

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, FEBRUARY 27, 2017

The Ham Lake Planning Commission met for its regular meeting on Monday, February 27, 2017 in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Commissioners Ross Abel, Erin Dixson, Jonathan Fisher, Scott Heaton, Brian Pogalz and Dave Ringler

MEMBERS ABSENT: Commissioner Kyle Lejonvarn

OTHERS PRESENT: City Engineer, Tom Collins; City Attorney, Joe Murphy; and Zoning Official/Building Clerk, Dawnette Shimek

CALL TO ORDER: Chair Abel 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 Ringler, seconded by Fisher, to approve the minutes, as written, of the February 13, 2017 Planning Commission meeting. All present in favor, motion carried.

PUBLIC HEARING: 6:01 p.m.

Consideration of amendments to Article 9-370 Accessory Buildings, Farm Buildings and Permits relating to: Accessory Building Size; Accessory Building Setbacks; and Number of Accessory Buildings allowed.

Attorney Murphy explained the proposed ordinance and that the proposed changes make the ordinance less restrictive.

Chair Abel called the public hearing to order at 6:01 p.m. and with there being no interested parties to comment, closed the public hearing at 6:02 p.m.

Commissioner Heaton asked if this ordinance change will affect chicken coops to be counted as an accessory building. Zoning Official Shimek stated that chicken coops would not be considered an accessory building.

Motion by Ringler, seconded by Fisher, to recommend approval of the amendments to Article 9-370 regarding Accessory Buildings, Farm Buildings and Permits relating to: Accessory Building Size; Accessory Building Setbacks; and

Number of Accessory Buildings allowed. All present in favor, motion carried.
This item will be placed on the City Council's March 6, 2017 agenda.

NEW BUSINESS:

Lawrence Olson (not present), BL Holdings, LLC, requesting Final Plat Approval for Ehrnreiter Estates 2nd Addition (16 residential single family lots) in Section 11.

The Planning Commission discussed the application of Lawrence Olson, BL Holdings, LLC, requesting Final Plat Approval for Ehrnreiter Estates 2nd Addition. Commissioner Fisher inspected the property and spoke to Mr. Olson and there are no issues with the plat. A memo from Engineer Collins was discussed and Engineer Collins recommends approval of the final plat.

Motion by Fisher, seconded by Pogalz, to recommend approval of the Final Plat of Ehrnreiter Estates 2nd Addition (16 residential single family lots) in Section 11 as requested by Lawrence Olson, BL Holdings, LLC, subject to meeting the recommendations of the City Engineer and all State, County and City requirements. All present in favor, motion carried. This application will be placed on the City Council's March 6, 2017 agenda.

Brook Parent, Parent Custom Homes, LLC, requesting site plan approval to construct and operate at 13654 Van Buren Street NE (Lot 1, Block 1, Majestic View).

Brook Parent, Parent Custom Homes, LLC, was present before the Planning Commission requesting site plan approval to construct and operate at Lot 1, Block 1, Majestic View. Mr. Parent is proposing to construct a 7,420 square foot building on the 1.18 acre parcel. The building will have four suites with Parent Custom Homes operating out of one of the suites. Commissioner Heaton visited the site and stated the business will be a good fit for the area. Engineer Collins went over his February 23, 2017 memorandum. **Motion by Heaton, seconded by Ringler, to recommend approval of the site plan as presented by Brook Parent, Parent Custom Homes, LLC, to construct and operate at 13654 Van Buren Street NE (Lot 1, Block 1, Majestic View), 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 March 6, 2017 agenda.

Ahmed Hassan (not present) proposing a request for a Conditional Use Permit to operate Freedom Auto Sales at 14954 Aberdeen Street NE (Commercial Development Tier 1 Zoning).

Commissioner Abel explained that this property and use has been discussed by the City Council at its February 6, 2017 and February 21, 2017 meetings. Attorney Murphy drafted an Ordinance regarding Used Car Sales Lots that was presented to the City Council. It was the consensus of the City Council at its February 21, 2017 meeting to direct the Planning Commission to discuss the Conditional Use Permit application from Freedom Auto Sales and consider the City Code change to allow this business. Commissioner Abel visited the site and stated that he is not pleased with the process of moving onto the property without City approval. Commissioner Abel stated that the property owner has leased space to Freedom Auto Sales and it is currently a full blown

used car sales lot. Commissioner Abel stated that there are a lot of things on the property like numerous tractors and trailers, semi-trailer boxes used for storage, a boat stored and other construction equipment, that currently is not allowed under the current Conditional Use Permit for the property. Commissioner Dixon stated that she has noticed an increase in vehicle volume at this site and added that there is no signage on Highway 65 indicating another used vehicle sales lot on the site. Commissioner Abel stated that the cars for sale by Freedom auto sales have flags on the windows and there are a number of them that are not currently licensed. Commissioner Ringler stated that if the property is currently not in compliance with the Conditional Use Permit wouldn't this be a zoning violation. Attorney Murphy stated if the property is not in compliance it would be a zoning violation and the Planning Commission can require that the lot is brought into compliance prior to acting on this application. Chair Abel stated that it was not the intention for this property to become a sales lot and the owner of the property was agreeable with that and that only trade-ins when a classic car is purchased would be displayed for sale. Commissioner Dixon agreed with Chair Abel in that the property was allowed to take in and sell trade-in vehicles, but not leased to an individual for a car sales lot. Commissioner Heaton does not feel it fits, but maybe the application should be tabled until the applicant can be present. Engineer Collins stated that the site plan is not to scale as it does not show 24-foot drive aisles or 9-foot x 20-foot parking spaces.

Motion by Heaton, seconded by Abel, to recommend tabling the application by Ahmed Hassan proposing a request for a Conditional Use Permit to operate Freedom Auto Sales at 14954 Aberdeen Street NE (Commercial Development Tier 1 Zoning), until the applicant can be present and subject to requiring an accurate, detailed, to scale site plan including paved areas, parking spaces, drive isles, buildings, etc. for the property. Commissioners Abel, Dixon, Fisher, Heaton and Pogalz voted yes. Commissioner Ringler voted no. Motion carried. (*This motion was amended later in the meeting.*)

COMMISSION BUSINESS:

Consideration of an Ordinance to modify the Used Vehicle Sales limitations in the CD-1 Zoning District (If approval is recommended a Public Hearing will be scheduled at a later date).

Attorney Murphy explained the ordinance to the Planning Commission that the amendment and stated that the amendment would allow on lots where a business is currently operating a New Vehicle Sales or Used Vehicle Sales operation under a valid Conditional Use Permit, a separate Used Vehicle Sales business may be operated by Conditional Use Permit on the same lot. Discussion followed. **Motion by Ringler, seconded by Dixon, to recommend denial of the Ordinance amendment to modify the Used Vehicle Sales limitations in the CD-1 zoning district. Commissioners Abel, Dixon and Ringler voted yes. Commissioners Pogalz, Heaton and Fisher voted no. With this being a tie-vote, the motion failed to pass.** This item will be placed on the City Council's March 6, 2017 agenda.

Ahmad Hassan (not present) proposing a request for a Conditional Use Permit to operate Freedom Auto Sales at 14954 Aberdeen Street NE (Commercial Development Tier 1 Zoning). (This is a continuation from earlier in the meeting amending the motion.)

Motion by Heaton, seconded by Abel to amend the previous motion for Ahmed Hassan proposing a request for a Conditional Use Permit to operate Freedom Auto Sales at 14954 Aberdeen Street NE (Commercial Development Tier 1 Zoning), to place the application as presented on the next Planning Commission agenda when the applicant can be present. Commissioners Abel, Dixson, Fisher, Heaton and Pogalz voted yes. Commissioner Ringler voted no. Motion carried.

City Council Update

Commissioner Pogalz updated the Planning Commission on action taken at the City Council's February 21, 2017 meeting. Commissioner Ringler will be attending the City Council's March 6, 2017 meeting.

ADJOURNMENT:

Motion by Fisher, seconded by Ringler, to adjourn the Planning Commission meeting at 7:09 p.m. All present in favor, motion carried.

Dawnette Shimek
Zoning Official/Building Clerk