

EAST BETHEL PLANNING COMMISSION

November 27, 2018

MEMBERS PRESENT: Chair Glenn Terry, Lorraine Bonin, Tanner Balfany, Lou Cornicelli, Wanda McLaurin, Sherry Allenspach

ABSENT: Sharon Johnson

ALSO PRESENT: Colleen Winter, Community Development Director

1. Call to Order Chair Terry called meeting to order at 7:00 pm.

2. Adopt Agenda **Chair Terry moved and Mr. Balfany seconded to adopt the agenda as presented. Motion carried.**

3. Approval of Minutes **Ms. McLaurin moved and Ms. Bonin seconded to adopt the October 23, 2018 regular meeting minutes as written. Motion carried.**

4. Variance Public Hearing Background Information:
Location: Fee Owner/Applicant:
1950 209th Ave NE Lorraine Bonin/Troy Eberhardt
East Bethel, MN 55011
PIN 16-33-23-31-0001
Zoning – R1

Ms. Bonin excused herself and stepped down for this Commission meeting item.

At the last regular Planning Commission meeting on October 23, 2018, the Planning Commission recommended approval of an Administrative lot split for Ms. Lorraine Bonin and Mr. Troy Eberhardt and that recommendation was forwarded to the City Council for their approval at the regular Nov. 7, 2018. The City Council has sent it back to the Planning Commission and requested that the owner/applicant submit a variance application to address the road frontage being less than 300 feet for the new lot. Ms. Bonin and Mr. Eberhardt are requesting a Simple lot split, which allows the division of a lot where there is an existing home on a metes and bounds described property and no new public roads are required. The newly created lot will have 200 feet of frontage, not 300 feet of frontage on the right of way, which is required in the R1 district. However a portion of the newly created lot is on a cul-de-sac and typical frontage on cul-de-sacs is 80 feet.

Variance findings of fact:

Reasonableness – Ms. Bonin/Mr. Eberhardt are proposing to use their property in a reasonable manner. The proposed Administrative lot split meets all other requirements of the R1 district except for road frontage. The new lot is partially on a cul-de-sac and the lot width at the road frontage is still more than the other two lots that are on the same cul-de-sac.

Uniqueness – The proposed lot split includes roadway frontage on an existing cul-de-sac.

Essential character – The proposed request does not alter the essential character of the neighborhood. The lot that will be created is 10 acres in size and is larger than most other lots in the neighborhood and the property will not be subdivided

any further.

Chair Terry opened the public hearing at 7:04 pm.

Shawn Thompson, 1927 209th Ave, East Bethel, had Cheryl Holmberg, 2621 Wexford Ct., New Brighton speak on his behalf. There has been confusion on lot sizing; Anoka County has the land recorded as 11.2 acres from 1989 to present, and East Bethel has the size recorded as 20.6 acres. Per the City of East Bethel accessor, the new GIS changed the total acres from 11.2 to 20.6, thus the discrepancy between East Bethel and Anoka County. Ms. Holmberg stated a major portion of the 20.6 acres is water and marsh with cattails which is unusable land which no one owns and is most likely part of the Sand Hill Crane Nature area. The head county accessor for Anoka County said the actual land acreage has been recalculated to 17.1 acres for tax purposes only and that an official survey would need to be done to determine the actual size of the land. He believes the GIS is misleading as it calculates the water areas. The recalculation was done manually using the legal description of the property. Ms. Holmberg asked how this land can be divided into two 10-acre lots when the property is less than 20 acres. She also asked what the hardship is for requesting this variance. Mr. Thompson believes Ms. Bonin will benefit from the Administrative Split and that there is no hardship to support a variance. Reasonableness – This is not reasonable due to inadequate usable land. Uniqueness – Uniqueness is due to a cul-de-sac. Because a usable road easement cannot be created this lot would not meet East Bethel code. To date, no variances have been given for cul-de-sac variances due to inadequate road footage. Alteration of the neighborhood character – Yes, the land abuts the Sand Hill Crane Nature area and is distracting to the area.

Mr. Cornicelli asked since when does having cattails not qualify as someone's land. No one owns navigable water, however, wetlands, small ponds, land with cattails can be privately owned.

Chair Terry noted another point of clarification in that the hardship criteria has been changed to reasonableness, so a hardship no longer must be proven. The State of Minnesota made that law change years ago; it changed from hardship to practical difficulties.

From the audience, Ms. Bonin stated any quotation that she supposedly said is false. Another audience member also spoke. Chair Terry reminded all members and attendees that this is a public hearing and that only one person is to speak at a time at a microphone and that all will get the opportunity to be heard.

David Hunt, 1930 209th Ave NE, Cedar. Mr. Hunt owns land next to Ms. Bonin. Four years ago, before purchasing his property, his realtor contacted the City of East Bethel and was told that the land could not be split due to the lack of road frontage; 600' would be needed to do a split. Many of the properties considered to be part of Ms. Bonin's neighborhood are part of the Sand Hill Crane Preserve neighborhood and that is why those are such large lots. Mr. Hunt showed a map of the different property sizes in the two different neighborhoods. He said there

are no other 10-acre lots in East Bethel that have 60' of road frontage. Ms. Bonin's disputed quote was from when the Sand Hill Crane Preserve was going to cut down trees, he had the publication on hand which included her quote. Mr. Hunt's issue with the lot being split is because it's on a preserve. Mr. Hunt was corrected that the property is adjacent to the preserve, not on the preserve. East Bethel's current variance application notes "hardship", thus the requests for proof of hardship. Mr. Hunt said Ms. Winter spoke with City Council and tried to say there was an existing easement through the property. The property address of 1947 209th has an easement, Ms. Bonin's property does not; the "shown" easement for Ms. Bonin's property goes through two buildings. Why weren't more questions asked at the last meeting regarding Ms. Bonin's property easement?

Chair Terry reminded audience members that audience questions raised during a public hearing are answered after the public hearing is closed.

Lorraine Bonin, 1950 209th Ave NE, East Bethel stated that after Mr. Hunt moved onto his property, he moved the survey stake and put a PVC pipe about 200-300' on to her property. Law enforcement directed Mr. Hunt to move the survey stake back to its original spot. She noted Mr. Hunt has offered to purchase a section of her property to avoid having neighbors by him.

Chair Terry closed the public hearing at 7:23 pm.

Ms. Winter addressed concerns voiced during the public hearing. She clarified that she has never told anyone that this item was a done deal; a process needs to be followed before approval by City Council. Her conversation with Cheryl Holmberg was about the process for a variance. She clarified that it was practical difficulties (not hardship) that needs to be provided and if all three qualifications were met under the variance category it more than likely would be something considered as a strong possibility. At no time has she told anyone that it is a done deal. When she talked with Mr. Hunt a couple months ago, she explained to him that Ms. Bonin was well within her rights to request to split her property. Regarding the land itself, wetlands are considered part of someone's property. 23,000 sq. ft. of buildable area is required to put a house in that area; soil borings were done to show this property has enough buildable sq. ft. Ms. Winter reiterated the law wording change from hardship to practical difficulties. The reason for the administrative lot split is to determine the true property boundaries. By doing this it was determined there was over 20-acres making two 10-acre lots possible. Searches were done on documents and it was found that there is a road right-of-way easement in that area, which can be counted as part of the frontage. The existing buildings on Ms. Bonin's property have been there a very long time. The City could consider granting a license agreement to Ms. Bonin to keep those buildings until such time a road is installed, then the buildings would have to be removed.

Chair Terry stated that in his 20 years of being on the Planning and Zoning Commission he has never known city staff to change information to create a lot

split or influence any other issue that has come before this commission. Staff is there to assist residents and businesses; they do not do things underhanded to push someone else’s agenda.

Mr. Cornicelli clarified that the application form will be revised to contain property wording. Ms. Winter said yes.

Someone from the audience was speaking. Chair Terry reiterated the public hearing was closed and he did not see a reason to reopen it.

Ms. McLaurin said this variance was not for a lot split, but for road frontage. It was noted that the lot split was already recommended to City Council for approval and that this public hearing is for a variance.

Chair Terry moved and Mr. McLaurin seconded to recommend to City Council approval of the Variance request for Lorraine Bonin (owner) and Troy Eberhardt (applicant) to create a lot that has 200 feet of frontage on an existing road in an area zoned R1 (Single Family) Residential. The Lot split will occur off 1950 209th Ave NE and PID PIN 16-33-23-31-0001. Motion carried.

This item will go before City Council on December 5, 2018.

Ms. Bonin resumed her seat on the Planning and Zoning Commission.

5. Site Plan

Background Information:

Property Information

Owners: Classic Holdings North LLC
2221 Fawn Lake Dr NE
Bethel MN 55005

Property Address:
18530 Ulysses St NE,
East Bethel MN 55011

Zoning: Light Industrial

PID: 32-33-23-24-0007

Legal Description:

Lot 6, Block 1, Sauter Commercial Park

Curt Strandlund, Owner of Classic Construction would like to add onto his existing building located at 18530 Ulysses St NE. The addition would be on both the north and south side of the existing structure and would result in a total square footage of 6,000. The additions would be for cold storage only. Mr. Strandlund is also proposing to add additional parking on the south side of the existing parking lot. The total resulting impervious surface would not exceed 80% of lot coverage.

Lighting – LED downward facing lighting on the building addition and ambient lighting as proposed for the site and there will be minimal impact beyond the boundaries of the site.

Parking – The parking lot will be expanded by 2,622 square feet and will meet the City standards for parking

Storm sewer management – Can be handled by the existing storm water runoff

management that currently exists on the site.

Architectural standards – The proposed additions will be located on the back of the existing building and inside a fenced in area. Building materials will match existing structure.

Mr. Balfany moved and Ms. Allenspach seconded to recommend approval of the Site Plan as presented for 18530 Ulysses St NE, East Bethel MN 55011, Zoning Light Industrial, Subject to the following Condition:

- 1. All applicable building and fire codes**
 - 2. Enter into a Site Plan agreement with the City**
- Motion carried.**

This item will go before City Council on December 5, 2018.

6. City Council Report

City Council liaison Tom Ronning reported the following:

- FYI - There was road frontage discussion on the metes and bounds request on Skylark Drive. There is an easement maintenance agreement dated 4/7/93 regarding those five lots. There is no intent for any upcoming road installation. This lot split was approved by City Council.
- The City Administrator explained the easement for 189th to a public audience.

7. Other Business

Ms. Winter reported the following:

- City staff met with Met Council on the city’s Comprehensive Plan and received eight pages of comments on the Plan. It was a very productive meeting. Met Council plans to use East Bethel’s Plan as an example for future growth areas and growth along Hwy 65. There was discussion on Coon Lake being taken out of the urban service area. Ms. Winter is not sure what the result will be on this in the Comprehensive Plan as it is a regional item not an East Bethel item. There will be some revisions on technical numbers. The plan is to get the Comprehensive Plan submitted yet this year, however, an extension may need to be requested. After approval of the Plan, implementation will be the next big step in 2019.
- A zoning administrator/code enforcement person has been hired. Start date will be 12/10/18. The commission will be introduced to her next month.

For point of clarification to the public, Mr. Balfany stated he believes the purpose of the commission is to work within the City’s perimeters and guidelines. It is the commissioners’ job to enforce those perimeters and give recommendation to City Council for a final decision. Sometimes the Council relies on the commission to make secondary recommendations, such as the case with Ms. Bonin’s lot split needing a variance. State legislation supersedes any incorrect language printed on applications, it also prevents setting a precedence for variances. Mr. Cornicelli agreed that this commission works hard to not set precedence for variances. Ms. Bonin’s property is on a modified cul-de-sac had it been on a regular cul-de-sac this would not have come before the commission.

Mr. Balfany further stated that the purpose of public hearings is for the

commissioners to hear public input and to then consider and discuss that input after the public hearing. Questions are usually not addressed during a public hearing but after. Commissions are recommending bodies, not decision making.

Mr. Ronning said there are checks and balances in the system to prevent personal bias from affecting recommendations. Mr. Cornicelli agreed, hearing tonight's audience members comments that the commission is going to do what it wants to do is incorrect. Being a commissioner doesn't exempt one from being a resident and having the same rights to ask for lot splits, variances, IUPs, etc.

10. Adjourn **Ms. McLaurin moved and Mr. Balfany seconded to adjourn at 7:50 pm.
Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary
Submitted 12/7/18