

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, MAY 8, 2023

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

MEMBERS ABSENT: Commissioners Dave Ringler and Erin Dixon

OTHERS PRESENT: 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 Heaton, seconded by Entsminger, to approve the minutes of the April 24, 2023 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Hany Omar, YSMN Properties LLC, and Faiz Jameel and Sami Sekhi of GT Auto Sales, requesting a Conditional Use Permit to operate GT Auto Sales, an auto sales and service, car repair and auto body shop, at 16905 Baltimore Street NE

Mr. Hany Omar and Mr. Fiaz Jameel from GT Auto Sales were present. Mr. Omar stated he and his partners are interested in purchasing the 16905 Baltimore Street NE parcel, which they currently lease from the current owner but want to be sure the City approves of their plans for future business operations before they actually purchase the property. Mr. Omar stated they want to improve the visual appearance of the property to present a more positive image to the community. Mr. Omar stated the location is perfect for the business and he hopes they will be able to operate at the location for a long time. Mr. Omar stated the business currently buys and sells used cars, some of the cars have been damaged and are repaired before they are sold. Mr. Omar stated they are presenting a multi-year plan showing how and when they will add additional services, construct a fence for screening of damaged vehicles they acquire, and expand the sales display area. Chair Pogalz read a memo written by Building and Zoning Official, Mark Jones conveying that

the property is zoned Commercial Development II (CD-2); used car sales is a permitted use and auto repair is a conditionally permitted use. Chair Pogalz stated Building and Zoning Official Jones has provided a list of conditions for the commissioners to consider for this Conditional Use Permit (CUP). Commissioner Entsminger completed the inspection; a copy which is on file. Commissioner Entsminger stated the applicants have provided a three-phase plan for expanding services and modifying the parking area. Commissioner Entsminger stated there is not a fence on the property currently and there are two handicap parking spaces marked by signs posted on the building in front of them. Commissioner Lejonvarn asked how tall the proposed fence will be and how high the vehicles that will be stored inside of the fenced area are. Mr. Omar stated SUV's, vans and cars will be stored in the fenced in area; there will be no commercial vehicles. Commissioner Entsminger stated Building and Zoning Official Jones would like the commissioners to discuss business hours, especially Sunday business hours. Commissioner Lejonvarn stated motor vehicles sales are not allowed on Sundays. Mr. Omar stated business hours have been requested on Sundays to allow them to wash and detail vehicles that have been sold and scheduled for pick-up on Mondays. Mr. Omar stated he wants neighbors to be informed that there may be activity at the location on Sundays. Commissioner Lejonvarn asked for verification that no mechanical or auto body work will be done on Sundays. Mr. Omar stated that type of work will not be done on Sundays. Chair Pogalz asked Mr. Omar to explain the paint booth setup listed in Phase Two. Mr. Omar stated they would like to have a paint booth to paint and finish cars that need touching up after exterior work has been done so they don't have to transport them to another location to be painted. Commissioner Lejonvarn asked Mr. Omar to discuss the expanded parking area shown in the southeast corner in Phase Three and asked if the area would be paved. Mr. Omar stated if the business grows enough, they want to expand the sales display area; the expanded display area would be in the southeast corner of the parcel along 169th Avenue NE; it would be paved. Mr. Omar asked the commissioners if he and his partners could modify their plans related to when and where fencing was constructed. Mr. Omar stated they would like to construct fencing in the northeast corner of the lot in Phase One rather than in the northwest corner. The commissioners stated that was acceptable. Building and Zoning Official Jones stated it was acceptable to him but any natural screening removed would need to be replaced with fencing. Building and Zoning Official Jones stated he would like a completion date for when the fence would be constructed; there are currently compliance issues at the location due to outdoor storage of damaged vehicles. Building and Zoning Official Jones stated the City's motor vehicle sales lot license states all vehicles at a dealership must be capable of obtaining a license and shall be completely assembled as customarily delivered from the factory. Building and Zoning Official Jones stated GT Auto Sales LLC's request for a CUP will allow them to come into compliance with City Code in regard to storage of damaged vehicles. Commissioner Lejonvarn asked if a six-foot or eight-foot high fence would be high enough to conceal the vehicles; the City has had visual and noise issues with car dealerships in the past. Building and Zoning Official Jones stated an eight-foot fence should be high enough to screen a light-duty truck. The commissioners asked Mr. Omar when he could have the fence construction completed. Mr. Omar stated August 31, 2023.

Chair Pogalz opened the public hearing at 6:21 p.m. and asked for public comment.

Tim Mulcahy, 16915 Chisholm St NE. Mr. Mulcahy stated he has been a resident for over 30 years. Mr. Mulcahy stated he has some concerns about the proposed use of the property. Mr. Mulcahy stated Chisholm Street NE is used by the dealership as an area to photograph cars when the cars are ready to sell; cars get parked in the middle of the street and block traffic when they are being photographed. Mr. Mulcahy stated 169th Avenue NE often gets used as a test track; many of the cars are high performance cars and he believes the speed cars are driven at, is at least twice the speed limit. Mr. Mulcahy stated his neighbor, that has property right next to the lot, often has garbage from the dealership blow into his yard because the dumpster lid does not get closed. Mr. Mulcahy stated when people come to look at cars, they drive north on Baltimore Street NE to 170th Lane NE and come south on Chisholm Street NE through his neighborhood; people test driving vehicles stop on Chisholm Street NE to look under the hood and over the cars. Mr. Mulcahy stated he is asking for separation of the business from the neighborhood. Mr. Mulcahy stated an eight-foot fence may not be tall enough if all of the trees are cleared from the east side of the property; neighbors have decks facing the parcel and when the sun shines from the west onto the windshields of cars he feels it will create an issue. Mr. Mulcahy stated he does not feel GT Auto Sales has been the best of neighbors; if they are going to get permission to expand their business operations, the commission needs to look at what is happening now and correct these issues.

Chair Pogalz closed the public hearing at 6:27 p.m.

Commissioner Lejonvarn asked Building and Zoning Official Jones what type of fence he would like installed. Building and Zoning Official Jones stated he would like a sturdy fence that is code compliant. Chair Pogalz asked Building and Zoning Official Jones how often CUP's were reviewed by the City. Building and Zoning Official Jones stated CUP holders need to comply with the conditions listed on their permit; if CUP holders are not in compliance with the conditions of their permit, inspections are done and a notification is sent to them informing them of issues to address to come into compliance with the conditions of the permit. There was discussion on how the dealership could address current issues. Chair Pogalz asked Mr. Omar if a sales representative accompanied people when they test drive cars. Mr. Omar stated if a family is looking at a vehicle, the dealership holds a driver's license but does not ride with them during the test drive; if an individual is test driving a car, a sales representative will ride along with them. Chair Pogalz stated sales representatives need to be aware of the neighbors' concerns and encourage customers to do test drives on Highway 65 NE. Building and Zoning Official Jones stated Baltimore Street NE will be extended to the north in the future and will connect to a future new section of Chisholm Street NE that will outlet to Crosstown Boulevard NE; this may minimize test drive traffic in the neighborhoods near GT Auto Sales. Commissioner Entsminger stated there is not an enclosure around the dumpster currently but Phase One plans indicate one will be constructed this year. The commissioners discussed proposed Sunday business hours and what business activity could take place on Sundays. Commissioner Heaton reminded the applicants that working on vehicles outside is strictly prohibited anytime. Commissioner Lejonvarn clarified that fencing will be constructed in the northeast corner of the lot in Phase One

rather than the northwest corner and asked if there was a hard-surfaced area in the northwest corner of the property. Building and Zoning Official Jones stated the fenced areas shown in Phase One and Phase Three are currently just a dirt surface; the parking areas shown in Phases One and Two are currently paved. Building and Zoning Official Jones stated if the hard surface parking area is expanded, with either Class V or asphalt, drainage on the property will change and the applicants must contact the Coon Creek Watershed District. **Motion by Entsminger, seconded by Fisher, to recommend approval of the request of Hany Omar, YSMN Properties LLC, and Faiz Jameel and Sami Sekhi of GT Auto Sales, requesting a Conditional Use Permit to operate GT Auto Sales, an auto sales and service, car repair and auto body shop, at 16905 Baltimore Street NE subject to:**

1. **Constructing an eight-foot fence along the entire eastern property line, constructing a fenced enclosure in the northeast corner of the lot with fencing being at least six-feet high on the northern, western and southern sides, constructing an enclosure for the dumpster and striping the parking lot before any damaged or repairable vehicles can be kept outdoors on the property; repairable vehicles must be kept indoors during construction. Fence and trash enclosure construction and striping of the parking lot are to be completed by August 31, 2023.**
2. **Ensuring the primary and secondary septic areas are protected.**
3. **All damaged vehicles being parked within the screened in area and maintaining a 12-foot drive aisle between rows of cars.**
4. **No outside storage of liquids, tires, parts, etc.**
5. **No “parts” cars (vehicles bought for the sole purposes of removing parts for other vehicles).**
6. **Performing all repair work inside the building including work such as body work or replacement of headlights.**
7. **Containing and disposing of all fluids according to State and County requirements.**
8. **All auto sales activities being kept separate from the auto repair activity and adhering to all requirements of Article 7-900 for auto sales.**
9. **Business hours of 9 am to 9 pm Monday through Sunday with business activity on Sunday being limited to activity that creates no audible noise outside of the building.**
10. **Meeting all City, County, and State requirements.**

Mr. Omar stated what he heard was that they are not able to operate until the fence and the trash enclosure is constructed and striping of the parking lot is complete. Mr. Omar asked if they could operate while constructing the screened area and getting the parking lot striped. Commissioner Entsminger stated they can operate but cannot store damaged vehicles outside of the building; damaged cars must be stored inside of the building. There was discussion about how handicap parking spaces must be marked on the pavement. Mr. Omar stated they will have multiple dealers utilizing the office space in the future. Building and Zoning Official Jones stated other dealers can operate at the location as long as they are properly licensed. **All present in favor, motion carried. This application will be placed on the City Council’s May 15, 2023 agenda.**

Chair Pogalz addressed Mr. Mulcahy and informed him some of his concerns are beyond the control of the Planning Commission. Chair Pogalz asked Mr. Mulcahy to contact the Anoka County Sheriff's Office if speeding continues on residential streets and to contact the City if some of his other concerns persist.

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Chair Pogalz stated the City Council concurred with the recommendation to approve the Certificate of Occupancy for ANB Auto LLC at the May 1, 2023 meeting. Commissioner Entsminger will attend the May 15, 2023 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Fisher, to adjourn the Planning Commission meeting at 6:53 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk