

OAK GROVE PLANNING COMMISSION

Regular Meeting

April 20, 2023

Chairperson Johnson called the Regular Meeting of the Oak Grove Planning Commission to order at 7:00 p.m. on Thursday, April 20, 2023. Roll call was taken.

Present: Brad Johnson Joel Tjepkes
Guy Farah Darrel Untereker
Alan Hall Marshal Anson

Also Present: Angie Bray Johnson, City Council Member
Loren Wickham, City Administrator
Jessica Rieland, City Clerk

Via Zoom: Chuck Schwartz, City Engineer

APPROVAL OF FEBRUARY 16, 2023, MEETING MINUTES

MOTION: Commissioner Untereker moved, second by Commissioner Hall, to approve the February 16, 2023, minutes as submitted. All in favor.

FINAL PLAT

1. Smith Grove Third Addition

Chair Johnson noted that the average lot size for the third addition is smaller than what is required for developments. However, it was not caught until now and will not affect this project because with the three phases combined, the development meets the 2.5-acre average lot size requirement.

Clerk Rieland read the staff memo stating that on July 15, 2021, the Planning Commission held a public hearing to review the preliminary plat of Smith Grove. At the conclusion of the hearing, a conditional recommendation of approval was made to the City Council. The City Council adopted Resolution 21-088 approving the preliminary plat of Smith Grove on July 26, 2021. Per the City Code, the Planning Commission must review the final plat for conformance to the preliminary plat. If the final plat conforms, a recommendation of approval should be made to the City Council. The City Council approved Resolution 21-105 approving the final plat of Smith Grove on August 30, 2021 and Resolution 22-135 approving the final plat of Smith Grove Second Addition on September 26, 2022.

This is the third and final phase of the Smith Grove project. The applicants are proposing to plat 11 SFR lots in Smith Grove Third Addition.

City Staff did not find any deviations from the preliminary plat to the final plat. Staff recommends approval of the final plat of Smith Grove Third Addition.

Motion: Commissioner Tjepkes moved, second by Commissioner Untereker that the Planning Commission recommends to the City Council approval of the Final Plat of Smith Grove Third Addition.

The motion passed 6-0. This item will be on the May 8, 2023, City Council Agenda.

PUBLIC HEARINGS

1. Variance – Nick and Dana Houwman, 20465 Zea St NW

Chair Johnson read the public hearing notice for Nick and Dana Houwman.

The following exhibits were reviewed and are on file:

- Exhibit 1 – Public Hearing Notice
- Exhibit 2 – Application for Variance
- Exhibit 3 – Staff Memo
- Exhibit 4 – Survey

Clerk Rieland read the staff memo stating that Dana & Nick Houwman request approval of a variance to construct an accessory structure closer to the front lot line than their home by 46.2 feet. The Houwman's home is located approximately 40 feet from the rear lot line which does not provide sufficient space to construct an accessory building behind the principal structure. The Houwman's propose adding a 1,200 square foot detached accessory building northwest of their home. Placing an accessory structure closer to the front lot line than the principal structure on a property is prohibited by Section 109-194 (d) of the City Code. This provision exists to prevent an accessory structure from becoming the focal point of the property. Due to the location of the home, the proposed accessory structure will be closer to the road but not become the focal point of the property. All other dimensional standards such as front and side setbacks for the single-family residential zoning district can be met.

Nick Houwman, 20465 Zea Street NW, stated that he would like to build an accessory building for outdoor storage, but the location of the home presented practical difficulties to meet the setback requirement.

Public Comment:

Chair Johnson opened the meeting for public comment. No comments were made, and the public comment section was closed.

Chair Johnson noted that Staff received an email of support from one of Mr. Houwman's neighbor.

The following findings were reviewed:

1. The subject property is zoned Single Family Residential (SFR)
2. Nickolaus & Dana Houwman own the subject property according to Anoka County Tax Records.
3. The subject property is approximately 2.03 acres according to Anoka County.
4. Section 109-48 (a) of the Oak Grove City Code allows for the granting of variances in cases where the "property owner proposes to use the property in a reasonable manner not permitted by a zoning requirement; the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential character of the neighborhood."
5. The property owners propose to use the property in a reasonable manner.
6. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
7. The variance will not alter the essential character of the neighborhood.
8. The variance request is reasonable and meets the city's criteria.
9. The applicants have identified practical difficulties and meets the requirements for granting a variance.
10. The exhibits submitted for the review of Applicant's Variance application are as follows:

- Exhibit 1 – Public Hearing Notice
- Exhibit 2 – Application for Variance
- Exhibit 3 – Staff Memo
- Exhibit 4 – Survey

MOTION: Commissioner Farah moved, second by Commissioner Untereker that based on the ten findings the Planning Commission recommends to the City Council approval of the Variance for Nick and Dana Houwman for a Variance to build an accessory structure closer to the front lot line than their home.

The motion passed 6-0. This item will be on the May 8, 2023, City Council Agenda.

2. Conditional Use Permit (CUP) – Anoka County Highway Department, Viking Blvd NW

Chair Johnson read the public hearing notice for Anoka County Highway Department

The following exhibits were reviewed and are on file:

Exhibit 1 – Public Hearing Notice

Exhibit 2 – Application for Conditional Use Permit

Exhibit 3 – Description and site plan submitted by the applicant

Exhibit 4 – CSAH 22 (Viking Blvd NW) Rum River Bridge Replacement S.A.P. 002-622-036 prepared by HDR on behalf of Anoka County

Exhibit 5 – Staff Memo

Exhibit 6 – Anoka County CSAH 22 (Viking Boulevard NW) Bridge Conditional Use Permit (CUP) Memo from City Engineer Chuck Schwartz dated April 4, 2023

Administrator Wickham read the staff memo stating that the applicant is applying for a Conditional Use Permit (CUP) to reconstruct the Viking Blvd NW Bridge crossing the Rum River - a Wild and Scenic River.

The Rum River is designated as Wild and Scenic through Oak Grove and the city has ordinances controlling river land development to protect and preserve the outstanding *scenic*, recreational, natural, historical, and scientific values of the Rum River in Oak Grove, Minnesota, in a manner consistent with Minnesota *Wild and Scenic Rivers Act*.

Brett Voth with HDR Engineering, and Dan Frey with Anoka County Highway Department, provided an overview of the reconstruction project.

Chair Johnson inquired if the county would support the city by creating a sign redirecting the public to the approved access points along the river. He also inquired if they would be able to provide No Parking signs for that section of Viking Blvd NW.

Mr. Frey replied that the county would provide No Parking signs for that area.

Public Comment:

Chair Johnson opened the meeting for public comment.

Penelope and Bob Coons 4249 Viking Blvd NW voiced concern about the trees being removed from the Right of Way (ROW) along their front lot line and asked that they be replaced. She noted that in 1980 her parents gave additional land for the county ROW and without the trees there the road noise will increase.

Chair Johnson asked if the Coons would be open to other types of screening if they are unable to plant trees there again.

Mrs. Coons replied yes, they would be open to other types of vegetation being planted.

Mr. Coons suggested building a taller retaining wall as well.

Hearing no further comment, Chair Johnson closed the public comment section.

Engineer Schwartz noted that it is the city's decision to post permanent No Parking signs along the road from Blackfoot St NW to Rum River Blvd NW. He encouraged the commission to make a recommendation to the council to have Anoka County install No Parking signs along this section of Viking Blvd NW.

Council Member Bray Johnson stressed the importance of replacing the trees on the Coons property or working with them to find an alternative screening option.

Chair Johnson inquired about the grooves being installed on the bridge and if they were considering the amount of noise it would create along this section of Viking Blvd NW.

Mr. Voth replied that he would ask the bridge engineer about the deck design to find out more information.

The following findings were reviewed:

1. Anoka County is reconstructing a portion of Viking Blvd NW (CSAH 22) including the replacement/construction of a bridge crossing the Rum River – a Wild and Scenic River in the City of Oak Grove in 2023-2024.
2. The project is State Aid Project (SAP) 002-622-036.
3. The existing Bridge is No. 02519
4. A drawing titled CSAH 22 (Viking Blvd NW) Rum River Bridge Replacement S.A.P. 002-622-036 prepared by HDR on behalf of Anoka County was submitted as part of the application packet.
5. A Public Waters Work Permit – Permit 2022-3535 was granted to Anoka County Highway Department for the project.
6. A 10' multi-use trail will be constructed on the north side of the bridge.
7. Section 109-336.c lists Public roads, subject to the provisions of section 109-339. 109.339.d requires a Conditional Use Permit (CUP) for the County project.
 - (d) Public roads.
 - (1) Construction or reconstruction permits. In addition to such permits as may be required by Minn. Stats. § 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Rum River land use district. Such construction or reconstruction shall be subject to Minn. Rules pts. 6105.0190 and 6105.0200.
 - (2) Definition. The term "public roads" includes county and municipal roads, streets and highways that serve or are designed to serve flows of traffic between communities or other traffic-generating areas. A conditional use permit is not required for minor public streets, which are streets intended to serve primarily as an access to abutting properties.
8. The exhibits submitted for the review of Applicant's Conditional Use Permit application are as follows:
 - Exhibit 1 – Public Hearing Notice
 - Exhibit 2 – Application for Conditional Use Permit
 - Exhibit 3 – Description and site plan submitted by the applicant
 - Exhibit 4 – CSAH 22 (Viking Blvd NW) Rum River Bridge Replacement S.A.P. 002-622-036 prepared by HDR on behalf of Anoka County
 - Exhibit 5 – Staff Memo
 - Exhibit 6 – Anoka County CSAH 22 (Viking Boulevard NW) Bridge Conditional Use Permit (CUP) Memo from City Engineer Chuck Schwartz dated April 4, 2023
9. The proposal meets the requirements of the Oak Grove City Code, to be permitted with conditions.

Motion: Commissioner Farah moved, second by Commissioner Anson, that based on the nine findings, the Planning Commission recommends to the City Council approval of the Conditional Use Permit (CUP) – Anoka County Highway Department with the following conditions:

1. Anoka County will post this section of Viking Boulevard NW as *No Parking* subject to city designation.
2. Anoka County will post signage related to nearby river access following the project.
3. Anoka County will come to an agreement with the property owners of 4249 Viking Blvd NW, PID 19-33-24-43-0008 to replace the screening that is removed during wall installation to dampen highway noise and to maintain the wild and scenic feel of the property.
4. Anoka County will work with the local snowmobile trail club for signage and trail stewardship along the bridge.

The motion passed 6-0. This item will be on the May 8, 2023, City Council Agenda.

3. Conditional Use Permit – Mike Straus, 855 Sims Rd NW

Chair Johnson read the public hearing notice for Mike Straus.

The following Exhibits were reviewed and are on file:

- Exhibit 1 – Public Hearing notice
- Exhibit 2 – Application for Conditional Use Permit
- Exhibit 3 – Description and site plan submitted by the applicant
- Exhibit 4 – Aerial photograph of the subject property
- Exhibit 5 – Staff Memo

Mike Straus 19531 Tri Oak Circle, East Bethel presented his plan for VisionQuest Campground.

Clerk Rieland read the staff memo stating that the applicant is applying for a Conditional Use Permit (CUP) for VisionQuest Campground. Campgrounds are not specifically listed in the code and that typically means the use is prohibited. The city added Outdoor Commercial Recreation to the code in 2015 and they left it general and broad so the city could make an interpretation on what that use shall cover.

Engineer Schwartz noted that he has no engineering concerns at this time.

Commissioner Anson asked if the proposed campsites would be in the same locations as the previous sites. Mr. Straus replied no, the previous sites were not identified when he purchased the property.

Commissioner Tjepkes asked for more information on the dump station and petting zoo.

Mr. Straus replied that he planned on constructing one dump station and installing a bathroom in the existing building. He added that the petting zoo would develop overtime and that he currently plans on raising pheasants in the fenced area that is already there.

Commissioner Tjepkes inquired if the petting zoo would be year-round and if the animals would be kept outdoors or indoors.

Mr. Straus replied yes it would be year-round and that he would construct a shelter for the animals. He noted that there are preexisting sheds on the property.

Commissioner Tjepkes asked if the Department of Health regulates petting zoos.

Administrator Wickham replied yes, they do.

Commissioner Farah asked if the applicant would establish roads throughout the campground.

Mr. Straus replied that there are gravel roads throughout the property, and he will be adding more gravel to improve the condition of them.

Commissioner Farah asked what type of campers he plans on accommodating.

Mr. Straus replied that RVs and camping trailers would be allowed.

Commissioner Hall asked how the applicant proposes to enforce the alcohol-free policy. He voiced concern about wild animals being included in the petting zoo. He also inquired if the pads for the campsites will be gravel and he asked how the electricity and water will be incorporated into the sites.

Mr. Straus replied that the pads will be gravel and he will provide electricity and water to the campsites along the east side of the lake. He added that he has not made any decisions on what type of animals will be part of the petting zoo.

Commissioner Untereker voiced concern about the enforcement of the alcohol-free policy. He noted that he lives north of the subject property and in the past, there were issues with parties and noise not being managed properly.

Mr. Straus replied that he plans on having a retired couple stay on the premises and he would have a zero-tolerance policy regarding alcohol consumption. If people do not comply with the alcohol policy or quiet hour, they will be asked to leave.

Commissioner Untereker noted that tree maintenance is needed on the property.

Chair Johnson thanked the applicant for going through the sketch plan review process and incorporating the commission's recommendations into his plan. He voiced concern about the areas where the screening from the neighbors is thin and inquired if he plans on having activities on the north end of the property.

Mr. Straus replied that there would not be campsites on the north end of the property. However, there are walking paths and the disc golf course runs to the north.

Chair Johnson inquired if campers would be allowed in the northern part of the property after 8:00 pm.

Mr. Straus replied no, the campers would not be allowed to go there during quiet hours (8:00 pm – 8:00 am). He added that he would consider installing a fence along the property lines.

Council Member Bray Johnson asked how he plans to regulate alcohol use? She asked if tents will also be allowed and what types of animals will be part of the petting zoo. She inquired if he had a marketing plan and if he had someone to help run the business.

Mr. Straus replied that he will allow tents and the types of animals are undecided at this time. He does not have a marketing plan and he intends to hire a Camp Post to manage the campground and stay on the property. He plans to list the campsites online for people to make reservations.

Council Member Bray Johnson inquired if the property lines were marked and if it was part of his business plan to ensure campers stay within the property lines.

Mr. Straus replied that there are maps of the property already posted and the property lines are marked.

Public Comment:

Chair Johnson opened the meeting for public comment.

Weston Rolf 1107 Sims Rd NW voiced concern about enforcing the alcohol-free requirement of the campground. He also voiced concern about having 30 campsites and the number of people that it may attract and the noise it would generate. He asked if campers would be allowed to use generators. He also asked if pets are allowed. He stressed the importance of filling in the holes of the business plan to answer the many questions residents may have. He voiced support for finding a way to make this work for the community.

Kim Starr 21250 Sycamore St NW noted that she has lived in the area since 1984 and there has been a history of problems in the neighborhood.

Chair Johnson asked if the problems occurred on the subject property.

Ms. Starr replied no, the ongoing issues are caused by the property to the west.

She noted that when the previous owner would have disc golf tournaments, the participants were not properly managed, and it affected the neighboring properties.

Ms. Starr voiced concern that the activity at the campground would cause more problems in the neighborhood.

Craig and Linda Fish 21401 Vail St NW voiced concern that the activity at the campground would disrupt the quality of life in the neighborhood based on their experience with the previous owner and the disc golf course participants. Mr. Fish requested that a Camp Host be on-site 24-hours a day during the camping season.

Neil Solberg 860 Sims Road NW voiced concern about the noise generated from the property. He noted that in the past, he has had to pick up debris in the ditch caused by the activity at the subject property.

Terry Homberger 21360 Vail St NW noted that his two main concerns are the uncertainties of what will happen at the campground and the lack of supervision and proper management of the site.

Gayle Houberger 21360 Vail St NW voiced concern about pond maintenance and excessive use of ATVs.

Lisa Shroeder 21720 Cedar Dr NW voiced concern about the noise that carries over the marsh to the properties to the north. She suggested planting trees for screening. She noted that she is not opposed to the campground but would like the residents and business owner to work together to form a plan that works for the whole community.

Chair Johnson asked Mr. Straus if he plans to keep the disc golf course open.

Mr. Straus replied that it would remain open for the campers to use but would not be open to the public.

Jamie Pariseau 21216 Cedar Dr NW voiced support for the applicant but voiced concern about the number of campsites. She inquired if there was a plan B for the property if the campground does not get approved.

Chair Johnson replied that this area is guided toward rural residential and that a Single Family Residential (SFR) development could be built in this location in the future.

Mark Starr 21250 Sycamore St NW voiced concern about the drinking and the noise that go along with a campground. He suggested tabling the application to give everyone more time to think about the proposal.

Suzanne and Ron Herman 809 Sims Rd NW asked about the activities that would be available for the campers such as playing frisbee golf, driving golf carts and ATVs, having bonfires, listening to music, etc. Mrs. Herman asked if pets would be allowed, and she suggested installing a retaining wall for screening.

Mr. Herman voiced concern about the volume of voices and the foul language that has been used by the disc golfers in the past.

Mr. Straus replied that the campers would be allowed to play frisbee golf and drive golf carts. They would also be allowed to bring their pets.

Hearing no further comment, Chair Johnson closed the public comment section.

Commissioner Untereker stressed the importance of not letting fear of what could happen impact the decisions being made about the current application. The issues regarding the previous owner and the property to the west should not be held against Mr. Straus. He voiced support for finding a way to make the campground work for the community because the alternative to this would be more housing.

Chair Johnson asked Mr. Straus to clarify his plan to enforce the campground rules. He also inquired if a Camp Host would be present 24 hours a day, seven days a week.

Mr. Straus replied yes, he plans on having the Camp Host stay at the campsite 24/7. He also replied that he would work on developing a more detailed business plan.

Commissioner Hall requested more information on the rules and regulations of the campground. He stressed the importance of having a detailed business plan.

The commission is in favor of tabling the application to allow Mr. Straus more time to prepare a detailed business plan.

The findings were reviewed:

1. The subject property is zoned Agriculture (A).
2. The subject property is 48.75 acres, according to Anoka County GIS.
3. Michael J. Straus is the owner of the subject property according to Anoka County Tax Records.

4. Section 109-92 (d) of the City Code lists all the uses that require a conditional/interim use in the A District and Outdoor Commercial Recreation is listed here.
5. The exhibits submitted for the review of Applicant's Conditional Use Permit application are as follows:
 - Exhibit 1 – Public Hearing notice
 - Exhibit 2 – Application for Conditional Use Permit
 - Exhibit 3 – Description and site plan submitted by the applicant
 - Exhibit 4 – Aerial photograph of the subject property
 - Exhibit 5 – Staff Memo
6. The proposal meets the requirements of the Oak Grove City Code, to be permitted with conditions.

Motion: Commissioner Farah moved, second by Commissioner Tjepkes to table to application until the May 18th meeting.

4. **Storm Water Pollution Prevention Program annual meeting to receive public input.**

Engineer Schwartz read the staff memo stating that the MS4 permit, and Storm Water Pollution Prevention Plan (SWPPP) outlines the steps the City of Oak Grove will take during the permit cycle of five years to reduce stormwater pollution and is commonly referred to as a SWPPP, which is required by the State Clean Water Act. The Minnesota Pollution Control Agency (MPCA) is the statutory agency authorized to issue the permits, review the SWPPP and ensure compliance with the State mandates.

The purpose of this public hearing is to hold an annual meeting to receive public opinion on the adequacy and effectiveness of the SWPPP. A copy of the MS4, SWPPP, and 2021 annual report will be available at the public hearing. The 2022 annual report will incorporate any comments received and all additional required documentation prepared before submittal to MPCA.

Public Comment:

Chair Johnson opened the meeting for public comment. No comments were made, and the public comment section was closed.

Engineer Schwartz noted that they are working on a few ordinance revisions to meet the requirements of the MS4 permit.

SKETCH PLANS

5. **Tracy Hoffman**

Tracy Hoffman 22520 Poppy St NW stated that she interested in purchasing a parcel of land that abuts her property but there is no access to it. She noted that they currently have a purchase agreement for the land that is contingent on gaining access to the parcel.

Administrator Wickham read the staff memo stating that Don Girtz represented Ms. Fjerstad the owner of the property at the November 2022 Planning Commission Meeting. They were trying to get access to the back lot. The back lot lacks road frontage and is considered unbuildable. It appears the lot was split in 1987 but there is no record of it being approved by the Township. The same issues exist for the lot to the north PID: 05-33-24-41-0003. Administrator Wickham noted that Ms. Hoffman is the only person that would be able to grant access to this lot and she is here to find out how to accomplish that.

Engineer Schwartz mentioned that the subject property has zero road frontage and per the city code, it would require 300' of frontage or 100' of frontage on a cul de sac.

Chair Johnson asked how she intends on using the property.

Ms. Hoffman replied that her daughter and son-in-law plan on building a home there.

Chair Johnson noted that the code states that to approve access to PID: 05-33-24-41-0007 the owner would also need to provide access to PID: 05-33-24-41-0003 so that neither parcel remains land locked.

Engineer Schwartz confirmed that one of the requirements of subdividing this property is to provide access to the north lot.

Administrator Wickham mentioned that Ms. Hoffman is the only resident that would be able to provide access to both lots. He also noted that the applicant is not proposing a subdivision. She is proposing to grant access to this parcel via the parcel she owns that abuts the Poppy Street NW Cul de sac.

Ms. Hoffman inquired about the cost of providing access to the lots.

Engineer Schwartz replied that the temporary cul de sac would need to be removed and the road would need to be extended and then they would have to establish another temporary cul de sac.

Chair Johnson noted that the code dictates that if the parcels have separate owners, the road will need to be extended. If the parcels are owned by the same person, they would have more options to consider.

Administrator Wickham added that this is an existing lot and would not require a minor subdivision. However, granting access without extending Poppy St. NW would require a variance from the road frontage requirement.

Engineer Schwartz voiced concern about the parcel to the north remaining landlocked.

Engineer Schwartz inquired if there are any shared driveway agreements in the city.

Administrator Wickham replied no, not to his knowledge. He noted that they have issued Right of Way (ROW) Use agreements in the past where right of way exists with undeveloped roadway. Administrator Wickham noted that without road frontage, these parcels are considered unbuildable lots.

Cory Rudnitski, RE/MAX Advantage Plus, noted that at the past planning meeting they discussed granting an easement from the cul de sac to the lot line of PID: PID: 05-33-24-41-0007 or granting access from the east off Lake George Blvd NW. He noted that they spoke with Anoka County, and they agreed to grant access to the back lot through a shared driveway.

Administrator Wickham replied that even if they gained access from Lake George Blvd NW, they would still need a variance for the road frontage.

6. Vitaliy Bak

The commission thanked Vitaliy for his patience.

Vitaliy Bak 20539 Lake George Blvd NW stated that he purchased his home a couple of years ago and has been working to improve the property. He noted that he would like to change his address and move his driveway from Lake George Blvd NW to Kerry St NW. He would also like to construct a 30' x 60' accessory building closer to the front lot line than his house. Mr. Bak inquired about applying for a variance.

The commission advised him to build his garage first and then in the future he could change his driveway location. This would allow him to move forward with his plans without a variance.

Administrator Wickham noted that he would call Mr. Bak to help him through the process.

DISCUSSION ITEMS

7. IUP Revocation

Administrator Wickham provided an update on the Ted Thull IUP Revocation and noted that it will be on the May 18th agenda.

Commissioner Farah mentioned that he ran into Wayne Lee at church recently and suggested that the commission recognize him for his years of service at an upcoming meeting.

Administrator Wickham replied that the Mayor and Council recognized Wayne Lee's service at a council meeting shortly after he resigned, and it was also included in the City Newsletter.

ADJOURNMENT

Commissioner Farah motioned to adjourn, second by Commissioner Tjepkes. All in favor.
The meeting was adjourned at 11:11 p.m.

Respectfully Submitted,
Jessica Rieland
City Clerk