

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, JUNE 10, 2024

The Ham Lake Planning Commission met for its regular meeting on Monday, June 10, 2024 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, Jeff Entsminger, David Ross, Jonathan Fisher and Erin Dixon

MEMBERS ABSENT: Commissioner Dave Ringler

OTHERS PRESENT: City Engineer Dave Krugler 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 Ross, to approve the minutes of the May 13, 2024 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Jeff Stalberger, MN Developments LLC, requesting Preliminary Plat approval and rezoning from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of the plat Swedish Chapel Estates located at 2506 Swedish Drive NE (47 Single Family Residential lots and 3 outlots) in Section 4

Mr. Jeff Stalberger was present. Mr. Stalberger stated the layout of the plat is essentially the same as it was when the sketch plan was approved. Mr. Stalberger stated he has had several conversations with the Anoka County Highway Department (ACHD) about the Xylite Street NE and Swedish Drive NE intersection and access to the development from that intersection. Mr. Stalberger stated the ACHD's proposal was focused on safety but wasn't practical as it did not allow access to the development from both lanes of traffic on Xylite Street NE. Mr. Stalberger stated the ACHD has now agreed to allow access to the development, via turning lanes, from both the northbound and southbound lanes of Xylite Street NE. Mr. Stalberger stated two additional outlots were added to the plans; Outlot B, which will be donated to the Swedish Evangelical Lutheran Church (2200 Swedish Drive NE), borders the northeast portion of the church property and Outlot C consists of an eight-foot wide strip of land to the west of PID# 04-32-23-13-0003 that will

be given to the property owner of 2217 Swedish Drive NE. Commissioner Ross asked Mr. Stalberger who will pay for the roadwork that will be done. Mr. Stalberger stated he will pay for the road but the cost of construction will be reflected in the cost of the lots so ultimately the consumer will be paying for the roadwork. Chair Pogalz asked Engineer Krugler to comment on the plat. Engineer Krugler stated the plan shows Swedish Drive NE will be realigned to maximize the buildable area. Engineer Krugler stated the developer will need to provide a legal description of right-of-way that will need to be vacated due to the street realignment. Engineer Krugler stated Mr. Stalberger mentioned the outlots; the City does not want lots created that are not buildable. Engineer Krugler stated Outlot A has a great deal of wetland and unless the developer can prove that it is buildable, the outlot will need to be combined with an adjacent parcel. Engineer Krugler stated some delineations for the water table are still in process. Engineer Krugler stated the developer continues to work with the ACHD and is shifting construction of the turn lanes to the west so wetlands, or property of other landowners to the east, are not impacted. Engineer Krugler stated both the City of Ham Lake and the City of East Bethel show a future County bike path along Xylite Street NE so the developer will need to provide a 20-foot trail easement along the west side of Xylite Street NE. Engineer Krugler stated some proposed lots are within the flood zone, FEMA Letters of Map Amendments will be required on those lots before construction can begin. Engineer Krugler stated Swedish Drive NE is currently a hydrologic boundary between the Upper Rum River Watershed Organization (URRWMO) and the Coon Creek Watershed District (CCWD). Engineer Krugler stated the CCWD currently has jurisdiction over the entire development but the portion north of Swedish Drive NE will comply with the URRWMO Watershed Management Plan; CCWD has tentatively approved the plans. Engineer Krugler stated reports have been received from the MN DNR on endangered plants, however the survey is incomplete. Engineer Krugler stated there is an eagle's nest in a dead tree within the proposed development but it appears to be inactive. Engineer Krugler stated the setback for an inactive nest is 75-feet and is shown on the plans. *(Engineer Krugler had further discussion about the eagle's nest with the US Fish and Wildlife Service, after the Planning Commission meeting, and it was determined the setback or buffer zone is to be 100 feet.)* Commissioner Fisher asked if the eagle's nest is the nest mentioned in the email message sent by a resident. Engineer Krugler stated it is. Commissioner Dixson completed the inspection; a copy which is on file. Commissioner Dixson stated she did see the eagle's nest on the property but did not observe any activity in the nest. Commissioner Dixson stated road improvements that will be done with the development will be good for residents.

Chair Pogalz opened the public hearing at 6:17 p.m.

Lowell Friday, 18215 Greenbrook Drive, Wyoming, MN 55092. Mr. Friday has property to the east of the plat. Mr. Friday commented on tree removal that was being done along County Highway 68 and 182nd Avenue NE and County Road 22. Mr. Friday stated he would like to keep some blue spruce and a large maple tree on his property. Chair Pogalz informed Mr. Friday that tree removal in the right-of-way will need to be discussed with the ACHD or the Public Works Departments of East Bethel or Ham Lake. Mr. Lowell stated he wanted to create awareness of the need to clear some of the trees in the right-of-way for safety.

Robert Quinn, 17943 Xylite Street NE. Mr. Quinn asked if the ACHD turned the developer down on having a left turn lane. Chair Pogalz stated the ACHD initially wanted to only have a right turn in and right turn out, at the Swedish Drive NE and Xylite Street NE intersection, but have agreed to allow both left and right turns into and out of the development. Mr. Quinn stated he heard there was going to be a center lane. Engineer Krugler stated there will be a through lane and a left turn lane northbound and a through lane and right turn lane southbound on Xylite Street NE. Mr. Quinn asked if the road would interfere with any land of neighboring landowners. Engineer Krugler stated the road construction will encroach into the development to the west and not require any additional land from the parcels to the east.

Colin Jorgenson, 2217 Swedish Drive NE. Mr. Jorgenson stated he is curious about the comment made about the easement and his driveway and asked if Swedish Drive NE will be a dirt road or a paved road. Chair Pogalz clarified that Mr. Jorgenson's property is west of the proposed development, north of Swedish Drive NE. Engineer Krugler stated there is an eight-foot strip of land north of Swedish Drive NE between both parcels owned by Mr. Jorgenson that will be transferred to him as the property is not a buildable lot. Engineer Krugler stated upgrading Swedish Drive NE would require a petition signed by at least thirty-five percent of the property owners abutting Swedish Drive NE, who would be assessed for the improvement of the road, or, a developer would need to develop additional land along other portions of Swedish Drive NE in order for it to be improved. Engineer Krugler stated there are no current plans to upgrade Swedish Drive NE. Mr. Jorgenson asked when work would begin on Mr. Stalberger's development. Mr. Stalberger stated it will start on approximately July 4th. Mr. Stalberger also stated when Mr. Jorgenson's parcel was created years ago, there was an error in the survey description that was discovered with the title paperwork that caused the eight-foot strip of land (Outlot C) to remain under Dosedel ownership. Mr. Stalberger stated Mr. Jorgenson's driveway crosses that land. Mr. Stalberger stated Mr. Jorgenson will need to contact him in the fall to work through the process of transferring the property.

Mike Schwalbe, 2258 176th Avenue NE. Mr. Schwalbe asked if the intersection of Crosstown Boulevard NE and Xylite Street NE will be upgraded as traffic volume increases with the new development. Mr. Schwalbe stated there was a terrible accident at the intersection last year with many other close calls. Chair Pogalz stated the ACHD would determine if the intersection would need to be upgraded. Engineer Krugler stated the next step may be to add a traffic light to the intersection but there has not been any discussion on that. Engineer Krugler suggested Mr. Schwalbe contact ACHD to learn what future plans the County may have for the intersection.

Ken Peterson, 17833 Xylite Street NE. Mr. Peterson stated an eagle built the nest approximately six or seven years ago. Mr. Peterson stated eagles may not like dead trees and the tree will come down one way or another. Mr. Peterson stated if there are special provisions for protection of the eagles, some research should be done. Engineer Krugler stated the US Fish and Wildlife Agency may consider the nest abandoned and, if it is abandoned, there are different buffer distances and rules. Mr. Stalberger asked how

long ago the tree died. Mr. Peterson stated he believes it was approximately two years ago.

Chair Pogalz read a message submitted by Jodie Pett, 17958 Coral Sea Street NE, who was not able to attend the meeting. Ms. Pett asked if an environmental study had been done. Chair Pogalz stated the MN DNR has been surveying the property. Ms. Pett also asked what the plan is so to not disturb the nest area and asked if a permit was needed to disturb the nest. Chair Pogalz stated the plans do include a 100-foot buffer around the nest as required.

Chair Pogalz closed the public hearing at 6:41 p.m.

Motion by Dixon, seconded by Fisher, to recommend Preliminary Plat approval and rezoning from R-A (Rural Single Family Residential) to R-1 (Single Family Residential) of the plat Swedish Chapel Estates located at 2506 Swedish Drive NE (47 Single Family Residential lots and 3 outlots) in Section 4 subject to meeting the requirements of the City Engineer which are obtaining signed certifications of valid septic fields for the proposed 47 lots, supplying the final Geotechnical Report, obtaining Anoka County Highway Department approval, providing a 20-foot bike path easement along the west side of Xylite Street NE (Part of the parkland dedication requirement), obtaining approval from the MN DNR, meeting the requirements of the Coon Creek Watershed District 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, June 17, 2024 agenda.*

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Chair Pogalz stated the City Council concurred with the Planning Commission's recommendations to approve the sketch plans presented by Lincoln Street Commercial and Elevate Hope House. A planning commissioner will not be present at the June 17, 2024 City Council meeting.

ADJOURNMENT:

Motion by Fisher, seconded by Dixon, to adjourn the Planning Commission meeting at 6:44 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk