

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – SEPTEMBER 11, 2024



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, Arah, Borer, Turner and Wako; Council Liaison McGarvey; Interim Planning Director Perdu; Associate Planner McDermott, and Matt Hayes-Regan.

Those arrived late: Gaye-Bai and Korosso.

Those excused: Commissioners Fraser and Udomah; Planning Director Mogush and Senior Planner Donovan.

3. EXPLANATION BY CHAIR

Commissioners Korosso and Gaye-Bai arrived.

4. APPROVAL OF AGENDA

MOTION BORER, SECOND TURNER, TO APPROVE THE SEPTEMBER 11, 2024 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes – August 14, 2024

MOTION BORER, SECOND WAKO, TO APPROVE THE SEPTEMBER 11, 2024, CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

A. Planning Case #24-114 (Brooklyn Park Pet Hospital) – 6001 5815 80th Avenue N – Site Plan Review and Zoning Code Variance Request Application.

Senior Planner McDermott introduced the application for a site plan review and variance request from Brooklyn Park Animal Hospital for a 900-square-foot addition to the existing building. They provided details on the site, adjacent uses, and zoning. They stated that the proposed addition would be on the east side and an existing stand of trees would screen the addition. They noted that eight additional parking stalls would be added that are much needed. They explained that the setback reduction for the parking lot would not impact the adjacent use as that also has a parking lot on that side of the property line.

Commission Chair Cavin opened the public hearing.

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

Commissioner Borer asked if the current parking lot connects to the neighboring lot.

Senior Planner McDermott stated that there would still be distance between the parking lots. They explained that the setback for a business use adjacent to residential is 30 feet, but staff supports a reduction of that setback because it is not the apartment building that is directly adjacent, but its parking lot.

Commission Chair Cavin asked how the space would be utilized.

Jeff Smith, applicant, stated that the additional space will create a few additional exam rooms and will allow them to continue to serve the community. He stated that they would provide the same services, just with a little more space as demand for their services has increased.

Commissioner Arah asked if four parking stalls would be removed to add the building space.

Mr. Smith explained that no parking stalls will be removed as the addition will be on the other side of the building and they will actually be adding eight spaces.

Commission Chair Cavin asked if there were any comments from the fire department.

Senior Planner McDermott replied that the fire department did require a firewall.

Commission Chair Cavin asked for details on the trees proposed for removal.

Senior Planner McDermott replied that even with the removal of the trees as proposed, the site would still have more trees than required.

Commissioner Gaye-Bai asked if this space is already owned by the applicant or recently purchased.

Senior Planner McDermott replied that this property is already owned by the applicant.

MOTION WAKO, SECOND ARAH TO RECOMMEND APPROVAL OF SITE PLAN REVIEW FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STRUCTURE AT 5815 80TH AVENUE N, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

MOTION WAKO, SECOND TURNER TO ADOPT FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR A PARKING LOT EXPANSION, SUBJECT TO THE 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 September 23, 2024.

B. Planning Case #24-115 – 6301 Welcome Avenue – Conditional Use Permit Application

Senior Planner McDermott introduced the application for a Conditional Use Permit for an auto-oriented repair facility to be located at 6301 Welcome Avenue. They stated that the CUP would amend the existing CUP, which was issued to the site in 1989 to remove the condition prohibiting vehicle lifts. They stated that there is an open compliance case against this property for a vehicle lift. They provided details on the site, adjacent site uses, and zoning. They stated that staff received numerous emails, letters, and calls from residents in response to the public hearing notice documenting numerous complaints and impacts to the adjacent properties from this use. They stated that all of the vehicles in the photos submitted by residents have been checked and were related to this subject property, or the property under common ownership. They displayed photos of vehicles blocking residential driveways, vehicles impeding fire lanes, property damage to residential properties from vehicles parked on the curb/grass, vehicles left on the street for extended periods causing residential trash to not be collected, double parking, refuse stored in the beds of trucks, and improperly stored waste outside. They stated that vehicles have been painted and other chemicals sprayed outside of the building, which is a violation of the MPCA regulations. They stated that staff recommends denial of the CUP request. They stated that the only action before the Commission tonight is denial of the CUP and advised that staff will be proceeding with a separate action to revoke the existing CUP.

Commission Chair Cavin opened the public hearing.

Resident of 6300 Welcome Avenue, stated that she has lived there for five years and while she is a supporter of small business, this business does not work well with the neighborhood. She commented that there are kids playing in the area and when vehicles are test driven, they are peeling down the street. She stated that she has asked the business not to park near her home, but they continue to park on the street, which is where the guests for the homes park.

Resident of 6420 Welcome Avenue, President of HOA, stated that she has also lived in her home for five years. She commented that the photos provided by herself, and her neighbor depict situations that commonly happen. She stated that another business in that development, Southtown Refrigeration, has spoken with this business numerous times about the cars blocking their driveway which has impeded their deliveries. She stated that in speaking with the business it has become hostile and she has called the police too many times to count. She stated that this has become a hazardous issue, and it is not getting any better. She stated that the business works at all times of the night and tow trucks drop vehicles off at all hours of the night. She stated that there are a lot of children in the neighborhood, and it is not fair to them because they must walk in the street to get to school while vehicles from this shop are speeding down the street. She stated that the neighborhood would like a sidewalk and speed bump, and for this business to be removed from the site immediately. She stated that they have tried to work with the business and believed that there are multiple vehicle repair shops in this area that operate together. She stated that the lawn care company for the HOA has had difficulty finding a location to park because of all the vehicles that are dumped and parked on this street.

Reshal Malik, Caspian/Brait, appreciated the comments received tonight. He stated that as a landlord they cater to a demographic as they have low market rents in order to build community

and small businesses. He understood the concerns about the property, noting that they have worked directly with staff to address those concerns and believe that the property is operating at a high level. He recognized that he does have to educate his tenants and continues to do that. He stated that they have continued to make progress since their last public hearing for 6301 Welcome Avenue. He stated that he does have a towing company that he could utilize to tow the vehicles parked on the road if provided that authority by the City. He commented that he is a former Brooklyn Park resident. He stated that they have terminated tenants in the 6317 building because of lease violations.

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.

Commission Chair Cavin commented that sometimes a tenant outgrows the space and needs to find a space more suitable to their growth.

Commissioner Arah stated that the property owner has stated that they can control their tenants but the comments from the neighbors prove different. He asked why the landlord has not towed the vehicles from this tenant already.

Commissioner Wako asked if the landlord is also a partial owner of the business.

Mr. Malik replied that he is just acting on behalf of the business owners for this application.

Commissioner Wako asked if anything has been done thus far in terms of penalties or notice because of the hostile conversations with neighbors/other businesses and the number of police calls.

Senior Planner McDermott replied that there are active violations on both sites because of violations of the CUPs that exist along with cited violations from the fire department and public safety. They stated that there are three recent police records for these sites and one correction notice from the fire department was also recently issued.

Commissioner Wako appreciated the effort the City is taking and appreciated the input from the residents as well. He stated that Brooklyn Park is supportive of business and small business, but the City does not need businesses that impact the safety of those who live in the area. He stated that this site has had continued violations and those would need to be corrected before any additional requests could be considered.

Commissioner Gaye-Bai referenced the statement from the landlord that he would want authorization from the City to tow vehicles. He stated that the landlord should be aware of the issues on the site with repeated visits from police and fire and should have already taken the action to tow this tenant's vehicles. He stated that he previously lived on this street at 6408 Welcome and supported all the comments from the neighbors about the difficulty maneuvering in this area because of the vehicles parked on both sides of the street from these businesses. He stated that this situation is unsafe for the residents in that area with the parked vehicles and people from the businesses speeding down Welcome Avenue. He stated that if the business has grown, it needs to find somewhere with more space, which would create an opportunity for another small business to occupy the site.

Senior Planner McDermott commented that the City cannot authorize a private party to tow vehicles from a public street. They explained that the City is taking the appropriate steps to tag vehicles, but it does take time before further enforcement steps could be taken.

Commissioner Borer stated that the City does support small businesses, but just because there is a lower rent does not mean that poor behavior will be accepted. She stated that it sounds like there are two businesses with the same service in this area which seems to double the problem with more vehicles being dropped off. She stated that this situation seems extremely unacceptable and just because there is low rent does not mean the business should not have appropriate standards and follow the rules.

MOTION TURNER, SECOND GAYE-BAI TO RECOMMEND DENIAL OF A CONDITIONAL USE PERMIT FOR AN AUTO ORIENTED REPAIR SERVICE AT 6301 WELCOME AVENUE AND TO ADOPT FINDINGS OF FACT FOR THE DENIAL OF THE REQUEST.

MOTION CARRIED UNANIMOUSLY.

7. OTHER BUSINESS

None.

8. DISCUSSION ITEMS

None.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison McGarvey provided an update on recent actions of the City Council related to planning matters and other items of interest to the Commission.

B. Commission Comments

Commission Chair Cavin referenced the rehab of the old Arby's building and noted that the Commission has not seen that request.

Senior Planner McDermott replied that because not more than 10 percent of the building is being expanded, the project can move forward under the building permit process.

C. Staff Comments

Interim Planning Director Perdu commented that Planning Director Mogush is on family leave for an undetermined amount of time, so she would continue to attend the Commission meetings. She highlighted the topics for the upcoming work session meeting.

10. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 7:50 PM.

Respectfully submitted,

Tim Gladhill
Community Development Director