

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

JUNE 10, 2009

Approved Minutes

The meeting was called to order at 7:04 p.m.

1. ROLL CALL/ PLEDGE OF ALLEGIANCE

Those present were: Chair Conn; Commissioners Holm, Jechorek, Johansen, Cupka, Nguyen, and Sullivan; Council Liaison Rich Gates, Planning Director Sherman, and Senior Planner Larson.

Those absent and excused were: Commissioners Lessard and Johnson.

2. EXPLANATION BY CHAIR

3. APPROVAL OF AGENDA

MOTION HOLM, SECOND JECHOREK TO APPROVE THE JUNE 10, 2009 MEETING AGENDA AS SUBMITTED. *MOTION PASSED UNANIMOUSLY.*

4. CONSENT ITEMS

5. PUBLIC HEARING

- A. T-Mobile Central LLC (Kari Brown) Conditional Use Permit #09-108 for a 75 foot wireless telecommunications tower designed into a bell tower at Brooklyn Park Lutheran Church located at 1400 81st Ave. N.**

Planning Director Sherman reviewed the staff report and staff recommendation to approve the conditional use permit.

Ms. Sherman discussed the construction of a cell tower to be constructed on the North end of the site at Brooklyn Park Lutheran Church, concealed within a bell tower. This is considered a stealth design, as the cell tower is not visible. She showed photos of the site with and without the tower. The tower will be hidden behind panels of the bell tower, with ground equipment coverage added. She showed a map of currently existing towers in the City. She talked about the need for towers due to increased use of cell phones, as well as co-location of towers where possible. Reception is hampered by trees, height of towers etc. which increases need for more towers.

Mark Holm, Real Estate Manager for T-Mobile was introduced and briefly discussed the project.

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The hearing was opened for public comment.

Amy Underwood from 1400 82nd Ave N discussed City codes and ordinances and the Telecommunications Act. Discussed number of cell towers within 4 mile radius of the site as well as the location of her house to the cell tower. She also talked about this being a residential community and expressed her concerns about the health effects so close to their residential area.

Jackie Douglas 1316 82nd Av N discussed the fact that there is a nursery located behind this tower, reiterating possible health risks. She also said this tower project was started prior to this meeting, before they had approval for construction.

Dave Underwood also from 1400 82nd Av N said this is an emotional issue. There is concern about property values. As a research scientist and physicist, he expressed concerns about electro magnetic radiation and its effects on people.

Mr. Fernando Rosas 9109 Dupont Av N has lived there sine 1985. He expressed concern that citizens weren't asked before the project was started. He stated that it was wrong to do that.

Arlene Flint 1217 81st Av N expressed health concerns about this tower being in a residential area.

The hearing was closed and comments confined to the Planning Commission members.

Planning Director Sherman discussed the rules and ordinances regarding cell towers and cell tower sites.

Commissioner Johansen questioned the height of the sanctuary as it relates to the height of the tower. Ms. Sherman stated she doesn't know but could find out. Commissioner Johansen asked if this item would be on the agenda for the bell tower if there were no cell tower attached and Ms. Sherman advised no.

Commissioner Nguyen asked if T-Mobile had talked with AT&T about co-locating their towers to hold down number of towers necessary.

Mark Holm, Real Estate Manager for T-Mobile advised that if a large coverage area is to be covered and two specific areas need coverage they can't co-locate. They need to be spaced at a certain distance apart to work.

Commissioner Cupka wanted to know who maintains the cell tower and Mr. Mark Holm advised that it is their responsibility. He also questioned if T-Mobile needs a variance for setback and Planning Director Sherman advised no.

Commissioner Holm- it was stated that there are 29 towers within 4 mi radius- questioned Planning Director Sherman if that's true. Ms. Sherman advised that she doesn't know but the number of towers is determined by usage and if there are that many it is due to the need for coverage. Commissioner Holm stated that he does like the idea of a bell tower as opposed to a

standard cell tower. He questioned if the bells chiming would be an issue and Ms Sherman stated she was not provided a schedule for operating the bells but that it is typical that it would be just prior to service times.

Council member Gates asked if they had looked at Monroe Park as a possible site for this tower. Planning Director Sherman advised that the site was too far South for the coverage area they are trying to reach. He questioned the height of the tower. Ms. Sherman advised that the ordinance allows up to 125 feet.

Commissioner Conn stated that he appreciates the tower design.

There was discussion about the fact that the health effects are not known but that at this time there is no proof that there are any.

Commissioner Jechorek stated that their job is to carry out the City zoning codes and ordinances as they are written today. At this time it is not known if there are health effects. She sees no reason to deny it at this time. If, down the road, health affects are proven, they would need to re-look at it.

MOTION JOHANSEN, SECOND HOLM TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #09-108, FOR A CELL TOWER TO BE CONSTRUCTED AT 1400 81ST AV N AT BROOKLYN PARK LUTHERAN CHURCH.

MOTION PASSED UNANIMOUSLY.

Planning Director Sherman advised this application will be considered by the Council on June 15, 2009.

- B. **Alleluia Sanctuary Church (Aarchitects, Inc.)** Site Plan Review #09-107 for a religious institution in the Brookdale Crossings Shopping Center at 2885 Brookdale Drive.

Senior Planner Todd Larson reviewed the staff report and staff recommendation to deny the Site Plan Review based on parking.

Mr. Larson discussed the plans for the church and the issue of parking. The parking is adequate on Sundays when church services will be held, as the Elks Lodge is not open on Sundays. The church plans for Wednesday and Friday night services pose an issue with 350 people expected for church services and people visiting the Elks Lodge during those times, there isn't enough parking. On-street parking is not possible. The applicant does not expect large attendance during the week. If the Planning Commission would decide to recommend approval, there are code enforcement issues with the site. The driveway needs re-surfacing and striping and the building needs painting. We would like this work to be done prior to the building permit being issued.

Mr. Jeff Agnes, representing the applicants, discussed the project. He said Nick Wilson represents the owner of the building, and he is present and that they are willing to make these upgrades. Mr. Agnes advised that there is no worship service on Wednesday or on Friday, but rather prayer groups. They expect about a quarter of the congregation during the week. There are actually 250 congregation members, though 350 is their goal. Reverend Joe said there will be

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heavy carpooling and bus riding to this church. There is also a proof of parking in the back, useable only if parking becomes an issue. There would be about 24 more stalls. The church can also re-adjust their schedule if parking does become a problem due to the Elks Lodge sharing the parking at a particular time. If this retail center was leased to retail, it would require more parking spaces than the church will. This will be a very good tenant and the mall will get fixed up also.

Mr. Nick Wilson who represents the property management company, Applegate Inc., the owner of the retail, spoke. He stated they did repair work on the front of the building last year. He thinks this tenant will be a very good fit for the community and he has been dealing with him for a couple of months now.

Ms. Amy Teske 3624 83rd Av N has lived right by this site for 30 years. She said she bikes the trails in the area, watches the traffic patterns in the area and she shops for gas at Bill's. There is already a church in this area and she would like to see another church here. She thinks it would be an asset.

The hearing was closed and comments confined to the Planning Commission members.

Much discussion about whether the parking is adequate followed.

Commissioner Conn asked if it's true that many more spots would be necessary if the entire center was retail. Sr. Planner Larson said he didn't know if this was true. Commissioner Conn said he really needs these figures to make a decision. Mr. Larson said there are 140 spaces required for 350 seat church. If that particular space was retail, it would require 78 spaces. He said he didn't know how many spaces that would be for the mall as a whole. Elks Lodge requirements are different due to restaurant/dining area and kitchen space. Commissioner Conn asked if there is any way to get more spaces with the re-stripping of the parking lot. Mr. Agnes said they could gain a few spaces, but not much. Commissioner Conn expressed concern about approving this when it met code under an old calculation when the building was built but no longer meets code.

Commissioner Johansen asked if there was a way to change their approval if parking did become an issue. Mr. Larson said no, because it is a permitted use but they could look at the tenants and their relationship with the landlord. It may be possible that the lease renewal could be revoked if it became an issue.

Commissioner Jechorek questioned if they were grandfathered in. Mr. Larson stated they are legal, non-conforming at this time. He said they would use the current code in making their decision.

Commissioner Cupka said he went by this site tonight and there were 22 cars in the lot and this is a Wednesday night. He doesn't see the parking as an issue, especially if the church is willing to re-schedule services etc. if necessary to alleviate parking issues.

Commissioner Nguyen asked if church rep was there. Mr. Agnes stated Pastor Joe was unable to attend. He questioned why they chose this strip mall when there are others that could accommodate the parking necessary for the church.

Commissioner Holm addressed the work needing to be done on the building and its lot. He thinks the whole building should be re-painted and the whole lot fixed. Mr. Larson said the whole lot needs re-stripping but only the back probably needs re-surfacing.

Commissioner Jechorek asked about lease. Mr. Wilson said no lease has been signed but they are looking for a 5 to 10 year lease. She expressed concern about congregation growing and parking becoming an issue and the lease still being in effect.

Commissioner Nguyen again said there are other malls with parking available that can accommodate this church. If a lease isn't signed, he thinks they should look at another location. With Easter and other holidays, parking could be a larger issue. Senior Planner Larson suggested they add something into the lease that will allow the management company to break the lease if this became a problem.

MOTION JOHANSEN, SECOND HOLM TO RECOMMEND APPROVAL OF SITE PLAN REVIEW #09-107 FOR ALLELUIA SANCTUARY AT 2885 BROOKDALE DRIVE.

MOTION PASSED 6-2 (*JECHOREK AND NGUYEN OPPOSED*)

Senior Planner Larson advised this application will be considered by the Council on June 22, 2009.

- C. **Brooklyn Park Evangelical Free Church** Rezoning #09-106 to rezone property from B1(Office Park District) and B2 (Neighborhood Retail District) to PI (Public Institution) and Site Plan Review #09-106 for a private elementary school at 7849 West Broadway.

Senior Planner Todd Larson reviewed the staff report and staff recommendation to approve the Rezoning and Site Plan Review.

Mr. Larson discussed the fact that this needs to be re-zoned Public Institution from B1 and B2 to allow for this private school addition. There is no organized bussing service initially. Parents will carpool and will drop off their children. The main entrance is to be the eastern entrance. The City Traffic Engineer reviewed the proposal. West Broadway is a very busy road but the County is working on a re-design that hopefully will be happening in 2011.

Mr. Rodney Nelson, President of River Tree School, gave an update on changes since their application was submitted. They planned to start with grades K-4. Families started coming and asking for K-6 so they are on that path right now. They will still be a very small school. They had planned to grow into the K-6. They have capped enrollment at 40 but anticipate 20 students this first year.

The hearing was closed and comments confined to the Planning Commission members.

Commissioner Johansen addressed a comment for Council Member Meyer that he is all for private and charter schools.

Commissioner Holm said he lives right up the road and the facility looks nice. He said K-6 makes sense to him. He recommends Jolly Lane as the entrance for the school for safety reasons

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as traffic is a nightmare on West Broadway. Mr. Nelson said his intent was to give guidance to parents to enter on Jolly Lane.

Commissioner Nguyen asked if there was room to expand to the 40 students they would like to grow to. He said there is room at this time. They would like to grow to a K-12 school but as for now, K-6 is about what they can fit at this time. They are member of a company, Amblesites Schools International out of Texas and are never allowed to go beyond 206 students. He stated there will never be more than 16 students per classroom. He stated they chose to cap it at 40 because the method of education is different. At 40 students, that would only be 10 per classroom at this time.

Commissioner Sullivan questioned if enrollment is open to anyone and Mr. Nelson stated it was. It is a Christian school but they are eager to have students. The only time they may decide to turn a student down is if the parents' philosophy is different than theirs. It is similar to a Montessori type of teaching.

MOTION HOLM, SECOND JOHANSEN TO RECOMMEND APPROVAL OF REZONING #09-106 TO REZONE FROM B1 & B2 TO I FOR PRIVATE ELEMENTARY SCHOOL AT 7849 W BROADWAY

MOTION PASSED UNANIMOUSLY.

MOTION HOLM, SECOND JOHANSEN TO RECOMMEND SITE PLAN REVIEW #09-106 FOR PRIVATE ELEMENTARY SCHOOL AT 7849 W BROADWAY

MOTION PASSED UNANIMOUSLY.

Commissioner Conn advised this application will be considered by the Council on June 22, 2009.

6. DISCUSSION ITEMS

7. OTHER BUSINESS

A. Approval of Minutes – May 13, 2009

MOTION CONN, SECOND HOLM TO APPROVE THE MINUTES OF MAY 13, 2009.

MOTION PASSED UNANIMOUSLY.

8. INFORMATIONAL ITEMS

A. City Council Liaison for June 22, 2009 Meeting

It was noted that Commissioner Holm was the Council Liaison for the June 22, 2009 meeting.

9. ADJOURNMENT

MOTION HOLM, SECOND JOHANSEN TO ADJOURN THE REGULAR BROOKLYN PARK PLANNING COMMISSION MEETING.

MOTION PASSED UNANIMOUSLY.

Adjournment time was 9:23 p.m.

Respectfully submitted,

Kathy Valez
Planning Assistant