

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: August 27, 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. Updates
4. Approval of Minutes: July 23, 2024
5. **Public Hearing:**
 - A. **Variance** – 4141 226th Ave NE - Detached Accessory Structure nearer front lot line
 - B. **Concept Plan** – 34xx Viking Blvd NE – Rural Residential 3 Lot Subdivision
 - C. **Rezoning** R2 to B2 – W. Highway 65 NE (Klondike to 207th Ave NE)
6. Metes & Bounds – Lot Split - 22645 Bataan St NE
7. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING

4 June 23, 2024

5
6 MEMBERS PRESENT: Chair Sharon Johnson, Vice Chair Gabriel Hanschen, Glenn Terry, Tanner Balfany,
7 Kory Jorgensen, and Diana Saenger.

8
9 MEMBERS ABSENT: Brian Downie

10
11 ALSO PRESENT: Aaron Berg, Community Development Director
12 Jim Smith, City Council Liaison

13
14 **1.0 Call to Order**

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

16
17 **2.0 Adopt Agenda**

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

21 **3.0 Approve June 25, 2024 meeting minutes**

22 **Commissioner Terry moved and Commissioner Saenger seconded to adopt the June 25, 2024**
23 **regular meeting minutes.** Johnson asked any discussion?

24 Saenger requested a correction on page 7, line 267 to change: ‘She stated ~~he~~ liked...’ to ‘She stated she

25 liked...’
26 Johnson stated she had two minor changes that she would email to Berg.

27 To the motion with changes made, all in favor say aye. **All in favor.** Johnson asked any opposed?
28 **Hanschen abstained.** That motion passes 5-0-1. **Motion passes 5-0-1.**

29 **4.0 A Public Hearing – 20738 Tyler Street NE – Rear Yard Setback Variance**

30 Berg reviewed staff’s report stating on June 12, 2024, the City received an application for a variance to
31 reduce the rear yard setback from 10 feet to 5 feet, for the placement of a detached accessory building.

32 Berg stated the applicant’s property, 20738 Tyler St NE, is located in a Single-Family R-1 Zoning
33 District and in the Hidden Haven Country Club Estates Development. Accessory structures are an
34 approved accessory use in an R-1 Zoning District. The property is recorded as .87 Acres and would be
35 permitted one (1) Detached Accessory Structure at a maximum square footage of 1,100 square feet in
36 size by East Bethel Zoning Code. Well placement and SSTS locations do not interfere with the
37 placement of a detached accessory structure in other locations on the property.

38 Berg noted that all properties in the Hidden Haven Country Club Estates have a platted drainage and
39 utility easement on all lot lines of the perimeter of their property. The city does not permit the placement
40 of structures in drainage and utility easements. This property has a ten (10) foot easement along the rear
41 property line.

42 Berg indicated to hear requests for variances from the literal provisions of the ordinance in instances
43 where their strict enforcement would cause practical difficulties because of circumstances unique to the
44 individual property under consideration and to grant such variances only when it is demonstrated that
45 such actions will be in keeping with the spirit and intent of the ordinance. Practical difficulties, as used
46 in connection with the granting of a variance, means that the property owner proposes to use the

47 property in a reasonable manner not permitted by an official control; the plight of the landowner is due
48 to circumstances unique to the property not created by the landowner; and the variance, if granted, will
49 not alter the essential character of the locality. Economic considerations alone do not constitute practical
50 difficulties.

51 Berg reviewed the three-factor tests for practical difficulties.

52 With respect to the first factor, a test of reasonableness, Berg stated that meant that the landowner would
53 like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not
54 mean that the land cannot be put to any reasonable use whatsoever without the variance.

55 Berg indicated in this case: Accessory structures are an approved accessory use in an R-1 Zoning
56 District; placing the Accessory Building, as required by ordinance, would not deny the landowner
57 reasonable use of their property; there is 85 feet of rear yard on this property; well placement and SSTS
58 locations do not interfere with the placement of a detached accessory structure in other locations on the
59 property.

60 With respect to the second factor is that the landowner's problem is due to circumstances unique to the
61 property and not caused by the landowner, Berg noted the uniqueness generally relates to the physical
62 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
63 preferences of the landowner.

64 Berg stated in this case: This property is 182 feet in depth and the house was placed 48 feet from the
65 ROW, leaving 85 feet of rear yard; a majority of the lots in the development are .75 to 1 acre in size;
66 there is a small grove of trees stretching across the rear property line;

67 Berg stated the third factor was that a variance would not alter the essential character of the
68 neighborhood. This factor is used to consider whether the resulting structure would be out of scale, out
69 of place, or otherwise inconsistent with the surrounding area.

70 Berg noted in this case: Every lot in the Hidden Haven Country Club Estates has a 10-foot drainage and
71 utility easement following the perimeter of their property; there are other accessory buildings in rear
72 yards throughout the development however none required a variance for placement; the proposed
73 accessory building placement is to the rear of the house and in combination of the tree cover the
74 Accessory Building would not be visible from ROW.

75 Berg recommended the Planning Commission should review the application information, hold a public
76 hearing, and make a recommendation to the City Council to approve or deny the variance request, to
77 reduce the rear yard setback from 10 feet to 5 feet, for the placement of an Accessory Structure.

78 Johnson opened the public hearing at 7:10 p.m.

79 There were no comments made.

80 Johnson closed the public hearing at 7:10 p.m.

81 Balfany stated he did not see any practical difficulty and he did not see why the applicant needed to go
82 into the five feet. He noted the applicant could move five feet closer to the house and be within the
83 utility and not need a variance.

84 Johnson asked why did the applicant want it that far back. Berg responded the applicant would like the
85 five extra feet of his rear yard and stated by moving it five feet deeper, it could be hidden better.

86 Saenger agreed with Balfany and believed there was no hardship involved.

87 **Commissioner Balfany moved and Commissioner Terry seconded to recommend denial to City**
88 **Council of Resolution No. 2024-XX, A Resolution Denying a Variance for the Reduction of the**

89 **Rear Yard Setback from 10 Feet to 5 Feet for the Placement of an Accessory Structure on the**
90 **property located at 20738 Tylers St NE, PIN: 18-33-23-31-0030.** Johnson asked any discussion? To
91 the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes.
92 **Motion passes unanimously.**

93 This item goes before City Council on August 12, 2024.

94 **4.0 B Public Hearing – 21125 Highway 65 NE – Conditional Use Permit – Exterior Storage**

95 Berg reviewed staff's report stating on June 12, 2024, the City received an application from Randy
96 Crumpler, owner of Crumpler Properties, LLC and Boatworld, for a Conditional Use Permit for Exterior
97 Storage on a parcel, 21125 Highway 65 NE, which he had recently purchased. The parcel is adjacent to
98 the Boatworld parcel at 21155 Highway 65 NE. Crumpler wanted to extend the exterior storage of boats
99 and pontoons from the Boatworld business onto the adjacent parcel.
100

101 Berg indicated both parcels are in a Central Business (B-2) Zoning District, whereby the City ordinance,
102 Exterior Storage and Exterior Display of Merchandise associated with retail sales and services is
103 identified as a Conditional Use, requiring a permit. After reviewing the zoning code staff have identified
104 that Boat Sales are called out specifically as a Conditional Use in a B-3 Highway Commercial Zone only
105 and not as a Permitted Use in a B-2 Zone. Retail Sales and Services conducted completely within the
106 structure is permitted in a B-2 Zone, however.

107 Berg stated staff have determined that Boatworld's use of 21155 Highway 65 NE is a Legal
108 Nonconforming Use and has been continued through transfers of ownership prior to the rezoning.

109 Berg noted the newly purchased parcel, 21125 Highway 65 NE, has no legal nonconforming designation
110 and should conform to the current zoning code. Crumpler is proposing a new retail operation occurring
111 inside the building on the parcel however it is not boat or pontoon sales but wants to extend the storage
112 of Boatworld's Exterior Storage onto the new lot.

113 Berg stated under the current proposal, the Exterior Storage and Display of Boats and/or Pontoons
114 would not meet the conditions of city ordinance and the expansion of the non-conformity is not allowed
115 by city ordinance or MN State Statute without variance. Crumpler has advised city staff that he does not
116 want to combine the two lots which would necessitate a variance due to the nonconformity
117 classification.

118 Berg noted Section 46 – 4.O. does however identify other uses similar to those permitted in this section
119 as determined by the City Council as a Conditional Use.

120 Berg recommended the Planning Commission review the information, hold a public hearing, and
121 recommend to the City Council approval with current Exterior Storage requirements, approval with
122 alternative conditions or denial of the CUP for Exterior Storage.

123 Johnson opened the public hearing at 7:18 p.m.

124 Randy Crumpler, applicant, shared a drawing he had brought to the meeting. He noted he would lose his
125 current property in 1.5 years and he needed that amount of space to maintain the current business size
126 and employment that they had. He indicated his proposal would make it easier for them and would
127 eliminate them having to drive six miles back and forth.

128 Hanschen asked if Mr. Crumpler was interested in combining the two lots but wanted to have his own
129 driveway connecting the two. Mr. Crumpler responded he would combine the two lots, but he was
130 hoping if something happened he could sell one of the lots if he needed to.

131 Hanschen asked how high was the proposed fence. Mr. Crumpler responded the current fence was six-
132 foot high with barbed wire coming off of it, so he planned to continue that or re-use it and move it
133 around.

134 Johnson asked what would happen to the property if this was denied. Mr. Crumpler responded it would
135 be the same thing without storage, but he would lose a lot of money. He noted this was a gamble he was
136 willing to take and he hoped it would work.

137 Jorgensen inquired about the septic system. Mr. Crumpler pointed out where the septic system was
138 located, which was a new septic system.

139 Jorgensen asked if the drain area was going to be removed towards the road. Mr. Crumpler responded
140 he wanted to leave that there for runoff and snow, but not for storage.

141 Hanschen inquired about the landscaping. Mr. Crumpler responded they would need to remove the
142 sprinkler system and put down class five, or whatever was allowed by City Code.

143 Saenger noted basically Mr. Crumpler was running out of space to store boats based on the demand that
144 they were seeing in his business. She asked if Mr. Crumpler were not able to have the expansion, would
145 it cause him to have to turn away business. Mr. Crumpler responded that was what would occur.

146 Johnson closed the public hearing at 7:25 p.m.

147 Berg pointed out this was a CUP and not a variance request. He indicated if that is the direction the City
148 would like to go, the applicant was going to need to apply for a variance in order to expand his business
149 onto the other lot. He noted there were questions and hurdles that would need to be looked at and he
150 would need to do additional research on this. He noted the Council would decide whatever they wanted
151 and the Planning Commission could provide any conditions.

152 Terry stated to him it seemed like this was most sensible solution for the business and it was only
153 technicalities which were important. He noted he wanted to encourage successful businesses in the City
154 and he thought this was a great idea. He indicated the only thing he would recommend is that the fence
155 separate the storage from what was currently the Thistle Ivory building and have some kind of better
156 screening than just the chain link fence as well as having a visual barrier like some kind of plantings.
157 He hoped the City could make this work.

158 Johnson noted on Page 27 of the packet, it talked about non-conformities which said only exceptional
159 cases of expansion or intensification of a non-conforming use would be permitted, and only after City
160 approval of a variance. She believed this was an exception case, and in her opinion, this was a really
161 good business that had been there a long time and she would like to accommodate them if possible, but
162 indicated it appeared staff was saying it was not possible. Berg responded he was not saying it was not
163 possible, but he did not know if requiring the applicant to apply to get a variance for this expansion onto
164 the other lot was the right direction or not.

165 Berg stated the issue was that in B2, exterior storage could only be associated with the operation
166 happening on that parcel, and if these were kept as separate parcels, then the retail operation happening
167 in the building was not associated with the exterior storage. He believed the Council would need to
168 answer this.

169 Berg indicated staff has had conversations with Mr. Crumpler over other lots that there was not a
170 structure on and they would not allow strictly storage to happen on those lots either without some sort of
171 sales, hut, lot sales, etc. He noted hypothetically if this structure did not exist on this lot and it was an
172 empty lot, although it was right next to his property, it was no different than the one they said no to for
173 the last three years. He indicated while this made sense, they just need to figure out what was the proper
174 procedure to make it happen.

175 Balfany stated with respect to insurance, they always have to have some sort of financial tie to it,
176 otherwise you can't insure something that was not insurable at its core.

177 Berg stated the real question was what was the Council and the citizens' palatability to allow for exterior
178 storage for something that was not happening on the parcel of property based on how the Zoning Code
179 was written. He indicated if they were okay with that, then maybe a CUP for exterior storage on this
180 parcel, although not associated with the business, made sense. He noted if that made sense that a
181 variance should be required because it was connected to the business, then they could make that a
182 condition of the Conditional Use Permit – that in order to expand the non-conformity onto another lot, it
183 should have a variance.

184 Johnson stated she would like to see that happen if they could. Saenger noted the City had grown quite
185 a bit with more residents and more people wanting to use the lake. She indicated they had a need for
186 boat storage in the City.

187 Balfany believed this was not for boat storage as much as it was for the inventory already purchased and
188 ready delivery storage. Saenger noted she had misunderstood, but there are more people moving to the
189 City and wanting to buy boats to utilize the lakes. She stated she also wanted to see this happen.

190 Johnson stated the only negative she saw was that this was someday going to be prime property and do
191 they want to be expanding that business there. Hanschen stated that might be the benefit of not pushing
192 to combine the two lots that it would be easy to sell and pull out of it to allow it to be its own lot.

193 Saenger asked if they could set a term on a conditional use. Berg responded they could not set a
194 timeframe as that would be an interim use.

195 Terry asked if they could have a condition that it was only good until the lot was sold. Berg responded
196 they could not. He noted once they assign a CUP to a parcel of property, that CUP authority remains
197 with the parcel of property forever.

198 Berg stated now that the City was growing, there were a number of legal non-conforming properties and
199 this scenario would not be going away. He noted this had a lot of benefits, but it also had a lot of
200 hurdles also, and they needed to figure it out in the overall landscape. He asked would it be of benefit to
201 put language in that if this was approved under a CUP, it was as a result of knowing that it was bringing
202 another lot into a conforming standard.

203 Berg suggested the Commissioners recommend to the City Council a CUP for exterior storage on a
204 parcel with a retail operation that does not match what the storage was. However, if they want the
205 variance to satisfy that expansion then he would recommend a variance.

206 Balfany stated he did not want a variance because he did not want to create precedence for something
207 down the road and have something that was there. He liked the earlier proposal of subletting the land
208 and then leasing it back to himself or one company to answer. He noted he was trying to draw the line
209 and not tie it to the neighboring property. However, he did not know if this could be done.

210 Johnson expressed concern that they were telling Mr. Crumpler how to run his business. Balfany noted
211 he was not trying to tell Mr. Crumpler how to run his business but was trying to create the difference.

212 Mr. Crumpler stated Crumpler Properties did not own BoatWorld and it was a different company, so he
213 could lease Crumpler Properties to BoatWorld and Crumpler Properties could be in the business of
214 storage. Saenger noted that would resolve the B2 district allowing them to have exterior storage because
215 Crumpler properties would then be the same business.

216 Berg stated exterior storage in a B2 district had to be associated with the business happening inside the
217 principal structure.

218 **Commissioner Terry moved and Commissioner Jorgensen seconded to recommend approval to**
219 **City Council of the CUP, Exterior Storage, 21125 Highway 65 NE that differs from the business**
220 **that would be occurring on that property in recognition of the unique and special circumstances**
221 **pertaining to both properties.** Johnson asked any discussion?

222 Balfany stated he had a hard time talking about the other property because that directly tied it back
223 together and that was where he believed they might get into trouble in the future with other properties.
224 Terry stated he was open to an amendment.

225 Balfany requested Terry withdraw his motion.

226 Terry withdrew his motion.

227 **Commissioner Saenger moved and Commissioner Terry seconded to approve the CUP with**
228 **alternative conditions, provided by the applicant, that replace the exterior storage fencing and**
229 **screening requirements.** Johnson asked any discussion?

230 Jorgensen stated one condition that concerned him from the public service side, was that the drainage
231 pond did not creep into the boat storage. Berg noted he would look at the recorded plat to see if there
232 was an identified drainage and utility easement. He noted the City did not permit the placement of
233 fences in drainage utility easements, or the City would need to take the fence down when performing
234 maintenance but would not be responsible for replacing the fence.

235 Balfany asked if they could invert the fence. Mr. Crumpler noted he had originally had the fence on that
236 side of the drainage pond, but then realized the snowplow would end up ramming that fence. He noted
237 that area was going to be too soft for a forklift to drive on, so that was why he drew up his plans the way
238 he had.

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

241 **4.0 C Public Hearing – 20063 University Ext NE – Variance – Detached Accessory Structure nearer front** 242 **lot line**

243 Berg reviewed staff's report stating this property is located in the RR Rural Residential Zoning District.
244 The property owner is requesting a variance for the placement of a detached accessory structure closer to
245 the street than the primary structure due to wetland restrictions on the property.

246 Berg stated under Zoning Appendix A. General Regulations – Section 14-2.F states, "No accessory
247 building or detached private garage shall be located nearer the front lot line than the principal building
248 except when the lot is three acres or greater and the existing principal building is located a minimum of
249 200 feet from the lot line. Then the accessory building or detached private garage may be located closer
250 to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's
251 setback. This property is 5.37 acres, with the primary structure set back approximately 125 feet from the
252 front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to
253 the road, so a variance would be required for the placement of a detached accessory structure.

254 Berg indicated the applicant's property is over 5 acres in size however nearly two (2) acres are wetlands/
255 lowlands that extend from the Northeast corner of the lot diagonally to the South Property line.

256 Berg stated additionally, since this variance request is for a placement in front of the primary residence
257 according to Section 42-7 B (2) the Front Yard Setback distance for structural placement is 40 feet.
258 Therefore, if a variance for this placement is approved the detached accessory structure would need to
259 meet the 40-foot setback.

260 Berg reviewed the three-factor test for practical difficulties.

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

266 In this case, Berg stated accessory structures are a permitted accessory use in the RR Single Family
267 Residential Zoning District, and the SSTS (Septic System) is located on the North side of the property.

268 Berg stated the second factor is that the landowner's problem is due to circumstances unique to the
269 property and not caused by the landowner. The uniqueness generally relates to the physical
270 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
271 preferences of the landowner. When considering the variance for a building to encroach or intrude into a
272 setback, the focus of this factor is whether there is anything physically unique about the particular piece
273 of property, such as sloping topography or other natural features like wetlands.

274 In this case, Berg indicated that this property is over 5 acres in size however nearly 2 acres are wetlands
275 that extend from the Northeast corner of the lot diagonally to the South Property line, and wetland
276 Setbacks as defined in Article IX, Sec. 66-255 require a 25-foot setback from the delineated Wetland
277 Edge.

278 Berg stated the third factor is that a variance would not alter the essential character of the neighborhood.
279 This factor is used to consider whether the resulting structure will be out of scale, out of place, or
280 otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an
281 encroachment into a setback, the focus is how the particular building will look closer to a lot line and if
282 that fits in with the character of the area.

283 In this case, Berg noted standing tree growth between the proposed detached accessory structure and the
284 front property line will screen it from view from the public roadway.

285 Berg recommended that the Planning Commission review the request, hold a public hearing, and
286 recommend approving the variance to the City Council as presented in Resolution 2024-49.

287 Johnson opened the public hearing at 8:00 p.m.

288 There were no comments made.

289 Johnson closed the public hearing at 8:00 p.m.

290 Hanschen stated he did not see any other place for exterior storage other than what was proposed. Berg
291 noted the applicant would not be permitted to build something bigger than the Zoning Code would
292 allow. He indicated that this property was five acres or larger, and at five acres they get 3,000 square
293 feet plus an additional 240 square feet for every increment thereof.

294 Hanschen stated this was over what was allowed then. Berg responded that what was proposed did not
295 mean that was what was going to get approved. The applicant just needed to know that he could have
296 the location there and then once the City received the application, they could work on the allowables and
297 architectural requirements. He noted the proposed Resolution would obligate the applicant to meet all
298 other zoning code requirements, which would be size, height, shape, etc.

299 Berg believed the real question was could it be in front of the house or not. Balfany stated that based on
300 past variances, this did fit all three factors in the test, and in the past they had approved similar requests.

301 Terry asked if the applicant intended to run a home business. Berg responded that the applicant did not
302 indicate he would run a home business, but the question for the Planning Commission was if the
303 building could be in front of the house.

304 **Commissioner Saenger moved and Commissioner Hanschen seconded to recommend approval to**
305 **City Council of Resolution 2024-49, A Resolution Granting a Variance for the Placement of a**
306 **Structure Nearer to the Front Property Line than the Principal Structure for the Construction of**
307 **a Residential Detached Accessory Structure on property located at 20063 University Avenue NE**
308 **(PIN: 19-33-23-32-0002). Johnson asked any discussion? To the motion, all in favor say aye. All in**
309 **favor. Johnson asked any opposed? That motion passes. Motion passes unanimously.**

310 **4.0 D Public Hearing – 23785 Marmon St NE – Side Yard Setback Variance**

311 Berg reviewed staff's report stating the property owner, Carl Mitchell, is requesting a variance from the
312 side yard setback standard from 25 feet to 10 feet on the South property line of his residence at 23785
313 Marmon St NE for the placement of a Detached Accessory Structure.

314 Berg indicated the applicant's property is 1.45 acres in size, located in the Meadows of Fish Lake
315 Subdivision and in an RR-Rural Residential zoning district. According to Section 42-7 B (1) c the side
316 yard setback in the RR - Rural Residential zoning districts is 25 feet.

317 Berg stated this request for a reduction to the setback is due to the grade and existing elevations on the
318 property. When the Meadows of Fish Lake Subdivision was graded by the Developer in 2005, each
319 home site was raised in order to achieve walk out basement elevations. The applicant's property has an
320 eight (8) foot elevation difference between the front of the house and the rear yard. Due to the elevation
321 changes, a terraced boulder wall was constructed to support a driveway and parking pad which limit the
322 buildable area available in the side yard.

323 Berg noted additionally, that the SSTS (Septic) is located in the Southeast corner of the rear yard
324 limiting the depth of the lot area available for detached accessory structure placement. In order to meet
325 the required SSTS setbacks of 10 feet as well as the zoning requirements of Section 14-2. F which states,
326 No accessory building or detached private garage shall be located nearer the front lot line than the
327 principal building, a side yard setback reduction would be necessary.

328 Berg stated the Meadows of Fish Lake Subdivision has a platted 10 foot Draining and Utility Easement
329 (D&U) on the side yard property lines of all lots. The city does not approve the placement of any
330 structures in any D & U.

331 Berg indicated the consideration of a variance requires the Planning Commission consider a three-factor
332 test for practical difficulties.

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

338 In this case, Berg stated detached accessory structures are an approved accessory use in the RR - Rural
339 Residential zoning district per the City Ordinance.

340 With respect to the second factor, Berg noted that the landowner's problem is due to circumstances
341 unique to the property and not caused by the landowner. The uniqueness generally relates to the physical
342 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
343 preferences of the landowner. When considering the variance for a building to encroach or intrude into a
344 setback, the focus of this factor is whether there is anything physically unique about the particular piece
345 of property, such as sloping topography or other natural features like wetlands or trees.

346 In this case, Berg stated that the elevations of the property limit area for the construction of an accessory
347 structure; there are zoning regulations restricting placement of accessory structures in the front yard; and
348 the rear yard location of SSTS limits the depth of the lots available buildable area.

349 Berg stated the third factor is that a variance would not alter the essential character of the neighborhood.
350 This factor is used to consider whether the resulting structure will be out of scale, out of place, or
351 otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an
352 encroachment into a setback, the focus is how the particular building will look closer to a lot line and if
353 that fits in with the character of the area.

354 In this case, Berg noted there are multiple detached accessory structures throughout the Meadows of
355 Fish Lake Development; the accessory structure will be used for general storage, allowing for personal
356 property to not be visible to adjoining property and the city Right of Way, as required by Section 24-3A;
357 and by maintaining the 10-foot Draining and Utility Easement distance throughout the development, the
358 proposed structure would not alter the character of the neighborhood.

359 Berg recommended the Planning Commission review the request, hold a public hearing and recommend
360 approve the variance to the City Council as presented in Resolution 2024-50.

361 Johnson opened the public hearing at 8:11 p.m.

362 Carl Mitchell, 23785 Marmon Street NE, explained his reasoning for putting the structure where he was
363 planning and noted his neighbors were okay with the proposed location.

364 Berg noted Mr. Mitchell was requesting to bring his structure from 25 feet to the 10-foot drainage and
365 utility easement line in order to be able to get around the boulder wall, maintain the proper setback
366 distance from his subsurface sewage treatment system, as well as still be able to access the building from
367 the front side. He noted the applicants were dealing with an elevation difference on their lot. He
368 indicated the neighbor's property alongside his proposed structure was not usable for anything other
369 than the septic system.

370 Johnson asked how many feet was the structure to the wall. Mr. Mitchell responded the proposed
371 location was about 25 feet, so it would move into about 10 feet.

372 Berg stated the other problem this area had was because it was built after 1997, it was required to
373 maintain a secondary septic drain field and Mr. Mitchell's building was going to where the secondary
374 drain field was proposed. However, he noted Mr. Mitchell did have another secondary site on the other
375 side on the north side of the house.

376 Balfany stated one of the hardships was that the land was too low to want to put in a large structure.

377 Johnson closed the public hearing at 8:16 p.m.

378 Jorgensen stated he did not have a problem with this as there was enough space.

379 Berg noted that was a development requirement now in all new developments, so that would be
380 maintained through any new development through the City to have at least a 10-foot drainage and utility
381 easement on either side of the property line if the City should need to do maintenance, or cables needed
382 to be moved.

383 Jorgensen asked if they needed to write in a second new location for the future drainfield. Berg
384 responded the variance would get recorded to the property, which would then document that the
385 secondary site was no longer what was approved as a secondary site or designed as a secondary site. He
386 indicated hopefully the next person coming along would realize they need to relocate the drainfield to
387 another side.

388 Balfany stated part of his issue was that the applicant would not need a variance if he was building a
389 smaller garage, so the practicality issue was not related to the land at this point, but instead becomes
390 related to the size of the garage the applicant wanted. He noted the applicant was creating the issue at
391 that point. He pointed out a different way the applicant could do this. He indicated he did not want to
392 set a precedent.

393 Berg stated public hearing notices had been sent out to the entire neighborhood and beyond, and he had
394 not received any calls and there were no comments made at the public hearing tonight speaking against
395 the variance so that was another consideration.

396 Johnson stated this was a normal-sized building within that neighborhood also.

397 Saenger stated it was her opinion that it was the responsibility of the Commission to make sure that they
398 were following Ordinances and Codes and they were doing what was recommended by the staff. She
399 indicated she did not want to infringe upon a resident's ability to put on their property what they wanted
400 to if it does not violate a City Ordinance. She stated it was the applicant's property and they should
401 have the ability to put in an accessory structure as long as it met the City Code.

402 Balfany stated he agreed that it fits the City parameters up to the point of wanting the variance to be
403 closer to the setback, and if the request for a variance was practical difficulties not brought on by the
404 property owner but does the size of the garage the applicant was requesting not a difficulty created by
405 the landowner. He indicated the applicant would not need a variance if he built a smaller structure.

406 Saenger stated she felt comfortable with staff's recommendation. She indicated she was confident that
407 the building size was fine, and there would be no necessity for it to be any smaller or relocated. She
408 believed this was a simple request and she wanted to keep the residents happy. She noted every
409 property was unique and sometimes variances were necessary.

410 Balfany stated he did not have any issue with that, but he his issue was if this a practical difficulty
411 created by the landowner by choosing a size of the structure that they want. Berg reminded the
412 Commission that while variances are reviewed case-by-case, the Commission had recommended
413 approval on Fourth Street where a resident asked to place an even much larger, detached accessory
414 structure in the front of his house because he did not want to put it in the side yard, which the
415 Commission believed was very thin on practical difficulty or reasonableness.

416 Hanschen stated when it came to variances, he did not necessarily see that as creating a new precedent.
417 He indicated that was why they had Ordinances and if they went and started changing Ordinances, they
418 were setting precedent. He noted the Commission did not know the applicant's needs specifically and he
419 had no problem recommending approval of the variance.

420 Johnson stated she understood what Balfany was saying because they started this year questioning
421 whether they really had to adhere to those three tests, and she believed they understood now that they
422 really do have to do it.

423 Balfany stated he was not trying to challenge anyone or to say that the applicant should not get the
424 variance; he was trying to say which way he was going to vote on this as this was something he had
425 questioned over the years.

426 Berg pointed out that this variance request was to reduce the setback and staff still needed to review the
427 building permit and everything else to make a determination. He indicated just because the applicant
428 was proposing something, did not mean that they were going to get it. He noted the application was
429 asking for placement and that was what the question was before them.

430 Saenger requested they close the discussion.

431 **Commissioner Saenger moved and Commissioner Terry seconded to recommend approval to City**
432 **Council of Resolution No. 2024-50, A Resolution Granting a Variance for the Reduction of a Side**
433 **Yard Setback Standard from Twenty-Five Feet to Ten Feet on the South Property Line for the**
434 **Construction of a Detached Accessory Structure on Property Located at 23785 Marmon St NE**
435 **(PIN-25-34-23-43-0012). Johnson asked any discussion? To the motion, all in favor say aye.**
436 **Jorgensen, Terry, Hanschen, Saenger, and Johnson. Johnson asked any opposed? Balfany. That**
437 **motion passes 5-1. Motion passes 5-1.**

438 This item goes before the City Council on August 12, 2024.
439

440 **5.0 Updates**

441 Council Liaison Smith updated the Commission on recent Council actions.
442

443 **6.0 Adjournment**

444 **Commissioner Terry moved and Commissioner Jorgensen seconded to adjourn at 8:32 pm.**
445 **Johnson asked any discussion? To the motion, all in favor say aye. All in favor. Johnson asked any**
446 **opposed? That motion passes. Motion passes unanimously.**

447 Submitted by:

448 Kathy Altman

449 *TimeSaver Off Site Secretarial, Inc.*
450

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



Date: August 27, 2024

Agenda Item Number: 4.0

Agenda Item: Variance Request – General Regulations -Detached Accessory Structure placement nearer to Front Lot Line than Primary Structure – 4141 226th LN NE – Juan Machado.

Background Information: This property is located in the Oak Glen Estates and a RR Rural Residential Zoning District. The applicant's property is over 2 acres in size however over (1) one acre of the rear yard is wetlands/lowlands and a Drainage and Utility Easement. The property owner is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure due to Drainage and Utility Easement restrictions and SSTS (Septic) placement on the property.

Sec. 14-4 permits a 2 acre parcel an accessory building of 1,800 square feet in size.

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 2.07 acres, with the primary structure set back approximately 138 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.

Sec. 66-255 requires a minimum building setback from Delineated Wetland Edge of 25 feet.

The septic tank and mound are located east of the attached garage while the well is located on the west side of the residence.

Sec. 74-44 requires a minimum building setback from a septic tanks is 10 feet and septic mounds is 20 feet however **Sec. 74-45** permits a building official to reduce the setback from detached accessory buildings or garages with no basements be reduced by 50 percent or 10 feet.

Additionally, since this variance request is for a placement in front of the primary residence according to **Sec. 42-7 B (2)** the Front Yard Setback distance for structural placement is 40 feet. Therefore, if a variance for this placement is approved the detached accessory structure would need to meet the 40 foot setback.

The consideration of a variance requires the Planning Commission 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 SSTS (Septic System) is located on the west side of the property.**
- 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 over 2 acres in size however over 1 acre of the rear yard is a Drainage and Utility Easement and wetland.**
- **Wetland Setbacks as defined in Artic IX, Sec. 66-255 require a 25 foot setback from the delineated Wetland Edge.**
- **The placement of the SSTS (Septic System) is prohibitive to a placement within the setback rules of the ordinance.**
- 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:

- **The minimum structural setback in the neighborhood is 40 feet.**
- **Primary residences on neighboring properties were built at the minimum structural setback.**

Recommendation: Planning Commission should review the request, hold a public hearing and recommend approval of the variance to the City Council as presented in Resolution 2024-XX.

Attachments:

1. Resolution 2024-XX, Granting Variance
2. Location Map
3. Aerial Map
4. Site Plan
5. Survey D&U

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 FOR THE CONSTRUCTION OF A RESIDENTIAL DETACHED ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 4141 226th AVE NE (PIN: 02-33-23-14-0014)

LOT 2 BLOCK 1 OAK GLEN ESTATES, SUBJ TO EASE OF REC

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 Planning Commission held a public hearing on August 27, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - Accessory Structures are a permitted accessory use in the Rural Residential Zoning District.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - This property is over 2 acres in size however over 1 acre of the rear yard is a Drainage and Utility Easement and wetland.
 - Wetland Setbacks as defined in Artic IX, Sec. 66-255 require a 25 foot setback from the delineated Wetland Edge.
 - The placement of the SSTS (Septic System) is prohibitive to a placement within the setback rules of the ordinance.
3. Will not have a negative effect the characteristic of the neighborhood;
 - The minimum structural setback in the neighborhood is 40 feet.
 - Primary residences on neighboring properties were built at the minimum structural setback.

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 detached accessory structure on property located at 4141 226TH Ave NE with the following conditions:

1. Proposed Accessory Structure must meet all other zoning code regulations.
2. Property owner must obtain a building permit and complete all necessary inspections as required by the Minnesota Uniform Building Code.
3. A certificate of survey, including the proposed detached accessory building, must be

submitted with the building permit application.

Adopted by the City Council of the City of East Bethel on this 9th day of September, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor

4141 226th LN NE - Location Map



-  Parcels
-  City Mask

1 inch equals 180 feet



N
August 7, 2024
Map Powered By DataLink

4141 226th LN NE - Aerial Map



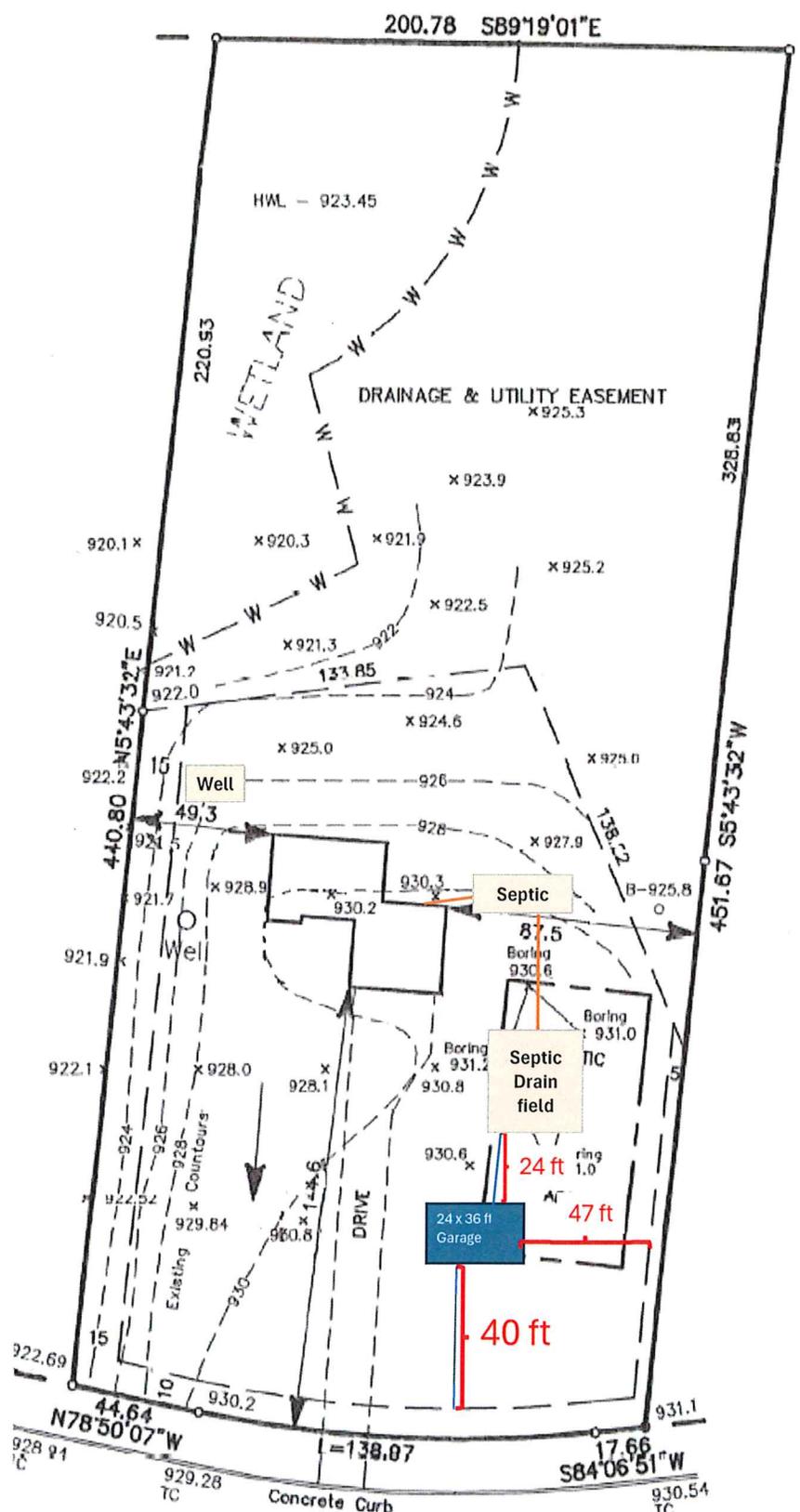
-  Parcels
-  City Mask

1 inch equals 136 feet



N
August 7, 2024
Map Powered By DataLink

Site Plan
addition



236TH LANE NE

200.78 S89°19'01"E

HWL - 923.45

WETLAND

DRAINAGE & UTILITY EASEMENT

x 925.3

x 923.9

x 925.2

920.1 x

x 920.3

x 921.9

920.5

x 921.3

x 922.5

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922.0

133.85

x 924.6

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15

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x 928.9

x 930.3

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Boring 930.6

B-925.8

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



Date: August 27, 2024

Agenda Item Number: 5.0 B

Agenda Item: Public Hearing – Concept Plan – Blanco De Cola Pradera – 34xx Viking Blvd NE – Matthew Chacich.

Discussion Information:

The Planning Commission is asked to hold a public hearing and review the concept plan for a 3 lot rural residential development at 34xx Viking Blvd NE.

Conformance with Local and Regional Plans and Ordinances

The property is (2) two vacant parcels, totaling 60 acres, located within the RR – Rural Residential zoning district. Approximately 35 acres of the proposed lots are wetlands and likely unbuildable. Within the RR- Rural Residential zoning district the minimum lot size required is 2 acres, with a density not to exceed (1) one unit per 2.5 acres. All lots within the proposed subdivision meet the 2 acre minimum lot size. Additionally, each lot meets the required minimum 200 foot width at the right-of-way setback line.

Streets

There are no internal streets proposed in the plan. Each lot will need to obtain an individual Access Permit from the Anoka County Engineer.

Parks Commission

The new concept plan will be placed on the next Parks Commission meeting agenda. The standard Park Dedication fee is currently \$2,000 per newly created parcel.

Next Steps

Based on the feedback received on the concept plan the owner can modify the plans prior to making an application for Preliminary Plat and Final Plat approvals. Once a Preliminary Plat Application is received it will be forwarded on to City and County Engineer for comment and approval.

Action Requested

Staff is requesting that Planning Commission hold a public hearing, take public feedback on the proposed concept plan and informally advise the developer on any adjustments to the plan prior to the creation of a Preliminary and Final Plat application.

Attachments:

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

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

Recommendations:

CONCEPT PLAN

~of~ **BLANCO DE COLA PRADERA**
EAST BETHEL, MN

~for~ **MATTHEW CHACICH**

VICINITY MAP

PART OF SEC. 26, TWP. 33, RNG. 23



ANOKA COUNTY, MINNESOTA
 (NO SCALE)

PROPERTY DESCRIPTION

(PER TRUSTEE'S DEED, DOCUMENT NO. 2406806.003)

That part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 33, Range 23, Anoka County, Minnesota, lying northerly of the centerline of County State Aid Highway No. 22; except the east 392.57 feet, as measured at right angles to the east line thereof.

AND

The Southwest Quarter of the Northwest Quarter of Section 26, Township 33, Range 23, Anoka County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 6/11/2024 and 6/26/2024.
- Bearings shown are on Anoka County datum.
- Parcel ID Numbers: 26-33-23-32-0012 and 26-33-23-23-0001.
- Total parcel area = 2,697,171 sq. ft. (61.92 acres).
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Wetland delineation by Anderson Engineering in June 2024.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain), according to Flood Insurance Rate Map Community No. 270021 Panel No. 0210 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015.

LEGEND

- DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES 1/2 INCH IRON OPEN PIPE FOUND, UNLESS NOTED
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES GUY WIRE
- DENOTES FIBER OPTIC BOX
- DENOTES TELEPHONE PEDESTAL
- DENOTES FENCE
- DENOTES EDGE OF WETLAND DELINEATION
- DENOTES SIGN
- DENOTES TREE LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

ZONING INFORMATION

PER CITY OF EAST BETHEL ZONING MAP DATED MAY 22, 2023 THE PARCEL IS CURRENTLY ZONED RR (RURAL RESIDENTIAL) AND SUBJECT TO THE FOLLOWING STANDARDS:

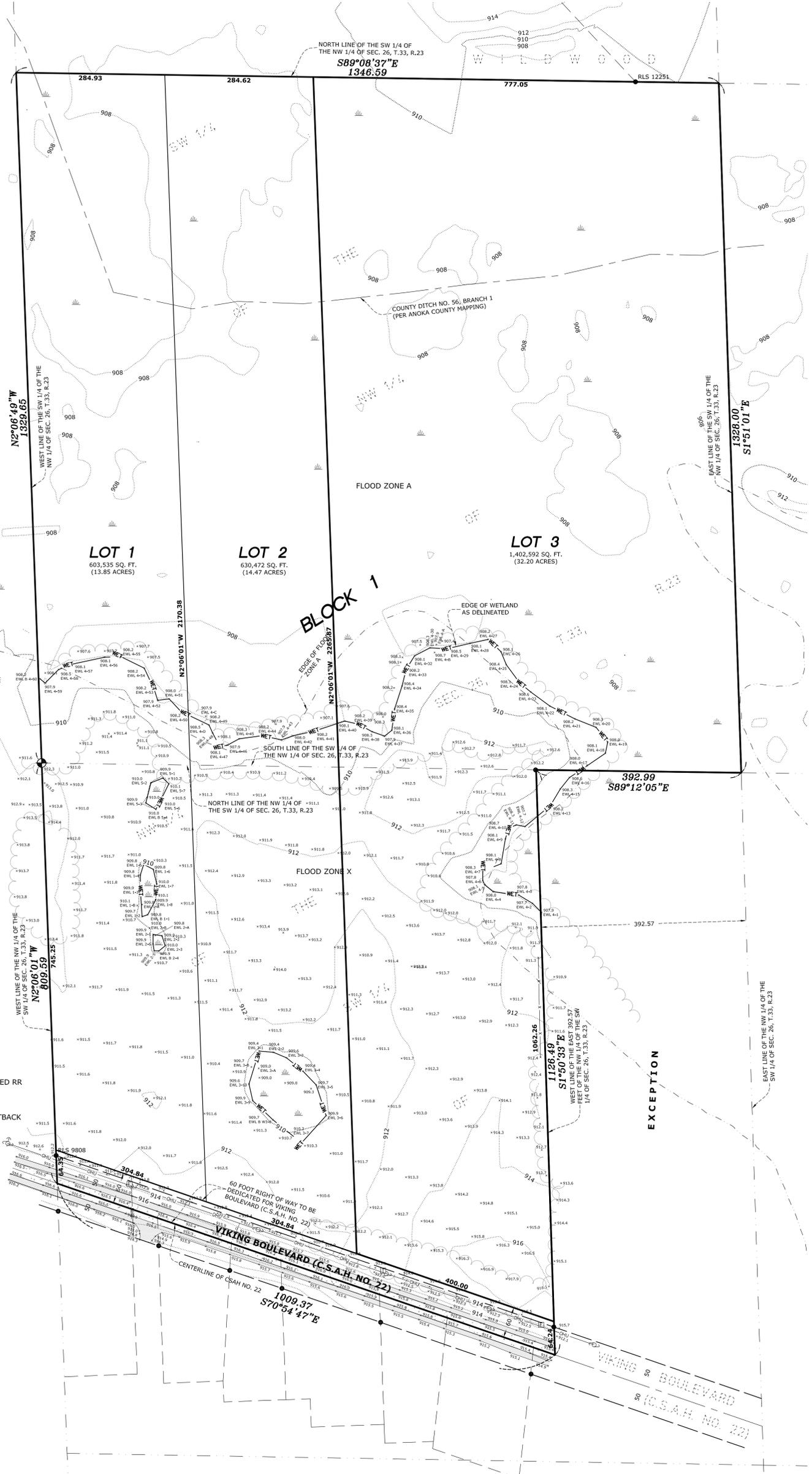
MINIMUM LOT AREA = 2 ACRES, WITH A DENSITY NOT TO EXCEED 1 UNIT PER 2.5 ACRES
 MINIMUM LOT WIDTH = 200 FEET A PUBLIC RIGHT OF WAY, 200 FEET AT FRONT BUILDING SETBACK
 MINIMUM BUILDABLE AREA = 23,000 SQ. FT.

SETBACKS:
 PRINCIPAL AND ACCESSORY STRUCTURES
 FRONT = 100 FEET COUNTY/STATE RIGHT OF WAY
 SIDE = 25 FEET
 REAR = 25 FEET
 WETLAND = 25 FEET
 WETLAND BUFFER = 15 FEET

MAXIMUM BUILDING HEIGHT (PRINCIPAL) = 3 STORIES OR 30 FEET, WHICHEVER IS LESS

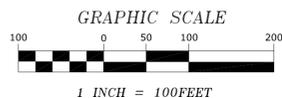
DEVELOPMENT DATA

PROPOSED NUMBER OF LOTS = 3
 TOTAL PROPERTY AREA = 61.92 ACRES
 RIGHT OF WAY DEDICATION = 1.39 ACRES
 AVERAGE LOT SIZE = 20.18 ACRES



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

JASON L. RUD
 Date: 7/30/2024 License No. 41578

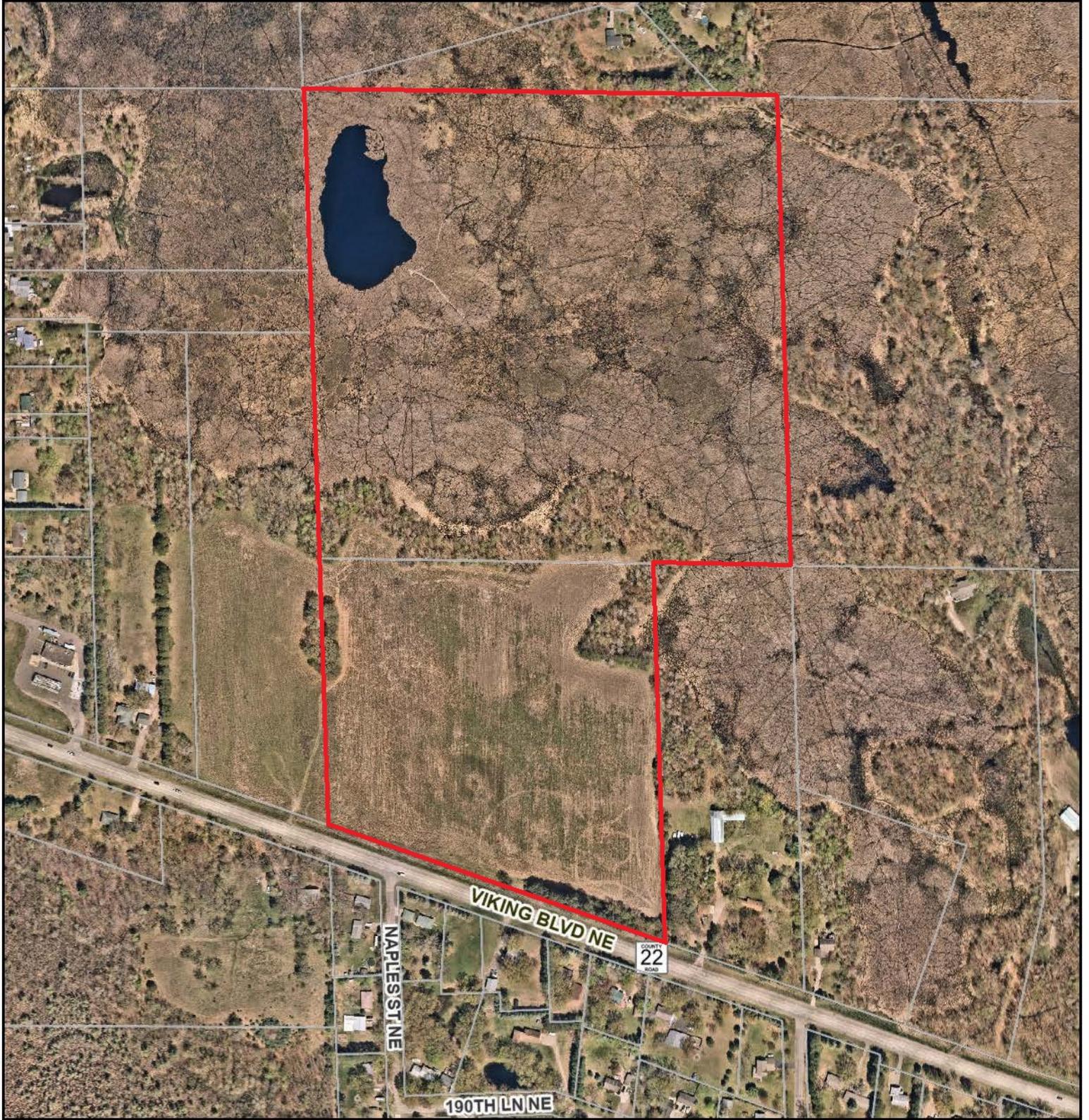


BENCHMARK

MNDOT GEODETIC STATION NO. 769
 STATION NAME: DENN MNDT
 ELEVATION = 899.19 (NAVD 88 DATUM)

DRAWN BY: BAB	JOB NO: 240630PP	DATE: 7/11/2024
CHECK BY: JER	FIELD CREW: RW/MR	
1	7/30/24	REVISE PROPOSED PLAT NAME
2		
3		
NO.	DATE	DESCRIPTION
		BY

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



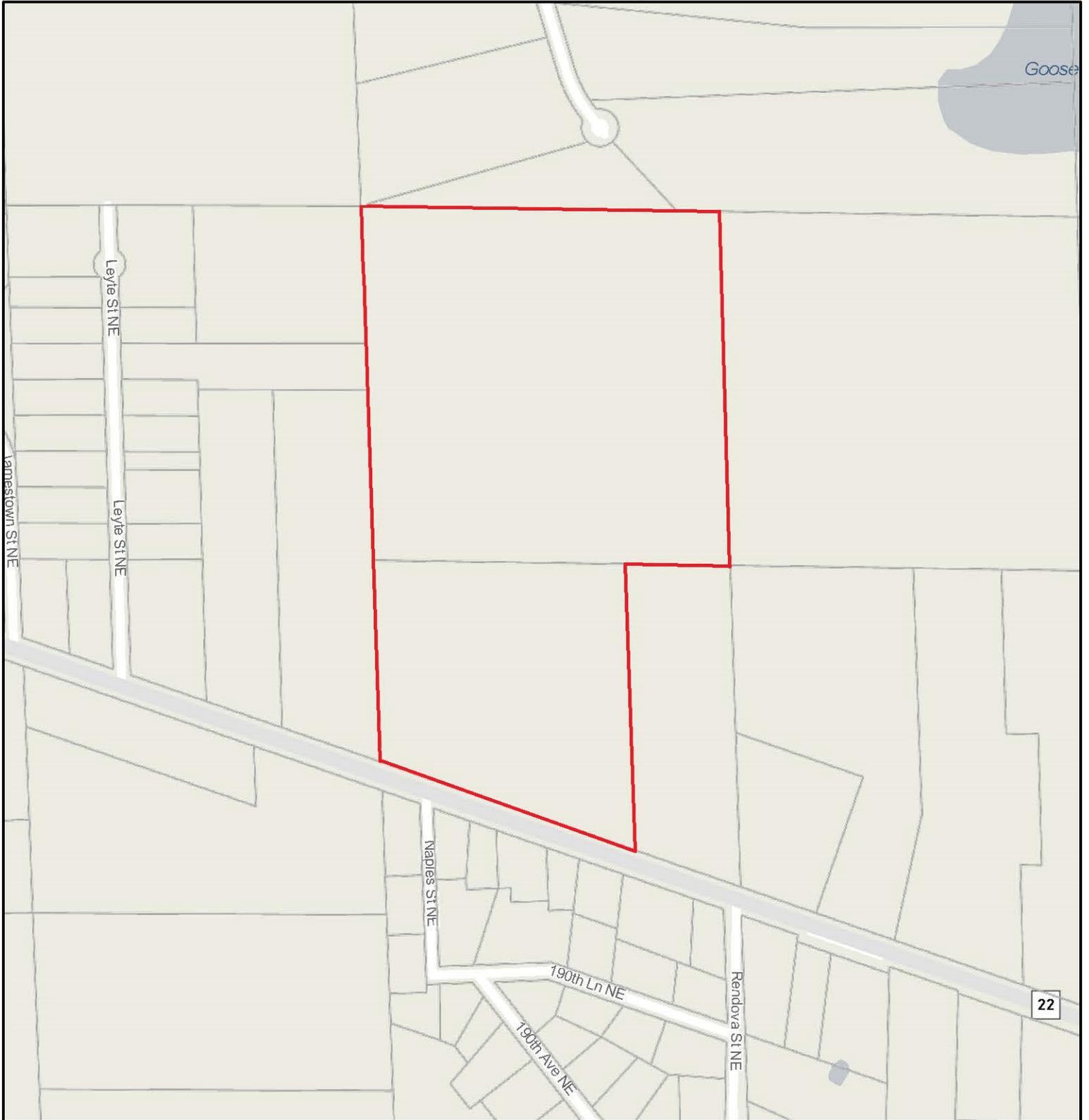
-  Parcels
-  City Mask

1 inch equals 543 feet



N
August 13, 2024
Map Powered By DataLink

26-33-23-32-0012 Location Map



-  Parcels
-  City Mask

1 inch equals 719 feet



N
August 13, 2024
Map Powered By DataLink

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



Date: August 27, 2024

Agenda Item Number: 5.0 C

Agenda Item: Rezoning parcels along west side of Hwy 65 in an R-2 Zone between Klondike Drive and 207th Ave NE.

Background Information: At the formal request of the City Council the Planning Commission should review the rezoning of parcels from R-2 to B-2 to better align the use in this area with the city's overall goals.

City Staff have received requests from the owner of 20454 Highway 65 NE (Hunter's Inn) for a rezoning of the property in order to facilitate the sale of the property. This property, although once an active commercial use in a residential zone, has been discontinued for more than 365 days. As a non-conformity it loses its ability to be used as a non – conformity after 1 year of discontinued use. This provision is contained in East Bethel Ordinance and State Statute.

Additionally, city staff have responded to zoning information requests for the property at 1351 Klondike Dr. NE, which is also currently on the market for sale. As a corner lot it may have more value as a commercial parcel than a residential parcel due to its proximity to Highway 65.

These two properties are located in a larger area, approximately 120 acres, zoned Single Family and Townhome Residential (R-2) which stretches from Klondike Drive NE north to the area of 207th Ave NE. Although there are two single family residential parcels directly on Hwy 65 in this R-2 Zone, it also contains the over 35 acre U-Pull R-Parts Salvage Yard parcel which was approved by a Conditional Use Permit on July 17, 1996, when this area was a B-2 Zone.

In summary according to Anoka County Tax Assessor Alex Guggenberger, as long as the existing use of a property remains the same use, the tax classification would remain the same. Tax classification is how a property is assessed, not the underling zoning designation. The properties zoning designation might change but that would not change the actual use or tax classification. The underlining zoning classification helps determine a Highest and Best Use of a property from a valuation perspective. If a rezoning were to be approved, the two residences located in the area would be allowed to remain as residential uses, located in a Commercial Zone and taxed as a residential use.

This rezoning would also create a continuous Commercial Zone on the west side of Hwy 65 from Sims Road NE south to 197th Ave NE.

Eric Wojchik, the city's MET Council Sector Representative has been consulted and does not believe they would be opposed to a Rezoning of this area as it is currently outside of the MUSA area. In the City's 2040 Plan, Commercial and Industrial development is allowed with the Future Growth Area, provided each site can be supported by a viable septic system. Staff are waiting on a more definitive answer to determine if this change will require an Administrative Comp Plan Amendment now or if this can be updated during the next required update since the change is outside the MUSA boundaries.

Additionally, the southern portion of this area is classified as a Significant Natural Environment. The primary purpose of the significant natural environmental areas (SNEA) overlay district is to protect resources and functional values that have been identified by Anoka Conservation District (ACD), Minnesota Department of Natural Resources (MNDNR), and the metropolitan council as providing benefits to the sustainability of the natural resource communities. This classification, by ordinance requires a Planned Unit Development in order to provide maximum flexibility to encourage development that preserves and enhances the natural characteristics

and valuable natural resources of a site. (Attachment 5)

Recommendation: The Planning Commission should review the information, hold a public hearing and make a formal recommendation to the City Council regarding the Rezoning the identified area from Single Family and Townhome Residential (R-2) to Central Business (B-2) District, in order to better align the use in this area with the city's overall goals.

Attachments:

1. Draft Ordinance 2024-XX
2. Existing Zoning Map
3. Area of Consideration Map
4. Map with Rezoning Overlay
5. Significant Natural Environment Overlay
6. Sec. 59. Significant Natural Environmental Areas (SNEA) Overlay District

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

CITY OF EAST BETHEL
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 2024-XX

THE CITY COUNCIL OF THE CITY OF EAST BETHEL DOES HEREBY ORDAIN AS FOLLOWS:

CITY CODE APPENDIX – A, ZONING

AMENDED ZONING MAP DATED September 9th, 2024

The rezoning of properties from Single Family and Townhome Residential (R2) District and the proposed zoning designation being Central Business (B-2) District, located at the following parcels:

1351 Klondike Dr. NE; PID 203323240001, legally described as; and

THE E 660 FT OF S 330 FT OF SE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23, EX RDS, SUBJ TO EASE OF REC

20204 HIGHWAY 65 NE; PID 203323240004, legally described as; and

E 532 FT OF N 1010 FT OF SE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23, EX RD SUBJ TO EASE OF REC

20418 HIGHWAY 65 NE; PID 203323210010, legally described as; and

THE NE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23, EX THAT PRT DESC AS FOL: BEG AT INTER OF N LINE OF SD 1/4 1/4 WITH WLY R/W LINE OF T H NO 65, TH S ALG SD R/W LINE 300 FT, TH W PRL/W SD N LINE 400 FT, TH N PRL/W W LINE THEREOF TO SD N LINE, TH E ALG SD N LINE TO POB, EX RD, SUBJ TO EASE OF REC

20454 HIGHWAY 65 NE; PID 203323210002, legally described as; and

THAT PRT OF NE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23 DESC AS FOL: COM AT INTER OF W R/W LINE OF ST TRK HWY NO 65 & N LINE OF SD SEC, TH SLY ALG SD W R/W LINE 300 FT, TH W PRL/W SD N LINE 350 FT, TH N P RLL/W W LINE OF SD 1/4 1/4 TO SD N LINE, TH E ALG SD N LINE TO POB, SUBJ TO EASE OF REC

PID 203323210011; legally described as; and

WLY 50 FT OF THAT PRT OF NE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23 DESC AS FOL: COM AT INTER OF W R/W LINE OF ST TRK HWY NO 65 & N LINE OF SD SEC, TH SLY ALG SD W R/W LINE 300 FT, TH W PRL/W SD N LINE 400 FT, TH N PRL/W W LINE OF SD 1/4 1/4 TO SD N LINE, TH E ALG SD N LINE TO POB, SUBJ TO EASE OF REC

20508 HIGHWAY 65 NE; PID 173323340002, legally described as; and

THE S1/2 OF SE1/4 OF SW1/4 OF SEC 17 TWP 33 RGE 23, EX RD, SUBJ TO EASE
OF REC

PID 173323340003, legally described as;

THE N1/2 OF SE1/4 OF SW1/4 OF SEC 17 TWP 33 RGE 23, EX RD, SUBJ TO EASE
OF REC

All other Titles, Chapters and Sections of the City Code shall remain as written and adopted by the City of East Bethel City Council.

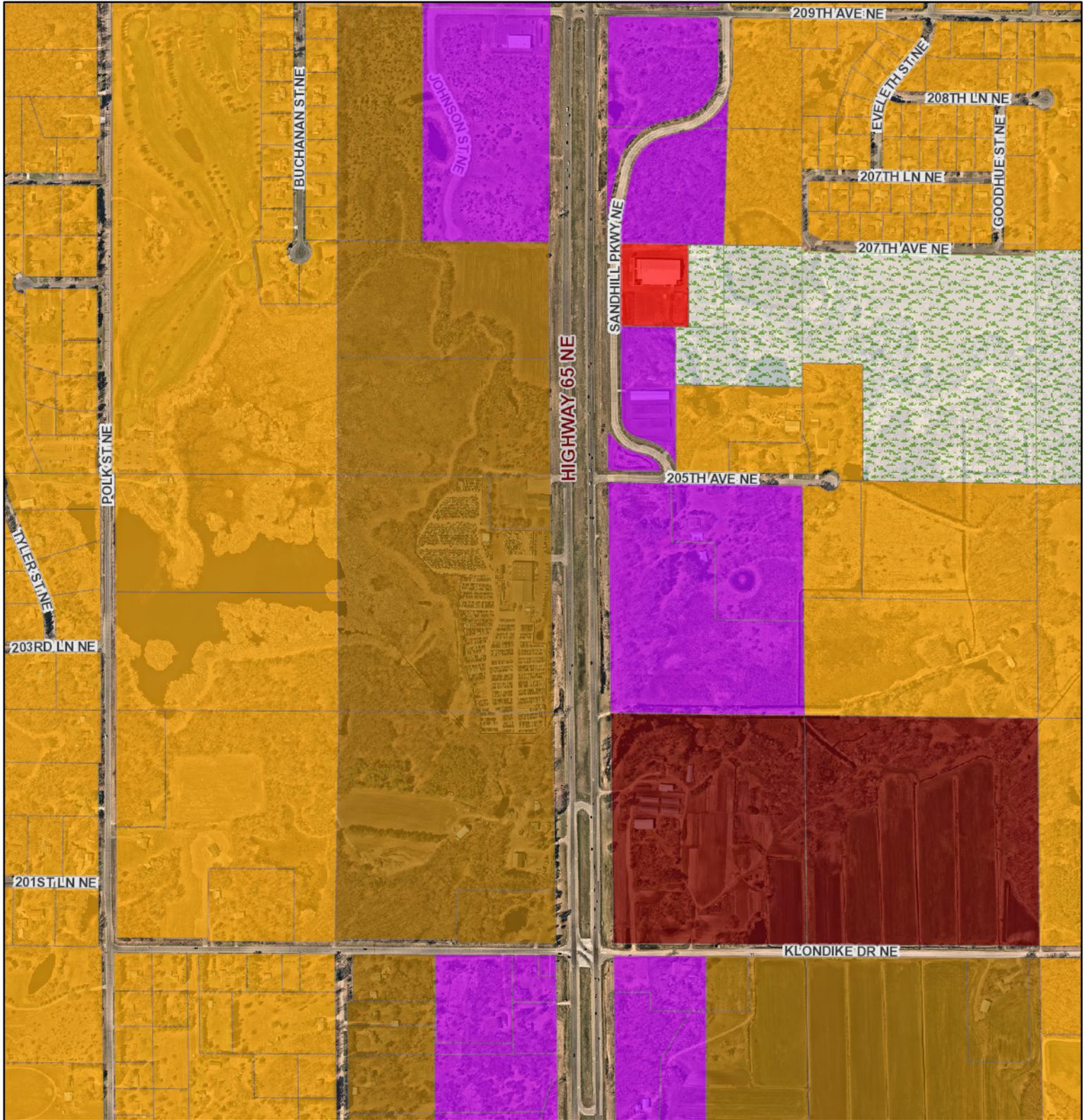
Adopted by the City Council of the City of East Bethel on this the 9th day of August, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor



Current Zoning

- | | |
|---|--|
|  AG - Agriculture |  R-2 - Single Family & Townhome Residential |
|  B-1 - Limited Business |  CL - Coon Lake |
|  B-2 - Central Business |  Public/Institutional |
|  B-3 - Highway Business |  Park/Open Space |
|  I - Light Industrial |  Natural Area |
|  MXU - Mixed Use |  ROW |
|  RR - Rural Residential |  Water |
|  R-1 - Single Family Residential |  Parcels |

1 inch equals 1,085 feet



March 6, 2024
Map Powered By DataLink



Area of Consideration



1 inch equals 1,085 feet

Parcels

City Mask

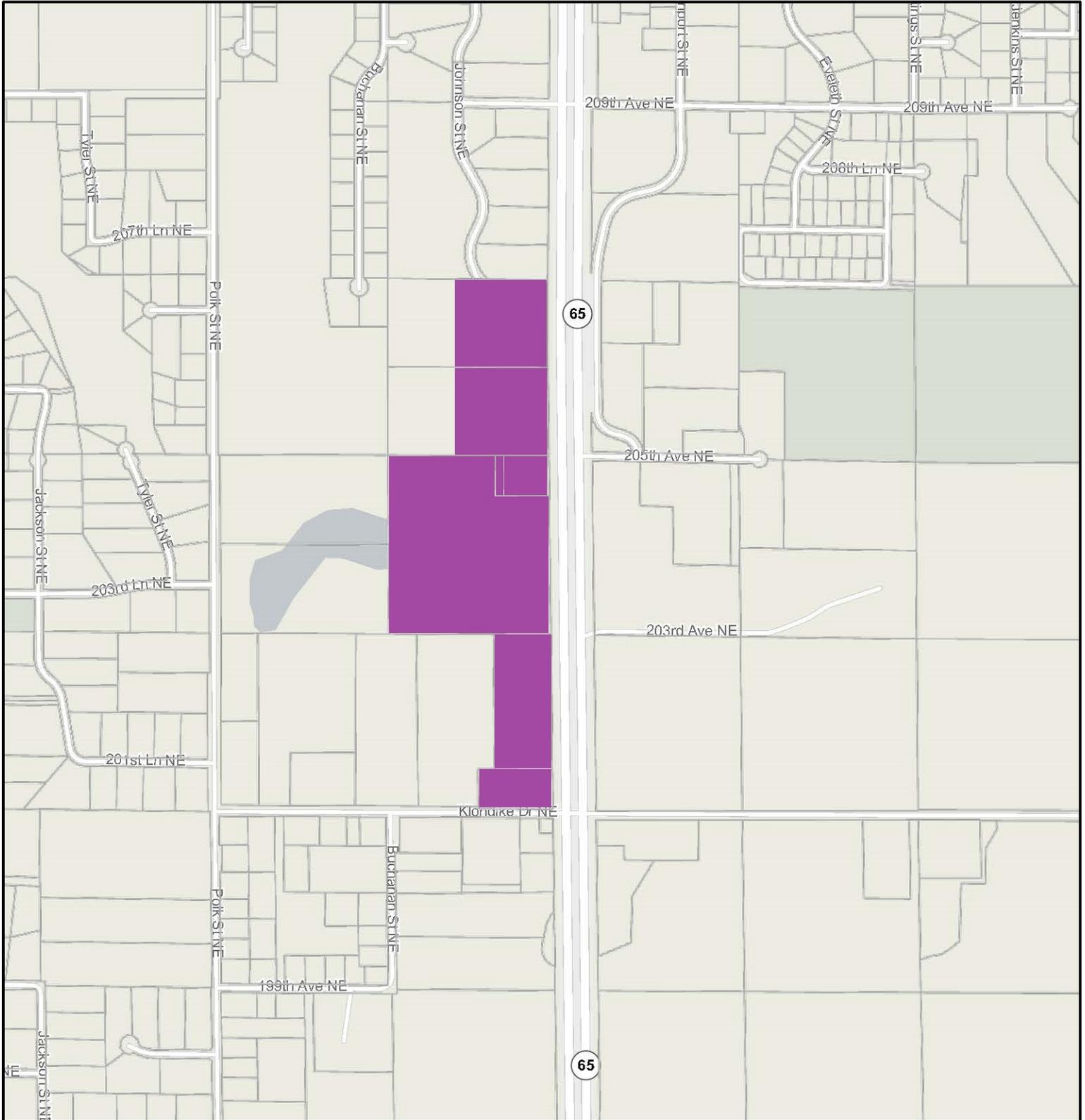


March 6, 2024

Map Powered By DataLink



HWY 65 R2 - B2 Rezoning



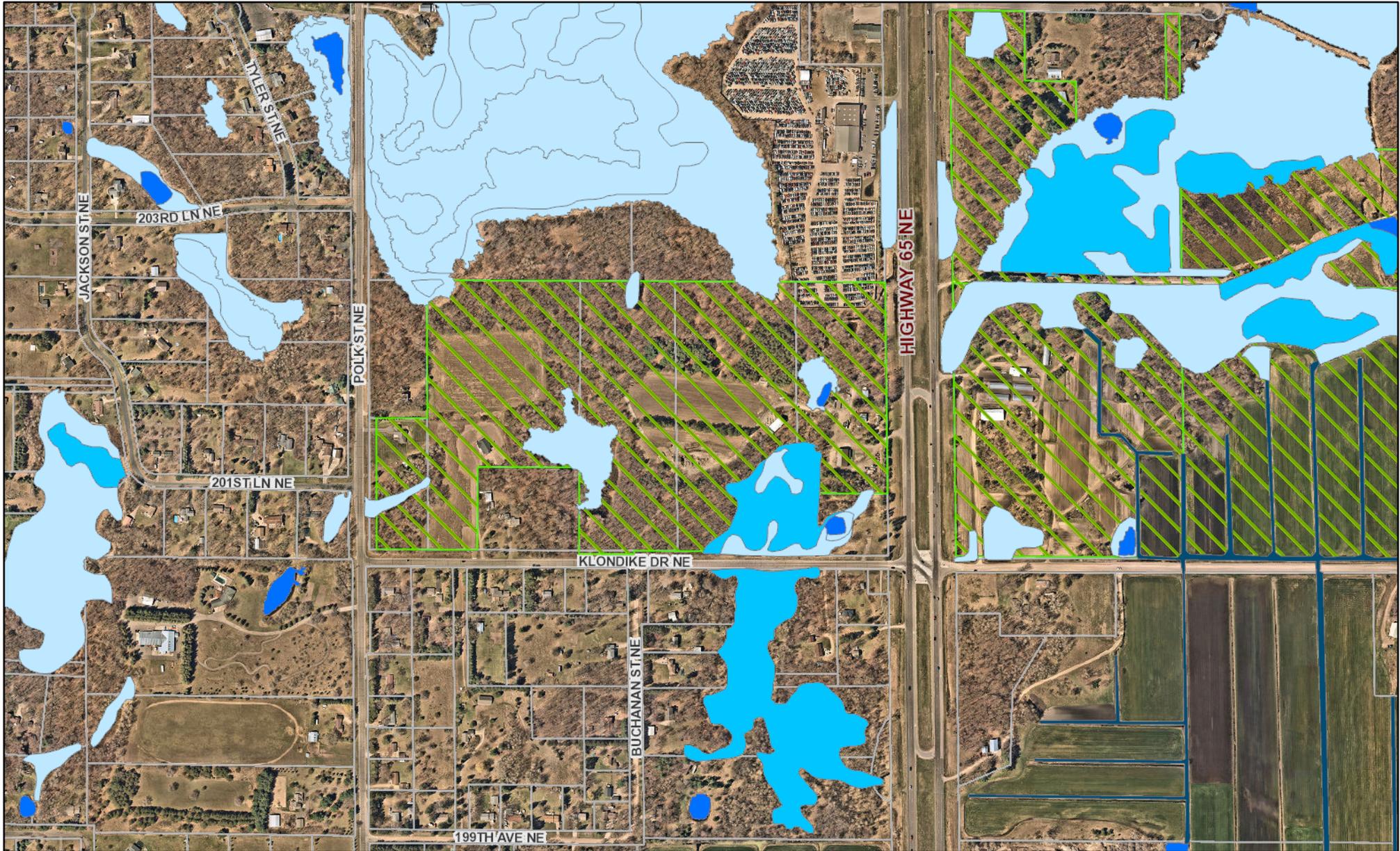
-  Parcels
-  City Mask

1 inch equals 1,437 feet



N
May 10, 2024
Map Powered By DataLink

HWY 65 R2 - B2 Rezoning SNEA



1 inch equals 906 feet



Wetlands

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland

-  Freshwater Pond
-  Lake
-  Riverine

-  Significant Natural Environmental Area
-  Parcels
-  City Mask

SECTION 59. SIGNIFICANT NATURAL ENVIRONMENTAL AREAS (SNEA) OVERLAY DISTRICT

1. Intent.

The primary purpose of the significant natural environmental areas (SNEA) overlay district is to protect resources and functional values that have been identified by Anoka Conservation District (ACD), Minnesota Department of Natural Resources (MNDNR), and the metropolitan council as providing benefits to the sustainability of the natural resource communities. This section is intended to protect and rehabilitate areas within the City of East Bethel that contain native vegetation and natural features and/or natural resources that contribute to the health, welfare, and quality of life of the people in the City of East Bethel. The City of East Bethel has the right and responsibility to protect and conserve these areas for a variety of reasons including:

- A. Natural communities and the wildlife habitat they provide;
- B. Contribution to the community's health and safety (i.e., flood control, purification of stormwater runoff, clean and healthy groundwater supplies necessary for the health, safety, and enjoyment of the city's residents and neighboring communities);
- C. Recreational purposes;
- D. Aesthetic and quality of life contributions;
- E. Protection and conservation of natural resources within and adjacent to the natural areas for the community's long-term environmental and economic benefits; and
- F. Contribution to the community's historic and symbolic needs.

2. Purpose.

To achieve the policies in the comprehensive plan and state and federal policies and statutes, the City of East Bethel intends to determine, control, and guide future development within those land areas in the SNEA. Specifically, this section purports to:

- A. Identify areas of SNEAs. These areas include natural areas that are: 1) preserved and minimally changed, and 2) those needing more management to maintain and enhance their natural integrity and resource value;
- B. Control natural environment areas of ecological value to preserve and/or restore ecological functions to the maximum extent possible;
- C. Regulate the use and subdivision of the land within as it relates to the criteria necessary to provide for the long-term sustainability of areas of SNEAs;
- D. Promote innovative development techniques such as conservation and other development practices that measurably reduce the amount of impervious coverage and minimize impacts of development on SNEAs;
- E. Aid developers in the creation of their development plans;

- F. Aid city staff, the planning commission, and city council in their assessment of development plans in areas of "natural environmental significance"; and
- G. Encourage cost effective site development through innovative development practices that efficiently use land and resources. Cost effective development can reduce infrastructure engineering and construction costs because of improved lot configurations, shortened and/or narrower streets, and reduced utility runs. Long-term public cost savings can also be realized by lowering public maintenance costs.

3. Conditional uses.

Electric power and communications transmission lines.

4. General provisions.

A. *Identification of significant natural environmental areas (SNEAs).*

SNEAs contain native vegetation and natural features and/or natural resources prioritized by the City of East Bethel according to the natural resource functions they provide, including vegetation diversity, wildlife habitat, economic value, community open space, water quality, flood protection, aesthetics, and recreation.

SNEAs may contain rare, threatened, or endangered species and/or protect natural resources of concern. Further fragmentation, disturbance, and development will adversely affect and may destroy the natural processes operating within SNEAs, as well as the composition, structure, and functions of the natural communities they contain.

SNEAs include areas that are significant in spite of alteration by human impact. These areas may need management to maintain, enhance, and/or repair its natural resource value to the community including, but not limited to, exotic species control, fire management, and stormwater pond construction for water quality enhancement.

SNEAs are identified by the City of East Bethel to:

- 1) Protect, conserve and enhance the City of East Bethel's natural resources including inventoried and identified native prairies, forests, woodlands, sensitive geological and hydrological features, wetlands, riparian (river and stream) corridors, wildlife corridors, and other sensitive natural features,
- 2) Promote open space, including an interconnected system of trails and corridors for wildlife where appropriate and feasible;
- 3) Provide for the orderly growth and development of the City of East Bethel residential areas;
- 4) Promote flexible site planning;
- 5) Encourage coordination between local government, county, state, and federal agencies concerned with natural resources;
- 6) Encourage early cooperative planning between landowners/developers, the City of East Bethel, and individuals with scientific expertise in natural communities and resources.

B. *Criteria for designating SNEAs.* The MNDNR, ACD, and metropolitan council has inventoried natural resources and designated SNEAs as having one or more of the following characteristics:

- 1) Contains a high degree of native biodiversity and few exotics;
- 2) Is of adequate size, cohesiveness, and shape to be biologically sustainable either as an isolated body or by a continued connection to an existing resource;

- 3) Is a remaining example of a pre-European Settlement Natural Community for Minnesota;
- 4) Is considered significant because it is rare in the City of East Bethel;
- 5) Contains a rare species site, and is critical in preserving the rare plant species or in conserving the rare animal species present, consistent with MN 84.0895, Protection of Threatened and Endangered Species [Minn. Stats. § 84.0895]; and
- 6) Contains sensitive geological and hydrological features.

5. Development procedure.

SNEA overlay district is intended to provide for greater flexibility in land use planning. The application procedure and applicable general requirements pertaining to planned unit developments (PUDs) shall apply to SNEAs, subject to any exceptions, modifications, or additions set forth in the ordinance. Amendments to the PUDs can be proposed and implemented upon city council approval.

6. Standards.

In order to provide maximum flexibility, no fixed standards shall apply to the SNEA overlay district. In evaluating each individual proposal, city council shall recognize that the primary function of the SNEA overlay district is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site.

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

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



Date: August 27, 2024

Agenda Item Number: 6.0

Agenda Item: Metes and Bounds Parcel Split

Background Information:

On July 24, 2024, Nichole Sherk, submitted an application for a Metes and Bounds split of a 20 acre parcel, located at 22645 Bataan St NE, PID: 03-33-23-24-0001, into three (3) parcels. The first parcel, will contain the original single family home and will be divided off as a 7.88 acre lot. The remaining 12.50 acres will be subdivided into a 6.06 acre lot and 6.42 acre lot.

The property proposed for the division is zoned Rural Residential and per City Code, Appendix A, Zoning, Section 42, the minimum lot size for any division is 2 acres with a minimum lot width of 200 feet at the public right of way and 23,000 square feet of buildable area.

To be eligible for using metes and bounds divisions as outlined in Appendix A, Zoning, Section 12-2, the following conditions must be met:

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

Although this proposed split meets 4 out of the 5 conditions it exceeds the minimum lot requirements for the Rural Residential Zone.

Recommendation:

The Planning Commission is requested to review this petition for a metes and bounds parcel split and make a recommendation to the City Council to approve or deny the parcel split with conditions as identified in Resolution 2024-XX.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map
4. Certificate of Survey

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-XX

**APPROVING THE METES AND BOUNDS SPLIT FOR THE ADMINISTRATIVE
SUBDIVISION OF THE PROPERTY LOCATED AT 22645 BAATAN ST NE,
EAST BETHEL, PIN 03-33-23-24-0001, LEGALLY DESCRIBED AS:**

**THE N1/2 OF SE1/4 OF NW1/4 OF SEC 3 TWP 33 RGE 23, EX RD, SUBJ TO EASE OF
REC**

WHEREAS, the property owners requested approval of an administrative subdivision, Metes and Bounds Split, of PIN: 03-33-23-24-0001, a 20 acre parcel, to create three (3) parcels, as show in EXHITIB A; and

WHEREAS, the property is zoned a Rural Residential (RR) District in which lots are required to be a minimum of 2 acres in size; and

WHEREAS, City Staff reviewed the request and recommends the City Council approve the administrative subdivision, Metes and Bounds split; and

WHEREAS, as a result of the review, the East Bethel Review Committee supports the administrative subdivision, Metes and Bounds split; and

WHEREAS, the City Council has determined the administrative subdivision, Metes and Bounds split, does not affect the health, safety and welfare of the City of East Bethel; and

WHEREAS, the administrative subdivision, Metes and Bounds split, is in alignment with RR Zone – Land Use and the 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the administrative subdivision, Metes and Bounds split, to create three (3) parcels, with the following conditions:

1. The property owners are responsible for filing the Metes and Bounds subdivision with Anoka County Property and Tax Division.
2. The administrative subdivision, Metes and Bounds split, is approved as shown on Exhibit A.
3. Building permits are required prior to any construction on newly created parcels.

