



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Details (With Text)

File #: RES 22-114 **Version:** 3 **Name:** CUP - Aaron Jordan (22-0034)
Type: Resolution **Status:** Passed
File created: 8/15/2022 **In control:** City Council
On agenda: 8/15/2022 **Final action:** 8/15/2022
Title: Granting 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 at 12640 Radisson Road NE. Aaron Jordan (Case File No. 22-0034/EES)
Sponsors: Sheila Sellman
Indexes:
Code sections:
Attachments: 1. Attachments, 2. Unapproved Minutes 061422, 3. Council Minutes 070622

Date	Ver.	Action By	Action	Result
8/15/2022	3	City Council	Adopted	Pass
7/6/2022	2	City Council	Tabled	Pass
6/14/2022	1	Planning Commission	Forwarded with no Recommendation	Pass

Development Business - *Sheila Sellman, City Planner*

Title
Granting 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 at 12640 Radisson Road NE. Aaron Jordan (Case File No. 22-0034/EES)

Executive Summary

The property owner is requesting a conditional use permit to build a 2,613 square foot detached garage. The garage location has been revised per council direction at the July 6, 2022 meeting.

Schedule of Actions

Planning Commission Public Hearing	06/14/22
City Council (Conditional Use Permit)	07/06/22
City Council (Conditional Use Permit)	08/15/22
Action Deadline	Waived by applicant

Background

Staff report prepared by Sheila Sellman, City Planner and Teresa Barnes, Project Engineer

Zoning

The property is zoned FR (Farm Residential). The zoning district is intended for large lot residential uses, typically in areas that are not served by sewer and water.

Surrounding Zoning and land uses

The properties to the south and west are zoned R-1 (Single Family). The property immediately north

is zoned AG (Agriculture) and is an agricultural preserve. There is a cul-de-sac cut out of the farm that is zoned DF (Development Flex) and has smaller lot single family homes. To the east is Radisson Road and a combination of properties zoned FR and R-1AA (Single Family).

Existing Conditions

The property is wooded and has a large wetland in the center of the property. Nothing has been built on the property.

History

The applicant originally applied for the CUP in June with the garage located behind the house about 380 feet setback from the front property line and about 30 feet from the southern property. At that time the proposed location met city code requirements. The neighbors expressed great concern with this location at the public hearing and asked that it be moved closer to Radisson Road. The Planning Commission did not provide a recommendation as it was a tie vote. At the July Council meeting the Council reviewed the request and suggested the applicant apply for a variance and move the garage to the front of the property. The applicant has applied for the variance and the plans have been updated to reflect the changes.

Evaluation of Request

Site Plan

The applicant is requesting a conditional use permit to have a total garage and accessory building space of up to 3,000 square feet. Up to 1,200 square feet of garage and accessory building space is allowed without a conditional use permit.

The applicant is proposing to construct a single-family home with a 350 square foot attached garage, a detached garage with a first-floor square footage of 1,872 square feet, and a second-floor square footage of 741 square feet. The total proposed garage and accessory building square footage is 2,963 square feet.

The detached garage is proposed to be 50 feet from the front property line (Radisson Road) and 135 feet north of the southern property line.

In addition to the detached garage structure, the property owner proposes to construct a large turnaround on the south side of the garage and parking area on the north side. If the CUP and variance are approved, the conditions should require that the driveway and parking area should be reduced to minimize impacts on the wetlands and reduce the visual impacts along Radisson Road, due to the reduced set-back.

Architecture

The home has a mixture of stone veneer, vinyl lap and shake siding. The detached garage is proposed to have vinyl lap siding. In the FR district the architecture is reviewed to ensure it is compatible with the home and is residential in nature. The detached garage is taller than the typical garage with a height of 26 feet. The code requires that garages and accessory buildings cannot exceed the height of the principal building which in this case is 27 feet tall. The architecture meets code requirements and is consistent with the home.

Landscaping

The existing trees that are proposed to remain along Radisson Road will meet the landscaping requirements for the FR district.

Tree Preservation

The site is currently wooded and many trees will be removed to allow for the construction of the home and garage and to allow for the creation of flood storage to mitigate the floodplain fill. The home, garage, and driveway will result in a 0.9 acre of tree removal and the flood storage will result in 1.7 acres of tree removal.

One for one tree replacement is required for each tree removed, up to eight trees per acre. In this case, the tree replacement requirement is 21 trees. The final tree replacement calculation will be determined with the building permits and a tree survey completed by a forester will be required. Any changes will be reviewed at that time.

The trees shall be planted on site, or the applicant may choose to pay into the City's reforestation fund at a rate of \$400 per tree (2022 rate).

Neighboring residents have reported that trees have been removed within the areas marked as tree preservation on the submitted plans. Up to two significant trees can be removed without replacement or city approval each year. To be a significant tree, the tree must be at least 8-inches in diameter (at chest height) and healthy. Due to emerald ash borer, all ash trees are considered insignificant. The city forester is unable to determine whether tree removal has occurred that requires replacement under the tree preservation section of the zoning code. Code enforcement staff and the city forester are continuing to monitor the situation and a final determination of tree replacement requirements will be made at the time of building permit. Additionally, the debris from tree removal that is currently on the property appears to be in violation of city ordinances. The Fire marshal and code enforcement staff are aware of the situation and will be taking appropriate action.

Grading/Storm Drainage

The builder shall submit construction contract documents that include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheets. Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for city review and approval. Grading plans will be required as part of the building permit application and will be reviewed to ensure no change in current drainage patterns occurs.

Water/Sanitary Sewer Services

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. The developer needs to include connections to the city sewer and water systems and identify how they will be extended to the proposed home.

Wetlands/Watershed

The project will need to provide for a protective buffer strip of natural vegetation at least 15-feet in width surrounding all wetlands.

The builder will need to submit the project to Coon Creek Watershed District (CCWD) for review, approval and permits required prior to city plan approval and start of site work.

Access/Street Design/Sidewalks/Trails

The property has received approval for a residential driveway off Radisson Road (CSAH 52) from Anoka County.

Easements/Right-of-Way/Permits

The developer will need to obtain all required permits to construct the proposed project. A copy of all permits will need to be submitted to the City prior to any site work.

Airport Noise Considerations

The home is proposed to be located within 500 feet of Radisson Road (a minor arterial), therefore the noise abatement standards in 33.21 of the Zoning Code are triggered. The standards do not apply to the detached garage.

Conditional Use Permit

Section 27.04 Criteria for granting conditional use permits:

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. *The use will not create a burden on existing public facilities, parks, schools, or streets.*
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. *The design of the detached garage is compatible with the residential characteristics of the neighborhood.*
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. *The garage is compatible in materials and design with the home and the planting of replacement trees adjacent to the garage will reduce any potential adverse effect on adjacent properties.*
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use. *The use is reasonably related to the large lot rural style development being proposed that the property is zoned for.*
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use. *The use is consistent with the FR zoning and the LDR land use.*
6. The use shall not be in conflict with the comprehensive plan of the City. *The use is consistent with the comprehensive plan.*
7. The use will not cause traffic hazard or congestion. *The proposed garage will not result in any additional traffic hazards or additional congestion to the area.*
8. The use shall have adequate utilities, access roads, drainage and necessary facilities. *The proposed house, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed single-family residence.*

Strategic Plan Relationship

N/A

Board/Commission Review

The Planning Commission is forwarding this application with no recommendation. A motion was

made at the Planning Commission meeting to recommend approval; however, the vote was 3-3, therefore the motion failed. Seven residents spoke at the public hearing in opposition to the application. The revised application as proposed was not presented to the Planning Commission as the CUP application was tabled at the July 6, 2022 Council meeting and does not require further review by the Planning Commission.

Financial Impact

N/A

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.

Six individual written public comments and a petition signed by 28 people were received based on the previous proposal. Those comments are attached to this report. Comments included:

1. Complaints about the noise from dirt bikes and snowmobiles on the property.
2. Reports of tree removal.
3. Concern the property is incorrectly zoned FR.
4. Concern about disruption of drainage patterns.
5. Preference for the garage to be located closer to Radisson Road.

Staff Recommendation

By motion, approve the Resolution.

Attachment List

Zoning and Location Map

Site Plan

House Elevation

Garage Plan

Public Comments

Unapproved Planning Commission Minutes 6/14/22

City Council Minutes 7/6/22

WHEREAS, an application has been filed by AJBK5 LLC as Conditional Use Permit Case File No. 22-0034 for Aaron Jordan; and

WHEREAS, said case involves the property described as follows:

Tract C, REGISTERED LAND SURVEY NO. 253, Anoka County Minnesota.

WHEREAS, the Blaine Planning Commission held a public hearing on June 14, 2022, and did not provide a recommendation the vote was tied 3-3; and

WHEREAS, the Blaine City Council has reviewed said case on July 6, 2022 and tabled to the August 15, 2022 meeting; and

WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 29.014(k) and 27.04 of the Zoning Ordinance to allow the construction of a 2,613 square foot detached garage for a total garage space of 2,963 square feet in an FR (Farm Residential) zoning district with the following conditions:

1. A minimum of six of the replacement trees that are required must be planted on site or pay into the restoration fund, the 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 is required.
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 elevation.
8. The driveways must be reduced to a combined maximum of 4,000 square feet or less.
9. No class V gravel is permitted in front of the house or garages.

PASSED by the City Council of the City of Blaine this 15th day of August, 2022.