

January 10, 2024
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North
Brooklyn Park, MN 55443

PLANNING COMMISSION REGULAR MEETING – AGENDA #1

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing Josie.Shardlow@brooklynpark.org. Si usted necesita esta información en español, llame al 763-424-8000 y solicite un intérprete. Yog xav tau kev pab, hu 763-493-8059.

Commissioners: Chair Liam Cavin, Vice Chair Kathy Fraser, General Officer John Kiekow, Christopher Udomah, Philip Gaye-Bai, Teshite Wako, Maggie Borer, Shereese Turner.
Staff Liaison Paul Mogush, Amber Turnquest, Erin McDermott and Matt Hayes-Regan.

Members of the public can monitor the meeting by watching it on CCX Media Channel 16 or by livestreaming it at https://nwsccl-brooklynpark.granicus.com/ViewPublisher.php?view_id=5.

Anyone who wants to address the Planning Commission during the Public Comment period may do so in person or by calling **763-493-8056** or emailing planning@brooklynpark.org by 4:00 p.m. on the meeting day. You will be asked to provide your name, address, email, and phone number. You will then be registered to speak during the Public Comment period or on the agenda item and will be provided with the call-in number to address the Planning Commission.

I. ORGANIZATIONAL BUSINESS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE
2. EXPLANATION BY CHAIR

Please be advised that the public hearings are recorded and televised live on cable television and web-streamed over the internet at brooklynpark.org. The audio system will not pick up comments from the seating area. If you want to be heard and made a part of the public record, please go to the podium or, if participating remotely, turn on your camera; speak into the microphone, stating your full name and address. Please sign the public hearing logbook on the table near the entrance to the Council Chambers if you are attending in person to ensure accuracy of name and address in the public record. Please note that the agenda for tonight's meeting indicates that the Commission Chair has the prerogative to invoke a time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time. Thank you in advance for your cooperation.

The Planning Commission consists of nine resident-volunteer members appointed by the City Council to advise the City Council on planning and land use issues. The Commission discusses and evaluates development proposals based on zoning regulations and comprehensive plan policies. The Planning Commission vote is a recommendation that is forwarded to the City Council for official and final action.

3. APPROVAL OF AGENDA

II. REQUIRED DUTIES

4. ORGANIZATIONAL MEETING

4.1 Election of Officers

- a. Chair
- b. Vice Chair

- c. **General Officer**
- d. **Business Forward Liaison**

4.2 Adoption of Bylaws

5 CONSENT AGENDA

5.1 Approval of Minutes November 8, 2023 Regular Meeting

6 PUBLIC HEARING

7 OTHER BUSINESS

III. DISCUSSION ITEMS

IV. VERBAL REPORTS AND ANNOUNCEMENTS

8 COUNCILMEMBER LIASON COMMENTS

9 PLANNING COMMISSION COMMENTS

10 STAFF LIASON COMMENTS

V. ADJOURNMENT

MEMORANDUM



Date: January 10, 2024
To: Planning Commission Members
From: Paul Mogush, Planning Director
Subject: Planning Commission 2024 Organizational Meeting

City of Brooklyn Park
City Hall
5200 85th Ave. N.
Brooklyn Park, MN 55443
763-424-8000
www.brooklynpark.org

Summary

This Planning Commission Regular meeting serves as the organizational meeting for the 2024 Planning Commission. A draft of the Planning Commission bylaws is attached, and the bylaws will be finalized at this meeting. Included in the bylaws are summaries of the duties of the officers that members of the Planning Commission will vote on.

Establishment and Composition of Planning Commission.

The Planning Commission is established in § 31.60 of the City Code.

§ 31.60 ESTABLISHMENT; COMPOSITION. There is hereby continued as heretofore created a Planning Commission for the City of Brooklyn Park to have all the powers provided by state law and as set forth in this subchapter.

- (A) There are 11 members of the Commission to be appointed by the Council in the manner hereinafter set forth.
- (B) All members of the Commission must be lawful residents of the City of Brooklyn Park.
- (C) The 11 members are appointed to serve for terms of three years each, except that young adult members are appointed to terms of one year each, and that any vacancy occurring among the members of the Planning Commission during an unexpired term must be filled for the rest of the term by vote of the Council. Any members of said Commission may be removed for cause by the Council upon notice, written charges, and after a public hearing. Appointments must be made as soon after the first of each year as practicable.
- (D) The members of the Commission must take the usual oath of office and the Commission must appoint its own Chair and Secretary and may provide its own rules of procedure. It must determine regular dates and times of meetings, which are to be held at least once a month, and it must call public hearings when appropriate. No member of the Commission shall pass or vote upon any question in which the member is directly or indirectly interested.
- (E) The Commission must prepare all reports as the Council shall request.
- (F) Two of the 11 members of the Planning Commission shall be young adult members. The young adult members may serve up to three one-year terms. The young adult members

must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 250:00) (Am. Ord. 1973-154(A), passed 2-26-73; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

Attachment

2024 Planning Commission Bylaws

Planning Commission

2024 Bylaws

ORGANIZATION

1. The Planning Commission Officers shall be:

Chair –

Vice-Chair –

General Officer –

Business Forward Advisory Board Liaison –

Term of officers. All officers shall be elected by a vote of the commission members at the annual organizational meeting held at the first meeting in January. Officers shall serve for a one-year term beginning at the first meeting in April.

2. Duties of the Officers:

- A. Chair:

1. The Chair shall preside at all Public Hearings and the annual organizational meeting of the Commission. The Chair shall also preside at the Commission work sessions and non-Public Hearing meetings in the absence of the Vice-Chair.
2. The Chair shall preserve order and decorum and shall decide questions of order.
3. The Chair may call special meetings stating the purpose of such meetings and be posted at least three days or 72 hours in advance of the meeting. However, for any special meeting at which there are to be items that require a public hearing, adequate time shall be given to allow for the publication and mailing of notices in accordance with applicable provisions of the City Code and State Statutes.
4. The Chair shall be responsible to have the staff report on the Status of Previous Recommendations made to the Council, stating the Planning Commission's recommendations and Council action.
5. The Chair shall be responsible to have the staff prepare an Annual Report

to the City Council.

6. The Chair or his or her designee shall represent the Planning Commission at City Council meetings for the purpose of presenting the Commission recommendations on items to be considered by the Council.

B. Vice-Chair:

1. The Vice-Chair shall preside at all meetings in the absence of the Chair.
2. The Vice-Chair shall chair the Planning Commission work sessions and other non-Public Hearing Commission meetings.
3. The Vice-Chair shall work with the Planning Commission Chair and Planning Staff to set agendas for Commission work sessions and other applicable meetings.

C. General Officer:

1. The General Officer shall preside at all meetings in the absence of the Chair and Vice-Chair.
2. The General Officer shall record attendance and be responsible for attendance reports.
3. The General Officer shall report to the Chair every quarter the attendance percentage of every member.
4. The General Officer shall monitor the time during all public hearings and shall be responsible for putting forth the motion to extend the public hearings past 11:00 p.m. when necessary.

D. Business Forward Advisory Board Liaison

1. The Business Forward Advisory Board (BFAB) Liaison shall attend regular BFAB meetings and provide feedback on business programming, initiatives, and policy from the perspective of the Planning Commission.
2. Report to the Planning Commission any BFAB initiatives relevant to the work of the Planning Commission.

BYLAWS

1. Each Wednesday shall be considered a regularly scheduled official meeting night. For any Wednesday falling on a legal holiday, the following Thursday shall be considered the regular meeting.
 - A. Official Public Hearings shall be at 7:00 pm on the second Wednesday of each month unless otherwise directed by the Chair.
 - B. In the event that there are more public hearings than can be reasonably expected to be concluded by 11:00 p.m., the Chair and the Planning Staff shall

be empowered to schedule a second official Public Hearing Meeting for another Wednesday during the same month to take care of the overload.

- C. The Chair shall have prerogative to cancel or postpone any regularly scheduled Meetings.
 - D. The Chair shall have the prerogative to invoke a time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
 - E. Work Sessions shall be the fourth Wednesday of the month.
 - F. If a public hearing is reasonably anticipated to last under an hour, the work session may be moved from the fourth Wednesday to the second Wednesday following the public hearing at the discretion of the Chair.
 - G. The Planning Director may announce a future meeting as cancelled due to lack of public hearing applications or holiday during the Information Items section of a meeting.
2. All public hearings shall be at the City Hall and shall be called at 7:00 p.m. and shall conclude at 11:00 p.m. meetings may be held via technology consistent with state law and City policy. No new business shall commence unless waived by the majority. Any business unfinished at the scheduled closing time shall be taken up at a subsequent meeting designated by the Chair.
3. An organizational meeting shall be held on the second Wednesday in January. Business at this meeting shall include review and/or amendments to the Bylaws, election of a Chair, a Vice-Chair, General Officer and a Business Forward Advisory Board Liaison.

The officers elected shall begin to serve their term the following April.

4. Organizational rules regarding a quorum:
- A. A quorum shall consist of a minimum of four Commissioners. In no case shall a Public Hearing be held if only three Commissioners or fewer are present. In the absence of a quorum, those present shall adjourn any items of business requiring official Commission action to a specified time.
 - B. Prior to a meeting a member may be excused from an individual meeting for reasons of illness, work, or out-of-town trips.
5. If the Chair or Vice-Chair resigns his/her appointment between the regular election cycle, then the remaining officers shall move up in rank and an election shall be held for the General Officer position.
6. The Chair shall call the meeting to order and the General Officer shall call the roll and announce a quorum. In the absence of the General Officer, the Chair shall appoint a General Officer pro tem.
7. The order of business shall be as follows unless amended by the Chair:
- I. ORGANIZATIONAL BUSINESS
 - 1. Call to Order/Roll Call/Pledge of Allegiance

2. Explanation by Chair
3. Approval of Agenda
- II. REQUIRED DUTIES
 1. Consent Agenda
 2. Public Hearing
 3. Other Business
- III. DISCUSSION ITEMS
- IV. VERBAL REPORTS AND ANNOUNCEMENTS
 1. Old Business
 2. Council Member Liaison Comments
 3. Planning Commission Comments
 4. Staff Liaison Comments
- V. ADJOURNMENT

8. The following statement shall be printed on all agendas and shall be read by the Chair preceding public hearings during regular sessions of the Commission.

Please be advised that the public hearings are recorded and broadcast live on cable television and streamed over the internet at brooklynpark.org. The audio system will not pick up comments from the seating area. If you want to be heard and made a part of the public record, please go to the podium, speak into the microphone, stating your full name and address. Please sign the public hearing log book on the table near the entrance to ensure accuracy of name and address in the public record. Please note that the agenda for tonight's meeting indicates that the Commission Chair has the prerogative to invoke a time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time. Thank you in advance for your cooperation.

The Planning Commission consists of nine resident-volunteer members appointed by the City Council to advise the City Council on planning and land use issues. The Commission discusses and evaluates development proposals based on zoning regulations and comprehensive plan policies. The Planning Commission vote is only a recommendation that is forwarded to the City Council for official and final action.

9. All recommendations shall be sent to the City Council by means of written minutes and shall include the record of the division of votes on each recommendation and the reasoning for the action.
10. Minutes of the meetings shall be recorded and kept by the Planning Staff.
11. All meetings shall be public.
12. Any resolution or motion, except motion to adjourn, postpone, reconsider, table, or call the previous question, shall be reduced to writing if requested by the Chair.
13. Any resolution or motion may be withdrawn at any time before action is taken on it.
14. When a question is under debate, no other motion shall be entertained except to table, or to call for the question, act on the question, postpone, refer to committee or amend. Motions shall take precedence in that order, and the first two shall be without debate.

15. All motions shall be carried by a majority vote of the members present except call for the question. Any member of the Commission may call for a roll call vote on any issue.
16. Motions can only be made by members recognized by the Chair.
17. Speaking without recognition of the Chair shall be cause for another member to call "point of order" and the member speaking out of turn must relinquish the floor.
18. "Call for the question" or "previous question" is a motion and must be seconded. It is not debatable and must be voted upon immediately. A 2/3 majority is necessary to call the previous question. If the 2/3 majority is given, the motion or question on the floor must be immediately put to a vote without debate except for a motion to table.
19. "Question" is not a motion but only an indication to the Chair that the person making this statement is ready to have the motion or question put to a vote.
20. The Chair may direct that a motion be divided if requested by a member.
21. No member may enter into the general discussion a second time on the same matter until all members wishing to express an opinion have been heard. Members must limit their remarks to the subject matter being discussed and shall not be repetitious. The speaking order shall be at the discretion of the Chair; however, all members shall be allowed a turn to speak.
22. Members of the commission are expected to faithfully participate in the meetings or other activities of the commission to which they have been appointed. A commission member shall notify the staff liaison or commission chair if they are unable to attend a meeting prior to the start of the meeting.
23. Any member who is absent for two consecutive meetings without notification (unexcused absence) to the Staff Liaison or absent 25% of the meetings, may be subject to removal by a majority of the City Council. These rules shall not be interpreted to imply automatic removal upon meeting a threshold listed above. The commission will retain the right to consider any special circumstances a member may wish to present.
24. The Commission may appoint a subcommittee and/or task force as they deem necessary to facilitate research for the commission. The members serve in an advisory capacity only to the commission. Subcommittees or task forces shall not contain a quorum of the commission
25. Any member having a direct or indirect financial and/or substantial personal interest in an individual action under consideration by the Commission shall state such if not excuse themselves from the Commission and not vote on that particular matter. All Commissioners shall abide by the Planning Commission's Code of Ethics.
26. These rules shall not be repealed, waived or amended except by a majority vote of the Commission only after notice has been given at a previous meeting.
27. Any rule of order not covered by these bylaws shall be governed by Robert's Rule of Order of Standard Parliamentary Procedure.

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 87th 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