUARTER; THENCE NORTH ON SAID WEST LINE A DISTANCE OF 217 FEET; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER TO THE EAST LINE OF THE NORHEAST QUARTER OF SOUTHWEST QUARTER; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER; THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

WHEREAS, City Council approved the initial interim use permit for an animal contractual service home occupation at 22359 Bataan St NE on July 1, 2009; and,

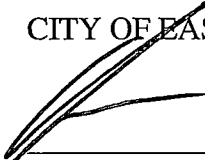
WHEREAS, the City of East Bethel has received no valid code compliance complaints pertaining to existing interim use permits on this property and,

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 operation of an animal contractual service home occupation on property located at 22359 Bataan St NE with the following conditions:

- 
- 
1. Property is not to be used for a commercial kennel or commercial boarding facility.
 2. Boarding of dogs is limited to the quarantine period of 10 days, at which time the dogs will be required to be moved to an off-site facility.
 3. Municipal contracts will be required to be filed with the City of East Bethel.
 4. Permit will expire when:
 - a. The property is sold, or
 - b. There is non-compliance of IUP conditions.
 5. The City's designated inspector and all other personnel under the direction and control of the City whom the inspector believes necessary must be allowed access for inspection purposes upon 12-hours notice to ensure compliance with all applicable conditions.
 6. The site will be inspected and evaluated annually by the Minnesota Board of Animal Health. Copies of the Minnesota Board of Animal Health inspections shall be furnished to the City upon receipt of the inspection report.
 7. Kennels for quarantined dogs must not exceed fifteen (15).
 8. Housing enclosures for the dogs must be located in an enclosed facility.
 9. All dogs must be confined to the premises.
 10. Accumulations of feces must be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises must not become unsightly.
 11. City Council reserves the right to modify conditions of the IUP at any time, where deemed appropriate.
 12. Gratitude Farms will be required to request an amendment to the IUP in cases where contractual service obligations exceed the parameters of the IUP.

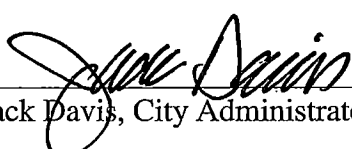
Adopted by the City Council of the City of East Bethel on this 11th day of October, 2021.

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: March 26, 2024

Agenda Item Number: 6.0 A

Agenda Item: Variance Request – General Regulations - Detached Accessory Structure placement nearer to Front Lot Line than Primary Structure and a reduction in the rear yard setback standard – 184450 3rd St NE – Steven Franker.

Background Information:

The city has received an application for a variance on this property, which is located in a Rural Residential (RR) Zoning District, in the Bear Hollow Subdivision. The property owner is requesting a variance for the placement of a detached accessory structure closer to the front lot line than the principal building and a reduction in rear yard setback standard from 25 feet to 18 feet.

Zoning Appendix A. General Regulations – Section 14-2.F states, “No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling’s setback.

This property is 1.09 acres, with the primary structure set back approximately 95 feet from the front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure. Additionally, the property is irregularly shaped, backs the Oak Grove city boundary on the west, and has two ponds / wetlands, as well as the septic tanks and drainfield south of the principal dwelling. The well is located north of the principal dwelling making placement of the proposed detached accessory structure behind the front foundation line of the principal dwelling impractical.

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

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

In this case:

- ***Accessory Structures are a permitted accessory use in the RR Single Family Residential Zoning District.***
- The second factor is that the landowner’s problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically

unique about the particular piece of property, such as sloping topography or other natural features like wetlands.

In this case:

- ***This property is irregular shaped due to the city's west boundary and the curve of 3rd St NE.***
- ***There are two (2) ponds/ wetland on the south half of the property.***
- ***The septic tanks and drain field are located on the south side of the principal dwelling.***
- ***The well is located north of the principal dwelling.***
- The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In this case:

- **Seven (7) of the 30 parcels in Bear Hollow have detached accessory structures.**
- **Three (3) of the seven (7) are nearer the front line than the primary structure.**
- **The property abuts a 160 acres of land owned by the MN DNR Forestry Land.**

Recommendation: City Staff is requesting the Planning Commission hold a public hearing and recommend approval of the variance request to the City Council for the placement of a detached accessory structure nearer to the front lot line than the principal dwelling and a reduction of the standard rear yard setback from 25 feet to 18 feet with conditions as written in Resolution 2024-XX.

Attachments:

1. Variance Resolution
2. Location Map
3. Aerial Map
4. Site Plan

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RES. NO. 2024-xx

A RESOLUTION GRANTING A VARIANCE FOR THE PLACEMENT OF A STRUCTURE NEARER TO THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE AND A REDUCTION FROM THE REAR YARD SETBACK STANDARD OF 25 FEET TO 18 FEET FOR THE CONSTRUCTION OF A RESIDENTIAL DETACHED ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 18440 3rd ST NE (PIN: 31-33-23-32-0001)

LOT 1 BLOCK 3 BEAR HOLLOW

WHEREAS, the property owner requested a variance for the placement of a detached accessory structure nearer to the front property line than the principal structure, and;

WHEREAS, the property owner requested a variance in the reduction of the rear yard setback from 25 feet to 18 feet for the placement of a detached accessory structure, and;

WHEREAS, the Planning Commission held a public hearing on March 26, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - The property owner is requesting to build a detached accessory structure in which he may keep his vehicles and general storage. This use is listed as an accessory use in the Rural Residential (RR) Zoning District.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - Due to the irregular shape of the lot, the placement of the principal dwelling, the well and septic location along with multiple ponds/ wetlands located on the property alternative placement is impractical.
3. Will not have a negative effect the characteristic of the neighborhood;
 - There are multiple properties in this subdivision with detached accessory structures. Three (3) are closer to the front lot line of the property than the principal structure.
 - The construction of a detached accessory structure will also maintain the character of the neighborhood by providing an enclosed structure in which the property owner can store vehicles and other items, screening them from all adjacent properties.
 - The property abuts a 160 acres of land owned by the MN DNR Forestry Land.

WHEREAS, the Planning 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 placement of a detached accessory structure closer to the front property line than the principal structure for the construction of a residential detached accessory structure on property located at 19455 4th ST NE with the following conditions:

1. No accessory structure larger than allowed by zoning code for the size of the property shall be permitted.
2. Property owner must obtain a building permit and complete all necessary inspections as required by the Minnesota Uniform Building Code.
3. Property owner must obtain a driveway permit and complete all necessary inspections as required by the City Ordinance.

Adopted by the City Council of the City of East Bethel on this 8th day of April, 2024.

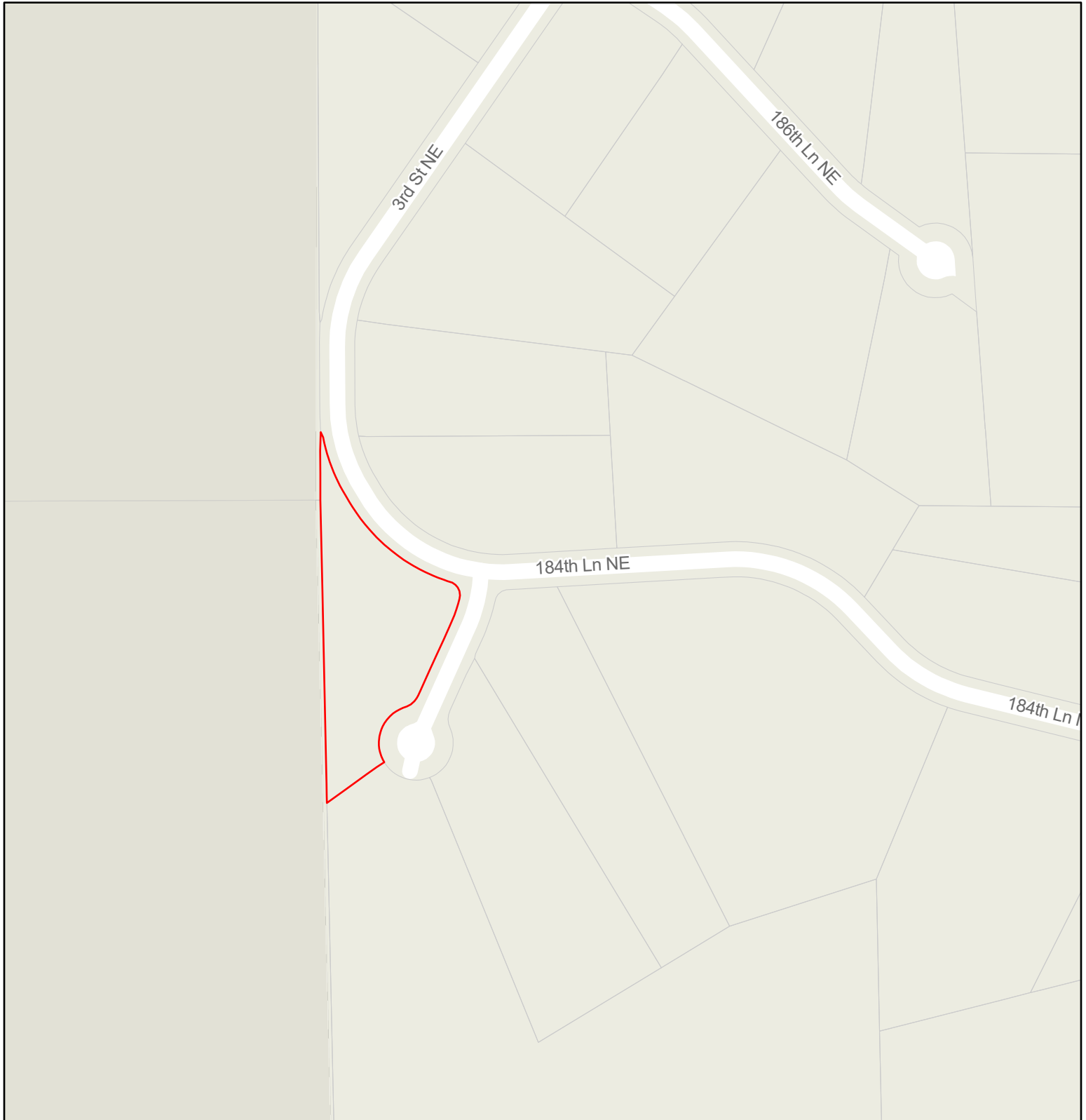
CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor

18440 3Rd St NE - Location Map



Parcels

1 inch equals 359 feet

City Mask



18440 3Rd St NE - Aerial Map



Parcels

1 inch equals 271 feet

City Mask





PROPOSED
DRIVEWAY

PROPOSED
ACCESSORY
BUILDING

WELL

SEPTIC TANK

SEPTIC DRAIN FIELD

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



Date: March 26, 2024

Agenda Item Number: 6.0 B

Agenda Item: Public Hearing – Variance Request - Second driveway in an R-1 Residential Zone.

Background Information:

On February 22, 2024, the City of East Bethel received a Variance Application from Scott Pflipsen, the property owner at 20910 Buchanan St NE, for the construction of a second driveway/ access to his parcel off of Buchanan St NE. In 2021, Mr. Pflipsen, was permitted to construct a detached accessory structure on his property. Due to the placement of the primary residence on the north side of the parcel and its proximity to the side yard lot line, Mr. Pflipsen constructed the detached accessory structure on the south side of the primary residence. The layout of the home placed the garage on the north side of the house, away from the detached accessory structure. This orientation places the driveway/access nearly 75 feet away from the newly constructed detached accessory structure. Adding to the existing driveway to get the detached accessory structure would taking up the majority of his front yard. A driveway that provides direct access to the second garage may look better than an extension that runs parallel to the city ROW through the front yard.

On March 19, 2021, when Mr. Pflipsen applied for his detached accessory structure permit he indicated that there would be “no second driveway.” (See Attachment 4)

SECTION 10. - GENERAL DEVELOPMENT REGULATIONS, Sub.15. - Driveway access and standards.

A. Access requirements.

- 1) Properties in the R1, R2, and CL districts are allowed one access point from a public street.

There are two (2) other parcels in the Hidden Haven County Club Estates that appear to have second driveways. A historical review of the GIS Aerial’s provide information that one of them existed prior to 2008 when the ordinance revision occurred prohibiting second driveways from R-1 and R-2 Zoned parcels.

City Staff have been contacted by a neighbor (Arvid Vangsness), who is wintering in Arizona and unavailable to attend the PC Meeting. He explained that there are restrictive covenants in place for the development that limit properties to one (1) detached accessory building. He was questioning how the applicant was able to get a permit to build an additional building since there was already a detached accessory structure on the property behind the house. The recorded restrictive covenants were located and are attached for review. Covenants are private agreements between a developer and the land owners. The city does not have the authority to enforce covenants therefore the additional detached accessory structure was approved by city zoning code. Mr. Vangsness is opposed to the second driveway if this will permit the applicant to park more cars outside on a new driveway.

Recommendation: City Staff is requesting the Planning Commission hold a public hearing and recommend denial or approval of the variance request to the City Council for the placement of a second driveway on a parcel in an R-1 Zoning District.

Attachments:

1. Variance Resolution
2. Location Map
3. Aerial Map
4. Building Permit 2021-00175 Application
5. Hidden Haven Covenants

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-XX

A RESOLUTION DENYING A VARIANCE FOR THE PLACEMENT OF A SECOND DRIVEWAY ON PROPERTY LOCATED AT 20910 BUCHANAN ST NE (PIN: 17-33-23-23-0021)

LOT 14 BLOCK 2 HIDDEN HAVEN CTRY CLUB EST 3RD

WHEREAS, the property owner requested a variance for the placement of a second driveway on a property in an R-1 Zoning District, and;

WHEREAS, the Planning Commission held a public hearing on March 26, 2024; and,

WHEREAS, the Planning Commission has conducted a review of Appendix A, Section 10, Sub. 15 – Driveway Access Standards; and

WHEREAS, as a result of the review and such public hearing the Planning Commission recommends to the City Council the denial of the variance request for the placement of a second driveway on a property in an R-1 Zoning District; and,

WHEREAS, City Council completed a review of the variance, along with Planning and Zoning Commission recommendation; and

WHEREAS, City Council denies the variance for the placement of a second driveway on a property in an R-1 Zoning District; and

WHEREAS, based on the criteria for granting a variance under City Code Appendix A, Section 4-10 D.4, City Council finds the following findings of fact to support the denial of the variance request:

1. The property owner proposed to use the property in a reasonable manner not permitted by an official control.
 - The denial of a variance to place a second driveway on a property does not deny the landowner reasonable use of the property, as detached accessory structure and subsequent access are not a requirement of development standards of a primary residence.
2. The plight of the property owner is due to circumstances unique to the property not created by the landowner.
 - An alternative access exists by way of connection to the approved existing access.
3. Will have a negative effect the characteristic of the neighborhood.
 - The property is located in an R-1 Zoning district with smaller lot size minimums decreasing the distance between driveways.

- Of the 61 properties in the subdivision 1 (one) has a second driveway that existed prior to zoning controls prohibiting such.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the variance for the placement of a second driveway, on a property in an R-1 Zoning District, at 20910 Buchanan St NE.

Adopted by the City Council of the City of East Bethel this 8th day of April, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

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

RES. NO. 2024-XX

A RESOLUTION GRANTING A VARIANCE FOR THE PLACEMENT OF A SECOND DRIVEWAY ON PROPERTY LOCATED AT 20910 BUCHANAN ST NE (PIN: 17-33-23-23-0021)

LOT 14 BLOCK 2 HIDDEN HAVEN CTRY CLUB EST 3RD

WHEREAS, the property owner requested a variance for the placement of a second driveway on a property in an R-1 Zoning District, and;

WHEREAS, the Planning Commission held a public hearing on March 26, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - The property owner is requesting for a second driveway to access a detached accessory structure is reasonable as adequate ingress and egress are necessary for a structure intended to store vehicles.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - The primary residence was constructed on the north side of the lot.
 - The layout of the home placed the garage on the north side of the house, away from the detached accessory structure.
 - The primary driveway/access is nearly 75 feet away from the newly constructed detached accessory structure.
3. Will not have a negative effect the characteristic of the neighborhood;
 - There are two other properties in the subdivision with second driveways.
 - A driveway that provides direct access to the second garage would look better than an extension that runs parallel to the city ROW through the front yard.

WHEREAS, the Planning 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 for the placement of a second driveway on an R-1 Zoned property, located at 20910 Buchanan ST NE with the following conditions:

1. Property owner must obtain a city driveway access permit and complete all necessary inspections as required.

Adopted by the City Council of the City of East Bethel on this 8th day of April, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor



2021-00175
2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578



PERMIT APPLICATION FOR RESIDENTIAL ACCESSORY STRUCTURE

Job Address: 20910 Buchanan St. N.E.

Owner's Name: Scott Pflipsen

Phone: [REDACTED]

Email: [REDACTED]

General Contractor (If being used): N/A

Phone: N/A

E-mail: N/A

Contractor's Lic. #: N/A

Do you intend on running a home occupation from the structure: ☐ YES ☒ NO

Do you have an Interim Use Permit to run a Home Occupation: ☐ YES ☒ NO

If yes, a copy of the IUP must be provided with this application.

Type of work: ☐ Shed ☒ Garage ☐ Pole Building ☐ Other: _____

Total Sq. Ft.: * 1180 Sidewall Height: ** 12' Bldg Height: 24'-9"

*If a pole building is 2,000 sq ft. or more, building plans must be signed by a structural engineer.

**If the sidewall height is taller than 12 ft or more, engineer approval is required.

Total number of accessory structures currently on site: 1

Total Sq. Ft. of accessory structures currently on site: 120

Zoning: _____ Acres: .94 Shoreland Overlay District: YES ☐ NO ☒

Driveway plans for new accessory structure: no driveway

Will there be two architectural features on front facade: yes

Will the color of the siding match or coordinate with the primary structure: yes

Valuation of Work*: \$ 40,000

*Based on cost of material and labor as if you were to hire a contractor.

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING AND A/C, FIREPLACE, AND FIRE SPRINKLERS. PLUMBING AND SEPTIC ARE NOT ALLOWED IN A DETACHED ACCESSORY STRUCTURE. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

TOTAL AMOUNT DUE \$ 933.20

Permit Cost will be calculated based on Valuation of project per 1997 UBC Table 1-A. You will be contacted with total due once project has been approved.

Signature of Contractor or Authorized Agent: _____ Date: _____

Signature of Owner (if owner builder): [Signature] Date: 3-14-21

Building Approval: [Signature] Date: 3/19/21

Zoning Approval: _____ Date: _____

**DECLARATION OF COVENANTS CONDITIONS,
RESTRICTIONS AND EASEMENTS
FOR HIDDEN HAVEN COUNTRY CLUB ESTATES 3RD ADDITION**

G.J.D.S. Inc., a Minnesota Corporation, being the fee owner of the following described premises:

Hidden Haven Country Club Estates 3RD ADDITION
Anoka County, Minnesota

does hereby declare and impose the following protective covenants, Restrictions and easements upon said premises, which are of the benefit of and appurtenant to said premises and each of each and every lot described.

ARTICLE 1

LAND USE AND BUILDING TYPE



No lot shall be used except for Residential purposes. All homes must have a minimum of a three car garage, 6/12 Roof pitch and forty square feet of brick on the front of the house. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling, not to exceed two in height; one accessory building, and one gazebo. The accessory building may be in addition to an attached garage. An unattached garage will be considered as the one allowed accessory building. The accessory building shall be constructed of the same exterior materials and style of the main structure. The exterior colors of the main structure and the accessory building shall be identical. No earth homes, log homes, dome homes, foam homes or other uncommon type houses will be allowed. Only earth-tone colors will be allowed on the exterior surfaces. The gazebo must be constructed as an integral part of the landscaping and shall blend with the environment.



ARTICLE 2

ARCHITECTURAL CONTROL

No building, fence or wall shall be erected, placed or altered on any lot until the plans and specifications and a plan showing the location of the structure, fence or wall have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design and colors with existing structures, and as to location with respect to topography and finish grade elevation. Approval shall be as provided in paragraph 6 of Article 13 hereof.

ARTICLE 3

DWELLING SIZE

- A. A one-story dwelling with basement shall have a minimum floor area of 1200 square feet exclusive of basement area.
- B. A one-story dwelling without a basement shall have a minimum floor area of 1600 square feet of which no more than 100 square feet of floor area may be utility room.
- C. A one and one-half story or two-story dwelling on main floor shall have a minimum floor area of 1050 square feet exclusive of the basement area.
- D. A split-foyer dwelling shall have a minimum floor area of 1200 square feet on the main floor.

The above minimum square footage is computed on the main structure, exclusive of porches and garages.

ARTICLE 4

BUILDING LOCATION

All buildings and drain fields shall be located in conformity with the City Building Code.

ARTICLE 5

EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structures, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. In addition, no structures of any type shall be erected or installed in or on the drainage easement areas except as may specifically approved by Anoka County and the City of East Bethel. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for these improvements for which a public authority or utility company is responsible.

ARTICLE 6

NUISANCES

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No motor bikes or cycles, snowmobiles or noisy vehicles shall be operated on said lots other than to bring them to the point of storage.

ARTICLE 7

TEMPORARY STRUCTURES

No structures of a temporary character, trailer, basement, motor homes, tents, shack, barn or other building shall be used on any lot at any time as a residence either temporarily or permanently.

ARTICLE 8

SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, on sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

ARTICLE 9

LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lots, except for dogs and cats, provided they are not kept, bred or maintained for any commercial purposes. If a kennel is desired, it shall be an integral part of the site or structure designed. The area shall be adequately fenced visually screened, constructed of maintained materials and approved by the Architectural Control Committee prior to construction.

ARTICLE 10

GARBAGE AND REFUSE DISPOSAL

- A. No part of the individual lots or boulevards shall be used at any time for the storage or abandonment of junked or unlicensed automobiles or other motor equipment.
- B. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Garbage, rubbish and trash shall not be kept on said premises except in sanitary containers. All incinerators or other equipment used or kept for the storage or disposal of such material shall be kept in a clean and sanitary condition.

ARTICLE 11

SOIL CONDITION

Except as approved by the Architectural control Committee, no, soil or gravel shall be sold or removed from the premises in this subdivision and all soil or gravel available from any excavation for the construction or alteration of a residence or any appurtenance on any lot and by whomsoever owned shall be hauled and disposed of at the discretion of the Architectural Control Committee.

ARTICLE 12

SOD AND DRIVEWAY



Each lot shall be sodded and have an asphalt or concrete driveway installed within three months of occupancy of the home to be built. The owner shall have the option to seed the lot if underground sprinkling system is installed. If occupancy occurs after October of any year, then the lot shall be sodded and the driveway installed by June of the following year.



ARTICLE 13

ARCHITECTURAL CONTROL COMMITTEE

The Architectural Control Committee is composed of two members. Said two members shall be appointed by the owners of the lots. In the event said lots are owned by more than one person or persons, the said appointment shall be made by simple majority of those present at a special meeting of the owners of said lots held at a reasonably convenient time and place no less than 10 days after written notice of such meeting and its purpose is delivered to said owners or mailed to said owners at their last known address.

In making any such appointment, each owner shall have one vote for each lot owned by him. When more than one person holds an interest in any lot, the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot.

In the event of the death or resignation of a member of the committee, the remaining members shall have full authority to designate a successor; provided, however, if as a result of resignation there shall be no remaining member of said committee, then and in that case all two vacancies shall be filled by the owners of said lots as hereinbefore provided for the initial appointment of committee members.

Neither the members of the committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

The committee's approval or disapproval as required in these covenants shall be in writing, and in the event the committee or its designated representative fails to approve or disapprove within thirty days after plans and specifications have been submitted to it, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

ARTICLE 14

TERM



These restrictions and covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded, after which time said restrictions and covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.



ARTICLE 15

REVISIONS AND MODIFICATIONS

Any of the protective covenants and restrictions herein contained may be revised or modified by the affirmative vote of a two-thirds majority of all the owners of said lots at a special meeting called for that purpose held at a reasonably convenient time and place no less than ten days after written notice of such meeting and its purpose is delivered to said owners or mailed to said owners at their last known address. The notice of said special meeting required herein shall contain a written statement of the protective covenants or

restrictions proposed for revision or modification and the proposed revisions or modification thereof. Each owner shall have one vote for each lot owned by him. When more than one person holds an interest in any lot, the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot. In lieu of casting a vote at such meeting, any owner of any of said lots may indicate his approval of any such proposed revision or modification by submitting written approval thereof to the person or persons proposing the revision or modification or their representative prior to said meeting.

ARTICLE 16

ENFORCEMENT

If there shall be a violation or attempt to violate any of these covenants or restrictions, any person or person owning real estate situated in this subdivision may prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either prevent him or them from so doing or to recover damages for such violation.

If any of the easements, restrictions or covenants created herein are enforced by appropriate proceedings by any owner, and if such owner shall prevail in any such a proceeding, such owner may be reimbursed for all of any part of the cost incurred by such owner in the enforcement thereof, including but not limited to reasonable attorney's fees, costs and expenses.

ARTICLE 17

DEFINITIONS

"Owner" as used in this declaration shall mean and refer to the record owner, whether one or more persons or entities of any of said lots but notwithstanding any applicable theory or mortgage, shall not mean or refer to the mortgagee unless and until such mortgage shall acquire title pursuant to foreclosure or any proceeding in lieu or foreclosure.

The use of pronouns such as "his", "he", and "him" are for literary purposes and mean whenever applicable the plural and female forms.

ARTICLE 18

SEVERABILITY

Invalidation of any of these covenants or restrictions by judgment or court order shall in nowise affect any of the other provisions which shall remain in full force.

IN TESTIMONY WHEREOF, G.J.D.S. Inc., a Minnesota corporation, has caused these presents to be executed this 25th day of July, 1997.

G.J.D.S. Inc., a Minnesota Corporation

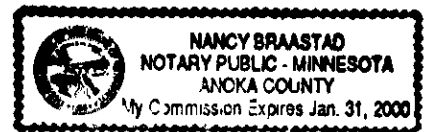
By Deanna Lee

Deanna Lee, President

STATE OF MINNESOTA)
) S.S.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this 25th day of July, 197, by Deanna Lee, the President of G.J.D.S. Inc., a Minnesota corporation, on behalf of the corporation.

Nancy Braastad
Notary Public



This instrument drafted by:
G.J.D.S. Inc.
20520 NE Polk St.
Cedar, Mn 55011
612-434-4626

City of East Bethel
Planning Commission Regular Meeting
Agenda Item Information



Date: March 26, 2024

Agenda Item Number: 6.0 C

Agenda Item: Public Hearing: Interim Use Permit Amendment (IUP) – B & T Trucking, 1311 229th Ave NE, Taras Martynenko

Requested Action: Hold a public hearing and consider an amendment of conditions of the applicants IUP to allow for the sale of a limited number of used motor vehicles in connection to the existing truck/motor freight terminal.

Background Information:

B & T Trucking is an over-the-road trucking company that's been in business for over 20 years and has been operating in East Bethel for over 8 years. On May 10, 2021, an IUP was issued by Resolution 2021-28 to allow the continued operation of the business in compliance with city zoning code. Over the past 8 years, the property remains neat and orderly. No complaints for non-compliance have been recorded.

As with any long haul operation the transportation vehicles accumulate miles and it becomes more cost effective to replace rather than continuing to repair. The owners intend to sell the used fleet and replace with new trucks and or trailers as needed. MN State Statute 168.27 requires a motor vehicle dealer license be obtained by anyone engaged in the direct sales or leases more than 5 vehicles within a 12 month period (new or used). A motor vehicle dealer's license requires city zoning verification.

B & T Trucking is located at 1311 229th Ave NE, which is Zoned Light Industrial. SECTION 48. – LIGHT INDUSTRIAL (I) DISTRICT code identifies motor vehicle sales as a prohibited use.

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

B & T Trucking is requesting an amendment to the conditions of their IUP to permit the sale or transfer of vehicles in order to continue the business operations.

The existing IUP conditions are identified in Resolution 2021-28 and include:

1. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions.
2. No more than fifteen (15) tractor 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.

Recommendation:

Staff is requesting the Planning Commission hold a public hearing and recommend denial or approval to the City Council for an IUP Amendment to the limited sale of motor vehicles.

Attachments:

1. Resolution 2024-XX
2. Aerial Map
3. Location Map
4. Resolution 2021-28, Existing IUP
5. Street View Photo

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION 2024-xx

A RESOLUTION **DENYING** AN INTERIM USE PERMIT AMENDMENT 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 amendment to allow limited motor vehicle sales to 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 March 26, 2024; 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 already exists under an IUP and is requesting an amendment to aid in continued operations.
2. Will have a negative effect on the values of property and scenic views.
 - Existing IUP conditions require that no more than fifteen (15) tractor trailers may be stored on the property at any given time.
 - Existing IUP conditions require trucks and trailers shall be screened from the public right-of-way.
 - The display of for sale use motor vehicles behind screening is impractical.
 - Motor vehicle sales are defined as a prohibited use in the Light Industrial District.

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the interim use permit amendment to allow for limited motor vehicle sales at business known as B & T trucking, defined as a truck or motor freight terminal operating at 1311 – 229th Avenue NE.

Adopted by the City Council of the City of East Bethel on this 8th day of April, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

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

RESOLUTION 2024-xx

A RESOLUTION **GRANTING** AN INTERIM USE PERMIT AMENDMENT 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;

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WHEREAS, the property owner requested an interim use permit amendment to allow limited motor vehicle sales to 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 March 26, 2024; 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 already exists under an IUP and is requesting a amendment to aid in continued operations.
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 amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the interim use permit amendment 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. Motor Vehicle sales are permitted however limited to company owned fleet vehicles.
4. The Interim Use Permit is not transferable to any other businesses.
5. The property must remain neat and orderly and trucks and trailers shall be screened from the public right-of-way.
6. The fenced storage area must not be expanded from the existing footprint.
7. City Council, at their discretion, may modify conditions at any time.

Adopted by the City Council of the City of East Bethel on this 8th day of April, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

1311 229th Ave NE - Aerial Map

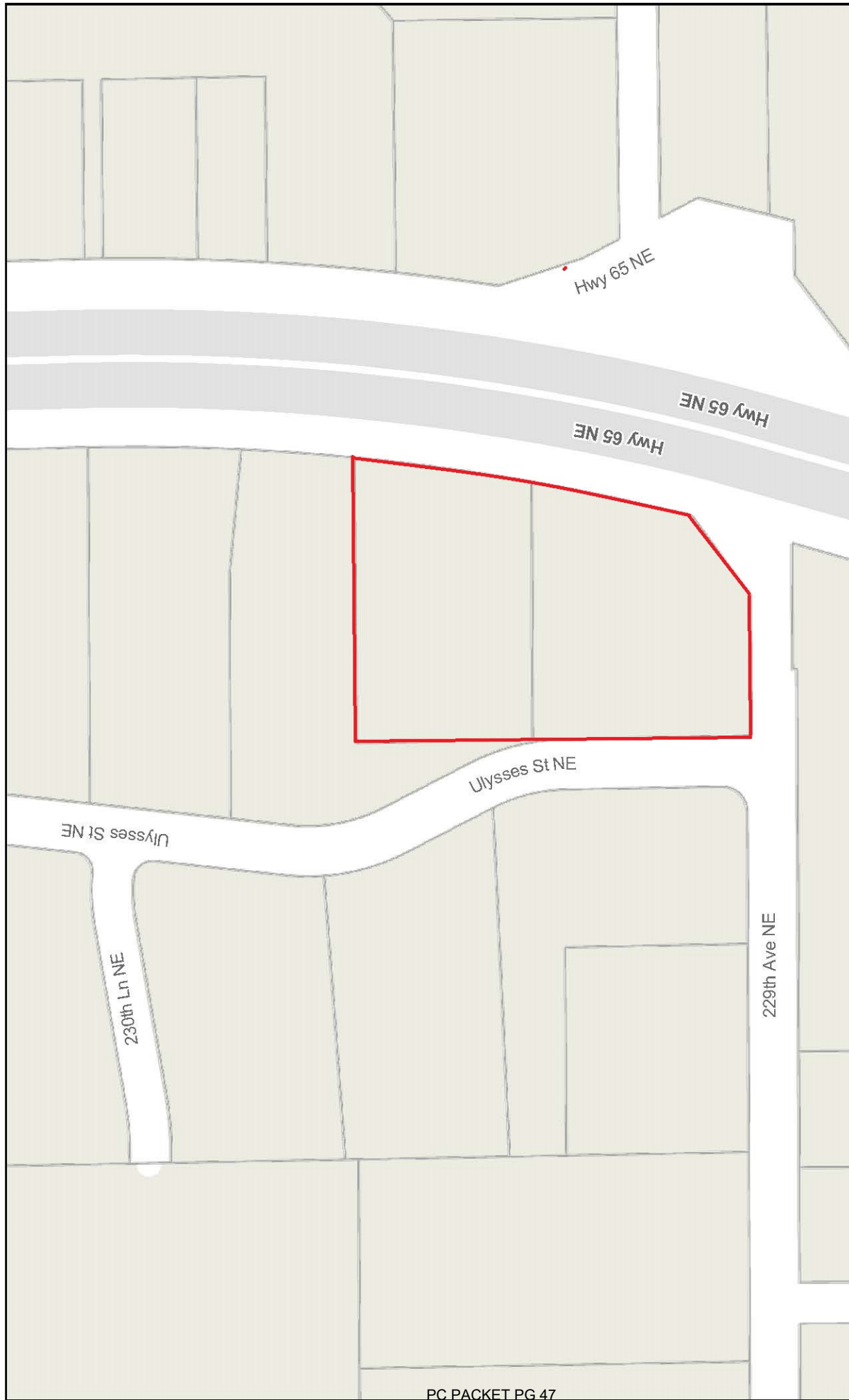


-  Parcels
-  City Mask

1 inch equals 190 feet



1311 229th Ave NE - Location Map



1 inch equals 211 feet

- Parcels
- City Mask



**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.

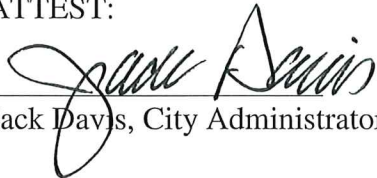
Adopted by the City Council of the City of East Bethel on this 10th day of May, 2021.

CITY OF EAST BETHEL



Steven R. Voss, Mayor

ATTEST:



Jack Davis, City Administrator





FOR SALE
763-232-2148

B.T.
EQUIPMENT
TRUCKS
NO CENTS PER WEEK



B&T
TRUCKIN'
HIRING DRIVERS
.60 CENTS PER MILE

FOR SALE
763-232-2148

City of East Bethel
Planning Commission Regular Meeting
Agenda Item Information



Date: March 26, 2024

Agenda Item Number: 6.0 D

Agenda Item: Public Hearing - CUPA – 1282 187th LN NE – Designing Earth Contracting, INC.

Background Information:

Designing Earth Contracting, INC., an East Bethel company is in the finishing stages of their new 19,000 sq. ft. facility, located on at 1282 187th Ln NE. The applicant is requesting to expand the previously approved exterior storage yard to include a 40' x 80' (3,200 sq. ft.) prefabricated, PVC fabric, hoop framed Detached Accessory Structure for general storage.

Property Zoning

The property is zoned (I) – Light Industrial, in which Construction, Trade, and Service Businesses is permitted by Condition Use Permit (CUP).

Code Requirements

Exterior storage is also regulated as a conditional use as required by Appendix A, Sec. 48, 4, E.

Detached Accessory Structures

Sec. 14. - Detached Accessory Structures. *All accessory buildings and/or structures over 200 square feet in size require a building permit prior to construction, unless specifically exempt under this ordinance.*

Architectural Design

Sec. 14, 3. - Architectural and design requirements. Detached accessory structures over 200 square feet shall comply with the following:

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

Size and number of accessory structures

Sec. 14, 4. - A. Size of accessory structure:

- 1) All accessory structures greater than 200 square feet must comply with the following regulations.
 - a) Roof pitch shall be no less than the minimum required by the International Building Code and shall not be the focal point of the property.
 - b) Accessory structures shall be of similar design and building materials as the principal building. Pole buildings shall match the design of the principal structure as practical as possible.

The main portion of the DEC Facility is on a 4 acre parcel with an adjacent 2 acre parcel. According to size regulations a 4 acre lot would allow for a 2,700 sq. ft. accessory structure. If combined a 6 acre parcel would allow for a 3,240 sq. ft. accessory structure.

Recommendation:

Staff recommends the Planning Commission hold a public hearing, review the applicants request and make a recommendation of denial or approval to City Council with the conditions set forth in Resolution 2024-XX and accompanied exhibits.

Attachments:

1. Resolution 2024-XX, Approval or Denial of CUPA for Designing Earth Contracting, INC.
2. Location
3. Exterior Yard/ Storage Exhibit
4. Section 14 - Detached Accessory Structures
5. Existing Building Architecture
6. Proposed Accessory Building Architecture

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-XX

A RESOLUTION DENYING A CONDITIONAL USE PERMIT AMENDMENT FOR THE PLACEMENT OF A TEMPORARY DETACHED ACCESSORY STRUCTURE IN THE PERMITTED EXTERIOR STORAGE AREA ON PROPERTY LOCATED AT 1282 187TH LN NE (PIN: 32-33-23-24-0018)

**LOTS 10 & 11 BLK 1 SAUTERS COMMERCIAL PARK, EX RD, SUBJ
TO EASE OF REC**

WHEREAS, the property owner requested a Conditional Use Permit Amendment (CUPA) for the placement of a temporary detached accessory structure in the exterior storage area; and

WHEREAS, the Planning Commission held a public hearing on March 26, 2024; and

WHEREAS, a review of Appendix A, Section 14, Detached Accessory Structures was conducted; and

WHEREAS, as a result of such public hearing and a review of Appendix A, Section 14, the Planning Commission recommends to the City Council the denial of the variance request for the CUPA; and,

WHEREAS, City Council completed a review of the CUPA, along with Planning and Zoning Commission recommendation; and

WHEREAS, City Council denies the CUPA for the placement of a temporary detached accessory structure in the exterior storage area; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the CUPA for the placement of a temporary detached accessory structure in the permitted exterior storage area.

Adopted by the City Council of the City of East Bethel this 8th day of April, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

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

RES. NO. 2024-XX

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE PLACEMENT OF A TEMPORARY DETACHED ACCESSORY STRUCTURE IN THE PERMITTED EXTERIOR STORAGE AREA ON PROPERTY LOCATED AT 1282 187TH LN NE (PIN: 32-33-23-24-0018)

LOTS 10 & 11 BLK 1 SAUTERS COMMERCIAL PARK, EX RD, SUBJ TO EASE OF REC

WHEREAS, on July 10th, 2023, City Council approved the original conditional use permit to include 70,000 sq. ft. of exterior storage; and

WHEREAS, the property owner requested a Conditional Use Permit Amendment (CUPA) for the placement of a temporary detached accessory structure in the permitted exterior storage area; and, and;

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2024; and,

WHEREAS, the Planning Commission reviewed the amendment request; and

WHEREAS, as a result of the review, the Planning Commission recommends approval to City Council of the Conditional Use Permit Amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby agrees with the recommendation of the Planning Commission and approves the Conditional Use Permit Amendment for the placement of a temporary detached accessory structure in the permitted exterior storage area detached accessory structure on property located at 1282 187th Ln NE.

Adopted by the City Council of the City of East Bethel on this 8th day of April, 2024.

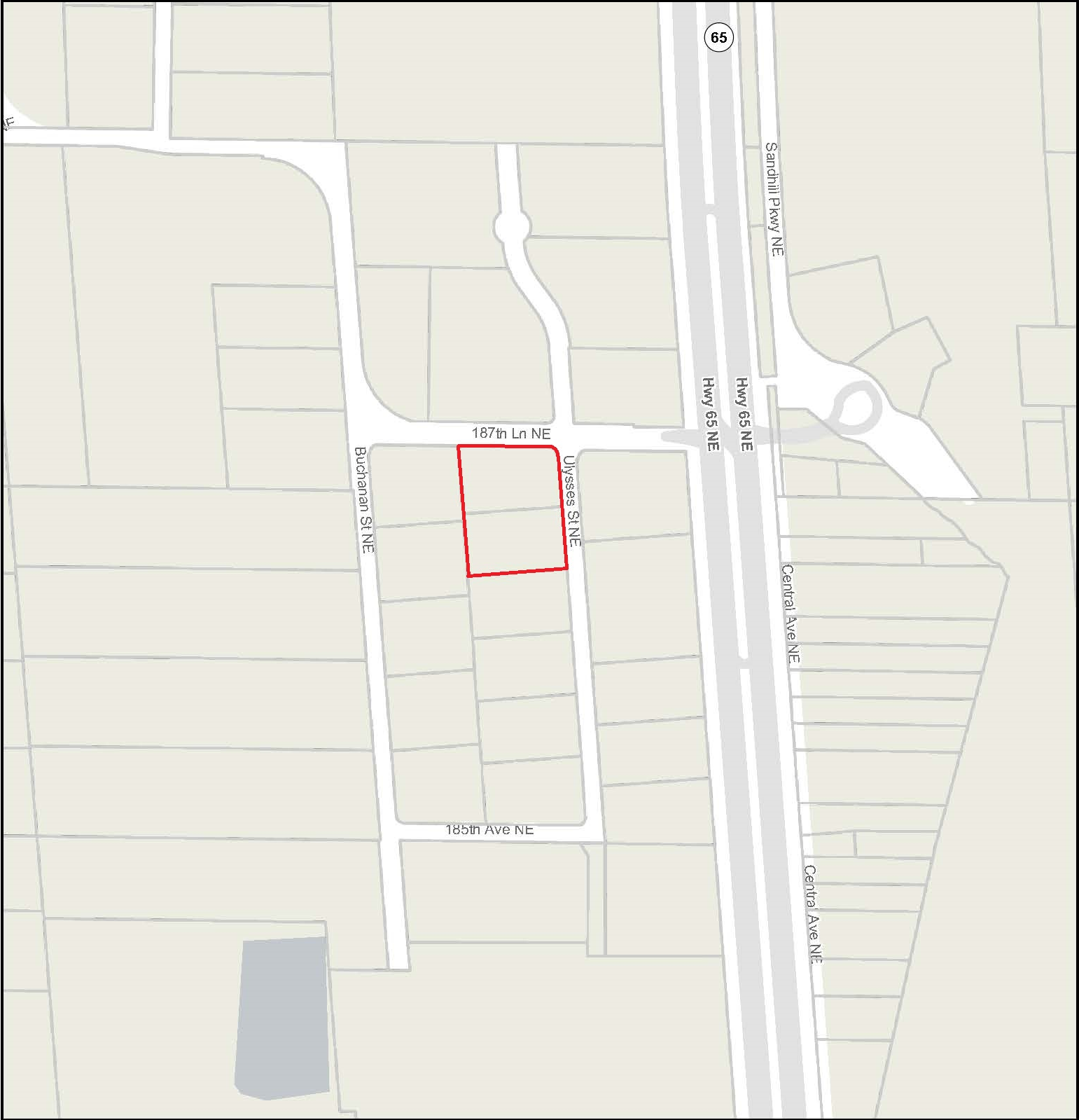
CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor

Location Map - DEC



- Parcels
- City Mask

1 inch equals 505 feet



SECTION 14. DETACHED ACCESSORY STRUCTURES

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

1. Permit regulations.

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

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

2. General regulations.

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

- I. [Reserved.]
- J. The structure must not be designed or used for human habitation.
- K. No cellar, garage, tent, or accessory building shall be at any time be used as a residentially occupied space, independent residence or dwelling unit, either temporarily or permanently.
- L. For purposes of accessing storage, accessory structures may have exterior stairs to a second story in a side or rear yard.
- M. Engineered drawings are required for the permitting of all pole building over 2,000 square feet.
- N. Storage containers shall be placed on a foundation (minimum of a one inch in depth gravel base) to allow for surface drainage and prevent rust or deterioration of container floor.

(Ord. No. 46, Second Series, 9-25-2013; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021; Ord. No. 2023-18, § 2, 9-25-23)

3. Architectural and design requirements.

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

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

(Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2021-06, 10-11-2021; Ord. No. 2023-18, § 3, 9-25-23)

4. Size and number of accessory structures.

- A. Size of accessory structure:

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

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

Less than ½ acres	580 square feet	1	14 feet
½ acres	960 square feet	1	14 feet
¾ acres	1,100 square feet	1	14 feet
1 acres	1,240 square feet	1	14 feet
1¼ acres	1,380 square feet	1	14 feet
1½ acre	1,520 square feet	1	14 feet
1¾ acres	1,660 square feet	1	14 feet
2 acres	1,800 square feet	2	14 feet
2¼ acres	1,950 square feet	2	14 feet
2½ acres	2,100 square feet	2	14 feet
2¾ acres	2,250 square feet	2	14 feet
3 acres	2,400 square feet	2	14 feet
3¼ acres	2,475 square feet	2	14 feet
3½ acres	2,550 square feet	2	14 feet
3¾ acres	2,625 square feet	2	14 feet
4 acres	2,700 square feet	2	14 feet
4¼ acres	2,775 square feet	2	14 feet
4½ acres	2,850 square feet	2	14 feet
4¾ acres	2,925 square feet	2	14 feet
5.0 or more acres	3,000 sq. ft., plus an additional 240 sq. ft., or increment thereof, for each additional acre	4	14 feet
Viking Preserve	200	1	8 feet

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

- a) Roof pitch shall be no less than the minimum required by the International Building Code and shall not be the focal point of the property.
- b) Accessory structures shall be of similar design and building materials as the principal building. Pole buildings shall match the design of the principal structure as practical as possible.

- c) Accessory structures less than 200 square feet in all districts shall be limited to a sidewall height no greater than eight feet.
 - 2) Storage containers shall not be calculated as allowable accessory structure square footage or number.
 - 3) One storage container, up to 320 square feet, is allowed on properties of one acre to four acres. An additional 80 square feet is allowed for each acre thereafter.
 - B. Fire escapes, landing places, open terraces, outside stairways, cornices, canopies, eaves, window protrusions, and other similar architectural features that extend no more than two feet into the required front, side, and rear yard setback are exempt from the detached accessory structure square footage calculation.
- (Ord. No. 46, Second Series, 9-25-2013; Ord. No. 48, Second Series, 2-5-2014; Ord. No. 48, Third Series, 6-4-2014; Ord. No. 2020-03, 3-9-2020; Ord. No. 2021-06, 10-11-2021; Ord. No. 2023-18, § 4, 9-25-23)

5. Exemptions.

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

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

- A. Do not adversely affect surrounding properties;
 - B. Are removed or placed more appropriately on the property at the request of the city.
- (Ord. No. 19, Second Series, 5-5-2010; Ord. No. 2023-10, 5-8-2023)















