

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

November 12, 2009

Approved Minutes

The meeting was called to order at 7:06 p.m.

1. CALL TO ORDER

2. ROLL CALL/ PLEDGE OF ALLEGIANCE

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

Those absent and excused were: Chair Conn

3. EXPLANATION BY CHAIR

4. APPROVAL OF AGENDA

MOTION JOHANSEN, SECOND NGUYEN, TO APPROVE THE OCTOBER 14, 2009 MEETING AGENDA AS SUBMITTED. *MOTION PASSED UNANIMOUSLY.*

5. CONSENT ITEMS

6. PUBLIC HEARING

A. Minnesota Roofing and Remodeling, Inc.- Case# 09-119 Conditional Use Permit for outside storage located at 6260 Lakeland Avenue North

Senior Planner Larson reviewed the staff report and staff recommendation to approve an Interim Use Permit for outside storage. This storage would be located on the east side of the applicant's building. The applicant has already inadvertently built the storage area and this is a request for approval. They did do everything correctly when they built the outside storage by blocking the area from view with trees and they built a fence.

The applicant would also like to request a parking area for three commercial vehicles. This is allowed in designated parking areas by our code today. Normally staff would recommend approval of this as it is requested, but the County Road 81 project is in progress. Though the exact plan is yet to be decided, the preliminary design of the new roadway would leave his building as it is but change the access to his property in the future.

APPROVED MINUTES

Staff recommends this request be changed to an Interim Use Permit. Once the new road is open along the east side of the building, this could be reviewed again for a permanent Conditional Use Permit.

The applicant, Mr. Brad Langerman, introduced himself to the Planning Commission.

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

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

Commissioner Johansen stated that he agrees with staff recommendation for an Interim Use Permit in this situation. He also stated that he approves of the fence that the applicant built.

Commissioner Holm stated that he also agrees with this approach.

Commissioner Cupka asked what would happen if this roadway did not interfere with this property as discussed, and if the applicant would then need to come back and re-apply for a permanent Conditional Use Permit. Senior Planner Larson explained that it would be a simple process to re-apply or we could re-open the case at that time to change this to a permanent Conditional Use Permit.

MOTION JOHANSEN, SECOND CUPKA TO RECOMMEND APPROVAL OF INTERIM USE PERMIT 09-119 FOR OUTSIDE STORAGE AT 6260 LAKELAND AVENUE NORTH SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

MOTION PASSED UNANIMOUSLY

Commissioner Holm advised that this application will be considered by the City Council on November 23, 2009.

B. Gateway Second Addition- Case# 07-130 Preliminary Plat and Rezoning for 85.49 acres from R1 to B2 and R7 and subdividing into eight outlots SW of Hwy 169 and Hwy 610

Senior Planner Larson reminded the Planning Commission of previous discussions for this project as well as Council action. Mr. Larson discussed the reasons for the request to rezone this property. He explained that this project has a high density residential component, a senior housing project, a retail area, hotel, and predominantly office uses. These are all separate uses, so staff is requesting two different zoning districts to keep things simple. Staff also recommends a Planned Development Overlay. It does require a development plan for the area. This development will not be constructed by just one entity and the applicant would like to allow the users some flexibility in their building designs. In this situation, the landscape plan is what would tie this development area together, rather than a consistent look to all of the buildings. Within the Planned Development Overlay, every component is subject to Planning Commission and City Council review.

Staff is recommending approval with a few recommendations. Along Jefferson Highway there is a power line that, when the bridge is constructed for Highway 169, will be buried. Staff would like the power lines in the remaining section to be buried also.

APPROVED MINUTES

The plan does show sidewalks on both sides of every street and some of those sidewalks may be outside of the public right-of-way and staff requests that those be covered with a separate sidewalk easement document that must be recorded with the final plat.

Also, with the extensive landscaping that is shown, a master association or a special service district would be required to maintain that. The City does not have the means to maintain the extensive landscaping and the applicant is already working on creating a master association.

The storm water areas on the plan may or may not hold water, especially in the early phases of development when there will be little hardcover. Staff requests that these areas be planted with a seed mix to support some plant life in the event of prolonged low water.

The applicant's representative, Mr. Miles Lindberg of Westwood Professional Services, introduced himself. He stated that they are ready to do the next steps required, including getting utilities to the site and getting streets constructed. The timing is still tentative. It may happen during the next construction season, but they are ready to plan for these improvements. They had a neighborhood meeting earlier this week. They invited residents from Maple Grove and Osseo also as they are neighbors to this project.

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

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

Commissioner Sullivan asked when the bypass or an overpass will be done.

Mr. Lindberg stated that there will be an overpass type interchange constructed there as soon as funding can be secured. Staff is working with MNDOT and Hennepin County to come up with grant funds. It is approximately twenty-one million dollars that is needed for that roadway improvement. The design for 93rd Avenue is driven by the design for the interchange. It may be ready for bidding in approximately two years. It would probably take at least a year to construct, so it is probably four to five years away.

Commissioner Lessard asked whether preliminary building would begin to the north and east sides of the property first.

Mr. Lindberg stated that they would expect the interior parcels to be the first ones to be developed to allow the most premier parcels around the perimeter to build value for as long as possible.

Commissioner Lessard asked if there would be something constructed around the school and the church to prevent anyone from the development area from walking into the church grounds or the school areas.

Mr. Lindberg stated that they had not considered doing anything in regard to that at this time, primarily because one of the candidate purchasers of the property is the church. They were interested in a ten acre purchase, which is still a possibility.

Commissioner Lessard asked whether there is a stoplight planned for the area between Jefferson Highway and Highway 169, in front of the church, where they are going to widen it.

APPROVED MINUTES

Mr. Lindberg stated that at this time, per the traffic study, stoplights are not warranted in this area. There will be a complete pedestrian system consisting of trails, crosswalks, and sidewalks. He stated that if Commissioner Lessard's concerns are about safety, hopefully this will address his concerns.

Commissioner Lessard stated that it doesn't alleviate his concerns but that he will bring that up another time. He asked if the pond area shown in blue should be changed if this is not going to be an area that is intended to hold water.

Mr. Lindberg stated that they do intend for this area to be open water in a somewhat manicured setting and to be there as an amenity for this whole business park. It is going to be designed to operate that way with a trail and benches for seating. This is a recharge area for the City's aquifer and for the municipal wells. Mr. Lindberg stated that they are concerned about groundwater pollution and because of downstream conditions they are required to infiltrate a certain amount of storm water, which they will do. He also stated that the area next to Highway 610 will be a pond.

Commissioner Jechorek asked staff whether the Planned Development Overlay is over just the B2 portion or over the whole development.

Senior Planner Larson stated that it would be over the whole development, B2 and R7.

Commissioner Cupka asked about the landlocked parcel to the northeast. He asked if that is all Minnesota Department of Transportation property.

Mr. Lindberg stated that parcel is owned by the Minnesota Department of Transportation. The one parcel to the east is privately owned. He stated that their interpretation of the future plan is that this privately owned parcel will be required for the loop of the interchange at some time in the future. They have had some contact with that party but have not pursued bringing that into the project in much depth at this point. They did talk to the Minnesota Department of Transportation about doing some sort of combined storm water management. The Minnesota Department of Transportation is not interested in doing that. Their policy is that they do not look at that option until a roadway is completed and then they go through an internal process to declare something excess.

Commissioner Cupka stated that it seems like the more dense part of the development is pushed up against the church and the school property. The green strip and the pond portion are then pushed out into an area that will be permanently green anyway. The six story high rise is supported with parking ramps that will be 100 feet away from the church. He stated that even though the church may be a purchaser of part of the land, some of the green space could possibly have been used to buffer the church and school from some of the development.

Commissioner Johansen asked about the hoped for stories on some of the larger buildings on the north side and the northeast corner of the development.

Mr. Lindberg stated that the buildings at the north end are shown on the plan as six stories and the one in the northeasterly corner is shown as five stories. The interior smaller buildings would be three to four stories. They would try to accommodate something different if a user wanted that.

APPROVED MINUTES

Commissioner Johansen verified with Senior Planner Larson that the majority of this development is guided MX1. Commissioner Johansen asked about the intention in MX1 being to have one signature building in this type of development. Mr. Larson stated that the code says a building must be a minimum of four stories to bring it up over the height of the interchange level.

Council Member Gates asked where the names of the streets came from. Mr. Larson stated that he doesn't know who came up with them, but in this part of the street name pattern the City and other communities use, are patriotic names. These were named using the county system that goes down to the southern suburbs also.

Commissioner Gates asked Mr. Lindberg if he thinks the Minnesota Department of Transportation will eventually sell that property. Mr. Lindberg stated that it is almost impossible to predict at this time. They originally planned loops and flyovers in their plans but now are pulling back on that plan and may do a traditional cloverleaf design.

Commissioner Holm stated that this looks like a good preliminary plan and it will be a signature intersection in the west end of Brooklyn Park. He looks forward to something being built over there.

Commissioner Johansen asked about the two or three additional lots that are specifically cut out on the plans and that are not currently in their possession. He asked if they were still negotiating for those.

Mr. Lindberg said there are two lots they are still interested in acquiring. The third house to the east is going to be almost entirely consumed by roadway improvements.

Commissioner Johansen verified with Mr. Lindberg that the holding pond wetland area would shift south as they show it once the properties were acquired.

MOTION JOHANSEN, SECOND CUPKA TO RECOMMEND APPROVAL OF REZONING 07-130 REZONING PROPERTY FROM R1 TO B2 AND R7 WITH PLANNED DEVELOPMENT OVERLAY SOUTHWEST OF TH 169 AND TH 610.

MOTION PASSED UNANIMOUSLY.

MOTION JOHANSEN, SECOND CUPKA TO RECOMMEND APPROVAL OF PRELIMINARY PLAT 07-130 FOR GATEWAY SECOND ADDITION SUBDIVIDING 85.49 ACRES INTO EIGHT OUTLOTS SW OF TH 169 AND TH 610.

MOTION PASSED UNANIMOUSLY.

Commissioner Holm advised that this application will be considered by the City Council on November 23, 2009.

C. William Yun Properties- Case# 09-118 Conditional Use Permit for a new retail building at 7330 Brooklyn Boulevard and site improvements at 7340 Brooklyn Boulevard

APPROVED MINUTES

Senior Planner Larson reviewed the staff report and staff recommendation to approve the Conditional Use Permit with a few conditions as follows: The 7340 building must be painted to match the remodeled portion of that building and the new 7330 building. The pylon sign at the southern portion of the 7340 building does not meet today's Village standards. That sign is being proposed to be replaced with a monument style sign made out of the same building materials to service both properties. These are two different properties but owned by the same property owner. If the owner were to decide to sell one or the other or both of these properties, staff would like cross access and maintenance agreements in place guaranteeing that customers and employees will be able to park in either lot, as well as a mechanism for who's paying for filling in potholes and seal coating. There is currently a median island along Brooklyn Boulevard which needs to be shortened to allow for turning there, or be extended to prevent any sort of turn. The City Traffic Engineer is working with the applicant on choosing one of these available options. South of the building, the sidewalk along this area of Brooklyn Boulevard needs to be replaced. Also, the landscaping plan shows trees that should be changed to other species along Brooklyn Boulevard, one of them due to susceptibility to salt during the winter plowing season. The north side of the property is adjacent to the Imperial Gates Apartments and we propose that three evergreen trees be planted along there for better screening of the parking lot from the residential area. In addition, easements for the sanitary and water services need to be extended to reach the building to provide that protection. Finally, one of the power poles cuts across the Park Center High School property. It was previously used to service the old gas station. Staff recommends that this wire be buried.

Larson explained the gas station that was on the front portion of the lot at 7330 Brooklyn Boulevard was removed close to a year ago. It stopped operations several years prior to that. The gas station site is currently being used for parking for Coco Beauty as well as for the BCS African Market wholesale food market business that is in the warehouse portion of the building. This was previously an art and frame store with a retail store in the front and a warehouse in the back. This proposal is for a new 4,800 square foot multi-tenant style retail building. The plan is for Coco Beauty to move over and occupy two or three bays of the new building and BCS could expand its retail portion into the front of the current Coco Beauty building which is better suited to retail purposes. There could be other tenant spaces available for lease in the new building. No other users are identified at this time. Access is currently difficult when they are busy as there is only one access to the site, but the problem would be fixed under this proposal. Since this is also in the Village Redevelopment area, the new building is subject to the Village Redevelopment standards. The current building would get a facelift to match the new building.

Mr. Dan O'Mara introduced himself as the architect representing William Yun, the property owner. He stated that they will be swapping out the trees for a different species as requested. The median will also be changed to make turning a safer option. They do want a left hand turn into the business.

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

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

APPROVED MINUTES

Commissioner Lessard asked how expanding the business by adding more retail to that location is going to solve the traffic problem. He asked if the applicant had looked at other locations, such as the empty Starbucks building down the road.

Senior Planner Larson stated that the Starbucks location is in Brooklyn Center, and the tenant wants to stay in Brooklyn Park. He stated that this business is expanding onto a vacant lot so it is giving them more parking spaces for their customers and more room to expand their businesses.

Commissioner Lessard stated that traffic is the issue, not the parking. Traffic still has to get in and out of their lot.

Mr. Larson stated that the City Traffic Engineer feels confident that the new second driveway access will alleviate that issue. This driveway will connect both buildings.

Commissioner Lessard again asked whether they had explored other locations.

Planning Director Sherman stated that staff has been working with BCS for about three years trying to find them a retail location that is close to their current wholesale location because that is the main function. The retail portion of their business is fairly limited. Staff has looked at several locations for them, and the applicant has also looked at many locations here in our community because they do want to stay in Brooklyn Park.

Commissioner Johansen stated that the design of the new building looks very nice. He stated that both sites need serious improvement. He would like to request that when the side of the old building is changed to match the new façade on the front of the building that it not just be changed on the south side, but that it wrap around the west side and back a little bit. He stated that he would like to see this done for at least the portion readily visible from Brooklyn Boulevard. Commissioner Johansen also asked how far along Brooklyn Boulevard staff is recommending the sidewalk extend.

Mr. O'Mara stated that it will extend the total length of both properties. He stated that they will wrap the west side in the same material as the rest of the building, but they can't do awnings there because of the proximity of the drive isle. They will also remove the gigantic Coco Beauty sign.

Commissioner Johansen asked about the orientation of the buildings. He asked why the building is set forward, instead of being at the rear of the property.

Mr. O'Mara stated that it was done that way to follow the Village requirements. The parking is at the side of the property due to the shape of the site. Trying to follow the Village requirements brought the building right up to sidewalk.

Commissioner Sullivan stated that he thinks this is a great opportunity to clean up this part of the city next to the high school. He asked if the underground tanks are still there at the old gas station. Senior Planner Larson stated that they were removed about two years ago.

Commissioner Jechorek stated that this plan looks great and that it fits the Village Redevelopment plan very well. She stated that she loves everything about the design of the building and the monument sign.

APPROVED MINUTES

Commissioner Cupka asked staff if this is parked appropriate. Senior Planner Larson stated that it is. Commissioner Cupka also asked about setbacks.

Senior Planner Larson stated that there are no setbacks in the Village Redevelopment District. In this area buildings must be within a few feet of the front property line.

Commissioner Cupka asked about there being no setback on the side of the property adjacent to the school property. Mr. Larson stated that this is fine as there are no setbacks required and they do have enough space for rear entrances and exits.

Commissioner Cupka asked if the power line burial would have to be done on the school property.

Mr. O'Mara stated that it can be done on the east side of the applicant's property, where they have left room for the gas line to be run.

Commissioner Johansen asked if the power line could be buried back to the originating pole.

Mr. O'Meara stated that to do that they would have to get the school district involved.

Commissioner Johansen asked about burying the other line on the existing building.

Senior Planner Larson stated that the power lines are all above ground in this area. He stated that staff can explore that option.

Commissioner Johansen stated that he can picture the Holiday Station outlot. There are two poles with wire between them and no wires feeding either pole. He stated that he is concerned about that happening here.

Commissioner Lessard stated that he agrees with Commissioner Johansen about the power lines. He stated that he would recommend making it look nicer.

Commissioner Nguyen commented that we show forty nine parking spaces. He asked where staff came up with that number.

Senior Planner Larson stated that the number comes from the Zoning Code which shows five spaces for every one thousand feet in this zoning area. In the warehousing zone, there is a smaller standard. Using the formula required, staff comes up with forty nine spaces. He also stated that where these rules are followed in the city, there are no parking issues.

Commissioner Nguyen asked about the five retail parking slots. He asked where the employees park and if this figure includes them.

Senior Planner Larson stated that the calculation does include employees.

Commissioner Nguyen stated that the lane for traffic looks narrow, allowing only one car to use it at a time.

Mr. Larson stated that the city minimum is twenty five feet wide, which is wide enough for two cars to pass each other.

APPROVED MINUTES

Commissioner Nguyen asked if there is one trash enclosure for each building to which Mr. O'Mara stated yes.

Council Member Gates asked why forty nine stalls are required, yet bicycle and motorcycle parking can be used to make up three stalls. He asked how many parking spots of the forty six remaining will be taken up by employees now that there will be more retail there.

Mr. O'Mara stated that he doesn't know the answer to that question.

Planning Director Sherman stated that the ordinance allows motorcycle and bicycle spots in lieu of some parking stalls. This use meets the parking ordinance and is standard in the planning field. Staff is comfortable with one parking spot per five thousand square feet for retail, which anticipates both employees and customers. Staff is confident that parking isn't an issue in the city if businesses meet our standards.

Council Member Gates asked if a deal could be set up to use Park Center High School or the car lot across the street for parking on weekends or in the evening. He stated that deliveries cause a traffic nightmare. He asked what time deliveries are made and what time trash is picked up. He stated that there should be less truck traffic when the center is open, which would mean less congestion, if these deliveries were not made during these hours. Council Member Gates also stated that the more space the business can have without that additional truck traffic, the better. He stated that an answer to this question could be researched prior to the City Council meeting.

Planning Director Sherman stated that staff will get answers to these questions. The code doesn't mandate that this happens now, but it can be added as a condition.

Commissioner Johansen asked why the cars on the side of the building are parked diagonally on the photograph used to show the sites, but parallel on the plans. He stated that it appears there is a difference of three spots.

Commissioner Nguyen stated that the big issues with this application are parking and traffic. He asked why the owner decided on forty eight hundred square feet for building B and did not choose to use more space for parking.

Mr. O'Meara stated that it was economics. A smaller building costs the same for infrastructure so it is more expensive to build. They also need more space for their business. Due to the site shape, this size worked best.

Commissioner Nguyen stated that he likes what they are trying to do and he likes the improvement with the site. He stated that traffic and flow of traffic on Brooklyn Boulevard is his concern.

Mr. O'Meara stated that he understands the traffic concern. He stated that part of the problem is in having to go into the street to get back into the lot if customers can't find a parking spot. He stated that there is no structure to the current lot. There are no lines to keep people organized. That problem will improve with the new design as it will be more structured. It will help to keep people structured with movement through the parking lot.

Commissioner Lessard stated he that knows Mr. Yun owns all of this property and wants to maximize use of his properties for his benefit. He stated that southwest cross corner across the intersection from this property the city has a large development area waiting to go in. He asked if

APPROVED MINUTES

the applicant has looked at locating their businesses there. He stated that it would open up and alleviate traffic concerns. This development is located where the city took down the apartments across the street.

Planning Director Sherman stated that there was a study group that worked on that site. It was determined that this site would be developed as an entire entity. It is a thirteen acre site so staff did not look at it for this small user. The new development area is also not likely to be retail.

Mr. O'Meara stated that currently the wholesale business is doing some retail out of wholesale building. Under the zoning code they are not supposed to do that so they are moving to a different location. That business will probably expand a little, but since it is not a new business, it should not have that much affect.

Senior Planner Larson showed an air photo of the existing site and stated that the site has about the 7340 property will have the same number of spaces as proposed, but the new 7330 site would have about twenty five more spaces than would be required for that building alone. If properly parked, these spaces are adequate. Staff is comfortable with these numbers and the City Traffic Engineer stated that this layout should make the traffic problems go away or become less of a problem.

Commissioner Holm asked if the plaza area is just a place for people to gather and not for food to be sold.

Mr. O'Mara stated that the plaza is for bicycle parking. He also stated that instead of having landscaping where people could throw trash along the street front, they are trying to keep trash to a minimum with this open plaza design.

Commissioner Holm stated that he likes the way the buildings look. He stated that in his opinion it would be better to extend the median. If the median area were shortened, people will want to pick two driveways to enter into instead of one. He asked where product will be brought into at the new building, in the front or in the back.

Mr. O'Mara stated that most businesses now have deliveries done through the front doors of the building.

Commissioner Holm stated that he is also concerned about delivery times at the original building. He asked if the business currently has delivery in back and if they pull up to unload there now.

Senior Planner Larson stated that yes, that is how it is done now, and the new plan will be a better way to do that.

Commissioner Cupka stated that he has been an architect for over twenty years and thinks Mr. O'Mara and the applicant have done a good job mapping this site out. They have done everything possible to make this the best it can be. The size of this building at 4,800 square feet is small and is not something to be afraid of. Commission Cupka said he does have a concern about the turn-in extension and thinks that one turn in would be the solution to that.

MOTION JOHANSEN, SECOND JECHOREK TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 09-118 FOR A 4,800 SQUARE FOOT RETAIL BUILDING AND RELATED SITE IMPROVEMENTS AT 7330 AND 7340 BROOKLYN BOULEVARD

SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION. *MOTION PASSED 6-1. (Nay Lessard)*

7. DISCUSSION ITEMS

Planning Director Sherman reminded the Planning Commission that there will not be a work session on the night before Thanksgiving.

8. OTHER BUSINESS

A. Approval of Minutes – October 14, 2009

MOTION LESSARD, SECOND JOHANSEN TO APPROVE THE MINUTES OF OCTOBER 14, 2009

MOTION PASSED UNANIMOUSLY.

9. INFORMATIONAL ITEMS

A. City Council Liaison for November 23, 2009 Meeting

It was noted that Commissioner Cupka was the Council Liaison for the November 23, 2009 meeting.

Planning Director Sherman stated that it is not necessary for Commissioner Cupka to attend the City Council meeting.

10. ADJOURNMENT

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

MOTION PASSED UNANIMOUSLY.

Adjournment time was 8:47 p.m.

Respectfully submitted,

Kathy Valez
Planning Assistant