

UNAPPROVED MINUTES

MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – January 8, 2025



I. ORGANIZATIONAL ITEMS

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

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

Those present were: Commissioners Cavin, Borer, Fraser, Gaye-Bai, Korosso, Udomah, Turner, and Wako; Council Liaison McGarvey; Planning Director Mogush; Senior Planner Cara Donovan, Senior Planner McDermott, and Associate Planner Matt Hayes-Regan.

Those arrived late: None

Those not present were: Commissioner Arah (with prior notice).

2. EXPLANATION BY CHAIR

3. APPROVAL OF AGENDA

MOTION WAKO, SECOND BORER TO APPROVE THE JANUARY 8, 2025 AGENDA.

MOTION CARRIED UNANIMOUSLY.

II. REQUIRED DUTIES

4. CONSENT AGENDA

4.1 Minutes – November 13, 2024

MOTION BORER, SECOND TURNER TO APPROVE THE JANUARY 8, 2025 CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

5. PUBLIC HEARING

5.1 Planning Case #24-120 – 8708 Green Haven Drive N – Preliminary and Final Plat Application

Senior Planner McDermott presented a request for a preliminary plat of the property located at 8708 Green Haven Drive N, which would subdivide the lot into three residential lots. They reviewed details of the site, zoning, and adjacent uses. They reviewed details of the proposed preliminary plat, noting that all new lots would meet the minimum standards of the zoning district therefore staff recommends approval subject to the conditions within the draft resolution. They stated that staff were made aware today that there was a conversation with property owners in the neighborhood and there may be concerns residents wish to discuss. They reminded the public that the topic of discussion tonight is solely related to the subdivision request and residents with other concerns are welcome to sign up for a neighborhood meeting, noting the location of

the sign-up sheet. They stated that staff will set up a meeting in a more accommodating setting to discuss the overall neighborhood concerns.

Commission Chair Cavin opened the public hearing.

Nicole Joynes, Green Haven Drive resident, stated that she does not agree with this plan as she was just made aware of this. She commented that the area around the neighborhood is changing with no thought to the greenspace or wildlife. She stated that the applicant purchased a 100-year-old home with greenspace and removing that greenspace to add additional homes would take away that greenspace and encroach on the neighborhood. She was unsure why someone would want to come to the neighborhood to destroy the character. She stated that this is urban sprawl coming into their neighborhood and will push away the wildlife.

Tasha Pasioka, Green Haven Drive resident, stated that she has lived in her home for eight years and the neighborhood is a sanctuary in the urban area they live in. She stated that dividing this plot would bring in more development that does not need to occur in this area. She stated that Green Haven Drive connects Brooklyn Boulevard and 81 and has therefore become a main thoroughfare and adding more homes will continue to increase traffic in the neighborhood. She stated that 8609 Green Haven is residential property but there is a business running out of that location which significantly increases traffic. She did not believe that this request is in the best interest of the neighborhood.

Tom Campbell, 8149 Mount Kirk Boulevard, commented that he and his wife have lived in their home since 1972 and have seen a lot of change since that time. He stated that the lots that were built was supposed to be the end of development in that area. He commented that this is their quiet neighborhood, and this would chop up a piece that is not supposed to be chopped at this neighborhood is all supposed to be 100-foot lots.

John Ward, Mount Kirk Boulevard, stated that he grew up in the home being discussed as that was his family's childhood home. He stated that about one year ago the current owner purchased the property and has since made the decision to request to split the property. He appreciated the passion and agreed with the comments about the neighborhood being a great neighborhood. He also agreed that there are other issues that they need to deal with as a neighborhood through the neighborhood meeting that has been set up. He stated that he, his sister, and his nephew purchased lots from his parents and remain within the neighborhood. He did not believe there was much that could be done to stop the plans of the current owner. He stated that he and his wife are interested in purchasing the lots that will be created and would not place homes on the lots.

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 if the current home that exists has access to all the space via the driveway.

Senior Planner McDermott confirmed that to be accurate.

Commissioner Turner thanked the residents for attending tonight and providing input. She asked the intention of the owner when they purchased the home, specifically whether the intent had been to split the property from the beginning.

Senior Planner McDermott replied that was not the intent of the applicant when purchasing the property. They stated that they are not at liberty to discuss the personal situation of the applicant but stated that there was a personal situation that led to this outcome as the method in which the applicant could remain living in the home.

Planning Director Mogush stated that zoning regulations are independent of the ownership of the property and the subdivision regulations that apply in this district have existed for decades. He stated that there is a right of the property to be subdivided according to the zoning regulations. He recognized that this can be an emotional thing for the neighborhood but for the Commission, it is more black and white in that this request meets the standards.

Commissioner Gaye-Bai appreciated the passion of the neighborhood. He asked if there are buildings on the lots to be divided.

Senior Planner McDermott replied that there is a structure on lot one but no structures on lots two and three. they stated that a condition of approval would be to remove the driveway that runs through lots two and three.

Commissioner Gaye-Bai asked the reason to divide the lots.

Senior Planner McDermott replied that the property owner will maintain ownership of lot one and will sell lots two and three.

Commissioner Udomah thanked the residents for attending tonight. He explained that the request complies with the laws of the City and the owner of the property has a right to do what they want with their property, whether or not others agree. He stated that the role of the Commission is to determine whether an application meets the appropriate criteria, and this application does that.

Commissioner Wako thanked the residents for attending tonight and commented that it is hard to hear these comments. He stated that he would find it difficult to move this forward without the owner present. He asked for input on the engagement of the owner with the neighborhood on this request.

Senior Planner McDermott replied that there is not a requirement for engagement of the neighborhood for a subdivision request and therefore she does not believe the owner spoke with neighbors about this request. They stated that engineering reviewed the request and did not have concern that two potential new homes would increase traffic in the neighborhood.

Commission Chair Cavin allowed an additional question from the public.

Tomasina Proue, 8901 Green Haven, commented that the owner of the property has not addressed anyone in the neighborhood about this request. She asked why there is an opportunity for the public to provide comments if the request meets the requirements and cannot be denied by the Commission.

Commission Chair Cavin explained that the Planning Commission is responsible for following the guidelines set by the City, specifically through the zoning regulations.

MOTION UDOMAH, SECOND CAVIN TO RECOMMEND ADOPTION OF A RESOLUTION APPROVING A PRELIMINARY PLAT SUBDIVIDING 8708 GREEN HAVEN DRIVE N. INTO THREE SINGLE-FAMILY LOTS, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION FAILED 3 AYES (CAVIN, UDOMAH, FRASER) – 4 NAYS .

5.2 Planning Case #24-123 (Seventh Day Adventist Church) – Site Plan Review Application and Variance to Zoning Code Application

Senior Planner Donovan introduced the application for a site plan review and variance request from United Central Seventh Day Adventist Church for a building addition. She provided details about the site, its zoning, and adjacent uses. She reviewed the site plan and noted that the proposed addition would help to support the congregation of the church. She stated that the variance is requested for the setback noting that the applicant has a purchase agreement for the ten-foot outlot in order to reduce the variance request. Staff recommends approval of the site plan and variance request subject to the conditions and findings within the draft resolutions.

Commission Chair Cavin opened the public hearing.

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

Commissioner Borer referenced the shared parking agreement and asked for more details.

Senior Planner Donovan explained that the addition will take up some of the existing parking stalls. She stated that there is a cross-parking agreement with the crematorium as the buildings have different hours of operation.

Commissioner Korosso asked for the estimated membership of the congregation and how that compares to the parking.

Senior Planner Donovan replied that she is unsure of the size of the congregation but noted that 115 stalls are required and that is provided through the church parking and shared parking of the crematorium.

Commissioner Fraser asked if the addition would increase the number of people attending and parking needs.

Senior Planner Donovan stated that the applicant is present but did not believe the congregation is expanding but more that the addition will accommodate the existing needs of the congregation.

Commissioner Turner asked if there would be visible signs posted for the entrance and exit to assist with traffic flow.

Senior Planner Donovan identified the access to the site. She stated that the second access has a gate that could be opened if needed.

Commissioner Udomah commented that if the congregation continues to grow, he would think the services could be staggered to allow attendance without creating parking problems.

Chris Cornelious, builder for the project, commented that the funeral home uses the parking the most during its weekly services. He stated that the church typically holds service on Saturdays with some smaller classes during the week. He stated that the shared parking is very seldom used by the church and more benefits the funeral home.

Commission Chair Cavin asked if there is an immersive baptism pool on the stage and whether plumbing would be a part of that.

Mr. Cornelius confirmed that there would be a baptism pool and commented that they are working out the details of how that will drain. He stated that those details will be provided during the building permit process.

Commission Chair Cavin asked if the City has any rules related to baptism pools.

Senior Planner Donovan replied that if there is a pool on stage, it would be required to go through the sewer system and would not be allowed to drain to stormwater. She stated that regulation of that will go through the utilities department during building permit review.

Commissioner Wako commented that there is not a standing pool as the pool is only up and used during baptism services. He stated that the water comes from the existing line and is then drained out.

MOTION FRASER, SECOND WAKO TO RECOMMEND APPROVAL OF SITE PLAN REVIEW FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING STRUCTURE AT 7831 BROOKLYN BOULEVARD, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

FURTHER DISCUSSION: COMMISSIONER KOROSSO ASKED IF THERE SHOULD BE AN ADDITIONAL CONDITION RELATED TO THE SIZE OF THE CONGREGATION AND REQUIRED PARKING.

PLANNING DIRECTOR MOGUSH REPLIED THAT THE PARKING REQUIREMENT IS DETERMINED BY THE ZONING CODE AND IS BASED ON THE NUMBER OF SEATS WITHIN THE BUILDING, NOT THE NUMBER OF PEOPLE THAT SHOW UP FOR SERVICE OR EVENTS THEREFORE IT WOULD BE ARBITRARY FOR THE CHURCH TO REPORT THE NUMBER OF PEOPLE ATTENDING SERVICES.

MOTION CARRIED UNANIMOUSLY.

MOTION FRASER, SECOND TURNER TO RECOMMEND ADOPTION OF FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR A BUILDING ADDITION, 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 meeting on January 27, 2025.

6. OTHER BUSINESS

Planning Director Mogush referenced Case 5.1, noting that he was a bit thrown by the chaos and the eventual outcome. He stated that the motion to approve the staff recommendation failed and staff will report that to the City Council. He explained that is not an affirmative recommendation to the City Council and the Commission could leave it at that. He stated that he will explain to the City Council that it is their obligation to approve that request because it meets all required zoning requirements. He stated that the Commission could attempt to make the case that the request does not meet the zoning code, but those specifics would need to be provided. He stated that the Commission could also make a motion to reconsider and revote.

Commission Chair Cavin asked if there are other implications for the Commission in not following the guiding principles of the zoning.

Planning Director Mogush stated that if the City Council approves the subdivision, he does not have any concerns. He stated that if the Council takes the input of the Planning Commission and denies the request, he would have serious concerns as to the City's legal exposure.

Commissioner Turner stated that mitigation and outreach should have occurred with the neighbors prior to this meeting. She had concerns about moving something through when she did not believe it was fair to the residents as to what was going to be moved through. She understood the rights of the property owner, but as a neighbor, there are things that can be done to avoid this situation. She stated that if the property owner were in a situation where this was a forced decision, she could have brought the neighbors along without going into detail about her situation.

Commissioner Udomah stated that in a perfect world, he would agree with that, but this is not a perfect world. He stated that the property owner has the right to do what they want with their property and the neighbors want to impose their own sense of morality on the property owner. He stated that the situation of the property owner is unknown, perhaps they have aging parents or a child with special needs. He stated that the property owner has to take care of themselves over the desire of the neighbors to see turkeys. He stated that they must follow the rules and not make decisions based on the preferences of neighbors and who they like or do not like. He stated that the neighbors could have approached the owner if they were concerned.

Commissioner Gaye-Bai stated that the owner should have been here to explain.

Commissioner Wako stated that the Commission heard the presentation and made a decision after deliberation although it may not be to the satisfactory of anyone. He stated that the majority of the Commission spoke and did not believe it would be procedurally appropriate to continue to rehash this.

Commissioner Fraser stated that this was an emotionally complicated decision and understood the position of the residents, but the job of the Planning Commission is to approve or deny things based on the zoning code and not emotions. She stated that in the future perhaps some of those conversations can occur with neighbors and the decision could be deferred to allow those conversations, so they understand the obligations of the Commission.

Commissioner Borer echoed the comments of Commissioner Fraser. She stated that there are rules in place and there were questions from the neighborhood. She stated that in this type of scenario, she would be willing to defer a decision until those additional conversations can occur.

Commission Chair Cavin stated that the Commission heard the residents and made the decision it did. He acknowledged the position of staff to inform them of the decision and also inform the Council of its role and responsibility in making that decision.

Planning Director Mogush stated that his main intent was to ensure that the Commission had the opportunity to make an affirmative action on the case, as the job of the Commission is to inform the Council and make a recommendation. He stated that if the Commission recommends denial of an application, reasons and findings of fact would be provided as to why the request does not meet the subdivision regulations.

Commissioner Udomah stated that the Commission should explain why it deviated from the procedure.

Commission Chair Cavin did not believe that anyone on the Commission could articulate why the case did not meet the zoning regulations and therefore the reasoning would be based on opinions.

Commissioner Udomah provided personal experience he had with a property he purchased in Saint Francis and neighbors sent someone to come and talk to him about his plans. He stated that if the neighbors were concerned, they should have approached the applicant. He stated that the Commission then followed along with those residents rather than following the appropriate procedure and basing its decision on the zoning regulations. He commented that the decision was made arbitrarily.

Commissioner Turner stated that they voted and there have been split votes in the past as well. She stated that she would feel better about moving that case forward if there were mitigation and conversations prior to the meeting. She stated that there are personal biases all the time and this is no different. She understood that the decision is black and white but that does not make it right.

Council Liaison McGarvey stated that when this body voted yes or no on the subdivision of the lot across the street from his house, his wife testified and made the same comments that these residents provided, but the Commission had no problem approving that request. He stated that the item passed through the City Council because all requirements were met. He stated that the role of the Commission and Council is quasi-judicial, in that a ruling must be based on the rules. He recognized that the difference in this case is that a large group of people showed up.

Commissioner Wako stated that perhaps this is a discussion for a work session. He stated that the Commission is provided the opportunity to vote yes or no and if the decision must be yes, then it would seem the Commission is not needed.

Commission Chair Cavin stated that there are legal ramifications that follow these decisions, noting lawsuits that the City has been involved in. He stated that sometimes people who do not follow the rules end up in those situations.

Commissioner Fraser suggested that the Commission add a comment as to why this decision was made.

Commissioner Korosso referenced the outreach part of the process and suggested that the planning department go out to the community to inform the residents of the proposed project.

Planning Director Mogush replied that there is a requirement for a public hearing to notify residents of the public hearing. He stated that a mailing is done to all properties within 500 feet of the subject property, which is how residents are made aware. He stated that letter includes a link to the staff report which provides the information on the request. He stated that staff commonly receive a few calls or emails from neighbors to ask questions and learn about the plans. He stated that nine times out of ten that is the end and sometimes others attend the meeting. He stated that he agrees as a person that neighbors should talk to one another, although that is not a City requirement. He stated that this applicant met all requirements.

Commissioner Korosso stated that perhaps the additional statement could be made related to the public concern that was expressed that the Commission responded to.

Commissioner Udomah stated that he does not believe the Commission will agree on a comment and believes the case should be left as is.

Commission Chair Cavin agreed that he would not to debate the issue again as the public that were interested in the topic have left.

Commissioner Turner noted the neighborhood meetings that were mentioned and asked if that provides the neighborhood with false hope, as they know what the outcome will be because of the rights of the property owner. She stated that it was difficult for her to say yes because she felt empathy for the residents who spoke.

Commission Chair Cavin stated that the comment was made by a neighbor that he was going to purchase the two lots and leave them natural, but noted that it is not the job of the Commission to consider that or make that happen.

Commissioner Turner asked if this item would return to the Commission.

Planning Director Mogush replied that the Commission could have chosen to table the request, if there was sufficient review time available, noting that he would not have recommended that.

III. DISCUSSION ITEMS

No comments.

IV. VERBAL REPORTS AND ANNOUNCEMENTS

7. Council Comments

Commission Chair Cavin congratulated Councilmember McGarvey on his reelection.

Council Liaison McGarvey stated that everyone was sworn in on Monday night and it was a smooth meeting. He thanked the Commission for the work it does. He noted that Commission assignments have not been provided and hoped he could remain as the liaison.

8. Commission comments

Commissioner Gaye-Bai stated that his first term is coming to an end, and he will be reapplying. He stated that whether or not he is reappointed, he has enjoyed his time on the Commission and learning how the City works.

Planning Director Mogush stated that there are three seats up for reappointment and believed everyone would have the opportunity to be reappointed and no members were terming out.

Commission Chair Cavin asked if there is any thought of how to attract youth members, noting the statement that he reads at the beginning of the meeting.

Planning Director Mogush provided background information and stated that it has been a struggle to find young adults who would like to serve, noting that the target age is 18 to 24.

9. Staff Comments

Planning Director Mogush provided a staffing update and also highlighted upcoming agenda topics and open house meetings.

V. ADJOURNMENT

Commission Chair Cavin adjourned the meeting at 8:43 PM.

Respectfully submitted,

Paul Mogush
Planning Director