

Council Study Session
City Hall Council Chambers
July 25, 2022

AGENDA



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

Commission Serving with Expired Terms

7/21/22

Financial Commission – Total of 7 seats (2 vacancies + 2 expired terms)

Name	Last Appointment Date	Term Ending Date
Teneshia Kragness	1/8/18	12/31/23
Taofeek Ishola	6/10/19	12/31/21*
Emmanuel Kpaleh	6/9/20	12/31/23
Dean Van Der Werf	12/14/15	12/31/21*
(*) Term expired		

Applications Received/date applied:

Leonard Brown/6/20/22

Yolanda Hunter/1.11.21

Rose Keller/2.5.21

Christian Paese/6.29.21

Carmina Pratt/3.2.22

Kia Welsch/4.30.22

Resolution 99-110

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Housing Commission – Total of 7 seats (2 vacancies + 2 expired terms)

Name	Last Appointment Date	Term Ending Date
Paul Oman	3/12/18	12/31/18 *
De'Ja Carter	3/8/21	12/31/23
Michael Donnelly	3/8/21	12/31/23
(*) Term expired and application on file for reappointment		

Applications Received:

Moneak Curry/5.1.22
Jerry Gayflor/5.1.22
Paul Oman/11.23.20
Lovetee Polahn/5.4.22
Elizabeth Riel/12.19.19
Hashep Seka Nygard/5.1.22
Carmina Pratt/5.1.22
Nancy Seley/5.5.22
Kia Welsch/5.1.22
Florence Williams/7.20.22

Resolution 2006-47

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Park & Recreation Commission – Total of 7 seats (1 vacancy + 3 expired terms)

Name	Last Appointment		Term Endin
Travis Bonovsky	1/1/17		12/31/19 *
Gail Ebert	1/1/17		12/31/19 *
Bud Sorenson	1/1/18		12/31/20 *
Tanisha Lungelow	6/8/20		12/31/23
Paul Carey	9/27/21		12/31/22
Natalie Branch	3/8/21		12/31/24
(*) Term expired and application on file for reappointment			

Applications Received

Travis Bonovsky/11.20.20

Gail Ebert/1.19.21

Jeffrey Noah/1.19.21

Haskep Seka-Nygaard/4.30.22

Bud Sorenson/10.1.20

Jennifer Umolac2/.10.21

Kia Welsch/5.1.22

Nyenuie Writhers/2.21.20

Joe Younglove/2.14.22

Resolution 98-13

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered three-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commissioner suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules and regulations of the Commission, the Commissioner may be temporarily replaced during the temporary leave by an interim Commissioner appointed by the Mayor with majority consent of the City Council.

Name	Last Appointment	Term Ending Date
Peter Omari	3/9/20	12/31/21*
Kau Guannu	9/21/21	12/31/22
Alexander Koenig	1/1/18	12/31/21
Alfreda Daniels	6/8/20	12/31/22
Paris Dunn	5/10/21	12/31/21
Stephanie Jones	6/8/20	12/31/22
(*) Term expired and application on file for reappointment		

Randy Christensen/3.25.22
Peter Omari/1.14.22
Joanne Riel/12/16/19
Haskep Seka-Nygaard/4.30.22
Stephen Schonning/5.27.22
Kia Welsch/5.1.22

Members' Term of Office: Members of the Commission shall be appointed by the Mayor with majority consent of the Council. The terms of office shall be staggered two-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of his or her term of office a member shall continue to serve until his or her successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

2022 Attendance Planning Commission

Meeting Dates	Meeting Type	A. Koenig	P. Omari	A. Daniels	S. Jones	P. Dunn	K. Guannu
1/13/2022	Regular	P	P	P	P	UE	P
2/10/2022	CANCELLED						
3/10/2022	CANCELLED						
4/14/2022	CANCELLED						
5/12/2022	CANCELLED *No Quorum*	E	P*	P*	UE	UE	UE
6/9/2022	CANCELLED *No Quorum*	E*	E	UE	P	E	P
6/23/2022	Regular	E*	P	UE	P	P	P
7/14/2022	CANCELLED *No Quorum*	P	E	UE	P	E	P
8/11/2022	Regular		E				
9/8/2022	Regular		E				
10/13/2022	Regular						
11/10/2022	Regular						
12/8/2022	Regular						
UNEXCUSED (Regular Meeting):							
	PERCENT ATTENDANCE:						
P	= Present						
E	= Absent/Excused						
UE	= Absent/Unexcused						
	= Not Appointed Yet						
	= Cancelled Meetings						
	= No longer active Commissioner						

Sister City Commission – Total of 5 seats (No vacancies + 4 expired terms)

Name	Last Appointment	Term Ending Date
Issa Mansaray	3/12/18	12/31/22
Fatu Magassouba	8/26/19	12/31/21
Jacob Saffert	3/12/18	12/31/19*
Sheku Samba	3/18/18	12/31/18
Tashawna Williams	3/12/18	12/31/20*
(*) Term expired and application on file for reappointment		

Applications Received:

Amayanvbo Loveth/1.28.22

Moneak Curry/5.1.22

Jacob Saffert/2.14.22

Kia Welsch/5.1.22

Eramus Williams/1.28.22

Tashawna Williams/3.2.22

Resolution 2015-159

ARTICLE III.

MEMBERSHIP. Section 1. The Commission shall consist of five (5) members who shall be appointed by the City Council upon recommendation of the Mayor.

Section 2. The initial appointments to the Commission shall be for one, two, three, four, and five-year terms, and thereafter all appointments shall be for a term of five years or until a successor is qualified.

Section 3. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

**CITY COUNCIL
MEETING**

City Hall Council Chambers
July 25, 2022

AGENDA



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.

- a. Open Forum information
 - *per 2022 Council Retreat Agreement*
 - *Limited to 15 minutes*
 - *Limit all comments to 2 minutes per person*
 - *Time for thoughts, ideas, feedback that is unrelated to council meeting agenda items*
 - *Show and verbally share other opportunities for sharing*

2. Invocation - 7 p.m. - Ryan

3. Call to Order Regular Business Meeting

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 podium.

- a. Council Norms

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 the following minutes:*

- 7/11/2022 - Study Session
 - 7/11/2022 - Regular Session
- b. Approval of Licenses
 - *Motion to approve the licenses as presented.*
 - c. Resolution Establishing Improvement Project No. 2023-01, Knox, James and 54th Avenues Area Improvements
 - *Motion to approve the resolution establishing Improvement Project No. 2023-01, Knox, James and 54th Avenues Area Improvements*
 - d. Resolution Establishing Improvement Project No. 2023-02, 50th Avenue Improvements (France Ave to Drew Ave)
 - *Motion to approve the resolution establishing Improvement Project No. 2023-02, 50th Avenue Improvements (France Ave to Drew Ave)*
 - e. Resolution Establishing Improvement Project No. 2023-03, 51st Avenue Improvements (Twin Lake Blvd to France Avenue)
 - *Motion to approve the resolution establishing Improvement Project No. 2023-03, 51st Avenue Improvements (Twin Lake Blvd to France Avenue)*
 - f. An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment of New Uses of the Expansion of Existing Uses Related to the Sale of THC Products (first reading)
 - *motion to approve the first reading of an interim ordinance authorizing a study and imposing a moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC products*
 - *motion to approve a the publication of a summary of the ordinance*

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

9. Planning Commission Items

- a. Planning Commission Application No. 2022-004 for the Re-plat, Re-zoning, and Establishment of a Planned Unit Development, and Amendments to the Zoning Code and 2040 Comprehensive Plan to Allow for the Re-development of the Former Sears Site (1297 Shingle Creek Crossing)
 - (i) *Motion to adopt a resolution regarding Planning Commission Application No. 2022-004, for approval of a preliminary and final plat, site and building plan, Zoning Code amendment, re-zoning and establishment of a Planned Unit Development for the Subject Property located at 1297 Shingle Creek Crossing, and commonly known as the former Sears site, and a recommended amendment to the City's 2040 Comprehensive Plan to allow for a future land use re-designation of the Subject Property from Transit-Oriented Development (TOD) to Business Mixed-Use (B-MU), based on the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.*

(ii) Motion to approve a first reading of an ordinance amending Chapter 35 of the Zoning Code of Ordinances regarding the zoning classification of the Subject Property located at 1297 Shingle Creek Crossing and set the second reading and public hearing for August 22, 2022.

10. Council Consideration Items

- a. An Emergency Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment of New Uses or the Expansion of Existing Uses Related to the Sale of Products and its Summary Resolution
 - *motion to adopt an emergency ordinance; and*
 - *motion to approve a summary resolution*

11. Council Report

12. Adjournment

We Agree To

Internal Council Relations – Norms for 2021 – Practiced for next 90 days

- Seek to not repeat or re-iterate points that were already shared
- Engage in discussion and sharing alternate perspectives *without* weaponizing other people's words
- Recognize others with "What I heard you say is _____, with your permission, I'd like to move forward now."
- Call for consensus when it's time to make a decision.
- Allow new solutions in a time of dynamic change, process: (1) name the problem (2) find the process to resolve (3) have the discussion (4) make a decision.
- After open discussion, close down the chat during council chamber discussion (*need to vote on it).

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Requested Council Action:

- Motion to approve the following minutes:

- 7/11/2022 - Study Session
- 7/11/2022 - Regular Session

Background:

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

Budget Issues:

None

Inclusive Community Engagement:

None

Antiracist/Equity Policy Effect:

None

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
7.11 Study Session	7/19/2022	Backup Material
7.11 Regular Session	7/19/2022	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 11, 2022
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor Mike Elliott at 6:10 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler (arrived at 6:20 p.m.), Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, City Attorney Jason Hill, and City Clerk Barb Suciu.

CITY COUNCIL DISCUSSION OF AGENDA ITEMS AND QUESTIONS

City Manager Reggie Edwards stated that Public Hearing Item 8a., Resolution Authorizing the Initial Legal Action to Enforce the City Code Regarding Violations at 3321 50th Avenue North in the City of Brooklyn Center, was supposed to be a Council Consideration Item. He asked that the item be moved to Council Consideration Item 10a., Resolution Authorizing the Initial Legal Action to Enforce the City Code Regarding Violations at 3321 50th Avenue North in the City of Brooklyn Center.

Dr. Edwards asked that Planning Commission Item 9a., Planning Commission Application No. 2022-004 for the Re-plat, Re-zoning, and Establishment of a Planned Unit Development, and Amendments to the Zoning Code and 2040 Comprehensive Plan to Allow for the Re-development of the Former Sears Site (1297 Shingle Creek Crossing), be moved to a future meeting as it requires a vote of four Councilmembers.

Mayor Elliott stated he would not be leaving the meeting early anymore. Dr. Edwards asked that the agenda item still be moved to a future meeting. Mayor Elliott asked on what grounds. Dr. Edwards stated that with Councilmember Graves out and Mayor Elliott indicating before the meeting that he needed to leave at 7:30, they won't have had 4 members to vote on the item. Mayor Elliott stated that he didn't have to leave at 7:30 p.m. now and there will be four Councilmembers present.

Community Development Director Meg McMahan noted Staff told the applicant the item would be moved because Staff was told there would only be three Councilmembers present. Also, the City Planner is not in attendance.

Mayor Elliott stated the item is on the agenda, and it needs to be addressed. Dr. Edwards stated Mayor Elliott told Staff he would be leaving the meeting early and would, therefore, not be in attendance for the presentation. Along with Councilmember Graves being absent, there were not enough Councilmembers to vote on the matter. He noted Mayor Elliott just now informed them he would be present for the whole meeting.

Councilmember Ryan stated the matter requires four votes. Community Development Director Meg McMahan indicated they were not anticipating more than three Councilmembers. Also, the City Planner and the applicant will not be in attendance due to the Mayor's previously planned absence.

Mayor Elliott stated the item should be addressed because it is on the agenda.

Councilmember Lawrence-Anderson stated she concurs and we have been discussing this for a long time and deserves the vote of the full city council. Mayor Elliott stated they should at least have the presentation and then move the item to a future meeting if needed. If an item is on the agenda, it needs to be heard.

Councilmember Ryan moved and Councilmember Lawrence-Anderson seconded to table Planning Commission Item 9a., Planning Commission Application No. 2022-004 for the Re-plat, Re-zoning, and Establishment of a Planned Unit Development, and Amendments to the Zoning Code and 2040 Comprehensive Plan to Allow for the Re-development of the Former Sears Site (1297 Shingle Creek Crossing).

Dr. Edwards stated he adjusted the agenda when Mayor Elliott had indicated he would not be there and Councilmember Graves had indicated she would not be there. There is no one available to present on the matter.

Mayor Elliott asked Dr. Edwards to check with the presenters to see if they could attend the meeting.

Councilmember Ryan reminded Mayor Elliott there was a motion and second on the floor. City Attorney Jason Hill stated they would need to make the motion to table the matter during the Regular Session rather than the Study Session.

The City Council did not vote on the motion on the floor.

Dr. Edwards noted slides were added to the presentation for Presentations/Proclamations/Recognitions/Donations Item 7a., Crime Statistics Follow-Up related to gun violence and strategies the City is taking to address the increase in gun violence.

Dr. Edwards added there was a planned discussion regarding the Implementation Committee on the Work Session agenda. However, Staff recommends moving the item to a future session because there is not a full Council present. He suggested the discussion be held after the budget meeting.

Mayor Elliott stated they cannot move everything because someone is absent. Those present are prepared to have the conversation and the Implementation Committee needs the discussion to happen for them to continue their work.

MISCELLANEOUS

a. Commission Appointments

Mayor Elliott stated it has been a challenging week in Brooklyn Center, so he did not have a chance to prepare the Commission Appointments for the Study Session.

b. Parking of Semi-Trucks

Councilmember Butler noted she has conversed with Dr. Edwards about semi-trucks that frequent and park near the new Heritage Center.

c. Incident at Xerxes and Bass Lake

Councilmember Lawrence-Anderson asked if more information regarding the incident that occurred on Xerxes and Bass Lake could be discussed. For example, she would like to know if the participants were Brooklyn Center residents. She noted the housing provider there has not been open very long, and she would like to see the number of calls for service at the property. It could be a consideration for its rental license or new rental license considerations.

DISCUSSION OF WORK SESSION AGENDA ITEMS AS TIME PERMITS

IMPLEMENTATION COMMITTEE DISCUSSION

Councilmember Lawrence-Anderson noted she would prefer to have the dialogue with Councilmember Graves present. She stated because the item is on the agenda; she believes in community feedback and the memo from City Manager Edwards, that the City Council should become involved in the future direction and governance of the Implementation Committee. She stated when a community member calls her, emails her, or speaks before the Council, it holds a lot of weight. Therefore, the City Council should intervene. The Chair's actions at the Implementation Committee did not reflect the values of the City. She noted that people make mistakes, but the Council needs to promote respect and unification. The number one goal is public safety in the community. She added she is interested in more conversations with the Council, community input, and for Councilmember Graves to be present for a discussion.

Councilmember Ryan thanked Melissa C. for sharing her concerns about the conduct of the Chair at the Implementation Committee. It was concerning to hear Staff support being withdrawn from the Implementation Committee. He noted the Council needs to set up rules and a procedure that reflects its values. Anyone viewing the video would have witnessed a Staff person experiencing a very hostile work environment. He stated this is not the first time a Staff member has experienced a hostile work environment or the devaluing of their work.

Councilmember Ryan stated he would like the Implementation Committee to refocus its efforts on bringing two recommendations to the Council, one for non-moving traffic violations and one for the City's response to mental health calls. He hopes he can have further discussions when all members of the Council are present.

Councilmember Butler asked if the topic were to be discussed at Monday's meeting, and how long it would take. Dr. Edwards stated he would anticipate the discussion would take one hour and they would be done with the meeting on Monday by 9:00 p.m.

Councilmember Butler asked if they would have to wait until a Work Session to vote on anything because the Monday meeting is intended to discuss the budget. Dr. Edwards confirmed the item could not be voted on until a Work Session. Councilmember Butler stated she would not like to go too late every Monday, but it is important to discuss the item.

Implementation Committee Member Katie Wright invited a community member, Lori Bardal, to read a statement she wrote. Lori B. read the statement on behalf of Member Wright. She explained Katie W. is the mother of Daunte Wright, who was killed by Kim Potter while she was part of the Brooklyn Center Police Department. Member Wright has done everything she can to stop more grieving due to police brutality. The members of the Implementation Committee are passionate about and committed to the work. The Resolution was passed over one year ago, and there is not much progress.

Implementation Committee Member Lori Bardal stated the issue was overblown to the press. Katie W. does not believe the Implementation Committee is a hostile work environment. The Members have been frustrated with the process. Any concerns have been kept in-house and we have always tried to keep the best interest of the city's future. She had never witnessed a hostile work environment within the Implementation Committee. Staff is presenting unnecessary and illegitimate barriers to the work of the Implementation Committee.

Lori B. noted eyes from all over the country are on Brooklyn Center, and they must change how the policies interact with the community. They cannot continue to stall the work due to hurt feelings. They can reimagine public safety and set up rules and boundaries for the work.

Implementation Committee Member Lori Bardal stated she would like to make her statement. She explained classism is dividing the City and the Implementation Committee. Many of the City Staff live outside of Brooklyn Center yet are making important decisions for residents. In 2021, the average annual resident's salary was \$36,000 and the median salary was \$15,000, 64 percent lower than the national median. Meanwhile, the City Manager is paid over \$150,000 and resides in Mankato. The Community Development Director and Police Chief are paid nearly \$150,000. She added the police officers are paid on average \$75,000, and none of the Brooklyn Center Police Department officers live in Brooklyn Center. The average salary for Brooklyn Center police officers that have been involved in shootings is \$95,000.

The City Manager was able to appoint the Implementation Committee Manager without a problem. The Mayor is paid closer to \$13,000. Lori B. stated her annual salary is \$10,000 over the median and is a single mother who volunteers her time to make the community better. The Committee

Members are putting their blood, sweat, and tears into public safety efforts while Staff is profiting off of it. She has been told to stay in her lane and called a “white body” rather than a human being. People who know her consider her an ally who will stand in solidarity with those in need despite their race, class, or gender.

Mayor Elliott asked for the audience to remain quiet.

Lori B. asked the Council to stop the politics and put aside that it is an election year. It is the community that pays the price.

Implementation Committee Member Amity Dimock introduced herself as the mother of Kobe, who was killed by Brooklyn Center police. She echoed the sentiments of previous speakers. Amity D. stated she was offended that an outsider called the Implementation Committee meetings a hostile work environment. The Implementation Committee has worked hard to keep the work within its membership. They are trying to determine the role of Office of Community Prevention, Health and Safety Interim Manager LaToya Turk, and they don’t know why she is part of the meetings. She is considered a liaison between the Brooklyn Center Police Department and the Implementation Committee. Staff tends to take over the meetings. The Mayor was very reasonable in explaining why she wasn’t called on yet. Ms. Turk scolded the Implementation Committee for their time management after she was called on, which is not her role.

Amity D. explained she has heard Dr. Edwards may have hired her as part of the Resolution, but the Implementation Committee has just heard of this. The claim is illegitimate and has only slowed the work of the Implementation Committee. The common denominator seems to be Ms. Turk. The Police Chief can work directly with the Implementation Committee.

Katie W. added the Implementation Committee has invited the new Police Chief to show the Implementation Committee wants to partner with the Police Department for change. They have yet to hear back from the City Manager or Police Chief after the email was sent on Thursday.

Implementation Committee Member Joylenna Garcia stated she wants to see a space where they can work together. It would make sense for the Police Chief to work directly with the Implementation Committee. She noted it is the first time she has heard Ms. Turk was hired to be part of the Committee. If the Committee would have understood Ms. Turk was meant to be part of the Committee, it would have made a difference in how she was received into the space. Joylenna G. added one of the ground rules of the group is to set aside personal feelings. The Implementation Committee wants to move forward and do the work.

Mayor Elliott stated there was a recent publication about cities doing similar work around the Country. Brooklyn Center was one of the few highlighted in the report as a City that has a transformative model. The media has traveled from other cities to cover the efforts of Brooklyn Center. There is interest in the work. People across the Country recognize that Brooklyn Center is doing something unique. The work is very serious and has real consequences.

Mayor Elliott pointed out the Implementation Committee has done an incredible amount of work already. The Committee is very cohesive. They have worked with Law Enforcement Action

Partnership (LEAP) to go through numerous 911 calls. They have created a recommendation for a new traffic stop policy. The work must be lifted and highlighted rather than overshadowed. The Committee Members have devoted a lot of time and energy to the work.

Mayor Elliott explained he has personal connections to the work as well. If people are offended by the work, they need to work it out amongst themselves. They have come too far. He apologized for any time he offended someone. He is committed to making sure the work gets done because it means people in their community can be safe.

Mayor Elliott added LEAP has done a lot of work and countless community members have been engaged in the process. The work is bigger than any one person. They have already missed too many meetings.

Councilmember Lawrence-Anderson stated she appreciates all the comments that were made and reiterated this is a brand new committee. She believes this committee needs to have a united direction and not have a divide in the City Council. She stated there needs to be further dialogue on this item. The process needs to be defined.

Mayor Elliott stated the Committee and the Work Groups are going to continue to meet and do the work. They hope a Staff person will be at the meetings.

Amity D. asked what role Ms. Turk played on the Committee. She asked what work Emerging Brooklyn Center is doing. Their work may be complementary, and it could be important to work together.

Dr. Edwards stated Ms. Turk's role was clear from the beginning and hoped it would have been made clear to the Committee. As part of the resolution, the Office of Community Prevention, Health and Safety was formed. Ms. Turk was brought on as the Manager of the Office. There was funding for that role passed as part of the Resolution, and there is funding to implement the new models created by the Implementation Committee. It was under the Office of Community Prevention, Health, and Safety for the pilot models to be placed. The Resolution also called for a liaison between the Implementation Committee and the Police Department. Ms. Turk was hired to see the work through after the recommendations have been made, and she also serves as the liaison between the Implementation Committee and the Police Department.

Amity D. asked what Emerging Brooklyn Center is. She stated the liaison is a different role.

Dr. Edwards explained Emerging Brooklyn Center was born out of Evolving Brooklyn Center in early 2021. They brought the community together to determine how to survive at the moment and move forward. Evolving Brooklyn Center was presented to the Council multiple times. They hoped to address systemic barriers and racial disparities through the work of Evolving Brooklyn Center, particularly those that arose during COVID-19 and the civil unrest.

Dr. Edwards stated issues from the unprecedented events impacted community health and local businesses, particularly Black/Indigenous/People of Color (BIPOC) businesses, public safety, and life essential resources. They worked to be collaborative and forward-thinking with those efforts.

They sought out resources to improve the four areas, as previously stated. The government has historically siloed those areas, and they believe they needed to be addressed together.

Dr. Edwards noted the efforts are meant to fix the community. Emerging Brooklyn Center was an intentional model to collectively improve the community through transformational change. There is a cohort of 40 people, with a majority being Brooklyn Center residents, and others are Staff and community organization leaders. They are on an 18-month journey to address issues of health, business, public safety, and life essential resources. They are trying to build capacity, relationships, and trust. If they had the answers, they wouldn't need Emerging Brooklyn Center or the Implementation Committee. The two efforts are complementary. Emerging Brooklyn Center does touch on public safety.

Amity D. stated it would be nice for the Implementation Committee Chairs to attend an Emerging Brooklyn Center meeting. Dr. Edwards stated there is an open invitation for participation in Emerging Brooklyn Center.

Katie W. asked how the community learned about Emerging Brooklyn Center. It was only mentioned at a Council meeting once. Dr. Edwards stated applications were received from the community. There was a mailing about the process and the open forum invitation was sent to all of the Commissions and the Implementation Committee.

Implementation Committee Member Julie Bourque noted some undue stress has been put on Amity D. and Katie W. due to the lack of communication about the way things are supposed to work at meetings. At Work Group meetings, random people speak, and Amity D. isn't sure who people are and why certain people are there. The way the situation was handled with speaking was not equitable, and the space needs to be equitable. It is not fair for the Work Groups to be put in a difficult position, and it makes the Implementation Committee look bad. There need to be more clear roles and clear communication.

ADJOURN STUDY SESSION TO INFORMAL OPEN FORUM WITH CITY COUNCIL

Mayor Elliott moved and Councilmember Lawrence-Anderson seconded to close the Study Session at 7:30 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

1. Attached hereto is a full, true, and complete transcript of the minutes of a Study Session of the City Council of the City of Brooklyn Center held on July 11, 2022.
2. That said meeting was held according to due call and notice thereof and was duly held at Brooklyn Center City Hall.
3. That the City Council adopted said minutes at its July 25, 2022, Regular Session.

City Clerk

Mayor

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 11, 2022
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in the Informal Open Forum called to order by Mayor Mike Elliott at 7:28 p.m.

ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, City Clerk Barb Suci, and City Attorney Jason Hill.

Dr. Edwards asked Mayor Elliott if the Implementation Committee discussion will be covered at a future meeting, such as the budget meeting on Monday. Mayor Elliott stated the budget meeting will not be on Zoom, so it should instead be handled at another regular meeting.

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

Arvid S. explained he is pleased to see the neighborhood meetings have returned. The public received personalized information for their area from the Police Department. Also, there is a question and answer opportunity for residents and Staff. Unfortunately, it is lacking the food and drink as previous year's meetings had. It is the dinner hour and also the weather is very warm.

Roger C. noted he has been a resident of Brooklyn Center for many years. He commended the City for setting out progress letters regarding the Woodbine project. He recommended the project be financed with a municipal bond sale. Roger C. asked why the City has chosen not to do that, noting cities and school districts all over the State use municipal bonds to fund such projects. He asked if other financing options have been considered. He has been charged \$3,600 for the work, and there is no senior discount. The municipal bond would have a smaller impact on individual homeowners and would favor residents.

Councilmember Ryan stated the Council has explored other financing options. For example, franchise fees are pending and depend on the expiration of agreements with private utility companies. The assessment is a fraction of the total project cost. Someone from Public Works can provide more detailed information. There are also municipal bonds for a good portion of the

project. Unfortunately, the market cost of goods and services has increased significantly. The City chose the lowest bid received for the project.

Mayor Elliott stated they would look into the matter and do a cost-benefit analysis. Dr. Edwards stated Staff will reach out to provide more information directly to him.

Roger C. stated there are several seniors in his immediate area, and the \$3,600 would have a very adverse impact on them. An explanation to him and his neighbors would help them to understand the City's efforts to reduce the cost.

Mayor Elliott added they could consider a senior discount. Dr. Edwards stated there is a mechanism in place to address seniors for assessments.

Randy C. stated he is in the Emerging Brooklyn Center cohort. He asked why other committees need to override and make decisions for other groups. The public forum is also meant to be a time for comments and not engagement from the Council or Staff.

Chaz Neal a community member stated, that based on what is happening in the country, he wants to say he is a Black man and not a threat. He read a poem about police brutality, gun violence, and racism.

Tanya J. explained she is a concerned human being. The Implementation Committee deserves transparency. Ms. Turk should be one of the most transparent and make sure the Implementation Committee gets all the relevant information from Dr. Edwards. The mothers of the children killed by the Brooklyn Center Police Department are willing and have reached out to the new Police Chief to collaborate without a response, which speaks volumes about the mothers and the Police Chief. Dr. Edwards says he wants to dismantle systematic racism, but he needs to look at the Brooklyn Center Police Department.

Kevin S. stated the IC Committee has done a lot of work for minor traffic stops but he wondered what is being done about the four to 500 shots happening. Last weekend there was a car driving through Centennial Park on the grass. We need to get the police up and going especially with this chaos around the city. He asked if LaToya was invited to the Implementation Committee or had she just shown up. He added there needed to be a more formal setup with a more formal voice at the table for the Implementation Committee meetings.

Mayor Elliott stated hiring police officers take time because of the process and this is an issue across the country.

Councilmember Elliott moved and Councilmember Lawrence-Anderson seconded to close the Informal Open Forum at 7:56 p.m.

Motion passed unanimously.

2. INVOCATION

Mayor Elliott read part of the Martin Luther King, Jr letter from the Birmingham City Jail dated April 16, 1963.

3. CALL TO ORDER REGULAR BUSINESS MEETING

The Brooklyn Center City Council met in a Regular Session called to order by Mayor Mike Elliott at 8:18 p.m.

4. ROLL CALL

Mayor Mike Elliott and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Councilmember April Graves was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Meg McMahan, Police Chief Kellace McDaniel, Police Commander Tony Gruenig, City Clerk Barb Suciu, and City Attorney Jason Hill.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Mayor Elliott stated Public Hearing Item 8a., Resolution Authorizing the Initial Legal Action to Enforce the City Code Regarding Violations at 3321 50th Avenue North in the City of Brooklyn Center, was supposed to be a Council Consideration Item would be moved to become Council Consideration Item 10a. Resolution Authorizing the Initial Legal Action to Enforce the City Code Regarding Violations at 3321 50th Avenue North in the City of Brooklyn Center.

Mayor Elliott stated Planning Commission Item 9a., Planning Commission Application No. 2022-004 for the Re-plat, Re-zoning, and Establishment of a Planned Unit Development, and Amendments to the Zoning Code and 2040 Comprehensive Plan to Allow for the Re-development of the Former Sears Site (1297 Shingle Creek Crossing), will be moved to a future meeting. City Manager Reggie Edwards confirmed the item could be moved to the next City Council meeting on July 25, 2022.

Mayor Elliott moved and Councilmember Ryan seconded to approve the agenda and consent agenda as amended.

6a. APPROVAL OF MINUTES

1. June 27, 2022 – Study Session
2. June 27, 2022 – Regular Session

6b. LICENSES

Garbage Hauler License

Allied Waste Services of North America

8661 Rendova St NE

Circle Pines MN 55014

Mechanical Licenses

Advanced Heating & Air Conditioning

10550 Co Rd 81
Maple Grove Mn 55369

Affordable Comfort Mechanical

1167 Viking Dr E
Maplewood MN 55109

Liberty Comfort Systems

627 East River Rd
Anoka MN 55303

New Century Systems

20150 75th Ave Ste B
Corcoran MN 55340

St Paul Plumbing & Heating Co
dba MSP Plumbing

640 Grand Ave
St Paul MN 55105

RENTAL

INITIAL (TYPE IV – six-month license)

5500 Bryant Avenue N

N Mejia-Morales & V Idrovo

6019 Camden Avenue N

Inang Ekah

6536 Chowen Avenue N

Bridge SFR IV Borrower I LLC

INITIAL (TYPE II – two-year license)

3018 Thurber Road

Mnhomes2go Inc Okapi Real Estate
LLC

6124 Lee Avenue N

SUSAN OBWAYA

INITIAL (TYPE I – three-year license)

4207 Lakeside Avenue N, #130

Ronald Powers & Clarice Powers

RENEWAL (TYPE IV – six-month license)

4450 58th Avenue N

Park Place Off Broadway, LLC

5821 Ewing Avenue N

IH2 Property Illinois LP

5931 Zenith Avenue N

IH3 Property Minnesota LP

RENEWAL (TYPE III – one-year license)

5800 Logan Avenue N

Farnaz Toussi

7018 Brooklyn Boulevard

Mains'l Communities LLC

5808 Fremont Avenue N

Cosco Property 5 LLC

RENEWAL (TYPE II – two-year license)

7230 West River Road

Sonam Nyorie

3012 Thurber Road

Mnhomes2go LLC Angelique
Kapila

4013 65th Avenue N

Gao Qiang Liu

5724 Logan Avenue N

Konstantin Ginzburg

6712 Drew Avenue N

Bag Homes LLC

6737 Camden Avenue N

Ronald F Jasicki

RENEWAL (TYPE I – three-year license)

7018 Drew Avenue N

Michael Bocko

**6c. RESOLUTION NO. 2022-66; APPOINTING ELECTION JUDGES FOR
THE 2022 PRIMARY ELECTION**

**6d. RESOLUTION NO. 2022-67 IDENTIFYING THE NEED FOR LIVABLE
COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING
AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS**

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. CRIME STATISTICS FOLLOW-UP

Dr. Edwards explained there was a request from the Council to provide data from a period longer than five years. Staff compiled additional data to present. They will also present the increase in gun violence and strategies the City is taking to address the issue.

Commander Tony Gruenig explained some crimes have 32 years of data while others have shorter histories of being tracked for only 13 years. He showed a slide in homicides from 1990 until 2022. There was a significant increase in homicides in 2021. Robberies peaked in 2007 and have been increasing since 2021. Aggravated assaults peaked in 2005 and were exceeded in 2021 and likely in 2022.

Commander Gruenig noted the definitions and data collection methods regarding forcible rape have changed over the years, so they do not have the complete data. Overall, there is a decrease in forcible rape.

Councilmember Lawrence-Anderson asked what has changed about forcible rape. Commander Gruenig stated there is a slide at the end of the presentation that would help to explain the question.

Commander Gruenig added shots heard calls significantly increased in 2021. 2022 is trending toward the same. The data was only collected for the last 13 years.

Mayor Elliott asked for the source of the data. Commander Gruenig stated there are several sources it will be addressed in the presentation. He noted firearms recovery was fairly consistent until 2021. 2022 will be the peak for firearm recovery.

Commander Gruenig explained there are various sources of data including Federal, State, and County sources. Brooklyn Center Police Department used to collect data using the UCR system. In September 2020, they transitioned to NIBRS. There is an appearance of an increase in crime after transitioning to NIBRS which are largely a result of counting the crimes omitted after the hierarchy rule was applied. An analysis of the 2019 NIBRS data further measures how these increases can look when data users compare two reporting methods. Nearly 90 percent of the incidents submitted to the UCR program in 2019 involved only one offense.

Commander Gruenig stated that UCR used the hierarchy rule which means that only the highest level offense for an incident was reported. NIBRS does not use the hierarchy rule, but the offenses are relatively minimal. With the change in collection method, rape increased by 2.2 percent, and aggravated assault increased by 1.2 percent. As for crimes against property, robbery increased 0.6 percent, burglary decreased 2.2 percent, larceny increased 3.5 percent, and motor vehicle theft increased 4.5 percent.

Councilmember Ryan asked if the Department is still down 15 officers. Commander Gruenig confirmed they are still down 15 police officers. Councilmember Ryan asked if the full force would be 49 officers including the Chief. Commander Gruenig confirmed that 49 officers would be a full force.

Councilmember Ryan pointed out that when he joined the Council, they had a high crime rate. He went to the legislature and obtained funding for four more officers and other law enforcement program assistance. The crime rates then decreased.

Mayor Elliott asked if robberies, assaults, and rapes are down from the 30-year high. Commander Gruenig stated robberies are slightly down from the 30-year high and aggravated assaults are at an all-time high.

Mayor Elliott asked where the aggravated assault data is from. Commander Gruenig stated the analysts pulled from Federal and State sources for aggravated assault. Mayor Elliott asked if they had a chart showing all of the crimes together. Commander Gruenig stated they did not have a chart with all of the crimes put together in one graph.

Councilmember Butler asked for the percentage of the crimes that are happening and how many the officers can solve or charge. The emails Council seems to receive regular emails about law enforcement capturing criminals. Commander Gruenig stated the submission of cases to prosecution is significantly down. The City Attorney's Office just gathered information about

the decrease of submitted cases that is available online. He noted he doesn't know the clearance statistics at the moment.

Councilmember Lawrence-Anderson asked why the submission rate is lower. Commander Gruenig stated they only have three detectives currently when they used to have six or more.

Mayor Elliott asked if there is information about all the violent crimes combined into one chart. Commander Gruenig stated they don't have the graph, but it would likely be too many data points. Mayor Elliott stated he can see all crimes combined in one chart on the FBI website, and the analyst should be able to do that. Commander Gruenig stated the Council did not ask for that information so it was not prepared, but the analyst could work on it.

Mayor Elliott asked for an update on the current Staff numbers. Police Chief Kellace McDaniel stated a lot is going on in the City. It is his third week in, and he appreciates all of those who have been helping him. The committees are a big help as well. The City needs help, and they are reaching out to other entities for assistance.

Chief McDaniel stated the southwest sector of the City is a hot spot. Sixteen percent of the total violent crime in Brooklyn Center occurs in the area near Walmart and Sonder House. He has been working with officers and Office of Community Prevention, Health and Safety Interim Manager LaToya Turk. The recent incident of shots fired is still under investigation, so he cannot share too many details. Police and Staff are working to reach out to community groups to address the hot spots in Brooklyn Center. They are looking to get back to community policing.

Ms. Turk explained the Police Department has partnered with a community crisis response team and violence interrupters to address the increase in gun violence. They are focusing on four areas: prevention, interaction, response, and recovery. They plan to address public safety and access to basic needs. The preventative model will create skills training for youth and identify root causes for the uptick in violence. Real-time engagement with youth in their spaces will help to build community relationships, particularly in the hot spots. There will be involvement in community events and community interveners will help to connect people to resources in situations where law enforcement responds.

Ms. Turk stated they have been meeting with schools, interveners, and community organizations to create an immediate response to the issue. As they are addressing communities impacted by trauma, they are focusing on healing spaces and conflict resolution skills.

Mayor Elliott asked where the Police Department is at in terms of Staffing. Chief McDaniel stated there are about 37 officers, and they need more. Mayor Elliott asked how many they can hire. Chief McDaniel stated there are four undergoing background checks currently. Mayor Elliott thanked Staff for the presentation.

Councilmember Butler moved and Mayor Elliott seconded to accept the Crime Statistics Follow-up presentation.

Councilmember Ryan noted Mayor Elliott talked about revising the police budget by removing \$470,000 during the June 6 budget meeting. He asked if Mayor Elliott will still recommend that change if the Chief says they need more officers.

Councilmember Ryan added the packet stated they were at 34 officers and could still hire 15. He asked for clarification from Staff. Mayor Elliott stated they just heard from Chief McDaniel on the matter.

Councilmember Ryan stated he has only been there for a couple of weeks and may have the numbers wrong. Mayor Elliott stated the Chief is not wrong. Mayor Elliott stated he doesn't know what budget discussion Councilmember Ryan is referring to.

Motion passed unanimously.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMISSION APPLICATION NO. 2022-004 FOR THE RE-PLAT, RE-ZONING, AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT, AND AMENDMENTS TO THE ZONING CODE AND 2040 COMPREHENSIVE PLAN TO ALLOW FOR THE RE-DEVELOPMENT OF THE FORMER SEARS SITE (1297 SHINGLE CREEK CROSSING)

This item was moved to a future meeting.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION NO. 2022-68; AUTHORIZING THE INITIAL LEGAL ACTION TO ENFORCE THE CITY CODE REGARDING VIOLATIONS AT 3321 50TH AVENUE NORTH IN THE CITY OF BROOKLYN CENTER

Dr. Edwards introduced the item and invited Community Development Director Meg McMahan to present. There have been several complaints from other community members. There have been years of enforcement issues at the property owned by Jason Lindsey.

Ms. McMahan explained on December 2, 2021, there was an initial violation found regarding the accumulation of junk/furniture/appliances, commercial vehicle parking, and waste container. A correction notice was issued for the accumulation of junk/furniture/appliances, commercial vehicle parking, waste container storage, non-owner vehicle storage, unlicensed/inoperable vehicle, and yard maintenance. Since then, Staff has completed a total of 21 inspections and issued 9 citations totaling \$1,810. The staff has received several ongoing complaints since 2019 about the commercial vehicles on the property, accumulation of junk, and operating a business from the property.

Ms. McMahan stated a building permit was issued in March 2022 to construct a new garage to allow for indoor storage. The garage is still under construction. There haven't been citations since the construction of the garage because the Code allows for construction materials and vehicles to be present while the garage is built.

Ms. McMahan stated Jason Lindsey does own Twin Cities Concrete Solutions LLC registered to the address. Due to the commercial vehicles and activity at the property, Staff believes the owner is operating an unpermitted home-based business. In November 2020, Staff sent a letter to the owner regarding the unpermitted home-based business.

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2022-68 authorizing the initial legal action to enforce the City Code regarding violations at 3321 50th Avenue North in the City of Brooklyn Center.

Motion passed unanimously.

11. COUNCIL REPORT

None.

12. ADJOURNMENT

Mayor Elliott moved and Councilmember Ryan seconded the adjournment of the City Council meeting at 9:00 p.m.

Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF BROOKLYN CENTER)

ss. Certification of Minutes

The undersigned, being the duly qualified and appointed City Clerk of the City of Brooklyn Center, Minnesota, certifies:

Attached hereto is a full, true, and complete transcript of the minutes of a Regular Session of the City Council of the City of Brooklyn Center held on July 11, 2022.

That said meeting was held under due call and notice thereof and was duly held at Brooklyn Center City Hall.

That the City Council adopted said minutes at its July 25, 2022, Regular Session.

Barbara Suciu, City Clerk

Mike Elliott, Mayor

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Alix Bentrud, Deputy City Clerk

SUBJECT: Approval of Licenses

Requested Council Action:

- Motion to approve the licenses as presented.

Background:

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

-

Garbage Hauler License

Walters Recycling & Refuse	2308 101st Ave NE Blaine MN 55449
Waste Management of MN Inc	10050 Naples St NE Blaine MN 55449

Mechanical Licenses

GTVS HVAC, Inc	4018 Joyce Lane Brooklyn Center MN 55429
Kramer Mechanical Plumbing & Heating	7860 Fawn Lake Dr NE Stacy MN 55079
Riccar Heating & A/C	2387 Station Parkway Andover MN 55304
Royalton Heating & A/C	4120 85th Ave N Brooklyn Park MN 55443
Wencl Services	8148 Pillsbury Ave S Bloomington MN 55420

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	3/16/2021	Backup Material
Rental Licenses 7/25/2022	7/19/2022	Backup Material

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

b. Police Service Calls.

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

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

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

Property Type	Renewal/Initial	Owner	Violations	Type	Police CFS*	Type***	Type****
	Initial	Sayndee Sando	35	Type IV		Type IV	N/A
	Initial	Josephine Mentoe-Biah	17	Type IV		Type IV	N/A
	Initial	FOZIA ABASHAM	3	Type II		Type II	N/A
	Initial	MN EQUITABLE HSN BUYER 1 LLC	2	Type I		Type II	N/A
	Initial	SFR Acquisitions 3 LLC	2	Type I		Type II	N/A
	Initial	SFR ACQUISITIONS 3 LLC	1	Type I		Type II	N/A
	Initial	QZ FUNDING LLC	8	Type III		Type III	N/A
Family Units	Renewal	The Crest Apartments LLC	330 = 2.70 per unit	Type III	1/19/22 Disturbance 1/28/22 Threats of Violence - Cause or Attempt Cause Terror	Type III	Type I
Indivly	Renewal	Sassy Home LLC OK - Met Requirements	4	Type II	N/A	Type II	Type IV
	Renewal	1706 Amy Ln N, LLC	0	Type I	N/A	Type II	Type II
	Renewal	Bruce A Goldberg	13	Type IV	N/A	Type IV	Type IV
	Renewal	D J Dane & S L Dane	2	Type I	N/A	Type I	Type I
	Renewal	Chad Tesmer	2	Type I	N/A	Type I	Type I
	Renewal	From Mat to Life, LLC	9	Type III	N/A	Type III	Type II
	Renewal	Resi Sfr Sub LLC	14	Type IV	N/A	Type IV	Type II
	Renewal	Ih3 Property Minnesota Lp Met Requirements	5	Type II	N/A	Type II	Type IV
	Renewal	Fyr Sfr Borrower LLC	16	Type IV	9/5/21 Dangerous Weapons - Recklessly Handle or Use	Type IV	Type IV
	Renewal	B D Morlock & N D Morlock Met Requirements	3	Type II	N/A	Type II	Type IV
	Renewal	Penrod, LLC Ali Mir	26	Type IV	5/30/22 - Assault - 1st Degree - Great Bodily Harm	Type IV	Type II

	Renewal	Kevin Motarjem	19	Type IV	N/A	Type IV	Type I
	Renewal	Genet Gashaw Did Not Meet Requirements	3	Type II	N/A	Type III	Type III
	Renewal	V Summers & J Summers	7	Type III	N/A	Type III	Type I
	Renewal	Soye Llc	2	Type II	N/A	Type II	Type IV

es Only (initial licenses are not applicable to calls for service and will be listed N/A)

Year, Type II = 2 Year, Type III = 1 Year, Type IV = 6 months
d property taxes

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Improvement Project No. 2023-01, Knox, James and 54th Avenues Area Improvements

Requested Council Action:

- Motion to approve the resolution establishing Improvement Project No. 2023-01, Knox, James and 54th Avenues Area Improvements

Background:

In accordance with the City's Capital Improvements Plan (CIP), the area referred to as the Knox, James and 54th Avenues Area Improvements is programmed for improvements in 2023. The Knox, James and 54th Avenues Area Improvements project area includes James Avenue and Knox Avenue between 53rd Avenue and 55th Avenue; and 54th Avenue between Logan Avenue and Irving Avenue (see attached map for specific street locations). The Knox, James and 54th Avenues Area Improvements project consists of approximately 3,487 linear feet of roadway length. These roadways were reconstructed in 1994. The area consists of approximately 68 residential properties and 1 multi-family property. At this time, staff requests that the City Council establish this street improvement project so investigative engineering work may begin.

The CIP calls for these roadways to be improved with a full depth pavement replacement with minor concrete curb and gutter replacements, sanitary sewer casting replacements, storm sewer casting replacements and replacing approximately 50 percent of the existing hydrants and gate valves. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds and utility funds.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence almost one year in advance. This includes initiation of the public notification and participation process that consists of informing affected property owners, conducting field surveys, at least one public informational meeting and an extensive amount of information and data collection.

Initial design also includes detailed technical engineering work, underground infrastructure inspections and assessments and soil/geotechnical investigations. Upon authorization by the City Council the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.
- Conduct a public informational meeting in the fall of 2022 to present initial findings to the neighborhood.
- Prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for the improvement hearing.

Budget Issues:

The Knox, James and 54th Avenues Area Improvements project is identified in the City's CIP with a preliminary project cost estimate of \$1,170,000. The estimated cost for preliminary field work, preparation of a project feasibility report and design is \$130,000.

Inclusive Community Engagement:

Staff will conduct an informational meeting with residents and property owners in the project area to present initial findings to the neighborhood. The City Council will hold 2 public hearings (An Improvement Hearing and an Assessment Hearing) to receive public comments pertaining to the proposed street and utility improvements.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/19/2022	Resolution Letter
CIP Background	7/19/2022	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NO. 2023-01,
KNOX, JAMES AND 54TH AVENUES AREA IMPROVEMENTS

WHEREAS, the City's Capital Improvement Program identifies specific streets for proposed infrastructure improvements in 2023; and

WHEREAS, the City Council has reviewed the scope of proposed improvements for the Knox, James and 54th Avenues Area Improvements; and

WHEREAS, the City Council desires to begin the process of information gathering and solicitation of public comments.

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

1. Improvement Project No. 2023-01, Knox, James and 54th Avenues Area Improvements is hereby established.
2. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.
3. The City Engineer shall prepare a project feasibility report for review by the City Council in the fall of 2022.
4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

<u>COST</u>	<u>AMOUNT</u>
Televising	\$ 5,000
Field Survey	\$ 15,000
Geotechnical/Drainage Investigation	\$ 5,000
<u>Preliminary Design and Plan Prep.</u>	<u>\$105,000</u>
Estimated Costs Total	\$130,000

RESOLUTION NO. _____

<u>REVENUES</u>	<u>AMOUNT</u>
Sanitary Sewer Utility Fund	\$ 3,000
Water Utility Fund	\$ 11,000
Storm Sewer Utility Fund	\$ 28,000
<u>Street Reconstruction Fund</u>	<u>\$ 88,000</u>
Estimated Revenues Total	\$130,000

July 25, 2022
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:

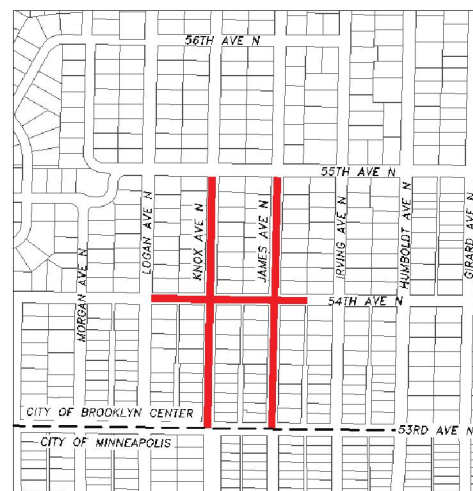
whereupon said resolution was declared duly passed and adopted.

Knox, James and 54th Avenues Area Improvements - 2023

The Knox, James and 54th Avenues project area includes James Avenue and Knox Avenue between 55th Avenue and 53rd Avenue, and 54th Avenue between Logan Avenue and Irving Avenue. The project area includes a total of 3,487-feet of local streets. The neighborhood consists of approximately 68 residential and one multi-family property.

Streets

The existing streets in the project area are 30-feet wide with concrete curb and gutter constructed in 1994. Proposed street improvements consist of new street pavement and replacement of isolated sections of concrete curb and gutter as necessary.



Water Main

The existing water main in the project area consists of 6-inch diameter DIP installed in 1994. The current project estimate includes 50% hydrant and gate valve replacements and casting replacement.

Sanitary Sewer

The sanitary sewer in the project area consists of 10-inch diameter PVC installed in 1994. The condition of the sanitary sewer system within the neighborhood is rated as good. The current project cost estimate includes the replacement of sanitary sewer castings only.

Storm Sewer

The majority of the storm sewer runoff in the project area drains to the trunk storm sewer line on 55th Avenue and is conveyed to the Mississippi River. The storm sewer consists of 12-inch diameter to 18-inch diameter RCP installed in 1994. The current project cost estimate includes replacement of storm sewer castings.

Street Lighting

The existing street light system is overhead power, with a combination of wood poles with cobra head light fixtures and fiberglass poles with rectilinear fixtures. The current cost estimate includes no street light replacement.

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Improvement Project No. 2023-02, 50th Avenue Improvements (France Ave to Drew Ave)

Requested Council Action:

- Motion to approve the resolution establishing Improvement Project No. 2023-02, 50th Avenue Improvements (France Ave to Drew Ave)

Background:

In accordance with the City's Capital Improvements Plan (CIP), 50th Avenue from France Avenue to Drew Avenue is programmed for improvements in 2023 (see attached map for specific street locations). The 50th Avenue Improvements project consists of approximately 665 linear feet of roadway length. This roadway was reconstructed in 1988. The area consists of approximately seven residential properties (R4), five industrial properties (I2) and one commercial property (C1). At this time, staff requests that the City Council establish this street improvement project so investigative engineering work may begin.

The CIP calls for this roadway to be improved with a full depth pavement replacement with minor concrete curb and gutter replacements, sanitary sewer casting replacements, storm sewer casting replacements and complete replacement of the water main. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds and utility funds.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence almost one year in advance. This includes initiation of the public notification and participation process that consists of informing affected property owners, conducting field surveys, at least one public informational meeting and an extensive amount of information and data collection.

Initial design also includes detailed technical engineering work, underground infrastructure inspections and assessments and soil/geotechnical investigations. Upon authorization by the City Council the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.
- Conduct a public informational meeting in the fall of 2022 to present initial findings to the neighborhood.
- Prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for the improvement hearing.

Budget Issues:

The 50th Avenue Improvements (France Ave to Drew Ave) project is identified in the City's CIP with a preliminary project cost estimate of \$410,000. The estimated cost for preliminary field work, preparation of a project feasibility report and design is \$45,000.

Inclusive Community Engagement:

Staff will conduct a informational meeting with residents and property owners in the project area to present initial findings to the neighborhood. The City Council will hold 2 public hearings (An Improvement Hearing and an Assessment Hearing) to receive public comments pertaining to the proposed street and utility improvements.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/19/2022	Resolution Letter
CIP Background	7/19/2022	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NO. 2023-02,
50TH AVENUE IMPROVEMENTS (FRANCE AVE TO DREW AVE)

WHEREAS, the City's Capital Improvement Program identifies specific streets for proposed infrastructure improvements in 2023; and

WHEREAS, the City Council has reviewed the scope of proposed improvements for the 50th Avenue Improvements (France Ave to Drew Ave); and

WHEREAS, the City Council desires to begin the process of information gathering and solicitation of public comments.

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

1. Improvement Project No. 2023-02, 50th Avenue Improvements (France Ave to Drew Ave) is hereby established.
2. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.
3. The City Engineer shall prepare a project feasibility report for review by the City Council in the fall of 2022.
4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

<u>COST</u>	<u>AMOUNT</u>
Televising	\$ 2,000
Field Survey	\$ 10,000
Geotechnical/Drainage Investigation	\$ 3,000
<u>Preliminary Design and Plan Prep.</u>	<u>\$ 30,000</u>
Estimated Costs Total	\$ 45,000

RESOLUTION NO. _____

<u>REVENUES</u>	<u>AMOUNT</u>
Sanitary Sewer Utility Fund	\$ 3,000
Water Utility Fund	\$ 17,000
Storm Sewer Utility Fund	\$ 4,000
<u>Street Reconstruction Fund</u>	<u>\$ 21,000</u>
Estimated Revenues Total	\$ 45,000

July 25, 2022
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.

50th Avenue Improvements (France Avenue to Drew Avenue) - 2023

The 50th Avenue project area extends on 50th Avenue from France Avenue to Drew Avenue. The total project length is 665-feet. The neighborhood consists of approximately seven residential properties (R4), five industrial properties (I2) and one commercial property (C1).



Streets

This section of 50th Avenue was reconstructed in 1988. The existing street is 36-feet wide with concrete curb and gutter. After the year 2023 the pavement will have exceeded the expected service cycle. Proposed street improvements consist of reconstruction of the bituminous street pavement and replacement of the concrete curb and gutter as necessary.

Water Main

The existing water main in the 50th Avenue project area consists of 8-inch and 10-inch diameter CIP installed in 1958 and 1966. The corrosion rate within the project area has not been thoroughly documented at this time. Water records indicate that one main break has occurred within the project area and one property has experienced a frozen water service in past winters. The current cost estimate includes complete replacement of the water main.

Sanitary Sewer

The sanitary sewer in the 50th Avenue project area is owned and maintained by the Metropolitan Council and consists of 30-inch diameter reinforced RCP installed in 1955. The current project estimate includes the replacement of sanitary sewer castings and services.

Storm Sewer

The storm sewer runoff from the 50th Avenue project area is collected in the existing storm sewer system and is conveyed to storm drainage ditches along Highway 100. The existing storm sewer in the project area consists of 15-inch to 24-inch diameter RCP installed in 1988. The current project cost estimate includes replacing the storm sewer structure castings and isolated portions of lateral storm sewer as necessary.

Street Lighting

The existing street light system is overhead power, with wood poles and a cobra head light fixture. The current cost estimate includes no street light replacement.

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Mike Albers, P.E., City Engineer

SUBJECT: Resolution Establishing Improvement Project No. 2023-03, 51st Avenue Improvements
(Twin Lake Blvd to France Avenue)

Requested Council Action:

- *Motion to approve the resolution establishing Improvement Project No. 2023-03, 51st Avenue Improvements (Twin Lake Blvd to France Avenue)*

Background:

In accordance with the City's Capital Improvements Plan (CIP), 51st Avenue from Twin Lake Blvd to France Avenue is programmed for improvements in 2023 (see attached map for specific street locations). The 51st Avenue Improvements project consists of approximately 1,170 linear feet of roadway length. This roadway was originally constructed in 1990. The area consists of approximately 25 residential properties (R1). At this time, staff requests that the City Council establish this street improvement project so investigative engineering work may begin.

The CIP calls for this roadway to be improved with a full depth pavement replacement with minor concrete curb and gutter replacements, sanitary sewer casting replacements, storm sewer casting replacements and water main casting replacements. The funding for the project is through a variety of sources as described in the CIP which are anticipated to include special assessments, street reconstruction funds and utility funds.

Typically, in order for a project to be completed within a specified calendar year, preliminary design must commence almost one year in advance. This includes initiation of the public notification and participation process that consists of informing affected property owners, conducting field surveys, at least one public informational meeting and an extensive amount of information and data collection.

Initial design also includes detailed technical engineering work, underground infrastructure inspections and assessments and soil/geotechnical investigations. Upon authorization by the City Council the following actions would take place:

- Collect data, including field surveys, review traffic counts and review maintenance records.
- Conduct televised inspections of the sanitary and storm sewers and soil/geotechnical investigations.
- Conduct a public informational meeting in the fall of 2022 to present initial findings to the neighborhood.
- Prepare a feasibility report for review by the City Council. The City Council could then consider setting a date for the improvement hearing.

Budget Issues:

The 51st Avenue Improvements (Twin Lake Blvd to France Avenue) project is identified in the City's CIP

with a preliminary project cost estimate of \$380,000. The estimated cost for preliminary field work, preparation of a project feasibility report and design is \$40,000.

Inclusive Community Engagement:

Staff will conduct an informational meeting with residents and property owners in the project area to present initial findings to the neighborhood. The City Council will hold 2 public hearings (An Improvement Hearing and an Assessment Hearing) to receive public comments pertaining to the proposed street and utility improvements.

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Key Transportation Investments

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/19/2022	Resolution Letter
CIP Background	7/19/2022	Backup Material

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING IMPROVEMENT PROJECT NO. 2023-03,
51ST AVENUE IMPROVEMENTS (TWIN LAKE BLVD TO FRANCE AVE)

WHEREAS, the City's Capital Improvement Program identifies specific streets for proposed infrastructure improvements in 2023; and

WHEREAS, the City Council has reviewed the scope of proposed improvements for the 51st Avenue Improvements (Twin Lake Blvd to France Avenue); and

WHEREAS, the City Council desires to begin the process of information gathering and solicitation of public comments.

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

1. Improvement Project No. 2023-03, 51st Avenue Improvements (Twin Lake Blvd to France Avenue) is hereby established.
2. Staff is directed to begin field work, contact property owners in the neighborhood to obtain comments and input and hold public informational meetings for property owners in the neighborhood where improvements are proposed.
3. The City Engineer shall prepare a project feasibility report for review by the City Council in the fall of 2022.
4. Estimated project costs for preliminary field work, geotechnical investigations and sewer televising costs are as follows:

<u>COST</u>	<u>AMOUNT</u>
Televising	\$ 2,000
Field Survey	\$ 8,000
Geotechnical/Drainage Investigation	\$ 2,000
<u>Preliminary Design and Plan Prep.</u>	<u>\$ 28,000</u>
Estimated Costs Total	\$ 40,000

RESOLUTION NO. _____

<u>REVENUES</u>	<u>AMOUNT</u>
Sanitary Sewer Utility Fund	\$ 1,000
Water Utility Fund	\$ 1,000
Storm Sewer Utility Fund	\$ 8,000
<u>Street Reconstruction Fund</u>	<u>\$ 30,000</u>
Estimated Revenues Total	\$ 40,000

July 25, 2022
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.

51st Avenue Improvements (West of France Avenue) - 2023

The 51st Avenue project area extends from 185-feet south of Oak Street on Twin Lake Boulevard to France Avenue. The total project length is 1,171-feet. The neighborhood consists of approximately 25 residential properties.

Streets

The 51st Avenue project area was originally constructed in 1990. The existing street is 30-feet wide with concrete curb and gutter. After the year 2023 the pavement will have exceeded the expected service cycle. Proposed street improvements consist of reconstruction of the bituminous street pavement and replacement of the concrete curb and gutter as necessary.



Water Main

The existing water main in the 51st Avenue project area consists of 8-inch diameter DIP installed in 1990. The water main is in good condition based on current maintenance records. The project cost estimate includes casting replacement.

Sanitary Sewer

The sanitary sewer in the 51st Avenue project area consists of 8-inch diameter PVC pipe installed in 1990. The condition of the sanitary sewer system within the neighborhood is rated as good. The current project estimate includes the replacement of sanitary sewer castings only.

Storm Sewer

The storm sewer runoff from the 51st Avenue project area is collected in the existing storm sewer system and conveyed to the storm water pond west of 51st Avenue. The existing storm sewer in the project area consists of 15-inch to 21-inch diameter RCP installed in 1990. The current project cost estimate includes replacing the storm sewer structure castings and isolated portions of lateral storm sewer as necessary.

Street Lighting

The existing street light system is overhead power, with wood poles and a cobra head light fixture. The current cost estimate includes replacing the three wood poles with three fiberglass poles with a cut-off type LED light fixture and underground power.

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jason Hill, City Attorney

SUBJECT: An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment of New Uses of the Expansion of Existing Uses Related to the Sale of THC Products (first reading)

Requested Council Action:

- motion to approve the first reading of an interim ordinance authorizing a study and imposing a moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC products*
- motion to approve a the publication of a summary of the ordinance*

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	7/21/2022	Ordinance
Resolution	7/21/2022	Resolution Letter
memo	7/21/2022	Executive Summary

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2022, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an interim ordinance authorizing a study and imposing a moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC products.

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

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2022-____

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE ESTABLISHMENT OF NEW USES OR THE EXPANSION
OF EXISTING USES RELATED TO THE SALE OF THC PRODUCTS

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

ARTICLE I. Authority and Legislative Findings.

- A. The Minnesota Legislature recently amended Minnesota Statutes, section 151.72 (“Act”) relating to the sale of certain cannabinoid products. The Act permits the sale of edible cannabinoid products, provided that a product sold for human or animal consumption does not contain more than 0.3% of THC and an edible cannabinoid product does not contain an amount of any THC that exceeds more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package (“THC Products”). Sales of THC Products became legal on July 1, 2022.
- B. The Act allows sales and establishes some labeling and testing requirements, but it does not establish any licensing criteria or parameters for compliance by retailers.
- C. The Act does not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Minnesota Legislature having occupied the field of regulation regarding the sale of THC Products.
- D. There is a great deal of uncertainty regarding the effect of the amendments to Minnesota Statutes, section 151.72, and because the proposal to allow the sale of THC Products received little publicity until the amendments went into effect on July 1, 2022, the City did not have an opportunity to study and consider the potential impacts of the amendments on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the potential regulation of the sale of THC Products by the City.

- E. Minnesota Statutes, section 462.355, subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption or amendment to an official control, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. An interim ordinance may regulate, restrict, or prohibit any use within the city for a period not to exceed one year from the effective date of the interim ordinance. Many cities have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.
- F. The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of THC Products.
- G. The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city's police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business to study and potentially implement licensing regulations on that business.
- H. There are both business licensing and zoning issues associated with the sale of THC Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of THC Products.

ARTICLE II. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (a) "Act" means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.
- (b) "City" means the City of Brooklyn Center.
- (c) "Edible Cannabinoid Product" has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).
- (d) "THC Product" means Edible Cannabinoid Product and any other product that became lawful to sell for the first time in Minnesota effective July 1, 2022, as a result of the adoption of the Act.

ARTICLE III. Study. The City Council hereby authorizes and directs the City Manager to have City staff conduct a study regarding THC Products and provide the City Council a report on the

potential regulation of such products. The report shall include the City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:

- (a) The potential impacts of the sale of THC Products within the City;
- (b) Licensing the sale of THC Products and related regulations; and
- (c) Zoning regulations related to the sale and distribution of THC Products.

ARTICLE IV. Moratorium. A moratorium is hereby imposed within the City regarding the sale of THC Products. No business, person, or entity may sell THC Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or zoning or other approval for a business proposing to engage in the sale of THC Products.

ARTICLE V. Violations. During the period the moratorium is in effect it is a violation of this Ordinance to sell THC Products within the City.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or hemp products that were lawful to sell prior to the effective date of the Act.

ARTICLE VII. Enforcement. Violation of this Ordinance is a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction.

ARTICLE VIII. Duration. This Ordinance shall go into effect 30 days after the second reading and final adoption, and shall remain in effect until July 25, 2023 or until the effective date of an ordinance amending the City Code to address THC Products, whichever occurs first. The City Council may also act by resolution to terminate this Ordinance prior to the expiration of the term established herein.

ARTICLE IX. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Adopted this _____ day of _____ 2022.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____, 2022

Effective Date _____, 2022

Member
resolution and moved its adoption:

introduced the following

CITY OF BROOKLYN CENTER
HENNEPIN COUNTY

RESOLUTION NO. 2022-__

RESOLUTION APPROVING SUMMARY PUBLICATION OF INTERIM
ORDINANCE NO. 2022-__ AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE ESTABLISHMENT OF NEW USES OR THE EXPANSION
OF EXISTING USES RELATED TO THE SALE OF THC PRODUCTS

WHEREAS, the City Council of the City of Brooklyn Center acted at its
_____, 2022 meeting to adopt Ordinance No. 2022-__, “An Interim Ordinance
Authorizing a Study and Imposing a Moratorium on the Establishment of New Uses or the
Expansion of Existing Uses related to the Sale of THC Products” (“Ordinance”); and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication of
adopted ordinances by title and summary in the case of lengthy ordinances or those containing
maps or charts; and

WHEREAS, the City Council determines publishing the entire text of the Ordinance is
not in the best interests of the City as the Ordinance is readily available to the public on the
City’s website and by contacting City Hall; and

WHEREAS, the City Council determines the following summary clearly informs the
public of the intent of Ordinance and where to obtain a copy of the full text.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brooklyn
Center hereby approves publication of the following summary language as publication of the
Ordinance:

CITY OF BROOKLYN CENTER
SUMMARY PUBLICATION
Ordinance No. 2022-__

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE ESTABLISHMENT OF NEW USES OR THE EXPANSION OF
EXISTING USES RELATED TO THE SALE OF THC PRODUCTS

The Brooklyn Center City Council adopted the above-referenced interim ordinance establishing
a moratorium on the sale of cannabinoid products, as that term is now defined in state law. The
2022 Legislature adopted an amendment to Minnesota Statutes, section 151.72 which permits the
retail sale of edible cannabinoid products as of July 1, 2022. The act authorizes the Minnesota
Board of Pharmacy to enforce the law but provides no guidance regarding regulation. Brooklyn

Center, like most cities, is unprepared to regulate the sale of these products. The interim ordinance declares a moratorium on such sales and authorizes a study to determine if and how the City wishes to regulate sales. Medical cannabis and hemp products which could be sold legally before July 1, 2022, are exempt from the moratorium. The ordinance is in effect 30 days from this publication. The full text of the ordinance is available on the City's website and can be obtained by contacting City Hall.

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.



Offices in
Minneapolis
Saint Paul
St. Cloud
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

To: Dr. Reggie Edwards, City Manager

From: Jason M. Hill, City Attorney
Joseph L. Sathe, Assistant City Attorney

Date: July 11, 2022

Re: Regulation of THC Products

This memorandum provides information on ways the City can potentially regulate the newly legalized products that contain up to 5mg of tetrahydrocannabinol (“THC”) derived from certified hemp. This memo does not address local government enforcement of the requirements of the law legalizing these products, Minnesota Statutes, section 151.72 (the “Act”).

I. BACKGROUND

Beginning on July 1, 2022, it became legal to sell certain products containing delta-9 THC (“THC Products”) in Minnesota. The Act allows THC Products to be sold if certain requirements are met including that there are not more than 5mg of THC per dose and 50mg of THC per container; the purchaser is at least 21 years old; and the products are not marketed towards children.

The Minnesota Board of Pharmacy (“Board”) is the state agency with oversight of THC Products.

There is currently no state-level license required in order to sell THC Products and the Board does not test or approve products prior to their sale.¹

II. REGULATIONS

The Act neither explicitly allows nor explicitly prohibits local regulation of the sale of THC Products. Therefore, to determine whether a municipality has the ability to regulate the sale of THC Products, the municipality must have the authority to regulate the sale of THC products and must not be preempted by state law.

A municipality could rely upon its general police and general welfare power to regulate the sale of THC products. The two most applicable avenues through which the municipality can regulate the sale of THC Products is through its licensing or zoning authority.

¹ [Hemp Derived Products Frequently Asked Questions](#), page 5

A. The Act Does Not Expressly Preempt Local Regulation

The Act does not expressly require a city to allow the sale of THC Products, nor does it restrict a city's ability to regulate such facilities through additional zoning or licensing requirements. Nevertheless, a city cannot enact a local regulation if it conflicts with state law or if the state law fully occupies a particular field of legislation so that there is no room for local regulation.

Any regulations would need to be drafted to not create an irreconcilable conflict with state law, be merely additional and complementary or in aid and furtherance of the Act and meet specific requirements of either licensing or zoning regulations.

Two recent Minnesota Supreme Court cases indicate a deference for local ordinances that provide greater protections than state statutes.² Additional licensing and zoning requirements adopted for the purpose of protecting the general welfare and ensuring the sale of THC Products are being conducted in accordance with the Act, including that THC Products are not being sold to individuals under the age of 21, for example, would be considered greater protections than those included in the Act.

B. Licensing

A city may license a business or activity, either (1) when expressly allowed to do so by state statute; or (2) when implied by statute, such as when a license is necessary for a city to perform its general statutory powers (like preventing public nuisance or protecting the general welfare).

Since there is no express authority for a city to license a business selling THC Products the City must look to an implied authority. The authority granted under the "general welfare" clause allows a city to provide "for the suppression of vice and immorality, the prevention of crime, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the Constitution and laws of the United States or of this state as it shall deem expedient."³

The Act contains very little regulatory structure, consumer protection, or general control of the sale of THC Products. The City very clearly has an interest in ensuring the THC Products are being sold in the manner provided for in the Act, and individual cities may each want to study the impact of the sale of THC Products in each community and determine what additional regulation is warranted to protect the general welfare of the City.

A licensing ordinance must be reasonable in its terms and conditions and cannot place unnecessary, unreasonable, or oppressive restrictions that conflict with the state or federal constitution. A licensing ordinance could include application requirements such as:

- terms;

² See *Minnesota Chamber of Commerce v. City of Minneapolis*, 944 N.W.2d 441 (Minn. 2020); and *Graco v City of Minneapolis*, 937 N.W.2d. 756 (Minn. 2020).

³ Minn. Stat. 412.221, subd. 32

- qualifications;
- bond and insurance requirements;
- hours of operation;
- reasons for denial, including no criminal conviction or license revocations related to controlled substances;
- revocation and suspension of license;
- transferability; license fees;
- limiting the number of licenses;
- Requiring licensees to ID purchasers;
- Requiring THC products to be sold from behind a counter; and
- Identify how the city will conduct compliance checks.

C. Zoning

Zoning controls generally relate to uses of property and not the sale of individual products, so using the City’s zoning authority alone may not be an effective way to regulate the sale of THC Products. However, cities have used a combination of zoning and licensing provisions to regulate the sale of THC Products.

i. Outright Prohibition

A city could probably prohibit the sale of THC Product sales if it defines such sale as a “use” in its zoning ordinance and has legitimate planning and zoning grounds for the ban. There is no “right” to sell THC Products and cities have broad discretion in establishing zoning requirements. An outright ban would likely need to be combined with other general business regulations (e.g., licensing) since the sale of THC Products is currently not a primary use of land but can be sold at any retail store.

ii. Expressly Authorize THC Product Sales

The City could expressly authorize THC Product sales at dedicated locations, establish the sale of THC Products as a dedicated permitted or conditional use, and consider imposing additional regulations on those operations that it does authorize.

Some examples of additional regulations might include:

- Restricting such uses to certain zoning districts;
- Capping the total number of THC-related land uses within the City or within certain zoning districts;
- Requiring that THC-related facilities not produce noxious odors;
- Requiring a minimum distance from certain land uses in addition to schools, such as child-care facilities; places of worship and other religious institutions; health care practitioners. and chemical dependency, alcohol and drug treatment facilities;
- Requiring a minimum distance between other THC-related uses;
- Requiring a minimum distance from liquor stores and bars; and

- Additional restrictions on signage and advertising.

Instead of including these traditional zoning provisions in the zoning code, the City could consider including similar provisions as part of a licensing regulatory scheme (e.g., only issue a license to an THC Product business that is located within particular zoning districts). This approach would be more appropriate if the City chooses not to require THC Product sales at dedicated business locations.

V. MORATORIUM/INTERIM ORDINANCE

A city may establish a moratorium on the sale of THC Products.

Cities have the authority to place moratoria on zoning matters for up to one year under Minnesota Statutes, section 462.355, subd. 4, and cities have also relied on the city's police power to enact moratoria on other issues regulated by the city so long as a moratorium is limited in duration and enacted in good faith and without discrimination.⁴

Before adopting a moratorium, a city will first decide that it does want to regulate the sale of THC Products in some manner. A moratorium would be for the purpose of studying licensing or zoning regulations related to the sale of THC Products and prohibiting such sales in the city until the study is completed.

IV. CONCLUSIONS

The state law legalizing the sale of THC Products includes minimal regulation and cities are left to establish individual regulations that can be tailored to the local needs of the community. Cities can rely on implied authority granted through its general welfare and police powers to regulate the sale of THC Products even though the Act does not contain express authority for such regulation.

The City could choose to use its licensing and/or zoning authority to restrict the sale of THC Products, and/or could issue a moratorium on the sale of THC Products to study the impacts of THC Product sales and develop appropriate restrictions.

A comprehensive approach to regulating THC Products could include both licensing and zoning aspects to ensure sales are in compliance with state law and any locally established regulations as well as regulating where within the City products can be sold.

It is also important to keep in mind that the Minnesota Legislature may act, either during a special or regular session, to regulate the sale of THC Products which could impact how the City is able to regulate THC products.

⁴ *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976).

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Meg McMahan, Community Development Director

BY: Ginny McIntosh, City Planner and Zoning Administrator

SUBJECT: Planning Commission Application No. 2022-004 for the Re-plat, Re-zoning, and Establishment of a Planned Unit Development, and Amendments to the Zoning Code and 2040 Comprehensive Plan to Allow for the Re-development of the Former Sears Site (1297 Shingle Creek Crossing)

Requested Council Action:

(i) Motion to adopt a resolution regarding Planning Commission Application No. 2022-004, for approval of a preliminary and final plat, site and building plan, Zoning Code amendment, re-zoning and establishment of a Planned Unit Development for the Subject Property located at 1297 Shingle Creek Crossing, and commonly known as the former Sears site, and a recommended amendment to the City's 2040 Comprehensive Plan to allow for a future land use re-designation of the Subject Property from Transit-Oriented Development (TOD) to Business Mixed-Use (B-MU), based on the findings of fact and submitted plans, and as amended by the conditions of approval in the resolution.

(ii) Motion to approve a first reading of an ordinance amending Chapter 35 of the Zoning Code of Ordinances regarding the zoning classification of the Subject Property located at 1297 Shingle Creek Crossing and set the second reading and public hearing for August 22, 2022.

Background:

Scannell Properties, Inc. on behalf of Transformco ("the Applicant") is requesting review and consideration of a proposal that would allow for the re-plat and subsequent re-development of the former Sears site, which encompasses a two-story Sears department store and Sears Auto Center on approximately 15-acres at 1297 Shingle Creek Crossing ("the Subject Property"). The aforementioned businesses closed in 2018 and have remained vacant since. As proposed, the redevelopment would result in construction of two business park-type buildings, of approximately 120,000-square feet and 110,000-square feet, respectively, and related site improvements.

Due to the nature of the request, approval of a preliminary and final plat, site and building plan, re-zoning and establishment of what would be a new Planned Unit Development (PUD) is required. An amendment to the Zoning Code is also necessary to remove the Subject Property from the Central Commerce Overlay District, in addition to a comprehensive plan amendment to accommodate a future land use re-designation.

In May and November 2021, concept reviews were held by the City Council to discuss the proposal to re-develop the Subject Property with a speculative light-industrial and office use. During the May concept review, City Council provided feedback on the initial concept plan, of which included requests to provide a greater mix of uses, a site layout and design that adds value to the adjacent Shingle Creek Crossing shopping

center, and an overall high finish level on the buildings, with four-sided architecture, and a focus on enhancing the Highway 100 frontage.

A follow-up with Council was requested by the Applicant in November 2021 to further discuss their proposal, a revised concept plan, how they might better align with City goals, and receive direction from Council on whether to proceed with a formal submittal or not. City staff also requested Julie Kimble of KimbleCo to participate in a discussion on behalf of the City to ensure a collective understanding of the City's goals as well as current market realities in the Twin Cities and constraints on the Subject Property.

Prior to submittal of this application, the Applicant held a virtual community meeting to discuss the proposed redevelopment of the Subject Property, and market analysis undertaken to determine the demand of use in the Twin Cities market. The Applicant also submitted preliminary plan sets to City staff for review and refinement between February and May 2022.

The Planning Commission held a public hearing for the aforementioned application at their meeting on June 23, 2022, and the Commissioners entered into a lengthy discussion on the proposal. The Applicant was present at the meeting and fielded questions from the Commissioners regarding the speculative use, potential tenants and uses, the outlined conditions of approval and restrictions surrounding outside storage and display, distribution centers, and a maximum proposed 80-percent industrial use and minimum 20-percent non-warehouse use. Further discussions were held regarding overall site circulation, potential truck traffic, and completion of an existing trail gap along Highway 100. No public comments were provided in advance of or during the meeting.

The Applicant noted at the June 23, 2022 Planning Commission meeting that the 80-20 mix use restriction was fairly uncommon in this type of product and indicated that it would force the Applicant to attract users that have lower truck volumes, and reiterated their interactions with City staff in concentrating truck traffic to the south access road fronting along Highway 100, and running behind Walmart (1200 Shingle Creek Crossing), and away from the shared north access between the Subject Property and Shingle Creek Crossing. The Applicant provided context to the Commissioners surrounding the continued interest for retail/restaurants, and a market study the Applicant commissioned to determine the highest and best use. The Applicant also provided example users for this type of product and other example developments in the Twin Cities metro.

Following close of the public hearing, the Planning Commission elected to recommend (3-1) City Council approval of the requested preliminary and final plat, site and building plan, amendment to remove the Subject Property from the Central Commerce Overlay District, re-zoning and establishment of a Planned Unit Development, and a recommended amendment to the City's 2040 Comprehensive Plan to re-designate the Subject Property from Transit-Oriented Development (TOD) to Business Mixed-Use (B-MU).

This item was originally scheduled for review at the July 11, 2022 City Council meeting, but was tabled to the July 25, 2022 meeting.

A copy of the Planning Commission Report for Planning Commission Application No. 2022-004, dated June 23, 2022, and City Council resolution regarding the requested preliminary and final plat, site and building plan, re-zoning and establishment of a Planned Unit Development, and amendments to City's Zoning Code and 2040 Comprehensive Plan are included with this memorandum. In order for the proposal to proceed, an approval of all requests is ultimately required.

As the request by the Applicant includes a request to re-zone the Subject Property from a PUD/C2 (Planned Unit Development/Commerce) District to a PUD/MX-B (Planned Unit Development/Business Mixed-Use) District, City Code dictates that the City's Zoning Code be amended to reflect the re-zoning. A draft copy of

the ordinance language is included for review.

Should the City Council proceed with the re-zoning, a motion to approve a first reading of an ordinance amending Chapter 35 of the Zoning Code of Ordinances regarding the Subject Property located at 1297 Shingle Creek Crossing would be required. Following the motion, a second reading and public hearing would be scheduled for August 22, 2022.

The request for a Comprehensive Plan Amendment will require a separate submittal to the Metropolitan Council for review and any final approval; however, a recommendation from the local planning body and local governing body authorization is required to proceed with a submittal.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Resident Economic Stability, Targeted Redevelopment, Safe, Secure, Stable Community

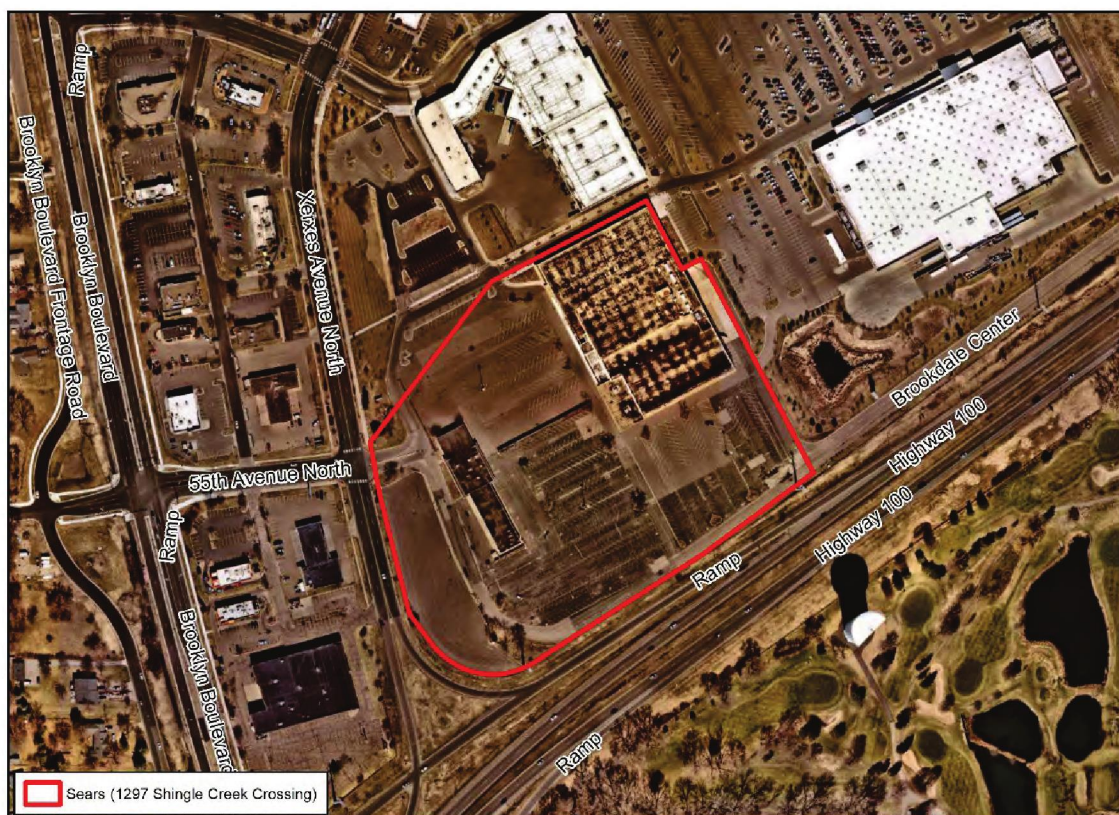
ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Exhibits - Sears Redevelopment - 1297 Shingle Creek Crossing (PC 06.23.2022)	7/6/2022	Backup Material
Resolution - Sears Redevelopment (1297 Shingle Creek Crossing)	7/18/2022	Resolution Letter
1st Reading-Ordinance Amendment-Rezoning (1297 Shingle Creek Crossing)	7/21/2022	Ordinance

Planning Commission Report
Meeting Date: June 23, 2022

- Application Filed: 05/24/2022
- Review Period (60-day) Deadline: 07/23/2022
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2022-004
Applicant: Scannell Properties, Inc (on behalf of Transformco)
Property Owner: Sears, Roebuck & Company
Location: 1297 Shingle Creek Crossing
Requests: Preliminary and Final Plat, Comprehensive Plan Amendment, Site and Building Plan, Establishment of a Planned Unit Development/Rezoning and Zoning Code Text/Map Amendment to Remove Subject Property from Central Commerce Overlay District



Map 1. Subject Property Location (1297 Shingle Creek Crossing)

Requested Action

Scannell Properties, Inc. on behalf of Transformco (“the Applicant”) is requesting review and consideration of a proposal that would allow for the re-plat and subsequent re-development of the former Sears site, which encompasses a two-story Sears department store and Sears Auto Center on approximately 15-acres at 1297 Shingle Creek Crossing (“the Subject Property”). As proposed, the redevelopment would result in construction of two business park-type buildings, of approximately 120,000-square feet and 110,000-square feet, respectively, and related site improvements.

Due to the nature of the request, approval of a site and building plan, preliminary and final plat, and a re-zoning and establishment of what would be a new Planned Unit Development (PUD) is required. A zoning code text amendment is also necessary to remove the Subject Property from the Central Commerce Overlay District, in addition to a comprehensive plan amendment to accommodate a future land use re-designation. Refer to Exhibit A for the provided project narrative and plans.

As part of the application process, a public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on June 9, 2022 (Exhibit B), and notices were mailed to property owners within vicinity of the Subject Property. A virtual meeting was also held with the public by the Applicant to discuss the proposed re-development and market needs.

Development Pattern



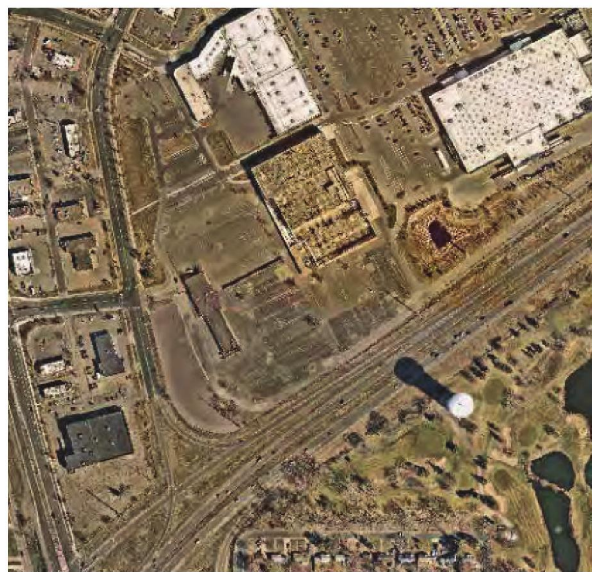
1956 Imagery



1962 Imagery



1971 Imagery



2021 Imagery

Image 1. Historical and Current Imagery of Sears Area (Courtesy: MHAPO, Hennepin County).

Existing Conditions



Image 2. Existing Site Conditions at Subject Property.

Background

Although the Sears Department Store and Sears Auto Center closed their doors in 2018, it was not until late 2020 that Sears initiated a formal process to solicit offers from private parties to acquire the approximately 15-acre Subject Property. It was through a merger agreement that Transformco began

conducting its own market analysis and worked with local brokers to identify a feasible re-use for the Subject Property. Following a Request for Proposals (RFP) in late 2020, a redevelopment partner, Scannell Properties, Inc. was selected.

Since their respective closures, both buildings have also water main breaks, and a major break at the Sears Auto Center in 2019 required issuance of a pumping discharge permit from the Minnesota Pollution Control Agency (MPCA), and water sampling to be conducted for contaminants. Despite the parking lots and entrances having barriers in place, City staff regularly conduct checks on the buildings due to numerous break-ins, which require the buildings to be swept due to life, health, and safety concerns, and re-secured.

On April 28, 2021, City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account (TBRA) for funding to assist with the environmental remediation of the Subject Property; however, said application did not move forward in the funding process. A subsequent application to the Environmental Response Fund (ERF) was submitted to Hennepin County in the amount of \$163,000, which was awarded for assistance in preparing a Phase I Environmental Site Assessment (ESA), a Phase II ESA, a Response Action Plan, associated consulting activities, and any associated Minnesota Pollution Control Agency (MPCA) fees. Scannell Properties, who specializes primarily in light industrial and commercial business center-type products, subsequently conducted due diligence on the Subject Property, including an environmental assessment. As part of this assessment, it was determined there was significant asbestos present that would require remediation prior to any demolition.

A concept review was held with City Council on May 24, 2021, with a follow-up review occurring on November 22, 2021 (Exhibit C). It was during these reviews that City Council was presented with a proposal to re-develop the Subject Property with a speculative light-industrial and office use. During the May concept review, City Council provided feedback on the initial concept plan, of which included requests to provide a greater mix of uses, a site layout and design that adds value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with four-sided architecture, and a focus on enhancing the Highway 100 frontage.

A follow-up with Council was requested by the Applicant in November 2021 to further discuss their proposal, a revised concept plan, and how they might better align with City goals. City staff also requested Julie Kimble of KimbleCo to participate in a discussion on behalf of the City to ensure a collective understanding of the City's goals as well as current market realities in the Twin Cities and constraints on the Subject Property.

The Subject Property is currently zoned PUD/C2 (Planned Unit Development/Commerce) District, and the underlying C2-Commerce District primarily allows for retail and service type uses. This zoning designation is specific to the former Brookdale Mall, and any reuse of the Subject Property would require a re-zoning to a new Planned Unit Development as the current PUD in place was structured to accommodate the continued operations of Sears following demolition of the Brookdale Mall and re-development of the surrounding lands into what is the Shingle Creek Crossing retail center today.

As proposed, the Subject Property would require a re-zoning to PUD/MX-B (Planned Unit Development/Business Mixed-Use) District, which aligns more closely with the City's current I-1 (Industrial Park) District. Given this re-designation, the City is also requesting a future land use re-designation of the Subject Property under the 2040 Comprehensive Plan from TOD (Transit-Oriented Development) to B-MU (Business Mixed-Use).

Site Data:

2040 Land Use Plan:	TOD (31.01-130 Dwelling Units per Acre)
Neighborhood:	Centennial
Current Zoning:	Planned Unit Development/Commerce District (PUD/C2) Central Commerce Overlay District
Site Area:	Approximately 15 Acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	TOD	PUD/C2 District and Central Commerce Overlay District	Commercial
South	ROW	N/A	Highway 100 (Major Highway)
East	TOD	PUD/C2 District and Central Commerce Overlay District	Commercial
West	TOD	C2 (Commerce) District and Central Commerce Overlay District	Commercial

REQUESTS**PRELIMINARY AND FINAL PLAT**

As proposed, the Applicant intends to re-plat the Subject Property to satisfy lending requirements for separate entities for each building. The existing Registered Land Survey No. 0936, which encompasses the former Sears Department Store, Sears Auto Center, and site improvements, would therefore be re-platted to accommodate the two proposed buildings as Lot 1, Block 1 (approximately 8.07 acres and encompassing Building A of approximately 110,000-square feet), and Lot 2, Block 1 (approximately 7.19 acres and encompassing Building B of approximately 120,000-square feet), of the NORTH 100 BUSINESS PARK ADDITION.

Although the buildings would be located on separate lots, their access points, truck court, and select site improvements would be shared. The proposed redevelopment would also require shared access agreements with the adjacent Shingle Creek Crossing, given that their proposed off access off 55th Avenue North and along the frontage road running parallel to Highway 100 runs through the Shingle Creek Crossing development.

The Applicant indicated that there are no proposals to vacate any public easements on the Subject Property at this time; therefore, no separate vacation process is required.

City staff conducted a review of the submitted preliminary and final plat against City Code requirements, and specifically Section 15 (*Platting*) of the City Code of Ordinances and indicated that a 10-foot drainage and utility easement would need dedication on the plat around the entire perimeter of the Subject Property. All proposed utilities and stormwater management facilities will need to be constructed within this easement and an additional utility easement would need to be dedicated on the plat for any private water main and sanitary lines to account for future maintenance access and per the Utility Facilities Easement Agreement, which will also be required as a condition of approval.

As noted in the redlines provided by City staff, the Applicant will need to revise the submitted final plat to account for missing drainage and utility easements, missing square footage totals for each proposed lot, as required under Section 15-105.B.b.1 (*Platting*), and address minor comments regarding the locations of certain symbology and bearings.

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the submitted preliminary and final plat for the NORTH 100 BUSINESS PARK ADDITION, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related site and building plan, Planned Unit Development/re-zoning, Zoning Code text amendment, and Comprehensive Plan Amendment requests.

COMPREHENSIVE PLAN AMENDMENT

A comprehensive plan amendment is required anytime a community changes any part of a municipality's adopted comprehensive plan, including, but not limited to:

- Changes resulting from neighborhood or small area planning activities
- Land use changes to allow a proposed development
- Proposed forecast changes to proposed MUSA (Metropolitan Urban Service Area) changes in service or staging
- Text changes to revise a policy or land use category
- Routine updates to incorporate new information or update a public facilities agreement

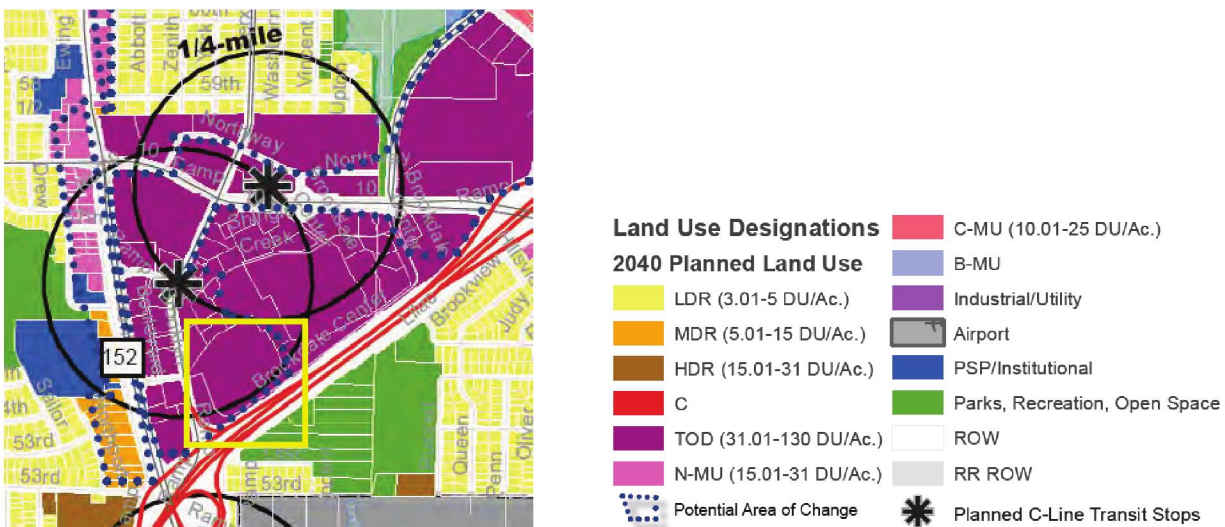
These requests are ultimately submitted to the Metropolitan Council for review and final approval; however, they require a recommendation from the local planning body, and local governing body authorization for the amendment. In certain cases, an adjacent jurisdictional review is also required to allow for other affected municipalities and districts to weigh in on any potential impacts.

