

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

AUGUST 12, 2009

**Approved Minutes**

The meeting was called to order at 7:01 p.m.

**1. CALL TO ORDER**

**2. ROLL CALL/ PLEDGE OF ALLEGIANCE**

Those present were: Chair Conn; Commissioners Holm, Jechorek, Johansen, Cupka, Lessard Nguyen, and Sullivan, Planning Director Sherman.

Those absent and excused were: Commissioner Johnson, Council Liaison Rich Gates.

**3. EXPLANATION BY CHAIR**

**4. APPROVAL OF AGENDA**

MOTION HOLM, SECOND JECHOREK TO APPROVE THE AUGUST 12, 2009 MEETING AGENDA AS SUBMITTED. *MOTION PASSED UNANIMOUSLY.*

**5. CONSENT ITEMS**

- A. The Salvation Army** (Noble Worship Center Phase II Addition)- Site Plan Review # 07-125 request for a one year extension of an approved Site Plan at 10011 Noble Parkway

MOTION HOLM, SECOND LESSARD TO APPROVE CONSENT AGENDA.  
*MOTION PASSED UNANIMOUSLY.*

**6. PUBLIC HEARING**

**A. Cardinal Towing Service**

Planning Director Sherman reviewed the staff report and staff recommendation to approve the Interim Use Permit.

Ms. Sherman discussed the fact that this is the first ever Interim Use Permit. Interim uses were added to the ordinance in 2005 and was geared to sites that didn't meet the ordinance or there were things they wanted to do for a shorter term and would be appropriate based on what was happening on the site.

## APPROVED MINUTES

Ms. Sherman stated that Cardinal Towing had begun construction of the canopy and staff became aware of it and issued a stop work order. They were advised they would need a building permit and staff identified the option to process an Interim Use Permit. Proposed conditions include that they have to follow the plan that was submitted, meet the building code, and construction will only be completed upon the issuance of a building permit. They have submitted an application for building permit. Another condition requires the structure be removed when the site is re-developed.

Rand Haglund was introduced as representing the applicant. He said he is here to assist Cardinal Towing in the building of this structure. This structure is a truck shelter canopy. He said they went thru Ulteig Engineering and had them review the plans and then added a couple boards and hurricane ties, he stated that this is very secure. He also stated that they don't want a building, they want a canopy. They have a million dollars worth of equipment to put under the canopy. During the winter with snow and ice the vehicles too large for inside storage. They need to be protected from ice and snow in winter and from heavy sun damage in summer. They are just trying to find a way to protect the vehicles. Outdoor storage was already there and the containers were on the site so they were used for the canopy knowing the whole structure could come down at the time of a move of the business or if the business were to close. He said they just want protection for their vehicles.

The hearing was opened for public comment. No one spoke against or in favor of the project.

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

Commissioner Jechorek asked if the permit gets approved would it be issued to Cardinal Towing or to the property. Ms. Sherman stated that due to the re-development of the property the permit would be tied to the land. If the operation was sold to a new owner, the operation would be allowed to continue. Staff is requesting that the permit be annually reviewed so if the structure was not properly maintained the permit could be revoked. As it is set up now, it would be staying as long as this type of business continued.

Commissioner Lessard stated that he understands that temporary means as long as needed. However, he questioned that with everything made of wood, if a truck were to back into it, would it be safe. He suggested maybe it should have center posts of steel, not wood, for safety reasons. Ms. Sherman answered that if the building inspector determines that this meets building code, we don't mandate that it be built to some greater level. Commissioner Lessard would like to recommend to the building inspector that we should put steel there. Ms. Sherman stated that we can't mandate something beyond the code. If it is allowed that it be built out of wood, we can't make them build it out of metal.

Ms Sherman clarified that a CUP runs with land, this would also, as long as the business continues to operate. If they stop operating for a period of 365 days then they have to apply for a CUP and would have to meet all of the current ordinances. Because a CUP runs with the land, it seems logical that the Interim Use Permit should too.

Commissioner Conn questioned if it is normal to use a foreign object for building? He asked if this thing would stand on its own without the two semi trailers attached to it.

## APPROVED MINUTES

Mr. Haglund said this canopy is sound as built. If the trailers were not there, they would need to add walls and sides and they would have to dig in piers. The center beams are 6' x 6' x 14' posts mounted on 52-54" piers. The engineer said he would add a double faced 2 x 12 beam down the center, though it wasn't required which he said he agreed with. At the top of beams, there are 2 rows of 2' x 12' beams. A collar tie will run from the top of that beam to other side, tying both sides together. If the containers were removed or taken out the whole structure would have to come apart and come down. If they removed the trailers and put up walls then it would become a permanent structure and that is not what they want.

Commissioner Conn said with it enclosed within a fence it looks like it will look just fine. He is not in favor of something that is leaning on 2 trailers as a permanent structure but if it passes inspection then it should be alright.

Commissioner Johansen asked Mr. Haglund what his involvement is with Cardinal Towing. Johansen said the narrative looked like he was involved with constructing this shelter but it sounds like he might have more involvement. Mr. Haglund stated that he helps them on a part time basis, and he sometimes drives heavy rescue truck for them. The application was submitted by Cardinal Towing. Mr. Haglund is just assisting them. Commissioner Johansen said he just asked because he is curious and wanted to know what their future plans for business might be. He wondered if they plan on operating for quite some time. Mr. Haglund said they could be there for 5 yrs or they could retire and close the business. If they did, the equipment would be sold. At that time the structure would come down as the trailers are the equipment that would be sold. These trailers store bobcats, tow lifts, even police evidence. They can hold 40-50,000 lbs.

He stated to answer Commissioner Lessard, who was concerned about the trucks possibly backing into the structure, that the posts are very secure. Boards have been put in for safety midway down, at wheel height. A driver that backs into this structure shouldn't be working for him. There would be more damage to the vehicle than the structure. The value in the trucks is paramount to operation of the business.

Commissioner Lessard stated that under any normal circumstance he would not vote to approve. He stated that under this special circumstance he understands why this is being done this way and he is fairly torn.

Commissioner Cupka questioned where on the site the structure will be, how visible it's going to be from Noble, and which way it will be turned. Planning Director Sherman responded that the side of the metal unit faces Noble Ave. Commissioner Cupka stated that he will be interested to see how the building permit application and inspections go. He stated his concern about fire protection and life safety since fuel will be in the structure due to the trucks being stored in the building, and the building is a wood structure. He stated that it is a strange building but that the things he is concerned about will be rectified or confirmed during the inspection and building permit process.

Commissioner Holm stated that he doesn't have a big problem with it himself. He is happy to see a business that has been here since 1974. He stated that the fence could use some work. He stated that they could do something with the front fence that would dress it up too.

## APPROVED MINUTES

Commissioner Jechorek stated that she is still unsure about tying this to the owner. She questioned if the area around this business starts to re-develop and they decide to sell and a new buyer comes in, does this tie us to anything. She questioned if this may prevent someone else from buying the business to use the property in the same way because we have tied this to the owner. Mr. Haglund stated that they would have no problem tying this to Cardinal Towing. They only want this structure as long as they are there. A new owner could be advised that they will need to come before the City for a new Interim Use Permit.

Commissioner Holm stated that he sees this as a hindrance having it tied to the owner. A new owner may want to do something different on the site. Planning Director Sherman stated that the resolution is recorded and would show up in the title work because it is a recorded document. They would see the conditions that were assigned.

Commissioner Sullivan stated that he thinks it's commendable that the City is trying to work with this company that has been in business since 1974 to solve their problem. He stated that he has no problem with it and thinks it is a great solution for them.

Commissioner Nguyen questioned if there was any possibility of selling the containers separately from the business. Mr. Haglund stated no, they won't be sold unless the business is sold. Commissioner Nguyen questioned why they didn't just do an extension attached to the existing structure instead of using the containers as walls. He questioned if they looked at the price to do an extension on the building. Mr. Haglund stated that there is not enough room with the access. Also, the building isn't as long as the trucks, so they would get into a structural problem trying to add a canopy to the existing building, which they had previously considered doing. There would also be a snow load problem, because there isn't enough pitch to the roof of the original building. Commissioner Nguyen stated that if the engineer has stamped it as safe he can't argue with that but this is not how he would have liked to see the structure go up. Mr. Haglund stated that they would run into a code issue if they tried to add this to the existing building which would have cost them a million dollars or more to upgrade that building instead of \$3,200- \$4,000.

Commissioner Lessard stated that he is not strongly opposed to this, but he is not pleased with a company that has been around for 30 plus years looking at using a temporary fix as a matter of cost avoidance and could be deemed an eyesore. He questioned if the conditional permit can be based on the structure as designed and any deviation from that the whole thing must come down. Planning Director Sherman stated if they were to propose anything other than what's been submitted, they would need to come back. Ms. Sherman stated that we would do an amended Interim Use Permit which would require review by the Planning Commission and the City Council.

**MOTION HOLM, SECOND SULLIVAN TO RECOMMEND APPROVAL OF INTERIM USE PERMIT #09-109, FOR A TEMPORARY TRUCK STRUCTURE AT CARDINAL TOWING AT 8400 NOBLE AV N**

**MOTION JOHANSEN, SECOND NGUYEN TO AMEND CONDITION THREE TO ADD OR SOLD AT THE END OF THE CONDITION.**

*MOTION FAILED 4-4 (HOLM, LESSARD, SULLIVAN, CONN DISSENTED)*

VOTE ON MAIN MOTION: *MOTION PASSED 6-2 (LESSARD, JOHANSEN DISSENT)*

Chair Conn advised that this application will be considered by the City Council on 8/24/09.

**7. DISCUSSION ITEMS**

**A. Defining and Creating a Future State of Livability- Police Chief Davis**

Chief Davis stated that he was present to solicit the Commissioners participation in another process. He stated that he defines Police Department success by how committed they are to service and how well they customize what they do for the needs of the community. One of our current programs, The Neighborhood Action Program, looks to increase livability. Brooklyn Park is 20% foreign born and over 40% minority. Another of our current programs, The Joint Community Police Partnership, has gotten us worldwide acclaim in collaboration with Brooklyn Center and Hennepin County and now Richfield and Hopkins. We are preparing for this next step.

Chief Davis stated that a personal goal of his is for the agency to increase community involvement and crime prevention efforts. He stated that he feels that this is a true collaboration with our community and that there are a lot of people in this community that we have not leveraged. We will be involved in a strategic planning process, which will be a three part plan. He stated that in the first step he proposes a core planning team of 25-30 people, including half staff and half people from our community. This will be a diverse team of divergent opinions and it is by consensus. When people walk out of the room after working on this plan for three days everyone agrees to support this plan by their words and actions. Part two will be the measurement team and the action team. They will also be comprised of staff and community. We want to build upon what we have already done. This will define and enhance what livability is and give us a road map to get there. We are leveraging the community and bringing in people who want to be part of a grassroots effort, people that work with youth, people from our church community, school community, and our business community.

He stated that in the third step of the process he wants to be able to define for our employees and citizens what livability is and show them that this is everyone's issue. The process will be facilitated by someone who does this professionally and has been doing this for a long time. Chief Davis stated that we have a continual goal to reduce crime but he stated that he also wants to reduce calls for service and increase livability. He wants to do tangible things to impact livability. To become a part of this process, there will be nomination forms available. The form will be posted on the internet and there will be a nomination form to fill out online. The criteria and commitment is on the form. He stated that he would also leave a stack of forms with Planning Director Sherman tonight so that the Commissioners could use them. He stated that they could nominate themselves or someone else. He also stated that he will be going on a tour of other Commissions to share this process. The 1<sup>st</sup> session will be three days long and it will be held in November.

Commissioner Lessard questioned if this would be spread across all parts of the community, and income levels, some areas having more diversity than others. Chief Davis said the goal is to bring people from all over the city. He wants representatives from all geographic, ethnic and economic backgrounds.

Commissioner Lessard asked if this has been tried in another community so that we can leverage their lessons learned. He also asked if the City had looked at technologies to assist in crime prevention. Chief Davis stated that he goes coast to coast looking for best practice solutions.

Chair Conn asked if there would be follow up by e-mail. Chief Davis stated that the names of the committee members will be published sometime around the first of November at the latest.

- B. For the Modification to the development program for development district no.1 and the Modification to the tax increment financing plan for tax increment financing district no.1-3 (a redevelopment district) to review Modifications to determine if they are in compliance with City's comprehensive plan and adopt a resolution approving the Modifications

Amy Baldwin representing the Economic Development Division stated that she would be reviewing modifications that are being proposed. The purpose of the review is to determine if these modifications conform to the general plans of the City. Ms. Baldwin stated that this tax increment district expires in 2011 and that at that time the captured taxes would return to the taxing jurisdictions. She reviewed the proposed modifications which are to expand the areas where funds can be used, expand the geographic area of Development District one, and update budgets to reflect anticipated uses. Language was also added so funds could be used for foreclosure recovery. This modification also incorporates legislative updates from the last several years.

Ms. Baldwin stated that the action this evening is to consider the resolution that the modifications to the Development District and Tax Implement District do comply with the City's comprehensive plan and general plans for the City.

Commissioner Lessard asked about the generic nature of the general eligible uses. He questioned if these will be re-defined. He brought up the example of the water treatment plant project possibly wanting additional funds for the project. Ms. Baldwin advised that these funds can only be used for private development, and cannot be used for civic improvements.

Chair Conn stated that there are state statutes regulating how TIF funds can be used. Ms. Baldwin confirmed that they are regulated by statute.

Commissioner Johansen questioned why this is modification does not include the entire city instead of just this area. Ms. Baldwin stated that this had been looked at but that at this time the city wants to focus on re-development opportunities in this area and that's why they went to the southern boundary. All tax increment districts to date have been incorporated within this boundary.

Commissioner Sullivan questioned how solid the boundaries are. He stated that Noble Mobil strip mall has a lot of vacancies. Wouldn't this be a good re-development area? Ms. Baldwin stated that they are in the area already. Commissioner Sullivan questioned the area to the east and Ms. Baldwin stated that area is mostly residential.

CHAIR CONN MADE A MOTION TO WAIVE THE READING TO ADOPT RESOLUTION 2009-100 FINDING THAT THE MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO.1 AND THE MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 3 CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT AND RE-DEVELOPMENT OF THE CITY.

SECOND, COMMISSIONER HOLM. ALL MEMBERS PRESENT VOTED AYE

*MOTION PASSED UNANIMOUSLY*

**8. OTHER BUSINESS**

**A. Approval of Minutes – July 8, 2009**

MOTION JOHANSEN, SECOND JECHOREK TO APPROVE THE MINUTES OF JULY 8, 2009.

*MOTION PASSED UNANIMOUSLY. (CONN ABSTAINED)*

**9. INFORMATIONAL ITEMS**

**A. City Council Liaison for August 24, 2009 Meeting**

It was noted that Commissioner Lessard was the Council Liaison for the August 24, 2009 meeting.

**10. ADJOURNMENT**

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

*MOTION PASSED UNANIMOUSLY.*

Adjournment time was 8:40 p.m.

Respectfully submitted,

Kathy Valez  
Planning Assistant