
February 12th, 2025
7:00 p.m.

Brooklyn Park Council Chambers
5200 85th Avenue North
Brooklyn Park, MN 55443

PLANNING COMMISSION REGULAR MEETING – AGENDA #2

For reasonable accommodations or alternative formats, please provide a 72-hour notice by calling 763-424-8000 or emailing 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 Teshite Wako, Christopher Udomah, Philip Gaye-Bai, Maggie Borer, Shereese Turner, Adbo Korosso, and Chukwunedu Arah.
City Council Member Liaison Tony McGarvey

Staff Liaison Planning Director Paul Mogush, Senior Planner Erin McDermott, Senior Planner Cara Donovan, Associate Planner Matt Hayes-Regan and Program Assistant Asma Jihad

Members of the public can monitor the meeting by watching it on CCX Media Channel 16 or by livestreaming it at <https://reflect-ccx.cablecast.tv/CablecastPublicSite/gallery/37?site=8>

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 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. 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 nine resident-volunteer 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 8th, 2025 Regular Meeting

5. PUBLIC HEARING

§ 31.61 DUTIES. The Planning Commission must hear and review all petitions to amend the zoning classifications of this code or to obtain a special permit. The Planning Commission must then report its recommendations to the Council for action.

('72 Code, § 250:10)

5.1 Planning Case #25-102 | True Blue – Clean Freak | Variance Planning Application

This request is for a variance for the construction of three 12-foot free-standing signs located at 8555 Edinburgh Centre Dr N.

Staff Recommendation: Staff recommends approval of the request for a variance for three free-standing signs subject to the conditions as written in the draft resolution.

Presented by: Cara Donovan, Senior Planner

5.2 Planning Case #25-101 | JC Riders | Conditional Use Permit Planning Application

JC Riders Motorcycle Club is a non-profit organization applying for a conditional use permit (CUP) to operate as a social club and a banquet hall for private events at 8432 Xerxes Ave N. While the application refers to the use of banquet hall, the full name of banquet hall used in the zoning code is "banquet, convention hall or conference center." Information about the organization can be found in the attached Applicant Submittal. 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 either a social club or a banquet hall. The application before the Planning Commission is only for a CUP at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application.

Staff Recommendation: Staff recommends approval of a Conditional Use Permit for the operation of a social club and a banquet hall for private events 8432 Xerxes Ave N, subject to the conditions contained in the draft Resolution.

Presented by: Matt Hayes-Regan, Associate Planner

5.3 Planning Case #24-102 | 2040 Comprehensive Plan Zoning Code Update

The City Council adopted Ordinance 2024-1304 on second reading at the July 29, 2024 Regular Meeting, which replaced the Zoning Code in its entirety. Over the last 6 months staff has been keeping track of inconsistencies and omissions from the previous code. This amendment is intended to fix these technical issues, as well as address an omission from the 610 Corridor Study in which an expectation for higher density development was established by City Council. The 610 Corridor Study resulted in the establishment of a minimum Floor Area Ratio (FAR) for the Mixed Use District (MU) of 0.75. A more in depth explanation can be found below the table indicating the text changes to the Zoning Code.

Staff Recommendation: Staff recommends approval the amendments as presented

Presented by: Erin McDermott, Senior Planner

6. OTHER BUSINESS

III. DISCUSSION ITEMS

IV. VERBAL REPORTS AND ANNOUNCEMENTS

7. OLD BUSINESS

- 8. COUNCILMEMBER LIASON COMMENTS
- 9. PLANNING COMMISSIONER COMMENTS
- 10. STAFF LIASON COMMENTS

V. WORK SESSION – Recess to Room A203

11. Work Session

- 11.1 Planning Commission Training
- 11.2 2025 Annual Report
- 11.3 2025 Work Plan

Each year Brooklyn Park boards and commissions develop and approve an annual work plan. In recent years, staff have brought the work plan to a regular meeting early in the year for approval by the commission. This year, staff would like to give the commission some time to discuss the work plan at a work session prior to approval at the next regular meeting.

VI. ADJOURNMENT

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

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	5.1	Meeting Date:	February 12, 2025
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	X	Prepared By:	Cara Donovan, Senior Planner
Ordinance:	N/A		
Attachments:	4	Presented By:	Cara Donovan, Senior Planner
Item:	True Blue – Planning Case #25-102 variance for free-standing signs on a property zoned B-3 – General Business District.		

Proposed Actions:

MOTION _____ SECOND _____ TO RECOMMEND ADOPTION OF FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE REQUEST FOR FREE-STANDING SIGNS, SUBJECT TO THE CONDITIONS IN THE DRAFT RESOLUTION.

Summary:

This request is for a variance for the construction of three 12-foot free-standing signs located at 8555 Edinburgh Centre Dr N.

Land Use Plan	Community Commercial
Current Zoning	B3 – General Business District
Proposed Zoning	No proposed change
Site Area	1.857 acres
Conforms to	
Land Use Plan	Yes
Zoning Code	Yes
Subdivision Ordinance	Yes
Notification	Legal notice was published in the Sun Post, 66 Notices were mailed to properties within 500 feet, A Neighborhood email was sent to the Edinburgh neighborhood.
60- and 120- Days (§15.99)	February 11, 2025; April 12, 2025

Previous Approvals:

Edinburgh Center 2nd Addition was approved in 1996 as Planning Case 96-113, with a CUP for the operation of a grocery store as Planning Case 96-116.

Planning Case 09-111 was approved for a Conditional Use Permit to fill the wetland on this site to allow for an additional buildable lot for a future commercial lot.

Planning case 22-122 was approved for the re-platting of existing lots to reconfigure for a new buildable lot in anticipation of proposed development.

A site plan and conditional use permit for a car wash were approved for this property on February 26, 2024.

Ten directional signs were approved on November 19, 2024. While not approved there is an active application for a monument sign.

Current Conditions:

This site is under construction for a new building, parking lot, and site circulation.

Land Use/Zoning (and Overlay):

This property is zoned B-3 – General Business District and is guided Community Commercial by the 2040 Comprehensive Plan.

Proposed Development:

The applicant is proposing three 12-foot free-standing signs which would also serve as clearance bars to ensure that oversized vehicles do not enter the car wash. The variance request for free-standing signs would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of allowable free-standing or monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs.

Variance:

Minnesota Statute requires all variance requests be evaluated and be found to meet all conditions of the three-factor test for practical difficulties ([§ 462.357, subd. 6](#)). The findings of fact are summarized below:

The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any practical use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place the building there is reasonable. *In this case:*

Applicant Submission: The applicant states that this variance request is reasonable and the applicant is being restricted by the definition of a directional sign. The applicant is proposing to install a clearance bar on a structure to ensure that oversized vehicles do not attempt to enter the carwash.

Staff response: The free-standing signs are reasonable to support the business.

The second factor is that the landowner’s problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees. *In this case:*

Applicant Submission: The applicant states that as a car wash the signage is needed to ensure that vehicles under 7 feet, 2 inches are only allowed to proceed to the car wash entrance.

