

EAST BETHEL PLANNING COMMISSION MEETING
June 25, 2019

MEMBERS PRESENT: Chair Tanner Balfany Glenn Terry Sharon Johnson Wanda McLaurin
Tom Eich Lou Cornicelli

ABSENT: Sherry Allenspach

ALSO PRESENT: Jack Davis, City Administrator
Erin McDermott, Zoning Administrator
Suzanne Erkel, City Council Liaison

1.0 – Call to Order

The June 25, 2019, Planning Commission meeting was called to order by Chair Balfany at 7:00 p.m.

2.0 – Adopt Agenda

Commissioner Johnson moved and Commissioner McLaurin seconded to approve the agenda as presented. Motion passed unanimously.

3.0 – Approve meeting minutes

Commissioner Terry moved and Commissioner Cornicelli seconded to adopt the May 28, 2019 meeting minutes as written. Motion passed unanimously.

4.0 – Variance/Public Hearing – Kevin and Carole Carlson

Agenda Item:

Variance request to create a lot with less than 300 feet of public right of way (dedicated) for an Administrative Lot split for Kevin and Carole Carlson at 1945 189th Ave NE in an area zoned Single Family Residential (R-1).

Background Information:

Location: 1945 189th Ave NE, East Bethel, MN 55011
PIN 28-33-23-33-0001

Fee Owner/ Applicant:
Kevin and Carole Carlson

Zoning: R-1 Single Family Residential

Kevin and Carole Carlson are in the process of an Administrative Lot Split, which is also being brought before the Planning Commission at this meeting. The lot located at 1945 189th Ave NE is presently at the end of a cul-de-sac on 189th Ave NE. The property has 187 feet of frontage. The property owners are planning to split their property into two approximately 20 acre lots. The property abuts the Viking Meadows Golf Course private road; however, the cul-de-sac is the only public road access on this property. The new lot will have 57 feet of frontage on the west side of the existing cul-de-sac, and the existing residence of the property owners will have 131 feet of frontage, instead of the required 300 feet of frontage on the right of way, which is required in an R-1 Single Family Residential district. Typical frontage on cul-de-sac is 80 feet, so approval of this variance would be consistent with other properties located on cul-de-sac throughout the City of East Bethel.

Variance Findings of Fact:

- Reasonableness: The Planning Commission has previously recommended approval of, and City Council has previously granted similar variances for reduced frontage on cul-de-sac when the subdivision meets all other applicable requirements.
- Uniqueness: This property does not have access to other City streets, and it is reasonable to allow a variance for reduced frontage to allow for this use of the applicant's property.

- Essential Character: Many residences in the City have 60-80 feet of frontage, with the sizes of the proposed lots it does not change the essential character of the neighborhood.

Ms. McDermott did note that the new property will be accessible from the service road.

Chair Balfany opened the public hearing at 7:03 pm. Hearing no comments the public hearing was closed at 7:03 pm.

Commissioner Terry moved and Commissioner Johnson seconded to recommend to City Council approval of the Variance request for Kevin and Carole Carlson to create a lot that has 56 feet of frontage and a lot that has 131 feet of frontage on an existing road in an area zoned R-1 Single Family Residential. The Lot split will occur off 1945 189th Ave NE; PIN 28-33-23-33-0001. Motion carried unanimously.

This item will go before the City Council on July 8, 2019.

5.0 – Administrative Subdivision – Kevin and Carole Carlson

Agenda Item:

Administrative Lot split for Kevin and Carole Carlson at 1945 189th Ave NE in an area zoned Single Family Residential (R-1).

Background Information:

Location: 1945 189th Ave NE, East Bethel, MN 55011
PIN 28-33-23-33-0001

Fee Owner/ Applicant:
Kevin and Carole Carlson

Zoning: R-1 Single Family Residential

Property owners Kevin and Carole Carlson would like to split their 40-acre parcel into two 20-acre parcels to gift their son 20 acres on which he plans to build a residence.

This item goes before City Council on July 8, 2019.

Commissioner Terry moved and Commissioner Cornicelli seconded to recommend to City Council approval of the Administrative Subdivision to split the property at 28-33-23-33-0001 into two 20-acre parcels. Motion carried unanimously.

This item goes before City Council on July 8, 2019.

6.0 – Variance /Public Hearing – Anthony Ladner

Agenda Item:

Variance request to reduce the County Rd. setback requirement in an area zoned Single-Family Residential (R-1)

Background Information:

Location: 1930X Channel Ln NE
East Bethel, MN 55011
PIN: 25-33-23-33-0029

Family Residential Fee Owner/ Applicant:
Anthony Ladner

Legal: THAT PRT OF OUTLOT A OAK RIDGE SECOND ADD LYG N OF S 350 FT THEREOF,
SUBJ TO EASE OF REC

Zoning: R-1 Single

Mr. Ladner is wishing to build a residence on 25-33-23-33-0029. The variance requires the Planning Commission to consider a three-factor test:

- Reasonableness - Is Mr. Ladner proposing to use his property in a reasonable manner? The request of the placement of a residence on this lot is consistent with other setbacks in the neighborhood. The use is also consistent for an R-1 area.
- Uniqueness – The property does have geographic constraints. The required 100-foot setback from Viking Blvd renders the entire lot unbuildable.
- Essential character – The allowance of a home on this lot will match the essential character of the neighborhood by adding a residence comparable to the other homes in the area on a presently vacant lot, complete with planned screening for the neighborhood from Viking Blvd, consistent with the rest of the residences on Viking Blvd.

Chair Balfany opened the public hearing at 7:07 pm. Hearing no comments the public hearing was closed at 7:07 pm.

Ms. McDermott spoke with Anoka County regarding this request. She received a letter from Terri Vaughan, Traffic Engineering Tech III Anoka County stating, “Anoka County will not permit any buildings, fences, drain fields, signs, plantings, berms, etc. to be located within county right-of-way, and care should be exercised when locating signs, plantings, berms, etc. outside of the county right-of-way, so as not to create any additional sight obstructions for vehicles entering/exiting Thielen Blvd. NE or Sportsman Road NE.” If there is nothing in the ditch portion of the property, Anoka County has no problem with it. This is for a setback of 25 feet. 30-foot setback is from the front property line. The easement from the paved surface to the property line is believed to be 30 feet and the additional easement is only for drainage and utility which is 10 feet into the property.

Commissioner McLaurin said it is a weird lot and that she doesn’t see any other usage for it other than building a house. There will not be roadway views blockage from the trees.

Commissioner McLaurin moved and Commissioner Johnson seconded to recommend City Council approve based on Findings of Fact for the variance of 75 feet, leaving a setback of 25 feet from the property line adjacent to Viking Blvd, to allow for the building of a single-family residence. Motion carried unanimously.

This item goes before City Council on July 8, 2019.

7.0 – Variance/Public Hearing – Steve Miller

Agenda Item:

Variance from the north and west property lines on the property located at 36-33-23-21- 0311 to allow for a 5-foot setback to allow for the installation of a drainfield.

Background Information:

Location: 197 Forest Rd NE

East Bethel, MN 55092

PIN: 36-33-23-21-0311

Legal: LOTS 406 THRU 410 INCL BLK 6 COON LAKE BEACH, SUBJ TO EASE OF REC

Zoning: R-1 Single Family

Residential Fee Owner/ Applicant:

Steve Miller

The Millers are in the process of replacing a noncompliant septic system, and to fit an adequate drainfield it requires a 5-foot setback variance at 36-33-23-21-0311 The variance requires the Planning Commission to consider a three-factor test:

- Reasonableness - Is Mr. Miller proposing to use his property in a reasonable manner? The request of the placement of a drainfield five feet from the property line is reasonable as there is no other location within the property lines to place it.
- Uniqueness – The property does have geographic constraints. The small lot sizes in this neighborhood, as well as many properties having wells nearby make placing a drainfield on this property a challenge.
- Essential character – There are many properties in this neighborhood that have had similar variances for setbacks, this use will not change the character of the neighborhood.

Chair Balfany opened the public hearing at 7:12 pm. Hearing no comments the public hearing was closed at 7:12 pm.

Commissioner McLaurin said there isn't much that can be done other than having a five-foot setback. Chair Balfany thanked Mr. Miller for his compliance to City code.

Commissioner Cornicelli moved and Commissioner McLaurin seconded to recommend City Council approve a variance for Steve Miller, to allow for a setback variance of five (5) feet on the north and west property lines for the placement of a septic drainfield. Motion carried unanimously.

This item goes before City Council on July 8, 2019.

8.0 – IUP/Public Hearing Michael Kline

Agenda Item:

Interim Use Permit request of Michael Kline to operate his business as a home-based business in an area zoned R-1 Single-Family Residential.

Background Information:

Mr. Kline, dba The Sporting Innovators, Inc. has been in business since 1999, and has a 01 Federal Firearms License. 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 new license issued will be to the Applicant to guarantee that all business activities at this residence are completed by only the applicant. The hours of operation are listed on the application as 9am – 9pm, by appointment only, so traffic will not increase notably as buyers may not show up without an appointment.

Chair Balfany explained to the audience that questions proposed will be addressed after the public hearing is closed. With that he opened the public hearing at 7:15 pm.

Tom Snyder, 23019 3rd St. NE, East Bethel asked what days of the week the business will be open and stated concerns with additional traffic in the cul-de-sac.

Ron Smith, 23014 3rd St. NE, East Bethel noted it was a bad experience with the previous owner having an IUP. Who will enforce, review and police the City code?

Having no one else approach the microphone, Chair Balfany closed the public hearing at 7:24 pm.

Chair Balfany said that Ms. McDermott was hired to handle code enforcement and violations. As far as policing, the neighbors are the eyes and ears for the City. Also, the ATF performs an annual site review.

Mike Kline, 23026 3rd St. NE, East Bethel said all business is conducted in his pole building. He is the sole employee. Per required paperwork, he has listed his hours of operation from 9am to 9 pm. The only traffic he expects to generate is deliveries from UPS or appointment only customers. He does not keep inventory on site. He intends for his business to remain very small. He sells maybe 2-3 firearms per month. He is a federally licensed firearms dealer who sells unique firearms.

Ms. McDermott said if approved, the IUP would be for three years.

Commissioner Terry moved and Commissioner Cornicelli seconded to recommend City Council approve Mr. Kline's request for an Interim Use Permit for a Home Occupation. Business Name: Mr. Kline, (dba The Sporting Innovators, Inc.) Location: 23026 3rd St NE, East Bethel MN 55005, PIN 31-34-23-33-0007, Zoning RR- Rural Residential, subject to the following conditions of 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 comply 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. The Interim Use Permit shall only be valid if Applicant maintains his Federal Firearms License.**
- 14. The Interim Use Permit shall be for a period of three (3) years.**
- 15. The applicant may request a renewal of the IUP.**

Motion carried unanimously.

This item goes before City Council on July 8 or 25, 2019.

9.0 – CUP/Public Hearing – MN Built Harris, LLC

Agenda Item:

Approve a CUP for a self-service storage business at 1262 241st Ave NE

Background Information:

Property Owner:
MN Built Harris, LLC
PO Box 27596
Golden Valley, MN 55427

Applicant:
MN Built Harris, LLC
PO Box 27596
Golden Valley, MN 55427

Parcel: 1262 241st Ave NE, East Bethel, MN 55005
Legal: LOT 1 BLOCK 2 WARGO POND, EX RD SUBJ TO EASE OF REC
PIN: 29-34-23-31-0004
Zoning: I- Light Industrial

MN Built Harris, LLC owns two parcels in the City of East Bethel and will be operating a self-service storage business. The southern parcel will maintain the office building and the northern parcel will be entirely made of storage units. The area is zoned I- Light Industrial and under that zoning classification the following types of businesses are considered Conditional Uses: Uses allowed in the B-2 and B-3 Districts as determined by the planning commission and approved by the city council. Conditional uses in the B-3 Highway Business district include self-service storage.

In considering whether MN Built Harris, LLC should be allowed to operate under a Conditional Use Permit, the following items need to be evaluated:

1. Does the business meet the requirements of the proposed 2040 Comp Plan? This area will continue to be guided as Light Industrial in the 2040 Plan.
2. Exterior Storage – Plans for the self-service storage units creates a screening of the property with the outer walls of the buildings.

Chair Balfany opened the public hearing at 7:28 pm. Hearing no comments the public hearing was closed at 7:28 pm.

Ms. McDermott noted the storage units will be built on the northern property first, with updating to the existing office and storage units on the southern property to follow. She also added one more condition should be included on the recommendations – 4. Property is to remain compliant with applicable East Bethel City codes.

Commissioner McLaurin moved and Chair Balfany seconded to recommend the granting of a Conditional Use Permit to MN Built Harris, LLC to build and operate a storage facility at 1262 241st Ave NE, East Bethel PIN: 29-34-23-31-0004 Zoning: I- Light Industrial The granting of this Conditional Use Permit is subject to the following conditions and requirements: 1. No exterior storage. 2. Signage to comply with all applicable codes and regulations of the City of East Bethel. 3. City shall inspect the business on an annual basis. 4. Property is to remain compliant with all applicable codes and regulations of the City of East Bethel. Motion carried unanimously.

This item goes before City Council on July 8 or 25, 2019.

10.0 – Administrative Subdivision – Stern

Agenda Item:

Administrative Subdivision for the Stern property with the new Ghost Plat showing the right of way for Buchanan St. as matches with the existing City service road plan.

Background Information:

Parcel:

Zoning – Split; R-1 Single Family Residential and R-2 Single Family and Townhome Residential
Acres: 51.31

Legal: S1/2 OF NW1/4 OF SEC 20 TWP 33 RGE 23, LYG W OF N 1010 FT OF E 532 FT, & LYG W OF S 330 FT OF E 660 FT, & LYG ELY & SLY OF W 330 FT OF N 660 FT, EX THAT PRT OF S1/2 DESC AS FOL: COM AT SW COR OF SD NW1/4 OF SD SEC, TH ELY ALG S LINE 567.73 FT TO PT OF B*

PID #: 20-33-23-23-0005

Property Owner of 20-33-23-23-0005:
KATHLEEN BELL-FIEDELMAN
20207 POLK ST. NE
CEDAR MN 55011

Applicant:
KATHLEEN BELL-FIEDELMAN

Parcel:

Zoning –R-1 Single Family Residential
Acres: 4.43

Legal: THAT PRT OF SW1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 23 DESC AS FOL: COM AT SW COR OF SD 1/4 1/4, TH E ALG S LINE THEREOF 567.73 FT TO POB, TH N 446.32 FT, TH E 488 FT, TH S 446.32 FT TO SD S LINE, TH W AL G SD S LINE 488 FT TO POB, EX RD, SUBJ TO EASE OF REC

PID #: 20-33-23-23-0001

Property Owner:
STERN GARY E & K C
1105 KLONDIKE DR. NE
CEDAR MN 55011

Applicant:
GARY STERN

This subdivision was tabled by City Council at the June 10th meeting because the road marked in the Ghost Plat did not meet the existing service road plan for the City of East Bethel.

Commissioner McLaurin asked if the property owner agrees with the proposed road ghost plat. Ms. McDermott said yes. The owner is prepared to talk with the surveyor tomorrow if this is approved to have the new ghost plat show what is being shown tonight so it can go back to City Council. Commissioner McLaurin noted that the Commission had no way of knowing what the existing service road plan for the City of East Bethel was before approving the ghost road plat at the last meeting.

Commissioner McLaurin moved and Commissioner Johnson seconded to approve the Administrative Subdivision with the changes to the road location to reconcile with the existing service road plan for the City of East Bethel in the 2040 Comprehensive Plan. Motion carried with Commissioner Eich opposed.

This item goes before City Council on July 8, 2019.

11.0 – Variance/Public Hearing – CTW Group Inc.

Requested Action: Variance to allow a holding tank on 342 Cedar Rd NE

Background Information:

Location: 342 Cedar Rd NE, East Bethel, MN 55092
PIN: 36-33-23-24-0012; 36-33-23-24-0011; 36- 33-23-24-0010
Legal: COON LAKE BEACH LOTS 874 THRU 877, BLK 16,

Fee Owner/ Applicant:
CTW Group Incorporated

COON LAKE BEACH

Zoning: R-1 Single Family Residential

CTW Group Inc. is wishing to install a septic holding tank on 36-33-23-24-0012; 36-33-23-24-0011; 36-33-23-24-0010, which has been combined by the County, however, as this was recent we do not have the final PIN for the combination. The variance requires the Planning Commission to consider a three-factor test:

- Reasonableness – Holding tanks are common in the Coon Lake Beach area. This property has had a noncompliant septic system for several years, and the current owners are bringing the property into compliance by installing a new Type II system (holding tanks).
- Uniqueness – The property is in the process of being sold and the City of East Bethel requires a compliant septic or septic escrow for the sale of the property.
- Essential character – The allowance of a holding tank on this lot will not change the essential character of the neighborhood.

Chair Balfany opened the public hearing at 7:36 pm. Hearing no comments the public hearing was closed at 7:36 pm.

This variance is due to the CTW Group wanting to bring the septic holding tank into compliance. Ms. McDermott said the lot was sold by the previous owner “as is” to the CTW Group; they are bringing it into compliance. This lot is average to a little larger than most lots in the area. From the original subdivision this lot is four (4) combined lots. The size of the lot is considered a non-conforming lot by both the City and County and is larger than most lots in that area. The holding tanks will be placed on what was previously a lot line. To ensure the lots could not be sold individually, the lots were made into one property. Per the letter received from Lashinski Services, Inc., “This system is required to have a service contract, by a state-licensed maintainer, and must be pumped, as required, once the alarm sounds.” Due to shallow wells on most of the neighboring properties and with any well that is less than 50’ deep a septic system cannot be within 100’ of the well. Because of that, this is about the only option for compliance purposes.

Commissioner McLaurin moved and Commissioner Cornicelli seconded to recommend to City Council approval of the requested variance by the CTW Group, Inc. based on Findings of Fact and the requirements in Lachinski Services, Inc. letter. Motion carried unanimously.

This item goes before City Council on July 8 or 25, 2019.

12.0 – City Council Report

Council liaison Suzanne Erkel reported the following:

- Booster Day in July will have a petting zoo, firefighter celebration, a huge lumberjack show, inflatables, a vendor market, library booth at the Story Walk, a dunk tank (volunteers still needed). The medallion hunt will start on the Monday prior to Booster Day with a different clue on the City website every night, a pie eating contest, Lions will have domestic and craft beer. Next meeting is 6:30 pm the Monday before Booster Day or contact Ms. Erkel.
- Council approved the equipment replacement at Northland Boundaries Park.
- Council approved the Park budget for 2021-2024.
- Council approved a speed study for Cty Rd 26 on the south side of Minard Lake.
- Public hearing was held for Sunday liquor sale at Moonshine Whiskey, which was approved.
- Council approved the purchase of a replacement Public Works trailer

- Council approve an ordinance amendment for Home Occupation which increased the rule for 400 sq. ft. of garage space and a few other things. That was a vote of 4 to 1.
- Council approved street surface improvement bids.
- Council approved fees for Fire Department services.
- Council approved variance for metes and bounds that was at one of the past Planning and Zoning Commission meetings.

13.0 – Other Business

Commissioner Terry noted that on the Proposed Improvement Projects handout there are roads that he has never heard anything on improvements. It was determined this is an outdated sheet that was done in 2007 and was included in the old Comprehensive Plan. Ms. McDermott will ask City Engineer Craig Joachim for a current copy of the Proposed Improvement Projects sheet. This sheet was presented only to show the alignment of the service road for Ms. Kathleen Bell-Fiedelman's administrative subdivision.

14.0 - Adjournment

**Commissioner McLaurin moved and Commissioner Cornicelli seconded to adjourn at 7:49 pm.
Motion carried unanimously.**

Submitted by:

Gail Gessner

Recording Secretary