

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
February 12, 2019**

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, February 12, 2019. 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: Lori Johnson, Associate Planner
Dan Schluender, City Engineer

APPROVAL OF MINUTES

Motion by Commissioner York to approve the minutes of January 8, 2019, as presented. Motion seconded by Commissioner Homan. The motion passed 5-0-2 (Commissioners Goracke and Ponds abstained).

OLD BUSINESS

None.

NEW BUSINESS

Item 4.1 – Case File No. 19-0003 – Public Hearing – The applicant is requesting a waiver of platting to divide a 1.15 acre parcel into a 0.56 acre and 0.58 acre parcel.
KRISTI CLARK/8949 XYLITE STREET NE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 19-0003 was opened at 7:05 p.m. As no one wished to appear, the public hearing was closed at 7:05 p.m.

Motion by Commissioner Olson to recommend approval of Planning Case 19-0003 based on the following conditions:

Case 19-0003:

1. Because a new lot is being created with this subdivision, the owner of the property will need to pay the park dedication fee for one new lot. The 2019 park dedication fee is \$4,449 per lot.

This payment must be made prior to the City signing off on the waiver of platting for recording at Anoka County.

2. Lot unit charges for 0.7 lot units in the amount of \$17,287 are due prior to the release of the waiver form for the County.
3. Existing accessory structures and driveway must be moved off of the new parcel prior to the release and recording of the Waiver of Platting or if the Waiver of Platting is to be recorded prior to the structures and driveway being relocated the applicant to provide a \$4000 cash escrow to be held by the City until those issues have been resolved. The applicant will need to contact the Building Inspection Department for the appropriate permits for either the demolition of the accessory structure or moving of the accessory structure.
4. A new paved driveway will be required for the existing lot meeting the 5-foot side yard setback.
5. Prior to issuance of a building permit for the new lot, the applicant must obtain a permit for a new garage on the parcel with the existing house or a permit to move the existing garage on to the southern parcel.
6. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreements and releases related to the approval, recording or administration of the waiver of platting to subdivide a 1.15 acre parcel from Spring Lake Park Woodland Subdivision.

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

Chair Ouellette noted this would be on the agenda of the March 7, 2019 City Council meeting.

Item 4.2 – Case File No. 19-0002 – Public Hearing – The applicant is requesting the following:

- a) A Conditional Use Permit Amendment for a 40,000 square foot building addition and associated parking to the existing 42,500 Village Bank building and site.
 - b) A 21-foot variance to the 50-foot front yard building setback on the north side of the site (for a portion of the addition).
- VILLAGE BANK, 9298 CENTRAL AVENUE NE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 19-0002 was opened at 7:13 p.m.

Chair Ouellette noted for the record the Planning Commission received a letter from Karen Blaska stating she did not support the requested variance. In addition, Mary and Dan Crackel did not support the variance request.

Sandra Miller, 10944 7th Street NE, explained she opposed the request and commented on how the dog park would be impacted by the trees that would be removed. She commented she opened

a successful Facebook page for the dog park and noted this dog park was one of the best in Anoka County.

Mary Jo Truchon, 12917 Buchanan Street NE, stated she served on the Natural Resources Board but noted she was speaking for herself. She indicated she has enjoyed looking at the oak forest for the past 40 years. She commented further on how the Natural Resource Board invested funds into restoring the oak forest. She encouraged the Commission to deny the variance request in order to protect this asset.

Claire Beumer, 674 109th Lane NE, stated she has lived in Blaine for the past 46 years. She commented on the changes that have occurred in the community over this time but stated she was proud of the oak forest and woods that remain. She reported she visited the dog park four times a week in good weather noting this was one of the few places in the City where jumping dogs can run and play. She encouraged the Commission to protect this dog park and the oak forest.

Wendy Lucore, 975 114th Avenue NE, asked what the future of the dog park was for the next 10 to 15 years. She questioned why the City would consider leasing a portion of the dog park.

Associate Planner, Lori Johnson explained there was no plans to remove the dog park and noted it would remain in this location in perpetuity. She reported the City Council would make the final determination on the leasing of the dog park.

Don Kveton, applicant/owner of the Village Bank building, commented on the proposed expansion and discussed how he was working to enhance his properties. He stated he brought his proposal to the City Council last fall. He explained he did not anticipate he would have to enter into the dog park for additional parking. He requested the Commission support his request.

The public hearing was closed at 7:29 p.m.

Commissioner York asked if the building could be flipped to the other side in order to eliminate the variance request.

Mr. Kveton stated he had drawn the project both ways, however, after discussing the concept with several medical tenants, there was support for the proposed drawings. He commented he has been constructing buildings in Blaine for the past 35 years. He reiterated that he did not anticipate he would have to go into the dog park for parking.

Commissioner Goracke reported staff was recommending denial of the 21-foot variance request.

Mr. Kveton indicated he was not aware of this and reported this recommendation shocked him. He stated this was a deal breaker for him and would hinder him from pursuing the proposed expansion for a medical building. He explained he needed approval from the City in order to market the proposed medical building.

Chair Ouellette inquired if staff understood the future for this intersection.

City Engineer, Dan Schluender reported staff did not have a concept plan for this intersection. He did not anticipate this intersection would be as large as 125th Avenue. He commented further on the traffic situation at Clover Leaf Parkway and 93rd Avenue. He explained that the traffic on Highway 65 would dictate how much additional right-of-way would be needed.

Mr. Kveton stated he did not see why anymore than one lane would be needed for this intersection. He encouraged the Commission to think about the big picture and not take taxable land away from land owners.

City Engineer, Dan Schluender indicated there was no timeframe or funding for Highway 65 at this point, but noted the City was seeking funding for this roadway.

Chair Ouellette asked if this intersection was a higher priority than 109th Avenue.

City Engineer, Dan Schluender stated 109th Avenue had been a high priority for the Highway 65 corridor. He commented on how the study being completed at this time was reevaluating the entire corridor.

Commissioner Homan inquired if the City had ever leased park land to a private entity in the past.

Associate Planner, Lori Johnson reported this would be a first for the City of Blaine.

Commissioner Ponds questioned how many parking stalls would be added through the proof of parking.

Associate Planner, Lori Johnson estimated the proof of parking would provide 70 parking spaces.

Mr. Kveton commented on how business models were changing. He noted less and less parking was being required because people were out doing business versus sitting in their office doing business. He reiterated that he did not believe the dog park land would need to be used for parking.

Commissioner Olson clarified without the variance the dog park issue is irrelevant.

Associate Planner, Lori Johnson explained the size of the building was dictating the amount of parking required. She noted the applicant could go closer to the road for parking rather than for a building.

Commissioner York stated for the record, he opposed the City renting dog park land for private use.

Motion by Commissioner Olson to recommend approval of Planning Case 19-0002A a conditional use permit to allow for the construction of a 40,000 square foot office building addition and associated parking based on the following conditions:

Case 19-0002A:

1. Site plan approval is required prior to any work being performed on site. This includes the submission of a site improvement performance agreement and the associated financial guarantees.
2. All signage issued under separate permit.
3. The landscape plan must meet the requirements of the Zoning Ordinance including the Highway 65 Overlay District.
4. All lighting on site to be downlit and shielded to prevent glare or spill. Pole mounted lighting to be limited to 20-feet in height.
5. A permit is needed from the Coon Creek Watershed District prior to any plan approval by the City.
6. The Conditional Use Permit includes the uses of financial institution with business and professional offices. Other uses such as, but not limited to, retail sales uses, restaurants, day cares, etc., would require a separate Conditional Use Permit review.
7. THE APPLICANT SHOULD NOT BE ALLOWED TO ENTER INTO A LEASE WITH THE CITY OF BLAINE FOR THE DOG PARK LAND FOR PROOF OF PARKING.

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

Motion by Commissioner Olson to recommend denial of Planning Case 19-0002B a 21-foot variance to the 50-foot front yard building setback on the north side of the site based on the following rationale:

Case 19-0002B:

1. There are no exceptional or extraordinary circumstances or documented hardship involved with this variance request. The variance does not appear to be necessary to expand the property because the expansion could be designed in other ways in order to meet zoning ordinance requirements. The building could be configured differently to avoid the variance as there is sufficient room on site for this size of addition. The applicant has indicated in the narrative that this is not the case but staff does not concur with this position.
2. Granting a variance would give the applicant an advantage over other businesses in this zoning district who meet the ordinance requirements for their buildings.
3. The City acknowledges that there will likely be changes to this intersection at some time in the future and that extra right-of-way could be required in the location of the variance.

Approving the variance would make it more difficult to acquire the right-of-way for the necessary improvements if needed in the future.

4. Allowing a building expansion with a reduced setback along this changing corridor is inconsistent with protecting the public interest and welfare.

Motion seconded by Commissioner Homan. The motion passed 4-3 (Chair Ouellette, Commissioner York and Commissioner Goracke opposed).

Chair Ouellette noted this would be on the agenda of the March 7, 2019 City Council meeting.

Item 4.3 – Case File No. 19-0001 – Public Hearing – The applicant is requesting a Conditional Use Permit to allow operation of a child care and learning center in a B-2 (Community Commercial) zoning district.
NEW CREATIONS CHILDCARE AND LEARNING CENTER, 10301 LEXINGTON AVENUE NE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 19-0001 was opened at 7:51 p.m. As no one wished to appear, the public hearing was closed at 7:51 p.m.

Chair Ouellette stated he believed this would be a great use for this property.

Motion by Commissioner York to recommend approval of Planning Case 19-0001 based on the following conditions:

Case 19-0001:

1. All site improvements must be constructed as shown on these plans with all required staff changes included on the plans.
2. Separate permits will need to be issued for the fences.
3. Payment of SAC and WAC with building permit, if it has not already been paid.
4. All signage will be issued under separate permits. The site is allowed one monument style sign that is no more than 14 feet in height and no greater than 140 square feet. Wall signage is allowed on two sides of the building. Temporary signage also requires a permit.
5. All lighting must be downlit and shielded to prevent glare or spill.
6. Applicant to obtain and adhere to all required County or State licensing requirements.
7. While the site work for the site will be limited, site plan approval with execution of a Site Improvement Performance Agreement (SIPA) and acceptable financial guarantee is required prior to issuance of a building permit or commencement of any site work.

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

Chair Ouellette noted this would be on the agenda of the March 7, 2019 City Council meeting.

Item 4.4 – Case File No. 18-0073 – Public Hearing – The applicant is requesting the following:

- a) Conditional Use Permit Amendment to reconstruct the Dem-Con Blaine Transfer Station (22,000 square feet) that was lost in a fire in 2018 for the outside storage of materials related to the transfer station.
- b) A 30-foot side yard building setback variance to the 100-foot building setback requirement on the north side of the site.
DEM-CON, 3280 99TH COURT NE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 18-0073 was opened at 7:59 p.m. As no one wished to appear, the public hearing was closed at 7:59 p.m.

Chair Ouellette stated he visited the property and was pleased the pit area would be indoors versus outdoors.

Motion by Commissioner Ponds to recommend approval of Planning Case 18-0073A a conditional use permit amendment to reconstruct the Dem-Con Blaine Transfer Station (22,000 square feet) that was lost in a fire in 2018 and for outside storage of materials related to the transfer station based on the following conditions:

Case 18-0073A:

1. Site grading plan to be developed with every effort taken to preserve maximum number of existing trees at site perimeter. Site plan approval is required prior to any site activity. Construction limits to be detailed on final site plan. Site plan approval will also require the submission of a Site Improvement Performance Agreement and the associated financial guarantee.
2. Perimeter of outside storage to be fenced with 6-foot tall chain link fencing with slats as shown on the drawing.
3. Outside storage areas are limited to the areas shown on the site plan. These areas can remain as Class V provided no long-term parking of vehicles is allowed on these areas.
4. All building construction to meet the I-2 (Heavy Industrial) zoning standards, with the exception of the proposed variance on the north side of the site.
5. The solid waste transfer facility shall be operated in accordance with all applicable local, state and federal laws, rules and regulations regarding, but not limited to, groundwater pollution, water quality, air pollution, noise, odors, vibration or solid waste.

6. The solid waste transfer facility shall be operated in accordance with the attached narrative from Dem-Con dated January 11th, 2019.
7. Applicant shall be responsible for litter control and clean-up along roadways leading to transfer facility site including Naples Street from 95th Avenue to 101st Avenue, 101st Avenue from Naples Street to County State Aid Highway 52, and County State Aid Highway 52 from Interstate 35W to 105th Avenue.
8. All parking areas for passenger vehicles and trucks must be paved with bituminous and must be marked on the site plan submitted for site plan approval.
9. Loading pits will need to be waterproof, designed and constructed per FEMA requirements. A Rice Creek Watershed Permit is required prior to City approval of construction plans.
10. Areas on the site that were originally designated as wetlands and ponding areas, will need to be restored to their original boundaries.
11. The height of the outside storage will be limited to 15 feet.

Motion by Commissioner Ponds to recommend approval of Planning Case 18-0073B a 30-foot side yard building setback variance to the 100-foot building setback requirement on the north side of the site based on the following rationale:

Case 18-0073B:

1. The new proposed indoor pit is in roughly the same location with the same setback as the previous outdoor pit. The only difference is that there will be walls around the pit with the new construction.
2. There is a wetland buffer of more than 200 feet between this building and the industrial site to the north, and more than 450 feet between buildings on the two sites.
3. Enclosing the loadout pit is beneficial to the environment by reducing waste exposure to storm water and eliminating windblown debris. It also is more aesthetically pleasing and creates less noise.

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

Chair Ouellette noted this would be on the agenda of the March 7, 2019 City Council meeting.

Item 4.5 – Case File No. 18-0071 – Public Hearing – The applicant is requesting the following:

- a) Conditional Use Permit to allow for the use of the site and 15,000 square foot building as a waste transfer facility (metals recycling facility) with outside storage of materials associated with metals recycling.

- b) A 3.78 acre variance to the 7 acre minimum lot size requirement for waste transfer facilities.
 - c) A 10-foot variance to the 50-foot front yard north parking setback requirement.
 - d) A 35-foot variance to the 50-foot side yard west parking setback.
 - e) A 110-foot variance to the 150-foot front yard north building setback.
- DEM-CON, 3360 99TH COURT NE.

The report to the Planning Commission was presented by Lori Johnson, Associate Planner. The public hearing for Case File 18-0071 was opened at 8:08 p.m.

Bill Keegan, applicant/President of Dem-Con Companies, thanked the Commission for consideration of his application. He stated he appreciated all of staff's efforts on his application and provided the Commission with further comment on his requests. He discussed how his business was moving towards more recycling especially for metals. He explained he could not join the two lots because the two businesses were separate entities and had different owners.

The public hearing was closed at 8:11 p.m.

Commissioner Olson asked if the variance went with the Conditional Use Permit.

Associate Planner, Lori Johnson, reported the variances would remain with the parcel, so long as it was being used as a waste transfer facility.

Motion by Commissioner Goracke to recommend approval of Planning Case 18-0071A a conditional use permit to allow for the use of the site (3360 99th Court NE) and 15,000 square foot building as a waste transfer facility (metals recycling facility) with outside storage of materials associated with metals recycling based on the following conditions:

Case 18-0071A:

1. Site work to be developed with every effort taken to preserve maximum number of existing trees at site perimeter. Site plan approval is required prior to any site activity. Construction limits to be detailed on final site plan. Site plan approval will also require the submission of a Site Improvement Performance Agreement and the associated financial guarantee.
2. Perimeter of outside storage area to be fenced with 6-foot tall chain link fence with slats.
3. Outside storage areas are limited to the areas shown on the site plan. All outside storage areas must be paved with asphalt as per the plan submitted for approval.
4. The solid waste transfer facility shall be operated in accordance with all applicable local, state and federal laws, rules and regulations regarding, but not limited to, groundwater pollution, water quality, air pollution, noise, odors, vibration or solid waste.
5. The solid waste transfer facility shall be operated in accordance with the attached narrative from Dem-Con dated January 11th, 2019.

6. Applicant shall be responsible for litter control and clean-up along roadways leading to transfer facility site including Naples Street from 95th Avenue to 101st Avenue, 101st Avenue from Naples Street to County State Aid Highway 52, and County State Aid Highway 52 from Interstate 35W to 105th Avenue.
7. The applicant must modify the proposed site and landscape plan so as not to require a parking setback variance on the north side of the site.
8. A Rice Creek Watershed Permit is required prior to City approval of construction plans.

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

Motion by Commissioner Goracke to recommend approval of Planning Case 18-0071B a 3.78 acre variance to the 7 acre minimum lot size requirement for waste transfer facilities for 3360 99th Court NE based on the following rationale:

Case 18-0071B:

1. If this site were combined with the adjacent waste transfer site owned by the same company, the size of this site would not be an issue.
2. This is a unique situation where a vacant property was available and adjacent to the principal use.
3. If this situation were to arise elsewhere, with the other existing transfer stations in Blaine, staff would likely recommend approval of a variance in that situation as well, so the owners of this site are not being treated differently than other owners of waste transfer sites in Blaine.

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

Motion by Commissioner Goracke to recommend denial of Planning Case 18-0071C a 10-foot variance to the 50-foot front yard north parking setback requirement based on the following rationale:

Case 18-0071C:

1. The attached variance drawing indicates how this variance could be eliminated with the addition of more landscaping in this area. Therefore, staff is recommending denial of this variance and is requiring, through the conditional use permit, that this area include more landscaping to meet setback requirements.

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

Motion by Commissioner Goracke to recommend approval of Planning Case 18-0071D a 35-foot variance to the 50-foot side yard west parking setback for 3360 99th Court NE based on the following rationale:

Case 18-0071D:

1. Given that the adjacent property is owned by the same organization, and given that this property is currently vacant, it makes this a unique situation and allows the reasonable reuse of a vacant property.
2. When other vacant sites have required variances for the sites to be reused, staff has been supportive of efforts to bring the site into conformance through variance approvals, therefore the City has set a precedence for approving these types of variances.
3. The reuse of this site is a benefit to the City, and the applicant is making other efforts to bring the site into compliance with the ordinance.

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

Motion by Commissioner Goracke to recommend approval of Planning Case 18-0071E a 110-foot variance to the 150-foot front yard north building setback for 3360 99th Court NE based on the following rationale:

Case 18-0071E:

1. While parking and paved areas can be modified to reduce the size of variances required, buildings cannot be moved, therefore this is the minimum variance required in this case.
2. Given that the applicant is working to bring the site into compliance to reuse the site, and just as it has in the past when nonconforming sites are being reused, the City has set precedence for approving this type of variance.

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

Chair Ouellette noted this would be on the agenda of the March 7, 2019 City Council meeting.

ADJOURNMENT

Motion by Commissioner Homan to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Halpern. The motion passed 7-0. Adjournment time was 8:17 p.m.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.