Staff response: The unique nature of a car wash makes the request for free-standing signs directing drivers reasonable.

The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to the lot line and if that fits in with the character of the area. *In this case:*

Applicant Submission: The applicant states that the proposal will not alter the essential character of the area as these signs are meant for drivers that are already on the property and not for drivers on the public roadway.

Staff response: The approval of this application would not alter the character of the neighborhood. The property is surrounded on all sides by B-3 zoned properties. The request is compatible with the intent prescribed in the comprehensive plan and zoning ordinance.

The required findings of §150.08 have been addressed and Staff recommends approval of the variance request.

Conditions of Approval:

Staff recommends the adoption of a resolution subject to the following conditions as listed in the resolution.

Staff Recommendation:

Staff recommends approval of the request for a variance for three free-standing signs subject to the conditions as written in the attached resolution.

Alternatives to Consider:

1. Recommend approval of the variance request as presented.
2. Recommend approval of the variance request with modifications.
3. Recommend denial the proposal based on certain findings.

Budgetary/Fiscal Issues:

There are no budgetary or fiscal impacts anticipated by this application.

Attachments:

- A. DRAFT VARIANCE RESOLUTION
- B. DRAFT VARIANCE FINDINGS OF FACT
- C. LOCATION MAP
- D. PLAN SET

RESOLUTION #2025-____

RESOLUTION TO ADOPT FINDINGS OF FACT FOR THE APPROVAL OF A VARIANCE
REQUEST FOR FREE-STANDING SIGNS AT 8555 EDINBURGH CENTRE DR N.

Planning Commission File #25-102

WHEREAS, Municipal Resolutions, on behalf of True Blue, has made application for a Variance under the provisions of Chapter 150 of the City Code at 8555 Edinburg Centre Dr N and legally described as:

LOT 3, BLOCK 1, EDINBURGH CENTER THIRD ADDITION, HENNEPIN COUNTY,
MINNESOTA.

WHEREAS, the matter has been referred to the Planning Commission who have given their advice and recommendation to the City Council; and

WHEREAS, the variance request for free-standing signs would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of allowable free-standing or monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2025; and

WHEREAS, Minnesota Statute Section 462.357, subd. 6 provides:

1. Variances shall only be permitted (a) when in harmony with the general purposes and intent of the ordinance, and (b) when the variances are consistent with the comprehensive plan.
2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands and existing and anticipated effects on the neighborhood have been considered; and

WHEREAS, the Planning Commission has reviewed the variance request for additional free-standing signs and free-standing signs that exceed height allowance, and finds the request:

1. Is not in conflict with the purposes and intent of the ordinance and comprehensive plan.
2. The free-standing signs are reasonable to support the business.
3. The request for free-standing signs to direct drivers is reasonable.
4. The approval of this application would not alter the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKLYN PARK, MINNESOTA that:

The application to issue a variance for the construction of three free-standing signs with a height of 12-feet would require a deviation from City Code Chapter 150, Section 150.28(A)(1) to exceed the number of free-standing and monument signs and 150.04(D) to exceed the height restriction of 6-feet above grade for free-standing signs, is hereby approved subject to the conditions listed below.

1. Sign permits cannot be issued until bonding and escrow has been established for Planning Case 24-101.
2. A building permit must be approved for the free-standing signs.

The petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and to pay all fees for said recording. Proof of said recording shall be filed promptly with the City.

PRACTICAL DIFFICULTIES

We propose to use the property in a reasonable manner. We feel that we are being restricted by the definition of a directional sign. We are proposing to install a clearance bar on a structure to ensure that oversized vehicles don't attempt to enter the car wash.

The plight of the landowner is that because it is a car wash, we need to have signage that ensures that vehicles under 7'2" are only allowed to proceed to the car wash entrance.

It will not alter the essential character of the area as this sign is meant for drivers that are already on the lot and not for drivers on the public roadway.

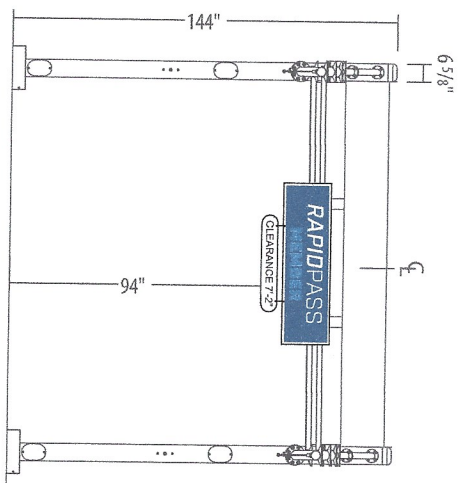
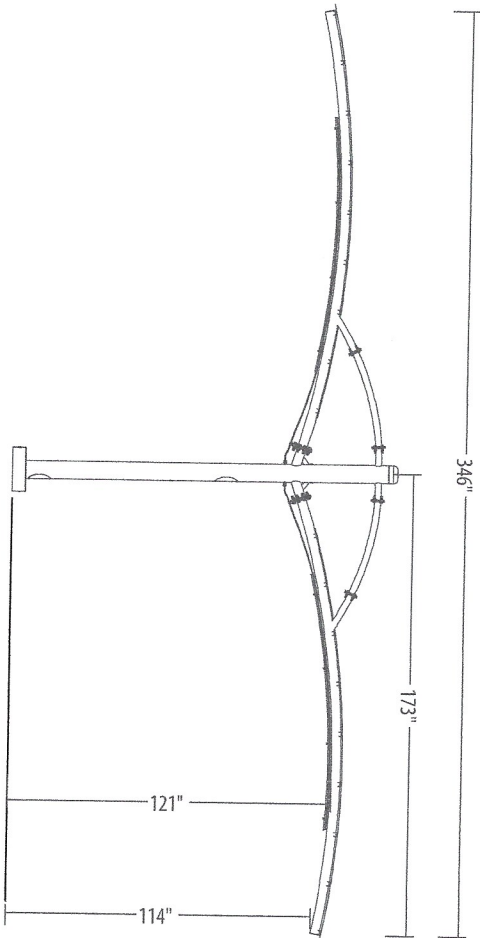


Variance to Zoning Code
Case #25-102 – True Blue - Clean Freak
Area of Request (August 2023 Air Photo)
8555 Edinburg Centre Dr N

Brooklyn Park 



DIRECTIONAL KIOSK SIGNS



ELEVATION VIEW
SCALE: 1/4"=1'-0"



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
CLEAN FREAK
SITE NUMBER
0000

LOCATION
BROOKLYN PARK, MN
ACCOUNT REP
BEN DEHAVES

DRAWN BY
GC
DATE
01/16/25
REVISION
00
SCALE
NTS

CORPORATE ID SOLUTIONS
5563 N. ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | E: 773-763-9606
CORPORATEIDSOLUTIONS.COM

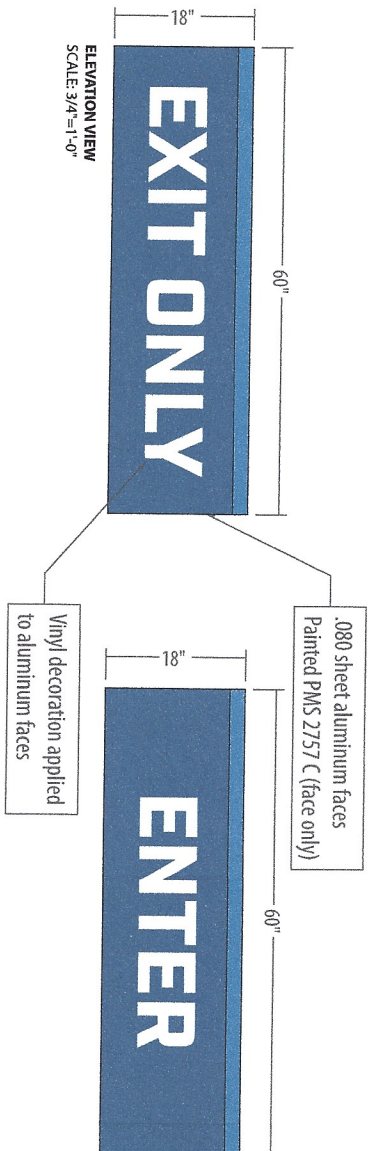
CUSTOMER ACCEPTANCE

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SIGNATURE _____

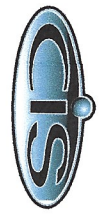
DATE _____

DIRECTIONAL PORTAL SIGNS



- 3M REFLECTIVE VINYL
- 3M 3630-137 EUROPEAN BLUE VINYL
PANTONE® 2757 C
- 3M 3630-147 LIGHT EUROPEAN BLUE VINYL
PANTONE® 7690 C

SIDE VIEW
SCALE: 1-1/2"=1'-0"



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
CLEAN BREAK
SITE NUMBER
0000

LOCATION
BROOKLYN PARK, MN
ACCOUNT REP
BEN DEHAVES

DRAWN BY
GC
DATE
01/16/25

REVISION
00
SCALE
NTS

CORPORATE ID SOLUTIONS
5563 N ELSTON AVE
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
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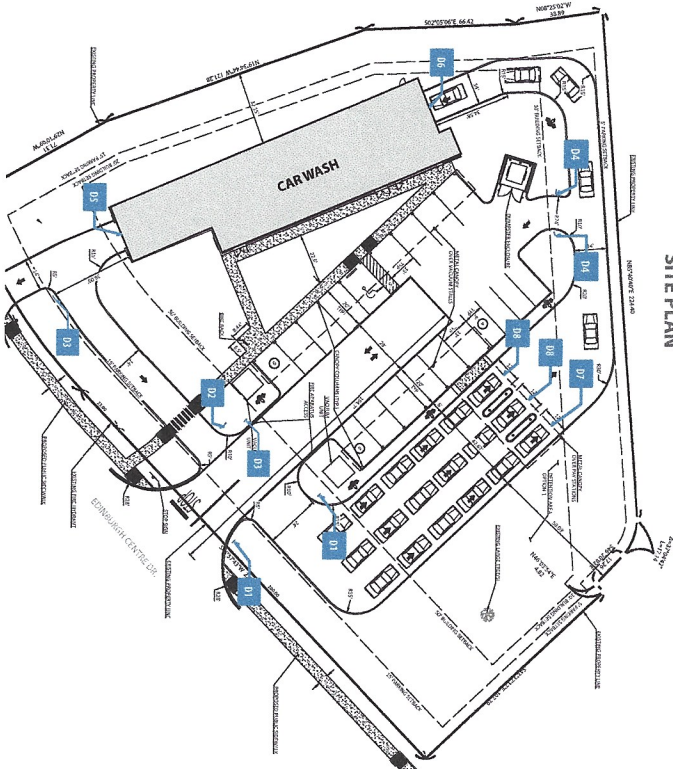
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SIGNATURE _____ DATE _____

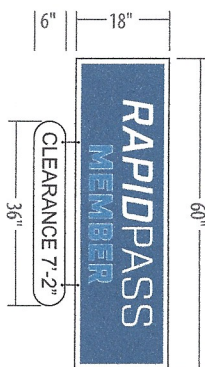
DATE

SITE PLAN

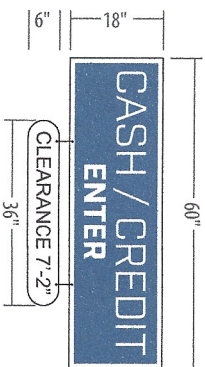
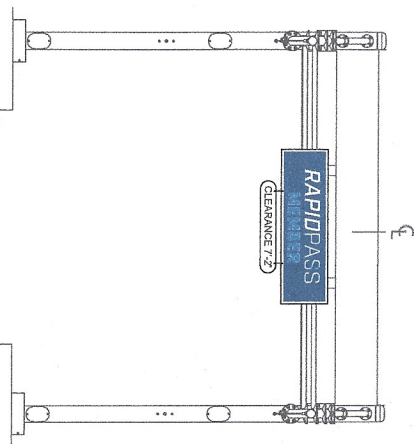


DIRECTIONAL SIGN SUMMARY

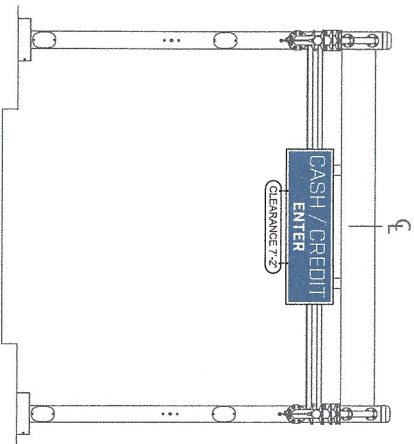
SIGN #	DESCRIPTION	QTY	SIZE	AREA
D7	Non-illum. Lane ID Sign - Rapid Pass	1	1'-6" X 5'-0"	9.0 SF
D8	Non-illum. Lane ID Sign - Cash/Credit	2	1'-6" X 5'-0"	9.0 SF



D7



D8



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
CLEAN FREAK
SITE NUMBER
0000

LOCATION
BROOKLYN PARK, MN
ACCOUNT REP
BEN DEHNATES

DRAWN BY
GC
DATE
01/16/25

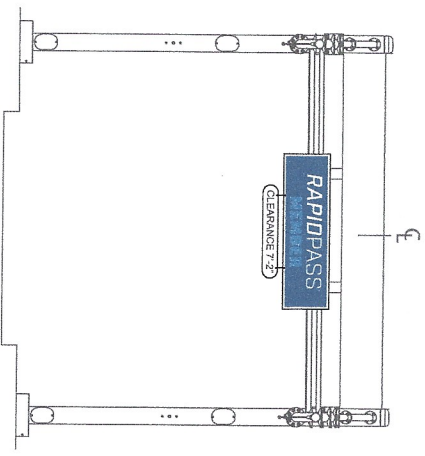
REVISION
00
SCALE
NTS





CORPORATE ID SOLUTIONS
5563 N ELSTON AVE
CHICAGO, IL 60630
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CORPORATEIDSOLUTIONS.COM

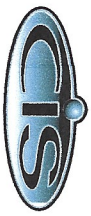
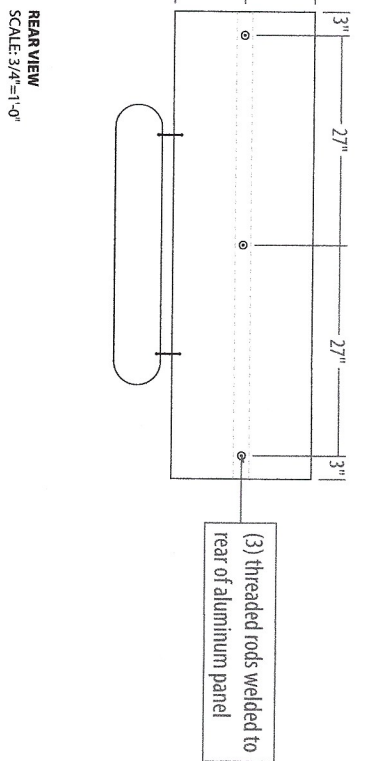
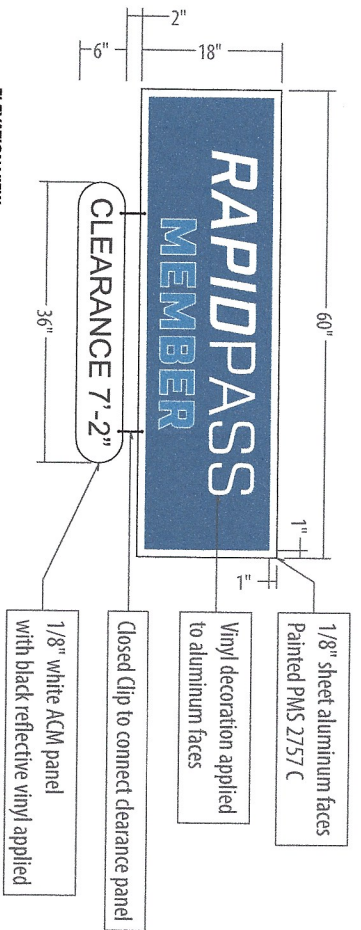
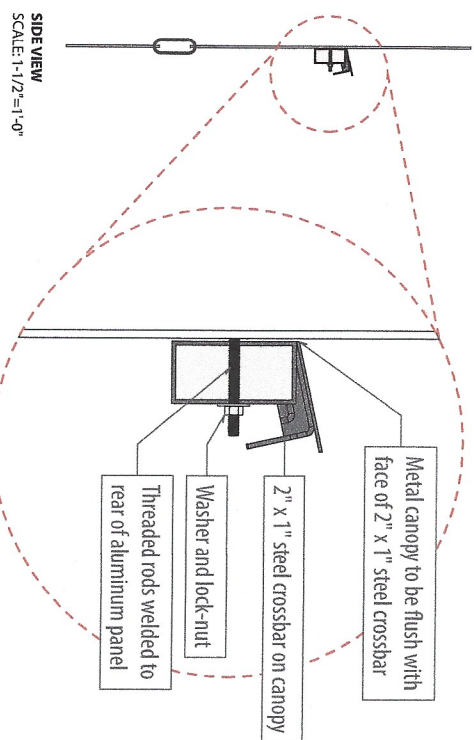
CUSTOMER ACCEPTANCE
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SIGNATURE _____ DATE _____

DIRECTIONAL KIOSK SIGNS



-  3M WHITE REFLECTIVE VINYL
-  3M BLACK REFLECTIVE VINYL
-  3M 3630-137 EUROPEAN BLUE VINYL
PANTONE® 2757 C
-  3M 3630-147 LIGHT EUROPEAN BLUE VINYL
PANTONE® 7690 C



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER	CLEAN BREAK	LOCATION	BROOKLYN PARK, MN	DRAWN BY	GC	REVISION	00	CORPORATE ID SOLUTIONS	5563 N ELSTON AVE CHICAGO, IL 60630 P: 773-763-9600 F: 773-763-9606 CORPORATEIDSOLUTIONS.COM
SITE NUMBER	0000	ACCOUNT REP	BRN DEHAJES	DATE	01/16/25	SCALE	NTS	CUSTOMER ACCEPTANCE	

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SIGNATURE _____ DATE _____

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	5.2	Meeting Date:	February 12, 2025
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	X	Prepared By:	Matt Hayes-Regan, Associate Planner
Ordinance:	N/A		
Attachments:	3	Presented By:	Matt Hayes-Regan, Associate Planner
Item:	DEV25101 (JC Rider – 8432 Xerxes Ave N) – Conditional Use Permit (CUP) application for the operation of a social club and banquet hall for private events.		

Proposed Action:

MOTION _____, SECOND _____, TO RECOMMEND A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SOCIAL CLUB AND A BANQUET HALL FOR PRIVATE EVENTS AT 8432 XERXES AVE N, SUBJECT TO THE CONDITIONS CONTAINED IN THE DRAFT RESOLUTION.

Overview:

JC Riders Motorcycle Club is a non-profit organization applying for a conditional use permit (CUP) to operate as a social club and a banquet hall for private events at 8432 Xerxes Ave N. While the application refers to the use of banquet hall, the full name of banquet hall used in the zoning code is "banquet, convention hall or conference center." Information about the organization can be found in the attached Applicant Submittal. 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 either a social club or a banquet hall.

The application before the Planning Commission is only for a CUP at this location. An application for and approval of a liquor license is a separate process that is not being considered with this application.

Previous Approvals:

8432 Xerxes Ave N is one parcel located in the Xerxes Phoenix Addition. The Xerxes Phoenix Addition was developed in 2006 as a multi-tenant retail building. Although there was a previous CUP approved for 8432 Xerxes Ave N in 2016, the CUP was neither for a social club or a banquet hall, but for a religious institution. Because it has been more than 365 days since the property operated as a religious institution, the previous CUP has lapsed.

Current Conditions:

The subject property is 2.12 acres and it is located southeast of 85th Ave and Xerxes Ave.

Future Land Use Plan	Neighborhood Service Center
Current Zoning	B-2: Neighborhood Retail Business
Proposed Zoning	B-2: Neighborhood Retail Business
Neighborhood	Norwood
Site Area	2.12 acres

Conforms to:	
Land Use Plan	Yes
Zoning Code	Yes
Notification	85 Public Hearing Notices mailed Posted in the Sun Post Neighborhood email sent to Norwood neighborhood
Timeline (MN §15.99)	
60-day	March 4, 2025
120-day	May 3, 2025

Land Use/Zoning and Overlay:

The property is located in the City’s Neighborhood Retail Business (B-2) Zoning District. Social clubs and banquet halls are allowed conditionally in the B-2 Zoning District. The Brooklyn Park 2040 Comprehensive Plan (Comprehensive Plan) future land use designation for this property is Neighborhood Service Center.

The B-2 Zoning District is intended to provide a district which encourages compact centers for retail sales and services that serve the adjacent neighborhood and to preserve and protect the general character of the adjacent areas.

The zoning designations of the adjacent properties are the Business Park (B-1) Zoning Districts to the east and Detached Single-Family and Two-Family (R-3) Zoning Districts to the north and south.

An overlay is not associated with this property.

Conditional Use Permit:

Social clubs and banquet halls are allowed conditionally in the B-2 Zoning District. Conditional uses must be reviewed against the standards of § 152.305 of the City’s Zoning Code. The uses are evaluated below:

(D) Review standards. The request may address the following factors, although the City Council, the Planning Commission, and city staff has the authority to request additional information from the applicant concerning operational factors pertaining to the proposed use or to retain experts with the consent and at the expense of the applicant concerning operational factors, when necessary to establish performance conditions to affect the intent of this chapter.

(1) *Comprehensive Plan.* Compliance with the Comprehensive Plan, public facilities and capital improvement plans, and all sections of the City Code.

The Future Land Use of the Comprehensive Plan guides this property as Neighborhood Service Center. Neighborhood Service Centers are small-scale commercial areas oriented to the surrounding residential areas. The businesses are designed so that they are easy to reach by all modes of transportation, including nearby residents who may be walking or biking. Buildings are scaled appropriately to the surrounding neighborhood, reflecting a low-to-mid-rise profile. The proposed uses of a social club and a banquet hall are consistent with the small-scale commercial areas outlined in the Comprehensive Plan.

(2) *Traffic.* The generation, volume, and safety associated with the use and driveway location on adjacent roads, sidewalks, and trail connections.

Vehicular access to the site is available from two points: one along Xerxes Ave and the other along 85th Ave. The Xerxes Ave access point is west of the property, and it is shared with other tenants. The 85th Ave access point is north of the property, and it is a shared connection with the businesses located east and north of the property.

JC Rider shared in their application the following day-to-day operations overview:

Here's what our day-to-day operations look like:

Monday thru Thursday – someone may be in and out of the space to check on things or take inventory of cleaning supplies and toiletries. The 1st and 3rd Tuesdays of the month we hold our private club meetings between 7-8pm (1-2 cars/bikes expected with the exception of bi-monthly meetings there could be 10-15 cars/bikes)

Friday and Saturday – private invite only gatherings for fellowship starting after 7pm. (20-30 cars/bikes anticipated)

Sunday – Cleaners (2-3 cars)

All other businesses are closed during the time we are occupying the space.

Because of the size of the organization and that traffic will happen outside of peak traffic hours, staff does not have concerns about traffic that will be generated at this location.

- (3) ***Parking.*** The characteristics of the parking area of the use, including the number and design of parking spaces, landscaping, traffic circulation, drainage, and lighting.

The City's Transportation Engineer did not identify any issues after reviewing the above overview.

JC Rider also meets the zoning code surface parking space requirement of 1 space for each 2.5 seats based on the design capacity in the main assembly area for the proposed banquet hall use.

- (4) ***City Services.*** The provision of adequate public infrastructure to the site where the use is proposed.

Staff does not anticipate additional public services are needed.

- (5) ***Screening and landscaping.*** The ability to screen and buffer incompatible off-site impacts of the proposed use on adjacent property and the surrounding neighborhood.

Because the project is proposed in an existing strip mall, as tenants of the strip mall, screening and landscaping standards are not applicable to the JC Rider's CUP application.

If there are screening and landscaping standard issues in the future, then City Staff will address the issues with the property owner.

- (6) *Architectural standards.* The degree that the site or building associated with the proposed use meets or exceed the architectural design standards for the district in which it is located. The city may require additional architectural standards above those required in the specific zoning district.**

JC Rider will be operating as tenants in an existing structure that was previously constructed in accordance with the applicable zoning and building codes.

If there are architectural standards issues in the future, then City Staff will address the issues with the property owner.

- (7) *Other conditions of the city code.* Compliance with any other applicable section of this chapter or the city code.**

Existing conditions of the site are consistent with City Code requirements

Staff Recommendation:

Staff recommends approval of a Conditional Use Permit for the operation of a social club and a banquet hall for private events 8432 Xerxes Ave N, subject to the following conditions:

1. Hours of operation are 7:00 a.m. until 1:00 a.m. Sunday through Thursday and 7:00 a.m. until 2:00 am on Fridays and Saturdays, unless further restricted by an intoxicating liquor license
2. If serving and/or consuming alcohol, the business must maintain an intoxicating liquor license and remain in compliance with the requirements of that license.
- 3.. Exterior sound amplification is prohibited after 10:00 PM daily. When allowed, music must be kept at a conversational level and not audible from surrounding residential properties. Speakers must be directed away from residential areas.
4. Alcohol service is limited to the interior of the building.
6. Signage must comply with all requirements of City Code Chapter 150: Signs.
7. This resolution must be recorded with the Hennepin County Recorder's office.
8. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

Alternatives to Consider:

1. Approve the Conditional Use Permit as presented.
2. Approve the Conditional Use Permit with modifications.
3. Deny the Conditional Use Permit based on certain findings.

Budgetary/Fiscal Issues: N/A

Attachments:

5.2A DRAFT RESOLUTION

5.2B LOCATION MAP

5.2C APPLICANT SUBMISSION

RESOLUTION #2025-__

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A SOCIAL CLUB
AND A BANQUET HALL FOR PRIVATE EVENTS AT 8432 XERXES AVE N

Planning Commission File # 25-101

WHEREAS, Dyshawn Mitchell, of JC Rider, has made an application for a Conditional Use Permit under the provisions of Chapter 152 of the Code of Ordinances on property legally described as:

See EXHIBIT A

WHEREAS, the definition of an Assembly, Banquet, Convention Hall, or Conference Center in Section 152.105 of the Code of Ordinances limits the use of the property to private events; and

WHEREAS, the definition of a Social Club in Section 152.105 of the Code of Ordinances says that the establishment may be open to the public or by private membership; and

WHEREAS, a Banquet, Convention Hall, or Conference Center is allowed as a conditional use in the Neighborhood Retail Business (B-2) zoning district; and

WHEREAS, a Social Club is allowed as a conditional use in the Neighborhood Retail Business (B-2) zoning district; and

WHEREAS, the matter has been referred to the Planning Commission public hearing who have given their advice and recommendation to the City Council; and

WHEREAS, the effect of the proposed use upon the health, safety and welfare of surrounding lands, existing and anticipated traffic conditions, and its effect on the neighborhood have been considered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Park that a Conditional Use Permit is hereby granted for the operation of a social club and a banquet hall for private events 8432 Xerxes Ave N, subject to the following conditions:

1. Hours of operation are 7:00 a.m. until 1:00 a.m. Sunday through Thursday and 7:00 a.m. until 2:00 am on Fridays and Saturdays, unless further restricted by an intoxicating liquor license
2. If serving and/or consuming alcohol, the business must maintain an intoxicating liquor license and remain in compliance with the requirements of that license.
- 3.. Exterior sound amplification is prohibited after 10:00 PM daily. When allowed, music must be kept at a conversational level and not audible from surrounding residential properties. Speakers must be directed away from residential areas.
4. Alcohol service is limited to the interior of the building.
6. Signage must comply with all requirements of City Code Chapter 150: Signs.
7. This resolution must be recorded with the Hennepin County Recorder's office.

8. If the holder of the conditional use permit fails to comply with the terms and conditions of this resolution, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit in accordance with § 152.035(H)(1) of the Municipal Code.

This resolution expires one year from the date of approval unless all conditions are met. This resolution must be recorded with the Hennepin County Recorder's office within one year of the date of approval. The approvals can be revoked if not in compliance with the conditions stated above.

EXHIBIT A

Lot 2, Block 1, Xerxes Phoenix Addition, Hennepin County, Minnesota



Conditional Use Permit Application
Case #25-101 – JC Rider
Area of Request (August 2023 Air Photo)
8432 Xerxes Ave N

Brooklyn Park 



JC Riders
8432 Xerxes Ave N
Brooklyn Park, MN 55428

October 18th, 2024

City of Brooklyn Park
5200 85th Avenue North
Brooklyn Park, MN 55428

Dear City of Brooklyn Park and others whom it may concern,

I am writing to introduce you to JC Riders Motorcycle Club, a non-profit organization based in Brooklyn Park. Our club is dedicated to promoting a positive image of motorcycling and supporting our community through various activities and charitable events.

Our club consists of 32 members, many of whom are veterans of the United States Marine Corps, Army and Navy. We are proud to have served our country and continue to serve our community through our club's activities. Our members' military backgrounds have instilled in us a strong sense of loyalty, camaraderie, and commitment to service.

In addition to our military backgrounds, many of our members are also dedicated public servants and community leaders. We have members who are federal and state employees, schoolteachers, and also local business owners.

We all share a passion for motorcycling and giving back to the community. We organize regular group rides, toy drives, and social events to promote camaraderie and responsible motorcycling practices.

Some of our key activities and initiatives include:

- Organizing charity rides and fundraisers to support local food banks, families in need, and other community organizations
- Participating in motorcycle safety awareness campaigns and promoting responsible riding practices
- Supporting local businesses and promoting economic growth in Brooklyn Park
- Participating in patriotic events honoring those who have served our nation.

Here's what our day to day operations look like:

Monday thru Thursday – someone may be in and out of the space to check on things or take inventory of cleaning supplies and toiletries. The 1st and 3rd Tuesdays of the month we hold our private club meetings between 7-8pm (1-2 cars/bikes expected with the exception of bi-monthly meetings there could be 10-15 cars/bikes)

Friday and Saturday – private invite only gatherings for fellowship starting after 7pm. (20-30 cars/bikes anticipated)

Sunday – Cleaners (2-3 cars)

All other businesses are closed during the time we are occupying the space.

We are proud to call Brooklyn Park our home and are committed to making a positive impact in our community. We believe that our club's values align with the city's goals of promoting community engagement, public safety, and economic development.

Thank you for your time and consideration.

Sincerely,

Dyshawn Mitchell

President, JC Riders

City of Brooklyn Park Planning Commission Staff Report

Agenda Item:	5.3	Meeting Date:	February 12, 2025
Agenda Section:	Public Hearing	Originating Department:	Community Development
Resolution:	N/A	Prepared By:	Erin McDermott, Senior Planner
Ordinance:	X		
Attachments:	2	Presented By:	Erin McDermott, Senior Planner
Item:	DEV24-102 Post Zoning Code Update: Minor Text Revisions		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO RECOMMEND APPROVAL OF ORDINANCE #2025-_____ AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN.

Overview:

The City Council adopted Ordinance 2024-1304 on second reading at the July 29, 2024 Regular Meeting, which replaced the Zoning Code in its entirety. Over the last 6 months staff has been keeping track of inconsistencies and omissions from the previous code. This amendment is intended to fix these technical issues, as well as address an omission from the 610 Corridor Study in which an expectation for higher density development was established by City Council. The 610 Corridor Study resulted in the establishment of a minimum Floor Area Ratio (FAR) for the Mixed Use District (MU) of 0.75. A more in depth explanation can be found below the table indicating the text changes to the Zoning Code.

The following Code Sections were overlooked in the compilation of work and need to be readded or amended for consistency with other code sections:

Section	Title	Text
152.107	Definitions	FENCE. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent intrusion.
152.303	Site Plan Review	(G)(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site. G(3)(d) Religious institutions, either free-standing or within a multi-tenant building. (e) Projects that received a conditional use permit or are in a special zoning overlay.
152.706.2	Minimum Floor Area Ratio	LW: 0.5 NMU: 0.5 MU: 0.75 TOD-C: 0.75 TOD-E: 0.5 TOD-G: Low: 0.3 Med: 0.5 High: 0.75
152.1012.1	Minimum required open space	Total Development Site: <ul style="list-style-type: none"> • B-2: 25% • BP: 15% • I: 15%
152.1017.01	Outdoor storage requirements	Area limit on storage allowed: <ul style="list-style-type: none"> • B-1: 15% of building footprint • B-2: 15% of building footprint

- LW: 15% of building footprint
- NMU: 15% of building footprint
- MU: 15% of building footprint
- TOD-C: 15% of building footprint
- TOD-E: 15% of building footprint
- TOD-G: 15% of building footprint

Setbacks: From ROW:

- B-1: 15ft
- B-2: 15 ft
- LW: 30 ft
- NMU: 30 ft
- MU: 30 ft
- TOD-C: 30 ft
- TOD-E: 30 ft
- TOD-G: 30 ft

From Rear and Side:

- B-1: 15 feet
- LW: 15 feet
- NMU: 12 feet
- MU: 12 feet
- TOD-C: 30 feet
- TOD-E: 16 feet
- TOD-G: Low: 20 feet; Med: 16 feet; High: 12 feet

Adjacent to residential uses:

- B-1: 35 feet
- B-2: 35 feet
- LW: N/A
- NMU: N/A
- MU: N/A
- TOD-C: N/A
- TOD-E: N/A
- TOD-G: N/A

152.1018 Parking

(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with a continuous impervious surface or approved pervious surface, or on legal non-conforming parking areas.

Explanation of Changes

Definitions: There was no definition of “fence” within the code, which required clarification due to the requirements for fences within the Mississippi River Critical Corridor Area (MRCCA) zoning overlay.

Site Plan Review: The update unintentionally removed the mechanism for minor site improvements for all properties with Conditional Use Permits or that underwent formal Site Plan Review. This would require all minor site plan modifications such as the addition of an entryway or minor parking lot expansions or reductions to receive formal Site Plan Review approvals and would necessitate a public hearing. Exempting Religious Institutions from administrative site plan review, and requiring formal Site Plan Review is also inconsistent with Federal Law as established in the Religious Land Use and Institutionalized Persons Act (RLUIPA) as this requires different treatment of Religious Institutions from other assembly uses.

Minimum Floor Area Ratio: The 610 Corridor Study established a minimum expectation of development within all Mixed-Use zoning districts, and at the completion of that study a zoning text and map amendment was adopted establishing the Mixed Use District (MU) as well as the Pedestrian Priority Overlay District (PPOD). Both new zoning districts were adopted with a minimum FAR.

This code section sets minimum expectations for development on all Mixed-Use zoning districts to also ensure that the goals established in the 2040 Comprehensive Plan are being met. During the study many conversations were had around the contributions that denser development can make to increasing the City’s tax base, This resulted in a minimum expectation of a 0.75 FAR for MU developments, and 0.5 FAR with a retail component in the PPOD.

This new text amendment applies the same approach to the remainder of the mixed use zoning districts:

District	Proposed FAR	Description of District
Live Work (LW)	0.3	The Live/Work district accommodates a range of compatible small-scale, low intensity residential and employment uses. Housing is desired but optional for new development and should be in the density range of 3-12 units per acre. Uses may be mixed horizontally (on the same site, but not in the same building) or vertically (in the same building). Non-residential uses should include offices and limited businesses that have low impact with the residential uses. Buildings shall be scaled appropriately to the surrounding neighborhood, reflecting a low-to-mid-rise profile
Neighborhood Mixed Use (NMU)	0.5	The Neighborhood Mixed Use District is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size designed for use in existing or potential pedestrian and transit nodes. Buildings shall be scaled appropriately depending on the type of street frontage (arterial, collector, neighborhood, etc). Higher profile buildings will be located along arterial or collector streets, with the scale, density and intensity of development scaling down as it approaches surrounding neighborhoods. The mix of uses should include residential at densities between 9 and 50 units per acre as well as retail, office and personal service establishments that are oriented to residents of the immediate neighborhood areas that anticipate high pedestrian traffic. Development in these areas shall follow a traditional neighborhood design where buildings are within a close proximity to the street and pedestrian connections are abundant. Both horizontal and vertical mixed use are encouraged in this district.
Transit Oriented Development – Center (TOD-C)	0.75	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations, except that any residential development occurring in the overlay must be at a minimum of 20 dwelling units per acre. Residential development should be well-connected to and accessible by those traveling by LRT line transit.
Transit Oriented Development – Employment (TOD-E)	0.5	The LRT Overlay district is located along the LRT corridor, and affects the mapped Development/Redevelopment Areas within a half-mile of LRT stations. Underlying primary zoning districts will govern land uses in these locations. The TOD-E focuses on employment uses with a mix of business park and commercial uses.
Transit Oriented Development – Greenfield (TOD-G)	Low: 0.3 Med: 0.5 High: 0.75	This zoning designation only exists in the LRT Station Area that is impacted by the Northwest Growth Area plan, and will be replaced by new zoning requirements upon the completion on the ongoing Northwest Growth Area Plan.

Minimum required open space: The percentages adopted were inconsistent with the impervious surface maximums. The amendment of these percentages reconciles these two calculations.

Outdoor storage requirements: Outdoor storage was adopted as an accessory use in all districts permitting commercial uses. No development standards were adopted for the B-1, B-2 or Mixed-Use districts at the adoption of the use tables, this remedies the lack of clarification of standards for outdoor storage in these districts.

Parking: This section was unintentionally removed, and is a common violation enforced by the Environmental Health Division. This code preserves the health and safety of the City by ensuring that vehicles do not leak fluids directly into the soil, as well as preserving ground cover.

Primary Issues/Alternatives to Consider:

1. Approve the amendments as presented.
2. Approve the amendments with modifications.
3. Decline to approve the amendments.

Budgetary/Fiscal Issues: N/A

Attachments:

4.3A ORDINANCE

ORDINANCE 2025-___

AN ORDINANCE AMENDING CHAPTER 152 OF THE BROOKLYN PARK CODE FOR
CONSISTENCY WITH THE BROOKLYN PARK 2040 COMPREHENSIVE PLAN

~~Text with strikethrough is proposed for deletion~~

Underlined text is proposed for insertion

The City of Brooklyn Park does ordain:

Section 1. Section 152.107 of the City Code, titled "DEFINITIONS" is amended to read as follows:

§ 151.107 DEFINITIONS.

FENCE. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent intrusion.

COMMERCIAL VEHICLES. A vehicle that meets one or more of the following:

(1) A dump truck, step van, construction vehicle or equipment (bobcats, backhoes and the like), semi-tractor, semitrailer, or trailer, tank truck, tow truck, tractor, bus, cargo truck, mobile food unit, or any vehicle that has a registered gross weight of more than 125,000 pounds, except the following:

(a) A vehicle that is used for private, personal, or recreational use; is not defined as a commercial vehicle in division (1) above; and is not altered with commercial equipment, such as a 1-ton pickup truck.

(b) A properly licensed recreational vehicle or recreational equipment with sole and consistent use for private recreational purposes.

(2) A vehicle that has commercial equipment added to the vehicle such as a snow plow or other externally attached equipment, except recreational vehicles or recreational equipment used only for private, recreational and residential use.

(3) A limousine or taxi.

(4) A trailer loaded with a commercial vehicle(s) or commercial equipment.

Section 2. Section 152.303 of the City Code, titled "SITE PLAN REVIEW" is amended to read as follows:

§ 151.303 SITE PLAN REVIEW.

(G) Administrative site plan review. Sites plans shall be reviewed by the City Manager in lieu of City Council approval if they meet the following criteria, except as otherwise expressly provided in this chapter:

(1) Residential properties with one dwelling unit per parcel that comply with the approved plan.

(2) Modifications or expansions of parking lots or driveways.

(3) Expansions of no more than 10% of the floor area of an existing building, and/or affect no more than 10% of the site.

(4) (3) Sites, buildings and uses that are permitted in the zoning district and do not require variances from this chapter or any other city code, except for the following:

(a) Nonresidential uses in or adjacent to a residential district.

(b) Uses with drive-through service.

(c) Uses in the Public Institution District (PI).

- ~~(d) Religious institutions, either free-standing or within a multi-tenant building.~~
- ~~(e) Projects that received a conditional use permit or are in a special zoning overlay.~~
- (f) Public and private elementary and secondary schools, including charter schools.

Section 3. Section 152.706 of the City Code, titled "MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS" is amended to read as follows:

§ 151.706 MIXED USE DISTRICT LOT AREA AND DIMENSIONAL REQUIREMENTS.

Figure 152.706.2

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Building Setbacks						
From public right-of-way	None	12 feet	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Side (interior)	None	None	None	6 feet	6 feet	Low: 6 ft Med: 16 ft High: 6 feet
Side (street)	None	None	12 feet	12 feet	16 feet	Low: 20 ft Med: 16 ft High: 12 ft
Minimum Building Setbacks						
Front (abutting public right-of-way)	1 foot	1 foot	1 foot	1 foot	2 feet	Low: 8 ft Med: 1 ft High: 1 ft
Side (interior)	None	None	None	None	None	None
Side (street)	2 feet	2 feet	2 feet	2 feet	2 feet	Low: 5ft Med: 2 ft High: 2 ft
Rear (interior)	3 feet	3 feet	3 feet	3 feet	3 feet	3 feet
Minimum Parking Setbacks						
Front (abutting public right-of-way)	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Side (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 5 feet	0 feet	0 feet if shared, or 5 feet	0 feet	0 feet
Side (street)	12 feet	12 feet	12 feet	30 feet	12 feet	12 feet

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Rear (interior)	0 feet if shared, or 5 feet	0 feet if shared, or 3 feet	3 feet	0 feet if shared, or 5 feet	3 feet	3 feet
Side or rear if abutting a residential district property line	10ft	10ft	N/A	N/A	N/A	N/A
Maximum Allowable Building Footprint and Impervious Surface						
	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Maximum Impervious Surface	70%	80%	80%	100%	80%	Low: 70% Med: 80% High: 100%
Building Coverage and Building Width						
Minimum Frontage Buildout	None	80%	80%	80%	70%	Low: 60% Med: 70% High: 80%
Side Frontage Buildout from Front Street	None	40 feet	50 feet	50 feet	40 feet	Low: 40 ft Med: 40ft High: 50ft
Maximum building width	400 feet	400 feet	400 feet	400 feet	400 feet	Low: 80 ft Med: 100 ft High: 400 feet
<u>Minimum Floor Area Ratio</u>	<u>0.3</u>	<u>0.5</u>	<u>0.75</u>	<u>0.75</u>	<u>0.5</u>	<u>Low: 0.3</u> <u>Med: 0.5</u> <u>High: 0.75</u>
Building Height						
Principal structure maximum stories	3 stories	4 stories	8 stories	6 stories	4 stories	Low: 3 stories Med: 4 stories High: 8 stories
Residential Density						
Minimum dwelling units per acre	3	9	12	12	N/A	9
Maximum dwelling units per acre	12	50	100	100	N/A	100
Glazing/Window Coverage						

	LW	NMU	MU	TOD-C	TOD-E	TOD- G
Front street (minimum)	30%	30%	30%	30%	30%	30%
Side street (minimum)	30%	30%	30%	30%	30%	30%
Upper floors (minimum)	10%	10%	10%	10%	10%	10%
Lot width						
Minimum			20 feet			20 feet
Maximum			400 feet			Low: 100 feet Med: 180 feet High: 300 feet

Section 3. Section 152.1012 of the City Code, titled “LANDSCAPING STANDARDS, NONRESIDENTIAL” is amended to read as follows:

§ 151.1012 LANDSCAPING STANDARDS, NONRESIDENTIAL.

Figure 152.1012.1 Minimum required open space

	B-1	B-2	B-3, B-4,	BP	I	PI	OP
Total development site	30%	<u>25%</u>	20%	<u>15%</u>	<u>15%</u>	30%	40%

Section 4. Section 152.1017 of the City Code, titled “OUTDOOR STORAGE” is amended to read as follows:

§ 151.1017 OUTDOOR STORAGE.

Figure 152.1017.01 Outdoor storage requirements, Nonresidential

	<u>B1</u>	<u>B2</u>	B3	B4	BP	I
Area Limit on storage Allowed	<u>15% of building footprint</u>	<u>15% of building footprint</u>	50% of site	70% of site	15% of building footprint	80% of site
Right-of-way Setback	<u>15 feet</u>	<u>15 feet</u>	15 feet	15 feet	75 feet	35 feet
Side and rear setback	<u>15 feet</u>	<u>15 feet</u>	5 feet	5 feet	50 feet	15 feet
Adjacent to Residential District	<u>35 feet</u>	<u>35 feet</u>	35 feet	35 feet	NP	5 feet
Location Restriction	<u>Rear yard</u>	<u>Rear yard</u>	Side or rear yard	Side or rear yard	Must be located to the rear of the front entrance	Side or rear yard

Figure 152.1017.02 Outdoor storage requirements, Mixed Use

	<u>LW</u>	<u>NMU</u>	<u>MU</u>	<u>TOD-C</u>	<u>TOD-E</u>	<u>TOD-G</u>

<u>Area Limit on storage Allowed</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>	<u>15% of building footprint</u>
<u>Right-of-way Setback</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Side and rear setback</u>	<u>15 feet</u>	<u>12 feet</u>	<u>12 feet</u>	<u>30 feet</u>	<u>16 feet</u>	<u>Low: 20 feet</u> <u>Med:16 feet</u> <u>High:12 feet</u>
<u>Location Restriction</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>	<u>Rear yard</u>

Section 5. Section 152.1018 of the City Code, titled "Parking" is amended to read as follows:

§ 151.1018 PARKING.

(M) Parking of motorized vehicles outside of driveway locations is only allowed on areas paved with continuous impervious surface or approved impervious surface, or on legal non-conforming parking areas.

MEMORANDUM

Date: February 12th, 2025
To: Planning Commission Members
From: Paul Mogush, Planning Director
Subject: Draft Planning Commission 2025 Work Plan

Summary:

Each year Brooklyn Park boards and commissions develop and approve an annual work plan. In recent years, staff have brought the work plan to a regular meeting early in the year for approval by the commission. This year, staff would like to give the commission some time to discuss the work plan at a work session prior to approval at the next regular meeting.

The following are the priorities that staff have identified for 2025:

Process land use applications and provide recommendations to the City Council:

This is the core and ongoing work of the Planning Commission.

Planning Commission Training

Staff would like to provide periodic training to the commission on long range planning, zoning, land use law, and other applicable topics that would aid in the work of the commission in advising the City Council. Staff are very open to hearing from the commission on topics of interest.

Zoning code updates:

The Planning Commission devoted a substantial amount of time in 2024 working with staff to make changes to the zoning code and map, to bring them into conformance with the 2040 Comprehensive Plan and making improvements to organization and readability. This was a first phase of code updates, with the intent of continuing to update the code on a regular basis. The running list of planned code updates is as follows:

- Administrative Lot Splits
- Alternative Compliance
- Architectural standards
- Bonding and Escrow reform
- Camping
- Drive-throughs
- Greenspace

- Home Occupations
- Infill Development
- Lighting
- Missing Middle Housing
- Parking Standards
- Public Art Incentives
- Simplify Procedures
- Small Batch Manufacturing*
- Sustainability
- Variances
- Subdivision ordinance – variance and street design

Northwest Growth Area Plan:

Work began in Fall 2024 on the Northwest Growth Area Plan, with public engagement beginning in January 2025. During the planning process, the Planning Commission and City Council will meet jointly to review draft plan materials and provide direction to staff on the plan content. Later in the year, the Planning Commission will make a recommendation to the City Council on the completed plan document.

Accessory Dwelling Units (ADUs)

In 2024 both the Planning Commission and the Community Long-Range Improvement Commission (CLIC) began discussing the possibility of allowing Accessory Dwelling Units on residential properties as a strategy for increasing housing options in Brooklyn Park. In 2025 Planning staff will be drafting zoning code text changes that for consideration by the Planning Commission and City Council that would allow ADUs.