



City of Blaine Anoka County, Minnesota Minutes - Final

10801 Town Square Drive
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, June 9, 2015

7:00 PM

Council Chambers

1. Roll Call

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, June 9, 2015. Chair Ouellette called the meeting to order at 7:00 p.m.

Members Present: Commission Members: Bergstrom, Goracke, Homan,
Olson, York and Chair Ouellette

Members Absent: None.

Staff Present: Shawn Kaye, Associate Planner
Lori Johnson, Associate Planner
Tom Scott, Project Coordinator
Dan Schluender, Assistant City Engineer

Present: 6 - Chair Ouellette, Homan, York, Goracke, Bergstrom, and Olson

2. Approval of Minutes

[TMP 15-0335](#)

Approval of May 12, 2015 Planning Commission Minutes

Motion by Commissioner Homan to approve the minutes of May 12, 2015, as presented. Motion seconded by Commissioner Olson. The motion passed 5-0-1 (York abstained).

Aye: 5 - Chair Ouellette, Homan, Goracke, Bergstrom, and Olson

Abstain: 1 - York

2.1 Old Business

None.

2.2 2014/2015 Planning Commission Adjourns Sine Die

Motion by Commissioner Goracke to adjourn the 2014/2015 Planning Commission Sine Die. Motion seconded by Commissioner Bergstrom. The motion passed 6-0.

Chair Ouellette adjourned the 2014/2015 Planning Commission Sine Die to complete the Oath of Office at 7:02 p.m.

Aye: 6 - Chair Ouellette, Homan, York, Goracke, Bergstrom, and Olson

3. Administration of Oath of Office - Daphne Ponds

The Oath of Office was administered by the City Clerk to Commissioner Daphne Ponds.

3.1 Resumption of Adjourned Meeting

Chair Ouellette reconvened the meeting at 7:03 p.m.

Reconvened

3.2 Roll Call - New 2015/2016 Planning Commission

Members Present: Commission Members: Bergstrom, Goracke, Homan, Olson, Ponds, York and Chair Ouellette

Members Absent: None.

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

4. New Business

4.1 [RES 15-116](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN 8 (EIGHT) FOOT FENCE TO BE PLACED ALONG A COUNTY ROADWAY LOCATED IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT. 8501 BALTIMORE STREET NE. CHRIS LAZARZ. (CASE FILE NO. 15-0029/LSJ)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0029 was opened at 7:06 p.m.

Chris Lazarz, 8501 Baltimore Street NE, requested the Commission approve his 8-foot fence. He asked if a structural engineer was necessary for his

proposed fence.

Associate Planner, Shawn Kaye reported this was a State Building Code requirement.

The public hearing was closed at 7:08 p.m.

Motion by Commissioner Goracke to recommend approval of Planning Case 15-0029 based on the following conditions:

Case 15-0029:

1. **Applicants submit a structural engineer review (if required by the Building Official) of fence detail to determine wind load standards are being met.**
2. **Applicants obtain building permit for construction of fence.**
3. **Fence to be built as presented in the materials made part of this application including fence placement, appearance, materials, etc.**
4. **Homeowner has responsibility for maintenance and appearance of the fence.**
5. **The fence that is proposed on the east and west sides of the site can only be 6 feet in height.**

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

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.2 [RES 15-117](#)

GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A 10' X 14' DECK TO BE LOCATED IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 12473 MIDWAY CIRCLE NE. ANDY BURMEISTER. (CASE FILE NO. 15-0030/LSJ)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0030 was opened at 7:12 p.m.

Andy Burmeister, 12473 Midway Circle NE, presented the Planning Commission with pictures of his home and the bermed area in his backyard.

The public hearing was closed at 7:14 p.m.

Commissioner Bergstrom supported the applicant's request.

Motion by Commissioner Bergstrom to recommend approval of Planning Case 15-0030 based on the following conditions:

Case 15-0030:

1. The applicant to obtain a building permit for the proposed deck and follow all rules of the Uniform Building Code.
2. The red cross-hatched area on the attached deck plan must be constructed as a step down and part of the stairs for the deck.

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

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.3 [RES 15-118](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A CHIROPRACTIC CLINIC TO BE LOCATED IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 1630 101ST AVENUE NE SUITES 140 & 150. BLAINE HEALTH & WELLNESS. (CASE FILE NO. 15-0027/SLK)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0027 was opened at 7:16 p.m. As no one wished to appear, the public hearing was closed at 7:16 p.m.

Motion by Commissioner York to recommend approval of Planning Case 15-0027 based on the following conditions:

Case 15-0027:

1. The business to operate in terms of hours as described in the attached narrative.
2. Parking is limited generally to 7-10 vehicles. The applicant will need to manage his parking demand by limiting appointments as necessary so as to not create a parking issue for other building tenants.
3. Future additional services such as massage therapy will require a separate license through the City.
4. The interior tenant finish work to be completed with review and permit meeting all Building and Fire Code requirements.
5. A Certificate of Occupancy is required prior to occupying the space.
6. All business signage by separate review and permit.

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

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.4 [RES 15-124](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR MULTIPLE BUILDINGS ON ONE PARCEL, SHARED DRIVEWAY ACCESS, PARKING LOT LIGHT HEIGHTS GREATER THAN 20-FEET (28 FEET) AND A SPECIAL PURPOSE (8-FOOT HIGH) FENCE ALONG THE REAR PROPERTY LINE AT 109TH AVENUE/UNIVERSITY AVENUE NE. OAK PARK PLAZA. (CASE FILE NO. 15-0031/BKS)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0031 was opened at 7:23 p.m.

Hugh Robinson, Tri-Land Properties, appreciated the thorough report presented by staff and discussed the plans for Oak Park Plaza. He requested the Commission allow outside sales at Cub Foods.

The public hearing was closed at 7:25 p.m.

Chair Ouellette was excited about the redevelopment of this shopping center.

Commissioner Goracke questioned how many employees Cub Foods would be hiring.

Mr. Robinson estimated the site would have 120 employees, with half full-time and the other half part-time.

Commissioner York believed that Frattallone's would not want the City to allow outdoor sales at Cub Foods given the fact plants and other items would be overlapped between the stores.

Mr. Robinson anticipated that Cub Foods would bring a great deal of traffic to the area and would increase foot traffic for Frattallone's.

Chair Ouellette commented that outdoor sales were not allowed in this zoning district.

Associate Planner, Shawn Kaye reported this was the case.

Commissioner Olson questioned why the applicant was requesting 28 foot lighting.

Mr. Robinson indicated the 28 foot high lighting would create more light for the parking lot and would also create cost savings for the developer as less light poles would be needed.

Commissioner Bergstrom questioned how long it has been since a grocery store was located in this area. She believed this would be a great addition to

this neighborhood.

Mr. Robinson commented that Jubilee Foods moved out in 2005.

Commissioner Bergstrom believed that the parking lot was in need of a major overhaul and recommended that the parking lot be reduced in size with more green space.

Mr. Robinson discussed how the parking lot would be adjusted and indicated Cub Foods would require additional parking.

Motion by Commissioner Goracke to recommend approval of Planning Case 15-0031A a conditional use permit to allow for multiple buildings on one parcel, shared driveway access, parking lot light heights greater than 20-feet (28 feet in main parking area) and a special purpose fence (8-foot high) based on the following conditions:

Case 15-0031A:

1. No outside display or storage of products is allowed at any time on site with the exception of Outside Display as regulated by Section 30.181 and the permitted temporary outdoor garden sales associated with the hardware store.
2. Site, buildings, and landscaping to be constructed consistent with submitted materials made part of this Conditional Use Permit application. However, the site plan will be subject to further site plan review related to landscaping and site improvements.
3. Site Plan Approval required prior to any site work or building permits for new construction.
4. Temporary signage regulated under Zoning Ordinance Section 34.13.
5. Permanent signage requires a separate permit approval process. Site allowed to have two freestanding monument sign locations (University Ave and 109th Ave).
6. All lighting on site must meet requirements established by Section 33.02 of the Zoning Ordinance.
7. New CUB building to be reviewed for SAC payment.
8. The buildings must be designed and maintained in accordance with the MN Uniform Fire Code.
9. Applicant is required to obtain a Coon Creek Watershed District Permit prior to any site work.
10. Applicant to obtain permit from ACHD for all proposed work in the County right-of-way.
11. Applicant to work with City and ACHD regarding required maintenance of private leg of traffic signal at University Avenue (107th alignment).

12. All buildings must be provided with automatic fire suppression system.

Motion by Commissioner Goracke to recommend approval of Planning Case 15-0031B a 20-foot variance to the standard parking setback of 30 feet along a portion of 109th Avenue and a 15-foot variance to the standard parking setback of 25 feet in the rear parking area adjacent to the residential zone based on the following rationale:

Case 15-0031B:

1. The applicant is not being given any special privilege by granting the variance, as many other existing older sites in the City have been accommodated by variance approvals in order to properly reuse existing sites.
2. The variances are critical for the redevelopment of this site which is a goal of the community and beneficial to the adjacent area.
3. The variances requested are not furthering the nonconformity of the parking areas as the parking areas affected by the variances currently exist on site.
4. The applicant is increasing the setback in many areas as part of the redevelopment.

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

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.5 [RES 15-119](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR DINING TO BE LOCATED IN A B-3 (REGIONAL COMMERCIAL) ZONING DISTRICT AT 12531 CENTRAL AVENUE NE. SAN JOSE MEXICAN RESTAURANT. (CASE FILE NO. 15-0028/EOW)

The report to the Planning Commission was presented by Erik Olson-Williams, Planning Intern. The public hearing for Case File 15-0028 was opened at 7:35 p.m. As no one wished to appear, the public hearing was closed at 7:35 p.m.

Commissioner Goracke supported the proposed request and noted this restaurant was a great addition to the community.

Motion by Commissioner Olson to recommend approval of Planning Case 15-0028 based on the following conditions:

Case 15-0028:

1. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's Chief Building Official and Metropolitan Council to determine the amount required for this use.

2. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the City and approved by the Blaine Town Center management company prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation level.
3. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
4. The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 36 seats in the outdoor dining area.
5. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.
6. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
7. Exit doors in any railing or fence in the outdoor dining area shall be openable from the inside without the use of a key or any special knowledge or effort, per the Uniform Building Code.
8. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.
9. Provide a detailed plan of fencing to surround patio and acquire a permit for construction of said fencing.

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

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.6 [ORD 15-2320](#)

SECOND READING

GRANTING A CODE AMENDMENT TO THE RE (RESIDENTIAL ESTATE), R-1 (SINGLE FAMILY), R-1AA (SINGLE FAMILY), R-1A (SINGLE FAMILY), R-1B (SINGLE FAMILY) ZONING DISTRICTS AND SECTION 33 (PERFORMANCE STANDARDS) TO ALLOW THE KEEPING OF NOT MORE THAN SIX (6) CHICKENS AS AN ACCESSORY USE. (CASE FILE NO. 15-0032/BKS)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0032 was opened at 7:39 p.m.

Adam Kish-Bailey, 2073 130th Court, requested that the Planning Commission reconsider the number of hens allowed. He recommended that the City allow six birds on a property given the proposed coop size. He also requested that the setbacks be adjusted. He wanted to see the setbacks reduced to five feet in order to allow residents to have better use of their

backyard. He suggested that the 75% neighbor approval requirement be changed to 50%. He believed this was a more reasonable standard.

Chair Ouellette noted the Planning Commission received letters from Enes Gluhic, 10191 Able Street NE and from Bob Ross, 240 130th Avenue NE, both supporting the proposed Ordinance from staff. It was noted that Tom Jablonski, 866 113th Lane NE, also supported the Ordinance and had several questions for staff.

Thomas Carroll, 10193 Flanders Street, supported the Ordinance. He noted he lived in the I-1 zoning district and asked if chickens would be allowed on his property.

Planning Associate, Shawn Kaye reported chickens were not allowed in this zoning district.

Mr. Carroll asked if the I-1 zoning district could be included to allow four chickens.

Chair Ouellette encouraged Mr. Carroll to speak with staff and the Mayor regarding this matter.

Steve Swanson, 10807 Quito Street NE, recommended that the Commission reconsider the neighbor approval percentage. He reported that he lives on a corner lot and if one of his neighbor's objects to him having chickens he will not be allowed under the proposed Ordinance. He suggested that the coop setbacks also be reconsidered to keep coops from the center of backyards.

Angie Gaszak, 9146 Zumbrota Street NE, supported there being in chickens in the City of Blaine. She noted she lived on a corner lot as well and was concerned with the 75% rule.

Chair Ouellette asked what the setback requirements were for dog houses.

Associate Planner, Shawn Kaye reported that dog houses had a five foot setback from property lines.

Andrea Kish-Bailey, 2073 130th Court, thanked the Commission for considering the keeping of chickens in the City of Blaine. She believed that chickens were quieter than dogs that lived outdoors in a kennel and, for this reason, residents should not have to receive approval from their neighbors in order to keep chickens.

Mr. Kish-Bailey did not believe chickens were noisy at all unless they were being chased or harassed.

The public hearing was closed at 7:50 p.m.

Commissioner Goracke questioned how corner lots and neighborhood approvals should be handled by the City.

Associate Planner, Shawn Kaye explained the 75% approval was from research from other communities and direction from the City Council.

Commissioner York inquired who drafted the proposed Ordinance.

Associate Planner, Shawn Kaye, stated that the Community Development Director drafted the proposed Ordinance with direction from the City Council and after reviewing several other Ordinances from neighboring communities.

Commissioner Olson supported six chickens per residential lot and recommended that the setbacks for coops be reduced to 10 feet.

Chair Ouellette was in favor of this suggestion. He recommended that the neighbor approval requirements remain in place.

Commissioner Bergstrom supported sustainable living and wanted the City of Blaine to accommodate chickens. She suggested that the setback be reduced to 10 feet.

Motion by Commissioner York to recommend approval of Planning Case 15-0032 a code amendment to the RE (Residential Estate), R-1 (Single Family), R-1AA (Single Family), R-1A (Single Family), R-1B (Single Family) zoning districts and Section 33 (Performance Standards) to allow the keeping of not more than six (6) chickens as an accessory use with a 10 foot setback for the chicken coop. Motion seconded by Commissioner Goracke. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

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

4.7 [ORD 15-2319](#)

SECOND READING

ORDINANCE AMENDING SECTION 27.02 PLANNING COMMISSION/BOARD OF APPEALS & ADJUSTMENTS OF THE ZONING ORDINANCE AND ARTICLE II. - PARK BOARD, SECTION 54-31. - ESTABLISHED; MEMBERS; ORGANIZATION REGARDING RESIDENCY REQUIREMENTS FOR CURRENT BOARD AND COMMISSION MEMBERS

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0034 was opened at 8:00 p.m. As no one wished to appear, the public hearing was closed at 8:00 p.m.

Commissioner Goracke recused himself from taking action on this item.

Motion by Commissioner Olson to recommend approval of Planning Case 15-0034 the proposed code amendment. Motion seconded by Commissioner Bergstrom. The motion passed 6-0-1 (Goracke abstained).

Chair Ouellette noted this would be on the agenda of the July 9, 2015 City Council meeting.

Aye: 6 - Chair Ouellette, Homan, York, Bergstrom, Olson, and Ponds

Abstain: 1 - Goracke

4.8 TMP 15-0327

Case File No. 15-0035 // Blaine Economic Development Authority (EDA)

The Planning Commission is being requested to determine the following:

1) If the proposed amendment of a Tax Increment Financing District for financial assistance with the redevelopment of Oak Park Plaza shopping center is consistent with the City's Comprehensive Plan.

2) If the expansion of the City's Tax Increment Project Area to allow financial assistance for the expansion of Infinite Campus is consistent with the City's Comprehensive Plan.

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 15-0035 was opened at 8:03 p.m. As no one wished to appear, the public hearing was closed at 8:03 p.m.

Motion by Commissioner Goracke to recommend approval of Planning Case 15-0035 adopting Resolutions that state:

Case 15-0035:

1) **The establishment of Tax Increment Financing District No. 01-19, to support the redevelopment of Oak Park Plaza, is consistent with the City's Comprehensive Plan.**

2) **The expansion of the City's Tax Increment Project Area, to support the expansion of Infinite Campus, is consistent with the City's Comprehensive Plan**

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

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

Adjournment

Motion by Commissioner Ponds to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Olson. The motion passed 7-0.

Adjournment time was 8:05 p.m.

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