Council Study Session
City Hall Council Chambers
July 23, 2018

AGENDA

1. City Council Discussion of Agenda Items and Questions - 6 p.m.

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.

2. Miscellaneous

3. Discussion of Work Session Agenda Item as Time Permits

4. Adjourn

CITY COUNCIL MEETING
City Hall Council Chambers
July 23, 2018

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 citizens. 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 citizen for informational purposes only.

2. Invocation - 7 p.m.

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.

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
   - July 9, 2018 Joint Meeting of City Council and Planning Commission
   - July 9, 2018 Regular Session
   - July 9, 2018 Work Session
   - July 16, 2018 Executive Special Meeting
   - July 16, 2018 Joint Meeting of City Council and Financial Commission

b. Licenses

c. Resolution Amending Special Assessment Levy Roll Nos. 19775 and 19776 to Provide for the Deferment of Special Assessments

   - Motion to approve resolution

d. An Interim Ordinance Authorizing a Study and Placing a Moratorium on the Sears Property

   - Motion to adopt ordinance

7. Presentations/Proclamations/Recognitions/Donations

a. Presentation by Shannon Full, President/CEO of Twin West Chamber of

Commerce

8. Public Hearings

9. Planning Commission Items

a. Resolution to Approve Planning Commission Application No. 2018-012, Submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, Requesting Site and Building Plan Approval (Located at 6500 Humboldt Avenue North)

- Motion to approve resolution

b. Resolution to Approve Planning Commission Application No. 2018-013, Submitted by Casey's Retail Company for Approval of a Site and Building Plan and Issuance of a Special Use Permit for a Gas Station and Convenience Store in the C2 (Commerce) District (Located at 2101 Freeway Boulevard)

- Motion to approve resolution

10. Council Consideration Items

a. Consideration of Type IV 6-Month Provisional Rental Licenses

1. Resolution Approving a Type IV 6-Month Provisional Rental License for 7018 Brooklyn Boulevard

11. Council Report

12. Adjournment

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Recommendation:

It is recommended that the City Council consider approval of the minutes for:

July 9, 2018

- Joint Meeting of City Council and Planning Commission
- City Council Regular meeting
- Work Session meeting

July 16, 2018

- Executive Special Meeting
- Joint Meeting of the City Council and Financial Commission

Background:

Requested Council Action:

- July 9, 2018 Joint Meeting of City Council and Planning Commission
- July 9, 2018 Regular Session
- July 9, 2018 Work Session
- July 16, 2018 Executive Special Meeting
- July 16, 2018 Joint Meeting of City Council and Financial Commission

Budget Issues:

N/A

Strategic Priorities and Values:

Operational Excellence

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

JOINT WORK SESSION WITH PLANNING COMMISSION
JULY 9, 2018
CITY HALL – COUNCIL/COMMUNITY MEETING ROOM

1. CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Planning Commission and the session was called to order by Mayor Tim Willson at 5:00 p.m.

2. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson (arrived at 5:32 p.m.), and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

Others present were Planning Commission Chair Randall Christensen, Commissioners Alexander Koenig, Jack MacMillan, Stephen Schonning, Rochelle Sweeney, and Susan Tade were present. Planning Commissioner Abraham Rizvi was absent.

3. JOINT PLANNING COMMISSION AND CITY COUNCIL 2040 COMPREHENSIVE PLAN DISCUSSION

Mayor Willson thanked the Planning Commission for their work on the 2040 Comprehensive Plan.

Community Development Director Meg Beekman summarized the presentation that will be made tonight including a compressed presentation followed by rapid fire questions and answers with a follow up at a future Work Session meeting during which more information will be received.

Jennifer Haskamp, AICP, Owner and Principal Planner with Swanson Haskamp Consulting + Planning (SHC), LLC, introduced herself and recognized the Planning Commission for their work on this document. She reviewed the topics to be covered tonight, noting anything missed will be discussed and covered at the next Work Session.

Ms. Haskamp described the purpose of a Comp Plan to establish goals, strategies, and a long-range plan for the City. Comp Plans are required by the Metropolitan Council along with a 20-point checklist that must be followed. She explained their intent to address the checklist items while assuring a balance the City feels good about and wants to use to do a better job.

Ms. Haskamp explained the checklist and draft Comp Plan get submitted to adjacent jurisdictions for a six-month review. Following that, the draft Comp Plan is submitted to the Met Council for

review. She stated the 2015 System Statement from the Met Council identifies forecasts for housing and employment by 2040. The Comp Plan needs to be drafted to meet that 2040 estimate.

Jay Demma, AICP with Perkins + Will, highlighted key facts, forecasts, and finding contained in the Background Report that shows a current snapshot and what the Comp Plan is being built from. He reviewed the population growth rates from 1970-2040, showing most growth by Baby Boomers in the 1960s. He noted there is an expectation of consistent population growth, similar to Hennepin County until 2040 at which time the City exceeds it. This is, in part, cyclical because aging populations are replaced by younger populations with families.

Mayor Willson noted an increase in population can also occur due to higher vertical density.

Mr. Demma presented the 2016 age distribution of population, household, and family types showing an increase in those with children. He next reviewed community diversity showing racial and ethnic groups that are well represented in Brooklyn Center when compared to the rest of the metro area. This may show potential challenges and barriers for them to integrate into the community if language is a barrier. However, since 2010 the number of those who do not speak English well or at all has decreased.

Mr. Demma reviewed median incomes and poverty levels, noting peak incomes occur when resident's age hits 45-64 and then income declines through retirement years. He explained the overall poverty increase can also be a reflection of the fact the City has a younger population and not yet in the life cycle of higher incomes.

Councilmember Graves suggested that diversity also plays a part in that.

Mr. Demma agreed that can be the case. He then displayed a map depicting areas of income categories, noting it does not show pockets of affluence.

Ms. Haskamp called attention that when looking at block group levels and looking for patterns, such as poverty thresholds, it groups more than by block group, creating and including large swaths of area. Because of that, it does not tell the full story of what is going on in the neighborhoods but it does tell the relationship between transit market areas because they are not as heavily funded or served by the Met Council.

Mr. Demma stated the data includes number of cars per household and how transit dependent those residents are. He explained that transit investments should be concentrated in areas of transit dependency.

Councilmember Ryan stated having done an extensive and broad-based survey of the City, he has seen in driveways of single-family homes and multi-family parking lots repeated examples of cars sitting with expired tabs, some being inoperative vehicles. He stated residents hold them because they cannot afford to repair or replace them at this time, which anecdotally correlates to that last point. He noted the absence of mass transit to serve that population is acutely apparent.

Mayor Willson stated they also cannot afford to get rid of those vehicles.

Ms. Haskamp stated the graphic depicting households with no vehicles and pockets of higher poverty all have vehicles because they need one since there is not frequent transit choices. She explained this shows a relationship between what you intuitively think should be happening and what is not.

Mr. Demma stated another consideration is the high cost to own a car when your income is low to begin with.

Ms. Haskamp used a map to point out the alignment of the new transit line and existing transit lines, noting they do not show the frequency at which they run. She stated the northeast area does not receive as frequent of service as other areas, which can be patterned depending on how fast, frequent, and reliable the transit is.

Ms. Haskamp noted with the first piece in the discussion guide outline, they have identified there would be up to 2,216 new households between now and 2040. For Brooklyn Center, that is a big number and needs to be discussed in how that works in relationship with the market. Mr. Demma stated going out to 2040, that is 100 households per year, a sizeable apartment building or 10 blocks of new single-family units.

City Manager Curt Boganey asked for elaboration on the underlying assumptions indicating that household growth.

Mr. Demma explained the Met Council looks at historic trends throughout the metro area, which overtime has experienced steady growth, so they feel confident looking at historic trends. Going out 20 years, the Met Council looks where in the region that housing is expected to occur. One thing is shifting household types from aging population into maintenance free housing, the cultural dynamic of younger persons with digital focus and preference to live in areas closer to transit, mix of uses to walk to job and entertainment, and the dynamic behind housing costs. Also, because of the severe housing bust, and that younger populations are more reluctant to purchase a house. Brooklyn Center is centralized in the region and with an employment community, they will experience more housing growth.

Councilmember Lawrence-Anderson arrived at 5:32 p.m.

Mr. Demma next addressed market considerations, noting across the country the rental market is extremely tight today so rents are rising rapidly, typically up to 10% year after year. This makes it difficult for folks to stay in their housing over time. So, within the region, development of new rental housing has focused in the central city and select neighborhoods but is now moving to suburban areas as that market is reaching saturation in core cities. In addition, strong job growth fuels rental demand. Mr. Demma noted the for-sale housing market has recovered from the bust that occurred 10 years ago but there is still a low supply of homes for sale and in particular with the entry housing market so prices are bit up and affordability is lower.

Mr. Demma stated when first looked at, the Brooklyn Center prices were still below the pre-bust peak but those prices have increased in the last year and are now above the 2006 peak. Single

family construction has lagged but is now starting to pick up and condominiums/townhomes are well behind the pre-bust pace.

Mr. Demma reviewed market trends with retail, noting that industry is currently undergoing major changes due to the slow growth amongst major retailers and the greater emphasis of selling an experience as compared to selling a good. He also reviewed office market trends that show fewer square feet needed per worker so less demand for space with a greater emphasis on locations near transit and neighborhood amenities, less emphasis on campuses or districts, and increase in telecommuting.

Ms. Haskamp explained the process used by the Planning Commission to derive the goals and strategies by review of the Background Report, market considerations, and development of a framework to start with. Then an analysis of Strengths, Weaknesses, Opportunity, and Threat (SWOT) was added to the structure to determine priority. Topics and themes then emerged such as community image, land use and redevelopment components, the housing component, which rose to the top due to Met Council projections and interest in the condition of the current housing stock and neighborhoods. The Planning Commission created a 15-page list of items that were then prioritized.

Ms. Haskamp used the idea of Brooklyn Center being centrally located and accessible by car due to freeways and major thoroughfares. That idea turned discussion to consider how that shapes the community, especially since it is known that younger populations want to live by mass transit.

Ms. Haskamp stated another idea is that if everyone is always going out because of the freeways and major thoroughfares, the question is how to get people to come and stay in Brooklyn Center. Another discussion was on the diversity of the community and the significant change that occurred in how your neighbors look, how to use it to promote the City as an interesting place to be, how to embrace that and make housing stock more accessible and livable, and how that marries into business. The issue of business incubators, how to create it, and where it goes was another big discussion by the Planning Commission.

Chair Christensen stated they used to have Brookdale, which was the destination draw, but now the City is trying to figure out destination with the projected growth and how to attract and set up the businesses. He stated the St. Louis Park West End has commercial up front and the parking ramp in the back, getting people in and out, which was also a big discussion.

Councilmember Graves stated she has talked about business incubators since before she served on the City Council so she is happy it is being discussed.

Ms. Haskamp stated she attended Holly Sunday and Earle Brown Days and a number of people communicated the desire to have small businesses, local restaurants, and a place for local entrepreneurs and Artisans to do their craft so there is a clear desire to provide that type of space. Mr. Demma described the creative adaptation of existing buildings, such as a lumber company, and how it can work really well for a market environment.

Mayor Willson stated Boston also has a lot of incubator business spaces. He stated the City

Council hosted a Pop Up Saturday and is looking for space in The Crossings to find a more permanent location for entrepreneurs starting out.

Mr. Boganey asked what is driving this interest in small incubator shops and to what extent the critical mass is population around those spaces for the economic success of an incubator. He also asked what income levels play into that success. Mr. Demma stated he is not an expert in creating that type of business plan but traditionally, with retail space, inevitably the owner is looking for credit worthy tenants. That, by in large, is a national retailer who comes to the table with deep pockets and amazing credit resources so they are able to sign a ten-year lease. However, in this internet age, the credit worthy retailer model is shifting to on-line sales. Where the innovation happens is small entrepreneurial, family-owned businesses that know the local market but the barrier to entry is an issue. Mr. Demma explained that finding how to lower that barrier can include temporary spaces, supportive subsidized spaces, or working with non-profits, but they all take a lot of effort.

Mayor Willson stated in New York, when Bloomberg was the Mayor, they looked at their small businesses, incubator spaces, and laid out blocks for small businesses with few employees. At that time, it was indicated that 60% of growth in jobs and new jobs was coming from new businesses.

Councilmember Ryan commented on why areas with an overabundance of obsolete but salvageable structures should not be over looked. He noted Northeast Minneapolis had substandard housing and there was critical mass of young people who wanted to do those things who were also involved in the arts. It worked in Northeast Minneapolis because Minneapolis-St. Paul has long had a recognizable music scene, theater, and plastic arts. In addition, it has long been recognized that an old industrial building can be leased cheaply and then you can undertake art production. This has exploded in Northeast Minneapolis as seen at the Art Crawl. Councilmember Ryan noted if those elements are on the ground and present, it can occur. But to start business incubators in Brooklyn Center, there would need to be initial funding to start them.

Mayor Willson described the French Quarter in Quebec that has old houses with commercial businesses on the first floor, noting Boston has similar areas. He agreed that Brooklyn Center does not have that type of old structure buildings so the City would have to go from the ground up.

Councilmember Ryan noted the storefronts behind the Target strip mall could perhaps be considered. Mayor Willson stated that mall has been looked at by several groups.

Mr. Boganey asked whether folks are asking for more accessible businesses, different kinds of retail opportunities, jobs, or the opportunity to build a business, noting depending on the issue an incubator business may or may not be the answer. He stated the City has strict regulations for home businesses and while that is the most economical way for that to happen, it changes neighborhoods.

Ms. Haskamp stated from an anecdotal perspective, what makes some incubator spaces work is the identification of gap in a small geographic area that a resident thinks they can fill. It may not be the need for formal space but being able to work from home, if there are structures large enough to accommodate that such as an attached/detached garage space.

Ms. Haskamp explained the goals and strategies indicate the answer is not fully known at this point. She stated if retail has changed significantly, then what is Brooklyn Center if not Brookdale. Ms. Haskamp stated when asked, that is when ideas come forward about the type of incubator space, neighborhood nodes, or converting houses along a street for retail use.

Councilmember Graves stated she has an intuitive connection and agrees a move towards creating an experience over selling a good is a consideration. She stated people want a space where they can work with another and help someone fill a gap. She stated she has defended markets on social media because she didn't like that it was identified as 'black-owned food trucks' and wants to assure it calls out people to support those vendors.

Ms. Haskamp stated people prefer to go to a locally-owned restaurant over a national chain, even if the food is not that great, because they want to support local people.

Ms. Haskamp stated part of the strategies identified need to talk about maybe not having the answer so a strategy is needed to figure it out. She asked how it is learned what the community really wants, needs, a community gathering space, during what season, and what type of facility they need for their business. Ms. Haskamp explained the Comp Plan can lay out those strategies, perhaps establishing a task force to engage entrepreneurs and find out what they need and want and how it can be supported through policies and zoning, which is part 2 in the process.

Ms. Haskamp presented the goal statement action words, noting each is ranked in one of three categories: no commitment of financial investment, may include financial investment, or commitment to financial investment, if needed. Financial investment can also include staff resources and policy directives. As a homework assignment, she asked those present to focus on the action words and determine whether they are correctly ranked. She also asked them to determine whether something is missing.

Ms. Beekman stated the City Council will receive an electronic version of this information along with instructions on items to review before the next Work Session.

Mayor Willson agreed with the importance of refining the Comp Plan language before the City Council commits additional resources.

Councilmember Graves asked what was discussed around youth, the City's biggest population. Ms. Haskamp stated nothing targets kids, but in her opinion, kids are little people and covered in many goals and strategies when you think about setting aspirations. She stated they are part of the City's fabric, noting the Plan language also does not separate out seniors.

Councilmember Graves stated she would like to address growth of young people into 2040 as it relates to economics, access to jobs, and skills. Mayor Willson reviewed a meeting he attended with other community representatives where they discussed how to work more cooperatively with schools to assure youth have life skills as well.

Councilmember Graves stated the City has made some steps and she wants to assure that is

supported and expanded to meet the City's needs.

Commissioner Sweeny asked Ms. Haskamp to talk about the input she received from kids during Heritage Days.

Ms. Haskamp stated the best feedback she receives is from kids because they are willing to say things their parents won't say and 75% of Heritage Days and Holly Sunday responses were from kids. At Heritage Days, people were asked to write on flags what they hope for or want for the community in 2040 and housing was one of the topics. One kid said his mom can't find a place to rent that has enough bedrooms so if there were places with more bedrooms and they wouldn't have to share a bedroom, it would be cool. Ms. Haskamp asked whether the City's housing stock matches the resident's needs. Another fellow, when asked about housing, took a flag, sketched a bungalow, and wrote 'bungalow' on it. When asked how a 10-year old knew what that was, he said he had watched a design show and they seemed like nice houses so the City should have more of them. Ms. Haskamp noted kids' responses are reflected in this language.

Mayor Willson stated they are very bright and already thinking about their future.

Ms. Haskamp stated the last and important piece is identifying areas for redevelopment and mixed-use designations.

Mayor Willson commented on the City's Overlay District, which has been a strategic piece for a number of years and agreed it should be looked at to determine whether it should be changed or things done differently.

Ms. Haskamp used a map to point out the overlay corridor that will have a land use to regulate/guide and be an added layer of refinement. She asked if areas not directly on Brooklyn Boulevard should be included, noting that adds the issue of penetrating into residential neighborhoods. It is currently depicted at 500 feet in width so that takes in the full block. This overlay would not obligate taking in all of that land but allows consideration of it with performance and design standards included that have to be addressed to protect single-family residences. If considered, she suggested the corridor be wide enough to be successful.

Mayor Willson asked if it should be wide enough to provide a buffer between uses. Ms. Haskamp stated she is buffer averse and prefers to address that concern through design guidelines and uses.

Chair Christensen stated Ms. Haskamp has done a good job of including the 2030 Comp Plan pieces and urged reading that information to create context.

Ms. Beekman stated staff will send out an electronic draft this week as well as the questions to be raised this evening for a more robust discussion at the next Work Session.

Mayor Willson suggested the City Council attend an upcoming Planning Commission meeting so there is enough time for discussion.

Ms. Haskamp thanked those present for taking time for this presentation and review.

4. ADJOURNMENT

Mayor Willson adjourned the Joint Work Session at 6:33 p.m.

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

REGULAR SESSION
JULY 9, 2018
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

CALL TO ORDER INFORMAL OPEN FORUM

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor Tim Willson at 6:45 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

Mayor Tim Willson opened the meeting for the purpose of Informal Open Forum.

Ralph Neinas, 3920 52nd Avenue N., addressed the City Council. He stated he is a 30-year resident and an active neighborhood resident. He described his encounter with Victory Tree Service, a tree trimmer hired by his neighbor who trespassed on his (Mr. Neinas') property and did over $2,000 of damage to his house. Mr. Neinas contacted City staff many times and thought the issue wasn't being addressed. He wanted to bring the issue to the City Council attention.

Mayor Willson stated Mr. Boganey will research and investigate this case and get back to Mr. Neinas.

Lennie Chism, PO Box 581452, Minneapolis, addressed the City Council. He described the success of the first Saturday Pop-Up Market and stated the next event will be on August 4th. He thanked City Manager Boganey, City Attorney Gilchrist, and City staff for their hard work, noting the Jerry Food parking lot got a clean up and this is an opportunity to move forward.

Roger Kloster, 7223 Lee Avenue N., addressed the City Council. He asked whether public comment will be heard during Agenda Item 8a relating to Council salaries. Mayor Willson answered in the affirmative.

Mr. Kloster stated his frustration with the number of panhandlers within the City and applauded the City Council for their action to adopt an ordinance to address that issue.

Mayor Willson closed the Informal Open Forum at 6:58 p.m.

2. INVOCATION

Councilmember Lawrence-Anderson read a quote by Michael Jackson as the Invocation.

3. CALL TO ORDER REGULAR BUSINESS MEETING

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

4. ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Director of Public Works Doran Cote, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to approve the Agenda and Consent Agenda, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. June 25, 2018 – Study Session
2. June 25, 2018 – Regular Session
3. June 25, 2018 – EDA
4. June 25, 2018 – Work Session

6b. LICENSES

GARBAGE HAULER

Allied Waste Services of North America LLC	8661 Rendova St. NE, Circle Pines
Darling Ingredients, Inc.	9000 382nd Avenue, Blue Earth
Farmers Union Industries	P.O. Box 26, Redwood Falls
LePage & Sons, Inc.	23602 University Avenue NW, Bethel

MECHANICAL

All appliance Installation Plus	P.O. Box 133, Cambridge
Anderson's Residential Heating	1628 Cty Road 10 #34, Spring Lake Park

Crown Mechanical	1670 S. Robert St. #132, West St. Paul
H2C Inc. Heating Cooling & Plumbing	820 N. Concord Street, South St. Paul
Homeworks Plumbing, Heating Air	1230 Eagan Industrial Road, Ste. 117, Eagan
Metro Heatings & Cooling LLC	1220 Cope Avenue E, Maplewood
Owens Companies, Inc.	930 E 80th St, Bloomington
Residential Heating and Air	1815 E. 41st St, Suite A, Minneapolis

RENTAL

INITIAL (TYPE III – one-year license)

6816 Fremont Place North	Ali Sajaad
Beard Avenue Apartments 6101 Beard Avenue North	Keven Riley (Missing 2 ARM Meetings)

INITIAL (TYPE I – three-year license)

1706 Amy Lane	Sean Ogunniran

RENEWAL (TYPE III – one-year license)

6532 France Avenue North	Chen Zhou

RENEWAL (TYPE II – two-year license)

3815 52nd Avenue North	Jeffrey Sandberg
1500 72nd Avenue North	Thomas Le
6831 Drew Avenue North	David Gardner
2331 Ericon Drive	Scott Terhaar
2812 Ohenry Road	Mains'l Properties

RENEWAL (TYPE I – three-year license)

4806 69th Avenue North	Prosperous Property
4806 Howe Lane	Prosperous Property, LLC
5720 Logan Avenue North	Jeniffer Kuria
6342 Orchard Avenue North	Art Zink
6700 Perry Avenue North	PWS Holdings, LLC
5115 Twin Lake Blvd. East	Ruth E. Cioni

SIGNHANGER

GK and M Enterprises Inc.	1517 94th Lane NE, Blaine
Jones Sign Company	1711 Scheuring Rd, De Pere, WI 54115
Spectrum Sign Systems, Inc.	8786 W. 35W Service Drive NE, Blaine
VEO Sign LLC	6353 Martin Ave NE, Ostego

TRANSIENT ACCOMODATIONS – LEVEL 1

Quality Inn	1600 James Circle N.

6c. RESOLUTION NO. 2018-132 RESOLUTION APPROVING A TRANSFER OF FUNDS FROM THE GENERAL FUND AND THE MUNICIPAL LIQUOR STORE FUND TO THE CAPITAL IMPROVEMENTS FUND

6e. RESOLUTION NO. 2018-133 APPROVING TRANSFER OF FUNDS FROM THE EARLE BROWN HERITAGE CENTER OPERATING FUND TO EARLE BROWN HERITAGE CENTER CAPITAL FUND

6f. RESOLUTION NO. 2018-134 ACCEPTING WORK PERFORMED AND AUTHOIRIZING FINAL PAYMENT, PROJECT NOS. 2016-01, 02, 03, 04, AND 12, PALMER LAKE WEST AREA STREET AND UTILITY IMPROVEMENTS

Mayor Willson commented on the $600,000 being generated by the Liquor Fund that will be used towards maintenance projects.

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION NO. 2018-135 ACCEPTING CENTERPOINIT ENERGY COMMUNITY PARTNERSHIP GRANT

Director of Public Works Doran Cote described the grant application process and award of $2,000 towards purchase of six 800-MHz radios for the Public Works Director, dispatch, and four Public Works Crew Leaders.

Councilmember Ryan moved and Councilmember Butler seconded to adopt RESOLUTION NO. 2018-135 Accepting the CenterPoint Energy Community Partnership Grant.

Mayor Willson asked how the remaining cost for the six radios will be funded. City Manager Curt Boganey advised there are sufficient funds within the Public Works budget line items to cover that cost and this is the recommendation of the Director of Public Works.

Motion passed unanimously.

Kyle Meyer, representing CenterPoint Energy, presented the grant check to Mayor Willson. Mayor Willson extended the City's appreciation for this generous donation.

8. PUBLIC HEARINGS

8a. ORDINANCE NO. 2018-08 AMENDING ORDINANCE NO. 2016-08 REGARDING COUNCIL SALARIES

Finance Director Nate Reinhart introduced the item, discussed the background, and provided a PowerPoint presentation detailing the purpose of the proposed ordinance to increase City Council salaries by two percent for 2019 and two percent for 2020 as recommended by the Financial Commission. It was noted this ordinance received first reading on June 1, 2018 and was published in the *Sun Post* newspaper on June 22, 2018.

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

Motion passed unanimously.

Roger Kloster, 7223 Lee Avenue, addressed the City Council. He asked what the Mayor and City Council have done or accomplished to receive a pay raise. He expressed his concerns with Sears leaving and believed the Mayor and Council were to be civic leaders to promote the City and stop the decline.

Ralph Neinas, 3920 52nd Avenue N., addressed the City Council. He stated he agrees with Mr. Kloster, noting that 30 years ago Brooklyn Center was considered the 'Edina of the North,' and he has also seen it decline and particularly in his neighborhood. Mr. Neinas stated he does not know how the Mayor and Council see the City but they have to live in it and he is concerned. He suggested Friday meetings with staff to address issues. Mr. Neinas stated his opinion the decline is due, in part, because of people moving in from other cities.

Barbara Jenson, 6539 Drew Avenue N., addressed the City Council. She stated she has lived in Brooklyn Center since 1963 and sees the City as an open, affordable, and welcoming community. She sees the Mayor and Council at community events, parks, Senior Forums, and all over. She also sees the Police Department as outstanding with their involvement in the Multi-Cultural Advisory Committee, direction from the City Council, and a Police Chief who is understanding of a diverse and unique community.

Mayor Willson added that was the case with the last three Police Chiefs.

Ms. Jenson agreed and stated a 2% raise is reasonable considering the hours the Mayor and Council put in so she supports it.

Todd Henning, 1906 Brookview Drive, addressed the City Council. He stated his agreement with Ms. Jenson. He stated he has worked with the Fire Department, Police Department, Public Utilities, and thanked the Mayor and Council for their service.

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

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to adopt ORDINANCE NO. 2018-08 Amending Ordinance No. 2016-08 Regarding Council Salaries.

Councilmember Ryan asked if the City Council were to work gratis across the board, it would have barely a noticeable significance relative to a $20 million operating budget. Mr. Boganey stated that is correct.

Councilmember Ryan stated all members of the City Council must be residents of the City, he has 42 years of residency, and works very hard every day of the week to do the best he can for his home town. In this capacity, he is driven by public service. Councilmember Ryan explained his assignment is to act as a liaison to organizations that help the City relative to the State Legislature and Met Council. In that effort, he attends many meetings in St. Paul and other locations yet does not charge the City for mileage. Councilmember Ryan noted if a greeter at WalMart, he would come out ahead financially. In addition, he has printing expenses and it is fair and reasonable for the Mayor and Council to receive a small monetary payment for their services. Councilmember Ryan stated he hopes those who have had a bad experience with the City will have their concerns resolved and not let that color their view of Brooklyn Center.

Councilmember Butler thanked City staff who does an excellent job and to Councilmember Ryan's point, agreed the Mayor and Council invest a lot of their time in the City because they want to make a difference in the community. She welcomed audience members to run for office or serve on Commissions to see if they can do a better job.

Councilmember Lawrence-Anderson clarified that with Brooklyn Center's government model, the City Council's only employee is City Manager Boganey who is accountable for all staff members. Through that model, the City Council does not meet with staff.

Mayor Willson stated that he retired a few years ago and when looking at the time he puts in, his salary is under 45 cents per hour as he attends a lot of meetings and promotes the City in a lot of places. Mayor Willson noted his day started with the regional Conference of Mayors' meeting, followed by more meetings the rest of the day, and now the City Council meetings tonight. He stated City staff has done an excellent job to promote the City and attract redevelopment, noting staff is currently handling 8-9 projects this summer and that did not occur 10-12 years ago when businesses moved to Maple Grove. He disagreed that the City is in decline but instead believed it is moving forward, building, and rejuvenating. Mayor Willson stated the City Council has positioned Brooklyn Center for the future and it looks bright.

Councilmember Graves added her agreement to the City Council's comments.

Motion passed unanimously.

8b. ORDINANCE NO. 2018-09 AMENDING CHAPTER 1 OF THE CITY CODE OF ORDINANCES

Director of Public Works Doran Cote introduced the item, discussed the history, and provided a PowerPoint presentation detailing the purpose of the proposed ordinance to prohibit the feeding of wild animals. It was noted this ordinance received first reading on June 11, 2018, and was published in the *Sun Post* newspaper for public hearing tonight.

Councilmember Graves, moved and Councilmember Butler seconded to open the Public Hearing.

Motion passed unanimously.

Ralph Neinas, 3920 52nd Avenue N., addressed the City Council. He stated he lives by Twin Lake and is a hunter but enjoys wildlife. He believed animals in our City are street smart and will not get hit by a car. He stated he has seen a 10-point deer in his neighborhood for 10+ years, does not see an over population, and enjoys watching wildlife. Mr. Neinas stated people can position their feeders so wildlife cannot get them but he does not know how to reduce the population without killing them.

Mayor Willson stated he is also a hunter and thinks animals should be revered because whole species are going away.

Roger Kloster, 7223 Lee Avenue, addressed the City Council. He asked what the amendment will change. Mayor Willson stated the meeting packet is available for review and explained the amendment is to change a word change 'deer' to 'wild animals.'

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

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Graves seconded to adopt ORDINANCE NO. 2018-09 Amending Chapter 1 of the City Code of Ordinances.

Motion passed unanimously.

9. PLANNING COMMISSION ITEMS

9a. PLANNING COMMMISISON APPLICATION NO. 2018-010, SUBMITTED BY LINDA MCGINTY (THE LUTHER COMPANY, LLLP, REQUESTING ISSUANCE OF AN INTERIM USE PERMIT FOR THE OFF-SITE STORAGE OF NEW VEHICLES (LOCATED AT 5900 SHINGLE CREEK PARKWAY)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-010 and advised the Planning Commission recommended approval of the applications at its June 28, 2018 meeting. The day after approval, Health Partners contacted City staff indicating HealthPartners Dental had been utilizing a portion of the subject site for parking. Staff met with them and after review determined an easement was in place. As a result, the Luther Company submitted a revised site plan on July 5, 2018, to shift the north fence line south one parking row and the drive aisle south to comply with existing parking. The gate and barricade were also shifted to the south, the driveway pedestrian and parking easement are called out on the site plan, and the west fence line and drive aisle were shifted one parking row to make up for the lost parking.

Ms. McIntosh answered questions of the City Council regarding the request of Linda McGinty, the Luther Company LLP, requesting an Interim Use Permit (IUP) for the off-site storage of approximately 750 new vehicles at 5900 Shingle Creek Parkway.

Councilmember Ryan noted the area of the new car storage will be on the existing paved surface and fenced. Ms. McIntosh stated that is correct and described the shift in parking row/drive aisle and arrangement of parking. Councilmember Ryan stated the reason Luther is making this request is so they can store new car inventory in another location because the present storage location is under construction for the new Mazda Mitsubishi dealership. Ms. McIntosh stated that is correct.

Councilmember Graves moved and Councilmember Ryan seconded to adopt RESOLUTION NO. 018-136, Regarding the Recommended Deposition of Planning Commission Application No. 2018-010, submitted by Linda McGinty of The Luther Company, LLLP, for the issuance of an of an Interim Use Permit for the off-site storage of new vehicles (located at 5900, Shingle Creek Parkway.

Motion passed unanimously.

Mayor Willson stated his support for considering this request from one of the City's premiere businesses. He noted they now have eight dealerships, are one of the highest paying tax payers, creates jobs, presence, and been good to the City with a number of other contributions.

9b. PLANNING COMMMISISON APPLICATION NO. 2018-011, SUBMITTED BY LUK APARTMENTS, LLC, REQUESTING APPROVAL OF AN AMENDMENT TO THE 1992 PLANNED UNIT DEVELOPMENT PLANS AND DOCUMENTS AND SITE IMPROVEMENTS TO ALLOW FOR THE CONVERSION OF A FORMER SENIOR LIVING FACILITY TO MARKET RATE APARTMENTS (LOCATED AT 6100 SUMMIT DRIVE NORTH)

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2018-011 regarding the request of Luk Apartments, LLC for an amendment to the 1992 Planned Unit Development (PUD) plans and documents and site improvements to convert a former senior living facility (currently closed) to market rate apartments at 6100 Summit Drive N. The request includes an allowance for off-street parking ratio of approximately 1.7 parking spaces per dwelling unit versus the minimum required two parking spaces per dwelling unit; wall signage allowance of up to 350-square feet on the south elevation of the existing 11-story apartment building; and, allowance of three additional dwelling units for future approval of a total of 143 units versus the existing 140 units.

Ms. McIntosh explained consideration tonight is only for the three allowance requests, not final approval and if approved, the applicant will be required to return with final plan sets, site plan, and make application through the Planning Commission.

Councilmember Butler asked why the City Council should encourage under parking as many residents own cars, more than one per rental unit, and there is already a parking issue at current apartment parking lots. Ms. McIntosh stated the applicant conducted an informal survey of their other apartment properties and calculated approximately how many cars were parked based on the number of apartments. Based on that survey, the applicants have indicated they are

comfortable with a ratio of about 1.7 parking spaces per unit. Ms. McIntosh noted since this will be for market rate apartments, the applicant will not want to be in a situation where people won't rent because there is not enough parking in the lot. She stated that issue can be addressed when they return with final plan sets.

Councilmember Butler stated she is not comfortable approving an allowance at 1.7 spaces per unit considering what she already knows about the situation at existing apartment parking lots. She asked whether the three requested allowances are considered as one or separately as she does not have a problem with the other two requests. Mayor Willson stated based on past practice, a Councilmember can request to separate considerations.

Mayor Willson noted this consideration is slightly out of order from what has occurred in the past and he thought these allowances would first be considered by the Planning Commission with a recommendation for the City Council's consideration. He asked if the allowances are binding on the City Council if approved. Ms. McIntosh clarified that the property is not owned by the applicant but they are in talks with the owner. Because the applicant wants to convert the building from senior housing to market rate, parking is a determining factor. In that effort, the applicant has addressed parking by adding surface parking as there is no intent to add to the parking structure.

Mayor Willson stated the City Council does not get into the property purchase negotiations between private properties but this feels like that may be the case. He asked if the allowances are binding if approved tonight or can the allowances be changed later by City Council action. City Attorney Troy Gilchrist advised this action would approve the scope of flexibility allowed with this property. He stated he suspects this is before the City Council because the applicant would like to exercise this flexibility in deciding whether to purchase this property. City Attorney Gilchrist advised the City would not be bound by these allowances, if approved tonight, but that may be counter to what the applicant expects the City Council to consider in final design.

Mayor Willson expressed concern with considering allowance flexibility before ever seeing the project plans. He stated he has no problem with the three requests other than the way the process is going forward because normally, the Planning Commission would have looked at this in conjunction with the final plans and then make a recommendation to the City Council. Mayor Willson stated his concern that if approved tonight, the City Council 'goes in blind.' Ms. McIntosh stated this process is also different for City staff as they usually get full plan sets so instead this is like looking at changing the Master Plan to a PUD. She noted the applicant has indicated they are looking at surface parking but if the City Council is not comfortable with surface parking and would want a ramp, then that should be indicated now. Ms. McIntosh noted the full plan sets still need to be submitted for Planning Commission review and recommendation.

Mayor Willson stated again his concern that these allowances would be binding on a future consideration and that by approving tonight, the City Council has no control over building plans when they come forward on these three issues. City Attorney Gilchrist advised the City Council will have control but the plans come with the expectation the City Council will grant the flexibility being considered tonight. In addition, approving allowances tonight does not approve

specific building plans as that comes later. City Attorney Gilchrist stated if approved, there would be an expectation from the applicant that if the plans reflect these allowances, it would be acceptable. But, the City Council still has authority to make changes, such as to parking location.

Councilmember Ryan stated the substance of consideration is the applicant cannot go below 1.7 parking spaces and if this is an upscale conversion, there is strong economic interest to increase parking availability. Ms. McIntosh stated the 1.7 parking spaces are all on site. Councilmember Ryan noted there is also opportunity to consider off-site parking on neighboring properties that can be considered later. Ms. McIntosh stated that is correct and a condition can be added to require the applicant to take additional action if parking is deemed to be insufficient at any point in the future.

Mayor Willson stated he has no problem with the three allowances being requested, though he thinks it is the wrong time. He stated he is willing to consider the allowances separately. Mayor Willson stressed to staff that he does not want to consider a precedence or consider this process again in the future.

Councilmember Graves stated Councilmember Butler expressed her same thoughts and especially if the project converts from senior living to market rate multi-family, which conceivably could have more than one driver per apartment and only 1.7 parking spaces per unit are being provided. She felt that ratio makes more sense for senior housing. Also, adding three more units would then potentially increase the need for parking. Councilmember Graves stated she does not have a problem with the requested signage allowance.

Mayor Willson stated the applicant and owners will have to deal with the parking issues. The City deals with rental licensing and number of police calls to the property. Mayor Willson noted if there are police calls about parking on the street, then that is where the City's enforcement of the rental license comes in.

Councilmember Graves stated her preference to prevent police calls from happening in the first place and not after the fact.

Mr. Boganey agreed this is an unusual consideration and he appreciates the Mayor's comments in that regard. He stated from his perspective, it is important to explain why it was brought before the City Council in this way. Mr. Boganey noted the current building has 140 units and under current standard that requires 280 parking spaces. There is no place to put 280 parking spaces on this site so it has been out of compliance since Day 1. Now the building is unoccupied and a purchaser wants to take a 'lemon and make lemonade' but there is no economic way to add 109 spaces. For that reason, the purchaser is rightfully hesitant to acquire the vacant property with the expectation that he will have to add 109 spaces to comply with the current Ordinances. The purchaser would like some indication the City Council is willing to offer some flexibility beyond the ordinance requirement for 280 parking spaces. Mr. Boganey noted the purchaser has some options to negotiate with the seller an agreement to allow for additional days to go through the site plan review process and get all required approvals before entering into the final purchase

agreement or do what is being done today to get a clear read from the City Council as to whether they are willing to be flexible.

Mr. Boganey stated the question may be what makes staff think this apartment will function effectively without two parking spaces per unit when parking on the street is also prohibited. That information was provided to staff and the owner has indicated they feel comfortable that 1.7 spaces per unit is adequate based on their experience with the market they intend to serve. If staff had not seen that data, staff would not be presenting it to the City Council.

Mayor Willson asked about the option for parking off site.

Erik Falkman, Lux Apartments LLC, 6401 Camden Avenue N., addressed the City Council. He stated they own close to 650 apartment units in Brooklyn Center, in four separate buildings, and conducted an informal internal survey of those apartment properties at 2:30 a.m., when the parking lot was the most full. Based on that survey, they determined that 1.7 was the maximum used by their apartments. Mr. Falkman stated they are making a substantial investment in this property and he appreciates the City Council's consideration of this request. He agreed the sequencing is out of order from the normal process but they want to have control of the parking issue. Mr. Falkman noted this property has 140 units, with 90 one-bedrooms, 50 two-bedrooms and no three-bedrooms.

Jim Soderberg, Lux Apartments LLC, 6401 Camden Avenue N., addressed the City Council. He stated they will install upgraded finishes including new doors with electronic locks, granite, stainless steel appliances, upgraded exterior materials, two roof-top decks, and signage to attract traffic from Highway 100. Mr. Soderberg stated they came to Brooklyn Center in 1995 and since then, think the changes in Brooklyn Center are spectacular. He described other crime-ridden apartment buildings they have purchased and improved and stated they have over $50 million in Brooklyn Center and this new project would add $3.5 million of improvements.

Mr. Soderberg addressed Councilmember Graves' concern and assured the City Council that if they did not think they had enough parking, they would not do this deal. He stated they also surveyed their Hopkins apartment where they had 1.9 parking spaces per unit. Mr. Soderberg stated their support of the Top Golf business and anything that benefits Brooklyn Center, noting levels of crime in the City's apartments have been greatly reduced.

Mayor Willson stated he does not dispute the good improvements the applicants have made to apartments in the City but his struggle is the procedural piece, which he finds to be odd. But, on the other hand, Mayor Willson acknowledged the applicant is paying the money so he understands their desire to ask the City Council to move in the direction with which they are comfortable.

Councilmember Lawrence-Anderson asked about the bedroom mix. Mr. Falkman stated there are currently 140 units, with 90 one-bedrooms and 50 two-bedrooms.

Councilmember Ryan thanked the applicants for sharing additional information, noting he is more comfortable with the procedural anomalies after further explanation that the parking

requirements meet their expectations and comments by Mr. Boganey. He stated he is encouraged by the level of improvements and acknowledged and thanked the applicants for turning around other multi-family properties in the City to address those significant and serious problems in the past. Councilmember Ryan stated he is now comfortable supporting this request.

Councilmember Graves asked about the parking spaces, noting if every two-bedroom had two drivers, and half of the one-bedrooms had two drivers, then parking is still under their number. She stated she made an estimated guess that they need 235 spaces and 244 spaces are being provided. Mr. Falkman stated that is a good observation and roughly the same calculations they used. Plus, they can expand that number if using some of their surrounding properties.

Councilmember Lawrence-Anderson asked if there are any plans for a future parking ramp. Mr. Soderberg stated there is a two-level parking ramp but you could not add on three more floors. In addition, a parking ramp is economically impossible and would look horrible as it would be in front of a gorgeous building. Mr. Soderberg assured the City Council that with the intended landscaping and fencing, the on-site parking will not look that bad.

Councilmember Butler asked about visitor parking when there is not enough parking for each unit if there are two drivers per unit. She stated in going to community meetings, 40-50 people have told her there is not enough parking for apartment residents and no parking for their visitors. Mr. Soderberg agreed with the importance of providing adequate visitor parking, which will be located the farthest away from the doors, the same as at their other 24 apartment communities.

Mr. Falkman stated he is not a parking expert but they deal with it every day and receive feedback from their residents. He stated they have a lot of ways to maximize the flow of parking, noting they have other properties where parking is constrained but they understand how that parking has to be moved around.

Mr. Boganey stated if you begin with the assumption that reducing the parking requirement is potentially problematic, he would ask why then add three units and make it even worse. Mr. Soderberg stated 1.7 is not problematic because they think they will have a lot of left over parking spots at 1.7. With regard to the three additional units, there is a seventh-floor balcony that could be used for a penthouse apartment or maybe two units. He noted the tenth-floor balcony will have views of downtown, they will change the metal balcony railings to glass railings, and add other nice amenities. Mr. Soderberg stated they want to create statement units and for people to think it is a brand-new building.

Mr. Boganey asked what is the principal reason the applicants are unable to delay closing until after they have gone through the typical application process for site and building plan review by the Planning Commission with recommendation to the City Council.

Mr. Soderberg explained discussions with the sellers started in December, this has already been delayed, and the sellers have run out of patience at this point. He would like a resolution tonight to gain a comfort level to move forward. Mr. Soderberg noted this is one of the last areas to redevelop and assured the City Council this will be an incredible improvement.

Councilmember Graves stated she contacted people who were displaced from an apartment and was told they were not given much notice about moving out. She asked why residents were not aware of what was happening sooner. Mr. Falkman stated that happened before they became involved but some of the issues came down to process and legalities with senor living. He noted they were at 30% occupancy for a period of time, the building was functionally obsolete for senior housing use, and they were not financially able to continue operation. He stated his understanding they went above and beyond in notice and upgraded those residents living situation within 30-45 days.

Mr. Soderberg stated in December, the timing had to do with The Sanctuary, which was also delayed, and they wanted to make sure they had a place for displaced residents. He agreed the people were relocated quickly and into better housing.

Mayor Willson noted City staff also stepped up to work with those residents and went beyond what was required to make sure those residents had a place to go. In addition, The Sanctuary went above and beyond. Mayor Willson commended staff for what they had done for those residents. Mr. Soderberg stated they also covered some moving expenses for those residents even though they were not required to do so.

Councilmember Ryan moved and Mayor Willson seconded to approve an allowance for an off-street parking ratio of approximately 1.7 parking spaces per dwelling unit versus the minimum required two parking spaces per dwelling unit.

Councilmember Butler voted against the same and Councilmember Graves abstained. Motion passed.

Councilmember Lawrence-Anderson moved and Councilmember Graves seconded to approve a wall signage allowance of up to 350-square feet on the south elevation of the existing 11-story apartment building

Motion passed unanimously.

Councilmember Ryan moved and Councilmember Butler seconded to approve an allowance of three additional dwelling units for future approval of a total of 143 units versus the existing 140 units.

Councilmember Lawrence Anderson asked whether the number of additional dwelling units can be amended to be allowed only if there are no issues with parking at a ratio of 1.7 parking spaces. Mayor Willson stated that is not an issue as the allowance is 1.7 parking spaces no matter the number of units.

Councilmember Lawrence-Anderson stated she wants to assure there is not a parking issue already and then units are added. Councilmember Ryan noted the motion references the need for future approval so that decision can be made at a future point.

Motion passed unanimously.

Mayor Willson stated his appreciation to the applicant for taking on another large project and making an investment in the City.

10. COUNCIL CONSIDERATION ITEMS

10a. CONSIDERATION OF TYPE IV 6-MONTH PROVISIONAL RENTAL LICENSES

Mayor Willson explained the streamlined process that will now be used to consider Type IV 6-Month Provisional Rental Licenses.

Mayor Willson polled the audience and asked whether anyone was in attendance to provide testimony on any of the rental licenses as listed on tonight's meeting agenda. Seeing no one coming forward, Mayor Willson called for a motion on Agenda Items 10a1 through 10a2.

10a1. 7131 HALIFAX AVENUE NORTH
10a2. RESOLUTION NO. 2018-138 APPROVING A TYPE IV RENTAL LICENSE FOR 5351 IRVING AVENUE NORTH

Councilmember Ryan moved and Councilmember Graves seconded to approve the issuance of a Type IV six-month provisional rental license and mitigation plan for the following: 7131 Halifax Avenue North; and, adopt RESOLUTION NO. 2018-138 Approving a Type IV Rental License for 5351 Irving Avenue North, with the requirement that the mitigation plans and all applicable ordinances must be strictly adhered to before renewal licenses would be considered.

Motion passed unanimously.

11. COUNCIL REPORT

Councilmember Ryan reported on his attendance at the following and provided information on the following upcoming events:

- July 7, 2018: Pop Up Market
- July 9, 2018: Joint Work Session with the Planning Commission on the Comp Plan
- July 12, 2018: Association for Responsible Management
- July 9-11, 2018: Policy Management Meetings on Transportation
- July 19, 2018: Southeast Bellvue Park Neighborhood Meeting

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

- June 29, 2018: Dudley Classic
- July 7, 2018: Pop Up Market
- July 9, 2018: Joint Work Session with the Planning Commission on the Comp Plan

Councilmember Graves reported on her attendance at the following and provided information on the following upcoming events:

- June 28, 2018: Northside Story Kick-Off Event
- June 28, 2018: Dudley Classic
- July 6, 2018: NAACP Film Screening of The Suspect
- July 7, 2018: Pop Up Market
- July 9, 2018: Joint Work Session with the Planning Commission on the Comp Plan

Councilmember Graves announced she will be out of town from July 29 to August 5, 2018, and will miss the July 30, 2018, meeting.

Councilmember Butler reported on her attendance at the following and provided information on the following upcoming events:

- June 27, 2018: Delivered New Homeowner Bags
- June 30, 2018: Hmong Freedom Festival
- July 7, 2018: Pop Up Market
- July 9, 2018: Joint Work Session with the Planning Commission on the Comp Plan
- July 11, 2018: Delivery of New Homeowner Bags
- July 13-15, 2018: Local Progress Convening Event

Councilmember Butler announced she will be out of the country July 23, 2018, and unable to attend the City Council Meeting.

Mayor Willson reported on his attendance at the following and provided information on the following upcoming events:

- June 26, 2018: Rotary Luncheon
- June 29, 2018: Meeting with Mr. Boganey
- July 1, 2018: St. Peter for Veterans Memorial Celebration and Monument Unveiling
- July 6, 2018: Meeting with Mr. Boganey
- July 7, 2018: Pop Up Market
- July 9, 2018: Regional Council of Mayors
- July 9, 2018: Blue Line Now Meeting
- July 9, 2018: Joint Work Session with Planning Commission on the Comp Plan

9. PLANNING COMMISSION ITEMS

9b. PLANNING COMMMISISON APPLICATION NO. 2018-011, SUBMITTED BY LUK APARTMENTS, LLC, REQUESTING APPROVAL OF AN AMENDMENT TO THE 1992 PLANNED UNIT DEVELOPMENT PLANS AND DOCUMENTS AND SITE IMPROVEMENTS TO ALLOW FOR THE CONVERSION OF A FORMER SENIOR LIVING FACILITY TO MARKET RATE APARTMENTS (LOCATED AT 6100 SUMMIT DRIVE NORTH) – continued

City Attorney Gilchrist advised that while the City Council acted on the three allowance items, it did not act on the resolution that included additional restrictions on approval. He recommended the City Council take action on the full resolution.

Councilmember Ryan moved and Mayor Willson seconded to adopt RESOLUTION NO. 2018-127, Regarding the Recommended Disposition of Planning Commission Application No. 2018-11 Submitted by Lux Apartments, LLC, for an amendment to the 1992 Planned Unit Development Plans and Documents and site improvements to allow for the conversion of a former senior living facility to market rate apartments (Located at 6100 Summit Drive North).

Councilmember Ryan stated he appreciates the remarks of the City Attorney and hence his oversight on the motion. Mayor Willson stated his support of the City Attorney's recommendation to take this action.

Motion passed unanimously.

12. ADJOURNMENT

Councilmember Lawrence-Anderson moved and Councilmember Ryan seconded adjournment of the City Council meeting at 9:04 p.m.

Motion passed unanimously.

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

WORK SESSION
JULY 9, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Tim Willson at 9:13 p.m.

ROLL CALL

Mayor/President Tim Willson and Councilmembers/Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, City Attorney Troy Gilchrist, and Carla Wirth, TimeSaver Off Site Secretarial, Inc.

FORMER JERRY'S FOOD REDEVELOPMENT CONCEPT FOLLOW-UP DISCUSSION

City Manager Curt Boganey introduced the topic and stated the City Council is asked to review the process through which a charter school could be approved on the former Jerry's Food site and to provide feedback and direction to staff on whether to proceed.

Community Development Director Meg Beekman reviewed that at the June 25, 2018, City Council Work session a concept was introduced to redevelop the former Jerry's Food site into a charter school. At that time, the developer presented their concept and indicated timing is critical for the successful reuse of the site into a charter school, and they would need to be able to proceed with construction as soon as possible. This is pertinent to the discussion because in order to move forward with an approval for the project, the City would need to amend the Zoning Code, rezone the property, and amend the Comprehensive Plan to allow a future land use designation that is appropriate for this use, all of which take time.

Ms. Beekman presented the staff report and considerations before the City Council. She stated the Comprehensive Plan amendment is the most time consuming as it requires Met Council approval, meaning that December is the soonest this decision can be made.

Ms. Beekman reviewed the overlay district, which also needs to be amended to exclude the Jerry's Food site or amend the language to allow a charter school, noting a discussion with the City Attorney is needed to determine which procedure would be the best.

Ms. Beekman stated another issue relates to the City's design standards and guidelines that are used Citywide and with rezoning or PUD consideration, the design guidelines become required. Based on discussions with the developer and price per square foot, it is suspected allowance to the design standards would be needed. However, until full plan sets are submitted, it is impossible to determine what areas will require accommodation but it is important to note that requests for that accommodation may be part of the application.

Ms. Beekman stated the developer will determine on their own whether to proceed with a formal application but the discussion tonight relates to the process it would entail.

Councilmember/Commissioner Ryan stated this includes complicated procedural steps should the City Council/EDA consider the proposed charter school on the Jerry's Food site. In addition, if the changes are made, there could be potentially a whole set of policy issues for the City Council/EDA to consider beyond the Jerry's Food site including policy of future overlay sites and zoning standards.

Ms. Beekman stated that is a good point as there are a lot of policy decision needed but this is a land use never considered on this site or land use situation. From staff's point, they want to be cautious in offering a false sense of security that the City Council/EDA would consider this as there is no precedence in how this process would be handled. She noted the City Council/EDA has the discretion to rezone, rewrite land use policies, and overlay districts but it comes with needing to weigh the pros and cons of that action. She stated those are weighty issues and take time for consideration. With setting precedence, she stated she would refer to the City Attorney but given the discretionary nature, she ventured to say it would not create a legal precedent.

Councilmember/Commissioner Ryan stated the summary presented in Mr. Boganey's update lists the projects staff is currently working on and if the City Council were to consider this request, it would even more heavily task staff to consider these changes and meet the deadline as well as the Met Council review of the Comp Plan amendment.

Mayor/President Willson stated he does not see staff time as a significant problem, though it would increase their task load. But more importantly, the data received by Ms. Beekman and changes being contemplated do not fit well in that area as it is designated for retail, the City is building on that retail, and a charter school does not fit well. Mayor/President Willson stated he wants to be as transparent as possible and after a full review, he is not able to support this project and move forward with the changes required for it to happen. Mayor/President Willson stated the retail anticipated for properties in that general area will be a higher usage than what's being proposed, which is an important consideration with the tax base.

Councilmember/Commissioner Graves stated her initial reaction was excitement about the idea and concept but she has a hard time seeing it in that space. Mayor/President Willson agreed that what they are trying to do is great and there is a need but he believes this is the wrong place.

Councilmember/Commissioner Ryan concurred it is a noble undertaking but the wrong place and is not the highest and best use for this significant location. He stated the City Council/EDA may be criticized for this position but this is not the right project for this site.

Mayor/President Willson stated his unwillingness to consider all of these changes and the time it would take and certainly not without further study by the Planning Commission. He stated his appreciation to the developer for considering this location but in his mind, it does not fit the use.

Jeffrey Laux, developer, addressed the City Council/EDA. He thanked the City Council/EDA for considering what they are proposing and giving him a fast answer. He stated his appreciation to Ms. Beekman for the time she put into it. He stated it was enjoyable to watch each member of the City Council/EDA at the last meeting during which members voiced their love for kids and seeing lives transformed. He stated he met with the school's representatives today and told them he did not know how it would go tonight. Mr. Laux asked the City Council/EDA to let him know of other locations in Brooklyn Center that would be more appropriate for this use. He recognized the City Council/EDA for their work on behalf of the City, which is commendable, and stated citizens should be proud of what they are doing.

Darcy Winter, Realtor representing Jerry's Foods, addressed the City Council/EDA. She stated they would like to sell the property for a use that benefits the community such as retail. She reviewed her professional experience as a Realtor, noting she has never worked with such a difficult site. She stated her client also owns the Cub store development and Aldi was not a deal as they did not offer market rate.

Mayor/President Willson stated the City has approached Jerry's Food a number of times to purchase the property and even indicated a willingness to consider no compete language. Ms. Winter stated she has been the Real Estate broker of Jerry's Foods for more than 12 years and the City has never approached her with a reasonable offer on the property. She stated there has been high-level discussion and if a price has been offered, it was one that would not work.

Mayor/President Willson stated there has been some interest in this site including for worker rate housing. Ms. Winter asked whether worker rate housing would be of interest but not a charter school. Mayor/President Willson answered in the affirmative.

AN INTERIM ORDINANCE AUTHOHRIZING A STUDY AND PLACING A MORATORIUM ON THE SEARS PROPERTY

Community Development Director Meg Beekman introduced the topic and stated the City Council is asked to review the draft interim ordinance authorizing a study, placing a moratorium on the Sears property, and provide direction to staff on how to proceed.

Ms. Beekman reviewed that in early June of 2018, Sears Roebuck and Company announced the Brooklyn Center Sears store and automotive repair store would be closing by the end of September 2018. The City has not been contacted by Sears or any other contractor interested in the store, which is the final remaining structure from the former Brookdale mall. Thus, it has not been studied or planned for as part of the overall development guidance for the Single Creek Development area.

Ms. Beekman reviewed the zoning and overlay on the Sears property that is 15.26-acre site and has high visibility from Highway 100. She noted the City Council/EDA has the authority to adopt an interim ordinance to place a moratorium on development of a particular site, or of a particular type of development citywide. A moratorium would allow the City time to study a particular area or topic to ensure an appropriate regulatory framework is in place to adequately inform future development.

Ms. Beekman stated the adoption of an interim ordinance authorizing a study and placing a moratorium on the Sears site will allow time to decide whether any changes are needed to how the property is zoned and guided and to ensure development of the property is consistent with the Shingle Creek Development area. If a study and moratorium are not placed on the property, the property has a potential to be developed in a manner which is inconsistent with the surrounding developments and could extend a negative effect on the area.

Ms. Beekman reviewed the process to be followed should an interim ordinance and moratorium be adopted for staff to conduct a study of the property and determine whether the current planned land use and zoning should be revised. Recommendation from that study will be shared with the City Council/EDA upon completion. Also, as part of the Comprehensive Plan update process currently underway, this property has been identified as one of the sites that requires additional focused planning efforts. She noted the current building is not suitable for reuse.

Mayor/President Willson supported an 18-month moratorium to assure adequate time for study, noting that should staff not require the full 18 months, the moratorium can be lifted sooner.

Councilmember/Commissioner Ryan stated a previous City Council/EDA placed a moratorium on the Pep Boy site so the City's PUD process could not be circumvented. He stated support for a moratorium on the Sears site as recommended by staff. Mayor/President Willson stated the City also placed a moratorium on a 57th and Logan site.

City Attorney Gilchrist advised the initial moratorium cannot exceed one year but it can be extended under certain circumstances. Mayor/President Willson stated he would then support a one-year moratorium with the City Attorney researching the terms for an extension.

Mr. Boganey stated City staff wants to get it done before one year, which may require hiring some outside resources to accomplish. He explained the City wants to be in a position so when Sears moves forward, the City is not an obstacle and can help them identify the best and right use. He reported that use of vacant Sears buildings in other locations range from converting to housing to being torn down for a new use.

The majority consensus of the City Council/EDA was to support a one-year moratorium on the Sears site with the City Attorney to research terms for extension, if needed.

ADJOURNMENT

Councilmember/Commissioner Ryan moved and Councilmember/Commissioner Graves seconded adjournment of the City Council/Economic Development Authority Work Session at 9:50 p.m.

Motion passed unanimously.

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

SPECIAL SESSION
JULY 16, 2018
CITY HALL – ALL AMERICAN CONFERENCE ROOM

CALL TO ORDER

The Brooklyn Center City Council met in a special session. At 5:35 p.m. Councilmember Butler moved and Councilmember Ryan seconded a motion to open the special meeting. Motion passed unanimously.

IN ATTENDANCE

Mayor Tim Willson and Councilmembers Marquita Butler and Dan Ryan.

City Staff present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Police Chief Tim Gannon, and City Attorney Troy Gilchrist.

Also present were Claims Supervisor Mark Rossow, League of Minnesota Cities Insurance Trust, and Defense Counsel Jason Hiveley, Iverson Reuvers Condon.

CLOSED SESSION

Councilmember Ryan moved and Councilmember Butler seconded a motion to go into closed session for an attorney-client privileged discussion with the city's attorneys pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b) regarding the Kevin Flicek vs. City of Brooklyn Center litigation matter. Motion passed unanimously.

Litigation matters were discussed.

REOPEN SESSION

At 6:34 p.m. Councilmember Ryan moved and Councilmember Butler seconded a motion to go into open session. Motion passed unanimously.

ADJOURNMENT

At 6:34 p.m. Councilmember Ryan moved and Councilmember Butler seconded a motion to adjourn the meeting. Motion passed unanimously.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss. Certification of Minutes
CITY OF BROOKLYN CENTER)

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

1. That attached hereto is a full, true, and complete transcript of the minutes of a Special Session of the City Council of the City of Brooklyn Center held on July 16, 2018.

2. That said meeting was held pursuant 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 23, 2018, Regular Session.

_____ _____

City Clerk Mayor

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

JOINT WORK SESSION WITH FINANCIAL COMMISSION
JULY 16, 2018
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Joint Work Session with the Financial Commission and the session was called to order by Mayor Tim Willson at 6:41 p.m.

ROLL CALL

Mayor Tim Willson and Councilmembers Marquita Butler, Kris Lawrence-Anderson, and Dan Ryan. Also present were City Manager Curt Boganey, Deputy City Manager Reggie Edwards, Finance Director Nate Reinhardt, Public Works Director Doran Coate, City Engineer Mike Albers, and Deputy City Clerk Rozlyn Tousignant. Councilmember Kris Lawrence-Anderson was absent.

Others present were Financial Commissioners David Dwapu, Tia Hedenland, Abate Terefe, Teneshia Kragness, and Dean Van Der Werf. Commissioners Jeffrey Dobbs was absent.

APPROVAL OF AGENDA

Councilmember Ryan moved for adoption of the July 16, 2018, agenda, Councilmember Graves seconded. Motion passed unanimously.

OVERVIEW/INTRODUCTION

Mayor Willson provided a brief welcome and overview, along with City Manager Curt Boganey and Finance Director Nate Reinhardt. Mr. Boganey informed the purpose of tonight's meeting was to discuss the long-range Capital Improvement Plan and the annual Capital Program for the various Capital Funds of the City.

CAPITAL IMPROVEMENTS PLAN 2019 – 2033

Finance Director Nate Reinhardt provided a PowerPoint presentation and review of the Capital Improvements Plan 2019 – 2033. Mr. Reinhardt reviewed the project types and funding sources.

Mayor Willson asked about Trunk Highway 252 being listed for the 2021 Capital Improvement Plan. Mr. Albers explained that MNDoT has requested that the City move the construction on the interchange at 66th to the year 2022 due to the construction on 35W.

INDIVIDUAL CAPITAL PROJECTS FUNDS

Mr. Reinhardt's presentation included information on the various Capital Projects Funds including Capital Improvements Fund, Municipal State Aid Fund, Street Reconstruction Fund, Special Assessments, Infrastructure Fund, Overview of Utility Fund, Technology Fund, EBHC Capital Fund, and BC Liquor Capital Fund. He provided an overview of CIP changes, costs, funds, and cash flow analysis.

Mr. Reinhardt explained the City's Capital Improvement Fund Policies.

Councilmember Graves inquired about whether the interstate area improvements were already scheduled or were a result of the plans for construction on Trunk Highway 252. Mr. Albers replied that the interchange projects had always been included in the CIP plans.

Mr. Boganey noted that for 2020-2023 no proceeds from bonds are expected. Mr. Reinhardt explained that the large projects in 2017-2018 there was not the cash on hand, however, the City should have the cash-flow for future projects.

Councilmember Ryan requested clarification on the payments for the Water Treatment facility. Mr. Reinhardt responded by explaining the process of a PFA loan and that 2035 is the estimate payoff date.

Mr. Boganey highlighted the sanitary sewer system as an example of the payoff of the Capital Improvement Project fund in maintaining City infrastructure.

Councilmember Ryan asked if the City is receiving good numbers from the Metro Environmental Services. Mr. Reinhardt explained that the Metropolitan Council manages the City's Sanitary Sewer flow and that the City will follow up in the meetings focused on the Operational Funds.

Mayor Willson inquired about the pond-work behind EBHC. Mr. Reinhardt shared that the funding for the project has yet to be determined.

Mayor Willson followed up about renovating Shingle Creek south of Kohls. Mr. Boganey stated that at this point the City is waiting on the developer to take the lead on that project.

Mr. Boganey inquired what types of improvements will be made in 2022-2026 that would general capital costs to the Street Light Fund. Mr. Albers explained that in previous street reconstruction, and mill and overlay projects, the street lights had not been replaced.

Mayor Willson asked what the expected life is for the street-lights replaced with LEDs. Mr. Coate responded that Xcel typically uses 10-year lights, though depending on the usage the lights can last up to 15-years.

Councilmember Butler inquired about the City's entry-point displays and when those projects would be completed. Mr. Reinhardt and Mr. Boganey explained that those renovations would be included in the Brooklyn Boulevard CIP projects.

Councilmember Graves asked how the City decides when and how to start a particular fund; in particular, how to target those funds to the strategic priorities of the City. Mr. Boganey stated that funds are create when there exists a unique operational need, where the cost of the project would not be covered by an existing fund or not appropriately paid out of the General Fund. Mr. Boganey added that the creation of a fund depends on the source of revenue. A discussion was held regarding Council priorities in regards to the General Fund.

A discussion was held regarding whether the City should buy or lease space for the Liquor Stores, and potential relocation sites.

ADJOURNMENT

Councilmember Ryan moved and Councilmember Graves seconded to adjourn the Work Session at 8:29 p.m. Motion passed unanimously.

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Rozlyn Tousignant, Deputy City Clerk

SUBJECT: Licenses

Recommendation:

It is recommended that the City Council consider approval of the following licenses on July 23, 2018.

Background:

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

MECHANICAL

Air Mechanical Inc.	16411 Aberdeen St. NE, Ham Lake, MN 55304
Kline Corp DBA Practical Systems; DBA Ductworks Heating & Cooling	3230 Gorham Ave Ste 1, St. Louis Park, MN 55426
Wencl Services Inc.	8148 Pillsbury Ave S., Bloomington, MN 55420

Requested Council Action:

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Rental Licenses for Council Approval on July 23, 2018

Property Address	Dwelling Type	Renewal or Initial	Owner	Property Code Violations	License Type	Police CFS *	Final License Type **	Previous License Type ***
904 53rd Ave N	Single Family	Renewal	Moshe Vorotinov/Istoki Sources Mekorot	2	II	0	II	IV
1330 67th Ln N	Single Family	Renewal	Mark Sibilev	2	II	0	II	II
1320 68th Ln N	Single Family	Renewal	Rachel Omao and Cyrus Keri	1	I	0	I	I
6614 Bryant Ave N	Single Family	Renewal	Yi Lin/Khai Hong Lim Properties	8	III	0	III	II
6706 Drew Ave N	Single Family	Renewal	6706 Drew Ave LLC	3	III	0	III	II
7044 Drew Ave N	Single Family	Renewal	Jennifer Lenhart/Jan Morhfeld	1	I	0	I	II
2406 Ericon Dr	Single Family	Renewal	Crystal Brummer/Brummer Realty, LLC	1	I	0	I	IV
5931 Halifax Pl	Single Family	Renewal	Jerilou Wiedmeyer	1	I	0	I	II
5819 Knox Ave N	Single Family	Renewal	Crystal Brummer/Brummer Realty, LLC	1	I	0	I	IV
6912 Unity Ave N	Single Family	Renewal	Geri Lynn Williams	4	II	1	II	II
3801 Woodbine La	Single Family	Renewal	Tom Prasky	3	II	0	II	III

* CFS = Calls For Service for Renewal Licenses Only (Initial Licenses are not applicable to calls for service and will be listed N/A.)

** License Type Being Issued Type I = 3 Year Type II = 2 Year Type III = 1 Year Y

*** Initial licenses will not show a previous license type

All properties are current on City utilities and property taxes

COUNCIL ITEM MEMORANDUM

Rental License Category Criteria Policy – Adopted by City Council 03-08-10

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	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

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

Budget Issues:

There are no budget issues to consider.

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Doran Cote, Public Works Director

SUBJECT: Resolution Amending Special Assessment Levy Roll Nos. 19775 and 19776 to Provide for the Deferment of Special Assessments

Recommendation:

It is recommended that the City Council approve the resolution amending Special Assessment Levy Roll Nos. 19775 and 19776 to provide for the deferral of special assessments.

Background:

On December 11, 2017, the City Council by Resolution 2017-205, approved Special Assessment Levy Roll Nos. 19775 and 19776 for the Firehouse Park Area Street and Storm Drainage Improvements, Project Nos. 2018-01 and 02. The attached resolution amends the respective levy rolls to provide for the deferral of special assessments on two properties where the qualifying person is eligible because they are at least 65 years of age or older, or permanently disabled and whose household meets certain financial limitations.

The City of Brooklyn Center calculates and levies special assessments in accordance with Section 2.10 of the City Council Code of Policies. This document outlines the process and procedures within the City's Special Assessment Policy for funding of public improvement projects. Subsection 4 of the Special Assessment Policy provides for a program to defer a portion of the special assessments for qualifying persons under the provisions of Minnesota Statutes 435.193 through 435.195. A copy of subsection 4 of the Special Assessment Policy is attached to this memorandum.

The City received two applications for deferral of special assessments that met the required standards to qualify under the attached Special Assessment Policy standards. These properties are as follows:

6824 Colfax Avenue N
6437 Girard Avenue N

The applicants have provided income tax documentation meeting "very low income" limits established by HUD.

Requested Council Action:

- *Motion to approve resolution*

Budget Issues:

The proposed special assessments deferral for said properties totals $7,609.10 ($5,853.11 for street and $1,755.99 for storm drainage). The amount to be certified for said properties totals $3,708.90 ($2,852.89 for

street and $856.01 for storm). The total amount of special assessments previously levied was $2,001,844.28. The net reduction in short-term project revenue of less than one percent due to the proposed deferment does not create a substantial funding concern based on an analysis of the project costs to date.

Strategic Priorities and Values:

Key Transportation Investments

Member introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION AMENDING SPECIAL ASSESSMENT LEVY ROLL NOS. 19775 AND 19776 TO PROVIDE FOR THE DEFERRAL OF SPECIAL ASSESSMENTS

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed Special Assessment Levy Roll Nos.19775 and 19776 for the Firehouse Park Area Street and Strom Drainage Improvements, Project Nos. 2018-01 and 02;

WHEREAS, Special Assessment Levy Roll Nos.19775 and 19776 were approved by the City Council on December 11, 2017; and

WHEREAS, the City Council has established a program to defer a portion of the special assessments of qualifying persons who are at least 65 years of age or older or who are retired due to permanent and total disability whose households meet certain financial limitations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that the following properties are eligible to defer a portion of their special assessment for Improvement Project Nos. 2018-01 and 02, therefore amending Special Assessment Levy Roll Nos. 19775 and 19776 as noted below.

Special Assessment Levy Roll No. 19775 is hereby amended to reduce the previous amount of $4,353 from the following assessments to the new amount as noted:

Pid No.	Levy Amount	DeferredAmount	Interest Rate (%)
36-119-21-21-0024	$1,712.97	$2,640.03	4.0
36-119-21-32-0040	$1,139.92	$3,213.08	4.0

Special Assessment Levy Roll No. 19776 is hereby amended to reduce the previous amount of $1,306 from the following assessments to the new amount as noted:

PID No.	Levy Amount	DeferredAmount	Interest Rate (%)
36-119-21-21-0024	$513.98	$792.02	4.0
36-119-21-32-0040	$342.03	$963.97	4.0

July 23, 2018
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.

4. Assessment Deferral Program

There shall exist a program to defer a portion of the special assessments of qualifying persons under the provisions of Minnesota Statutes 435.193 through 435.195. Said program shall defer the payment of a portion of certified special assessments by property owners who are at least 65 years of age or older or who are retired due to permanent and total disability whose households meet certain financial characteristics.

A. Eligibility

1. The property upon which the assessment is deferred must be homesteaded;

2. The property is owned by a person at least 65 years of age on January 1st of the year in which payment of the first installment of the subject assessment levy is due; or is owned by a person who is retired due to permanent and total disability.

3. The applicant must have a "financial hardship" defined as:

   a. An annual income for the applicant's household size which is at or below the "Very Low Income" limit established annually by HUD for the Minneapolis and St. Paul Metropolitan Area; and

   b. The aggregate total of special assessment installments from previously existing special assessment levies plus the first year of the current levy will exceed 1 1/2 percent of the applicant's annual income.

4. Special assessment deferral applications are typically processed at the time of the actual special assessment being levied. However, an applicant may apply for a special assessment deferral at any time during the term of the special assessment. Additionally, past non-eligible applicants may reapply for reconsideration should qualifying eligibility conditions change in the future.

B. Calculation

1. The portion of the current levy which will be deferred will be that portion of the levy against the applicant's property which requires a first year installment payment which, when added to the applicant's annual payments from previously existing special assessment levies, would result in an aggregate total of special assessment installments totaling more than 1 1/2 percent of the applicant's annual income. The portion of the current levy which can be paid without aggregating total installments above 1 1/2 percent of the applicant's annual income shall not be deferred.

2. Special assessments levied due to the applicant's failure-to-pay charges for City services or failure to comply to City codes (i.e. delinquent utility assessments, assessments for weed removals, assessments for nuisance abatement, etc.) shall not be deferred, and installment payments for existing levies for such services shall not be included in calculating the maximum 1 1/2 percent aggregate payment.

C. Interest

Simple interest at the rate of that particular assessment levy shall be added to the deferred assessment, calculated from the date interest started to accrue on the original levy (usually the October 1 immediately following the certification date) to the date of payment of the deferred portion of the assessment.

D. Termination

The option to defer the payment of special assessments shall terminate and all amount accumulated plus applicable interest, shall become due upon the occurrence of one of the following events:

1. The death of the owner, provided that the spouse is otherwise not eligible for the benefits.

2. The sale, transfer, or subdivision of the property or any part thereof.

3. If the property should for any reason lose its homestead status.

4. The City Council determines that a hardship no longer exists.

Reference: City Council Resolution Nos. 2016-189; 2005-17; 2001-122; 2000-195; 97-214; 97-118; 94-274; 93-49; 90-138; 90-137; 85-34; 84-175; 83-190; 82-226; 81-244; 80-292

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: An Interim Ordinance Authorizing a Study and Placing a Moratorium on the Sears Property

Recommendation:

It is recommended that City Council make a motion to approve the interim ordinance authorizing a study and placing a moratorium on the Sears
property, located at 1297 Shingle Creek Drive and legally described as Registered Land Survey No. 0936 Hennepin County, Minnesota.

Background:

In early June of 2018, Sears Roebuck and Company announced the Brooklyn Center Sears store and automotive repair store would be closed. Both the Sears store and the automotive center are scheduled to be closed by the end of September 2018. The Sears store is the final remaining structure from the former Brookdale Mall and has not been studied or planned for as part of the overall development guidance for the Shingle Creek Development Area. The Sears property is 15.26 acres and has high visibility from Highway 100.

The City Council has the authority to adopt an interim ordinance, which would place a moratorium on development of a particular site, or of a particular type of development city-wide. A moratorium allows the City time to study a particular area or topic to ensure that an appropriate regulatory framework is in place to adequately inform future development.

The adoption of an interim ordinance authorizing a study and placing a moratorium on the Sears site will allow time to decide whether any changes are needed to how the property is zoned and guided and to ensure development of the property is consistent with the Shingle Creek Development Area. If a study and moratorium is not placed on the property, the property has a potential to be developed in a manner which is inconsistent with the surrounding developments and which could have extended negative effects on the area.

Upon adoption of the interim ordinance and moratorium, City Staff will begin to conduct a study of the property to determine if the current planned land use and zoning of the property should be revised. Recommendations from the study will be shared with the City Council upon completion of the study process. As part of the Comprehensive Plan update process currently underway, this property has been identified as one of the sites which requires additional focused planning efforts.

The moratorium will ensure that no new expansions or new construction will occur on the site during the duration of the study. The City will not accept, process, or issue any development applications or approvals during the duration of the study and moratorium. The moratorium would not apply to any applications for permits or approvals which only seek to maintain or repair the existing buildings.

The City Council has the ability to select the length of time for the moratorium to be placed on the property.

The moratorium can be legally placed on a property for no more than twelve months, and extended under certain circumstances per Minnesota State Statute 462.355 subdivision 4d. Staff is recommending a duration of 12 months to provide enough time to complete a land use and zoning study for the site. The City Council has the ability to repeal the moratorium prior to the deadline if the study is completed or it is determined that no change in future land use or zoning is required.

Requested Council Action:

- *Motion to adopt ordinance*

Budget Issues:

There are no budget issues to consider

Strategic Priorities and Values:

Targeted Redevelopment

CITY OF BROOKLYN CENTER
MINNESOTA

ORDINANCE NO. _____

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND PLACING A MORATORIUM ON THE SEARS PROPERTY

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

Section 1. Legislative Findings. The City Council of the City of Brooklyn Center ("City") hereby finds and determines as follows:

1.01. The City Council has the authority under Minnesota Statutes, section 462.355, subdivision 4 to adopt an interim ordinance "applicable to all or part of its jurisdiction" to "regulate, restrict, or prohibit any use, development, or subdivision" within the City if it has authorized a study to be conducted or has scheduled a hearing for the purpose of considering an amendment to its comprehensive plan or official controls.

1.02. The adoption of an interim ordinance does not require a public hearing and is not subject to the City's standard ordinance adoption process as it is in the nature of an emergency ordinance in that waiting the several weeks for it to go into effect would undermine the purpose and authority to adopt an interim ordinance.

1.03. The City is in the process of updating its comprehensive plan.

1.04. The City has engaged in extensive planning and has developed guidance for the Shingle Creek development area located between Highway 100, County Road 10, and east of Xerxes Avenue North ("Shingle Creek Development Area"). With the exception of certain properties that were already utilized and had not been redeveloped in several years.

1.05. One such property that had not specifically been planned for as part of the overall development guidance for the Shingle Creek Development Area is the property (PID 03-118-21-44-0026) owned by Sears Roebuck and Company located at 1297 Shingle Creek Drive and legally described as Registered Land Survey No. 0936 Hennepin County, Minnesota ("Sears Property").

1.06. A recent announcement indicated that the Sears store located on the Sears Property would be closing in the fall of 2018, which raises the potential for redevelopment of the property in the near term.

1.07. Development of the Sears Property occurring before the City has an opportunity to study the planning and zoning for the property, determine whether any changes are needed, and to take action to develop and adopt any such changes could result in development that is inconsistent with other development in the Shingle Creek Development Area and have lasting negative effects.

1.08. In order to protect the planning process and to promote consistency within the Shingle Creek Development Area, the City Council determines it is in the best interests of the public to place a temporary moratorium on the development of the Sears Property while the City conducts a study to determine how best to guide development of the Sears Property and to determine if it is appropriately zoned.

Section 2. Study Authorized. The City Council hereby authorizes City staff, as directed by the City Manager, to conduct a study of the current planning and zoning for the Sears Property, determine whether the guidance in the comprehensive plan and the zoning for the Sears Property should be revised to be more consistent with the planned guidance for and zoning of the other properties in the Shingle Creek Development Area, and to develop any recommended amendments for consideration by the City Council.

Section 3. Moratorium. To ensure that no new construction or expansion occurs on the Sears Property that might be inconsistent with the appropriate guidance in the comprehensive plan or the zoning for the Sears Property that may be identified from the study authorized herein, the City hereby imposes, for the term of this interim ordinance, a moratorium on the acceptance, processing, or issuance of any development applications or approvals including, but not limited to, preliminary plats, rezonings, variances, conditional use permits, site plans, planned unit developments, and permits for the construction or expansion of any building on the Sears Property. The moratorium imposed by this interim ordinance shall not apply to applications for permits or approvals that seek only to maintain or repair, without expanding, an existing building on the Sears Property.

Section 4. Effective Date and Term. This interim ordinance shall go into effect immediately upon adoption and shall remain in effect for 12 months, or upon the effective date of any rezoning or comprehensive plan amendment related to the Sears Property adopted in furtherance of the recommendations resulting from the study, whichever occurs first. The City Council may also act by resolution to terminate this interim ordinance prior to the expiration of the term established herein.

Section 5. Enforcement. The City may enforce this interim ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

Section 6. Separability. Every section, provision or part of this interim ordinance is declared separable from every other section, provision or part of this ordinance. If any section, provision or part of this interim 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 interim ordinance.

Adopted this 23rd day of July, 2018.

_____
Tim Willson, Mayor

ATTEST:_____
City Clerk

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Presentation by Shannon Full, President/CEO of Twin West Chamber of Commerce

Recommendation:

Background:

Shannon Full will be present to introduce herself and discuss with the Council her vision for Twin West Area Chamber of Commerce, as well as introduce new initiatives that may benefit the City.

Requested Council Action:

Strategic Priorities and Values:

Resident Economic Stability

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner

SUBJECT: Resolution to Approve Planning Commission Application No. 2018-012, Submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, Requesting Site and Building Plan Approval (Located at 6500 Humboldt Avenue North)

Recommendation:

It is recommended that the City Council, following consideration of this planning application item, approve the resolution regarding the disposition of Planning Commission Application No. 2018-012, submitted by Von Petersen of TSP, Inc. on behalf of the Brooklyn Center School District.

Background:

City staff met with the Applicant, the Brooklyn Center School District, and other project representatives on multiple occasions to discuss anticipated renovations to the existing 195,797-square foot Brooklyn Center Secondary School, which houses both the middle and high schools. The proposal as presented includes plans to construct a 2,250-square foot new front entry addition, 845-square foot 2nd floor mechanical mezzanine addition, and select site landscaping, sidewalk, and asphalt improvements. These requests are part of a larger plan to renovate a substantial portion of the existing school's interior as part of a referendum passed in November 2017 that allowed for increases to the District's operating levy and construction funding.

It should be noted that the proposed *interior improvements*, including the relocation of the middle school to the west wing and high school to the north wing, relocation of shared use and support functions, security and safety improvements, room updates, renovations and additions to restroom facilities and locker rooms, and deferred maintenance, will be reviewed by City staff separately through the City's Building Permit process. **The items for review under the scope of this application are limited to the proposed exterior additions and select site improvements.**

The existing school campus is located on approximately 35.5 acres and was constructed in 1961. Given the age of the school, the Applicant will be completing a number of updates relating to deferred maintenance, including a request under this application to construct an 845-square foot 2nd floor mechanical mezzanine addition. The Applicant is also requesting approval of a new front entry addition to the school, which would provide for a more clearly defined public south main entry with increased visibility and security. The third item request relates to plans to install a pedestrian curb ramp, crosswalk, and select sidewalk and asphalt work as they relate to the proposed new front entry addition. Although school uses are not specifically identified under the City's Landscape Point System Policy, the Applicant intends to plant dwarf Norway spruce trees and Japanese lilacs in the vicinity of the front entry, drop-off, and parking area located along Freeway Boulevard/65th Avenue North to allow for added screening from the parking lot and as an esthetic improvement.

As the application submitted is for site and building plan approval, no public hearing notice was published in the Brooklyn Center *Sun Post,* and no mail notices were sent. The Applicant (Von Petersen of TSP, Inc.) and a representative of the Brooklyn Center School District were present at the Planning Commission meeting on July 12, 2018, and answered questions the Planning Commission had regarding the proposed interior improvements, upgraded security and access, and separation of the middle school from the high school. Additional questions were made as they relate to the proposed 2nd floor mechanical mezzanine addition.

No public comments were made prior to or during review of the request. Following a review of the application requests, the Planning Commission unanimously (4-0) recommended approval of the site and building plan requests as identified under Planning Commission Application No. 2018-012.

Copies of the Planning Commission Report, dated July 12, 2018, and City Council resolution are attached as reference.

Requested Council Action:

- *Motion to approve resolution*

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Enhanced Community Image

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-012 SUBMITTED BY VON PETERSEN OF TSP, INC. ON BEHALF OF BROOKLYN CENTER SCHOOL DISTRICT, REQUESTING SITE AND BUILDING PLAN APPROVAL (LOCATED AT 6500 HUMBOLDT AVENUE NORTH)

WHEREAS, Planning Commission Application No. 2018-012 was submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, requesting consideration of Site and Building Plan approval for an approximately 2,250-square foot front entry addition, 845-square foot 2nd floor mechanical mezzanine addition, and select site landscaping, sidewalk, and asphalt improvements along the front entry for the Subject Property located at 6500 Humboldt Avenue North; and

WHEREAS, on July 12, 2018, the Planning Commission reviewed and received a planning report and Assistant City Engineer's memorandum on the proposed Site and Building Plan for the proposed additions and site improvements on the approximately 35.5 acre Subject Property; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating site and building plans, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, along with consideration of the goals and objectives of the City's Comprehensive Plan, the Planning Commission considers this Site and Building Plan an appropriate and reasonable improvement to the Subject Property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brooklyn Center, Minnesota, hereby recommends that the Site and Building Plan for the proposed approximately 2,250-square foot front entry addition, 845-square foot 2nd floor mechanical mezzanine addition, and select site landscaping, sidewalk, and asphalt improvements along the front entry to the Subject Property located at 6500 Humboldt Avenue North, as comprehended under Planning Commission Application No. 2018-012, and as submitted by Von Petersen of TSP, Inc. on behalf of the Brooklyn Center School District, may be approved based on the following considerations:

A. The Site and Building Plan is compatible with the standards, purposes and intent of the City's Zoning Ordinance in that the proposed additions and improvements would be constructed well outside the minimum building setback requirements, the proposed landscaping along the front entry and drop off area would offer screening from the parking area as well as visual appeal from the street, and offer pedestrian enhancements and ADA improvements;

B. The improvements and utilization of the Subject Property as a secondary school will be continued through additional investment into the continued

function and improved efficiency of the secondary school for students and staff, and general safety and security, is considered a reasonable use of the property and will conform with ordinance standards;

C. The Site and Building Plan proposal is considered consistent with the recommendations of the City's Comprehensive Plan for this area of the City as it is designated for a school use and has functioned at this location since 1961;

D. The Site and Building Plan proposal appears to be a good and continued long range use of the existing site and the proposed improvements to the front entry along Freeway Boulevard/65th Avenue North, addition of a 2nd floor mechanical mezzanine, site improvements, and anticipated interior renovation to the existing 195,797-square foot building, will allow the Subject Property to continue serving as an asset to the community; and

E. Based upon the above considerations, it is believed that the guidelines for evaluating and approving a Site and Building Plan, as contained in Section 35-230 (Plan Approval) of the City's Zoning Ordinance, are met and the Site and Building Plan proposal is, therefore, in the best interest of the community.

BE IT FURTHER RESOLVED that the City Council of the City of Brooklyn Center, Minnesota, does hereby recommend that Planning Commission Application No. 2018-012, submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, for the property located at 6500 Humboldt Avenue North, be approved subject to the following conditions and considerations:

1. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits, and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Final construction and demolition plans are to be submitted to the City for review and issuance of a demolition and Building Permit.
    b. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit/Land Disturbance (Alteration) Permit.

2. **Agreements:**
    a. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and

maintained in conformance with the plans, specifications and standards comprehended under this Site Plan.

b. A Construction Management Plan and Agreement and associated escrow deposit is required prior to Building Permit release.

c. The Developer shall submit an as-built survey of the property, improvements, and any utility service lines prior to release of the Performance Agreement financial guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated July 9, 2018.

   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 prior to the issuance of permits.

4. **Construction Standards:**

   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Public Works Department.

   b. All work performed and materials used for construction of any utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.

   a. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

6. **Signage:** Signage for the Subject Property is subject to the Public Use allowances as identified within Chapter 34 (*Sign Ordinance*). Any requests for wall or freestanding signage will require the Applicant to submit a Sign Permit application to the City for review and approval.

RESOLUTION NO.

July 23, 2018
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.

Planning Commission Report

Meeting Date: July 12, 2018

- Application Filed: 06/12/2018
- Review Period (60-day) Deadline: 08/11/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2018-012
Applicant: Von Petersen of TSP, Inc. (on behalf of Brooklyn Center Schools)
Location: 6500 Humboldt Avenue North
Request: Site and Building Plan Approval

INTRODUCTION

Von Petersen of TSP, Inc. ("the Applicant"), on behalf of Brooklyn Center Schools, is requesting the review and consideration of a building and site plan submittal that would result in a small expansion to the existing 195,797-square foot building and site improvements to the Subject Property located at 6500 Humboldt Avenue North. As part of the request, a 2,250-square foot addition and entrance, and an 845-square foot 2nd floor mechanical mezzanine addition would be constructed. Additional site work, including new landscaping along the parking lot and drop off areas, and select asphalt and sidewalk improvements, have also been requested.

This application is associated with requests by the Brooklyn Center School District to increase the District's operating levy and construction funding for Earle Brown Elementary School and Brooklyn Center Middle and High School. These requests were approved through a referendum that was passed on November 7, 2017.

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan: S-Schools

Neighborhood: Firehouse

Current Zoning: R1 (One Family Residence) District

Surrounding Zoning:
North: R5 (Multiple Family Residence) District
East: R1 (One Family Residence) District
South: R1 (One Family Residence) District
West: R1 (One Family Residence) District | R5 (Multiple Family Residence) District | C2 (Commerce) District

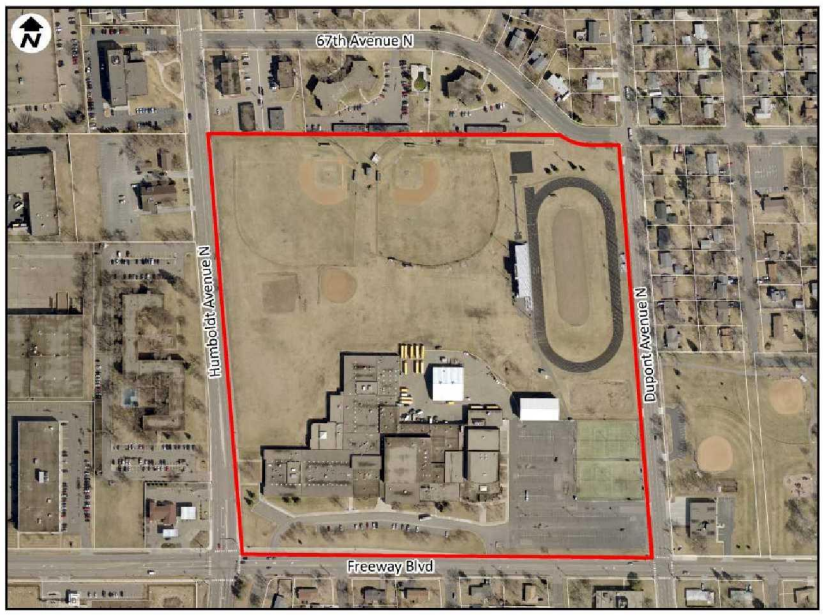
Site Area: Approximately 35.5 Acres

BACKGROUND

The Subject Property, located at 6500 Humboldt Avenue North, was constructed in 1961, with subsequent additions to the building and the construction of outbuildings (e.g., bus garage, gym building) approved over the years.

Pursuant to City Zoning Code Section 35-310, Subpart 2, "Public and private elementary and secondary schools offering a regular course of study accredited by the Minnesota Department of Education" are allowed by special use permit in the R1 (One Family Residence) District. A review of City records and previous approvals indicated that a special use permit was issued to operate the school; however, staff is unable to locate the originally approved Planning Commission application for the school.

This is as City records for projects dating back to the early 1960s and before are often incomplete or missing. The earliest application on file for the Subject Property is from 1976 for the installation of a masonry athletic storage structure under the main bleachers of the high school athletic field. The most recent approval was for the detached recreation and gymnasium building located to the east of the school, which received approval in 2011. As part of this application, staff noted that, "any other future expansion or alterations deemed by City Planning Staff to be minor in nature or considered accessory or ancillary to the general, typical and overall operations of the Brooklyn Center Junior/Senior High School campus, shall not be subject to any future special use amendment, but may be subject to additional site and building plan application and consideration."



Map 1. Existing Subject Property (6500 Humboldt Avenue North).

BUILDING AND SITE PLAN APPROVAL

The majority of the improvements to take place at the Brooklyn Center Secondary School ("the Subject Property") are anticipated to occur within the interior of the existing 195,797-square foot building. These renovations will require the Applicant to submit full construction plans to the City for review and issuance of a Building Permit. The interior renovations include the relocation of the middle school students to classrooms located primarily in the west wing of the existing building, and the relocation of the high school students to the north wing. As proposed, support and shared use functions would be located between the west and north wings for convenience and overall accessibility. Many of the anticipated improvements are to address security measures that would allow for a higher level of pedestrian control within the hallways, and for after-hours zoning to restrict access to certain areas or wings of the building.

Brooklyn Center Secondary School also intends to address existing room adjacencies and sizing as part of

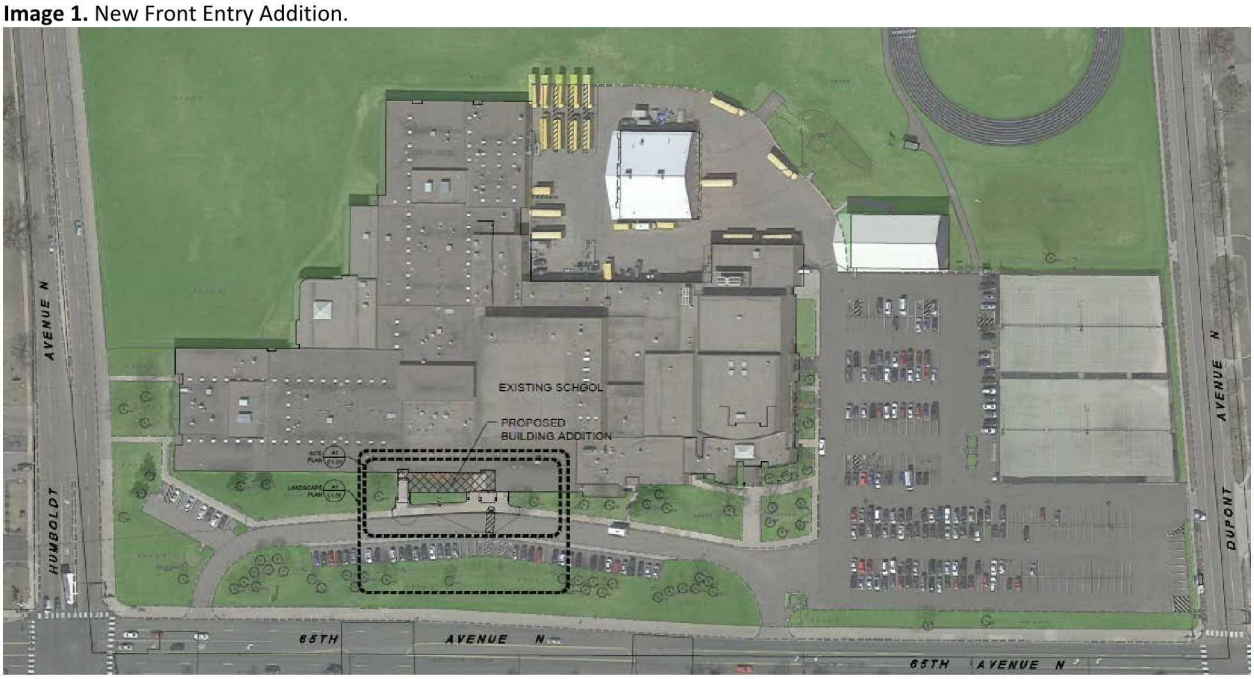
the reconfiguration. Outdated rooms will be brought up to current standards and requirements, and new finishes will be installed in outdated and worn areas of the school. Significant changes are proposed for the restrooms and physical education locker rooms to address ADA clearances and plumbing fixture counts. Group shower areas in the locker rooms will be replaced with single user stalls and private dressing areas in addition to staff and gender neutral restrooms located in each academic wing and locker room areas. The addressing of extensive deferred maintenance is also identified as a main objective in the upgrades to the Brooklyn Center Secondary School.

Although these improvements have been included as part of the submitted Planning Commission Application, the focus of review for building and site plan approval relates to the proposed *exterior alterations*, including the 2,250-square foot new front entry addition, 845-square foot mechanical mezzanine addition, and site improvements.

Building – New Front Entry Addition
As the Applicant has indicated within their submittal,

"One of the project objectives is to create a more evident and clearly defined public south main entry, with increased visibility and security. The identification aspect is addressed by the massing and height of the entry vestibule consisting of an entry canopy, signage, and raised roof form. The security aspect is addressed by utilizing a security vestibule arrangement. Once a building visitor enters through the outer vestibule doors, they would interact with school staff to gain further entry into the building, or have proper credentials that allow them through the security control point."

Image 1. New Front Entry Addition.



As noted in Image 1 above, the proposed 2,250-square foot front entry addition would substantially line up with the existing front building footprint along Freeway Boulevard/65th Avenue North and would be located over 150 feet from the front property line. The new addition and entry would feature a vestibule with access to a reception/ waiting area, attendance office, and contain administrative offices.

Image 2. Interior Layout of New Front Entry Addition.

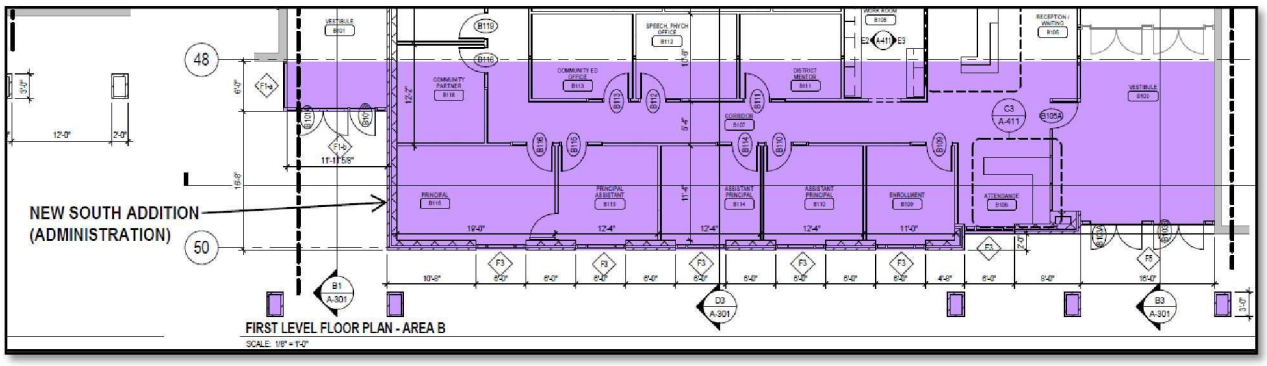
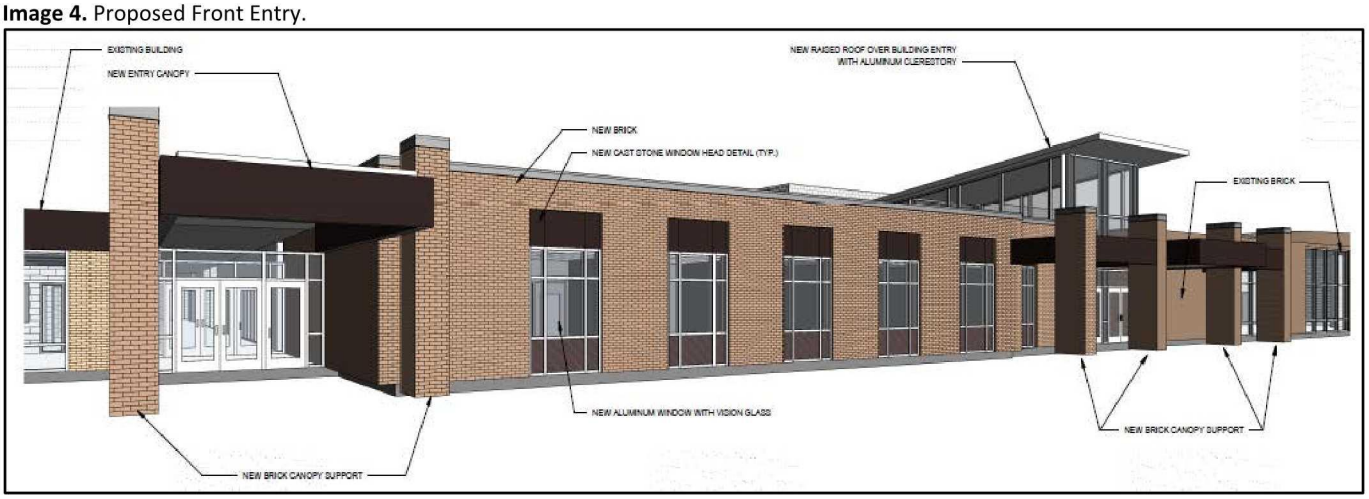


Image 3. Existing Front Entry.



Image 4. Proposed Front Entry.



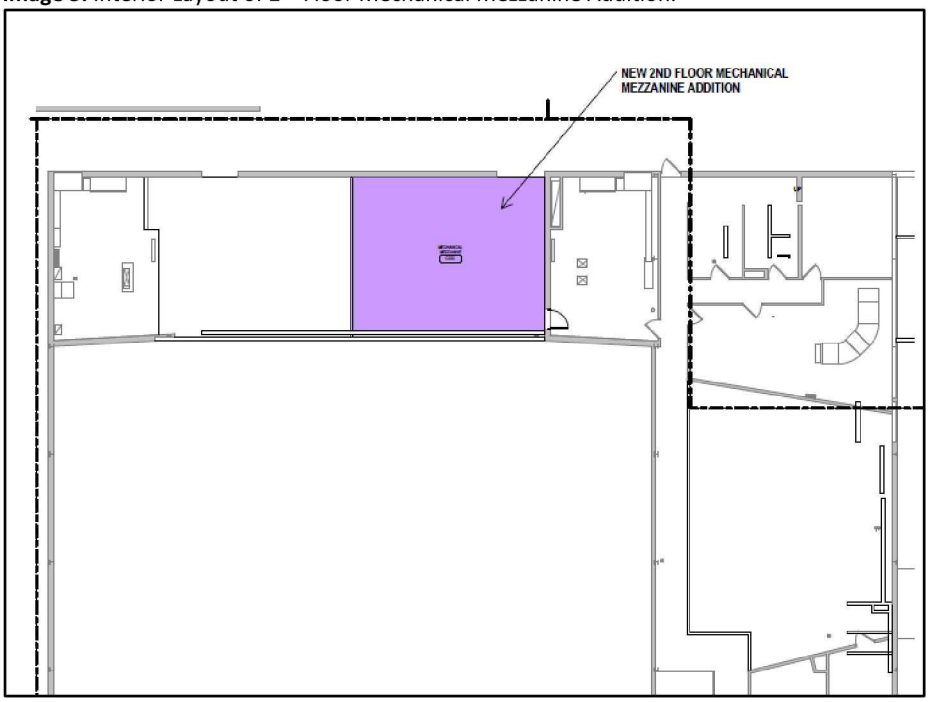
The Applicant has expressed their intent to blend the new entry addition into the existing building through the continued use of brick. New brick and salvaged existing brick would be incorporated as part of the construction. Windows along the new entry would feature aluminum casings with vision glass and

cast stone headings. A raised roof over the new building entry would be installed with an aluminum constructed clerestory, which would tie into the prefinished metal parapet running along the top of the new addition.

Building- 2nd Floor Mechanical Mezzanine Addition

As part of the submittal, the Applicant is also requesting approval of a second floor mechanical mezzanine addition, as outlined in Image 5 below. Any protrusions from the roof of the building should utilize materials complementary to the existing building materials and any other mechanical additions. The Building Official will require a construction set with detailing for the mechanical addition, including an interior layout, building elevations, etc. Additional permits may be required as part of the requested addition.

Image 5. Interior Layout of 2nd Floor Mechanical Mezzanine Addition.



Access and Parking

The Subject Property is currently served by two accesses off Freeway Boulevard/65th Avenue North and Dupont Avenue North. As was indicated in a Planning Commission Report for construction of a 9,000-square foot bus garage and addition to the high school in 2003, a determination was made in 1991 that the required parking for the school should be 350 parking spaces based on a one parking space for every three seat ratio for the largest capacity facility at the school. The 350 spaces identified at that time were based off the bleacher seating capacity for the gymnasium, which had a seating capacity of 1,050.

There are no plans to alter the existing parking or drop off areas as part of the site and building plan review request, other than the proposed installation of a pedestrian curb ramp, crosswalk, and select sidewalk and asphalt work along the front of the building. It should be noted that there are no plans to expand the need for parking at this facility with the front entry addition and mechanical mezzanine addition on the 2nd floor.

Lighting

The building elevations provided note the installation of four new wall lighting sconces along the front of the new entry addition. The proposed sconces would be LED and downcast. A photometric plan was submitted with the application; however, the plans do not reflect the property line running along Freeway Boulevard/65th Avenue North. An updated photometric plan noting the property line will be required as part of any Building Permit submittal.

Any new lighting would need to meet the requirements of Section 35-712 (*Lighting*) of the City Zoning Code by not exceeding three (3) foot candles measured at property lines abutting residentially zoned property, or 10 foot candles when abutting 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.

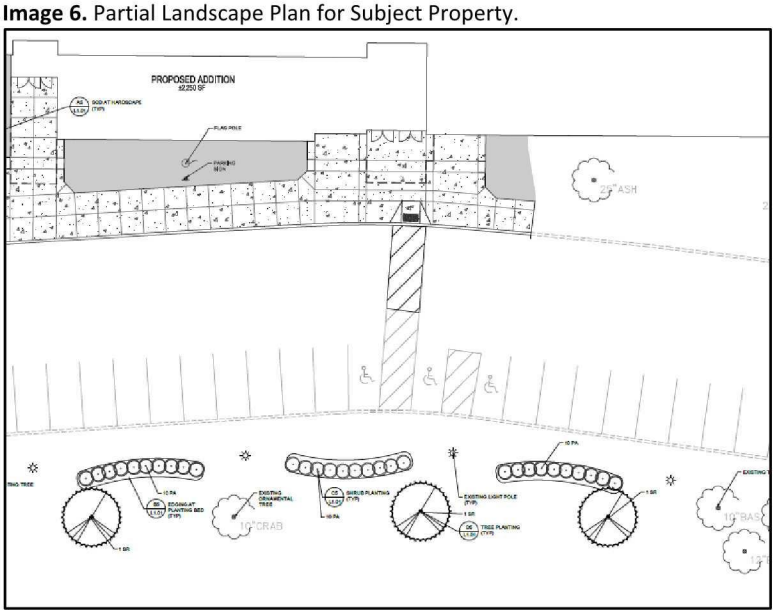
Landscaping

The project submittal includes a partial landscape plan for the front parking lot and drop off area along Freeway Boulevard/65th Avenue North. Although City Code does not have any specific requirements on landscaping types and species, 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 of a development.

As "schools" are not specifically outlined as a use under the Landscape Point System Policy, staff reviewed the submitted plans to determine whether adequate screening would be provided for the parking areas. Per Section 35-711 (*Parking Lot Screening*), "such off-street parking and loading areas within any yards which abut along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council."

As proposed, the Applicant intends to install 30 dwarf Norway spruce trees, with a mature height of four (4) feet in height, along with three Japanese lilac trees, with a mature height of 25 feet. The spruce trees would be planted in sets of 10 with a Japanese lilac tree paired with each set. The submitted landscape plan does indicate the presence of existing trees as well. Please refer to Image 6 below.

Image 6. Partial Landscape Plan for Subject Property.



As part of any approval, the Applicant will need to install an irrigation system and provide shop drawings of the proposed irrigation system for City review. The landscape plan dated June 12, 2018, notes that "tree planting and shrub areas shall be irrigated with an underground irrigation system."

ASSISTANT CITY ENGINEER REVIEW
Assistant City Engineer Andrew Hogg conducted a review of the application submittal and documents. Comments regarding this application can be found in the memorandum to City staff and dated July 9, 2018, attached hereto (Exhibit B). It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance or Building Permits.

As the total disturbed area is less than 0.5 acres, no project review is required for the West Mississippi Watershed Commission and an NPDES permit is not required. The City does request that the Applicant attempt to install BMPs to improve water quality. The Applicant should review the attached memorandum to identify what anticipated permitting and submittal requirements will be necessary in order to work through the City Building Permit review process.

FIRE INSPECTOR REVIEW
The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any building and site plan approval, including installation of a new Knox box, fire egress, etc.

SIGNAGE
No formal requests for approval were made as part of the application submittal, although a wall sign is indicated on the new front entry addition. Any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*), and specifically for Public Uses. Under the Sign Code, Public Uses are permitted one wall sign (not to exceed 36 square feet) and one wall sign immediately above or beside each public entrance to that part of the building that is used as a school and meets the requirements of the Minnesota Department of Education. These sign areas shall not exceed 10 square feet. The Applicant will need to file a separate Building Permit application for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommend approval of the site and building plans for the proposed 2,250-square foot partial addition, 845-square foot 2nd floor mechanical mezzanine addition, and site improvements along the proposed new front entrance area for the property located at 6500 Humboldt Avenue North; subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.

APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2018-012 for the Subject Property located at 6500 Humboldt Avenue North:

1. **Building and Site Plan and Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits, and other fire related building code items shall be reviewed and approved by the Fire Inspector.
    a. Final construction and demolition plans are to be submitted to the City for review and issuance of a demolition and Building Permit.
    b. A pre-construction conference shall be held with City staff and other

entities designated by the City prior to issuance of a Building Permit/Land Disturbance (Alteration) Permit.

2. **Agreements:**
    a. The Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications and standards comprehended under this Site Plan.
    b. A Construction Management Plan and Agreement and associated escrow deposit is required prior to Building Permit release.
    c. The Developer shall submit an as-built survey of the property, improvements, and any utility service lines prior to release of the Performance Agreement financial guarantee.

3. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memo, dated July 9, 2018 (Exhibit B).
    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 prior to the issuance of permits.

4. **Construction Standards:**
    a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Public Works Department.
    b. All work performed and materials used for construction of any utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

5. **Landscaping:** All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
    a. The contractor shall submit irrigation shop drawings for review and approval prior to installation.

6. **Signage:** Signage for the Subject Property is subject to the Public Use allowances as identified within Chapter 34 (*Sign Ordinance*). Any requests for wall or freestanding signage will require the Applicant to submit a Sign Permit application to the City for review and approval.

RECOMMENDATION

Based on the above-noted findings, staff recommends the Planning Commission recommends:

The Planning Commission recommends approval to the City Council of the as proposed site and building plan approval for the proposed 2,250-square foot partial addition, 845-square foot 2nd floor mechanical mezzanine addition, and site improvements along the proposed new front entrance area for the property located at 6500 Humboldt Avenue North, subject to the Applicant/Property Owner complying with the conditions outlined in the Approval Conditions of this Staff Report.

Should the Planning Commission accept these recommendations, the Commission may elect to adopt the draft resolution, to be provided at the Planning Commission meeting.

Attachments

Exhibit A- Planning Commission Application and Plans for Brooklyn Center Secondary School, submitted June 12, 2018.

Exhibit B- Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated July 9, 2018.

City of BROOKLYN CENTER

City Use Only
Date Received:
Date Application Complete:
Letter of Completeness:
Application No.

Exhibit A

Planning Application

A preliminary meeting with the Planning and/or Engineering Staff is required prior to the submission of a Planning Application. No application will be accepted prior to such meeting. City Staff shall have five (5) business days to review applications for completeness. The 60-day statutory review period does not begin until staff determines the application is complete.

Application Request
(Mark all that Apply)

X	Site & Building Plan ($750)		Planned Unit Development ($1800)		Subdivision Approval ($300)
	Rezoning ($1050)		PUD Amendment ($700)		Appeal ($200)
	Variance ($200)		Special Use Permit ($200)		Determination ($200)

Applicant Information:

Name: Von Petersen, AIA - TSP, Inc. Signature VonP.

Address: 1500 Highway 52 North, Rochester, MN 55901

Office Phone: 507-288-8155 Cell: 612-600-3290

Email: petersenvj@teamtsp.com FAX:

Owner Information* (*if different from Applicant*):

Name: Jim Langevin - Brooklyn Center Schools Signature

Address: 6300 Shingle Creek Pkwy, Ste. 286, Brooklyn Center, MN 55430

Office Phone: 763-450-3381 Cell: 651-331-0736

Email: jlangevin@brookcntr.k12.mn.us FAX:

* *The fee title owner of the property must sign this Application to make it official*

Please provide a general description of your Application Request:

Site and building plan review for small expansion and minor site improvements to the Brooklyn Center STEAM Middle School and High School

Address/Location of Property: 6500 Humboldt Avenue, North, Brooklyn Center , MN 55430

Legal Description of Property: The Southwest Quarter of the Northwest Quarter of Section 36, Township 119, Range 21, Hennepin County, Minnesota

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Application Fee $ $750 Acct No. 10100-4403 **Receipt No.**

City Use Only *City Use Only* *City Use Only*

Planning Commission Recommendation

Dates of PC Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.

_____Approved _____ Denied this _____ day of _____ 20 _____,
subject to the following conditions:

_____
_____
_____

_____
Chairman

City Council Action

Dates of Council Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.	Performance Bond Received

_____ Approved _____ Denied this _____ day of _____ 20 _____,
with the following amendment:

_____
_____
_____

_____
Clerk/Planning Commission Secretary

SITE PLAN REVIEW SUBMITTAL

TSP

430 – 2nd Street.
Excelsior, MN 55331

(952) 474-3291
www.teamtsp.com

PROJECT: Brooklyn Center Schools – Secondary School

DATE: June 12, 2018

RE: Site Plan Review Submittal

PROJECT DESIGN NARRATIVE:

This project consists of a partial south addition of 2,250 square feet, a partial 2nd floor mechanical mezzanine addition of 845 square feet and renovation of a large portion of the existing 195,797 square foot building.

The intent of the new addition exterior design is to create an addition that uses the context and character of the existing facility to generate its architectural expression and design character. This intent is not to replicate the existing building verbatim, but generate an addition that is responsive and complimentary to the existing building. The design will consist of a composition of face brick, metal wall panels, precast concrete/cast stone panels, aluminum framed storefront and curtainwall window/door framing.

One of the project objectives is to create a more evident and clearly defined public south main public entry, with increased visibility and security. The identification aspect is addressed by the massing and height of the entry vestibule: consisting of an entry canopy, signage and raised roof form. The security aspect is addressed by utilizing a security vestibule arrangement. Once a building visitor enters through the outer vestibule doors, they would interact with school staff to gain further entry into the building, or have proper credentials that allow them through the security control point.

Some building interior reconfigurations are occurring with this project. The Middle School students will be located primarily in the west academic wing. The High School students will be located primarily in the north academic wing. Assorted support and shared use functions are located between these two wings. Another security improvement will be strategically located cross-corridor doors that allow for a higher level pedestrian control, should the facility be entered into a higher level of security, and for a higher level of after-hours zoning to restrict access to areas of the building. These doors will be arranged to restrict unauthorized building visitor movement in the facility, while meeting fire egress requirements.

Several rooms are being adjusted to respond to updated deliver of education requirements. Room adjacencies and sizes are being addressed as part of the reconfigurations. Outdated rooms are being brought up to current standards and requirements. New finishes are being applied to areas that are worn and outdated. Finishes are being evaluated for initial upfront cost, and life cycle cost analysis.

Restrooms and P.E. Locker Rooms are being improved to address ADA clearances and plumbing fixture counts. Strategically located Staff Restrooms are being added to facilitate use by school personnel. Group shower areas in the Locker Rooms are being replaced with single user shower stalls with private drying/dressing areas. Gender Neutral Restrooms are being added at each academic wing and locker room area.

Deferred maintenance items are being incorporated into the project, responding to the referendum descriptions.

CITY OF BROOKLYN CENTER ARCHITECTURAL DESIGN GUIDELINES:

The project will comply with the City of Brooklyn Center Architectural Design Guidelines: Building Materials, Building Mass, Façade Design, Doors and Windows.

TSP

430 – 2nd Street.
Excelsior, MN 55331

(952) 474-3291
www.teamtsp.com

SITE PLAN REVIEW SUBMITTAL

BUILDING CODE SUMMARY:

(A more extensive Building Code Analysis will be included in the Building Plan Submittal at a later date)

Construction Type:	II-B
Primary Occupancy Classification:	E
Secondary Occupancy Classification:	B (Offices, Kitchen, Receiving)
	A-2 (Cafeteria)
	A-3 (Gymnasium, Auditorium)
Original Building Size:	195,797 square feet
New Addition (1st Floor Administration):	2,250 square feet
(2nd Floor Mechanical):	845 square feet
Reconfigured Building Size:	198,892 square feet

Via existing 2-hour fire walls, the overall facility is broken into four separate buildings - see Code Plan:

Building-1:	67,586 square feet (actual)
	79,640 square feet (allowable)
Building-2 (1st Floor):	48,010 square feet (actual)
	48,285 square feet (allowable)
Building-2 (2nd Floor):	6,760 square feet (actual)
	48,285 square feet (allowable)
Building-3:	35,021 square feet (actual)
	77,720 square feet (allowable)
Building-4:	41,515 square feet (actual)
	79,460 square feet (allowable)

ARCHITECTURAL SPECIFICATIONS TABLE OF CONTENTS:

DIVISION 00 - PROCUREMENT AND CONTRACTING REQUIREMENTS:

00 01 01	Project Title Page
00 01 15	List of Drawing Sheets
00 11 13	Advertisement for Bids
00 21 13	Instructions to Bidders
00 22 13	Supplementary Instructions to Bidders
00 25 13	Pre-bid Meetings
00 26 00	Procurement Substitution Procedures
00 31 13	Preliminary Schedule
00 31 19	Existing Condition Information
00 31 26	Existing Hazardous Material Information
00 31 32	Geotechnical Data
00 43 13	Bid Security Forms
00 43 23	Alternates Form
00 51 00	Notice of Award
00 91 13	Addendum

DIVISION 01 – GENERAL REQUIREMENTS

01 00 00	General Requirements
01 10 00	Summary
01 23 00	Alternates
01 25 00	Substitution Procedures
01 26 00	Contract Modification Procedures
01 29 00	Payment Procedures

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01 31 00	Project Management and Coordination
01 32 00	Construction Progress Documentation
01 33 00	Submittal Procedures
01 35 16	Alteration Project Procedures
01 40 00	Quality Requirements
01 42 00	References
01 50 00	Temporary Facilities and Controls
01 56 39	Temporary Tree and Plant Protection
01 60 00	Product Requirements
01 73 00	Execution
01 74 19	Construction Waste Management and Disposal
01 77 00	Closeout Procedures
01 78 23	Operation and Maintenance Data
01 78 39	Project Record Documents
01 79 00	Demonstration and Training

DIVISION 02 – SITE CONSTRUCTION

02 41 16	Structure Demolition
02 41 19	Selective Demolition

DIVISION 03 – CONCRETE

03 30 00	Cast-In-Place Concrete
03 33 00	Architectural Concrete

DIVISION 04 – MASONRY

04 01 20.63	Brick Masonry Repair
04 01 20.64	Brick Masonry Repointing
04 20 00	Unit Masonry
04 22 00	Concrete Unit Masonry
04 72 00	Cast Stone Masonry

DIVISION 05 – METALS

05 12 00	Structural Steel Framing
05 12 13	Architecturally Exposed Structural Steel Framing
05 21 00	Steel Joist Framing
05 31 00	Steel Decking
05 40 00	Cold-Formed Metal Framing
05 50 00	Metal Fabrications
05 52 13	Pipe and Tube Railings

DIVISION 06 – WOOD AND PLASTICS

06 10 00	Rough Carpentry
06 16 00	Sheathing
06 20 23	Interior Finish Carpentry

DIVISION 07 – THERMAL ANDMOISTURE PROTECTION

07 13 26	Self-Adhering Sheet Waterproofing
07 21 00	Thermal Insulation
07 21 19	Foamed-In-Place Insulation
07 26 00	Vapor Retarders
07 27 26	Fluid-Applied Membrane Air Barriers
07 42 13.16	Metal Plate Wall Panels
07 42 93	Soffit Panels

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07 62 00	Sheet Metal Flashing and Trim
07 71 00	Roof Specialties
07 72 00	Roof Accessories
07 81 00	Applied Fireproofing
07 84 13	Penetration Firestopping
07 84 43	Joint Firestopping
07 92 00	Joint Sealants
07 92 19	Acoustical Joint Sealants
07 95 13.13	Interior Expansion Joint Cover Assemblies

DIVISION 08 – DOORS ANDWINDOWS

08 11 13	Hollow Metal Doors and Frames
08 14 16	Flush Wood Doors
08 31 13	Access Doors and Frames
08 41 13	Aluminum-Framed Entrances and Storefronts
08 71 00	Door Hardware
08 71 13	Automatic Door Operators
08 80 00	Glazing
08 83 00	Mirrors
08 91 19	Fixed Louvers

DIVISION 09 – FINISHES

09 22 16	Non-Structural Metal Framing
09 29 00	Gypsum Board
09 30 13	Ceramic Tiling
09 51 13	Acoustical Panel Ceilings
09 54 23	Linear Metal Ceilings
09 65 13	Resilient Base and Accessories
09 65 19	Resilient Tile Flooring
09 68 13	Tile Carpeting
09 84 33	Sound Absorbing Wall Units
09 91 13	Exterior Painting
09 91 23	Interior Painting
09 96 00	High-Performance Coatings

DIVISION 10 – SPECIALTIES

10 11 00	Visual Display Surfaces
10 12 00	Display Cases
10 14 19	Dimensional Letter Signage
10 14 23.13	Room-Identification Signage
10 21 13.17	Phenolic-Core Toilet Compartments
10 21 23	Cubicle Curtains and Track
10 28 00	Toilet, Bath, and Laundry Accessories
10 44 13	Fire Protection Cabinets
10 44 16	Fire Extinguishers
10 51 13	Metal Lockers
10 75 16	Ground-Set Flagpoles

DIVISION 11 – EQUIPMENT

11 52 13	Projection Screens
11 53 13	Laboratory Fume Hoods

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DIVISION 12 – FURNISHINGS
12 21 13 Horizontal Louver Blinds
12 21 16 Vertical Louver Blinds
12 32 16 Manufactured Plastic-Laminate-Faced Casework
12 35 53.16 Plastic-Laminate-Clad Laboratory Casework
12 35 53.19 Wood Laboratory Casework
12 36 23.13 Plastic-Laminate-Clad Countertops
12 36 61.16 Solid Surfacing Countertops
12 48 13 Entrance Floor Mats and Frames

DIVISION 13 – SPECIAL CONSTRUCTION – SECTION NOT USED

DIVISION 14 – CONVEYING EQUIPMENT- SECTION NOT USED

END OF TABLE OF CONTENTS

DESCRIPTION OF PROPERTY PARTIALLY SURVEYED
(Per Certificate of Title No. 341451)

The Southwest Quarter of the Northwest Quarter of Section 36, Township 119, Range 21, Hennepin County, Minnesota.

A part of the North line of said tract is marked by judicial Landmarks set pursuant to Torrens Case No. 4945.

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This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

GENERAL NOTES

1.) Survey coordinate basis: Hennepin County Coordinates NAD 83 1986 ADJ

UTILITY NOTES

1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.

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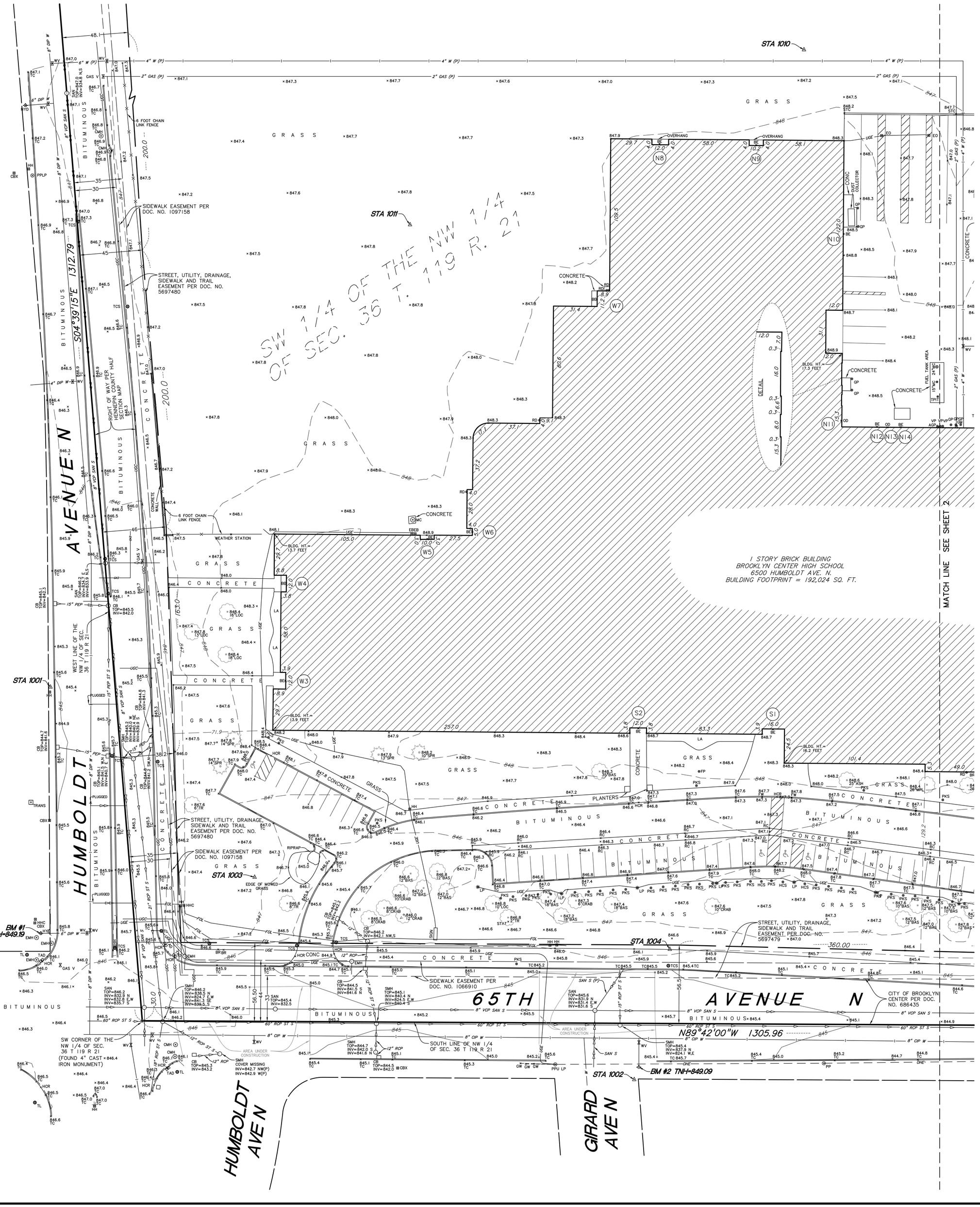
BENCH MARKS (BM)
(NGVD 29)

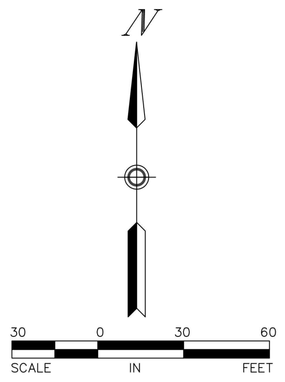
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3.) Top of top nut of fire hydrant located on the east side of the main building and on the west side of the east parking lot.
Elevation = 851.24 feet

4.) Top of top nut of fire hydrant located on the southwest corner of 65th Avenue N. and Emerson Avenue N.
Elevation = 848.35 feet





FLOOR ELEVATIONS

(I) Denotes door number

Door S1 = 848.92 feet – Top of tile inside door
Door S2 = 848.88 feet – Top of concrete outside door
Door W3 = 848.89 feet – Top of concrete outside door
Door W4 = 848.86 feet – Top of concrete outside door
Door W5 = 848.86 feet – Top of concrete outside door
Door W6 = 848.85 feet – Top of concrete outside door
Door W7 = 848.90 feet – Top of concrete outside door
Door N8 = 848.88 feet – Top of concrete outside door
Door N9 = 848.89 feet – Top of concrete outside door
Door N10 = 848.90 feet – Top of concrete outside door
Door N11 = 848.89 feet – Top of concrete outside door
Door N12 = 848.80 feet – Top of concrete outside door
Door N13 = 848.84 feet – Top of concrete outside door
Door N14 = 848.85 feet – Top of concrete outside door
Door N15 = 848.91 feet – Metal threshold outside door
Door N16 = 848.82 feet – Top of concrete outside door
Door N17 = 848.84 feet – Top of concrete outside door
Door E18 = 848.81 feet – Top of concrete inside door
Door E19 = 848.91 feet – Top of concrete outside door
Door E20 = 848.90 feet – Top of concrete outside door
Door E21 = 848.91 feet – Top of concrete outside door
Door E22 = 848.89 feet – Top of concrete outside door
Door E23 = 848.93 feet – Top of carpet inside door
Door S24 = 848.88 feet – Top of concrete outside door
Door S25 = 848.91 feet – Top of concrete outside door
Door S26 = 848.81 feet – Top of concrete outside door

SURVEY CONTROL STATIONS

STA	NORTHING	EASTING	ELEVATION
1001	202984.265	521620.676	845.55
1002	202701.823	522040.878	846.26
1003	202847.435	521767.630	847.24
1004	202795.597	522066.487	846.09
1005	202782.699	522302.537	845.21
1006	202914.029	522512.412	846.90
1007	202988.404	522696.379	845.85
1008	203257.478	522493.350	845.41
1009	203201.010	522286.868	848.35
1010	203442.859	522163.084	846.98
1011	203316.833	521879.484	847.82
1012	203443.005	522287.275	846.55

LEGEND

AIS	Denotes advertisement/info. sign
AGP	Denotes above ground pipe
BE	Denotes building entrance
BR	Denotes bike rack
CB	Denotes catch basin
CBX	Denotes communication box
CBOX	Denotes control box
CIP	Denotes cast iron pipe
CMH	Denotes communication manhole
COL	Denotes building column
CONC	Denotes concrete
EB	Denotes electric box
EM	Denotes electric meter
EMH	Denotes electric manhole
EO	Denotes electric outlet
DIP	Denotes ductile iron pipe
FH	Denotes fire hookup
FOL	Denotes fiber optic line
FP	Denotes flag pole
FW	Denotes face of walk top
G	Denotes gutter
GAS V	Denotes gas valve
GM	Denotes gas meter
GP	Denotes guard post
GW	Denotes guy wire
HCR	Denotes handicap ramp
HCS	Denotes handicap sign
HH	Denotes hand hole
HHC	Denotes communication hand hole
HHE	Denotes electric hand hole
HHF	Denotes fiber optic hand hole
HYD	Denotes fire hydrant
INV	Denotes structure invert
LA	Denotes landscaped area
LP	Denotes light pole
MC	Denotes metal cover
OD	Denotes overhead door
OHE	Denotes overhead electric
OPC	Denotes outdoor power center
(P)	Denotes structure per plan
PEP	Denotes polyethethylene pipe
PIV	Denotes post indicator valve
PKS	Denotes parking sign
PP	Denotes power pole
PPLP	Denotes power pole and lamp pole
PPT	Denotes power pole and transformer
PPU	Denotes power pole with underground electric
PVC	Denotes polyvinyl chloride pipe
RC	Denotes ribbon curb
RCP	Denotes reinforced concrete pipe
RD	Denotes roof drain
SAN	Denotes sanitary manhole
SAN S	Denotes sanitary sewer
SMH	Denotes storm manhole
ST S	Denotes storm sewer
STC	Denotes top of surmountable curb
TAD	Denotes truncated dome
TC	Denotes top of concrete curb
TCS	Denotes traffic control sign
TL	Denotes traffic light
TPIT	Denotes test pit
TRANS	Denotes transformer box
UGC	Denotes underground communication line
UGE	Denotes underground electric line
VCP	Denotes vitrified clay pipe
VP	Denotes vent pipe
W	Denotes water line
WV	Denotes water valve
BAS	Denotes Basswood tree
CRAB	Denotes Crabapple tree
LOC	Denotes Locust tree
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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 25th day of May, 2018

SUNDE LAND SURVEYING, LLC.

By: Arlee J. Colson
Arlee J. Colson, P.L.S. Minn. Lic. No. 44900

Revision	By	Date
	MTS	

Drawing Title:
PARTIAL BOUNDARY, LOCATION, TOPOGRAPHIC and UTILITY SURVEY FOR:
ISD #286
BROOKLYN CENTER HIGH SCHOOL

SUNDE LAND SURVEYING
www.sunde.com
Main Office:
9001 East Bloomington Freeway (35W) - Suite 118
Bloomington, Minnesota 55420-3435
952-881-2455 (Fax: 952-888-9526)

Project: 2011-132-A	Bk/Pg: 1032/11
Township: 119 Range: 21 Section: 36	Date: 5/25/2018
File: 201132A001.dwg	Sheet: 1 of 2

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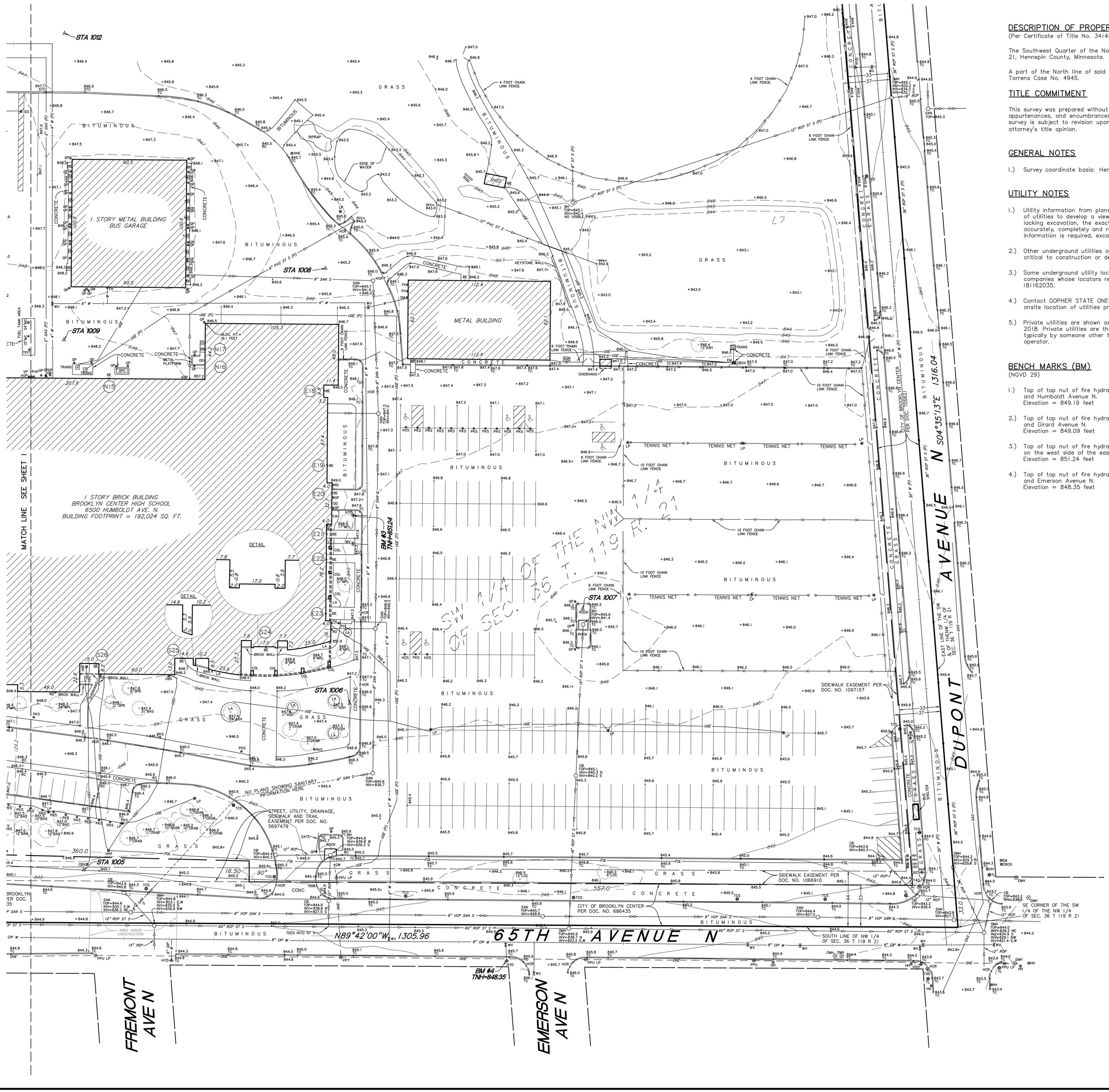
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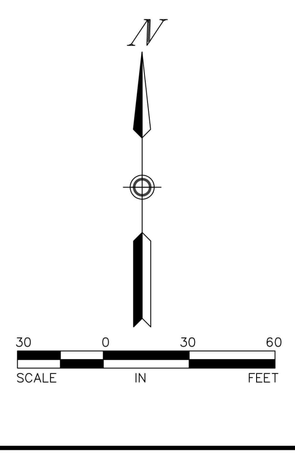
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Revision	By	Date
	MTS	

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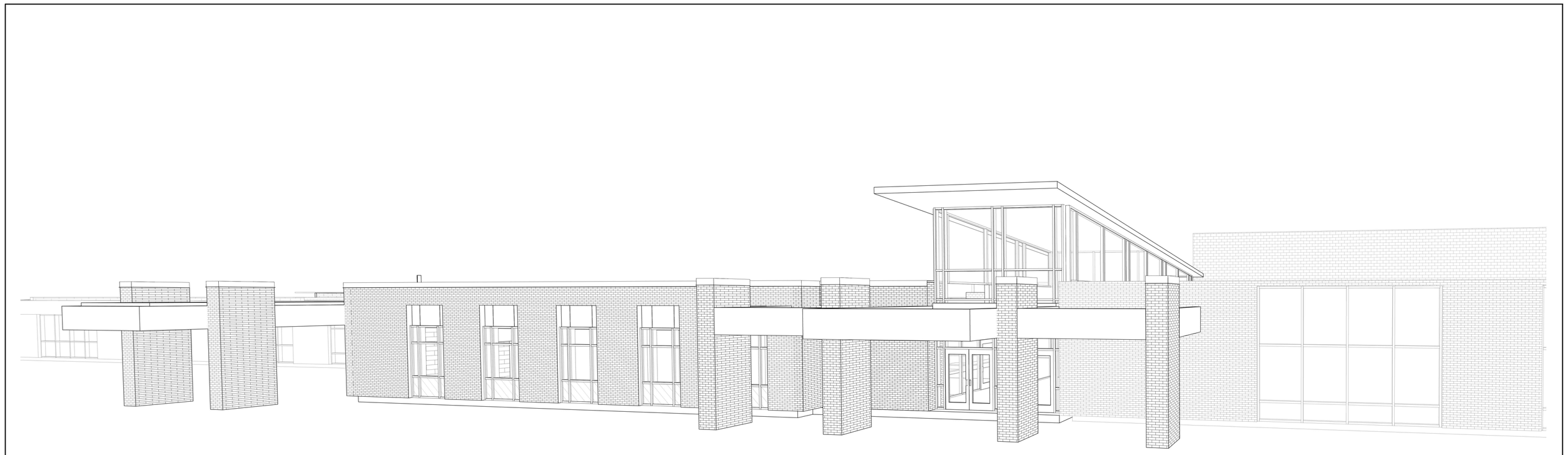
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Main Office:
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Bloomington, Minnesota 55420–3435
952–881–2455 (Fax: 952–888–9526)
www.sunde.com

Project: 2011-132-A Bk/Pg: 1032/11	Date: 5/25/2018
Township: 119 Range: 21 Section: 36	
File: 2011132A001.dwg	Sheet: 2 of 2

BROOKLYN CENTER ISD #286

MIDDLE SCHOOL & HIGH SCHOOL - ADDITION AND REMODELING

6500 HUMBOLDT AVENUE NORTH
BROOKLYN CENTER, MN 55430
SITE PLAN REVIEW SUBMITTAL
06/12/2018



INDEX TO DRAWINGS - VOLUME 1

SHEET INDEX - GENERAL

G-100.1	COVER SHEET - VOLUME 1
G-101	OVERALL CODE PLAN

SHEET INDEX - CIVIL

C-1.00	OVERALL SITE PLAN
C-1.01	DEMOLITION & SITE PLAN
C2.01	GRADING & EROSION CONTROL PLAN
C5.01	DETAILS
L1.01	LANDSCAPE PLAN

SHEET INDEX - ARCHITECTURAL

AP111	OVERALL FLOOR PLAN
AP111A	FIRST LEVEL FLOOR PLAN - AREA A
AP111B	FIRST LEVEL FLOOR PLAN - AREA B
AP111C	FIRST LEVEL FLOOR PLAN - AREA C
AP111D	FIRST LEVEL FLOOR PLAN - AREA D
AP111E	FIRST LEVEL FLOOR PLAN - AREA E
AP111F	FIRST LEVEL FLOOR PLAN - AREA F
AP111G	FIRST LEVEL FLOOR PLAN - AREA G
AP111H	FIRST LEVEL FLOOR PLAN - AREA H
AP121	SECOND LEVEL FLOOR PLANS - AREAS C, D, G
AR111	ROOF PLAN - AREA B
A-201	SOUTH EXTERIOR ELEVATIONS
A-205	PERSPECTIVE VIEWS
A-301	BUILDING SECTIONS

MOST COMMONLY USED ABBREVIATIONS

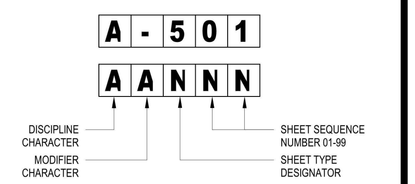
ABBREVIATIONS:

AB	ANCHOR BOLT/ROD
ABV	ABOVE
AC	ASPHALTIC CONCRETE/AIR CONDITIONER
ACC	ACCESSIBLE
ACM	ALUMINUM COMPOSITE MATERIAL
ACOUS	ACOUSTICAL
ADD	ADDENDUM
ADH	ADHESIVE
ADJ	ADJUSTABLE, ADJACENT, ADJOINING
AFF	ABOVE FINISH FLOOR
AFG	ABOVE FINISH GRADE
ALT	ALTERNATE
ALUM	ALUMINUM
APC	ACOUSTICAL PANEL CEILING
ARCH	ARCHITECT (URAL)
ASI	ARCHITECTURAL SUPPLEMENTAL INFORMATION
BD	BOARD
BEV	BEVELED
BFF	BELOW FINISH FLOOR
BL	BRICK LEDGE
BLDG	BUILDING
BLKG	BLOCK (ING)
BM	BEAM
BOT	BOTTOM
BO	BOTTOM OF
BOC	BOTTOM OF CONCRETE
BOF	BOTTOM OF FOOTING
BRG	BEARING
BRK	BRICK
BSMT	BASEMENT
BTWN	BETWEEN
BUR	BUILT-UP ROOFING
C	CHANNEL/CELSIUS
CAB	CABINET
CB	CERAMIC BASE
CD	CONSTRUCTION DOCUMENTS
CEM	CEMENT
CF	CUBIC FEET OR FOOT
CG	CORNER GUARD
CIPC	CAST-IN-PLACE CONCRETE
CJ	CONTROL/CONSTRUCTION JOINT
CL	CENTER LINE
CLG	CEILING
CLKG	CAULKING
CLR	CLEAR, CLEARANCE
CMU	CONCRETE MASONRY UNIT
CO	CHANGE ORDER/CLEAN OUT
COL	COLUMN
COMB	COMBIMATION
COMP	COMPOSITE/COMPOSITION
CONC	CONCRETE
CONN	CONNECT (ION)
CONST	CONSTRUCTION
CONT	CONTINUOUS, CONTINUE
CONTR	CONTRACT (OR)
COORD	COORDINATE
CORR	CORRUGATED/CORRIDOR
CPT	CARPET
CSMT	CASEMENT
CT	CERAMIC TILE
CTB	CARPET TILE BASE
CTR	CENTER
D	DEPTH
DBL	DOUBLE
DEMO	DEMOLITION, DEMOLISH
DEPT	DEPARTMENT
DET	DETAIL
DF	DRINKING FOUNTAIN
DFPT	DRYFALL PAINT
DIA	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DIV	DIVIDE, DIVISION
DISP	DISPENSER
DN	DOWN
DR	DOOR
DS	DOWNSPOUT
DW	DISHWASHER
DWG	DRAWING (S)
DWR	DRAWER
DWTR	DUMBWAITER
(E)	EXISTING
E	EAST
EA	EACH
EF	EACH FACE
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
ELEV	ELEVATOR
ENL	ENLARGED
EMER	EMERGENCY
ENGR	ENGINEER
EOP	EDGE OF PAVEMENT
EPDM	ETHYLENE PROPYLENE DIENE MONOMER
EPS	EXPANDED POLYSTYRENE BOARD
EPT	EPOXY PAINT
EQ	EQUAL
EQUIP	EQUIPMENT
ES	EACH SIDE
EST	ESTIMATE
ETC	ETCETERA
ETR	EXISTING TO REMAIN
EW	EACH WAY
EXIST	EXISTING
EXC	EXCAVATE/EXCAVATION
EXH	EXHAUST
EXP	EXPANSION/EXPOSED
EXT	EXTERIOR
EWC	ELECTRIC WATER COOLER
EWS	EYE WASH AND SHOWER
FA	FIRE ALARM
FAB	FABRICATE/FABRICATION
FD	FLOOR DRAIN
FDC	FIRE DEPRATMENT CONNECTION
FDTN	FOUNDATION
FE	FIRE EXTINGUISHER
FEC	FIRE EXTINGUISHER CABINET
FF	FINISHED FLOOR
FFE	FINISH FLOOR ELEVATION
FIN	FINISH (ED)
FLOUR	FLOURESCENT
FLR	FLOOR (ING)
FO	FACE OF
FOC	FACE OF CONCRETE
FOM	FACE OF MASONRY
FOS	FACE OF STUD
FOF	FACE OF FINISH
FR	FIRE RESISTANT/FRAME
FRP	FIBERGLASS REINFORCED PANEL
FS	FLOOR SINK
FT	FOOT, FEET/FIRE TREATED
FTG	FOOTING
FURR	FURRING
FUT	FUTURE
GA	GAGE, GAUGE
GB	GRAB BAR
GC	GENERAL CONTRACTOR
GALV	GALVANIZED
GI	GALVANIZED IRON
GL	GLASS
GLU LAM	GLUE LAMINATED (BEAM)
GWB	GYPSUM WALL BOARD
GYP	GYPSUM
HB	HOSE BIB
HC	HANDICAP / HOLLOW CORE
HD	HEAVY DUTY
HDBD	HARDBOARD
HDR	HEADER
HDWD	HARDWOOD
HDWR	HARDWARE
HM	HOLLOW METAL
HORIZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
HSS	HOLLOW STRUCTURAL STEEL
HVAC	HEATING, VENTILATION, AIR-CONDITIONING
IBC	INTERNATIONAL BUILDING CODE
ID	INSIDE DIAMETER/DIMENISON
IN	INCH(ES)
INCL	INCLUDE (D), INCLUDING
INFO	INFORMATION
INSP	INSPECTION
INSTR	INSTRUCTION(S)
INSUL	INSULATE (D), INSULATION
INT	INTERIOR
JAN	JANITOR
JST	JOIST
JT	JOINT
KCJ	KEYED CONSTRUCTION JOINT
KO	KNOCK OUT
L	LENGTH / ANGLE
LAB	LABORATORY
LAM	LAMINATE (ED)
LAV	LAVATORY
LB	POUND
LF	LINEAR FEET
LH	LEFT HAND
LKR	LOCKER
LOC	LOCATION
LONG	LONGITUDINAL
LT	LIGHT
LVR	LOUVER
LVT	LUXURY VNYL TILE
MBC	MINNESOTA BUILDING CODE
MAS	MASONRY
MATL	MATERIAL
MAX	MAXIMUM
MC	MEDICINE CABINET
MECH	MECHANICAL
MEMB	MEMBRANE
MEZZ	MEZZANINE
MFR	MANUFACTURE (R)
MIN	MINIMUM
MISC	MISCELLANEOUS
MO	MASONRY OPENING
MR	MIRROR
MTL	METAL
(N)	NEW
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO	NUMBER
NOM	NOMINAL
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
OFCI	OWNER FURNISHED / CONTRACTOR INSTALLED
OFOI	OWNER FURNISHED / OWNER INSTALLED
OH	OVERHEAD
OPP	OPPOSITE
OPG	OPENING
ORIG	ORIGINAL
ORD	OVERFLOW ROOF DRAIN
OZ	OUNCE
PAR	PARALLEL
PCF	POUNDS PER CUBIC FOOT
PED	PEDESTAL
PERF	PERFORATED
PERP	PERPENDICULAR
PL	PLATE
PLAM	PLASTIC LAMINATE
PLYWD	PLYWOOD
PNL	PANEL
PR	PAIR/PROPOSAL REQUEST
PRCST	PRECAST CONCRETE
PREFAB	PREFABRICATE
PSI	POUNDS PER SQUARE INCH
PSF	POUNDS PER SQUARE FOOT
PT	PAINT / PRESSURE TREATED
PTD	PAPER TOWEL DISPENSER
PTN	PARTITION
PTR	PAPER TOWEL RECEPTACLE
PVC	POLYVINYL CHLORIDE
QT	QUARRY TILE
R	RADIUS/RISER
RB	RUBBER BASE
RBR	RUBBER
RCP	REFLECTED CEILING PLAN
RD	ROOF DRAIN
REBAR	REINFORCING BAR
REC	RECESSED
REF	REFERENCE/REFRIGERATOR
REINF	REINFORCE (D), (ING), (MENT)
REQ	REQUIRE
REQD	REQUIRED
RES	RESILIANT FLOORING
RET	RETURN
REV	REVISION (S), REVISED
RFI	REQUEST FOR INFORMATION
RFP	REQUEST FOR PROPOSAL
RH	RIGHT HAND
RL	RIDGE LINE
RM	ROOM
RO	ROUGH OPENING
ROW	RIGHT OF WAY
RVS	REVERSE (SIDE)
RWL	RAIN WATER LEADERS/SOUTH
SB	SPLASH BLOCK
SC	SOLID CORE
SCHED	SCHEDULE
SCR	SHOWER CURTAIN ROD
SCT	SECTION
SD	SOAP DISPENSER
SF	SQUARE FOOT
SHT	SHEET
SHTHG	SHEATHING
SIM	SIMILAR
SLDG	SLIDING
SLNT	SEALANT
SND	SANITARY NAPKIN DISPENSER
SNDU	SANITARY NAPKIN DISPOSAL UNIT
SOG	SLAB ON GRADE
SPEC	SPECIFICATION (S)
SQ	SQUARE
SSM	SOLID SURFACE MATERIAL
SST	STAINLESS STEEL
ST	STREET
STC	SOUND TRANSMISSION CLASS
STD	STANDARD
STL	STEEL
STOR	STORAGE
STRUCT	STRUCTURAL
SUSP	SUSPENDED
SV	SHEET VINYL
SW	SHEARWALL
SYM	SYMMETRICAL
T	TREAD
T&B	TOP AND BOTTOM
T&G	TONGUE AND GROOVE
TB	TOWEL BAR
TBD	TO BE DETERMINED
TEMP	TEMPORARY/TEMPERED
TER	TERRAZZO
THD	THREAD (ED) (S)
THK	THICKNESS
THRU	THROUGH
TKBD	TACKBOARD
TL	TILE
TO	TOP OF
TOB	TOP OF BEAM
TOC	TOP OF CONCRETE/CURB
TOD	TOP OF DECK
TOF	TOP OF FOOTING (FOUNDATION)
TOP	TOP OF PIER
TOJ	TOP OF JOIST
TOS	TOP OF SLAB/STEEL
TOW	TOP OF WALL
TPD	TOILET PAPER DISPENSER
TPO	THERMOPLATIC POLYOLEFIN
TPTN	TOILET PARTITION
TRANS	TRANSVERSE
TS	TUBE STEEL
TYP	TYPICAL
UG	UNDERGROUND
UH	UNIT HEATER
UNFN	UNFINISHED
UNO	UNLESS NOTED OTHERWISE
UTIL	UTILITY
V	SHEAR
VAR	VARIES
VB	VAPOR BARRIER / VINYL BASE
VCT	VINYL COMPOSITION TILE
VERT	VERTICAL
VEST	VESTIBULE
VIF	VARIFY IN FIELD
VR	VAPOR RETARDER
VWB	VINYL WALL BASE
VWC	VINYL WALL COVERING
W	WEST/WIDTH
W/	WITH
W/O	WITHOUT
WA	WEDGE ANCHOR
WB	WOOD BASE
WC	WATER CLOSET
WD	WOOD/WOODWORK
WDW	WINDOW
WF (W)	WIDE FLANGE
WG	WALL GUARD
WH	WATER HEATER
WI	WROUGHT IRON
WL	WIND LOAD
WP	WATERPROOF (ING)
WR	WATER RESISTANT
WSCT	WAINSCOT
WT	WEIGHT/WINDOW TREATMENT
WWF	WELDED WIRE FABRIC

SYMBOLS USED AS ABBREVIATIONS:

&	AND
L	ANGLE
LL	DOUBLE ANGLE
@	AT
¢	PENNEY
#	POUND OR NUMBER
Ø	ROUND OR DIAMETER

SHEET IDENTIFICATION



DISCIPLINE CHARACTERS

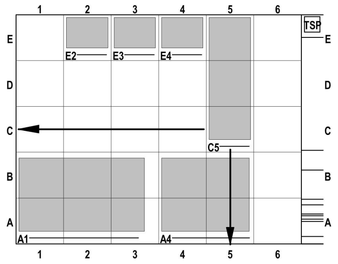
G	GENERAL
H	HAZARDOUS
C	CIVIL
L	LANDSCAPE
S	STRUCTURAL
A	ARCHITECTURAL
I	INTERIOR
P	PLUMBING
M	MECHANICAL
E	ELECTRICAL
T	TELECOMMUNICATIONS
R	RESOURCE

TYPICAL MODIFIER CHARACTERS

B	SUBSTRUCTURES
C	CEILING/CHEMICALS
D	DEMOLITION
E	ELEMENTS
F	FRAMING/FURNISHINGS
G	GRAPHICS/GRADING
H	HVAC
I	INFORMATION/IMPROVEMENTS
L	LIGHTING
N	FINISHES
P	PLAN/PIPING/POWER/PAVING/PLANTING
Q	EQUIPMENT
S	SITE
T	TECHNOLOGY/TRANSPORTATION
U	UTILITIES

SHEET TYPE DESIGNATORS

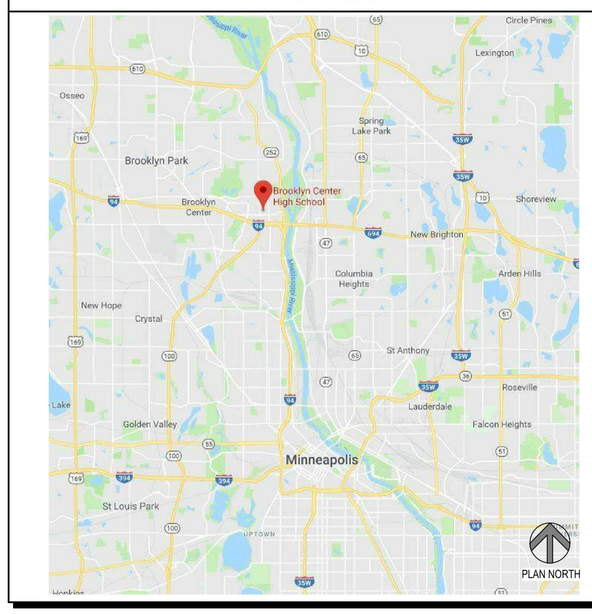
0	GENERAL (SYMBOLS LEGEND, NOTES, ETC)
1	PLANS (HORIZONTAL VIEWS)
2	ELEVATIONS (VERTICAL VIEWS)
3	SECTIONS (SECTIONAL VIEWS)
4	LARGE SCALE VIEWS
5	DETAILS
6	SCHEDULES AND DIAGRAMS
7	USER DEFINED
8	USER DEFINED
9	3D REPRESENTATIONS (ISO, PERSP, PHOTOS)



DESIGN TEAM

TITLE/DISCIPLINE	NAME/CONTACT	COMPANY	PHONE	E-MAIL
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ELECTRICAL ENGINEER	KELLI OSTERLOO	TSP, Inc.	307.672.6496	osterlooka@teamtsp.com

VICINITY MAP



TSP

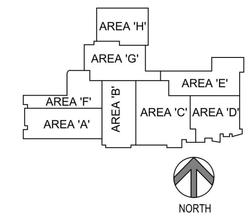
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ARCHITECT

I Hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Print Name: Robert R. Collins

Signature: Robert R Collins

Date: 06/12/2018 License # 53244

PROJECT TITLE

BROOKLYN CENTER ISD #286 MIDDLE SCHOOL & HIGH SCHOOL - ADDITION AND REMODELING

6500 HUMBOLDT AVENUE NORTH BROOKLYN CENTER, MN 55430

ISSUES

MARK	DATE	DESCRIPTION

ISSUE DATE 06/12/2018	DRAWN BY ---
PROJECT # 05161256.2	CHECKED BY ---

SHEET TITLE

COVER SHEET - VOLUME 1

SHEET NUMBER

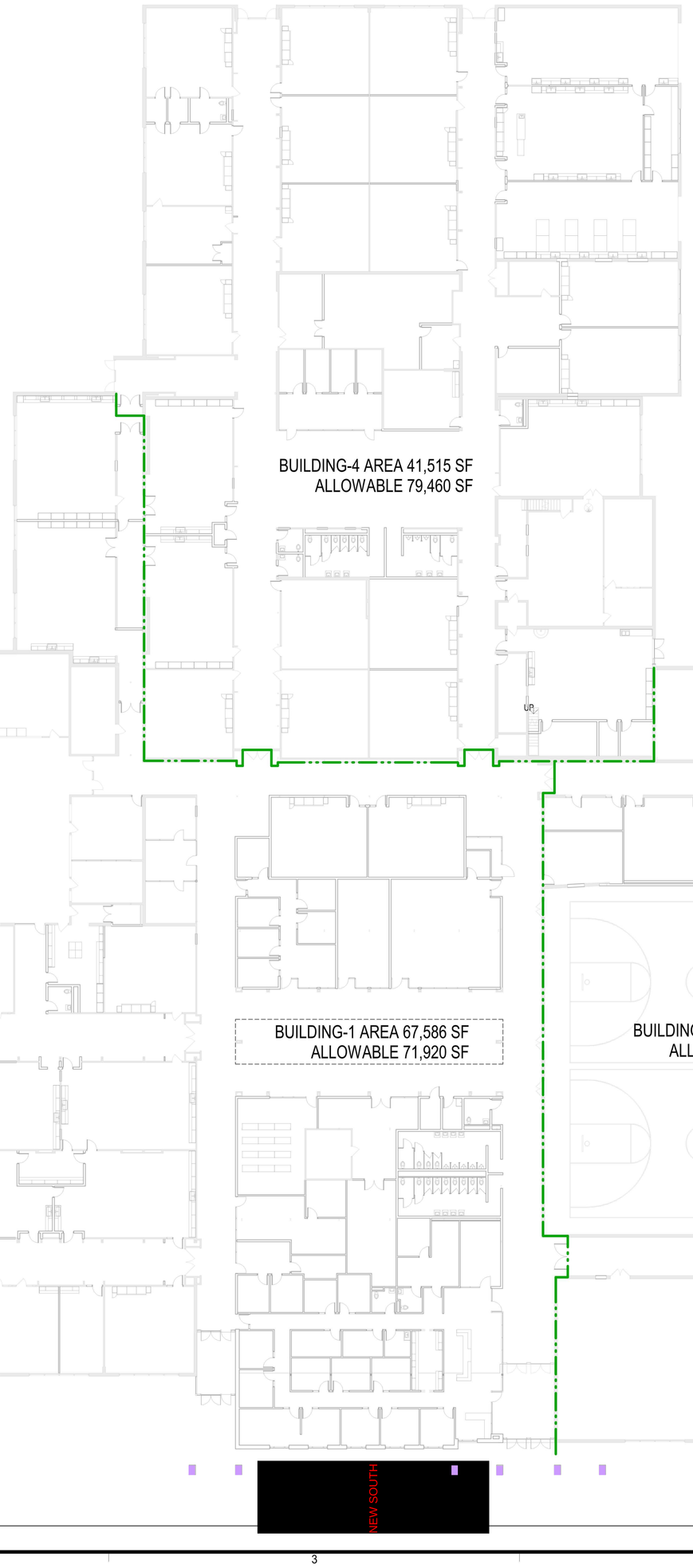
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SITE PLAN REVIEW SUBMITTAL

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LISTED DRAWINGS SCALE(S) UNLESS REDUCED FROM ORIGINAL 30 x 42 FORMAT

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FIRST LEVEL CODE PLAN
SCALE: 3/64" = 1'-0"

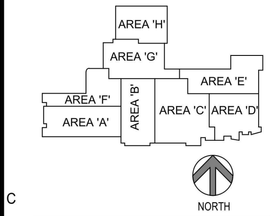
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ARCHITECT

I Hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Print Name: Robert R. Collins
Signature: Robert R Collins
Date: 06/12/2018 License # 53244

PROJECT TITLE

BROOKLYN CENTER ISD #286 MIDDLE SCHOOL & HIGH SCHOOL - ADDITION AND REMODELING

6500 HUMBOLDT AVENUE NORTH BROOKLYN CENTER, MN 55430

ISSUES

??	MM/DD/YYYY	REVISION 1
MARK	DATE	DESCRIPTION

ISSUE DATE: 06/12/2018	DRAWN BY: Author
PROJECT #: 05161256.2	CHECKED BY: Checker

SHEET TITLE

OVERALL CODE PLAN

SHEET NUMBER

G-101

SITE PLAN REVIEW SUBMITTAL

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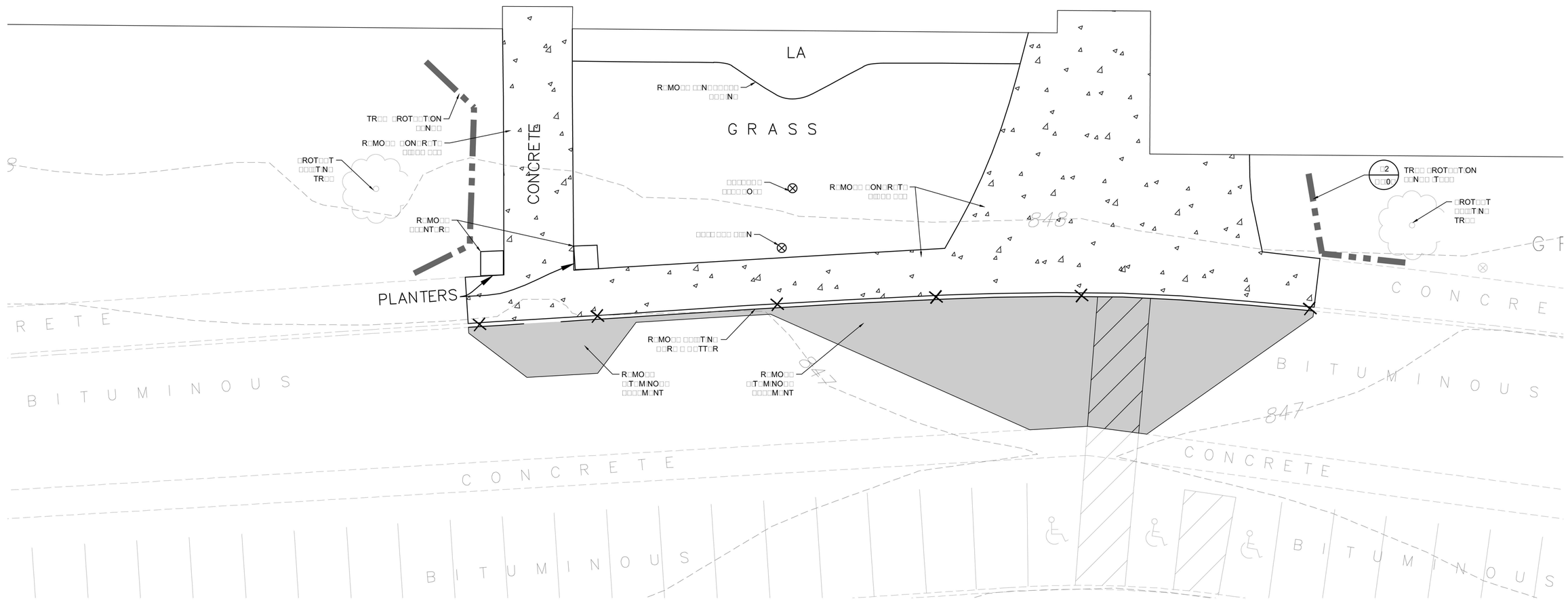
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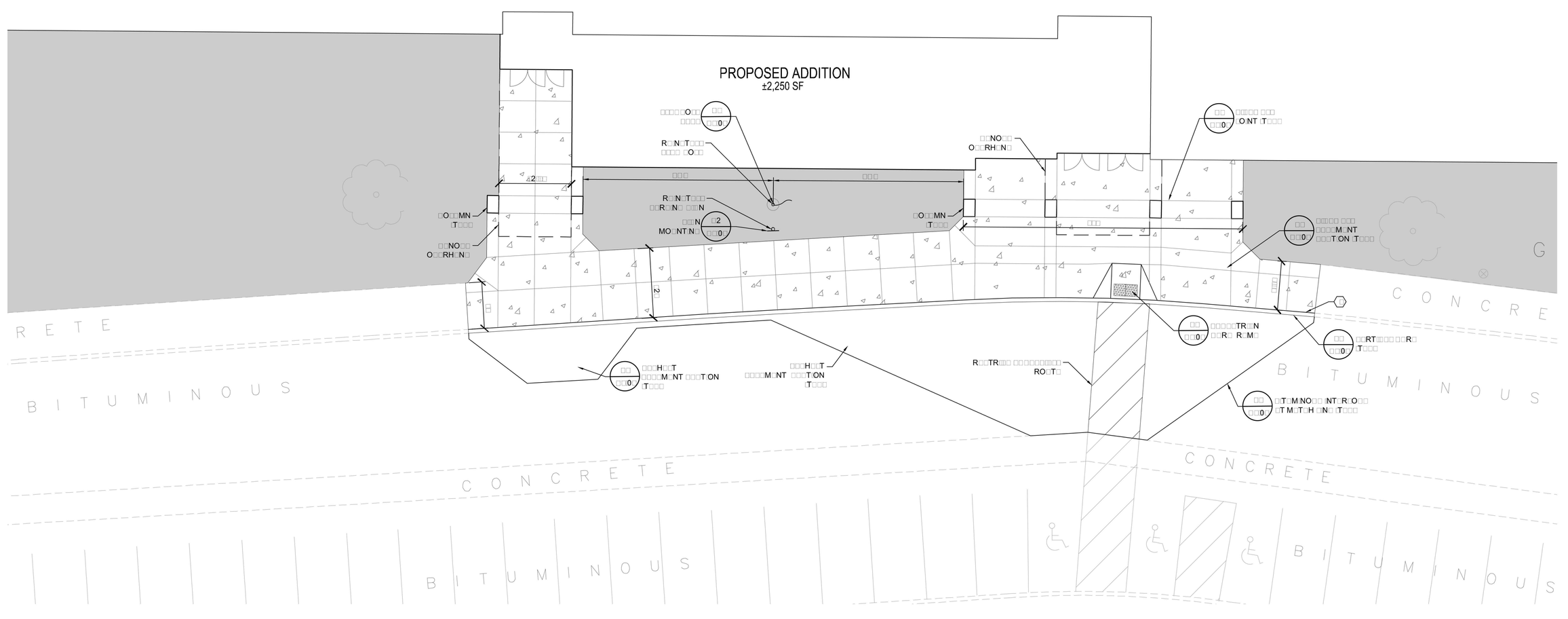
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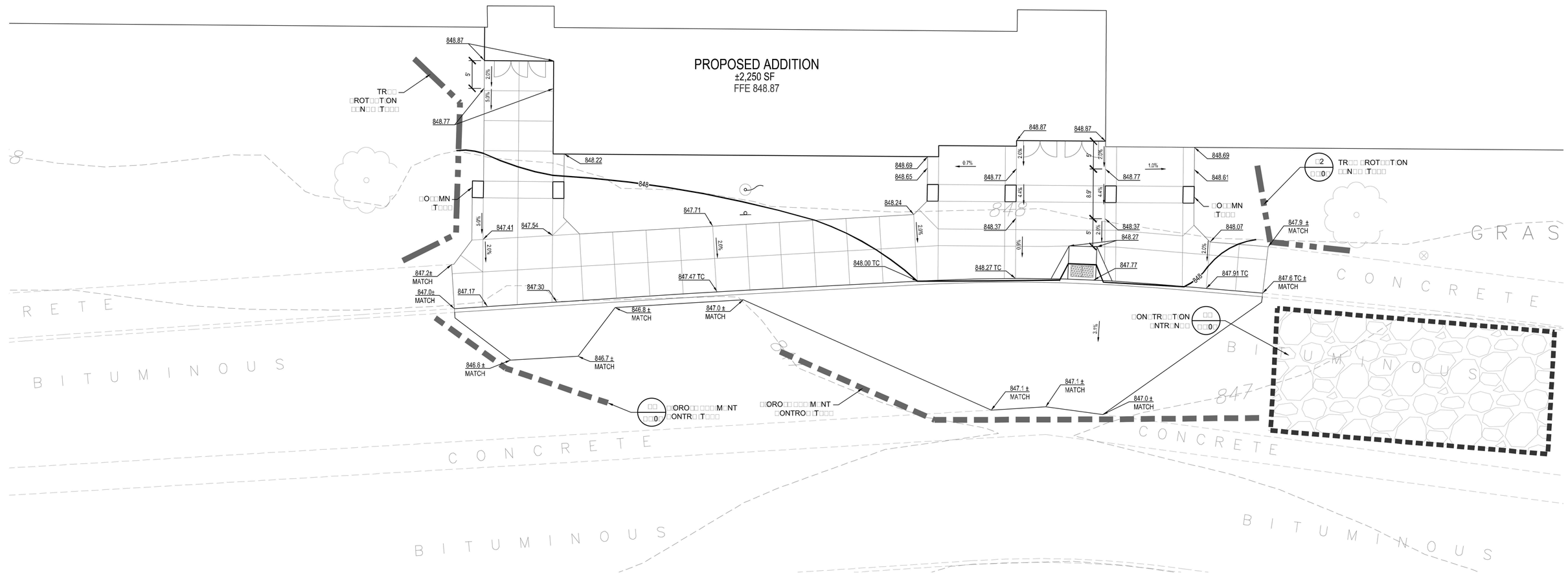
□" = □'-□"

EXISTING BROOKLYN CENTER SECONDARY SCHOOL
192,024 SF


PROPOSED ADDITION
±2,250 SF
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EXISTING BROOKLYN CENTER SECONDARY SCHOOL
192,024 SF
FFE 848.87

PROPOSED ADDITION
±2,250 SF
FFE 848.87



1 EROSION CONTROL DETAIL
SCALE: 1" = 10'-0"

EROSION CONTROL LEGEND

TRANSITION ROTATION LINE

ORDINARY MAINTENANCE CONTROL

GRADING & EROSION CONTROL NOTES

1. CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND SHALL MAINTAIN THEM IN PROPER WORKING CONDITION UNTIL CONSTRUCTION IS COMPLETED AND VEGETATION IS ESTABLISHED.

2. REFER TO THE SPECIFICATIONS FOR ADDITIONAL EROSION CONTROL REQUIREMENTS.

3. THE CONTRACTOR SHALL PROTECT ADJACENT PROPERTIES DURING GRADING AND CONSTRUCTION OPERATIONS. ANY SEDIMENT DEPOSITED ON ADJACENT PROPERTIES SHALL BE REMOVED IMMEDIATELY.

4. CONTRACTOR SHALL CONFINE CONSTRUCTION ACTIVITIES TO WITHIN THE PROJECT LIMITS SHOWN ON THE PLANS.

5. CONTRACTOR SHALL MINIMIZE THE AREA OF DISTURBANCE AT ANY ONE TIME.

6. CONTRACTOR SHALL PROTECT ALL STORM SEWER INLETS AND MANHOLES IN THE VICINITY OF THE SITE DURING CONSTRUCTION UNTIL SEDIMENT CONTROL DEVICES ARE REMOVED AND DISPOSED OF.

7. ALL DISTURBED AREAS SHALL BE RESTORED WITH SOD OR SEED AND MULCH AS SOON AS POSSIBLE AFTER GRADING IS COMPLETED.

8. CONTRACTOR SHALL MAINTAIN ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES FOR THE DURATION OF THE CONTRACT OR UNTIL TURF IS ESTABLISHED.

9. CONTRACTOR SHALL REMOVE ALL SEDIMENT FROM PAVED SURFACES DAILY.

10. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES IN ACCORDANCE WITH THE MINNESOTA POLLUTION CONTROL AGENCY'S NPDES PERMIT REQUIREMENTS.

NPDES AREA SUMMARY

	EXISTING	PROPOSED
IMPERVIOUS		
BUILDING	0 SF (0.00 AC)	2,250 SF (0.05 AC)
PAVEMENT	4,725 SF (0.11 AC)	4,527 SF (0.10 AC)
TOTAL IMPV	4,725 SF (0.11 AC)	6,777 SF (0.15 AC)
PERVIOUS	3,270 SF (0.07 AC)	1,218 SF (0.03 AC)
TOTAL*	7,995 SF (0.18 AC)	7,995 SF (0.18 AC)

*TABLE REPRESENTS DISTURBED AREA ONLY

Know what's below. Call before you dig.

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Civil Engineering | Landscape Architecture | Construction Services
901 N 3rd STREET, SUITE 120
MINNEAPOLIS, MN 55401
p 612.260.7980
f 612.260.7990 | www.elanlab.com

NOT FOR CONSTRUCTION

REGISTRATION NO. 22...

DATE 05.22.2018

PROJECT

BROOKLYN CENTER ISD #286 MIDDLE SCHOOL & HIGH SCHOOL - ADDITION AND REMODELING

6500 HUMBOLDT AVENUE NORTH BROOKLYN CENTER, MN 55430

DATE	DRAWN
06/12/2018	LTH
PROJECT	CHECKED
05161256.2	MJW

SHEET TITLE

GRADING & EROSION CONTROL PLAN

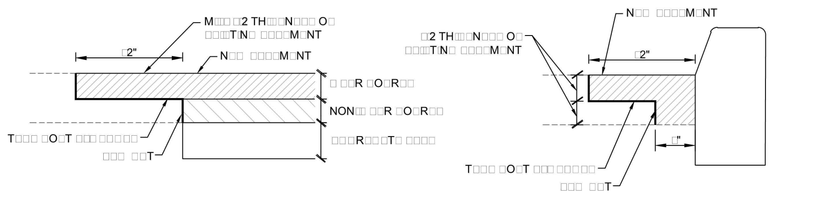
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SITE AND BUILDING PLAN REVIEW SUBMITTAL

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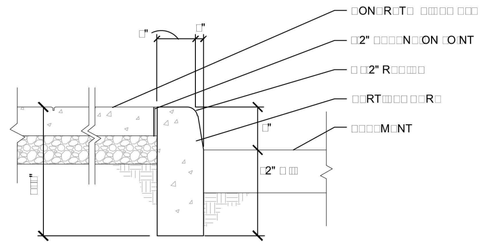


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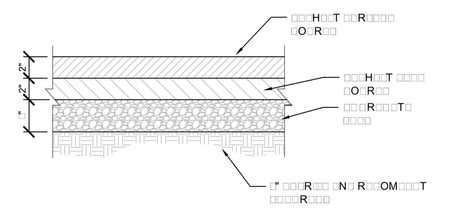
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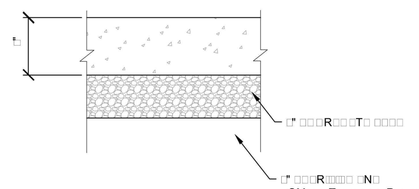
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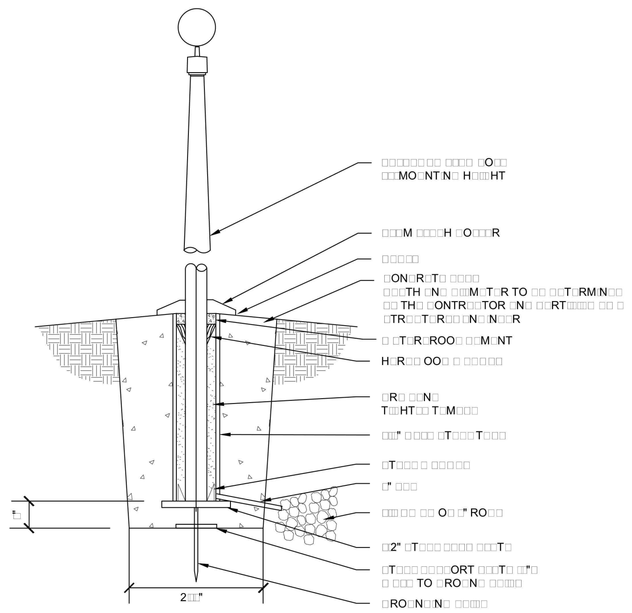
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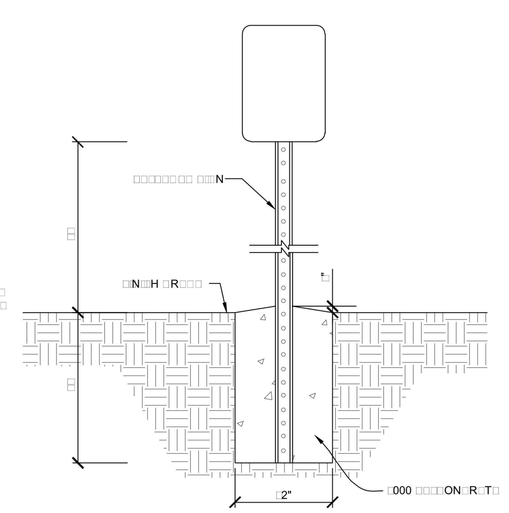
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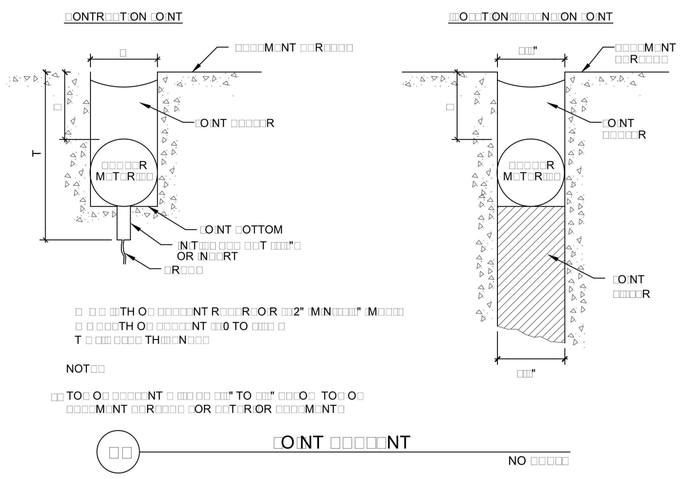
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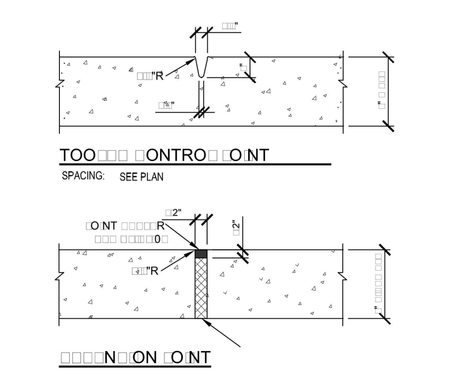
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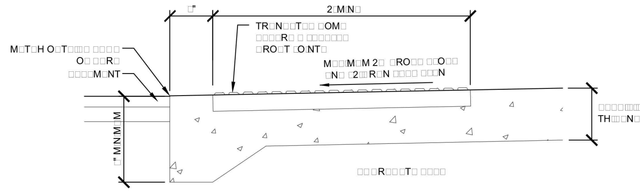
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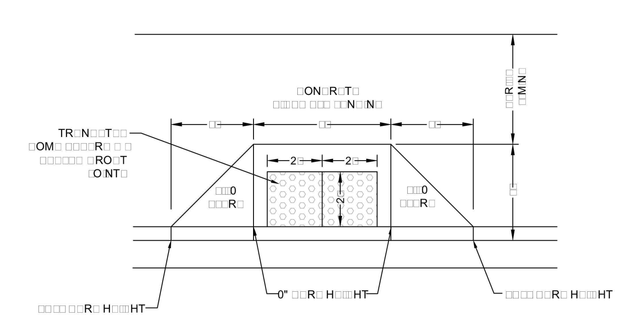
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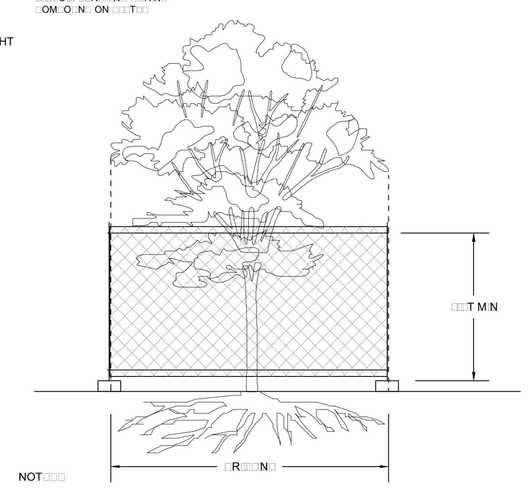




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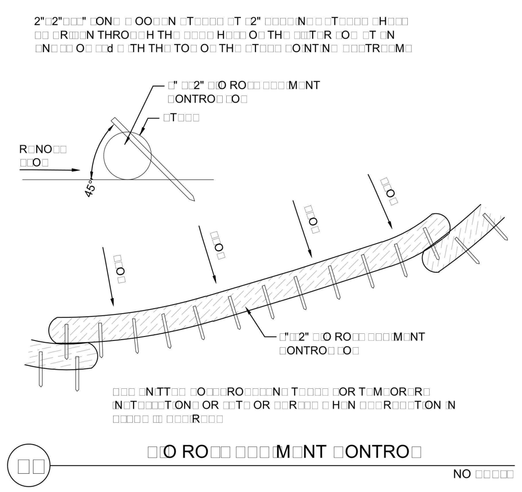

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MINNEAPOLIS, MN 55401
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PLANT SCHEDULE

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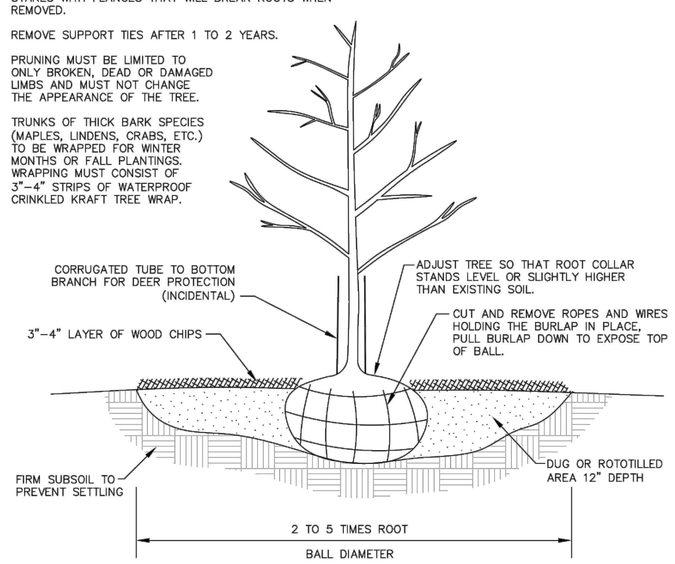
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LANDSCAPE NOTES

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINISHED GRADING AND POSITIVE SURFACE DRAINAGE IN ALL LANDSCAPE AREAS. LANDSCAPE CONTRACTOR MUST ENSURE THAT THE FINAL GRADES ARE MET AS SHOWN ON GRADING PLAN. IF ANY DISCREPANCIES ARE FOUND, IMMEDIATELY NOTIFY LANDSCAPE ARCHITECT FOR RESOLUTION.
2. ALL PLANT MATERIALS ARE TO CONFORM WITH STATE & LOCAL CONSTRUCTION STANDARDS AND THE CURRENT ADDITION OF THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS. ALL PLANT MATERIALS ARE TO BE HEALTHY, HARDY STOCK, AND FREE FROM ANY DISEASES, DAMAGE, AND DISFIGURATION.
3. QUANTITIES OF PLANTS LISTED ON THE PLAN ARE TO GOVERN ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN ON THE PLANT SCHEDULE AND PLAN. PLACE PLANTS IN PROPER SPACING FOLLOWING LAYOUT FIGURES.
4. TOPSOIL AND PLANTING SOIL TO BE AS INDICATED IN SPECIFICATIONS, FREE OF CHEMICAL CONTAMINANTS, DEBRIS, LARGE ROCKS GREATER THAN 1/2" DIAMETER, AND FRAGMENTS OF WOOD. SUBSOIL SHALL BE SCARIFIED TO A DEPTH OF 4" BEFORE PLANTING SOIL IS SPREAD.
5. SPREAD PLANTING SOIL AT MINIMUM EIGHTEEN (18) INCH DEEP IN ALL PLANTING BEDS PRIOR TO PLANTING. THOROUGHLY WATER TWICE TO FACILITATE CONSOLIDATION PRIOR TO PLANTING. DO NOT OVERLY COMPACT SOIL
6. SOD SHOWN ON LANDSCAPE PLAN TO BE INSTALLED BY LANDSCAPE CONTRACTOR. SOD TO BE MNDOT 3878.2A, DENSE, AND OF UNIFORM TEXTURE, FREE OF WEEDS AND DISEASE. APPLY MINIMUM SIX (6) INCHES OF SELECT TOPSOIL BORROW AND THOROUGHLY APPLY FERTILIZER TO BEFORE LAYING SOD. LANDSCAPE CONTRACTOR TO MAINTAIN SODDED AREAS IN HEALTHY CONDITION UNTIL FINALLY ACCEPTED.
7. MULCH TO BE SHREDDED HARDWOOD BARK MULCH, CONSISTED OF RAW WOOD MATERIAL FROM TIMBER AND BE A PRODUCT OF A MECHANICAL CHIPPER, HAMMER MILL, OR TUB GRINDER. THE MATERIAL SHALL BE SUBSTANTIALLY FREE OF MOLD, DIRT, SAWDUST, AND FOREIGN MATERIAL AND SHALL NOT BE IN AN ADVANCED STATE OF DECOMPOSITION. THE MATERIAL SHALL NOT CONTAIN CHIPPED UP MANUFACTURED BOARDS OR CHEMICALLY TREATED WOOD, INCLUDING, BUT NOT LIMITED TO, WATER BOARD, PARTICLE BOARD, AND CHROMATED COPPER ARSENATE (CCA) OR PENTA TREATED WOOD. THE MATERIAL SHALL BE TWICE-GROUND/ SHREDDED, SUCH THAT, NO INDIVIDUAL PIECE SHALL EXCEED 2 INCHES IN ANY DIMENSION.
8. APPLY THREE (3) INCH DEPTH OF SHREDDED HARDWOOD BARK MULCH IN FOUR (4) FOOT DIAMETER RING AROUND ALL TREES. NO ALUMINUM EDGING IS REQUIRED.
9. EDGE ALL SHRUB BEDS WITH 3/16"X 4" MILL FINISHED ALUMINUM EDGING WITH STAKES. ALL EDGING TO BE COMMERCIAL GRADE.
10. APPLY THREE (3) INCH DEPTH OF SHREDDED HARDWOOD BARK MULCH IN ALL SHRUB BED AREAS.
11. TREE PLANTING AND SHRUB AREAS SHALL BE IRRIGATED WITH AN UNDERGROUND IRRIGATION SYSTEM. NO WATER IS ALLOWED ON ANY PAVEMENT, PARKING, WALKWAY, AND BUILDING. THE IRRIGATION CONTRACTOR IS TO DESIGN AND SUBMIT SHOP DRAWING OF IRRIGATION DESIGN AND CALCULATIONS TO LANDSCAPE ARCHITECT FOR REVIEW 5 DAYS PRIOR TO PURCHASING AND INSTALLATION. IRRIGATION DESIGN IS TO MEET ALL CITY AND STATE PLUMBING CODES AND REQUIREMENTS.
12. FOLLOW LANDSCAPE DETAILS FOR ALL INSTALLATION, UNLESS OTHERWISE NOTED.
13. LANDSCAPE CONTRACTOR SHALL MAINTAIN PLANTS IN BOTH PRIVATE PROPERTY AND RIGHT-OF-WAY IN HEALTHY CONDITION THROUGHOUT WARRANTY PERIOD. MAINTENANCE SHALL INCLUDE: MULCHING, PRUNING, WATERING, AND REPLACING DEAD MATERIALS. THE WARRANTY PERIOD IS ONE FULL YEAR FROM DATE OF PROVISIONAL ACCEPTANCE UNTIL FINAL ACCEPTANCE. WARRANTY PERIOD FOR PLANT MATERIAL INSTALLED AFTER JUNE 1ST SHALL COMMENCE THE FOLLOWING YEAR.

NOTES:
- STAKES NOT TO BE USED UNLESS THE TRUNK EASILY WAIVERS 3"–5". IF STAKES ARE NEEDED, PLACE THE SUPPORT TIE 6" ABOVE THE POINT AS LOCATED WHICH THE TOP CAN STAND UP ON ITS OWN.
- THE SUPPORT TIE MUST BE A LOOSELY FITTED FIGURE 8 TIE MADE OF POLYETHYLENE, CLOTH OR WEBBED STRAP. USING TWO TIES MAY BE NECESSARY BUT ENSURE THERE IS ENOUGH SLACK TO ALLOW FOR SWAY.
- AVOID DRIVING STAKES THROUGH ROOT BALL OR USING STAKES WITH FLANGES THAT WILL BREAK ROOTS WHEN REMOVED.
- REMOVE SUPPORT TIES AFTER 1 TO 2 YEARS.
- PRUNING MUST BE LIMITED TO ONLY BROKEN, DEAD OR DAMAGED LIMBS AND MUST NOT CHANGE THE APPEARANCE OF THE TREE.
- TRUNKS OF THICK BARK SPECIES (MAPLES, LINDENS, CRABS, ETC.) TO BE WRAPPED FOR WINTER MONTHS OR FALL PLANTINGS. WRAPPING MUST CONSIST OF 3"–4" STRIPS OF WATERPROOF CRINKLED KRAFT TREE WRAP.



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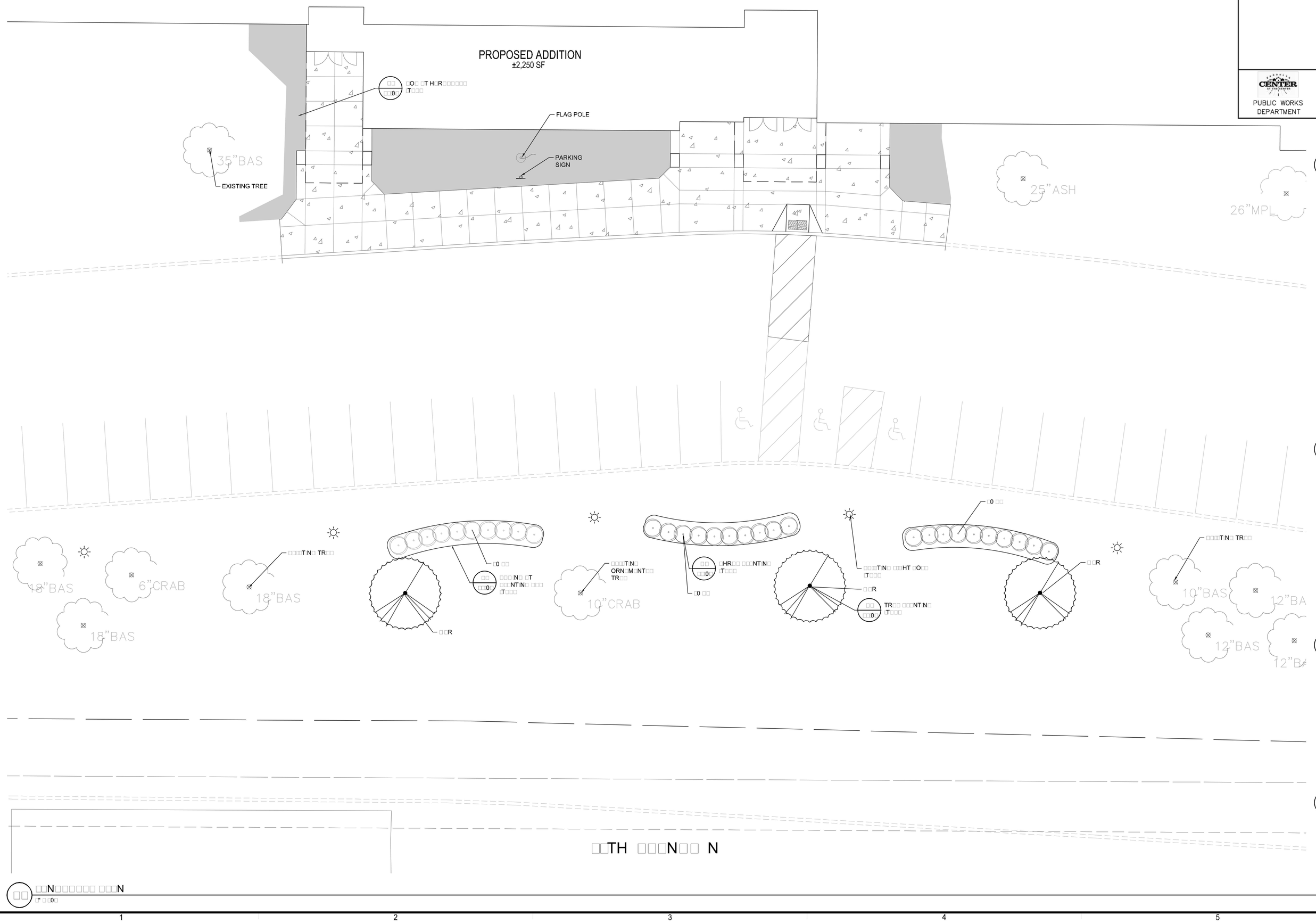
TREE PLANTING – BALLED AND BURLAPED — REV. 03/2018

APPROVED: CITY ENGINEER

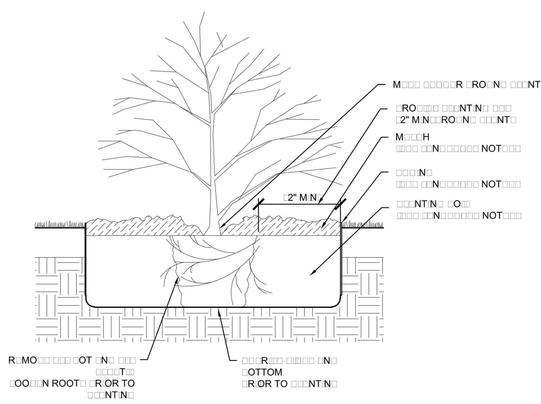
STANDARD PLATE 901

EXISTING BROOKLYN CENTER SECONDARY SCHOOL
192,024 SF

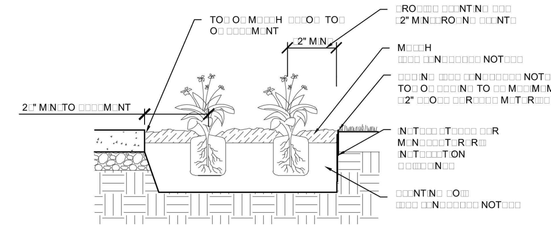
PROPOSED ADDITION
±2,250 SF



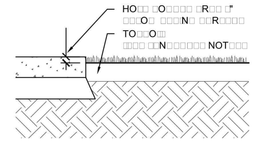
D5 — TREE PLANTING — NO SCALE



C5 — SHRUB PLANTING — NO SCALE



B5 — EDGING AT PLANTING BED — NO SCALE



A5 — SOD AT HARDSCAPE EDGE — NO SCALE

811 Know what's below. Call before you dig.

10 30 SCALE IN FEET

□□ □□N□□□□□□□ □□□N
□" □ □0□□

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p 612.260.7980
f 612.260.7990 www.elanlab.com

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THIS SHEET CONTAINS COLOR-CODED INFORMATION. THIS SHEET SHOULD BE PRINTED IN COLOR. TSP LOGO TO THE RIGHT SHOULD BE RED.

SHEET GENERAL NOTES: FLOOR PLAN

A. ALL PENETRATIONS THROUGH FIRE RATED WALLS SHALL COMPLY WITH THE BUILDING CODE AND NFPA.
B. PROVIDE BLOCKING AT PARTITIONS AS REQUIRED FOR MOUNTING OF FURNISHED AND NON-FURNISHED WALL MOUNTED ITEMS.
C. ALIGN FINISHED FACE OF CONTINUOUS PARTITIONS THAT CHANGE PARTITION TYPES ALONG A STRAIGHT RUN.
D. EDGE OF INTERIOR DOOR FRAMES TO BE 4" FROM ADJACENT WALL, UNLESS NOTED OTHERWISE.
E. REFER TO SHEET A-601 FOR DOOR SCHEDULE AND TYPES.
F. REFER TO SHEET A-602 FOR WINDOW TYPES.
G. ALL WALL DIMENSIONS ARE TO FACE OF GYPSUM BOARD, CMU, BRICK, OR CONCRETE; UNLESS NOTED OTHERWISE.
H. ALL WALLS ARE TO BE TYPE A3AS U.N.O.

KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN



FIRST LEVEL FLOOR PLAN - OVERALL
SCALE: 1" = 30'-0"

PLAN NORTH

FLOOR PLAN LEGEND

- NAME 101 — ROOM TAG
- 101B — DOOR TAG
- W1 — WINDOW TAG
- A1.A — WALL TAG
- XXX — EQUIPMENT TAG
- 1 — KEYNOTE TAG
- REV — REVISION TAG
- CJ — MASONRY CONTROL JOINT
- CJ — GYPSUM BOARD CONTROL JOINT
- FE — FIRE EXTINGUISHER
- FEC — FIRE EXTINGUISHER CABINET
- CR — CARD READER
- ELECTRICAL PANEL. REF ELECTRICAL PLANS
- 1 HR FIRE BARRIER. REF LIFE SAFETY PLANS
- 2 HR FIRE BARRIER. REF LIFE SAFETY PLANS

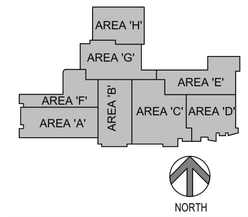
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Signature: Robert R Collins
Date: 06/12/2018 License # 53244

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6500 HUMBOLDT AVENUE NORTH
BROOKLYN CENTER, MN 55430

ISSUES

MARK	DATE	DESCRIPTION

ISSUE DATE 06/12/2018	DRAWN BY Author
PROJECT # 05161256.2	CHECKED BY RRC

SHEET TITLE

OVERALL FLOOR PLAN

SHEET NUMBER

AP111

SITE PLAN REVIEW SUBMITTAL

LISTED DRAWINGS SCALE(S) UNLESS REDUCED FROM ORIGINAL 30 x 42 FORMAT

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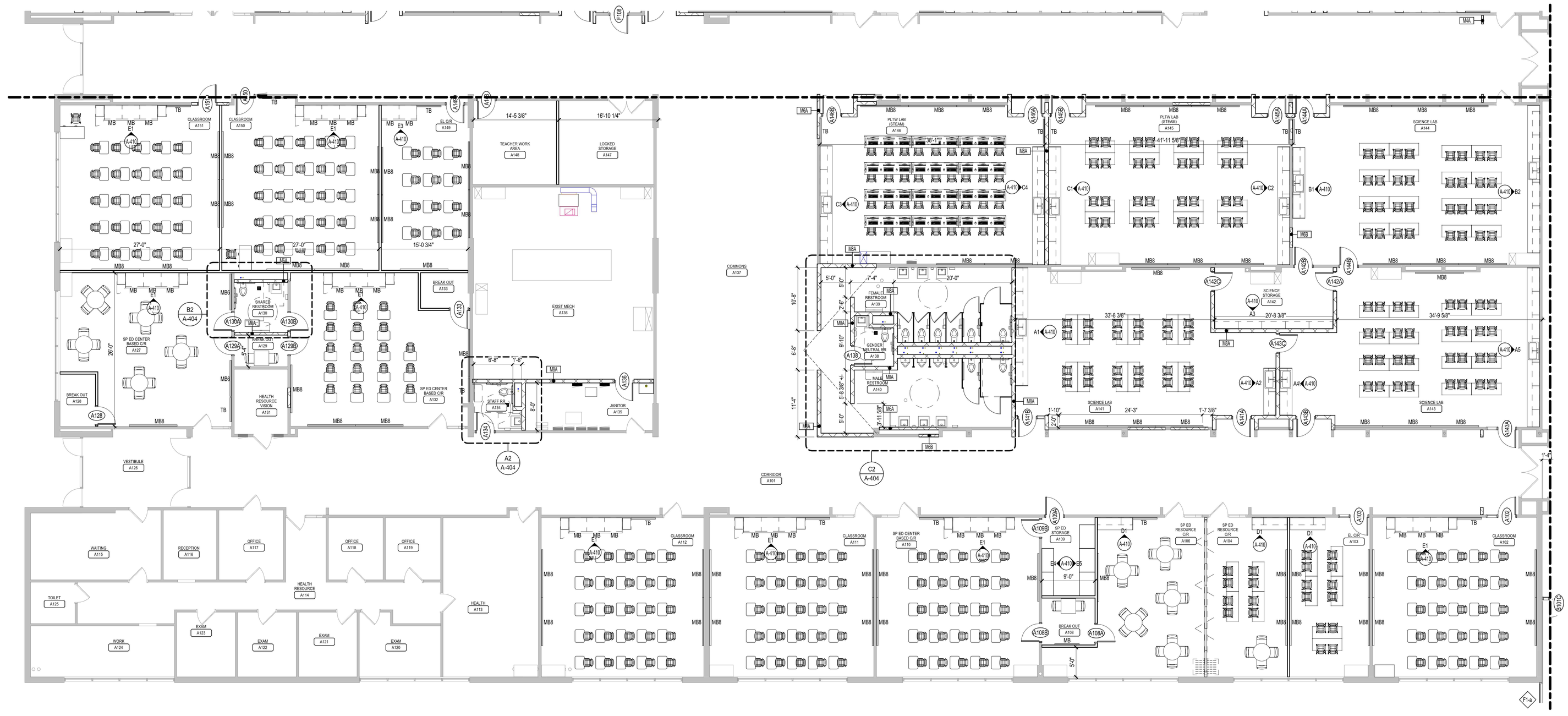
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KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

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A1 FIRST LEVEL FLOOR PLAN - AREA A
SCALE: 1/8" = 1'-0"

PLAN NORTH

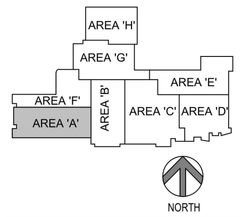
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ISSUES

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PROJECT # 05161256.2	CHECKED BY RRC

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FIRST LEVEL FLOOR PLAN - AREA A

SHEET NUMBER

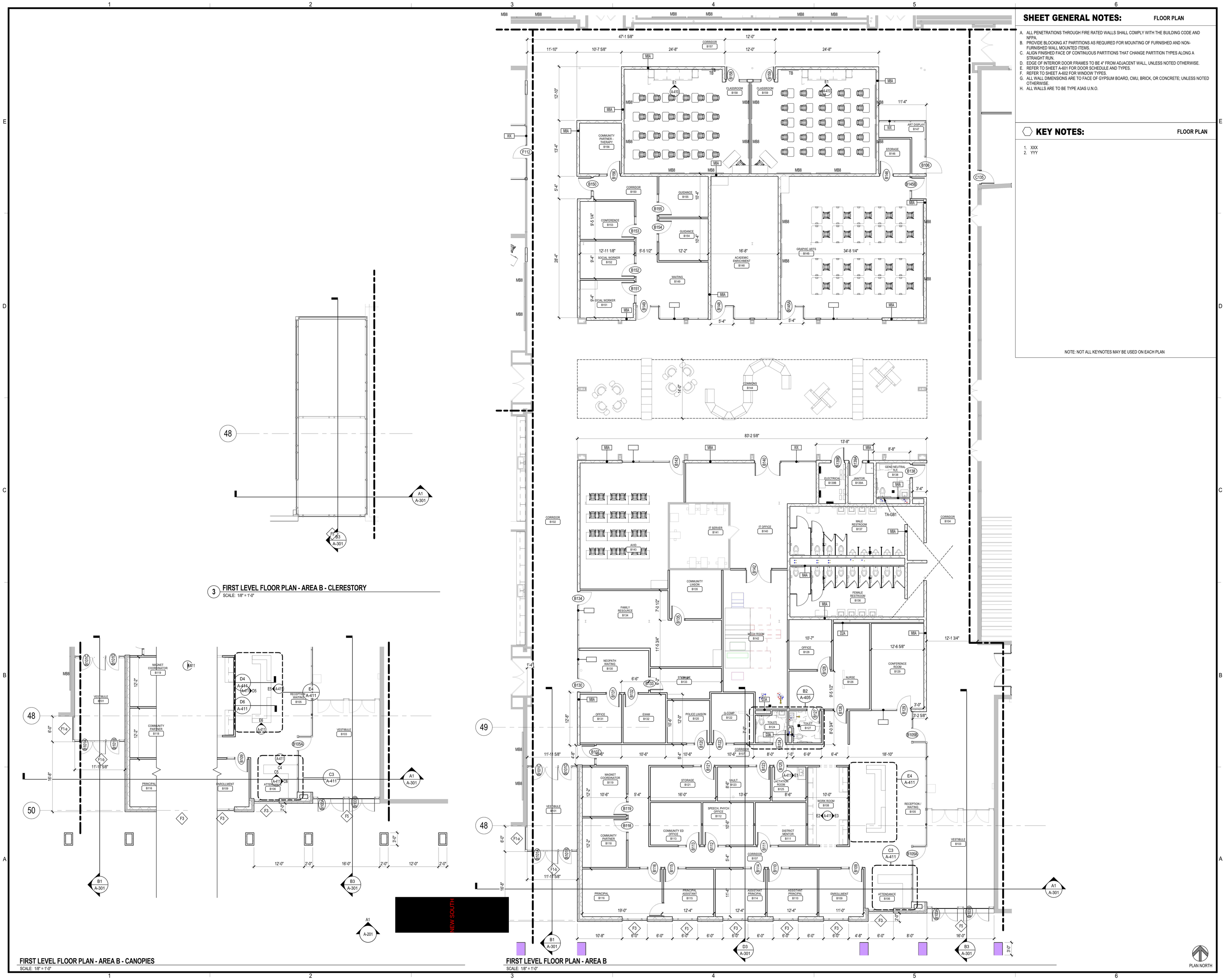
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6/12/2018 12:42:11 PM



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KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN

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AREA 'H'
AREA 'G'
AREA 'E'
AREA 'F'
AREA 'B'
AREA 'C'
AREA 'D'
AREA 'A'
NORTH

ARCHITECT

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ISSUES

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ISSUE DATE 06/12/2018		DRAWN BY Author
PROJECT # 05161256.2		CHECKED BY RRC

SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA B

SHEET NUMBER

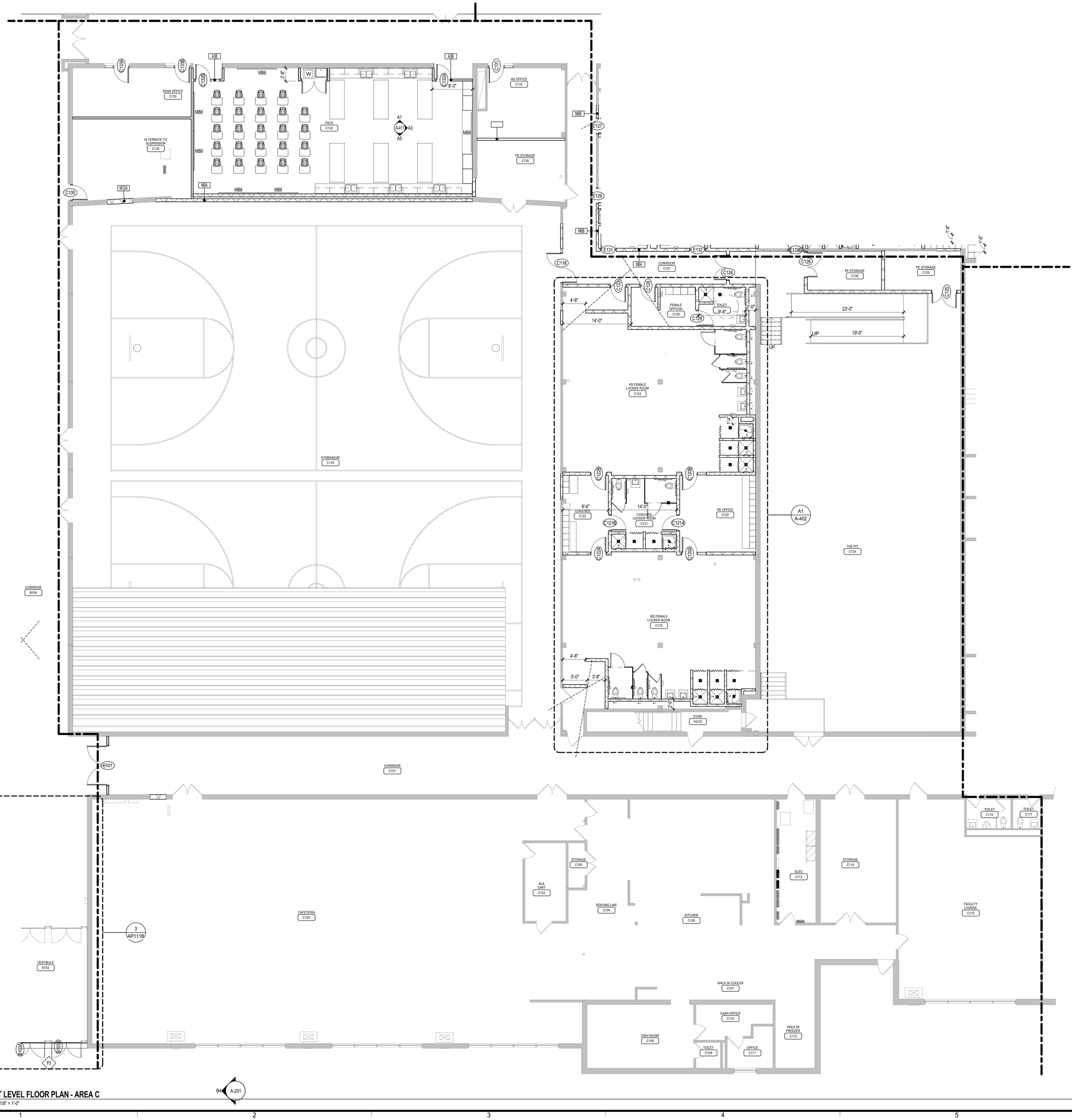
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KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN

FIRST LEVEL FLOOR PLAN - AREA C

SCALE: 1/8" = 1'-0"

PLAN NORTH

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AREA 'H' AREA 'G' AREA 'E' AREA 'F' AREA 'A' AREA 'B' AREA 'C' AREA 'D'
NORTH

ARCHITECT

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ISSUES

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PROJECT # 05161256.2	CHECKED BY RRC

SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA C

SHEET NUMBER

AP111C

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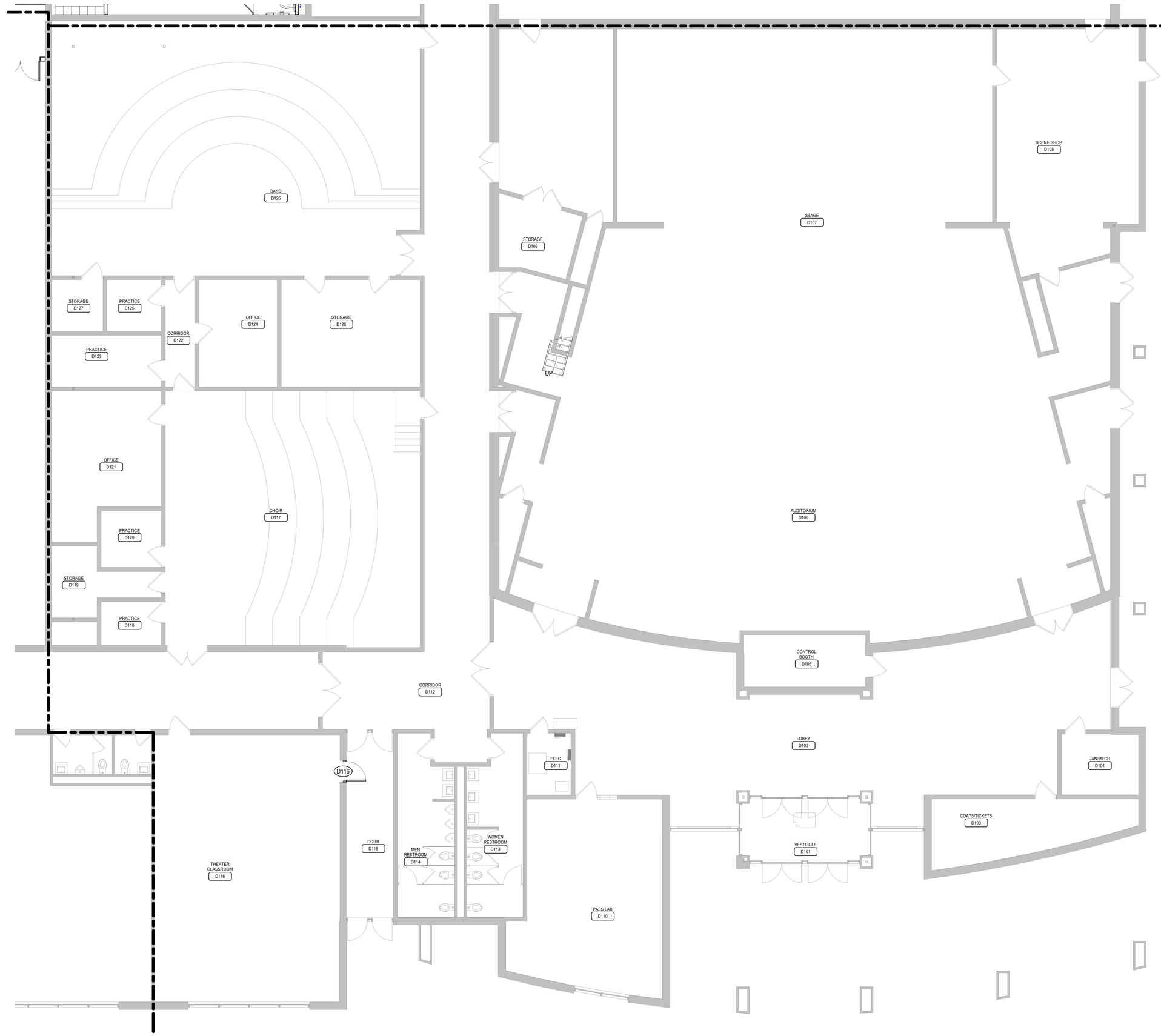
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KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN



FIRST LEVEL FLOOR PLAN - AREA D
SCALE: 1/8" = 1'-0"

PLAN NORTH

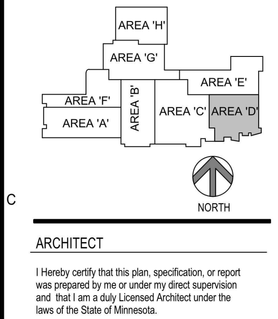
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ISSUES

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SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA D

SHEET NUMBER

AP111D

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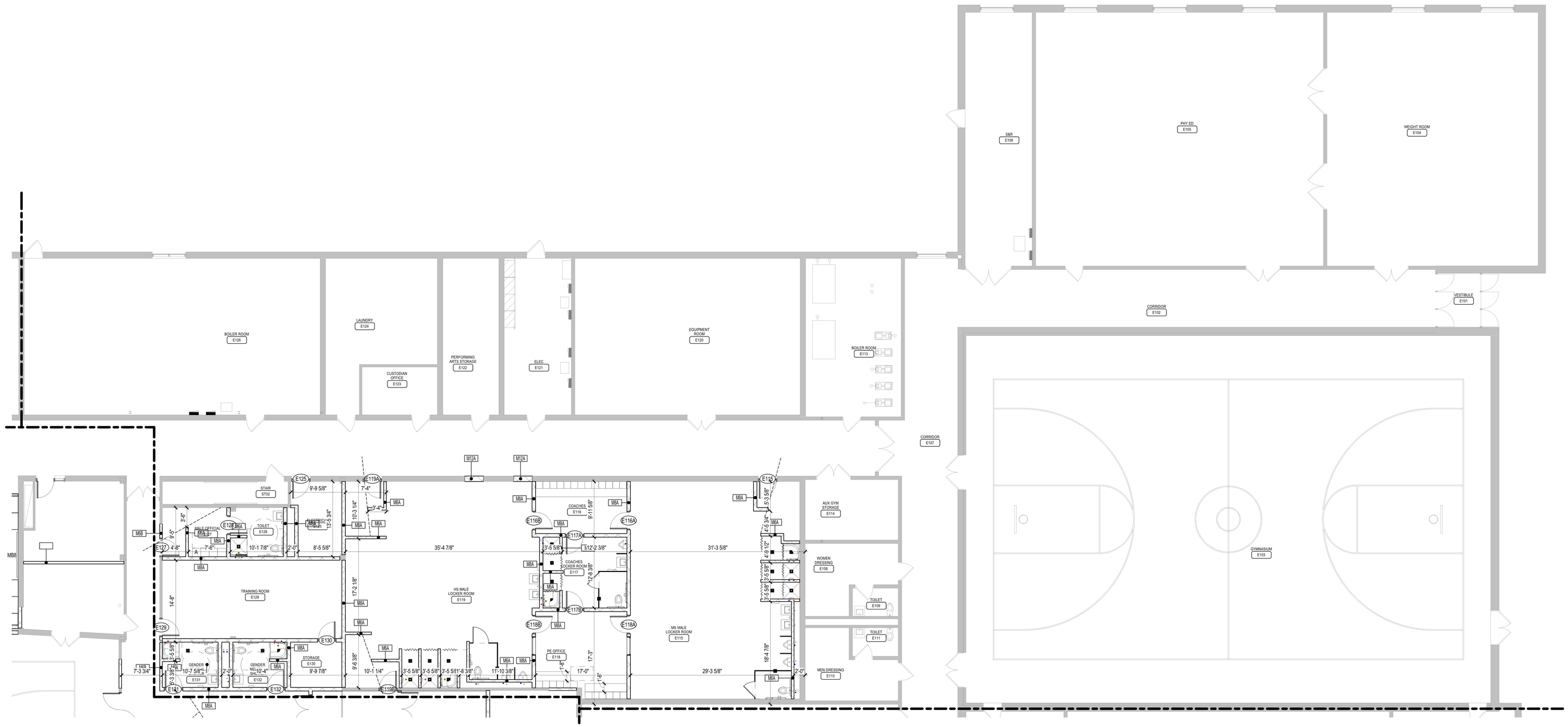
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KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

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FIRST LEVEL FLOOR PLAN - AREA E

SCALE: 1/8" = 1'-0"

PLAN NORTH

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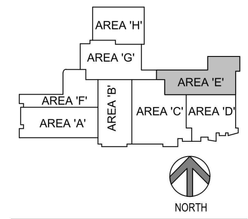
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SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA E

SHEET NUMBER

AP111E

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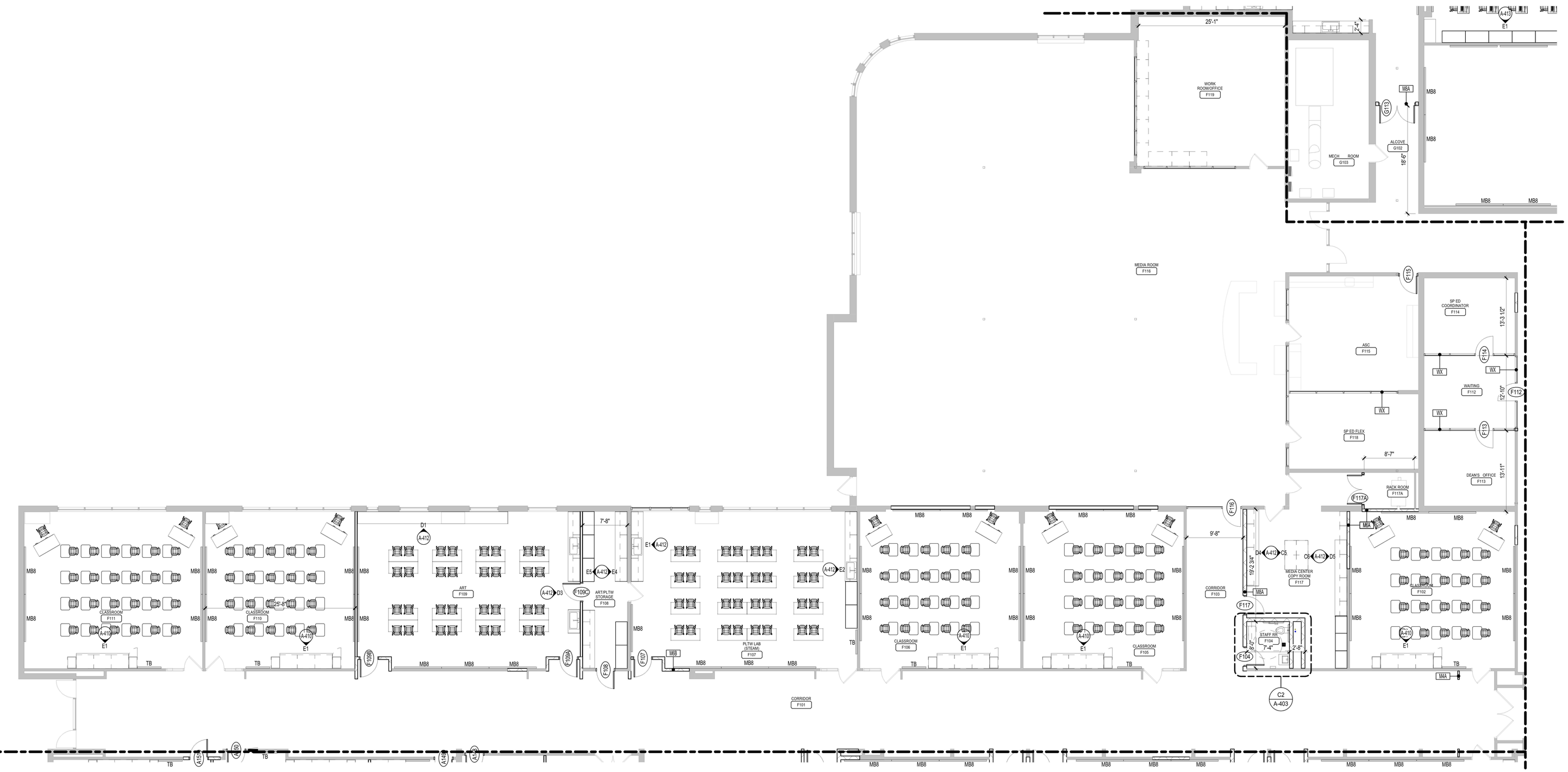
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2. YYY

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FIRST LEVEL FLOOR PLAN - AREA F
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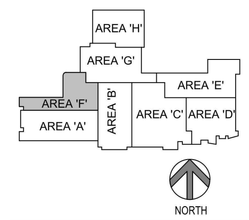
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SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA F

SHEET NUMBER

AP111F

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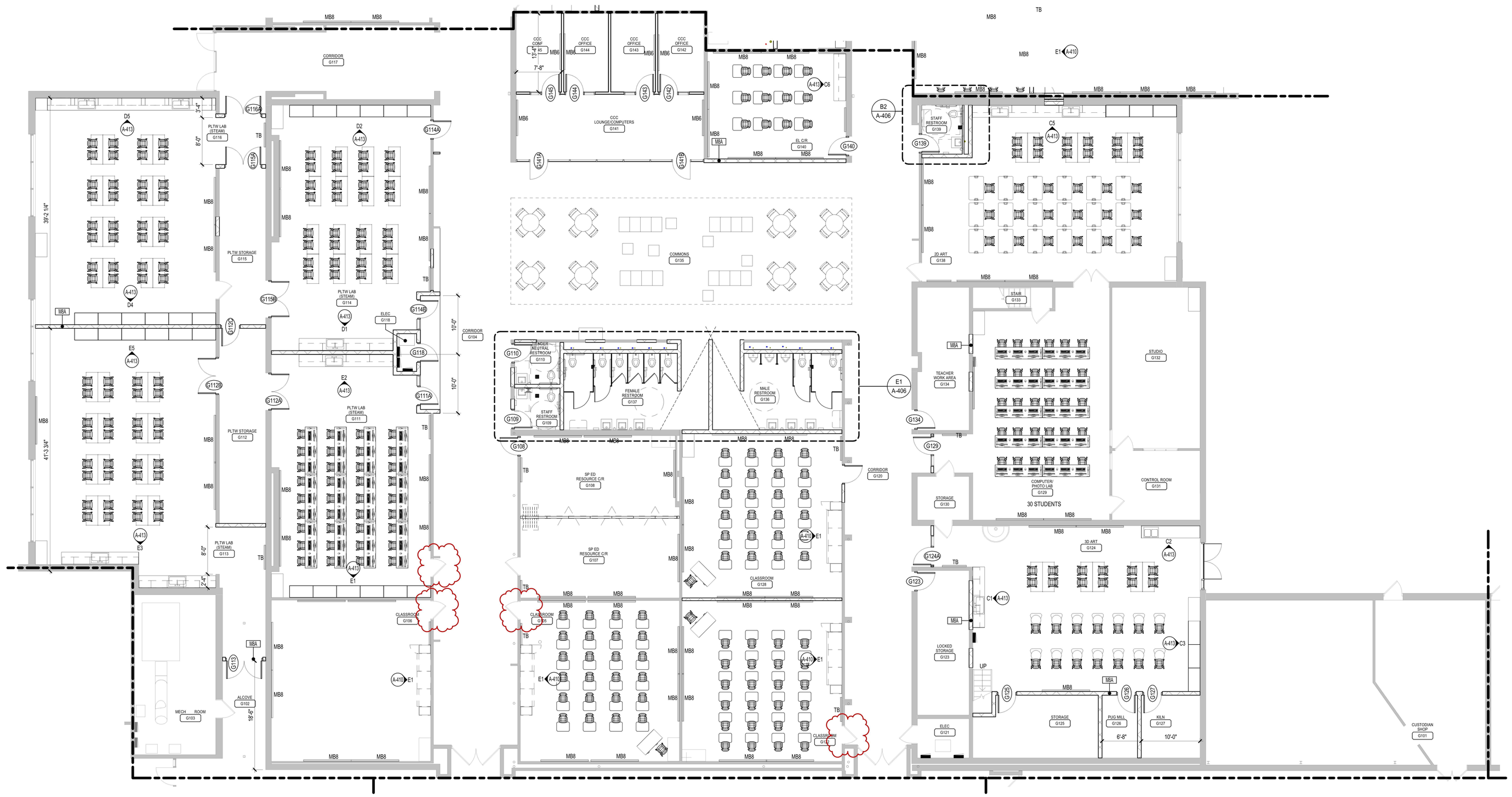
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1. XXX
2. YYY

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FIRST LEVEL FLOOR PLAN - AREA G
SCALE: 1/8" = 1'-0"

PLAN NORTH

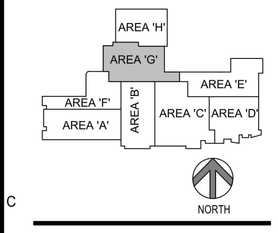
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6500 HUMBOLDT AVENUE NORTH BROOKLYN CENTER, MN 55430

ISSUES

??	MM/DD/YYYY	REVISION 1
MARK	DATE	DESCRIPTION

ISSUE DATE 06/12/2018	DRAWN BY Author
PROJECT # 05161256.2	CHECKED BY RRC

SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA G

SHEET NUMBER

AP111G

SITE PLAN REVIEW SUBMITTAL

LISTED DRAWINGS SCALE(S) UNLESS REDUCED FROM ORIGINAL 30 x 42 FORMAT

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I:_TSP Revit Local\05161256.2 BROOKLYN CTR SD\2686 MIDDLE-HIGH ADDITION & REMODEL_A17_colliscar.rvt
6/12/2018 12:44:25 PM

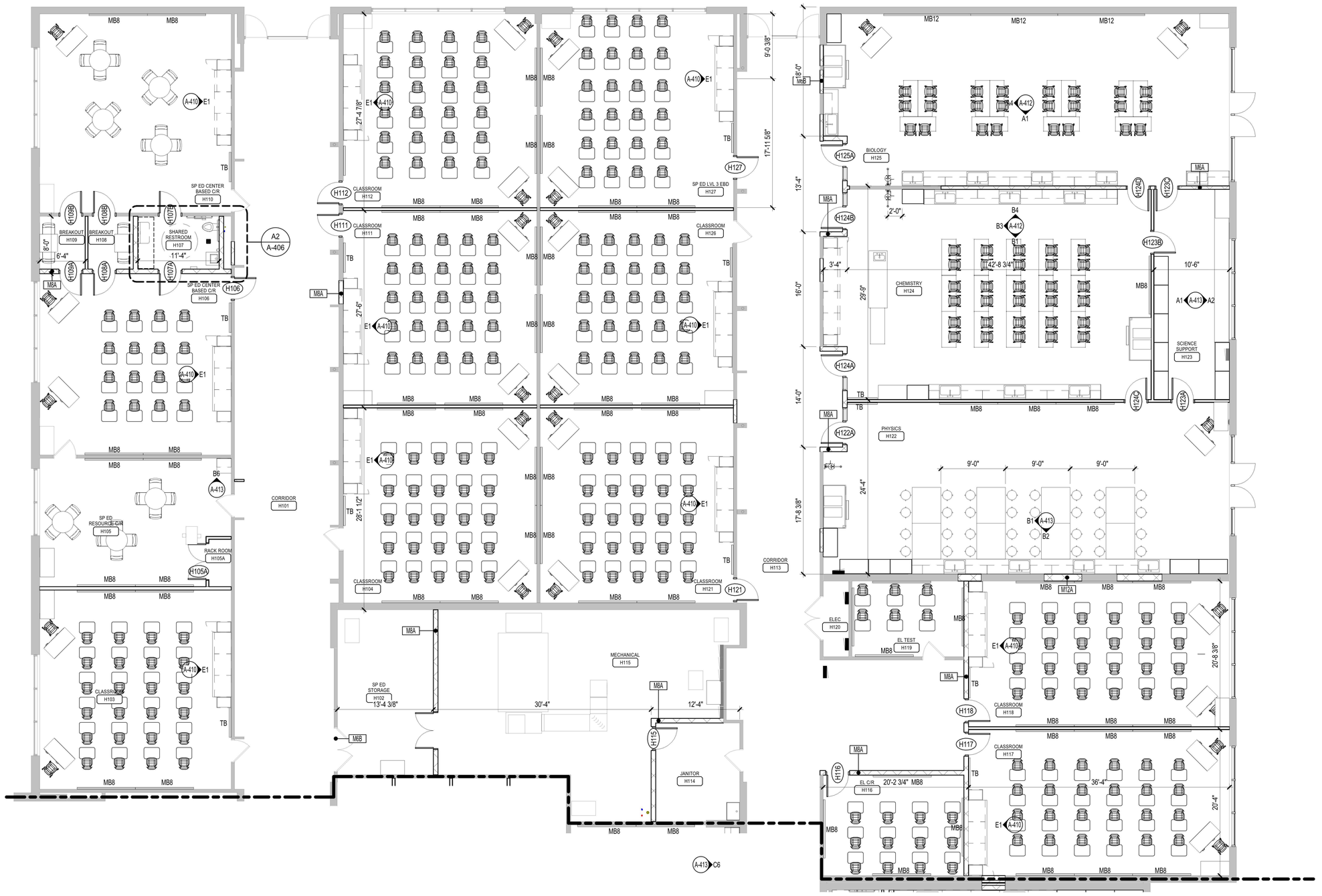
SHEET GENERAL NOTES: FLOOR PLAN

A. ALL PENETRATIONS THROUGH FIRE RATED WALLS SHALL COMPLY WITH THE BUILDING CODE AND NFPA.
B. PROVIDE BLOCKING AT PARTITIONS AS REQUIRED FOR MOUNTING OF FURNISHED AND NON-FURNISHED WALL MOUNTED ITEMS.
C. ALIGN FINISHED FACE OF CONTINUOUS PARTITIONS THAT CHANGE PARTITION TYPES ALONG A STRAIGHT RUN.
D. EDGE OF INTERIOR DOOR FRAMES TO BE 4" FROM ADJACENT WALL, UNLESS NOTED OTHERWISE.
E. REFER TO SHEET A-601 FOR DOOR SCHEDULE AND TYPES.
F. REFER TO SHEET A-602 FOR WINDOW TYPES.
G. ALL WALL DIMENSIONS ARE TO FACE OF GYPSUM BOARD, CMU, BRICK, OR CONCRETE; UNLESS NOTED OTHERWISE.
H. ALL WALLS ARE TO BE TYPE A3AS U.N.O.

KEY NOTES: FLOOR PLAN

1. XXX
2. YYY

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN



FIRST LEVEL FLOOR PLAN - AREA H
SCALE: 1/8" = 1'-0"

PLAN NORTH

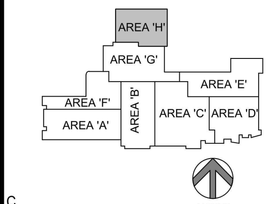
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Print Name: Robert R. Collins
Signature:
Date: 06/12/2018 License # 53244

PROJECT TITLE

BROOKLYN CENTER ISD #286 MIDDLE SCHOOL & HIGH SCHOOL - ADDITION AND REMODELING

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SHEET TITLE

FIRST LEVEL FLOOR PLAN - AREA H

SHEET NUMBER

AP111H

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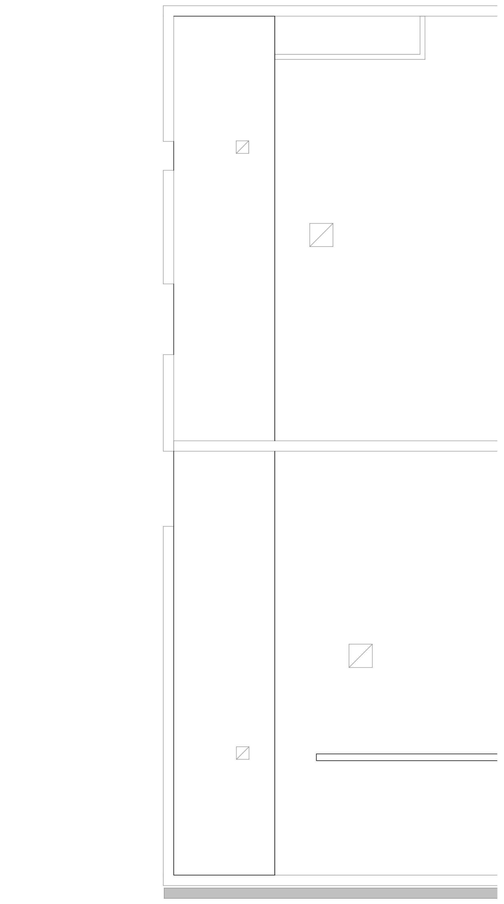
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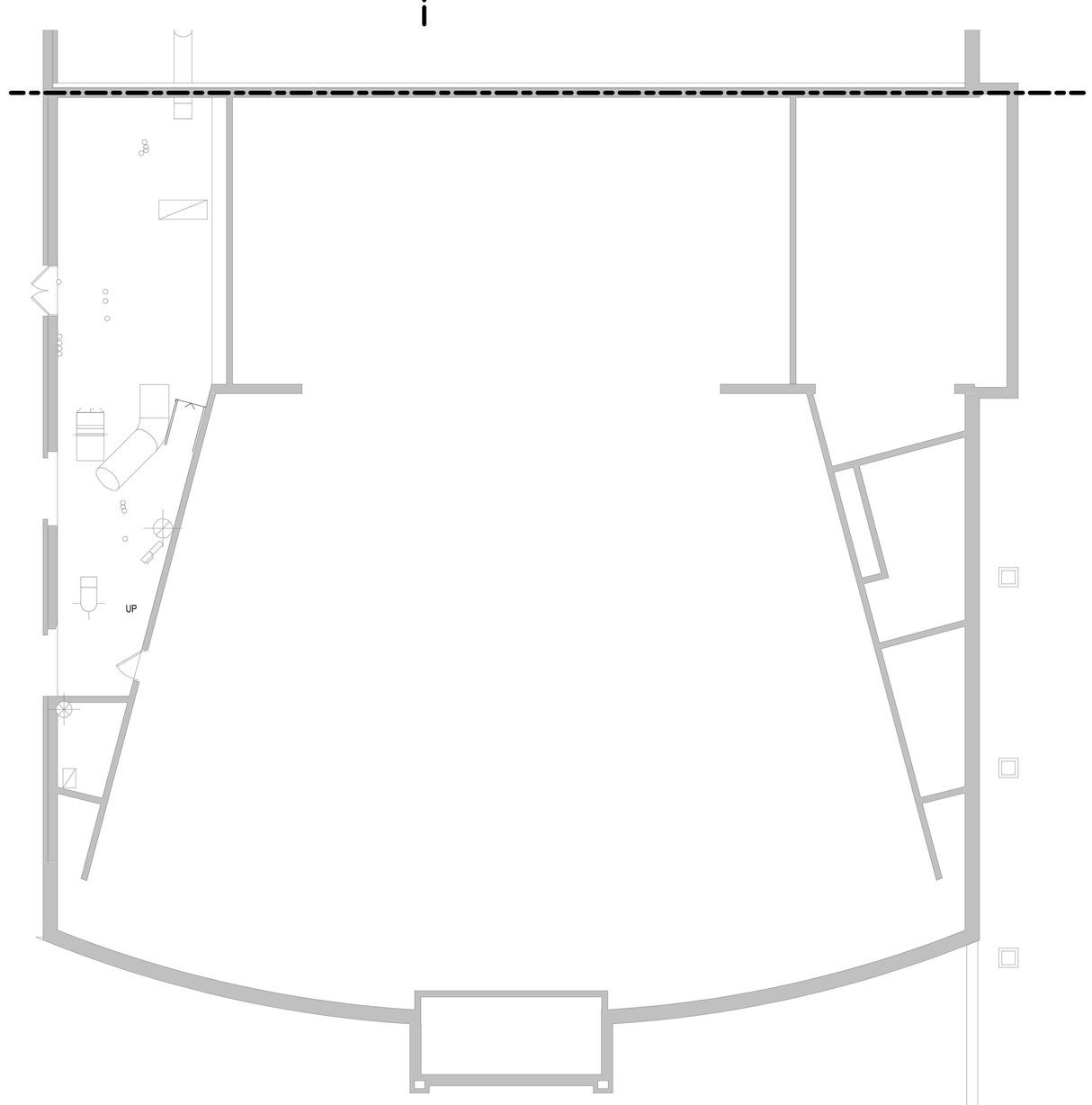
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SECOND LEVEL FLOOR PLAN - AREA C
SCALE: 1/8" = 1'-0"



3 SECOND LEVEL FLOOR PLAN - AREA G
SCALE: 1/8" = 1'-0"



SECOND LEVEL FLOOR PLAN - AREA D
SCALE: 1/8" = 1'-0"

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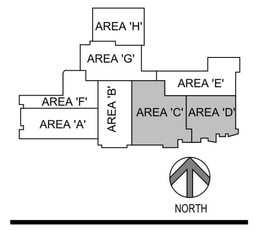
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SHEET TITLE

SECOND LEVEL FLOOR PLANS - AREAS C, D, G

SHEET NUMBER

AP121

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SHEET GENERAL NOTES: ROOF PLAN

A. ALL SURFACES DAMAGED DURING DEMOLITION SHALL BE REPAIRED FOR APPLICATION OF NEW FINISHES OR PATCHED TO MATCH EXISTING.

B. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS WHICH ARE TO MATCH EXISTING CONSTRUCTION. CONTACT A/E WITH DISCREPANCIES.

C. MODIFICATIONS TO EXISTING ROOF TO BE DONE BY CERTIFIED INSTALLED TO AVOID WARRANTY ISSUES.

D. MINIMUM INSULATION THICKNESS OF 2" AT ROOF DRAINS.

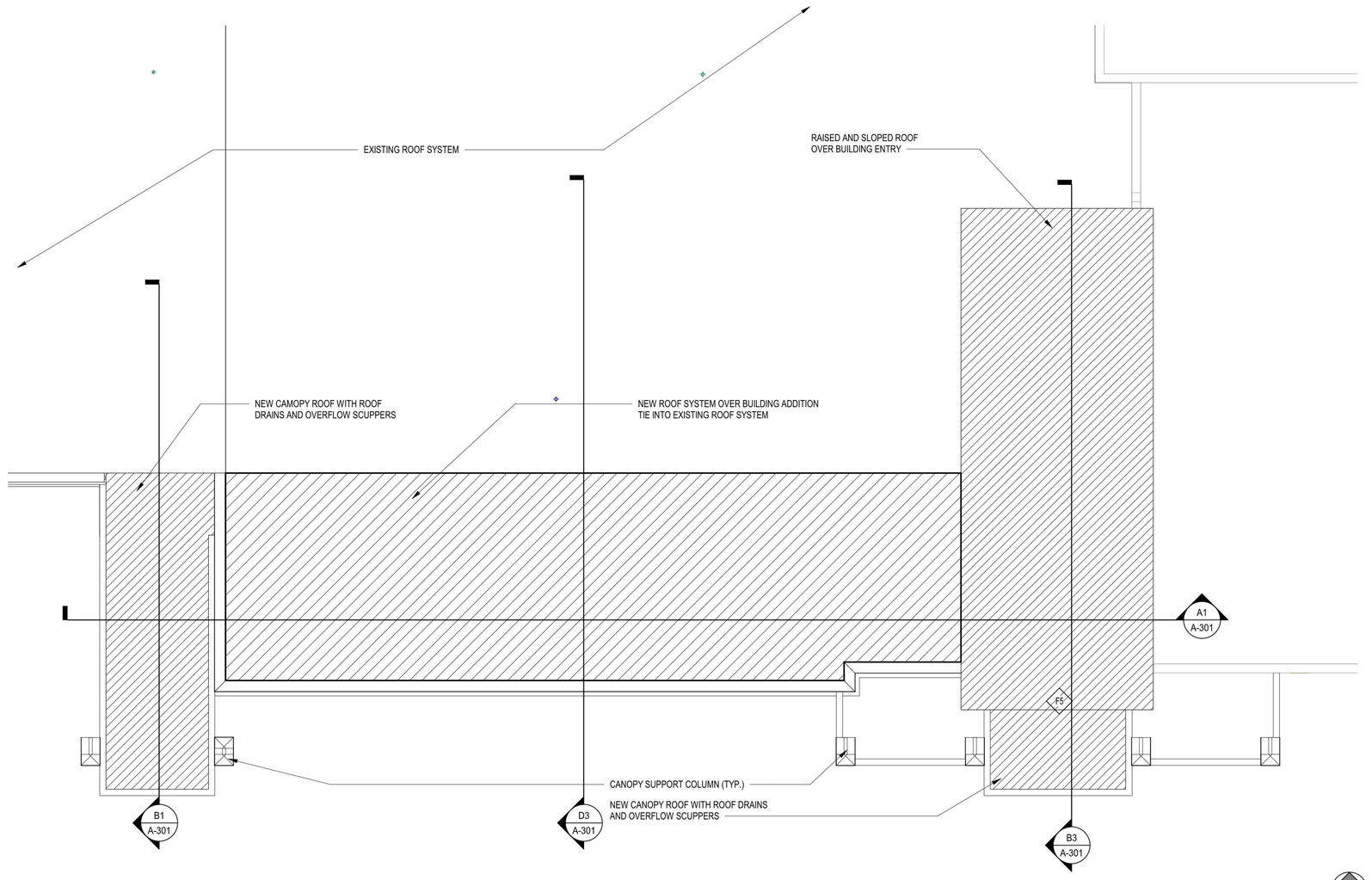
ROOF PLAN LEGEND

- REV — REVISION TAG
- 1 — KEYNOTE TAG
- A1 / A-301 — SECTION TAG
- A1 / A-101 SIM — DETAIL TAG
- OS — OVERFLOW SCUPPER
- RD — ROOF DRAIN
- OD — OVERFLOW ROOF DRAIN
- EPDM WALKMATS - PROVIDE AROUND MECHANICAL EQUIPMENT AND AS SHOWN
- 3" — APPROXIMATE ROOF INSULATION THICKNESS
- VTR — VENT THROUGH ROOF - REF PLUMBING

KEY NOTES: ROOF PLAN

1. -

NOTE: NOT ALL KEYNOTES MAY BE USED ON EACH PLAN



1 ROOF - AREA B
SCALE: 1/8" = 1'-0"

PLAN NORTH

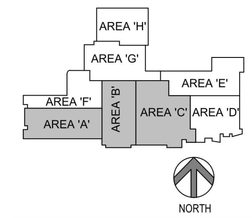
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ISSUES

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ROOF PLAN - AREA B

SHEET NUMBER

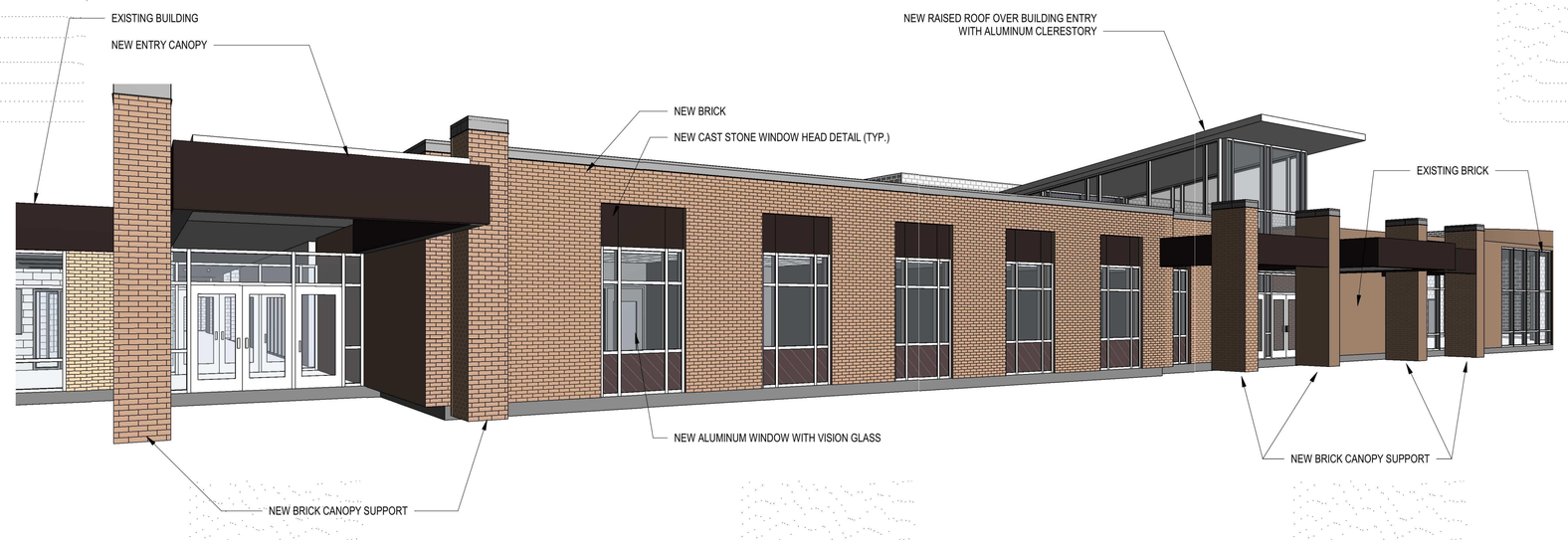
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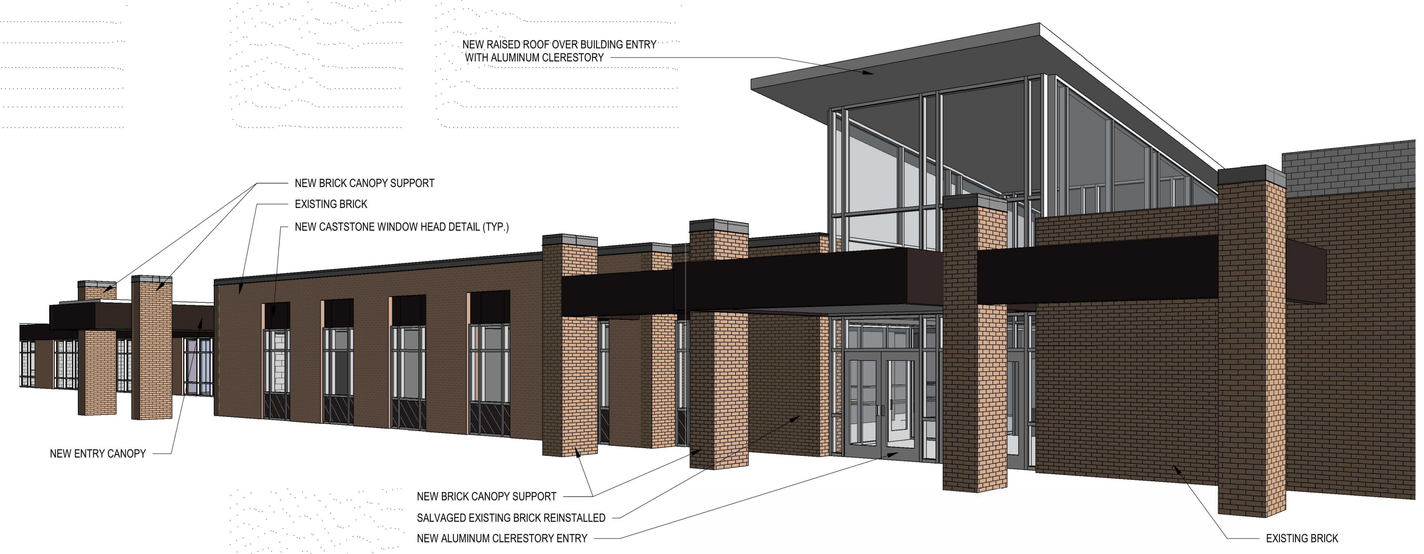
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D1 SOUTH ADDITION
SCALE:



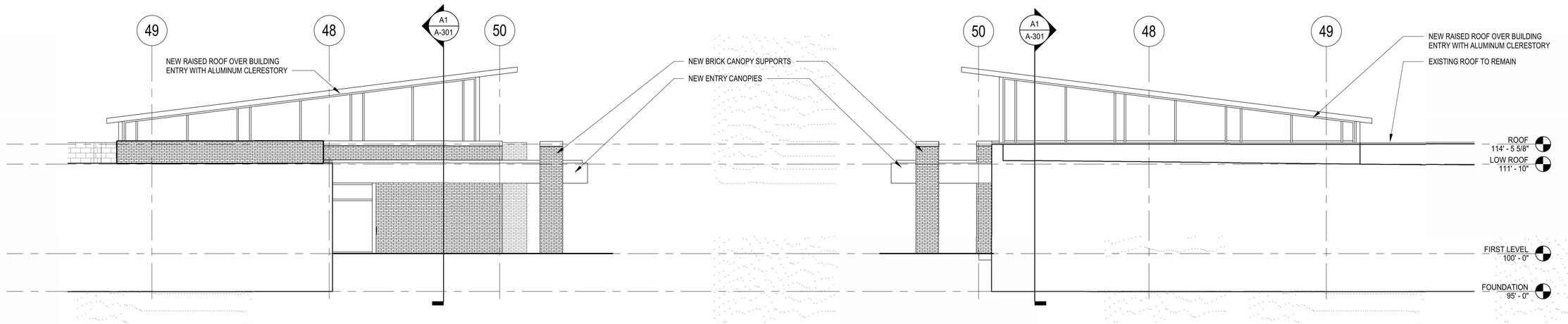
D4 SOUTH ADDITION
SCALE:



C1 SOUTH ADDITION
SCALE:

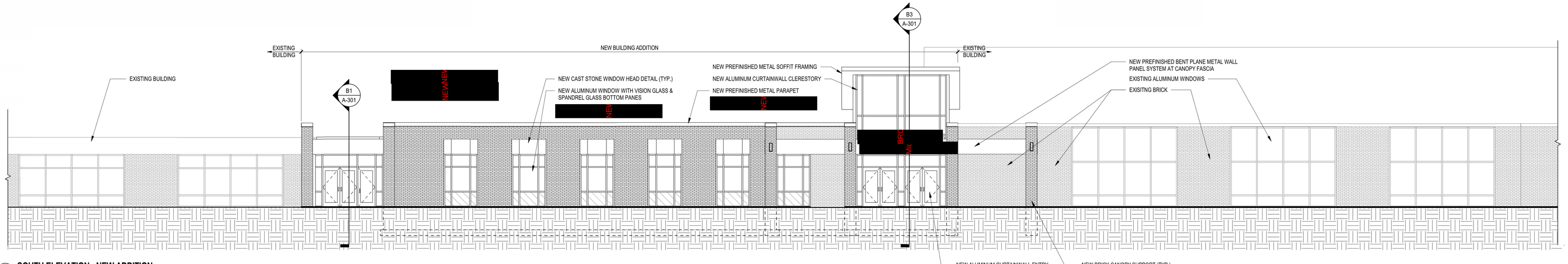


B1 EXISTING MAIN ENTRY
SCALE: NOT TO SCALE



B2 WEST ELEVATION - NEW ADDTION
SCALE: 1/8" = 1'-0"

B4 EAST ELEVATION - NEW ADDITION
SCALE: 1/8" = 1'-0"



A1 SOUTH ELEVATION - NEW ADDITION
SCALE: 1/8" = 1'-0"

PLAN NORTH

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SHEET TITLE

SOUTH EXTERIOR ELEVATIONS

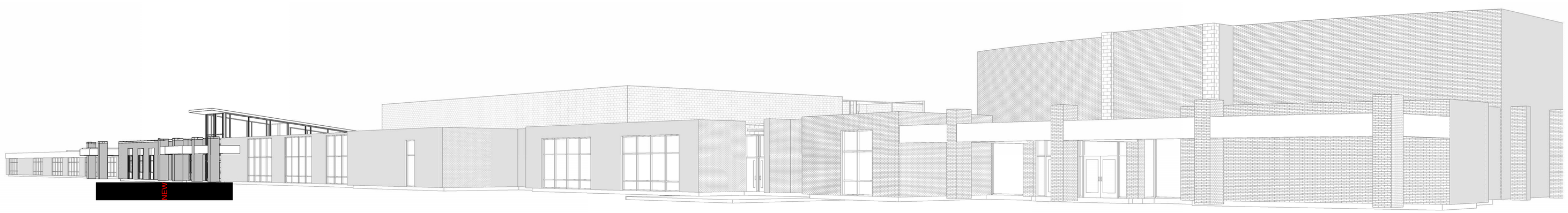
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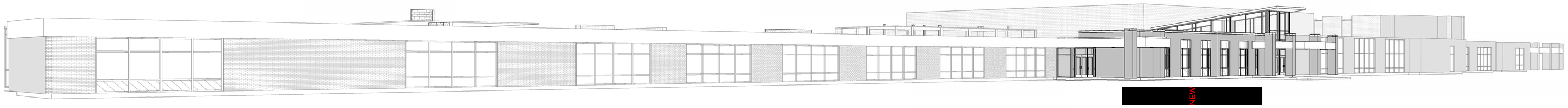
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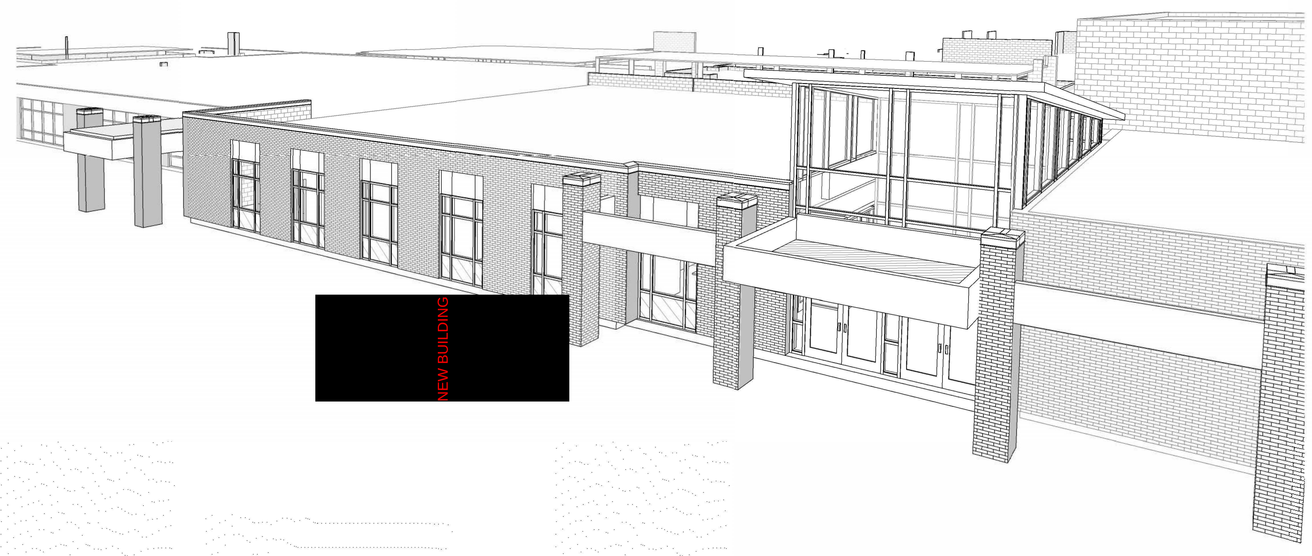
SITE PLAN REVIEW SUBMITTAL

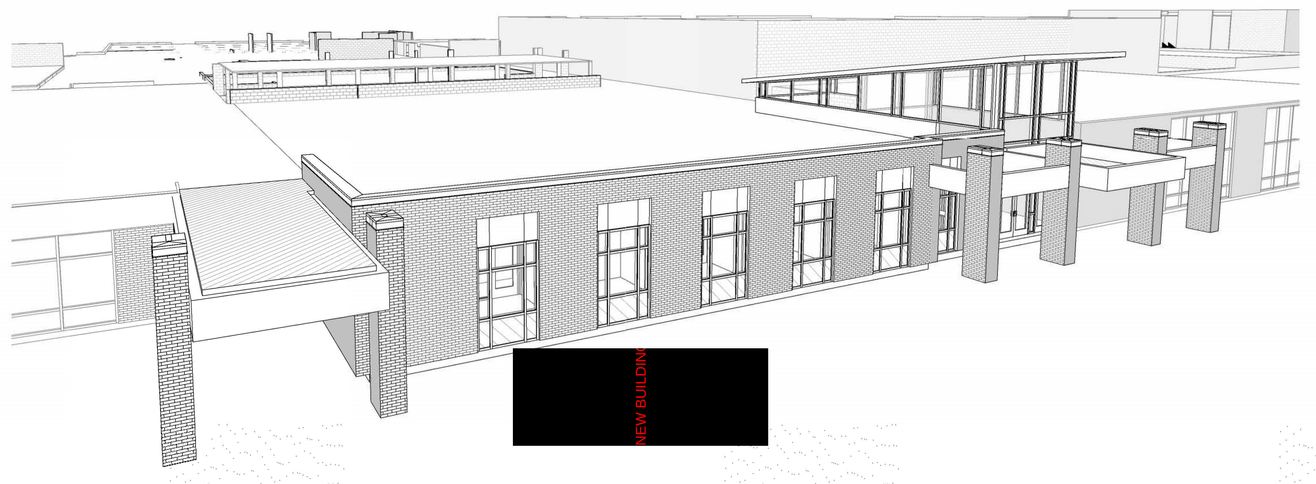
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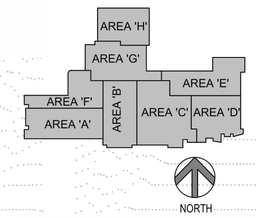
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SHEET TITLE

PERSPECTIVE VIEWS

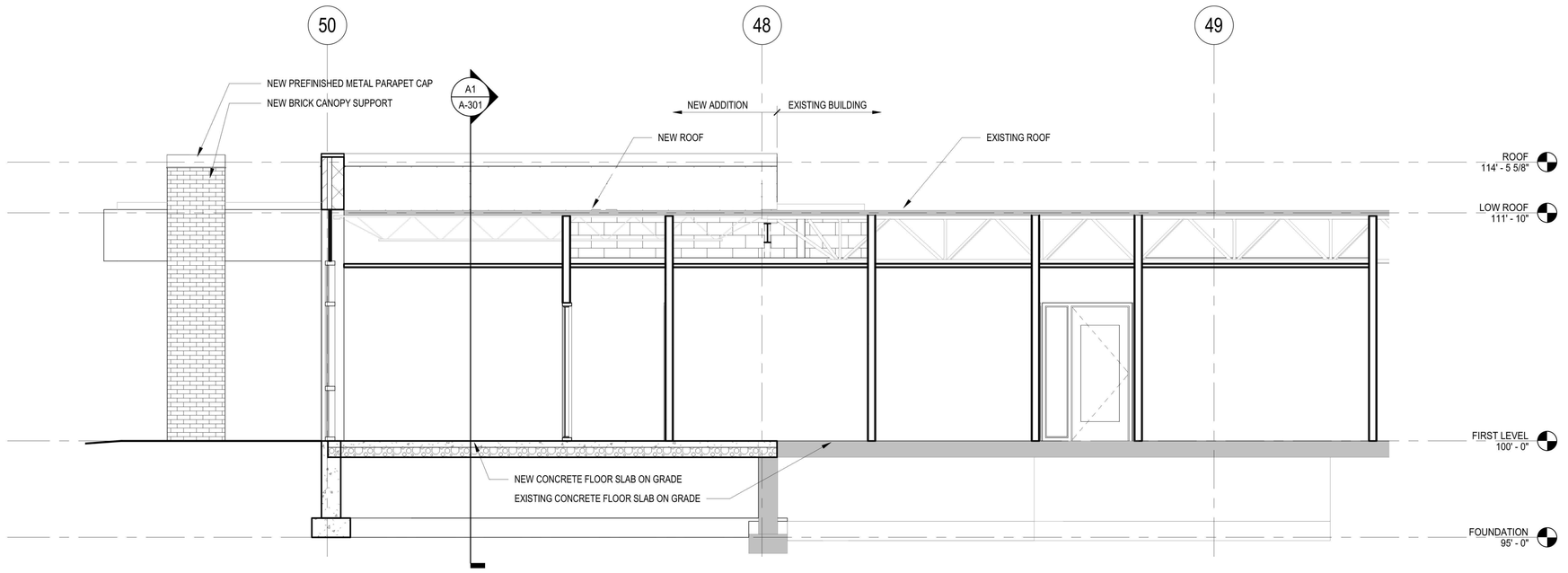
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A-205

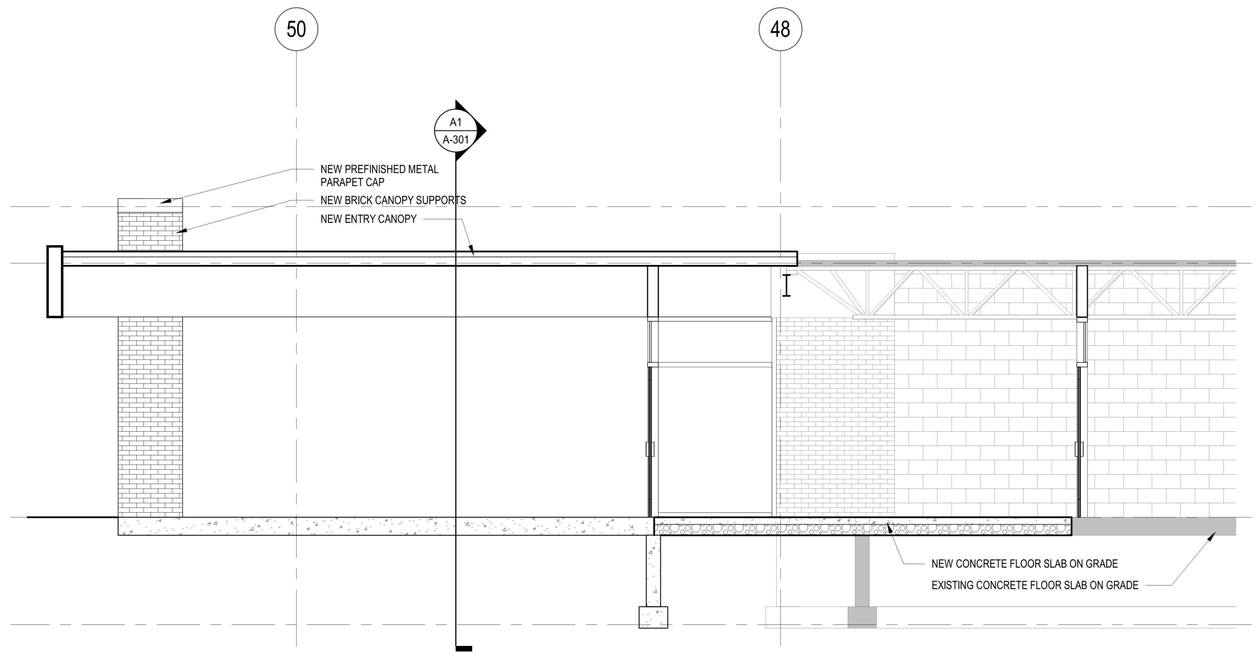
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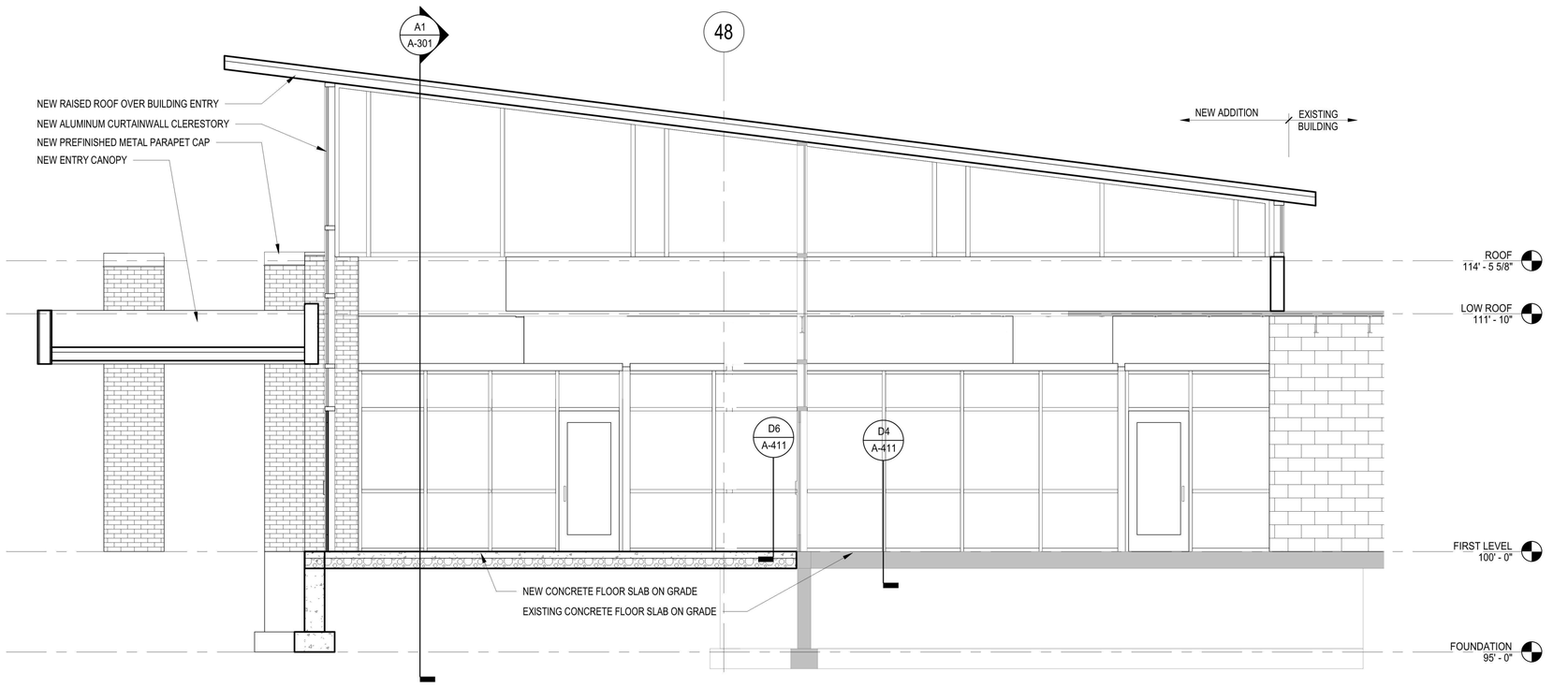
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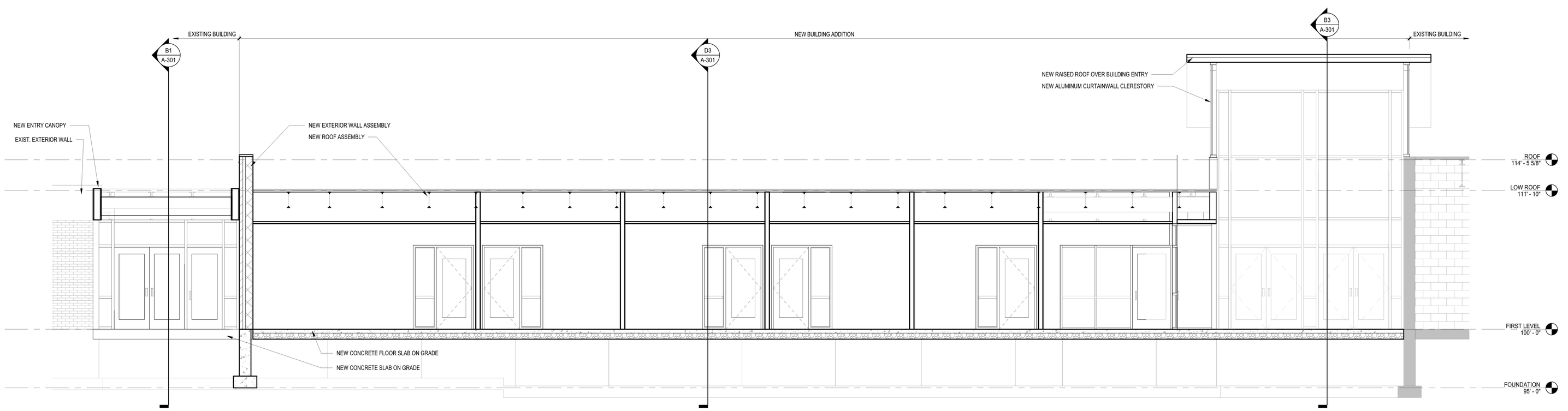
D3 BUILDING SECTION at OFFICE ADDITION - N/S
SCALE: 1/4" = 1'-0"



B1 BUILDING SECTION at VESTIBULE B101 - N/S
SCALE: 1/4" = 1'-0"



B3 BUILDING SECTION at VESTIBULE B103 - N/S
SCALE: 1/4" = 1'-0"

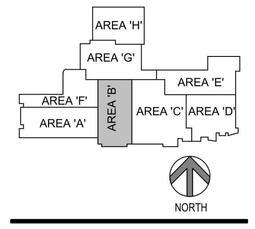


A1 BUILDING SECTION at OFFICE ADDITON - E/W
SCALE: 1/4" = 1'-0"

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BUILDING SECTIONS

SHEET NUMBER

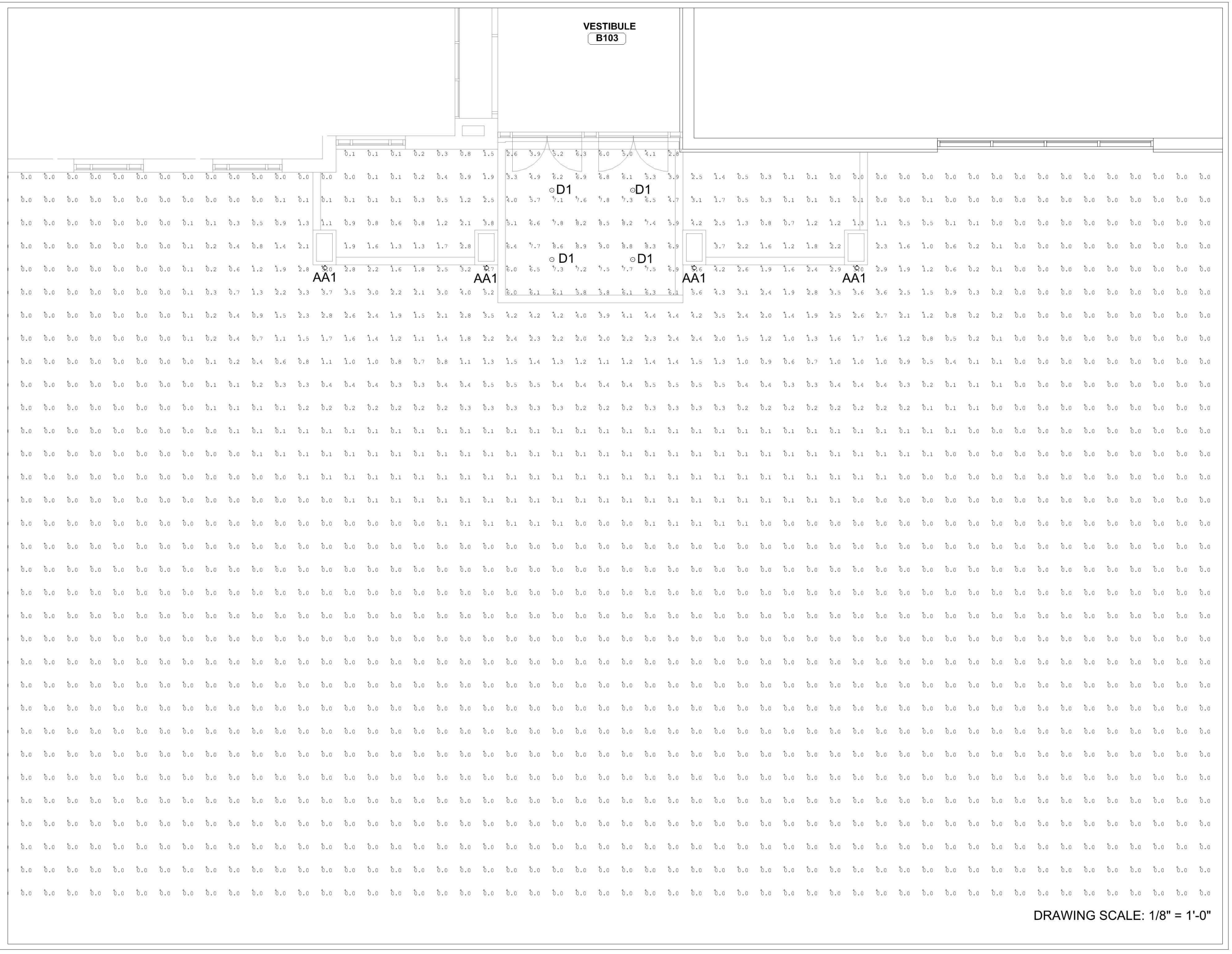
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05161256.2	KAO

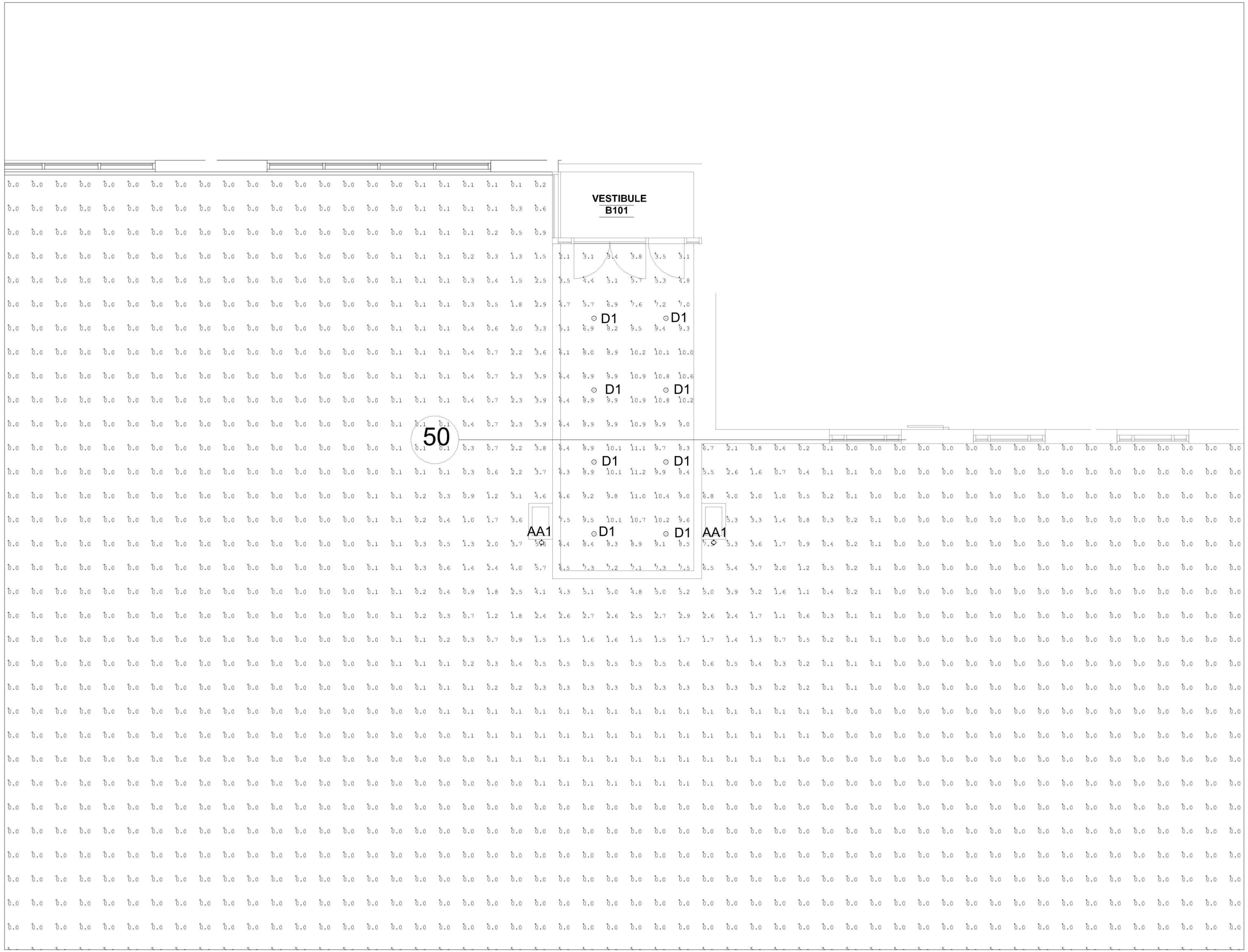
SHEET NAME

PHOTOMETRICS FRONT ENTRANCE Vestibule B103

CITY SUBMITTAL

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Drawing Name: G:\2016\05161256.2 Brooklyn Ctr ISD #286 Middle-High Addition & Remodel\B-Design\Design Support and Calcs\Electrical\04-Lighting Calc\City Photometrics\BCSS Front Elevation.dwg Plot Date: 6/11/2018 12:18 PM



DRAWING SCALE: 1/8" = 1'-0"

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PROJECT #	CHECKED BY
05161256.2	KAO

SHEET NAME

PHOTOMETRICS WEST ENTRANCE Vestibule B101

CITY SUBMITTAL

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Drawing Name: G:\2016\05161256.2 Brooklyn Ctr ISD #286 Middle-High Addition & Remodel\B-Design\Design Support and Calcs\Electrical\04-Lighting Calc\City Photometrics\BCSS Front Elevation.dwg Plot Date: 6/11/2018 12:33 PM

PHILIPS
LIGHTOLIER

Calculite LED gen 3

4" round downlight, 500 - 3000lm



Calculite LED 4" generation 3 features industry leading visual comfort, excellent uniform illumination over time, and patented installation flexibility.

Complete luminaire = Frame + Engine + Trim + Accessories (optional)

Project:
Location:
Cat.No:
Type:
Lamps: Qty:
Notes:

Frame

example: C4RN

Series	Aperture	Installation	Voltage / Options
	R	R Remodeler	3 347V (not compatible with ELV dimming) EM Emergency[1,2] LC Chicago Plenum[1]

Engine

example: C4L15835NZ10U

Series	Lumens	CRI	CCT	Beam	Dimming / Driver	Voltage
C4L	05 500lm[3] 10 1000lm 15 1500lm 20 2000lm[4] 25 2500lm[4] 30 3000lm[4]	9 90CRI	27 2700K 35 3500K 40 4000K	N Narrow (43°) W Wide (76°)	SOL EldoLED Solo 0-10V 0.1% D Dali L Lutron LDE1 EcoSystem (fade-to-black) DMX Digital Multiplexing E ELV (120V dimming only)[5] P Power over Ethernet (PoE) Only compatible with 1000 (10) to 2500 (25) lumen configurations.	1 Universal 120V/277V E Ethernet 48V DC

Trim

example: C4RDLCCP

Series	Aperture	Style	Finish	Flange
C4	R	DL	BK Black (matte) CC Comfort clear CD Comfort clear diffuse CZ Champagne bronze	– White (matte) F Flangeless
			WH White (matte)	– White (matte) F Flangeless
		SL Shower light (non-conductive)[6]	WH White (matte)	– Not applicable

Accessories

CA4RFT	Mud-in ring for use with flangeless installations (ordered with a flangeless trim)
CAEM	Field installable EM pack (not compatible with Power over Ethernet configurations)
C4RVPWH	IP65 rated vandal proof matte white accessory that mounts onto a flangeless trim
AMS	ActiLume multi-sensor (optional accessory for Power Over Ethernet configurations)
SWZDT	SpaceWise wireless controller with dwell time functionality (compatible with all 0-10V - see "SWZDT" spec sheet)

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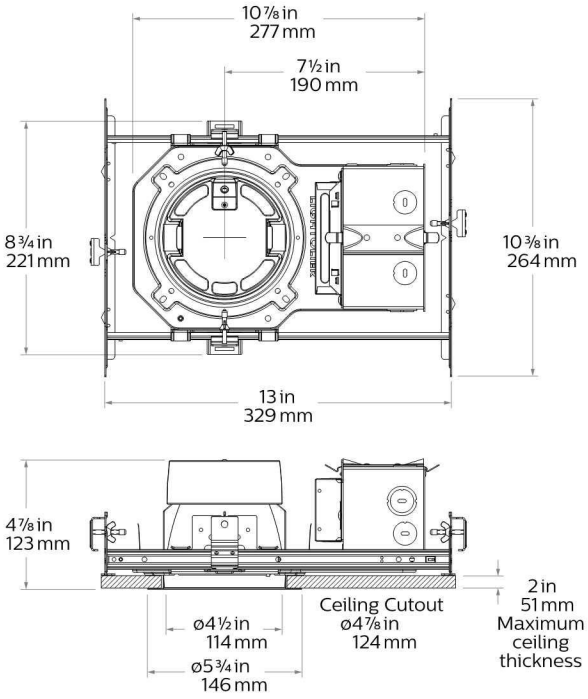
ENERGY STAR

1. Emergency (EM) and Chicago Plenum (LC) options are only available with New construction (N) installations.
2. Emergency (EM) frame comes with emergency battery pack and ceiling mountable test switch (see page 4).
3. The 500lm (05) package is only compatible with 0-10V (Z10) dimming.
4. The 2000lm (20), 2500lm (25), and 3000lm (30) packages have marked spacing requirements (see page 3).
5. ELV (E) dimming is only compatible with up to 2000lm (20) configurations.
6. Non-conductive flush mount lens with pre-installed gasket (matte white non-conductive flange with diffuse lens that is flush with the flange).

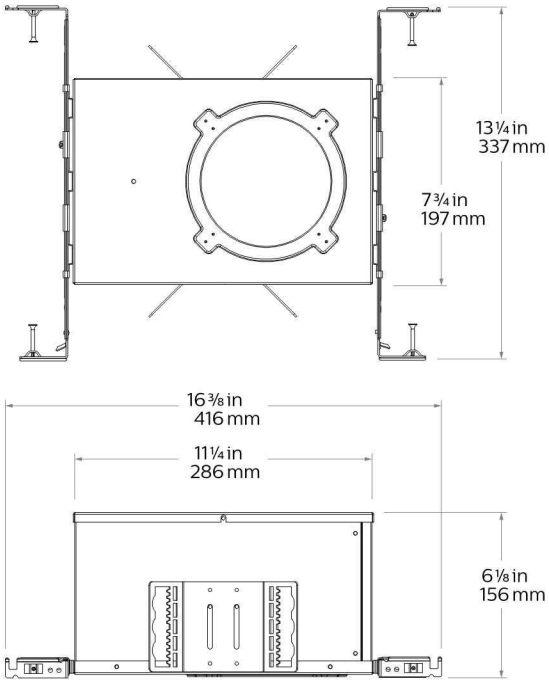
C4RDL Calculite LED generation 3

4" round downlight

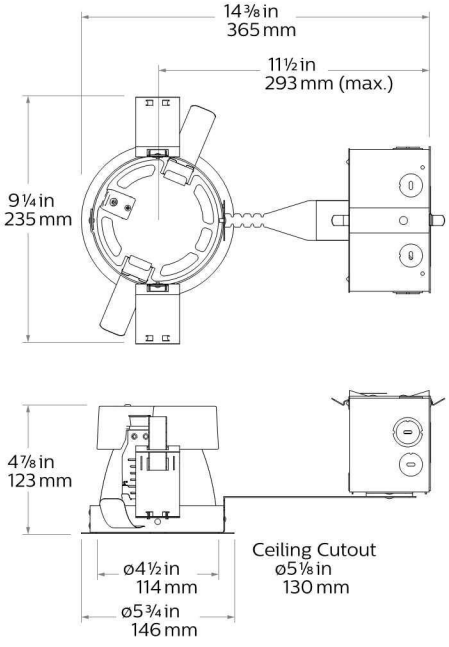
New Construction (N)



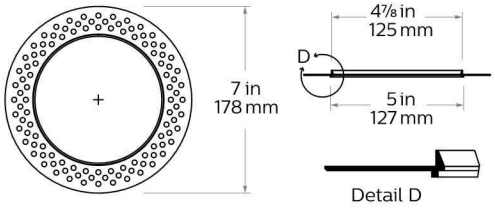
Chicago Plenum (LC)



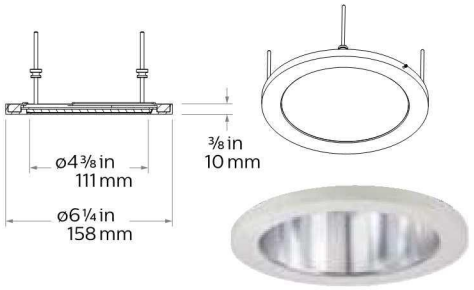
Remodeler (R)



Flangeless mud-in ring (CA4RFT) accessory

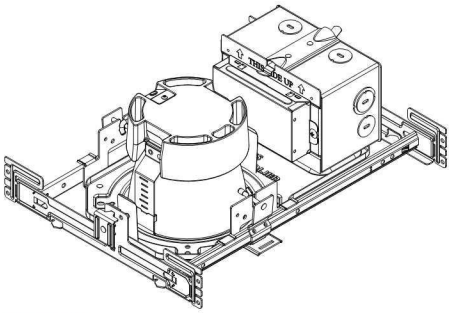


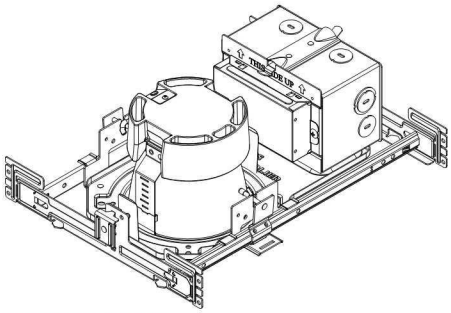
Vandal Proof (VP) accessory



C4RDL Calculite LED generation 3

4" round downlight





Narrow

Light engine	Input volts	Input freq	Input current	Drive current	Input power	THD power	Power factor
C4L05_NZ10U	120V	50/60Hz	0.05	110 mA	6W	<20%	>0.95
	277V		0.03			<20%	>0.90
C4L10_NZ10U	120V	50/60Hz	0.08	230 mA	11W	<15%	>0.95
	277V		0.04			<20%	>0.95
C4L15_NZ10U	120V	50/60Hz	0.12	360 mA	16W	<10%	>0.95
	277V		0.06			<15%	>0.95
C4L20_NZ10U	120V	50/60Hz	0.17	490 mA	21W	<10%	>0.95
	277V		0.08			<15%	>0.95
C4L25_NZ10U	120V	50/60Hz	0.22	640 mA	27W	<10%	>0.95
	277V		0.10			<15%	>0.95
C4L30_NZ10U	120V	50/60Hz	0.27	790 mA	33W	<10%	>0.95
	277V		0.13			<15%	>0.95

Medium/Wide

Light engine	Input volts	Input freq	Input current	Drive current	Input power	THD power	Power factor
C4L05_MZ10U	120V	50/60Hz	0.05	110 mA	6W	<20%	>0.95
	277V		0.03			<20%	>0.90
C4L10_MZ10U	120V	50/60Hz	0.08	230 mA	11W	<15%	>0.95
	277V		0.04			<20%	>0.95
C4L15_MZ10U	120V	50/60Hz	0.12	350 mA	16W	<10%	>0.95
	277V		0.06			<15%	>0.95
C4L20_MZ10U	120V	50/60Hz	0.16	470 mA	21W	<10%	>0.95
	277V		0.08			<15%	>0.95
C4L25_MZ10U	120V	50/60Hz	0.21	610 mA	25W	<10%	>0.95
	277V		0.09			<15%	>0.95
C4L30_MZ10U	120V	50/60Hz	0.26	770 mA	31W	<10%	>0.95
	277V		0.12			<15%	>0.95

Narrow (Power over Ethernet)

	Input				
Light engine	Volts[1]	Voltage[2]	Freq	Current	Power
C4L10___NPE	53V	51-54V	DC	160 mA	8.9 W
C4L15___NPE	53V	51-54V	DC	250 mA	13.6 W
C4L20___NPE	53V	51-54V	DC	340 mA	18.5 W
C4L25___NPE	53V	51-54V	DC	460 mA	24.6 W

Medium (Power over Ethernet)

	Input				
Light engine	Volts[1]	Voltage[2]	Freq	Current	Power
C4L10___MPE	53V	51-54V	DC	160 mA	8.8 W
C4L15___MPE	53V	51-54V	DC	250 mA	13.4 W
C4L20___MPE	53V	51-54V	DC	320 mA	17.6 W
C4L25___MPE	53V	51-54V	DC	430 mA	23.2 W

Wide (Power over Ethernet)

	Input				
Light engine	Volts[1]	Voltage[2]	Freq	Current	Power
C4L10___WPE	53V	51-54V	DC	160 mA	8.8 W
C4L15___WPE	53V	51-54V	DC	250 mA	13.4 W
C4L20___WPE	53V	51-54V	DC	320 mA	17.6 W
C4L25___WPE	53V	51-54V	DC	430 mA	23.2 W

1. Nominal input volts.
2. Preferred volt range.

Marked spacing applications

Light engine	2500 lm	3000 lm
C4L_Z10U series	—	X
C4L_LU series	X	X
C4L_DU series	—	X
C4L_DMXU series	—	X

Modules marked with an X require marked spacing:
- Center-to-center of adjacent luminaires: 24" (610mm)
- Luminaire center to side building member: 12" (305mm)

Lifetime (TM-21) data

Lumens	Narrow beam	Medium/Wide beam*
500lm **1000lm** **1500lm**	L90 @ 60,000hrs.	L90 @ 60,000hrs.
2000lm **2500lm** **3000lm***	L90 @ 60,000hrs.	L85 @ 60,000hrs.

* Lutron 3000lm with Medium/Wide beam is L80 @ 60,000hrs.

C4RDL Calculite LED generation 3

4" round downlight

Reflector



Specular clear (CL): Most specular and most efficient finish, delivers maximum photometric performance but can produce a mirror image effect of the interior space.



Comfort clear (CC): Semi-specular finish that softens the light at the source of the reflector and creates a subtle, even luminance from the reflector cone.



Comfort clear diffuse (CD): Slightly diffuse clear finish, that eliminates iridescence and reduces the mirror image effect inherent with specular finishes.



Champagne bronze (CZ): Semi-specular finish that softens light at the source of the reflector while providing a warmer reflector appearance (slightly warmer).



White (WH): (matte) Brightest illuminated aperture and provides the smoothest transition to most ceilings when off (white is only available with a white flange).



Black (BK): (matte) Specular finish that provides the lowest aperture brightness possible and significantly reduces source identification in a ceiling.

Flange



White (–): (matte) Provides the smoothest transition to ceilings when off.



Polished (P): (matches aperture) Produces a continuous look throughout the reflector (aperture matching).



Flangeless (F): (flush-mount) Creates a flush, virtually seamless transition from aperture to ceiling.

Frame-in-kits

New Construction

Galvanized stamped steel for dry or plaster ceilings. Preinstalled telescoping mounting bars from 13" to 24". For 4' distances, use 1/2" EMT, 1-1/2" x 1/2" U or C channel.

Max ceiling thickness is 2" (51 mm). Including PoE frame 4.88" (124 mm).

Emergency

Reflector mounted test switch requires above ceiling access. For reflector mounted test switch, order emergency frame and add "EM" suffix to reflector (example: C4RDLCCEM).

Patented install Mounting frame

With no driver attached, this versatile frame is independent of driver accommodating a wide range of lumen packages, driver types and CCTs, including 120V and 277V inputs.

Pre-installed mounting bars for fast and tool-less installs into T-grid & hat channel ceilings.

Close-cut aperture design eliminates possibility of gap between ceiling opening & reflector flange.

Separate wiring compartment for wiring frame to building allows inspection prior to light engine install.

Simple plug-and-play connection between frame and light engine from below ceiling eliminates need for wiring between frame and LED driver, and also saves time during installation and future replacements/upgrades. Plug-and-play receptacle accommodates technology upgrade of light engines and replacements for the life of the building.

Dimming

- Advance 0-10V 1% dimming
- Lutron Hi-lume EcoSystem H Series 1% dimming
- EldoLED ECOdrive Dali 1% dimming
- EldoLED SOLOdrive 0-10V 0.1% dimming
- ELV dimming and DMX dimming

Power over Ethernet

Powered via Philips PoE lighting controller: complies with FCC rules per Title 47 part 15 (Class A) for EMI / RFI (conducted & radiated). PoE lighting controller accessible from below ceiling.

Rated life: 60,0000 hrs at 70% lumen maintenance based on IES LM-80-08 and TM-21-11.

Optical systems

Comfort throughout the space: Patented optical system combines primary and secondary optics to provide a true 50° physical cutoff and 45° reflected cutoff virtually eliminating the view of the light source and bright spots in the reflector. A new reflector curve reduces reflector brightness by up to 50% compared to existing products, allowing for the use of higher lumen packages in smaller apertures without creating bright spots in the ceiling.

Quality of light: 2 SDCM ensures color consistency from fixture to fixture and over the luminaire's long lifetime. Proprietary optical grade silicone lens with patterned surface provides soft, even beam diffusion without hotspots or dark rings.

Light Engine

Quick connect power pack comprised of light source and driver allow for easy installation and replacement from below ceiling with no need for additional wiring. This allows for:

- Frame and ceiling installation to be performed while still finalizing details such as lumen packages, CCT and control type.
- Easy replacement of electronics at end of life with minimal wasted material and labor required.
- Ease and upgradability of technology.

Options and Accessories

Flangeless mud-in ring: Use **CA4RFT** for use with flangless plaster installations.

Sloped ceilings: Compatible with sloped ceiling adapters (see **SCA** spec sheet).

Vandal Proof: Use **C4RVPWH** for an IP65 rated vandal proof matte white accessory. Must be ordered with a flangeless trim.

ENERGY STAR® exceptions

500lm & 90 CRI configurations
Champagne Bronze & Black finishes
347V & Emergency voltage/options
Dali, EldoLED Solo & PoE drivers

Title 24 exceptions

1000lm configurations
Champagne Bronze & Black finishes

Labels and Listings

cULus listed for wet location
ENERGY STAR®, RoHS & CEC Title 24 JA8 certified
CCEA (frames with *LC suffix)
IP65 rated with vandal proof accessory
IBEW Union made (light engines & reflectors)

Warranty

5 year warranty on complete system.

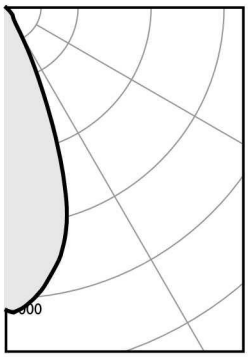
Complete warranty available at: http://images.philips.com/is/content/PhilipsConsumer/PDFDownloads/United%20States/ODLI20150930_003-UPD-en_US-Philips-warranty-indoor-PLS-us.pdf

C4RDL Calculite LED generation 3

4" round downlight

Narrow beam, 1500lm Engine, 103.8 lm/W at 14.7W or 112.2 lm/W at 13.6W (Power over Ethernet)

Candela Curve



Frame: **C4RN or 4RN**
Engine: **C4L15835NZ10U**
Trim: **C4RDLCL**

Output lumens:	1526 lms
Input watts:	14.7 W
CRI:	80 min
CCT[1]:	3500K
Spacing Crit.:	0.6
Beam Angle:	43°

Zonal summary

Zone	Lumens	%Luminaire
0-30	1354	88.7%
0-40	1469	96.3%
0-60	1526	100.0%
0-90	1526	100.0%

Angle	Mean CP	Lumens
0	3112	
5	3044	282
10	2785	
15	2410	652
20	1672	
25	837	420
30	324	
35	163	115
40	128	
45	77	57
50	0	
55	0	0
60	0	
65	0	0
70	0	
75	0	0
80	0	
85	0	0
90	0	

Single unit data

Height to lighted plane	Initial center beam foot-candles	Beam diameter (ft)*
5′	124	3.0′
6′	86	3.6′
7′	64	4.2′
8′	49	4.8′
9′	38	5.4′

* Beam diameter is where foot-candles drop to 50% of maximum.

Multiple unit data - RCR 2

Spacing on center	Initial center beam foot-candles	Watts per sq. ft.
5′	71.3	0.65
6′	46.8	0.43
7′	33.4	0.31
8′	27.8	0.25
9′	22.3	0.20

38′ x 38′ x 10′ Room, Workplane 2.5′ above floor, 80/50/20% Reflectances

Efficacy: 103.8 lm/w
Report[2]: T20161390

Adjustment factors

Finish		CCT		Lumens	
CL	= 100%	80CRI 4000K	= 107%	3000lm	= 200%
CC	= 95%	80CRI 3500K	= 100%	2500lm	= 167%
CD	= 87%	80CRI 3000K	= 99%	2000lm	= 133%
CZ	= 63%	80CRI 2700K	= 93%	1500lm	= 100%
WH	= 87%	90CRI 3000K	= 87%	1000lm	= 67%
BK	= 57%	90CRI 2700K	= 81%	500lm	= 33%

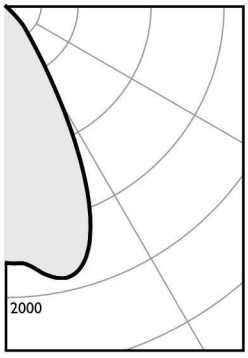
Coefficients of utilization

Ceiling	80%				70%		50%		30%		0%
Wall	70	50	30	10	50	10	50	10	50	10	0
RCR	Zonal cavity method - Effective floor reflectance = 20%										
0	119	119	119	119	116	116	111	111	106	106	100
1	114	112	110	108	110	106	106	103	102	100	95
2	110	106	102	99	104	98	101	96	98	94	91
3	105	100	96	92	99	92	96	90	94	89	86
4	101	95	90	87	94	86	92	85	90	84	82
5	97	90	85	82	89	81	88	81	86	80	78
6	93	86	81	77	85	77	84	77	83	76	74
7	90	82	77	74	81	73	80	73	79	73	71
8	86	79	74	70	78	70	77	70	76	69	68
9	83	75	70	67	75	67	74	67	73	66	65
10	80	72	67	64	72	64	71	64	70	64	62

Room Cavity Ratio

Medium beam, 1500lm Engine, 114.6 lm/W at 14.2W or 121.4 lm/W at 13.4W (Power over Ethernet)

Candela Curve



Frame: **C4RN or 4RN**
Engine: **C4L15835MZ10U**
Trim: **C4RDLCL**

Output lumens:	1627 lms
Input watts:	14.2 W
CRI:	80 min
CCT[1]:	3500K
Spacing Crit.:	0.9
Beam Angle:	56°

Zonal summary

Zone	Lumens	%Luminaire
0-30	1269	78.0%
0-40	1537	94.5%
0-60	1627	100.0%
0-90	1627	100.0%

Angle	Mean CP	Lumens
0	1760	
5	1783	174
10	1886	
15	1887	524
20	1702	
25	1283	572
30	762	
35	406	268
40	236	
45	116	89
50	14	
55	0	1
60	0	
65	0	0
70	0	
75	0	0
80	0	
85	0	0
90	0	

Single unit data

Height to lighted plane	Initial center beam foot-candles	Beam diameter (ft)*
5′	70	4.5′
6′	49	5.4′
7′	36	6.3′
8′	28	7.2′
9′	22	8.1′

* Beam diameter is where foot-candles drop to 50% of maximum.

Multiple unit data - RCR 2

Spacing on center	Initial center beam foot-candles	Watts per sq. ft.
5′	74.8	0.63
6′	49.1	0.41
7′	35.0	0.30
8′	29.2	0.25
9′	23.4	0.20

38′ x 38′ x 10′ Room, Workplane 2.5′ above floor, 80/50/20% Reflectances

Efficacy: 114.6 lm/w
Report[2]: T20161397

Adjustment factors

Finish		CCT		Lumens	
CL	= 100%	80CRI 4000K	= 102%	3000lm	= 200%
CC	= 95%	80CRI 3500K	= 100%	2500lm	= 167%
CD	= 87%	80CRI 3000K	= 97%	2000lm	= 133%
CZ	= 63%	80CRI 2700K	= 87%	1500lm	= 100%
WH	= 87%	90CRI 3000K	= 77%	1000lm	= 67%
BK	= 57%	90CRI 2700K	= 73%	500lm	= 33%

Coefficients of utilization

Ceiling	80%				70%		50%		30%		0%
Wall	70	50	30	10	50	10	50	10	50	10	0
RCR	Zonal cavity method - Effective floor reflectance = 20%										
0	119	119	119	119	116	116	111	111	106	106	100
1	114	111	109	107	109	105	105	102	101	99	94
2	108	104	100	97	102	96	99	94	96	92	88
3	103	97	93	89	96	88	93	87	91	85	82
4	98	91	86	82	90	81	88	81	86	80	77
5	94	86	80	76	85	76	83	75	81	74	72
6	89	81	75	71	80	71	79	70	77	70	68
7	85	76	70	66	76	66	74	66	73	66	64
8	81	72	66	62	71	62	70	62	69	62	60
9	77	68	63	59	68	59	67	58	66	58	57
10	74	65	59	55	64	55	63	55	63	55	54

Room Cavity Ratio

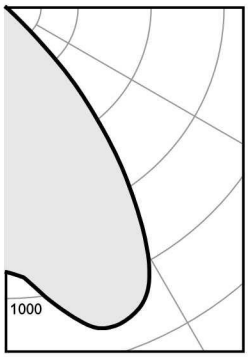
1. Correlated Color Temperature within specs as defined in ANSI_NEMA_ANSLG C78.377-2008: Specifications for the Chromaticity of Solid State Lighting Products.
2. Tested using absolute photometry as specified in LM79: IESNA Approved Method for the Electrical and Photometric Measurements of Solid-State Lighting Products.

C4RDL Calculite LED generation 3

4" round downlight

Wide beam, 1500lm Engine, 106.6 lm/W at 14.2W or 113.2 lm/W at 13.4W (Power over Ethernet)

Candela Curve



Frame: **C4RN or 4RN**
Engine: **C4L15835WZ10U**
Trim: **C4RDLCL**

Output lumens:	1517 lms
Input watts:	14.2 W
CRI:	80 min
CCT[1]:	3500K
Spacing Crit.:	1.2
Beam Angle:	76°

Zonal summary

Zone	Lumens	%Luminaire
0-30	918	60.5%
0-40	1368	90.2%
0-60	1517	100.0%
0-90	1517	100.0%

Angle	Mean CP	Lumens
0	906	
5	945	93
10	1040	
15	1128	318
20	1153	
25	1114	506
30	978	
35	732	450
40	460	
45	175	148
50	18	
55	0	2
60	0	
65	0	0
70	0	
75	0	0
80	0	
85	0	0
90	0	

Single unit data

Height to lighted plane	Initial center beam foot-candles	Beam diameter (ft)*
5′	36	6.0′
6′	25	7.2′
7′	18	8.4′
8′	14	9.6′
9′	11	10.8′

* Beam diameter is where foot-candles drop to 50% of maximum.

Multiple unit data - RCR 2

Spacing on center	Initial center beam foot-candles	Watts per sq. ft.
5′	68.5	0.63
6′	45.0	0.41
7′	32.1	0.30
8′	26.8	0.25
9′	21.4	0.20

38′ x 38′ x 10′ Room, Workplane 2.5′ above floor, 80/50/20% Reflectances

Efficacy: 106.6 lm/w
Report[2]: T20161406

Adjustment factors

Finish		CCT		Lumens	
CL	= 100%	80CRI 4000K	= 102%	3000lm	= 200%
CC	= 95%	80CRI 3500K	= 100%	2500lm	= 167%
CD	= 87%	80CRI 3000K	= 97%	2000lm	= 133%
CZ	= 63%	80CRI 2700K	= 87%	1500lm	= 100%
WH	= 87%	90CRI 3000K	= 77%	1000lm	= 67%
BK	= 57%	90CRI 2700K	= 73%	500lm	= 33%

Coefficients of utilization

Ceiling	80%				70%		50%		30%		0%
Wall	70	50	30	10	50	10	50	10	50	10	0
RCR	Zonal cavity method - Effective floor reflectance = 20%										
0	119	119	119	119	116	116	111	111	106	106	100
1	113	110	108	105	108	104	104	100	100	97	93
2	107	102	98	94	100	93	97	91	94	89	86
3	101	94	89	85	93	84	90	83	88	81	79
4	96	87	82	77	86	77	84	76	82	75	72
5	90	81	75	70	80	70	78	69	77	69	66
6	85	75	69	64	75	64	73	64	72	63	61
7	80	70	64	59	69	59	68	59	67	58	56
8	76	65	59	55	65	54	64	54	63	54	52
9	72	61	55	50	61	50	60	50	59	50	48
10	68	57	51	47	57	47	56	47	55	46	45

Room Cavity Ratio

1. Correlated Color Temperature within specs as defined in ANSI_NEMA_ANSLG C78.377-2008: Specifications for the Chromaticity of Solid State Lighting Products.
2. Tested using absolute photometry as specified in LM79: IESNA Approved Method for the Electrical and Photometric Measurements of Solid-State Lighting Products.

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CORE 300 LX
sconce

v2 Lighting Group™

PROJECT

Job [redacted]

Type [redacted]

Part # [redacted]

Notes [redacted]

SPECIFICATIONS

Source	Xicato XTM LED module - up to 3000 lumens
C.C.T.	2700K, 3000K, 3500K or 4000K
Color Consistency	1x2 SDCM (MacAdam) along BBL, CCT +/- 40K to 70K, Duv +/- .001
CRI (Ra)	83 or 98
Driver / Location	Included / Internal with remote or deep canopy options
Dimming	0-10V or phase dimming to 10% standard; DALI, DMX and 1% dimming available
Input Voltage	100 to 277VAC, phase dimmable versions are 120VAC only
Power	Up to 36 watts max, depending on LED module / driver
Reflector	20°, 40° or 60° - field replaceable without tools
Material	CNC machined aluminum with stainless steel hardware
Finish	Powder coat - TGIC polyester for exterior and interior use
Weight	5 lb. [2.3 kg]
Location	Listed for Wet & Damp locations
Approvals	ETL Listed to UL 1598, 2108, 8750 and CSA C22.2# 9 & #250.0
L80 Life	> 50,000 hours at 80% lumen maintenance based on IESNA LM-80-08
Warranty	Lifetime Limited Warranty - see warranty for details
IES Files	LM-79-08 IES files available at www.v2LightingGroup.com/downloads
Modifications	Any modification or customization is possible - consult factory



LED · INDOOR OUTDOOR · WET LOCATION · DIMMABLE · LIGHTSOURCE BY XICATO® · MADE IN U.S.A. · TITLE 24 COMPLIANT · ETL LISTED Intertek 4001580

ORDERING LOGIC

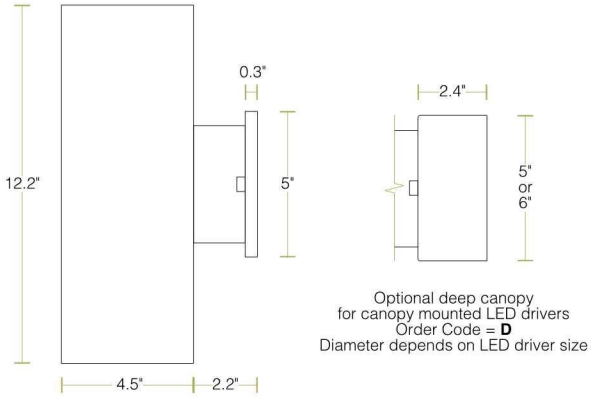
Model	Driver Location	Dimming	Mounting Location	Output	CRI *	C.C.T.	Reflector	Shell Color	Options
C3LS -	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	- [redacted]	- [redacted]
	[redacted]	[redacted]	D=Damp	[redacted]	83=83	27=2700K	[redacted]	XX	
	R=Remote	P=Phase	W=Wet	10=950 lm	98=98*	[redacted]	40=40°	(see chart on page 4)	
	D=Deep	V=0-10V		13=1300 lm		35=3500K	60=60°		
	Canopy	Z=Other		20=2000 lm		40=4000K		ZZ=Custom	
				30=3000 lm					

* 98 CRI not available in 3000 lm

Example Part Number: **C3LS-NND-20832740-S3**
CORE **3**00 **L**X **S**conce **-** I**N**ternal Driver, **N**o Dimming, **D**amp Location **- 20**00 lm, **83** CRI, **27**00K, **40**° Reflector **- S3** Red Shell

CORE 300 LX
sconce

DIMENSIONS



All canopies fit standard 3.5" and 4" round and octagonal junction boxes

Not to scale, dimensions are nominal
Consult factory for CAD drawings

Optional deep canopy
for canopy mounted LED drivers
Order Code = **D**
Diameter depends on LED driver size

LED OPTIONS

Reflector Option	LED Specifications				
	LES[1]	CRI	Lumens[2, 3, 4]	Wattage[5] (W)	Efficacy[6] (lm/W)
20 , 40 & 60	19mm	Ra = 83 ± 3	700	5.6	129
			950	8.2	118
			1300	11.7	111
			2000	19.5	102
			3000	29.3	102
		Ra = 98 R9 ≥ 90 R15 ≥ 95	700	7.4	97
			950	10.9	89
			1300	15.6	83
			2000	26.4	76

1 LES: Light Emitting Surface diameter
2 ±10%
3 Source lumens - see photometrics on page 3 for LOR to calculate delivered lumens
4 Higher lumen outputs are available in CORE / QUBE 400 series
5 Maximum luminaire wattage including LED driver = LED wattage x 1.2
6 Higher efficacies are available via lower drive currents - consult factory

CONTROL OPTIONS

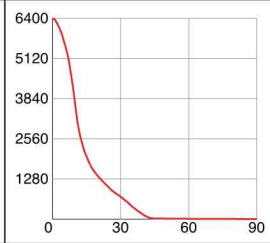
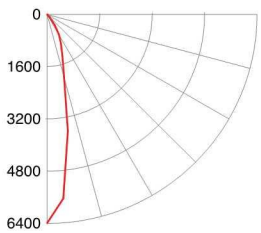
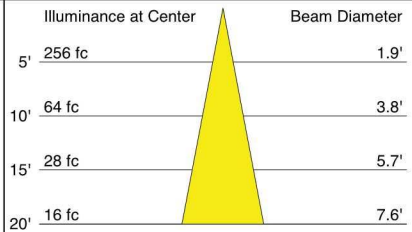
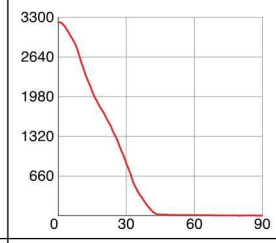
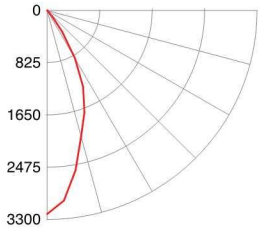
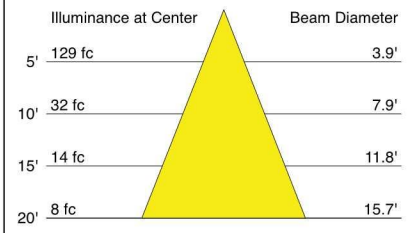
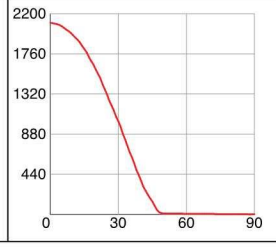
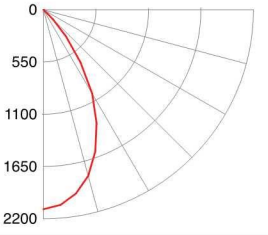
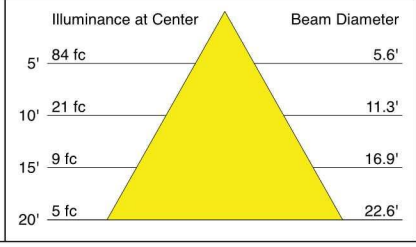
Standard LED Drivers* (included in base price)	Order Code **V** = 0-10V dimming to 10%
	Order Code **P** = Phase dimming to 10% Compatible with both forward and reverse phase dimmers
Optional LED Drivers*	eldoLED 0-10V, DALI, or DMX dimming to 0%
	Lutron Hi-lume™ A-series, EcoSystem or forward phase dimming to 1%
	Lutron Hi-lume™ 5-series, EcoSystem dimming to 5%

* Standard LED drivers are suitable for Wet Location
* Optional LED drivers are suitable for Damp Location
* For EM applications:
All LED drivers may be used with 3rd party inverter style systems

 ©2015 v2 Lighting Group, Inc. Specifications subject to change without notice.

PHOTOMETRICS

LM-79-08 IES files available at www.v2LightingGroup.com/downloads

Beam Angle	Order Code	Intensity Plot (cd) (2000lm)	Polar Plot (cd) (2000lm)	Cone Diagram (2000lm)	Description
20°	**20**				CBCP = 3195 cd/klm Beam Angle = 21° Field Angle = 63° LOR = 89.4 % Beam = full width @ 50% Field = full width @ 90%
40°	**40**				CBCP = 1607 cd/klm Beam Angle = 43° Field Angle = 73° LOR = 88.7 % Beam = full width @ 50% Field = full width @ 90%
60°	**60**				CBCP = 1050 cd/klm Beam Angle = 59° Field Angle = 86° LOR = 85.2 % Beam = full width @ 50% Field = full width @ 90%

Beam Shaping Options

Add the order code shown below to the options box at the end of the part number:

Order Code	Description
-HL	Honeycomb Louver
-DF	Diffusion Lens
-SF	Satin finish on any standard reflector
-LS	Linear Spread Lens (60° x 1°)
-WW	Wall Wash Lens (shifts beam 20° from vertical)

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COLOR OPTIONS

Anodized Effect


A1 Clear Silver


A2 Champagne


A3 Light Bronze


A4 Medium Bronze


A5 Dark Bronze


A6 Black

Metallic


M1 Pearl


M2 Sea Foam


M3 Forest Gray


M4 Charcoal Gray


M5 Gunmetal Gray


M6 Dove Gray


M7 Old Copper


M8 Old Brass

Basic

L1 Gloss White


L2 Gloss Light Gray


L3 Gloss Dark Gray


L4 Gloss Black

T1 Textured Matte White


T2 Textured Matte Light Gray


T3 Textured Metallic Dark Gray


T4 Textured Matte Black

Sparkle


S1 Light Orange


S2 Deep Orange


S3 Red


S4 Burgundy


S5 Violet


S6 Deep Blue


S7 Sky Blue


S8 Bright Green

The complete range of powder coat colors from Tiger Drylac is available - consult factory
Custom match powder coat colors are available - consult factory
Printed or on-screen colors are only approximations - consult v2 Color Chip Set Rev.4 before specifying

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M E M O R A N D U M

DATE: July 9, 2018

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review –BC Secondary Schools

Public Works Department staff reviewed the following documents submitted for review on June 12, 2018, for 6500 Humboldt Ave N:

- Civil Site Plans dated June 12, 2018

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:

C5.2 – Detail and Specifications Plan

1. Accessibility ramps shall comply with ADA standards.

Miscellaneous

2. 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.

3. The total disturbed area is less than 0.5 acres; no project review is required for the West Mississippi Watershed Commission and an NPDES permit is not required. However the City s requests the applicant attempt to install BMP's to improve water quality.

Prior to issuance of a Land Alteration

4. 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.

5. A letter of credit or a cash escrow in the amount of up to 125% of the estimated cost of site improvements as determined by City staff shall be deposited with the City.

6. 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:

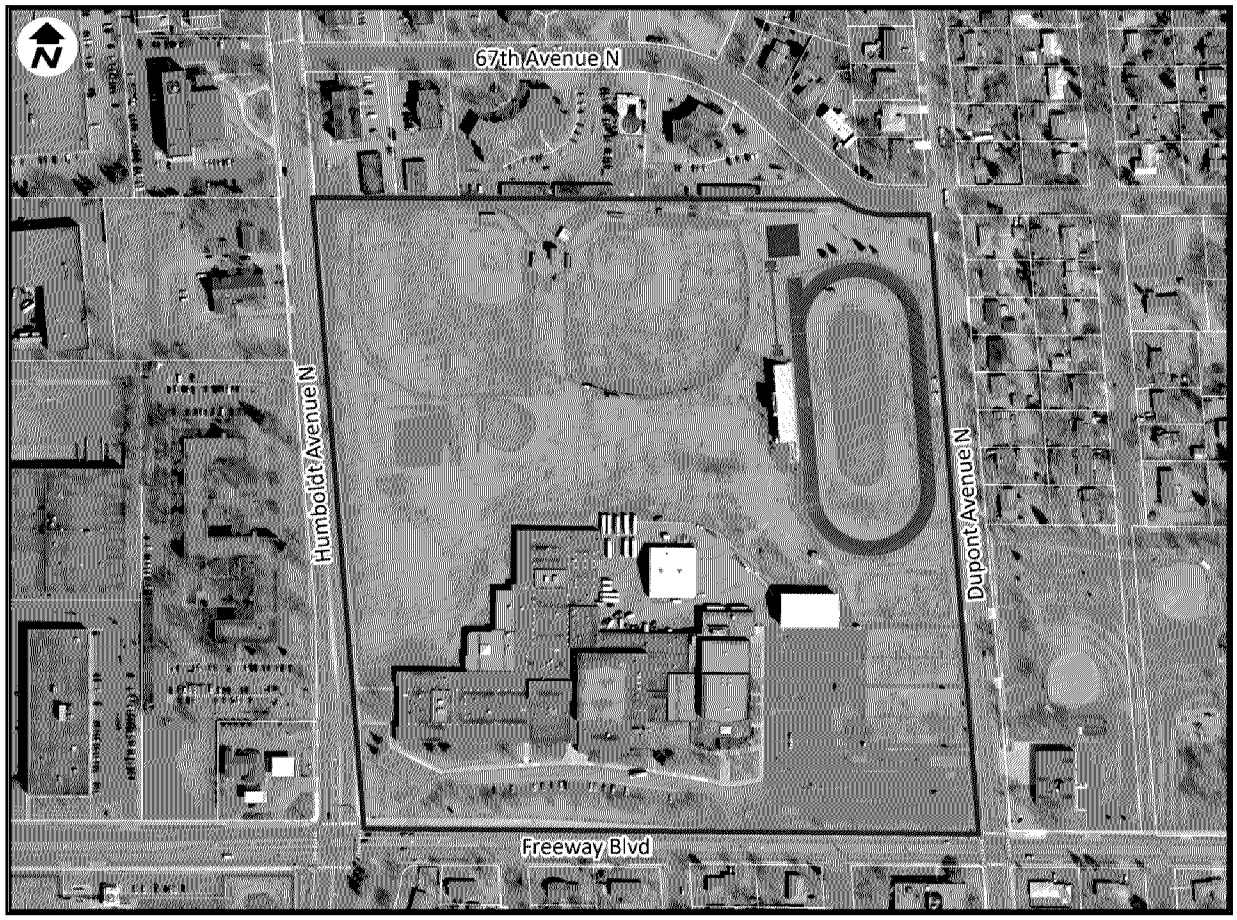
7. Other permits not listed may be required and is the responsibility of the developer to obtain and warranted.

8. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

9. 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.

Von Petersen, TSP, Inc. (Brooklyn Center Schools)



REQUEST:

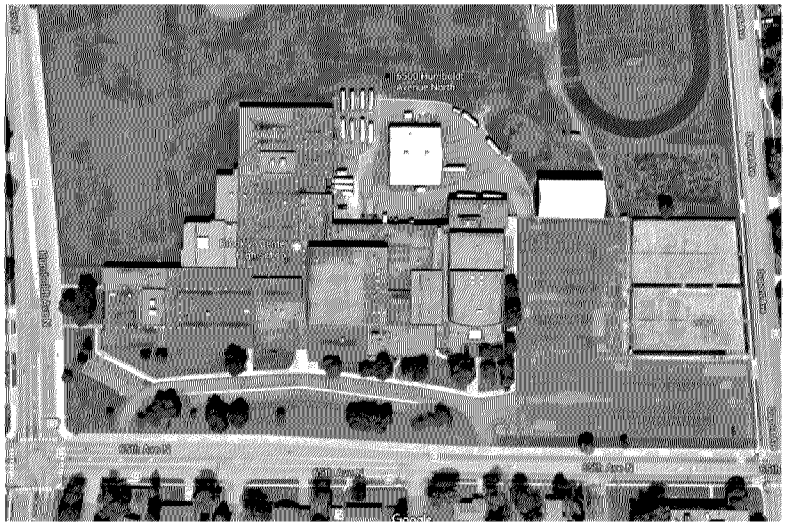
(1) Site and Building Plan

Item 9.a

City Council Meeting of 07/23/2018

Background & Request

- Applicant is requesting approval of:
  - **(1) Site and Building Plan**
    - 2,250-square foot front entry addition
    - 845-square foot 2nd floor mechanical mezzanine addition
    - Site improvements that address partial landscaping, sidewalk, and road asphalt
- Property is zoned R1 (One Family Residence District)
- Existing school was constructed in 1961
- School is approximately 195,797-square feet in size and is located on 35.5 acres
- This application is associated with requests made by the Brooklyn Center School District to increase the District's operating levy and construction funding for Earle Brown Elementary School and Brooklyn Center Middle and High School.
  - These requests were approved through a referendum that was passed on November 7th, 2017.



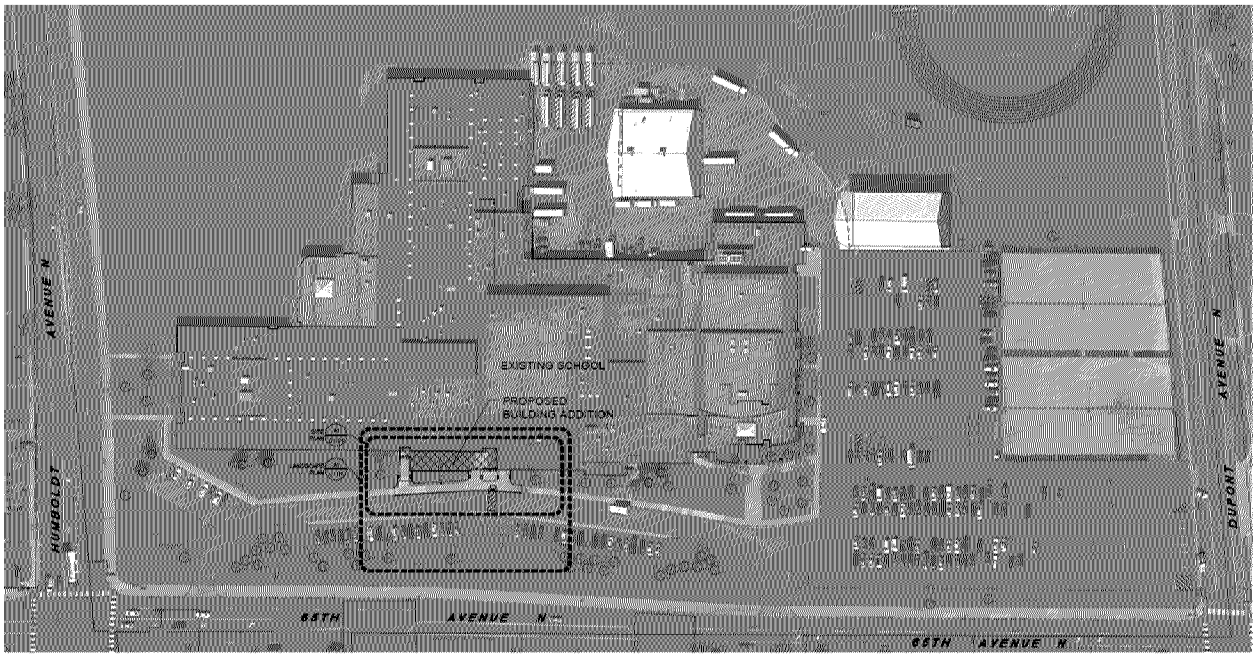
Source: Google Maps



Source: MHAPO

Building Review

- The majority of the improvements to take place at the school are anticipated to occur within the interior of the existing school building.
  - These renovations will require submittal of full construction plans to the City for review and issuance of a Building Permit.
  - **Interior Renovations include:** (**1**) relocation of middle school to west wing, (**2**) relocation of high school to north wing, (**3**) relocation of support and shared use functions for access by both schools, (**4**) security and access upgrades, (**5**) upgrading of rooms to current standards and requirements and new finishes, (**6**) upgrading of restrooms and physical education locker rooms, including replacement of showers with single user stalls and private dressing areas, additional bathrooms, etc., and (**7**) addressing of extensive deferred maintenance.

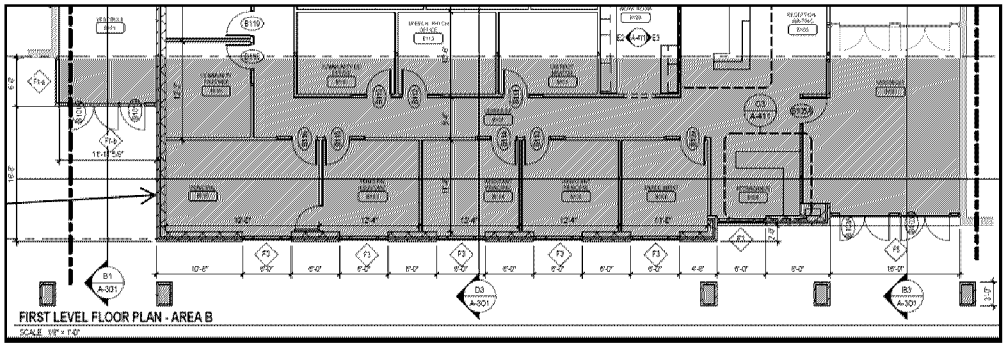


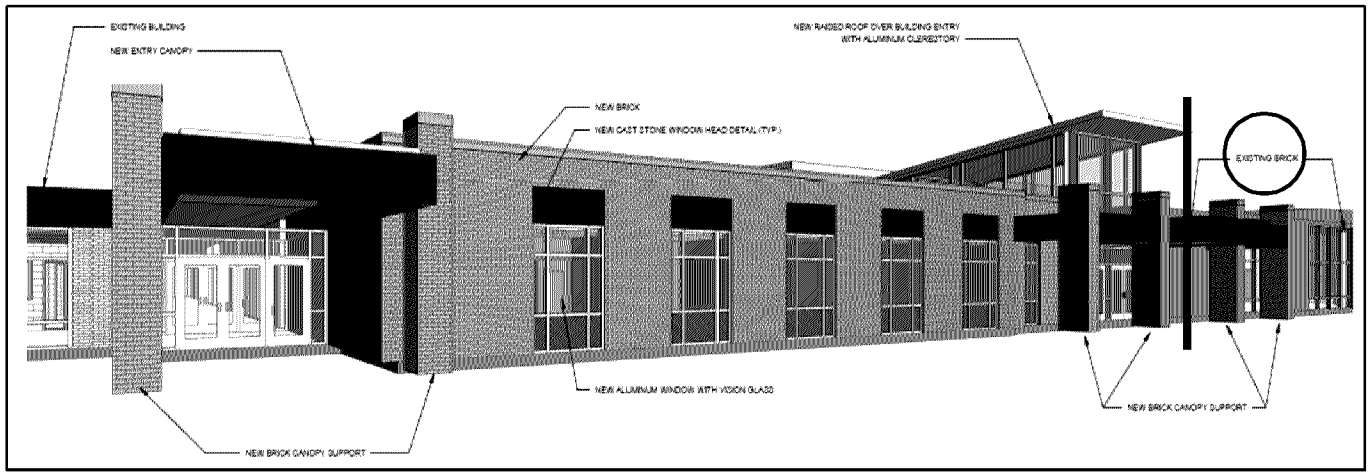
Source: TSP

Building Review (Cont.)

- **(1) New Front Entry Addition (2,250 SF)**





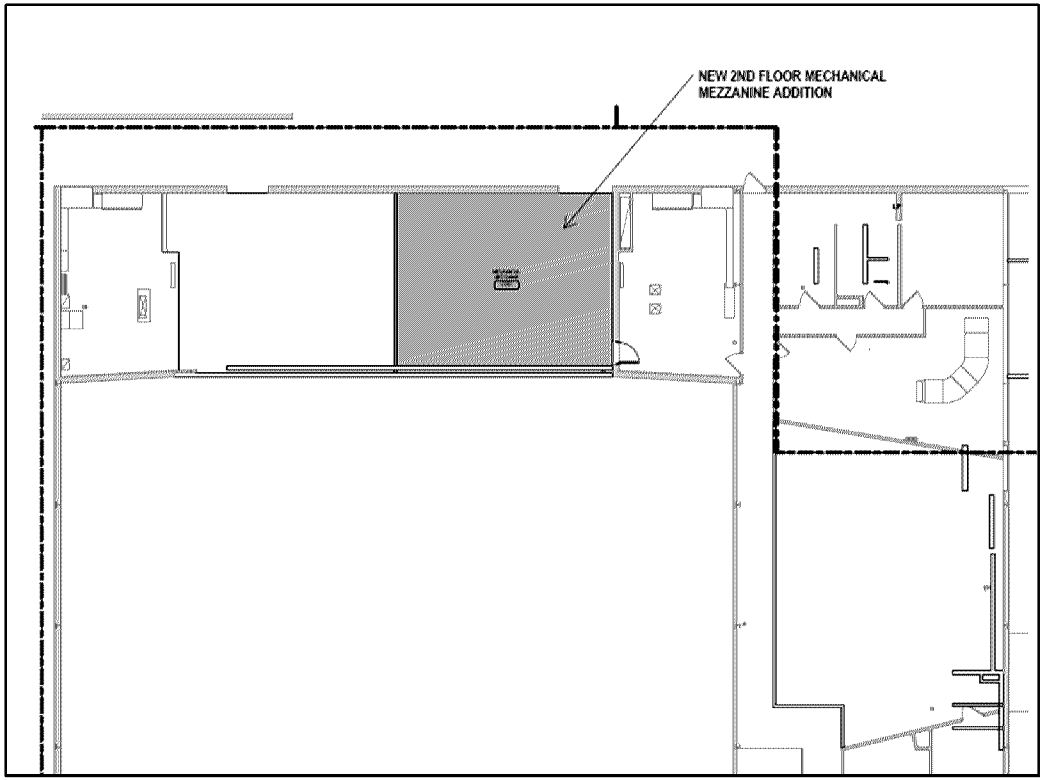


- New brick and reuse of salvaged brick for blending
- Windows with aluminum casings and vision glass with cast stone headings
- A raised roof over the new entry with aluminum constructed clerestory
- Prefinished metal parapet

Source: TSP

Building Review (Cont.)

- **(2) 2nd Floor Mechanical Mezzanine Addition (845 SF)**
  - Mezzanine to be within existing building envelope in the fly space of the old stage area
  - There may be some roof penetrations, but no proposed exterior additions under this plan request



Source: TSP

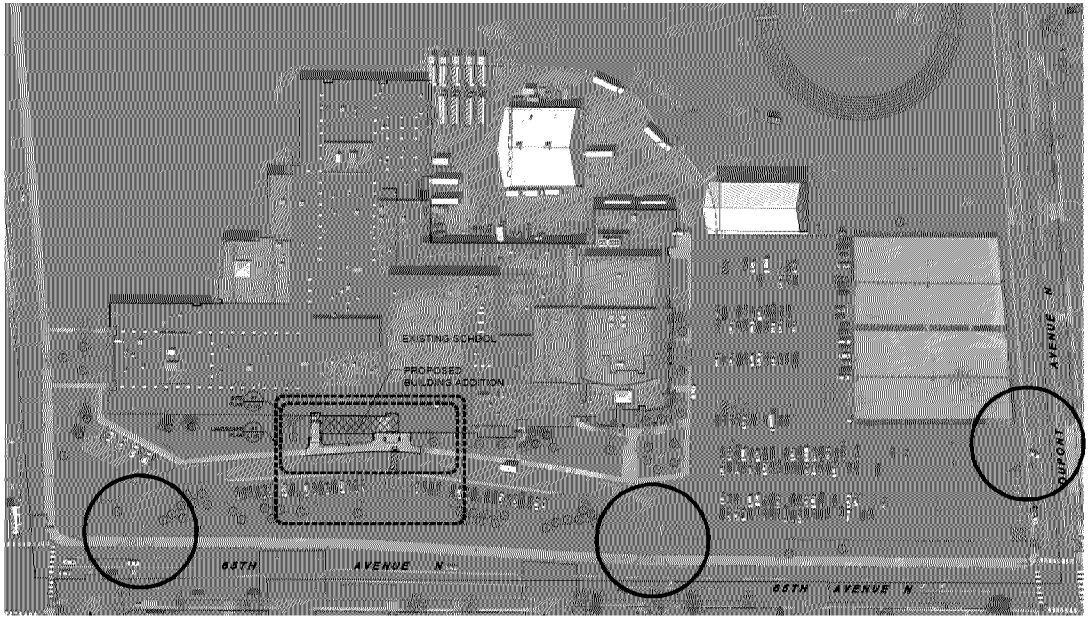
Access and Parking

Access

- Existing access points off Freeway Boulevard/65th Avenue north and Dupont Avenue North to remain

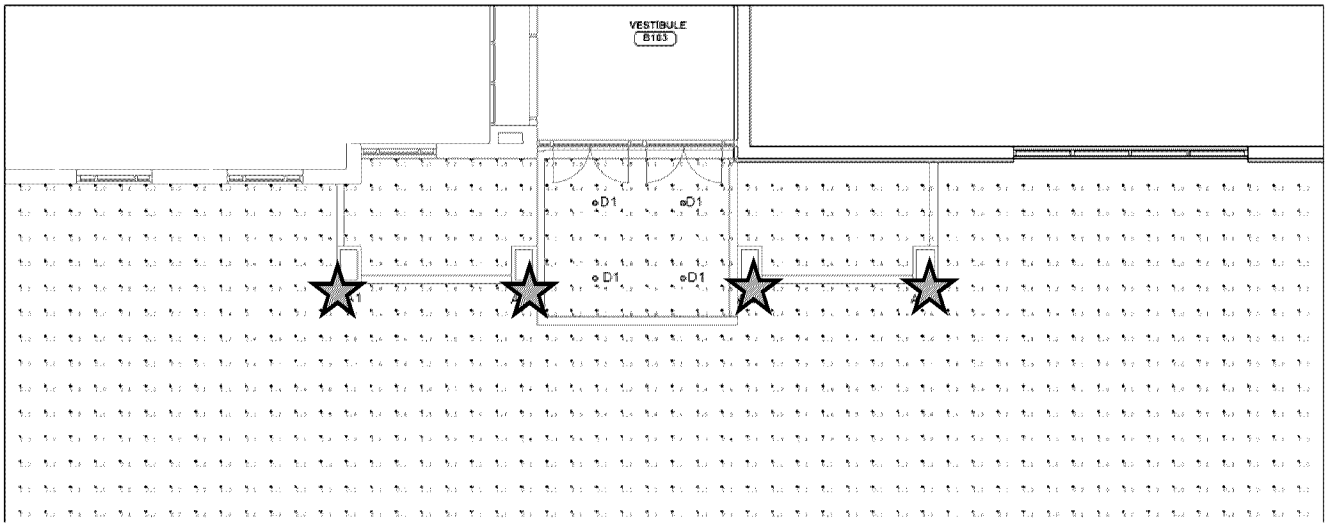
Parking

- There is no established parking formula for schools under the City Zoning Ordinance.
- Applicant has indicated no additional parking is required as additions are for mechanical use and a front entry/administrative office use
- A determination was made in 1991 that the required parking for the school should be 350 spaces based on a one parking space per every three seat ratio for the largest capacity facility
  - Gymnasium was identified at that time with a seating capacity of 1,050 (350 spaces)



Lighting | Trash | Screening

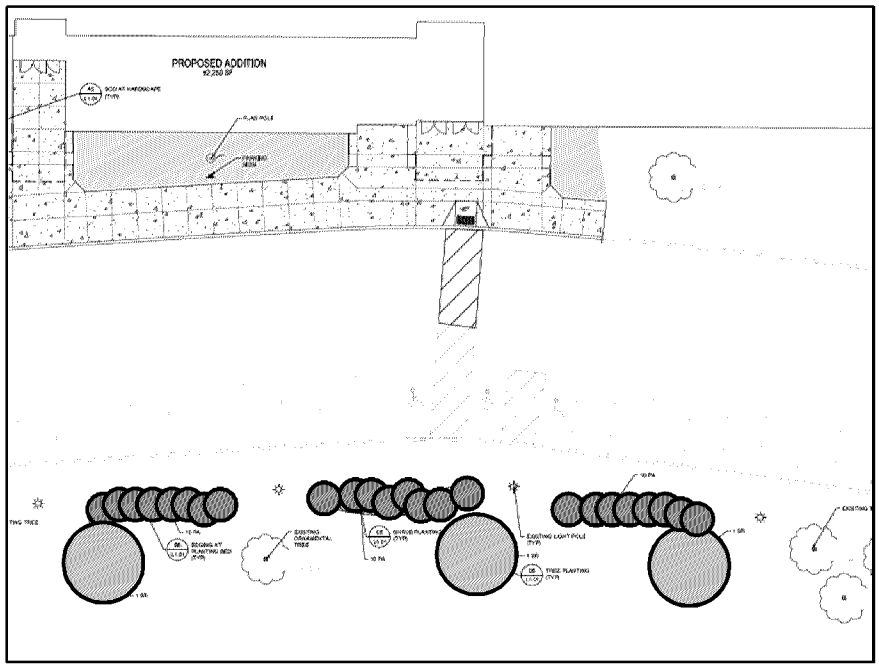
- **Lighting**
  - **Photometric Plan:** Plan was submitted, however, plan should be updated to reflect property lines.
  - **New Lighting Fixture Count (4):** New sconces are to be LED and downcast
    - New lighting shall comply with Section 35-712 (*Lighting*) of the City Zoning Code



☆ = LED wall sconce

Landscaping

- A partial landscape plan was submitted for the front entry area.
  - The City has no specific requirements on landscaping types and species—operates under use of Landscape Point System Policy
- Schools are not specifically outlined as a "use" under the Landscape Point System Policy
  - Staff reviewed whether adequate screening would be provided for the parking areas per Section 35-711 (*Parking Lot Screening*), which notes that,
    - "such off-street parking and loading areas within any yards which abut along a street which is residentially zoned on the side opposite shall be screened from street view by a screening device as approved by the City Council."
    - An irrigation system is required—per Landscape Plan, "underground irrigation is provided."



- 30 dwarf Norway spruce trees
  (max. 4 feet in height)
- 3 Japanese lilac trees
  (max. 25 feet in height)

Staff Reviews

- **Assistant City Engineer**
  - Applicant shall comply with the comments and conditions as noted in the memorandum dated July 9, 2018 (Exhibit B).
  - Disturbed area is less than 0.5 acres—no project review is required for the West Mississippi Watershed Commission and an NPDES permit is not required.
    - Request to install BMPs to improve water quality where possible
- **Fire Inspector**
- The Applicant shall work to ensure all 2015 Minnesota Fire Code requirements have been met as part of any site plan approval. This includes, but is not limited to, installation of a new Knox box, fire egress, etc.

- The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the site meet Fire Code and Building Code requirements.

Signage

- No formal request for approval were made as part of the application submittal, although a wall sign is indicated on the proposed addition.
- Any new signage, including wall and monument signs, would require conformance with Chapter 34 of the City Code (*Sign Ordinance*), and specifically for Public Uses.
  - Public Uses are permitted one wall sign (not to exceed 36 square feet); and
  - One wall sign immediately above or beside each public entrance to that part of the building that is used as a school and meets the requirements of the Minnesota Department of Education. These sign areas shall not exceed 10 square feet.



Summary

- No public hearing notice was published in the Brooklyn Center *Sun Post* and no mail notices were sent.
- The Planning Commission had questions relating to the proposed interior improvements, upgraded security and access, and separation of the middle school from the high school. Additional questions were asked by Commissioners as related to the 2nd floor mechanical mezzanine addition.
- No public comments were made prior to or during review of the request.
- The Planning Commission unanimously (4-0) recommended approval of the site and building plan requests as identified under Planning Commission Application No. 2018-012.

Recommendation

- The Planning Commission recommends City Council approve Planning Commission Application No. 2018-012, submitted by Von Petersen of TSP, Inc. on behalf of Brooklyn Center School District, requesting site and building plan approval for the property located at 6500 Humboldt Avenue North, subject to the Applicant/Property Owner complying with the conditions outlined in the resolution.

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Ginny McIntosh, City Planner

SUBJECT: Resolution to Approve Planning Commission Application No. 2018-013, Submitted by Casey's Retail Company for Approval of a Site and Building Plan and Issuance of a Special Use Permit for a Gas Station and Convenience Store in the C2 (Commerce) District (Located at 2101 Freeway Boulevard)

Recommendation:

It is recommended that the City Council, following consideration of this planning application item, approve the resolution regarding the disposition of Planning Commission Application No. 2018-013, submitted by Casey's Retail Company.

Background:

Casey's Retail Company ("the Applicant") is requesting consideration and approval of a Site and Building Plan and issuance of a Special Use Permit to construct and operate a Casey's gas station and convenience store at 2101 Freeway Boulevard ("the Subject Property"). The Subject Property was formerly home to a number of restaurants, including the Mr. BBQ & Voodoo Lounge, who last occupied the restaurant building. The restaurant closed and the building was subsequently demolished in 2014. The Subject Property has sat vacant since.

Approval of the aforementioned requests requires a public hearing due to the request for issuance of a Special Use Permit. A public notice was published in the Brooklyn Center *Sun Post* on June 28, 2018, and mail notices were sent to neighboring property owners. A public hearing was held on the application request at the July 12, 2018, Planning Commission meeting. No comments for or against were provided by the public either prior to or during the review of the request.

The Commissioners asked questions relating to the number of employees the store would hire, operating hours, what makes Casey's different than other gas station convenience stores, and signage. One Commissioner inquired as to whether the Subject Property had received any interest in the past from other developers for other uses than a gas station and convenience store.

City staff noted that the Applicant would need to provide justification for concerns relating to lighting and specifically the under-canopy lighting, deficiencies with the submitted landscape plan, requests to remove three parking spaces from in front of the proposed trash enclosure, and identification of replacement parking. Additionally, Public Works requested that the Applicant provide a traffic study that incorporates the proposed access intersections and intersections adjacent to the site as part of any plan approval. Additional time was taken to address Section 35-414 of the City Zoning Code, which outlines special requirements for automobile service stations (gas stations).

Following a review of the application requests, the Planning Commission unanimously (4-0) recommended

approval of the site and building plan requests as identified under Planning Commission Application No. 2018-013. It should be noted that the Applicant has been in contact with City staff since the June 28, 2018, Planning Commission meeting to address the identified revisions, deficiencies, and need for a traffic study.

Copies of the Planning Commission Report, dated July 12, 2018, and City Council resolution are attached as reference.

Requested Council Action:

- *Motion to approve resolution*

Budget Issues:

There are no budget items to consider.

Strategic Priorities and Values:

Targeted Redevelopment

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2018-013 SUBMITTED BY CASEY'S RETAIL COMPANY FOR APPROVAL OF A SITE AND BUILDING PLAN AND ISSUANCE OF A SPECIAL USE PERMIT FOR A GAS STATION AND CONVENIENCE STORE IN THE C2 (COMMERCE) DISTRICT (LOCATED AT 2101 FREEWAY BOULEVARD)

WHEREAS, Planning Commission Application No. 2018-013, submitted by Casey's Retail Company ("The Applicant") requests approval of a Site and Building Plan and issuance of a Special Use Permit that would allow for the development of an approximately 4,600-square foot Casey's gas station and convenience store and other associated site improvements on an approximately 2.12 acre site located at 2101 Freeway Boulevard ("Subject Property"); and

WHEREAS, the Subject Property is situated in the C2 (Commerce) District and pursuant to City Code Section 35-322; Subpart 3, "Gasoline service stations (see Section 35-414), motor vehicle repair and auto washes, provided they do not abut an R1, R2, or R3 district, including abutment at a street line" and "the sale or vending at gasoline service stations of items other than fuels, lubricants or automotive parts and accessories (and other than the vending of soft drinks, candy, cigarettes and other incidental items for the convenience of customers within the principal building), provided adequate parking is available, consistent with the Section 35-704, 2(b) and 2(c)" are only allowed by means of Special Use Permit in the C2 (Commerce) District, and the Applicant has submitted such application to the City of Brooklyn Center for official consideration under Planning Commission Application No. 2018-013; and

WHEREAS, the Planning Commission held a duly noticed and called public hearing on July 12, 2018, whereby a planning staff report was presented and public testimony regarding the Site and Building Plan and Special Use Permit were received; and

WHEREAS, the Planning Commission considered the Site and Building Plan and Special Use Permit requests in light of all testimony received, the guidelines and standards for evaluating the Special Use Permit contained in Section 35-220 (*Special Use Permits*), Section 35-222 (*C2 Commerce District*), and Section 35-414 (*Special Requirements for Automobile Service Stations*) of the City's Zoning Ordinance, and the requests comply with the general goals and objectives of the City's 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-013, submitted by Casey's Retail Company, may be approved based upon the following considerations:

A. The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort, and the Applicant has submitted plans that are in substantial conformance with the provisions of Section 35-414 (*Special Requirements for Automobile Service Stations*), which outlines certain requirements for gas stations relating to esthetics, function, impact on surrounding properties, and overall access and parking for gas stations.

B. The special use will not be injurious to the use and enjoyments of other property in the immediate vicinity for the purposes already permitted, nor substantially

diminish and impair property values within the neighborhood. The Subject Property has been vacant since 2014 when a former restaurant was demolished. It is hoped that the addition of a gas station and convenience store would serve as an amenity to residents, neighboring businesses and workers, and visitors to the Brooklyn Center area.

As specified in Section 35-414 (*Special Requirements for Automobile Service Stations*), "the appearance of the community and landscape is to be disturbed as little as possible. Moreover, the design of buildings and of the canopy, if there is one, shall be in scale with the surroundings. This subsection shall apply to all exterior additions or alterations including accessory structures and signs." Per the conditions of approval as noted below, the Applicant will revise plan sets to address these provisions, and a traffic study shall be provided as part of any Special Use Permit and Site and Building plan approval and subsequent Building Permit issuance.

C. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as the area is substantially developed and the surrounding properties consist of numerous hotels, a Hindu temple, and other commercial and industrial properties. The land is bordered to the south by I-94/I-694.

D. Adequate measures have been or will be taken to provide ingress, egress and parking so designed as to minimize traffic congestion in the public streets. The Applicant is cognizant of the right turn lane access running along the eastern edge of the Subject Property and has instead provided two driveway access points off Freeway Boulevard that are in conformance with the provisions of Section 35-414 (*Special Requirements for Automobile Service Stations*) and the City's Zoning Code.

As a condition of any approval, the Applicant shall submit a traffic study that addresses access to the Subject Property and the intersections adjacent to the site. The Applicant has provided a sidewalk connection from Freeway Boulevard, but will work with staff to reflect interior crosswalk connections to the convenience store and access from the nearby Shingle Creek Trail, just west of the Subject Property.

E. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The submitted plans substantially conform to the City's Codes. Any deficiencies as outlined in the approval conditions and Assistant City Engineer's memorandum shall be revised to reflect conformance and be submitted to City staff for review and approval. The Applicant will need to apply for licensure with the City of Brooklyn Center to obtain a Filling Station license, as well as any other relevant licensure.

BE IT FURTHER RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, to recommend that Planning Commission Application No. 2018-013, submitted by

Casey's Retail Company, be approved subject to the following conditions and considerations:

1. **Site and Building Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; 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.
        i. The Applicant shall revise the site plans to reflect the removal of spaces 26, 27, and 28 in front of the proposed trash enclosure. The Applicant shall identify opportunities to relocate parking spaces elsewhere on site.
        ii. The Applicant shall incorporate internal crosswalk connections to the convenience store from the proposed sidewalk on the plans and the addition of a bike rack for users of the Shingle Creek Trail, which runs just west of the Subject Property and has a direct sidewalk connection to Freeway Boulevard.
    b. The Applicant shall verify that the proposed Site and Building has met City Code requirements.
    c. Elevations and detailing of the gas pump canopy structure and footings are to be provided as part of the Building Permit review process.
    d. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. **Agreements:**
    a. The Property Owner/Applicant shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
    b. The Developer shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the Performance Agreement financial guarantee.

3. **Licensure:** The Applicant shall work with the City to obtain any relevant licensure, including, but not limited to an annual Filling Station license.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated July 9, 2018.
    a. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
    b. The Applicant shall provide a traffic study to address the proposed access intersections and intersections adjacent to the site as part of any Site and Building Plan and Special Use Permit approval.

5. **Fire Inspector Review:** The Applicant agrees to comply with all conditions or provisions required per Fire and Building Code. These include, but are not limited to:
    a. Installation of a Knox-Box to allow for emergency access to the proposed riser/utility room.

b. Verification of minimum turn-radius required for fire truck apparatus as part of parking lot approval and clearance around the gas pump canopy.

6. **Construction Standards:**
   a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
   b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

7. **Facilities and Equipment:**
   a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
   b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
   c. The Applicant shall utilize lighting in accordance with Section 35-712 (*Lighting*) of the City Zoning Ordinance. Although the surrounding properties are non-residentially zoned, the Applicant shall identify opportunities to reduce lighting along the property lines to 3-foot candles or less given the presence of hotels to the north, east, and west.
   d. The Applicant shall identify opportunities to reduce the overall intensity of foot-candles under the gas station canopy and minimize light spray.
   e. The Applicant shall furnish fixture specifications and imagery of proposed light installations as part of the Building Permit application submittal.

8. **Landscaping:**
   a. The landscaping plan shall be revised to meet the minimum Landscape Point System Policy requirements.
      i. Additional plantings are to be included along the east and north east edges of the Subject Property. Opaque plantings (e.g., hedges) shall be located outside the designated sight triangle; however, plantings are to be introduced in locations where headlight glare may impact neighboring properties.
   b. All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
   c. Irrigation shop drawings shall be provided to the City for review and approval prior to installation as noted on submitted Sheet L100 (*Landscape Plan*).

9. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the provisions of Chapter 34 (*Sign Ordinance*).

RESOLUTION NO.

July 23, 2018
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.

- Application Filed: 06/12/2018
- Review Period (60-day) Deadline: 08/11/2018
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Planning Commission Report

Meeting Date: July 12, 2018

Application No.	2018-013
Applicant:	Casey's Retail Company
Location:	2101 Freeway Boulevard
Request:	Site and Building Plan Approval with Special Use Permit for a Gas Station/Convenience Store

INTRODUCTION

Casey's Retail Company ("the Applicant") is requesting consideration and approval of a Site and Building Plan and issuance of a Special Use Permit to construct and operate a gas station and convenience store at 2101 Freeway Boulevard ("the Subject Property"). The Subject Property was formerly home to a series of restaurants, including Chuck Muer's, LaCasita's, Chi-Chi's, and the Mr. BBQ & Voodoo Lounge. The restaurant building was demolished in 2014 and the site has sat vacant since.

Although site and building plan approvals do not require a public hearing, the request for issuance of a Special Use Permit requires that a public hearing be scheduled. A copy of the published notice, confirming publication in the Brooklyn Center *Sun Post* on June 28, 2018 (Exhibit A), is included. Mail notices were also sent out to property owners in accordance with Section 35-220 (*Special Use Permits*) of the Brooklyn Center Zoning Ordinance.

COMPREHENSIVE PLAN AND ZONING STANDARDS

Land Use Plan: RB - Retail Business

Neighborhood: Shingle Creek

Current Zoning: C2 (Commerce) District

Surrounding Zoning:
North: PUD/I1 (Planned Unit Development / Industrial Park) District
East: C2 (Commerce) District
South: I-94/I-694
West: Freeway Boulevard / I1 (Industrial Park) District

Site Area: Approximately 2.12 acres

Setback Standards:
The typical minimum building setback requirements for a C2-zoned property are as follows:

Front Yard: 35 feet **Rear Yard:** 40 feet **Side Interior Yard:** 10 feet **Corner Side Yard:** 25 feet

The Subject Property is located at the southwest intersection of Shingle Creek Parkway and Freeway Boulevard and situated north of the westbound ramp to I-94/I-694. The setbacks as proposed on the

submitted site plan have been identified as follows:

Front Yard: ~155 feet **Rear Yard:** ~275 feet **Side Interior Yard:** ~65 feet **Corner Side Yard:** ~53 feet

Conformity to:

Land Use Plan:	Yes
Zoning Ord.:	Yes (C2 District)
Subdivision Ord.:	Yes
Sign Ord.:	To be discussed within Staff Report.

Variance Needed for Request: No

BUILDING AND SITE PLAN REVIEW

Building/Canopy

The proposal calls for the construction of an approximately 4,600-square foot, one-story convenience store at 2101 Freeway Boulevard ("the Subject Property"). The total heights from finished floor to roof parapet are noted at approximately 18 and 21 feet. The building would be located on approximately 2.12 acres just north of the westbound I-94/I-694 on-ramp, near the intersection of Shingle Creek Parkway and Freeway Boulevard, and in proximity to the City's hotel establishments and industrial park. A civil set, containing site, utility, grading, landscaping, and photometric plans, have been provided by the Applicant and are attached hereto as Exhibit B.



Map 1. *Subject Property Location.*

Although unofficial, the City does reference a set of design guidelines when reviewing site and building

plan applications. These guidelines are based on the *Shingle Creek Crossing Architectural Design Guidelines*, which were approved in 2011. These guidelines strive to have *at least* 50-percent of each elevation (wall surface) constructed with Class I materials, with the remaining surfaces to be constructed of Class II materials.

Class I materials include: brick or acceptable brick-type material, marble; granite; other natural stone or acceptable natural looking stone; textured cement stucco; copper; porcelain, glass; architectural textured concrete pre-cast panels; and other materials including masonry units with enhanced detailing such as patterns, textures, color, dimension, banding, and brick inlay, as approved by the City Planning Commission and City Council.

Class II materials include: exposed aggregate concrete panels; burnished concrete block; integral colored split face (rock face) and exposed aggregate concrete block; cast-in-place concrete; artificial stucco (e.g., E.I.F.S., Drivit); artificial stone; fiber-reinforced cement board siding with a minimum thickness of ¼ inch; canvas or vinyl awnings; prefinished metal; and other materials not listed elsewhere, as approved by the City Planning Commission and City Council.



Image 1. *Architectural Rendering of the East Elevation (view from Shingle Creek Parkway)*



Image 2. *Architectural Rendering of the West Elevation.*



Image 3. *Architectural Rendering of the North Elevation (view from Freeway Boulevard).*



Image 4. *Architectural Rendering of the South Elevation (view from I-94/I-694).*

The Applicant proposes to use a mix of glass, spandrel glass, real antique red brick (utilizing soldier course and running bond patterns), Aluminum Composite (ACM) panels, and cultured stonework in a rustic brown on the exterior of the building. Glass, brick and acceptable brick-type materials, along with natural stone and acceptable natural looking stones are considered as Class I type building materials, whereas pre-finished metals are considered a Class II type building material. Please refer to Exhibit C for copies of the building elevations and materials.

City staff discussed the installation of spandrel glass with the Applicant and specifically inquired whether it would be possible to install real glass windows. Due to the location of the proposed coolers, kitchen hood, and restroom areas, the Applicant has indicated that the use of real glass would not be possible. As the submitted plans note the use of tinted glass, City staff held additional discussions regarding the overall visibility. Photos of like window tinting at other Casey's were provided to City staff and show the ability to view inside the store as well as out.

As proposed, the Casey's store would feature two entrances. The primary entrance would face outward towards Shingle Creek Parkway and the gas pump canopy structure, while the secondary entrance would be located on the rear or west elevation of the building. The entrances would not mirror one another in location or size as the primary entrance is intended to draw in traffic from the adjacent roadways and users of the fuel pumps and as the coolers located along the rear portion of the building require that the rear entranceway be off center.

The proposed gas station pump canopy structure would be approximately 66 feet wide by 114 feet long and feature eight double-sided pumps. The pumps would have a separation of 30 feet. Assuming an average car width of approximately eight feet (the minimum width of a parallel parking space under the City Zoning Code), approximately 14 feet of drive aisle would remain for cars to navigate through the pump islands. The Applicant will be required to submit plans noting the canopy elevations and structure details (e.g., footings) as part of any building permit approval.

ACCESS AND PARKING

Vehicular Access/Parking

Section 35-414 (*Special Requirements for Automobile Service Stations*) outlines a number of requirements regarding the esthetics, function, impact on surrounding properties, and overall access and parking for automobile service stations (gas stations). This section specifies that automobile service stations can pose problems relating to function and esthetics "involving traffic hazards, noise, light glare at night, outdoor storage of merchandise, poor architectural design, indiscriminate advertising, etc., all of which contribute to less enjoyment and use of and reduction of property values in surrounding properties."

In order to minimize adverse functional and esthetic conditions that may result from the operation of an automobile service station, a series of requirements are outlined within Section 35-414 to address these concerns. These requirements are outlined within this section and in the Special Use Permit section of this Planning Commission Report.

The Applicant intends to remove one of the two existing driveways located along Freeway Boulevard, construct a new driveway curb cut, and retain the remaining, easternmost driveway access point. The driveways are proposed to be approximately 35 feet in width at their respective approaches and would be located approximately 145 feet apart. Per Section 35-414, automobile service stations are to maintain a minimum 50-foot separation between driveways. The Applicant does not propose to install a driveway along Shingle Creek Parkway and recognizes that the east side of the property runs alongside the right turn lane to the I-94/I-694 on-ramp.

As driveway curb openings for automobile service stations may not be located within 40 feet of any intersection for corner properties, such as the case with the Subject Property, the Applicant has indicated that the easternmost driveway would be located an additional 145 feet from the intersection of property lines at Shingle Creek Parkway and Freeway Boulevard.

The proposed drive aisles would meet and exceed the minimum drive aisle width requirement of 24 feet for 90-degree, two-way traffic, and the parking spaces are noted as approximately nine feet wide by 20 feet deep, meeting and exceeding the minimum 8 feet, 8 inch width by 18 feet deep requirement under the Zoning Code. Following a review of other approved gas station locations in the City, staff determined that the minimum parking requirements for gas station and convenience stores was based upon the number of gas pumps under the canopy and a minimum of 5.5 parking spaces per every 1,000-square feet of building area for the convenience store (retail use).

The City Zoning Code requires that off-street parking and perimeter parking lot driveways be prohibited within 15 feet of the street right-of-way, allowing this area to be maintained as a green strip. The Applicant has no plans to expand into the identified green strip area and has indicated through the submitted plans that this green strip will include landscaping.

Table 1. *Parking Requirements.*

Parking Use	Minimum Required Parking Spaces	Provided Parking Spaces (in bold)
Gas Pumps (2 cars per double-sided pump)	*1 parking space per each side of gas pump* (8 double-sided gas pumps= 16 spaces required)	**16 spaces**
Convenience Store (Retail Use)	*5.5 parking spaces per 1,000 Gross Floor Area @ 4,606-SF* (25.33 spaces required)	**28 spaces**
ADA	*1 (for 1 to 25 parking space requirement-minimum stall requirement of 25 stalls per 2015 Minnesota Accessibility Code)*	**2 spaces**
Total Required Parking (Convenience Store and Gas Pumps)	**41.33 spaces (ADA spaces incorporated *into* total)**	
Total Provided Parking		**~~44 spaces~~ → 41 spaces with removal of 3 parking spaces in front of trash enclosure doors (ADA spaces incorporated into total)**

Source: Brooklyn Center Zoning Code, 2015 Minnesota Accessibility Code Parking Requirements.

Per a review of the site plan, 28 marked parking spaces are indicated. As three of the parking spaces are proposed for installation in front of the trash enclosure, City staff has requested that these spaces be removed in order to provide clear access to the trash enclosure. This would leave 25 marked parking spaces, including two ADA parking spaces with their respective loading zones. The minimum required parking for a convenience store of 4,606-square feet would require a minimum of 25.33 parking spaces. Given the presence of eight double-sided gas pumps and the cross-use of the site for both gas fill-ups and the convenience store, it is assumed that some gas pump users would leave their vehicles at the gas pump and access the convenience store from there.

The submitted site plan notes a substantially wide drive aisle of approximately 55 feet along the rear entrance and alongside the proposed bioinfiltration basin. The Applicant could consider relocating spaces 26, 27, and 28 there. Given the width of drive aisle and a minimum drive aisle of 24 feet in width for 90-degree, two-way traffic, the Applicant should also consider reducing the amount of impervious surface where not needed.

The Applicant shall revise the plans to reflect internal crosswalk connections from the proposed sidewalk connections (e.g., Freeway Boulevard). Additionally, bike racks should be installed for users of the nearby Shingle Creek Trail running immediately to the west of the Subject Property.

LIGHTING | TRASH | SCREENING

Lighting

The Applicant furnished a photometric plan of the Subject Property, which indicates 10 light poles, 32 under canopy lights, 12 building wall-packs, and 9 canopy/soffit luminaires. As proposed, the light poles would be mounted on 15 foot poles with two (2) foot concrete bases.

Per the City Zoning Ordinance, "all exterior lighting shall be provided with lenses, reflectors, or shades, so as to concentrate illumination on the property of the owner or operator of said illumination devices." Additionally, glare shall not emanate from or be visible beyond the boundaries of the illuminated premises. Section 35-712 (*Lighting*) of the City Zoning Ordinance further specifies that lighting shall not exceed ten (10) foot candles when measured at the property lines abutting the street right-of-way or

non-residentially zoned properties or three (3) foot candles for residentially zoned properties. Although the neighboring properties, which are located across the street, are all zoned commercial or industrial, there are numerous hotels, including the Super 8, Best Western, and Double Tree, that are in close, visual proximity to the Subject Property. Given the more residential nature of these properties, it is requested that the Applicant work to ensure that the lighting provided, particularly under the canopy, is no more than necessary.

A review of the provided photometric plan, dated May 4, 2018, noted an average of 5.99 foot candles on the paved areas of the Subject Property, while the foot candles under the gas canopy were noted as 43.26 foot candles on average. The maximum foot candles noted along the property lines is 4.5. Although this falls below the maximum requirements for non-residentially zoned properties, City staff is requesting that the Applicant see if it is possible to reduce the foot-candles to be no more than three (3) foot candles along the property line, which would be in line with abutting residentially-zoned properties.

City staff is also requesting that the Applicant verify the necessity for an average of 43.26 foot candles under the gas station canopy, as the lighting appears excessive. Further strides should be made to ensure light spray from the under canopy lighting is minimal and that lighting is concentrated downward through the use of shields, and to avoid glare emanating from the Subject Property.

Per the unofficial City architectural design guidelines, light poles, fixtures, and bases should maintain a consistent dark color (i.e., bronze, black, or brown), and feature dark sky-friendly or cutoff style fixtures. As part of the building permit submittal, the Applicant will need to provide imagery of the proposed lighting, as well as fixture specifications.

Trash

A trash enclosure is noted on the submitted site plans, dated June 11, 2018. The proposed trash enclosure would be located at the southwest corner of the building, and, as proposed, the trash enclosure would be fully screened with a brick enclosure and metal access gates. As has been requested, the parking spaces are to be removed from in front of the trash enclosure to ensure clear access. A side door on the south elevation of the convenience store would provide direct access via a sidewalk to the trash enclosure.

As part of any building permit approval, the Applicant will need to update the construction plan sets to reflect the trash enclosure in the same location, as the photometric plan shows the trash enclosure on the south*east* corner of the building.

Screening

The trash enclosure and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and adjacent 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.

Per Chapter 12 (*Building Maintenance and Occupancy*) of the City Code, 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 identified in the submitted building elevations, a 73 inch high custom aluminum mechanical screen would be installed on the roof. The Applicant will need to provide confirmation as to whether the screening is sufficient for any roof-mounted equipment.

LANDSCAPING

The project submittal includes a detailed landscape plan, which illustrates the proposed planting schedule (i.e., shade trees, coniferous trees, decorative trees, shrubs). Although City Code does not have any specific requirements for landscape plantings, 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 of a development. The Point System requires commercial sites to provide a specific amount or number of landscaping units, and is based on a maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorate trees, and 25% shrubs).

As the proposed event center would be located on approximately 2.12 acres, the development would need to achieve a minimum of 167.2 points, assuming a development use category of "Restaurant/Retail/Service/ Entertainment/Hotels."

Table 2. Landscape Point System Policy

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees *(Serviceberry, Crabapple)*	2 ½" diameter	10	50% or 83.6 points	**80 points accrued** (8 trees x 10 = 80)
Coniferous Trees *(Tamarack, Pine)*	5' height	6	40% or 66.8 points	**36 points accrued** (6 trees x 6 = 36)
Decorative Trees	1" diameter	1.5	35% or 58.5 points	**0 points accrued** (0 trees x 1.5 = 0)
Shrubs *(Juniper)*	12" diameter	0.5	25% or 41.8 points	**7 points accrued** (14 shrubs x 0.5 = 7)
Total			100% = 167.2 points	**123 points**

As summarized in Table 2 above, the submitted landscape plan does not meet the minimum required 167.2 points necessary and is deficient by approximately 44 points. To address the shortage of plantings, the Applicant can achieve an additional 30 points by planting five (5) additional conifers. Additionally, 34 points still remain for shrub plantings (0.5 point per planting) and approximately 58 points remain for the planting of decorative trees. A revised landscape plan noting compliance with the Landscape Point System Policy would be required as part of any building permit submittal.

Although care needs to be taken to ensure the sight triangle is not compromised, the Applicant should revise the landscape plan to reflect additional plantings along northeast and east portions of the Subject Property, along Shingle Creek Parkway and Freeway Boulevard. Per Section 35-414 (*Special Requirements for Automobile Service Stations*), "any required buffer or screening area shall be so constructed and maintained as to keep the beam of automobile headlights from shining into abutting properties." Although there are no directly abutting properties, year-round landscaping should be strategically places to break up the glare from vehicle headlights as they face towards Freeway Boulevard and Shingle Creek Parkway from the inside of the Subject Property.

The Applicant should reference the City's unofficial *Architectural Design Guidelines* regarding overall landscaping and site treatment. As part of any approval, the Subject Property will require an irrigation system to be installed and a plan to be submitted to the City.

CITY ENGINEER REVIEW

As part of any approval of the requests, the Applicant would need to comply with the recommendations and conditions as noted by Assistant City Engineer Andrew Hogg in the memorandum dated July 9, 2018 (Exhibit D). The Assistant City Engineer has indicated that a traffic study of the proposed access intersections and intersections adjacent to the site is necessary as part of any site plan approval. As the total disturbed area exceeds one acre, an NPDES permit will also be required.

It should be noted that some of the outlined conditions may be applicable at time of approval for future land disturbance (alteration) or building permits.

The installation of all utility services and lines, and the finished grading of the Subject Property are to be reviewed and conducted under issuance of a Land Disturbance (Alteration) permit, which is reviewed and approved by the City engineers, and inspected for completeness by the City engineers and the Building Official.

FIRE INSPECTOR REVIEW

The submitted Utility Plan dated June 12, 2018, noted a proposed fire service line on the north end of the convenience store and the intent to salvage an existing fire hydrant located along Freeway Boulevard. The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the building and site meet Fire Code and Building Code requirements. Although this is not a full list of requirements, the Fire Code does necessitate a minimum 20-foot wide drive aisle and a 13.5 foot clearance for fire trucks. There may be additional requirements relating to dead end roads, turn radius, FDC connections, Knox boxes, etc., which will need to be addressed as part of any building permit process.

BUILDING OFFICIAL REVIEW

Building Official Dan Grinsteinner reviewed the plans and commented that the proposed 1,000 gallon below grade grease interceptor, to be located toward the northeast corner of the building, will need to be reviewed as part of the City building permit process and through the Hennepin County Health Department. The proposed underground storage tanks (USTs), to be located along the eastern edge of the Subject Property, will require review and approval through the Minnesota Pollution Control Agency (MPCA) and Hennepin County.

The Applicant will need to work with the Building Official to comply with all City building codes as part of any building permit approval process.

SIGNAGE

A sign package was submitted as part of the Applicant submittal to the City. The Applicant had initially submitted a proposal to incorporate two exterior advertising wall signs on either side of the entrance, but has since requested that consideration of the signage be removed from the request. It should be noted that City staff is unaware of any other gas station location that has exterior advertising signage on an on-going, rotating basis.

Per the Sign Code, C2-zoned properties,

“May have wall signs and projecting signs on each wall, provided the aggregate area of such signs does not exceed 15% of the area of the wall supporting the signs.”

A review of the submitted sign package indicates that wall signage will be installed on the primary and rear entrances. The Applicant shall revise the submitted wall signage to note the dimensions of each sign on the wall, as well as the amount of wall supporting the wall signs.

The proposed Casey's gas station and convenience store would be limited to a freestanding sign of no more than 155-square feet in sign area and no more than 25 feet in height (above 1st floor). Dynamic message signs (DMS) are permitted in the C2 (Commerce) District, but must adhere to the requirements as outlined in the Sign Code. The submittal provided indicates an illuminated freestanding sign along Shingle Creek Parkway with dynamic messaging. The proposed sign has an area of approximately 124-square feet and a height of 26.6 feet.

The freestanding sign will need to be revised to fall within the maximum allowances. No portion of the freestanding sign may rotate. The Applicant should also review the submitted signage package to identify the potential for alterations to address the overall sign design per the requirements of Section 35-414.

Gasoline service stations are also entitled to a freestanding informational sign on each pump island. The size of the sign shall not exceed 20 square feet in area and have a height no greater than 15 feet. A review of canopy signage located on other gas stations within the City determined that none of the gas pump canopies identified within the City feature signage. Per a review of a Planning Commission Report from 1997 for the Holiday gas station at the intersection of Trunk Highway 252 and 66th Avenue North,

"It should be pointed out that illuminated canopies are not allowed unless that can be considered part of, and in lieu of, permitted freestanding signery."

All signage will require conformance with Chapter 34 of the City Code (*Sign Ordinance*). The Applicant will need to file a separate Building Permit application for any proposed signage.

Based on staff findings, staff recommends Planning Commission recommendation of the requested site and building plans for the Subject Property, located at 2101 Freeway Boulevard; subject to the Applicant receiving approval of a Special Use Permit for the use of a gas station and complying with the comments outlined in the Approval Conditions noted below.

SPECIAL USE PERMIT REVIEW

As part of the Site and Building Plan approval, the Applicant is also requesting approval of a Special Use Permit to allow for a gas station (gas/automobile service station). According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

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

Section 35-322 (*C2 Commerce District*) notes that "Gasoline service stations (see section 35-414), motor vehicle repair and auto washes, provided they do not abut an R1, R2, or R4 district, including abutment at a street line" and "The sale or vending at gasoline service stations of items other than fuels, lubricants or automotive parts and accessories (and other than the vending of soft drinks, candy, cigarettes and other incidental items for the convenience of customers within the principal building) provided

adequate parking is available consistent with the Section 35-704, 2 (b) and 2 (c)," are permitted in the C2 (Commerce) District by Special Use only.

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

1. ***The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.***
   Per Section 35-414 of the Zoning Code, certain requirements are outlined for automobile service stations. These requirements include provisions that require areas to be unobstructed and free of all vehicles, pumps, signs, displays or materials which tend to obscure visions where the use site is at the intersection of two streets. The Applicant shall also be required to meet all provisions within this Section, including the location of merchandise for sale. As noted in the submitted plans, the Applicant intends to meet and exceed the minimum setback requirements for the building, green strip, and driveway spacing and setbacks. The Applicant shall revise the submitted plans as necessary to provide internal crosswalk connections from the proposed sidewalk connections for pedestrians and bicyclists.

   The Assistant City Engineer has also requested that a Traffic Study be provided to the City as part of any building permit approval to address the anticipated increase in traffic near the intersection of Shingle Creek Parkway and Freeway Boulevard given that the Subject Property is currently vacant and was last used as a restaurant.

2. ***The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.***
   The Subject Property is currently vacant, therefore, City staff is of the sense that redevelopment of the Subject Property would increase the value of the Subject Property. It is hoped that the addition of a gas station and convenience store would provide a service to residents and neighboring businesses, employees, and customers.

   Section 35-414 specifies that, "In evaluating architectural design, the City Council shall follow the principle that the building express sincere concepts and honest construction and be compatible with surrounding buildings. The appearance of the community and landscape is to be disturbed as little as possible. Moreover, the design of buildings and of the canopy, if there is one, shall be in scale with the surroundings. This subsection shall apply to all exterior additions or alterations including accessory structures and signs.

   The Applicant has submitted architectural plans and signage for review as part of this Application, including one freestanding sign and wall signage. The submitted architectural plans note the use of one story building comprised of brick, glass, Aluminum Composite panels, and cultured stone. As noted previously, City staff is requesting that the sign package be revised to meet the requirements of the Sign Code. Per Section 35-414, the Applicant should also review the submitted freestanding sign to identify opportunities to blend the freestanding sign into the surrounding area.

3. ***The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.***
   The building previously located on the Subject Property was demolished in 2014 and has been vacant since. The surrounding properties to the north, east, and west have been developed with numerous hotels, Schmitt Music, a Hindu temple, and other commercial and industrial properties. The land to the south of the Subject Property contains MN DOT property including I-94/I-694. It is hoped that the proposed gas station and convenience store will serve as an amenity to those other uses permitted on the surrounding properties. The nearest gas station is located just under a mile to the east at the intersection of Humboldt Avenue North and Freeway Boulevard.

4. ***Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.***
   The Applicant is aware of the right turn lane access to I-94/I-694 along the eastern edge of the Subject Property and has placed all driveway access points along Freeway Boulevard. An existing third curb cut is to be removed as a bioinfiltration basin will be located along the western edge of the Subject Property. The two proposed 35-foot wide driveway access points meet and exceed the minimum spacing requirement of 50 feet per Section 35-414 (Automobile Service Stations) and a distance of approximately 145 feet has been provided from the property line along the intersection of Shingle Creek Parkway and Freeway Boulevard. This distance exceeds the minimum 40 foot setback required for driveway curb openings at automobile service stations on corner properties.

   The Subject Property requires just over 25 parking spaces to serve the proposed approximately 4,600 square foot convenience store and 16 parking spaces along the eight double-sided pumps. As a condition of approval, a traffic study will be required to address access to the Subject Property and the intersections adjacent to the site. The Applicant will need to meet all requirements as outlined by MN DOT as well. The Applicant should also identify opportunities to add parking on the west side of the property (rear entrance), as the drive aisle is extremely wide. The Applicant has noted the installation of a 5-foot sidewalk connection, but will be required to revise the plans to reflect an interior crosswalk connection to the convenience store.

5. ***The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.***
   As has been indicated in the staff report, the submitted plans substantially conform to the City's codes. Any deficiencies as outlined within the staff report shall be revised to reflect conformance and be submitted to City staff for review and approval. The Applicant will need to apply for licensure with the City of Brooklyn Center to obtain a Filling Station license, along with any other relevant licensure.

Based on staff findings, staff recommends Planning Commission recommendation of the requested issuance of a Special Use Permit for a gas station and convenience store for the property located at 2101 Freeway Boulevard (Subject Property); subject to the Applicant complying with the comments outlined in the Approval Conditions noted below.

APPROVAL CONDITIONS:
Staff recommends the following conditions be attached to any positive recommendation on the approval of Application No. 2018-013 for 2101 Freeway Boulevard (Subject Property):

1. **Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; 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.
        i. The Applicant shall revise the site plans to reflect the removal of spaces 26, 27, and 28 in front of the proposed trash enclosure. The Applicant shall identify opportunities to relocate parking spaces elsewhere on site.
        ii. The Applicant shall incorporate internal crosswalk connections from the proposed sidewalk on the plans and the addition of a bike rack for users of the Shingle Creek Trail, which runs just west of the Subject Property and has a direct sidewalk connection to Freeway Boulevard.
    b. The Applicant shall verify that the proposed building and site has met City Code requirements.
    c. Elevations and detailing of the gas pump canopy structure and footings are to be provided as part of the building permit review process.
    d. A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.

2. **Agreements:**
    a. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
    b. The Developer shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to release of the performance guarantee.

3. **Licensure:** The Applicant shall work with the City to obtain any relevant licensure, including, but not limited to an annual Filling Station license.

4. **Engineering Review:** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated July 9, 2018 (Exhibit D):
    a. Final grading, drainage, utility, irrigation, erosion control, and as-built plans, and any other site engineering related issues are subject to review and approval by the City Engineer prior to the issuance of permits.
    b. The Applicant shall provide a traffic study to address of the proposed access intersections and intersections adjacent to the site is necessary as part of any site plan approval.

5. **Fire Inspector Review:** The Applicant agrees to comply with all conditions or provisions required per Fire and Building Code. These include, but are not limited to:
    a. Installation of a Knox-Box to allow for emergency access to the proposed riser/utility room.
    b. Verification of minimum turn-radius required for fire truck apparatus as part of parking lot approval and clearance around the gas pump canopy.

6. **Construction Standards:**
    a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Department.
    b. All work performed and materials used for construction of utilities shall conform to the City of Brooklyn Center Standard Specifications and Details.

7. **Facilities and Equipment:**
    a. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
    b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building.
    c. The Applicant shall utilize lighting in accordance with Section 35-712 (*Lighting*) of the City Zoning Ordinance. Although the surrounding properties are non-residentially zoned, the Applicant shall identify opportunities to reduce lighting along the property lines to 3-foot candles or less given the presence of hotels to the north, east, and west.
    d. The Applicant shall identify opportunities to reduce the overall intensity of foot-candles under the gas station canopy and minimize light spray.
    e. The Applicant shall furnish fixture specifications and imagery of proposed light installations as part of the Building Permit submittal.

8. **Landscaping:**
    a. The landscaping plan shall be revised to meet the minimum Landscape Point System Policy requirements.
        i. Additional plantings are to be included along the east and north east edges of the property. Opaque plantings (e.g., hedges) shall be located outside the designated sight triangle; however, plantings are to be introduced in locations where headlight glare may impact neighboring properties.
    b. All landscaped areas, including street boulevards, shall include approved irrigation systems to facilitate site maintenance.
    c. Irrigation shop drawings shall be provided to the City for review and approval prior to installation as noted on submitted Sheet L100 (*Landscape Plan*).

9. **Signage:** The Applicant shall submit a Building Permit application for any proposed signage as part of the development proposal. Signage is subject to the provisions of Chapter 34 (*Sign Ordinance*).

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2018-013, Site and Building Plan and Special Use Permit for a gas station and convenience store for the property located at 2101 Freeway Boulevard (Subject Property); subject to the Applicant complying with the Approval Conditions.

Should the Planning Commission accept this recommendation, the Commission may elect to adopt the draft resolution which memorializes the findings in granting site and building plan and Special Use Permit approval, subject to the Applicant complying with the above-mentioned conditions of approval. This draft resolution will be provided at the Planning Commission meeting.

Attachments

Exhibit A- Affidavit of Publication for Notice of Hearing (2101 Freeway Boulevard), published June 28, 2018, in *Brooklyn Center Sun Post*.

Exhibit B- Brooklyn Center Casey's Civil Set, prepared by Kimley-Horn and Associates, Inc., dated June 12, 2018.

Exhibit C- Architectural Renderings of Proposed Casey's Gas Station (2101 Freeway Boulevard), prepared by Bates, dated August 14, 2017.

Exhibit D- Review Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated July 9, 2018.

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 a public hearing on Thursday, July 12, 2018, at approximately 7:00 p.m., at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Site and Building Plan with Special Use Permit for a Gas Station/Convenience Store

PETITIONER: Casey's Retail Company

PROPERTY NAMED IN THE PETITION: 2101 Freeway Boulevard, Brooklyn Center, MN 55430

PROPERTY ID:

35-119-21-13-0006

LEGAL DESCRIPTION: Tract A, Registered Land Survey No. 1538, Hennepin County, Minnesota

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting approval of a Special Use Permit and site and building plan that would allow for the development of an approximately 4,600-square foot Casey's gas station and convenience store and other associated site improvements, along with additional wall signage allowances on an approximately 2.12 acre site.

Questions, comments, statements of support or objections should be directed to City Planner/ Zoning Administrator Ginny McIntosh at (763) 569-3319 or email to gmcintosh@ci.brooklyn-center.mn.us.

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

Respectfully,
Ginny McIntosh
City Planner / Zoning Administrator

Published in the
Brooklyn Center Sun Post
June 28, 2018
829786

Exhibit B

SITE DEVELOPMENT PLANS
FOR

BROOKLYN CENTER - CASEY'S GENERAL STORE

SECTION 35, TOWNSHIP 119N, RANGE 21W
BROOKLYN CENTER, HENNEPIN COUNTY, MINNESOTA

PRO□ECT TEAM:

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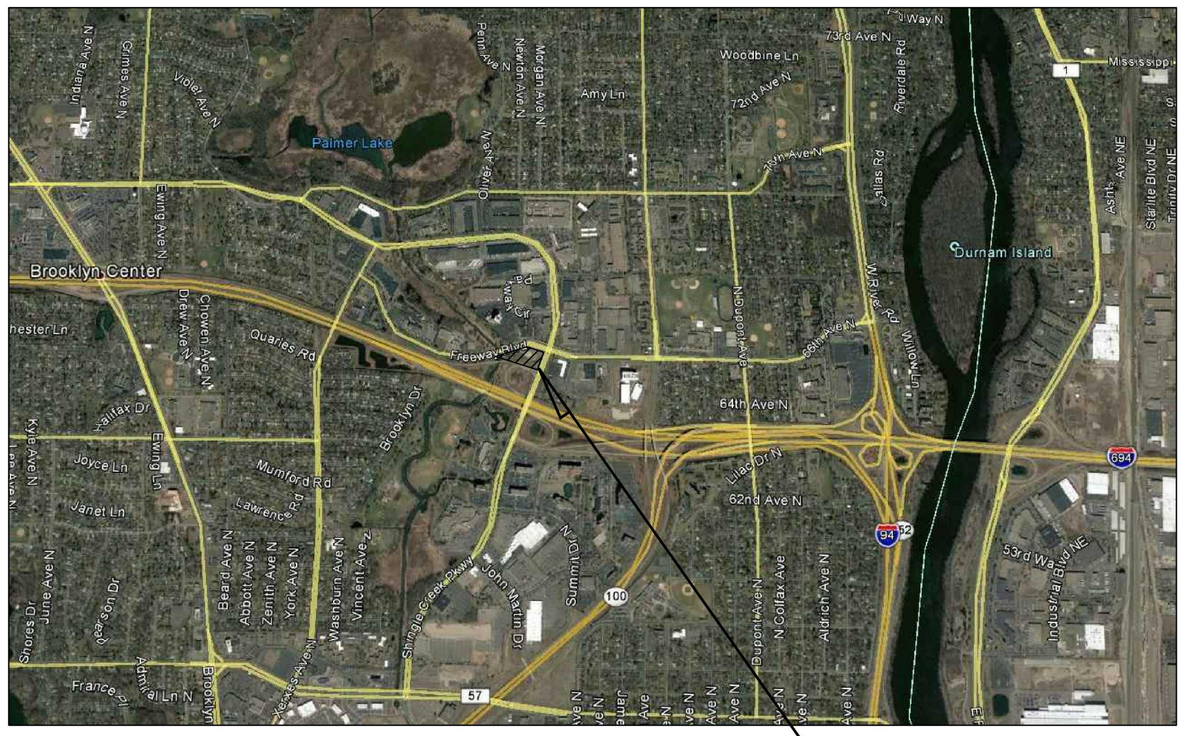
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FREEWAY BOULEVARD

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N70°36'33"E 212.84

N16°26'20"W 67.76

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R=786.20 Δ=20°33'12"

N68°34'24"W 74.48

S80°40'19"W 114.20

S32°44'12"W 101.98

S21°29'48"W 109.88

WATER METER

10 FOOT UNDERGROUND UTILITY EASEMENT PER DOCUMENT NUMBER 11061086

SHINGLE CREEK PARKWAY

VICINITY MAP

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Legal Description:

Tract A, Registered Land Survey No. 1538, located in Section 25, Township 119 North, Range 21 West, 5th Principal Meridian, being described as:

Beginning at the Northeasterly corner of said Tract A, Registered Land Survey No. 1538; thence South 21 degrees 29 minutes 48 seconds West, a distance of 109.88 feet; thence South 32 degrees 44 minutes 12 seconds West, a distance of 101.98 feet; thence South 80 degrees 40 minutes 19 seconds West, a distance of 114.20 feet; thence North 68 degrees 34 minutes 24 seconds West, a distance of 74.48 feet; thence Northwesterly a distance of 282.03 feet along on a tangential curve concave to the Southwest having a radius of 786.20 feet and a central angle of 20 degrees 33 minutes 12 seconds; thence North 16 degrees 26 minutes 20 seconds West, a distance of 67.76 feet□□□□□□□N□r□□□0 d□□r□□□ □□ □ □□□□□□ □□ □□□□r□d□ □□□□□□d□□□□□□ □2□2□□□ □□□□□□□□□□ □□□□r□d□□□□□□ □□□□□□□□□□ □□□□□□□□□□ □□r□□ □□□□□□□ □□ □□□ □□□□□ □□□□□□ □r□d□□□ □□□□□02 □□□□□□ d □ □□□□r□□□□□□ □□□0 d□□r□□□00 □ □□□□□00 □□□□d□□□□□□□ □□□□□ □□ d□□r□□□2□□ □□□□□2□ □□□□□d□ □□□□□□r□ □□□□□□□ □□□□□□ □□□□ □□□ □□□□□□□□□□□□□□□□

Contact Information:

BROOKLYN CENTER - CITY HALL	**763-569-3319**
BROOKLYN CENTER PUBLIC WORKS (SEWER, WATER)	**763-569-3327**
XCEL ENERGY (ELECTRICAL)	**763-493-1848**
CENTERPOINT ENERGY (NATURAL GAS)	**763-785-5428**
CENTURYLINK (TELEPHONE AND INTERNET)	**866-963-6665**
STATE DOT PERMIT OFFICE	**651-234-7911**

General Construction Notes

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Keyed Construction Notes

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- (A) **PROPOSED 15' RADIUS**
- (B) **2' STUB, TAPERED CURB**
- (C) **2% MAX. CROSS-SLOPE IN SIDEWALK AREA**
- (D) **REMOVE EXISTING APPROACH**
- (E) **TIE INTO EXISTING FLOWLINE AND CURB**
- (F) **SIDEWALK MATS (VERIFY WITH CITY)**

Referenced Sheets

CIVIL PLANS BY KIMLEY-HORN AND ASSOCIATES, INC.

* C000	Cover Sheet
C200	Grading Plan
C300	Utility Plan
L100	Landscaping Plan

Utility Notes

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4-PRODUCT HORIZONTAL PYLON SIGN
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KNOX BOX REQUIRED
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CASEY'S General Store

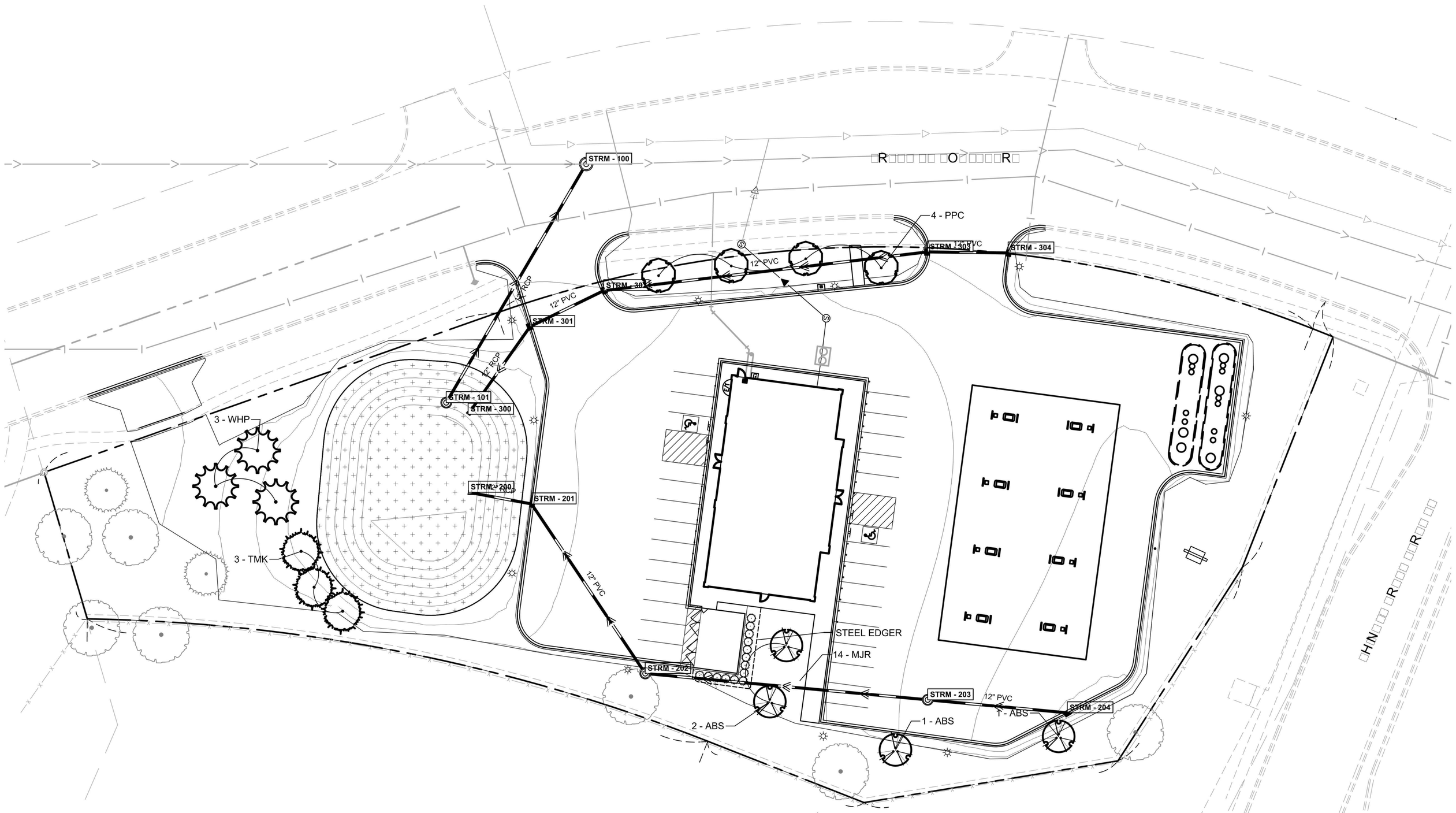
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LANDSCAPE POINTS REQUIRED

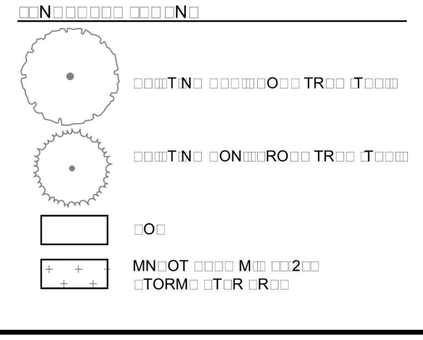
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REQUIRED AND PROPOSED PLANTINGS

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TOTAL					**169.48**

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20□ □RO□□□□ □RR□□T□ON TO □□□ □□□.NT□□ □R□□□ ON □□T□□ □RR□□□T□ON □□□T□M TO □□ □□□□N□□□□□ □□ □□N□□□□□□ □ONTR□□TOR□□N□□□□□□ □ONTR□□TOR TO □RO□□□□ □HO□ □R□□N□□ TO □□N□□□□□□□ □R□H.T□□T □OR □□□RO□□□R□R TO N□T□□□□T□ON O□ □RR□□T□ON □□□T□M□□ONTR□□TOR TO □RO□□□□ O□□R□T□ON M□N□□□□□□□□□□T □□□N□□□N□ NORM□□ □RO□R□MM□N□□ □□□□T□M □H□□□ □□ □□N□T□R□□□□ □N□ H□□□ □R□N□ □T□RT□□ □□R□N□ □R□T □□□R O□O□□R□T□ON□ □□□T□M □H□□□H□□□ ON□□□□R □ □RR□NT□ ON □□□ □□RT□ □N□ □□□OR□ □□□□N□ORM□T□ON □□O□T □N□T□□□□T□ON □N□ □□H□□□□N□ □□N □□ O□T□N□□ □ROM TH□ □□N□R□□ □ONTR□□TOR□

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22□ R□□□R□R□□□□□□OR □RO□□□□ □O□□□□□□ □□ R□□□R□□ □OR □N□ RO□□□ □ □□O□□□□□R□ □R□□□ □□□□□N□ NT TO TH□ □T□ □□T□R□□□ □□R.N□ □ON□TR□□T□ON□

2□□ R□□□R □□□ □M□□□ TO □RO□□RT□ □ROM □□□.NT.N□ O□□R□T□ON□ □T NO □O□T TO O□ N□R□

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□ □ □ □M□□HORN□OM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHAD E. FEIGUM, PLA
MN LIC. NO. 46508
DATE: 06/12/2018

KHA PROJECT	160982002
DATE	06/12/2018
SCALE	AS SHOWN
DESIGNED BY	KAG
DRAWN BY	KAG
CHECKED BY	CEF

LANDSCAPE PLAN

BROOKLYN CENTER - CASEY'S
PREPARED FOR
CASEY'S RETAIL COMPANY
BROOKLYN CENTER MINNESOTA

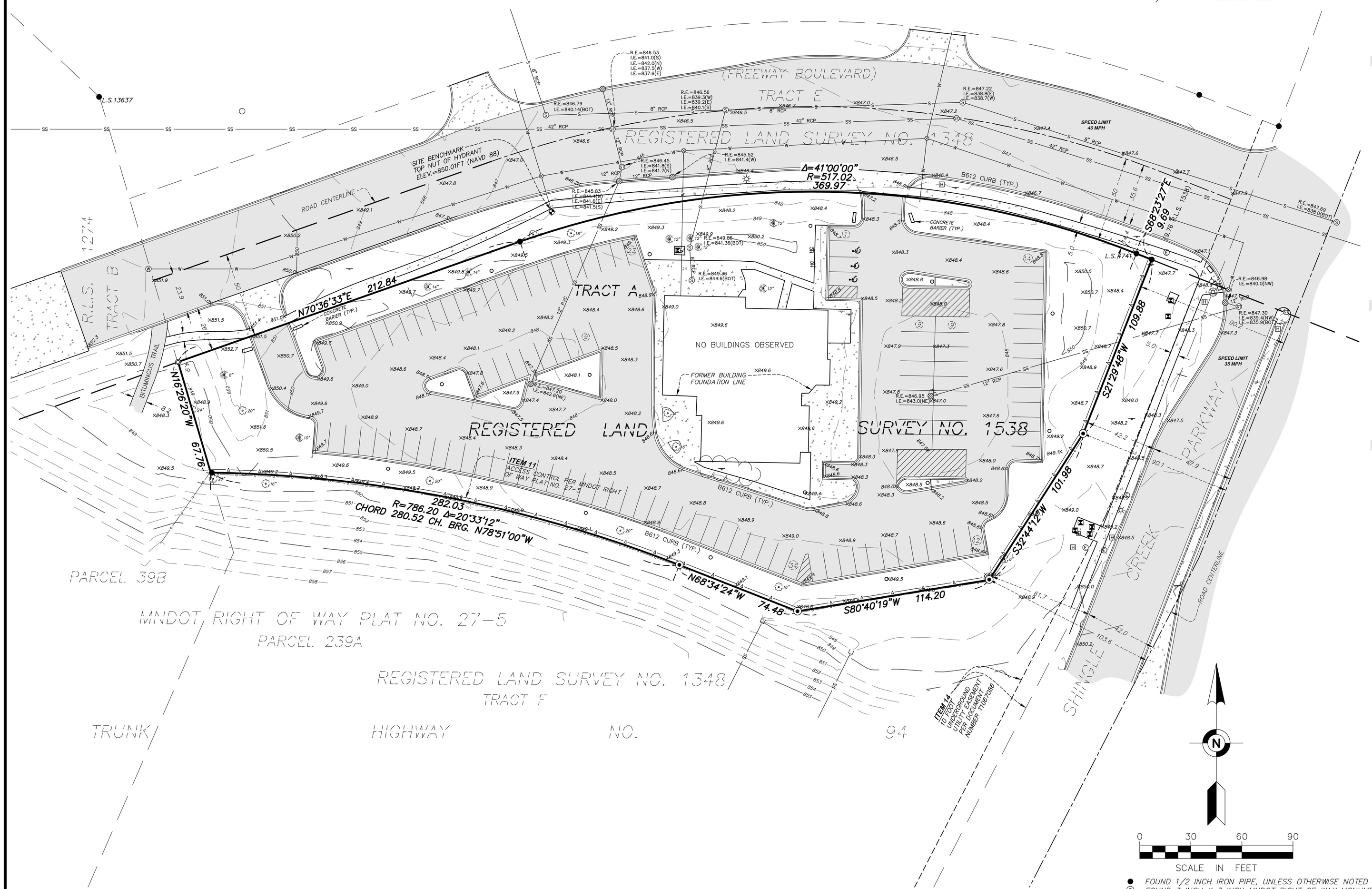
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BOUNDARY SURVEY FOR:
KIMLEY-HORN & ASSOCIATES

LEGEND:

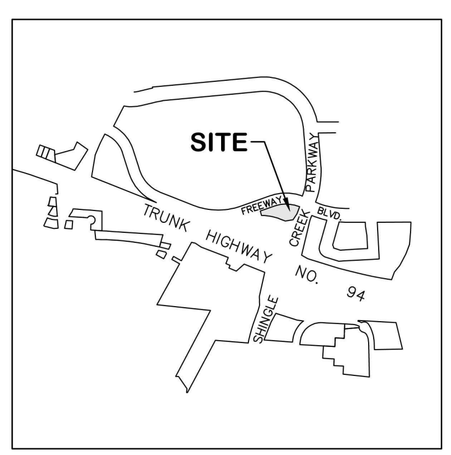
- STORM MANHOLE
- SANITARY MANHOLE
- ELECTRIC MANHOLE
- CATCH BASIN
- GATE VALVE
- HYDRANT
- ELECTRIC BOX
- HAND HOLE
- LIGHT
- LIGHT POLE BASE
- HANDICAP PARKING
- HANDICAP PARKING SIGN
- SEMAPHORE
- SIGN
- PARKING COUNT
- TREE
- CULVERT
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- STORM SEWER LINE
- SANITARY SEWER LINE
- WATER LINE
- SHRUB LINE
- CONTOUR LINE



0 30 60 90
SCALE IN FEET

- FOUND 1/2 INCH IRON PIPE, UNLESS OTHERWISE NOTED
- FOUND 3 INCH X 3 INCH MNDOT RIGHT OF WAY MONUMENT
- SET 1/2 INCH X 14 INCH IRON PIPE WITH CAP INSCRIBED 53536

R.L.S. REGISTERED LAND SURVEY



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

Tract A, Registered Land Survey No. 1538, Hennepin County, Minnesota

Metes and Bounds Description of surveyed property per Casey's General Store Requirements:

Tract A, Registered Land Survey No. 1538, located in Section 25, Township 119 North, Range 21 West, 5th Principal Meridian, being described as:

Beginning at the northeasterly corner of said Tract A, Registered Land Survey No. 1538; thence South 21 degrees 29 minutes 48 seconds West, a distance of 109.88 feet; thence South 32 degrees 44 minutes 12 seconds West, a distance of 101.98 feet; thence South 80 degrees 40 minutes 19 seconds West, a distance of 114.20 feet; thence North 68 degrees 34 minutes 24 seconds West, a distance of 74.48 feet; thence northwesterly a distance of 282.03 feet along on a tangential curve concave to the southwest having a radius of 786.20 feet and a central angle of 20 degrees 33 minutes 12 seconds; thence North 16 degrees 26 minutes 20 seconds West, a distance of 67.76 feet; thence North 70 degrees 36 minutes 33 seconds East, a distance of 212.84 feet; thence easterly 369.97 feet along a tangential curve concave to the south having a radius of 517.02 feet and a central angle of 40 degrees 00 minutes 00 seconds; thence South 68 degrees 23 minutes 27 seconds East, a distance of 9.69 feet to the point of beginning.

NOTES:

1. The orientation of this bearing system is based on the Hennepin County coordinate grid (NAD 83–2011 Adj.).
2. The total area of the property described hereon is 92,534 square feet or 2.12429 acres.
3. The legal description and easement information used in the preparation of this survey is based on the Commitment for Title Insurance prepared by Chicago Title Insurance Company, Commitment No. 239947 dated October 05, 2017.
4. The property described hereon lies within Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain per Federal Insurance Rate Map No. 27053C0208F, dated November 4, 2016.
5. No zoning report or letter was received from the insurer pursuant to Optional Table A Item 6(a) & 6(b) of Table A, as set forth in the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.
6. Nearest school: Brooklyn Center High School, 0.5 miles East
   Nearest church: Kenyan Community Seventh–day Adventist Church, 0.6 miles Northeast
   Nearest well: Brooklyn Center Water Tower, 1.2 miles Northeast
7. As of the date of this survey the property described hereon contains a total of xxx parking spaces of which xxx are standard spaces, x handicapped and xx spaces are contained in garages.
8. BENCHMARK: MNDOT POINT SOLOMAN
   Elevation = 840.80 feet. (NAVD 88)
   SITE BENCHMARK: Top nut of Hydrant located on the south side of Freeway Boulevard
   Elevation = 850.01 feet. (NAVD 88)
9. As of the date of this survey the property described hereon contains a total of 114 parking spaces of which 111 are standard spaces and 3 handicapped.

SURVEY ITEMS PER SCHEDULE B:

ITEM 11: Subject to all rights of access as shown on plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 27–5 by the access restriction symbol in deed Document No. 1341353 (Shown as a recital on the Certificate of Title 1061698).
Said rights of access affects the surveyed parcel and are shown hereon.

ITEM 12: Subject to mineral and mineral rights reserved by the Regents of the University of Minnesota (Shown as a recital on the Certificate of Title 1061698).
Said mineral and mineral rights affect the surveyed parcel.

ITEM 13: Rights of State of Minnesota taken in Final Certificate recorded June 19, 1968, as Document No. T911865. Said rights to not affect the surveyed parcel and are not shown hereon. Area of rights described is embraced within the underlying plat of TWN CITIES INTERCHANGE PARK as dedicated highway.

ITEM 14: Underground Easement for utilities in favor of Northern States Power Company, dated April 9, 1973, recorded April 12, 1973, as Document No. T1067086.
Said easement does not affect the development parcel but is depicted hereon for reference.

CERTIFICATION:

To Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, and 16 of Table A thereof. The field work was completed on April 25, 2018.

Date of Plat or Map:

Christopher A. Terwedo
Minnesota License No. 53536

FIELD BOOK	PAGE
2638	61

DRAWING NAME: 37816 TOPO C3D 2016.dwg
JOB NO. 37816
FILE NO. 907

FIELDWORK CHIEF: DV
DRAWN BY: CAT LS
CHECKED BY: ER

REVISIONS		
NO.	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

SURVEY FOR:
KIMLEY-HORN & ASSOCIATES

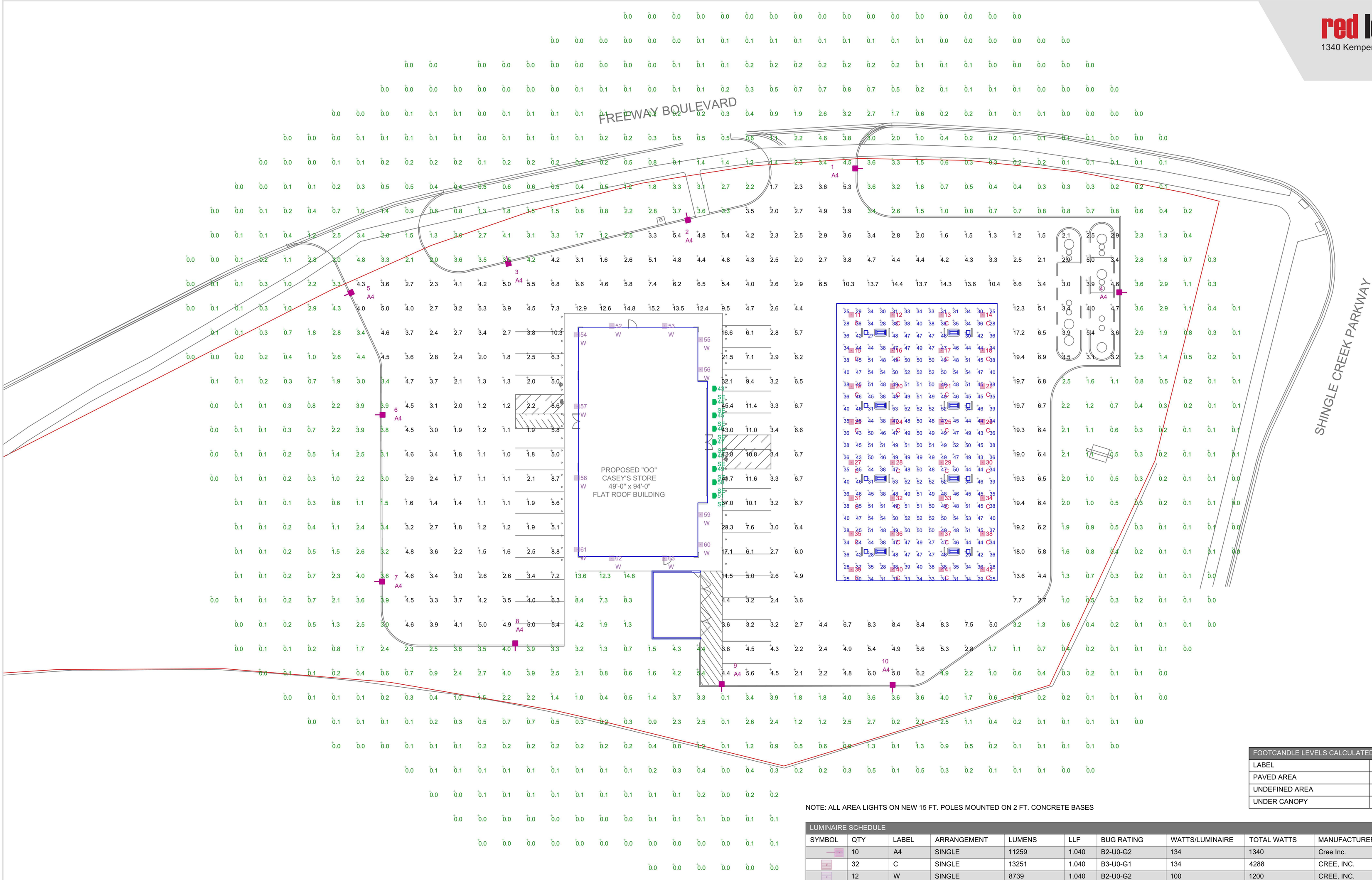
PROPERTY ADDRESS:
2101 FREEWAY BLVD.
BROOKLYN CENTER, MN 55430

Egan, Field & Nowak, Inc.
land surveyors since 1872
1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM

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Printed: 5/08/2018 at 8:06 PM by Christopher Terwedo

red leonard associates
1340 Kemper Meadow Dr. | Cincinnati, OH 45240 | 513-574-9500
www.redleonard.com



LUMINAIRE LOCATION SUMMARY		
LUM NO.	LABEL	MTG. HT.
1	A4	17
2	A4	17
3	A4	17
4	A4	17
5	A4	17
6	A4	17
7	A4	17
8	A4	17
9	A4	17
10	A4	17
11	C	16.5
12	C	16.5
13	C	16.5
14	C	16.5
15	C	16.5
16	C	16.5
17	C	16.5
18	C	16.5
19	C	16.5
20	C	16.5
21	C	16.5
22	C	16.5
23	C	16.5
24	C	16.5
25	C	16.5
26	C	16.5
27	C	16.5
28	C	16.5
29	C	16.5
30	C	16.5
31	C	16.5
32	C	16.5
33	C	16.5
34	C	16.5
35	C	16.5
36	C	16.5
37	C	16.5
38	C	16.5
39	C	16.5
40	C	16.5
41	C	16.5
42	C	16.5
43	SE	10
44	SE	10
45	SE	10
46	SE	10
47	SE	10
48	SE	10
49	SE	10
50	SE	10
51	SE	10
52	W	10
53	W	10
54	W	10
55	W	10
56	W	10
57	W	10
58	W	10
59	W	10
60	W	10
61	W	10
62	W	10
63	W	10

FOOTCANDLE LEVELS CALCULATED AT GRADE USING INITIAL LUMEN VALUES					
LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
PAVED AREA	5.99	45.4	1.0	5.99	45.40
UNDEFINED AREA	0.89	14.6	0.0	N.A.	N.A.
UNDER CANOPY	43.26	54	25	1.73	2.16

NOTE: ALL AREA LIGHTS ON NEW 15 FT. POLES MOUNTED ON 2 FT. CONCRETE BASES

LUMINAIRE SCHEDULE										
SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	DESCRIPTION
	10	A4	SINGLE	11259	1.040	B2-U0-G2	134	1340	Cree Inc.	ARE-EDG-4M-DA-06-E-UL-BZ-700
	32	C	SINGLE	13251	1.040	B3-U0-G1	134	4288	CREE, INC.	CAN-304-SL-RS-06-E-UL-WH-700
	12	W	SINGLE	8739	1.040	B2-U0-G2	100	1200	CREE, INC.	SEC-EDG-3M-WM-06-E-UL-BZ-525
	9	SE	SINGLE	3902	1.040	B2-U0-G0	34	306	CREE, INC.	SFT-228-PS-RM-03-E-UL-BZ-350-IC

REV.	BY	DATE	DESCRIPTION
R1	BJM	5/24/18	REVISED LAYOUT PER NEW SITE PLAN

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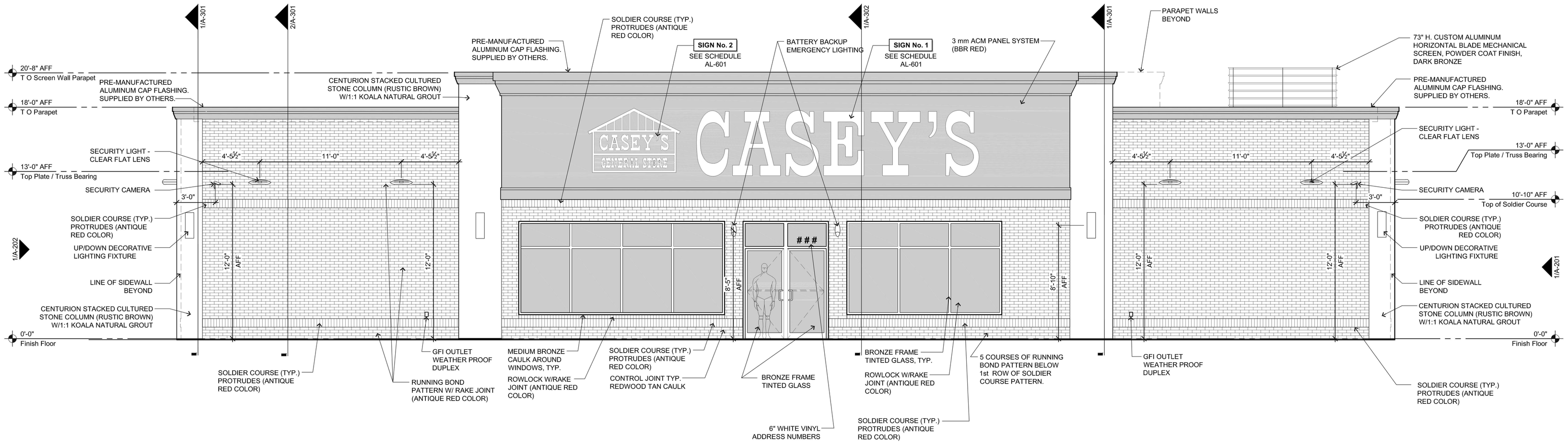
ILLUMINATION RESULTS SHOWN ON THIS LIGHTING APPLICATION ARE BASED ON PROJECT PARAMETERS PROVIDED BY THE MANUFACTURER LISTED, USED IN CONJUNCTION WITH LUMINAIRE TEST PROCEDURES CONDUCTED UNDER IESNA STANDARDS. ANY VARIATION IN ACTUAL RESULTS RESULTING FROM THESE PARAMETERS MAY AFFECT FIELD RESULTS. THE CUSTOMER IS RESPONSIBLE FOR VERIFYING COMPLIANCE WITH ANY APPLICABLE ELECTRICAL, LIGHTING, OR ENERGY CODE.

SCALE: 1" = 20'
LAYOUT BY: BJM
DWG SIZE: D
DATE: 5/04/18

PROJECT NAME:
CASEY'S
BROOKLYN CENTER, MN
DRAWING NUMBER:
RL-5415-S1-R1

rla

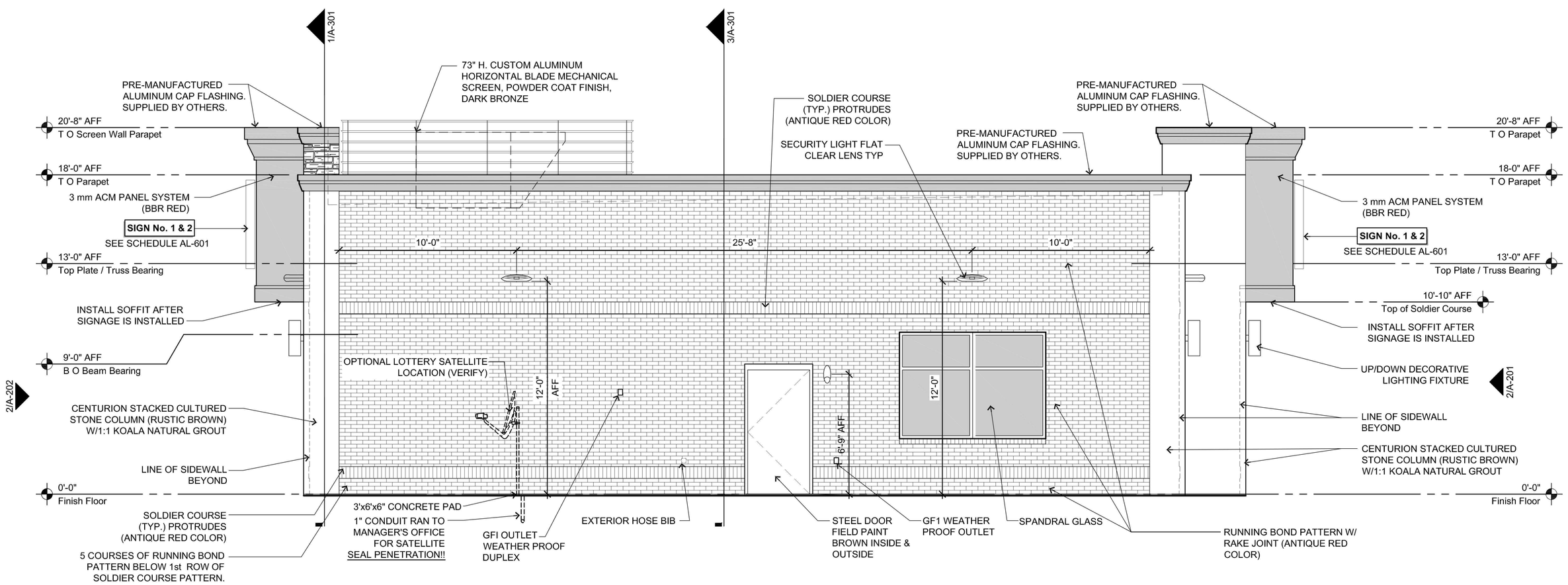
Exhibit C



Front Building Elevation (Plan South)

1/4" = 1' - 0"

2



Left Side Building Elevation (Plan West)

1/4" = 1' - 0"

1

General Notes

1. GENERAL CONTRACTOR TO INSTALL BOTH PIPING CHASE FOR REFG. LINES
2. REFER TO AL-601 FOR SIGNAGE SCHEDULE INCLUDING SIZE AND AREA OF SIGNS SHOWN ON ELEVATIONS.

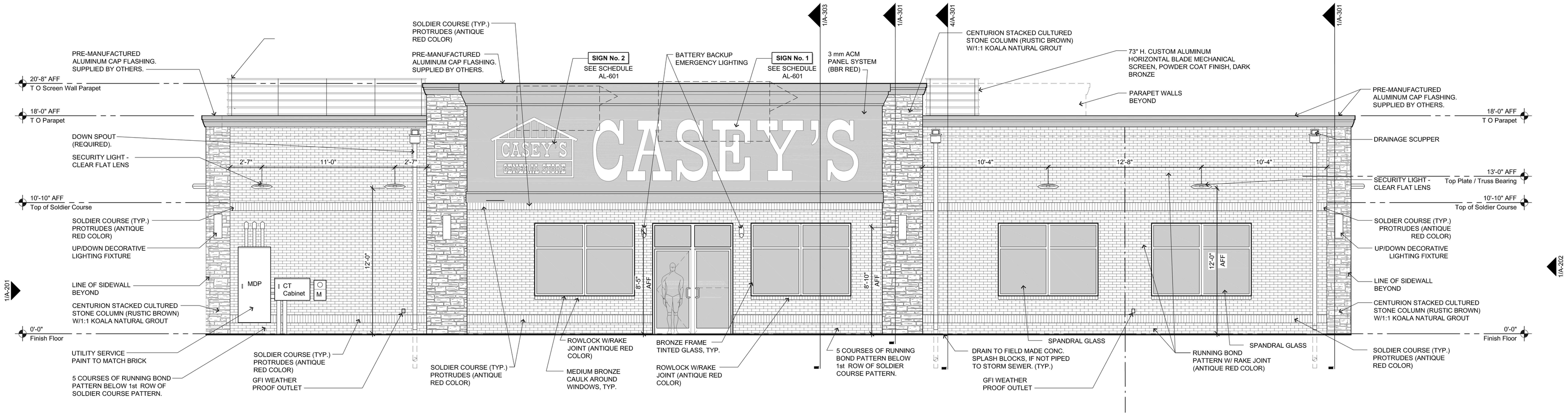
bates
106 N 37TH STREET, SUITE C
ROGERS, ARKANSAS 72756
WWW.BATESARCHITECTS.COM
TEL: 479.633.8165

CASEY'S CONSTRUCTION DIVISION
One Convenience Blvd., P.O. Box 3001, Ankeny, Ia. 50021 515-965-6100

PROJECT: BROOKLYN CENTER
SHINGLE CREEK PKWY & FREEWAY BLVD.
"OO" STORE (FLAT ROOF)
DRAWING INFORMATION: BATES PROJECT NUMBER
DRAWN BY: BETHANY STANFORD
CHECKED BY: JAMES DARON
PHOTO: 08-14-17
CITY CN:

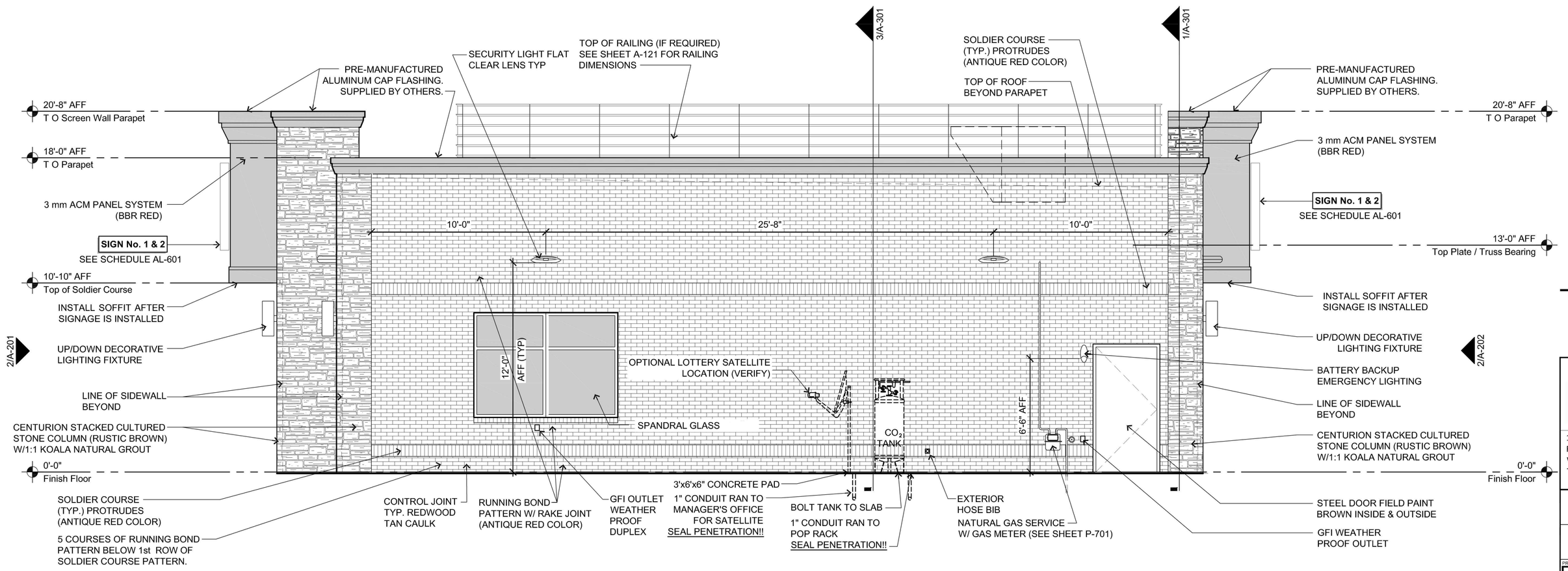
DRAWING INFORMATION: EXTERIOR ELEVATIONS

A-201



Rear Building Elevation (Plan North) 2

1/4" = 1' - 0"



Right Side Building Elevation (Plan East) 1

1/4" = 1' - 0"

General Notes

1. GENERAL CONTRACTOR TO INSTALL BOTH PIPING CHASE FOR REFG. LINES
2. REFER TO AL-601 FOR SIGNAGE SCHEDULE INCLUDING SIZE AND AREA OF SIGNS SHOWN ON ELEVATIONS.

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DRAWING INFORMATION: BATES PROJECT NUMBER
DRAWN BY: BETHANY STANFORD
CHECKED BY: JAMES DARON

ISSUED: 08-14-17
DTP ON:

DRAWING INFORMATION: EXTERIOR ELEVATIONS

A-202

M E M O R A N D U M

DATE: July 9, 2018

TO: Ginny McIntosh, City Planner/ Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review –Casey's General Store

Public Works Department staff reviewed the following documents submitted for review on June 12, 2018, for the proposed Casey's General Store project:

- Civil Site Plans dated June 12, 2018

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:

C100 – Site Plan

1. Use City details for driveway apron and B618 curb detail.
2. Provide detail sheet.
3. Provide demo plan.
4. Provide turning template for gas delivery and garbage trucks.
5. Patches to match pavement section in Freeway Blvd.

C200 – Grading Plan

6. Provide Erosion Control Plan.
7. Provide and list a SWPPP inspector/manager with contact information that must be available within 4-hrs notification to respond to and implement SWPPP related corrective measures. If the applicant is found to be non-responsive, the City may issue a stop work order and/or take other means necessary to correct SWPPP related issues.
8. Provide quantities of erosion control BMP's.

C300 – Utility Plan

9. Connect into existing storm sewer in gutter line rather than in Freeway Blvd.

C4 – Detail and Specifications Plan

10. All work performed and materials used for construction of utilities must conform to the City of Brooklyn Center standard specifications and details. The City's standard details must be included in the plans.

Miscellaneous

11. See redlines for additional Site Plan comments.

12. Provide irrigation plan.

13. Provide at traffic study for the proposed access intersections and intersections adjacent to site. Ensure appropriate sight lines are provided at the proposed access driveway, so safe ingress and egress will be provided.

14. 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. 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.

15. 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).

16. The total disturbed area exceeds one acre, an NPDES permit is required. In addition, the total disturbed area is less than 5 acres; applicant has submitted plans to the City of Brooklyn Center for project review on behalf on the West Mississippi Watershed Commission. Proposed project meets Watershed Commission rules for storm water management.

17. The City has submitted the plans to MN Dot for review. Applicant must meet requirements from the MN Dot review.

18. Applicant must apply for a land disturbance permit.

19. Utility Facilities Easement Agreement required.

20. A 10-ft drainage and utility easement must be dedicated on the plat around the entire perimeter of the site and over the storm water BMP's treatment areas up to the 100 year event.

Prior to issuance of a Land Alteration

21. 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.

22. A letter of credit or a cash escrow in the amount of up to 125% of the estimated cost as determined by City staff shall be deposited with the City.

23. 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:

24. A City of Brooklyn Center land disturbance permit is required.

25. A MPCA NPDES permit is required.

24. Other permits not listed may be required and is the responsibility of the developer to obtain and warranted.

25. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.

26. 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.

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Xiong Thao, Housing & Community Standards Supervisor

SUBJECT: Consideration of Type IV 6-Month Provisional Rental Licenses

Recommendation:

It is recommended that the City Council consider **approval of the Mitigation Plan**, Resolution and issuance of a Type IV 6-Month Provisional Rental License for 7018 Brooklyn Blvd.

The applicant or representative has an opportunity to present evidence regarding the submitted Mitigation Plan. If the Council chooses to **modify or disapprove the Mitigation Plan**, it is recommended that the motion be to direct staff to prepare proposed findings for modification or disapproval of the Mitigation Plan and notify the license applicant of any pending license actions to be taken at a subsequent Council Meeting. (By ordinance, the applicant hearing is intended only to modify or approve the Mitigation Plan and is not to be used as an opportunity to modify a license type.)

Background:

This owner is applying for renewal of two rental licenses. This is a multi-family property. The property would qualify for a Type IV Rental License based on seventy-four (74) property code violations found during the initial rental inspection and zero (0) validated police nuisance incidents for the past twelve months. Further, the owner failed to comply with the Mitigation Plan and applicable Ordinances, specifically attend Owners/Managers Association Meetings and turn in monthly updates. According to City Ordinances, if the requirements of the license category and the Mitigation Plan are not met, the license renewal category remains a Type IV. Under this license action, the property owner will receive two successive Type IV Rental Licenses- one that will expire on July 31, 2018 and one that will expire on January 31, 2019.

City Ordinance Section 12-901.2 requires a licensee of a Type IV Rental Property to complete Phase II of the Crime Free Housing Program. City Ordinance Section 12-914.3.c requires an owner (or authorized representative) to attend a minimum of 50 percent of Owners/Managers Association Meetings.

Staff is recommending approval of the continued Type IV Rental License in lieu of denial, revocation or suspension because the owner is working with staff to meet the license requirements and the property is currently in compliance with the ordinance.

The following is a brief history of the license process actions.

-
-
-

Current rental license approval activities for license that expires on 7/31/2018:

10-12-2017 The Owner, Nelia G. Schaff, applied for renewal of the rental dwelling license

for 7018 Brooklyn Blvd, a multi-family dwelling.
11-14-2017 An initial rental license inspection was conducted and failed. 74 property code violations were cited, see attached rental criteria.
12-06-2017 Owner called to re-schedule inspection.

01-02-2018 A second rental inspection was conducted and failed. Multiple corrections were not made, additional violations were found that were not found during the initial inspection.
01-26-2018 Owner called to re-schedule inspection.
01-31-2018 The previous rental license expired.
02-22-2018 A third rental inspection was conducted and failed. Most corrections made. Installation of 8 new windows occurred without a permit. Additional violations were found that were not found previously. A $700 re-inspection fee was charged to the property.
03-05-2018 The $700 re-inspection fee was paid.
03-09-2018 A fourth inspection was conducted and failed. No re-inspection fee charged, due to all previous corrections made.
03-19-2018 A $300 Administrative Citation was issued for renting without a license.
03-26-2018 A fifth inspection was conducted and failed. Building permit for windows and support pillars has not yet been pulled. Once it is, the rental license will pass with a weather deferral.
05-17-2018 A sixth inspection was conducted and passed.
07-03-2018 A Mitigation Plan was submitted.
07-10-2018 The Mitigation Plan was finalized.
07-13-2018 City records indicate 0 validated police nuisance incidents occurred in the past twelve months.
07-13-2018 A letter was sent to the owner(s) notifying of qualification for Type IV 6-Month Provisional Rental License, including additional requirements to obtain a rental license. I.e. submit mitigation plan, completion of Phases I, II, and III of Crime Free Housing Program, etc.
07-13-2018 A letter was sent to the owner notifying that the hearing before the Council will be held July 23, 2018.

If approved, after six months, a new rental license is required. The license process will begin in approximately three months. The new license will be based on the property code violations found during the initial renewal license inspection and the number of validated police calls for services for disorderly activities and nuisances as defined in 12-911. The terms of the mitigation plan must also be met.

Requested Council Action:

1. Resolution Approving a Type IV 6-Month Provisional Rental License for 7018 Brooklyn Boulevard

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Community Development

Rental License Plan

Handwritten Plans will not be accepted.

COPY
JUL - 3 2018

This form can be found on the website at www.cityofbrooklyncenter.org/rental-plan or call (763) 569-3330 for an electronic version to be sent via email.

☐ **Action Plan—Type III (1 Year)** ☒ **Mitigation Plan—Type IV (6 Months)**

Property Address:	7018 Brooklyn blvd. Brooklyn center		
Owner's Name(s):	Nelia G. Schaff & Gerry J. Gerochi	Local Agent:	
Owner's Address:	1551 Woodside Ct NE, Fridley,Mn 55432	Agent Address:	
Owner's Phone:	612-581-1561	Agent's Phone:	
Owner's Email:	neliaschaff@comcast.net	Agent's Email:	
Current Expiration Date:	7/31/18 JB	Pending Expiration Date:	7/31/18 JB

Based on the total number of property code violations found during the initial rental license inspection and/or validated police nuisance incidents, the above referenced property **is required to submit an Action (Type III) or Mitigation Plan (Type IV).** In order to ensure timely completion of the license application process, a Plan must be completed immediately and submitted for approval. The Plan includes Phase I, II, and III of the Crime Free Housing Program. It also includes measures that must be taken to ensure ongoing compliance with City Ordinances and applicable codes. A rental license Plan allows the owner and the City to review concerns and identify possible solutions to improve overall conditions of the property.

If a Plan is not submitted and/or all items are not completed within the license period, or the above property operates beyond the license expiration date, enforcement actions such as an administrative citation, formal complaint, or license review may result.

Read carefully and be sure to follow instructions, otherwise your plan will not be approved.

City of Brooklyn Center—Community Development www.cityofbrooklyncenter.org
6301 Shingle Creek Parkway, Brooklyn Center, MN 55430-2199 | Phone: (763) 563-3330 | TTY: 711 Fax: (763) 569-3360

BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements*

Phase I - Read and check each box.

☑ 1) A written lease agreement is required. The lease agreement shall include the Crime Free Housing Lease Addendum. **A copy of the lease agreement and Crime Free Housing Lease Addendum must be attached to the Plan.**

☑ 2) Agree to pursue the termination of lease agreement or eviction of tenants who violate the terms of the lease or any addendums.

☑ 3) Conduct criminal background check(s) for all new prospective tenants. If it is a current tenant a new background check is not required. Upon the City's request, documentation showing a background check was completed must be provided.

☑ 4) Attend an approved eight-hour Crime Free Housing training course. Information for approved courses can be found at www.mncpa.net. **If you have completed the course attach a copy of the Crime Free Housing Certificate to the Plan.**

☑ Crime Free Housing training is completed

☐ Crime Free Housing training is scheduled for _____
Date

☐ Owner or agent plans to attend training at : _____
Name of City

☐ 5) Submit Monthly Report by the 10th day of each month. **Only required for Type IV— Mitigation Plans.**

Phase II - Read and check each box.

☑ 1) Complete a **Security Assessment** and implement improvements required by the Brooklyn Center Police Department. To schedule a Security Assessment, call (763) 569-3344.

☑ 2) **A follow-up assessment must be completed before the license expiration date** to verify the security improvements have been implemented. To schedule a follow up inspection call (763) 569-3344.

☑ Security Assessment is completed 1-9-18

☐ Security Assessment is scheduled for _____

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BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections A—*Crime Free Housing Program Requirements (continued)*

Phase III - A.R.M Meeting Requirement

☑ 1) Owner or agent must attend at minimum two (2) A.R.M. meetings. **The A.R.M. meetings must be completed within the rental license period and before the License expiration date.**

☑ 2) **Registration is not required to attend**, however you must sign-in during the meeting. A.R.M. Meeting are held in January, March, May, July, September, and November on the 2nd Thursday of the month. Meetings start at 10am and end at 11am.

☐ 3) Write two months the owner or agent plans to attend.

Owner or agent will attend A.R.M. meetings scheduled for: 07/12/18 and 08/12/18

The following actions are required for Multi-Family properties with four (4) or more units.

☑ 1) Conduct resident training annually to include crime prevention techniques.

☑ 2) Conduct regular resident meetings.

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BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections B—*Long Term Capital Improvement Plan*

All components of a house will need to be replaced when it is beyond repair or its useful life. Based on condition, age, and use, an estimated replacement date will need to be provided for each listed item. Items that are broken, damaged, worn, or inoperable may require replacement sooner than scheduled.

All items **must** have a date under the *Estimated Replacement Date*. **Plans will not be approved if writing "unsure", "don't know", or leaving it blank.** If you are unsure of when an item will need to be replaced, you can make a prediction based on the age, use, condition, or manufacture recommendations.

Item	Last Replaced	Condition*	Estimated Replacement Date
Example: Water Heater	*May 2010*	*F*	*May 2020*

Item	Last Replaced	Condition*	Estimated Replacement Date
Furnace	no record	G	09/2028
Water Heater	don't remem	G	07/2024
Kitchen Appliances	12/2017	new	12/2028
Laundry Appliances	06/2018	G	12/2024
Smoke Alarms/ Carbon Monoxide Alarms	2017	G	12/2027
Exterior Items			
Paint/Siding	2015	ok	
Windows	2017(1)	new	
Roof	2008	G	
Garage	no garage		
Driveway	2005		N coatingy
Fence	no fence		
Sidewalks	1998	G	
Shed	1998	G	

***Condition Abbreviations:** New=N Good=G Fair=F Needs Replacement=R

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BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sections C—*Steps to Improve Management and Conditions of Property*

The items in this section have been proven to assist with property management, property image, and rental license category improvement.

The following actions are required:

- [x] 1) Check-in with tenants every 30-days.
- [x] 2) Drive by property to check for possible code violations.
- [x] 3) Evict tenants in violation of the lease or any addendums.
- [x] 4) Remain current on all utility fees, taxes, assessments, fines, penalties, and other financial claims/payments due to the City.
- [x] 5) Have no repeat code violations previously documented with the past year.
- [x] 6) Conduct a pre-inspection of the property prior to the rental license inspection.
- [ ] 7) Other: _____

The following actions are optional unless required by the City.

- [x] 1) Provide lawn/snow service.
- [x] 2) Provide garbage service.
- [x] 3) Install security system.
- [x] 4) Provide maintenance service plan for appliances.
  Name of service company: sears repair servi
- [ ] 5) Other: _____

The licensee must comply with the approved Plan and all applicable City Codes. A copy of the approved plan will be sent with a reminder notice to comply with the rental license requirements.

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BROOKLYN CENTER AT THE CENTER

Community Development

PROPERTY ADDRESS

Sign and Verify

I verify that all information provided is true and accurate. I understand that if I do not comply with the approved Plan, comply with all items within the license period, or operate beyond the license expiration date, enforcement actions such as citations, formal complaints, or license review may result.

Nelia G Schaff Owner/manager

Owner or Agent Name and Title (Please Print)

Nelia G. Schaff — 07/03/18

Owner or Agent Signature — *Date*

Lilia Rosselet/ caretaker

Additional Owner or Agent Name and Title (If Applicable, Please Print)

Additional Owner or Agent Signature (If Applicable) — *Date*

City Staff Only

CRS — 7/10/2018

Police Department — *Date*

Community Development — 7/3/18 — *Date*

City of Brooklyn Center—Community Development

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FAX TO: City of Brooklyn Center – Community Development Date: July 3, 2018

FAX NUMBER: 763-569-3360

ATTENTION: DAMIAN LEIN PAGES: 7

REFERENCE: RENTAL License PLAN

7018 Brooklyn BLVD. Brooklyn Center

From: NELIA G. SCHAFF

OWNER

Bepex International LLC
333 Taft Street NE • Minneapolis, MN 55413 USA
Phone 612-331-4370 • Fax 612-627-1463
www.bepex.com

Economic Development Authority
City Hall Council Chambers
July 23, 2018

AGENDA

1. Call to Order

The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the full City Council packet, including EDA (Economic Development Authority), is available to the public. The packet ring binder is located at the podium.

2. Roll Call

3. Approval of Consent Agenda

The following items are considered to be routine by the Economic Development Authority (EDA) and will been acted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the consent agenda and considered at the end of Commission Consideration Items.

a. Approval of Minutes
   - *Motion to approval of the June 25, 2018 minutes.*

b. Resolution Supporting the Minnesota Investment Fund Application for Get Bizzy, Inc.
   - *Motion to approve resolution*

c. Resolution Accepting a Pedestrian Easement Agreement
   - *Motion to approve resolution*

d. Resolution to Approve a Lease Agreement Between the EDA of Brooklyn Center and Luther Auto Dealership
   - *Motion to approve resolution*

4. Commission Consideration Items

a. Resolution Approving the Purchase and Development Agreement and Conveyance of Certain Property Located at 7216 Brooklyn Boulevard (address to be re-assigned to 4728 Wingard Lane)

   Requested EDA Action:
   - *Open the public hearing;*
   - *Take public input;*
   - *Close the public hearing;*
   - *Consider approval of the resolution and purchase and development agreement.*

b. Resolution Establishing a Revolving Loan Fund Program

   Requested EDA Action:
   - *Motion to approve the resolution.*

5. Adjournment

EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Reggie Edwards, Deputy City Manager

FROM: Barb Suciu, City Clerk

SUBJECT: Approval of Minutes

Recommendation:

Background:

Budget Issues:

N/A

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

REGULAR SESSION
JUNE 25, 2018
CITY HALL – COUNCIL CHAMBERS

1. CALL TO ORDER

The Brooklyn Center Economic Development Authority (EDA) met in Regular Session called to order by President Tim Willson at 9:31 p.m.

2. ROLL CALL

President Tim Willson and Commissioners Marquita Butler, April Graves, Kris Lawrence-Anderson, and Dan Ryan were present. Also present were Executive Director Curt Boganey, Deputy Executive Director Reggie Edwards, Community Development Director Meg Beekman, Planner and Zoning Administrator Ginny McIntosh, Business and Workforce Development Specialist Brett Angell, City Attorney Troy Gilchrist, and Michaela Kujawa-Daniels, TimeSaver Off Site Secretarial, Inc.

3. APPROVAL OF AGENDA AND CONSENT AGENDA

Commissioner Butler moved and Commissioner Ryan seconded to approve the Agenda and Consent Agenda, and the following item was approved:

3a. APPROVAL OF MINUTES

1. May 29, 2018 – Regular Session

Motion passed unanimously.

4. COMMISSION CONSIDERATION ITEMS

4a. RESOLUTION NO. 2018-07 AUTHORIZING THE SUBMISSION OF A MINNESOTA INVESTMENT FUND APPLICATION ON BEHALF OF GET BIZZY, INC.

Business and Workforce Development Specialist Brett Angell introduced the item, discussed the history, and stated the purpose of the proposed resolution.

Mr. Angell introduced Co-Founder Andrew Healy to come forward and address any questions the City Council/EDA may have for the applicants.

Commissioner Graves stated she was interested to know the reason for the request of new equipment. Mr. Healy stated they are in need of new equipment to continue to grow their business. Commissioner Graves noted that is not a bad problem to have.

Commissioner Ryan moved and Commissioner Butler seconded to open the Public Hearing.

Motion passed unanimously.

No one appeared to address this item.

Commissioner Graves moved and Commissioner Ryan seconded to close the Public Hearing.

Motion passed unanimously.

Commissioner Graves moved and Commissioner Ryan seconded to adopt RESOLUTION NO. 2018-07 Authorizing the Submission of a Minnesota Investment Fund application on behalf of Get Bizzy, Inc.

Motion passed unanimously.

President Willson stated he is happy to see them coming to Brooklyn Center with their business and welcomed them into the community. The other Commissioners echoed his sentiments.

5. ADJOURNMENT

Commissioner Graves moved and Commissioner Butler seconded adjournment of the Economic Development Authority meeting at 9:42 p.m.

Motion passed unanimously.

EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Supporting the Minnesota Investment Fund Application for Get Bizzy, Inc.

Recommendation:

It is recommended that the Economic Development Authority consider adoption of Resolution Supporting the Minnesota Investment Fund Application on Behalf of Get Bizzy, Inc.

Background:

On June 25, 2018, the EDA reviewed, held a public hearing, and approved the submission of a Minnesota Investment Fund (MIF) loan application to the Minnesota Department of Employment and Economic Development (DEED) on behalf of Get Bizzy, Inc. (i.e. Bizzy Coffee). The MIF loan application was submitted to DEED on June 26, 2018. Upon review of the application by DEED, they identified further statements which they would like included in the EDA signed resolution. The MIF application was approved contingent on the adoption of this resolution on July 13th. The attached resolution complies with the additional criteria required in the resolution by DEED.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Resident Economic Stability

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2018-

RESOLUTION SUPPORTING THE MINNESOTA INVESTMENT FUND APPLICATION SUBMITTED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER FOR THE PROJECT ENTITLED GET BIZZY, INC.

WHEREAS, the Economic Development Authority of Brooklyn Center will act as the legal sponsor for the project contained in the Minnesota Investment Fund application, which was submitted to the Minnesota Department of Employment and Economic Development on Tuesday, June 26th, 2018; and

WHEREAS, the Economic Development Authority of Brooklyn Center has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to administer the proposed project; and

WHEREAS, the Economic Development Authority of Brooklyn Center has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

WHEREAS, that upon final approval of its application by the State, the Economic Development Authority of Brooklyn Center may enter into a Grant Contract with the State of Minnesota for the approved project, and that the City of Brooklyn Center certifies that it will comply with all applicable laws, statues, regulations and rules as stated in the Grant Contract and described in the Project Compliance Certification of the Application; and

WHERES, the Economic Development Authority of Brooklyn Center has reviewed the application prior to submittal and authorized employees have obtained credit reports and credit information on Get Bizzy, Inc. and company owners Alex French and Andrew Healy. No adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal, and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners ("Board") of the Economic Development Authority of Brooklyn Center, Minnesota hereby express their support of the submitted Minnesota Investment Fund application on behalf of Get Bizzy, Inc., and authorizes the Economic Development Authority Secretary to submit the application, execute any agreements and to administer the loan.

June 25, 2018
Date

_____
President

EDA RESOLUTION NO. 2018-

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.

EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH:

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution Accepting a Pedestrian Easement Agreement

Recommendation:

It is recommended that the Economic Development Authority of Brooklyn Center approve a resolution approving a pedestrian easement agreement for a sidewalk over property owned by SFG Net Lease TG Minneapolis, LLC that services the Metro Transit park and ride lot located near 6420 Camden Avenue North.

Background:

Regal Theater had entered into a lease agreement with the Metropolitan Council to allow for the use of 200 stalls of their parking lot and driveway to be used as a park and ride for Metro Transit bus service. The lease also included a provision that allowed Metro Transit riders to traverse the Regal Cinema property via a sidewalk that connected the park and ride to the bus shelter located on Highway 252.

After Top Golf acquired the Regal Theater property, they entered into a land swap agreement with the EDA of Brooklyn Center, which resulted in the EDA acquiring that portion of land which was being used by Metro Transit for a park and ride facility in exchange for land owned by the EDA to the south of the site. At the time of the land swap, and subsequent re-platting of TopGolf's property, a pedestrian easement to continue to allow Metro Transit riders to use the sidewalk to access between the park and ride and bus shelter was not created. Thus, riders have been traversing Top Golf's property without a right to access since the expiration of the lease agreement at the end of last year.

Top Golf has since sold their property to SFG Net Lease TG Minneapolis, LLC, which has agreed to provide a pedestrian easement in favor of the EDA to allow Metro Transit riders to access the bus shelter on 252, and to allow Metro Transit, through the EDA, to maintain the sidewalk for year-round use.

The EDA and Metro Transit are negotiating a subsequent lease agreement which will outline the terms of their continued use of the site. This will include a requirement that Metro Transit be responsible for snow clearance for both the parking lot and sidewalk.

The Pedestrian Easement Agreement is attached to this memo and has been reviewed by EDA legal counsel.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2018-_____

RESOLUTION APPROVING A PEDESTRIAN EASEMENT AGREEMENT FOR A SIDEWALK OVER PROPERTY OWNED BY SFG NET LEASE TG MINNEAPOLIS, LLC THAT SERVICES THE METRO TRANSIT PARK AND RIDE LOT LOCATED NEAR 6420 CAMDEN AVENUE NORTH

BE IT RESOLVED by the Board of Commissioners ("Board") of the Economic Development Authority of the City of Brooklyn Center, Minnesota ("Authority") as follows:

Section 1. Recitals.

1.01. In 2006, the Metropolitan Council (the "Metropolitan Council") and Regal Cinema ("Regal") entered into a license agreement that gave the Metropolitan Council a license to use 200 parking spaces of the movie theater parking lot and driveway owned by Regal located at: 6520 Camden Avenue North, near the intersection of Highway 252 and 66th Avenue (the "Regal Property") as a park and ride lot for Metro Transit commuters together with a sidewalk connecting the park and ride lot to a Metro Transit bus stop located in the Minnesota Department of Transportation right-of-way (the "License Area").

1.02. Regal conveyed the Regal Property to Topgolf for redevelopment. The Property was platted and as part of a land exchange with Topgolf, the Authority is now the owner of Lot 2, Block 1, Topgolf Addition, Hennepin County, Minnesota, which consists of a portion of the Regal Property and a majority of the License Area.

1.03. Topgolf conveyed its portion of the Regal Property to SFG NET LEASE TG MINNEAPOLIS, LLC ("SFG"), who is leasing the property back to Topgolf as part of its financing of the redevelopment project.

1.04. Regal's license agreement with the Metropolitan Council was assigned to the Authority. In order to allow the Authority to continue to meet its obligations as the licensor under the license agreement, the Authority has requested that SFG grant the Authority an easement over the SFG Property for pedestrian purposes and SFG has agreed to grant the Authority an easement.

Section 2. Authority Approval; Further Proceedings.

2.01. The Board hereby approves the attached Pedestrian Easement Agreement (the "Agreement") in substantially the form presented to the Board, subject to modifications that do not alter the substance of the Agreement and that are approved by the President and Executive Director, provided that execution of the Agreement by those officials shall be conclusive evidence of their approval.

2.02. Authority staff and officials are authorized to take all actions necessary to perform the Authority's obligations under the Agreement as a whole.

_____ _____

Date President

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

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.

大成 DENTONS

Ryan C. Westhoff
Senior Managing Associate

ryan.westhoff@dentons.com
D +1 816 460 2577

Dentons US LLP
4520 Main Street
Suite 1100
Kansas City, MO 64111-7700
United States

dentons.com

July 13, 2018

BY FEX EX AND E-MAIL

Sarah J. Sonsalla
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
E-mail: ssonsalla@kenndy-graven.com

Re: Pedestrian Easement Agreement
Topgolf / Brooklyn Center, MN

Dear Sarah:

Enclosed herewith, please find the original counterpart of the Pedestrian Easement Agreement signed by Topgolf USA Brooklyn Center, LLC's landlord and its lender. Upon full execution by the EDA, please record and return to us a copy.

Sincerely,

Ryan C. Westhoff
Senior Managing Associate

Enclosure

cc: Meg Beekman, by e-mail to mbeekman@ci.brooklyn-center.mn.us
Troy Gilchrist, by e-mail to TGilchrist@Kennedy-Graven.com

108570498\V-1

PEDESTRIAN EASEMENT AGREEMENT

THIS PEDESTRIAN EASEMENT AGREEMENT (this "Easement Agreement") is made as of this 29th day of June, 2018 by and between SFG NET LEASE TG MINNEAPOLIS, LLC, a Georgia limited liability company ("Grantor") and the ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, a public body corporate and politic under the laws of the State of Minnesota ("Grantee").

RECITALS:

WHEREAS, Metropolitan Council, a public corporation and political subdivision of the State of Minnesota (the "Council"), and Regal Cinema, Inc., a Tennessee corporation ("Regal"), as predecessor in interest to Grantee, entered into that certain License Agreement dated as of November 13, 2006 and effective as of October 1, 2006, as amended by that certain Amendment No. 1 to License Agreement effective as of June 12, 2008 (collectively, the "License Agreement");

WHEREAS, pursuant to the License Agreement, Regal, as the licensor, granted to the Council, as licensee, a non-exclusive license to use 200 stalls of the parking lot and driveway owned by Regal at 6420 Camden Avenue North, near the intersection of Hwy 252 and 66th Avenue North in Brooklyn Center, Minnesota, as a parking lot for the parking of automobiles for Council passengers, together with an American with Disabilities Act pathway (the "Sidewalk") connecting the parking lot park-and-ride area to a bus stop located in MnDOT highway right-of-way northeast thereof (collectively, the "License Area");

WHEREAS, the majority of the License Area, including the parking lot, is presently located on a portion of the following real property owned by Grantee (the "Grantee Property"):

Lot 2, Block 1, Topgolf Addition, Hennepin County, Minnesota;

WHEREAS, the remainder of the License Area, which includes the Sidewalk, is located on a portion the following real property owned by Grantor (the "Grantor Property"):

Lot 1, Block 1, Topgolf Addition, Hennepin County, Minnesota;

WHEREAS, Grantor desires to grant to Grantee a non-exclusive pedestrian easement over the Sidewalk so that Grantee may continue to meet its obligations as the licensor under the License Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt, delivery and sufficiency of which are hereby acknowledged, and intending to be legally bound, the parties do hereby declare and agree as follows:

1. Grant of Easement. Grantor does hereby grant, bargain and convey to Grantee, its agents, tenants, employees, contractors, licensees, and invitees, a perpetual non-exclusive right, privilege, and easement over, across, and upon all areas described and depicted as "SIDEWALK EASEMENT" on Exhibit "A" (the "Sidewalk Easement Area") to use the Sidewalk located within the Sidewalk Easement Area for ingress and egress by pedestrians, bicycles, and similar non-vehicular traffic between the Grantee Property and the MnDOT highway right-of-way northeast thereof, subject to compliance with the rules and regulations of the City of Brooklyn Center and with the terms of the License Agreement. The easement and right herein granted are collectively referred to herein as the "Sidewalk Easement".

2. Purpose; Termination. The Sidewalk Easement shall be permanent for the limited purpose of allowing Grantee to meet its obligations as the licensor under the License Agreement, and upon termination of the License Agreement, this Easement Agreement shall automatically terminate. Grantee shall, within ten (10) days of such termination, notify Grantor and file any instrument reasonably requested by Grantor to evidence the termination hereof.

3. Non-Exclusive. The Sidewalk Easement granted herein is granted on a non-exclusive basis and Grantor, its agents, tenants, employees, contractors, licensees, and invitees shall have the right to continue to use the Sidewalk and other areas of the Sidewalk Easement Area so long as such use does not interfere with Grantee's use and enjoyment of the Sidewalk Easement granted to Grantee hereunder.

4. Maintenance and Snow Removal.

(a) Grantee shall, at its own cost and expense, maintain, repair, replace (if necessary), and keep the Sidewalk and other areas of the Sidewalk Easement Area in good order, condition, and repair, ordinary wear and tear excepted. All maintenance, repairs, and replacements by Grantee shall be performed in a good, workmanlike, lien-free and diligent manner and, without limitation, shall include: (i) maintenance, repair, and replacement of paved surfaces in a level and smooth condition, free of potholes, with the type of material as originally used or a substitute equal in quality and appearance; (ii) removal of all trash and debris and washing and sweeping as required; (iii) removal of snow and ice in accordance with Section 4(b); and (iv) keeping the Sidewalk illuminated by lighting fixtures and re-lamping as needed. Grantee shall cause all third-party contractors engaged to perform such maintenance, repairs or replacements to be adequately insured and to include Grantor as an additional insured on all liability policies relative to the Sidewalk Easement Area.

(b) Grantee shall promptly remove or cause to be removed snow and ice from the Sidewalk in accordance with the City of Brooklyn Center snow and ice removal procedures and standards currently enacted and as may be amended from time to time.

(c) If Grantee fails to perform any of the foregoing obligations, then Grantor may (but shall not be required to) perform the same after giving Grantee two (2) days' prior written notice, provided that no such written notice shall be required in the case of an emergency. Grantee shall, on demand, reimburse Grantor for the reasonable costs thereof.

5. No Obstruction. Other than during periods of construction or maintenance, the Sidewalk shall at all times remain open for pedestrians and unobstructed, and no construction, maintenance or other activity of Grantor shall materially interfere with Grantee's use and enjoyment of the Sidewalk. Grantee shall provide Grantor with reasonable prior written notice before performing any construction or other activity that would cause the Sidewalk to cease to be open and shall cause any material interference or other cessation of use of the Sidewalk to end as soon as practicable.

6. Singular and Plural. Whenever required by the context of this Easement Agreement, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa.

7. Negation of Partnership. None of the terms or provisions of this Easement Agreement shall be deemed to create a partnership between Grantor and Grantee in their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each party shall be considered a separate owner, and no party shall have the right to act as an agent for the other party, unless expressly authorized to do so herein or by separate written instrument signed by the party to be charged.

8. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Grantor Property or portion thereof to the general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges or immunities of any party hereto shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

9. Estoppel. Each party shall execute and deliver to the other party requesting an estoppel certificate (but not more than one (1) time in any twelve (12) month period, unless related to a sale, lease or refinancing any property affected hereby) stating that this Easement Agreement is in full force and effect and that no party is in default hereunder (or specifying in detail any default). Such certificate shall be delivered within thirty (30) days of such request.

10. Binding Effect. All covenants contained herein shall be deemed to be covenants that run with the land, and shall be binding upon the owner of the Grantor Property and its successors and assigns, and shall inure to the benefit of the owner of the Grantee Property and its successors and assigns.

11. Modification. No provision or term of this Easement Agreement may be amended, modified, revoked, supplemented, waived, or otherwise changed except by a written instrument (designated as such a change) duly executed by Grantor and Grantee, or their respective successors and assigns.

12. Waiver. The failure by any party to enforce any provision of this Easement Agreement in a timely manner shall not be deemed a waiver of the right to enforce that provision, and any express waiver by any party of any breach of any provision of this Easement Agreement shall not be deemed a waiver of any subsequent breach of that provision.

13. Governing Law. This Easement Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

14. Severability. If any provision of this Easement Agreement shall be held invalid, illegal, or unenforceable in any jurisdiction, the validity, legality, and enforceability of the remaining provisions of this Easement Agreement shall not be impaired thereby; nor shall the validity, legality, or enforceability of any such defective provisions he in any way affected or impaired in any other jurisdiction.

15. Authority. Grantor and Grantee each represent and warrant to each other that they are authorized to enter into this Easement Agreement and perform the covenants set forth herein.

16. Notices. All notices and demands herein required or permitted shall be in writing and sent by certified mail, return receipt requested, or nationally recognized overnight courier service (e.g., Fed Ex) at the address or addresses to which tax statements would be sent by the taxing authority of Hennepin County, Minnesota, or as otherwise provided in writing to Grantor or Grantee, or their respective successors and assigns.

17. Reasonable Construction. The rule of strict construction does not apply to the grant of easements contained herein. These grants shall be given a reasonable construction in order that the intention of Grantor and Grantee to confer a commercially useable right of enjoyment for the purposes stated herein.

18. Counterparts. This Easement Agreement may be executed in several counterparts, each of which shall be deemed an original; further the signature of Grantor and Grantee on this Easement Agreement may be executed and notarized on separate pages, and when attached to this Easement Agreement shall constitute one complete document.

19. Captions. The section headings appearing in this Easement Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Agreement as of the day and year first above written.

GRANTOR:

SFG NET LEASE TG MINNEAPOLIS, LLC,
a Georgia limited liability company

By: _____
Name: David Burch
Title: Vice President

ACKNOWLEDGMENT

STATE OF GEORGIA)
) ss.
COUNTY OF FULTON)

This instrument was acknowledged before me on this 27th day of June, 2018, by David Burch, as the Vice President of SFG NET LEASE TG MINNEAPOLIS, LLC, a Delaware limited liability company.

NEAL MOSKOWITZ NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 29, 2020

_____
Printed Name: Neal Moskowitz
Notary Public in and for said County and State

[SEAL]

My Commission Expires: 8-29-2020

GRANTEE:

ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, a public body corporate and politic under the laws of the State of Minnesota

By: _____
Name: Tim Willson
Title: President

By: _____
Name: Curt Boganey
Title: Executive Director

ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on this _____ day of _____, 2018, by Tim Willson, as the President, and Curt Boganey, as the Executive Director of ECONOMIC DEVELOPMENT AUTHORITY OF BROOKLYN CENTER, a public body corporate and politic under the laws of the State of Minnesota.

_____
Printed Name:_____
Notary Public in and for said County and State

[SEAL]

My Commission Expires: _____

MORTGAGEE CONSENT TO PEDESTRIAN EASEMENT AGREEMENT

The undersigned Mortgagee under that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated March 23, 2018, recorded on March 26, 2018 as Document Number 10538787 (abstract), and recorded on March 26, 2018 as Document Number 05519262 (torrens), by SFG Net Lease TG Minneapolis, LLC ("***Landlord***"), hereby acknowledges and consents to the Pedestrian Easement Agreement, by Landlord in favor of and Economic Development Authority of Brooklyn Center.

MORTGAGEE:

AFF M TG, LLC,
a Delaware limited liability company

By: _____
Name: Dror Bezalel
Title: Vice President

ACKNOWLEDGMENT

STATE OF Georgia)
) ss.
COUNTY OF Cobb)

This instrument was acknowledged before me on this 14 day of June, 2018, by Dror Bezalel, as the Vice President of AFF M TG, LLC, a Delaware limited liability company.

_____
Printed Name: Carmen Roberts
Notary Public in and for said County and State

[SEAL]

My Commission Expires: 9/24/18

CARMEN ROBERTS NOTARY PUBLIC PAULDING COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 24, 2020

THIS INSTRUMENT WAS DRAFTED BY:

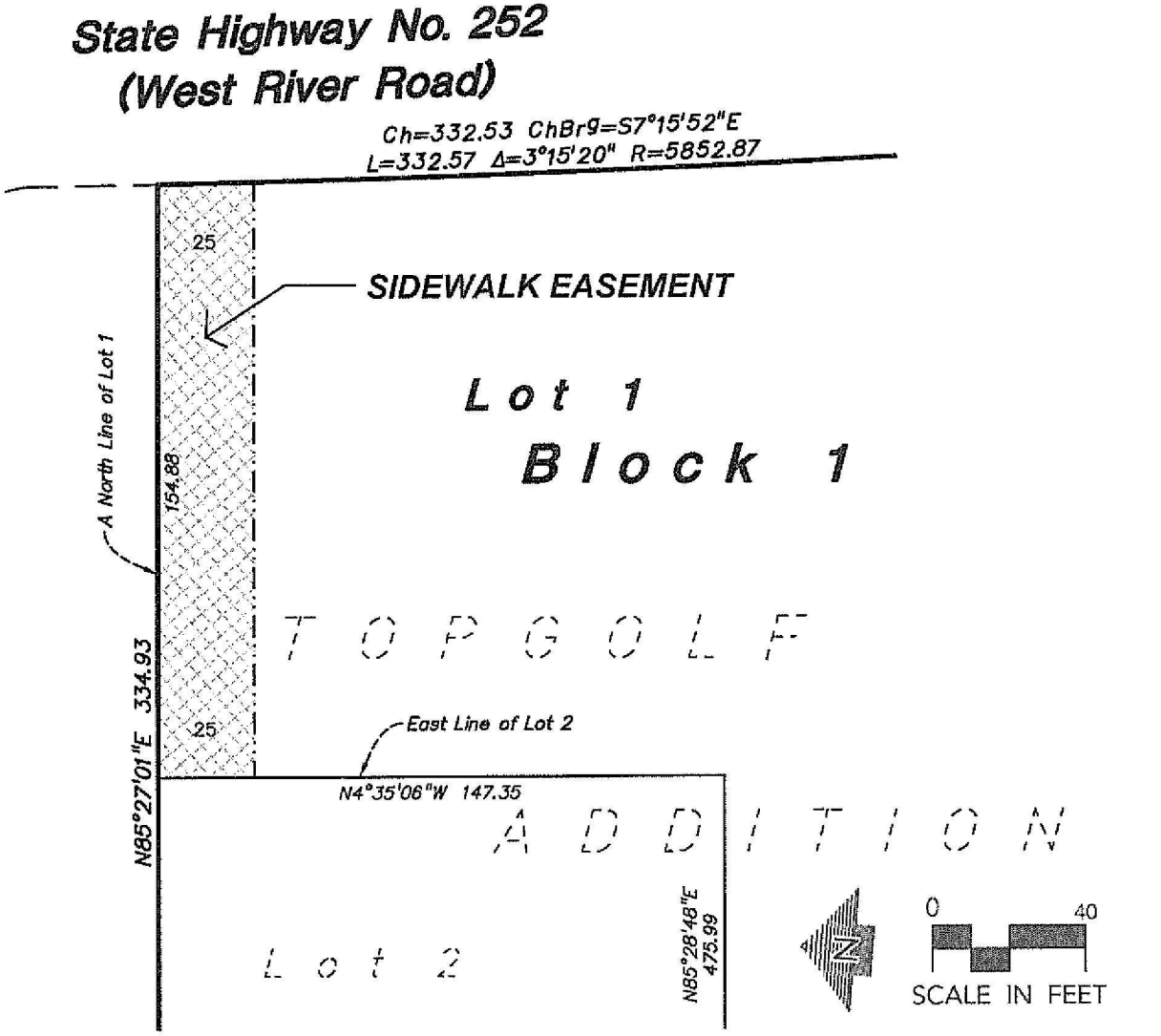
Ryan C. Westhoff
Dentons US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111

EXHIBIT A

EXHIBIT

DESCRIPTION

The most northerly 25.00 feet of Lot 1, Block 1, lying east of Lot 2, Block 1, TOPGOLF ADDITION, Hennepin County, Minnesota



PROJECT NUMBER: 16366 DRAWN BY: KMM SHEET NUMBER 1 OF 1

LOUCKS

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

© 2018

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Max L. Stanislowski - PLS

License No. 48988

Date 04/26/18



FOLD on this line and place in shipping pouch with **bar code and delivery address** visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Legal Terms and Conditions

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the applicable FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of 100 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).





package id
0467195
ship date
Fri, Jul 13 2018
to
Sarah Sonsalla
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis , MN 55402
United States
(816) 460-2526
residential address
No
return label
No
notification type
Exception
Delivery
notification recipients
ryan.westhoff@denton...
victoria.garden@dent...

from
Ryan Westhoff (008437)
Dentons US LLP
4520 Main Street
Suite 1100
Kansas City , MO 64111-7700
US
22577
billing
TopGolf USA Inc.-Brooklyn Center, MN
(10500565-10500565-000040)
duties and taxes billing
Sender
operator
Victoria Garden
8164602526
victoria.garden@dentons.com
create time
07/13/18, 10:05AM

vendor
FedEx
tracking number
781839335545
service
FedEx Priority Overnight®
packaging
FedEx® Envelope
signature
Direct Signature Required
contents
Documents
courtesy quote
16.61

Quote may not reflect all accessorial charges

EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH:

FROM: Meg Beekman, Community Development Director

SUBJECT: Resolution to Approve a Lease Agreement Between the EDA of Brooklyn Center and Luther Auto Dealership

Recommendation:

It is recommended that the Economic Development Authority adopt a resolution approving a lease agreement between the Economic Development Authority and Luther Auto Dealership and authorize staff to execute the agreement.

Background:

At their July 9, 2018, meeting the City Council voted to approve an Interim Use Permit to allow Luther Auto to store vehicles for a period of two years, with a possible one year extension, on the EDA-owned property located at 5900 Shingle Creek Parkway, subject to the execution of a lease agreement between the EDA and Luther Auto.

The lease agreement was prepared by the City Attorney, and is attached to this memo for the EDA Board's review and consideration.

Luther prepared a Site, Security, Lighting, and Access plan in cooperation with the Police Department that has been reviewed and approved by the Chief of Police. Luther will install fencing, lighting, and host 24-hour security on site, which is anticipated to have benefits on surrounding property.

The lease agreement acknowledges that the City has a Preliminary Development Agreement with Alatus for the area to be leased, and Luther agrees to accommodate Alatus' needs regarding soil testing and conducting due diligence on the site. The lease further allows the City to terminate or transfer the lease upon sale or transfer of the property.

The EDA must consider the impacts of the lease on the goals of the EDA to redevelop the site, as well as any negative impacts to surrounding property that may result from the lease. Staff feels that these concerns are adequately mitigated by the language and terms of the lease agreement.

Budget Issues:

Luther Auto will pay $7,500 per month to the EDA for the duration of the lease.

Strategic Priorities and Values:

Targeted Redevelopment

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2018-_____

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE WITH LUTHER AUTOMOTIVE GROUP

WHEREAS, the Economic Development Authority of the City of Brooklyn Center, Minnesota ("EDA") owns the property located at 5900 Shingle Creek Parkway, Brooklyn Center, Minnesota, legally described as Lot 1, Block 1, Brookdale Square 2nd Addition, Hennepin County, Minnesota ("Property"); and

WHEREAS, Luther Automotive Group ("Luther") desires to enter into a lease with the EDA to use the parking lot portion of the Property for storage of its new vehicles in compliance with the Interim Use Permit approved by the City Council of the City of Brooklyn Center ("City") to allow Luther to store vehicles on the Property for a period of time, subject to certain conditions; and

WHEREAS, the EDA determines that the storage of new vehicles by Luther is a reasonable use of the Property and will serve to address Luther's interim need to secure off-site vehicle storage to facilitate the construction of its new dealership facility within the City; and

WHEREAS, the proposed lease has a term of two years, with the option to extend the term for an additional year, subject to the term of the approved Interim Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota ("Board") as follows:

1. The Board hereby approves entering into a lease with Luther to allow it to store its new vehicles on the Property.

2. EDA staff and officials are authorized to further negotiate the terms of the lease and the President and Executive Director are authorized to execute the lease once it is in a form acceptable to the City Attorney.

July 23, 2018
Date

_____
President

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

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

EDA RESOLUTION NO._____

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

LEASE AGREEMENT

This Lease Agreement ("**Lease**") dated as of the 1st day of August, 2018 ("**Effective Date**"), by and between the Economic Development Authority of Brooklyn Center, Minnesota, a public body corporate and politic under the laws of the State of Minnesota ("**EDA**") and The Luther Company, LLLP, 3701 Alabama Ave S, St. Louis Park, MN 55416 ("**Luther**"). The EDA and Luther may hereinafter be referred to individually as a "party" or collectively as the "parties."

RECITALS

A. The EDA owns the property located at 5900 Shingle Creek Parkway, Brooklyn Center, Minnesota, legally described as Lot 1, Block 1, Brookdale Square 2nd Addition, Hennepin County, Minnesota ("**Property**");

B. Luther desires to lease the parking lot portion of the Property as depicted on the map attached hereto as Exhibit A (said portion the "**Leased Premises**") to store its vehicles in accordance with the terms and conditions of this Lease;

AGREEMENT

In consideration of the mutual promises and agreements contained herein, and intending to be legally bound, the EDA and Luther hereby agree as follows.

1. **Lease**. In consideration of Luther's performance of its obligations under this Lease, the EDA hereby leases the Leased Premises to Luther for the purposes of storing its vehicles as provided in this Lease and subject to the restrictions contained herein.

2. **Term**. This Lease shall commence on the Effective Date and shall terminate on July 31, 2020, unless terminated earlier as provided herein. The parties may, prior to expiration of the current term, mutually agree to extend the term of this Lease by an additional year.

3. **Termination**. Either party may terminate this Lease by providing the other party at least 180 days' written notice of termination. The EDA may terminate this Lease upon 90 days written notice to Luther if the EDA determines, in its sole discretion, that such termination is needed in order to avoid interfering with the implementation of development plans prepared by the EDA's selected developer for the Property. The EDA may also terminate this Lease upon breach by Luther as provided herein. Luther shall, within 30 days of the effective date of any termination of this Lease, remove its vehicles, barricades, and other materials and personal property that may be located on the Lease Premises.

4. **Rent**. Commencing on August 1, 2018, and continuing on the 1st of every month thereafter, Luther shall pay the EDA rent in the amount of $7,500. The rent payment is nonrefundable.

5. **Use Restrictions**. Luther's use of the Leased Premises is subject to the restrictions in this Section.

(a) Legal Compliance. Luther shall comply with all applicable laws, rules, regulations, and ordinances in its use of the Leased Premises and shall obtain all permits and other permissions that may be required. Luther shall further comply with the conditions imposed on the permits issued related to its use of the Leased Premises.

(b) Access Points. Access to the Lease Premises shall be limited to one of the four access points to the Lease Premises as shown on the attached Exhibit A. Luther shall be responsible for barricading the other three access points in a manner acceptable to the EDA. A gate shall be erected at the one access point that will remain open and be used as the entrance to the Lease Premises.

(c) Security and Lighting. Luther shall be responsible, at its own cost, for securing and lighting the Leased Premises.

(d) Use. Luther shall use the Leased Premises only for the storage of vehicles in accordance with the following:

(1) Access, security, and lighting improvements shall be in place on the Leased Premises prior to Luther locating any vehicles on site;

(2) An Access, Security, and Lighting plan ("Plan") shall be submitted to the City, subject to the review and approval of the Chief of Police. Luther understands and agrees the City may amend the Plan and require additional security measures should it be determined by the Chief of Police that additional security measures are necessary;

(3) Only operable new vehicles that are available for sale or lease to customers as part of Luther's business operations within the City may be stored on the Leased Premises;

(4) Vehicles may only be brought to or removed from the Leased Premises Monday through Saturday, between the hours of 8:00 A.M. and 9:00 P.M.;

(5) No signage, other than no trespassing and minimal directional signage internal to the site, shall be permitted on the Leased Premises;

(6) No vehicle repairs, sales, cleaning or detailing shall occur on the Leased Premises;

(7) Only Luther (or a Luther affiliate's) employees or contractors shall be allowed on the Leased Premises, no customers are allowed; and

(8) Vehicles shall be stored on the Leased Premises in an orderly fashion, as described in the approved Interim Use Permit, issued by the City Council on July 9, 2018 for the purpose of permitting Luther to store vehicles off-site.

6. **Maintenance and Repair**. Luther shall keep the Leased Premises in a clean and orderly condition during the term of the Lease, including the removal of any materials, debris, or refuse on the Leased Premises. Luther shall be responsible for all snow removal within the Leased Premises. Luther shall not store snow on the Property outside of the Leased Premises. Other than snow removal, Luther shall not be responsible for maintaining the Leased Premises, but shall be responsible for repairing, at its own cost, any damage it does to the Leased Premises, reasonable wear and tear excepted.

7. **Alterations or Improvements**. Luther shall not make any additions or improvements in or to the Leased Premises, other than those required or permitted by this Lease, without the EDA's prior written consent. The EDA shall not be responsible for making any repairs or improvements to accommodate Luther's use of the Leased Premises.

8. **Utility Costs**. Luther shall be responsible for any utility costs associated with its use of the Leased Premises. Luther shall pay the utility costs directly or make arrangements with the EDA to reimburse it for the utility costs incurred related to its use of the Leased Premises.

9. **Indemnification**. Luther expressly agrees to be responsible for claims, loss, damage, actions, causes of action, expense, and liability resulting from the negligent or wrongful act or omission by Luther in relation to its use of the Leased Premises pursuant to this Lease or caused by any employee, contractor, or agent of Luther or any damage caused by Luther to the Leased Premises.

10. **Insurance**. Luther agrees to maintain, during the entire term of this Lease, commercial general liability insurance with limits of at least $1,500,000. Luther shall be solely responsible for maintaining insurance coverage on the vehicles it stores on the Leased Premises. The EDA shall in no way be responsible for any damages caused to Luther's vehicles or other property while stored on the Leased Premises. Luther hereby waives and releases all claims, liabilities, and causes of action against the EDA and its officials, agents, and employees for loss or damage to, or destruction of personal property of Luther, located in, upon or about the Leased Premises resulting from fire, explosion, theft, vandalism, storms, or the other perils.

11. **EDA's Rights and Responsibilities**. The EDA has entered into a preliminary development agreement with a developer that encompasses the Leased Premises. Nothing in this Lease shall supersede the developer's rights to access the Property. Luther shall cooperate fully with the developer to allow them to conduct their due diligence as it relates to soil samples and testing on the Property, including the Leased Premises. Nothing in this Lease shall be deemed to limit the EDA's right to have access to the Leased Premises, or to exercise its remedies under the Lease, or to make applications to a governmental entity with respect to the Leased Premises, or to protest taxes or assessments related to the Leased Premises, or to

take other similar action with respect to the Leased Premises as a responsible landlord would elect.

12. **Environmental**. Luther agrees that throughout the term of the Lease, it shall not use the Leased Premises for the storage, handling, transportation, or disposal of any Hazardous Substances. "Hazardous Substances" for purposes of this Lease shall be interpreted broadly to include, but not be limited to, any material or substance that is defined, regulated, or classified under any Environmental Law of other applicable federal, state or local laws and the regulations promulgated thereunder as: (i) a "hazardous substance" pursuant to section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601(14), the Federal Water Pollution Control Act, 33 U.S.C. § 1321(14), as now or hereafter amended; (ii) a "hazardous waste" pursuant to Section 1004 or Section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6903(5) , 6921, as now or hereafter amended; (iii) toxic pollutant under section 307(a)(1) of the Federal Water Pollution Control Act, 33 U.S.C. § 1317(a)(1) as now or hereafter amended; (iv) a "hazardous air pollutant" under Section 112 of the Clean Air Act, 42 U.S.C. § 7412(a)(6), as now or hereafter amended; (v) a "hazardous material" under the Hazardous Materials Transportation Uniform Safety Act of 1990, 49 U.S.C. § 5102(2), as now or hereafter amended; (vi) toxic or hazardous pursuant to regulations promulgated now or hereafter under the aforementioned laws or any state or local counterpart to any of the aforementioned laws; or (vii) presenting a risk to human health or the environment under other applicable federal, state or local laws, ordinances or regulations, as now or as may be passed or promulgated in the future. "Hazardous Substances" shall also mean any substance that after release into the environment or upon exposure, ingestion, inhalation, or assimilation, either directly from the environment or directly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer, or genetic abnormalities and specifically includes, but is not limited to, asbestos, polychlorinated biphenyls ("PCBs"), radioactive materials, including radon and naturally occurring radio nuclides, natural gas, natural gas liquids, liquefied natural gas, synthetic gas, oil, petroleum, and petroleum-based derivatives and urea formaldehyde.

13. **Representations**. The EDA warrants that it has full right to execute and to perform this Lease with respect to the Leased Premises and that Luther, upon Luther's performance of all of the terms, conditions, covenants and agreements on Luther's part to be observed and performed under this Lease, may peaceably and quietly enjoy the Leased Premises subject to the terms and conditions of this Lease.

14. **Assignment or Subletting**. Luther shall not sublet any portion of the Leased Premises or transfer or assign this Lease; provided that the use of the Leased Premises by affiliates of Luther shall be permitted. The EDA's right to assign this Lease is and shall remain unqualified.

15. **Sale or Encumbrance**. If the EDA sells or otherwise voluntarily conveys the Leased Premises during the term of this Lease, Luther's rights under this Lease shall not be disturbed, and Luther shall attorn to the rights of the purchaser.

16. **Holding Over**. If Luther remains in possession of the Leased Premises after the expiration or termination of this Lease and the period provided herein for it to remove its property, it shall be deemed to be occupying said Leased Premises as a tenant at sufferance, subject to all the conditions, provisions and obligations of this Lease insofar as the same can be applicable to a tenancy at sufferance, including but not limited to the duty to pay rent.

17. **Surrender**. Upon expiration or termination of this Lease, Luther shall peaceably surrender the Leased Premises and remove all debris, vehicles, and personal property from the Leased Premises within twenty (20) days. Luther shall be conclusively deemed to have abandoned any vehicles or personal property not removed prior to thirty (30) days after the effective date of the EDA's termination of this Lease or Luther's surrender of the Leased Premises, unless the parties agree to a written extension of this Lease to allow the orderly removal of the vehicles over a longer period. The EDA may dispose of all debris, vehicles, and personal property Luther fails to remove within the removal period and Luther shall be responsible for reimbursing the EDA for its disposal costs.

18. **Default**.

(a) Luther Default. The occurrence of any one or more of the following events shall constitute an event of default:

(1) Luther's failure to pay the full amount of rent when due;

(2) Luther's use of the Leased Premises in a way that violates the terms of this Lease;

(3) Luther's attempt to sublet any portion of the Leased Premises, or assign its interest under this Lease; or

(4) Luther's failure to fully perform any of its obligations under this Lease, which failure remains uncured for fifteen (15) days following the EDA's written notice to Luther of Luther's failure to perform such obligation.

(b) EDA's Remedies. If an event of default occurs, the EDA shall have the following remedies:

(1) The EDA may, but shall not be obligated to, and without notice to or demand upon Luther and without waiving or releasing Luther from any obligations of Luther under this Lease, perform any obligations of Luther; pay any cost or expense to be paid by Luther; and make any other payment or perform any other act on the part of Luther to be made and performed as provided for in this Lease, in such manner and to such extent as the EDA may deem desirable, and in exercising any such right, may also pay all necessary and incidental costs and expenses, employ counsel and incur and pay attorneys' fees. Luther shall pay costs to the EDA upon demand with interest at seven percent per annum.

(2) The EDA may terminate this Lease by written notice to Luther in which case Luther shall vacate the Leased Premises as provided in the Surrender section of this Lease. Neither the passage of time after the occurrence of an event of default nor the EDA's exercise of any other remedy with regard to such event of default shall limit the EDA's right to terminate the Lease by written notice to Luther.

(3) The EDA may, whether or not the EDA has elected to terminate this Lease, immediately commence summary proceedings in unlawful detainer to recover possession of the Leased Premises. In the event of the issuance of a writ of restitution in such proceeding, upon the EDA's reentry upon and repossession of the Leased Premises, the EDA may remove Luther and all other persons from the Leased Premises (subject to Luther's right and responsibility to remove its personal property as provided herein).

(4) In addition to all other remedies of the EDA, the EDA shall be entitled to reimbursement upon demand of all reasonable attorneys' fees which the EDA incurs in connection with any event of default.

(5) The EDA may initiate legal proceedings to enforce the provisions of this Lease.

No remedy provided for herein or elsewhere in this Lease or otherwise available to the EDA by law, statute, or equity, shall be exclusive of any other remedy, but all such remedies shall be cumulative and may be exercised from time to time and as often as the occasion may arise.

19. **General Provisions**.

(a) EDA's Disclaimer of Warranty. The EDA disclaims any warranty that the Leased Premises is suitable for Luther's use.

(b) Relationship of Landlord and Luther. The Lease does not create the relationship of principal and agent or of partnership or of joint venture or of any association between the EDA and Luther, the sole relationships between the parties hereto being that of landlord and tenant under this Lease.

(c) Waiver. No waiver of the EDA's remedies upon the occurrence of an event of default shall be implied from any omission by the EDA to take any action on account of such event of default, and no express waiver shall affect any event of default other than the event of default specified in the express waiver and such an express waiver shall be effective only for the time and to the extent expressly stated. One or more waivers by the EDA shall not then be construed as a waiver of a subsequent event of default.

(d) Choice of Law. Any claim, controversy or dispute arising out of this Agreement shall be governed by the laws of the State of Minnesota.

(e) Time. Time is of the essence in the performance of all obligations under this Lease.

(f) Notices and Demands. Except as otherwise expressly provided in this Lease, any notice, demand, or other communication under the Lease any related document by either party to the other shall be sufficiently given or delivered if it is dispatched by United States Mail or delivered personally to:

(1) in the case of Luther:

The Luther Company, LLLP
Attn: Linda McGinty
3701 Alabama Ave S
St. Louis Park, MN 55416

(2) in the case of the EDA:

EDA of Brooklyn Center
Attn: Curt Boganey
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

or at such other address with respect to either such party as that party may, from time to time, designate in writing and forward to the other party.

(g) Entire Agreement and Amendment: This Lease constitutes the entire agreement between the EDA and Luther affecting the Leased Premises and there are no other agreements, either oral or written, between them other than said documents and as are herein set forth. No subsequent alteration, amendment, change or addition to this Lease shall be binding upon the EDA or Luther unless reduced to writing and executed in the same form and manner in which this Lease is executed.

(h) Successors and Assigns: The terms, covenants and conditions of this Lease shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Lease effective as of the Effective Date.

