City of Blaine
Planning Commission

August 14, 2024 | 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 Wednesday, August 14, 2024. Chair Goracke called the meeting to order at 7:00PM.

2. Roll Call

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

Members Absent: Commission Member Olson and Chair Goracke.

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

3. Approval of Minutes

3.1. 2024-259 Approval of the June 9, 2024 Planning Commission Minutes.
Sponsors:

Motion by Commissioner Deonauth to approve the minutes of June 9, 2024, as presented. Motion seconded by Commissioner Homan. The motion passed 5-0.

4. Public Hearing

4.1. 2024-315 Case File No. 24-0046 // Old Dominion Freight Line // 3701 85th Avenue NE
The applicant is requesting a variance to store semi-trailers in the front yard.
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 24-0046 was opened at 7:10PM.

Gary Schutta, 3801 85th Avenue NE, explained he lived adjacent to Old Dominion and would be most affected by the proposed variance. He explained he submitted a two page comment letter to the commission prior to this meeting. He indicated it appears these trailers are being innocently parked on the lot, but they do not get there without being pushed and pulled back and forth 24 hours a day seven days a week. He stated the beeping, crashing and honking echoes across the new cement slab and impacts the adjacent neighborhood. He anticipated more than 100 homes were being impacted by this business by noise. He indicated when the trailers are dropped they shake his home and it was very disturbing. He explained the police department has better things to do than respond to continual noise complaints from this property. He did not believe any of the planning commissioners would enjoy living next to this business. He requested the commission deny the variance request.

Judy McGovern, 3824 86th Avenue NE, stated she lived directly behind Old Dominion. She explained she had the same concerns as Mr. Schutta with Old Dominion. She indicated the vibrating trucks, banging and noise is a constant from the Old Dominion property. She reported this was very disruptive to the neighborhood. She noted she has written a couple of letters to the city regarding her concerns. She explained her property value was 39% less than her neighbors because her home was adjacent to a commercial property. She asked that Old Dominion build a higher fence to assist with buffering the noise. She questioned why Old Dominion kept requesting variances after the work had already been done. She did not believe it was right for Old Dominion to keep getting more and more because the impact on the neighbors was too great. She asked that the City of Blaine not approve any further variances for Old Dominion.

Lisa Peterson, 8521 Xebec Street NE, explained she sent a letter to the city. She reported she has been seriously impacting by the noise coming from the Old Dominion property, which included banging, honking, phone dialing, and announcements over the PA. She indicated she has to sleep with a fan on every night, even in the winter, to buffer the noise. She commented on how Old Dominion has increased their noise level and number of trucks since their operation began. She discussed how Old Dominion built a chain link fence with barbed wire at the top without a variance. She understood the city council approved this fence after the fact and that the only penalty was that Old Dominion had to pay the application fee twice. She expressed frustration with the fact more homeowner were not notified of this public hearing. She discussed Old Dominion was now parking trucks closer to homes and had requested another variance. She stated this variance would be detrimental to the adjacent homes and requested the planning commission deny this request.

Vice Chair Halpern thanked the neighbors who had sent in letters voicing their concerns to the planning commission.

The public hearing was closed at 7:23PM.

Vice Chair Halpern requested staff speak to the city's requirements regarding the

notification area for this variance request.

Community Development Specialist Showalter explained city code requires staff to notify residents living within 350 feet of a property. She reported city staff elected to post a sign regarding the public hearing on the Old Dominion property as well.

Commissioner Deonauth asked if the applicant was in attendance to address the concerns that have been voiced by the neighbors.

Jim Bailey, consultant for Old Dominion, discussed the CUP approvals he received for the fencing and parking improvements. He reported the fencing along 85th was encroaching and the CUP brought the fence into compliance with setbacks. In addition, removing the small area of concrete in Area C with a berm created a 10 foot screening fence. He explained Old Dominion was working to be a good neighbor and was trying to alleviate some of the noise concerns.

Kevin Davidson, Director of Real Estate for Old Dominion, introduced himself to the planning commission. He stated Old Dominion wanted to be a good neighbor. He explained he appreciated the neighbor's comments. He discussed how his business has grown as Blaine has grown. He commented on how employee parking has shifted on the site and noted he has done his best to eliminate and reduce noise on the site. He reported Areas A, B and C were critical to his operations.

Commissioner Homan asked if a barrier or taller fence could be built to further buffer the property from the neighbors. Mr. Davidson explained the wooden fence was put in place to address this concern and stated he did not believe he could build a taller fence.

Vice Chair Halpern encouraged Old Dominion to speak with city staff regarding fence height requirements.

Commissioner Gorzycki stated Area C does not have a building on it, noting this would provide a decent noise blocker or buffer from the adjacent neighborhood. He indicated without a Building on Area C, Area B would be generating a great deal of noise for the neighbors.

Motion by Commissioner Gorzycki to recommend approval of Planning Case 24-0046 approval of a variance to allow storage of semi-trailers in the front yard meeting a 190-foot setback based on the following rationale:

Case 24-0046:

1. **Storage area A was legally used by the prior occupant of the truck terminal (Consolidated Freight) and could still be used for trailer storage legally, if the use had not lapsed for a year between Consolidated Freight occupancy and Old Dominion occupancy.**
2. **Storage area A is set back 190 feet from the road right of way, limiting visual impact to the traveling public.**
3. **While the area between 40 and 190 feet from the right of way could be front yard if the building were located at the front setback line, the appearance of**

the trailers would be mitigated by the building which provides a point of visual focus and some screening.

4. **Storage area A has no other reasonable use given the proximity to the truck terminal.**
5. **Storage in areas B and C is not in harmony with the intent of the zoning code and would change the essential character of the area.**

And subject to the following conditions:

1. **Chain link fencing enclosing storage areas B and C shall be relocated to enclose only storage area A and signage shall be installed stating that no trailer storage shall occur in the area closer than 190 feet to the front property line.**

Motion seconded by Commissioner Homan. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the September 4, 2024 city council meeting.

4.2. 2023-522 Case File No. 23-0074 // Park of Four Seasons // 50 113th Avenue NE
The applicant is requesting the following:

1. Code Amendment to modify the storm shelter requirement in the R-4 district to match state rules.
2. Manufactured Home Park Plan to add eight additional lots in an existing manufactured home park.

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 23-0074 was opened at 7:39PM.

Hilary Wright, 128 116th Avenue NE, explained she was a nine year resident of Four Seasons. She reported she supported the storm shelter being improved. She asked how many residents had been notified of this public hearing.

Community Development Specialist Showalter reported notices were sent to anyone that owns property within 350 feet of the parcels impacted as well as to the homes that are located within 350 feet of the areas proposed for expansion within the park.

Ms. Wright indicated her initial concern was with the six homes proposed to be placed within the greenspace. She explained this greenspace was a main thoroughfare for the park and she did believed adding more traffic and cars to this congested area would be a concern. She commented on the lack of maintenance and crime that was occurring within the park and believed that eight more units would compound these concerns. She suggested action on this item be delayed in order to allow more residents from the park to be in attendance.

Angela Dehne, 31 115th Lane NE, resident of Four Seasons, explained she did not get notified of this public hearing until 8:48AM yesterday morning. She reported she had to leave work early in order to attend this meeting. She commented on how disheartening it was that she had only just received a shelter key after living within the park for five years. She expressed concern with the fact the park was not meeting current city codes. She recommended the park be brought into compliance with all city codes, prior to allowing the park owners to add eight new lots within the manufactured home park. She requested action on this item be delayed in order to allow for more public comment.

The public hearing was closed at 7:47PM.

Commissioner Deonauth requested the applicant speak to the maintenance concerns that were addressed by the Four Season residents. She asked that staff speak to when notices were sent to Four Seasons residents regarding the public hearing.

Community Development Specialist Showalter reported city notices were sent by mail 10 days in advance of the public hearing. She indicated the applicant notified residents via email regarding the neighborhood meeting. She explained the code violation regarding the storm shelter was considered a legal non-conforming or grandfathered requirement. She stated the city has no mechanism to require the storm shelter to be expanded without the park plan amendment.

Neil Sander, Independence Engineering, reported the storm shelter was an existing non conformity. He stated the plan amendment would bring the storm shelter into conformance with state code. He explained there was not enough room on the property to bring the site into compliance with city code. He commented a large portion of the clubhouse would be converted in order to provide additional emergency storm shelter space. He stated he received approval from the Coon Creek Watershed District for the additional eight lots. He indicated the eight new homes would not front on the circle, but rather would front on the side roads. He stated the maintenance issues that were brought up by the park residents, were not under his purview and should be brought to the attention of the park manager. He reported to bio retention areas were being added to the park to address storm water drainage concerns.

Commissioner Swanson asked if the only way to gain the additional storm shelter space was to add eight additional lots. Mr. Sander indicated this was an opportunity to bring the property into conformance with storm shelter requirements.

Community Development Specialist Showalter reported any park plan amendment would require bringing the storm shelters into compliance.

Motion by Commissioner Homan to recommend approval of Planning Case 23-0074A approving the code amendment. Motion seconded by Commissioner Gorzycki. The motion passed 7-0.

Motion by Commissioner Homan to recommend approval of Planning Case 23-0074B a park plan to create eight (8) additional lots within the existing footprint of the Park of Four Seasons with the following conditions:

Case 23-0074B:

1. **Park dedication shall be paid for 8 units at the amount in effect at the time of release of the park plan for recording at Anoka County.**
2. **SAC and WAC payment shall be paid prior to release of the park plan for recording, at the rate in effect at the time of payment.**
3. **A final park plan shall be submitted for review by the City Council which shall contain:**
    a. **Landscape plan depicting one overstory tree per new lot.**
    b. **One additional parking stall adjacent to the community building and modification to the parking lot to meet the Minnesota Accessibility Code.**
    c. **Detailed plans showing the proposed changes to the office/community building and maintenance building to provide storm shelter space in compliance with Minnesota Administrative Rules, Chapter 1370 for all lots in the park, including explanation of the operation of any dual-purpose spaces. Based on a total lot count of 580 lots, a total of 7,056 square feet of shelter space shall be required.**
4. **Prepare a revised emergency management plan for review by the Director of Emergency Management.**
5. **Building permits to install new homes in the proposed lots will not be issued until a Coon Creek Watershed District permit has been issued and all conditions have been satisfied, including, but not limited to, conversion of existing buildings to storm shelters, installation of utilities and landscaping, and modification/expansion of the community building parking lot.**

Motion seconded by Commissioner Gorzycki. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the September 4, 2024 city council meeting.

4.3. 2024-317 Case File No. 24-0048 // City of Blaine // 10001 and 10041 Polk Street NE
The City is requesting a rezoning from Light Industrial (I-1) and Medium Density Multifamily (R-3B) to Low Density Multi-Family (R-3A).
Sponsors: Erik Thorvig, Community Development Director

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 24-0048 was opened at 8:01PM.

John Dahl, property owner, explained he has owned this property for many years. He indicated he appreciated the position the city was in, because these were commercial buildings in a bad spot. He requested he be allowed to use his property as existing and that this be allowed until things change.

Caroline Dahl, 10041 Polk Street, requested the memo drafted by staff be made a part of the record.

Community Development Specialist Showalter reported this could be done.

The public hearing was closed at 8:05PM.

Commissioner Deonauth asked what the current uses were on this land and if the uses would be legal non-conforming uses.

City Planner Sellman explained the current uses would be legal non-conforming uses going forward.

Motion by Commissioner Deonauth to recommend approval of Planning Case 24-0048 a rezoning from Light Industrial (I-1) and Medium Density Multifamily (R-3B) to Low Density Multi-Family (R-3A). Motion seconded by Commissioner Swanson. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the September 4, 2024 city council meeting.

4.4. 2024-255 Case File No. 24-0040 // PinPoint Community Development, LLC (Society Cigars) // 2180 105th Avenue NE, #110
The applicant is requesting amendments to the City of Blaine Zoning Ordinance Section 39.901 Definitions, and Section 30.904 Permitted Uses in the 105th Avenue Redevelopment District to add Cigar lounge as a permitted use.
Sponsors: Sheila Sellman, City Planner

The report to the planning commission was presented by Sheila Sellman, City Planner. The public hearing for Case File 24-0040 was opened at 8:10PM. As no one wished to appear, the public hearing was closed at 8:10PM.

Vice Chair Halpern questioned if sampling would occur within the cigar lounge, and what other cities have allowed this use.

City Planner Sellman explained the proposed use would allow for the purchasing and smoking of cigars within the lounge. She indicated Maple Grove had a cigar lounge that was defined as retail.

Motion by Commissioner Swanson to recommend approval of Planning Case 24-0040 approving amendments to the City of Blaine Zoning Ordinance Section 39.901 Definitions, and Section 30.904 Permitted Uses in the 105th Avenue Redevelopment District to add Cigar lounge as a permitted use. Motion seconded by Commissioner Deonauth. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the August 19, 2024 city council meeting.

4.5. 2024-318 Case File No. 24-0047 // City of Blaine
The City is proposing amendments to Section 29.010 Farm Residential (FR) and Section 29.020 Residential Estate (RE), adding ground mounted solar systems as accessory uses.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 24-0047 was opened at 8:PM. As no one wished to appear, the public hearing was closed at 8:PM.

Vice Chair Halpern indicated requests, like the one from Aveda for the ground mounted solar farm, would be addressed through these new regulations.

Planner Kaye reported this was the case, but noted the area for a solar farm would be less.

Motion by Commissioner Gorzycki to recommend approval of Planning Case 24-0047 approval of amendments to the City of Blaine Zoning Ordinances 29.010 Farm Residential (FR) and 29.020 Residential Estate (RE) adding ground mounted solar systems as accessory uses. Motion seconded by Commissioner Homan. The motion passed 5-0.

Vice Chair Halpern noted this would be on the agenda of the September 4, 2024 city council meeting.

5. Adjournment

Motion by Commissioner Deonauth to adjourn the regular planning commission meeting. Motion seconded by Commissioner Homan. The motion passed 5-0.

Adjournment time was 8:20PM.