

**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

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 125th 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 125th 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 125th 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 125th 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 125th 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 125th 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 a 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 127th 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 has the ability to 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.