EDA:
ECONOMIC DEVELOPMENT
AUTHORITY OF BROOKLYN
CENTER, MINNESOTA

By: _____
Tim Willson
Its: President

By: _____
Curt Boganey
Its: Executive Director

LUTHER:
THE LUTHER COMPANY, LLLP

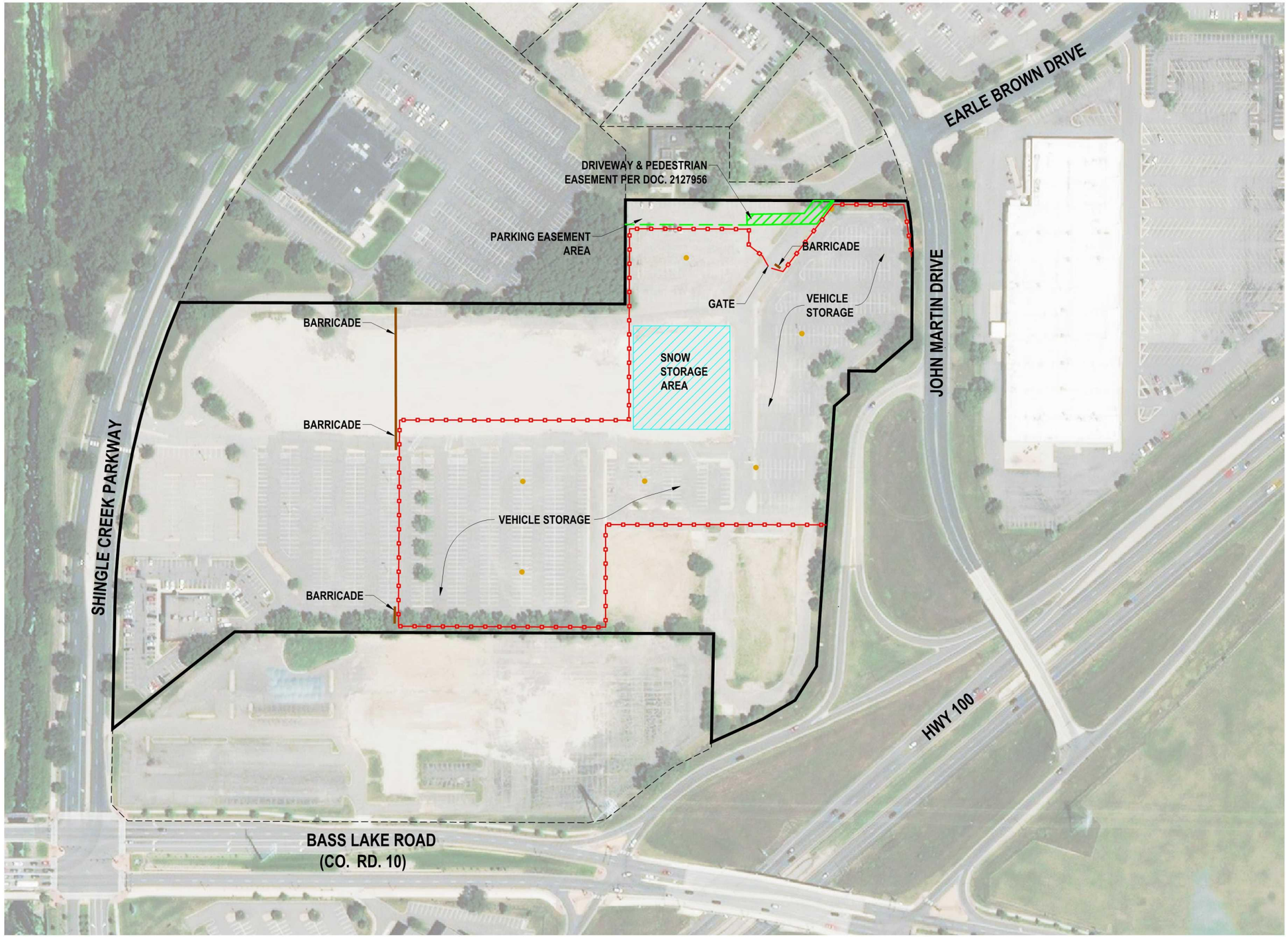
By: _____

Its: _____

EXHIBIT A

Depiction of the Leased Premises

(attached hereto)



LEGEND

- PROPOSED FENCE
- PROPOSED BARRICADE
- EXISTING LIGHT POLE
- SNOW STORAGE AREA
- DRIVEWAY AND PEDESTRIAN EASEMENT PER DOC. 2127956

NORTH

0 200

LANDFORM

in collaboration with:
THE LUTHER COMPANY, LLLP

SITE PLAN

TEMPORARY VEHICLE STORAGE FACILITY · BROOKLYN CENTER, MN
07.05.2018

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EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Approving the Purchase and Development Agreement and Conveyance of Certain Property Located at 7216 Brooklyn Boulevard (address to be re-assigned to 4728 Wingard Lane)

Recommendation:

It is recommended that the Economic Development Authority open the Public Hearing, take public input, close the Public Hearing, and consider adoption of Resolution Approving Purchase and Redevelopment Agreement and Conveyance of Certain Property Located at 7216 Brooklyn Boulevard (address to be re-assigned to 472 Wingard Lane).

Background:

The property, 7216 Brooklyn Boulevard, is a 0.47 acre site located at the northeast corner of the Brooklyn Boulevard and Wingard Lane intersection. The former single family home which was located on this property was demolished in 2013 and was purchased by the EDA in June 2013 for $34,350. The property has been vacant since this date.

Attached for your reference is a copy of the floor plans and building exterior provided by Novak-Fleck, Inc. The home will be constructed in the same style and format as 5301 James Avenue, which the EDA sold to Novak-Fleck in 2017. The split-entry home includes the following:
• Main level: 2 bedrooms, bathroom, living room, dining room, kitchen, with options for a deck off of the living are;
• Lower level: 1 bedroom, bathroom, family room, utility and laundry room, and crawl space area; and
• A two-car attached garage.

Purchase and Redevelopment Agreement
The City Attorney has prepared the enclosed Purchase and Redevelopment Agreement, which includes the following components related to the EDA's sales of this vacant lot for an infill development of a new single family residence:

• The purchase price is $35,000.
• The buyer agrees that it will construct a new single family dwelling on the Property, intended for sale to a person or persons for residential occupancy (an Owner Occupant).
• The minimum improvements shall consist of a three-bedroom house with approximately 1,200 gross square feet; 2 bathrooms and a garage and shall be constructed substantially in accordance with plans on file in Brooklyn Center City Hall.
• The minimum improvements must be substantially completed by November 20, 2018. Construction will be considered substantially complete when the final certificate of occupancy has been issued by the City of Brooklyn Center building official. At this time, a Certificate of Completion for the Minimum Improvements will

be issued by the EDA.
• The Buyer shall convey the Property to an Owner Occupant whose household income does not exceed:
(a) 100% of median income in the case of one or two person household Owner Occupant, or
(b) 115% of the median income in the case of three or more persons household Owner Occupants. The average median income for the seven-county metropolitan area for 2016 is $70,900.
• Provisions which provide the EDA with the rights to re-enter and take possession of the property in the event the buyer does not carry out the obligations with respect to the construction of the Minimum Improvements or abandons or substantially suspends construction.

Budget Issues:

The proceeds from this land sale are considered Tax Increment Revenues and will be placed back into the TIF 3 Housing Fund.

Strategic Priorities and Values:

Targeted Redevelopment

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO. 2018-_____

RESOLUTION APPROVING PURCHASE AND DEVELOPMENT AGREEMENT AND CONVEYANCE OF CERTAIN PROPERTY LOCATED AT 7216 BROOKLYN BOULEVARD (ADDRESS TO BE REASSIGNED TO 4728 WINGARD LANE), BROOKLYN CENTER, MN

BE IT RESOLVED by the Board of Commissioners ("Board") of the Economic Development Authority of the City of Brooklyn Center, Minnesota ("Authority") as follows:

Section 1. Recitals.

1.01. The Authority is authorized pursuant to Minnesota Statutes, Sections 469.090 to 469.1081 (the "EDA Act"), to acquire and convey real property and to undertake certain activities to facilitate the development of real property by private enterprise.

1.02. To facilitate development of certain property in the City of Brooklyn Center, Minnesota (the "City"), the Authority proposes to enter into a Purchase and Development Agreement (the "Contract") between the Authority and Novak-Fleck Incorporated ("Buyer"), under which, among other things, the Authority will convey the property located in the City at 7216 Brooklyn Boulevard (address to be reassigned to 4728 Wingard Lane) and legally described as:

Lot 2, Block 1, Shingle Creek Manor, according to the recorded plat thereof, Hennepin County, Minnesota

("Property") to Buyer to construct a new single family dwelling on the Property, intended for sale to an individual or family for residential occupancy.

1.03. The Authority has on this date conducted a duly noticed public hearing regarding the sale of the Property to Buyer, at which all interested persons were given an opportunity to be heard.

1.04. The Authority finds and determines that conveyance of the Property to Buyer is in the public interest and will further the objectives of its general plan of economic development, because it will provide an opportunity for increased housing opportunities in the City and serve as an impetus for further development.

Section 2. Authority Approval; Further Proceedings.

2.01. The Board hereby approves the Contract in substantially the form presented to the Board, including conveyance of the Property to Buyer, subject to modifications that do not alter the substance of the transaction and that are approved by the President and Executive Director, provided

that execution of the Contract by those officials shall be conclusive evidence of their approval.

2.02. Authority staff and officials are authorized to take all actions necessary to perform the Authority's obligations under the Contract as a whole, including without limitation execution of any documents to which the Authority is a party referenced in or attached to the Contract, and any deed or other documents necessary to convey the Property to Buyer, all as described in the Contract.

July 23, 2018
Date

President

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

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.

PURCHASE AND DEVELOPMENT AGREEMENT

7216 Brooklyn Boulevard (Address to be Reassigned to 4728 Wingard Lane)

1. **Parties.** This Purchase and Development Agreement is made as of this ____ day of July, 2018 between the ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER, MINNESOTA, a public body corporate and politic under the laws of Minnesota having its office located at: 6301 Shingle Creek Parkway, Brooklyn Center, MN ("Seller") and NOVAK-FLECK Incorporated, a Minnesota corporation ("Buyer").

2. **Offer/Acceptance.** Buyer offers to purchase and Seller agrees to sell real property located at 7216 Brooklyn Boulevard (address to be reassigned to 4728 Wingard Lane), City of Brooklyn Center, legally described as follows:

   Lot 2, Block 1, Shingle Creek Manor, according to the recorded plat thereof, Hennepin County, Minnesota

   (the "Property").

3. **Price and Terms.** The price for the Property is **Thirty-Five Thousand Dollars ($35,000.00)** which Buyer shall pay by certified check on the Date of Closing. The "Date of Closing" shall be July 30, 2018, or such other earlier or later date as the parties mutually agree.

4. **Personal Property Included in Sale.** There are no items of personal property or fixtures owned by Seller and currently located on the Property for purposes of this sale.

5. **Deed.** Upon performance by Buyer, Seller shall deliver a quit claim deed conveying title to the Property to Buyer, in substantially the form attached as Exhibit A (the "Deed").

6. **Real Estate Taxes and Special Assessments.** The parties agree and understand that the Property is exempt from real estate taxes for taxes payable in the current year. Seller shall pay on Date of Closing all special assessments levied against the Property as of the date of this Agreement, including those certified for payment with taxes due and payable in 2018. Seller represents that there are no special assessments pending as of the date of this Agreement. If a special assessment becomes pending after the date of this Agreement and before the Date of Closing, Buyer may, at Buyer's option:

A. Assume payment of the pending special assessment without adjustment to the purchase price of the Property; or

B. Require Seller to pay the pending special assessment and Buyer shall pay a commensurate increase in the purchase price of the Property, which increase shall be the same as the estimated amount of the assessment; or

C. Declare this Agreement null and void by notice to Seller, and earnest money shall be refunded to Buyer.

7. **Closing Costs and Related Items.** Seller shall be responsible for the following costs: (a) recording fees and conservation fees for all instruments required to establish marketable title in Seller; and (b) deed transfer taxes and conservation fees required to be paid in connection with the Deed be given by Seller. Buyer shall be responsible for the payment of the following costs: (a) recording fees required to be paid in connection with this Agreement and the Deed to be given by Seller; (b) the cost of all title evidence, including all search and commitment fees and the premium for an owner's policy of title insurance; and (c) closing fee, if any. Each party shall be responsible for its own attorneys' fees and costs.

8. **Sewer and Water.** Seller warrants that city sewer and water are available at the Property line.

9. **Condition of Property.** Buyer acknowledges that it has inspected or has had the opportunity to inspect the Property and agrees to accept the Property "AS IS." Buyer has the right, at its own expense to take soil samples for the purpose of determining if the soil is suitable for construction of the dwelling described in Section 14 below. If the soil is determined to be unacceptable the Buyer may rescind this Agreement by written notice to Seller, in which case the Agreement shall be null and void and all earnest money paid hereunder shall be refunded to Buyer. Seller makes no warranties as to the condition of the Property.

10. **Marketability of Title.** The Buyer may order, in Buyer's sole discretion and at the Buyer's expense, a commitment (the "Title Commitment") issued by any title insurance company acceptable to Buyer ("Title"), for an owner's title insurance policy in the full amount of the purchase price, showing fee simple title to the Property in Seller. Buyer shall have 15 business days after receipt of the Title Commitment to examine the same

and to deliver written objections to Title, if any, to Seller. Seller shall have the greater of (i) the number of days remaining until the Date of Closing; or (ii) 30 days to have such objections removed or satisfied.

11. **Title Clearance and Remedies.** If Seller shall fail to have title objections timely removed, Buyer may, at its sole election: (a) terminate this Agreement without any liability on its part; in which event the earnest money shall be promptly refunded in exchange for a quit claim deed to the Property from Buyer; or (b) take title to the Property subject to such objections.

If title is marketable, or is made marketable as provided herein, and Buyer defaults in any of the agreements herein, Seller may elect either of the following options, as permitted by law:

A. Cancel this Agreement as provided by statute and retain all payments made hereunder as liquidated damages. The parties acknowledge their intention that any note given pursuant to this Agreement is a down payment note, and may be presented for payment notwithstanding cancellation;

B. Seek specific performance within six months after such right of action arises, including costs and reasonable attorneys' fees, as permitted by law.

If title is marketable, or is made marketable as provided herein, and Seller defaults in any of the agreements herein, Buyer may, as permitted by law:

A. Seek damages from Seller including costs and reasonable attorneys' fees;

B. Seek specific performance within six months after such right of action arises.

12. **Well Disclosure.** Seller certifies that the status and number of wells has not changed since the previously filed well disclosure certificate

13. **Individual Sewage Treatment System Disclosure.** Seller certifies that there is no individual sewage treatment system on or serving the Property.

14. **Construction and Sale of Dwelling.** Buyer agrees that it will construct a new single family dwelling on the Property, intended for sale to a person or persons for residential occupancy (an "Owner Occupant"). This covenant shall survive the delivery of the Deed.

A. The single family dwelling described in this Section is referred to as the "Minimum Improvements."

B. The Minimum Improvements shall consist of a house with approximately 1,200 gross square feet, three bedrooms and two bathrooms and a garage and shall be constructed substantially in accordance with the plans on file in Brooklyn Center

City Hall. Construction of the Minimum Improvements must be substantially completed within 120 days from the date of closing. Construction will be considered substantially complete when the final certificate of occupancy has been issued by the City of Brooklyn Center building official.

C. Promptly after substantial completion of the Minimum Improvements in accordance with those provisions of the Agreement relating solely to the obligations of Buyer to construct such Minimum Improvements (including the date for completion thereof), Seller will furnish Buyer with a Certificate of Completion for such improvements. Such certification by Seller shall be (and it shall be so provided in the Deed and in the certification itself) a conclusive determination of satisfaction and termination of the agreements and covenants in this Agreement and in the Deed with respect to the obligations of Buyer and its successors and assigns, to construct the Minimum Improvements and the dates for completion thereof.

The certificate provided for in this Section of this Agreement shall be in such form as will enable it to be recorded in the proper office for the recordation of deeds and other instruments pertaining to the Property. If Seller shall refuse or fail to provide any certification in accordance with the provisions of this Section, Seller shall, within 30 days after written request by Buyer, provide Buyer with a written statement, indicating in adequate detail in what respects Buyer has failed to complete the Minimum Improvements in accordance with the provisions of the Agreement, or is otherwise in default, and what measures or acts it will be necessary, in the opinion of Seller for Buyer to take or perform in order to obtain such certification.

D. The Buyer represents and agrees that until issuance of the Certificate of Completion for the Minimum Improvements:

(1) Except for any sale to an Owner Occupant, Buyer has not made or created and will not make or create or suffer to be made or created any total or partial sale, assignment, conveyance, or lease, or any trust or power, or transfer in any other mode or form of or with respect to this Agreement or the Property or any part thereof or any interest therein, or any contract or agreement to do any of the same, to any person or entity (collectively, a "Transfer"), without the prior written approval of Seller's Board of Commissioners. The term "Transfer" does not include encumbrances made or granted by way of security for, and only for, the purpose of obtaining construction, interim or permanent financing necessary to enable Buyer or any successor in interest to the Property, or any part thereof, to construct the Minimum Improvements or component thereof.

(2) If Buyer seeks to effect a Transfer to any person or entity other than an Owner Occupant prior to issuance of the Certificate of Completion, the Seller shall be entitled to require as conditions to such Transfer that:

(i) any proposed transferee shall have the qualifications and financial responsibility, in the reasonable judgment of Seller, necessary and adequate to fulfill the obligations undertaken in this Agreement by Buyer as to the portion of the Property to be transferred; and

(ii) Any proposed transferee, by instrument in writing satisfactory to Seller and in form recordable in the public land records of Hennepin County, Minnesota, shall, for itself and its successors and assigns, and expressly for the benefit of Seller, have expressly assumed all of the obligations of Buyer under this Agreement as to the portion of the Property to be transferred and agreed to be subject to all the conditions and restrictions to which Buyer is subject as to such portion; provided, however, that the fact that any transferee of, or any other successor in interest whatsoever to, the Property, or any part thereof, shall not, for whatever reason, have assumed such obligations or so agreed, and shall not (unless and only to the extent otherwise specifically provided in this Agreement or agreed to in writing by Seller) deprive Seller of any rights or remedies or controls with respect to the Property, the Minimum Improvements or any part thereof or the construction of the Minimum Improvements; it being the intent of the parties as expressed in this Agreement that (to the fullest extent permitted at law and in equity and excepting only in the manner and to the extent specifically provided otherwise in this Agreement) no transfer of, or change with respect to, ownership in the Property or any part thereof, or any interest therein, however consummated or occurring, and whether voluntary or involuntary, shall operate, legally, or practically, to deprive or limit Seller of or with respect to any rights or remedies on controls provided in or resulting from this Agreement with respect to the Property that Seller would have had, had there been no such transfer or change. In the absence of specific written agreement by Seller to the contrary, no such transfer or approval by Seller thereof shall be deemed to relieve Buyer, or any other party bound in any way by this Agreement or otherwise with respect to the Property, from any of its obligations with respect thereto.

(iii) Any and all instruments and other legal documents involved in effecting the transfer of any interest in this Agreement or the Property governed by this paragraph (D) shall be in a form reasonably satisfactory to Seller.

(3) If the conditions described in paragraph (2) above are satisfied, then the Transfer will be approved and Buyer shall be released from its obligation under this Agreement, as to the portion of the Property that is transferred, assigned, or otherwise conveyed. The provisions of this paragraph (3) apply to all subsequent transferors.

(4) Upon issuance of the Certificate of Completion, Buyer may Transfer the Property or Buyer's rights and obligations under this Agreement with respect to such Property without the prior written consent of Seller, except to the extent required under paragraph (F) of this Section.

E. The Buyer, and its successors and assigns, agree that it (a) will use the Minimum Improvements only as a single family dwelling, and in the case of an Owner Occupant, will occupy the Property as a residence, (b) will not seek exemption from real estate taxes on the Property under State law, and (c) will not transfer or permit transfer of the Property to any entity whose ownership or operation of the Property would result in the Property being exempt from real estate taxes under State law (other than any portion thereof dedicated or conveyed to the City of Brooklyn Center or Seller in accordance with this Agreement). The covenants in this paragraph run with the land, survive both delivery of the Deed and issuance of the Certificate of Completion for the Minimum Improvements, and shall remain in effect for 15 years after the Date of Closing.

F. Buyer shall convey the Property (either before or after issuance of the Certificate of Completion) to an Owner Occupant whose household income does not exceed (a) 100 percent of median income in the case of one or two person household Owner Occupants, or (b) 115 percent of median income in the case of three or more person household Owner Occupants. The term "median income" means the median income in the seven-county metropolitan area, or the State as a whole, whichever is greater, using income data available from the Minnesota Housing Finance Agency as of the date of closing on sale to the Owner Occupant. Prior to closing on sale the Property by Buyer to an Owner Occupant, Buyer shall:

(1) Notify the Seller in writing that the proposed Owner Occupant will meet the income qualifications under this paragraph; and

(2) Submit to Seller evidence of Owner Occupant's income in a form satisfactory to Seller, evidencing compliance with the income limits described above. The covenant in this Section applies only to the first sale of the Property to an Owner Occupant, and does not apply to any subsequent sale by an Owner Occupant to any other person or party.

15. Revesting Title in Seller upon Happening of Event Subsequent to Conveyance to Buyer. In the event that subsequent to conveyance of the Property or any part thereof to Buyer and prior to receipt by Buyer of the Certificate of Completion for of the Minimum Improvements, Buyer, subject to Unavoidable Delays (as hereafter defined), fails to carry out its obligations with respect to the construction of the Minimum Improvements (including the nature and the date for the completion thereof), or abandons or substantially suspends construction work, and any such failure, abandonment, or suspension shall not be cured, ended, or remedied within 30 days after written demand from Seller to Buyer to do so, then Seller shall have the right to re-enter and take possession of the Property and to

terminate (and revest in Seller) the estate conveyed by the Deed to Buyer, it being the intent of this provision, together with other provisions of the Agreement, that the conveyance of the Property to Buyer shall be made upon, and that the Deed shall contain a condition subsequent to the effect that in the event of any default on the part of Buyer and failure on the part of Buyer to remedy, end, or abrogate such default within the period and in the manner stated in such subdivisions, Seller at its option may declare a termination in favor of Seller of the title, and of all the rights and interests in and to the Property conveyed to Buyer, and that such title and all rights and interests of Buyer, and any assigns or successors in interest to and in the Property, shall revert to Seller, but only if the events stated in this Section have not been cured within the time periods provided above.

For the purposes of this Agreement, the term "Unavoidable Delays" means delays beyond the reasonable control of Buyer as a result thereof which are the direct result of strikes, other labor troubles, prolonged adverse weather or acts of God, fire, or other casualty to the Minimum Improvements, litigation commenced by third parties which, by injunction or other similar judicial action, directly results in delays, or acts of any federal, state, or local governmental unit (other than Seller in exercising its rights under this Agreement) which directly results in delays. Unavoidable Delays shall not include delays in Buyer's obtaining of permits or governmental approvals necessary to enable construction of the Minimum Improvements by the dates such construction is required under this Section of this Agreement.

16. Resale of Reacquired Property; Disposition of Proceeds. Upon the revesting in Seller of title to or possession of the Property or any part thereof as provided in Section 15, Seller shall apply the purchase price paid by Buyer under Section 4 of this Agreement as follows:

(a) First, to reimburse Seller for all costs and expenses incurred by Seller, including but not limited to proportionate salaries of personnel, in connection with the recapture, management, and resale of the Property or part thereof (but less any income derived by Seller from the Property or part thereof in connection with such management); all taxes, assessments, and water and sewer charges with respect to the Property or part thereof (or, in the event the Property is exempt from taxation or assessment or such charge during the period of ownership thereof by Seller, an amount, if paid, equal to such taxes, assessments, or charges (as determined by Seller assessing official) as would have been payable if the Property were not so exempt); any payments made or necessary to be made to discharge any encumbrances or liens existing on the Property or part thereof at the time of revesting of title thereto in Seller or to discharge or prevent from attaching or being made any subsequent encumbrances or liens due to obligations, defaults or acts of Buyer, its successors or transferees; any expenditures made or obligations incurred with respect to the making or completion of the Minimum Improvements or any part thereof on the Property or part thereof; and any amounts otherwise owing Seller by Buyer and its successor or transferee; and

(b) Second, to reimburse Buyer for the balance of the purchase price remaining after the reimbursements specified in paragraph (a) above. Such reimbursement shall be paid to Buyer upon delivery of an executed, recordable warranty deed to the Property by Buyer to Seller.

17. **Time is of the essence for all provisions of this contract.**

18. **Notices.** All notices required herein shall be in writing and delivered personally or mailed to the address shown at Section 1 above and, if mailed, are effective as of the date of mailing.

19. **Minnesota Law.** This contract shall be governed by the laws of the State of Minnesota.

20. **Specific Performance.** This Agreement may be specifically enforced by the parties, provided that an action is brought within one year of the date of alleged breach of this Agreement.

21. **No Remedy Exclusive.** No remedy herein conferred upon or reserved to Seller or Buyer is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

22. **No Merger of Representations, Warranties.** All representations and warranties contained in this Purchase Agreement shall not be merged into any instruments or conveyance delivered at closing, and the parties shall be bound accordingly.

23. **Recording.** This Agreement shall be filed of record with the Hennepin County Recorder. Buyer shall pay all recording costs.

24. **Commissions.** The Buyer has retained Rich Friedrichs of Richs Realty Inc. to represent it in this transaction (the "Buyer's Agent"). The Buyer shall be responsible for paying any real estate or brokerage commissions that are due to the Buyer's Agent resulting from this transaction. Both the Buyer and the Seller represent that with the exception of the Buyer's Agent, that they have not entered into a contract with any other real estate agent or broker, whereby the agent or broker is entitled to a commission resulting from the transaction contemplated by this Agreement. Each party agrees to indemnify, defend, and hold harmless the other party against any claim made by a real estate broker or agent for a commission or fee based on alleged acts or agreements with the indemnifying party.

In witness of the foregoing, the parties have executed this agreement on the year and date written above.

SELLER:
ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER, MINNESOTA

By: _____
Tim Willson
Its: President

By: _____
Cornelius Boganey
Its: Executive Director

STATE OF MINNESOTA
} ss.
COUNTY OF HENNEPIN

This instrument was acknowledged before me on this _____ day of _____, 2018, by Tim Willson and Cornelius Boganey, the President and Executive Director, respectively, of the Economic Development Authority of the City of Brooklyn Center, Minnesota, a public body corporate and politic under the laws of Minnesota, on behalf of the public body corporate and politic.

(Stamp)

_____
Notary Public

BUYER:
NOVAK-FLECK INCORPORATED

By: _____

Its: PRESIDENT

STATE OF MINNESOTA)
} ss.
COUNTY OF Hennepin)

The foregoing was acknowledged before me this 18th day of June 2018, by Richard Novak, the President of Novak-Fleck Incorporated, a Minnesota corporation, on behalf of the corporation.

(Stamp)

CANDICE L. JOHNSON
Notary Public-Minnesota
My Commission Expires Jan 31, 2020

_____
Notary Public

This document drafted by:

Kennedy & Graven, Chartered
(SJS)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
to
PURCHASE AND DEVELOPMENT AGREEMENT

FORM OF QUIT CLAIM DEED

Deed Tax Due: $_____

ECRV _____

QUIT CLAIM DEED

THIS INDENTURE, between the Economic Development Authority of the City of Brooklyn Center, Minnesota, a Minnesota public body corporate and politic (the "Grantor"), and Novak-Fleck Incorporated, a Minnesota corporation (the "Grantee").

WITNESSETH, that Grantor, in consideration of the sum of **$35,000.00** and other good and valuable consideration the receipt whereof is hereby acknowledged, does hereby grant, bargain, quitclaim, and convey to the Grantee, its successors and assigns forever, all the tract or parcel of land lying and being in the County of Hennepin and State of Minnesota described as follows, to-wit (such tract or parcel of land is hereinafter referred to as the "Property"):

Lot 2, Block 1, Shingle Creek Manor, according to the recorded plat thereof, Hennepin County, Minnesota.

Check here if all or part of property is registered (Torrens) ☐

To have and to hold the same, together with all the hereditaments and appurtenances thereunto belonging.

SECTION 1.

It is understood and agreed that this Deed is subject to the covenants, conditions, restrictions, and provisions of the Purchase and Development Agreement recorded herewith, between the Grantor and Grantee, dated as of _____, 2018 (the "Agreement") and that the Grantee shall not convey this Property, or any part thereof, except as permitted by the Agreement until a certificate of completion releasing the Grantee from certain obligations of said Agreement as to this Property or such part thereof then to be conveyed, has been placed of record. This provision, however, shall in no way prevent the Grantee from mortgaging this Property in order to obtain funds for the purchase of the Property hereby conveyed or for erecting the Minimum Improvements thereon (as defined in the Agreement) in conformity with the Agreement, any applicable development program and applicable provisions of the zoning ordinance of the City of Brooklyn Center, Minnesota, or for the refinancing of the same.

It is specifically agreed that the Grantee shall promptly begin and diligently prosecute to completion the development of the Property through the construction of the Minimum Improvements thereon, as provided in the Agreement.

Promptly after completion of the Minimum Improvements in accordance with the provisions of the Agreement, the Grantor will furnish the Grantee with an appropriate instrument so certifying. Such certification by the Grantor shall be (and it shall be so provided in the certification itself) a conclusive determination of satisfaction and termination of the agreements and covenants of the Agreement and of this Deed with respect to the obligation of the Grantee, and its successors and assigns, to construct the Minimum Improvements and the dates for the beginning and completion thereof. Such certification and such determination shall not constitute evidence of compliance with or satisfaction of any obligation of the Grantee to any holder of a mortgage, or any insurer of a mortgage, securing money loaned to finance the purchase of the Property hereby conveyed or the Minimum Improvements, or any part thereof.

All certifications provided for herein shall be in such form as will enable them to be recorded with the County Recorder of Hennepin County, Minnesota. If the Grantor shall refuse or fail to provide any such certification in accordance with the provisions of the Agreement and this Deed, the Grantor shall, within 30 days after written request by the Grantee, provide the Grantee with a written statement indicating in adequate detail in what respects the Grantee has failed to complete the Minimum Improvements in accordance with the provisions of the Agreement or is otherwise in default, and what measures or acts it will be necessary, in the opinion of the Grantor, for the Grantee to take or perform in order to obtain such certification.

SECTION 2.

The Grantee's rights and interest in the Property are subject to the terms and conditions of Sections 14 and 15 of the Agreement relating to the Grantor's right to re-enter and revest in Grantor title to the Property under conditions specified therein, including but not limited to, the condition subsequent that the Grantee substantially complete construction of the Minimum Improvements within 120 days of the date of this Deed and that the Grantee shall transfer or convey the Property and Minimum Improvements thereon only in accordance with Sections 14 (D) and 14 (F).

SECTION 3.

The Grantee agrees for itself and its successors and assigns to or of the Property or any part thereof, hereinbefore described, that the Grantee and such successors and assigns shall comply with Section 14 (E) of the Agreement for a period of 15 years after the date hereof.

It is intended and agreed that the above and foregoing agreements and covenants shall be covenants running with the land for the respective terms herein provided, and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, and except only as otherwise specifically provided in this Deed, be binding, to the fullest extent permitted by law and equity for the benefit and in favor of, and enforceable by, the Grantor

against the Grantee, its successors and assigns, and every successor in interest to the Property, or any part thereof or any interest therein, and any party in possession or occupancy of the Property or any part thereof.

In amplification, and not in restriction of, the provisions of the preceding section, it is intended and agreed that the Grantor shall be deemed a beneficiary of the agreements and covenants provided herein, both for and in its own right, and also for the purposes of protecting the interest of the community and the other parties, public or private, in whose favor or for whose benefit these agreements and covenants have been provided. Such agreements and covenants shall run in favor of the Grantor without regard to whether the Grantor has at any time been, remains, or is an owner of any land or interest therein to, or in favor of, which such agreements and covenants relate. The Grantor shall have the right, in the event of any breach of any such agreement or covenant to exercise all the rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of agreement or covenant, to which it or any other beneficiaries of such agreement or covenant may be entitled; provided that Grantor shall not have any right to re-enter the Property or revest in the Grantor the estate conveyed by this Deed on grounds of Grantee's failure to comply with its obligations under this Section 3.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be duly executed in its behalf by its President and Executive Director this _____ day of _____, 2018.

☐ The Seller certifies that the Seller does not know of any wells on the described real property.

☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____).

GRANTOR

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER, MINNESOTA

By _____
Tim Willson
Its: President

By _____
Cornelius Boganey
Its: Executive Director

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

This instrument was acknowledged before me on this _____ day of _____ 2018, by Tim Willson and Cornelius Boganey, the President and Executive Director, respectively, of the Economic Development Authority of the City of Brooklyn Center, Minnesota, a public body corporate and politic under the laws of Minnesota, on behalf of the public body corporate and politic.

(Stamp)

_____
Notary Public

This instrument was drafted by:

Kennedy & Graven, Charted (JSB)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

Tax Statements should be sent to:

Novak-Fleck Incorporated
8857 Zealand Avenue North
Brooklyn Park, MN 55445

EXHIBIT B

TO PURCHASE AND DEVELOPMENT AGREEMENT

FORM OF CERTIFICATE OF COMPLETION

WHEREAS, the Economic Development Authority of the City of Brooklyn Center, Minnesota, a public body, corporate and politic (the "Grantor"), conveyed land in Hennepin County, Minnesota to Novak-Fleck Incorporated, a Minnesota corporation (the "Grantee"), by a Deed recorded in the office of the County Recorder in and for the County of Hennepin and State of Minnesota, as Document Number _____ ;

and

WHEREAS, said Deed contained certain covenants and restrictions set forth in Sections 1 and 2 of said Deed; and

WHEREAS, said Grantee has performed said covenants and conditions insofar as it is able in a manner deemed sufficient by the Grantor to permit the execution and recording of this certification;

NOW, THEREFORE, this is to certify that all building construction and other physical improvements specified to be done and made by the Grantee have been completed and the above covenants and conditions in said Deed and the agreements and covenants in Sections 14 and 15 of the Agreement (as described in said Deed) have been performed by the Grantee therein, and the County Recorder in and for the County of Hennepin and State of Minnesota is hereby authorized to accept for recording and to record, the filing of this instrument, to be a conclusive determination of the satisfactory termination of the covenants and conditions of Sections 14 and 15 of the Agreement and the covenants and restrictions set forth in Sections 1 and 2 of said Deed; provided that the covenants set forth in Sections 14 (E) of the Agreement, and in Section 3 of the Deed, remain in full force and effect through the period stated thereon.

Dated: _____, 20___.

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER, MINNESOTA

By _____
Its: President

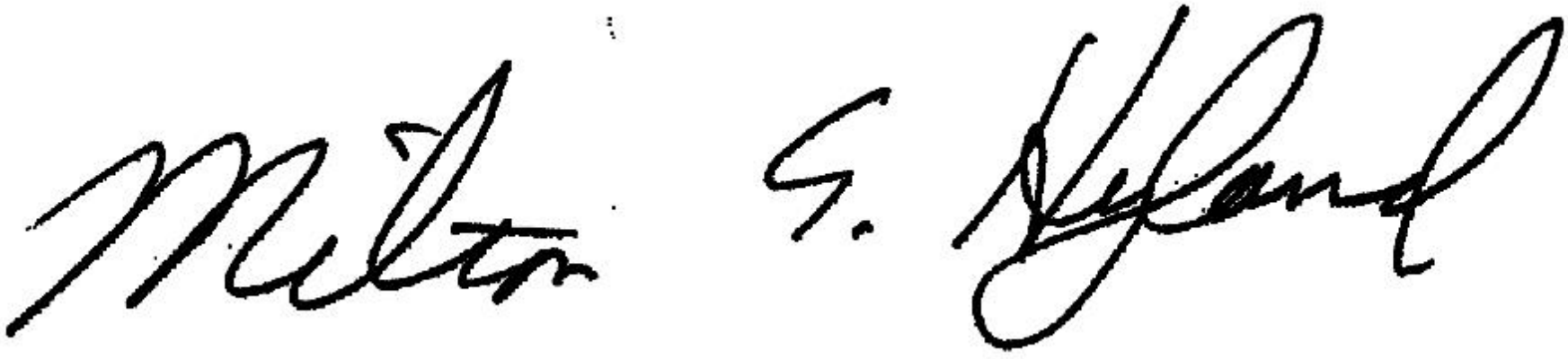
By _____
Its: Executive Director

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ and _____, the President and Executive Director, respectively, of the Economic Development Authority of the City of Brooklyn Center, Minnesota, a public body corporate and politic under the laws of the State of Minnesota, on behalf of the public body corporate and politic.

_____
Notary Public

This document drafted by:
KENNEDY & GRAVEN, CHARTERED (SJS)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300



LEFT ELEVATION

SCALE: 1/8"=1'-0"

RIGHT ELEVATION

SCALE: 1/8"=1'-0"

REAR ELEVATION

SCALE: 1/8"=1'-0"

FRONT ELEVATION

SCALE: 1/4"=1'-0"

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FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

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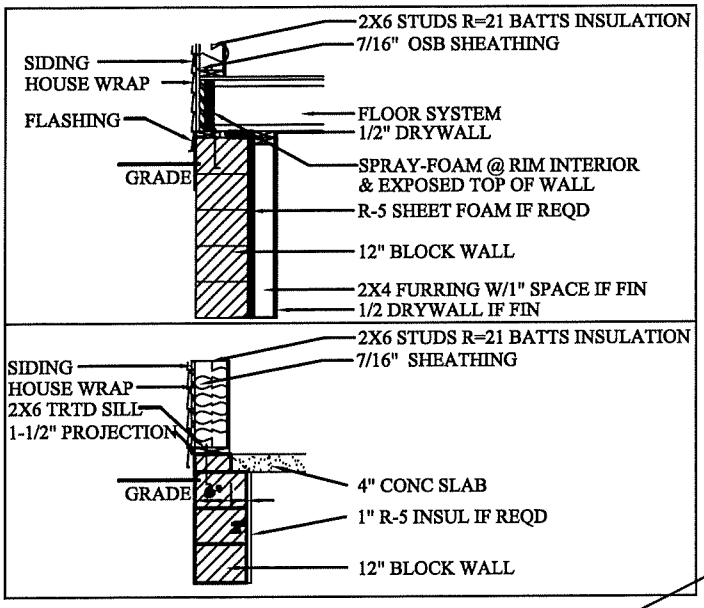
LOWER LEVEL PLAN

SCALE: 1/4"=1'-0"

CopyWrite©

NOTE:
-USE TO ELECTRONIC REPRODUCTION. THIS PLAN MAY NOT SCALE CORRECTLY. THE HOUSE WILL BE BUILT ACCORDING TO THE DIMENSIONS SPECIFIED.
-ALL DIMENSIONS, CONDITIONS AND SPECIFICATIONS ARE SUBJECT TO FIELD VERIFICATION. SOME CHANGES MAY BE NECESSARY.
-ALL ELECTRICAL SYMBOLS SHOWN ARE APPROXIMATE. ACTUAL PLACEMENT MAY BE DETERMINED BY THE ELECTRICIAN PER CODE REQUIREMENTS.
-ALL SQUARE FOOTAGES ARE GIVEN AS ESTIMATES ONLY AND NOT GUARANTEED
-MASONRY STONES ON EXTERIOR WALLS. (CATEGORY ONE)
-CALK & FLASH ALL EXTERIOR OPENING.

REGENCY



DATE: 8/14/17 ADDRESS 5301 JAMES AVE
CONTRACTOR NOVAK-FLECK INC LICENSE # 0001631

LOCATION	TYPE OF INSULATION	INSTALLED R VALUE
ROOF / CEILING	BLOWN FIBERGLASS	R-49
WALLS	BATT FIBERGLASS	R-21
SLAB-ON-GRADE	RIGID POLYSTYRENE	R-5
FLOOR	BLOWN FIBERGLASS	R-49
RIM JOIST	CLOSED CELL SPRAY-FOAM	R-21 INTERIOR
FOUNDATION WALL	MINERAL FIBER BOARD	R-10 EXTERIOR

	TYPE	LOCATION	SIZE
MAKE-UP AIR	NOT REQUIRED		
COMBUSTION	NON-MECHANICAL	MECH. ROOM 12" ABOVE FLR	6" FLEX
WATER HEATING	MANUFACTURER	MODEL	SIZE
	RHEEM	42VP50F	50 GALLON

DUCTS OUTSIDE OF CONDITIONED SPACE

	LOCATION	R-VALUE
	OVER GARAGE	R=8

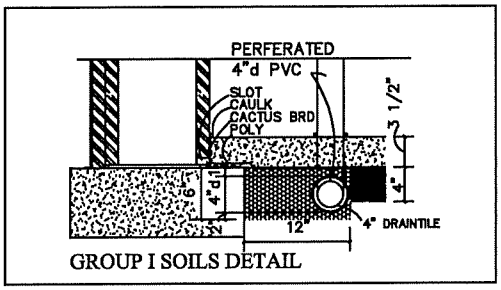
	AVG. U FACTOR	SHGC SOLAR HEAT GAIN
FENESTRATION	0.30	0.30

	PASSIVE	ACTIVE
RADON CONTROL	☒	☐

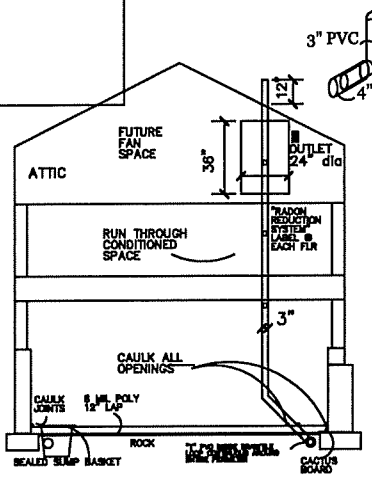
	TYPE	INPUT RATING	AFUE	MANUFACTURER	MODEL	CALCULATED
HEATING SYSTEM	FORCED AIR/GAS	42000	92%	WEATHERKING	R92FA0601317MSA	HEAT LOSS 31225

	TYPE	OUTPUT RATING	SEER	MANUFACTURER	MODEL	COOLING LOAD
COOLING SYSTEM	FORCED AIR ELECTRIC	3.0 TON	13	WEATHERKING	13AJm30e01	HEAT GAIN 19376

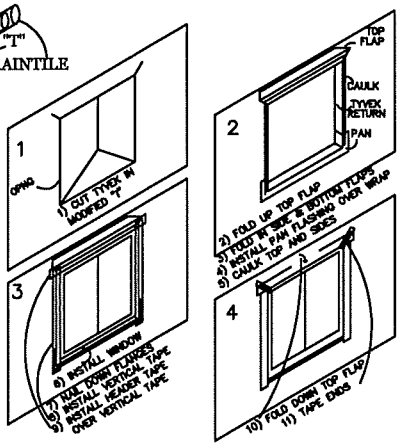
	TYPE	LOCATION	CONTINUOUS VENTILATION	TOTAL VENTILATION
MECHANICAL VENTILATION	BALANCED HRV	MECH ROOM	53	106



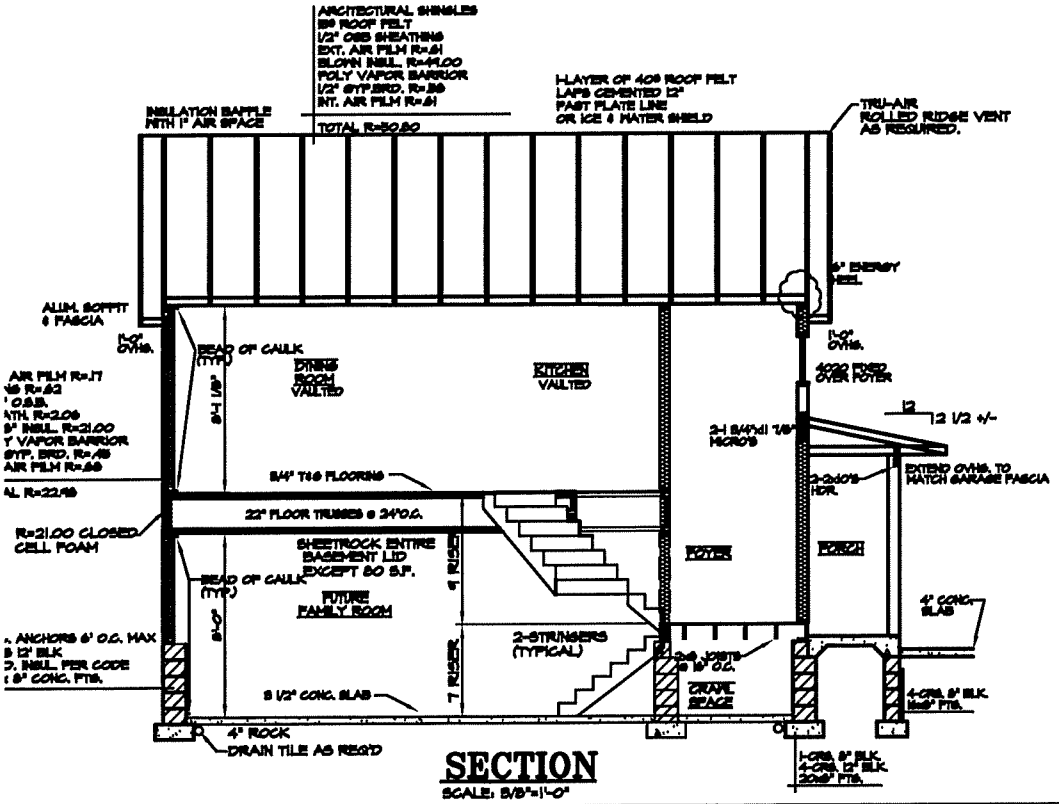
GROUP I SOILS DETAIL



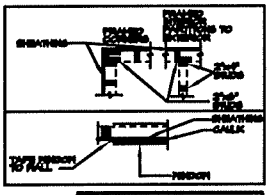
PASSIVE RADON SYSTEM



WINDOW FLASHING DETAIL



SECTION
SCALE: 3/8"=1'-0"



INSULATION

FRAMING

PORTAL WALL BRACING CODE R602.10.6.2

CopyWrite©

EDA ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Brett Angell, Business and Workforce Development Specialist

SUBJECT: Resolution Establishing a Revolving Loan Fund Program

Recommendation:

It is recommended that the Economic Development Authority consider adoption of the resolution establishing a Revolving Loan Fund (RLF) Program for the City of Brooklyn Center.

Background:

At the June 25th meeting, the EDA approved the submission of a Minnesota Investment Fund (MIF) application on behalf of Get Bizzy, Inc. (Bizzy Coffee). A requirement of the MIF program is that any recipient City have revolving loan fund policies in place. The MIF loan fund allows for a portion of the loan repayment, up to $100,000, to be placed within a revolving loan fund account to help fund other economic development projects within the City. At this time, the EDA is not being asked to provide funding to the revolving loan fund account.

A revolving loan fund (RLF) is a gap financing measure that is used primarily for the development and expansion of small businesses. It is a self-replenishing pool of money utilizing interest and principal payments on old loans to issue new loans. Often the RLF is a bridge between the amount the borrower can obtain on the private market and the amount needed to start or sustain a business.

Policies and procedures for a revolving loan fund have been created to establish this program with the goal of enhancing the appearance and/or safety of buildings and to create or retain livable wage jobs in the City. The RLF would be used for either exterior enhancements of the building, to create livable wage jobs, or other fixed asset financing. The applicants for an RLF may be individual business owners, partnerships, corporations, tenant operators, or contract for deed purchasers.

The loan details of any RLF project would include the following:
• A minimum amount of $5,000 and a maximum amount at the discretion of the EDA, but not to exceed 75% of the total RLF funds, or 40% of the total project costs, or 30% of the total purchase price for machinery or equipment.
• The terms (length) of the loan will be determined by the EDA on a case-by-case basis with the maximum term for any RLF loan being 10-years.
• The rates for any loan will be a fixed–rate and set at 2% below the prime interest rate established at closing.
• A 10% equity investment of total project costs will be required of all applicants.
• The applicant for an RLF loan would be responsible for all hard loan costs.
• Acceptable collateral shall include a mortgage on the building or assets involved or other collateral as approved by the EDA.
As part of the program, the applicant will be required to prepare an estimate of the number of jobs to be created and the wages of each position for the first five (5) years of operation after receiving an RLF loan.

Yearly check-ins with the business will occur to ensure that the business is meeting the goals outlined in the application process.

Any application for RLF financing will be reviewed by staff to ensure the application is complete. Complete applications will be brought forward to the EDA and the EDA will have the sole discretion to choose whether to finance a project or to deny the application. The EDA will have the ability to terminate the RLF program at any point.

Budget Issues:

There are no budget issues to consider.

Strategic Priorities and Values:

Enhanced Community Image, Resident Economic Stability

Commissioner _____ introduced the following resolution and moved its adoption:

EDA RESOLUTION NO._____

RESOLUTION APPROVING POLICY AND PROCEDURES FOR REVOLVING LOAN FUND

WHEREAS, the Economic Development Authority of Brooklyn Center, Minnesota (the "EDA") acknowledges the need to provide financial assistance to businesses to further the economic development objectives of the City of Brooklyn Center (the "City"); and

WHEREAS, the EDA has determined to adopt written procedures regarding how the City will carry out its revolving loan fund program, and to that end has caused to be prepared a document titled Policy and Procedures for the Revolving Loan Fund of the Brooklyn Center Economic Development Authority as set forth in **Exhibit A** attached hereto (the "Policy").

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Economic Development Authority of Brooklyn Center, Minnesota (the "Board"), as follows:

1. The Board hereby adopts the Policy.

2. EDA staff are authorized to take all actions necessary to carry out the Policy.

July 23, 2018 _____
Date

_____
President

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

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.

EXHIBIT A

POLICY AND PROCEDURES FOR THE REVOLVING LOAN FUND OF THE BROOKLYN CENTER ECONOMIC DEVELOPMENT AUTHORITY

I. PURPOSE

The purpose of the Revolving Loan Fund (RLF) for the Economic Development Authority of Brooklyn Center is to establish a low-interest loan program to provide the capability and incentive for property owners and tenants of new and existing businesses within the City to upgrade the appearance, structural condition, and/or operating efficiency of their places of business, thereby improving their marketability and retaining and expanding job opportunities within the City.

II. REVOLVING LOAN FUND GOALS

By providing low-interest loans to existing or new businesses, the Economic Development Authority of Brooklyn Center has established the following goals:

1. The proposed project must be a conforming use in the zoning district in which it is located and generally consistent with the City of Brooklyn Center's Comprehensive Plan.
2. Any construction project which uses funds from the Revolving Loan Fund (RLF) shall require quality construction and must promote the highest and best use of the land.
3. The project will not significantly or adversely increase the impacts on existing utility service needs in the City.
4. The project should seek to utilize local contractors, suppliers, vendors, professionals, and/or financial institutions when feasible.
5. The project will help protect or increase property values and the general public's health, safety and welfare.
6. The proposed project will help ensure a vibrant economic landscape and will help retain or expand livable wage job opportunities within the City.

III. QUALIFYING IMPROVEMENTS AND USE OF FUNDS

Revolving Loan Fund proceeds may be used for the following purposes:

1. To improve the exterior appearance of buildings and property, including land or building acquisition; building construction; expansion, renovation and/or modernization of buildings; permanent façade improvements; and/or energy efficiency improvements within the City of Brooklyn Center.
2. For interior improvements; however, in addition to the goals set for in the above section, must be made for one or more of the following reasons:
    a. Job creation and/or retention of livable wage jobs;
    b. Meet any City of Brooklyn Center approved economic development or redevelopment plans;
    c. To meet any City established design guidelines; or
    d. Prevention or elimination of blight conditions.

3. Other fixed asset financing, including machinery and equipment; for the purposes of job creation and/or retention. These items must be defined to have a useful lifespan of a minimum of five (5) years.

Loan proceeds may not be applies to work which is in process or purchases made prior to the application approval. Additionally, loan proceeds may not be applied to properties located in the floodplain, refinancing of existing debts, non-fixed asset improvements, "soft" costs, landscaping or parking lot improvements, working capital, inventory, or payment for the applicant's own labor and performance for construction or improvements. Qualifying Improvements must begin construction or be purchased within 90 days of loan closing, unless an extension is requested and approved.

IV. APPLICANT ELIGIBILITY

Applicants may be individual owners, partnerships, corporations, tenant operators, or contract for deed purchasers of a property or building within the City of Brooklyn Center. Documentation of entity status shall be delivered with the application forms. Applicants must have the ability to repay the loan and be an acceptable credit risk as determined by the participating lender and/or by the Economic Development Authority of Brooklyn Center.

V. LOAN DETAILS

The Economic Development Authority of Brooklyn Center will review each loan application, pursuant to the goals and policies set forth in this document, on a case-by-case basis.

1. Minimum Loan Amount. The minimum loan amount shall be $5,000.
2. Maximum Loan Amount. The maximum loan amount is at the discretion of the Brooklyn Center EDA but shall not exceed 75% of the total funds on deposit in the Revolving Loan Fund; or 40% of the total project costs for land/building purchase/construction/renovation, or 30% of the total purchase price for machinery or equipment; whichever is less.
3. Loan Terms. The terms for any loan will be determined by the Brooklyn Center EDA, depending on the purposed of the funds. The maximum term for any RLF loan will be 10-years, but not longer than the useful life of the facility financed.
4. Loan Rates. The interest rate will be a fixed rate and set at 2% below the prime interest rate established at the time of closing, as determined by the EDA.
5. Equity Participation. There shall be a minimum of 10% percent equity investment of total project costs required of all applicants.
6. Loan Costs. The applicant is responsible for all loan costs including without limitation, title opinions, appraisals, abstracting costs, recording fees and mortgage tax.
7. Loan Repayments. Amounts collected on the loans shall be allocated first to reasonable collection costs, then to interest due, then to principal due.
8. Loan Security and Guarantees. The applicant must be able to secure the loan with a first or second mortgage upon the building and/or assets involved, or other collateral as approved by the EDA. Personal guarantees from company owners (greater than 20% ownership) shall be required. The Brooklyn Center EDA may also require additional agreements, such as a security agreement and a business subsidy agreement. The applicant must demonstrate the financial means to repay the loans as determined by

the EDA and/or financial institution. The applicant must further demonstrate that the assets involved are insured for an amount not less than the total outstanding loans.

9. Balance Due. If the applicant sells or transfers title of the improved building or equipment, or relocates any portion or all of the business outside of the City of Brooklyn Center, prior to the full repayment of the loan, the loan will be required to be paid in full with interest.

VI. JOB REPORTS

The applicant shall be required to prepare a job creation estimate, projecting the expected employment levels for the business, for each of the first five (5) years of operation upon approval of the RLF loan.

VII. PAYMENTS

Applicants are required, at the time of closing, to arrange to have the monthly payments automatically withdrawn and deposited into the EDA's account. Any applicable fees will be paid by the borrower. A penalty of 5% of the payment amount, with a minimum of $15.00 shall be added to the outstanding balance of a loan in the event that a payment is received after the due date.

VIII. REVIEW GROUP

The Brooklyn Center Economic Development Authority will serve as the review group for loan applications. City of Brooklyn Center staff will review applications to ensure they are complete prior to review by the EDA. Determination of whether an RLF loan is approved will be in the sole discretion of the EDA.

IX. PAYMENT OF LOAN PROCEEDS

Loan proceeds shall be paid directly to applicants only after the work for which payment is requested has been performed and the work has been accepted in writing by the Brooklyn Center EDA or its Executive Director. The quality and progress of the work shall be monitored by the loan recipient and the EDA or its representative. All invoices and other necessary information as related to the project costs shall be provided to the EDA or its representative prior to the disbursement of funds. The EDA may, in its sole discretion, allow proceeds to be released earlier than upon completion of work if used as a down payment on a building purchase and/or to allow payment to be made directly to the participating lender, contractor, or vendor.

X. DURATION

Loans may be made under these policies to the extent that funds are available, as allocated to the fund by the Economic Development Authority of Brooklyn and eligible loan recipients. The RLF program may be terminated by the EDA. If the RLF is so terminated, such termination shall not affect the rights and obligations of the EDA with respect to loans outstanding on the effective date of such termination.

XI. MINNESOTA BUSINESS SUBSIDY LAW

Pursuant to Minnesota Statutes, Sections 116J.993 to 116J.95, business loans subject to the Business Subsidy Law and recipients of such loans shall be required to enter into a subsidy

agreement with the Economic Development Authority of Brooklyn Center, which will require, among other things, the satisfaction of certain wages, job goals, and a commitment to maintain operation of a business for a certain length of time.

XII. CONFLICT OF INTEREST

The applicant shall submit the name(s) of the owner(s), shareholder(s), partner(s), sole proprietor, corporation member(s), or other person(s) or business(es) with any financial interest in the project and its financing in order to preclude any conflict of interest in the RLF loan review and approval process.

XIII. DISCRIMINATION PROHIBITED

All persons/businesses submitting an application and receiving loan proceeds agree, by accepting said proceeds, to comply with all federal and state laws and related rules and regulations which prohibit discrimination. Generally, these laws and rules make it an unfair employment practice, expect when based on limited, statutory exception or a bona fide occupational qualification, for an employer to refuse to hire, discharge, or otherwise treat a person differently with respect to fire, compensation, terms, upgrading, conditions, facilities or privileges of employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, age, or sexual orientation; or in reprisal for objection to, or participating in the investigation or litigation of, alleged discrimination or for associating with disabled person(s) of a different race, color, creed, religion, sexual orientation or national origin.

Council/EDA Work Session
City Hall Council Chambers
July 23, 2018

AGENDA

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

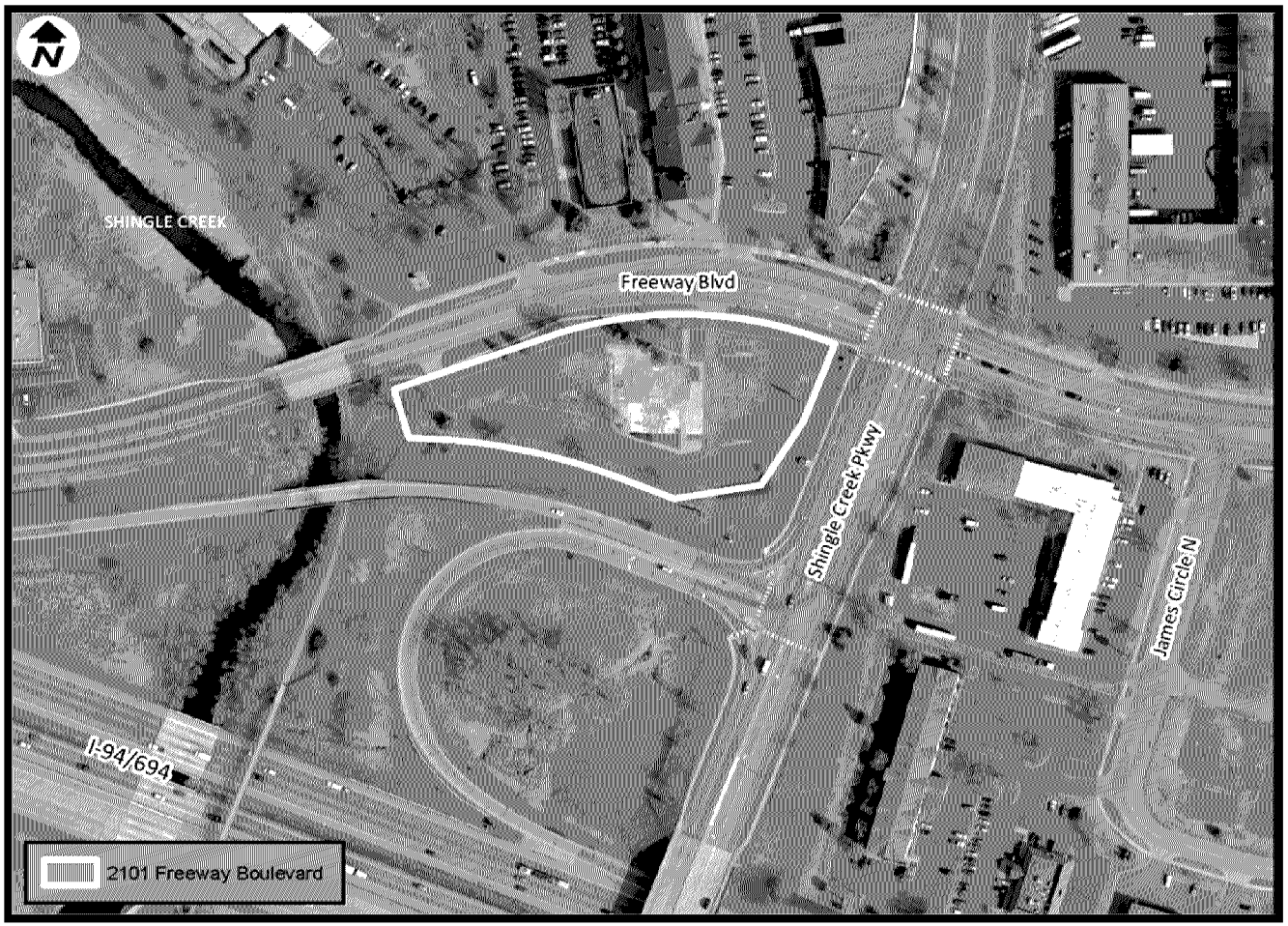
ACTIVE DISCUSSION ITEMS

1. Youth In Government Day
2. Rental Licensing Program Review
3. Comprehensive Plan Schedule Discussion
4. 2040 Comprehensive Plan Discussion

PENDING LIST FOR FUTURE WORK SESSIONS

1. Future Ongoing Items
    - Cities United Membership
    - ADA Transition Plan
    - Liquor/Public Dance - August
    - T-21Tobacco Regulations
    - Hennepin County Library
    - Rental License - August

Casey's Retail Company



REQUEST:

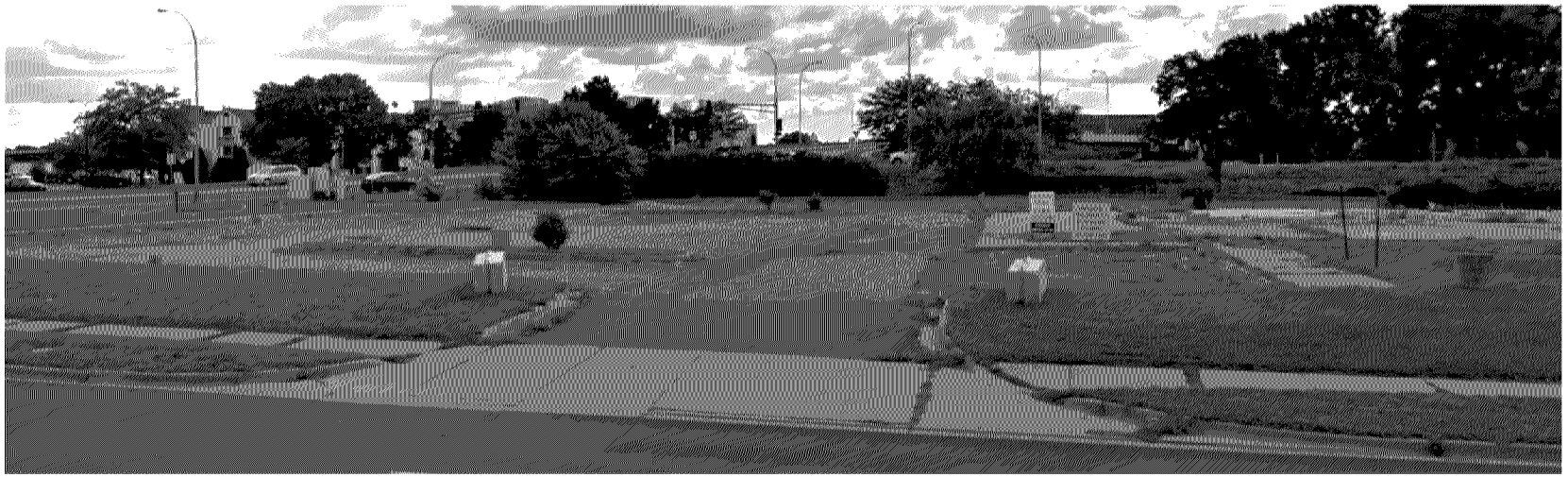
(1) Special Use Permit

(2) Site and Building Plan

Existing Conditions



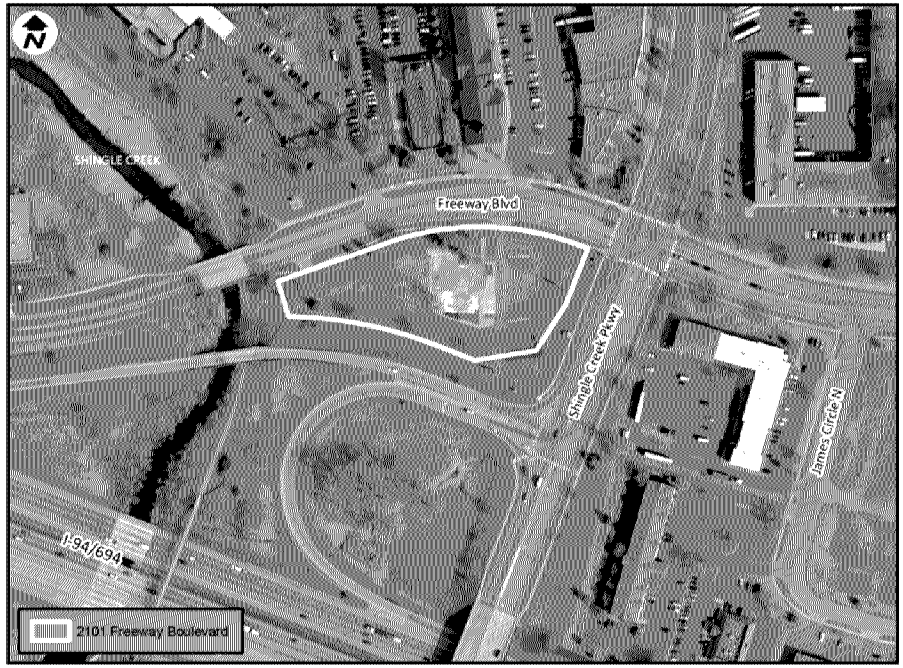




Source: Google Maps

Subject Property History

- Property was formerly home to a series of restaurants including Chuck Muer's, LaCasita's, Chi-Chi's, and the Mr. BBQ & Voodoo Lounge
- The restaurant building was demolished in 2014 and has been vacant since
- Property is zoned C2 (Commerce) District
- 2030 Comprehensive Plan identifies site as "RB" (Retail Business)
- Site is located on approximately 2.12 acres



Source: Google Maps

Source:
Yelp/AMF

Background & Request

- Applicant is requesting approval of:
  - **(1) Special Use Permit for gas station**

- As part of the Site and Building Plan approval, the Applicant is requesting approval of a Special Use Permit to allow for a gas station. According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

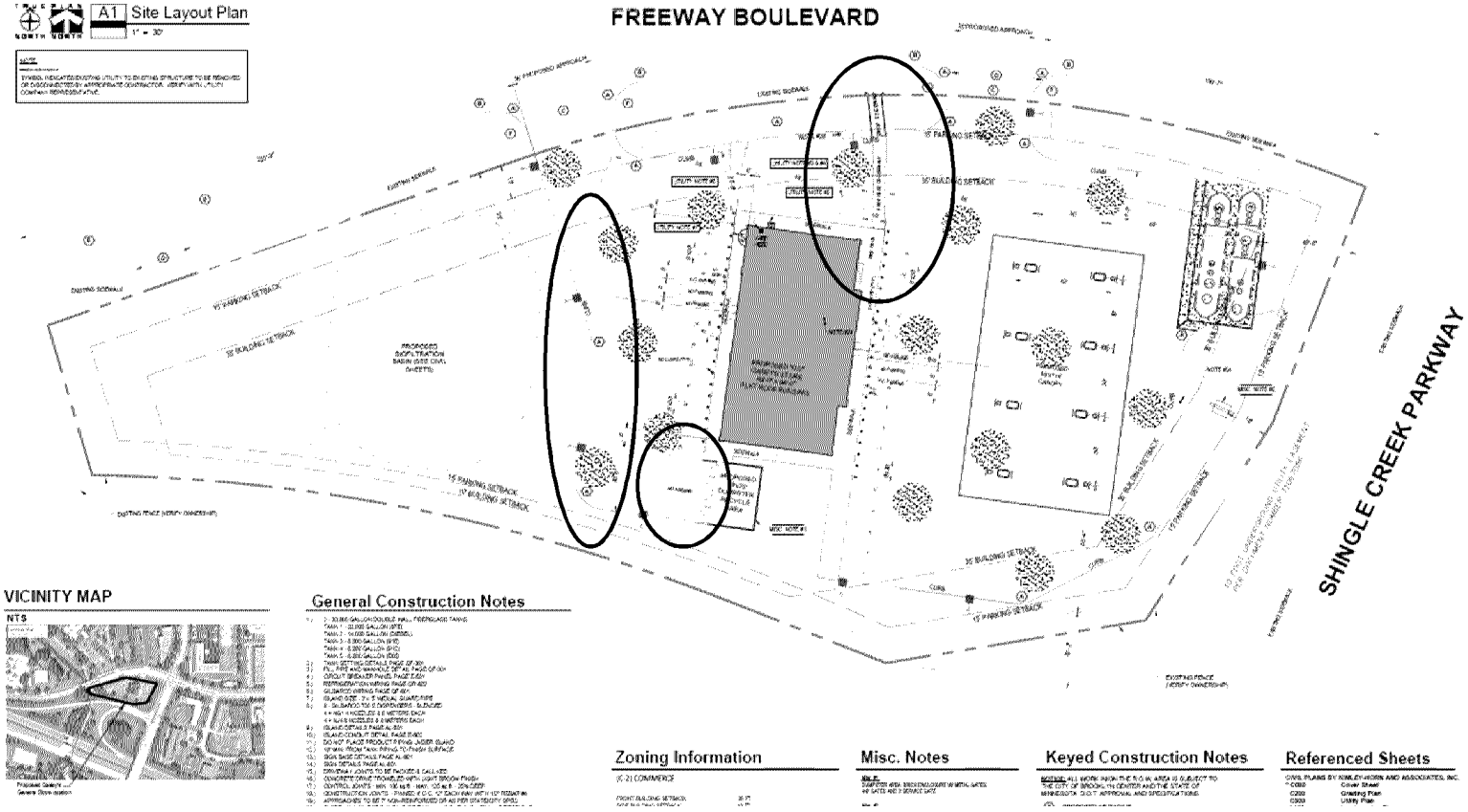
  "Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must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

  - Section 35-322 (*C2 Commerce District*) notes that,
  - "Gasoline service stations (see section 35-414), motor vehicle repair and auto washes, provided they do not abut an R1, R2, or R4 district, including abutment at a street line" are permitted by Special Use only.
  - "The sale or vending at gasoline service stations of items other than fuels, lubricants or automotive parts and accessories (and other than the vending of soft drinks, candy, cigarettes and other incidental items for the convenience of customers within the principal building) provided adequate parking is available consistent with the Section 35-704, 2 (b) and 2 (c)" are permitted in the C2 (Commerce) District by Special Use only.

    - Subject Property does ***not*** abut any residentially-zoned (and specifically R1, R2, or R4) properties.
    - Adjacent to numerous hotels, commercial and industrial properties, a Hindu temple, and I-94/I-694 to the south.

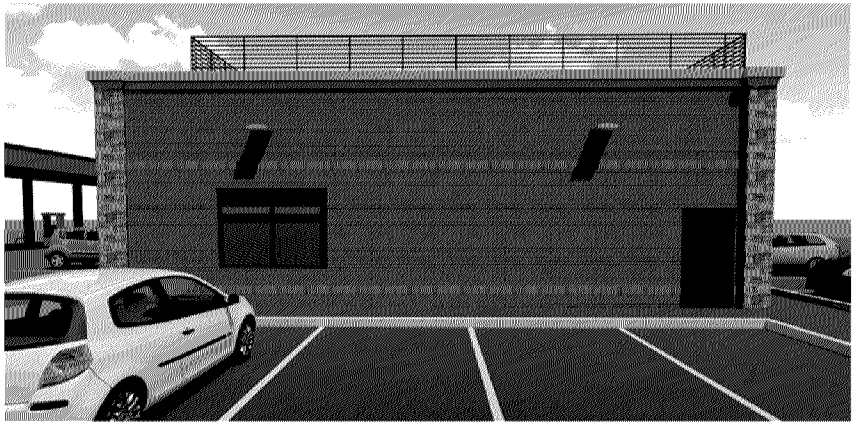
Background & Request (Cont.)

- Applicant is requesting approval of:
  - **(2) Site and Building Plan**
    - Construction of a one-story, approximately 4,600-square foot convenience store with 8 double-sided gas pump canopy structure, bioinfiltration basin, and associated improvements.
    - **Note:** Applicant provided revised site plans prior to City Council meeting that outline adjustments to parking (removal of parking from in front of trash enclosure), the west drive aisle (now reduced by 20 feet), and bike/pedestrian detailing (addition of bike rack, and interior crosswalk) per City staff/MN DOT comments.

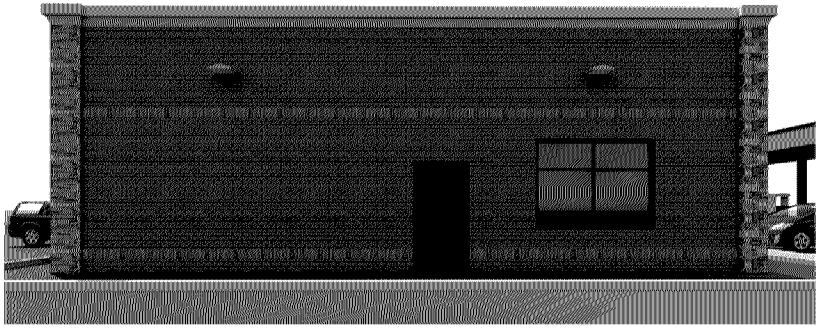


Renderings of Building (Proposed)



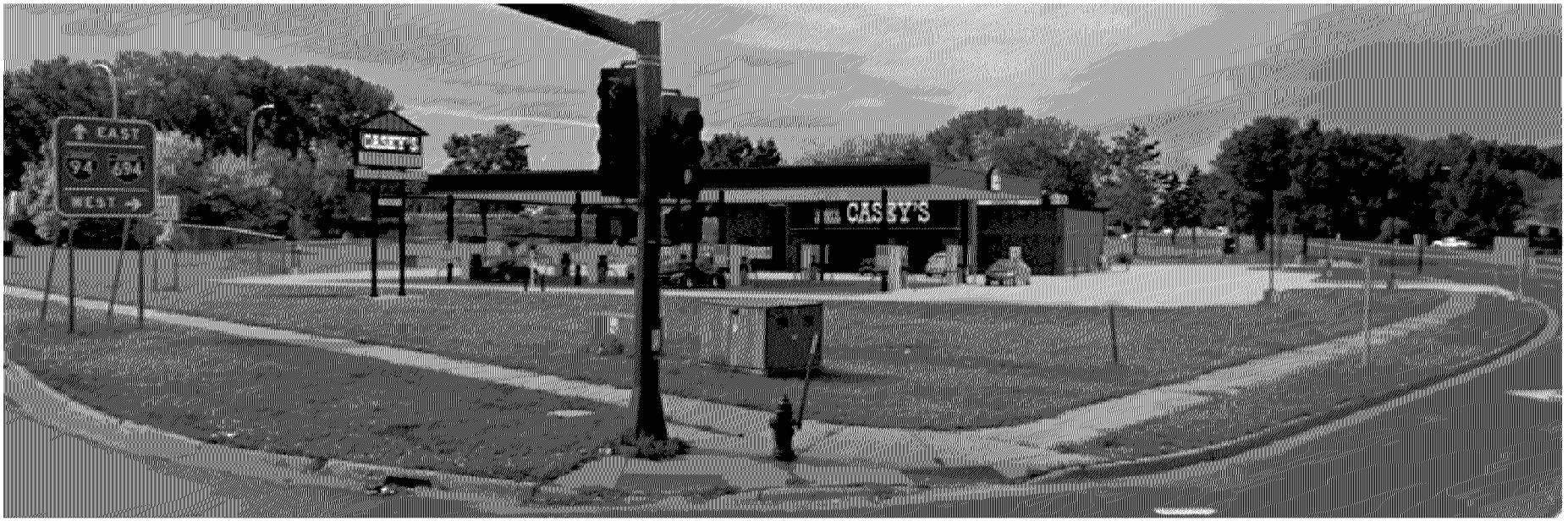






- Mix of glass, spandrel glass, real antique brick (soldier course/running bond patterns), Aluminum Composite panels (ACM), and cultured stonework

Renderings of Site (Proposed)

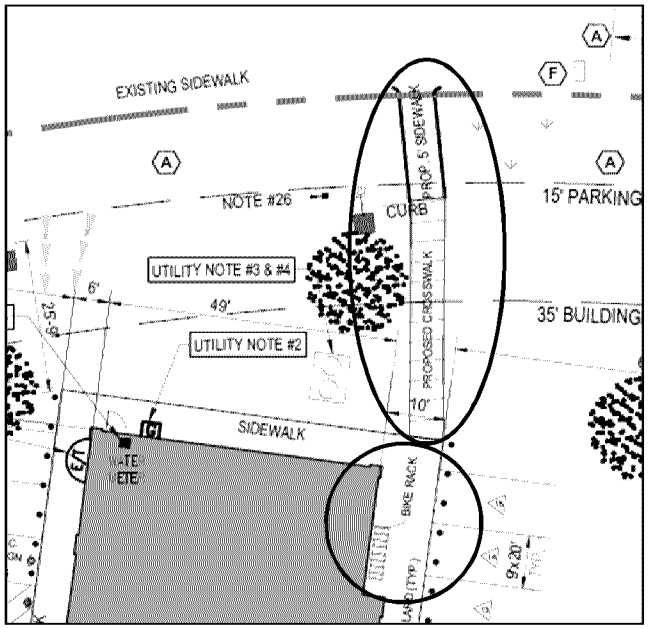




Access and Parking

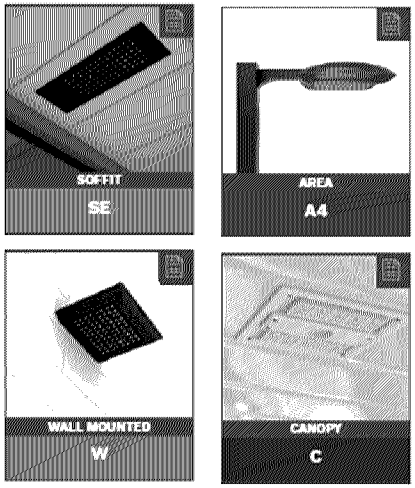
- Access
  - Remove one access driveway, construct a replacement access driveway, and retain an existing access driveway (total of two driveways off Freeway Boulevard)
  - Minimum green strip of 15 feet along Shingle Creek Parkway and Freeway Boulevard is met per plans
  - Per City staff/MN DOT requests, Applicant revised site plan to add internal crosswalk from proposed 5' sidewalk off Freeway Boulevard and add bike parking rack due to proximity to Shingle Creek Trail, located just west of the Subject Property.
- Parking
  - Minimum parking requirements dictated by number of fuel pumps and a calculation of 5.5 parking spaces per 1,000 GFA (Retail Uses)

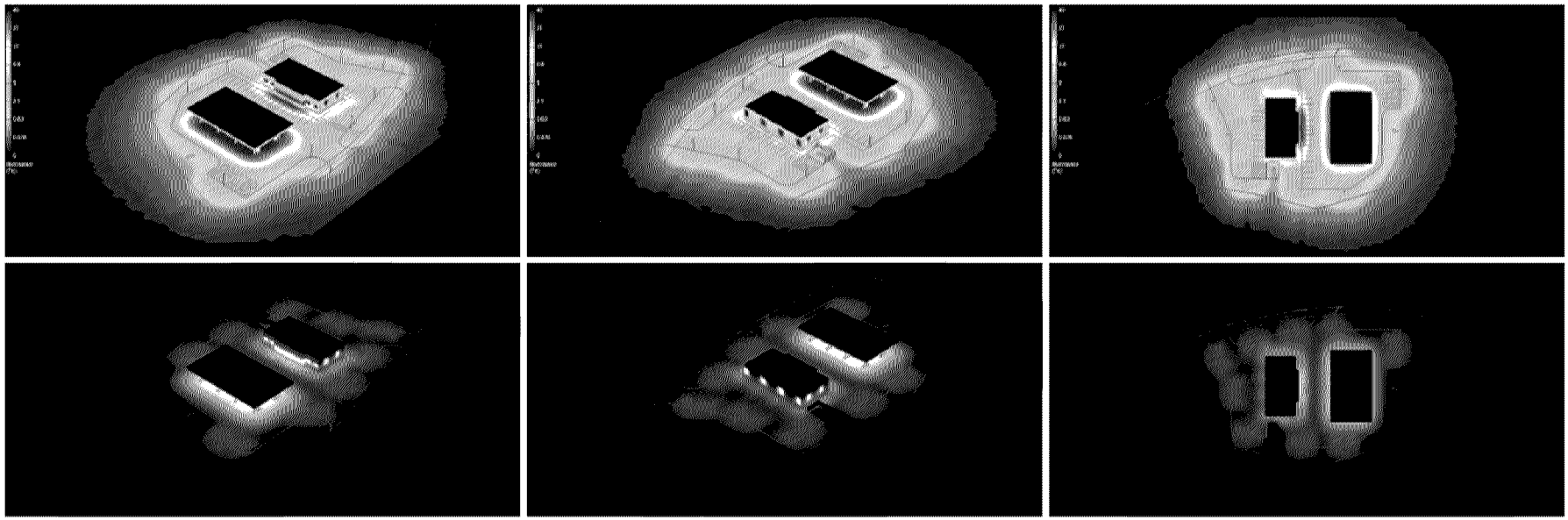
Parking Use	**Minimum Required Parking Spaces**	**Provided Parking Spaces (in bold)**
Gas Pumps (2 cars per double-sided pump)	*1 parking space per each side of gas pump* (8 double-sided gas pumps= 16 spaces required)	16 spaces
Convenience Store (Retail Use)	*5.5 parking spaces per 1,000 Gross Floor Area @ 4,606-SF* (25.33 spaces required)	25 spaces
ADA	*1 (for 1 to 25 parking space requirement-minimum stall requirement of 25 stalls per 2015 Minnesota Accessibility Code)*	2 spaces
Total Required Parking	**41.33 spaces** (ADA spaces incorporated into total)	
Total Provided Parking		**41 spaces**



Lighting

- **Lighting**
- The Applicant furnished a photometric plan of the Subject Property, which indicates 9 light poles, 32 under canopy lights, 12 building wall-packs, and 9 canopy/soffit luminaires. As proposed, the light poles would be mounted on 15 foot poles with two (2) foot concrete bases.
- Request to identify opportunities to reduce foot-candles under canopy and along property lines
  - **Update:** Applicant provided revised photometric plans prior to City Council meeting which indicate reduction in foot candles along property lines (3 foot candles or less)
    - The Under Canopy lighting appears to be substantially the same (e.g., foot-candles) –a pseudo color lighting study and slideshow was provided by Applicant.





Trash | Screening

- **Trash**
- The proposed trash enclosure would be located at the southwest corner of the building, and, as proposed, the trash enclosure would be fully screened with a brick enclosure and metal access gates. As had been requested, the parking spaces were removed from in front of the trash enclosure to ensure clear access. A side door on the south elevation of the convenience store would provide direct access via a sidewalk to the trash enclosure.
- **Screening**
  - Trash enclosure and any other ground mounted equipment shall be screened from public right-of-way, as well as any roof-mounted equipment (visible from public right-of-way).
    - Verify screening for proposed 73 inch high custom aluminum mechanical screen on roof.
      - Applicant has indicated that the proposed mechanical screen should provide sufficient screening from ROW.

Landscaping

- Minimum landscaping requirements were identified utilizing the City's Landscape Point System Policy.
  - For a use of "Restaurant/Retail/Service/Entertainment/Hotels" on an approximately 2.12 acre site, a minimum of **167.2 points** must be achieved.

Planting Type	Minimum Size	Points Per Planting	Maximum Points (%)	Points Accrued
Shade Trees (Serviceberry, Crabapple)	2 ½" diameter	10	50% or 83.6 points	80 points accrued (8 trees x 10 = 80)
Coniferous Trees (Tamarack, Pine)	5' height	6	40% or 66.8 points	36 points accrued (6 trees x 6 = 36)
Decorative Trees	1" diameter	1.5	35% or 58.5 points	0 points accrued (0 trees x 1.5 = 0)
Shrubs (Juniper)	12" diameter	0.5	25% or 41.8 points	7 points accrued (14 shrubs x 0.5 = 7)
Total			100% = 167.2 points	123 points

- The originally submitted Landscape Plan provided was deficient by approximately 44 points (above table). Applicant submitted revised Landscape Plan prior to City Council meeting. City staff will identify whether deficiencies have been addressed.
- Original Landscape Plan noted no landscaping on north east or east perimeters of property. Applicant added 14 spirea shrubs in revised plans.
- An irrigation system is required to be installed—shop drawings of the proposed system are to be submitted to the City for review.

Staff Reviews

- **CITY ENGINEER REVIEW**
  - As part of any approval of the requests, the Applicant would need to comply with the recommendations and conditions as noted by Assistant City Engineer Andrew Hogg in the memorandum dated July 9, 2018 (Exhibit D). The Assistant City Engineer has indicated that a traffic study of the proposed access intersections and intersections adjacent to the site is necessary as part of any site plan approval. As the total disturbed area exceeds one acre, an NPDES permit will also be required.

- **FIRE INSPECTOR REVIEW**
  - The submitted Utility Plan dated June 12, 2018, noted a proposed fire service line on the north end of the convenience store and the intent to salvage an existing fire hydrant located along Freeway Boulevard. The Applicant shall work with the Fire Inspector and Building Official to ensure all aspects of the building and site meet Fire Code and Building Code requirements. Although this is not a full list of requirements, the Fire Code does necessitate a minimum 20-foot wide drive aisle and a 13.5 foot clearance for fire trucks. There may be additional requirements relating to dead end roads, turn radius, FDC connections, Knox boxes, etc., which will need to be addressed as part of any building permit process.

- **BUILDING OFFICIAL REVIEW**
  - Building Official Dan Grinsteinner reviewed the plans and commented that the proposed 1,000 gallon below grade grease interceptor, to be located toward the northeast corner of the building, will need to be reviewed as part of the City building permit process and through the Hennepin County Health Department. The proposed underground storage tanks (USTs), to be located along the eastern edge of the Subject Property, will require review and approval through the Minnesota Pollution Control Agency (MPCA) and Hennepin County.
  - The Applicant will need to work with the Building Official to comply with all City building codes as part of any building permit approval process.

Summary

- A public notice was published in the Brooklyn Center *Sun Post on* June 28, 2018, and mail notices were sent to neighboring property owners.
- The Planning Commission held a public hearing at their meeting on July 12, 2018.
- No comments for or against the proposal were provided by the public either prior to or at the meeting.
- The Commissioners asked a number of questions relating to the number of employees the store would hire, operating hours, what makes Casey's different than other gas station convenience stores, and signage.
- Following a review of the application requests, the Planning Commission unanimously (4-0) recommended approval of the site and building plan and Special Use Permit requests as identified under Planning Commission Application No. 2018-013.

Recommendation

- The Planning Commission recommends City Council approve Planning Commission Application No. 2018-013, submitted by Casey's Retail Company, requesting approval of a site and building plan and issuance of a Special Use Permit for the property located at 2101 Freeway Boulevard, subject to the Applicant/Property Owner complying with the conditions outlined in the resolution.

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Reggie Edwards, Deputy City Manager

SUBJECT: Youth In Government Day

Recommendation:

It is recommend that the City Council consider agreement to participate proposed "youth in government day" on Monday, August 13th that includes meeting with the youth at 5:00 pm for a youth mock council meeting and continuing that meeting through the work study session and permitting the youth to shadow the City Council during the live Council meeting taking place that night.

Background:

The Council has participated and engaged youth in various government educational efforts in the past including "youth in government". In 2017, the City Council participated in "youth in government" day by developing questions for discussion, engaging in a dialogue, and having youth shadow the Council during an actual City Council meeting. Both the youth and the Council indicated appreciation and valuing of the event.

In 2018, the City Council expressed a desire to host another "youth in government day" event. Staff has developed a engaging program for the "2018 - youth in government day".

The participating youth will involve the City's BrookLynk Interns. Currently the interns are becoming well acquainted with the daily operational side of government via their internships; however, participation in the "youth in government day" will be to expose them to the policy side of government directed as directed by residents via elected officials.

The youth will be engaged in a mock council meeting. They will deliberate and vote on whether or not to enact a T-21 ordinance, which is a timely issue for the City. The mock council meeting will also provide Council with an opportunity to observe and interact with youth on the issue.

The youth will be provided documentation and information to review on the issue in advance. The youth will proceed to enact a mock council meeting including the playing the roles of mayor, city council, city manager, city attorney, and department presenter. Following the mock council meeting the youth will debrief and reflect with the Council on process, thinking, deliberating and ultimately decision making (voting).

Following the debrief, reflection and dialogue the youth will sit-in with or shadow the City Council during the ensuing Council meeting taking place that night.

The intended outcomes of the 2018 Youth in Government Day will be to:

1. Expose youth to the policy side of government
2. Provide youth with an experience in deliberating and voting on a real policy issue

3. Provide the Council with an opportunity to gain insight from and dialogue with youth on a relevant and current policy issue

Does the City Council confirm the proposed "Youth in Government Day" on Monday, August 13th that includes meeting with the youth at 5:00pm for a youth mock council meeting and continuing that meeting through the work study session and permitting the youth to shadow the City Council during the live Council meeting taking place that night?

Budget Issues:

N/A

Strategic Priorities and Values:

Inclusive Community Engagement

Youth in Government Day



August 13, 2018

Get a behind-the-scenes look at how your city works. Experience city facilities, a mock council session and engage in conversations with decision makers and take an active role in a City Council Meeting.

Youth in Government Day

- Created to welcome young people into the process and structure of their local government
- Features:
  - Mock Council Meeting
  - Dinner with Council Members
  - Participation in City Council Meeting

Youth in Government Day

- New in 2018!
  - Brooklynk Interns will have an opportunity to participate in Youth in Government Day after gaining experience working for the City
  - Mock Council Meeting to provide youth an opportunity to explore issues and vote

Youth in Government Day

- Council Engagement
  - Reflect on Mock Council Meeting with youth participants
  - Converse over dinner
  - Engage youth during City Council Meeting

Youth in Government Day

- Proposed Timeline
  - Welcome and City tour, 3pm
  - Council welcome and introductions, 5pm
  - Mock Council Meeting, 5:15pm
  - Dinner with Council Members, 6pm
  - Council Meeting, 6:45pm

Thank you!

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: Meg Beekman, Community Development Director

FROM: Jesse Anderson, Deputy Director of Community Development

SUBJECT: Rental Licensing Program Review

Recommendation:

It is recommended that the City Council consider providing direction to staff regarding potential modifications to the rental licensing program.

Background:

The City of Brooklyn Center has had a rental licensing program since the 1970's. In 2010 the City Council adopted modifications to the Ordinance. The modifications created a 4-tier performance-based system. That system has been in operation ever since, and has proven to be largely successful in terms of maintaining the City's rental housing stock and providing safe, secure housing.

Over the past eight years the City has been able to gather significant amounts of data regarding inspections, numbers and types of violations, as well as the rates at which properties fall into which type (I, II, III, or IV), and rates at which properties either remain consistent or change type at renewal. The information gathered has allowed staff to identify with precision ways in which the system might be improved in order to further the goals of the program even more.

The City holds monthly Association for Responsible Managers (ARM) meetings. At the March meeting attendees expressed frustration over the existing rental license system, indicating that it was too stringent compared with other cities and was not set up to allow landlords to be successful. Attendees expressed a desire to have input into the system and see revisions that would make it easier to become and maintain Type I or Type II licenses.

Following this meeting, Staff hosted a listening session and invited all of the landlords that had asked to participate, as well as other landlords who represented varying license types in the City. Staff asked specific questions regarding their experience of the rental licensing program, recorded their responses, and then asked participants to vote on which suggested changes they most wanted to see.

Out of that process three primary themes emerged:

1) Allow more infractions per license type - Overwhelmingly, most participants in the listening session expressed a desire to increase the number of violations in each license type category. The result, essentially, would be to make it easier to achieve a higher license type, thus reducing the frequency of inspections. Most notably, participants felt that the 0-1 violations allowance to achieve a Type I license was too low.

2) Base license type on second inspection - Participants in the listening session expressed frustration in the inspection process. Inspectors inspect a property and write corrections. The landlord must then make the

corrections and schedule a second inspection to show that all corrections have been completed; however, their license type (and frequency of inspections) is based on the number of violations noted in the initial inspection. A related suggestion from participants was to have inspectors do a pre-walk through, which would act like an unofficial inspection, noting corrections to be made ahead of the actual inspection. Staff's concern with this, is that it would require more than one inspection on every property, thus increasing the need for inspections staff. This inspection format would also make the City responsible for making sure property was well maintained, rather than the property owner.

3) Weight violations based on severity - Several participants noted that some cities have a weighted points-based system for inspections that places a great emphasis on life/safety issues as opposed to property maintenance issues. The concern expressed by landlords was that their property could be in compliance for all but one very minor issues, such as a ding in the wall and a sagging kitchen drawer and they would have gone from a Type I license to a Type II. Further, there were landlords that noted that violations that were easy to fix, such as a missing light bulb or battery in a smoke detector, were counted as violations even when the landlord was able to correct them on site during the inspection.

Staff's concern with weighting violations is that it creates a significantly more complex inspection process. It also opens debate over what is a minor versus a major violation. A missing light bulb may seem minor; however, given that it creates an exposed electrical circuit, they can also be very dangerous.

Following the listening session Staff met internally to go over the responses from landlords and for the inspectors to weigh-in on the suggestions. Based on that meeting, Staff has prepared the following list of potential modifications to the rental license program.

1) Remove the Association for Responsible Managers (ARM) meeting requirement and Monthly Update requirement. While this was not an item that rose to the top by the participants of the listening session, it was mentioned by more than one landlord.

- 347 Type IV Rental Licenses were issued in 2015-2017. Of those, 155 repeated as a Type IV License. 58% of the repeats were the results of the owner/manager not attending an ARM Meeting or completing monthly updates. However, 86% of repeat Type IV Rental License improved on their inspection.
- Attendance has been high at ARM Meetings which has resulted in difficulty scheduling a City conference room that can accommodate all attendees.
- Feedback from the landlord listening session was to remove the requirement. The landlords stated they would attend based on interest in the subject being presented rather then being required to attend.
- During ARM meetings, attendees who are required to attend are not typically engaged in the subject matter or more negative in their participation, which creates disruption for those that are there because they want to be.
- The tracking of monthly updates is time consuming for staff.
- In cases where the monthly updates are not being turned in by the landlord, Staff finds that typically they are doing the requirements listed in the monthly reports, just not reporting on them.
- Landlords stated they don't find value in reporting the issues they are finding at their properties, as they are handling issues at the time of their visits. (Such as having there tenant pick up litter in the yard).
- Lastly, the City is unable to verify all of the items that are reported in the monthly updates. (such as monthly check-ins with tenant).

2) Add requirement for an Inspector Consultation for all repeat Type IV rental license that repeat due to property code violations.

- This would essentially replace the ARM meeting and Monthly Update requirement, and create a more targeted action for those landlords that have repeat Type IV licenses and might need additional resources to understand how to manage their properties better.
- The inspection consultation would be required for the smaller percentage of repeat Type IV rental

properties that are having difficulty maintaining their property.
- The consultation would be a walk through, not a full inspection of the property, with an inspector explaining rental licensing requirements and how to maintain the property on an ongoing bases.

3) Remove requirement for Mitigation Plans to be submitted for Council Approval.
- The Type IV Rental Licenses require the Mitigation Plan to be submitted and approved by staff before it is brought to City Council for final approval before a rental license can be issued.
- This can delay the process it takes for a landlord to receive their license by 2 weeks to 3 months depending on the response from the owner or manager.
- Properties that qualify for a Type IV license are more likely than other license types to require multiple inspections or take a longer time period to correct the violations. This delay, combined with the additional time it takes to prepare a Mitigation Plan in time for the Council meeting, increases the likelihood that a license will expire before being renewed.
- Type III rental licenses require an Action Plan which does not require Council approval. Removing the Mitigation Plan from Council approval would streamline the Type IV Rental License process, and bring it into consistency with the Type III process.
- Further, removing the required council memo would decrease workload for administrative and management staff.

4) Modify the number of property code violations for each category.
- Increase the number of property code violations by 1 violation per category.
- It was suggested at the landlord listening session that the Type I - 3 Year License be more obtainable.
- The overall rental housing stock has improved from when the performance-based program was adopted; therefore, the types of violations that inspectors see are typically less severe.
- This allows for a property that is in great condition and has 2 minor violations such as a missing backflow preventer or missing light bulb to still obtain a Type I - 3 year license.
- In single-family homes, there are much more items that the inspector looks at (furnace, water heater, more bathrooms, etc) that are potential violations compared with an apartment unit which are generally smaller and lack the mechanical systems present in a house. This results in single-family homes being more likely to be a Type III or Type IV License.
- When reviewing licenses issued in 2017 the following adjustment would have applied under the proposed standards:
  (based only on inspection results not considering police calls or repeating a category due to other requirements)
  - 54 more properties would have been a Type I - 3 Year License rather then a Type II - 2 Year License.
  - 24 properties would have qualified for a Type II - 2 Year license rather then a Type III - 1 Year License.
  - 14 properties would have qualified for a Type III - 1 Year License rather then a Type IV - 6 Month License

License Type	Current Code Violation Range	Proposed Violation Range
Type 1- 3 Year License	0-1	0-2
Type 2 – 2 Year License	2-4	3-5
Type 3 – 1 Year License	5-8	6-9
Type 4 – 6 Month License	Greater then 8	Greater then 9

Staff feels that these modifications to the program will stream line the process, improve customer service for landlords, while also maintaining high quality rental property in the City.

Based on the City Council's input, Staff will work with the City Attorney to make any amendments to the Rental License Ordinance that may be needed and bring back to Council for a first and second reading.

Budget Issues:

The are not budgetary issues to consider.

Strategic Priorities and Values:

Safe, Secure, Stable Community

Listening Session with Landlords
May 2, 2018

Below are summary of the comments/suggestions that were provided based on the discussion topic.

Inspections

Notice of inspections
-Provide a more precise time vs a window for an inspection
-Provide electronic email notice and text message confirmation

Actual inspection
-Improve on inspector consistency
-Provide information about the inspection online
-Be flexible in types of code violations
-minor vs major / health life safety vs non health life safety

Program – license determination

Provide a pre-inspection with the owner/tenant before the actual inspection
Count code violations based on the results of the 2nd inspection
Increase the number of code violations per license category
Remove minor violations from the license determination as long as it is corrected
Everyone starts with a 3 year license and based on the number of code violations the license category would decrease with the increase in number of code violations

CPTED / ARM Requirements

Eliminate ARM requirement
Eliminate CPTED requirement for single family
Provide automatic electronic notice of any police calls for service on a monthly basis for all properties

Administrative Citation

Be more lenient on issuing citations for operating without a rental license

---

Landlords had an unlimited number of votes for each comment and were instructed to vote on the one(s) they felt were most important and would like to see changed.

Weighted violations - There were multiple comments and votes under this category. Comments were wide ranging consisting of weighted violations based on severity level ranging from major vs minor, health life vs non health life, and easy and quick. This received a total of 27 votes.

License determination at the 2nd inspection – This received a total of 18 votes and it was stated in several different ways. Some of the comments were: only count after the 2nd inspection, conduct a pre-inspection and then base license after that, don't count all the minor violations, only count health life safety violations, and only count the easy fix if it does not get repaired at the 2nd inspection.

Increase # of code violations per category – There were only a few comments relating this to but it did receive 11 votes.

Consider the rental type and size of the property – Only one comment was stated and received 7 votes.

Inspector consistency – Only 1 comment and received 6 votes.

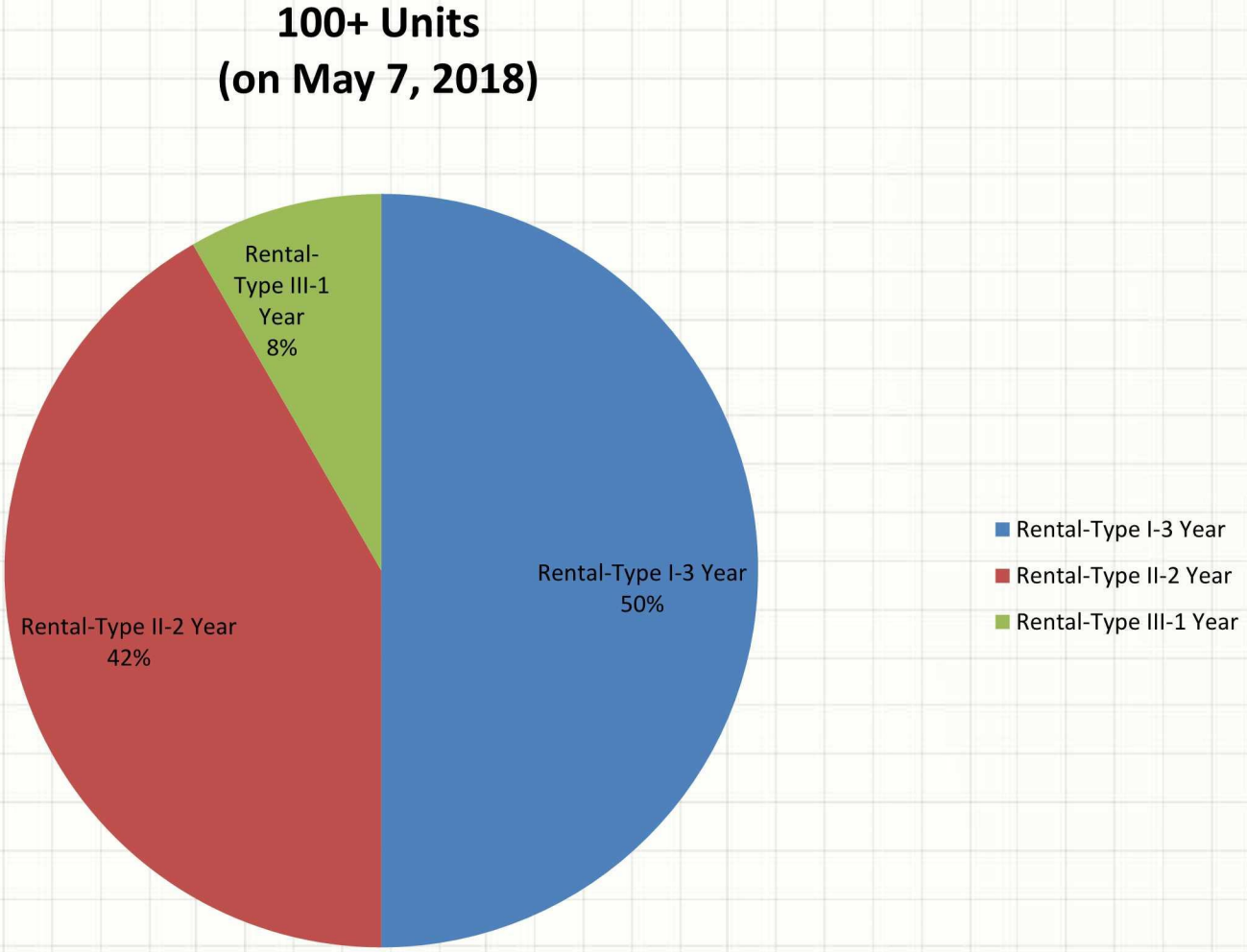
Eliminate ARM and CPTED requirement – 2 votes

Automatic notice of police calls for service – 2 votes

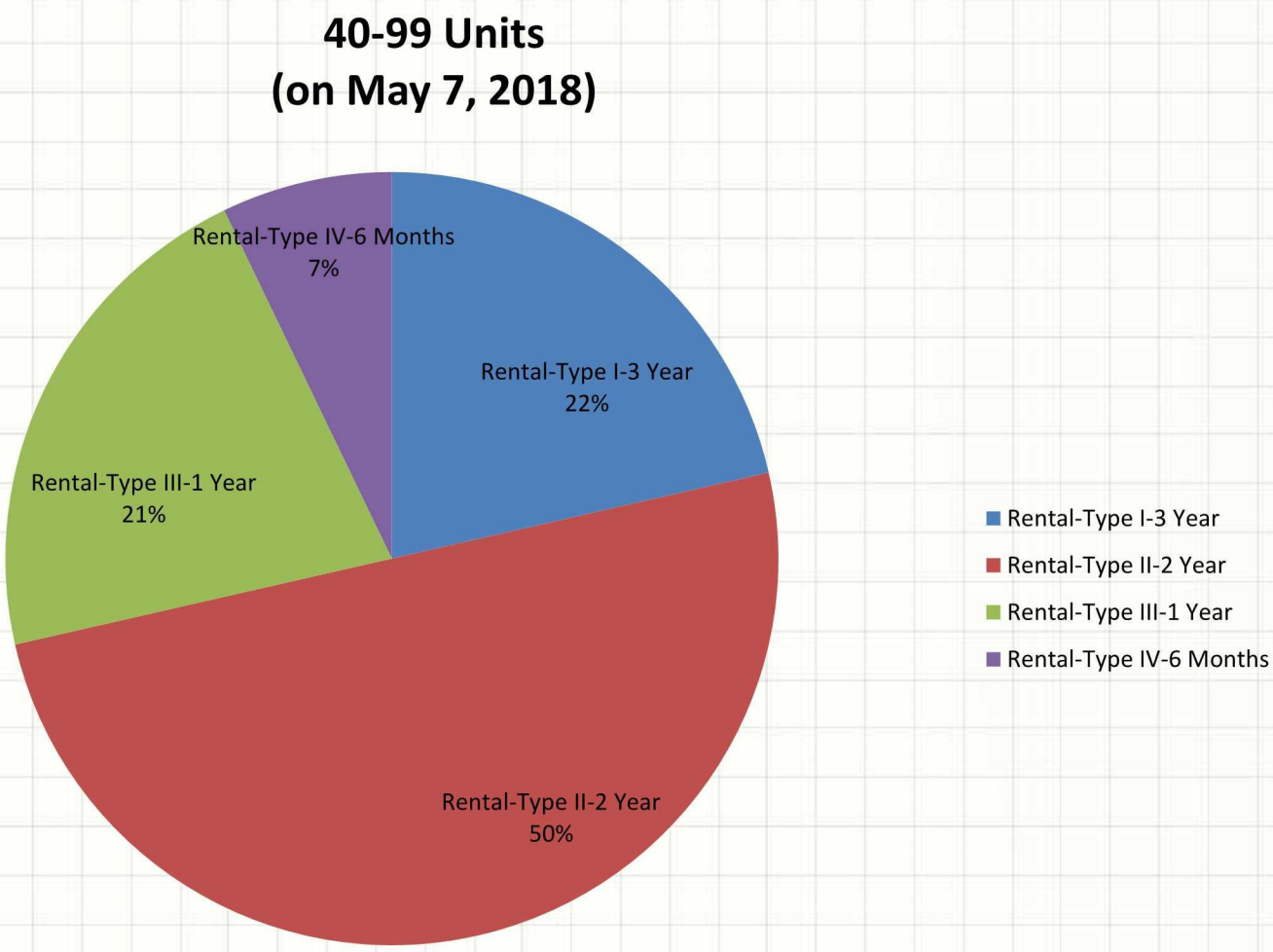
Electronic notice – 1 vote

Rental Licensing Statistics

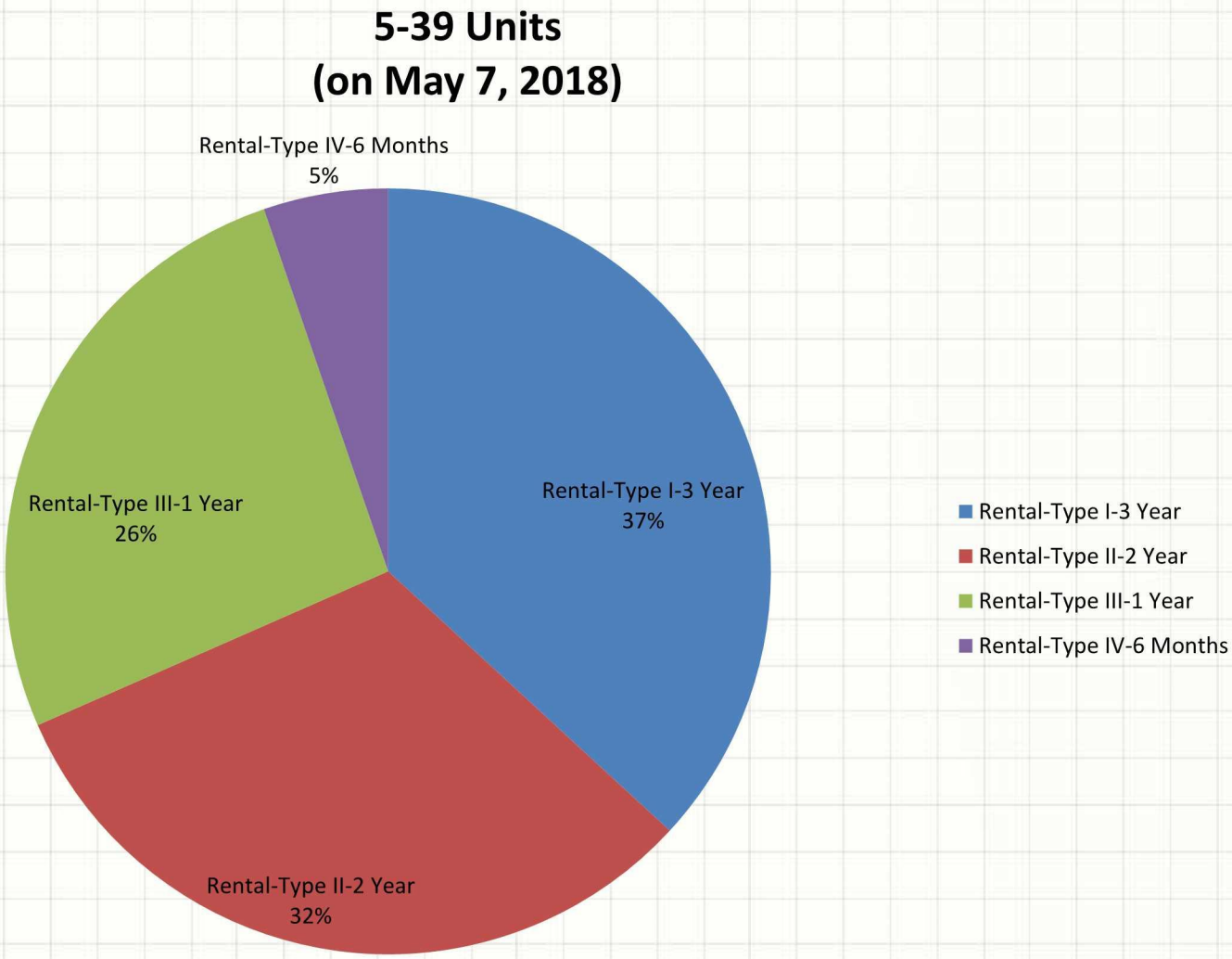
Rentals – Active By Type



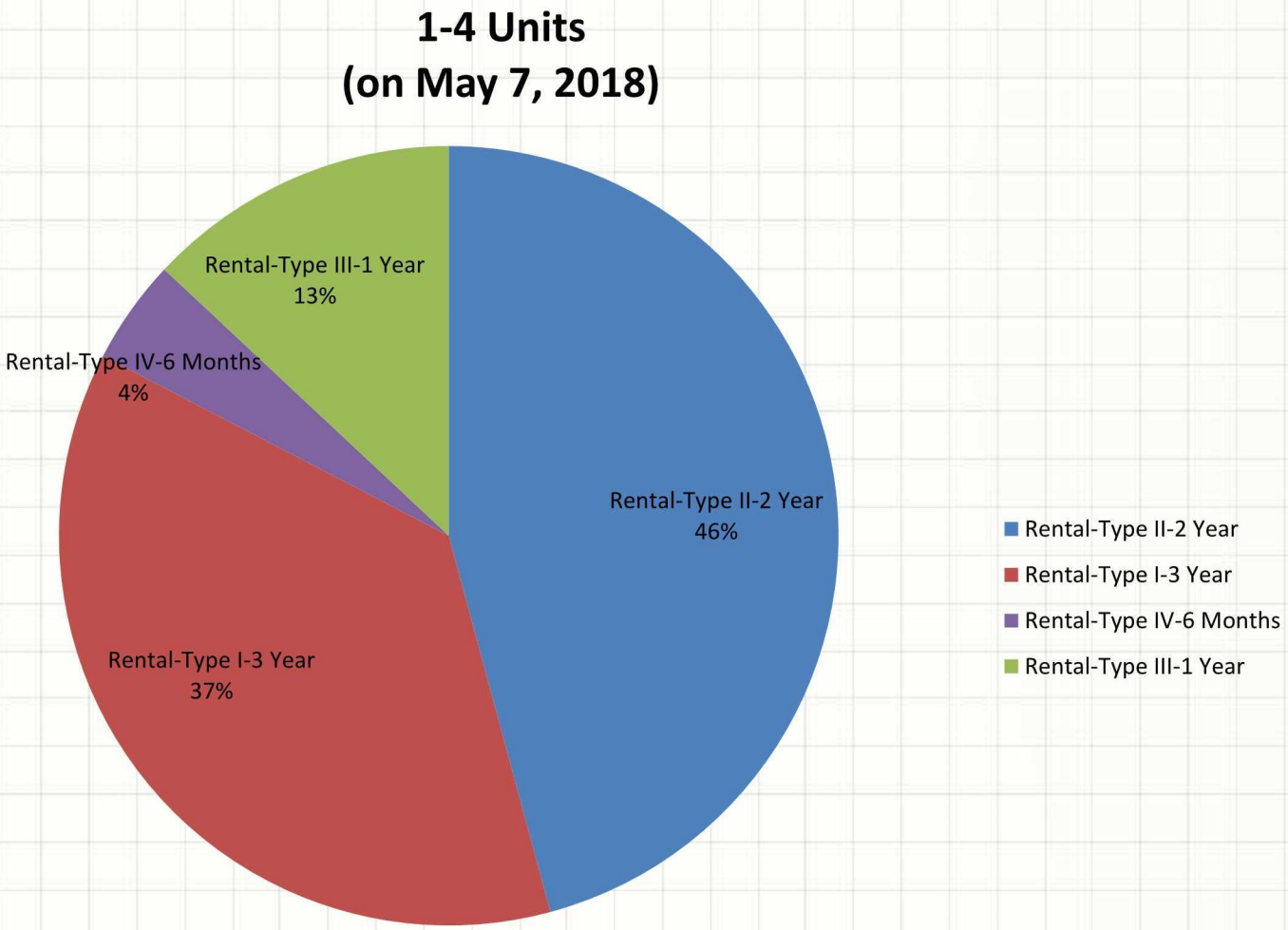
Rentals – Active By Type



Rentals – Active By Type



Rentals – Active By Type



Repeat Type IV License Review

Type 4 Information	2015 & 2016 & 2017
Total Type IV	347
Total Repeat Type IV	155 (44%)
Repeat where violation were still Type IV	48 (30% of repeats)(14% of all IV)
Repeat for ARM or Monthly only	90 (58% or repeats)(25% of all IV)
Met Requirements but had code violations	20 (13% of repeats)(6% of all IV)
Improving on inspections	86%
Didn't repeat as type IV	55%

Reasons For Repeating Type IV Licenses

	2017	2016	2015
Missed Monthly only	4	12	4
Monthly and Security Assessment	1	2	2
Met Mitigation Plan- Code violations only	10	3	7
Missed Security Assessment only	1	1	4
ARM Only	17	9	10
Arm and Monthly	10	14	10
Arm and Security	2	7	3
arm, monthly and security	9	6	7
Crime free housing course only		1	1

What License Would Have Qualified For – Based on Code Violations

	2017	2016	2015
Type 1	8	6	7
Type 2	14	25	7
Type 3	13	8	19
Type 4	19	14	15

Repeat Reason 2017 Based On Number of Times Repeated

	2017						
Repeat reason	Total	1x repeat	2nd X Repeat	3 X Repeat	4x repeat	5x repeat	6x repeat
Missed Monthly only	4	1	1	1		1	
Monthly and security	1	1					
Met Mitigation Plan Requirement	10	6	2	1			1
Missed security assessment only	1		1				
Association Meetings	17	10	3	2	2		
Arm and Monthly	10	6	1		1	2	
Arm and Security	2	1		1			
arm, monthly and security	9	4	3	1	1		
Crime free housing course only							
Monthly, Security, Crime Free Housing							
Security and crime free housing course							
Arm, Crime free housing training							
Would have qualified for							
	2017						
Type 1	8	5	2	1			
Type 2	14	7	2	2	2	1	
Type 3	13	7	3	2		1	
Type 4	19	10	4	2	2		1

Repeat Reason 2016 Based On Number of Times Repeated

Repeat reason	1x repeat	2nd X Repeat	3 X Repeat	4x repeat	5x repeat
Missed Monthly only	6	4	1	3	
Monthly and security	3				
Met Mitigation Plan- Code violations only	1		2		
Missed security assessment only	1				
Association Meetings	3	1	1	2	
Arm and Monthly	6	2	4	1	1
Arm and Security	5	2			
arm, monthly and security	4		1		
Crime free housing course only	1				
Monthly, Security, Crime Free Housing	1				
Security and crime free housing course					
Arm, Crime free housing training					
Would have qualified for					
Type 1	4	1	2	1	
Type 2	12	8	1	2	1
Type 3	4	2	1	3	
Type 4	10		4		

Repeat Reason 2015 Based On Number of Times Repeated

Repeat reason	1x repeat	2nd X Repeat	3 X Repeat	4x repeat	5x repeat
Missed Monthly only	2	2			
Monthly and security	1				
Met Mitigation Plan- Code violations only	5	1			
Missed security assessment only	4				
Association Meetings	6	1	1		1
Arm and Monthly	7	1	2		
Arm and Security	1	1			
arm, monthly and security	4	2			
Crime free housing course only	1				
Monthly, Security, Crime Free Housing	1				
Security and crime free housing course	1				
Arm, Crime free housing training		1			
Would have qualified for					
Type 1	5				1
Type 2	4	4			
Type 3	12	4	2		
Type 4	10	3	1		

Police Nuisance Calls Effect On Rental License Category

Type 4 Rental License 2015-2017	Count
Total Type 4 Rentals	264
Not affected by police nuisance calls	261
Qualified for a one category decreace due to police nuisance calls	6
Would have had a decrease by one category but was already a type 4	3
Would have been a type 3 but police nuisance calls cause decrease by 1 category	3
Qualified for a 2 category decrease	0

Licensed Rentals by Size

Property Type	Number of properties	Number of units	Percentage
1-4	784	896	21%
5-39	24	401	9%
40-99	15	987	23%
100+	12	2065	47%
Total	835	4349	100%
	*As of 4/3/18		

Number of Licenses Active Per License Category

License Category	2012	2013	2014	2015	2016	2017
Type I—3 year license	322 (41%)	247 (41%)	284 (34%)	315 (36%)	323 (38%)	296 (37%)
Type II - 2 year license	359 (45%)	377 (45%)	427 (51%)	413 (47%)	278 (45%)	352 (43%)
Type III - 1 year license	77 (10%)	85 (10%)	91 (11%)	115 (13%)	114 (14%)	115 (14%)
Type IV - 6 mo. license	30 (4%)	29 (3%)	43 (3%)	28 (3%)	29 (3%)	44 (5%)
Total	788	838	845	871	844	810

2017 Number of Single Family Properties per Violation Count

Number of Property Code Violations	Number of License	Licensed Category Based Only on Property Code Violations
0	43	Type 1 - 3 Year License
1	65	Type 2 - 2 Year License
2	54	Type 2 - 2 Year License
3	41	Type 2 - 2 Year License
4	65	Type 2 - 2 Year License
5	24	Type 3 - 1 Year License
6	29	Type 3 - 1 Year License
7	26	Type 3 - 1 Year License
8	22	Type 3 - 1 Year License
9	14	Type 4 - 6 Month License
10	16	Type 4 - 6 Month License
11	16	Type 4 - 6 Month License
12	6	Type 4 - 6 Month License
13	9	Type 4 - 6 Month License
14	8	Type 4 - 6 Month License
15-20	19	Type 4 - 6 Month License
21*	8	Type 4 - 6 Month License

2017 Number of 4+ Unit Properties per Violation Count

Number of License	Number of Property Code Violations per unit	Licensed Category Based Only on Property Code Violations
1	0	Type 1 - 3 Year License
2	0.20	Type 1 - 3 Year License
1	0.48	Type 1 - 3 Year License
2	0.60	Type 1 - 3 Year License
1	0.71	Type 1 - 3 Year License
1	0.75	Type 1 - 3 Year License
3	0.90	Type 2 - 2 Year License
5	1.15	Type 2 - 2 Year License
1	1.27	Type 2 - 2 Year License
2	1.45	Type 2 - 2 Year License
3	1.50	Type 2 - 2 Year License
1	1.61	Type 3 - 1 Year License
5	1.75	Type 3 - 1 Year License
3	1.85	Type 3 - 1 Year License
2	1.95	Type 3 - 1 Year License
3	2.45	Type 3 - 1 Year License
4	2.75	Type 3 - 1 Year License
2	3.00	Type 3 - 1 Year License
4	3.25	Type 4 - 6 Month License
1	3.75	Type 4 - 6 Month License
1	4.00	Type 4 - 6 Month License
1	5.45	Type 4 - 6 Month License
1	6.25	Type 4 - 6 Month License

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Rental License Category Criteria Policy – Adopted by City Council 03-08-10

1. Determining License Categories.

License categories are based on property code and nuisance violations noted during the initial or renewal license inspection or for a category verification inspection, along with excessive validated police service calls occurring over a year. License categories are performance based and more accurately depict the condition of the property and the City costs of service.

2. Fees.

Fee amounts are determined by the costs of the city to license, inspect, monitor and work with the property to ensure category conditions are met. License fees do not include reinspection fees, late fees, charges for criminal or civil enforcement actions, or other penalties.

3. Category Conditions.

The licensee or designated agent must meet the category conditions in the time period specified by the City. A licensee must meet all original conditions required by the License Category, even if a subsequent license category is achieved.

4. License Category Criteria.

a. Property Code and Nuisance Violations.

Property code violation rates will be based on the average number of property code violations per unit identified during the initial licensing inspection or category verification inspection. Property code violations for purposes of determining licensing categories shall include violations of property code and nuisances as defined in Chapter 12, 19, 7 and other applicable local ordinances. The City may, upon complaints or reasonable concerns that the establishment no longer complies with the license category criteria, perform a category verification inspection to the same standards as the license renewal inspection as indicated below.

Inspections will be conducted in conjunction with established department policies. In cases where 100% of the units are not inspected, the minimum inspection standards will be established as follows:

- At least 75% of units will be inspected for properties with 15 or less units.
- At least 25% of units, to include a minimum of 12 units, will be inspected for properties with 16 or more units.

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	0-1
	3+ units	0-0.75
Type II – 2 Year	1-2 units	Greater than 1 but not more than 4
	3+ units	Greater than 0.75 but not more than 1.5
Type III – 1 Year	1-2 units	Greater than 4 but not more than 8
	3+ units	Greater than 1.5 but not more than 3
Type IV – 6 Months	1-2 units	Greater than 8
	3+ units	Greater than 3

b. <u>Police Service Calls.</u>

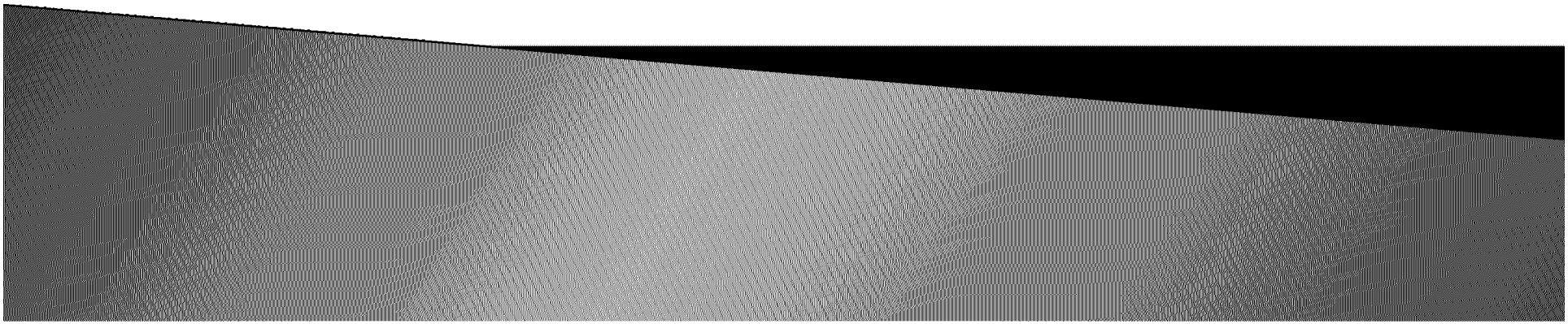
Police call rates will be based on the average number of valid police calls per unit per year. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911, and events categorized as Part I crimes in the Uniform Crime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

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

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

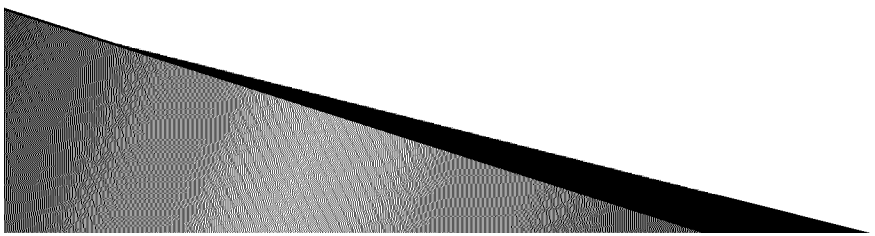
Rental Licensing Program Review

Presented By Jesse Anderson
Deputy Director of Community Development



Licensing Program History

- The City of Brooklyn Center has had a rental licensing program since the 1970's. In 2010 the City Council adopted modifications to the Ordinance.
  - The modifications created a 4-tier performance-based system.
- Over the past eight years the City has been able to gather significant amounts of data regarding the program
- The information gathered has allowed staff to identify ways in which the system might be improved in order to further the goals of the program



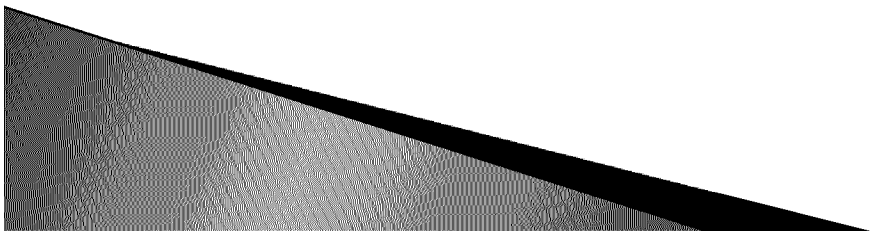
Landlord Feedback

- The City holds monthly Association for Responsible Managers (ARM) meetings. At the March meeting attendees expressed frustration over the existing rental license system.
  - Attendees indicated that it was too stringent compared with other cities and was not set up to allow landlords to be successful.
  - Attendees expressed a desire to have input into the system and see revisions that would make it easier to become and maintain Type I or Type II licenses.

- Staff hosted a listening session.
  - Staff asked specific questions regarding their experience of the rental licensing program, recorded their responses, and then asked participants to vote on which suggested changes they most wanted to see

Listening Session

- 1) Allow more infractions per license type
  - The result, essentially, would be to make it easier to achieve a higher license type, thus reducing the frequency of inspections.
  - Most notably, participants felt that the 0-1 violations allowance to achieve a Type I license was too low.



Listening Session

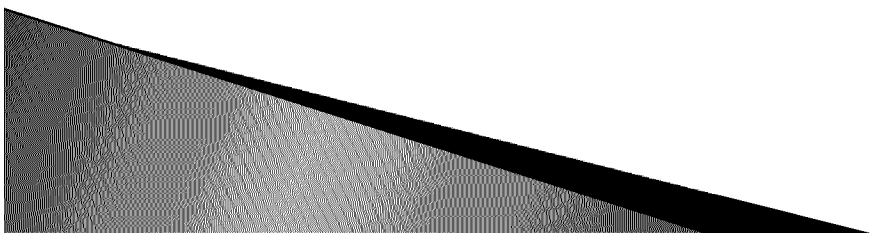
- 2) Base license type on second inspection - Participants in the listening session expressed frustration in the inspection process.
  - Their license type (and frequency of inspections) is based on the number of violations noted in the initial inspection.
  - A related suggestion from participants was to have inspectors do a pre-walk through,
  - Staff's concern with this, is that it would require more than one inspections, thus increasing the need for inspections staff.
  - This inspection format would also make the City responsible for making sure property was well maintained, rather than the property owner.

Listening Session

- 3) Weight violations based on severity - Several participants noted that some cities have a weighted points-
  - The concern expressed by landlords was that their property could be in compliance for all but one very minor issues,
  - Staff's concern with weighting violations is that it creates a significantly more complex inspection process.
  - It also opens debate over what is a minor versus a major violation.
    - A missing light bulb may seem minor; however, given that it creates an exposed electrical circuit, they can also be very dangerous.

Staff Recommended Changes

- Following the listening session Staff met internally to go over the responses from landlords and for the inspectors to weigh-in on the suggestions.
- Based on that meeting, Staff has prepared the a list of potential modifications to the rental license program.

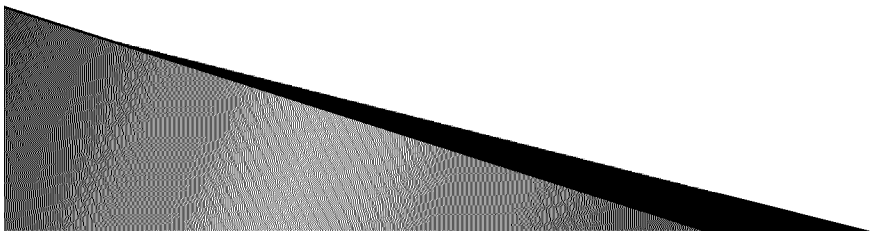


Repeat Type IV License Review

Type 4 Information	2015 & 2016 & 2017
Total Type IV	347
Total Repeat Type IV	155 (44%)
Repeat where violation were still Type IV	48 (30% of repeats)(14% of all IV)
Repeat for ARM or Monthly only	90 (58% or repeats)(25% of all IV)
Met Requirements but had code violations	20 (13% of repeats)(6% of all IV)
Improving on inspections	86%
Didn't repeat as type IV	55%

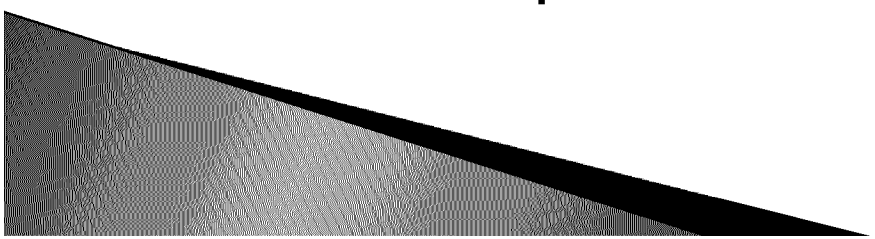
1) Remove ARM and Monthly Update Requirements

- 58% of the repeat type IV were the results of the owner/manager not attending an ARM Meeting or completing monthly updates. However, 86% of repeat Type IV Rental License improved on their inspection.
- Attendance has been high at ARM Meetings which has resulted in difficulty scheduling a City conference room that can accommodate all attendees.
- Feedback from the landlord was to remove the requirement. They stated they would attend based on interest in the subject being presented rather then being required to attend.
- During ARM meetings, attendees who are required to attend are not typically engaged in the subject matter or more negative in their participation, which creates disruption for those that want to be at the meeting.



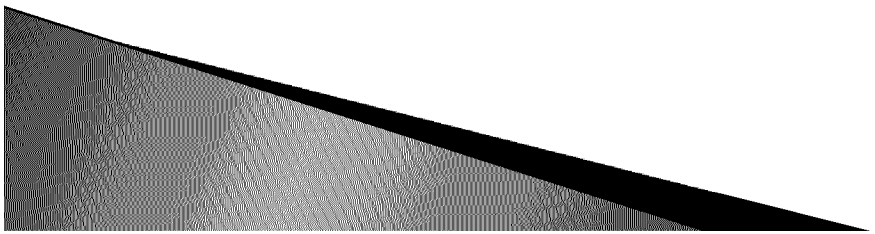
1) Remove ARM and Monthly Update Requirements

- The tracking of monthly updates is time consuming for staff.
- In cases where the monthly updates are not being turned in by the landlord, Staff finds that typically they are doing the requirements just not reporting on them.
- Landlords stated they don't find value in reporting the issues they are finding at their properties, as they are handling issues at the time of their visits.
- Lastly, the City is unable to verify all of the items that are reported in the monthly updates.



2) Add Inspector Consultation for All Repeat Type IV's due to Violations

- This would create a more targeted action for those landlords that have repeat Type IV licenses and might need additional resources to understand how to manage their properties better.
- The inspection consultation would be required for the smaller percentage of repeat Type IV rental properties that are having difficulty maintaining their property.
- The consultation would be a walk through, not a full inspection of the property, with an inspector explaining rental licensing requirements and how to maintain the property on an ongoing bases.



3) Remove requirement for Mitigation Plans to be submitted for Council Approval.

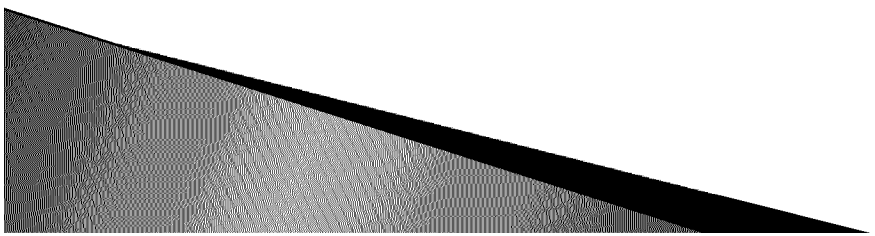
- The plan approval can delay the process by 2 weeks to 3 months depending on the response from the owner or manager.
- Properties that qualify for a Type IV license are more likely than other license types to require multiple inspections or take a longer time period to correct the violations. This delay, combined with the additional time it takes to prepare a Mitigation Plan in time for the Council meeting, increases the likelihood that a license will expire before being renewed.
- Type III rental licenses require an Action Plan which does not require Council approval
- Removing the required council memo would decrease workload for administrative and management staff.

4) Modify the number of property code violations for each category.

- Increase the number of property code violations by 1 violation per category.
- It was suggested at the landlord listening session that the Type I – 3 Year License be more obtainable.
- The overall rental housing stock has improved from when the performance-based program was adopted; typical violations are less severe.
- This allows for a property that is in great condition and has 2 minor violations such as a missing backflow preventer or missing light bulb to still obtain a Type I – 3 year license.

4) Modify the number of property code violations for each category.

- When reviewing licenses issued in 2017 the following adjustment would have applied under the proposed standards:
  - (based only on inspection results only)
- 54 more properties would have been a Type I – 3 Year License rather then a Type II – 2 Year License.
- 24 properties would have qualified for a Type II – 2 Year license rather then a Type III – 1 Year License.
- 14 properties would have qualified for a Type III – 1 Year License rather then a Type IV – 6 Month License



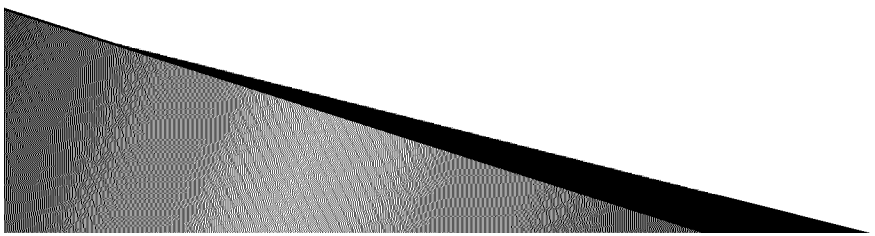
4) Modify the number of property code violations for each category.

License Type	Current Code Violation Range	Proposed Violation Range
Type 1- 3 Year License	0-1	0-2
Type 2 - 2 Year License	2-4	3-5
Type 3 - 1 Year License	5-8	6-9
Type 4 - 6 Month License	Greater then 8	Greater then 9

Next Steps:

- Based on the City Council's input, Staff will work with the City Attorney to make any amendments to the Rental License Ordinance that may be needed and bring back to Council for a first and second reading.

- Questions?



COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: Comprehensive Plan Schedule Discussion

Recommendation:

Would the City Council be open to moving the scheduled August 13, 2018 Joint Work Session with the Planning Commission to discuss the 2040 Comprehensive Plan to Thursday, August 16, 2018 to coincide with the Planning Commission's regular meeting schedule? This would allow more time for discussion, as the 2040 Comprehensive Plan would be the only topic on that evening's agenda.

Background:

Budget Issues:

N/A

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM: Meg Beekman, Community Development Director

SUBJECT: 2040 Comprehensive Plan Discussion

Recommendation:

It is recommended that the City Council review the draft documents and provide input to staff.

Background:

On July 9, 2018, the City Council held a joint work session with the Planning Commission to review the progress of the 2040 Comprehensive Plan update. At that meeting, the City Council received draft goals and strategies for several sections of the Comprehensive Plan, as well as draft land use designations and a draft future land use concept for the City. The Council was able to provide some feedback; however, given limited time, staff offered to bring the topic back to the City Council at the next work session for additional conversation.

The Council is being asked to review the draft goals and strategies and provide input for each section, and to respond to the questions identified at the end of each section. Included in the attachments is the Definitions and Glossary section, which identifies the action words and their meanings. These words become important as the City identifies the level of resources and commitment will go into achieving each goal.

Staff will go over these items with the Council to gather feedback, though Councilmembers are also welcome to provide their comments in writing if preferred.

In addition to responding to the draft goals and strategies, please consider the draft land use map that was presented in your packets on July 9, 2018. As you review this map and the suggested future land use designations please consider the following:

- Are any sites missing from those identified on the draft map?
- Are there sites included that should not be?
- Look at the Brooklyn Boulevard Overlay District/Corridor – how wide should the corridor be? Should it include only properties with frontage on the roadway? Or should it be more encompassing?
- If you could identify only one characteristic/consideration/element for each land use designation what would it be?
    1. TOD
    2. Neighborhood Mixed Use
    3. Commercial Mixed Use
    4. Business Mixed Use

Definitions & Glossary

The terms Goal and Strategy can mean different things to people and may not always be viewed with the same level of importance or commitment. Throughout the Comprehensive Plan update Goal and Strategy will have the following meaning and definition:

> **Goal**: A general statement of community aspirations and desired objectives indicating broad social, economic or physical conditions to which the community officially agrees to try to achieve in various ways, one of which is the implementation of the Comprehensive Plan.
>
> ***Strategy**: An officially adopted course of action or position to implement the community goals. (To be developed and refined as plan components are developed)*

Goals and strategies assign various roles, commitments and responsibilities to the city of Brooklyn Center. To assist with defining the city's role for each goal *and strategy*, the following key terms are defined and indicate the city's corresponding responsibility:

Create: Bring about the desired goal, with city staff involved in all levels, from planning to implementation, and which may involve city financial assistance.

Continue: Follow past and present procedures to maintain the desired goal, usually with city staff involved in all levels, from planning to implementation.

Encourage: Foster the desired goal through city policies, which may involve city financial assistance.

Endorse: Subscribe to the desired goal by adopting supportive city policies.

Enhance: Improve the current goal through the use of policies, which may include financial support, and the involvement of city staff at all levels of planning.

Explore: Investigate the stated method of achieving the desired goal, which may involve city staff and financial resources to research and analyze such method.

Identify: Catalogue and confirm resource(s) or desired item(s), which may involve city staff and may require financial resources.

Maintain: Preserve the desired state of affairs through the use of city policies. Financial assistance should be provided if needed.

Recognize: Acknowledge the identified state of affairs and take actions or implement policies to preserve or change them.

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Prevent: Stop described event through the use of appropriate city policies, staff, action and, if needed, finances.

Promote: Advance the desired state through the use of city policies and staff activity at all levels of planning, and if needed, finances.

Protect: Guard against a deterioration of the desired state through the use of city policies, staff and, if needed, financial assistance.

Provide: Take the lead role in supplying the needed financial and staff support to achieve the desired goal. The city is typically involved in all aspects from planning to implementation to maintenance.

Strengthen: Improve and reinforce the desired goal through the use of city policies, staff and financial assistance, if needed.

Support: Supply the needed staff support, policies and financial assistance at all levels to achieve the desired goal.

Sustain: Uphold the desired state through city policies, financial resources and staff action to achieve the goal.

Work: Cooperate and act in a manner to create the desired goal through the use of city staff, actions and policies.

No commitment of financial investment, staff resources and policy directives	**May** include financial investment, staff resources and policy directives	**Commitment** to financial investment (if needed), staff resources and policy directives
Continue Endorse Identify Reserve Recognize Work	Create Encourage Enhance Explore Maintain	Prevent Promote Protect Provide Strengthen Support Sustain

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Community Image Goals

2030 Plan

1. *Improve the connections and linkages between neighborhoods, major corridors, parks and open space, and City Center, through streetscape enhancements, signage systems, and other public way improvements.*
2. *Improve local public access to and awareness of the city's natural amenities, specifically the Mississippi River and the Twin Lakes.*
3. *Capitalize on the city's visibility and access from state and interstate highways through improved signage and landscaping.*
4. *Minimize the impacts of stormwater runoff on water resources by minimizing the increase of impervious surface and using natural designed drainage, infiltration, other low impact development (LID) techniques and best management practices, in the development and redevelopment process.*

2040 Draft Community Image Goals

1. **Promote** Brooklyn Center as an exceptional place for businesses (visitors) and residents, both existing and new, because of its locational advantage and accessibility within the region.

   Strategies:

   a. Continue to refine and enhance the City's recent print and online rebranding efforts.
   b. Strengthen the City's identity through proactive communications that reach the larger region (e.g. develop marketing collateral to send to DEED, professional associations, press releases, etc.)
   c. Support the development of a task force or working group of community stakeholders to provide on-going perspectives and feedback to City marketing and branding initiatives.

2. **Support** the development of sustainable, resilient, and accessible neighborhoods in the City Center that reinforce the City's commitment to its diverse residents, neighborhoods, and businesses.

   Strategies:

   a. Promote redevelopment of the former Brookdale Mall site as a Transit Oriented Development site that plans for a mix of uses including diverse residential uses.
   b. Create a walkable and connected street, sidewalk and bikeway system throughout the City Center that connects to surrounding neighborhoods.
   c. Recognize the limitations of existing structures and land uses and allow for the reimagining and intensification of uses to further development of a Transit Oriented Development (TOD) City Center.
   d. Encourage developers to incorporate innovative and sustainable site design elements that reintroduces and reestablishes green space in the City Center and adjacent redevelopment areas.
   e. Identify opportunities to incorporate green infrastructure into existing and redevelopment areas in all types of development.
   f. Provide incentives for redevelopment that incorporates housing at all levels of affordability from affordable to high-end market rate units, within a single project when feasible.
   g. Promote the City Center as a community gathering space with pop-up shops, open air markets, and flexible space to support local businesses.

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3. **Explore** meaningful ways to represent the community's diversity through the City's branding, marketing and visual communications.

   Strategies:

   a. Enhance City issued and sponsored communications by providing materials translated in multiple languages that are tailored to Brooklyn Center's population.
   b. Create a working group or task force with diverse representation to provide feedback and suggestions on major branding and marketing efforts.
   c. Identify key marketing and branding initiatives, particularly of redevelopment areas, and engage Brooklyn Center's residents and business owners on-line to solicit feedback early and often throughout project development.

4. **Encourage** and **promote** reinvestment in the city's infrastructure including roadways, streetscapes, trails and utilities to signal to observers Brooklyn Center's commitment to the long-term success of its residents and businesses.

   Strategies:

   a. Maintain the City's existing infrastructure through appropriate budgeting through the City's CIP process.
   b. Identity areas that could be revitalized through targeted infrastructure reinvestment and include applicable inventory and analysis in applicable small area plans, redevelopment studies, etc.
   c. Work to develop a comprehensive wayfinding and signage system for bikeways and trails throughout the City.

5. **Recognize** the opportunity and value of Brooklyn Center's changing demographics and entrepreneurial attitudes to create an identity that embraces diversity as part of the City's future.

   Strategies:

   a. Work to understand the needs of Brooklyn Center's population for office, commercial, restaurant, retail and multi-use spaces.
   b. Identify opportunities within redevelopment areas that could fulfill the needs of Brooklyn Center's entrepreneurs and small business owners.

Please complete the following for the COMMUNITY IMAGE goals & strategies:
#1: Review the Action Word in **BOLD** within the goal statements; does it reflect the appropriate level of commitment? If not please use the table from the Glossary and suggest changes.
#2: Is something missing? Please jot down notes/comments of what you feel should be added.
#3: Is something inaccurate, or feels wrong/inconsistent with your vision for Brooklyn Center?

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Land Use & Redevelopment Goals

2030 Plan Adopted Goals

1. *Protect and enhance the residential neighborhoods.*
2. *Continuously renew and redevelop to make better use of land in City Center and the Brooklyn Boulevard Corridor.*
3. *Improve the appearance of the city to enhance quality of life, property values and civic pride.*
4. *Improve the image of the City through branding and coordinated theme development in public areas.*
5. *Use the zoning ordinance to provide for a more flexible mix of land uses and to encourage good design.*

2040 Draft Land Use & Redevelopment Goals

1. **Support** the Future Land Use plan through the update or creation of relevant and market-based small area plans, redevelopment plans, and the zoning ordinance.

   Strategies

   a. Identify and prioritize key redevelopment areas and develop a work plan and potential schedule/timeline for each area.
   b. Provide staff and consultant resources to prepare a comprehensive update to the City's zoning ordinance to support the planned land uses.
   c. Protect the future land use plan through development of clear, concise and descriptive policy documents and initiatives that support the City's long-term vision.

2. **Continue** to **support** a proactive, integrated approach to redevelopment that clearly defines the City's objectives for specific areas and sites within the community.

   Strategies

   a. Strengthen the City's vision for key redevelopment areas through preparation of Master Plans and Small Area studies to ensure thoughtful and responsive development.
   b. Encourage developers, staff, and stakeholders to think-big and creatively about redevelopment to create an interesting, vibrant, and innovative City Center and surrounding neighborhoods.
   c. Support and encourage development concepts that incorporate flexibility for space and programming that could be used for start-ups, small companies, pop-ups, and local markets that provide opportunities to promote the City's diverse residents.
   d. Explore opportunities to increase the mix of uses on the Brooklyn Boulevard corridor, increasing densities, identifying key nodes for the concentration of commercial uses and providing opportunities for new housing types.

3. **Strengthen** opportunity for high-quality redevelopment through establishing clear planning and regulatory documents.

   Strategies

   a. Provide clear ordinances that permit uses consistent with the City's vision and minimize the number of uses required to obtain special or conditional uses.

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b. Create new zoning and overlay districts that are concise, directive and use graphics (pictures and/or diagrams) to explain the City's requirements.
c. Explore opportunities to streamline the development process and utilize Brooklyn Center's customer focus and nimble approach as a competitive advantage.

4. **Enhance** and **maintain** existing neighborhoods through proper land use designations and clear supportive zoning that makes reinvestment and rehabilitation easy for residents.

   Strategies

   a. Create and maintain a cheat-sheet for residents that explains in plain language the permitting and regulatory process. Provide this in multiple languages.
   b. Explore opportunities to engage and communicate with residents to learn about their needs and identify ways the City may help, either through education, information, or direct assistance.
   c. Create a policy and ordinance that describes expectations for home-based businesses and establishes a permitting process to ensure compatibility with existing single-family uses.
   d. Explore opportunities to utilize technology to make it easier and more convenient for residents to interact with the City.
   e. Create zoning regulations that reflect the demands of the current single-family housing market

5. **Recognize** that many areas in the community are aging and may require reinvestment, redevelopment, or reimagining and that all scales and sizes of opportunity have merit to further support the community's future.

   Strategies

   a. Explore opportunities to create neighborhood nodes that are integrated and support the needs of residents and encourages a more walkable community.
   b. Identify opportunities and tools (that may include financial resources) that assist residents with regular maintenance, upkeep, and/or remodeling so that their homes meet their needs and are places they want to stay and contribute to a more stable neighborhood.
   c. Continue to evaluate how redevelopment can further enhance and support the sustainability of individual properties, neighborhoods and the larger community.

6. **Provide** clear direction to developers, property owners, and residents about the City's desires for each redevelopment area through this comprehensive plan, small area studies, master plans and the zoning ordinance.

   Strategies

   a. Support redevelopment initiatives through a coordinated Request for Proposal (RFP) process that solicit interest and response from developers for city-owned properties.
   b. Promote the City's vision for each redevelopment area through various means including online, print, and media.
   c. Explore opportunities to encourage redevelopment through site assembly, master planning, predevelopment, and land preparation.

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7. **Explore** opportunities to create unified branding, connections, and visual cues to reinforce Brooklyn Center's identity and relationship to existing neighborhoods.

   Strategies

   a. Create a city-wide beautification strategy that includes a process for creating community identity and pride through the use of public art.
   b. Work to develop a comprehensive list of design guidelines for residents, developers and stakeholders that provide a menu of Brooklyn Center "branding' elements that can be incorporated into new and existing developments and neighborhoods.
   c. Strengthen the City's commitment to its designation as a Tree City USA by incorporating more trees and landscaping at the City's main gateways and entrances.
   d. Encourage residents, developers, and other stakeholders to use City authorized branding elements in marketing materials, streetscape improvements, and design elements.
   e. Identify key pedestrian, bikeway, auto and transit corridors that should incorporate consistent branding elements and landscape themes.
   f. Promote Brooklyn Center's diversity through development of flexible spaces, opportunities for pop-ups and other small business incubators.

Please complete the following for the Land Use and Redevelopment goals & strategies:
#1: Review the Action Word in **BOLD** within the goal statements; does it reflect the appropriate level of commitment? If not please use the table from the Glossary and suggest changes.
#2: Is something missing? Please jot down notes/comments of what you feel should be added.
#3: Is something inaccurate, or feels wrong/inconsistent with your vision for Brooklyn Center?

Housing Goals

2030 Plan Adopted Goals

1. *Continue the selective redevelopment of targeted commercial, industrial and residential areas to eliminate obsolescent or deteriorating land uses and stimulate new investment.*
2. *Work to ensure that the City's housing can evolve to meet the needs and demands of its current and future population.*

2040 Draft Housing Goals

1. **Promote** a diverse housing stock that provides safe, stable, and accessible housing options to all of Brooklyn Center's residents.

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Strategies

a. Protect existing naturally occurring affordable housing options within the City through supportive land use designations and associated policies.
b. Explore opportunities within multi-family redevelopment areas to include market-rate and affordable housing options within each project.
c. Strengthen existing neighborhoods through focused efforts to assist with maintenance and preservation of the housing stock.

2. **Recognize** and **identify** ways to match Brooklyn Center's housing with its changing demographics.

Strategies

a. Identify and inventory the City's existing rental housing stock to understand the rental unit-mix and unit-type to determine where gaps in the supply exist.
b. Work to incorporate increased diversity of units within new redevelopment areas from micro-apartments to three- and four-bedroom units.
c. Encourage property owners to reinvest in existing properties to maintain owner-occupied and renter-occupied units to create a more sustainable and stable housing stock.
d. Strengthen outreach efforts to understand what housing needs exist for current and prospective Brooklyn Center residents.

3. **Explore** opportunities to improve the City's housing policies and ordinances to make them more responsive to current and future residents.

Strategies

a. Identify and review existing housing policies to ensure that they support the needs of current Brooklyn Center residents.
b. Work with existing owners and renters to understand what challenges exist within current permitting and regulator processes.
c. Enhance existing strategies and policies to better meet the needs of current and prospective residents.

4. **Maintain** the existing housing stock in primarily single-family neighborhoods through proper ordinances and enforcement.
Strategies

a. Protect existing neighborhoods through refinement of existing ordinances to ensure compatible uses are permitted, or conditionally permitted.
b. Work with existing homeowners and renters to understand current challenges within existing neighborhoods.
c. Endorse the update of existing ordinances and regulations to match and address the challenges identified by residents to make neighborhoods more accessible, stable and sustainable long-term

5. **Explore** opportunities to incorporate new affordable housing into redevelopment areas that promote safe, secure and economically diverse neighborhoods.

Strategies

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a. Recognize the importance of incorporating and integrating protected affordable housing in new projects.
b. Encourage developers to incorporate protected affordable housing units within projects through establishment of incentives such as density bonuses or other tools.
c. Strengthen existing policies to promote diversity of housing choices within a single project, and throughout all redevelopment areas.

Please complete the following for the Housing goals & strategies:
#1: Review the Action Word in **BOLD** within the goal statements; does it reflect the appropriate level of commitment? If not please use the table from the Glossary and suggest changes.
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City of Brooklyn Center - 2040 Comprehensive Plan Update
DRAFT Mixed-Use Concepts

Land Use Designation Controls and Regulations

TOD
(Transit Oriented Development)
Land Use Designation

- Land use is TOD; BRT is impetus for guiding
- 1/4-Mile Radius consideration (plus a little)
- Intent is to create opportunities for increased diversity of housing with a mix of business
- Emphasis on walkable, bike friendly
- Equitable development considerations
- Zoning emphasizes permitted over CUP/SUP

Density:
25 - 75 Dwelling Units Per Acre

- Land generally within 1/4-mile to 1/2-mile of BRT stop
- Extend to more than core? What about southern stops?
- Include or exclude any Single Family?

N-MU & C-MU
(Neighborhood Mixed-Use; Commercial Mixed-Use)
Land Use Designations

- Land use is N-MU in neighborhood nodes, C-MU in job focused/more significant intersections
- Focus is on secondary redevelopment sites and neighborhood nodes
- Areas outside of TOD designation
- Could consider checklist - similar to TOD
- Supported through creation of tailored zoning districts (two to three districts)

Density:
15 - 30 Dwelling Units Per Acre

- Neighborhood nodes identified in redevelopment exercise outside of TOD areas
- More Commercially dominated nodes, but with opportunities for residential
- Other key corners or intersections internal to SF neighborhoods?

B-MU
(Business Mixed Use)
Land Use Designations

- Designation is not intended to provide residential as permitted use; Live-Work may be considered with CUP
- Intent is to encourage mix of business uses that could range from light industrial, experience to office and supporting retail and/or service
- Create an experience for workers and their patrons
- Zoning will include diverse mix of permitted and conditionally permitted uses

Density:
Residential not a permitted use

- Existing Earle Brown conference center area (supporting uses such as hotel)
- PC Recommendation: Add in light-industrial area north of I-94 (expanded)
- Southern edge of City with existing light-industrial users
- Others?

Overlay calls attention, "land use designation" will control

MU-O
(Mixed-Use Overlay District)
Not a Land Use Designation

- Overlay on Land Use map to denote corridor
- Corridor is 500-feet centered on roadway (approximately)
- Underlying land use controls; could be N-MU or C-MU
- Overlay has set of design principles/considerations, may develop design guidelines, or performance standards within zoning ordinance

Density:
Controlled by Land Use Designation

- Brooklyn Boulevard Corridor
- Others?

Land Use Designations

2040 Mixed-Use Areas

- Transit Oriented Development (TOD)
- Neighborhood Mixed Use
- Commercial Mixed Use
- Business Mixed Use
- Parcels - Not Mixed-Use
- Brooklyn Blvd Overlay District
- Planned C-Line Transit Stops
- Planned C-Line BRT Route
- Hennepin County Bikeway System
- Regional Trails

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Source: MnGEO, Metropolitan Council, Brooklyn Center, SHC

0 600 1,200 2,400 3,600 4,800 Feet

COUNCIL ITEM MEMORANDUM

DATE: 7/23/2018

TO: Curt Boganey, City Manager

THROUGH: N/A

FROM:

SUBJECT: Future Ongoing Items

Recommendation:

Background:

2040 Comprehensive Plan Discussion

REQUEST:

1. Review Draft Goals and Strategies and provide input
2. Discuss the Draft Future Land Use Designations and Map and provide input

Goals and Strategies

For each of the draft Goals and Strategy sections:

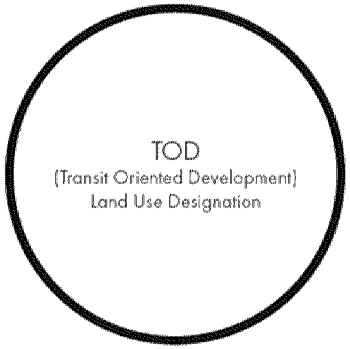
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Draft Mixed Use Concepts

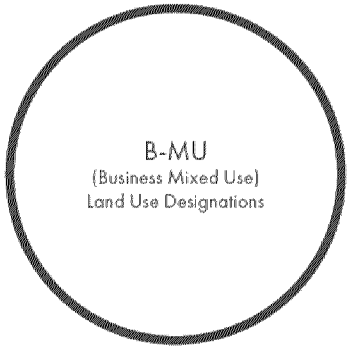
City of Brooklyn Center - 2040 Comprehensive Plan Update
DRAFT Mixed-Use Concepts

Land Use Designation Controls and Regulations

Overlay calls attention, "land use designation" will control









considerations/notes

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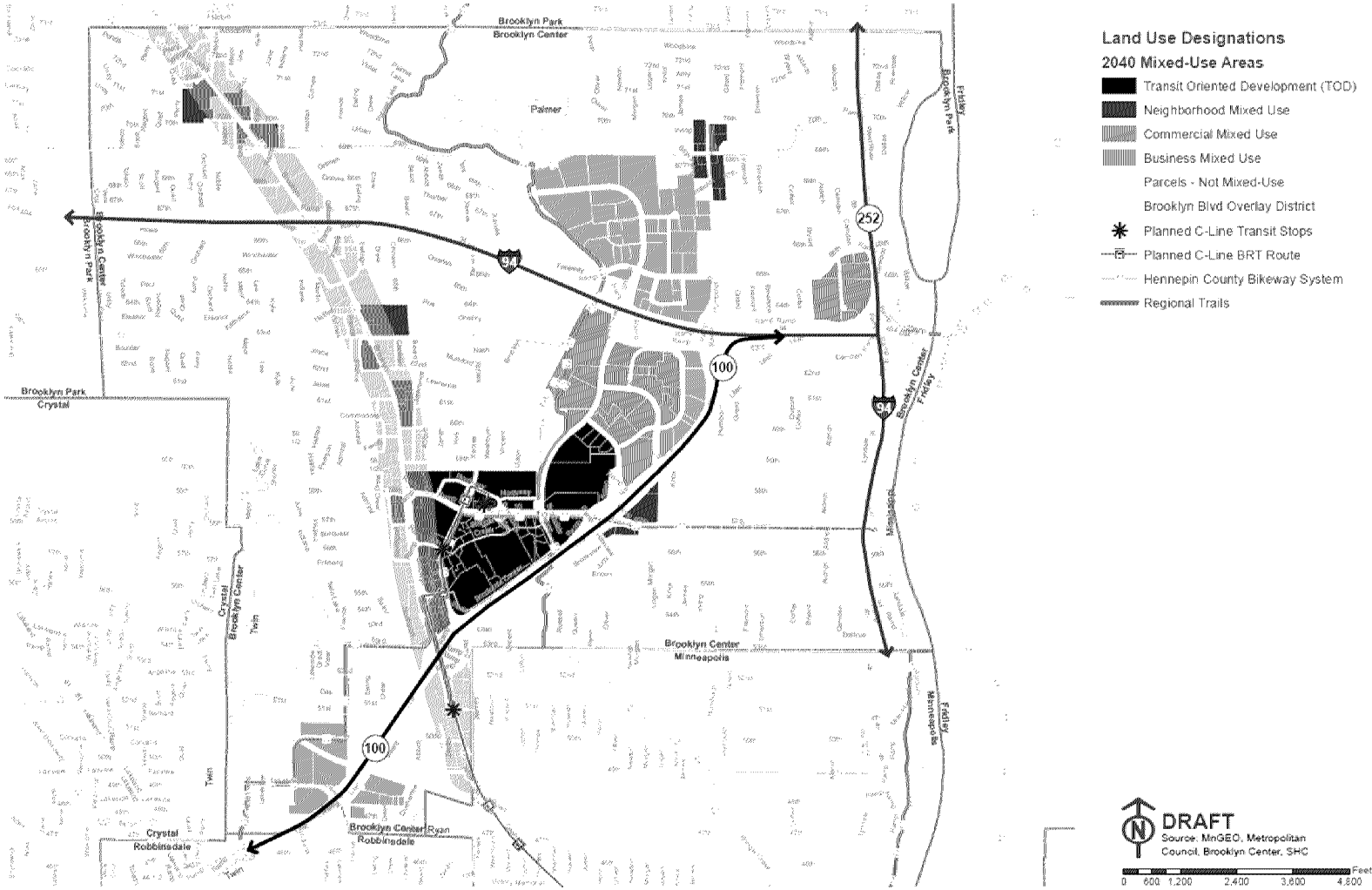
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Density:
Controlled by Land Use Designation

locations

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- Others?

Draft Future Land Use



Draft Future Land Use Map

On the Draft Future Land Use Map:

- Are any sites missing from those identified on the draft map?
- Are there sites included that should not be?
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