Adopted this 9th day of September, 2024 by the City Council of the City of East Bethel.

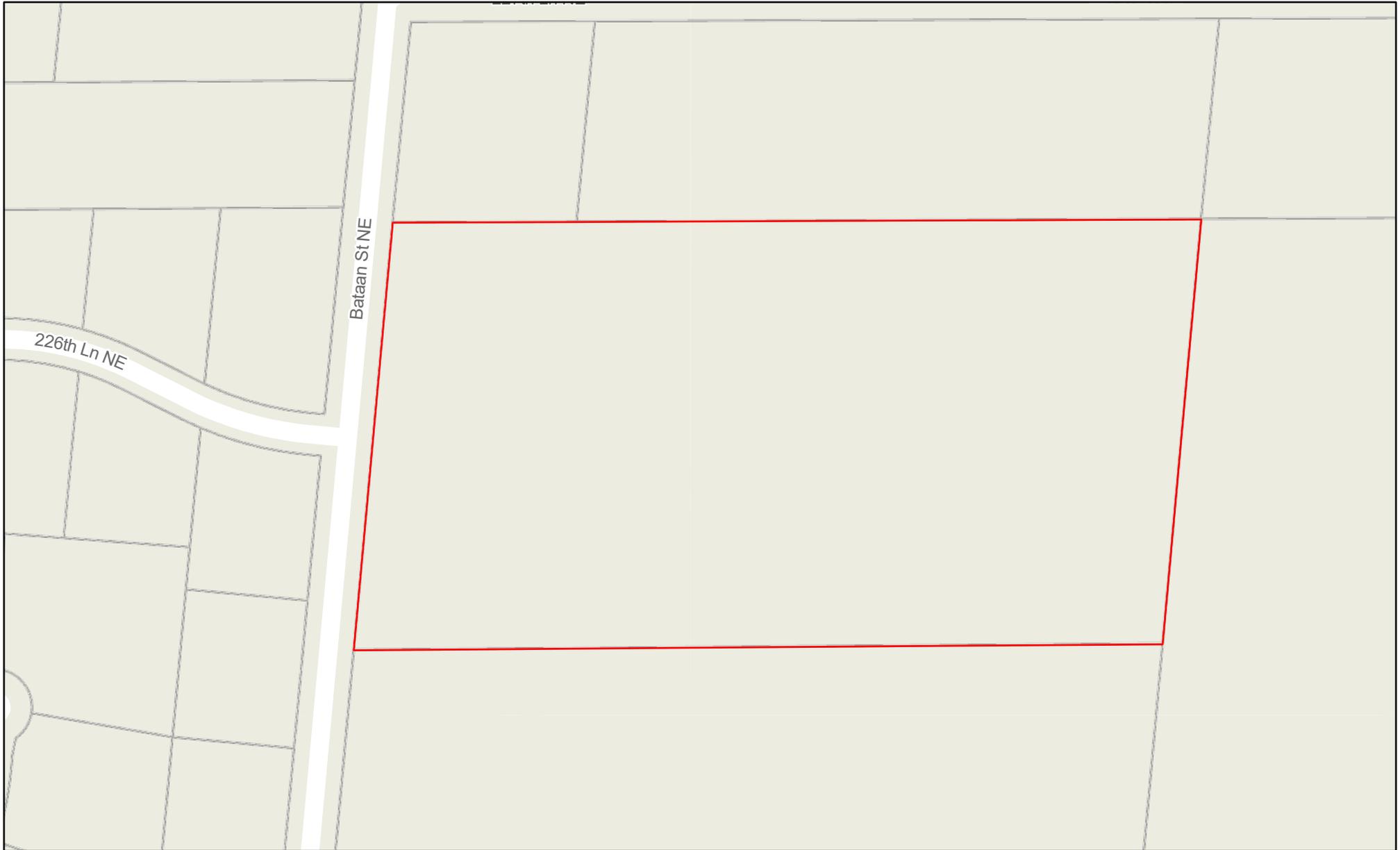
CITY OF EAST BETHEL

ATTEST:

Kevin Lewis, Mayor

Matt Look, City Administrator

22645 Bataan St NE - Location Map



1 inch equals 298 feet



-  Parcels
-  City Mask

22645 Bataan St NE - Aerial Map



1 inch equals 226 feet



-  Parcels
-  City Mask

METES AND BOUNDS DIVISION

~for~ NICHOLE SHERK
 ~of~ 22645 BATAAN STREET NE
 EAST BETHEL, MN

EXISTING LEGAL DESCRIPTION

(PER DOCUMENT NO. 2381876.001)

The North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS

PARCEL A:

The North 200.00 feet of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota.

PARCEL B:

The South 260.00 feet of the North 460.00 feet of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota.

PARCEL C:

That part of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota, which lies South of the North 460.00 feet thereof.

PROPOSED EASEMENT DESCRIPTIONS

PARCEL A:

A perpetual easement for drainage and utility purposes over, under, and across the northerly 10 feet, southerly 10 feet, easterly 10 feet, and westerly 50 feet of the following described parcel:

The North 200.00 feet of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota.

PARCEL B:

A perpetual easement for drainage and utility purposes over, under, and across the northerly 10 feet, southerly 10 feet, easterly 10 feet, and westerly 50 feet of the following described parcel:

The South 260.00 feet of the North 460.00 feet of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota.

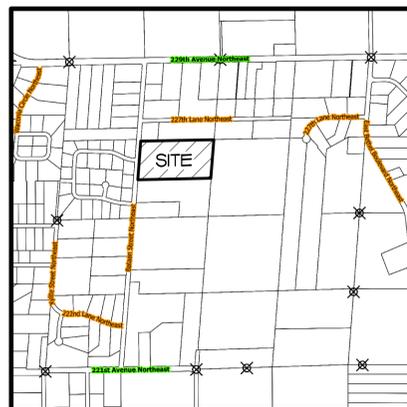
PARCEL C:

A perpetual easement for drainage and utility purposes over, under, and across the northerly 10 feet, southerly 10 feet, easterly 10 feet, and westerly 50 feet of the following described parcel:

That part of the North Half of the Southeast Quarter of the Northwest Quarter (N 1/2 of SE 1/4 of NW 1/4) of Section 3, Township 33, Range 23, Anoka County, Minnesota, which lies South of the North 460.00 feet thereof.

VICINITY MAP

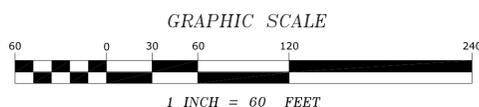
PART OF SEC. 03, TWP. 33, RNG. 23



ANOKA COUNTY, MINNESOTA
(NO SCALE)

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

NORTH

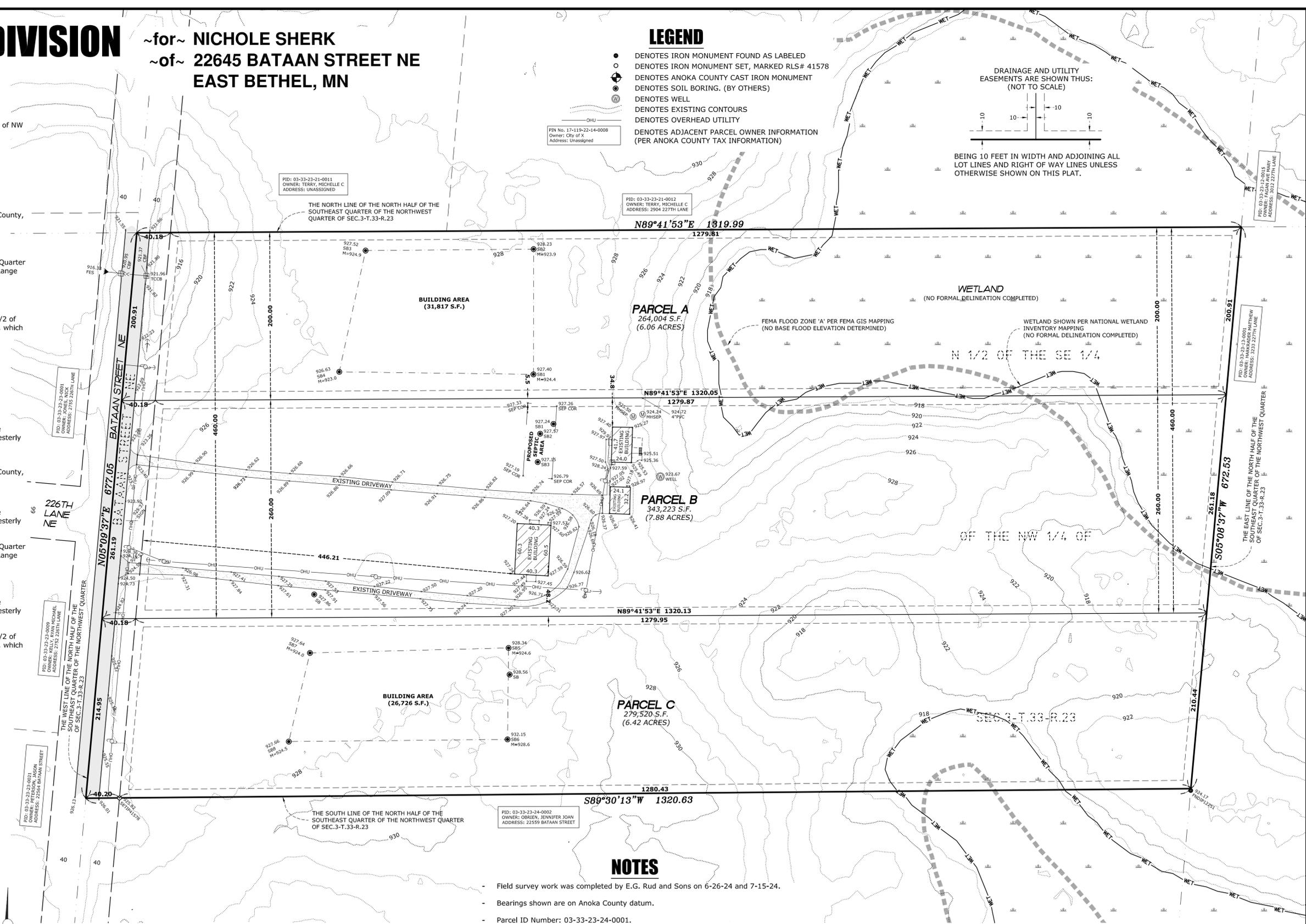


LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊙ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ⊙ DENOTES SOIL BORING. (BY OTHERS)
- ⊙ DENOTES WELL
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ANOKA COUNTY TAX INFORMATION)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS: (NOT TO SCALE)

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



NOTES

- Field survey work was completed by E.G. Rud and Sons on 6-26-24 and 7-15-24.
- Bearings shown are on Anoka County datum.
- Parcel ID Number: 03-33-23-24-0001.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Existing contours are shown per a combination of field survey data gathered by E.G. Rud and Sons, and LIDAR DEM data as provided by mndnr.
- 4. Surveyed premises shown on this survey map are in Flood Zone A, and Flood Zone X according to Flood Insurance Rate Map Community No. 270012 Panel No. 0089 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015.

BENCHMARK

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

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

JASON E. RUD
 Date: 7/17/2024 License No. 41578

DRAWN BY: CMB	JOB NO: 240676BT	DATE: 06/18/24
CHECK BY: JER	FIELD CREW: BH / BJ	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY