

## APPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – September 11, 2019



#### 1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

#### 2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Hanson, Herbers, Husain, Kiekow, Mersereau, Mohamed, Morton-Spears, Vosberg; Council Liaison West-Hafner; Senior City Planner Larson; Planning Director Sherman; Planning Program Assistant Davis; Neighborhood Health Supervisor Peterson; Inspections and Environmental Health Manager Newby.

Those not present were: Commissioner Kisch.

#### 3. EXPLANATION BY CHAIR

#### 4. APPROVAL OF AGENDA

Commissioner Mersereau requested a moment of silence in remembrance of September 11 be added before the Consent Agenda.

Commissioner Chair Hanson noted that item 6A should be removed from the public hearing.

MOTION HANSON, SECOND MOHAMED TO APPROVE THE SEPTEMBER 11, 2019 AGENDA WITH NOTED CHANGES.

*MOTION CARRIED UNANIMOUSLY.*

#### 5. CONSENT AGENDA

##### A. Minutes – August 14, 2019

MOTION VOSBERG, SECOND HERBERS TO APPROVE THE CONSENT AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 6. PUBLIC HEARING

##### A. “Flying Dragons Inflata World” (Jerry Vang) – Conditional Use Permit #19-118 for a commercial indoor recreation center at 10351 Xylon Ave N., Suite #180.

Removed from Agenda.

##### B. “Green Haven 2<sup>nd</sup> Addition” (Plateau Properties LLC) – Plat #19-117 to subdivide an existing residential lot into two lots at 7900 Mount Curve Blvd. N.

Planning Program Assistant Davis introduced the subdivision requested by Plateau Properties that will result in two lots at 7900 Mount Curve Blvd N. Both lots will meet all the zoning

requirements for R-3 (Detached Single-Family Residential District). The setbacks for the existing house will not be impacted, and a ranch-style home will fit the long and narrow dimensions of proposed lot 2. Utilities are available under Mount Curve Blvd N, and would just need to be installed for lot 2. Staff recommends approval.

Kim Santomango, representative of Plateau Properties (the applicant), provided an overview of the philosophy and mission of Plateau Properties, also known as Plateau Healthcare, owned by Faisale and Alicia Boukari. Plateau Healthcare takes medically complex patients and takes care of them in a home environment providing an opportunity for those who can't live independently to live their best life. She stated the additional lot is anticipated for an additional group home. She touched on neighborhood concerns brought up prior to the meeting, including parking, snow removal, and garbage. She stressed the applicant is more than willing to work and communicate with the neighborhood as well as increase oversight and education of staff to make sure staff is parking in the driveway and the 6 trash and recycling bins are better attended to on trash days.

Stacey Reuland is the daughter of a patient living at 7900 Mount Curve Blvd. She explained how living at Plateau Healthcare's group home has increased the quality of life for her mother living with ALS and in need of 24-hour care. She empathized with the increased traffic and parking in the neighborhood, and asked neighbors to keep in mind that it is visiting families in addition to staff taking care of the medical needs. She wished there were more homes of this standard out in the community, and was nothing but appreciative of Plateau Healthcare.

Kim Santomango ended the presentation by stating they will be happy to address any questions.

Commissioner Chair Hanson opened the public hearing.

Commissioner Chair Hanson reminded the public that the action in front of the Planning Commission is to evaluate a lot subdivision, not to evaluate the placement of a group home.

Planning Director Sherman clarified that group homes are protected by Minnesota State Law which requires they be treated as a single-family home. Brooklyn Park does not have a means to prevent group homes in residential districts.

Rich Johnson, 7909 Mount Curve Blvd N, raised concerns that the lot division would increase safety risks with increased traffic and parking from an additional lot and group home. He stated these concerns have been brought up to Faisale and Alicia without correction. He provided pictures of trash cans placed in the streets instead of the yard or driveway. He said cars are frequently parked on both sides of the streets without any parked in the driveway. He added that on garbage day items such as nitrile gloves can end up in the street after trash pickup. He said that the lots created by the subdivision would not be similar to other lots in the neighborhood as most of them are around an acre in size, only a few are smaller than an acre. He said in addition to snow from the driveway being placed in the yard, last winter it was placed on the south side of Mount Curve Blvd. He explained he has no business with the presence of the group home but asked the Planning Commission to ask the applicant to solve these issues before proceeding.

Leroy Lutzke, 8800 Green Haven Blvd, said this past week he drove by the property and there were 8 cars in the driveway, but he usually sees these vehicles in the street. He was opposed to another driveway being located on the short length of street with curves on both ends. He expressed concerns getting his truck and trailer through the area, and he prefers driving past this

house to avoid shifting. He reiterated concerns with the amount of garbage cans. He asked if the applicant could get a dumpster. He asked where the water would run from a roof of a new house. He doesn't think it is good to take away the parking spots on the road to accommodate another driveway so close to the existing driveway. He added that ambulances can't get through when cars are parked on both sides of the street. He heard from neighbors that snow plows go around cars if they are parked on the street. He noted his family members had negative experiences in group homes.

Patricia Hanson, 8000 Mount Curve Blvd, reiterated concerns with the traffic and parking. She added that as a walker there are safety concerns with the number of vehicles parked on both sides of the street on a S-curve design. She added that traffic often includes medical delivery trucks, Metro Mobility, and ambulances. She explained a parking lot would take care of the neighborhood objections. She stated the current home is not abiding by the garbage can ordinance requiring the cans to be placed either on the driveway or in the yard.

Rita Arel, 7901 Mount Curve Blvd, agreed with the concerns of her neighbors. She stated she hasn't met Faisale or Alicia, but she would like to get their number for future concerns. She added that her driveway is used by vehicles from the group home to turn around causing it to prematurely degrade. When she asks people to stop, they go to a neighboring driveway. She has seen people park in front of the driveway, the mailbox, and the fire hydrant. She said snowplows can't properly clear snow in the winter with the garbage cans and parking reducing the roadway to one lane.

Wayne Giese, 7908 Mount Curve Blvd, voiced concerns that the group home was supposed to be for ALS residents, and now it is opening up to limited mobility residents. He stressed it is a residential community, and he doesn't understand how a for-profit business can be located and expand in the neighborhood.

Darwyn Hanson, 8000 Mount Curve Blvd, doesn't believe this property qualifies as a group home. He believes this to be a commercial nursing care facility that doesn't belong in a residential district. He reiterated concerns about traffic, and concerns about emergency vehicles blocking the street. He stated a service entrance is needed to minimize the impact on the street.

Teresa Ward, 8180 Mount Curve Blvd, reiterated concerns about parking and traffic as a walker since there are no sidewalks.

John Ward agrees with neighborhood concerns and reiterated questions about how a commercial operation can be located in a residential neighborhood. He asked if every residential neighborhood is approved for group homes or just R3 zoning. He asked the capacity for cars in standard driveways. He asked how many unrelated people can live in a standard single-family home. He said these questions should be answered before another group home is placed in the neighborhood. He believes it is inappropriate for a healthcare business to be located in single-family neighborhoods, and he asked if all residential neighborhoods in Brooklyn Park are created equal. He expressed concerns with hazardous medical waste ending up in the street and yards.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Planning Director Sherman explained there are up to 14 residential districts in Brooklyn Park's zoning code. She stated group homes are allowed to serve up to 6 people. She said there are over 200 group homes in the community in every neighborhood. She explained group homes can

be for a number of things including sober homes, half-way homes, and medical care. She reiterated that group homes are protected by state law. The city can only regulate the number of occupants as well as require either a rental or boarding license when the home is not owner occupied. She added in addition to legislation from the 1980s to deinstitutionalize patients, there has been a state moratorium preventing new nursing home beds for years. In other words, when a new nursing home is built, they could only replace the number of beds from other nursing homes closing. She agreed it is not a typical residential operation, but stressed people are living in these homes.

Commissioner Chair Hanson suggested the applicant is connected with Code Enforcement staff. She explained to residents to call Code Enforcement or 911 with concerns as they come up, so that the city is alerted to issues that need to be addressed.

Planning Director Sherman offered to work with the applicant to build a small parking area to provide adequate off-street parking and areas for ambulances so the street is not blocked. She said they could also address the trash issue.

Commissioner Chair Hanson if the applicant would come back for a Site Plan Review and next steps.

Planning Director Sherman said the next step is a Final Plat. After that, they will apply for a building permit like any other home. She explained Planning staff does work with the Building division which will create an opportunity to work with the applicant, but this will not be reviewed by City Council.

Kim Santomango asked to confirm the name of one of the speakers to connect her with Faisale.

Commissioner Chair Hanson suggested they connect in the lobby.

Kim Santomango requested an open dialogue for neighbors to let Faisale know of any concerns as they come up. She admitted they were not aware of the garbage can ordinance, but they will make that change starting immediately.

Commissioner Mohamed thanked the neighborhood for voicing concerns, so that livability can be addressed. He saw this as an opportunity for feedback, and city staff to help address parking and garbage concerns. He explained the requested plat fits the written ordinance.

**MOTION MOHAMED, SECOND HUSAIN TO RECOMMEND APPROVAL OF PRELIMINARY PLAT #19-117 AT 7900 MOUNT CURVE BOULEVARD NORTH CREATING TWO SINGLE-FAMILY PARCELS, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

Commissioner Mersereau thanked the neighborhood. She concurs with the suggestions of Commissioner Chair Hanson, and encouraged the lines of communication be kept open. She said in addition to the Neighborhood App, a closed Facebook group may be helpful to keep dialogue open. She added that if the neighbors aren't getting anywhere with the business owners and staff, they can contact Code Enforcement and Police.

Commissioner Herbers agreed with the statements of Commissioner Mohamed. He asked city staff to work with the applicant at the time of the building permit to ensure adequate parking and

potentially a sidewalk to minimize safety risks.

Commissioner Vosberg also agreed. She wanted the record to say that the Planning Commission is recommending for parking to be reviewed. She asked Code Enforcement to enforce the garbage ordinance. She stressed the necessity for due diligence with medical waste.

Commissioner Chair Hanson asked the applicant to consider putting in a cement pad for the garbage bins at the next property that allows for snow removal in the winter to the bins don't end up in the street. She also suggested the use of a dumpster instead of numerous bins.

Commissioner Mersereau asked if there is a limitation of occupancy for single-family homes.

Planning Director Sherman stated occupancy is not restricted in homes when adults are related. If adults are unrelated, the maximum occupancy is 4 adults.

Commissioner Mersereau pointed out there could be 10 vehicles could be outside of a home whether it be a group home or a single-family home. She believes parking would be an issue regardless, especially with the S-curve design. She wondered if the City would contemplate limited parking on the street.

Planning Director Sherman said staff would follow up with Engineering about possibility posting a 'No Parking' sign on one side of the street, and it would need to be approved by City Council.

Commissioner Chair Hanson recommended the neighborhood to reach out to their City Council member to discuss their parking concerns further. She also pointed out that Council Member West-Hafner is available at the meeting.

*MOTION CARRIED UNANIMOUSLY.*

Planning Director Sherman encouraged community members to sign up for the Community Engagement list to receive communications from the City such as applications and other events going on within the City. She said this would also be helpful to communicate updates on this particular project.

**C. "New Creations Daycare" (Amcon Construction Company) – Site Plan Review for a daycare with a request for a side yard setback Variance at 4500 Oak Grove Parkway.**

Senior Planner Larson introduced the application for New Creations Daycare for a Site Plan Review and side yard setback Variance. The site is located in a Planned Unit Development, in between Noble Office Park and the new CVS store.

Wayde Johnson, Amcon Construction, representing New Creations Daycare, introduced the co-owners of the business.

Commissioner Chair Hanson opened the public hearing.

Sarah Maxwell, 9812 Evergreen Avenue, stated that her child attends New Creations and she is happy to see it locate closer to her home as the owners have been good to her and her family.

Angela & Mark Schmidt, 4413 Impatiens Ave N, stated concerns with the project including drainage and flooding in their yards and screening if the trees are removed.

Jim Skoglund, manager of Noble Office Park, stated that he is in favor of the project.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

The Commission discussed tree removal.

Commissioner Mohamed expressed concern the noise from the kids may impact adjacent homes.

The applicants confirmed that not all the children are outside at the same time.

Commissioner Morton-Spears, a daycare business owner, provided her own experience that the noise from kids is minimal.

Senior Planner Larson indicated a privacy fence will be included to keep the car lights when parking from impacting the residential neighbors.

Commissioner Morton-Spears expressed concern about the placement of the garbage in relation to the kids play area.

The applicants confirmed that the garbage is where it needs to be for the trash hauler to have access, and that it is housed within brick walling that separates it from the play area.

**MOTION MERSEREAU, SECOND VOSBERG TO RECOMMEND APPROVAL OF SITE PLAN REVIEW WITH VARIANCE FOR A DAYCARE BUSINESS AT 4500 OAK GROVE PARKWAY NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

**D. “Enterprise Car and Truck Rental”** (Enterprise Leasing Company of Minnesota, LLC) – Conditional Use Permit #19-119 for a car and truck rental business at 8232 Lakeland Ave N.

Senior Planner Larson introduced the proposal for Enterprise to expand their services to a nearby site which will include small truck and van rentals.

Rick Mendlik, Enterprise, requested that the parking conditions require rental spaces to be marked with an “R” be removed to compensate for customer parking as needed.

Commissioner Chair Hanson opened the public hearing.

Seeing no one approach the podium, Commissioner Chair Hanson closed the public hearing.

Commissioner Kiekow stated the sign height in the plan appeared to indicate 45 inches.

Senior Planner Larson confirmed the sign would be in line with the sign ordinance maximum of 25 inches, and he 45 inches in the plan is referring to a different component of the site.

Commissioner Mersereau recommended the applicant be able to expand based on their success.

**MOTION MERSEREAU, SECOND HANSON TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #19-119 FOR A CAR AND TRUCK RENTAL BUSINESS AT 8232 LAKELAND AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

**E. “Chickens & Pigs” (City of Brooklyn Park) – Review of Ordinance to Amend Chapter 152 to allow the keeping of chickens and pot-bellied pigs.**

Neighborhood Health Supervisor Peterson introduced the request to review the animal ordinance to allow chickens and pot-bellied pigs with certain restrictions. She discussed neighborhood engagement and compared Brooklyn Park’s ordinance to nearby cities.

Commissioner Chair Hanson opened the public hearing.

Rebecca Buckley, 3501 Daylily Ave N, stated that the pot-bellied pig is hers and she made the request. She discussed how smart pigs are and what a great pet they are.

Seeing no one else approach the podium, Commissioner Chair Hanson closed the public hearing.

Commissioner Chair Hanson explained she wants something similar to the beekeeping process which requires education, inspection, permit process, and neighbors are notified. She has concerns there is not enough Code Enforcement staff for this to be realistic. She asked where licensing of chickens would be addressed.

Neighborhood Health Supervisor Peterson explained licensing requirements will be addressed in Chapter 92, which is not part of the zoning code.

Commissioner Chair Hanson asked for a friendly amendment to add registration before it goes to Council.

Commissioner Mersereau acknowledged that goats were discussed but are not included in the ordinance change. She agreed with Commissioner Chair Hanson that there should be a licensing component.

Environmental Health staff explained there was not enough public support.

Commissioner Vosberg agreed with the necessity for permitting and licensing of chickens.

Commissioner Kiekow was curious why only hens were allowed. He asked what will happen if there are too many.

Neighborhood Health Supervisor Peterson explained staff will follow the complaint procedure. The language in the ordinance allows three violations.

Commissioner Kiekow asked who would get rid of the chickens.

Neighborhood Health Supervisor Peterson explained this would be coordinated with the Police Department.

Commissioner Mohamed supports having all animal types. He thought registration for hens is unnecessary and prohibitive. He pointed out that some people are keeping hens already.

Commissioner Husain believes registration online would be best.

**MOTION MERSEREAU, SECOND HUSAIN TO RECOMMEND APPROVAL OF ORDINANCE #2019-\_\_\_ AMENDING SECTIONS 152.243, 152.263 AND 152.292 OF CITY CODE PERTAINING TO THE KEEPING OF CHICKENS AND POT-BELLIED PIGS WITH A FRIENDLY AMENDMENT TO REQUIRE A REGISTRATION PROCESS FOR CHICKENS.**

*MOTION CARRIED 7-1. COMMISSIONER KIEKOW VOTED NAY.*

Planning Director Sherman confirmed the public hearing items will be reviewed by City Council on September 23, 2019.

**7. OTHER BUSINESS (none)**

**8. DISCUSSION ITEMS (none)**

**9. INFORMATION ITEMS**

**A. Council Comments**

Council Liaison West-Hafner confirmed the City Council approved the variance to forego a basement for a new home construction located on West River Rd in addition to approval of the final plat for the Pemberly project.

**B. Commission comments**

Commissioner Morton-Spears did not have an update but anticipates an update next month.

**C. Staff Comments**

Planning Director Sherman stated there will be no work session on September 25, 2019 due to a conflict with city staff and the state planning conference in Breezy Pointe.

**10. ADJOURNMENT**

Commissioner Chair Hanson adjourned the regular meeting at 9:23 PM.

Respectfully submitted,

Natalie Davis  
Planning Program Assistant