

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
MAY 12, 2020**

The Blaine Planning Commission met on Tuesday, May 12, 2020. Chair Ouellette called the meeting to order at 7:00 p.m. Due to the COVID-19 pandemic this meeting was held virtually.

Members Present: Commission Members: Deonatuh, Goracke, Halpern, Homan, Olson, Villella, and Chair Ouellette. Also present was Adjunct Member Drew Brown.

Members Absent: None.

Staff Present: Shawn Kaye, Associate Planner
Lori Johnson, City Planner
Elizabeth Showalter, Planning/Economic Development Technician
Tom Scott, Project Coordinator
Teresa Barnes, Project Engineer
Ben Hayle, Communications Manager

APPROVAL OF MINUTES

Motion by Commissioner Goracke to approve the minutes of March 10, 2020, as presented. Motion seconded by Commissioner Homan. A roll call vote was taken. The motion passed 4-0-3 (Commissioners Deonatuh, Olson, and Villella abstained).

OLD BUSINESS

None.

NEW BUSINESS

Item 4.1 – Case File No. 20-0008 – Public Hearing – The applicant is requesting a conditional use permit to allow for the construction of a 9,156 square foot convenience store with gasoline sales, a carwash, outdoor dining and a shared access in a PBD (Planned Business District) zoning district. KWIK TRIP, INC. (LEXINGTON MEADOWS LLC), 109TH AVENUE AND AUSTIN STREET NE (SOUTHWEST CORNER).

The report to the Planning Commission was presented by Lori Johnson, City Planner. The public hearing for Case File 20-0008 was opened at 7:09 p.m.

Dean George, 1626 Oak Street in La Crosse, stated he was a representative for Kwik Trip. He indicated he was looking forward to constructing another Kwik Trip in Blaine. He asked how long the CUP would be viable.

City Planner, Lori Johnson reported the CUP would be in place for one year after receiving approval from the City Council. She indicated the CUP could be extended.

The public hearing was closed at 7:12 p.m.

Chair Ouellette noted this was the sixth Kwik Trip to locate in the City of Blaine.

Motion by Commissioner Homan to recommend approval of Planning Case 20-0008 based on the following conditions:

Case 20-0008:

1. The exterior building materials to match those on the submitted plans.
2. Site plan approval is required prior to issuance of building permits. All site improvements to be included in site improvement performance agreement and covered by an acceptable financial guarantee.
3. All site lighting to be down lit-style lamps to reduce glare and to meet the requirements of the Zoning Ordinance. Final site plan to include detailed lighting plan. Pole mounted lighting is limited to 20 feet in height.
4. Applicant to install underground piping for future Stage I vapor recovery system.
5. The car wash entrance to be relocated to the south side of the site, with the exit and vacuums relocated to the north side of the site. This may result in some slight site design modifications
6. Storage or display of retail items not permitted in the parking area, pump islands, driveway surface. All display items must meet the outside display section of the Zoning Ordinance (Section 30.181).
7. All signage requires a separate permit meeting the requirements of the Zoning Ordinance. The site will be limited to three wall signs including convenience store and canopy, any signage on the canopy will count as wall signage. One monument sign will be permitted with a maximum height of 14 feet and 140 square feet of signage.
8. The landscape plan must meet the Highway 65 Overlay District requirements and must include 25% of the landscaping in the front yard adjacent to 117th Avenue and Ulysses Street and those trees must be oversized. The following plantings will be required on site:
 - Overstory trees: 16 (2 ½ ” caliper) and 5 (3” caliper)
 - Conifer trees: 8 (6’ in height) and 3 (8’ in height)

- Ornamental trees: 11 (2” caliper)
9. Temporary signage to be regulated under Zoning Ordinance Section 34.13.
 10. No exterior overnight storage of pallets or delivered products.
 11. No overnight storage of semi-trailers or delivery vehicles.
 12. The use of any speaker system at the gas pumps must be limited in volume so as to not create any off-site impacts.
 13. The gas and diesel canopies must have columns, to a minimum height of five (5) feet, that are faced with brick that matches the building.
 14. The outdoor seating area limited to 2 (two) tables with seating for a total of 8 seats.
 15. A copy of the shared access agreement with the property to the south of this site must be submitted to the Planning Department prior to any work being allowed on site.
 16. A National Pollutant Discharge Elimination System Phase II permit required from the MN Pollution Control Agency. Building permits will not be issued until a copy of the permit is sent to the city.
 17. A Rice Creek Watershed District permit is required. Building permits will not be issued until a copy of the permit is sent to the city.
 18. 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.

Motion seconded by Commissioner Halpern. A roll call vote was taken. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the June 1, 2020 City Council meeting.

Item 4.2 – Case File No. 20-0011 – Public Hearing – The applicant is requesting a conditional use permit to construct a new 3,581 square foot veterinary clinic in a DF (Development Flex) zoning district).
MCHALE VETERINARY CARE, 12435 ULYSSES STREET NE.

The report to the Planning Commission was presented by Elizabeth Showalter, Planning/Economic Development Technician. The public hearing for Case File 20-0011 was opened at 7:18 p.m.

Carl Robinson, 3020 University Avenue SE in Minneapolis, explained he was the architect on this project. He indicated there were three items in the report that he had concerns with. First, he stated that he wishes the fence to be powder coated metal as shown in the plans, which he believes is a superior product to the vinyl or composite listed in the conditions and to be 7 feet tall, as opposed to the 6-foot fence listed in the conditions. Second, he raised concerns with the limitation on signage and noted that the monument sign would be located away from the right of way and therefore should not be seen as a traffic issue. Lastly he requested that the Conditional Use Permit include approval for the proposed expansion area.

Planning/Economic Development Technician, Elizabeth Showalter responded staff would be amenable to amending Condition 6 to allow for a 7 foot solid fence made out of maintenance free material. She explained wall signage was based on the number of streets a property fronts. She reported this property only fronts one street and therefore allows signage on one wall. She indicated this property would be part of the collaborative monument sign and would not be allowed to have a separate monument sign. She commented on the future expansion and reported the applicant would need to come forward and make a request at the time the expansion was being completed, consistent with the process used on all other developments in the DF zoning district.

Mr. Robinson stated he was frustrated by the fact Little Caesars, which was directly across the street, had signage on two sides and he was proposing to construct the same building. He expressed concern with the fact he had submitted drawings to the City three months ago and nothing had been said about the signage until now. He indicated he felt a little blindsided and would have appreciated having a discussion with staff regarding this matter. He commented he would like to have signage on two sides of the building.

Planning/Economic Development Technician, Elizabeth Showalter reported that staff would consider whether the property could be considered to have two street frontages and address that possibility in the report to the City Council.

The public hearing was closed at 7:29 p.m.

Commissioner Halpern asked if the number of signs on the sides of the building was a contentious point for the applicant.

Chair Ouellette reported this matter would be passed along to and be addressed by the City Council.

Commissioner Halpern noted this property was closer to residential properties than Little Caesar's.

Motion by Commissioner Goracke to recommend approval of Planning Case 20-0011 based on the following conditions:

Case 20-0011:

1. The business is to operate as described in the narrative attached to the staff report.
2. All site and landscaping requirements must be constructed as shown on the plans presented for the conditional use permit approval with all required staff changes included on the plans.
3. Any expansion, including the proposed future expansion shown on the submitted plans, will require a conditional use permit amendment.
4. The landscaping and building must meet the requirements of the Highway 65 Overlay District.
5. All signage on site, permanent or temporary must adhere to the signage requirements of the Zoning Ordinance for properties zoned B-2, B-3 and B-4. Wall signage is allowed on one side of the building. No freestanding sign is permitted. All signage is issued under separate permit.
6. Outside dog area must be enclosed by a 7 foot, solid fence made of maintenance free materials.
7. Animals may not be left unattended in the outside area.
8. No boarding may take place.
9. Tree placement is subject to approval by the engineering department in the site plan approval process.
10. Parking to be provided at a ratio of 1 space per 150 square feet of floor area.
11. Site plan approval is required with execution of a Site Improvement Performance Agreement and acceptable financial guarantee is required prior to issuance of a building permit or commencement of any work.
12. Payment of SAC and WAC with building permit.
13. Applicant is required to obtain Coon Creek Watershed District permit prior to any plan approval by the city.
14. All lighting must be downlit and shielded to prevent glare or spill.

Motion seconded by Commissioner Olson. A roll call vote was taken. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the June 1, 2020 City Council meeting.

Item 4.3 – Case File No. 20-0013 – Public Hearing – The applicant is requesting a conditional use permit to allow for the construction of a 200 square foot shed in a DF (Development Flex) zoning district.

STEVE AND AMY LUND, 12996 CORAL SEA COURT.

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. Staff summarized comments received from the public. The public hearing for Case File 20-0013 was opened at 7:38 p.m. As no one wished to appear, the public hearing was closed at 7:38 p.m.

Chair Ouellette commented there are some lots in this neighborhood that were larger than others. He asked if the City could establish some type of language to allow for larger sheds depending on lot square footage.

Associate Planner, Shawn Kaye reported this was not something the City has done in the past, but new language could be considered. She indicated some of the larger lots were due to wetlands and this was not useable space.

Commissioner Goracke commented the applicant was proposing to have a very nice shed. He questioned if the City had ever allowed one lot to have such a large shed.

Associate Planner, Shawn Kaye explained this has been allowed by the City for detached structures.

Commissioner Villella stated he drove by the property today and noted the shed fit nicely onto the lot. He indicated was concerned about the precedent that may be set if the Commission were to approve this request. He expressed frustration that the resident had not respected the City's process.

Commissioner Halpern agreed the homeowners had put a nice shed on the lot. However, the shed went against City regulations.

Steve Lund, 12996 Coral Sea Court, explained he was told by the builder there were no restrictions on shed size, which was why he thought he could build a 200 square foot shed.

Chair Ouellette questioned why the shed had to be 200 square feet in size.

Mr. Lund reported he had a riding lawn mower, lawn mower, snow blower and his children's outdoor toys in the shed.

Commissioner Villella questioned why the builder had not pulled a permit for the shed.

Mr. Lund stated the builder had not constructed the shed. He explained he built the shed and was told there was no restrictions to the size. He indicated he met the criteria given the fact the shed matches the home and City setbacks.

Commissioner Olson commented she understood the concerns regarding precedent, but noted the Commission has approved a number of variances for oversized garages. She stated she supported the shed given the size of the lot.

Chair Ouellette questioned if information would get back to the builder that sheds could only be 120 square feet in size.

Associate Planner, Shawn Kaye reported she would like to think that this information was getting back to the builders.

Commissioner Villella indicated the shed looks fine, however he was very concerned with the fact the applicant had not pulled a permit. He believed the applicant was very aware of the fact that he had to pull a permit given the fact this was his second shed. He feared if the Commission were to recommend approval of this item, the City would be advocating for residents to build a shed and request a permit later.

Commissioner Goracke recommended the City communicate with the public again on the requirements that were in place for residential detached accessory structures and sheds.

Commissioner Halpern stated the Commission may need to consider taking a harder line on these requests given the fact the applicant was asking for a permit after the fact. He indicated he could take a softer line on this Planning Case because the applicant had a larger lot to support the shed.

Chair Ouellette agreed with this statement.

Commissioner Olson commented that the applicant should have known better given the fact this was his second shed in the City of Blaine. For this reason, she would not be supporting the request.

Motion by Commissioner Olson to recommend that a shed be permitted at a maximum of 120 square feet for Planning Case 20-0013 based on the following conditions:

Case 20-0013:

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 120 square feet.
5. The proposed structure cannot be used for a home occupation.
6. The applicant will need to demonstrate that proper setbacks, including wetland setbacks, are being met with the issuance of a building permit by June 30, 2020.

Motion seconded by Commissioner Villella. A roll call vote was taken. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the June 1, 2020 City Council meeting.

Item 4.4 – Case File No. 20-0014 – Public Hearing – The applicant is requesting a conditional use permit to allow for an expansion of the existing garden center and construction of additional outdoor sales area within new permanent structures in the parking lot in a DF (Development Flex) zoning district.
HOME DEPOT USA, INC., 4550 PHEASANT RIDGE DRIVE NE.

The report to the Planning Commission was presented by Elizabeth Showalter, Planning/Economic Development Technician. The public hearing for Case File 20-0014 was opened at 8:02 p.m.

Janay Mommer, Lars Anderson & Associates, explained she was a representative for the applicant. She stated she has reviewed the conditions and accepts them as presented by staff.

The public hearing was closed at 8:04 p.m.

Chair Ouellette stated he supported the proposed changes noting they would improve the site.

Motion by Commissioner Goracke to recommend approval of Planning Case 20-0014 based on the following conditions:

Case 20-0014:

1. No outside display or storage of products except in the following areas, as designated in the submitted site plan dated April 16, 2020:
 - a) Enclosed garden center.
 - b) Seasonal drive through area between March 1 and July 4 of each year.
 - c) Designated rental equipment area.
 - d) 22 rental trucks.
 - e) Cantilevers and storage cages on rear of building.
 - f) Sheds and other outdoor product display along front of building.
2. Temporary containment as described in the staff report may remain until June 1, 2021. After that time, all outdoor display and storage shall be contained and screened as described in this resolution.
3. Site, buildings, and landscaping to be constructed consistent with submitted materials made part of this conditional use permit application with the following changes:
 - a) Fencing around the drive-thru area and rental equipment to be a solid, opaque, maintenance free material consistent with the wrought iron used elsewhere on site, such as a black composite fencing with brick columns.
 - b) Rental equipment storage to have an asphalt or concrete surface.

4. Site plan approval, including execution of a Site Improvement Performance Agreement and associated financial guarantee, is required prior to site work and building permits.
5. Permanent signage requires a separate permit approval process.
6. This amendment is in addition to and does not replace Resolution No. 00-154.

Motion seconded by Commissioner Halpern. A roll call vote was taken. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the June 1, 2020 City Council meeting.

Item 4.5 – Case File No. 20-0016 – Public Hearing – The applicant is requesting a conditional use permit to allow for the construction of a 9,842 square foot church building on a 4.71 acre parcel in an R-1AA (Single Family) zoning district. GREAT GRACE ASSEMBLY OF GOD CHURCH, 9240 WEST I-35W SERVICE DRIVE.

Chair Ouellette reported the applicant pulled this application and would not be considered this evening.

Item 4.6 – Case File No. 20-0015 – Public Hearing – The applicant is requesting a conditional use permit to allow for the construction of a pet daycare, boarding, and grooming facility, and shared parking and access in a B-2 (Community Commercial) zoning district. The proposed building will be 11,000 square feet. PETSUITES (BLAINE RENTALS, LLC), 9983 ULYSSES STREET NE.

The report to the Planning Commission was presented by Lori Johnson, City Planner. Staff summarized the one comment received from the public. The public hearing for Case File 20-0015 was opened at 8:11 p.m.

Trish Sea, Civil Engineer with Kimley Horn, stated she was a representative for the applicant. She thanked staff for the thorough staff report and explained she was available for comments or questions.

Jeff Blaha asked to join the meeting but was having trouble with his audio.

Commissioner Halpern asked if the City had received a lot of formal traffic complaints from residents in this part of town.

City Planner, Lori Johnson reported she was not aware of any formal complaints. She indicated she did not have access to police records, but noted this was not something she had been made aware of.

Commissioner Homan stated when this property was a restaurant there would have been a great deal more traffic than the proposed use.

Communications Coordinator, Ben Hayle reported a comment came through on the chat function from Mr. Blaha expressing concern with the traffic in this area.

Chair Ouellette stated he was very aware of the traffic concerns along Central Avenue in this area and noted the City was completing a traffic study for Central Avenue at this time. He anticipated a service drive would be completed in this area in the future.

Commissioner Villella reported he served on the Highway 65 Corridor Task Force. He noted the traffic concerns had more to do with Highway 65 and did not have to do with this property.

The public hearing was closed at 8:19 p.m.

Motion by Commissioner Olson to recommend approval of Planning Case 20-0015 based on the following conditions:

Case 20-0015:

1. Site and building must meet the requirements of the Highway 65 Overlay District.
2. Since the site has a shared parking area and access with the site to the south, a copy of the shared access and parking agreement must be submitted to the city prior to any permits being issued for the site.
3. The following trees must be provided on site:
 - Overstory: 13 trees (2 ½ inch caliper), with 5 trees oversized (3-inch caliper)
 - Conifer: 7 trees (6 feet in height), with 2 trees oversized (8 feet in height)
 - Ornamental: 9 trees, no oversizing recommended

Staff is amenable to giving credit for the existing trees on site, but the credit would be given for overstory trees only. The required amount of conifer and ornamental trees must be provided on the plan. The landscape plan must be amended to meet these requirements through the site plan approval process.

4. A fence permit must be obtained from the Building Inspection Department for the proposed fence, which must be 7-feet high and a vinyl, maintenance free fence.
5. The business must operate in general conformance to the narrative associated with this application.
6. Signs are issued under separate permits. The applicant will be allowed to have signage on two sides of the building, and can pick which sides they prefer for the installation. The

applicant should be aware that the dog graphics and paw will be considered signage and must meet signage size requirements.

7. All lighting must be downlit and shielded to prevent glare or spill. Light pole heights cannot exceed 20 feet in height.
8. It is not clear how trash will be handled on site. The applicant must provide this information during the site plan approval process. If a dumpster is to be used, an enclosure must be constructed with the same exterior materials as the building.
9. A permit is required from the Coon Creek Watershed District prior to any work being performed on site.
10. Administrative site plan approval will be required prior to work being performed on site. This approval will include the requirement for a signed Site Improvement Performance Agreement and associated financial guarantee.
11. Dogs must be leashed at all times outside of the fenced area. Dogs must be supervised and attended to at all times when in the outdoor play area.
12. Dog waste must be picked up immediately by business personnel.
13. Barking dogs must be moved back into the building as soon as possible.
14. Any expansion of this business in any way will require a conditional use permit amendment.
15. A kennel license must be obtained through the City Clerk.

Motion seconded by Commissioner Homan. A roll call vote was taken. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the June 1, 2020 City Council meeting.

ADJOURNMENT

Motion by Commissioner Goracke to adjourn the Regular Planning Commission meeting.
Motion seconded by Commissioner Halpern. A roll call vote was taken. The motion passed 7-0.
Adjournment time was 8:21 p.m.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial