

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 Dixson

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 167th Avenue NE. Mr. Osborne stated he intends to install "No Trucks" signs along 167th 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 167th 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 167th 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 173rd 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 165th 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 165th 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 165th Avenue NE from parcel C-2 (1101 165th 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 167th Avenue NE, stated she lives on the parcel along 167th 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 165th 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 173rd Avenue NE street extension and what will the next phase of development be in that area.

Cathy Pederson, 1219 167th 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 167th 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 167th 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 165th Avenue NE is currently a 9-ton road. Ms. Savarese asked how much of 165th 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 165th 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.

Jennifer Bohr
Building and Zoning Clerk