

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
April 13, 2021**

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, April 13, 2021. Vice Chair Goracke called the meeting to order at 7:00PM. Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in person.

Members Present: Commission Members: Goracke, Halpern, Homan, Olson, and Vilella. Also present was Adjunct Member Drew Brown.

Members Absent: Chair Ouellette and Commissioner Deonauth.

Staff Present: Shawn Kaye, Associate Planner
 Elizabeth Showalter, Community Development Specialist
 Teresa Barnes, Project Engineer
 Cathy Sorensen, City Clerk
 Patricia Robinson, Administrative Assistant

NEW BUSINESS

Item 4.6 – Case File No. 21-0023 – Public Hearing – The applicant is requesting the following:

- A. Rezoning from B-3 (Regional Commercial) to DF (Development Flex).
- B. Preliminary plat to subdivide approximately 4.07 acres into five lots to be known as Blaine Square 2nd Addition.
- C. Conditional use permit to construct two freestanding restaurants (Lot 1 includes outdoor dining), a bank building, and to allow an existing retail/restaurant/office building and an existing minor auto repair to remain with shared access and parking in a DF (Development Flex) zoning district.

BLAINE SQUARE 2ND ADDITION (BLAINE SQUARE LLC), 12403 & 12417 ULYSSES STREET NE.

The report to the planning commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 21-0023 was opened at 8:22PM.

Mike Healy, 1248 Johnson, explained he was concerned with level of traffic that would be entering and exiting the property.

Project Engineer, Teresa Barnes reported staff had reviewed the egress and ingress and understood this property was located on an inside curve. She indicated the site would have one in and two outs to assist with managing the traffic.

Allison Morgan, Capital Real Estate, stated she was a representative for the applicant. She thanked the commission for their consideration and noted she was available for comments or questions.

Vice Chair Goracke questioned when construction would begin on this project.

Ms. Morgan anticipated the project would begin in June.

Commissioner Vilella asked if the Chipotle at 105th would be moving or would there be two Chipotle's.

Ms. Morgan reported she was not sure but thought this would be an additional location.

The public hearing was closed at 8:26PM.

Commissioner Halpern stated he was concerned with having three, four or maybe even five restaurants at this location and if the site would be able to handle the drive through traffic.

Project Engineer, Teresa Barnes explained this was something staff could look at further, but noted this was typically part of the site design. She reported the minimum amount had been met.

Commissioner Olson clarified that there would be only two restaurants on the property at this time.

Commissioner Halpern explained the site had a Caribou and Papa Murphy's as well.

Commissioner Vilella asked if the Popeye's would have a drive through.

Ms. Morgan reported Popeyes would have a drive through with two lines for ordering and merging into one lane for pick-up. Chipotle would have a Chipot-lane where customers could pick up internet/pre-ordered food.

Motion by Commissioner Vilella to recommend approval of Planning Case 21-0023A a rezoning from B-3 (Regional Commercial) to DF (Development Flex) based on the following rationale:

Case 21-0023A:

1. The proposed rezoning would be consistent with the CC (Community Commercial) land use of the property.
2. The zoning being proposed is consistent with the type of development being proposed.

Motion by Commissioner Vilella to recommend approval of Planning Case 21-0023B a preliminary plat to subdivide approximately 4.07 acres into five lots to be known as Blaine Square 2nd Addition based on the following conditions:

Case 21-0023B:

1. The developer will be responsible for installation of sanitary sewer, water main, storm drainage improvements, streets with concrete curb and gutter, streetlights, sidewalks, traffic control signs, and all appurtenant items.
2. The development association shall maintain all private internal utilities, storm water management systems and driveways privately.
3. Access to private water and sanitary services shall be granted for each individual site.
4. Separate fire lines and domestic water services are required for each structure from the water lateral lines to each structure.
5. Water Availability Charges (WAC) and Sewer Availability Charges (SAC) become due with each building permit.

6. Dedication of utility and drainage easements along the outer perimeter sides of the plat and over existing utilities.
7. Plans and specifications for private improvements require city approval prior to start of construction.
8. A National Pollutant Discharge Elimination System (NPDES) Phase II permit is required from the MN Pollution Control Agency when one or more acre is disturbed.
9. A copy of the shared access/parking agreement with the adjacent site must be submitted to the Planning Department prior to any work being allowed on site.
10. A Coon Creek Watershed District permit is required. Building permits will not be issued until a copy of the permit is received by the City.

Motion by Commissioner Vilella to recommend approval of Planning Case 21-0023C a conditional use permit to construct two freestanding restaurants (Lot 1 outdoor dining), a bank building, to allow an existing retail/restaurant/office building and an existing minor auto repair to remain with shared access and parking in a DF (Development Flex) zoning district based on the following conditions:

Case 21-0023C:

1. Uses for Lots 1 and 2 to include restaurants and the use for Lot 3 to include to include general retail, restaurants and professional office. Lot 4 uses to include minor auto repair. Lot 5 allowed uses are bank/general office.
2. No outside display or storage of products is allowed at any time on site.
3. The uses for all lots will need to obtain a conditional use permit amendment if the use is not permitted by this conditional use permit including outdoor dining.
4. Each individual lot/use will require site plan approval.

5. Site, buildings, and landscaping to be constructed consistent with submitted materials made part of this Conditional Use Permit application.
6. The landscape plan must be consistent with the overall landscape plan.
7. The buildings constructed to be consistent with the Highway 65 Overlay District.
8. Permanent signage requires a separate permit approval process. Each individual lot is allowed one monument sign of a maximum height of 14 feet and a maximum square footage of 140 square feet.
9. Temporary signage to be regulated under Zoning Ordinance Section 34.13.
10. No overnight storage of delivery vehicles or semi-trailers unless approval is received from the Zoning Administrator.
11. No exterior overnight storage of pallets or delivered products.
12. All lighting on site must meet requirements established by Section 33.02 of the Zoning Ordinance. Freestanding light structures limited in height to not more than 20 feet.
13. A copy of the shared access/parking agreement with all sites must be submitted to the Planning Department prior to any work being allowed on site.
14. The uses permitted by this conditional use permit to be operated in accordance with all applicable city regulations and ordinance requirements. Violation of these standards or any conditions of the conditional use permit shall be enforceable, by the City as a misdemeanor violation.
15. The outdoor dining for Lot 1 to meet the following requirements:
 - a) Plans for amplified background music for the outdoor dining area to be reviewed and approved by the City prior to installation. Volume levels for the music to be limited to not more than “normal conversation” levels and shall not be discernable or cause a nuisance to other land uses.

- b) No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
- c) The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 18 seats in the outdoor dining area.
- d) The outdoor dining area to meet all appropriate city regulations and license requirements for dispensing of alcohol in an outdoor setting.
- e) The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
- f) Provide manufacturing specifications and requirements for propane heater use/gas fire pits and clearance to combustibles.
- g) Exit doors on 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.
- h) No public address system allowed in the outdoor dining area.
- i) The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's Building Department and Metropolitan Council to determine the amount required for this use.

Motion seconded by Commissioner Olson. A roll call vote was taken. The motion passed 5-0.

Vice Chair Goracke noted this would be on the agenda of the May 3, 2021 city council meeting.