

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, JANUARY 9, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, January 9, 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, Scott Heaton, Jonathan Fisher and Erin Dixon

**MEMBERS ABSENT:** Commissioner Jeff Entsminger

**OTHERS PRESENT:** City Attorney Mark Berglund, 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 Dixon, to approve the minutes of the November 14, 2022 Planning Commission meeting as written. All present in favor, motion carried.**

**PUBLIC HEARING:**

Jeffrey Stalberger, Crosstown Development LLC, requesting Preliminary Plat and Final Plat Approval for the development of Crosstown Rolling Acres Fourth Addition (3 outlots) in Section 6.

Mr. Jeff Stalberger was present. Mr. Stalberger stated this plat is to tie up a loose end remaining from the Crosstown Rolling Acres Third Addition development. Mr. Stalberger stated Outlot A of Crosstown Rolling Acres Third Addition was created when the intersection of 173<sup>rd</sup> Avenue NE and Crosstown Boulevard NE was realigned. Mr. Stalberger stated now that road construction and right-of-way vacation for 173<sup>rd</sup> Avenue NE will be completed soon, Outlot A is being divided into three outlots; these outlots will be deeded to the landowners of the parcels to the south after the plat is recorded with Anoka County. Mr. Stalberger stated new paved access onto the street or highway will be done for each of the benefitting property owners. Engineer Krugler stated Coon Creek Watershed approval is not required and there are no FEMA A limits for this plat. Engineer Krugler stated the Anoka County Highway Department (ACHD) letter dated November

16, 2022 provides comment on right of way and right of access requirements for Crosstown Boulevard NE and 173<sup>rd</sup> Avenue NE and direction on what activities must be reviewed by the ACHD Engineer prior to commencement. Engineer Krugler stated the developer will need to pay a \$200 drainage fund contribution and \$2,500 parkland dedication fee per lot. Engineer Krugler stated because the outlots are being combined with adjacent parcels, the outlots do not have to meet the livability standards of 10-300 of the City Code. Engineer Krugler stated approval of the plat should be made contingent on combining the outlots with the parcels to the south. Commissioner Heaton completed the inspection; a copy which is on file. Commissioner Heaton stated the area is a small open area currently covered in snow. Commissioner Lejonvarn stated he did not feel Mr. Stalberger should have to pay parkland dedication fees as the lots are not buildable and Mr. Stalberger realigned the intersection to make it safer. Commissioner Fisher stated the size of Outlot A isn't even half an acre; it doesn't seem right to charge a parkland dedication fee for such small lots. Chair Pogalz stated he didn't think parkland dedication fees should be charged for the reasons already mentioned and because no infrastructure is needed.

**Chair Pogalz opened the public hearing at 6:06 p.m. and asked for public comment; with there being none, he closed the public hearing at 6:07 p.m.**

**Motion by Heaton, seconded by Fisher, to recommend approval of the request of Jeffrey Stalberger, for Preliminary and Final Plat approval of Crosstown Rolling Acres Fourth Addition, 3 outlots located in Section 6 (PID# 06-32-23-34-0029), subject to meeting the requirements of the City Engineer with consideration being given to waiving the parkland dedication fee for each lot, obtaining approval from Anoka County Property Records & Taxation Division to combine the outlots with the adjacent parcels to the south and meeting all City, State and County requirements. All present in favor, motion carried. *This application will be placed on the City Council's January 17, 2023 agenda.***

Chair Pogalz asked the Commissioners and attendees if there was any objection to reviewing the sketch plan for Toby's Trails before conducting the public hearing for amendments to Article 9; with there being none, the order of the agenda items was adjusted.

**NEW BUSINESS:**

Richard and Diane Sylvester requesting approval for an amended Sketch Plan for Toby's Trails (3 single family residential lots) located in Section 15.

Mr. & Mrs. Sylvester were present. Mrs. Sylvester stated they are creating this plat to provide lots for their daughters to construct homes on. Mrs. Sylvester stated they have reduced the number of lots from seven to three lots to expedite the platting process. Mrs. Sylvester stated she has concerns about the verbiage or condition noted regarding Naples Street NE needing to be upgraded with any future subdivision. Chair Pogalz and Engineer Krugler stated the current plat does not require an upgrade to Naples Street NE; upgrading Naples Street NE could be a requirement in the future if Lot 1 is subdivided. Commissioner Lejonvarn stated the condition is not verbiage, it is a condition requiring compliance with City Code. Attorney Berglund stated if Lot 1 is subdivided in the future,

City Code states lots must have access to a paved public road; lots created by the subdivision of Lot 1 in the future will likely access Naples Street NE. Attorney Berglund stated the condition is not just verbiage; further subdivision of Lot 1 will need to comply with City Code. Commissioner Heaton asked why the condition of upgrading Naples Street NE with any future subdivision needed to be in the motion. Attorney Berglund stated the condition could be reworded to state any further subdivision of Lot 1 will need to comply with City Code. Engineer Krugler stated the condition was written like it was to inform and make the Sylvester family aware, that if the land is subdivided again in the future, upgrading Naples Street NE will be a condition for plat approval to ensure the development complies with City Code. Mrs. Sylvester stated she did not realize parkland dedication fees would be assessed to all lots; she felt the lot with the existing house should be exempt. Chair Pogalz stated he agreed with her but would discuss parkland dedication fees with the commissioners. Commissioner Lejonvarn stated parkland dedication fees are to be paid for all lots in the development; fees have been charged on all lots in developments in the past. Commissioner Fisher stated he felt charging parkland dedication fees on the lot with the existing lot was unfair. Building and Zoning Clerk Bohr stated parkland dedication fees have been charged on all lots in subdivisions where there has been an existing home citing recent plats of Magers Meadows and Radisson Sunset Estates as examples. **Motion by Pogalz, seconded by Lejonvarn, to recommend approval of the Toby's Trails Sketch Plan presented by Richard and Diane Sylvester for a 3-lot single family residential plat located in Section 15 subject to, accepting monies in lieu of parkland, completing a compliance inspection on the existing septic system on Lot 1, receiving approval from the City Council to allow the existing 3,200 square foot accessory building to remain on the property, obtaining approval from the Anoka County Highway Department for (2) driveway accesses onto Constance Boulevard NE, obtaining Coon Creek Watershed approval, following the requirements of City Code for any future subdivision of Lot 1, meeting the requirements of the City Engineer and meeting all City, State and County requirements.**

Commissioner Fisher questioned if the condition of receiving approval from the City Council to allow the existing 3,200 square foot accessory building to remain on the property was still necessary since Lot 1 is now larger. Building Official Jones stated the accessory building size complies with City Code now that Lot 1 is over 20 acres.

**Chair Pogalz amended the motion, which was seconded by Heaton, to recommend approval of the Toby's Trails Sketch Plan presented by Richard and Diane Sylvester for a 3-lot single family residential plat located in Section 15 subject to, accepting monies in lieu of parkland, completing a compliance inspection on the existing septic system on Lot 1, obtaining approval from the Anoka County Highway Department for (2) driveway accesses onto Constance Boulevard NE, obtaining Coon Creek Watershed approval, following the requirements of City Code for any future subdivision of Lot 1, meeting the requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried. *This item will be placed on the January 17, 2023 City Council Agenda.***

**PUBLIC HEARING:**

Consideration of Amendments to Article 9 of the Ham Lake City Code

Chair Pogalz asked the Commissioners for comment on the changes. Commissioner Fisher stated wording proposed in 9-350.1.g of *by single axel vehicles* needs to be modified; it may be better stated as *by single rear axle vehicles*. Commissioner Fisher questioned what was meant by *limited to no more than one vehicle per day*; is the limit in relation to business deliveries only; homeowners may have additional personal deliveries. Attorney Berglund stated the intent is to state no more than one delivery per day by a double rear axle vehicle. Chair Pogalz asked Building and Zoning Official Jones for comment on the pickup and deliveries changes for Home and Special Home Occupation Permits. Building and Zoning Official Jones and Attorney Berglund stated the changes related to pickups and deliveries are intended to eliminate the conflict that existed between Home Occupation and Special Home Occupation permits.

**Chair Pogalz opened the public hearing at 6:39 p.m. and asked for public comment; with there being none, he closed the public hearing at 6:39 p.m.**

**Motion by Heaton, seconded by Fisher, to recommend approval of the following amendments to Article 9 of the Ham Lake City Code as proposed with modification to recommended amendments to criteria under Home Occupation Permits related to pickups and deliveries as noted below.**

**-Non-substantive text formatting changes throughout Article 9**

**-Amending permitted Conditional Uses in Commercial Development Districts I (CD-1) to include Event Center/Convention Center in Article 9-220.2**

**-Amending permitted Conditional Uses in Commercial Development Districts II (CD-2) to include Construction Service Contractors in Article 9-220.3**

**-Amending permitted Conditional Uses in Commercial Development Districts III (CD-3) to include cemeteries owned by a church and located on the same or adjacent parcel upon which the church is located, provided said parcel or parcels are under common ownership by the church in Article 9-220.4**

**-Rewording the language identifying Radio Transmission Towers as permitted uses in the Government Facilities (GF) District in Article 9-230**

**-Amending criteria under Home Occupation Permits by adding Pickups and Deliveries in Article 9-350.1 per the following:**

**9-350 Home Occupation Permits**

...

**9-350.1 Criteria** The following criteria must be observed for any usage to qualify for a Home Occupation Permit.

...

**g) Pickups and Deliveries** Pickups and deliveries are allowed by single rear axle vehicles. Notwithstanding the foregoing, deliveries by vehicles possessing more than a single rear axle shall be limited to one such vehicle per day without prior City approval. Semi-trucks are strictly prohibited.

**-Amending Special Home Occupation Permits relating to customer traffic, pick-ups and deliveries in Article 9-350.3**

**-Amending usage under Accessory Buildings and Farm Buildings by requiring City Council approval for business-related uses in Article 9-370.**

**All present in favor, motion carried.** *This item will be placed on the January 10, 2023 Special City Council Agenda.*

**NEW BUSINESS:** None

**COMMISSION BUSINESS:**

City Council Update

Commissioner Lejonvarn stated he did not attend the November 21, 2022 City Council meeting but informed the Commissioners that the City Council did concur with their recommendation to approve the commercial site plan for Bobby's Car Wash. Commissioner Ringler will attend the January 17, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:45 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk