



City of Blaine

Planning Commission

November 14, 2023 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

The Planning Commission is an advisory board to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. For each agenda item the Commission will receive reports prepared by the City staff, open the public hearing, discuss and act on the application.

Public comments prior to the meeting must be received by 4:30 PM on the Monday prior to the meeting date. Email comments to: Planning@BlaineMN.gov or phone 763-785-6180.

AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes

- 3.1.** 2023-570 Approval of the October 10, 2023 Planning Commission Minutes
Sponsors:

4. Public Hearing

- 4.1.** 2023-521 Case File No. 23-0075 // Anoka-Hennepin Early Childhood Center // 13001 Central Avenue NE
The applicant is requesting a conditional use permit to construct a 120 square foot storage building (shed) on the east side of the building in a B-3 (Regional Commercial) zoning district.
Sponsors: Shawn Kaye, Planner

- 4.2.** 2023-525 Case File No. 23-0078 // Lexington Waters Clubhouse // 13202 Jewell Street NE
The applicant is requesting a conditional use permit amendment to allow a clubhouse and outdoor pool in Lexington Waters in the DF (Development Flex) zoning district.
Sponsors: Shawn Kaye, Planner

- 4.3.** 2023-524 Case File No. 23-0077 // Infinite Campus // 4321 109th Avenue NE
The applicant is requesting the following:

1. Rezoning from POD (Planned Office District) to DF (Development Flex).
2. Conditional use permit for a 213,295 square foot two-story office building with a tower, auditorium, 8,700 square foot residence on the 5th floor, and a parking structure.

Sponsors: Sheila Sellman, City Planner

4.4. 2023-523

Case File No. 23-0076 // City of Blaine

The City is proposing annual revisions to the Blaine Zoning and Parking Ordinances.

Sponsors: Elizabeth Showalter, Community Development Specialist

5. Adjournment



City of Blaine

Planning Commission

October 10, 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, October 10, 2023. Chair Goracke called the meeting to order at 7:00PM.

2. Roll Call

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

Members Absent: Commission Members Gorzycki, Halpern, and Homan.

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

3. Approval of Minutes

3.1. 2023-474 Approval of the September 12, 2023 Planning Commission Minutes
Sponsors:

Motion by Commissioner Olson to approve the minutes of September 12, 2023, as presented. Motion seconded by Commissioner Swanson. The motion passed 4-0.

4. Public Hearing

4.1. 2023-446 Case File No. 23-0071 // Rainbow Village // 551 87th Lane NE
The applicant is requesting a conditional use permit for a zero lot line with shared parking and access in the B-3 (Regional Commercial) 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 23-0071 was opened at 7:04PM. As no one wished to appear, the public hearing was closed at 7:04PM.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0071 based on the following conditions:

Case 23-0071:

1. **A shared parking and access agreement shall be recorded with Anoka County.**
2. **Final plat approval is required per Resolution No. 22-214.**

Motion seconded by Commissioner Deonauth. The motion passed 4-0.

Chair Goracke noted this would be on the agenda of the November 6, 2023 city council meeting.

- 4.2.** 2023-397 Case File No. 23-0069 // Pearson Properties // 12600 Xebec Street NE
The applicant is requesting a conditional use permit for a total of 2,456 square feet of garage and accessory building space and a shed in the front yard in the FR (Farm Residential) zoning district.
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 23-0069 was opened at 7:09PM. As no one wished to appear, the public hearing was closed at 7:09PM.

Motion by Commissioner Deonauth to recommend approval of Planning Case 23-0069 based on the following conditions:

Case 23-0069:

1. **Applicant to obtain permits for the 600 square foot rear yard shed and pass final inspections by June 30, 2024.**
2. **Applicant will schedule an inspection with building inspections staff to inspect the front yard shed and the applicant shall make any required corrections by June 30, 2024.**
3. **Applicant to paint the shed located in the front yard to match the home by June 30, 2024.**
4. **The front yard shed cannot be relocated within the front yard and must maintain the 120 foot setback from the front property line.**
5. **The 1:1 flood plain compensation for any portion of any building located below the 900 ft elevation shall be excavated and as-built documentation provided to the City and Coon Creek Watershed District by June 30, 2024.**

Motion seconded by Commissioner Swanson. The motion passed 4-0.

Chair Goracke noted this would be on the agenda of the November 6, 2023 city council meeting.

- 4.3.** 2023-445 Case File No. 23-0064 // Blaine Crossing II Addition // 1351 113th Avenue NE
The applicant is requesting the following:

1. A 10 foot variance from the 30 foot front yard parking lot setback on the south side.
2. Preliminary plat to subdivide one lot into three lots.
3. Conditional use permit for shared access with zero lot line parking in the B-3 (Regional Commercial) zoning district.

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 23-0064 was opened at 7:15PM.

Bob Cunningham, Kraus Anderson, thanked the commission for considering his request and noted he was available for comments or questions.

The public hearing was closed at 7:16PM.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0064A a 10 foot variance from the 30 foot parking setback on the south side of the property with the following rationale:

Case 23-0064A:

- 1. The variance is due to the previous determination that the southern property line was a side yard and the development is materially similar to that which was approved by resolution 07-78.**
- 2. The variance allows for a consistent setback along 113th Avenue.**
- 3. The variance alleviates the unique circumstance of change in the configuration of front and side yards over the history of the property.**

Motion by Commissioner Olson to recommend approval of Planning Case 23-0064B a preliminary plat to create three lots with the following conditions:

Case 23-0064B:

- 1. The applicant is responsible for recording plat mylars with Anoka County and providing proof of recording to the City prior to issuance of building permits on lots 1 and 2.**

Motion by Commissioner Olson to recommend approval of Planning Case 23-0064C a conditional use permit for shared parking with a zero lot line split with the following conditions:

Case 23-0064C:

- 1. This resolution voids previously issued Conditional Use Permits on this property approved as Resolutions 07-78 and 07-96.**

Motion seconded by Commissioner Deonauth. The motion passed 4-0.

Chair Goracke noted this would be on the agenda of the November 6, 2023 city council meeting.

- 4.4.** 2023-398 Case File No. 23-0068 // City of Blaine
The City is requesting the following:

1. A text amendment to the Comprehensive Plan to create an MDR/CC (Medium Density Residential/Community Commercial) land use category.
2. Comprehensive plan amendment to land use designations on certain parcels from HDR/PC (High Density Residential/Planned Commercial) to MDR/CC (Medium Density Residential/Community Commercial), CC (Community Commercial) to HDR2/PC (High Density Residential/Planned Commercial), and CC (Community Commercial) to MDR/CC Medium Density/Community Commercial.

Sponsors: Sheila Sellman, City Planner

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 23-0068 was opened at 7:20PM. As no one wished to appear, the public hearing was closed at 7:20PM.

Chair Goracke stated he supported the proposed change, noting he believed this would be a better fit for the neighborhood.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0068A a comprehensive plan text amendment to create an MDR/CC (Medium Density Residential/Community Commercial) land use category.

Motion by Commissioner Olson to recommend approval of Planning Case 23-0068B a comprehensive land use plan amendment for certain parcels from HDR/PC (High Density Residential/Planned Commercial) to MDR/CC (Medium Density Residential/Community Commercial), CC (Community Commercial) to HDR2/PC (High Density Residential/Planned Commercial) and CC (Community Commercial) to MDR/CC (Medium Density/Community Commercial); based on the following rationale:

Case 23-0068B:

- 1. The proposed land use amendments meet goal #3 of Chapter 4 Economic Development of the Comprehensive Plan "The City will continue to support the viability and economic health of the Northtown commercial area, as it represents a significant economic and employment center. The City will collaborate with Northtown to develop a strategy for private reinvestment, as**

well as explore and be receptive to new ways for Northtown to remain successful, including use of innovative infrastructure management requirements."

2. The proposed land use amendment meets the goal #7 in Chapter 5 Lane Uses of the comprehensive plan "The City will continue programs and strategies to improve and revitalize aging commercial, industrial and residential structures." Chapter 11: Implementation, identifies Action or Strategy plan for Implementation. Under Economic Development 4.5, it states "The City should support the viability and economic health of the Northtown area commercial center through a strategy for private reinvestment."

Motion seconded by Commissioner Swanson. The motion passed 4-0.

Chair Goracke noted this would be on the agenda of the November 6, 2023 city council meeting.

5. Adjournment

Motion by Commissioner Deonauth to adjourn the regular planning commission meeting. Motion seconded by Commissioner Swanson. The motion passed 4-0.

Adjournment time was 7:22PM.



City of Blaine

Staff Report

File Number: 2023-521

Agenda Date	Status
November 14, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Shawn Kaye, Planner

Agenda Item # 4.1

Case File No. 23-0075 // Anoka-Hennepin Early Childhood Center // 13001 Central Avenue NE
The applicant is requesting a conditional use permit to construct a 120 square foot storage building (shed) on the east side of the building in a B-3 (Regional Commercial) zoning district.

Background

Zoning	B-3 (Regional Commercial)
Land Use	CC (Community Commercial)
Area	3.37 Acres
Applicable Regulations	30.24 (aa) and 27.04
Attachments	Zoning and Location Map Site Plan Building Elevations Pictures of Site Location Resolution 08-32 Resolution 10-43
Schedule	Planning Commission: 11/14/23 City Council: 12/04/23

Staff report prepared by Shawn Kaye, Planner, and Teresa Barnes, Project Engineer

Executive Summary

Zoning

The property is zoned B-3 (Regional Commercial).

Surrounding Zoning and uses

The properties to the north and south are zoned B-3. Two multi-tenant buildings are to the north and Aldi is to the south. Single family homes (R-1) are located to the east. State Highway 65 is adjacent to the west.

Existing Conditions

The site is developed with a building and parking lot. The site has mature trees on the east and south sides of the site.

History

A CUP was approved in 2008 for a school type use (Blaine Charter School). A CUP amendment was approved in 2010 for the expansion of the school use including additional classrooms and a gym (Davinci Charter School). Anoka-Hennepin Schools purchased the building in 2022 to provide additional early childhood services for residents on the east side of the school district.

Evaluation of Request

Site Plan

The Blaine Early Childhood Center (Anoka-Hennepin School District) is proposing to construct a 120 square foot storage building on the east side of the existing building. A conditional use permit is required for multiple buildings on a single lot in the B-3 zoning district. Therefore, the applicant is requesting a conditional use permit.

The shed is proposed for storage of site and facility maintenance equipment for mowing and snow removal that cannot be stored in the main building.

Parking

The school type use met parking requirements when approved in 2008.

Setbacks

All building setbacks will be met. The proposed shed would be located 104 feet from the east property line and 132 feet from the north property line.

Architecture

The shed is proposed to be constructed of vinyl and neutral colors that compliment the main building. The shed is quite simple in design. However, the location of the shed has a limited view from outside of the property. This would include the street and the single-family homes to the east.

Landscaping

The site currently has many mature trees to the east that will screen the proposed shed from the single-family homes to the east. No new additional landscaping is required.

Tree Preservation

No trees will be removed for the construction of the shed.

Grading/Storm Drainage

Placement of the proposed 120sq-ft shed will not require any grading to occur and will not change any existing storm water drainage patterns on the property.

Wetlands/Watershed

The proposed 120sq-ft shed is not proposed near any known wetland area and is not large enough to require watershed review.

Access/Street Design/Sidewalks/Trails

The proposed 120sq-ft shed will not be granted any additional public street access, will not require any additional street design nor require the construction of any additional sidewalks or trails.

Easements/Right-of-way/Permits

The proposed 120sq-ft shed will not require any additional easements or right-of-way dedication;

Conditional Use Permit

A city exercises “quasi-judicial” authority when considering a CUP application. This means the city’s role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

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 of multiple buildings on one lot does not create an excessive burden on the property as the proposed shed is under 120 square feet.
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. (Ord. No. 20-2447, 7-20-2020).
 - The shed will be located over 100 feet from the residentially zoned property and screened by mature trees. Therefore, the use will be compatible with the adjoining properties.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - The shed will be located over 100 feet from the residentially zoned property and screened by mature trees.
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.
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 purpose of the B-3 district.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - The use is not in conflict with the CC (Community Commercial) designation in the Comprehensive Plan.
7. The use will not cause traffic hazard or congestion.
 - The use will not cause any additional traffic hazard or congestion.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.
 - The use will not require any utilities, access roads, drainage or any other necessary facilities.

Recommendation

In Planning Case File No. 23-0075, it is recommended that the Planning Commission recommend approval of a conditional use permit to construct a 120 square foot storage building (shed) on the east side of the building in a B-3 (Regional Commercial) zoning district with the following conditions:

1. Building to be constructed of vinyl siding and match the general color of the building.
2. The applicant must obtain a building permit if the structure has a poured slab or footings.
3. The storage building is to be used for storage purposes only.

Attachment List

1. Attachments

PUBLIC NOTIFICATION LINE

Project
Location



BlaineMN.gov

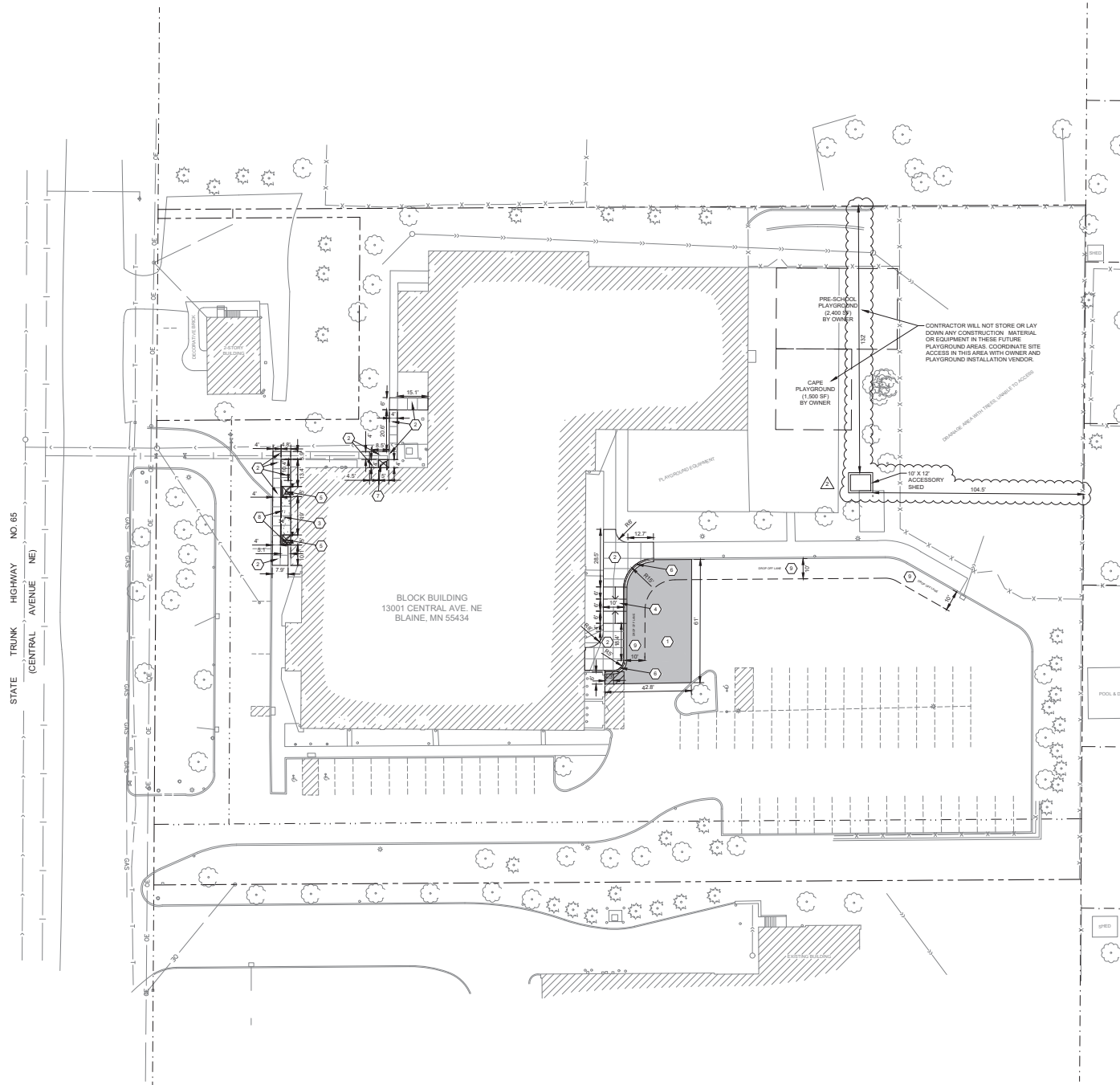
Case File No. 23-0075
Anoka-Hennepin Early Childhood Center

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180



MN

A



SYMBOL LEGEND

- NEW HEAVY-DUTY BITUMINOUS PAVEMENT
SEE DETAIL 1/C4.00
- NEW CONCRETE PAVEMENT
SEE DETAIL 2/C4.00
- NEW SIDEWALK CONSTRUCTION
SEE DETAIL 3/C4.00
- NEW STUOP OR FLOATING APRON
SEE STRUCTURAL PLANS

NOTE: THE CONCRETE JOINTS ARE SHOWN ONLY FOR GENERAL REFERENCE TO SIGNIFY LIGHT-DUTY CONCRETE PAVEMENT. ACTUAL JOINTS SHALL BE CONSTRUCTED PER PROJECT SPECIFICATIONS.

GENERAL

- PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE

KEY NOTES

- HEAVY-DUTY BITUMINOUS PAVEMENT SECTION, SEE DETAIL 1/C4.00
- CONCRETE PAVEMENT SECTION, SEE DETAIL 2/C4.00
- SIDEWALK CONSTRUCTION, SEE DETAIL 3/C4.00
- ACCESSIBLE RAMP, SEE DETAIL 4/C4.00
- CONCRETE STUOP, SEE STRUCTURAL PLANS
- 8613 CONCRETE CURB AND GUTTER, SEE DETAIL 5/C4.00
- FLOATING APRON, SEE STRUCTURAL PLANS
- RAILING, SEE DETAIL 6/C4.00
- NEW STRIPING FOR DROP OFF LANE.

**AH BLAINE
EARLY CHILDHOOD
REMODEL**
13001 Central Ave NE
Blaine, MN 55434

**ISD #11:
ANOKA-HENNEPIN
SCHOOLS**
2727 North Ferry Street
Anoka, MN 55303



**WOLD ARCHITECTS
AND ENGINEERS**
333 Minnesota Street, Suite W-2000
Saint Paul, MN 55101

**Larson
Engineering, Inc.**
3524 Labore Road
White Bear Lake, MN 55110
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www.larsonengr.com

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I hereby certify that this plan, specifications or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Greg A. Barthel, P.E.
Date: 01/31/2023 Lic. No.: 23793

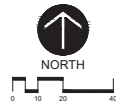
Description	Revisions	Date	By
PRELIM		04/01/2023	1
REV		04/01/2023	2

District Project Bid Number: 22285-230318
Project: 22285182
Date: 01/31/2023
Drawn: KRB
Checked: GAB



**PAVING AND
DIMENSION
PLAN**

C2.00



Limited A-Frame Shed



Standard



10'x12' w/ 6' Garage Door

COLOR SIDING AND TRIM
COMBO PROPOSED WITH
WHITE DOOR



Standard

763-427-4103

13745 Sunfish Lake Blvd
Anoka, MN, 55303

www.plantsandthingsusa.com



SHED

FACING NORTHEAST TOWARD SHED



FACING EAST TOWARD SHED



FACING EAST AT SHED LOCATION



FACING SOUTHEAST AT SHED LOCATION



FACING SOUTH AT SHED LOCATION



FACING WEST AT SHED LOCATION



FACING NORTH AT SHED LOCATION

CITY OF BLAINE

RESOLUTION NO. 08-32

**GRANTING A CONDITIONAL USE PERMIT
PER SECTION 30.24 (k) OF THE ZONING ORDINANCE
OF THE CITY OF BLAINE
BLAINE CHARTER SCHOOL
13001 CENTRAL AVENUE NE**

WHEREAS, an application has been filed by Blaine Charter School as conditional use permit Case File No. 08-10; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on February 12, 2008; and

WHEREAS, the Blaine Planning Commission recommends said conditional use permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case on March 6, 2008.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 30.24 (k) of the zoning ordinance to operate a public charter school focusing on arts and science in a B-3 (Regional Commercial) zoning district at 13001 Central Avenue NE based on the following conditions:

1. Site and buildings to be constructed consistent with submitted materials made part of this Conditional Use Permit application. However, the site plan will be subject to further site plan review related to landscaping and all site improvements.
2. The landscape plan to meet the requirements set forth in the Zoning Ordinance. A credit will be given for existing trees on site. Some of the required new plantings should be planted along the east property line. The following number of trees are required on site to meet the requirements set forth in the Zoning Ordinance including the additional landscaping required by the Highway 65 Overlay District:

Overstory trees: 18 (2 ½" caliper) and 6 (3" caliper)=24

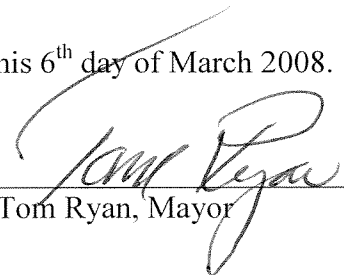
Conifer trees: 10 (6' in height) and 4 (8' in height)=14

Ornamental trees: 10 (2" caliper) and 4 (2 ½" caliper)=14

3. All site improvements to be included in site improvement agreement and covered by an acceptable financial guarantee.
4. All site lighting to be down lit-style lamps to reduce glare and to meet the requirements of the Zoning Ordinance. Final site plan to include detailed lighting plan.

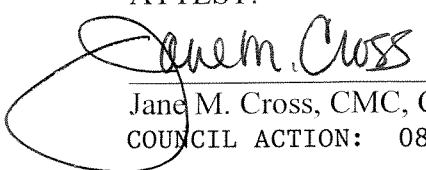
5. All signage requires a separate permit meeting the requirements of the Zoning Ordinance.
6. Site plan approval is required prior to any work being performed on site and a certificate of occupancy is required prior to occupancy of the building. A condition of site plan approval will require the applicant to obtain a permit from the Coon Creek Watershed District prior to City plan approval.
7. The existing wall signage must be removed. The applicant can have wall signage that meets the requirements of the Zoning Ordinance.
8. An automatic fire suppression system is required in the building.
9. The existing small shed located on the northeast corner of the site will need to be removed or relocated from the site.
10. The applicant should recognize that MnDOT is currently making improvements to Highway 65, including the removal of the access to Highway 65 from 129th Ave, replacing that access with an overpass in 2009.
11. A seven-foot high board-on-board maintenance free fence to be constructed along the entire east property line.

PASSED by the City Council of the City of Blaine this 6th day of March 2008.



Tom Ryan, Mayor

ATTEST:



Jane M. Cross, CMC, City Clerk

COUNCIL ACTION: 08-68

CITY OF BLAINE

RESOLUTION NO. 10-43

**GRANTING A CONDITIONAL USE PERMIT AMENDMENT
PER SECTION 30.24 (k) OF THE ZONING ORDINANCE
OF THE CITY OF BLAINE
DAVINCI CHARTER SCHOOL
13001 CENTRAL AVENUE NE**

WHEREAS, an application has been filed by Davinci Charter School as conditional use permit amendment Case File No. 10-0013; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on April 13, 2010; and

WHEREAS, the Blaine Planning Commission recommends said conditional use permit amendment be approved; and

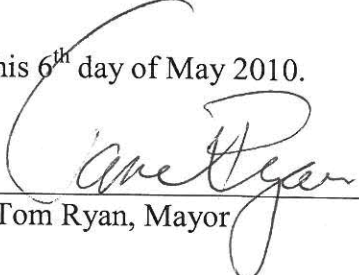
WHEREAS, the Blaine City Council has reviewed said case on May 6, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit amendment is hereby approved per Section 30.24 (k) of the zoning ordinance to construct six additional classrooms in an existing vacant building, a corridor to connect the two existing buildings, and an attached gymnasium on site at 13001 Central Avenue NE based on the following conditions:

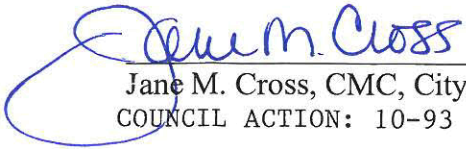
1. Site and buildings to be constructed consistent with submitted materials made part of this Conditional Use Permit Amendment application. However, the site plan will be subject to further site plan review related to landscaping and all site improvements.
2. The landscape plan to meet the requirements set forth in the Zoning Ordinance. A credit will be given for existing trees on site. Some of the required new plantings should be planted along the north property line. Existing trees along the north property line must be replaced on a one to one basis. The following number of trees are required on site to meet the requirements set forth in the Zoning Ordinance including the additional landscaping required by the Highway 65 Overlay District:
 - a) Overstory trees: 18 (2 ½ " caliper) and 6 (3" caliper)=24
 - b) Conifer trees: 16 (6' in height) and 5 (8' in height)=21
 - c) Ornamental trees: 16 (2" caliper) and 5 (2 ½" caliper)=21
3. All site improvements to be included in site improvement agreement and covered by an acceptable financial guarantee.

4. All site lighting to be down lit-style lamps to reduce glare and to meet the requirements of the Zoning Ordinance.
5. Applicant to address neighborhood lighting issue with east parking lot light be either putting a timer on the light to shut it off within one hour after the end of school programs or install a shield on the light fixture to cut the light from view of adjacent residential properties.
6. All signage requires a separate permit meeting the requirements of the Zoning Ordinance.
7. Site plan approval is required prior to any work being performed on site and a certificate of occupancy is required prior to occupancy of the building. A condition of site plan approval will require the applicant to obtain a permit from the Coon Creek Watershed District prior to City plan approval. Applicant to work with staff to save trees adjacent to play area.
8. The buildings on site to meet all Building and Fire Codes including the installation of an automatic fire suppression system.
9. A seven-foot high board-on-board maintenance free fence is required to remain in place along the entire east property line.
10. The applicant to remove or relocate the two existing basketball hoops on the east side of the parking lot to a more internal location as part of the summer construction and prior to the 2010-2011 school year.
11. With the approval of this Conditional Use Permit Amendment, Resolution #08-32 becomes null and void.

PASSED by the City Council of the City of Blaine this 6th day of May 2010.


Tom Ryan, Mayor

ATTEST:


Jane M. Cross, CMC, City Clerk
COUNCIL ACTION: 10-93



City of Blaine Staff Report

File Number: 2023-525

Agenda Date	Status
November 14, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Shawn Kaye, Planner

Agenda Item # 4.2

Case File No. 23-0078 // Lexington Waters Clubhouse // 13202 Jewell Street NE

The applicant is requesting a conditional use permit amendment to allow a clubhouse and outdoor pool in Lexington Waters in the DF (Development Flex) zoning district.

Background

Zoning	DF (Development Flex)
Land Use	LDR (Low Density Residential)
Area	0.25 acres
Applicable Regulations	Section 29.110 and 27.04 of the Zoning Ordinance
Attachments	Zoning and Location Map Site Survey Clubhouse Building Elevations and Floor Plans Pool Accessory Building Elevations Lots Proposed to Use Clubhouse and Pool Resolution No. 21-198
Schedule	Planning Commission: 11/14/23 City Council: 12/04/23

Staff report prepared by Shawn Kaye, Planner, and Teresa Barnes, Project Engineer

Executive Summary

Zoning

The property is zoned DF (Development Flex) and has a LDR (Low Density Residential) land use designation.

Surrounding Zoning and Uses

The adjacent properties are zoned DF (Development Flex) and have single-family homes.

Existing Conditions

The parcel is vacant.

History

The parcel was approved for single family development with the approval of the Lexington Waters Development under Resolution 21-198.

Evaluation of Request

Site Plan

The plat of Lexington Waters was approved in 2021. The builder of the single family homes is proposing to build a clubhouse and outdoor pool for the benefit of 91 single family homes within the Lexington Waters Development. In order to facilitate the construction of these amenities, a conditional use permit amendment is required.

The 2,629 square foot clubhouse and pool are proposed to be located on the corner of Isetta Circle and Jewell Street. This lot was approved for a single family home but it is now proposed to be converted to a lot that will be owned and maintained by the association. This amenity will be available for exclusive use by 91 residents of an association created by Creative Homes. The management and maintenance of the pool and clubhouse will initially be the responsibility of Creative Homes, to then be turned over to the Home Owner's Association.

The clubhouse and pool equipment building will have almost 11.5 foot setbacks from their respective side yard lot lines. The front yard (Jewell Street) meets the 25-foot setback requirement and the 20-foot corner side setback (Isetta Circle) is also met.

Architecture

The clubhouse will be constructed with LP siding and stone. It will contain bathrooms, a gathering room, a kitchen, an exercise room, an office, and storage areas. The pool equipment building will be constructed of LP siding.

Parking

Two parking stalls will be provided on site for the office manager and a guest. The residents will walk or park on the street to use the pool/clubhouse.

Landscaping

The lot will be required to plant two trees on site.

Grading/Storm Drainage

A certificate of survey will be required to be submitted with the building permit application which will be reviewed for lot grading and storm water compliance with the approved Lexington Waters approved construction drawings.

Wetlands/Watershed

The proposed clubhouse and pool will be constructed on an existing lot within the Lexington Waters subdivision. The approval of the Lexington Waters subdivision accounted for any wetlands within the area and received an issued Coon Creek Watershed District permit. No additional review will be

required.

Access/Street Design/Sidewalks/Trails

All required access, street design, sidewalks and trails have been designed, reviewed and approved with the development of the Lexington Waters Subdivision. No additional items will be necessary.

Easements/Right-of-way/Permits

All required easements and right-of-way have been designed, reviewed and approved with the development of the Lexington Waters Subdivision. The proposed club house and pool will be required to obtain the associated building permits prior to construction.

Conditional Use Permit

A city exercises "quasi-judicial" authority when considering a CUP application. This means the city's role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

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.
 - o The clubhouse and pool will not create an excessive burden on 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. (Ord. No. 20-2447, 7-20-2020)
 - o The proposed clubhouse is being constructed of materials similar to single family homes and with greater side yard setbacks (11.5 feet instead of 5 feet). Therefore, the use will be compatible with adjoining properties.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - o The proposed clubhouse is being constructed of materials similar to single family homes and will not have an 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.
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.
 - o The Development Flex District creates a reasonable balance between the interests of the property owner in developing their property with greater flexibility in land use, and at the same time protect the interest of surrounding properties.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - o The use is not in conflict with the LDR (Low Density Residential) designation in the Comprehensive Plan.
7. The use will not cause traffic hazards or congestion.
 - o The proposed use will not generate any additional traffic hazard or congestion.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.

- The existing structure is served with the required utility services, adequate roadway infrastructure and necessary drainage facilities to service the proposed uses.

Recommendation

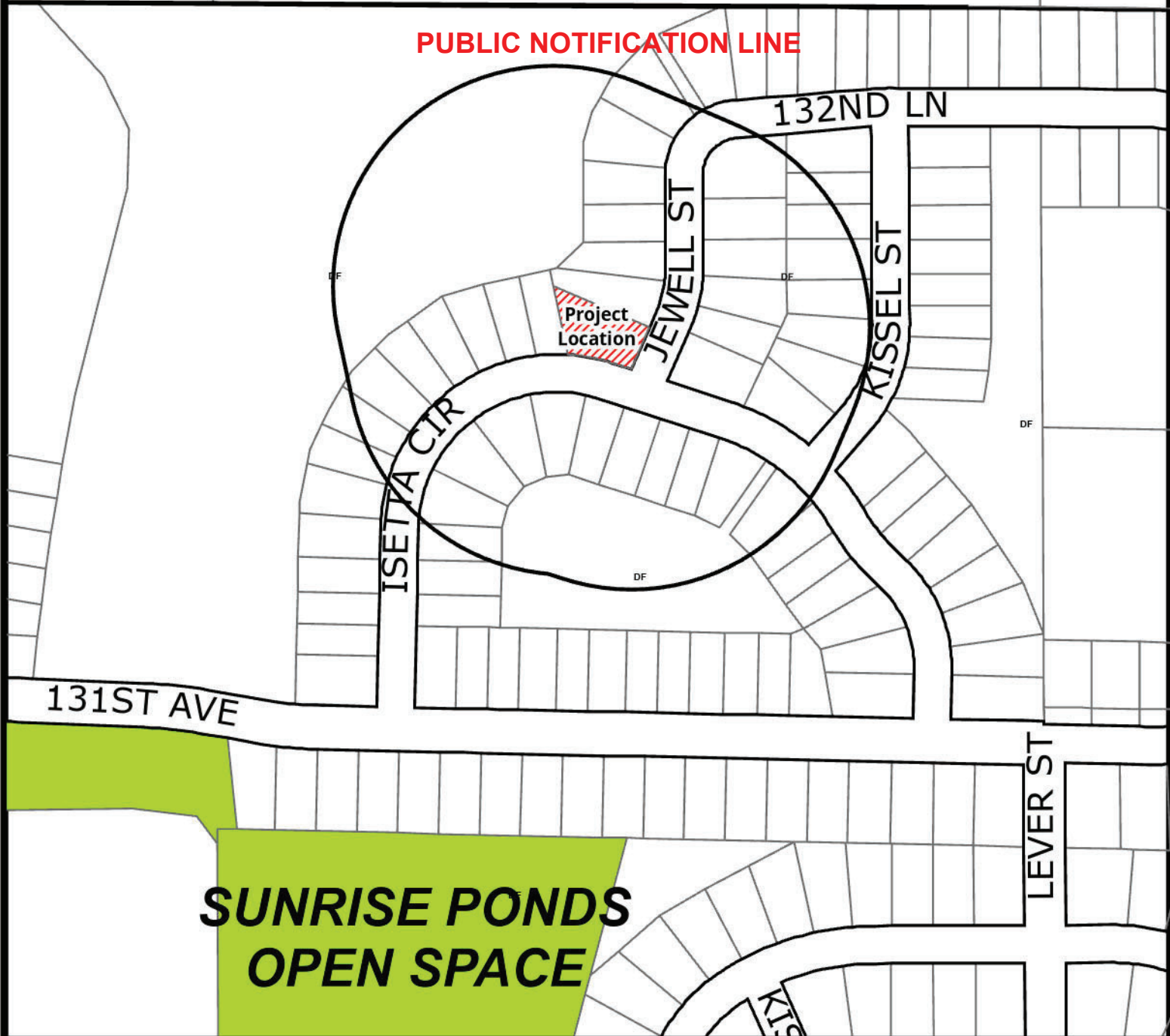
In Planning Case File No. 23-0078, it is recommended that the Planning Commission recommend approval of a conditional use permit amendment to allow a clubhouse and outdoor pool in Lexington Waters in the DF (Development Flex) zoning district with the following conditions:

1. Site plan approval will be required as a part of the building permit application. All site improvements to be included in the Site Improvement Performance Agreement and covered by an acceptable financial guarantee.
2. The clubhouse is to be constructed using LP siding and stone or similar materials.
3. The pool equipment building is to be constructed using LP siding or similar materials.
4. Two parking stalls to be constructed on site meeting zoning ordinance size requirements. Parking stalls to include curb and gutter.
5. A landscape plan must be provided for site plan approval that includes two trees with a minimum of 2.5 inch caliper.
6. Staff to approve the type of fencing to be placed around the pool during the site plan approval process.
7. The setbacks are:
 - Front yard (Jewell Street): 25 feet
 - Corner Side Yard (Isetta Circle): 20 feet
 - Side yard: 10 feet

Attachment List

1. Attachments

PUBLIC NOTIFICATION LINE



**SUNRISE PONDS
OPEN SPACE**



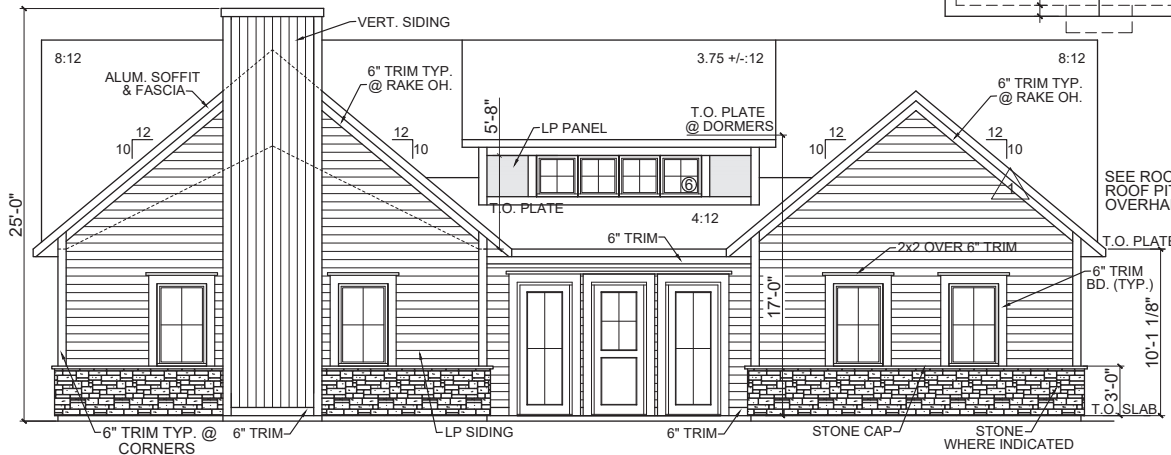
BlaineMN.gov

**Case File No. 23-0078
Lexington Waters Clubhouse**

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180

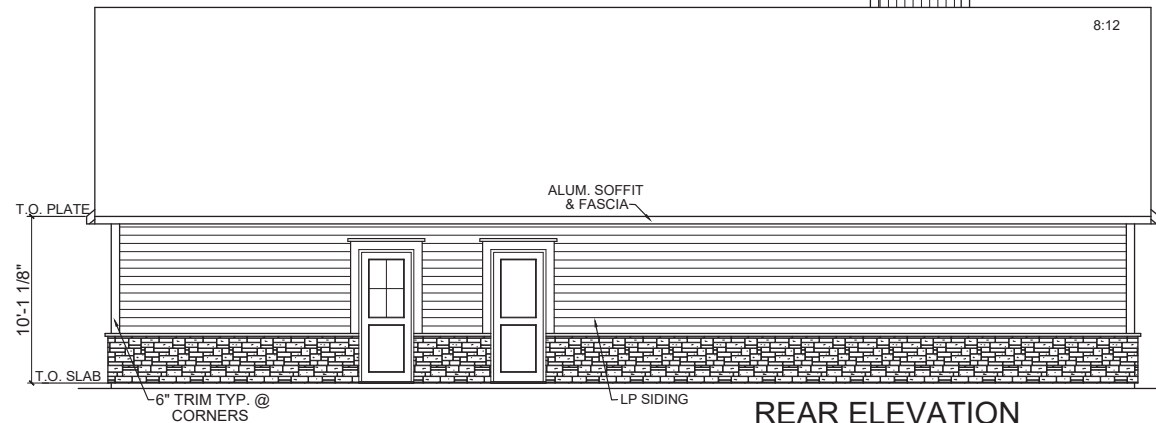


NO.	DESCRIPTION
A1	FRONT ELEV.; INDEX; CODE INFORMATION; ROOF PLAN
A1-1	CODE REVIEW INFORMATION
A2	SIDE & REAR ELEVATIONS
A3	BUILDING FOUNDATION PLAN
A4	BUILDING MAIN FLOOR PLAN
A5	BUILDING SECTIONS
A6	BUILDING SECTIONS
A7	INTERIOR ELEVATIONS
E8	ELECTRICAL
A9	POOL HOUSE FLOOR PLANS / ELECTRICAL / ELEV. / SECTION
S-1	STRUCTURAL
S-2	STRUCTURAL
S-3	STRUCTURAL



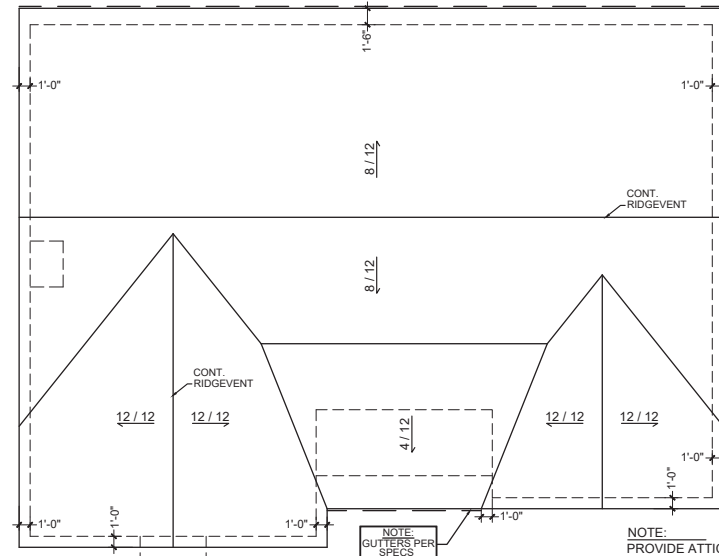
FRONT ELEVATION

SCALE: 3/16" = 1'-0"



REAR ELEVATION

SCALE: 3/16" = 1'-0"



ROOF PLAN

SCALE: 1/8" = 1'-0"

NOTE:
SEE ROOF TRUSS LAYOUT
FOR TRUSS DIRECTION
AND GIRDER LOCATIONS

NOTE:
WHERE WALLS MEET ROOF
ICE & WATER SHIELD SHOULD
RUN UP WALL 1'-6" AND OUT
FROM WALL 1'-6"

NOTE:
ICE AND WATER SHIELD
6'-0" IN FROM EAVES
1'-6" ON EACH SIDE OF VALLEY

NOTE:
PROVIDE ATTIC VENTILATION EQUAL TO 1/150th
ATTIC AREA. IF 50% OR MORE IS PROVIDED IN
UPPER PORTION OF THE ROOF AND REMAINDER
IS PROVIDED IN SOFFIT VENTS, IT MAY BE
REDUCED TO 1/300th ATTIC AREA.

NOTE:
GUTTERS PER
SPECS

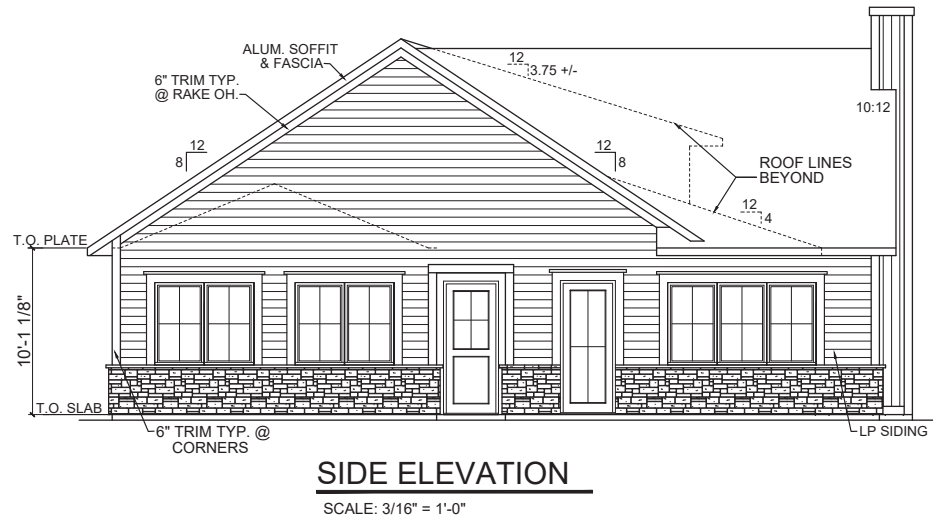
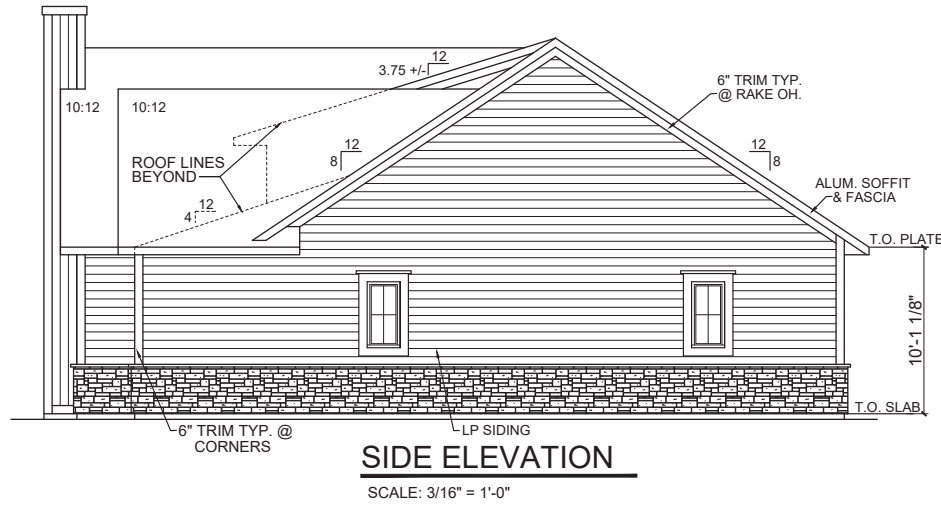
GENERAL NOTES & DISCLAIMERS

These drawings have been prepared to meet generally accepted industry standards. The user acknowledges that these drawings are not a contract and that the user is responsible for obtaining all necessary permits and for complying with all applicable building codes and regulations. The user agrees to hold the designer harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or in connection with the use of these drawings, whether or not such claims, damages, and expenses are caused in whole or in part by the negligence of the designer. All const. shall conform to latest building codes.

PROJECT NO. 07-00-BUYER
AGENT: X
BUYER S/O: X
BUYER S/O: X
STARTED: X
REVISIONS:
9-26-2023 BID SET

CLUBHOUSE
LEXINGTON WATERS
BLAINE, MN.
CREATIVE HOMES

A1

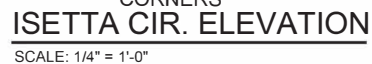


GENERAL NOTES & DISCLAIMERS
These drawings have been prepared to meet generally accepted industry standards and are not intended to be a contract. The drawings are subject to change without notice. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect. All const. shall conform to latest building codes.

PROJECT: CLUBHOUSE
AGENT: LEXINGTON WATERS
BUYER S/O: BLAINE, MN.
BUYER S/O: CREATIVE HOMES
STARTED: 07-00-BUYER
REVISIONS: 9-26-2023 BID SET

CLUBHOUSE
LEXINGTON WATERS
BLAINE, MN.
CREATIVE HOMES

A2



These drawings have been prepared to meet generally accepted professional standards. However, local variations may require changes. Likewise, building code requirements vary with location and change from time to time. Before starting construction, the contractor shall be responsible for obtaining the latest building codes and insuring that these plans meet all current requirements in your area. All const. shall conform to latest building codes.

HENRY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS IN THE STATE OF MINNESOTA.

DATE:

POOL HOUSE
LEXINGTON WATERS
BLAINE, MN.
CREATIVE HOMES

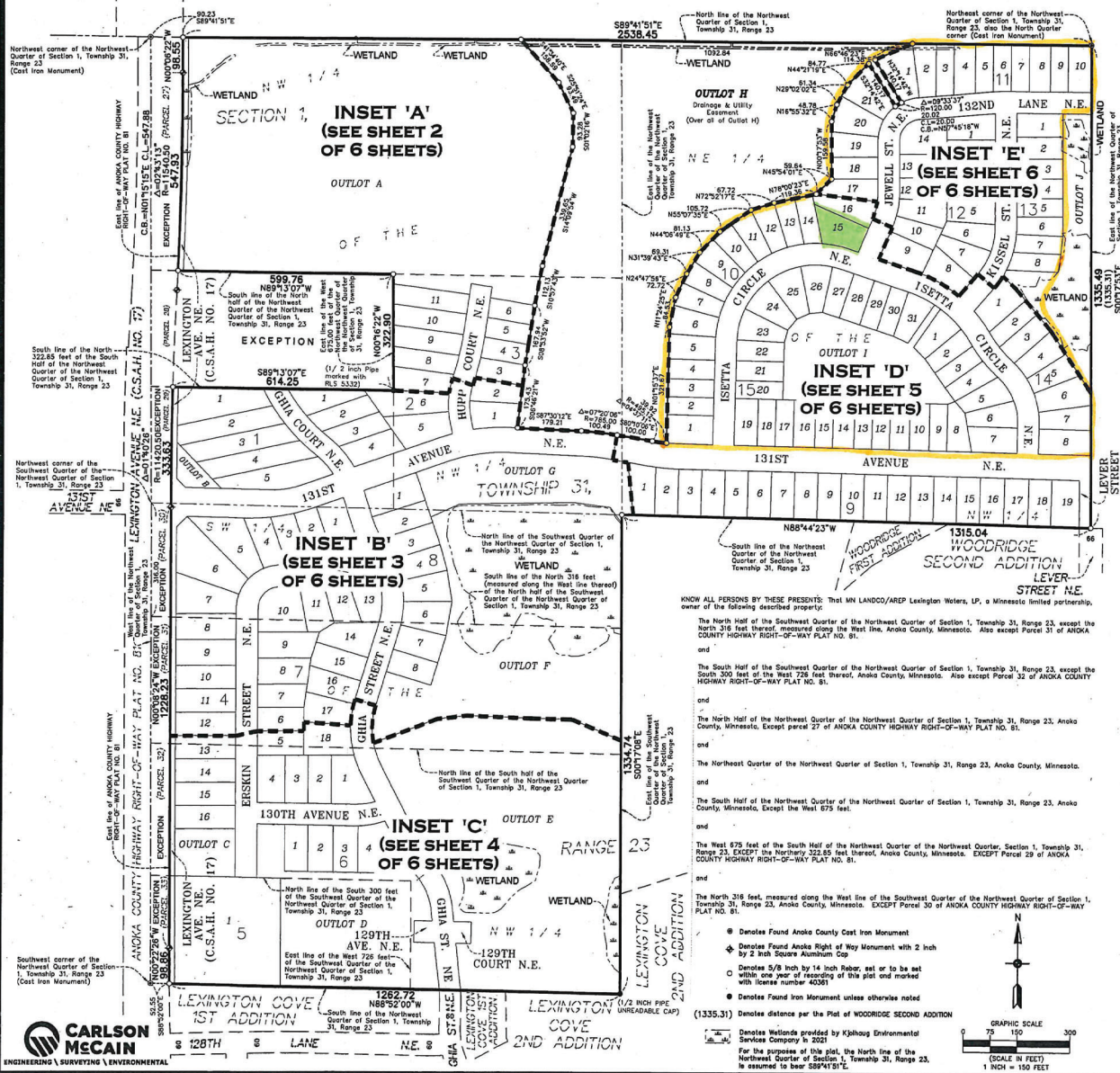
PROJECT #	07-00-BUYER
AGENT:	X
BUYER S/O	
BUYER S/O	
STARTED:	X
REVISIONS:	
0-12-2023 BID SET	

A1

LEXINGTON WATERS

CITY OF BLAINE
COUNTY OF ANOKA
SEC. 1, TWP. 31, RGE. 23

2364659.004



And that Letellie M. Good, a single person, owner of the following described property:

The South 300 feet of the West 726 feet of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota. EXCEPT Parcel 33 of ANOKA COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 81.

Have caused the same to be surveyed and plotted as LEXINGTON WATERS and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown on this plat. Also dedicating to the County of Anoka the right of access onto County State Aid Highway No. 17 as shown on this plat.

In witness whereof said LANDCO/AREP Lexington Waters, LP, a Minnesota limited partnership, has caused these presents to be signed by its proper partner the 21st day of April, 2022.

MIN LANDCO/AREP LEXINGTON WATERS, LP
by MIN LANDCO/AREP Land GP, LLC

Benjamin N. Schmidt (Signed)
Benjamin N. Schmidt, President

STATE of Minnesota
COUNTY of Anoka

This instrument was acknowledged before me on April 21, 2022, by Benjamin N. Schmidt, President of MIN LANDCO/AREP Land GP, LLC, a Delaware limited liability company, the Sole General Partner of MIN LANDCO/AREP Lexington Waters, LP, a Minnesota limited partnership on behalf of said limited partnership.

Cynthia J. Marical (Signed)
Cynthia J. Marical (Printed)
Notary Public, Hennepin County, Minnesota
My commission expires January 31, 2025

In witness whereof said Letellie M. Good, a single person, has hereunto set her hand this 2nd day of May, 2022.

Letellie M. Good (Signed)
Letellie M. Good

STATE of Minnesota
COUNTY of Anoka

This instrument was acknowledged before me on May 2, 2022, by Letellie M. Good, a single person.

Notary Public, Minnesota (Signed)
My commission expires 1-31-26

I, Thomas R. Balluff, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 555.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this 21st day of April, 2022.

Thomas R. Balluff (Signed)
Thomas R. Balluff, Licensed Land Surveyor
Minnesota License No. 40381

STATE of Minnesota
COUNTY of Anoka

This instrument was acknowledged before me on April 21, 2022, by Thomas R. Balluff.

Cynthia J. Marical (Signed)
Cynthia J. Marical (Printed)
Notary Public, Hennepin County, Minnesota
My commission expires January 31, 2025

CITY COUNCIL, CITY OF BLAINE, MINNESOTA
This plat of LEXINGTON WATERS was approved and accepted by the City Council of the City of Blaine, Minnesota at a regular meeting thereof held this 14 day of January, 2022, and said plat is in compliance with the provisions of Minnesota Statutes, Section 555.03, Subd. 2.

CITY COUNCIL, CITY OF BLAINE, MINNESOTA
By: *Mayor*
By: *City Clerk*

COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 555.021, Subd. 11, this plat has been reviewed and approved this 10th day of May, 2022.

David M. Ziegler (Signed)
David M. Ziegler
Anoka County Surveyor

COUNTY AUDITOR/TREASURER
Pursuant to Minnesota Statutes, Section 555.021, Subd. 9, taxes payable in the year 2022 on the land hereinafter described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this 10th day of May, 2022.

Patricia J. LeBlanc (Signed)
Patricia J. LeBlanc
County Auditor/Treasurer

COUNTY RECORDER/REGISTRAR OF TITLES
County of Anoka, State of Minnesota

I hereby certify that this plat of LEXINGTON WATERS was filed in the office of the County Recorder/Registrar of Titles for public record on this 10th day of May, 2022, at 1:00 p.m. and was duly recorded as Document Number 2364659.004.

Patricia J. LeBlanc (Signed)
Patricia J. LeBlanc
County Recorder/Registrar of Titles
By: *Deputy*

\$56



City of Blaine
Anoka County, Minnesota
Signature Copy

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Resolution: RES 21-198

File Number: RES 21-198

**Granting a Conditional Use Permit to Allow for the Construction of 272
Single-Family Homes in a DF (Development Flex) Zoning District on the 13000
Block of Lexington Avenue NE. Lexington Waters (Sotarra) (Case File No.
21-0061/SLK)**

WHEREAS, an application has been filed by Sotarra as Conditional Use Permit Case
File No. 21-0061; and

WHEREAS, said case involves the land described as follows:

The North One-Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township
31, Range 23, except the North 316 feet thereof (measured along the West line), Anoka
County, Minnesota. Also except Parcel 31 of Anoka County Highway Right-of-Way Plat No.
81.

And

The South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31,
Range 23, except the South 300 feet of the West 726 feet thereof, Anoka County, Minnesota.
Also except Parcel 32 of Anoka County Right-of-Way Plat No. 81.

And

The North ½ of the Northwest Quarter of the Northwest Quarter of Section 1, Township 31,
Range 23, Anoka County, Minnesota, Except parcels 27, 43 and 44 of Anoka County,
Highway Right-of-Way Plat No. 61.

And

The Northeast Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka
County, Minnesota.

And

The South ½ of the Northwest Quarter of the Northwest Quarter of Section 1, Township 31,
Range 23, Anoka County, Minnesota, Except the West 675 feet.

And

The West 675 feet of the South ½ of the Northwest ¼ of the Northwest ¼, Section 1, Township 31, Range 23, except the Northerly 322.85 feet thereof, Anoka County, Minnesota. Except Parcel 29 of the Anoka County Highway Right-of-Way Plat No. 81.

And

The North 316 feet (measured along the West line) of the Southwest ¼ of the Northwest ¼ of Section 1, Township 31, Range 23, Anoka County, Minnesota. Except Parcel 30 of Anoka County Highway Right-of-Way Plat No. 81.

And

The South 300 feet of the West 726 feet of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota. Except Parcel 33 of Anoka County Highway Right-of-Way Plat No. 81.

(Abstract Property)

WHEREAS, a public hearing has been held by the Blaine Planning Commission on September 14, 2021; and

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

WHEREAS, the Blaine City Council has reviewed said case on October 4, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 29.110 of the of the Zoning Ordinance to allow for the construction of 272 single-family homes in a DF (Development Flex) zoning district based on the following conditions:

Single Family - DF Development Standards - 65 foot wide lots (104), 55-foot wide lots (76), and existing home on Preliminary Plat Lot 19 Block 5.

Permitted Uses

1. Single-family detached dwellings.
2. Group family daycare.

Accessory Uses

1. Private garages - one detached accessory structure, with area less than 120 square feet, will be permitted.
2. Private swimming pools meeting the requirements of Blaine Municipal Code Section 6-121.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

Conditional Uses

1. Home occupations listed as Conditional Uses fewer than 33.10.

Standards

1. Front yard setback - 25 feet
2. Side yard setback - 7.5 feet for house and 7.5 feet for garage
3. Corner side yard setback - 20 feet
4. Rear yard setback - 30 feet
5. Rear yard setback (Lexington Avenue)- 50 feet
6. Maximum building height - 2 1/2 stories or 35 feet
7. It shall be required for all single-family dwellings that there be an attached garage constructed of a minimum of four hundred (400) square feet, with no dimension less than 20 feet. Total garage space shall not exceed one thousand (1,000) square feet. Detached garages or accessory storage buildings above 120 square feet are not permitted. Accessory storage buildings below 120 square feet must meet 5-foot side and rear yard setbacks, and be located within the rear yard.
8. The minimum finished floor area above grade for all homes shall be:
 - 1,600 square feet for 65-foot wide lots
 - 1,200 square feet for 55-foot wide lots
9. All homes shall have a minimum depth and width of 24 feet.
10. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations attached to this CUP. Use of premium materials such as brick, natural stone, stucco, cementitious or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/metal siding can be utilized on the side and rear elevations. Care to be taken to utilize a variety of home styles, front elevations and colors to provide maximum housing variety within each neighborhood. Developer to establish criteria to ensure that adjacent single-family homes built within the development do not have the same exterior color or architectural elevations.
11. All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
12. Driveways shall not be constructed closer than 3 feet to the property line. All driveways and approaches shall be hard surfaced using concrete, bituminous asphalt or other city approved material that is consistent in durability and quality.
13. It shall be required that all yards of a new single-family dwelling be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35 percent sand). Yards may be seeded over 4 inches of black dirt if underground irrigation is installed with the home.
14. Each lot shall contain one front yard tree and one rear yard tree with a minimum of 2½-inch caliper. Corner lots shall each have one additional front yard tree.
15. A 6-foot maintenance free fence will be required to be constructed on the west side of the lots on Lexington Avenue to enhance the landscape screening along this roadway.
16. All homes within 500 feet of Lexington Avenue NE, to incorporate the Noise Abatement Standards with central air conditioning to mitigate noise impacts.
17. Developer to execute and record, if deemed appropriate by the City Engineer, an affidavit with the sale of each single family lot indicating to homebuyers that the soils located in the rear and side yards of the single family lots have not been corrected to accommodate general building construction or pools, and that additional effort may be required by the homeowner, to stabilize those soils before additional construction could

occur.

18. All development entrance signage by separate permit.

**Single Family-Detached Townhomes-50 foot wide lots and 60 foot wide lots -DF
Development Standards (92 units)**

Permitted Uses

1. Single-family detached dwellings.
2. Group family daycare.

Accessory Uses

1. Private garages - No detached structures permitted.
2. Private swimming pools meeting the requirements of Blaine Municipal Code Section 6-121.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

Conditional Uses

1. Home occupations listed as Conditional Uses fewer than 33.11.

Standards

1. Construction of all detached townhomes to be generally guided by depictions, drawings and information submitted for review and approval for this conditional use permit. All site plans and unit plans require approval of the Planning Department prior to work beginning. All site work to meet the Performance Standards Section 33.00 of the Zoning Ordinance. A landscape plan to be submitted prior to Site Plan approval.
2. Minimum floor area above grade for detached townhomes must be 1,500 square feet.
3. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations attached to this CUP. Use of premium materials such as brick, natural stone, stucco, cementious or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/metal siding can be utilized on the side and rear elevations. Care to be taken to utilize a variety of home styles, front elevations and colors to provide maximum housing variety within each neighborhood. Developer to establish criteria to ensure that adjacent single-family homes built within the development do not have the same exterior color or architectural elevations.
4. All units to be placed according to the following minimum building setbacks:
 - 25-foot front yard setback for houses and garages
 - 5-foot side yard setback for garages
 - 5-foot side yard setback for houses
 - 25-foot rear yard setback for houses and garages
 - 20-foot corner side yard setback for houses and garages
5. All garages to be minimum of 400 square feet with no dimension less than 20 feet. Maximum garage area limited to not more than 1,000 square feet.
6. No detached accessory structures except for those associated with or required for operation and maintenance of swimming pools.
7. Each lot shall contain one front yard tree and one rear yard tree with a minimum of 2 ½-inch caliper. Corner lots shall each have one additional front yard tree.

8. All lots shall have underground irrigation.
9. All entrance monument signage to be approved by a separate permit.
10. The landscape plan must detail any landscaping associated with entrance monument signage.
11. Developer to execute and record, if deemed appropriate by the City Engineer, an affidavit with the sale of each single family lot indicating to homebuyers that the soils located in the rear and side yards of the single family lots have not been corrected to accommodate general building construction or pools, and that additional effort may be required by the homeowner, to stabilize those soils before additional construction could occur.
12. It shall be required that all yards of a new single-family dwelling be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35 percent sand). Yards may be seeded over 4 inches of black dirt if underground irrigation is installed with the home.

PASSED by the City Council of the City of Blaine this 4th day of October, 2021.



Signed by

Tim Sanders, Mayor

Date October 4, 2021

Attest by

Catherine Sorensen, CMC, City Clerk

Date October 4, 2021



City of Blaine Staff Report

File Number: 2023-524

Agenda Date	Status
November 14, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Sheila Sellman, City Planner

Agenda Item # 4.3

Case File No. 23-0077 // Infinite Campus // 4321 109th Avenue NE

The applicant is requesting the following:

1. Rezoning from POD (Planned Office District) to DF (Development Flex).
2. Conditional use permit for a 213,295 square foot two-story office building with a tower, auditorium, 8,700 square foot residence on the 5th floor, and a parking structure.

Background

Zoning	POD (Planned Office District)
Land Use	PI/PC (Planned Industrial/Planned Commercial)
Area	24.88 Acres
Applicable Regulations	27.03, 27.04 and 29.110
Attachments	Zoning and Location Map Narrative Site plan
Schedule	Planning Commission: 11/14/23 City Council: 12/04/23 and 12/18/23

Staff report prepared by Sheila Sellman, City Planner,

Zoning and land use designation

The subject site is currently zoned pod (Planned Office District) and has a land use designation of PI/PC (Planned Industrial/Planned Commercial).

Surrounding Zoning and Uses

The site is surrounded by properties that are zoned FR (Farm Residential) and guided Park/Open Space. Lochness Park is to the north and 109th Avenue is to the south.

Existing Conditions

The site is developed with an existing office and parking structure.

History

In 2007, a conditional use permit was approved for a two-story 110,580 square foot office building. The site was developed according to those conditions. In 2015 a CUP amendment was approved for an office expansion, auditorium and single level parking structure.

Rezoning

Section 27.03 Criteria for granting zoning/comprehensive plan amendments:

The City Council may adopt amendments to the zoning ordinance, zoning map, and comprehensive plan relative to land uses within a particular district or to the location of the district lines. Zoning amendments shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City. Although there are no explicit findings that must be made in conjunction with rezoning, appropriate considerations include:

- Whether the proposed District is consistent with the Comprehensive Plan.
- How the proposed district differs from the existing district.
- How the proposed district meets the goals and policies of the City.

The proposed development meets the following criteria for the Development Flex Zoning District:

(a) That the proposal shall provide for a wider range of housing types, price ranges and styles than could be accomplished under the existing zoning;

- The proposed conditional use permit amendment includes one housing unit within the existing office building. The Planned Office District does not allow housing.

(b) That the proposal shall provide amenities and facilities and open spaces greater than the minimum requirements under existing zoning;

- While the campus is private, there is a walking trail and various wetlands and open space.

(c) That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan;

- The existing development is compatible with the purposes and intents of this ordinance and with the comprehensive plan. No new development is proposed.

(d) That the proposal shall in no way be detrimental to the environment. Scenic aspects and natural features, such as streams, trees, topography, and geological features, shall be protected and preserved to the greatest extent possible;

- The site is developed and is not detrimental to the environment.

(e) That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems;

- The existing development does not impose any undue burden.

(f) That the proposed development is designed in such a manner to form a desirable and unified environment within its own boundaries, and also which will not be detrimental to future land uses in the surrounding areas;

- The site is surrounded by wetlands and open space. The development was designed in a desirable manner.

(g) That the proposal be consistent with all other applicable City and State regulations.

- The proposal is consistent with all other applicable City and State regulations .

Evaluation of Request

Architecture

No new buildings are proposed. The existing building is comprised of glass, architectural precast concrete wall panels with accent banding reveals. Any future additions or buildings for this site will need to meet the following:

- Major exterior surfaces of all walls shall be face brick, stone, glass, stucco, architecturally treated concrete cast in place or pre-cast panels, decorative block, wood, or architectural metal, or approved equivalent, as determined by the City.
- Wood and metal may be used, provided that they are appropriately integrated into the overall building design.

Setbacks

No new buildings are being proposed. Any future buildings or additions must meet the following setbacks:

Building:

- Front Yard—Forty (40) feet.
- Side Yard—Fifteen (15) feet.
- Rear Yard—Twenty (20) feet.
- The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.

Parking:

- Front Yard—Twenty-five (25) feet.
- Side Yard—Ten (10) feet.
- Rear Yard—Fifteen (15) feet.
- The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.

Landscaping

No new landscaping is required or being proposed. The landscape requirements were met with the

original development. Any future additions will be subject to the most current landscape code requirements.

Conditional Use Permit

A city exercises “quasi-judicial” authority when considering a CUP application. This means the city’s role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards

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.
 - No new development is proposed. The addition of the residential unit will not cause an excessive burden on existing parks, schools, streets or other public facilities.
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 site was designed to be compatible with the adjoining properties.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - The use will not change the appearance of the building and will not have an adverse effect upon 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.
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 purposes of the zoning code and district.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - The use is not in conflict with the comprehensive plan.
7. The use will not cause traffic hazards or congestion.
 - The use will not cause traffic hazards or congestion.
8. The use shall have adequate utilities, access roads, drainage, and necessary facilities.
 - The use has adequate utilities, access, roads, drainage and necessary facilities.

Recommendation

In Planning Case File No. 23-0077, it is recommended that the Planning Commission recommend approval of a rezoning from POD (Planned Office District) to DF (Development Flex) with the following rationale:

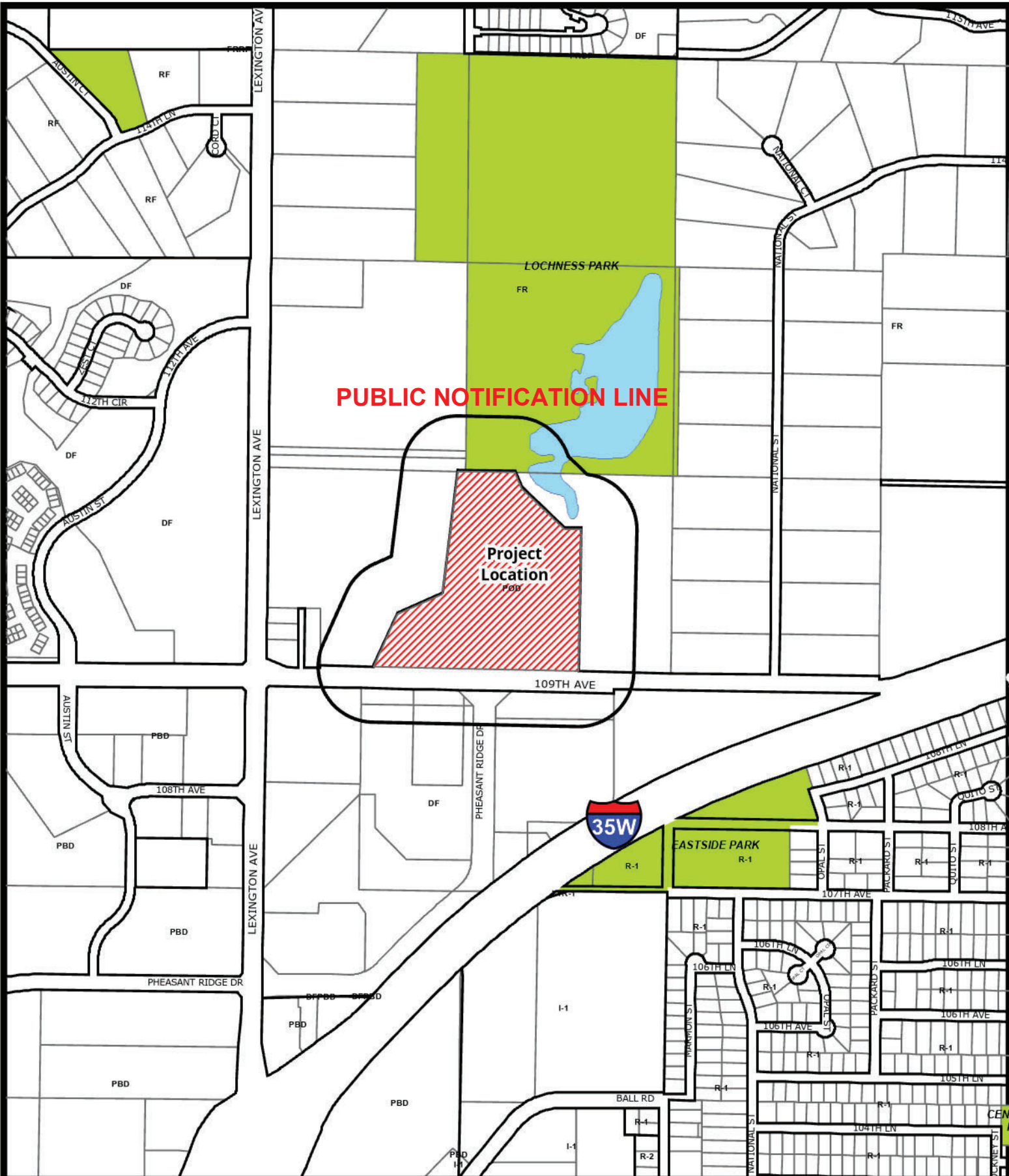
1. The DF zoning district allows the City the opportunity to have some flexibility when approving developments that warrant higher standards than what is allowed with the traditional zoning districts. It affords the City the opportunity to provide input on items that would benefit the surrounding neighborhoods and the City as a whole.

In Planning Case File No. 23-0077, it is recommended that the Planning Commission recommend approval of a conditional use permit for a 213,295 square foot two-story office with a tower, auditorium, 8,700 square foot residence on the fifth floor, and a parking structure in a DF (Development Flex District) zoning district with the following conditions:

1. The proof of parking stalls will need to be constructed if the City deems that the additional parking is required on the site in the future as the company grows. As previously approved this includes 89 stalls on the west side of the entrance and 12 stalls on the north side of the building.
2. Setbacks for buildings are as follows:
 - Front Yard—Forty (40) feet.
 - Side Yard—Fifteen (15) feet.
 - Rear Yard—Twenty (20) feet.
 - The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.
3. Parking setbacks are as follows:
 - Front Yard—Twenty-five (25) feet.
 - Side Yard—Ten (10) feet.
 - Rear Yard—Fifteen (15) feet.
 - The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.
4. Building exteriors: Major exterior surfaces of all walls shall be face brick, stone, glass, stucco, architecturally treated concrete cast in place or pre-cast panels, decorative block, wood, or architectural metal, or approved equivalent, as determined by the City. Wood and metal may be used, provided that they are appropriately integrated into the overall building design.
5. Building height: There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.
6. Landscaping shall meet the applicable landscape requirements of the zoning code.
7. Loading Spaces/Overhead Doors:
 - a. Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
 - b. Loading spaces/overhead doors shall be located primarily in designated rear yards and secondarily in designated side yards.
 - c. Overhead doors limited to not more than one (1) door per twenty thousand (20,000) square feet of building area with the exception that all buildings are allowed a minimum of three (3) overhead doors and all City approved multi-tenant spaces are allowed a minimum of two (2) overhead doors.
 - d. Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors. All truck storage areas to be one hundred percent (100%) screened by a combination of earth berms, architectural elements such as fencing or building extensions and landscaping.
8. Refuse Enclosures. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

Attachment List

1. Attachments



Case File No. 23-0077
Infinite Campus



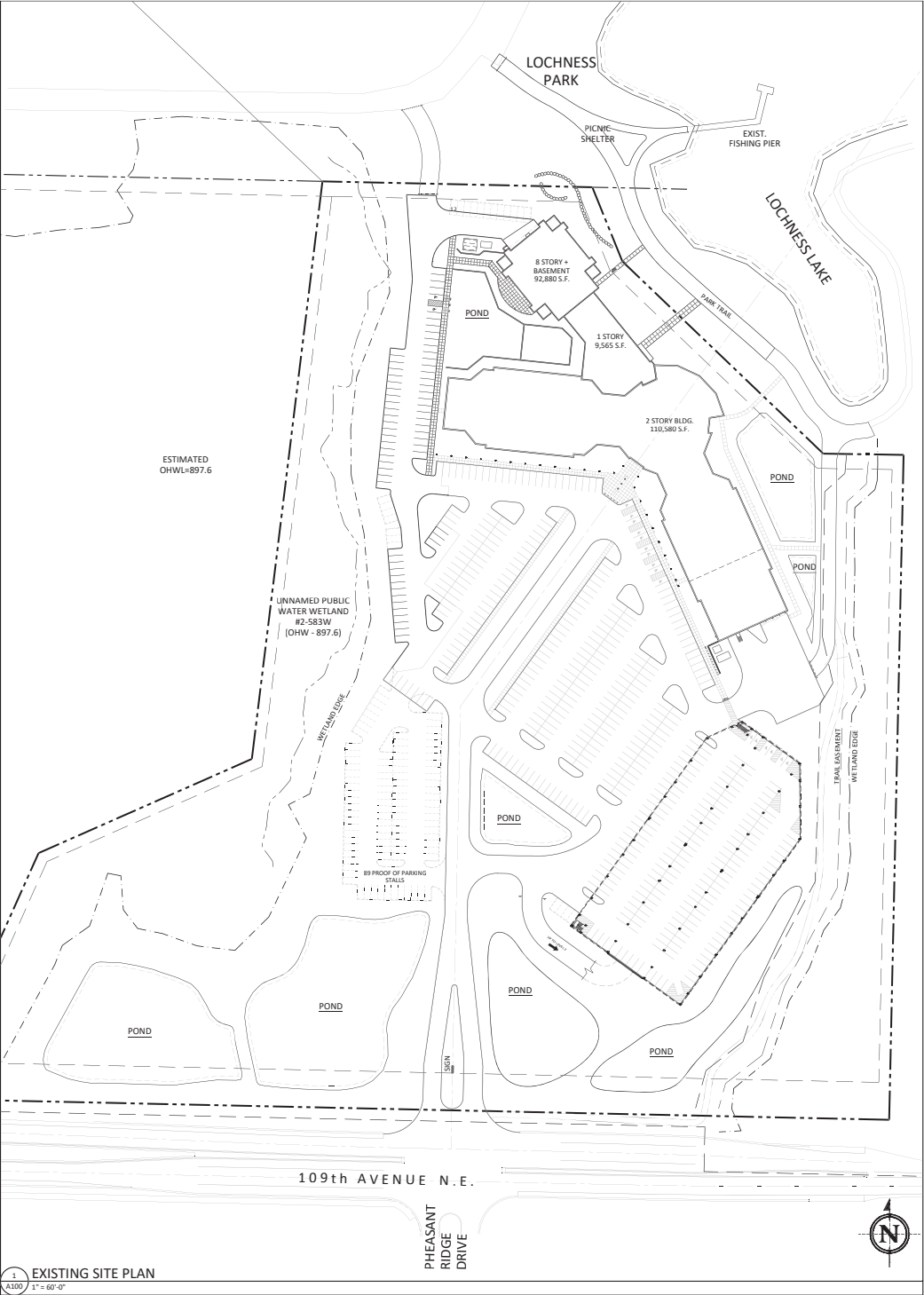
BlaineMN.gov

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180



We ask the City Council of the City of Blaine to rezone 4321 109th Avenue NE from POD (Planned Office Development) to DF (Development Flex). Rezoning will allow one floor of the existing eight story office tower to be finished to serve as the primary residence of its owner. No structural changes to the building footprint or physical changes to the existing site will be required.

SITE DATA	
CURRENT ZONING:	P.O.D. (PLANNED OFFICE DEVELOPMENT)
PROPOSED ZONING:	D.F. (DEVELOPMENT FLEX)
TOTAL SITE AREA:	1,084,208 S.F. / 24.89 ACRES
DEVELOPABLE SITE AREA:	763,774 S.F. / 17.53 ACRES
	EXISTING
BUILDING FOOTPRINT:	85,402 S.F. (7.75% OF SITE)
PARKING/HAZ. SURFACE:	298,203 S.F. (27.3% OF SITE)
GREEN SPACE:	704,603 S.F. (65.0% OF SITE)
TOTAL PARKING PROVIDED:	889 PARKING STALLS
PARKING STALLS PROVIDED:	783 STALLS (18 HDGP STALLS)
PROOF OF PARKING STALLS:	106 STALLS



finn daniels

ARCHITECTS

2145 Ford Parkway, Suite 301
 Saint Paul, Minnesota 55116
 651.690.5525 Fax 650.5545
 www.finn-daniels.com

CONSULTANTS:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of Minnesota.

Typed Name

License Number

Date

PROJECT:

Infinite Campus

4321 109th AVE. N.E.
BLAINE, MN

PROJECT NO.:

23029

DRAWN BY:

SAW

CHECKED BY:

SAW

ISSUES AND REVISIONS:

EXISTING SITE PLAN

10.09.2023

SHEET TITLE:

EXISTING SITE PLAN

A100

Page 50 of 67



City of Blaine Staff Report

File Number: 2023-523

Agenda Date	Status
November 14, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Elizabeth Showalter, Community Development Specialist

Agenda Item # 4.4

Case File No. 23-0076 // City of Blaine

The City is proposing annual revisions to the Blaine Zoning and Parking Ordinances.

Background

Attachments
Schedule

Proposed Ordinance
Planning Commission: 11/14/23
City Council: 12/04/23

Staff report prepared by Shawn Kaye, Planner, and Elizabeth Showalter, Community Development Specialist.

Annually, staff reviews the zoning code to identify areas for improvement. This process was established following substantial revisions to the zoning code in 2020 to ensure that the code remains current and prevent the need for such substantial revisions. Changes generally serve to address situations not covered by the code, improve clarity, modify code requirements to address issues brought up by Council and Planning Commission, and to maintain compliance with state statute and other legal requirements.

This year, in addition to the routine changes, staff completed a review of the parking ordinance to address issues that have arisen over the years. The parking ordinance changes were reviewed at two City Council workshops.

Legal Changes

- Section 26.06 addresses nonconformity uses and structures. Changes are proposed to bring the language into conformance with Minnesota Statute 462.357(1)(e).
- Update the language regarding escrows paid on single family home building permits to reflect current practice, which was changed at the start of 2021.

- Add language regarding review of environmental review documents, which is required by Minnesota Rules 4410.
- Remove a requirement that buildings in the industrial districts have concrete floors, since that cannot be regulated by the zoning code. Note that the building code generally requires a concrete floor.
- A minor change to the donation drop off box definition as recommended by the City Attorney.

Removing Inconsistencies and Improving Clarity

- Several different fence setbacks exist for fences housing domestic farm animals (farm fences). Staff is proposing establishing consistent regulations which would require the following setbacks:
 - No setback for farm fences abutting other Farm Residential or Agricultural districts or commercial/industrial districts.
 - 300 foot setback for all electric or barbed wire farm fences abutting residential districts (other than AG and FR).
 - 50 foot setback for all other farm fences (non barbed wire or electric fences) abutting residential districts.
- Revising language around auto repair to clarify that only passenger vehicle service is allowed in commercial districts and adjusting the definitions of major and minor auto repair to reflect the typical practices of auto repair shops. Also rewording language regarding semi truck repair in the I-2 and I-2A district for clarity.
- Separating outdoor dining and live entertainment as separate conditional uses, instead of listing them together in the commercial districts.
- Replacing Churches with Places of Worship.
- Adding a definition of community center.

Parking

Several other similar-sized community parking ordinances and Blaine's community needs were reviewed by staff. The proposed changes or additions to the parking requirements for certain uses were reviewed to bring the parking section inline with current development needs and with what other cities require for similar uses. The attached draft ordinance includes all the proposed changes. A summary of the changes is below.

Parking Size

The stall length for 90 degrees and 45 degrees stalls was shortened by 2 feet to be consistent with other cities and requests from applicants. The proposed stall length of 18 feet is adequate as many stalls will have a curb overhang providing more parking length. The current allowance to reduce the length of the stall by 2 feet for a curb overhang is proposed to be removed and all stalls will need to meet the minimum of 18 feet.

The requirement for traffic islands is proposed to be changed to, "may be required for safety", as many sites do not install parking islands due to issues with snow removal in the winter months and providing landscape maintenance.

Single Family

The requirement for no more than 4 parking spaces for single family homes is proposed to be removed as many single-family homes provide more than four parking spaces on driveways. This change will remove a limit cap on spaces.

Automobile Repair

The parking requirement for auto repair businesses is two stalls per service bay and four additional stalls. Traditionally, this has been interpreted that the two stalls per bay may not be used for overnight outside storage and are intended for use of customer cars during the day and staff use. The proposed change clarifies that the outside storage of cars as a permitted or conditional use may occupy the four required parking spaces.

Brewery

Brewery has been added to clarify the previous policy of parking requirements used for a brewery space. Manufacturing and warehousing parking requirements have been proposed.

Places of Worship

Churches and synagogues have been replaced with the more appropriate title of Places of Workshop. The parking requirements remain at one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.

Drive Thru Businesses

The current Parking Ordinance does not address required stacking for drive-thru businesses. Generally, drive-thru stacking is reviewed through site plan approval and the Conditional Use Permit (CUP) process. The proposed requirement has stacking criteria for pharmacies, banks, coffee shops and all other uses. Generally, six stacking stalls per lane are required with reduced requirements per lane for banks, pharmacies, and a business with two drive-thru lanes. Coffee shops containing one drive thru lane shall provide stacking space for at least ten vehicles, and coffee shops containing two or more drive-thru lanes shall provide stacking space for at least six vehicles per lane.

Establishments handling the sale and consumption of food and refreshment on the premises

Event Centers have been removed from the category and now have their own proposed parking requirements. Parking requirements for a takeout only restaurant (no dining are provided) has been added.

Event Centers, auditoriums, private clubs, lodges, and other places of assembly (not places of worship)

Recently, the City has experienced some concerns about not enough parking being provided on sites with event centers. Currently, event centers are required to meet the restaurant requirement of a minimum of one stall per 100 square feet for dining area. With the review of several other cities' parking requirements, staff recommends a parking requirement of one space for every two seats of seating capacity, plus spaces for employees.

Movie Theater

Theater was changed to movie theater to be clearer and more descriptive.

Private Clubs and Lodge

This category has been added to the event center parking requirements.

Schools, high school, public or private

The existing requirement for a high school is very high at 2 parking stalls per student and is not feasible or necessary. After reviewing several other communities with high schools, the proposed requirement is suggested to be 1 stall for every 4 students. The requirement may be reduced by the Zoning Administrator based on a parking policy the school would provide. This policy may include minimizing/controlling the number of high school drivers on site by requiring a parking permit.

Senior Housing

Currently, assisted living and memory care parking is determined by a CUP, which can leave the potential for not enough parking on site. Several communities and assisted living/memory care facilities were contacted to determine adequate parking needs. Consistent with the feedback, staff has proposed a parking requirement of one (1) parking stall per two (2) units and removing the determined by CUP standard.

Supermarkets, discount houses, mail order outlets, retail stores and other stores with high customer volume

The City Council has shared some concerns with sites (big box stores) having excessive paved parking lots. Staff looked at other communities' ordinance requirements (nationally and locally), along with trends of the number of parking spaces seen in these lots not being needed, and recommended a change for buildings with over 100,000 square feet.

- The first 100,000 square feet will need to meet the normal retail requirement of 1 stall every 200 square feet. All other square footage past 100,000 square feet will meet the 1 stall per 350 square feet of floor area.
- The number of parking spaces provided shall not exceed the minimum requirement by more than 10 percent. The Zoning Administrator may expand the parking requirements if the applicant demonstrates, in documented form, a demand which is different than required based on the specifics of the proposed use.

Examples:

Kohl's - National Market Center: 88,400 sf

- Required Parking: 418 stalls with current requirements
- Provided Parking: 524 stalls

If the requirement of not exceeding 10 percent is added, they are 65 stalls over.

Walmart - Highway 65: 148,124 sf

- Required Parking: 667 stalls with current requirements.
- Provided Parking: 711 stalls
- Proposed parking requirement = 637 stalls, allowed 10 percent over = 701 stalls.

Therefore, they are over by 10 stalls.

Taproom

Currently, a taproom is calculated as bar area (listed under establishments handling the sale and consumption of food and refreshment on the premises) at 1 space for every 40 square feet of bar area. This proposed new classification will clarify the use and parking requirements.

Reduced Parking/Proof of Parking

Occasionally, a commercial/industrial type use does not want to construct all the parking stalls that the ordinance requires as they do not feel they will use all of the stalls.

City policy has allowed reduced parking in the past without set criteria. Previously, approved proof of parking has not provided parking issues on sites. Several similar sized cities provide some provision allowing reduced parking if they can meet certain criteria. In order to provide set criteria for all requests, staff recommends the following for permitting reduced parking on site:

- (a) The request for reduction shall be accompanied by supporting data specifically applying to the particular use in question.
- (b) The applicant must provide each of the following:
 - (aa) A detailed parking plan demonstrating that the parking otherwise required by this section can be provided on the site within ordinance design standards; and
 - (bb) The parking area must meet the setback, dimension, and maneuverability standards of this ordinance and the stormwater management rules; and
 - (cc) An agreement in recordable form, approved as to form and content by the city attorney, executed by the property owner, which agreement provides that the owner, on behalf of himself and his heirs, successors, and assigns, will not use the area identified for expansion parking for any use except landscaping or to cause compliance with the off-street parking requirements of this Code.
- (c) The City may order installation of previously excepted parking spaces at any time when, in the City's judgment, conditions indicate the need for such parking, and the property owner shall comply with such order.

Recommendation

In Planning Case File No. 23-0076, it is recommended that the Planning Commission recommend approval of amendments to the Blaine Zoning Ordinance with the following rationale:

1. Routine updates to the zoning code facilitate the code remaining current.
2. The changes being proposed will improve the clarity of the code and address legal requirements.
3. The changes to the parking requirements promote a balance between efficient use of land and provision of adequate parking.
4. The changes continue to promote the health, safety and welfare of the residents, property owners and businesses within the City of Blaine.

Attachment List

1. Draft Ordinance

Draft Ordinance

25.02 Definitions

Automobile repair, major: General repair, rebuilding, or reconditioning of engines, ~~motor passenger~~ vehicles or trailers, including body work, frame work, welding and painting of entire vehicle or major portion thereof.

Automobile repair, minor: The replacement of any part or repair of any part which ~~does not require~~ may include the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger vehicles.

Church: ~~A building, together with its necessary buildings and uses, where persons regularly assembly for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.~~

Community Center: A place or establishment designed as a gathering place for people from the community and surrounding communities that offers, as its primary purpose, civic, social, cultural, educational, public health, and recreational activities provided however the principal use of which is not a school, place of worship or day care.

Place of Worship: A building, together with its necessary buildings and uses, where persons regularly assembly for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship, including, but not limited to, churches, mosques, synagogues, and temples.

Donation drop-off box: A portable outdoor container intended or used for the collection and storage of unwanted textiles and household items which are removed from the container on a periodic basis or the collection of recyclable materials not generated on the site, ~~except for designated recycling collection centers, as designated by the Zoning Administrator.~~ Containers less than 8 cubic feet are ~~exempt~~ except from regulation under this code.

Vehicle, passenger: Any motor vehicle under 10,000 GVW and designed and used for carrying not more than ten (10) persons including station wagons, pickup trucks, vans and motorcycles.

26.06 Nonconforming structures, uses.

The lawful use of any land or building existing at the time of the adoption of an additional control or regulation under the City's zoning authority ~~this ordinance~~ may be continued, even if such does not conform to the regulations of this ordinance, ~~except as provided below:~~ in accordance with the following provisions and restrictions:

(a) ~~Nonconforming structures except nonconforming signs which are regulated by Section 34.03~~

(1) ~~Alterations: A nonconforming building or structure shall not be reconstructed or altered unless such building or structure is changed to conform with the regulations of this ordinance.~~

- (1) Alterations and maintenance: Repair, replacement, restoration, maintenance, and improvement to legal nonconforming structures are permitted so long as they do not extend or intensify the nonconforming use.
 - (2) Enlargement: A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this ordinance.
 - (3) Restoration: A nonconforming building or structure which is damaged by fire or other causes to the extent of more than fifty percent (50%) of its market value, ~~unless a formal application for a building permit has been applied for within one hundred eighty (180) days of when the property was damaged,~~ shall not be restored to its nonconforming use, unless a formal application for a building permit has been applied for within one hundred eighty (180) days of when the property was damaged except in conformity with the regulations of this ordinance.
 - (4) Abandonment: A nonconforming use of a building which has been discontinued for a period of more than one (1) year shall not be ~~abandoned and may not be reestablished, and any future use shall be in conformity with the regulations of this ordinance.~~ (Ord. No. 04-2035, amended 12-16-2004)
 - ~~(5) Maintenance: Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.~~
 - ~~(5)~~ (6) Existing buildings not in conformance with architectural control standards in the applicable zoning district shall construct additions in conformance with the architectural control standards. Any addition greater than 50% of the square footage of the building shall require the entire building to meet architectural control standards.
 - ~~(6)~~ This Section does not apply to nonconforming signs, which are regulated by Section 34.03.
- (b) Nonconforming uses of building or land.
- (1) Extension: No such nonconforming use shall be intensified, enlarged or increased, nor extended to occupy a greater area of land ~~than was occupied at the time of the effective date of this ordinance.~~
 - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use ~~at the time of the effective date of this ordinance.~~
 - (3) If any such nonconforming use of land or building ~~that ceases for any reason for a period of more than one (1) year shall be abandoned and may not be reestablished,~~ any subsequent use of such land shall conform to the regulations specified by this ordinance ~~for the district in which such land is located.~~
- (c) Reserved. Inspection.

- (1) ~~The enforcing officer shall make an annual inspection each June, of all the nonconforming uses and report to the City Council within sixty (60) days.~~

27.04 Conditional Use Permits

(e) Procedure

- (8) Zoning Administrator may transmit the application directly to the City Council to hold the public hearing following the notice ~~produce procedure~~ outlined in 27.04(e) 3—5.

27.08 – Financial Guarantees

(c) Single Family Landscape Escrows

(1) An escrow deposit shall be made prior to permit issuance for all single family homes, in an amount determined by the City Council. That escrow shall guarantee completion of landscaping, final grade, curb stop adjustment, and any other work required by ordinance or development agreement. An additional escrow deposit shall be required prior to the issuance of a Certificate of Occupancy if landscaping work has not be completed between May 15 and October 15 of any year, in an amount determined by the City Council. The costs of inspections occurring after the issuance of a Certificate of Occupancy shall be deducted from that escrow, in the amounts identified in the fee schedule. Landscaping improvements or other site requirements that are required for single family homes either by ordinance or development agreement can be completed after Certificate of Occupancy provided an escrow has been deposited with the City. The escrow will contain a fee to be collected at the time of escrow to cover the City's cost of reinspection. Additional fees may be charged by the City for work that is not completed within the required time frame.

(2) If escrow related work is not completed within the time period required by the City, the Zoning Administrator may authorize escrow account closure. Written notification to the escrow payor will be made by regular and certified mail to payor's last known address at least thirty (30) days in advance of account closure. Closed accounts may will be used by the City to complete unfinished items with any unused balance dispersed to the current owner of the property.

27.11 – Environmental Review

(1) When an environmental assessment worksheet (EAW), alternative urban areawide review (AUAR), or environmental impact statement (EIS) is required or otherwise ordered or submitted, the applicable review procedures shall be as set forth in the Minnesota Environmental Quality Board (Environmental Quality Board) regulations for the Environmental Review Program, as authorized by Minnesota Statutes and specified in Minnesota Rules 4410.

(2) An EAW, AUAR, or EIS application, together with the completed data portions of the environmental document, shall be accompanied by a fee as established by the City Council. The

application shall be processed and transmitted to the City Council for appropriate action by the City Engineer.

(3) Applications for land use approvals requiring an EAW shall be considered incomplete until the Responsible Governmental Unit (RGU) makes a negative declaration on the need for an EIS. Applications for land use approvals requiring an EIS shall be considered incomplete until the EIS has been determined to be adequate by the RGU or EQB. Applications for land use approvals requiring an AUAR shall be considered incomplete until the AUAR has been determined to be adequate by the EQB.

29.00 Agricultural (AG)

29.002 – Permitted Uses

- (c) raising domestic farm animals, excluding hogs and fur bearing animals, not to exceed one (1) animal unit per acre, subject to the farm fence regulations in 33.08.

29.004 – Conditional Uses

- (b) Churches. Places of Worship.

29.010 Farm Residential (FR)

29.102 – Permitted Uses

- (c) raising domestic farm animals, excluding hogs and fur bearing animals, not to exceed one (1) animal unit per acre, subject to the farm fence regulations in 33.08.

29.014 – Conditional Uses

- (a) Churches. Places of Worship.
- (x) Standards and requirements for private stables:
 - (5) ~~Fences to control domestic farm animals, adjacent to single family zoning districts, excluding AG and FR, shall have a minimum setback of one hundred (100) feet.~~

29.020 Residential Estate (RE)

29.024 – Conditional Uses

- (c) Churches. Places of Worship.

29.030 Single Family (R-1)

29.034 – Conditional Uses

(b) Churches. Places of Worship.

29.040 Single Family (R-1AA)

29.044 – Conditional Uses

(b) Churches. Places of Worship.

29.070 Two Family (R-2)

29.074 – Conditional Uses

(b) Churches. Places of Worship.

29.080 Low Density Multifamily (R-3A)

29.084 – Conditional Uses

(b) Churches. Places of Worship.

29.090 Medium Density Multifamily (R-3B)

29.094 – Conditional Uses

(b) Churches. Places of Worship.

29.100 High Density Multifamily (R-3C)

29.104 – Conditional Uses

(b) Churches. Places of Worship.

29.120 Manufactured Homes (R-4)

29.125 – Standards

(w) Accessory Buildings (Garages, Carports, or Sheds)

(3) Minimum distance between accessory buildings and mobile homes – Five (5) feet.
Manufactured homes on neighboring lots – five (5) feet.

30.10 Community Commercial (B-2)

30.14 – Conditional Uses

- (e) Minor auto repair for passenger vehicles.
- (o) ~~Restaurants with live entertainment or outdoor dining.~~ Outdoor dining accessory to a restaurant.
- (u) Churches. Places of Worship.
- (cc) Live entertainment accessory to a restaurant.

30.20 Regional Commercial (B-3)

30.24 – Conditional Uses

- (f) Minor auto repair for passenger vehicles.
- (t) ~~Restaurants with live entertainment or outdoor dining.~~ Outdoor dining accessory to a restaurant.
- (bb) Churches. Places of Worship.
- (ii) Live entertainment accessory to a restaurant.

30.30 Office Park (B-4)

30.34 – Conditional Uses

- (e) Churches. Places of Worship.

30.50 Planned Business District (PBD)

30.52 – Conditional Uses

- (m) Churches. Places of Worship.

30.54 – Standards

- (a) Building Setbacks (minimum)
 - ~~(4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.~~
- (b) Parking Lot Setbacks (minimum)

~~(4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.~~

30.70 – PLANNED OFFICE DISTRICT

30.73 – Development Procedure

(a) Prior to applying for a conditional use permit for development within the ~~PBD~~ POD zone, the developer shall meet with the Zoning Administrator, or their designee, to review the applicable ordinances, regulations and plans that will affect the area to be rezoned.

30.74 – Standards

(f) Landscaping

(3) Applicable landscaping requirements set forth in Section 33.08 shall be increased by 1.5 times, which shall include at least twenty-five percent ~~(33%)~~ (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.

30.80 Town Commercial (B-5)

30.83 – Conditional Uses

(a) Class I and II restaurants, with or without outdoor dining or live entertainment, as specifically allowed in the CUP.

(e) Churches. Places of Worship.

31.00 Light Industrial (I-1)

31.091 Architectural Control.

~~(f) All buildings shall contain a concrete floor.~~

31.10 Light Industrial (I-1A)

31.191 Architectural Control.

~~(f) All buildings shall contain a concrete floor.~~

31.20 Heavy Industrial (I-2)

31.24 Conditional Uses

(l) Manufacturing or repair of Semi-tractors, trailers, trucks over 10,000 GVW, farm implements, or boats, manufacturing, or repair without outside storage of trucks, boats or trailers exceeding the number of dock and/or bay doors on the building.

31.292 Architectural Control.

~~(f) All buildings shall contain a concrete floor.~~

31.30 Heavy Industrial (I-2A)

31.34 Conditional Uses

(m) Manufacturing or repair of Semi-tractors, trailers, trucks over 10,000 GVW, farm implements, or boats, manufacturing, or repair with or without outside storage of trucks, boats or trailers exceeding the number of dock and/or bay doors on the building.

31.392 Architectural Control.

~~(f) All buildings shall contain a concrete floor.~~

33.08 Fences

(b) Definitions

(4) *Farm Fence*: A fence located on a property zoned FR or AG and constructed to contain domestic farm animals ~~and located a minimum of 300 feet from any residentially zoned property.~~

(e) Construction and Maintenance

~~(2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence. Electric fences are prohibited except for farm fences as described in 33.08(j).~~

(j) Farm Fences:

- (1) ~~Fences which are constructed for the purpose of containing livestock in any Farm Residence or Agricultural District may be electrified with no more than twelve (12) volts DC. Such electrification shall be installed so as to not have current going through said fence except on an intermittent basis. Current shall not remain on longer than three (3) seconds. Farm fences must be set back at least 50 feet from any property line abutting a residential zoned property, excluding properties zoned AG and FR.~~
- (2) No electric fence shall be located closer than three hundred (300) feet from any residentially zoned property and shall be clearly designated as an electrified fence by the installation of one (1) by one (1) foot square sign stating "this fence is electrified". Electric fences are limited to no more than twelve (12) volts DC. Such electrification shall be installed so as to not have current going through said fence except on an intermittent basis. Current shall not remain on longer than three (3) seconds.

- (3) Farm fences with a maximum height of 4 feet may use barbed wire, so long as they are set back at least 300 feet from residential properties, other than those zoned AG and FR.

33.07 Landscaping

(c) Number of plant materials required. In order to achieve an appropriate and complete quality landscaping of a site, the following minimum number of plant materials shall be provided as indicated below:

(7) A variety of species shall be provided. Spacing and species of trees and shrubs are subject to approval of the Zoning Administrator.

33.10 Home Occupations

33.10 (d) Conditional Use Permits

(1) All home occupations which do not conform to the standards contained in Section ~~33.11(c)~~ 33.10(c) shall only be conducted with a home occupation conditional use permit. Conditional Use Permit applications shall be made and considered in accordance with 27.04 of this code.

33.13 - Parking.

(b) Size.

Parking Angle	Stall Width Including Striping	Stall Length Of Line	Aisle Width
90 degrees	9 feet	18 20 feet	24 feet
60 degrees	9 feet	23 feet	15 feet
45 degrees	9 feet	25 27 feet	12 feet
Parallel	9 feet	23 feet	12 feet

~~The stall length can be reduced by the amount of the curb overhang up to a maximum of two (2) feet.~~

- (2) ~~Painted or curbed traffic safety islands shall be installed at the ends of each parking tier. Additional T~~traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot and/or driveways.
- (i) *Required Parking Spaces.* Off-street parking spaces accessory to designated uses shall be provided as follows:
- (1) *Single family dwellings:* At least one (1) parking space for each dwelling, plus one (1) additional parking space for each two (2) roomers or lodgers accommodated, ~~but no more than four (4) parking spaces for each single family dwelling.~~
- (5) *Automobile Repair:* Four (4) parking spaces, plus two (2) parking spaces per service bay. The outside storage of cars as a permitted or conditional use in the applicable zoning district may occupy the required four (4) parking spaces.

- (9) Brewery: At least one (1) parking space for each five hundred (500) square feet of manufacturing floor area and one (1) parking space for each two thousand (2,000) square feet of warehousing floor area.
- (10) ~~(9)~~ Business and professional offices or public administration buildings: At least one (1) parking space for each two hundred fifty (250) square feet of floor area.
- (11) ~~(10)~~ Childcare facility, not including group family daycare: At least one (1) parking space for each three hundred (300) square feet of floor area.
- (11) ~~Churches and synagogues~~: At least one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.
- (12) Drive Thru Businesses:
- (a) Pharmacies with one drive thru lane shall provide stacking space for at least five vehicles, and pharmacies with two or more drive thru lanes shall provide stacking space for at least three vehicles per lane, as measured from and including the last pick-up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - (b) Banks containing one drive thru lane shall provide stacking space for at least six vehicles, and banks containing two or more drive thru lanes shall provide stacking space for at least four vehicles per lane, as measured from and including the last pick-up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - (c) Coffee shops containing one drive thru lane shall provide stacking space for at least ten vehicles, and coffee shops containing two or more drive thru lanes shall provide stacking space for at least six vehicles per lane, as measured from and including the last pick-up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.
 - (d) All Other Uses. Businesses with one drive thru lane shall provide stacking space for at least six vehicles, and businesses with two or more drive thru lanes shall provide stacking space for at least six vehicles per lane, as measured from and including the last pick-up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.

General requirements:

- 1. A fence or screen of acceptable design not over six feet in height or less than four feet shall be constructed along the property line abutting a residential zoning district and such fence or screen shall be adequately maintained.
 - 2. If canopies cover the drive-thru area, any support columns shall be constructed with the same design and materials as those used on the building.
 - 3. Sites with drive thru service shall be designed in a manner that allows drivers not using the drive thru, or wishing to exit the drive thru area, to bypass the drive thru lane(s).
- (13) ~~(12)~~ Establishments handling the sale and consumption of food and refreshment on the premises including event centers: At least one (1) parking space for each one hundred (100) square feet of floor area, excluding bar area and kitchen area, one (1) parking space for

- each forty (40) square feet of bar area and one (1) parking space for each two hundred square feet of kitchen area. If no dining area is provided at least one (1) parking space for each 275 square feet of public pick up area.
- (14) Event Centers, auditoriums, private clubs, lodges, and other places of assembly (not places of worship): Parking spaces equal in number to one-half the seating capacity plus employee parking.
- (15) ~~(13)~~ *Fitness Centers:* 1 space for each three hundred (300) square feet of floor area.
- (16) ~~(14)~~ *Furniture and appliance stores, motor vehicle sales, stores for repair of household equipment, or furniture:* At least one (1) parking space for each six hundred (600) square feet of floor area.
- (17) ~~(15)~~ *Hospitals:* At least two (2) parking spaces per bed.
- (18) ~~(16)~~ *Hotels:* At least one (1) space for each guest room.
- (19) ~~(17)~~ *Libraries and museums:* At least one (1) parking space for each five hundred (500) square feet of floor area.
- (20) ~~(18)~~ *Manufacturing, fabricating, and processing plants not engaged in retail trade:* At least one (1) parking space for each five hundred (500) square feet of floor area. (Ord. No. 88-1071, amended 2-18-1988; Ord. No. 22-2514, amended 12-19-22)
- (21) ~~(19)~~ *Medical and dental clinics:* At least one (1) space for each one hundred fifty (150) square feet of floor area.
- (22) ~~(20)~~ *Motels:* At least one (1) parking space for each dwelling unit, plus one (1) space per employee.)
- (23) Movie Theaters: At least one (1) parking space for each four (4) seats in the theater.
- ~~(21) Private clubs and lodge: One (1) parking space for each sixteen (16) square feet of assembly area or one (1) parking space for every two and one-half (2½) seats, whichever is greater.~~
- (24) Places of Worship : At least one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.
- (25) ~~(22)~~ *Recreational buildings or community centers:* Spaces in adequate number as determined by the Zoning Administrator.
- (26) ~~(23)~~ *Schools, elementary, junior high, public or private:* At least three (3) parking spaces per classroom, plus necessary spaces for student drop off. May be reduced at Zoning Administrator discretion.
- (27) ~~(24)~~ *Schools, high school, public or private:* 1 per 4 students based on the design capacity. This requirement may be reduced at the Zoning Administrator's discretion to reflect facility use and/or parking policy. Adequate space shall be allowed for the dropping off and/or picking up of students as determined by the Zoning Administrator.
~~At least two (2) parking spaces per student, plus necessary spaces for student drop-off. May be reduced at Zoning Administrator discretion.~~
- (28) ~~(25)~~ *Self Storage Facility:* Minimum of five (5) spaces
- (29) ~~(26)~~ *Senior Housing:* 1.5 spaces per independent living apartment unit other than studio apartments. Studio apartments require one space per unit. Half of the parking spaces for independent living shall be underground. Parking for assisted living and memory care units: At least one (1) parking stall space per two (2) units. shall be determined by Conditional Use Permit. (Ord. No. 22-2494, added 1-19-22)
- (30) ~~(27)~~ *Supermarkets, discount houses, mail order outlets, retail stores and other stores with high customer volume:* At least one (1) parking space for each two hundred (200) square feet of floor area: for the first 100,000 square feet, plus 1 per 350 square feet of floor area

- thereafter. The number of parking spaces provided shall not exceed the minimum requirement by more than 10 percent. The Zoning Administrator may expand the parking requirements if the applicant demonstrates, in documented form, a demand which is different than required based on the specifics of the proposed use.
- (31) *Taproom*: At least one (1) parking space for each forty (40) square feet of taproom/bar area.
 - (28) *Theaters*: At least one (1) parking space for each four (4) seats in the theater.
 - (32) (29) *Undertaking establishments and funeral homes*: At least one (1) space for every twenty-eight (28) square feet of area devoted to funeral services or display area plus one (1) parking space per employee. (Ord. No. 03-1990, amended 8-21-2003)
 - (33) (30) *Warehouse and storage establishments and freight terminals*: At least one (1) off-street parking space for each two thousand (2,000) square feet of floor area or one (1) parking space for every two (2) employees, whichever is greater.
 - (34) (31) *Other uses*: Parking spaces on the same basis as required for the most similar use.
 - (35) *Reduced parking*. When demonstrated to the satisfaction of the zoning administrator that the number of parking spaces required by this section would not be needed for the particular use in question, a reduced number of parking spaces may be approved subject to the following:
 - (a) The request for reduction shall be accompanied by supporting data specifically applying to the particular use in question.
 - (b) The applicant must provide each of the following:
 - (aa) A detailed parking plan demonstrating that the parking otherwise required by this section can be provided on the site within ordinance design standards; and
 - (bb) The parking area must meet the setback, dimension, and maneuverability standards of this ordinance and the stormwater management rules; and
 - (cc) An agreement in recordable form, approved as to form and content by the city attorney, executed by the property owner, which agreement provides that the owner, on behalf of himself and his heirs, successors, and assigns, will not use the area identified for expansion parking for any use except landscaping or to cause compliance with the off-street parking requirements of this Code.
 - (c) The City may order installation of previously excepted parking spaces at any time when, in the city's judgment, conditions indicate the need for such parking, and the property owner shall comply with such order.

Chapter 34 – Signs

34.02 – Definitions

Sign, gross surface area of: That physical area of the sign constituted as the face upon which the advertisement is borne. The gross surface area shall be that area enclosed within the smallest rectangle regular-geometric figure needed to encompass completely all letters, insignias or symbols of the sign, including horizontal spacing between letters, insignias or symbols, and including the physical area constituting the face of the sign. This shall be determined using one (1) side of a double-faced sign. Architectural columns or significant architectural features constructed on the front of a building as determined by the Zoning Administrator may be subtracted from the area calculated for allowable square footage for a permitted sign.