

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, AUGUST 22, 2022

The Ham Lake Planning Commission met for its regular meeting on Monday, August 22, 2022 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Chair Brian Pogalz and Commissioners Dave Ringler, Kyle Lejonvarn, Scott Heaton, Jeff Entsminger and Jonathan Fisher

MEMBERS ABSENT: Commissioner Erin Dixon

OTHERS PRESENT: 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 Lejonvarn, seconded by Fisher, to approve the minutes of the July 25, 2022 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Chad Bakkene requesting a Special Home Occupation Permit to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Dr NE (06-32-23-12-0017).

Chad and Melanie Bakkene were present. Mr. Bakkene stated he has been a maintenance machinist for 30 years and wants to start his own machine shop business out of his garage as renting property is too expensive. Mr. Bakkene stated the machines he will primarily operate are a CNC lathe and CNC mill along with other machines such as a saw and disc sander. Chair Pogalz asked Mr. Bakkene about climate control in the garage. Mr. Bakkene stated it would be heated in the winter and he would use a window air conditioning unit in the summer; he only opens the doors to bring something in and out. Chair Pogalz asked if the CNC machines would require their own foundation and what type of electrical service is needed to operate them. Mr. Bakkene stated the CNC machines do not require a separate foundation and he will be using an electrical three phase converter. Chair Pogalz asked if the parts manufactured will primarily be for printing machines. Mr. Bakkene stated he will be doing field service work for anything

that has to do with the print industry; he will not be bringing any large machines back to work on in the shop as he is trying to get away from that type of work. Mr. Bakkene stated he intends to apply for a Federal Firearms License (FFL) so he can do gunsmithing and manufacture parts for firearms. Chair Pogalz asked about the statement in his narrative related to equipment delivered by large (semi) truck. Mr. Bakkene stated that type of delivery would occur when he buys a machine center for his shop. Mr. Bakkene stated 99% of what he creates or works on can be held in his hand. Commissioner Ringler completed the inspection, a copy which is on file. Commissioner Ringler stated he met with Mr. Bakkene and observed the garage setup. Commissioner Ringler stated the garage was neat and clean, he saw a CNC lathe in place and discussed various subjects noted in the narrative such as types of delivery vehicles, operating hours, customer traffic and FFL regulations with Mr. Bakkene. Mr. Bakkene stated there will not be any large equipment dropped off to be worked on and he has decided that operating hours will be 7:00 a.m. to 9:00 p.m. seven days a week. Mr. Bakkene stated anyone who obtains a FFL cannot meet customers at random locations; they must meet at his shop, gun shows or federal, state or local sanctioned competitions. Mr. Bakkene stated any time a serialized, controlled part changes hands, the record of where the transfer took place has to be logged; he would like customers to be able to drop off and pickup items at his shop. Commissioner Lejonvarn asked if the lathe machine was setup and if it was turned on to hear how noisy it was. Commissioner Ringler said it was not turned on. Chair Pogalz asked Building and Zoning Official Mark Jones to comment. Building and Zoning Official Jones stated the City Code for Special Home Occupation Permits states there is to be no customer traffic; this is also noted in the memo in the packet; if the Commission allows customer traffic, that is in violation of the City Code. Building and Zoning Official Jones reminded the Commission that a previous application for two residents who wanted to operate a BBQ catering business from their garage, had a condition that no customer traffic was allowed. Building and Zoning Official Jones stated he has had conversations with Attorney Murphy to clarify what types of businesses are allowed on residential properties; Attorney Murphy stated if the operation is residential in nature it would be allowed, if it is commercial or industrial in nature it would not be allowed. Building and Zoning Official Jones stated the Commission will need to decide what category applies to a machine shop. Building and Zoning Official Jones stated machining and fabricating businesses are normally found in a commercial setting, which, according to the direction provided by the City Attorney, would not be considered residential in nature. Building and Zoning Official Jones stated that in the past we have told residents they can't have a machine shop in an accessory building; CNC machines are generally used in commercial settings. Building and Zoning Official Jones stated the City has allowed gunsmithing in residential settings in past. Commissioner Heaton asked for clarification on the difference between a Home Occupation Permit and a Special Home Occupation Permit. Building and Zoning Official Jones stated the difference between the two types of permits is the location of where the work will be done – inside of a house or residential dwelling or an accessory building; if operating in an accessory building, the provisions of a Special Home Occupation Permit apply. Chair Pogalz asked what home daycare falls under. Building and Zoning Official Jones stated it is a residential use which is licensed through Anoka County. Commissioner Fisher stated they have customer traffic as do massage therapists. Building and Zoning Official Jones asked the Commissioners to keep in mind that some occupations are specific, approved uses in residential districts. Commissioner

Heaton asked Mr. Bakkene if he could send and receive items via mail delivery. Mr. Bakkene stated out of state customers will mail items. Mr. Bakkene stated he felt requiring items to be mailed by local customers seemed excessive. Mr. Bakkene commented on the differences between Home Occupation Permits and Special Home Occupation Permits. Mr. Bakken stated if someone comes to a residence to get a haircut, and walks into a house, traffic is OK, but if they walk into my shop, traffic is not OK; residents that offer daycare can generate traffic multiple times a day, if I have one to two customers a day that's an issue? Mr. Bakkene stated it feels odd to him to have a restriction on traffic for his type of business in comparison to other businesses such as daycare. Mr. Bakkene stated his business would generate very little noise, the garage is insulated and sheet rocked and the doors are never open; none one of the machines are very loud, the air compressor is the loudest and can barely be heard when standing in the driveway and there are no neighbors within 275 feet. Mr. Bakkene stated he currently works in his garage now and hasn't had any issues. Mr. Bakkene stated his business will have an occasional drop off and activity would be similar to a friend coming over; most drop offs would occur in the evening.

Chair Pogalz opened the public hearing at 6:18 p.m. and asked for public comment.

Steve Flaherty, 835 181st Avenue NE. Mr. Flaherty stated he wanted to understand what type of business Mr. Bakkene was going to operate. Mr. Flaherty stated his concern was truck traffic; 181st Avenue NE already has enough truck traffic.

David Downs, 17815 Jefferson Street NE. Mr. Downs stated he wanted to know if there was going to be noise and odor; earlier discussion answered most of his questions. Mr. Downs asked if Mr. Bakkene would be firing any test shots from the firearms he works on. Mr. Bakkene stated he would not be firing the weapons.

Mark and Renee Ryan, 17925 Concord Drive NE. Mr. and Mrs. Ryan were not present but submitted a letter stating they object to the operation of a machine shop in the area; "*it is a residential neighborhood and we want it to keep it as such*". Their comments were read by Chair Pogalz, a copy which is on file.

Chair Pogalz closed the public hearing at 6:23 p.m.

Chair Pogalz asked for additional discussion. Commissioner Heaton commented on the way City Code was written related to customer traffic in Sections 9-350.1 and 9-350.3. Commissioner Heaton stated he felt the amount of traffic Mr. Bakkene anticipates for his business (average of less than one per day) could be considered normal residential traffic. Chair Lejonvarn asked Mr. Bakkene if it was possible for him to conduct business through the mail. Mr. Bakkene stated he could conduct business through the mail; it would result in more delivery truck traffic. Chair Pogalz asked what leverage the City had if Mr. Bakkene's request was approved but later found to be an issue for nearby residents and the City. Building and Zoning Clerk Bohr stated Section 9-350.2 states Home Occupation or Special Home Occupation Permits shall be reviewed and renewed annually unless complaints have been received, in which case the permit shall be resubmitted to the Planning Commission for review and recommendation to the City Council. Building and

Zoning Official Jones stated he has corresponded with Attorney Murphy about stipulations in City Code related to Home Occupation and Special Home Occupation Permits; Attorney Murphy's advice was to ensure applicants are meeting the provisions of the code; if they don't, the City cannot accept their application. Building and Zoning Official Jones stated the way the City Code is written may not sound right, but it is the code; a code change would be needed to accommodate Mr. Bakkene's desire to have customer traffic or allow customers to drop off and pick up items. There was discussion among the Commissioners on previous Home Occupation and Special Home Occupation Permit applications. Commissioner Lejonvarn asked Building and Zoning Official Jones what his recommendation is. Building and Zoning Official Jones stated his recommendation is to allow gunsmithing but, per code, no customer traffic. Chair Pogalz asked Commissioner Ringler for his recommendation. Commissioner Ringler stated his recommendation is to approve Mr. Bakkene's request for a Special Home Occupation permit with the conditions of: no outside storage, items may be dropped off and picked up or mailed, that there is no noise generated audible to neighboring properties, no odor or vibration generated that is detectable to nearby properties, one commercial delivery/pickup by outside delivery service per day, no additional employees, no machinery can be brought in for repairs, business hours of 7 a.m. to 9 p.m., seven days a week, meeting all city, state and county requirements. Commissioner Lejonvarn stated he felt the condition of allowing items to be dropped off and picked up should be removed with only mail delivery being allowed so the recommendation meets current City Code. Chair Pogalz stated code is interpreted in different ways by different people. Chair Pogalz stated the Planning Commission can forward a recommendation not to approve the request. Commissioner Lejonvarn restated that Mr. Bakkene stated he could operate by receiving items via mail which would comply with current City Code. Commissioner Heaton stated he didn't feel the application should be turned down as he felt what Mr. Bakkene was proposing fit 9-350.1.e - customer traffic would not be outside of normal residential levels of traffic. Commissioner Heaton stated one could interpret no customer traffic actually means no customer traffic outside of normal customer traffic. Commissioner Lejonvarn stated that would be reading something more into the code than what is written. Commissioner Heaton stated we're always reading into what is written. Commissioner Heaton stated he could make a recommendation related to customer traffic either way but if a condition of no customer traffic was recommended it would be with the intent that a future code change would permit some customer traffic. Commissioner Lejonvarn stated he felt listing a condition of no customer traffic is the right thing to do. There was discussion about the future impact on the applicant if code changed and allowed customer traffic. Commissioner Entsminger asked Mr. Bakkene what his opinion is of the Planning Commission making a recommendation of no customer traffic pending the Planning Commission looking into changing code. Mr. Bakkene stated if he could never have any customers he would have a difficult time; "no one within 20 miles will take the time to send something by mail, they will just go somewhere else". Mr. Bakkene feels the provision in City Code of not allowing any customer traffic, for his possible one customer a day, is too stringent. Commissioner Fisher stated there appears to be a conflict with the provisions of City Code and the FFL regulations. **Motion by Ringler, seconded by Fisher, to recommend approval of a Special Home Occupation Permit as requested by Chad Bakken to operate Bakkene Machining and Service, a machine and fabrication shop, at 18046 Concord Drive NE, subject to no outside storage, receiving and returning items via customer drop**

off, pick up or via mail service, no noise generated being audible to neighboring properties, no odor or vibration generated that is detectable to nearby properties, one commercial delivery/pickup by outside delivery service per day, no additional employees, no machinery can be brought in for repairs, business hours of 7 a.m. to 9 p.m., seven days a week, obtaining a Federal Firearms License and providing a copy of the license to the City before creating parts or working on any firearms, no discharging of firearms on-site, meeting all City, State, County and Federal requirements. Commissioners Ringler, Entsminger, Heaton and Fisher voted yes. Chair Pogalz and Commissioner Lejonvarn voted no. Motion carried. *This item will be placed on the September 6, 2022 City Council Agenda.*

Chair Pogalz stated he is not opposed to what Mr. Bakkene is trying to do; the reason he voted no is due to the way the code is written related to customer traffic, the Commission should not be recommending approval of this application with a condition that allows customer traffic.

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Commissioner Fisher asked about changing provisions in Section 9-350, could it be a future agenda item. **Motion by Fisher, seconded by Heaton, requesting City Council to direct the Planning Commission to review the provisions of Article 9-350, Home Occupation and Special Home Occupation Permits. All present in favor, motion carried.** Commissioner Entsminger will attend the September 6, 2022 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:51 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk