



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Details (With Text)

File #: RES 16-005 **Version:** 2 **Name:** 15-71 Jordon Darling CUP
Type: Resolution **Status:** Passed
File created: 1/7/2016 **In control:** City Council
On agenda: 1/7/2016 **Final action:** 1/7/2016
Title: GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A HOME OCCUPATION WITH TWO (2) EMPLOYEES IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 11482 HASTINGS STREET NE. JORDON DARLING. (CASE FILE NO. 15-0071/LSJ)
Sponsors: Bryan Schafer
Indexes:
Code sections:
Attachments: 1. Jordon Darling - Attachments

Date	Ver.	Action By	Action	Result
1/7/2016	2	City Council	Adopted	Pass
12/8/2015	1	Planning Commission	Recommended for Approval	Pass

DEVELOPMENT BUSINESS - *Bryan K. Schafer, Planning and Community Development Director*

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A HOME OCCUPATION WITH TWO (2) EMPLOYEES IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 11482 HASTINGS STREET NE. JORDON DARLING. (CASE FILE NO. 15-0071/LSJ)

Planning Commission (Public Hearing)	12/08/15
City Council (Conditional Use Permit)	01/07/16
Action Deadline	02/13/16

The Planning Commission voted unanimously to approve the Conditional Use Permit. Public Comment in the form of emails, included safety concerns because of the cars parked on the street.

Jordon Darling currently has a home occupation at his residence at 11482 Hastings Street NE. He has a technology consulting and support firm with two full time employees that include a family member and close friend. These employees will visit the home for business related meetings from time to time. Since these employees do work at this residence, this home occupation does fall under the ordinance that requires a conditional use permit for home occupations. Mr. Darling has now made such request.

Recently the City received a complaint from a neighbor that took issue with the employees visiting the home. The neighbor is concerned with parking on the street and claims that the two cars being used by the employees that are parked on the street are creating a safety issue in the neighborhood. If it weren't for this complaint, the City would be unaware of this home occupation.

Because the Zoning Ordinance requires any home occupation that has outside employees to obtain a conditional use permit, the City is processing Mr. Darling's request. If Mr. Darling met all other conditions of the home occupation ordinance, a conditional use permit would not be required.

This home occupation does not occupy more than 20% of the structure and the business is not conducted within the garage on the property. There are also no customers that come to the home for the business. In fact, Mr. Darling does rent office space for client meetings. His narrative explains how his business is conducted.

With regard to the street parking, as long as the current on-street parking ordinances are not being violated, the City cannot restrict the employees from parking on the street. Just as the City cannot restrict any resident from having guests at their home on a day to day basis, the City cannot restrict Mr. Darling's employees from parking on the street. Staff cannot find any instance in the home occupation conditional use permits that have been granted by the City where on-street parking is restricted. Of course, if the normal on-street parking requirements are not being met by the employees, the Police Department can issue tickets to resolve the problem. The on-street parking requirements allow street parking at all times in the summer and only restrict on-street parking overnight in the winter. The City has no knowledge that the employees have ever violated these requirements. Also, there are several areas within the Club West development that have private streets where there are no on-street parking restrictions.

Based on Mr. Darling's description of his business there is no reason to deny such conditional use permit and staff is supportive of this request with the standard conditions below. These standards are basically reiterating the ordinance requirements for home occupations.

By motion, approve the Resolution.

Attachments

Zoning and Location Map

Narrative

Public Comment

WHEREAS, an application has been filed by Jordon Darling as Conditional Use Permit Case File No. 15-0071; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on December 8, 2015; and

WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case on January 7, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 33.11(d)(3) of the Zoning Ordinance to allow for a home occupation with two (2) employees in a DF (Development Flex) zoning district based on the following conditions:

1. No more than two employees may visit the site for work related matters.
2. No more than 20% of the home can be used for business related purposes.
3. No more than 4 customers per day can come to the home for business related purposes.
4. Business relating to the home occupation cannot be conducted within the garage on the property.

PASSED by the City Council of the City of Blaine this 7TH day of January, 2016.