

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
December 13, 2022**

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, December 13, 2022. Vice Chair Halpern called the meeting to order at 7:00PM.

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

Members Absent: Chair Goracke and Commission Member Homan.

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

APPROVAL OF MINUTES

Motion by Commissioner Olson to approve the minutes of November 9, 2022, as presented. Motion seconded by Commissioner Deonauth. The motion passed 5-0.

PUBLIC HEARING

Item 4.1 – Case File No. 22-0078 – Public Hearing – The applicant is requesting a conditional use permit amendment to reduce setback requirements for driveways from 5 feet to 3 feet in a DF (Development Flex) zoning district.
JANE CONLEY, PLEASURE CREEK SOUTH AND PLEASURE CREEK SOUTH 2ND.

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 22-0078 was opened at 7:04PM.

Jane Conley, 9935 Washington Street NE, stated this has been two years of distress for her. She reported she did not need a permit to build a driveway, so she followed the city's publications and when she called the city planner, was told the setback was 3-feet. After receiving a complaint from a neighbor, she completed a land survey and she has received numerous visits from the city. She was assured by the city that her numbers were correct and she poured her concrete driveway with a three foot setback. She explained it would cost her \$8,000 to tear out and redo her driveway. She requested the city support her variance request because she completed a land survey and received information from staff

that the driveway setback was three feet. She reported she has the support of 65 of her neighbors that her driveway remain as is.

Vice Chair Halpern reported the planning commission had received a document with the 65 signatures in support of the driveway. He noted the commission also received emails of support from David Smith as well as Brian and Linda Peterson.

Sarah Ring, 9947 Washington Street NE, stated she believed Jane's driveway looks very nice. She understood Jane went from the information she received from the city and did her due diligence. She believed the variance request was within reason and should be approved by the city.

The public hearing was closed at 7:08PM.

Commissioner Olson asked if there could be uniformity for the city's driveway setbacks.

City Planner Sheila Sellman explained the R-1 and R-1AA have a driveway setback of three feet and other districts are five feet and residents are encouraged to call. She reported, unfortunately, Ms. Conley was given misinformation from staff. She stated one way to remedy this situation would be to approve an ordinance amendment in order to have DF (Development Flex) districts have a three-foot setback for driveways.

Commissioner Olson stated she anticipated everyone learned from this experience. She did not support the city approving a zoning code change at this time.

Commissioner Deonauth explained she supported the city approving an ordinance change because this would provide more clarity going forward.

Commissioner Olson indicated she did not support this option because this would impact all DF districts in the city.

Commissioner Deonauth commented this would be a concern and for this reason she would support option 1 to have the conditional use permit for the entire development.

Commissioner Olson supported the commission allowing for this one CUP amendment without opening up a new driveway setback for the entire development.

Motion by Commissioner Deonauth to recommend approval of Planning Case 22-0078 based on the following conditions:

Case 22-0078:

1. Recommend approval of the conditional use permit amendment for the entire development to allow a 3-foot setback for driveways.

Motion seconded by Commissioner Olson. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

Item 4.2 – Case File No. 22-0073 – Public Hearing – The applicant is requesting approval of a preliminary plat to subdivide 42.31 acres into four (4) lots and one outlot to be known as The Blaine Back 40.

THE BLAINE BACK 40 (KE PROPERTIES LLC), 104TH LANE AND FLANDERS STREET NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0073 was opened at 7:18PM. As no one wished to appear, the public hearing was closed at 7:18PM.

Motion by Commissioner Swanson to recommend approval of Planning Case 22-0073 based on the following conditions:Case 22-0073:

1. Park dedication will be due with the platting of Lot 2 Block 1 for that portion of the lot that has not paid park dedication in the past with the development of the existing building. The three new lots (Lots 1 and 3 Block 1 and Lot 1 Block 2) will be required to pay park dedication for the developable area on each parcel. Calculation for acreage to include all upland areas including areas to be used for drainage ponds. This fee shall be paid at the rate in effect at the time of the final plat, prior to release of mylars for recording at Anoka County.
2. Site plan approval per lot as each develops is required. Review of the proposed site plan will occur during building permit application. This includes meeting fire access and parking 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. The developer will be responsible for Trunk Sanitary Sewer area charges that become due with platting for upland acreage. The 2022 rate for Sanitary Sewer District 6 is \$6,619.00 per upland acre and will be applied to the acreage platted, this

phase is proposing to develop 12 acres of upland for a total sewer area charge of \$79,428. The rate in effect at time of payment will be applied.

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.

Motion seconded by Commissioner Gorzycki. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

Item 4.3 – Case File No. 22-0074 – Public Hearing – The applicant is requesting a variance to Section 18-424 of the City Code of Ordinances that requires a barrier/fence around a pool.
ALLEN HAMBLETON, 2247 125TH AVENUE NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0074 was opened at 7:23PM.

Allen Hambleton, 2247 125th Avenue NE, thanked the commission for considering his request. He stated the property was unique and noted a fence would obstruct the view. He requested the commission allow him to have a lockable pool cover instead of a fence.

The public hearing was closed at 7:24PM.

Commissioner Deonauth questioned why the lockable pool cover option was no longer allowed.

Planner Shawn Kaye reported this was done after concerns were raised by a resident.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0074 based on the following conditions:

Case 22-0074:

1. The lot is approximately 20 acres in size, which is larger than the typical single-family lot. The minimum lot size for a R-1AA lot is 10,800 square feet (.25 acre). The larger lot size, wetlands, trees, and being over 900 feet from any other home provides circumstances that do not apply to other single-family properties.

2. The applicant has installed an approved lockable powered pool cover so it could be argued that safety measures meeting the requirements of the International Swimming Pool and Spa Code have occurred.

Motion seconded by Commissioner Deonauth. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

Item 4.4 – Case File No. 22-0079 – Public Hearing – The applicant is requesting approval of a conditional use permit to operate an approximately 3,000 square foot event center in a B-2 (Community Commercial) zoning district.
BLAINE EVENT VENUE, 1250 126TH AVENUE NE.

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 22-0079 was opened at 7:34PM.

Michelle Rice, 1250 126th Avenue NE, explained she has been working with staff to bring this property into compliance. She reported she wants to work well with all of the other tenants in the center. She stated the landlord was in attendance and noted he supported putting in additional parking spaces. She discussed how the event center would assist with bringing more people into Blaine.

Jerry Gus, owner of Big Dipper Creamery, stated his biggest concern was how he fought to get a restaurant into this center. He explained he was also concerned with parking and that his guests would not have adequate parking. He believed that the additional parking at the rear of the building would be a fire code concern. He reported he wanted every small business in the center to thrive, but he feared the event center would be using the entire parking lot. He stated he was open until 9PM and he would like there to be parking spaces available for his patrons.

Ms. Rice reported she would not have 100 cars on the site. She explained after receiving one complaint she has encouraged the other tenants within the center to approach her with any concerns they may have. She noted the parking in the back would be for employees. She indicated dedicated spaces for Big Dipper and the other tenants would be posted for the center.

Mr. Gus commented on how the event center was operating without an occupancy permit in place. He expressed concern with how Ms. Rice has built out her space and was holding functions in the event center without speaking to the city of Blaine.

Vice Chair Halpern understood the parking at this center was a contentious matter. He noted the commission has received comments from the neighborhood regarding neighbors trying to visit these businesses.

John Hardinger, owner of the Creek View Shopping Center, explained he has owned this center for the past 20 years. He indicated he was trying to keep the peace between all of his tenants. He reported each of the tenants within this center was very popular. He stated designated parking signs would be installed for Big Dipper and the Vietnamese restaurant. He commented there was some miscommunication between the churches that previously occupied the event space. He reported he was willing to install the additional parking and would have this in place prior to July of 2023.

The public hearing was closed at 7:46PM.

Commissioner Swanson asked if the event center and church were already operating out of this space.

Community Development Specialist Elizabeth Showalter reported this was the case.

Vice Chair Halpern stated the concern would be the event center would be operating at a time when all of the other tenants within the shopping center were in their prime time of operating.

Commissioner Gorzycki questioned what incentives would be in place to encourage visitors to use the proposed shuttle for the event center.

Ms. Rice explained she would give the wedding guests tickets explaining where they would need to park prior to the event.

Vice Chair Halpern inquired if an allotment of parking spaces have been set aside for the event center.

Ms. Rice stated an hours analysis was completed for the shopping center in order to better understand how many spaces are available throughout the day.

Commissioner Olson indicated she frequented this shopping center often and she understood parking was a concern. She stated having an event center, on top of all of the existing uses, was a safety concern for her. She understood the Roadside needed access for their property and stated she did not support the requested conditional use permit.

Motion by Commissioner Olson to recommend denial of Planning Case 22-0079 based on the fact the site does not have adequate parking to support the proposed use.

Vice Chair Halpern asked if site could support any additional parking.

Community Development Specialist Elizabeth Showalter explained the property owner has maximized the parking available on the site.

Motion seconded by Commissioner Gorzycki. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

Item 4.5 – Case File No. 22-0081 – Public Hearing – The applicant is requesting a variance to Section 18-424 of the City Code of Ordinances to require only three sides of a pool barrier fence be installed.

RYAN AND JULIE COMER, 11546 EDISON STREET NE.

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0081 was opened at 7:58PM.

Julie Comer, 11546 Edison Street NE, discussed the history of the property. She noted when she built her home a pool and fence was installed, and this pool collapsed. She explained the pool has since been rebuilt by South View to ensure she was following all city and HOA rules. She reported when spoke with the city she was told she did not need a fence and that auto-covers were allowed. She commented she viewed the city's website and printed out the exact requirements for her records. She indicated she spent \$18,000 on an auto-cover to meet the city's requirements. She stated she was now trying to put an addition on her house, but was told her property was in violation with city code, which was a complete surprise to her. When she spoke with the city she learned she was supposed to have a fence around her pool. In order to meet the city's requirements she installed a fence along the sides that were lockable, in addition to having a lockable auto-cover. She understood mistakes happen, but noted she spent a lot of money in order to be in compliance with what she thought was city code. She requested her variance be approved and that she be allowed to have a three sided fence and a lockable auto-cover for her pool, especially given the fact she was on the lake. She reported her neighbors all support the pool and fencing as is.

Josh Collar, contractor for Ms. Comer, explained the property has two retaining walls that have to hold up the fence. He described the lockable fences that were installed along the side property lines along with the lockable auto-cover.

The public hearing was closed at 8:02PM.

Commissioner Olson explained she supported the request given the fact this property abutted the lake, had three sides fenced and a lockable auto-cover would be in place.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0081 based on the following conditions:

Case 22-0081:

1. The property is unique in that it abuts a natural lake barrier and is adjacent to only two other properties on each side.
2. The applicant has installed an approved lockable powered pool cover so it could be argued that safety measures meeting the requirements of the International Swimming Pool and Spa code have occurred.

Motion seconded by Commissioner Swanson. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

Item 4.6 – Case File No. 22-0075 – Public Hearing – The applicant is requesting the following:

- 1.) Comprehensive plan amendment to land use designations on certain properties from CC (Community Commercial) to PC (Planned Commercial).
- 2.) Rezoning certain properties from B-2 (Community Commercial) to R-4 (Mobile Homes), from B-2 (Community Commercial) to B-5 (Town Commercial), and from I-1 (Light Industrial) to B-5 (Town Commercial).
- 3.) Code amendment to Section 30.80 B-5 (Town Commercial).

CITY OF BLAINE.

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 22-0075 was opened at 8:06PM. As no one wished to appear, the public hearing was closed at 8:07PM.

Vice Chair Halpern asked if the rezoning would allow for the expansion of the mobile home park.

City Planner Sheila Sellman explained there were no mobile homes on this land and noted Blaine International Village does plan to expand.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0075A a comprehensive land use plan amendment to land use designations on certain properties from CC (Community Commercial) to PC (Planned Commercial) with the following rationale:

Case 22-0075A:

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.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0075B a rezoning of certain property from B-2 (Community Commercial) to R-4 (Mobile Homes), and rezoning certain property from B-2 (Community Commercial) to B-5 (Town Commercial), and rezoning certain property from I-I (Light Industrial) to B-5 (Town Commercial) based on the following rationale.

Case 22-0075B:

1. This area has been identified as a priority redevelopment area by the city council.
2. The intent of the B-5 district to accomplish the following:
 - a) To promote a planned environment for integrated commercial uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping, and lighting.
 - b) To encourage orderly development of property.
 - c) To provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs.
 - d) To encourage patterns of development in harmony with the objectives of the city's Comprehensive Plan.
 - e) To encourage more attractive and enduring business neighborhoods.
 - f) To encourage development compatible with the environmental values of the area and to preserve natural vegetation, wetlands, natural topography, and other such features of the district.
 - g) To accommodate uses requiring access to major highways.
 - h) To provide a uniform set of standards to be applied equally to all owners and developers in this district.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0075C a code amendment to the Blaine Zoning Ordinance 30.80 B-5 Town Commercial based on the following rationale:

Case 22-0075C:

1. The subject area has been identified as a priority redevelopment area by the city council.
2. The B-5 zoning district is consistent with the land use designation of Planned Commercial.

Motion seconded by Commissioner Swanson. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the January 4, 2023 city council meeting.

ADJOURNMENT

Motion by Commissioner Gorzycki to adjourn the regular planning commission meeting. Motion seconded by Commissioner Deonauth. The motion passed 5-0. Adjournment time was 8:09PM.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial