

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – OCTOBER 9, 2024



1. CALL TO ORDER

The meeting was called to order at 7:05 PM.

2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Cavin, Borer, Fraser, Gaye-Bai, and Wako; Council Liaison McGarvey; Interim Planning Director Perdu; Senior Planner McDermott, Senior Planner Donovan, and Program Assistant Hayes Regan.

Those arrived late: None

Those excused were: Commissioner Arah, Korosso, and Udomah (with prior notice).

Those absent were: Commissioner Turner.

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION BORER, SECOND FRASER TO APPROVE THE OCTOBER 9, 2024 AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

- A. **Minutes** – September 11, 2024 Regular Meeting
- B. **Minutes** – September 25, 2024 Work Session

MOTION FRASER, SECOND WAKO TO APPROVE THE OCTOBER 9, 2024 CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARING

- A. **Planning Case #24-117 (Prairie Seeds Academy)** – 6200 West Broadway – Preliminary and Final Plat Application – Rezoning Request Application – Site Plan Review Application.

Senior Planner Donovan introduced the application for preliminary plat, final plat, rezoning and site plan review for Prairie Seeds Academy. She noted that this would be an expansion of the existing school at 6200 West Broadway. She provided information and zoning details about the subject site and adjacent parcels. She stated that the preliminary plat would combine four lots with the existing school lot and that combination has been preliminarily approved by the County. She reviewed details of the proposed site plan including layout, bus movement and traffic flow. She stated that staff recommends approval subject to the conditions as noted.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin asked if a traffic study has been done and whether buses would be anticipated to back up on West Broadway.

Senior Planner Donovan replied that there is a traffic study being completed.

Senior Planner McDermott stated that the applicant was requested to provide a full traffic study, and a draft has been accepted. Staff is currently working with the applicant to complete that process but as it stands there have been no issues identified and a right turn lane would not be required for buses to turn into the site.

Commission Chair Cavin asked if neighbors to the site have brought forward any concerns.

Senior Planner McDermott stated that there was a neighborhood meeting, which led to the acquisition of these properties, therefore there seems to be neighborhood support.

Commission Chair Cavin asked if there could be a pedestrian walkway or stop sign in front of the buses to allow children to get to the turf area.

Senior Planner Donovan commented that there is a condition for proper striping throughout the parking areas.

Commission Chair Cavin referenced the lighting plan and proximity to the western neighbors. He asked if feedback has been received on that plan.

Senior Planner Donovan commented that plan is still under review but there is a berm, or some type of separation, recommended between this property and the western properties.

Commission Chair Cavin asked and received confirmation that the current parent pick up and drop off would remain on the south side.

Commissioner Gaye-Bai asked if there is anything anticipated for the intersection.

Senior Planner Donovan stated that the traffic engineer does not have any concerns with the traffic analysis or with the buses at that intersection.

Commissioner Gaye-Bai commented that there are already times when that intersection can be tricky and believed that additional buses would only increase that issue, noting conflicts with the gas station.

Senior Planner McDermott commented that the County is in the process of improving this road which will include widening the roadway and other improvements. They stated that this project would actually reduce the number of driveways from four to one.

A representative from the school stated that she is familiar with that area and concern expressed. She noted that the south side that sits across from the gas station will be changed to parent pick

up and drop off, which is very limited for the school as 95 percent of the students use the bus or van transportation. She believed that these changes would be beneficial to the intersection being discussed.

Commissioner Wako asked the status of the traffic study and the County plans for the road.

Senior Planner McDermott stated that the City and County have reached an agreement and the plan for the road is being finalized and will be adopted by the City Council.

Commissioner Wako asked if the lighting plan is still under review.

Senior Planner McDermott commented that is correct and typical process, as the lighting plan is typically approved at a later date and included as a condition of approval.

Commissioner Wako referenced an email sent to the neighborhood and asked if there were any red flags that brought concerns from the community.

Senior Planner McDermott commented that staff did not receive any emails from the neighborhood.

Commissioner Wako commented that his only concern was whether this plan was appropriate to forward, as he would prefer for studies and plans to be completed prior to making a recommendation. He referenced the comments from a Commissioner related to traffic and would have preferred to have that traffic study completed.

Senior Planner McDermott commented that the traffic study had to be completed during the school year to ensure that the counts would be correct. They noted that there is a short timeframe for this application because of a request for bond dollars from the EDA. They noted that engineering is comfortable with the draft traffic study and staff would not have brought this forward if there were concerns with the plans.

MOTION FRASER, SECOND BORER TO RECOMMEND APPROVAL OF A PRELIMINARY PLAT FOR "PRAIRIE SEEDS ACADEMY" AT 6200 WEST BROADWAY FOR THE CREATION OF ONE LOT.

MOTION CARRIED UNANIMOUSLY.

MOTION FRASER, SECOND BORER TO RECOMMEND APPROVAL OF A ZONING TEXT AND MAP AMENDMENT FOR PROPERTIES LOCATED AT THE NORTHEAST QUADRANT OF WEST BROADWAY AND 62ND AVENUE.

MOTION CARRIED UNANIMOUSLY.

MOTION FRASER, SECOND BORER TO RECOMMEND APPROVAL OF A SITE PLAN REVIEW FOR THE CONSTRUCTION OF AN EXPANSION TO THE EXISTING STRUCTURE AT 6200 WEST BROADWAY, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION CARRIED UNANIMOUSLY.

Senior Planner Donovan stated the public hearing item is scheduled to be reviewed at the City Council meetings on October 14, 2024 and October 28, 2024.

B. Planning Case #24-118 – 7820 Lakeland Avenue – Conditional Use Permit Application.

Senior Planner McDermott introduced the application for a Conditional Use Permit (CUP) for auto repair at 7820 Lakeland Avenue. They noted that this request would allow the applicant to continue their window tinting business. They stated that this business and need for the CUP was discovered through violations to the property. They reviewed details and zoning of the subject property and adjacent properties. They stated that the tenant has worked with the City to address the violations that were identified. They described the window tinting business and activities, noting that only one customer at a time is allowed by appointment. They stated that this business occupies what was previously a car wash. They stated that staff recommends approval of the CUP with the conditions noted in the staff report.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin asked if there are chemicals used in tinting and whether that would be similar or less stringent than a car wash.

Senior Planner McDermott replied that the spray bottles used to add the tinting are of substantially lower concern than the chemicals previously used in the car wash.

Commissioner Borer asked if the gas station is renting this space to the tenant.

Senior Planner McDermott confirmed that the gas station is leasing this space to the tenant, and this was identified when code enforcement was reviewing the overall property for other violations.

Commissioner Fraser asked if the applicant has addressed the code enforcement issues.

Senior Planner McDermott replied that with the exception of the required CUP, the property has achieved compliance.

MOTION WAKO, SECOND FRASER TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT FOR AN AUTO REPAIR SERVICE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: COMMISSIONER BORER ASKED IF THIS BUSINESS WOULD BE LIMITED TO ITS CURRENT OPERATIONS OR WHETHER THOSE COULD EXPAND.

SENIOR PLANNER MCDERMOTT REPLIED THAT THE BUSINESS COULD EXPAND AS LONG AS ALL OF THE CONDITIONS WITHIN THE CUP ARE MET. THEY STATED THAT THE CONDITIONS WERE WRITTEN TO ENSURE THAT IF OTHER SERVICES WERE PROVIDED THOSE WOULD BE LIMITED TO WHAT COULD BE DONE INSIDE THE FACILITY AND INOPERABLE VEHICLES COULD NOT BE LEFT ON THE SITE.

COMMISSIONER FRASER ASKED IF THE CITY WOULD NEED TO BE NOTIFIED IF THE OPERATION CHANGED TO CAR REPAIR.

SENIOR PLANNER MCDERMOTT REPLIED THAT THE CITY WOULD NOT NEED TO BE NOTIFIED BUT IF OPERATION WERE TO OUTGROW THE SITE, CITY STAFF COULD HELP TO FIND THEM A NEW LOCATION. THEY STATED THAT IF THE CONDITIONS COULD NO LONGER BE MET, THE USE WOULD NEED TO CEASE AT THIS LOCATION.

INTERIM PLANNING DIRECTOR PERDU STATED THAT THE CUP IS NOT SPECIFIC TO THE WINDOW TINTING BUSINESS AND THE CONDITIONS MATCH THE LARGER CATEGORY OF AUTO REPAIR TO ENSURE THAT ANY POTENTIAL OPERATION WOULD NOT IMPACT THE SITE OR LARGER COMMUNITY.

MOTION CARRIED UNANIMOUSLY.

C. Planning Case #24-119 (City of Brooklyn Park) – Zoning Code Text Amendment: Cannabis Zoning.

Senior Planner McDermott introduced the application for a zoning text amendment related to cannabis regulations. They reviewed information on buffers that can be considered, and staff is recommending similar buffers to liquor license requirements. They stated that 300 feet would be recommended by staff for schools, daycares and park attractions frequented by minors, along with a 300-foot buffer from other cannabis businesses. They reviewed the different types of cannabis businesses, and the districts recommended to permit, or not permit, that activity. They reviewed the proposed zoning and non-zoning regulations. Staff recommends approval of the zoning text amendment for the adoption of cannabis regulations.

Commission Chair Cavin recognized that the State has set a majority of the parameters and rules that simply need to be adopted by the City.

Commission Chair Cavin opened the public hearing.

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

Commission Chair Cavin stated that it is his understanding that cannabis is not federally approved and therefore retailers cannot bank or get a loan for this type of business.

Senior Planner McDermott commented that it is her understanding that federally they are working to loosen the regulations/process. They recognized that there are some challenges, but the State is working on assistance for businesses. They stated that there are private lenders working on this and grants are available for certain businesses.

Commission Chair Cavin commented that he would envision these businesses as cash businesses and asked the security measures that would be taken locally to collect taxes on a cash only business.

Senior Planner McDermott replied that it is their understanding that it will not be cash only and stated that she can look into those details. They noted that other states are operating these businesses and collecting taxes. They stated that even if the business is cash in hand, the Office

of Cannabis Management (OCM) would still have strict regulations. They stated that staff can follow up to provide additional details on the method and process for tax collection.

Commission Chair Cavin asked if there would be an age restriction for employees of these businesses.

Senior Planner McDermott replied that the City would not regulate that activity, as that would fall under the authority of the OCM.

Commission Chair Cavin commented that there are age restrictions for those handling alcohol and asked if that would be similar for cannabis.

Senior Planner McDermott commented that it would be likely to have the same age restrictions as low potency hemp products, which would be 21. They noted that Staff can follow up to provide that information to the Commission.

Commission Chair Cavin asked if a cannabis business could have a stand at a farmers market.

Senior Planner McDermott replied that would not be permitted by statute and explained that a special event for cannabis would need to be a stand-alone event with security.

Commission Chair Cavin asked if a Doordash type activity could be allowed for cannabis delivery.

Senior Planner McDermott commented that there is a delivery aspect, covered under its own license through the OCM.

Commission Chair Cavin noted that the City is required to have a minimum of seven licenses available and asked if there is a maximum number of licenses.

Senior Planner McDermott replied that the City does have a minimum number of licenses that would need to be made available and the OCM will set a maximum number of licenses overall. They stated that the City can set a maximum number of licenses, but per the direction of the Council a cap was not placed on the number of businesses allowed. They stated that low potency hemp products are regulated separately through their own permitting and if a businesses wanted to sell both products, they would need both licenses.

Commissioner Borer asked and received confirmation that the microbusiness license would allow growing and consumption, as long as products are consumed indoors. She stated that would seem in conflict with the indoor clean air act and asked why that activity would not be allowed on a patio.

Senior Planner McDermott replied that cultivation and manufacturing are required entirely inside the structure. They stated that patio seating would be allowed, if that is contained, similar to a brewery. They stated that smoking would not be allowed indoors but edibles could be consumed indoors.

Commissioner Fraser asked for clarification on the buffers.

Senior Planner McDermott noted that maximum buffers allowed and advised that the City would propose to match the buffers used for alcohol, which is less than the maximum allowed.

Commissioner Fraser commented that 300 feet seems low for a school.

Commissioner Borer referenced manufacturing and asked if there are regulations on the disposal of the plants and other products.

Senior Planner McDermott replied that activity is regulated by State Statute, and it is likely that Hennepin County would enact additional standards.

Commissioner Borer commented that she believed that these businesses would be self-regulating as to the number within a community as consumers are also allowed to grow the product themselves.

MOTION BORER, SECOND FRASER TO RECOMMEND APPROVAL OF AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE OF ORDINANCE ADOPTING REGULATIONS FOR CANNABIS ORIENTED BUSINESSES.

FURTHER DISCUSSION: COMMISSION CHAIR CAVIN ASKED THAT THE COMMENTS AND CONCERNS OF THE COMMISSION BE EXPRESSED TO THE CITY COUNCIL.

THOSE VOTING AYE: CAVIN, BORER, FRASER, AND GAYE-BAI.

THOSE ABSTAINING: WAKO.

MOTION CARRIED.

7. OTHER BUSINESS

No comments.

8. DISCUSSION ITEMS

No comments.

9. INFORMATION ITEMS

A. Council Comments

Council Liaison McGarvey provided an update on recent actions of the City Council related to planning matters.

B. Commission comments

Commission Chair Cavin commented on a recent Commission worksession and asked if those comments from the Commission were carried forward to the City Council.

Interim Planning Director Perdu commented that the detailed minutes were provided to the Council, and she also reiterated the comments from the Commission to the Council in her presentation.

C. Staff Comments

Interim Planning Director Perdu commented that she did a little research about the cash only business operations and tax collection and provided some information. She stated that staff will continue to monitor that subject.

10. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 8:07 PM.

Respectfully submitted,

Tim Gladhill
Community Development Director