The Subject Property currently has a future land use designation of Transit-Oriented Development (TOD), which allows for a range of 31.01 to 130 dwelling units per acre, and is a new land use designation under the 2040 Comprehensive Plan. The request is to re-designate the Subject Property to Business Mixed-Use (B-MU), which is also a new land use designation that guides for a mix of business, light industrial, and supporting retail/service uses, and is intended to create a more dynamic and connected experience for potential workers in these areas.

During the undertaking of the 2040 Comprehensive Plan, the Subject Property was still in operation as a Sears department store and auto center. The aforementioned businesses closed well into the updating of the City's Comprehensive Plan and given that the properties had (1) continuously operated since 1962, (2) ownership had provided no clear direction as to their potential re-use, and (3) a market study had not yet been completed, the City guided the Subject Property to TOD given its proximity to a Bus Rapid Transit (BRT) stop, and its ability to offer a broad mix of land use options, with a minimum of 75-percent of this designation slated for high-density residential use, and the remaining 25-percent slated for supporting retail, office, and commercial uses. Although the Subject Property was in transition during this process, the 2040 Comprehensive Plan denotes the Subject Property as a "potential area of change." Refer to Map 2 below.

The 2040 Comprehensive Plan recognized that not all of the properties guided under the TOD designation would be appropriate housing sites, and indicated that other areas, such as the City's Opportunity Site,

would likely take the bulk of housing needs; whereas other sites located around Xerxes and Brooklyn Boulevard would be more accommodating and capable of providing commercial uses and a jobs base.

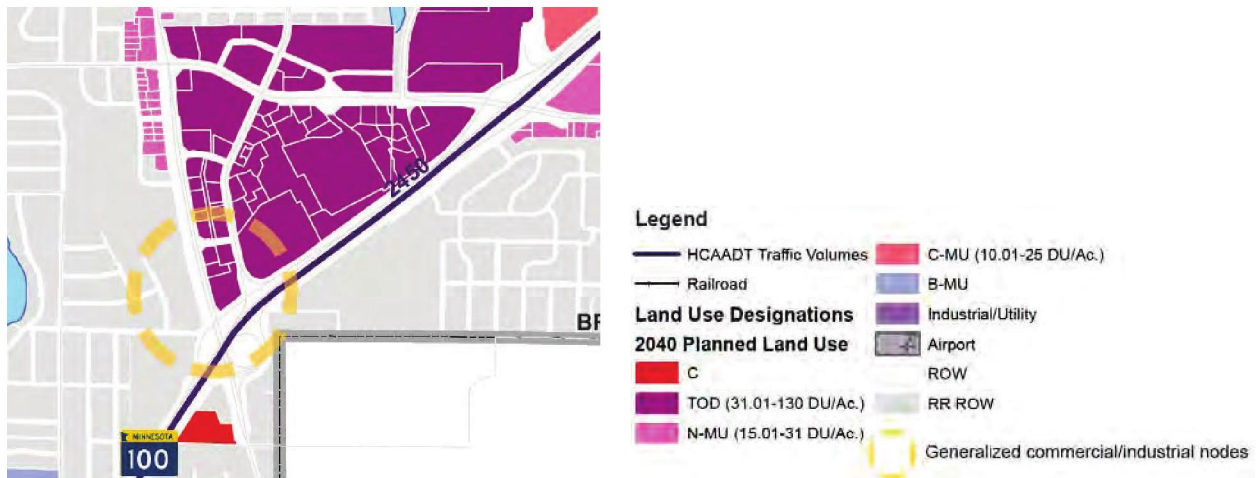


Map 2. 2040 Future Land Use Plan and Redevelopment Areas with Subject Property (highlighted in yellow).

That said, the 2040 Comprehensive Plan did not contemplate light industrial and business-mixed uses on the Subject Property, and as such, a Comprehensive Plan Amendment would be required if a development were to move forward. Despite the Subject Property's proximity to adjacent transit and shopping, the Subject Property, and those properties fronting this southern extent of Xerxes Avenue North are relatively isolated from the adjacent centers of activity along Bass Lake Road (County Road 10) and Brooklyn Boulevard.

It is hoped that a re-designation to B-MU would address the 2040 Comprehensive Plan's goal of creating a vibrant business center via the creation of experience and by promoting and encouraging businesses, commercial users, retailers, and in some cases, households, to plan for interconnected systems that result in a more active and vibrant center. Given that the adjacent Shingle Creek Crossing development has yet to fully build-out, it is also hoped that the draw of additional jobs and activity to the Subject Property would create the additional energy and traffic needed to develop the remaining Shingle Creek Crossing Lots.

The 2040 Comprehensive Plan notes that the City has experienced significant change in the past decade with respect to its changing demographics and land use patterns. With the closure of the Brookdale Mall and numerous supporting retailers and service providers, and the major shifts and changes to bricks and mortar retail, the City's core economic engine effectively fizzled out, leaving a large contiguous area of vacant and underutilized land in the core of the City. As the City's core is effectively (re) built out, there are limited opportunities to introduce new, lighter industrial and flex-type uses to the City. As proposed, the buildings would accommodate between one and four businesses per building and the Applicant anticipates the creation of over 200 jobs. The Subject Property also falls within the generalized commercial and industrial node outlined in the 2040 Comprehensive Plan's Freight ADT and System Map (Refer to Map 3 below).

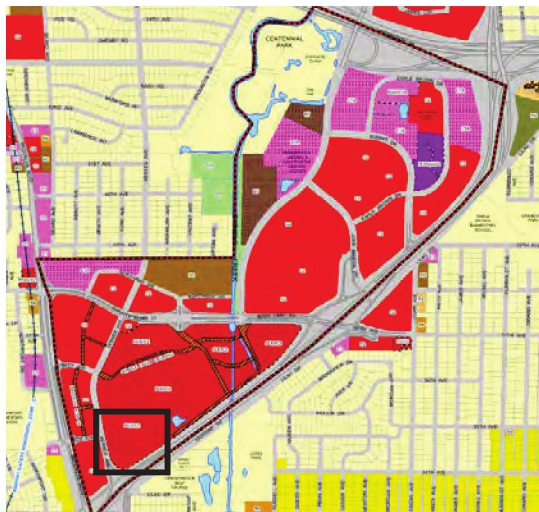


Map 3. 2040 Comprehensive Plan Freight ADT and System Map (highlighted in yellow).

The redevelopment of the Subject Property would likely create a multi-faceted effect, in generating new tax base for the Subject Property, in driving additional traffic and business to the adjacent Shingle Creek Crossing retail development by those working on the Subject Property, and in addressing City staff's daily concerns with the overall safety and securement of the two buildings. The Subject Property's proximity to the adjacent Bus Rapid Transit (BRT) lines off Xerxes Avenue North would also serve as an amenity for and potential employees working at one of the potential businesses on the Subject Property.

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested amendment to the 2040 Comprehensive Plan to allow for a re-designation of the Subject Property from TOD (Transit-Oriented Development) to B-MU (Business Mixed-Use), subject to the Applicant complying with the outlined Conditions of Approval, approval of the related preliminary and final plat, site and building plan, Planned Unit Development/re-zoning, and Zoning Code text amendment requests, and contingent upon final approval from the Metropolitan Council.

ZONING CODE AMENDMENT



Map 4. Central Commerce Overlay District and Subject Property (highlighted in black).

Overlay districts generally apply an extra level of regulations or development criteria above the standard underlying zoning district. The Central Commerce Overlay District is an area roughly bounded by I-694 on the north, Highway 100 on the south and east, Brooklyn Boulevard on the west, and Shingle Creek on the north, and includes a specific list of permitted and prohibited uses.

In July 2018, and with the closure of the Sears Department Store imminent, City Council adopted an interim ordinance to authorize a study and place a moratorium on the Subject Property, as it was the last remaining remnant of the former Brookdale Mall and had been excluded from the master planning activities that took place as part of the Shingle Creek Crossing redevelopment. It was during this moratorium that City staff reviewed the existing zoning code and suggested several amendments to the Central Commerce Overlay District to remove the least desirable uses from being permitted within the Central Commerce Overlay District. A work session was held by City Council in July 2019 to further address a potential land use study of the Subject Property and moratorium, and in August 2019, City staff brought forth amended language that clarified permitted and prohibited uses under Section 35-2240 (*CC Central Commerce Overlay District*), which were subsequently approved by City Council.

The Applicant is requesting an amendment to the Zoning Code and associated map (refer to Map 4 above) to remove the Subject Property from the Central Commerce Overlay District, and whose uses are outlined in Section 35-2240 (*CC Central Commerce Overlay District*), as the proposed usage is not explicitly outlined as either a permitted or prohibited use. As the development proposal is speculative in nature, City staff has worked with the Applicant to put parameters on the flexibilities that would be granted under this proposal—specifically, that limits be placed on the industrial/warehouse usage of the Subject Property, and that no outdoor storage be permitted.

City staff feels that these requests are in keeping with the intent of the amendments approved in 2019 by City Council, which placed additional prohibitions on auto repair establishments (i.e. existing auto repair establishments can continue as lawfully existing so long as in continued operation prior to October 1, 2019), gas stations, truck and trailer rental establishments, and indoor storage establishments. The Central Commerce Overlay District has long held prohibitions on standalone sauna and massage establishments, currency exchanges, pawn shops, and secondhand goods dealers.

As part of the ongoing Zoning Code update, the Central Commerce Overlay District is slated for removal; however, as that work is not yet complete, the submitted proposal requests the removal of this property from the Overlay District. In 2019, a similar request was made and approved by City Council as part of the redevelopment of the former Jerry's Foods site (5801 and 5803 Xerxes Avenue North) into a combined 270-units of housing across two multi-family residential buildings, now known as Sonder House and Sonder Pointe, and approval of the Crest Apartments expansion in 2021 (6221 Shingle Creek Parkway) required removal from the Overlay District as well.

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested amendment to the City's Zoning Code to allow for the removal of the Subject Property, located at 1297 Shingle Creek Crossing, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related preliminary and final plat, site and building plan, Planned Unit Development/re-zoning, and Comprehensive Plan Amendment requests.

PLANNED UNIT DEVELOPMENT | REZONING

Section 35-355 (*Planned Unit Development*) of the City's Zoning Code notes that upon the rezoning for a PUD, the district shall be designated by the letters "PUD" followed by the alphanumeric designation of

the underlying zoning district, which may be either the prior zoning classification or a new classification. Given that the major update to the City Zoning Code is currently underway and changes to districts are anticipated in order to align with the 2040 Comprehensive Plan, the request would be to re-zone following guidance from the 2040 Comprehensive Plan future land use designations for the Subject Property. This allows for flexibility within the Zoning Code for developments which are either not defined or outlined as a use under the existing regulations. PUDs are often used to achieve a higher quality development, or achieve other City goals, in exchange for zoning flexibility from the City Code.

PUDs may only contain uses consistent with the City's Comprehensive Plan and the uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities, and the approval of a land subdivision may be subject to modifications from the City ordinances generally governing them—essentially the City Council may approve plans that are not in compliance with the usual specifications or ordinance requirements where it is found that such are not required in the interests of residents or the City, although plans shall comply with all watershed, state, and federal storm water, erosion control, and wetlands requirements.

As proposed, the request would be to re-zone from PUD/C-2 (Planned Unit Development/Commerce) District to a new PUD with an underlying Business Mixed-Use designation (PUD/MX-B). Official Zoning Map records indicate that the Subject Property was zoned B-2 (Regional Business District) in 1961, but later zoning map records indicate that the property was designated as a C2 (Commerce) District property by 1972.

In 1999, the City approved the establishment of a Planned Unit Development (PUD), which comprehended, “new site and building plan approvals for the expansion, redevelopment, and rejuvenation of the Brookdale Regional Shopping Center,” and certain variations to allow for reduced green strips, non-major thoroughfare setbacks, parking dimensional standards, parking ratios, and increases in allowable restaurant use and freestanding signage.

In 2011, the City approved City Council Resolution No. 2011-128 (Exhibit D), which approved an amendment to the 1999 Brookdale Regional Shopping Center Mall PUD redevelopment plans the Subject Property had been subject to, and in response to recent City approvals for the Shingle Creek Crossing Planned Unit Development, as approved under City Council Resolution No. 2011-85. The aforementioned amendment in 2011 allowed for certain parking ratio reductions, a reduction in the drive aisle parking widths, and a zero-lot line setback along certain portions of the Subject Property.

The plans submitted and as contemplated under Planning Commission Application No. 2022-004 would require certain flexibilities to account for the speculative nature of the two proposed business park type buildings. The current Zoning Code does not contemplate speculative uses; therefore, establishment of a Planned Unit Development is requested to provide parameters in granting these flexibilities. Similar examples of light industrial type developments in Brooklyn Center include the PUDs established to allow for the redevelopment of lands off France Avenue North and Highway 100 (i.e. 4001 Lakebreeze Avenue North), and a PUD established in 1995 for a speculative business park development constructed in the 1980s off Parkway Circle and Shingle Creek Parkway (e.g. 6601 Shingle Creek Parkway), which required certain common parking allocations between buildings and access.

The City has requested that a minimum of 20-percent finished space be accommodated within the development, with the remaining (maximum) 80-percent for industrial-warehouse use. The Applicant indicated an openness in maintaining this split of use; however, requested that the 20-percent use be set

for “non-warehouse uses.” The Applicant indicated that the language noted below was used during the approval process for another project in Arden Hills to define “non-warehouse uses” and proposes to utilize the same language for this request:

“Warehousing and wholesaling shall not exceed 80 percent of the total floor area. The remaining 20 percent of the total floor area shall be non-warehouse uses such as a combination of uses including, but not limited to, office, manufacturing, production, research and development, lab and/or showroom.”

The Applicant further indicated in their submitted narrative that these types of uses typically attract office, warehouse, manufacturing, production, lab, and research and development type users.

For the purposes of calculating trip generation and parking needs, the traffic memo submitted by the Applicant contemplates an 80 percent industrial warehouse use, with remaining 20 percent office use. The Applicant further indicated that “non-warehouse uses” would provide less constraints for potential users—for example, the Applicant has indicated that medical manufacturing users will typically provide less than 20% office space; however, they could have well over 20 percent of a space allocated to lab, clean rooms, and production space.

City staff is supportive of this flexibility, particularly as the aforementioned 1995 PUD development located off Parkway Circle and Shingle Creek Parkway was amended in 2019 as the use restrictions placed on each of the buildings in the development were found to be too restrictive and the combination of use restrictions and lower clear heights had resulted in issues filling vacancies. Since the amendment was approved, the Property Owner of that development has been successful entirely vacant buildings with new users.

As approval of any development plan for the Subject Property shall constitute a re-zoning to PUD, approvals to establish a PUD require the City Council to base its actions on the re-zoning under the following criteria:

1. Compatibility of the plan with the standards, purposes, and intent of this section (Section 35-355);
2. Consistency of the plan with the goals and policies of the Comprehensive Plan;
3. The impact of the plan on the neighborhood in which it is to be located; and
4. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.

With regard to the intended rezoning, Section 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), outline that it is the City’s policy that:

- a. Zoning classifications must be consistent with the Comprehensive Plan; and
- b. Rezoning proposals shall not constitute “spot zoning,” defined as a zoning decision which discriminates in favor of a particular landowner, and does not relate to the Comprehensive Plan or to accepted planning principles.

Furthermore, requests for re-zonings should be assessed against a series of guidelines outlined under the City’s Zoning Code:

- a. Is there a clear and public need or benefit?
- b. Is the proposed zoning consistent with and compatible with surrounding land use classifications?
- c. Can all permitted uses in the proposed zoning district be contemplated for development of the Subject Property?

- d. Have there been substantial physical or zoning classification changes in the area since the Subject Property was zoned?
- e. In the case of City-initiated rezoning proposals, is there a broad public purpose evident?
- f. Will the Subject Property bear fully the ordinance development restrictions for the proposed zoning districts?
- g. Is the Subject Property generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location?
- h. Will the rezoning result in the expansion of a zoning district, warranted by:
 1. Comprehensive Planning;
 2. The lack of developable land in the proposed zoning district; or
 3. The best interests of the community?
- i. Does the proposal demonstrate merit beyond the interests of an owner or owners of an individual parcel?

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested establishment of a Planned Unit Development to allow for the rezoning of the Subject Property, located at 1297 Shingle Creek Crossing, to Planned Unit Development-Business Mixed-Use District (PUD/MX-B), subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related preliminary and final plat, site and building plan, Zoning Code text amendment, and Comprehensive Plan Amendment requests.

SITE AND BUILDING PLAN

Site Design

The Subject Property is home to the last remaining remnant of the former Brookdale Mall, which was demolished in the early 2010s and redeveloped into the Shingle Creek Crossing retail shopping center we see today. The Sears Department Store and adjacent Sears Auto Center remained open and active as businesses up until 2018. To that end, Shingle Creek Crossing effectively developed so as to primarily accommodate the obtrusive Sears Department Store.

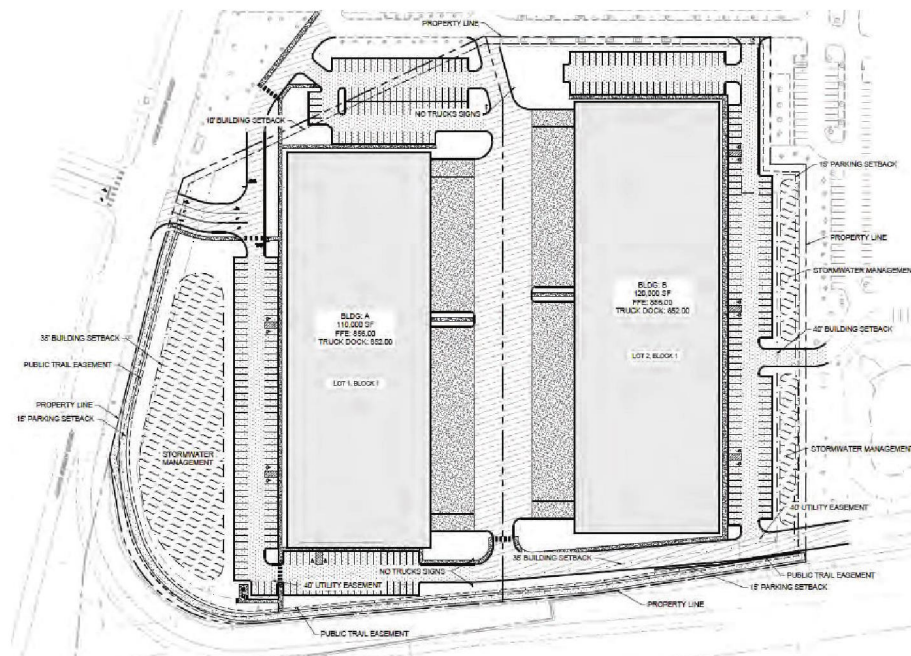


Image 3. Submitted Site Plan for Subject Property.

Setbacks

As proposed, the Subject Property would be subdivided to accommodate two new buildings, and of approximately 120,000 and 110,000-square feet in size. Assuming the two new lots, and with respect to the draft Business Mixed-Use District provisions and the currently en force I-1 (Industrial Park) District provisions as reference, the following building setbacks are provided:

Minimum Setbacks (Feet)	MX-B (Business Mixed-Use) - Draft	I-1 (Industrial Park) - Current	Building A (110,000 SF)	Building B (120,000 SF)
Front	35	50	148	71
Corner Side	35	50	83	58
Interior Side	10	10	34	90
Rear	25	25	98	99

Table 1. Existing and Proposed Setbacks for Subject Property.

Traffic / Access / Parking / Circulation / Connection

As proposed, primary site access would be gained from an existing drive off 55th Avenue North and Xerxes Avenue North on the west, with connections to the surrounding access drives shared with adjacent Shingle Creek Crossing properties.

The truck route would be accessible inbound from the north and south entrance points within Shingle Creek Crossing; however, trucks would need to exit the Subject Property via the south access road, which continues up towards Shingle Creek Parkway and Bass Lake Road (County Road 10). This is the same access road utilized by trucks making deliveries to the adjacent Walmart (1200 Shingle Creek Parkway). Primary truck access would be gained along the south portion of the Subject Property utilizing an extension of the access road running parallel to Highway 100 and up to Shingle Creek Parkway and Bass Lake Road (County Road 10). The Applicant indicates that while the western drive would be maintained, signage would be installed, and the drive aisles narrow so as to minimize the likelihood of truck drivers traversing through the western drive aisle towards Xerxes Avenue North (Building A).

The main access entry off Xerxes Avenue North (55th Avenue North) was modified to provide one in-bound lane, which would enter a “T” intersection internal to the Subject Property. The Applicant has indicated that they have been in communication with the Shingle Creek Crossing property owner (Gatlin Development Company) regarding their proposed easement parking lot of 18 spaces, access, and site improvements.

City staff requests that as part of any approvals, the Applicant submit detailed vehicle turning and tracking movement diagrams for delivery vehicles and garbage trucks to demonstrate specific and actual routes. It is also requested that truck traffic be concentrated along the south access road when possible and directional signage provided so as to minimize truck traffic along the north and west drives, and particularly as the drive aisle widths and turns do not appear conducive to truck traffic. City staff has also set an expectation that conflicts between pedestrians and vehicular traffic along the north drive be minimized through utilization of this south access road.

As the project engineer (Kimley-Horn) has also designed and maintained the Planned Unit Development master plans for the adjacent Shingle Creek Crossing, it was noted that the proposed truck access routing would maintain consistency with the Shingle Creek Crossing (SCC) Delivery Circulation Exhibit provided in the master plan set.

The Applicant submitted a full civil plan set, including site plans and a traffic generation memo, prepared by Kimley-Horn, and last revised June 9, 2022. Per City staff request, the original traffic generation memo provided, which solely reflected an industrial use, was revised to reflect 80-percent industrial and 20-percent office use. City staff reviewed the aforementioned memo and deemed it acceptable; however, the Applicant will need to meet any and all requirements as outlined in the reviews conducted by the Minnesota Department of Transportation and Hennepin County.

Hennepin County provided feedback to City staff following reviews with their plat review committee representatives from traffic operations and bicycle and pedestrian planning. They anticipate minimal impacts to Brooklyn Boulevard (CSAH 152), despite additional morning peak hour trips, as the change in use from department store and automobile parts and service center to industrial and office would create an overall reduction in trips.

MnDOT initially prepared a memo in March 2022 and requested that a Traffic Impact Study be completed to accurately evaluate impacts to the trunk highway system.

City staff reviewed the submitted overall site plan (Sheet C300) with the assumption of 80-percent industrial and 20-percent non-warehouse use (i.e. “office” for the purposes of calculating minimum parking). Similar stipulations were placed on approval of Planning Commission Application No. 2021-006, which was approved for the redevelopment of a former bowling alley located at 6440 James Circle North for an approximately 64,000-square foot business-flex building adjacent to existing hotels, office, and restaurants, and also located in a proposed area of redevelopment under the 2040 Comprehensive Plan.

Assuming this, a minimum of 368 parking spaces would be required on the Subject Property. As proposed, the Applicant has provided 357 parking spaces, with an additional 18 parking spaces proposed as part of an easement that would be located on the Shingle Creek Crossing development (Refer to Table 2 below). The Applicant would need to work with the adjacent property owner (Gatlin Development Company) to obtain any necessary parking and access easements.

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Industry and Wholesale <i>Note: Assumes approximately 184,000 square feet of this use (80%)</i>	<i>One (1) space for every two (2) employees based upon maximum planned employment during any work period <u>or</u> one (1) space for each 800 square feet of gross floor area, whichever requirement is greater. (230 spaces)</i>	See Total Below
Non-Warehouse (“Office” for purpose of calculating parking on speculative buildings) <i>Note: Assumes approximately 46,000 square feet of this use (20%)</i>	<i>Three (3) spaces for every 1,000 square feet of Gross Floor Area. (138 spaces)</i>	See Total Below
Proposed Easement Spaces (Shingle Creek Crossing)		18 spaces
ADA	8 spaces (301 to 400 spaces)	12 spaces
Total Required Parking	368 spaces (ADA spaces incorporated into total)	357 spaces (including 12 ADA spaces)
Total Provided Parking		375 spaces (ADA spaces and proposed easement spaces incorporated into total)

Table 2. Minimum and Provided Parking for Redevelopment of Subject Property (North 100 Business Park).

The Applicant has indicated that the parking counts presented are consistent with those typically provided for a similar development of this size.

In reviewing the proposed loading berths and truck court, the submitted plans comply with the minimum berth requirements as outlined in Section 35-600 (*Off Street Loading*), as a minimum of 4 berths would be required for buildings ranging between 100,000 and 250,000-square feet. The berths would be located more than the minimum 25 feet from any right-of-way intersections, and would be located outside of any required yards. Dimension-wise, the first berth required shall not be less than 12 feet in width and 50 feet in length, with additional berths providing at least 12 feet in width and 25 feet in length. A minimum height of 14 feet is also required. As proposed, the submitted site plans reflect a 60-foot berth depth along each of the respective buildings and an 80-foot wide shared drive aisle for the truck court.

In terms of alternative transportation options, the Subject Property is directly adjacent to bus stops along Xerxes Avenue North that provide BRT service. MnDOT recommended that the Applicant contact Metro Transit to evaluate potential impacts to service given the proximity of existing bus stops, and potential mitigative strategies pending approval of the proposal. As part of City staff review, requests were made to provide additional sidewalk connections along the north end of the Subject Property and to Shingle Creek Crossing, with additional requests to extend certain sidewalk segments and relocate the proposed midblock pedestrian crossing, as it is located on a curve.

The Applicant also intends to complete an existing trail gap as part of the proposal, which would provide continued routing for those utilizing Three Rivers Park District's Twin Lakes and Shingle Creek Regional Trails, as well as a pedestrian bridge that crosses Highway 100 to the neighborhoods adjacent to Centerbrook Golf Course and Lions Park. The Shingle Creek Crossing Development has an existing 18-foot trail easement with 10-foot trail running along Highway 100—the Applicant has proposed a continuation of this section per City staff request and would submit a trail plan and profile as part of any final development plans. Per MnDOT comments, an existing barrier blocking the trail segment near HOM Furniture should be removed pending approval of the proposal.



Map 5. 2014 Brooklyn Center Bicycle and Pedestrian Plan, as outlined in the 2040 Comprehensive Plan (highlighted in red).



Images 4 and 5. Existing Trail Gap and South Access Road—facing west towards Sears (L) and facing east towards Walmart (R).

City staff provided commentary to the Applicant in March and May 2022 with regard to preferred access for semi-truck traffic utilizing the proposed loading bays and truck court, and the Applicant revised the plan sets based on City staff comments. As proposed, access to the loading bays would be provided via the north drive off 55th Avenue North and utilizing an extension to an existing access road running along the southern portion of the Subject Property, parallel to Highway 100. City staff worked with the Applicant through multiple plan iterations to clean up the access and potential internal points of vehicle and pedestrian conflicts off 55th Avenue North and the roadway extension between 55th Avenue North and the Shingle Creek Crossing development. Although a north and west access is maintained off the proposed truck court, the Applicant has indicated installation of “No Trucks” signage on the submitted plans so as to route exiting trucks to the south.

As proposed, the submitted site plans indicate 24-foot wide drive aisles throughout the north parking lots, which is the minimum width required to allow for two-way traffic. The parking area just south and west of Building A (110,000-square feet) indicates a tapering of drive aisle widths from 27 feet down to 25 feet, while the drive aisle just south of Building B (120,000-square feet) is noted at 30-feet in width to accommodate truck traffic, and widths of 25 feet along the eastern edge of the building, which orients towards the west side of Walmart.

The submitted site plan also indicates typical 18-foot parking space depths and 9-foot widths, which satisfy the City’s minimum parking dimension requirements as outlined within the Zoning Code.

Lighting

The current Zoning Code notes that, “all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination of the property of the owner or operator of said illumination devices.”

A photometric plan was submitted with a fixture specification schedule; however, no minimum, maximum, or average foot candle provisions are provided. City staff also requests the photometric plan be revised to more clearly indicate the property lines, as the Zoning Code specifies that lighting shall not exceed three (3) foot candles measured at property lines abutting residentially zoned property, or 10-foot candles measured at the property lines abutting the street right-of-way or non-residentially zoned properties. As is specified, no glare shall emanate from or be visible beyond the boundaries of the illuminated premises. The photometric plan indicates the fixtures are generally consistent with the current Zoning Code requirements.

Given the intent to re-zone the Subject Property to Business Mixed-Use District (MX-B), City staff reviewed the submittal against the draft lighting requirements, as contemplated in the City's draft Zoning Code update that will ultimately be incorporated into a Unified Development Ordinance (UDO). As part of City staff conversations, the Applicant revised the parking lot light pole heights to fall below the outlined maximum height of 24 feet at finished grade, and no more than 20 feet in height for areas within landscaped areas. It should be noted that the wall pack lighting proposed within the designated truck court is noted at 27 feet to provide sufficient lighting for truck maneuvering.

Although City staff understands the proposal is speculative in nature, the Applicant should ensure sufficient lighting is provided and distributed over all entrances and exits, walkways, and sufficient lighting along all sidewalk connection points off Xerxes Avenue North and towards Shingle Creek Crossing. Per the submitted photometric plans, it does not appear any pedestrian-level lighting is provided along the public facing portions of each building and is for the most part reliant on parking lot lighting. It is requested that the Applicant work with City staff to address options for pedestrian-level lighting pending approval of the submittal and the subsequent build-out of tenant spaces.

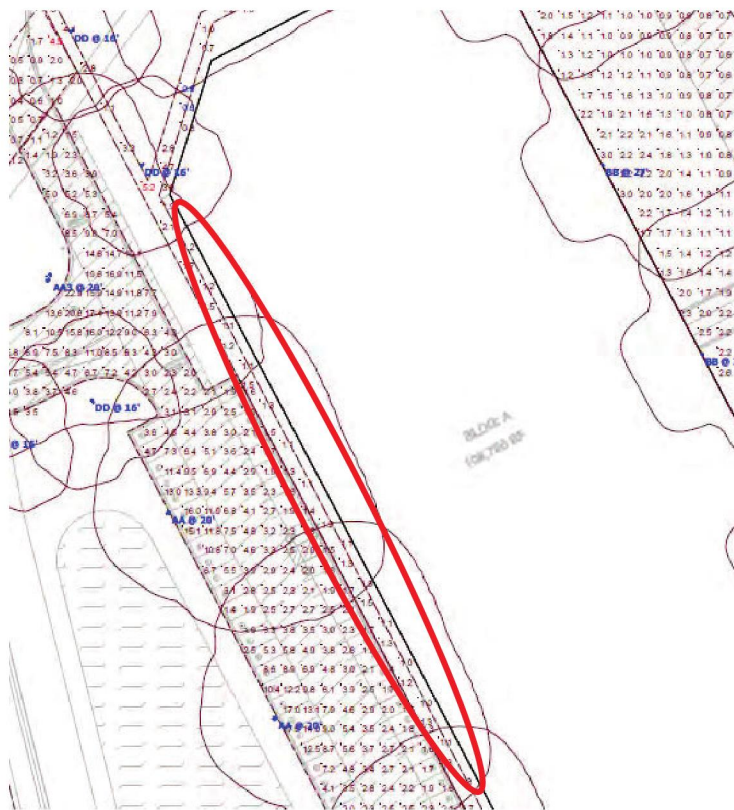


Image 6. Excerpted Section of Photometric Plan-Building A (areas indicated in red).

Although it appears existing lighting will be maintained between the northerly drive running between the Subject Property and adjacent Shingle Creek Crossing development, City staff requests that the Applicant work with the Property Owner of Shingle Creek Crossing (Gatlin Development Company) to ensure the lighting and landscaping is consistent along this segment of transition (see Images 7 and 8 below):



Images 7 and 8. Existing lighting and landscaping between Subject Property and adjacent Shingle Creek Crossing.

Trash / Screening

As the submittal is speculative in nature, no communal trash facilities were depicted on the submitted plan sets. The Applicant did provide detailing within the submitted landscape plans for a trash receptacle to be located at the southwest corner of Building A (110,000 square feet) and in proximity to proposed tables and benches. Pending approval of the submittal, the Applicant shall provide details on the intended location for trash facilities, and detail sheets with revised site plans for any exterior trash enclosures.

All ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. Roof-mounted equipment shall also be screened from view through use of parapets, wall/ fencing materials, or paint to match surrounding colors when visible from the public right-of-way.

As proposed, the Applicant intends to screen the shared truck court from view of Highway 100 with a berm and landscaping and in strategic locations along the north end of the Subject Property, and facing the western edge of Shingle Creek Crossing. Although a fence and retaining wall are indicated on the submitted plan sets as proposed, no detailing is provided. The Applicant shall work with City staff as necessary to determine requirements for placement and permitting.

Architectural Materials



Image 9. 3D Rendering of Proposed Building Exteriors (Subject Property).

The City's Architectural Design Guidelines require at least 50-percent of each elevation (face) of a building to be constructed of Class I materials, with the remainder constructed of Class II materials. An elevation by elevation breakdown of Class I and Class II building materials was provided by the Applicant per City

staff request.

As proposed, both buildings would be designed with similar materials comprised of pre-cast concrete panels textured with stucco texture, a wood-look fiber cement (i.e. Nichiha or approved alternate), and aluminum composite material panels (i.e. Alucobond or approved alternate).

As proposed, the majority composition of each building elevation is glass and pre-cast concrete, which are considered to be Class I building materials under the City's Architectural Guidelines; therefore, the minimum thresholds are met. Nichiha, which is indicated as a Class II material on the submitted architectural plans, has been determined in past projects to be a Class I type building material (i.e. HOM Furniture, located at 2501 County Road 10).

City staff provided feedback to the Applicant in March and May 2022, and it was requested that the Applicant provide enhanced architectural façade treatments along Highway 100, Building A's northwest corner (Xerxes Avenue North), Building B's northeast corner (facing Shingle Creek Crossing), and overall increased articulation and glazing for visual interest. City staff indicated that while the requests would ultimately re-zone the Subject Property to accommodate the use, the Applicant should think creatively for ways to complement the adjacent retail use (Shingle Creek Crossing).

City staff has worked with the Applicant on a few iterations of the site plan and indicated early on that the Applicant should maintain the building line currently in existence today with Buildings 1 through 5 of the Shingle Creek Crossing development (e.g. TJ Maxx, Five Below). Through discussions with the Applicant it was determined that it would be infeasible to bring the building up to the same exact build line due to impacts to the overall provided square footage of each building, and site constraints to parking and drive aisles given the north-south orientation of the proposed buildings.

As part of this submittal, the Applicant indicated revisions to the architectural plans to provide an expanded entry features on the north and south elevations, and the addition of reveals and adjustments to the glass pattern between entrances along the front of the building. The applicant has indicated that the proposed buildings would have clear heights of 28-feet to attract businesses in need of modern, Class A space. The overall height of the proposed buildings from ground level to the top-most parapet is proposed at just under 35.5 feet. This height is similar to the adjacent Walmart, whose ground level to parapet heights are at approximately 31.5 feet.

Landscaping

The project submittal includes a landscape plan and planting schedule. Although City Code does not have any specific requirements on the species of landscaping, the City has operated under and held new and redeveloped areas to complying with the City's adopted Landscape Point System policy, which assigns points to a given site based on the acreage and type of development. In discussions with the Applicant, and in consideration of the draft landscaping requirements outlined within the City's draft Unified Development Ordinance (UDO), City staff requested that the Applicant explore opportunities to diversify the landscaping and provide native and resilient plant types when possible.

The Landscape Point System outlines requirements for uses such as "light industrial," "heavy industrial," and "office/industrial (over 25% office)," and requires a specific amount or number of landscaping units based on the maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorative trees; and 25% shrubs). As the Applicant is requesting PUD and re-zoning approvals, an amendment to re-designate the Subject Property under the 2040 Comprehensive Plan, and provided the

Subject Property's adjacency to a retail shopping center, City staff calculated the landscaping assuming the "Office/Industrial" use. It should be noted that the Overall Landscaping Plan (Sheet L100) clearly indicates an assumption of "Light Industrial," which has lesser requirements for landscaping. Assuming an approximately 15-acre site, the Subject Property would have to accrue 990 points. (2 acres * 90 + 8 acres * 70 + 5 acres * 50 = 990 points).

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade (Deciduous) Trees	2 ½" diameter	10	50% or 495 <u>points</u>	440 points (44 trees * 10 points)
Coniferous (Evergreen) Trees	5' height	6	40% or 396 <u>points</u>	228 points (38 trees * 6 points)
Decorative (Ornamental) Trees	1" diameter	1.5	35% or 347 <u>points</u>	75 points (50 trees * 1.5 points)
Shrubs	12" diameter	0.5	25% or 248 <u>points</u>	172 points (344 shrubs * .5 points)
Total				915 points

Table 3. Landscape Point System Policy Calculations for Subject Property (North 100 Business Park).

Based on a review of the submitted Landscape Plan, dated May 24, 2022, the plan is deficient by 75 points. The Applicant could easily fulfill this gap by providing any combination of the above planting types, as none of the maximum points have yet been met. The Applicant will need to ensure all plantings meet minimum sizing requirements, as outlined above in Table 3. As part of any construction set submittals, a copy of an irrigation plan drawing will be required for review and approval, and an irrigation system maintained on-site.

Per City staff comments addressed in the memorandum provided by the City Engineer Mike Albers, dated June 17, 2022, and the supplemental redlined civil set, the Applicant should ensure adequate Clearview Triangles are provided at all street intersections per City Code Section 25-802, and the Applicant should verify the placement of trees and other landscaping within proximity to proposed utilities.

The Applicant should consider stepping certain landscaping back at and near intersections and pedestrian crossings to provide adequate visibility for both motorists and pedestrians.

Signs

No specific signage requests were made regarding new or revised signage for the Subject Property, and as the proposal is speculative in nature, none were anticipated at time of submittal. The City is currently underway with an update to multiple City codes, including the Sign Code. Any signage will need to comply with the allowances as outlined in the adopted City signage regulations at time of submittal, and the Applicant will need to apply for and receive issuance of a sign permit prior to any installation.

Engineering Review

Mike Albers, City Engineer, reviewed the plans and provided a memorandum, dated June 17, 2022 (Exhibit C). Most of the comments pertain to the need for plan corrections and additional details relating to stormwater, sanitary sewer, watermains and hydrants, roads, trails, and sidewalks, and traffic. An MPCA NPDES permit is required as the total disturbed area would exceed one acre, and a Construction Management Plan and Agreement, and Utility Facilities Easement Agreement shall be submitted to the City in advance of any permit release. The Applicant will also require a watershed plan review and conform to watershed rules. It should be noted that the Watershed Commission project review is currently

underway.

A stormwater report, completed by Kimley-Horn, dated February 11, 2022, and revised May 24, 2022, and a copy of the traffic memo, last revised June 9, 2022, were provided as part of the submittal.

Building Review

Building Official Dan Grinsteinner conducted a cursory review of the submitted plan sets and provided a memorandum dated June 21, 2022 (Exhibit F). Pending approval of the requests, the Applicant will need to submit full construction plans, including but not limited to: architectural, structural, mechanical, plumbing, electrical, civil, landscaping, and photometric plans to the City for review. A fire sprinkler and monitoring system is required for installation and is to be maintained at all times, and sufficient fire hydrants shall be provided.

The Applicant will also need to meet any minimum ADA requirements with regard to the building and site improvements, and prior to issuance of any building permits, a SAC determination shall be submitted to the Metropolitan Council and any associated fees shall be paid at time of permit issuance.

All building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.

CPTED Review

City staff requests that as part of any construction set review, a CPTED (Crime Prevention through Environmental Design) review be completed by City staff.

External Reviews

The submitted plan sets were forwarded on to contacts at Hennepin County, the Minnesota Department of Transportation (MnDOT), and the Watershed Commission review. Any approval of Planning Commission Application No. 2022-004 is subject to the Applicant complying with any requested revisions or recommendations as outlined by the aforementioned authorities.

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested site and building plans for the proposed redevelopment of the approximately 15-acre former Sears property, located at 1297 Shingle Creek, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related preliminary and final plat, Planned Unit Development/re-zoning, Zoning Code, and Comprehensive Plan Amendment requests.

APPROVAL CONDITIONS | ANTICIPATED PERMITTING

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2022-004 for the Subject Property located at 1297 Shingle Creek Crossing:

1. The building plans are subject to review and approval by the Building Official as noted in the memorandum dated June 21, 2022, and with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.

- b. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - c. The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval.
 - d. A fire sprinkler system is required to be installed and shall be maintained on a consistent basis per City Code requirements.
 - e. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - f. The Applicant shall provide any final site and building plans to City staff for a CPTED review and make alterations as necessary prior to permit release.
 - g. The submitted landscape plans shall be revised to meet City's minimum Landscape Point System policy requirements and an identified "office/industrial" use.
 - h. The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings for review and approval prior to installation.
 - i. The Applicant shall revise the submitted photometric plan to reflect minimum, maximum, and average foot-candles per fixture, and clearly identify all property lines.
 - i. The Applicant shall work with the adjacent property owner for Shingle Creek Crossing to ensure consistency in lighting and landscaping along the north drive between the Subject Property and Shingle Creek Crossing.
 - ii. Photometric plans shall be revised as needed to incorporate additional pedestrian-level lighting for main building entrance points and sidewalk connections.
 - j. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and an updated details sheet provided.
 - k. The Applicant shall submit a Sign Permit Application for any proposed signage (e.g., wall, freestanding) and receive issuance of a permit prior to any installation. All signage shall conform to City requirements.
2. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's review memorandum, dated June 17, 2022.
 - a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.
 - b. Any requirements as outlined in reviews conducted by Hennepin County, the Minnesota Department of Transportation (MnDOT), and the Watershed Commission.
3. Agreements:
 - a. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of building permits. The agreement shall further assure compliance with the development plans submitted with this application.
 - i. No outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted.
 - ii. Warehousing and wholesaling shall not exceed 80-percent of the total floor area. The remaining 20-percent of the total floor area shall be non-warehouse uses.

such as a combination of uses including, but not limited to: office, manufacturing, production, research and development, and lab and/or showroom.

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

- b. A Performance Agreement with supporting financial guarantee approved by the City shall be executed upon any approval of the to-be submitted building permit for site improvements, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.
- c. The Developer shall submit an as-built survey of the property, improvements, and utility service lines prior to release of any Performance Agreement financial guarantee.
- d. A Utility Facilities Easement Agreement is required for submittal to the City prior to issuance of any permits.
- e. A Construction Management Plan and Agreement and associated escrow are required for submittal prior to the City prior to issuance of any permits.
- f. The Applicant shall coordinate with adjacent property owners and the City to execute any cross access and parking agreements for the proposed site improvements. No building permits shall be issued until such determination is made and any agreements are recorded with Hennepin County.
- g. The Applicant shall work with the City for dedication of the proposed trail easement and provision of trail profile and plans.

4. Platting:

- a. Approval of the preliminary and final plat for NORTH 100 BUSINESS PARK ADDITION are contingent upon the addressing of comments by City Engineer Mike Albers in the memorandum dated June 17, 2022.
 - i. A 10-foot drainage and utility easement shall be dedicated on the plat around the entire perimeter of the Subject Property and centered on other lot lines.
 - ii. All utilities and storm water management facilities to be located within said drainage and utility easement.
 - iii. Additional dedication of a utility easement is requested on the plat for the private water main and sanitary to allow for maintenance access per the Utility Facilities Easement Agreement.
- b. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
- c. Any final plat comments and/or requirements as provided by Hennepin County.
- d. Any final plat comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
- e. The successful recording of said plat (mylar) with Hennepin County.

RECOMMENDATION

Based on the above-noted findings, staff recommends the following motion:

Motion to approve a Resolution recommending that the City Council approve (1) preliminary and final plat

for the NORTH 100 BUSINESS PARK ADDITION, (2) the submitted site and building plan, (3) re-zoning and establishment of a Planned Unit Development, (4) an amendment to the Zoning Code and associated Map to remove the Subject Property located at 1297 Shingle Creek Crossing from the Central Commerce Overlay District, and (5) an amendment to the City's 2040 Comprehensive Plan to allow for a re-designation of the Subject Property from Transit-Oriented Development (TOD) to Business Mixed-Use (B-MU), based on the submitted plans and findings of fact, as amended by the Conditions of Approval in the June 23, 2022 Planning Commission Report, and subject to final approval by the Metropolitan Council for the requested Comprehensive Plan Amendment.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2022-004 Plans and Documents, submitted May 24, 2022.

Exhibit B – Public Hearing Notice Ad Proof, submitted for publication in the Brooklyn Center Sun Post, and dated June 16, 2022.

Exhibit C – City Council Concept Plan Review Memos, dated May 24, 2021, and November 22, 2021.

Exhibit D – City Council Resolution No. 2011-128 (*Resolution Regarding the Disposition of Planning Commission Application No. 2011-015 Submitted by Sears, Roebuck and Co.*).

Exhibit E – Review Memorandum, prepared by City Engineer Mike Albers, and dated June 17, 2022, and provided redlined civil and plat sets.

Exhibit F – Review Memorandum, prepared by Building Official Dan Grinsteinner, and dated June 21, 2022.



Scannell Properties
 294 Grove Lane East
 Suite 140
 Wayzata, MN 55391
 (763) 331-8850
www.scannellproperties.com

February 16, 2022

City of Brooklyn Center
 6301 Shingle Creek Parkway
 Brooklyn Center, MN 55430-2199

RE: Application for Planning Consideration
 North 100 Business Park, a planned redevelopment of the former Sears site
 1297 Shingle Creek Crossing, Brooklyn Center, MN 55430

Dear Planning Commission & City Council:

Scannell Properties is requesting Site & Building Plan Approval, Preliminary Plat, Final Plat, and a PUD Amendment at the former Sears site near the intersection of Brooklyn Boulevard and Highway 100. We are proposing construction of two single-story business park buildings on +/-15.3 acres, totaling 228,750 square feet, including one 120,000 square foot building and one 108,750 square foot building. The proposed buildings are speculative in nature with no pre-lease tenants identified at this time and will each accommodate between one and four businesses.

The buildings will be constructed of pre-cast panels with reveals and painted for a pleasing composition of color and geometries. They will have interior clear heights of 28' to attract businesses in need of modern, Class A, space to operate and grow. The buildings will be accented with glass window systems providing a two-story perspective, steps in the precast system both in plan and elevation, decorative metal panels, and entry canopies.

The primary site access will be from 55th Avenue and Xerxes Avenue to the west and will include connections to the surrounding access drives shared with the adjacent properties. The proposed plan includes pedestrian ways throughout the project with connections to the surrounding sidewalks and trails. The shared truck court between the buildings will be screened with a berm and landscaping along the south edge and ample landscaping within strategically aligned islands on the north side. The project architect is Mohagen Hansen out of Wayzata, MN, and the civil engineer is Kimley-Horn out of St. Paul, MN.

As discussed in previous work sessions with City Council, several uses have been explored for this site over the last year and beyond. Ultimately, we have concluded the highest and best use that can be supported by the market is an employment-based use. A business park setting will achieve several objectives, including:

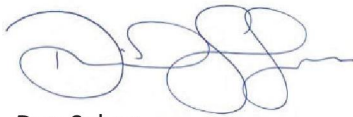
- Provide growth opportunities for local businesses looking to expand and/or modernize
- Attract new employers to the City of Brooklyn Center
- Create quality jobs for local residence (projected to be between 230 to 300+)

- Drastically increase the current tax base for the site
- Increase the local employment base to support local retailers in the vicinity of the project

Typical uses for these types of buildings include office, warehouse, manufacturing, production, lab, and R&D. Subject to approval, our goal is to proceed with demo and construction in 2022 to allow for occupancy in 2023.

We appreciate your consideration and all of the time, effort, and input from you, staff, and the community over the last year. We are incredibly excited to move this project forward and believe it will be of tremendous value to the community as a whole. If you have any questions, please contact me by phone or at dans@scannellproperties.com.

SCANNELL PROPERTIES

A handwritten signature in blue ink, appearing to read 'Dan Salzer', with a stylized, cursive script.

Dan Salzer
Senior Development Manager

cc: Joe David, Transformco

A300
3

E

50' - 0"

50' - 0"

F

550' - 0"

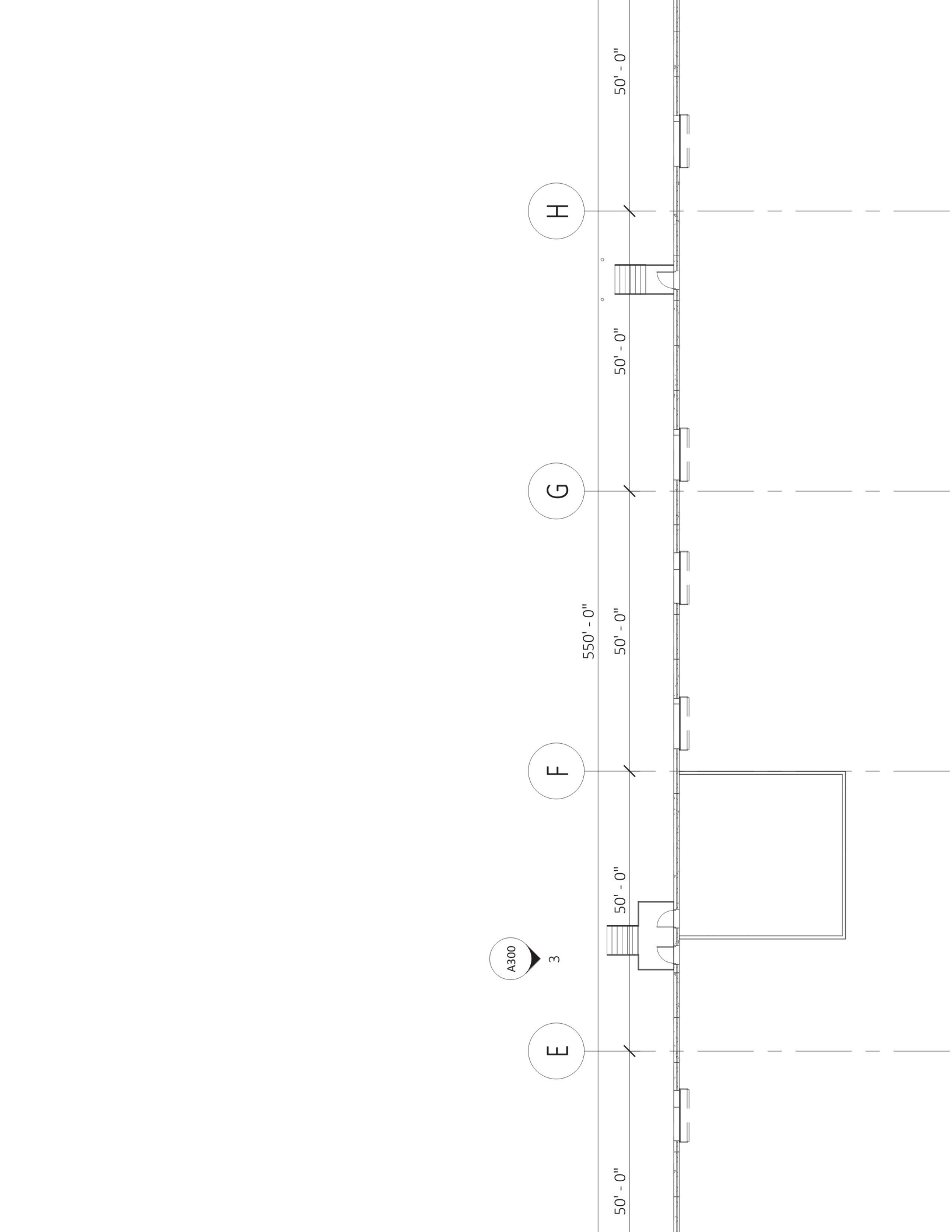
50' - 0"

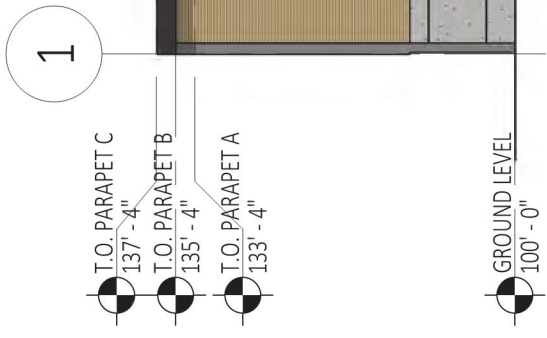
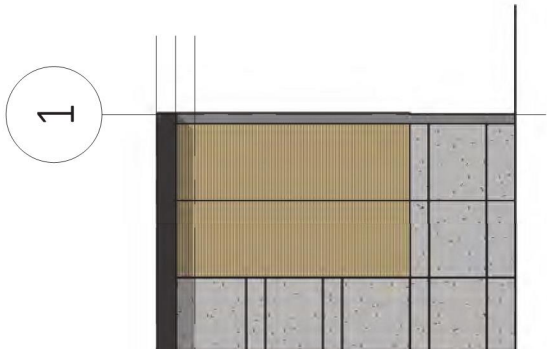
G

50' - 0"

H

50' - 0"





E

50' - 0"

F

A300
3

50' - 0"

G

600' - 0"

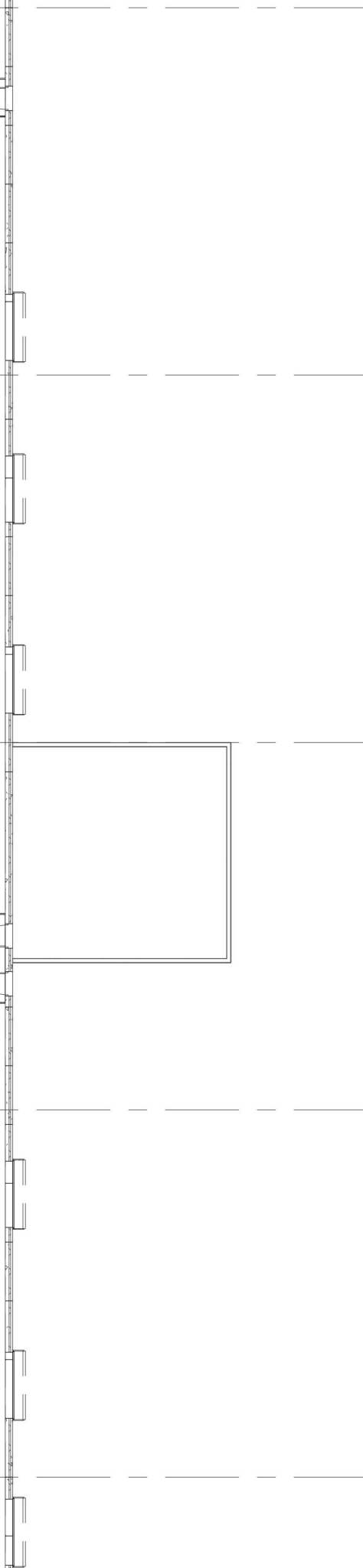
50' - 0"

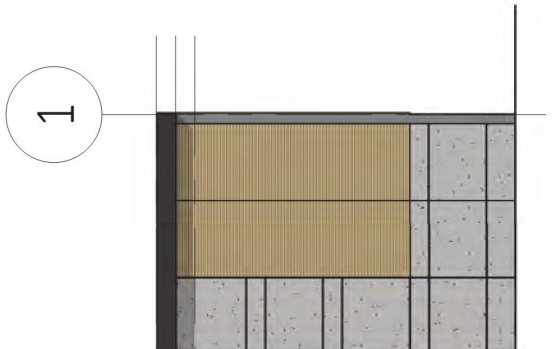
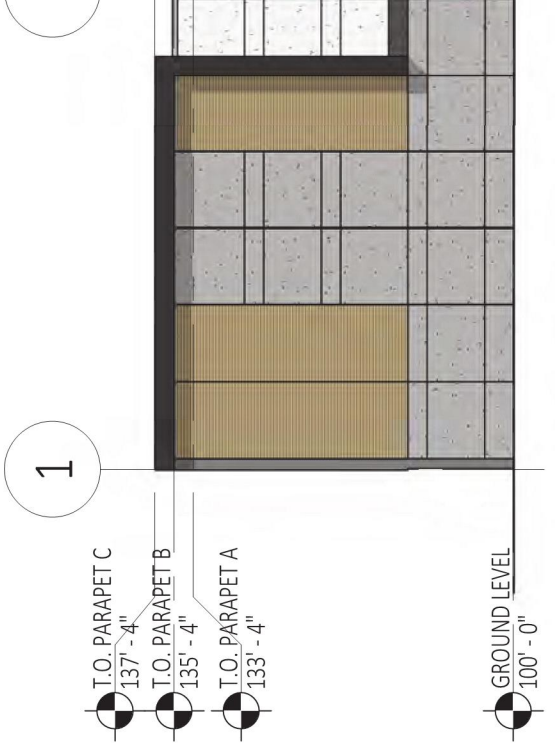
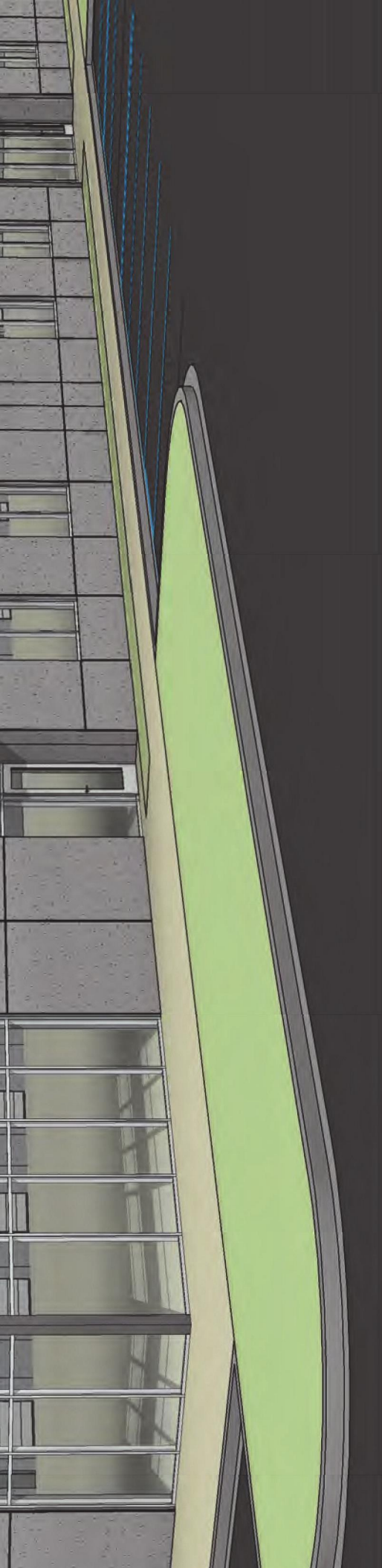
H

50' - 0"

J

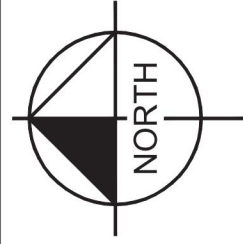
0







SITE



VICINITY
N.T.S.

BASS LAKE RD

MN-100

XERXES AVE N

BROOKLYN BLVD

23. ALL PROPOSED GRADES ONSITE SHALL BE 3:1 OR FLATTER UNLESS OTHERWISE INDICATED.

7. BUILT UP SEDIMENT SHALL BE REMOVED FROM SILT FENCE WHEN IT HAS REACHED ONE THIRD THE HEIGHT OF THE FENCE.

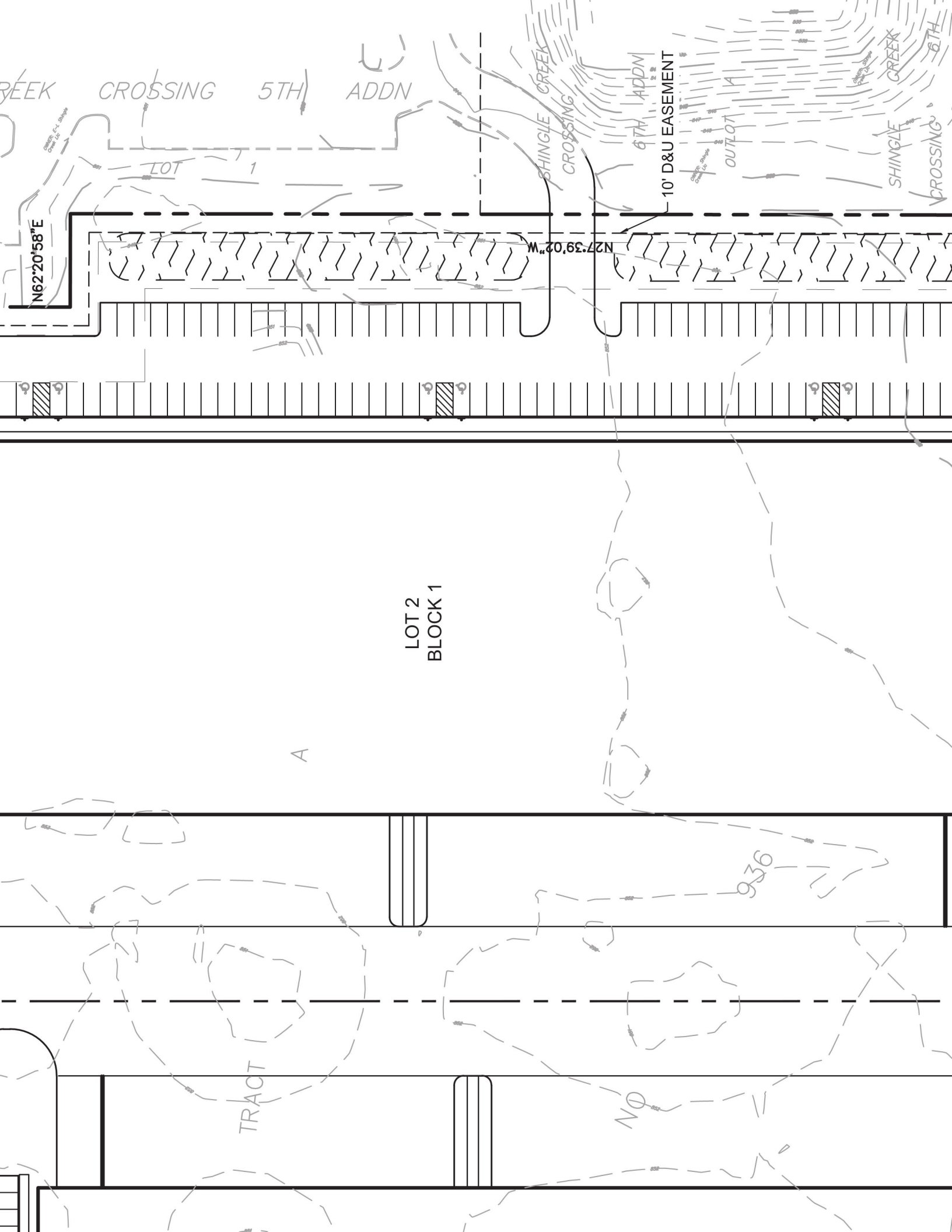
5. PROVIDE ADEQUATELY MAINTAINED SANITARY FACILITIES.

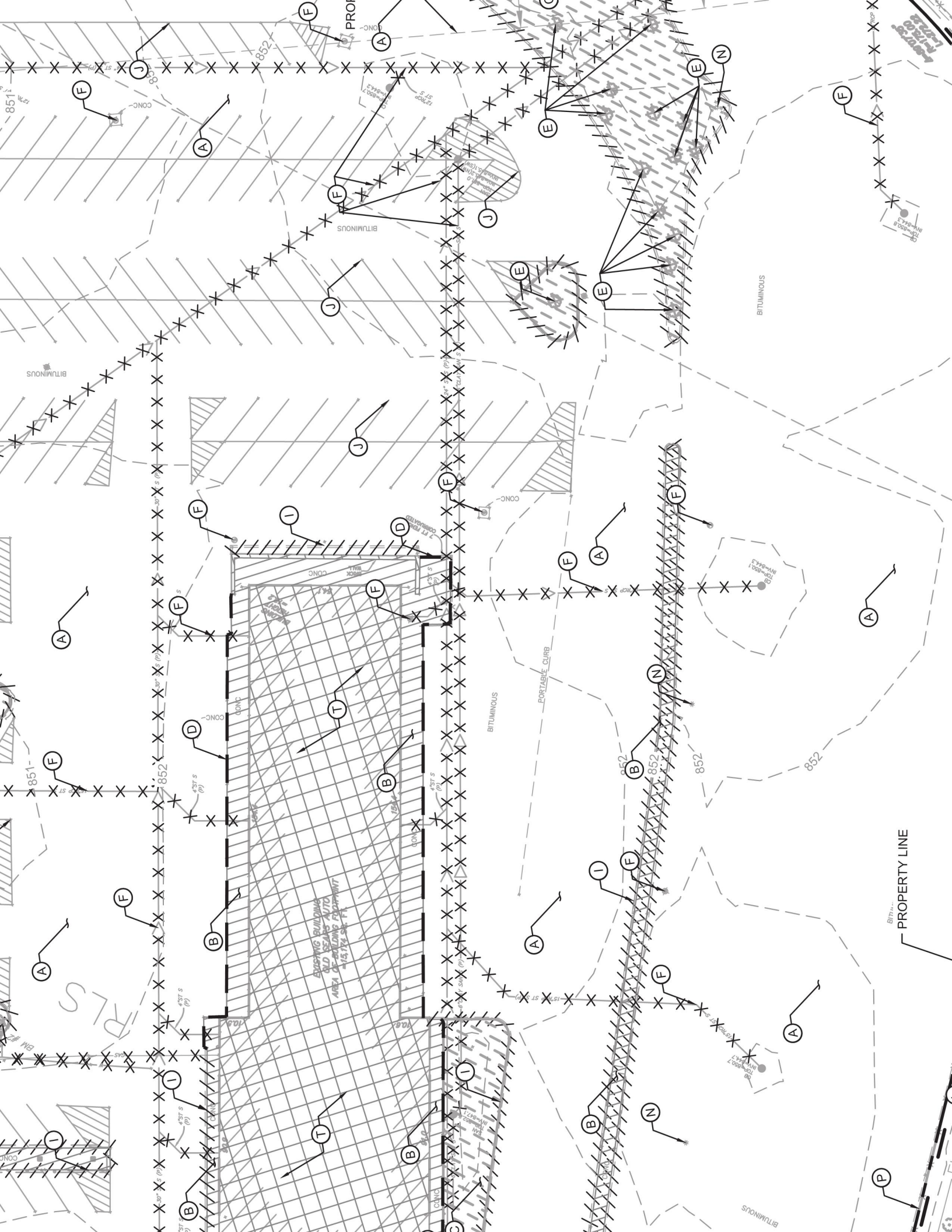
3. IF SURPLUS PRODUCT MUST BE DISPOSED OF, MANUFACTURERS' OR LOCAL AND STATE RECOMMENDED METHODS FOR PROPER DISPOSAL WILL BE FOLLOWED.

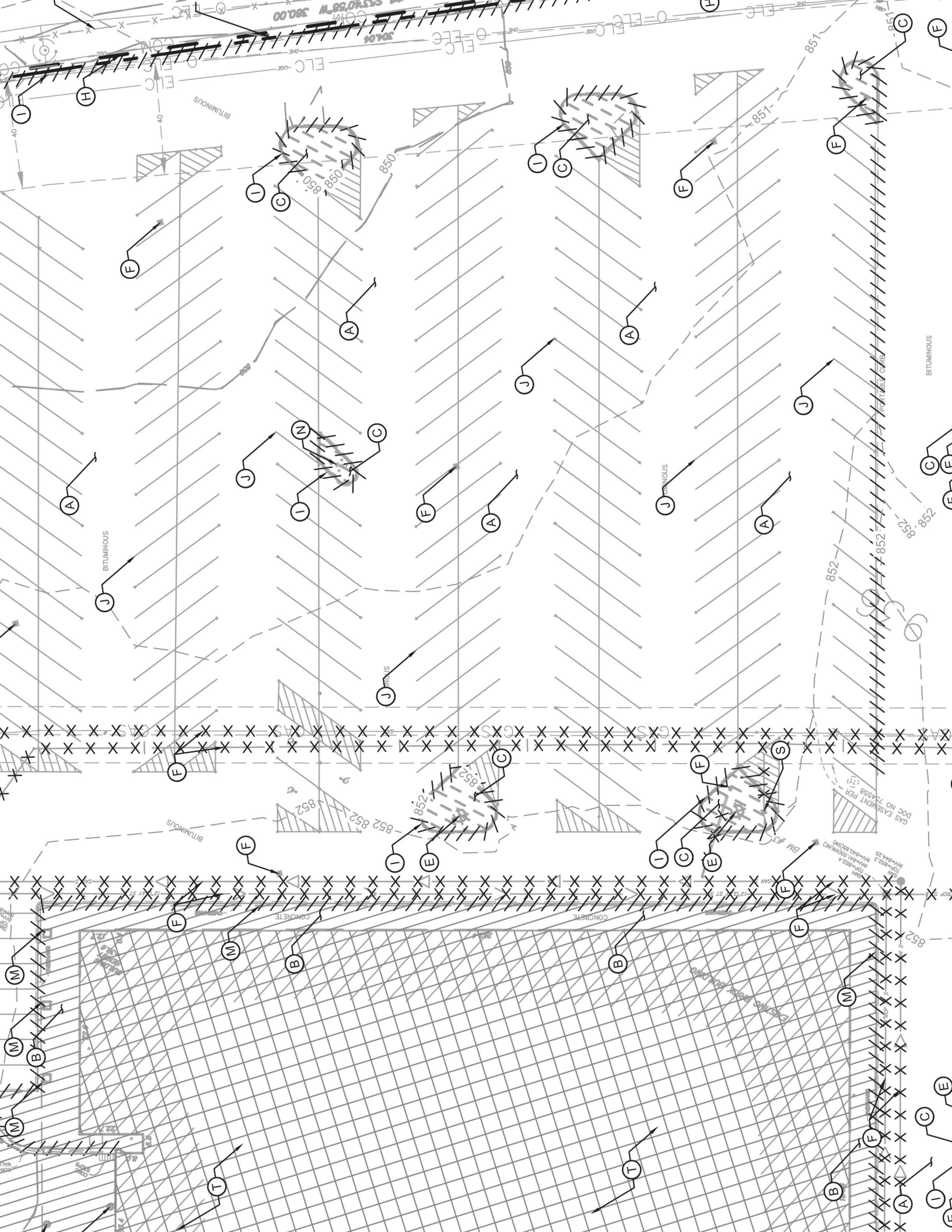
7. SPILLS WILL BE STUDIED TO UNDERSTAND WHY THEY OCCURRED AND PREVENTIVE METHODS WILL BE CREATED TO ENSURE SIMILAR SPILLS DO NOT OCCUR IN THE FUTURE.

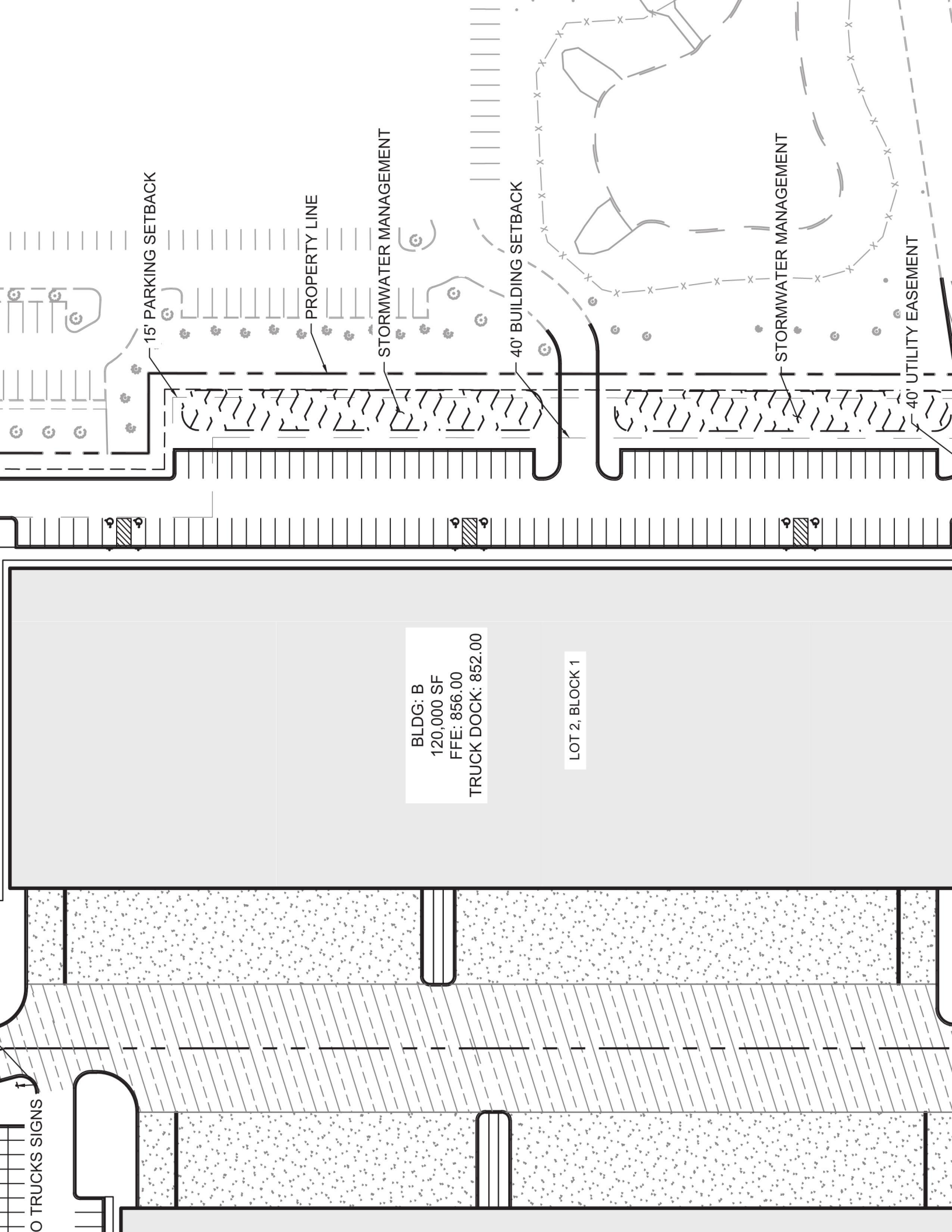
9. CONCRETE WASHOUT SHALL BE EPA CONCRETE WASHOUT GUIDE

IICT SPECIFIC PRACTICES









15' PARKING SETBACK

PROPERTY LINE

STORMWATER MANAGEMENT

40' BUILDING SETBACK

STORMWATER MANAGEMENT

40' UTILITY EASEMENT

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

LOT 2, BLOCK 1

10 TRUCKS SIGNS

BLDG: A
 110,000 SF
 FFE: 856.00
 TRUCK DOCK: 852.00

18.0' 25.0' 18.0'
 18.0' 25.0' 18.0'

(A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

STORMWATER MANAGEMENT
 30' BUILDING SETBACK
 PROPERTY LINE
 PUBLIC TRAIL EASEMENT

BLDG: A
 110,000 SF
 FFE: 856.00
 TRUCK DOCK: 852.00

18.0' 25.0' 18.0'
 18.0' 25.0' 18.0'

(A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

STORMWATER MANAGEMENT
 30' BUILDING SETBACK
 PROPERTY LINE
 PUBLIC TRAIL EASEMENT

BLDG: A
 110,000 SF
 FFE: 856.00
 TRUCK DOCK: 852.00

18.0' 25.0' 18.0'
 18.0' 25.0' 18.0'

(A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

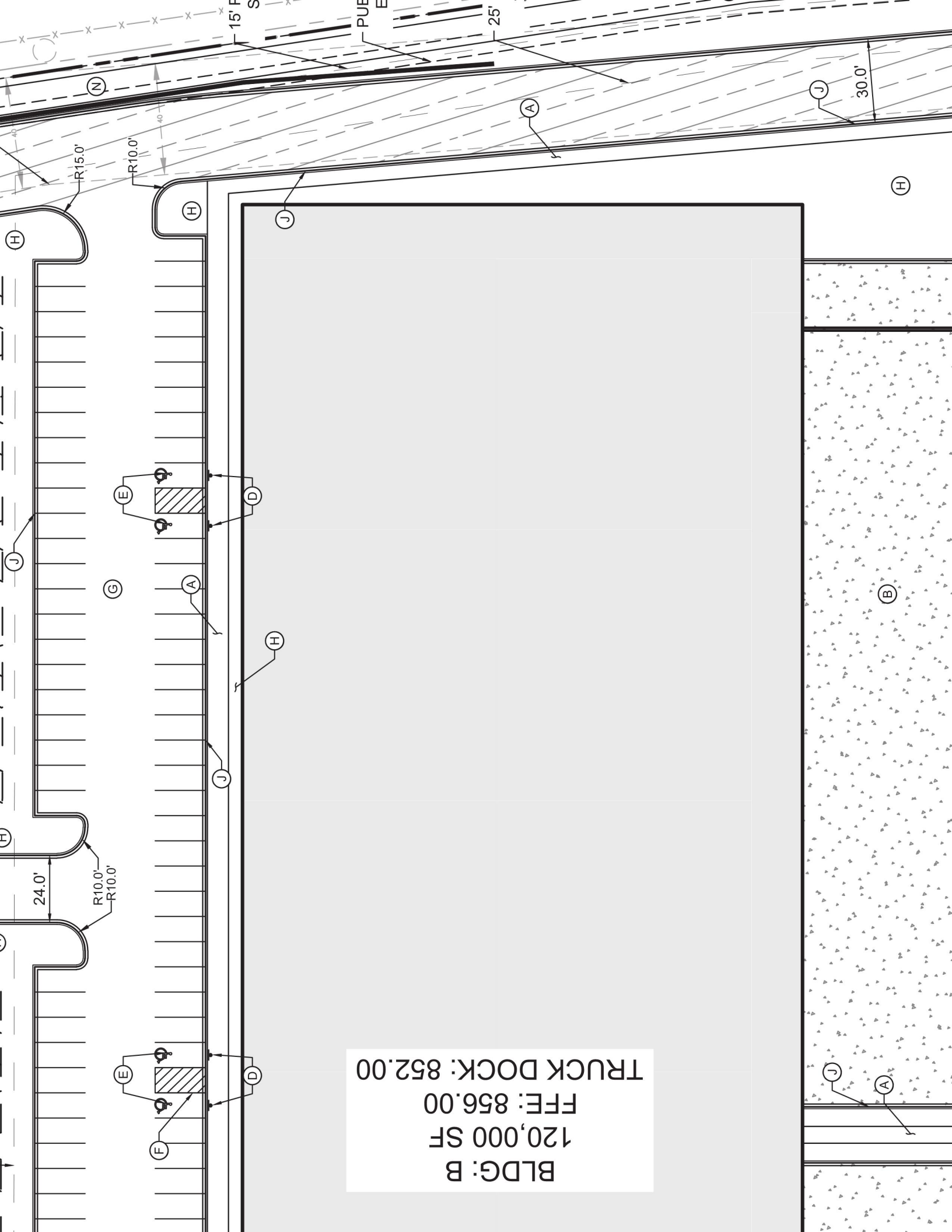
STORMWATER MANAGEMENT
 30' BUILDING SETBACK
 PROPERTY LINE
 PUBLIC TRAIL EASEMENT

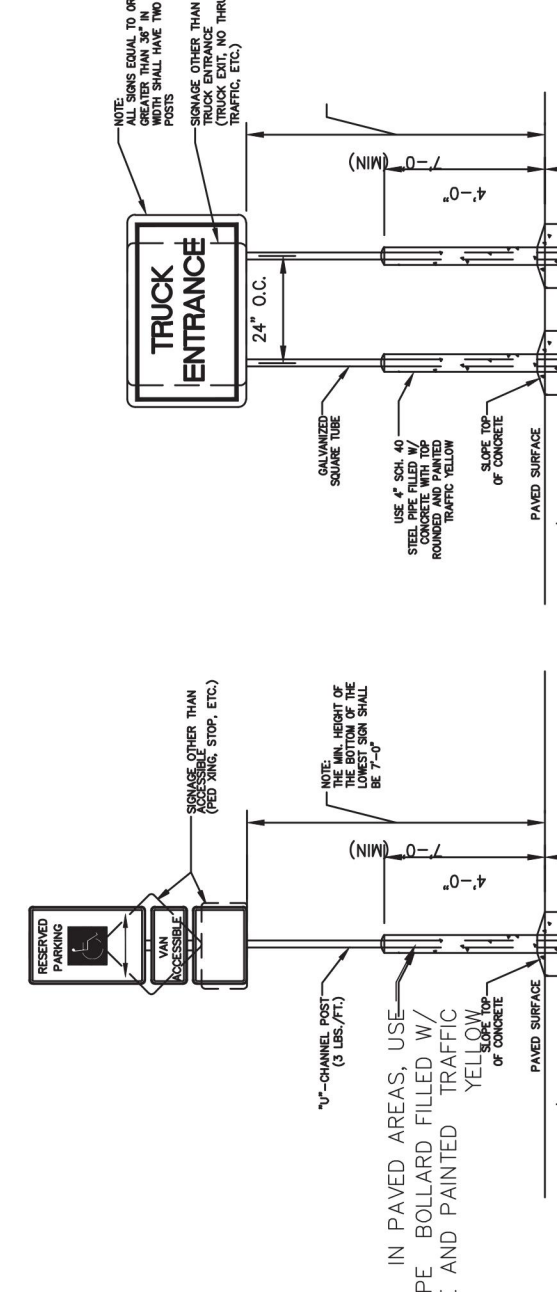
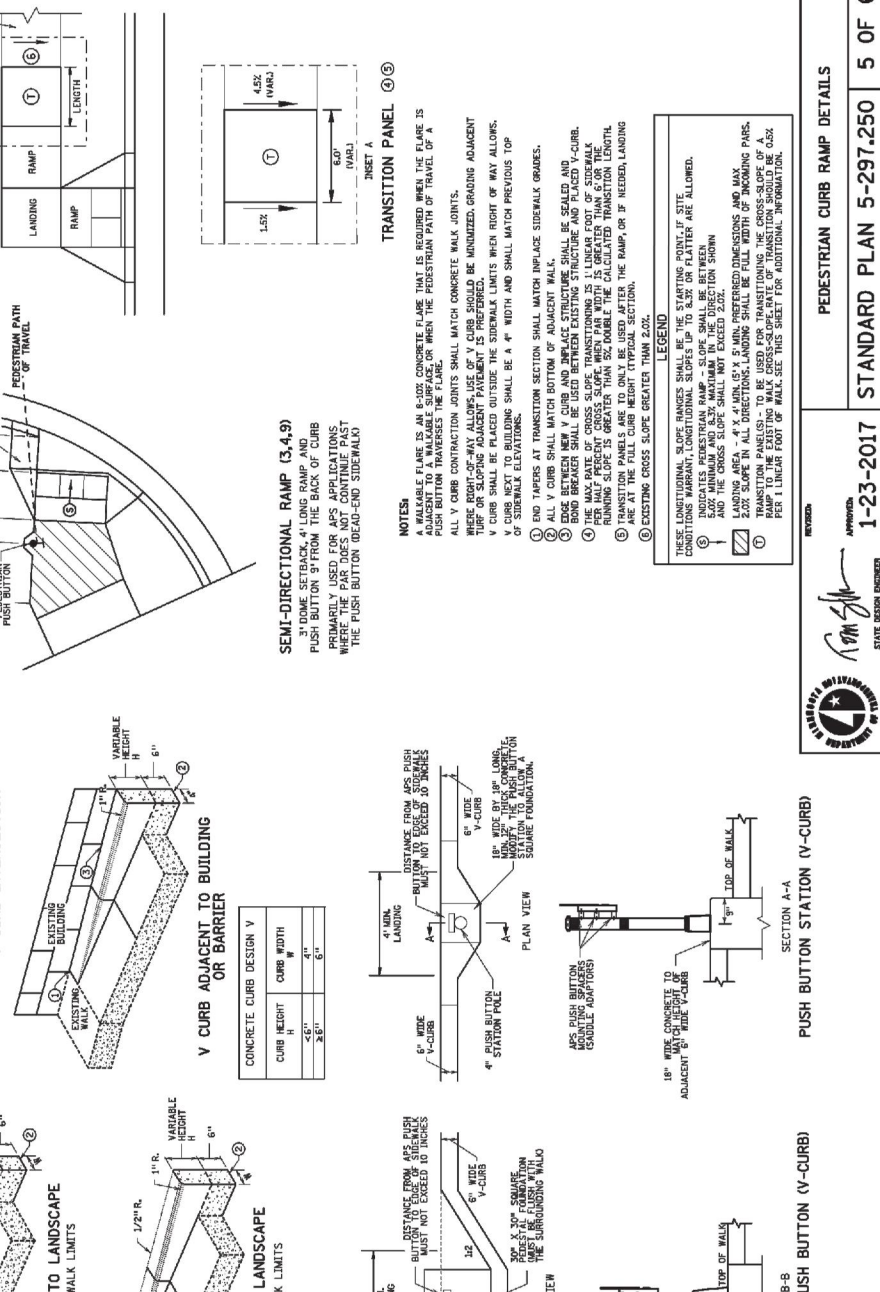
BLDG: A
 110,000 SF
 FFE: 856.00
 TRUCK DOCK: 852.00

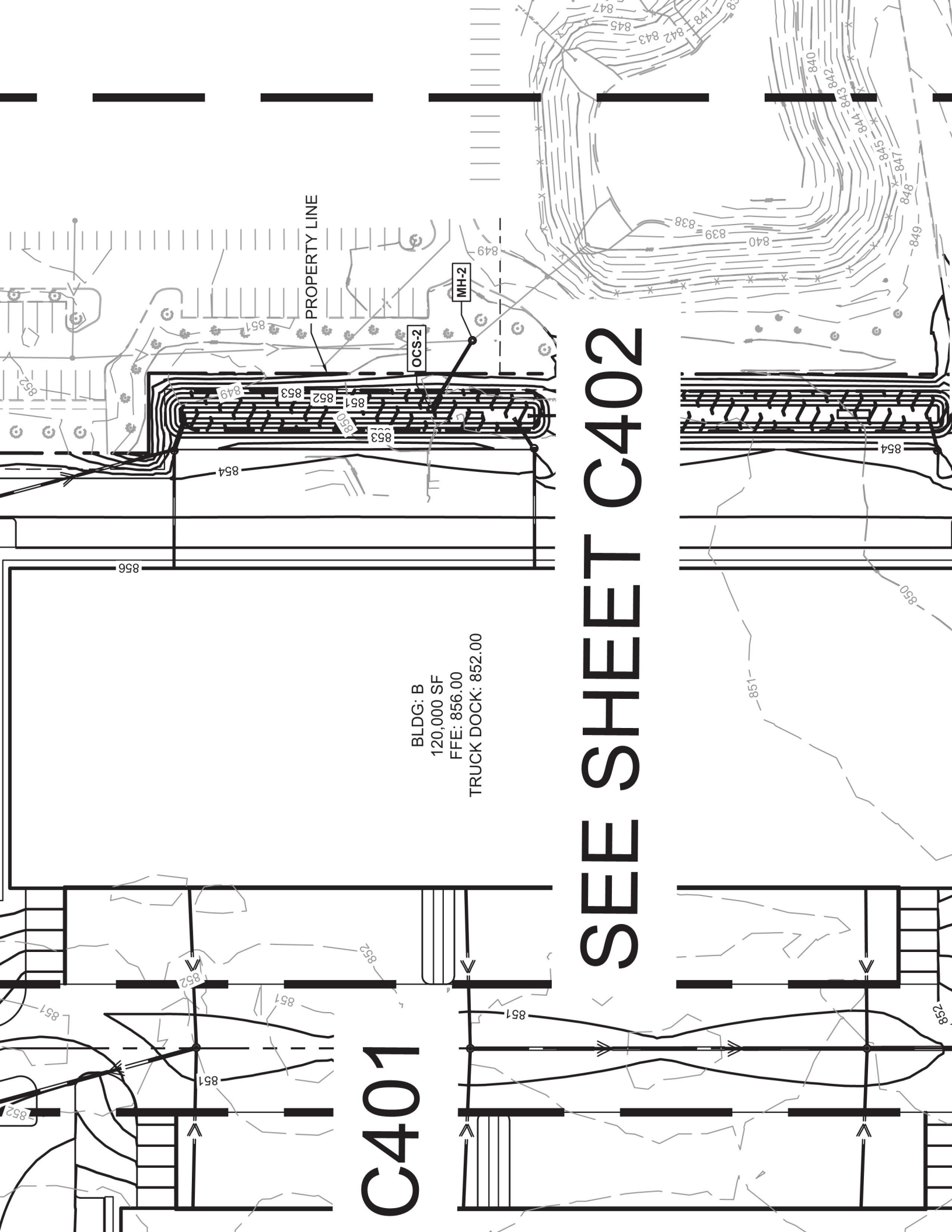
18.0' 25.0' 18.0'
 18.0' 25.0' 18.0'

(A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

STORMWATER MANAGEMENT
 30' BUILDING SETBACK
 PROPERTY LINE
 PUBLIC TRAIL EASEMENT







PROPERTY LINE

MH-2

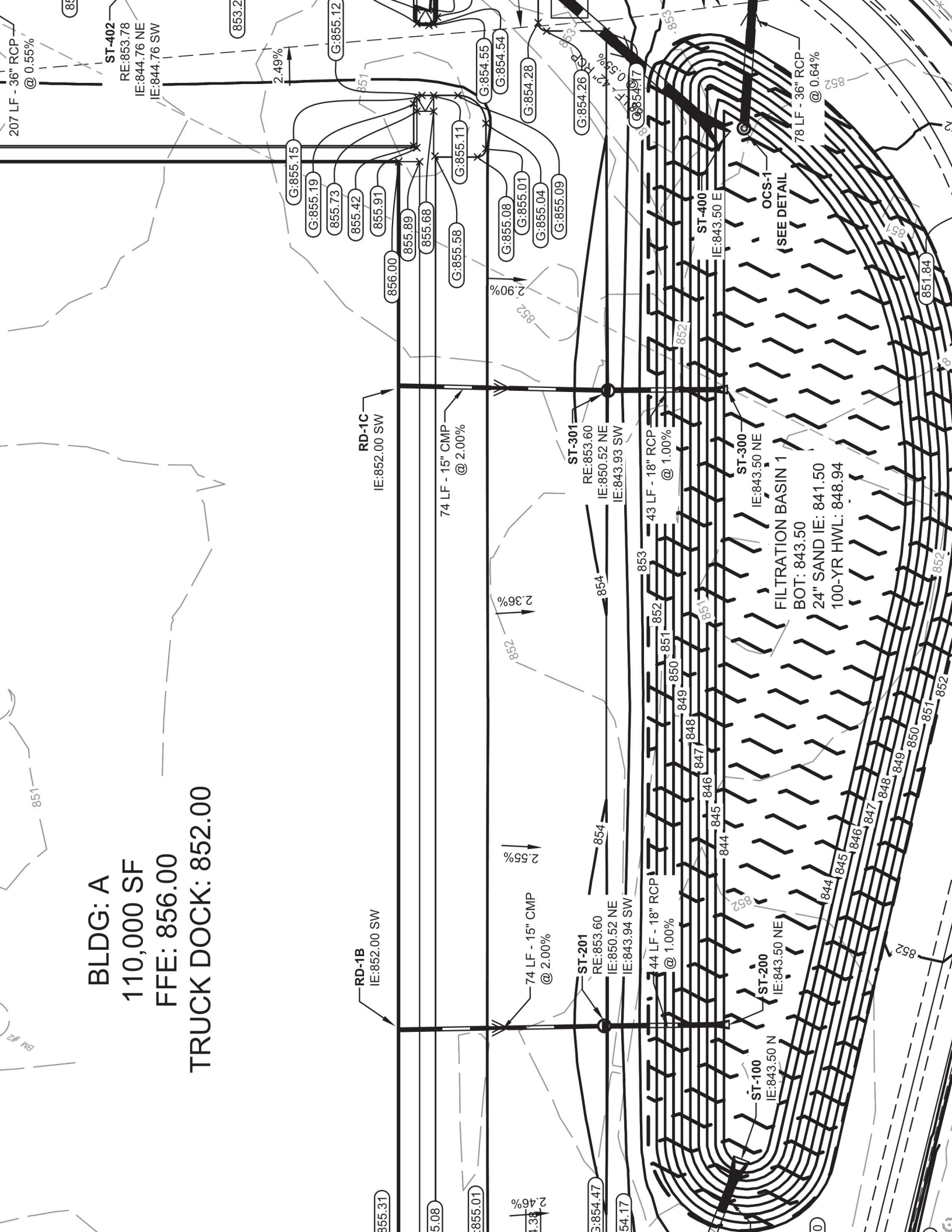
OCS-2

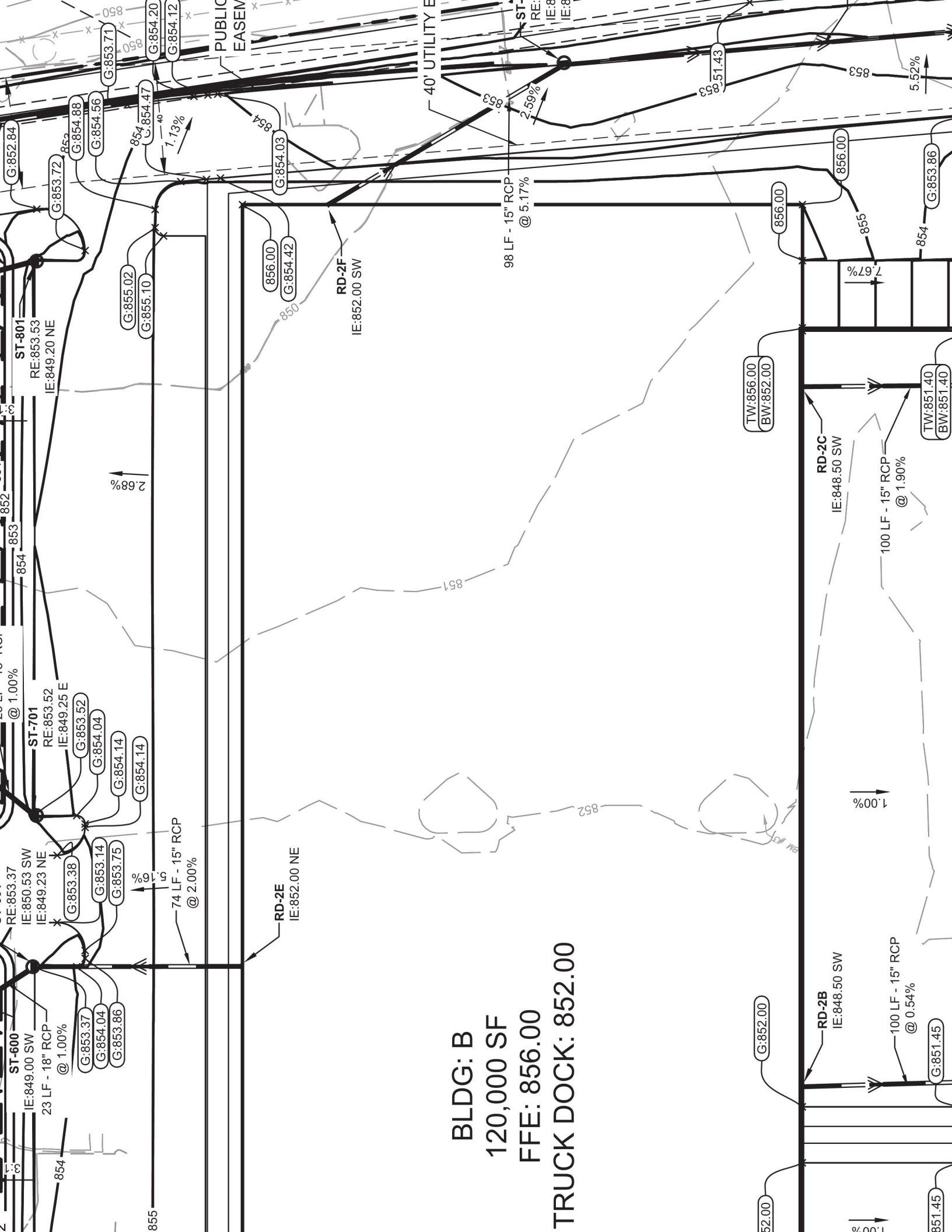
SEE SHEET C402

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

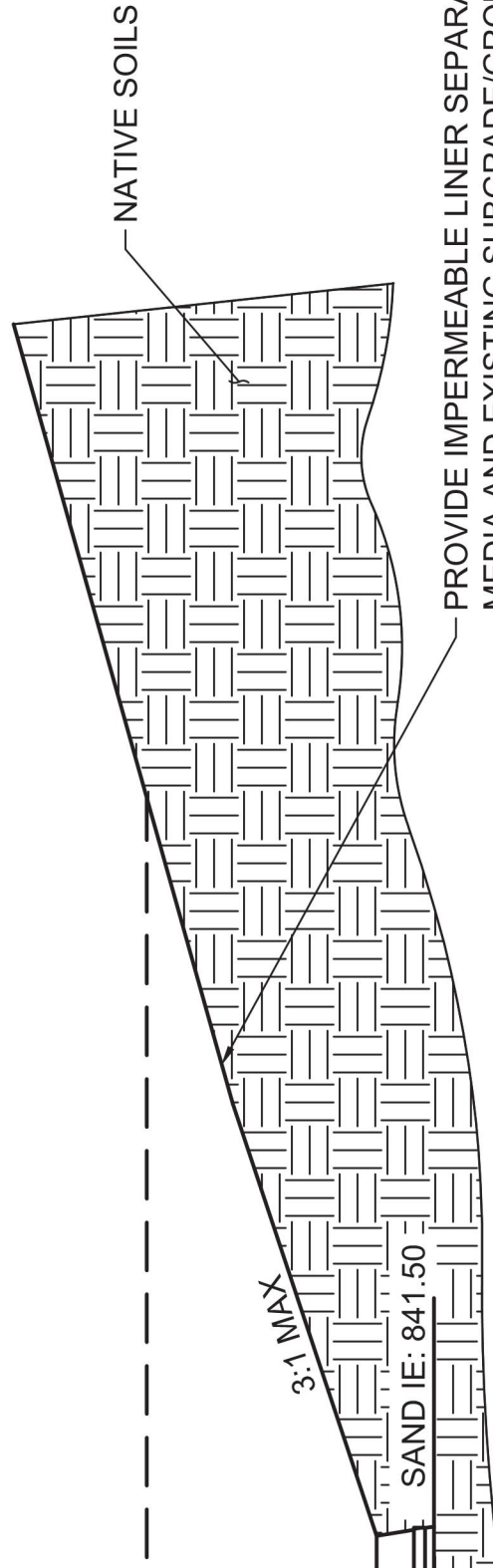
C401

BLDG: A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00





BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00



ENGINEERED SOIL MEDIA. FILTER TOPSOIL BORROW, MODIFIED TO HAVE A MIXTURE BY VOLUME OF 80% SAND OVER "FINE AGGREGATE FOR PORTLAND CEMENT CONCRETE" AND 20% COMPOST. CONTRACTOR IS TO NOT COMPACT FILTRATION BASIN.

PLACE DRAIN TILE 6" ABOVE BOTTOM ENGINEERED MEDIA SECTION

ING SETBACK

SEE SHEET C502

C501

15' PARKING SETBACK

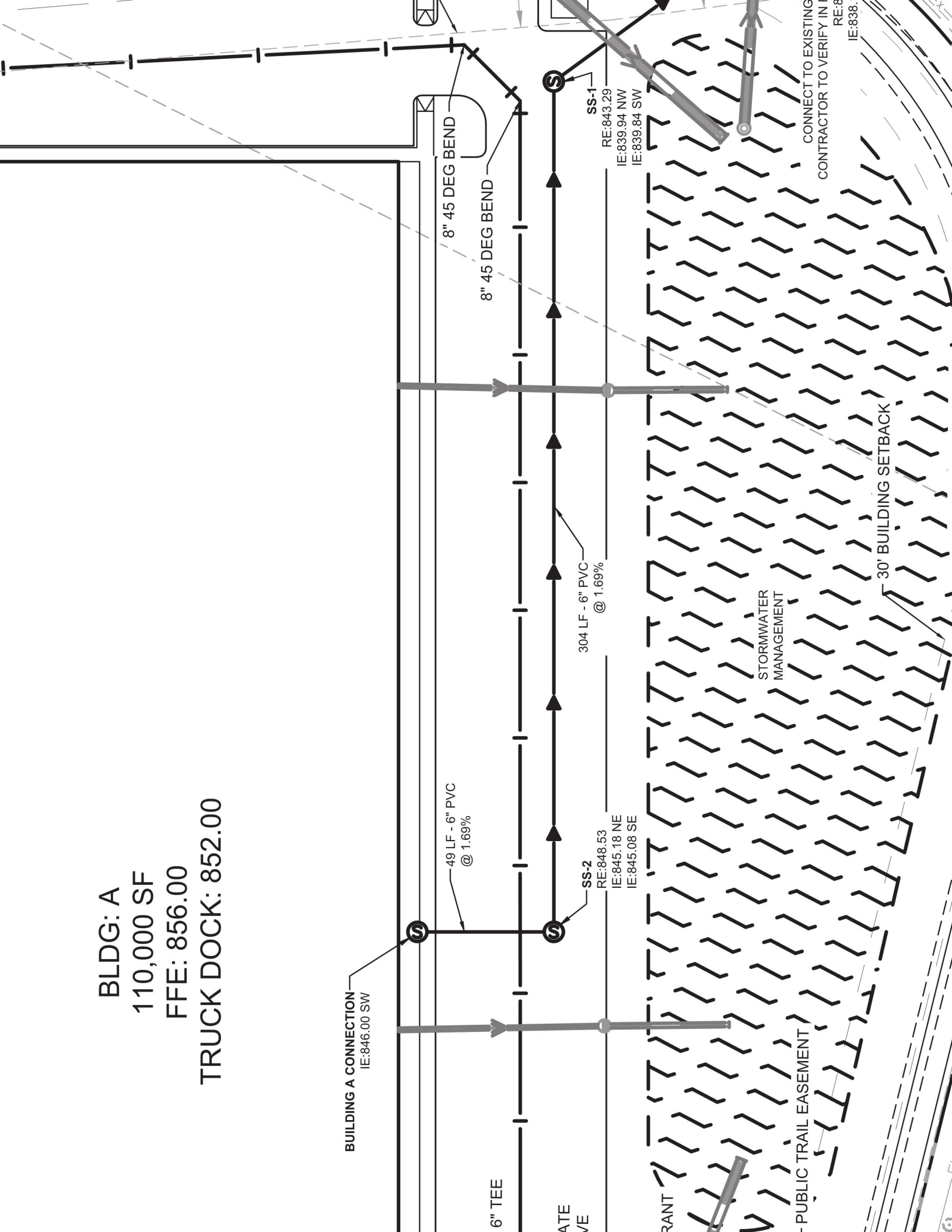
STORMWATER MANAGEMENT

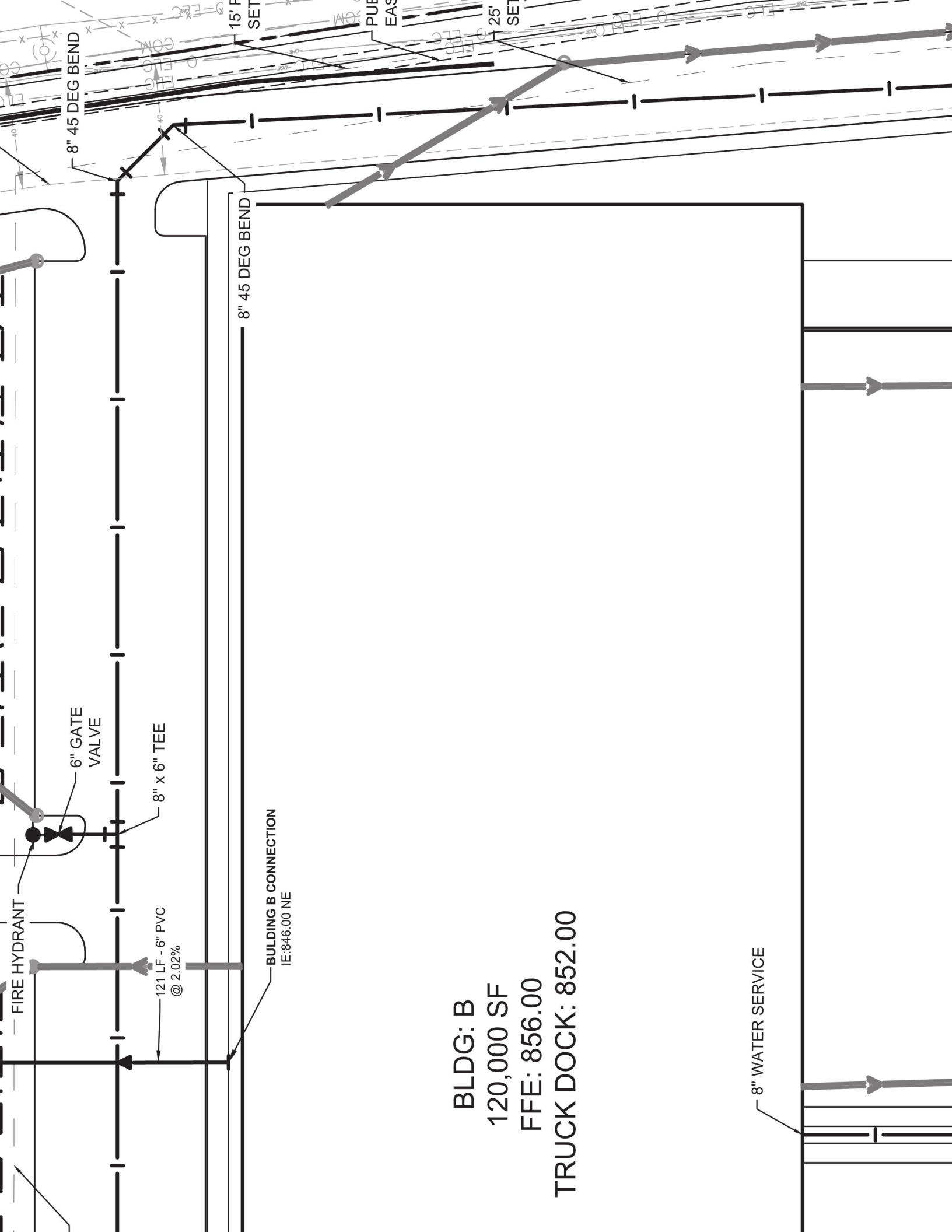
PROPERTY LINE

40' BUILDING SETBACK

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

BLDG: A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00





POLY WRAP

TRANSITION TO SPECIFIED DEPTH
(TYPICAL). INSTALL VERTICAL
BENDS AS REQUIRED.

NOTES:

APPLIES WHERE VERTICAL SEPARATION IS LESS THAN 36"
FOR STORM SEWER. PROVIDE A MINIMUM OF 18"
SEPARATION BETWEEN WATERMAIN AND SEWER PIPE.

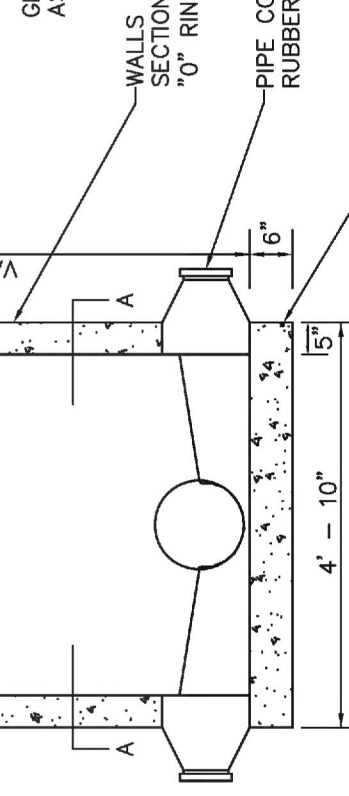
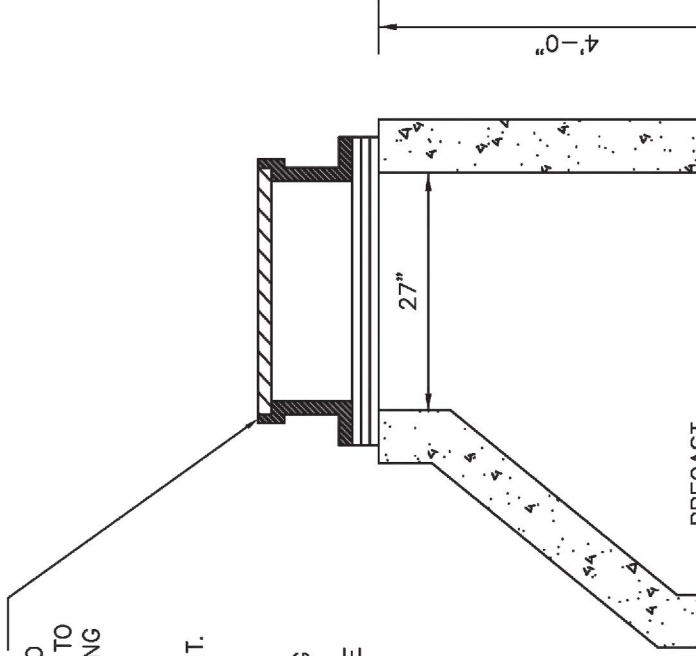
WATER MAIN-STORM SEWER CROSSING INSULATION	REV. 03/2018
Michael Allen	STANDARD PLATE 104
APPROVED: CITY ENGINEER	

G NEENAH R-1733 SOLID COVER
D PICK HOLES AND LUG. COVER TO
M SEWER. ADJUST CASTING TO 1/4" TO
D GRADE, TYPICAL FOR ALL CASTING

RINGS MUST BE USED WITH A
ND A MAXIMUM OF 12" ADJUSTMENT.
3 RINGS MUST BE USED AS
MINIMIZE THE NUMBER OF JOINTS.
" " RING IMMEDIATELY UNDER THE
ER RINGS TO MATCH CASTING
APPLY BUTYL SEALANT BETWEEN
APPROVED EXTERNAL SEAL MUST BE
JUNCTION WITH ADJUSTING RINGS

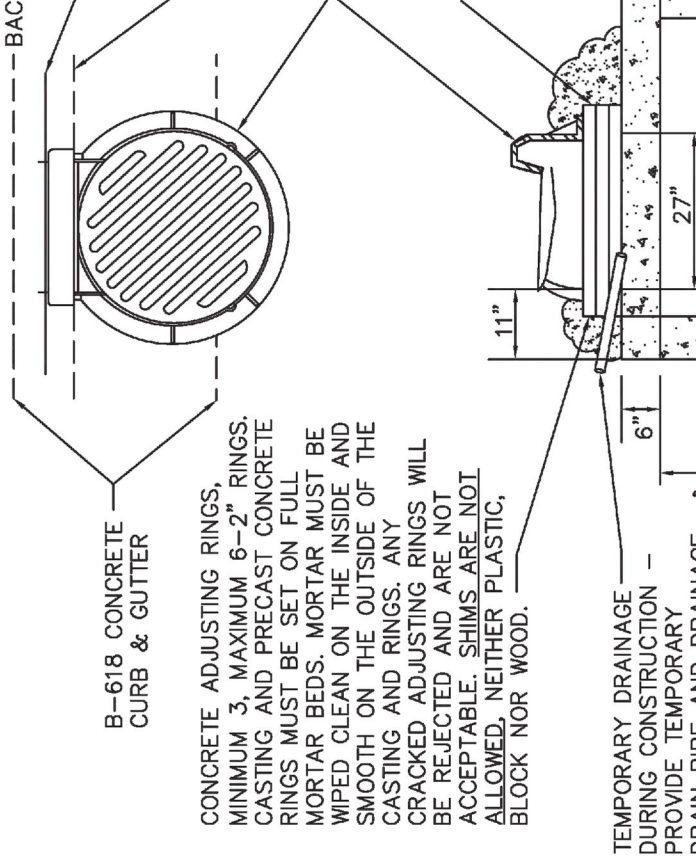
HALL BE CRETEX TYPE II
UAL, DESIGNED FOR
GHWAY LOADING

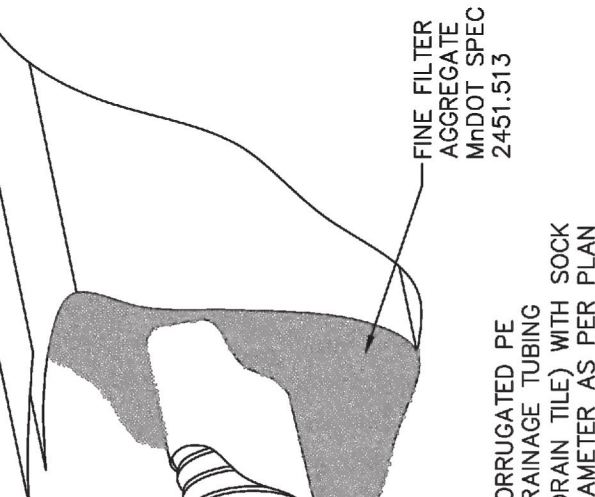
HALL BE INSTALLED
SECTION



MATCH INVERT OF MAINLINE SEWER AND
LATERAL BRANCH UNLESS OTHERWISE
SPECIFIED

	PUBLIC WORKS DEPARTMENT	MANHOLE (SANITARY)	
			
			APPROVED: CITY ENGINEER





REV. 03/2018

DRAIN TILE INSTALLATION

STANDARD
PLATE

9

APPROVED: CITY ENGINEER

311

311

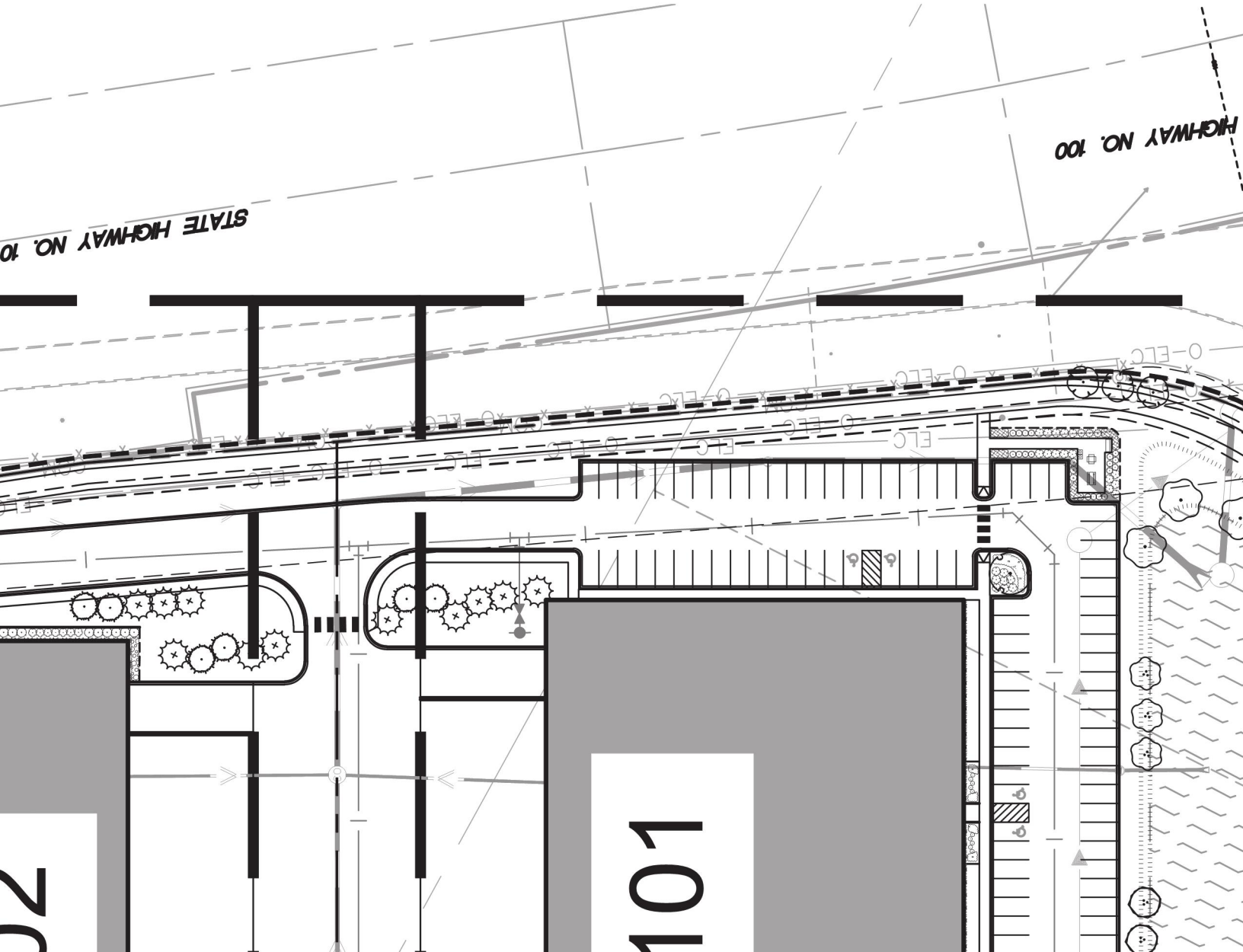
CEMINER
AT THE CENTER
OF THE WORLD

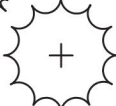
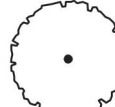
PUBLIC WORKS
DEPARTMENT

STAKING DETAIL - XX

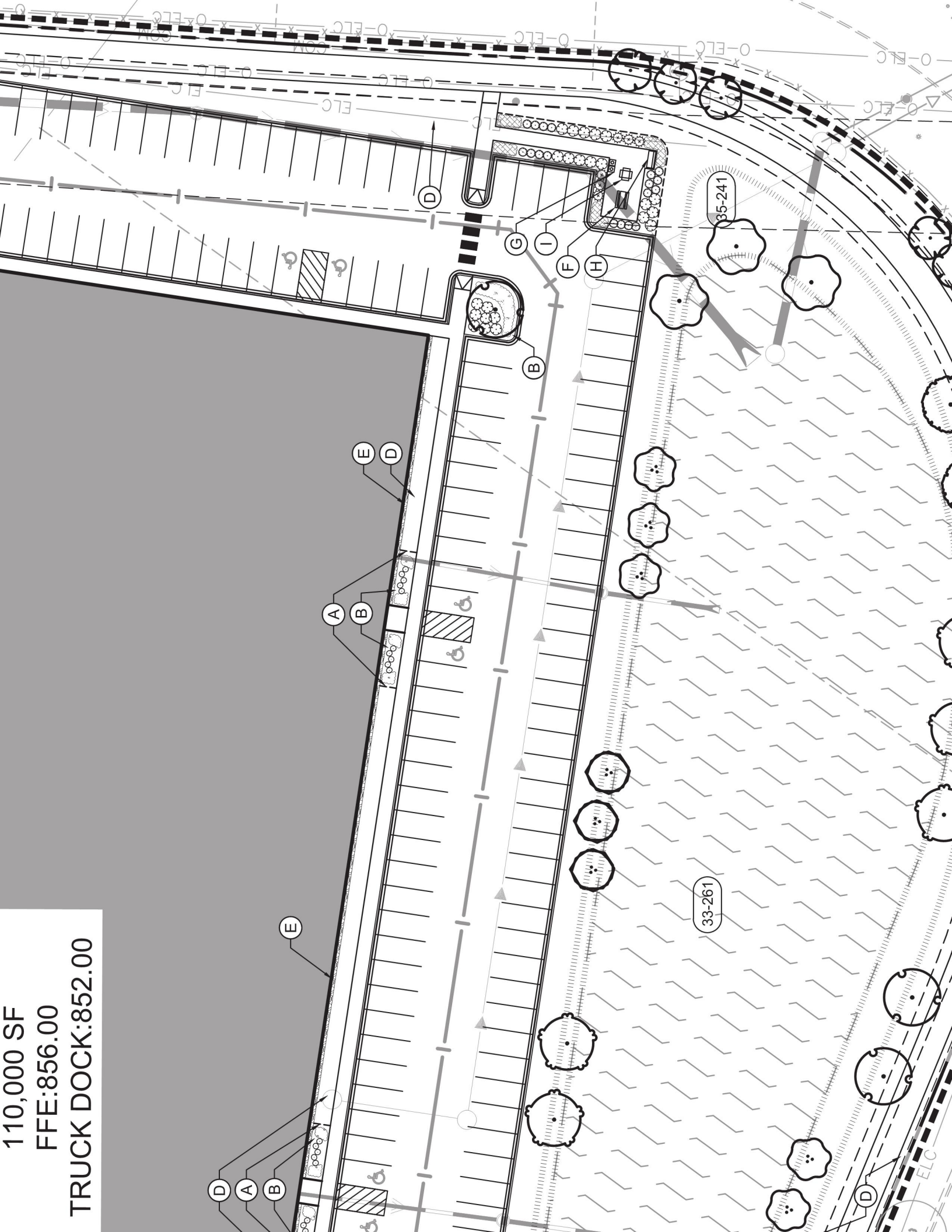
Michael

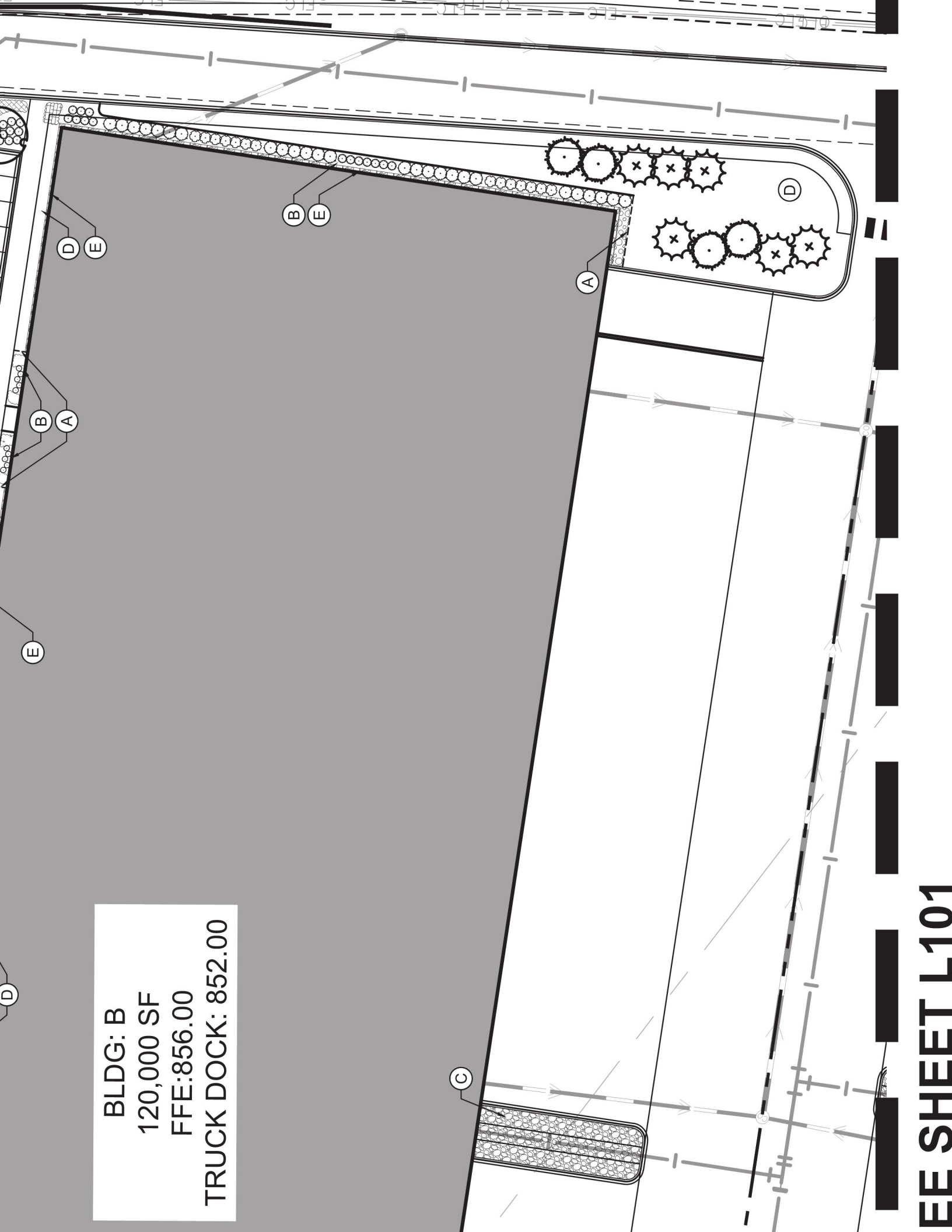
APPROVED: CI



		BHS	19	PIC
		WHP	19	PIN
<u>ORNAMENTAL TREE</u>		<u>CODE</u>	<u>QTY</u>	<u>BO</u>
		PRC	29	MA
		QUA	8	PO
		RVB	13	BE
<u>OVERSTORY TREE</u>		<u>CODE</u>	<u>QTY</u>	<u>BO</u>
		ABM	11	AC
		CHB	10	CE
		NAH	9	GL
		SWO	14	QU
<u>CONIFEROUS SHRUBS</u>		<u>CODE</u>	<u>QTY</u>	<u>BO</u>
		SGJ	51	JUI
		TTY	24	TA
<u>DECIDUOUS SHRUBS</u>		<u>CODE</u>	<u>QTY</u>	<u>BO</u>
		ABH	44	HY
		AFD	14	CO

110,000 SF
FFE:856.00
TRUCK DOCK:852.00





10.	BA CO BE	PC PC PF OF	W ST TH NC	BA BC SU LA	M DI FI BY	EL EL SF AB TC IN EL	AL BE MI TC SF CC	PF SH SY W
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								

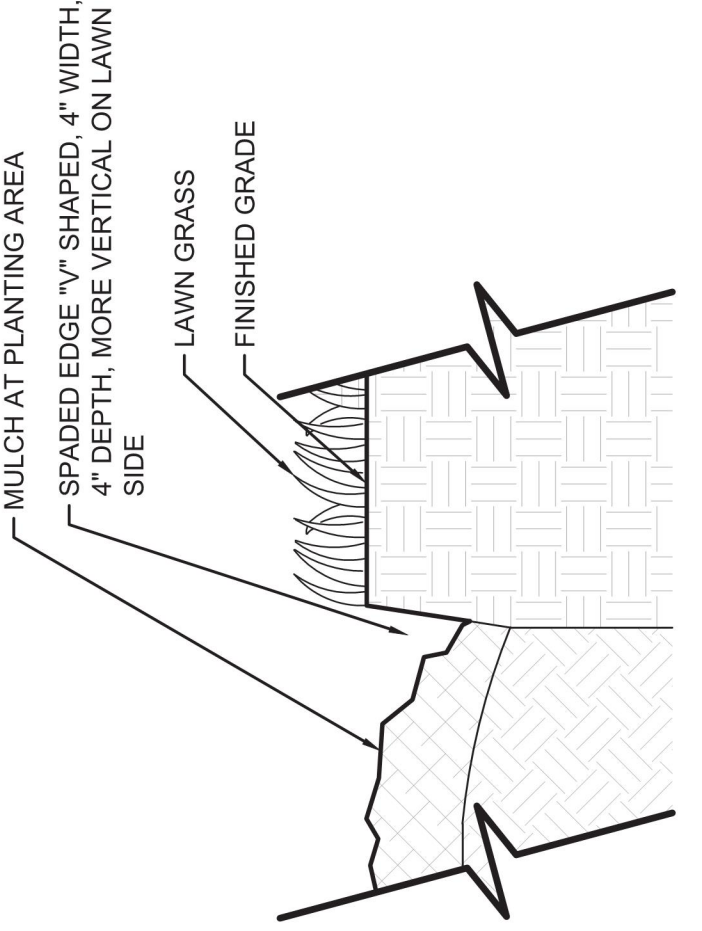
- GIRDLING ROOTS.
- PLUMB AND BACKFILL WITH PLANTING SOIL.
- WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL VOIDS.
- BACK FILL VOIDS AND WATER SECOND TIME.
- PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.
- MIX IN 3-4" OF ORGANIC COMPOST.

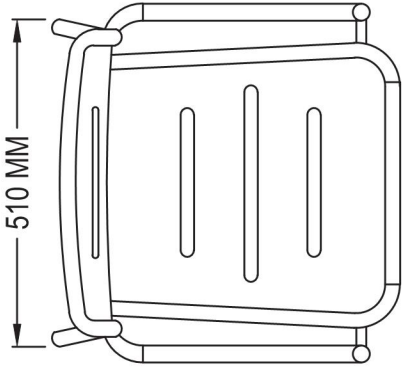
2

SHRUB / PERENNIAL PLANTING DETAIL

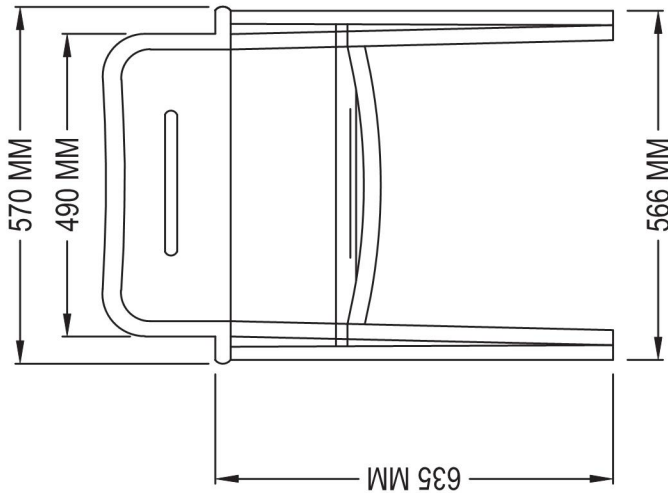
SCALE: N.T.S.

L103



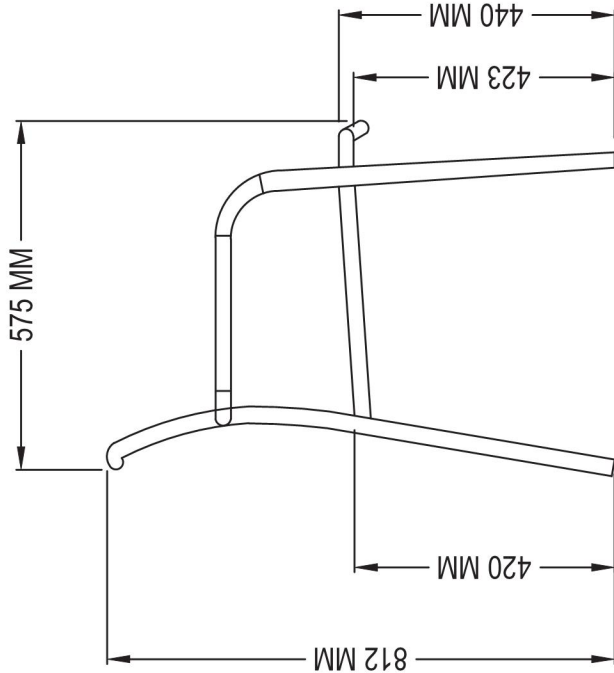


TOP VIEW



NOTES:

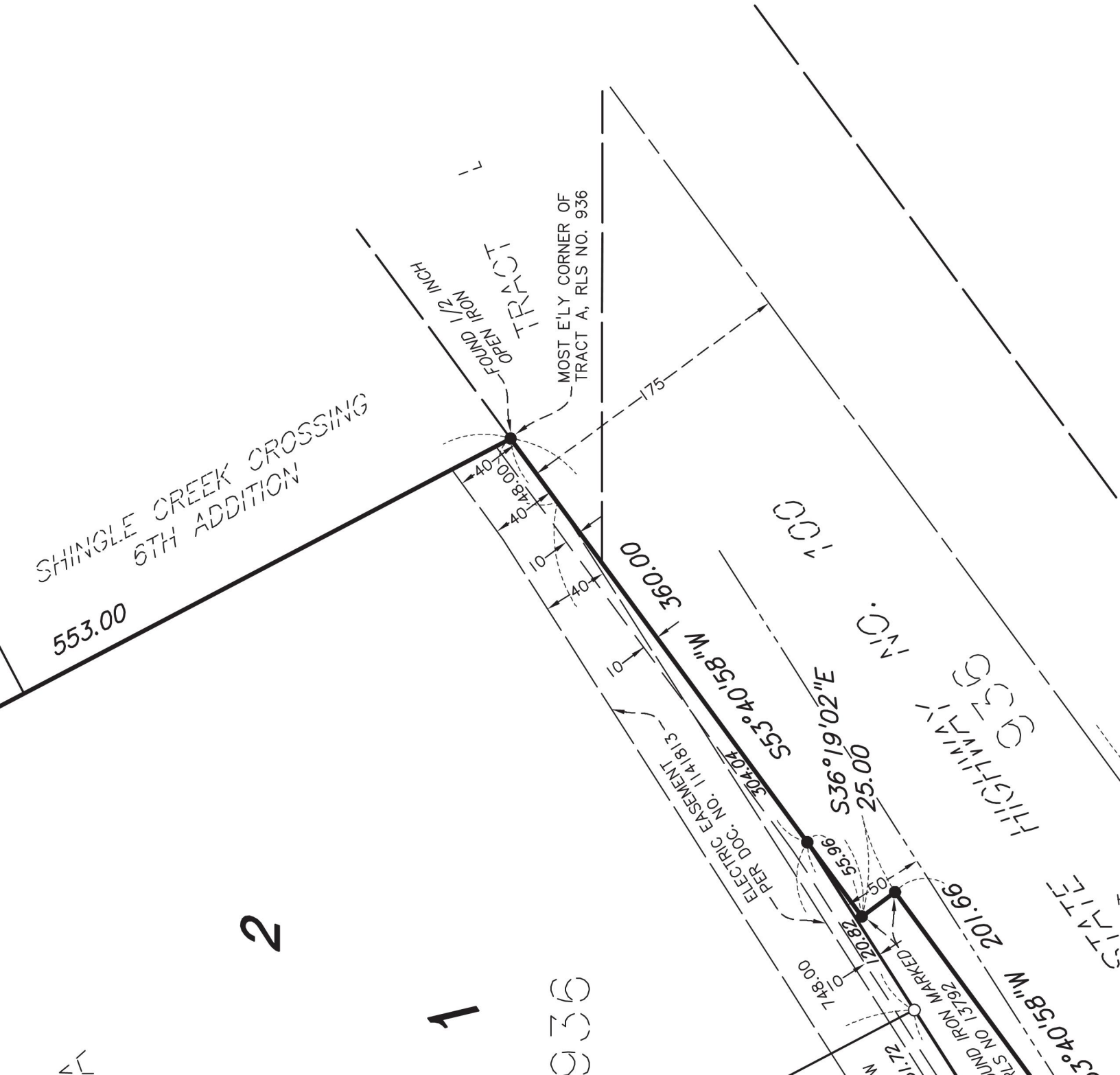
- 1. BISTRO CHAIRS TO BE COLOR SILVER GRAY
- 2. PROVIDE FOUR CHAIRS PER MANUFACTURER'S SPECIFICATIONS.
- 3. SUBMIT SHOP DRAWINGS TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
- 4. FIELD LOCATE FURNISHINGS PER PLAN WITH APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.



FRONT ELEVATION

SIDE ELEVATION





I, Leonard F. Carlson, do hereby certify that this is a true and correct copy of the plat as recorded in the State of Minnesota; that all monuments shown and labeled on this plat are in accordance with the Minnesota Statutes.

Dated this _____ day of _____, 20____.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me on _____ day of _____, 20____.

CITY COUNCIL, CITY OF BROOKLYN

This plat of NORTH 100 BUS
meeting thereof held this _____
505.03. Subd. 2.

CITY COUNCIL, CITY OF BROOKLYN

BY: _____

BY: _____

MEMORANDUM

To: Ginny McIntosh
City of Brooklyn Center

CC: Scannell Properties

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

Date: June 9, 2022

Subject: Trip Generation Comparison Memo – Sears Site Redevelopment
Brooklyn Center, MN

INTRODUCTION

Scannell Properties is proposing to redevelop the vacant Sears site at Shingle Creek Crossing in Brooklyn Center, Minnesota. The redevelopment will remove the existing approximately 110,000 square foot Sears building and 15,000 square foot auto center and build two office/industrial buildings totaling 230,000 square feet.

This memorandum documents the anticipated trip generation of the previous land uses compared to the proposed land use.

TRIP GENERATION COMPARISON

The trip generation for the vacant Sears site was calculated based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*. For the existing land uses, ITE Land Use Code (LUC) 875 (Department Store) and LUC 943 (Automobile Parts and Service Center) were used to calculate the trip generation. **Table 1** provides the trip generation of the existing land uses. When operational, the existing site generated an estimated 93 trips in the AM peak hour, 246 trips in the PM peak hour, and 2,766 daily trips.

Table 1 – Existing Site Trip Generation

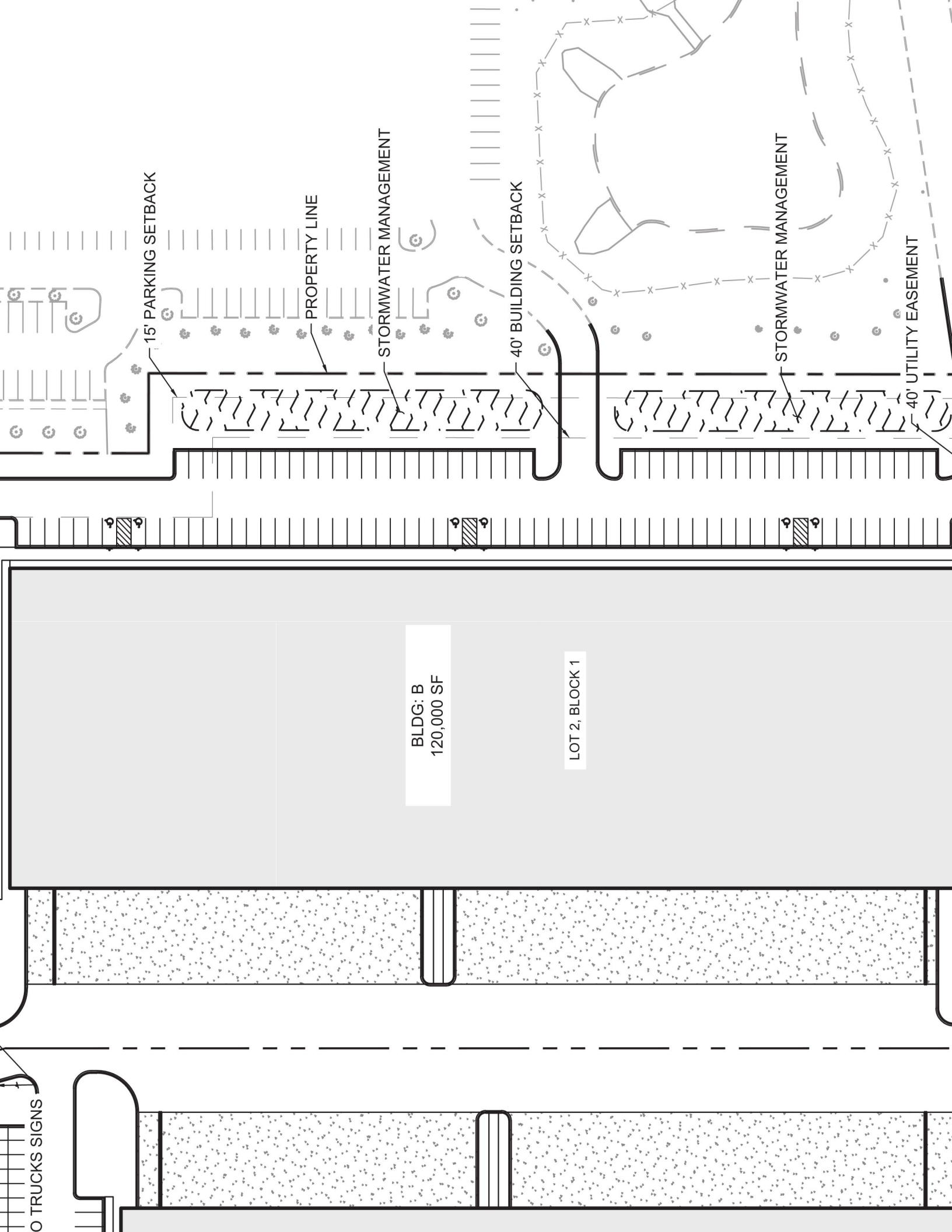
Land Use Description	ITE Code	Intensity / Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Sears	875	110,000 Sq. Ft.	2,517	41	23	64	107	108	215
Auto Center	943	15,000 Sq. Ft.	249	21	8	29	12	19	31
Total Existing Trip Generation			2,766	62	31	93	119	127	246

The proposed office/industrial development will maintain the same site access as the existing conditions. The site will consist of a 110,000 square foot building and a 120,000 square foot building. It is assumed that the buildings will be 20% office and 80% industrial. The proposed site plan is attached. ITE LUC 110 (General Light Industrial) and ITE LUC 720 (General Office) were used to calculate the anticipated trip generation of the site. **Table 2** provides the trip generation of the proposed development. The industrial development is anticipated to generate 206 AM peak hour trips, 186 PM peak hour trips, and 1,396 daily trips.

Table 2 – Proposed Development Trip Generation

Land Use Description	ITE Code	Intensity / Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Industrial	110	184,000 Sq. Ft.	896	120	16	136	17	103	120
Office	720	46,000 Sq. Ft.	500	62	8	70	11	55	66
TOTAL			1,396	182	24	206	28	158	186

Comparing the trip generation results in Tables 1 & 2, it is anticipated that the redevelopment of the site will generate 113 more trips in the AM peak hour, 60 less trips in the PM peak hour, and 1,370 less daily trips than the previous land uses. Therefore, the redevelopment of the site is not anticipated to have a significant impact on traffic operations in the area.





-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

Ad Proof

Not Actual Size

CITY OF BROOKLYN CENTER NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, June 23, 2022**, at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. 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: Rezoning/ Establishment of a Planned Unit Development, Site and Building Plan, Preliminary and Final Plat, and 2040 Comprehensive Plan Amendment

APPLICANT: Scannell Properties, on behalf of Transformco

PROPERTY OWNER: Sears Roebuck and Company

PROPERTY ADDRESS / PID:
1297 Shingle Creek Crossing,
Brooklyn Center, MN 55430 / 03-118-21-44-0026

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to re-plat and re-develop the approximately 15-acre former Sears site, located at 1297 Shingle Creek Crossing. With the closure of Sears and the adjacent Sears Auto Center in late 2018, the Applicant is proposing the construction of two single-story business park buildings totaling approximately 230,000-square feet and related site improvements.

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

Meeting Number (Access Code):
2455 009 7527
Password: BCPC06232022
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Date: 06/02/22

Account #: 413069

Customer: CITY OF BROOKLYN CENTER ~

Address: 6301 SHINGLE CREEK
BROOKLYN CENTER

Telephone: (612) 569-3440
Fax: (763) 569-3494

Publications:

SP Brooklyn Ctr/Brooklyn Park

Ad ID: 1234846
Copy Line: June 23 PH Scannell Properties

PO Number:

Start: 06/09/22

Stop: 06/09/2022

Total Cost:

of Lines: 88

Total Depth: 9.778

of Inserts: 1

Ad Class: 150

Phone # (763) 691-6000

Email: publicnotice@apgecm.com

Rep No: SE700

Respectfully,
Ginny McIntosh
City Planner and Zoning
Administrator

Published in the
Sun Post
June 9, 2022
1234846

Council/EDA Work Session

DATE: 5/24/2021

TO: City Council

FROM: Curt Boganey, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Concept Review from Scannell Properties Regarding the Former Sears Site

Requested Council Action:

Background:

The concept review process is an opportunity for the City Council to review a development concept prior to a formal proposal from an applicant, and provide comments, ask questions, and indicate whether or not the City would be open to the project. They are also helpful as it provides insight to staff and the developer as to any specific concerns the Council may have related to a project. Concept reviews are helpful for projects that would involve diverging from the City's established land use policy.

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

The former Sears site has been vacant since 2018. Sears is the owner of the site and in late 2020, initiated a process to solicit offers from private parties to acquire and redevelop the site. Scannell Properties was the winning bidder and they have now entered into an option agreement with Sears for the site. Scannell has begun their due diligence on the site, which has required substantial environmental assessment. As part of that assessment they have identified significant asbestos in the existing structures which will need to be remediated before demolition can take place. The total estimated cost to remediate the asbestos in the former Sears building is nearly a million dollars. This work will be required prior to demolition of the existing structures.

On April 28, 2021, the City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account for funding to assist with environmental remediation of the site.

Scannell Properties is a developer of primarily industrial and commercial business centers. They have most recently completed projects in Brooklyn Park and Maple Grove. Examples of their projects are attached to this report. Scannell Properties is still very much in the due diligence phase of their project and have not yet determined a site layout or concept plan for this particular site. They will complete the environmental assessment prior to determining the best layout and use for the site. That said, they are contemplating a commercial business center at this location, similar to those they have done in other communities.

Scannell is seeking direction from the Council on whether their proposed land use would be favorable to the Council. They are prepared to discuss the environmental conditions of the site and to talk about their approach as developers and to their projects if the Council so wishes. T

The former Sears site is currently zoned PUD-C2. This zoning is specific to the former Brookdale Mall, and any reuse of the property would require a rezoning to a new PUD. However, the underlying zoning is that of C2, Commerce, which primarily allows retail and service uses. Scannell's proposed use would require a rezoning to PUD-BMU, which aligns more closely with the City's I-1 - Light Industrial zoning district.

The property is guided TOD in the 2040 Comprehensive Plan. At the time that the Comprehensive Plan was adopted, it was not clear with the future for the former Sears site would be. The site is near a BRT transit stop, and TOD allows a broad mix of land use options, including housing. The 2040 Comprehensive Plan recognized that not all of the properties guided for TOD would be appropriate housing sites, and indicated that areas such as the Opportunity Site, would focus more on housing, while other sites around Xerxes and Brooklyn Boulevard would focus more on commercial land uses, providing a jobs base.

That said, the 2040 Comprehensive Plan did not contemplate light industrial and business mixed use for the former Sears site, and as such, a Comprehensive Plan Amendment would be required if this development were to move forward.

Policy Discussion

a balanced approach to future redevelopment, including additional employment centers and tax base enhancing development projects, in addition to the community's needs for housing stabilization. A resilient economic future for the community necessitates a balanced approach to development which includes both developments that produce jobs and taxes as well as those which meet broader community goals.

It is also not likely that the site will be attractive for additional retail uses, as the City is overretailed, from a market perspective. While office uses would be attractive for the site and a positive outcome for the community in terms of jobs and tax base, the office market is currently extremely oversaturated, and the likelihood of attracting an office user very low.

Scannell has not yet indicated whether they will request Tax Increment Financing or not. Any required for TIF will be required to meet the City's Public Subsidy Policy and go through formal review.

Policy Issues:

- Does the Council have any comments or direction related to the proposed land use concept?
- Is the Council comfortable with a light industrial/business mixed use project, knowing it will require a rezoning and Comprehensive Plan Amendment?
- Does the City Council have any questions for Scannell properties related to their project proposal?

Next Steps

Based on the discussion with the Council, Scannell properties will work on a site concept, which will be brought back to the City Council for further consideration before they prepare a final land use application.

Budget Issues:

There are no budget issues regarding this item at this time.

Anti-racist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
Examples of Scannell Properties Projects	4/19/2021	Backup Material
Statement of Community Impact	4/19/2021	Backup Material
Example of Scannell Properties Project	4/19/2021	Backup Material

Council/EDA Work Session

DATE: 11/22/2021

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Meg Beekman, Community Development Director

SUBJECT: Concept Review Follow-up Discussion Regarding the Former Sears Site

Requested Council Action:

Background:

A concept review is considered advisory and is nonbinding to the City and the applicant. No formal action can be taken at a work session, and the Council is not being asked to vote on the proposal. If the developer chooses to submit a formal application to the City to proceed, it would be subject to the full review process, as with any other development application.

The former Sears site has been vacant since 2018. The Brooklyn Center site, along with multiple other former Sears sites were purchased by TransformCo, with the intention of redeveloping the sites. TransformCo has been exploring redevelopment options on the site for the last year and a half. This process has included conducting their own market studies and working with local brokers to identify a feasible reuse for the site. They initiated an RFP process in late 2020 to identify a redevelopment partner. Through that process, Scannell Properties was selected, and they have now entered into an option agreement with TransformCo for the site.

Scannell Properties is a developer of primarily light industrial and commercial business centers. They have most recently completed projects in Brooklyn Park and Maple Grove. At a Council work session in May 2021, Scannell presented a concept plan for a redevelopment to an office/warehouse use which would classify under the City's current light industrial (I1) zoning district and the 2040 Comprehensive Plan's future land use designation of Business Mixed Use. The office/warehouse product type is in high demand in the market and is not a product that is readily available in the Brooklyn Center market. Office/warehouse buildings typically provide a 24-28 foot clear ceiling height, which offer the most flexibility for businesses.

Scannell began their due diligence of the site and completed an environmental assessment of the property, which identified significant amounts of asbestos in the existing buildings, which will need to be remediated before demolition can take place. The total estimated cost to remediate the asbestos in the former Sears building is nearly a million dollars. This work will be required prior to demolition of the existing structures.

At their May work session the Council provided feedback on the concept plan, and indicated that the proposed concept was not satisfactory. Councilmembers provided direction to the developer to go back and rework their concept. The Council's feedback on the plan fell into four main areas:

- Provide a greater mix of uses, primarily a desire to see more retail/entertainment uses on the site
- Provide an overall high finish level on any buildings, with four-sided architecture, and a focus on enhancing the Hwy 100 frontage
- Provide a site layout and design that adds value to the adjacent Shingle Creek Crossing shopping center
- Provide community benefit through opportunities for space for local businesses or local hiring goals

Scannell and TransformCo have been exploring the regional market, seeking opportunities to provide a greater mix of retail and entertainment uses. They have been working with a local broker, and have not had any interest in the site for this type of use. They have also focused on enhancing the architectural design and finish level of the building, as well as the layout to better consider the adjacent shopping area. They are also exploring ways to provide greater community benefits from the site.

TransformCo and their partner developer Scannell, have requested a work session to discuss the site, their revised concept plan, and how they intend to more closely align with the City's goals. The Staff have asked Julie Kimble, with KimbleCo, to also participate in the discussion on behalf of the City to ensure a collective understanding of the City's goals as well as the market realities and constraints on the site.

TransformCo is requesting this discussion now as they are at a decision point around whether to proceed with a project in Brooklyn Center, or to begin to focus on other sites, and are seeking direction on their development concept.

The former Sears site is currently zoned PUD-C2. This zoning is specific to the former Brookdale Mall, and any reuse of the property would require a rezoning to a new PUD. However, the underlying zoning is that of C2, Commerce, which primarily allows retail and service uses. Scannell's proposed use would require a rezoning to PUD-BMU, which aligns more closely with the City's I-1 - Light Industrial zoning district.

The property is guided TOD in the 2040 Comprehensive Plan. At the time that the Comprehensive Plan was adopted, it was not clear what the future for the former Sears site would be, nor had a market study been completed. The site is near a BRT transit stop, and TOD allows a broad mix of land use options, including housing. The 2040 Comprehensive Plan recognized that not all of the properties guided for TOD would be appropriate housing sites, and indicated that

areas such as the Opportunity Site, would focus more on housing, while other sites around Xerxes and Brooklyn Boulevard would focus more on commercial land uses, providing a jobs base.

That said, the 2040 Comprehensive Plan did not contemplate light industrial and business mixed use for the former Sears site, and as such, a Comprehensive Plan Amendment would be required if this development were to move forward.

Policy Discussion

A resilient community includes a balanced approach to land use and redevelopment. This means identifying opportunities for adding jobs and tax base enhancing development projects, as well as promoting housing stabilization, a diverse housing stock, and meeting broader community goals.

Scannell has not yet indicated whether they will request Tax Increment Financing or not. Any request for TIF will be required to meet the City's Public Subsidy Policy and go through formal review.

Policy Issues:

- Does the Council have any comments or direction related to the proposed land use concept?
- Is the Council comfortable with a light industrial/business mixed use project, knowing it will require a rezoning and Comprehensive Plan Amendment?
- Does the City Council have any questions for Scannell properties related to their project proposal?

Next Steps

Based on the discussion with the Council, Scannell properties will work on a site concept, which will be brought back to the City Council for further consideration before they prepare a final land use application.

Budget Issues:

There are no budget issues regarding this item at this time.

Anti-racist/Equity Policy Effect:

Strategic Priorities and Values:

Targeted Redevelopment

ATTACHMENTS:

Description	Upload Date	Type
presentation	11/22/2021	Presentation

Member Kay Lasman introduced the following resolution and moved its adoption:

RESOLUTION NO. 2011-128

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2011-015 SUBMITTED BY SEARS, ROEBUCK AND CO.

WHEREAS, the City of Brooklyn Center, Minnesota (City) received and considered Planning Commission Application No. 2011-015 submitted by Sears, Roebuck and Co. (Sears), which proposes a Planned Unit Development (PUD) Amendment to the existing 1999 Brookdale Regional Shopping Center Mall redevelopment plan; and

WHEREAS, Sears is the owner of the property generally located at the northeast corner of Xerxes Avenue North and T.H. 100 in Brooklyn Center; addressed as 1297 Brookdale Center; PID No. 03-118-21-44-0026, and legally described as follows:

Registered Land Survey No. 0936, Hennepin County, Minnesota, EX HWY TRACT A (the Subject Property); and

WHEREAS, on March 8, 1999, the City adopted Resolution No. 99-37, which approved Planning Commission Application No. 99001, submitted by Talisman Brookdale, LLC, and which comprehended and approved the rezoning from C-2 (Commerce) to PUD/C-2 (Planned Unit Development/Commerce) of the Brookdale Regional Shopping Center property, which is bounded on the north by County Road 10, on the east and south by T. H. 100 and on the west by Xerxes Avenue North (the Brookdale Property); and

WHEREAS, on March 8, 1999, the City also considered and approved a new planned unit development proposal and plan of the Brookdale Properties (1999 PUD Plan), which comprehended new site and building plan approvals for the expansion, redevelopment and rejuvenation of the Brookdale Regional Shopping Center, and which included the following improvements:

1. The reconfiguration of the west end of the mall including an 89,650 sq. ft. second floor to include a 20 screen, 4,252 seat theater;
2. An approximate 13,200 sq. ft. addition to the north entrance to the mall for two restaurant sites;
3. An approximate 13,000 sq. ft. addition for general retail use and revised mall entry way along the southerly side of the complex adjacent to Dayton's;

RESOLUTION NO. 2011-128

4. A 4,650 sq. ft. freestanding Applebee's restaurant building along Xerxes Avenue North, northerly of the 56th Avenue entrance to the Brookdale Center; and
5. Conceptual approval, subject to further Planning Commission and City Council review and approval, of four additional freestanding restaurant and/or retail buildings to be located around the perimeter of the shopping center.

WHEREAS, the City considered and approved the following variations from the underlying zoning, which were considered reasonable standards to apply to the 1999 PUD Plan proposal:

- A. Allow 5 ft. rather than 15 ft. green-strips at certain locations where an appropriate 3 to 3-½ ft. high decorative masonry wall shall be installed to offset negative effects (this standard has been allowed in other areas within the city).
- B. Allow a 35 ft., or non-major thoroughfare setback for certain out building locations based on variances that have been allowed for other commercial buildings along major thoroughfares and seem appropriate in this location as well.
- C. Allow a 4.5 parking spaces per 1,000 sq. ft. of gross leasable area rather than the 5.5 parking spaces per 1,000 sq. ft. of gross floor area required based on the shared parking analysis provided and on Urban Land Institute Methodology indicating a maximum of 5,133 parking spaces as being needed for the Brookdale Mall given the mix of uses and square footages proposed in order to meet the maximum weekday and weekend hourly demand, which is also in keeping with at least two major regional malls in the area.
- D. Allow the 60 ft. wide parking dimension standard for 90 degree parking rather than the 63 ft. required separation based on the fact that Brookdale has previously been allowed to have the 60 ft. parking standard and it appears that it would work in this situation.
- E. Allow two freestanding signs up to 320 sq. ft. in area along T. H. 100 based on the uniqueness of the size, diversity of uses and significance of Brookdale Mall.
- F. Allow an increase from 15 percent to 20 percent of the allowable restaurant use without requiring additional parking at Brookdale based on the uniqueness of Brookdale, the mix of uses and dynamics of multiple stops per person at the Center.

RESOLUTION NO. 2011-128

WHEREAS, on December 9, 1999, the City approved and entered into a Declaration of Covenants and Restrictions agreement (1999 PUD Agreement) with Talisman Brookdale LLC, which established the new 1999 Brookdale Regional Shopping Center Planned Unit Development and redevelopment plan on the Brookdale Property, and included the Subject Property; and

WHEREAS, on June 13, 2011, the City adopted Resolution No. 2011-85, which approved Planning Commission Application No. 2011-009, submitted by Gatlin Development Company, and which approved the 2011 Shingle Creek Crossing Planned Unit Development plan for the redevelopment of Brookdale Mall, and which approval comprehended additional adjustments not approved under the 1999 PUD Agreement and included the following variations from the zoning ordinance:

- A. Allow a 5 ft. rather than 15 ft. green strips at certain locations where an appropriate 3 to 3-½ ft. high decorative masonry wall shall be installed to offset negative effects along Xerxes Avenue.
- B. Allow a reduction in the 15 foot parking setback and 35 foot building setback along Bass Lake Road to offset the dedication of additional right of way for the trail improvements to replace the current trail easements.
- C. Allow 4.5 parking spaces per 1,000 sq. ft. of gross leasable retail area and 10 per 1,000 sq. ft. of restaurant area rather than the 5.5 parking spaces per 1,000 sq. ft. of gross floor area and one per two seats and employee on a major shift for restaurants.
- D. Allow the 60 ft. wide parking dimension standard for 90 degree parking rather than the 63 ft. and a 52.5 ft wide parking dimension for 60 degree parking rather than the 57 ft.
- E. Allow two freestanding signs up to 320 sq. ft. in area along T. H. 100 and two Town Center identification signs (one additional) along Bass Lake Road and one Town Center identification sign on Xerxes Avenue.
- F. Allow an increase from 15 percent to 20 percent of the allowable restaurant use without requiring additional parking at Brookdale based on the uniqueness of Brookdale, the mix of uses and dynamics of multiple stops per person at the Center.

WHEREAS, Sears also requested additional adjustments not approved under the 1999 PUD Agreement, and furthermore requested and desires to have extended to their own separate property the same or similar adjustments approved to Gatlin Development Company under their approved Shingle Creek Crossing Planned Unit Development, and which variations were adjusted or re-worded accordingly by city staff to match Sears' own property; and

WHEREAS, the City's Planning Commission held a duly called public hearing on July 14, 2011, whereby a staff report and public testimony regarding the Planned Unit Development Amendment were received and considered by the Planning Commission; the Planning Commission considered the Planned Unit Development Amendment request in light of all testimony received, including the guidelines for evaluating such amendments as contained in Section 35-355 of the City's Zoning Ordinance and the City's Comprehensive Plan; the public hearing was closed; and the matter was tabled to a later date; and

WHEREAS, the City's Planning Commission tabled this matter to the August 25, 2011 regular meeting, where a follow-up staff report was presented regarding this Planned Unit Development Amendment; the variations requested by Sears were revised and presented; and this matter was given further consideration by the Planning Commission.

WHEREAS, the Planning Commission recommended approval of Application No. 2011-015 by adopting Planning Commission Resolution No. 2011-11 on August 25, 2011; and

WHEREAS, the City Council considered Application No. 2011-015 at its September 12, 2011 regular meeting and in light of all testimony received the Planning Commission's recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center that Application No. 2011-015 submitted by Sears Roebuck and Co. is approved based upon the following considerations:

1. The Planned Unit Development Amendment is compatible with the standards, purposes and intent of the Planned Unit Development section of the City's Zoning Ordinance.
2. The Planned Unit Development Amendment proposal will allow for the utilization of the land in question in a manner which is compatible with, complimentary to and of comparable intensity to adjacent land uses as well as those permitted on surrounding land.
3. The Planned Unit Development Amendment proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the city.

RESOLUTION NO. 2011-128

The Planned Unit Development Amendment proposal appears to be a good long range use of the existing land and this development can be considered an asset to the community.

4. Based upon the above considerations, it is believed that the guidelines for evaluating Planned Unit Development Amendment as contained in Section 35-355 of the City's Zoning Ordinance are met and the proposal is, therefore, in the best interest of the community.
5. The Planned Unit Development Amendment as comprehended by Sears, and the allowance of certain variations to the underlying zoning, will create a unified and harmonious development between the existing and future development site of Sears with the new and future development plans of the adjacent Shingle Creek Crossing development site.

BE IT FURTHER RESOLVED by the City Council that approval of the proposed planned unit development amendment referenced under Application No. 2011-015 be approved and subject to the following conditions and considerations:

1. The utilization of the Subject Property shall receive the benefit of and conform to the approved 1999 Planned Unit Development plan, with the exception of the additional variations from the 1999 PUD Agreement noted in the 2011 Sears Declaration of Covenants and Restrictions Agreement contained herein:
 - A. Required parking for a retail use is reduced from 5.5 spaces per 1000 square feet of gross floor area to 4.5 spaces per 1000 square feet of gross leasable retail area.
 - B. Required parking for a restaurant use is reduced from one space per two seats and one space for each employee on a major shift to 10 parking stalls per 1,000 sq. ft. of restaurant area.
 - C. The space between rows of 90 degree parking stalls is reduced from 63 feet to 60 feet; and the space between rows of 60 degree parking is reduced from 57 feet to 52.5 feet.
 - D. The zero foot (0') lot line setback at the northeast corner of the Sears store building (measured as 163.6 feet) and which exists today shall remain, and the zero-lot line for the 140+ feet of the existing screening wall for the loading dock area shall also remain. Applicant shall have the right to rebuild, extend or install a similar screening wall with zero-lot line setbacks along the property line in certain areas.

RESOLUTION NO. 2011-128

2. The Applicant shall execute and deliver a Declaration of Covenants and Restrictions Agreement in the form submitted to the Council, subject to such changes, not affecting the substance of the Declaration, as are approved by the City Attorney and the City Manager.

September 12, 2011

Date

Tim Willson

Mayor

ATTEST:

Sharon Knutson

City Clerk

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

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

Tim Willson, Carol Kleven, Kay Lasman, and Dan Ryan;
and the following voted against the same: none;

whereupon said resolution was declared duly passed and adopted.

MEMORANDUM

DATE: June 17, 2022

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Mike Albers, P.E., City Engineer

SUBJECT: Preliminary Site Plan & Preliminary Plat Review – North 100 Business Park

Public Works staff reviewed the following documents submitted for review for the proposed North 100 Business Park:

- Preliminary Plans dated May 24, 2022

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.

Stormwater:

1. On Grading Plan sheets, the Legend has two different lines for “Proposed Storm Sewer”. What is the difference between the two storm sewer lines?
2. Verify approval from Shingle Creek Watershed Management Commission.
3. The proposed discharge rates to the Existing SE basin increase substantially for the 100-year event (4.4 times higher). The existing and proposed hydraulic conditions at the SE basin should be verified. The aggregate outflow is substantially reduced. However, impacts to the SE pond should be calculated.
4. OCS-2 detail shows rim elevation = 852.0. Proposed Conditions HydroCAD model shows East Infiltration Basin outlet rim = 851.50.
5. An erosion control plan must be submitted, rather than just having the narrative on the SWPPP.

Sanitary Sewer:

6. Some of the sanitary sewer has 3.5’ of cover. Additional cover should be provided to prevent freezing issues.
7. Check all rim elevations for structures. Many of the rim elevations on the utility plan sheets do not match the grading plan elevations.

Watermain:

8. Add City hydrant detail. Hydrants and gate valves within the project should be consistent with the City detail.
9. Show any watermain offset locations.
10. Verify that there are no utility crossing conflicts.

Roads/Trails/Sidewalks:

11. Ensure that Clearview Triangles are met at all street intersections (City Ordinance Section 25-802).
12. A trail plan & profile sheet should be provided.
13. Provide detailed vehicle turning and tracking movement diagrams for delivery vehicles and garbage trucks demonstrating specific and actual routes.

14. Goal of the city is to have truck traffic concentrated to the south access road.
 - a. Recommend the following signage to direct most users to preferred routes:
 - i. Add “DO NOT ENTER” signage plus “EXCEPT DELIVERIES” signage to the accesses on the west, north and east of the buildings to the roadway.
 - ii. Opposite direction from where trucks and deliveries are supposed to occur add “DO NOT ENTER” plus “NO TRUCKS” signage to direct trucks to not use other routes.
 - iii. On the east end of the curve east of Walmart and near Hom Furniture – Add “PRIVATE ROAD” and “DELIVERIES ONLY” sign.
 - iv. This may be in addition to or replacement of “TRUCK ENTRANCE” signage.
 - b. Sidewalks: Recommend extension of sidewalks and walkways to the east to Walmart sidewalk (NE corner of site) and the north (NE and NW corners of site) to enable pedestrian access from this development to nearby restaurants and retail for increased pedestrian safety and reduction in vehicle trips.

Traffic:

15. Trip Generation Memo is deemed to be acceptable. Applicant must meet requirements from the MnDOT traffic review.

Photometric Plan, February 11, 2022:

16. Lighting coverage is acceptable on the parking and drive areas.

General Comments

17. See redlines for additional comments.
18. The City has submitted the plans to Minnesota Department of Transportation (MnDOT) for review. Applicant must meet requirements from the MnDOT review.
19. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from the Hennepin County review.
20. Provide a copy of the irrigation plan.
21. The applicant shall be responsible for coordinating site development plans with all private utility companies (Xcel Energy, CenterPoint Energy, CenturyLink Communications, Comcast, etc.). Any further easements necessary to provide utility service to the proposed site development shall be dedicated to the public for public use with the final plat.
22. Utility Facilities Easement Agreement is required.
23. A 10’ drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and centered on other lot lines. All utilities and storm water management facilities to be within a drainage & utility easement. An additional utility easement must be dedicated on the plat for the private water main and sanitary to allow for maintenance access per the Utility Facilities Easement Agreement.
24. 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.

North 100 Business Park

Site Plan Review Memo, June 17, 2022

25. 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).
26. Provide share access agreements with adjacent properties.
27. Applicant must apply for a Land Disturbance permit.

Prior to Issuance of a Land Alteration

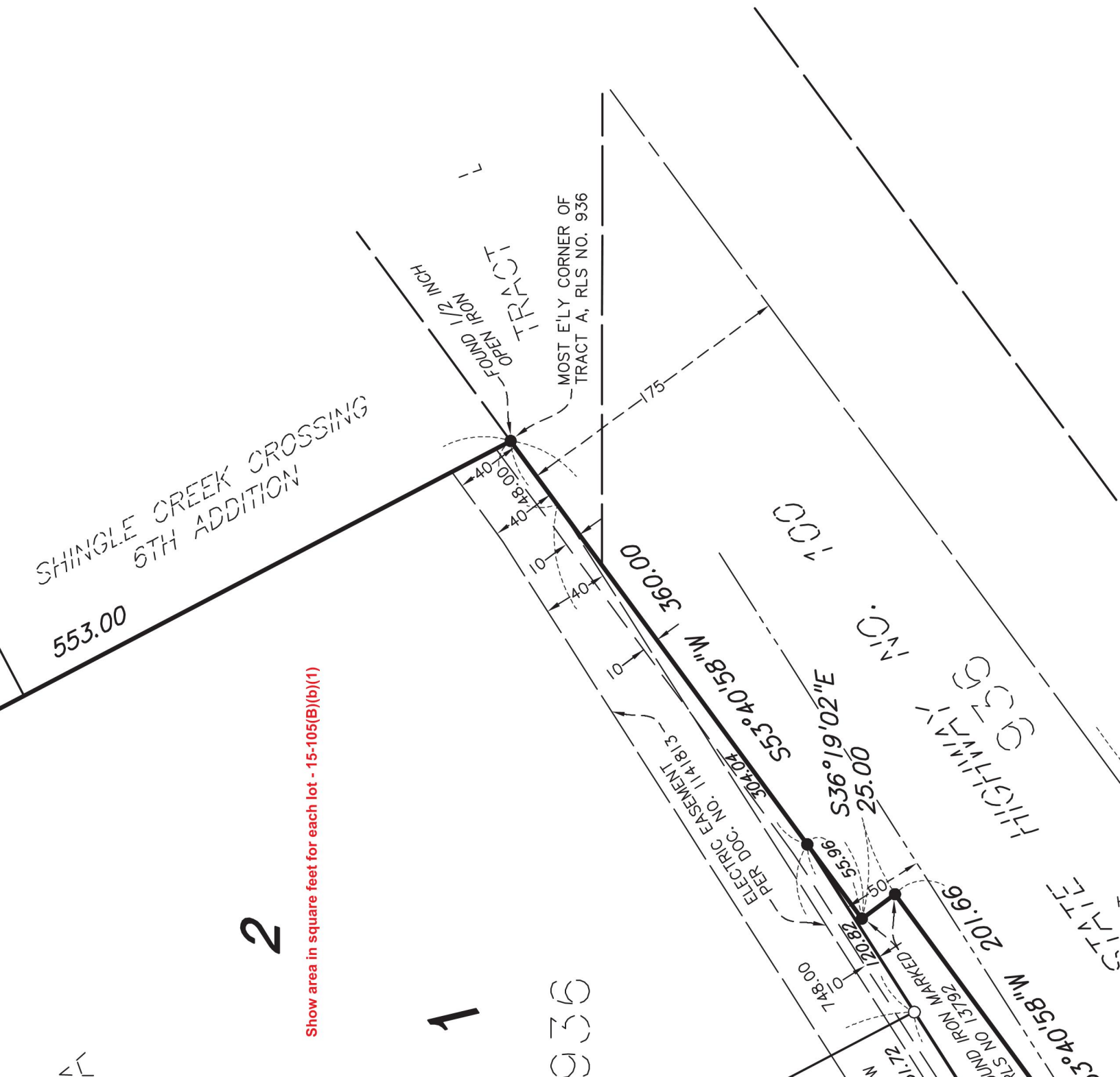
28. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended, as required by the City Engineer.
29. The construction of project will require an encroachment on an adjacent property. Documentation must be submitted showing authorization for this activity.
30. 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.
31. 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.

Anticipated Permitting

32. A City Land Disturbance permit is required.
33. A Watershed plan review and approval is required.
34. A Minnesota Pollution Control Agency (MPCA) NPDES storm water construction permit is required.
35. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
36. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
37. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

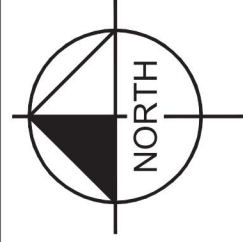
The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

BY:





SITE



VICINITY
N.T.S.

9. TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.

LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED ALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF CHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.

IN PREVENTION MEASURES PRESENTED ON THE PLAN SHALL BE INITIATED AS XPILES, SPOILS, ETC. SHALL BE LOCATED SUCH THAT THEY WILL NOT WATER QUALITY. OTHERWISE, COVERING OR ENCIRCLING THESE AREAS WITH WILL BE NECESSARY.

RESPONSIBLE FOR RE-ESTABLISHING ANY EROSION CONTROL DEVICE WHICH CTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DEFICIENCIES IN CONTROL MEASURES THAT MAY LEAD TO UNAUTHORIZED DISCHARGE OR SEDIMENTATION, OR OTHER POLLUTANTS. UNAUTHORIZED POLLUTANTS (ED TO) EXCESS CONCRETE DUMPING OR CONCRETE RESIDUE, PAINTS, ND LUBRICANT OIL, PESTICIDES, AND ANY SOLID WASTE MATERIALS.

SHOWN ON THESE PLANS SHALL BE INSTALLED PRIOR TO THE START OF ON THE PROJECT.

ES ARE TO BE INSTALLED IN ACCORDANCE WITH THE APPROVED PLANS AND OBJECT. CHANGES ARE TO BE APPROVED BEFORE CONSTRUCTION BY THE TY OF BROOKLYN CENTER ENGINEERING DIVISION.

PLAN AS APPROVED CANNOT CONTROL EROSION AND OFF-SITE PROJECT, THE EROSION CONTROL PLAN WILL HAVE TO BE REVISED AND/OR OL DEVICES WILL BE REQUIRED ON SITE. ANY REVISIONS TO THE EROSION CONTRACTOR MUST BE APPROVED BY THE ENGINEER.

PING NOTES

, MATERIALS, AND WORKMANSHIP WITHIN JURISDICTION'S RIGHT-OF-WAY TH LOCAL OR COUNTY SPECIFICATIONS AND STANDARDS (LATEST EDITION) AND STANDARDS (LATEST EDITION) IF NOT COVERED BY LOCAL OR COUNTY

NGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO MANUAL DL DEVICES (M.U.T.C.D) AND CITY STANDARDS.

H ALL PAVEMENT MARKINGS FOR FIRE LANES, ROADWAY LANES, PARKING YMBOLS, ACCESS, AND STOP RAMP AND CLOSING AND MISCELLANEOUS

9. THE CONTRACTOR SHALL INSTALL PROTECTION OVER ALL DRAINAGE STRUCTURES FOR CONSTRUCTION AND UNTIL ACCEPTANCE OF THE PROJECT BY THE OWNER. ALL DRAIN SHALL BE CLEANED OF DEBRIS AS REQUIRED DURING AND AT THE END OF CONSTRUCTION POSITIVE DRAINAGE FLOWS.
10. IF DEWATERING IS REQUIRED, THE CONTRACTOR SHALL OBTAIN ANY APPLICABLE RE THE CONTRACTOR IS TO COORDINATE WITH THE OWNER AND THE DESIGN ENGINEER EXCAVATION.
11. FIELD DENSITY TESTS SHALL BE TAKEN AT INTERVALS IN ACCORDANCE WITH THE LOCAL AGENCY OR TO MN/DOT STANDARDS. IN THE EVENT THAT THE CONTRACT DOCUMENT JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST GOVERN.
12. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED AS PER P SHALL THEN BE SODDED OR SEEDED AS SPECIFIED IN THE PLANS, FERTILIZED, MULCH MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREA ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE JOB SHALL BE CORRECTED BY THE NO ADDITIONAL COST TO THE OWNER. ALL EARTHEN AREAS WILL BE SODDED OR SEEDED AS SHOWN ON THE LANDSCAPING PLAN.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINK SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.
14. SOD, WHERE CALLED FOR, MUST BE INSTALLED AND MAINTAINED ON EXPOSED SLOPES OF COMPLETING FINAL GRADING, AND AT ANY OTHER TIME AS NECESSARY, TOP SEDIMENTATION OR TURBID DISCHARGES.
15. THE CONTRACTOR SHALL ENSURE THAT LANDSCAPE ISLAND PLANTING AREAS AND AREAS ARE NOT COMPACTED AND DO NOT CONTAIN ROAD BASE MATERIALS. THE CO ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE S AND PROPERLY DISPOSED OF IN A LEGAL MANNER.
16. THE CONTRACTOR SHALL INSTALL ALL UNDERGROUND STORM WATER PIPING PER RECOMMENDATIONS AND MN/DOT SPECIFICATION.
17. ALL CONCRETE/ASPHALT SHALL BE INSTALLED PER GEOTECH REPORT, CITY OF BROOK MN/DOT SPECIFICATIONS.
18. SPOT ELEVATIONS ARE TO FLOWLINE OF CURB UNLESS OTHERWISE NOTED.
19. LIMITS OF CONSTRUCTION ARE TO THE PROPERTY LINE UNLESS OTHERWISE SPECIFIED
20. IMMEDIATELY REPORT TO THE OWNER ANY DISCREPANCIES FOUND BETWEEN ACTUAL AND CONSTRUCTION DOCUMENTS.
21. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING EXISTING UTILIT REPAIR ALL DAMAGE TO EXISTING UTILITIES THAT OCCUR DURING CONSTRUCTION COMPENSATION.
22. BLEND NEW EARTHWORK SMOOTHLY TO TRANSITION BACK TO EXISTING GRADE.
23. ALL PROPOSED GRADES ONSITE SHALL BE 3:1 OR FLATTER UNLESS OTHERWISE INDICATED

7. BUILT UP SEDIMENT SHALL BE REMOVED FROM SILT FENCE WHEN IT HAS REACHED ONE THIRD THE HEIGHT OF THE FENCE.

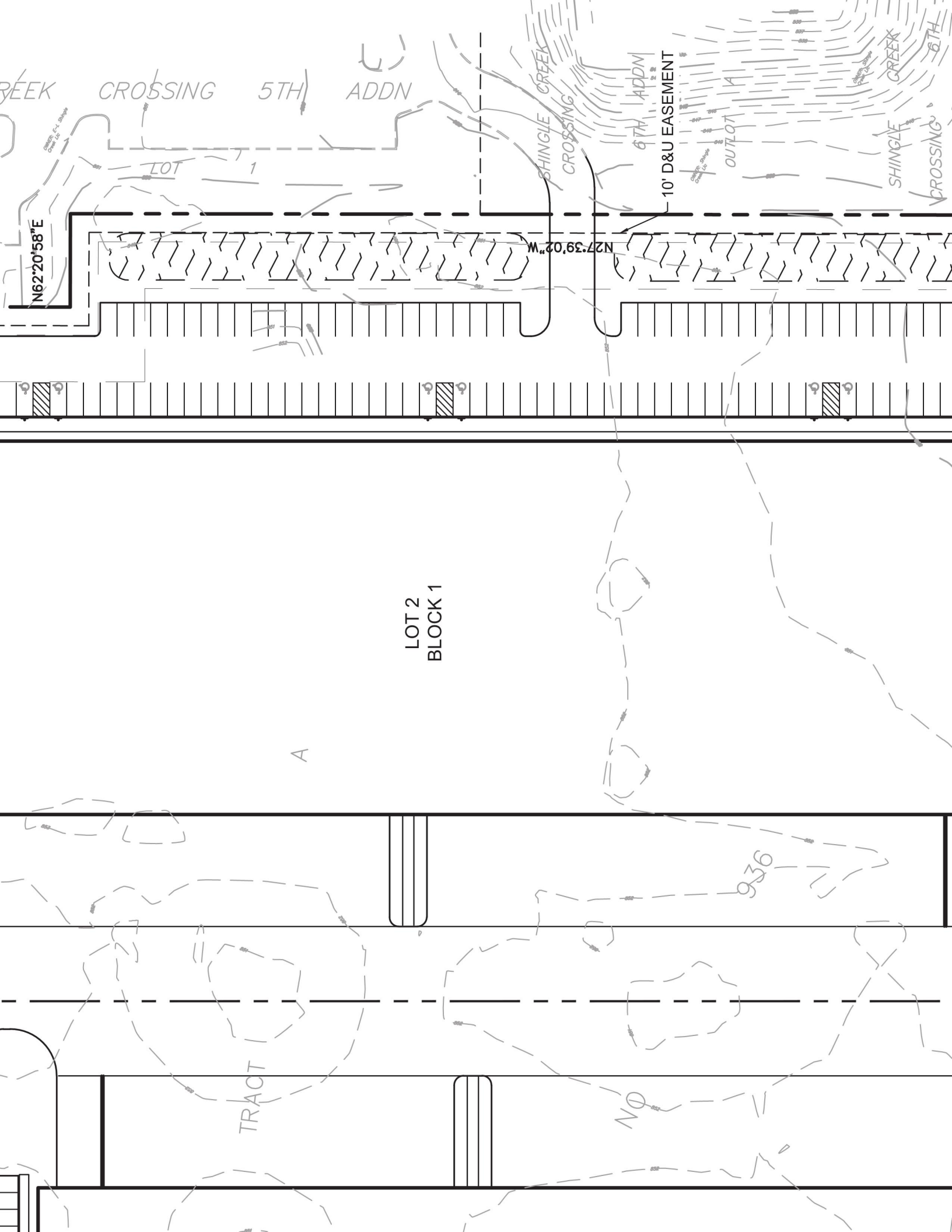
5. PROVIDE ADEQUATELY MAINTAINED SANITARY FACILITIES.

3. IF SURPLUS PRODUCT MUST BE DISPOSED OF, MANUFACTURERS' OR LOCAL AND STATE RECOMMENDED METHODS FOR PROPER DISPOSAL WILL BE FOLLOWED.

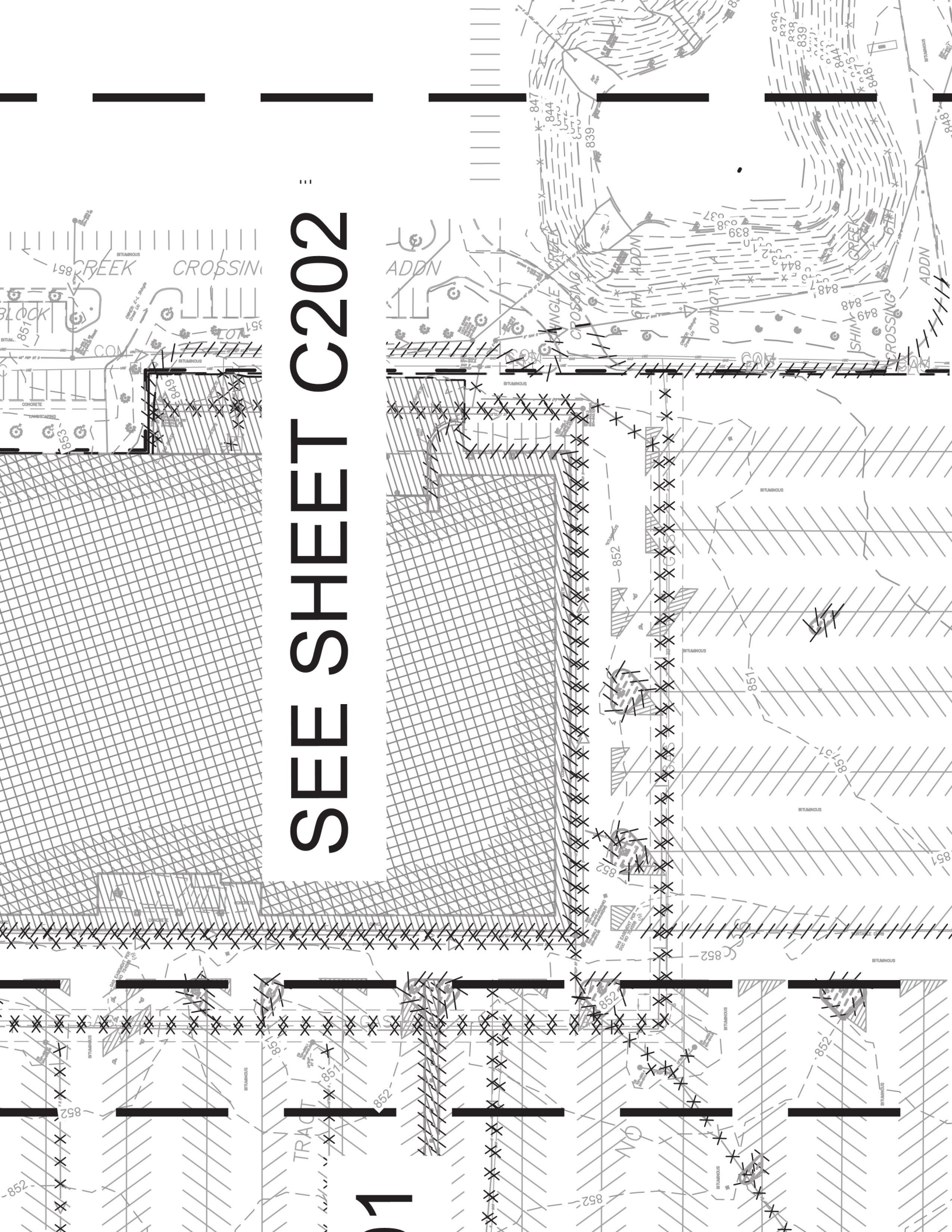
7. SPILLS WILL BE STUDIED TO UNDERSTAND WHY THEY OCCURRED AND PREVENTIVE METHODS WILL BE CREATED TO ENSURE SIMILAR SPILLS DO NOT OCCUR IN THE FUTURE.

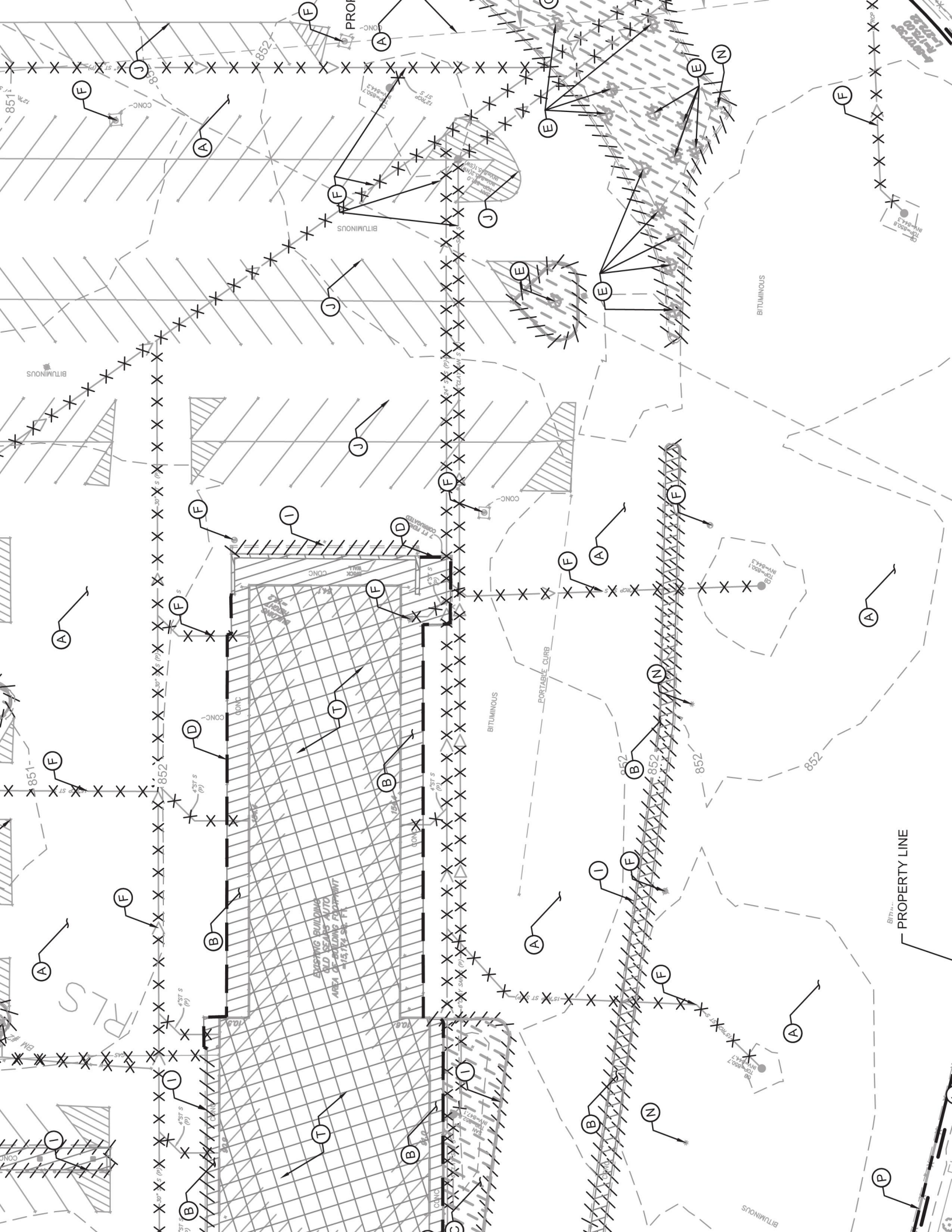
9. CONCRETE WASHOUT SHALL BE EPA CONCRETE WASHOUT GUIDE

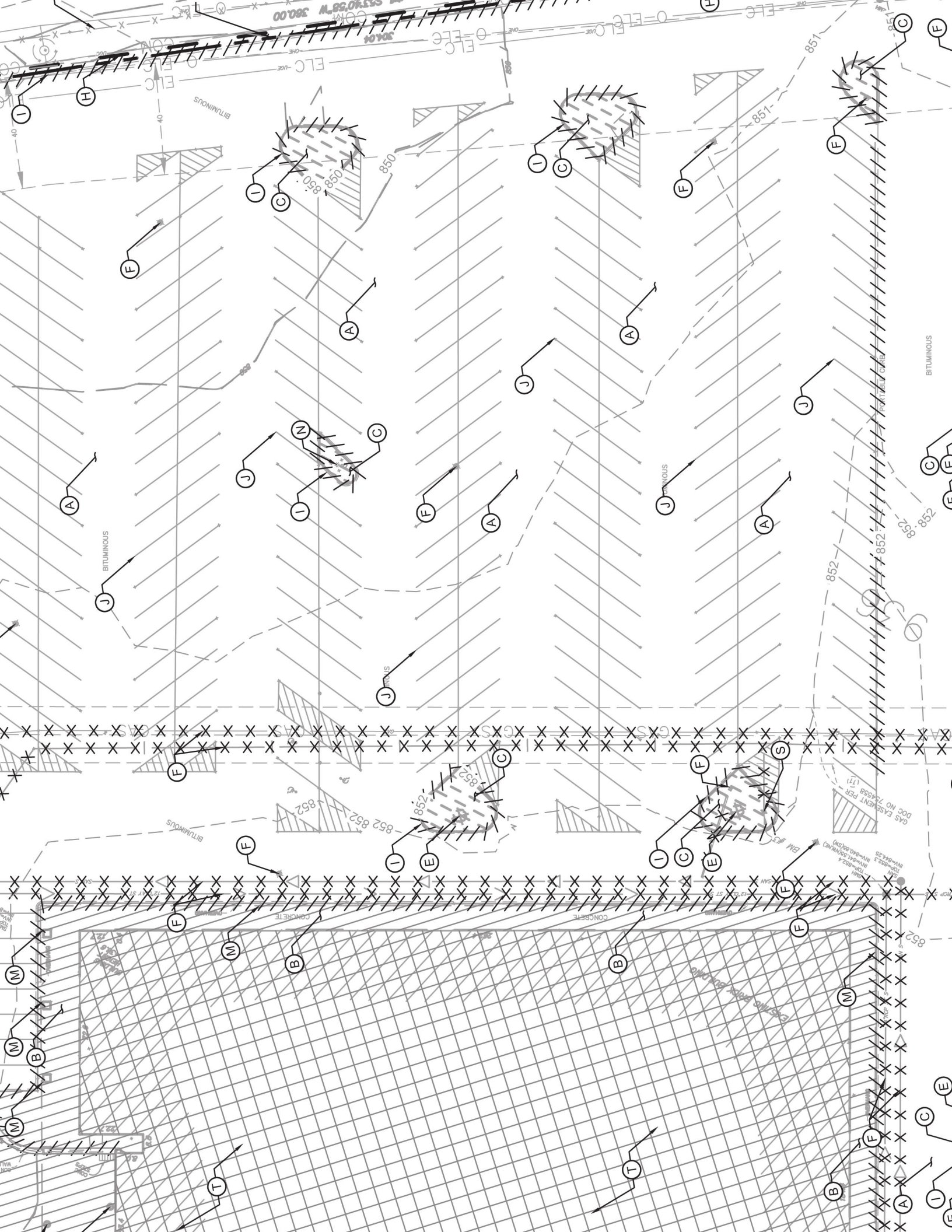
IICT SPECIFIC PRACTICES

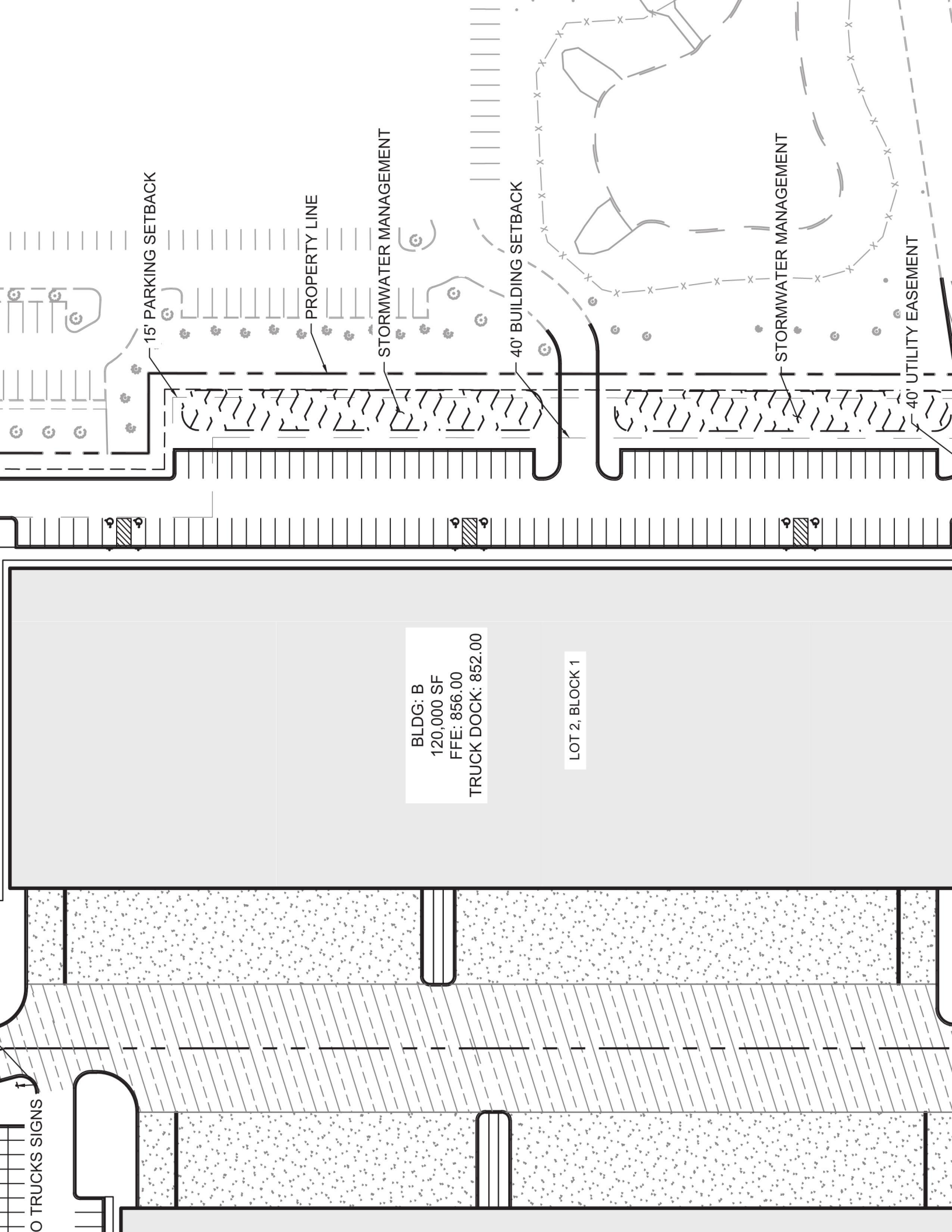


SEE SHEET C202









15' PARKING SETBACK

PROPERTY LINE

STORMWATER MANAGEMENT

40' BUILDING SETBACK

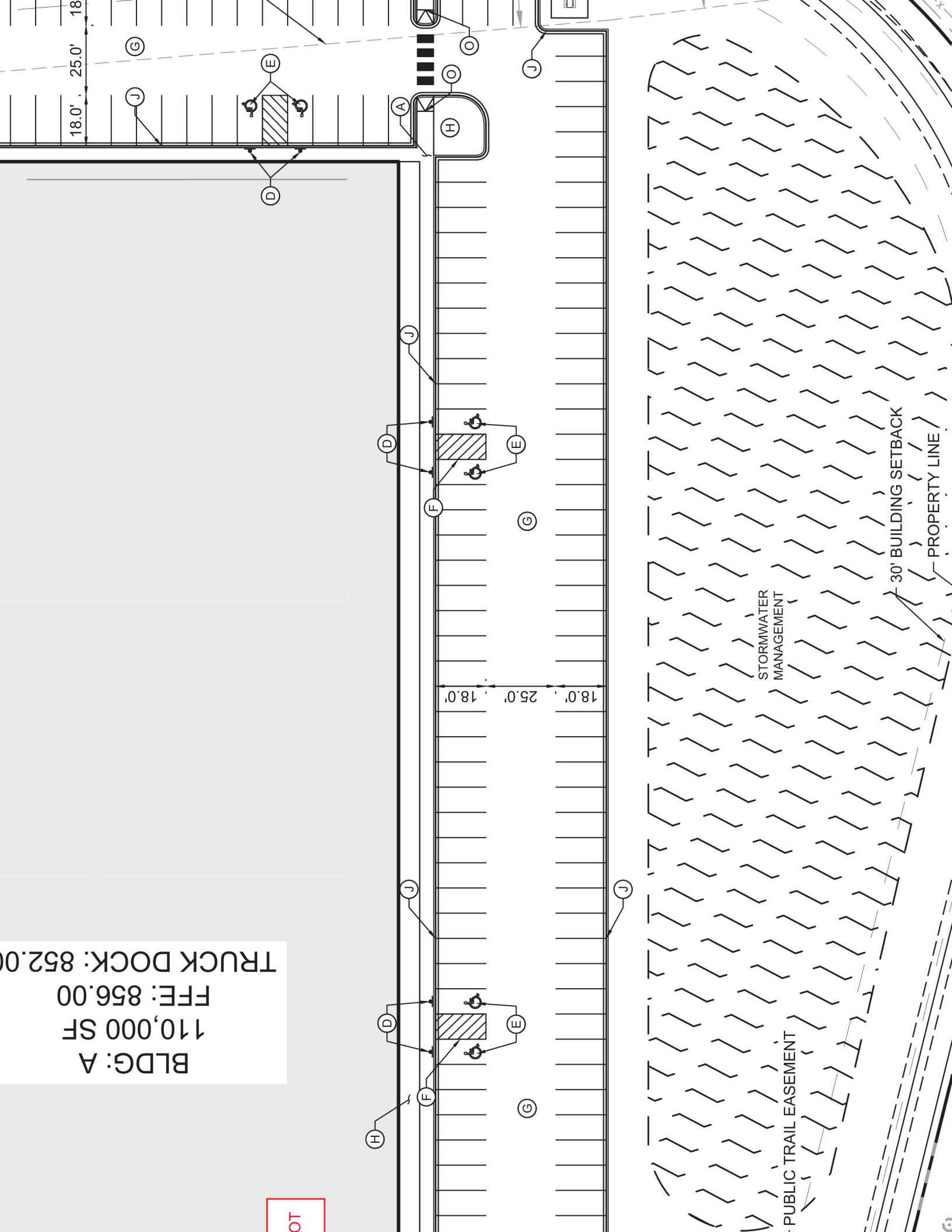
STORMWATER MANAGEMENT

40' UTILITY EASEMENT

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

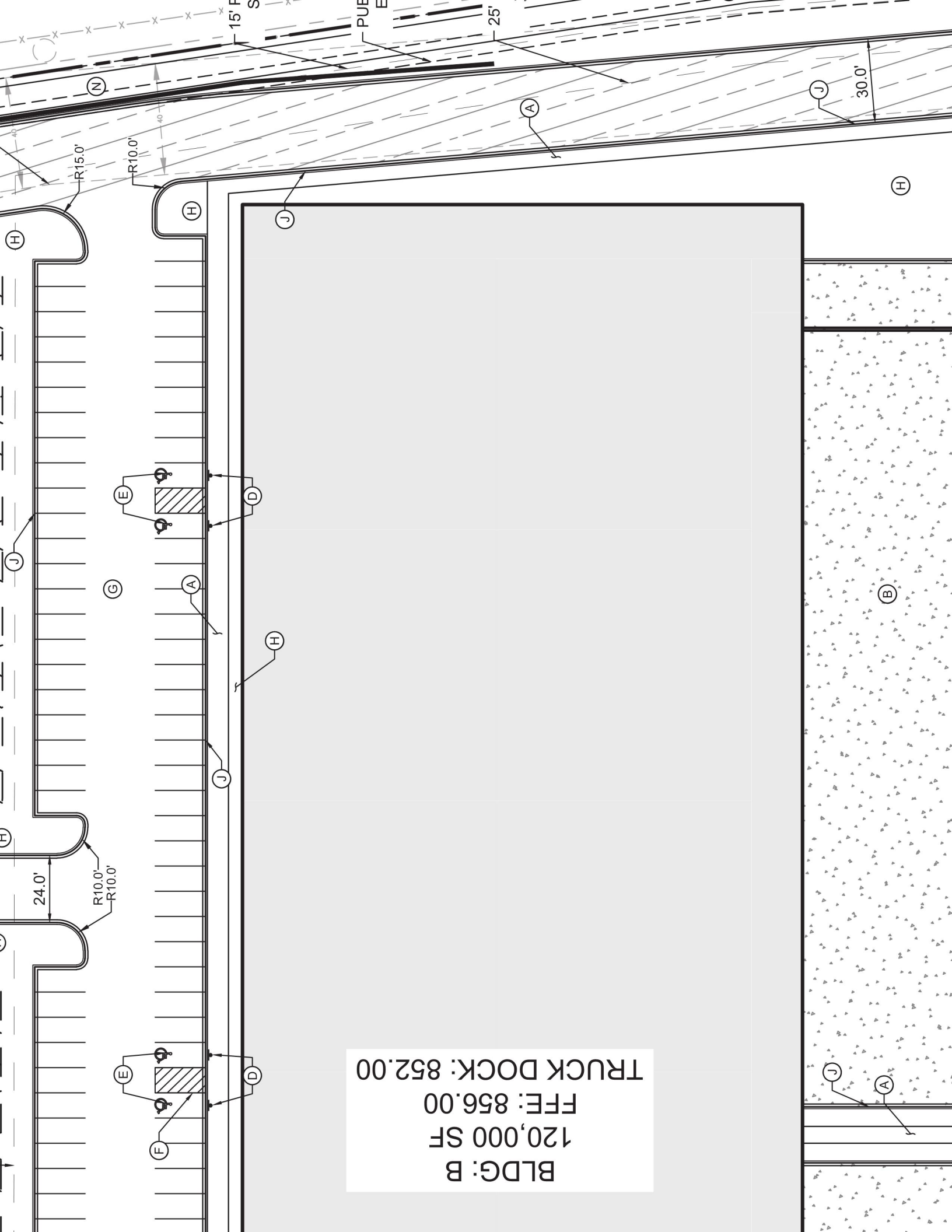
LOT 2, BLOCK 1

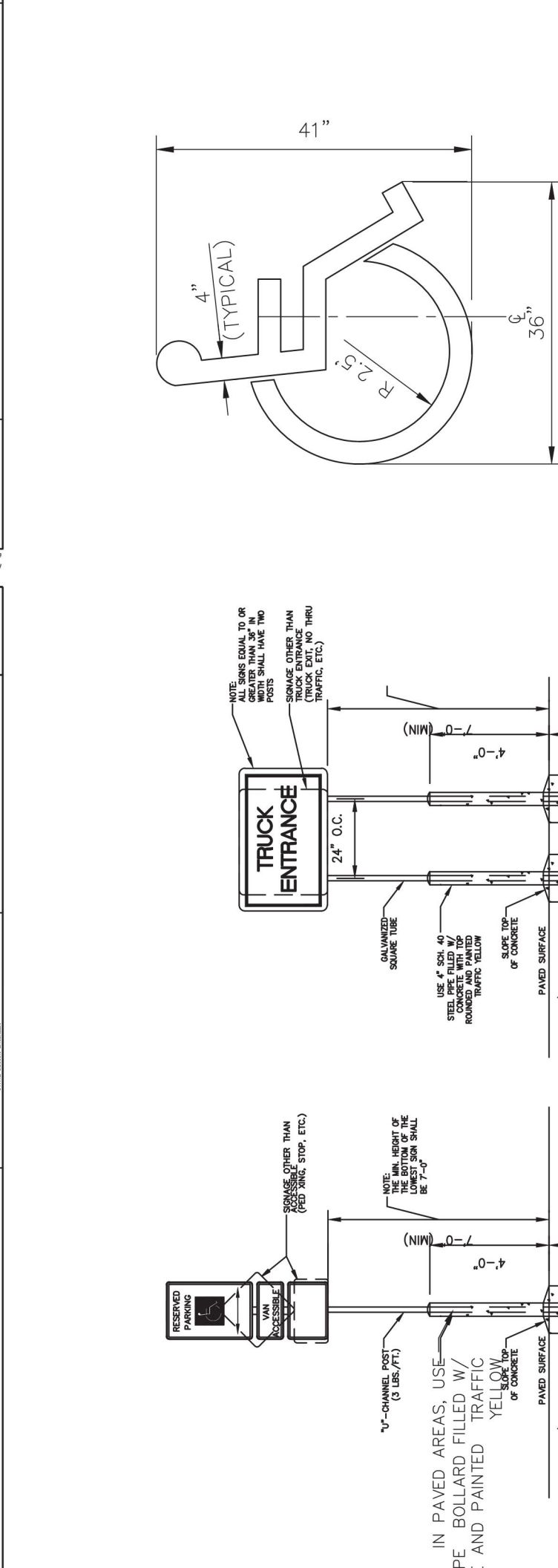
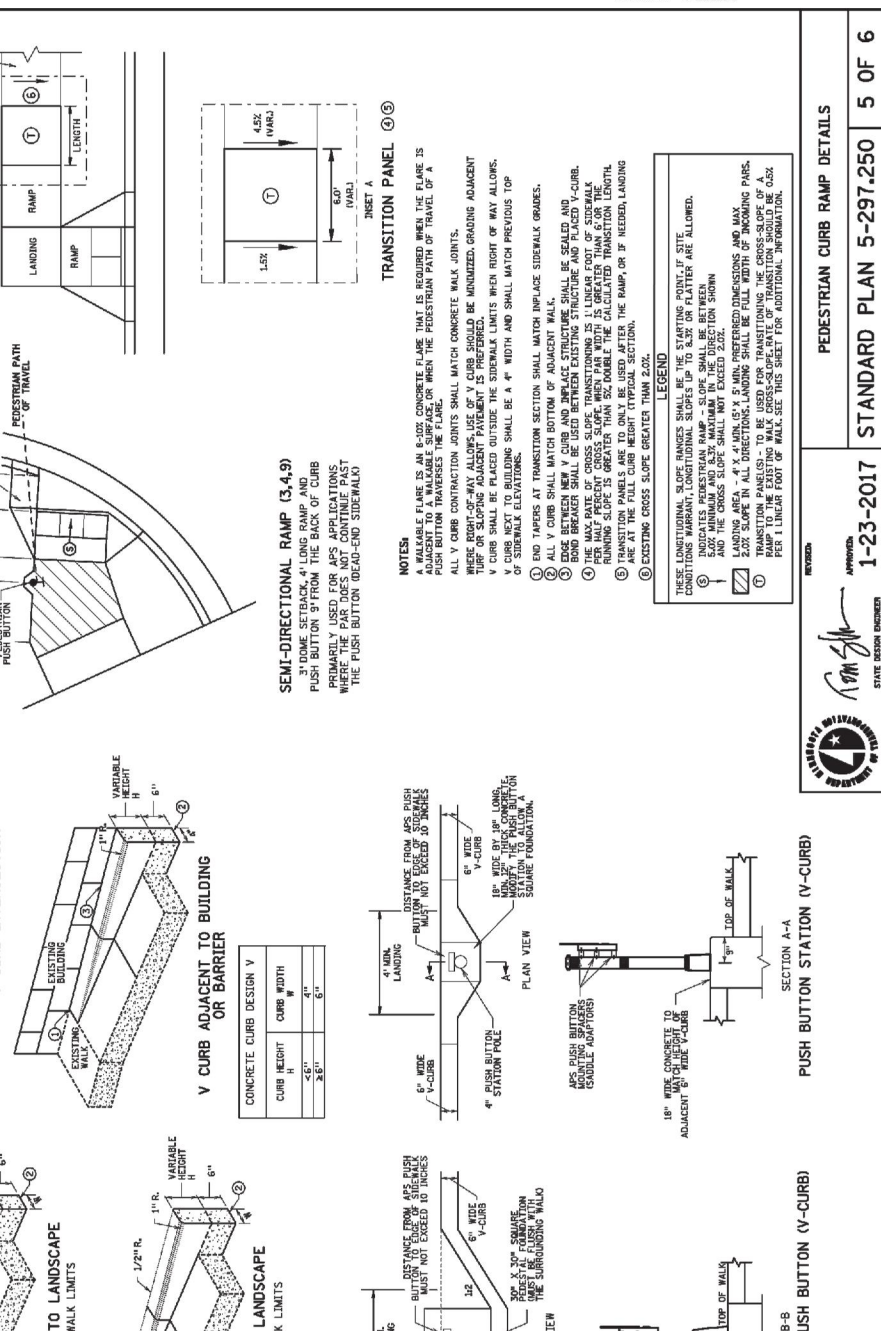
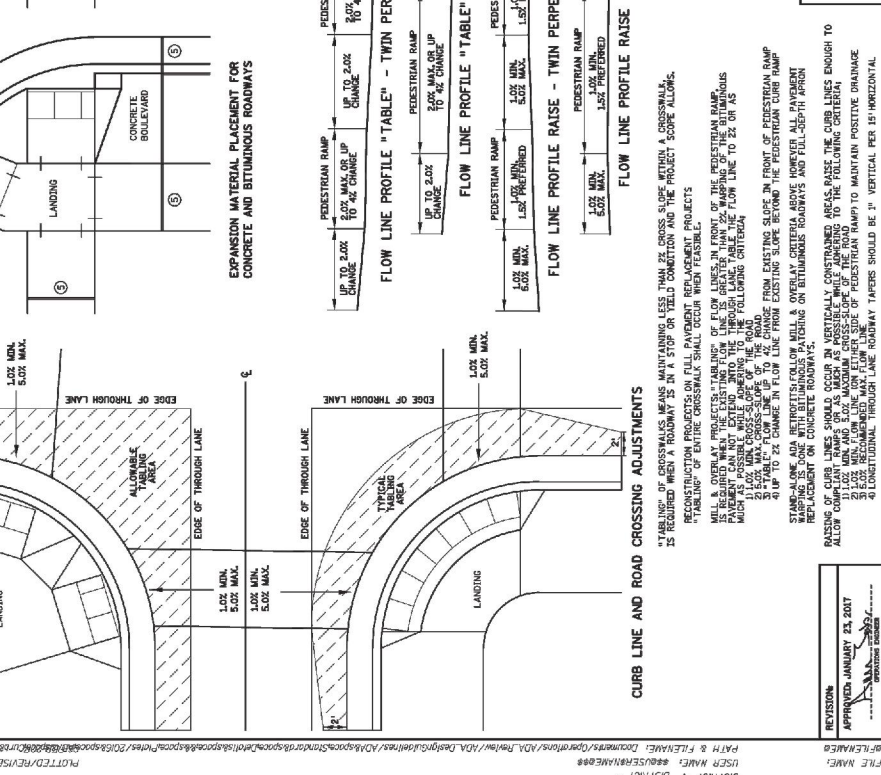
NO TRUCKS SIGNS

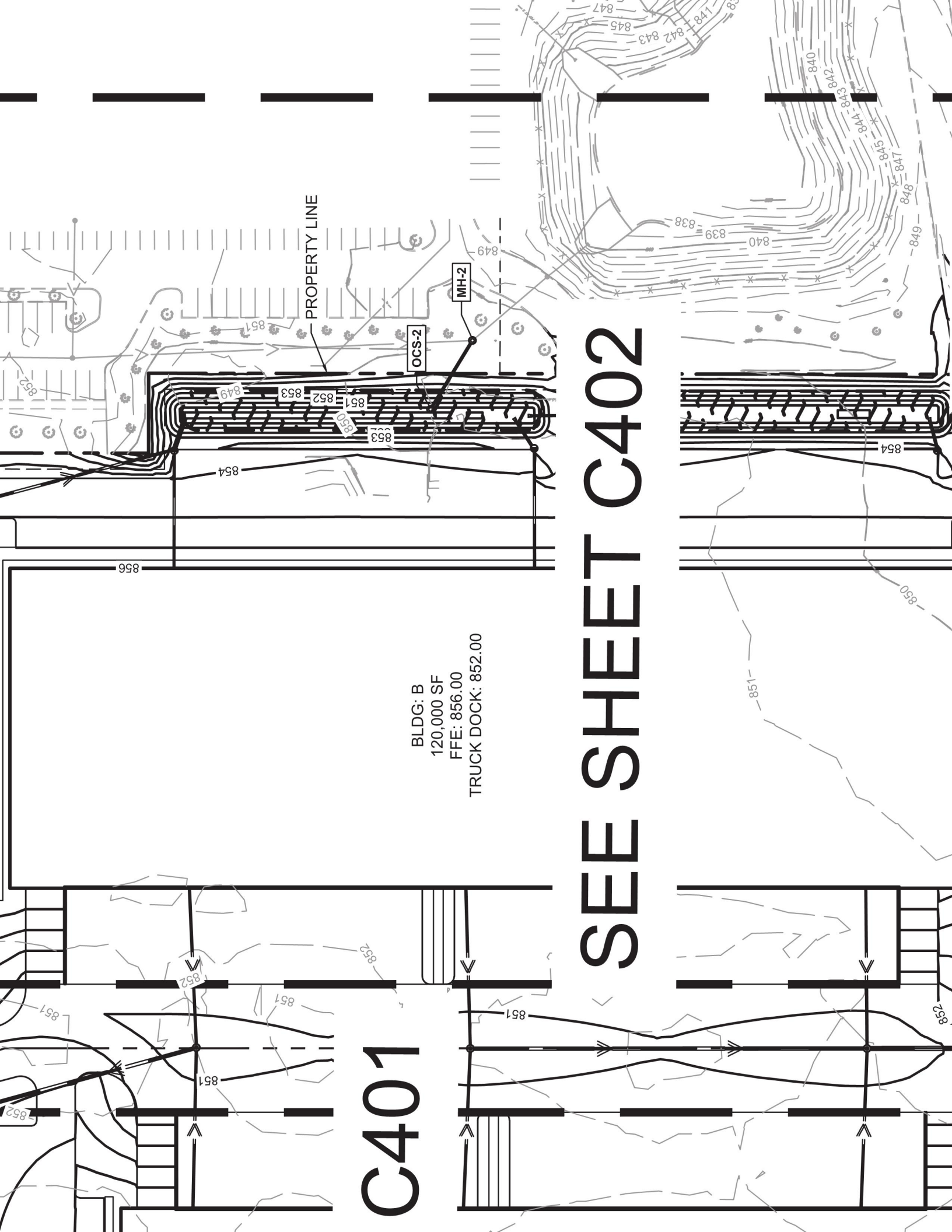


BLDG: A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

NOT







PROPERTY LINE

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

SEE SHEET C402

C401

BLDG: A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

ST-402
RE: 853.78
IE: 844.76 NE
IE: 844.76 SW

RD-1B
IE: 852.00 SW

RD-1C
IE: 852.00 SW

ST-301
RE: 853.60
IE: 850.52 NE
IE: 843.93 SW

ST-300
IE: 843.50 NE

ST-400
IE: 843.50 E

ST-100
IE: 843.50 N

ST-200
IE: 843.50 NE

FILTRATION BASIN 1
BOT: 843.50
24" SAND IE: 841.50
100-YR HWL: 848.94

74 LF - 15" CMP @ 2.00%

43 LF - 18" RCP @ 1.00%

78 LF - 36" RCP @ 0.64%

2.49%

2.90%

2.36%

2.55%

2.46%

1.38%

54.17

3.854.47

855.31

5.08

855.01

855.15

855.19

855.73

855.42

855.91

855.89

855.68

855.58

855.01

855.04

855.09

854.28

854.54

854.26

854.17

853.2

852

851

850

849

848

847

846

845

844

843

842

841

840

839

838

837

836

835

834

833

832

831

830

829

828

827

826

825

824

823

822

821

820

819

818

817

816

815

814

813

812

811

810

809

808

807

806

805

804

803

802

801

800

799

798

797

796

795

794

793

792

791

790

789

788

787

786

785

784

783

782

781

780

779

778

777

776

775

774

773

772

771

770

769

768

767

766

765

764

763

762

761

760

759

758

757

756

755

754

753

752

751

750

749

748

747

746

745

744

743

742

741

740

739

738

737

736

735

734

733

732

731

730

729

728

727

726

725

724

723

722

721

720

719

718

717

716

715

714

713

712

711

710

709

708

707

706

705

704

703

702

701

700

699

698

697

696

695

694

693

692

691

690

689

688

687

686

685

684

683

682

681

680

679

678

677

676

675

674

673

672

671

670

669

668

667

666

665

664

663

662

661

660

659

658

657

656

655

654

653

652

651

650

649

648

647

646

645

644

643

642

641

640

639

638

637

636

635

634

633

632

631

630

629

628

627

626

625

624

623

622

621

620

619

618

617

616

615

614

613

612

611

610

609

608

607

606

605

604

603

602

601

600

599

598

597

596

595

594

593

592

591

590

589

588

587

586

585

584

583

582

581

580

579

578

577

576

575

574

573

572

571

570

569

568

567

566

565

564

563

562

561

560

559

558

557

556

555

554

553

552

551

550

549

548

547

546

545

544

543

542

541

540

539

538

537

536

535

534

533

532

531

530

529

528

527

526

525

524

523

522

521

520

519

518

517

516

515

514

513

512

511

510

509

508

507

506

505

504

503

502

501

500

499

498

497

496

495

494

493

492

491

490

489

488

487

486

485

484

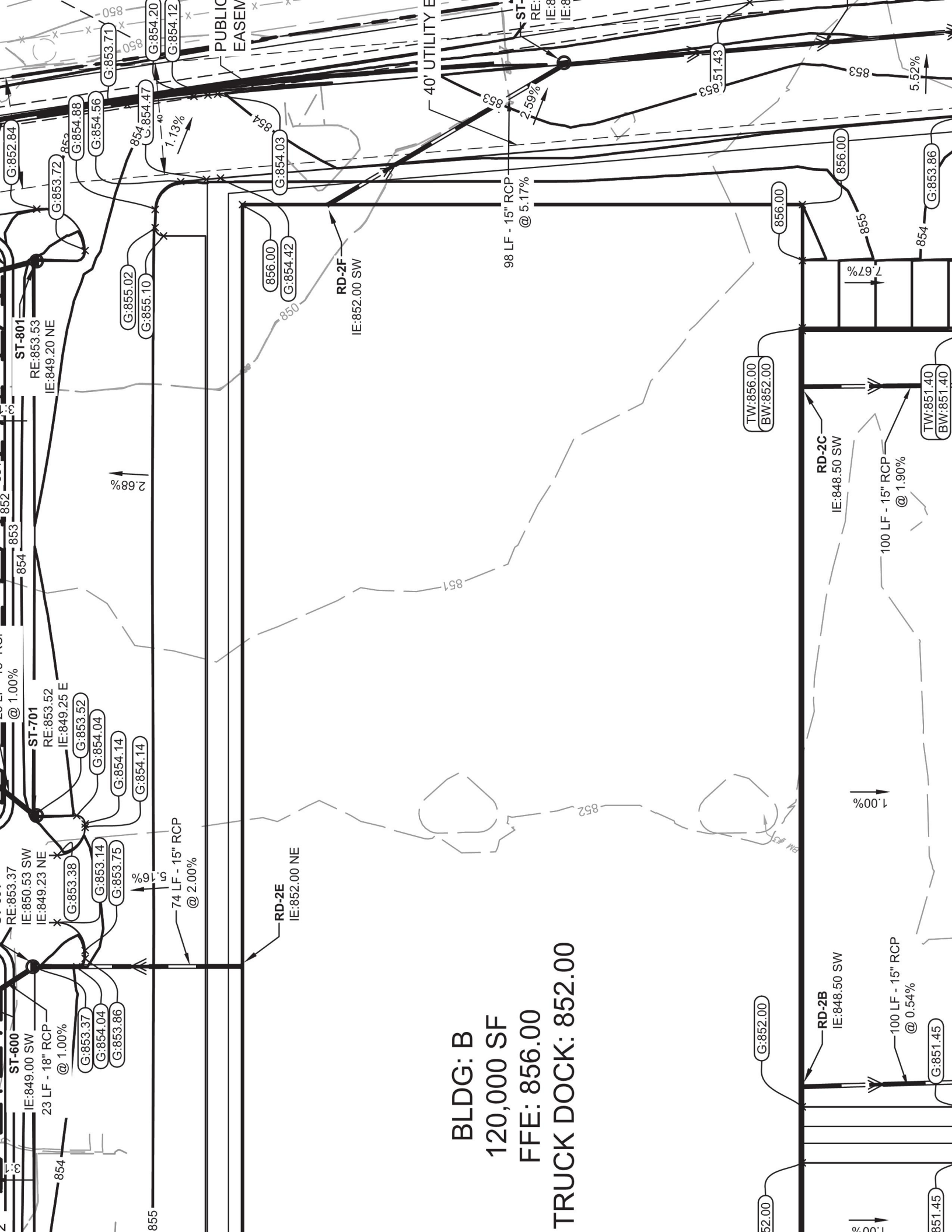
483

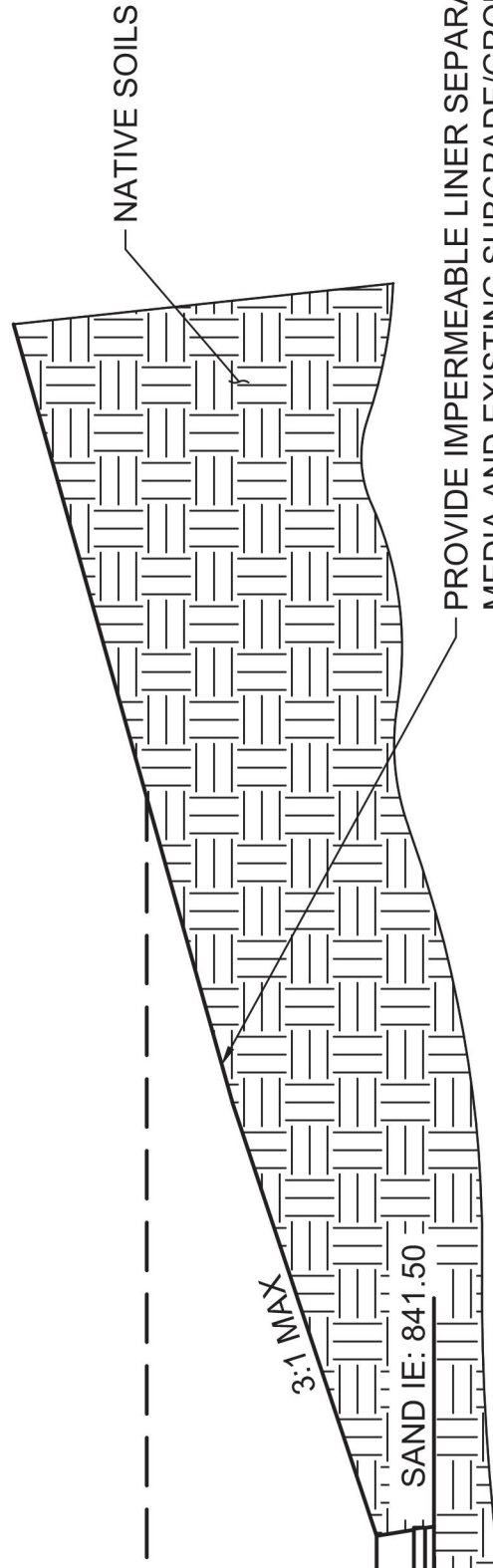
482

481

480

479





PROVIDE IMPERMEABLE LINER SEPARATION FROM SAND MEDIA AND EXISTING SUBGRADE/GROUNDWATER, LINER TO BE 30 MIL AND MEET ASTM D-4833, ASTM D-412, AND ASTM D-624; PROVIDE GEOTEXTILE FABRIC TO PROTECT LINER FROM PUNCTURE.

ENGINEERED SOIL MEDIA. FILTER TOPSOIL BORROW, MODIFIED TO HAVE A MIXTURE BY VOLUME OF 80% SAND OVER "FINE AGGREGATE FOR PORTLAND CEMENT CONCRETE" AND 20% COMPOST. CONTRACTOR IS TO NOT COMPACT FILTRATION BASIN.

PLACE DRAINTILE 6" ABOVE BOTTOM OF ENGINEERED MEDIA SECTION

ING SETBACK

SEE SHEET C502

C501

15' PARKING SETBACK

STORMWATER MANAGEMENT

PROPERTY LINE

40' BUILDING SETBACK

BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

BLDG: A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

E

BUILDING A CONNECTION
IE:846.00 SW

49 LF - 6" PVC
@ 1.69%

6" TEE

ATE
VE

304 LF - 6" PVC
@ 1.69%

SS-2
RE:848.53
IE:845.18 NE
IE:845.08 SE

SS-1
RE:843.29
IE:839.94 NW
IE:839.84 SW

8" 45 DEG BEND

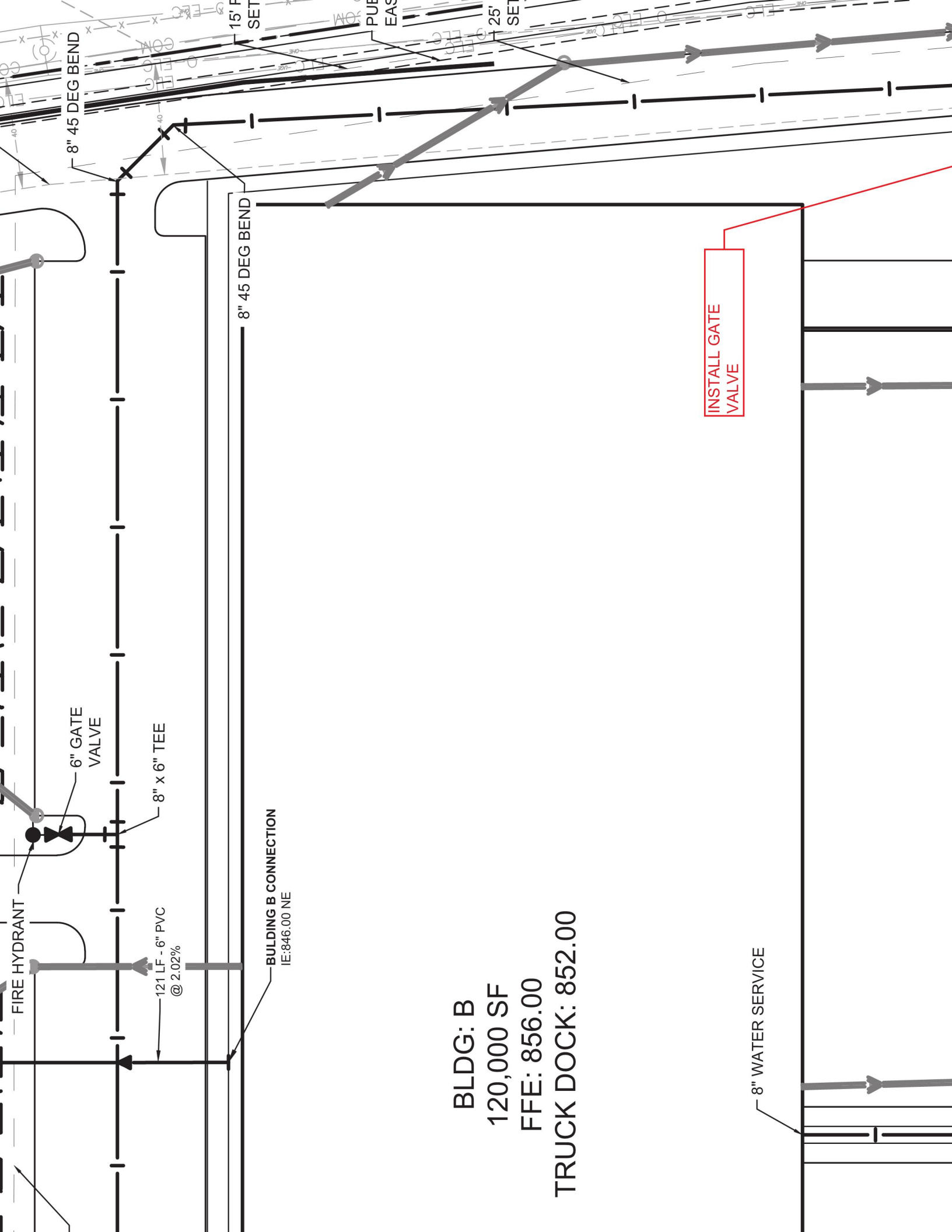
8" 45 DEG BEND

STORMWATER
MANAGEMENT

- PUBLIC TRAIL EASEMENT

30' BUILDING SETBACK

CONNECT TO EXISTING
CONTRACTOR TO VERIFY IN
RE:8
IE:838.



BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

INSTALL GATE
VALVE

8" WATER SERVICE

8" 45 DEG BEND

8" 45 DEG BEND

6" GATE
VALVE

8" x 6" TEE

121 LF - 6" PVC
@ 2.02%

BUILDING B CONNECTION
IE:846.00 NE

FIRE HYDRANT

POLY WRAP

TRANSITION TO SPECIFIED DEPTH (TYPICAL). INSTALL VERTICAL BENDS AS REQUIRED.

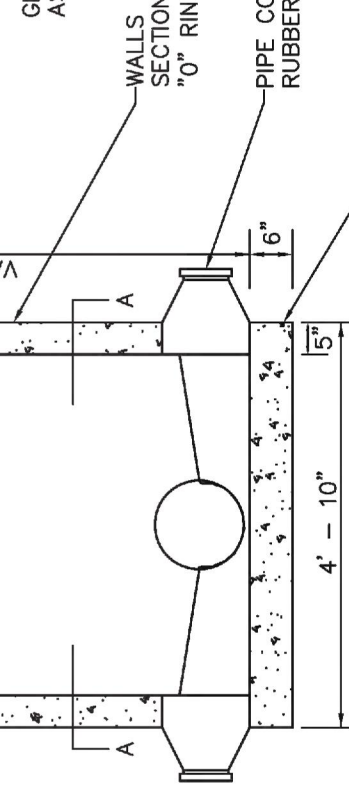
NOTES:

APPLIES WHERE VERTICAL SEPARATION IS LESS THAN 36" FOR STORM SEWER. PROVIDE A MINIMUM OF 18" SEPARATION BETWEEN WATERMAIN AND SEWER PIPE.

WATER MAIN-STORM SEWER CROSSING INSULATION	REV. 03/2018	STANDARD PLATE	104

Michael Allen

APPROVED: CITY ENGINEER



MATCH INVERT OF MAINLINE SEWER AND LATERAL BRANCH UNLESS OTHERWISE SPECIFIED



PUBLIC WORKS DEPARTMENT

MANHOLE (SANITARY)

Michael Allen

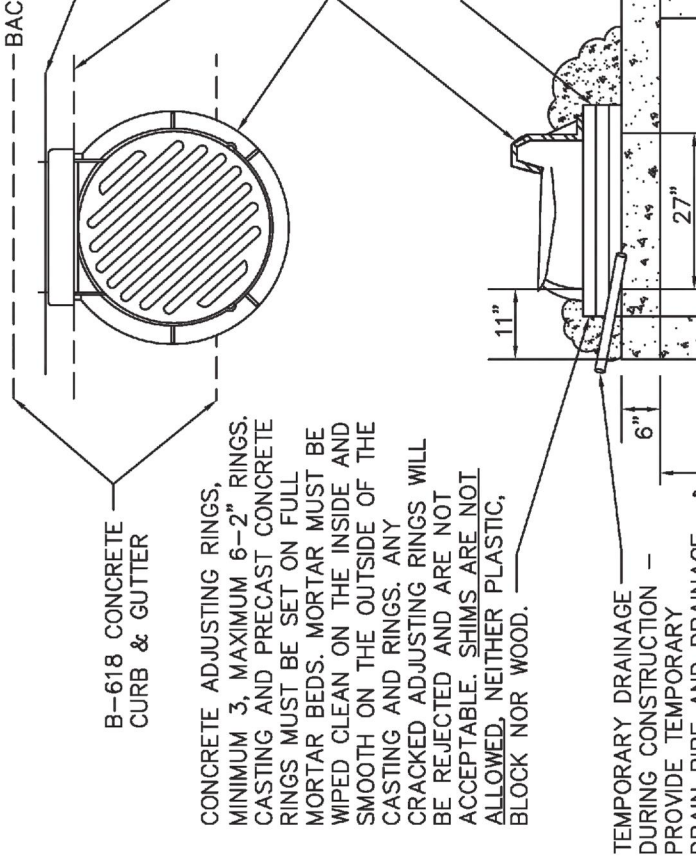
APPROVED: CITY ENGINEER

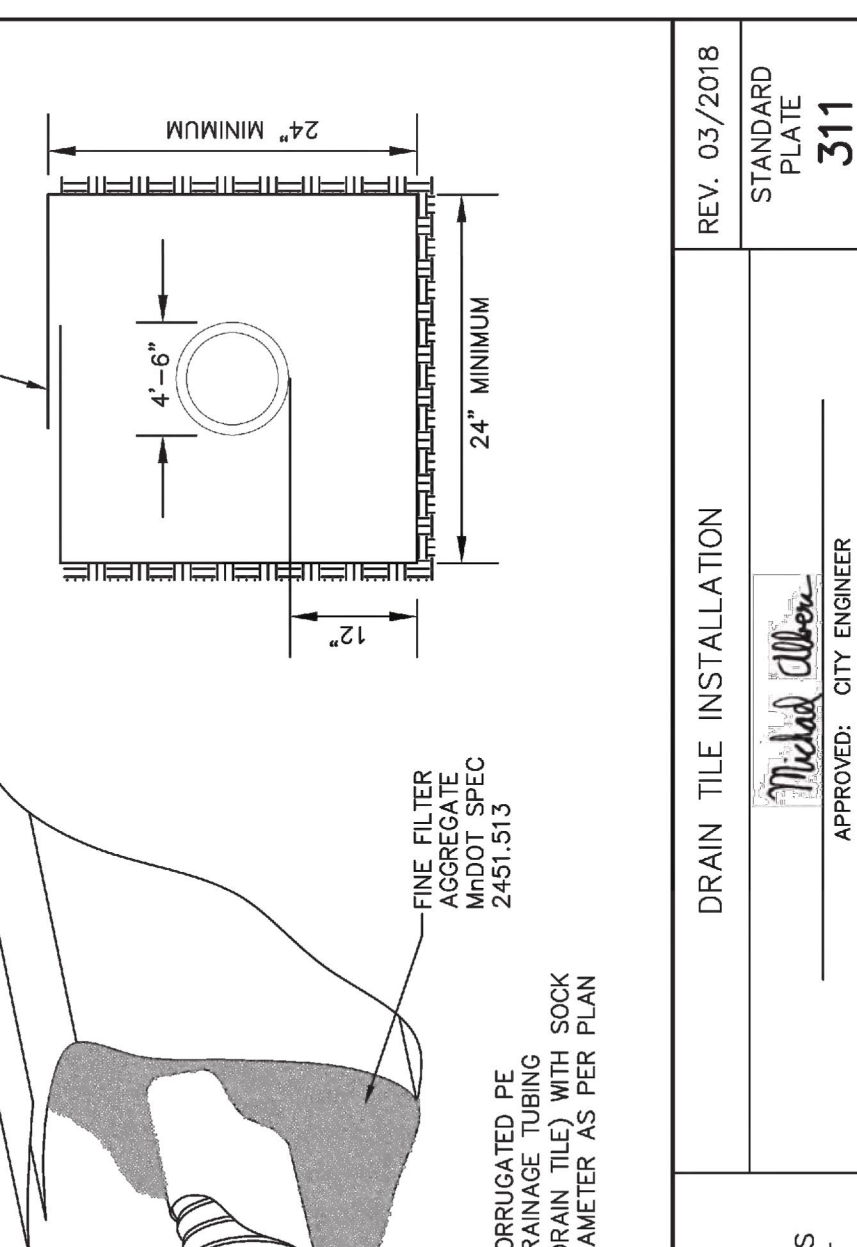
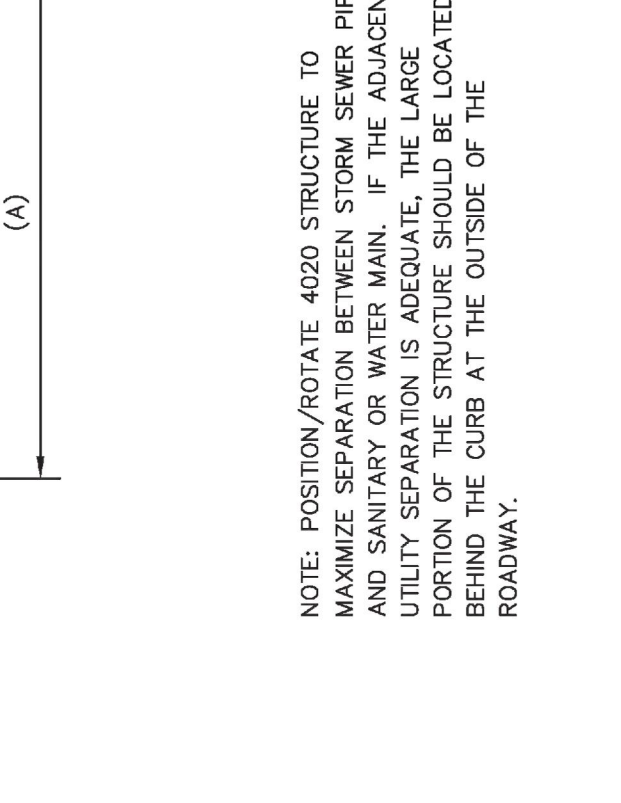
G NEENAH R-1733 SOLID COVER D PICK HOLES AND LUG. COVER TO M SEWER. ADJUST CASTING TO 1/4" TO D GRADE, TYPICAL FOR ALL CASTING

RINGS MUST BE USED WITH A ND A MAXIMUM OF 12" ADJUSTMENT. 3 RINGS MUST BE USED AS MINIMIZE THE NUMBER OF JOINTS. " " RING IMMEDIATELY UNDER THE ED RINGERS TO MATCH CASTING . APPLY BUTYL SEALANT BETWEEN APPROVED EXTERNAL SEAL MUST BE JUNCTION WITH ADJUSTING RINGS

HALL BE CRETEX TYPE II UAL, DESIGNED FOR GHWAY LOADING

HALL BE INSTALLED SECTION

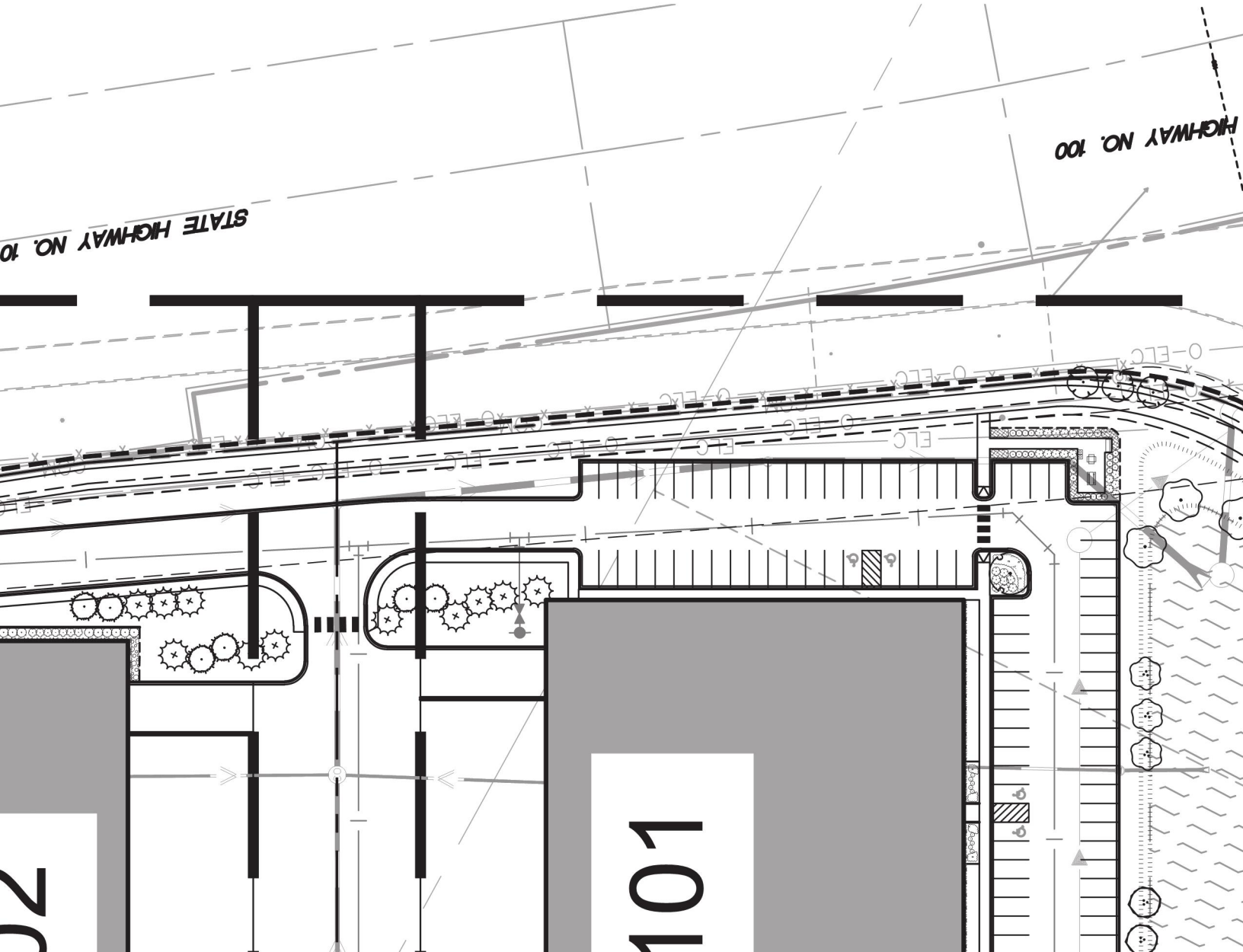


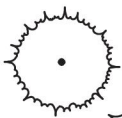
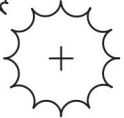
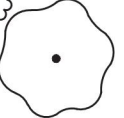


 PUBLIC WORKS DEPARTMENT	STAKING DETAIL – XX
	APPROVED: 

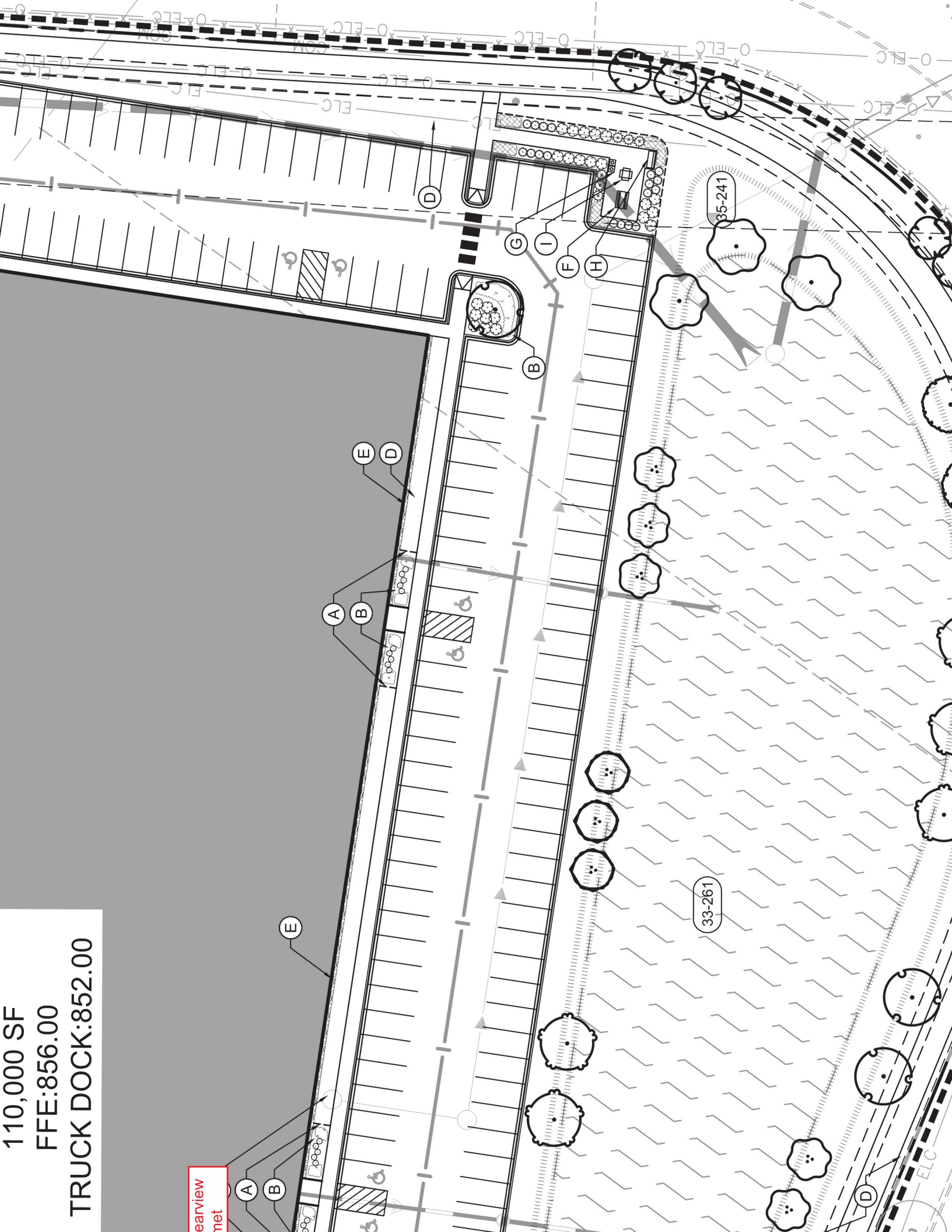
DRAIN TILE INSTALLATION	REV. 03/2018
	STANDARD PLATE 311

APPROVED:  	CITY ENGINEER
---	---------------



																									
<u>ORNAMENTAL TREE</u>		<u>ORNAMENTAL TREE</u>		<u>OVERSTORY TREE</u>		<u>OVERSTORY TREE</u>		<u>CONIFEROUS SHRUBS</u>		<u>CONIFEROUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>		<u>DECIDUOUS SHRUBS</u>	
BHS	WHP	CODE	PRC	QUA	RVB	CODE	ABM	CHB	NAH	SWO	CODE	SGJ	TTY	CODE	ABH	AFD									
19	19	QTY	29	8	13	QTY	11	10	9	14	QTY	51	24	QTY	44	14									
PIC	PIN	BO	MA	PO	BE	BO	AC	CE	GL	QU	BO	JUI	TA	BO	HY	CO									

110,000 SF
FFE:856.00
TRUCK DOCK:852.00



BLDG: B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00

EE SHEET L101

10.	BA CO BE	PC PC PF OF	W ST TH NC	BA BC SU LA	M DI FI BY	EL EL SF AB TC IN EL	AL BE MI TC SF CC	PF SH SY W
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								

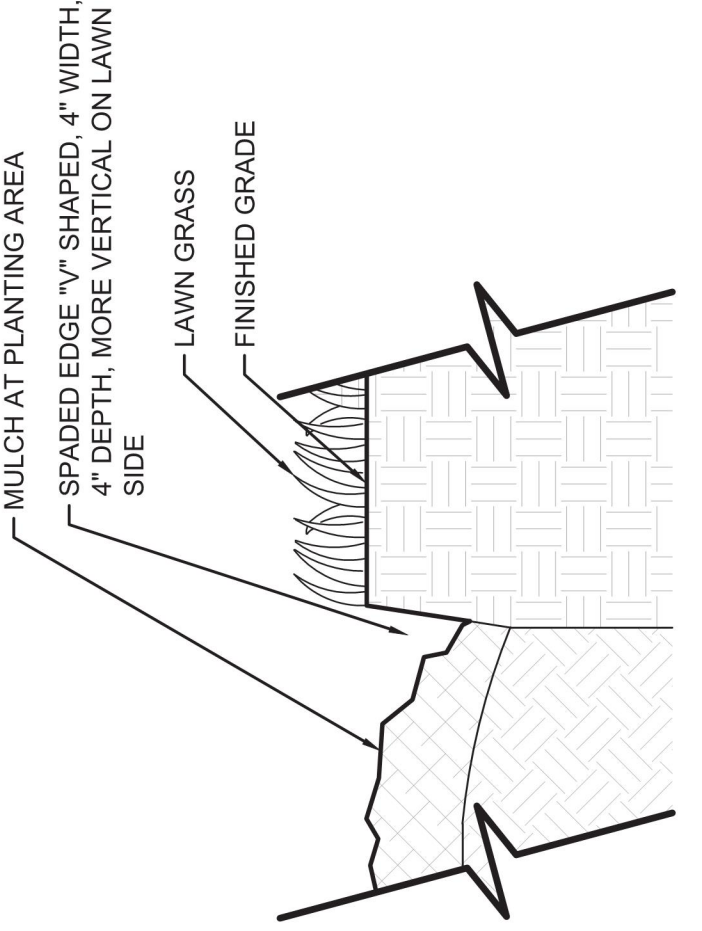
- GIRDLING ROOTS.
- PLUMB AND BACKFILL WITH PLANTING SOIL.
- WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL VOIDS.
- BACK FILL VOIDS AND WATER SECOND TIME.
- PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.
- MIX IN 3-4" OF ORGANIC COMPOST.

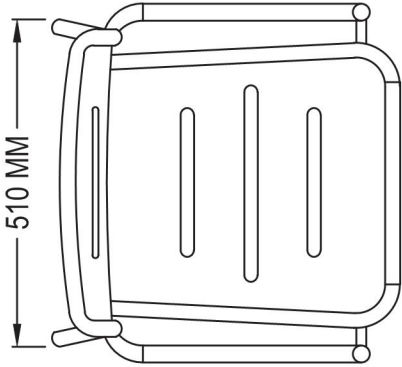
2

SHRUB / PERENNIAL PLANTING DETAIL

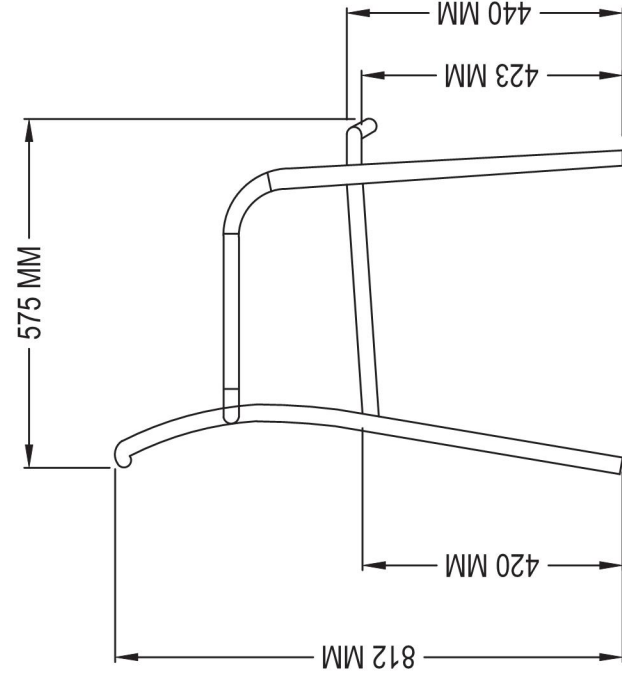
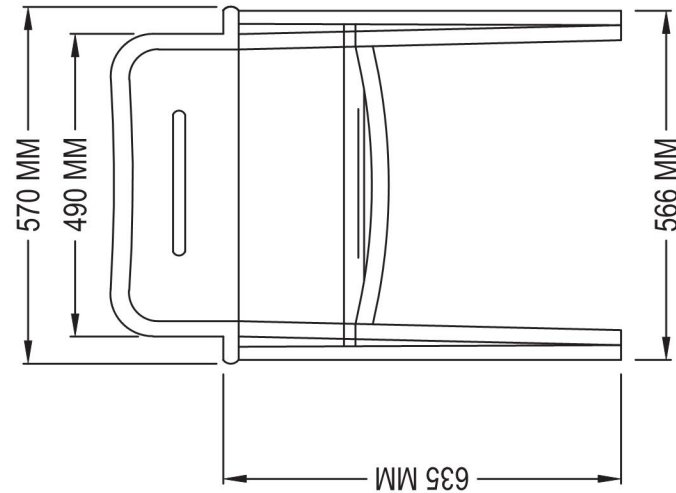
SCALE: N.T.S.

L103





TOP VIEW



NOTES:

- 1. BISTRO CHAIRS TO BE COLOR SILVER GRAY
- 2. PROVIDE FOUR CHAIRS PER MANUFACTURER'S SPECIFICATIONS.
- 3. SUBMIT SHOP DRAWINGS TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
- 4. FIELD LOCATE FURNISHINGS PER PLAN WITH APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.



Community Development
763-569-3300

June 21, 2022

1297 Shingle Creek Crossing Brooklyn Center Sears Site

Building review comments for newly proposed Flex office building to be located at 6440 James Circle.

1. A SAC Demo determination letter and review by MET Council is required prior to a building Demolition permit being issued.
2. The building will be required to have a sprinkler system installed. City of Brooklyn Center ordinance 3-101 B. (2) as adopted by the Minnesota State Building code 1306 Special Fire Protection system 1306.0020 Subp. 2, Existing and New buildings.
3. Fire Hydrants shall be provided for buildings constructed within the Jurisdiction as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For buildings equipped throughout with an approved automatic sprinkler system, the threshold for requiring on site fire hydrants and mains shall be increased to 400 feet. Per MNFC 507.5.1.
4. An approved fire apparatus access road shall be provided for every facility, building or portion of a building. Fire Apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Turning radius of a fire apparatus access road shall be determined by the Fire Code Official per MNFC 503.
5. Prior to a Building permit being issued. A SAC determination for the new buildings will need to be done by MET Council and SAC determination letter received.
6. Approved signed plans and permits for Building, Mechanical, Electrical, Plumbing and Fire Sprinkler system shall be provided.

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

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2022-004 FOR A RE-PLAT, REZONING, AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT AND AMENDMENTS TO THE ZONING CODE AND 2040 COMPREHENSIVE PLAN TO ALLOW FOR REDEVELOPMENT OF THE FORMER SEARS SITE AND CONSTRUCTION OF TWO BUSINESS PARK BUILDINGS OF APPROXIMATELY 230,000-SQUARE FEET COMBINED AND RELATED SITE IMPROVEMENTS (1297 SHINGLE CREEK CROSSING)

WHEREAS, Planning Commission Application No. 2022-004, submitted by Scannell Properties, Inc. and on behalf of Transformco (“the Applicant”) requests review and consideration for the re-plat, re-zoning, and establishment of a Planned Unit Development and an amendment to the City’s Zoning Code that would allow for redevelopment of the former Sears site located at 1297 Shingle Creek Crossing (“the Subject Property”) and subsequent construction of two business park buildings of approximately 110,000 and 120,000-square feet, respectively (230,000-square feet combined), and related site improvements; and

WHEREAS, the Subject Property is situated in the Central Commerce Overlay District and pursuant to a determination by City staff, the proposed use is not clearly defined as a use within the District; and

WHEREAS, on June 23, 2022, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested re-plat, site and building plan, re-zoning, and establishment of a Planned Unit Development, which would re-zone the Subject Property from PUD/C2 (Planned Unit Development/Commerce) District to a new Planned Unit Development with an underlying Business Mixed-Use District designation (PUD/MX-B), and an amendment to the Zoning Code to remove the Subject Property from the Central Commerce Overlay District for the proposed new construction and related site improvements on the approximately 15-acre Subject Property; and

WHEREAS, said Planning Commission Application No. 2022-004 also addresses a request to re-designate the Subject Property under the City’s 2040 Comprehensive Plan future land use designation from “Transit-Oriented Development (TOD),” which the Subject Property is currently designated as, to “Business-Mixed Use (B-MU),” which guides for a mix of business, light industrial, and supporting retail/service uses, and is intended to create a more dynamic and connected experience for potential workers in these areas; and

WHEREAS, this request is made in light of the fact that the Subject Property was still in operation as a department store and auto center when the 2040 Comprehensive Plan process was initiated, had been in continuous operation since around 1962, and upon closure of the aforementioned businesses, the City of Brooklyn Center was nearing completion of its

RESOLUTION NO.

Comprehensive Plan update with no clear direction on a potential re-use of the Subject Property, nor guidance in the form of a market study; and

WHEREAS, given these uncertainties, the City of Brooklyn Center designated the Subject Property to its current TOD future land use designation provided its proximity to Bus Rapid Transit, and its ability to offer a broader mix of land use options; and

WHEREAS, the Applicant conducted a market analysis for a feasible re-use of the Subject Property, held concept reviews with the City Council in May and November 2021, as well as a virtual community meeting to gauge interest in the potential re-development of the Subject Property to accommodate an office/warehouse (business park) use; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on June 23, 2022, whereby a planning report was presented and public testimony regarding the proposal were received, and notice of such public hearing was published in the official newspaper and mailed to the Applicant and adjacent property owners as required by the City and Minnesota State Statutes, and development proposal signage was installed on the Subject Property by the City; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 15 (*Platting*), 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), 35-230 (*Plan Approval*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, and draft provisions of the Business-Mixed Use (MX-B) District, as contemplated in the City's draft Zoning Code update and forthcoming Unified Development Ordinance, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan, with exception to the requested amendment to the Comprehensive Plan to re-designate the Subject Property to move the project forward, and of which requires final determination by the Metropolitan Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2022-004, submitted by Scannell Properties, LLC, and on behalf of Transformco, be approved based upon the findings of fact in the June 23, 2022, planning report, and submitted documents and plans as amended by the following conditions of approval:

1. The building plans are subject to review and approval by the Building Official as noted in the memorandum dated June 21, 2022, and with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by

RESOLUTION NO.

- the City Council.
- b. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - c. The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval.
 - d. A fire sprinkler system is required to be installed and shall be maintained on a consistent basis per City Code requirements.
 - e. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - f. The Applicant shall provide any final site and building plans to City staff for a CPTED review and make alterations as necessary prior to permit release.
 - g. The submitted landscape plans shall be revised to meet City's minimum Landscape Point System policy requirements and an identified "office/industrial" use.
 - h. The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings shall be provided for review and approval prior to installation.
 - i. The Applicant shall revise the submitted photometric plan to reflect minimum, maximum, and average foot-candles per fixture, and clearly identify all property lines.
 - i. The Applicant shall work with the adjacent Shingle Creek Crossing property owner to ensure consistency in lighting and landscaping along the north drive between the Subject Property and Shingle Creek Crossing.
 - ii. Photometric plans shall be revised as needed to incorporate additional pedestrian-level lighting for main building entrance points and sidewalk connections.
 - j. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and an updated details sheet provided.
 - k. The Applicant shall submit a Sign Permit Application for any proposed signage and receive issuance of a permit prior to any installation. All signage shall conform to City requirements.
2. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's review memorandum, dated June 17, 2022.
- a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.
 - b. Any requirements as outlined in reviews conducted by Hennepin County, the Minnesota Department of Transportation (MnDOT), and the Watershed Commission.

RESOLUTION NO.

3. Agreements:

- a. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of building permits. The agreement shall further assure compliance with the development plans submitted with this application.
 - i. No outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted;
 - ii. Warehousing and wholesaling shall not exceed 80-percent of the total floor area. The remaining 20-percent of the total floor area shall be non-warehouse uses, such as a combination of uses including, but not limited to: office, manufacturing, production, research and development, and lab and/or showroom; and
 - iii. Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.
- b. A Performance Agreement with supporting financial guarantee approved by the City shall be executed upon any approval of the to-be submitted building permit for site improvements, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.
- c. The Developer shall submit an as-built survey of the property, improvements, and utility service lines prior to release of any Performance Agreement financial guarantee.
- d. A Utility Facilities Easement Agreement is required for submittal to the City prior to issuance of any permits.
- e. A Construction Management Plan and Agreement and associated escrow are required for submittal prior to the City prior to issuance of any permits.
- f. The Applicant shall coordinate with adjacent property owners and the City to execute any cross access and parking agreements for the proposed site improvements. No building permits shall be issued until such determination is made and any agreements are recorded with Hennepin County.
- g. The Applicant shall work with the City for dedication of the proposed trail easement and provision of trail profile and plans.

4. Platting:

- a. Approval of the preliminary and final plat for NORTH 100 BUSINESS PARK ADDITION are contingent upon the addressing of comments by City Engineer Mike Albers in the memorandum dated June 17, 2022.
 - i. A 10-foot drainage and utility easement shall be dedicated on the plat around the entire perimeter of the Subject Property and centered on other

RESOLUTION NO.

- lot lines.
- ii. All utilities and storm water management facilities to be located within said drainage and utility easement.
- iii. Additional dedication of a utility easement is requested on the plat for the private water main and sanitary to allow for maintenance access per the Utility Facilities Easement Agreement.
- b. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
- c. Any final plat comments and/or requirements as provided by Hennepin County.
- d. Any final plat comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
- e. The successful recording of said plat (mylar) with Hennepin County.

July 25, 2022

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.

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the ____ day of _____, 2022, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an Ordinance amending Chapter 35 of the City Ordinances regarding the zoning classification of certain land located at 1297 Shingle Creek Crossing.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE ZONING CLASSIFICATION OF LAND LOCATED AT 1297 SHINGLE CREEK CROSSING

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

Section 1. Rezoning. Chapter 35 of the City Ordinances of the City of Brooklyn Center is hereby amended as follows:

Section 35-2240. CENTRAL COMMERCE OVERLAY DISTRICT (CC). The following property is hereby removed from the (CC) Central Commerce Overlay District zoning classification:

~~Tract A, Registered Land Survey No. 936, Hennepin County, Minnesota.~~

Section 35-1240. PLANNED UNIT DEVELOPMENT DISTRICT (PUD). The following property is hereby re-designated from Planned Unit Development/C2 (Planned Unit Development/Commerce) District to the following:

14. The following properties are designated as PUD/MX-B (Planned Unit Development/Business Mixed-Use) District:

Tract A, Registered Land Survey No. 936, Hennepin County, Minnesota.

Section 2. Effective Date. This ordinance shall become effective after adoption and upon thirty days following this ordinance's legal publication.

Adopted this ____ day of _____, 2022.

Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

(Note: (~~Strikeout~~ text indicates matter to be delete, while underline indicates new matter.

Council Regular Meeting

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jason Hill, City Attorney

SUBJECT: An Emergency Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment of New Uses or the Expansion of Existing Uses Related to the Sale of Products and its Summary Resolution

Requested Council Action:

- motion to adopt an emergency ordinance; and

- motion to approve a summary resolution

Background:

Approval of this emergency ordinance will allow the needtime for the Interim Ordinance to go into effect. The Interim Ordinance will allow the needed time to complete a study on THC.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Safe, Secure, Stable Community, Operational Excellence

ATTACHMENTS:

Description	Upload Date	Type
Memorandum 7.12	7/21/2022	Cover Memo
Emergency Ordinance	7/21/2022	Ordinance



Offices in
Minneapolis
Saint Paul
St. Cloud
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

To: Dr. Reggie Edwards, City Manager

From: Jason M. Hill, City Attorney
Joseph L. Sathe, Assistant City Attorney

Date: July 11, 2022

Re: Regulation of THC Products

This memorandum provides information on ways the City can potentially regulate the newly legalized products that contain up to 5mg of tetrahydrocannabinol (“THC”) derived from certified hemp. This memo does not address local government enforcement of the requirements of the law legalizing these products, Minnesota Statutes, section 151.72 (the “Act”).

I. BACKGROUND

Beginning on July 1, 2022, it became legal to sell certain products containing delta-9 THC (“THC Products”) in Minnesota. The Act allows THC Products to be sold if certain requirements are met including that there are not more than 5mg of THC per dose and 50mg of THC per container; the purchaser is at least 21 years old; and the products are not marketed towards children.

The Minnesota Board of Pharmacy (“Board”) is the state agency with oversight of THC Products.

There is currently no state-level license required in order to sell THC Products and the Board does not test or approve products prior to their sale.¹

II. REGULATIONS

The Act neither explicitly allows nor explicitly prohibits local regulation of the sale of THC Products. Therefore, to determine whether a municipality has the ability to regulate the sale of THC Products, the municipality must have the authority to regulate the sale of THC products and must not be preempted by state law.

A municipality could rely upon its general police and general welfare power to regulate the sale of THC products. The two most applicable avenues through which the municipality can regulate the sale of THC Products is through its licensing or zoning authority.

¹ [Hemp Derived Products Frequently Asked Questions](#), page 5

A. The Act Does Not Expressly Preempt Local Regulation

The Act does not expressly require a city to allow the sale of THC Products, nor does it restrict a city's ability to regulate such facilities through additional zoning or licensing requirements. Nevertheless, a city cannot enact a local regulation if it conflicts with state law or if the state law fully occupies a particular field of legislation so that there is no room for local regulation.

Any regulations would need to be drafted to not create an irreconcilable conflict with state law, be merely additional and complementary or in aid and furtherance of the Act and meet specific requirements of either licensing or zoning regulations.

Two recent Minnesota Supreme Court cases indicate a deference for local ordinances that provide greater protections than state statutes.² Additional licensing and zoning requirements adopted for the purpose of protecting the general welfare and ensuring the sale of THC Products are being conducted in accordance with the Act, including that THC Products are not being sold to individuals under the age of 21, for example, would be considered greater protections than those included in the Act.

B. Licensing

A city may license a business or activity, either (1) when expressly allowed to do so by state statute; or (2) when implied by statute, such as when a license is necessary for a city to perform its general statutory powers (like preventing public nuisance or protecting the general welfare).

Since there is no express authority for a city to license a business selling THC Products the City must look to an implied authority. The authority granted under the "general welfare" clause allows a city to provide "for the suppression of vice and immorality, the prevention of crime, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the Constitution and laws of the United States or of this state as it shall deem expedient."³

The Act contains very little regulatory structure, consumer protection, or general control of the sale of THC Products. The City very clearly has an interest in ensuring the THC Products are being sold in the manner provided for in the Act, and individual cities may each want to study the impact of the sale of THC Products in each community and determine what additional regulation is warranted to protect the general welfare of the City.

A licensing ordinance must be reasonable in its terms and conditions and cannot place unnecessary, unreasonable, or oppressive restrictions that conflict with the state or federal constitution. A licensing ordinance could include application requirements such as:

- terms;

² See *Minnesota Chamber of Commerce v. City of Minneapolis*, 944 N.W.2d 441 (Minn. 2020); and *Graco v City of Minneapolis*, 937 N.W.2d. 756 (Minn. 2020).

³ Minn. Stat. 412.221, subd. 32

- qualifications;
- bond and insurance requirements;
- hours of operation;
- reasons for denial, including no criminal conviction or license revocations related to controlled substances;
- revocation and suspension of license;
- transferability; license fees;
- limiting the number of licenses;
- Requiring licensees to ID purchasers;
- Requiring THC products to be sold from behind a counter; and
- Identify how the city will conduct compliance checks.

C. Zoning

Zoning controls generally relate to uses of property and not the sale of individual products, so using the City’s zoning authority alone may not be an effective way to regulate the sale of THC Products. However, cities have used a combination of zoning and licensing provisions to regulate the sale of THC Products.

i. Outright Prohibition

A city could probably prohibit the sale of THC Product sales if it defines such sale as a “use” in its zoning ordinance and has legitimate planning and zoning grounds for the ban. There is no “right” to sell THC Products and cities have broad discretion in establishing zoning requirements. An outright ban would likely need to be combined with other general business regulations (e.g., licensing) since the sale of THC Products is currently not a primary use of land but can be sold at any retail store.

ii. Expressly Authorize THC Product Sales

The City could expressly authorize THC Product sales at dedicated locations, establish the sale of THC Products as a dedicated permitted or conditional use, and consider imposing additional regulations on those operations that it does authorize.

Some examples of additional regulations might include:

- Restricting such uses to certain zoning districts;
- Capping the total number of THC-related land uses within the City or within certain zoning districts;
- Requiring that THC-related facilities not produce noxious odors;
- Requiring a minimum distance from certain land uses in addition to schools, such as child-care facilities; places of worship and other religious institutions; health care practitioners. and chemical dependency, alcohol and drug treatment facilities;
- Requiring a minimum distance between other THC-related uses;
- Requiring a minimum distance from liquor stores and bars; and

- Additional restrictions on signage and advertising.

Instead of including these traditional zoning provisions in the zoning code, the City could consider including similar provisions as part of a licensing regulatory scheme (e.g., only issue a license to an THC Product business that is located within particular zoning districts). This approach would be more appropriate if the City chooses not to require THC Product sales at dedicated business locations.

V. MORATORIUM/INTERIM ORDINANCE

A city may establish a moratorium on the sale of THC Products.

Cities have the authority to place moratoria on zoning matters for up to one year under Minnesota Statutes, section 462.355, subd. 4, and cities have also relied on the city's police power to enact moratoria on other issues regulated by the city so long as a moratorium is limited in duration and enacted in good faith and without discrimination.⁴

Before adopting a moratorium, a city will first decide that it does want to regulate the sale of THC Products in some manner. A moratorium would be for the purpose of studying licensing or zoning regulations related to the sale of THC Products and prohibiting such sales in the city until the study is completed.

IV. CONCLUSIONS

The state law legalizing the sale of THC Products includes minimal regulation and cities are left to establish individual regulations that can be tailored to the local needs of the community. Cities can rely on implied authority granted through its general welfare and police powers to regulate the sale of THC Products even though the Act does not contain express authority for such regulation.

The City could choose to use its licensing and/or zoning authority to restrict the sale of THC Products, and/or could issue a moratorium on the sale of THC Products to study the impacts of THC Product sales and develop appropriate restrictions.

A comprehensive approach to regulating THC Products could include both licensing and zoning aspects to ensure sales are in compliance with state law and any locally established regulations as well as regulating where within the City products can be sold.

It is also important to keep in mind that the Minnesota Legislature may act, either during a special or regular session, to regulate the sale of THC Products which could impact how the City is able to regulate THC products.

⁴ *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976).

CITY OF BROOKLYN CENTER

EMERGENCY ORDINANCE NO. 2022-___

AN EMERGENCY INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF NEW USES OR THE
EXPANSION OF EXISTING USES RELATED TO THE SALE OF THC PRODUCTS

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

ARTICLE I. Preamble. The following emergency ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized sale of edible cannabinoid products containing Tetrahydrocannabinol (“THC”). A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such products is necessary to ensure that the City of Brooklyn Center (“City”) has sufficient time to study potential regulations that will protect the health and safety of the residents of the City. There is insufficient time to complete the ordinary procedure for introduction and adoption of a city ordinance as required by City Charter and Code.

ARTICLE II. Authority and Legislative Findings.

- A. The Minnesota Legislature recently amended Minnesota Statutes, section 151.72 (“Act”) relating to the sale of certain cannabinoid products. The Act permits the sale of edible cannabinoid products, provided that a product sold for human or animal consumption does not contain more than 0.3% of THC and an edible cannabinoid product does not contain an amount of any THC that exceeds more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package (“THC Products”). Sales of THC Products became legal on July 1, 2022.
- B. The Act allows sales and establishes some labeling and testing requirements, but it does not establish any licensing criteria or parameters for compliance by retailers.
- C. The Act does not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Minnesota Legislature having occupied the field of regulation regarding the sale of THC Products.
- D. There is a great deal of uncertainty regarding the effect of the amendments to Minnesota Statutes, section 151.72, and because the proposal to allow the sale of THC Products received little publicity until the amendments went into effect on July 1, 2022, the City did not have an opportunity to study and consider the potential impacts of the amendments on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the potential regulation of the sale of THC Products by the City.
- E. Minnesota Statutes, section 462.355, subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption

or amendment to an official control, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. An interim ordinance may regulate, restrict, or prohibit any use within the city for a period not to exceed one year from the effective date of the interim ordinance. Many cities have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.

- F. The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of THC Products.
- G. The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city's police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business to study and potentially implement licensing regulations on that business.
- H. There are both business licensing and zoning issues associated with the sale of THC Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of THC Products.
- I. The City Charter provides that emergency ordinances are automatically repealed "as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists." The time necessary to study and consider the potential impacts of the Act and to engage in policy discussions regarding regulation of the sale of THC Products will extend beyond the automatic repeal that will occur on the 61st day following the date of the adoption of this Ordinance. Therefore, the City Council will adopt an interim ordinance and moratorium on the establishment of new uses or the expansion of existing uses related to the sale of THC Products concurrently with this Ordinance by way of the process set forth in the City Charter for non-emergency ordinances. The non-emergency interim ordinance and moratorium shall provide that it will expire no later than 12 months after the effective date of this Ordinance.

ARTICLE III. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (a) "Act" means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.

- (b) “City” means the City of Brooklyn Center.
- (c) “Edible Cannabinoid Product” has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).
- (d) “THC Product” means Edible Cannabinoid Product and any other product that became lawful to sell for the first time in Minnesota effective July 1, 2022, as a result of the adoption of the Act.

ARTICLE IV. Study. The City Council hereby authorizes and directs the City Manager to have City staff conduct a study regarding THC Products and provide the City Council a report on the potential regulation of such products. The report shall include the City staff’s recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:

- (a) The potential impacts of the sale of THC Products within the City;
- (b) Licensing the sale of THC Products and related regulations; and
- (c) Zoning regulations related to the sale and distribution of THC Products.

ARTICLE V. Moratorium. A moratorium is hereby imposed within the City regarding the sale of THC Products. No business, person, or entity may sell THC Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or zoning or other approval for a business proposing to engage in the sale of THC Products.

ARTICLE VI. Violations. During the period the moratorium is in effect it is a violation of this Ordinance to sell THC Products within the City.

ARTICLE VII. Exceptions. The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or hemp products that were lawful to sell prior to the effective date of the Act.

ARTICLE VIII. Enforcement. Violation of this Ordinance is a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction.

ARTICLE IX. Duration. This Ordinance is effective immediately and will expire on the earlier of the following:

- (1) Sixty-one (61) days after its effective date;
- (2) The effective date of an Interim Ordinance and Moratorium on the Establishment of New Uses or the Expansion of Existing Uses Related to the Sale of THC Products adopted by the City Council; or

(3) Upon repeal of this Ordinance by the City Council.

ARTICLE X. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Adopted this 25th day of July 2022 by a unanimous vote of the council members present.

Mike Elliott, Mayor

ATTEST: _____
City Clerk

Date of Publication _____, 2022

**Council/EDA Work
Session**

City Hall Council Chambers
July 25, 2022

AGENDA



ACTIVE DISCUSSION ITEMS

1. Implementation Committee Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
 - Strategic Plans for years 2018-2020 and 2021-2023
 - Review Special Assessment Policy
 - Emerald Ash Borer Policy Review
 - Community-Wide Survey
 - Attorney RFP Process
 - Franchise Fees
 - Memorial Policy

Council/EDA Work Session

DATE: 7/25/2022

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reginald Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Strategic Plans for years 2018-2020 and 2021-2023
- Review Special Assessment Policy
- Emerald Ash Borer Policy Review
- Community-Wide Survey
- Attorney RFP Process
- Franchise Fees
- Memorial Policy

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: