

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, SEPTEMBER 25, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, September 25, 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, Kyle Lejonvarn, Dave Ringler, Jeff Entsminger, Jonathan Fisher and Erin Dixson

MEMBERS ABSENT: None

OTHERS PRESENT: City Engineer Dave Krugler, 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 Lejonvarn, seconded by Dixson, to approve the minutes of the August 28, 2023 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Tom Elwell requesting rezoning of 4611 139th Lane NE from R-A (Rural Single Family Residential) to R-1 (Single Family Residential)

Mrs. Sally Elwell was present. Mrs. Elwell stated the 4611 139th Lane NE parcel is currently 10 acres. Mrs. Elwell stated she and her husband are reducing the size of the parcel to 3.82 acres. Mrs. Elwell stated there is a house on the proposed 3.82 acre lot that they intend to sell while the other 6.18 acres will continue to be part of the sod field. (A lot line adjustment request has been submitted to the City Council to move the western lot line of the 4611 139th Lane NE parcel east to the quarter section line.) Chair Pogalz asked Engineer Krugler to comment. Engineer Krugler stated parcel 36-32-23-21-0004 and the parcel addressed as 4611 139th Lane NE are both currently zoned R-A, Rural Single Family Residential. Engineer Krugler stated the request is to rezone the eastern parcel to R-1, Residential Single Family. Engineer Krugler stated access to the 4611 139th Lane NE parcel is via a 66-foot wide ingress/egress driveway easement that is an extension of 138th Avenue NE east of Ghia Street NE. Engineer Krugler stated access to the 36-32-23-21-0004 parcel will be via a private 66-foot wide ingress/egress easement

being dedicated over the eastern 66-feet of the 4653 138th Avenue NE parcel. Engineer Krugler stated documentation of the newly created private easement will need to be recorded with the County. Engineer Krugler stated soil borings have been done to confirm there is adequate area for a secondary septic system, drainage and utility easements will need to be dedicated around the perimeters of the revised parcels as well as a 100-foot County Ditch easement and two accessory buildings on the 4611 139th Lane NE parcel will need to be removed. Mrs. Elwell stated the buildings have been removed. Commissioner Entsminger completed the inspection; a copy which is on file. Commissioner Entsminger stated he did not physically inspect the site but spoke with Mr. Tom Elwell via telephone. Commissioner Entsminger stated the 4611 139th Lane NE parcel has buildings on it and will be reduced in size if the City Council approves the lot line adjustment; the western part of the current parcel is sod field and will continue to be used for agriculture.

Chair Pogalz opened the public hearing at 6:05 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 6:06 p.m.

Motion by Entsminger, seconded by Fisher, to recommend approval of Tom Elwell's request to rezone parcel 4611 139th Lane NE from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) in Section 36 subject to the City Council approving the requested lot line adjustment, documentation of the 66-foot wide easement over the eastern 66-feet of parcel 4653 138th Avenue NE, the drainage and utility and County Ditch drainage easements being filed with the County, meeting the conditions of the City Engineer and meeting all City, County and State requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, October 2, 2023 agenda.*

NEW BUSINESS:

Jeff Stalberger, HFN Properties, LLC, requesting Final Plat approval for 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 he is seeking approval of the plat. Chair Pogalz asked Engineer Krugler for comment. Engineer Krugler stated money in lieu of parkland will need to be paid for this plat. Engineer Krugler stated out lot A from Hidden Forest East Third Addition, which is now part of this plat, was included in a previous parkland dedication calculation. Engineer Krugler stated a memo dated December 6, 2021 from Attorney Murphy will need to be referenced when parkland dedication fees are calculated for this plat. Mr. Stalberger stated he trusted that the City would calculate the correct parkland dedication fee for this development. Engineer Krugler stated an encroachment agreement will be required for Lot 10, Block 1 as a septic sewer pipe will cross a drainage and utility easement, FEMA Letters of Map Amendment (LOMA) are required for Lots 1,2,3,5, 6 and 7 of Block 1 and Lots 2 and 3 of Block 3 before building permits can be issued on those lots and the vacation of the Stutz Street NE cul-de-sac in the former out lot A of Hidden Forest Third Addition will need to be requested. Engineer Krugler stated permits have been obtained from NPDES/MPCA, the DNR and Coon Creek Watershed (CCWD). Engineer Krugler stated Wetland Bank Credit

withdrawal has also been verified. Chair Pogalz asked Mr. Stalberger when a second ingress/egress point will be provided for the Hidden Forest East developments. Mr. Stalberger stated he isn't certain. Chair Pogalz asked if there was a way to reach 149th Avenue NE. Mr. Stalberger said there is a way but it is not currently possible as he does not currently own the land that abuts 149th Avenue NE. Engineer Krugler stated access to the western edge of the development via 143rd Avenue NE is approximately 3000-feet from Lexington Avenue NE. Engineer Krugler presented a thoroughfare map showing future plans for street connections to 149th Avenue NE east of Lexington Avenue NE. Mr. Stalberger stated he does have plans for another ingress/egress point provided he is able to acquire the land from the current owners for a future phase of the Hidden Forest East development. Commissioner Dixson asked how many lots have been approved in the previous phases of the development. Engineer Krugler stated 109 lots have been approved; Hidden Forest East Fourth Addition will add an additional 22 lots. Mr. Stalberger stated the Elwell property to the south is for sale. Mr. Stalberger stated when that land sells, and if it is developed, another ingress/egress point should open up south of the Hidden Forest East development. Chair Pogalz asked Mr. Stalberger if requiring an ingress/egress point with the next phase of development was acceptable. Mr. Stalberger stated it was. **Motion by Pogalz, seconded by Fisher, to recommend approval of the Final Plat of Hidden Forest East Fourth Addition, 22 Single Family Residential lots and 3 out-lots, in Sections 24 and 25 as presented by HFN Properties, LLC subject to parkland dedications fees to be determined by the City Attorney, filing an encroachment agreement for Lot 10, Block 1, for a septic sewer pipe crossing a drainage and utility easement, obtaining FEMA LOMA's for Lots 1,2,3,5, 6 and 7 of Block 1 and Lots 2 and 3 of Block 3, prior to the issuance of building permits, vacating right-of-way for the Stutz Street NE cul-de-sac dedicated with the Hidden Forest East Third Addition, the developer agreeing to provide an additional ingress/egress point for the Hidden Forest East development in the next phase of development, meeting all 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 Monday, October 2, 2023 agenda.**

COMMISSION BUSINESS:

City Council Update

Chair Pogalz stated the City Council concurred with the Commission's recommendations to approve amendments to Article 9 and Jeff Entsminger's requests for a lot line adjustment with courtesy combination and rezoning. A planning commissioner will not be present at the October 2, 2023 City Council meeting.

ADJOURNMENT:

Motion by Dixson, seconded by Fisher, to adjourn the Planning Commission meeting at 6:27 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk