

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, AUGUST 23, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, August 23, 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 Scott Heaton, Jeff Entsminger and Erin Dixson

MEMBERS ABSENT: Commissioners Kyle Lejonvarn, Dave Ringler and Jonathan Fisher

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 Dixson, seconded by Entsminger, to approve the minutes of the August 9, 2021 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Joseph P. Toupal requesting a Special Home Occupation Permit to operate Great Northern Engraving at 14954 Naples Street NE.

Mr. Joseph and Mrs. Karen Toupal were present. Mr. Toupal stated he has been in the engraving business for 43 years; five years ago, he obtained a Federal Firearms License (FFL) to do engraving on firearms as certain parts of the firearms engraving business is considered gunsmithing. Mr. Toupal stated he plans to retire at the end of year and would like to continue engraving firearms during his retirement for three to four more years. Mr. Toupal stated the address on FFL is currently New Brighton; the Alcohol Tobacco and Firearms (ATF) agency requires the City to approve or permit the business before they will modify the address on his FFL. Mr. Toupal stated the volume of work he would do is small and normally he just receives parts of firearms to engrave, not fully assembled guns. Mr. Toupal stated out-of-state customers currently send parts via UPS and will continue to do so; local customers will be met in public parking lots to exchange the parts they

want engraved. Chair Pogalz asked Mr. Toupal if he used lasers to do the engraving. Mr. Toupal stated he uses an old Pantograph rotary engraving machine from the 1960's.

Chair Pogalz opened the public hearing at 6:08 p.m. and asked for public comment.

Mike Rothweiler, 3235 149th Avenue NE, stated he lives approximately two blocks from Mr. Toupal's residence. Mr. Rothweiler stated the land between his property and Mr. Toupal's is wetland; will any chemicals be used in the engraving process and how will they be contained and disposed of. Mr. Rothweiler asked if there will be any signage for the business, how many firearms will be received as he is concerned about security in the area, will Mr. Toupal have any employees helping him with the engraving at this location and will any test firing be done at the site.

Chair Pogalz asked Commissioner Entsminger to comment on his inspection, a copy which is on file. Commissioner Entsminger stated he visited the site and spoke with Mr. Toupal via telephone. Commissioner Entsminger stated Mr. Toupal's accessory building, where his workshop will be, is almost as nice as his house. Commissioner Entsminger stated Mr. Toupal told him there will be no noise to disturb property owners around him, he will not have any employees and no customers will be coming to his house. Commissioner Entsminger stated the use is suitable for the location.

Chair Pogalz asked Mr. Toupal to respond to Mr. Rothweiler's questions. Mr. Toupal stated no chemicals will be used, no noise will be generated that could be heard outside of the building, there will be no test firing of firearms as most of the parts he receives to engrave do not contain a trigger and he has no reason to fire a firearm. Mr. Toupal stated that if a customer leaves a lower receiver with him overnight, it will be placed in a safe. Mr. Toupal stated there will be no signage as to not draw attention to his home and business due to the environment we live in today and no employees. Mr. Toupal stated his neighbors are welcome to ask him questions at any time. Chair Pogalz asked Mr. Rothweiler if his concerns were addressed. Mr. Rothweiler stated they were.

Chair Pogalz closed the public hearing at 6:14 p.m.

Motion by Entsminger, seconded by Heaton, to recommend approval of a Special Home Occupation Permit as requested by Joseph P. Toupal to operate Great Northern Engraving at 14954 Naples Street NE, subject to meeting the guidelines for Special Home Occupation Permits per Article 9-350.3, no discharging of firearms on-site, no customer traffic, no on-street parking, generating no noise that is audible to neighboring properties, no outdoor storage, operating hours of 9:00 a.m. to 5:00 p.m. Monday through Friday, obtaining a Federal Firearms License and providing a copy of the license to the City before engraving any firearms and meeting at State, City and County requirements. All present in favor, motion carried. *This item will be placed on the September 7, 2021 City Council Agenda.*

Xiao Xin Qu, of A Massage, requesting a Conditional Use Permit to practice massage therapy at 1444 147th Avenue NE, Suite 250.

Ms. Xiao Xin Qu was present. Ms. Xin Qu stated she is applying for a Conditional Use Permit so she can practice massage therapy in the City. Commissioner Dixon completed the inspection, a copy which is on file. Commissioner Dixon stated Ms. Xin Qu will be the only massage therapist at the location; she hopes she will be able to add another massage therapist once the business is built up. Commissioner Dixon stated the Ms. Xin Qu plans to be open seven days a week from 9:30 a.m. to 9:30 p.m. which aligns with the hours other businesses are open in the Willowstone complex.

Chair Pogalz opened the public hearing at 6:18 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 6:19 p.m.

Motion by Dixon, seconded by Pogalz, to recommend approval of the Conditional Use Permit requested by Xiao Xin Qu of A Massage, to practice massage therapy at 1444 147th Avenue NE, Suite 250, subject to the Conditional Use Permit being issued only to Xiao Xin Qu (It is non-transferable.), the permit holder shall maintain compliance with the licensing and certification criteria as listed in Article 9-330.5 of the Ham Lake City Code at all times, allowing one additional massage therapist that meets the requirements of Article 9-330.5, hours of operation being 9:30 a.m. to 9:30 p.m. seven days a week and the permit holder is to maintain compliance with all City, State and County requirements. All present in favor, motion carried. This item will be placed on the September 7, 2021 City Council Agenda.

Holiday Stationstores LLC requesting Preliminary Plat and Final Plat approval and to rezone portions of land from CD-1 (Commercial Development I) to CD-2 (Commercial Development II) and portions of land from CD-2 (Commercial Development II) to CD-1 (Commercial Development I) for the Holiday Station Store Ham Lake Development (one commercial lot, two commercial outlots and one residential outlot) in Section 5.

Mr. Jim Goepfner, Holiday Real Estate Development Manager, was present. Mr. Goepfner stated this project is something Holiday and the City have been working together on for a couple of years. Mr. Goepfner stated the current Holiday store needs remodeling; the company decided to tear down the old store instead and build a new store for the people of Ham Lake and travelers of Highway 65 to enjoy for many years. Chair Pogalz asked Engineer Collins to comment on the plat. Engineer Collins stated Holiday Stationstores is requesting Preliminary Plat and Final Plat approval tonight. Engineer Collins stated the development consists of one commercial lot, two commercial outlots and one residential outlot; zoning of the property is currently Commercial Development I (CD-1), Commercial Development II, (CD-2), and Residential Single Family (R-1). Engineer Collins stated some of the CD-1 zoning will change to CD-2 and some of the CD-2 zoning will change to CD-1. Engineer Collins stated the sketch plan had one commercial outlot; Minnesota Statute 505 does not allow for lots to cross right-of-way dedicated with a plat so the westerly outlet of the plat now contains two outlots due to the required right-of-way dedication for the non-existing municipal state aid street; the City would historically require right-of-way to be dedicated on the plat; an alternative is to have two outlots with the right-of-way being conveyed to the City by a separate deed. Engineer

Collins stated that although there is a total of four lots on this plat, the plat is proceeding as a minor subdivision under 10-101 of City Code to expedite the approval process since the plat could be only three lots with a separate deed for the right-of way. Engineer Collins stated the R-1 zoning was designated due to the 4-lot residential development per the unrecorded final plat of Krawiecki Addition. Engineer Collins stated the Krawiecki Addition included the dedication of a 1.33-acre park in the northeast portion of the parcels which is now directly adjacent to Soderville Park; future development of Outlot C will require this parkland dedication; Holiday Stationstores is also volunteering the dedication of a 20-foot-wide trail easement from the Chisholm Street NE right-of-way to Soderville Park. Engineer Collins stated per Section 9-400 of City Code, the proposed plat is located within the Commercial/Industrial Planned Unit Development Overlay District (CPOD); this application falls under Part II – Redevelopment or Remodeling of existing Lands or Structures, since there are pre-existing structures. Engineer Collins stated because the project will create 11,000 square feet or more of impervious drainage surface per Article 9-440B, a Planned Unit Development (PUD) is required per Article 9-410; procedural requirements of Article 9-420 have been met. Engineer Collins stated the final plat reflects the vacation of Baltimore Street NE right-of-way which was approved at the August 16, 2021 City Council meeting; Holiday Stationstore will also record a road easement for a temporary off-set cul-de-sac on the southerly portion of Chisholm Street NE being constructed with the plat; the deed will terminate when Chisholm Street NE is extended to the south and the temporary cul-de-sac is removed; proof of recording of the deed will need to be furnished to the City; the plans include right-of-way dedication per the City's thoroughfare plan to construct a street south from Crosstown Boulevard NE southward on Chisholm Street NE that will eventually connect to Baltimore Street NE and 171st Ave NE with Holiday Stationstores constructing the northly 375 feet (+/-). Engineer Collins stated the Circle K/Holiday Stationstore plans display how Lot 1 will be developed; approvals will be required at a later date for the development of Outlot A, Outlot B and Outlot C. Engineer Collins stated Circle K/Holiday Stationstores has acknowledged the septic easement per Document 1374927 will be vacated as well as the existing easement referenced on the A.L.T.A. survey in the northeast corner of Parcel 2 along with the access easement per Document 257868; a 100-foot-wide drainage and utility easement is required over County Ditch 58-3-1. Engineer Collins stated portions of the parcels adjacent to County Ditch 58-3-1 are designated as a FEMA Zone A 100-year flood boundary; it is not anticipated that future FEMA letter of map amendments will be needed; the project has received conditional approval from the Coon Creek Watershed District. There was discussion on the extension of Chisholm Street NE/Baltimore Street NE to the south. Chair Pogalz completed the inspection, a copy which is on file. Chair Pogalz stated the use of the property is remaining the same and is a suitable use for the land.

Chair Pogalz opened the public hearing at 6:29 p.m. and asked for public comment.

Scott Libby, 17260 Chisholm Street NE, stated his house is directly south of this development and is adjacent to the southern border of the property. Mr. Libby stated it appears this project has been in development for quite a while yet he just received notification of it last week. Mr. Libby stated he was not in favor of the rezoning, the map provided with the public hearing notice was very confusing and there was no message included in the notice on where additional information could be found on the development,

what street will the proposed Chisholm Street NE connect to, is the new store going to be a gas station or a truck stop, will signs be put up stating that no overnight parking is allowed and asked about the construction of the cul-de-sac shown for Chisholm Street NE near his house. Mr. Libby stated the information included in the notice may make sense to those who work for the City or who are involved in the project but it doesn't make sense to him. Mr. Denny Honsa, Surveyor, presented maps to Mr. Libby to explain where his property was in relation to the development, explained that the northwesterly lot of the plat, Lot 1, was the only lot where development and construction was going to occur at this time; the other outlots could be developed in the future but new applications would need to be submitted to the City for review for those projects. Mr. Honsa stated Mr. Libby could have a new residential neighbor in the future if Outlot C was developed. Engineer Collins explained where the extension of Chisholm Street NE to the south would be constructed and explained some of the differences in the various zoning districts. Mr. Goepfner stated Holiday will have some diesel fuel pumps but the site will not be a truck stop; signs could be put up limiting parking time or stating that no overnight parking is allowed. Mr. Goepfner stated Holiday does not have any intentions of developing the outlots within the plat; they may sell them to others for development.

Chair Pogalz closed the public hearing at 6:47 p.m.

Motion by Pogalz, seconded by Entsminger, to recommend Preliminary Plat and Final Plat approval of the Planned Unit Development of the Holiday Station Store Ham Lake Development in Section 5 as presented by Holiday Stationstores LLC subject to Lot 1 and Outlot A being zoned CD-1, Outlot B being zoned CD-2 and Outlot C being zoned R-1 and adhering to plans as submitted. Chair Pogalz asked Building and Zoning Clerk Bohr if the motion was sufficient. Building and Zoning Clerk Bohr stated additional conditions related to the easements, recording of the deeds and street construction noted in Engineer Collins memo should be included. **Chair Pogalz amended the motion, seconded by Entsminger, to also include dedicating parkland when Outlot C is developed, vacating a septic easement per Document 1374927, vacating the existing easement referenced on the A.L.T.A Survey in the northeast corner of Parcel 2 along with the access easement per Document 257868, providing proof of recording of a deed dedicating a 20-foot-wide trail easement from Chisholm Street NE right-of-way to Soderville Park, constructing 375 feet (+/-) of municipal state aid (MSA) route of Chisholm Street NE and Baltimore Street NE between Crosstown Boulevard NE and 171st Avenue NE, recording an easement for the temporary cul-de-sac on the southerly portion of Chisholm Street NE being constructed with the plat, meeting the recommendations 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 August 24, 2021 Special City Council Agenda.***

NEW BUSINESS:

Holiday Stationstores LLC requesting Commercial Site Plan approval for the construction of a 7,108 square foot convenience store and car wash at 1442 Crosstown Boulevard NE (Lot 1, Block 1, Holiday Station Store Ham Lake Development).

Mr. Jim Goeppner, Holiday Real Estate Development Manager, was present. Mr. Goeppner presented a document showing the site plan and stated the site plans have been modified to accommodate the threatened plant species identified by the Minnesota DNR. Mr. Goeppner stated the site plan includes a 5,600 square foot convenience store, a 1,500 square foot car wash and two high-speed diesel fuel pumps; there are a few parking spots for trucks to use while utilizing the convenience store. There was some discussion related to the threatened plant species identified by the DNR. Chair Pogalz asked Engineer Collins to comment on the plat. Engineer Collins stated Lot 1 of the Holiday Station Store Ham Lake Development will be improved in two phases; the first phase will be the removal of all improvements associated with the former VFW at 17438 Baltimore Street NE and construction of the new 7,108 square foot Circle K/Holiday Station Store and car wash, the second phase will be the removal of the existing Holiday Station Store and adjacent pavement. Engineer Collins stated the Minnesota DNR has approved the site plans that avoid four threatened plant species; the Coon Creek Watershed District (CCWD) has approved the plans but grading cannot commence until the CCWD issues a permit. Engineer Collins stated an Operations and Maintenance Agreement for Stormwater Facilities needs to be executed between Circle K/Holiday Station Store and the CCWD for on-site stormwater treatment. Engineer Collins stated the Anoka County Transportation Division requires a right-of-way permit be obtained prior to the start of construction. Engineer Collins stated Minnesota Pollution Control Agency (MPCA) approval of the existing fuel tank needs to be provided to the Building Official and Holiday Stationstores will need to obtain a Construction Stormwater Permit from the MPCA. Engineer Collins stated a separate sign permit will need to be applied for and approved by the Building Official. Engineer Collins stated his memo dated August 18, 2021 contained some items that needed to be addressed; as of August 23, 2021, all prior review comments have been addressed. Chair Pogalz completed the inspection, a copy which is on file. Commissioner Heaton asked if the current access points will remain the same for the new site. Engineer Collins stated the access directly east of Highway 65 NE is being removed; the proposed right-in, right-out is moving slightly east; the full access point will be in alignment with Chisholm Street NE to the north. **Motion by Pogalz, seconded by Entsminger, to recommend approval of the Commercial Site Plan to construct a 7,108 square foot convenience store and car wash at 1442 Crosstown Boulevard NE (Lot 1, Block 1, Holiday Station Store Ham Lake Development) as presented by Holiday Stationstores LLC, subject to meeting the requirements of the City Engineer, the Minnesota DNR, the Coon Creek Watershed District, including obtaining an Operations and Maintenance Agreement for Stormwater Facilities, obtaining a right-of-way permit from the Anoka County Transportation Department prior to the start of construction, providing proof of approval of the removal of the existing fuel tank from the Minnesota Pollution Control Agency to the Building Official, obtaining a Construction Stormwater Permit from the Minnesota Pollution Control Agency, providing signs limiting the time trucks can park at the site and meeting all City, State and County requirements. All present in favor, motion carried.** *This item will be placed on the August 24, 2021 Special City Council Agenda.*

Jim Malvin and Tim Lang, Evergreen Development LLC (formerly Timber Valley Development), requesting Final Plat approval for Evergreen Estates (36 Single Family Residential lots) in Section 21.

Mr. Tim Lang was present. Mr. Lang stated there will be thirty-six residential lots in the development and they are ready to start construction. Chair Pogalz asked Engineer Collins to comment on the development. Engineer Collins stated that the plans received August 11th for the 36 residential lot development, on 75.4 combined acres, addressed all prior review comments. Engineer Collins stated that the parcels are currently zoned Rural Single Family Residential (R-A) and will be rezoned to Single Family Residential (R-1). Engineer Collins stated that the Final Plat conforms with the Preliminary Plat that was approved at the May 3, 2021 City Council meeting; the Plans include a Quamba Street NE island, which converts the intersection to right-in/right-out as per the Anoka County Transportation Division requirements, the trail to the west of Quamba Street NE will be constructed with the development, the dedication of a 15-foot-wide trail easement, offset by 10-feet from the Xylite Street NE right-of-way, for future trail construction by the City; the Developer is to record the trail easement deeds with Anoka County immediately after recording the Plat. Engineer Collins stated that the Coon Creek Watershed District conditionally approved the development at the April 12th Board of Managers meeting and that if any Blanding's turtles are encountered, the contractor is to move them by hand out of harm's way. Engineer Collins stated that the Anoka County Transportation Division found that the northerly extension of Radisson Road NE into the plat was not feasible so the County is requiring that Quamba Street NE be constructed as right-in/right-out, along with requiring construction of a west bound right turn lane at Quamba Street NE, a west bound right turn lane and east bound left turn lane at Urbank Street NE and a south bound right turn lane and a north bound left turn lane at 154th Lane NE. Engineer Collins stated that Anoka County is okay with County Road 61 driveway access for Lots 1, 2, 9 and 10 of Block 5 with the condition that the driveways be located directly adjacent to the side yard drainage and utility easements shared by Lot 1 and 2 and by Lots 9 and 10. There was discussion about access to the development from 153rd Avenue NE and the various obstacles that had to be overcome to create access to the development. **Motion by Pogalz, seconded by Heaton, to recommend approval of the Final Plat of Evergreen Estates in Section 21 as presented by Evergreen Development Company LLC subject to rezoning to R-1 (Single Family Residential), trail construction to the west of Quamba Street NE, dedication of a 15-foot-wide trail easement offset by 10-feet from the Xylite Street NE right-of-way, meeting the recommendations 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 August 24, 2021 Special City Council Agenda.***

COMMISSION BUSINESS:

City Council Update

Chair Dixson attended the August 16, 2021 City Council meeting. Commissioner Dixson stated the City Council concurred with the Planning Commission's recommendation to approve the Preliminary Plat of Creekside Farms. Commissioner Heaton will attend the September 7, 2021 City Council meeting.

ADJOURNMENT:

Motion by Dixon seconded by Heaton, to adjourn the Planning Commission meeting at 7:08 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk