

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, OCTOBER 9, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, October 9, 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, Kyle Lejonvarn, Jeff Entsminger, Jonathan Fisher and David Ross

**MEMBERS ABSENT:** Commissioners Dave Ringler and Erin Dixon

**OTHERS PRESENT:** City Engineer Dave Krugler, 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.

Chair Pogalz welcomed members of BSA Troop 3509 who were in attendance.

Chair Pogalz introduced newly appointed Commissioner David Ross. Commissioner Ross was recently chosen to fill the seat vacated by Scott Heaton.

**APPROVAL OF MINUTES:**

**Motion by Lejonvarn, seconded by Entsminger, to approve the minutes of the September 25, 2023 Planning Commission meeting as written. All present in favor, motion carried.**

**PUBLIC HEARING:**

Jeremy Larson of Hampton Companies requesting to rezone certain parcels of land, 1016 Bunker Lake Boulevard NE, from R-1 (Single Family Residential) to R-AH (Affordable Housing District)

Mr. Jeremy Larson from Hampton Companies/Suite Living was present. Mr. Larson stated Suite Living provides high-acuity through end of life specialty care to its residents. Mr. Larson stated his company intends to construct a Suite Living Senior Care facility featuring 32 units on this parcel, with 20 units dedicated to assisted living and 12 units dedicated to memory care; hospice services will be provided to residents as well. Mr. Larson stated there are currently 14 Suite Living Senior Care facilities in the Twin Cities area; there will be 18 by the end of the year. Mr. Larson stated there will be 20-25 part-

time or full-time basis employees. Chair Pogalz stated a memo was provided by Building and Zoning Official Mark Jones recommending approval of the rezoning request. Commissioner Fisher completed the inspection; a copy which is on file. Commissioner Fisher stated the parcel has no structures on it, it is adjacent to townhomes and Majestic Oaks Golf Course and appears to be a suitable location for an assisted living facility. Building and Zoning Official Jones stated the Willows of Ham Lake and Majestic Greens senior apartment buildings are nearby. Chair Pogalz asked Mr. Larson if access to the parcel will only be from Bunker Lake Boulevard NE. Mr. Larson stated that it would be and that the access would be directly across from the 138<sup>th</sup> Lane NE access point onto Bunker Lake Boulevard NE to the north. Commissioner Lejonvarn asked Mr. Larson if he had plans to use the facility for anything other than an affordable housing memory care and assisted living unit. Mr. Larson stated he did not. Mr. Larson stated no other uses are being proposed and added they do offer 20% of their rooms on Elderly Waiver paid by the State of Minnesota which could be considered affordable housing. Mr. Larson stated most residents are private pay. Mr. Larson stated the company is a family owned business; he and his Dad own the company and have one business partner. Mr. Larson stated they have a unique business model as they own the real estate company, construction company and care facility; they do not hire third-party operators.

**Chair Pogalz opened the public hearing at 6:09 p.m. and asked for public comment.**

Joan Olchefske, 967 138<sup>th</sup> Lane NE. Ms. Olchefske asked what happens if the parcel is rezoned and the project isn't completed. Ms. Olchefske asked if that opened it up to something else.

Nancy Schardin, 912 136<sup>th</sup> Lane NE. Ms. Schardin stated she lives in the townhomes adjacent to the property. Ms. Schardin stated she has a few questions based on concerns from townhome owners. Ms. Schardin stated there is a path through the woods near the townhomes that golf carts drive on to get to the tunnel that leads to the golf course. Ms. Schardin asked if that path is on the 1016 Bunker Lake Boulevard NE parcel and will that path no longer be available to the townhome residents. Ms. Schardin asked if the lighting will be intrusive to homes nearby. Ms. Schardin stated there is currently woods between the townhomes facing the southern border of the property and owners of those townhomes are concerned about the view they will have if all of the trees are removed. Ms. Schardin stated the residents are concerned about where the well and septic system will be located and will the water usage by the facility cause their wells to dry up.

Terry Blackwelder, 13830 Pierce Street NE. Ms. Blackwelder stated her property is across Bunker Lake Boulevard NE, northeast of the parcel being considered for rezoning. Ms. Blackwelder stated she is one of the board members of the Majestic Oaks Townhome Association for the first through third townhome additions. Ms. Blackwelder asked if the property is rezoned to R-AH, and the current assisted living facility project falls through, could a larger apartment complex be constructed on the parcel; residents are concerned about the size of the structure that could be built on the small parcel. Ms. Blackwelder asked if there was an investigation being done to determine if there is enough land mass to support a well and septic system for the proposed facility so the residents water supply is not compromised; some residents has issues with their wells when the City of Blaine

turned on several wells at a time. Ms. Blackwelder asked if zoning is converted from single family homes to multiple family homes does an environmental impact statement or Phase 1 Analysis need to be done on the property. Ms. Blackwelder stated Bunker Lake Boulevard NE is pretty busy and there are plans to widen it to two lanes in each direction. Ms. Blackwelder asked if additional traffic control will be needed. Ms. Blackwelder asked if the addition of this building would affect traffic patterns and are there plans to do a study to determine if a traffic circle or traffic light is needed. Ms. Blackwelder stated an alternative to an assisted living facility could be townhomes that match those that have already been constructed.

George Dahlman, 954 136<sup>th</sup> Lane NE. Mr. Dahlman stated he lives to the southwest of 1016 Bunker Lake Boulevard NE. Mr. Dahlman stated he and his wife purchased their property approximately seven years ago. Mr. Dahlman stated they have enjoyed the privacy the grove of trees along 136<sup>th</sup> Lane NE has afforded them. Mr. Dahlman stated he would like an agreement stating the trees will remain for privacy so they will not be looking at a building or a parking lot.

Paul Thinesen, 911 138<sup>th</sup> Lane NE. Mr. Thinesen stated his property is across Bunker Lake Boulevard NE, northwest of the parcel being considered for rezoning. Mr. Thinesen stated he has many concerns related to traffic and traffic control, lighting, the fundamental change to the area, water and sewage. Mr. Thinesen stated he would like to see a sketch of what is proposed to be constructed. Mr. Thinesen asked what the process is moving forward if rezoning was recommended for approval tonight, and how does the community continue to provide input.

Bill Zawislak, 1062 137<sup>th</sup> Lane NE. Mr. Zawislak stated he has two concerns: where will the parking be and where will the well be placed.

Jim Donald, 932 136<sup>th</sup> Lane NE. Mr. Donald stated he lives west of the parcel being considered for rezoning. Mr. Donald has a concern on how much water will be drawn from the aquifer. Mr. Donald stated he has a brother that lives off of Madison Street NE and 142<sup>nd</sup> Avenue NE who is having difficulties with water and is having to put filtration systems in his house. Mr. Donald asked if access to the parcel will be off of Bunker Lake Boulevard NE and how will that impact traffic now and when Bunker Lake Boulevard NE is widened. Mr. Donald asked if the septic system will have a drainfield or holding tank.

Chair Pogalz addressed the questions asked related to the following:

Rezoning. If the rezoning request is approved for the parcel and the assisted living/memory care project is abandoned, the property will remain in the R-AH zoning district. Building and Zoning Clerk Bohr read what was written in the City Code for R-AH zoning.

Well, Septic and Water Use. Chair Pogalz asked how many acres the parcel is. Mr. Larson stated the parcel is just under three acres. Mr. Larson stated the building will take up just under two acres which leaves adequate space for a well and septic system. Chair Pogalz asked Building and Zoning Official Jones how much space would be needed for

the septic system. Building and Zoning Official Jones stated the area needed for the septic system will be determined by the State of Minnesota Rules. The Minnesota Department of Health will regulate the well drilling. Building and Zoning Official Jones stated the well problems in other parts of the city occurred when the City of Blaine opened up four new wells all at once when they were only supposed to open one. Building and Zoning Official Jones stated the size of the well for this project will not be anywhere near the size of the well(s) opened up in Blaine.

Traffic. Mr. Larson stated there will be 32 units in the building. Mr. Larson stated none of the residents drive and they have very few visitors. Mr. Larson stated there will be a total of 20-25 full and part-time employees. Mr. Larson stated six to eight employees will be working during the day and three to five at night. Chair Pogalz stated he did not know if a traffic study had been done but the project will be reviewed by the Anoka County Highway Department.

Site Plan/Size of Project. Commissioner Lejonvarn asked if a site plan was available. Mr. Larson stated a site plan will be presented during the commercial site plan approval process. Chair Pogalz stated considering the space needed for the building, setbacks, a well, a septic system and parking, this project is one of a few that will fit well on the parcel.

Path for golf carts. Chair Pogalz stated if golf carts are driving on the property now, that will no longer be possible when Mr. Larson purchases the land and constructs the facility.

Lighting. Building and Zoning Official Jones stated City Code regulates outdoor lighting and proposed lighting will be evaluated during the commercial site plan review process. Mr. Larson stated the city and state regulate lighting and lighting typically shines down not out.

Existing trees. Chair Pogalz stated tree removal will be part of the construction process. Chair Pogalz asked Mr. Larson if he intends to keep as many existing trees as possible. Mr. Larson stated he does plan to keep as many existing trees as possible and will plant new trees as they want the site to look nice. Building and Zoning Official Jones stated City Code outlines screening requirements.

Parking. Chair Pogalz stated information on parking will also be available during the commercial site plan and Conditional Use Permit review process.

Environmental Impact Statement/Phase One Assessment. Chair Pogalz stated an environmental impact statement is not required for a project of this size. Mr. Larson stated a Phase One Assessment is required by his lender.

Availability of information on process/Process going forward. Chair Pogalz explained the City provides notification on projects as required by State Statute. Chair Pogalz stated notices were mailed to residents as required and a sign was posted at the location. Building and Zoning Clerk Bohr stated notices were sent as required to residents within a 350-foot radius of the parcel, a notice was published in the Star Tribune and on the City's website and was also posted on the bulletin board in the vestibule of City Hall.

Chair Pogalz stated the Planning Commission is a board that provides recommendations to the City Council. Chair Pogalz stated the City Council will review the recommendation and determine if they want to approve the request. Chair Pogalz stated there is a public comment period at the beginning of each City Council meeting for residents who want to bring issues to the attention of the City Council, but there is not a discussion period like there is during a public hearing. Commissioner Fisher stated another public hearing will be held in the future for the review of a Conditional Use Permit application for this project.

Suggestion of constructing townhomes on the parcel. Building and Zoning Official Jones stated the City Code allows one dwelling unit per acre; this parcel is under three acres allowing for a maximum of two units. Building and Zoning Official Jones stated the townhomes that were constructed in the area in the past utilized density from the golf course. (The Majestic Oaks Golf Course and townhome area is in a PUD zoning district which permits the construction of townhomes.)

Mark Taube, 13814 Pierce Street NE. Mr. Taube stated he is concerned about property values. Mr. Taube stated his concern is if rezoning is approved, and the assisted living/memory care project doesn't go through, the lot could become affordable housing for low income families. Mr. Taube stated he has seen affordable housing built in nice neighborhoods where he has lived in the past. Mr. Taube stated property values were affected and traffic and crime increased. Mr. Taube asked if any restrictions would be put in place to prevent that from happening.

Chair Pogalz asked if anyone else wanted to comment on the project. A woman in the audience stated she had questions about the type of building that would be constructed-would it be a high-rise. The woman stated this meeting has provided her with some of the answers she was seeking. Mr. Larson confirmed his plans are to construct a single-story building.

Paul Thinesen, 911 138<sup>th</sup> Lane NE. Mr. Thinesen stated, there has been discussion about how many living units the parcel could support. Mr. Thinesen asked how many could it support? Building and Zoning Official Jones stated a high-rise building would require a large septic area. Building and Zoning Official Jones stated it would be difficult to put in a parking lot and septic system to support a multi-level building on a lot under 3 acres. Mr. Thinesen stated per the discussion, the City believes the parcel can support a building that houses 32 residents. Engineer Krugler stated the plans and septic design will be evaluated by the City to determine if the parcel can support the proposed occupancy of the proposed facility. Mr. Thinesen asked why evaluation of the plans and septic design wasn't done prior to rezoning the parcel. Chair Pogalz stated if the land did not get rezoned, Mr. Larson would not be able to move forward with the project.

Property value. Chair Pogalz stated property value is not something the Planning Commission can speculate on. Chair Pogalz stated the City's goal is to keep properties maintained to the highest level possible within the limits of the City's control. Building and Zoning Official Jones stated he has seen the Suite Living Senior Care facility in Ramsey and it is a nice-looking building.

Mark Taube, 13814 Pierce Street NE. Mr. Taube asked if restrictions could be put in place to prevent the parcel from being converted to low-income, affordable housing usage should the property be sold to someone else in the future. Chair Pogalz stated that could be a discussed during public hearing for the Conditional Use Permit.

Terry Blackwelder, 13830 Pierce Street NE. Ms. Blackwelder had a document of the area and stated it appears the corner of the property actually intersects with 136<sup>th</sup> Lane NE. Ms. Blackwelder asked if there is some kind of easement that will be between the street and where Mr. Larson's company will build or plant. Engineer Krugler stated right-of-way requirements are typically 33-feet from one side to the other and an additional ten-feet of drainage and utility easement is required. Engineer Krugler stated easements will be included on the site plan and reviewed during the commercial site plan process. Ms. Blackwelder asked what the City knew about the parcel immediately west of 1016 Bunker Lake Boulevard NE. Chair Pogalz stated it is a separate parcel with a different owner not subject to being reviewed with the rezoning request.

**Chair Pogalz closed the public hearing at 6:55 p.m.**

**Motion by Fisher, seconded by Lejonvarn, to recommend approval of Jeremy Larson's request to rezone parcel 1016 Bunker Lake Boulevard NE from R-1 (Single Family Residential) to R-AH (Affordable Housing District) subject to meeting all City, County and State requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, October 16, 2023 agenda.***

Chair Pogalz informed the residents in attendance there is a public comment period at the beginning of City Council meetings if they have comments to share. Chair Pogalz stated when the commercial site plan is reviewed, a public hearing will be held to discuss the Conditional Use Permit as well. Chair Pogalz stated a land use sign will be put in place again and notices will be sent and published on the City's website.

Jesse Osborne requesting a revision to the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8

Mr. Jesse Osborne stated the original screening plan for the east side of the property was going to use part of the buildings and some fencing in addition to trees. Mr. Osborne stated he is not going to construct the buildings at this time. Mr. Osborne stated he would like to modify the screening proposal originally approved so he will be able complete his final performance requirement for the plat's Development Agreement. Mr. Osborne stated he has decided he would like to plant three to four-foot pine trees along the eastern property line of the plat. Chair Pogalz asked the Commissioners if they had any questions. There were none. Commissioner Lejonvarn completed the inspection; a copy which is on file. Commissioner Lejonvarn stated he spoke with Mr. Osborne and visited the site. Commissioner Lejonvarn stated he and Mr. Osborne discussed all landscaping plans that had been presented, including the plan suggested by Building and Zoning Official Jones. Commissioner Lejonvarn stated the screening plan will create a barrier between the development, a field and some residential homes. Commissioner Lejonvarn stated City Code states coniferous trees planted for screening should be five feet tall; the plans propose three and four-foot coniferous trees. Commissioner Lejonvarn stated

along the eastern property line there are residential parcels, utility easements, an infiltration basin and the locations Mr. Osborne proposes to construct the buildings. Commissioner Lejonvarn stated he will describe the plan he and Mr. Osborne discussed starting from the northeast corner of the plat and going to the southeast corner. Commissioner Lejonvarn detailed where trees would be planted, the number of rows of trees to be planted in each area, the spacing and placement of the trees as well as the type and height of trees for Phase 1 of the screening plan. Commissioner Lejonvarn stated the trees are not to be dug up and moved. Chair Lejonvarn stated the screening for Phase 2 will be done when buildings have been constructed and will consist of fencing being constructed between the east-facing walls of the buildings. (The original fencing approved is six-foot, slatted, chain link fencing.) Commissioner Lejonvarn stated the screening will consist of trees as the first barrier and then the buildings and fencing will be another barrier. Engineer Krugler stated there is a thirty-five-foot U.P.A. (a.k.a. rural Cooperative Power Association and Great River Energy) easement on the east side of the plat; no trees are to be planted in that easement. Building and Zoning Official Jones asked Mr. Osborne for verification that all the trees would be planted in Phase 1 and that the trees would not be moved. Mr. Osbourne stated the trees will stay there. Mr. Osborne stated he will plant four-foot trees near 167<sup>th</sup> Avenue NE and at the south entrance to the development along Buchanan St NE. Building and Zoning Official Jones stated he had concerns with the original screening plan as he does not believe the use of buildings for screening is the intent of the Code. Building and Zoning Official Jones stated Phase 2 of the proposed, new screening plan will use the buildings as screening, but the overall screening plan being proposed is an improvement to what was originally presented.

**Chair Pogalz opened the public hearing at 7:10 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 7:10 p.m.**

**Motion by Lejonvarn, seconded by Fisher, to recommend approval of Jesse Osborne's request to revise the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8 related to screening subject to adhering to the screening plan exhibit modified by Commissioner Lejonvarn and meeting the approval of the Building Official. The Phase 1 screening exhibit has green lines indicating where trees are to be planted and is described as:**

- 1. From the northeast corner of the plat to the north edge of 167<sup>th</sup> Avenue NE a single row of four-foot conifers are to be planted ten-feet apart.**
- 2. From the south edge of 167<sup>th</sup> Avenue NE to where the line begins to angle slightly to the west, a single row of three-foot conifers are to be planted ten-feet apart.**
- 3. From the point where the line begins to angle to the west again, south to just north of the infiltration basin located in the southeast corner of the plat, two rows of three-foot conifers are to be planted ten-feet apart with the second row of trees being staggered to give the appearance that all trees are planted five-feet apart.**
- 4. From the point just north of the southeast infiltration basin, to the edge of Buchanan Street NE, a single row of three-foot conifers are to be planted ten-feet apart.**

5. From the southeast corner of the infiltration basin, to the eastern edge of Buchanan Street NE, a single row of four-foot conifers are to be planted ten-feet apart.

Trees for Phase 1 are to be planted by December 1, 2023. Phase 2 screening to include six-foot, slatted, chain link fencing which is to be constructed between the proposed buildings, no trees are to be moved or removed and all screening must be outside of nearby easements. Chair Pogalz asked if a new screening plan will be submitted for the record. Commissioner Lejonvarn stated he would modify the screening exhibit to reflect what he discussed with Mr. Osborne, and what Mr. Osborne agreed to. **All present in favor, motion carried.** *This application will be placed on the City Council's Monday, October 16, 2023 agenda.*

**NEW BUSINESS:** None

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz stated the City Council concurred with the Commission's recommendations to approve Tom Elwell's rezoning request and the final plat of Hidden Forest East Fourth Addition. Chair Pogalz will attend the October 16, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Fisher, seconded by Entsminger, to adjourn the Planning Commission meeting at 7:16 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk