APPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
Regular Meeting – April 13, 2022

1. CALL TO ORDER/SWEAR IN NEW MEMBERS

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

The Oath of Office was administered to Commissioner Fraser, Reindorf, and Xiong.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Cavin, Fraser, Husain, Kiekow, Klonowski, Reindorf, Turnham, and Udomah, and Xiong; Council Liaison West-Hafner; Planning Director Mogush; Senior Planner Larson.

Those arrived late: None

Those not present were: None

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION KLONOWSKI, SECOND KIEKOW, TO APPROVE THE APRIL 13, 2022 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. **Minutes –** March 9, 2022 Regular Meeting and March 23, 2022 Work Session
B. **NorthPark Building XII (Michael Conzemius) –** Site Plan Review #22-107 for NorthPark Business Center Eighth Addition which includes one new building with Conditional Use Permit for an outdoor storage area. Continued to May 11, 2022.

MOTION KLONOWSKI, SECOND KIEKOW, TO APPROVE THE APRIL 13, 2022 CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

A. **Schoolhouse Addition (Todd Blanchard) –** Plat for the subdivision of property into four single family lots at 9900 Regent Ave. N.

Senior Planner Larson introduced the application for a preliminary plat request for Schoolhouse Addition. He stated that the lot is about one acre in size and is the site of the former Schreiber School. He commented that the existing building will be removed, and the property will be subdivided into four single family lots with all lots fronting Regent Avenue. He stated that staff recommends approval of the plat. He noted that the property is currently zoned PUD which was written for large holdings of property. He noted that PUD included many provisions that would

not apply to this property, therefore the City Attorney recommended a variance to waive those requirements. He noted that the upcoming zoning code work will replace some of these special zoning districts with typical zoning standards. He noted that these lots would be similar to other residential lots in the area.

Commission Chair Husain opened the public hearing.

Tom St. Martin, 4908 Marigold Avenue N, commented that he has lived in Brooklyn Park since 1972 and built their current home in 2000. He stated that when he built his home there was a requirement for a certain percentage of the home to be brick and the siding also had to be within certain shades to provide the neighborhood with a certain aesthetic. He stated that in recent years there have been a number of townhomes built on either side of Regent that do not have the same exterior requirements. He stated that he does not oppose the request but hoped that the exteriors of the home would blend with the existing neighborhood.

Commission Chair Husain closed the public hearing but reminded the public that comments can be submitted via email to City Staff for consideration in the City Council agenda packet.

Commissioner Kiekow stated that this development would propose four homes per acre whereas the standard is three homes per acre. He recognized that there is flexibility but did not want to see the City continue to grant exceptions to the lowest level. He stated that he would prefer to see three homes per acre in order to maintain the existing neighborhood. He referenced the proposed access to Regent and asked if that would create a problem with vehicles backing onto the roadway from the driveways. He asked if the homes should be required to have turnaround pads.

Senior Planner Larson commented that when calculating density, you typically go within plat boundaries, but for smaller areas that may not represent the density accurately. He stated that the proposed lots are a bit smaller than adjacent homes but are larger than the lots across the street. He noted that typical single-family lots are about one quarter acre in size. He stated that they used the square block in order to determine density. He stated that staff believes that the lots fit within the neighborhood. He commented that staff did discuss access onto Regent as that receives more traffic than a typical neighborhood street but there is not a better way to provide access to these lots. He stated that if the buyers of the lots desire, they could construct a turnaround.

Commissioner Cavin commented that he also noticed that if the planning and zoning reads three units per acre, it should be better communicated as to how the City is abiding by the zoning rule. He asked if the Code should be corrected to better reflect how the rule is applied.

Senior Planner Larson explained that the zoning code implements the Comprehensive Plan which specifies three units per acre for density. He stated that there are not set lots within certain zoning areas, such as PUD. He noted that a PUD was not intended to apply to small sites such as this. He stated that additional language could be added to the code in that review to explain how density is calculated. He stated that most lots within residential development are about one quarter acre in size when accounting for the other things within a development, such as streets and other infrastructure.

Commissioner Cavin asked if the cost to tap into infrastructure such as sewer and water is funded by the City or developer.

Senior Planner Larson replied that those costs are the responsibility of the developer.

Commissioner Udomah also referenced the lot sizes and asked the criteria that are used to review this application and other future applications.

Senior Planner Larson replied that there would not be too many situations of this nature as there is not a lot of developable land left. He noted that there are some larger lots which could perhaps be split. He stated that some of those would be in a similar situation where the right-of-way is already excluded. He noted that there are minimum lot standards that must be met in order to have complying lots.

Commission Chair Husain asked the applicant if there are plans for the proposed homes.

Scott Dahlie, representing the applicant, stated that there are not yet plans for the homes as of yet. He stated that the lots will be put on the market and plans will be submitted by builders for those property owners.

Commissioner Reindorf asked whether the properties would be used for residential purposes.

Senior Planner Larson replied that the properties are zoned for single family residential uses.

Commissioner Klonowski referenced the existing structure and whether there is historical significance to the structure that should be considered.

Senior Planner Larson replied that he did consult with a local historian to receive information about the property. He noted that most of the students were of the Schreiber family.

Todd Blanchard, applicant, stated that he has owned the home and lived in it since 2001. He provided details on the condition of the schoolhouse and remodeling of the home that has occurred over the years. He stated that although they attempted to mimic the look of the schoolhouse, most elements are not original and therefore there is not historical value.

Commission Chair Husain stated that he does support this plan and noted that the proposed lots would fit in with the adjacent residential developments.

MOTION CAVIN, SECOND KLONOWSKI, TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF “SCHOOLHOUSE ADDITION” SUBDIVIDING ONE ACRE INTO FOUR SINGLE FAMILY LOTS WITH A VARIANCE TO THE PUD DEVELOPMENT STANDARDS SOUTHEAST OR REGENT AVENUE NORTH AND MARIGOLD AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: MOTION KIEKOW TO AMEND THE MOTION RECOMMEND APPROVAL OF PRELIMINARY PLAT OF “SCHOOLHOUSE ADDITION” SUBDIVIDING ONE ACRE INTO THREE SINGLE FAMILY LOTS WITH A VARIANCE TO THE PUD DEVELOPMENT STANDARDS SOUTHEAST OR REGENT AVENUE NORTH AND MARIGOLD AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

THE PROPOSED AMENDMENT DIED FOR LACK OF SECOND.

COMMISSION CHAIR HUSAIN CALLED FOR A VOTE ON THE ORIGINAL MOTION.

MOTION CARRIED 8 – 1 (KIEKOW OPPOSED).

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 25, 2022.

B. 7109 Idaho Ave N (Oscar E. Barrios) – Variance to Zoning Code #22-105 for expanded concrete driveway at 7109 Idaho Avenue N.

Senior Planner Larson introduced the application for a variance request from the property owner at 7109 Idaho Avenue N. He stated that the variance applies to the side-yard setback for the driveway. He provided details on the corner lot and driveway location. He noted that the property owner constructed the driveway without the knowledge of the City rules and regulations. He identified the older driveway and newly constructed portion of the driveway. He noted that the expanded driveway area allows for additional parking space for vehicles. He stated that although typically the City would recommend expansion of that nature occur towards the interior of the property, there is a handicap ramp needed to access the home that cannot be moved. He noted that staff agrees with the applicant that the expanded driveway does not alter the character of the neighborhood. He advised of a drainage and utility easement of ten feet that exists without any active use as there are no utilities in that area. He noted that the City Council could choose to vacate the easement or agree to an encroachment agreement. He stated that the action before the Commission is related to the variance and staff recommends approval of that request.

Commission Chair Husain opened the public hearing.

Seeing no one approach the podium, Commission Chair Husain closed the public hearing.

Commissioner Kiekow commented that this would seem to continue in the sliding of standards. He stated that the easement should have been identified by the homeowner or contractor in a review of the survey. He commented on the cost to pursue abandonment of the easement, even though the easement may not be applicable. He stated that he is torn as the investment has already been made but the easement should have been thought of prior to this time.

Commissioner Turnham asked if the neighbor has provided input about the driveway expansion.

Senior Planner Larson replied that the neighbor did call to voice support. He stated that staff requested that support be provided in writing but that was not received.

Commissioner Reindorf asked how the new driveway is infringing or causing problem to the neighboring property. She stated that there is a handicap ramp on the other side that would prevent expansion in that area, therefore it would be ideal for the expansion to occur in this location. She commented that she did not see how the new driveway creates a problem and believed it should be left in place.

Commissioner Xiong asked if the van is used by the family or for business purposes. He noticed two different levels and asked if there was not an attempt to build at the same level to provide a consistent look. He asked if proper permits were pulled for the driveway. He stated that he would prefer to leave the easement in place in the situation the easement is needed in the future.

Senior Planner Larson replied that driveways are not required to have permits. He noted that most cities do not require driveway permits and those that do, have problems with residents having the work done without permitting which leads to a heavy workload for enforcement. He stated that the applicant would need to provide details on the intent.

Commissioner Xiong asked if the van is used for family purposes.

Oscar Barrios, applicant, replied that his daughter is 22 years old and has special needs which is why the minivan is used. He explained that the van opens to the side for the wheelchair. He stated that the other two vehicles are also personal vehicles. He stated that he was not aware of the rules when he constructed the expansion of the driveway.

Commissioner Xiong asked if a contractor was used for the driveway.

Mr. Barrios replied that he and some friends constructed the driveway expansion.

Commissioner Udomah asked if there is a difference in height between the two driveway areas.

Senior Planner Larson replied that the driveway further back is lower in elevation. He stated that although it is not ideal, there is nothing illegal about it.

Commissioner Reindorf commented that she is a mental health professional and would assume the reasoning for the driveway expansion was to provide better access for his handicap child. She stated that during the winter months this would provide more space for the wheelchair and vehicles. She asked that the Commission consider those reasons when considering the request.

Commissioner Fraser asked the impact that this variance would have on the easement and how that would be addressed.

Senior Planner Larson replied that there is no impact. He noted that the only impact would be if the power company decided to bury the lines in the future and needed additional locations, this could be used. He commented that there are no City utilities in that area and the neighborhood has been in existence for about 70 years. He stated that the easement could be retained and there could be an encroachment agreement stating that if the easement is needed, the driveway could be removed in order to use the easement.

Commission Chair Husain commented that as there are no utilities under the driveway he supports the application, although recognized that ideally this should have been considered prior to construction.

MOTION KLONOWSKI, SECOND CAVIN, TO RECOMMEND APPROVAL OF VARIANCE #22-105 FOR A DRIVEWAY SIDE-YARD SETBACK AT 7109 IDAHO AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 25, 2022.

C. Cam's Bar and Eatery (Eric Cameron) – Amendment to an existing Conditional Use Permit #22-106 to include a new outdoor patio on the southwest side of the building at 8517 63rd Avenue N.

Senior Planner Larson introduced the application from Cam's Bar and Eatery at 8517 63rd Avenue N. He stated that the building was constructed in the late 1970s or early 1980s and the current owner is in the process of a major remodel of the restaurant. He stated that the applicant is looking to expand and add a patio on the southwestern portion of the building. He provided a photograph of the building, noting features that were deteriorating, have been removed, and identifying additional planned improvements. He also provided a rendering of what the building would look like after the remodel is complete. He noted that staff recommends improvements to the property to come into compliance with City Code including landscaping, pedestrian connection, bike racks, repaving of the parking lot and lighting. He stated that staff recommends approval of the CUP to add the patio and related improvements.

Commission Chair Husain opened the public hearing.

Seeing no one approach the podium, Commission Chair Husain closed the public hearing.

Commissioner Kiekow asked if the northeast patio would be abandoned with this new patio addition.

Eric Cameron, applicant, replied that patio would remain and could be used as private dining space and patio.

Commissioner Cavin asked the hours of operation for the facility and whether there would be music and lighting on the patio that could disturb neighbors.

Mr. Cameron replied that with the remodeling they will increase lighting across the property and there will be ambient lighting on the patio, but nothing that would project onto neighboring properties. He stated that all of their music levels are controlled and meet the sound limits to ensure nothing is over amplified. He stated that if live music were added outside, it would be acoustic, and the necessary permits would be obtained.

Commissioner Cavin asked if the trash enclosure would be of the same material as the building.

Mr. Cameron replied that the trash enclosure will be relocated and will house refuse and recycling as well as organics.

Kevin Green stated that the intent would be to match the building and provided details on the materials that will be used.

Mr. Cameron commented that the hours of operation currently allow until 1 a.m. with their license and they do not anticipate operating later. He stated that the hours would be 11 a.m. to midnight or 1 a.m.

Commissioner Klonowski commented that it appears the area for patio expansion points towards residential homes. She referenced a similar example of Mavericks in Champlin which uses signs to encourage patrons to keep the levels down to not impact neighbors. She asked the rules for the City.

Senior Planner Larson commented that there is a berm between the restaurant and residential neighborhood. He noted that the existing patio is closer to the residential properties than the proposed patio. He stated that the City has not received any complaints from the existing patio. He stated that there is a condition proposed that music shall not be heard from the eastern property line and shall be completed by 10 p.m.

Commissioner Klonowski asked if there are currently any regulations related to patios and food service at night.

Senior Planner Larson replied that there are not.

Commissioner Reindorf commented that there are similar operations in other communities which do not appear to impact neighboring residential properties. She commented that she does not believe that this would cause an issue to residential properties as the patio is not too large. She noted that this type of business is desired and would be good for the community. She believed that this project would be a benefit to the community and its economy.

MOTION CAVIN, SECOND TURNHAM, TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #22-106 FOR A PATIO AND SITE IMPROVEMENTS FOR A CLASS II RESTAURANT AT 8517 63RD AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 25, 2022.

Commissioner Cavin thanked the business owners for their investment in Brooklyn Park.

D. Mixed Income Housing Code Amendment – Zoning Code amendment regarding the City's Mixed Income Housing Policy.

Planning Director Mogush introduced the application for a zoning code amendment to the City's mixed income housing policy. He noted that the City is currently in the process of updating its zoning code and this is a small housekeeping amendment. He provided background information on the existing mixed income housing policy and related required affordability. He stated that staff is preparing to bring a proposed policy amendment to apply to all new development adding 10 or more rental units regardless of location. He noted that action is not before the Commission tonight, but he wanted to provide that background. He stated that this policy was adopted by resolution and is enforceable, but the preference would be to include this under ordinance in the zoning code to make it more transparent for developers.

Commission Chair Husain opened the public hearing.

Seeing no one approach the podium, Commission Chair Husain closed the public hearing.

Commissioner Kiekow asked for clarification on the chart shown in the presentation and packet.

Planning Director Mogush replied that is an estimation of the cost for a developer, on an incremental basis, to comply with the affordable housing/mixed housing policy relative to a market rate project. He stated that the cost per unit increases as the number of units increase and the income level decreases. He stated that the City acknowledges that requiring this of developers can impact the feasibility of the project and the City can then assist in identifying other funding sources to assist in the project.

Commissioner Kiekow asked if the City is subsidizing the rent.

Planning Director Mogush replied that in some cases, the City or EDA has provided financing in order to have affordable units.

Commissioner Kiekow asked if there is an estimate of funding that the City has provided for this purpose.

Planning Director Mogush replied that he did not have that figure but noted that most cities work proactively to have affordable housing in their communities.

Commissioner Cavin asked how this is enforced on a developer.

Planning Director Mogush replied that the term of enforceability for affordability is 20 years within the current policy. He stated that the policy also states that the City and developer enter into a contract which is enforceable and provides the details on those affordable units for that period of 20 years.

Commissioner Reindorf asked for clarification on the definition of mixed income housing.

Planning Director Mogush replied that the intent of the policy is to ensure as there is new housing development in the community, the City leverages that opportunity to have affordable units with market rate units. He explained that within the development there would be residents paying market rate rent and others paying lesser rent, therefore a mix of incomes within the development rather than segregating separate buildings for market rate and affordable housing.

Commissioner Udomah asked how the income levels are set and what would occur if someone in an affordable unit were to have their income increased or someone in their market rate unit were to have their income decreased.

Councilmember West-Hafner commented that she works in affordable housing and noted that the income level is applicable at the time the family moves in. She stated that the income level can increase after that time to a certain level. She stated that the City only verifies income when the family moves in. She noted that in most cases, if the income of the family were to increase, they

would perhaps look to purchase their own home. She noted that there can be other income verification completed on an annual basis depending on the funding used for the project.

Commission Chair Husain asked if the application would be made to the City or another entity.

Councilmember West-Hafner stated that the resident would apply to the apartment and complete the necessary income verification at that time.

Commissioner Reindorf asked how affordable the units could be and the criteria that are used to determine that factor.

Councilmember West-Hafner stated that there is a calculation made to determine 30 percent of the household income. She commented that there is a disconnect between rents and levels and whether that would be affordable to a specific household. She noted that affordability specific to a household would be Section 8 housing. She noted that the intent of these projects would be to create a level of the rent that would be affordable to a group of people in the community.

Commissioner Reindorf referenced option two in the required affordability chart and asked for clarification on the calculation.

Planning Director Mogush replied that the income levels are set by the federal government and HUD rather than the City. He stated that the City did set the menu of options to provide the developer with options to comply with the policy. He noted that this would not be a strategy that would meet all the needs of the community but is a tool the City can use.

Commissioner Klonowski thanked the City for taking these measures to provide affordable housing in the community.

Commission Chair Husain stated that this action would streamline the language to include it in ordinance.

MOTION CAVIN, SECOND KLONOWSKI, TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CITY CODE PERTAINING TO THE MIXED INCOME HOUSING POLICY.

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on April 25, 2022.

7. OTHER BUSINESS

None.

8. DISCUSSION ITEMS

None.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison West-Hafner provided an update on recent Council activity related to recommendations provided by the Planning Commission.

B. Commission Comments

Commissioner Klonowski recognized that this is the last meeting for Senior Planner Larson and noted that he will be missed.

C. Staff Comments

Planning Director Mogush stated that this is an exciting day to welcome three new members of the Commission but also a sad day as they will say goodbye to Senior Planner Larson who has been with Brooklyn Park since May 9, 2001 and will be leaving to accept another position. He recognized the contribution that Senior Planner Larson has made to the planning department and community in the past 20 years. He stated that the community is thankful for his service to the City and congratulated him on his new position in the City of Ramsey.

Senior Planner Larson commented that his first day was the last day of his previous job at the City of Medina where he also attended a Planning Commission meeting and then attended the Brooklyn Park Planning Commission meeting until midnight. He stated that over the years he has been able to learn about the passions of the members of the Commission and relate those to developers. He stated that although he is not a resident of Brooklyn Park, he has spent a lot of time here and it is a great community that has a great future ahead.

Commissioner Reindorf stated that she has not gotten a chance to get to know Senior Planner Larson but wished him well.

Commissioner Fraser stated that although she is new to the Commission, she has known Senior Planner Larson for a long time. She noted that he is a staple in the City and always has a calm demeaner and is knowledgeable about planning. She thanked him for his contribution to the city.

10. ADJOURNMENT

Commission Chair Husain adjourned the meeting at 8:34 PM.

Respectfully submitted,

Todd A. Larson
Senior Planner