

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, APRIL 28, 2025

The Ham Lake Planning Commission met for its regular meeting on Monday, April 28, 2025, in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Commissioners Brian Pogalz, Jeff Entsminger, David Ross, Dave Ringler and Jonathan Fisher

MEMBERS ABSENT: Commissioners Kyle Lejonvarn and Erin Dixon

OTHERS PRESENT: City Attorney Mark Berglund, City Engineer Dave Krugler and Building and Zoning Clerk Jennifer Bohr

CALL TO ORDER: Chair Pogalz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited by all in attendance.

APPROVAL OF MINUTES:

Motion by Ross, seconded by Entsminger, to approve the minutes of the April 14, 2025, Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING: None

NEW BUSINESS:

Reggie Lubrant of Reggie's Mobile Home Transport, Inc., requesting a Certificate of Occupancy to lease Unit C at 14148 Lincoln Street NE

Mr. Justin Lubrant, representing Reggie Lubrant, was present. Mr. Lubrant stated the business is leasing an office from P&R Enterprises. Mr. Lubrant stated they are trying to obtain a dealer's (auctioneer) license from the state and the state requires commercial office space, home office space is not permitted. Chair Pogalz verified that trailers will be delivered directly to job sites from the factory. Mr. Lubrant stated custom-ordered trailers will go directly to the customers' sites. Chair Pogalz asked if the trailers were leased, and if they were, where the trailers will be stored after the customer is finished using them. Mr. Lubrant stated trailers are stored at the United Rentals site in Coon Rapids. Commissioner Entsminger completed the inspection, a copy which is on file. Commissioner Entsminger stated the company will be leasing a small 250 square foot

office. Commissioner Entsminger stated five parking spaces, including a handicap parking space, have been allocated to them. Commissioner Entsminger stated the parking lot does need to be restriped and the applicant is willing to work with the property owner to get the restriping done. Commissioner Entsminger stated the applicant stated there is no intention to keep any trailers at the office site as they have a large yard in Oak Grove and the United Rentals site for storage. **Motion by Entsminger, seconded by Ringler, to recommend approval of the Certificate of Occupancy for Reggie's Mobile Home Transport, Inc., as presented by Reggie Lubrant, to lease office space at 14148 Lincoln Street NE, subject to no storing of mobile construction trailers, or manufactured homes, at the 14148 Lincoln St NE site, no auctions being physically held at the Lincoln Street NE site, any commercial trucks that may park at the Lincoln Street NE site can only operate during daytime hours which are between 7:01 a.m. and 10:00 p.m., property owner restriping the parking lot, no outside storage, no on-street parking 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, May 5, 2025, agenda.**

Commissioner Entsminger removed himself from the table due to his ownership interest in the 15035 Aberdeen Street NE parcel.

Richard Lee of JBR Aberdeen, LLC, requesting Commercial Site Plan approval to add pavement and Class 5 at 15035 Aberdeen Street NE

Mr. Rich Lee was present. Mr. Lee stated he and his partners purchased the property. Mr. Lee stated work has been done to improve the property, including cleaning up the yard and putting Class 5 on the lot. Mr. Lee stated this work was done to prepare the property for lease. Mr. Lee stated there is a business interested in leasing the property. Mr. Lee stated the city has asked for a plan to show hard surface areas that will be on the parcel. Chair Pogalz stated Building Official Jones noted a permit from the Coon Creek Watershed District (CCWD) is needed. Mr. Lee stated an application has been submitted to the CCWD. Commissioner Fisher asked if the permit had been obtained yet. Mr. Lee stated the permit has not been obtained yet. Commissioner Fisher completed the inspection, a copy which is on file. Commissioner Fisher stated the parcel is large and has a couple of buildings on it. Commissioner Fisher stated the intended use is appropriate. Commissioner Fisher stated the applicant will put up screening as required and will sign an encroachment agreement with the city for the pavement that will be in the Aberdeen Street NE right-of-way and the 10-foot setback area. Chair Pogalz asked Mr. Lee if he was aware of the requirement to sign an encroachment agreement and maintain the trees planted for screening if they die. Mr. Lee stated he was aware. **Motion by Fisher, seconded by Pogalz, to recommend approval of the request of Rich Lee of JBR, Aberdeen, LLC, for the Commercial Site Plan to add pavement and Class 5 at 15035 Aberdeen Street NE, subject to the applicant obtaining a permit from the Coon Creek Watershed District, signing an encroachment agreement prepared by the City Attorney with the city and filing it with Anoka County prior to starting any paving on the parcel, all paving and required drainage and stormwater management requirements be completed prior to tenant occupancy, providing adequate screening adjacent to residential property along the northern and eastern property lines prior to tenant occupancy and maintaining the screening if any trees**

planted for screening die, requiring all future tenants to apply for a Certificate of Occupancy with the City before occupying the premises, and meeting all City, County and State requirements. Commissioners Pogalz, Ringer, Ross, and Fisher voted yes, Commissioner Entsminger abstained from the vote. Motion carried. This application will be placed on the City Council's Monday, May 5, 2025, agenda.

Commissioner Entsminger returned to his seat at the table.

Jeffrey A Stalberger of MN Developments LLC, requesting Sketch Plan approval for South Shore Estates, a minor plat at 17529 Vickers Street NE and 3740 Interlachen Drive NE (3 Single Family Residential lots) in Section 2

Mr. Jeff Stalberger, Mr. Jeff Stalberger, Jr., and Mr. Ryan Stalberger were present. Mr. Jeff Stalberger spoke on behalf of the project. Mr. Stalberger stated the site for the proposed plat is approximately 95 acres and consists of two parcel identification numbers, one that is on the west side of Vickers Street NE and one that is on the east side. Mr. Stalberger stated there are several family members who own the property, and one family member is to retain the house and two outbuildings on what is proposed Lot 1, Block 2 of the plat. Mr. Stalberger stated a Registered Land Survey is currently being created as the previous legal description was inaccurate. Mr. Stalberger stated the objective of this minor plat is to split the northwesternmost house and the two outbuildings off from the rest of the property. Chair Pogalz asked Engineer Krugler to comment. Engineer Krugler stated the proposed, minor plat is on 94.3 acres. Engineer Krugler stated easement dedication will be required around the perimeter of each proposed parcel and over County Ditch 11. Engineer Krugler stated there are existing buildings, wells and septic systems. Engineer Krugler stated the developer will need to ensure all buildings, wells and septic systems are compliant if they are to remain; if structures are demolished and well and septic systems abandoned, demolition permits will be needed, and Minnesota Department of Health and Minnesota Pollution Control Agency requirements must be met. Engineer Krugler stated the proposed plat falls within the jurisdiction of two watershed districts, the Sunrise River Watershed Management Organization (SRWMO) to the west of Vickers Street NE and the Coon Creek Watershed District (CCWD) to the east of Vickers Street NE; the developer will need to comply with each watershed's management plan as it applies to their respective areas. Engineer Krugler stated the parcels are located within the shoreland zoning district for Coon Lake, a General Development Lake. Engineer Krugler stated per Ordinance 92-35, impervious area is not allowed to exceed 25% on each proposed lot. Engineer Krugler stated the park committee has recommended money be accepted in lieu of parkland for this plat. Engineer Krugler stated the parcels were enrolled in deferred tax programs; deferred tax payments will need to be made when the property is sold and before preliminary and final plat approval can be given for this plat. Chair Pogalz asked Mr. Stalberger if he had seen Engineer Krugler's memo. Mr. Stalberger stated he had. **Motion by Pogalz, seconded by Fisher, to recommend approval of the Sketch Plan, presented by Jeffrey A Stalberger of MN Developments LLC, for South Shore Estates, a minor plat at 17529 Vickers Street NE and 3740 Interlachen Drive NE (3 Single Family Residential lots) plat in Section 2 subject to paying monies in lieu of parkland, meeting the requirements of the City Engineer.**

Building and Zoning Clerk Bohr stated that a condition of meeting all city, state and county requirements should be added to the motion. Chair Pogalz amended the motion to include that condition.

Motion to amend the previous motion by Pogalz, seconded by Fisher, to recommend approval of the Sketch Plan, presented by Jeffrey A Stalberger of MN Developments LLC, for South Shore Estates, a minor plat at 17529 Vickers Street NE and 3740 Interlachen Drive NE (3 Single Family Residential lots) plat in Section 2 subject to paying monies in lieu of parkland, meeting the 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, May 5, 2025, agenda.*

Jeffrey A Stalberger of MN Developments LLC, requesting Sketch Plan approval for South Shore Estates Second Addition, (41 Single Family Residential lots and 1 outlot) in Section 2

Mr. Jeff Stalberger stated this plat is on the same site as the South Shore Estates minor plat less proposed Lot 1, Block 2 South Shore Estates and plus parcel 02-32-23-44-0005. Mr. Stalberger stated the site is approximately 105 acres. Mr. Stalberger stated the plat consists of 41 lots. Mr. Stalberger stated existing houses will be on two of the lots; the house east of Vickers Street NE will be demolished. Mr. Stalberger stated the lot also has a pole building on it. Mr. Stalberger stated the lot will be over five acres to allow the 3000 square foot pole building to remain. Mr. Stalberger stated there is a deep well and septic system on the lot he would like to use if the Building Official will allow it. Mr. Stalberger stated there is an outlot on the east side of the plat that has frontage on Durant Street NE but there is no buildable area on the lot; the intent is to adjoin the lot with the parcel to the north or south or connect it to other lots within the plat. Mr. Stalberger stated they intend to develop the plat in phases. Chair Pogalz asked Engineer Krugler to comment. Engineer Krugler stated Mr. Stalberger will need to determine what will be done with the existing buildings and comply with any regulatory requirements for the wells and septic systems and of the city. Engineer Krugler stated this plat also falls within the jurisdictions of the CCWD and SRWMO; the developer will need to comply with each watershed's management plan for this plat as well. Engineer Krugler stated a Natural Heritage Information System data review by the DNR is required to ensure no endangered plants will be disturbed within the proposed plat. Engineer Krugler stated Vickers Street NE was constructed and assessed in 1985, upgrades to Vickers Street NE would be the city's responsibility. Engineer Krugler stated Vickers Street NE is a 5-ton roadway rather than the standard 7-ton and there may be usage restrictions during construction. Engineer Krugler stated several of the lots in the northern section of the plat are within the shoreland zoning district for Coon Lake, a General Development Lake. Engineer Krugler stated per Ordinance 92-35, impervious area is not allowed to exceed 25% of each proposed lot. Engineer Krugler stated the park committee has recommended money be accepted in lieu of parkland for this plat as well. Chair Pogalz asked Mr. Stalberger if he had seen Engineer Krugler's memo and the memo from the park committee. Mr. Stalberger stated he had. **Motion by Pogalz, seconded by Fisher, to recommend approval of the Sketch Plan, presented by Jeffrey A Stalberger of MN Developments LLC, for South Shore Estates Second Addition, 41 Single Family**

Residential lots and one outlot in Section 2 subject to meeting the requirements noted in the City Engineer's memo dated April 24, 2025 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, May 5, 2025, agenda.*

COMMISSION BUSINESS:

Discussion of Article 9-330.7 Seasonal Temporary Conditional Uses

Chair Pogalz asked Attorney Berglund to provide an account of the matter that has brought Article 9-330.7 to the Planning Commission for review. Attorney Berglund stated approximately a year ago, the city received a complaint that a property owner, R-A (Rural Single Family Residential) zoning, was operating a wedding venue site and hosting wedding reception events on their property. Attorney Berglund stated the city asked the property owners to seek the proper approval from the city to hold these events. Attorney Berglund stated city staff began discussing the matter with the property owners around this time last year. Attorney Berglund stated the property owners had already scheduled events for the year, which customers had paid for, and some issues were identified which made meeting conditional use permit requirements difficult. Attorney Berglund stated one of the issues was related to the building they were holding the events in. Attorney Berglund stated the structure was constructed as an agricultural building, which did not require a permit. Attorney Berglund stated using the building for commercial purposes is a concern for the city and the city determined there was a need for inspection of the structure in addition to other things. Attorney Berglund stated due to the property owners having scheduled events for paying customers, and the amount of time some of the required inspections and other required actions would take, the city compromised with the property owner and issued field party permits to them so that the city, law enforcement and emergency services would be aware of the events in the event any issues arose. Attorney Berglund stated discussions have been ongoing with the property owners about the required inspections needed for the structure on their property and obtaining the property approvals or permit from the city. Attorney Berglund stated the city and property owner have been discussing the option of a Seasonal Temporary Conditional Use Permit. Attorney Berglund stated a Seasonal Temporary Conditional Use Permit requires a parcel size of at least 20 acres, the property owners have 10 acres. Attorney Berglund stated city staff is requesting guidance from the Planning Commission as to whether or not the 20 acres requirement for a Seasonal Temporary Conditional Use Permit should be changed. Commissioner Entsminger asked what type of events qualify for a Seasonal Temporary Conditional Use Permit. Attorney Berglund stated Anoka County Farms fall festival, that is along Bunker Lake Boulevard NE. Attorney Berglund stated the Seasonal Temporary Conditional Use Permit limits the duration of an event to 45 days. Commissioner Entsminger asked how many acres the Anoka County Farms site has. Attorney Berglund stated over 20 acres. Commissioner Entsminger asked what type of permit the winery along Constance Boulevard NE has. Building and Zoning Clerk Bohr stated the winery has a Conditional Use Permit (CUP); Farm Wineries are allowed with A CUP in the R-A zoning district. Chair Pogalz added White and Sable, along Highway 65 NE, is a commercial venue and has met the CUP requirements to operate in the CD-1 (Commercial Development I) zoning district. Commissioner Entsminger stated the size of the acreage may not be as important as how close a venue would be to the nearest

neighbor; there would be the potential for a lot of complaints. Commissioner Ross stated he does not feel the city should be obligated to change the ordinance as the property owners have a building that was not intended for the current use and the property owners should have checked into what the city required prior to hosting events out of respect for those within close proximity. Commissioner Ross stated he is not in favor of changing the current requirements of Article 9-330.7. Commissioner Entsminger stated he agreed with Commissioner Ross; 20 acres provides more of a buffer to neighboring properties. Commissioner Fisher stated he would consider reducing the acreage requirement if more conditions were defined. Commissioner Ringler stated maintaining the 20-acre requirement makes sense; reducing the requirement to 10 acres would require many additional stipulations to be added to the code. Chair Pogalz stated he concurred with maintaining the 20-acre requirement. Chair Pogalz stated reducing the acreage requirement would open options for many landowners who are adjacent to residential areas. Chair Pogalz stated residents on smaller lots purchased their property to be in residential areas not to be next to parcels hosting large events on a regular basis. **It was the consensus of the Planning Commission to retain the 20-acre requirement in Article 9-330.7 for Seasonal Temporary Conditional Use Permits.**

City Council Update

Chair Pogalz informed the Commissioners that the City Council concurred with the Commission's recommendation to approve rezoning of Lot 1, Block 1, Hentges Addition. There will not be a Planning Commissioner present at the May 5, 2025 meeting.

ADJOURNMENT:

Motion by Fisher, seconded by Ringler, to adjourn the Planning Commission meeting at 6:41 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk