

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, JUNE 26, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, June 26, 2023 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Dave Ringler, Jeff Entsminger, Jonathan Fisher and Erin Dixon

**MEMBERS ABSENT:** Commissioners Kyle Lejonvarn and Scott Heaton

**OTHERS PRESENT:** City Engineer Tom Collins, Building and Zoning Official Mark Jones 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 Fisher, seconded by Dixon, to approve the minutes of the June 12, 2023 Planning Commission meeting as written. All present in favor, motion carried.**

Chair Pogalz stated the Commission would review New Business prior to holding the public hearings.

**NEW BUSINESS:**

Mitch Stone, Stone Construction, requesting Commercial Site Plan approval to construct a 12,992 square foot addition to Jam Hops at 1460 133<sup>rd</sup> Lane NE

Mr. Paul Stone and Mr. Mitch Stone were present. Mr. Mitch Stone spoke on behalf of Stone Construction. Mr. Stone stated Jam Hops has operated in Ham Lake for over 26 years. Mr. Stone stated Jam Hops offers various classes and programs to kids and adults such as gymnastics, Ninja, recreational dance classes, competitive dance classes, competitive boys' and girls' gymnastics teams and an academic preschool. Mr. Stone stated Jam Hops opened their current location in 2017 and have steadily grown their business; some classes have had wait lists for two years. Mr. Stone stated the project is a 12,992 square foot addition to the existing building, which will primarily be gym space, as well as a parking lot expansion. Commissioner Entsminger asked if the septic design issues have been resolved. Mr. Stone stated they are still working with the Building Official on that. Chair Pogalz asked Engineer Collins to comment on the project.

Engineer Collins stated the current screening, consisting of pine trees, were planted along the east side of the parcel and on the south side of 133<sup>rd</sup> Lane NE where the property abuts residential zoning when the Jam Hops building was constructed. Engineer Collins stated the stormwater treatment basin that was constructed with the building has adequate capacity for the proposed expansion. Engineer Collins stated Building Official Jones is working with the Building Official from the City of Wyoming on review of the septic design. Engineer Collins stated the State Fire Marshall's office will determine if the reserve water tank and pump capacity of the existing fire suppression system are sufficient for the new addition. Chair Pogalz asked if the screening that is currently in place will remain. Engineer Collins stated it would. Building Official Jones stated the current screening is insufficient and needs to be improved to meet the requirements of Article 11-1853.A. Commissioner Dixon completed the inspection; a copy which is on file. Commissioner Dixon stated the trees on the north side of the property have large gaps between them and no trees are currently in place on the east side of the property. Commissioner Dixon stated Building Official Jones has stated some residents to the north of Jam Hops have complained about headlights shining into their houses when vehicles are departing from Jam Hops in the evening. Chair Pogalz asked Commissioner Dixon if screening was discussed with the applicant. Commissioner Dixon stated she did discuss screening requirements with Mr. Mitch Stone. Mr. Mitch Stone and Mr. Paul Stone asked Building Official Jones to clarify what is needed for screening. Building Official Jones stated coniferous trees should be planted staggered in two rows so that they become intermingled as they grow; the trees that get planted must be conifers that are at least five feet high. Building Official Jones stated the applicant could also put up a fence on the east and north sides of the property; the fence height must be at least six feet high. Building Official Jones stated the screening plan will not hold up the issuance of a building permit but a screening plan must be provided. Chair Pogalz asked Building Official Jones if anything needed to be stated in the motion tonight about the septic design. Building Official Jones stated the motion should include that no building permit will be issued until the septic design has been approved by the City of Wyoming Building Official. **Motion by Dixon, seconded by Pogalz, to recommend approval for Stone Construction to build a 12,992 square foot addition to the existing Jam Hops building located at 1460 133<sup>rd</sup> Lane NE subject to providing a screening plan that meets the approval of the Building Official, submitting a septic design that can accommodate the occupancy load as required by Minnesota Subsurface Sewage Treatment System Program (SSTS) rules (no building permit will be issued until the septic design has been approved by the City of Wyoming Building Official), meeting the requirements of the City Engineer and the Building Official and meeting all City, County and State requirements. All present in favor, motion carried. This application will be placed on the City Council's Wednesday, July 5, 2023 agenda.**

**PUBLIC HEARING:**

Richard and Diane Sylvester requesting Preliminary and Final Plat approval and rezoning of a portion of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of Toby's Trails (3 single family residential lots) located in Section 15

Richard and Diane Sylvester were present. Mrs. Sylvester stated they are creating this subdivision to provide their daughters with lots to build houses on. Chair Pogalz asked

Engineer Collins to comment. Engineer Collins stated the property is currently zoned Residential Single Family (R-1) and Rural Residential Single Family (R-A); the entire plat will be rezoned to R-1. Engineer Collins stated this is a minor plat; it does not require the existing driveway for Lot 1 to be paved nor does the driveway have to outlet onto an improved road. Engineer Collins stated per Article 10-430E.2 of the City Code, the existing Lot 1 gravel driveway will have to be paved prior to approval of any future building permits. Engineer Collins stated future subdivision of Lot 1 is anticipated that could create up to four more lots; any future subdivision will require the upgrade of Naples Street NE from Constance Boulevard NE to the southeast plat border. Engineer Collins stated the existing septic system on Lot 1 requires a compliance inspection per Article 11-450.4.c. Engineer Collins stated easements along Constance Boulevard NE are larger than the standard ten-foot easement due to wetland buffers; an encroachment agreement is required for Lots 2 and 3. Engineer Collins stated a development agreement is not required as the plat will be utilizing existing infrastructure; a \$200 drainage fee and \$2500 parkland dedication fee will need to be paid for each lot. Engineer Collins stated the thoroughfare plan shows East Lake Netta Drive NE extending to the south of Constance Boulevard NE; the applicants have provided 33' of right-of-way in the northwest corner of the plat. Commissioner Entsminger completed the inspection; a copy which is on file. Commissioner Entsminger stated "it's land". Commissioner Entsminger spoke with the applicants about Engineer Collins memo; the applicants understand the requirements of the plat.

**Chair Pogalz opened the public hearing at 6:18 p.m. and asked for public comment.**

Kathy Johnson, 16130 Naples Street NE. Mrs. Johnson stated she would like information on the East Lake Netta Drive NE road extension to the south and southwest. Engineer Collins stated the City sees future development potential for the property directly west of the Sylvester's property. Engineer Collins stated Anoka County has specific intersection spacing guidelines and will want a future extension of East Lake Netta Drive NE to be aligned with the existing road to the north; the road will extend directly south of Constance Boulevard NE and will turn to the west. Mrs. Johnson asked if this was being pursued because the City doesn't want to improve Naples Street NE for Mr. Glen Haag. Engineer Collins stated the dedication of the right-of-way by the Sylvester's will end in a small cul-de-sac on the property directly west of the Sylvester property for anticipated future development. Engineer Collins provided additional explanation on the thoroughfare plan to Mrs. Johnson and stated any future development that would occur on the Haag property would be accessed via Naples Street NE.

**Chair Pogalz closed the public hearing at 6:21 p.m.**

**Motion by Entsminger, seconded by Fisher, to recommend approval of the request of Richard and Diane Sylvester for Preliminary and Final Plat approval and rezoning of a portion of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of Toby's Trails (3 single family residential lots) located in Section 15 subject to removal/relocation of portions of the existing gravel driveway that encroaches into the ten-foot drainage and utility easement, having a compliance inspection performed on the existing septic system on Lot 1, signing an**

**encroachment agreement for Lot 2 and Lot 3 driveways encroaching into the drainage and utility easement adjacent to Constance Boulevard NE, paving the existing gravel driveway of Lot 1 before any future building permits are issued on that parcel, upgrading Naples Street NE from Constance Boulevard NE to the southeast plat border if the property is subdivided again in the future, meeting the requirements of the City Engineer, and meeting all City, State and County requirements. All present in favor, motion carried. *This application will be placed on the City Council's Wednesday, July 5, 2023 agenda.***

Jeff Stalberger, HFN Properties, LLC, requesting Preliminary Plat approval and rezoning of portions of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of Hidden Forest East Fourth Addition (22 Single Family Residential lots and 3 out-lots) in Sections 24 and 25

Mr. Jeff Stalberger, Sr. Mr. Jeff Stalberger, Jr. and Mr. Ryan Stalberger were present. Mr. Stalberger Sr. spoke on behalf of the project. Mr. Stalberger stated this plat will have 22 residential lots. Mr. Stalberger stated some cul-de-sacs have been pulled back from the temporary dead ends to minimize the impact to the wetlands and to avoid impacting septic areas or driveways of parcels near those areas. Mr. Stalberger stated there are three out-lots (A, B, C). Mr. Stalberger stated those out-lots were created with future development in mind; the northern most out-lot will be deeded to the property owner to the northeast so the land owner has a connection to future development and the other two out-lots will be deeded back to the Knoll family. Mr. Stalberger stated out-lot A from the Hidden Forest East Third Addition is included in the Hidden Forest East Fourth Addition; parkland was dedicated with the third addition so the three lots in the fourth addition, that are within former out-lot A of the third addition, will not be required to pay a parkland dedication fee; all other lots within the fourth addition will be required to pay a parkland dedication fee. Chair Pogalz asked Engineer Collins to comment on the plat. Engineer Collins stated parkland dedication fees will need to be paid. Engineer Collins stated the developer is considering another phase for this development in the future which would be adjacent to Lexington Avenue NE; the City will determine if additional parkland will be needed at that time. Engineer Collins stated an encroachment agreement will be needed for Lot 10, Block 1, due to a septic line crossing a drainage and utility easement and a FEMA Letter of Map Amendment will be required for Lots 1, 2, 3, 5, 6, 7 of Block 1. and Lot 2 and Lot 3 Block 3. Engineer Collins stated a rare species survey required by the DNR Natural Heritage Review found the presence of threatened black huckleberry plants; a takings permit will need to be obtained from the DNR to remove the black huckleberry plants. Engineer Collins stated the Coon Creek Watershed District (CCWD) has approved the project; the developer must provide proof of the NPDES/MPCA Construction Stormwater permit, submit verification of the Wetland Bank Credit Withdrawal and submit the DNR Takings Permit prior to obtaining the CCWD permit. Engineer Collins stated a temporary cul-de-sac right-of-way on Stutz Street NE is proposed to be vacated in the yard of Lot 1, Block 2; the vacation process must be completed and recorded before the plat is recorded. Commissioner Fisher completed the inspection; a copy which is on file. Commissioner Fisher stated the land the development will be on will compliment the existing developments well. Chair Pogalz asked what future phase will connect with Lexington Avenue NE as some residents in the existing developments have expressed concern about having only one street for ingress/egress.

Mr. Stalberger stated he hopes the next phase will include ingress/egress to Lexington Avenue NE.

**Chair Pogalz opened the public hearing at 6:32 p.m. and asked for public comment; with there being none, he closed the public hearing at 6:32 p.m.**

**Motion by Fisher, seconded by Entsminger, to recommend approval of the request Jeff Stalberger, HFN Properties, LLC, for Preliminary Plat approval and rezoning of portions of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of Hidden Forest East 4<sup>th</sup> Addition (22 Single Family Residential lots and 3 out-lots) in Sections 24 and 25 subject to meeting the requirements of the City Engineer as noted in his June 22, 2023 memo, and meeting all City, State and County requirements. All present in favor, motion carried. *This application will be placed on the City Council's Wednesday, July 5, 2023 agenda.***

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz stated the City Council concurred with the recommendation to approve the Preliminary and Final Plat of the Hentges Addition. Commissioner Fisher will attend the July 5, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Dixson, seconded by Fisher, to adjourn the Planning Commission meeting at 6:36 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk