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October 9, 2024  
7:00 p.m.

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

## **PLANNING COMMISSION REGULAR MEETING – AGENDA #15**

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing [chris.xiong@brooklynpark.org](mailto:chris.xiong@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.

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Commissioners: Chair Liam Cavin, Vice Chair Kathy Fraser, General Officer Teshite Wako, Christopher Udomah, Philip Gaye-Bai, Maggie Borer, Shereese Turner, Abdo Korosso, and Chukwunedu Arah.  
City Councilmember Liaison Tony McGarvey.  
Staff Liaison Planning Director Paul Mogush, Interim Planning Director Erin Perdu, Erin McDermott, Cara Donovan, 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://nwscce-brooklynpark.granicus.com/ViewPublisher.php?view\\_id=5](https://nwscce-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 **763-493-8057** 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.

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### **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** September 11, 2024 Regular Meeting

4.2 **Approval of Minutes** September 25, 2024 Work Session

### 5. PUBLIC HEARING

#### 5.1 **Planning Case #24-117 | Prairie Seeds Academy | 6200 West Broadway | Preliminary and Final Plat Application | Rezoning Request Application | Site Plan Review Application**

This request is for the construction of an addition to the existing structure (school) located at 6200 W Broadway. Three land use applications are included with this application: a preliminary plat, a zoning ordinance text and map amendment (rezoning), and a site plan.

The applicant has purchased four formerly single-family lots which the applicant intends to combine with the existing lot at 6200 W Broadway. The preliminary plat proposes combining five parcels to create a single, 12.17-acre lot. A final plat will be required to create a lot that can be recorded by Hennepin County, after which permits can be issued.

The four lots purchased by the applicant (6216, 6224, 6228, and 6232 W Broadway) are currently zoned R-1 (Detached Single-Family Estate District). Schools are not a permitted use in the R-1 District. The applicant has requested to rezone these four lots to the PI (Public Institution) District, matching the zoning of the existing school. The PI District allows schools as a conditional use which was approved at the time of construction of the original school in 1972. The Comprehensive Plan, which became effective on March 30, 2020, guides the future land use of these four parcels as Low Density Residential, which allows low-high density residential (1.5-3 units per acre).

A site plan application proposes conditions of property development and site design standards within the City. Site plans are reviewed by the Brooklyn Park Planning Commission and a recommendation is made to the City Council which votes to approve or deny the application. The site plan area is within the Public Institution (PI) Zoning District, is 12.17 acres, and proposes a building addition for a gymnasium and classrooms, new parking lots, changes to internal circulation, a new access to the site from West Broadway, underground stormwater management, a new waste enclosure, and new play areas.

The PI district conditionally allows schools. In addition to the site plan approval, the use is also required to conform to the Brooklyn Park Comprehensive Plan. Analysis of conformance of this proposal with the Comprehensive Plan are detailed within this report.

#### 5.2 **Planning Case #24-118 | 7820 Lakeland Avenue | Conditional Use Permit Application**

The property owner, KJ's Windows Tint has been operating auto repair services out of this property but is now strictly doing window tinting services in the structure previously utilized as a car wash. Per our ordinance, window tinting is considered an auto repair service, which requires a CUP. This application is to bring the subject property into compliance, as

there has never been a Conditional Use Permit issued to this site for the operation of a window tinting service.

There is no development proposed at this time. The existing structure is sufficient for the intended use of auto repair services for window tinting services provided by the applicant. Future intensification of auto repair services will require additional review per Section 152.305.

### **5.3 Planning Case #24-117 | City of Brooklyn Park | Zoning Code Text Amendment: Cannabis Zoning**

In 2023, Minnesota became the 23<sup>rd</sup> state in the nation to legalize adult-use cannabis. The new law also created a new state office – the Office of Cannabis Management (OCM). Minnesota Statute Chapter 342 contains all regulations within state law pertaining to cannabis, including licensing by the OCM, and registration and land use requirements for municipalities that declare the desire to oversee the registrations of cannabis businesses.

Local governments are given the option to register cannabis businesses and oversee compliance checks. In the event a city does not decide to partake in the registration process, registration defaults to the county in which the city is located. The Brooklyn Park City Council has determined they want the city to oversee registration, which does not occur until the applicant has undergone vigorous verification processes by the OCM. Local governments are not allowed to ban cannabis businesses, or limit operations in a manner beyond what is allowed in Minnesota Statute Chapter 342.

Local governments are allowed to limit the number of cannabis retailers and businesses with retail endorsements to a minimum of one retail location per 12,500 residents. There is no obligation to seek out businesses if the number is not met by the market, however, the city would not be able to restrict a business if a limit is established, but not yet met. According to the 2020 Census the population of Brooklyn Park was 86,478, which obligates the city to register a minimum of 7 retailers or businesses with retail endorsements.

There are 13 different types of licenses issued by the OCM, all of which have been individually listed on the use tables within the proposed zoning text amendment. Not all cannabis-oriented businesses include retail components.

## **6. OTHER BUSINESS**

### **III. DISCUSSION ITEMS**

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

#### **7. COUNCILMEMBER LIAISON COMMENTS**

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

#### **9. STAFF LIAISON COMMENTS**

### **V. ADJOURNMENT**