

February 14, 2023  
7:00 p.m.

Brooklyn Park Council Chambers  
5200 85<sup>th</sup> Avenue North  
Brooklyn Park, MN 55443

## PLANNING COMMISSION REGULAR MEETING – AGENDA #3

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing [Josie.Shardlow@brooklynpark.org](mailto: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](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](mailto: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](http://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 11 resident-volunteer members, two of which are young adult 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. CONSENT AGENDA
  - 4.1 Approval of Minutes January 10, 2024 Regular Meeting
  - 4.2 Approval of Minutes January 24, 2024 Work Session
  - 4.3 Adoption of Bylaws

## 5. PUBLIC HEARING

### 5.1. **JJ's Fish & Chicken – Planning Case #23-120 Site Plan Review for an addition to an existing restaurant on a property zoned B2 – Neighborhood Retail Business located at 7749 Zane Ave. N.**

This request is for the construction of an addition to the existing restaurant located at 7749 Zane Ave N. This addition will include a walk-up patio to serve pedestrian customers as well as customers to be seated inside the restaurant.

The existing structure on the property was constructed in 1962 as a Dairy Queen. At the time of development the Village of Brooklyn Park did not have a zoning ordinance in place.

### 5.2. **Clean Freak Car Wash – Planning Case #24-101 Site Plan and Conditional Use Permit request for the development of a car wash on a property zoned PCDD – Planned Community Development District located at 8555 Edinburgh Center Drive.**

This request is for the development of a new car wash facility on an undeveloped property in the PCDD zoning district. This request is for development of the final undeveloped lot in the Edinburgh Center development.

### 5.3. **Mississippi River Corridor Critical Area (MRCCA) – Zoning Code Text Amendment: 152.530**

In 2017, the Minnesota Legislature passed a law requiring all cities within the Mississippi River Corridor Critical Area (MRCCA) to adopt updated regulations protecting the river. The proposed amendment must be adopted into the Zoning Ordinance to comply with state law (Minn. Rule 6106.0070 Subp. 5.).

The MRCCA was established in 1976 by State legislation, at which time the boundaries were described. Within Brooklyn Park, there are three MRCCA districts identified, Rural and Open Space (ROS), River Neighborhood (RN), and Separated from River (SR). The only properties identified as ROS are islands in the Mississippi River. Properties identified as RN are riparian lots– those adjacent to the river, and properties identified as SR are non-riparian lots. The boundary of the MRCCA for the majority of the city is West River Road, with a portion of the Willowstone neighborhood being included. While the map of affected properties is attached to this report, the Brooklyn Park Zoning Map is not being amended at this time, as the entire map will be amended as part of the overall 2040 Comprehensive Plan zoning update which is anticipated to be completed by June 2024.

The Department of Natural Resources (DNR) provided a model ordinance for each municipality affected by the MRCCA to adopt. The standards within this amendment are the same standards against which the DNR was previously reviewing development. By adopting this language into ordinance, it provides transparency to the property owners impacted by these regulations.

### 5.4. **Crystal Airport Joint Airport Zoning Board (JAZB) Proposed Text Amendment**

In September 2021 the City Council adopted Resolution #2021-132 joining the JAZB and appointing two members to represent Brooklyn Park, City Councilmember Wynfred Russell (replaced in 2023 by Councilmember Maria Tran) and Planning Director Paul Mogush. In 2023, property owners received notification from the MAC regarding the proposed updated ordinance with an opportunity to testify at a public hearing before the Crystal Airport Joint Airport Zoning Board (JAZB). On November 8, 2023, the JAZB adopted the ordinance, following some changes in response to public comment.

Minnesota Statute 360.036 was adopted in 1983, which established a Joint Airport Zoning Board (JAZB) comprised of the Metropolitan Airports Commission (MAC) and the communities surrounding the Crystal Airport enacted a zoning ordinance intended to ensure the safety of airport operations by regulating land uses and building height near the runways. On July 28,

2021, the MAC notified the City of Brooklyn Park of an opportunity to join a newly constituted JAZB for the purpose of updating the airport zoning ordinance. There are two factors motivating the ordinance update. First, the legislature enacted changes to airport zoning statutes in 2019 that allow more flexibility in airport zoning ordinances than was allowed in 1983. Second, the MAC completed several changes to the layout of Crystal Airport in 2020, including lengthening the main runway and converting the parallel runway into a parallel taxiway.

The City of Brooklyn Park is now adopting these standards into the Zoning Ordinance in compliance with state law. The content of this text amendment contains the criteria previously established by Minnesota Statute 360.063, Subd. 3(2)(b) for which all current developments are being reviewed.

In addition to the adoption of the text approved by the JAZB, this zoning text amendment also formally establishes the Airport (AP) Overlay district which will be added as part of the upcoming Zoning Map amendment.

## **6. OTHER BUSINESS**

### **6.1 2024 Work Plan**

Each Brooklyn Park commission develops an annual work plan at the beginning of the year using a standard format. The 2024 work plan items include: processing land use application and providing recommendation to the City Council; zoning code update; and planning for development northwest of Highways 160 and 610.

## **III. DISCUSSION ITEMS**

## **IV. VERBAL REPORTS AND ANNOUNCEMENTS**

### **7. COUNCILMEMBER LIASON COMMENTS**

### **8. PLANNING COMMISSION COMMENTS**

### **9. STAFF LIASON COMMENTS**

## **V. ADJOURNMENT**