

Council Study Session

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-535-
8110 Access code:
1334944673
July 27, 2020

AGENDA

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet is available to the public. The packet ring binder is located at the entrance of the council chambers.

- 1. City Council Discussion of Agenda Items and Questions - 6 p.m.**
- 2. Miscellaneous**
- 3. Discussion of Work Session Agenda Item as Time Permits**
- 4. Adjourn**

CITY COUNCIL MEETING

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AGENDA



Meeting Mute Testing: The host will place all attendees on mute and ask that all attendees unmute themselves before starting the meeting.

1. Informal Open Forum with City Council - 6:45 p.m.

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

I will first call on those who notified the Clerk that they would like to speak during open forum, and then I will ask if anyone else connected to this meeting would like to speak. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

2. Invocation - 7 p.m. (Mayor Elliott)

3. Call to Order Regular Business Meeting

This meeting is being conducted electronically under Minnesota Statutes, section 13D.021 due to the pandemic. For those who are connected to this meeting, please keep your microphone muted. If there is an opportunity for public comment, you may unmute and speak when called upon. Please do not talk over others and anyone being disruptive may be ejected from the meeting. The packet for this meeting is on the City's website, which is linked on the calendar or can be found on "City Council" page.

4. Roll Call

5. Pledge of Allegiance

6. Approval of Agenda and Consent Agenda

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at

the end of Council Consideration Items.

a. Approval of Minutes

- *Motion to approve minutes for the following meetings:*

- *July 13, 2020 Study Session*
- *July 13, 2020 Regular Meeting*
- *July 13, 2020 Work Session*

b. Approval of Licenses

- *Motion to approve licenses as presented.*

c. Resolution Supporting Federal Legislation Recognizing June 19th, Known as Juneteenth, as a National Holiday

- *Motion to approve a resolution supporting Federal Legislation Recognizing June 19th, known as Juneteenth, as a National Holiday.*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

The public hearing on this matter is now open. I will first call on those who notified the Clerk that they would like to speak to this matter, then I will ask if anyone else on this meeting would like to speak during this hearing. When I do, please indicate your name and then proceed when I call on you. Please be sure to state your name and address before speaking.

9. Planning Commission Items

a. Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2020-006 Submitted by Matt Durand for Approval of a Site and Building Plan and Issuance of a Special Use Permit for a Standalone Car Wash on Building Site E Within the Shingle Creek Crossing PUD (1080 Shingle Creek Crossing)

- *Motion to adopt a resolution to approve Planning Commission Application No. 2020-006 for approval of a site and building plan and issuance of a Special Use Permit to operate a standalone car wash on Building Site E within the Shingle Creek Crossing Planned Unit Development, and also known as 1080 Shingle Creek Crossing, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the resolution.*

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Background:

ATTACHMENTS:

Description	Upload Date	Type
7-13 Study Session	7/22/2020	Backup Material
7-13 Regular Session	7/22/2020	Backup Material
7-13 Work Session	7/22/2020	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 13, 2020

CALL TO ORDER

The Brooklyn Center City Council met in Study Session called to order by Mayor Mike Elliott at 6:00 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Director of Public Works Doran Cote, Community Development Director Meg Beekman, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

Councilmember Ryan requested, under Agenda Item 6b, that the Resolution recognizing Juneteenth as a national holiday be read in its entirety.

Mayor Elliott stated that will be added as Agenda Item 10a under Council Consideration Items.

Mayor Elliott requested that a new Agenda Item 10b be added to discuss the June 8, 2020 meeting minutes.

MISCELLANEOUS

Testing of the Webex Muting System

City Manager Curt Boganey stated City Staff has reviewed online meeting protocol, as a resident indicated that they were unable to unmute themselves throughout the City Council's last meeting. He added, as a matter of protocol, anyone who has joined the meeting will be asked to test their ability to unmute their microphone. He noted City Staff will be able to identify whether the system is functioning properly.

Mr. Boganey stated anyone who is unable to unmute could be instructed to add a note in the chat function or send an email to the City Clerk. He added this is not currently included in the meeting opening statement, but it will be added for future meetings.

Schedule Work Session to Follow Up from Attorney General's Report

Mr. Boganey stated the City Council's recent Work Session included a presentation from Elizer Darris, a local activist and member of Attorney General Keith Ellison's Police Violent

Encounters Task Force and related outcomes. He added the City Council agreed to hold a related Work Session on this issue. He noted one of the additional meeting dates that the City Council added to their schedule might be appropriate.

City Clerk Barb Suciu stated September 8, 2020, is the next additional meeting date.

Mayor Elliott stated perhaps there is a date over the next few weeks. He suggested July 21, 22, or 29.

Councilmember Butler stated the online City Calendar is showing City Council meetings every night next week, July 20-23, including a joint meeting with the Financial Commission.

Mr. Boganey stated the only meeting next week is on Monday, July 20, 2020, with the Financial Commission. Ms. Suciu confirmed this.

There was a majority Consensus of the City Council to hold a Work Session to review the Police Policy presentation on July 22, 2020, at 6:00 p.m.

Schedule Work Session on Shopping Center Cleanliness

Mr. Boganey stated Councilmember Butler requested that the City Council schedule a Work Session regarding shopping center cleanliness.

Councilmember Butler expressed concern about trash which is not something new as she has brought it up several times. She added she has also noticed a lot of comments on Facebook about trash. She noted she would like to spend some time thinking through creative long-term solutions, especially making businesses more accountable for keeping their property clean.

Councilmember Butler stated some stores have employees that go out and clean their properties, but others do not. She added the City cannot depend upon the people who own the development, although the problem is not only in Shingle Creek Crossing, and trash is a problem all over the City. She noted the City has spent a lot of money on revamping its image, and this is an image factor that has yet to be addressed.

Councilmember Butler asked whether the City Council would support being firmer on requesting businesses to deal with trash and garbage. She added she does not want to discredit the work that has already been done that the City Council is not aware of.

Mr. Boganey stated this issue could be addressed at one of the City Council's upcoming Work Sessions. He added City Staff has information and recommendations for the City Council to consider.

Mayor Elliott stated he supports Councilmember Butler requesting this Work Session as it is very much needed. He added a group of citizens volunteer to clean parts of the City regularly, and businesses should be doing that themselves. He noted this goes beyond commercial

properties, as there are also residential areas where trash collects. He agreed it is important to come up with a strategy for how to deal with how to keep the City clean.

Councilmember Graves stated she would like to see what other cities are doing. She added she knows some cities have local students do clean-up in residential areas. She noted she is concerned about the condition of the road near Auto Zone.

Councilmember Lawrence-Anderson stated she agrees with Councilmember Graves and thanked her for bringing that up. She added there are potholes that are 2 feet in diameter in the roadway from Brooklyn Boulevard into the parking area. She noted she is unsure who is responsible for that area but it could be very dangerous and should be addressed.

Mr. Boganey stated the City is not responsible for roadway maintenance on private property, but there may be some action that can be taken from a regulatory standpoint. He added City Staff can share ideas and suggestions with the City Council regarding clean-up on private property which is easier to address. He agreed to provide more information on this issue at the City Council's next Regular session.

Mr. Boganey stated the City has not hired the usual number of parks employees this season due to budgetary constraints, so that may be a factor in terms of cleanliness in the City's parks. He added City Staff can look into that to see what can be done.

Councilmember Graves stated the Parks Commission may have additional knowledge about which parks and areas need to be cleaned up. She added Commissioners could engage with Parks seasonal employees to strategically focus on these areas. She noted this may be the most efficient and effective way to do parks clean-up.

Mr. Boganey stated he hoped that the City's full-time Community Engagement staff can be supplemented with some part-time employees. He added community engagement efforts in the City's neighborhoods were interrupted by the pandemic.

Councilmember Ryan expressed his appreciation to Councilmember Butler for taking the lead on this issue. He added Councilmembers all share the same concerns about the appearance of the City and implications for its image. He added he has been involved with the Lions Club for many years, and he could advocate for a parks clean-up effort to be organized by the Lions.

Mayor Elliott stated the City Council can all play a role in this solution. He added he is excited for the discussion.

Councilmember Butler asked Mr. Boganey whether he would like to receive emails from the Councilmembers with suggestions and ideas before the discussion. Mr. Boganey agreed, adding City Council ideas and suggestions are welcome.

Power Outage

Mayor Elliott stated there was a significant power outage in his neighborhood earlier that day, when a semi-truck ran into a power pole and damaged the line. He added no one was hurt but the power cable was on the ground and people were driving around it. He noted this is the second time in three weeks that this pole has been hit by a vehicle.

Mayor Elliott asked whether there is a process for reaching out to Xcel Energy to determine whether the placement of the pole is appropriate. He added this is an issue of great concern to residents in the neighborhood.

Public Works Director Doran Cote stated today was the first time that he has heard of the pole that has been hit, and he was not aware of the previous incident. He added Xcel Energy has a procedure for emergency repairs to get residents back in service. He added relocation or replacement of poles requires a City or County permit depending upon the type of street. He agreed to reach out to Xcel Energy.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott closed the Study Session at 6:45 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 13, 2020

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Mike Elliott at 6:45 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Community Development Director Meg Beekman, City Clerk Barb Suci, and City Attorney Troy Gilchrist.

Mayor Mike Elliott opened the meeting for the purpose of Informal Open Forum.

Mayor Elliott stated anyone who wishes to speak during the Open Forum but has been muted can send a message in the meeting chat forum or send an email to the City Clerk at cityclerk@ci.brooklyn-center.mn.us.

No one wished to address the City Council.

Mayor Elliott recessed the meeting until 7:00 p.m.

2. INVOCATION

Councilmember Graves played a recording of Frederick Douglass' July 5, 1852 speech: "What to the Slave is the Fourth of July?" She added the speech, written a long time ago, is still relevant today.

"Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here to-day? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? And am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings

in which you this day rejoice are not enjoyed in common. The rich inheritance of justice, liberty, prosperity, and independence bequeathed by your fathers is shared by you, not by me. The sunlight that brought life and healing to you has brought stripes and death to me. This Fourth of July is yours, not mine. You may rejoice, I must mourn. To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhuman mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak today?

What, to the American slave, is your Fourth of July? I answer: a day that reveals to him, more than all other days of the year, the gross injustice and cruelty to which he is a constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are, to Him, mere bombast, fraud, deception, impiety, and hypocrisy – a thin veil to cover up crimes that would disgrace a nation of savages. There is not a nation of the earth guilty of practices more shocking and bloody than are the people of these United States at this very hour.

At a time like this, scorching irony, not convincing argument, is needed. O! had I the ability, and could reach the nation's ear, I would, to-day, pour forth a stream, a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, the earthquake. The feeling of the nation must be quickened; the conscience of the nation must be roused; the propriety of the nation must be startled; the hypocrisy of the nation must be exposed; and the crimes against God and man must be proclaimed and denounced.”

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in Regular Session called to order by Mayor Mike Elliott at 7:00 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. June 8, 2020 – Regular Meeting – Considered as Agenda Item 10b
2. June 17, 2020 - Work Session
3. June 22, 2020 - Study Session
4. June 22, 2020 - Regular Meeting

6b. LICENSES

Amusement Devices License

Mendota Valley Amusements Inc
DBA American Legion BC
Mendota Valley Amusements Inc
DBA MTCO

6110 Brooklyn Blvd
Brooklyn Center, MN 55430
6845 Shingle Creek Pkwy
Brooklyn Center, MN 55430

Garbage Hauler License

Randy's Sanitation

PO Box 169
Delano, 55328

Mechanical Licenses

Air Express Inc

PO Box 490400
Blaine, 55449

All Weather Heating & Cooling LLC

10216 5th Ave S
Bloomington, 55420

Boys Electric LLC

490 Villaume Ave
South St Paul, 55075

Clemco's Perfect Comfort LLC

13666 Alabama Ave S
Savage, 55378

Dependable Heating and Cooling

2619 Coon Rapids Blvd, Ste 101
Coon Rapids, 55433

Heating & Cooling Two Inc

18550 County Rd 81
Maple Grove, 55369

Innovative Mechanical LLC

5664 172nd LN NW
Ramsey, 55303

M & D Plumbing & Heating

11050 26th St NE
St Michael, 55376

Marsh Heating & A/C

6248 Lakeland Ave n
Brooklyn Park, 55428

Metro Heating and Cooling

1220 Cope Ave E
Maplewood 55109

Northland Mechanical Contr	9001 Science Center Dr New Hope, 55428
PB Services LLC	9410 Bataan St NE Blaine, 55449
Pierce Refrigeration	1920 2nd Ave S Anoka, 55303
Ridler Heating & Cooling Inc	3110 Washington Ave N Minneapolis 55411
Twin City Heating and Air DBA WJW Co	10600 University Ave NW Coon Rapids, 55448

Signhanger's Licenses

Mathey Sign	831 Coon Rapids Blvd Ext NW Coon Rapids, 55445
Resolution Graphics, Inc	3770 Dunlap St N Arden Hills, 55112

RENTAL

INITIAL (TYPE IV – one-year license)

2606 64th Ave N	Abdirashid Jama Arab
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INITIAL (TYPE III – one-year license)

3512 Woodbine Lane	HPA Borrower 2018-1 MS LLC
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INITIAL (TYPE II – two-year license)

6336 Fremont Ave N	Alexander Lang
5611 Knox Ave N	Herman Ross / Pro Operum Sub XI

RENEWAL (TYPE IV – one-year license)

6107 Emerson Ave N	Lydia Yeboah - met requirements
6015 Aldrich Ave N	My Truong - met requirements
5415 Emerson Ave N	MNSF II LLC - met requirements

RENEWAL (TYPE III – one-year license)

6029 Bryant Ave N	Stephen Yeboah - missing CFH
6212 Kyle Ave N	Kristine Rousseau

RENEWAL (TYPE II – two-year license)

2701 Ohenry Rd	Sherman Kho
6706 Toledo Ave N	Stephen Burson

RENEWAL (TYPE I – three-year license)

6001 Admiral Pl	IH3 Property - met requirements
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6c. RESOLUTION NO. 2020-058 APPOINTING ELECTION JUDGES FOR THE 2020 PRIMARY ELECTION

6d. RESOLUTION NO. 2020-XX SUPPORTING FEDERAL LEGISLATION RECOGNIZING JUNE 19TH, KNOWN AS JUNETEENTH, AS A NATIONAL HOLIDAY – Considered as Agenda Item 10a

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

-None.

8. PUBLIC HEARINGS

-None.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION NO. 2020-059 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-003 SUBMITTED BY JANE SHARKEY OF HELENA AUTISM THERAPY CENTER, INC. REQUESTING A SITE PLAN AMENDMENT FOR CERTAIN PARKING LOT AND DRIVEWAY IMPROVEMENTS (5637 BROOKLYN BOULEVARD)

Development Director Meg Beekman reviewed the request from applicant Jane Sharkey for a site plan amendment for Helena Autism Therapy Center for a site plan amendment. She added Ms. Sharkey had joined the meeting this evening. She noted the request is for an amendment to the site plan.

Ms. Beekman stated the Autism Center serves clients between 2-7 years of age who have a medical diagnosis of Autism Spectrum Disorder. She added the children spend 20 hours a week in a typical academic setting as well as speech and occupational therapy. She noted there are 20 children in the morning session and 20 children in the afternoon session and has 32 on-site employees as well as 10 additional staff.

Ms. Beekman stated the applicant indicated, in her original application, that they wanted to alter the parking area to create a drop-off area to increase safety and efficiency for students and their families. She added the applicant is requesting that a second driveway be installed to allow vehicles to drive through the site. She noted the parking area would be restriped and the second driveway added later in the summer.

Ms. Beekman stated the proposed site plan would allow for vehicles to enter as usual but exit from a new driveway on the west side of the site. She added City Staff have worked with the applicant on these improvements to increase efficiency, preserve ADA accessible parking stalls,

create new signage and decrease the width of the exit point, to ensure that local traffic does not use it as a cut-through.

Ms. Beekman stated the Assistant City Engineer's memo recommends that the applicant complete and submit a striping plan prior to doing the re-striping, and that the necessary permits are obtained by the applicant. She added notification was sent to nearby property owners, recognizing the impacts to the neighborhood, although a public hearing is not required. She noted no comments were received.

Ms. Beekman stated this application was discussed by the Planning Commission at their June 11, 2020 meeting, at which additional signage was recommended to ensure that the parking lot does not become a cut through for local traffic. She added one Commissioner lives in this neighborhood and indicated that the amount of traffic has decreased from the previous use, and there have been no additional traffic concerns. She noted the Planning Commission recommended unanimous approval of the application.

Ms. Beekman stated City Staff recommends approval of the site plan amendment for certain parking lot and driveway improvements at 5637 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the conditions of approval in the Resolution.

Ms. Beekman stated the applicant, Jane Sharkey, has joined meeting to answer questions and comments.

Mayor Elliott asked whether there were any concerns expressed by the Planning Commission. Ms. Beekman stated the Planning Commission expressed their appreciation for City Staff's recommendations that the driveway width be reduced, and signage be added to make it clear that it is a one way exit only. She added they expressed concern about nearby residents using the parking lot as a cut-through to Brooklyn Boulevard.

Councilmember Graves moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2020-XX to approve Planning Commission Application No. 2020-003 For a Site Plan Amendment to Address Certain Parking Lot and Driveway Improvements at 5637 Brooklyn Boulevard, based on the findings of fact and submitted documentation, as amended by the Conditions of Approval in the Resolution.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. CONSIDERATION OF JUNETEENTH RESOLUTION

Mayor Elliott read a Resolution in full supporting federal legislation recognizing June 19 as Juneteenth, a national holiday.

Councilmember Ryan stated he believes the Resolution speaks for itself. He added, given that he proposed this Resolution, he would like to make a motion to approve the Resolution.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to adopt RESOLUTION NO. 2020-060 supporting federal legislation recognizing June 19 as Juneteenth, a national holiday.

Discussion during the motion:

Mr. Boganey recommended that the Resolution be amended as follows:

-Lines 3,8, 10, and 11 - replace “slaves” with “enslaved individuals”.

Mr. Boganey stated it is important to note that there is a difference.

Mayor Elliott stated he accepts the language amendment. He added the Resolution should reflect that the date on which slavery legally came to an end in the United States was January 1, 1863. He noted he would suggest that City Staff make the recommended changes and bring the Resolution back to the next City Council meeting for consideration and approval.

Councilmember Ryan stated he appreciates Mayor Elliott’s clarification. He added the Emancipation Proclamation of 1863 did not apply to a few border states that were not in rebellion. He noted slavery was not abolished until the 15th Amendment was passed. He noted this point may not be necessary in terms of the importance of Juneteenth, but rather for the acknowledgement of historical verities. He agreed it is a good idea to make the requested changes and review the amended Resolution at the City Council’s next meeting.

There was no vote on the motion.

Councilmember Ryan moved and Councilmember Butler seconded to table RESOLUTION NO. 2020-060 supporting federal legislation recognizing June 19 as Juneteenth, a national holiday, and to instruct City Staff to make the requested amendments and bring back to the City Council for review and adoption at their July 27, 2020 meeting.

Motion passed unanimously.

10b. JUNE 8, 2020 REGULAR SESSION MINUTES

Mayor Elliott stated he wanted to make a remark about the June 8, 2020, minutes. He added, at the June 8, 2020, meeting, his dear brother Councilmember Ryan made a statement which he took issue with. He noted the City Council subsequently requested that a transcript version of that particular discussion be completed.

Mayor Elliott stated he is pleased to say that the minutes do accurately reflect the meeting. He added the statement that he and Councilmember Butler took issue with was that Councilmember Ryan’s statement that the City is struggling with the fact that diversity has brought lower income. He noted it is important to take account of Councilmember Ryan’s statement.

Mayor Elliott referred to a book by nationally recognized historian and scholar Ibram Kendi, “*Stamped from the Beginning: The Definitive History of Racist Ideas in America*”. He added

racist ideas have a long and lingering history, in which nearly every great American thinker is complacent. He noted this is a book that is deeply researched, and which chronicles the entire history of anti-black, racist ideas and their staggering power over the course of America's history.

Mayor Elliott stated Kendi's book asserts that racist ideas do not arise from ignorance or hatred, but they are created to justify and rationalize deeply entrenched discriminatory policies and the nation's racial inequalities. He noted Mr. Kendi provides hope and a process, and tools for how to expose racist thinking and move forward.

Mayor Elliott stated, as Councilmember Butler correctly pointed out, it was wrong for Councilmember Ryan to collectively equate people of diverse backgrounds to poverty. He added the narrative that is created about people of color, as Councilmember Ryan did, has long plagued the nation. He noted these phrases and ideas have penetrated and continue to cause harm and lead to policies which further marginalize people of color. He noted this undermines the ability to govern in a way that serves all people equally, fairly and justly. He expressed the importance of working toward making Brooklyn Center the best place in Minnesota.

Mayor Elliott stated Councilmember Ryan offered a Resolution tonight for adoption by the City Council that will express support for making Juneteenth a national holiday, which he supports. He added these types of gestures cannot be offered while racist ideas are perpetuated that lump diversity with poverty. He noted the City Council is working to create a model of inclusion for all who call Brooklyn Center home. He noted the City Council is united even in its divisions, but ideas that perpetuate racism cannot stand.

Mayor Elliott stressed the importance of moving forward to deconstruct narratives that have served to undermine people in our society for so long. He added we are all learning and growing, and this is an opportunity to learn and grow.

Mayor Elliott moved to approve the June 8, 2020, minutes as amended.

Councilmember Ryan stated he understands Mayor Elliott's commentary on the minutes and has a brief rejoinder.

Mayor Elliott called for a second before further discussion.

The motion was seconded by Councilmember Butler.

Discussion during the motion:

Councilmember Ryan stated he is disturbed that someone would even suggest that he would entertain such notions. He added the City Council is charged with being problem solvers, and problems cannot be solved if they go unstated. He noted he was speaking in terms of statistical generalities, and he also pointed out that The Lux, the City's only luxury apartment building, has a very diverse population.

Councilmember Ryan stated he introduced Resolution No. 2016-177, a copy of which has been distributed to the City Council. He read an excerpt from this Resolution, which expresses the

City of Brooklyn Center's commitment to "work collaboratively to promote greater economic stability, the elimination of economic racial disparities, and a mutually prosperous community for all Brooklyn Center residents, businesses and entrepreneurs; and Whereas the City of Brooklyn Center is one of the most diverse cities in the Twin Cities' metropolitan region; and Whereas the City of Brooklyn Center has far too many of its residents earning an income significantly below the median income for Hennepin County according to the US. Census Bureau, and whereas the City of Brooklyn Center has identified and acknowledged that significant racial disparities exist among its residents and the local economy, that can and must be improved".

Councilmember Ryan stated it was in the spirit of that Resolution that he highlighted this issue. He added it should be the City Council's ongoing mission to address greater economic stability and do everything within our means to redress it. He noted he brought this issue up during a discussion about how to address development issues at the Opportunity Site.

Councilmember Ryan stated he does not feel that he is entertaining the type of ideas that Mayor Elliott is referring to. He expressed his commitment to making all of the community's brothers and sisters equal, not just in formal rights, but also in economic opportunity. He added his only regret is that his comments might have been misinterpreted without malice by his colleagues, and for that he recognizes that he was perhaps not clear enough in making his statements. He noted he appreciates the opportunity for this discussion.

Councilmember Graves stated she appreciates that the space for this dialogue has been created. She added white supremacist culture and racism is something under which we are all socialized and indoctrinated, and often shows up as small micro-aggressions. She noted this is why it is a good idea to look back at the Juneteenth resolution and ensure its accuracy.

Councilmember Graves stated, since she has served on the City Council with Councilmember Ryan, she has personally seen him grow in his ability to both name and support racial equity. She added some of his comments were somewhat badly stated, and could be a trigger for people, and could cause harm. She noted she believes it was a mistake in language and not a mistake in his intention to express a very real issue related to economic disparities between different racial groups.

Councilmember Graves stated it was also important for the Mayor to call it out and indicate that harm is being done, so Councilmember Ryan can continue to do the work, as all of the Councilmembers are doing, to combat racism, racial inequality and disparities. She added this applies not just with City policies and how they affect the community, but with how the City Council interacts and communicates with each other.

Councilmember Graves commended both Councilmember Ryan and Mayor Elliott for creating this space, and encourage everyone to make reparative actions, acknowledging when harm is caused, and pointing it out in love and in an effort to express true feelings. She expressed her gratitude for being a part of this body and seeing the work that is happening in the moment, which makes us better leaders.

Councilmember Butler stated Councilmember Graves stated it very well, as she always does. She added what has been said today represents why there is a problem. She added, when she spoke up, the murder of George Floyd and related trauma had just happened. She noted she recommended looking into a book about white fragility, addressing discomfort and defensiveness on the part of a white person when confronted by information about racial inequality and injustice.

Councilmember Butler stated she agrees that she has seen Councilmember Ryan enact policy that impacts people of color positively. She added instead of being defensive when called out about harm that has been caused, it should be taken as an opportunity to listen. She noted she has never been as upset as she was at that meeting, so clearly what was said was offensive and trauma-inflicting. She expressed her hope that in the future it would be taken as feedback for the City Council to work together.

Councilmember Butler stated another incident happened, not during a City Council meeting, that was put on a public place by one of our Councilmembers, that was very offensive and belittling to the people who are fighting for injustice. She added we all need to take a better look at how we are expressing ourselves because we are considered leaders in this community. She noted the community is made up of a majority of people of color and immigrants, and when we put things out there, we need to ensure that they align with our values and how we want to move forward as a community.

Mayor Elliott stated the City Council will continue to work together to improve and grow. He added this is an opportunity to recognize that this discussion is not only timely but necessary. He noted the City Council can review some of the books that are nationally recognized on this topic and should set a time and process to do some of that work.

Mayor Elliott stated he has been contacted by community members who have experience with this type of work who are interested in working with the City Council and the community. He added the City Council should set a time to have this kind of discussion in a constructive way and move forward.

Councilmember Ryan stated he appreciates the comments of Councilmembers Butler and Graves and Mayor Elliott. He added bad ideas are insidious, and people of good will can give off signals that they are unaware of, victimizing or offending others when they do not wish to do so by using certain phrases, in a certain context. He noted that was not his intention.

Councilmember Ryan stated the City Council should be problem solvers, acknowledging problems and working on solutions with policy makers. He added he appreciates everyone's comments and the opportunity to have this discussion. He noted he appreciates the way Mayor Elliott conducted the conversation.

Mr. Boganey stated Mayor Elliott had recommended Mr. Kendi's book. He added another book, *"How to be an Anti-Racist"*, is being offered to the community through North Hennepin Community College, to be discussed in a community dialogue. He noted the City Council could get copies of that book and participate in the community dialogue.

It was the majority Consensus of the City Council to instruct City Staff to obtain copies of “*How to be an Anti-Racist*” for the City Council.

Mayor Elliott stated the book “*Stamped from the Beginning*” is another good book. He added the City Council can share suggestions for other books. He noted the City has a great opportunity, as there is no other City of its size in Minnesota that is in the position to set the course for how a diverse Minnesota can look, how the City can grow and develop, and help every community member to grow and thrive and have the kind of lifestyle and environment that can improve health, life outcomes for themselves and families.

Mayor Elliott stated he will be having a conversation with Dr. Etta Watts this week, and he will update the City Council on that discussion.

Mayor Elliott stated Dr. Brittany Lewis, a researcher at the University of Minnesota, has done work looking at structural racism within an organization. He added she has worked with the City of Brooklyn Park, and he has begun a conversation with her about what kind of similar work can be done in Brooklyn Center. He noted he would like to ask the City Council to work with her to review the City’s organization and government and look at how structural racism impacts the organization and the community, and review opportunities for change.

Councilmember Ryan stated that is a worthy endeavor and he can make himself available for whatever works for the City Council. The rest of the City Council agreed.

Motion passed unanimously.

11. COUNCIL REPORT

The City Council agreed to forego Council Reports in the interest of time.

12. ADJOURNMENT

Councilmember Graves moved and Councilmember Lawrence-Anderson seconded adjournment of the City Council meeting at 8:00 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 13, 2020

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Mike Elliott at 8:20 p.m. The meeting was conducted via Webex.

ROLL CALL

Mayor/President Mike Elliott and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, City Clerk Barb Suciu, and City Attorney Troy Gilchrist.

**CHANGE THE NAME OF EARLE BROWN HERITAGE CENTER, EARLE BROWN
DRIVE AND EARLE BROWN DAYS**

Mayor/President Elliott stated there is recognition unfolding across the country about America's past, which manifests people who represented racist ideas. He added there has been much discussion about this in the community, as statutes and monuments are being removed and places re-named. He noted there have been many examples of this, including the re-naming of Lake Calhoun to Lake Bde Mka Ska.

Mayor/President Elliott stated the School District recently voted to re-name Earle Brown Elementary School to Brooklyn Center Elementary School. He added this is based on research by the author Elizabeth Dorsey Hadler, who concluded that Earle Brown, a Hennepin County Sheriff and candidate for Minnesota Governor, and who held many other prominent posts, had connections to the Ku Klux Klan in Minnesota. He noted the author has reached out to him directly to discuss this issue.

Mayor/President Elliott stated Earle Brown Heritage Center, an enterprise business entity, is named after Earle Brown, as well as Earle Brown Drive and Earle Brown Days. He added decisions to remove Earle Brown's name from these entities will have an impact, but any questions about Earle Brown's involvement with the Ku Klux Klan could impact businesses that the City owns.

Mayor/President Elliott stated the City Council should consider making a request to the University of Minnesota for information and data regarding Earle Brown in Minnesota. He added Earle Brown Farm was originally given to the University of Minnesota, and then

transferred to the City of Brooklyn Center. He noted he would like to give the author the opportunity to come before the City Council and shed some light on her research.

Councilmember/Commissioner Ryan stated he appreciates this discussion. He added he also appreciates that Mayor/President Elliott brought up the re-naming of Lake Calhoun, as there is no issue about who John Calhoun was or what he represented, as he was a U.S. Vice President and also a Senator with very strong ties to a powerful block of southern states that justified slavery and worked effectively to expand slavery. He noted it was entirely appropriate to have his name removed from Bde Mka Ska in Minneapolis.

Councilmember/Commissioner Ryan stated the question is, who was Earle Brown. He added if the public believes that Earle Brown was involved with the Ku Klux Klan, then the City Council should act on this rather than acting against public opinion. He added he hopes there will be more information and evidence to deal with this issue. He noted he would not be opposed to changing the name if Earle Brown was that kind of a person.

Councilmember/Commissioner Graves stated she forwarded an article a few weeks back about the School Board's decision to change the name of the school. She added she is happy to see this on the Agenda. She noted she does not know all of the historical background of Earle Brown but felt somewhat skeptical about his character based on the history that she is aware of.

Councilmember/Commissioner Graves stated there is a long history of connections to the Earle Brown name in Brooklyn Center, including farm emblems on street signs. She added it is prudent to discuss this issue and she would be interested in replacing the name. She noted there was discussion a few years ago about changing the name of Earle Brown Days, because the community has changed since that event started.

Councilmember/Commissioner Graves stated she is not opposed to getting a report from the author although she does not need more convincing. She added, without any additional information, she has felt intuitively uncomfortable about the symbolism of Earle Brown around the City. She noted the community is speaking up about it now, and she is interested in making these changes, with the assurance that the community is part of the discussion and process.

Councilmember/Commissioner Lawrence-Anderson stated she was not fully aware of all of Earle Brown's activities. She added there were positive things that he did throughout the course of his life. She noted if there is enough disparaging information, whether or not he was an active member of the Ku Klux Klan, it is a moot point and warrants a name change. She added she is supportive of whatever the City Council wants to do.

Councilmember/Commissioner Lawrence-Anderson stated Councilmember/Commissioner Graves mentioned community engagement around the topic of changing the names. She asked whether the City Council would make the decision, or seek community input. She added, if the name is changed, it would be a good idea to include "formerly known as" to link the enterprise business to its former name, so people can still find it online. She noted she is amiable to changing the name if that is the consensus of the City Council, but she would also like to get community feedback, and if there are any ideas about what the new name should be.

Councilmember/Commissioner Butler stated she appreciates the fact that the School Board made the name change for the school. She added having the research presented to the City Council would be helpful, and she would appreciate that approach.

Mayor/President Elliott agreed to reach out to the author to try to schedule a meeting with her.

Councilmember/Commissioner Ryan stated the staff report included a link for a website that referred to historians who criticized this research. He added it was not a secure website, so he did not access the link. He noted he intends to go to the library to do some further research.

Councilmember/Commissioner Ryan stated if there is a strong link between Earle Brown and the Ku Klux Klan, obviously the City should make the change.

ZOOM MEETINGS

Mayor/President Elliott asked whether City Staff intends to make the change from Webex to Zoom for online meetings. Mr. Boganey stated the City has contracted for a Zoom account. He added he wanted to ensure that is the preference of the City Council before making the change.

Mayor/President Elliott stated he supports making the change to Zoom. He added he has received feedback from community groups and people who have presented over Webex that we should consider switching to Zoom.

Councilmember/Commissioner Graves stated she supports switching to Zoom. She added it has more capabilities and she is more familiar with it.

Councilmember/Commissioner Ryan stated he is a little out of his league, but he is amenable to any recommendations.

Mr. Boganey stated at least three Councilmember/Commissioners have expressed support for switching to Zoom, and that is sufficient. He added he has participated in Zoom conferences and they seem to work more efficiently. He noted members of the community have expressed a preference for Zoom as well.

EARLE BROWN DISCUSSION - CONTINUED

Mayor/President Elliott called for additional comments.

Councilmember/Commissioner Lawrence-Anderson stated, with regard to Councilmember/Commissioner Ryan's comments about the website link, she did not access the site via link, but typed the name into her Google search bar and came up with the correct website.

Councilmember/Commissioner Ryan stated he appreciates the help. He added, once this has been established, the decision becomes pretty clear.

Mayor/President Elliott stated people who are doing an online search for Earle Brown Heritage Center will be presented with that link as well. He added it is prudent to take action on this issue.

Councilmember/Commissioner Ryan stated this is an opportunity for a unique public service. He added, should the evidence suggest the worst case about this historical figure, the City can illustrate the malevolence of racist ideology while at the same time acknowledging the historical contributions of this character. He noted there are a great many examples of this type of historical figure, including Thomas Jefferson, who did a great service to the republic, but also some of the greatest disservice because of racist ideology. He expressed the importance of this great learning opportunity for the City and for posterity.

PREVIEW BEYOND COVID-19 PROCESS

Mr. Boganey stated Dr. Edwards has joined the meeting to give a presentation.

Deputy City Manager Reggie Edwards gave a presentation on City Staff's efforts to use the innovation approach to look at how Covid-19 is affecting the community and identify ways to change some City services to provide more value to residents. He added City services may need to change to respond to conditions created by Covid-19. He noted the way services are delivered to residents may need to change as well.

Dr. Edwards stated a group of 23 staff members have been meeting over the past several weeks, talking to the community and gathering feedback, doing research and brainstorming. He added the group came up with 70 innovative ideas in 7 different areas of consideration, and ultimately narrowed this down to 4 ideas: 2 new services; 1 redesign of current service; and 1 service delivery. He noted the hope is to pilot test these innovations to determine effectiveness and potential implementation on a long-term basis.

Dr. Edwards stated no action is required from the City Council. He added there are issues related to cost, funding and sustainability before specific recommendations can be made.

Dr. Edwards stated he may have technical difficulties, as he is currently in an RV on a family vacation in the Rockies in Colorado. He reviewed a presentation on the work done by City Staff to put this together in a short period of time. He added City Staff displayed an impressive culture of innovation, especially during the unprecedented pandemic, unlike anything we have seen.

Dr. Edwards stated Brooklyn Center residents have indicated that their households and businesses have been fundamentally changed. He added now life is different, but the City must find innovative ways to provide services and programs to the community in these difficult times. He noted the key idea is innovation, or creating something new, which was also a process for City Staff. A multi-departmental group of staff members brought different elements of the organization together.

Dr. Edwards stated grant funding for nonprofit organizations was discussed as a potential model, including challenges, opportunities and observations. He added staff interviewed senior citizens

and youth, to get the best perspective in a short period of time. He noted they tried to hear with their ears, but also their hearts, and what they heard was that this has been a very difficult time, and families face multi-faceted problems.

Dr. Edwards stated City Staff decided on four initiatives for presentation to the City Council.

1. **Community services for seniors** – increased availability of community programs would promote connectivity and reduce the sense of isolation felt by many of the community's seniors. New and innovative ways of bringing activities and services to seniors will be sought due to COVID-19. This pilot will include recreation programming, connecting seniors with families, mobility services, and increased access to essential programs. Applications from seniors will be downloaded onto iPads to allow them to connect and work with City Staff and other partners.
2. **Internet access in neighborhood parks** – internet access and connectivity are significant challenges for many families. Staff reviewed ways to provide internet access at a time when people are looking for jobs, doing homework, and trying to stay socially connected. Internet access brings connectedness, gathering and socialization while addressing isolation, income issues and the digital divide.

There are 17 parks in Brooklyn Center, and all but one of the parks is within a 2-minute walk of a residential property. A pilot program is being considered at Firehouse Park due to internet access and a park shelter in that location. The pilot program would eventually be rolled out to all the City's parks. Year-round wi-fi access and types of shelters are being reviewed and considered.

3. **New services** – residents indicated that they do not have access to the resources they need. This pilot initiative would provide access and resources to residents, bringing out skills and investing in talent that already exist in the community. Innovations can help solve neighborhood problems by empowering residents to use existing skill sets to aid each other. This initiative would be project-based with funding similar to that which was set up for non-profit organizations and small businesses affected by COVID-19. It is hoped that this initiative will pilot by October 2020 for one year, with a rolling grant application to be reviewed internally.
4. **Community food collective** – City Staff heard from many residents who did not have access to affordable, healthy food. When City Staff talked to food vendors who received grant funding, they indicated that they saw people they had never seen before, who are experiencing this for the first time. This plan includes a year-round greenhouse garden where food can be grown that is healthy and culturally appropriate and provided to food shelves or directly to residents.

The pilot program would be supported by research, design and expertise from the University of Minnesota, and would include classes, workshops as well as support for access to resources. Centennial Park is being considered for this initiative, as it is close to utilities and

has parking and restrooms. Solar energy, recycling water and other environmentally sustainable methods are being considered.

Dr. Edwards stated staff members have joined us for this presentation and are prepared to answer questions. He added he is a small mouthpiece for the immense amount of work that has been done by City Staff in planning these pilot initiatives.

Councilmember/Commissioner Butler thanked Dr. Edwards for being available while on his vacation. She added she is extremely impressed by the thorough presentation and foresight of City Staff. She noted those, like herself, who are leaders in organizations are being tasked with being imaginative and forward-thinking, as COVID-19 is not going away any time soon. She thanked City Staff and Dr. Edwards for bringing the pilot initiatives forward.

Councilmember/Commissioner Lawrence-Anderson stated she is also extremely impressed with the presentation, and especially excited about the greenhouse concept, which is extremely innovative and much needed in the community. She added she attends the farmer's market in the summer months and loves to get fresh produce. She noted it would be a great complement to the neighborhood garden.

Councilmember/Commissioner Lawrence-Anderson stated she supports the idea of classes, and teaching people about gardening. She added the rest of the presentation was great.

Councilmember/Commissioner Graves stated she is excited too, and grateful to Dr. Edwards for taking the time during his vacation to give the presentation. She thanked all the other staff who have worked on this. She added Dr. Edwards always does a good job of being attentive and innovative. She noted she is excited to see what is next and whether the pilots might turn into some substantial growth.

Councilmember/Commissioner Ryan stated he appreciates the work that is being done by Dr. Edwards. He added he has always been struck by Dr. Edward's commitment to thorough research and bringing items to the City Council that can be brought to fruition. He noted he really appreciated the report.

Mayor/President Elliott thanked Dr. Edwards for his presentation. He added the City Council held a retreat before the COVID-19 pandemic, and innovation was something that they agreed to be guided by. He noted this is a good example of moving toward becoming a more innovative City.

Major Elliott stated he fully endorses the greenhouse idea, which is a great opportunity to get the community involved.

Mr. Boganey thanked the City Council for their feedback. He thanked Dr. Edwards for his hard work, and for giving this presentation while on vacation. He also thanked all City Staff who worked together diligently to bring this forward, adding he is impressed with the results, and appreciates the great work that has been done.

ADJOURNMENT

Councilmember/Commissioner Lawrence-Anderson moved and Councilmember/Commissioner Butler seconded adjournment of the City Council/Economic Development Authority Work Session at 9:20 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Dr. Reggie Edwards, Deputy City Manager

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

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 Licenses

AAirgate Htg & A/C Inc	PO Box 1649 Maple Grove, 55311
Air Comfort Heating	19170 Jasper St Anoka, 55303
Archer Plumbing LLC	6521 42nd Ave N Crystal, 55427
Midwest Heating & Air Conditioning	26355 Tucker Rd Rogers 55374
Sedgwick Heating	1408 Northland Dr, Ste 310 Mendota Heights, 55120
Street Plumbing Inc	11084 River Hills Dr #5 Burnsville, 55430
Superior Heating A/C & Electric	3731 Thurston Ave NW #108 Anoka, 55303
Vector Services	712 Vista Blvd, Ste 102 Waconia 55387

Signhanger's Licenses

Albrecht Sign Company	7775 Main St NE Fridley, 55432
DeMars Signs Inc	410 93rd Ave NW Coon Rapids, 55433

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	7/7/2020	Backup Material
7-27-2020 Rentals	7/21/2020	Cover Memo

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

Council Regular Meeting

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Council Member Dan Ryan

SUBJECT: Resolution Supporting Federal Legislation Recognizing June 19th, Known as Juneteenth, as a National Holiday

Background:

This was brought to the City Council at the July 13, 2020, City Council meeting. The City Council asked that the resolution be modified and tonight before you is the modified resolution.

Again, after the resolution is approved, a copy of the resolution will be sent to all Federal Senators and Representatives.

Budget Issues:

None.

Strategic Priorities and Values:

Enhanced Community Image, Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/22/2020	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION SUPPORTING FEDERAL LEGISLATION RECOGNIZING JUNE 19th, KNOWN AS JUNETEENTH, AS A NATIONAL HOLIDAY

WHEREAS, June 19th, known as Juneteenth in recognition of June 19, 1865, the date on which Major Gordon Granger land in Galveston Texas to announce the Civil War had ended and the enslaved in Texas were now free even though the emancipation proclamation took effect on January 1, 1863; and

WHEREAS, African-Americans who had been enslaved in the Southwest celebrated June 19th as inspiration and encouragement for future generations; and

WHEREAS, African-Americans across the country have continued the tradition of observing Juneteenth Independence Day for over 150 years; and

WHEREAS, 45 States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of emancipation of all enslaved persons in the United States; and

WHEREAS, the faith and strength of character demonstrated by former enslaved persons and descendants of former enslaved persons remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world; and

WHEREAS, currently there is Federal Legislation recognizing June 19th, known as Juneteenth, as a National Holiday; and

WHEREAS, this Brooklyn Center is in full support of this Federal Legislation.

THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that as a combined body, fully support the Federal Legislation Recognizing June 19th, known as Juneteenth, as a National Holiday and a copy of this resolution shall be forwarded on to the Federal Senators and Representatives.

July 13, 2020
Date

Mayor

ATTEST: _____

RESOLUTION NO. _____

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: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

BY: Ginny McIntosh, City Planner / Zoning Administrator

SUBJECT: Resolution Regarding the Recommended Disposition of Planning Commission Application No. 2020-006 Submitted by Matt Durand for Approval of a Site and Building Plan and Issuance of a Special Use Permit for a Standalone Car Wash on Building Site E Within the Shingle Creek Crossing PUD (1080 Shingle Creek Crossing)

Background:

Matt Durand (“the Applicant”) is requesting approval of a site and building plan and issuance of a Special Use Permit to construct a standalone, approximately 3,667-square foot car wash and related site improvements on Building Site E, located on 0.92 acres at 1080 Shingle Creek Crossing (“the Subject Property”) in the Shingle Creek Crossing Planned Unit Development (PUD).

City Staff was initially approached by Attorney Matthew Wolf (Taft, Stettinius, and Hollister LLP) on behalf of property owner Shingle Creek LLC/Gatlin Development Co. Inc. regarding a proposal to bring a standalone car wash to Building Site E, located at the northeast corner of the Shingle Creek Crossing Planned Unit Development (PUD), and between Aspen Dental and the daylight portion of Shingle Creek. In order to facilitate marketing and development within the PUD, Mr. Wolf also indicated a desire by Gatlin Development Co. Inc. to amend the 2011 Shingle Creek Crossing PUD to delete an “eating establishment” requirement in place under Section 4.A of the Shingle Creek Crossing Declarations and related PUD concepts, revise the list of uses currently allowed within the PUD, update Building Site E to reflect the proposed standalone car wash, and bring the Shingle Creek Crossing PUD and associated Declarations back into synchronization given the number of amendments that have occurred since 2011.

Planning Commission Application No. 2020-002 was submitted to the City for consideration of the aforementioned amendments to the PUD, and the Planning Commission held a public hearing on the requested PUD amendment on May 14, 2020. The City Council subsequently approved the request on June 8, 2020 by a 3-1 vote. The approvals included an update to the building and site configuration of Building Site E to accommodate a car wash and amendments to the Declarations to allow for a car wash on Building Site E specifically.

The Planning Commission reviewed the site and building plan and Special Use Permit requests for the standalone car wash at their meeting via Webex on July 9, 2020. As Special Use Permits require public notification, a public hearing notice was published on June 25, 2020 and mail notifications were sent out to neighboring property owners.

The Commission received feedback from members of the public during the public hearing portion of the review. City staff received letters of support in advance of the meeting from both staff at the local TCF Bank and Bank of America. Resident Angie Dahl initially expressed concerns with impacts to Shingle Creek but

following receipt of the staff report and addressing questions concerning how water is collected within the car wash and the inability of Property Owner Gatlin Development Co. Inc. to receive a sign off from Sears to locate the car wash on either Sites R or T, the resident responded with, "Thank you so much for the response with answers to all my questions. It sounds much better than it seemed just looking at location. There will be many downsides to Sears continuing to hold out for planning." Resident Randy Christensen expressed that he was, "excited to once again have a full service car wash in Brooklyn Center and only a few blocks from the previous one."

During the public hearing, additional comments were provided by Resident Tim Willson, who concurred with Resident Randy Christensen's comments and noted that, "the City cannot seem to build or have economic growth to support a restaurant or two in the area where the car wash is anticipated, so a car wash is a good choice." Resident Tamika Baskin noted, "Looking forward to it! I would like to keep my dollars in the City rather than travelling outside of Brooklyn Center for such simple tasks. I support having another car wash in Brooklyn Center." Resident Steve Schonning noted that he is, "still concerned about the visual aspect of the building and facility." He added that he is, "less than overjoyed with the concept of a car wash at that location, close to Shingle Creek."

Upon close of the public hearing, the Planning Commission engaged in a lengthy discussion of the proposed car wash. Commissioner Koenig requested Property Owner Frank Gatlin and Applicant Matt Durand provide background to the Planning Commission as the membership is almost entirely new to their positions on the history of Shingle Creek Crossing and the search for a car wash site location. Additional inquiries surrounded what the proposed hours of operation would be, how many staff would be hired, and from where. Commissioner Hmong felt the City needs a car wash but expressed a desire for the car wash to use a water reclamation system to recycle all the water produced rather than sending the water to the Met Council's water treatment facility in St. Paul and does not allow water to go into the Creek, which she noted had been addressed in the presentation.

Commissioner Jones inquired on how debris, collected in a pit below the car wash tunnel, would be extracted after gray (or sanitary) water from the car wash is sent to the water treatment facility in St. Paul, and the Applicant's experience with Holiday Station Stores and car wash operations. Chair Omari noted he was fortunate to have had his first Planning Commission meeting when Planning Commission Application No. 2020-002, which approved the updating of Building Site E to reflect a car wash and addressed changes in language to allow for a car wash, came through. He visited the Subject Property and walked along Shingle Creek down towards the Walmart ponds. He also visited Tommy's in New Hope, which is considered of similar caliber, and another car wash in Fridley as part of his review.

Commissioners Goyah, MacMillan, and Daniels all expressed excitement for there to be a car wash in Brooklyn Center.

Commissions discussed at length and asked many questions about the potential impact of the carwash on Shingle Creek and water quality. Staff noted that the Assistant City Engineer reviewed the utility and stormwater plans for the site and concurred that there would be no run off from the site that would enter Shingle Creek. All of the water and debris collected from the car wash would enter into a separate sanitary sewer system, while the stormwater from the site would be collected and enter the Shingle Creek Crossing stormwater system which would carry water to the infiltration ponds behind Walmart.

The Planning Commission ultimately made a recommendation to recommend approval (6-1) of Planning Commission Application No. 2020-006 for approval of a site and building plan and issuance of a Special Use Permit for a standalone car wash on Building Site E in the Shingle Creek Crossing Planned Unit Development, and also known as 1080 Shingle Creek Crossing.

Following the Planning Commission Meeting and with respect to the comments provided concerning Shingle Creek, City staff requested an additional review by Ed Matthiesen, Shingle Creek Watershed Commission Engineer, to provide additional commentary regarding the proposed car wash. The Shingle Creek Watershed Commission Engineer does not typically review City of Brooklyn Center projects unless the project size exceeds 5 acres. His letter is attached to Exhibit H in the attached July 9, 2020 staff report (page 53 of the .pdf). Attached for your review are an excerpted copy of the draft Planning Commission minutes from July 9, 2020, and a draft copy of the Council resolution.

Attached for your review are copies of the July 9, 2020 staff report, an excerpt of the draft Planning Commission minutes, and a draft copy of the Council resolution.

Budget Issues:

None to consider at this time.

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
PC Staff Report and Exhibits-1080 Shingle Creek Crossing-Building Site E-Standalone Car Wash	7/21/2020	Backup Material
Resolution-Disposition of Planning Commission Application No. 2020-006 Submitted by Matt Durand for Site and Building Plan Approval and Issuance of a Special Use Permit for a Standalone Car Wash (1080 Shingle Creek Crossing)	7/21/2020	Resolution Letter
Draft Excerpt of July 9, 2020 Planning Commission Minutes (PC Application No. 2020-006)	7/21/2020	Backup Material

Planning Commission Report
Meeting Date: July 9, 2020

- Application Filed: 06/09/2020
- Review Period (60-day) Deadline: 08/08/2020
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2020-006
Applicants: Matt Durand
Location: 1080 Shingle Creek Crossing (PID: 02-118-21-23-0030)
Requests: (1) Site & Building Plan Approval, (2) Issuance of Special Use Permit

REQUESTED ACTION

Matt Durand (“the Applicant”) is requesting approval of a site and building plan and issuance of a Special Use Permit to construct a standalone, approximately 3,667-square foot car wash and related site improvements on Building Site E, located at 1080 Shingle Creek Crossing (“the Subject Property”) in the Shingle Creek Crossing Planned Unit Development (PUD)—refer to Exhibit A.

As Special Use Permits require a public hearing to be held, a public hearing notice was duly published in the Brooklyn Center *Sun Post* on June 25, 2020 (Exhibit B), and mail notifications were sent to property owners in proximity to the Subject Property.

BACKGROUND



Map 1. Location of Subject Property (Building Site E) and Shingle Creek Crossing PUD Boundary.

Site Data

2040 Land Use Plan:	Transit-Oriented Development (TOD)
Neighborhood:	Centennial
Current Zoning:	Planned Unit Development - Commerce (PUD-C2) District
Site Area:	Shingle Creek Crossing PUD: 68.05 Acres Building Site E: 0.92 Acres

Surrounding Area

Direction	2040 Land Use Plan	Zoning
North	TOD	C2 (Commerce) District
South	ROW (Highway 100)	Highway 100
East	ROW (Highway 100)	Highway 100
West	TOD	C2 (Commerce) District

Central Commerce Overlay District

In the fall of 2019, the City brought forward a request under Planning Commission Application No. 2019-014 to adopt certain zoning amendments to the Central Commerce Overlay District, which the Subject Property (Building Site E) is located within. The proposed amendments were intended to provide clarity to the outlined permitted and prohibited uses within the District. City staff recommended several amendments to Section 35-2240 (*CC Central Commerce Overlay District*) of the Zoning Ordinance to bring the uses permitted in the District closer in alignment to the future land use plans identified in the recently adopted 2040 Comprehensive Plan and remove the least desirable and incompatible uses.

Given that the majority of the District is located within the identified “Transit-Oriented Development” future land use designation under the 2040 Comprehensive Plan, certain auto-oriented type uses, outdoor storage and display of materials, and indoor storage establishments were deemed to necessitate greater restrictions. Standalone car (auto) washes were specifically identified at this time as a permitted use within the Central Commerce Overlay District given the desire of the community to have one after closure of the Brookdale Car Wash off Brooklyn Boulevard.

Additionally, car washes are permitted in very few areas of the City as the current Zoning Ordinance only allows the use through issuance of a Special Use Permit and so long as the use does not abut R1 (One Family Residence), R2 (One and Two Family Residence), or R3 (Multiple Family Residence) District properties, including abutment at a street line. This essentially precludes the presence of a car wash for the near entirety of Brooklyn Boulevard and many other areas of the City, particularly as the R1 District is the most prevalent District type in the City.

Shingle Creek Crossing Planned Unit Development

The original Shingle Creek Crossing Planned Unit Development (PUD) was approved on May 23, 2011, and provided for the overall redevelopment of the Brookdale Mall properties. The mall was originally comprised of over 1.1 million square feet of retail space, which was subsequently reduced following the demolition of 760,000 square feet of old mall space, followed by the planned renovation of 123,242 square feet of former food court space; the redevelopment of over 403,000 square feet of new retail commercial and restaurant uses; and approval of the Shingle Creek daylighting.

Since 2011, the Shingle Creek Crossing PUD has been amended eight additional times to allow for the physical separation of the food court building from Sears, alterations, removals, and additions to the building sites, changes to the signage allowances, the re-subdivision of certain sites, and amendments to the allowed and prohibited uses within the PUD.

Recently, City Staff was approached by Attorney Matthew Wolf (Taft, Stettinius, and Hollister LLP) on behalf of property owner Shingle Creek LLC/Gatlin Development Co. Inc. regarding a proposal to bring a standalone car wash to Building Site E, located at the northeast corner of the Shingle Creek Crossing Planned Unit Development (PUD), and between Aspen Dental and the daylight portion of Shingle Creek. In

order to facilitate marketing and development within the PUD, Mr. Wolf also indicated a desire by Gatlin Development Co. Inc. to amend the 2011 Shingle Creek Crossing PUD to delete an “eating establishment” requirement in place under Section 4.A of the Shingle Creek Crossing Declarations and related PUD concepts, revise the list of uses currently allowed within the PUD, update Building Site E to reflect the proposed standalone car wash, and bring the Shingle Creek Crossing PUD and associated Declarations back into synchronization given the number of amendments that have occurred since 2011.

Planning Commission Application No. 2020-002 was submitted to the City for consideration of the aforementioned amendments to the PUD, and the Planning Commission held a public hearing on the requested PUD amendment on May 14, 2020. The City Council subsequently approved the request on June 8, 2020 by a 3-1 vote. The approvals included an update to the building and site configuration of Building Site E to accommodate a car wash and amendments to the Declarations to allow for a car wash on Building Site E specifically. See attached for a draft excerpt of the discussion at the June 8, 2020 City Council meeting (Exhibit C).

SITE AND BUILDING PLAN

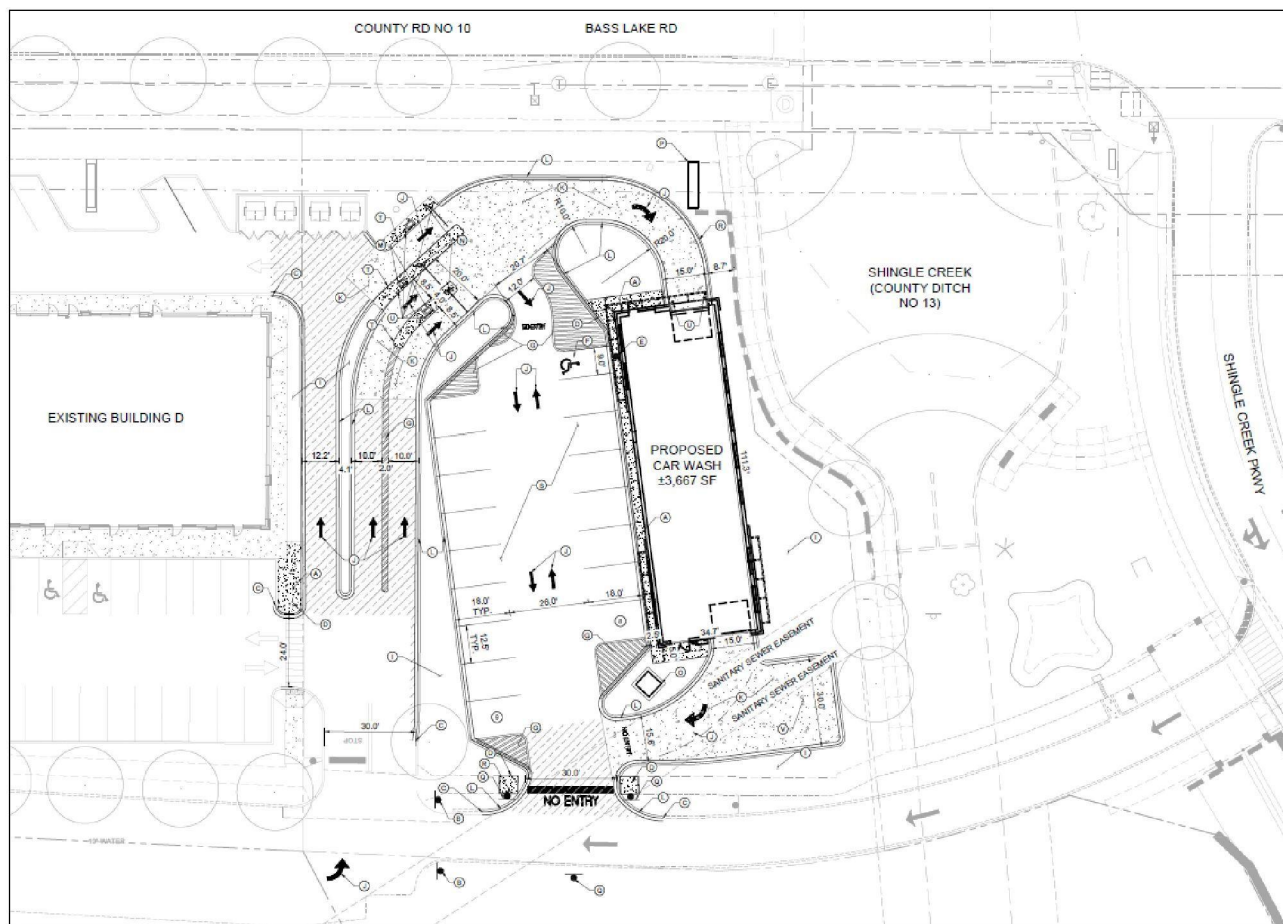


Image 1. Site Plan of Proposed Standalone Car Wash (Building Site E, Shingle Creek Crossing PUD).

Matt Durand (“the Applicant”) and Shingle Creek LLC/Gatlin Development Company Inc. (“the Property Owner”) approached the City regarding a proposal to develop an approximately 3,667-square foot standalone car wash and related site improvements on Building Site E in the Shingle Creek Crossing

retail shopping center.

Section 35-230 (*Plan Approval*) requires Site and Building Plan approval from the City Council for the construction or major alteration of a structure, with the exception of one (R1 District) and two-family (R2 District) dwellings and buildings accessory thereto.

Section 35-355, Subdivision 5.d (*Planned Unit Development*) requires an amendment to the existing Planned Unit Development any time a submitted plan is not in substantial compliance with the approved development plan. Substantial compliance means that the buildings, parking areas and roads are in essentially the same locations as previously approved; the floor area of nonresidential areas has not been increased or decreased by more than 5 percent; no building has been increased in the number of floors; open space has not been decreased or altered from its original design or use, and lot coverage of any individual building has not been increased or decreased by more than 10 percent.

In reviewing the plan set submitted as part of Planning Commission Application No. 2020-006, it appears that the submitted site plan is in substantial compliance with the plans submitted under Planning Commission Application No. 2020-002, which approved amendments to the building size and site configuration of Building Site E ("the Subject Property") to accommodate a standalone car wash.

Proposed Location

Per Property Owner Frank Gatlin (Gatlin Development Co. Inc.), the business model for car washes typically see the use as an outparcel tenant that relies on good visibility and easy access from major roadways. The car wash was initially proposed for construction on the west end of the Shingle Creek Crossing PUD, off Xerxes Avenue North, and north of the Sears property; however, Sears refused to grant for permission for the use on either Building Sites R or T. The Property Owner attempted to offer incentives to lift the restriction from Sears, but Sears would not agree.

Building Sites L, M, O, S, N and Q, located east of Walmart, were also reviewed as potential sites; however, they are all internal to the Shingle Creek Crossing shopping center and are outlined as restaurant or traditional retail uses in the approved PUD documentation and master plans with specific building footprints that are intended to work around the Shingle Creek box culvert and day lighted creek. Of additional concern in proposing a car wash on an internal site is traffic circulation. It is for these reasons that Building Site E was determined to be the best identified alternative location due to its visibility from Bass Lake Road (County Road 10) and access on the edge of the PUD shopping center.

Building

The proposed standalone car wash is approximately 3,667-square feet, with over half of the building comprised of a single car wash tunnel, capable of handling three cars at a time. The remainder of the interior is comprised of two offices, a bathroom, employee area, and large carwash equipment room.

The Shingle Creek Crossing Architectural Guidelines require Buildings A through M to provide at least all four sides with at least 50% Class I and remaining 50% Class II materials. As proposed, the building would meet and exceed this threshold. The Applicant intends to utilize a mix of stucco (Class I), glass (Class I), and stacked stone panels (Class I), and insulated architectural metal panels (Class II) as an accent feature and cap along the roofline of the building (Exhibit D and Images 2-5 Below).



Images 2 and 3. North Elevation (Left) and South Elevation (Right) of Proposed Standalone Car Wash.



Image 4. West Elevation of Proposed Standalone Car Wash.



Image 5. East Elevation of Proposed Standalone Car Wash.

The Shingle Creek Crossing Architectural Guidelines also specify that the maximum building coverage of the overall site shall not exceed 40 percent. As the Subject Property is 0.92 acres (40,075 square feet), the proposed 3,667 square foot building would only comprise 9.2 percent of the Subject Property. The previous iteration of Building Site E reflected a restaurant, which would have comprised 12 percent (4,800 square feet) of the Subject Property.

Upon submittal of the initial building renderings, City staff noted that the west elevation featured a large expanse of stucco. City staff is aware a large portion of the west elevation contains an equipment room; therefore, it was suggested that additional stonework or transom windows be incorporated to break up the wall, as the Architectural Guidelines note that, “large expanses of blank and featureless walls facing

public street frontage shall incorporate architectural elements to mitigate the expanse.” The Guidelines also specify that colorful canopies, roofs and accents, and the use of cornices, ornamental lights, graphics, tenant blade signs, and other architectural details are encouraged.

In line with the Architectural Guidelines, the Applicant should consider opportunities to expand the canopy over the entry way on the north end of the building (Image 2 above).

Setback-wise, the proposed car wash would be positioned in line with Buildings D and G to the west, at approximately 55 feet from the north property line along Bass Lake Road (County Road 10), 102 feet from the west property line (abutting Building D), 75 feet from the south property line, situated at the centerline of the abutting access road, and 55 feet from the edge of curb. The east property line, which abuts sidewalk along the daylight portion of Shingle Creek, is approximately 8.7 feet from the property line.

Access

Access would be gained via two primary points off Bass Lake Road (County Road 10). The submitted site plan identifies three stacking lanes to the entrance of the car wash tunnel. The two innermost stacking lanes would provide pay stations, while the third, outermost lane would be reserved for VIP members. This lane would utilize license plate scanning equipment to allow for an express entrance into the car wash. The Applicant anticipates only 10 percent of the total daily users would be VIP users. With an estimated 300 users of the car wash per day (maximum 25 vehicles per hour), as noted in the Traffic Generation and Queuing Summary provided by Kimley-Horn and dated June 30, 2020, it is anticipated that only 30 vehicles would use the outermost lane each day.

Peak Demand of Use and Trip Generation

Per the Trip Generation & Queuing Summary provided by Kimley-Horn and dated June 30, 2020 (Exhibit E), car washes have the majority of site trips occur during the middle of the day with a peak hour occurring from 2:15 to 3:15 p.m. This peak hour accounts for 10.5 percent of the daily trips at the car wash. Assuming 300 car washes per day, the Summary indicates that this would result in 32 vehicles (64 trips) during the midday peak hour at the car wash. During the traditional commuter PM peak hour, 8.6 percent of the daily trips are anticipated, which would result in 26 vehicles (52 trips), which Kimley-Horn notes is consistent with ITE (Institute of Transportation Engineers) trip generation standards.

City staff requested a review by Kimley-Horn of the anticipated queuing needs given the proposed three stacking lanes. Based on their review, and assuming each vehicle takes up 25 feet in length of queuing space, there is stacking for 13 to 14 vehicles before there would be any impacts on the adjacent land use site circulation. In estimating stacking needs during the presumed peak demand hour of 2:15 to 3:15 p.m., Kimley-Horn determined that, assuming a 95th percentile queue (9 vehicles), the Subject Property should have sufficient stacking to accommodate the queue.

Fire/Emergency Access

Although a minimum of 20 feet is required for fire access, the Fire Inspector indicated that, should fire services ever be needed on the Subject Property, access would be gained via the main drive, which is currently noted as 30 feet in width before narrowing to a 24 foot wide drive aisle. Access to Building D, located to the west, is still available via the front (south), rear (north), and west drive aisle between Buildings D and G. Access to the Fire Control Room and connections would be unaffected by the proposed development of Building Site E as it is located on the north end of the building, along Bass Lake Road (County Road 10).

Garbage Truck and Delivery Truck (Single Unit Truck) Circulation

City staff requested an updated garbage truck turning exhibit (see Exhibit F and Image 6 below) due to concerns on the ability of a typical garbage truck to access the existing trash enclosure at the north end of the Subject Property, between Building Sites D and E. Following review the exhibits provided by Kimley-Horn, City staff is requesting the site plans be updated to taper down and narrow the 4.1 foot wide median separating the two inner stacking queues to the car wash, and to decrease the width of the main parking lot from 26 feet to 24 feet, which is the minimum width required for a two-way drive aisle with 90 degree, perpendicular parking. The tapering of the outermost median may require the relocation of certain landscaping, although City staff recommends maintaining some landscaping in the median as a visual buffer and for aesthetic appeal.

It should be noted that, per Shingle Creek Crossing property management company Mid-America, garbage is typically picked up on Fridays in the early to late morning. As noted above, the anticipated peak use for car washes is in the afternoons.

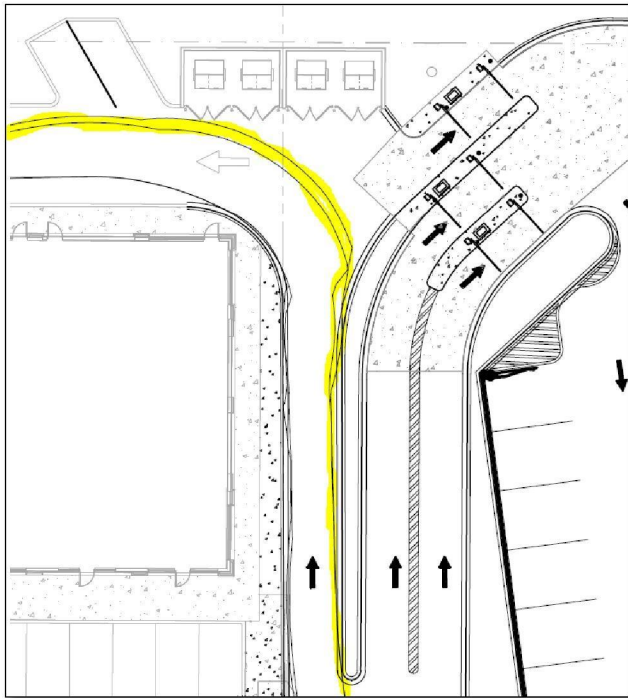


Image 6. Garbage Truck Turning Exhibit.

Parking

The parking needs for a standalone car wash are considerably less than the previously approved use on Building Site E of a restaurant. The information provided to City staff indicate each car wash would take 1.5 minutes per car, with a maximum of three (3) vehicles allowed in the wash tunnel at any one time. It is anticipated that the total time at the car wash only would take approximately three (3) minutes to complete, and the anticipated total time at the car wash, assuming a customer cleans and vacuums their car after, would take approximately 10 to 15 minutes. The car wash would likely have two employees available during their hours of operation.

City staff reviewed the site plan and proposed parking assuming a retail use of 4.5 stalls per 1,000 square feet given that there is no outlined parking ratio in the PUD for car washes. Assuming a 3,667

square foot building, 17 on-site parking spaces would be required. The updated site plan for Building Site E reflects 17 on-site parking spaces as well as three lines of stacking for the car wash queue.

The proposed stacking lanes would impact existing parking along the east side of Building Site D; however, it should be noted that the parking there today is actually located “off-site” on Building Site E. Upon review of the PUD master plans, it appears Building Site D would maintain 48 on-site parking spaces. The minimum identified on-site parking stalls for Building Site D are 50 stalls given its identified retail use (4.46 parking stalls per 1,000 square feet per PUD Master Plans). It appears the shortage stems from the addition of an ADA loading space in the front and additional parking that was not installed per PUD plans on the west side of Building Site D, which appears to be partially located on Building Site G. Following visits to the sites, City Staff is not concerned about a lack in parking given that the parking tends to be communal in the shopping center.

Lighting

No photometric plan was provided as part of the application submittal; however, the PUD master plans for Shingle Creek Crossing provide a lighting exhibit for the entire PUD. As part of the updates to the master plans under Planning Commission Application No. 2020-002, which updated the building size and site orientation of Building Site E (Subject Property) in preparation of this application request, Kimley-Horn and the Applicant shall provide an updated lighting exhibit for the Subject Property and for the overall PUD. All lighting will need to comply with the Shingle Creek Crossing Architectural Guidelines as the Subject Property is located in the Shingle Creek Crossing PUD. Any details not outlined within the Guidelines shall follow Section 35-712 (*Lighting*) of the City’s Zoning Code.

As the submitted architectural renderings show lighting below the roofline, the Applicant will need to ensure the lighting does not cast out and up towards the sky.

Noise

City staff is requesting that the Applicant submit additional documentation as they relate to noise coming from the car wash tunnel and 17 vacuums. The Applicant will want to confirm with the Minnesota Pollution Control Agency (MPCA) that no additional permitting or restrictions are in place for the use and that the business complies with all applicable City ordinances.

No outside broadcasting of music or announcements, other than as necessary at pay stations, shall be permitted.

Trash | Screening

There is an existing trash enclosure located on the northwest corner of the Subject Property. City staff viewed employees from Building D utilizing the trash enclosure on a recent visit to the Subject Property. The Applicant will need to determine if the existing enclosure is sufficient and work with the neighboring users at Building D to ensure trash needs are being met as the two sets of enclosures are attached.

In addition, as trash is of concern in the Shingle Creek Crossing shopping center, City staff is requesting that the Applicant provide supplemental information concerning plans to provide trash receptacles for users of the vacuuming stations, and plans to empty said trash receptacles and clean up litter.

The Applicant should work with Kimley-Horn to identify opportunities to screen or provide landscaping near the utility access door and transformer on the south side of the building.

Landscaping

A landscape plan was submitted as part of the civil sets, prepared by Kimley-Horn and dated June 9, 2020 (Exhibit A). As a landscape exhibit is provided in the PUD master plans for Shingle Creek Crossing, Kimley-Horn will need to update the PUD master plans to reflect the proposed landscaping for the Subject Property and as required under Planning Commission Application No. 2020-002.

The Applicant should review the proposed landscaping for opportunities to plant year-round landscaping that might offer better screening of the stacking lanes. This is promoted in the Architectural Design Guidelines for Shingle Creek Crossing. In addition, the Applicant should revisit the east side of the Subject Property and incorporate landscaping that highlights the daylit portion of Shingle Creek, which the Subject Property abuts, and the walking paths along it. Landscaping should also take advantage of opportunities to provide additional stormwater management.

The Guidelines also require perennial, shrub planting beds, trees, and turf areas to be irrigated with an automatic irrigation system to provide optimal plant establishment and long-term plant health.

Stormwater and Shingle Creek

During review of Planning Commission Application No. 2020-002, which included a request to update the building size and site configuration of the Subject Property (Building Site E), concerns were identified regarding potential impacts to Shingle Creek.

The Subject Property is located just west of the daylit portion of Shingle Creek (refer to Image 7 below). “Daylighting” is a term for restoration of an originally open-air watercourse (Shingle Creek in this case) which has been diverted below ground back into an above-ground channel. Daylighting is intended to restore streams to a more natural state so that more stormwater gets absorbed and gradually released by soil and plants.

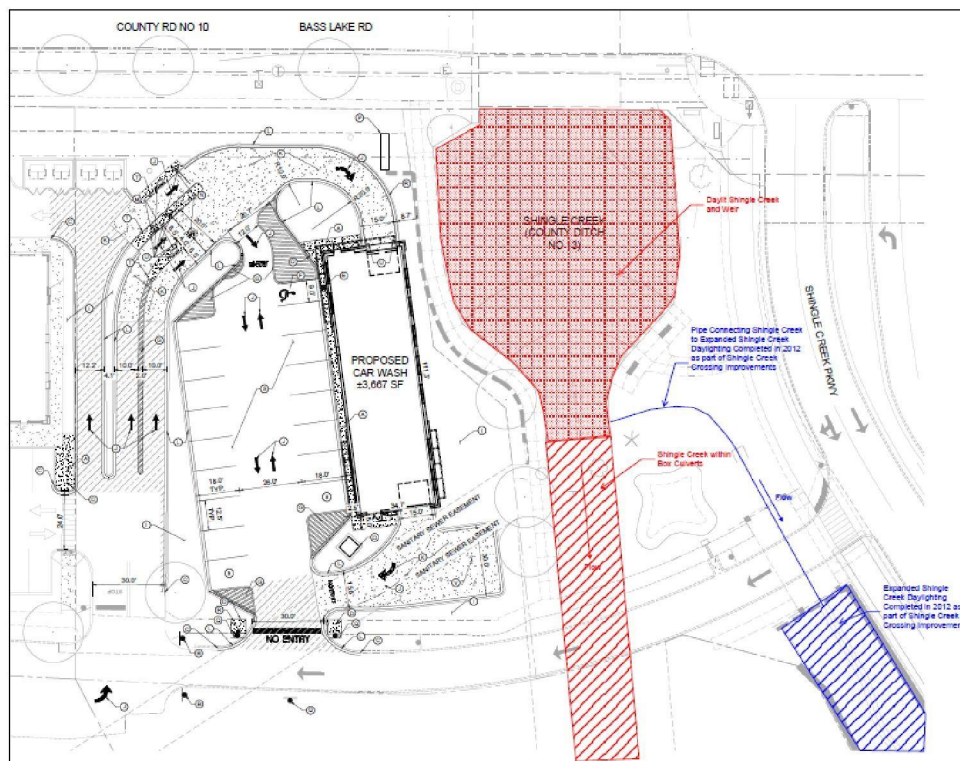


Image 7. Daylit Portion of Shingle Creek—Exhibit provided by Kimley-Horn.

City Staff requested the Applicant and Kimley-Horn, who prepared the civil plans for the proposed standalone car wash and has been involved in the master planning for Shingle Creek Crossing provide additional documentation on Shingle Creek (Images 7 and 8, and Exhibit G).

To provide context, “sanitary water,” sometimes referred to as, “grey water,” is the water that is discharged from toilets, sinks, showers, etc. “Storm water,” is the rain or snow water that falls on roof or other parking lot areas of a site that needs to drain off into a retention pond. The grey water from the car wash operations will be directed to the on-site sanitary sewer which will discharge to a lift station (designed to pump wastewater or sewage from a lower to higher elevation), near LA Fitness before being sent to the public sanitary treatment plant.

The storm water runoff from the proposed car wash and parking lot areas will be routed to the existing stormwater management area behind Walmart. Neither system is to directly discharge into Shingle Creek (refer to Image 8 below).

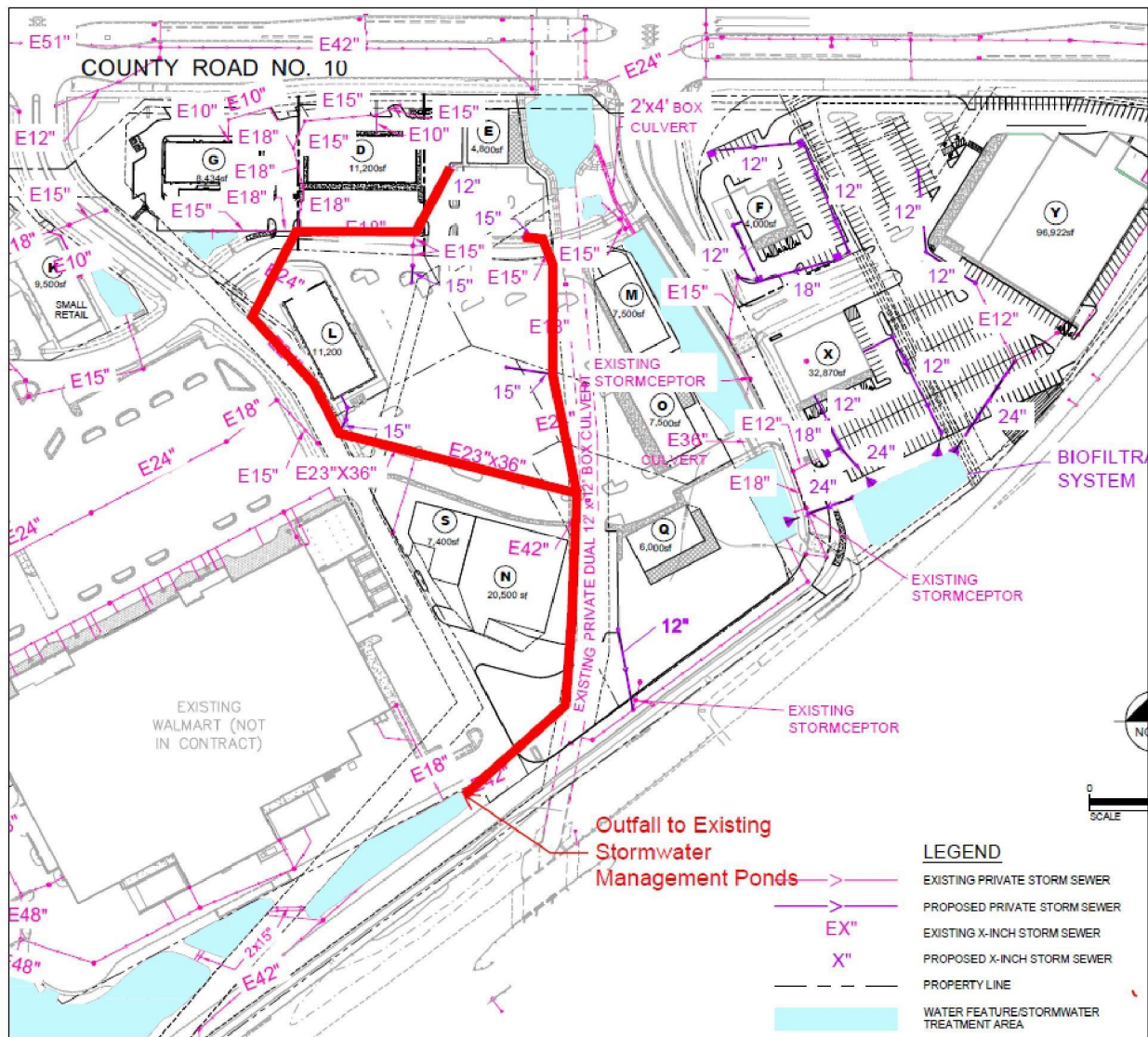


Image 8. Storm Sewer Routing from Building Site E (within Shingle Creek Crossing PUD), provided by Kimley-Horn.

Per Assistant City Engineer Andrew Hogg, in his memorandum dated July 6, 2020 (Exhibit H), it was confirmed that, "all waste water generated by the car wash from within the wash tunnel, is collected by interior drains and directed to the sanitary sewer...the parking areas and drive lanes on the site are surrounded by B612 concrete curb and gutter, where all storm water is directed to the City's storm water system. The site storm water, which is water from the outside area, is routed through a series of storm water treatment ponds at Centerbrook Golf Course for treatment prior to discharge in Shingle Creek. **No stormwater from paved areas on site is directly discharged to the creek.** There is a small section of landscaped areas along the east side of the building which may sheet flow into the creek."

Assistant City Engineer Review

The Applicant shall comply with all revisions and redline comments as requested by Assistant City Engineer Andrew Hogg in his memorandum dated July 6, 2020 (Exhibit H).

Fire Inspector | Building Official Review

Per Building Official Dan Grinsteinner, a Sewer Access Charge (SAC) determination is required by the Metropolitan Council. This is typically addressed during the City's building permit review process. The Applicant will also need to submit plumbing plans, which are to be reviewed by the Minnesota Department of Labor and Industry. The Applicant will also need to comply with any applicable Minnesota Accessibility Code requirements as relating to parking and access (e.g., bathrooms, counters).

The Applicant will need to work with Building Official Dan Grinsteinner and Fire Inspector Brandon Gautsch to address any matters as they relate to the Fire Code (Chapter 5 of the City Code). Per Section 503.2.1 (*Dimensions*), a minimum width of 20 feet is required for fire apparatus access roads, exclusive of shoulders. Per the plans submitted, the main access drive, which provides the closest access to the proposed car wash building, has a 30 foot wide entrance. Assuming the drive aisle is narrowed to 24 feet in width, per City staff comments under *Access*, this minimum required width would be maintained.

During review of the submitted plans, Fire Inspector Gautsch did not express concerns regarding access to Building Site D, located to the west. This is despite plans to alter the existing drive, which is located on Building Site E, to accommodate a series of stacking queues to the car wash. As the fire access control room and connections are located on the north side of Building D, it was expressed that, should fire services be needed, access would be provided via the south main parking lot, the access between Buildings D and G, or from the north drive, which is a one-way.

Signage

No signage requests were submitted as part of Planning Commission Application No. 2020-006. All signage is to comply with the Shingle Creek Crossing Signage Guidelines and requires approval from the Property Owner (Gatlin Development Co. Inc.) and the City prior to installation. Per Planning Commission Application No. 2020-002, the approved amendments included a request to relocate one of the existing Shingle Creek Crossing monument signs to provide proper clearance for any proposed improvements to the Subject Property (Building Site E). This relocation is noted as item "P" on Sheet Number C400 (Site Plan) on the submitted plans under Exhibit A.

The Applicant and Property Owner should identify opportunities to install additional signage along the access road leading into the proposed car wash as it turns into a one way road towards the eastern edge of the shopping center. In addition, the Property Owner should work with the City to address opportunities to incorporate additional striping on the south extension of Shingle Creek Parkway leading into the shopping center, as cars utilizing the two westbound left turn lanes will often cross over into the

other lane (and into the path of another vehicle) to access the one way road into the shopping center site.

Based on the above-noted findings of fact contained in this report, City staff recommends approval of the site and building plans for the Subject Property, located at 1080 Shingle Creek Crossing; subject to issuance of the Special Use Permit to operate a standalone car wash and complying with the comments as outlined in the Approval Conditions below.

SPECIAL USE PERMIT

According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

"Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council."

Section 35-322 (*C2 Commerce District*) notes that "Gasoline service stations (see section 35-414), motor vehicle repair and **auto washes**, ***provided they do not abut an R1, R2, or R3 District property***, including abutment at a street line" are permitted in the C2 (Commerce) District by Special Use only. Although the Subject Property is zoned, "Planned Unit Development," the underlying zoning district is C2 (Commerce) District and is subject to the regulations within that district.

Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met (City staff responses are *italicized*):

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

The intent of the proposal is to provide a convenient and well-maintained car wash that will serve as an amenity to residents and visitors alike and provide additional traffic and visibility to Shingle Creek Crossing shopping center. The Applicant was made aware of concerns relating to traffic and impacts to the daylight portion of Shingle Creek as they were present during the Planning Commission and City Council reviews of Planning Commission Application No. 2020-002, which approved the PUD amendments necessary to allow for updates to the building and site configuration of Building Site E and the use of a car wash within the Shingle Creek Crossing PUD.

Kimley-Horn provided a Trip Generation and Queuing Summary to provide additional insight into the anticipated traffic volumes and users to and from the site. Per their review, the proposed stacking lanes and on-site parking are considered sufficient and are not to result in conflicts between users of Building Site E and D, nor result in backups onto the adjacent interior access road.

Kimley-Horn and the City both confirmed that the storm water systems in place will not directly discharge into Shingle Creek and the B612 gutter required to be in place will assist in directing flow away from Shingle Creek. The Applicant will need to work with the City to

ensure any snow removal is maintained away from the daylight portion of the Creek so as to not sheet flow into the Creek.

- 2. The special 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.**

The Subject Property is currently vacant and has not had success in being developed as originally intended as a restaurant; therefore, City staff is of the sense that development of the Subject Property would obviously increase the value of the Subject Property. It is hoped that the addition of a standalone car wash will provide an amenity to residents and visitors, and increase foot traffic to neighboring businesses.

The Applicant intends to create a substantial investment into the development of the Subject Property. Assuming the property is maintained, City staff feels the use would not substantially diminish or impair property values within the neighborhood.

- 3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Although the proposed development would result in the removal of parking along the east side of neighboring Building D, this parking is located on Building Site E and City staff feels the on-site parking is sufficient for Building D. As car washes are typically found on the outparcels of shopping centers, and as approval was not granted for construction of a car wash on the west side of the Shingle Creek PUD, it is reasonable that Building Site E would be the proposed alternative location for a car wash operation.

The eastern edge of the Shingle Creek Crossing PUD has yet to be developed and it is hoped that the construction of a standalone car wash will bring additional attention and future development to the remaining vacant parcels within the shopping center, and in particular on the east side.

- 4. Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.**

The Traffic Generation and Queuing Summary provided by Kimley-Horn summarizes that the parking and queuing needs for the car wash operation will be sufficient and will not result in the blocking of circulation to and from proposed Building E or Building D. City staff has recommended that the proposed main drive aisle for the main parking lot be reduced by two (2) feet and the median between the outermost and middle stacking lanes be reduced to provide sufficient turning radius for any garbage trucks or single unit (delivery) trucks that require access to the north end of Building Site D.

The Applicant will need to work with Property Owner Shingle Creek LLC/Gatlin Development Co. Inc. to incorporate sufficient signage denoting the eastern end of the main access road as "one way." Additionally, the Property Owner should address the potential for additional striping along the Shingle Creek Parkway extension leading into the Shingle Creek Crossing PUD to limit the number of cars in the wrong lane when turning into the development from the westbound left turn lanes at Bass Lake Road (County Road 10).

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

As indicated in the staff report, the submitted plans substantially conform to the City's codes and the Shingle Creek Crossing PUD Architectural Design Guidelines and associated PUD documents. Any deficiencies as outlined within the staff report shall be revised to reflect conformance and be submitted to City staff for review and approval.

Based on the above-noted findings of fact contained in this report, City staff recommends issuance of the Special Use Permit to operate a standalone car wash at the Subject Property located at 1080 Shingle Creek Crossing; subject to approval of the site and building plans and complying with the comments as outlined in the Approval Conditions below.

APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2020-006 for the Subject Property located at 1080 Shingle Creek Crossing:

1. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - a. The Shingle Creek Crossing Master PUD plan set, Declarations, and documents shall be updated to reflect changes approved under Planning Commission Application Nos. 2020-002 and 2020-006. An updated master plan set shall be provided for City records and prior to issuance of any building permits for the proposed car wash.
 - i. Update the civil set to reflect requirements and redline comments from the Assistant City Engineer in his memorandum, dated July 6, 2020, and requests to narrow the stacking lane median and main drive aisle.
 - ii. Provide updated landscape and photometric plans that are in agreement with the PUD master plans and per comments addressed in the staff report.
 - iii. An irrigation plan is to be submitted as part of any building permit submittal for the proposed car wash and said system is to be maintained.
 - b. 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.
2. **Agreements:**
 - a. Unless otherwise determined, Property Owner/Applicant 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 this Site and Building Plan.
 - b. The Applicant shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to the release of the Performance Agreement financial guarantee.
3. **Engineering Review:**
 - a. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's Review memorandum, dated July 6, 2020.

4. Construction Standards:

- a. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.
- b. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Division.
- c. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. Facilities, Operations, and Equipment:

- a. Any outside trash disposal facilities or roof top or on ground mechanical building equipment shall be appropriately screened from view.
- b. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
- c. The civil and architectural plans shall meet Minnesota ADA compliance as related to parking, public access, etc.
- d. The Applicant shall provide additional documentation as relates to anticipated noise levels for car wash equipment and vacuums, and provide a plan for addressing trash and litter on-site.
 - i. The Applicant will conform to any applicable noise standards and any additional permitting needs from the Minnesota Pollution Control Agency (MPCA) and adhere to City noise ordinance requirements.
- e. No outside broadcasting of music or announcements, other than as necessary at pay stations, shall be permitted.

6. Signage

- a. All signage is to comply with Shingle Creek Crossing Signage Guidelines and Chapter 34 of the City Code, and any new or relocated signage is to be approved by the City by issuance of a sign permit.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

RECOMMENDATION

Based on the above-noted findings, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2020-006 for the approval of a site and building plan and issuance of a Special Use Permit to operate an approximately 3,667-square foot standalone car wash and related site improvements on the Subject Property located at 1080 Shingle Creek Crossing and known as Building Site E in the Shingle Creek Crossing PUD.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the resolution which memorializes the findings in granting site and building plan and Special Use Permit approvals, subject to the Applicant complying with the conditions of approval.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2020-006, submitted by Matt Durand, and Associated Plans.

Exhibit B – Public Hearing Notice, published by Brooklyn Center Sun Post, dated June 25, 2020.

Exhibit C – Draft Excerpt of June 8, 2020 City Council Meeting Minutes Concerning Planning Commission Application No. 2020-002.

Exhibit D – Architectural Renderings and Building Materials Calculations for Proposed Car Wash.

Exhibit E – Trip Generation & Queuing Summary, prepared by Kimley-Horn, and dated June 30, 2020.

Exhibit F – Garbage and Single Unit (Delivery) Truck Turn Exhibits, prepared by Kimley-Horn, and dated June 26, 2020.

Exhibit G – Shingle Creek Storm Sewer Routing and Daylighting Exhibit, prepared by Kimley-Horn, and dated November, 10, 2017.

Exhibit H – Review Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated July 6, 2020.



For Office Use Only

Date Received: _____
 Date Application Complete: _____
 Letter of Completeness: _____
 PC App No. _____

2020 Planning Commission Application

Applicant Information:

Name: Matt Durand
 Address: 4692 159th Street W, Apple Valley, MN 55124
 Office Phone: _____ Cell: _____
 Email: mattdurand@holidayss1.com FAX: _____

Property Owner Information* (if different from Applicant):

Name: Shingle Creek LLC
 Property Owner Address: 1301 Riverplace Blvd, #1900, Jacksonville, FL 32201
 Office Phone: 904-580-5090 Cell: _____
 Email: park@gatlindc.com FAX: _____

Project Information:

Provide a general description of your project and request(s): The proposed project is for the construction of a freestanding car wash building with associated driveways, parking, landscaping, and utilities to service the building.

Address/Location of Property: 1080 Shingle Creek Crossing, Brooklyn Center, MN 55430

Legal Description of Property: Lot 2, Block 1 Shingle Creek Crossing 2nd Addition

Application Type (Mark all that Apply)

☐	Comprehensive Plan Amendment	\$1,050	☐	Appeal	\$200
☐	Rezoning	\$1,050	☐	Zoning Code Text Amendment	\$500
☐	Special/Interim Use Permit	\$250	☐	Special/Interim Use Permit Amendment	\$150
☒	Site and Building Plan Review	\$750	☐	Variance	\$200
☒	Planned Unit Development	\$1,800	☐	Planned Unit Development Amendment	\$700
☒	Preliminary Plat	\$400	☐	Final Plat	\$200

IMPORTANT: All applications may be subject to additional fees for reimbursement of costs incurred by the City for filing, reviewing, and processing applications in the form of an escrow to the City.

Application Fee: \$ 750 Escrow Amount: \$ 1000 Receipt No: _____

Escrows: All Planning Commission Applications shall be subject to a \$1,000 escrow deposit. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include attorney and consulting fees and/or mailing and public notice costs. The escrow amount may be reduced or increased by the City Planner on a project by project basis. If at any time a required cash escrow is depleted the applicant shall deposit additional escrow funds as determined by the City. Unused portions of an escrow deposit shall be returned to the Applicant upon successful implementation of an approved application.

Complete/Incomplete Applications: A preliminary meeting with City Staff is required prior to the submission of a Planning Commission Application. No application will be considered complete prior to such meeting. Once an application is submitted, City Staff shall have fifteen (15) business days to determine if the application is complete. An incomplete application will delay process of the request. If incomplete, City Staff will notify the Applicant in writing that the application is incomplete and what information is needed in order to make the application complete. Once an application has been deemed complete it will be placed on the next available Planning Commission agenda.

Meeting Schedule: The deadline for submittal of Planning Commission Applications is outlined in the below schedule. Failure to submit all application materials, fees, and escrows by 4:30 p.m. on the application submittal deadline may delay the review process. Planning Commission meetings are held the second Thursday of each month at 7:00 p.m. If a recommendation is made by the Planning Commission regarding the application it will typically be placed on the agenda of the next available City Council meeting, which are held the fourth Monday of each month at 7:00 p.m. Meetings are held in the City Council Chambers at Brooklyn Center City Hall. Additional meetings and/or work sessions may be scheduled as necessary for the review of an application.

2020 Application Schedule *(subject to change)*

Application Submittal Deadline (30-Days Prior to Meeting)	Planning Commission Meeting Dates	City Council Meeting Dates (for application review)
December 10 (2019)	January 9	January 27
January 14	February 13	February 25
February 11	March 12	April 13
March 10	April 9	April 27
April 14	May 14	June 8
May 12	June 11	July 13
June 9	July 9	July 27
July 14	August 13	September 14
August 11	September 10	September 28
September 8	October 8	October 26
October 13	November 12	December 14
November 10	December 10	January 11 (2021)

Note: The above schedule is outlined for those submitting Planning Commission applications and *does not* outline all City Council meetings scheduled. Please access the City of Brooklyn Center's website at www.cityofbrooklyncenter.org to receive up to date meeting dates and notices of any changes made to this schedule. Individuals may also review and download meeting agendas and packets from the city website.

Meeting Attendance: In order for the Planning Commission and City Council to consider any application, the Applicant or a designated representative must be present at the scheduled meeting(s). If not, the matter may be tabled until the next available agenda.

Acknowledgement and Signature:

The undersigned acknowledges that they understand that before a Planning Commission application can be deemed complete, all required fees and escrows must be paid to the City. By signing and submitting this application, the Applicant agrees to pay to the City of Brooklyn Center the actual costs incurred for expenses reasonably and necessarily required by the City for the review, filing, and processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal. Any administrative fees paid as part of the submission of this application are nonrefundable.



Property Owner Signature (Required)



Date

Applicant Signature (If different than Property Owner)

Date

**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 on-line public hearing on Thursday, July 9, 2020, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.cityofbrooklyncenter.org/index.aspx?NID=255>. 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: Site and Building Plan Approval, Issuance of Special Use Permit

PETITIONER: Matt Durand

PROPERTY OWNER:

Shingle Creek LLC

PROPERTY ADDRESS: 1080 Shingle Creek Crossing, Brooklyn Center, MN 55430

PROPERTY ID:

02-118-21-23-0030

BRIEF STATEMENT OF CONTENTS OF PETITION: Consideration of requests that would allow for the development of an approximately 3,667-square foot stand-alone car wash and associated site improvements on Building Site E in the Shingle Creek Crossing retail center.

As City Hall is currently closed to the public due to the COVID-19 pandemic, we strongly encourage you to forward your comments and questions to gmcintosh@ci.brooklyn-center.mn.us up until noon on the day of the meeting, or contact 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): 133 710 0749

Password: BCPC07092020

By Phone: 1 (312) 535-6110 (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

City Planner/Zoning Administrator

Published in the

Sun Post

June 25, 2020

1054928

Councilmember Ryan expressed his appreciation for the service of these long-serving employees. He added he greatly admires their commitment to service to the City of Brooklyn Center. He noted he hopes that the City can continue to be a great employer despite the challenges it faces, and continue to encourage and develop its employees, which are a valuable asset.

Fire Chief Todd Berg expressed his appreciation for Reggie Smart and Mark Reinking. He added he has had the privilege to work with Mr. Reinking for the past 10 years on a daily basis. He noted these employees will be missed.

Mr. Boganey stated, as Mr. Cote mentioned, Mr. Reinking was a union official and he always fought hard for the best interests of the members of the union. He added he has never worked in an organization that had a collective bargaining group as committed to the community and City they served as they were to their members. He noted this was shown frequently at the table and through dispute resolutions, and the City has been fortunate to have this type of union leadership over the years.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2020-04 AMENDING CHAPTER 3 OF THE CITY CODE OF ORDINANCES

Deputy Community Development Director Jesse Anderson reviewed a proposed Ordinance amendment to bring the City's building code into alignment with the State of Minnesota building code, amendments to which were adopted in 2020. He added these changes are intended to clarify interpretation of the Code. He reviewed the proposed changes. He noted the amended Code, if adopted, would be effective July 8, 2020.

Councilmember Ryan moved and Councilmember Graves seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to adopt ORDINANCE NO. 2020-04 Amending Chapter 3 of the City Code of Ordinances Regarding the Administration of the State Building Code.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2020-002 FOR PLANNED UNIT DEVELOPMENT AMENDMENT NO. 9 TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT

Community Development Director Meg Beekman reviewed a request for an amendment to the Shingle Creek Crossing Planned Unit Development (PUD). She added, if approved, this would be the 9th amendment to the original PUD, which dates back to the original Brookdale Mall. She noted the City Council rezoned most of the property in 1999 from the C-2 district to PUD C-2. The Shingle Creek Crossing PUD was approved in 2011. This included 760,000 square feet of the 1.1 million square foot mall was demolished to pave the way for a new retail center. Since then the Shingle Creek Crossing PUD has been amended eight (8) times for future alterations and demolition of the remaining mall; replatted/revisions to certain building pad sites; and amended to allow for other approved uses within the Shingle Creek Crossing shopping center.

Ms. Beekman stated City Staff was approached by attorney Matthew Wolf, representing Gatlin Development, the Shingle Creek Crossing LLC property owner, regarding proposed development of a stand-alone car wash on Building Site E. She added to help marking and development of PUD, including proposed car wash, the applicant is requesting PUD amendments to delete Section 4.A of Declarations and PUD Concepts, which requires 4 SCC lots to be used for eating establishment uses, which included Building Site E; revised list of uses currently allowed within the PUD; and in general, bring the PUD and associated declarations back into sync given numerous amendments that have occurred since 2011.

Ms. Beekman stated this amendment would remove a restriction from development of other uses in the PUD, including educational use, day care use, and veterinary clinics. She added removal of these restrictions is proposed to help to bring the PUD into alignment. She added the applicant originally included gasoline service stations in listing of uses to now be allowed in the PUD but after some discussion with staff and looking at the C-2 District, it was removed.

Ms. Beekman pointed out that on the application, the applicant included language that referred to the C-1 District but this area is zoned C-2. This is just to that these are allowed within the Central Commerce Overlay District. Also, if this development is approved this evening the developer has indicated he would come forward together with proposed user for building safety that is interested in developing a standalone car wash on that site. The request specifically speaks to the site plan which would allow for reduction in building size and also reduction in the parking size and to re-orient the building and setbacks.

Ms. Beekman stated the developer has indicated they would present a proposal for a stand-alone car wash on Site E if the Ordinance amendment is approved. She added the developer is aware that any necessary changes to the building site due to the car wash use would require additional amendments. She noted the developer feels these changes are necessary to simplify the process and accommodate the end user.

Ms. Beekman stated Section 35-355 Planned Unit Development requires development plans to be in substantial compliance and require PUD amendments in cases where the number of

dwelling unit, if any, has not increased or decreased by more than 5%; the floor area of non-residential areas has not increased or decreased by more than 5%; no building or has been increased in the number of floors; Open space has not been decreased or altered from its original design or use; and lot coverage of any individual building has not been increased or decreased by more than 10%.

Ms. Beekman indicated the applicant is requesting these changes now rather than at the time of the application for the proposed car wash in order to streamline the process for the developer of the potential car wash. The applicant, Gatlin Development, and the car wash developer worked together to get the site plan as close to final as possible and recognizes the risk should the plans change.

Ms. Beekman stated the current use requirement of eating establishments on Building Site E requires parking ration of 10 parking spaces per 1,000 SF of building. The PUD does not factor parking needs for car washes. Assuming 4.5 parking spaces per 1,000SF (retail use), a minimum of 16.5 on-site parking spaces would be required. The submitted plans reflect 17 parking spaces and two stacking queue and exit lane. The proposed site plan would remove a row of parking along the eastside of Building D (Aspen Dental). Staff reviewed and it appears Building Site D would maintain the minimum 50 on-site parking spaces it requires. The site plan reflect north setback

Ms. Beekman stated he Planning Commission held a virtual public hearing on May 14, 2020, of which public notice was given. She added the developer and car wash owner were on the meeting to answer questions. She noted the only comment that City Staff received was from Bank of America, located next to Site E, who asked to be notified when the car wash proposal is received by the City.

Ms. Beekman stated the Planning Commissioners had a robust conversation about whether Site E is the right location for a car wash. She added they expressed concerns about design standards. She noted the Planning Commission voted unanimously to recommend City Council approval of the request.

Ms. Beekman stated City Staff recommends City Council approval of the proposed amendment to the Shingle Creek Crossing PUD based on the findings of fact and submitted plans based on the. She added the developer and representatives were on the meeting to answer questions.

Councilmember Graves stated she is open to discussing the Ordinance amendment but would like to see something different at that site, as that is one of the few places left that has beauty and amenities. She added, however, she would support the car wash use if it is in alignment with other surrounding uses. She noted she feels there is probably a better location in Brooklyn Center for a car wash.

Elliott: Are there any Councilmember questions? (1:00:48)

Ryan: Meg I appreciate the presentation. I can understand the need to put in more flexibility into this PUD amendment. I have some questions about repurposing these four pads, because one of the things I get the most complaints about from my constituents is why aren't there more restaurants in Brooklyn Center. Perhaps you, or I understand Mr.

Gatlin is with us this evening, perhaps we could hear from you or Mr. Gatlin about marketing efforts and why it is that over such an extended period of time, we have not received more interest in having restaurants located in Shingle Creek Crossing or elsewhere in the city.

Gatlin: For over 10 years I have tried and tried and tried, I knew the City and community wanted restaurants, including myself. There's nobody tried harder than me. Since this project started, September 12, 2012, we started marketing it 10 years ago. we have marketed every national and local restaurant that we could possibly do. I had Mid-America, and recently changed to Upland to get fresh eyes on the project. We have tried for 10 years. If you asked me why, it's hard for me to answer, because it has all the elements I have been doing for 45 years. Over 75 Wal-marts, very similar to what you have there. I have been very successful in most of them in getting restaurants. The only thing I can tell you is the income levels, they seem to be less than what restaurants are seeking to be able to put the investment they need to put in. I get that thrown at me a lot. But I can promise you one thing. I have not turned down one possible restaurant. Back when I was working with Curt, Meg, and others, we tried to put a Mexican restaurant on the Bank of America pad, and the City was willing to subsidize it, and I tried everything I could and we didn't get it.

Now we have the Bayou Crab restaurant that is getting ready to open next to liquor store, 5,000 square feet, we were able to get. I was thrilled to be able to get that one. What I'm being handicapped by right now is something that is out of my control. We are not by any means with this amendment going to stop trying to get or looking for a restaurant. This just gives me a fair playing field against everyone else in the neighborhood and the community that we will be able to seek others and not be stuck with having to have a restaurant. I have felt confident that if I brought you another tenant, you would approve it if it is a good tenant, and you were okay with it.

This has cost me \$250,000 a year in taxes on these properties, that's \$2.5 million. Over \$500,000 in maintenance, even though they are vacant. Over \$2 million in interest for holding the properties. I am now \$5 million in dead money trying to get back and break even, just in interests and taxes. One thing that is worse than not having a restaurant, and that's not having anything at all. And my goal is to finish the project, with whatever the market is. When I came to your city 10 years ago it was a different environment. In the last 3 months, look at what's happened. In the past 10 years, shopping centers have changed, and I am trying to be able to change with it and successfully fill this development up.

The car wash that we are presenting is a multi-million-dollar facility. I have done 10 of them across the country. Just finished several beautiful ones here in Florida. It will compliment that area. This is not a boring building by the side of the road, this is fully automated, and the façade will complement the rest of the development. Something that will fit right in. It is the only lot that it works on. The last time I was there, a year ago, September 2019, in person, and spoke with you all, and I mentioned I had a car wash. We were going to put it by the Sears. Sears turned me down, would not let me put it on

parcel T no matter what I did, and I wasted months, tried everything I could. Now we have a new buyer, local here in Brooklyn Center, who wants to put facility up. I'm asking humbly to let us put this parcel into commerce and give the City something it needs. It is definitely lacking a first-class car wash. I have pictures, I think Meg has them, gorgeous projects across Florida.

Back to restaurant specifically, for the last 10 years, I have done 20 or so Wal-Mart centers, and put in 60-70 restaurants. It's not my fault. It's not your fault. It's not my broker's fault. We have given it the best we can. Every broker in the Twin Cities know about Shingle Creek. And yet we have failed. I don't like failure, and I don't like to admit failure, but I can't make something happen that is not there. God knows I have tried, I have put money, time and energy into it. I'm not asking to let it go away, I'm just asking let me have what everyone else has, and try to bring tenants in and turn it into job producing projects that will create income and jobs, and hopefully I will be able to come in with another flex building or two and attract more restaurants. But as far as me being able to get a free-standing restaurant, I have not been successful. If it was 1 or 2 years, I'd say give me more time. But after 10 years, we have to accept reality. I can't make them do it. When we did get interest (in putting a restaurant on the site), we haven't had it in 2 years, when we did have it, they passed on us. It wasn't because I was asking too much. I knew I could come to the City and get some help, because the City wanted restaurants.

Ryan: Mr. Gatlin, I appreciate you joining us this evening and sharing what has been your experience. I think it's essential that you have the opportunity to bring that into the record to explain this challenge. As much as I have gotten that complaint from so many of my constituents, they need to hear what the real conditions are and how you have worked very hard to address that request on the part of so many residents of the City who desire to have a restaurant, like we used to have when Brookdale was thriving and vibrant, in the 1980s and 1990s. As we know, so much has changed.

Going forward, there are things that the City can do to address this which is to bring in not just housing for the very lowest income households but a broad spectrum of housing, will bring a diversity of incomes. If we can raise the local median income of our City. As much as I am proud of the diversity of our City, to this point, we are struggling with the fact that diversity has brought lower income (1:11:48). And I think we need to recognize that and that the challenge of affordable housing is a regional challenge that will require a regional solution and cannot be solved simply by the City of Brooklyn Center. So if we brought in, for example, a significant number of market rate apartments across Bass Lake on the opportunity site, that would breathe new life into Shingle Creek Crossing. That's what I hope we can do. I am very supportive of this proposal. I would imagine your interest in placing it where you want to place it, there is validity in that there will be high visibility that will draw traffic. Is that a fair assessment?

Gatlin: That is 100% correct. I don't know all your plans for across the street, Meg has shared some of it with me, and what I've seen in the press. If you all are successful in bringing in an entertainment component such as a movie theater or any type of entertainment, that

will make a huge difference for Shingle Creek Crossing. Any type of entertainment that can be brought in and more restaurants, it will always go back to action begets action. If we can get it started, get some residents across the street, and some entertainment, we will have a domino effect. If we can work together and get something like that to happen across the street, or even the Sears building if something would happen where we could come up with a use, that would make a major difference.

Ryan: I hope that the City Council will understand that successful redevelopment in a community like ours entails a successful public/private partnership. And I appreciate you being here this evening.

Gatlin: As I said to the Commissioners, I just put in permanent financing, a 10-year loan on the project. This has been one of the most challenging developments of my career, but I am committed to it, I am going to see it completed. I want to have good uses for it and get it finished for all of us.

Elliott: I do want to comment on my friend Councilmember Ryan's comments. I hear you say as part of your analysis that diversity brings lower income. Is that correct?

Ryan: I am looking at the data. That's a very extended conversation about how we can bring people out of lower income status, and I think my memory goes back farther than I would like to think about, President Johnson's War on Poverty. The United States, as well as our region and Statewide, we have not had the greatest success with that. Hope springs eternal. I think there are a number of issues, in the context of what has happened in recent days and the promise of greater reforms, that we can look at a broader spectrum of socio-economic issues and how to address them. But inevitably, as we become more diverse, the data shows we have become by household or individual income, poorer. This is not a problem that Brooklyn Center can solve on its own. These are regional, statewide, national problems that require solutions on that scale. What we have done, with the Coronavirus challenge, we have stepped up and made a commitment to assist our local and minority micro-business, which we should, and I support that. I want to see the level of opportunity that I experienced as a young man, for everyone. And that's a larger conversation. But as far as the consequences of the City doing financial and real estate redevelopment, we have to look at what will place us strategically in a better place the next 5, 10, 20 years. And that is not something we can really escape. I'm sure the staff will have more focused options available to us as time goes on. I wanted to raise that because we should think about that holistically, while at the same time recognizing that we may have little leverage.

Elliott: I wanted to get clarification on what you said. Your premise. It's important that we have conversations like this but I want to respectfully disagree with your premise. Because I think the facts bear something different out. I don't think, again respectfully disagree, I don't think diversity brings poverty, or brings lower income to a community. I honestly sincerely beg to differ. And the federal reserve bank of Minneapolis conducted a study, the African immigrant population alone brought in \$2.5 billion in earnings during 2015. Households paid \$419 million in federal taxes and \$222 million in state and local taxes.

We estimated \$81 billion in spending power. And that's despite its relatively small size. That community, according to federal reserve bank makes "significant contributions to Minnesota's economy". That particular community, for example, is heavily represented in industries and fields that represent health care, nursing, highly entrepreneurial, so I sincerely disagree with your premise. I don't think diversity is going to lead to more poverty or lower levels of income.

I think that two things happening at the same time, correlation does not equal causality. You may see that perhaps we got more diverse when average incomes went down, when we were hit with the worst recession we have had in 2008. We know we also have struggled economically but it does not mean that minorities are the cause of Brooklyn Center's struggles financially. And I will say that DEED and the governors have stated repeatedly that they do not believe that increased diversity causes poverty.

Now you are saying we need to do what we need to do to make sure that the next 5, 10, 15, 20 years are economically viable for Brooklyn Center. So if we want to do that, according to DEED and the governor, 70% of Minnesota's economic growth is coming from the State's people of color, from the diverse communities. So objectively I would submit that if we want to be at the forefront of the economic activity and growth in this state, we need to really invest in the diversity we have and I would submit to you that it is rather an asset rather than a liability.

Ryan: I do not question the value of the great contribution that our immigrants bring to us. We are a nation of immigrants. My great grandfather came from Norway as a young man. That whole side of my family were immigrants who struggled but prospered, because of the American dream. The American dream is our contract. Are you saying that the people in Minneapolis who have decried extraordinary racial inequities are wrong? No, we have to acknowledge that. We can address it, we can move past it if we work together and prosper together. Even the example of the Lux, the City's only luxury apartment building, recently redeveloped by Mr. Soderbergh on Earle Brown Farm, charging very high rents, he was surprised by the diversity of the folks living in that development. Entrepreneurs and IT people working in Minneapolis or around the area like the location.

Our diversity has great promise. But at the same time, I was focusing on giving that data that shows the grave racial disparities in terms of household and individual income, that is something that has to be overcome and that is a regional problem that requires a regional solution. And that is really where I was going with that. And that gets to the discussion of diversifying housing products and price points in our housing stock. Shingle Creek Crossing's success or failure will be reflected in how successfully we are able to move in that direction. In no way would I discount or dismiss or disparage the value of our ethnic and cultural diversity. I think that's our strength but at the same time it's the great challenge. When a lot of our folks are starting from a place that's less than advantageous. That's why we have the Brooklyn Bridge Alliance and the BrookLink and all the rest of the of it because we have a lot of disadvantaged households in the city. We have to face up to that and try to engage some to address that challenge. And I'm sorry

about this week, we got into a broader discussion about this, but I thank you and I appreciate the opportunity to have this discussion here tonight.

Councilmember Butler stated she appreciated Mayor Elliott for saying something because she was highly offended by that comment as a person of color, who is highly educated, debt free, a homeowner, coming from private schools. She and her husband grew up in Brooklyn Center and many of her family members still live in Brooklyn Center. We need to be careful out our words especially now after what we have learned in the last two weeks. We are tired, we are tired of the comments, we are tired of the labels, we are tired. I appreciate the commentary, thank you Mayor Elliott for talking back and she would appreciate going forward that we watch ourselves. In a way of not lumping us into one narrative. That is what I will say on that subject.

Councilmember Butler stated she will support the car wash if the City Council also supports it. She added the City Council spoke with Mr. Gatlin about keeping Shingle Creek Crossing clean, and were told that the situation would improve, but that has not happened, and in fact, it has gotten worse. She noted it is difficult for her to be amenable to Mr. Gatlin's requests when the existing development is not being maintained.

Mayor Elliott stated he is not sure that a car wash is the best use of that land, and he would like to see other options.

Mr. Gatlin humbly requested the City Council's consideration of this request, as there are no other options. He added he has tried for 10 years and no one has shown interest in the site. He noted the vacant site does not do anyone any good, and the car wash use will bring a lot of activity to this intersection.

The car wash developer stated he owns a Holiday Station Store on Bass Lake Road and works in Brooklyn Center. He added he wants to support the community, and he has had many requests from Holiday customers for a car wash. He noted the car wash would be a high end, state of the art express facility. He asked that the City Council put their trust in him and Mr. Gatlin to work together to put something beautiful on Lot E for the City of Brooklyn Center.

Mayor Elliott stated he speaks to a lot of residents, and he knows what people want. He added he has not heard that residents want a car wash. He added, at this time, it does not seem to be the best use for that property.

Mr. Gatlin asked Mayor Elliott what the right use would be because there is no other use interested in the site.

Mayor Elliott stated he does not have an answer as to what would be the right use, but he would like to see other options.

Mr. Gatlin stated he visited with the City Council in the fall of 2019, and a City Councilmember indicated that the City needs a car wash. He added he understood the City Council would be interested in having a car wash.

Councilmember Ryan stated a few City Councilmembers were amenable to the idea of a car wash. He added there was a family car wash at 55th Avenue and Brooklyn Boulevard that closed, and he has heard many residents say that they miss the car wash. He noted he feels that the product sounds good and would bring traffic and business to the area. He reiterated his support of the Ordinance amendment, and the potential for a car wash on Site E, considering the developer's challenges in getting other uses for the site.

Councilmember Lawrence-Anderson stated she spoke with Mr. Gatlin last year and indicated that the City needed a car wash. She added she believes a car wash will bring traffic and business to Shingle Creek Crossing and will serve the community well. She noted that would not be her first choice for a location, but it will draw traffic and customers to the area.

Mr. Boganey stated he can attest to the fact that Gatlin Development has worked tirelessly to pursue restaurants for the City of Brooklyn Center over the years. He added they have not been successful. He noted this is a common problem for Brooklyn Park and Brooklyn Center.

Councilmember Graves stated she would have liked to have seen an overall view of the site with surrounding uses, which would give it a broader context. She added she would support entertaining all potential ideas and uses for the site. She added the City Council approved a zoning change recently so that a mosque could move into an industrial area. She noted many small businesses and entrepreneurs are currently renting space in an office building, and it would be preferable for them to have affordable space that is out facing the public.

Councilmember Graves stated, considering the City's larger goals for providing services and resources and promoting economic prosperity, she would not want to be exclusive and unwilling to hear a proposal. She added a car wash is not what she would want to see on that site, but she is open to making a zoning change that would allow flexibility in terms of redevelopment. She noted that should not be considered a vote in favor of a car wash.

Councilmember Graves stressed the importance of working collaboratively with the community to determine strategies for finding businesses for the empty spaces in Shingle Creek Crossing.

Councilmember Ryan agreed, adding the success of Shingle Creek Crossing will depend upon a successful public/private partnership and favorable market conditions.

Councilmember Ryan moved to approve PLANNING COMMISSION APPLICATION NO. 2020-002 for Planned Unit Development Amendment No. 9 to the 2011 Shingle Creek Crossing Planned Unit Development.

The motion failed for lack of a second.

Councilmember Graves requested clarification that this amendment is not an approval of a development plan, but rather an amendment to the PUD language. Ms. Beekman confirmed this amendment does not approve a car wash, but rather amends the PUD to allow a car wash. She

added the site and building plan, as well as Special Use Permit, would be reviewed by the City Council.

Mayor Elliott asked whether the application can be denied once it becomes a permitted use. Ms. Beekman stated the amendment would allow car washes as an acceptable use in the PUD. She added the PUD does not currently allow car washes. She noted residents asked for a car wash during community engagement activities related to the Central Overlay District amendment.

City Attorney Troy Gilchrist stated the City Council's discretion for denying a use is limited when allowed uses are identified. He added there would generally need to be a health, safety or welfare reason to deny a proposed use that has been identified as an allowed use. He noted the PUD is different, but that is a standard analysis.

Councilmember Graves stated the Planning Commission expressed concerns about the site's proximity to Shingle Creek. She asked whether there is an environmental component to be considered, and whether this type of development would be allowed in the watershed area.

The civil engineer for Gatlin Development stated the car wash would be contained entirely within the parcel, and the creek would not be exposed or impacted in any way. He added the car wash drainage route runs behind the Walmart property. He noted there will be no environmental concerns related to this development.

Councilmember Graves asked how many staff would be employed by the car wash. The car wash developer stated there would be 7 full-time employees, 1 manager, and two assistance, for a total of 10 employees, including himself and his partner.

Councilmember Graves asked whether customers stay inside their car. The developer confirmed this, adding customers pay at a pay station in their lane, and the express car wash takes about 1.5 minutes. He stated customers can utilize vacuums. He noted this express model is new to the area, and they plan to be one of the first of its kind in the State of Minnesota.

Councilmember Graves stated she was envisioning a car wash on the site and wishing there could also be an ice cream stand, to make it more of a community car wash.

The developer stated their car wash in New Hope has an ice cream truck that frequents the site, as well as a food truck, and they have already asked if they can also come to the new Brooklyn Center location.

Councilmember Graves stated she feels very conflicted and unable to make a decision with the information that has been presented.

The developer stated he and his partner plan to be around for a long time and remodel the building every 4 years. He added they will be in it for the long haul. He noted local restaurants are often unable to stay in business.

Mr. Gatlin stated he would be willing to consider the PUD amendment only for Site E and leave the other sites as they are. He added he hopes that would help the City Council make a decision.

Mayor Elliott stated, in terms of how long restaurants last in Brooklyn Center, the 50's Grill has been around for 35 years.

Councilmember Ryan stated the developer as indicated he has invested in the development for another 10 years and has put a lot of effort into Shingle Creek Crossing. He added he is willing to work constructively with the developer. He noted the developer is willing to be flexible and apply the amendment only to Site E and leave the other vacant sites that are committed to restaurant use.

Councilmember Graves stated she is willing to move forward with the amendment as it only applies to Site E. She added she hopes that the site design will allow for more community interaction than an express car wash, and she looks forward to getting more information.

Mayor Elliott stated he sees potential for the area near Shingle Creek, with its high visibility from the freeway. He added he believes there is a better use for this site than a car wash. He added he does not understand why the City has struggled to attract restaurants. He noted he will pass this up and look for a better opportunity.

Mr. Gatlin stated this is the smallest lot that is left to be developed and will not accommodate a larger use. He added he has a use ready for this site, and he can continue to try to attract restaurants for the remaining vacant sites.

Councilmember Ryan stated he wished to amend his original motion to apply the PUD amendment to Site E only.

Mr. Gilchrist stated the initial motion failed for lack of a second.

Councilmember Ryan moved and Councilmember Graves seconded to approve PLANNING COMMISSION APPLICATION NO. 2020-002 for Planned Unit Development Amendment No. 9 to the 2011 Shingle Creek Crossing Planned Unit Development, to be applied to Site E only.

Mayor Elliott voted against the same and Councilmember Lawrence-Anderson did not respond. Motion passed.

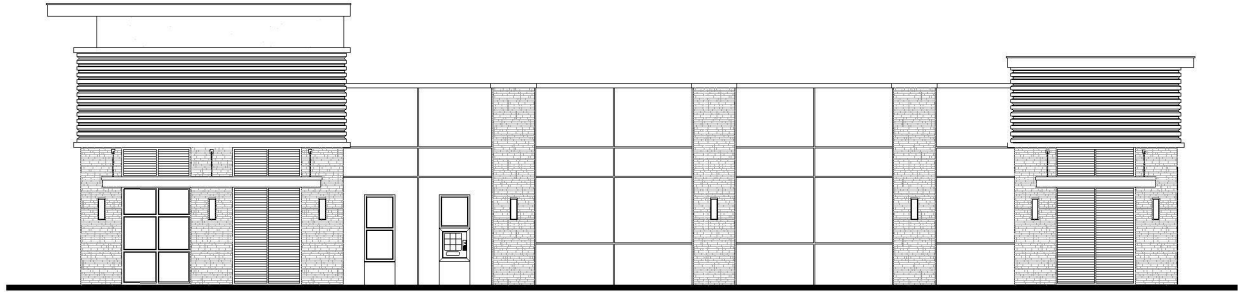
10. COUNCIL CONSIDERATION ITEMS

10a. APPOINTMENTS TO COMMISSIONS

Mayor Elliott stated he intends to appoint new Commissioners to the City's Commissions. He added the City's Commissions are not representative of the diversity of Brooklyn Center, and he took pains to ensure that appointments will create Commissions that are diverse and representative of the City's population, especially against the backdrop of the current global movement toward full inclusion and systemic change. He noted he believes that having



**Night Renderings of Proposed Car Wash
(1080 Shingle Creek Crossing)**



NORTH ELEVATION CONCEPT

Class 1 Materials:

Stucco: 1126SF

Glass: 89SF

Stone: 511SF

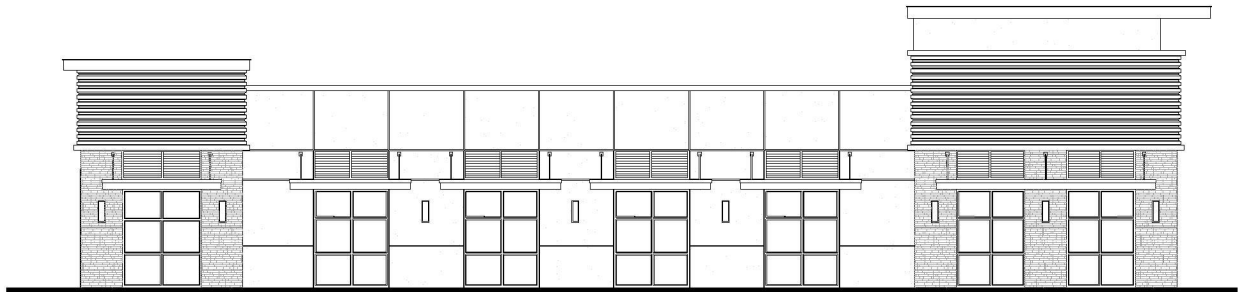
Spandrel System: 10SF

Total Area: 1736SF (~71%)

Class 2 Materials:

Pre-finished Metal: 713SF

Total Area: 713SF (~29%)



SOUTH ELEVATION CONCEPT

Class 1 Materials:

Stucco: 957SF

Glass: 550SF

Stone: 269SF

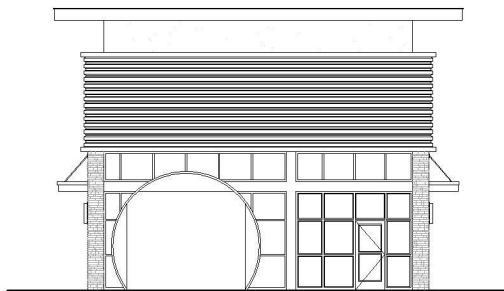
Spandrel System: N/A

Total Area: 1776SF (~73%)

Class 2 Materials:

Pre-finished Metal: 651SF

Total Area: 651SF (~27%)



EAST ELEVATION CONCEPT

Class 1 Materials:

Stucco: 126SF

Glass: 116SF

Stone: 46SF

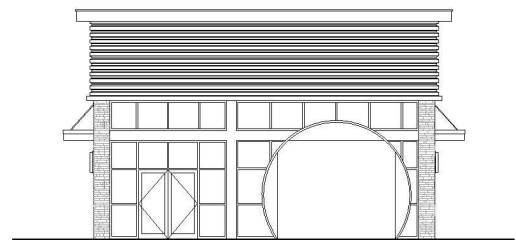
Spandrel System: 169

Total Area: 457SF (~53%)

Class 2 Materials:

Pre-finished Metal: 405SF

Total Area: 405SF (~47%)



WEST ELEVATION CONCEPT

Class 1 Materials:

Stucco: 28SF

Glass: N/A

Stone: 46SF

Spandrel System: 285SF

Total Area: 359SF (~54%)

Class 2 Materials:

Pre-finished Metal: 303SF

Total Area: 303SF (~46%)



MEMORANDUM

To: Ginny McIntosh
City of Brooklyn Center

From: Jacob Rojer, P.E.
Brian Wurdeman, P.E.
Kimley-Horn and Associates, Inc.

Date: June 30, 2020

Subject: Trip Generation & Queuing Summary
Holiday Station Store Car Wash

INTRODUCTION

The proposed site is located on the southwest corner of the intersection of Bass Lake Road (County Road 10) & Shingle Creek Drive in Brooklyn Center, Minnesota. The proposed approximately 0.91-acre site is currently undeveloped, and the proposed development includes a single car wash tunnel with 17 vacuum stalls. The proposed site plan is attached. The City has asked for a memorandum to document the anticipated trip generation of the proposed development, the anticipated queueing, and the peak operation times for the car wash.

TRIP GENERATION

The trip generation for the development was calculated based on information provided by Holiday Station Stores and the *Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition*. For the proposed car wash, ITE Land Use Code (LUC) 948 (Automated Car Wash) was used. ITE data for automated car washes is limited and only provides PM peak hour data. **Table 1** provides the estimated PM peak hour trips for the proposed development based on the ITE Land Use Code 948.

Table 1 – Trip Generation

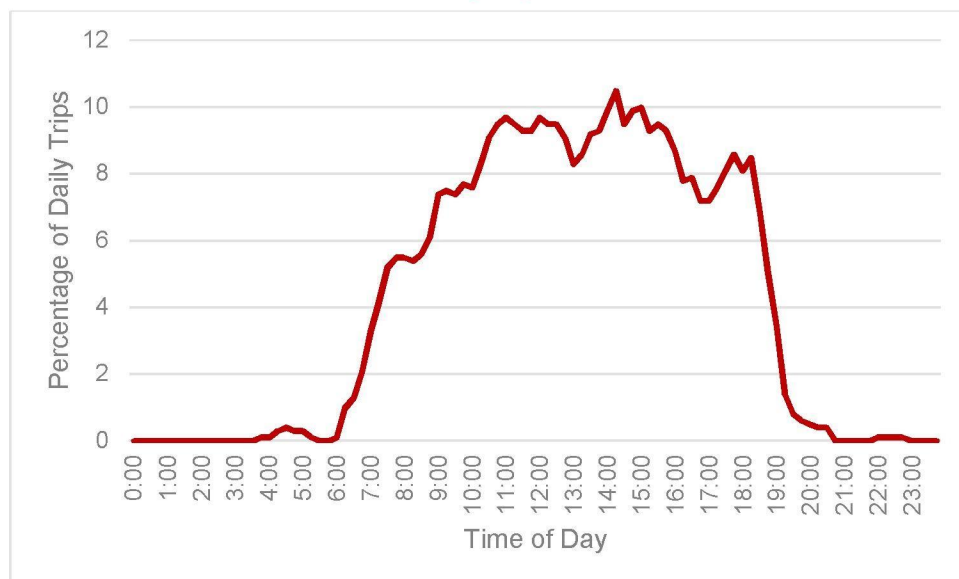
Land Use Description	ITE Code	Intensity / Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Automated Car Wash	948	3,667 Sq. Ft.	-	-	-	-	26	26	52

As previously mentioned, additional trip generation information was provided by Holiday Station Stores to supplement what is provided by ITE. The following provides a summary of site-specific information:

- Average number of daily car washes is expected to be around 300 (600 daily trips).
- The car wash can accommodate 25 vehicles per hour.
- It is anticipated that 70% of the car wash users will also utilize the vacuums.
- The car wash will have 3 entrance lanes with the outside lane near the garbage corrals reserved for VIP unlimited members. This lane is anticipated to account for 10% of the daily trips (30 vehicles per day).

In Appendix A of the ITE Trip Generation, 10th Edition, there are hourly distributions provided for each land use. **Chart 1** shows the hourly distribution for a car wash land use. The daily trip distribution patterns for a car wash differs from the typical commuter traffic patterns which would have a spike in traffic in the AM peak and in the PM peak. Based on the ITE hourly distribution data, car washes have the majority of the site trips occur during the middle of the day with the peak hour occurring from 2:15 PM to 3:15 PM. This peak hour accounts for 10.5% of the daily trips at the car wash. Using the Holiday Station Store provided data of 300 car washes per day, this results in 32 vehicles (64 trips) during the midday peak hour at the car wash. During the traditional commuter PM peak hour, 8.6% of the daily trips are anticipated. This results in 26 vehicles (52 trips) which is consistent with the ITE trip generation that is shown in Table 1.

Chart 2 – Hourly Trip Distribution



CAR WASH VEHICLE QUEUE

The car wash vehicle queueing was reviewed based on a request from the City staff. Based on the conceptual site plan, there will be three car wash entry lanes. The two inside lanes provide approximately 100 feet of stacking distance before impacting access to the adjacent land use and the VIP exterior lane provides approximately 40 feet of stacking before it would impact the circulating lane around the adjacent land use. In addition to the stacking prior to payment for the car wash, there is approximately 100 feet of stacking after the payment stations. This results in a total stacking distance of approximately 340 feet. Assuming 25 feet per vehicle, there is stacking for 13-14 vehicles before there are impacts on the adjacent land uses site circulation.

The *Highway Capacity Manual, 6th Edition* 95th percentile queue equation (shown below) was used to determine the anticipated queues during the car wash peak hour (2:15 PM to 3:15 PM). For this calculation, the below values are assumed:

- $V_x = 32$ vehicles per hour anticipated in the peak
- $C_{m,x} = 25$ vehicles per hour capacity of the car wash
- $T = 1$ hour

Using these metrics, the 95th percentile queue would be 8.9 which is rounded to 9 vehicles.

$$Q_{95} \approx 900T \left[\frac{V_x}{C_{m,x}} - 1 + \sqrt{\left(\frac{V_x}{C_{m,x}} - 1 \right)^2 + \frac{\left(\frac{3600}{C_{m,x}} \right) \left(\frac{V_x}{C_{m,x}} \right)}{150T}} \right] \left(\frac{C_{m,x}}{3600} \right)$$

Q_{95} = 95th Percentile Queue (vehicles)

V_x = Flow Rate for Movement (vehicles per hour)

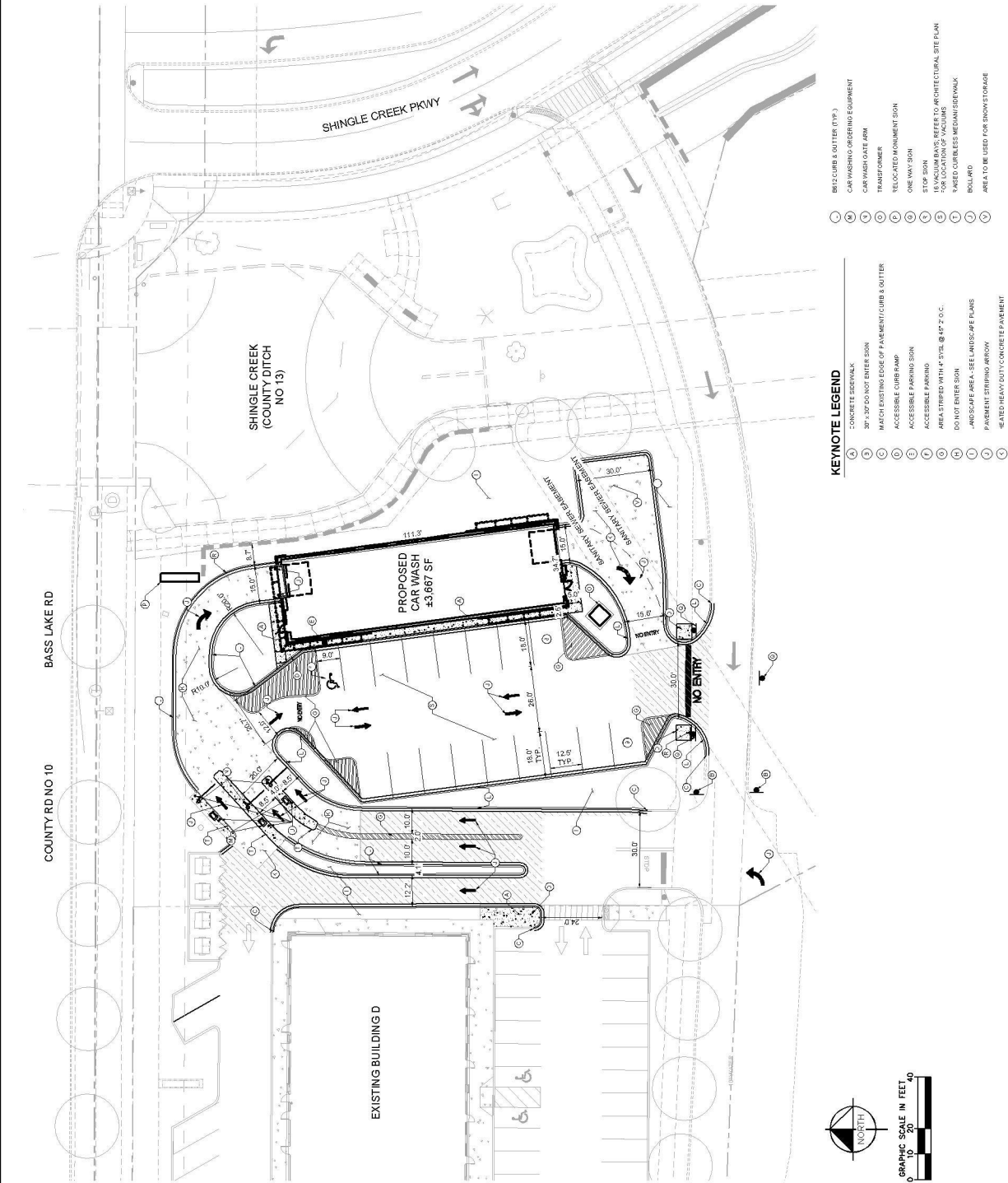
$C_{m,x}$ = Capacity of Movement (vehicles per hour)

T = Analysis Time Period (hours)

During the 95th percentile queue, 5 vehicles would queue past the payment station and 4 vehicles would queue before the payment station. With approximately 10% of the vehicles utilizing the VIP lane, the probability of more than 1 vehicle in the VIP lane queue during the 95th percentile queue scenario is minimal. The remaining vehicles in the queue would likely be divided equally between the two other entry lanes that are 100 feet in length, sufficient for 4 vehicles in each lane. Therefore, the site will have sufficient stacking to accommodate the anticipated 95th percentile queue of 9 vehicle queue.

CONCLUSION

The proposed car wash is anticipated to generate 600 daily trips, with 64 trips generated during the car wash peak hour of 2:15 PM to 3:15 PM. The queue analysis resulted in the maximum queue anticipated to be 9 vehicles. With the proposed site layout providing storage on-site for 13-14 vehicles, the car wash queues are not anticipated to impact operations of adjacent land uses or public streets and it is unlikely that there would be more than 1 vehicle in the VIP lane queue.



LEGEND	
	PROPERTY LINE
	SETBACK LINE
	PROPOSED CURB AND GUTTER
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED STANDARD DUTY ASPHALT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED CONCRETE SIDEWALK

PROPERTY SUMMARY

HOLIDAY CAR WASH	
TOTAL PROPERTY AREA	39,665 SF (9.91 AC)
PROPOSED IMPIEVIOUS AREA	27,925 SF (0.63 AC)
PROPOSED PERVIOUS AREA	12,130 SF (0.28 AC)
TOTAL DISTURBED AREA	31,500 SF (0.73 AC)
ZONING SUMMARY	
EXISTING ZONING	PUD
PROPOSED ZONING	PUD

BUILDING DATA SUMMARY

PROPOSED PROPERTY	38,656 SF (0.91 AC)
BUILDING AREA	43,967 SF (1.01 AC) TOTAL
	PROJECT AREA
PARKING	
REQUIRED PARKING*	10 SPACES @ 0.27 RATIO
PROPOSED PARKING	17 SPACES @ 0.46 RATIO
ADA STALLS REQ'D / PROVIDED	1 STALL / 17

*SEE ATTACHMENT "SPACING STATIONS" FOR EACH PARKING SPACE. 1 SP. @ 2.75' DIA.

SITE PLAN NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL CITY ORDINANCES, ORDINANCES OF THE COUNTY OF LOS ANGELES, AND THE CALIFORNIA CIVIL CODE.
2. CONTRACTOR SHALL REVIEW THE ARCHITECTURAL PLANS FOR EACH LOT AND DETERMINE THE EXISTING UTILITIES, AND THE LOCATION OF ALL UTILITIES AND DRAINAGE LOCATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES.
3. ALL UTILITIES OTHER THAN 2" MINIMUM DRAINAGE SHALL BE MAINTAINED IN PLACE AND NOT REMOVED OR RELOCATED UNLESS NECESSARY. ALL UTILITIES SHALL BE MAINTAINED IN PLACE AND NOT REMOVED OR RELOCATED UNLESS NECESSARY. ALL UTILITIES SHALL BE MAINTAINED IN PLACE AND NOT REMOVED OR RELOCATED UNLESS NECESSARY.
4. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS AND RAMP ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

12. REFERENCE ARCHITECTURAL PLANS FOR DUMPSTER ENCLOSURE

13. REFER TO FINAL PLAT OR ALTA SURVEY FOR EXACT LOT AND PROPERTY

14. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
15. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.

[illegible]

Kimley»Horn
© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651-645-4197
WWW.KIMLEY-HORN.COM

DATE	06/09/2020
SPECIFICATION OR REPORT WAS PREPARED BY HE OR UNDER ANY OTHER SURVEILLANCE AND THAT IT IS ONLY USED FOR PROFESSIONAL BUSINESS UNDER THE LAWS OF THE STATE OF MINNESOTA.	
COPY#	AS SHOWN
DESIGNED BY	BANK
DRAWN BY	AKA
CHECKED BY	BANK
DATE:	06/09/2020
BY NO.	NIN
SSA-3	

SITE PLAN

HOLIDAY CAR WASH
PREPARED FOR
HOLIDAY STATION
STORES
BROOKLYN CENTER
MN

C400

T

160195000	DATE	06/28/2020	SCALE AS SHOWN	DESIGNED BY	BANY	CHECKED BY	BANY
SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.							
BRYAN H. WARDMAN JULY 13, 2020 DATE: 06/28/2020 LIC. NO. 5513							

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PHONE: 651-654-4187
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BY	DATE	REVISIONS	NO.

1



GRAPHIC SCALE IN FEET

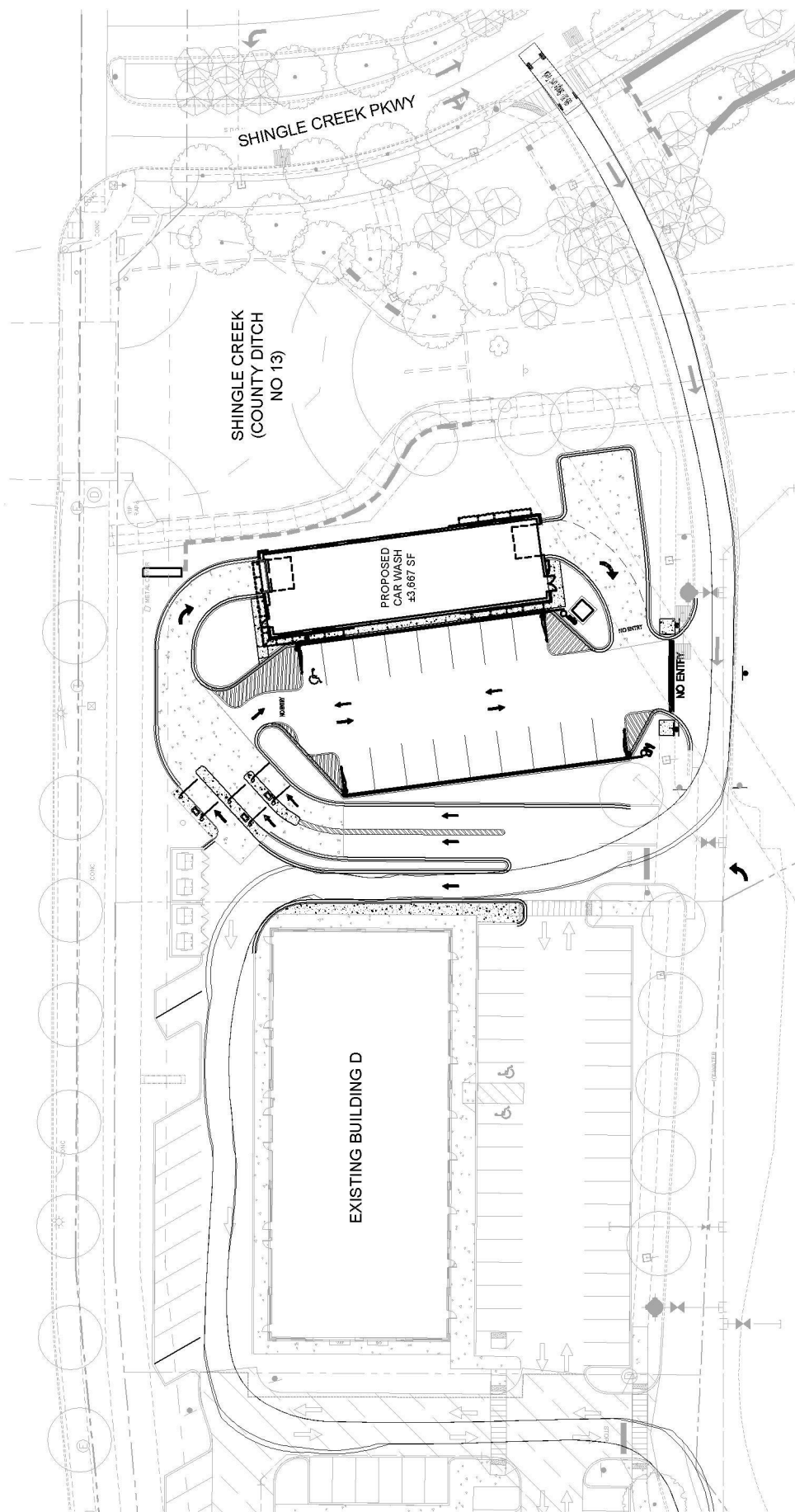
TRUCK TURNING
EXHIBIT

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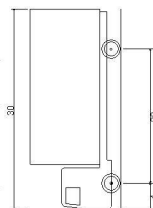
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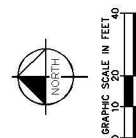
PRELIMINARY - NOT FOR CONSTRUCTION

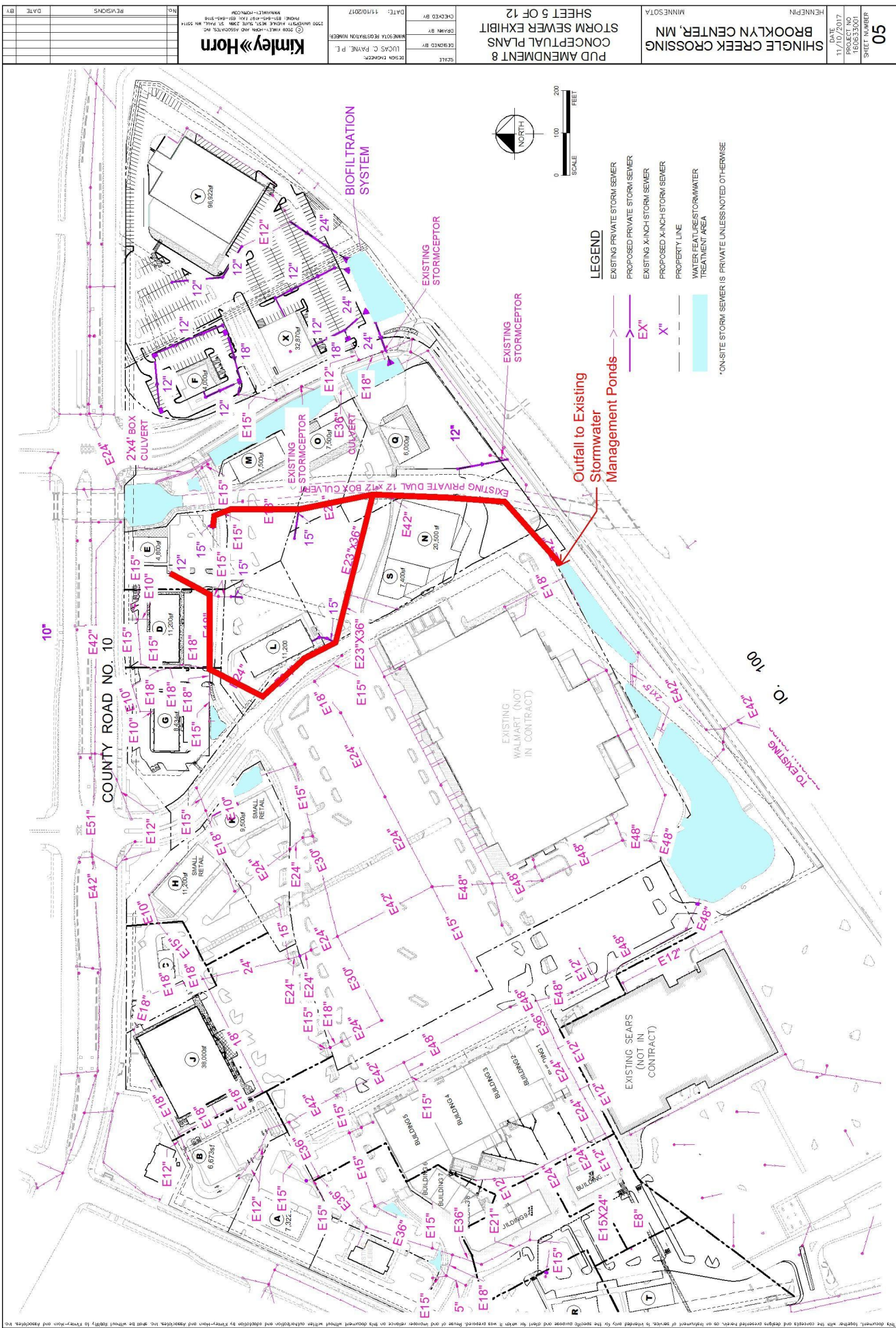


30.000ft
8.000ft
13.500ft
1.367ft
8.000ft
5.00s
31.80°



SU-30 - Single Unit Truck
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Max Steering Angle (Virtual)





HOLIDAY CAR WASH
PREPARED FOR
HOLIDAY STATION
STORES
OKLYN CENTER

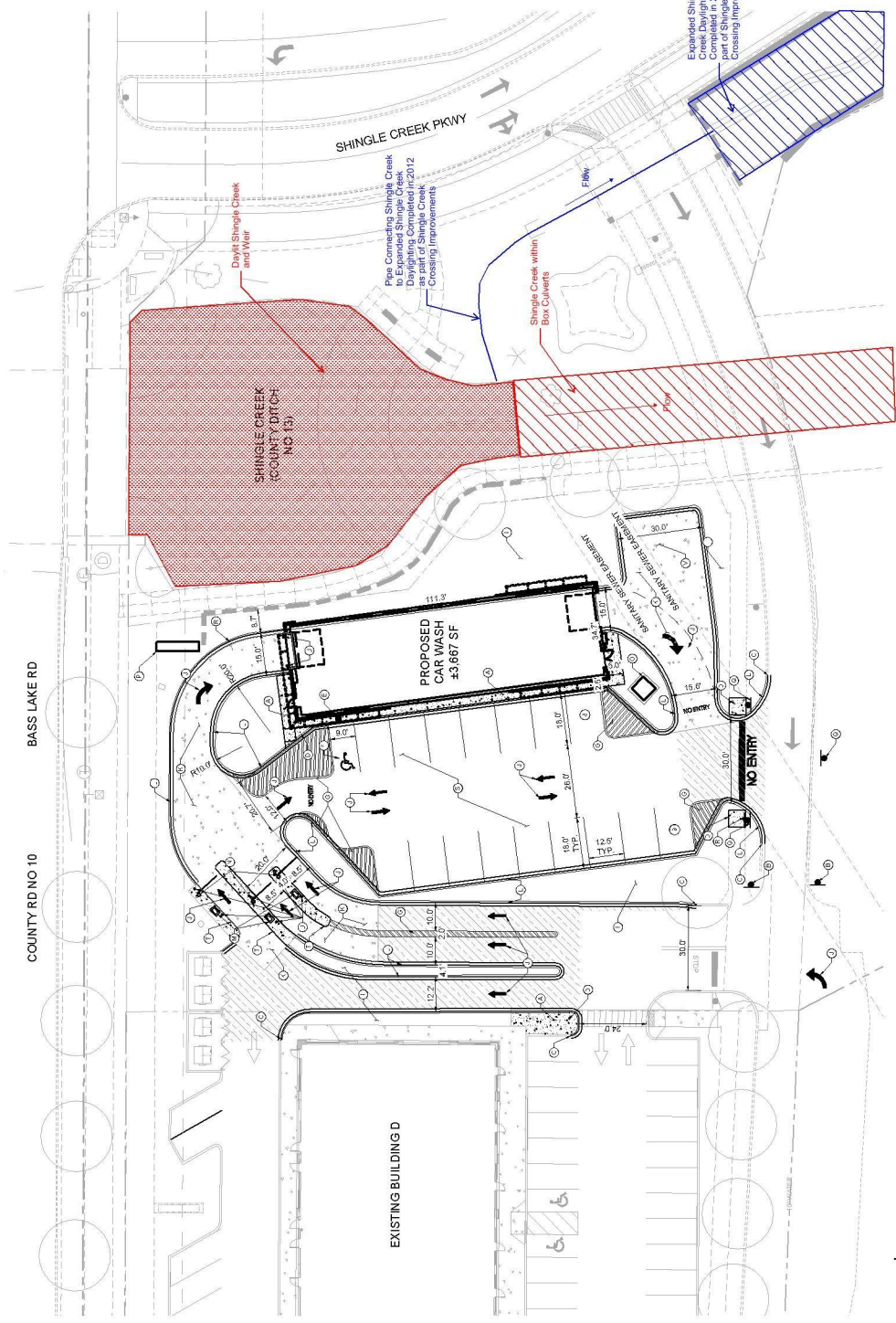
SITE PLAN

KHA PROJECT	7601090020	DATE	06/09/2020	SCALE	AS SHOWN
A CHECK OF THE CITY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A PERSON ONLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.					
BARRY W. WOODWARD			L.P. NO. 553-3		
DATE: 06/09/2020			BARRY WOODWARD		

Kimley»Horn

[illegible]

PRELIMINARY - NOT FOR CONSTRUCTION



KEYNOTE LEGEND

- | | |
|---|---|
| A | CONCRETE SIDEWALK |
| B | 30" x 30" DO NOT ENTER SIGN |
| C | MATCH EXISTING EDGE OF PAVEMENT CURB & GUTTER |
| D | ACCESSIBLE CURB RAMP |
| E | ACCESSIBLE PARKING SIGN |
| F | ACCESSIBLE PARKING |
| G | AREA STRIPED WITH 4" STRIPES @ 45° TO C. |
| H | DO NOT ENTER SIGN |
| I | -LANDSCAPE AREA - SEE LANDSCAPE PLANS |
| J | PARKMENT STRIPING ARROWS |
| K | -HEATED HEAVY DUTY CONCRETE PAVEMENT |

- | | |
|-----|--|
| () | BEST CURB & GUTTER (TYP.) |
| (M) | CAR WASHING ORDERING EQUIPMENT |
| (Y) | CAR WASH/GATE ARM |
| (O) | TRANSFORMER |
| (A) | RELOCATED MONUMENT SIGN |
| (P) | ONE WAY SIGN |
| (S) | STOP SIGN |
| (V) | 16 VACUUM BAYS; REFER TO ARCHITECT FOR LOCATION OF VACUUMS |
| (L) | PAVED CURBSLESS MEDIAN SIDEWALK |
| (R) | BOLLARD |
| (N) | AREA TO BE USED FOR SNOW STORAGE |

SITE PLAN NOTES

1. ALL WORK AND MATERIAL SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND OSHA STANDARDS.
2. CONTRACTOR SHALL REFER TO THE ARCHITECTURE, PLANT OR EXISTING UTILITIES DRAWINGS FOR ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES. THESE CODES PRECISELY LOCATE DIMENSIONS AND EXACT BOLDING LOCATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES.
3. ALL INNER CURVED RADIUS ARE TO BE 25' AND OTHER CURVED RADIUS ARE TO BE 40'. UNLESS OTHERWISE NOTED, STIPPED RADII ARE TO BE 9'.
4. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED.
5. EXISTING STRUCTURES WITH CONSTRUCTION TIES ARE TO BE REMOVED OR REINFORCED AS NECESSARY. ALL CATCH BASINS TO BE REMOVED OR RELOCATED AS NECESSARY. ALL CATCH BASINS TO BE REMOVED OR RELOCATED AS NECESSARY. ALL CATCH BASINS TO BE REMOVED OR RELOCATED AS NECESSARY.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, UNLESS OTHERWISE NOTED. LOCATIONS INCLUDING BUT NOT LIMITED TO UTILITIES, WADSWORTH, AND OTHER EXISTING UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES.
7. SITE BOUNDARY TO GEOGRAPHY UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY SHAW AND SHAW INC. ALL DIMENSIONS CONTAINED THEREIN SHALL BE USED UNLESS OTHERWISE SPECIFIED.
8. TOTAL LAND AREA 10.9 ACRES
9. PAVEMENT SHALL BE CONSTRUCTED BY OTHERS. BORDERS ARE TO BE CONSTRUCTED BY OTHERS. BORDERS ARE TO BE CONSTRUCTED BY OTHERS.
10. NEW CONSTRUCTION OF A PAVEMENT SURFACE SHALL BE CONSTRUCTED BY OTHERS. BORDERS ARE TO BE CONSTRUCTED BY OTHERS.
11. ELECTRICAL, PLUMBING, MECHANICAL, AND OTHER TRADES SHALL BE CONSTRUCTED BY OTHERS. BORDERS ARE TO BE CONSTRUCTED BY OTHERS.
12. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED.

