

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, JUNE 8, 2020

The Ham Lake Planning Commission met for its regular meeting on Monday, June 8, 2020 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, Scott Heaton, Jeff Entsminger, Jonathan Fisher and Erin Dixson

MEMBERS ABSENT: Commissioner Kyle Lejonvarn

OTHERS PRESENT: City Engineer Tom Collins and Zoning Official/Building 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 Dixson, seconded by Fisher, to approve the minutes of the May 26, 2020 Planning Commission meeting as written. All present in favor, motion carried.

NEW BUSINESS:

Designed Home & Remodeling requesting Preliminary Plat Approval and Rezoning for Constance Boulevard Terrace (3726 Constance Boulevard NE) 13 Single Family Residential Lots in Section 14.

Mr. Gus Afrooz and Mr. Chuck Plowe, Plowe Engineering, Inc., were present. Mr. Plowe stated they have been working with Engineer Collins and the Coon Creek Watershed District (CCWD) to meet subdivision regulations and they are present to answer questions related to the 13-lot subdivision. Chair Pogalz asked Engineer Collins to review his memo dated May 26, 2020. Engineer Collins stated the biggest issue to address is the existing gravel portion of Tippecanoe Street NE that connects to Constance Boulevard NE on the south side of the county road. Engineer Collins stated the developer is proposing a westerly connection to the existing Tippecanoe Street NE that will be labeled 162nd Lane NE, right-of-way acquisition is needed before that is possible; if the acquisition is successful, then the portion of Tippecanoe Street NE south of the proposed 162nd Lane NE may need to be renamed to match the Anoka County street grid system. Engineer Collins stated the Anoka County Highway Department (ACHD) is requiring the construction of an eastbound right turn lane; the developer will be able to construct the turn lane once the ACHD extends the County Ditch #11 culvert, a process which ACHD has already initiated with the CCWD. Engineer Collins stated the Minnesota DNR

National Heritage Review stated Blanding turtles have been reported in the vicinity and may be encountered on the site. Chair Pogalz stated the parcel will be rezoned from R-A (Rural Single Family Residential) to R-1 (Single Family Residential). Commissioner Fisher completed the inspection, a copy which is on file. Commissioner Fisher stated there is an existing home on the property which will be on a lot within the subdivision otherwise the land is wide open space with trees to the south.

Chair Pogalz opened the public hearing at 6:07 p.m. and asked for public comment.

Steven Peterson, 16120 Tippecanoe Street NE, stated he lives on the west side of Tippecanoe Street NE, west of this proposed development. Mr. Peterson asked if the front or back of the new houses will be facing Tippecanoe Street NE. Mr. Peterson stated bald eagles are nesting across from his house and he wants the board to be aware of that. Mr. Peterson asked if a portion of the gravel road in front of his house is removed, will the remainder of the road be paved.

Reaneah Miller, 16254 Wake Street NE. Ms. Miller stated her house abuts the proposed development. Ms. Miller asked if there was “no talk of illegal activity on the land”. Chair Pogalz informed Ms. Miller the board was not present to discuss what she feels may be illegal activity; those issues should be directed to law enforcement. Ms. Miller asked “It’s legal to grow 400 marijuana plants on the land? It’s over looked? It’s legal for a man to do his own survey with a buddy of his and stick sticks in your lot, is that legal?” Chair Pogalz stated he had no comment to the questions. Ms. Miller stated she has retained a lawyer and will proceed with a restraining order against the developer and will pursue “a settlement for putting all the houses in that line in harms way with this process that he has going on”. Chair Pogalz suggested that Ms. Miller consult with a law enforcement official on the issues she has. Ms. Miller stated “it looks like you’ve already decided...I know you want money for building permits, but the harassment settlement will far outweigh the building permits”. Chair Pogalz stated that was a separate issue. Ms. Miller asked “how can this man have a car lot on a piece of land, grow 400 marijuana plants and stick sticks in the neighbors’ lots? That ain’t happening. You are putting us in harms way. Anoka County Sheriff does not come through the development. We will move forward with a restraining order. That’s all we can do”. Chair Pogalz stated she and her lawyer can address the issues; it is not the duty of the board to address the types of issues that are being presented. Ms. Miller continued, “What is it a marijuana field or car lot with snow plows on it, or what is that land? It’s illegal.” Chair Pogalz stated it is currently zoned rural, agricultural land. Ms. Miller continued, “An old lady lived there, she plowed the land, I overlooked it because she was a sweet old lady. This man thinks that because it was plowed there that’s his, it’s not his”. Chair Pogalz stated the issues are to be addressed in a court of law. Ms. Miller stated “I’ll bring it forward, it will far outweigh your permits.”

Gordon and Sandra Vadis, 15941 Tippecanoe Street NE. Mr. Vadis stated he is the owner of the Bug Company on the land just to the south of this proposed development. Mr. Vadis stated his company has 120 employees nationwide, 40 employees in Minnesota. Mr. Vadis stated his company generates a lot of traffic on the road as supply trucks come and go and UPS picks up shipments four days a week with a large truck. Mr. Vadis stated he is concerned about the possible name change to Tippecanoe Street

NE and routing truck traffic through a residential area, Mr. Vadis said “I think it is an issue to be addressed. We want to be good neighbors.” Chair Pogalz asked Mr. Vadis to confirm where his property is located. Mr. Vadis stated they are the left hand drive off of the cul-de-sac at the southern end of the gravel road. Mr. Vadis stated he would like to keep his Tippecanoe Street NE address as to not have to go through the process of notifying customers, changing legal documents, etc. Mr. Vadis stated he feels residents who live in the new development will express concern with car and truck traffic generated from the activity at his address.

Chair Pogalz asked for further public comment and with there being none, he closed the Public Hearing at 6:19 p.m.

Chair Pogalz asked Engineer Collins to comment on the street reconfiguration. Engineer Collins stated 162nd Lane NE will connect to the current Tippecanoe Street NE just north of the northerly driveway of the parcel addressed 16160 Tippecanoe Street NE and the portion of the current Tippecanoe Street NE from Constance Blvd NE south, to where it will intersect with the new street in the development labeled 162nd Lane NE, would be vacated; the gravel would be removed and the area would be restored to the condition it was prior to road construction. Engineer Collins stated the City will need to acquire right-of-way from the 94-foot-wide 14-32-23-31-0006 parcel that is located between the proposed plat and Tippecanoe Street NE before the City can actually build the road. Engineer Collins stated this proposed road project is similar to what was done in Red Fox Hollow and Red Fox Hollow 2nd Addition east of Lexington Avenue NE on 136th Avenue NE; streets accessing Lexington Avenue NE were built to a 9-ton standard to have higher structural capacity to withstand use by trucks hauling sod from the sod field to the east of Red Fox Hollow 2nd Addition. Engineer Collins stated Tippecanoe Street NE, south of the proposed 162nd Lane NE, and 162nd Lane NE to the east of the proposed Tippecanoe Street NE, would be standard, 7-ton residential streets. Chair Pogalz asked if the remainder of Tippecanoe Street NE would be paved and who would initiate the paving process of that portion of road. Engineer Collins stated that the process to pave the street would be initiated if 35 percent of the property owners fronting the street submit a petition, where thereafter the City Council can order a feasibility study to determine the cost of the road improvement. Engineer Collins stated the project would be reviewed by the Road Committee after the feasibility study is completed; if the Road Committee determines the project could proceed, a public hearing would be held and if the majority of the property owners along the road are in favor of the project, an assessment amount for the road improvement would be determined and the road would be paved. Chair Pogalz asked if the acquisition of the strip of land would need to be completed to connect 162nd Lane NE to Tippecanoe St NE to the west. Engineer Collins stated that the strip of land is required to complete the connection and that he would work with developer’s surveyor to obtain legal descriptions that include 66-feet of right-of-way along with the remnant of land to the north of the required 66-feet of 162nd Lane NE. Commissioner Heaton asked if the land acquisition needed to be a condition listed in the recommendation for this project. Engineer Collins stated the motion should include a recommendation that the City Attorney negotiate right-of-way acquisition from the Vadis parcel. Engineer Collins stated the intersection alignment is currently a safety issue and he highly recommends that the City acquire the right-of-way and realign the road. Commissioner Heaton asked how

traffic would affect the existing houses on the west side of Tippecanoe Street NE now and after the proposed new streets are constructed. Engineer Collins stated all traffic will use the existing, graveled Tippecanoe Street NE until the City acquires the right-of-way needed to construct 162nd Lane NE; after the construction of 162nd Lane NE, traffic patterns will differ and be routed through the development. Chair Pogalz asked what the name of the gravel road will be if the City acquires the right-of-way and 162nd Lane NE is extended as proposed; who decides what the old Tippecanoe Street NE gets renamed. Engineer Collins stated Anoka County will determine what street name would be of the portion of the street south of 162nd Lane NE; the current Tippecanoe Street NE south of Constance Boulevard NE does not align with the Anoka County street grid system. Chair Pogalz acknowledged the business owner's concern on having to change his address if the street was renamed and understands the impact a street name change would have on the business and residents along the street. The Commissioners stated the City Council may want to ask Anoka County if the street name could remain as is. Commissioner Entsminger asked if the angle of intersection of Constance Boulevard NE and the current Tippecanoe Street NE was dangerous. Engineer Collins stated the alignment is an issue, city code allows for a minimum angle between intersections of 70-degrees and the current angle is approximately 45 degrees. Engineer Collins stated the current alignment presents a potential conflict point for people driving south on the new Tippecanoe Street NE by having to look 135 degrees behind them. Chair Pogalz asked how comprehensive the Minnesota DNR Natural Heritage review was and would it have considered the nearby nesting of bald eagles. Engineer Collins stated the DNR and CCWD review areas of proposed new development and he believes the reviews are thorough as they review what potential plant and animal species could be impacted in each area. Commissioner Heaton asked if the existing driveway to the house currently on the property will be removed. Engineer Collins stated it would be removed and the access to the house on Lot 4, Block 1 would be from the realigned Tippecanoe Street NE; access to all lots within the proposed development will be via the realigned Tippecanoe Street NE with the exception of the lot in very northeast corner that has approval from ACHD to have a driveway off of Constance Boulevard NE. Mr. Peterson asked for clarification on how his neighbor at 16160 Tippecanoe Street NE would access his property after changes are made to the current Tippecanoe Street NE. Engineer Collins stated the City would retain enough right-of-way to ensure his neighbor to the north has a driveway to his property. Chair Pogalz informed Mr. Vadis the road will remain intact but will be adjusted just south of Constance Boulevard NE as shown on the developer's plan; the name of road may change and that decision will be made by Anoka County. Mr. Vadis asked if there could be a second road connected to Constance Boulevard NE for access to the development. Chair Pogalz stated ACHD only allows a certain number of major access points to highways those access points must be at least a quarter mile apart for right in, right out turn access or at least a half mile apart for full access points. Mr. Vadis stated he is concerned for the safety of children that may ride bikes on paved roads through this development as his business generates truck traffic. Mr. Vadis asked if it would be possible to leave Tippecanoe Street NE the way it is and create a new road within the Constance Boulevard Terrace development. Mr. Vadis stated 160th Avenue NE currently terminates at the eastern border of his property; would it be possible to construct a street in the new development that would connect with 160th Avenue NE instead. Chair Pogalz stated Mr. Vadis would need to talk with the developer to learn if

he has an interest in changing the road configuration within the plat of Constance Boulevard Terrace. **Motion by Fisher, seconded by Heaton, to recommend approval of the preliminary plat and rezoning to R-1 (Single Family Residential) for the plat of Constance Boulevard Terrace (13 single family residential lots) in section 14 (3726 Constance Boulevard NE) subject meeting the requirements of the City Engineer, having the City Attorney negotiate right-of-way acquisition from the Vadis parcel (14-32-23-31-0006) to extend the proposed 162nd Lane NE to the existing Tippecanoe Street NE, meeting all City, State and County requirements. All present in favor. Motion carried. (This application will be placed on the City Council's Monday, June 15, 2020 agenda.)**

COMMISSION BUSINESS:

City Council Update

Commissioner Entsminger stated the City Council agreed with the Planning Commission's recommendation to approve the final plat for Catchers Creek of Ham Lake. Commissioner Pogalz will be attending the June 15, 2020 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:48 p.m. All present in favor, motion carried.

Jennifer Bohr
Zoning Official/Building Clerk