

APPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – May 24, 2023



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, Borer, Fraser, Gaye-Bai, Kiekow, Udomah, and Wako; and Planning Director Mogush.

Those arrived late: None

Those not present were: None

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION WAKO, SECOND UDOMAH, TO APPROVE THE MAY 24, 2023 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. ORGANIZATIONAL MEETING

A. Election of General Officer

Planning Director Mogush commented that with the recent resignation of Commissioner Turnham, the Vice Chair became vacant. He explained that the General Officer then becomes the Vice Chair, which leaves a vacancy in the General Officer position. He stated that someone will need to be elected to serve in that role.

Commissioner Fraser nominated Commissioner Kiekow for the position of General Officer.

There were no other nominations.

MOTION CARRIED UNANIMOUSLY.

6. CONSENT AGENDA

B. Minutes – April 12, 2023

MOTION WAKO, SECOND KIEKOW TO APPROVE THE MAY 24, 2023, CONSENT AGENDA.

Commission Chair Cavin noted that at the end of the meeting it should state, “Commission Chair Husain Cavin adjourned...”

MOTION CARRIED UNANIMOUSLY.

7. PUBLIC HEARING

A. Zoning Code Text Amendment – TOD Districts.

Planning Director Mogush introduced a proposed amendment to the zoning code related to allowed uses within the transit, or TOD, districts. He provided an overview of the plans for the blue line light rail within Brooklyn Park and the station plans for the five stations within the city. He explained that every transit ride begins with a walk, whether that is from a parked vehicle or a home, therefore when considering transit plans there must also be consideration of pedestrian traffic and safety. He reviewed some of the streetscape concepts. He stated that they must also ensure that the buildings near the stations help to contribute to a comfortable walking environment, which is planned through zoning. He explained that following the station planning, the City developed zoning districts which are different than the zoning of the remainder of the city. He explained that while this will be new to Brooklyn Park, the use of transit districts is becoming common use to create a walkable transit development. He stated that the TOD standards would include design standards as well as the uses that would be allowed or not allowed. He provided some examples of businesses that may not be appropriate within a TOD district. He reviewed the proposed list of uses highlighting those that would be permitted, not permitted, or conditionally permitted.

Commission Chair Cavin opened the public hearing.

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

Commissioner Kiekow referenced Brooklyn Boulevard noting the car dealers that already exist at 73rd and asked what would happen to those businesses.

Planning Director Mogush replied that those businesses would become legal conforming and provided additional explanation on the regulations that would apply. He stated that currently, there would not be an allowance for an expansion of a nonconforming use but there has been discussion about creating a process that would allow those uses to request an expansion. He confirmed that the businesses were made aware of the changes in 2018 and this would be more of a technical correction to ensure that the language is clear.

Commissioner Kiekow stated that this would seem to be an orchestrated plan to move away from automobile use, using the example of not allowing fuel stations.

Planning Director Mogush confirmed that is the intent in these select areas, explaining that they do not want to introduce new uses that would conflict with the pedestrian friendly areas. He noted that these would be small areas within the city and the remainder of the city would remain open for those uses.

Commissioner Kiekow asked if a property owner could create a parking lot within this area.

Planning Director Mogush confirmed that parking as a principal use would be allowed through conditional use permit. He provided details on the planned park and ride facilities.

Commissioner Wako asked if a change in ownership of a legal nonconforming use would change the status of the property.

Planning Director Mogush replied that ownership does not change the status of the property, with the exception of a situation where the use has stopped for one year or more. He stated that at that point any new use would need to conform with the rules.

Commissioner Wako asked the area that is encompassed within the TOD boundaries.

Planning Director Mogush replied that the TOD typically surrounds the station in a radius of one-half mile.

Commissioner Fraser asked if it is common practice to not allow fuel stations within a TOD district.

Planning Director Mogush confirmed that is common practice and noted that if there are such stations in existence near light rail, they were most likely in place prior to the station. He stated that a fuel station would be allowed in the TOD-E district, but it would look very different than a typical station as it would need to meet the design standards.

Commissioner Udomah asked for details on extra security that may be needed in these areas.

Planning Director Mogush recognized the comments that have come forward about safety on transit and Metro Transit has developed an extensive plan to address those concerns. He stated that the recent legislative session provided funding for that plan to increase security and implement the plan of Metro Transit. He stated that the TOD design standards also help to promote safety for those walking about.

Commission Chair Cavin asked the impact these stations have had on existing businesses, using the example where a vehicle parks in a business lot to participate in transit.

Planning Director Mogush commented that if there is a business with a large parking lot near a station, people sometimes park in those lots to ride transit. He stated that it would be up to those businesses as to whether that is an issue for them.

Commission Chair Cavin recognized the legislative action that would legalize recreational marijuana and asked if those businesses would be allowed.

Planning Director Mogush replied that act was just passed and staff have signed up for a training session to learn more. He stated that it will be the decision of the City as to how that is allowed through land use.

Commissioner Gaye-Bai asked for details on the responsibility for the cost of development.

Planning Director Mogush replied that building the train would be funded primarily from the federal government, Hennepin County, the State of Minnesota, and some participation from the cities along the line. He stated that the City took the lead on the streetscape plan and will be working to fund its construction. He stated that all levels are involved in the planning, implementation, and funding.

Commissioner Gaye-Bai referenced the 93rd station plans, noting a gas station near that area. He stated that in order to make these concepts a reality there would need to be a lot of change as there are already businesses along the roadways.

Planning Director Mogush stated that although there are cases where there are investments on City or EDA owned properties, most of this development would occur on privately owned property which would be guided through those development standards.

Commissioner Borer asked the first step and proposed timeline.

Planning Director Mogush stated that the current estimate is that the line would be functioning between 2028 and 2030. He stated that there would be incremental steps towards the other concepts and progress. He estimated that it would take decades to fully build out some of these concepts.

MOTION UDOMAH, SECOND FRASER, TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES PERTAINING TO ALLOWED USES IN THE TRANSIT ORIENTED DEVELOPMENT DISTRICTS.

FURTHER DISCUSSION: COMMISSIONER KIEKOW REQUESTED TO CHANGE THE AUTO REPAIR SHOP, FUEL STATIONS, AND CARWASH USES TO CONDITIONAL TO SUPPORT THOSE THAT CONTINUE TO DRIVE VEHICLE.

COMMISSIONER UDOMAH NOTED THAT WOULD DEFEAT THE PURPOSE OF THE TOD, WHICH IS GEARED TO PROMOTE PEDESTRIAN TRAFFIC. HE DID NOT ACCEPT THE AMENDMENT.

COMMISSIONER BORER COMMENTED THAT THOSE HIGH VEHICLE BUSINESSES WOULD SIMPLY NOT BE ALLOWED WITHIN THE TOD IN ORDER TO PROTECT PEDESTRIAN TRAFFIC AND THEREFORE AGREES WITH THE LANGUAGE AS PROPOSED BY STAFF. SHE NOTED THAT THE BUSINESSES WOULD STILL BE ALLOWED IN OTHER AREAS OF THE CITY.

COMMISSION CHAIR CAVIN STATED THAT HE WOULD SUPPORT THE AMENDMENT AS THE USES WOULD BE CONDITIONAL AND STILL WOULD BE REVIEWED BEFORE MAKING A DECISION ON THE USE.

COMMISSIONER GAYE-BAI STATED THAT HE WOULD SUPPORT THOSE USES AS MOST USERS OF THE TRAIN WOULD MOST LIKELY BE DRIVING TO THE STATION.

COMMISSIONER UDOMAH STATED THAT HE WOULD ACCEPT THE AMENDMENT AS PROPOSED BY KIEKOW.

COMMISSIONER WAKO COMMENTED THAT IT WOULD SEEM THE AMENDMENT IS IN DISAGREEMENT WITH THE PURPOSE OF THE TOD DISTRICT.

COMMISSION CHAIR CAVIN RESTATED THE MOTION WITH THE AMENDMENT.

MOTION FAILED 3 AYES (CAVIN, KIEKOW, GAYE-BAI) - 4 NAYS.

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MOTION CARRIED 4 AYES – 3 NAYS (CAVIN, KIEKOW, GAYE-BAI) .

8. OTHER BUSINESS

None.

9. DISCUSSION ITEMS

None.

10. INFORMATION ITEMS

A. Council Comments

None.

B. Commission comments

None.

C. Staff Comments

Planning Director Mogush provided a recap of recent City Council activity.

11. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 8:08 PM.

Respectfully submitted,

Paul Mogush
Planning Director