BUILDING DATA SUMMARY

AREAS	
PROPOSED PROPERTY BUILDING AREA	39,645 SF (0.91 AC) 43,687 SF (1.02%) OF TOTAL PROJECT AREA
PARKING	
REQUIRED PARKING*	10 SPACES @ 0.27 RATIO
PROPOSED PARKING	17 SPACES @ 0.46 RATIO
ADA STALLS REQ'D / PROVIDED	1 STALL / 1 STALL

*PER AUTOMOBILE SERVICE STATIONS, 3.98 AC PER EACH EIGHT (8) SPACES, 1.39 AC PER

PROPERTY SUMMARY

HOLIDAY CAR WASH	
TOTAL PROPERTY AREA	39,650 SF (0.91 AC)
PROPOSED IMPERVIOUS AREA	27,626 SF (0.63 AC)
PROPOSED PERVIOUS AREA	12,130 SF (0.28 AC)
TOTAL DISTURBED AREA	31,590 SF (0.73 AC)
ZONING SUMMARY	
EXISTING ZONING	PUD
PROPOSED ZONING	PUD

LEGEND

- | | |
|---|--------------------------------|
|  | PROPERTY LINE |
|  | SETBACK LINE |
|  | PROPOSED CURB AND GUTTER |
|  | PROPOSED HEAVY DUTY ASPHALT |
|  | PROPOSED STANDARD DUTY ASPHALT |
|  | PROPOSED CONCRETE PAVEMENT |
|  | PROPOSED CONCRETE SIDEWALK |

From: Matt Durand
To: Lokensgard, Arik; Matt Durand; Ginny McIntosh
Cc: Wurdeman, Brian; "Park McMillan"; Frank Gatlin (frank@gatlindc.com)
Subject: RE: Follow-up: PC Application No. 2020-006 (Car Wash, 1080 Shingle Creek Crossing)
Date: Wednesday, July 8, 2020 1:39:05 PM

Ginny,

Please see the below answer to the questions you had.

How is the water collected in the tunnel & what type of drain system is there?

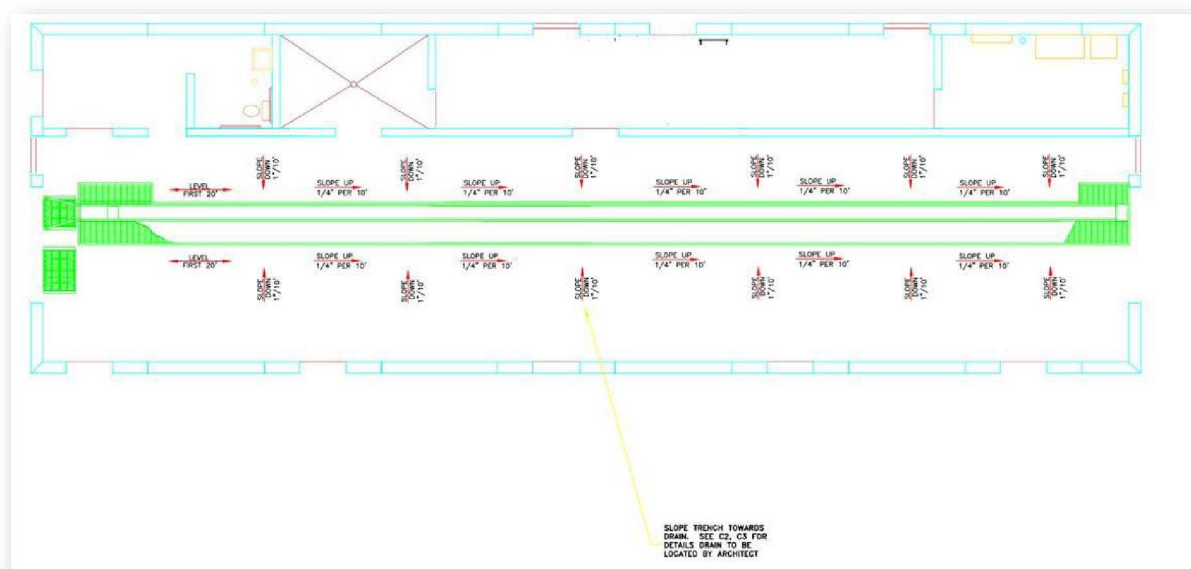
Answer: Water that gets applied to the car will be collected in a large debris pit that runs the length of the tunnel. This pit will capture all water and debris coming from vehicles. Once collected, there is a filter system (i.e. settling tanks) that will capture and large debris (i.e. sand, etc.) and what's left will be fresh water "gray" water (Gray Water – safe, not drinkable).

This fresh gray water then flows into the city's sanitary sewer system just like what is used for toilets as an example. The tunnel will be designed so that the floor funnels all water to the center of the pit from all ends (see image below). All of the water used in our wash will be fresh water and all of the soaps and detergents used are biodegradable and environmentally friendly.

There will be **absolutely NO** water coming from the car wash that will flow into Shingle Creek, rather it all flows into the city's sewer system. To utilize the city's sewer system, I will be purchasing "Sewer Access Credits" (SAC) at the going rate. This is a fee that the city charges me to access the sewer.

In conclusion, there is no threat of water from our car wash operation running off into Shingle Creek.

Tunnel Floor Draining Slope Example: This is an example from a previous wash that my car wash manufacturer did last year.



Please reach out with any questions.

Thanks!
Matt

From: Lokensgard, Arik <Arik.Lokensgard@kimley-horn.com>
Sent: Wednesday, July 8, 2020 11:55 AM
To: Matt Durand <mattdurand@holidayss1.com>; Ginny McIntosh <gmcintosh@ci.brooklyn-center.mn.us>
Cc: Wurdeman, Brian <Brian.Wurdeman@kimley-horn.com>; "Park McMillan" <Park@gatlin.com>; Frank Gatlin (frank@gatlindc.com) <frank@gatlindc.com>
Subject: RE: Follow-up: PC Application No. 2020-006 (Car Wash, 1080 Shingle Creek Crossing)

Ginny,

I will also be on the call. Thanks!

Arik

MEMORANDUM

DATE: July 6, 2020

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Preliminary Site Plan Review – Holiday Car Wash – 1080 Shingle Creek Crossing

Public Works staff reviewed the following documents submitted for review for the proposed Holiday Car Wash (Planning Commission Application No. 2020-006):

- Preliminary Plans dated 06/18/2020

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit.

Title Sheet

1. No Comments

C200 – Demo Plan

2. Protect existing public sanitary sewer within easement.

C400 – Site Plan

3. Label site trash enclosure.
4. Circulation around Building D should not be impacted. Verify lane width with Building Official and Fire Official.

C500 – Grading Plan

5. Add additional spots to grading plan per redlines.

C600 – Utility Plan

6. **Comment from the Assistant City Engineer** – After reviewing the submittals from the developer and engineer, it is clear that all waste water generated by the car wash from within the wash tunnel, is collected by interior drains and directed to the sanitary sewer. This sewer is ultimately conveyed to the Met Council water treatment plant in Saint Paul for final treatment. The parking areas and drive lanes on the site are surrounded by B612 concrete curb and gutter, where all storm water is directed to the City's storm water system. The site storm water, which is water from the outside area, is routed through a series of storm water treatment ponds at Centerbrook Golf Course for treatment prior to discharge in Shingle Creek. No storm water from paved areas on site is directly discharged to the creek. There is a small section of landscaped areas along the east side of the build which may sheet flow in to the creek.

L100 & L101 – Landscaping Plans

7. No Comment

Miscellaneous

8. See redlines for additional comments.
9. Provide missing SWPPP documents.
10. Provide civil details.
11. Provide irrigation plan.
12. Upon project completion the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
13. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision. The engineer must be certified in the State of Minnesota and must certify all required as-built drawings (which are separate from the as-built survey).
14. The total disturbed area does not exceed one acre, an NPDES permit is not required. The property was formerly included in the approved overall storm water plan for Shingle Creek Crossing and meets the watershed requirements. However the plan set shall show erosion control measures to prevent sediment from leaving the site.
15. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from the Hennepin County review.
16. Applicant must apply for a Land Disturbance permit.

Prior to Issuance of a Land Alteration

17. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended, as required by the City Engineer.
18. A letter of credit or a cash escrow in the amount of 100 percent of the estimated cost as determined by City staff shall be deposited with the City.
19. During construction of the site improvements and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of \$2,500 that the City can draw upon on a monthly basis.
20. A Construction Management Plan and Agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate \$2,500 deposit will be required as part of the non-compliance provision.

Holiday Car Wash Review Memo,
July 6, 2020

Anticipated Permitting

21. A City Land Disturbance permit is required.
22. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
23. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
24. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

LEGEND



- [illegible]

A north arrow pointing upwards, labeled "NORTH". To its right is a graphic scale bar labeled "GRAPHIC SCALE IN FEET" with markings at 0, 10, 20, and 40 feet.

PRELIMINARY - NOT FOR CONSTRUCTION

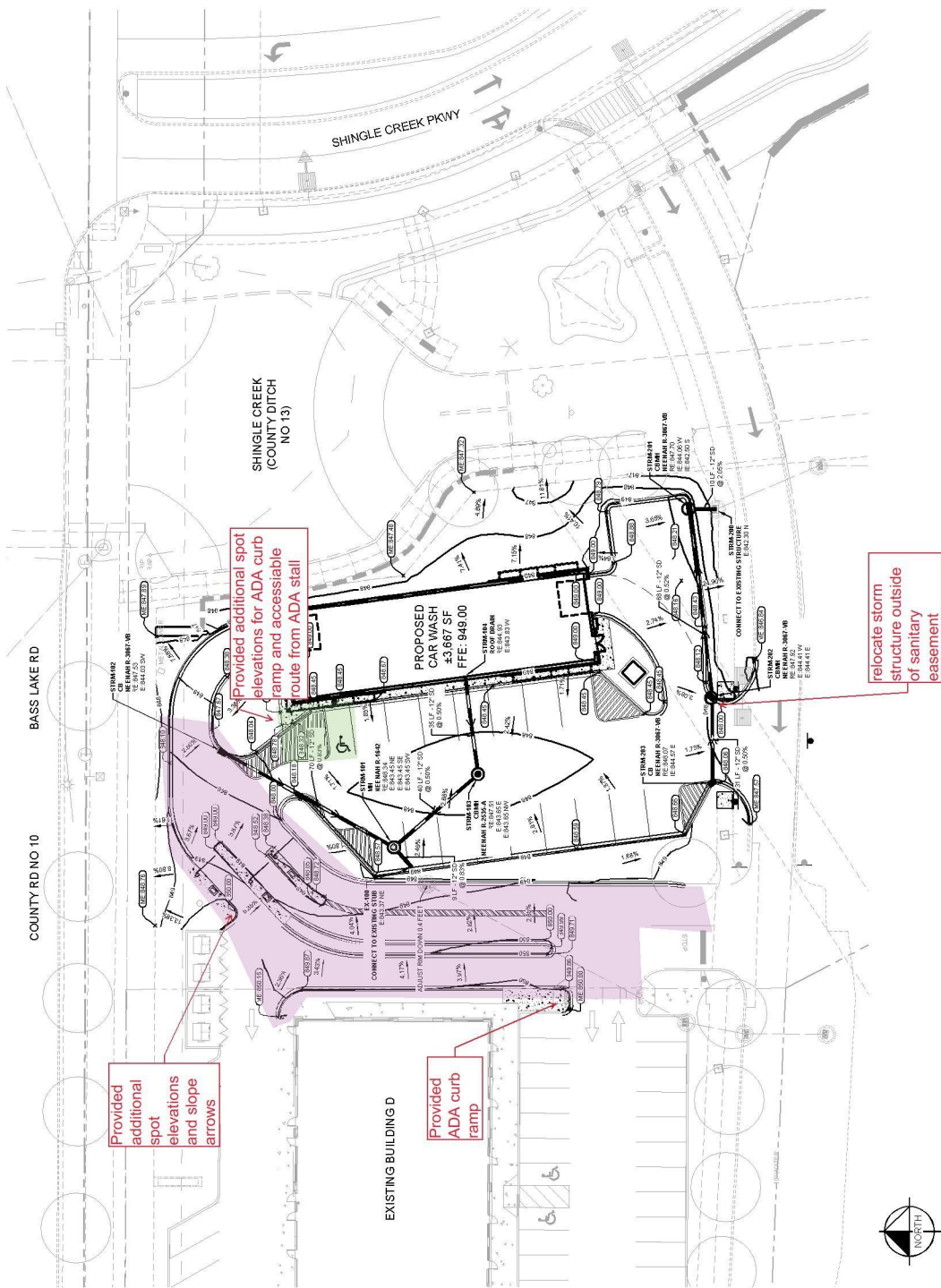
SITE PLAN NOTES

- [illegible]



[illegible]

PRELIMINARY - NOT FOR CONSTRUCTION



relocate storm structure outside of sanitary easement

Provided
ADA curb
ramp

Provided additional spot elevations and slope arrows

EXISTING BUILDING D

SHINGLE CREEK
(COUNTY DITCH
NO 13)

provided additional spot elevations for ADA curb ramp and accessible route from ADA stall

Provided additional spot elevations and slope arrows

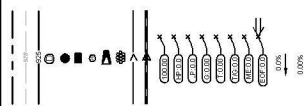
COUNTY RD NO 10

BASS LAKE RD

GRADING PLAN NOIES

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LEGEND



LEGEND

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1

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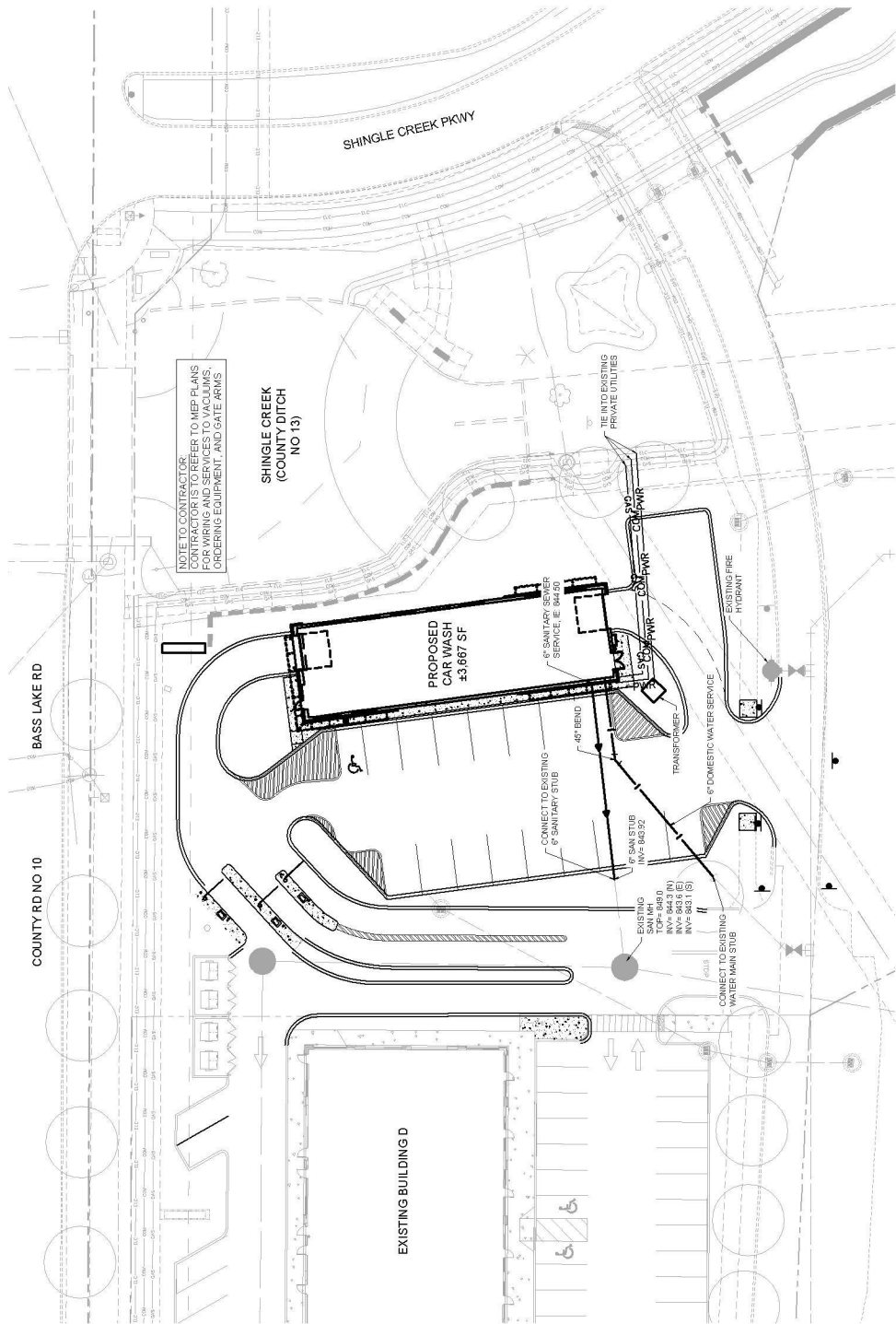
UTILITY PLAN

DATE	06/09/2020	DESIGNED BY	BNVA
DATE	06/09/2020	DRAWN BY	AKVA
DATE	06/09/2020	CHECKED BY	BNVA
STATE AS SHOWN 06/09/2020 DATE 1601/09/2020 NVA PROJECT SPECIFICATION OR REPORT WAS PREPARED BY AN UNLICENSED PERSON OR UNDER THE SUPERVISION OF AN UNLICENSED PERSON THAT IS IN VIOLATION OF THE LAWS OF THE STATE OF KANSAS ENGINEER UNDER THE LAWS OF THE STATE OF KANSAS			
BRYAN W. WARDMAN LIC. NO. 5513			

Kimley-Horn & Associates, Inc.
767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651-665-4187
WWW.KIMLEY-HORN.COM

[illegible]

PRELIMINARY - NOT FOR CONSTRUCTION



- UTILITY PLAN NOTES

- [illegible]

LEGEND

- | EXISTING | PROPOSED |
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www.shinglecreek.org

July 17, 2020

Mr. Andrew Hogg
Assistant City Engineer
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199

Re: Proposed car wash at Holiday Station Stores at Shingle Creek Crossings

Mr. Hogg:

Regarding the water resource concerns for the proposed car wash I agree with the City staff assessment. The important points being:

1. Water used inside of the car wash flows to the sanitary sewer and not Shingle Creek.
2. Exterior stormwater that comes off pavement flows to stormwater treatment ponds prior to flowing into Shingle Creek.

In summary, the proposed project is consistent with Shingle Creek Water Management Commission rules regarding stormwater pollutant control and managing rates and volumes of runoff.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Mat", with a stylized flourish at the end.

Ed Matthiesen, PE
Shingle Creek Watershed Commission Engineer

Attachments:

200629 Plan Review Memo, Preliminary Site Plan-Holiday Car Wash-1080 Shingle Creek Crossing Review
by Andrew Hogg to Ginny McIntosh, 7/6/2020
Car Wash Site Plan by Kimley Horn 6/9/2020

Cc: Judie Anderson, JASS



July 7th, 2020

To Whom this may concern,

I am writing on behalf of Matthew Durand to show my support in building the car wash they are looking to build. I think this would make a nice addition to the city, as there are few in Brooklyn Center. As I assume you have already reviewed the photos of the plan, I think you can agree that it brings an upscale looking touch to the city. I think it would add something special. Please take this note to help your decision in letting the Car wash build move forward. Feel free to reach out to me if needed at (612)317-4814.

Thank you,

A handwritten signature in blue ink, appearing to read 'Kendra Deshler', with a stylized flourish at the end.

Kendra Deshler - Branch Manager

From: Matt Durand
To: [Ginny McIntosh](#)
Subject: Fwd: Future Holiday Car Wash
Date: Tuesday, July 7, 2020 12:32:08 PM
Attachments: [image001.png](#)

Ginny,

Please see below from our neighbors at Bank of America.

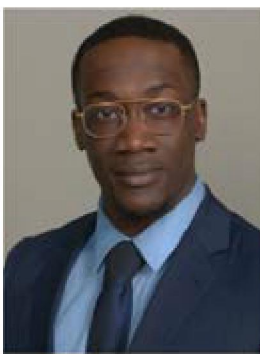
Regards,
Matt

From: Owusu, Caleb <caleb.owusu@bofa.com>
Sent: Tuesday, July 7, 2020 12:30:57 PM
To: Matt Durand <mattdurand@holidayss1.com>
Subject: Future Holiday Car Wash

Matt,

It was my pleasure talking to you a couple weeks ago. I just wanted to let you know how excited the employees at the Shingle Creek Crossing Bank of America are for there to potentially a new car wash less than a minute away from us. As we discussed, this is a very good, high traffic, diverse, enriched community we are in and we do not have any major car washes in the area. The car wash would not only good for your business, but also local businesses around and the citizens in the community. I do believe this would be a hot commodity in this area, and I urge anyone else that you have been communicating with to seriously consider opening up the car wash in Brooklyn Center.

Thank you for letting me say my piece and if there is anything that we can help our neighbor out let me know!



Caleb Owusu
Officer
Small Business Consultant

[Visit my website](#)
763.292.4224
caleb.owusu@bofa.com

2545 County Road 10
Brooklyn Center, MN 55430

BANK OF AMERICA 

This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms

From: Angela Dahl
To: [Ginny McIntosh](#)
Subject: Re: Follow-up to Comments: Proposed Car Wash (PC Application No. 2020-006)
Date: Wednesday, July 8, 2020 7:16:33 PM

Hi Ginny,

Thank you so much for the response with answers to all my questions. It sounds much better than it seemed just looking at location. There will be many downsides to Sears continuing to hold out for planning. Add this to my comments also.

Thanks again,
Angela Dahl

On Wed, Jul 8, 2020, 15:54 Ginny McIntosh <gmcintosh@ci.brooklyn-center.mn.us> wrote:

Hi Angie,

I wanted to follow up with you on the comment you submitted via the Brooklyn Center Request Tracker. I've included a copy of the staff report to this email for your information. Since release of the packet, I have also received additional detailing on how water is collected and discharged within the wash tunnel, which will be discussed at the meeting:

How is the water collected in the tunnel & what type of drain system is there?

Answer: *Water that gets applied to the car will be collected in a large debris pit that runs the length of the tunnel. This pit will capture all water and debris coming from vehicles. Once collected, there is a filter system (i.e. settling tanks) that will capture and large debris (i.e. sand, etc.) and what's left will be fresh water "gray" water (Gray Water – safe, not drinkable).*

This fresh gray water then flows into the city's sanitary sewer system just like what is used for toilets as an example. The tunnel will be designed so that the floor funnels all water to the center of the pit from all ends (see image below). All of the water used in our wash will be fresh water and all of the soaps and detergents used are biodegradable and environmentally friendly.

*There will be **absolutely NO** water coming from the car wash that will flow into Shingle Creek, rather it all flows into the city's sewer system. To utilize the city's sewer system, I will be purchasing "Sewer Access Credits" (SAC) at the going rate. This is a fee that the city charges me to access the sewer.*

In conclusion, there is no threat of water from our car wash operation running off into Shingle Creek.

Tunnel Floor Draining Slope Example: *This is an example from a previous wash that my car wash manufacturer did last year.*

Car washes are permitted in very few areas of the City as the current Zoning Ordinance only allows the use through issuance of a Special Use Permit and so long as the use does not abut R1 (One Family Residence), R2 (One and Two Family Residence), or R3 (Multiple Family Residence) District properties, including abutment at a street line. This essentially precludes the presence of a car wash for the near entirety of Brooklyn Boulevard and many other areas of the City, particularly as the R1 District is the most prevalent District type in the City.

Per Property Owner Frank Gatlin (Gatlin Development Co. Inc.), the business model for car washes typically see the use as an outparcel tenant that relies on good visibility and easy access from major roadways. The car wash was initially proposed for construction on the west end of the Shingle Creek Crossing PUD, off Xerxes Avenue North, and north of the Sears property; however, Sears refused to grant for permission for the use on either Building Sites R or T. The Property Owner attempted to offer incentives to lift the restriction from Sears, but Sears would not agree.

Building Sites L, M, O, S, N and Q, located east of Walmart, were also reviewed as potential sites; however, they are all internal to the Shingle Creek Crossing shopping center and are outlined as restaurant or traditional retail uses in the approved PUD documentation and master plans with specific building footprints that are intended to work around the Shingle Creek box culvert and day lighted creek. Of additional concern in proposing a car wash on an internal site is traffic circulation. It is for these reasons that Building Site E was determined to be the best identified alternative location due to its visibility from Bass Lake Road (County Road 10) and access on the edge of the PUD shopping center.

If you have any other questions, please let me know. I will relay your comments during the meeting tomorrow evening at 7 p.m. via Webex. If you would like to join in on the meeting, you can access by phone or by browser using the following (click the green button if joining by browser and if you don't have the Webex app, you can click the "Join from your Browser" on the bottom of the page):

Meeting number (access code): 133 710 0749
Meeting password: BCPC07092020

Thursday, July 9, 2020
7:00 pm | (UTC-05:00) Central Time (US & Canada) | 2 hrs

[Start meeting](#)

Join by phone

Tap to call in from a mobile device (attendees only)

[+1-312-535-8110](tel:+13125358110) United States Toll (Chicago)

[+1-415-655-0001](tel:+14156550001) US Toll

Thanks,

Ginny

Ginny McIntosh | City Planner and Zoning Administrator

City of Brooklyn Center

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430-2199

www.cityofbrooklyncenter.org | 763.569.3319 | gmcintosh@ci.brooklyn-center.mn.us



From: [Lisa Bluemke](#)
To: [Meg Beekman](#); [Ginny McIntosh](#); [Jimmy Loyd](#)
Subject: New Car Wash Complaint
Date: Tuesday, June 23, 2020 3:30:16 PM

Hi All,

A complaint came in on Request Tracker for the following:

Car wash should not be allowed on Shingle Creek. There are far too many chemicals and waste discarded at carwashes. This is a terrible location for the carwash. How about over by Sears? Much more visible!

I will close the request, but pass along her information for reference:

Angela Dahl
3301 Ohenry Rd
612-400-2429
Angiedahl13@gmail.com

Thank you!

Lisa Bluemke | Administrative Assistant

City of Brooklyn Center

6301 Shingle Creek Parkway | Brooklyn Center, MN 55430

Direct: 763-569-3356 | General: 763-569-3330

General Email: communitydevelopment@ci.brooklyn-center.mn.us

www.cityofbrooklyncenter.org | lbluemke@ci.brooklyn-center.mn.us



From: Randy C.
To: [Ginny McIntosh](#)
Subject: Planning Commission items 7.9.2020
Date: Wednesday, July 8, 2020 4:48:33 PM

Hi Ginny and Commission,

I am trying to do input for the public hearings July 9, 2020.

Planning application 2020-006 Matt Durand 1080 shingle Creek Crossing

I am excited to once again have a full service car wash in Brooklyn Center and only a few blocks from the previous one. I would suggest that the Friday or regular trash day the outer line be closed until trash hauler have removed the trash. I am in favor of the special use permit and the site and building plan.

Planning application 2020-004 C Alan Homes 6000 block of BB - Tabled

I am excited to see that there is interest by a builder to put in triplexes. I would have liked to see some type of condo ownership rather than rental. However, this gives another option for rental in BC as market rate and 3 bedroom. I hope the staff, commission and council will review carefully the snow removal and parking as my biggest concerns. I would not want to have parking spill onto the streets and create issues year round, but specifically during snow season.

Planning application 2020-005 C Alan Homes 6900 block of BB - Tabled

I am excited to see that there is interest by a builder to put in triplexes. I would have liked to see some type of condo ownership rather than rental. However, this gives another option for rental in BC as market rate and 3 bedroom. I hope the staff, commission and council will review carefully the snow removal and parking as my biggest concerns. I would not want to have parking spill onto the streets and create issues year round, but specifically during snow season. Following the concern for a short cut if there is a curb cut in Brooklyn Blvd. and further issues of snow removal onto or slowing Brooklyn Blvd.

Randy Christensen
7001 Regent Ave N



July 7, 2020

C Alan Homes
Attn: Terry Robertson and Curt Brekke
5215 Terraceview Ln N
Plymouth, MN 55446

RE: City of Brooklyn Center, MN Planning Commission Application No. 2020-004
Request for Establishment of a Planned Unit Development, Site and Building Plan,
Preliminary and Final Plat Approvals for the 6000 Block of Brooklyn Boulevard

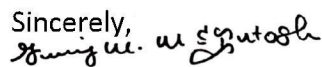
Mr. Robertson and Mr. Brekke,

Pursuant to Minnesota Statutes Section 15.99, the City of Brooklyn Center is required to approve or deny a written request for certain land use actions within sixty (60) days from receipt of an application. Community Development Department records indicate the City received the above-referenced application and documentation on June 15, 2020, which means the City's 60-day time limit would expire on August 14, 2020.

By allowances granted under Minnesota Statutes Section 15.99, Subd. 3(f), the City of Brooklyn Center is hereby providing official notice that the review period has been extended an additional sixty (60) days to allow the time necessary for City staff to prepare a resolution, including proposed conditions of approval, for review and action by City Council. The new deadline for completing the review and final action on this application is now October 13, 2020.

As the public hearing has already been published in the Brooklyn Center *Sun Post* for the July 9, 2020 Planning Commission meeting, the intent is to table the public hearing to provide sufficient time for you, the Applicant, to reconcile any adjustments to the site plan as relating to the additional easements necessary for Phase II of the Brooklyn Boulevard reconstruction and modernization project and determine the ability for driveway access off Brooklyn Boulevard from Hennepin County.

If you have any questions or concerns, please feel free to call me at (763) 569-3319 or email gmcintosh@ci.brooklyn-center.mn.us.

Sincerely,


Ginny McIntosh
City Planner and Zoning Administrator

City of Brooklyn Center | Community Development Department



July 7, 2020

C Alan Homes
Attn: Terry Robertson and Curt Brekke
5215 Terraceview Ln N
Plymouth, MN 55446

RE: City of Brooklyn Center, MN Planning Commission Application No. 2020-005
Request for Establishment of a Planned Unit Development, Site and Building Plan,
Preliminary and Final Plat Approvals for the 6900 Block of Brooklyn Boulevard

Mr. Robertson and Mr. Brekke,

Pursuant to Minnesota Statutes Section 15.99, the City of Brooklyn Center is required to approve or deny a written request for certain land use actions within sixty (60) days from receipt of an application. Community Development Department records indicate the City received the above-referenced application and documentation on June 15, 2020, which means the City's 60-day time limit would expire on August 14, 2020.

By allowances granted under Minnesota Statutes Section 15.99, Subd. 3(f), the City of Brooklyn Center is hereby providing official notice that the review period has been extended an additional sixty (60) days to allow the time necessary for City staff to prepare a resolution, including proposed conditions of approval, for review and action by City Council. The new deadline for completing the review and final action on this application is now October 13, 2020.

As the public hearing has already been published in the Brooklyn Center *Sun Post* for the July 9, 2020 Planning Commission meeting, the intent is to table the public hearing to provide sufficient time for you, the Applicant, to reconcile any adjustments to the site plan as relating to the additional easements necessary and determine the ability for driveway access off Brooklyn Boulevard from Hennepin County.

If you have any questions or concerns, please feel free to call me at (763) 569-3319 or email gm McIntosh@ci.brooklyn-center.mn.us.

Sincerely,

Ginny McIntosh
City Planner and Zoning Administrator

City of Brooklyn Center | Community Development Department

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-006 SUBMITTED BY MATT DURAND FOR APPROVAL OF A SITE AND BUILDING PLAN AND ISSUANCE OF A SPECIAL USE PERMIT FOR A STANDALONE CAR WASH ON BUILDING SITE E WITHIN THE SHINGLE CREEK CROSSING PUD (1080 SHINGLE CREEK CROSSING)

WHEREAS, Planning Commission Application No. 2020-006, submitted by Matt Durand (“the Applicant”), requests review and consideration for approval of a site and building plan and issuance of a Special Use Permit for an approximately 3,667-square foot standalone car wash on the 0.92 acre Building Site E within the Shingle Creek Crossing Planned Unit Development located at 1080 Shingle Creek Crossing (“the Subject Property”); and

WHEREAS, the Subject Property is situated in the PUD (Planned Unit Development) / C2 (Commerce) District, where car washes are only permitted through issuance of a Special Use Permit under City Code Section 35-322 (*C2 Commerce District*), and so long as said use does not abut an R1, R2, or R3 District property, including abutment at the street line, and

WHEREAS, standalone car washes as permitted within the Central Commerce Overlay District, where the Subject Property is located; and

WHEREAS, Planning Commission Application No. 2020-002 was approved by City Council on June 8, 2020, and approved amendments to the Shingle Creek Crossing Planned Unit Development plans and documents to reflect updates to the building and site configuration of Building Site E and the uses allowed on Building Site E in preparation of the requested car wash use and to facilitate the submittal of Planning Commission Application No. 2020-006; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on July 9, 2020, whereby a planning staff report and Assistant City Engineer’s memorandum were presented and public testimony regarding the site and building plan and Special Use Permit requests were received; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating site and building plans, as contained in Sections 35-230 (*Plan Approval*), 35-322 (*C2 Commerce District*), 35-355 (*Planned Unit Development*), and 35-2240 (*CC Central Commerce Overlay District*) of the City’s Zoning Ordinance, along with consideration of the goals and objectives of the City’s 2040 Comprehensive Plan, the Planning Commission of the City of Brooklyn Center, Minnesota, considers this Site and Building Plan an appropriate and reasonable improvement to the currently vacant Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota

RESOLUTION NO.

considered the Special Use Permit request in light of all testimony received, the guidelines and standards for evaluating this Special Use Permit contained in Section 35-220 (*Special Use Permit*) 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 Brooklyn Center, Minnesota that Planning Commission Application No. 2020-006, submitted by Matt Durand, be approved based upon the following considerations:

- a) The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.
- b) The special 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.
- c) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- d) 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.
- e) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

BE IT FURTHER RESOLVED by the City Council of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2020-006, submitted by Matt Durand for approval of a site and building plan and issuance of a Special Use Permit to construct and operate an approximately 3,667-square foot standalone car wash on Building Site E within the Shingle Creek Crossing PUD, and also known as 1080 Shingle Creek Crossing, be approved subject to the following conditions and considerations:

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.
 - a. The Shingle Creek Crossing Master PUD plan set, Declarations, and documents shall be updated to reflect changes approved under Planning Commission Application Nos. 2020-002 and 2020-006. An updated master plan set shall be provided for City records and prior to issuance of any building permits for the proposed car wash.
 - i. Update the civil set to reflect requirements and redline comments from the Assistant City Engineer in his memorandum, dated July 6, 2020, and

RESOLUTION NO.

- requests to narrow the stacking lane median and main drive aisle.
 - ii. Provide updated landscape and photometric plans that are in agreement with the PUD master plans and per comments addressed in the staff report dated July 9, 2020.
 - iii. An irrigation plan is to be submitted as part of any building permit submittal for the proposed car wash and said system is to be maintained.
 - b. 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.
2. Unless otherwise determined, Property Owner/Applicant 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 this Site and Building Plan approval.
 3. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.
 4. The Applicant shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to the release of the Performance Agreement financial guarantee.
 5. The Applicant agrees to comply with all conditions or provisions noted in the Assistant City Engineer's Review memorandum, dated July 6, 2020.
 - a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Division.
 - b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.
 6. Any outside trash disposal facilities or roof top or on ground mechanical building equipment shall be appropriately screened from view.
 7. The building shall be equipped with automatic fire extinguishing systems meeting NFPA standards and shall be connected to a central monitoring device in accordance with Chapter 5 of the City Ordinances.
 8. The civil and architectural plans shall meet minimum Minnesota ADA compliance standards.
 9. The Applicant shall provide additional documentation as relates to anticipated noise levels for car wash equipment and vacuums, and provide a plan for addressing trash and litter on-site.

RESOLUTION NO.

- i. The Applicant will conform to any applicable noise standards and any additional permitting needs from the Minnesota Pollution Control Agency (MPCA) and adhere to any City ordinance requirements.
- ii. No outside broadcasting of music or announcements, other than as necessary at pay stations, shall be permitted.

10. All signage is to comply with Shingle Creek Crossing Signage Guidelines and Chapter 34 of the City Code, and any new or relocated signage is to be approved by the City by issuance of a sign permit.

July 27, 2020

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.

Mr. Gilchrist agreed with Chair Omari's statement. He added a motion would be appropriate to approve the Agenda and have a roll call vote.

There was a motion by Commissioner Koenig, seconded by Commissioner MacMillan, to approve the agenda for the July 9, 2020 meeting as amended. The motion passed unanimously.

7. APPROVAL OF MINUTES – June 11, 2020

There was a motion by Commissioner Daniels, seconded by Commissioner Hmong, to approve the minutes of the June 11, 2020 meeting as presented. The motion passed unanimously.

8. CHAIR'S EXPLANATION

Chair Omari explained the Planning Commission's role as an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

9. PLANNING APPLICATION ITEMS

9a) Planning Commission Application No. 2020-006 (*Public Hearing*)

Applicant: Matt Durand

Property Address: 1080 Shingle Creek Crossing

Summary: The Applicant is requesting review and consideration of a site and building plan approval and issuance of a Special Use Permit that would allow for the development of an approximately 3,667-square foot standalone car wash and associated site improvements on Building Site E in the Shingle Creek Crossing retail center.

Ms. McIntosh reviewed a request for site and building plan approval and issuance of a Special Use Permit (SUP) for development of a car wash and associated site improvements, on Building Site E in Shingle Creek Crossing. She requested that Commissioners hold their comments until the end of the presentation, after which there will be a public hearing.

Ms. McIntosh stated, in September 2019, developer Frank Gatlin provided a development update on Shingle Creek Crossing to the City Council and indicated that a location within the development was being reviewed for a stand-alone car wash. She added Sites R and T were originally identified as possible locations but were not pursued due to restrictions from Sears.

Ms. McIntosh stated, in May 2020, Mr. Gatlin presented a request to the City Council for a PUD amendment for a stand-alone car wash in Shingle Creek Crossing Shopping Center, to update Building Site E from restaurant use to car wash use. She added the updated site and building plans and amended use were approved, but these approvals did not include the car wash

application. She noted the review at tonight's meeting is for a site and building plan and Special Use Permit requests from applicant Matt Durand for development of a 3,000 square foot stand-alone car wash and related site improvements.

Ms. McIntosh stated the Planned Unit Development's architectural guidelines are part of the approval process for Site E, including a minimum of 50% Class 1 building materials on each side of the building. She added the remaining building materials could be class 2 materials. She noted City staff has reviewed the mix of materials, which meet and exceed minimum requirements.

Ms. McIntosh stated Property Owner Frank Gatlin has provided examples of similar car washes, which are popular across the country. She added the car wash building would cover 9.2% of the full site, which is well below the 40% maximum threshold outlined in the PUD guidelines. She noted access to the car wash would be from two points on Bass Lake Road, with 3 lanes entering the car wash: 2 inner lanes with pay stations and an outside VIP lane for frequent users that would utilize license plate recognition technology.

Ms. McIntosh stated a minimum of 20 feet is required for fire and emergency access. She added the Fire Department indicated that they would use the main driveway to access the property, which is 30 feet wide and meets the threshold. The Fire Inspector did not express concerns of impacts to Building D to the west as access would be maintained from the south, west, and north. The fire connections for Building D are located on the north side of the building. She noted parking on Site E would be reviewed.

Ms. McIntosh stated traffic data from Kimley-Horn planning consultants estimates a total of 300 cars per day or 600 total trips, with the majority of trips to the site, or 10.5%, occurring between 2:15-3:15 p.m. She added these estimates are in line with other similar type car washes nationwide. She noted Kimley-Horn has indicated there will be space for stacking of 13-14 vehicles which is sufficient to accommodate the queue per the traffic generation memo provided.

Ms. McIntosh stated City Staff reviewed the garbage truck turning radius based on plans provided by the applicant, and City staff proposes the 4.1-foot wide outer median be decreased in size to provide additional buffer space. She added the main drive aisle is proposed to be 26 feet wide, and City Staff is requesting that be reduced to 24 feet, which is standard for two-way traffic. She noted City Staff would like to see some landscaped areas maintained as a buffer.

Ms. McIntosh stated garbage pick-up at this location would be on Friday mornings, so there should be no conflict with customer traffic, particularly with a anticipated peak in the mid-afternoon.

Ms. McIntosh stated each trip should take approximately 10-15 minutes total if customers clean their vehicles and vacuum after. She added City Staff used retail use ratios for parking as car washes have no identified minimum parking ratio in the PUD, or 4.5 stalls per 1,000 square feet, for a total of 17 spaces. She noted the applicant is showing 17 spaces on the main lot.

Ms. McIntosh stated City Staff are requesting that the applicant work with Kimley-Horn to update the lighting plan to bring it into compliance with the original PUD architectural guidelines, as well as City guidelines. She added City Staff is requesting that the applicant provide information on the car wash tunnel and vacuums, to ensure compliance with City Ordinances and any requirements from the Minnesota Pollution Control Agency.

Ms. McIntosh stated a trash enclosure was constructed for Sites D and E, and the applicant intends to determine whether that enclosure will be sufficient. She added City Staff is requesting additional information regarding trash receptacles in the vacuum area as well as plans for emptying trash and cleaning up litter. She noted City Staff is requesting that the applicant review opportunities for screening and landscaping by the proposed transformer and utility access door on the south side of the building.

Ms. McIntosh stated a landscape plan for this site is included in the Shingle Creek Crossing master landscaping plan, and City Staff is requesting that the applicant consider ways to provide year-round landscaping and screening of the stacking lanes on the property. She added City Staff has also requested that the applicant work with the Assistant City Engineer to relocate trees near the access road on a part of the property where utilities are located and to revisit the landscaping to provide additional landscaping along the sidewalk portion by Shingle Creek for aesthetic appeal and to provide additional opportunities for stormwater management.

Ms. McIntosh stated Site E is located west of a portion of Shingle Creek that was daylight in the original PUD. She added daylighting a portion of the creek is intended to restore the stream to a more natural state and that the creek runs south in a channel under the Shingle Creek Crossing parking lots. She added gray water, or sanitary water, from this area is shipped to a treatment plant in St. Paul that is operated by the Metropolitan Council. She noted water coming from the car wash would go into the sanitary sewer system, which runs west to a lift station near LA Fitness before continuing on to the treatment plant.

Ms. McIntosh stated stormwater, which typically comes from the roofs of buildings and impervious surfaces, like parking lots, is collected via drains and directed south to the stormwater ponds between Walmart and Highway 100, through Centerbrook Golf Course, and discharged into Shingle Creek.

Ms. McIntosh stated the Assistant City Engineer provided a memo with comments and recommended changes, including comments from the Fire Inspector and Building Official. She added the applicant is aware of Metropolitan Council Sewer Access Charges. She noted Hennepin County did not have any concerns regarding impacts to Bass Lake Road, which is a County road.

Ms. McIntosh stated the second part of this request is for a Special Use Permit as car washes are a special use in the C-2 District, along with gas stations and vehicle repair. She added Site E is zoned PUD-C2, so this use is allowed as long as it does not abut an R1, R2 or R3 property, and is an allowed use in the Central Commerce Overlay District, where the property is located. She noted the Special Use Permit requires a public hearing, and public notice was given.

Ms. McIntosh stated City Staff received comments from two residents and two businesses. She read the comments from one resident: "I am excited to have another car wash." She added another resident, whose comment was received through the City's Request Tracker, stated: "The car wash should not be placed so close to Shingle Creek due to waste and chemicals at car washes." Ms. McIntosh stated she followed up with this resident and provided a copy of the Staff Report, and the resident retracted her concern and noted that it sounds much better than it seemed just looking at the location, but added, in response to Sear's refusal to allow for a car wash on sites R and T, "There will be many downsides to Sears holding out for planning."

Ms. McIntosh stated the applicant received comments from a consultant at Bank of America and the Bank Manager of TCF Bank, which he forwarded to City Staff. She added the Bank of America representative expressed excitement on behalf of their employees to have a new car wash near their office, which will be good for local businesses and the surrounding community. She noted the representative from TCF wrote to show their support for the car wash, which will make a nice addition, bring an upscale look to the City, and add something special.

Ms. McIntosh stated City Staff recommends that the Planning Commission recommend City Council approval of Planning Commission Application No. 2020-006 for site and building plan and Special Use Permit to operate a stand-alone car wash and related site improvements at 1080 Shingle Creek Crossing.

Ms. McIntosh stated Chair Omari may call for a motion to open the public hearing. Chair Omari asked whether the Planning Commissioners should speak first.

Commissioner Hmong asked whether the Commission should go first.

Ms. McIntosh stated the public hearing must be opened for comments. She added the developer, Frank Gatlin, and applicant Matt Durand joined the meeting, as well as a consultant from Kimley-Horn if there were any questions from the Commissioners later in the meeting.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2020-006

There was a motion by Commissioner MacMillan, seconded by Commissioner Hmong, to open the public hearing on Application No. 2020-006.

Chair Omari stated he has a few comments.

Mr. Gilchrist stated a roll call vote is required.

The motion passed unanimously.

Ms. McIntosh stated Chair Omari should call for public comments.

Ms. Beekman asked the City Attorney whether comments made through the Webex chat feature can become part of the record.

Mr. Gilchrist confirmed that submitting a chat comment in an online public meeting is appropriate as it is the same as submitting a written comment. He added City Staff can read it into the record. He noted the preferred method of public comment would be submitting a comment prior to the meeting by email or letter, but the online chat comments are appropriate.

Ms. McIntosh read a comment from Tamika Baskin: "Looking forward to it! I would like to keep my dollars in the City rather than travelling outside of Brooklyn Center for such simple tasks. I support having another car wash in Brooklyn Center."

Ms. McIntosh read a comment from Randy Christensen: "I'm excited to see a car wash back in Brooklyn Center again. It's been missing for a long time, and I hope that you will work to pass this and send the recommendation on to the City Council."

Tim Willson, 7007 Dallas Road, stated he agrees with Randy's comments. He added the City cannot seem to build or have economic growth to support a restaurant or two in the area where the car wash is anticipated, so a car wash is a good choice. He noted the planning over the last 20 years has been to have restaurants come in, but it is necessary to have the wages and a strong economy in the City to support them, and we haven't had that for a while.

Chair Omari asked whether Commissioners can make comments.

Ms. McIntosh stated the public comment period is intended for the public.

Ms. McIntosh read another comment from Tamika Baskin: "Will the car wash company be promoting job opportunities to Brooklyn Center residents?"

Chair Omari stated perhaps the applicant could answer that question. Ms. McIntosh stated the applicant and developer can address comments and questions from Commissioners and the public after the public hearing is closed.

Steve Schonning, 5515 Fremont Avenue N, stated he is still concerned about the visual aspects of the building and facility. He added he is less than overjoyed with the concept of a car wash in that location, close to Shingle Creek. He noted he understands it is the developer's wish to move forward with this, and he looks forward to hearing the developer's comments.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Hmong, seconded by Commissioner Daniels, to close the public hearing on Application No. 2020-006. The motion passed unanimously.

Ms. McIntosh stated the Commissioners can ask questions and make comments at this time.

Commissioner Koenig requested that Mr. Gatlin and Mr. Durand give some background regarding difficulties in finding a restaurant tenant. He added he does not believe this is the ideal use for the site, but the traffic might bring shoppers to other nearby stores.

Frank Gatlin, Shingle Creek Crossing developer and property owner, welcomed the new Commission members. He stated he started this project 10 years ago, and he has done just about everything he can to bring tenants to Brooklyn Center. He added he has done this type of car wash in shopping centers and this model does very well across the country, and one in Florida brings 800-900 cars a day into a shopping center. He noted this would be a good asset as there are no other car washes in Brooklyn Center. He thanked applicant Matt Durand for doing a wonderful job on the elevations.

Mr. Gatlin stated he has worked with City Staff for 10 years to bring quality restaurants to Shingle Creek Crossing, but they were not successful. He added times have changed, and what was envisioned for the development 10 years ago is no longer feasible. He noted he signed a lease with a seafood restaurant that will be opening soon near the liquor store, and the car wash will hopefully attract another retail use on nearby Site L.

Chair Omari thanked Mr. Gatlin for the background information. He asked Ms. McIntosh if she noted the questions that were asked during the public hearing.

Ms. McIntosh stated Tamika Baskin asked whether the car wash will be promoting job opportunities in Brooklyn Center.

Matt Durand, the applicant, stated they own the Holiday Station Store on Bass Lake Road, and 90% of their employees are from Brooklyn Center. He added it is anticipated that there will be 8-11 job postings for this car wash, and they plan to hire within the City of Brooklyn Center.

Chair Omari asked whether the Commissioners had questions or comments.

Commissioner Daniels asked whether City Staff have communicated with residents near the site about the car wash, and whether there have been any concerns.

Ms. McIntosh stated the public hearing related to the Special Use Permit required public notification and was noticed in the newspaper and mailings were sent to surrounding property owners. She added she received comments from Randy Christensen and Angie Dahl. She noted Mr. Durand forwarded her letters from Bank of America and TCF Bank.

Ms. Daniels asked when notification was sent out to residents in the area. She asked what could be the reason that people are not responding.

Ms. McIntosh stated the City does not get much response for these types of public hearings, in her experience. She added public hearing notices are statutorily required. She noted the notification was published in the Sun Post on June 25, 2020, and mail notifications were sent over a week before the meeting per statutory requirements to provide advance notice to nearby property owners.

Commissioner Goyah stated if it is considered normal to only get two written responses, then the Commission should look for different ways to bring more people to the table. He asked whether

the applicant could try to get input from residents that would be impacted by the car wash development.

Commissioner Goyah asked what limits City Staff from reaching out to more residents. Ms. McIntosh stated there are no stipulations in the current Zoning Code for additional notifications other than that which is statutorily required. She added other communities have amended their Zoning Codes to include neighborhood meetings, and that is something that is being considered by City Staff, particularly as the current Zoning Code is undergoing a major overhaul at this time.

Chair Omari asked whether the City could send the notice via mail to every home without an envelope. Ms. McIntosh stated that is something the City can look at, but right now the City only sends notifications to surrounding property owners. She added it is difficult to send notification to every tenant of an office building, such as nearby 5701 Shingle Creek Parkway, as the City does not know who the tenants are.

Ms. McIntosh stated, in terms of notice to nearby residents for this particular location, there are not many residential properties near Site E with the exception of the apartment complex to the north. She added the nearest residential building is the apartment complex near the white office building.

Commissioner Hmong stated it would be nice if the applicant did an info session, so the Commission can get information directly from the applicant and not from City Staff, since the applicant owns the property. She asked whether that is allowed.

Mr. Gilchrist stated, with regard to public notification, the statutory requirement is 10 days' published notice. He added City Staff goes over and above that requirement by mailing notification to property owners within a certain distance of the property. He noted the Planning Commission can discuss ideas for ways to reach the public and make recommendations to the City Council. He noted it will ultimately be a decision of the City Council regarding whether to incorporate changes into the City Code.

Mr. Gilchrist stated, in his experience representing cities, this amount of response is very typical, and there are generally very few or no responses. He added if people are concerned about or opposed to a proposal, they will show up.

Commissioner MacMillan asked how many staff will be hired. Mr. Durand stated there will be approximately 8-11 staff on site. Commissioner MacMillan asked what the car wash hours will be. Mr. Durand stated they are thinking about 8:00 or 9:00 a.m. through 7:00 p.m., with different hours on the weekends. Commissioner MacMillan asked whether this will be similar to Tommy's Car Wash in New Hope. Mr. Durand stated Tommy's is a very similar model.

Commissioner MacMillan stated he is excited to have Mr. Durand and the car wash come aboard.

Commissioner Daniels stated she had asked a question about involving community members in the discussion, not because they are for or against an issue, but because it is appropriate for community voices to be at the center of all decisions. She added the problem may be the way the City tries to contact people. She noted many people do not read the newspaper or pay attention to mail. She stressed the importance of reaching out to the community in other ways to engage them and hear their voices.

Commissioner Daniels stated she is excited for the car wash project to happen.

Ms. Beekman stated she wholeheartedly agrees with Commissioner Daniels' comments. She added, prior to the pandemic, she had asked the City Planner to schedule a Planning Commission Work Session on this issue, to have a discussion and begin making recommendations to the City Council regarding notification policy changes. She noted she agrees it is deficient, and there are many methods that can be utilized rather than just the statutory minimum.

Ms. Beekman stated there will be an opportunity for a Work Session on this issue in the coming months, to add something to the Zoning Code or adopt a notification policy. She added she is glad that the Commission would like to have a conversation on this issue. Ms. McIntosh added that she was able to have an initial discussion with the former iteration of the Planning Commission and they generally wholeheartedly agreed that additional notifications and neighborhood meetings should be considered dependent on project type, scale, etc.

Commissioner Hmong stated she is excited too, and she thinks Brooklyn Center needs a car wash. She asked how much an individual car wash will cost, and whether the car wash needs to be that big. She asked whether there is another way to reclaim and recycle the water rather than using the Met Council's facility in St. Paul. She expressed concern that the car wash will be so close to Shingle Creek, and she does not want any water to go into the Creek. She noted Ms. McIntosh explained to her that the water will not go into the Creek.

Mr. Durand stated pricing will be in a range between \$8-18, depending upon the service. He added prices have not been finalized yet. He noted an unlimited monthly plan will also be available for frequent users.

Mr. Durand stated, with regard to an on-site reclamation system, it is uncommon for businesses in Minnesota to have a reclaimed water system as there is an abundance of water and businesses use water credits from the Met Council. He added on-site reclaim systems have a bad, almost sulphuric odor and are not the type of experience they want for their customers. Typically, for systems that used reclaimed water, that water is only used on the underside of the car.

Commissioner Goyah stated he too is excited that there will be a car wash in Brooklyn Center. He added right now he goes to car wash in Brooklyn Park. He asked whether there will be enough space on the site to prevent overflow of cars into other areas. He asked whether it is common practice for the applicant to be required to contact Minnesota Pollution Control directly, and why the City does not do that. He asked why Sears refused to let Mr. Gatlin put a car wash near their site.

Mr. Gatlin stated, with regard to the last question, Lot T near the Sears building is an odd-shaped lot with a difficult building envelope. He added approval was needed from Sears and they denied the use as it could cause issues when they sell their property.

Mr. Durand stated, with regard to overflow traffic, the car wash and vacuum will be very quick with a fast turnaround, due to improved quality and systems technology.

Commissioner Hmong stated, with regard to the water reclaim system she has suggested, it is important to review the car wash's environmental impacts and find other solutions. She added she does not feel comfortable as there is a lot of pollution and she does not want to ship any of the water away to be cleaned at the treatment plant. She noted there is an abundance of water in Minnesota, but it is important to keep it that way. She noted there may be a better car wash system.

Mr. Durand stated all the chemicals that will be used on site are environmentally friendly and are produced by a company called Glenco. He reiterated that on-site reclamation systems are extremely uncommon in Minnesota due to local sewer access credit policies. He noted businesses are assigned credits for the water they use, and if they need excess credits, then they have to look for other solutions.

Commissioner Jones asked how large the debris is that is captured onsite after the gray water is sent on to be cleaned via the treatment plant. Mr. Durand stated the entire pit under the car wash is pumped and dredged on a cyclical basis, and all excess dirt, sand grit, and other particulate is removed.

Commissioner Jones asked what Mr. Durand's role is with Holiday Station Stores and how much experience he has in that type of operation. Mr. Durand stated his family has been in the business for over 30 years, and he recently took over the family business after his father had a health scare. He added he worked for Johnson & Johnson and 3M before getting involved in the family business, as President of five locations, a few months ago.

Ms. Beekman stated, with regard to Commissioner Goyah's question regarding the Minnesota Pollution Control Agency, applicants are often required to obtain approvals from government agencies. She added permitting is generally withheld until documentation and any necessary approvals are received by City Staff. Any anticipated permits are often documented as a condition of any approval.

Commissioner Koenig asked how many vacuums the applicant is planning to have. Mr. Durand stated there will be 17 vacuums that will be dual-sided to speed up the process.

Chair Omari stated he is grateful that his first meeting with the Commission contained a great detail of discussion on the proposed car wash as part of the now approved amendment to the Shingle Creek Crossing PUD. He added he went to Tommy's to look at the car wash there and visited another car wash in Fridley. He noted he went to Site E and walked along the area of Shingle Creek and over towards the golf course.

Chair Omari stated this will be a permanent structure that will be built. He added excess water should not run into the creek, which runs right next to where the car wash will be. He noted there is a chance that water from the car wash will find its way into the creek.

Chair Omari asked whether an independent environmental study has been done to review the long-term effects of the car wash on Shingle Creek. He added he loves the car wash idea, but this type of study will be helpful in the long term.

Mr. Durand stated every vehicle that comes out of the car wash will be clean. He added there is a rinse cycle and a dryer cycle, and there will be no chemicals on the cars that exit the car wash. He noted there is a small drip factor, as with every car wash, but the underbody will be flushed with clean, fresh water and there will be drainage systems around the site.

Chair Omari asked whether an environmental study will be completed.

Mr. Durand stated they have not conducted an environmental study. He asked whether Chair Omari is worried about water inside the car wash building or water on the car when it leaves the tunnel. Chair Omari stated he is concerned about the general area.

Mr. Gatlin's staff engineer stated cars coming out of the car wash will be clean on the underside, and chemicals will end up in the sanitary system, and not in Shingle Creek. He added the dry water treatment behind Walmart is specifically designed to filtrate contaminants and particulates. He noted it is a Code requirement to provide treatment to ensure that water quality in protected areas remains clean for years to come.

The staff engineer stated Gatlin Development has worked since the beginning of the Shingle Creek development to ensure that the creek is environmentally enhanced and protected. He added Gatlin Development has partnered with the City in these efforts. He noted the partnership with the city from an environmental perspective for the past 10 years ensures that all efforts will be made to preserve Shingle Creek.

Ms. McIntosh stated as a general note that all commercial development sites in Brooklyn Center are developed with standard B612 curb and gutter to provide an additional barrier and efficient stormwater mitigation. She added there would never be a situation where run-off from the car wash parking lot would run straight into the grass and then into Shingle Creek.

Commissioner Hmong asked whether the barrier can be made higher than standard.

Ms. McIntosh stated, if Commissioner Hmong is talking about the City's curb and gutter, B612 is a standard size and form that is used for the entire City.

Ms. Beekman stated the Assistant City Engineer and City Engineer have reviewed the applicant's plans, independently from the engineer who prepared them for the applicant. She added the Assistant City Engineer has provided a memo with items to be addressed, which is also submitted to the Shingle Creek Stormwater Commission, and the City Engineer sits on that Commission.

Commissioner Hmong expressed concern that the Commissioners did not have enough time to review the City Engineer's report.

Chair Omari stated, for the record, there is a comment for Matt Durand that a Shingle Creek clean-up could be organized.

Mr. Gilchrist stated the clean-up can be added as part of the hearing record but not added as a Condition of Approval.

Ms. McIntosh stated the City has an annual Shingle Creek clean-up event that is held in April.

Commissioner Jones asked whether she could get information about the different classes of building materials, as mentioned earlier. Ms. McIntosh stated she can forward that information to the Commissioners.

Chair Omari requested an update on the City Council's discussion related to the car wash use. Ms. McIntosh stated the City Council reviewed a request to amend restrictions to Site E to remove a restaurant use restriction. She added the City Council voted 3-1 to proceed with the amendments, with Mayor Elliott voting against the amendments. She noted she included an excerpt from the draft meeting minutes under Exhibit C in the meeting packet.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION RESOLUTION NO. 2020-004 REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-006

There was a motion by Commissioner MacMillan, seconded by Commissioner Koenig, to approve Planning Commission RESOLUTION NO. 2020-004 regarding the recommended disposition of Planning Commission Application No. 2020-006 for site and building plan approval and issuance of a Special Use Permit that would allow for the development of an approximately 3,667-square foot standalone car wash and associated site improvements on Building Site E in the Shingle Creek Crossing retail center.

Voting in favor: Chair Omari and Commissioners Daniels, Goyah, Koenig, MacMillan, and Jones.

And the following voted against the same: Commissioner Hmong.

The motion passed 6-1.

Ms. McIntosh stated this application will be reviewed by the City Council at their July 27, 2020 meeting.

Mr. Gatlin thanked the Planning Commission for their support and all their questions. He added he pledges that this building will be built to the same standards as all the buildings in Shingle Creek Crossing.

Mr. Durand thanked the Planning Commission and City Staff. He added he is excited to bring a fantastic car wash to Brooklyn Center, a City he loves, and he vowed not to let the Planning Commission down.

9b) Planning Commission Application No. 2020-004 (*Public Hearing*)

Applicant: C Alan Homes

Property Address: 6000 Block of Brooklyn Boulevard (6025, 6031, 6037 and 6045 Brooklyn Boulevard)

Summary: The Applicant is requesting review and consideration of requests that would allow for four EDA-owned lots to be developed into seven (7) triplexes and associated improvements. This request requires the establishment of a Planned Unit Development (PUD), site and building plan, and preliminary and final plat approvals.

Ms. McIntosh stated a vote is required to continue Agenda Items 9b and 9c.

Mr. Gilchrist stated City Staff recommends that these two items be continued to the next Planning Commission meeting, and a motion is required so all notices will carry forward.

Commissioner Koenig stated Commissioners have expressed a desire for notification for residents to go out further and broader. He asked whether this should be discussed, and whether more residents should be included in an additional public notice.

Chair Omari agreed, adding it might be appropriate to reach more people in the community using other means like Facebook and Twitter.

Commissioner Koenig stated the C Alan Homes development is a big deal and could be a turning point in Brooklyn Center in terms of what types of development are desired to enhance the City, both aesthetically and in terms of affordability. He added he would support getting lots of public input.

Commissioner Daniels agreed, adding it might be possible to use this project to test the waters and increase community engagement through new models. She added there is discussion at the City Level about the Zoning Code. She noted there may be other ways to reach residents and increase community engagement.

Commissioner Koenig asked whether notices could be resent, even though this item will be continued.

Ms. Beekman stated the City is operating under a 60-day rule as these properties are owned by the Economic Development Authority and the timeline has started. She added City Staff have encouraged the applicant to meet with neighbors and residents near the site, and she believes they have been doing that.

**Council/EDA Work
Session**

VIRTUAL meeting being
conducted by electronic
means in accordance with
Minnesota Statutes, section
13D.021 Public portion
available for connection via
telephone Dial: 1-312-535-
8110 Access code:
1334944673
July 27, 2020

AGENDA



ACTIVE DISCUSSION ITEMS

1. City-wide Mask Mandate
2. Police Department Complaint Process and Findings
3. Brooklyn Boulevard Land Use Corridor Study Update
4. Environmental Stewardship (Litter and Trash Nuisance)

PENDING LIST FOR FUTURE WORK SESSIONS

1. Pending Items
 - Strategic Plans for years 2018-2020 and 2021-2023
 - Beautification & Public Art Master Plan - 8/10
 - Council's Retreat Follow up
 - City-wide Sewer Access Charge Policy - 8/10
 - NOAH Preservation Program - 8/10
 - Mixed Income Housing Policy - 8/10
 - Council Policy for City Charter requirement of Mayor's signature on all contracts - 8/24
 - Review Special Assessment Policy
 - Earle Brown name
 - Tobacco Regulations

MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Todd Berg, Fire Chief/Emergency Manager

SUBJECT: City-wide Mask Mandate

Recommendation:

- Consider adopting an Emergency Ordinance requiring all to wear face coverings in Indoor Areas Accessible to the Public

Background:

The spread of Coronavirus (COVID-19) continues throughout the state and the United States. Growing scientific evidence suggests that COVID-19 spreads through aerosolized particles that are released into the air when an infected person breathes, laughs, sneezes or coughs. Although heavier than air particles drop to the ground fairly quickly, the virus is able to attach to smaller particles that may linger in the air for longer periods of time. A significant number of persons infected with COVID-19 may present as asymptomatic or pre-symptomatic, giving no outward appearance of being ill. Those persons may unintentionally spread the virus without knowing it.

The Centers for Disease Control (CDC) and the Minnesota Department of Health (MDH) have issued guidelines that recommend the wearing of face coverings in public. CDC recommends all people 2 years of age and older wear a cloth face covering in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain. COVID-19 can be spread by people who do not have symptoms and do not know that they are infected. That's why it's important for everyone to wear cloth face coverings in public settings and practice social distancing (staying at least 6 feet away from other people).

In repeated executive orders, Governor Waltz has strongly encouraged Minnesotans "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain." Face Masks and coverings may reduce the risk of transmission from an infected person to others, particularly when combined with physical distancing, hand washing and other preventive measures.

What other cities are doing

Several cities in Minnesota have adopted regulations to require face coverings in public. Several other cities are considering the adoption of face covering requirements as a means of reducing the spread of COVID-19, protecting city employees, and protecting persons who live and work in their cities.

The majority of Minnesota cities have not adopted face mask requirements. In parts of

Minnesota, primarily outside the Twin Cities metropolitan area, cities have expressed resistance to the Governor's Safe at Home guidelines and executive orders. Other cities in the Twin Cities area have indicated their desire for the governor to adopt a statewide face covering requirement.

Options for Council Consideration:

Option 1: Soft Messaging but take no formal action

To date, the city council has not taken any formal action to require or encourage the use of face masks. The city's current message to residents is to follow the advice of the CDC, MDH and Governor Waltz. The council could choose to continue its current practice.

Option 2: Actively encourage businesses to require mask in their establishments

In a middle-ground option, the city could take steps to encourage, but not require, businesses to require face masks. This could include one or more of the following options:

- Adopt a resolution encouraging businesses to require masks and residents to wear masks.
- Adopt a resolution encouraging Governor Waltz to adopt a statewide face covering mandate.
- In all communications with businesses, encourage businesses to encourage or require face coverings at their establishments.

Option 3: Adopt an ordinance requiring face coverings

Brooklyn Center could join the list of many other Minnesota city's already having a face covering mandate including; Minneapolis, St. Paul, Duluth, Edina, Blaine, Minnetonka, Rochester, Excelsior, Winona, Roseville, St. Louis Park, and White Bear Lake. The CDC recommends that people wear cloth face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others. Face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. A space of public accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, government buildings, and service establishments as well as educational institutions, recreational facilities, and service centers. The City attorney has prepared an ordinance for the Council's consideration.

Option 4: Encourage Governor Waltz to adopt a statewide face covering requirement

Staff could draft a letter for the Mayor to sign on behalf of the City Council to Governor Waltz with our

Exemptions:

Cloth face coverings are a critical preventive measure and are **most** essential in times when social distancing is difficult. If cloth face coverings cannot be used, make sure to take other measures to reduce the risk of COVID-19 spread, including social distancing, frequent hand washing, and cleaning and disinfecting frequently touched surfaces. According to the CDC these are the current recommendations for exemptions to the ordinance:

- Business patrons who are actively eating and/or drinking provided that all individuals wear face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- Children younger than 2 years old
- Anyone who has trouble breathing
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the cloth face covering without assistance.

Enforcement: Options

Violation of this proclamation is not a criminal offense. However:

- Encourage citizens ***not*** to use 911 to report non-compliance of the ordinance.
- An individual who fails to comply with this proclamation will be asked leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the proclamation due to medical, disability or developmental reasons.
- Any business violating this proclamation shall be subject to administrative action for any license they possess with the City.
- A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution. Minn. Stat. § 12.45; MCO § 1.30. as enforced in Minneapolis.
- Voluntary enforcement for example Walmart or Metro Transit. They will ask the person to put on a mask and if that person doesn't they will still provide their service to the individual and not call police to handle.
- Enforce at a petty misdemeanor or misdemeanor level

Expiration:

This proclamation shall continue in effect until the earlier of the following:

- The enactment of a statewide order by Governor Waltz requiring face coverings. The Governor has stated he would enact such mandate if the state's positivity rate exceeded 5%.
- The State's Peacetime Emergency Declaration ends
- The Brooklyn Center City Council resolves to rescind this declaration

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	7/22/2020	Ordinance

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2020-__

AN EMERGENCY ORDINANCE REQUIRING THE USE OF FACE COVERINGS IN CERTAIN INDOOR SPACES WITHIN THE CITY

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

ARTICLE I. Preamble. The City of Brooklyn Center has been under a local state of peacetime emergency since March 17, 2020 due to the worldwide COVID-19 pandemic. The conditions that gave rise to the state of emergency continue to exist. The United States now leads the world in the number of confirmed COVID-19 cases, and in some parts of the United States, the number of confirmed cases is surging, posing a threat to the response capabilities of health care facilities. Growing scientific evidence indicates that the wearing of face coverings in public significantly reduces the risk of infection from the coronavirus. The Center for Disease Control and Prevention, the Minnesota Department of Health, the Mayo Clinic, and Governor Tim Walz have all urged the use of face masks as a measure to reduce or prevent the spread of COVID-19. This emergency ordinance is adopted in response to the emergency and in accordance with Section 3.06 of the City Charter to protect the public safety, health and welfare.

ARTICLE II. Legislative Findings. The Brooklyn Center City Council hereby finds and determines as follows:

- (a) The COVID-19 disease presents a serious health risk to the residents of Brooklyn Center. As of July 22, 2020, there have been 3,819,139 confirmed cases in the United States, resulting in 140,630 deaths, 47,457 confirmed cases in Minnesota, resulting in 1,548 deaths, 15,125 confirmed cases in Hennepin County.
- (b) Scientific studies suggest that wearing face coverings significantly reduces the risk of infection from the coronavirus and that face-covering mandates could save hundreds of thousands of lives in the United States.
- (c) On June 28, 2020, the Center for Disease Control and Prevention (CDC) issued the following guidance on face covering use:
 - (1) CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
 - (2) Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
 - (3) Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

- (4) Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- (d) Some businesses in the city already require face coverings for employees and customers.
- (e) The primary benefit of most face coverings is that it reduces the spread of infection by the wearer to others. Because many persons infected with the coronavirus may be asymptomatic or presymptomatic, without any reason to know that they have the disease, a face-covering requirement protects the health of others, such as business employees who provide essential services to the public.
- (f) Businesses are adversely impacted when employees become infected or must be quarantined due to an exposure. Employee illness can result in temporary closure of some businesses. Reducing the rate of employee illness provides an economic benefit to individual businesses and to the economy as a whole. The state encourages businesses to “Stay Safe to Stay Open.”
- (g) This ordinance is enacted for the purpose of protecting the public health, promoting the local economy, minimizing the need for future reclosing based on public health, and reducing the demand that COVID-19 cases place upon the healthcare system.

ARTICLE III. Face Covering Requirement.

Section 1. Definition. For purposes of this ordinance “face covering” means a manufactured or homemade cloth covering that fully covers an individual’s nose and mouth. The terms “mask” and “face covering” are synonymous.

Section 2. Face Covering Required. Except as exempted by Section 3 of this ordinance, all individuals must wear a face covering in the following locations within the City of Brooklyn Center:

- (1) Restaurants and bars. All customers must wear a face covering when not seated at a table or counter or, if standing, when not eating or drinking. Restaurants and bars must include the requirements of this ordinance in their COVID-19 Preparedness Plan. Employees are required to wear face coverings as required by applicable state executive orders.
- (2) Businesses that sell products or goods to the general public at retail. Customers must wear a face covering before entering a retail business and until exiting the retail business. Employees must wear a face covering when the employee is within any indoor area open to the public or within six feet of another person unless separated by a barrier. Retail businesses must include the requirements of this ordinance in their COVID-19 Preparedness Plan.

- (3) Transportation. Public and for hire transportation users are required to wear a face covering before boarding and entering a bus or for hire vehicle and wear the face covering until the user exits the vehicle.
- (4) Gyms, fitness centers and sports facilities, including city-owned sports facilities. Employees, staff, participants and spectators are required to wear a face covering at all times when the individual is indoors and within six feet of another person. Face masks are not required for an individual while actively participating in permitted athletic activities. Businesses must include the requirements of this ordinance in their COVID-19 Preparedness Plan.
- (5) Indoor entertainment venues, including movie theaters. All employees and customers must wear face coverings when inside the entertainment venue and not seated in their assigned seat; individuals speaking to an audience are not required to wear a mask while speaking, as long as the speaker remains six feet or more away from other individuals. All indoor entertainment venues must include the requirements of this ordinance in their COVID-19 Preparedness Plan.
- (6) City buildings. City employees and all other individuals must wear face coverings within those portions of city-owned buildings that are open to the general public. This paragraph does not apply to city-owned facilities that are otherwise covered by paragraph 3 above.

Section 3. Exemptions. A face covering is not required for:

- (1) Business patrons who are actively eating and/or drinking, provided that all individuals wear a face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- (2) Children younger than two (2) years of age.
- (3) Individuals unable to wear a mask due to medical, disability, or developmental reasons, including those who have trouble breathing.
- (4) Individuals unable to remove their face covering without assistance.
- (5) Individuals speaking to someone who is deaf or hard of hearing, if the mouth must be visible to communicate effectively.

Section 4. Required signage. Businesses covered by the provisions of section 3.02 of this ordinance must post signage at all public entrances to the business , notifying the public that face coverings are required pursuant to Brooklyn Center ordinance.

Section 5. Enforcement. Violation of this ordinance is not a criminal offense. However:

- (1) Any individual who fails to comply with this order must be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the ordinance due to medical, disability, or developmental reasons.
- (2) Any business violating this ordinance shall be subject to administrative action for any licenses they possess with the city.

Section 6. Effect. This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

Section 7. Duration. This emergency ordinance is effective as of 11:59 p.m. on July 27, 2020. The ordinance will expire on the earlier of the following:

- (1) Sixty-one (61) days after its effective date;
- (2) Upon the expiration of the local emergency; or
- (3) The enactment of a statewide emergency order by Governor Walz requiring face coverings in indoor areas;

Adopted this 27th day of July 2020 by a unanimous vote of the council members present.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Tim Gannon, Chief of Police

SUBJECT: Police Department Complaint Process and Findings

Recommendation:

- No Council action requested at this time

Background:

The City Council has previously asked about the process, number of, and amount paid out to resolve police citizen complaints and lawsuits. The department has prepared a 5 year look back analysis of all police citizen complaints that had been filed and investigated. The attached PowerPoint is the summary of that analysis.

Policy Issues:

No Council policy issue to be considered.

Strategic Priorities and Values:

Safe, Secure, Stable Community

ATTACHMENTS:

Description	Upload Date	Type
PowerPoint	7/21/2020	Cover Memo

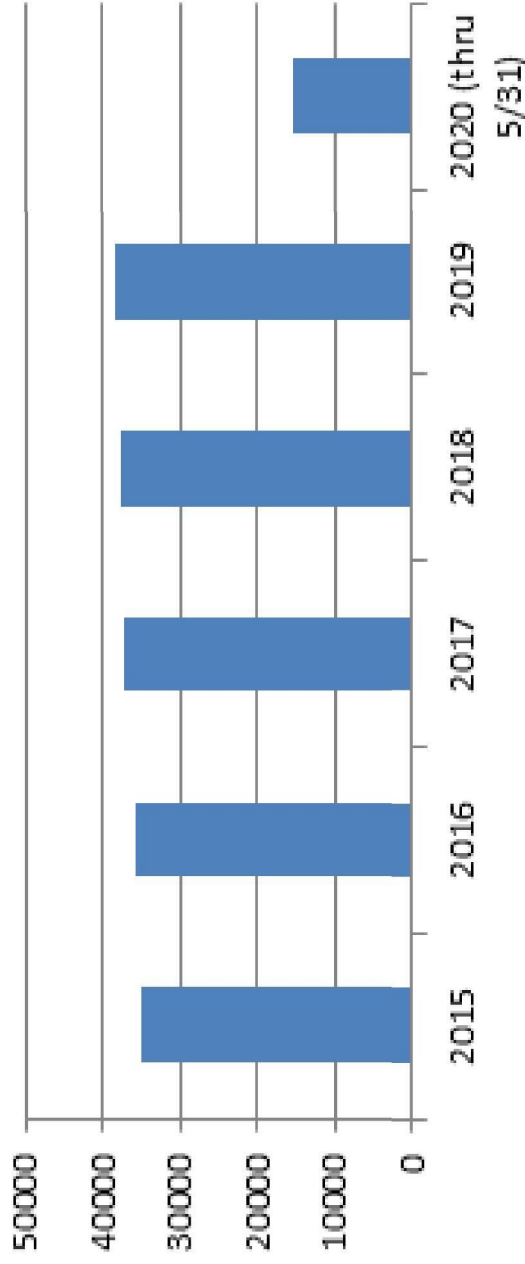
Employee Complaint, Internal Affair and Lawsuit Data Charts



Type of Meeting, Date
Tim Gannon, Police Chief

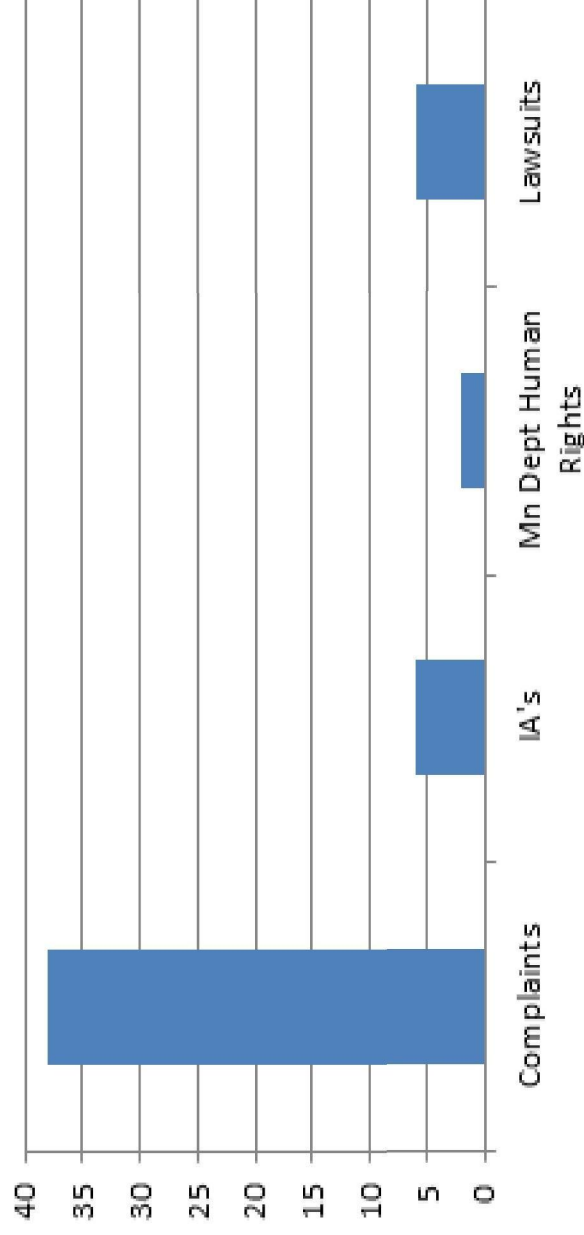
Brooklyn Center Police Department

BCPD is a busy police department.
Between January 1, 2015 and May 31, 2020 we have been involved in 198,967 calls for service



Concerns Raised by Type

- Complaints
- Internal Affairs investigations
- MN Dept. of Human Rights investigations
- Lawsuits
- POST Board complaints

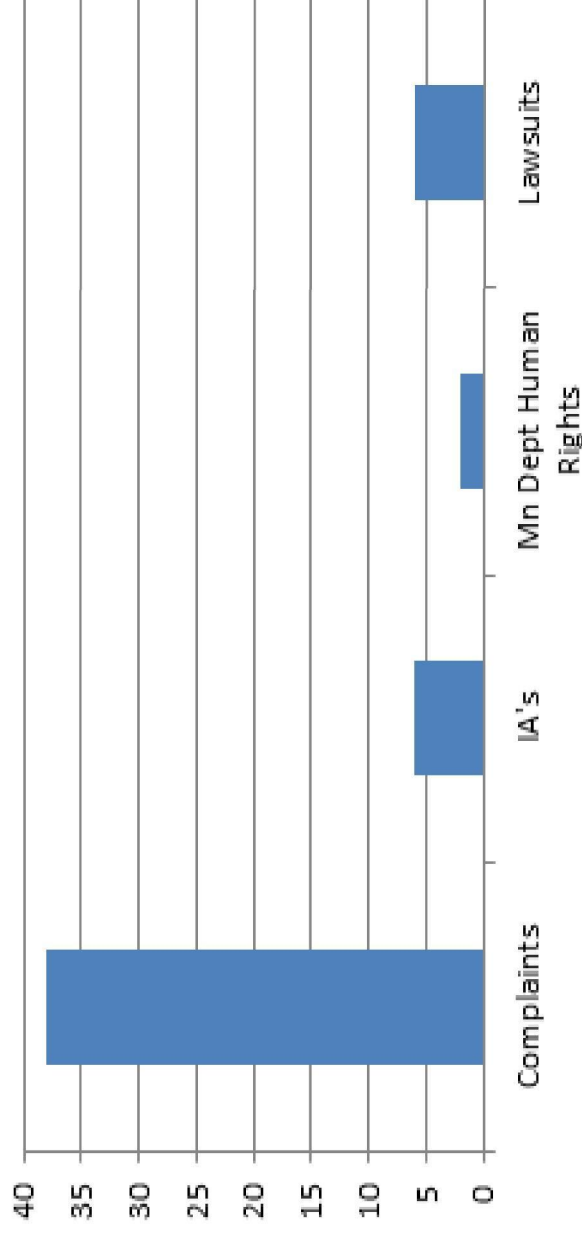


Filing a complaint, initiating a lawsuit and making a report with the MN Department of Human Rights or MN POST Board – all have no threshold with regard to the quality or validity of the concern. Anyone can make a complaint without any validated/vetted evidence.



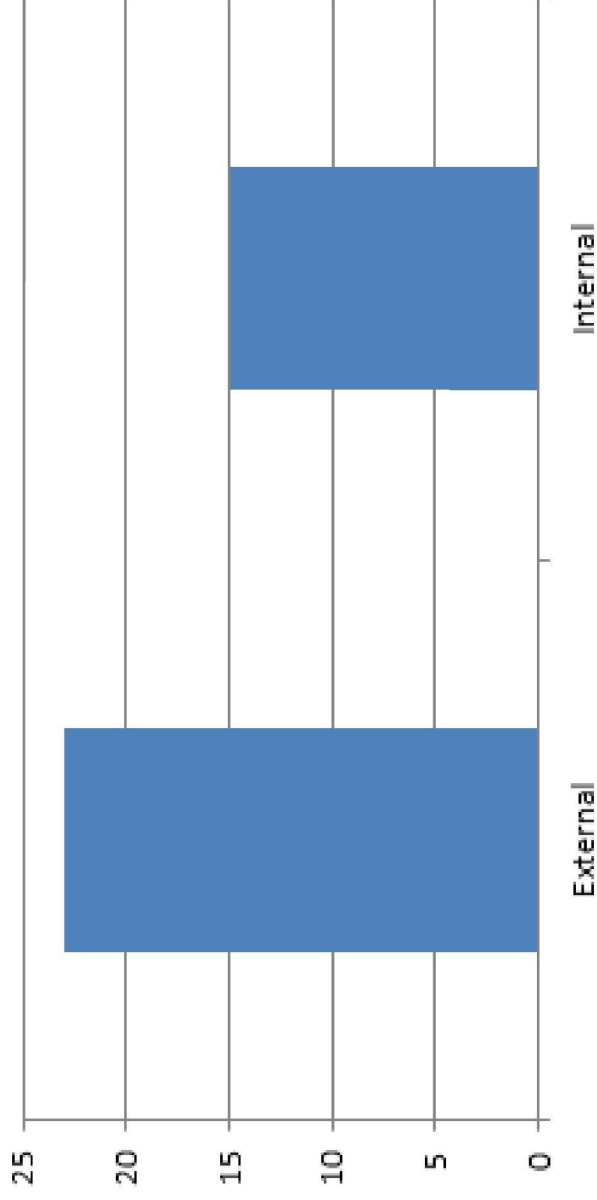
Total Concerns

- 52 total “concerns” over 5.4 years for 49 sworn staff.
- Averages out to less than 0.2 concerns per officer per year.

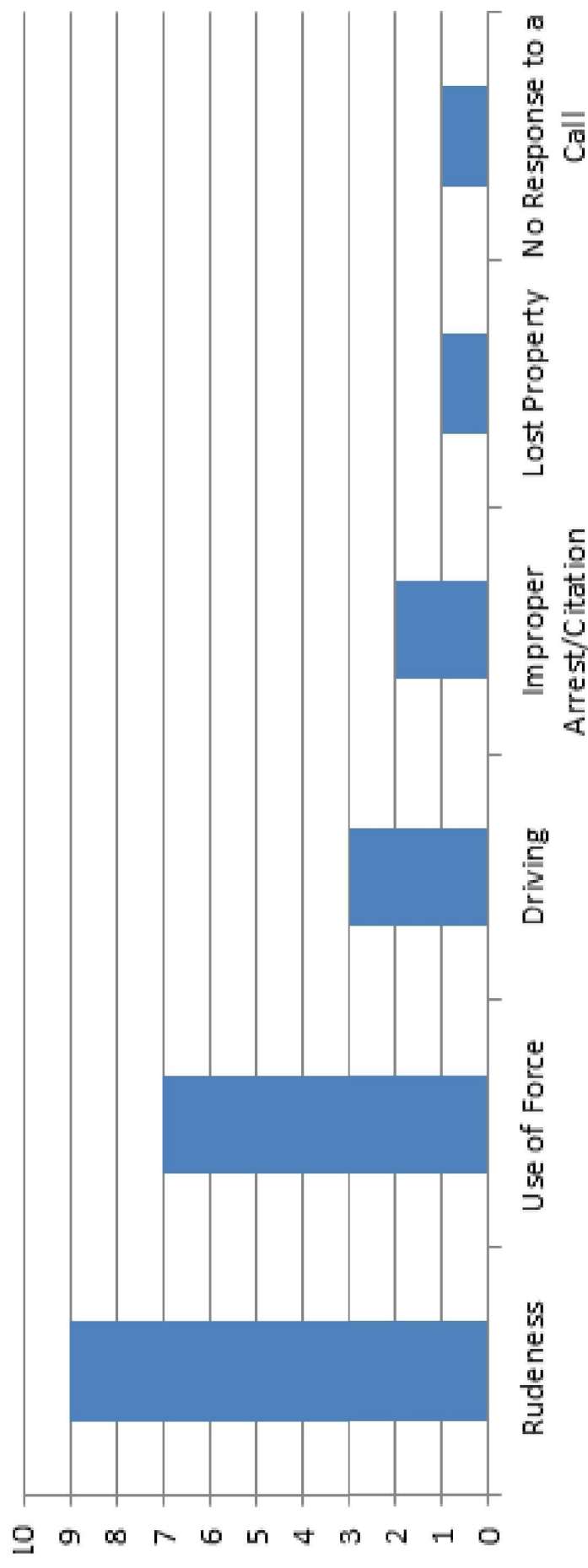


Complaint Source

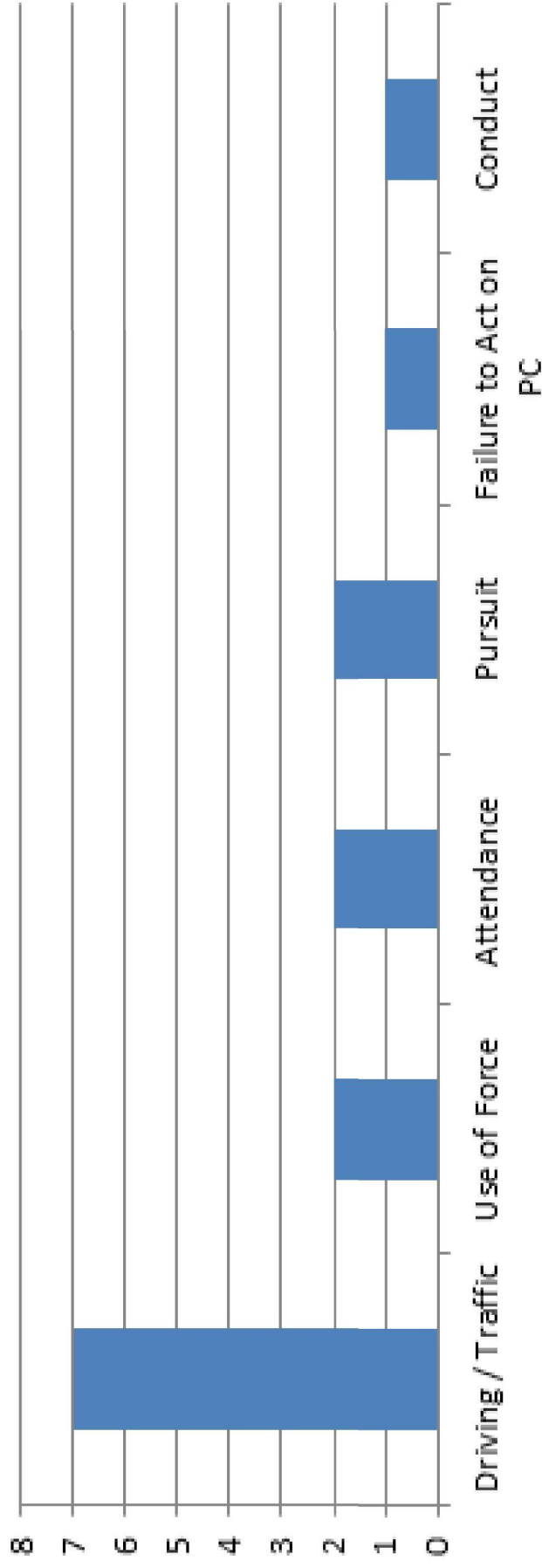
- We have fielded 38 complaints
- We typically get one complaint for every 5,236 interactions
- Can be initiated by external source (the public) or internal source (supervisor or peer)



Complaints – External

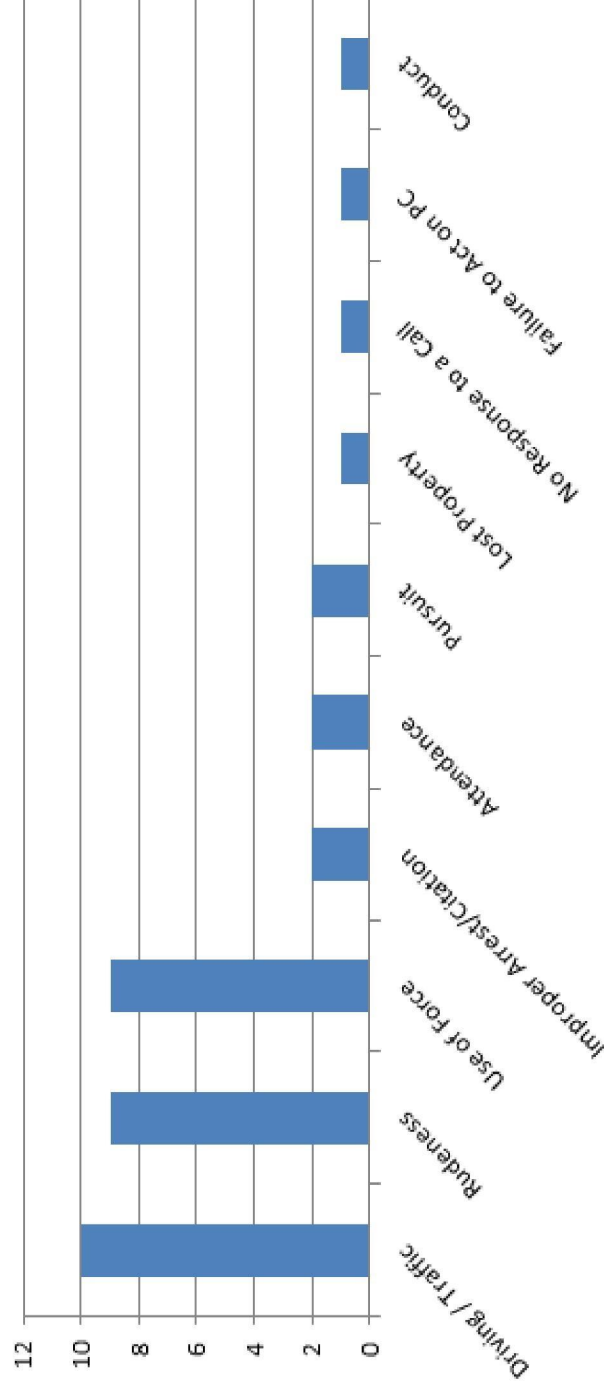


Complaints – Internal

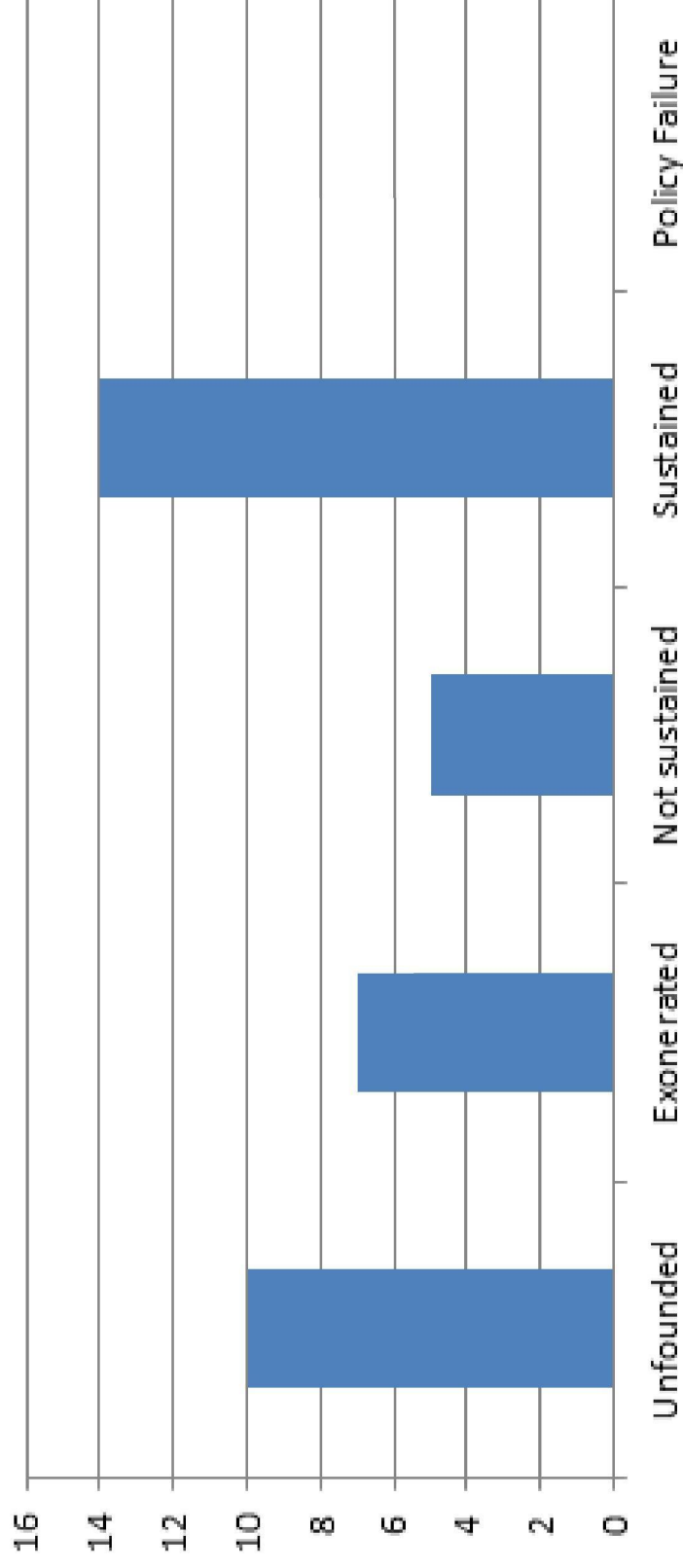


Complaints - Total

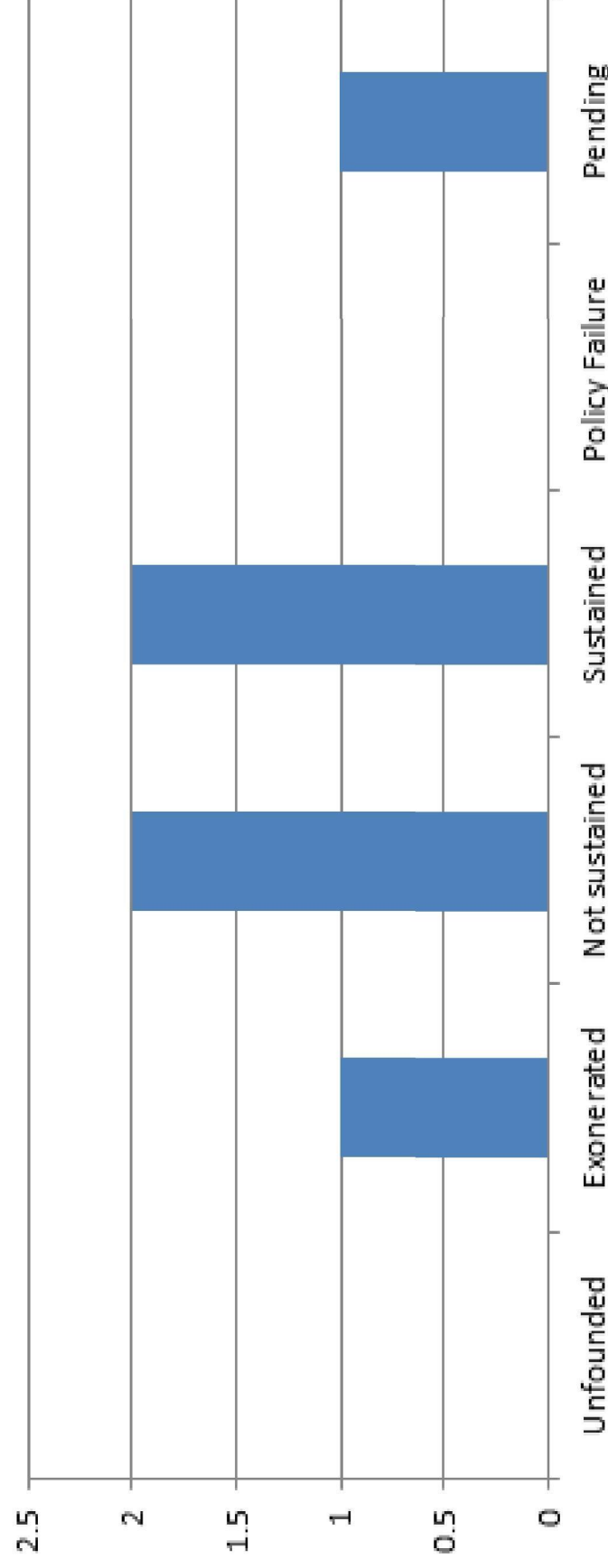
- We average 0.14 complaints per officer per year
 - or 7.03 complaints are received per year
 - or 14% of our sworn staff receive a complaint each year



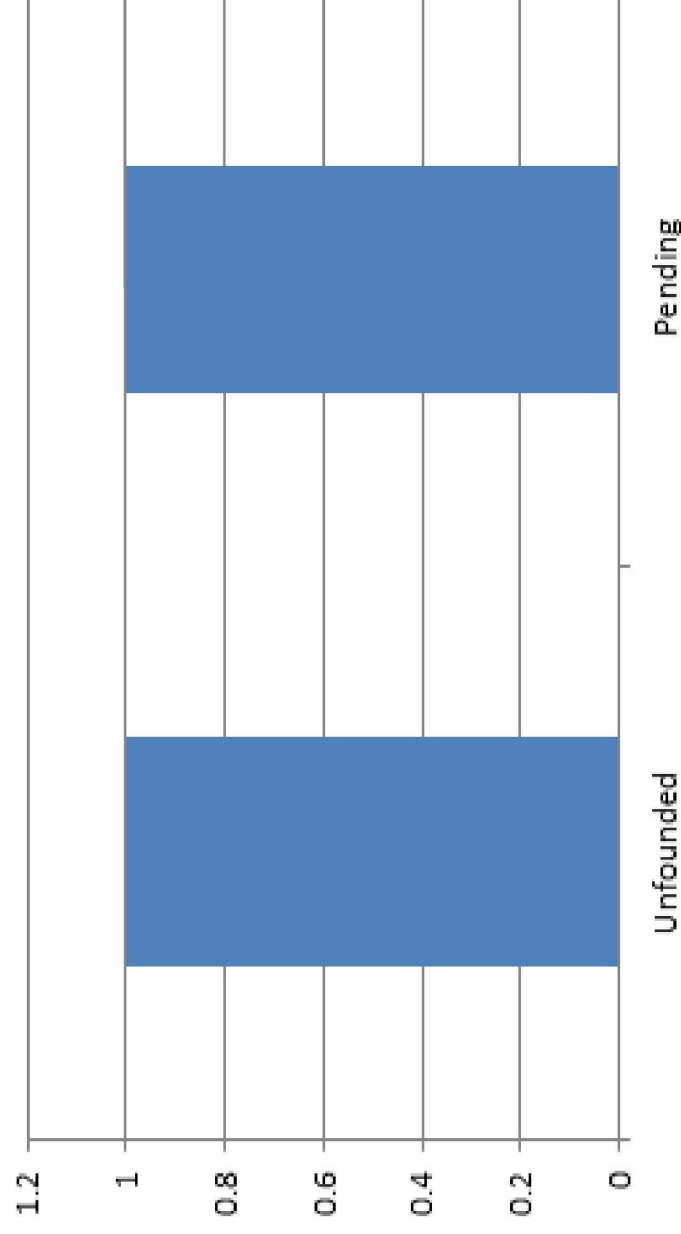
Dispositions - Complaints



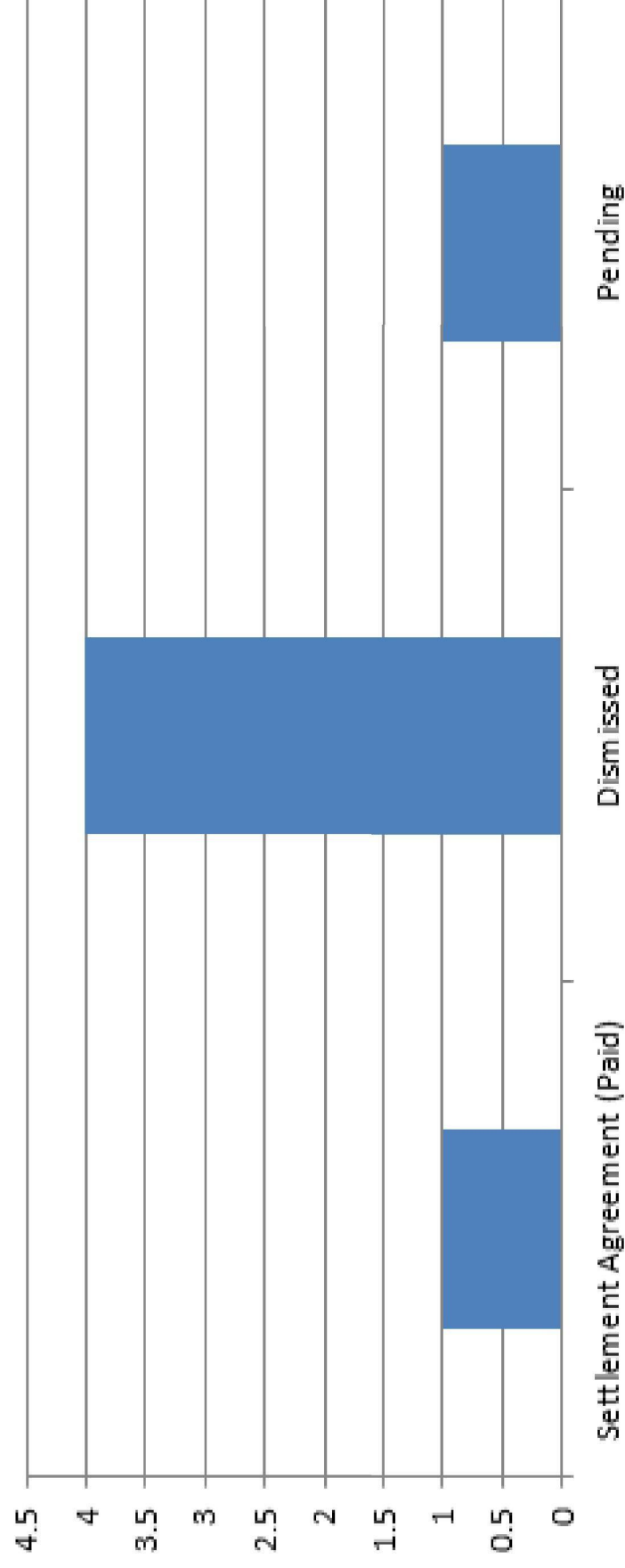
Internal Affairs Investigations



MN Department of Human Rights



Lawsuits



Lawsuits

- 4 of the 6 lawsuits were dismissed
 - The City had to pay the \$2,500 deductible and the League of MN Cities covered the remainder of legal costs.
 - In 1 of these 4 instances, the City actually paid \$1,631.40 (as the total costs were less than our \$2,500 deductible).
- 1 of the 6 lawsuits
 - The plaintiff will receive \$825,000 as agreed upon by a settlement.
 - The City had to pay the \$2,500 deductible and the LMC covered the rest of the legal costs, and the money to the plaintiff.
- 1 of the 6 lawsuits is still pending



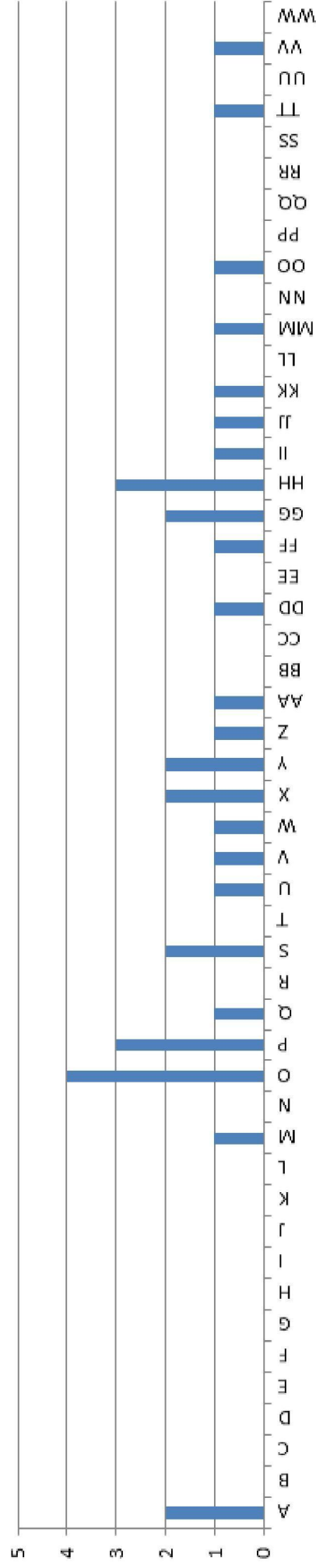
Other Payment

Since January 1, 2015 the City also reached an agreement on an issue that was investigated by an Internal Affairs (IA) investigation involving a potential missing firearm from a search warrant.

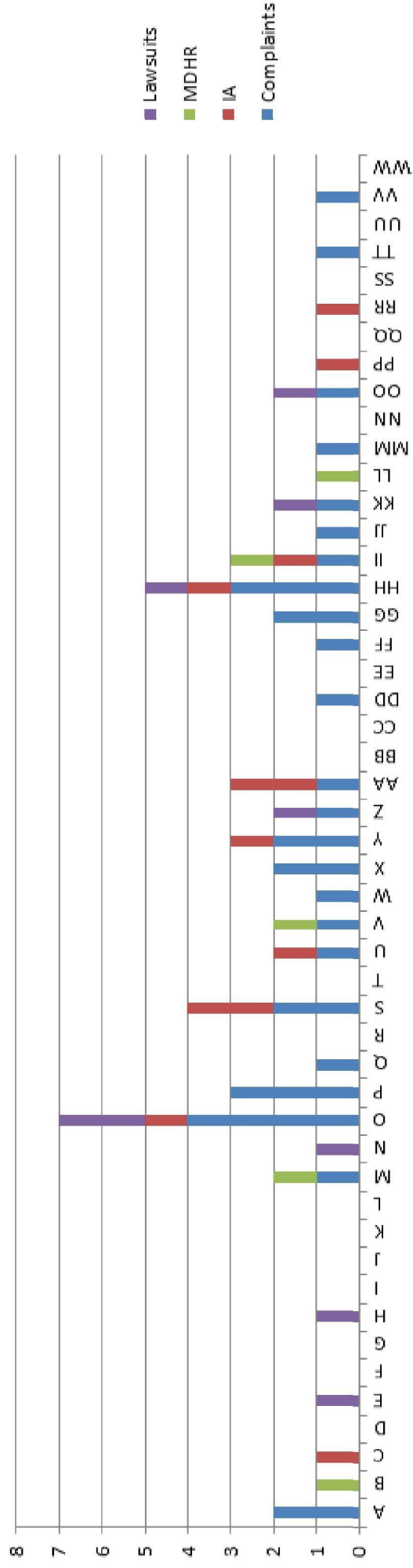
- The City agreed to pay \$3,000.
- The City technically paid the \$2,500 deductible.



Complaints by Specific Officer



Concerns by Specific Officer



Based on the Numbers - Complaints

198,967 Calls for Service (CFS) in 5.4 Years

- We have fielded 38 complaints
- We get one complaint for every 5,236 interactions
- 24 Officers have been named in a complaint (49% of officers)



Based on the Numbers - IAs

198,967 Calls for Service (CFS) in 5.4 Years

- We have conducted six Internal Affairs (IAs) investigations
- We get one IA for every 33,161 interactions
- Ten officers have been named in an IA (20% of officers)



Based on the Numbers – MN DOHR

198,967 Calls for Service (CFS) in 5.4 Years

- We have been involved in two MN Department of Human Rights investigations
- We get one MN Department of Human Rights investigation for every 99,484 interactions
- Five officers have been named in a MN Department of Human Rights investigations (10% of officers)



Based on the Numbers – Lawsuits

198,967 Calls for Service (CFS) in 5.4 Years

- We have been involved in six lawsuits
- We get one lawsuit for every 33,161 interactions
- Eight officers have been named in a lawsuit (16% of officers)



Based on the Numbers – Overall

198,967 Calls for Service (CFS) in 5.4 Years

17 Officers have not been named in any complaints, IAs, MN Department of Human Rights investigations, or Lawsuits (35% of officers).



Questions?



MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Brooklyn Boulevard Land Use Corridor Study Update

Background:

The Brooklyn Boulevard corridor is undergoing a major roadway improvement, which will have a significant impact on access along the corridor. In 2013 a land use study was done along the corridor that identified specific sites in relation to the roadway project and anticipated future reuse and access as those sites redeveloped. The 2040 Comprehensive Plan identified the Boulevard with an overlay, and called for a more in depth land use study with the goal of creating a development and regulatory framework that would guide future redevelopment along the corridor in a way that supported the transportation needs and served the surrounding neighborhoods.

Staff and the consultant team Bolton & Menk have been seeking community input and conducting technical analysis on the corridor land use study for the past several months. The first draft of the Brooklyn Boulevard Land Use study is nearing completion and will be reviewed by City staff and the public once it is complete.

The purpose of this work session is to update the Council on the work that has been done to date and the information that has been gathered, and to share what steps are left in the process and the plan to complete the study. The consultant team will be present to provide a more detailed review of the work that has been done to date.

Land Use Study Goals

Draft plan goals were identified and confirmed by public input, Becoming Brooklyn Center, and the Brooklyn Center 2040 Comp Plan. They include:

1. A corridor reflecting an identity unique to Brooklyn Center
2. An inviting and exciting place to live, work, play, and recreate
3. New and mixed uses throughout the corridor that serve the community
4. Streetscaping that is more walkable and livable for all people
5. A roadway that is more efficient for all users, not just cars
6. An enhanced public realm, with sustainable and engaging features
7. Supports the growth and change of the surrounding City and Region

Tasks completed to date:

- Existing conditions review
- Past planning and development overview
- Market feasibility analysis
- Corridor goals and guiding principles
- Health impact assessment (HIA) scoping, existing conditions, and analysis

- Initial phase of engagement: stakeholder meetings, public open houses, online and paper survey, online project page
- Development scenario creation and evaluation

Tasks in process:

- Illustrated development concepts
- Design guidelines for the corridor
- Zoning code integration (zoning code update currently underway as a separate project)
- Redevelopment framework

Market Study Summary

A market and redevelopment study was conducted to better understand the feasibility for the development, or redevelopment, of sites along the Boulevard. Findings from the market study are informing recommendations for the Land Use Study. Draft findings are provided below. For the purposes of the study, conditions throughout the city and surrounding area were evaluated.

Retail

The bulk of the city's retail inventory is located at and around Shingle Creek Parkway, with asking prices higher than what most local small businesses can afford. Rents are often maintained in hopes of attracting national tenants - which may be viewed as more stable due to institutional financing power. Unfortunately, many small businesses do not have the credit history or capital capacity to then qualify as tenants. As a result, there may be opportunities to refresh, expand, or develop new smaller-scale mixed use and service-oriented retail along Brooklyn Blvd. This would allow for more commerce while providing jobs within walkable distance for area residents.

Future retail along the Boulevard could be complementary and compatible with existing retail within the city, provide neighborhood-oriented services, and support existing and future multifamily development.

Office/Office Condo

Current market office rents do not support the development of new traditional office space for lease, even at a smaller footprint. Given market fundamentals, lenders would be challenged to underwrite new office projects without a significant amount of pre-leasing at rents much higher than the current market. The best opportunity along the Boulevard for office may be in small office condo developments for owner occupancy, whether for lease or purchase. There are naturally occurring office condos along the boulevard now in the form of converted single family homes. Build-to-suit office for rent or ownership can be feasible if a company can support the costs and debt necessary for the project, and the design and scope of the project can be managed at a budget that can be supported.

Existing and future residential development will presumably drive demand for additional office and retail development along the Boulevard as well, though it may take time for this demand to materialize.

Office condo or smaller scale office product along the Boulevard can provide opportunities for newer product than is currently available and may provide location opportunities for small businesses owned by area residents in proximity to their homes.

Residential

Single Family

While the average sale price of a single-family home in Brooklyn Center is trending up at the same pace as the Twin Cities market at a whole, the average sale price itself is \$60,000 lower than the Metro. Further, the inventory of homes available is at an extremely low absorption rate of 1.2 months - meaning if no new homes

were put on the market, the current supply of for-sale houses would be consumed in just 1.2 months at current levels of demand. While new single-family housing is not being planned adjacent to the Boulevard**, this data demonstrates an opportunity and need for additional entry level homes. Smaller-scale alternatives such as row-style townhomes, triplexes, and duplexes could instead fill this market need.

Multi Family

The current inventory of apartments along Brooklyn Blvd averages at 53 years old. At a vacancy rate of 1.3%, and lower than average market rents, there is an opportunity to add newer inventory of all unit types, including market-rate, workforce, affordable, and senior housing. At the same time, with current rental rates in Brooklyn Center low compared to the rest of the market, increasing construction costs, and higher cap rates in Brooklyn Center, it is likely that all types of multifamily, even market-rate housing will need some level of subsidy.

As a result, lower-density multifamily developments such as triplexes, duplexes, and town homes (assuming competitive land pricing and budget management to market rents or purchase price), may be more feasible. Bringing in new, smaller-scale product will also allow the Boulevard to grow while supporting larger-scale residential growth at the nearby Opportunity Site. Careful attention should be given to any adjacent projects and their potential impacts on residential opportunities along the Corridor.

There continues to be development interest in multifamily. This could provide newer affordable, workforce, and market-rate or mixed-income product while increasing opportunities to create a walkable, connected population along the Boulevard.

*Industrial uses were not included in this study as it was not a desired product type for Brooklyn Boulevard. Parks and public spaces are being encouraged to be integrated throughout new and existing development, and therefore were not considered for stand-alone use.

**Single Family housing was not considered for the Boulevard due to a number of factors including: city and regional goals of densification; population density resulting from multifamily housing is needed to support greater levels of retail, walkability, transit usage; multifamily housing is more efficient and sustainable strategy to pursue vibrancy and activity along a major boulevard; multifamily housing generally produces higher levels of tax income for the City while achieving these goals.

Brooklyn Boulevard Engagement to Date

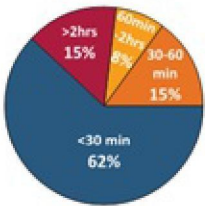
To inform the Brooklyn Boulevard Land Use Study, a series of open houses were held to identify local stakeholder priorities and desires regarding the future of Brooklyn Boulevard. Each open house asked attendees to envision what they hoped Brooklyn Boulevard would become, while establishing guiding principles to inform the Study. Approximately 160 attendees across the three open houses provided input, guidance, and meaningful questions to the City and its project partners.

An online and paper survey was developed to accompany the open houses. It was provided to open house attendees and on becomingbrooklyncenter.com.

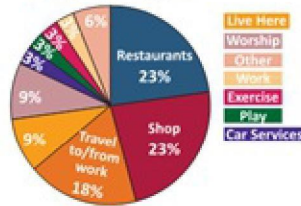
In addition to the survey and open houses, conversations with property owners along the Boulevard were conducted to inform stakeholders of the study, gather input, and identify potential land development plans. A summary of the input gathered at the open houses is attached to this memo.

A second phase of engagement is planned to review the draft plan and its elements. More information on this is provided below.

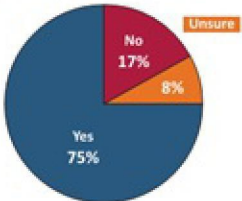
How much time do you spend on Brooklyn Blvd?



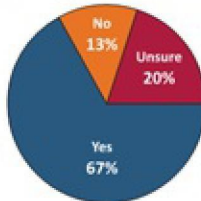
What do you do when you visit Brooklyn Boulevard?



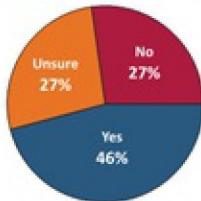
Would you visit Brooklyn Blvd more if it had more businesses/retail?



Would you visit Brooklyn Blvd more if new development was safe and accessible?



Would you visit Brooklyn Blvd more if it was more bicyclist friendly?



HIA Goals and Findings

HIA Goals

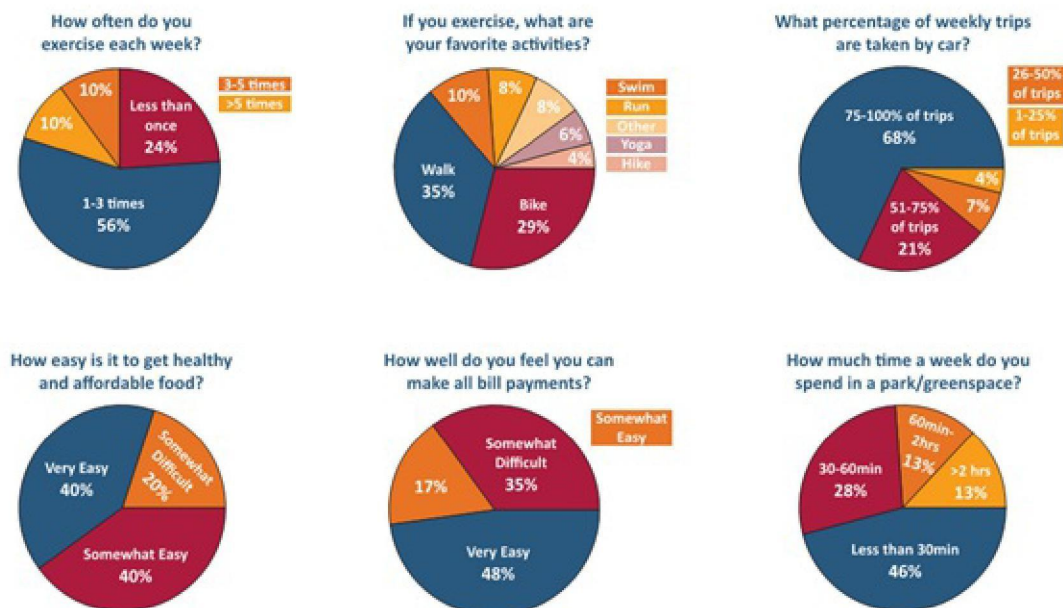
A Health Impact Assessment (HIA) is a tool which provides a health-oriented lens towards understanding potential impacts of community change. Utilized across the world, HIAs are evidenced-based tools in which to evaluate, assess, and influence projects and policies prior to their beginning, through the integration of health data and community input. An HIA allows for adaptability in response to specific projects, communities, or policies. Regardless of the scope and focus, the goal of any HIA is to foster a more healthy, just, and equitable community. HIAs can be particularly effective tools when pursuing healthy corridors, as their broad scope enables users to address the equally broad scale inherent to corridor land uses.

A final report will be included with the final Land Use Study report, and will contain existing health data, survey results, recommendations for increasing health promotion along the Boulevard, and related content.

General Findings

- Residents along and near the Boulevard are diverse, multi-ethnic, and majority low to medium income.
- Health behavior and outcomes such as daily physical activity and obesity, tend to be 2-5% below Hennepin County averages, in large part due to systemic disparities associated with the populations prevalent in this area.
- Environmental quality, such as particulate matter, is below regional and state ratings, but overall not at concerning levels.
- There are currently few health promoting assets and amenities along Brooklyn Boulevard.

Public Survey Findings



Remaining Tasks

- Finalize initial study draft with remaining content, visualizations, and implementation strategies.
- City staff review the draft plan, offering recommendations and guidance on recommendations and implementation strategies.
- Host second round of public communication and engagement of findings and initial recommendations.
 - Upcoming engagement plans includes possible online open house, pop-up info boards, property owner conversations, feedback survey, and continued promotion on BecomingBrooklynCenter.com.
- Complete engagement summary for plan, highlighting implications for plan direction.
 - Engagement summary for plan will also draw on other citywide and targeted engagement to date on related themes (e.g. for Opportunity Site).
- Based on City and public feedback, make revisions and updated recommendations within the Study.
- Present the Study to the Planning Commission for review and approval.
- Present the Study to City Council for review and approval.
- Brooklyn Center staff and residents implement recommendations outlined in the Study.

Policy Issues:

- Does the Council have questions about any of the background information or input that has been gathered to date?

- Does the Council have any questions or concerns about the goals of the corridor study or the direction the work is taking?

Does the Council have any questions about the overall Brooklyn Boulevard Land Use Study or the process to complete it?

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Open House Summary	7/21/2020	Backup Material



BROOKLYN BOULEVARD

Open House Summary

To inform the Brooklyn Boulevard Land Use Study, a series of open houses were held to identify local stakeholder priorities and desires regarding the future of Brooklyn Boulevard. Each open house asked attendees to envision what they hoped Brooklyn Boulevard would become, while establishing guiding principles to inform the Study. Approximately 160 attendees across the three open houses provided input, guidance, and meaningful questions to the City and its project partners.

The Brooklyn Boulevard Land Use Study is part of the *Becoming Brooklyn Center* city-wide initiative of reimagining the future of Brooklyn Center. More information can be found at BecomingBrooklynCenter.com

Results Summary

Design Features

OPEN SPACE



7

TOTAL VOTES

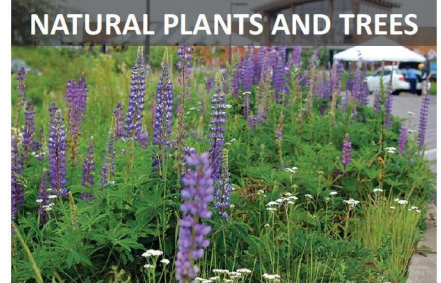
PUBLIC ART



14

TOTAL VOTES

NATURAL PLANTS AND TREES



21

TOTAL VOTES

SAFE BIKE INFRASTRUCTURE



12

TOTAL VOTES

PUBLIC SPACES



16

TOTAL VOTES

SIDEWALKS AND TRAILS



24

TOTAL VOTES

GREEN INFRASTRUCTURE



21

TOTAL VOTES

SAFE PEDESTRIAN CROSSINGS



22

TOTAL VOTES

WRITE YOUR OWN IDEA!

Bee Pollinator Plants: 3 votes
Youth Activity Centers: 2 votes
More Restaurants: 1 vote
Open Markets: 1 vote

Results Summary

Housing Options



COURTYARD

YES

14

TOTAL VOTES

NO

0

TOTAL VOTES



MODERN

YES

9

TOTAL VOTES

NO

4

TOTAL VOTES



BUNGALOW

YES

9

TOTAL VOTES

NO

3

TOTAL VOTES



ROW

YES

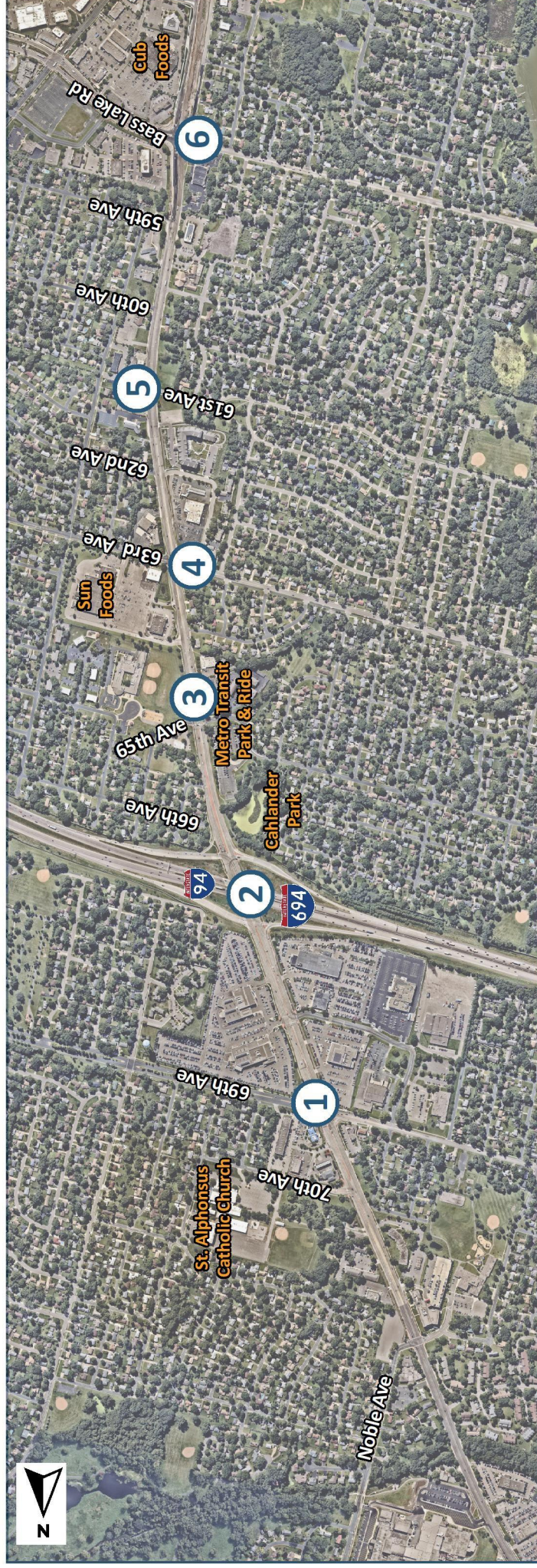
25

TOTAL VOTES

NO

5

TOTAL VOTES



1 69th Ave & Brooklyn Blvd

- Walkability
- Visibility Concerns
- Boulevard Maintenance
- Commercial Development

2 US 694/94 & Brooklyn Blvd

- Median with Green Infrastructure
- Communication with Residents

3 65th Ave & Brooklyn Blvd

- Additional Turn Lanes
- Park Maintenance

4 63rd Ave & Brooklyn Blvd

- Affordable Housing
- Restaurants
- Owner Occupied Housing
- Better/More Parking

5 61st Ave & Brooklyn Blvd

- Community Garden for Interim Use
- Family-Friendly Activities
- Better/More Parking

General Comment Themes

- Outdoor Pool
- Traffic Calming Measures
- Urban Streetscape/Signage
- Welcoming Atmosphere
- Add Light/Noise Barriers
- Police Enforcement
- Indoor Recreation Center
- Prioritize Safety
- More Turn Lanes

4 63rd Ave & Brooklyn Blvd

- Affordable Housing
- Restaurants
- Owner Occupied Housing
- Better/More Parking

5 61st Ave & Brooklyn Blvd

- Community Garden for Interim Use
- Family-Friendly Activities
- Better/More Parking

6 Bass Lake Rd & Brooklyn Blvd

- Affordable Housing
- Better/More Public Transportation
- Dynamic Signage

Results Summary

General Comments

Desire for sit-down restaurants and more shopping options



Need for general roadway improvements



Desire for more affordable housing



Desire for farmer's markets & community gardens

Traffic calming measures are needed for pedestrian and transportation safety

Concern for public safety is tied to perceptions of new developments being unsafe and public spaces being used as crime hangouts



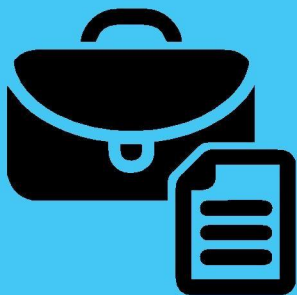
Desire for more local businesses and support for existing businesses

Desire for more affordable activities: programs/classes, recreation center, etc.

More green spaces – improve air quality and water quality



Engage all ages and racial groups



Need for more and better job opportunities

Support alternative modes of transportation such as biking and scooters

Need for connectivity and physical activity

Need more youth-oriented spaces and activities

Concerns expressed about gentrification and over-taxing

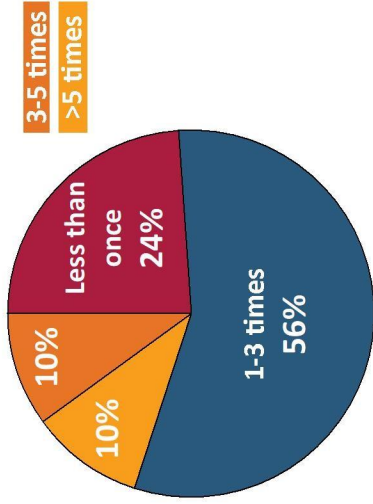
Desire for streetscape beautification



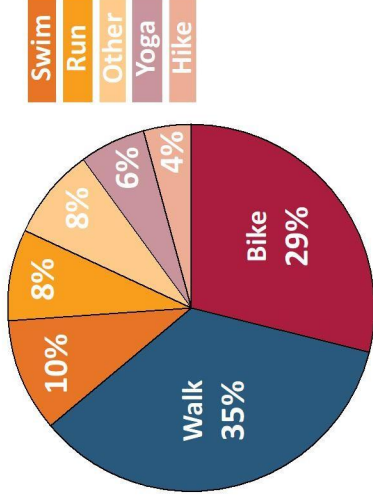
Results Summary

Corridor Health Survey

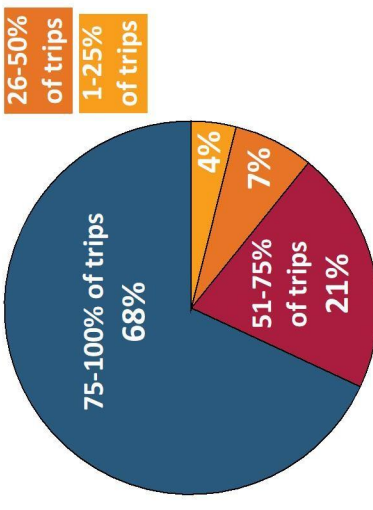
How often do you exercise each week?



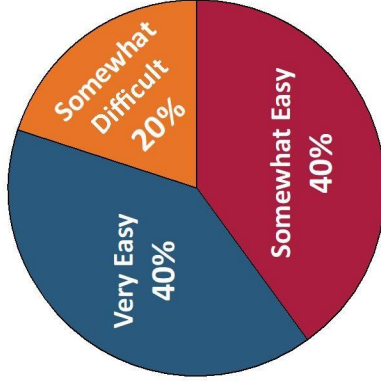
If you exercise, what are your favorite activities?



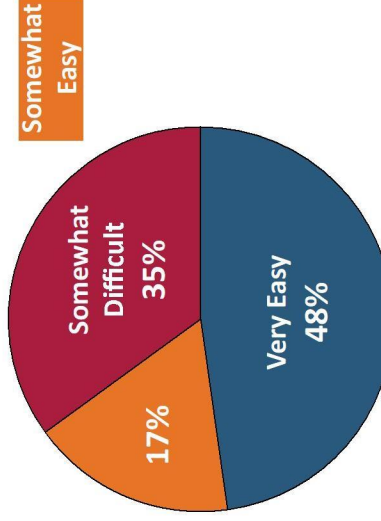
What percentage of weekly trips are taken by car?



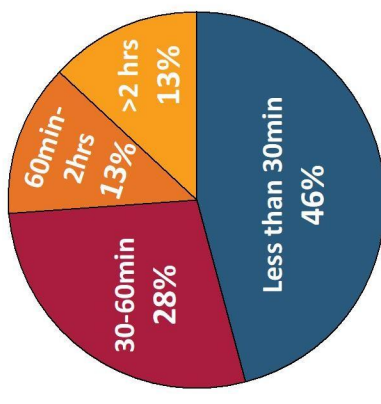
How easy is it to get healthy and affordable food?



How well do you feel you can make all bill payments?



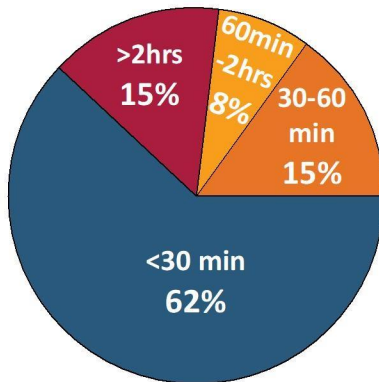
How much time a week do you spend in a park/greenspace?



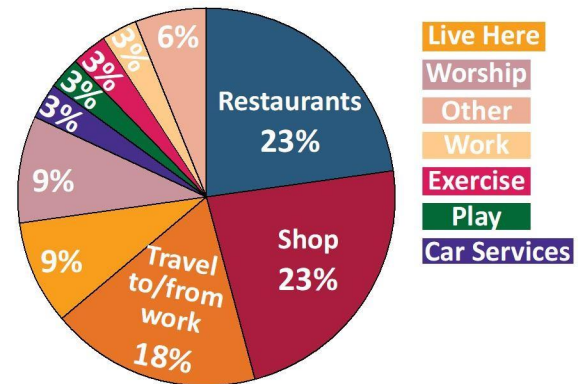
Results Summary

Corridor Health Survey

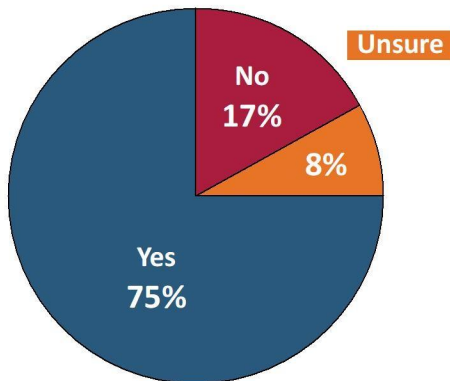
How much time do you spend on Brooklyn Blvd?



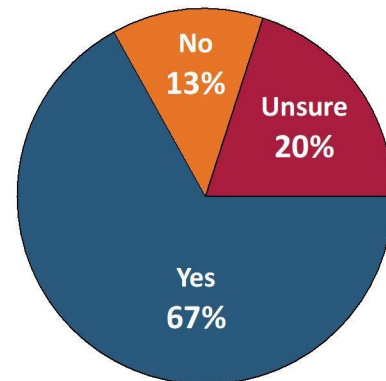
What do you do when you visit Brooklyn Boulevard?



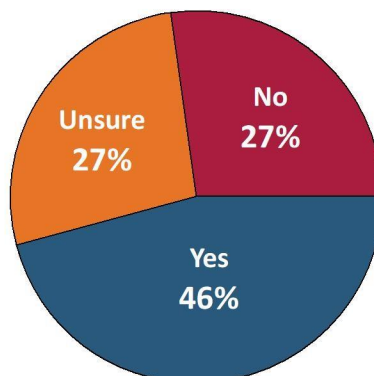
Would you visit Brooklyn Blvd more if it had more businesses/retail?



Would you visit Brooklyn Blvd more if new development was safe and accessible?



Would you visit Brooklyn Blvd more if it was more bicyclist friendly?



MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director and Dr. Reggie Edwards, Deputy City Manager and Acting C

SUBJECT: Environmental Stewardship (Litter and Trash Nuisance)

Recommendation:

Staff recommends that the Council hear a presentation on City efforts that are underway and planned to address the issue of litter and trash scattered throughout business areas and thoroughfares in the City. Staff recommends that the Council provide direction to staff regarding the creation of new or amending policies or ordinances.

Background:

Over the past few years, the City Council has expressed concerns about litter and trash scattered throughout business areas in the City. In March 2020, the thawing of winter snow that exposed covered litter and the onset of COVID-19 with the discarding of masks and gloves exacerbated the issue of litter and trash. An increase in vacant commercial properties further added to the problem. In addition, the city has seen a steep increase in the number of illegal dumpings. This has affected parks, rights-of-way, EDA-owned land, as well as commercial properties. Code Enforcement along has overseen the clean up of 44 illegal dumpings since January just on EDA-owned and EDA-adjacent property.

Commercial property managers are feeling overwhelmed with the increase in litter, combined with fewer staff due to the pandemic and recent civil unrest. Cub Foods and Walmart for example have reported being down over 20 percent of their normal staff from people who aren't coming into work or have quit.

The Council charged staff with developing strategies to address the issue of the ongoing litter and trash problem.

Staff first identified current measures taken to keep business areas as litter and trash free as possible, which include the following:

- Clean-up days
- Citizen volunteer clean-ups
- Shopping cart collecting on average 8 to 12 shopping carts per day, mostly Wal-Mart
- Knock & Talk code enforcement
- Sweeping of Xerxes Avenue almost daily for garbage
- Prescription Landscape takes litter out of the center island on Bass Lake Road at Shingle Creek Crossing weekly.
- Bus stops are pick up 2-3 times a week, empty garbage and litter pick up.

In spite of these efforts, litter and trash continue to be a problem. In moving forward to meet the charge of the Council, staff developed strategies with the following assumptions in mind:

- The litter and trash issue is beyond the capacity of the City to address alone
- At the core of the problem is the behavior of people who litter for various reasons

- Current City efforts are not sufficient to resolve the issue or problem
- The City can be clean and appear aesthetically pleasing without the scattering of litter and trash
- Transient visitors or travelers present unique challenges with regards to littering and trash

At the outset of this effort, it was critical to clearly and succinctly articulate the problem of *“the nuisance of litter and shopping carts discarded throughout business areas and thoroughfares”* prior to completing the charge. While businesses may and have been enablers of littering by providing disposable litter packing or lack of receptacles for trash, the problem was or is not a problem with businesses caretaking of their property. Code Enforcement staff spends a significant amount of time communicating with and educating commercial property managers on the need to keep up their properties. Inspectors sweep primary commercial corridors daily. It is estimated that approximately .75 FTE of Code Enforcement time is spent on commercial properties. During the pandemic, this amount of time was significantly reduced due to staff primarily working from home; however, all inspections staff are back to normal hours now.

Commercial property managers generally have been responsive to complaints when they are brought forward. Most commercial properties have dedicated staff to do daily litter pick-up in parking lots and surrounding boulevards; however, they report being overwhelmed by the amount of litter and frequency of finding it.

Strategies:

Staff conducted research to gather understanding of ideas and strategies employed in private, public and non-profit sectors to maintain clean and aesthetically pleasing in high-foot traffic public spaces (i.e. malls, college campuses, nationally known museums, hotels, and parks and cities). Staff framed the strategies in three areas including; patterns of behavior, structure, and mindset based upon a well-established systemic problem solving methodology. Research finding revealed the following example strategies:

Behavior –

- Shopping and getting directly into a car
- High sets of eyes on the public space (i.e. other customers, cameras, staff, etc.)
- Curfew and parent supervision requirement

Structure –

- Staffing for clean-up and monitoring
- Ambassador clean up and welcome program
- Unified business ownership of clean-up (i.e. business association, business clean up district, etc.)

Mindset

- Aesthetically pleasing and pride filled space design
- Publicly established expectations of cleanliness
- Viewed as one unified business area

In addition, attached are memos prepared by the City Attorney that address the regulatory strategies available to the City to address litter and trash enforcement and clean up. The Code Enforcement process to address a complaint, whether a complaint that has been called in or one identified through proactive sweeps, generally includes the following steps:

- Inspect to verify complaint is a violation
- Notify property owner/responsible party of violation and issue a correction order providing a certain amount of time (usually 7 days) to remedy the violation.
- Follow-up inspection. If violation remains a second correction order may be issued providing another set amount of time (usually another 7 days).
- Depending on the nature of the violation, it may be eligible for abatement. In which case the property owner/responsible party is notified that an abatement is in process. The Council then must declare the violation a public nuisance and order the abatement.
- If the violation continues after the Council action, staff will initiate and conduct an abatement.

According to the City Attorney, there may be options to expedite this process; however, property owners are allowed due process, and any expedited process will still require time for property owners to correct the violation themselves prior to abatement. Further, the nature of litter is that the violation changes from day-to-day as parking lots are cleaned up and new litter is dropped, calling into question the ability for the City to initiate an abatement on a new violation.

One solution might include allocating a greater amount of Code Enforcement time to commercial properties. Some cities have dedicated code enforcement staff that focus on commercial areas. The purpose of the increases staff would not necessarily be to increase code enforcement actions, since most businesses comply when complaints are brought to their attention, but rather to focus greater attention on relationship building and education efforts around the issues associated with property upkeep.

As staff prepared to bring forth pilot strategies in three key areas including:

1. Creating value based spaces (sense of pride)
2. Developing of litter and trash prevention measures
3. Employing clean-up actions

Pilots in the three areas mentioned were develop just before the onset of COVID-19 and the budgetary impact, thereof. Staff will continue to seek implementing the pilot strategies; however, they will need to reconfigure in light of COVID-19.

As mentioned above, that the issue litter and trash was exacerbated by the thawing of winter snow that exposed covered litter and the onset of COVID-19 with the discarding of masks. In response to the immediate need of maintaining cleanliness in the City business areas staff are exploring code-enforcement and staff clean-up options. These strategies would apply to the short-term need of clean-up during an unprecedented pandemic. These measures would not be intended to resolve the issue of trash and litter nuisance in the long-term.

Policy Issues:

Does the Council have ideas or direction to staff regarding creation of new or amending policies or ordinances pertaining to litter and trash nuisance?

Strategic Priorities and Values:

Enhanced Community Image

ATTACHMENTS:

Description	Upload Date	Type
Enforcement Procedures Under Existing Code	7/21/2020	Cover Memo
BC Beautification — Garbage on private property	7/21/2020	Cover Memo

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(320) 240-8200 telephone

MEMORANDUM

To: City of Brooklyn Center
Working Group - Trash in Commercial Areas

From: Troy Gilchrist

Date: December 9, 2019

Re: Enforcement Procedures Under Existing Code

As mentioned in the memorandum I provided the City dated September 17, 2019, the issue of trash is currently addressed in two chapters of the City code – Chapter 7 on garbage and Chapter 19 on public nuisances. Because the City could utilize either procedure, I will briefly describe the process to take an enforcement action under both. The following focuses specifically on the general trash situations we have been discussing and does not attempt to address emergencies or situations where the property owner is not known. I also offer some comments on both procedures and set out some possible approaches to more specifically address this issue going forward.

CHAPTER 7

Prohibition/Requirement

Code Section	Code Language or Summary
7-104	“No person may throw, scatter or deposit, or cause or permit to be thrown, scattered or deposited any refuse, handbills, or other littering materials upon or in any public or private lands, bodies of water, vehicles or structures within the City. <i>Every person must maintain his or her premises and abutting sidewalks and boulevard areas free of refuse litter.</i> ”
7-105, subd. 1	“Any accumulation of refuse on any premises not stored in containers which comply with this ordinance, or any accumulation of refuse on any premises <i>for more than one week</i> is hereby declared to be a <i>nuisance</i> .”

Abatement/Enforcement

Code Section	Code Language or Summary
7-105, subd. 1	<i>“A nuisance may be abated by order of the officer charged by the city manager with enforcement of this section, and the costs of abatement may be assessed against the property on which the nuisance was found as provided in this section.”</i>
7-105, subd. 3	The designated enforcement officer must provide written notice to the owner by mail or in person that: • Specifies the nature of the nuisance and ordering the nuisance to be abated; and • Specifies the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance must be abated.
7-105, subd. 3	If the owner fails to clean up the property by the date indicated in the order, the city must provide the owner and occupant a written notice to the owner by mail or in person that provides at least 10 days’ notice of a hearing before the city council.
7-105, subd. 3	After providing the owner an opportunity to be heard at the hearing, the city council may “order that the nuisance be abated by the City.”
7-105, subd. 3	The section does not specifically talk about what the city does to abate, but presumes the city carries out the city council’s order to abate the nuisance.
7-105, subd. 3	“The city clerk must prepare and mail a bill to the property owner for the amount of the costs incurred by the City in abating a nuisance, including administrative and other related expenses.”
7-105, subd. 3	The bill is due and payable upon receipt, and if it is “not paid by the September 1 next following the abatement of the nuisance, the costs of abatement may be levied against the property pursuant to Minnesota Statutes, Chapter 429.”

Comments

- While the condition of allowing refuse to exist on property is prohibited, the abatement process is tied to conditions which are declared to be a nuisance. Under Section 7-105, a public nuisance only exists if refuse has accumulated for more than one week.
- The continuously changing nature of this problem will make it difficult to pin down a specific condition that exists for more than a week to trigger this nuisance abatement process. Section 7-105 appears to contemplate a static condition of refuse on property rather than the more fluid condition of garbage being dropped, picked up, dropped again, possibly blowing in from other areas, etc.

- The abatement procedure itself does not provide for a swift resolution of the situation in that it entails a 10-day period in which the owner must abate the nuisance. If the person fails to correct the condition, city abatement does not occur until after there is notice and a hearing before the city council.
- This process does provide for the eventual abatement of the condition by the city and assessing the costs incurred.

CHAPTER 19

Prohibition/Requirement

Code Section	Code Language or Summary
19-102	• “<i>Garbage</i> includes all putrescible animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit, or vegetables, including the cans, containers or wrappers wasted along with such materials.” • “<i>Rubbish</i> is nonputrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste boards, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.”
19-103	“It is hereby declared to be a <i>public nuisance</i> to permit, maintain, or harbor any of the following:” • “<i>Garbage not stored in rodent free and fly-tight containers, or; garbage stored so as to emit foul and disagreeable odors, or; garbage stored so as to constitute a hazard to public health.</i>” • “Accumulations of rubbish as defined herein.”

Abatement/Enforcement

Code Section	Code Language or Summary
19-105	“When any nuisance is found to exist, the <i>health officer</i> of the City shall order the owner or occupant thereof to remove the same, at the expense of the owner or occupant, within a period not to exceed 10 days, the exact time to be specified in the notice.”
19-105	The owner may appeal the order as provided in Sections 12-1202 and 12-1203 (see below).
19-105	If the owner fails to comply with the order, “[c]ompliance orders may be executed and special assessments levied by the City under the same

	circumstances and following the same procedures as are set forth in Section 12-1206.”
12-1206	The city must provide the owner at least 10 days’ notice of a hearing before the city council.
12-1206	After providing the owner an opportunity to be heard, the city council adopts a resolution to have the city correct the deficiency.
12-1206	“The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.”

Appeal

12-1202	To appeal, the owner must, within 5 days of issuance of the order, file a written appeal with the department of planning and inspection along with a filing fee. A timely filing stays any further enforcement action.
12-1203	The city provides the owner at least 5 business days’ notice of a hearing before the city council (sitting as the board of appeals), which must be held within 30 days of when the appeal was filed.
12-1203	The section references the council hearing the appeal and “taking into consideration any advice and recommendation from the advisory housing commission.” This suggests the appeal should be sent to the commission for review and advice before the hearing.
12-1203	“The board of appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.”

Comments

- The city would likely need to rely on garbage not being stored in a proper container as a basis for the nuisance here since showing an accumulation of rubbish may be difficult to sustain.
- This process relies on the city’s health officer taking action, which I am not certain is an accurate reference to a current position within the city.
- This abatement process involves the same 10-day notice and a hearing before the council before the city can act to abate the condition on its own. As such, it does not provide an efficient method for addressing an on-going, dynamic trash problem.

- Overall, this strikes me as a more useful process to address the situation than the abatement procedure set out in Chapter 7. Though as pointed out below, it would be helpful to have language in the code that specifically addresses these types of situations.

Possible Abatement Options/Approaches

- The city can utilize either of the above procedures to address the parking lot trash issue, but neither option is a long-term solution as they involve too much time to be an effective solution. Realistically, they will only work to address the situation if the businesses determine they want to avoid being the subject of such abatement procedures.
- The city can explore amending its code to more specifically address this on-going trash issue on commercial properties. This would allow the city to develop language with these specific situations in mind rather than attempting to make provisions drafted with static conditions in mind apply to these more fluid situations.
- One approach we could explore is to establish an expedited abatement procedure for repeat offenders. Expedited procedures exist for addressing emergencies, but I believe we can establish a process whereby the city council declares a business a repeat offender (and so has previously been through the abatement process) and authorizes the city to utilize an expedited process of giving notice and then taking action to abate if the property is not cleaned up by a certain date. We could attempt to set out this approach in a second or third abatement order issued by the city council for a particular property, but an expedited procedure will be more legally defensible if it is set out in the code.
- Another option would be to consider an administrative penalty procedure to address these situations, rather than a traditional nuisance abatement procedure that is ran through the city council. I have not thought through exactly how to structure this process, but it would be processed at a staff level and appeals handled through a hearing officer instead of the city council.
- A practical issue that could result if the city develops an expedited abatement process is that a business may end up relying on city staff as its parking lot clean up crew. If the city does wish to explore amending its code, we will want to keep this potential in mind and think of ways to try to avoid that outcome.

Please feel free to let me know if there are any questions or if you would like additional information on any of the issues discussed in this memo.

Kennedy

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ATTORNEY-CLIENT PRIVILEGED MEMORANDUM

To: Brooklyn Center City Council and Staff

From: Josh Devaney, Troy Gilchrist

Re: BC Beautification — Garbage on private property

Date: July 15, 2019

Issue: What options does the City of Brooklyn Center have to address the on-going concern of businesses not picking up trash on their property?

The City may use its pre-existing ordinances to enforce beautification, either through an abatement action or by passing a resolution adopting an administrative penalty for violations of the ordinances. Other cities in Minnesota generally provide for one or both of those options in their ordinances, with differences mostly appearing in how they assign responsibility to the property owner. An additional option could be for the City to take beautification responsibility on itself through the use of a special services district.

I. Pre-existing Ordinances

Currently, Brooklyn Center has two chapters in its code which address the issue of litter on private property. Each has its own enforcement mechanisms, but both may be cumbersome to use to address widespread and/or frequent violations.

Chapter 7

First, Section 7-102 has a requirement in subdivision 1 that the “owner of any premises” must “provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection.” Subdivision 1 also requires that “[a]ll refuse on any premises must be stored in required containers.” Subdivision 4 requires that waste containers “must be maintained in a reasonable clean condition at all times” and cannot be permitted to be tipped over.

Section 7-104 prohibits the scattering or depositing of litter on public or private lands and provides that “[e]very person must maintain his or her premises and abutting sidewalks and boulevard areas free of refuse litter.” Section 7-105 defines as a nuisance “[a]ny accumulation of refuse on any premises not stored in containers . . . or any accumulation of refuse on any premises for more than one week.” An abatement process is outlined in Section 7-105 where notice must be served on the owner identifying the nuisance, steps to take to abate it, and give a time (less than ten days) for the owner to take those steps. If the owner fails to do so, notice will need to be provided again for a hearing (at least ten days in advance) at which the owner can be heard. The city council can then order that the nuisance be abated by the City and costs be billed to the property owner.

Chapter 19

In Section 19-103, it is “declared to be a public nuisance to permit, maintain, or harbor . . . [g]arbage not stored in rodent free and fly-tight containers . . . [or] accumulations of rubbish.” Just as in Chapter 7, there is an abatement process outlined in Section 19-105. The difference in Section 19-105 is that it states that a party can appeal the abatement order to the city council under the process outlined in 12-1202 and 12-1203. Those sections have a slightly

different process involving a written appeal, filing fee, and only five business day notice for a hearing.

The General Nuisances portion of Chapter 19, which Section 19-103 is under, also has a penalty provision in Section 19-106, stating that “[a]ny person violating any of the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and subject to a fine of not more than \$1,000” and/or up to 90 days of imprisonment. Each day the violation exists constitutes a separate offense.

Administrative Penalty

An additional enforcement option exists in the form of an administrative penalty. Under Section 18-204 of Brooklyn Center’s Code, “[a] violation of any provision of the City Code may be designated by resolution as an administrative offense, which may be subject to an administrative citation and civil penalties.” Therefore, the administrative penalty program can be used as an alternate means of enforcing the above Code provisions, if a resolution is adopted to that end. This may make enforcement actions much less of a burden.

II. Ordinance Provisions Used by Other Cities

Most cities in Minnesota have a similar ordinance structure to Brooklyn Center where they provide for abatement, administrative penalty, or both. Frequently the biggest difference is in what manner they opt to make owners responsible for trash on their property. Below is a small sampling showing some of those ways.

Bloomington makes it a misdemeanor to have trash on a property not in the appropriate trash receptacle and states that an administrative penalty may be applied for such a violation. (Bloomington City Code, §§ 10.05, 10.14.02).

The City of Brooklyn Park has a system very similar to Brooklyn Center's Chapter 7, in which an owner or occupant has the duty to maintain their property free of litter, and removal of litter can be effectuated through a notice-abatement process. (Brooklyn Park City Code, § 94.05). Violations are misdemeanors, but there is no administrative penalty provision as in Bloomington. (*Id.*, § 94.99).

Rochester's Code states that open areas – defined as those not enclosed by a structure – must be maintained clear of garbage and debris and that anyone who allows garbage and debris to remain on their property have created a nuisance and are subject to a notice-abatement process. (Rochester City Code, §§ 7-3-21, 8-3-7).

Eagan, Edina, and Maple Grove all find that garbage not stored in appropriate containers constitutes a public nuisance and may be cured by abatement.

III. Special Service District

Rather than place the duty of maintaining cleanliness on the owner and then trying to achieve compliance through issuing penalties, the City can establish a Special Service District (SSD) and take on the responsibility itself, with the cooperation of the businesses, using funds collected as service charges from businesses in the district.

An SSD is a “defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from service charges imposed within that area.” Minn. Stat. § 428A.01, subd. 4. A special service is either a service not ordinarily provided or an increased level of a service already provided. *Id.* at subd. 3.

Under Minn. Stat. § 428A.08, an SSD may be established if owners of 25% of the land area of the property that would be subject to the district and 25% of the net tax capacity of the property that would be subject to the district file a petition requesting a public hearing on the

SSD. The City may then adopt an ordinance to establish the SSD and begin supplying the special services and collecting service charges. Should the City wish, it may also create and appoint an advisory board for the special service district which would

Minneapolis's Downtown Improvement District (DID) and its associated "ambassadors" who walk the streets, clean the sidewalks, and offer directions to visitors is an example of an SSD. One limitation of these services is that, as extensions of the City, they only operate to the extent the City has authority. Therefore, street and sidewalk cleaning services can be provided without issue, but cleaning private parking lots or property would not be a service that could be offered without first securing consent of the property owner. Since consent isn't compulsory, charging for services that are not equally provided could result in affected landowners filing objections to their inclusion in the special service district. Minneapolis gets around this by offering its graffiti removal service, which it does for sidewalks under the service charge, to private property owners at an additional cost. If the City is providing litter removal as part of a special cleaning service offered in the SSD, it could similarly allow businesses to opt in to allowing their private property, viewable from the right of way, be cleaned in this manner for an additional charge.

MEMORANDUM - COUNCIL WORK SESSION

DATE: 7/27/2020

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Curt Boganey, City Manager

SUBJECT: Pending Items

Recommendation:

- Strategic Plans for years 2018-2020 and 2021-2023
- Beautification & Public Art Master Plan - 8/10
- Council's Retreat Follow up
- City-wide Sewer Access Charge Policy - 8/10
- NOAH Preservation Program - 8/10
- Mixed Income Housing Policy - 8/10
- Council Policy for City Charter requirement of Mayor's signature on all contracts - 8/24
- Review Special Assessment Policy
- Earle Brown name
- Tobacco Regulations

Background: