

**MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION
REGULAR MEETING**

February 11, 2009

Approved Minutes

The meeting was called to order at 7:00 p.m.

Those present were: Chair Conn; Commissioners Holm, Jechorek, Johansen, Johnson, Lessard, Nguyen, and Sullivan; Council Member Gates, Planning Director Sherman, and Planner Gross.

Those absent and excused were: Commissioner Spooner.

2. SWEARING IN OF NEW MEMBERS

Planning Director Sherman administered the oath of office for Commissioner Lessard and Commissioner Nguyen and thanked them for their service to the City of Brooklyn Park.

3. ROLL CALL

4. EXPLANATION BY CHAIR

5. APPROVAL OF AGENDA

MOTION HOLM, SECOND JOHNSON TO APPROVE THE FEBRUARY 11, 2009 MEETING AGENDA AS SUBMITTED. *MOTION PASSED UNANIMOUSLY.*

6. CONSENT ITEMS

None.

7. PUBLIC HEARING

- A. T-Mobile – Case #09-100 – Conditional Use Permit to replace and utilize athletic field light pole at Champlin Park High School football stadium as a telecommunications antenna facility. Location: 6025 109th Avenue North.**

Planner Gross reviewed the staff report and staff recommendation to approve with conditions.

Paul Harrington, Carlson & Harrington, stated he had no concerns with the conditional use permit or the suggested conditions proposed by staff. He asked for questions or comments from the Commission.

The hearing was opened for public comment.

No one else appeared in favor or opposition and the hearing was closed and comments confined to the Planning Commission members.

Commissioner Johansen indicated he had no objection to the planning case, conditions or the tower location. He questioned if an enclosed style structure could be used versus the external triangular tower. Planner Gross explained that the proposed tower provided for more strength and allowed the applicant to have nine antennas versus six with an enclosed structure. Mr. Harrington added that this tower was proposed as a triangular structure to maximize the signal strength and reduce the need for additional towers in the area.

Chair Conn asked if more sleek towers would be proposed in the future. Mr. Harrington stated this would be the case depending on location and the needs of the area.

Commissioner Nguyen questioned the sound level that would be created by the telecommunications tower and if this would affect the surrounding properties. Mr. Harrington indicated the sound level would be that of a refrigerator, cycling on and off and would not affect any activities held on the football field.

Commissioner Johansen asked if there were any alternative co-locations for this telecommunications tower. Planner Gross indicated a half mile search ring was provided to the Commissioners showing the location of the tower in relation to other towers. Mr. Harrington explained that there was not a co-location opportunity in this area, except with NSP but that their poles did not provide height for the antennas.

Commissioner Jechorek questioned if an additional user could be placed on this pole. Mr. Harrington indicated the current design does allow for an additional user to co-locate on this tower with a similar installation as T-Mobile or with stand-off arms.

Chair Conn asked if the chain link fence surrounding the mechanical/maintenance building could be upgraded or if it had to match the football stadium. Mr. Harrington reviewed the location of the mechanical building and stated that it would abut the grandstand, which already had a chain link fence in place.

Commissioner Johnson questioned if the school district received any financial benefit from this tower and if so that he was in favor of the partnership. Mr. Harrington indicated they would be receiving a financial benefit.

MOTION JOHANSEN, SECOND JOHNSON TO RECOMMEND APPROVAL OF PLANNING CASE #09-100, CONDITIONAL USE PERMIT, T-MOBILE, TO REPLACE AND UTILIZE THE ATHLETIC LIGHT POLE AT THE CHAMPLIN PARK HIGH SCHOOL FOOTBALL STADIUM WITH A 100 FOOT TELECOMMUNICATIONS ANTENNA FACILITY AT 6025 109TH AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION, INCLUDING:

1. Per plans dated 7-09-08.
2. That all non-emergency maintenance of the tower, antennas and associated equipment shall be limited to 7 am-7 pm.
3. That the petitioner shall be required to record a copy of this resolution with the Hennepin County Recorder and/or Registrar of Titles and to pay all fees for said recording. Proof of

said recording shall be filed promptly with the City. The building permit shall not be issued until or unless the recording is made within one (1) year from the date of this approval.

MOTION PASSED UNANIMOUSLY.

Planning Director Sherman advised this application will be considered by the Council on February 23, 2009.

B. Patio Town – Case #09-101 – Variance to sign code for the setback of the existing pylon sign. Location: 8500 Jefferson Lane North.

Planning Director Sherman reviewed the staff report and staff recommendation to deny the variance, unless the sign code was amended, allowing pylon signs to be 15 feet from the property line.

John Glockner, Patio Town, stated a monument sign was erected but not visible by both sides of traffic, which led to the pylon sign. He indicated the pylon sign has been in use for two years and was not aware that this sign was non-compliant.

Nathan Putberry, MN Sign Company, explained he was contracted by Patio Town to create new signage. He noted he pulled the proper permits to comply with proper setbacks. Mr. Putberry stated that when the sign was installed the property line location was in question. He explained that he installed the sign 30 feet from the center of the road, which was not in compliance with City code.

Mr. Putberry proposed the sign remain in the same location but that the aesthetics of the sign be improved or that the sign code be amended. He reviewed the permit he received from the City of Brooklyn Park and indicated a footings inspection was not required for this sign. Mr. Putberry thanked the Commission for their time and asked for questions or comments.

The hearing was opened for public comment.

No one else appeared in favor or opposition and the hearing was closed and comments confined to the Planning Commission members.

Chair Conn stated the applicant did have a beautifully landscaped lot but that the variance approval process did have specific findings in order to have a variance granted. He explained that he could not support a variance for this property.

Commissioner Johansen agreed with Chair Conn. He questioned if an additional monument sign could be placed on this site to address the traffic concerns. Planning Director Sherman stated City code only allowed one monument sign at this time.

Commissioner Johansen asked that the applicant further explain how the pylon sign could be upgraded into a monument sign. Mr. Putberry stated the current pylon sign could be converted to a monument sign, encasing the pole in brick and would comply with current setbacks. Planning Director Sherman added that the pole would need to be lowered five feet to be in compliance with the monument sign code.

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Chair Conn asked if staff could clarify the differences between a pylon and monument sign as defined in the City code. Planning Director Sherman reviewed the height and size restrictions for these signs indicating the main difference was that a monument sign had a brick base.

Chair Conn indicated that he would be in favor of converting the pylon sign into a monument sign in its current location.

Commissioner Johansen stated he would be in favor of the monument sign style sign as well as long as the base was brick.

Commissioner Nguyen questioned the spirit of the original complaint and if the converted monument sign would resolve the situation. Planning Director Sherman indicated the original complaint arose when another business within the City tried to erect a similar sign and was denied the request.

Commissioner Lessard asked why the pylon sign was placed in its location versus the original application. Mr. Putberry stated he placed the sign where indicated on the small scale plot plan. He indicated this was always the intended location and was not changed.

Commissioner Lessard questioned how long it would take the applicant to receive an estimate to convert the pylon sign to a monument sign. Mr. Putberry indicated the sign would have to be dropped five feet and surrounded by brick and has not been discussed with Patio Town. He explained that the expense has not been discussed.

Commissioner Johansen encouraged the applicant to build the base to the bottom of the sign and not expose the supporting pole if the sign were to be converted.

Chair Conn indicated Patio Town does have until May 1, 2010 to bring this sign into compliance.

Planning Director Sherman stated the Commission was being asked to act on the variance and that the applicant could propose an alternative, which would not require Commission action at this meeting.

Commissioner Jechorek indicated she would not support a variance for this property and encouraged the applicant to continue working with the City to find a solution.

Commissioner Holm stated this was an unfortunate situation but that he would not be supporting the variance either based on the findings.

MOTION JOHANSEN, SECOND JECHOREK TO RECOMMEND DENYING PLANNING CASE #09-101, PATIO TOWN, A VARIANCE TO THE SIGN CODE FOR THE SETBACK OF AN EXISTING PYLON SIGN AT 8500 JEFFERSON LANE NORTH.

FURTHER DISCUSSION:

Chair Conn questioned what options the applicant had if the variance were denied. Planning Director Sherman explained it would be best to act on the variance and have the applicant proceed to Council. She indicated this would allow the City to work with Patio Town to resolve this situation.

Commissioner Johansen encouraged Patio Town to convert this sign to a monument style.

MOTION PASSED UNANIMOUSLY.

Planning Director Sherman advised this application will be considered by the Council on February 23, 2009.

C. Water Treatment Plant – Case #09-102 – Site Plan Review and Preliminary Plat to expand and renovate the existing City water treatment plant. Location: 5100 Edinbrook Terrace.

Planner Gross reviewed the staff report and staff recommendation to approve with conditions.

John Watson, Public Utilities Superintendent, stated the City has experienced a decrease in the quality of the raw water being pumped from the ground. He indicated this calls for more treatment or softening of the water. Mr. Watson explained that the residents were in favor of softened water but not in favor of the additional expense. He stated that he spoke with the Council last November about this situation, at which time he was authorized to hire SEH to design a new water treatment plant.

Justine Fedor, architect with SEH, reviewed the plans for blending the existing water treatment building with the additional space. She indicated the brick used would blend well to create a seamless design. Ms. Fedor thanked the Commission for their time and asked for comments or questions.

The hearing was opened for public comment.

Gilbert Odonker, 5220 84th Court North, questioned if his minority-owned construction company was able to bid on this project and if the City had a program for such work.

Planning Director Sherman stated she would have the City Business Developer contact him with additional information, but stated the City did not have a program in place to assist small businesses. She explained that all construction projects were put out for competitive bid as mandated by State law and that the City goes with the lowest responsible bid. Planning Director Sherman indicated the City of Minneapolis has a program in place to increase the work completed by small businesses or minority-owned business.

Mr. Odonker encouraged the City to create a program to begin working with local small businesses and bring money back into the City. He stated this would be a good return on the construction investments completed within the City.

No one else appeared in favor or opposition and the hearing was closed and comments confined to the Planning Commission members.

Chair Conn thanked staff for the site maps indicating the shaded color areas made this issue very clear.

Commissioner Lessard questioned if the City has investigated green options for the water treatment plant to reduce energy bills. Mr. Watson stated the regulators in St. Paul were trying to encourage water conservation and that this plant would be reducing the water put down the sanitary sewer 2-3%, equating to 100 million gallons of water per year. He explained that an

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electrical engineer has reviewed the plant to see if solar or wind options were available, but do not meet the needs of the plant at this time.

Planning Director Sherman stated the building has reduced its indoor lighting needs with the new windows. Mr. Watson reviewed the panels being used at the water treatment plant and explained how they will increase the natural light within the plant. He indicated the addition of natural light in the plant will also increase the morale of workers within the facility.

Commissioner Johnson questioned how the addition to the water treatment facility would increase the quality and softness of the water for the City. Mr. Watson stated the expansion would not affect the water quality.

Commissioner Johansen asked for clarification on where the Calwell panels will be used to increase natural light. Ms. Fedor reviewed the location of the Calwell panels along with the placement of windows.

Commissioner Holm thanked SEH for the plans on the water treatment plant stating it was completed well and asked for the cost of this addition. Mr. Watson estimated the addition to the water treatment plant to be \$20 million. He indicated this would be paid by the rate payers and that funds have been set aside to get this addition started but that bonds would be issued by the City as well.

Chair Conn questioned how long this expansion would provide quality water treatment for the City. Mr. Watson stated there was still additional room for expansion to the east if a softening plant were requested by the residents. He felt the current additions would last 15 years, but that it would depend on future City developments.

Commissioner Lessard asked if the residents would feel an increase in their water rates to cover this expansion. Mr. Watson stated the City has been putting money aside for the past 15 years and that he did not foresee a huge increase in the water rates going forward. He explained that past expansions to this facility did not spike the water rates.

Commissioner Lessard questioned what percentage of the \$20 million was being invested into the current facility. Mr. Watson explained that this will be greater defined after the plans are reviewed by the Council and continue through the approval process.

Councilmember Gates indicated there was roughly \$10 million set aside for this project and that the rest would have to be bonded.

Commissioner Nguyen asked if the expanded plant would create new job opportunities. Mr. Watson stated the expansion would actually create greater efficiency and reduce the number of employees.

Commissioner Jechorek thanked SEH for their efforts on the design of this building and that she was glad the new and old sections would flow together seamlessly. She also thanked staff for providing her a tour of the facility.

MOTION HOLM, SECOND JOHANSEN TO RECOMMEND APPROVAL OF PLANNING CASE #09-102, WATER TREATMENT PLANT, SITE PLAN AND PRELIMINARY PLAT APPROVAL TO EXPAND AND RENOVATE THE EXISTING CITY WATER TREATMENT

PLANT AT 5100 EDINBROOK TERRACE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION, INCLUDING:

1. All proposed signage shall conform to City Ordinance Section 150. A separate sign permit shall be required prior to installing signs on the property. If a monument sign is installed, the base shall be constructed to match the building.
2. All site lighting shall comply with Zoning Ordinance Sections 152.110 – 152.114.
3. Final landscape plan to include acceptable planting quantities shall be reviewed and approved by City Planning Staff prior to building permit review.

MOTION PASSED UNANIMOUSLY.

Planning Director Sherman advised this application will be considered by the Council on February 23, 2009.

8. DISCUSSION ITEMS

None.

9. OTHER BUSINESS

A. Approval of Minutes – JANUARY 14, 2009

MOTION SULLIVAN, SECOND JOHNSON TO APPROVE THE MINUTES OF JANUARY 14, 2009 AS PRESENTED. *MOTION PASSED UNANIMOUSLY.*

10. INFORMATION ITEMS

A. City Council Liaison for February 23, 2009 Meeting

It was noted that Commissioner Spooner was the Council Liaison for the February 23, 2009 meeting.

11. ADJOURNMENT

MOTION JOHANSEN, SECOND JOHNSON TO ADJOURN THE REGULAR BROOKLYN PARK PLANNING COMMISSION MEETING. *MOTION PASSED UNANIMOUSLY.*

Adjournment time was 8:36 p.m.

Respectfully submitted,

Heidi Guenther
Recording Secretary
TimeSaver Off Site Secretarial, Inc.