

the R-1 Single Family Residential district, and without a holding tank the home would be uninhabitable.

- 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 or trees. In this case:
 - o The placement of neighboring shallow wells is out of the property owner's control. She has offered to assist with the cost of replacing several of the neighboring shallow wells with deep wells in an effort to be able to place a new drain field, but the neighbors are not interested in the drilling of a new well at this time.
- 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:
 - o The issuance of a variance for the use of a septic holding tank in this area will have no impact on the character of this neighborhood. There is significant precedence in this neighborhood for the use of a septic holding tank, with a number of them having been recommended for approval by this commission in the recent months.

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

Commissioner McLaurin moved and Commissioner Johnson seconded to recommend to City Council approval for a septic holding tank Variance in R1– 152 Juniper St. NE. Motion carried unanimously.

This item will go before the City Council on September 9, 2019.

5.0 – Public Hearing for a setback Variance in R1 – 220 Elm Rd. NE

Requested Action: Requesting the approval of a septic setback variance of five (5) feet for a septic setback of five (5) feet at 220 Elm Rd. NE on the western property line.

Background Information:

On October 12, 2007 a variance allowing the use of a holding tank was approved for 220 Elm Rd. The previously existing well on the property has been capped and a new deep well placed for the allowance of a drain field on the property. Due to the size of drain field necessary to meet the Minnesota Septic Code requirements for the existing home, the setback variance of 5 feet is necessary to meet required setbacks from other wells in the area and residential structures.

The septic permit has been reviewed and is ready to be issued upon approval of the setback variance.

Chair Balfany opened the public hearing at 7:05 pm. Hearing no comments, the public hearing was closed at 7:05 pm.

Commissioner Allenspach asked why there was such a time delay from the initial request in October 2007 to now? Ms. McDermott said her understanding is that there were many code enforcement issues, but this variance request is being done to be compliant.

Commissioner Terry moved and Commissioner McLaurin seconded to recommend to City Council the approval of a five (5) foot setback variance from the west property line

for the installation of a drain field for 220 Elm Rd. NE. Motion carried unanimously.

This item goes before City Council on September 9, 2019.

6.0 – Public Hearing for a Conditional Use Permit in B2– 21217 Hwy 65 NE

Requested Action: To approve a CUP for the operation and expansion of an existing self-service storage business at 21217 Highway 65 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:

21217 Highway 65 NE

East Bethel, MN 55011

Legal: LOT 1 BLOCK 2 WARGO POND, EX RD SUBJ TO EASE OF REC

PIN: 17-33-23-12-0008 and 17-33-23-12-0017

Zoning: B-2, Central Business

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 B-2, under which conditional 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 or not 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 Commercial in the 2040 Plan.
2. Exterior Storage – The addition of buildings on this property will remove the parking lot presently being used as storage for commercial vehicles and will also result in the removal of the shipping containers on the property. Removal of both will bring this property into compliance with the City Ordinance – these violations were not discussed with the property owner due to their intention of improving the lot, as there are no open code enforcement cases on this property.

Chair Balfany opened the public hearing at 7:09 pm. Hearing no comments, the public hearing was closed at 7:09 pm.

The commissioners all agreed that they like seeing the property cleaned up.

Commissioner Johnson moved and Commissioner Terry seconded to recommend to City Council the granting of a Conditional Use Permit to MN Built Harris, LLC to operate and expand an existing storage facility at 21217 Highway 65 NE, East Bethel, PIN: 17-33-23-12-0008 and 17-33-23-12-0017, Zoning: B-2, Central Business with 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.

Motion carried unanimously.

This item goes before City Council on September 9, 2019.

7.0 – Public Hearing for an Interim Use Permit in CC – 1655 Viking Blvd NE

Requested Action: Recommendation of approval of a private kennel at 1655 Viking Blvd NE, a property zoned City Center.

Background Information:

Location:

1655 Viking Blvd NE
East Bethel, MN 55011

PIN: 29-33-23-14-0004

Zoning: City Center

E1/2 OF SW1/4 OF SE1/4 OF NE1/4 OF SEC 29
TWP 33 RGE 23 TOG/W W 325.42FT OF SE1/4
OF SE1/4 OF SD NE1/4, EX RD SUBJ TO EASE OF
REC

Fee Owner/Applicant:

Jamie Hoffman

Mrs. Hoffman is requesting an IUP for a private kennel for the keeping of 6 dogs on her 9.24-acre property, which is zoned City Center. Permitted Uses under the City Center District are listed as

- The primary land uses within the CC district shall include office, retail, and residential uses. The mix, location, and relationship of these uses shall conform to the land use plan, the purpose statement, and all the specific findings of the city council. In addition, the applicant shall demonstrate to the satisfaction of the city that the proposed lot sizes and land uses and their mix and location are compatible and complementary both internally and with adjacent land uses.
- Essential Services – Governmental

This use also meets the intent of proposed zoning under the proposed 2040 Comprehensive Plan under which the zoning of this property is designated Mixed Use, which does not change the intent behind the present City Center district. This zoning designation would potentially allow for the property owners to apply for a Commercial Kennel IUP in the future, however at this time they are looking to expand their partnership with their breeder and are hoping to obtain a permit to allow the five dogs they co-own with their breeder to reside with them at their home. The permit request is for the maximum allowable number of dogs, which is 6 dogs per City Ordinance Chapter 10, Article II.

Chair Balfany opened the public hearing at 7:16 pm. Hearing no comments, the public hearing was closed at 7:16 pm.

Ms. McDermott noted Item 3. in the conditions (as included in the meeting packet) is to be stricken, as it does not apply.

Jamie Hoffman, 1655 Viking Blvd. NE, East Bethel shared that the dog breed is German shepherd.

Ms. McDermott clarified that a dog is considered a puppy until four (4) months of age.

Commissioner Allenspach moved and Commissioner McLaurin seconded to recommend City Council approve an IUP/Private Kennel License for no more than six (6) dogs for Mrs. Hoffman, located at 1655 Viking Blvd NE, East Bethel, MN 55011; PIN: 29-33-23-14-0004; Zoning: City Central, 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. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.**
- 4. 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.**
- 5. Property will be inspected and evaluated annually by city staff.**
- 6. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any**

setback area.

7. Dogs shall be confined to their own property by a provable means.

8. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.

9. Accumulations of feces shall be located at least 200 feet from any well.

10. 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.

11. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.

12. Kennels shall be considered an accessory structure for setback purposes.

Motion carried unanimously.

This item goes before City Council on September 9, 2019.

8.0 – Public Hearing for an Interim Use Permit in RR– 22761 East Bethel Blvd NE

Requested Action: Request approval of an Interim Use Permit for the keeping of Chickens on a property zoned Rural Residential.

Background Information:

Location:
22761 East Bethel Blvd NE
East Bethel, MN 55005
PIN#: 02-33-23-22-0019

Fee Owner/ Applicant:
Fue Vang

Legal:
Zoning: RR- Rural Residential

Mr. Vang is requesting an IUP for the keeping of up to six (6) adult chickens on his property. There is a coop on the property for shelter. This property meets the acreage requirements established by City Ordinance. This IUP is being requested to obtain code compliance. Currently, there are chickens and pigeons on the property. This lot is 1.03 acre in size.

Chair Balfany opened the public hearing at 7:20 pm. Hearing no comments, the public hearing was closed at 7:20 pm.

Commissioner McLaurin noted there is a fenced coop at the back of the property that appears to be well maintained. The non-compliance was brought to staffs’ attention by a neighboring property that complained about the rooster that used to be on the property. A rooster and a goat have been removed from the property. Ms. McDermott clarified per the Farm Animal Ordinance roosters are not allowed on any lots that are smaller than 3 acres nor within subdivisions.

Commissioner Terry moved and Commissioner Johnson seconded to recommend City Council approve an IUP for keeping up to 6 chickens for Fue Vang at 22761 East Bethel Blvd NE, 1.03 acres, 02-33-23-22-0019, Zoning: Rural Residential with the following conditions:

- 1. An Interim Use Permit Agreement must be signed and executed by the applicants and the City.**
- 2. Permit shall expire when:**
 - a. The property is sold,**
 - b. The IUP expires, or**
 - c. Non-compliance of IUP conditions**
- 3. Property owner shall have thirty (30) days to remove the approved chickens upon expiration of the IUP.**
- 4. Conditions of the IUP must be met no later than October 1, 2019. Failure to meet conditions will result in the null and void of the IUP.**
- 5. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP.**

6. Property may be inspected and evaluated annually by city staff.
 7. There will be no other farm animals that are governed by the City Ordinance kept on this property.
 8. Applicants must comply with City Code Section 10, Article V – Farm Animals
- Motion carried unanimously.**

This item goes before City Council on September 9, 2019.

9.0 - Public Hearing for an Ord. Revision of Appendix A–Zoning, Section 13

Requested Action: Recommendation for approval of zoning ordinance text amendment to Appendix A-Zoning, Section 13

Background Information:

At the April 23, 2019 meeting, the Planning Commission was presented with a request to amend Appendix A, Section 13 – General Building Regulations. The amendment was prepared by the City Building Official and forwarded to the Community Development Director for submittal to the Planning Commission. The Building Official made the recommendation to request the ordinance be changed to the proposed text as exhibited in Attachment 1. The Community Development Director inadvertently did not include this recommendation in the report sent to the Planning Commission for action on this matter. The text that was approved was incomplete and Staff is requesting the Planning Commission reconsider amending the text of the ordinance change to the language proposed by the Building Official.

This amendment does not preclude the use of piezometers to determine lowest floor elevations, as any data obtained by their use would need to be approved by the City Engineer.

Chair Balfany opened the public hearing at 7:24 pm. Hearing no comments, the public hearing was closed at 7:24 pm.

Commissioner Allenspach moved and Commissioner McLaurin seconded to recommend the changes to appendix A, Section 13 to City Council as presented. Motion carried unanimously.

10.0 – City Council Report

Council Liaison Suzanne Erkel reported the following City Council actions:

- Disapproved the front yard fence height variance at 4320 217th Avenue
- Tabled a feasibility study on Hwy 65
- Sheriff's report noted an arrest for multiple burglaries. The thief showed officers where property was stolen from and all property was returned.
- Heard a presentation from the Census Bureau; the Bureau is hiring employees. At the upcoming work meeting, Council will be discussing Council involvement in this.
- Collen Street variance was approved 2 to 1 vote
- Side yard setback variance for Tyler Street was approved unanimously
- Side yard setback variance for Greenbrook Drive was approved unanimously
- Council voted against the JPA Sunrise River Water Management Organization proposal
- Approved the citation fees of \$50, \$100 and \$300 for ordinance violations. This was modified from a proposal of \$125, \$250 and \$550. The hearing fees are \$75 filing and \$100 per hearing. This will end up saving residents \$1,000s and court fees.

Chair Balfany asked why the fence variance was denied? Liaison Erkel said some Council members did not believe it was a reasonable height and that there was plenty of room in the rest of the yard.

Commissioner McLaurin asked Liaison Erkel if she would entertain a question. Commissioner McLaurin has been following the Planning Commission notes when Liaison Erkel is present and hears

the Planning Commission discussions, along with Liaison Erkel's follow-up to the City Council. Commissioner McLaurin believes some of the questions that have been asked by the City Council could have been answered by Liaison Erkel and possibly did not present such information. Ms. McLaurin asked for clarification as to what the duties of a liaison are. She believes the liaison position is to say, "The Planning Commission discussed this and this is what they said and these are the reasons why." She has seen things like the fence variance from last night's Council meeting being denied and Ms. McLaurin is wondering if this is because the discussions of the Planning Commission are not being fully shared with City Council. Chair Balfany said at least to share with Council what the background is on approval or disapproval recommendations to Council; not just for this variance, but for all topics discussed by the Planning Commission. Commissioner McLaurin does not see Liaison Erkel sharing needed information at City Council meetings. Perhaps Commissioner McLaurin is incorrect in thinking this is the function of a liaison. She does not believe Liaison Erkel "has the Planning Commission's back."

Liaison Erkel said she does not have an excuse for that, other than she did not write down what was said and she did not remember it. She was assuming what was in the packet was everything, that is why she didn't bring it up. Liaison Erkel apologized.

Chair Balfany clarified in general what Commissioner McLaurin was saying; information from the Planning Commission meetings is not being shared with City Council the way it should be shared. Decisions of why the recommendation are made to City Council is not being shared and Council is not getting background on what was discussed per item at its meetings. Moving forward the Planning Commission would appreciate Liaison Erkel sharing more information with City Council. Liaison Erkel agreed and said she tries to take notes, but for that one she just happened to miss something; she did not have information written down to share with Council. She agreed with that resident and she just could not argue the point satisfactorily. Commissioner Allenspach said the Planning Commission minutes show the discussions. Does Liaison Erkel get copies of the Planning minutes prior to Council meetings? Ms. McDermott said typically minutes are not received by the following City Council meeting. [Many people were talking as once.] Liaison Erkel does not have the draft minutes prior to the Council meeting. Commissioner Allenspach said it would be helpful for Liaison Erkel to have a copy of the draft minutes for review. She asked if something could be done to get Liaison Erkel a copy of the draft minutes? Commissioner McLaurin said the Planning Commission meeting is taped and that Liaison Erkel could watch the video if she did not write notes or recall what was said. Ms. McDermott said city staff typically does not give out minutes prior to approval. A draft set of minutes would be questionable until approved. Commissioner Allenspach said that negates any discussion by the Planning Commission that should be shared with City Council. If Council is not receiving updates on the Planning Commission's discussion, and that is the role of the Planning Commission, what is the point of this commission discussing items. Again, the belief is that City Council is not hearing why suggestions and/or recommendations are being made to the Council. Commissioner Terry said this is the only forum for a public hearing so when minutes are approved, there are no corrections made to the public hearing portions of the minutes. Could Council members receive the public hearing portions of the minutes? That is how input is shared with Council from the public hearings. Ms. McDermott said when staff does the write ups for City Council, they try to include what was discussed at the public hearings and sometimes the feel of it gets lost within text. It is the same reason why a lot of times the intent of what the resident is looking to do can be expressed, but there are still a lot of questions. There are many ways to interpret what is written and staff does its best to assist Ms. Erkel with expressing the "feel" of how the Planning Commission voted for things. Chair Balfany said any Council member who has questions on packet contents can watch the video of the Planning Commission meeting and could take that off of Liaison Erkel. Commissioner McLaurin asked Liaison Erkel if that was what she understood the liaison position to be. Liaison Erkel said she understands but she does not agree with everything the Planning

Commission does either, which is obvious in her voting. She did not believe the item in question was going to be contentious at all so she did not take any notes because she assumed it was going to go right through. Commissioner Allenspach said it is unfortunate that Liaison Erkel does not have the Planning Commission discussions to relate to City Council; that is not Liaison Erkel's fault. Liaison Erkel said she will try to figure something out.

11.0 – Other Business

Commissioner McLaurin asked for an update on the Sign Ordinance Committee. Commissioner Johnson said that task has been passed on to Stephanie Hanson, City Development Director. Ms. McDermott stated that staff is planning on reaching out in the near future to get it on the agenda. She has worked on rewording portions so that the intent of size is ready to go when input from the Chamber of Commerce is received. Commissioner Johnson said the only meeting held was after a Sunrise Breakfast meeting, so Jack Davis happened to be there. Mr. Davis is not normally going to be attending meetings. Ms. McLaurin asked because of new signage for the new storage facility.

12.0 - Adjournment

**Commissioner Johnson moved and Commissioner Allenspach seconded to adjourn at 7:38 pm.
Motion carried unanimously.**

Submitted by:
Gail Gessner
Recording Secretary