



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax (763) 434-9599

## **CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, OCTOBER 9, 2023**

**CALL TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** September 25, 2023

**PUBLIC HEARINGS:**

**6:01 p.m.** 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)

**6:01 p.m.** Jesse Osborne requesting a revision to the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8

**NEW BUSINESS:**

1. None

**COMMISSION BUSINESS:**

1. City Council Update

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, SEPTEMBER 25, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, September 25, 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, Dave Ringler, Jeff Entsminger, Jonathan Fisher and Erin Dixon

**MEMBERS ABSENT:** None

**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 Lejonvarn, seconded by Dixon, to approve the minutes of the August 28, 2023 Planning Commission meeting as written. All present in favor, motion carried.**

**PUBLIC HEARING:**

Tom Elwell requesting rezoning of 4611 139<sup>th</sup> Lane NE from R-A (Rural Single Family Residential) to R-1 (Single Family Residential)

Mrs. Sally Elwell was present. Mrs. Elwell stated the 4611 139<sup>th</sup> Lane NE parcel is currently 10 acres. Mrs. Elwell stated she and her husband are reducing the size of the parcel to 3.82 acres. Mrs. Elwell stated there is a house on the proposed 3.82 acre lot that they intend to sell while the other 6.18 acres will continue to be part of the sod field. (A lot line adjustment request has been submitted to the City Council to move the western lot line of the 4611 139<sup>th</sup> Lane NE parcel east to the quarter section line.) Chair Pogalz asked Engineer Krugler to comment. Engineer Krugler stated parcel 36-32-23-21-0004 and the parcel addressed as 4611 139<sup>th</sup> Lane NE are both currently zoned R-A, Rural Single Family Residential. Engineer Krugler stated the request is to rezone the eastern parcel to R-1, Residential Single Family. Engineer Krugler stated access to the 4611 139<sup>th</sup> Lane NE parcel is via a 66-foot wide ingress/egress driveway easement that is an extension of 138<sup>th</sup> Avenue NE east of Ghia Street NE. Engineer Krugler stated access to the 36-32-23-21-0004 parcel will be via a private 66-foot wide ingress/egress easement

being dedicated over the eastern 66-feet of the 4653 138<sup>th</sup> Avenue NE parcel. Engineer Krugler stated documentation of the newly created private easement will need to be recorded with the County. Engineer Krugler stated soil borings have been done to confirm there is adequate area for a secondary septic system, drainage and utility easements will need to be dedicated around the perimeters of the revised parcels as well as a 100-foot County Ditch easement and two accessory buildings on the 4611 139<sup>th</sup> Lane NE parcel will need to be removed. Mrs. Elwell stated the buildings have been removed. Commissioner Entsminger completed the inspection; a copy which is on file. Commissioner Entsminger stated he did not physically inspect the site but spoke with Mr. Tom Elwell via telephone. Commissioner Entsminger stated the 4611 139<sup>th</sup> Lane NE parcel has buildings on it and will be reduced in size if the City Council approves the lot line adjustment; the western part of the current parcel is sod field and will continue to be used for agriculture.

**Chair Pogalz opened the public hearing at 6:05 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 6:06 p.m.**

**Motion by Entsminger, seconded by Fisher, to recommend approval of Tom Elwell's request to rezone parcel 4611 139<sup>th</sup> Lane NE from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) in Section 36 subject to the City Council approving the requested lot line adjustment, documentation of the 66-foot wide easement over the eastern 66-feet of parcel 4653 138<sup>th</sup> Avenue NE, the drainage and utility and County Ditch drainage easements being filed with the County, meeting the conditions of the City Engineer 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, October 2, 2023 agenda.***

**NEW BUSINESS:**

Jeff Stalberger, HFN Properties, LLC, requesting Final Plat approval for Hidden Forest East Fourth Addition (22 Single Family Residential lots and 3 out lots) in Sections 24 and 25

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 he is seeking approval of the plat. Chair Pogalz asked Engineer Krugler for comment. Engineer Krugler stated money in lieu of parkland will need to be paid for this plat. Engineer Krugler stated out lot A from Hidden Forest East Third Addition, which is now part of this plat, was included in a previous parkland dedication calculation. Engineer Krugler stated a memo dated December 6, 2021 from Attorney Murphy will need to be referenced when parkland dedication fees are calculated for this plat. Mr. Stalberger stated he trusted that the City would calculate the correct parkland dedication fee for this development. Engineer Krugler stated an encroachment agreement will be required for Lot 10, Block 1 as a septic sewer pipe will cross a drainage and utility easement, FEMA Letters of Map Amendment (LOMA) are required for Lots 1,2,3,5, 6 and 7 of Block 1 and Lots 2 and 3 of Block 3 before building permits can be issued on those lots and the vacation of the Stutz Street NE cul-de-sac in the former out lot A of Hidden Forest Third Addition will need to be requested. Engineer Krugler stated permits have been obtained from NPDES/MPCA, the DNR and Coon Creek Watershed (CCWD). Engineer Krugler stated Wetland Bank Credit

withdrawal has also been verified. Chair Pogalz asked Mr. Stalberger when a second ingress/egress point will be provided for the Hidden Forest East developments. Mr. Stalberger stated he isn't certain. Chair Pogalz asked if there was a way to reach 149<sup>th</sup> Avenue NE. Mr. Stalberger said there is a way but it is not currently possible as he does not currently own the land that abuts 149<sup>th</sup> Avenue NE. Engineer Krugler stated access to the western edge of the development via 143<sup>rd</sup> Avenue NE is approximately 3000-feet from Lexington Avenue NE. Engineer Krugler presented a thoroughfare map showing future plans for street connections to 149<sup>th</sup> Avenue NE east of Lexington Avenue NE. Mr. Stalberger stated he does have plans for another ingress/egress point provided he is able to acquire the land from the current owners for a future phase of the Hidden Forest East development. Commissioner Dixon asked how many lots have been approved in the previous phases of the development. Engineer Krugler stated 109 lots have been approved; Hidden Forest East Fourth Addition will add an additional 22 lots. Mr. Stalberger stated the Elwell property to the south is for sale. Mr. Stalberger stated when that land sells, and if it is developed, another ingress/egress point should open up south of the Hidden Forest East development. Chair Pogalz asked Mr. Stalberger if requiring an ingress/egress point with the next phase of development was acceptable. Mr. Stalberger stated it was. **Motion by Pogalz, seconded by Fisher, to recommend approval of the Final Plat of Hidden Forest East Fourth Addition, 22 Single Family Residential lots and 3 out-lots, in Sections 24 and 25 as presented by HFN Properties, LLC subject to parkland dedications fees to be determined by the City Attorney, filing an encroachment agreement for Lot 10, Block 1, for a septic sewer pipe crossing a drainage and utility easement, obtaining FEMA LOMA's for Lots 1,2,3,5, 6 and 7 of Block 1 and Lots 2 and 3 of Block 3, prior to the issuance of building permits, vacating right-of-way for the Stutz Street NE cul-de-sac dedicated with the Hidden Forest East Third Addition, the developer agreeing to provide an additional ingress/egress point for the Hidden Forest East development in the next phase of development, meeting all requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried. This application will be placed on the City Council's Monday, October 2, 2023 agenda.**

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz stated the City Council concurred with the Commission's recommendations to approve amendments to Article 9 and Jeff Entsminger's requests for a lot line adjustment with courtesy combination and rezoning. A planning commissioner will not be present at the October 2, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Dixon, seconded by Fisher, to adjourn the Planning Commission meeting at 6:27 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk

**CITY OF HAM LAKE  
PLANNING COMMISSION REQUEST APPLICATION  
INSPECTION REPORT**

MTG DATE: October 9, 2023

**INSPECTION ISSUED TO:** Jonathan Fisher

**APPLICANT/CONTACT:** Jeremy Larson (Applicant), Dave Erickson (Current Owner)

**TELEPHONE NUMBER:** Jeremy, 651-200-4365, jeremy@hamptoncos.com/Dave Erickson, Aerojet.dave@gmail.com

**BUSINESS/PLAT NAME:** Hampton Companies

**ADDRESS/LOCATION OF INSPECTION:** 1016 Bunker Lake Blvd

**APPLICATION FOR:** Rezoning from R-1 to R-AH

**RECOMMENDATION:** \_\_\_\_\_

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\_\_\_\_\_

**DATE:** \_\_\_\_\_

**PLANNING COMMISSIONER SIGNATURE:** \_\_\_\_\_



# CITY OF HAM LAKE

## PLANNING REQUEST

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

Date of Application 9-27-2023

Date of Receipt 9-27-23

Receipt # \_\_\_\_\_

### Meeting Appearance Dates:

Planning Commission 10-9-23

City Council \_\_\_\_\_

### Please check request(s):

- Metes & Bounds Conveyance
- Sketch Plan
- Preliminary Plat Approval\*
- Final Plat Approval
- Rezoning\*
- Multiple Dog License\*

- Commercial Building Site
- Certificate of Occupancy
- Home Occupation Permit
- Conditional Use Permit (New)\*
- Conditional Use Permit (Renewal)
- Other

*\*NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.*

Development/Business Name: Hampton Companies

Address/Location of property: 1016 Bunker Lake Blvd

Legal Description of property: 32-32-23-32-0002

PIN # 32-32-23-32-0002 Current Zoning R-1 Proposed Zoning R-AH

Notes: Request to rezone 1016 Bunker Lake Blvd

Applicant's Name: Jeremy Larson

Business Name: Hampton Companies

Address 1824 Buerkle Rd.

City White Bear Lake State MN Zip Code 55110

Phone 651-200-4365 Cell Phone 651-253-8924 Fax \_\_\_\_\_

Email address jeremy@hamptoncos.com

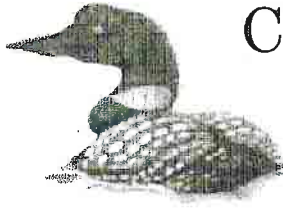
*You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.*

SIGNATURE [Signature] DATE 9-27-2023

### - FOR STAFF USE ONLY -

ACTION BY: Planning Commission \_\_\_\_\_  
City Council \_\_\_\_\_

PROPERTY TAXES CURRENT YES NO



# CITY OF HAM LAKE

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Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

## NOTICE OF PUBLIC HEARING CITY OF HAM LAKE COUNTY OF ANOKA STATE OF MINNESOTA

TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a public hearing shall be held before the Ham Lake Planning Commission on Monday, October 9, 2023 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE for the purpose of considering the application of 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) such land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

The West 345 feet of the North 400 feet of the West half of the Southwest Quarter of Section 32, Township 32 Range 23, Anoka County, Minnesota.

At such hearing both written and oral comments will be heard.

DATED: September 29, 2023

Jennifer Bohr  
Building and Zoning Clerk  
City of Ham Lake



October 9, 2023

**CITY OF HAM LAKE**

***STAFF REPORT***

**To: Members of the Planning Commission**

**From: Mark Jones, Building Official**

**Subject: Rezoning request for 1016 Bunker Lake Boulevard NE**

**Introduction/Discussion:**

KE Properties LLC is requesting to rezone 1016 Bunker Lake Boulevard NE to R-AH (Affordable Housing District) to allow for the construction of a senior care/assisted living facility. The parcel is currently zoned R-1 (Residential Single Family). R-AH districts are areas intended for the creation of multiple-family apartment buildings targeted for occupancy by persons aged 55 or older or having low or moderate income. The City Attorney and staff have determined this would not be spot zoning and an assisted living facility would be a suitable land use in the area as The Willows of Ham Lake and Majestic Greens senior apartment buildings are nearby. Per a recent Code change, assisted living facilities are a conditionally permitted use in the R-AH zoning district.

**Recommendation:**

I recommend approval of KE Properties LLC request to rezone 1016 Bunker Lake Boulevard NE from R-1 to R-AH.

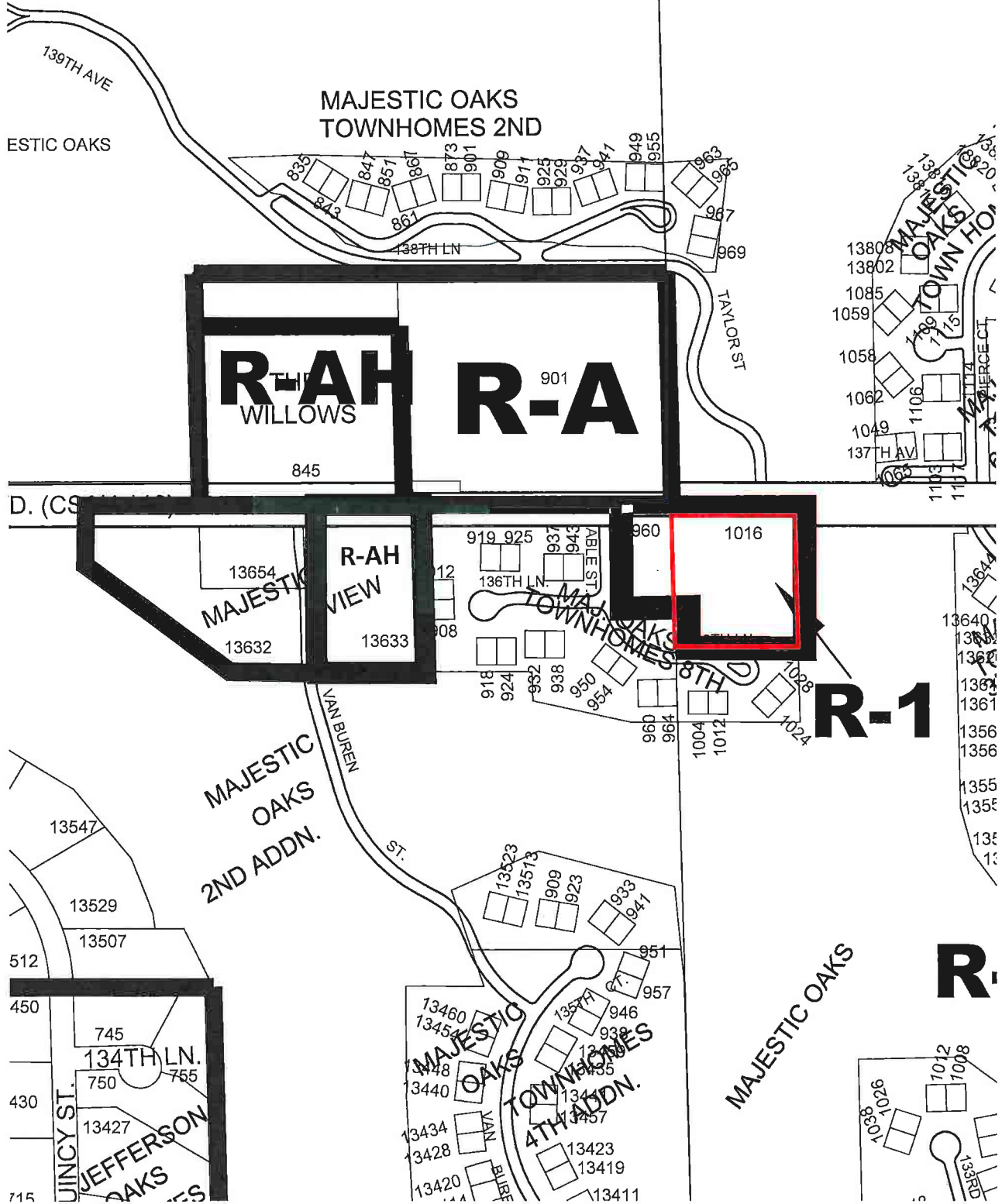


To the City of Ham Lake,

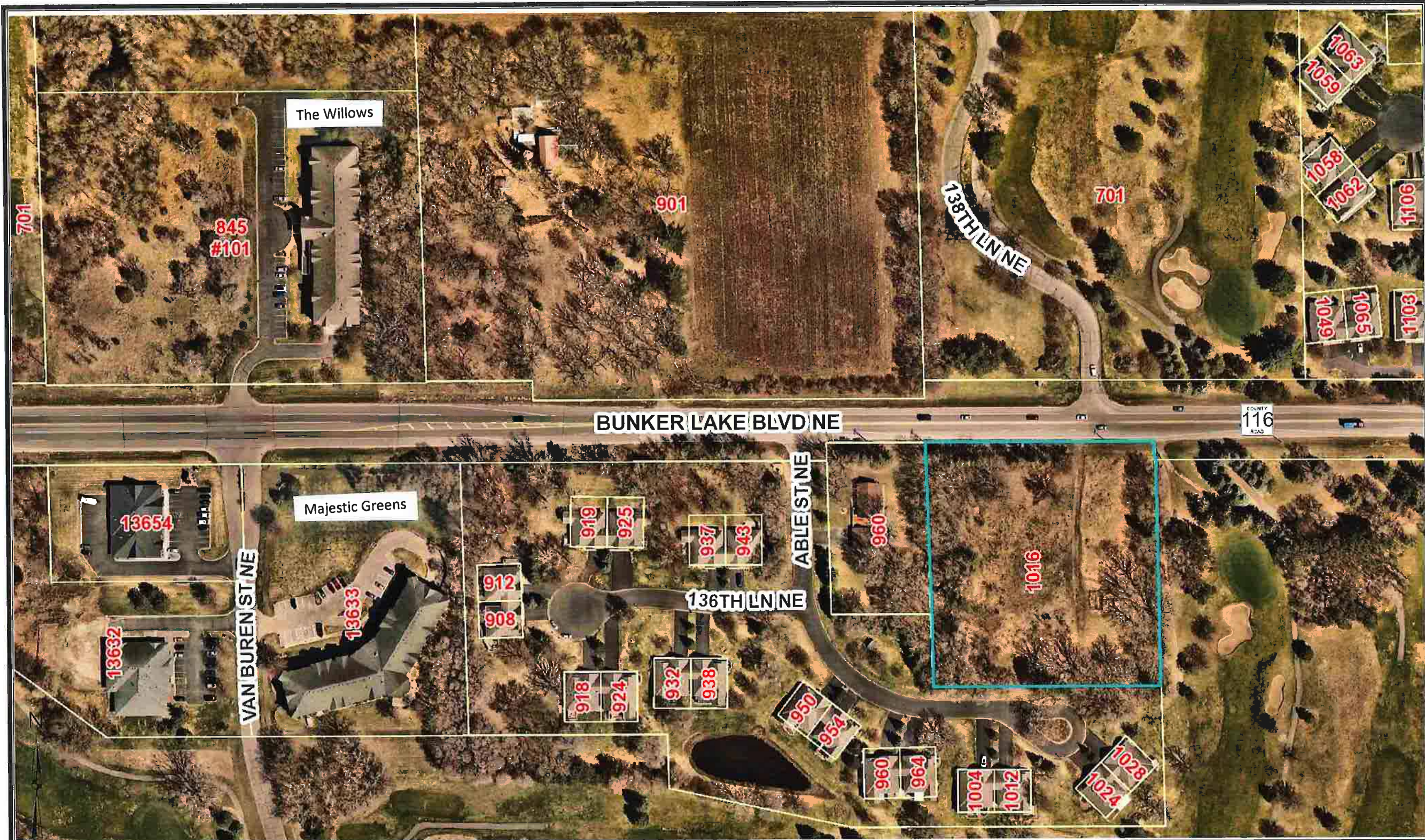
KE Properties LLC requests that the property at 1016 Bunker Lake Blvd  
be rezoned from R-1 to R-AH to allow Hampton companies to  
build Suite Living Senior Care Assisted Living Facility.

 Dave Erickson

9/27/2023



# Anoka County Parcel Viewer



**Parcel Information:**

Approx. Acres: 2.90542168

32-32-23-32-0002

Plat:

1016 BUNKER LAKE BLVD NE

Commissioner: JULIE BRAASTAD

HAM LAKE

MN 55304



**Owner Information:**

KE PROPERTIES LLC

3143 104TH LN NE

BLAINE

MN

55449

# PARCEL SKETCH

~for~ KE PROPERTIES  
 ~of~ 1016 Bunker Lake Boulevard NE  
 Ham Lake, MN

## LEGAL DESCRIPTION

(Per Anoka County Tax Information)

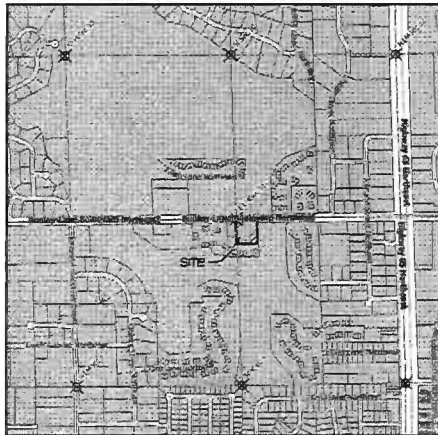
The Aprox 345 feet of the North 400 feet of the West Half of the Southwest Quarter of Section 32, Township 32, Range 23, Anoka County, Minnesota. Subject to roads.

## NOTES

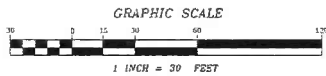
- Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/13.
- Bearings shown are on Anoka County datum.
- Parcel ID Number: 32-32-23-32-0002.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Surveyor subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Entire site appears to be more than 1 foot above mottled soils.
- Site area 3.17± Acres

## VICINITY MAP

PART OF SEC. 32, TWP. 32, RNG. 23

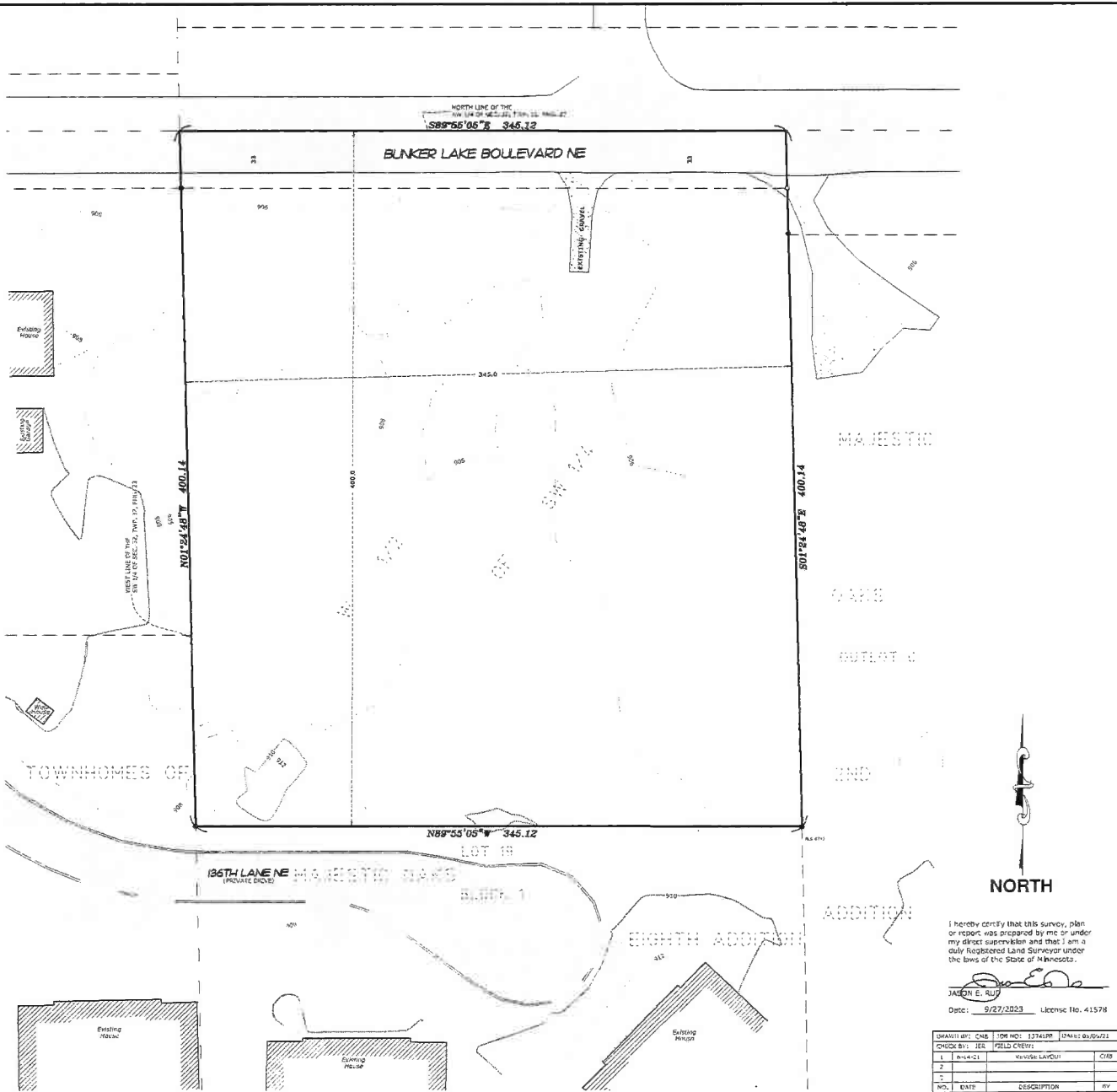


ANOKA COUNTY, MINNESOTA  
 (NO SCALE)



## LEGEND

- DENOTES EXISTING CONTOURS
- - - DENOTES BUILDING SETBACK LINE
- ▨ DENOTES ALTIMETRIC SURFACE
- ▨ DENOTES GRAVEL SURFACE



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JACOB E. RUD  
 Date: 9/27/2023 License No. 41578

DATE	BY	DESCRIPTION

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701

**DESCRIPTION OF PROPERTY SURVEYED**  
 The West 345 feet of the North 400 feet of the Southwest Quarter of Section 32, Township 32, Range 23, Anoka County, Minnesota.  
 Abstract Property

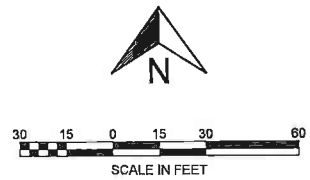
- GENERAL SURVEY NOTES**
- Bearings are based on the Anoka County Coordinate System (2011 Adjustment).
  - Elevations are based on the NAVD 88 Datum. Site Benchmark is the cast iron monument located in Bunker Lake Blvd NE at the northwest corner of the subject property, as shown hereon. Elevation = 909.15
  - We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

- ALTA/NSPS LAND TITLE SURVEY NOTES**  
 (numbered per Table A)
- Monuments placed and/or found at all major corners of the boundary of the surveyed property as shown hereon.
  - Site Address: 1016 Bunker Lake Blvd NE, Ham Lake 55304.
  - This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27003CD3285, effective date of December 16, 2015.
  - The Gross land area is 138,047 +/- square feet or 3.169 +/- acres.
  - (a) Exterior dimensions of buildings at ground level not shown hereon. No buildings were observed on the subject property while conducting the fieldwork.
  - Substantial features observed in the process of conducting the fieldwork as shown hereon. Please note that seasonal conditions may inhibit our ability to visibly observe all site features located on the subject property.
  - No striped parking stalls were observed on the subject property while conducting the fieldwork.
  - The names of the adjoining owners of the platted lands, as shown hereon, are based on information obtained from the Anoka County Interactive Property Map.

- SURVEY REPORT**
- This map and report was prepared with the benefit of a Commitment for Title Insurance issued by CBH Title, LLC as agent for Old Republic National Title Insurance Company, File No. 59038, dated June 13, 2023. We note the following with regards to Schedule B II Exceptions of the herein referenced Title Commitment:
    - Item no.'s 1-10 and 13 are not survey related.
    - The following are numbered per the referenced Title Commitment:
      - Subject to Bunker Lake Blvd NE as laid out and traveled more or less. *Bunker Lake Blvd NE as shown hereon over the north 33 feet of the subject property.*
      - A portion of the property contains wetlands which may be subject to federal, state, or local regulation. The right to use or improve these wetlands is excepted hereon. *A wetland delineation was not part of the scope of this survey and we have not been provided with information pertaining to wetlands on the subject property.*
  - Conflicts such as (but not limited to): encroachments, protrusions, access, occupation, and easements and/or servitudes:
    - Gravel drive crosses the east line of the subject property, as shown hereon.

**ALTA CERTIFICATION**  
 To: KE Properties, LLC, a Minnesota limited liability company; Hampton Companies, LLC, a Minnesota limited liability company; CBH Title, LLC; and Old Republic National Title Insurance Company:  
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, and 13 of Table A thereof.  
 The fieldwork was completed on 7-21-2023.  
 Dated this 27th day of July, 2023.

Rory L. Synstelien  
 rory@civilsitegroup.com  
 Minnesota License No. 44585



**Linetype & Symbol Legend**

—E—E—	ELECTRIC LINE	⊠	AIR CONDITIONER	⊠	UTILITY VAULT
---E---	ELECTRIC LINE (RECORD)	⊠	CABLE TV BOX	⊠	UTILITY MANHOLE
---F---	FIBER/COMM. LINE	⊠	ELECTRIC MANHOLE	⊠	ELECTRICAL OUTLET
---F---	FIBER/COMM. LINE (RECORD)	⊠	ELECTRIC TRANSFORMER	⊠	HAND HOLE
—G—G—	GASMAIN	⊠	FIBER/COMM. MANHOLE	⊠	POLE
—G—G—	GASMAIN (RECORD)	⊠	ELECTRICAL METER	⊠	FLAG POLE
—OH—OH—	OVERHEAD UTILITIES	⊠	POWER POLE	⊠	FUEL TANK
—S—S—	SANITARY SEWER	⊠	GUY WIRE	⊠	HANDICAP SYMBOL
—S—S—	SANITARY SEWER (RECORD)	⊠	GAS METER	⊠	LIGHT POLE
—SS—SS—	STORM SEWER	⊠	GAS MANHOLE	⊠	MAIL BOX
—SS—SS—	STORM SEWER (RECORD)	⊠	GAS VALVE	⊠	SIGN
—T—T—	TELEPHONE LINE	⊠	ROOF DRAIN	⊠	CONIFEROUS TREE
—T—T—	TELEPHONE LINE (RECORD)	⊠	SEWER CLEAN OUT	⊠	DECIDUOUS TREE
—W—W—	WATERMAIN	⊠	SANITARY MANHOLE	⊠	
—W—W—	WATERMAIN (RECORD)	⊠	STORM MANHOLE	⊠	
—X—X—	CHAINLINK FENCELINE	⊠	CATCH BASIN	⊠	
—O—O—	WOODEN FENCELINE	⊠	FLARED END SECTION	⊠	
—G—G—	GUARDRAIL	⊠	TELEPHONE BOX	⊠	
—A—A—	ACCESS RESTRICTION	⊠	TELEPHONE MANHOLE	⊠	
—C—C—	CONCRETE SURFACE	⊠	TRAFFIC SIGNAL	⊠	
—P—P—	PAVER SURFACE	⊠	HYDRANT	⊠	
—B—B—	BITUMINOUS SURFACE	⊠	FIRE CONNECTION	⊠	
—G—G—	GRAVEL/LANDSCAPE SURFACE	⊠	POST INDICATOR VALVE	⊠	
		⊠	WATER MANHOLE	⊠	
		⊠	WATER VALVE	⊠	
		⊠	WELL	⊠	

**1016 Bunker Lake Blvd NE**

Ham Lake, Anoka County, Minnesota 55304

Hampton Companies LLC

1824-Buerkle Road, White Bear Lake, Minnesota 55110

HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SYNSTELIEN  
 DATE: 7-27-2023 LICENSE NO. 44585

QA/QC

FIELD CREW	DO
DRAWN BY	DS
REVIEWED BY	CJ
UPDATED BY	



REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO: 23172.00  
 ALTA/NSPS LAND TITLE SURVEY

**V1.0**

ORDINANCE NO. 23-08

An Ordinance Amending ARTICLE 9, COMPREHENSIVE ZONING, to amend the Ham Lake City Code to add Assisted Living Facilities and Nursing Homes as Conditional Uses in the (R-AH), Affordable Housing District, zoning district and removing Raising of Pigeons in its entirety.

Be it Ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota as follows:

ARTICLE 9, COMPREHENSIVE ZONING of the Ham Lake City Code is hereby amended as indicated in the following section:

9-210.1 Single Family Residential (R-1)

...

c) *Temporary Conditional Uses*

- Therapeutic Massage Facilities
- ~~Raising of Pigeons under Article 9-330.9~~

...

9-210.4 Affordable Housing District (R-AH) R-AH Districts are areas intended for the creation of multiple-family apartment buildings targeted for occupancy by persons aged 55 or older or having low or moderate income, as those terms are from time to time defined by the City Council in concert with the commonly established guidelines of various governmental social service agencies. Further, R-AH Districts may conditionally include assisted living facilities as defined in MN Statute 144G.08, Subd. 7 and nursing homes as defined in MN Statute 144A.01 Subd. 5.

a) *Permitted Uses*

- Multiple family apartment buildings or cottages and ancillary facilities
- Recreational facilities for the exclusive use of tenants
- Underground Utilities
- Storage Buildings or Garages for the exclusive use of tenants
- A single business office for building or complex management, of not more than 1500 square feet

b) *Conditional Uses and Temporary Conditional Uses*

- Assisted Living Facilities
- Nursing Homes

...

9-330.8 Raising of Pigeons

A. Definitions

1) "**Pigeon**" means a member of the family *Columbidae*, and consists of birds known as "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as those terms are commonly known and used in the pigeon raising community.

2) "**Recognized Pigeon Association**" means the International Federation of Raging Pigeon Fanciers, the American Racing Pigeon Union, Inc., the National Pigeon Club, the American Pigeon Club, the Rare Breeds Pigeon Club, the American Tippler Society, and the International Roller Association.

3) "**Loft**" means a structure especially built for the housing of pigeons.

## **B. Conditions**

The following conditions shall be observed by every person granted a conditional use permit to keep, breed and raise pigeons:

1) **Location.** All pigeons shall be kept in a Loft containing at least 50 square feet of floor area. If the Loft contains more than 120 feet of floor area, the structure shall be deemed an *Accessory Building* and subject to the provision of Article 9-370. A Loft shall not be considered a *Farm Building*.

2) **Construction Standards.** The Loft shall be constructed as a wood frame building, of sufficient height and other security measures to discourage invasion by predatory animals. The property owner shall not be required to obtain a building permit for the Loft, but plans for the Loft shall be submitted at the time of application for Conditional Use Permit. The Loft shall provide adequate shelter from the elements, and meet any standards recommended by a Recognized Pigeon Association.

3) **Population Limitations.** No more than 32 pigeons may be kept on any parcel of land. Pigeons that are 28 days old or younger shall not be counted against this limit.

4) **Noise.** The permit holder shall take adequate steps to insure that noise from the pigeons are not audible to nearby properties.

5) **Personal Hobby Use Only.** Pigeons kept in any district but the R-A districts shall be for the personal hobby use of the permit holder, and the activity shall not be operated as any kind of a mercantile venture in areas zoned other than R-A.

6) **Sanitation.** All animal waste shall be removed and properly disposed of in a manner that promotes general health and safety, and all feed shall be stored inside the Loft, safe from invasion by vermin or disease-promoting forces. All feeding activities shall be carried on within the Loft.

7) **Confinement.** Except when involved in exercise, competition or training activities under the supervision of the permit holder, pigeons shall be confined to the Loft, and shall not be permitted to perch or linger on the property of others. Pigeons that have been fed within the previous four hours shall not be released from the Loft.

8) **Banding and Registration.** All pigeons that are six months old or older shall be banded and registered with at Recognized Pigeon

Association.

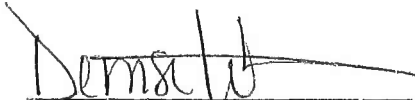
~~9) Screening.~~ All lofts shall be placed in locations where they are screened by buildings, fences or coniferous vegetation from view from adjoining properties.

~~C. Annual Inspection.~~ All facilities shall be subject to an annual inspection by the City. The City may, at the discretion of its staff, delegate the inspection to a Recognized Pigeon Association. The permit holder shall comply with all requirements imposed by any inspection. All costs of inspection shall be the responsibility of the permit holder.

~~D. General Nuisance.~~ The permit holder shall conduct all activities in connection with the keeping and raising of pigeons in a manner that avoids the creation of public or private nuisances, and to this end, and without limitation, the activities shall be conducted so as to eliminate from outside the Loft all odor, noise, vibrations, attraction of rodents, vermin or predatory animals, attractive nuisance, eyesores or other aesthetic detractions from neighborhood appearance, traffic or accumulation of debris or waste.

Presented to the Ham Lake City Council on September 5, 2023 and adopted by a unanimous vote this 18th day of September, 2023.

  
\_\_\_\_\_  
Brian Kirkham, Mayor

  
\_\_\_\_\_  
Denise Webster, City Clerk



**CITY OF HAM LAKE  
PLANNING COMMISSION REQUEST APPLICATION  
INSPECTION REPORT**

MTG DATE: October 9, 2023

INSPECTION ISSUED TO: Kyle Lejonvarn

APPLICANT/CONTACT: Jesse Osborne 16800 Hwy 65 NE, Ham Lake, MN 55304

TELEPHONE NUMBER: 651-403-0782, jesse@storageworldmn.com

BUSINESS/PLAT NAME: Creekside Farms LLC

ADDRESS/LOCATION OF INSPECTION: North of the intersection of 165<sup>th</sup>  
Ave & Buchanan St/southwest of Storage World

APPLICATION FOR: Revision to the approved conditions of the final plat of  
Creekside Farms (screening)

RECOMMENDATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

PLANNING COMMISSIONER SIGNATURE: \_\_\_\_\_



# CITY OF HAM LAKE

## PLANNING REQUEST

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

Date of Application 9-27-23

Date of Receipt 9-27-23  
Receipt # 97679

### Meeting Appearance Dates:

Planning Commission 10/9/23

City Council ^

### Please check request(s):

- Metes & Bounds Conveyance
- Sketch Plan
- Preliminary Plat Approval\*
- Final Plat Approval
- Rezoning\*
- Multiple Dog License\*

- Commercial Building Permit
- Certificate of Occupancy
- Home Occupation Permit
- Conditional Use Permit (New)\*
- Conditional Use Permit (Renewal)
- Other Amend Final Plat

*\*NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.*

Development/Business Name: CSF

Address/Location of property: Creek Side Farms

Legal Description of property: Creek Side Farms

PIN # \_\_\_\_\_ Current Zoning CD2 Proposed Zoning —

Notes: Modification of Plat/Screening Variance

Applicant's Name: Jesse Osborne

Business Name: CSF

Address 16800 Hwy 65 NE

City Ham Lake State MN Zip Code 55304

Phone 651-403-0782 Cell Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email address \_\_\_\_\_

*You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.*

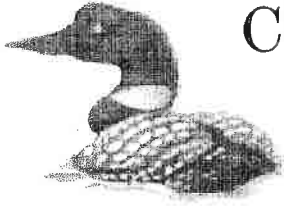
SIGNATURE [Signature] DATE 9-27-23

\*\*\*\*\*

**- FOR STAFF USE ONLY -**

ACTION BY: Planning Commission \_\_\_\_\_  
City Council \_\_\_\_\_

PROPERTY TAXES CURRENT YES NO



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

## NOTICE OF PUBLIC HEARING CITY OF HAM LAKE COUNTY OF ANOKA STATE OF MINNESOTA

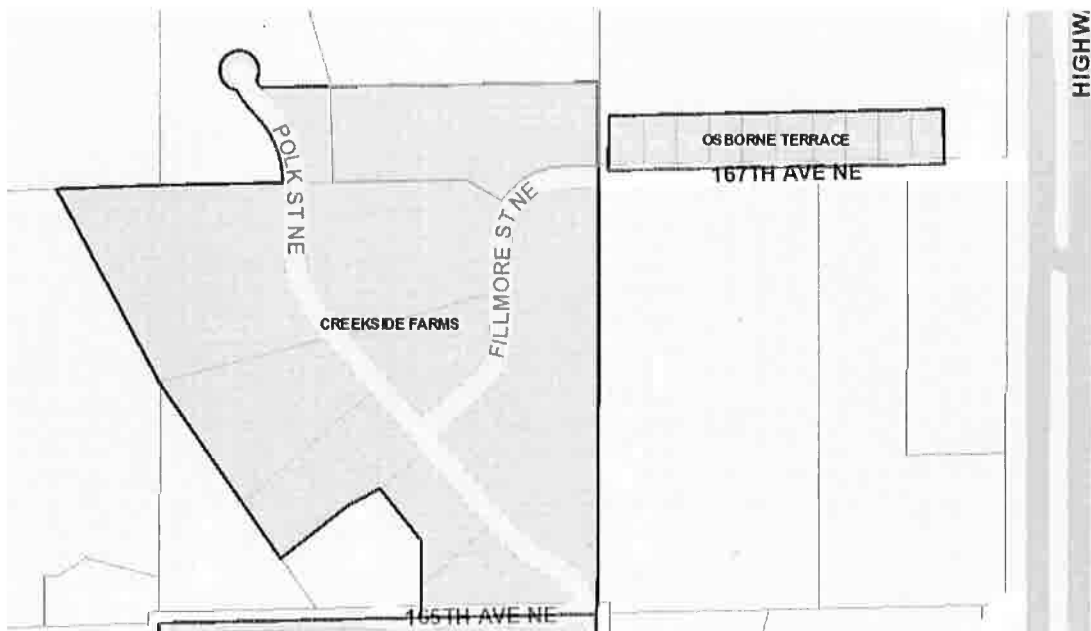
TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a public hearing shall be held before the Ham Lake Planning Commission on Monday, October 9, 2023 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE for the purpose of considering the application of Jesse Osborne requesting a revision to the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8 parcels of certain land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

The Plat of Creekside Farms

At such hearing both written and oral comments will be heard.

DATED: September 29, 2023

Jennifer Bohr  
Building and Zoning Clerk  
City of Ham Lake



October 9, 2023

**CITY OF HAM LAKE**

**STAFF REPORT**

**To: Members of the Planning Commission**

**From: Mark Jones, Building Official**

**Subject: Request for an amendment to final plat approval for the commercial plat of Creekside Farms**

**Introduction/Discussion:**

Mr. Jesse Osborne received final plat approval for a subdivision by the name of Creekside Farms, a nine-lot commercial development, on April 4, 2022. A condition of final plat approval, and a "work item" listed in the Development Agreement, was that screening was to be completed By November 1, 2022. The approved screening was a combination of six-foot tall colored, slatted privacy fence and evergreen trees planted ten-feet apart on the east side of the development as shown on the screening exhibit submitted by Mr. Osborne. The east side of the property is adjacent to residential property and screening is required per Article 11-1853.A.

**11-1853 Tree Plantings** Trees which are planted outside of areas intended to return to a natural wooded state shall be of a variety indigenous to the local climate. Deciduous trees shall, when planted, have a trunk size of at least one and one half inches at a height of four feet from ground level. Conifers shall have a height of at least five feet. Tree locations are subject to review and approval of the City in the landscaping plan review process, and while no specific number of trees are required, the following general principles shall be observed;

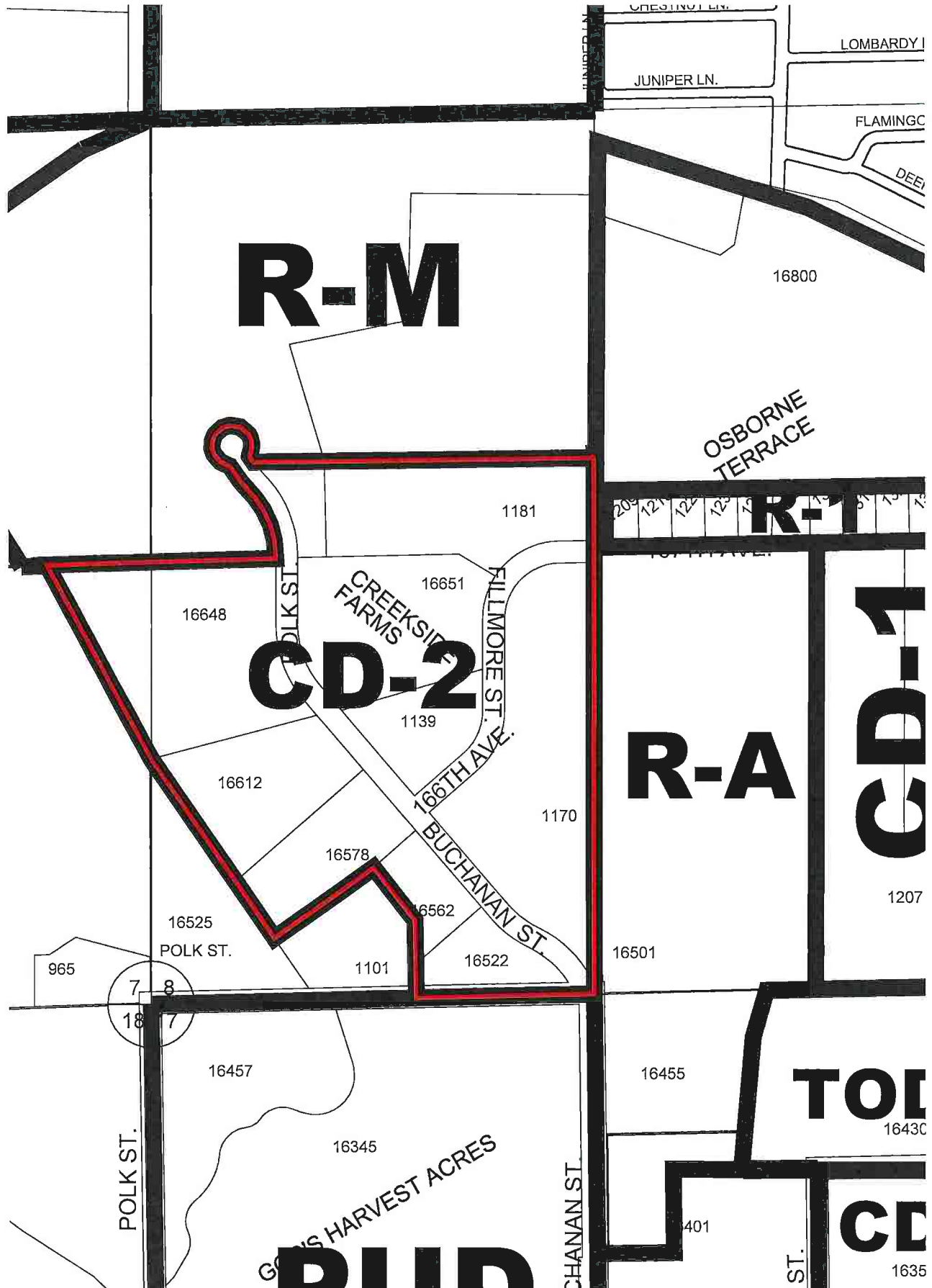
- A.** Where property lines are adjacent to residential areas, a planting screen of conifers shall be required, of sufficient size and proximity to provide an intermingled screen within five years;
- B.** Decorative trees shall be planted along the right of way lines of adjacent public roadways;
- B.** The use of conifers shall be encouraged and preferred.
- C.** Whenever possible, an attempt will be made to preserve stands of existing vegetation, particularly treed or wooded areas.

At this time, Mr. Osborne is requesting a change to what was presented at the public hearing and approved by the City Council. Mr. Osborne is requesting approval of a new screening arrangement that would be completed in two phases because no buildings are being constructed on Lot 1, Block 1 and Lot 1, Block 2 at this time. In the first phase, Mr. Osborne would plant a combination of three-foot and four-foot conifer trees ten-feet apart on the east side of the plat adjacent to R-1 and R-A properties. Four-foot trees would be planted in locations where no future buildings would be constructed and

three-foot trees would be planted in between. (See the First Phase exhibit.) In the second phase, when construction begins on the buildings, the three-foot trees would be removed and transplanted in a second row between the four-foot trees to allow the trees to intermingle as they grow in order to provide an opaque barrier between residential and commercial properties. A colored, slatted fence would also be installed to provide screening between the buildings during the second phase. In the original screening plan, and the proposed plan, buildings are proposed to be used as screening. I do not believe the use of buildings for screening is the intent of the Code. Screening should be provided to help block all aspects of a commercial property from neighboring properties, including the buildings.

**Recommendation:**

I recommend that the Planning Commissioners first discuss what the intent of the Code is to determine if buildings should be used as screening. If the buildings should not be used for screening, then I would recommend that two rows of three-foot trees be planted. The rows of trees are to be planted ten-feet apart, but each row should be staggered to look as if the trees are five-feet apart. If the buildings are to be used as screening, then I would recommend that four-foot conifers be planted as shown on the first phase exhibit, as well as north of the drainage pond (Southeast area of the plat.) as originally presented during the plat approval process and along the eastern property line of Lot 1, Block 2 from 167<sup>th</sup> Avenue NE north until at least the northern property line of the adjacent residential lot and three-foot conifers be planted in between. During the second phase, the original three-foot conifer trees are to be transplanted to create a second row of trees parallel with the four-foot trees, staggering them so the trees look as if they are planted five-feet apart.



**R-M**

**CD-2**

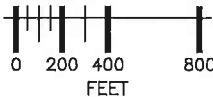
**R-A**

**CD-1**

**TOI**

**CE**

**DIID**



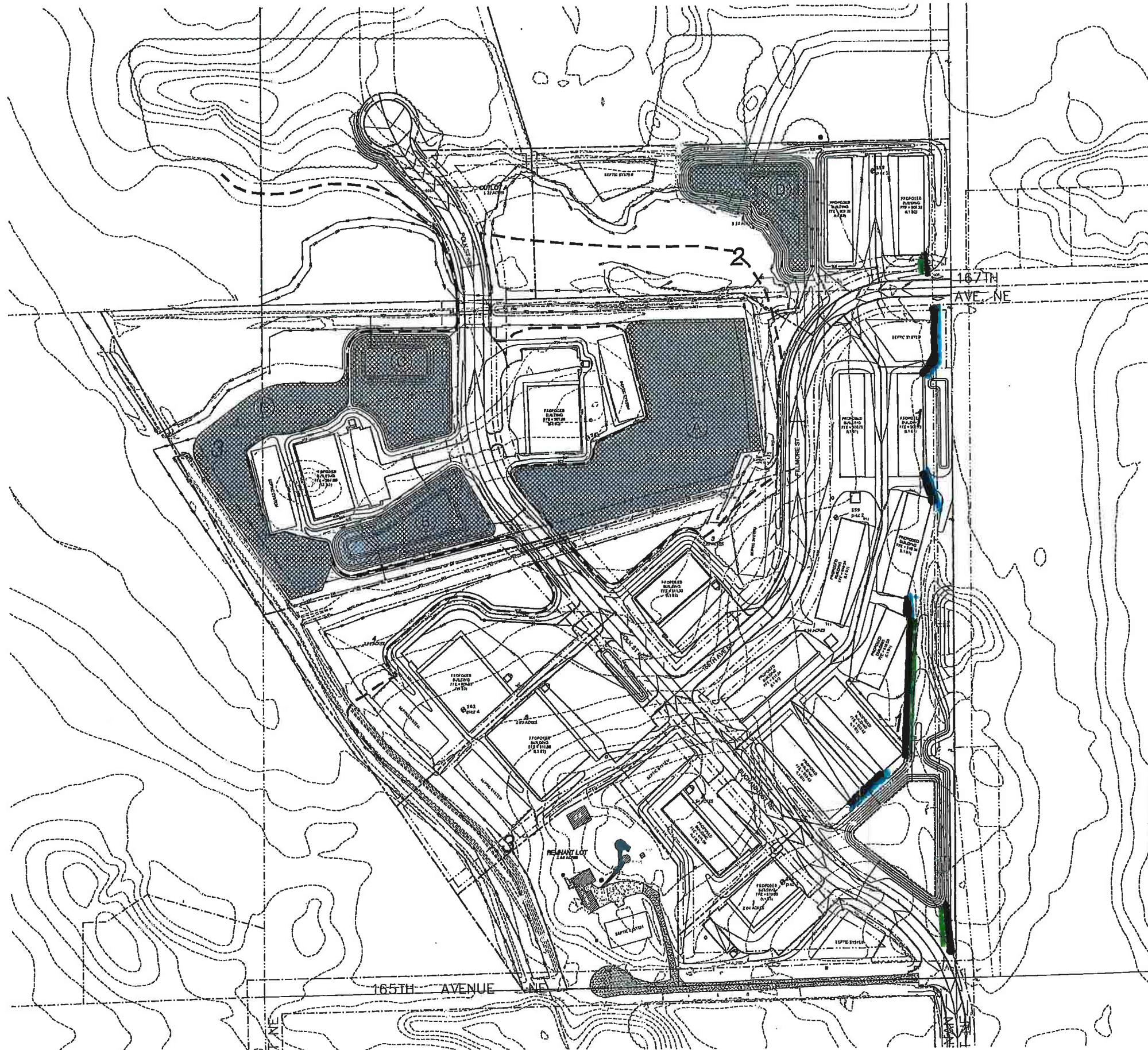


08-32-23-32-0004 X Q  
Show search results for 08-32-...



200ft  
506,254.671 186,564.979 Feet





**MITIGATION LEGEND**

FLOODPLAIN ELEVATION PER COON CREEK WATERSHED DISTRICT = 900.80

--- PROPOSED FLOODPLAIN ELEVATION BOUNDARY LINE AT ELEV. 900.8

 FLOODPLAIN COMPENSATORY STORAGE VOLUME  
MITIGATION AREA = 7,599 CY

NOTE: COMPENSATORY FLOOD STORAGE VOLUME WITHIN POND AREAS IS CALCULATED AS THE VOLUME CONTAINED BETWEEN THE NWL AND THE BFE.

FLOODPLAIN STORAGE VOLUME IMPACT = 7,447 CY

COMPENSATORY STORAGE VOLUME = 7,599 CY

AREA "A" = 3,178 CY  
AREA "B" = 1,036 CY  
AREA "C" = 312 CY  
AREA "D" = 1,358 CY  
AREA "E" = 1,717 CY

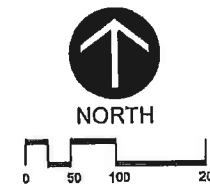
TOTAL COMPENSATORY STORAGE PROVIDED = 7,599 CY

7,599 CY > 7,447 CY (OK)

*Green*  
*Pine tree Screen sct 10ft apart*

*Blue*  
*color matched slatted privacy fence*

**\*ORIGINAL PLAN APPROVED WITH PLAT**



**Larson**  
Engineering, Inc.  
816 W. St. Germain Street  
Suite 308  
St. Cloud, MN 56301  
320.774.1844  
www.larsonengr.com  
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Client:  
**JESSE OSBORNE, CSF**  
**DEVELOPMENT, LLC**  
16800 HWY. 65 NE  
HAM LAKE, MN 55304

Project Title:  
**CREEKSIDE FARMS**  
**DEVELOPMENT**  
HAM LAKE, MIN. 55304

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

*Thomas J. Herkenhoff*  
Thomas J. Herkenhoff, P.E.  
Date: 06.02.21 Lic. No.: 25520

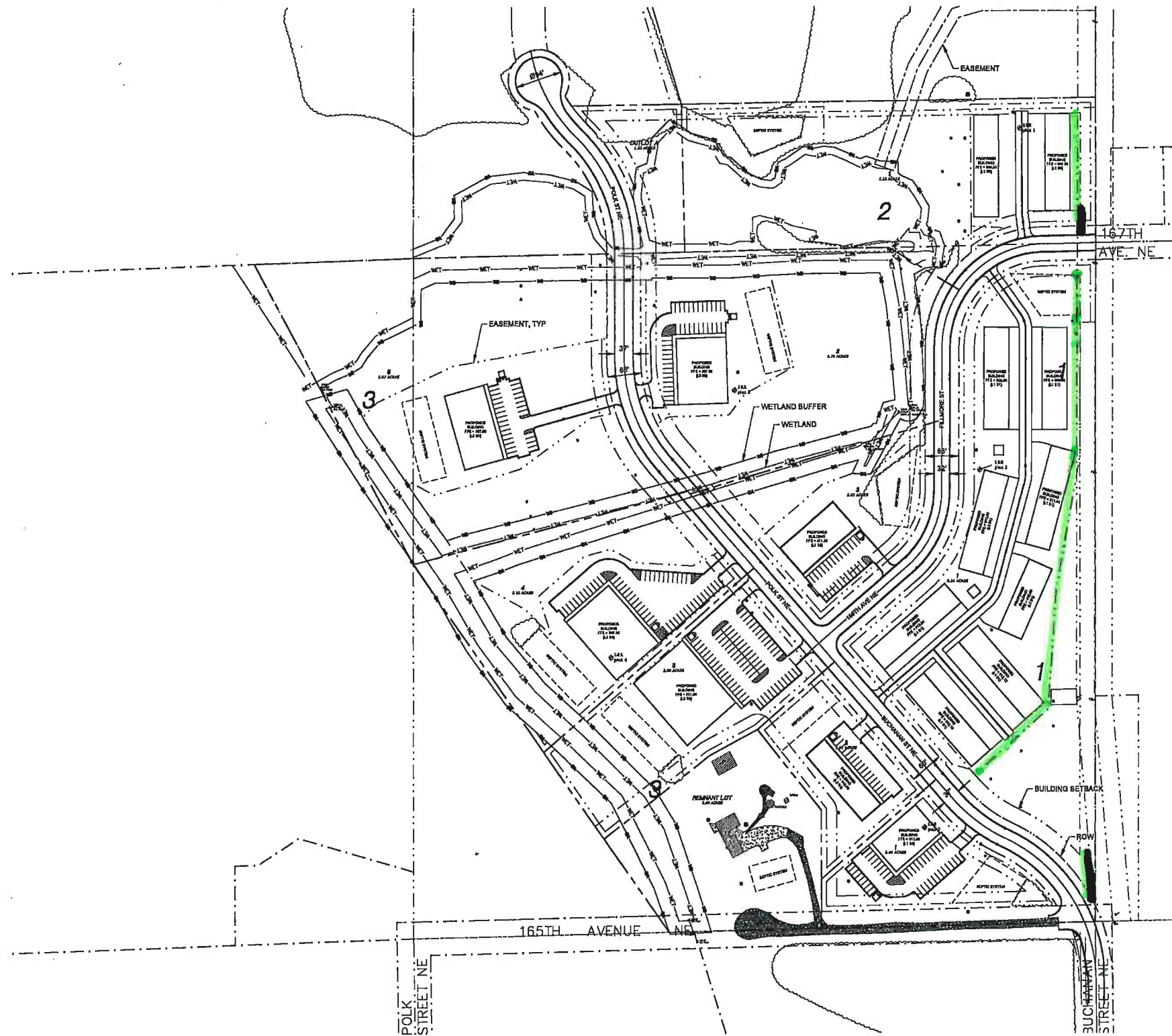
Rev.	Date	Description

Project #: 12216011.000  
Drawn By: TJR  
Checked By: TJH  
Issue Date: 06.02.2021

Sheet Title:  
**PRELIMINARY FLOOD PLAN MITIGATION**

Sheet:  
**C601**





NOTE: PROJECT WILL BE COMPLETED IN TWO PHASES.  
 PHASE 1: 167 AVE NE & BUCHANAN ST (SOUTH OF INTERSECTION)  
 (SCHEDULE: BEGIN SUMMER 2021, END SPRING 2022)  
 PHASE 2: BUCHANAN ST (NORTH OF INTERSECTION)  
 (SCHEDULE: TBD)

**1ST Phase**  
**OCT 2023**  
 Single Row Pine tree  
 10' apart / 13' Tall  
 Green

Single Row Pine tree  
 10' apart / 14' Tall  
 Green / Black



PRELIMINARY NOT FOR CONSTRUCTION

**Larson Engineering, Inc.**  
 816 W. St. Germain Street  
 Suite 309 Ham Lake, MN 55301  
 763.774.1944  
 www.larsoneng.com

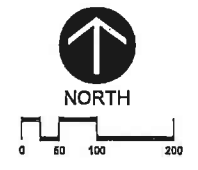
**JESSE OSBORNE, CSF DEVELOPMENT, LLC**  
 16800 HWY. 65 NE  
 HAM LAKE, MN 55304

**CREEKSIDE FARMS DEVELOPMENT**  
 HAM LAKE, MN. 55304

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
*Thomas J. Herkshoff*  
 Thomas J. Herkshoff, P.E.  
 Date: 08.02.21 Lic. No.: 28520

Rev.	Date	Description

Project #: 1211011.000  
 Drawn By: TJR  
 Checked By: TJH  
 Issue Date: 08.02.2021  
 Sheet Title:  
**OVERALL SITE PLAN**  
 Sheet:  
**C000**



**RECEIVED**  
 SEP 27 2023  
 By: .....

\* 2nd Phase will start once construction begins.

2nd Phase will be complete once 10th building is built CSF will maintain Screening throughout construction.



NOTE: PROJECT WILL BE COMPLETED IN TWO PHASES.  
 PHASE 1: 167 AVE NE & BUCHANAN ST (SOUTH OF INTERSECTION) (SCHEDULE: BEGIN SUMMER 2021, END SPRING 2022)  
 PHASE 2: BUCHANAN ST (NORTH OF INTERSECTION) (SCHEDULE: TBD)

2nd Phase  
 5' Pine tree  
 Double Set 10' apart  
 Green/Black

Color matched  
 Slotted Fence  
 Blue

**Larson Engineering, Inc.**  
 815 W. St. Germain Street  
 Suite 309  
 St. Cloud, MN 56301  
 St. Cloud, MN  
 www.larsoneng.com  
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Client:  
**JESSE OSBORNE, CSF DEVELOPMENT, LLC**  
 16800 HWY. 65 NE  
 HAM LAKE, MN 55304

Project Title:  
**CREEKSIDE FARMS DEVELOPMENT**  
 HAM LAKE, MN. 55304

I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

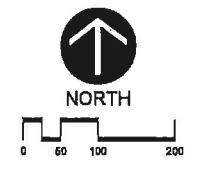
*Thomas J. Harkerhoff*  
 Thomas J. Harkerhoff, P.E.  
 Date: 08.02.21 Lic. No.: 25520

Rev.	Date	Description

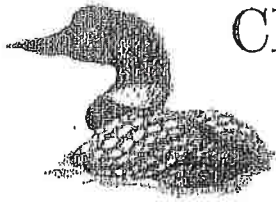
Project #: 12210011.000  
 Drawn By: TJR  
 Checked By: TJH  
 Issue Date: 08.02.2021  
 Sheet Title:

OVERALL SITE PLAN  
 Sheet: **C000**

PRELIMINARY NOT FOR CONSTRUCTION



**RECEIVED**  
 SEP 27 2023  
 By: .....



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

## **CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES MONDAY, APRIL 4, 2022**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, April 4, 2022 at 6:00 p.m. in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Mayor Mike Van Kirk and Councilmembers Gary Kirkeide, Brian Kirkham and Jesse Wilken

**MEMBERS ABSENT:** Councilmember Jim Doyle

**OTHERS PRESENT:** City Attorney, Joe Murphy; City Engineer, Tom Collins; and Deputy City Clerk, Dawnette Shimek

### **1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance**

Mayor Van Kirk called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

### **2.0 PUBLIC COMMENT - None**

### **3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS - None**

### **4.0 CONSENT AGENDA**

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

4.1 Approval of minutes of March 21, 2022

4.2 Approval of claims in the amount of \$275,812.05

4.3 Approval of the American Rescue Plan Act (ARPA) Business/Non-Profit Grant Program

4.4 Approval of the Building Destruction Agreement for 901 Bunker Lake Boulevard NE

4.5 Approval of Resolution No. 22-12 accepting a \$5,000 donation from the Ham Lake Chamber of Commerce

4.6 Road Committee Recommendations:

- 1) Approval of Resolution No. 22-13 requiring "No Parking" on Central Avenue NE from 157<sup>th</sup> Avenue NE to Constance Boulevard NE

**Motion by Kirkham, seconded by Wilken, to approve the April 4, 2022 Consent Agenda as written. All present in favor, motion carried.**

### **5.0 PLANNING COMMISSION RECOMMENDATIONS**

**5.1** Jesse Osborne requesting Final Plat approval of Creekside Farms, a 9 lot Commercial Development located in Sections 7 and 8

**Motion by Kirkham, seconded by Wilken, to concur with the Planning Commission and approve the Final Plat of Creekside Farms, a 9 lot Commercial Development located in Sections 7 and 8 subject**

to applying for a Conditional Use Permit prior to construction of the heated storage buildings, installing No Truck and No Hauling signage along 167<sup>th</sup> Avenue NE, installation of six-foot tall colored, slatted privacy fence and ten-foot spaced pine trees as shown on the screening exhibit, following guidance provided in the Minnesota DNR Natural Heritage Review for Blanding Turtles, complying with Coon Creek Watershed District permit requirements, meeting the requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried.

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES - None

8.0 CITY ATTORNEY - None

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

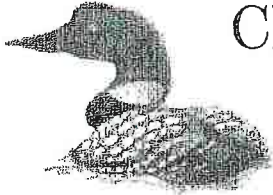
11.0 COUNCIL BUSINESS

11.1 Committee Reports - None

11.2 Announcements and future agenda items - None

Motion by Kirkham, seconded by Kirkeide, to adjourn the meeting at 6:03 p.m. All present in favor, motion carried.

  
\_\_\_\_\_  
Dawnette Shimek, Deputy City Clerk



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

## CITY OF HAM LAKE PLANNING COMMISSION MINUTES MONDAY, MARCH 28, 2022

The Ham Lake Planning Commission met for its regular meeting on Monday, March 28, 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 Scott Heaton, Jeff Entsminger, Jonathan Fisher, Kyle Lejonvarn and Erin Dixon

**MEMBERS ABSENT:** Commissioner Dave Ringler

**OTHERS PRESENT:** City Engineer, Tom Collins 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 March 14, 2022 Planning Commission meeting as written. All present in favor, motion carried.

**PUBLIC HEARING:** None

**NEW BUSINESS:**

Jesse Osborne requesting Final Plat approval of Creekside Farms, a 9 lot Commercial Development located in Sections 7 & 8.

Mr. Jesse Osborne was present. Mr. Osborne stated grading was done in the development last fall and he plans to have curbing and the first lift of asphalt in place in June. Mr. Osborne stated he currently has purchase agreements for three of the seven commercial lots; the sale of the commercial lots will help finance the construction of the heated storage units in the summer of 2023. Chair Pogalz read key points from Engineer Collin's memo and asked Engineer Collins to comment. Engineer Collins stated a Conditional Use Permit, with a public hearing, will be required for the heated storage units in the future; due to previous soil disturbance within the development a variance to septic soil conditions, per Section 10-302F of Article 10 of the City Code, was granted; septic systems must meet specific design requirements before building permits can be issued. Commissioner Lejonvarn inquired about the type of fencing and screening that

will be between the residential property along 165<sup>th</sup> Avenue NE and Storage World. Mr. Osborne stated that was a separate project in which he put up a slatted, chain-link fence. Mr. Osborne stated the fence has worked well and he hasn't heard anything from residents since the fence was constructed. Mr. Osborne stated North Pine Aggregate trucks were driving on 167<sup>th</sup> Avenue NE when they did grading work last fall for the Creekside Farms development. Mr. Osborne stated he informed North Pine Aggregate that their truck and equipment drivers could not utilize that street and were directed to access the development by Buchanan Street NE from Constance Boulevard NE. Mr. Osborne stated he has met with each potential buyer of his commercial lots and informed them they must access the development via Buchanan Street NE from Constance Boulevard NE. Mr. Osborne stated each buyer has acknowledged they understand where to access the development. Mr. Osborne stated No Hauling and No Truck signs will be posted along 167<sup>th</sup> Avenue NE. Commissioner Heaton asked what type of businesses will be purchasing the lots. Mr. Osborne stated purchase agreements have been written for two trucking companies and a warehouse company. Commissioner Heaton stated there have been issues in the past when commercial property borders residential property and he wanted Mr. Osborne to be mindful of that. Mr. Osborne stated he has created covenants for the development which include requirements for at least a ten-foot high fence on property bordering residential property. Mr. Osborne stated the residential property bordering the development is his family's property; he wants to keep things nice, neat and clean as the City does. Engineer Collins stated the location of structures and parking areas on the current plans are speculative; each property owner will need to submit a commercial site plan for review by the Planning Commission and City Council; screening will be part of the site plan requirements. **Motion by Pogalz, seconded by Lejonvarn, to recommend approval of the Final Plat of Creekside Farms, a 9 lot Commercial Development located in Sections 7 and 8 subject to applying for a Conditional Use Permit prior to construction of the heated storage buildings, installing No Truck and No Hauling signage along 167<sup>th</sup> Avenue NE, installation of six-foot tall colored, slatted privacy fence and ten-foot spaced pine trees as shown on the screening exhibit, following guidance provided in the Minnesota DNR Natural Heritage Review for Blanding Turtles, complying with Coon Creek Watershed District permit requirements, meeting the requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried. *This item will be placed on the April 4, 2022 City Council Agenda.***

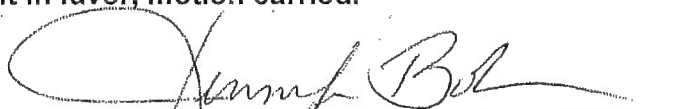
**COMMISSION BUSINESS:**

City Council Update

Commissioner Fisher attended the March 21, 2022 City Council meeting. Commissioner Fisher stated the Planning Commission had reviewed and recommended approval of a Special Home Occupation Permit application for Curls and Purls Salon; the City Council, after discussion with staff, determined a Home Occupation Permit was sufficient and required less restrictions so a Home Occupation Permit was approved by the City Council for Curls and Purls Salon. Commissioner Fisher stated the City Council approved the Preliminary Plat Reapproval for Harmony Estates 3rd Addition without further discussion. A Planning Commissioner will not be present at the April 4, 2022 City Council meeting.

**ADJOURNMENT:**

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:17 p.m. All present in favor, motion carried.

A handwritten signature in cursive script, appearing to read "Jennifer Bohr", written over a horizontal line.

Jennifer Bohr  
Building and Zoning Clerk

3.3 PUBLIC HEARING – 6:01 P.M. to consider the vacation of the Baltimore Street NE right-of-way, south of Crosstown Boulevard NE and adoption of a Resolution No. 21-26

Engineer Collins explained that there is a cul-de-sac on Baltimore Street NE that had been previously been used by the VFW. Engineer Collins stated that there is no public purpose for the existing right-of-way for Baltimore Street NE south of Crosstown Boulevard NE.

**Acting Mayor Kirkeide opened the public hearing at 6:24 p.m. and asked for public comment and with there being none, closed the public hearing at 6:25 p.m.**

**Motion by Kirkham, seconded by Wilken, to approve the vacation of the Baltimore Street NE right-of-way south of Crosstown Boulevard NE and adopt Resolution No. 21-26. All present in favor, motion carried.**

**4.0 CONSENT AGENDA**

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

4.1 Approval of minutes of August 2, 2021 and Budget Workshop Minutes of August 2, 2021

4.2 Approval of claims in the amount of \$327,384.24

4.3 Approval of a Temporary One-Day Liquor License for the Dylan Witschen Foundation (non-profit) at the Willow Tree Winery, 828 Constance Boulevard NE on October 23, 2021

4.4 Approval of a Temporary One-Day Liquor License for the Ham Lake Lion's (non-profit) at Fitaholic Fitness, 13352 Aberdeen Street NE on September 11, 2021

4.5 Approval of a Proclamation proclaiming September 17 – September 23 as Constitution Week

4.6 Approval of scheduling a Special City Council meeting on Tuesday, August 24, 2021 at 8:00 a.m.

4.7 Road Committee Recommendations:

1) Approval of Resolution No. 21-27 requesting an advancement of MSA Funds

2) Approval of any costs associated with flashing signage be paid by Da Vinci Academy, which will require an agreement between the City and Da Vinci and a Joint Powers Agreement (JPA) between the City and Anoka County

**Motion by Kirkham, seconded by Wilken, to approve the August 16, 2021 Consent Agenda as written. All present in favor, motion carried.**

**5.0 PLANNING COMMISSION RECOMMENDATIONS**

5.1 Jesse Osborne requesting Preliminary Plat approval of Creekside Farms, a 9 lot Commercial Development located in Sections 7 & 8, and rezoning of parcels of land from R-M (Residential Manufactured Mobile Homes) and R-A (Rural Single Family Residential) to CD-2 (Commercial Development II) (this is considered the First Reading of a rezoning Ordinance)

There was discussion that Jesse Osborne, the developer, would place signage directing trucks to access the development via Constance Boulevard NE to Buchanan Street NE (as these are 9-ton roads) and not 167<sup>th</sup> Avenue NE through the residential neighborhood. **Motion by Kirkeide, seconded by Kirkham, to concur with the Planning Commission and approve the Preliminary Plat, lot line adjustment and rezoning to CD-2 (Commercial Development II) of the plat of Creekside Farms, a 9-lot Commercial Development located in Sections 7 & 8, as presented by Jesse Osborne subject to a variance being approved for soil disturbance in septic areas per Article 10-302F of the City Code, dedicating ten-**



foot drainage and utility easements around the perimeter of Parcels B-1, C-2 and D-1, signing a license agreement for Lot 2, Block 1, due to the proposed septic system crossing the drainage and utility easement, dedicating thirty-three feet of right-of-way on the north side of 165<sup>th</sup> Avenue NE on Parcel C-2 and providing the City with proof of recording of the right-of-way over the southerly thirty-three (33) feet of Parcel C-2, obtaining FEMA Letter of Map Amendments for Lot 1, Block 2, Lot 2, Block 2, Lot 3, Block 2, Lot 4, Block 3 and Lot 5, Block 3, no building permits to be issued on lots requiring LOMA until LOMA on file with the City, providing the City with proof of recording of conveyance of 1.22 acres from Outlot A to the adjacent Parcel B-1 for the lot line adjustment, meeting all the conditions of the City Engineer and meeting at State, City and County requirements. All present in favor, motion carried.

This is considered the First Reading of a rezoning Ordinance.

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES – None

8.0 CITY ATTORNEY

8.1 Discussion of the First Reading of an Ordinance regarding signage

Attorney Murphy stated that this was discussed previously with the Council regarding residential signage. Attorney Murphy stated that he has amended the Ordinance to not include flags mounted on a pole as signage. **This is considered the First Reading of a rezoning Ordinance for residential signage.**

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports – None

11.2 Discussion of the 2022 Anoka County Sheriff's Office Law Enforcement Contract and Budget

Finance Director Andrea Worcester explained the increase in the Law Enforcement Contract for next year was due to adding a full-time Investigator. Finance Director Worcester stated that by adding the investigator, it will increase the pro-active time for Deputies from 33% to 41% within the City. Finance Director Worcester compared the contract amount if the Investigator started on January 1, 2022 versus July 1, 2022. It was discussed to have the Investigator start on July 1, 2022. Acting Mayor Kirkeide stated he would like have the Law Enforcement Liaisons discuss the possibility of having the Sheriff's Department assess property owners with a line item for law enforcement services as this would give the Sheriff's Department more control and would in turn, cut the City's budget.

Finance Director Worcester stated that the draft preliminary 2022 General Fund Budget is mainly funded by a levy of \$5,391,443. Finance Director Worcester stated this an increase of \$382,622 or a 7.64% increase from 2021 is mainly due to the Law Enforcement Contract. Finance Director Worcester stated that this would balance the budget and no reserves would be used to cover the General Fund Expenditures. Finance Director Worcester stated that based on preliminary tax capacity numbers, the tax rate for the city would



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

## CITY OF HAM LAKE PLANNING COMMISSION MINUTES MONDAY, AUGUST 9, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, August 9, 2021 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, Scott Heaton, Jeff Entsminger, Jonathan Fisher, Kyle Lejonvarn and Erin Dixon

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** City Engineer, Tom Collins 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 Ringler, seconded by Entsminger, to approve the minutes of the July 26, 2021 Planning Commission meeting as written. All in favor, motion carried.**

**PUBLIC HEARING:**

Jesse Osborne requesting Preliminary Plat approval of Creekside Farms, a 9 lot Commercial Development located in Sections 7 & 8, and rezoning of parcels of land from R-M (Residential Manufactured Mobile Homes) and R-A (Rural Single Family Residential) to CD-2 (Commercial Development II).

Mr. Jesse Osborne was present. Mr. Osborne stated the development will have a total of nine lots; seven commercial lots that will be for sale and two lots on which Mr. Osborne will construct heated storage units. (There will be a total of ten buildings constructed for heated storage rental.) Mr. Osborne stated the heated storage units are being marketed to owners of high-end recreational vehicles (RV) and other vehicles. Mr. Osborne stated he is concerned about potential RV and large truck traffic on 167<sup>th</sup> Avenue NE. Mr. Osborne stated he intends to install "No Trucks" signs along 167<sup>th</sup> Avenue NE and will provide instructions to all heated storage lessees to access the units via Constance Boulevard NE and Buchanan Street NE. Chair Pogalz asked Mr. Osborne what the project timeline was. Mr. Osborne stated dirt will be moved this year, new street construction is projected to be complete in the spring of 2022 and construction of the

buildings should start the second half of 2022 or first half of 2023. Mr. Osborne stated material costs have tripled since he started the project so he is going to wait to see if costs decrease. Mr. Osborne stated he intends to construct the covered RV parking buildings that are part of the Storage World expansion project in the spring or summer of 2022. Commissioner Lejonvarn asked Mr. Osborne how many rental units he will have. Mr. Osborne stated there will be a total of 98 heated storage units available for rent. Commissioner Heaton completed the inspection, a copy which is on file. Commissioner Heaton stated the property is near the Flamingo Terrace mobile home park. Commissioner Heaton stated the development appears to be a good use of the land. Commissioner Heaton stated there will be a large amount of dirt moved between the Storage World expansion project and the Creekside Farms development; Mr. Osborne should try to minimize the impact the dirt movement will have on the residents who live nearby and the surrounding area. Commissioner Heaton referenced the screening plan between the development and the residential property shown in the packet; screening will be provided by six-foot tall slatted, chain link fence in between the buildings on the east side of the development. Commissioner Heaton stated the City Code wasn't clear as to whether or not fencing had to be continuous and making use of the buildings for screening makes sense. Commissioner Lejonvarn asked if any other commercial development had used buildings as part of their screening plan. Engineer Collins stated this scenario is unique as there is a thirty-five (35) foot U.P.A. (a.k.a. Rural Cooperative Power Association and Great River Energy) easement on the east side of the proposed plat; no encroachments are allowed within easement so a fence cannot be placed on the property line. Commissioner Lejonvarn asked what color the buildings would be. Mr. Osborne stated they will have white walls with a black roof; the fence color will match whatever the siding color is. Chair Pogalz asked Engineer Collins to comment on the plat. Engineer Collins stated the sketch plan for the development was reviewed in April of 2020; since that time the development has been reduced to nine lots from eleven lots. Engineer Collins stated the proposed zoning of the plat is CD-2 (Commercial Development II); changing from residential to commercial zoning will require approval by a 4/5 vote of the City Council; heated storage units are permitted as a conditional use under 9-220.3c of the City Code per an email from the City Attorney dated March 4, 2021. Engineer Collins stated water is available to the heated storage units but there are limitations on what type of elements can be permitted within the structures. Mr. Osborne stated no water will be made available within the heated storage units; water will only be available in small, restroom structures, constructed separately from the heated storage units. Commissioner Lejonvarn asked Engineer Collins to comment on the 1,400-foot cul-de-sac on 167<sup>th</sup> Avenue NE. Engineer Collins stated at the time the plat of Osborne Terrace was created (1961) the existing cul-de-sac was created for future development; with the property to the south of 167<sup>th</sup> Avenue NE being undeveloped, the property to the west being residential and the property to the east being commercial it is likely more commercial development will be done in the area in the future. Engineer Collins stated the new streets align with the City's thoroughfare plan; at some point the Polk Street NE/Buchanan Street NE alignment will extend to Polk Street NE at 173<sup>rd</sup> Avenue NE; the plans also include the construction of a six-foot-wide bike lane in both directions along the north/south Buchanan Street NE and Polk Street NE connecting with the bike path that is currently on the west side of Buchanan Street NE between Constance Boulevard NE and 165<sup>th</sup> Avenue NE. Engineer Collins state he has discussed the potential for commercial truck

traffic on residential streets and how to address it with Mr. Osborne. Engineer Collins stated 36,000 cubic yards of material will be moved from the Storage World expansion project to the Creekside Farms development to build up roads and building pads. Mr. Osborne stated he felt the material could be moved from one location to the other in one to two weeks and felt there would not be any excess material. Engineer Collins stated a lot line adjustment will be done in the westerly portion of the plat for parcel C-2 (1101 165<sup>th</sup> Avenue NE) and Parcel 07-32-23-44-0001; proof of conveyance of the 1.22-acre Outlot A to the adjacent Parcel C-2 must be provided. Engineer Collins stated soil borings have been done to demonstrate there is adequate area for septic systems within the proposed development and on Parcel C-2; significant grading in the past has been done in the proposed septic areas; per an email from City Attorney Murphy dated March 23, 2020 Section 10-302F of the City Code may apply; the City Council will need to authorize a variance if all information submitted meets the requirements outlined in the City Code. Engineer Collins stated right-of-way will need to be obtained on the north side of 165<sup>th</sup> Avenue NE from parcel C-2 (1101 165<sup>th</sup> Avenue NE) as shown in the exhibit included in the packet and ten-foot drainage and utility easements must be dedicated around the perimeter of Parcels B-1, C-2 and D-1. Engineer Collins stated Letters of Map Amendment (LOMA) must be obtained from FEMA for Lot 1, Block 2, Lot 2, Block 2, Lot 3, Block 2, Lot 4, Block 3 and Lot 5, Block 3; the lots will not be eligible for building permits until the LOMA's are approved by FEMA. Engineer Collins stated a license agreement is needed for Lot 2, Block 1, due to the proposed septic system crossing the drainage and utility easement. Engineer Collins questioned why a septic area was shown on Lot 1, Block 2, when water was not going to be provided to heated storage units on that lot. Mr. Osborne stated that water was not being provided for Lot 1, Block 2, and that there was no need for a septic system. Mr. Osborne stated that the heated storage buildings will have a key to the restroom structures on Lot 1, Block 1. Engineer Collins stated the haul route for transferring material from the Storage World site to the Creekside Farms development is directly south/southwest of the proposed RV storage building on the Storage World property. Mr. Osborne stated the haul route is an existing road. Engineer Collins stated Coon Creek Watershed approval has been received and the Minnesota DNR Natural Heritage review found Blanding Turtles in the vicinity of the proposed project.

**Chair Pogalz opened the public hearing at 6:28 p.m. and asked for public comment.**

Debra Skees, 1209 167<sup>th</sup> Avenue NE, stated she lives on the parcel along 167<sup>th</sup> Avenue NE closest to the proposed new development; a property she purchased 40 years ago. Ms. Skees stated she is disquieted to learn the land that has been residential for so many years is going to be converted to commercial property. She is concerned about how the development will affect her property value, the additional traffic and the impact the dirt movement will have on her septic system. Ms. Skees asked what she will see when she looks out her kitchen window when the development is complete and what type of businesses could purchase the commercial lots. Ms. Skees stated the last time a hearing was held for an expansion on the Storage World property they were promised it would be the last expansion of Storage World. Ms. Skees stated residents were promised screening (of mature trees) would be put in place for the previous Storage World project;

the trees put in place are approximately 2' tall after three years. Ms. Skees stated she has a little distrust on this process.

Sue Savarese, 16455 Buchanan Street NE, requested a copy of the development plans. Ms. Savarese stated she was concerned about the water table if water was going to be available in each building. Ms. Savarese asked what development will be on 165<sup>th</sup> Avenue NE and how far would the street need to be extended and would it be tarred, what the weight restriction on Buchanan Street NE is for trucks, what types of businesses could operate in the development and what type of traffic would they generate, what is the long-range plan for the Polk Street NE and 173<sup>rd</sup> Avenue NE street extension and what will the next phase of development be in that area.

Cathy Pederson, 1219 167<sup>th</sup> Avenue NE, stated she has the same concerns as mentioned by Ms. Skees. Ms. Pederson asked what type of traffic is going to be coming down 167<sup>th</sup> Avenue NE. Chair Pogalz stated it would be passenger car traffic, which can include a pick-up truck pulling a trailer.

Chair Pogalz stated the types of businesses that could operate in the new development are those allowed in the CD-2 zoning district which is an extensive list. Commissioner Dixon referred the residents to the City's website to review allowed uses in the commercial zoning districts and copies of the packet, which included this information, were offered to the residents. Chair Pogalz stated 167<sup>th</sup> Avenue NE has been constructed to meet residential standards. Engineer Collins confirmed that and stated the proposed streets within the development will be constructed as 9-ton roads meeting commercial development standards; Buchanan Street NE from Constance Boulevard NE to 165<sup>th</sup> Avenue NE is currently a 9-ton road. Ms. Savarese asked how much of 165<sup>th</sup> Avenue will be paved. Engineer Collins stated that none of it would be paved. Chair Pogalz stated Ms. Skees will see the back of a building in the development when she looks out of her kitchen window to the west. Mr. Osborne stated there will be approximately 45' between Ms. Skees house and the back of the building. Chair Pogalz stated he is unable to comment on the impact the development may have on property value, the water table should not be affected by this development and he is unable to speculate as to whether or not there will be any impact to Ms. Skees septic system. Mr. Osborne stated he could move the haul route another ten feet to the north if the residents wanted him to. Chair Pogalz stated the type of development that could occur to the north in the future would only be speculation at this point. Chair Pogalz asked Commissioner Heaton to comment on tree cover in the area. Commissioner Heaton stated the trees he saw were not very big but soon they will all be removed and replaced with a fence as the area where the trees are is where the dirt will be hauled from. Ms. Skees requested to see what the fence would look like; a copy of the fence exhibit from the packet was given to her.

**Chair Pogalz closed the public hearing at 6:50 p.m.**

**Motion by Heaton, seconded by Fisher, to recommend approval of the Preliminary Plat, lot line adjustment and rezoning to CD-2 (Commercial Development II) of the plat of Creekside Farms, a 9-lot Commercial Development located in Sections 7 & 8, as presented by Jesse Osborne subject to a variance being approved for soil**

disturbance in septic areas per Article 10-302F of the City Code, dedicating ten-foot drainage and utility easements around the perimeter of Parcels B-1, C-2 and D-1, signing a license agreement for Lot 2, Block 1, due to the proposed septic system crossing the drainage and utility easement, dedicating thirty-three feet of right-of-way on the north side of 165<sup>th</sup> Avenue NE on Parcel C-2 and providing the City with proof of recording of the right-of-way over the southerly thirty-three (33) feet of Parcel C-2, obtaining FEMA Letter of Map Amendments for Lot 1, Block 2, Lot 2, Block 2, Lot 3, Block 2, Lot 4, Block 3 and Lot 5, Block 3, no building permits to be issued on lots requiring LOMA until LOMA on file with the City, providing the City with proof of recording of conveyance of 1.22 acres from Outlot A to the adjacent Parcel B-1 for the lot line adjustment, meeting all the conditions of the City Engineer and meeting at State, City and County requirements. All in favor, motion carried. *This item will be placed on the August 16, 2021 City Council Agenda.*

**NEW BUSINESS:** None

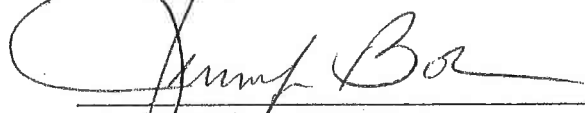
**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz attended the August 2, 2021 City Council meeting. Chair Pogalz stated the City Council had some conversation with the property owner about activity at the location and previous complaints. Chair Pogalz stated everyone agreed that progress is being made with work yet to be done; the Conditional Use Permit recommendation made by the Planning Commission was approved. Commissioner Dixson will attend the August 16, 2021 City Council meeting.

**ADJOURNMENT:**

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:55 p.m. All in favor, motion carried.



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Jennifer Bohr  
Building and Zoning Clerk

## Excerpt for Article 9 of the Ham Lake City Code

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**9-220 Mercantile Districts** The land uses described in Article 9-220 are intended to be applicable to developments which utilize subsurface sewage treatment systems (SSTS), and to developments which use approved combined sewage treatment systems. All building permits and Certificates of Occupancy in the Mercantile Districts shall require the review and approval of the City Council, after review and recommendation by the Planning Commission, excepting building permits and/or certificates of occupancy being issued for an alteration to an existing structure under circumstances in which the land use will be unchanged, and in which the alteration will not materially affect parking requirements, stormwater runoff, traffic, sewage treatment needs or aesthetics.

### **9-220.1 Standards Common to All Mercantile Districts**

The following standards shall apply to all of the mercantile districts as listed in Article 9-220.

- a) **Paving** All parking lots, drives and surfaces upon which the general public and employees shall have access shall be paved according to specifications to be established by the city's engineer;
- b) **Drainage** Surface water drainage and ponding needs shall be implemented in the manner directed by the city's engineer;
- c) **Landscaping** Landscaping shall be implemented in the manner provided in Article 11-1800;
- d) **Setbacks for Paved Areas** There shall be a ten-foot setback between any lot line and the back of curb of any parking lot or driveway, and a six-foot setback between the back of curb of any parking lot and any building;
- e) **Buffering** When any mercantile land use is located adjacent to a residential area, it shall be screened by opaque fencing, vegetation, or both;

...

# Excerpt for Article 11 of the Ham Lake City Code

...

## 11-200 FENCES AND HEDGES

### 11-210 Definitions

For the purposes of this Code, the following terms shall have the meanings herein stated:

- A. **Fence.** Any structure which is 36 inches or more in height, and a length of 6 feet or more, which is composed on non-living materials which cover the entire area bounded by said height and length criteria;
- B. **Hedge.** Any grouping of vegetation which creates a visual barrier of a substantially opaque nature for a length of 6 feet or more and for a height of from ground level to 36 inches above ground level;
- C. **Front Yard.** The area between the public street right-of-way line and the minimum required building setback line, as measured along any side of a lot. Lakeshore properties shall be considered on both lakeside and roadside to be front yards.
- D. **Side Yard.** The area between the front yard and back yard of any lot;
- E. **Back Yard.** The area lying to the rear of the rear building line of the principal structure on any lot;
- F. **Principal Structure.** In the case of property used wholly or partially for residential purposes, the principal structure shall be the structure housing any dwelling unit. In all other cases, the principal structure shall be the structure located closest to any adjacent street, or, in the case of more than one building equidistant from such street, the building containing the greater square footage shall be deemed the principal structure.

### 11-220 Height

Fences and hedges shall not exceed the following heights unless a variance from this ordinance is granted by the City Council.

#### 11-220.1 Varied Height Requirements

The above fence height requirements may be varied by resolution of the City Council, where the following conditions are met:

- a) The fence will not present any public safety problems;
- b) The height requested will not deprive adjoining properties of air, light, or ventilation, sight lines or create aesthetic problems.

Zoning Classification	Front Yard	Side yard	Back Yard
R-1, R-2, RS-1, RS-2, ML-PUD, PUD	4 feet	6 feet	6 feet
R-A, C-A	4 feet	6 feet	6 feet



<b>CD-1-2-3 &amp; 4, B-1, B-2</b> <b>I-1, I-2</b>	<ul style="list-style-type: none"> <li>• 6-12 feet</li> <li>• 6-12 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 6-12 feet</li> <li>• 6-12 feet</li> </ul>	<ul style="list-style-type: none"> <li>• 6-12 feet</li> <li>• 6- 12 feet</li> </ul>
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- Height marked with an asterisk may be increased by two feet to accommodate a barbed wire security arm top.

**11-230 Permit Required.** No person, firm, or corporation shall hereafter construct or erect or cause to be constructed or erected within any Commercial or Industrial Zoning District any fence which is intended to be a permanent structure on the premises, without first securing a building permit.

**11-240 Construction and Maintenance of Fences Generally.** Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be constructed so that their more attractive side faces neighboring property. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance and the Ham Lake Building Inspector shall commence proper proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in Industrial and Commercial Districts. Electric and barbed wire fences shall be permitted only on agriculturally zoned property (R-A), and shall be permitted only when necessary to further so bona fide agricultural purpose.

...

**11-260 Commercial and Industrial Fences**

Fences in all Commercial and Industrial Zoning shall not be less than 6 (six) feet and not exceed twelve (12) feet in height and may be increased to accommodate a barbed wire security arm top except that:

- (1) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City of Ham Lake with approval by the Planning and Zoning Commission and City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.
- (2) Metal panel and chain link fencing are not appropriate in Commercial Development Tier 1 (CD-1) zoning. Fencing is not appropriate in front yard area facing Highway 65.

...

## **11-1800 LANDSCAPING IN COMMERCIAL ZONED AREAS**

In all areas of the City zoned CD-1, CD-2, CD-3 or CD-4, the following conditions shall apply to landscaping and ground cover.

**11-1810 Landscape Plan Required** No building permit shall be issued for construction on a vacant lot, nor for any addition to an existing building involving the addition of 500 square feet or more of additional building space, unless the applicant shall have first submitted and obtained approval of the City Council, after review by the Planning Commission, of a landscaping plan meeting the requirements of this code.

**11-1820 Installation Required** No certificate of occupancy shall be issued for any construction which required a landscaping plan unless the applicant has installed all of the elements of the landscaping plan, or unless the applicant has posted security acceptable to the City to guarantee timely installation of all landscaping.

**11-1830 Time for Submission** The landscaping plan shall be submitted, whenever possible, at the time of site plan approval. If the landscaping plan is not submitted at the time of site plan approval, it must be separately reviewed by the Planning Commission and approved by the City Council prior to the issuance of any building permits.

### **11-1840 Contents and Specifications**

The landscaping plan shall be a quality document prepared at a scale of one-inch equals thirty feet, showing all relevant dimensions. Fifteen copies of the plan shall be submitted by the applicant. The following data shall be displayed on the plan, legibly labeled:

- A. Perimeter of all buildings, signs or other structures;
- B. Parking lots and walkways, identifying pavement material;
- C. Areas of decorative rock, identifying type of rock;
- D. Areas of lawn;
- E. Other areas where other than natural wooded vegetation is to be used as ground cover, identifying the ground cover to be used;
- F. Locations, trunk size, height and species of all trees to be planted;
- G. Locations where existing natural wooded vegetation will remain undisturbed;
- H. All other landscaping features to be used.

## **11-1850 MINIMUM LANDSCAPING REQUIREMENTS**

**11-1851 Paved Surfaces** All surfaces upon which motor vehicles will be parked or driven, and all areas in which pedestrians will be walking from point to point shall be surfaced with asphalt or concrete, to specifications established by the City's engineer.

**11-1852 Ground Cover** On any side of a lot which abuts a public road, the area from the road right-of-way to the nearest building side shall be entirely covered

with ground cover consisting of pavement, decorative rock bordered with edging, lawn grass intended for regular mowing, mulch, bark, wood chips or other commonly used landscaping ground cover. Shingles, aggregate and clay mixtures such as Class V material, recycled concrete or asphalt, and other non-conventional ground covers shall not be permitted. Loose ground cover shall be installed to a depth of at least three inches. Any area which is covered by landscaping ground cover (not lawn or pavement) shall also include one decorative shrub for each ten square feet of ground cover.

Side yards and rear yards which do not contain existing natural wooded vegetation shall either be covered with ground cover in the manner stated above for front yards, or shall be planted so as to encourage the emergence of natural wooded vegetation, through the planting of tree species expected to reach a height of at least twenty five feet. Areas so prepared shall not be required to have mown lawn areas, but may be allowed to return to a natural state.

**11-1853 Tree Plantings** Trees which are planted outside of areas intended to return to a natural wooded state shall be of a variety indigenous to the local climate. Deciduous trees shall, when planted, have a trunk size of at least one and one half inches at a height of four feet from ground level. Conifers shall have a height of at least five feet. Tree locations are subject to review and approval of the City in the landscaping plan review process, and while no specific number of trees are required, the following general principles shall be observed;

**A.** Where property lines are adjacent to residential areas, a planting screen of conifers shall be required, of sufficient size and proximity to provide an intermingled screen within five years;

**B.** Decorative trees shall be planted along the right of way lines of adjacent public roadways;

**B.** The use of conifers shall be encouraged and preferred.

**C.** Whenever possible, an attempt will be made to preserve stands of existing vegetation, particularly treed or wooded areas.

### **11-1860 Case by Case Evaluation**

Recognizing that the City contains a wide variety of commercial land, the landscape approval process shall be on a case by case basis. Where wetlands are present, or where large distances separate a commercial lot from adjacent lands, for example, strict adherence to screening requirements may be unnecessary. Likewise, strict adherence to the remaining provisions of Article 11-1800 may be unnecessary where size, spatial relationships, topography or other physical features render a given landscaping plan aesthetically acceptable, and departures from the strict observance of the elements of Article 11-1800 shall not be considered variances requiring a showing of physical hardship. Conversely, an applicant shall be expected to meet the general spirit of this article in establishing an aesthetically pleasing landscaping plan.