

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – October 11, 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, Turner, Udomah, and Wako; Planning Director Mogush; and Associate Planner McDermott.

Those arrived late: Council Liaison McGarvey.

Those not present were: Principal Planner Turnquest.

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION WAKO, SECOND GAYE-BAI, TO APPROVE THE OCTOBER 11, 2023 AGENDA.

FURTHER DISCUSSION: PLANNING CHAIR CAVIN NOTED THAT ITEM 6.B WILL BE REMOVED FROM THE AGENDA AS THE APPLICANT HAS WITHDRAWN THEIR REQUEST.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes – September 13, 2023

Commissioner Turner noted that she arrived 12 minutes late to the last meeting.

MOTION GAYE-BAI, SECOND FRASER, TO APPROVE THE OCTOBER 11, 2023 CONSENT AGENDA WITH THE NOTED ADDITION.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

A. 6317 Welcome – Conditional Use Permit, #23-111 for an auto orientated repair service on a property zoned BP – Business Park.

Associate Planner McDermott introduced the application for a Conditional Use Permit for an auto orientated repair service on the property located at 6317 Welcome Avenue. She reviewed the zoning and adjacent zoning. She noted that the City has received numerous complaints related to parking of vehicles to be repaired at this site on Welcome Avenue and along the private street serving the townhome development to the east. She commented that the west section of Welcome Avenue is posted as no parking. She reviewed the site plan showing the existing conditions. She stated that this location would be an appropriate location for this use and

explained that this CUP would bring the violations into compliance. She stated that comments were received and provided to the Commission related to the parking frustrations. She explained that the CUP would provide more enforcement and methods to deal with issues of noncompliance should that continue.

Commission Chair Cavin opened the public hearing.

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

Commissioner Kiekow acknowledged that this would be an appropriate location for this type of business, but it does not appear the business has been attempting to be a good neighbor. He asked how the City would ensure the applicant complies with the conditions of the CUP and does not continue to be a nuisance.

Associate Planner McDermott commented that the conditions of the CUP have to be complied with and if they are not, the CUP could be brought forward for revocation. She stated that if the CUP is revoked the business would need to stop its operations. She stated that the City works to find a way to bring sites into compliance rather than requiring the business to stop its operations. She stated that the conditions of the CUP would provide the specific conditions that the business needs to comply with and noted that an additional agreement was provided that would allow vehicles parked on-street to be towed.

Kyle Malkerson commented that he is a minority owner of the LLC that owns the property.

Reshal Malik commented that he represents the other owner of the LLC.

Commissioner Kiekow asked the number of businesses that operate within this property.

Mr. Malkerson replied that there are 20 or 22 businesses on the property.

Commissioner Kiekow asked the type of business that the tenants are engaged in.

Mr. Malkerson replied that are auto repair, auto detailers, wholesalers, screen printers, and places for manufacturing items such as chicken houses. He noted that each bay is between 1,200 to 2,700 square feet with their own door, drive in door, and bathroom.

Commissioner Kiekow commented that it seems the issue arising because of the auto repair businesses and asked how those concerns will be addressed.

Mr. Malik commented that they have enforced towing heavily on the property. He stated that in the past two months they have towed 20 to 25 cars. He stated that things are improving, and they are confident that they can operate within the rules.

Commissioner Kiekow commented that the backside of the property appears to be in disarray. He asked what would happen if a tenant does not follow the rules.

Mr. Malik explained the process they would follow with a tenant that could lead to eviction of that tenant.

Commissioner Kiekow noted that violations would be issued to the property owner and not the tenant.

Mr. Malkerson acknowledged that and noted that they have notified some tenants that their lease would not be renewed in order to mitigate these issues.

Commissioner Borer asked if there is not adequate parking for vehicles for the repair businesses which is causing the parking on the street.

Mr. Malkerson acknowledged that concern and explained that they have been working to limit to only one auto repair use per side, noting that there are four angles to the property. He believed that would mitigate some of the parking problems. He stated that as the leases phase out they would accept only one auto repair shop to every eight units, noting that there are 30 units in total.

Commissioner Gaye-Bai commented that he did live on that street and therefore is aware of these issues. He noted that one side of the street is marked no parking and therefore when vehicles park on the other side they often block the townhome driveways.

Mr. Malkerson understood that and noted that they are going to be much more stringent on lease renewals that include the City ordinances.

Commissioner Gaye-Bai commented that the photos provided show that the street can be blocked. He stated that perhaps staff should be added to monitor the parking issue.

Commissioner Wako referenced the photos that show vehicles parked on both sides of the street and referenced the problems that can create for snowplowing in the winter. He asked why those vehicles are parked on the road and the parking that is available on the site.

Mr. Malkerson replied that there are 186 parking stalls, and the majority of those businesses are able to maintain their parking within their leased areas, even for the auto repair businesses. He acknowledged that some of the businesses have accepted too much business and therefore they are working with those businesses to find other locations as they have outgrown that space. He noted that they would be moving forward with limited auto repair uses and focus on those businesses that can follow the rules.

Mr. Malik commented that they have provided lease terminations to two of the auto repair tenants, so those businesses will vacate prior to January 2024.

Commissioner Wako asked if there are vehicles left on the street overnight.

Mr. Malkerson replied that some of those vehicles are left overnight and that is why they are trying to eliminate those tenants. He explained that they want to be a good neighbor and a site that follows the rules rather than creating more work for the City.

Commissioner Udomah commented that his concern is related to safety as this appears to be going on for quite a while. He asked what took so long to address this issue.

Mr. Malkerson commented that this property was purchased in 2021 and they are working hard to improve the site and address tenants that were at the site when they purchased the property.

He noted that some of those tenants were not adhering to the lease terms and/or City Ordinance and therefore they are terminating those leases and trying to relocate those businesses.

Mr. Malik commented that he began with the company in April and once he was aware of this issue, they began to tow vehicles and issue lease termination notices.

Mr. Malkerson commented that the new ownership had the opportunity to address these tenants that were problematic. He noted that they are working to help the businesses find new locations and let their leases expire rather than evicting them as the clients are local residents. He believed that they are working to rebuild the site in a responsible manner.

Commissioner Udomah commented that his issue was with the lax manner in which the ordinance was enforced and would like more reassurance that the business will be a better steward for the area. He understood that business can grow and get busy, which is a good thing, but that cannot inconvenience others in that area. He wanted to ensure that if this were approved, the issues would not continue to happen.

Commissioner Fraser commented that it sounds like the ownership is working to mitigate the challenges, recognizing the concern with parking. She asked about the steps the owners would take to ensure the parking rules are enforced and abided by.

Mr. Malik replied that they will limit the auto uses at the property, reiterating that two of those businesses will be leaving in January 2024. He noted that they have been towing vehicles and would continue to do so. He stated that if businesses continue to violate, they would continue with their enforcement abilities in the lease as well which could lead to eviction and/or legal actions. He noted that these spaces are under market rent which is affordable for people starting their businesses.

Commissioner Fraser asked if that has been communicated to the tenants.

Mr. Malik confirmed that these rules have been communicated to the tenants and they have enforced towing. He stated that the tenants understand that this is not allowed and is not going to continue to happen.

Mr. Malkerson commented that they like to avoid the legal route as that adds cost and does not benefit anyone involved. He stated that this path forward has provided the tenants a month or two additional to find a new space. He stated that they are not going to allow outdoor storage of car parts, damaged cars, or trailers of equipment. He commented that there are good tenants at the property, and they are phasing out the bad apples.

Commissioner Borer asked if the CUP has been in place before.

Associate Planner McDermott replied that in the past there were three parcels under common ownership and a CUP was issued for the property at 6301 to allow auto uses. She stated that over the years the properties have remained under common ownerships and the City previously did not conduct proactive code sweeps and therefore the expansion of auto related uses was not caught. She stated that there were complaints about the parking which led to the no parking posting on one side of the street. She confirmed that this CUP would provide an additional layer

of enforcement. She noted that the applicant has been very responsive in working with City staff and the Police Department to address these issues.

Commissioner Turner stated that as they think about additional enforcement that could occur, perhaps some mitigation strategies could be built to build a relationship with the townhome HOA. She encouraged the applicants to reach out and build a relationship with the HOA.

The applicants confirmed that they would be interested in being a part of that neighborhood committee and would welcome the invitation.

Commissioner Kiekow asked if this could be tabled for three months to allow the applicants to prove they are doing what they say they will do. He noted that they could work to come into compliance and then review the request.

Associate Planner McDermott replied that under the review rules, the City has 60 days to respond to a request. She noted that could be extended by 60 days but they are already on the tail end of that extension window and this needs to move forward with a decision by the City Council prior to December 8th.

Commissioner Borer asked how these issues would be addressed if this were to be denied.

Associate Planner McDermott replied that the City would continue its code enforcement process that would require all auto repair operations cease on the northern portion of the site but noted that those businesses could remain in operation at 6301 Welcome.

Commission Chair Cavin appreciated the applicants attempting to be good neighbors and for answering some tough questions tonight.

MOTION FRASER, SECOND WAKO, TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTO ORIENTATED REPAIR SERVICE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: COMMISSIONER KIEKOW COMMENTED THAT THIS SITE IS ON THE CITY RADAR AND ENCOURAGED THE APPLICANTS TO FOLLOW THROUGH.

COMMISSIONER WAKO REFERENCED THE LETTER FROM RESIDENTS MENTIONING VEHICLES WITHOUT PLATES SITTING ON THE STREET FOR MORE THAN ONE WEEK, PREVENTING TRASH TRUCKS FROM COMING THROUGH. HE HOPED THAT THE APPLICANT WOULD ENSURE THAT DOES NOT HAPPEN AGAIN.

MOTION CARRIED UNANIMOUSLY.

B. 169 Logistics – Variance #23-116 for a second monument sign.

Item removed from agenda.

C. 610 Corridor – Zoning Text Amendment #23-112 adopting a zoning text and map amendment to adopt the Mixed Use and Pedestrian Priority Overlay Districts.

Planning Director Mogush introduced the request to consider zoning text and map amendment for the 610 corridor development. He reviewed the sequence of events that has led to this point, noting that a key decision will be the minimum intensity of development that would be accepted. He stated that after these regulations are in place and the moratorium expires, they will need to determine how to prioritize proactive development related investment that will help achieve the vision for development not only in this area but in other areas of the city as well. He reviewed the current future land use map to the proposed future land use map. He stated that before the Commission tonight is the map and related zoning changes that go along with the Comprehensive Plan change. He explained that staff used the TOD-G district as a baseline for creating this new district. He reviewed the previous work the group did to review the Comprehensive Plan amendment, which has been approved by the Council as well. He noted that tonight they will review how the zoning code would regulate those development objectives. He explained how the zoning regulations would achieve the goals related to scale. He provided additional details on floor area ratio (FAR) and additional information on the recommended FAR of 1.0. He then explained how the zoning regulations would achieve the goals related to land use and design. He highlighted the key differences between the TOD-G and MU districts.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin commented that throughout this process they have focused on the area of Zane but noted that the Oak Grove Station area was mentioned a lot tonight as well. He asked for clarification on whether these changes would apply to just the Zane area or also to the Oak Grove Station area.

Planning Director Mogush acknowledged that he did mention the TOD-G district quite a bit, but more as a way to show the work that has been done and in comparison. He confirmed that the changes tonight would only apply to the MU district.

Commission Chair Cavin asked if there is any thought to making the entire Oak Grove street from the TOD to this development as a pedestrian friendly, walkable area.

Planning Director Mogush replied that is quite a long distance to require retail along and would worry that the market could not deliver that. He stated that they can be proactive about making changes to the infrastructure to make it comfortable for people to walk from one place to the other.

Commission Chair Cavin stated that perhaps they define the road as a walkable street rather than requiring retail.

Planning Director Mogush replied that the MU district would get to the 610 West Apartments and after that is the area covered by the station plan for Oak Grove.

Commission Chair Cavin referenced the eight-story maximum height, but noted that the packet also states up to 12 stories with a Conditional Use Permit and asked for clarification.

Planning Director Mogush replied that is the standard for the TOD-G district regulations for Oak Grove Station, noting that the MU regulations would be placed in the same section of City Code, but would have a maximum height of eight stories.

Commission Chair Cavin referenced the topic of signage noting that would be addressed in a future staff meeting. He stated that he would love to see the vision for signage once that is developed.

Planning Director Mogush replied that these changes would have some changes to the sign regulations for this district and provided an overview on the sign regulations proposed at this time.

Commission Chair Cavin asked if sustainability is addressed.

Planning Director Mogush commented that there has been a fair amount of work in the zoning code related to sustainability, noting that has been on the side of allowing rather than requiring. He stated that in the future they could consider reasonable requirements related to sustainability. He commented that being more friendly in how they design development for different modes of transportation is part of that.

Scott Bjorke, 6737 99th Avenue, asked if there is inclusion to re-lane the Oak Grove and Zane intersection.

Planning Director Mogush commented that the zoning changes themselves regulate the development of new streets but do not directly affect existing streets. He stated that as development proposals come through, City staff will evaluate the proposal against the existing street network and identify if changes need to be made to that network to accommodate the development. He commented that during the interim period between now and when development occurs, staff is open to input from residents as there are issues that could be addressed.

MOTION UDOMAH, SECOND GAYE-BAI, TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING THE MIXED USE ZONING DISTRICT AND PEDESTRIAN PRIORITY OVERLAY DISTRICT THROUGH TEXT AND MAP AMENDMENT TO BE APPLIED TO THE AREA SURROUNDING THE INTERSECTION OF ZANE AVENUE AND OAK GROVE BOULEVARD.

MOTION CARRIED UNANIMOUSLY.

MOTION UDOMAH, SECOND TURNER, TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 150 OF THE BROOKLYN PARK CODE OF ORDINANCES ADOPTING SIGN REGULATIONS FOR THE MIXED USE ZONING DISTRICT.

MOTION CARRIED UNANIMOUSLY.

7. OTHER BUSINESS

Commission Chair Cavin commented that he has been thinking about edible gardens/landscaping and stated that perhaps fruit trees could be allowed as part of landscaping.

Planning Director Mogush confirmed that could be part of the broader zoning code review that they are in the process of and would be related to sustainability.

Commissioner Udomah commented that in the west district there is a noticeable lack of sidewalks. He asked if the City is considering that issue.

Planning Director Mogush confirmed that is something that needs to be addressed, noting that the City has a bicycle and pedestrian master plan. He commented that there is not currently a dedicated funding source for those improvements and therefore staff works to secure outside grant funding to build out that system. He commented that they could review that plan in a future worksession.

8. DISCUSSION ITEMS

No comments.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison McGarvey provided an update on recent Council actions related to planning cases.

B. Commission comments

No comments.

C. Staff Comments

Planning Director Mogush welcomed a new member of the planning team.

10. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 8:36 PM.

Respectfully submitted,

Paul Mogush
Planning Director