



City of Blaine

City Council Workshop

February 12, 2024 | 5:30 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

1. Call to Order

The meeting was called to order by Mayor Sanders at 5:30PM.

2. Roll Call

PRESENT: Mayor Tim Sanders, Councilmembers Leslie Larson, Chris Massoglia (arrived at 5:35PM), Tom Newland, Jess Robertson (left at 7:00PM), and Lori Saroya (left at 7:15PM).

ABSENT: Councilmember Terra Fleming.

Quorum Present.

ALSO PRESENT: Community Development Director Erik Thorvig; City Planner Sheila Sellman; Safety Services Director/Police Chief Brian Podany; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; and Stormwater Coordinator Megan Hedstrom.

3. New Business

- 3.1.** 2024-35 Discuss Stormwater Management within the Coon Creek Watershed District
Sponsors: Megan Hedstrom, Stormwater Coordinator

Stormwater Coordinator Hedstrom stated Coon Creek Watershed District staff were in attendance to present water management items for Council consideration and discussion.

Tim Kelly, District Administrator for Coon Creek Watershed District, gave an introduction on the district and provided information regarding emerging trends and standards in

stormwater management. Federal and state requirements were discussed with the council. It was noted Blaine has four streams and one lake that do not meet federal or state water quality standards. He described how waterways may become impaired and stated in many cases this was due to how surrounding properties were being used. He provided the council with the most current information as city and watershed staff work to develop plans, schedules, and budgets to address items related to surface water impairments and flooding. He commented on how he was working to get the 2045 deadline extended, as well as working to receive additional state and federal dollars in order to achieve the desired objectives. He stated the next steps between now and 2026 would be for the watershed's comprehensive plan to be adopted, then, from 2025 to 2028, he would be seeking legislative appropriations.

Councilmember Newland asked if solutions to improving water quality involves clearing of shorelines and the dredging of storm ponds. Mr. Kelly reported this involves outreach with homeowner associations to maintain buffer strips, reducing the use of fertilizer, and encouraging infiltration. In addition, maintenance and repair would be required for existing BMPs, along with additional treatment and rehabilitation or replacement of existing infrastructure. He stated some of this restoration work was quite costly.

Councilmember Newland stated the city has a \$103 million exposure over the next 20 years and questioned if the cost would be spread over the entire district. Mr. Kelly explained this would be the case.

Councilmember Newland inquired if other watershed districts in the metro area had impairments. Mr. Kelly indicated 53% of all impaired waters in the state of Minnesota were within the seven county metro area. He commented further on how flood mitigation efforts have changed because areas in the metro were now flooding that have not flooded in the past 30 years.

Councilmember Newland asked if the remeandering of the ditch system around Northtown would be beneficial to the watershed district. Mr. Kelly stated this would be incredibly beneficial to the watershed district, both for flood control and water quality. He thanked the city for including the watershed district in the planning process.

Councilmember Saroya explained she lives in Pleasure Creek neighborhood and asked if people in her neighborhood have been made aware of e.coli. Mr. Kelly indicated he was just on the front end of these issues and stated as far as specific actions or messaging, he did have some projects identified. He commented on the work that had been done on Pleasure Creek in recent years which included sand enhancement features and was of the opinion the creek was no longer impaired for e.coli.

Councilmember Saroya questioned if fishing was safe in the pond. Mr. Kelly indicated there were metro wide fish consumption warnings due to multiple impairments. He stated residents were more than welcome to fish, but he would recommend against taking the fish home for consumption.

Councilmember Larson commented she was not aware of these concerns. She asked how far out of the metro residents would have to go to get aware from the consumption warnings. Mr. Kelly encouraged residents to visit the MPCA or DNR websites for

recommendations.

Councilmember Saroya recommended "No Fishing" signage be posted near Pleasure Creek. Ms. Hedstrom stated she could work with the communications team if this was the recommendation of the city council. Mr. Kelly discussed how dog waste stations have been helpful with cleaning up the dog waste in the Pleasure Creek neighborhood, which was positively impacting the adjacent waterways.

Mayor Sanders thanked staff and Mr. Kelly for the detailed presentation.

3.2. 2024-41 Highway 65 Overlay District
 Sponsors: Sheila Sellman, City Planner

City Planner Sellman stated at the December 11, 2023, workshop, council directed staff to create an ordinance/overlay for properties south of Highway 10 along Central Avenue/Highway 65 and to create performance standards for self storage in this area. The Highway 65 Overlay (HOD) is an existing overlay in the zoning code, Section 32.50. This overlay district applies to all properties which are zoned Community Commercial (B-2), Regional Commercial (B-3), Office Park (B-4), Planned Business District (PBD), Light Industrial (I-1), Heavy Industrial (I-2), Medium Density Multi-Family (R-3B) and High Density Multi-Family (R-3C), which are located within seven hundred fifty (750) feet of the centerline of the right-of-way of Highway 65. Where only a portion of a parcel lies within seven hundred fifty (750) feet of the Highway 65 centerline, the ordinance applies to the entire parcel.

Ms. Sellman explained the purpose of this overlay district is to establish minimum standards for exterior architecture, design, landscaping, and signage of buildings that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the City. Since there is already a zoning overlay in place, staff suggests amending and updating this ordinance instead of creating a whole new district. The same objectives can be accomplished by amending this ordinance. The underlying zoning will provide the list of permitted and conditional uses with development standards and the overlay will be the added layer that also has development parameters that need to be met. Certain uses can be allowed or prohibited in the overlay that might be in conflict with what the underlying zoning district has. The overlay district will supersede the underlying district. The majority of the properties in the HOD are zoned B-2 and B-3.

Ms. Sellman reported based on council direction, staff is proposing a new section to the HOD for development south of Highway 10. This area is proposed to allow self-storage as a conditional use (with development parameters) and allows for reduced setbacks. Councilmembers have previously mentioned the Highway 65 corridor should be looked at for allowable uses. It would be appropriate to discuss that at this time if council agrees to the staff's approach to amending the HOD. It should be noted that some of the current property uses may become legal non-conforming uses if the proposed changes are made or if council wants to prohibit more uses. Section 32.11 outlines nonconformities.

Councilmember Larson asked what portion of property was designated for residential. Ms.

Sellman explained this was the portion of land behind the office building.

Councilmember Newland explained he does not support modifying the HOD district in order to allow for self storage. He reported the HOD district covers Highway 65 from the northern to southern portion of the city. He wanted the corridor to be treated consistently and uniformly throughout the entire city. He did not believe it was in the city's best interest to make changes for one property in southern Blaine. He did not support the city abandoning its plan and vision for the Highway 65 corridor. He stated he disagreed with the other changes as well.

Councilmember Saroya asked what the council was discussing at this time. She noted she was not comfortable discussing the development given the fact the developer was not present. Ms. Sellman clarified the council was being asked to discuss the overlay district.

Councilmember Saroya inquired if the potential conflict of interest that arose at the last meeting was still applicable. Councilmember Newland stated after speaking with the city attorney he learned there was no conflict of interest, even though he owns property within the overlay district.

Councilmember Saroya questioned if Scott Uram had been made aware of this meeting. Ms. Sellman indicated the developer was made aware of this meeting.

Councilmember Robertson asked if staff's recommendation was based on the council's previous discussion. Ms. Sellman reported this was the case and indicated she was directed to draft an ordinance for consideration.

Councilmember Robertson stated she understood this was a sensitive topic, but noted she did object to bringing these properties into conformance. She indicated she wanted to see community engagement occurring. She commented on what was coming to the Highway 65 corridor and believed it was premature to be making changes at this time. She reported she did not support changing the rules for one property owner.

Councilmember Massoglia explained he thought council consensus was to work through this for Mr. Uram's project and that it seemed like the best solution. He understood the city would be doing a modification to the overlay district for one person, but noted the city was working to find a solution. He indicated this wasn't anything new as this overlay district has been in place for a long time and only a minor change was being proposed. He stated only one self-storage business would be allowed.

Councilmember Newland commented consensus does not mean unanimous support. He stated his position has not changed. He did not support another self-storage business being located within the overlay district and felt it was not right or fair.

Councilmember Larson asked if the proposed self-storage project would bring more tax dollars to the city. Ms. Sellman reported this would be the case.

Councilmember Larson explained she could support the proposed change because it would bring the city more tax dollars and only one property would be impacted.

Councilmember Newland indicated he believed the statement that the city would be making more money off the change was a somewhat dangerous comment. He was of the opinion this was a precedent the city did not want to set.

Councilmember Larson stated if this was the case, she could raise a concern everytime this was mentioned with respect to the 105th Area Redevelopment project. She commented on how the industrial area has to be changed and the city has to buy more property in order to make more money.

Councilmember Newland explained he believed this was an entirely different situation. He stated investments in the 105th Area Redevelopment project would have a return on investment which differed from the proposed modification for the benefit of one property.

Councilmember Massoglia questioned if pawnshops would be allowed in the overlay district. Ms. Sellman indicated pawnshops had been excluded from other areas. She noted this use could be included or excluded.

Councilmember Newland asked if the city's vision for the corridor has been shared with Spring Lake Park instead of placing mini storage into an area that doesn't fit.

Councilmember Larson inquired what the vote had to be in order for the proposed amendment to pass.

Mayor Sanders stated a majority vote of the council would be required.

Community Development Director Thorvig reported the last time the council discussed this matter four councilmembers were comfortable moving forward. He asked that Councilmember Saroya and Mayor Sanders provide staff with feedback on this matter.

Mayor Sanders stated even if the self-storage were to be removed, there were still other building standards or architectural control matters that should be addressed within with overlay district. Ms. Sellman indicated this could be addressed when the ordinance was brought forward. She proposed the landscaping requirements also be amended to better suit the lots along Highway 65.

Councilmember Massoglia explained he appreciated the fact the city had an overlay district for the Highway 65 corridor. Ms. Sellman noted this was quite common along highways.

3.3. 2024-36 Home Occupation Ordinance Discussion *Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated in 2022 two conditional use permits for home occupations were denied. Both requests included outdoor storage and both were zoned Farm Residential (FR). The denials were based on findings that the property was being used commercially and was not consistent with adjacent residential properties and would have an adverse effect on neighboring properties. Staff reviewed the criteria for permitted home occupations that do

not require a conditional use permit. She explained all home occupations which do not conform to the standards shall only be conducted with a home occupation conditional use permit. However, there are no criteria for the uses that qualify for a conditional use permit. With any conditional use permit, the use must meet any criteria for that zoning district or use and meet criteria outlined in Section 27.04:

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.
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.
3. The use shall have an appearance that 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.
6. The use shall not be in conflict with the comprehensive plan of the City.
7. The use will not cause traffic hazard or congestion.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.

Ms. Sellman reported throughout the year staff keeps track of language that is confusing, out of sync with other cities and that may raise legal issues in the zoning code. At the end of the year staff proposes changes to the zoning code as necessary. In 2022, staff proposed changes to section 33.10 (Home Occupations) in an effort to clarify language and provide criteria for all home occupations permitted or by conditional use. The proposed ordinance was not adopted. Staff would like to revisit the proposed changes and have a dialogue with council on any additional changes, including but not limited to allowing different criteria for larger lots.

Councilmember Robertson said she did not believe there should be differing criteria for home occupations based on lot size. She stated when she thought of home occupations she thought of people working from home and not impeding their neighbors.

Mayor Sanders recommended that outdoor storage not be allowed.

Councilmember Saroya stated what she was hearing from residents was there were concerns when customers begin showing up and impacting the traffic in the neighborhood. She anticipated there were residents operating businesses from their home and not aware of the city's requirements.

Councilmember Larson suggested the city set limits regarding the number of customers home occupations can have on a daily basis. Mr. Thorvig stated current code allows for no more than four customers per day.

Councilmember Newland asked if all home based businesses require a business permit. Ms. Sellman reported if the business meets all of the listed criteria, a permit is not required. However, if the business does not meet the criteria than a conditional use permit would be required.

Councilmember Newland anticipated storage, noise and activity would be the biggest concerns for home occupations.

Councilmember Massoglia indicated he would support the home occupation criteria being less restrictive. He believed Farm Residential should have different standards than other residential zoning districts. He supported the activities on the Farm Residential properties being grandfathered in.

Councilmember Larson supported this recommendation. She noted the large properties along Lexington Avenue should be allowed to continue to use their properties as they have been.

Councilmember Robertson stated she did not disagree with this thinking. However, she noted Farm Residential was any property that was five acres or larger. She commented on how neighbors would be impacted if a five acre lot was allowed to have a landscaping business and equipment onsite. She did not recommend all Farm Residential properties have no restrictions when it comes to home occupations. She wanted to ensure neighbors were kept in a good space with each other.

Councilmember Massoglia stated this was a fair point, but explained the Farm Residential land in Ward 3 was different. Mr. Thorvig reported one way to address this through the code would be to set an acreage minimum.

Ms. Sellman indicated staff would create a map of all Farm Residential properties for review.

3.4. 2024-40 Car Wash Study Discussion

Sponsors: Erik Thorvig, Community Development Director

Mr. Thorvig stated on September 6, 2023, the City Council adopted a six-month moratorium to study zoning related to car washes. The City Council first discussed the study at the December 18, 2023, workshop with general discussion related to zoning performance standards (setbacks, screening, CUP requirements, etc.) and limiting the location of car washes along major corridors. Staff reviewed a map showing the current locations of car washes in Blaine. He commented on the proposed changes, noting the language would attempt to address the concerns expressed by the city council at the workshop. Council was asked to provide staff with feedback on the proposed language changes. It was noted the moratorium expires on March 6, 2024. In order to make the necessary amendments, an extension to the moratorium would need to occur. An extension is scheduled for the February 21 and March 4 meetings. The moratorium would be lifted once changes are formally adopted by the City Council.

Councilmember Newland explained he still believed the market would find its own equilibrium when it came to the number of car washes in the community. He was of the opinion this was not something the city had to regulate.

Councilmember Larson anticipated the market was saturated and the situation would take

care of itself, especially along Highway 65.

Councilmember Larson indicated car washes were very difficult to redevelop into something else and when they don't work out or go out of business often times cities have to purchase these properties in order to spur redevelopment.

Councilmember Massoglia expressed concern with the properties along Main Street that could be rezoned to allow for a car wash. Mr. Thorvig stated only the southeast corner could potentially have a car wash. He anticipated only one parcel along Lexington Avenue would work for a car wash under the new parameters.

Councilmember Saroya asked how far Tommy's Car Wash was from residential properties. Ms. Sellman indicated this business was 372 feet from residential properties.

Councilmember Saroya stated 300 feet may not be far enough given the number of email complaints she has been receiving regarding Tommy's Car Wash. She explained her main concern was not having car washes adjacent to residential homes because this was a quality of life issue.

Councilmember Newland thanked staff for their efforts to address this issue. He did not anticipate the city would have many more free standing car washes given the number already in the market.

Councilmember Larson indicated she could support 300 feet to residential properties with the proposed parameters. She commented residents should be aware of the surrounding zoning districts and what could potentially locate on the vacant land.

Mayor Sanders agreed stating he saw a difference between the time spent at a Kwik Trip car wash versus a Tommy's Car Wash. He stated the new car washes took only minutes to complete while a Kwik Trip wash took seven or eight minutes to complete. He anticipated a property south of Radisson could be a prime spot for a future car wash or on 109th depending on what happens with the gun club. He noted the city currently has one self-standing car wash for every 17,000 residents, which means the city does not have a car wash proliferation problem.

Mr. Thorvig stated with the 300 foot setback there were seven properties remaining in Blaine that could have a self-standing car wash. He indicated if the council wanted this to be fewer, the setback requirements could be strengthened. He explained if these changes were put into effect the city would have existing car washes that were non-conforming and grandfathered in. He reported this meant these uses could continue, would be allowed to remodel, but could not expand their footprint. He stated staff had discussed allowing car washes to upgrade their technology, even if this means a slight expansion to their footprint.

Councilmember Newland asked if the car wash on the south side was 300 feet from the mobile homes. Mr. Thorvig explained it was 267 feet.

4. Other Business

Mr. Thorvig reminded the council that the city manager was on vacation and Police Chief Podany would be acting city manager then requested the council complete their board and commission applicant rankings by February 16.

Mr. Thorvig explained staff would be providing the council with an update on the tax abatement process on Monday, March 11.

Councilmember Massoglia indicated he would not be able to attend the February 21 city council meeting.

5. Adjournment

The workshop was adjourned at 7:36PM.



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk