

APPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – NOVEMBER 9, 2022



1. CALL TO ORDER

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

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Cavin, Fraser, Husain, Kiekow, Klonowski, Turnham, and Xiong; Council Liaison West-Hafner; Planning Director Mogush; Principal Planner Turnquest; and Associate Planner McDermott.

Those arrived late: None

Those not present were: Commissioner Reindorf and Commissioner Udomah (with prior notice).

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION CAVIN, SECOND KLONOWSKI TO APPROVE THE NOVEMBER 9, 2022 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes – October 12, 2022

Chair Husain noted on page six, the first roll call vote should show himself as voting nay and Commissions Kiekow as voting aye.

MOTION HUSAIN, SECOND KIEKOW TO APPROVE THE NOVEMBER 9, 2022 CONSENT AGENDA WITH THE NOTED CHANGE.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

A. APC Towers – Conditional Use Permit, #22-123 for a Communication Tower on a property zoned PI – Public Institution.

Associate Planner McDermott presented a request for a conditional use permit and variance, noting that the Commission previously approved this planning case in 2019. She identified the property location, adjacent uses and provided details on the subject property including zoning and adjacent zoning. She provided details on the proposal from the applicant including fencing and tower design. She stated that staff reviewed this against the zoning ordinance for the Crystal airport noting that this would meet the allowed height. She stated that staff recommends approval of the requests.

Commission Chair Husain opened the public hearing.

Donna Jorgensen stated that her concern would be that the radio waves could impact the children and seniors living in this area. She commented that her husband died from cancer related to radio wave activity. She did not believe that due diligence was performed as parents of the children at the schools were not notified.

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 Klonowski asked if the applicant has data supporting or negating the concerns of the resident.

Pierre Giguere, representing the applicant, commented that the FCC and American Cancer Society have both addressed this topic on their websites.

Commissioner Klonowski asked if the City has data to support or negate the concerns of the resident.

Planning Director Mogush replied that the role of the City is related to land use approvals and telecommunications towers are regulated by the FCC. He stated that the issues before the City are related to land use and site design. He noted that the health effects do not fall to the City.

Commissioner Klonowski asked the number of cell towers in the community.

Planning Director Mogush replied that he did not have that exact number. He noted that they are largely placed on publicly owned land but recognized that would not work to address all communications needs.

Commissioner Klonowski stated that the Commission is to consider land use, irregardless of the public testimony.

Chair Husain stated that he researched this topic years ago when the Commission considered this request. He noted that 5G is stronger than 4G and would like the City to look into that more.

Commissioner Turnham asked if he understood it correctly that the church is going to build a cross tower and the 5G would be inside of that.

Mr. Giguere confirmed that would be correct. He noted that the tower would be supported by three support poles. He provided details on the cross design and use of bells.

Chair Husain asked for a summary of the setback requests.

Mr. Giguere provided details on the requested variances for setbacks from the northern and eastern property lines. He noted that up to three carriers could be supported on the tower and three carriers on the base.

Commissioner Cavin referenced the comment that Chair Husain would like additional study on the health impacts but noted that a vote would still be necessary tonight.

Chair Husain stated that he does not feel there is sufficient information on the health impact, noting that just because the FCC allows something does not mean it is healthy.

Commissioner Cavin recommended that this be tabled until there is additional information on health and safety.

Commissioner Turnham referenced the map which shows other cell towers in the area and asked if those are 4G or 5G.

Mr. Giguere replied that the towers focus on the installation of cell towers and equipment. He noted that while not all the towers are 5G, they will continue to move towards that because of the advancement in technology.

Commissioner Husain commented that obviously there are already 5G towers and most cell phones already use 5G as well.

Mr. Giguere commented that the church location is in the middle of the map showing the other towers in the area, which would help to close a coverage gap that exists.

Chair Husain asked for input from staff on the concept of tabling.

Planning Director Mogush replied that the Commission could table the request. He noted the allowable review time, noting that the City would need to exercise the ability to extend the 60-day review period in order to table the request.

Commissioner Cavin asked the impact on staff that tabling would have as the Commission would be requesting information on the health and safety impacts of radio waves.

Planning Director Mogush stated that his request is that any motion be clear as to what is requested and what is asked of the applicant and/or staff. He stated that they would not otherwise plan to hold a December Planning Commission meeting.

Councilmember West-Hafner noted that this application has been through this process once before and the approval expired. She noted that perhaps that information is already available on that topic.

Associate Planner McDermott commented that this question was not addressed at that time.

Planning Director Mogush was appreciative that Councilmember West-Hafner reminded the Commission of that previous approval, which is very similar to this request. He stated that if this were to lead to denial that would be a high bar to deny something that was already approved with pretty much the same facts and regulations.

Commissioner Xiong asked what would happen with 4G towers, where those are removed or upgraded as technology advances.

Mr. Giguere commented that in most cases towers are permanent until removed. He stated that when technology advances, the antennas are removed, and the new technology is installed in its place. He noted that it would be impossible to tell the type of technology on the tower by looking.

Commissioner Klonowski stated that this was presented and then a concern was received from a neighbor related to a health concern. She stated that in looking online the American Cancer Society says there is no link, while European sources have mixed reviews. She stated that it would be helpful to have some background information provided by staff in order to make an informed discussion.

Commissioner Turnham asked if the existing towers are three carriers or are single carrier towers.

Mr. Giguere replied that in order to make the best use of space most towers are multiple tenant, ranging from one to four.

Commissioner Xiong commented that this was reviewed by the Planning Commission and City Council in 2019 and was approved. He believed that there are systems and processes in place to review and therefore would not want to see this delayed if it were already approved previously.

MOTION XIONG, SECOND KIEKOW TO ADOPT FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR A SETBACK REDUCTION OF 101 FEET 9 INCHES FROM THE NORTHERN PROPERTY LINE FOR A SETBACK OF 142 FEET THREE INCHES, AND A REDUCTION OF 143 FEET SIX INCHES FROM THE EASTERN PROPERTY LINE FOR A SETBACK OF 100 FEET SIX INCHES FOR A COMMUNICATIONS TOWER AT 5840 69TH AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED 4 – 3 (CAVIN, FRASER, AND HUSAIN OPPOSED).

MOTION XIONG, SECOND KIEKOW TO RECOMMEND APPROVAL OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A COMMUNICATIONS TOWER AT 5840 69TH AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION FAILED 3 (XIONG, KEIKOW, AND TURNHAM IN FAVOR) – 4.

Planning Director Mogush replied that the Commission would need to do something with that request as the motion to approve failed.

Councilmember West-Hafner stated that perhaps there were conditions that someone would like to add.

Chair Husain stated that he is not comfortable to approve the request because of the questions related to health impacts.

MOTION KLONOWSKI, SECOND ?? TO TABLE CONSIDERATION OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A COMMUNICATIONS TOWER AT 5840 69TH AVENUE NORTH, SUBJECT TO CONDITIONS OF THE CITY MEETING WITH THE PLANNING COMMISSION TO DISCUSS HEALTH IMPACTS PRIOR TO APPROVAL.

FURTHER DISCUSSION: PLANNING DIRECTOR MOGUSH REPLIED THAT IT WOULD BE IMPORTANT TO TABLE TO A CERTAIN DATE, NOTING THAT THE DECEMBER MEETING WOULD BE SCHEDULED FOR DECEMBER 14TH. HE STATED THAT STAFF COULD BE DIRECTED TO INCLUDE INFORMATION ON THE HEALTH IMPACTS OF 5G COMMUNICATION TOWERS.

CHAIR HUSAIN CONFIRMED THAT AMENDED LANGUAGE TO BE ADDED FOR CLARITY.

MOTION PASSED 5 -2 (KIEKOW AND XIONG OPPOSED).

B. Six Ten Zane Fourth Addition – Preliminary Plat, #22-124 for the creation of a 7.4-acre lot on a property zoned Business Park District/Planned Unit Development Overlay.

Principal Planner Turnquest introduced the application for preliminary plat for Six Ten Zane Fourth Addition. She provided details on the subject property, adjacent uses, and zoning. She stated that this preliminary plat would create one lot and one outlot to create Six Ten Zane Fourth Addition. She noted that while no formal development request has been submitted at this time, it would be anticipated in the near future.

Eddie Wolf (the applicant), introduced himself and stated that there is currently not a user selected but they are engaged with a user. He stated that in the future when the user would want to develop and construct, they would submit a site plan that would meet the necessary criteria.

Commission Chair Husain opened the public hearing.

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

Commissioner Kiekow stated that as he understands there would be no change to the property other than the boundary lines.

Chair Husain asked if there would be two new access points created.

Principal Planner Turnquest confirmed that there would be but noted that would be determined at the time of site plan review.

MOTION KLONOWSKI, SECOND CAVIN TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF “SIX TEN ZANE FOURTH ADDITION” FOR THE CREATION OF ONE LOT AND ONE OUTLOT, 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 November 28, 2022.

C. Edinburgh Center Third Addition – Preliminary Plat, #22-122 for the reconfiguration of three lots to create a buildable site for future development on a property zoned PCDD – Planned Community Development District.

Associate Planner McDermott introduced the application for a preliminary plat request for Edinburgh Center Third Addition. She provided details on the subject property, adjacent uses, and zoning. She stated that the property owner received previous approvals to fill the wetland, which has been completed and therefore the property owner would like to subdivide the property in order to sell a portion for development. Staff recommends approval with the conditions noted.

Commission Chair Husain opened the public hearing.

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

Commissioner Xiong thanked the property owner for continuing to bring businesses to Brooklyn Park. He noted that he often visits this area and is excited for new businesses to be added.

MOTION XIONG, SECOND KLONOWSKI TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF "EDINBURGH CENTER 3RD ADDITION" FOR THE RECONFIGURATION OF LOT 6, BLOCK 1 EDINBURGH CENTER, AND LOTS 2 AND 3, BLOCK 1, EDINBURGH CENTER SECOND ADDITION FOR THE CREATION OF THREE LOTS, 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 November 28, 2022.

- D. NorthPark Buildings XII & XIII – Preliminary Plat and Site Plan Review, #22-125 for two speculative warehouse buildings on a property zoned BP/PD – Business Park with a Planned Development Overlay.**

Commissioner Klonowski recused herself from the discussion as her firm represents the design work for this project.

Principal Planner Turnquest introduced the application for preliminary plat and site plan review for NorthPark Buildings XII and XIII. She provided details on the subject site, adjacent uses, and zoning. She stated that the request would subdivide the outlot into two lots and one outlot. He applicant proposes two 210,000 square foot warehouse buildings with office space on lots one and two. She stated that all criteria have been met by the requests with more green space provided than required. She provided additional details on the proposed landscaping and noted that even with this development the entire NorthPark development would remain under the 70 percent impervious threshold. She noted that the building style and materials would be similar to the buildings that already exist within the development. Staff recommends approval of the request with the conditions noted.

Commission Chair Husain opened the public hearing.

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

Commissioner Cavin commented that with such large buildings, sustainability remains a discussion. He noted that he would love to see the applicant and designers attempt to enhance sustainability.

Chair Husain asked if the other buildings have been occupied.

Michael Conzemius, spoke in representation of the applicant, noting that building eight is mainly leased, nine is vacant and ten is mainly leased. He stated that they skipped over building 11 as that is a build to suit.

MOTION TURNHAM, SECOND CAVIN TO RECOMMEND APPROVAL OF PRELIMINARY PLAT FOR "NORTHPARK BUSINESS CENTER NINTH ADDITION" AT THE NORTHWEST INTERSECTION OF XYLON AVENUE NORTH AND OXBOW CREEK DRIVE.

MOTION CARRIED UNANIMOUSLY.

MOTION TURNHAM, SECOND CAVIN TO RECOMMEND APPROVAL OF A SITE PLAN FOR TWO 210,000 SQUARE FOOT WAREHOUSE BUILDINGS ON LOTS 1 AND 2, BLOCK 1, NORTHPARK BUSINESS CENTER NINTH ADDITION.

MOTION CARRIED UNANIMOUSLY.

Planning Director Mogush stated the public hearing item is scheduled to be reviewed at the City Council meeting on November 28, 2022.

7. OTHER BUSINESS

None.

8. DISCUSSION ITEMS

None.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison West-Hafner provided a brief update on recent Council activity concerning planning cases.

B. Commission comments

No comments.

C. Staff Comments

Planning Director Mogush stated that they will not hold the regular November worksession due to the Thanksgiving holiday. He stated that they will hold a worksession tonight following this meeting. He noted that they will hold a December meeting to consider the tabled item and will have a worksession following that meeting.

Commissioner Xiong congratulated Commissioner Klonowski on her election to the City Council and expressed thanks to Councilmember West-Hafner for her service.

10. ADJOURNMENT TO WORKSESSION

Commission Chair Husain adjourned the meeting to worksession at 7:50 PM.

Respectfully submitted,

Devon Miller
Planning Program Assistant