

EAST BETHEL PLANNING COMMISSION  
April 23, 2019

MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Wanda McLaurin,  
Sherry Allenspach, Tom Eich

ABSENT: Lou Cornicelli

ALSO PRESENT: Colleen Winter, Community Development Director  
Erin McDermott, Zoning Administrator  
Suzanne Erkel, City Council Liaison

1. Call to Order      Chair Balfany called the meeting to order at 7:00 pm.
  
2. Adopt Agenda      **Commissioner Terry moved and Commissioner Allenspach seconded to adopt the agenda as presented. Motion carried.**
  
3. Approval of Minutes      **Commissioner McLaurin moved and Commissioner Johnson seconded to adopt the March 26, 2019 regular meeting minutes as written. Motion carried.**
  
4. Lowest Elevation Ordinance Public Hearing      Background Information:  
City Council discussed making changes to sections of Appendix A, Zoning code at previous meetings including February 4, 2019, a City Council work meeting. Over the next several months, the City Council has requested that the Planning Commission look at changing ordinances contained within the zoning code and other sections of City code where needed. One of the changes that was discussed at the regular February 26, 2019 Planning meeting was changing Section 13 to clarify minimum lowest floor elevation. The proposed changes would also clarify design criteria for structures constructed on mottled soil, as the current wording has caused some confusion.  
  
Ms. Winter read the revisions to the newest draft of the ordinance.  
  
Chair Balfany opened the public hearing at 7:03 pm. Having no one come forward to speak the public hearing was closed at 7:03 pm.  
  
**Commissioner Terry moved and Commissioner Johnson seconded to recommend to City Council the approval of Section 13, Appendix A, Zoning Ordinance related to General Building Standards. Motion carried.**
  
5. Home Occupation Ordinance Public Hearing      Background Information:  
The Planning Commission discussed proposed changes to the Home Occupation ordinance at the February 26, 2019 meeting. The proposed changes are intended to clarify the present ordinance and provide a way to deal with three separate home occupation levels. It was determined that not all Home Occupations are the same and those that for example are simply a home office can go through an Administrative process. Whereas those that may have one or two employees and are operating out of a detached accessory structure fit under the Interim Use Permit or Limited Interim Use Permit Home Occupation. Commissioners were provided the proposed changes to the Home Occupation ordinance.

Ms. Winter reviewed the proposed revisions to Appendix A, Zoning Ordinance, Section 10-19 and the three (3) different types of home occupation permits suggested.

1. Administrative Home Occupation Permit (AHOP)

This would be the type of permit where no persons other than residents of the principal dwelling shall be engaged in the home occupation, a minimum of 400 square feet of space shall be maintained as a residential garage, and no to minimal additional traffic is generated. Examples: Small embroidery business, hair salons, real estate office, etc. These types of AHOPs would go through the Zoning Administrator or the Community Development Department and would not go before the Planning Commission unless necessary.

2. Interim Use Home Occupation Permit (IUHOP)

Added under this section: A minimum of 400 square feet of space shall be maintained as a residential garage, allowable hours of operation shall be determined by City Council, if no hours of operation are articulated in the final Interim Use Permit, the hours shall be limited to 7am-8pm, and Interim Use Permits shall be granted for a term of three (3) years unless expressly granted for another time period by the City Council (based on a recommendation by the Planning Council) in the conditions of the Interim Use Permit. These permits would come before the Planning Commission via a public hearing process and onto City Council for final approval

3. Limited Interim Use Home Occupation Permit (LIUHOP)

LIUHOPs will not be permitted for Home Occupations that do not meet a minimum of 10 of the 13 requirements listed for IUHOPs, they will not be renewable, and will be granted for a term of no more than three (3) years unless expressly granted for another time period by City Council in the conditions of the IUP, and no outdoor display or storage of goods, equipment, or materials for the Home Occupation will be permitted. Any Home Occupation that does not meet the specific requirements for an AHOP as defined in this Ordinance will require an IUP as defined in Appendix A, Section 4-9 - Conditional and Interim Uses of this Ordinance. IUHOPs or LIUHOPs shall be applied for and reviewed in accordance with the provisions as established in Appendix A, Section 4-9, B. Application. The Planning Commission and City Council may impose additional conditions on the IUHOPs and LIUHOPs as they deem necessary to protect the health, safety, general welfare and character of the residential neighborhood in which the property is located. Example: A business was working out of a detached garage. The business owner was not aware that a special business permit was required to work there. The business did not meet the criteria under a Home Occupation Permit. The business was granted the opportunity to work there for a limited time period until a different location was procured. In theory this should eliminate many construction trades types of businesses.

Ms. Winter stated there is a certain type of business the tends to generate a lot of complaints from neighbors – auto repair. She does not believe auto repair needs

to be listed as prohibited because it is implied by what is proposed in the revised ordinance. She believes now that the City employs a full-time zoning administrator and code enforcement officer staff will be better able to keep a handle on auto repair business and manufacturing types of businesses.

Chair Balfany opened the public hearing at 7:12 pm. Having no one come forward to speak the public hearing was closed at 7:12 pm.

Commissioner Terry asked for clarification to item B1 1. "The area set aside for the Home Occupation in the attached or detached accessory structures shall not exceed total accessory structure space. A minimum of 400 square feet of space shall be maintained as a residential garage." He said it makes sense if the accessory building is a garage or if no garage, one was built. But what if there is already a garage and the resident wants to build another accessory space that would also be used for residential use? Ms. McDermott said from a code enforcement standpoint if 400 sq. ft. of garage space is maintained in any building code requirements would be met. A second accessory building would be irrelevant; it is 400 sq. ft. total in one building, not per building.

Commissioner Johnson noted the double negative needs to be corrected under B2 a. "Limited Interim Use Home Occupation Permits shall ~~not~~ be permitted for Home Occupations that do ~~not~~ meet a minimum of 10 of the 13 requirements listed for Interim Use Home Occupation Permits."

Will there be a fee for the AHOP? Staff discussed this and chose not to list it in the ordinance. \$50 is being considered.

These permits are tied to the individual and/or business, they are not tied to the property.

Staff makes it known that a home occupational permit is required for small businesses, however, it also recognizes that not all business owners will apply for a permit.

The City has a list of businesses listed in East Bethel, so staff could try to identify home occupations. Sending out letters to non-permitted businesses has not yet happened. The City is not out looking for non-compliance, but rather is putting a procedure in place for permitting.

Chair Balfany approved entertaining one question from the audience and reopened the public hearing at 7:18 pm. Curt Rebelein, 19448 Isetta St NE, East Bethel asked with the addition of three different types of home occupation permits, will the type of permit change for those businesses that are already permitted. Ms. Winter said the type of permit issued will depend on the criteria that is met. She believes in Mr. Rebelein's case an IUP would apply due to the extra licensing required for his business.

Chair Balfany closed the public hearing at 7:19pm.

Commissioner McLaurin noted that it was previously discussed that if another license is required, the permit would be an IUP; this is not noted in the ordinance. Ms. Winter said staff will need to define each license type. Example: An insurance broker has different types of licenses; a hair stylist is licensed under the state. It could be argued that every business would fall under an IUP because every business needs a license to operate.

Ms. McDermott said another concern was businesses such as the home embroidery business to remain compliant must compliant testing done both by the state and federally for anything that is changed on children's clothing. In that case a public hearing would be required. This is what staff is trying to avoid and by having a home occupation questionnaire staff can establish what should go before the commissioners for a public hearing. Ms. McDermott believes it reasonable to ask about certifications in the questionnaire to establish the need for a public hearing. Doing clothing alterations is not a business she believes would need a public hearing. Commissioner McLaurin said there may be a way to define which type of permit is required based on if a federal, state, Department of Health, etc. license is required. Also, depending on the type of license, more checks and balances may be required.

Ms. Winter said this is a process and if the Commission would like to see another revision of the ordinance, staff will provide one. This does not have to be recommended tonight. Staff may have to check with legal counsel to determine if licensing requirements can or should be included.

Commissioner Eich asked what the potential \$50 administrative fee goes toward. Is it necessary? Ms. Winter said any permit is a minimum of \$50 fee. The fee goes toward staff time. The reason why Commissioner Eich asked is it is pulling another dollar out of a business' pocket to say they want to be licensed and publish as a business in East Bethel promoting business growth in East Bethel; he believes it is promoting business growth rather than having people not announce that they are working out of their house or shop. Ms. Winter said another reason they want to put the administrative fee in place is because currently it is a \$300 fee, plus another \$300 escrow charge. The idea was if someone is just starting a business, staff did not want them to have to pay the same fee as someone who runs a different type of operation. Commissioner McLaurin noted the fee may not necessarily be \$50, the amount will come out in the fee schedule when the city council approves that. The commissioners do not set nor approve the fee schedules.

Ms. McDermott requested an additional month to finalize the wording and to do more research with the city attorney and for additional types of licensing that should be addressed. Chair Balfany asked if another public hearing would be needed? Ms. Winter said no, it will be noted as a continuation for next month's meeting.

**Chair Balfany moved and Commissioner Terry seconded for a continuation of the Home Occupation Ordinance Public Hearing to the May 28, 2019 Planning Commission meeting. Motion carried.**

6. Home  
Occupation IUP  
Public Hearing

Home Occupation - Interim Use Permit  
Property Owner: Curt Rebelein Jr.  
Address: 19448 Isetta St NE, East Bethel, MN  
PIN: 25-33-23-24-0014  
Zoning: R-1 Residential

Background Information:

Mr. Rebelein, dba Six Sigma Arms, LLC has been in business since 2008, and has a 07 Federal Firearms License. 07 FFL is for the manufacture of firearms other than destructive devices. There are presently three 01 Federal Firearms Licenses operating in the City of East Bethel, which is a dealer in firearms other than destructive devices license. The three aspects of business that would be taking place at this location are 1. Basic assembly, with no machining on site, 2. Receiving shipments, the majority of business-related shipments will require an adult signature, with all shipments involving firearms requiring an adult signature. 3. Occasional in state transfers. The current license is issued to Six Sigma Arms, LLC. The new license issued will be to the applicant as a sole proprietor to guarantee that all business activities at this residence are completed by the applicant only.

Chair Balfany opened the public hearing at 7:30 pm.

Jason Perfetti, 19328 Isetta St. NE is a neighbor and is in favor of granting Mr. Rebelein an IUP for a home occupation.

Dave Kreples, ??, asked Mr. Rebelein to explain more about his business.

Mr. Rebelein explain in detail what his business is and how it came about. His business has moved away from law enforcement weapons and has expanded into hunting rifles for both adults and youth. Mr. Rebelein has a 07 FFL license issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). His business is inspected by the ATF. Mr. Rebelein does not have public hours. After he does a background check on a potential customer, he will set up an individual appointment.

Chair Balfany closed the public hearing at 7:43 pm.

Commissioner Terry asked what is meant by the “manufacturer of firearms other than destructive devices”. Mr. Rebelein’s understanding that the ATF is trying to eliminate explosives/incendiary devices and the intent is to limit the license strictly to firearms and ammunition.

Ms. Winter asked Mr. Rebelein how often he must renew his ATF license. It must be renewed every three years when he is interviewed and an inspection

process is done. Random inspections are done also. They are usually triggered by a compliance issue.

Mr. Rebelein is insured and bonded.

Ms. Winter recommended the following addition to the conditions for recommendation to City Council: Upon renewal, a current copy of Mr. Rebelein's Federal License is to be provided to the City.

**Commissioner Terry moved and Commissioner Johnson seconded to recommend to City Council the approval of an Interim Use Permit for a Home Occupation to Mr. Curt Rebelein, Jr. dba Six Sigma Arms, LLC Located at 19448 Isetta St NE, East Bethel MN 55092, PIN 25-33-23-24-0014, Zoning R-1 Residential, subject to the following conditions:**

**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 fifty percent (50%) 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. The Interim Use Permit shall only be valid as long as Applicant**

**maintains his Federal Firearms License.**

**14. The Interim Use Permit shall be for a period of three years.**

**15. The applicant may request a renewal of the IUP.**

**16. Upon renewal, a current copy of Mr. Rebelein's Federal License is to be provided to the City.**

**Motion carried.**

This will go before City Council on May 13, 2019.

7. Private Kennel  
IUP  
Public Hearing

Background Information:

Owner/Property Location:

Dianne Lutz

19615 Taylor St NE

East Bethel, MN 55011

PIN: 29-33-23-22-0009

Ms. Lutz is requesting an IUP for a private kennel license for the keeping of six (6) dogs on the 7.26 acre parcel she owns. Currently, she has one (1) American Bulldog, and two (2) Pitbulls. The dogs are kept in a fenced in area in the backyard, and the applicant is currently looking to update the fencing for the dogs. The dogs have proof of rabies vaccination and are currently licensed with the city. She would also be watching two of her son's dogs, both are vaccinated and licensed within the City of East Bethel.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

The following conditions are mandatory for the issuance of a private kennel license:

1. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
2. Dogs shall be confined to their own property by a provable means.
3. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
4. Accumulations of feces shall be located at least 200 feet from any well.
5. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
6. All dogs shall have access to indoor housing from the hours of 10:00 pm to 6:00 am.
7. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
8. Kennels shall be considered an accessory structure for setback purposes.

Chair Balfany opened the public hearing at 7:50 pm.

Ms. Lutz said she is waiting to add additional fencing until she hears the recommendation of the Commission. She does watch her son's two dogs. Her dogs are show dogs and she takes great pride in them. If her dogs are bred, it would be for a prodigy and not financial gain. They are family dogs and stay in the house at night. They are not allowed to free run. A map was available to show where the additional fencing would go.

Chair Balfany read a petition presented by neighbors in support of Ms. Lutz being approved for a private kennel license.

Chair Balfany closed the public hearing at 7:55 pm.

Commissioner Allenspach thanked Ms. Lutz for stepping up and applying for a private kennel license.

**Commissioner Allenspach moved and Commissioner McLaurin seconded to recommend to City Council the approval of an IUP/Private Kennel License for no more than six (6) dogs for Ms. Lutz, located at 19615 Taylor St NE, East Bethel, MN 55011; PIN: 29-33-23-22-0009; Zoning Rural residential subject to the following conditions:**

- 1. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.**
- 2. Applicants must comply with City Code Chapter 10, Division II, Dogs.**
- 3. Permit shall expire when: a. The property is sold, b. The IUP expires, or c. Non-compliance of IUP conditions**
- 4. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.**
- 5. The IUP shall be for a term of an initial one (1) year period at which time the applicant will be required to re-apply for an IUP.**
- 6. Property will be inspected and evaluated annually by city staff.**
- 7. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.**
- 8. Dogs shall be confined to their own property by a provable means.**
- 9. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.**
- 10. Accumulations of feces shall be located at least 200 feet from any well.**
- 11. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.**
- 12. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.**
- 13. Kennels shall be considered an accessory structure for setback purposes.**

**Motion carried.**

This will go before City Council on May 13, 2019.

8. City Council Report
- City Council Liaison Suzanne Erkel reported the following:
- Council accepted the annual audit and financial report
  - Council approved street surfacing projects for Bataan Street, Sandy Drive, and Cedar Trails East
  - St. Lutheran Church donated \$250 for the purchase of an AED
  - May 13<sup>th</sup> there will be an assessment hearing for \$534,000+ for 189<sup>th</sup> Ave.
  - Council approved application for the Municipal State Aid (MSA) for 187<sup>th</sup> Lane to Davenport and Aberdeen St. to Viking Blvd.
  - Council approved the SRWMO budget
  - Council held a property tax hearing
  - Council authorized hiring a summer office intern
  - Sherriff reported 143 calls
  - Fire Department had 57 calls
  - Council approved no parking on Cty. 24, south of Minard Lake
  - May 6 is a work meeting
  - April 24 is the Town Hall meeting

9. Other Business

No other business.

10. Adjourn

**Commissioner Allenspach moved and Commissioner McLaurin seconded to adjourn at 7:59 pm. Motion carried.**

Respectfully submitted,

Gail Gessner, Recording Secretary  
Submitted 5/9/19