

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, FEBRUARY 11, 2019

The Ham Lake Planning Commission met for its regular meeting on Monday, February 11, 2019 in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Erin Dixson, Scott Heaton, Kyle Lejonvarn, Jeff Entsminger, Jonathan Fisher and Dave Ringler

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Zoning Official/Building Clerk/Deputy City 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.

**ELECTION OF CHAIR AND VICE CHAIR**

It was the consensus of the Commission to move the vote for Chair and Vice Chair to a later point in the meeting.

**APPROVAL OF MINUTES:**

**Motion by Ringler, seconded by Fisher, to approve the minutes of the December 10, 2018 Planning Commission meeting as written. All in favor, motion carried.**

**PUBLIC HEARING:**

Michael Goetz requesting a Conditional Use Permit to operate Northland Manufacturing, Inc. at 17808 Central Avenue NE.

Pat Goetz was present before the Planning Commission requesting a Conditional Use Permit (CUP) to operate Northland Manufacturing, Inc. at 17808 Central Avenue NE. Mr. Goetz stated Northland Manufacturing, Inc. is a machine shop. Mr. Goetz stated the business has eighteen CNC mill and lathe machines and currently has five employees. Commissioner Ringler completed the inspection, a copy which is on file, and stated he did not have access to the building when he did his inspection. Commissioner Ringler stated he was not able to see if the parking lot had striping as it was snow covered but did observe a marked handicap space to the left of the building

entrance. Commissioner Fisher asked if there was adequate screening to the west where the property abuts residential lots. Commissioner Ringler stated he did not walk the entire property due to snow cover.

**Chair Pogalz opened the public hearing at 6:06 p.m. and asked for public comment.**

Michael Pemberton, 17767 Johnson Street NE, lives directly west of 17808 Central Avenue NE. Mr. Pemberton asked how much noise the machines generate and will he hear the noise at his house, what are the business's hours of operation; and requested an explanation of what a CUP is.

**Chair Pogalz asked for further public comment and with there being none, he recessed the public hearing at 6:07 p.m.**

Chair Pogalz asked Mr. Goetz to explain the noise generated by the machines and provide the hours of operation. Mr. Goetz stated the machines are relatively quiet, no louder than a skill saw; hours of operation would be 7:00 a.m. to 5:30 p.m., Monday through Friday with occasional work on Saturdays.

**Chair Pogalz reopened the public hearing at 6:11 p.m. and asked for public comment.**

Commissioner Fisher asked Chair Pogalz to explain what a CUP is. Chair Pogalz stated a CUP allows a particular parcel to be used for a purpose other than a permitted use, with conditions, in a given zoning category.

**Chair Pogalz asked for further public comment and with there being none, closed the public hearing at 6:13 p.m.**

**Motion by Ringler, seconded by Fisher, to recommend approval of the application, as presented, by Michael Goetz requesting a Conditional Use Permit to operate Northland Manufacturing, Inc. at 17808 Central Avenue NE, subject to the following conditions: (1) Up to ten employees (2) Hours of operation to be 7:00 a.m. to 5:30 p.m. Monday through Saturday (3) Striping of the parking lot to be completed by June 1, 2019 (4) Meeting all City, County and State requirements. (This item will be placed on the February 19, 2019 City Council Agenda.)**

**PUBLIC HEARING:**

Belal Hmandy requesting a Conditional Use Permit to operate Eagle BX LLC (automotive repair) at 13408 Highway 65 NE.

Belal Hmandy was present before the Planning Commission requesting a Conditional Use Permit (CUP) to operate Eagle BX LLC (automotive repair) at 13408 Highway 65 NE. Mr. Hmandy stated Eagle BX LLC is a newly created company that will offer automotive repair services such as diagnostic testing, mechanical work and body work. Mr. Hmandy stated the types of automotive repairs that will be done will consist of fixing

bumpers and doors, some body work (no painting will be done), changing an occasional tire and transmission and engine work; additional services may be performed in the future. Mr. Hmandy stated he would like to be open for business from 7:00 a.m. to 9:00 p.m. Monday through Saturday with one to three full-time employees and up to two part-time employees. Commissioner Lejonvarn asked where the cars will be painted. Mr. Hmandy stated the painting will be done at other shops like MAACO. Commissioner Ringler stated there was no reference to transmission or engine repair in the business plan presented. Mr. Hmandy stated various issues, such as a sensor that needs repair within the engine, may require the engine to be taken apart. Commissioner Ringler asked if any work will be done that requires the draining of fluids. Mr. Hmandy stated fluids may need to be drained to perform some repairs; he will have tanks to store fluids in his shop. Chair Pogalz asked Anthony Revutskiy, the building owner, to speak to the commissioners about the status of remodeling, fencing and complaints related to alleged violations of his tenants' CUP's. Mr. Revutskiy stated the work on the roof has been completed; work on the fascia and siding still needs to be done. Mr. Revutskiy stated he is partially to blame for the tenants' violations on the number of cars parked on the property. Mr. Revutskiy stated his lease with the tenants states additional parking spaces can be rented as space becomes available; he thought he would just need to inform the City when he added additional space. Mr. Revutskiy stated he spoke with City staff and learned he cannot offer parking spaces for rent in addition to the spaces already assigned to his tenants and that his tenants will need to reapply to amend their CUP if they want to have more parking spaces or extend their business hours. Mr. Revutskiy stated he has talked with his tenants and asked that they remove any extra cars by February 12, 2019 and adhere to the terms of their CUP. Mr. Revutskiy stated he will be able to offer the tenants more parking spaces once the fence is installed. Commissioner Ringler stated the tenants must comply with the terms of the CUP, not try to comply.

Commissioner Heaton completed the inspection, a copy which is on file, and stated this business is similar USA Auto Repair and Delta Auto. Commissioner Heaton stated the outside appearance of the building has improved. Commissioner Heaton stated the bay Eagle BX LLC will lease has two overhead doors; two vehicles could be inside at one time. Commissioner Dixon stated the business plan notes ten clients are expected per day; there would not be enough parking spaces for clients and staff per the plan submitted. Commissioner Lejonvarn stated the last CUP recommended, for Delta Auto, at this location had a condition stating no fluid maintenance or oil changing would be allowed; staff recommended to City Council that the condition be changed to read *all fluids to be contained and disposed of according to County and State requirements*. Commissioner Lejonvarn stated disallowing fluid changes is unrealistic for an automotive repair shop; this should be taken into consideration when making recommendations for this CUP. Chair Pogalz stated the commissioners are aware of the complaints that have been filed against USA Auto Repair & Delta Auto; complaints are handled by city staff; the Planning Commission does not address or manage complaints.

**Chair Pogalz opened the public hearing at 6:33 p.m. and asked for public comment.**

Jon Hanson, 13461 Buchanen Street NE, stated the property looks like a junk yard. Mr. Hanson stated the property does not conform to what is written in the City Code; it does not meet construction or aesthetic standards listed for businesses operating in CD-1 zoning. Mr. Hanson stated the code indicates inventory is to be behind a barrier; is there a plan for this? Mr. Hanson stated he felt the outside storage of cars would attract vandals and criminals to their neighborhood. Mr. Hanson requested the denial of a CUP for Eagle BX LLC until the two existing tenants comply with the terms of their CUP's and the owner completes improvements on the property.

Chuck Human, 13328 Pierce Street NE, asked how many parking spaces would be allowed for Eagle BX LLC. Mr. Human stated the property has looked terrible for a long time. Mr. Human asked that no additional permits be approved until everything on the property complies with The City Code.

Anne Heise, 1228 133<sup>rd</sup> Lane NE, stated she has contacted, or attempted to contact, someone at City Hall about city code and permit violations at this location many times. Ms. Heise stated she doesn't feel her questions have been adequately answered or addressed. Ms. Heise sent an e-mail to city staff with several questions related to CUP's. Ms. Heise stated she wants to know who monitors the businesses that have been issued CUP's to ensure they are in compliance with the conditions of the permit, who addresses violations, is the information on violations and ensuing inspections available to the public, how many violations can a business have before their permit is revoked.

Karen Horning, 1310 133<sup>rd</sup> Lane NE, stated the businesses issued CUP's need to abide by the conditions of the permit; if they don't, the permits should be revoked. Ms. Horning said when the neighbors complain, they want action to be taken. Ms. Horning stated the city, residents and business owners need to work together.

John Mittelstadt, 1012 133<sup>rd</sup> Lane NE, stated he feels issuing another CUP's at this location will exacerbate the situation. Mr. Mittelstadt asked why the situation can't be brought under control, and why issue another permit when other businesses at this location are not in compliance.

**Chair Pogalz asked for further public comment and with there being none, he recessed the public hearing at 6:58 p.m.**

Chair Pogalz addressed questions that arose during public comment. Commissioner Heaton stated the deadline for the fence to be completed is June 1, 2019. Chair Pogalz directed the residents in the neighborhood to continue to contact staff at city hall regarding concerns or violations of the conditions of the permits. Commissioner Heaton stated a tenant or business may not be violating the terms of their permit even if cars, in excess of what is allowed by permits, are observed when driving by, the owner may park his vehicles on-site or other visitors may be parked at the location.

**Chair Pogalz reopened the public hearing at 7:14 p.m. and asked for public comment.**

Chuck Human, 13328 Pierce Street NE, stated the answer to the number of parking spaces is yet to be addressed; is the restroom adequate for the number of tenants.

Anne Heise, 1228 133<sup>rd</sup> Lane NE, asked where the new parking spots are located for the third tenant. A site plan map was displayed on the overhead to show designated parking spaces for Eagle BX LLC.

Chuck Human, 13328 Pierce Street NE, stated the spaces identified on the site plan have had cars parked in them for weeks.

**Chair Pogalz asked for further public comment and with there being none, closed the public hearing at 7:17 p.m.**

Commissioner Heaton stated he did not inspect the interior of the building and did not inquire about restroom availability. Chair Pogalz stated there is an open building permit at the location and the building inspectors will review plans for access and adequacy of restrooms. Chair Pogalz asked Mr. Revutskiy to address parking availability. Mr. Revutskiy stated he has asked Delta Auto to park in the proposed spaces for Eagle BX LLC as it is easier to clear snow on the west side of the parking lot. Chair Pogalz stated Mr. Hmandy is requesting 10 spots but it appears he needs more. Mr. Revutskiy stated Mr. Hmandy could use parking spaces south of USA Auto Repair & Delta Auto's designated parking spaces. Chair Pogalz asked where the fence would be located. Mr. Revutskiy identified the area on the site plan. Commissioner Lejonvarn asked Mr. Revutskiy what type of fence he was planning to install. Mr. Revutskiy stated he plans to install an eight-foot, light gray, steel fence similar to what Copart installed; shrubbery will be planted in front of the fence on the side that faces Highway 65 NE. Commissioner Dixon asked where additional parking would be located for the other tenants and would the area be paved. Mr. Revutskiy stated they would be allocated space inside the fenced area which will be paved. Commissioner Lejonvarn asked Mr. Revutskiy what area of the building he will utilize. Mr. Revutskiy stated he intends to utilize space in the northern half of the building. Commissioner Ringler stated he is not in favor of extending business hours for Eagle BX LLC beyond what has been approved for USA Auto Repair and Delta Auto as it will make enforcement of the permit conditions harder. Commissioner Ringler stated he will not vote to approve additional CUP's unless the property and building improvements and hard surface parking are completed before the permit is applied for.

**Motion by Heaton, seconded by Fisher, to recommend approval of the application, as presented, by Belal Hmandy, requesting a Conditional Use Permit to operate Eagle BX LLC (automotive repair) at 13408 Highway 65 NE, subject to the following conditions: (1) No motor vehicle sales (2) Allocating nineteen parking spaces; ten as presented on the site plan plus nine additional spaces south of spaces allocated for USA Auto Repair and Delta Auto (3) All parking to**

be on hard surface in designated areas as shown on the site plan (4) A maximum of five employees (5) No outside storage of liquids, tires, parts, etc. (6) All repairs to be done inside the building (repairs include replacing fenders, hoods, headlights and similar work; all fluids to be contained and disposed of according to County and State requirements (7) No painting at this location (8) Hours of operation to be 7:00 a.m. to 9:00 p.m., Monday through Saturday (9) Security Lighting required (10) Complete the fencing/screening, striping and accessibility requirements of the parking lot by June 1, 2019 (11) Meeting all City, State and County requirements. Commissioners Pogalz, Lejonvarn, Entsminger, Heaton, Fisher and Dixon voted yes, Commissioner Ringler voted no. Motion carried. *(This item will be placed on the February 19, 2019 City Council Agenda.)*

**NEW BUSINESS:**

Ed Purtell requesting a Certificate of Occupancy to operate Deng Massage LLC at 18015 Ulysses Street NE, Suite 100.

Ed Purtell was present. Mr. Purtell stated they want to expand their business and move to a location that will allow them to do that. Mr. Purtell stated one additional employee may be added and business hours would be 9:00 a.m. to 10:00 p.m. seven days a week. Commissioner Dixon completed the inspection, a copy which is on file, and stated she did not see a sign for handicap parking.

**Motion by Dixon, seconded by Fisher, to recommend approval of the Certificate of Occupancy as presented by Ed Purtell to operate Deng Massage LLC at 18015 Ulysses Street NE, Suite 100, from 9:00 a.m. to 10:00 p.m. seven days a week subject to designation with signage of one handicap parking space and meeting all City, State and County requirements. All in favor, motion carried. *(This application will be placed on the City Council's Tuesday, February 19, 2019 agenda.)***

City Council Update

Commissioner Lejonvarn updated the Planning Commission on action taken at the City Council's December 17, 2018 meeting. Commissioner Ringler will be attending the City Council's Tuesday, February 19, 2019 meeting.

**COMMISSION BUSINESS:**

Election of Chair and Vice Chair

The commission asked the current Chair and Vice Chair if they would like to continue to hold the chair positions for another year. There was no objection. **Motion by Fisher, seconded by Ringler, to re-elect Brian Pogalz as Chair and Erin Dixon as Vice Chair. All in favor, motion carried.**

**ADJOURNMENT:**

**Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 7:47 p.m. All in favor, motion carried.**

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Jennifer Bohr  
Zoning Official/Building Clerk/Deputy City Clerk