

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
November 14, 2017**

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, November 14, 2017. Chair Ouellette called the meeting to order at 7:00 p.m.

Members Present: Commission Members: Goracke, Halpern, Homan, Olson, Ponds, York and Chair Ouellette

Members Absent: None.

Staff Present: Shawn Kaye, Associate Planner
Lori Johnson, Associate Planner
Natasha Lukacs, Planning and Landscape Intern
Dan Schluender, Assistant City Engineer

APPROVAL OF MINUTES

Motion by Commissioner York to approve the minutes of October 10, 2017, as presented. Motion seconded by Commissioner Goracke. The motion passed 7-0.

OLD BUSINESS

None.

NEW BUSINESS

Item 4.3 – Case File No. 17-0044 – Public Hearing – The applicant is requesting a Conditional Use Permit to allow for 1,088 square feet of accessory garage space in an R-1 (Single Family) zoning district. The existing attached garage is 560 square feet. The proposed detached garage is 528 square feet.
JESSE AND JULIE CLEPPER, 1146 129TH AVENUE NE.

The report to the Planning Commission was presented by Natasha Lukacs, Planning/Landscape Intern. The public hearing for Case File 17-0044 was opened at 7:03 p.m. As no one wished to appear, the public hearing was closed at 7:03 p.m.

Commissioner Goracke noted he visited this property today and supported the proposed request.

Motion by Commissioner Goracke to recommend approval of Planning Case 17-0044 based on the following conditions:

Case 17-0044:

1. A building permit is required prior to the start of construction. The construction of the garage will be required to meet the requirements of the Uniform Building Code.
2. The existing shed will need to be removed prior to the issuance of the building permit for the proposed detached structure.
3. The materials and colors used on the proposed structure are to match the materials and colors used on the exterior of the existing primary structure.
4. The proposed structure is to be generally located as indicated on the attached sketch, and will need to meet both the corner-side yard setback of 20 feet (fronting Buchanan Street) and the side-yard setback of 5 feet (northeast side of the proposed structure).
5. The height of the proposed structure must not exceed that of the primary structure.
6. The height of the garage door must not exceed ten (10) feet in height.
7. The existing and proposed garage space must be used for personal storage only and may not be used for a home occupation.

Motion seconded by Commissioner Halpern. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the December 7, 2017 City Council meeting.

Item 4.4 – Case File No. 17-0045 – Public Hearing – The applicant is requesting a Conditional Use Permit to allow the operation of a Sky Zone trampoline park. Sky Zone would be approximately 37,000 square feet and would be located in an existing building near Northtown Mall.
SKY ZONE, 198 NORTHTOWN DRIVE NE.

The report to the Planning Commission was presented by Shawn Kaye, Associate Planner. The public hearing for Case File 17-0045 was opened at 7:07 p.m.

Erik Dahlgren, representative from Sky Zone, thanked the Commission for their consideration. He stated Sky Zone was very excited to be coming to the City of Blaine.

Chair Ouellette asked if Sky Zone would be relocating or opening a new location in Blaine.

Mr. Dahlgren reported the Plymouth Sky Zone would be relocating to Edina and the Oakdale location would be renovated. He stated Sky Zone would be having new locations in both Maple Grove and Blaine.

The public hearing was closed at 7:08 p.m.

Motion by Commissioner York to recommend approval of Planning Case 17-0045 based on the following conditions:

Case 17-0045:

1. Any expansion of the recreation use would require a conditional use permit amendment.
2. Sky Zone must adhere to all signage and temporary signage requirements of the Zoning Ordinance. All signage and temporary signage requires a separate permit.
3. The business to operate as described in the attached narrative.
4. The applicant will need to manage parking demand by limiting class size and trampoline time slots if necessary so as to not create a parking issue on site.
5. No activity is to be conducted outside the building.
6. The interior/exterior tenant finish work to be completed with review and permit meeting all Building and Fire Code requirements.
7. A Certificate of Occupancy is required prior to occupying the space.

Motion seconded by Commissioner Homan. The motion passed 7-0.

Chair Ouellette noted this would be on the agenda of the November 16, 2017 City Council meeting.

Item 4.1 – Case File No. 17-0019 – Public Hearing – The City is proposing a code amendment to the Performance Standards (Chapter 33) to add free standing solar energy panels as a use that is allowed by Conditional Use Permit and to establish general zoning standards for review and approval of such facilities.
CITY OF BLAINE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner.

Commissioner York expressed concern with the way the Ordinance was written. He stated he had trouble allowing solar panels in a neighborhood with restrictive covenants that did not even allow a rear yard shed.

Associate Planner, Lori Johnson explained those restrictive covenants were not set up by the City, but rather by the neighborhood. She indicated the Sanctuary neighborhood could elect to ban solar panels on properties. She mentioned that staff had changed the recommended height of the solar panels from 14 feet down to 10 feet.

Commissioner York asked what the maximum height of a fence could be in the City of Blaine.

Associate Planner, Lori Johnson stated six feet was the maximum fence height for a rear yard.

Commissioner Goracke commented in other cities solar farms were only allowed in agricultural areas. He questioned if the proposed Ordinance amendment gave the City more control through the CUP process.

Associate Planner, Lori Johnson reported the proposed Ordinance amendment would offer the City more control as any free standing solar energy panel request would require a CUP, which would allow the City to add conditions for approval. She explained free standing solar panels were a passive use and would be growing in popularity given the cost saving measures that could be offered to schools and businesses. She stated staff did not support the Commission picking only one specific zoning district for solar arrays. She reported the City would be fully developed by 2040 and staff was doing its best to plan for the future.

Commissioner Halpern asked how the Great Plains toolkit was used to assist with creating this Ordinance.

Associate Planner, Lori Johnson explained the City's Community Development Director drafted the proposed Ordinance and staff did not use the Grow Solar Toolkit. She reiterated that every solar energy panel request would come before the City for consideration. She reported setback requirements could be addressed within each CUP request.

Commissioner Olson stated she would like to see the Ordinance have language or definitions for urban and rural locations.

Associate Planner, Lori Johnson explained the 2040 Comprehensive Plan would have every portion of the City included within the MUSA.

Commissioner Olson discussed the differences between having an accessory use of solar panels on a home or church versus having a solar farm.

Associate Planner, Lori Johnson stated solar panels as an accessory use would not require a CUP. She indicated a solar farm or array over a certain size would require a CUP.

Commissioner Ponds asked if precedent could be set for solar array setbacks between varying requests.

Associate Planner, Lori Johnson commented on the City's common standards for CUP approvals. She did not believe the City would be tied to certain setbacks as the Planning Commission and City Council would have ultimate control over each request.

Commissioner Goracke feared precedent would be set if an array was approved with specific setbacks.

Associate Planner, Lori Johnson stated this was the case with all CUP requests and noted decisions were based on staff recommendations for each specific request.

Commissioner York anticipated there would be unique rationale for each case which would then be reflected in staff's recommendations for approval. He stated he would like to see the City requiring a Conditional Use Permit for solar panels over six feet in height and requiring a Conditional Use Permit for solar panels being requested in a neighborhood with restrictive covenants

Assistant City Engineer, Dan Schluender explained the City does not hold any of the restrictive neighborhood covenants on file. He stated staff would not know how to attach this portion of the request to the proposed motion.

Motion by Commissioner York to recommend approval of Planning Case 17-0019 a code amendment to the Performance Standards section of the zoning ordinance to allow the use of Free Standing Solar Energy Panels, requiring a Conditional Use Permit for solar panels over six feet in height. The motion failed for lack of a second.

Commissioner Olson asked if language should be added to the Ordinance regarding surrounding uses.

Associate Planner, Lori Johnson stated this would be enforced through the Condition Use Permitting process. She encouraged the Commission to keep the language as is as it would allow for more flexibility.

Commissioner York stated he was very nervous to approve this zoning ordinance text amendment. He explained that in order to put a chicken coop in your backyard you needed the approval of both neighbors. He reported that this ordinance would allow solar panels without requiring neighbors consent.

Commissioner Ponds questioned if community input has been received regarding renewable energy and how this would be integrated into the City.

Associate Planner, Lori Johnson commented the current Comprehensive Plan does mentioned solar panels but does not have specific guidelines. She reported the Met Council was now requiring a Sustainability portion within the document.

Commissioner Ponds stated the Commission has only been discussing this for several months and the decisions made now would impact the community for several decades. She supported the Commission taking more time reviewing and addressing this Ordinance.

Associate Planner, Lori Johnson understood this to be a valid concern. However, she reminded the Commission that the City had an application that had to be considered in the next 60 days.

Chair Ouellette commented on the CUP permitting process and stated he supported the Commission putting guidelines, setbacks and restrictions in place in order to further regulate

solar panels. He understood that solar panels would be used throughout the City in the near future and he wanted to see them properly regulated.

Associate Planner, Lori Johnson suggested the Commission deny the Ordinance amendment if not comfortable with the proposed language.

Commissioner Olson stated she did not have a huge problem with the Ordinance itself but did want to see more restrictions in place, especially with regard to what zoning districts would be allowed to have solar arrays.

Associate Planner, Lori Johnson stated the proposed Ordinance would allow solar panels in every zoning district, however each request would have to be reviewed by the Planning Commission and City Council prior to being approved. She explained that staff supported solar panels being installed in each zoning district in the City.

Commissioner York stated as a lawyer this was the same way he would approach this subject.

Associate Planner, Lori Johnson commented if the Commission was uncomfortable with the Ordinance, a recommendation of denial should be made.

Motion by Commissioner Olson to recommend denial of Planning Case 17-0019 a code amendment to the Performance Standards section of the zoning ordinance to allow the use of Free Standing Solar Energy Panels. Motion seconded by Commissioner York.

Commissioner Olson stated she would like to see further regulations written into the proposed Ordinance language along with specific requirements for each zoning district.

Associate Planner, Lori Johnson commented on how difficult it would be for staff to pick up which zoning districts should or should not have solar panels. For this reason, staff was recommending that free standing solar panels be allowed in all zoning districts through a CUP, which would require review and approval from both the Planning Commission and City Council. It was staff's opinion the proposed Ordinance amendment was the best option to address free standing solar panels.

Commissioner Goracke stated the residents in the Sanctuary neighborhood were caught off guard by this request. He commented that in other communities, solar farms were being installed in agricultural areas and not in neighborhoods. He did not believe the Commission was struggling with solar panels being installed in neighborhoods, but rather with solar farms.

Associate Planner, Lori Johnson commented the Commission would have to decide if they wanted to see free-standing solar energy in the City.

Commissioner Homan questioned if setback requirements could be altered between two separate free standing solar panels requests.

Chair Ouellette explained that no two requests are the same and setbacks could be set individually for each request.

Commissioner Olson stated she would be comfortable supporting the Ordinance amendment with the understanding that the Commission could say no if a request did not fit and due to the requests approved would have conditions. With this said, she wanted to see solar panels be no more than six feet in height.

Commissioner Olson withdrew her motion for denial. Commissioner York withdrew his second.

Motion by Commissioner Olson to recommend approval of Planning Case 17-0019 a code amendment to the Performance Standards section of the zoning ordinance to allow the use of Free Standing Solar Energy Panels, recommending the solar panels be no more than six feet in height. Motion seconded by Commissioner York. The motion passed 6-1 (Homan opposed).

Chair Ouellette noted this would be on the agenda of the December 7, 2017 City Council meeting.

Item 4.2 – Case File No. 17-0028 – Public Hearing – The applicant is requesting a Conditional Use Permit to allow SoCore to build and operate a photovoltaic energy system (solar farm).

SOCORE ENERGY, EAST OF SANCTUARY DRIVE AND WEST OF FLANDERS STREET (10510 FLANDERS STREET NE).

The report to the Planning Commission was presented by Lori Johnson, Associate Planner.

Greg Ridderbusch, President and CEO of Connexus Energy, provided the Commission with a detailed presentation on the solar farm request. He described how Connexus was working to green the grid for its 100,000 customers in the north metro. He commented on the value of the proposed project and addressed the feedback from the residents from the Sanctuary neighborhood. He explained Connexus Energy was a co-op that worked to serve its members. Pictures of a solar farm were presented to the Commission. He reported the solar farm would not be visible at street level by the Sanctuary neighbors as an eight-foot privacy vinyl fence would be installed.

Mr. Ridderbusch provided further comment on the prairie grass habitat that would be created surrounding the solar farm, which would assist with water runoff. It was noted all power lines for the solar farm would be underground. He explained the proposed panels were anti-reflective and would not provide glare issues for the neighborhood. He described the EMF coming off of the solar farm would be similar to that of a household appliance. He indicated the sledding hill would not be impacted by the solar farm. He provided further comment on the proposed layout of the solar farm noting the site would have 175-foot setbacks. He reported studies have shown no devaluation of properties, but rather explained that homes with “green features” were now selling at a premium. He discussed how the Sanctuary neighborhood would now be powered by solar energy and would not have to install a single panel on their home. He offered to install a

monument sign that would credit the Sanctuary as a SolarWise neighborhood as being 100% solar. He reported this would be first neighborhood in Minnesota and the United States to have this type of certification. He stated this decision was brought about after holding discussions with the Sanctuary neighbors.

Mr. Ridderbusch commented Connexus Energy has listened to both its co-op members and the neighbors within the Sanctuary. He summarized the neighborhood enhancements that would be installed such as the fencing and prairie grasses. He discussed the numerous benefits of renewable energy for the entire community and encouraged the Commission to offer their support for the proposed solar farm. He stated he was not coming to the City for an “ask” but rather to “bring”. He indicated he would be bringing numerous benefits to the community and the Sanctuary neighborhood.

Rob Davis, Fresh Energy, introduced himself to the Commission and stated his organization was working to provide the community with cleaner air. He described how he worked in collaboration with Connexus Energy to install prairie grass habitats surrounding solar farms. The benefits of the prairie grass habitats were further discussed along with photographs of successful habitats. He commended Connexus Energy for being a leader in the industry and for providing pollinator friendly solar energy. He encouraged Blaine to add this enhancement to the community.

Commissioner Goracke asked how high the prairie grasses would grow and would this require maintenance.

Mr. Ridderbusch stated Prairie Restorations had designed a specific seed mix for the solar farm in Ramsey. He commented he was worried about the wildflowers growing too high and impacting the arrays. However, he noted there has been no impact and the only maintenance needed within the prairie habitat was a mowing that was conducted at the end of the season. He indicated the mowing was conducted by Connexus Energy staff.

Colleen Hollinger, Prairie Restorations, provided further comment on the benefits of a prairie grass habitat versus turf grass. She explained that prairie grasses have much deeper root systems, which would assist in maintaining water runoff. She discussed the mowing that would occur in the first three years of the habitat.

Commissioner Goracke requested further information on the proposed solar neighborhood certification.

Mr. Ridderbusch described how energy was generated and used throughout the Connexus grid. He commented he was proposing to have the Sanctuary neighborhood powered 100% by solar energy for the life of this solar farm.

Commissioner York questioned if the homeowners would have to ask for the solar energy certification.

Mr. Ridderbusch explained the certification would come at no cost to the homeowners within the Sanctuary. He stated he was proud to commemorate this neighborhood with a monument sign in order to make known this would be the first 100% solar powered neighborhood.

Commissioner Halpern asked what conversations were held with the neighborhood since the last Planning Commission meeting.

Mr. Ridderbusch reported staff attended the last Planning Commission meeting and were listening very intently to the comments and concerns that were raised. In addition, staff has been reviewing public domain websites where this issue has been discussed. He stated Congressman Nolan has been contacted as well. He believed that he has been comprehensive in addressing the neighbors' concerns.

Commissioner Halpern questioned what type of solar panels and battery packs would be used within the proposed solar farm.

Andrew Dahlen, SoCore Energy, described the solar panels that would be used within the solar array stating the panels would be photovoltaic and silicon based.

Mr. Ridderbusch explained the batteries would be lithium ion, would be combined into cells and would be constantly monitored. He noted the proposed battery technology was currently in use in California and Indiana.

Commissioner Halpern requested further information on the type of certification that would be provided to the neighborhood.

Mr. Ridderbusch commented an annual certification could be completed for the neighborhood and its residents.

Commissioner Halpern asked if a hum or buzz would be coming from the solar farm.

Mr. Ridderbusch explained Connexus Energy installed their first array on their own property in order to monitor the noise levels. He reported there was absolutely no noise that would be generated from the solar array.

Chair Ouellette questioned what type of building materials would be used proposed building on the site.

Mr. Ridderbusch indicated the storage building would be approximately the size of a shipping container that would be reinforced steel with internal controls. He stated the building would be completely modular in nature, self-contained and would be to the back of the solar array.

Commissioner York inquired of how often the batteries had to be replaced.

Mr. Ridderbusch stated the batteries would have a slow degradation over their lifetime. He noted the batteries being selected were from the preeminent leader in the industry.

Commissioner Olson asked if the energy from the solar farm would be going directly to the Sanctuary homes.

Mr. Ridderbusch stated this would be the case. He explained all of the electricity generated by the solar farm would be used by the City of Blaine and would completely power the Sanctuary neighborhood. He described how the onsite storage would allow for the electricity to be shifted to meet the peak needs of the community and would therefore benefit the entire City.

Associate Planner, Lori Johnson requested an additional condition be added for approval requiring the solar array to have a setback of 175 feet.

Commissioner Olson commented she was a realtor and certified appraiser. She believed it was a wonderful idea for the Sanctuary to be a 100% solar powered community. She indicated there were individuals seeking green homes and stated this would be groundbreaking. She stated her only concern was with how close this solar farm would be to the adjacent homes. While she appreciated the 175-foot setback, she could not support the request.

Commissioner York explained he walked into the meeting tonight with the thought he would oppose the request. However, he really appreciated all of Connexus' efforts and thanked them for their responsiveness to the neighborhoods concerns. For this reason, he would be offering his support to the proposed solar farm.

Motion by Commissioner York to recommend approval of Planning Case 17-0028 based on the following conditions:

Case 17-0028:

1. Site Plan approval and building permits are required prior to any work being performed on site. All plans must be consistent with the submission for this approval. The submission of a Site Improvement Performance Agreement and the associated financial guarantee to cover the site work to be completed will be required through Site Plan approval.
2. The applicant to obtain a permit from the Rice Creek Watershed District prior to any work being performed on site.
3. The applicant to provide evidence that the MPCA will allow the construction of the solar farm.
4. There shall be no general site lighting except at the battery storage facility and activated only when maintenance staff are present.
5. The access road to the site shall be 20-feet wide. The first 400 feet of the drive shall be bituminous pavement and the remainder of the road will be a gravel surface. The entire road shall meet Fire Department regulations for supporting fire apparatus and trucks and

it shall be maintained (free of snow) at all times of the year. (*Note: the surfacing of the secondary drives is still being evaluated by both the applicant and the Fire Department and will be determined prior to CC action*).

6. The applicant must construct and 8-foot maintenance free vinyl privacy fence around the perimeter of the project. The applicant must obtain a permit for such fence.
7. The applicant must present a landscape plan that indicates shrubbery and native plantings between the fence and the property line prior to the item being reviewed by the City Council on December 7.
8. Site to be seeded with native pollinator friendly mix as shown on site notes.
9. All Construction traffic shall utilize Flanders Street.
10. The applicant must provide a copy of the decommissioning plan for the project to the City. In addition, upon decommissioning of the panels, the property owner has one year to remove all remnants of the project from this parcel.
11. The solar array shall be setback a minimum of 175 feet.

Motion failed for lack of a second.

Motion by Commissioner Olson to recommend denial of Planning Case 17-0028 denying the Conditional Use Permit to SoCore to build and operate a photovoltaic energy system at 10510 Flanders Street NE, based on the fact the solar array would be too close to a residential neighborhood. Motion seconded by Commissioner Halpern.

Commissioner Olson stated she loved the idea of a solar farm in Blaine and the idea of a 100% solar powered neighborhood. However, she supported solar farms being built in much larger open areas away from residential housing with housing put in after the fact and not the other way around.

Commissioner Halpern commented he appreciated the efforts of Connexus Energy but given the amount of community pushback he would not be able to support the request.

The motion passed 4-2-1 (York and Chair Ouellette opposed and Ponds abstained).

Chair Ouellette noted this would be on the agenda of the December 7, 2017 City Council meeting.

ADJOURNMENT

Motion by Commissioner Goracke to adjourn the Regular Planning Commission meeting.
Motion seconded by Commissioner Halpern. The motion passed 7-0. Adjournment time was
8:54 p.m.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.