



City of Blaine Anoka County, Minnesota Minutes - Final

10801 Town Square Dr.
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, December 10, 2013

7:00 PM

Council Chambers

1. Roll Call

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, December 10, 2013. Chair Ouellette called the meeting to order at 7:00 p.m.

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

Present: 7 - Chair Ouellette, Vice Chair Lahti, Goracke, Bergstrom, Radtke, York, and King

2. Approval of Minutes

Approved

[TMP 13-1355](#)

November 12, 2013 Planning Commission Minutes

Attachments: [Nov 12 PC Minutes](#)

Motion by Commissioner Bergstrom to approve the minutes of November 12, 2013, as presented. Motion seconded by Commissioner Goracke. The motion passed 6-0-1 (Chair Ouellette abstained).

Aye: 6 - Vice Chair Lahti, Goracke, Bergstrom, Radtke, York, and King

Abstain: 1 - Chair Ouellette

3. Old Business

None.

4. New Business**4.1 [RES 14-005](#)** Public Hearing Case File No. 13-0062 // Nathan Raich // 3106 &
3122 117th Avenue NE

The applicant is requesting a waiver of platting to adjust the lot line between the two properties by five (5) feet.

Attachments: [Raich Waiver - Attachments](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0062 was opened at 7:03 p.m. As no one wished to appear, the public hearing was closed at 7:03 p.m.

Chair Ouellette supported the request.

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0062 based on the following conditions:

Case 13-0062:

- 1. The applicant must record the waiver of platting with Anoka County.**
- 2. A new easement will need to be dedicated on the newly created east property line of Lot 12 (Parcel A) prior to a building permit being issued for Lot 12.**
- 3. Existing easements need to be vacated along the west line of existing Lot 13 (Parcel B).**

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

Chair Ouellette noted this would be on the agenda of the January 2, 2014 City Council meeting.

Recommended for Approval to the City Council

4.2 [RES 14-006](#) Public Hearing Case File No. 13-0063 // Ross Elton // 1500 125th
Avenue NE

The applicant is requesting a conditional use permit to operate a 2,640 square foot veterinary hospital in a B-3 (Regional Commercial) zoning district.

Attachments: [CUP_Vet Hospital - Attachments](#)

The report to the Planning Commission was presented by Lori Johnson, Planner III. The public hearing for Case File 13-0063 was opened at 7:06

p.m. As no one wished to appear, the public hearing was closed at 7:06 p.m.

Commissioner Lahti asked how many times a month there would be medical conditions that required overnight stays for the animals. Ross Elton, 1500 125th Avenue NE, explained this would be very rare, as the City already had a 24 hour pet clinic. He commented that he would be doing day surgeries.

Commissioner Goracke questioned if the building would have any sound proofing material installed. Mr. Elton commented that sound proofing material would be installed on the interior of the building.

Motion by Commissioner Lahti to recommend approval of Planning Case 13-0063 based on the following conditions:

Case 13-0063:

1. **Boarding of dogs is not allowed at this location unless medically necessary.**
2. **All permanent and temporary signage is issued under a separate permit.**
3. **If there are any changes to the operation of the vet clinic, such as boarding of dogs, a conditional use permit amendment will be necessary.**
4. **No outside kennels or permanent exercise areas are allowed.**
5. **No cremation or disposal of dead animals is allowed on the premises.**
6. **City is supportive of sound proofing the interior (shared) wall as a suggestion to the tenant or property owner.**
7. **A C.O. (Certificate of Occupancy) is required from the City prior to occupying the space. Permits (building and fire) may be needed for interior remodeling and other tenant improvements.**

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

Chair Ouellette noted this would be on the agenda of the January 2, 2014 City Council meeting.

4.3 [RES 14-007](#)

Public Hearing Case File No. 13-0060 // Gorham Development, LLC // Harpers Street/Lakes Parkway

The applicant is requesting a comprehensive plan land use amendment from NC (Neighborhood Commercial) to L-MDR (Low/Medium Density Residential) for a 4.64 acre parcel.

Attachments: [Comp Plan Gorham - Attachments](#)
 [Comp Plan Gorham - Public Comments](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0060 was opened at 7:11 p.m.

Chair Ouellette noted several letters he received for the record. The first letter was from John and Teresa Sawyer and they expressed concern with the fact that the space would not be commercial. A second letter was received from Mike Ryan and he wanted to see a playground at this location.

Nina Guswiller, 2951 117th Avenue NE, commented there were currently 35 children on her block and 41% of Blaine's population was children. She recommended the proposed parcel remain zoned as is and be developed into commercial property as this would create a space that could draw the Lakes Parkway community together. She explained her neighborhood would greatly benefit from several small businesses. She recommended the Planning Commission not support the proposed rezoning and housing.

Kevin Bross, 12145 Petersburg Court NE in The Lakes, agreed with Ms. Guswiller's comments. He explained his neighbors within The Lakes community wanted to see this property developed commercially. This was sold to him when he purchased his property and he recommended the Planning Commission deny the request.

Debbie Mullen, 3503 122nd Circle, agreed with the previous comments. She wanted to see the retail space develop on the proposed site. She indicated she moved to The Lakes and thoroughly enjoys the trails. She recommended the property be developed with a coffee shop or sandwich shop.

Matt Ricker, 12123 Petersburg Court, commented he has lived in his home for less than a year but was sold the concept that the proposed property would be developed commercially. He understood the economic downturn has hindered retail developments, but he encouraged the Commission to keep the parcel as is. He expressed concern with the additional parking proposed for the beach and how the traffic would impact his neighborhood.

Janet Kent, 12133 Dunkirk Street NE, explained she has lived in her home for the past six years and was also sold the idea that there would be neighborhood shops. She indicated she was disappointed that the beach was made public. She recommended that the retail businesses be developed as initially promised.

Jim Tauer, 3385 119th Avenue NE, commented he lived in the Eastwood neighborhood. He was surprised that the City was struggling to find retail businesses to come into this area. He thought that this area was a prime location given the fact the beach was now open to the public.

Amanda Gregory, 3355 123rd Lane NE, indicated she had just moved into her home. It was her opinion that The Lakes neighborhood would suffer tremendously if the retail development was not completed as promised.

John Pitzel, 3133 120th Court, did not oppose the rezoning of the space. He stated he was impressed by the landscaping plan as he wanted to see the look and feel of the The Lakes community preserved.

Chair Ouellette commented that several landowners have been working to bring retail uses to this neighborhood.

Associate Planner, Shawn Kaye stated this was the case. She was unaware of the market research that has been completed by the developer and landowners.

Commissioner York asked if staff was aware of the specific marketing efforts taken by the property owner.

Associate Planner, Shawn Kaye deferred this question to the applicant.

Gary Gorham, member of the development team for Main Street 1000, appreciated the comments made by the neighbors this evening. He explained since 2003 the plan was to have retail development in this location. However, he could not make this dream come true. He has worked for the past 10 years, talking to a large number of businesses and there was hesitation due to the low traffic counts.

Commissioner Lahti recommended the applicant hold a meeting with the neighborhood to provide the residents with further information on the situation.

Chair Ouellette stated this was a very neat neighborhood but understood that low traffic counts would discourage retail from moving into this area.

Commissioner York questioned if only a portion of the rezoning requested could be granted.

Associate Planner, Shawn Kaye explained staff had responded to the requests of the landowners to change the land use of all parcels.

Lily Zhang, 2975 122nd Court NE, appreciated the efforts of the developer over the past 10 years. She anticipated that the economy was different than it was 10 years ago and encouraged the developer to renew his efforts again on marketing the property. She commented there were over 1,000 homes that would drive past this site on a daily basis.

Bob Balk, 2919 122nd Court NE, stated there had to be a financial gain in

order for the developer to attract a retail business. He understood the developer wanted to see the site built out. He encouraged the City to become involved to provide an incentive to future retailers.

John Rask, Hans Hagen Homes, explained that many of the issues addressed with this Planning Case would be similar to his request. He commented his company owns the commercial property next to the beach and has not been actively marketing it. He stated his company manages/leases 140,000 square feet of retail space in the metro area. It was his opinion that the original plan for the neighborhood has changed as the high density residential was removed. He commented that these changes reduced the population that could be served by the retail property. Mr. Rask then discussed how the commercial market has changed over the past 10 years stating local businesses could not afford to pay \$30 per square foot for rent. Without large traffic counts, smaller retailers could not survive. He stated the land use change has been a thoughtful decision on the part of the developers based on the market trends and traffic counts.

The public hearing was closed at 7:45 p.m.

Chair Ouellette understood the original vision for this area, but noted the density had been reduced, which would now affect the traffic counts needed to bring retail to this area.

Commissioner King had concerns that the residents in The Lakes were sold the idea that retail would accompany this neighborhood. However, he did not want to see these parcels remain undeveloped.

Commissioner Goracke asked when the comprehensive plan would be reviewed again by the Planning Commission. He recommended the Commission review this document in the near future given the numerous changes to the market due to the economic downturn.

Associate Planner, Shawn Kaye reported the Comprehensive Plan would be reviewed again in 2018.

Commissioner Bergstrom commented the developer had holding costs on this vacant property. She understood the disappointment of the surrounding neighbors but explained there has been no commercial interest over the past 10 years and for this reason supported the proposed land use change.

Motion by Commissioner Lahti to recommend approval of Planning Case 13-0060 based on the following conditions:

Case 13-0060:

- 1. The existing NC (Neighborhood Commercial) has little or no market appeal given its low visibility from the general traveling public. Long term**

sustainability (re-leasing of tenant spaces) is of special concern of lenders and investors making any commercial proposal very difficult to finance.

2. While not as convenient for this specific development the City has better locations for small neighborhood scale retail that will likely be proposed to the east of The Lakes (Lexington/125th Avenue).

3. The change to L-MDR would allow for housing to be proposed that is consistent with other housing types in this vicinity of The Lakes development.

4. Approving this request would move these parcels forward towards development and remove the neighborhood uncertainty about the future of the land.

Motion seconded by Commissioner Bergstrom. The motion passed 5-2 (King and York opposed).

Chair Ouellette noted this would be on the agenda of the January 2, 2014 City Council meeting.

4.4 [RES 14-008](#)

Public Hearing Case File No. 13-0064 // Donald Kveton/Village Bank // Harpers Street/Lakes Parkway NE

The applicant is requesting a comprehensive plan land use amendment from NC (Neighborhood Commercial) to L-MDR (Low/Medium Density Residential) for a 4.43 acre parcel.

Attachments: [Comp Plan Kveton - Attachments](#)
[Comp Plan Kveton - Public Comments](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0064 was opened at 7:53 p.m. As no one wished to appear, the public hearing was closed at 7:53 p.m.

Motion by Commissioner Lahti to recommend approval of Planning Case 13-0064 based on the following conditions:

Case 13-0064:

1. The existing NC (Neighborhood Commercial) has little or no market appeal given its low visibility from the general traveling public. Long term sustainability (re-leasing of tenant spaces) is of special concern of lenders and investors making any commercial proposal very difficult to finance.

2. While not as convenient for this specific development the City has better locations for small neighborhood scale retail that will likely be proposed to the east of The Lakes (Lexington/125th Avenue).

3. The change to L-MDR would allow for housing to be proposed that is consistent with other housing types in this vicinity of The Lakes development.

4. Approving this request would move these parcels forward towards

development and remove the neighborhood uncertainty about the future of the land.

Motion seconded by Commissioner Bergstrom. The motion passed 5-2 (King and York opposed).

Chair Ouellette noted this would be on the agenda of the January 2, 2014 City Council meeting.

4.5 [RES 14-009](#)

Public Hearing Case File No. 13-0065 // Hans Hagen Homes, Inc.
// Lakes Parkway/Harpers Street NE

The applicant is requesting the following:

- a) Comprehensive land use plan amendment from NC (Neighborhood Commercial) to L-MDR (Low/Medium Density Residential).
- b) Preliminary plat approval to subdivide 8.54 acres into 30 single family lots and one outlot to be known as The Lakes of Radisson Fifty-Eighth Addition.
- c) Conditional use permit to allow for construction of 30 single family homes in a DF (Development Flex) zoning district.

Attachments: [Lakes 58th - Attachments](#)
[Lakes 58th - Public Comments](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0065 was opened at 7:55 p.m.

John Rask, Hans Hagan Homes, highlighted the features of the site in detail with the Commission. He understood the beach area was an active park and this would be disclosed to future buyers. He explained the proposed berm would nicely buffer the proposed homes from the beach area.

Mike Fort, 2861 121st Court NE, commented the three vacant parcels in The Lakes were gems. He was saddened by the opportunity that was being lost by not bringing small retail/commercial uses to the neighborhood. He recommended the property be resold to a developer that was willing to pursue retail for The Lakes. He stated another alternative would be to put a hockey rink on the vacant land.

Michelle Stephans, 12139 Petersburg Court NE, was in favor of a community ice rink or recreational use on this land. She expressed concern with the proposed width of the residential homes noting this development would be

extremely compacted. She understood that this has worked at other areas in The Lakes, but would stand out by those visiting the beach.

The public hearing was closed at 8:02 p.m.

Chair Ouellette indicated it would be cost prohibitive for the City to use this land as a park.

Commissioner Goracke asked if the proposed setbacks met the City's standards.

Associate Planner, Shawn Kaye stated this was a Development Flex area and all setbacks were consistent with City Code and the other Hans Hagen detached townhome developments in The Lakes.

Chair Ouellette stated he was not adverse to the proposed development but understood the loss the neighborhood would feel.

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0065A the comprehensive land use plan amendment from NC (Neighborhood Commercial) to L-MDR (Low/Medium Density Residential) based on the following rationale:

Case 13-0065A:

- 1. The existing NC (Neighborhood Commercial) has little or no market appeal given its low visibility from the general traveling public. Long term sustainability (re-leasing of tenant spaces) is of special concern of lenders and investors making any commercial proposal very difficult to finance.**
- 2. While not as convenient for this specific development the City has better locations for small neighborhood scale retail that will likely be proposed to the east of The Lakes (Lexington/125th Avenue).**
- 3. The change to L-MDR would allow for housing to be proposed that is consistent with other housing types in this vicinity of The Lakes development.**
- 4. Approving this request would move these parcels forward towards development and remove the neighborhood uncertainty about the future of the land.**

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0065B the preliminary plat to subdivide 8.54 acres into 30 single family lots and one outlot to be known as The Lakes of Radisson Fifty-Eighth Addition based on the following conditions:

Case 13-0065B:

- 1. Park dedication for this plat has been previously addressed through the agreement for credit and payment as outlined in the approved Park Development Agreement and based on the platting of up to 3,300 housing units**

and 11 acres of commercial/retail.

2. A rough grading and sediment control plan must be submitted for City approval prior to work being performed on site. Erosion control and tree preservation details shall be included on the grading plan. Lot grading to be consistent with Lakes Water Management Plan.

3. The size of site being graded requires a National Pollutant Discharge Elimination System (NPDES) permit from Minnesota Pollution Control Agency.

4. A development plan must be submitted for City approval prior to issuance of the first building permit. The development plan must indicate that all structures will be protected from flooding.

5. Coon Creek Watershed District permit is required prior to the approval of grading.

6. Developer is responsible for following through with FEMA as necessary to receive final FEMA documents and to provide those documents to the homeowners, and to record the final documents on the certificate of title for each parcel in the development.

7. As-built surveys will be required to verify structure elevations and lot grading for each structure constructed.

8. The developer will be responsible for installation of sanitary sewer, trunk main, storm drainage improvements, streets with concrete curb and gutter, streetlights, mailboxes, sidewalks, traffic control signs, street signs, and all appurtenant items. A thicker street pavement section will be needed in the corners of the street to aid in construction. Plans and specifications must be approved by the City prior to start of construction.

9. All City streets, exclusive of parkways, require dedication of 60 feet of right-of-way and shall be constructed to 29 feet back to back of width.

10. The street name shall be Harpers Court NE.

11. Standard utility and drainage easements must be dedicated along all lot lines and over drainage ditches, ponds, delineated wetlands, and storm water detention basins. Developer to provide access to existing power lines in plat. The Developer is to provide access for maintenance of storm water detention basins. Restrictions will be placed on lots as needed to limit fences and landscaping to insure access.

12. Developer to require homeowner's associations to be responsible for maintenance and upkeep of landscape improvements along and within the right-of-way.

13. Developer to install grouped mailboxes with design and locations approved by City and US Postal Service. Maintenance of the mailboxes to be the responsibility of the homeowner's association.

14. Outlot A to be deeded to the City consistent with earlier agreement with Main Street 1000.

15. 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.

16. Soil boring information is required for determination of lowest floor elevations.

17. Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

18. All development signage by separate review.

19. The City may be required by Anoka County to share in the costs of future improvements to 125th Avenue including intersection improvements, traffic signal installations and roadway widening. The City reserves its right to assess a portion of such future improvement costs to parcels located within this plat, pursuant to MN Statutes Chapter 429.

20. Landscaping for Lakes of Radisson 58th Addition common areas and along the streets to be completed as shown on the approved Site Plan.

21. Developer to execute and record a document, with each new home buyer on Lots 1-17, that provides clear buyer acknowledgment, that the new home is in close proximity to the City's active Lakeside Commons Park, public beach and parking area. The actual language to be spelled out in the Development Agreement.

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0065C the conditional use permit to allow for construction of 30 single family homes in a DF (Development Flex) zoning district based on the following conditions:

Case 13-0065C:

The Lakes 58th Addition -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 Section 6-121.
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 - 16 feet, 18 feet to garage door.
2. Side yard setback - 4 feet for house and garage. Minimum distance between homes - 8 feet.
3. Corner side yard setback - 20 feet.
4. Rear yard setback - 17.5 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 homes shall be 1,600 square feet. All homes shall have a minimum depth and width of 24 feet.
8. All 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 residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
10. 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.
11. 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.
12. Each lot shall contain one front yard tree and one boulevard tree with a minimum of 2½-inch caliper. One of the required trees may be an ornamental tree. Corner lots shall each have one additional boulevard tree.
13. All homes, within the development to incorporate Airport Noise Abatement Standards with Central Air conditioning to mitigate noise impacts.

14. No side patio or entrance doors are permitted.

15. Developer to execute and record, with the sale of each single family lot, an affidavit indicating to homebuyers that the soils located in the rear and side yards of the single family lots have not been corrected to accommodate general building construction or pools and that additional effort may be required, by the homeowner, to stabilize those soils before additional construction could occur.

16. The landscape plan to be approved through a site plan approval process.

17. Developer to execute and record a document, with each new home buyer on Lots 1-17, that provides clear buyer acknowledgment, that the new home is in close proximity to the City's active Lakeside Commons Park, public beach and parking area. The actual language to be spelled out in the Development Agreement.

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

Chair Ouellette noted this would be on the agenda of the January 2, 2014 City Council meeting.

4.6 [RES 14-022](#)

Public Hearing Case File No. 13-0067 // Wal-Mart // 4369 Ball Road NE

The applicant is requesting the following:

- a) Preliminary plat approval to subdivide 39.13 acres into 1 lot and 2 outlots to be known as Ball Road Addition.
- b) Conditional use permit to allow for construction of a 183,072 square foot Wal-Mart store in a PBD (Planned Business District) zoning district and for light pole heights exceeding 20 feet and with a maximum height of 40 feet.

- Attachments:**
- [Walmart - Attachments](#)
 - [Walmart - Public Comments](#)
 - [Walmart - Synopsis of Written Comments](#)
 - [Walmart - Dec 10, 2013 PC Minutes](#)
 - [Wal-Mart - Issue and Response Memo](#)

The report to the Planning Commission was presented by Lori Johnson, Planner III. The public hearing for Case File 13-0067 was opened at 8:17 p.m.

Chair Ouellette noted several letters for the record. The first letter received was from Jebediah Wosseski stating he opposed the project. Janet Wobyord

did not support the Wal-Mart relocation. In addition, Mike and Judy Brown were not in favor of the proposed plans either.

Kathy Harrison, 4620 107th Avenue NE, stated the residents near Ball Road overwhelming objected to the proposed development. She stated the size of the project and the fact that it would be open 24 hours a day, seven days a week, would greatly impact the surrounding homeowners. She understood the property owner had the right to sell his land, but also wanted the rights of the adjacent property owners to be considered. She commented the proposed use would generate 12,000 traffic stops per day plus semis trucks.

Chair Ouellette recommended Ms. Harrison bring her traffic concern issues to the City Council.

Ms. Harrison expressed concern with the proposed parking lot lighting and car headlight wash that would impact the surrounding properties. In addition, the constant flow of traffic to and from this property would generate a great deal of noise. She indicated the clearing of the land and construction would also adversely impact the neighbors. After speaking with a realtor, she anticipated that the homeowners along Ball Road would lose anywhere from 30-50% of their property value if this development were approved. She discussed how the homeowners in this area were already struggling to sell their homes given the information that was available surrounding the proposed Wal-Mart. She explained that each of these homeowners would be losing out on a great amount of equity in their homes if Wal-Mart was allowed to develop.

Ms. Harrison encouraged the Commission to consider the language within City Code regarding conditional use permits stating the proposed use was to be consistent with the surrounding properties, must not adversely affect property values, shall not cause traffic hazards and shall have proper access roads. It was her opinion that the current plans do not meet these standards and for that reason the request should be denied. She recommended that Wal-Mart be required to purchase all directly affected homes along Ball Road, Fraizer, Ghia and Hupp Streets. In addition, a 16 foot berm should be constructed along Ball Road to provide a greater buffer to the neighboring properties. She suggested the hours of operation be consistent with those of Fleet Farm.

Ms. Harrison recommended the lighting in the parking lot and loading area also be consistent with Fleet Farm. She proposed the site have no deliveries after 12:00 midnight and that a sound barrier wall be built on the rear property to shield the homes along 107th from the loading area. She suggested the sidewalks be reviewed for the safety of the public walking and riding bikes.

Desire Phillips, 4875 108th Lane NE, thanked the Commissioners for hearing

the concerns of the residents. She expressed great sadness regarding the proposed development and discussed how it would alter the neighborhood. She encouraged the Commission to hear the voices of concern and consider how the recommendation would adversely impact the residents. She stated just because concerns could be mitigated does not make the decision right for the City of Blaine.

Jason Orcutt, 10176 Ghia Street, recommended the conditional use permit address the traffic concerns as his neighborhood would move from 3,000 vehicles to 15,000 vehicles per day. He discussed how Ball Road should be designed per the Comprehensive Plan. It was his opinion that the proposed plan would fail given the increased traffic levels that Wal-Mart would generate. The safety of the neighborhood should be considered before moving this issue forward, as the quality of life for the adjacent residents would be greatly impacted. He wanted to see the retail and residential uses properly separated.

Chair Ouellette encouraged Mr. Orcutt attend the January 7, 2014 neighborhood meeting to discuss his traffic concerns further. He reported this item would not be discussed by the City Council until January 16, 2014.

Walt Hodgeman, 10288 Fraizer Street, expressed concern with the lowland on this site and how the water runoff would impact his property. He questioned why the neighbors could not address the roadway concerns.

Chair Ouellette stated the improvements to Ball Road would be handled by the City Council.

Mr. Hodgeman inquired how the City would evaluate the level of property value decreases the adjacent homes have sustained due to the proposed development. He anticipated that he would not be able to sell his home when he retires.

Planner III, Lori Johnson indicated an economic study was not completed for this request. She found that in other cities these studies are subjective. She believes, after conversations on the subject, that there might be a drop in property values initially, but that this would recover in time.

Harold Holander, 103rd Lane NE, stated he would be greatly impacted by the proposed development. He explained the conditional use permit language states that no homes shall lose property value and staff just stated that land value would decrease. He found there were numerous reasons for this project not to proceed. He stated just because a project could be built does not mean it should be built. He reported that the homeowners in this area were depending on the financial solvency of their homes and the adverse impacts of the proposed development were a concern. He encouraged the

Commissioners to drive Ball Road to clearly understand how these homeowners would be impacted. He encouraged the Commission to protect the integrity of this neighborhood and not support the plan.

Erin Hopkins, 10212 Hupp Street, questioned if there were any successful Wal-Mart projects in the metro area located this closely to a residential area.

Planner III, Lori Johnson explained a study was completed on large retail developments in the metro area and there are several that are located in similar neighborhoods.

Ms. Hopkins inquired if she would be able to view this study.

Planner III, Lori Johnson stated she would place the study on the City's website for the residents to review.

Jason Antes, 10225 Hupp Street NE, stated he has lived at this address for the past 12 years. He expressed concern with the proposed development and how the noise generated by Wal-Mart would impact his neighborhood. He questioned how the proposed water table draw down would impact the surrounding properties.

Mark Dougan, 4222 Ball Road NE, stated he was a youth pastor at Living Faith Church. He recognized there was a lot of information regarding this case on paper, however he encouraged the Commission members to hear the concerns voiced this evening. He did not see how the proposed use could fit into this neighborhood. He recommended the Commission not act in fear of a lawsuit, but rather in consideration of the impact this use would have.

Maria Meyer, 10528 Marmon Street NE, commented the traffic in this area was already a concern and would be significantly altered if Wal-Mart were to locate on the proposed site. She recommended the request be denied as she would rather have her neighbors support Cub and Festival Foods, both local grocery companies and not a national chain.

The public hearing was closed at 9:01 p.m.

Chair Ouellette stated the traffic concerns would be further discussed by the City Council and this request could not proceed until these issues were addressed.

Commissioner York thanked the residents for their comments this evening. He reported that Blaine was not able to pick and choose which vendor to place on this parcel if all City requirements were being met.

Chair Ouellette reported the preliminary plat meets all City requirements.

Commissioner Goracke asked if the dewatering in this area was a concern.

Assistant City Engineer, Dan Schluender discussed the utilities that would be installed on this site along with the site grading. He commented the water draw down would be done on a temporary basis to allow the developer to install the underground utilities and the water table would then come back to its original location.

Commissioner Lahti did not feel it was appropriate for Wal-Mart to relocate just because they were unable to sell groceries at their current location. It was her opinion that this neighborhood would be significantly impacted if a Wal-Mart were to locate on the proposed site.

Commissioner Radtke agreed with these statements noting she has lived in Blaine for the past 35 years.

Chair Ouellette stated the Commission could forward the preliminary plat with no recommendation on the conditional use permit.

Motion by Commissioner King to recommend approval of Planning Case 13-0067A the preliminary plat to subdivide 39.13 acres into 1 lot and 2 outlots to be known as Ball Road Addition based on the following conditions:

Case 13-0067A:

- 1. Park dedication will need to be paid on the one lot being platted at this time. The 2014 park dedication rate for commercial property is expected to be \$8,289 per acre. The calculated upland portion of Lot 1 is 24.62 acres for a total park dedication fee of \$204,075. This fee must be paid prior to release of the mylars by the City for recording purposes at Anoka County. Park dedication will be required on the commercial outlots when they are re-platted and developed in the future.**
- 2. Water and sewer availability charges (WAC and SAC) become due with building permit.**
- 3. National Pollutant Discharge Elimination System (NPDES) Phase II Construction Activity Permit is required from the MN Pollution Control Agency. Building permit will not be issued until a copy of the permit application is sent to the City.**
- 4. Site plan approval is required prior to any work being preformed on site and prior to issuance of building permit.**
- 5. Rice Creek Watershed District must approve a permit for work to be done on site prior to issuance of site plan approval and building permits.**
- 6. Infiltration practices shall be used wherever possible.**
- 7. The development is responsible for construction of Interstate Highway**

35 off ramp, Lexington Avenue (CSAH 17), and Ball Road improvements that have been identified in the 2013 EAW and associated with this development. This includes, but is not limited to, intersection improvements, traffic signal modifications, roadway widening, warning siren relocation, and pedestrian movement improvements. All Ball Road design elements are subject to the review and approval of the City.

8. Applicant to obtain MnDOT and ACHD permits that will be required for the work on Lexington Avenue and 35W ramp.

9. Deferred assessments become due in the amount of \$48,114.28 for this plat. This payment is required to be paid prior to release of the final plat mylars for recording at Anoka County.

10. Execution and recording of a Development Agreement between the developer and City to address the off-site roadway improvements.

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

Motion by Commissioner King to forward Planning Case 13-0067B the conditional use permit with no recommendation. Motion seconded by Commissioner Radtke. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the January 16, 2014 City Council meeting.

ADJOURNMENT

Motion by Commissioner Goracke to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Bergstrom. The motion passed 7-0. Adjournment time was 9:12 p.m.

Respectfully submitted,
Heidi Guenther
TimeSaver Off Site Secretarial, Inc.