

OAK GROVE PLANNING COMMISSION
Regular Meeting
July 20, 2023

Chairperson Johnson called the Regular Meeting of the Oak Grove Planning Commission to order at 6:30 p.m. on Thursday, July 20, 2023. Roll call was taken.

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

Absent: Marshal Anson

Also Present: Angie Bray Johnson, City Council Member
Loren Wickham, City Administrator
Joseph Sathe, Assistant City Attorney
Chuck Schwartz, City Engineer
Claire Michelson, Planner from MSA
Paul Tradewell, City Council Member

APPROVAL OF MAY 18, 2023 MEETING MINUTES

MOTION: Motion made by Commissioner Tjepkes, second by Commissioner Farah, to approve the May 18, 2023, minutes as submitted. All in favor.

SKETCH PLANS

1. Tony Olejar – 2242 213th Lane NW

Administrator Wickham read the staff memo stating Mr. Olejar would like to rebuild a garage on his property not meeting the front and side yard setback. The property currently has a detached accessory building and house that is rented out. He could rebuild the exact same garage on the exact footprint without a variance because it is a legal non-conforming use. He would like to build it larger (30'x40') and move it closer to the 213th Lane NW gravel road and encroach on the road setback. The lots in this area around Lake George are old platted lots that don't meet the City's current standards for lot size. Mr. Olejar wants to construct an accessory building without a house on it. He wants to construct a 2,400-3,000 square foot accessory building but the max for his lot size is 1,200. Both requests require a variance.

Tony Olejar, 2242 213th Lane NW, stated the road is a dead-end and nothing will be built behind it. He added he maintains the road and believes it could be feasible to construct an accessory building.

Chair Johnson explained that the Planning Commission has typically allowed reconstruction to the degree of what was previously there regarding set back. He added that they typically do not approve anything that is in the right-of-way.

Commissioner Hall noted it would be difficult to get approval if the garage was moved toward the right-of-way and suggested relocating the garage to a pad and attaching it to the house in order to make it larger.

Chair Johnson asked City Engineer Chuck Schwartz if the City would be interested in selling back the right-of-way given that it does not have any practical value for the City. Engineer Schwartz replied they would not be interested since they may be utility easements. Chair Johnson asked if it would be a good candidate to test to turn back procedure to benefit the land owner and would not cost the City much. Engineer Schwartz noted there would additional expenses to look into it such as getting it surveyed, and the exhibits. Chair Johnson suggested getting a cost estimate to the applicant.

Chair Johnson explained to the applicant his options including the normal permit process by doing the same footprint for the structure, the variance process, or get approved for a bigger lot. Mr. Olejar replied that he would like to pursue the option of getting approved for a bigger lot through the City. Administrator Wickham noted he would check with the Public Works records to see if it was a viable option.

Chair Johnson noted on the parcel ending in 0069 the applicant would like to request a 2,400-3,000 square foot accessory building where the standard is 1,200 square foot.

Commissioner Untereker asked Mr. Olejar why he would like to make the request. Mr. Olejar replied he would like build a shed in order to have more space. He noted he would like to build a home but was told that he would not be able to hook up to sewer and water due to capacity limits. Administrator Wickham explained the City could add more capacity. He reviewed previous variances that were allowed and noted that many of the parcels had a home on it.

Chair Johnson stated the Planning Commission would be willing to entertain a conforming sized dimension and setback without a house but would not approve if it was non-conforming. He added there are no maximum size garage requirements.

Mr. Olejar asked if the City would allow him to build a 1,200 square foot building without a house. Commissioner Hall replied that the City stance is clear. Commissioner Farah added he would not be in favor of it. Chair Johnson explained he would need to see if a previous resident was granted approval for the same request.

Mr. Olejar mentioned he would have someone do a survey and work with the City. Commissioner Farah suggested attaching the garage to the house in order to get a larger garage.

2. Noah Glenn – PINTV Mobile Scoreboards, TBD Tamarack Street NW

Noah Glenn, PINTV, 5651 International Parkway, New Hope, Minnesota, applicant, stated he sells his inventions of Mobile Scoreboards with an emphasis on wrestling matches, and has been operating out of a shop in New Hope, MN but needs additional space. He displayed a photo of what the scoreboards look like to the Planning Commission. He noted most schools are using the scoreboards in their schools and have five employees. He explained that there would eventually be two buildings built, but would like to complete the first on in the fall.

Commissioner Untereker asked what Mr. Glenn's intent was. Mr. Glenn replied that the intent is to close on the property in August and build a building on it but would like the Planning Commission's input and approval. He noted he would replant evergreen trees to the front of the property. He displayed the building structure to the Commissioners. There will be 1-2 semi-truck deliveries a week.

Administrator Wickham explained the requirements for exterior surfacing and read the City's requirements which explained 25% of the exterior surfacing must be faced with brick, stone, architectural concrete, recast concrete, or other material deemed equal or better.

Mr. Glenn introduced his contractor and he explained the layout was a simple draft and would make sure to meet the 25% exterior surfacing requirements. He asked which side of the building required to have the 25% exterior surfacing materials. Chair Johnson replied that 25% of the square footage is what is required and added that the north, west and east sides could include the 25% exterior surfacing materials while the south side could be left as steel.

Commissioner Hall asked if the intent was to build the first building for storage. Mr. Glenn replied that the first building would be completed at the end of October and would be to run operations. Commissioner Hall noted parking would need to be included. He suggested to be aware of questions regarding how to heat the building.

Commissioner Hall asked how hazardous materials in the building would be disposed. Mr. Glenn replied there will be no hazardous materials.

Commissioner Farah noted there was nothing listed for recycled aggregate surfaces or sidewalks for phase one. The contractor replied that they were proposing to have the civil engineer design the drain system and parking lot for both buildings. He added they would complete part of the asphalt driveway and would complete the civil portion when the second building is built. Drainage would be completed on the entire lot.

Commissioner Hall explained the Planning Commission will need to approve of each phase of the project and would not be able to guarantee that phase two would be approved. Mr. Glenn agreed and stated they were only going to apply for a permit for phase 1.

Chair Johnson asked Administrator Wickham to display the minimum parking requirements. Administrator Wickham stated it depends on the use but the Planning Commission has been reasonable about parking requirements.

Commissioner Farah asked if any visitors would be anticipated that would require additional parking spaces. Mr. Glenn replied there would be visitors to pick up the product and would not be coming at the same time.

Commissioner Anson asked how many parking spaces Mr. Glenn believed he needed. Mr. Glenn replied 10.

Commissioner Anson asked if they were aware of the screening requirements. The Commission discussed what was required in the area in the past. Mr. Glenn noted evergreen trees would be planted for screening.

Commissioner Farah asked what the hours of service would be. Mr. Glenn replied the hours would be Monday through Friday 9:00 a.m. - 5:00 p.m.

Chair Johnson explained the Commission would be comfortable with the plan if there is enough parking space for the phase one approach in order to avoid parking on the street.

Administrator Wickham noted the site plan approval would be good for one year and can request an extension for an additional year. Mr. Glenn stated he would like to complete phase two in February or March in 2024. Chair Johnson suggested having the entire site plan approved and do the permits separately.

DISCUSSION ITEMS

3. MS4 Stormwater Permit Update – Claire Michelson, MSA Professional Services

Engineer Schwartz introduced MSA Planner Claire Michelson. He explained he wanted to introduce the topic since there was an audit from PSA where they found a number of items that needed to be cleaned up since new requirements were released. A public hearing will be held in a month.

Ms. Michelson provided an overview on the updates for MS4 Stormwater permits. She noted there three items that need amendments include animal waste, bulk storage, particularly salt, and stormwater management approval plans. Some adjustments will need to be made regarding the design manual.

Ms. Michelson stated there are a number of amendments for the Upper Rum River Water Management Organization including flood plain, shore land, and wet land and will work on the amendments at the same time. The shore land ordinance requirements are currently stricter than the State and needs language that includes alignment with notifying the DNR. The flood plain ordinance could have more alignment with State law since the City does not break out flood plain and flood way.

Chair Johnson asked if any of the State policies reference the Clean Water Act or Waters of the United States policies. Ms. Michelson replied research was recently conducted.

Chair Johnson asked if the City's requirements around impoundment of water was too conservative. Engineer Schwartz replied that they follow the State requirements. Chair Johnson wondered if it would be possible for an opportunity to come up to make some changes.

Administrator Wickham noted while there needs to be changes to the code, there will not be any monetary fines.

Chair Johnson requested to move item 5 "Code Amendments Discussion" to the next item on the agenda. The Commissioners agreed.

5. Code Amendments Discussion

Administrator Wickham stated an item that needs to be cleaned up is there is an exemption in State law for the size of a shed that does not require a building permit. There were some amendments made in 2018 but it did not include all of the references. The 125 square foot references need to be deleted so that it is consistent throughout.

Chair Johnson explained in the City Code there are references for a 200 foot shed with a certain height restriction that does not require a permit. There is an opportunity to pick a standard number so the code can be consistent. He asked the Commissioners if there were any strong preferences between having a 200 or 240 square foot requirement.

Commissioner Untereker stated he prefers something bigger. Commissioner Hall noted 240 is a square

number.

The Commissioners discussed the average in other communities, and the reason for increasing the square footage.

Chair Johnson noted the City Council is in agreement that the City needs to reconsider how lots are calculated in order to make sure developers are held to the same standard as small parcel owners.

4. Audit Use Cannabis Update – City Attorney

Administrator Wickham explained that Assistant City Attorney Joseph Sathe would outline what the options were and the direction. Due to timing issues, a moratorium was put into place last year and will expire in September. The Council will host a public hearing on July 31, 2023 for the draft ordinances and would like the Planning Commissions feedback and input before then.

Assistant City Attorney Joseph Sathe stated it is appropriate to have the City Council hold the public hearing instead of the Planning Commission because neither of the two proposed ordinances include zoning aspects and are more focused on business regulations.

Chair Johnson asked to explain why there was no zoning involved in the proposed ordinances. Assistant Attorney Sathe explained the two ordinances will prohibit cannabis products. He added there are two different products that are involved which are cannabis and hemp. He recommended to take actions soon in order to allow a thoughtful process instead of having to react. Cities are allowed to prohibit cannabis businesses for 18 months which would be until January 1, 2025.

Chair Johnson asked if the law would be subject to litigation due to inconsistencies in the language. Assistant Attorney Sathe replied the inconsistency in language is in regards to hemp products.

Assistant Attorney Sathe mentioned the City Council will be looking at a cannabis business moratorium, which would be in effect until January 1, 2025 and a permanent prohibition on hemp products which would ban the sale of hemp products until the State begins issuing licenses. Both of these options would allow time for the City to decide how to move forward.

Assistant Attorney Sathe stated cities will be able to implement zoning, setback and buffer restrictions. The bill currently has restrictions of 1,000 feet from school and 500 feet from a daycare or residential treatment facility or an attraction in a public park that is regularly attended by minors. The same authorization is not the same for hemp products.

Assistant Attorney Sathe explained the licensing process for hemp and cannabis products. The State will issue licenses for all of the products and the City would have no licensing authority since they are doing a prohibition. He noted for cannabis related licenses, the State will issue the license and the City will have 30 days to determine if it meets all of the requirements.

Assistant Attorney Sathe stated the City could decide to limit the amount of cannabis related retails in the City. He explained the County has regulations on how many retails there can be in the County. Chair Johnson noted Anoka County's regulation is to have 29 retailers. Assistant Attorney Sathe stated the regulation does not limit cultivators, manufactures and transporters.

Chair Johnson asked if there was any guidelines regarding a cultivator's business impacting someone else's enjoyment of their own property. Assistant Attorney Sathe replied that there are nuisance standards but there is not complete clarity on what it will continue to look like.

Assistant Attorney Sathe stated there was no action required from the Planning Commission but would continue to provide updates.

Chair Johnson noted there may be businesses operating illegally currently. He asked if compliance would be looked at in commercially zoned businesses. Assistant Attorney Sathe explained both of the ordinances include what a violation is and states if there is a violation, it will be reported to the cannabis office of management which could affect the ability to receive a license in the future.

Chair Johnson noted the Planning Commission would need to continue to define what a place is and the perimeter is, particularly when it comes to daycares. He stated his opinion is to look at the parcel boundary it resides in instead of the address point since children may congregate in a different section of the parcel than the front door.

Assistant Attorney Sathe noted that there is not clarity on the definition of an institution. He added that churches are not automatically included in the zoning requirements, but if there is a daycare of school operating out of it than it qualifies. He recommended not treating a religious institution different than other institutions and to instead focus on where people congregate, particularly minors.

Chair Johnson asked if there was any communication from the League yet. Assistant Attorney Sathe replied the website has some information. He stated the State website mentioned that it is possible that retail will not occur until the first quarter of 2025 however it also stated that the rules may not be drafted an enforceable until the beginning of 2025. The messaging from the League is until the State issues the licenses, the anticipation is that the State will defer to local government.

Assistant Attorney Sathe mentioned the Planning Commission can address the sign code in the future.

Chair Johnson asked if a new business could prohibit a daycare from opening near it if it was there first.

Commissioner Hall asked Council Member Bray Johnson what the outcome was for bringing up the item of increasing the size of accessory buildings and lots. Council Member Bray Johnson replied it is still being discussed with the City Council and would be an agenda item in a future meeting. Chair Johnson stated the Planning Commission would be happy to help.

ADJOURNMENT

Commissioner Hall made a motion to adjourn, second by Commissioner Tjepkes. All in favor. The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Loren Wickham
City Administrator