

## UNAPPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – November 8, 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, and Wako; Council Liaison McGarvey; Planning Director Mogush; Principal Planner Turnquest; Associate Planner McDermott; and Program Assistant Hayes-Regan.

Those arrived late: None.

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

#### 3. EXPLANATION BY CHAIR

#### 4. APPROVAL OF AGENDA

MOTION WAKO, SECOND FRASER TO APPROVE THE NOVEMBER 8, 2023 AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 5. CONSENT AGENDA

##### A. Minutes – October 11, 2023

MOTION TURNER, SECOND KIEKOW TO APPROVE THE NOVEMBER 8, 2023 CONSENT AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 6. PUBLIC HEARING

##### A. Chansomary Estates – Preliminary Plat subdividing a residential property into two residential lots at 7016 Dutton Avenue, Brooklyn Park, MN 55428.

Associate Planner McDermott introduced the application for a preliminary plat for Chansomary Estates which would subdivide the property at 7016 Dutton Avenue. She stated that the applicant would create two single-family residential lots out of the one existing residential lot. She reviewed the zoning for the property and adjacent properties. She stated that staff recommends approval subject to the conditions in the draft resolution.

Commission Chair Cavin opened the public hearing.

Sueann McGarvey, 7013 and 7017 Dutton Avenue, commented that her parents have homesteaded the duplex for decades and family members continue to live there. She commented that they do support the lot split but there is already an issue with parking for her family and the

others in this neighborhood. She commented that the City has expressed a desire for additional trees in the area, and this large lot has mature trees. She stated that perhaps the driveway could go onto Kentucky rather than Dutton.

Commission Chair Cavin 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 referenced the sheds that exist on the property and asked the condition.

Associate Planner McDermott confirmed that the sheds are in good condition.

Commissioner Kiekow asked if there are plans to pave that stretch of Kentucky Avenue.

Associate Planner McDermott replied that there are no plans at this time. She stated that the City reached out to the residents on that stretch, as paving would occur at their cost, and the residents did not support paving, so it was removed from the list.

Commissioner Kiekow asked the type of buildings proposed for these lots.

Associate Planner McDermott replied that there are no plans for construction as of yet. She stated that the property is zoned for single family residential, noting that the existing duplexes in that area are non-conforming.

Commissioner Borer asked for clarity on the resident input.

Ms. McGarvey provided clarity on her concerns related to parking.

Commissioner Gaye-Bai asked if the resident is opposed to construction on the property.

Ms. McGarvey commented that she would prefer to see one home with one driveway as the street is already crowded. She commented that there is no parking on Lakeland or Kentucky and therefore adding a new driveway onto Dutton would limit the already limited on-street parking.

Commission Chair Cavin referenced the potential blue line, asking if that is proposed for this side of the highway and whether that would impact the setback.

Planning Director Mogush provided details on the proposed station location, noting that while this would be within walking distance, there would not be an impact to this property.

Commission Chair Cavin asked and received confirmation that if this is approved, staff would still review the building plans and proposed driveway location to ensure all the requirements are met.

Planning Director Mogush confirmed that staff would ensure that all dimensional requirements are met.

Associate Planner McDermott replied that the traffic engineer also reviews all driveway requests.

Commissioner Wako commented that this request is to divide the property into two properties and asked if the building plans should also be included.

Associate Planner McDermott commented that this application is solely to divide the lots while the use will come later. She stated that zoning dictates that the only permitted use would be R-3.

**MOTION TURNER, SECOND GAYE-BAI TO RECOMMEND APPROVAL OF PRELIMINARY PLAT OF "CHANSOMARY ESTATES" SUBDIVIDING 7016 DUTTON AVENUE INTO TWO SINGLE FAMILY 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 27, 2023.

**B. PLUSH, LLC – Conditional Use Permit (CUP) for a Class II Restaurant at 8578 Edinburgh Centre Drive N, Brooklyn Park, MN 55443.**

Principal Planner Turnquest introduced the application from PLUSH, LLC for a Conditional Use Permit for a Class II restaurant at 8578 Edinburgh Drive. She reviewed the zoning of the site and of adjacent properties. She explained that a CUP is required for a Class II restaurant within this zoning, noting that the liquor license would be a separate request and action that would go before the City Council. She stated that this request has been found to be in compliance with the Code and staff recommends approval with the conditions as listed in the draft resolution.

Commission Chair Cavin opened the public hearing.

Ann and David Rakow, 2425 87<sup>th</sup> Trail N, asked the hours of operation for the restaurant. She stated that she does not understand what a conditional use restaurant is and was interested in more information related to a liquor license. She asked how close a home could be to a restaurant serving alcohol. She stated that years ago there was going to be a bar/restaurant in that same location, and it was discovered that the residential property was too close for a bar.

Commission Chair Cavin explained that the option to serve liquor would be a separate proposal that would go before the Council. He stated that this request is only for a restaurant.

Principal Planner Turnquest commented that a restaurant that would not serve intoxicating beverages would be allowed in the zoning district without review by the Planning Commission. She explained that a Class II restaurant, which would have the ability to request a liquor license, would require a CUP and therefore comes before the Planning Commission. She reiterated that this request tonight is only for the restaurant portion and if the liquor license is applied for, that would be considered separately by the City Council.

Ms. Rakow explained that her concern is when the kitchen closes in a bar/restaurant which then turns it into a bar and questioned whether this would be the right setting for that type of use.

Commission Chair Cavin encouraged the resident to bring those concerns to the City Council when that portion is considered.

Mr. Rakow commented that there is not much parking in the area and a large portion of the customers will park in front of other businesses or at Festival Foods. He believed that there would not be sufficient parking for this type of use. He wanted to ensure there were proper plans for parking and traffic management.

Commission Chair Cavin 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 Borer asked and received confirmation of a previous restaurant in this location which possessed a liquor license. She noted that Broadway Pizza also holds a liquor license and is in this area.

Principal Planner Turnquest commented that the owner of the proposed restaurant is also present should the Commission have questions for him.

Anthony Thomas, applicant, commented that the parking for this building has 140 stalls and would accommodate anyone that would want to come to the restaurant as the capacity for the building is 63, including the staff. He stated that they propose hours of operation from 11 a.m. to midnight on weeknights and 1 a.m. on weekends.

Commissioner Fraser asked if there have been concerns with traffic or parking with the previous restaurants that have been in this location.

Principal Planner Turnquest replied that the City Engineer and traffic engineer have reviewed this request and do not have concerns related to traffic or parking.

Commissioner Kiekow asked the type of food that would be served.

Mr. Thomas replied that they would have soul food, comfort food.

Commissioner Kiekow asked if they would plan to have live entertainment.

Mr. Thomas replied that they would have music playing inside the restaurant, but they would not have live music.

Commissioner Kiekow asked if there would be a food truck associated with this business.

Mr. Thomas replied that he does not have a food truck.

Commissioner Gaye-Bai asked if the other restaurants in that area serve alcohol.

Principal Planner Turnquest confirmed that there are other restaurants in that area that serve alcohol.

Mr. Thomas replied that he believes that this would be the only restaurant in the strip mall that would serve alcohol.

Commissioner Wako commented that this will be a great addition to the community.

MOTION WAKO, SECOND FRASER TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR A CLASS II RESTAURANT AT 8578 EDINBURGH CENTRE DRIVE 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 November 27, 2023.

## **7. OTHER BUSINESS**

None.

## **8. DISCUSSION ITEMS**

None.

## **9. INFORMATION ITEMS**

### **A. Council Comments**

Council Liaison McGarvey reported on recent City Council action related to planning items.

### **B. Commission comments**

None.

### **C. Staff Comments**

Planning Director Mogush noted that the work session that was scheduled for November 22, 2023 has been cancelled. Planning Director Mogush also noted the upcoming Business Forward Forum, to which the Commission is invited to attend.

## **10. ADJOURNMENT**

Commission Chair Cavin adjourned the meeting at 7:43 PM.

Respectfully submitted,

Paul Mogush  
Planning Director