

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, APRIL 26, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, April 26, 2021 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Kyle Lejonvarn, Erin Dixson, Dave Ringler, Scott Heaton, Jonathan Fisher, and Jeff Entsminger

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** City Engineer, Tom Collins and Building and Zoning Clerk, Jennifer Bohr

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

**PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was recited by all in attendance.

**APPROVAL OF MINUTES:**

**Motion by Ringler, seconded by Lejonvarn, to approve the minutes of the April 12, 2021 Planning Commission meeting as written. All in favor, motion carried.**

**PUBLIC HEARINGS:**

Chair Pogalz asked the audience for a show of hands on who was present for the Crosstown Rolling Acres 3<sup>rd</sup> Addition public hearing. With the majority of the audience raising their hands, Chair Pogalz stated the order of public hearings would be changed; the public hearing for Evergreen Estates Preliminary Plat will be held first.

Jim Malvin and Tim Lang, Timber Valley Development, requesting Preliminary Plat approval and rezoning for Evergreen Estates (36 Single Family Residential lots) in Section 21

Jim Malvin was present. Mr. Malvin stated the development is located in the northwest corner of 153<sup>rd</sup> Avenue NE and Xylite Street NE and will have 36 single family residential lots. Mr. Malvin stated the Anoka County Highway Department has specific requirements for turn lanes into the development and those requirements have been incorporated into plans for the plat. Commissioner Fisher completed the inspection, a copy which is on file. Commissioner Fisher stated the area is primarily open field and appears suitable for a housing development. Chair Pogalz asked Engineer Collins to comment on the development. Engineer Collins stated the plans include construction of a 10-foot-wide path on the north side of 153<sup>rd</sup> Avenue NE right-of-way from Quamba Street NE to the

west; in addition, a 15-foot-wide path easement is included on four lots adjacent to Xylite Street NE. Engineer Collins stated there will be some minor modifications to the plans as the Anoka County Highway Department (ACHD) has agreed with the Developer's analysis that a northerly extension of Radisson Road into the plat was not feasible; the outlet to the development along 153<sup>rd</sup> Avenue NE will be via right-in/right-out turns at the Quamba Street NE intersection with a westbound right turn lane at Quamba Street NE, a west bound right turn lane and an east bound left run lane at Urbank Street NE and a south bound right turn lane and a north bound left turn lane at 154<sup>th</sup> Lane NE; the ACHD will permit driveway access onto County Road 61 for Lots 1, 2, 9 and 10 of Block 5; the driveways must be located directly adjacent to the side yard drainage and utility easements shared by Lots 1 and 2 and Lots 9 and 10. Engineer Collins stated the Coon Creek Watershed District has given conditional approval of the project. Chair Pogalz stated he was surprised that the ACHD did not want to extend Radisson Road NE to the north. Engineer Collins stated ACHD did want to extend Radisson Road NE north, however, the developer was able to prove doing so was not feasible as it would require a ditch crossing and have wetland impacts on property outside of their control. Engineer Collins stated the ACHD determined the westerly access would then be Quamba Street NE which aligns with the Quamba Street NE in the Radisson Sunset Estates development directly to south of Evergreen Estates.

**Chair Pogalz opened the public hearing at 6:08 p.m. and asked for public comment.**

Brett Schneider, 15326 Yancy Street NE, stated he lives in the Harmony Estates development to the east of this proposed development. Mr. Schneider asked if there would be an outlet to Xylite Street NE and would turn lanes be added that would widen Xylite Street NE. Mr. Schneider stated he is concerned that trees on the east side of Xylite Street NE, that currently provide a buffer for road noise, would be removed.

Chair Pogalz stated there will be access to the development off of Xylite Street NE. Engineer Collins stated northbound left and southbound right turn lanes will be added; no additional grading is proposed outside of the development boundaries.

Chris Hynes, 15260 Nightingale Street NW, Andover, stated he was present representing Slyzuk Family Farms LLC, owners of the property directly north of the proposed Evergreen Estates development. Mr. Hynes asked why he hadn't seen a map of the development until now; it is difficult to have questions when the only information sent to them was the legal description of the proposed development. Mr. Hynes stated there is an access easement on the west end of the proposed plat. Engineer Collins stated the proposed development does include a stub street on northern border. Mr. Hynes stated he is concerned that construction debris will blow into the ditch on the northern border of the development and asked that a four-foot snow fence be installed to try to contain debris.

Mary Ann Slyzuk, 14124 Crosstown Boulevard NW, Andover, asked if the field road easement would be impacted by the development.

Engineer Collins stated the field road within the access easement is in the southwest corner off of 153<sup>rd</sup> Avenue NE, traversing to the north within the westerly 33-feet of the proposed plat, and the easement will remain as is; it has not been included in the livability of any of the adjacent lots. Chair Pogalz asked what the City's process was for notifying adjacent property owners of land use applications. Building and Zoning Clerk Bohr stated all adjacent property owners, within a given radius, are sent letters; the notice is published in the Star Tribune, a notice is posted on a City bulletin board, a sign is posted on the property 10 days prior to the meeting and information is on the City's website; various types of notifications include city telephone numbers the residents can call if they have questions or need additional information.

**Chair Pogalz asked for further public comment and with there being none, he closed the public hearing at 6:18 p.m.**

**Motion by Fisher, seconded by Entsminger, to recommend approval of the Preliminary Plat and rezoning to R-1 (single family residential) the development of Evergreen Estates consisting of 36 single family residential lots in Section 21 as submitted by Jim Malvin and Tim Lang of Timber Valley Development, subject to updating the plans as required by and meeting the requirements, of the Anoka County Highway Department, meeting the recommendations of the City Engineer, and meeting all City, State and County requirements. All in favor, motion carried. This item will be placed on the May 3, 2021 City Council Agenda.**

Chair Pogalz asked Mr. Malvin to speak with Mr. Lang about controlling trash and debris within the development during construction. Mr. Malvin stated he would.

Jeff Stalberger, Crosstown Development, LLC, requesting Preliminary Plat approval and rezoning for Crosstown Rolling Acres 3<sup>rd</sup> Addition (49 Single Family Residential lots) in Section 6

Jeff Stalberger was present. Mr. Stalberger stated the northwest section of the plat will have 12 lots which will outlet onto County Highway 58; the Anoka County Highway Department (ACHD) is requesting a bypass lane and a turn lane going into that section of the development. Mr. Stalberger stated the intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE will be realigned to make it safer; the intersection will have right and left turn lanes onto 7<sup>th</sup> Street NE and 173<sup>rd</sup> Avenue NE with bypass lanes in each direction on Crosstown Boulevard NE. Mr. Stalberger stated the current intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE in the southwesterly portion of the development will be closed; with the closure will be the creation of Outlots A, B and C; the Outlots will be combined with adjacent parcels to the south. Mr. Stalberger stated driveways will change for three parcels near the newly aligned intersection; the land and new paved access onto the street or highway will be done at no expense to the homeowners. Mr. Stalberger stated a three-acre park will be located northeast of the intersection of 173<sup>rd</sup> Avenue NE and Terrace Road NE. Mr. Stalberger stated endangered butternut trees have been found within the development; a permit from the DNR will be required to remove them. Mr. Stalberger stated two houses were located within the proposed third addition of the plat; both have been taken down and the sites have been cleared of debris. Chair Pogalz asked if there would be access to Polk Street NE on the

far east side of this addition. Mr. Stalberger stated there will be. Commissioner Lejonvarn asked if 7<sup>th</sup> Street NE, on the opposite side of Crosstown Boulevard NE from the new alignment of 173<sup>rd</sup> Avenue NE, would need to be changed. Mr. Stalberger stated it would not, only parts of the current temporary cul-de-sac would need to be removed along with a temporary 173<sup>rd</sup> Lane access point on County Road 58. Chair Pogalz asked Mr. Stalberger if he had met with the residents impacted by driveway changes or was tonight the first notification for them that their driveways and roadway access was going to change. Engineer Collins stated he believes Mr. Stalberger's consultant sent letters to the property owners about changes to their driveways. Commissioner Ringler completed the inspection, a copy which is on file. Commissioner Ringler stated the area is open land and trees. Commissioner Ringler stated his primary concern was street access and addressing the hazardous intersection at 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE which has been discussed.

**Chair Pogalz opened the public hearing at 6:32 p.m. and asked for public comment.**

Kelan Schuster, 17413 Polk Street NE, stated he was concerned that the intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE would be closed causing more traffic to drive by his house and wanted reassurance that it will be realigned and not closed. Mr. Schuster asked where water will drain to in the new addition and also asked who is responsible for paving existing streets.

Chair Pogalz confirmed that the intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE will be realigned and not closed. Chair Pogalz stated the City is responsible for paving existing streets unless the road is a County Road. Engineer Collins stated an overlay for Polk Street NE is scheduled for 2022; water in the new addition will drain to the west and be contained within the area of the third addition. Chair Pogalz directed Mr. Schuster to contact city staff with his concerns about road maintenance and sediment in drainage areas.

Jim Calverley, 510 173<sup>rd</sup> Avenue NE, stated he had expected more communication about the advancement of this development between 2018 and now. Mr. Calverley stated he was concerned about the closure of the intersection at 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE. Mr. Calverley asked if power poles on the north side of 173<sup>rd</sup> Avenue NE were going to be moved, what improvements are proposed for 173<sup>rd</sup> Avenue NE as the road is absolutely terrible, and is the developer going to make improvements to 173<sup>rd</sup> Avenue NE. Chair Pogalz stated this is the first time in over a year the Planning Commission has received updated information on this development; other work has been done on the project behind the scenes internally at the city; communication is not sent out until the development reaches the preliminary plat stage. Engineer Collins stated the intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE will be realigned, not closed. Engineer Collins stated the City Council's position on roads is that property owners should pay for a street once; 173<sup>rd</sup> Avenue NE has never been paid for residents who have property abutting that road. Engineer Collins stated in 2018, when the sketch plan for the overall development of Crosstown Rolling Acres was presented, and had some lots with driveways along 173<sup>rd</sup> Avenue NE, residents in the area signed a petition for upgrading 173<sup>rd</sup> Avenue NE. Engineer Collins stated the feasibility study done at that

time included projected funding to be provided by developer to improve the road; the proposed assessment to each property owner at that time was \$16,000 per parcel; the majority of the property owners rejected the assessment during a public hearing held to get input on the improvement of 173<sup>rd</sup> Avenue NE. Engineer Collins stated City Council members supported the improvement project; they felt it was not in the residents' best interest to reject the assessment but they were not going to force the street improvement on them. Commissioner Heaton asked for clarification on what part of 173<sup>rd</sup> Avenue NE would be improved with the realignment of the intersection. Engineer Collins stated new pavement would be put in place from the easterly edge of Terrace Road NE where it intersects with 173<sup>rd</sup> Avenue NE west to the intersection of 173<sup>rd</sup> Avenue NE at Crosstown Boulevard NE. Engineer Collins stated driveways along the realigned portion of the road will be paved and the improved portion of the road will have concrete curb and gutter. Engineer Collins stated there may be some realignment of power poles along the improved portion of 173<sup>rd</sup> Avenue NE; that issue will be reviewed later during the permitting and construction process.

Curtis Sharp, 700 173<sup>rd</sup> Avenue NE, stated he was one of the residents opposed to the assessment discussed in 2018 as it would have cost him \$96,000. Mr. Sharp stated 173<sup>rd</sup> Avenue NE is deteriorating, like Polk Street NE, and feels the potholes should be filled in to make the roads smoother. Mr. Sharp stated he feels road signs are needed to warn motorists of children at play and 30 mph speed limit signs should be placed throughout the development for safety of the children and residents. Commissioner Lejonvarn asked what the maintenance schedule was for dirt roads. Engineer Collins stated 173<sup>rd</sup> Avenue NE was a dirt road; reclaimed millings were placed on 173<sup>rd</sup> Avenue NE approximately twenty years ago but have since deteriorated; at some point 173<sup>rd</sup> Avenue NE will be converted back to a gravel road by reclaiming the bituminous milling surface.

Jean Rono, 609 173<sup>rd</sup> Avenue NE, asked what type of park will be located in the development, where will the park be and how will it be accessed. Ms. Rono stated there was talk of walking paths on both sides of County Road 18 at one time; will there be walking paths and where would they be located. Chair Pogalz stated land has been dedicated for a park but no specific improvements have been proposed; trails would be part of overall city and county parks and trails plan, they are not part of this development. Engineer Collins stated there may be trails in the county right-of-way someday. Engineer Collins stated a number of parking stalls have been proposed internal to the park on the easterly part of the proposed east/west Terrace Road. Ms. Rono stated cars, big trucks and semi-trucks are parking along Polk Street NE all the time; she is concerned a child will run out from behind these vehicles and get hit. Ms. Rono stated the road is not wide enough for vehicles to park be parking along the street. Ms. Rono stated the roads in the area of this development are like a freeway now with several large trucks and semis traveling on them; does the City have any restrictions on vehicle size on these roads. Chair Pogalz directed Ms. Rono to contact city staff with her concerns. Ms. Rono stated she opposed the assessment to improve 173<sup>rd</sup> Avenue NE in 2018 because she didn't feel \$16,000 was a fair amount to pay; she thought there was going to be more discussion on options to fund the improvement. Commissioner Lejonvarn reiterated that the City Council held a public hearing for improvements on 173<sup>rd</sup> Avenue NE and accepted the residents' rejection of paying an assessment to improve the road.

Debbie Calverley, 510 173<sup>rd</sup> Avenue NE, asked for clarification on where road improvements will be done in the development. Chair Pogalz showed Ms. Calverley the improvements which was the new Terrace Road NE and 174<sup>th</sup> Avenue NE through the 3<sup>rd</sup> Addition, 173<sup>rd</sup> Avenue NE west from Terrace Road NE to the newly realigned intersection at Crosstown Boulevard NE.

**Chair Pogalz asked for further public comment and with there being none, he closed the public hearing at 7:16 p.m.**

Chair Pogalz asked Engineer Collins to comment on the development. Engineer Collins stated Mr. Stalberger addressed most of the significant matters concerning the development. Engineer Collins stated the county is requiring substantial road improvements. Engineer Collins stated where 173<sup>rd</sup> Avenue NE intersects with Crosstown Boulevard NE, the road directly across Crosstown Boulevard NE is 7<sup>th</sup> Street NE; that road will extend to Crosstown Boulevard NE and an existing temporary cul-de-sac will be removed; the two side streets at that intersection will require left, through and the right turn lanes in both directions; a temporary 173<sup>rd</sup> Lane access point on County Road 58, west of Jefferson Street NE, will also be removed. Engineer Collins stated Mr. Stalberger provided information on the outlots that will be created; the developer will upgrade and pave the driveways of the three parcels affected by the intersection realignment. Engineer Collins stated the development agreement will address license agreements that are required a few lots for septic lines and a driveway crossing drainage and utility easements. Engineer Collins stated three lots require Letters of Map Amendment (LOMA) from FEMA; plans demonstrate they will not be in a flood zone; no building permits can be issued for Lot 15, Block 1 and Lots 11 and 12, Block 3 until LOMA's have been received for those lots. Engineer Collins stated two different watershed districts are involved and all requirements for both watersheds have been met. Engineer Collins stated the Upper Rum River Watershed Management Organization has some specific requirements for areas that have vegetation removed in buffer areas during construction; the development agreement will address who is responsible for the maintenance of the buffer areas. Engineer Collins stated Mr. Stalberger must obtain a permit from the DNR to remove butternut trees on the site; construction cannot commence until the City and watershed districts receive a copy of the DNR permit.

**Motion by Ringler, seconded by Lejonvarn, to recommend approval of the Preliminary Plat and rezoning to R-1 (single family residential) the development of Crosstown Rolling Acres 3<sup>rd</sup> Addition consisting of 49 single family residential lots in Section 6 as submitted by Jeff Stalberger of Crosstown Development, LLC, subject to meeting the requirements of the Anoka County Highway Department, meeting the requirements of Coon Creek Watershed District and the Upper Rum River Watershed District, obtaining FEMA letters of map amendment (LOMA) for Lot 15, Block 1, Lots 11 and 12, Block 3, obtaining a Special Permit from the DNR to remove 49 butternut trees and providing a copy of the permit to the City and the watershed districts, meeting the recommendations of the City Engineer, and meeting all City, State and County requirements. All in favor, motion carried. *This item will be placed on the May 3, 2021 City Council Agenda.***

**NEW BUSINESS:**

Classic Construction, Inc. requesting Commercial Site Plan approval to construct a 10,572 square foot daycare center at 13644 Radisson Road NE (PIN# 33-32-23-31-0006, Lot 9, Block 2 Bunker Meadows)

Steve Plienis, Project Manager for Classic Construction was present. Mr. Plienis stated they plan to construct a 10,572 square foot daycare center with playgrounds on the north and south sides of the building. Mr. Plienis stated there will be 20 staff members on duty caring for up to 110 children each day. Mr. Plienis stated the owners of the daycare center also operate centers in Andover and Hugo. Commissioner Dixon completed the inspection, a copy which is on file. Commissioner Dixon stated the location is currently a vacant lot with residential property to the west and south with trees on the southern border for screening; the site plan identifies additional trees that will be planted in the southwest corner and along the southern property line. Commissioner Dixon stated parking identified on the site plan appears to be adequate. Commissioner Heaton asked if there would be fencing at the site. Mr. Plienis stated semi-private, vinyl fencing will be installed in the back of the building and around playground areas. Mr. Plienis stated the Anoka County Highway Department (ACHD) approved a right-in turn lane along Radisson Road NE. Engineer Collins stated the (non-residential) lot is part of the 1998 Bunker Meadows development. Engineer Collins stated the ACHD has approved the plans and a turn lane; the Coon Creek Watershed District (CCWD) has approved the plans; an Operations and Maintenance Agreement for Stormwater Facilities needs to be executed between the daycare center and CCWD for on-site stormwater treatment. **Motion by Dixon, seconded by Ringler, to recommend approval of the Commercial Site Plan submitted by Classic Construction, Inc., to construct a 10,572 square foot daycare center at 13644 Radisson Road NE (PIN# 33-32-23-31-0006, Lot 9, Block 2 Bunker Meadows) subject to meeting the requirements of Article 11-1853 related to screening where commercially zoned property is adjacent to residential areas, meeting the requirements of the Anoka County Highway Department and the Coon Creek Watershed District, meeting the requirements of the City Engineer and meeting all City, State and County requirements. All in favor, motion carried. *This item will be placed on the May 3, 2021 City Council Agenda.***

**COMMISSION BUSINESS:**

City Council Update

Commissioner Lejonvarn attended the April 19, 2021 City Council meeting. Commissioner Fisher will be attending the May 3, 2021 City Council meeting.

Discussion of Article 9-220 of the City Code

The commissioners discussed possible modifications to Article 9-220. It was the consensus of the Commission to table discussion on changes to Article 9-220 until a future meeting so that everyone could have an opportunity to review the code more thoroughly and prepare a list of potential changes.

**ADJOURNMENT:**

**Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 7:41 p.m. All in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk