Council Study Session
City Hall Council Chambers
August 12, 2024

AGENDA

1. **Call to Order - 6:00 p.m.**
2. **Council Miscellaneous Discussion Items**
   a. Public Safety Resolution
   b. Code of Conduct
3. **City Manager Miscellaneous Discussion Items**
4. **Adjourn**

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-73

RESOLUTION ADOPTING THE DAUNTE WRIGHT AND KOBE DIMOCK-HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT

WHEREAS, the City of Brooklyn Center ("City") can create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community's safety needs that do not rely solely on our armed law enforcement officers; and

WHEREAS, many approaches have proven to be safe and effective for responding to non-moving traffic offenses, low-level violations, to people with mental health needs or disabilities, and to other similar situations that do not involve armed law enforcement officers; and

WHEREAS, creating alternative responses in these situations will allow our law enforcement officers to focus their time, training, and expertise on serious threats to the immediate safety of our residents; and

WHEREAS, relying on our armed law enforcement officers as first responders in these situations has in some circumstances resulted in escalation, harm, and the tragic and potentially avoidable loss of life for our residents, including Daunte Wright and Kobe Dimock-Heisler; and

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

WHEREAS, the residents of Brooklyn Center have demanded change in our City and will help co-create new approaches to health and safety in our community, and this Act affirms our commitment to an intentional, inclusive and collaborative process that involves City leadership and the community working together to fully implement the intent this Act; and

WHEREAS, the City Council will be drawing upon the best aspects of many different existing models and polices from all across the country in order to adapt them for our City with the help of residents, experts and data analysis, and the City is committing to all of these measures in a single, unified Act to deliver true transformational change for our community; and

WHEREAS, the City Council is committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others, and that additional work remains to be done to create a healthier and more equitable community even beyond this Act.

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

1. Act Adopted. The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act ("Act") is hereby adopted for the City.

2. Community Response Department. The City will create an unarmed Community Response Department to respond to all incidents where a City resident is primarily experiencing a medical, mental health, disability-related, or other behavioral or social need, including by the creation of a Community Response Department consisting of trained medical and mental health professionals, social workers, or other staff and volunteers, and by a dispatch system routing appropriate calls to the Community Response Department and not to the Police Department; and by any other appropriate changes in ordinance, practices or policies.

3. Traffic Enforcement Department. The City will create an unarmed civilian Traffic Enforcement Department to enforce all non-moving traffic violations in the City, including by creating the civilian Traffic Enforcement Department and by any other appropriate changes in ordinance, practices or policies, including restricting or eliminating the types of traffic offenses enforced by the City's armed law enforcement patrol officers.

4. Department of Community Safety and Violence Prevention. The City will create a new Department of Community Safety and Violence Prevention (the "Department") that will be responsible for overseeing all city agencies and city efforts regarding community health and public safety, and ensuring a well-coordinated, public health-oriented approach throughout our city that relies upon a diversity of evidence-based approaches to public safety, and with a Director who has appropriate credentials and experience including public health expertise, and that at minimum the following existing and to-be-created City agencies will all report directly to the Department and be subject to the authority of its Director: the Police Department, the Fire Department, the Traffic Enforcement Department, and the Community Response Department.

5. Community Safety and Violation Prevention Committee. The City will create a permanent Community Safety and Violence Prevention Committee. The Director will provide the Mayor with a list of candidates to serve on the committee and the Mayor will recommend candidates to the City Council for appointment. A majority of the committee members must be City residents with direct experience being arrested, detained, or having other similar contact with Brooklyn Center Police, or have had direct contact with one or more of the other services to be provided by the new Department. The City Council may appoint City staff to serve as liaisons to the committee, but no City staff member will have a vote on the committee. The committee will: review and make recommendations regarding the policing response to recent protests; review the current collective bargaining agreement between the City and the Police Department and make recommendations prior to the renegotiation of the agreement and before its final approval; recommend the City Council create a separate and permanent civilian oversight committee for the new Department; review Chapter 19 of the City Code and make recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees; and periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health in the City.

6. Use of Force. The City will review and update its policies, practices and training to more appropriately regulate the use of force by its armed law enforcement officers including, for example, by requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain uses of force or other policing tactics during First Amendment protests and assemblies, and additional revisions as needed.

7. Citation and Summons for Low Level Offenses. To immediately prevent any further harm and to better protect the peace and safety of all City residents while this Act is being fully implemented, the City Council directs the City Manager to implement forthwith a citywide "citation and summons" policy requiring officers to issue citations only, and prohibiting custodial arrests or consent searches of persons or vehicles, for any non-moving traffic infraction, non-felony offense, or non-felony warrant, unless otherwise required by law, and the Implementation Committee will make recommendations regarding making these policy changes permanent and/or modifying them as needed, including by appropriate changes in ordinance, practices or policies.

8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), including residents from the City and other local, state and national experts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.

9. Community Involvement. The Implementation Committee will ensure the community has the opportunity to review and comment upon the all implementation plans, including by making periodic progress reports in open City Council meetings monthly, or more frequently upon the Council's request; that the Implementation Committee is empowered to explore external sources of funding to implement the Act and that the City may retain additional counsel, temporary staff, and consultants as reasonable and necessary to enable the Implementation Committee to complete its work; and the Implementation Committee will present recommendations to City Council for initial consideration not later than 180 days from the date of this Act.

10. Implementation and Staff Support. The directives contained in this Act shall be carried out in compliance with the law and the City Charter. The City Attorney, City Manager, Chief of Police and other City personnel are authorized and directed to provide all necessary assistance and support to all committees created pursuant to this Act, including by supplying the committees with any and all data necessary to perform their duties, including confidential or private data as requested with appropriate protections, and budgetary, staffing or other

information, and assisting with the crafting of amendments, ordinances, or policies as requested by the Implementation Committee. This Act authorizes, to the greatest extent possible, the implementation of the measures identified herein without further policy approvals from the City Council. To the extent additional approvals are needed, or legal barriers are identified, in the implementation of these measures or the recommendations of the Implementation Committee, the City Manager or City Attorney are directed to bring those issues to the City Council's attention for further direction or action as needed.

May 15, 2021
Date

Mike Elliott, Mayor

ATTEST:
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Graves
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Elliott, Graves, Ryan
and the following voted against the same:
Lawrence-Anderson
whereupon said resolution was declared duly passed and adopted.

RESOLUTION NO. 2021-73 (Amended 2024-01)

RESOLUTION ADOPTING THE DAUNTE WRIGHT AND KOBE DIMOCK"
HEISLER COMMUNITY SAFETY AND VIOLENCE PREVENTION ACT

WHEREAS, the City of Brooklyn Center ("City',) can create a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community' s safety needs that do not rely solely on our armed law enforcement officers; and

WHEREAS, many approaches have proven to be safe and effective for responding to non-moving traffic offenses, low-level violations, to people with mental health needs or disabilities, and to other similar situations that do not involve armed law enforcement officers; and

WHEREAS, creating alterative responses in these situations will allow our law enforcement officers to focus their time, training, and expertise on serious threats to the immediate safety of our residents; and

WHEREAS, relying on our aimed law enforcement officers as first responders in these situations has in some circumstances resulted in escalation, harm, and the tragic and potentially avoidable loss of life for our residents, including Daunte Wright and Kobe Dimock-Heisler; and

WHEREAS, a diversity of approaches will improve overall public safety, better address the root causes of many systemic issues, promote racial justice, better protect vulnerable members of our community, and more efficiently allocate public resources while recognizing there is still work to be done to address policing mindset and culture; and

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WHEREAS, the residents of Brooklyn Center have demanded change in our City and will help co-create new approaches to health and safety in our community, and this Act affirms our commitment to an intentional, inclusive and collaborative process that involves City leadership and the community working together to fully implement the intent this Act; and

WHEREAS, the City Council will be drawing upon the best aspects of many different existing models and polices from all across the country in order to adapt them for our City with the help of residents, experts and data analysis, and the City is committing to all of these measures in a single, unified Act to deliver true transformational change for our community; and

WHEREAS, the City Council is committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others, and that additional work remains to be done to create a healthier and more equitable community even beyond this Act.

NOW, THEREFORE, the City Council of the City of Brooklyn Center, Minnesota, resolves as follows:

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5. Community Health, Safety and Violence ~~Violation~~ Prevention Commission ~~Committee~~. The City will create a permanent Community Safety and Violence Prevention Commission ~~Committee~~. The Director will provide the Mayor with a list of candidates to serve on the Commission ~~Committee~~ and the Mayor will recommend candidates to the City Council for appointment. A majority of the Commission ~~Committee~~ members must be a majority of City residents with direct experience being arrested, detained, or having other similar contact with ~~Brooklyn Center~~ Police, or have had direct contact with one or more of the other services to be provided by the new government unit ~~Department~~. The Director of ~~Department of~~ Community Prevention, Health, and Safety government unit ~~and Violence Prevention~~ shall serve as liaison to the Commission and with collaboration of all related city governmental units (i.e. police, recreation, fire, community development, etc.).

~~The City Council may appoint City staff to serve as liaisons to the committee, but no City staff member will have a vote on the committee.~~ The Commission ~~committee~~ will review and make recommendations regarding the policing response to ~~recent~~ protests; review the current collective bargaining agreement between the City and the Police Department and make recommendations prior to the renegotiation of the agreement ~~and before its final approval~~; recommend the City Council create a separate and permanent civilian oversight committee for the new Government Unit ~~Department~~; review Chapter 19 of the City Code and make recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees; and periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health and safety in the City.

6. Use of Force. The City will review and update its policies, practices and training to more appropriately regulate the use of force by its aimed law enforcement officers including, for

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example, by requiring de-escalation, exhaustion of reasonable alternatives before using deadly force, prohibitions on using deadly force in certain situations including firing upon moving vehicles, prohibiting certain uses of force or other policing tactics during First Amendment protests and assemblies, and additional revisions as needed.

7. Citation and Summons for Low Level Offenses. To immediately prevent any further harm and to better protect the peace and safety of all City residents while this Act is being fully implemented, the City Council directs the City Manager to implement forthwith a citywide "citation and summons" policy requiring officers to issue citations only, and prohibiting custodial arrests or consent searches of persons or vehicles, for any non-moving traffic infraction, non-felony offense, or non-felony warrant, unless otherwise required by law, and the Implementation Committee will make recommendations regarding making these policy changes permanent and/or modifying them as needed, including by appropriate changes in ordinance, practices or policies.

8. Implementation Committee. The City will create a Community Safety and Violence Prevention Implementation Committee ("Implementation Committee"), including residents from the City and other local, state and national expe1ts in public health-oriented approaches to community safety, to be chaired by the Mayor, and with members recommended by the Mayor and confirmed by the City Council, that will propose amendments, ordinances, resolutions, policies, guidelines or other recommendations for the review, adoption and/or implementation by City Council or City staff, as appropriate, that would fully implement the will and intent of City Council as expressed in this Act. The City Council may appoint City staff to serve as liaisons to the Implementation Committee, but City staff shall not have a

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vote on the committee. The Implementation Committee shall provide its recommendations directly to the City Council.

9. Community Involvement. The Implementation Committee will ensure the community has the opportunity to review and comment upon the all implementation plans, including by making periodic progress reports in open City Council meetings monthly, or more frequently upon the Council's request; that the Community Health, Safety and Violence Prevention Commission is empowered to assist the City in exploring external sources of funding to implement the Act. ~~that the Implementation Committee is empowered to explore external sources of funding to implement the Act~~ and that the City may retain additional counsel, temporary staff, and consultants as reasonable and necessary to enable the Implementation Committee to complete its work; and the Implementation Committee will present recommendations to City Council for initial consideration not later than 180 days from the date of this Act.

10. Implementation and Staff Support. The directives contained in this Act shall be carded out in compliance with the law and the City Charter. The City Attorney, City Manager, Chief of Police and other City personnel are authorized and directed to provide all necessary assistance and support to all committees created pursuant to this Act, including by supplying the committees with any and all data necessary to perform their duties, including confidential or private data as requested with appropriate protections, and budgetary, staffing or other information, and assisting with the crafting of amendments, ordinances, or policies as requested by the Implementation Committee.

This Act authorizes, to the greatest extent possible, the implementation of the measures

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identified herein without further policy approvals from the City Council. To the extent additional approvals are needed, or legal barriers are identified, in the implementation of these measures or the recommendations of the Implementation Committee, the City Manager or City Attorney are directed to bring those issues to the City Council's attention for further direction or action as needed.

_____
Mayor

_____
Date

ATTEST:_____
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

whereupon said resolution was declared duly passed and adopted.

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CITY COUNCIL MEETING
City Hall Council Chambers
August 12, 2024

AGENDA

1. Call to Order - 7:00 p.m.

Attendees please turn off cell phones and pages during the meeting. A copy of the full meeting packet is available in the binder at the entrance to the Council Chambers.

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

This is an opportunity for the public to address the City Council on items that are not on the agenda. It is limited to 15 minutes. It may not be used to make personal attacks, air personality grievances, make political endorsements, or for political campaign purposes. Council Members will not enter into a dialogue with the presenter. Questions from the Council will be for clarification purposes only. It will not be used as a time for problem-solving or reacting to the comments made but for hearing the presenter for informational purposes only.

The first call will be for those that have notified the Clerk that they would like to speak during the open forum and then ask if anyone connected to this meeting would like to speak. When called upon, please indicate your name and then proceed. Please be sure to state your name before speaking.

a. Meeting Decorum

5. Invocation - Graves

6. Approval of Agenda and Consent Agenda

These items are considered to be routine by the City Council and will be enacted by one motion. There isn't a separate discussion for these items unless a Councilmember so requests, then it is moved to the end of the Council Consideration Items.

a. Approval of Minutes

- Motion to approve meeting minutes

- *7/22/24 Study Session*
- *7/22/24 Regular Session*
- *7/22/24 Work Session*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. An Ordinance Amending the City's Zoning Map to Remove the Real Property Located at 6440 James Circle North from the Planned Unit Development/Business Mixed-Use (PUD/MX-B) District and Rezoning the

Property to Business Mixed-Use (MX-B) District - 2nd Reading

Motion to adopt an ordinance re-zoning of certain property located at 6440 James Circle North from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, based on the findings of fact and submitted documentation as provided under Planning Commission Application No. 2024-010.

d. Resolution Acknowledging Awarded Funds from a Local Area Business and Authorizing Acceptance of Grant Funds

e. Resolution Authorizing Retroactive Approval of a Joint Powers Agreement with Hennepin County for Assessing Services

- Motion to approve a resolution authorizing retroactive approval of a joint powers agreement with Hennepin County for assessing services

7. Presentations/Proclamations/Recognitions/Donations

a. Brooklyn Center Opioid Crisis Response Plan

- motion to accept the presentation

8. Public Hearings

9. Planning Commission Items

10. Council Consideration Items

a. Ordinance Amendments to Chapter 12 Adding Property Maintenance Requirements and Amending the Commercial Vehicle Storage Language in Chapter 19

- Motion to approve an ordinance amending Chapter 12 and Chapter 19-103.12 of the City Code of Ordinances regarding property maintenance standards and public nuisances. (first reading)

11. Council Report

12. Adjournment

COUNCIL MEETING DECORUM

To ensure meetings are conducted in a professional and courteous manner which enables the orderly conduct of business, all persons in attendance or who participate in such meetings shall conduct themselves in a manner that does not interfere with the ability of others to observe and, when allowed, to participate without disruption or fear of intimidation.

A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:

(1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.

(2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.

(3) All elected officials shall be referred to by their proper title and surname.

(4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.

(5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.

(6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.

(7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.

B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.

C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Dr. Reggie Edwards, City Manager
BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
  - *7/22/24 Study Session*
  - *7/22/24 Regular Session*
  - *7/22/24 Work Session*

Background:

In accordance with Minnesota State Statute 15.17, the official records of all meetings must be documented and approved by the governing body.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
7.22 Study Session	8/6/2024	Backup Material
7.22 Regular Session	8/6/2024	Backup Material
7.22 Work Session	8/6/2024	Backup Material

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

STUDY SESSION
JULY 22, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Pro Tem Kris Lawrence-Anderson at 6:07 p.m.

ROLL CALL

Mayor Pro Tem Kris Lawrence-Anderson and Councilmembers Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent and excused. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

COUNCIL MISCELLANEOUS DISCUSSION ITEMS

Councilmember Jerzak stated he would like to move Consent Agenda Item 6f. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries to become Council Consideration Item 10a. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries on the Regular Session. There was no objection from the Council.

Councilmember Jerzak pointed out he has a number of letters he would like to read into the record. He asked if there are specific procedures to obtain a permit for an event in the park, noted many of the concerns he has received are regarding park happenings.

City Manager Reggie Edwards noted there is a minor change to the Ordinance in Consent Agenda Item 6c. Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/ Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd Reading. The effective date should be July 25, 2025.

Councilmember Jerzak asked if it is appropriate to address the TransformCo matter in the Study Session or to leave it on the Consent Agenda. Dr. Edwards stated the Council can move the item if they desire. It is on consent because the Council has already discussed it.

Councilmember Butler stated she supports the Staff recommendation and the applicant is not likely to be present at the meeting. Councilmember Jerzak agreed he supports the recommendation from

Staff and the earlier vote on the matter.

Councilmember Jerzak reiterated he has received two of complaints from constituents. He read them into the record. The first was from Jill Fahey dated July 22, 2024. The writer expressed frustration from the repeated parties held at Northport Park. There is loud music, increased traffic, increased parked cars, loitering, and ample trash. Some folks feel unsafe bringing their families to the park because of the needles and other garbage. She and her neighbors are uncomfortable in their own neighborhoods.

Councilmember Jerzak's second letter was from Alexander Koenig dated July 22, 2024. The writer expressed frustration with the unpermitted events at Northport Park. They received a letter from Parks and Recreation Director Cordell Wiseman summarized efforts Staff is taking to handle the gatherings. The events have resulted in traffic congestion, inability to drive in certain areas of the neighborhood, excessively loud music, and general disturbances to the quality of life in the neighborhood. He implored the Council address the issue and restore the parks to their original purpose.

Councilmember Jerzak's third letter was from Steve Fix dated July 22, 2024. The letter shared examples of families keeping their children out of the park due to the trash resulting from the events.

Councilmember Jerzak pointed out Mr. Wiseman sent an email to constituents on the matter outlining the actions planned by Staff to counteract park gatherings.

Mayor Pro Tem Lawrence-Anderson stated the neighborhood and its residents deserve a quiet park. There needs to be a change to the events process or enforcement efforts because it isn't working. The events seem to be happening every weekend.

Councilmember Jerzak noted events have a specific application process. He asked how a park event would differ from other events. He asked why the amphitheater is not utilized as much as Northport. The complaints have been coming in for well over one year. The parks need to be open to and utilized by people.

Councilmember Butler asked if the events are going through the permitting process.

Dr. Edwards offered to schedule a presentation to the Council detailing the efforts made by Staff to address events in the parks. The recent event was a permitted gathering for a funeral function. Certain conditions were not complied with, so Staff went to shut down the event. After Staff left, the event restarted. Again, Staff returned to the event to shut down the event. Staff has considered increasing the cost for an event permit which would result in the deposit being forfeited should the conditions be violated. Staff is also considering requiring events with amplified sound be held at the amphitheater or limiting the number of folks allowed at an event.

Councilmember Butler requested the presentation include information about what Staff can do

legally to address the issues. The City must avoid penalizing proper park use.

Councilmember Jerzak asked why the Council should allow Staff two weeks to return with the presentation. He suggested the event permit approval process be paused in the interim. The neighborhood needs to be respected.

Dr. Edwards requested permission from the Council for Staff to take immediate action to handle the events and report back to the Council at the next Council meeting. A moratorium may negatively impact folks who are following the rules.

Mayor Pro Tem Lawrence-Anderson suggested signage be added to the park stating the rules of music and other noise limits. She asked Dr. Edwards to follow up with those who wrote to Councilmember Jerzak.

Mayor Pro Tem Lawrence-Anderson noted paragraph two of the Study Session minutes from July 8, 2024 needs to be edited. The text implies she wanted the contract with the Sun Post be pulled, but she would prefer the City Attorney review the contract. She requested the item be pulled from the Consent Agenda on the Regular Session. There was no objection from the Council.

Mayor Pro Tem Lawrence-Anderson asked if Dr. Edwards wanted to pull Consent Agenda Item 6c. Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/ Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd Reading from the agenda. Dr. Edwards stated Staff is requesting a minor amendment to establish the effective date as July 25, 2025 within the ordinance.

Councilmember Jerzak requested there be photos or videos included in the presentation to Staff regarding park events. Other relevant information would be the number of 911 calls, the dimensions of the tents, and the like. Dr. Edwards confirmed Staff would include images.

Councilmember Jerzak added the Council has received multiple complaints from Sonder Point Apartments. He asked if Staff has reached out to residents to explain the limited power the City has to address rate changes or improper management. There are other options and resources the City could provide to the renters. He asked if Sonder Point was the vision of affordable housing.

Mayor Pro Tem Lawrence-Anderson asked if Staff received the letters. Dr. Edwards stated he hasn't personally read the letter just mentioned by Councilmember Jerzak. He will check with Staff to see if anyone has responded to Sonder Point renters.

Councilmember Jerzak pointed out it is frustrating for constituents to reach out to the City for help without receiving a response.

CITY MANAGER MISCELLANEOUS DISCUSSION ITEMS

Dr. Edwards noted there are a couple of Airbnbs operating within Brooklyn Center. Brooklyn Center doesn't currently have any rules regarding taxation of Airbnbs. He asked if Council would be interested in a presentation on the matter.

Mayor Pro Tem Lawrence-Anderson stated the issue was first brought up a few years ago by a community member. She stated she would like a presentation from Staff.

Councilmember Jerzak pointed out he dealt with a similar issue during his time working in enforcement. He stated he would like a presentation on the topic.

Councilmember Kragness agreed she would like a Staff presentation.

Dr. Edwards added National Night Out is August 6, 2024. More information will be in the weekly email sent out to Council.

ADJOURNMENT

Mayor Pro Tem Lawrence-Anderson closed the Study Session at 6:43 p.m.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF BROOKLYN CENTER IN THE COUNTY
OF HENNEPIN AND THE STATE OF MINNESOTA

REGULAR SESSION
JULY 22, 2024
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center City Council was called to order by Mayor Pro Tem Kris Lawrence-Anderson at 7:00 p.m.

2. ROLL CALL

Mayor Pro Tem Kris Lawrence-Anderson and Councilmembers Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor Graves was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Jesse Anderson, Associate Planner Krystin Eldridge, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor Pro Tem Lawrence-Anderson and the Councilmembers reviewed the meeting decorum.

Councilmember Kragness moved, and Councilmember Jerzak seconded to open the Informal Open Forum at 7:02 p.m.

Patrick Lindmark, attorney with Taft Stettinius & Hollister and representative of Transform Co, requested the Council table Consent Agenda Item 6c. Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd reading and reschedule it for a Work Session which would allow the property owner to provide a presentation to the Council.

Mayor Pro Tem Lawrence-Anderson stated the item is on the agenda. Therefore, it cannot be discussed in the Informal Open Forum.

Kevin S. asked if there is a clear definition of which trees belong to the City. There are several dead trees around Brooklyn Center, and it is unsafe. Mayor Pro Tem Lawrence-Anderson suggested Kevin S. speak with the Public Works Director.

Mayor Pro Tem Lawrence-Anderson agreed there should be more communication regarding the dead trees. She asked if tree-trimming businesses need to be licensed with the City. Staff confirmed the trimmers need to be licensed.

Dr. Edwards stated that information will be updated in the coming newsletter. However, Staff will determine other ideas to enhance communication regarding trees.

Councilmember Jerzak moved, and Councilmember Kragness seconded to close the Informal Open Forum at 7:07 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Kragness read a poem by Sharon Simani, "A strong woman works out every day to keep her body in shape, but a woman of strength kneels in prayer to keep her soul in shape. A strong woman isn't afraid of anything, but a woman of strength shows courage in the midst of her fear. A strong woman won't let anyone get the best of her, but a woman of strength gives the best in what she does. A strong woman makes mistakes and avoids the same in the future, but a woman of strength realizes life's mistakes can also be God's blessings and capitalizes on them. A strong woman walks sure footedly, but a woman of strength also knows God will catch her when she falls. A strong woman wears the look of confidence on her face, but a woman of strength wears grace. A strong woman has faith that she is strong enough for the journey, but a woman of strength has faith that it is in the journey that she will become strong."

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Pro Tem Lawrence-Anderson noted a discussion regarding the July 8 Study Session. The item is to be pulled from the Consent Agenda.

Councilmember Kragness suggested the minutes be changed rather than pulled. The Council agreed to the suggestion.

Mayor Pro Tem Lawrence-Anderson added another correction to the minutes to change the date in the Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/ Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd Reading.

Mayor Pro Tem Lawrence-Anderson noted Consent Agenda Item 6f. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries would be moved to become Council Consideration Item 10a—resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries.

Councilmember Jerzak moved and Councilmember Kragness seconded to approve the Agenda and Consent Agenda, as amended, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. July 8, 2024 – Study Session
2. July 8, 2024 – Regular Session

6b. LICENSES

MECHANICAL

Comfort Makers Mechanical, Inc.	7018 Knox Avenue N Brooklyn Center 55430
MN Plumbing and Home Services	21017 Heron Way, #105 Lakeville 55044
Optimal Heating and Cooling LLC	5912Washburn Avenue N Brooklyn Center 55430

RENTAL

INITIAL (TYPE IV – six-month license)

3708 66th Avenue N	Maxima Martinez Perez

RENEWAL (TYPE IV – six-month license)

1507 Humboldt Place N	Kyan Lum Hui
5849 Colfax Avenue N	Bay Street Homes, LLC
6831 Drew Avenue N	David A Gardner

RENEWAL (TYPE III – one-year license)

4216 Lakebreeze Avenue N	LAKE BREEZE HOLDINGS LLC
5211 Xerxes Avenue N	Bmw Holdings Llc
6220 France Avenue N	Ewing Square Acquistion Partners
2006 55th Avenue N	PEDRAM NASTAEAN
5350 71st Circle	786 Homes-m50 Llc
6900 Regent Avenue N	Houa Her & Neng Thao
7212 Emerson Avenue N	SFR ACQUISITIONS 3 LLC

RENEWAL (TYPE II – two-year license)

7256 Unity Avenue N	Unity Limited Partnership
3019 Mumford Road	Mlmjr Properties & Inves Llc
6400 Orchard Avenue N	Ih3 Property Minnesota Lp

RENEWAL (TYPE I – three-year license)

5115 Twin Lake Boulevard E	Ruth E Cioni
5834 Fremont Avenue N	GOLDSMITH KACZMARSKI LIV TR
7025 Newton Avenue N	Stephen & Michelle Branham

SIGNHANGER

Creative Color, Inc.	9635 Girard Avenue S Minneapolis 55431

6c. ORDINANCE NO. 2024-07; REGARDING PLANNING COMMISSION APPLICATION NO. 2024-009 FOR CONSIDERATION OF AN ORDINANCE REZONING OF 1297 SHINGLE CREEK CROSSING FROM PLANNED UNIT DEVELOPMENT/BUSINESS MIXED-USE (PUD/MX-B) DISTRICT TO TRANSIT-ORIENTED DEVELOPMENT (TOD) DISTRICT - 2ND READING

6d. RESOLUTION NO: 2024-78; IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR CAPI

6e. RESOLUTION NO: 2024-79; IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR NEW GENERATIONS LLC- VETERANS HOUSING

~~**6f. RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR RESURRECTING FAITH WORLD MINISTRIES**~~

6g. RESOLUTION NO: 2024-81; ACCEPTING THE MN DEPARTMENT OF TRANSPORTATION GRANT FOR IIJA GRANTS TECHNICAL ASSISTANCE

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

None.

8. PUBLIC HEARINGS

8a. AN ORDINANCE 2024-03; AMENDING THE MAYOR AND COUNCIL SALARIES FOR 2025 AND 2026 (SECOND READING)

Councilmember Kragness moved and Councilmember Jerzak seconded to open the Public Hearing.

Motion passed unanimously.

Dr. Edwards explained the salary increase is for the years 2023 and 2024, the salary increase for Mayor and Council did not go into effect due to a timing error. The salaries for 2025 and 2026 were based off the original 2023 and 2024 amounts. The increase is three percent for each year.

No one appeared to address this item.

Councilmember Butler moved and Councilmember Kragness seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Kragness moved and Councilmember Butler seconded to adopt ORDINANCE 2024-06 amending the salaries for Mayor and City Council for 2025 and 2026.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO: 2024-80; REGARDING PLANNING COMMISSION APPLICATION NO. 2024-010, SUBMITTED BY LOEHRER ACQUISITIONS, LLC FOR THE FIRST READING OF AN ORDINANCE REZONING AND ISSUANCE OF A CONDITIONAL USE PERMIT FOR A LOS CAMPEONES GYM (6440 JAMES CIRCLE NORTH)

Dr. Edwards introduced the item and invited Associate Planner Krystin Eldridge to continue the presentation.

Associate Planner Kristyn Eldridge explained the applicant is requesting approval of a conditional use permit (CUP) that would allow for a new Los Campeones gym location at 6440 James Circle North. The property was formerly home to the AMF Earle Brown Lanes as well as a restaurant and bar, which abruptly closed in 2015. It was later purchased by current Property Owner, ODAA Center LLC, in 2017 and went before the City's Planning Commission and City Council for two

different proposals. A proposal to convert the property into an approximately 64,000-square foot light industrial development was approved by Council in 2021, and prior to that, an event center. She showed photos of the site.

Ms. Eldridge noted the 35,000 square foot building was originally approved for and constructed in 1978 for use as the bowling alley with restaurant. The approval of the permits allowed for live entertainment and a bowling alley in what was then zoned I1. This allowed for the property to function as a bowling alley, restaurant, and recreational facility. Additional Planning Commission applications were subsequently approved by the City over the years including expansion of the lounge area and exterior remodeling in 1982, an addition to the café for new cooler storage, service area, and waiting room in 1987, and requests to build a temporary outdoor patio and outdoor sand volleyball courts in 1991.

Ms. Eldridge stated prior to the current application, the property had been proposed for re-use as an event center in 2018 and 2019 then a 64,000 square foot speculative light industrial redevelopment in 2021. Benjamin Loehrer of Loehrer Acquisitions, LLC and broker Mike Fidler reached out to the City in May 2024 regarding plans to purchase the property for a new Los Campeones gym. The closing was initially anticipated for June. However, Staff informed the applicant that a conditional use permit would be required for the use.

Ms. Eldridge pointed out Staff has been in communication with the applicant's architect and contractor regarding the existing site conditions including the building's exterior, landscaping, site lighting, and parking lot. The site has been subject to deterioration and vandalism as it has not been in operation since 2015. The applicant has already factored in renovation costs to re-open the building for an indoor recreation use and obtain a new certificate of occupancy.

Ms. Eldridge noted the submitted application is not requested new site and building plan approvals. However, the applicant did provide preliminary architectural plans, site plan with landscaping, and photometric plans to support conditional use permit request.

Ms. Eldridge stated the property was rezoned to Planned Unit Development/Business Mixed Use (PUD/MX-B) in 2021 as a matter of timing, as the current property owner, ODAA Center, LLC had applied for redevelopment of the property. As this use is no longer being proposed, a rezoning is requested to remove the PUD.

Ms. Eldridge stated in reviewing requests for ordinance amendments, certain amendment criteria shall be considered as outlined under Section 35-71304. The Planning Commission and City Council shall review the necessary submittal requirements, facts, circumstances of the proposed amendments, and make a recommendation and decision on the amendment based on, but not limited to, consideration of certain criteria and policies.

Ms. Eldridge explained the criteria include whether there is a clear and public need or benefit, whether the proposed amendment is consistent with and compatible with surrounding land use classifications, whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property, whether there have been substantial physical or zoning

classification changes in the area since the subject property was zoned, whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals, whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts, whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location, whether the rezoning will result in the expansion of a zoning district, whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel, the specific policies and recommendations of the Comprehensive Plan and other City plans, the purpose and intent of the UDO, and the adequacy to buffer or transition between potentially incompatible districts.

Ms. Eldridge noted although light industrial uses are now permitted within the City's Business Mixed-Use District as of 2023, the District had not yet been formally adopted as a district. The City's 2040 Comprehensive Plan adopted in 2019 future guided the property as Business Mixed Use (B-MU).

Ms. Eldridge stated Staff ultimately considers the requested rezoning to be more of an administrative clean-up to the property as the underlying zoning will remain the same. As the subject property is not contemplated for redevelopment and there is no request from the applicant for certain flexibilities to be granted, Staff determined the PUD no longer served a purpose.

Ms. Eldridge stated the requested rezoning is intended to remove a restriction on the property that only permits a use of the aforementioned light industrial building. Removing the PUD designation frees the property for any use within the Business Mixed Use District.

Ms. Eldridge stated the applicant indicated a desire to expand to the subject property for its sense of community and noted its gym offers a safe and friendly environment for people of all fitness levels to feel motivated and encouraged. The hours of operation will be 5:00 a.m. to 11:00 p.m. Monday to Friday and 7:00 a.m. to 7:00 p.m. on Saturday and Sunday. There will be two to five staff members on duty. Additionally, there is a potential for 15 to 20 personal trainers, coaches, and physical therapists to be on-site. During peak hours, which is 6:00 a.m. to 8:00 a.m. and 5:00 p.m. to 8:00 p.m., there are approximately 100 members per hour. They anticipate 3,000 members at the Brooklyn Center location, and it would be their largest location.

Ms. Eldridge pointed out Staff has been in contact with the applicant to address existing non-confirmities and addressing the conditional use permit criteria. There are no alterations to the site plan other than to seal coat and re-stripe. The indoor recreation use requires a minimum of 133 parking spaces. As proposed, there are 286 existing spaces.

Ms. Eldridge added the applicant provided draft landscape plans to address missing landscaping, but Staff will require revisions. A photometric plan was provided with lighting specifications for new wall sconces and replacement of parking lot heads. Lighting is currently non-functional. There are plans to paint the building black with red accents. Signage will be addressed separately.

Ms. Eldridge showed proposed elevations, site plans, landscaping plans, and photometric plans.

Ms. Eldridge noted the establishment, maintenance, or operation of the conditional use must promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort of other establishments. Similarly, the conditional use cannot not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Ms. Eldridge added the CUP requires the use will not impede on the normal and orderly development and improvement of surrounding property for uses permitted in the district. Adequate measures will have to be taken to provide ingress, egress, and parking to minimize traffic congestion in the streets. Impacts such as noise, hours of activity, and exterior light must be sufficiently addressed to mitigate negative impacts on nearby uses. Lastly, the conditional use must confirm to applicable regulations of the district.

Ms. Eldridge pointed out a public hearing notice was published in the Brooklyn Center *Sun Post* on June 27, 2024. Notifications were mailed to those physical addresses and property owners located within a 350-foot radius of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website.

Ms. Eldridge stated the Planning Commission held a public hearing at their July 11, 2024 meeting. One neighboring owner, Simone Chambliss of Jambo Africa, showed support for the use. The Commissioners asked questions regarding number of gym members, use of other locations, specifics of the gym location, recent closures, issues with safety given hours of operation. The Planning Commission expressed general support for the requests and recommended unanimous approval (4-0). Since the Planning Commission met, Staff received new signage proposals and is anticipating revised landscaping plans.

Councilmember Jerzak expressed his excitement for a new use of the vacant building. The site has been a blight for a number of years.

Benjamin Loehrer, owner of Los Campeones, explained he took over the business in 2010 and turned it around. It will be the seventh building he has purchased for the gym use. He hopes it will be a positive impact on the neighborhood. Los Campeones is more of an old-school style. There are a lot more weights than other gyms. There aren't pools, saunas, and basketball courts. It is very simple. A soft opening is anticipated for October, but there will be a grand opening in the spring.

Councilmember Jerzak moved and Councilmember Kragness seconded to approve ORDINANCE 2024-08, a first reading regarding the adoption of an ordinance re-zoning of certain property located at 6440 James Circle North and as contemplated under Planning Commission Application No. 2024-010 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and set the second reading to August 12, 2024.

Motion passed unanimously.

Councilmember Jerzak moved and Councilmember Kragness seconded to approve Resolution 2024-82; Planning Commission Application No. 2024-010 for issuance of a conditional use permit to operate a Los Campeones gym at 6440 James Circle North, based on the findings of fact and submitted documentation.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2024-81 IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING FOR RESURRECTING FAITH WORLD MINISTRIES

Councilmember Jerzak explained he has questions regarding the memo dated June 28, 2024. It was noted options would need to be presented to the Council. Staff has applied for a number of grants to assist Alatus in affording their portion of the project. However, it is clear the number will not be met. Staff proposed an exchange of land to Alatus, but they were opposed based on the future marketability of the site.

Councilmember Jerzak noted there was a clear consensus from the Council that the City is uninterested in subsidizing the infrastructure, but the memo indicates otherwise. The Council hasn't had a recent opportunity to determine the feasibility of the project. The Council has remained supportive of market-rate housing. He asked how Resurrecting Faith World Ministries would succeed without Project for Pride in Living.

Community Development Director Jesse Anderson stated the application is by Resurrecting Faith World Ministries for their daycare and a few other things. Resurrecting Faith would be unable to move forward without Alatus. The grant is not for infrastructure.

Councilmember Jerzak stated he doesn't want to expend Staff resources and time on projects that aren't likely to happen. The City hasn't heard directly from Alatus. It is uncomfortable to pursue more funds without knowing if the project itself will move forward.

Mayor Pro Tem Lawrence-Anderson noted her agreement with Councilmember Jerzak. She stated she doesn't want to vote on the item until there is an update from Alatus. The City has been working with Alatus since 2018. At some point the project needs to be revisited.

Mr. Anderson stated Resurrecting Faith World Ministries made the request as they would need City support to move forward with the grant application. It is a reimbursement grant.

Councilmember Butler stated there is no reason not to approve the request. Councilmember Kragness noted her agreement with Councilmember Butler.

Mr. Anderson pointed out Staff speaks with Alatus weekly, and they are constantly working to find a solution.

Councilmember Jerzak stated Alatus has not followed through with their portion of the project, and they are still trying to influence other aspects of the development. Also, the funds could be used by another City that is actually ready to move forward.

Mayor Pro Tem Lawrence-Anderson asked if Resurrecting Faith World Ministries has the financial capability to move forward should the infrastructure be built out without relying on taxpayer dollars. She asked where the money would go should Alatus drop out. Mr. Anderson stated Resurrecting Faith may be able to move forward with a different developer. The grant would expire after a period of time if it remains unused.

Councilmember Jerzak asked if there is an expiration date on the project. Mr. Anderson stated the grant in question expires in three years.

Councilmember Jerzak asked if the property could sit for three years without any progress. Mr. Anderson stated the grant doesn't require Alatus be the developer. The grant wouldn't tie up other efforts on the project.

Councilmember Kragness stated it is admirable for Resurrecting Faith World Ministries to continue pursuing their project.

Councilmember Jerzak asked if the grant would obligate the City to allow Resurrecting Faith to develop their building. Mr. Anderson stated the grant would not tie the hands of the City in any way.

Mayor Pro Tem Lawrence-Anderson added Mayor Graves would also likely be in support of the grant.

Councilmember Kragness moved and Councilmember Butler seconded to adopt the RESOLUTION identifying the need for Livable Communities Demonstration Account (LCDA) funding and authorizing the submission of application for grant funds.

Motion passed unanimously.

11. COUNCIL REPORT

Mayor Pro Tem Lawrence-Anderson reported on her attendance at the following and provided information on the following upcoming events:

- Noted Friday, October 18, 2024 will be Random Acts of Kindness Day. She requested the Council provide feedback on the happenings.
- Added Night to Unite is August 6, 2024.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Jerzak seconded adjournment of the City Council meeting at 8:02 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
THE STATE OF MINNESOTA

WORK SESSION
JULY 22, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Pro Tem Kris Lawrence-Anderson at 8:03 p.m.

ROLL CALL

Mayor/President Pro Tem Kris Lawrence-Anderson and Councilmembers/Commissioners Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Mayor/President April Graves was absent and excused. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suciu, Deputy City Clerk Shannon Pettit, Public Works Planner Kory Andersen Wagner, and City Attorney Siobhan Tolar.

ACTIVE DISCUSSION ITEMS

2024 PARK CAPITAL INVESTMENT PLAN – UPDATE AND DOG PARK PROJECT

City Manager Reggie Edwards introduced the item and invited Public Works Planner Kory Andersen Wagner to continue the Staff presentation.

Mr. Andersen Wagner noted there are two parts of the presentation. First it is an update on the Park Capital Investment Plan and then a discussion regarding the Dog Park project. The 2024 Park Capital Investment plan will guide park improvements, improve multimodal access to parks, identify resident priorities, identify park deficiencies and strengths, optimize maintenance, and develop funding strategies.

Mr. Andersen Wagner showed a timeline of the 12-month process. The current step is community engagement. So far there has been an online survey, neighborhood meetings, a stakeholder meeting, engagement at major events, and an internal workshop. There are two more neighborhood meetings and a Youth in the Park event scheduled.

Mr. Andersen Wagner stated the survey received 286 responses, 85 percent of which reside in Brooklyn Center. Around 20 percent of responses were in each cohort of ages 34 to 44 and those under 19. 53.5 percent of responders were white, 16.4 percent of responders were Black, and 12 percent refused to answer.

Mr. Andersen Wagner stated the survey results showed the most used park and trail system amenities were paving walking and bike trails, playgrounds, and hiking trails. The barriers cited include not feeling safe, being unaware of what is available, and poor amenity maintenance. Staff is taking on strategies to address the feeling of safety in parks and trails.

Mr. Andersen Wagner stated the survey showed a desire for more playground facilities or playground improvements, expanded access to water, better trash management, an expanded trail network, and interactive water play features.

Mr. Andersen Wagner noted Staff participated in a Design Charette Workshop. It was determined 97 percent of Brooklyn Center residents live within a ten-minute walk of a City park. Seasonal flooding limits park use. There is hope to identify grant opportunities to remediate these issues and improve park amenities at the same time.

Mr. Andersen Wagner pointed out the engagement will wrap-up in August. From there, they will share a draft plan and receive feedback from residents. An update will be presented to the Council/EDA in fall with a final plan and adoption request in early 2025.

Mr. Andersen Wagner explained the dog park site criteria was developed by Parks and Recreation, Public Works, and Community Development Departments. Staff identified 16 criteria for dog park best practices such as existing off-street parking, space greater than one-quarter acre, existing or adjacent drinking water connection, more than one mile from Minneapolis or Brooklyn Park dog parks, does not impede other agencies from accessing their assets, a location that has some natural amenities to support the dog park, at least some tree cover on-site, and no history of consistent flooding.

Mr. Andersen Wagner noted 26 locations were evaluated. Sites that met a majority of the criteria advanced to further internal security. Northport Park was identified as a successful location because it has parking, has water, is distant from other dog parks, is large, has existing shade, and has minimal impact on current use. The concerns are proximity to houses and Northport Elementary. There is a natural barrier in a pond between the site and houses. The school is fenced and nearly 500 feet from the site.

Mr. Andersen Wagner stated a postcard was sent to every resident within a ten-minute walk of Northport Park with survey information. May 2, 2024 there was a Northport Neighborhood Meeting where in-person engagement was completed.

Mr. Andersen Wagner noted 58 percent of online survey respondents indicated they would not use the dog park at Northport. 65 percent of comments opposed a dog park in the City and 68 percent opposed one at Northport. Mr. Andersen Wagner pointed out the in-person engagement showed support or indifference to the Northport dog park. Any concerns were alleviated once Staff clarified the location of the dog park.

Mr. Andersen Wagner explained the Council/EDA has four options to consider. First, Northport Dog Park would be constructed in 2026 with an estimated cost of $185,000 with new annual

maintenance of $15,000 and an additional 1.5 hours of Staff time weekly. It follows best practices, but there is mixed public support.

Mr. Andersen Wagner stated the second option is the Kylawn Park Hockey Rink. Construction could begin in 2025. The estimated cost is $10,000 with new annual maintenance of $3,000 and an additional 1.25 hours of weekly Staff time. The model is similar to one employed in New Hope. The positives are the existing parking and water fountain along with the low price. Cons are that size standards are barely met, there is no barrier for small and large dogs, it is an exposed area, it can get muddy quickly, there are no amenities, it is seasonal, and no specific public engagement has been conducted.

Mr. Andersen Wagner pointed out the third option is to wait for the Park Capital Investment Plan. While the option would delay construction, it would also spend City resources on the priorities of the residents.

Mr. Andersen Wagner added the final option is to build Northport Dog Park in 2025. The cost would be $175,000 with annual maintenance of $15,000 and an additional 1.5 hours of Staff time weekly. It would be a best practice dog park on a sped-up construction timeline. However, the option adds pressure to building maintenance backlog and pushes back the West Fire Station roof, Police Station roof, and Police Station HVAC system projects.

Councilmember/Commissioner Jerzak noted he is a big supporter of a dog park, but the timing isn't appropriate. Other local concerns need to be addressed prior to building a dog park. There seems to be a high amount of opposition within the Northport neighborhood. Additionally, the other building maintenance projects cannot be put off. He thanked Staff for their work on the item. He stated he would prefer more data and input from the community to ensure the desires of the residents are being met first and foremost.

Councilmember/Commissioner Butler stated she has not been in favor of pushing a dog park in front of other City projects. There is a lack of community support. Her preferred option would be waiting for the Park Capital Investment Plan.

Councilmember/Commissioner Kragness explained she supported the effort initially because of other Councilmembers' interest. However, she doesn't support spending $185,000 on a dog park. Because it is a priority of the Council/EDA and Staff has put in immense effort and research, she stated the Kylawn Park Hockey Rink is the best option. Waiting for a dog park could also increase the project costs.

Mayor/President Pro Tem Kris Lawrence-Anderson pointed out she initially pushed for the dog park. She noted West Centennial Park was considered. Northport has been through a lot, and they do not need a project like this in their area right now. She asked how many openings there are in the hockey rink. Mr. Andersen Wagner stated there is a pedestrian entrance and a vehicle entrance, both of which would require a gate being entered.

Mayor/President Pro Tem Lawrence-Anderson asked if a divider could be added in the middle to separate dogs. Mr. Andersen Wagner stated the space is likely too small for a barrier. New Hope doesn't use a barrier in their model.

Mayor/President Pro Tem Lawrence-Anderson stated $175,000 or $185,000 is not justifiable. Also, the roof and HVAC projects cannot be pushed off. She thanked Staff for their work. The data is helpful and the engagement was not a waste of time.

Councilmember/Commissioner Butler pointed out while the dog park may have been a priority of the Council, the data shows the majority of residents do not support a dog park in the City. Additionally, the Council/EDA has opposed starting new programs.

Councilmember/Commissioner Jerzak agreed the data should impact the Council's priorities. Mayor/President Pro Tem Lawrence-Anderson noted her agreement as well.

Mayor/President Pro Tem Lawrence-Anderson stated she would prefer to wait until the Park Capital Investment Plan is complete. West Centennial Park should receive additional consideration for a dog park.

It was the consensus of the Council/EDA to wait for the Park Capital Investment Plan is complete.

Dr. Edwards pointed out this was Mr. Andersen Wagner's first presentation to the Council/EDA.

PENDING LIST FOR FUTURE WORK SESSIONS
UPCOMING ITEMS

- Memorial Policy
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November)*
- Opioid Settlement - 8/12
- ARPA Funds - 8/12
- Grants: Revenues & Expenses
- Purchasing Policy
- Planning Application Process
- Commission Members
- Property Tax - 8/26
- 6500 Camdon - EDA Lot
- Admiral Lane
- Special Planning Commission Worksession

ADJOURNMENT

Councilmember/Commissioner Jerzak moved and Councilmember/Commissioner Kragness seconded adjournment of the City Council/Economic Development Authority Work Session at 8:40 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Barb Suciu, Assistant City Manager/City Clerk
BY: Shannon Pettit, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

The following businesses/persons have applied for City licenses as noted. Each business/person has fulfilled the requirements of the City Ordinance governing respective licenses, submitted appropriate applications, and paid proper fees. Applicants for rental dwelling licenses are in compliance with Chapter 12 of the City Code of Ordinances, unless comments are noted below the property address on the attached rental report.

Mechanical

A-ABC Appliance & Heating Inc.
8818 7th Ave N, Golden Valley 55427
Ace Heating & Air Conditioning, Inc.
7174 Hwy 95 NW, Princeton 55371
Air Rite Mechanical Systems Inc.
6935 146th St W #3, Apple Valley 55124
C & M Heating And Air Conditioning Inc.
7308 Blair Way, Wahkon 56386
Crow River Heating and Cooling LLC
663 Halsey Ave SE, Buffalo 55313
Deschene Enterprises, Inc.
21725 Linden Way, Rogers 55374
Helio's Air LLC
561 8th St, Elk River 55330
Hi-Tech Heating and Air Conditioning Inc.
10035 Pillsbury Ave S, Bloomington 55420
Kyrios Heating & Air LLC
4253 Lyndale Ave S, Minneapolis 55409
PB Services LLC
9410 Bataan St. NE, Blaine 55449
Steinkraus Plumbing Inc
7160 Madison Ave W, Golden Valley 55427
Warners Stellian Co Inc
550 Atwater Circle, St. Paul 55103

Mespo Heating & Cooling Inc.
1904 Glenwood Ave N, Minneapolis 55443

Sign Hanger's
Signs of Schuppe
325 Minnesota Ave N, Oronoco 55960

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	8/7/2024	Backup Material

Property Code and Nuisance Violations Criteria		
License Category (Based on Property Code Only)	**Number of Units**	**Property Code Violations per Inspected Unit**
Type I – 3 Year	1-2 units	0-2
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 2 but not more than 5
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 5 but not more than 9
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 9
	3+ units	Greater than 3

b. Police Service Calls.

Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.

Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

License Category	**Number of Units**	**Validated Calls for Disorderly Conduct Service & Part I Crimes** (Calls Per Unit/Year)
No Category Impact	1-2	0-1
	3-4 units	0-0.25
	5 or more units	0-0.35
Decrease 1 Category	1-2	Greater than 1 but not more than 3
	3-4 units	Greater than 0.25 but not more than 1
	5 or more units	Greater than 0.35 but not more than 0.50
Decrease 2 Categories	1-2	Greater than 3
	3-4 units	Greater than 1
	5 or more units	Greater than 0.50

Rental Licenses for Council Approval 8.12.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
2850 Northway Dr	Multiple Family 11 Bldgs 252 Units	Initial	G B Homes Llc	654 = 2.6 per unit	Type III	N/A	Type III	N/A	N/A
3224 62nd Ave N	Single	Initial	Laura A Mills	14	Type IV	N/A	Type IV	N/A	0
1701 69th Ave N	Multiple Family 4 Bldgs 120 Units	Renewal	Earle Brown Farm Apartments Met Requirements	322 = 2.7 per unit	Type III	12/17/23 Public Disturbance 1/5/24 Public Disturbance 0.02 per unit - No affect	Type III	Type III	N/A
3501 47th Ave N	Multiple Family 1 Bldg 11 Units	Renewal	6939 Baird Llc Did not meet requirements	69 = 6.3 per unit	Type IV	0	Type IV	Type IV	2
3513 47th Ave N	Multiple Family 1 Bldg 11 Units	Renewal	6939 Baird Llc Did not meet requirements	30 = 2.7 per unit	Type III	0	Type IV	Type IV	3
3601 47th Ave N	Multiple Family 4 Bldgs 44 Units	Renewal	8411 Balboa Llc Did not meet requirements	244 = 5.5 per unit	Type IV	0	Type IV	Type IV	4
3614 50th Ave N	Multiple Family 1 Bldg 3 Units	Renewal	Devlin Wubbena Met Requirements	0	Type I	0	Type I	Type IV	N/A
6915 Humboldt Ave N	Multiple Family 2 Bldgs 50 Units	Renewal	Lynwood Pointe Llc Met Requirements	263 = 5.3 per unit	Type IV	11/16/23 Public Disturbance 12/1/23 Loud Parties/Persons 2/26/24 Loud Parties/Persons 0.06 per unit - No affect	Type IV	Type III	0
5336 Russell Ave N	Two Family	Renewal	CHRISTOPHER M BARNARD	11	Type IV	0	Type IV	Type II	0
5337 Queen Ave N	Two Family	Renewal	Edith & Gregory Perlin Did not meet requirements	4	Type II	0	Type IV	Type IV	7
5909 June Ave N	Two Family	Renewal	Jeffrey A Davis	2	Type I	0	Type I	Type I	N/A
4201 Lakeside Ave N, #109	Condo	Renewal	Marie L Dworshak	3	Type II	0	Type II	Type II	N/A
4207 Lakeside Ave N, #130	Condo	Renewal	Ronald Powers/clarice Powers	0	Type I	0	Type I	Type II	N/A
1112 Emerson La	Single	Renewal	Bodhi Emerson, LLC Met Requirements	0	Type I	0	Type I	Type III	N/A
1340 68th La N	Single	Renewal	Jin Li	0	Type I	0	Type I	Type II	N/A

1606 71st Ave N	Single	Renewal	GA Lang & VL Lang Rev Trst	9	Type III	0	Type III	Type II	N/A
1713 70th Ave N	Single	Renewal	LARKIN STREET HOMES LLC Did not meet requirements	5	Type II	0	Type IV	Type IV	2
2329 55th Ave N	Single	Renewal	Easton Homes LLC	3	Type II	0	Type II	Type I	N/A
2406 Ericon Dr	Single	Renewal	G B Homes Llc Did not meet requirements	5	Type II	0	Type IV	Type IV	3
3106 64th Ave N	Single	Renewal	IH2 Property Borrower LP Met Requirements	7	Type III	0	Type III	Type III	N/A
3141 49th Ave N	Single	Renewal	CCF3 LLC Did not meet requirements	4	Type II	0	Type IV	Type IV	4
3815 Oak St	Single	Renewal	D & T Properties Did not meet requirements	8	Type III	0	Type IV	Type IV	2
3901 Burquest La	Single	Renewal	P OGUNTI & M ZARZAR Met Requirements	3	Type II	0	Type II	Type IV	N/A
4007 Joyce La	Single	Renewal	John Jorgensen Did not meet requirements	10	Type IV	0	Type IV	Type IV	2
4013 Joyce La	Single	Renewal	Frederick Heim	0	Type I	0	Type I	Type I	N/A
5306 Knox Ave N	Single	Renewal	Antonio Vizcarra-moreno	9	Type III	0	Type III	Type II	N/A
5330 Girard Ave N	Single	Renewal	C Bright/Wagner Prop Rent Did not meet requirements	11	Type IV	0	Type IV	Type III	2
5555 Dupont Ave N	Single	Renewal	Maria Velez Met Requirements	2	Type I	0	Type I	Type IV	N/A
5701 James Ave N	Single	Renewal	Sunset View Rentals Llc Did not meet requirements	1	Type I	0	Type IV	Type IV	2
5720 Logan Ave	Single	Renewal	Jenny Investments LLC	8	Type III	0	Type III	Type I	N/A
5819 Knox Ave N	Single	Renewal	G.b. Homes Llc Did not meet requirements	7	Type III	0	Type IV	Type IV	3
6005 Admiral Pl	Single	Renewal	Daniel L & Susan C Soffa Trs	4	Type II	0	Type II	Type I	N/A

6018 Camden Ave N	Single	Renewal	Gb Homes Llc Did not meet requirements	7	Type III	0	Type IV	Type IV	8
6029 Bryant Ave N	Single	Renewal	Herman Capital PR VII, LLC	1	Type I	0	Type I	Type II	N/A
6225 Unity Ave N	Single	Renewal	HPA CL1 LLC Met Requirements	4	Type II	0	Type II	Type IV	N/A
6657 Xerxes Pl N	Single	Renewal	Michael Greene & Lydia Logan Did not meet requirements	1	Type I	0	Type IV	Type IV	2
6724 France Ave N	Single	Renewal	Jessica J Stoll Met Requirements	3	Type II	0	Type II	Type III	N/A

*CFS = Calls for service for renewal licenses only (Initial licenses are not applicable to CFS and will be listed as N/A)

**License type being issued

***Initial licenses will not show a Type I = 3 year, Type II = 2 year, Type III = 1 year, Type IV = 6 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Ginny McIntosh, Planning Manager

SUBJECT: An Ordinance Amending the City's Zoning Map to Remove the Real Property Located at 6440 James Circle North from the Planned Unit Development/Business Mixed-Use (PUD/MX-B) District and Rezoning the Property to Business Mixed-Use (MX-B) District - 2nd Reading

Requested Council Action:

Motion to adopt an ordinance re-zoning of certain property located at 6440 James Circle North from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, based on the findings of fact and submitted documentation as provided under Planning Commission Application No. 2024-010.

Background:

Loehrer Acquisitions, LLC ("the Applicant") submitted an (Planning Commission Application No. 2024-010) for approval of a conditional use permit (CUP) that would allow for a new Los Campeones gym location at 6440 James Circle North ("the Subject Property"). The Subject Property was formerly home to the AMF Earle Brown Lanes as well as a restaurant and bar, which abruptly closed in 2015. The Subject Property was later purchased by current Property Owner, ODAA Center LLC, in 2017 and went before the City's Planning Commission and City Council for two different proposals. A proposal to convert the Subject Property into an approximately 64,000-square foot light industrial development was approved by Council in 2021 (refer to Planning Commission Application No. 2021-006), and prior to that, an event center (refer to Planning Commission Application Nos. 2018-002 and 2019-018). City staff had not seen any forward movement from the current Property Owner for some time and the Subject Property was subsequently listed for sale.

In reviewing the request with the City Attorney, it was suggested that a re-zoning request be made in conjunction with the conditional use permit (CUP) request. This is as the Subject Property was re-zoned to Planned Unit Development/Business-Mixed Use (PUD/MX-B) District as part of the 2021 request to redevelop the Subject Property with a 64,000-square foot speculative light industrial development. Although the 2040 Comprehensive Plan had been adopted in 2019, which guided the Subject Property with a future land use designation of "Business Mixed-Use" (B-MU), the new zoning code provisions, which would have eventually re-zoned the Subject Property to Business Mixed-Use (MX-B) District, were not adopted until January 2023. The establishment of a Planned Unit Development in 2021 effectively provided a path for the light industrial development in advance of the City's new Unified Development Ordinance and zoning districts.

As the new zoning code provisions have since been adopted, the Planned Unit Development is no longer necessary as "indoor recreation" is an allowed use in the MX-B district through approval of a conditional

use permit.

A public hearing notice was published in the Brooklyn Center Sun Post on June 27, 2024. Notifications were mailed to those physical addresses and property owners located within a 350-foot radius of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website.

A public hearing was held on the conditional use permit and rezoning requests at the July 11, 2024 Planning Commission meeting. Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested issuance of a conditional use permit for the proposed reuse of the former bowling alley and restaurant located at 6440 James Circle North as a Los Campeones gym ("indoor recreation fitness center or club") as well as the rezoning from Planned Unit Development/Business Mixed Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District.

The aforementioned requests were considered by the City Council at their meeting on July 22, 2024, where Council approved the conditional use permit and a first reading of the rezoning unanimously (4-0).There was excitement as to the proposed reuse of the building given its vacancy for the past nine years. Questions were presented to Benajmani Loehrer, owner of Los Campones (Loehrer Acquisitions, LLC) regarding the business model and how the gym differed from other gyms, including LA Fitness, which is also located in Brooklyn Center. The Applicant noted plans to hold a soft opening sometime in late October, with a grand opening in spring 2025.

A copy of the Planning Commission Report for Planning Commission Application No. 2024-010, dated July 11, 2024, and ordinance amendment language relating to the requested rezoning from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, are included with this memorandum.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Exhibits - PC Application No. 2024-010 (6440 James Circle North)	7/16/2024	Backup Material
Ordinance Rezoning - 6440 James Circle North - 2nd Reading	8/5/2024	Ordinance

Planning Commission Report
Meeting Date: July 11, 2024

- Application Filed: 06/10/2024
- Review Period (60-day) Deadline: 08/09/2024
- Extension Declared: No
- Extended Review Period Deadline: N/A

Application No.	2024-010
Applicant | Property Owner:	Loehrer Acquisitions, LLC | ODAA Center, LLC
Location:	6440 James Circle North, Brooklyn Center, MN 55430
Requests:	Conditional Use Permit | Rezoning



Map 1. Subject Property Location.

Requested Action

Loehrer Acquisitions, LLC ("the Applicant") is requesting approval of a conditional use permit (CUP) that would allow for a new Los Campeones gym location at 6440 James Circle North ("the Subject Property"). The Subject Property was formerly home to the AMF Earle Browne Lanes as well as a restaurant and bar, which abruptly closed in 2015. The Subject Property was later purchased by current Property Owner, ODAA Center LLC, in 2017 and went before the City's Planning Commission and City Council for two different proposals. A proposal to convert the Subject Property into an approximately 64,000-square foot light industrial development was approved by Council in 2021 (refer to Planning Commission Application No. 2021-006), and prior to that, an event center (refer to Planning Commission Application Nos. 2018-002 and 2019-018). City staff had not seen any forward movement from the current Property Owner for

some time and the Subject Property was subsequently listed for sale.

In reviewing the request with the City Attorney, it was suggested that a re-zoning request be made in conjunction with the conditional use permit (CUP) request. This is as the Subject Property was re-zoned to Planned Unit Development/Business-Mixed Use (PUD/MX-B) District as part of the 2021 request to redevelop the Subject Property with a 64,000-square foot speculative light industrial development. Although the 2040 Comprehensive Plan had been adopted in 2019, which guided the Subject Property with a future land use designation of "Business Mixed-Use" (B-MU), the new zoning code provisions, which would have eventually re-zoned the Subject Property to Business Mixed-Use (MX-B) District, were not adopted until January 2023.

The establishment of a Planned Unit Development in 2021 effectively provided a path for the light industrial development in advance of the City's new Unified Development Ordinance and zoning districts. As the new zoning code provisions have since been adopted, the Planned Unit Development is no longer necessary as "indoor recreation" is an allowed use in the MX-B district through approval of a conditional use permit.

It should be noted that, while this is *not* a site and building plan request, the Applicant has provided certain background information and plans to better inform the request for issuance of a conditional use permit. These include preliminary plans for the updating of the Subject Property's landscaping, a photometric plan, and building exterior—refer to Exhibit A. All plans are subject to final review and approval by City staff and in accordance with the City's zoning, building, and fire code regulations.

A public hearing notice was published in the Brooklyn Center *Sun Post* on June 27, 2024—refer to Exhibit B. Notifications were mailed to those physical addresses and property owners located within a 350-foot radius of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website.



Image 1. Existing Conditions at Subject Property.

Background

The existing, approximately 35,000-square foot building is situated on 4.03 acres and was originally approved for and constructed in 1978 for use as a bowling alley and restaurant under Planning Application Nos. 78023 and 78024 following site and building plan and special use permit approvals by the City Council. The approval of the special use permits under these applications allowed for live entertainment and a bowling alley in what was then zoned I-1 (Industrial Park) District. This allowed for the Subject Property to function as a bowling alley, restaurant, and game room/recreational facility. Additional Planning Commission applications were subsequently approved by the City over the years and included the:

1. Expansion of lounge area and exterior remodeling of Earle Brown Bowl (1982);
2. Addition to café for new cooler storage service area and waiting room (1987); and
3. Requests to build a temporary outdoor patio, and outdoor sand volleyball courts for summer league (1991).

Unfortunately, the bowling alley closed in 2015 and purchased in 2017 by the current Property Owner.

Benjamin Loehrer of Loehrer Acquisitions, LLC ("the Applicant") and broker Mike Fidler originally reached out to City staff in May 2024 regarding plans to enter into an agreement to purchase the Subject Property and establish a new Los Campeones gym. City Staff was further placed in contact with the Applicant's architect and general contractor to address certain deficiencies on the property currently, including the Subject Property's lighting (which is non-functional), the state of the landscaping, and the building's exterior. Additional discussions were held with the Applicant's architect and general contractor regarding the existing parking lot, as it is in disrepair. Since the closure of the former bowling alley approximately almost 10 years ago, the property has deteriorated, and is currently registered with the City as a vacant building. As proposed, the Applicant proposes renovations to the exterior as well as interior to establish the indoor recreational use, and address certain building and fire requirements to allow for issuance of a new certificate of occupancy.

Site Data:

2040 Land Use Plan:	Business Mixed-Use (B-MU)
Neighborhood:	Shingle Creek
Current Zoning:	Planned Unit Development/Business Mixed-Use (PUD/MX-B)
Site Area:	Approximately 4.03 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Business Mixed-Use (B-MU)	N/A	ROW (Freeway Boulevard) | Industrial and Utility (Business Park)
South	Business Mixed-Use (B-MU)	Planned Unit Development/ Business Mixed Use	Commercial and Undeveloped (CES Imaging |Denny's | EDA Lot)
East	Business Mixed-Use (B-MU)	Business Mixed-Use	Commercial and Institutional (Quality Inn Hotel |Jambo Africa Restaurant & Bar | FBI Regional Headquarters)

West	Business Mixed-Use (B-MU)	Business Mixed-Use	Commercial (Super 8 Hotel by Wyndham| Travelodge)

REQUESTS

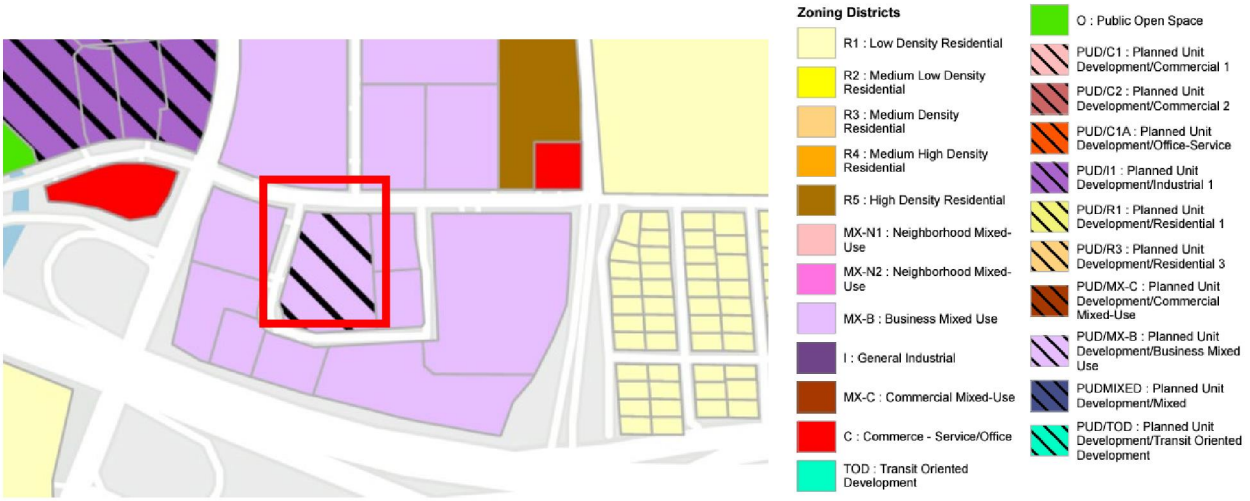
Rezoning

Per Section 35-71301 (*Applicability)*, an amendment of the City's Unified Development Ordinance may be initiated by the City Council, Planning Commission, or a City property owner. As noted earlier in the report, the Subject Property was re-zoned to Planned Unit Development/Business Mixed-Use (PUD/MX-B) District in 2021 as a matter of timing, as the current Property Owner, ODAA Center, LLC had applied for redevelopment of the Subject Property to an approximately 64,000-square foot speculative light industrial building—refer to Exhibit C.

Although light industrial uses (e.g. manufacturing, warehousing) are now permitted within the City's Business Mixed-Use District, the District had not yet been formally adopted as a district. The City's 2040 Comprehensive Plan adopted in 2019 future guided the Subject Property as "Business Mixed-Use (B-MU)." Although the current Property Owner communicated a willingness to apply for the re-zoning as part of the proposed sale, City staff noted that it would be more efficient to incorporate the rezoning request as part of the application for the conditional use permit.

Although Planned Unit Developments are now considered conditional use permits as of January 2023, the Subject Property was re-zoned under the preceding zoning code. PUDs under this code were considered formal re-zonings. City staff ultimately considers the requested rezoning to be more of an administrative clean-up to the Subject Property, if anything, as the property's current underlying zoning of Business Mixed-Use District (MX-B) will remain the same. As the Subject Property is not contemplated for redevelopment and there is no request from the Applicant for certain flexibilities to be granted, City staff, in discussion with the City Attorney, determined the PUD no longer served a purpose.

The requested rezoning is therefore intended to remove a restriction on the Subject Property that only permits a use of the aforementioned light industrial building. Removing the Planned Unit Development (PUD) designation frees the Subject Property for any use within the Business Mixed-Use District.



Map 2. Existing Zoning of Subject Property (in red) and Relation to Surrounding Property Zoning.

In reviewing requests for a rezoning, certain amendment criteria shall be considered as outlined under Section 35-71304 (*Amendment Criteria*). The Planning Commission and City Council shall review the necessary submittal requirements, facts, circumstances for the proposed rezoning, and make a recommendation and decision on the rezoning based on, but not limited to, consideration of the following criteria and policies:

a. Whether there is a clear and public need or benefit;
b. Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
c. Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;
d. Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;
e. Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
f. Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;
g. Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
h. Whether the rezoning will result in the expansion of a zoning district, warranted by:
    1) Comprehensive Planning;
    2) The lack of developable land in the proposed zoning district; or
    3) The best interests of the community.
i. Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
j. The specific policies and recommendations of the Comprehensive Plan and other City plans;
k. The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
l. If applicable, the adequacy to buffer or transition between potentially incompatible districts.

Conditional Use Permit

The Applicant and their broker approached City staff in May 2024 regarding a potential purchase of the Subject Property to establish a new Los Campeones gym location. Per City staff interpretation, the closest associated use would be that of an "indoor recreation fitness center or club," which is defined as:

Indoor Recreation. A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this Unified Development Ordinance. This use includes but is not limited to health clubs, bowling, skating, swimming, tennis, teen clubs, health and fitness centers, gyms, escape rooms, haunted houses, stadiums, and similar indoor activities. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreational activity.

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE														
	Residential					Commercial/ Mixed Use				Nonresidential				
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TOD	C	MX-B	I	O	Use-Specific Standards
ENTERTAINMENT AND RECREATION														
Indoor Recreation Fitness center or club, Indoor						C	P	P	P	P	C			35-4302(d)

Image 2. Section 35-4103 (Allowed Use) Table.

Conditional use permits, as outlined under Section 35-7700, are those uses which have been identified, because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission, and approval by the City Council.

The conditional use permit process regulates: the location, magnitude, and design of conditional uses consistent with the 2040 Comprehensive Plan, and the regulations, purposes, and procedures of this Unified Development Ordinance (UDO).

A conditional use permit ***may not*** be granted by the City Council unless the following criteria have been satisfied (**Note:** Applicant responses are transcribed from the submitted narrative and additional email communication—Exhibit A):

a. The conditional use will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Plan and this UDO.

   Applicant Response: We always abide by all building codes, safety regulations, and strive to make our business have a positive impact on every community we interact with. We always strive for the highest quality in everything we do.

   City Staff Response (Finding): The existing building located on the Subject Property was originally approved by City Council in 1978. Although there have been proposals for redevelopment over the past few years following closure of the AMF Earle Brown Lanes, the Applicant proposes to purchase the Subject Property from the current Property Owner and renovate the existing, approximately 35,000-square foot building. As such, a new site and building plan approval is *not* required; however, the Applicant brought on an architect and general contractor as part of the planned acquisition to address certain deficiencies with the property, including, but not limited to: the state of the existing site lighting, which is currently non-functional, the necessity of a landscaping overhaul, and upgrades to the building's exterior.

   There are no current plans to expand or modify the footprint of the building, nor are there are any other plans at this time to alter the existing site improvements with exception to addressing non-conformities. The use, as proposed, is permitted through issuance of a conditional use permit.

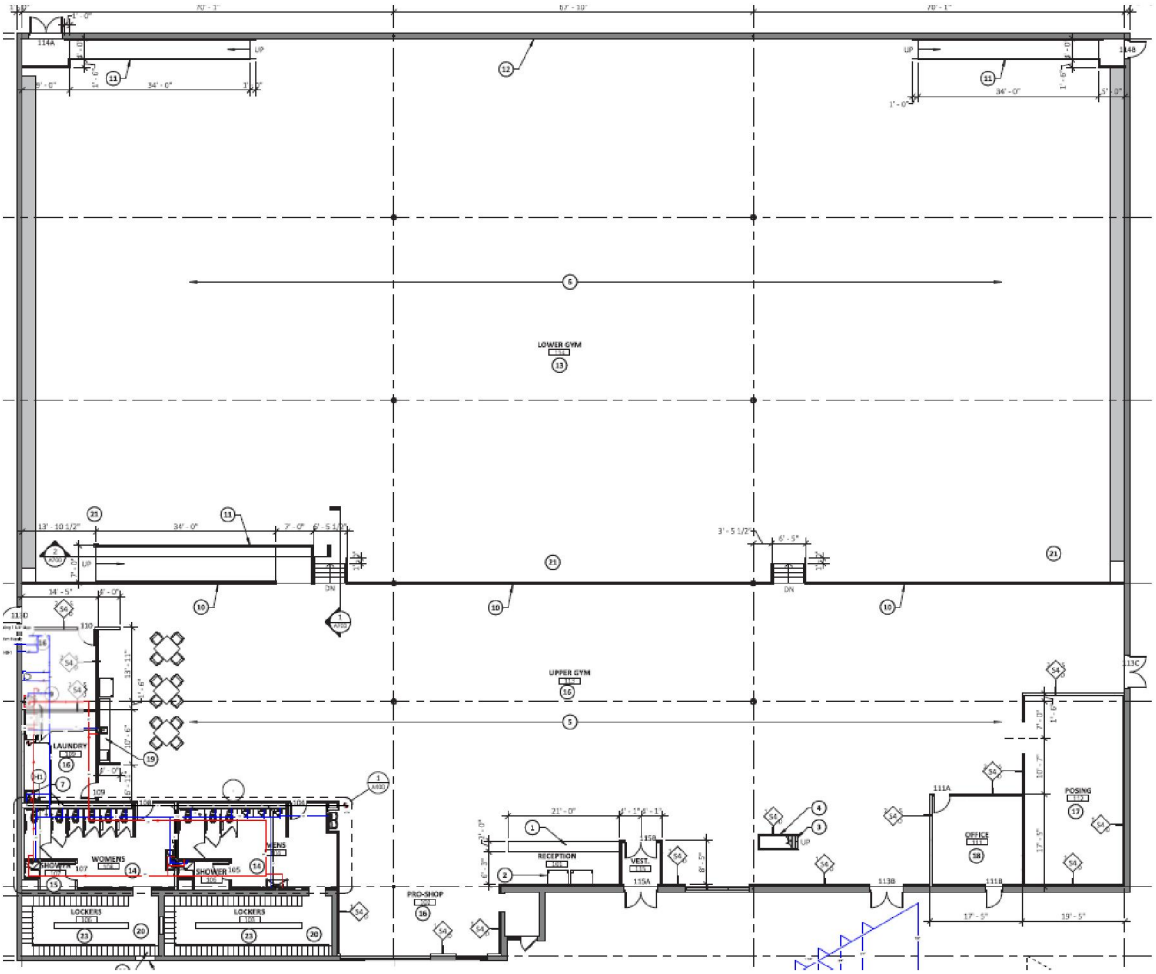


Image 3. Proposed Los Campeones Gym Interior Floor Plan as per Submitted Plumbing Plans.

The interior of the building is effectively a shell at this time given interior demolition work completed in 2020, and the bowling lanes were removed following closure of the bowling alley in 2015. Given this, the Applicant intends to install new electrical, plumbing (e.g. locker rooms), mechanical upgrades (i.e. due to aging systems, lack of use, and vandalism over the years), and re-install of the fire sprinkler system. These upgrades will ultimately be necessary in order to receive issuance of a new certificate of occupancy.

As proposed, the interior would feature a main reception area off the entrance, as well as a small retail space ("pro shop"). The gym would be broken out into an upper and lower gym, seating for members, and a water fountain with water bottle refill station. Locker rooms with bathroom facilities would be provided, as well as an in-house laundry space for towels, etc.—Refer to Image 3 above. It should be noted that accessory retail spaces are permitted as part of "Indoor Recreation" uses when in association with the principal use (e.g. food, beverages, supplements, gym attire and accessories) under the City's Unified Development Ordinance.

In 2019, the Subject Property, as well as the properties surrounding it, were future re-guided to "Business Mixed-Use" (B-MU) under the 2040 Comprehensive Plan, which is a new land use designation that guides for a, "mix of business, light industrial, and supporting retail/service uses." This designation encourages redevelopment or development of commercial, office, general

business, and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. The entire area located off the James Circle North loop is identified with this future land use designation and is further noted as a "potential area of change" in the 2040 Comprehensive Plan. Although this is not a redevelopment, the Applicant's willingness to rehabilitate a property that requires reinvestment and reimagining for a second life address the City's *2040 Land Use & Redevelopment Goals*.

b. The establishment, maintenance, or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.

Applicant Response: We are very excited to take a neglected building and make it a new pride of the neighborhood. Our facility is always a safe and inviting space for all kinds of people. Many people going through struggles of all kind find refuge and recovery through our fitness facilities. We absolutely expect our location in Brooklyn Center to have a large and positive impact on all who live in the entire area. All are truly welcome.

The operation of this gym will only revitalize the area and not be a public nuisance. Our use is about promoting the health of the human body.

City Staff Response (Finding): The Subject Property has been vacant for almost a decade, and it is assumed any functional reuse of the Subject Property will promote and enhance the general public welfare. In discussions with the Applicant and their team, as well as the information provided with their application, they noted their gyms are open from 5 a.m. to 11 p.m. during the regular work week and 7 a.m. to 7 p.m. on weekends. Their typical peak hours of operation are from 6 a.m. to 8 a.m. and 5 p.m. to 8 p.m. As their longest days of operation are 18 hours in length, it is assumed there will be a consistent presence of people in this area.

The Applicant noted that, should this request be approved, the proposed Brooklyn Center location would be Los Campeone's 16th location in the nation, and the gym's largest location, as the building is approximately 35,000-square feet. The Applicant currently projects 3,000 members for this location. Los Campeones has been expanding in the last few years and currently has 15 other locations, including seven (7) locations in the Twin Cities metro, Austin, Texas; Denver, Colorado; Bismarck, North Dakota; and Sioux Falls, South Dakota.

As noted earlier in the report, although the Applicant plans to make minor improvements to the building's existing exterior (i.e. paint the building, incorporate select Hardie board siding around entrances and exits), the Applicant will enhance the Subject Property by incorporating new landscaping, site lighting, addressing the existing trash enclosure, and repairing the parking lot.

c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Applicant Response: Absolutely. We always strive to be inclusive and generous with our time and resources to help out everyone in our surrounding area. We want the entire neighborhood and area to be as clean, welcoming and positive as possible, both for our benefit and for the benefit of everyone that comes into contact with us.

City Staff Response (Finding): City Staff is working with the Applicant to bring the landscaping plan and lighting plan into conformance, not only to ensure safety, but to enhance the current state of the property. Some minor exterior improvements were mentioned such as paint and select red Hardie board around the entrance and exit points to enhance the building's exterior. City Staff identified possible other opportunities to utilize the notable wall space for a mural or creative branding to improve the façade, as most of the exterior walls will be painted black. The Applicant had initially noted an interest in enhancing the south building elevation given its visibility from Interstate 694. As this building has historically attracted graffiti in the past, this, along with a continued presence on-site, might serve as a deterrent.

City Staff noted the trash enclosures at the northwest corner of the building is missing its gate and a new opaque door will need to be installed in conformance with City screening requirements.

The Applicant also provided a preliminary landscape plan, which identifies existing tree locations, as well as proposed new planting locations for trees and shrubs. 17 trees and shrubs are noted as "existing," with another 49 trees and shrubs identified for install. As proposed, there would be a mixture of Princeton Elms, Northwood Maples, Prairifire Crabapple, and Taylor Junipers. The plans submitted note installation of a 5-foot wide shrub bed with rows of plantings, edging, and mulch. Given the current state of the landscaping on the Subject Property, this would noticeably improve the property.

City Staff has asked the Applicant to provide a schedule with the tree and shrub locations, sizing, and species types so City staff can review the plans against any filed landscape plans and current landscaping requirements under Chapter 35 (*Unified Development Ordinance)*. City staff will also review the locations to ensure they stay outside any recorded utility easements. City staff is unaware as to whether there is a functional irrigation system or not; however, City Code requires the installation and maintenance of one as part of any landscape plan.

d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Applicant Response: We strive to only have a positive impact on all of our neighbors. We keep a very clean and orderly facility inside and out.

City Staff Response (Finding): With the exception of the vacant lot owned by the City's Economic Development Authority (EDA), located at 1601 James Circle North, the area off the James Circle North loop was developed with a mix of hotels, restaurants, services (e.g. CES Imaging), and the FBI Regional Headquarters between the late 1970s and mid-2000s. The Subject Property appears the oldest remaining development in this loop following its construction in1978. As this area is noted as a "potential area of change" in the City's 2040 Comprehensive Plan, and given the re-guiding of this area under the City's 2040 Comprehensive Plan and Unified Development Ordinance, City staff is supportive of efforts to improve and reinvest in the Subject Property.

City Staff does not foresee this business model interrupting the normal or orderly operations of surrounding property for the uses permitted within the Business Mixed-Use (MX-B) District. If anything, it may create more eyes on this area, as it is fairly isolated.

e. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed

as to minimize traffic congestion in the public streets.

Applicant Response: We have long hours of operation which helps spread the usage of our facility out throughout the entire day. Being open from 5 AM to midnight provides plenty of opportunity for people of all kinds and needs to make it to the facility when it's convenient for them. The parking on the property is very large and will meet all our needs. We work with architects' engineers and contractors to ensure everything will operate as smoothly as possible in the short term and the long-term. And every new customer gets a very detailed tour and orientation of how they are too within the facility and outside the facility when coming and going.

City Staff Response (Finding): In consideration of the provided narrative operations of Los Campeones gym, "indoor recreation" type uses require a minimum parking of:

Indoor Recreation	Twenty spaces for the first 1,000 sq. ft. of gross building floor area, plus one space per 300 sq. ft. of gross floor area in excess of 1,000 sq. ft. plus two (2) spaces per outside tennis court.

Assuming a building size of approximately 35,000-square feet, a minimum of **133 parking spaces** are required for the use. Although the existing striping has faded, the submitted site plan and a 2017 survey on file for the Subject Property appear to reflect 286 parking spaces, which is more than double the amount needed for the use. The Applicant has indicated plans to sealcoat and re-stripe the parking lot.

Although there is only one full access point off the western edge of the Subject Property, City staff similarly does not have major concerns regarding ingress and egress as this same drive was utilized during the building's former life as a bowling alley, restaurant, and bar. This is further reinforced following a 1991 application for a proposed temporary volleyball court and patio at the Subject Property, which reflected a greater need of 180 parking spaces purely to serve the 36 bowling lanes.

The former bowling alley installed two enclosures off the northwest corner of the building and the Applicant has noted a desire to designate the larger enclosure for bicycle and motorcycle parking; however, City Staff will need further review with the Building and Fire Officials to ensure code requirements are met, and that it won't impede on proper minimum distancing measures regarding combustibles (i.e. in proximity to the nearby trash enclosure). If permitted, this would provide even more parking opportunities.

For comparison, LA Fitness, which is located within the Shingle Creek shopping center, is required to provide 187 on-site parking spaces for their 38,000-square facility. They offer similar hours of operation to the proposed Los Campeones gym. Even assuming a peak check-in of 100 members an hour (i.e. 6-8 a.m., 5-8 p.m.), City staff presumes sufficient parking for members and gym staff, trainers, physical therapists, etc. and assuming an overlap in member visits.

f. Impacts such as noise, hours of activity, and exterior lighting have been sufficiently addressed to mitigate negative impacts on nearby uses.

Applicant Response: We work with well qualified, architects and engineers and contractors to ensure everything is the highest quality and we have all the boxes to comply with every

foreseeable need. We only want to make a positive impact on everyone and all vicinity for the long term.

The main entry is the only door permitted to be used during business hours for member sign-ins, so any noise would be contained internally. Most people going to our gym travel alone and are quietly traveling to and from their vehicles, so we don't anticipate any outside noise disturbances as well.

City Staff Response (Finding): As previously stated, City Staff is working to ensure proper lighting is installed and brought to code. As the Applicant intends to work off existing parking lot fixture locations, City staff has been in communication regarding how lighting can be brought as closely to compliance as possible given the new lighting provisions adopted in January 2023. The Applicant has proposed installing 21 new wall and parking lot fixtures in total. As proposed, existing wall lighting would be replaced with LED wall sconces and the older shoebox-style parking lot heads replaced with direct cutoff LED heads. City staff did emphasize the minimizing of light spraying off property and specifically given the location of nearby hotels.

Although the business would operate with extended hours, City staff confirmed there should be no excessive noise or music emanating from the building. This was a concern again due to the proximity of nearby hotels, including the adjacent Quality Inn (1600 James Circle North), and extended hours.

g. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Applicant Response: We always ensure we follow every regulation applicable in every territory we operate within. Safety and compliance are absolutely mandatory. Providing a safe and dependable work environment is vital to our success.

City Staff Response (Finding): City staff will continue to work with the Applicant pending approval of the requested conditional use permit to ensure the building and property nonconformities are addressed. As is the case with any other property in the City of Brooklyn Center, should any business operations, nuisance or property complaints arise, the City would address these through the typical channels (e.g. code enforcement).

Building Official Review

Building Official Dan Grinsteinner provided a high-level review memorandum as part of this application request—refer to Exhibit D. Signed architectural plans will be required as part of any plans for renovation, and a SAC determination submitted to Metropolitan Council and a determination letter received in advance of any building permit release. Separate mechanical and electrical plans will be required, and plumbing plans shall be forwarded to the Minnesota Department of Labor and Industry (DLI) for separate review. Given the state of the fire sprinkler and monitoring system, the building will require re-installation or updating of the system, which was damaged around 2020 and taken out of service.

ANTICIPATED PERMITTING AND CONDITIONS

Following a review of the submittal materials and requests, City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-010 for the Subject Property located at 6440 James Circle North and with respect to

approval of a rezoning from Planned Unit Development/Business Mixed-Use District (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and a conditional use permit to operate a Los Campeones gym ("Indoor Recreation Center or Club"):

1. The Applicant and Property Owner shall adhere to the provisions as outlined under Section 35-7700 (*Conditional Use Permit*), and shall coordinate with City staff to file a copy of the City Council resolution approving the requested conditional use permit, along with a legal description of the Subject Property for which the permit was issued, and list of any conditions set forth by City Council as a condition of said conditional use permit. A certified copy shall be recorded by the Applicant with the Hennepin County Recorder-Registrar of Titles within 60 days of approval of said resolution.
    a. Any music shall be contained to the confines of the building, and shall not project beyond property lines.
2. Any major changes or modifications made to the previously approved site and building plan, and as outlined within the City Code, can only be made by an amendment to the approved site and building plan as approved by the City Council.
        a. Applicant shall work with City staff to provide functional exterior site lighting in accordance with Section 35-5400 (*Exterior Lighting*), and provide revised photometrics and fixture specifications, as necessary.
        b. Applicant shall work with City staff to replace missing plantings in accordance with any approved landscape plan on record and any other landscaping requirements as outlined under Section 35-5600 (*Landscaping, Screening, and Fencing*). The Applicant shall update the submitted landscape plan to reflect a landscape schedule with types, sizing, and species for City record. The Applicant shall further identify if an existing irrigation system is in place, and if not, provide shop drawings for any new system.
        c. Applicant and Property Owner shall work with City staff to address the filling of any potholes and pavement maintenance required within the parking lot and drive areas, and any re-striping shall comply with Section 35-5504 (*Parking Space Standards*) and Minnesota Accessibility Code provisions.
        d. The Applicant shall work with City staff to ensure the existing trash enclosure proposed for re-use fully screens any dumpsters, meets setback requirements, and utilizes fully opaque screening. The requested reuse of the second enclosure for motorcycle and bicycle parking shall be subject to separate review for code compliance.
    b. The building plans are subject to review and approval by the Building and Fire Officials with respect to applicable codes prior to the issuance of permits and per the memorandum dated July 9, 2024.
3. The Applicant shall submit a Sign Permit Application for any proposed signage (e.g., wall, freestanding) and receive issuance of a permit prior to any installation. All signage shall conform to City requirements.

RECOMMENDATION

Based on the above-noted findings, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-010 for the Subject Property located at 6440 James Circle North and with respect to approval of: ***(1)*** *a rezoning from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and* ***(2)*** *a conditional use permit to operate a Los Campeones gym ("Indoor Recreation Center or Club"), subject*

to the Applicant complying with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-010 plans and documents, submitted June 10, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated June 27, 2024.

Exhibit C – City Council Resolution No. 2021-165.

Exhibit D – Review Memorandums prepared by Building Official Dan Grinsteinner, and dated April 9, 2024.

Exhibit A

Dear Sir/Madam,

I am writing to you on behalf of Los Campeones Gym, a well-known fitness brand in the Twin Cities with 7 locations currently operating locally. We are looking to expand our business and are very interested in opening a new location in the city of Brooklyn Center.

As you know, Brooklyn Center is a thriving and growing city with a great sense of community. We believe that our brand and business philosophy would be a perfect fit for the people of Brooklyn Center! Our gyms offer a safe and friendly environment in which people of all fitness levels feel motivated and encouraged to achieve their goals. Our business motto is "Where Strength Meets Community" and we pride ourselves on boosting the communities around each of our locations.

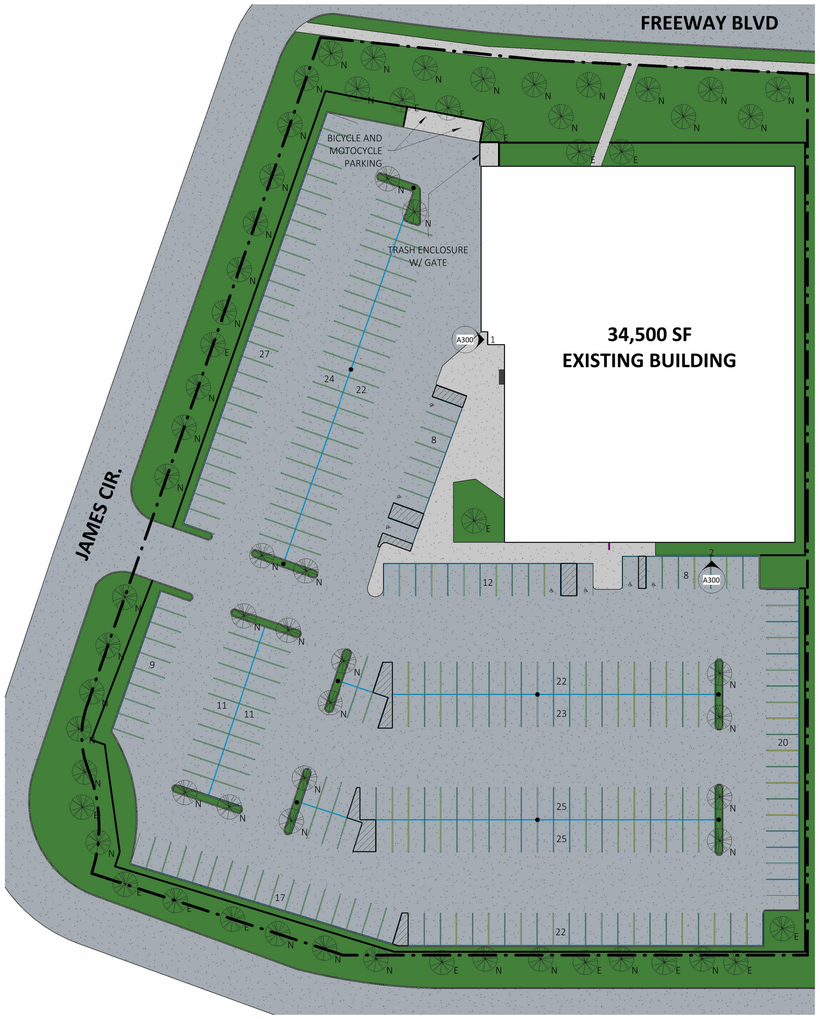
Our gyms are open from 5 AM to 11 PM during the week and 7am to 7pm on the weekends and are always staffed with knowledgeable personnel to ensure everyone has a safe and welcoming experience. We always have 2-5 staff members on duty to service customers and keep the interior and exterior nice and tidy. We pride ourselves on hiring locally and employing people living nearby. In addition to staff members, we also expect 15-20 personal trainers, coaches and physical therapists to use the space as well.
Our typical peak hours are 6 AM to 8 AM and 5 PM to 8 PM, but there will always be staff on duty during all business hours ensuring that members are safe and attended to.
We are anticipating 3000 total members joining. Being open 19 hours, a day allows a steady flow of customers all day. At peak hours in our other locations, we experience approximately 100 check-ins an hour.
With the vast parking lot, we expect to always have more than adequate parking and will not interfere with any other businesses' parking or affecting traffic in any manner.

We currently have 15 locations and this will be the 16th location nationwide, including Austin, Texas, Denver Colorado, and North Dakota and South Dakota. We are very excited to bring our awesome gym to Brooklyn Center!

We understand that there are other gyms operating in Brooklyn Center, but we believe that there is a need for a gym that offers the unique services and environment that Los Campeones Gym provides. We anticipate that our gym would attract a large and diverse population of members and would be a great addition to the community.

The prospective location at 6440 James Circle N. Brooklyn Center MN is ideal for our business. The building is currently in rough shape and is having a negative impact on the neighborhood. No one likes to see such a large vacant building in disrepair. We have a thorough plan to make the building look like new again inside and out!

In conclusion, we are confident that a Los Campeones Gym location in Brooklyn Center would be a great asset to the community. We believe that our brand and business philosophy would be well-received, and we would be honored to have the opportunity to serve the people of this great city. Thank you for considering our proposal



1 A050 **ARCHITECTURAL SITE PLAN**
1" = 40'-0"

PARKING CALCULATIONS

INDOOR RECREATION: (20) SPACES FOR THE FIRST 1,000 SF; (1) SPACE PER 300 SF IN EXCESS OF 1,000 SF; (2) SPACES PER OUTDOOR TENNIS COURT

PARKING REQUIRED: (20) + (33,500 / 300) = 131.667 PARKING SPACES
PARKING PROVIDED: (279) REGULAR STALLS + (7) HANDICAP STALLS = 286 STALLS

LANDSCAPE REQUIREMENTS:
(1) TREE PER 750 SF OF LANDSCAPE PLANTING AREA
(1) SHRUB PER 75 SF OF LANDSCAPE PLANTING AREA
(1) TREE PER ISLAND WITHIN PARKING AREA

TOTAL LANDSCAPE AREA: 50,145 SF
TREES REQUIRED: 50,145 / 750 = 66.86 TREES
SHRUBS REQUIRED: 50,145 / 75 = 668.6 SHRUBS

E = EXISTING TREE

N = NEW TREE

= SHRUB BEDS

= PROPERTY LINE

LANDSCAPE SCHEDULE:

TREES:

PERIMETER TREES: MIXTURE OF PRINCETON ELMS, NORTHWOODS MAPLE, PRAIRIFIRE CRABAPPLE, AND TAYLOR JUNIPERS

PARKING ISLAND TREES: STREET KEEPER HONEYLOCUST

SHRUBS:

5' WIDE SHRUB BED W/ TWO ROWS OF PLANTS. SHRUB'S SPACED AT 3' ON CENTER.

SHRUB SPECIES TO INCLUDE LOW SCAPE MOUND CHOKEBETTY, BOBO HYDRANGEA, CHICAGOLAND GREEN BOXWOOD AND LITTLE DEVEIL NINEBARK.

EDGING OF SHRUB BED TO HAVE COMMERICAL GRADE VINYL EDGING.

ALL BEDS TO BE MULCHED W/ 3" OF SHREDDED HARDWOOD MULCH.

MOHAGEN HANSEN
Architecture | Interiors

1000 Twelve Oaks Center Drive
Suite 200, Wayzata, MN 55391
T: 952-426-7400
F: 952-426-7440

MohagenHansen.com

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

LOS CAMPEONES - THE BEST GYM IN TOWN

LOS CAMPEONES - BROOKLYN CENTER

6440 JAMES CIR. NORTH BROOKLYN CENTER, MN 55430

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 24113
DRAWN BY: P.MOFFETT
CHECKED BY: B. BAILEY/T. MOHAGEN
DATE: 04/18/2024
COMPUTER DIRECTORY:
K/JOBS/LOS CAMPEONES BROOKLYN CENTER/DWG

ARCHITECTURAL SITE PLAN

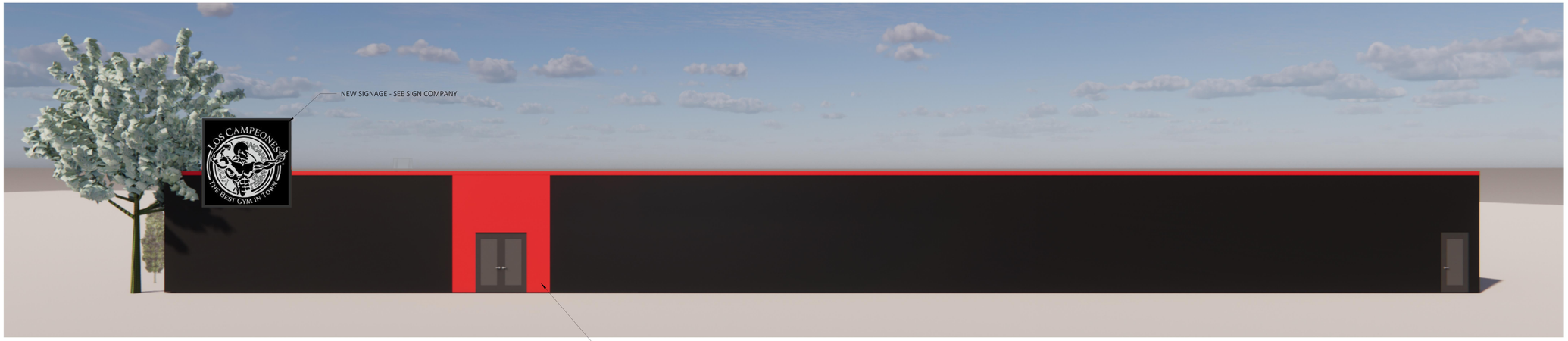
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A050

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EXTERIOR ELEVATION - WEST



EXTERIOR ELEVATION - SOUTH



LOS CAMPEONES - RICE STREET

C:\Revit Projects\24113_LosCampeonesBrooklynPark_Master_Enscape_kcrantbrook@mohagenhansen.com.rvt

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LOS CAMPEONES - BROOKLYN CENTER

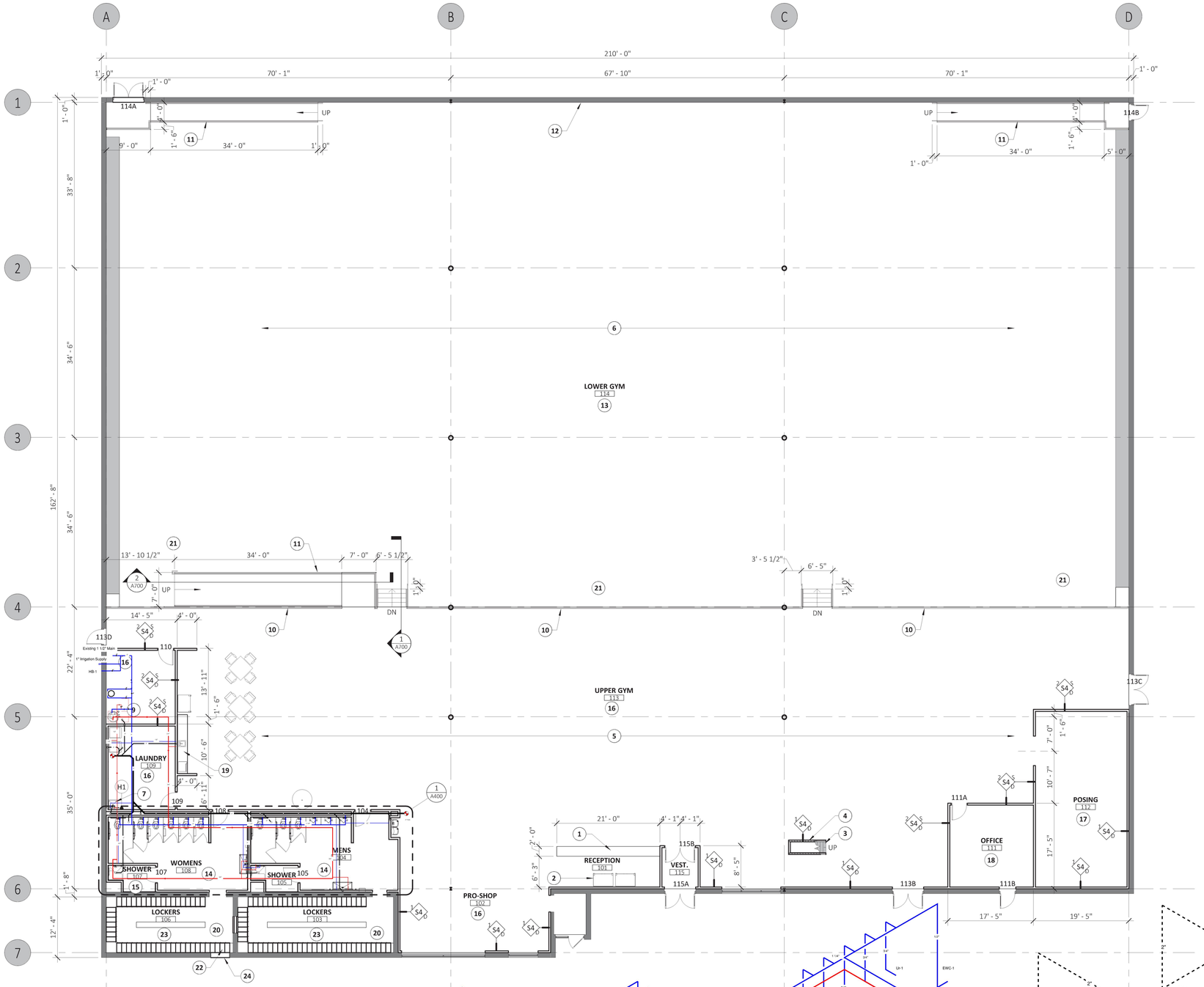
6440 JAMES CIR. NORTH
BROOKLYN CENTER, MN
55430

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 24113
DRAWN BY: Author
CHECKED BY: Checker
DATE: 04/18/2024
COMPUTER DIRECTORY:
K/JOBS/LOS CAMPEONES BROOKLYN CENTER/DWG

EXTERIOR ELEVATION RENDERINGS

A051



1 A201 **FLOOR PLAN**
3/32" = 1'-0"

C:\Revit Projects\24113_LosCampeonesBrooklynPark_Master_kcrantrook@mohagenhansen.com.rvt

B&D
Plumbing, Heating & Air Conditioning
4145 Mackenzie Ct. NE.
St.Michael, MN 55376
Phone:763-497-2290

Certification or Seal:

I hearby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly registered Master Plumber under the laws of the State of Minnesota

Joe Barbeln

Date: 5/8/24 Registration No. 061157-PM

LOS CAMPEONES - BROOKLYN CENTER

6440 JAMES CIR. NORTH BROOKLYN CENTER, MN 55430

P1

LAYOUT AND BOM ARE SUBJECT TO APPROVAL

Calculation Summary

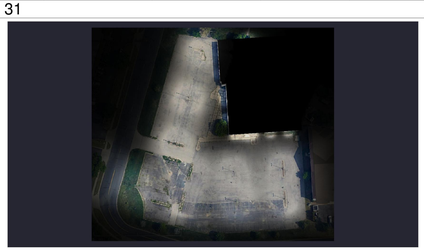
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpcLr	PtSpcTb	Meter Type
CalcPts_4	Illuminance	Fc	14.20	14.2	14.2	1.00	1.00		10	10	Horizontal
CalcPts_5	Illuminance	Fc	1.87	14.1	0.0	N.A.	N.A.	Readings Taken 0'-0" AFG	10	10	Horizontal

Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Filename
	3	S	slim-18w-5000k_ dlf2308108-6a	Single	3291	3291	1.000	SLIM_18W_5000K	22.8	22.8	68.4	slim-18w-5000k_dlf2308108-6a.ies
	10	A2	A22 @80W5000K_ IESNA2002_NTCLR	Back-Back	11789	23578	1.000	A22 @80W5000K 2 @ 180	83.2	166.4	1664	A22 @80W5000K_IESNA2002_ NTCLR23110109MOD3T.IES
	8	C	CDLED6W-40W-80D940-Z	SINGLE	3353	3353	1.000	CDLED6W-40W-80D940-Z	34.6	34.6	276.8	rab04544mod9040.ies

Expanded Luminaire Location Summary

LumNo	Tag	X	Y	MTG HT	Orient
1	A2	253.992	432.871	28	352.569
1	A2	252.008	433.129	28	172.569
2	A2	221.939	324.656	28	339.864
2	A2	220.061	325.344	28	159.864
3	A2	193.894	221.553	28	333.435
3	A2	192.106	222.447	28	153.435
4	A2	437	166	28	90
4	A2	437	164	28	270
5	A2	225.336	158.942	28	70.346
5	A2	224.664	157.058	28	250.346
6	A2	323	157	28	90
6	A2	323	155	28	270
7	A2	102.329	125.944	28	70.821
7	A2	101.671	124.056	28	250.821
8	A2	440	96	28	90
8	A2	440	94	28	270
9	A2	205.329	90.944	28	70.821
9	A2	204.671	89.056	28	250.821
10	A2	331	89	28	90
10	A2	331	87	28	270
11	C	287	428	12	0
12	C	289.6	381.1	12	0
13	C	306.549	317.684	12	0
14	C	308.797	279.056	12	0
15	C	448	249.8	12	0
16	C	406.977	247.174	12	0
17	C	366.946	244.472	12	0
18	C	326.746	242.272	12	0
19	S	352.104	456.024	12	90.804
20	S	305.159	335.265	12	182.947
21	S	354.2	243.6	12	271.79
Total Quantity: 31					



NOTES:
* The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLD is the result (quotient) of mean lumens / initial lumens per lamp manufacturers' specifications.

* Illumination values shown (in footcandles) are the predicted results for planes of calculation either to the plane of calculation.

* The calculated results of this lighting simulation represent an anticipated prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of the designer.

* Mounting height determination is job site specific, our lighting simulations assume a mounting height (insertion point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations.

* RAB Lighting Inc. luminaire and product designs are protected under U.S. and International intellectual property la horizontal, vertical or inclined as designated in the calculation summary. Meter orientation is normal Patents issued or pending apply.



The Lighting Analysis, Estimate, Energy Analysis and/or Visual Simulation ("Lighting Design") provided by ROUZER ("ROUZER") represents an anticipated prediction of lighting system performance over a period of time according to certain assumptions made at the time the Lighting Design was created. Actual performance may differ from the Lighting Design due to variations in the following, among others: the actual layout of the luminaires, the electrical voltage supplied, the actual materials, dimensions and other characteristics of the luminaires, the effects of temperature, dirt accumulation, lamp burnout, and other factors affecting the actual performance of the lighting system. Information provided by others has not been field verified by ROUZER and therefore actual measured results may vary from the Lighting Design. Field verified to confirm variables. ROUZER neither warrants nor guarantees the actual performance of the lighting system nor that actual measured results will conform to the Lighting Design. ROUZER neither warranties, either implied or stated, nor represents the appropriateness of the Lighting Design for any particular purpose. The Lighting Design is not to be relied upon as a substitute for the exercise of professional judgment by others. Any use of the Lighting Design is subject to these terms and those specifically stated on drawings created and submitted by ROUZER. Any code requirements with the exception of those specifically stated on drawings created and submitted by ROUZER are the responsibility of others. The Lighting Design is for illustrative purposes only and is not intended for construction and is not to be relied upon as a substitute for the exercise of professional judgment by others. Any use of the Lighting Design is subject to these terms and those specifically stated on drawings created and submitted by ROUZER. Any code requirements with the exception of those specifically stated on drawings created and submitted by ROUZER are the responsibility of others. The Lighting Design is for illustrative purposes

A22-150



Color: Bronze

Weight: 13.0 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

Type	Constant
120V	1.25A/1.00A/0.83A
208V	0.72A/0.58A/0.48A
240V	0.63A/0.50A/0.83A
277V	0.54A/0.43A/0.36A
Input Watts	99.4-151.4W

LED Info

Watts	150/120/100W
Color Temp	3000K/4000K/5000K
Color Accuracy	80-84 CRI
L70 Lifespan	100,000 Hours
Lumens	15,009-22,117 lm
Efficacy	132.4-163.1 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:
Field Adjustable Light Output:
150W/120W/100W (factory default: 150W)
Color Temperature Selectable:
3000K, 4000K and 5000K (factory default:4000K)

Compliance

UL Listed:
Suitable for wet locations. Suitable for mounting within 4ft (1.2m) of the ground.

IESNA LM-79 & LM-80 Testing:
RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

IP Rating:
Ingress protection rating of IP66 for dust and water

Trade Agreements Act Compliant:
This product is a product of Cambodia and a "designated country" end product that complies with the Trade Agreements Act

DLC Listed:
This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: S-TJWR13

Performance

Lifespan:
100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:
150W: Replaces up to 400W Metal Halide (MH) or 400W High Pressure Sodium (HPS)
120W: Replaces up to 400W Metal Halide (MH) or 310W High Pressure Sodium (HPS)
100W: Replaces up to 400W Metal Halide (MH) or 310W High Pressure Sodium (HPS)

Electrical

Driver:
Constant Current, Class 1, 120-277V, 50/60 Hz:
150W: 120V: 1.25A, 208V: 0.72A, 240V: 0.63A, 277V: 0.54A
120W: 120V: 1.0A, 208V: 0.58A, 240V: 0.5A, 277V: 0.43A
100W: 120V: 0.83A, 208V: 0.48A, 240V: 0.42A, 277V: 0.36A

Dimming Driver:
Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:
4.16% at 120V, 6.59% at 277V

Power Factor:
99.8% at 120V, 96.3% at 277V

7-Pin Receptacle with Shorting Cap:
ANSI C136.41 7-pin receptacle, compatible with wireless control systems

Surge Protection:
6kV

Construction

IES Classification:
The Type III distribution is ideal for roadway, general parking and other area lighting applications where a larger pool of lighting is required. It is intended to be located near the side of the area, allowing the light to project outward and fill the area.

Cold Weather Starting:
The minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:
Suitable for use in up to 40°C (104°F)

Lens:
Polycarbonate lens

Housing:
Die-cast aluminum

Copyright © 2024 RAB Lighting All Rights Reserved Note: Specifications are subject to change at any time without notice

CDLED6W-40W-80D940-Z



Cylinders are a complete design solution. They are available in various sizes, mounting options, colors and beam angles, and suitable for indoor/outdoor use.

Color: Bronze

Weight: 9.6 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

Type	Constant Current
120V	0.30A
208V	0.22A
240V	0.19A
277V	0.14A
Input Watts	34.6W

LED Info

Watts	40W
Color Temp	4000K (Neutral)
Color Accuracy	90 CRI
R9	52
L70 Lifespan	50,000 Hours
Lumens	3,353 lm
Efficacy	96.9 lm/W

Technical Specifications

Compliance

UL Listed:
Suitable for wet locations

IESNA LM-79 & LM-80 Testing:
RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Electrical

Driver:
Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.30A, 208V: 0.22A, 240V: 0.19A, 277V: 0.14A

Dimming Driver:
0 - 10V (at 120-277V), TRIAC and ELV (at 120V only)

THD:
12.7% at 120V, 19.7% at 277V

Power Factor:
98.4% at 120V, 89.7% at 277V

Optical

Optics:
80°

Performance

Lifespan:
50,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED Characteristics

LEDs:
Long-life, high-efficacy, surface-mount LEDs

Color Stability:
LED color temperature is warrantied to shift no more than 200K in color temperature over a 5-year period

Construction

Cold Weather Starting:
The minimum starting temperature is -30°C (-22°F)

Maximum Ambient Temperature:
Suitable for use in up to 40°C (104°F)

Lens:
Solite Glass Lens and Microprismatic Diffusion Lens

Reflector:
Vacuum-metalized polycarbonate

Housing:
Extruded aluminum

Mounting:
Wall direct/indirect light

Gaskets:
High-temperature silicone

Green Technology:
Mercury and UV free. RoHS-compliant components.

Finish:
Formulated for high durability and long-lasting color

Other

Warranty:
RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:
RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

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SLIM



Color: Bronze

Weight: 2.9 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

Type	Constant
120V	0.26A/0.20A/0.13A
208V	0.13A/0.10A/0.07A
240V	0.17A/0.09A/0.06A
277V	0.11A/0.08A/0.06A
Input Watts	15.2-30.5W

LED Info

Watts	26/18/12W
Color Temp	3000K/4000K/5000K
Color Accuracy	82-85 CRI
L70 Lifespan	100,000 Hours
Lumens	2,175-4,389 lm
Efficacy	135.1-150.6 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:
Field Adjustable Light Output:
26W/18W/12W (factory default 26W)
Color temperature selectable 3000K, 4000K and 5000K (factory default 4000K)

Compliance

UL Listed:
Suitable for wet locations

IESNA LM-79 & LM-80 Testing:
RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

ADA Compliant:
Meets ADA Requirements for wall-mounted luminaires.

IP Rating:
Ingress protection rating of IP65 for dust and water

Trade Agreements Act Compliant:
This product is a product of Cambodia and a "designated country" end product that complies with the Trade Agreements Act

DLC Listed:
This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: S-IHR6QX

Performance

Lifespan:
100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:
26W: Replaces up to 175W Metal Halide (MH) or 150W High Pressure Sodium (HPS)
18W: Replaces up to 125W Metal Halide (MH) or 100W High Pressure Sodium (HPS)
12W: Replaces up to 100W Metal Halide (MH) or 70W High Pressure Sodium (HPS)

LED Characteristics

LEDs:
Long-life, high-efficiency, surface-mount LEDs

Electrical

Driver:
Constant Current, Class 2, 120-277V, 50/60 Hz
26W: 120V: 0.26A, 208V: 0.13A, 240V: 0.12A, 277V: 0.11A
18W: 120V: 0.20A, 208V: 0.10A, 240V: 0.09A, 277V: 0.08A
12W: 120V: 0.13A, 208V: 0.07A, 240V: 0.06A, 277V: 0.06A

Dimming Driver:
Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:
26W: 3.4% at 120V, 4.68% at 277V
18W: 2.95% at 120V, 5.3% at 277V
12W: 3% at 120V, 8.42% at 277V

Power Factor:
26W: 99.8% at 120V, 96.5% at 277V
18W: 99.7% at 120V, 94.6% at 277V
12W: 99.4% at 120V, 89.6% at 277V

Photocell:
120-277V selectable photocell that can be turned on and off.

Surge Protection:
4kV

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Exhibit B

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, July 11, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: https://www.brooklyncentermn.gov/. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Conditional Use Permit

APPLICANT | PROPERTY OWNER: Loehrer Acquisitions, LLC | ODAA Center LLC

PROPERTY ADDRESS | PID: 6440 James Circle North, Brooklyn Center, MN 55430 | 35-119-21-41-0008

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is proposing to convert the former Earle Brown Bowling Alley to a Los Campeones Gym ("Indoor Recreation Fitness Center or Club"). Upon review of the proposal, it was determined that the Applicant will require approval of a conditional use permit.

Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code): 2633 722 6330
Password: BCPC07112024
By Phone: 1 (312) 535-8110
(Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
June 27, 2024
1404566

Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-165

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2021-006 FOR THE REZONING AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT TO ALLOW FOR CONSTRUCTION OF AN APPROXIMATELY 64,000-SQUARE FOOT MIXED OFFICE/LIGHT INDUSTRIAL BUILDING AND RELATED SITE IMPROVEMENTS (6440 JAMES CIRCLE NORTH)

WHEREAS, Planning Commission Application No. 2021-006, submitted by McGlynn Partners LLC ("the Applicant") requests review and consideration to re-develop the former Earle Brown Bowl property, located at 6440 James Circle North ("the Subject Property"), to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site; and

WHEREAS, the Subject Property is the site of the former Earle Brown Bowl bowling alley, which was originally issued a special use permit to allow live entertainment and the bowling alley use in 1978 under Planning Commission Application Nos. 78023 and 78024; and

WHEREAS, prior to the 1978 approvals, the City's 1975 official Zoning Map indicated that the Subject Property had been zoned I1 (Industrial Park) District; and

WHEREAS, the Earle Brown Bowl subsequently closed in 2015 and the approximately 35,462-square foot building and property has remained vacant since; and

WHEREAS, Tashitaa Tufaa/ODAA Center LLC ("the Property Owner") purchased the now C2 (Commerce) District-zoned Subject Property in 2017 and initially pursued a request for issuance of a special use permit under Planning Commission Application No. 2018-002 in 2018 to operate an event center and ancillary restaurant and bar out of the existing building, which was approved by City Council under City Council Resolution No. 2018-64; and

WHEREAS, as special use permits require work to commence within one (1) year following City Council approval of the special use, the Property Owner was required to apply for re-issuance of said special use permit when no work was undertaken and the permit approved under Planning Commission Application No. 2018-002 expired; and

WHEREAS, the Property Owner subsequently filed for re-issuance of the special use permit under Planning Commission Application No. 2019-018 and received approval by City Council under Resolution No. 2020-12; however it subsequently expired again on January 13, 2021 after it was determined that work has still not commenced on the event center use; and

WHEREAS, the Property Owner ultimately partnered with Applicant McGlynn Partners LLC to redevelop the Subject Property into a mixed office and light industrial product; and

RESOLUTION NO. 2021-165

WHEREAS, the request contemplated under Planning Commission Application No. 2021-006 would require site and building plan approval, as well as a re-zoning, and establishment of a Planned Unit Development; and

WHEREAS, the 2040 Comprehensive Plan identifies the Subject Property and surrounding area with a future land use designation of "Business Mixed-Use," which is a new land use designation that guides land for a mix of business, light industrial, and supporting retail/service uses that encourages the redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers; and

WHEREAS, the 2040 Comprehensive Plan notes the Subject Property and immediate surrounding areas as a potential area of change and redevelopment within the next 20 years under Chapter 3 (Land Use & Redevelopment) of the Comprehensive Plan; and

WHEREAS, on November 18, 2021, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested site and building plan and establishment of a Planned Unit Development, which would ultimately re-zone the Subject Property from C2 (Commerce) District to Planned Unit Development/Business Mixed-Use (PUD/BM-U) for the proposed construction of the approximately 64,000-square foot mixed office and light industrial building and related site improvements on the approximately 4.03-acre Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on November 18, 2021, and public testimony regarding the proposal was received; and

WHEREAS, notice of the public hearing was published in the official newspaper and mailed to the Applicant and properties falling within the notification area as required by the City and Minnesota State Statute, and signage was placed on the Subject Property indicating that a development proposal was under review; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), 35-230 (*Plan Approval*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2021-006, submitted by McGlynn Partners LLC, be approved based upon the findings of fact in the November

18, 2021, planning report, and submitted documents and plans as amended by the following conditions of approval:

1. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
    a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council. Per City staff comment, the following shall be revised:
        i. Update the submitted civil set to remove the proposed new curb cut along Freeway Boulevard;
        ii. Provide and maintain sidewalk access from Freeway Boulevard and identify opportunities to provide pedestrian level lighting along this connection;
        iii. Provide space for installation of a bike rack/bike facilities given Subject Property proximity to the Shingle Creek Regional Trail as well as bus stops located off-site along Freeway Boulevard;
        iv. Provide clear, internal crosswalk connections for those parking spaces indicated along the east portion of the Subject Property;
        v. Provide four-sided architecture, with articulation and architectural consideration on all four sides and in consideration of the City's Architectural Design Guidelines;
        vi. Provide additional glazing, and enhanced design elements, particularly focused around entrances and the building front, including, but not limited to: metal canopies, and architectural ornamentation attached to exterior panels;
        vii. Provide enlarged glazing along rear (east) portion of property, in the upper area over the loading bays; and
        viii. Install fencing along rear (east) property line between loading area and adjacent properties using enhanced materials such as cedar, ornamental metal, or other product as approved by the City.

2. Compliance with all conditions or provisions noted in the City Building Official's Building Review dated November 12, 2021.

3. Compliance with all conditions or provisions noted in the City Engineer's Review memorandum and redlined plan set dated November 10, 2021.

4. Verification that the proposed building and site has met all City Code requirements and specifications.

5. A pre-construction conference shall be held with City staff and other entities designated

by the City prior to issuance of a Building Permit.

6. Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.

7. No outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted.

8. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of building permits. The agreement shall further assure compliance with the development plans submitted with this application.

9. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under the submitted site and building plan.

10. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and an updated details sheet provided.

11. Provide a revised photometric plan that reduces the maximum foot candles along the east portion of the property to three (3) foot candles or less, and furnish fixture specifications of proposed light installations as part of the Building Permit submittal and in compliance with the City's Architectural Design Guidelines and Chapter 35-712 (*Lighting*) of the City Code.

12. An irrigation system shall be installed and maintained on-site and irrigation shop drawings shall be provided to the City for review and approval prior to installation.

13. A sign permit application shall be submitted for any proposed signage as part of the development proposal. Signage is subject to the provisions of the City Code.

RESOLUTION NO. 2021-165

December 13, 2021
Date

Mayor

ATTEST:
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Butler
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Elliott, Lawrence-Anderson, Ryan
and the following voted against the same: None
whereupon said resolution was declared duly passed and adopted.

Exhibit D

Community Development
763-569-3300

July 9, 2024

6440 James Cir N. (Former Bowling Alley)

Building review comments for the newly proposed use of this Existing building located at 6640 James Cir N.

1. Signed plans from an architect registered in Minnesota is required per MN Admin. 1300.0130 & Rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, Chapter 1800 and Minnesota Statutes, Section 326.02 to 326.15.

2. Prior to a Building permit being issued a SAC determination for the new building will need to be done by MET Council and SAC determination letter received.

3. Separate permits and signed plans required for Mechanical, Plumbing & Electrical. Plumbing plans shall be submitted to the Department of Labor and Industry Plumbing plan review Department for review and approval. The Plumbing permit is applied for with the City of Brooklyn Center. The Community Development department must be contacted on all proposed signage for this building. Permits are required for all exterior signage.

4. The Building will require to be sprinklered per City adopted special sprinkler provision 1306 .0010 Subp. #2. The building currently has a sprinkler system in place that has been taken out of service which was approved by Fire.

The City of Brooklyn Center has adopted the special Fire Sprinkler provisions of 1306.0020 Subp. 2. An automatic sprinkler system for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition with the structure. The requirements of this subpart apply to structure that fall within the occupancy classifications established in part 1306.0030 items A to D.

Sincerely,

Dan Grinsteinner
Building Official
City of Brooklyn Center
763-569-3313

CITY OF BROOKLYN CENTER

Notice is hereby given that the City Council of the City of Brooklyn Center will conduct a second reading of an ordinance related to the rezoning of the property located at 6440 James Circle North at its August 12, 2024 meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY'S ZONING MAP TO REMOVE THE REAL PROPERTY LOCATED AT 6440 JAMES CIRCLE NORTH FROM THE PLANNED UNIT DEVELOPMENT/BUSINESS MIXED-USE (PUD/MX-B) DISTRICT AND REZONING THE PROPERTY TO BUSINESS MIXED-USE (MX-B) DISTRICT

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

SECTION I. The City of Brooklyn Center Zoning Map is hereby amended to remove the real property located at 6440 James Circle North, Brooklyn Center, Minnesota (PID No. 35-119-21-41-0008), legally described as:

Tract F, Registered Land Survey No. 1482, Hennepin County, Minnesota.

(hereinafter the "Property") from the Planned Unit Development/Business Mixed-Use (PUD/MX-B) District and rezone the Property to Business Mixed-Use (MX-B) District.

SECTION II. The City of Brooklyn Center Zoning map is hereby amended to re-classify the Property as Business Mixed-Use District in accordance with Sections 35-71305 and 35-2102 of the Unified Development Ordinance.

SECTION III. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ___ day of _____, 2024.

_____
April Graves, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Garett Flesland, Chief of Police

SUBJECT: Resolution Acknowledging Awarded Funds from a Local Area Business and Authorizing Acceptance of Grant Funds

Requested Council Action:

Background:

This city applied for a grant from a local area business offering a Law Enforcement Grant Program to support eligible programs and training. The business has requested that agencies accepting any grant funds not publicize any grant without any express permission.

Budget Issues:

The city submitted an application requesting $4,644.99 for eligible equipment. On July 23, 2024 the city learned that it had been awarded $4,644.99 for the purchase of three pieces of equipment (one Speed Lidar unit, one vehicle tracker, and one security camera).

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position

ATTACHMENTS:

Description	Upload Date	Type
Resolution	8/5/2024	Resolution Letter

Member____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-__

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FROM A LOCAL AREA BUSINESS AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS

WHEREAS, A local area business has established a Law Enforcement Grant Program to offer financial support for law enforcement agencies to acquire eligible equipment and attend events; and

WHEREAS, The City of Brooklyn Center Police Department applied for a grant under this program for the purpose of acquiring specific equipment to enhance law enforcement capabilities; and

WHEREAS, The Law Enforcement Grant Program has awarded the City of Brooklyn Center Police Department a grant in the amount of $4,644.99 for the purchase of one Speed Lidar unit, one vehicle tracker, and one security camera; and

WHEREAS, The equipment purchased with the grant funds will be utilized by the Investigations and Patrol Divisions, with an emphasis on enhancing public safety and investigative capabilities in the business district area;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, that:

1. The City Council acknowledges and accepts the awarded grant funds from the Law Enforcement Grant Program.

2. The City Manager is hereby authorized to accept the awarded funds on behalf of the City and to execute such agreements and documents as may be necessary to implement the project as outlined in the grant application.

3. The City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement and acknowledges the grant's specific terms and conditions, including the non-disclosure and non-publicity requirement as requested by the grant provider.

_____ _____

Date Mayor

ATTEST: _____
Assistant City Manager/City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Angela Holm, Finance Director

SUBJECT: Resolution Authorizing Retroactive Approval of a Joint Powers Agreement with Hennepin County for Assessing Services

Requested Council Action:

- Motion to approve a resolution authorizing retroactive approval of a joint powers agreement with Hennepin County for assessing services

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain a strong financial position, Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
Brooklyn Center Resolution	8/5/2024	Resolution Letter
Hennepin County Resolution 24-0199	8/5/2024	Backup Material

Member introduced the following resolution and

moved its adoption:

RESOLUTION NO._____

RESOLUTION AUTHORIZING RETROACTIVE APPROVAL OF A JOINT POWERS AGREEMENT WITH HENNEPIN COUNTY FOR ASSESSING SERVICES

WHEREAS, the provisions of Minnesota Statutes, Section 273.072 and Minnesota Statutes, Section 471.59 permit the County Assessor to provide for the assessment of property; and

WHEREAS, on November 23, 2020, the City Council adopted Resolution No. 2020-110, A Resolution Authorizing the Execution of a Four-Year Contract with Hennepin County for Assessing Services (2021, 2022, 2023, and 2024) with an expiration date of July 31, 2024; and

WHEREAS, Hennepin County has provided a joint powers agreement between the city of Brooklyn Center and Hennepin County to provide assessing services for an indefinite period of time and defining the roles and responsibilities of the City and Hennepin County; and

WHEREAS, in accordance with Hennepin County Commission Resolution 24-0199, there will be no annual cost to the City of Brooklyn Center for these services; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that Hennepin Joint Powers Agreement No. A2412399, an agreement between the City of Brooklyn Center and Hennepin County to provide assessing services for an indefinite period of time at no cost to the City, is hereby approved and the Mayor and City Manager are authorized to execute.

_____ _____

Date Mayor

ATTEST: _____

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:
whereupon said resolution was declared duly passed and adopted.

Legislation Details (With Text)

File #:	24-0199 **Version:** 1		
Type:	Resolution	**Status:**	Approved
File created:	4/26/2024	**In control:**	Board of Hennepin County Commissioners
On agenda:	4/30/2024	**Final action:**	5/14/2024
Title:	Joint Powers Agreements with the several jurisdictions for assessment services to be performed by Hennepin County		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. RESOLUTION		

Date	Ver.	Action By	Action	Result
5/14/2024	1	Board of Hennepin County Commissioners		
5/7/2024	1	Resident Services Committee		

Item Description:

Joint Powers Agreements with the several jurisdictions for assessment services to be performed by Hennepin County

Resolution:

BE IT RESOLVED, that the County Administrator is directed to negotiate joint powers agreements with jurisdictions within Hennepin County with populations under 30,000 and jurisdictions currently under agreement with the county for local assessment services to be performed by the Hennepin County Assessor at no cost to these jurisdictions.

Background:

For more than 50 years, Hennepin County has been contracting with cities to provide local assessing services. These contracts have required cities to pay the county to perform this local assessor work. The first joint powers agreement between a city and the county began in 1972. Hennepin County has had a long-term strategy of contracting with cities to perform local assessing to ensure accuracy, efficiency, and equitability across all jurisdictions.

Over the past several years, Hennepin County has significantly increased the number of cities with whom it contracts for assessing services. Currently, 34 of 45 cities contract with the county either wholly or partially for these functions, with 33 of the contracts expiring on July 31, 2024. In addition, the county is statutorily responsible for the assessments of the Minneapolis/St. Paul Airport and Fort Snelling. These 34 cities collectively pay the county approximately $5.1 million in 2024 for these services.

This resolution directs the county to offer a joint powers agreement for local assessing services to cities with populations of 30,000 or less and those currently under current contract with the county at no cost to these cities beginning with the 2025 assessment. By the county providing this service at no cost to these cities, this will reduce the city property tax levy obligations for these cities by $5.1 million collectively. The county assessor’s 2025 budget will reflect an increase of $5.1 million from the county property tax levy to offset this loss of contract revenue.

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State law authorizes counties to perform these local assessor obligations in cities with a population less than 30,000 at county cost, Minn. Stat. §§ 273.052 and 273.053; and authorizes counties to contract with cities to perform these obligations if these cities choose to contract with the county. Minn. Stat. §273.072.

The joint powers agreements will be perpetual agreements and highlight the services and responsibilities to be provided by the county assessor as required by law. These joint powers agreements will come forward in a separate board action request later this year.

Recommendation from County Administrator: Recommend Approval

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: LaToya Turk, Director, Office of Community Prevention, Health and Safety

SUBJECT: Brooklyn Center Opioid Crisis Response Plan

Requested Council Action:

- *motion to accept the presentation*

Background:

The opioid crisis has deeply affected our nation, tracing its origins back to the late 1990s when the over-prescription of opioid pain relievers leading to widespread misuse. As opioid addiction surged, the crisis evolved, with many turning to illegal opioids like heroin and synthetic alternatives such as fentanyl. Marginalized communities have borne the brunt of this epidemic, facing heightened vulnerability due to systemic inequities, limited access to healthcare, and socio-economic challenges.

The impact on communities has been devastating, exacerbating cycles of poverty, increasing rates of overdose deaths, and straining public health and social services. Addressing this multifaceted crisis requires a collaborative approach that includes public health initiatives, law enforcement, community organizations, and policy reform. By working together, we can implement comprehensive strategies to mitigate the epidemic's impact and foster prevention, recovery and resilience within our communities.

Staff will be presenting a strategic two-year plan for addressing the opiods crisis within Brooklyn Center. The plan was completed in partnership and in alignment with the strategic framework of Hennepin County.

Budget Issues:

The City of Brooklyn Center is a part of the National Opioid Settlement agreement reached with Teva, Allergan, CVS, Walgreens, and Walmart. Per the Minnesota Opioids State-Subdivision Memorandum of Agreement with the City of Brooklyn Center, settlement payments totaling $531,635.42 will be received as special revenue until the year 2038. As of August 5, 2024 the City has received $55,731.84.

Inclusive Community Engagement:

The opioid crisis has shown drastic impacts across all community and cultural demographics. To ensure a broad reach, inclusive community engagement will utilize shared goals and strategies in collaboration with multiple city departments, community partners, as well as county, state and federal public health offices and opioid response organizations to ensure the most impacted populations have access to prevention, treatment and harm reduction resources.

Antiracist/Equity Policy Effect:

Evidence based practices will support equitable and fair resource allocation.

Strategic Priorities and Values:

Maintain and enhance public places, Improve community and employee safety, Provide quality services with fair and equitable treatment, Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
PPT Presentation	8/8/2024	Cover Memo

2024 Opioid Response Plan
City of Brooklyn Center

August 12, 2024

LaToya Turk, Director
Office of Community Prevention, Health & Safety

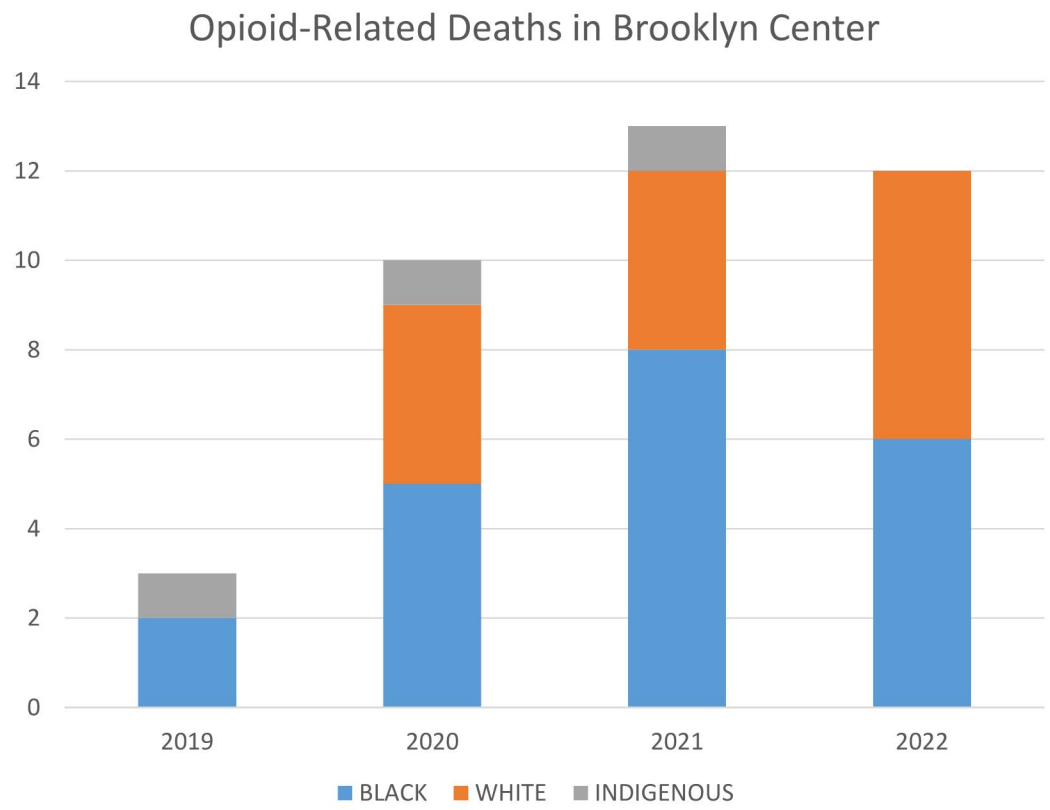
Strategic Plan Overview

Vision:

Save lives, reduce disparities, and heal communities by preventing and treating opioid use disorder.

Mission:

Implement a data-driven approach to address the root causes of addiction, engage communities, and mobilize resources effectively.



Strategic Priorities

1. Save Lives
2. Evidence and Data Driven
3. Invest in Youth
4. Focus on Racial Equity
5. Transparency and Inclusion



Strategic Framework

Prevention

Response

Treatment & Recovery

Community Support

Prevention

Monitoring & Communication

- Develop a comprehensive data tracking system
- Enhance participation in current crisis prevention initiatives
- Create a communication strategy for sharing results

Education & Stigma Reduction

- Coordinate education and stigma reduction messaging
- Implement a communication plan for existing and new strategies

Address Access

- Educate stakeholders on best practices
- Promote equitable access to response methods

Safe Storage & Disposal

- Collaborate with public and private entities
- Increase medication disposal boxes
- Educate on safe storage and disposal

Response

Rescue

- Train all first responders and stakeholders in naloxone administration
- Develop protocols for naloxone training and distribution
- Create a communication strategy for sharing results

Harm Reduction

- Coordinate safe syringe services and naloxone distribution
- Monitor innovative practices in other jurisdictions

Treatment & Recovery

Access to Treatment & Recovery Services

- Engage communities disproportionately impacted by the opioid epidemic
- Utilize data to inform interventions
- Collaborate with Hennepin County for additional support

Community Support

Targeted Services

- Provide resources and outreach at community hotspots
- Collaborate with stakeholders and impacted communities

Evidence-Based Public Health Approach

- **Improved Health Outcomes**: Reducing overdose deaths an increasing access to treatment
- **Community Engagement**: Building trust and collaboration with affected communities
- **Sustainable Solutions**: Long-Term strategies that adapt to changing trends and needs
- **Cultural and Historical Considerations**: Acknowledging the impacts of aggressive sentencing policies for possession on impacted and marginalized communities.

Project Plan

Year 1

- Establish data systems, initiate education programs, distribute naloxone through community outreach and collaboration.
- Annual progress reports and adjustments based on current trends and data.

Year 2

- Expand safe disposal sites, enhance community outreach, evaluate outcomes
- Annual progress reports and adjustments based on current trends and data

Strategic Pillar	Metrics	Measurement Method
Prevention	Number of educational programs	Attendance records, surveys
	Safe disposal sites	Count of disposal sites, usage data
Response	Naloxone training sessions	Training records, participant feedback
	Naloxone distributed	Distribution records, overdose reversals
Treatment	Access to treatment services	Service utilization rates, patient outcomes
Recovery	Community outreach programs	Program participation, success stories
Support	Resources provided at hotspots	Distribution records, community feedback

No single city policy or program, and no one agency or organization acting alone, will be sufficient to resolve a crisis of this magnitude. The most promising strategies combine access to treatment, harm reduction, recovery, and prevention efforts with resources targeted through the effective use of data sharing and focused on evidence-based programs and approaches. Successful coordination of services and collaboration among city, county and state leaders are two keys to breaking down silos and stretching scarce resources. Local leaders can also work to decrease the stigma of substance use disorders (SUD) in their communities by changing the narrative, sharing success stories and educating providers and residents about the role that trauma plays in driving opioid use.

-National League of Cities

Mayor's Institute on Opioids: Aligning City, County and State Resources to Address the Opioid Epidemic

Partners

- Brooklyn Center Police, Fire, Parks, Finance, Communications and Public Works Departments
- Hennepin County Sheriff's Office
- Hennepin County Opioid Advisory Committee
- Brooklyn Center Middle and High School
- Hennepin County Community Partners
- Hennepin County Public Health Department
- Minneapolis Safe Cities Department
- National League of Cities
- CDC (SUDORS Dashboard)
- Minnesota Department of Health
- United States District Attorney's Office
- U.S. Department of Justice

Questions

Council Regular Meeting

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Xiong Thao, Housing and Community Standards Manager

SUBJECT: Ordinance Amendments to Chapter 12 Adding Property Maintenance Requirements and Amending the Commercial Vehicle Storage Language in Chapter 19

Requested Council Action:

- *Motion to approve an ordinance amending Chapter 12 and Chapter 19-103.12 of the City Code of Ordinances regarding property maintenance standards and public nuisances. (first reading)*

Background:

A work session discussion was completed during the April 22, 2024 City Council meeting on the issues relating to proposed changes to Chapter 12 and Chapter 19, which included proposals for requiring mailboxes at all licensed rental properties, commercial addressing requirements, and the changes to the definition of commercial vehicles.

Mailbox Requirement

The city requires all properties that are not owner occupied obtain a rental license. As part of the rental license inspection, common areas are inspected, which is where mailboxes are located. When mailbox are missing or damaged, the City does not have an ordinance requiring rental licensed properties to have mailboxes repaired or replaced. Federal and State regulations dictate the size, location, and type of mailbox but does not require properties to have a mailbox.

Property owners have refused to repair or replace mailbox(s) for the tenant(s) and then the post office holds the mail at the local post office. Tenants would be required to go to the post office and pick up their mail.

The proposal would be for the City to require that all rental properties are required to provide a mailbox that meets Federal and State requirements for their tenants. The ordinance would be inserted into Chapter 12 – Building Maintenance and Occupancy Ordinance.

Commercial Addressing

The Building Code and in the International Property Maintenance Code (IPMC) has specific property addressing requirements for residential properties. The city does not have an ordinance that specify a size for the addressing of a commercial or retail building. Due to the inability for staff to identify retail and commercial properties and a lack of uniformity, an ordinance that specifies the minimum size for addressing a commercial or retail building. Many of the commercial and industrial buildings already meet the proposed

requirement, the smaller retail businesses would be impacted by the ordinance change.

The change would only impact retail and commercial properties, which includes multi-family complexes. The new language would be inserted into Chapter 12. Below is the proposed ordinance language.

The owner or occupant of any retail or commercial building fronting upon any street shall place and maintain on the front of the building the property building number assigned by the City.

Building Type	**Address Size Specifications**
1 Story Commercial, retail, industrial	12 inches
2 Story Commercial, retail, industrial	18 inches
3+ Story Commercial, retail, industrial	24 inches

1. The numbers shall be conspicuously posted in a location on the front of the building so as to be readily identifiable for all purposes.
2. The numbers shall be placed in the upper corner of a building, if possible, so as to be clearly seen from the street or at or near the building entrance in such a suitable location that it can be clearly seen from the street.
3. The building number shall be clearly displayed, of a color in contrast with the color of the building to which it is attached and of a color contrast with any advertisement, in such a manner that the number may be easily and clearly seen and read during the hours of darkness as well as daylight.
4. On multi-tenant commercial structures, rear entry access doors must display with a minimum 4 inch letter and/or number, the tenant business name and unit number, address of the commercial space, and indicate access doors to mechanical, electrical, or sprinkler rooms.

Commercial Vehicle

Commercial vehicle storage in a residential district is enforced in both Chapter 19 Public Nuisance and Petty Offenses and Chapter 35 Unified Development. Since the adoption of the Unified Development code in 2023, the definition of a commercial vehicles do not match. The purpose of bringing this forward is to ensure that both definitions would be identical and allow for smaller commercial vehicles to be stored in a residential district.

Currently, Chapter 19-103.12 identities a commercial vehicle as a vehicle that is" … a length greater than 21 feet, or a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds…"

The newly adopted definition in chapter 35-5512.c only allows vehicles identified as class 1-4 by the Minnesota's Department of Transportation.

During the work session Council the Council requested that box trucks/cube vans remain prohibited. The current language reflects the prohibition of storage of box trucks/cube vans (no change to the current language). Staff would like clarification on the storage of box trucks. Is there a size of box truck that the Council would want to allow. If there is a change to the proposed ordinance, changes can be made before the public hearing/second reading.

The proposed language would allow step vans, dually (trucks with 4 rear wheels), food trucks, cargo vans, trucks with flat beds, and commercial work trucks to be parked/stored in an R1 and R2 district. The language would continue to prohibit the storage of construction equipment, farm vehicles, dump trucks,

construction trailers, back hoes, box trucks, front-end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, and truck-tractors.

Below is the proposed language:

Commercial vehicles will be defined as a vehicle length greater than 22 feet, or a height greater than 10 feet (measured from grade), or a gross vehicle weight more than 20,000 pounds.

Exception: Grease exhaust vents or ladder racks permanently installed on the top of the truck will not be included in the measurement of the commercial vehicle height. Any equipment/material stored on top of the vehicle will not be allowed.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Improve community and employee safety

ATTACHMENTS:

Description	Upload Date	Type
Ordinance Amendments	8/5/2024	Cover Memo
Presentation	8/6/2024	Presentation

ORDINANCE NO. 2024-__

AN ORDINANCE AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES BY ADDING SECTIONS 12-309 AND 12-310 REGARDING PROPERTY MAINTENANCE STANDARDS

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

Article I. Brooklyn Center City Code, Chapter 12 is amended by adding the following double-underlined language:

Section 12-309. MAILBOX REQUIREMENT. All licensed rental properties shall be provided an onsite mailbox. Mailbox shall be maintain by the property owner and in working condition.

Article II. Brooklyn Center City Code, Chapter 12 is amended by adding the following double-underlined language:

Section 12-310. PREMISES IDENTIFICATION. All commercial buildings shall have approved address numbers places in a position meeting the following requirements and as indicated in Diagram 1.

1. The numbers shall be conspicuously posted in a location on the front of the building so as to be readily identifiable for all purposes.
2. The numbers shall be placed in the upper corner of a building, if possible, so as to be clearly seen from the street or at or near the building entrance in such a suitable location that can be clear seen from the street.
3. The building number shall be clearly displayed, of a color contrast with the color of the building to which it is attached and of a color contrast with any advertisement, in such a manner that the number may be easily and clearly seen and read during the hours of darkness as well as daylight.
4. On multi-tenant commercial structures, rear entry doors must display with a minimum 4 inch letter and/or number, the tenant business name and unit number, address of the commercial space, and indicate access doors to mechanical, electrical, or sprinkler rooms.

Diagram 1

Building Type	**Address Size Specifications**
1 Story Commercial, retail, industrial	12 inches
2 Story Commercial, retail, industrial	18 inches
3+ Story Commercial, retail, industrial	24 inches

Article III. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article IV. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2024.

_____
April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, double-underline indicates new matter.)

ORDINANCE NO. 2024-__

AN ORDINANCE AMENDING CHAPTER 19-103.12 OF CITY CODE OF ORDINANCES REGARDING COMMERCIAL VEHICLE STORAGE

Article I. Brooklyn Center City Code, Section 19-103.12 is amended by adding the following double-underlined language and deleting the following ~~stricken~~ language:

12. The parking and/or storage of construction equipment, farm vehicles and equipment, or a commercial vehicle with a length greater than ~~21~~ 22 feet, or a height greater than ~~8~~ 10 feet, or a gross vehicle weight greater than ~~9,000~~ 20,000 pounds, continuously for more than two hours on any property within a residential zoning district or being lawfully used for residential purposes or on any public street adjacent to such properties. Such equipment and vehicles shall include, but are not limited to, the following: dump trucks, construction trailers, back hoes, front-end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, truck-tractors, step vans, cube vans and the like.

    Exception: Grease exhaust vents or ladder racks permanently installed on the top of the truck will not be included in the measurement of the commercial vehicle height. Any equipment/material stored on top of the vehicle will not be allowed.

The prohibitions of this subdivision shall not apply to the following:

a) Any equipment or vehicle described above being used by a public utility, governmental agency, construction company, moving company or similar company which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

b) Any equipment or vehicle described above which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

c) Any equipment or vehicle exceeding the above described length, height or weight limitations, but which is classified as recreation equipment as specified in Minnesota Statutes 168.011, Subdivision 25.

d) Any equipment or vehicle described above which is parked or stored on property zoned residential and being lawfully used as a church, school, cemetery, golf course, park, playground or publicly owned structure provided the equipment or vehicle is used by said use in the conduct of its normal affairs.

e) Any equipment or vehicle described above which is parked or stored on property which is zoned residential and the principal use is nonconforming

within the meaning of Section 35-111 of the City Ordinances, provided such parking or storage is not increased or expanded after the effective date of this ordinance.

Article II. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article III. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this ____ day of _____, 2024.

_____
April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

(~~Strikeout~~ indicates matter to be deleted, double-underline indicates new matter.)

Community Development Department

Amendments to Chapter 12 and Chapter 19 City Ordinances – 1st Reading

Jesse Anderson, Community Development Director

Review

Chapter 12 – Building Maintenance and Occupancy

- Cover property maintenance both residential and commercial properties
- Major update was complete in 2020
  - Adopted 2018 International Property Maintenance Code (IPMC)
- Rental license program
- Vacant Building

Chapter 19 – Public Nuisance and Petty Offenses

- Codes enforced by Community Development and other departments
- Covers things such as: storage of junk, inoperable vehicles, parking on the grass, etc.
- Noxious weed / tall grass

Chapter 12 Changes

Mailbox requirement for licensed rental properties

- Inspection staff has received complaints about multi-family properties not replacing mailboxes and mail delivery is being held at the post office. Residents would then be required to pick up mail at the post office.
- Currently there are no requirement for mailboxes
- State and Federal regulations only require specific type of mailboxes and the location of mailboxes, not the requirement for a mailbox
- The requirement would be for both single family and multi-family properties which would eliminate hardships for tenants receiving their mail.

Chapter 12 Changes

Commercial Property Addressing

- The City or Building codes do not have an ordinance that specifies the addressing size for commercial or retail properties
- Residential addressing is outlined in IPMC and MN Building Code (4in tall and 1/2in wide)
- The purpose is to implement a uniform requirement for all commercial/retail properties.

Building Type	Address Size Specifications
1 Story Commercial, retail, industrial	12 inches
2 Story Commercial, retail, industrial	18 inches
3 Story Commercial, retail, industrial	24 inches

- Additional requirements would be:
  - Posted in the front of the building
  - Placed in the upper corner of a building if possible, to be clearly seen from the street
  - Clearly displayed, of a color contrast with the building, contrast with any advertisement, and easily read during the hours of darkness and daylight.

Chapter 19 Ordinance Changes

Commercial Vehicle Storage

- Commercial vehicle storage is found in Chapters 19 and 35
- Chapter 19 - Identifies a commercial vehicle as a vehicle that is "… a length greater than 21 feet, or a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds…"

New language: Commercial vehicles will be defined as a vehicle length greater than 22 feet, or a height greater than 10 feet (measured from grade), or a gross vehicle weight more than 20,000 pounds.

Exception: Grease exhaust vents or ladder racks permanently installed on the top of the truck will not be included in the measurement of the commercial vehicle height. Any equipment/material stored on top of the vehicle will not be allowed.

Chapter 19 Changes

Commercial Vehicle Storage

- The new language would allow: step vans, dually (trucks with 4 rear wheels), food trucks, cargo vans, trucks with flat beds, commercial work trucks if they are within the parameters of the ordinance.

- The ordinance would still prohibit:
  - The storage of construction equipment, **box trucks**, farm vehicles, dump trucks, construction trailers, back hoes, front-end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, and truck-tractors.

Allowed Commercial Vehicles under new ordinance









Allowed Commercial Vehicles under new ordinance









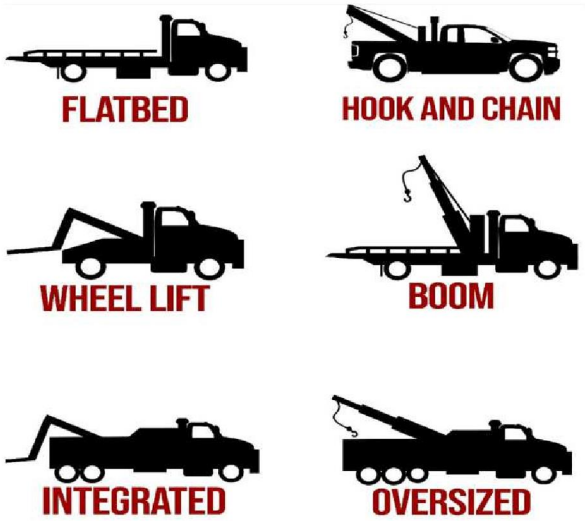
Not - Allowed Commercial Vehicles







Tow Trucks



Not - Allowed Commercial Vehicles







Box Truck/Cube Van

During the City Council work session the Council's direction was to not allow for box trucks. The current proposed ordinance does continue to prohibit box trucks.

Staff is providing additional information relating to the size of a box truck. If the City Council would prefer to still allow smaller box trucks the ordinance could be revised for the 2nd reading.

Box Truck Description

- Box truck is also called a Cube Van or Box Van
- The size reference of a truck usually refers to the size of the box, not the size of the entire truck
  - For example: A 15ft box truck only measures the size of the box and then add an approximate 6-8ft for the cabin totaling the truck size to 21-23ft long
- Size, height, and weight all vary based on the brand, load capacity, and use of the truck.

Box Truck/Cube Van Comparison

Example Would fall within code length, however would be prohibited based on type.

- Approximately 117 inches tall (9.75ft)
- 264 inches long (22ft) –







Box Truck/Cube Van Comparison

Example would be prohibited based on code length and type.

- Approximately 120 inches tall (10ft)
- 288 inches long (24ft)







Box Truck/Cube Van

Ordinance Options:

1. Keep the proposed ordinance as is.
    - This would prohibit all box trucks from being stored outside.

2. Remove the box truck type language from the ordinance.
    - This would allow for box truck that are less then 22 feet in length and 10 feet in height to be stored outside.

3. Remove the box truck type language from the ordinance and add specific length requirements for box trucks.
    - This would allow for smaller box trucks but prohibit anything longer then 20 feet and over 10 feet in height.

Recommendation

Requested Action

- Motion to approve a first reading for an ordinance amending Chapter 12 and 19-103 of the City Code of Ordinances regarding commercial/retail addressing, mailbox requirement for licensed rental properties, and commercial vehicle storage.
- A second reading and public hearing will be brought to council at a later council meeting.

If they City Council has suggested language changes, those changes can be made for the second reading.

Council/EDA Work Session
City Hall Council Chambers
August 12, 2024

AGENDA

ACTIVE DISCUSSION ITEMS

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
    - Memorial Policy
    - Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November)*
    - Opioid Settlement - 8/12
    - ARPA Funds
    - Grants: Revenues & Expenses
    - Purchasing Policy
    - Planning Application Process
    - Commission Members
    - Property Tax - 8/26
    - 6500 Camdon - EDA Lot
    - Admiral Lane
    - Special Planning Commission Worksession

Council/EDA Work Session

DATE: 8/12/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Memorial Policy
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November)*
- Opioid Settlement - 8/12
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Planning Application Process
- Commission Members
- Property Tax - 8/26
- 6500 Camdon - EDA Lot
- Admiral Lane
- Special Planning Commission Worksession

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: