

EAST BETHEL PLANNING COMMISSION MEETING  
October 27, 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: Jack Davis, City Administrator  
Stephanie Hanson, Community Development Director  
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 September 22, 2020 meeting minutes**

**Commissioner Allenspach moved, and Commissioner Johnson seconded to adopt the September 22, 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: Preliminary Plat – Whispering Aspen 2<sup>nd</sup> Addition – Firebird Land; LLC**

Hanson stated Stone Group LLC submitted the preliminary plat for Whispering Aspen 2<sup>nd</sup> Addition located NW of Highway 65 and 241<sup>st</sup> Avenue.

Hanson noted Whispering Aspen was approved as a Planned Unit Development (PUD) 2004. At the time, a ghost plat was submitted as well. The ghost plat shows Outlot F as a cul-de-sac with six (6) lots; therefore, the preliminary plat for the 2<sup>nd</sup> Addition coincides with the ghost plat.

Hanson indicated the PUD was approved as follows:

Lot Size: 10,000 square feet

Lot Width (street frontage): 75 feet  
(except for corner, flag and CDS lots) not specified

Front Setback: 28 feet

Sideyard Setback: 10 feet

Rearyard Setback: 20 feet

House Size:

2-story 960 square feet per floor

Rambers and Splits 1,100 square feet per floor

Hanson noted as stated in the Amended and Reinstated Purchase Agreement dated January 8, 2004, between the City of East Bethel and Firebird Land, LLC, Article IV 4.1 (k) states “park dedication fees shall not required of the Purchaser in the platting process, since parks are already included in the project”; therefore, no park dedication fees will be collected.

Hanson stated the preliminary plat requires the addition of a cul-de-sac. As stated in the Amended and Reinstated Purchase Agreement dated January 8, 2004, between the City of East Bethel and Firebird Land, LLC, Article IV 4.1 (m) states “The second phase of this development will maintain street widths and other similar design concepts to current existing streets in first phase. This clause will survive closing”.

Hanson indicated the Public Works Manager has concerns regarding snow removal/management on the cul-de-sac. The number of driveways and lots on the cul-de-sac leaves no room for snow storage. Public Works may need to store snow in the middle of the cul-de-sac and remove it with a frontend loader when the snow pile gets too high and/or there is no more room for storage.

Hanson stated typical urban cul-de-sacs have 3 lots fronting onto them, leaving more room for snow storage. East Bethel City code does not have requirements for cul-de-sac lots. Additionally, the original purchase agreement has standards for lots located on a street but no standards for lot located on a cul-de-sac. City staff requests City Council consider the challenges when approving cul-de-sacs in future phases of the development. According to the ghost plat, the development could potentially have 3 additional cul-de-sacs.

Hanson indicated city staff completed the review of the plat. The City Engineer and city staff comments, which includes the responses form the developer’s engineer. 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 stated 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 the resolution.

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

Eich asked if there were other loaders in the area from other nearby cul-de-sacs to remove the snow. Mundle responded if there is one existing cul-de-sac in the development that the City deals with.

Allenspach stated her concern was if there was snow in the middle of the cul-de-sac and the City didn’t have time to remove the snow, what happened if emergency vehicles needed to get in there. She stated she did not see any comments from the Fire Department on this. She asked the Council get approval from the Fire Department prior to the Council meeting.

Hanson stated the cul-de-sac was about the same size as the other cul-de-sacs, but there were more lots off of it, so there was nowhere to put the snow, except in the driveways.

Smith asked if it was the City’s responsibility for snow removal. Hanson responded it was.

Smith did not think the City should be responsible for the extra work because the lots did not meet the standard size. Hanson responded this was approved in 2004 as a planned unit development.

Smith stated if this was approved in 2004, shouldn't they be looking at the contract that was drawn up at that time. Hanson stated this was a part of the ghost plat that was approved as a part of the purchase agreement.

Smith did not think this was good for the City. He asked if the fire hydrant was going to be replaced with a new one. Hanson responded the plat would not move forward until all of the comments were addressed. She indicated that was how they dealt with all of the developers and once those issues had been taken care of, then the plat could move forward.

Smith asked if the develop had answered all of the questions asked. Hanson responded they had responded to the Engineer's comments.

Smith noted all of the comments referred back to the 2004 Purchase Agreement which they did not have in their packet. Hanson responded she would send that Agreement to the Commission. She noted at this time, they were not approving anything, but only holding a public hearing.

Smith believed Firebird Land owed the City money from 2014. Hanson responded she was not aware of that and this would be something to be brought up with the administration. He asked if the developer still owed the City money and they allowed him to continue to build, what happened if he went out of business and owed the City money. He stated in his opinion, the City needed to be paid.

McLaurin asked if this was hearsay or was it something he knew for a fact. Smith responded Davis had all of the numbers. Davis stated he could not speak about this as it was a closed session item still pending discussion.

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

**Commissioner Smith moved to table this until the questions brought forth were answered.**

Smith stated he wanted to make sure the developer paid back payment to the City before they approved this. McLaurin stated that had nothing to do with this approval and the City Administrator noted he could not respond on this topic. She indicated she did not have any information as to whether this was correct or not, and she believed they needed to go forward as it did not affect this.

Terry stated they did have the opportunity to ask the developer this. Mr. Mundle stated the fixing of the roads, the City did an analysis of the cost of the roads in 2004. He was responsible for \$125,000 and there are documents in his possession showing that analysis. He stated he agreed to that amount and to fund it, he agreed to pay a fee at the sale of each home, which was still being collected. He stated he had already paid far more than that money. He stated he wasn't going to purchase property and be responsible for paying for the City roads forever. He indicated he did not owe the City any funds.

Smith stated they needed to get the answers then and he wanted to see the documents. Mr. Mundle stated the City had all of the documents.

Hanson stated since there was a motion to table, this needed to be addressed. She noted without a second, the motion would fail.

**Motion failed for lack of a second.**

**Commission Allenspach moved and Commissioner Terry seconded to recommend approval to City Council of the Preliminary Plat for Whispering Aspens Second Addition and for staff to get input from the Fire Chief regarding the snow on the cul-de-sac.**

**Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Johnson yes. Lawrence, abstain. Smith, no. Motion passed 5-1-1.**

This item goes before City Council on November 9, 2020.

## 5.0 Updates

Council Liaison Tim Harrington reported the following City Council actions:

- Approval of a variance for reduction of sideyard and structural setback for a septic on 19361 East Front Boulevard
- Approval of Administrative subdivision lot line adjustment for 20481 and 20204 Highway 65.
- Approval of Administrative subdivision for 4525 Fawn Lake Drive
- Approval for IUP for farm animals at 23138 Sunset Road

The next Planning and Zoning Commission meeting is scheduled for November 24, 2020.

Terry stated on 229<sup>th</sup> County Road 26 going west from Cedar Creek EcoSystems Science Reserve area the road curves and goes north and then turns in 24, at night there are two reflectors. He recommended additional reflectors be put in, so people did not think the road went straight. He indicated there was a prior accident at this spot due to lack of reflectors. Harrington stated he would talk to City staff to see what they could do.

Eich asked if it was possible to get the packets earlier than the Friday afternoon prior to the meeting. It would give them more time to prepare for the meeting. Lawrence stated he was in favor of this also. Hanson replied they should be receiving the agenda early. She noted a lot of the applicants don't get the staff the information until two weeks before the meeting, so they were preparing the reports that week which were done by Thursday. She stated they could push and get the packets out on Thursday, but that would be the earliest as staff needed the time to get the reports prepared.

## 6.0 Adjournment

**Commissioner Allenspach moved, and Commissioner Terry seconded to adjourn at 7:37 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.*