



City of Blaine

Planning Commission

May 9, 2023 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order

The Blaine planning commission met in the City Hall Chambers on Tuesday, May 9, 2023. Chair Goracke called the meeting to order at 7:00PM.

2. Roll Call

Members Present: Commission Members Deonauth, Gorzycki, Halpern, Homan, Olson, Swanson, and Chair Goracke.

Members Absent: None.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Shelia Sellman, City Planner
Teresa Barnes, Project Engineer

3. Approval of Minutes

- 3.1. 2023-177 Approval of the April 12, 2023 Planning Commission Minutes.
Sponsors:

Motion by Commissioner Olson to approve the minutes of April 12, 2023, as presented. Motion seconded by Commissioner Homan. The motion passed 5-0-2 (Commissioners Deonauth and Halpern abstained).

4. Public Hearing

- 4.1. 2023-134 Case File No. 23-0039 // Robin Bieniek // 10655 Quincy Boulevard NE
The applicant is requesting a variance to allow a six-foot fence in the front yard along one property line.
Sponsors: Sheila Sellman, City Planner

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 23-0039 was opened at 7:04PM.

Robin Bieniek, 10655 Quincy Boulevard NE, explained she was requesting a higher fence because she has been stalked and harassed for the past seven years by her neighbor. She reported a 30-year restraining order was just put in place against her neighbor. She noted she has tried to build other fences, but this fence was one-half inch onto her neighbor's property and this neighbor called the city to complain and the entire fence had to be torn down. She commented further on the harassment she and her children have received from her neighbor. She stated a fence was required in order to improve her privacy, safety and for the peaceful use of her property.

Daniel Nessonson, Robin Bieniek's father, stated he has tried to let the neighbors work things out, but Robin's neighbor has now threatened to shoot him. He explained the neighbor continually harasses her daughter and this has to stop. He requested the Commission approve the proposed fence.

Brian Segnar, 10661 Quincy Boulevard, explained he has been having trouble with the applicant, his neighbor. He stated he was not how his neighbor was depicting him. He reported he was dealing with cameras and he believed the police was not doing their job. He indicated he was in an accident recently. He discussed how the applicant had taken up a retaining wall along his property line. He noted this retaining wall held back rocks on his property and now his neighbor has called and had him arrested for him being on her property. He understood his neighbor's dad built a fence without properly surveying the property and the fence was built on his property. He stated this fence has since been removed after being in place for one year. He discussed how he has helped his neighbor in the past and stated he has tried to get along with his neighbor. He indicated he supported the fence being in place, eight feet in height if possible.

The public hearing was closed at 7:19PM.

Commissioner Olson asked if the fence would be on the north property line. Ms. Sellman reported this was the case.

Commissioner Olson questioned if the fence would run into the rear yard. Ms. Sellman indicated the fence would only be installed in the front yard as a barrier between the two properties.

Commissioner Olson inquired if this type of fence was allowed anywhere else in Blaine. Ms. Sellman explained another step down fence had been allowed in this same subdivision through a variance.

Motion by Commissioner Halpern to recommend approval of Planning Case 23-0039 based on the following conditions:

Case 23-0039:

1. A fence permit is required.
2. The applicant must locate the property line on north side of the lot to make sure the location is not in obstruction of motor vehicle maneuvers and that the fence is on the property. The property pin must be exposed at time of installation and inspection.
3. The fence cannot exceed six feet and must step down as demonstrated in the attached plan.
4. White vinyl fencing shall be used.

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

Chair Goracke noted this would be on the agenda of the June 5, 2023 city council meeting.

- 4.2.** 2023-130 Case File No. 23-0020 // Park Construction Company (Carlson Group LLC) // 10101 Naples Street NE
The applicant is requesting the following in an I-2 (Heavy Industrial) zoning district:

1. Conditional use permit for outside storage and multiple buildings on one lot.
2. Interim use permit to operate a contractors' yard for concrete crushing.

Sponsors: Elizabeth Showalter, Community Development Specialist

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 23-0020 was opened at 7:29PM. As no one wished to appear, the public hearing was closed at 7:30PM.

Commissioner Halpern requested further information on why the applicant would like access to the stormwater pond.

Jeff Carlson, representative for the applicant, explained he would like to retain access to the stormwater pond for snow removal purposes.

Commissioner Gorzycki questioned when the applicant would be crushing material.

Mr. Carlson reported this would occur from 7:00AM to 5:00PM.

Commissioner Deonauth asked if the applicant would be replanting trees on the property or would the applicant be paying the city.

Mr. Carlson indicated he would be replanting trees.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0020A a conditional use permit for outside storage related to a contractor's yard and multiple buildings on a lot in an I-2 (Heavy Industrial) zoning district with the following conditions:

Case 23-0020A:

1. The construction of the building and site improvements shall be consistent with the attached building elevations and site plan.
2. A six foot tall fence shall be located around the outside storage area. Fencing on the western side shall be PVC coated chain link. Fencing shall be immediately adjacent to the outside storage area and shall delineate the boundary between the outside storage area and the stormwater ponding areas.
3. A revised landscape plan must be submitted as part of the administrative site plan approval/building permit. That plan must incorporate the following changes:
 - a. 34 overstory trees required, with a minimum of three species provided and at least 20 of the trees must be located between the front property line and parking lot, evenly distributed throughout that area.
 - b. 17 conifer trees, with a minimum of two species provided.
 - c. 17 ornamental trees, with a minimum of two species provided.
 - d. 114 shrubs, with a minimum of three species provided.
 - e. All disturbed areas shall be sodded.
4. In addition to the required landscaping, 93 trees must be replaced through planting on the property or payment into the city reforestation fund at the rate in effect at the time of issuance of the building permit. Outside storage limited to aggregate materials such as gravel and soil, construction equipment, and vehicles.
5. Outside storage must be located on the paved or gravel surface.
6. No storage may be taller than 15 feet in height.
7. Semi-trucks are limited to one per dock or bay door.

8. A minimum total building area of 20,000 square feet is required prior to occupancy.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0020B an interim use permit for concrete crushing in an I-2 (Heavy Industrial) zoning district with the following conditions:

Case 23-0020B:

1. Storage of concrete shall be bunkered by jersey barriers, or equivalent, on three sides.
2. Storage of concrete materials limited to 15 feet in height.
3. Maximum concrete storage of 20,000 cubic yards.
4. Crushing activity limited to 45 days in a 24-month period.
5. This interim use permit expires on June 5, 2026. Property owner shall request a renewal of the interim at least 30 days prior to the expiration of the interim use permit. If IUP is not renewed, all concrete storage shall be removed within 60 days of the expiration of the IUP.

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

Chair Goracke noted this would be on the agenda of the June 5, 2023 city council meeting.

- 4.3.** 2023-131 Case File No. 23-0033 // Jim Sunderland // 2704 Fox Ridge NE
The applicant is requesting a conditional use permit amendment that will allow up to 2,901 square feet of garage/accessory space and a 47-foot side yard setback for a garage addition on an RF (Residential Flex) zoned property.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 23-0033 was opened at 7:35PM.

James Sunderland, 2704 Fox Ridge NE, explained he purchased an RV and he would like to have this stored indoors. He anticipated the only person who would see the garage addition would be himself because he has a five acre lot.

Jenny Shaw, asked if the structure would be used for anything other than the storage of the RV.

The public hearing was closed at 7:38PM.

Mr. Sunderland reported the building would be used strictly for the storage of personal items.

Commissioner Olson questioned who would be policing the number of trees that are removed on the property.

Planner Shawn Kaye explained the applicant would have to identify the number of trees that are being removed in order to build the new structure in the building permit phase. She reiterated this was not a variance request, but rather was a conditional use permit amendment.

Motion by Commissioner Homan to recommend approval of Planning Case 23-0033 based on the following conditions:

Case 23-0033:

1. The applicant is required to plant four replacement trees at a minimum of 2.5 inch caliper on site or pay \$400 per tree for a total of \$1,600 to the reforestation fund. An escrow of \$1,600 for tree replacement or a payment of \$1,600 to the reforestation fund is required prior to a building permit being issued.
2. A building permit must be obtained prior to construction of the building.
3. The new accessory building space to be used for personal storage only.
4. The addition to the garage is limited to 2,040 square feet. The total square footage for garage/accessory building space is limited to 2,901 square feet.
5. The north property line is limited to a 47-foot side yard setback.
6. The proposed addition shall match the existing house construction in terms of architectural style, exterior color, and materials.

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

Chair Goracke noted this would be on the agenda of the June 5, 2023 city council meeting.

- 4.4.** 2023-132 Case File No. 23-0036 // The Rusty Bumblebee // 10950 Club West Parkway NE, #160
The applicant is requesting a conditional use permit to allow outdoor dining with 16 seats in the front of the building and 32 seats in the rear of the building in a B-2 (Community Commercial) zoning district.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 23-0036 was opened at 7:45PM. As no one wished to appear, the public hearing was closed at 7:46PM.

Commissioner Halpern stated he believed this was a great option for this business. He requested further information on how the rear patio would be monitored.

Jeremy Kroege, representative for the Rusty Bumble Bee, explained he would be installing a glass door to the rear of the building. He noted he would be installing cameras in the rear of the building as well. He described how the taps are controlled at the Rusty Bumble Bee and noted all patrons are ID'ed before being allowed to use the taps. He commented further on the lighting that would be added to the rear patio.

Chair Goracke asked how many staff members worked at the Rusty Bumble Bee at any given time.

Mr. Krog commented that he has three staff members and one manager onsite at all times. He indicated the new patios would increase the staffing levels for the Rusty Bumble Bee.

Chair Goracke questioned if the parking requirements took into consideration the additional outdoor seating.

Planner Shawn Kaye reported this was the case and noted the site had adequate parking.

Commissioner Olson indicated she supported the proposed front patio. She stated she had safety concerns with the rear patio, because it would be located in the rear parking lot. In addition, she feared the parking on this site would be stretched.

Commissioner Swanson commented she would appreciate a patio on the rear of the building because this would bring more lighting and activity to the rear of the building.

Commissioner Olson asked if the City could require the applicant to remove the asphalt from the parking lot in order to install a patio.

Planner Shawn Kaye reported the patio area would be fenced with a six-foot compostive, maintenance free fence.

Mr. Krog explained he would be installing a six foot fence around the existing asphalt and noted three parking stalls would be lost to accommodate the patio area.

Commissioner Halpern requested further information regarding the exterior lighting that would be used in the rear of the building.

Mr. Krog stated there was existing down lighting at the back door and he would be adding string lighting.

Motion by Commissioner Deonauth to recommend approval of Planning Case 23-0036 based on the following conditions:

Case 23-0036:

1. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's Chief Building Official and Met Council to determine the amount required for this use.
2. No outdoor advertising on the building or outdoor dining area without obtaining a temporary sign permit is allowed.
3. The outdoor dining area in the front of the tenant space will be limited to no more than 16 seats. The outdoor dining area in the front is required to have a decorative metal fence surrounding the seating area.
4. The outdoor dining area in the rear of the tenant space will be limited to no more than 32 seats. The outdoor dining area in the rear is required to have a maintenance free composite privacy fence surrounding the seating area.
5. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
6. No amplified outdoor music system is allowed.

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

Chair Goracke noted this would be on the agenda of the May 15, 2023 city council meeting.

- 4.5.** 2023-133 Case File No. 23-0038 // Minnesota State Emergency Operations Center (Wold Architects and Engineers) // 3925 Pheasant Ridge Drive NE
The applicant is requesting a conditional use permit for an office in a POD (Planned Office District) zoning district.
Sponsors: Sheila Sellman, City Planner

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 23-0038 was opened at 7:58PM. As no one wished to appear, the public hearing was closed at 7:58PM.

Commissioner Swanson questioned how this building would be used.

City Planner Sheila Sellman explained this would be an emergency operation center that would be used by the state of Minnesota.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0038 based on the following conditions:

Case 23-0038:

1. A conforming landscape plan should be submitted with the building permit application. The POD requires 1.5 times the amount of landscaping requirements:
 - a. Overstory: 63
 - b. Conifer: 31
 - c. Shrub: 211
 - d. Ornamental: 31
2. At least twenty-five percent (25%) of the number of ornamental, conifer and overstory trees exceeding minimum size requirements in the front yard or in areas within view of the public right-of-way. The lot shall be platted into a lot and block prior to issuance of a building permit.

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

Chair Goracke noted this would be on the agenda of the June 5, 2023 city council meeting.

5. Adjournment

Motion by Commissioner Deonauth to adjourn the regular planning commission meeting. Motion seconded by Commissioner Halpern. The motion passed 7-0. Adjournment time was 8:00PM.