

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, AUGUST 10, 2020

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: July 27, 2020

PUBLIC HEARING:

6:01 p.m. Gary Anderson requesting a Conditional Use Permit to operate Gary Anderson Landscaping, Inc., a landscaping business, at 13763 Johnson Street NE

Dave

NEW BUSINESS:

1. Tim Thomas, Appliance Solutions, requesting a modification to fenced area approved with Certificate of Occupancy at 16345 Highway 65 NE.

Jeff

COMMISSION BUSINESS:

1. City Council Update

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, JULY 27, 2020

The Ham Lake Planning Commission met for its regular meeting on Monday, July 27, 2020 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, Scott Heaton, Jeff Entsminger, Jonathan Fisher and Erin Dixon

MEMBERS ABSENT: None

OTHERS PRESENT: City Engineer Tom Collins and Zoning and Building 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 Pogalz, seconded by Fisher, to approve the minutes of the July 13, 2020 Planning Commission meeting as written. All in favor, motion carried.

NEW BUSINESS:

Jan and Kim Schumann requesting a Home Occupation Permit to operate Bella's Bee Werke, LLC at 16820 3rd Street NE.

Jan and Kim Schumann, were present. Mr. Schumann stated they raise bees for honey and, to date, have sold honey to co-workers of family members. Mr. Schumann stated they are applying for a permit so they can sell honey out of their house. Mrs. Schumann stated they are hobby beekeepers and have more honey than they can use. Chair Pogalz asked what prompted them to apply for a home occupation permit. Mrs. Schumann stated they made an inquiry about posting a sign on their property to advertise honey for sale but learned the City's home occupation ordinance doesn't allow signage and they filed the application to "follow the rules". Commissioner Dixon asked if they infused the honey or if it was pure honey. Mrs. Schumann stated they only bottle pure honey. Commissioner Dixon asked if they followed the State of Minnesota labeling requirements. Mrs. Schumann stated they do. Commissioner Lejonvarn completed the inspection, a copy which is on file. Commissioner Lejonvarn stated he interviewed Mr. and Mrs. Schumann by telephone and went on-site for an inspection. Commissioner Lejonvarn stated they use a small garage in the back yard and a small space in the house for the business, they will be selling the honey via the Internet as well as word of mouth, Mr. and

Mrs. Schumann are the only two employees, parking will be on their paved driveway and it doesn't appear that any excess traffic will be generated by the business. **Motion by Lejonvarn, seconded by Heaton, to recommend approval of the request of Jan and Kim Schumann for a Home Occupation Permit to operate Bella's Bee Werke, LLC at 16820 3rd Street NE, subject to only using the back garage and one room in the house for the business, no outside storage, all parking to be on the paved driveway, business hours of 9:00 a.m. to 5:00 p.m., Monday through Friday and following all State, County, and City requirements. All in favor, motion carried. (This application will be placed on the City Council's Monday, August 3, 2020 agenda.)**

Commissioner Heaton stated he doesn't think this type of business should have to come before the Commission for a permit. Commissioner Heaton stated consideration should be given to allowing residents to sell honey as a permitted use, without the need for a permit from the City.

Chair Pogalz asked to address item three on the agenda prior to item two.

Rick and Julie Braastad, J & R Acres, LLC, requesting Sketch Plan approval for Radisson Sunset Estates (7 single family residential lots) located in Section 21.

Rick and Julie Braastad were present. Mrs. Braastad stated they are developing approximately 24 acres of their property creating a plat with seven residential lots; they will reside on one lot of approximately 16 acres. Chair Pogalz asked Engineer Collins to comment on the sketch plan. Engineer Collins stated one item of concern is the existing concrete barn that is partially within the Radisson Road NE right-of-way (ROW); it doesn't meet the 10-foot side yard structure setback of Table 10-1 of City Code. Engineer Collins stated he is of the understanding that Anoka County is willing to vacate the ROW so the setback can be met with a condition that if the County upgrades Radisson Road NE to four lanes in the future, the structure may need to be removed. Mrs. Braastad stated the concrete barn was built in 1949 when Radisson Road NE was a dirt road; the placement of the barn complied with ROW requirements at that time. Engineer Collins stated another item to address is the dedication of an easement for a future bike path adjacent to 153rd Avenue NE, similar to the easement that was dedicated with the B and T Acres residential development to the east. Engineer Collins stated the County will need to review and comment on intersection spacing between Radisson Road NE and Xylite Street NE and determine if the existing driveway for 15203 Radisson Road NE can remain. Engineer Collins stated there is a 66-foot wide Minnesota Pipe Line Company easement thru the parcel; written approval from the Minnesota Pipe Line Company will be required for Quamba Street NE to cross the easement, for grading within the easement and the Lot 6 septic line crossing the easement. Chair Pogalz asked for more information related to water treatment and drainage for the development. Engineer Collins stated that per the Coon Creek Watershed District (CCWD) portions of the sketch plan and land to the north and west are classified as drainage sensitive land uses, meaning that downstream lands are dependent upon removal of water from the soil profile for their continued use. The CCWD will require that post development 100-year discharge rates to the westerly private ditch do not exceed pre-development 25-year rates. Engineer Collins stated in addition to CCWD approval of storm water treatment, the County will also review and approve the proposed storm water treatment and discharge rates into their right-of-way. **Motion by**

Pogalz, seconded by Lejonvarn, to recommend approval of the Sketch Plan for J & R Acres, LLC (7 lots) located in Section 21 (15203 Radisson Road NE) as submitted by Rick and Julie Braastad, subject to obtaining approvals from the Minnesota Pipe Line Company, meeting the requirements for the Coon Creek Watershed District, meeting the recommendations of the City Engineer and meeting all City, State and County requirements. All in favor, motion carried. (This application will be placed on the City Council's Monday, August 3, 2020 agenda.)

Commissioner Entsminger removed himself from the table to represent himself for the Coon Creek Commercial Park Final Plat application and to refrain from voting on the application.

Jeff Entsminger requesting Final Plat approval for Coon Creek Commercial Park, formerly submitted under the name of Ham Lake Commercial Park, (5 lots in Commercial Development Tier 2) in Section 29.

Mr. Entsminger stated there have been no changes to the plat since the preliminary plat submission. Chair Pogalz stated a development agreement will be created for this plat. Engineer Collins stated that since preliminary plat review is that there is no longer a need for a drainage and utility easement between Lots 2 and 3; there is a potential buyer that wants to build one structure on the two lots. Engineer Collins stated if construction of the commercial building on Lots 2 and 3 does not proceed, the development agreement will stipulate that the City withhold issuance of building permits on those lots until drainage and utility easements between the two lots are dedicated. Engineer Collins stated Coon Creek Watershed District has approved a permit for this plat and Anoka County is in the process of finalizing a permit for this plat. Engineer Collins stated there are two phases to this development; Lots 1-4 are part of phase one and Lot 5 is phase two. Engineer Collins stated with the rezoning of the plat, the residential home on Lot 5 will become a legal, non-conforming use and can continue to be used as it currently is so long as there isn't any unauthorized additions or expansion to the structures on the property per Article 9-150.1 of City Code. **Motion by Lejonvarn, seconded by Ringler, to recommend final plat approval for Coon Creek Commercial Park, formerly submitted under the name of Ham Lake Commercial Park, (5 lots in Commercial Development Tier 2) in Section 30 (40 Andover Boulevard NE) subject to meeting the requirements of the Anoka County Highway Department, Coon Creek Watershed District, the City Engineer and meeting all City, State and County requirements. All in favor, motion carried. (This application will be placed on the City Council's Monday, August 3, 2020 agenda.)**

COMMISSION BUSINESS:

City Council Update

Commissioner Lejonvarn stated the City Council agreed with the Planning Commission's recommendations to approve the Conditional Use Permit for TN Automotive and the Council had the first reading of the ordinance related to changes to Article 9 of the City Code. Commissioner Dixon will attend the August 3, 2020 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:22 p.m. All in favor, motion carried.

Jennifer Bohr
Zoning Official/Building Clerk

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

MTG DATE: 8/10/2020

INSPECTION ISSUED TO: Dave Ringler

APPLICANT/CONTACT: Gary Anderson

TELEPHONE NUMBER: 612-414-3208

BUSINESS/PLAT NAME: Gary Anderson Landscaping, Inc.

ADDRESS/LOCATION OF INSPECTION: 13763 Johnson Street NE, Ham Lake

APPLICATION FOR: Conditional Use Permit

RECOMMENDATION: _____

DATE: _____

PLANNING COMMISSIONER SIGNATURE: _____

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

MTG DATE: 8/10/2020

INSPECTION ISSUED TO: Jeff Entsminger

APPLICANT/CONTACT: Tim Thomas

TELEPHONE NUMBER: 651-755-2584

BUSINESS/PLAT NAME: Appliance Solutions

ADDRESS/LOCATION OF INSPECTION: 16345 Highway 65 NE, Ham Lake

APPLICATION FOR: Certificate of Occupancy Modification

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 7/24/2020

Date of Receipt 7-29-2020
Receipt # 88005

Meeting Appearance Dates:
Planning Commission Aug 10, 2020 City Council _____

Please check request(s):

- | | |
|---|---|
| <input type="checkbox"/> Metes & Bounds Conveyance | <input type="checkbox"/> Commercial Building Permit |
| <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Certificate of Occupancy |
| <input type="checkbox"/> Preliminary Plat Approval* | <input type="checkbox"/> Home Occupation Permit |
| <input type="checkbox"/> Final Plat Approval | <input checked="" type="checkbox"/> Conditional Use Permit (New)* |
| <input type="checkbox"/> Rezoning* | <input type="checkbox"/> Conditional Use Permit (Renewal) |
| <input type="checkbox"/> Multiple Dog License* | <input type="checkbox"/> 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: Gary Anderson Landscaping Inc.

Address/Location of property: 13763 Johnson St. NE

Legal Description of property: Lot 4, Block 4, Bunker Lake Commercial Park

PIN # 32-32-23-24-0020 Current Zoning CO-1 Proposed Zoning _____

Notes: _____

Applicant's Name: Gary Anderson

Business Name: Gary Anderson Landscaping, Inc.

Address 13540 Hanson Blvd NW

City Andover State MN Zip Code 55304

Phone 763 754-9401 Cell Phone 612 414-3208 Fax _____

Email address gary@garyandersonlandscaping.com

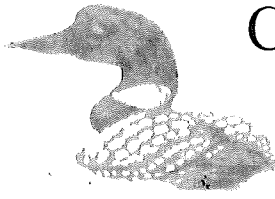
You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.

SIGNATURE [Signature] DATE 7/24/2020

- 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, August 10, 2020 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE for the purpose of considering the application of Gary Anderson for a Conditional Use Permit to operate Gary Anderson Landscaping, Inc. (a landscaping business) at 13763 Johnson Street NE, a parcel of certain land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

LEGAL DESCRIPTION:

LOT 4, BLOCK 4 BUNKER LAKE COMMERCIAL PARK

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

DATED: July 29, 2020

Jennifer Bohr
Zoning and Building Clerk
City of Ham Lake

-PLEASE SEE REVERSE SIDE FOR SITE MAP-



13763 Johnson Street NE, Ham Lake, MN 55304



LANDSCAPE DESIGN
& CONSTRUCTION

GARY ANDERSON Landscaping, Inc.

July 24, 2020

Jennifer Bohr
Building Official
City of Ham Lake, Minnesota

Jennifer,

As part of the application for the Conditional Use Permit for 13763 Johnson St NE the city has requested some more information on my company and how we plan to use the property.

We are a design/build landscape company in our 34th year of business. We have been operating @ 13540 Hanson Blvd in Andover for the past 22 years under a conditional use permit and have had no issues or concerns with the city, the neighboring businesses or homeowners in the area. We feel this new location in Ham Lake will be perfect for our business and gives us more outdoor and indoor storage room as well as more office space.

We are a seasonal business with no winter operations. We operate from mid-April through the middle of November in a typical year. Our office hours are 7am-5pm Monday through Friday. Our crew hours are the same with the exception of an occasional Saturday during the busy spring season. We currently employ 5 office staff and 11-13 crew members. Half of the crew members do not come into the office daily as they meet directly at the work sites.

We plan to use the outside storage for our trucks, trailers and some product storage which would include pallets of brick and retaining wall block, flagstone, edging, rock and mulch. Any deliveries to and from the location would be done so during our regular office hours and will be minimal. We don't sell anything retail so there will be no retail traffic in and out of the facility. We will, on occasion, have a client meet us at our office but a high percentage of the time we meet them at their homes.

Please feel free to reach out if you have any questions or concerns.

Thank you!



Gary Anderson

Johnson Street

Property Line

Property Line

Commercial Use
Building

100'



1,500
(2)

1,000
gal.

retaining wall

eiv=100

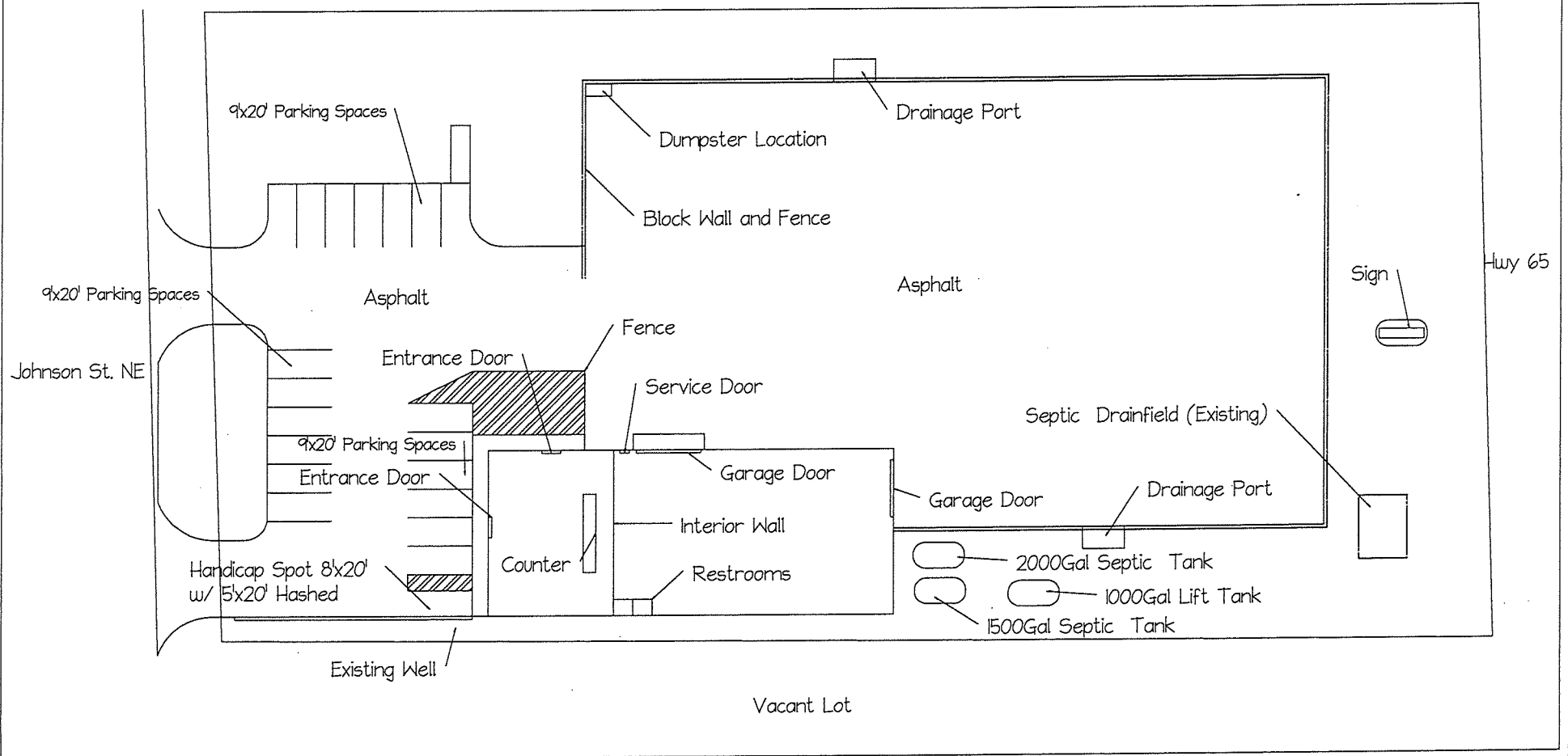
○ sb1 El=100
15' x 20' pressurized bed

○ sb2 El=100.0
secondary site

>75'

Hy 65 NE

Caliber Collision



Lot 4, Block 4, Bunker Lake Commercial Park

Notes

Scale: 1" = 10'

Drawn By: DAN
 Date: 7/22/2020
 Scale: 1" = 10'

FILE: Conditional Use Permit Application
 Location: Anoka County, MN

2020-04-30-01
 GARY ANDERSON
 LANDSCAPE ARCHITECT, INC.

*Number of "Sanitary Properties" always and at all times shall be limited to the number of "Sanitary Properties" shown on the site plan. Any other use of the site for any purpose without prior written consent from Gary Anderson Landscaping, Inc.

ORDINANCE NO. 20-XX

An Ordinance Amending ARTICLE 9, COMPREHENSIVE ZONING, to update the Ham Lake City Code to add Landscaping Businesses as a Conditional Use in CD-1; to change references to “individual sewage treatment systems” (ISTS) to “subsurface sewage treatment systems” (SSTS); to change references to “manufactured mobile homes” to “manufactured homes”; to define “Truck Terminals” in CD-2 zoning; and to amend or delete spelling errors, punctuation errors, or inaccurate references to other city code or state statute provisions throughout Article 9.

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 sections:

9-150 Changes in Usage or Occupancy and Accessory Uses

9-150.1 Non Conforming Uses

A residential dwelling (and ancillary features on the lot) located in a zoning district that does not include residential uses as a permitted or conditional use may be structurally altered to expand the residential use, provided that:

- a. No such alteration would tend to preclude the construction of future commercial service roads that are likely to be constructed over the parcel in the future; and
- b. The livability requirements of this code relating to ~~ISTS~~ SSTS and other space will continue to be met on the upland portion of the lot, and
- c. The expansion requires no variances from setback regulations; and
- d. The alteration is not intended to nor will it promote usage of the structure for multiple-family housing.

...
9-210 Residential Districts

The residential land uses described in Articles 9-210.1, 9-210.3, 9-210.4 and 9-210.5 are intended to be applicable to developments which utilize ~~individual sewage treatment systems (ISTS)~~ subsurface sewage treatment systems (SSTS). *Residential Land Uses* are any land uses intended for occupancy in human *dwelling units*, and included in Article 9-210.

...
9-210.1 Single Family Residential (R-1)

a) Permitted Uses

- Single Family Dwellings, except Manufactured Mobile Homes
 - ~~Private Dog Kennels~~ Multiple Dog License meeting requirements of Article 5-150
- ...

9-210.2 Residential – Manufactured Mobile Home (R-M) R-M districts are intended for privately owned residential communities consisting of *manufactured mobile homes*, each of which is intended for occupancy by a single housekeeping unit, which communities are commonly known as “*mobile Manufactured home parks*”.

b) Permitted Uses

- o Maintenance Buildings (to be used for *mobile Manufactured home park equipment*)

9-210.3 Rural Single Family Residential (R-A)

9-210.32 Conditional Uses

b) Listing of Conditional Uses: The following *Conditional Uses* shall apply in the R-A Districts:

- i) All *Conditional Uses* in the R-1 District
- ii) Public Dog Kennels meeting the requirements of Article 5-163
- iii) The raising of ~~eattle~~ Livestock, or Poultry ~~in limited numbers~~ or other animals as outlined in Article 5-300 Animal Permits

9-210.9 Multiple Family Residential (R-2) R-2 districts are intended for duplexes, triplexes, four-plexes or (by conditional use permit) larger multiple-family dwellings such as apartment buildings. Such dwellings may be served by ISTS SSTS meeting the standards of this code and state, ~~and county, and city~~ rules or regulations, and the lots upon which such dwellings are located shall contain the following features:

a. **Backup ISTS SSTS Space** – sufficient suitable soil to enable the installation of a second ISTS SSTS to replace the ISTS SSTS approved for the initial construction, to the same specifications of the initial ISTS SSTS.

b. **Yard Area and Livability** - the Yard Area and Livability requirements for any lot shall be the same square footages as are found in Article 10-302 or single-family dwellings, but multiplied by the number of units in the multiple family dwelling.

Multiple family dwellings already existing in the City as of January 1, 2009 shall not be required to meet the foregoing yard and ISTS SSTS provisions, but shall be considered *non-conforming uses* and subject to prohibitions on expansion or alteration to the degree to which they do not meet current codes regarding ISTS SSTS, yard areas and livability.

9-220 Mercantile Districts The land uses described in Article 9-220 are intended to be applicable to developments which utilize ~~individual~~ subsurface sewage treatment systems

(ISTS), (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

k) Outside Storage Outside storage and activities for areas zoned CD-3, CD-4, Industrial Park (I-P) and Light Industrial (I-1) shall be as specifically detailed in the Code Sections dealing with those land uses (Articles 9-220.6-4 and through 9-220.7). For areas zoned CD-1 and CD-2, the following provisions shall apply to outside storage, excepting Fireworks sales and storage, which are governed by the provisions of Article 9-330.6. **Unless specifically permitted by this Article 220.1(k), no Outside Storage shall be allowed in any area zoned CD-1 or CD-2.**

cc) Vehicle Inventory – Automobiles, Trucks, Trailers, ~~Mobile~~ Manufactured Homes, Recreational Vehicles, Campers, Camper Tops, Truck Toppers, Boats or other wheeled conveyances that are offered for retail sale at a legal business location whose primary business is the retail sale of one or more of the above items.

9-220.2 Commercial Development 1 (CD-1)

c) Conditional Uses

- New Vehicle Sales (must have indoor showroom) limited to the following:
 - **Note:** Where the word “vehicle” is used, the term is hereby defined to exclude ~~mobile-manufactured~~ homes, busses, semi-tractors, semi-trailers over 30 feet in length, and heavy construction equipment, such as bulldozers, backhoes, road graders, earth moving equipment, cranes and excavators.
- Service Businesses
 - Landscaping
- Pool Stores under ~~Article 9-220.1 (k)~~

d) Temporary Conditional Uses Only

ii) No housing units shall be permitted which are manufactured mobile-homes, which were at one time manufactured mobile homes, or which could become manufactured mobile-homes with the addition of wheels installed in a pre-engineered or pre-planned receptacle.

9-220.3 Commercial Development II (CD-2)

a) Standards for Site and Building Construction

i) Metal or pole-type buildings shall be permitted if surfaces meet the requirements of ~~(b)~~ ii below, and , provided that no galvanized surface may appear, all roofs shall be colored and incorporate a minimum 18 inch soffit on eave edges, 12 overhang on gable ends, and 9.5 inch fascia.

c) Conditional Uses

- Truck Terminals – defined as a location where commercial trucks are parked and/or stored.

9-220.94 Designation of Specific Parcels

Parcels carrying the TOD overlay designation shall be identified by PID number, and shall include the following:

- 17-32-23-21-0009
- 17-32-23-21-0013
- 17-32-23-21-0005
- 17-32-23-21-0022
- 17-32-23-12-0006
- 17-32-23-12-0007
- 17-32-23-12-0008
- 20-32-23-42-0004
- 20-32-23-13-0011

9-330.7 Temporary Commercial Structures

A. Definitions

1) Temporary Commercial Structures (“TCS”) are shelters having walls or partial walls and a roof, constructed of fabric, wood, plastic, glass or metal, or combinations thereof, which have no permanent foundation and are intended for temporary usage in connection with merchandise sales or sponsored activities of a permanent business. A portable toilet is not a TCS. For the purpose of this code, the following shall not be considered to be TCS, and shall not be allowed to be used as a TCS: manufactured mobile homes, travel trailers, motor homes, semi-trailers or any other conveyance designed for or capable of traveling, by self-

propulsion or trailering on public roadways. This Article specifically also does not pertain to Legal Fireworks, the sale and display of which is exclusively governed by Article 9-330.6.

D. Locations A TCS may be located on any area of the parcel upon which a permanent structure could be legally constructed, but may not be located over any portion of an existing individual subsurface sewage treatment system or well.

9-340.2 Manufactured Mobile Homes *Manufactured Mobile Homes* (as defined by Minnesota Statutes Chapter 327.31, sub. 6) shall not be permitted to be stored or occupied in any area other than in an area zoned R-M, except as follows:

- i) A *Manufactured Mobile Home* may be used as an office in a mobile Manufactured home sales lot which is legally being operated in an appropriate zoning district;
- ii) A *Manufactured Mobile Home* may be used as a temporary dwelling in areas zoned for residential purposes, for a period of up to 180 days, under circumstances in which a previously existing dwelling unit on the lot has been destroyed or severely damaged by casualty;
- iii) A *Manufactured Mobile Home* may be used as a temporary office in any bona fide construction project, for a period of up to one year;
- iv) Usage of any *Manufactured Mobile Home* in the manners described in sub-paragraphs i), ii) and iii) above shall not be permitted without the advance consent of the City Council, which may establish additional conditions for such usages.

9-340.3 Recreational Vehicles ("RV"s)

A *Recreational Vehicle* is either a self-propelled motor vehicle or a trailer which contains living quarters that include kitchen, bathroom and bedroom features, and which contain facilities to provide heat, running water, electricity and waste disposal. RV's may not be used for human overnight occupancy except in the following circumstances:

- c. If the RV contains at least 200 square feet of living area, is at least 30 feet in length, is fully operational, has a sewage disposal system capable of tying into an ISTS SSTS or being transported to an approved RV sewage disposal site and has no visible signs of rust, faded or peeling paint or body damage, an RV may be used in lieu of a *Manufactured Mobile Home* for temporary occupancy under the circumstances and conditions described in Article 9-340.2 (ii) and (iv) of the Ham Lake City Code.

9-420 PUD Procedural Requirements

9-422 Site Plan

At the time of submission of the plat, the applicant shall also submit a detailed site plan of the proposed development that displays, at a scale designated by the City's

engineer, the following information:

- i. The location of all structures to be constructed;
- ii. The locations of all parking areas and drives;
- iii. The location of an ISTS SSTS;

9-430 Development Agreement

C. Sewer Connectivity

Design of connections to an ISTS SSTS that are readily convertible to reconnection to a public or private common sewer system at such time as such a system is ever constructed, along with an assessment agreement in which the applicant and successors in title agree not to contest special assessments (levied under Minnesota Statutes Chapter 429) in a sum certain, to go toward the cost of any public sewer system that may be constructed within five years of the date of the Development Agreement.

G. Groundwater

Construction of ISTS SSTS and ponding in a manner that does not threaten the elevation of groundwater and that does not threaten to contaminate groundwater.

...

9-500 Transition Zones in CD-1 and CD-2, R-1 and R-A Districts

9-520 Transition Zones The following lands are hereby designated Transition Zones. This is not a separate zoning category, but shall embrace lands that are or will be zoned CD-1 or CD-2, and provide for Conditional Use Permits within these zones that differ from the Conditional Use Permit provisions found elsewhere in the City Code. Any of the following parcels that are also in the CPOD Overlay Districts created by Article 9-400 of this Code shall be exempt from the provision of Article 9-400 if a development plan is proposed under the auspices of this Article 9-500.

Central Area

PIN 29-32-23-34-0002

~~PIN 29-32-23-34-0005~~

PIN 29-32-23-34-0006

PIN 29-32-23-43-0017

Presented to the Ham Lake City Council on July 20, 2020 and adopted by a unanimous vote this 3rd day of August, 2020.

Michael G. Van Kirk, Mayor

Denise Webster, City Clerk

9-220 Mercantile Districts The land uses described in Article 9-220 are intended to be applicable to developments which utilize individual sewage treatment systems (ISTS), 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 public 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;
- f) Refuse Containers** Refuse containers shall be stored in locations which are completely screened from outside view; hazardous materials shall be stored and disposed of in the manner provided by law;
- g) Parking Lots and Lighting** Off-street parking shall be provided for all patrons and employees. The *Zoning Officer* shall maintain a schedule of parking requirements, to be ratified from time to time by resolution of the City Council, to serve as the general guideline for the establishment of parking requirements, subject to modification by the City Council where merited. Security lighting shall be permitted, and may be required on review of site plans, but shall be directed away from adjacent properties. No light or combination of lights that cast light upon a Residential Land Use shall exceed 4 foot candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway.

h) Off-Street Loading All deliveries and bulk pickups of merchandise, inventory and supplies shall be made to loading facilities preferably located in the rear of the building, which loading facilities shall be sufficient to enable the prompt and safe transfer of goods.

i) Signage All signage shall conform to the provisions of Article 11-300.

j) Special Considerations Notwithstanding the limitations as to building styles, construction types and exterior treatments, the City Council, after Planning Commission review, may depart from strict adherence to the standards found in Article 9-220, where special conditions merit such departure, and where certain standards are met. Such special conditions and standards may include, without limitation, the following items.

i) The departure is not being requested for purely economic reasons;

ii) The nature of the business is such that it requires a specific type of building construction in order to improve the business function, such as requirements for sunlight, specialty equipment, interior lighting or the like;

iii) The business is a permitted or conditional use in the zoning district;

iv) The applicant proposes the usage of special aesthetic treatments which provide a superior exterior view, such as landscaping, vegetation screening, berming, or the like;

v) The property contains unusual topography, mature vegetation or other features which can be preserved or enhanced to produce an overall superior appearance;

vi) The property contains unusual accessibility problems to or from adjacent roadways;

vii) The applicant offers to implement more stringent design limitations in certain site plan features than would normally be required, in exchange for being permitted less stringent design limitations in other site plan features.

k) Outside Storage Outside storage and activities for areas zoned CD-3, CD-4, Industrial Park (I-P) and Light Industrial (I-1) shall be as specifically detailed in the Code Sections dealing with those land uses (Articles 9-220.6 and 9-220.7). For areas zoned CD-1 and CD-2, the following provisions shall apply to outside storage, excepting Fireworks sales and storage, which are governed by the provisions

of Article 9-330.6. **Unless specifically permitted by this Article 220.1(k), no Outside Storage shall be allowed in any area zoned CD-1 or CD-2.**

1) **Definitions**

aa) Outside Storage – personal property (not fixtures) that are located within the Approved Property Lines of any parcel bearing a CD zoning classification, but which are found outside of an enclosed, roofed building (including temporary structures). Outside Storage does not include Refuse Containers, customer vehicles, employee vehicles parked while the employee is on duty, delivery vehicles while in the process of delivery or pickup, construction materials or vehicles being used in an active construction project on the parcel, legal signs or banners, or legal temporary structures. Except where specifically excepted, Outside Storage does include inventory of the business occupying the parcel.

bb) Inventory - goods, except Vehicle Inventory, that are offered for sale in the ordinary course of business of any business occupying the parcel. For auto repair shops, inventory shall also be deemed to mean passenger vehicles or pickup trucks awaiting repair services.

cc) Vehicle Inventory – Automobiles, Trucks, Trailers, Mobile Homes, Recreational Vehicles, Campers, Camper Tops, Truck Toppers, Boats or other wheeled conveyances that are offered for retail sale at a legal business location whose primary business is the retail sale of one or more of the above items. Rental equipment that may be offered for sale is not Vehicle Inventory. Vehicle Inventory that bears obvious signs that the vehicle is not presently capable of being legally operated or conveyed on a public road is not Vehicle Inventory, including, but not limited to vehicles lacking wheels or inflated tires, operable drive train components, broken windows or lights, required current vehicle registration, missing body parts, such as fenders, doors, hood lids, trunk lids, bumpers, lights or trim.

dd) Aesthetically Screened Outside Storage - Inventory or Vehicle Inventory behind an opaque barrier constructed of masonry or brick, attached to and matching or complementary to the main building, and of sufficient height and design so as to give the appearance that the barrier is a part of the main building. No object shall be stored inside of such a barrier if the object protrudes above the height of the barrier. Any gates through the barrier shall be opaque and of aesthetic design.

ee) Limited Outdoor Displays - Temporary displays of merchandise which are normally sold or displayed from within an enclosed retail store locations, but which are temporarily placed not more than ten feet from an outside wall of the main retail sales

building during business hours, and then returned to inside storage during non-business hours.”

ff) Improvement Stores – Businesses that have as their primary source of revenue the retail sale of plants, seeds, landscaping supplies, produce, or yard statuary.

gg) 24-Hour Convenience Stores – Businesses that sell gasoline at retail, and, from the same store location, also sell groceries, auto supplies, sundries, over-the-counter medications and personal products, sundries and other items for human consumption, and which remain open for business at all times of every day.

hh) Approved Property Lines – Are the outside perimeter of the real estate parcel or parcels which were shown on the site plan used for the initial municipal approval of a certificate of occupancy or conditional use permit for a particular operation.

ii) Pool Stores – retail stores that engage in the retail sales of above ground or below ground recreational swimming pools that contain electric filtration devices providing water circulation and filtration in the pool, and under conditions where an inventory of above ground or in ground swimming pools is maintained, connected by water and electricity to a source originating in a permanent retail building located on the same parcel. A Pool Store shall not be considered a retail store for the purposes of determining permitted uses under Article 9-220.2 (b) or 9-220.3(b).

jj) Screened Outside Storage – is Inventory or Vehicle Inventory behind an opaque barrier constructed of wood, metal, plastic, masonry, brick or earthen berm, or which is behind an opaque barrier composed of existing buildings or other structures on the property, or which is behind a semi-opaque barrier of vegetation that substantially conceals the storage from outside view.

2) Permitted Outside Storage

aa) Vehicle Inventory is permitted Outside Storage on any CD-1 or CD-2 parcel in connection with a business that is legally permitted to sell Vehicle Inventory. If specifically permitted by the conditions of any Conditional Use Permit or Temporary Conditional Use Permit for any such parcel, vehicles that do not meet the definition of Vehicle Inventory may also be permitted Outside Storage.

bb) Aesthetically Screened Outside Storage is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel in connection with the new construction of a main commercial building on the parcel.

cc) Limited Outdoor Displays are permitted Outside Storage in both the CD-1 and CD-2 districts. If the business is a 24-Hour

Convenience Store, the Limited Outdoor Display need not be moved indoors, but the business shall at all times maintain a clear pedestrian path on sidewalks that is at least 36 inches in width.

(dd) Inventory is permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales but must be separately identified on the initial site plan submitted with the initial request for certificate of occupancy or conditional use permit, and must be stored only in conformance with that site plan. Bins or containers housing the Inventory shall also be permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales as shall be other items necessarily incident to the storage, maintenance or protection of the Inventory.

ee) No Outside Storage shall be permitted for any business unless the storage is within the Approved Property Lines.

ff) Pool Stores may display above ground or below ground swimming pools as Permitted Outside Storage only on property under conditional use permit, subject to conditions to be established by the City Council, which must include, at a minimum, the following:

- 1) Pool water must be maintained in a sanitary condition;
- 2) Below ground pools must be surrounded by code-compliant fencing;
- 3) Above ground pools must be constructed in a code-compliant method relative to either fencing or sufficient elevation to prevent accidental entry into the pool;
- 4) Adequate security fencing around the storage display area must be installed to discourage after-hours entry into the pool storage area;
- 5) Reasonable screening from outside view shall be installed;
- 6) All sources of water and electricity shall be connected to the pools in a code-compliant manner;
- 7) Only pools that are intended for use with circulating filters shall be permitted outside; no "kiddy pools", wading pools or inflatable pools shall be permitted to be displayed outside.
- 8) Winter storage of outside pools shall be done in a manner that covers the pool surface and prevents the accidental entry into the pool;

gg) Screened Outside Storage is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel involving pre-existing main buildings or structures that:

- 1) Historically utilized outside storage in connection with business operating on the property, and which uses were never abandoned;

- 2) Do not involve replacement or major remodeling of the existing structures, but utilizes the existing structures for the business to be operated;

Approval of Screened Outside Storage is discretionary with the City Council.

i) Revocation All permits and certificates of occupancy issued in the mercantile districts are subject to revocation under the provisions of Article 9-240.

3) Office/Warehouses Office/Warehouse is a term given to a structure that is designed to have office space in front, behind which is situated an open bay or bays, with the office and bay space to be occupied by a single business. The office space and the bay space may also include area for retail sales. The bay space may also be used for manufacturing, other industrial activity, or warehousing. Building Permits may be issued for Office/Warehouses in any Mercantile District as found in Article 9-220. However, specific uses within each Office/Warehouse are subject to the Permitted Use, Conditional Use and Temporary Conditional Use restrictions for the given zoning district in which the Office/Warehouse is constructed. The issuance of a building permit for an Office/Warehouse does not confer upon the property owner the right to use any portion of the structure in a manner inconsistent with the use restrictions for the zoning district in which the structure is located. All new tenants or occupants of any Office/Warehouse must observe the same conditions for site plan or other approval, as would any other occupant. Further, if the zoning district in which the Office/Warehouse is to be constructed contains restrictions on building materials or design, those restrictions must be followed.

9-220.2 Commercial Development 1 (CD-1)

The CD-1 zone is intended to apply to certain commercial uses on lands abutting the city's only major thoroughfare, Trunk Highway 65. In that these lands have high visibility to the traveling public, it is considered important to the preservation of land values in general, as well as important to the continuing ability of the city to generate the establishment of quality commercial development and the concomitant tax and employment base, that structures in the CD-1 zones observe specific construction and aesthetic standards, which are listed below. No usage shall be permitted in the CD-1 zone which does not observe the standards found in Article 9-220.2 (a) below.

a) Standards for Site and Building Construction

- i) Except for structures housing public utility feature, no metal or pole-type building shall be permitted;

- ii) Exterior wall surfaces shall be of brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco or wood framed with horizontal lap siding;
- iii) No galvanized surfaces shall be permitted, either on roofs or siding;
- iv) All roofs shall be colored and shall incorporate a minimum 18-inch soffit on the eave edge of the roof;
- v) All roofs shall have a minimum 12-inch overhang on the gable ends;
- vi) All roofs have a 9.5 inch fascia;
- vii) Standing metal seam roofing shall be permitted (Minimum 24 gauge, non-galvanized);

b) Permitted Uses (Including uses that are ancillary to the main use)

- Clubs and Lodges
- Medical Facilities
 - Assisted Living Facilities
 - Chiropractic
 - Clinics of all medical disciplines
 - Dental
 - Diagnostic Facilities
 - Hospitals
 - Laboratories
 - Nursing Homes
 - Treatment Rooms and Centers
 - Veterinary Clinics
- Hotels, Motels and Lodging Houses under Article 11-1100
- Offices and Office Buildings
- Park and Ride Lots
- Post Offices
- Public Utilities (metal or pole type construction allowed)
- Recreational Facilities (indoor unless noted)
 - Batting Cages
 - Billiard Parlors
 - Bowling Alleys
 - Dance/Gymnastic Studios
 - Health Clubs
 - Martial Arts Studios
 - Miniature Golf Courses (outdoor)
 - Paintball or Laser Tag Facilities
 - Parks (outdoor/publicly owned)
 - Roller Skating Facilities
 - Shooting Range
 - Skateboard Facilities
 - Virtual Golf Facilities
- Restaurants, including liquor service

- Retail Facilities - engaged in the sale of goods (Excluding Motor Vehicle/ Boat/RV/Camper Sales), from freestanding one-store locations, shopping centers, strip malls or enclosed malls, including, but not limited to:
 - Antique Stores
 - Appliance Stores
 - Automobile Parts Stores (new parts only)
 - Bakeries
 - Bicycle Stores
 - "Big Box" Stores (subject to Article 9-400)
 - Book Stores
 - Butcher Shops/Meat Markets
 - Camera Stores
 - Candy Stores
 - Carpet Stores
 - Clothing Stores
 - Coin Stores
 - Convenience Stores
 - Cosmetic Stores
 - Discount Stores
 - E-Cig Stores
 - Electrical, HVAC and Plumbing Equipment Stores
 - Electronics Stores
 - Fireworks (under Article 9-330.6)
 - Floral Stores
 - Furniture Stores
 - Gift Shop
 - Grocery Stores
 - Hardware Stores
 - Health Stores
 - Hobby/Game Stores
 - Housewares Stores
 - Improvement Stores (Lawn & Garden) as defined in Article 9-220.1 (k)(1)(ff)
 - Jewelry Stores
 - Liquor Stores
 - Luggage Stores
 - Music Stores
 - Office Supply Stores
 - Optical Supply Stores
 - Paint/Wallpaper Stores
 - Pet Stores
 - Petroleum product sales (excluding vehicle repair)
 - Pharmacies
 - Shoe Stores
 - Sporting Goods Stores

- Souvenir Stores
- Thrift Stores
- Tobacco Stores
- Video Stores
- Schools and Colleges
- Service Businesses
 - Appliance Repair Shops
 - Barber Shops
 - Beauty Shops
 - Car Washes
 - Day Cares (licensed)
 - Dry Cleaners
 - Electronics Repair Shops
 - Financial Institutions
 - Funeral Homes
 - Government Buildings
 - Insurance Agencies
 - Law Offices
 - Locksmiths
 - Manicure/Pedicure/Nail Care shops
 - Pet Grooming Shops
 - Photography Studios
 - Print Shops
 - Shoe Repair Shops
 - Specialty Retail Shops
 - Tailor Shops
 - Tanning Facilities
 - Travel Agencies
- Small Engine Sales and Repair
 - Air Compressors
 - Chain Saws
 - Garden Tractors
 - Lawn Mowers
 - Leaf Blowers
 - Other Motorized Gardening Equipment
 - Power Rakes
 - Power Washers
 - Rototillers
 - Shop Vacs
 - Snowblowers
 - Woodchippers
 - Woodsplitters
- Theatres
- Worship Centers and ancillary features owned by the entity that owns the Worship Center, including classrooms, recreational features, residences for staff, offices and kitchen/dining.

c) Conditional Uses

- Automobile Repair Shops (Passenger Vehicles, Pickup Trucks, ATVs, Snowmobiles, Motorcycles, Jet-skis, Boats and other Marine Equipment)
- Equipment Rental Businesses
- Light Manufacturing, defined as follows:

The fabrication or processing of goods for sale to retailers, wholesalers, other manufacturers or at retail that takes place entire within an enclosed building and that meets the following criteria:

 - a) The business does not generate any noise, odor or vibration detectable from adjoining properties, other than that which occurs in the normal course of business during shipping and receiving activities;
 - b) There is no outside storage of any item except Aesthetically Screened Outside Storage as defined in Article 9-220(k)(1)(dd) of this Code.
 - c) No outside cranes or booms are located on the site;
 - d) Retail sales of the business products can occur on the premises if the commodities are the commodities manufactured on site.
- Manufactured/Prefabricated Structure Sales (including, without limitation, housing units, gazebos, storage sheds, playhouses, screened porches, and shelters) together with incidental furnishings such as lawn chairs and picnic tables
- New Vehicle Sales (must have indoor showroom) limited to the following:
 - **Note:** Where the word “vehicle” is used, the term is hereby defined to exclude mobile homes, busses, semi-tractors, semi-trailers over 30 feet in length, and heavy construction equipment, such as bulldozers, backhoes, road graders, earth moving equipment, cranes and excavators.
 - ATV's (all-terrain vehicles)
 - Automobiles
 - Boats
 - Campers
 - Golf Carts
 - Motorcycles, Motorbikes and Scooters
 - Recreational Vehicles
 - Snowmobiles
 - Commercial Trucks
 - Pickup Trucks
 - Trailers less than 30 feet in length

- Office Warehouses
- Pool Stores under Article 9-220.1 (k)
- Residential Treatment Centers
- Sexually Oriented Business under Article 9-330.3
 - Self-Storage Facilities, limited to properties on which self-storage facilities were in existence as of January 1, 2014. "Properties" as used herein is intended to include "Expansion Parcels", which are tax parcels that were on said date contiguous to and in common ownership or control with the parcel on which self-storage facilities were in use on said date and which were lacking a permanent structure/usage and/or providing a parking area or driveway serving the parcel on which the self-storage units were located. Expansion Parcels do not include parcels that are separated by public roads from the parcel on which the self-storage units were located on said date. It is the intent of this language that the self-storage use be permitted to expand onto the Expansion Parcels if a Conditional Use Permit for such expansion is approved. Notwithstanding these provisions, all self-storage uses shall be considered non-conforming uses and if abandoned or damaged and unrepaired, are subject to the same criteria for termination of allowed usage status as for other non-conforming uses as provided in Article 9-150.1 of this Code.
- Temporary Commercial Structures under Article 9-330.7
- Therapeutic Massage under Article 9-330.5
- Transportation Facilities
- Used Vehicle Sales limited as follows
 - Collector Cars
 - Motor Homes and Recreational Vehicle Trailer Sales*
 - * (A "Trailer", for the purposes of this code, shall mean a conveyance which is primarily designed to be towed behind a motor vehicle on public highways for usage in camping at bona fide campgrounds or RV parks. The conveyance commonly known in the industry as a "Park Model" is not to be considered a Trailer.)
 - Facilities that meet the following criteria:
 - The lot on which the use is proposed is presently and lawfully used by a business whose primary business is in the automotive industry such as automobile specialty shop, auto repair or recreational vehicle sales lot; and
 - The sales are limited to passenger cars and pickup trucks; and
 - The primary business activity in the automotive industry that qualified the lot to be used for Used Vehicle Sales must continue to be the primary business activity on the lot; Used Vehicle Sales shall be an incidental use only, and shall not replace the primary business activity; or

- The used vehicle inventory is part of the overall inventory of a New Vehicle Sales operation, limited to vehicles that have been taken in trade by the owner

d) Temporary Conditional Uses Only

Certain modular housing sales lots may be allowed as Temporary Conditional Uses in the CD-1 areas under the following limited conditions:

- i) The permit shall be for no longer than five years;
- ii) No housing units shall be permitted which are mobile homes, which were at one time mobile homes, or which could become mobile homes with the addition of wheels installed in a pre-engineered or pre-planned receptacle. It is the intention of this usage that the only housing units permitted for display in such areas are single family dwellings of wood frame construction, designed for placement on a permanent foundation in a typical single family residential neighborhood, and not designed for or commonly found in mobile home parks.
- iii) A single housing unit may be used as a sales office.
- iv) Marketing of housing units shall be only to consumer-homeowners, and not to retailers or wholesalers;
- v) All units shall be placed on concrete blocks, at least two courses in height, giving the appearance of a full basement.
- vi) All units shall be completely finished on the exterior to give the appearance that the unit is inhabited as a part of a quality single family neighborhood. Units may be assembled from pre-constructed component parts on site, but may not be constructed from scratch on the site. Assembly of any display unit shall be complete (weather permitting) within 14 days after commencement of assembly. Each display unit shall obtain a building permit from the City prior to commencement of assembly. A display unit, once in place, shall not be replaced for at least 24 months.
- vii) All surfaces upon which the public is expected to drive, park or walk shall be paved with bituminous or concrete material according to specifications to be established by the City's engineer.
- viii) All display units shall have an attached garage for two cars or more.
- ix) A Site Plan shall be reviewed and approved by the City Council, after review and comment by the Planning Commission, which plan shall limit the number of units to be displayed, provide a landscaping plan, show the locations of all drives, walkways and parking areas, and provide photographic samples of the styles of units to be displayed.
- x) The City Council may attach such other conditions to the Temporary Conditional Use Permit as are deemed appropriate or necessary to protect public safety, health or welfare, or to protect nearby property values.



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 8.04.20

Date of Receipt 8-4-20

Receipt # 88077

Meeting Appearance Dates:

Planning Commission 8-10-2020 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 Fence construction

***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: Appliance Solutions

Address/Location of property: 16345 Highway 65 NE

Legal Description of property: L4/B1 Wybrite Comm. Park

PIN # 17-32-23-12-0008 Current Zoning TOD Proposed Zoning -

Notes: Requesting modification to fenced area approved with CO on 5/6/19

Applicant's Name: Tim Thomas

Business Name: Appliance Solutions

Address 16345 hwy 65

City Ham Lake. State Mn. Zip Code 55304

Phone 651.755.2584 Cell Phone _____ Fax _____

Email address Timt109@gmail.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 Tim Thomas DATE 8.04.20

- FOR STAFF USE ONLY -

ACTION BY: Planning Commission _____
City Council _____

PROPERTY TAXES CURRENT (YES) NO

16345 Highway 65 NE



PROPERTY ID	17-32-23-12-0008	Owner	THOMAS ENTERPRISES MN LLC
ADDRESS	16345 HIGHWAY 65 NE	Owner Address	440 11TH AVE SE
CITY	HAM LAKE	Owner City	FOREST LAKE
STATE	MN	Owner State	MN
ZIP CODE	55304	Owner Zip Code	55025
COMMISSIONER DISTRICT	JULIE BRAASTAD		



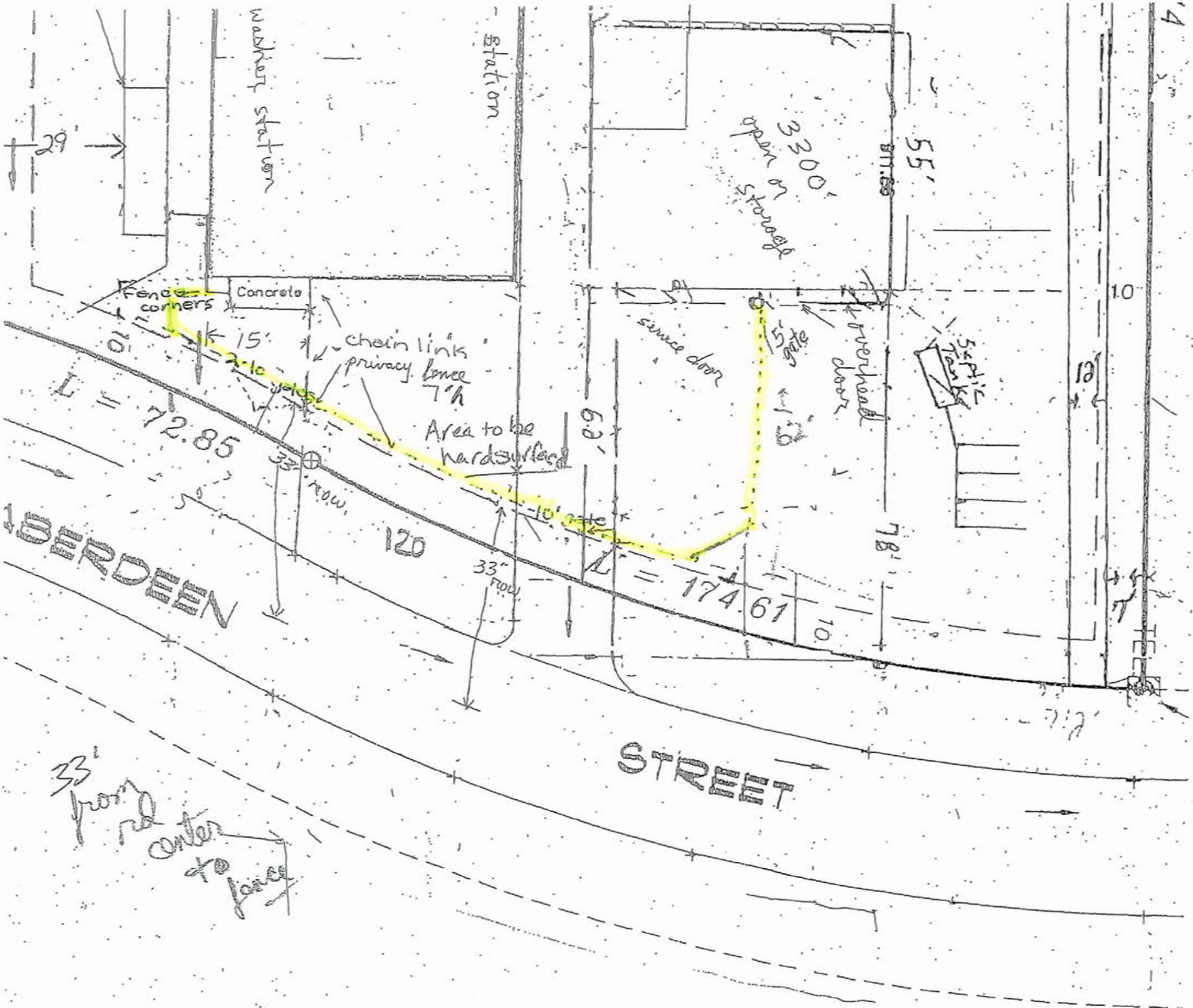
Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

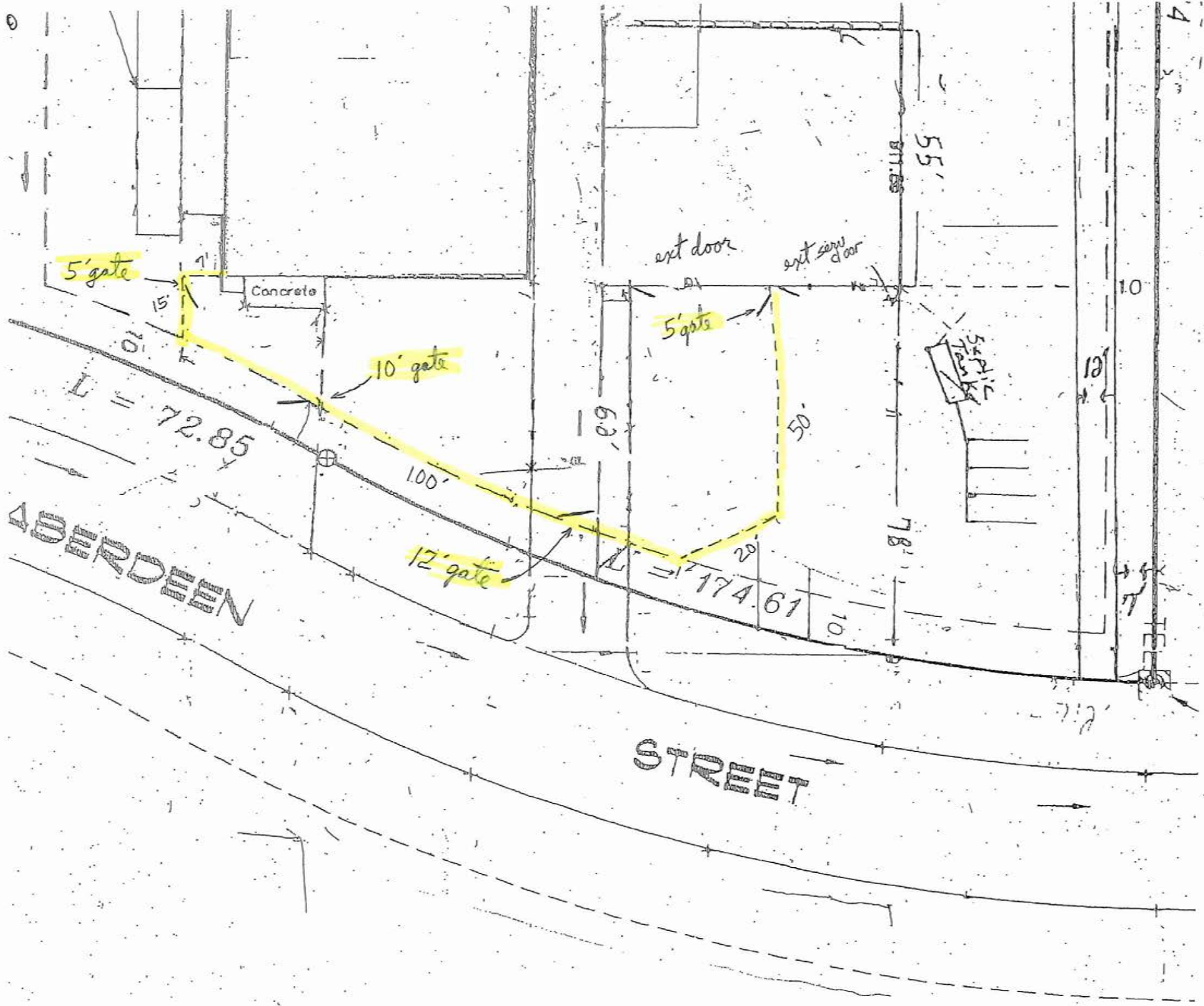
Map Scale
1 inch = 100 feet
 8/6/2020

7' high fence will be of 2" galvanized pipe rail, chain link fence
with visibility barrier slats installed

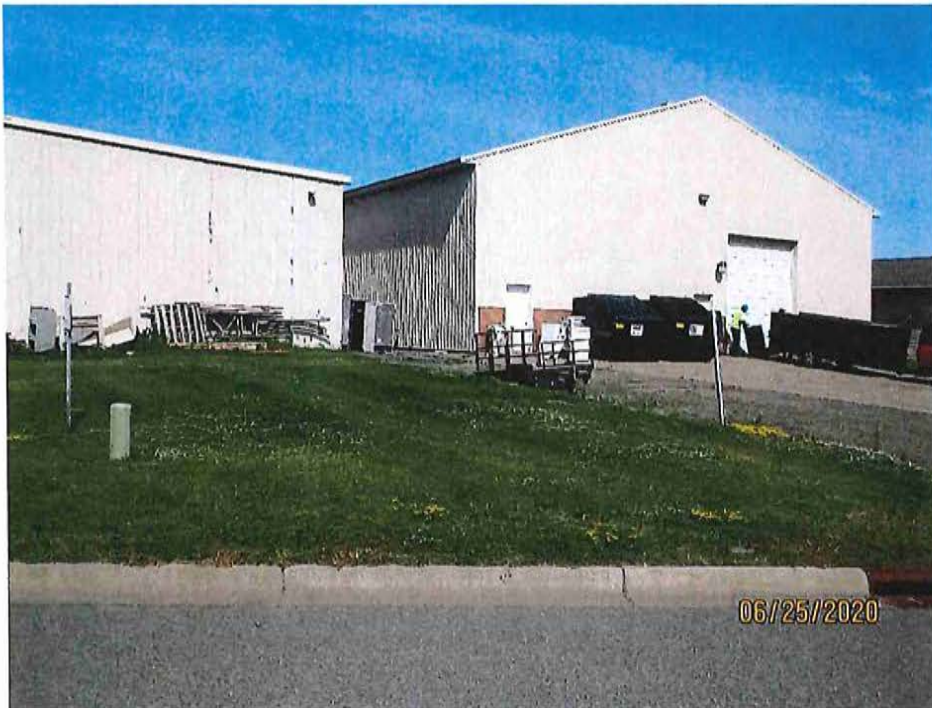
+ includes 4 gates.

signed, *Tom Thomas*











May 28, 2020

Mr. Tim Thomas
Appliance Solutions
16345 Highway 65 NE
Ham Lake, MN

Dear Mr. Thomas:

It has been a year since the City Council approved a Certificate of Occupancy for your business to operate at 16345 Highway 65 NE. The Council's approval was subject to some actions that needed to be taken by you to be in compliance with City Code. The actions required of you were:

- 1) Striping the parking lot per City requirements, including marking handicap parking spaces.
- 2) Constructing an eight-foot high fence as shown on the site plan submitted. A permit is required.
- 3) Enclosing outside storage within the fenced in area.

Our Code Enforcement Officer inspected your site on 5/27/2020 and found that the fence has not been constructed and there is visible outside storage which is a violation of Article 9-220.1(k).

A remodeling permit that was issued on 4/10/19 also remains open. Inspections for that permit should be completed so that permit can be closed.

The unfinished actions above need to be brought into compliance with City Code in 30 days. The Code Enforcement Officer will be inspecting your location at that time. If after 30 days your property is not in compliance, this matter will be referred to the City Attorney for further action. If you have any questions regarding this matter or need more time to come into compliance, please call me at 763-235-1674.

Sincerely,

Mark Jones
Code Enforcement Officer

Enclosures

4.8 Approval of a Large Assembly License for the Ham Lake Chamber of Commerce at Lion's Park (1220 157th Avenue NE) on June 29, 2019

Motion by Kirkham, seconded by Doyle, to approve the Consent Agenda as written. All in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

5.1 Sarah Solheid requesting a Conditional Use Permit for a Public Kennel License at 4310 139th Lane NE

Motion by Van Kirk, seconded by Kirkham, to concur with the recommendation of the Planning Commission and approve the application, as presented, by Sarah Solheid requesting a Conditional Use Permit for a public kennel license at 4310 139th Avenue NE, subject to the following conditions: paving and striping the parking lot, meeting any requirements of Coon Creek Watershed (CCWD) related to the hard surface parking lot and driveway, widening the driveway and surfacing it with Class V with the City reserving the right to require hard-surface (asphalt) in the future, complying with state building code and septic requirements as detailed by the building inspector and meeting all City, County and State requirements. All in favor, motion carried.

5.2 Tim Thomas requesting a Certificate of Occupancy to operate Appliance Solutions at 16345 Highway 65 NE

Motion by Van Kirk, seconded by Doyle, to concur with the recommendation of the Planning Commission and approve the Certificate of Occupancy as presented by Tim Thomas to operate Appliance Solutions at 16345 Highway 65 NE, subject to **striping the parking lot per City requirements, marking handicap parking spaces, constructing an eight-foot-high fence as shown on the site plan to enclose all outside storage and meeting all City, County and State requirements.** All in favor, motion carried.

6.0 **PARK AND TREE COMMISSION RECOMMENDATIONS – None**

7.0 **ECONOMIC DEVELOPMENT AUTHORITY – None**

8.0 **APPEARANCES – None**

9.0 **CITY ATTORNEY – None**

10.0 CITY ENGINEER

10.1 Approval of Change Order #1 for the upgrade of 167th Avenue NE, westerly from Lexington Avenue NE to the cul-de-sac; and Fraizer Street NE from 167th Avenue NE to 165th Avenue NE; and 165th Avenue NE from Fraizer Street NE westerly and ending in a cul-de-sac

Engineer Collins gave an update regarding the change order. Engineer Collins stated that the soils are not infiltrating the water and there needs to be a number culverts installed to help direct the water. **Motion by Johnson, seconded by Kirkeide, to approve Change Order #1 in the amount of \$61,546.58 for the upgrade of 167th Avenue NE, westerly from Lexington Avenue NE to the cul-de-sac; and Fraizer Street NE from 167th Avenue NE to 165th Avenue NE; and 165th Avenue NE from Fraizer Street NE westerly and ending in a cul-de-sac. All in favor, motion carried.**

hurry
65 me

onward
Co. Van
parking
for ed.
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electronic
sign



304.74

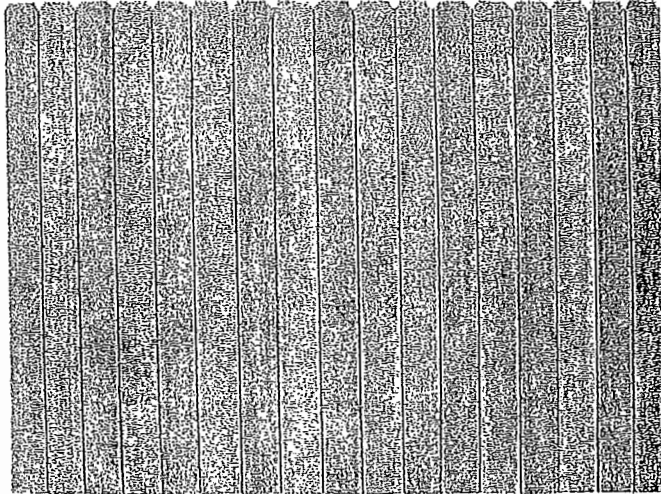
$L = 72.85$
dual 6' swing gates

$L = 174.61$
dual 6' swing gates

GARDEN STREET

6' x 8' Pressure Treated Dog Ear Fence Panel

Model Number: 1731145 | Menards® SKU: 1731145



EVERYDAY LOW PRICE \$44.97
11% MAIL-IN REBATE Good Through 4/13/19 \$4.95
FINAL PRICE \$40.02 each

You Save \$4.95 After Mail-In Rebate

Increments of 15 may be required

Additional Packaging/Handling Charges May Apply.

* Mail-In Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®.



FREE Ship To Store

165 In-Stock at FOREST LAKE
Get it as soon as 04/16/2019
[Check Another Store for Availability](#)



Shipping & Delivery

Not Available Online
Contact a store for delivery options

Description & Documents

Fence in your yard and make your property look great. This fence also provides privacy between your lot and your neighbors.

Dimensions: 6' H x 8' W

Shipping Dimensions: 96.0 H x 72.0 W x 1.25 D

Shipping Weight: 134.8 lbs

Features

- Pressure treated against termites, rot and decay
- MCA (Micronized Copper Azole)
- Pre-assembled with seventeen 5/8 x 6 wide pickets & three 2 x 3 x 8' back rails
- Posts sold separately
- Nominal size

Specifications

Please Note: Prices, promotions, styles and availability may vary by store and online. Inventory is sold and received continuously throughout the day; therefore, the quantity shown may not be available when you get to the store. This inventory may include a store display unit. Online orders and products purchased in-store qualify for rebate redemption. Mail-In Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®. By submitting this rebate form, you agree to resolve any disputes related to rebate redemption by binding arbitration and you waive any right to file or participate in a class action. Terms and conditions available at www.rebateinternational.com

9-220.9 Traditional Use Overlay Districts (TOD) TOD districts are areas that carry a CD-1 or CD-2 zoning category, but which have been specially designated for the exceptions stated in this section by reason of having historically carried on a specific land use or land uses that have involved a significant investment in infrastructure and/or buildings. Properties included in the following designation as qualifying for TOD treatment (see Article 9-220.94) were properties in the CD-1 and CD-2 zoning districts which carried an estimated value for improvements to real estate that were at least 50% of total market value on Anoka County property tax records for the year of enactment of this Article (2010), or, if contiguous parcels were owned by the same party and the aggregate of the two parcels met the above criteria, then both parcels were included for TOD treatment. If the owner of any property in a CD-1 or CD-2 zoning district that is not included in the initial designation for TOD treatment wishes to have their property included, a condition of approval will be that the owner demonstrate to the satisfaction of the Ham Lake City Council that the value of improvements on the parcel is at least 50% of the total market value expressed on County Tax records for the year in which application is made.

9-220.91 Permitted Uses, Conditional Uses and Temporary Conditional Uses

The uses detailed in Article 9-220.3 (b) and (c) shall apply to TOD districts, regardless of whether the underlying zoning in such districts is CD-1 or CD-2.

9-220.92 Exemption from Certain Building Standards

The owner of a parcel carrying the TOD designation shall not be required, as a condition of approval of any site plan or building permit, to upgrade existing facilities to meet building standards found in Articles 9-220.2(a) or 9-220.3 (a). New structures constructed on such parcels, such as expansions of existing buildings, may also be exempted from such standards on approval of the City Council if the adherence to the exterior appearance standards required by the foregoing code sections would not significantly improve the overall aesthetic appearance of the property.

9-220.93 Exemption from Certain Site Standards

The provisions of Article 9-220.1 (c), (e) and (h) shall not apply to Parcels carrying the TOD designation.

9-220.94 Designation of Specific Parcels

Parcels carrying the TOD overlay designation shall be identified by PID number, and shall include the following:

- 17-32-23-21-0009
- 17-32-23-21-0013
- 17-32-23-21-0005
- 17-32-23-12-0006
- 17-32-23-12-0007
- 17-32-23-12-0008
- 20-32-23-42-0004
- 20-32-23-13-0011

9-140 Certificates of Occupancy

A *Certificate of Occupancy* is a certificate issued by the Ham Lake Building Official which allows a particular parcel to commence being used for a particular purpose, after having met all requirements of City Codes governing such usages. All *Certificates of Occupancy* which were in existence as of the *Enactment Date*, shall be recognized as valid and current. Excepting certain agricultural buildings and land uses which cannot be required to obtain building permits or *Certificates of Occupancy* by virtue of superseding Minnesota statutes, all land uses shall require the issuance of a *Certificate of Occupancy* prior to their commencement. Excepting non-material changes as described in Article 9-150.2, the City Council shall review and act upon all *Certificates of Occupancy* requested in areas zoned CD-1, CD-2, CD-3, CD-4, I – 1, I-P, and in any mercantile portion of a PUD, after review by the Planning Commission, and may attach conditions to the issuance of a *Certificate of Occupancy*.

9-150 Changes in Usage or Occupancy and Accessory Uses

9-150.1 Non Conforming Uses A *non-conforming use* is a land use which, by virtue of its having been in existence at the time of a code change, is not currently compliant with any provision of the City Code. A *non-conforming use* may continue to exist, but, except in the limited conditions described below, may not be altered (except to effect repairs restoring the pre-existing condition) or expanded unless to a conforming use. If a *non-conforming use* is abandoned or not used because of unrepaired damage for any period of twelve consecutive months, it shall no longer be permitted to exist in a non-conforming status.

A residential dwelling (and ancillary features on the lot) located in a zoning district that does not include residential uses as a permitted or conditional use may be structurally altered to expand the residential use, provided that:

- a. No such alteration would tend to preclude the construction of future commercial service roads that are likely to be constructed over the parcel in the future; and
- b. The livability requirements of this code relating to ISTS and other space will continue to be met on the upland portion of the lot, and
- c. The expansion requires no variances from setback regulations; and
- d. The alteration is not intended to nor will it promote usage of the structure for multiple-family housing.

Notwithstanding the foregoing language, a parcel containing a structure originally constructed as a single family dwelling in areas zoned CD-1, CD-2, CD-3 or CD-4 that converts to a non-residential use may return to use as a single-family dwelling if the non-residential use terminates. This exception to the normal non-conforming use limitations applies only to structures that were in existence as of January 1, 2014.

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
CD-1-2-3 & 4, B-1, B-2	• 6-12 feet	• 6-12 feet	• 6-12 feet
I-1, I-2	• 6-12 feet	• 6-12 feet	• 6- 12 feet

- 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.

11-250 Residential District Fences. The following conditions shall apply in the R-1, RS-1 and PUD zoning districts:

- (1) No fence shall be erected in any front yard to a height in excess of four (4) feet, nor in any other location to a height in excess of six (6) feet.
- (2) On corner lots in all districts, no fence or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: Beginning at the intersection of the projected curbing lines of two intersecting streets, thence twenty (20) feet along one property line, thence diagonally to a point twenty (20) feet from the point of beginning on the other property line, thence to the point of beginning.
- (3) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress/egress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress/egress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principle structure. In those instances where a property contain ponds or Public Works needs to access the property for stormwater management purposes, the gate or ingress/egress point shall be a minimum of ten (10) feet in width.
- (4) Fences on the corner lots must receive special consideration from the Ham Lake Building Official to assure site safety before a Building Permit is issued. This review may require the applicant to pay an additional fee if extraordinary means need to be taken to ascertain impacts (i.e. consultation by a Traffic Engineer).
- (5) Lakeshore properties shall be considered on both lakeside and roadside to be frontyards. In lakeside frontyard of lakeshore properties a maximum of twenty (20) feet of privacy fence can be erected from the rear of the home. Beyond

twenty (20) feet a four (4) foot fence, not of opaque material may be erected to extend no further than the high water mark. In roadside frontyard of lakeshore properties shall meet the residential frontyard requirements.

- (6) No fence shall be constructed of plastic mesh, snow-fence lath, chicken-wire, or any other metal except for wrought iron or chain-link.

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.