



City of Blaine Anoka County, Minnesota Minutes

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Planning Commission

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

This meeting will be a hybrid of Zoom and in-person. The Mayor has signed a declaration allowing members of the commission, staff, and the public to attend meetings remotely via Zoom as has been done during the pandemic. The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.

Public comment options prior to the meeting must be received by 4:30 PM on Monday, May 10. Email comments to: probinson@BlaineMN.gov or phone 763-785-6180.

Zoom is for members of the public who want to comment remotely during the meeting on an agenda item. Join Zoom Webinar at <https://blainemn.zoom.us/j/95123780167>

Ways to watch if not commenting on an agenda item: BlaineMN.gov/Video or North Metro TV on Comcast, Apple TV, or Roku

Questions? Email - Communications@BlaineMN.gov

Tuesday, April 13, 2021

7:00 PM Council Chambers and due to the COVID-19 pandemic, city meetings will also be held as virtual meetings

1. Roll Call - 2020/2021 Planning Commission

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 Villella. 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

2. Approval of Minutes

Approval of March 9, 2021 Planning Commission Minutes

Attachments: [Unapproved Minutes 3/9/21](#)

Motion by Commissioner Villella to approve the minutes of March 9, 2021, as presented. Motion seconded by Commissioner Olson. A roll call vote was taken. The motion passed 5-0.

2.-1 Old Business

2.-2 2020/2021 Planning Commission Adjourns Sine Die

Vice Chair Goracke adjourned the 2020/2021 Planning Commission Sine Die to complete the Oath of Office at 7:02 p.m.

3. Administration of Oaths of Office - Maisa Olson and Sam Villella

The Oath of Office was administered by the City Clerk to Commissioners Maisa Olson and Sam Villella.

3.-1 Resumption of Adjourned Meeting

Vice Chair Goracke reconvened the meeting at 7:03 p.m.

3.-2 Roll Call - 2021/2022 Planning Commission

Present: 5 - Commissioner Homan, Commissioner Goracke, Commissioner Olson, Commissioner Halpern, and Villella

Absent: 2 - Chair Ouellette, and Deonauth

4. New Business

4.-1 **Public Hearing Case File No. 21-0016 // Turfco Manufacturing Inc. // 1655 101st Avenue NE**

The applicant is requesting the following:

1. Waiver of platting to subdivide a parcel of land (Parcel 2) into two separate parcels as part of a land exchange for Turfco Manufacturing ownership partners. The northeast portion of Parcel 2 will then be combined with the adjacent parcel to the west (Parcel 1).
2. A Conditional Use Permit Amendment for a zero lot line for a building, driveway, and shared parking in an I-2 (Heavy Industrial) Zoning District.

Attachments: [Attachments](#)
 [PC Draft Minutes 041321](#)

The report to the planning commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 21-0016 was opened at 7:08PM. As no one wished to appear, the public hearing was closed at 7:09PM.

George Kinkead, President of Turfco Manufacturing, thanked the commission for considering his request. He stated he was looking forward to completing a third expansion in the city of Blaine.

Motion by Commissioner Vilella to recommend approval of Planning Case 21-0016A a waiver of platting to subdivide a parcel of land (Parcel 2) into two separate parcels based on the following conditions:

Case 21-0016A:

1. Waiver of platting to be recorded at Anoka County.
2. The northeast portion of Parcel 2 that is created from the lot split must be combined with existing Parcel 1.
3. Approval contingent upon approval of the zero lot line conditional use permit.
4. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreement and releases related to the approval, recording or administration of the waiver of platting to subdivide a parcel of land into two separate parcels as part of a land exchange.

Motion by Commissioner Vilella to recommend approval of Planning Case 21-0016B a conditional use permit for a zero lot line for a building, driveway, and shared parking based on the following conditions:

Case 21-0016B:

1. Owners of both parcels of land to enter into a shared access and maintenance agreement for parking and driveways.
2. Conditional use permit does not replace the previous conditional use permits granted to Turfco Manufacturing, Inc. (Resolution No. 95-140 and 97-188).

Motion seconded by Commissioner Halpern. 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.

4.-2

Public Hearing Case File No. 21-0017 // Unclaimed Freight Discount LLC // 1237 97th Avenue NE

The applicant is requesting a conditional use permit amendment to allow for 2,900 square feet of retail space in a PBD (Planned Business District) zoning district.

Attachments: [Attachments](#)
[PC Draft Minutes 041321](#)

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist.

Vice Chair Goracke asked what the difference was between a conditional use permit and a conditional use permit amendment.

Community Development Specialist, Elizabeth Showalter explained a conditional use permit was previously granted for this property and the applicant is seeking to change the conditions placed on the development, which requires a conditional use permit amendment.

The public hearing for Case File 21-0017 was opened at 7:15PM.

Krista Buggs, representative for Unclaimed Freight, thanked the commission for considering her request. She appreciated the opportunity to enhance her business and hoped to remain in Blaine for a long time.

The public hearing was closed at 7:17PM.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0017 based on the following conditions:

Case 21-0017:

1. **Business operations must occur as described in the narrative attached to the staff report.**
2. **Retail sales are limited to salvage and surplus goods.**
3. **A Certificate of Occupancy is required prior to utilizing the space for retail.**
4. **All business signage by separate review and permit.**

5. All conditions of Resolution 07-249, except for condition 4 remain unchanged. Condition 4 is amended to allow for the limited retail use allowed in this resolution. Any expansion or other retail uses on the property requires a conditional use permit amendment.

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

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

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

4.-3

Public Hearing Case File No. 21-0001 // Meadowland Estates (Meadowlands Development, LLC) // 128th Avenue NE & Harpers Street

The applicant is requesting the following:

1. Rezoning from DF (Development Flex) and FR (Farm Residential) to Development Flex (DF).
2. Preliminary plat to subdivide 24.42 acres into 34 lots and one outlot to be known as Meadowland Estates.
3. Conditional use permit to allow for the construction of 31 single family homes in a DF (Development Flex) zoning district.

Attachments: [Attachments](#)
 [PC Draft Minutes 041321](#)

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 21-0001 was opened at 7:25PM.

Barry Onufrock, 2850 128th Avenue, explained he was the property owner directly north of the proposed development. He asked if the driveway that was currently being used would become a permanent trail.

Community Development Specialist, Elizabeth Showalter reported this would be a permanent change and the driveway would become a trail.

Mr. Onufrock stated he supported this change along with the proposed development.

Pamela Henning, 12426 Flanders Court NE - Unit #5, questioned if Flanders Street will be closed.

Community Development Specialist, Elizabeth Showalter stated there would no longer be access from Flanders Street to 125th Avenue.

Rick Mrugala, 2950 128th Avenue, discussed the proposed lot combinations within the conditions for approval. He explained if this was required, he would lose the opportunity for future development.

Community Development Specialist, Elizabeth Showalter reported accessory uses are not permitted on a property without a primary use. She indicated a garage was considered an accessory use, which meant a garage should never have been placed on a parcel without a home. She commented staff was working to rectify this situation. She discussed the waiver of platting process the applicant would have to go through in the future if he wished to subdivide the property in the future.

Project Engineer, Teresa Barnes explained the city would allow for the installation of two sets of utility services when the infrastructure is installed.

Nate Reich, Meadowlands Development representative, thanked the city for all of their help on this project. He looked forward to completing this development in Blaine. He reported the existing request for Meadowland Estates did not include the parcel to the north, but he understood the city was trying to bring properties up to code.

Kelly Olson, 3066 Island View Drive in Mound, explained she supported the development to the north of her property, along with the vacation of Flanders Street.

The public hearing was closed at 7:33PM.

Commissioner Olson asked why the Flanders property with the detached garage was being brought into this development.

Community Development Specialist, Elizabeth Showalter reported this land was under common ownership. She noted this was something staff could look at to ensure the property owner's needs were still being met while abiding by city code.

Motion by Commissioner Villella to recommend approval of Planning Case 21-0001A a rezoning from DF (Development Flex) and FR (Farm Residential) to Development Flex (DF) based on the following conditions:

Case 21-0001A:

- 1. The DF zoning standards to be incorporated are consistent with and will complement homes and housing options that have been constructed within recent master planned developments. The standards will create an attractive benchmark of quality homes with desired range in appearance, style, density, and construction value and market appeal.**

2. The DF zoning district allows the City the opportunity to have some flexibility when approving developments that warrant higher standards than what is allowed with the traditional zoning districts. It affords the City the opportunity to provide input on items that would benefit the surrounding neighborhoods and the city as a whole.

Motion by Commissioner Villella to recommend approval of Planning Case 21-0001B a preliminary plat to subdivide 24.42 acres into 34 lots and one outlot to be known as Meadowland Estates based on the following conditions:

Case 21-0001B:

1. All local public streets require dedication of 60 feet of right-of-way and shall be constructed to 29 feet back to back of width.
2. All streets will follow the Anoka County street name grid system.
3. Plans and specifications must be approved by the city prior to start of construction.
4. Standard utility and drainage easements must be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds.
5. The Developer is to provide access for inspection and maintenance of storm water management infrastructure. Restrictions will be placed on lot lines as needed to limit fences and landscaping to insure access.
6. Development requires a National Pollutant Discharge Elimination System (NPDES) Phase II General Storm Water Permit for Construction Activity from Minnesota Pollution Control Agency (MPCA). A prerequisite to the MPCA permit application includes preparation of a site Storm Water Pollution Prevention Plan (SWPPP) for the development site.
7. A 6-foot concrete sidewalk must be located on the west side of Edison Street NE, the east side of Dunkirk Street NE, the north side of 127th Avenue NE. The existing trail on the south side of 128th Avenue NE must be extended along the south side to the western side of Dunkirk Street NE.
8. Construction contract documents shall include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheets. Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for city review and approval.
9. The development plan shall indicate all structures will be protected from flooding.
10. CCWD permits are required prior to city approval of construction plans and specifications.
11. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

12. Park dedication will be required for 31 lots being constructed at the rate of \$4,449 per unit, for a total park dedication fee of \$137,919 if paid in 2021. This amount must be paid prior to releasing the plat mylars for recording at Anoka County.

13. Developer to install grouped mailboxes with design and locations approved by city and US Postal Service.

14. Developer shall explore water source for landscape irrigation systems installed throughout the development including the possible use of created ponds or storm water reuse.

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

16. The developer will be responsible for the connection charges associated with the installation of the trunk line for each of the existing properties. These charges are due prior to the release of the plat mylars for recording at Anoka County.

17. All development signage by separate review.

18. Each lot in the development will have the three trees per lot, with two front yard trees and one rear yard tree.

19. 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.

20. Signs stating "City of Blaine property". No mowing, alteration or removal of vegetation. No filling, construction, or application of chemicals is allowed. State of MN § 609.605 (1)." are to be installed at all property corners around the stormwater pond at the edge of single-family lots.

21. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreement and releases related to the approval, recording or administration of Meadowland Estates.

Motion by Commissioner Villella to recommend approval of Planning Case 21-0001C a conditional use permit to allow for the construction of 31 new single-family homes in a DF (Development Flex) zoning district based on the following conditions:

Case 21-0001C:

Single Family - DF Development Standards

Permitted Uses

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

Accessory Uses

1. Private attached 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 - 25 feet
2. Side yard setback - 7.5 feet for house and 7.5 feet for garage.
3. Corner side yard setback - 20 feet.
4. Rear yard setback - 30 feet
5. Maximum building height - 2 1/2 stories or 35 feet.
6. It shall be required for all single-family dwellings that there be an attached garage constructed of a minimum of four hundred (400) square feet, with no dimension less than 20 feet. Total garage space shall not exceed one thousand (1,000) square feet. Detached garages or accessory buildings above 120 square feet are not permitted. One detached accessory building below 120 square feet is permitted provided it meets 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 1,400 square feet for a single level.
8. All homes shall have a minimum depth and width of 24 feet.
9. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations attached to the staff report. 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.
10. All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
11. Driveways shall meet the city standard detail. All driveways and approaches shall be hard surfaced using concrete, bituminous asphalt or other city approved material that is consistent in durability and quality.
12. 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.

13. Each lot shall contain two front yard trees and one rear yard tree with a minimum of 2½-inch caliper. One of the required trees may be a conifer with a six-foot minimum height. Corner lots shall contain an additional yard tree.

14. Developer to execute and record, where deemed appropriate by the city Engineer, with the sale of single family lots, 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.

15. All development entrance signage by separate permit.

16. The following changes shall be made to the existing homes proposed to remain:

12690 Flanders St NE

- The existing 916 square foot attached garage and 2,184 square foot detached garage may remain but may not be expanded. Any further subdivision of this parcel will require the removal of the detached garage.
- The property has extensive outside storage that is not allowed under the zoning and property maintenance codes. The outside storage must be brought into compliance prior to release of the mylars for recording
- The property owner agrees to the record plat establishing drainage and utility easements that include access for the perpetual pond maintenance.

2950 128th Ave NE

- The property owner owns two existing parcels, one with a home and one with a detached garage. The two properties must be combined at Anoka County prior to the release of mylars for recording.
- Existing well and septic to be removed and the property will need to hook up to city water and sewer
- The existing driveway location will need to be moved east to be completely on the newly combined parcel and not crossing the rear of the subdivision lot.

12790 Dunkirk St NE

- The driveway will need to be relocated to access 128th Avenue on the west side of the parcel.
- Portions of the existing driveway will need to be placed into easement to be included as part of the public trail system.
- This property will be required to change the house address to 128th Avenue NE.

2776 125th Ave NE

- The property owner agrees to the record plat establishing drainage and utility easements that include access for the perpetual pond maintenance.

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

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

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

4.-4**Public Hearing Case File No. 21-0003 // Harpers Landing (Harpers Grove, LLC) // NW Corner of Harpers Street and 125th Avenue NE**

The applicant is requesting the following:

1. Comprehensive land use plan amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for townhome development.
2. Rezoning from FR (Farm Residential) to DF (Development Flex) for lots not previously zoned DF (Development Flex).
3. Preliminary plat to subdivide 28.5 acres into 40 single family lots, 112 townhome lots, 6 common lots and 6 outlots for private roads, and stormwater ponding to be known as Harpers Landing.
4. Conditional use permit to allow for the construction of 112 townhomes and 40 single family homes in a DF (Development Flex) zoning district.

Attachments: [Attachments](#)
[PC Draft Minutes 041321](#)

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 21-0003 was opened at 7:46PM.

Vice Chair Goracke noted receipt of the neighborhood meeting minutes into the record.

Aaron Briske, 3890 Pheasant Ridge Drive, explained he worked for the engineering company that designed this project and noted he was available for comments or questions.

The public hearing was closed at 7:47PM.

Vice Chair Goracke questioned how this project would impact traffic. He asked if Harpers Street would be able to handle the increased traffic.

Project Engineer, Teresa Barnes reported Harpers Landing and Meadowlands Estates will feed through Harpers Street. She noted Harpers Street was designed as a boulevard with a stop light and would be able to manage this traffic volume.

Kelly Olsen, 3066 Island View Drive in Mound, thanked the commission for reviewing her request. She explained this weekend, following the neighborhood meeting, she met with the property owners to the north at 12650 Harpers Street and she now has a contract to move forward with them in a future phase. She requested that a fence not be required along the backyard of the townhouse property.

Community Development Specialist, Elizabeth Showalter explained it has been the city's policy to provide some level of buffering between single family detached uses and townhouses. She recommended that the proposed fencing and conifer trees remain in place.

Ms. Olsen reported the homes that would be built to the north would be the same or similar to the homes they would be abutting.

Community Development Specialist, Elizabeth Showalter indicated this was something staff could explore with the applicant, but noted staff did not have any plans before them at this time.

Vice Chair Goracke questioned if the applicant supported the changes to the landscaping plan, which would require an additional 44 trees.

Ms. Olsen stated she supported this change.

Commissioner Olson asked how the commission should proceed with this item.

Community Development Specialist, Elizabeth Showalter recommended the commission leave the conditions as stated and staff could work with the applicant prior to the city council meeting in order to better understand the future plans for the property to the north.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0003A a comprehensive land use plan amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) based on the following rationale:

Case 21-0003A:

- 1. The proposed land use meets the goals of the land use chapter to recognize varied housing densities as a means of accommodating community growth through the encouragement of appropriately designed and located townhomes and apartments, a variety of single-family detached homes with clustering varying lot sizes, and shared open space.**
- 2. The proposed amendment meets the goals of the housing chapter to provide housing opportunities that meet the needs of all generations and income levels and supporting the development of housing that meets the needs of the population today as housing preferences change.**

3. The proposed amendment is consistent with the existing development pattern to the south and east by placing townhomes adjacent to 125th Avenue and transitioning to lower densities further from the main roadway.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0003B a rezoning from DF (Development Flex) and FR (Farm Residential) to DF (Development Flex) based on the following conditions:

Case 21-0003B:

1. The DF (Development Flex) zoning district is a widely used zoning district for new townhome and apartment developments in Blaine and it provides the City and the developer flexibility to create the best product and site plan for the community.
2. The DF zoning allows the City the opportunity to apply standards consistent with recent master planned developments. The standards will create an attractive benchmark for quality homes with a variety of housing products.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0003C a preliminary plat to subdivide 28.5 acres into 40 single family lots, 112 townhome lots, 6 common lots and 6 outlots to be known as Harpers Landing based on the following conditions:

Case 21-0003C:

1. The applicant will be required to pay park dedication for the 107 new lots within this plat. If paid in 2021 the amount will be \$4,449 per lot, for total due of \$476,043. This fee must be paid prior to release of the final plat mylars for recording at Anoka County. The applicant should be aware that this fee may be increased in the future if the property is final platted in a different year.
2. Developer will need to obtain a Coon Creek Watershed District permit prior to any site work.
3. The applicant will be responsible to pay for Sanitary Sewer Trunk for District 6. The District 6 sewer rate is \$6,338 per upland acre.
4. Site plan and grading approval is required prior to any construction activities occurring on site.
5. A development agreement that outlines all of the developer's responsibilities for Developer Installed Public Improvements will be required prior to any work being performed on site.
6. Execution of Site Improvement Performance Agreement and associated financial guarantee required for private improvements.
7. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.
8. The developer will be responsible for installation of sanitary sewer, water main, storm drainage improvements, street with concrete curb and gutter,

street lights, mailboxes, traffic control signs, street signs, and all appurtenant items. The City shall approve plans and specifications prior to start of construction. Hydrant locations will need to be reviewed by the Fire Department.

9. A six-foot wide concrete sidewalk is required along the south side of Street A and along the west side of the remaining portion of Flanders Street.

10. Standard utility and drainage easements must be dedicated along all lot lines. The Developer is to provide access for inspection and maintenance of this storm water infrastructure.

11. The developer will be required to obtain the approval of Anoka County, for any work within the county right-of-way.

12. Signs stating "City of Blaine property". No mowing, alteration or removal of vegetation. No filling, construction, or application of chemicals is allowed. State of MN § 609.605 (1)." are to be installed at all property corners or easement boundaries around the infiltration basins, stormwater ponds, and wetlands at the edge of single home lots or easement boundaries, as applicable.

13. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreement and releases related to the approval, recording or administration of Harpers Landing.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0003D a conditional use permit to allow for the construction of 152 single family homes in a DF (Development Flex) zoning district based on the following conditions:

Case 21-0003D:

Single Family -DF Development Standards

Permitted Uses

1. Single family detached dwellings
2. Group family daycare

Accessory Uses

1. Private garages, attached - one detached accessory structure, with area less than 120 square feet, will be permitted
2. Keeping of not more than two (2) boarders and/or roomers per dwelling unit

Standards

1. Front yard setback- 25 feet
2. Side yard setback (home and garage)- 7.5 feet
3. Side corner setback-20 feet
4. Rear setback-30 feet
5. Maximum building height - 2 ½ 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 and accessory space is limited to one thousand (1,000) square feet for all lots except Lot 8, Block 1, which is limited to one thousand three hundred (1,300) square feet of garage and accessory space. Detached garages or accessory buildings larger than 120 square feet

are not permitted. One detached accessory building no larger than 120 square feet is permitted with a 5-foot side and rear yard setback and shall be located in the rear yard.

7. The minimum finished floor area shall be 1,300 square feet.
8. All homes shall have a minimum depth of 24 feet.
9. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations submitted for conditional use permit approval. Maintenance free materials must be used on all units. 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.
10. All residential dwellings must be built in conformance with the current edition of the Minnesota State Residential Code.
11. 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. Due to the small lot sizes, the driveways, except on Lot 8, Block 1 are not subject to the maximum front yard coverage requirement of 33.13(j)(2) of the zoning code.
12. It is required that all yards of new single family dwellings be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35% sand). Yards may be seeded over 4 inches of topsoil if underground irrigation is installed with the home.
13. Each lot shall contain one front yard overstory tree and one rear yard overstory tree with a minimum of 2 1/1 inch caliper. Corner lots shall contain an additional tree.
14. A total of 44 conifer trees shall be planted south of the single family home area to provide a sound buffer from 125th Avenue.
15. Homeowner's association must be responsible for maintenance of the private road, buffer landscaping and water reuse system if applicable.
16. All homes in the plat regardless of distance to 125th Avenue to meet noise abatement standards as required and outlined in Section 33.21.

Townhomes - DF Development Standards

1. The construction of all townhomes to be generally guided by the approved conditional use permit resolution and consistent with all the depictions, drawings and information on the plans attached to the staff report including a masonry element on all front elevations.
2. All site plan and unit plans require approval from the Planning Department prior to any work being performed on site. All site work to meet all requirements of Section 33.00 (Performance Standards) of the Zoning Ordinance.
3. Developer to install grouped mailboxes with design and location approved by the City and the US Postal Service.
4. Minimum floor area above ground for each unit shall be 1,600 sq. feet.
5. The following trees are required on site: 112 overstory trees, 112 conifer trees, and 112 ornamental trees. These are in addition to the 84-yard trees and 44 buffer trees required for the single family homes. Landscape plan shall be revised to include conifer trees along the north edge of the development.
6. Underground irrigation must be used for all landscaped areas.

7. Sod shall be required on all disturbed areas and placed over 4 inches of black dirt that contains no more than 35% sand.
8. No detached accessory structures allowed except if needed to house underground irrigation controls.
9. Any entrance signage for the development requires a separate permit.
10. All units must contain an automated fire suppression system.
11. WAC (Water Access Charge) and SAC (Sewer Access Charge) will be due on each permit.
12. All driveways and on site utilities are considered private and are the maintenance responsibility of the homeowner's association for the 112 units.
13. A landscaped buffer shall be provided at the north property edge, east of Flanders including a 6-foot tall privacy fence, constructed of maintenance free materials, and conifer trees.
14. All homes in the plat must meet the noise abatement standards as required and outlined in Section 33.21 of the Zoning Code.
15. CUP approval is contingent upon the Metropolitan Council review and approval of the request comprehensive plan amendment.

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

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

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

4.-5

**Public Hearing Case File No. 21-0020 // Arris II Apartments // 9440
and 9460 Ulysses Street NE**

The applicant is requesting the following:

1. Comprehensive land use plan amendment from PI/PC (Planned Industrial/Planned Commercial) to HDR (High Density Residential).
2. Conditional use permit to allow for the construction of a four-story apartment building with 64 units on three levels and one level of parking in a PBD zoning district.

Attachments: [Attachments](#)
[PC Draft Minutes 041321](#)

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 21-0020 was opened at 8:04PM.

Vice Chair Goracke noted receipt of the neighborhood meeting minutes into the record.

Mark Ouellette, 1336 95th Avenue NE, reported staff has been very helpful to him. He explained he was not objecting to a lot of the components of this development. He believed that putting 64 units onto two acres was not in keeping with the terms of the high density residential zoning districts. He encouraged the planning commission to consider the differences between high density residential versus PBD. He discussed the vibration he experienced through the Berkshire development. He explained he was concerned about the vibration he would experience from the proposed development given the fact it was even closer to his home. He commented his other concern with how the new development would be accessed given the fact it was on a blind curve. He encouraged the city to reconsider the access point for safety purposes.

Project Engineer, Teresa Barnes stated staff understood Mr. Ouellette's concerns and explained staff would work with the developer to ensure the access was as safe as possible for this property through the preservation of sightlines. She noted the property was on the inside of a curve, and there was no ideal location for an access and the city is obligated to provide access to the property.

Mr. Ouellette requested further information regarding the location of the gas line.

Community Development Specialist, Elizabeth Showalter reported staff would investigate this further and would report back to Mr. Ouellette.

The public hearing was closed at 8:14PM.

Commissioner Olson thanked Mr. Ouellette for voicing his concerns. She was of the opinion the proposed development was a better use for the property than a commercial or industrial use.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0020A a comprehensive land use plan amendment from PI/PC (Planned Industrial/ Planned Commercial) to HDR (High Density Residential) based on the following rationale:

Case 21-0020A:

- 1. The proposed land use meets the goals of the land use chapter to recognize varied housing densities as a means of accommodating community growth through the encouragement of appropriately designed and located townhomes and apartments.**

2. The proposed amendment meets the goals of the housing chapter to provide housing opportunities which meet the needs of all generations and income levels and supporting the development of housing that meets the needs of the population today as housing preferences change.

3. The proposed amendment is consistent with the existing apartments and manufactured homes adjacent to the property.

Motion by Commissioner Olson to recommend approval of Planning Case 21-0020B a conditional use permit to allow for the construction of a three-story apartment with 64 units in a PBD zoning district based on the following conditions:

Case 21-0020B:

1. This site needs to meet the Highway 65 Overlay District requirements for exterior materials. The plans must be revised to incorporate the brick element on all four sides.

2. The storm water basin in front of the building will need to be maintained and kept free of weeds so as not to create an eyesore.

3. The landscaping on site needs to meet the Highway 65 Overlay District requirements and provide adequate screening to the existing residential property so the following trees must be provided on site:

- Overstory trees - 20
- Conifer trees - 30 (to be planted along the northern property line)
- Ornamental trees - 18

In addition, 25% of the trees need to be oversized to meet the Highway 65 Overlay District standards. Oversized trees must be 3-inch caliper overstory trees, 8-foot conifer trees, and it is not recommended that ornamental trees be oversized. A revised landscape plan shall be submitted as part of the site plan approval process that shows the required 14 oversized trees and the additional and relocated conifer trees.

4. A lighting plan will need to be provided that illustrates that the lighting provided meets ordinance requirements. All lighting needs to be downlit and shielded to prevent glare or spill. Pole mounted lighting is limited to 20-feet in height. There shall be no lights installed on the rear of the building exterior (north side) except for individual patio lights as it is immediately adjacent to an existing residential area.

5. Park dedication has been paid for the site with the recording of the plat. The amount paid, however, was based on the commercial park dedication rate at the time of recording. The developer paid for 2 acres in 2007. Using the 2021 commercial rate that would have a credit value of \$17,408. The City's current residential rate for park dedication is \$4,449 per unit. The total park dedication amount that would be owed for the proposed 64 unit residential project is \$284,736. The City will credit the owner for the \$17,408 that has already been paid, so the total amount of park dedication required before a permit is issued is \$267,328.

6. SAC and WAC payments will also become due prior to the issuance of building permits.

7. The applicant will need to obtain a Coon Creek Watershed District permit prior to city approval of construction plans and specifications.

8. This building will need to be licensed under the City's annual Rental License Program.

9. The applicant shall combine the two parcels at Anoka County prior to issuance of a building permit.

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

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

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

4.-6

Public Hearing Case File No. 21-0023 // Blaine Square 2nd Addition (Blaine Square LLC) // 12403 & 12417 Ulysses Street NE

The applicant is requesting the following:

1. Rezoning from B-3 (Regional Commercial to DF (Development Flex).
2. Preliminary plat to subdivide approximately 4.07 acres into five lots to be known as Blaine Square 2nd Addition.
3. 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.

Attachments: [Attachments](#)
[PC Draft Minutes 041321](#)

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 Villella 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 Villella 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.

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

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

Adjournment

Adjournment time was 8:33PM.

Motion by Commissioner Halpern to adjourn the regular planning commission meeting. Motion seconded by Commissioner Villella. A roll call vote was taken. The motion passed 5-0.

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