

EAST BETHEL PLANNING COMMISSION MEETING
August 25, 2020

Pursuant to Minnesota Statutes Section 13D.021 and the declared public health emergency due to COVID-19, this meeting was held remotely.

MEMBERS PRESENT: Wanda McLaurin, Sherry Allenspach, Glenn Terry, Tom Eich, Jim Smith, Daryl Lawrence, Sharon Johnson

MEMBERS ABSENT: None

ALSO PRESENT: Stephanie Hanson, Community Development Director
Erin McDermott, Zoning Administrator
Tim Harrington, City Council Liaison

1.0 Call to Order

Chair Wanda McLaurin called the Planning Commission regular meeting to order at 7:00 pm.

2.0 Adopt Agenda

Commissioner Johnson moved and Commissioner Allenspach seconded to adopt the agenda as presented. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

3.0 Approve July 28, 2020 meeting minutes

Commissioner Allenspach requested on Page 3, paragraph 6, where it says turn lanes begin, should be changed to turn lanes being.

Chair McLaurin requested under 4.0 spelling of her last name be changed from McLain to McLaurin.

Commissioner Terry moved and Commissioner Allenspach seconded to adopt the July 28, 2020 regular meeting minutes as written. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson abstain. Motion passed.

4.0 Public Hearing: Variance, Placement of Accessory Structure, and 2nd Driveway, 985 215th Ln NE, Roger Will

Background Information:

McDermott reviewed staff's report indicating this property is located in the R-1 Single Family Residential zoning district and is located within the Cedar Trails subdivision. The property owner recently obtained the property and is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure.

McDermott stated Zoning Appendix A – Section 14-2.F states “No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling’s setback. In the case of a corner lot, the front line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback.” This property is 1.94 acres, with the primary structure set back approximately 90 feet from the front lot line. This request

does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure.

McDermott noted Appendix A, Section 10-15 A. 1 Access requirements states “Properties in the R1 and R2 districts are allowed one access point from a public street.”

McDermott indicated this lot is heavily wooded on the east portion, with a 50-foot utility easement dedicated for the power lines. The septic system for this residence is due north of the eastern protrusion of the garage, impeding placement of the structure behind the house.

McDermott reviewed the three-factor test for practical difficulties required for a variance.

McDermott stated staff is requesting the Planning Commission hold a public hearing and recommend approval to the City Council for the placement of a detached accessory structure closer to the road than the primary structure and for the placement of a second driveway on an R-1 Single Family Residential property.

Chair McLaurin opened the public hearing at 7:08 p.m.

There were no comments made.

Chair McLaurin closed the public hearing at 7:08 p.m.

Commissioner Smith moved and Commissioner Johnson seconded to recommend approval to City Council for the placement of a detached accessory structure closer to the road than the primary structure for the placement of a second driveway on an R-1 Single Family Residential Property for 985 215th Ln NE. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

5.0 Public Hearing: Variance, Sideyard Setback Reduction for an Accessory Structure, 20936 Beaver Dam Court NE, Ben Bukowski

Background Information:

McDermott reviewed the staff report indicating the property owner Ben Bukowski is requesting a variance from the sideyard setback requirement on the north property line of his residence at 20936 Beaver Dam Ct. a property of 3.31 acres, located within the RR- Rural Residential zoning district. This request is necessary due to the wetlands on his property and the setback requirements from Cedar Creek and adjacent wetlands. Chapter 66, Article IX, Section 66-255 Buffer Strips of the City Code requires the minimum building setback from the delineated water edge to be 100 feet. With the proposed placement of the detached accessory structure, it is not impeding on the susceptible wetland setbacks, nor is the proposed location within the FEMA floodplain. The proposed structure will measure 32'x56' for a footprint of 1,792 square feet. Appendix A, Section 14-4 A.1 lists maximum square footage of detached accessory structures based on the parcel size, which allows for up to 2,475 square feet on properties of 3 ¼ acre. This property is partially located in the Shoreland Overlay District due to the proximity of Cedar Creek, however, the proposed building is not located within the Shoreland Overlay designation.

McDermott stated the owner of the neighboring property submitted an email to express his approval of the location of the new structure.

McDermott indicated the property owner had spoken with previous staff regarding the construction of a culvert along the north property line. The Public Works Manager, Nate Ayshford, approved the property owner to add a ditch for drainage instead of a culvert. The culvert was added this summer during grading activities to prepare for the construction of the proposed detached accessory structure, and at this time it is staff recommendation that a maintenance agreement will need to be signed for the culvert, and several improvements will need to be made to the culvert to ensure no adverse effects on neighboring properties, as well as proper maintenance of the culvert.

McDermott reviewed the three-factor test for practical difficulties required for a variance.

McDermott stated staff recommends holding a public hearing, and recommendation of the approval of a 5 foot setback variance from the east property line for the installation of a drainfield, and a 5 foot setback variance from the residential structure for the installation of a septic tank for 167 Juniper Rd NE

Chair McLaurin opened the public hearing at 7:15 p.m.

There were no comments made.

Chair McLaurin closed the public hearing at 7:15 p.m.

Commissioner Johnson moved and Commissioner Terry seconded to recommend approval to City Council of a Variance, Sideyard Setback Reduction for an Accessory Structure, 20936 Beaver Dam Court NE. Discussion: McLaurin asked what other things they had to do for the culvert other than the maintenance agreement. McDermott noted a paved inlet would be put into the culvert. Right now they were working on the maintenance agreement that was a part of the requirements in the Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith yes, Lawrence yes, Johnson yes. Eich not present for the vote. Motion passed.

This item goes before City Council on September 14, 2020.

6.0 Public Hearing: IUP, Farm Animals, 23138 Sunset Rd NE, Janelle Morse

Background Information:

McDermott reviewed staff's report indicating Janelle Morse is requesting an IUP for the keeping of 2 horses, 2 goats, 2 ducks, and 5 chickens. An IUP is not required for the keeping of up to 10 chickens on residential properties over 3 acres per Chapter 10, Article V Section 10-151 (j) (2) a. The property is 10.71 acres, and is located in the Rural Residential zoning district, PID#36-34-23-41-0004. City Code Chapter 10, Article V, Section 10-151 requires a minimum of one fenced acre of pastureland plus any indicated fraction thereof must be provided for each animal unit described. Ms. Morse submitted a site plan showing approximately 3 acres of fenced pastureland, with an area for an additional acre if required. Staff recommends in addition to the 4 acres of fenced pasture as the code specified animal units for pasture land are 1.0 per equine, and 0.5 per goat for a total of 4 acres the addition of 0.4 acres of fenced pasture to meet the requirement of 0.2 acres per duck. Chapter 10, Section 10-151 (j) (3) outlines coop requirements for chickens at 6 square feet per chicken per pen, and 2 square feet per chicken per coop. She plans to utilize electric fencing, which is allowed per Appendix A Section 25-1 B. (Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock or for crop protection.) The proposed pasture area, as illustrated in Attachment 2, shows the location of the proposed pasture, also depicting that the pasture area meets all setback requirements listed in Chapter 10, Article V, Section 10-152 Domestic farm animal shelter setbacks, paddocks, and pastureland. There is an existing shelter for the horses that will be utilized.

McDermott indicated staff is requesting the Planning Commission hold a public hearing, and recommend approval to the City Council of an IUP for Janelle Morse for the keeping of two (2) horses, two (2) goats, two (2) ducks, and five (5) chickens at 23138 Sunset Rd NE, with the following conditions:

1. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
2. Property owner shall have thirty (30) days to remove the approved farm animals upon expiration of the IUP.
3. Conditions of the IUP must be met no later than October 1, 2020. Failure to meet conditions will result in the null and void of the IUP.
4. Property may be inspected and evaluated annually by city staff.
5. There will be no other farm animals that are governed by the City Ordinance kept on this property without an approved amendment by City Council.
6. Applicants must comply with City Code Section 10, Article V – Farm Animals

Chair McLaurin opened the public hearing at 7:22 p.m.

Janelle Morse, 23138 Sunset Rd NE, stated everything sounded good and they looked forward to getting everything fenced in. She pointed out the type of goats they intended to have were Nigerian Dwarf goats, which were smaller than a regular goat if that would have any effect on the extra .4 acre. She indicated the goats would never have access to the full space anyway as they only get two feet tall and that would be a huge area for them.

Chair McLaurin asked if being a smaller goat would play into this at all. McDermott responded they fell into the definition of goat and with similar requests in the past with ponies and small horses, the Ordinance did not differentiate.

Chair McLaurin closed the public hearing at 7:25 p.m.

Commissioner Terry moved and Commissioner McLaurin seconded to recommend approval to City Council for an IUP for Janelle Morse for the keeping of two (2) horses, two (2) goats, two (2) ducks, and five (5) chickens at 23138 Sunset Rd NE with the conditions set forth in the provided resolution:

1. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
2. **Property owner shall have thirty (30) days to remove the approved farm animals upon expiration of the IUP.**
3. **Conditions of the IUP must be met no later than October 1, 2020. Failure to meet conditions will result in the null and void of the IUP.**
4. **Property may be inspected and evaluated annually by city staff.**
5. **There will be no other farm animals that are governed by the City Ordinance kept on this property without an approved amendment by City Council.**
6. **Applicants must comply with City Code Section 10, Article V – Farm Animals**

Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

7.0 Public Hearing: Variance, Reduction of Lot Size in the Future Sewer/Water Commercial District, SE Corner of Hwy 65/209th Ave NE, Stone Group, LLC

Background Information:

Hanson reviewed the staff report indicating the property owner is requesting to reduce the lot size in the B2 – Central Business district. City code requires lots in the future sewer/water area to be 10 acres in size. The applicant is requesting the lot size be reduced to 1.97 acres.

Hanson indicated this particular property is part of the Stone Group Commercial plat that is part of the Commission's agenda. Agenda item #10 is contingent on the approval of the variance. The property owner has a contingent purchase agreement with the retail chain Dollar General. Dollar General would like to construct a second store within the City of East Bethel.

Hanson reviewed the three-factor test for practical difficulties required for a variance.

Hanson stated staff is requesting the Planning Commission hold a public hearing and recommend approval to the City Council to reduce the minimum commercial lot size from 10 acres to 1.97 acres within the future municipal sewer and water area, with the conditions set forth in the attached resolution.

Chair McLaurin opened the public hearing at 7:30 p.m.

There were no comments made.

Chair McLaurin closed the public hearing at 7:30 p.m.

Commissioner Lawrence moved and Commissioner Johnson seconded to recommend approval to City Council to reduce the minimum commercial lot size from 10 acres to 1.97 acres within the future municipal sewer and water area, with the conditions set forth in the Resolution for Stone Group LLC.

Discussion: Chair McLaurin asked if they had Met Council's approval with respect to the reduction of the lot size and the no building on the outlots until approved on the two-acre corner. Hanson responded it was still in review and they hoped it would be looked at some time in September and back to the Council in October.

Chair McLaurin believed this was an area of property that was changed from the old comp plan to the new comp plan. She asked if that would affect this approval. Hanson responded it would not and it would still be zoned commercial as well as the land use being commercial.

Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

8.0 Public Hearing: Preliminary Plat, Stone Group Commercial, SE Corner of Hwy 65/209 Ave NE, Stone Group, LLC

Background Information:

Hanson reviewed staff's report indicating the Stone Group LLC submitted the preliminary plat, located on the SW corner of 209th Ave NE and Hwy 65 NE. The plan consists of one (1) buildable commercial lot abutting Hwy 65 and two (2) unbuildable outlots to be platted in the future. City code states that outlots are deemed unbuildable and no building permits will be issued for such properties unless the

outlot status is removed by City Council upon demonstration that the intended use complies with the provisions in City code.

Hanson stated the property has split zoning. The zoning of property specifically dictates what types of businesses/residential types are allowed. The eastern portion is zoned B2 – Central Business, which allows uses associated with general retail shopping. Exterior storage is limited to an area no more than 100 square feet and requires a conditional use permit.

Hanson noted the development will be directly accessed off MNDOT Highway 65; therefore, the developer was required to submit the plat to MNDOT for review. MNDOT provided a letter; no additional updates to the roadways are required.

Hanson indicated Lot 1, Block 1 is 1.97 acres. City code requires 10-acre minimums without municipal sewer and water connection. A variance for lot size will need to be approved for the plat to move forward. Both outlots are deemed unbuildable; however, the property owner plans to plat the outlots in the future.

Hanson stated park dedication fees must be paid prior to the release of the final plat for recording with Anoka County. Park fees are based on the 2020 county tax assessed value of \$228,900.

Hanson noted forty-five (45) percent of the land is zoned residential, in which fees are based on 10% of the tax assessed value; Fifty-five (55) percent of the land is zoned commercial, in which fees are based on 5% of the tax assessed value. The total amount to be collected for park fees is \$16,593.00.

Hanson stated staff completed the review of the plat. The City Engineer comments, dated July 21, 2020 are attached in the Planning Commissioner's meeting packets. Engineering comments do not affect the lay out of the preliminary plat; however, all comments must be satisfactorily addressed prior to the release of the final plat for filing with Anoka County.

Hanson indicated the Planning Commission is required to hold a public hearing, gather public input, and make a recommendation to the City Council. An approval recommendation should be contingent on the conditions set forth in the resolution.

Chair McLaurin opened the public hearing at 7:37 p.m.

Kim Erickson, Stone Group LLC stated she hoped this was approved.

Chair McLaurin closed the public hearing at 7:38 p.m.

Commissioner Terry moved and Commissioner Allenspach seconded to recommend approval to City Council of the Preliminary Plat, Stone Group Commercial, SE Corner of Hwy 65/209 Ave NE, Stone Group, LLC with the conditions set forth in the provided Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

9.0 Final Plat: Stone Group Commercial, SE Corner of Hwy 65/209th Ave NE, Stone Group, LLC

Background Information:

Hanson stated Stone Group, LLC requests the final plat be approved for the plat known as Stone Group Commercial.

Hanson noted the developer is required to meet all the conditions set forth in the resolution prior to filing the final plat with Anoka County.

Hanson indicated the Planning Commission is recommended to approve the final plat with the conditions set forth in the resolution.

Commissioner Lawrence moved and Commissioner Johnson seconded to recommend approval to City Council of the final plat for Stone Group Commercial, SE Corner of Hwy 65/209th Ave NE, Stone Group, LLC with the conditions set forth in the provided Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

10.0 Site Plan Review: Dollar General, SE Corner of Hwy 65/209th Ave NE, Overland Engineering

Background Information:

Hanson reviewed staff's reporting indicating the Dollar General is proposing to construct a 9,100 square foot building on the SW corner of Highway/209th Ave NE. The property is zoned B2 – Central Business, which retail sales and services is a permitted use.

Hanson stated staff provided comments to the applicant. The site plan meets East Bethel city code minimum requirements. Attachment 3 to the Commissioner's packet is the City Engineer letter, dated July 17, 2020. Engineering comments do not affect the layout of the site; therefore, staff recommends approval of the site plan, as presented.

Hanson noted the Minnesota Department of Transportation reviewed the Stone Group Commercial plat and had no requirements for the developer.

Hanson stated Attachment 6 to the Commissioner's packet shows the proposed architectural design of the building. The design of the building meets the minimum requirements of City Code Appendix A, Chapter 28 Architectural Design and is consistent with the architectural design and colors of the existing building north of the site. Code design requirements consist of the following:

1. - Purpose.

The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural designs.

2. - Planned business district (PBD), city center (CC), limited business (B-1), central business (B-2), highway business (B-3), and non-residential uses in residential districts.

A. Building design. Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.

1) Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.

2) At least 50 percent of all exterior wall finishes shall be comprised of any combination of at least two of the following materials:

a) Brick.

- b) Natural stone.
 - c) Glass.
 - d) Stucco or stucco-like finishes.
 - e) Other comparable or superior material approved by city council.
- 3) Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
- 4) In the PBD, CC, B-1, B-2 districts, and non-residential uses in residential districts, a minimum of 30 percent of the facade facing the public right-of-way shall be glass.
- 5) In the B-3 districts, a minimum of 20 percent of the facade facing the public right-of-way shall be glass.
- 6) The building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.

Hanson stated the location of the building, parking lot, trash enclosure, and drain field meet all setback requirements. According to city code the building requires 52 parking stalls; the site provides for the required 52 stalls.

Hanson noted the Zoning code Section 46 allows a maximum of 80% impervious coverage in the B2 Central Business district. This particular site has 40% impervious coverage, thus having much more greenspace than required by code.

Hanson indicated the City code Appendix A, Section 23 Screening Requirements states that businesses adjacent to single-family residential must provide fencing and evergreens adjacent to the entire length of the common property line. The landscape plan shows the types of plantings. All plant species meet the growing requirements for zone 3 and are salt tolerant. The site will have irrigation installed.

Hanson stated the Planning Commission is requested to discuss the site plan, architectural design and make a recommendation to the City Council. If the Commission recommends changes to the site plan, a condition(s) needs to be added to the resolution. Recommendation of approval should be with the conditions set forth in the resolution.

Commissioner Terry pointed out that with the previous Dollar General at Viking Boulevard that the awnings for the front windows was a good addition and this site seemed to be a more prominent site. He asked if awnings could be considered for this site also. Chair McLaurin agreed.

Commissioner Allenspach asked if the building was going to look exactly like the previous building. She asked how this building would be different or the same. Hanson responded it was the same size building, but the block colors would be different than the Viking Boulevard location and the Viking Boulevard location also had awnings where this proposal did not. She noted the color variation of the building would look more like the building across the street.

Commissioner Johnson stated if this met the minimum requirements of the City, she was fine with it.

Commissioner Eich stated if this matched the design and was similar to Pat's Small Engine, he was in favor. He stated he was not a fan of the awnings and he liked this design better. He stated this was more unique and different than what was already done.

Commissioner Terry noted Pat's Small Engine was more of an industrial use where this was retail, so it was a different clientele with more people going through, as well as it being a prominent visual business on Highway 65. Chair McLaurin asked if the awnings would be on the north and west side facing towards 209th and facing west. Hansen responded the awnings would be along 209th Avenue and Highway 65 (the north and east side of the building).

Commissioner Smith stated another difference was the entry, similar to the one in Isanti. Hanson believed that was the vestibule inside the doors, but it would still be a square building. Commissioner Smith believed the other one on 22 was a direct entrance and this one had an angle, which he was fine with. Commissioner Terry noted the angle created a canopy over the entrance also.

Commissioner Johnson stated she was not in favor of requiring additional expense if it was meeting the minimum requirements of the City.

Commissioner Lawrence stated he did not have a strong opinion one way or the other about the awnings. He stated he appreciated that they had matched it to a building that was next to them.

Chair McLaurin stated it appeared there was a consensus to not require awnings. She indicated she was fine with not having awnings.

Chair McLaurin noted the corridor along Highway 65 was becoming Dollar General, Storage Units, car lots, and apartments. She asked if that was the image they wanted and if another Dollar Store or another smaller footprint retail were to come in similar to this, was that the image they wanted. She asked what the long-term goal for the City was. She noted there were five Dollar General stores within a short distance.

Commissioner Johnson responded she was fine this, but she was not in favor of adding additional costs because someone wanted it to look differently. She noted Dollar General was the only company expressing interest right now also.

Commissioner Terry stated they had ideals and then they had the practical realities of what was actually occurring. He stated Dollar General fit a need the City has, and they didn't have other things coming in this time and he wanted to encourage positive development.

Commissioner Allenspach noted in some communities there are Walgreens a mile apart and a lot of companies planned to put their stores close together. She did not think there was a lot they could do about this.

Commissioner Eich stated he agreed with all of the development coming in on the south side. He stated he would like to see something else come in, but it was a benefit to have a business with the hopes they could get a competitor to come in. He believed they needed to start moving toward businesses.

Commissioner Smith stated he did not want to chase businesses away and the new businesses will represent the City well. He believed the newer buildings coming in looked nice, which he hoped would draw more into the City.

Commissioner Lawrence stated he agreed the Cities architectural standards looked good and polished and they were leaning towards a look for East Bethel, which he liked. He believed this was an excellent move for the City and they were moving in the right direction. He stated by bringing these businesses in, it would show the City was business friendly.

Commissioner Allenspach moved and Commissioner Eich seconded to recommend approval to City Council of the Site Plan for Dollar General, SE Corner of Hwy 65/209th Ave NE with the conditions set forth in the provided Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

This item goes before City Council on September 14, 2020.

11.0 Updates

Council Liaison Tim Harrington reported the following City Council actions:

- Approval of Variance for lot width at right-of-way at 1800 208th
- Approval of lot split at 1800 208th
- Approval of site plan review of commercial building 20418 Highway 65
- Approval of site plan for self-storage facility at 20563 Aberdeen Street
- Approval of Ice Arena return with emergency preparedness plan
- He had a conversation with the President of the Chamber and there would be a Meet the Candidate sometime in early October which would be virtual

Chair McLaurin believed the Meeting the Candidates would be on October 8, if the City would make that date work. She stated tentatively they were also doing the Chamber Sunrise Breakfast on October 8 which would be held outside of Route 65. She noted they were limiting this to the first 40 participants who get their reservations in.

12.0 Adjournment

Commissioner Allenspach moved and Commissioner Eich seconded to adjourn at 8:03 pm. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

Submitted by:

Kathy Altman

TimeSaver Off Site Secretarial, Inc.