

EAST BETHEL PLANNING COMMISSION

January 22, 2019

MEMBERS PRESENT: Chair Glenn Terry, Lorraine Bonin, Tanner Balfany, Sharon Johnson, Wanda McLaurin, Lou Cornicelli

ABSENT: Sherry Allenspach

ALSO PRESENT: Colleen Winter, Community Development Director
Erin McDermott, Zoning Administrator

1. Call to Order Chair Terry called meeting to order at 7:00 pm.
2. Adopt Agenda **Chair Terry moved and Commissioner Balfany seconded to adopt the agenda as presented. Motion carried.**
3. Introduction of Zoning Administrator Ms. Winter introduced Zoning Administrator Ms. Erin McDermott to the commissioners.
4. Recognition of Lorraine Bonin's Service Chair Terry presented Commissioner Bonin with a bouquet of flowers and a plaque for her 37 years of dedicated service. A small reception will be held after the meeting.
5. Election of Chairperson and Acting Chairperson Background Information:
As in the past, the Planning Commission is to elect a Chairperson and Acting Chairperson who fills in when the Chairperson is unavailable. The appointments will be for a period on one year and current members are eligible to serve in the capacity of Chairperson and Acting Chairperson. Commissioner Tanner Balfany is the current Acting Chairperson and is willing to serve as the Chairperson. Staff recommends the new Chairperson begin their official duties starting with the regular February Planning Commission meeting.
Chair Terry moved and Commissioner Johnson seconded to recommend Tanner Balfany as Chairperson. Motion carried.
Commissioner Balfany moved and Chair Terry seconded to recommend Sharon Johnson as Acting Chairperson. Motion carried.
6. Approval of Minutes **Commissioner McLaurin moved and Commissioner Balfany seconded to adopt the December 18, 2018 regular meeting minutes as written. Motion carried.**
7. Position Interviews for Planning Commission Vacancy The Planning Commission has one opening on the Board; two existing members Lou Cornicelli and Sharon Johnson were reappointed for three-year terms. The City posted the position and received three applications. The Planning Commission interviewed three interested parties in alphabetical order – Bob DeRoche, Tom Eich and Jim Smith. The interview questions were the same for all applicants.

8. Home Occupation IUP / Public Hearing
Property Owner: Luke Rundle (dba Tim's Touch Detailing)
Address: 1826 183rd Ave NE, East Bethel, MN
PIN: 33-33-23-33-0003
Zoning: R-1 Residential

Background Information:

Mr. Rundle, dba Tim's Touch Detailing has been in business since 1999 was started by Luke's father Tim Rundle. The business specializes in the detailing of automobile exteriors, in which scratches are buffed out of cars. They do not repair cars or do any other body work. The business clients are car dealerships, not the general public. Mr. Rundle operated out of Coon Rapids Chrysler until November 2016 when he had to move due to an expansion of the dealership. It was at that time that Mr. Rundle started operating the business out of a detached accessory structure at 1826 183rd Ave NE. The city has received numerous complaints regarding vehicles parking in the cul-de-sac and the amount of traffic generated by the business. It is noted that in addition to Mr. Rundle's business operation, there is another commercial business located on that same cul-de-sac that contributes to the traffic on that street. Mr. Rundle has been working with City staff and since meeting with him, he no longer parks any vehicles in the cul-de-sac and his employees park in the driveway with all detailing of vehicles completed inside a fenced in area. Mr. Rundle has six employees including himself. Mr. Rundle has been actively looking for a different site to locate the business and the city is working with him to find an area that is properly zoned for his business. He does not meet the criteria under the Home Occupation requirements for number of employees and there is additional traffic that is generated by his business.

Ms. Winter reiterated that staff has received complaints about increased traffic and excess speeds on 183rd Avenue NE and that another business, Arko Exteriors, Inc., is located next door to this business.

Chair Terry opened the public hearing at 7:25 pm.

Nick Rundle, 1826 183rd Ave NE, East Bethel spoke on behalf of his mother, Michelle Rundle. He read a letter written by Michelle Rundle to her neighbors. He apologized to neighbors in the audience who have been affected by the business being located on the property and reassured everyone that the business is working with city staff to find a new location for the business.

Gina Fields, 1860 183rd Ave NE, East Bethel voiced concerns for the safety of her children with the increase traffic. Her children catch a bus for school when it is still dark out and she worries that the drivers may not be aware of her children waiting for the bus. She would like the business to move to a different location.

Stacy Voelker, 1938 183rd Ave NE, East Bethel lives on a neighboring cul-de-

sac. She has been impacted by the increased traffic at the intersection of 183rd Ave NE and Jenkins and has safety concerns.

Catherine Lancrain, 1863 163rd Ave NE, East Bethel said the Rundles are very respectful of their neighbors and believes more traffic is generated by the other business located next door. She had more concerns about people in vehicles watching the property Ms. Lancrain supports the IUP.

Chair Terry closed the public hearing at 7:40 pm.

Ms. Winter wanted to reassure Ms. Lancrain and audience members that city staff drive city vehicles when checking on properties and that city compliance checks are complaint driven.

Commissioner Cornicelli asked if the commission has previously recommended approval for an IUP for a business moving into a residential area after losing its commercial site. If the recommendation is to approve, will it be setting a precedent for other businesses in the same situation? Ms. Winter would recommend only granting an IUP on a temporary basis and having it expire no later than nine months from the date of City Council approval. Commissioner Cornicelli asked if approved, will this be coupled to the neighboring business if it comes before the Commission asking for a similar IUP. Ms. Winter said yes it would.

Ms. Winter stated staff is working with the neighboring business also. It is in the best interest of any small business to meet with city staff to be sure the business is following code; this statement is posted on the city website and is in the city newsletter. City staff will work with any business that has outgrown its current location to help them relocate so the business can continue to grow.

It was asked if the neighboring business is the same situation – relocating and then outgrowing its residential location? Ms. Winter said she believes this is basically the same situation with both businesses. Commissioner Balfany said he thought the neighboring business previously had a storefront off Hwy 65; Commissioner Johnson said she believed it did. Ms. Winter did not believe so, but she did not know for sure. Commissioner Balfany noted this because of the possible precedent that may be set by tonight's recommendation.

Commissioner McLaurin asked for clarification of who resides at the residence. Nick Rundle lives there with his mother Michelle who owns 100% of the business. Luke Rundle lives in Zimmerman but runs the business. Mr. L. Rundle explained how the business came to be located at his mother's residence.

Commissioner Balfany asked if there was a back-up plan if the IUP was not granted. Mr. L. Rundle said the business is already approved for a 504 Small Business Loan so the business will build new, if a suitable existing relocation site is not found. His preference is to keep the business in East Bethel. After

talking with Ms. Winter, Mr. L. Rundle's understanding is that if he builds and the building is not completed within nine months, there is the option of requesting an extension to the IUP. Mr. L. Rundle is working with a realtor to locate a suitable property.

Chair Terry asked if tonight's recommendation locks the Commission in on the recommendation for the next business. Ms. Winter said she did not know if it would lock the Commission in, however, the Commission should be consistent with future recommendations if the circumstances are similar. By granting an IUP it allows for conditions to be set for the term of the permit, where giving a notice to vacate does not have conditions attached.

Mr. L. Rundle explained that unless an employee is driving their own vehicle to and from work, the vehicles driven are dealership owned, no commercial vehicles are driven. He has personally told his employees to respect the speed limits and to be aware of children in the neighborhood. Employees have been instructed to treat the children as their own.

Business hours are M-TH 8-6 and F 8-2.

Chair Terry reminded those in attendance that the Planning Commission is a recommending board to City Council and that City Council makes the final decision on whether to approve or deny IUP requests.

Commissioner Johnson moved and Commissioner McLaurin seconded to recommend to City Council approval of the temporary IUP to Luke Rundle (dba Tim's Touch Detailing) located at 1826 183rd Ave NE, East Bethel MN 55011, PIN 33-33-23-33-0003, Zoning R-1 Residential, subject to the following conditions:

East Bethel's Home Occupation Ordinance

- 1. No more than three (3) persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site. [City will waive this requirement for the length of the Temporary IUP and allow Mr. Rundle to have five (5) employees and himself working at the business.]**
- 2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence. [City acknowledges that additional traffic and parking has been generated by this business and City staff will work with Mr. Rundle to keep all vehicles parked on the driveway or yard at 1826 183rd Ave NE and not allow any parking on the cul-de-sac.]**
- 3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance. [There will be no signs at this location.]**
- 4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste**

generation is required.

5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance. [No parking shall be allowed on the cul-de-sac.]

7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.

8. Parking needs generated by the home occupation shall be provided on site.

9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.

10. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation. [This business does generate additional traffic. Employees shall obey all traffic rules and keep their speeds to the posted speed limit of 30 mph in the residential neighborhood.]

11. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

12. Applicant is required to follow all local building and fire codes.

13. This IUP is non-renewable

14. This IUP is granted on a temporary basis, expiring no later than nine (9) months from the approval by City Council.

Motion carried.

This item will go before City Council 2/11/19. Chair Terry reminded audience members that it will not be a public hearing at the Council meeting, however, there is an open forum 15 minutes prior to the start of the meeting.

9. Home
Occupation IUP /
Public Hearing

Property Owner: Brent Halstensen (dba Blackbeard Construction)
Address: 2859 200th Ave NE, East Bethel, MN
PIN: 22-33-23-31-0013
Zoning: Rural Residential (RR)

Background Information:

Mr. Halstensen, dba/ Blackbeard Construction has been in business for about two and a half years. Blackbeard Construction does sub-contracting construction work in East Bethel and the surrounding areas. The construction and service work take place at the construction site with most of the materials are sent

directly on site. Mr. Halstensen parks his work vehicle and branded trailer in a detached garage that he built on his property, and has no exterior storage, as his business is contained within the accessory structure. He does not have any employees. Mr. Halstensen put in a third driveway for easy access to his detached accessory structure. Mr. Halstensen has been informed by City staff that the third driveway will need to be removed. Mr. Halstensen will need to make modifications to his existing driveway to allow for the backing up and driving of the trailer onto his property.

Ms. Winter noted that Mr. Halstensen's branded truck and trailer were parked outside today, the original driveway does not need to be widened, however, a flared apron will be required, and this would be a one-year term IUP.

Chair Terry opened the public hearing at 8:06 pm.

Chair Terry read a letter from neighbor Cheryl Pietrini, 2784 200th Ave NE stating Mr. Halstensen is an excellent neighbor that is always willing to help her. She wrote Mr. Halstensen's business does not had any negative impact on her property nor her comings and goings. She has no problem with the business continuing in its current location.

Steve Iacono, 20025 Edison St. NE, East Bethel lives straight north of the new driveway. Damage occurs to his property from trucks with trailers pulling into and out of the driveway. He takes pride in the appearance of his property and does not appreciate the damage that is done He does not want the business in his residential neighborhood. His concern is that the business will grow and expand. Mr. Iacono did say that he has helped Spanish workers back the business trailer onto Brent's property in order to avoid damage to his property. Having done cement work in the past, he believes a flared apron will be a solution to this problem.

Melanie Halstensen, 2859 200th Ave NE, East Bethel clarified that it is sub-contractors that normally pick up and return the business trailer on weekends.

Craig Harrison, 2823 200th Ave NE, East Bethel claimed Mr. Halstensen has more than one trailer and that Mr. Halstensen has other vehicles and pick-ups that would park on the street all the time through the night, he knows this because he leaves at 5:00 am and sees big enclosed trailers with no pick-ups hooked up to them sitting on the road. He moved there for a residential place and now believes it is turning into a construction zone. People have come to his house in the middle of the night asking for tools. He sees employees all the time, maybe undocumented employees, but he doesn't know whose employees they are but he sees them all the time. Probably every other day Mr. Halstensen drives over the speed limit when driving his truck and trailer. It is not a weekend gig, it's all the time. Mr. Harrison questioned how many structures can be on a lot. Ms. Winter said the property has two structures. Mr. Harrison pointed out on the map that the property also has a chicken shed and soft-sided garage and that

the lot line between their properties is lined with junk all the time.

Joel Aaberg, 20002 Edison St. NE, East Bethel has not noticed disruptions to the neighborhood and has no objections to having the business there. Both Brent and Melanie are courteous and helpful neighbors.

Craig Harrison believes those in support of Brent would feel different if they had crap on their lot line.

Kate Hanson, 19999 Edison St. NE, East Bethel asked how many businesses can be in a neighborhood; her concern is more businesses will move in.

Brent Halstensen, 2859 200th Ave NE, East Bethel said he works full-time for the railroad and that this is a part-time job with a construction partner. He noted that the second driveway was on the property before he built the storage garage.

Chair Terry closed the public hearing at 8:20 pm.

Chair Terry addressed Ms. Hanson's question regarding number of businesses located in a residential area. There are guidelines that must be met for home occupations, so if the guidelines are met there is no limit. Ms. Winter added that the reason for an IUP application process is to find out if the business qualifies for an IUP before any further steps are taken. With construction it is a little more difficult with exterior storage being a concern. That is why it is recommended that IUPs be considered for one year only.

Chair Terry said on paper this application looked like a good fit because work is being done off-site and that is why it's important to get neighbor input.

Commissioner McLaurin asked what Mr. Halstensen's intentions are for the future. Mr. Halstensen replied he plans to continue to work for the railroad and not to expand the business; this is a means to have money to pay for his toys and hobbies.

Hearing comments from the audience, Chair Terry reminded audience members that the public hearing had been closed.

Chair Terry stated this is a situation with two neighbors expressing no concerns or negative effects and other neighbors expressing concerns. An IUP will be beneficial in that there will be defined conditions that will need to be met and adhered to for the IUP to be renewed in the future.

It was confirmed that Item #13. "*Applicant is required to flare the base of the driveway to allow for ingress and egress without entering the public right-of-way with his equipment.*" addresses the need for a flared apron. Mr. Iacono stated that if the need for a flared apron is addressed in the conditions, he is good with it and he believes it should take care of the damage to his property

problem. Commissioner Balfany asked if Mr. Iacono has seen trailers parked on the cul-de-sac and he said yes when he has driven to the cul-de-sac, but he does not see it from his house.

Commissioner McLaurin reiterated that on paper this application seemed to fit the guidelines, but it seems there are issues with parking on the road at night and that the business may grow. Commissioner Balfany struggled with condition #2 *“No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.”* being met. Chair Terry suggested that the language be very clear in the conditions on what is allowed and not allowed if this is recommended for approval. Ms. Winter respectfully requested the Commissioners give specific guidance to staff if additional language/conditions are to be added.

City Code reads five (5) vehicles parked outside of a structure. Staff understanding is that Mr. Halstensen has two trailers and a truck, so it is new information tonight that he owns more. When pictures have been taken only one trailer and truck have been seen. When asked what vehicles sit out, Mr. Halstensen said two trailers. Commissioner McLaurin added that Mr. Halstensen also has a car, pontoon, and toy hauling trailer.

Mr. Halstensen was asked about vehicles being parked on the road overnight. Mr. Halstensen said he has asked those sub-contractors dropping off trailers to leave them on the road to avoid causing damage to Mr. Iacono’s property. It was his mistake for not moving the trailers onto his property after they were dropped off. Prior to tonight, Mr. Halstensen was unaware of Mr. Harrison’s concerns. Mr. Halstensen has no problem cleaning up the items on the lot line. Having a drive thru driveway allows him to pull the trailers in and turn them around to pull out, rather than backing out. Yes, sub-contractors do pick up and drop off the trailers.

Craig Harrison asked to speak again; his request was denied due to the fact the public hearing was closed.

Commissioner Balfany moved and Chair Terry seconded to recommend approval to City Council of the IUP with a 12 months review for Brent Halstensen (dba Blackbeard Construction) located at 2859 200th Ave NE, East Bethel MN 55011, PIN 22-33-23-31-0013, Zoning Rural Residential, subject to the following conditions with extra emphasis on condition #2 and condition #13 having a completion date of June 1, 2019:

East Bethel’s Home Occupation Ordinance

- 1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.**
- 2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.**
- 3. Any sign associated with the home occupation shall be in compliance with**

the East Bethel Sign Ordinance.

4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. Documentation from MPCA or Anoka County Environmental Services regarding hazardous waste generation is required.

5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.

7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.

8. Parking needs generated by the home occupation shall be provided on-site.

9. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.

10. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.

11. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

12. Applicant is required to follow all local building and fire codes.

13. Applicant is required to flare the base of the driveway to allow for ingress and egress without entering the public right of way with his equipment.

14. Applicant is required to remove the unpaved third access point to the City street located on the southwest property line.

15. The Interim Use Permit shall be for a period of one year.

16. The applicant may request a renewal of the IUP
Motion carried.

This item will go before City Council 2/11/19.

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| 10. Selection of Commission Member | After reviewing the closed ballots from the Commissioners, Chair Terry announced Tom Eich to be the selected Commission member. This selection recommendation will go to City Council for approval. |
| 11. Introduction of City Council Liaison and City Council Report | City Council liaison Suzanne Erkel was introduced to the commissioners. |
| 12. Other Business | Ms. Winter showed various graphs of: <ul style="list-style-type: none">• Yearly comparisons of permits issued |

- Total permits issued for East Bethel
- New building permits
- East Bethel plans reviews
- Inspections completed
- Total valuation of projects
- Total permit fees collected – This graph shows a spike in 2018 because it includes sewer and water fees which need to be removed. However, even with the removal of these fees, the 2018 number increased from 2017. Cambia Hills fees are not included in this graph, because the fees go directly to the State.

Ms. Winter thanked the staff for the work they have done.

13. Adjourn **Chair Terry moved and Commissioner Balfany seconded to adjourn at 8:44 pm. Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary

Submitted 1/27/18