

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, OCTOBER 23, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, October 23, 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, Jonathan Fisher, Erin Dixson and David Ross

MEMBERS ABSENT: Commissioners Dave Ringler and Kyle Lejonvarn

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.

APPROVAL OF MINUTES:

Motion by Ross, seconded by Fisher, to approve the minutes of the October 9, 2023 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Ryan Becker of Unlimited Concrete Concepts, LLC requesting a Conditional Use Permit to operate a construction service contractor business at 16651 Polk Street NE

Mr. Ryan Becker was present. Mr. Becker stated he is the owner of Unlimited Concrete Concepts LLC, he has 20 employees and has been operating the company since 2007. Mr. Becker stated his company does concrete related construction services focusing on remodeling and restoration projects. Mr. Becker stated their specialty is decorative or stamped concrete driveways, patios and sidewalks. Chair Pogalz asked Engineer Krugler to comment. Engineer Krugler stated the Creekside Farms plat stormwater design identified the ultimate build out of the lots within the plat and Unlimited Concrete follows that plan. Engineer Krugler stated there are no additional storm water requirements, however a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System Construction Stormwater Permit must be obtained prior to the start of construction due to the disturbed area being over one-acre. Engineer Krugler stated a Coon Creek Watershed District (CCWD) permit is also required before grading operations can commence. Engineer Krugler stated a landscaping plan has been provided; the Commission will need to determine whether the proposed landscaping adjacent to the

public roadway is adequate. Chair Pogalz asked for confirmation that the trees shown on the landscape plan met the requirements for decorative trees along the right-of-way adjacent to the public roadway and that the City didn't require trees that would provide screening. Engineer Krugler stated the trees on Unlimited Concrete LLC's plans could be decorative. Engineer Krugler stated trees that provided screening between the commercial development and residential property are to be put in place by the developer. Chair Pogalz stated that when the City reviews another commercial plat, the City might want to identify some preferred tree varieties to be planted within the plat by land owners. Building and Zoning Official Jones stated the Code stipulates that trees planted between commercial and residential property be conifer trees but it does not specify decorative tree types to be planted. Building and Zoning Official Jones stated decorative tree types would need to be identified in City Code in order to be able to enforce the planting of specified tree varieties. Engineer Krugler stated the development agreement or covenants for the plat could identify select tree varieties to be planted for future developments, but was not identified in Creekside Farms. Chair Pogalz asked Building and Zoning Official Jones if he had any additional comments to what was stated in his staff report. Building and Zoning Official Jones stated for commercial building plans and Conditional Use Permits (CUP), Code states aesthetically screened outside storage is permitted outside storage if used as a condition of approval of any site plan or CUP on the CD-1 or CD-2 parcel. The former Suburban Rental site (13763 Johnson St NE) has aesthetically screened outdoor storage. Building and Zoning Official Jones stated any licensed, over the road vehicle must be in the screened in area on a concrete or bituminous surface. Chair Pogalz asked if Code could be less strict for this request. Building and Zoning Official Jones stated the outdoor storage requirements are more relaxed in the CD-2 district; screening will need to be via an opaque fence. Chair Pogalz completed the inspection; a copy which is on file. Chair Pogalz stated the site is currently a vacant lot with a building pad. Chair Pogalz asked Mr. Becker to take part in the screening discussion. Mr. Becker stated he will construct a fence if it is required. Building and Zoning Official Jones stated the Mr. Becker can submit information about the type of fence he intends to construct with the building plans. Chair Pogalz stated Mr. Becker has requested approval for operating hours to start at 6:00 am. Mr. Becker stated, during the summer, his employees normally begin to arrive at the shop around 6:00 am. Mr. Becker stated they are normally at the shop from 6:00 am to 8:00 am. Chair Pogalz stated other CUP's have been reviewed and business hours start at 7:00 am, so to be consistent, the business hours will need to start at 7:00 am as well. Mr. Becker asked if employees could arrive earlier if activity doesn't entail noise. Building and Zoning Official Jones stated the start-up of heavy equipment, trucks, especially diesel trucks, and any equipment with back-up alarms could not be done until 7:01 am.

Chair Pogalz opened the public hearing at 6:15 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 6:15 p.m.

Motion by Pogalz, seconded by Fisher, to recommend approval of Ryan Becker's request for a Conditional Use Permit to operate a construction service contractor business at 16651 Polk Street Ne subject to all outside storage being on a Class V surface and screened by an eight-foot tall, opaque, code compliant fence that is acceptable to the Building Official, operating hours of 7:01 am to 10:00 pm, meeting

all the requirements noted in the City Engineer's memorandum and Building Official's staff report and meeting all City, County and State requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, November 6, 2023 agenda.*

NEW BUSINESS:

Ryan Becker of Unlimited Concrete Concepts, LLC requesting Commercial Site Plan approval to construct a 4,608 square foot office/warehouse building at 16651 Polk Street NE. PID# 08-32-23-33-0007

Chair Pogalz stated this request is also from Mr. Becker. Chair Pogalz stated Building and Zoning Official Jones has a few different suggested conditions for site plan approval. Chair Pogalz asked Building and Zoning Official Jones if he had any additional comments. Building and Zoning Official Jones stated the soffit and overhang that are on the current plan set submitted to the City do not meet Code. Building and Zoning Official Jones stated the west side of the building, which faces Polk Street NE, currently does not show wainscot along the entire length of the building as required by Code. Mr. Becker asked if he could remove the wainscot shown on the backside of the building. Building and Zoning Official Jones stated he could. Chair Pogalz asked Mr. Becker if he had any concerns about what has been recommended and discussed. Mr. Becker said he did not. **Motion by Pogalz, seconded by Fisher, to recommend approval of Ryan Becker's request for commercial site plan approval to construct a 4,608 square foot office/warehouse building at 16651 Polk Street NE subject to the following conditions: the applicant submits architectural plans, with engineering, that meet the standards for site and building construction in CD-2 zoning, the number of parking spaces provided and the design of the septic system meet the maximum occupancy load of the building, all surfaces used for customer and employee parking, and for storage of over the road vehicles, shall be asphalt or concrete to specifications established and approved by the City Engineer, all refuse containers are to be stored inside of the building or comply with Article 9-220.1.f if stored outside of the building, obtaining a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System Construction Stormwater Permit and a Coon Creek Watershed District (CCWD) permit prior to the commencement of grading operations, meeting all the requirements of the City Engineer and Building Official and meeting all City, County and State requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, November 6, 2023 agenda.***

Jeff Stalberger, MN Development LLC, requesting Sketch Plan approval for a development located at 2506 Swedish Drive NE (47 Residential Single Family lots and 1 outlot) in Section 4

Mr. Jeff Stalberger, Sr. Mr. Jeff Stalberger, Jr. and Mr. Ryan Stalberger were present. Mr. Stalberger Sr. spoke on behalf of the project. Mr. Stalberger stated the development of 47 lots is west of County Road 68 (Xylite Street NE) near the Ham Lake and East Bethel border. Mr. Stalberger stated the land that will be developed currently consists of corn fields, a little wetland and some woods. Mr. Stalberger stated Engineer Collins stated a connection to 177th Avenue will be required to connect the existing temporary cul-de-sac and Engineer Krugler stated that the sketch plan complies with that

requirement. Mr. Stalberger stated he is proposing to realign a portion of Swedish Drive NE. Mr. Stalberger stated Swedish Drive NE's title is vague and has never had a roadway easement dedication to the City. Mr. Stalberger stated he has talked with Engineer Krugler about connecting Swedish Drive NE to a Municipal State Aid (MSA) route that would go west and connect to Highway 65 NE at 181st Avenue. Engineer Krugler stated he misspoke about the MSA route. Engineer Krugler stated he misread a map and the route discussed with Mr. Stalberger is a *potential* MSA route, it has not officially been designated as an MSA route. Mr. Stalberger asked if Swedish Drive is to be built to MSA standards. Engineer Krugler stated curve radii of 312-feet will be required to be to MSA standards even if the road will not be to the thickness required for an MSA route. Chair Pogalz asked if the State of Minnesota provided funding for MSA routes. Engineer Krugler stated the State of Minnesota provides the City with an allotment of funds every year to use for roads designated as MSA routes within the City. Discussion ensued about specifications and requirements for MSA routes. Mr. Stalberger stated the title work for Swedish Drive NE never dedicated, 33' of roadway easement from the center of the road. Mr. Stalberger stated Swedish Drive, near the church and cemetery, is someone else's property. Mr. Stalberger stated in Engineer Krugler's memo, he has noted a separate document providing right-of-way from the owners of parcels 04-32-23-13-0003 and 04-32-23-13-0005 will need to be provided. Mr. Stalberger stated those parcels are someone else's property and he doesn't feel it should be his responsibility to obtain right-of-way for Swedish Drive NE on property he doesn't own. Mr. Stalberger stated he will dedicate right-of-way for the property he owns but he does not know how right-of-way west of the development can be obtained. Mr. Stalberger stated he can talk with adjacent property owners about dedicating right-of-way but does not feel obtaining right-of-way way from other property owners should be a condition of approval of his plat. Mr. Stalberger stated the outlot is a separate parcel that isn't buildable. Mr. Stalberger stated he is aware that the City does not want to have unbuildable outlots and because this proposed outlot is across Xylite Street NE and is not connected to other lots in the plat, it could be deeded to an adjacent property owner. Chair Pogalz asked Engineer Krugler to comment on the sketch plan. Engineer Krugler stated, as mentioned earlier, Swedish Drive NE is a potential MSA route. Engineer Krugler stated Xylite Street NE is under the jurisdiction of the Anoka County Highway Department and they may require a left turn or bypass lane for the intersection with Swedish Drive NE. Engineer Krugler stated the City of Ham Lake and East Bethel identify Xylite Street NE/Greenbrook Drive as a future bike path. Engineer Krugler stated Superintendent Witkowski, should ask the Park Committee if land should be dedicated for a bike path as the current recommendation is fees in lieu of the dedication of land. Engineer Krugler stated FEMA Letters of Map Amendment will be required for several lots as noted in his October 19, 2023 memo. Engineer Krugler stated Swedish Drive NE is the boundary between the Coon Creek Watershed District (CCWD) and the Upper Rum River Watershed Management Organization (URRWMO). Engineer Krugler stated wetland impacts will be reviewed by CCWD and the City be the responsible authority for the URRWMO area to review rate control and ensure storm water rate control requirements are met. Engineer Krugler stated a Natural Heritage Information System data review by the DNR will be required to determine whether any state-protected species may be located within the plat boundary. Commissioner Fisher asked what should be done with the outlot. Engineer Krugler stated, in the past, if the outlot was not buildable, the City will require the outlot be deeded to an adjacent property owner. Mr. Stalberger

stated he is willing to deed the outlot to an adjacent property owner. Chair Pogalz stated there are a few issues that need further discussion before moving forward, such as determining if Swedish Drive NE will be designated as a MSA route prior to the start of road construction for this plat and how right-of-way dedication will be addressed on property that is not part of the plat. Mr. Stalberger stated the church and cemetery property are not part of the plat. Engineer Krugler identified a discrepancy related to right-of-way on the sketch plan with the Dosedel property, the church and cemetery property which will need to be resolved by preliminary plat review. Engineer Krugler and Mr. Stalberger reviewed the plat document and discussed the symbols representing right-of-way in the southwest part of the plat. Commissioner Fisher asked if the sketch plan can be reviewed and potentially modified to identify right-of-way dedication correctly. Chair Pogalz asked Mr. Stalberger if knowing whether or not Swedish Drive NE will be designated as an MSA route will have an impact on this plat. Mr. Stalberger stated it will if there will be additional costs to him. The MSA route and right-of-way shown on the sketch plan were discussed. Engineer Krugler suggested that Mr. Stalberger's right-of-way dedication for the plat might end just south of the western property line of proposed Lot 24. Mr. Stalberger stated he will ask the title company he is working with to look into what right-of-way may exist on Swedish Drive NE now. Chair Pogalz stated looking at the Bike Facilities Map, a potential future park has been identified on this property. Chair Pogalz stated he understands Engineer Krugler spoke with Superintendent Witkowski about accepting money in lieu of parkland. Chair Pogalz asked if the City still had a Park and Tree Commission. Building and Zoning Clerk Bohr stated the Park and Tree Commission has been disbanded. Engineer Krugler stated a Park Committee now exists and the members are two City Council members. Engineer Krugler stated it is his understanding Superintendent Witkowski spoke with the Park Committee about accepting money in lieu of parkland but he is not aware that a memo was written stating such. Commissioner Dixon stated she would like clarification from the Park Committee on the decision to accept money in lieu of parkland for this plat. Commissioner Dixon stated it is a huge potential park area identified on our maps and it makes sense to go through all the proper channels before making a recommendation. Chair Pogalz stated it would be better to have a more formal communication from the Park Committee indicating what they would like and it would also be helpful to have more definitive information on where right-of-way dedication will be required for this plat. Chair Pogalz asked Mr. Stalberger when they intend to break ground on this plat. Mr. Stalberger stated they plan to break ground next year. Mr. Stalberger stated he understands the Commission has to do what they have to do. Commissioner Dixon stated she agreed that things need to be cleaned up and an official communication about the park and trail requirement should be provided. Chair Pogalz stated his recommendation is to table this discussion. Mr. Stalberger stated he is trying to get out to the property to do soil borings on the general layout before it freezes. Mr. Stalberger stated he had hoped to divide the property into 55 lots, but they are only able to divide the land into 47 lots due to soil boring results. Mr. Stalberger stated that if he has to dedicate parkland, it would not be feasible to plat the property, "it is a numbers game". There was additional discussion about parkland dedication. Commissioner Ross stated he is in favor of tabling the discussion with the charge to staff to have the three issues clarified with written resolutions by the next meeting. **Motion by Pogalz, seconded by Dixon, to table sketch plan approval for a development located at 2506 Swedish Drive NE (47 Residential Single Family lots and 1 outlot)**

in Section 4 pending the determination of MSA mileage and funds, clarification of right-of-way dedication requirements outside of the plat boundaries and receiving formal direction on parkland or money in lieu of parkland requirements. All present in favor, motion carried.

COMMISSION BUSINESS:

City Council Update

Chair Pogalz stated the City Council concurred with the Commission's recommendations to approve Jeremy Larson's (Hampton Companies) rezoning request and Jesse Osborne's request for a revision to the approved conditions of the final plat for the Creekside Farms Commercial Development. A planning commissioner will not be present at the November 6, 2023 City Council meeting.

ADJOURNMENT:

Motion by Fisher, seconded by Dixon, to adjourn the Planning Commission meeting at 7:09 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk