



City of Blaine Anoka County, Minnesota Minutes - Final

10801 Town Square Dr.
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.

Tuesday, May 14, 2013

7:00 PM

Council Chambers

1.0 Roll Call

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, May 14, 2013. Chair Ouellette called the meeting to order at 7:00 p.m.

Staff Present: Shawn Kaye, Associate Planner
Lori Johnson, Planner III
Tom Scott, Project Coordinator
Dan Schluender, Assistant City Engineer

Present: 5 - Chair Ouellette, Vice Chair Lahti, Goracke, Bergstrom, and King

Absent: 1 - Radtke

2.0 Approval of Minutes

[TMP 13-992](#)

April 9, 2013 Planning Commission Minutes

Attachments: [April 09 2013 PC Minutes.doc](#)

Motion by Commissioner Lahti to approve the minutes of April 9, 2013, as presented. Motion seconded by Commissioner Bergstrom. The motion passed 3-0 (Goracke and King abstained).

3.0 Old Business

4.0 New Business

4.1 [RES 13-095](#)**Public Hearing Case File No. 13-0028 // Tim Cleveland // 11943 Lever Court NE**

The applicant is requesting a conditional use permit to build a 1,600 square foot detached accessory building. The existing attached garage is 1,368 square feet for a total of 2,968 square feet of garage/accessory space.

Attachments: [Cleveland 11943 Lever Ct - Attachments.pdf](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0028 was opened at 7:06 p.m. As no one wished to appear, the public hearing was closed at 7:06 p.m.

Chair Ouellette did not object to the request as the applicant had 46 acres of land.

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0028 based on the following conditions:

Case 13-0028:

1. The structure to match the color of the house.
2. A building permit must be obtained prior to construction of the building.
3. The new accessory building space to be used for personal (farm) storage only.
4. The accessory building to be generally located as shown on attached sketch and meeting all required setbacks. The accessory building must be located in the rear yard or meet 100-foot setback from the front property line.
5. The garage space access drive will be required to be surfaced with a class 5 or improved surface if used on a regular basis. If occasional access is used and grass is maintained in this area the applicant is not required to provide a hard surface for the access drive.
6. Any new driveway or driveway extension within 35 feet from the traveled surface of the public street must be hard surfaced.
7. The accessory building is limited to 1,600 square feet and a second floor is not permitted.

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

Chair Ouellette noted this would be on the agenda of the June 6, 2013 City Council meeting.

4.2 [RES 13-096](#)**Public Hearing Case File No. 13-0029 // DK Resource Group // 111th Avenue NE and Club West Circle**

The applicant is requesting the following:

- a) Preliminary plat approval to subdivide 2.55 acres into 14 single family lots and one outlot to be known as Waters Edge at Club West.

- b) Conditional use permit to allow for construction of 14 single family homes in a DF (Development Flex) zoning district.

Sponsors: Schafer

Attachments: [Waters Edge at Club West - Attachments.pdf](#)
[Waters Edge at Club West - Public Comment.pdf](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0029 was opened at 7:10 p.m.

Chair Oullette noted the Commission received a letter from Casey Bashier.

Jeff Johnson, Barna, Guzy & Steffen, a representative for the applicant thanked Staff for the thorough report this evening. He commented his client was looking forward to working on this development with the City of Blaine. He requested flexibility on the sidewalk placement due to the rain garden requirements from the watershed district.

Associate Planner, Shawn Kaye explained she would address this concern with the applicant before the item went to the City Council.

Chair Oullette questioned the construction timeline. Mr. Johnson commented several neighborhood agreements had to be completed and after that time, construction would begin.

The public hearing was closed at 7:13 p.m.

Motion by Commissioner King to recommend approval of Planning Case 13-0029A the preliminary plat for Waters Edge at Club West based on the following conditions:

Case 13-0029A:

1. Park dedication will be required for 12 of the new single-family lots (a portion of the site previously paid) being platted at a rate of \$2,813 per lot. A total park dedication fee of \$33,756 will be required prior to release of final plat mylars for recording at Anoka County.
2. A rough grading and sediment control plan must be submitted for City approval prior to work being performed on site. Erosion control and tree preservation details shall be included on the grading plan. Lot grading to be consistent with Lakes Water Management Plan.
3. The size of site being graded requires a National Pollutant Discharge Elimination System (NPDES) permit from Minnesota Pollution Control Agency.
4. A development plan must be submitted for City approval prior to issuance of the first building permit. The development plan must indicate that all structures will be protected from flooding.
5. Coon Creek Watershed District permit is required prior to the approval of

grading.

6. The developer shall process a Letter of Map Change with FEMA prior to issuance of building permits within the unnumbered A-Zone on the FEMA flood map. Developer shall provide all FEMA paperwork and structure as-built surveys to homeowners at time of lot closing. Developer is responsible for following through with FEMA as necessary to obtain Letters of Map Amendment documents and to provide those documents to the homeowners, and to record the final documents on the certificate of title for each parcel in the development.

7. As-built surveys will be required to verify structure elevations and lot grading for each structure constructed.

8. The developer will be responsible for installation of sanitary sewer, trunk main, storm drainage improvements, streets with concrete curb and gutter, streetlights, mailboxes, sidewalks, traffic control signs, street signs, and all appurtenant items. Plans and specifications must be approved by the City prior to start of construction. All of the infrastructure is privately owned and shall be maintained by the homeowners association. A six-foot wide concrete sidewalk shall be installed along the inside of Club West Circle in the plat to help provide for pedestrian movements.

9. The street name shall be Club West Circle NE.

10. Standard utility and drainage easements must be dedicated along all lot lines and over drainage ditches, ponds, delineated wetlands, and storm water detention basins. Developer to provide access to existing power lines in plat. The Developer is to provide access for maintenance of storm water detention basins. Restrictions will be placed on lots as needed to limit fences and landscaping to insure access.

11. Developer to install grouped mailboxes with design and locations approved by City and US Postal Service. Maintenance of the mailboxes to be the responsibility of the homeowner's association.

12. 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.

13. Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

14. All development signage by separate review.

15. Trunk sanitary sewer charges will become due with the development. The 2013 rate for trunk sanitary sewer is \$3,503 per acre, and there are 2.24 acres due for a total charge of \$7,847.

Motion by Commissioner King to recommend approval of Planning Case 13-0029B the conditional use permit for construction of 14 single family homes in a DF (Development Flex) zoning district based on the following conditions:

Case 13-0029B:

Waters Edge at Club West Single Family - DF Development Standards

Permitted Uses

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

Accessory Uses

1. Private swimming pools/meeting the requirements of Blaine Municipal Code Section 6-121.
2. 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 - 18 feet
2. Side yard setback - 5 feet for house and garage. Minimum distance between homes - 10 feet.
3. Corner side yard setback - 18 feet.
4. Rear yard setback - 15 feet for house and garage, 5 feet for at grade patios.
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 storage buildings are not permitted.
7. The minimum finished floor area above grade for all homes shall be 1,600 square feet. All homes shall have a minimum depth and width of 24 feet.
8. All homes to be constructed utilizing pre-approved exterior materials, roof pitches and elevations. All house exteriors to utilize maintenance-free materials to the extent possible. Care to be taken to utilize 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.
9. All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
10. 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.
11. 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) with full yard underground irrigation.
12. Each lot shall contain one front yard tree and one boulevard tree with a minimum of 2½-inch caliper. One of the required trees may be an ornamental tree. Corner lots shall each have one additional boulevard tree.
13. No side patio or entrance doors are permitted.
14. Developer to execute and record, with the sale of each single family lot, 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.

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

Chair Ouellette noted this would be on the agenda of the June 6, 2013 City Council meeting.

4.3 [RES 13-098](#)**Public Hearing Case File No. 13-0030 // Kwik Trip // Lake Drive/Naples Street**

The applicant is requesting a conditional use permit to allow for gasoline sales and a carwash in a B-2 (Community Commercial) zoning district. Also, the applicant is requesting a shared access drive and zero lot line.

Attachments: [Kwik Trip - Attachments.pdf](#)

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 13-0030 was opened at 7:21 p.m.

Scott Teigen, financial representative for Kwik Trip, stated he was looking forward to locating another convenience store in the City of Blaine and thanked the Commission for considering his request this evening.

The public hearing was closed at 7:22 p.m.

Chair Oullette was pleased with the current Kwik Trip in the City and supported the new location.

Commissioner Goracke questioned the number of employees that would be hired by Kwik Trip.

Mr. Teigen estimated the new location would have 40 employees split equally between full and part time.

Motion by Commissioner Goracke to recommend approval of Planning Case 13-0030 based on the following conditions:

Case 13-0030:

1. The exterior building materials to match those on the submitted plans.
2. Site plan approval is required prior to issuance of building permits. All site improvements to be included in site improvement agreement and covered by an acceptable financial guarantee.
3. All site lighting to be down lit-style lamps to reduce glare and to meet the requirements of the Zoning Ordinance. Final site plan to include detailed lighting plan. Pole mounted lighting is limited to 20 feet in height.
4. Applicant to install underground piping for future Stage I vapor recovery system.
5. Storage or display of retail items not permitted in the parking area, pump islands, driveway surface. All display items must meet the outside display section of the Zoning Ordinance (Section 30.181).
6. All signage requires a separate permit meeting the requirements of the Zoning Ordinance. The convenience store lot will be allowed three elevations of wall signage meeting the requirements of the Sign Ordinance. The three

elevations allowed for the convenience store lot would also include any elevation used on the canopy for signage. The carwash building will be allowed two elevations of wall signage meeting the requirements of the Sign Ordinance. One monument sign will be permitted with a maximum height of 14 feet and 140 square feet of signage.

7. Temporary signage to be regulated under Zoning Ordinance Section 34.13.
8. No exterior overnight storage of pallets or delivered products.
9. No overnight storage of semi trailers or delivery vehicles.
10. No outdoor speaker systems are allowed to be used other than in the case of emergencies.
11. The hours of operation of the car wash are limited to 6:00 a.m. to 11:00 p.m.
12. The gas canopy must have columns, to a height of five (5) feet that are constructed with brick to match the building.
13. A National Pollutant Discharge Elimination System Phase II permit required from the MN Pollution Control Agency. Building permits will not be issued until a copy of the permit application is sent to the City.
14. A construction Stormwater Pollution Protection Plan must be filed.
15. Provide a record of the Drainage and Utility Easement over the storm water infiltration basin/pond.
16. The uses permitted by this Conditional Use Permit to be operated in accordance with all applicable City regulations and ordinance requirements. Violation of these standards or any conditions of the Conditional Use Permit shall be enforceable, by the City as a misdemeanor violation.

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

Chair Ouellette noted this would be on the agenda of the June 6, 2013 City Council meeting.

4.4 [RES 13-105](#)

Public Hearing Case File No. 13-0018 // Blucy's Roadside (Corey Burstad) // 12530 Ulysses Street NE

The applicant is requesting a conditional use permit to allow for indoor live music, outdoor dining and an outdoor bocce ball court.

Attachments: [Blucys - Attachments.pdf](#)
[Blucys - Public Comments.pdf](#)
[Blucys - PC Minutes.doc](#)

The report to the Planning Commission was presented by Lori Johnson, Planner III. The public hearing for Case File 13-0018 was opened at 7:29 p.m.

Chair Oulette commented Linda Howe provided the Commission with a letter stating she did not support the request. In addition, Kristin Roots sent a letter expressing concern with increased traffic and intoxicated drivers.

Sherri Arisumi (12734 Lincoln Street NE) commented the neighborhood has had issues with drunken and disorderly conduct from previous bars. She stated there was a difficult turn into the neighborhood that could pose a problem for intoxicated drivers. Parking and traffic was also a concern. She

explained there were a number of children in the area and requested the Commission deny the request as it was not a good fit with the neighborhood.

Sandy Delcastillo (12654 Lincoln Street NE) reported she had spoken with many of her neighbors and the main concern was the inlet and outlet that served her neighborhood. Currently there was one roadway that served the 43 homes in the adjacent neighborhood with 27 children. She explained that Hankerings traffic had made its way into the neighborhood and used the cul-de-sac for turning around. This was a safety concern for those living in the neighborhood. Ms. Delcastillo noted another concern was the noise that would be generated from the proposed use with outdoor dining and a bocce ball court. She stated there was no buffer between the building and the homes and requested the Commission deny the request.

Peggy Opitz (12685 Lincoln Street NE) did not feel the bar and restaurant belonged this close to a residential neighborhood. She commented the noise would be a bother to the adjacent homes. She recommended the restaurant be moved to another location in the City.

Ben Garbacz (12605 Buchanan Street NE) expressed concern with the plans for amplified background music and live bands. He stated this would greatly affect the neighboring homes. Mr. Garbacz noted there was an in-home daycare located close to the proposed bar and restaurant. He explained the use would negatively affect traffic as well.

Corey Burstad, the applicant, thanked the neighborhood for bringing their concerns to the Commission this evening. He stated he was a resident of Blaine and owned Tournament Liquor, Brick's American Pub, and T-Box Bar and Grill in Ham Lake. He understood the residents' concerns but encouraged them to visit one of his establishments as each was a family oriented business. Mr. Burstad commented he was proposing to invigorate the neighborhood. He stated he was not requesting a late-night liquor permit and would not be open until 2:00 a.m. He explained bocce ball leagues would run Monday through Thursday. He indicated he was very serious about running his business well and had no neighborhood complaints from any of his other restaurants.

The public hearing was closed at 7:44 p.m.

Chair Oullette noted the live music request was for acoustic music and not for rock bands.

Mr. Burstad commented that his other establishments have had music events only a handful of times each year. He explained that the background music would have controlled volume levels so as not to disturb the neighborhood.

Chair Oullette asked if this would be a “bar” or restaurant that served liquor. He questioned the hours of operation of his other establishments.

Mr. Burstad indicated he was proposing to have a restaurant that would allow patrons to order a cocktail with their meal, whether it is beer, wine or liquor. He commented Blaine was a family town and he did not anticipate there would be a late night crowd. He noted Brick’s was closed at 11:00 p.m. Sunday through Thursday.

Commissioner Lahti asked if Mr. Burstad had proposed hours of operation for Blucy’s Roadside.

Mr. Burstad explained the restaurant would open at 11:00 a.m. each day and would close between 10:00 and 11:00 p.m., however his license would allow him to stay open until 1:00 a.m. on the weekends.

Chair Oullette recommended the site exit to Buchanan Street be posted with signs to ensure traffic does not flow through the neighborhood. He requested an additional condition be added to require a sign be posted.

Mr. Burstad stated he would be happy to post a sign at this exit. He anticipated the majority of traffic would be exiting on Ulysses Street.

Commissioner Bergstrom inquired if a “No Outlet” sign was posted on Lincoln Street.

Assistant City Engineer Schluender stated there was a “No Outlet” sign posted.

Commissioner Goracke asked if Perkins had outdoor seating.

Planner III, Lori Johnson commented Perkins did not currently have outdoor seating, but could make a request in the future.

Commissioner Goracke stated he has visited Brick’s American Pub and found it to be an enjoyable experience. He commented it was a calm eatery.

Mr. Burstad discussed further the type of establishment he was proposing stating it would be a burger and taco joint with food served on trays.

Commissioner King questioned if the City had an ordinance regarding decibel sound levels.

Planner III, Lori Johnson commented the City had a noise ordinance in place and any concerns from the neighbors should be brought to the City’s attention.

Commissioner Bergstrom noted she had frequented Mr. Burstad’s other establishments. She questioned if Blucy’s restaurant would have a wine focus.

Mr. Burstad explained there would be a beer and wine focus, with wine in kegs. He stated he wanted each of his restaurants to have a unique feel while fitting into the neighborhood. He understood the concerns of the neighbors and stated he was willing to invest in the site while meeting all of the City’s conditions.

Motion by Commissioner Bergstrom to recommend approval of Planning Case 13-0018 based on the following conditions:

Case 13-0018:

1. 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 discernible or cause a nuisance to other land uses.
2. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
3. The outdoor dining area limited to the patio area identified on the attached site plan, and there can be no more than 32 seats in the outdoor dining area.
4. The outdoor dining area to meet all appropriate City regulations and license requirements for dispensing of alcohol in an outdoor setting.
5. The ability to operate outdoor dining is reliant upon the applicant’s ability to adequately control litter and refuse as associated with the facility.
6. Provide manufacturing specifications and requirements for propane heater use/gas fire pits and clearance to combustibles.
7. 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 Uniform Building Code.
8. No public address system allowed in the outdoor dining area.
9. Live acoustic music can be provided indoors and on weekends only. No live music is allowed outdoors on site.
10. All signage is issued under a separate permit.
11. Site plan review and subsequent building permits are required for this site as new parking and building changes are being made.
12. The applicant to coordinate with the City’s Building Inspection Department on obtaining a Met Council SAC determination for the restaurant/bar conversion and outdoor seating area. Payment of SAC to be applicant’s responsibility.
13. The applicant must also provide a decorative six-foot wood fence around the bocce ball area on the west and north sides of the site as shown on the attached plans. All activity on the bocce ball court must end by 10:00 p.m., Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.
14. The following landscaping must be provided on site, according to the Highway 65 Overlay District requirements:

Overstory Trees	17
Conifer Trees	8
Ornamental Trees	8

The number of trees shown as existing or new on this plan is adequate. There are a number of dead or dying trees on the west side of the site, and the applicant will be required to clear and possibly replace those trees.

15. The metal cooler on the north side of the building must be painted, or otherwise treated, to match the color of the exterior of the building.

16. Coon Creek Watershed review to determine if watershed permit is required.

17. Applicant should acknowledge that potential future improvements to Ulysses Street may include construction of a median that would limit turning movements to the Ulysses Street access and may include cost participation from adjacent parcels.

18. A sign will be posted within the site at the Buchannan Street exit directing traffic to Ulysses Street.

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

Chair Ouellette noted this would be on the agenda of the June 6, 2013 City Council meeting.

9. Adjournment

Motion by Commissioner Goracke to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Bergstrom. The motion passed 5-0. Adjournment time was 8:03 p.m.