

**UNAPPROVED  
CITY OF BLAINE  
PLANNING COMMISSION MEETING MINUTES  
June 14, 2022**

The Blaine planning commission met in the City Hall Chambers on Tuesday, June 14, 2022. Chair Goracke called the meeting to order at 7:00PM.

Members Present: Commission Members: Deonauth, Gorzycki, Halpern, Olson, Swanson, and Chair Goracke.

Members Absent: Commission Member Homan.

Staff Present: Shawn Kaye, Planner  
Elizabeth Showalter, Community Development Specialist  
Shelia Sellman, City Planner  
Teresa Barnes, Project Engineer

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**APPROVAL OF MINUTES**

**Motion by Commissioner Olson to approve the minutes of May 10, 2022, as presented. Motion seconded by Commissioner Gorzycki. The motion passed 6-0.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

Item 4.1 – Case File No. 22-0034 – Public Hearing – The applicant is requesting a conditional use permit to construct a 2,613 square foot detached garage for a total garage space of 2,963 square feet in an FR (Farm Residential) zoning district. AARON JORDAN, 12640 RADISSON ROAD NE.

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 22-0034 was opened at 7:12PM.

Chair Goracke reviewed the comments that were received from the public prior to the planning commission meeting. He reiterated that the request before the commission was for a conditional use permit and not a variance.

Brett Burfeind, 1925 125<sup>th</sup> Lane NE, explained he put together a petition against the request. He stated he was disappointed with the proposed request especially knowing there was an alternative plan with the garage closer to Radisson Road that was investigated. He believed the alternative was the right solution. He commented on how the proposed detached garage would adversely impact him and his property value.

Shelley Gurrola, 1953 125<sup>th</sup> Lane NE, stated it was disappointing to be here today considering another alternative was proposed. She indicated she had lived in her neighborhood for 20 years and she would now have a driveway in her backyard with a garage that was bigger than her home. She explained she was very concerned about the water runoff. She feared wetland area was incorrectly shown on the plans.

Tara Deher, 1913 125<sup>th</sup> Lane NE, explained she purchased her home three years ago and noted she was a real estate agent. She discussed how the proposed garage would negatively impact her property value, if and when she chooses to sell her home. She noted she has two young children that she would like to enjoy her backyard with, but this backyard would now be abutting a very large garage that was two stories high. She understood that Aaron had the right to build on his property, but she stated she would rather see the garage pushed closer to Radisson Road in order to salvage property values and the overall enjoyment of the neighboring backyards. She anticipated this change would restore the happiness in her neighborhood. She stated she did not mind the dirt bikes but indicated the garage would disrupt the runoff patterns and would be an eyesore for the neighbors. She encouraged the commission to require the applicant to locate the garage closer to Radisson Road.

Ben Sparks, 1979 125<sup>th</sup> Lane, stated he has lived in the neighborhood for the past 8½ years. He indicated the proposed garage would be right behind his home and noted he would be moving if this project were approved. He understood Aaron had the right to build on his home, but noted the size was too big and would adversely impact the neighbors. He explained he was concerned with how his home would be impacted by water runoff.

Todd Trick, 1838 125<sup>th</sup> Lane, stated he has lived in his home for the past 30 years. He indicated he has concerns with how the drainage behind his home would be impacted if the garage were built.

Shannon Burfeind, 1925 125<sup>th</sup> Lane NE, expressed concern with how her neighborhood was being impacted by this request. She stated she would have liked to have seen city staff engage the neighbors before this item was brought to the Planning Commission. She believed this issue could have been handled a lot better. She understood the applicant has been through a few hurdles and was frustrated, but noted the neighbors were frustrated as well. She was of the opinion the government could have brought her neighborhood together on this issue but this failed to happen. She indicated this garage was right off her

property line and would be the same size as her house. She reiterated that there was a huge, missed opportunity here.

Beth Tamblyn, 12655 Isanti Street NE, stated it was frustrating that the forestry department has not yet determined how many valuable trees have been removed from the property. She explained the neighborhood has notified staff about this concern and indicated a tree inventory was not done prior to the development, but rather would be done after the permitting. She stated she has watched the applicant take down trees. She noted she purchased her property because of the greenspace. She expressed concern with the fact the applicant was not following city code and the City has knowingly allowed this to continue. She feared that the applicant would not follow city code on his new request. She questioned if the size of the garage was necessary. She recommended that the garage pushed closer to Radisson Road instead of requiring a road to be built that would disturb more greenspace. She suggested action on this item be tabled in order to allow the applicant and city staff time to consider other options for a peaceful resolution to the garage location/access drive.

Aaron Jordan, 2071 127<sup>th</sup> Lane NE, stated he understood his neighbors were frustrated. He explained when he first put in the request he had proposed having the garage on the Radisson Road side of his property, was told that did not meet city code and had plans drawn for the location further back on the property. He reported he would have to redo the plans for the garage if it were moved. He stated he was not told about the variance until later in this process. He reported he was looking to have a larger garage on his property to house his equipment. He commented he would look into the costs further for a variance. He stated he had removed dead trees from his lot and that was the activity the neighbors have witnessed over the past year.

Mr. Sparks reported the property has been for sale for 15 years, but there is a lot of wetland, which would be difficult to develop.

Mr. Jordan understood the neighbors were concerned about water, but noted he would be willing to install a trench that would bring the water to the other side of his property.

Ms. Gurrola stated there was a developer that built homes to the north side of the vacant property and this developer elected not to purchase it because he didn't think it was developable.

The public hearing was closed at 7:33PM.

Chair Goracke requested further comment from staff regarding the concerns that were raised regarding water runoff.

Project Engineer, Teresa Barnes reported a grading plan would have to be submitted before a building permit would be approved. She noted staff would continue to work with the watershed district to ensure the grading and drainage allow for water to continue to go where it has always gone. She stated the City cannot require Mr. Jordan to work on other people's property. She discussed how Blaine was very flat and how this led to standing water after large rain events.

Chair Goracke asked for further information regarding the size of the garage.

Community Development Specialist, Elizabeth Showalter stated the applicant would be allowed to have a 1,200 square foot garage at this time but can apply for a conditional use permit, which would allow him to have a detached garage that was up to 3,000 square feet. She discussed the findings that must be met to allow the conditional use permit to be considered. She indicated it was not a variance to have a larger garage.

Chair Goracke discussed the forestry concerns and requested further comment from staff regarding this matter.

Community Development Specialist, Elizabeth Showalter stated in working with the city forester and code enforcement staff it comes down to if trees that have been removed were significant trees, which was difficult to tell once trees were taken down. She noted the city forester was working to determine if there was evidence that significant trees have been removed. She noted many of the trees that have been taken down were less than eight inches.

Chair Goracke questioned if a variance would be required if the garage was placed in the back near Radisson Road.

Community Development Specialist, Elizabeth Showalter commented there were ways to design the site that would move the building closer to Radisson Road that would not require a variance.

Commissioner Halpern stated the proposed request may not be serving the property or the neighborhood in the best manner.

Commissioner Deonauth asked if there was an opportunity to table action on this request in order to bring the applicant and the neighbors together in order to find a better solution for the detached garage location.

Chair Goracke inquired if the applicant would be willing to table action on this item in order to adjust the proposed garage plans.

Mr. Jordan stated he had looked into the cost and the cost to change the plans would be too high, in addition he would be losing time.

Commissioner Olson commented when she purchased her home, a gas station was constructed behind it shortly thereafter. She explained that property owners have the right to develop their property and stated if the neighbors want the woods behind their home, they should purchase this property. She stated she understood the concerns from both sides, but she believed it was not the planning commission's place to direct what the applicant should or should not do if the request was within city code for his property.

Mr. Jordan indicated he was not interested in pushing his home closer to Radisson Road given the fact he would have his daughter and granddaughter living with him.

Chair Goracke thanked the neighbors for expressing their comments and concerns at this meeting.

Commissioner Halpern asked which design he would prefer for the garage.

Mr. Jordan stated he would prefer having the garage up front away from the neighbors, but he indicated the cost was too much and he was not interested in locating the home closer to Radisson Road.

**Motion by Commissioner Olson to recommend approval of Planning Case 22-0034 based on the following conditions:**

Case 22-0034:

1. A minimum of six of the replacement trees that are required must be planted on the south side of the detached garage. Total number of replacement trees shall be determined at the time of building permit.
2. The siding to be used for the detached garage must match the siding on the proposed home.
3. The proposed structures shall be certified by a professional engineer licensed in the State of Minnesota and indicate all structures shall be protected from flooding.
4. CCWD permit is required prior to city approval of building permit.
5. A protective buffer strip of natural vegetation, at least 15-feet in width surrounding all wetlands.

6. Water and sanitary sewer availability charges (WAC & SAC) become due with building permit at the rate established at the time the building permit is issued.
7. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

**Motion seconded by Commissioner Swanson. The motion failed 3-3 (Chair Goracke, Commissioners Deonauth and Halpern opposed).**

Chair Goracke noted this would be on the agenda of the July 6, 2022 city council meeting.

Item 4.2 – Case File No. 22-0038 – Public Hearing – The applicant is requesting a conditional use permit amendment to allow a 6-foot side yard setback rather than a 10-foot side yard setback for an approximately 920 square foot enclosed sport court, swim spa, and golf simulator addition to the house in a DF (Development Flex) zoning district.

RICHARD MACOMB, 3151 117<sup>TH</sup> LANE NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0038 was opened at 7:51PM. As no one wished to appear, the public hearing was closed at 7:52PM.

Chair Goracke stated he drove by this home and stated this was a great neighborhood. He indicated the planning commission has passed requests like this before.

Richard Macomb, 3151 117<sup>th</sup> Lane NE, noted he moved to Blaine in 2005 and moved into his current home in late 2007.

Commissioner Halpern stated the proposed design was very impressive, but asked if the city's setbacks were considered.

Mr. Macomb explained the original architect he was working with had a five-foot setback in mind. He stated he has since learned that a 10-foot living space setback was required. He noted he compromised on the space in order to split the difference on the setback.

**Motion by Commissioner Halpern to recommend approval of Planning Case 22-0038 based on the following conditions:**

Case 22-0038:

1. The minimum 6-foot side yard setback is limited to the enclosed sport court, swim spa, and golf simulator addition on the southeast side of the home.

2. The proposed addition shall match the existing house construction in terms of architectural style, exterior color and materials.
3. All other items referenced in Resolution No. 03-74 remain unchanged.

**Motion seconded by Commissioner Deonauth. The motion passed 6-0.**

Chair Goracke noted this would be on the agenda of the July 6, 2022 city council meeting.

Item 4.3 – Case File No. 22-0023 – Public Hearing – The applicant is requesting the following:

1. Rezoning from FR (Farm Residential) to DF (Development Flex).
2. Preliminary plat to subdivide 10.9 acres into 30 single family lots and three outlots to be known as Radisson Hills.
3. Conditional use permit to allow for the construction of 30 single-family lots in a DF (Development Flex) zoning district.

RADISSON HILLS (RADISSON ESTATES, LLC), 12030 RADISSON ROAD NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0023 was opened at 7:59PM.

Shawn Smith, 2062 120<sup>th</sup> Avenue NE, stated he lived near the proposed development and he didn't have any problems with the buildout of this land. He anticipated the value of the new homes would raise the value of the homes in the area. He was of the opinion the watershed district did a poor job on his neighborhood stating he has lost approximately eight feet of his yard due to water erosion. He suggested stone be used to help stop this from increasing further. He asked what the space was between lots 6 and 7.

Planner, Shawn Kaye reported this space was set aside as a utility easement.

Linda Petro, 12050 Radisson Road, explained the neighbors that adjoin this property found out about this request on June 6. She noted she has been on Radisson Road for 47 years. She commented on how Old Radisson Road has evolved over time. She stated she was concerned with how the wildlife within the 10 acres would be impacted by the proposed development. She asked if the new development would use Old Radisson Road or the new Radisson Road for egress and ingress.

Planner, Shawn Kaye explained the new development would have access from Old Radisson Road. She reported the subject property does not have access to the new Radisson Road.

Ms. Petro stated she objected to the change that would be made to her roadway. She then discussed the row of trees she has in place that separates her home from the little white

farmhouse. She asked that this row of trees not be disturbed when the adjacent property is developed.

Bob Hupp, 2010 Cloud Drive NE, explained he lives directly to the west of the subject property. He commented his only problem with the proposed development was with where the road terminates adjacent to his property. He was concerned with what the termination would look like.

Elaine McCarthy, 12051 Radisson Road, stated she was concerned with the amount of traffic that would be using Old Radisson Road. She explained the roadway was quiet at this time. She questioned what type of traffic control would be in place to address the speed of the new traffic.

Melanie Backman, 12068 Radisson Road, indicated she had concerns regarding traffic. She was frustrated with the fact her neighborhood would have more traffic, noting she had a daughter with downs syndrome. She requested the City do all it can to keep traffic moving slow in her neighborhood for the safety of her daughter.

The public hearing was closed at 8:20PM.

Nate Raich, 3122 117<sup>th</sup> Avenue, explained he was the applicant for this request. He stated redevelopment was never easy. He understood this would bring about a change for the neighbors and stated he would work to keep the impact minimal.

Chair Goracke discussed the amount of traffic that would be generated by the new development. He asked what would be done to keep the roadway safe.

Project Engineer, Teresa Barnes discussed the standard building requirements for residential roadways. She reported if speeding were to become a concern this matter would be addressed by the police department.

Chair Goracke requested further information regarding access to the adjacent property (Bob and Elaine).

Project Engineer, Teresa Barnes explained it was a requirement per city ordinance that the city stub the streets to neighboring properties to facilitate connections and to assist with planning for future developments and that until the neighboring property was developed a temporary cul-de-sac would be installed.

Chair Goracke requested further information regarding the space between lots 6 and 7.

Mr. Raich explained sewer lines would be installed in this area along with a natural hydro plant.



Project Engineer, Teresa Barnes commented this space would also provide the city with access to the stormwater ponds.

Commissioner Halpern asked if there would be sidewalks throughout the cul-de-sac and inquired if the city still had a traffic commission that addressed traffic concerns in the community.

Project Engineer, Teresa Barnes reported the traffic commission meets on the first Tuesday of the month. She then reviewed the plans further noting sidewalks were not required in cul-de-sacs but would be installed along the south side of Street A.

Commissioner Olson questioned if there would be an HOA for this new development.

Mr. Raich reported this development would not have an HOA.

Commissioner Swanson asked if the city ever takes into consideration of the wildlife.

Chair Goracke reported the city understands that the property owner has the right to develop their property with the understanding the wildlife would be displaced from the site.

**Motion by Commissioner Swanson to recommend approval of Planning Case 22-0023A a rezoning from FR (Farm Residential) to DF (Development Flex) to allow for the construction of single-family homes based on the following:**

Case 22-0023A:

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 Swanson to recommend approval of Planning Case 22-0023B a preliminary plat to subdivide 10.9 acres into 30 single family lots and three outlots to be known as Radisson Hills with the following conditions:**

Case 22-0023B:

1. Park dedication is required for the 30 new lots being constructed at the rate of \$4,449 per unit, for a total park dedication fee of \$133,470 if paid in 2022. This amount must be paid prior to releasing the plat mylars for recording at Anoka County.
2. All development signage by separate review.
3. Each lot in the development will be required to have the standard two trees with a minimum of 2½-inch caliper per lot. One tree will be required in the front yard and one tree may be planted in the rear or front yard. Corner lots shall contain an additional yard tree.
4. If Outlot B and Outlot C have not been developed with the adjacent parcels by June 30, 2024, they will be required to be deeded to the City at that time.
5. 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 is required.
6. The overall development shall be certified by a professional engineer licensed in the State of Minnesota and indicate all structures shall be protected from flooding.
7. Plans and specifications must be approved by the City prior to start of construction.
8. CCWD permit is required prior to city approval of construction plans and specifications.
9. 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.
10. 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.
11. The grading plan shall provide greater detail on protecting existing trees and providing additional information on adjacent property.

12. 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.
13. 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.
14. 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.
15. All streets will follow the Anoka County street name grid system.
16. Street and utility extensions are required to the edge of the plat for each future connection to the adjacent parcels.
17. Sidewalks are required on all streets.
18. Streetlights shall be installed in the manner, location and type prescribed by the City Engineer. The Developer shall pay the costs of all the street lighting installations. The City agrees to pay the cost of maintaining the portion of lights that are installed that reflect the normal and typical lighting requirements of the City. Additional lights, and those within neighborhoods that are installed by the Developer will be required to be maintained by the Homeowners Association.
19. Hydrant locations must be reviewed and approved by the Fire Department.
20. 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.
21. Developer shall explore water source for landscape irrigation systems installed throughout the development including the possible use of created ponds or storm water reuse.
22. Developer to install grouped mailboxes with design and locations approved by the City and US Postal Service.
23. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

**Motion by Commissioner Swanson to recommend approval of Planning Case 22-0023C a conditional use permit to allow for the construction of 30 new single family lots in a DF (Development Flex) zoning district with the following conditions:**

Case 22-0023C:

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 Chapter 18 Article IX.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

Conditional Uses

1. Home occupations listed as Conditional Uses in Section 33.10.

Standards

1. Front yard setback - 25 feet
2. Side yard setback - 7.5 feet for house and garage.
3. Corner side yard setback - 20 feet.
4. Rear yard 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 space shall not exceed one thousand (1,000) square

- feet. Detached garages or accessory storage buildings above 120 square feet are not permitted. One detached accessory storage 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 1,300 square feet.
  8. All homes shall have a minimum depth and width of 24 feet.
  9. Use of premium materials such as brick, natural stone, stucco, cementitious or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/metal siding can be utilized on the side and rear elevations. There must be 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.
  10. All homes to incorporate multiple gables or varied roof lines and articulation of the front façade.
  11. All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
  12. 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.
  13. 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.
  14. Each lot in the development will be required to have the standard two trees with a minimum of 2½-inch caliper per lot. One tree will be required in the front yard and one tree may be planted in the rear or front yard. Corner lots shall contain an additional yard tree.
  15. All development entrance signage by separate permit.

**Motion seconded by Commissioner Gorzycki. The motion passed 6-0.**

Chair Goracke noted this would be on the agenda of the July 6, 2022 city council meeting.

Item 4.4 – Case File No. 22-0035 – Public Hearing – The applicant is requesting the following:

1. Preliminary plat to subdivide approximately 5.6 acres into four (4) lots to be known as Blaine Square Third Addition.
2. Conditional use permit to allow two buildings on one lot (Lot 2), outdoor dining (Lot 3), a car wash (Lot 4) and shared access/parking between lots in a B-3 (Regional Commercial) zoning district.

BLAINE SQUARE THIRD ADDITION (BLAINE SQUARE II LLC), 12301 ULYSSES STREET NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0035 was opened at 8:40PM.

Lora Olson, 12414 Johnson Street NE, stated she lives in the Heatherwood complex and has lived there for the past 14 years. She explained she received no notification regarding this project. She indicated she did not know about the meeting at the Johnson Library either. She commented she was also very upset about the 5G tower that was installed and faces her property. She stated birds were leaving, trees were dying, her dog would no longer sleep in the front window, and she was having health concerns because of this tower. She indicated she was at this meeting to protest the tower, but just learned about the proposed project at Blaine Square. She did not believe the city needed more fast food restaurants but rather would like to see more upscale dining options. She feared the car wash would bring way too much noise and traffic to this property. She encouraged the city to have higher standards for this project.

Pat Richards, 1322 123<sup>rd</sup> Court, explained she was 25 feet off of Ulysses Street. She was surprised that the city was proposing to have more fast foods. She encouraged the city to consider a nice restaurant or Whole Foods instead. She anticipated the proposed use would put an excessive burden on the residents that live directly across the street. She indicated she objected to the traffic that will be brought to the area because of the new commercial development.

Cynthia Murphy, 12378 Johnson Street NE, explained she attended the meeting at the library. She expressed concern with when construction would start. She noted she did not get a letter for this meeting.

The public hearing was closed at 8:47PM.

Chair Goracke asked what the requirement was for notification from the city.

Planner, Shawn Kaye reported the city notifies properties that are 350 feet from the subject property.

Chair Goracke questioned why the site had semitrucks parked on it already.

Project Engineer, Teresa Barnes explained the city was in the process of vacating the existing right of way. She noted the public hearing for this matter would be held on July 6.

Alison Morgan, Blaine Square II representative, introduced herself to the commission and noted she was available for comments or questions. She reported she was agreeable to the conditions as recommended by staff.

Commissioner Swanson asked if this would be a full service car wash.

Ms. Morgan indicated this would be a tunnel car wash.

Commissioner Gorzycki requested further information regarding the lighting plan.

Ms. Morgan stated the submitted lighting plan was in conformance with all city requirements.

Commissioner Halpern asked if the signage on the building that would face the townhomes was in compliance with city code.

Planner, Shawn Kaye reported this was the case, noting this signage would be backlit and not down lit.

**Motion by Commissioner Deonauth to recommend approval of Planning Case 22-0035A a preliminary plat to subdivide approximately 5.35 acres into 4 lots to be known as Blaine Square Third Addition with the following conditions:**

Case 22-0035A:

1. All development signage by separate review.
2. The developer must meet the City's tree preservation requirements by planting 45 replacement trees for the 4 lots that are preliminary platted (5.6 disturbed acres). This requirement will be met with the landscape ordinance requirements.
3. The developer is responsible for recording the plat mylars with Anoka County. Proof of recording must be provided to the City prior to issuance of building permits.
4. CCWD permit is required prior to city approval of construction plans and specifications.

5. 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.
6. 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.

**Motion by Commissioner Deonauth to recommend approval of Planning Case 22-0035B a conditional use permit to allow two buildings on one lot (Lot 2), outdoor dining (Lot 3), a car wash (Lot 4) and shared access/parking between lots in a B-3 (Regional Commercial) zoning district with the following conditions:**

Case 22-0035B:

1. 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 for Lots 1 and 2.
2. Site plan approval will be required as a part of the building permit application. All site improvements to be included in the Site Improvement Performance Agreement and covered by an acceptable financial guarantee.
3. A copy of the shared access/parking agreement between lots must be submitted to the Planning Department prior to any work being allowed on site.
4. The hours of operation for the car wash are limited to 7AM to 7PM.
5. The carwash will need to meet the noise limits set by the Minnesota Pollution Control Agency (MPCA).
6. The exit carwash door (south door) to be shut immediately after the vehicle has exited the wash.
7. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's Chief Building Official and Met Council to determine the amount required for this use.
8. No outdoor advertising on the building or outdoor dining area without obtaining a temporary sign permit.



9. The outdoor dining area will be limited to no more than five tables and 14 seats in the outdoor dining area.
10. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
11. No amplified outdoor music system is allowed.
12. Exit doors in any railing or fence in the outdoor dining area shall be openable from the inside without the use of a key or any special knowledge or effort, per the Minnesota Building Code.
13. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.

**Motion seconded by Commissioner Olson. The motion passed 6-0.**

Chair Goracke noted this would be on the agenda of the July 6, 2022 city council meeting.

Item 4.5 – Case File No. 22-0030 – Public Hearing – The city is requesting the following:

1. Code amendment to Chapter 28 of the zoning code creating a Redevelopment District (RD).
2. Rezoning certain parcels from I-2 Heavy Industrial, PBD-A and Regional Creation to 105<sup>th</sup> Avenue Redevelopment District (RD) and certain properties from I-2 Heavy Industrial and Planned Business District (PBD).
3. Comprehensive plan amendment to land use designations on certain parcels from Planned Industrial/Planned Commercial (PI/PC) and Regional Recreation to Planned Commercial (PC) and certain properties from PI/PC to High Density Residential 2/Planned Commercial (HDR2/PC).

CITY OF BLAINE.

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 22-0030 was opened at 8:58PM.

Chair Goracke read a letter in full for the record from attorney Jeffrey Jones who represents Ernst Property, LLC who owns 2043 105<sup>th</sup> Avenue NE. It was noted Ernst Property, LLC opposes the proposed rezoning because it was an unconstitutional taking of the property without just compensation. They respectfully requested the commission not support the rezoning or comprehensive land use plan amendment.

Jacob Steen, Larkin Hoffman Attorneys, explained he represented Nassau Street Properties NE, LLC. He noted his clients own 10550 Nassau Street which was central to the new district. He indicated he provided the commission with a letter and his clients primary

concerns were with the reguiding and rezoning of the property. He reported this zoning code amendment would render the long-standing industrial use of this property into a legal non-conforming use. He stated moving forward it would limit the reuse of the property. He explained this was problematic because it would substantially reduce the value of the property and sends the wrong message to the industrial community. He noted his client has owned this building since the 1980's and the jobs he has created will be chased out of the city. He indicated his clients understand change is coming but asked that changes be allowed to be made going forward. He requested his client's property be excluded from the new redevelopment district or that the city explore options that would allow some additional flexibility for existing industrial uses to turn them not into legal non-conforming uses.

Jim Detterman, 10550 Nassau Street, stated he purchased his property in 1995 because it was zoned heavy industrial. He noted this property was in disrepair at the time and he brought the property into compliance with city code. He believed it was not fair for the city to rezone his property because all of the improvements he made would go to waste.

Mike Richards, 2170 106<sup>th</sup> Lane, explained he was in the overhead door business. He reported his building was set up for heavy industrial. He indicated he purchased his building in 2004 and he was told the city would not be addressing a redevelopment of this area until 2028. He commented further on how the rezoning of his property would hurt the resale value of this building. He stated he sees hurt coming for him, his employees and his business. He feared how his retirement would be impacted by the proposed change.

The public hearing was closed at 9:20PM.

Chair Goracke asked if this were to pass would these properties turn into legal non-conforming properties.

City Planner, Sheila Sellman stated this was correct.

Chair Goracke questioned if the property could sell to another industrial use.

City Planner, Sheila Sellman explained the gentleman with an overhead door company could sell to another overhead door company and this would be allowed. However, if the use for the property were to expand or change, then the property would have to come into conformance with city code.

Chair Goracke stated his hearts go out to these business owners but he thanked staff for the clarification.

Commissioner Swanson explained she has lived in Blaine for almost 30 years. She discussed how the 105<sup>th</sup> Avenue area has evolved over time and she believed the city

needed to move forward with this redevelopment district. She indicated she wanted residents in Blaine to be able to eat, shop and recreate in Blaine instead of having to go to Maple Grove. She understood these businesses would be impacted by the proposed change and this breaks her heart.

Chair Goracke requested further information about the businesses that were approached by the city to sell.

City Planner, Sheila Sellman reported in 2018 the city sent a letter to all of the property owners explaining that this change was being considered and several property owners decided to sell, others chose not to sell.

Commissioner Olson stated there were comments made regarding the value of these properties. She asked if these property owners have had their properties appraised or valued under both scenarios. She indicated these types of changes don't always lead to negative effects.

Chair Goracke commented this was a good point and reiterated that businesses would be allowed to remain in place until they wish to expand or change their use.

**Motion by Commissioner Olson to recommend approval of Planning Case 22-0030A a code amendment to the Blaine Zoning Ordinance based on the following rationale:**

Case 22-0030A:

1. This area has been identified as a priority redevelopment area in the 2040 Comprehensive Land Use Plan and part of the "Growth Management" portion of the Strategic Plan.
2. The intent for the 105<sup>th</sup> Avenue Redevelopment District is to promote development and redevelopment consistent with the master plan for the 105<sup>th</sup> Avenue Redevelopment Area by encouraging residential uses in conjunction with commercial and expanded recreational activities to create an entertainment district, and to create greater flexibility in land uses, and at the same time protect the interest of surrounding properties.

**Motion by Commissioner Olson to recommend approval of Planning Case 22-0030B a rezoning from I-2 Heavy Industrial, PBD-A and Regional Recreation to 105th Avenue Redevelopment District (RD) and certain properties from I-2 Heavy Industrial to Planned Business District (PBD) based on the following rationale:**

Case 22-0030B:

1. This area has been identified as a priority redevelopment area in the 2040 Comprehensive Land Use Plan and part of the “Growth Management” portion of the Strategic Plan.
2. A zoning district has been created for this purpose and in order to implement the plan a rezoning is necessary.

**Motion by Commissioner Olson to recommend approval of Planning Case 22-0030C a comprehensive plan amendment based on the following rationale:**

Case 22-0030C:

1. The proposed land use amendment meets the goals of the land use chapter of the comprehensive plan by maintaining flexibility in land use districts to respond to market conditions regarding mixed use in this area and encouraging density through appropriately designed and located apartments.

**Motion seconded by Commissioner Deonauth. The motion passed 6-0.**

Chair Goracke noted this would be on the agenda of the July 6, 2022 city council meeting.

**ADJOURNMENT**

Motion by Commissioner Halpern to adjourn the regular planning commission meeting. Motion seconded by Commissioner Swanson. The motion passed 6-0. Adjournment time was 9:28PM.

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*