



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax (763) 434-9599

## **CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, APRIL 24, 2023**

**CALL TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** March 13, 2023

**PUBLIC HEARINGS:** None

**NEW BUSINESS:**

1. Andrew Buddensiek of ANB Auto LLC requesting a Certificate of Occupancy to operate a used car dealership at 15903 Lincoln Street NE

**COMMISSION BUSINESS:**

1. City Council Update

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, MARCH 13, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, March 13, 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, Dave Ringler, Jeff Entsminger and Jonathan Fisher

**MEMBERS ABSENT:** Commissioners Kyle Lejonvarn, Scott Heaton and Erin Dixon

**OTHERS PRESENT:** City Engineer Dave Krugler 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 Ringler, seconded by Fisher, to approve the minutes of the February 13, 2023 Planning Commission meeting as written. All present in favor, motion carried.**

**NEW BUSINESS:**

Sherry Saxon, Flamingo Terrace MHC, LLC, requesting site plan approval to expand Flamingo Terrace manufactured home park by 16 units at 17100 Highway 65 NE  
Attorney Gordon Jensen, Engineer Mohammad Abughazleh of Plowe Engineering, and Rusty Edmonds, Flamingo Terrace Community Manager were present on behalf of Ms. Saxon. Engineer Abughazleh stated originally the goal was to expand the community by twenty-one manufactured homes; after working through the planning process, the community will expand by sixteen homes. Engineer Abughazleh stated he has contacted all the appropriate state and local agencies for review, approval and permitting for this project. Chair Pogalz clarified that the expansion will be on the northeast side of the park adjacent to Highway 65 NE. Engineer Abughazleh stated that was correct. Commissioner Ringler stated there are two items that need further clarification. Commissioner Ringler asked the applicants what the plans are for the access point near the house that will be demolished, as the narrative states an access point to Highway 65 NE will be abandoned, and asked if the small shed near the house and accessory building slated for demolition will be removed. Mr. Edmonds stated the small shed will be removed. Engineer Abughazleh stated the plans do reflect three access points to the

community, including the access point to the house that will be demolished. There was discussion about the removal of the access point which currently consists of a small, dirt road providing access to the house that will be demolished. Attorney Jensen stated the title information for the house that will be demolished showed an access right from the highway department. Attorney Jensen stated that if the house is to be demolished there would be no reason to keep that access point. Commissioner Ringler stated that if the access was to remain, it would need to be upgraded. Engineer Krugler stated if the access remained, it would need to be upgraded to asphalt at least up to the right of way which is currently shown on the plans. Commissioner Ringler completed the inspection; a copy which is on file. Commissioner Ringler stated the questions he had were addressed and he would make a recommendation for approval based on the recommendations noted in the memos from the Building Official and City Engineer. Engineer Krugler stated some permits received from state agencies will need to be extended or reissued and the Building Official will need to review and approve the plans and permit for the concrete block storm shelter. Engineer Krugler stated parkland, as shown on the plans, has been dedicated for the expansion per Ordinance 9-210.2. Engineer Krugler stated the Building Official wants to be certain that the existing waste water treatment system can handle the volume of wastewater that will be generated by the existing homes plus sixteen more. Engineer Krugler stated the Minnesota Pollution Control Agency (MPCA) granted a permit for the extension of the sanitary sewer at Flamingo Terrace after a review of information provided by the applicant. Chair Pogalz asked about placement of the storm shelter in relation to the infiltration basis for storm water. Engineer Krugler stated it will be an above ground shelter. Mr. Edmonds stated it is an above ground, poured concrete, premanufactured shelter; none of the shelter will be below grade. Chair Pogalz read the Building Official's recommendation for approval from his memo. **Motion by Ringler, seconded by Fisher, to recommend approval of the site plan submitted by Sherry Saxon to expand Flamingo Terrace manufactured home park by sixteen units at 17100 Highway 65 NE subject to removal of the house, accessory building and shed from the proposed expansion area, abandoning the Highway 65 NE access point for the house that will be demolished, Flamingo Terrace MCH LLC's waste water treatment system meeting Minnesota Pollution Control Agency (MPCA) standards for design, construction, and operation, the City being provided with a copy of the MPCA State Disposal System (SDS) permit for the wastewater treatment system on location, and any subsequent renewals of the MPCA SDS permit, all new potable water lines and wastewater piping meeting Minnesota Plumbing Code and State Plumbing review notes, (Contractor/installer must obtain all required permits and all inspections must be done before covering the lines and piping.), the storm shelter meeting state specifications, all City Code requirements being met, permit renewals or extensions being provided for the MnDOT Drainage Permit, the Minnesota Department of Health (MDH) Watermain Extension permit and the MPCA Disposal System Permit prior to construction and meeting all City, State and County requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, March 20, 2023 agenda.***

Building and Zoning Clerk Bohr asked that a message be sent by one of the Flamingo Terrace MHC, LLC representatives stating the access point to the house that will be

demolished will be removed and that the project plans be updated and sent to the City reflecting the removal of the access point. \*Updated plans were received March 15, 2023.

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz informed the Commissioners that the City Council concurred with the recommendation to approve the sketch plan for the Hentges Addition two lot minor plat. Commissioner Entsminger will attend the March 20, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Fisher, seconded by Ringler, to adjourn the Planning Commission meeting at 6:24 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk

**CITY OF HAM LAKE  
PLANNING COMMISSION REQUEST APPLICATION  
INSPECTION REPORT**

**MEETING DATE: April 24, 2023**

**INSPECTION ISSUED TO: Scott Heaton**

**APPLICANT/CONTACT: Andrew Buddensiek**

**TELEPHONE NUMBER: 612-747-2390**

**BUSINESS/PLAT NAME: ANB Auto LLC**

**ADDRESS/LOCATION OF INSPECTION: 15903 Lincoln St NE**

**APPLICATION FOR: Certificate of Occupancy**

**RECOMMENDATION: \_\_\_\_\_**

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**DATE: \_\_\_\_\_**

**PLANNING COMMISSIONER SIGNATURE: \_\_\_\_\_**



# CITY OF HAM LAKE

## PLANNING REQUEST

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

Date of Application 04-17-2023

Date of Receipt 4-17-23  
Receipt # 95756

### Meeting Appearance Dates:

Planning Commission 4-24-23 City Council \_\_\_\_\_

### Please check request(s):

- |   |  |
|---|--|
| <input type="checkbox"/> Metes & Bounds Conveyance  | <input type="checkbox"/> Commercial Building Site            |
| <input type="checkbox"/> Sketch Plan                | <input checked="" type="checkbox"/> Certificate of Occupancy |
| <input type="checkbox"/> Preliminary Plat Approval* | <input type="checkbox"/> Home Occupation Permit              |
| <input type="checkbox"/> Final Plat Approval        | <input type="checkbox"/> Conditional Use Permit (New)*       |
| <input type="checkbox"/> Rezoning*                  | <input type="checkbox"/> Conditional Use Permit (Renewal)    |
| <input type="checkbox"/> Multiple Dog License*      | <input type="checkbox"/> Other                               |

**\*NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.**

Development/Business Name: \_\_\_\_\_

Address/Location of property: 15903 LINCOLN ST NE HAM LAKE MN 55304

Legal Description of property: \_\_\_\_\_

PIN # 17-32-23-34-0019 Current Zoning IP Proposed Zoning —

Notes: Used car dealership - Indoor and outdoor vehicle display

Applicant's Name: ANDREW BUDZENSIEK

Business Name: ANR AUTO LLC

Address 15903 LINCOLN ST NE

City HAM LAKE State MN Zip Code 55304

Phone \_\_\_\_\_ Cell Phone 612-747-2390 Fax \_\_\_\_\_

Email address ANRAUTO4U@GMAIL.COM

**You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.**

SIGNATURE [Signature] DATE 4-17-2023

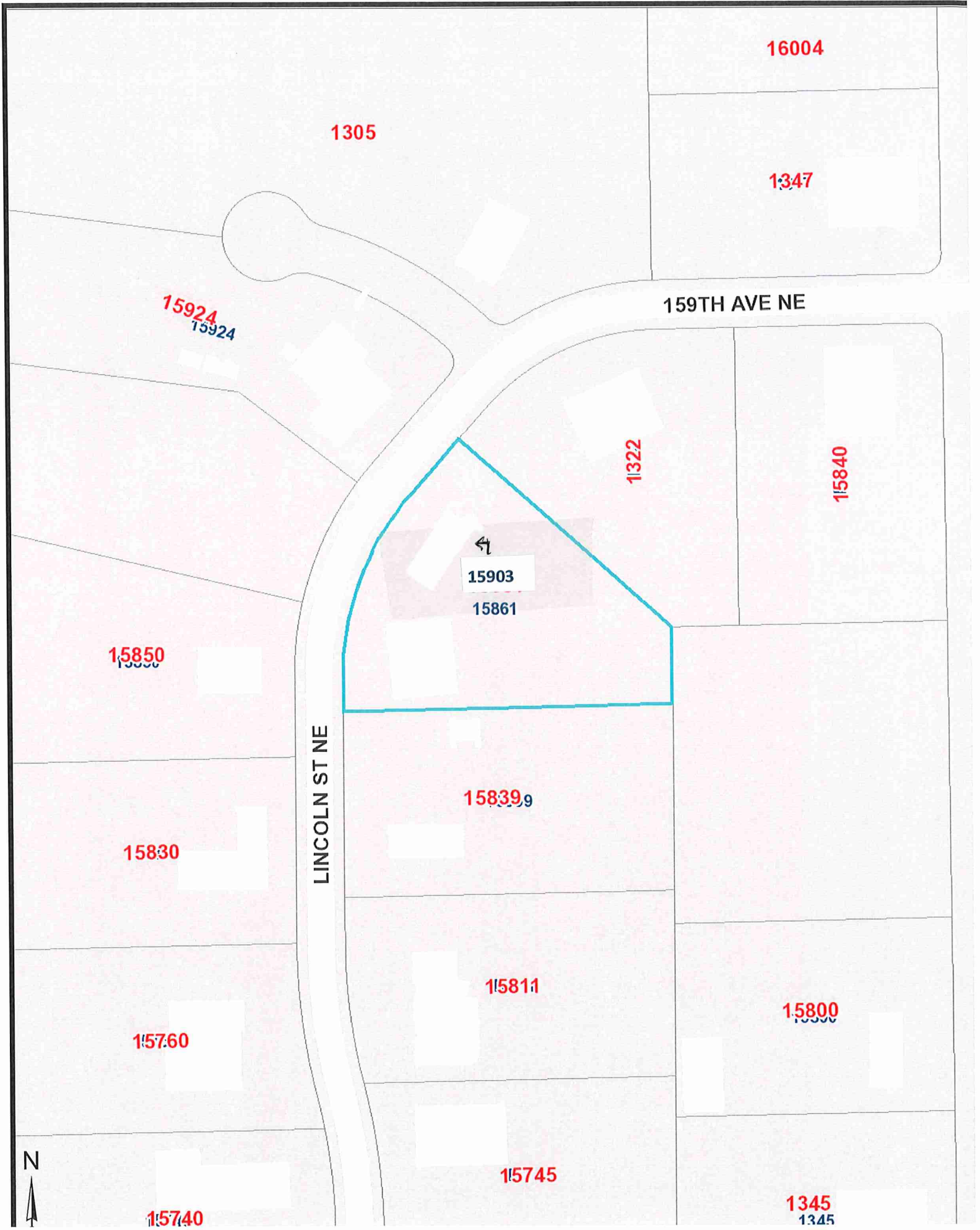
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### - FOR STAFF USE ONLY -

ACTION BY: Planning Commission \_\_\_\_\_  
City Council \_\_\_\_\_

PROPERTY TAXES CURRENT YES NO

# Anoka County Parcel Viewer



# Anoka County Parcel Viewer



**Parcel Information:**

17-32-23-34-0019  
 15861 LINCOLN ST NE  
 HAM LAKE  
 MN 55304  
 Plat: HAM LAKE INDUSTRIAL PARK FOURTH ADDITION

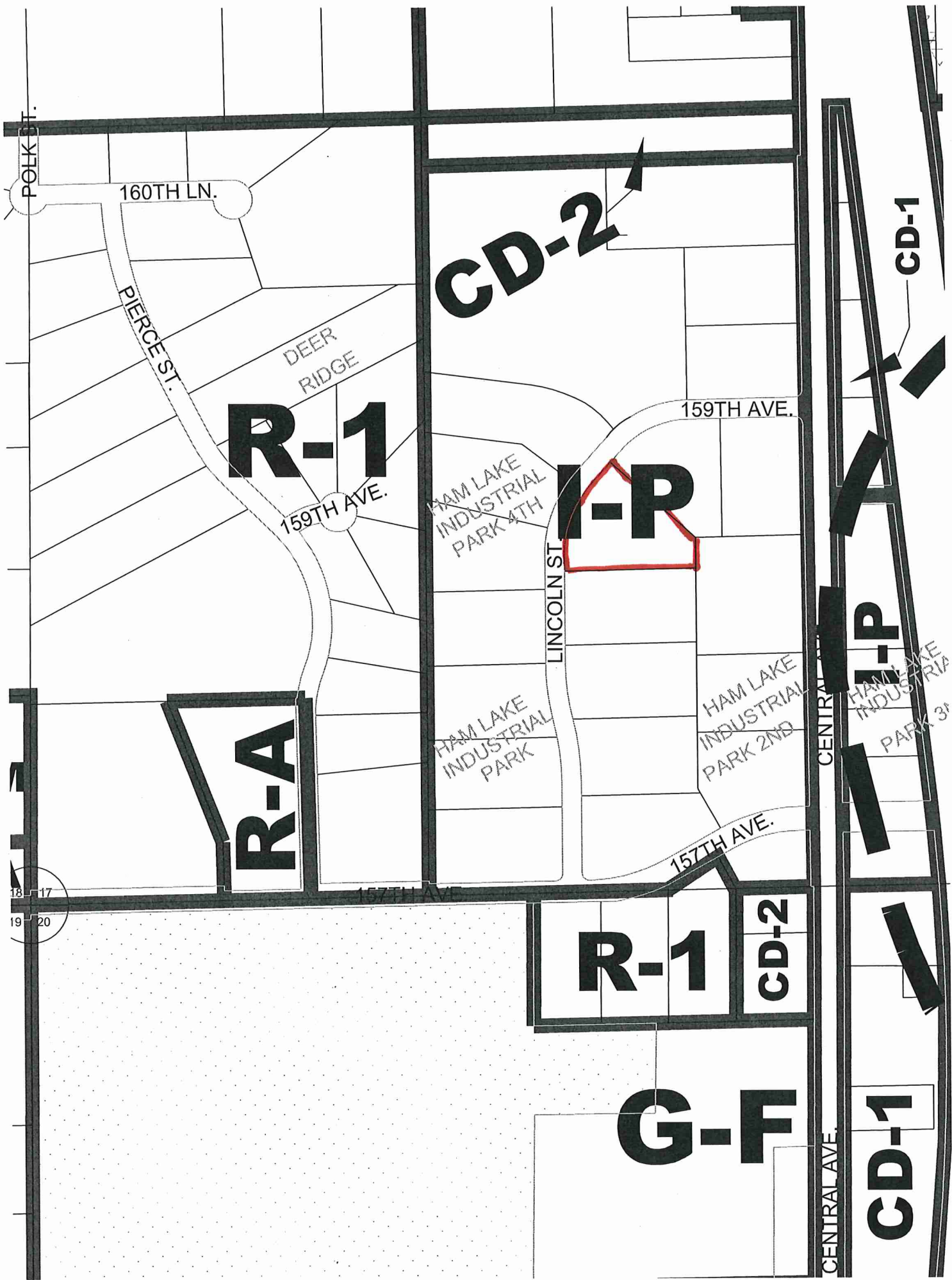
Approx. Acres: 2.47954992  
 Commissioner: JULIE BRAASTAD

**Owner Information:**

JASPER HOLDINGS INVESTMENTS LLC  
 330 S SECOND AVE STE 370  
 MINNEAPOLIS  
 MN  
 55401







**CD-2**

**R-1**

**I-P**

**R-A**

**R-1**

**CD-2**

**G-F**

**CD-1**

**CD-1**

**I-P**

CENTRAL AVE.

POLK ST.

160TH LN.

PIERCE ST.

DEER RIDGE

159TH AVE.

159TH AVE.

LINCOLN ST.

157TH AVE.

HAM LAKE INDUSTRIAL PARK 4TH

HAM LAKE INDUSTRIAL PARK

HAM LAKE INDUSTRIAL PARK 2ND

HAM LAKE INDUSTRIAL PARK 3RD

18 17  
19 20

ANB AUTO LLC  
15903 LINCOLN ST NE  
HAM LAKE MN 55304

#### NARRATIVE FOR ANB AUTO LLC

The business is selling cars. It will be myself and one employee working at this location. We plan on having up to seven cars outside and up to 8 cars inside. We do not service cars only sell them. This is a low traffic business and majority of our clients will show up by appointment. ANB Auto LLC will abide by the, per section 314, indoor displays of the 2020 Minnesota State fire code. We will also abide by the per section 510, Hazardous Exhaust System, of the 2020 Minnesota Mechanical Code before we place any cars inside building for sale. The lot will be striped for legal parking including handicap parking spot. The listed business hours will be Monday through Thursday 10:00am till 6:00pm, Friday 10:00am till 5:00pm and Saturday by appointment.

Andy Buddensiek – Owner  
ANB Auto LLC  
612-747-2390  
[Anbauto4u@gmail.com](mailto:Anbauto4u@gmail.com)

April 24, 2023

**CITY OF HAM LAKE**  
*STAFF REPORT*

**To: Members of the Planning Commission**

**From: Mark Jones, Building Official**

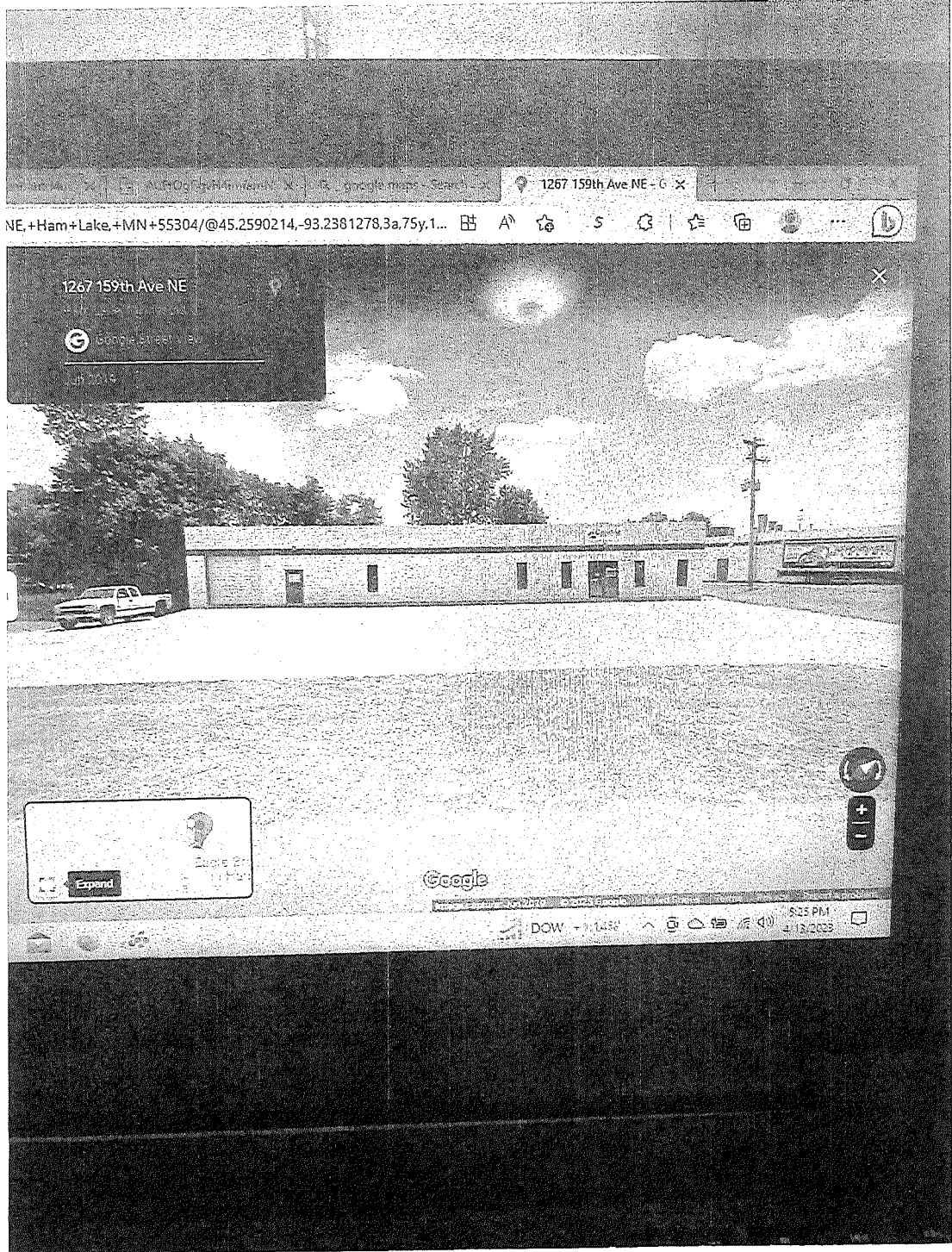
**Subject: Certificate of Occupancy for ANB Auto LLC**

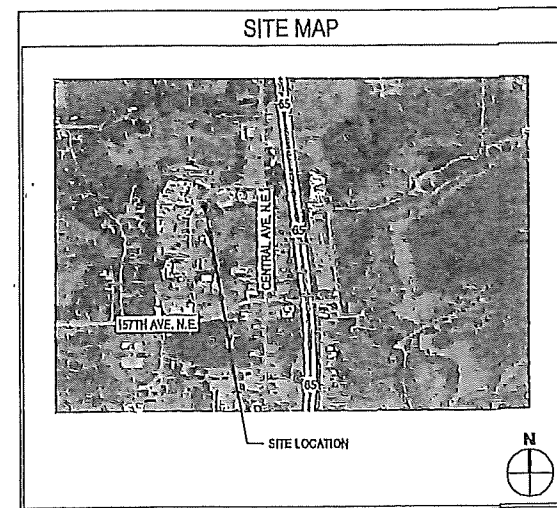
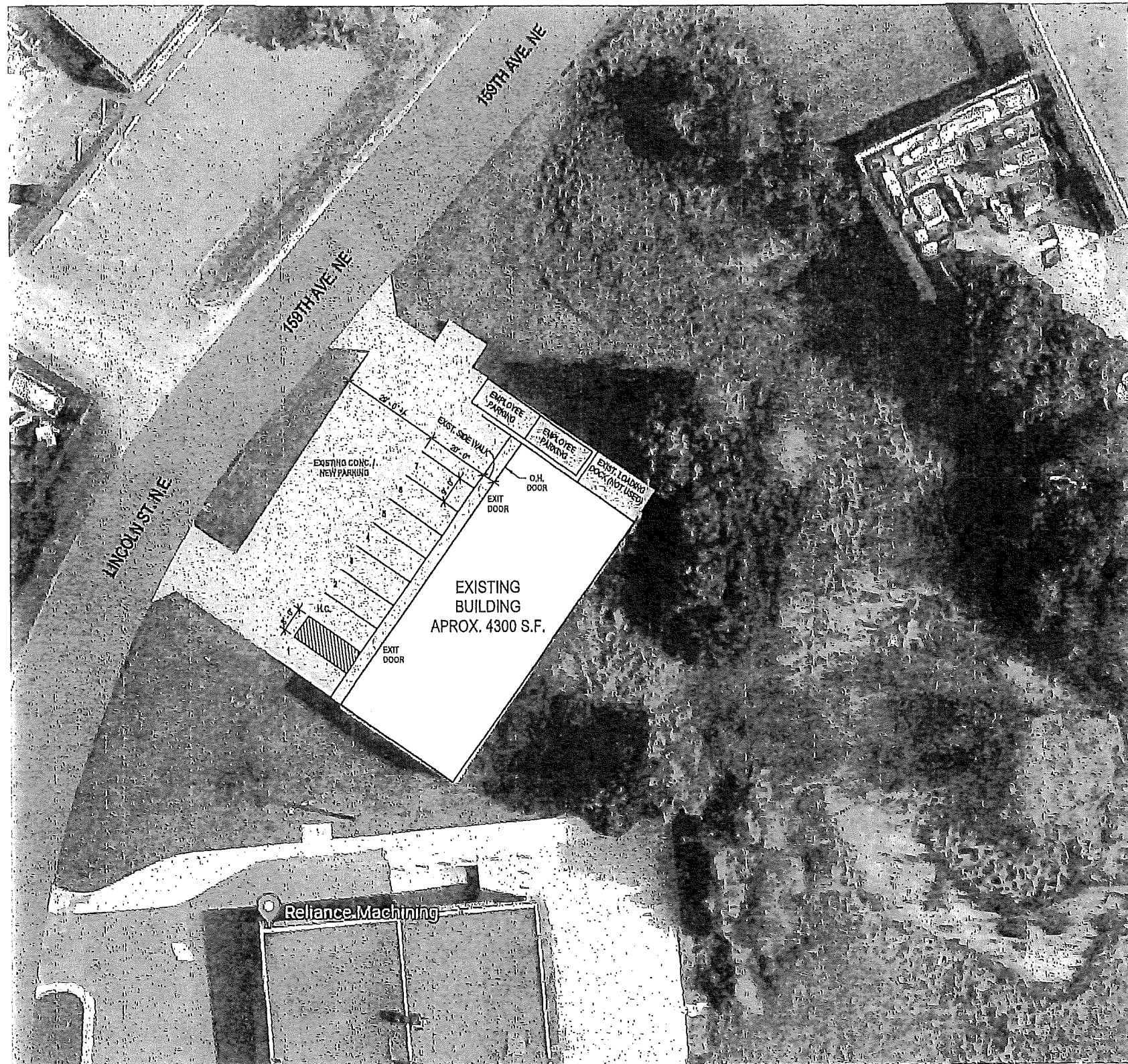
**Introduction/Discussion:**

Andy Buddensiek of ANB Auto LLC is leasing the building at 15903 Lincoln Street NE for used motor vehicle sales. Mr. Buddensiek will display cars for sale outdoors as well as indoors. This type of occupancy is a change of use of the building and under Article 9-150.2, if the occupancy of any parcel of land changes under conditions in which the new occupant will or is likely to conduct activities which will generate a significant change ... in structural components ... of a given parcel, the new occupant shall be required to obtain a new Certificate of Occupancy prior to commencing activity. The building was not built for use as an indoor car sales display room, and, currently, it does not comply with the Minnesota Mechanical Code for ventilation of hazardous exhaust. Vehicles for indoor display also need to meet the Minnesota Fire Code.

**Recommendation:**

I recommend approval of new Certificate of Occupancy on the conditions that a code compliant ventilation system be installed to exhaust hazardous vapor, gas and fumes from the building and indoor storage of the vehicles meet Minnesota Fire Code requirements of batteries being disconnected, fuel in fuel tanks of each vehicle not exceed one-quarter tank of fuel or five gallons (which ever less), no fueling or defueling be done within the building and fuel tanks and fill openings are closed and sealed to prevent tampering.

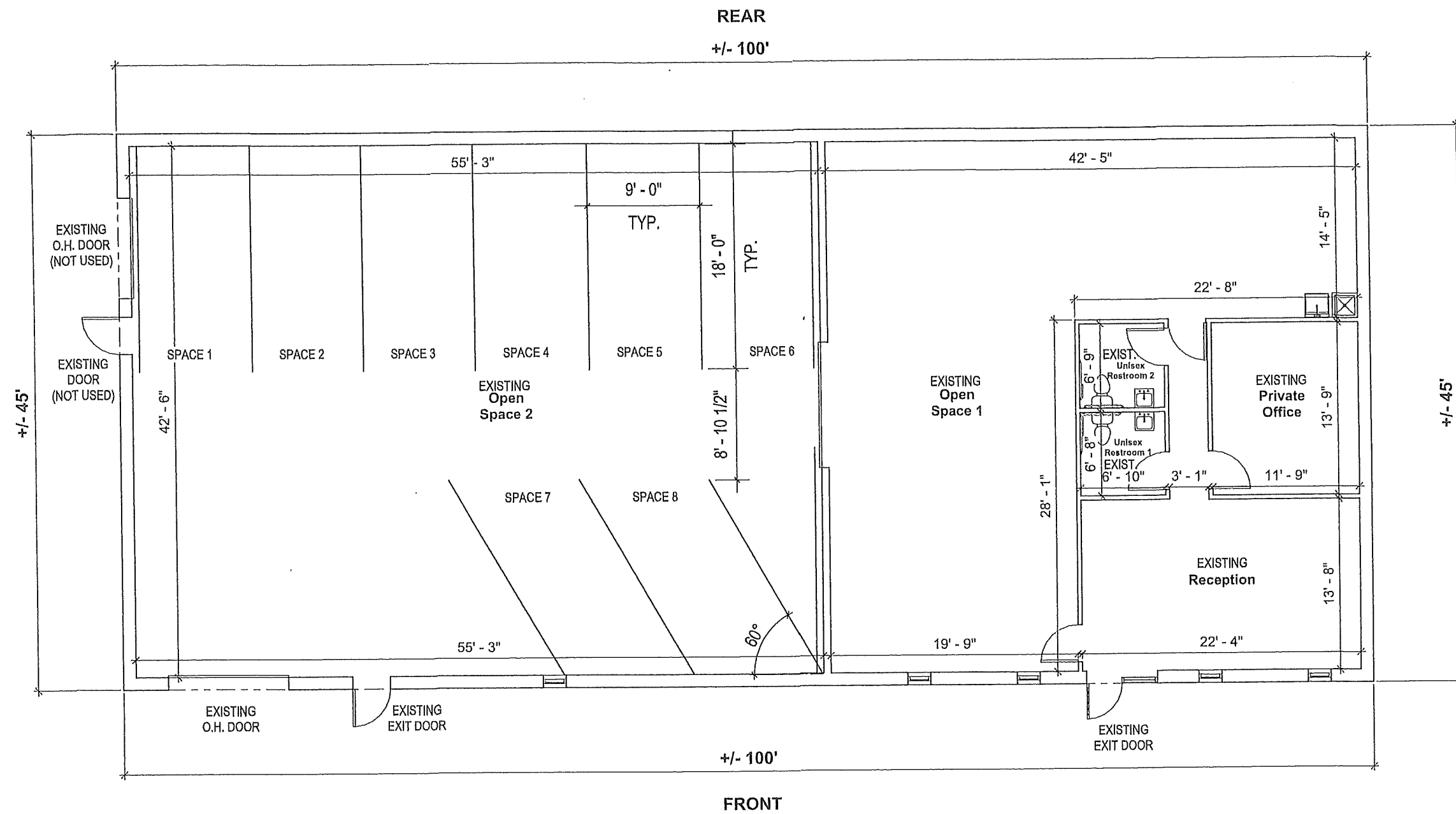




# 15903 Lincoln Street Northeast - SITE

project no. -  
 drawn by - date  
 reviewed by - 04.14.2023

SPACE PLAN



1 FLOOR PLAN  
1/8" = 1'-0"



# 15903 Lincoln Street Northeast - SITE

project no. -  
drawn by - date  
revised by - 04.14.2023

FLOOR PLAN

15903 Lincoln Street Northeast | Ham Lake, MN | 55304

SP01

## **9-150 Changes in Usage or Occupancy and Accessory Uses**

**9-150.1 Non-Conforming Uses** A *non-conforming use* is a land use which, by virtue of its having been in existence at the time of a code change, is not currently compliant with any provision of the City Code. A *non-conforming use* may continue to exist, but, except in the limited conditions described below, may not be altered (except to effect repairs restoring the pre-existing condition) or expanded unless to a conforming use. If a *non-conforming use* is abandoned or not used because of unrepaired damage for any period of twelve consecutive months, it shall no longer be permitted to exist in a non-conforming status.

A residential dwelling (and ancillary features on the lot) located in a zoning district that does not include residential uses as a permitted or conditional use may be structurally altered to expand the residential use, provided that:

- a. No such alteration would tend to preclude the construction of future commercial service roads that are likely to be constructed over the parcel in the future; and
- b. The livability requirements of this code relating to SSTS and other space will continue to be met on the upland portion of the lot, and
- c. The expansion requires no variances from setback regulations; and
- d. The alteration is not intended to nor will it promote usage of the structure for multiple-family housing.

Notwithstanding the foregoing language, a parcel containing a structure originally constructed as a single-family dwelling in areas zoned CD-1, CD-2, CD-3 or CD-4 that converts to a non-residential use may return to use as a single-family dwelling if the non-residential use terminates. This exception to the normal non-conforming use limitations applies only to structures that were in existence as of January 1, 2014.

Self-storage facilities located in areas zoned CD-1 may be expanded in accord with the provisions of Article 9-220.2 (c) of this Code.

**9-150.2 New Occupancy** Other than *Residential Land Uses*, if the occupancy of any parcel of land changes under conditions in which the new occupant will or is likely to conduct activities which will generate a significant change in the parking, drainage, water usage, traffic, signage size, structural components or vegetation of a given parcel, the new occupant shall be required to obtain a new *Certificate of Occupancy* prior to commencing activity. The *Zoning Officer* shall determine whether or not a new *Certificate of Occupancy* is required for any given land use.