

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, MAY 22, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, May 22, 2023 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Commissioners Brian Pogalz, Jeff Entsminger, Dave Ringler, Scott Heaton, Jonathan Fisher and Erin Dixon

MEMBERS ABSENT: Commissioner Kyle Lejonvarn

OTHERS PRESENT: City Engineer Tom Collins, Building and Zoning Official Mark Jones and Building and Zoning Clerk Jennifer Bohr

CALL TO ORDER: Chair Pogalz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited by all in attendance.

APPROVAL OF MINUTES:

Motion by Entsminger, seconded by Fisher, to approve the minutes of the May 8, 2023 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Seng Vang requesting a Temporary Conditional Use Permit to raise pigeons at 142 154th Avenue NE.

Mr. Vang was present. Mr. Vang stated he has raced pigeons on and off over the past fifteen years and would like to start raising pigeons for racing again. Mr. Vang stated the pigeons are expensive and bred specifically to race; the sport is similar to horse racing. Commissioner Dixon completed the inspection; a copy which is on file. Commissioner Dixon stated the area the loft will be located in is screened by trees on three sides; it is unlikely it will be seen from the street. Chair Pogalz stated Building and Zoning Official Jones has submitted his recommendation for approval of this request per his staff report dated May 22, 2023.

Chair Pogalz opened the public hearing at 6:04 p.m. and asked for public comment; with there being none, he closed the public hearing at 6:05 p.m.

Chair Pogalz asked if the building requirements for the loft are similar to those for a chicken coop. Commissioner Dixon stated building requirements for the loft can be found in the City Code. Commissioner Dixon stated she feels the City should consider

modifying the City Code as it relates to pigeons. Commissioner Dixson stated she felt the requirements the City has related to raising pigeons is excessive (applying for a Temporary Conditional Use Permit, paying a \$400 fee, going through the planning process, etc.) when compared to the requirements for raising other birds, such as chickens, in the city. Chair Pogalz stated there may be some differences in the raising of each type of bird that necessitate different requirements. **Motion by Dixson, seconded by Fisher, to recommend approval of the request of Seng Vang for a Temporary Conditional Use Permit to raise pigeons at 142 154th Avenue NE subject to raising no more than 30 pigeons at one time, releasing no more than fifty-percent of the pigeons at one time for exercise and meeting all City, State and County requirements. All present in favor, motion carried.** *This application will be placed on the City Council's June 5, 2023 agenda.*

PUBLIC HEARING:

Akil Ibrahim requesting a Conditional Use Permit to operate Fleet Star Truck and Trailer, LLC (a full-service trucking terminal business) at 16522 Buchanan Street NE

Mr. Steve Plienis and Ms. Kristin Erickson of Classic Construction and Mr. Ali Giarushi, real estate agent, were present on behalf of the applicant. Mr. Plienis stated the business will be located on Lots 1-4, Block 3 of the Creekside Farms Commercial Development (Commercial Development II zoning); the applicant intends to combine the lots. Mr. Plienis stated the truck terminal building will include two stories of office space on one end, two bays with docks for shipping and receiving, two bays for trailer storage or parking when moving product from one trailer to another and one service bay; the parking lot area to the northwest of the building is primarily for trailer parking but there will also be trucks and trucks with trailers parking there. Mr. Plienis stated traffic flow will be light as most of the drivers provide over the road service; the owner anticipates traffic to be four or five trucks per day. Mr. Plienis stated Mr. Ibrahim plans to employ fifteen office staff, five shop employees, twenty drivers and contract with 60-70 independent truck drivers. Chair Pogalz completed the inspection; a copy which is on file. Chair Pogalz asked if any refrigerated trailers will be parked at the location. Mr. Plienis stated there will be some refrigerated trucks at the location, however they will come into the terminal, transfer product and leave. Chair Pogalz stated truck idling has created issues at other trucking locations adjacent to residential neighborhoods in the city; the hours of operation are to be strictly 7:00 a.m. to 5:00 p.m. Chair Pogalz stated having an indoor maintenance area should allow the business to comply with no outdoor storage requirements. Chair Pogalz asked Mr. Plienis if screening requirements have been discussed. Mr. Plienis stated they have; Mr. Ibrahim is familiar with outdoor storage requirements as he has another business location in Ham Lake. Chair Pogalz asked Building and Zoning Official Jones if he had any further comment. Building and Zoning Official Jones stated consideration may be given to posting a no truck traffic sign on 167th Avenue NE. Chair Pogalz stated a resident submitted a letter asking that a speed limit sign be posted on Buchanan Street NE. Engineer Collins stated a condition of approval for the Creekside Farms Development was that the developer post no truck signage on 167th Avenue NE; a speed limit sign can also be posted on Buchanan Street NE at 30 MPH; MnDOT approved the speed limit of 30 MPH in 2001.

Chair Pogalz opened the public hearing at 6:17 p.m. and asked for public comment; with there being none, he closed the public hearing at 6:18 p.m.

Motion by Pogalz, seconded by Fisher, to recommend approval of the request of Akil Ibrahim requesting a Conditional Use Permit to operate Fleet Star Truck and Trailer, LLC (a full-service trucking terminal business) at 16522 Buchanan Street NE (Lots 1-4, Block 3, Creekside Farms) subject to:

1. All semi-truck traffic using Constance Boulevard NE and Buchanan Street NE to access the terminal. Use of 167th Avenue NE is strictly prohibited.
2. All parking of semis and trailers is to be per the approved plans and the approved signage.
3. All semi-truck and trailer parking is to be associated with the truck terminal business use only. Leasing of parking spaces, under any circumstance, is strictly prohibited.
4. All truck repair is to be a secondary use to the truck terminal and is to be for trucks and trailers associated with the business only.
5. All repairs are to be done inside of the building.
6. All fluids are to be contained and disposed of according to State and County requirements.
7. No outside storage such as freight, liquids, tires, parts, etc.
8. Proper screening must be provided between commercial and residential property per Article 9-220.1.e.
9. No sleeping in trucks on the site.
10. Any refrigerated trailers are only allowed to run from 7:00 a.m. to 5:00 p.m.
11. Hours of operation will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. No weekend hours.
12. No truck idling before or after stated hours of operation.
13. Semi-truck traffic limited to five trucks per day.
14. Meeting all City, State and County requirements.

All present in favor, motion carried. *This application will be placed on the City Council's June 5, 2023 agenda.*

NEW BUSINESS:

Akil Ibrahim requesting Commercial Site Plan approval to construct a 12,613 square foot office/warehouse building for a truck terminal to be located at 16522 Buchanan Street NE.

Chair Pogalz completed the inspection; a copy which is on file. Chair Pogalz stated he has listed the same conditions for the Commercial Site Plan as for the Conditional Use Permit with the addition of some items mentioned in Engineer Collin's memo. Chair Pogalz stated he has reviewed the turning movements shown on the plans; though the plans indicate turning maneuvers will work, they seem very tight. Engineer Collins stated the applicant's engineer has verified, through their software, that the turning movements can be made but agrees the drivers will need to maneuver carefully around the building. Chair Pogalz asked if there were concerns about the proposed screening. Engineer

Collins stated the original site plan submitted to the City included screening on the east, north and west sides from the north corner of the property to the northwest corner of the building; what is shown now is conifers and shrubs directly west of the building only. Engineer Collins stated the developer of Creekside Farms believes there is adequate natural screening provided by the existing pine trees. Engineer Collins stated the remaining trees are sparse and do not provide adequate screening; Chair Pogalz agreed. Engineer Collins stated he asked the applicant to modify the plans to include screening as was shown on the original plans; the applicant wanted the opportunity to discuss the proposed, limited screening with the Commission. Mr. Plienis stated the slope of the land is steep beyond the curb; constructing a fence on the slope will cause it to be lower than intended and there is concern the fence will be damaged when the back of trailers extend past the curb when backed into parking spaces. Chair Pogalz asked if the applicant was proposing planting trees instead of constructing a fence. Engineer Collins stated the only screening proposed is what is shown directly west of the building on the landscape plan; there is no proposed screening along the western border of the parking lot. Engineer Collins stated City Code requires screening along property lines that are adjacent to residential property in Sections 9-220.1.e and 11-1800. Engineer Collins said there is opportunity to have a flat boulevard behind the curb and/or have a retaining wall beyond the fence; there are opportunities to meet the requirements of the City Code. Mr. Plienis presented the landscape plan. Mr. Plienis said a fence is proposed along Buchanan Street NE currently; initially fencing was shown around all of the parking area for the trucks and trailers. Mr. Plienis stated the grading is very steep on the west side of the property; if a fence is constructed on the west side of the property, especially on the southern part of the west side, it will be two to three feet lower than the parking lot level due to the grade so the fence was removed from the landscape plan. Mr. Plienis stated the original plans had under-lot storage with storm water retention; the plans have been modified to include a larger retention pond and a smaller parking lot. Mr. Plienis stated extra trees are shown on the plan to the west of the building around the dumpster area. Chair Pogalz asked Engineer Collins to comment on screening options for the west side of the property. Engineer Collins stated a County Ditch runs along the west side of the property and a 50-foot easement must be maintained on each side of the ditch. Engineer Collins stated that the catch points of the proposed slopes to the west of the proposed parking lot are well outside of the County Ditch easement, and that the slope adjacent to the curb could be flattened out and the proposed slopes could be extended to the County Ditch easement which would create a bench for fencing but that retaining wall construction may also be required. Building and Zoning Official Jones stated the applicant created the hardship related to the steep grade on the west side of the property because he wants a larger parking lot. Building and Zoning Official Jones stated he has had discussions with the applicant on the impact a larger parking lot has on the site. Building and Zoning Official Jones stated a taller fence could be constructed to create an adequate amount of screening on the steep slope. Chair Pogalz stated City Code indicates screening is required and that it can be a fence, trees, vegetation or a combination of those things. Building and Zoning Official Jones stated planting trees would produce the same result as constructing a six- or eight-foot fence; the trees would be just as low as a fence would be on the proposed grade on the west side of the property. Chair Pogalz stated trees could grow up to twenty-five feet. Building and Zoning Official Jones stated that would happen over time; he is currently dealing with complaints about inadequate

screening from residents living west of Richland Refrigerated Solutions at 1305 159th Avenue NE, where trees planted for screening several years ago were removed to be replaced by a six-foot fence that doesn't adequately screen the residential area from lighting at Richland Refrigerated Solutions. Building and Zoning Official Jones stated natural screening could be provided by trees, but the trees could be removed just like they were at Mr. Ibrahim's other location. There was discussion about the type of screening that should be required and the minimum size of trees that could be planted. Engineer Collins stated there is a lot of room between the County Ditch easement and the contour; adding some fill and putting in a retaining wall could provide adequate area for a fence to be constructed. Chair Pogalz asked Building and Zoning Official Jones if he would like the screening to be a fence. Building and Zoning Official Jones stated he would like screening to be a fence. There was discussion about how requiring fence on the western side of the property would impact the project. Mr. Plienis stated the fence would add significant cost to the project. Mr. Plienis stated it was his opinion that trees would provide better screening; consideration also has to be given to a space to push snow to in the winter. Building and Zoning Official Jones asked why a fence is being proposed on the eastern side of the property that borders other commercial lots. Mr. Plienis stated they thought a fence was required on that side of the property. Engineer Collins stated screening was not required on the east side of the property. Mr. Plienis stated the fence on the east side of the property could be removed and fencing could then be constructed on the west side from the northwest corner of the building to the northern corner of the property; Mr. Ibrahim's approval would be needed before the plans could be modified. Mr. Plienis asked what type of fence would be acceptable. Building and Zoning Official Jones stated chain link fence with slats would be acceptable. Building and Zoning Official Jones stated the fence must be constructed so it is at least six-feet above the curb. Mr. Plienis stated he will need to work with a civil engineer to determine what a reasonable fence height would be. Engineer Collins stated per code, the minimum height of the fence needs to be six-feet at grade or eight-feet if it drops two-feet below grade. Mr. Plienis asked if trees could be planted for screening. Building and Zoning Official Jones stated trees could be used for screening; the applicant will be required to sign an agreement that states what type of trees will be planted, the minimum size tree that will be planted (The grade the trees will be planted at will be a factor in determining tree size.), that planting will be staggered so that trees provide an intermingled screen within five years. Chair Pogalz stated the City Code indicates screening can consist of a combination of trees and fencing; the applicant is to work with Building and Zoning Official Jones on a mutually acceptable screening plan for the west side of the property. Engineer Collins stated the City Council will consider scheduling a public hearing to vacate a portion of the drainage and utility easements for Lots 1-4 in Block 3 of Creekside Farms due to the proposed combination of the lots at the June 5, 2023 meeting. Engineer Collins stated Coon Creek Watershed District has approved a permit for the site, but will need to execute an operations and maintenance agreement (O & M Agreement) with the applicant for maintenance of the private stormwater treatment. **Motion by Pogalz, seconded by Entsminger, to recommend approval of the Commercial Site Plan requested by Akil Ibrahim to construct a 12,613 square foot office/warehouse building for a truck terminal (Fleet Star Truck and Trailer, LLC) at 16522 Buchanan Street NE (Lots 1-4, Block 3, Creekside Farms) subject to the following conditions:**

1. All semi-truck traffic using Constance Boulevard NE and Buchanan Street NE to access the terminal. Use of 167th Avenue NE is strictly prohibited.
2. All parking of semis and trailers is to be per the approved plans and the approved signage.
3. All semi-truck and trailer parking is to be associated with the truck terminal business use only. Leasing of parking spaces, under any circumstance, is strictly prohibited.
4. All truck repair is to be a secondary use to the truck terminal and is to be for trucks and trailers associated with the business only.
5. All repairs are to be done inside of the building.
6. All fluids are to be contained and disposed of according to State and County requirements.
7. No outside storage such as freight, liquids, tires, parts, etc.
8. Proper screening must be provided between commercial and residential property per Articles 9-220.1.e. and 11-1800.
9. No sleeping in trucks on the site.
10. Any refrigerated trailers are only allowed to run from 7:00 a.m. to 5:00 p.m.
11. Hours of operation will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. No weekend hours.
12. No truck idling before or after stated hours of operation.
13. Semi-truck traffic limited to five trucks per day.
14. Meeting the requirements of the City Engineer as noted in his May 17, 2023 memo.
15. Acceptance of possible 100-year flood impacts to a portion of the site as noted in the City Engineer's memo.
16. Signing an agreement outlining requirements for screening if trees are selected for screening on the west side of the property.
17. Meeting all City, State and County requirements.

All present in favor, motion carried. *This application will be placed on the City Council's June 5, 2023 agenda.*

COMMISSION BUSINESS:

City Council Update

Commissioner Entsminger stated he did not attend the May 15, 2023 City Council meeting but informed the Commissioners that the City Council did concur with their recommendation to approve the Conditional Use Permit for GT Auto Sales. Chair Pogalz will attend the June 5, 2023 City Council meeting.

Chair Pogalz stated he has been reading several articles related to legalizing the recreational use of marijuana and the challenges it has been creating for some cities. Chair Pogalz stated the City should be proactive on determining what zoning districts dispensaries can be located in and create regulations related to marijuana sales in the City.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 7:03 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk