

EAST BETHEL PLANNING COMMISSION MEETING
May 25, 2021

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
Suzanne Erkel, 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 Terry 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 April 27, 2021, meeting minutes

Terry requested the following change: Page 4, 6th paragraph, removed the word “not”.

Commissioner Lawrence moved and Commissioner Allenspach seconded to adopt the April 27, 2021, 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.

McLaurin stated Agenda Item 5.0 will be presented before Agenda Item 4.0.

5.0 Site Plan Review: 18750 Ulysses St NE – Pan O Gold – Classic Construction Inc.

Hanson reviewed staff's report stating on behalf of Pan O Gold Baking Company, Classic Construction, Inc. is requesting a site plan review of a new 23,585 square foot commercial building. The building will be used as a distribution center for Country Hearth, a supplier of breads and buns to restaurants, stores, and schools throughout Minnesota.

Hanson indicated the products are baked at the St. Cloud location, semi-trucks deliver the products to the East Bethel site during the evening, delivery trucks are loaded early morning and are off-site making daily deliveries to its customers. The delivery trucks come back to the site after the daily deliveries and will be parked over-night. There will be upwards of 25 delivery trucks stored on-site. Generally, the numbers of employees throughout the business day, at any given time, range between 0 – 25.

Hanson noted staff reviewed the site plan. It's been determined the site plan meets City Code requirements and staff supports the configuration, architectural standards, lighting and landscaping of the proposed plan.

Hanson stated the City Engineer comments from May 11, 2021, are shown in Exhibit A attached to the Commissioner's packet. The remaining outstanding items from the City Engineer will not change the site plan; however, comments will need to be satisfactorily addressed prior to the issuance of a building

permit. Engineering items include, but are not limited to storm water calculations, NPDES construction permit, and project specifications complying with the East Bethel Engineering Manual.

Hanson indicated the building will be a rock face brick in two coordinating colors, with accents matching the existing structure. There will be a block wall to help with screening the loading areas on the southern and northern sides of the building from Highway 65. The architectural design meets the requirements set forth in city code.

Hanson stated the landscaping plan meets the requirements of city code and is attached in Exhibit D to the Commissioner's packet. If the plantings and grass are not completed prior to the issuance of the certificate of occupancy (CO), the applicant will be required to establish an escrow to ensure completion no later than 8 months after the issuance of the CO. The City Engineer will establish the amount of required landscape escrow.

Hanson noted the southern loading area will be accessed off 187th Lane and the northern loading area will be accessed off Ulysses St. The turnaround plan for the semi-trucks that will make daily deliveries or product that will then, be distributed via delivery trucks.

Hanson indicated the site plan shows 39 parking stalls, which includes 2 accessible stalls. This meets the requirements of city code.

Hanson stated the circumference of the parking lot includes 10 - pole lights and the building will have numerous wall pack lights. The lighting plan not only provides sufficient lighting for the site but also creates increased safety of the site.

Hanson recommended the Commission review the site plan and make a recommendation of approval to City Council with the conditions set forth in resolution 2021-XX and accompanied exhibits.

Allenspach stated she had had no major concerns with the plan and all the questions she had were answered and everything appeared to be in line.

Johnson stated she also didn't have any concerns and she believed this would be a great addition to the City.

Smith stated this looked like a nice building and would be a great asset to the City.

Lawrence stated he agreed with all the previous comments. He believed this was great use of industrial space for the City and the plans were very well thought out. He stated this went with everything they were looking for in terms of development in the City.

McLaurin asked what time of the morning the semi-trucks would be arriving. Hanson responded the bread trucks would come in later in the evening or later in the night and the distribution trucks would typically come in around 5:00 a.m.

McLaurin agreed with the rest of the Commission. She stated the building was beautiful and she liked the idea.

Terry stated he liked the look of the building, and it had a good rhythm to it and was appealing. He thought the business was a good fit. He asked why they chose East Bethel though instead of along the 94 corridor since they were based in St. Cloud.

Commissioner Allenspach moved, and Commissioner Terry seconded to recommend approval to City Council with the conditions set forth in the 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 June 14, 2021.

4.0 Public Hearing: Conditional Use Permit Amendment – PVS – 1542 221st Avenue NE – Vera Partyka

Hanson reviewed staff's report stating in September 2012, the property owner Paul Partyka submitted a proposal letter (attachment 4) for an auto parts storage business that is open to the public. On May 1, 2013, the City Council approved a Conditional Use Permit (CUP) to allow a trucking terminal from the property with the storage and selling of the auto parts to be conducted fully within the building(s). The minutes from the meeting are attached for your review (attachment 5). Conditions of the approved CUP are as follows: Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer/PVS Auto; All parking/exterior storage shall not be allowed with the required setbacks, public right-of-way, private access easement, or within the required parking area; Screening of exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 43. Screening Requirements; and All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

Hanson noted as part of the approval, the property owner added metal fencing along the northern property line, abutting 221st Ave NE.

Hanson stated for the past 8 years, PVS has continued to operate from the site. Throughout the past 2 years, noncompliant issues have risen and noncompliant letters have been sent to the property owner for the following reasons: Number of semis and trailers exceeding the allowed amount; Inoperable/unlicensed vehicles stored on-site; Exterior storage of parts and other items; Lack of screening from neighboring properties and the right-of-way; and Buildings are in need of repair or need to be torn down.

Hanson indicated the property owner is making progress to bring the property into compliance. Most recently, the property owner and City staff met to discuss additional steps needed to bring the property into compliance. They are willing to make an investment into the property by repairing or tearing down noncompliant structures and installing metal fencing around the circumference of the property.

Hanson noted the trucking business has grown and additional semis and trailers are needed to keep up with the demands of the business; therefore, the property owner is requesting a Conditional Use Permit Amendment (CUPA) to allow up to 30 semis and trailers on-site. As part of the CUPA approval, the property owner is willing to make an investment into the property to clean it up, repair/remove buildings in order to meet code and provide metal fencing around the circumference of the property.

Hanson stated the owner stated buildings will be repaired or removed. Section 14-24 of City Code states "All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, may be declared by the city council to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of Minn. Stats. §§ 463.15—463.26."

Hanson indicated Section 14.2C of the city zoning code states "Every exterior wall, foundation, and roof of accessory structure(s) shall be reasonably watertight, weather tight, and rodent proof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, or other material."

Hanson noted there are a number of detached structures on the site that appear to be in violation of the sections of city code; therefore, staff suggests the property owner and city staff, to include the Building Official, City Administrator and Community Development Director meet on-site to discuss the issues of each building so the owner can bring them into compliance through repair or demolition.

Hanson stated staff suggests a meeting on-site with the property owner, Building Official and City Administrator to determine which structures are required to be removed and repaired with a completion date of October 1, 2021.

Hanson indicated the owner has made progress towards removing inoperable/unlicensed vehicles. Staff suggests a meeting on-site to ensure compliancy with a recommendation that an annual site inspection is completed to ensure compliancy.

Hanson stated the owner provided new fencing along the northern property line. Fencing needs to be installed to screen the property from the right-of-way and adjacent properties, as required by section 23 Screening Regulations of the zoning code.

Hanson noted the Code states “Screening shall be installed so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year. Overstory and understory trees are defined in Section 27. Landscaping Regulations. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height.”

Hanson indicated the property is surrounded by an existing metal fence along the northern property line and chain link along the remaining property lines. Staff suggests the metal fencing be installed around the circumference of the property to screen the property from the right-of-way and adjacent properties. Staff and the owner discussed this option; however, there is a 6-month back order for the fencing. Staff recommends the owner be given a completion date for the installation of the metal fencing until June 1, 2022.

Hanson stated the owners and staff have successfully been working together for a solution to bring the site into compliancy with city codes, while allowing the business to continue to operate and expand on the site.

Hanson indicated staff recommends the following conditions as part of the CUPA approval. Failure to comply with conditions and dates set forth in the resolution may result in the revocation of the CUP.

1. City staff will inspect the existing structures to determine which structures will need to be repaired or demolished. Structures must be brought into compliance no later than October 1, 2021. Failure to meet the deadline will result in the possible revocation of the CUP.
2. City staff shall provide an annual interior site inspection by June 1 of each year to ensure compliancy with the CUP. Exterior storage is only approved for 30 operable semis and semi-trailers. All other materials are required to be stored within the buildings. Inoperable/unlicensed vehicles are not permitted to be stored on-site.

3. A screening fence must be installed around the entire property. The fence must be the same materials as the new fencing along the northern property line. Fencing must be installed no later than June 1, 2022.
4. Parking spaces for vehicles and semi-trailers must be marked; meeting city code requirements.

Hanson stated staff recommends the Commission hold a public hearing, discuss and make a recommendation of either approval or denial to the City Council for a CUPA.

Hanson stated if the Commission recommends denial, reasons (findings of fact) will need to be made to the Resolution for denial.

McLaurin opened the public hearing at 7:26 p.m.

Ms. Vera Partyka stated they were willing to do everything if it was approved. She indicated this was a lot of money, so they wanted to make sure it was approved. She stated if this were denied they would close and not sell.

Mr. Paul Partyka, Owner of PVS Express, stated their business has been going fast. He stated they were willing to work with the City on getting a Conditional Use Permit. He stated they were in agreement with the conditions. He asked where the fence would need to be installed. Hanson responded the fence would go along Highway 65.

McLaurin closed the public hearing at 7:31 p.m.

Terry stated he was the only person on the Commission when they first came in. He summarized the background of the property. He stated when this first came forward, he was in support of the business as they said they would fix up the property. Then, shortly afterwards they wanted truck and trailers on the property, which was revisited by the Commission. He stated at that time they were looking at interior storage only, putting on siding and painting, tear down the old, dilapidated structures, and have nine trucks there. He noted this was eight years ago. He stated the offer to improve the property wasn't contingent upon expanding the business to a trucking depot of 30 trucks but was part of the conditions of why they were granted this opportunity eight years ago. He stated basically, before moving forward to an intensified use they must meet the conditions that were set forth eight years ago.

Lawrence thanked Terry for the background information. He stated his concern was there was no turn lane to go into the business or other signage. He stated 221st going east had a lot of residential homes and they didn't have a lot of businesses to contend with as well as the roads were not structured in such a way to support that. He noted if they were operating now with what was half of the proposed growth, he had concerns with how the roads were set up and the impact this would have to the residents who used 221st westbound on a daily basis.

Smith stated he agreed with what Terry said. He indicated eight years ago they had said they would take care of the clean-up and get rid of the buildings that were bad which had not happened. He asked what guarantee the City would have that they would take care of this now.

Johnson stated she wants to be supportive of the City's businesses, but she did share the concerns of the other Commissioners. She indicated staff had noted they had been successfully working with the business owner on this and if it was approved that the deadline dates needed to be met and if not met, then the CUP needed to be pulled. She stated she wanted to be supportive of the businesses in the City and encouraged the City to continue to work with the business.

Allenspach stated she was struggling with this. She noted the applicant stated they were willing to do this if they got approval, but they already had the approval, and they didn't do what they said they were going to do in the past. She indicated she didn't want to tell a business not to expand, but history indicated they had not done what they said they were going to do. She indicated she was torn on this, but she was glad to hear that they were working well with staff on this.

McLaurin stated she was also conflicted. She stated she had a few issues that went along with compliance and from what she saw, this business has never been in compliance with the CUP and has never done what it was stated in the original CUP. She noted this was a blind corner and if one of truck was going in or out, they were likely not to see it until they were on top of it. She stated the number of trucks concerned her. She noted a solid metal wall all away around it was also not what she wanted to see in terms of aesthetics in the City. She believed this would look like a junk yard if it were fenced with solid walls.

Ms. Partyka stated when they opened, they could have had more trucks, but they said no. She indicated this was the first time she had heard they needed to make the repairs on the property. She stated the traffic was being created by the easement. She stated they were willing to do what they needed to do, but she did not know about the previous conditions put on the business. She indicated the neighborhood did not have any issues with them.

McLaurin stated she was confused with respect to who owns the other driveway is as opposed to the trucks. Hanson responded PVS had their gates, and it was her understanding that there were trucks coming from the easement which was creating the traffic issues also.

McLaurin asked how they now knew what they were supposed to do from their original application. Ms. Partyka stated originally, they were trying to open a junk yard, but they decided to go with trucks instead and when they asked how much they needed, they only had three semi-trucks so they chose nine even though they could have applied for more. She stated right now they have moved all the cars not marked as junk. She stated this was the first time she was hearing about the previous conditions put on the property. She indicated they had no problems for seven years until the neighbors drove on the property.

McLaurin asked what brought this non-compliance to staff's attention. Hanson responded it was complaint based and had to do with the dilapidated buildings on site as well as the number of junk vehicles and semi-trailers in and out of the site.

Terry stated a letter in the Commissioner's packet from the owner indicated that a number of existing buildings no longer served a purpose and would be torn down. Some of the other buildings were in need of repair and paint, which PVS intends to do as well as improvements to the ground as well. He noted it said it was the owner's intention to make the facility look like it was being used by a successful business and not a run-down in need of repair property as it currently was. Hanson stated this was the letter submitted in September 2012.

McLaurin stated the September 2012 letter was received by the owner but now they are saying they didn't understand that they were supposed to do it when it was written in the letter. Ms. Partyka stated that was a letter sent by her husband and she was dealing with it now. She stated they were planning to rebuild or tear down the buildings for car parts, but they decided not to do car parts but instead go with trucking.

Terry stated this went in without any concept that there would be a junk yard and that it would be interior storage of auto parts. Ms. Partyka stated she misspoke and to her a junk yard meant they were

selling vehicle parts. She stated the purpose of the business was to use the buildings for the cars and parts.

McLaurin stated Ms. Partyka was indicating this was used parts and she read the letter to be new auto parts. Ms. Partyka stated it was new and used from both cars and manufacturers.

Terry stated if this had come in as a truck depot back in 2012 it would have been denied. He stated they were looking at this as a commercial retail site and it seemed like a good fit as it would involve upgrading the property. Ms. Partyka stated they could buy new property for what it cost to upgrade the property. She indicated the City needed to work with the businesses.

McLaurin stated the concern was seven years ago they agreed to do something they had not done, and the property does not look nice and now they want to expand. She asked why the Commission should take their word now that all the repairs will be done when 7 years ago, they wrote in a letter what would be done, and it wasn't done then. Ms. Partyka stated they were not asking for a lot of time. She indicated if they had time and dates, they were willing to do this and if it was not done then close them down. She asked for one year.

McLaurin asked what else other than getting rid of the junk cars have they done. Hanson responded they have done a little bit of fixing up of the buildings.

Mr. Partyka stated eight years ago they had to clear a lot of trees and fix the interior of buildings. He believed they did at least 50 percent of the fixing up and he didn't understand why they are saying why nothing had been done. Hanson agreed they had made a big difference and had done quite a bit of work.

Ms. Partyka stated they would work with staff in every way they could and if they had to do this, they would do it.

McLaurin asked if they still had their main building in Blaine. Ms. Partyka responded they did not have that building any longer.

Terry stated it was his perspective was that this shouldn't be the cart before the horse in terms of granting a CUP and then expect things that were part of the IUP eight years ago that had not been done. He indicated if the things they said they were going to do eight years ago had been done, they would be looking at this in a different light. He stated they needed to determine if the City did or did not want a trucking terminal on this property. He stated it would be a disservice to the Partyka's if the City didn't want that type of business at this location but was willing to let it proceed temporarily while the Partyka's made an investment in the property. He stated if the City was okay with a trucking terminal, then there was a path forward, but to him it still involved good faith on the Partyka's part in bringing the property into compliance and then they would be on even ground to grant the CUP.

Johnson stated she was not as concerned about the non-compliance as she believed they did want to bring this into compliance, but whether they wanted to have a trucking terminal at this location was her biggest issue.

McLaurin stated that was her question also. She stated if they were not in Blaine any longer then it appeared they wanted to be in East Bethel permanently and if they were granting 30 trucks now, would they be granting 50 trucks in another 8 years. She indicated she would like to give their business the opportunity to grow but was that a corner that 50 trucks could handle.

Ms. Partyka stated she was trying to work with them. McLaurin stated she understood the owner was working with the City, but the Commission had to look at the City Codes, Ordinances, and plans and it was the Commissioner's job to discuss what the City plan was for the long-term. She indicated the Commission was trying to do their jobs.

Ms. Partyka stated they were not going to go to 50 trucks, and they would just keep it at 30. She indicated the City did not have to worry about this going to 50 or 100 trucks.

Terry clarified if staff and the City thought a truck terminal at this site was a good fit. Hanson responded anytime trucks were allowed to come and go on a site, it was considered a trucking terminal and that had been approved in 2013, but the question was how many trucks the Commission was comfortable with.

Terry asked for a normal trucking terminal, was paved parking necessary. Hanson responded because this was an existing site, what they have is compliant with the legal non-conforming use. She indicated if this was a new site, that might be different.

Terry inquired about the drainage into the adjacent wetland. Hanson replied again this was the existing condition on an existing site. She indicated if this were a new site, they would have to come into compliance, but because this was an existing site, they were not required to do a site plan.

Hanson stated if this is approved there would be strict deadlines that need to be met and if they are not met, the CUP would go before the Council for revocation. She stated if the Commission recommended denial, the Resolution was in their packet along with the reasons for the denial.

Lawrence stated he wants a condition added that the site was not structured for the expansion the Partyka's are planning for their business.

McLaurin stated the issues the Commission had is Lawrence's previous comments and current compliance issues.

Terry added if the business was in compliance this would be considered, but they would be considering it as looking if they wanted a trucking terminal there or not and until they are in compliance, the Commission could not legitimately do that.

McLaurin noted the property did sit on wetlands and it has had abandoned vehicles, semi-trucks, and trucks sitting there which could be a concern for the wetlands. She stated she would like to have the property check to see if there are any environmental concerns if a trucking terminal was allowed on the property.

Commissioner McLaurin moved and Commissioner Lawrence seconded to recommend denial of the CUP for PVS at 1542 – 221st Ave NE to City Council. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Eich yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.

McLaurin stated the Commission was an advisory Board to the Council and it was up to the Council for the final decision. Ms. Partyka stated would the City rather have an abandoned property because they are not going to sell the property.

This item goes before City Council on June 14, 2021.

6.0 Updates

Council Liaison Erkel updated the Commission on recent Council actions.

Hanson stated the next Commission meeting would be held live.

The next Planning and Zoning Commission meeting is scheduled for June 22, 2021.

7.0 Adjournment

Commissioner Johnson moved and Commissioner Lawrence seconded to adjourn at 8:14 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.