

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, DECEMBER 10, 2018

The Ham Lake Planning Commission met for its regular meeting on Monday, December 10, 2018 in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

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

**MEMBERS ABSENT:** Commissioner Dave Ringler

**OTHERS PRESENT:** City Engineer, Tom Collins and Zoning Official/Building Clerk, Dawnette Shimek

**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, as written, of the November 13, 2018 Planning Commission meeting. All present in favor, motion carried.**

**NEW BUSINESS:**

Jim Malvin requesting Final Plat Approval of Rylies Way (6 Single Family Residential Lots) located in Section 1.

Ross Abel, Oliver Surveying & Engineering, Inc., was present before the Planning Commission representing Jim Malvin. Mr. Abel stated that the plat is a Planned Unit Development (PUD) consisting of six single family residential lots and agricultural property to be used as sod farming. Mr. Abel stated that the road construction has been underway and will be completed in the spring. Engineer Collins stated that he is recommending approval of the plat. **Motion by Pogalz, seconded by Lejonvarn, to recommend approval of the Final Plat for Rylies Way, a Planned Unit Development (PUD) consisting of six single family residential lots and an agricultural lot located in Section 1, as presented, subject to meeting the recommendations of the City Engineer and all City, State and County requirements. All present in favor, motion carried.** This application will be placed on the City Council's December 17, 2018 agenda.

Mark Smith, requesting Sketch Plan Approval for Catchers Creek of Ham Lake (4 Single Family Residential Lots) in Section 30 (40 Andover Boulevard NE).

Mark Smith was present before the Planning Commission requesting approval of a Sketch Plan for Catchers Creek of Ham Lake located in Section 30. Engineer Collins stated that the proposed development is in conjunction with an adjacent City of Andover development of 48 residential lots. The sketch plan shows the easterly portion of these lots. The City of Andover lots are within the City's Municipal Urban Service Area (MUSA), which will allow for up to 3 lots per acre. Fire Chief, Don Krueger and City Engineer, Tom Collins met with the City of Andover and the Developer to discuss the possibility of MUSA being extended to the 5.00 acre parcel. The City Council approved the Road Committee recommendation to not allow MUSA into the City per the Ham Lake Comprehensive plan. Discussion followed regarding an Indian burial mound located on proposed Lot 1, Block 2. Engineer Collins stated that this would fall under the Private Cemeteries Act and procedures will need to be provided by the State Archaeologist in conjunction with the Minnesota Indian Affairs Council. The burial mound must remain undisturbed and access to the mound may be required. Engineer Collins asked for Attorney Murphy's opinion on the matter and the recommendation will be required to be contingent on the developer cooperating with the State Archaeologist in initiating and following any burial ground authentication procedures outlined in state statute and used by the state archaeologist. Chair Pogalz asked if 144<sup>th</sup> Avenue NE would be extended to the east in the future. Engineer Collins stated it would end in a temporary cul-de-sac and a sign would be posted that will state that the street may be extended beyond this point in the future; in which case the existing home and out buildings located at 140 Andover Boulevard NE would need to be demolished.

**Motion by Heaton, seconded by Lejonvarn, to recommend approval of the Sketch Plan for Catchers Creek of Ham Lake as presented by Mark Smith consisting of four Single Family Residential Lots in Section 30 (40 Andover Boulevard NE), subject to the developer cooperating with the State Archaeologist in initiating and following any burial ground authentication procedures outlined in state statute and used by the state archaeologist, subject to meeting the recommendations of the City Engineer, City Attorney and all City, State and County requirements. All present in favor, motion carried.** This application will be placed on the City Council's December 17, 2018 agenda.

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz updated the Planning Commission on action taken at the City Council's November 19, 2018 meeting. Chair Pogalz stated that the City Council approved the Conditional Use Permit for USA Auto to operate at 13408 Highway 65 NE with the conditions recommended by the Planning Commission with the addition of requiring a site plan for fencing/screening be submitted to the City Council within 60 days and that the fencing/screening, striping and accessibility requirements of the parking lot be completed by June 1, 2019. Commissioner Lejonvarn will be representing the Planning Commission at the City Council's Monday, December 17, 2018 meeting.

**PUBLIC HEARING:**

Adam Alaiwi requesting a Conditional Use Permit to operate Delta Auto (automotive repair) at 13408 Highway 65 NE.

re Mr. Alaiwi stated that he will have 10 parking spaces and one handicap space. Mr. Alaiwi stated that he does mechanical work on vehicles. Mr. Alaiwi stated that most customers drive the vehicles in for repair and some are towed to the location. Mr. Alaiwi stated that there will be no auto sales and that he has an auto sales lot in the City of Ramsey. Commissioner Heaton completed the inspection, a copy of which is on file and stated that the request is similar to the Conditional Use Permit reviewed by the Planning Commission on November 13, 2018 and approved by the City Council on November 19, 2018. The property owner Anthony Revutskiy was also present.

**Chair Pogalz opened the public hearing at 6:23 p.m. and asked for public comment.**

Dustin Reichert, 1254 133<sup>rd</sup> Lane NE, spoke about the neighborhood concerns being serious. Mr. Reichert stated that USA Auto Sales recently applied for a Conditional Use Permit at this location and is constantly violating the conditions of the permit. Mr. Reichert would want the same rules passed as before and all of the neighborhood would like a very tall fence installed to screen the vehicles.

Jeff Walstrom, 1311 133<sup>rd</sup> Lane NE, stated that he would like the application postponed because the mailer notification was so late.

Joe Jensen, 1257 133<sup>rd</sup> Lane NE, showed photos to the Planning Commission of various violations on the property. Mr. Jensen stated that he has pictures and videos as evidence of violations because he drives by the property every day. Mr. Jensen stated there have been as many as 18 cars at the location and the Conditional Use Permit allows 9 vehicles. Mr. Jensen stated that if Delta Auto is going to be working on transmissions and engines, that there is going to be fluids and he is concerned with proper disposal of fluids.

Anne Heise, 1228 133<sup>rd</sup> Lane NE, stated she has major concern with fluids. Ms. Heise asked who at the City is responsible for enforcing the number of cars allowed on the property as she has seen as many as 15 vehicles on the property. Ms. Heise stated that after the last Planning Commission meeting when USA Auto was approved, there were already more cars than were allowed. Ms. Heise asked the Planning Commissioners if they would like this at the end of their road.

Chuck Human, 13328 Pierce Street NE, asked if anyone has asked the property owner about his future plans for the location. Mr. Human stated he does not know the difference between commercially zoned and dismantling vehicles. Mr. Human stated that the business sounds more like dismantling, not repairing. Mr. Human asked if anyone has offered tax credits to make this property aesthetically pleasing.

**Chair Pogalz asked for further public comment and with there being none, he recessed the public hearing at 6:36 p.m.**

Chair Pogalz asked Mr. Revutskiy how he enforces or monitors his lease tenants to make sure they are not overstepping their permit conditions. Mr. Revutskiy stated that USA Auto has received a letter letting them know they were not meeting the conditions set by the Conditional Use Permit. Mr. Revutskiy stated that once the fence installation and parking lot striping is done, it will be easier to enforce the permit conditions. Mr. Revutskiy stated that following receipt of the letter, USA Auto's cars were reduced to nine. Mr. Revutskiy stated that the tenants will receive three warning letters and if they then do not meet the conditions of the Conditional Use Permit, the vehicles will be towed and the tenant will have to move out. Chair Pogalz asked Mr. Revutskiy what the future plans are for the building. Mr. Revutskiy stated that he plans to use about half of the building himself. Mr. Revutskiy is unsure what business will occupy the other half of the building. Mr. Revutskiy stated he does plan to rent one or two more spaces to mechanics for auto repair. Someone could possibly rent out the front office also. Mr. Revutskiy stated that he is going to utilize the grant through the Ham Lake Development Corporation to help pay for some exterior improvements on the property. Chair Pogalz asked Zoning Official/Building Clerk Shimek how soon the application needed to be acted upon. Zoning Official/Building Clerk Shimek stated that they have 60 days to act on the application and it was brought in on November 27, 2018. Chair Pogalz asked because there was a request to hold off on the hearing because of late notice to residents. Zoning Official/Building Clerk Shimek stated that notice was mailed out as required by State Statute. Commissioner Lejonvarn stated that the fence and screening is going to alleviate much of the problems at this site. Chair Pogalz asked who enforces the conditions of the Conditional Use Permit. Zoning Official/Building Clerk Shimek stated that the City has a Code Enforcement Officer that would go to the property and review the conditions of the permit with the Conditional Use Permit holder. Fire Chief, Don Krueger, was in the audience and Chair Pogalz asked him to come up to the podium so the Planning Commission could ask some questions. Fire Chief Krueger stated that the Code Enforcement Officer will typically receive the complaints. Sometimes people will come in and request to talk to other staff about the site. Fire Chief Krueger stated that he and staff have met with Mr. Revutskiy and any questions by staff have been admirably addressed. Fire Chief Krueger stated that anything Mr. Revutskiy has been asked or said he would do, he has done. The City's goal is not to wait for 59 days to give approval and in order for Mr. Revutskiy to be successful, he needs to rent the property out and hopefully by collecting rent the property can be successful there. Fire Chief Krueger added that having an occupied thriving business is better than having a vacant building. Mr. Revutskiy has been working on improving the appearance of the building. The City Council recognized that fencing and screening is necessary and requested that a plan be submitted to the City Council and that the fence and installed by June 1, 2018. Fire Chief Krueger suggested that along the property facing Highway 65 that the fence be set back enough to plant shrubs in front of the fence. Mr. Revutskiy stated he would like to do something like Copart did on the southeast corner of Highway 65 NE and Bunker Lake Boulevard NE.

**Chair Pogalz reopened the Public Hearing at 6:56 p.m. and asked for public comment.**

Tom Culshaw, 13322 Pierce Street NE, stated that he walks quite a bit and he walked through the lot today. Mr. Human inquired as to how many businesses can be there. Mr. Culshaw stated that when Custom Truck Accessories was there, there was one mailbox, now there is cluster of 12 mailboxes there, are we going to wait until they all are full. Mr. Human stated concern with this property being a junk yard. Mr. Culshaw reminded everyone that 133<sup>rd</sup> Lane NE is a dead end.

Commissioner Fisher stated that there was a question about the fluids and if there are other jurisdictions that monitor that. Zoning Official/Building Clerk Shimek stated that a condition could be added to the permit that would require that fluids be contained and disposed of as required by county or state laws.

Dustin Reichert, 1254 133<sup>rd</sup> Lane NE, stated that they recognize that USA Auto has a sales lot in Ramsey. A lot of people are in support of Mr. Revutskiy, but with the chaos of the late notice he would have loved to have had time to reach out to other cities regarding these businesses. In Ramsey there are five to ten of these businesses in one area that are a thorn for the City of Ramsey. Mr. Reichert would love to see some greenery along the fence on 133<sup>rd</sup> Lane NE, more than on the Highway 65 side. Mr. Reichert just put a lot of money into his home and the neighbors have a stake in their properties; renters have absolutely no stake in their properties.

Joe Jensen, 1257 133<sup>rd</sup> Lane NE, is concerned about enforcing the conditions of the permit. Mr. Revutskiy should have a tow truck there to tow vehicles when there are more than are allowed. The business across the street looks beautiful since the fence was installed, and the neighbors are no longer complaining. Mr. Jensen asked where Mr. Revutskiy's cabinetry business is located in the building. Mr. Jensen has proof with emails, videos and photos of complaints to the City, and he will keep these records.

**Chair Pogalz asked for further public comment and with there being none, closed the public hearing at 7:02 p.m.**

Chair Pogalz stated that the Planning Commission does not know how many businesses will be in the building in the future, but there are limitations with bathrooms and parking needs. This meeting is to address the application before them. Chair Pogalz asked Commissioner Heaton if he has a list of conditions to place on this permit. Commissioner Heaton stated he would be recommending the same conditions that were placed on the Conditional Use Permit for USA Auto issued on November 19, 2018.

**Motion by Heaton, seconded by Fisher, to approve the application, as presented, by Adam Alaiwi requesting a Conditional Use Permit to operate Delta Auto (automotive repair) at 13408 Highway 65 NE, subject to the following conditions: (1) No motor vehicle sales (2) Allocating ten parking spaces plus handicap as**

presented on the site plan (3) All parking to be on hard surface in designated areas as shown on the site plan (4) One employee (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; no engine work, oil changing or fluid maintenance, bodywork or painting at this location (7) Hours of operation to be 9:00 a.m. to 6:00 p.m., Monday through Saturday (8) Security Lighting required (9) present a site plan for fencing/screening to the City Council within 60 days from November 19, 2018 (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. Discussion followed regarding engine work being done by this applicant. **Commissioner Heaton made a motion to amend condition number six to read as follows: (6) All repairs to be done inside the building; when performing repairs some body parts may need to be disassembled in order to perform repairs, no fluid maintenance or oil changing and no bodywork or painting at this location. Seconded by Commissioner Fisher, all in favor, motion carried.** This application will be placed on the City Council's December 17, 2018 agenda.

**ADJOURNMENT:**

**Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 7:12 p.m. All present in favor, motion carried.**

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Dawnette Shimek  
Zoning Official/Building Clerk