

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, JULY 26, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, July 26, 2021 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Chair Brian Pogalz and Commissioners Dave Ringler, Scott Heaton and Jeff Entsminger

MEMBERS ABSENT: Commissioners Jonathan Fisher, Kyle Lejonvarn and Erin Dixon

OTHERS PRESENT: Zoning and Building 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 Entsminger, seconded by Pogalz, to approve the minutes of the July 12, 2021 Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Jason Yang requesting a Conditional Use Permit to operate Sagewerkz LLC, an automotive repair shop, at 13408 Highway 65 NE, Suite 114.

Mr. Jason Yang was present. Mr. Yang stated his business is automotive repair of Japanese classic cars. Commissioner Ringler asked Mr. Yang to explain the type of repair work he would be doing as Commissioner Ringler observed a car in the shop with no motor. Mr. Yang stated the car Commissioner Ringler saw was a personal car he and his partner were working on. Commissioner Entsminger asked Mr. Yang how many employees he would have. Mr. Yang stated there will be two employees, himself and David, the other co-owner. Commissioner Ringler completed the inspection, a copy which is on file. Commissioner Ringler stated the suite Mr. Yang will be working in has space to work on two cars at once (comfortably) and the restroom facilities available are shared with other tenants in the building. Mr. Anthony Revutskiy, building owner, was present. Chair Pogalz asked Mr. Revutskiy to provide an update on activity at the site and tenant compliance with Conditional Use Permit (CUP) conditions. Mr. Revutskiy stated tenants on the north side of the building have signed a letter acknowledging that if they park cars in the fire lane they will be towed. Mr. Revutskiy stated he really hasn't had any issues with tenants leaving cars in the fire lane since. Mr. Revutskiy stated he is working to keep

the property clean by having someone collect scrap metal from each tenant's shop after 6:00 p.m. each day and he is continuing to work on landscaping. Chair Pogalz asked Mr. Revutskiy if tenants are parking cars in their assigned spaces and not exceeding the number of allowed vehicles per their CUP's. Mr. Revutskiy stated he spoke with Zoning Official Jones today and learned he has to revise the current parking arrangement and maintain fire lanes. Chair Pogalz asked Mr. Revutskiy if he had a copy of the site plan included in tonight's meeting packet, Mr. Revutskiy said he did and that he will definitely correct how cars are parked within the fenced area. Chair Pogalz asked Mr. Revutskiy how many suites remained open to lease. Mr. Revutskiy stated none but after further discussion determined there may be one more suite available for rent bringing the total number of suites for automotive repair to nine. Commissioner Ringler stated there were approximately twenty cars parked between the southside of the building and the fenced area Sunday afternoon at approximately 1:00 p.m.; why were there so many vehicles there. Mr. Revutskiy stated the tenant in Suite 116 often has friends visit in the late afternoon on weekdays and during the afternoon on Sundays. Mr. Revutskiy stated he has told the tenant he should not be at the site on Sundays per the terms of his CUP. Mr. Revutskiy stated the City is welcome to help him enforce the terms of his tenants' CUPs. Commissioner Ringler and Chair Pogalz stated it is Mr. Revutskiy's responsibility and that he needed to ensure his tenants comply with the conditions of their CUPs. Mr. Revutskiy stated he will speak with the tenant in Suite 116 about complying with the terms of his CUP and inform him gathering with friends on the property on Sundays is not allowed. Mr. Revutskiy stated if the lease holder in Suite 116 doesn't begin to comply with the terms of his lease, he will consider not renewing the lease next year. Chair Pogalz stated the City has been working with Mr. Revutskiy for a long time to improve the situation at the site, and are making progress, action should be taken to ensure gains are not lost.

Chair Pogalz opened the public hearing at 6:15 p.m. and asked for public comment.

Anne Heise, 1228 133rd Lane NE, stated she likes Mr. Revutskiy and does not want to deny him the opportunity to have a business and earn money; he is a good person and is trying to do the right things. Ms. Heise stated she does have some concerns about some things at the site, however. Ms. Heise asked how many cars could be parked inside of the fenced area and who is responsible ensuring the number of cars does not exceed the allowed number of parking spaces. Chair Pogalz stated the fenced area has approximately 65 parking spaces. Ms. Heise stated she took a picture with a drone the day before the meeting and found more than 80 cars within the fenced area. Zoning Official Jones stated he inspected the site and spoke with Anthony before the meeting. Zoning Official Jones informed Mr. Revutskiy that he will need to park cars differently within the fenced in area, including allowing only two rows of cars in the middle as shown on the site plan; some vehicles parked within the fenced area are Mr. Revutskiy personal vehicles which are not regulated by a CUP. Ms. Heise stated she is also concerned about fluids leaking from vehicles. Ms. Heise stated rain water running along the edge of the street is colored; residents' water comes from well systems and she said she is concerned there may be contaminants in their drinking water from fluids leaking from vehicles. Ms. Heise stated she is not able to prove fluids are coming from vehicles at 13408 Highway 65 NE. Ms. Heise asked how the City can enforce conditions of CUP's when inspections are only done once a year. Ms. Heise stated it appears that the City is more concerned

about money from businesses coming into Ham Lake than the health and welfare of the residents. Zoning Official Jones stated he evaluated the site prior to the meeting and did not see anything concerning related to fluid leakage. Zoning Official Jones stated the ground is sloped so drainage remains on the 13408 Highway 65 NE parcel; it does not drain into the street. Ms. Heise stated by recommending approval of applications submitted for auto repair at 13408 Highway 65 NE, the message to residents in the area is that the City didn't listen to anything that they said and that the City doesn't care what residents have to say. Chair Pogalz informed Ms. Heise that the Planning Commission is a board that makes recommendations to the City Council after review of land usage applications; the Planning Commission's role is to ensure requested land usage by individuals and businesses is in conformance with City Code and applicable laws. Chair Pogalz suggested Ms. Heise present her concerns to the City Council during public comment if she feels action needs to be taken on a matter. Chair Pogalz asked Ms. Heise if she had been to a City Council meeting. Ms. Heise said she had not as she is only informed when the Planning Commission meets. Chair Pogalz informed Ms. Heise of when the City Council meets. Commissioner Heaton stated that the Planning Commissioners do listen to what residents say. Commissioner Heaton stated some conditions and restrictions are added to CUP applications, such as no outside storage and proper disposal of liquids, based on residents' concerns and comments. Commissioner Heaton stated if a resident or business submits an application that meets the requirements of City Code, it will be recommended for approval; it can't be denied just because someone doesn't want or like a specific land use. Ms. Heise asked again how conditions and restrictions would be enforced if there is an inspection at the site once a year. Commissioner Heaton stated if complaints are filed with the City they will be addressed. Chair Pogalz stated Mr. Revutskiy is the lease holder and has the authority to make his tenants comply with the terms of his contract and the conditions of their CUP.

Chair Pogalz closed the public hearing at 6:30 p.m.

Motion by Ringler, seconded by Heaton, to recommend approval of the application by Jason Yang, requesting a Conditional Use Permit to operate Sagewerkz LLC at 13408 Highway 65 NE, Suite 114 subject to the following conditions: (1) No motor vehicle sales (2) Five parking spaces. All parking to be on approved surfaces in designated areas as shown on the site plan: one in front of the suite the business is renting and four in the fenced area. (3) A maximum of three employees (4) No outside storage of liquids, tires, parts, etc. (5) All fluids to be contained and disposed of according to County and State requirements (6) All repairs to be done inside the building-repairs include general auto maintenance and mechanical work such as replacing brakes, headlights and bulbs (7) No bodywork or painting of vehicles 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) Meeting all City, State and County requirements.

In addition, it is recommended, per Building and Zoning Official Jones, that property owner, Anthony Revutskiy, have a compliance inspection done on the septic system, prior to acceptance of any other land usage applications for this location, modify the parking arrangement inside of the fenced area to conform

with the site plan on file and to provide adequate fire lanes, stripe the parking lot and install handicap parking signs by October 29, 2021.

Chair Pogalz asked if business hours through 9:00 p.m. in the evening was consistent with business hours of other tenants. Mr. Revutskiy stated some tenants currently have hours through 9:00 p.m. Mr. Revutskiy stated parts are delivered as late as 9:00 p.m. Commissioner Ringler asked if the City has received any complaints about noise from this location. Building and Zoning Clerk Bohr stated the City had not.

All present in favor, motion carried. *This item will be placed on the August 2, 2021 City Council Agenda.*

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Chair Pogalz will attend the August 2, 2021 City Council meeting.

ADJOURNMENT:

Motion by Heaton, seconded by Ringler, to adjourn the Planning Commission meeting at 6:38 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk