



City of Blaine Anoka County, Minnesota Minutes - Final

Blaine City Hall
10801 Town Sq Dr NE
Blaine, MN 55449

Planning Commission

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. Blaine City Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may, for other reasons, postpone final action on an application. For each item the Commission will receive reports prepared by the City staff, open the hearing to the public, and discuss and act on the application.

Tuesday, July 12, 2016

7:00 PM

Council Chambers

1. Roll Call

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, July 12, 2016. Chair Ouellette called the meeting to order at 7:00 p.m.

Staff Present: Shawn Kaye, Associate Planner
Lori Johnson, Associate Planner
Dan Schluender, Assistant City Engineer

Present: 7 - Chair Ouellette, Homan, Commissioner York, Goracke, Commissioner Olson, Commissioner Ponds, and Commissioner Halpern

2. Approval of Minutes

[TMP 16-0343](#)

Approval of May 10, 2016 and June 14, 2016 Planning Commission Minutes

Motion by Commissioner Goracke to approve the minutes of May 10, 2016 as presented. Motion seconded by Commissioner Olson. The motion passed 5-0-1 (York abstained).

Aye: 6 - Chair Ouellette, Homan, Goracke, Commissioner Olson, Commissioner Ponds, and Commissioner Halpern

Abstain: 1 - Commissioner York

Motion by Commissioner Ponds to approve the minutes of June 14, 2016 as presented. Motion seconded by Commissioner York. The motion passed 4-0-2 (Homan and Olson abstained).

Aye: 5 - Chair Ouellette, Commissioner York, Goracke, Commissioner Ponds, and Commissioner Halpern

Abstain: 2 - Homan, and Commissioner Olson

3. Old Business

None.

None.

4. New Business

4.1 [RES 16-124](#)

GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A 192 SQUARE FOOT SHED TO BE LOCATED IN THE DEVELOPMENT KNOWN AS SHADE TREE COVE WOODS AT 868 129TH LANE NE. STEPHEN AND AMY LUND. (CASE FILE NO. 16-0034/LSJ)

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 16-0034 was opened at 7:10 p.m.

Chair Ouellette noted for the record a letter received from Mike and Darlene Jennings stating these individuals were upset with the shed placement.

Gary Payne, 819 129th Lane NE, stated he did not object to the size of the shed but wanted to see the shed moved out of the tree/natural area.

Stephen Lund, 868 129th Lane NE, explained that the placement of the shed was accepted by the City Engineer, but understood he had not gotten a permit from the City. He applied for a permit and was told that the shed was too big for the development. He reported no trees were removed for the shed. He requested that the shed be allowed to remain as is given the fact it would be difficult to move.

The public hearing was closed at 7:13 p.m.

Commissioner Ponds asked if the shed was still too large to meet City requirements.

Associate Planner, Lori Johnson explained this was the case. She reported sheds were allowed to be 120 square feet or smaller without requiring a permit.

Commissioner York questioned if there were any restrictions on homeowners regarding the placement of sheds.

Associate Planner, Lori Johnson noted there was no easement over the tree area. She indicated homeowners could remove up to two trees per year.

Commissioner Goracke stated at first he thought the shed size was unfair. However, after reviewing all of the information, he understood that all of the other homeowners could have a shed the same size if they went through the proper City permitting process.

Chair Ouellette agreed and believed the square footage was not a problem. He suggested the placement of the shed be reconsidered.

Commissioner Olson indicated there were no covenants written regarding the protection of the tree area. For this reason, she supported the shed size either be approved or denied but that the shed be allowed to remain in its current location.

Mr. Lund stated his property was landscaped in 2009 and reiterated that no trees were removed in order for the shed to be constructed. He explained he appreciated the buffer in his back yard that was provided by the trees and anticipated the trees screened the shed from his neighbors. If the shed were moved, the shed would be more visible.

Mr. Payne commented that in 2006 when the Shade Tree development was approved, he was told the 50-foot section of trees was a buffer zone. He reported that Mr. Lund has encroached in this buffer zone.

Chair Ouellette indicated he was uncertain of the Council's intentions 10 years ago.

Commissioner York agreed with Commissioner Olson in that the City could not impose an easement that simply was not in place.

Motion by Commissioner Olson to recommend approval of Planning Case 16-0034 based on the following conditions:

Case 16-0034:

- 1. The structure to match the color of the house.**
- 2. The accessory building space to be used for personal storage only.**
- 3. The accessory building to be generally located as shown on attached sketch and meeting all required setbacks. The accessory building must be located in the rear yard.**
- 4. The accessory building is limited to 192 square feet.**
- 5. The proposed structure cannot be used for a home occupation.**
- 6. The applicant must obtain a building permit for this structure. The Building Inspection Department will double the fee for this permit as this structure was constructed without contacting the City. This is the standard**

procedure when this circumstance occurs.

Motion seconded by Commissioner York. The motion passed 5-2 (Ponds and Chair Ouellette opposed).

Aye: 5 - Homan, Commissioner York, Goracke, Commissioner Olson, and Commissioner Halpern

Nay: 2 - Chair Ouellette, and Commissioner Ponds

Chair Ouellette noted this would be on the agenda of the August 4, 2016 City Council meeting.

THE FOLLOWING ITEM HAS BEEN REMOVED FROM THE AGENDA PER THE APPLICANT

- 4.2 TMP 16-0330** GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN INSTRUCTION TRAINING CENTER FOR ATHLETES/GYM IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT, LOCATED AT 10611 BALTIMORE STREET NE. ELEVAGE DEVELOPMENT GROUP. (CASE FILE NO. 16-0036/LSJ)

This item was removed from the agenda per the applicant.

This item was removed from the agenda per the applicant.

- 4.3 [RES 16-125](#)** GRANTING A COMPREHENSIVE PLAN LAND USE AMENDMENT FROM R (RURAL RESIDENTIAL) TO LDR (LOW DENSITY RESIDENTIAL) FOR THE RADISSON COVE DEVELOPMENT AT 12726 RADISSON ROAD NE. OAK MEADOWS LAND HOLDING, LLC. (CASE FILE NO. 16-0033/SLK)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 16-0033 was opened at 7:29 p.m.

Shelly Gurrola, 1953 125th Lane NE, understood this development was going to occur behind her property. She questioned the City why this lot of land was being proposed for development.

Chair Ouellette explained that if a developer was adhering to all City requirements, they had every right to build on their land. He described how the City has changed over the past 30 years.

Ms. Gurrola questioned if the trees would be disturbed.

Associate Planner, Shawn Kaye commented the trees between Ms. Gurrola's home and the new development would not be disturbed as there was a lot between the two parcels.

Ms. Gurrola asked how many new homes would be built.

Associate Planner, Shawn Kaye reported six new homes would be built.

Assistant City Engineer, Dan Schluender explained that the remainder of the farm land surrounding this development was a conservation piece. He did not anticipate that any further development of this land would be possible without legislative action taking place.

John Peterson, Oak Meadows Land Holding, discussed the proposed development and land trust in further detail with the Planning Commission. He noted the five acres proposed for development was not included within the land trust. He reviewed the grading plan and noted the large expenses he would face with the County in order to get a turn lane into this development. He expressed concern with the infiltration/stormwater pond and explained all overflow would run into the ditch and not Outlot A. He questioned why the City would not be assuming the maintenance of the stormwater pond for this development. He believed it would be very difficult for the homeowners within this development to assume responsibility for this stormwater pond. It was his opinion this would be a hardship on those homeowners and recommended the stormwater maintenance be a City function.

The public hearing was closed at 7:44 p.m.

Commissioner York asked if the City had any jurisdiction over the watershed district.

Assistant City Engineer, Dan Schluender reported this was the case. He explained the watershed district did require an operations and maintenance agreement to be in place for this type of ponding facility.

Motion by Commissioner Goracke to recommend approval of Planning Case 16-0033A a Comprehensive Land Use Plan Amendment from R (Rural Residential) to LDR (Low Density Residential) and inclusion of this area into the MUSA based on the following conditions:

Case 16-0033A:

- 1. The change to LDR would allow for housing to be proposed that is consistent with other housing types in the area.**
- 2. The recommendation is contingent upon the Met Council's approval of the minor land use amendment and inclusion of this area into the MUSA.**

Motion by Commissioner Goracke to recommend approval of Planning Case 16-0033B a Rezoning from FR (Farm Residence) to DF (Development Flex) based on the following conditions:

Case 16-0033B:

1. The DF zoning district allows the City the opportunity to have some flexibility when approving developments that warrant higher standards than what is allowed with the traditional zoning districts. It affords the City the opportunity to provide input on items that would benefit the surrounding neighborhoods and the City as a whole.
2. The proposed development offers the community, by means of DF zoning, a higher degree of control over architectural standards, homes with equal or higher value than surrounding developments and higher level of site landscaping with consistent maintenance.
3. The recommendation is contingent upon the Metropolitan Council's approval of the minor land use amendment and inclusion of this area into the MUSA.

Motion by Commissioner Goracke to recommend approval of Planning Case 16-0033C a Preliminary Plat approval to subdivide 5.23 acres into seven (7) lots to be known as Radisson Cove based on the following conditions:

Case 16-0033C:

1. All streets will follow the Anoka County street name grid system.
2. Developer installed improvements shall include construction of 127th Court NE within the plat including lateral sanitary sewer and water main with services, storm drainage improvements, storm water management and water quality treatment infrastructure, streets with concrete curb and gutter, Radisson Road turn lane, streetlights, mailboxes, traffic control signs, street signs, and all appurtenant items.
3. Plans and specifications must be approved by the City prior to start of construction.
4. Standard utility and drainage easements must be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds.
5. Each lot shall have a minimum rear yard area behind each structure of a minimum of 20 feet from the structure at a maximum grade of 5%.
6. The Developer is to provide access for inspection and maintenance of storm water management infrastructure. Restrictions will be placed on lot lines as needed to limit fences and landscaping to insure access.
7. Development requires a National Pollutant Discharge Elimination System (NPDES) Permit from Minnesota Pollution Control Agency (MPCA).
8. Construction contract documents shall include a rough grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plans. Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for City review and approval.
9. The development plan shall indicate all structures will be protected from

flooding per City requirements.

10. CCWD approval is required prior to City Council consideration of preliminary plat and a CCWD permit is required prior to City approval of construction plans and specifications. The property owners will be required to maintain the infiltration basin.

11. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

12. Developer to install grouped mailboxes with design and locations approved by City and US Postal Service.

13. Water and sanitary sewer availability charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

14. All development signage by separate review.

15. All wells and septic systems to be properly abandoned per all local and state requirements. The existing house will be required to connect to City sewer and water. A new address will be assigned to the existing house off of 127th Court NE.

16. Park dedication is required for each of the 6 new lots at the rate in effect at time of Final Plat. The 2016 rate is \$3,744 per lot or \$22,464 if platted and paid in 2016.

17. Trunk sanitary sewer charges become due with platting. There are 3.10 upland acres in the plat. The 2016 rate is \$3,805 per acre for a total of \$11,795.50. Sanitary sewer lateral charges become due with platting. There are 300 feet of frontage at the 2016 rate of \$55.99 per foot for a total charge of \$16,797. Water lateral charges become due with platting. There are 300 feet of frontage at the 2016 rate of \$49.36 per foot for a total charge of \$14,808.

18. Turn lane construction for southbound Radisson Road into the plat will require relocation of existing utilities. Clearing of existing trees and landscaping will be required to achieve adequate intersection site distance. A permit and project review from the Anoka County Highway Department will be required prior to any site work.

19. Outlot A is required to be combined with the parcel to the west.

20. Execution and recording of a Development Agreement, which sets forth in greater detail the plat conditions as well as other responsibilities for the development of this plat.

21. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreements and releases related to the approval, recording or administration of Radisson Cove Addition.

22. The recommendation is contingent upon the Metropolitan Council's approval of the minor land use amendment and inclusion of this area into the MUSA.

Motion by Commissioner Goracke to recommend approval of Planning Case 16-0033D Conditional Use Permit to allow for seven (7) single family lots in a DF (Development Flex) Zoning District based on the following conditions:

Case 16-0033D:

1. Single Family - DF Development Standards

Permitted Uses

1. Single-family detached dwellings.
2. Group family daycare.

Accessory Uses

1. Private garages - one detached accessory structure, with area less than 120 square feet, will be permitted.
2. Private swimming pools/meeting the requirements of Blaine Municipal Code Chapter 18 Article IX Swimming Pools.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

Conditional Uses

1. Home occupations listed as Conditional Uses fewer than 33.11.

Standards

1. Front yard setback - 25 feet
2. Side yard setback - 10 feet for house and 5 feet for garage.
3. Corner side yard setback - 20 feet.
4. Rear yard setback - 30 feet
5. Maximum building height - 2 1/2 stories or 35 feet.
6. It shall be required for all single-family dwellings that there be an attached garage constructed of a minimum of four hundred (400) square feet, with no dimension less than 20 feet. Total garage space shall not exceed one thousand (1,000) square feet. Detached garages or accessory storage buildings above 120 square feet are not permitted. Accessory storage buildings below 120 square feet must meet 5-foot side and rear yard setbacks and be located within the rear yard.
7. The minimum finished floor area above grade for all new homes shall be:
 - One story with basement: 1,400 square feet.

- **Multi-level dwellings: 1,500 square feet.**
- 8. **All new homes to be constructed utilizing pre-approved exterior materials, roof pitches and elevations. All house exteriors to utilize maintenance-free materials to the extent possible. All house exteriors to provide enhanced window fenestration. Care to be taken to utilize a variety of home styles, front elevations and colors to provide maximum housing variety within each neighborhood. Developer to establish criteria to ensure that adjacent single-family homes built within the development do not have the same exterior color or architectural elevations.**
- 9. **All new homes and future additions to be constructed with Noise Mitigation Construction Standards to reduce roadway related noise impacts within the structures.**
- 10. **All new homes shall have a minimum depth and width of 24 feet.**
- 11. **All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.**
- 12. **Driveways shall not be constructed closer than 3 feet to the property line. All driveways and approaches shall be hard surfaced using concrete, bituminous asphalt or other City approved material that is consistent in durability and quality.**
- 13. **It shall be required that all yards of a new single-family dwelling be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35 percent sand). Yards may be seeded over 4 inches of black dirt if underground irrigation is installed with the home.**
- 14. **Each lot shall contain one front yard tree and one boulevard tree with a minimum of 2½-inch caliper. Corner lots shall each have one additional boulevard tree.**
- 15. **Special Purpose Fencing, up to 10-feet in height, is allowed to be constructed per Zoning Section 33.09 (h) as part of this Conditional Use Permit, for the corner side yards along Radisson Road of Lots 1 and 7. Fence plans, if fence is constructed, shall be approved by the city for structure, appearance and materials through a separate fence permit.**

Motion seconded by Commissioner Homan. The motion passed 7-0.

Aye: 7 - Chair Ouellette, Homan, Commissioner York, Goracke, Commissioner Olson, Commissioner Ponds, and Commissioner Halpern

Chair Ouellette noted this would be on the agenda of the August 4, 2016 City Council meeting.

4.4 [ORD 16-2361](#)

SECOND READING

GRANTING A CODE AMENDMENT TO SECTION 32.02 OF THE FLOOD PLAIN OVERLAY OF THE ZONING ORDINANCE REFERENCES TO COINCIDE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LETTERS OF MAP REVISION (LOMR) EFFECTIVE JULY 1, 2016. (CASE FILE NO. 16-0038/JK)

The report to the Planning Commission was presented by Dan Schluender, Assistant City Engineer. The public hearing for Case File 16-0038 was opened at 7:48 p.m. As no one wished to appear, the public hearing was closed at 7:48 p.m.

Motion by Commissioner Olson to recommend approval of Planning Case 16-0038 a code amendment to Chapter 32.02 of the Flood Plain Overlay Ordinance references to coincide with Federal Emergency Management Agenda (FEMA) Letters of Map Revision (LOMR) Effective July 1, 2016. Motion seconded by Commissioner Goracke. The motion passed 7-0.

Aye: 7 - Chair Ouellette, Homan, Commissioner York, Goracke, Commissioner Olson, Commissioner Ponds, and Commissioner Halpern

Chair Ouellette noted this would be on the agenda of the August 4, 2016 City Council meeting.

Adjournment

Motion by Commissioner Homan to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Halpern. The motion passed 7-0. Adjournment time was 7:50 p.m.

Aye: 7 - Chair Ouellette, Homan, Commissioner York, Goracke, Commissioner Olson, Commissioner Ponds, and Commissioner Halpern