

**PLANNING COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, April 28, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Randy Bauer  
  Commissioner Bruce Anderson  
  Commissioner Cheri Gengler  
  Commissioner Tom Hunt (arrived at 7:10p.m.)  
  Commissioner Eric Peters  
  Commissioner Gary VanScoy  
  Commissioner Brian Walker

Members Absent:                   None

Also Present:                       City Planner Brian McCann  
  Planning Manager Todd Larson  
  Senior Planner Chris Anderson  
  Community Development Dir/Deputy City Admin Brian Hagen  
  City Council Liaison Matt Woestehoff

**1.     CALL TO ORDER**

Chairperson Bauer called the regular meeting to order at 7:00 p.m.

**2.     PLEDGE OF ALLEGIANCE**

Chairperson Bauer led the group in the Pledge of Allegiance.

**3.     CITIZEN INPUT**

Chairperson Bauer introduced the newest member of staff.

Planning Manager Larson introduced himself and provided information on his previous experience in planning.

No other comments from residents.

**4.     APPROVAL OF AGENDA**

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Gengler, Peters, and Walker. Voting No: None. Absent: Commissioner Hunt.

## **5. CONSENT AGENDA**

### **5.01: Approve the March 24, 2022 Planning Commission Meeting Minutes**

Motion by Commissioner Walker, seconded by Commissioner Peters, to approve the consent agenda as presented.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Walker, Peters, Anderson, Gengler, and VanScoy. Voting No: None. Absent: Commissioner Hunt.

## **6. COMMISSION BUSINESS**

### **6.01: Appoint Chairperson and Vice Chairperson of the Planning Commission**

Chairperson Bauer opened the floor for nominations for the position of Chair.

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to nominate Randy Bauer, as Chairperson of the Planning Commission.

There were no other nominations.

Motion by Commissioner Anderson, seconded by Commissioner VanScoy, to appoint Randy Bauer, as Chairperson of the Planning Commission.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, VanScoy, Gengler, Peters, and Walker. Voting No: None. Absent: Commissioner Hunt.

Chairperson Bauer opened the floor for nominations for the position of Vice Chairperson.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to nominate Cheri Gengler as Vice Chairperson of the Planning Commission.

There were no other nominations.

Motion by Commissioner Peters, seconded by Commissioner Anderson, to appoint Cheri Gengler as Vice Chairperson of the Planning Commission.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, Anderson, Gengler, VanScoy, and Walker. Voting No: None. Absent: Commissioner Hunt.

## **7. PUBLIC HEARINGS/COMMISSION BUSINESS**

## **7.01: Public Hearing: Consider Request for a Home Occupation Permit at 6131 Green Valley Road NW (Project No. 22-118); Case of J. Hill Container Company**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:05 p.m.

### **Presentation**

City Planner McCann presented the staff report stating that staff recommends that the Commission recommend denial of the requested Home Occupation Permit. The proposal exceeds the standards set in Ordinance #22-06 regarding allowed number of employees and the “dispatch center” nature of the business.

Commissioner Walker asked the definition of dispatch center by the City.

City Planner McCann reviewed the definition within City Code.

Commissioner Walker stated that at the last meeting a Home Occupation Permit was approved for a food truck and asked how that would be different than this box truck leaving the site to make deliveries.

City Planner McCann replied that the proposed items for the food truck would be stored inside whereas these items would be stored outside. He stated that the food truck would leave the site Friday and return on Sunday (two round trips per week), whereas this request would generate many more daily trips.

Senior Planner Anderson stated that in the case of the food truck, everyone resides onsite whereas with this request there would be employees that do not live onsite coming to the site to transport materials offsite.

### **Citizen Input**

Jeff Hillman, applicant, stated that the use of dispatch center seems weird to him as it is not used as a dispatch center but is used as more of a warehouse. He commented that there is not a business being run out of the site at this time but there are boxes and raw materials stored onsite. He stated that his driver drops off or picks up items to bring to the other location in Elk River. He stated that he has had his company for over 15 years and has been able to grow the company from a small part-time business in a small garage to a full-time business. He commented that it is a difficult business to grow, which is maybe why it is not that familiar. He stated that this property was ideal because of the space. He stated that the business is not operating out of the site, but he does store overflow material on the property. He commented that he is unfamiliar with the process of the application and therefore projected future growth on the application. He stated that currently there is one full-time employee but, on the application, he checked up to four as perhaps he would need more employees in the future. He stated that when he purchased the property from the previous owner, the seller stated that his desire was to sell the property to a small business owner and

therefore did not think there would be a problem with using the potential of the property. He commented that he would like to work with the City to find a solution to what he has found out could be a problem. He stated that he would be happy to comply with whatever rules are necessary. He commented that last spring he received a complaint related to outdoor storage and he worked with staff to bring the site into compliance. He stated that at that time he told staff he did not have a business running on his property but did have a business in Elk River that he would like to transition over and was not told it would be a problem.

Chairperson Bauer commented that once a Home Occupation Permit is obtained, a business could be operated from the property. He explained that the Commission would need to review what is being done currently and what he would like to do on the property. He asked for clarification on what is being done in Elk River, what is being done on the property currently, and what he would like to do on the property in Ramsey in the future.

Mr. Hillman replied that they take corrugated sheets of cardboard and cut them to a certain size, putting slots into the cardboard. He stated that a person then assembles the material into dividers that are used in different boxes, such as the dividers in beer boxes. He stated that there is a small box machine that makes boxes that are then hand glued together. He commented that manufacturing activity occurs in Elk River. He stated that he is storing some of the overflow raw products at his property in Ramsey. He explained that he has been forced to purchase larger lots of the raw materials because of impacts from COVID.

Chairperson Bauer commented that the manufacturing portion of the business occurs in Elk River and the storage of materials occurs in Ramsey. He asked if there would be intent to combine the functions.

Mr. Hillman commented that eventually he would like to bring the manufacturing component to his property in Ramsey as well. He stated that he currently has one full-time employee and one part-time employee. He commented that he does have personal items stored within the building as well and therefore would not foresee using that 100 percent for his business. He stated that he was advised to request a continuance to continue working with staff but would prefer to hash it out with the Commission if possible. He stated that this would be the next steppingstone in his business plan and if the business were to continue to grow past the capacity of the property, he could then look at commercial property. He noted that his business is not yet that profitable to support that step, which is why he is before the Commission tonight. He noted that there are other businesses near his home and his business would not generate a lot of noise.

Commissioner Gengler asked if the applicant's property in Elk River is also a residential property.

Mr. Hillman confirmed that the Elk River property is also residential.

Commissioner Walker asked for information about the items that are sitting outside.

Mr. Hillman replied that one of the first complaints he received for the property was related to outdoor storage. He stated that his father-in-law had a farm in Wisconsin and when that property was sold, he allowed him to store some items on his property until he found another property. He

stated that his father in-law has purchased property in Minnesota and is constructing a storage building and those items will be moved to that property.

Commissioner Walker asked if there is any manufacturing occurring on the Ramsey property.

Mr. Hillman confirmed that there is not manufacturing occurring in Ramsey at this time and is only storing excess materials but would eventually like to combine both functions onto the Ramsey property.

Commissioner Gengler asked for details on the vehicles on the property and those that come and go associated with the business. She stated that some of the comments from residents relate to heavy equipment and vehicles coming and going.

Mr. Hillman replied that they use a dock truck and the companies that they sell their product to use a semi-truck or dock truck. He commented that some of those businesses bring materials to the Ramsey location for drop-off. He commented that noise from equipment could be the use of a skid loader or forklift to move items around. He stated that there is racking inside the building.

Commissioner Gengler asked if there would be semitrucks coming and going to the Ramsey property to pick up orders if the manufacturing were moved to Ramsey.

Mr. Hillman replied that would be correct and estimated that would occur perhaps one or two per day with a maximum of three or four per day.

Kelly Schmidt, 6000 177<sup>th</sup> Lane, stated that the applicant has had his business in Elk River and noted that Elk River does not track CUPs or HOPs. She stated that this is not a home startup business as it is well established business. She commented that the website for the business shows the Ramsey address. She stated that the applicant knew the requirements, ignored them, and operated illegally until caught. She stated that this would place a full on running and established business into a backyard. She believed that the City should follow enforcement for Code violations rather than directing the violator to apply for permissions. She stated that Green Valley Road is in need of maintenance and commented on the dangerous S curve nearby. She asked that a traffic study would be done before considering the request. She noted that if this were approved it would add another HOP within 350 feet of a recently forced HOP. She stated that Councilmember Howell used the logic that property values would increase as a result of the gun shop business in the neighborhood but that is not what the residents have been told by realtors. She stated that the realtors encouraged the residents to sell now while they can before more HOPs change the character of the neighborhood. She stated that the existing residents did not choose to move into an area that allows commercial activity. She asked how residents working night would be able to sleep during the day when there is commercial activity occurring. She stated that two properties that abut this subject property have disabled children and the noise from the site triggers those children. She encouraged the City to review its process for HOPs and require certified surveys and to limit the types of businesses that can operate from a home. She commented that corrugated material is highly combustible and asked if the building would be sprinkled. She commented that the property should also be inspected because there are two horses buried on the property.

Senior Planner Anderson commented that any HOP would have a provision that would provide the City with the legal right to inspect the property with notice to the property owner. He commented on the enforcement ability that staff would have if there were issues.

Charles Lattery, 17646 Saint Francis Boulevard, commented that his property abuts the east side of the subject property. He stated that he met the Hillmans when they moved in, and they have been quiet and kept to themselves. He commented on the loud banging mentioned by the previous speaker. He stated that the property owners made unstable ground stable in order to make a drivable surface to the pole barn. He noted that class five material was laid and once that was finished the noise stopped. He noted that work was done within the allowed hours of City Ordinance noting that the property owners were respectful of neighbors during that time. He stated that he has lived on his property for 18 years. He stated that many people are working from home now following COVID and asked how the excessive FedEx and UPS trucks making deliveries to homes is different than this family trying to support themselves through their small business. He stated that the CEO of Medtronic started out of a two-car garage, you have to start somewhere as an entrepreneur. Denying this permit would crush this family's dreams. He stated that he has no complaints, the Hillmans have been great neighbors and have been respectful.

Carl Blookhouse, Elk River resident, stated that he is the applicant's father-in-law and commented that Mr. Hillman is a respectable man that works well with people. He stated that they work with high school kids on occasion which gives them something positive to do as well. He commented that the machinery on the Ramsey property is his and will be moving to his new property as previously mentioned. He agreed that the noise was from the gravel that was put onsite to improve the driving surface. He stated that they have been operating out of the two-car garage for 20 years and have never had any complaints. He stated that they do not hear any noise from the trucks coming to the site that would be different than any general traffic noise from 47. He stated that he is not aware of any traffic issues on Green Valley Road but has noticed accidents further up 47. He commented that they would not be generating any noticeable traffic that would be different than Amazon deliveries or deliveries to the greenhouse business.

Ronald Trail, 6025 Green Valley Road, commented that he lives on the corner of 47 and the traffic is unbearable, and he has seen accidents. He commented that at no time, did any person accessing the subject property account for those issues. He stated that perhaps one vehicle comes to the site per day with the exception of a delivery vehicle such as Amazon. He commented that there is one truck that leaves the site and comes back later in the day. He commented that is the truck of the applicant. He noted that he has only noticed maybe one delivery vehicle per day. He stated that he has a large patio door that looks at the subject property and he is home most days as he is retired. He commented that there are no disturbances caused by this applicant. He stated that the disturbances are caused by the greenhouse, noting that he counted 85 vehicles in the lot for that business at 3:30 today, including 22 or 23 trucks. He stated that business has outgrown its 40 acres and has expanded into the 30-acre lot next door. He stated that the traffic and problems are from the greenhouse business. He stated that Green Valley Road is one mile from 47 to Nowthen Boulevard and there are probably 1,000 vehicles per day, noting that he counted ten vehicles in one minute this morning. He commented that people have been killed at that intersection, but this family is not the cause, and they are helping the neighborhood. He referenced a complaint that people are moving to the area to get away from the bright lights, but they actually moved towards

the lights because of the greenhouse business. He commented that the issues are not caused by this family or their business. He asked the Commission to approve the request. He asked the complaints that were made to the applicant's property.

Chairperson Bauer commented that anyone running a business from their home without a permit would receive a complaint. He stated that in the case such complaint is made, staff encourages the person to submit an application and go through this process.

Mr. Trail commented that he has lived in his home for 22 years and once the Hillmans moved in, all their complaints against the previous property owner were resolved. He stated that they are happy to have the Hillmans as neighbors and would like to see them be able to operate their business.

Ashley Walsh, 60100 177<sup>th</sup> Lane NW, commented that she lives across from the subject property. She stated that they purchased their property looking for a quiet neighborhood as her son is autistic and nonverbal. She stated that the noise coming from the subject property has been greatly downplayed in this meeting. She stated that there has been a lot of noise and the last few summers her son is crying when he hears the machinery, and they have to go back inside. She felt that a level of peace and tranquility has been lost. She was happy to learn the machinery would be leaving as it is unsightly to look at. She believed people should do their due diligence when purchasing property to ensure everything is done legally. She believed the applicant should be held accountable for not having the proper permits before operating his business.

Chairperson Bauer commented that the applicant has stated that he is manufacturing in Elk River and warehousing in Ramsey but would eventually like to manufacture in Ramsey as well. He asked if that would be allowed to occur if this were approved without any conditions that would prohibit that activity.

City Planner McCann stated that if certain conditions are placed that align with future expansion that should be acceptable.

Chairperson Bauer asked if the HOP could be granted to only allow warehousing and not manufacturing.

City Planner McCann confirmed that could be done and noted that if desired, the applicant could apply for an amended permit in the future if there was a desire to move the manufacturing to the site.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to close the public hearing.

Further discussion: Mr. Trail referenced the last speaker who complained about noise. He stated that if there is noise going out it must only be going in one direction as he lives closest to the property with no trees between the properties whereas the other properties that abut the subject property would be sheltered with trees.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Peters, Anderson, Gengler, Hunt, and Walker. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 8:00 p.m.

### **Commission Business**

Chairperson Bauer noted that during the public comments the newest member of the Commission arrived, Tom Hunt, and welcomed him.

Commissioner VanScoy asked staff to pull up the address on Google maps with the satellite view as the GIS is dated imagery. He noted that a truck terminal was listed in the documents but noted that he does not see that on the site. He noted that there is significant parking on the northeast. He noted that the site appears to be setup for large vehicle traffic and asked how that fits into the narrative of one truck per day.

Commissioner Walker commented that he believes that the trucks seen in the photo from Google maps are the farm trucks of the father in-law.

Carl Blookhouse commented on the multiple trucks that he currently has on the property. He noted that he was temporarily storing those vehicles on the site when he sold his farm in Wisconsin and they will be moved to his new Minnesota property once his building is completed. He confirmed that those vehicles are his personal equipment that was moved from his farm.

Commissioner VanScoy referenced the parking pad and asked staff for details.

City Planner McCann commented that in the current format the parking pad does not meet the recently updated ordinance.

Commissioner Hunt asked what would constitute as dispatch.

City Planner McCann stated that they previously reviewed the definition within City Code and repeated that definition.

Commissioner Hunt asked if it would be employees that are dispatched.

City Planner McCann confirmed that it would be the employees and materials.

Commissioner Anderson asked if there is fire suppression in the buildings.

Mr. Hillman replied that they have fire extinguishers throughout the building.

Commissioner Anderson commented then the applicant would rely on typical fire response if there were a fire. He asked why the applicant does not want to stay in Elk River.

Mr. Hillman replied that he would like to stop paying rent for the smaller property in Elk River and operate out of this larger property. He noted that would also eliminate the need to bring materials from one site to the other and would provide him with additional control as he cannot be in both locations at one time.

Commissioner Anderson stated that if the entire operation were moved to Ramsey, he would ask how the material would be partitioned to help prevent a fire.

Mr. Hillman commented that could be something they could figure out.

Commissioner Anderson asked the applicant what the number would be if there were a limit on the number of vehicles coming in, including customers.

Mr. Hillman replied that the maximum he would anticipate would be four vehicles per day, whether those are semi, dock, or UPS trucks.

Commissioner Anderson asked the business hours.

Mr. Hillman stated that he would request 8 a.m. to 5 p.m. but would be negotiable if needed.

Commissioner Anderson stated that the application notes truck storage outside and asked the number.

Mr. Hillman replied that the dock truck would be stored outside and possibly a 40-foot trailer. He noted that the dock truck would leave the site during the day to make deliveries or pickup material and then would return later in the day.

Commissioner Anderson commented that there would also be restrictions placed upon the number of vehicles that could be stored/parked at the property.

Commissioner Peters asked if the opinion of the Fire Marshall can be obtained on whether the building would need to be sprinkled. He noted that he just worked in a building in Ramsey last week that was not sprinkled because it was grandfathered in unless there was an expansion. He commented on the high cost to add sprinklers to a building, noting an estimate of about \$250,000.

Senior Planner Anderson replied that if the use of a building changes, that requirement could come into play.

Commissioner Gengler asked staff to pull up the zoning map.

Commissioner Anderson asked if the City Fire Chief has looked at the building.

City Planner McCann did not believe that has been done.

Senior Planner Anderson referenced a previous discussion Commissioner Anderson had with the applicant related to the number of trips and noted that the applicant estimated deliveries and noted that employees should also be counted.

Mr. Hillman commented that he only has one employee and estimated seven including deliveries and the employee.

Commissioner Walker commented that the applicant is also including Amazon and other delivery vehicles in that number and did not believe those would be counted if they were going to a home as Amazon could be delivering a product ordered by the home.

Commissioner Anderson commented that he would not count Amazon and those delivery vehicles as every home has those.

Commissioner Walker commented that in terms of a traffic count it would seem to be two trucks (semi or dock) and three for the employee.

Commissioner Anderson clarified that all those things need to be written down in the case the Commission supports the request.

Commissioner Walker agreed but wanted to ensure Amazon and those types of deliveries are not counted.

Chairperson Bauer referenced a property that is blacked out on the map and asked if that is wetland.

City Planner McCann replied that is the PUD zoning district.

Chairperson Bauer asked the specifics on the PUD.

City Planner McCann was unsure. He noted that it appears to be residential.

Senior Planner Anderson replied that is a PUD, but he is confident it was residential deviation from Code. He stated that about a decade ago there was a HOP request from the property at 6160 that was denied.

Commissioner Walker suggested a motion noting that he would be open to suggestion on additional conditions.

Commissioner Anderson suggested that the applicant work with staff to define the number of trips, hours of operation, and that there be inspection by the Fire Chief to determine if modifications would be necessary to support manufacturing.

Commissioner Walker stated that he would agree with the first two conditions but would be opposed to the condition requiring inspection by the Fire Chief. He stated that if the manufacturing is moved over the applicant could come back and make that request and that could be brought in at that time.

Commissioner Anderson replied that he would want review by the Fire Chief because this is cold storage, and it is unknown as to what could spark a fire. He noted that recommendations could be made that may or may not need to be done in preparation for moving the manufacturing portion.

Commissioner Walker agreed.

Motion by Commissioner Walker, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #22-085 Approving a Home Occupation Permit for a Container Business at 6131 Green Valley Road NW, directing the applicant to define the number of trips, business hours, and inspection by the Fire Chief to determine if changes are necessary to support manufacturing.

### **Further discussion**

Commissioner VanScoy commented that it seems this use is inappropriate in a residential area, and he is concerned with allowing warehousing with the intent to move to manufacturing. He stated that an HOP is a place to start but when a business reaches this point it should look at alternatives. Commissioner Gengler agreed with Commissioner VanScoy noting that this sounds like a well-formed business enterprise and would not be appropriate in a residential area. Commissioner Walker commented that if the business employed 15 or 20 people, he would agree, but this is two or three employees, and they would like to operate on their own property. He hoped that the business would outgrow this and then find another location in Ramsey to grow the business. He stated that he supports assisting a small business in reaching the next step. Commissioner VanScoy stated that he appreciates the intent but disagrees with this use in this area.

Motion Failed. Voting Yes: Commissioners Walker, Peters, and Anderson. Voting No: Chairperson Bauer, Commissioners Gengler, Hunt, VanScoy. Absent: None.

Motion by Commissioner Walker, seconded by Commissioner Peters, to recommend that City Council adopt Resolution #22-085 Approving a Home Occupation Permit for a Container Business at 6131 Green Valley Road NW for the purposes of warehousing only at this time.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Walker, Peters, Anderson, Peters, and Walker. Voting No: Commissioners Gengler, Hunt, and VanScoy. Absent: None.

Senior Planner Anderson stated that this is a recommendation that will go forward to the City Council. He noted that under this motion, if adopted by the Council, if the applicant desired to add manufacturing they would need to come back and request an amendment to the HOP which would follow a similar process.

**7.02: Public Hearing: Consider Request for an Amended Conditional Use Permit to Expand an Existing Natural Gas Substation at 7607 173<sup>rd</sup> Avenue NW (Project No. 22-119); Case of CenterPoint Energy**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 8:25 p.m.

### **Presentation**

Senior Planner Anderson presented the staff report stating that staff recommends approval of the Amended Conditional Use Permit for expansion of the natural gas substation on the subject property. The footprint of the natural gas substation is not changing, there would just be additional equipment installed on the site. There is sufficient maneuvering area for a tanker truck to enter the site, fill the storage tank and exit back onto 173<sup>rd</sup> Avenue without disrupting traffic. Personnel would be on site any time flaring occurs and said occurrence would only occur during regular, daytime business hours, reducing the visible light from the flare to a nearly non-detectable light source.

### **Citizen Input**

Dustin Daniels, CenterPoint Energy, stated that staff did a good job explaining the intention. He stated that today this is property owned by CenterPoint and Northern Natural Gas supplies gas to them at this location. He provided details on previous activity and noted that this would replace old, outdated infrastructure to properly handle the equipment. He stated that the smaller company owned vehicles would come to the site to be filled by the tank, estimating four trips per month in the winter and maybe two trips during the remainder of the year. He stated that because of the unseasonably cold year they are having a fourth fill this year but noted that in his previous years in his position there were only three fills.

Joseph Christian, 7631 172<sup>nd</sup> Ln NW, stated that he has concerns with the gas in the tank and whether it would be toxic or poisonous.

Mr. Daniels provided details on the odorant blend that is used by CenterPoint and within the tank. He stated that there is a natural gas blanket that sits on the top of the gas and natural gas is pushed into the tank to build pressure and push the odorant out into the truck. He stated that they then burn off that gas in flaring rather than releasing it into the air. He noted that it is a clean burn, so it rids the odorant. He provided background details on the use of odorant with natural gas and on the product. He stated that if spilled on the ground there would be a larger concern with the smell than toxicity. He noted that if it were spilled it is easily absorbed by materials kept onsite.

Mr. Christian commented that the chemical is explosive and can explode under pressure. He stated that it is also a carcinogenic and reviewed other information he found online. He stated that he has concern with this being stored near his home and loaded into trucks three to four time per year. He stated that his neighbor has lung issues and is also near the site. He also commented on the proximity to the wetlands. He stated that the work that was done on the site the last time drained the swamp and then once work was completed the water returned and flooded a neighboring property.

Mr. Daniels commented on the work that was referenced and asked when that occurred.

Mr. Christian replied that the work was done about one year ago.

Mr. Daniels replied that Northern Natural replaced line and piping from their facility which then goes west along the edge of the wetland. He noted that the digging was five to ten feet in depth and there would have been dewatering in those trenches. He could not speak to what happened with the neighboring property but noted that was not CenterPoint. He stated that this project would be surface level with the exception of putting in supports for the tank. He commented that this is a vapor and is flammable. He was unsure the odorant that the resident looked up online but provided the Chevron SDS that is used. He also provided details on studies that have been done and that can be supplied if desired.

Chairperson Bauer asked if staff requested those reports.

Senior Planner Anderson stated that staff did not make that type of request as those concerns were not raised by the development review team. He noted that the Commission could make that a condition if desired. He noted that the project from one year ago was maintenance and the WMO issued the proper permits for dewatering. He was not aware of any concerns or complaints made upon completion of the project.

Commissioner VanScoy asked if there is anything about the use that is unusual or unique to this location.

Mr. Daniels replied that there is nothing unusual or unique about the location, but it is good use of property they own. He noted that the use of these tanks are industry standard, and these would be above ground storage tanks, therefore a diking system would be used to ensure containment could occur.

Mr. Christian asked for details on who looked into the application and the requested chemical.

Senior Planner Anderson stated that the development review team includes staff from planning, economic development, building, engineering, public works, fire department and police. He stated that any land use application is routed through all those departments for review and comment. He stated that the Fire Department did not have any concerns other than the permit for above ground storage tank that would include the diking system.

Mr. Christian asked if the name of the chemical was known prior to tonight.

Senior Planner Anderson confirmed that information was included in the application.

Mr. Christian asked if anyone would like this tank behind their home.

Motion by Commissioner Peters, seconded by Commissioner VanScoy, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, VanScoy, Anderson, Gengler, Hunt, and Walker. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 8:50 p.m.

### **Commission Business**

Motion by Commissioner Peters, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #22-093 Granting an Amended Conditional Use Permit to Expand the Substation with an Odorant Storage Tank and Associated Equipment.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Peters, VanScoy, Anderson, Gengler, and Hunt. Voting No: Commissioner Walker. Absent: None.

### **7.03: Public Hearing: Consider Resolution #22-083 Approving a Variance for 16165 Olivine Street NW (Project No. 22-115); Case of Charles Hansen**

### **Public Hearing**

Chairperson Bauer called the public hearing to order at 8:51 p.m.

### **Presentation**

City Planner McCann presented the staff report stating that staff feels that the variance request is reasonable, unique and meets the criteria for a variance and therefore recommends adoption of Resolution #22-083 approving a variance allowing a detached garage nearer the front property line than the home at 16165 Olivine Street NW.

Commissioner VanScoy asked for clarification on the statement that the placement which would comply with the setback would interfere with the septic system.

City Planner McCann stated that there is a requirement that outlines setbacks from portions of septic systems, including the drain field. He noted that there are no other viable locations on the property that would not interfere with the septic system elements.

Senior Planner Anderson replied that the setback from the tank is 10 feet and 20 feet from the drain field. He noted that the City also discourages driving over any of the plumbing that goes from the house to the tank to the drain field. He noted that a vehicle would drive over the piping of the system if in another location.

Commissioner VanScoy asked how the garage would be accessed.

City Planner McCann stated that a driveway is not proposed to provide connection in the plan.

### **Citizen Input**

Charles Hansen, applicant, stated that he would access from the south of the building, off the existing driveway.

Chairperson Bauer asked why the long side is running parallel to the road rather than having the short side parallel to the road. He asked if that would better meet the requirements.

Mr. Hansen replied that if the building is pushed back to the front of the primary structure there would be no way to fall within the setback guidelines for the septic system elements along with additional tree clearing that would be needed. He stated that he does not plan to have a separate driveway from the street because of a line of mature oaks that he would like to keep and the location of power lines. He acknowledged that one of the main reasons for the front setback is for the appeal of the neighborhood and noted that he plans to include architectural elements to compliment the house and look nice.

Commissioner Anderson asked if the drain field is a mound system or normal underground drain field. He asked where that would be moved if the system failed and the age of the drain field.

Mr. Hansen replied that it is an underground drain field from 1992. He stated that it was inspected in 2018 when they bought the property and was up to Code and proper at that time. He stated that if there were a failure, he would hopefully utilize that area, if possible, for the field.

Commissioner VanScoy commented that it looked like the building could be moved back to meet the requirements, but to access the building it would require driving over the septic piping, so he now understands the need.

Motion by Commissioner VanScoy, seconded by Commissioner Gengler, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Anderson, Gengler, Hunt, Peters, VanScoy, and Walker. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 9:03 p.m.

### **Commission Business**

Motion by Commissioner Gengler, seconded by Commissioner Peters, to Adopt Resolution #22-083 Granting a Variance to Setbacks for a Detached Garage at 16165 Olivine Street NW.

### **Further discussion**

Commissioner Anderson commented that he will support the request but believes that it could create a problem if there were a failure of the drain field as the building would occupy usable space. Chairperson Bauer noted that it could be dug up and replaced in the same location.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Gengler, Peters, Anderson, Hunt, VanScoy, and Walker. Voting No: None. Absent: None.

**7.04: Public Hearing: Consider Request for a Conditional Use Permit to Exceed Accessory Building Square Footage Allotment at 18055 Saint Francis Boulevard NW (Project No. 22-114); Case of Trevor and Ashley Nordick**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 9:05 p.m.

**Presentation**

Senior Planner Anderson presented the staff report stating staff recommends approval of the Conditional Use Permit, with the contingency that the membrane-type structure is removed and/or converted to a more “permanent” type of structure and one of the smaller accessory buildings is removed altogether from the subject property. The proposed use (indoor horse-riding arena) seems reasonable based on the zoning and guidance of the subject property. The applicant has stated that it would be compatible in color with the dwelling and based on existing conditions, it would be somewhat screened from public view (especially considering the speed limit on Saint Francis Boulevard). The total number of detached accessory buildings could be addressed via the Conditional Use Permit. He noted that one written comment was received.

Commissioner VanScoy asked why a CUP is being used rather than a variance.

Senior Planner Anderson replied that an oversized accessory building is allowed through CUP in the R-1 district.

**Citizen Input**

Trevor and Ashley Nordick, applicants, were present to address any questions.

Chairperson Bauer referenced the current structures and membrane structure. He asked what is stored in the membrane structure.

Mr. Nordick replied that firewood is stored in that structure. He commented that he has 11 cord of firewood and did not believe that would be desired in the riding arena.

Commissioner VanScoy referenced the accessory buildings onsite and asked if one is planned to be removed.

Mr. Nordick stated that one of the deals they made with the seller of the property was to allow them to store things in that accessory building for a set period of time. He stated that the sellers are working to remove those items and then that structure will be removed.

Commissioner Gengler asked the applicant for thoughts on possibly reducing accessory structures.

Mr. Nordick stated that they could also remove the firewood shed and put a tarp over the wood. He stated that the home was originally built in 1912 with a barn that the tack is currently stored in.

He stated that he has contemplated removing that but struggles with that because it is over 100 years old.

Commissioner Gengler commented that the proposed structure is attractive and very large. She asked if any of the other items being stored outdoors could then be stored indoors.

Mr. Nordick replied that they do not. He commented that riding the horses requires a fair bit of space and that is what the new structure would be used for.

Community Development Director/Deputy City Administrator Hagen stated that when it was mentioned that the firewood could be covered with a tarp, he would imagine a blue tarp and therefore in terms of aesthetics it would seem preferable to instead make that membrane structure more permanent.

Commissioner Walker asked if the property in Nowthen was included, the number of outbuildings would then be compliant.

Senior Planner Anderson replied that would be true with the exception of the riding arena.

Commissioner Walker asked if the applicant has checked the regulations of Nowthen related to membrane structures.

Mr. Nordick stated that he brought that membrane structure from his last house.

Commissioner Walker suggested moving it to the Nowthen side of the property.

Mrs. Nordick agreed that is a good idea.

Chairperson Bauer believed that the Nowthen property is already being factored in.

Senior Planner Anderson clarified that technically the Ramsey property is noncompliant with five buildings and moving one of those would bring it into compliance and the CUP could then allow for the riding arena for a total of five detached buildings on the Ramsey property.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Gengler, Hunt, Peters, and Walker. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 9:25 p.m.

### **Commission Business**

Commissioner Walker stated that he completely supports this request, noting the weather conditions and the benefit of indoor riding for horses. He commented that there are trees on every side of the proposed structure, and he did not see a reason this should be denied.

Motion by Commissioner Walker, seconded by Commissioner Anderson, to recommend that City Council adopt Resolution #22-084 Granting a Conditional Use Permit to Exceed the Allowable Square Footage for Detached Accessory Buildings on the Subject Property and number of structures.

### **Further discussion**

Commissioner VanScoy asked for clarification on the number of structures. Commissioner Walker stated that his understanding was to allow one more than they currently have. Chairperson Bauer commented that allowing one more than they currently have would provide the flexibility to keep them all plus the riding arena and it is understood that one structure will be removed. Commissioner Anderson asked and received clarification that there is no intention for this to be a commercial riding arena and will only be used by friends and family.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Walker, Anderson, Gengler, Hunt, Peters, and VanScoy. Voting No: None. Absent: None.

### **7.05: Public Hearing: Consider Request for a Conditional Use Permit for an Oversized Accessory Building at 16501 Jarvis St NW (Project No. 22-113); Case of Allen Skogquist**

#### **Public Hearing**

Chairperson Bauer called the public hearing to order at 9:30 p.m.

#### **Presentation**

City Planner McCann presented the staff report stating staff recommends adoption of Resolution #22-082 approving the Conditional Use Permit for an oversized accessory building addition, contingent upon compliance with conditions outlined in the said resolution and any others identified by the Planning Commission.

#### **Citizen Input**

Allen Skogquist, applicant, stated that he has 12,000 square feet in one structure which is a barn built in 2019 and the home was built in 2020/2021.

Chairperson Bauer stated that the application indicated a use for personal storage. He asked what would be stored that would require that much space.

Mr. Skogquist stated that his home is slab on grade and a large portion of the barn is a gathering space/man cave. He stated that he does not store items from other people to be stored on his

property and the items he has within the structure are all his own. He stated that he has three boys that race snowmobiles, and he has large trucks with a large gooseneck trailer. He provided details on the other equipment that he has in order to maintain his property. He stated that he likes to have the equipment to complete the work himself. He noted that he has 127 acres in total and has trails and plants food plots for deer. He stated that he signed an agreement with the City that there is no home business on his property. He stated that he intends to stay on the property for the remainder of his life.

Commissioner VanScoy asked if there is agricultural use.

Mr. Skogquist stated that he plans to plant five-acre food plots in different areas and also has five goats that he has been moving to control buckthorn.

Commissioner Gengler asked for clarification on the proposed location for the structure.

Mr. Skogquist stated that his property was just staked and noted that the structure would be almost parallel to the barn but moved up ten feet.

Commissioner Gengler asked if there are any driveways planned for access.

Mr. Skogquist stated that he does not need to do anything as there is a concrete apron slab in front of the existing barn and crushed gravel that exists to provide access in that location.

Motion by Commissioner Walker, seconded by Commissioner Peters, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners Walker, Peters, Anderson, Gengler, Hunt, and VanScoy. Voting No: None. Absent: None.

Chairperson Bauer closed the public hearing closed at 9:40 p.m.

### **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Walker, to recommend that City Council adopt Resolution #22-082 Approving the Conditional Use Permit for an Oversized Accessory Building Contingent Upon Compliance with the Conditions.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Walker, Anderson, Gengler, Hunt, and Peters. Voting No: None. Absent: None.

### **8. COMMISSION / STAFF INPUT**

Chairperson Bauer invited Commissioner Hunt to introduce himself.

Commissioner Hunt apologized for the delay today and introduced himself.

Community Development Director/Deputy City Administrator Hagen asked the remaining members of the Commission that have not responded to be please do so in response to requests for availability for a joint meeting. He also provided an update on the application and interview process for the Zoning Code Enforcement Officer position. He anticipated a start date of early June.

Commissioner Walker stated that he will not be present for the May meeting.

Chairperson Bauer noted that he and Commissioner VanScoy would have to step down from the PACT request which will be at the May meeting, therefore he would need to ensure at least four other members of the Commission would be attending.

Community Development Director/Deputy City Administrator Hagen asked that Commissioners let him know this week if they will be unable to attend as staff would need to move the meeting up one week in that case and would need to provide notice for the public hearing.

## **9. ADJOURNMENT**

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Anderson, Gengler, Hunt, Peters, and Walker. Voting No: None. Absent: None.

The regular meeting of the Planning Commission adjourned at 9:46 p.m.

Respectfully submitted,

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Brian Hagen  
Deputy City Administrator/Community Development Director

ATTEST:

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Nicole Laubach  
Planning Administrative Assistant

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*