Council Study Session
City Hall Council Chambers
July 22, 2024

AGENDA

1. **Call to Order - 6:00 p.m.**
2. **Council Miscellaneous Discussion Items**
3. **City Manager Miscellaneous Discussion Items**
4. **Adjourn**

CITY COUNCIL MEETING
City Hall Council Chambers
July 22, 2024

AGENDA

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

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

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

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

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

a. Meeting Decorum

5. Invocation - Graves - 7 p.m.

6. Approval of Agenda and Consent Agenda

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

a. Approval of Minutes

- Motion to approve meeting minutes

- *7/8/24 Study Session*
- *7/8/24 Regular Session*

b. Approval of Licenses

- Motion to approve the licenses as presented.

c. Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd Reading

Motion to approve a second reading regarding the adoption of an ordinance re-zoning of certain property located at 1297 Shingle Creek Crossing and as contemplated under Planning Commission Application No. 2024-009 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District.

d. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for CAPI

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) Development funding and authorizing an application for grants funds.

e. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for New Generations LLC- Veterans Housing

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) Development funding and authorizing an application for grants funds.

f. Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) funding and authorizing the submission of application for grant funds.

g. Resolution Accepting the MN Department of Transportation Grant for IIJA Grants Technical Assistance

-Motion to approve a resolution accepting the MN Department of Transportation Grant for IIJA Grants Technical Assistance.

7. Presentations/Proclamations/Recognitions/Donations

8. Public Hearings

a. An Ordinance Amending the Mayor and Council Salaries for 2025 and 2026 (second reading)

- Motion to:
- open the public hearing
- take public comment
- close the public hearing
- Motion to approve an ordinance amending the salaries for Mayor and City Council for 2025 and 2026.

9. Planning Commission Items

a. Resolution Regarding Planning Commission Application No. 2024-010, Submitted by Loehrer Acquisitions, LLC for the First Reading of an Ordinance Rezoning and Issuance of a Conditional Use Permit for a Los Campeones Gym (6440 James Circle North)

(1) *Motion to approve a first reading regarding the adoption of an ordinance re-zoning of certain property located at 6440 James Circle North and as contemplated under Planning Commission Application No. 2024-010 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to*

Business Mixed-Use (MX-B) District, and set the second reading to August 12, 2024.

(2) *Motion to approve Planning Commission Application No. 2024-010 for issuance of a conditional use permit to operate a Los Campeones gym at 6440 James Circle North, based on the findings of fact and submitted documentation.*

10. **Council Consideration Items**
11. **Council Report**
12. **Adjournment**

COUNCIL MEETING DECORUM

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

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

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

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

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

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

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

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

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

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

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

Council Regular Meeting

DATE: 7/22/2024

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

SUBJECT: Approval of Minutes

Requested Council Action:

- *Motion to approve meeting minutes*
  - *7/8/24 Study Session*
  - *7/8/24 Regular Session*

Background:

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

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
7/8 Study Session	7/16/2024	Backup Material
7/8 Regular Meeting	7/16/2024	Backup Material

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

STUDY SESSION
JULY 8, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in a Study Session called to order by Mayor April Graves at 6:01 p.m.

ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Siobhan Tolar.

COUNCIL MISCELLANEOUS DISCUSSION ITEMS

Councilmember Lawrence-Anderson stated on page ten, paragraph seven of the previous Regular Session meeting minutes need an edit to refer to the "former Mayor" instead of just "Mayor." Then, on page 12, paragraph five, there is an error with a pronoun usage. During the study session, Ms. Suciu was referred to as Assistant City Manager/City Clerk Barb Suciu sometimes and Ms. Suciu sometimes.

Councilmember Lawrence-Anderson asked if the *Sun Post* contract can be removed because they are now a paid subscription. She requested the City Attorney look into the city's options. Many constituents have complained about the requirement to pay for the newspaper.

Councilmember Lawrence-Anderson read an email from a concerned resident. They expressed concern regarding an event with free tobacco, unlicensed sales, and a large crowd. She showed a photo to Mayor Graves. Councilmember Lawrence-Anderson asked how the Police Department is managing the situation.

Councilmember Lawrence-Anderson asked for an update on the overnight duty crew. It was fully budgeted for in 2024, but the council has yet to receive an update.

Councilmember Lawrence-Anderson requested the City Manager Review be rescheduled in light of survey results.

Councilmember Jerzak added he also received a complaint about the tobacco being distributed. He requested that staff present to the council on the event licensing and monitoring process. When he

worked in code enforcement, no one worked on the weekends. He asked if law enforcement is informed of events on the weekends.

Councilmember Jerzak pointed out he has also requested that the employee survey presentation be moved up to before the City Manager review.

Councilmember Kragness stated Dr. Edwards also requested the review be moved up.

City Manager Reggie Edwards requested that the contract review be moved up. Staff has been providing their expertise in the survey review process. It is a tool for development rather than evaluation.

Councilmember Butler agreed the conversation the council has been having relates to future decisions. She stated she doesn't have an issue moving up the meeting.

Mayor Graves stated she would like the meeting to be sooner as well. She suggested the meeting be at 5:00 p.m. on August 12, 2024. Ms. Suciu pointed out that the Clerk's Office would handle absentee voting that day, so starting a meeting at 5:00 p.m. would be difficult.

Dr. Edwards stated staff can look at timing and location options.

Councilmember Jerzak pointed out that no action was requested for item Resolution 2021-73. Mayor Graves stated the agenda item is an opportunity to review the resolution and provide direction to staff as needed.

Councilmember Jerzak asked if the council wanted to learn about the event permitting process. Mayor Graves agreed she would like to know more about the process and how the process can be improved. She suggested that the staff prepare a presentation for a future work session.

Dr. Edwards noted there is an event permitting process. Staff will speak with one another to determine what happened with the aforementioned event. He pointed out the event didn't go through the proper channels.

Councilmember Jerzak added there was a complaint about a park poster. Staff temporarily sprayed over it and will power wash it later on. He stated he would like to see a process to confirm an email has been forwarded from the council to the proper staff. It was a suggestion previously made by Councilmember Butler.

Mayor Graves stated that the council has already agreed on such a confirmation process. Dr. Edwards stated the weekly update includes details on any emails received by staff.

Councilmember Jerzak stated he wants a system to ensure Dr. Edwards isn't inundated with emails from forwards. Mayor Graves suggested forwarding to include CCing other council members.

Councilmember Lawrence-Anderson suggested the emails include a BCC instead.

Dr. Edwards pointed out that each Councilmember may receive emails from their constituents or various individuals. He stated he would brainstorm options to optimize the process.

Councilmember Lawrence-Anderson stated emails with multiple Councilmembers CCed or BCCed would indicate their awareness.

Councilmember Jerzak noted Mayor Graves previously requested Councilmembers review information from the conference she attended in New York. He reviewed it entirely before the meeting. He asked if the council would be interested in a work session item to review the state and vision of the Opportunity Site. The market conditions and developers are in new places compared to when the Site was initially imagined. The age of the Tax Increment Financing and the sunk cost fallacy must be considered.

Mayor Graves noted there is likely a coming presentation on the Opportunity Site. Dr. Edwards stated there is a website with information on the Opportunity Site. Mayor Graves asked if there was a presentation on the Opportunity Site and an introduction to the new Community Development Department staff. Dr. Edwards confirmed there is a scheduled presentation.

Councilmember Lawrence-Anderson asked if Dr. Edwards would speak with Fire Chief Berg regarding the overnight duty crew. Dr. Edwards explained that the staff has been applying for grants. They haven't heard back from the grant projects yet. There is a budget only for two firefighters, and the grant would hire three additional firefighters to have a fully-staffed program. The two budgeted positions haven't been hired yet as they are waiting to launch the program entirely.

Councilmember Lawrence-Anderson pointed out the two firefighters could be hired and work at peak hours. It would cover two days per week. Dr. Edwards stated he would speak with Chief Berg about some options and present them to the council at a future meeting.

Councilmember Kragness stated she would like an update as it was presented as a starting point for the program. She added she would like an update on the Deputy City Manager job posting. Dr. Edwards stated that the staff had onboarded the search firm. There should be a posting next week or so.

Councilmember Kragness pointed out that meeting a quorum of Commissioners was challenging due to a lack of commitment. She believed that the issue created the new appointment process. One person received higher recommendations from the council than most of the other applicants, but they are not on the list of appointments. The time of the Councilmembers is valuable. They were asked to provide input twice, and it wasn't taken into consideration.

Mayor Graves stated she considered everyone's scores. The applicant in question didn't even answer why they wanted to be on the Commission in their application. Personal relationships with

the people may have influenced scores by Councilmembers. Additionally, Mayor Graves received reports of uncomfortable interactions with the applicant from community partners and staff, which is not in line with the decorum guidelines set by the Council for Commissions.

Councilmember Kragness asked if Mayor Graves asked if the information about negative interactions was received before or after the Councilmembers gave input. Mayor Graves stated it was both before and after. Councilmember Kragness asked if Mayor Graves considered informing the council of her insights. Mayor Graves stated she just did.

Councilmember Kragness stated that math is the math, and it is confusing that the calculations weren't considered. Mayor Graves explained that the scores helped, and she wanted the council members to have a voice in the process. If the council wants to continue providing input, Mayor Graves welcomes their input. If they prefer not to be involved in Commission appointments, they don't have to provide input.

Councilmember Lawrence-Anderson stated she appreciates the opportunity to provide input. Councilmember Kragness stated she does not want to participate in the future. She was asked twice to provide input and will not in the future.

Councilmember Jerzak pointed out that the Charter allows the Mayor to make all appointments. He doesn't want to speak negatively about any community members, and it is already difficult to fill the Commissions. He stated he would accept Mayor Graves' explanation.

Mayor Graves stated the council also needs to consider who is already serving on Commissions. It is more important to appoint new people to Commissions than to appoint folks to multiple Commissions. It might be a valuable question to add to the application. Councilmember Lawrence-Anderson added another important piece, which is balancing legacy members along with new members.

Councilmember Kragness stated the council should be aware of who is serving on the Commissions. Mayor Graves stated she is generally aware of Commissioners but doesn't know if their terms have expired or if there are other changes.

Councilmember Lawrence-Anderson noted there used to be an annual appreciation meeting for the Commissioners with updates on the Commission's projects and goals. Commissioners are unpaid volunteers, and they should be recognized for their service. Mayor Graves agreed with the suggestion and noted she also missed the regular meeting. She added community organizations could also be included.

There was a council consensus to add a question to the Commission applications regarding past or current commission service.

Councilmember Jerzak stated the council needs to discuss that Dr. Edwards was the second choice for Golden Valley. There may need to be a closed session. Dr. Edwards previously indicated he

would like to discuss his experience with the council. Many community members have asked questions he does not know how to answer.

Councilmember Butler pointed out that Dr. Edwards has the right to apply for jobs if he wants, but this doesn't reflect his commitment to Brooklyn Center. Councilmembers can have individual, private conversations with Dr. Edwards if they choose.

Councilmember Kragness stated something needs to be communicated to the public. It is fair for the public to question the city's stability, considering that the city manager was looking elsewhere for employment.

Mayor Graves noted that the messaging point makes sense, but Dr. Edwards has the right to apply for jobs as he wishes. Community members may draw their own conclusions.

Councilmember Kragness stated that someone is not committed to a role if they are applying for a job. Dr. Edwards does have the ability to apply to other roles. Another term needs to be used. Mayor Graves stated they are not there to debate language.

RESOLUTION 2021-73

Mayor Graves asked if the council would be amenable to push the item to a future meeting when there is more time. Councilmember Lawrence-Anderson agreed to postpone the item.

Councilmember Jerzak stated he would like to hear from the Police Chief and other personnel about their input.

Dr. Edwards confirmed he could speak with staff. He had not previously asked them to prepare presentations for the council. He asked if there are specific sections the council would like for staff to weigh in on. His understanding of the item was that the council should have a discussion without influence from staff.

Councilmember Jerzak explained that the council wants to collaborate and refine Resolution 2021-73. They want to maintain its spirit while improving it.

Mayor Graves stated resolutions aren't pieced apart regularly, and this one, in particular, impacts jobs. This resolution doesn't impact every aspect of the city. However, it was inspired by unfortunate events in the city. The Resolution doesn't dictate the details of operations but is an encouragement and reminder to do better. Staff recommendations may be valuable, but it is ultimately the council's decision. The staff's role is implementation. The first round of discussions may be better suited for the council alone.

Councilmember Lawrence-Anderson stated that the maximum amount of information and collaboration at the beginning of the discussions would be valuable.

Mayor Graves asked if the council wants additional feedback from staff on the sections the council has already reviewed.

Councilmember Jerzak stated he wants the staff's perspective on the fourth item within the Resolution.

Councilmember Kragness noted she sees the Staff input as an opportunity to understand what the city is already doing related to the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. Then, the council can determine what additional efforts need to be implemented.

Mayor Graves stated that part of the discussion will be determining which aspects of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act they want staff to prepare reports on.

At the next meeting, Dr. Edwards requested that the council focus only on two sections of the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. Councilmember Jerzak noted his agreement.

Councilmember Lawrence-Anderson explained she appreciates the perspective of the new Police Chief.

CITY MANAGER MISCELLANEOUS DISCUSSION ITEMS

This item was not addressed.

ADJOURNMENT

Mayor Graves adjourned the Study Session at 6:44 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 8, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

The Brooklyn Center City Council met in an Informal Open Forum called to order by Mayor April Graves at 7:00 p.m.

2. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler, Kris Lawrence-Anderson, Dan Jerzak, and Teneshia Kragness. Also present were City Manager Reggie Edwards, Director of Public Works Elizabeth Heyman, Planning Manager Ginny McIntosh, City Manager/City Clerk Barb Suciu, Deputy City Clerk Shannon Pettitm and City Attorney Siobhan Tolar.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor April Graves reviewed the Council Meeting Decorum and opened the meeting for Informal Open Forum.

Julie B. noted that part of her concern had already been addressed. Mayor Graves noted the speakers were quiet, so it may be difficult to hear. Julie B. thanked the Council's discretion regarding the name of the Commission applicant who was not appointed to a Commission. She stated she wished she had received the same respect. The news of her application was leaked and posted on Facebook. She was again passed over for a commissioner role while others serve on multiple Commissions. One of the city's values is being community-centered. There should be more opportunities for more voices. There have been issues filling commissions, but there are interested parties.

Mayor Graves reminded the Council and staff to keep the Commission applications confidential.

Katie W., co-founder of Duante and Kobe No More Names Initiative, asked if she could speak on Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act since it was not addressed in the Study Session. She requested very little of the language in the resolution be changed. There is still a lot of work to be done in the city. Changes show the city doesn't want to make many changes.

Katie W. added the settlement agreement included a requirement for the city to implement the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act in good faith. If too much of the resolution is changed, then Brooklyn Center isn't abiding by the settlement agreement.

Lori B. pointed out that the resolution discussed during the Study Session is the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act. Previous minutes indicated that outreach was completed regarding the Citations and Summons Policy with no response. She asked what the outreach looked like. The effort has been assigned to Community Safety Officers (CSOs). Lori B. asked if the CSOs were armed. Mayor Graves stated that CSOs are not armed.

Lori B. noted that the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act was a mutually agreed upon resolution that made impactful changes to promote the sanctity of life. Community organizations have put their faith in the city through financial grants. With the assistance of mental health professionals, there is data regarding the potential for cost savings with alternative response options. She asked what data the city needed, such as another body or lawsuit.

Daniel H. explained that he is a business owner at Brooklyn Center. He has called the Building Official regularly over the past three months without a response. They have been paying $12,000 in rent while waiting for building review. The process should take a few weeks. He asked for a response or other options.

Mayor Graves stated she would follow up with staff and noted the message she received from Daniel H. was forwarded to Community Development. She asked how long the inspections take. Dr. Edwards stated he would check in with Community Development Department members.

Councilmember Jerzak moved, and Councilmember Butler seconded to close the Informal Open Forum at 7:09 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Butler shared a quote by Rosalynn Carter, "A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go but ought to be."

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Jerzak moved, and Mayor Graves seconded to approve the Agenda and Consent Agenda, as amended and indicated in the Study Session, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. June 24, 2024 – Work session
2. June 24, 2024 – Regular Session

6b. LICENSES

MECHANICAL

Allen Mechanical Inc.	7875 Fuller Road Eden Prairie 55344
Erickson Plumbing Heating Cooling	1471 92nd Lane NE Blaine 55449
High Road Heating & Cooling	2165 Daniels Street Suite 7 Long Lake 55356
Knight Heating and Air Conditioning, Inc.	13535 89th Street NE Otsego 55330
Quality HVAC Solutions II	7501 Duluth Street Golden Valley 55427

RENTAL

INITIAL (TYPE IV – six-month license)	
6807 Orchard Avenue N	Michael Hunter
INITIAL (TYPE II – two-year license)	
6812 Aldrich Avenue N	Igor Komisarchik Et Al
RENEWAL (TYPE IV – six-month license)	
4204 Lakebreeze Ave N	AZ RENTAL APARTMENTS LLC
6312 France Ave N	O OLADEJI & O OLADEJI
RENEWAL (TYPE III – one-year license)	
4214 Lakeside Avenue	JE Schoultz & GR Shoultz
1300 72nd Avenue N	Scott & Marinela Selseth
5313 Northport Drive	Ih2 Property Illinois Lp
RENEWAL (TYPE II – two-year license)	
5302 Humboldt Avenue N	MNSF Ii W1 LLC
RENEWAL (TYPE I – three-year license)	
3715 69th Avenue N	Christian D Knutson

4207 Lakeside Avenue N, #140	Kenosha-pacific Re 1 Llc
4207 Lakeside Avenue N, #226	The Beach Apts Owners Assoc
5559 Lyndale Avenue N	Zoe M Hildreth

6c. RESOLUTION 2024-074; APPOINTING ELECTION JUDGES FOR THE 2024 PRIMARY ELECTION

6d. RESOLUTION 2024-075; DENYING PLANNING COMMISSION APPLICATION NO. 2024-007, SUBMITTED BY C ALAN HOMES LLC FOR RE-APPROVAL OF THE PRELIMINARY AND FINAL PLATS FOR ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION (6921, 6927, 6933, AND 6939 BROOKLYN BOULEVARD)

6e. RESOLUTION 2024-076; APPROVING FIRST AMENDED JOINT POWERS AGREEMENT FOR PETS UNDER POLICE SECURITY ("PUPS")

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. PROCLAMATION ACKNOWLEDGING AND PROCLAIMING JULY AS "PARK AND RECREATION MONTH"

Mayor Graves read in full a Proclamation Acknowledging and Proclaiming July as "Park and Recreation Month."

Councilmember Butler moved, and Councilmember Lawrence-Anderson seconded the adoption of RESOLUTION NO. 2024-077, July 2024 will be declared "Park and Recreation Month" in Brooklyn Center.

Motion passed unanimously.

Mayor Graves thanked the Parks and Recreation Department Staff for their work.

7b. PUBLIC WORKS: LOOKING BACK AND LOOKING AHEAD

Dr. Edwards introduced the item and invited Public Works Director Elizabeth Heyman to continue the Staff presentation.

Ms. Heyman pointed out the Public Works Department is responsible for providing for the maintenance and operations of the city's infrastructure and facilities in a quality, cost-effective

manner, including 105 miles of streets, 5,100 traffic signs, 520 acres of parks and natural areas, 62 miles of trails and sidewalks, municipal-owned buildings and grounds, 88 miles of storm drains, 40 treatment facilities, and water and sewer operations.

Ms. Heyman stated that 2023 $3.9 million was invested in city assets such as tree planting and park updates. Public Works always responds together and values teamwork. For example, there was a pipe burst at Northport Park, and the contractor could not respond. The highly skilled staff was able to step up and keep the project timeline on time and on budget.

Ms. Heyman noted the Department is always working behind the scenes to maintain safe drinking water. There was a fire at a chemical plant that was the only producer of an important water-cleaning chemical in the Western hemisphere. Staff expected there to be major issues with the supply chain. Staff strategized a response and ensured minimal use of the chemicals until a supply could be restored.

Ms. Heyman added that an important interagency collaboration occurred in 2023 with Metro Transit. High school students requested a bus shelter be added to a bus stop on the corner of Humboldt and 65th Avenue. The Department worked with Metro Transit to fulfill the students' request. Ms. Heyman stated that the Department had worked with other agencies to plant a pollinator habitat under some powerlines instead of typical grass.

Ms. Heyman stated that in 2024, the city invested $12.4 million into street reconstruction projects, utilities, and other city assets. The Department continues to respond to residents' requests and concerns. Some staff members did a speed test in a neighborhood, and extremely high speeding levels were found. There are a few anti-speeding measures in place that are being tested to determine the best response to mitigate speeding.

Ms. Heyman explained the city continues to care for the canopy. They partner with a community organization to mitigate the impacts of Emerald Ash Borers. With grant funding, the city will plant over 700 trees.

Ms. Heyman noted the Public Works Department has a project to check and identify service line pipe materials. The data is tricky to collect as it requires entering homes. Out of 7000 service lines, only 1200 more lines need to be checked. The hope is to promote water safety.

Ms. Heyman stated the city is in the middle of creating a long-term park plan. As part of collecting community input, a Youth Parks Summit is coming up to engage youth. Lunch will be served, and conversations will be had.

Ms. Heyman stated three basketball courts have either been improved or built through grant funds. They are also working on a local option sales tax to address critical upgrades and expansion for the Community Center. Finally, there is a need to build a new Public Works Garage, so planning steps are underway.

Councilmember Jerzak asked about the monarch garden, and residents were excited about it when

canvassing the neighborhood. Have you heard any more about this?

Ms. Heyman stated the plants are a bit small. They will work with community partners on how to move the effort forward.

Councilmember Jerzak asked if the speeding mitigation efforts are permanent. Ms. Heyman stated they are temporary as part of the pilot program. The hope is to install a permanent solution after the data is collected.

Councilmember Lawrence-Anderson requested there be signage at the monarch garden to inform folks of its purpose. Ms. Heyman stated there was supposed to be a sign, and she would look into what happened.

Councilmember Lawrence-Anderson added the median on Bass Lake near Shingle Creek, which is beautiful. Ms. Heyman stated she would pass the information along to their contracted landscapers.

Mayor Graves asked which parks have fresh basketball courts. Ms. Heyman stated the parks are Bellevue, Happy Hollow, and Orchard Lane. Mayor Graves pointed out the parks are spread throughout the city.

Mayor Graves asked what material is used in the pipes in Brooklyn Center. Ms. Heyman stated that a storm drain, sanitary sewer, and water pipes are under every street. Most of the pipes are not lead, based on Code and speculation.

Mayor Graves noted her excitement for the future planting of hundreds of trees. She asked if any trees would be planted on private property. Ms. Heyman stated two grants fund the effort, each with its requirements. Some trees are only eligible for public planting.

Councilmember Lawrence-Anderson moved, and Councilmember Jerzak seconded to accept the presentation.

The motion passed unanimously.

Dr. Edwards asked if the presentation from Ms. Heyman and, previously, the Fire Chief were meeting the expectations of the Council.

Mayor Graves asked for Ms. Heyman to explain more of the teamwork she mentioned. Ms. Heyman stated the Department has been prioritizing collaboration between various groups within the Public Works Department. It has been successful thus far. Mayor Graves stated that if any processes or structures have been developed to promote teamwork, it would be beneficial to implement similar efforts in other departments.

Councilmember Lawrence-Anderson addressed Dr. Edwards and confirmed the presentations were well done and informational. Councilmember Butler noted it is interesting to hear about

partnerships and community collaboration within the city. She stated receiving any personnel update such as a new position and its responsibilities, would be helpful.

Councilmember Jerzak added it is nice to hear the impact of the Council's approval to seek out a grant to address the canopy. Often, the Council approves grants or other projects without hearing regular updates. Also, the length of the presentation was suitable.

Councilmember Kragness agreed the presentation was meeting her expectations.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. RESOLUTION 2024-074; APPROVING PLANNING COMMISSION APPLICATION NO. 2024-009, FOR CONSIDERATION OF AN ORDINANCE REZONING OF 1297 SHINGLE CREEK CROSSING FROM PLANNED UNIT DEVELOPMENT/ BUSINESS MIXED-USE (PUD/MX-B) DISTRICT TO TRANSIT-ORIENTED DEVELOPMENT (TOD) DISTRICT - 1ST READING

Dr. Edwards introduced the item and invited Planning Manager Ginny McIntosh to continue the Staff presentation. Ms. McIntosh showed photos of the property and explained its location within the city.

Ms. McIntosh explained that the Sears Department Store and Auto Center, located at 1297 Shingle Creek Crossing, closed in 2018 and is the last remaining piece of the former Brookdale Mall. In partnership with local brokers, the Property Owner, Transformco, conducted a market analysis in 2020 to determine a feasible reuse for the property. A request for proposals (RFP) was circulated after that, and Scannell Properties, Inc. was ultimately selected, along with their proposal for a speculative light industrial redevelopment at the subject property.

Ms. McIntosh stated the City of Brooklyn Center City Council held a number of concept reviews with Scannell Properties, Inc., which emphasized that any reuse provides for a greater mix of uses, a site layout and design that would add value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with four-sided architecture and a focus on enhancing the Highway 100 frontage.

Ms. McIntosh noted that in August 2021, the City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account (TBRA) for funding to assist with environmental remediation on the Subject property and asbestos and petroleum remediation. Although the city did not receive funding in the first round, funding was awarded in January 2023 in the amount of $863,400. Additional funding was also awarded in the amount of $163,000 from the Hennepin County Environmental Response Fund (ERF) for assistance in preparing a Phase I

Environmental Site Assessment (ESA), a Phase II ESA, Response Action Plan (RAP), and associated consulting and fees with the Minnesota Pollution Control Agency (MPCA).

Ms. McIntosh pointed out that in August 2022, the City Council approved Planning Commission Application No. 2022-004 (City Council Resolution No. 2022-76), which granted approval to re-zone the Subject property from what was then PUD/C2 (Planned Unit Development/Commerce) District to PUD/MX-B (Planned Unit Development/Business-Mixed Use) District. This re-zoning, in addition to approvals to re-plat and a recommendation to re-guide the Subject property under the 2040 Comprehensive Plan, provided a path for a speculative light industrial development totaling approximately 230,000 square feet between two buildings.

Ms. McIntosh noted although the City of Brooklyn Center had already adopted the 2040 Comprehensive Plan in 2019, which effectively re-guided the Subject property to a new future land use designation of "Transit-Oriented Development" or "TOD," the city's zoning code, which was in the midst of a major update, had not yet been adopted. It should be noted that, in 2022, PUDs were still considered re-zonings (ordinance amendments). The new Unified Development Ordinance, adopted in January 2023, now considers PUDs conditional use permits.

Ms. McIntosh stated staff continued to work with Scannell Properties, Inc. following their approval in August 2022; however, communication became more sporadic thereafter. By December 2022, Scannell Properties, Inc. indicated the market had shifted away from speculative light industrial-type development projects to user-focused ones. They further indicated a financial infeasibility to forward the project unless the city considered a request for consideration of tax increment financing (TIF). A work session was held with the City Council on the requested TIF in July 2023, and a request to ratify the previously approved plat was approved, but contact with Scannell Properties, Inc. again faltered.

Ms. McIntosh stated due to the lack of communication and identified potential changes, including contemplated lot line adjustments and alterations to the approved site and building plan to the project following its approval in August 2022, the recommended Comprehensive Plan Amendment was never forwarded to Metropolitan Council. Scannell Properties, Inc. never executed the Planned Unit Development Agreement approved by the Council in August 2022, and the request for TIF was never forwarded.

Ms. McIntosh added that in March 2024, City Staff was contacted by another developer interested in taking over the project from Scannell Properties, Inc. and indicated that the property would be re-listed for sale. City Staff was further contacted by other due diligence companies and attorneys seeking information on the project approved in August 2022 and what was needed to take over the project. Given this new information, staff reviewed the Planned Unit Development provisions with the City Attorney and under the city's preceding zoning code (Section 35-355), which identified the following:

> "If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 12 months after the issuance of building

permits, no construction has commenced on the area approved for the PUD District, the City Council may initiate rezoning of the property."

Ms. McIntosh explained that the staff held a work session with the City Council on May 13, 2024. Although the discussion was non-binding, there appeared to be a consensus of the three Councilmembers present that consideration for a re-zoning of the property from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District be forwarded to the Planning Commission.

Ms. McIntosh stated that the City Staff and the City Attorney held a meeting on June 6, 2024, with representation of the property owner (Transformco) and their attorneys and relayed plans to consider a potential rezoning of the Subject property. A general hesitancy to re-zone the property was relayed to the city, given certain approvals had been granted in August 2022. City Staff indicated at that time the option to relay their concerns at the public hearing scheduled for the June 13, 2024, Planning Commission meeting. As of June 12, 2024, the city has received a letter of opposition from attorney Patrick Lindmark (Taft Stettinius & Hollister LLP), who represents Property Owner Transformco.

Ms. McIntosh explained in reviewing requests for ordinance amendments; certain amendment criteria shall be considered as outlined under Section 35-71304 (Amendment Criteria). The Planning Commission and City Council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision based on, but not limited to, consideration of certain criteria and policies. The criteria include whether there is a clear and public need or benefit, whether the proposed amendment is consistent with and compatible with surrounding land use classifications, whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property, whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned, whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals, whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts, whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location, whether the rezoning will result in the expansion of a zoning district, whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel, the specific policies and recommendations of the Comprehensive Plan and other City plans, the purpose and intent of the UDO, and the adequacy to buffer or transition between potentially incompatible districts.

Ms. McIntosh pointed out that the subject property was originally zoned B-2 (Regional Business District) in 1961, but in 1972, the property had been rezoned to C2 (Commerce) District. Before approval of Planning Commission Application No. 2022-004 in August 2022, the property, once part of the former Brookdale Mall, had been zoned Planned Unit Development/ Commerce (PUD/C2) District since the late 1990s.

Ms. McIntosh stated the PUD was initially approved in 1999 and comprehended "new site and building plan approvals for the expansion, redevelopment, and rejuvenation of the Brookdale Regional Shopping Center" and certain variations to allow for reduced green strips, non-major

thoroughfare setbacks, parking dimensional standards, parking ratios, and increases in allowable restaurant use and freestanding signage." Although a new Planned Unit Development was approved in 2011, when the majority of the former Brookdale Mall lands were split off and redeveloped into the Shingle Creek Crossing shopping center, the Subject property retained the PUD/C2 District designation to allow for the continued operations of the then Sears Department Store and Auto Center following demolition of the mall, redevelopment of the surrounding lands, and certain non-conformities.

Ms. McIntosh added it should be noted that the C2 (Commerce) District was retired with the adoption of the new Unified Development Ordinance in January 2023. Had no PUD been in place, the property would have been re-zoned to the Transit-Oriented Development (TOD) District.

Ms. McIntosh stated similarly, and as noted previously, Planned Unit Developments were considered re-zonings (ordinance amendments) under the preceding zoning code, and in the case of the 2022 approval granted for the Subject property. With the adoption of the new Unified Development Ordinance in January 2023, Planned Unit Developments are now considered "conditional use permits." Had the development contemplated under Planning Commission Application No. 2022-004 requested and been approved for a Planned Unit Development under the current code provisions outlined in Section 35-8305 (PUD Approval), the applicant would have had 12 months following City Council approval to obtain building permits and commence construction; otherwise, City Council is similarly granted provisions to initiate revocation of a conditional use permit.

Ms. McIntosh noted although the property is considered a priority site within the city, it is privately owned. While undertaking the 2040 Comprehensive Plan, the property was still operating as a Sears Department Store and Auto Center. The former Sears Department and Auto Center businesses closed into updating the City's Comprehensive Plan, and given the properties had continuously operated since 1962, ownership had not provided clear direction as to their potential reuse. A market study had not yet been completed; the city guided the Subject property to TOD given its proximity to the Bus Rapid Transit (BRT) line and stops and its ability to offer a broad mix of land use options, with a minimum of 75% slated for high-density residential use, and supporting retail, office, and commercial usage. Additionally, the surrounding properties are, for the most part, guided as Transit-Oriented Development.

Ms. McIntosh stated the property is identified within the 2040 Comprehensive Plan as a "potential area of change." With the adoption of the 2040 Comprehensive Plan in 2019, the City future guided the Subject property to a new designation of "Transit-Oriented Development" or "TOD," which allows for a density range of 31.01 to 130 dwelling units per acre. The TOD designation was a direct response to the opening of the Metro Transit C (opened in 2019) and D (opened in 2022) lines, and the land use designation specifically guided redevelopment within ¼ mile of the planned station stops and a vision that these areas create a vibrant, accessible and diverse land use pattern. Given the C line only opened the year the City of Brooklyn Center adopted its 2040 Comprehensive Plan and one year following Sears' closure. The D line did not open until December 2022 (post approval of Planning Commission Application No. 2022- 004), this was very much a time of transition in the city, and for this area.

Ms. McIntosh explained the majority of the city's forecasted growth, as outlined in the city's 2040 Comprehensive Plan, was anticipated to occur within the city's major redevelopment areas guided primarily as Transit Oriented Development (TOD) and Commercial Mixed-Use (C-MU). A minimum of 75% of the land within the TOD future land use designation was planned for development into high-density residential uses, with the remaining land developed for supporting retail, office, and commercial uses. The TOD future land use designation intends to create a walkable, bikeable, vibrant core within the City of Brooklyn Center. It encompasses properties within the City's Opportunity Site and along Bass Lake Road (County Road 10) and Xerxes Avenue North.

Ms. McIntosh added the City's Comprehensive Plan further notes that, increasingly, access to neighborhoods, housing, services, and experience-based retail by efficient and frequent transit services is becoming a highly desirable and sought-after amenity within development and redevelopment areas. Metro Transit's C and D Bus Rapid Transit (BRT) Lines recently opened lines that begin at the Brooklyn Center Transit Center located at 2900 County Road 10, run down Xerxes Avenue North (adjacent to the Subject Property), before turning at 55th Avenue North and Brooklyn Boulevard. These lines terminate in downtown Minneapolis (C Line) and at the Mall of America (D Line).

Ms. McIntosh pointed out that the Institute for Transportation & Development Policy notes that "Transit Oriented Developments are inherently intended to integrate urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connections between them and near-excellent transit service to the rest of the City."

Ms. McIntosh explained as part of the approvals in August 2022 under Planning Commission Application No. 2022-004, the approved Planned Unit Development outlined additional restrictions to the use of the property and the underlying Business Mixed-Use District (MX-B) District designation. Specifically, City Council Resolution No. 2022-076 stipulated that the Applicant, Scannell Properties, Inc., would enter into a PUD Agreement with the City of Brooklyn Center. That said agreement would assure the following as part of the approximately 230,000-square foot speculative light industrial proposal. First, there may be no outdoor storage or display of materials, equipment, or products accessory necessary to a principal and permitted use is permitted; second, housing and wholesaling shall not exceed 80 percent of the total floor area. The remaining 20 percent of the total floor area shall be non-warehouse uses, such as a combination of uses including, but not limited to, office, manufacturing, production, research and development, and lab or showroom; and thirdly, distribution facilities are not permitted. For this Planned Unit Development (PUD), a distribution facility is a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only from a manufacturing facility or a warehouse where a product is made or packaged on-site.

Ms. McIntosh noted these restrictions were intended to address concerns regarding the volume of semi-truck traffic anticipated to navigate the entrance and exit points to the property, as well as potential conflict points between truck traffic and pedestrians who frequent the adjacent Shingle Creek Crossing shopping center. Further, the entrance to the subject property was identified as

55th Avenue North, which is a four-way stop that also serves the Metro Transit Bus Rapid Transit (BRT) line, and receives traffic entering the slip ramps on and off Trunk Highway (TH) 100. While proximity to transit was identified as a potential perk in providing job access for employees, these concerns were nonetheless raised by City Staff.

Ms. McIntosh stated given the visibility from Trunk Highway 100, there were also concerns raised, and back and forth communication and revisions made to address the potential visual impacts from the highway of the proposed truck court and screening to mitigate the intensity of use, and requested enhancements to the overall architecture of the two buildings.

Ms. McIntosh stated Section 35-2402 (Business Mixed Use) of the City's Unified Development Ordinance notes that the "purpose of the MX-B district is to accommodate land for a mix of business and light industrial uses, with allowances for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supportive retail/commercial uses towards encouraging a more dynamic and connected experience for workers. This land use does not plan for residential uses and may include limited live-work opportunities as established through supporting official controls."

Ms. McIntosh noted the Business Mixed-Use District, for the most part, replaced the city's longstanding I1 (Business Park) District in January 2023 but offered greater flexibilities in potential use to allow for a more dynamic working environment instead of the often isolated business parks across the metro.

Ms. McIntosh explained although there are some similarities in uses permitted for both the Business Mixed-Use and Transit-Oriented Development districts, a key distinction is that the Business Mixed-Use District, except for limited live-work space, does not permit any residential use. Despite being the city's most dense district, the TOD District allows for townhouses and multi-family residential units with a density range of 31-130 per acre. The TOD District also allows indoor amusement centers and banquet, event, and conference facilities. Conversely, the Business Mixed-Use District allows for the manufacturing, assembly, and processing of products and wholesale trade, whereas the TOD District does not.

Ms. McIntosh pointed out that while the adjacent Shingle Creek Crossing shopping center was designed with automobiles in mind, it too is future-guided as "Transit-Oriented Development" under the 2040 Comprehensive Plan. City Staff has been looking to increase density and activity within the overall area as the shopping center has yet to be built out fully. There are 23 properties currently zoned TOD. She showed a map of the TOD zoning area.

Ms. McIntosh noted that due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on May 30, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the property, and a public hearing notice was also uploaded to the city's website. No public comments were made during the hearing.

Ms. McIntosh stated that at the Planning Commission hearing, a property owner representative and an attorney were present and conversed with the Commission. Mr. Lindmark, attorney for Transformco, expressed that he did not believe the city had the right to rezone the property per state statute. However, City Attorney Sarah Sonsalla was present virtually for the meeting and disagreed with Mr. Lindmark's interpretation. She provided additional clarification after the meeting.

Ms. McIntosh added that Mr. Wood, a property owner's representative, stated that forcing the property to be re-zoned to TOD would require them to restart their marketing and planning process. He confirmed Scannell Properties was no longer part of a Joint Venture Agreement with the property owners, but other businesses held an interest in the property.

Ms. McIntosh stated the Planning Commission asked questions in response to a letter submitted by the property owner. Questions included asking about how the property owner felt the rezoning was an effort to limit the creativity of the property, for an explanation of the significant differences between the MX-B and TOD districts, what efforts were being made to rebuild the area, if the property owner was going to do something with the property themselves, and what harm there would be in changing the zoning. There were additional questions regarding the urgency of rezoning the property and a general comment that the city doesn't have many light industrial properties, which could be a positive for Brooklyn Center.

Ms. McIntosh noted that the Commissioners further inquired if Transformco would be required to create a new proposal now that Scannell is no longer involved and what options the owner has moving forward. Planning Commission recommended denial (1-4) of the proposed re-zoning.

Ms. McIntosh added as a note from City Staff. However, the property owner indicated light industrial as the highest and best use; staff was never provided with a copy of the private market analysis. Scannell had reached out to City Staff after initial approval regarding the financial feasibility of the proposed light industrial development due to changes in the market. Former developer Scannell indicated that the development would require TIF.

Ms. McIntosh pointed out that the request to rezone from MX-B to TOD would not prevent the owner from requesting their property be re-zoned someday. Any future application would require Council approval to conform with the new UDO.

Mayor Graves asked if the Commissioner who seconded recommending approval voted against the same motion as reflected in the minutes. Ms. McIntosh confirmed that is correct.

Dr. Edwards stated that seconds may be taken to bring an item to a vote without reflecting support.

Councilmember Jerzak asked if there was an urgency regarding the rezoning. If not, there is no reason to spend taxpayer money to address the litigation. The property owner believes the rezoning would force them to market differently, while the staff believes it would open the property up to more opportunities. He asked why the staff was recommending the rezoning.

Ms. McIntosh noted a Staff member spoke with a developer who showed interest in a mixed-use setting for the property. The developer called the broker but did not receive a callback. The property is currently being marketed for an industrial use. The property owner is claiming the only potential use is industrial, but staff has heard otherwise.

Ms. McIntosh added she confirmed with the Metropolitan Council that the city can re-zone and re-guide the property as many times as they would like. However, it takes time and effort of staff. A super-majority vote in the future would be required for re-guiding it back to its current designation.

Ms. McIntosh stated Scannell was working on redesigning the Site and Building Plan. They couldn't get the parking worked out with Gatlin due to minimum parking requirements. There was discussion about creating a new parking lot for the shopping center, but Gatlin's lenders would not have supported sharing parking spots with an industrial setting. Ms. McIntosh pointed out the building would need to be resized to fit more parking on the west side.

Ms. McIntosh explained that the staff anticipated that the property would need to be returned to the Commission and Council with multiple applications.

Councilmember Jerzak noted he tends to support the recommendations of the Commissions. However, it is conflicting with staff. Ms. McIntosh stated that a lot of work needs to be done on-site. If the developer were to come into the property today, there would be a clock on the project. From the time of approval with the City Council, certain plans are required within 12 months.

Councilmember Jerzak asked the City Attorney if she agreed with City Attorney Sarah Sonsalla's opinion. City Attorney Siobhan Tolar stated she agrees with the advice from her firm.

Councilmember Kragness asked if townhomes would be eligible on the site if they were to be zoned as TOD. Ms. McIntosh confirmed that is correct.

Councilmember Kragness asked how parking would work with a townhome use. Ms. McIntosh stated she would assume it wouldn't be all townhouses because it is 15 acres. It would be a mixed-use. The design would be up to the developer.

Councilmember Jerzak noted there are 23 TOD properties. The property in question would match the surrounding sites with the proposed rezoning. Ms. McIntosh stated the Comprehensive Plan Amendment has yet to be filed. It is currently guided for TOD. Down the line, the property would still need to come back before the Commission and Council.

Councilmember Lawrence-Anderson asked why the Planning Commission recommended a denial. Ms. McIntosh stated there was an emphasis on industrial being a good fit for the city. Also, there was a discussion about the urgency of the matter.

Councilmember Lawrence-Anderson ask why they wouldn't rezone it. Ms. McIntosh pointed out representatives of the property owner are present and may answer questions for the Council. It is the Council's decision if the current zoning is the highest and best use.

Councilmember Lawrence-Anderson noted she originally supported the light industrial use. However, what works then may not work now. Townhomes are an attractive option.

Councilmember Jerzak moved and Councilmember Lawrence-Anderson seconded to approve a first reading regarding the adoption of an ordinance re-zoning of certain property located at 1297 Shingle Creek Crossing and as contemplated under Planning Commission Application No. 2024-009 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District, and set the second reading to July 22, 2024.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

10a. CITY COMMISSION APPOINTMENTS

Councilmember Lawrence-Anderson moved, and Councilmember Butler seconded to appoint Keith Williams, Nahid Khan, Kari Kelly, Gail Ebert, Jaclyn Frost, Sabra Love, Isabella Bridges, Cyd Hanes, CieJay Hanson, Nick Neery, and Denise Butler to the Cultural and Public Arts Commission; Andrea Kaufmann to the Park and Recreation Commission.

Motion passed unanimously.

11. COUNCIL REPORT

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

- Stated YWCA has a program to get eighth grade girls excited about the STEM field. There was a field trip to Brooklyn Center Public Works facilities. They also had a panel with women in leadership throughout the city. She thanked a number of folks for their support for the field trip. Mayor Graves thanked Councilmember Butler for organizing the trip.
- Congratulated Police Chief Flesland for his new appointment and expressed her excitement for his leadership.

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

- Noted the Northwest Tourism Board has selected a new CEO.
- Pointed out there was a recent neighborhood meeting.
- Attended a Mayoral lunch.
- Added she would be unavailable July 17-29, 2024.

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

- Shared she spent the past week up north.

12. ADJOURNMENT

Councilmember Jerzak moved, and Councilmember Butler seconded adjournment of the City Council meeting at 8:19 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 7/22/2024

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

SUBJECT: Approval of Licenses

Requested Council Action:

- *Motion to approve the licenses as presented.*

Background:

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

Mechanical

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

Sign Hangers

Creative Color, Inc.
9635 Girard Ave S, Minneapolis 55431

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Rental Criteria	6/20/2023	Backup Material
Rentals	7/15/2024	Backup Material

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

b. Police Service Calls.

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

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

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

Rental Licenses for Council Approval 7.22.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type **	Previous License Type***	Consecutive Type IV's
3708 66th Ave N	Single	Initial	Maxima Martinez Perez	18	Type IV	N/A	Type IV	N/A	0
4216 Lakebreeze Ave N	Multiple Family 1 Bldg 4 Units	Renewal	LAKE BREEZE HOLDINGS LLC Did not meet requirements	12 = 3 per unit	Type III	0	Type III	Type III	N/A
5211 Xerxes Ave N	Multiple Family 2 Bldgs 24 Units	Renewal	Bmw Holdings Llc Met Requirements	47 = 1.96 per unit	Type III	0	Type III	Type IV	N/A
6220 France Ave N	Multiple Family 6 Bldgs 23 Units	Renewal	Ewing Square Acquistion Partners Met Requirements	51 = 2.22 per unit	Type III	0	Type III	Type IV	N/A
7256 Unity Ave N	Multiple Family 11 Bldgs 112 Units	Renewal	Unity Limited Partnership Met Requirements	130 = 1.16 per unit	Type II	0	Type II	Type III	N/A
1507 Humboldt Pl N	Single	Renewal	Kyan Lum Hui	18	Type IV	0	Type IV	Type I	0
2006 55th Ave N	Single	Renewal	PEDRAM NASTAEAN	7	Type III	0	Type III	Type II	N/A
3019 Mumford Rd	Single	Renewal	Mlmjr Properties & Inves Llc	5	Type II	0	Type II	Type I	N/A
5115 Twin Lake Blvd E	Single	Renewal	Ruth E Cioni	2	Type I	0	Type I	Type I	N/A
5350 71st Cir	Single	Renewal	786 Homes-m50 Llc	9	Type III	0	Type III	Type I	N/A
5834 Fremont Ave N	Single	Renewal	GOLDSMITH KACZMARSKI LIV TR	0	Type I	0	Type I	Type I	N/A
5849 Colfax Ave N	Single	Renewal	Bay Street Homes, LLC Did not meet requirements	27	Type IV	0	Type IV	Type III	0
6400 Orchard Ave N	Single	Renewal	Ih3 Property Minnesota Lp	3	Type II	0	Type II	Type I	N/A
6831 Drew Ave N	Single	Renewal	David A Gardner	16	Type IV	0	Type IV	Type I	0
6900 Regent Ave N	Single	Renewal	Houa Her & Neng Thao Did not meet requirements	2	Type I	0	Type III	Type III	N/A
7025 Newton Ave N	Single	Renewal	Stephen & Michelle Branham Met Requirements	2	Type I	0	Type I	Type III	N/A
7212 Emerson Ave N	Single	Renewal	SFR ACQUISITIONS 3 LLC	7	Type III	0	Type III	Type II	N/A

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 7/22/2024

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

SUBJECT: Resolution Regarding Planning Commission Application No. 2024-009 for Consideration of an Ordinance Rezoning of 1297 Shingle Creek Crossing from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District - 2nd Reading

Requested Council Action:

Motion to approve a second reading regarding the adoption of an ordinance re-zoning of certain property located at 1297 Shingle Creek Crossing and as contemplated under Planning Commission Application No. 2024-009 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District.

Background:

In August 2022, City Council approved Planning Commission Application No. 2022-004 (City Council Resolution No. 2022-76), which granted approval to Applicant Scannell Properties, Inc. and on behalf of Property Owner Transformco to re-zone the Subject Property located at 1297 Shingle Creek Crossing from what was then PUD/C2 (Planned Unit Development/Commerce) District to PUD/MX-B (Planned Unit Development/Business-Mixed Use) District. This re-zoning, in addition to approvals to re-plat and a recommendation to re-guide the Subject Property under the 2040 Comprehensive Plan, were to provide a path for a speculative light industrial development totaling approximately 230,000-square feet between two buildings.

By December 2022, Scannell Properties, Inc. indicated the market had shifted away from speculative light industrial type development projects to user-focused ones. They further indicated a financial infeasibility to forward the project unless a request for consideration of tax increment financing (TIF) were provided by the City. A work session was held with City Council on the requested TIF in July 2023 and a request to ratify the previously approved plat was approved (as it requires filing within one year post Council approval or is considered void), but contact with Scannell Properties, Inc. thereafter faltered.

In March 2024, City staff was contacted by another developer who was interested in taking over the project from Scannell Properties, Inc. and indicated that the Subject Property would be re-listed for sale. City staff was further contacted by other due diligence companies and attorneys seeking information on the project approved in August 2022 and what was needed to take over the project. Given this new information, City staff reviewed the Planned Unit Development provisions with the City Attorney and under the City's preceding zoning code (Section 35-355), which identified the following:

"If within 12 months following approval by the City Council of the development plan, no building permits

have been obtained or, if within 12 months after the issuance of building permits no construction has commenced on the area approved for the PUD District, **the City Council may initiate rezoning of the property."**

In light of this information and the time that had passed since Council's approval in August 2022, City staff held a work session with City Council on May 13, 2024. Although the discussion was non-binding, there appeared to be a general consensus of the three Councilmembers present that consideration for a re-zoning of the Subject Property from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District be forwarded to the Planning Commission.

A public hearing notice was published in the Brooklyn Center *Sun Post* on May 30, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the Subject Property, and a public hearing notice was uploaded to the City's website.

No public comments were made during the hearing. Following close of the public hearing, representation of the Property Owner (Chris Wood, Transformco) and an attorney representing Transformco (Patrick Lindmark, Taft Stettinius & Hollister LLP) were present and engaged in conversation with the Planning Commission. Mr. Lindmark expressed that he did not believe the City of Brooklyn Center had the right to re-zone the Subject Property per Minnesota State Statute, and Mr. Wood noted that forcing the Subject Property to be re-zoned to Transit-Oriented Development (TOD) District would require them to start over with their marketing and planning process. Mr. Wood confirmed that Scannell Properties, Inc. was no longer part of a Joint Venture Agreement with Property Owner Transformco, but that other businesses were interested in the Subject Property. No additional information was provided as to the types of businesses that held an interest in the property, or any new developers the Property Owner was actively engaging with.

City Attorney Sarah Sonsalla was present virtually during the June 13, 2024 Planning Commission meeting and noted her disagreement with Mr. Lindmark's interpretation of Minnesota State Statute as noted at the June 13, 2024 meeting and in the letter provided as Exhibit D to the June 13, 2024 staff report. In a follow-up discussion with Ms. Sonsalla, she conveyed the following:

"Minnesota Statutes Section 462.358, subdivision 3c is inapplicable to this situation. This statute prohibits the City from changing its comprehensive plan or "official control" so that it affects property that has been preliminary platted. In this case, the City is only rezoning the property and not changing its official controls or comprehensive plan (the property is guided TOD in the comprehensive plan). With respect to "official controls," those are defined by the statute to be ordinances and regulations that control the physical development of the City and implement the general objectives of the comprehensive plan. They may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps. In this case, the City is not establishing ordinances related to the property, it is merely rezoning the property to an established zoning district."

Questions raised by the Commissioners at the June 13, 2024 meeting and in relation to the letter submitted and discussion with representation from Transformco was with respect to: how a rezoning was an effort to limit the creativity of the Subject Property, what the major differences between the MX-B and TOD Districts were, what efforts were being made to rebuild the area, and if the Property Owner was going to do anything with the property themselves. Questions were further raised regarding what the harm might be in changing the zoning, and that it could potentially open up more options for Transformco. Additional questions concerned whether there was an urgency in rezoning the Subject Property, and a general comment was made in that the City does not have a lot of light-industrial uses currently, and that it would be a positive for Brooklyn Center to promote light-industrial uses. The Commissioners also asked Property

Owner Transformco if they would be required to create a new proposal, and what other options Transformco has in moving forward.

Planning Commission ultimately recommended (1-4) City Council denial of the proposed re-zoning of the Subject Property.

At this time, and based on prior conversations with former developer Scannell Properties, Inc. a major site and building plan amendment would likely need to be brought forward for additional review by Planning Commission and City Council to ensure all parking fits on the Subject Property. As Scannell Properties, Inc. is no longer the developer, City staff does not know if this would result in revised plans, or completely new plans.

Although the Property Owner indicated a market analysis was conducted and "light industrial" identified as the highest and best use, City staff was never provided with a copy of the market analysis, and as noted previously, there were concerns presented by former developer Scannell Properties, Inc. regarding the feasibility of the proposed light industrial use due to changes in the market in December 2022 and a follow-up Council work session held in July 2023 to request TIF. City staff has not been provided with updated information as to whether the light industrial markets have changed notably since last year.

The rezoning request as contemplated under Planning Commission Application No. 2024-009 would not prevent the Property Owner from requesting their property be re-zoned at a later time. Any future application would require any Council approval to conform with the requirements outlined under the new Unified Development Ordinance, which was adopted in January 2023.

For instance, if a new Planned Unit Development were requested to be established, it would be approved as a *conditional use permit* under the new code. Similarly, if a new site and building plan were approved, it too would be required to follow the requirements under the City's new code provisions. Both a conditional use permit and site and building plan would stipulate that any approvals would expire one (1) year from the date of City Council approval unless the Applicant has applied for and received a building permit (refer to Sections 35-7600 and 35-7711).

A first reading of the proposed ordinance rezoning was presented at the July 8, 2024 City Council meeting, and a copy of the June 13, 2024 Planning Commission Report was provided, as well as an excerpt of the then *draft* June 13, 2024 Planning Commission meeting minutes. An ordinance resolution regarding the request was also included for Council review.

City staff presented the proposed rezoning of the Subject Property at the July 8, 2024 City Council meeting, where the Council unanimously (5-0) recommended approval of the first reading to rezone the aforementioned property to Transit-Oriented Development (TOD) District and set the second reading to July 22, 2024.

Following the Council meeting, City staff held a debrief with Property Owner representative Chris Wood (Transformco) and Property Owner attorney Patrick Lindmark, who were in attendance. Mr. Wood expressed disappointment in that he had flown in specifically for the July 8, 2024 Council meeting in the hopes of speaking with Council regarding the Property Owner's efforts to redevelop the Subject Property and current market conditions, but was not provided an opportunity. It was later requested of City staff that the second reading be tabled to allow the Property Owner a chance to hold a work session with Council and bring in their brokers to discuss the Subject Property.

Mr. Wood indicated that he was unavailable for the scheduled July 22, 2024 second reading; however, he could

make himself available for the August 12, 2024 Council meeting. As of July 17, 2024, the City is also in receipt of a letter drafted by Attorney Patrick Lindmark, which is included with the memorandum for Council reference.

City staff did confirm with the City attorney that as the rezoning was City initiated, the rezoning is *not subject* to the 60-day rule, as outlined under Section 15.99 of Minnesota State Statute. If City Council decided to table the second reading to the August 12, 2024 City Council meeting and/or schedule a work session *before* the second reading, the Council may do so, but is not required to.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Ordinance Resolution - PC Application No. 2024-009 - 1297 Shingle Creek Crossing (2nd Reading)	7/17/2024	Ordinance
Letter - Response to July 8, 2024 First Reading - PC Application No. 2024-009	7/17/2024	Backup Material
Staff Report and Exhibits - 1297 Shingle Creek Crossing (Rezoning)	7/2/2024	Backup Material
Draft Planning Commission Meeting Minutes - June 13, 2024 Excerpt	7/2/2024	Backup Material
July 8, 2024 Council PowerPoint-1297 Shingle Creek Crossing	7/10/2024	Presentation

CITY OF BROOKLYN CENTER

Notice is hereby given that the City Council of the City of Brooklyn Center will conduct a second reading of an ordinance related to the removal of the property located at 1297 Shingle Creek Crossing from its current district and the rezoning of the property at their July 22, 2024 meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY'S ZONING MAP TO REMOVE THE REAL PROPERTY LOCATED AT 1297 SHINGLE CREEK CROSSING FROM PLANNED UNIT DEVELOPMENT/BUSINESS-MIXED USE (PUD/MX-B) DISTRICT AND REZONE THE PROPERTY TO TRANSIT-ORIENTED DEVELOPMENT (TOD) DISTRICT

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

SECTION I. The City of Brooklyn Center Zoning Map is hereby amended to remove from the PUD/MX-B District one parcel of certain real property located at 1297 Shingle Creek Crossing, Brooklyn Center, Minnesota (PID No. 03-118-21-44-0026), legally described as:

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

(hereinafter the "Property").

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

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

Adopted this ___ day of _____, 2024.

_____
April Graves, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

Taft/

2200 IDS Center, 80 South 8th Street
Minneapolis, MN 55402-2210
Tel: 612.977.8400 | Fax: 612.977.8650
taftlaw.com

Affirmative Action, Equal Opportunity Employer

Patrick J. Lindmark
612.977.8573
PLindmark@taftlaw.com

July 17, 2024

VIA EMAIL ONLY

Ginny McIntosh
Planning Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199
gmcintosh@brooklyncentermn.gov

Dr. Reginald Edwards
City Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199
redwards@ci.brooklyn-center.mn.us

Re: Planning Commission Application No. 2024-009; Consideration for Rezoning of 1297 Shingle Creek Crossing

Dear Dr. Edwards and Ms. McIntosh:

As you are aware, this office represents TF Brooklyn Center MN LLC ("TransformCo"), which is the owner of the real property located at 1297 Shingle Creek Crossing (the "Property"). This letter is being submitted on behalf of TransformCo and in opposition to the City of Brooklyn Center's (the "City") unilateral and unlawful attempt to re-zone the Property from Planned Unit Development/Business Mixed-Use District ("PUD/MX-B") to Transit Oriented Development ("TOD").

I was in attendance at the July 8, 2024 council meeting along with a representative of TransformCo, but we were not permitted to speak or answer any questions despite the fact that on two occasions Ms. McIntosh referenced we were both in attendance and ready to speak with the council. Unfortunately, the City Council was not interested in hearing from the actual Property owner about what the market is telling us is the highest and best use for the Property and instead elected to move forward (**against** the 4-1 recommendation of the City's Planning Commission) to re-zone the Property without so much as acknowledging the vested private property right that TransformCo has in this zoning.

After the meeting, we met with Ms. McIntosh and requested that the City not move forward with a second reading of the re-zoning application and instead meet with TransformCo and its brokers to engage in a transparent and constructive discussion about the Property and the market realities. That request was met with silence. Instead, the City has elected to hastily plow forward with re-zoning the Property to a use which no one has requested, and the market is not interested in developing under. Although TransformCo understands the City's desire for this area to be filled with townhomes, apartments, and other multi-family developments, the reality of the market conditions today—and in the foreseeable future—clearly indicate that those uses are simply not financially feasible.

The City's efforts to re-zone this Property have been cloaked in secrecy and misinformation. As an initial matter, TransformCo was never informed that the City Staff would be presenting a unilateral re-zoning of the Property at a work session. It seems inconceivable that a City would fail to notify a property owner that City Staff had unilaterally determined its property should be re-zoned and would be bringing that idea to a council work session. The only reason not to involve the Property owner would be if the City Staff and Council were not interested in hearing from the owner. The only body from the City that was interested in hearing from the Property owner was the Planning Commission, and that group voted 4-1 against moving forward with the unilateral re-zoning of the Property. Why the City is in such a rush to push this re-zoning through without a more collaborative and thoughtful discussion is both concerning and unconscionable.

It is also important that we correct several other misrepresentations.

- There have been several comments by City Staff to both the Planning Commission and City Council that a number of developers, attorneys, and due diligence companies are interested in developing the Property for residential or mixed-use purposes and contacted the City directly. TransformCo has **never** been notified by the City of any party that is seriously interested in developing the Property, and neither have TransformCo's brokers. Reference has been made to one individual that contacted the City about moving forward with a residential project, but that person never returned calls from TransformCo's broker. TransformCo has repeatedly asked for who has been contacting the City about redevelopment plans so the brokers can contact those people directly to gauge interest, but to date we have not received any information.

- There have also been accusations that TransformCo and Scannell have been uncommunicative with City Staff about plans for the Property. As an initial matter, TransformCo cannot control and is not responsible for Scannell's communications

with the City when it was looking to develop the Property. Moreover, TransformCo made multiple calls to the City Staff this Spring and Summer that went unreturned during the same period of time that Staff was apparently working behind the scenes to set the stage for re-zoning the Property.

- It has also been consistently misrepresented that TransformCo is only marketing this as a light industrial site. That simply is not true. TransformCo has engaged Ted Gonsior, a Managing Director of the retail group for the Minneapolis office of JLL on this project from the beginning. Mr. Gonsior has spoken with hundreds of retail users, none of which are interested in the site for retail. If you Google "1297 Shingle Creek Crossing", the first result that comes up is a link to JLL's website, that is focused on attracting a retail user.

- Parking concerns have also been raised, but TransformCo has spoken with the neighboring property owner and both parties are committed to making parking work in order to see the site redeveloped.

- This unilateral re-zoning has been characterized as a way to "open up more options" for development. Again, this is an untrue statement. Re-zoning to the TOD classification forecloses any chance to develop the property as light industrial without a developer going back through the re-zoning process, and the City's actions will have sent a loud and clear message to developers that the City is not interested in **any** industrial development in this area.

TransformCo is committed to maximizing the potential of this site and in a way that benefits the community. Re-zoning the Property to TOD will not accomplish either of those goals, which we believe the City shares, because it will result in the site remaining as-is for the foreseeable future. TransformCo and its brokers are confident that if the zoning is preserved to allow for light industrial, we will field offers from multiple highly reputable national and regional development groups. The majority of interested parties are simply waiting to see what signal the City is going to send to the market.

In addition to these concerns, the City's actions are also in direction violation of Minnesota Statute section 462.358, Subdivision 3c, which provides, in pertinent part, that:

> "for two years following final [plat] approval ... no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved [plat] application."

The City granted TransformCo final plat approval twice, first on August 8, 2022, and then again on July 24, 2023. Accordingly, pursuant to Minn. Stat. § 462.358, Subd. 3c, the re-zoning proposed in Planning Commission Application No. 2024-009 would neither apply to nor affect the approvals granted by the City via Resolution No. 2022-76 until July 24, 2025.

The City's attempt to unilaterally re-zone the Property is a change in the "official control" that applies to or affects the use, development density, lot size, lot layout required or permitted by the previously approved application. The fact that City Staff failed to take steps to amend the comprehensive plan as directed to do in Summer 2022 to ensure that the zoning was in harmony with the comprehensive plan **cannot** provide the basis for changing the zoning in violation of Minnesota Statute. TransformCo's strong preference and desire to work with the City to discuss the future plans for this Property but if the City remains unwilling to do so, TransformCo will have no choice but to take all necessary steps to protect its vested property rights in the existing zoning that last summer the City believed was still the highest and best use of the Property.

Sincerely,

Taft Stettinius & Hollister LLP

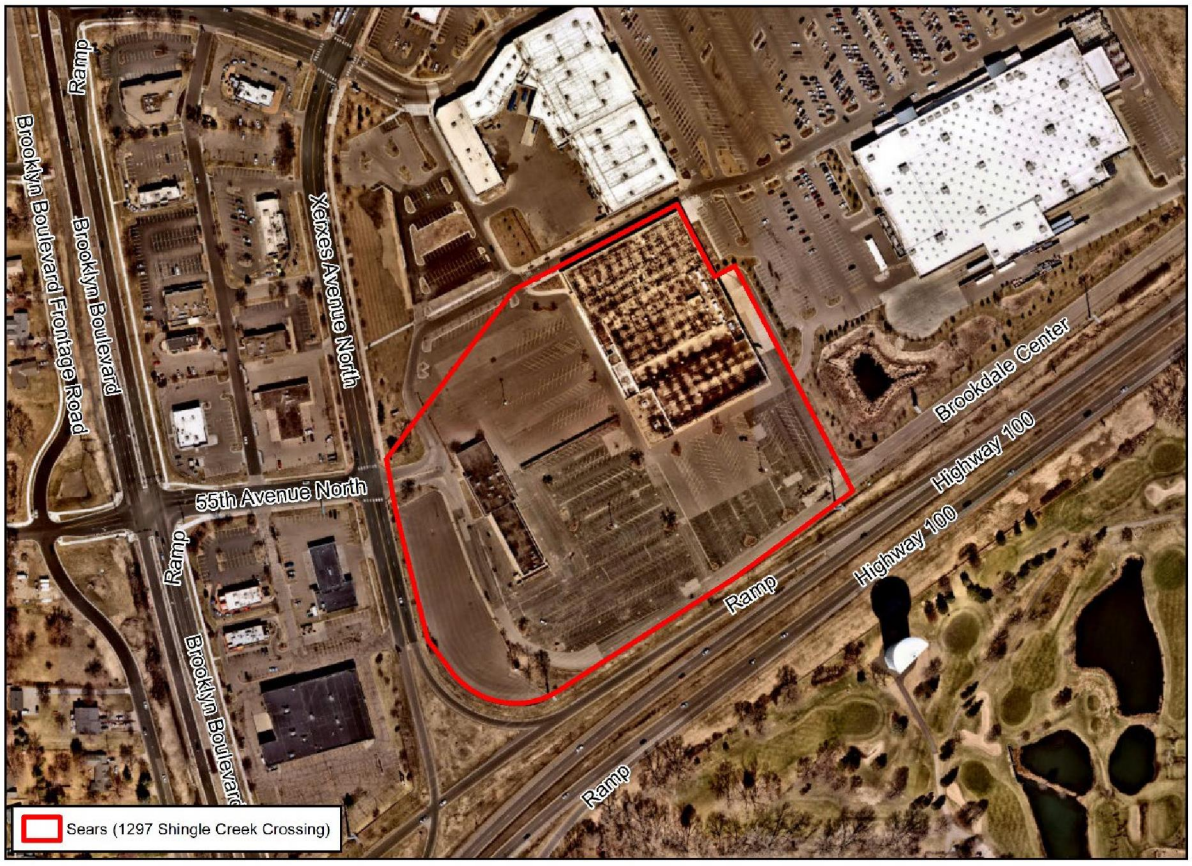
Patrick J. Lindmark

PJL:lsd
cc: City Attorney Sarah J. Sonsall
ssonsalla@kennedy-graven.com

Planning Commission Report
Meeting Date: June 13, 2024

- Application Filed: 05/14/2024
- Review Period (60-day) Deadline: 07/13/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No.	2024-009
Applicant:	City of Brooklyn Center
Address | PID:	1297 Shingle Creek Crossing | PID: 03-118-21-44-0026
Request:	Rezoning



Map 1. Subject Property Location.

BACKGROUND AND REQUESTED ACTION

The Sears Department Store and Auto Center, located at 1297 Shingle Creek Crossing ("the Subject Property") closed in 2018, and is the last remaining piece of the former Brookdale Mall. The Property Owner, Transformco, conducted a market analysis in 2020, and in partnership with local brokers, to determine a feasible re-use for the Subject Property. A request for proposals (RFP) was circulated thereafter and Scannell Properties, Inc. was ultimately selected, along with their proposal for a speculative light industrial redevelopment at the Subject Property.

The City of Brooklyn Center City Council held a number of concept reviews with Scannell Properties, Inc. of which emphasized that any reuse provide for a greater mix of uses, a site layout and design that

would add value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with four-sided architecture and a focus on enhancing the Highway 100 frontage.

In August 2021, City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account (TBRA) for funding to assist with environmental remediation on the Subject Property and for asbestos and petroleum remediation. Although the City did not receive funding in the first round, funding was awarded in January 2023 in the amount of $863,400. Additional funding was also awarded in the amount $163,000 from the Hennepin County Environmental Response Fund (ERF) for assistance in preparing a Phase I Environmental Site Assessment (ESA), a Phase II ESA, Response Action Plan (RAP), and associated consulting and fees with the Minnesota Pollution Control Agency (MPCA).

In August 2022, City Council approved Planning Commission Application No. 2022-004 (City Council Resolution No. 2022-76), which granted approval to re-zone the Subject Property from what was then PUD/C2 (Planned Unit Development/Commerce) District to PUD/MX-B (Planned Unit Development/Business-Mixed Use) District. This re-zoning, in addition to approvals to re-plat and a recommendation to re-guide the Subject Property under the 2040 Comprehensive Plan, were to provide a path for a speculative light industrial development totaling approximately 230,000-square feet between two buildings.

Although the City of Brooklyn Center had already adopted the 2040 Comprehensive Plan in 2019, which effectively re-guided the Subject Property to a new future land use designation of "Transit-Oriented Development" or "TOD," the City's zoning code, which was in the midst of a major update, had not yet been adopted. It should be noted that, in 2022, **PUDs were still considered re-zonings (ordinance amendments).** The new Unified Development Ordinance, adopted in January 2023, now considers PUDs to be conditional use permits.

City staff continued to work with Scannell Properties, Inc. following their approval in August 2022; however, communication became more sporadic thereafter. By December 2022, Scannell Properties, Inc. indicated the market had shifted away from speculative light industrial type development projects to user-focused ones. They further indicated a financial infeasibility to forward the project unless a request for consideration of tax increment financing (TIF) were considered by the City. A work session was held with City Council on the requested TIF in July 2023 and a request to ratify the previously approved plat was approved, but contact with Scannell Properties, Inc. again faltered.

Due to the lack of communication and identified potential changes, including contemplated lot line adjustments and alterations to the approved site and building plan to the project following its approval in August 2022, the recommended Comprehensive Plan Amendment was never forwarded to Metropolitan Council. Scannell Properties, Inc. never executed on the Planned Unit Development Agreement approved by Council in August 2022, and the request for TIF was never forwarded.

In March 2024, City staff was contacted by another developer who was interested in taking over the project from Scannell Properties, Inc. and indicated that the Subject Property would be re-listed for sale. City staff was further contacted by other due diligence companies and attorneys seeking information on the project approved in August 2022 and what was needed to take over the project. Given this new information, City staff reviewed the Planned Unit Development provisions with the City Attorney and under the City's preceding zoning code (Section 35-355), which identified the following:

"If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 12 months after the issuance of building permits no construction has commenced on the area approved for the PUD District, **the City Council may initiate rezoning of the property."**

City staff held a work session with City Council on May 13, 2024—refer to Exhibit A. Although the discussion was non-binding, there appeared to be a general consensus of the three Councilmembers present that consideration for a re-zoning of the Subject Property from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District be forwarded to the Planning Commission.

City Staff and the City Attorney held a meeting on June 6, 2024 with representation of the Property Owner (Transformco) and their attorneys and relayed plans to consider a potential rezoning of the Subject Property. A general hesitancy to re-zone the Subject Property was relayed to the City given certain approvals had been granted in August 2022. City staff indicated at that time the option to relay their concerns at the public hearing scheduled for the June 13, 2024 Planning Commission meeting. As of June 12, 2024, the City is in receipt of a letter of opposition from attorney Patrick Lindmark (Taft Stettinius & Hollister LLP) who represents Property Owner Transformco—refer to Exhibit D.

Due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on May 30, 2024—refer to Exhibit B. Mail notifications were sent to those property owners and residents located within 350 feet of the Subject Property, and a public hearing notice was also uploaded to the City's website.

REZONING

Background

Per Section 35-71301 (*Applicability)*, an amendment of the City's Unified Development Ordinance may be initiated by the City Council, Planning Commission, or a City property owner. As noted previously, City staff held a work session with City Council on May 13, 2024 to address the property and gain insight as to whether City Council desired to have the Subject Property re-zoned from PUD/MX-B (Planned Unit Development/Business Mixed-Use) District to TOD (Transit-Oriented Development) District.

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

a. Whether there is a clear and public need or benefit;
b. Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
c. Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;
d. Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;
e. Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
f. Whether the subject property will bear fully the UDO development restrictions for the proposed

zoning districts;

g. Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
h. Whether the rezoning will result in the expansion of a zoning district, warranted by:
    1) Comprehensive Planning;
    2) The lack of developable land in the proposed zoning district; or
    3) The best interests of the community.
i. Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
j. The specific policies and recommendations of the Comprehensive Plan and other City plans;
k. The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
l. If applicable, the adequacy to buffer or transition between potentially incompatible districts.

The Subject Property was originally zoned B-2 (Regional Business District) in 1961, but by 1972 the Subject Property had been rezoned to C2 (Commerce) District. Prior to approval of Planning Commission Application No. 2022-004 in August 2022, the Subject Property, which was once part of the former Brookdale Mall, had been zoned Planned Unit Development/Commerce (PUD/C2) District since the late 1990s.

The PUD was originally approved in 1999 and comprehended, "new site and building plan approvals for the expansion, redevelopment, and rejuvenation of the Brookdale Regional Shopping Center," and certain variations to allow for reduced green strips, non-major thoroughfare setbacks, parking dimensional standards, parking ratios, and increases in allowable restaurant use and freestanding signage." Although a new Planned Unit Development was approved in 2011, when the majority of the former Brookdale Mall lands were split off and redeveloped to Shingle Creek Crossing shopping center, the Subject Property retained the PUD/C2 District designation to allow for the continued operations of the then Sears Department Store and Auto Center following demolition of the mall, redevelopment of the surrounding lands, and certain nonconformities.

It should be noted that the C2 (Commerce) District was retired with the adoption of the new Unified Development Ordinance in January 2023. Had no PUD been in place for the Subject Property, the property would have been re-zoned to Transit-Oriented Development (TOD) District.

Similarly, and as noted previously, Planned Unit Developments were considered re-zonings (ordinance amendments) under the preceding zoning code, and in the case of the 2022 approval granted for the Subject Property. With adoption of the new Unified Development Ordinance in January 2023, Planned Unit Developments are now considered "conditional use permits." Had the development contemplated under Planning Commission Application No. 2022-004 requested and been approved for a Planned Unit Development under the *current* code provisions outlined in Section 35-8305 (*PUD Approval*), the Applicant would have had 12 months following City Council approval to obtain building permits and commence construction; otherwise, City Council is similarly granted provisions to initiate revocation of a conditional use permit.

2040 Comprehensive Plan

Although the Subject Property is considered a priority site within the City, it is privately owned. During the undertaking of the 2040 Comprehensive Plan, the Subject Property was still in operation as a Sears Department Store and Auto Center. The former Sears Department and Auto Center businesses closed

well into the updating of the City's Comprehensive Plan and given the properties had (1) continuously operated since 1962, (2) ownership had not provided clear direction as to their potential reuse, and (3) a market study had not yet been completed, the City guided the Subject Property to TOD given its proximity to the Bus Rapid Transit (BRT) line and stops, and its ability to offer a broad mix of land use options, with a minimum of 75% slated for high density residential use, and supporting retail, office, and commercial usage. Additionally, the surrounding properties are, for the most part, guided as Transit-Oriented Development.

The Subject Property is identified within the 2040 Comprehensive Plan as a "potential area of change." With the adoption of the 2040 Comprehensive Plan in 2019, the City future guided the Subject Property to a new designation of "Transit-Oriented Development" or "TOD," which allows for a density range of 31.01 to 130 dwelling units per acre. The TOD designation was a direct response to the opening of the Metro Transit C (opened in 2019) and D (opened in 2022) lines and the land use designation specifically guided redevelopment within ¼ mile of the planned station stops and a vision that these areas create a vibrant, accessible and diverse land use pattern. Given the C line only opened the year the City of Brooklyn Center adopted its 2040 Comprehensive Plan and one year following Sears' closure, and the D line did not open until December 2022 (post approval of Planning Commission Application No. 2022-004), this was very much a time of transition in the City, and for this area.

Table 3-6. Anticipated Developable Acres and Residential Units by Decade

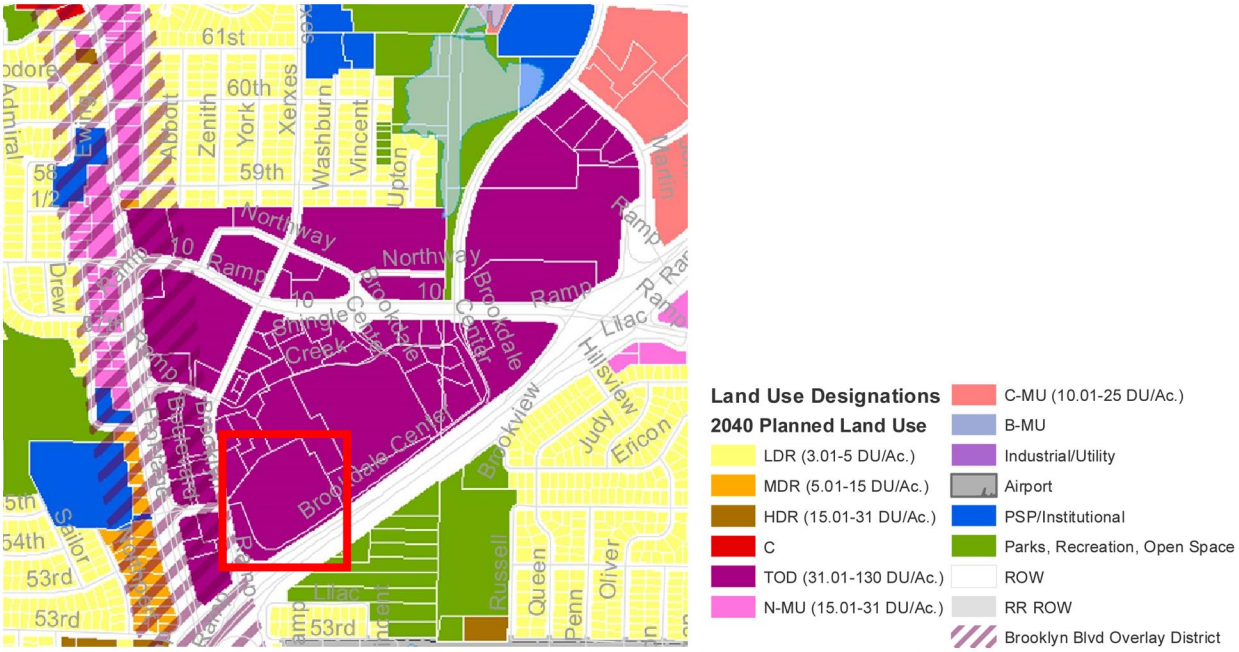
Future Land Use	2019-2020			2021-2030			2031-2040			2019-2040
	Est. Total Acres[a]	Residential Acres[a]	HH (Min)	Est. Total Acres[a]	Residential Acres[a]	HH (Min)	Est. Total Acres[a]	Residential Acres[a]	HH (Min)	Total New HH
Transit Orient Development 31.01-130 DU/A	12	9	279	48	36	1,116	22	17	527	1,922
Neighborhood Mixed-Use 15.01-31 DU/A	26	13	195	12	6	90	5	4	60	345
Commercial Mixed-Use 10.01-25 DU/A	16	8	80	14	7	70	14	10	100	250
Medium Density Residential 5.01-15	2.5	2.5	13	-	-	-	-	-	-	16
TOTAL	56.5	32.5	567	77	66	1,276	41	31	687	2,533

[a] Estimated Total Acres represents the acreage anticipated to redevelop within this Planning Period. As shown, the estimated redevelopment acreage accounts for approximately 50% +/- of the total 2040 guided acreage reflected in Table 3-3. Redevelopment may generally occur anywhere within the land use designation shown on Map 3-3. The guided land uses shown on Map 3-3 and described in Table 3-3 demonstrate an OVERSUPPLY of land for redevelopment based on the estimated market demand for residential units within this Planning Period. The City is open to redevelopment that occurs faster than what is estimated in Table 3-6, and it is therefore important to show through the Future Land Use Plan the ultimate vision for the central core of the City. It is also anticipated that many of the acres NOT included for redevelopment will largely remain in commercial use.

Table 1. Total New Households within the Transit Oriented Development future land use designation.

The majority of the City's forecasted growth, as outlined in the City's 2040 Comprehensive Plan, was anticipated to occur within the City's major redevelopment areas guided primarily as Transit Oriented Development (TOD) and Commercial Mixed-Use (C-MU), and a minimum of 75% of the land within the TOD future land use designation was planned for development into high-density residential uses, with

remaining land developed for supporting retail, office, and commercial uses. The TOD future land use designation is ultimately intended to create a walkable, bikeable, vibrant core within the City of Brooklyn Center, and encompasses properties located within the City's Opportunity Site, and along Bass Lake Road (County Road 10) and Xerxes Avenue North.



Map 2. Subject Property 2040 Future Land Use Designation (2019) in Relation to Surrounding Properties.

The City's Comprehensive Plan further notes that, increasingly, access of neighborhoods, housing, services, and experience-based retail by efficient and frequent transit services is becoming a highly desirable and sought-after amenity within development and redevelopment areas. Metro Transit's C and D Bus Rapid Transit (BRT) Lines recently opened lines that begin at the Brooklyn Center Transit Center located at 2900 County Road 10, run down Xerxes Avenue North (adjacent to the Subject Property), before turning at 55th Avenue North and Brooklyn Boulevard. These lines terminate in downtown Minneapolis (C Line) and at the Mall of America (D Line).

The Institute for Transportation & Development Policy notes that, "Transit Oriented Developments are inherently intended to integrate urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connections between them and near-excellent transit service to the rest of the City."

Unified Development Ordinance

As part of the approvals in August 2022 under Planning Commission Application No. 2022-004, the approved Planned Unit Development outlined additional restrictions to the use of the Subject Property and to the underlying Business Mixed-Use District (MX-B) District designation. Specifically, City Council Resolution No. 2022-076 (Exhibit C) stipulated that the Applicant, Scannell Properties, Inc. would enter into a PUD Agreement with the City of Brooklyn Center, and that said agreement would assure the following as part of the approximately 230,000-square foot speculative light industrial proposal:

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

2. Warehousing and wholesaling shall not exceed 80-percent of the total floor area. The remaining 20-percent of the total floor area shall be non-warehouse uses, such as a combination of uses including, but not limited to: office, manufacturing, production, research and development, and lab and/or showroom; and
3. Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that received packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.

These restrictions were intended to address concerns regarding the volume of semi-truck traffic anticipated to navigate the entrance and exit points to the Subject Property, and potential conflict points between truck traffic and pedestrians who frequent the adjacent Shingle Creek Crossing shopping center. Further, the entrance to the Subject Property was identified as 55th Avenue North, which is a four way stop that also serves the Metro Transit Bus Rapid Transit (BRT) line, and receives traffic entering the slip ramps on and off Trunk Highway (TH) 100. While proximity to transit was identified as a potential perk in providing jobs access for employees, these concerns were nonetheless raised by City staff.

Given the visibility from Trunk Highway 100, there were also concerns raised, and back and forth communication and revisions made, to address the potential visual impacts from the highway of the proposed truck court and screening to mitigate the intensity of use, and requested enhancements to the overall architecture of the two buildings.

Section 35-2402 (*Business Mixed Use)* of the City's Unified Development Ordinance notes that the, "purpose of the MX-B district is to accommodate land for a mix of business and light industrial uses, with allowances for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supportive retail/commercial uses towards encouraging a more dynamic and connected experience for workers. This land use does not plan for residential uses may include limited live-work opportunities as established through supporting official controls."

The Business Mixed-Use District, for the most part, replaced the City's longstanding I1 (Business Park) District in January 2023, but offered greater flexibilities in potential use to allow for a more dynamic working environment, instead of the oftentimes isolation found in many business parks across the metro.

Although there are some similarities in uses permitted (either by-right or as a conditional use) for both the Business Mixed-Use and Transit-Oriented Development districts (e.g. certain educational facilities, medical and health uses, eating establishments, hospitality lodging, and indoor recreational centers), a key distinction is that the Business Mixed-Use District, with the exception of limited live-work space, **does not permit any kind of residential use**. Despite being the City's most dense district, the TOD District does allow for townhouses, as well as multi-family residential at a density range of 31-130 dwelling units per acre. The TOD District also allows for indoor amusement centers, and banquet, event, and conference facilities. Conversely, the Business Mixed-Use District allows for manufacturing, assembly, and the processing of products, and wholesale trade, where the TOD District does not.

The City's Transit Oriented Development zoning district was created as a district response to the City's

adoption of the 2040 Comprehensive Plan in 2019. The purpose of the TOD (Transit Oriented Development) district is to support opportunities for dense, transit-supportive and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. To that note, the TOD District, unlike the MX-B District, places restrictions on the maximum percentage (%) of impervious surfacing, the size of a block, emphasis on public spaces, placement of buildings towards the street, and the types of allowable parking (i.e. no open surface parking lots, provisions for structured or covered parking to facilitate walkability).

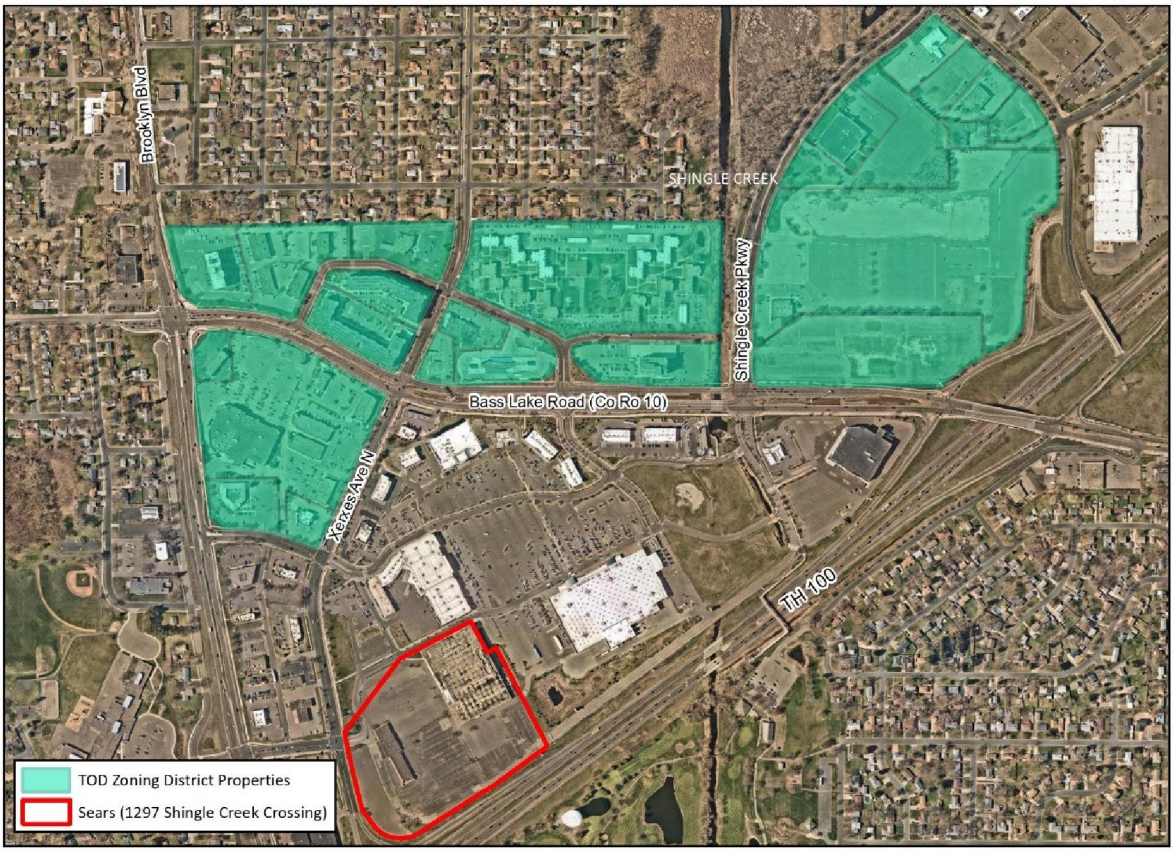
Section 35-2304 of the City's Unified Development Ordinance notes that the, "purpose of the TOD district is to support opportunities for dense, transit supportive, and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district intends to promote sustainable urban places that include places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. The district intends to foster job creation and economic growth in near proximity to transit, and provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction."

While adjacent Shingle Creek Crossing shopping center was designed with automobiles in mind, it too is future guided as "Transit-Oriented Development" under the 2040 Comprehensive Plan. City staff has been looking at way to increase density and activity within the overall area as the shopping center has yet to fully build out, and given recent activity within the shopping center with the reopening of the former Walmart to Empire Foods, build outs of tenant spaces with more local food options (e.g. Harold's Chicken, 102 Boba, Micholandia, and soon to be re-opening of the former Applebee's with Dos Hermanos Mexican Grill and Bar), as well as the recently approved conversion of the former Discount Tire to an Icon Beauty retail beauty supply store.

With the closure of Walmart in April 2023, City staff has looked at the possibilities of converting the seas of parking into future developable areas that might fuel more foot traffic at those business establishments located within the shopping center. This exercise has been seen all across the country as both indoor and outdoor shopping centers grapple with changes in consumer spending habits, the effects of the pandemic, etc.

The TOD district is intended to promote sustainable urban places that includes places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. Although job creation and economic growth within close proximity to transit is highly desired, so too are the options to provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction.

There are currently 23 properties zoned Transit-Oriented Development District—refer to Map 3 below.



Map 3. Subject Property in Relation to Existing TOD Zoning District Properties.

RECOMMENDATION

Based on the above noted findings, and in consideration of Section 35-71304 (Amendment Criteria) of the City Code of Ordinances, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-009, which would rezone the Subject Property commonly addressed as 1297 Shingle Creek Crossing from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District.

Attachments

Exhibit A- City Council Work Session Memo dated May 13, 2024.
Exhibit B- Public Hearing Notice, published in the Brooklyn Center *Sun Post*, and dated May 30, 2024.
Exhibit C- City Council Resolution No. 2022-076.
Exhibit D- Letter of Opposition, drafted by Patrick J. Lindmark, Taft Stettinius & Hollister LLP.

Exhibit A

Council/EDA Work Session

DATE:	5/13/2024
TO:	City Council
FROM:	Dr. Reggie Edwards, City Manager
THROUGH:	Jesse Anderson, Community Development Director
BY:	Ginny McIntosh, Planning Manager
SUBJECT:	Project Update and Consideration for Potential Rezoning of 1297 Shingle Creek Crossing (Former Sears)

Requested Council Action:

- Consider whether the property located at 1297 Shingle Creek Crossing and commonly known as the former Sears site should be re-zoned from Planned Unit Development/Business Mixed-Use (PUD/MX-B) to Transit-Oriented Development (TOD) District

Background:

Although the Sears Department Store and Sears Auto Center closed their doors in 2018, it was not until late 2020 that the Property Owner initiated a formal process to solicit offers from private parties to acquire or enter into a joint venture agreement on the approximately 15-acre Subject Property. It was during this time that a market analysis was conducted by the Property Owner in partnership with local brokers to determine a feasible re-use for the Subject Property, and a Request for Proposals (RFP) was circulated in late 2020. Ultimately, Scannell Properties, Inc. and their proposal of a speculative light industrial redevelopment on the Subject Property was selected and they entered into an option agreement with the Property Owner to forward the project.

City Council held a number of concept reviews in 2021 with Scannell Properties, Inc. and as part of those discussions requested a greater mix of uses, a site layout and design that would add value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with four-sided architecture and focus on enhancing the Highway 100 frontage.

In April 2021, City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account (TBRA) for funding to assist with the environmental remediation of the Subject Property (e.g. asbestos, petroleum), and despite not receiving funding the first round, TBRA funding was eventually awarded to the City of Brooklyn Center in the amount of $863,400 in January 2023. An application to the Hennepin County Environmental Response Fund (ERF) was also awarded in the amount of $163,000 for assistance in preparing a Phase I Environmental Site Assessment (ESA), a Phase II ESA, a Response Action Plan (RAP), and associated consulting and Minnesota Pollution Control Agency fees.

In August 2022, City Council approved Planning Commission Application No. 2022-004 (City Council Resolution No. 2022-76), which was an application request submitted by developer Scannell Properties, Inc. on behalf of Property Owner Transformco for a re-plat, re-zoning, and establishment of a Planned Unit Development, and recommended approval of a Comprehensive Plan Amendment for a speculative, approximately 230,000-square foot light industrial/business park complex at 1297 Shingle Creek Crossing.

Later that month, City Council approved an ordinance amendment to formally re-zone the Subject Property, as PUDs required a formal rezoning under the City's preceding zoning code. The new Unified Development Ordinance and zoning provisions, effective as of January 2023, now consider PUDs as Conditional Use Permits (CUPs). A resolution approving a Planned Unit Development Agreement was also approved by City Council.

In those following months, City staff worked between Scannell Properties, Inc. and neighboring property owner Gatlin Development Company to sort through certain easement parking that was required on the Shingle Creek Crossing property to make the minimum parking for the Subject Property and light industrial development work.

In December 2022, City staff was contacted by Applicant Scannell Properties, Inc. with a request for consideration of tax increment financing (TIF) as the Applicant relayed that construction costs and interest rate increases had made the project financially infeasible. This was despite over $1 million in grant funding being committed to forwarding the Subject Property's redevelopment.

Following another lull in communication with Scannell Properties, Inc. a City Council work session was held in July 2023 on the request for TIF and the Applicant's initial request for up to $4 million in a pay-as-you-go (PAYGO) TIF which assumed a 26-year Redevelopment TIF District. It was in those discussions that City municipal financial consultant, Ehlers, indicated that the project was likely to only generate $3 million in present value assuming a 26-year District and that following a review of the Applicant's proforma, the project would likely be feasible at $2 to $2.3 million in total assistance and a 12 to 15-year District. It was later determined after the Council meeting and after new assumptions were provided that any District would likely be less than 10 years.

During the same Council meeting, City staff formally requested and received approval to ratify the plat approved by City Council in August 2022. This request was made as Section 35-8107 (*Final Plat*) stipulates that, "if the final plat is approved by the City Council, the subdivider shall record it with the Hennepin County Recorder or Registrar of Titles within 1 year after the date of approval; **otherwise, the approval of the combined preliminary and final plat shall be considered void."**

-

Since July 2023, City staff has had minimal contact with Scannell Properties, Inc. and they never moved forward with the TIF request. Despite a Planned Unit Development Agreement being approved by City Council, the Applicant never executed the agreement. Given the lack o communication and discussions on potentially requesting a major amendment to the approved site and building plan for the Subject Property and lot line adjustments with the neighboring Property Owner, City staff did not formally proceed with the request to re-guide the Subject Property under the 2040 Comprehensive Plan, so the Subject Property, as of today, is still future guided as "Transit Oriented Development."

Updates

In March 2024, City staff was contacted by another developer who indicated interest in taking over the project and informed staff that Scannel Properties, Inc. no longer held the option agreement with Property Owner Transformco on the Subject Property. City received no communicatio from Scannell Properties; however, the Property Owner and their broker, Jones Lang Lasalle (JLL) confirmed the situation and that they were lookin to re-list the property and were hoping for a quick sale.

City staff has since received interest from not only industrial developers looking to take over the project, but also other interested parties looking t do other types of projects (e.g. entertainment, grocery, multi-family residential).

Request for Council Direction

When the project was approved in August 2022, it was in advance of the City's adoption of the new Unified Development Ordinance, which becam effective in 2023. As such, the Subject Property was re-zoned to Planned Unit Development/Business Mixed-Use (PUD/MX-B) to reflect the nev zoning district. The Subject Property had been previously been zoned Planned Unit Development/Commerce (PUD/C2) District as the former Sear site is the last piece of Brookdale Mall and as the site had a number of nonconformities given the redevelopment of the surrounding property t what is now Shingle Creek Crossing retail center.

As the Scannell project received approval under the preceding code, City staff reviewed its provisions for Planned Unit Developments with the Cit Attorney and under the preceding zoning code and determined the following under Section 35-355 (*Planned Unit Development*):

"If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 1 months after the issuance of building permits no construction has commenced on the area approved for the PUD district, **the City Council ma initiate rezoning of the property."**

If the Subject Property were to follow the future land use designation identified in the City of Brooklyn Center's 2040 Comprehensive Plan and no the PUD it currently exists under, the Subject Property would have been re-zoned to Transit-Oriented Development (TOD) District.

This particular district is a new zoning district as of January 2023 and is intended to, "support opportunities for dense, transit-supportive and transit oriented development." This district, "intends to promote sustainable urban places that include places to live, work, shop, and recreate, reduc reliance on automobiles, and encourage the use of public transit. The district intends to foster job creation and economic growth in near-proximit to transit, and provides citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction."

Policy Issues:

City Council may initiate the rezoning of a property in instances where no building permits have been obtained or construction started within 12 months post Council approval.

- Does City Council still see the Subject Property located at 1297 Shingle Creek Crossing as a viable light industrial property with a zoning designation of Business Mixed-Use (MX-B)? As approved by City Council, the development would have contained certain additional restrictions under the approved Planned Unit Development, including:
  - No outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted;
  - Warehousing and wholesaling shall not exceed 80-percent of the total floor area. The remaining 20-percent of the total floor area shall be non-warehouse uses, such as a combination of uses including, but not limited to: office, manufacturing, production, research and development, and lab and/or showroom; and
  - Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that received packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or warehouse where a produce is made or packaged on-site.

- If not, does City Council wish to initiate a rezoning of 1297 Shingle Creek Crossing? The Applicant received City Council approval nearly two years ago on August 8, 2022.
  - If a re-zoning is desired by City Council City staff recommends the Subject Property be re-zoned to align with the City's 2040 Comprehensive Plan future land use designation. Does the Council have any concerns with a re-zoning to Transit-Oriented Development (TOD) District?

Budget Issues:

None to consider at this time.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
City Council Resolution_2022-076	5/6/2024	Backup Material
Section 35-355_Planned Unit Development	5/6/2024	Backup Material

3) Signs as permitted in the Brooklyn Center Sign Ordinance.

Section 35-341. O-2 PUBLIC AND PRIVATE OPEN SPACE DISTRICT.

1. Permitted Uses

a. Public parks, playgrounds, athletic fields and other recreational uses of a noncommercial nature.

b. Commercial recreational facilities of a semi-open nature such as golf courses and golf driving ranges.

c. Accessory uses incidental to the foregoing principal uses when located on the same property with the use to which it is accessory but not including any business or industrial uses. Such accessory uses to include but not be restricted to the following:

1) Off-street parking.

2) Public recreational buildings and parks, playgrounds and athletic fields.

3) Signs as permitted in the Brooklyn Center Sign Ordinance.

Section 35-355. PLANNED UNIT DEVELOPMENT.

Subdivision 1. Purpose.

The purpose of the Planned Unit Development (PUD) district is to promote flexibility in land development and redevelopment, preserve aesthetically significant and environmentally sensitive site features, conserve energy and ensure a high quality of design.

Subdivision 2. Classification of PUD Districts; Permitted Uses; Applicable Regulations.

a. Upon rezoning for a PUD, the district shall be designated by the letters "PUD" followed by the alphanumeric designation of the underlying zoning district which may be either the prior zoning classification or a new classification. In cases of mixed use PUDs, the City Council shall, whenever reasonably practicable, specify underlying zoning classifications for the various parts of the PUD.

When it is not reasonably practicable to so specify underlying zoning classifications, the Council may rezone the district, or any part thereof, to "PUD-MIXED."

b. Regulations governing uses and structures in PUDs shall be the same as those governing the underlying zoning district subject to the following:

1. Regulations may be modified expressly by conditions imposed by the Council at the time of rezoning to PUD.

2. Regulations are modified by implication only to the extent necessary to comply with the development plan of the PUD.

3. In the case of districts rezoned to PUD-MIXED, the Council shall specify regulations applicable to uses and structures in various parts of the district.

c. For purposes of determining applicable regulations for uses or structures on land adjacent to or in the vicinity of the PUD district which depend on the zoning of the PUD district, the underlying zoning classification of PUD districts shall be deemed to be the zoning classification of the district. In the case of a district zoned PUD-MIXED, the underlying zoning classification shall be deemed to be the classification which allows as a permitted use any use which is permitted in the PUD district and which results in the most restrictive regulation of adjacent or nearby properties.

Subdivision 3. Development Standards.

a. A PUD shall have a minimum area of one acre, excluding land included within the floodway or flood fringe overlay districts and excluding existing rights-of-way, unless the City finds that at least one of the following conditions exists:

1. There are unusual physical features of the property or of the surrounding neighborhood such that development as a PUD will conserve a physical or terrain feature of importance to the neighborhood or community;

2. The property is directly adjacent to or across a public right-of-way from property which previously was developed as a PUD and the new PUD will be perceived as and function as an extension of that previously approved development; or

3. The property is located in a transitional area between different land uses and the development will be used as a buffer between the uses.

b. Within a PUD, overall density for residential developments shall be consistent with Section 35-400 of this ordinance. Individual buildings or lots within a PUD may exceed these standards, provided that density for the entire

PUD does not exceed the permitted standards.

b. Setbacks, buffers and greenstrips within a PUD shall be consistent with Section 35-400 to 35-414 and Section 35-700 of this ordinance unless the developer can demonstrate to the City's satisfaction that a lesser standard should be permitted with the addition of a screening treatment or other mitigative measures.

d. Parking provided for uses within a PUD shall be consistent with the parking requirements contained in Section 35-704 of this ordinance unless the developer can demonstrate to the City's satisfaction that a lesser standard should be permitted on the grounds of the complementarity of peak parking demands by the uses within the PUD. The City may require execution of a restrictive covenant limiting future use of the property to those uses which will continue this parking complementarity, or which are otherwise approved by the City.

Subdivision 4. General Standards.

a. The City may allow more than one principal building to be constructed on each platted lot within a PUD.

b. A PUD which involves only one land use or a single housing type may be permitted provided that it is otherwise consistent with the purposes and objectives of this section.

c. A PUD may only contain uses consistent with the City's Comprehensive Plan.

d. All property to be included within a PUD shall be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved development plan and site plan.

e. The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities and the approval of land subdivision may be subject to modifications from the City ordinances generally governing them. The City Council may, therefore, approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements where it is found that such are not required in the interests of the residents or of the City, except that these subdivisions and plans must be in conformance with all watershed, state, and federal storm water, erosion control, and wetlands requirements.

Subdivision 5. Application and Review.

a. Implementation of a PUD shall be controlled by the development plan. The development plan may be approved or disapproved by the City Council after

evaluation by the Planning Commission.

Submission of the development plan shall be made to the Director of Planning and Inspection on such forms and accompanied by such information and documentation as the City may deem necessary or convenient, but shall include at a minimum the following:

1. Street and utility locations and sizes;

2. A drainage plan, including location and size of pipes and water storage areas;

3. A grading plan, including temporary and permanent erosion control provisions;

4. A landscape plan;

5. A lighting plan;

6. A plan for timing and phasing of the development;

7. Covenants or other restrictions proposed for the regulation of the development;

8. A site plan showing the location of all structures and parking areas;

9. Building renderings or elevation drawings of all sides of all buildings to be constructed in at least the first phase of development; and

10. Proposed underlying zoning classification or classifications.

Such information may be in a preliminary form, but shall be sufficiently complete and accurate to allow an evaluation of the development by the City.

b. The Planning Commission shall hold a public hearing on the development plan. Notice of such public hearing shall be published in the official newspaper and actual notice shall be mailed to the applicant and adjacent property owners as required by Section 35-210 of this ordinance. The Planning Commission shall review the development plan and make such recommendations as it deems appropriate regarding the plan within the time limits established by Section 35-210 of this ordinance.

c. Following receipt of the recommendations of the Planning Commission, the City Council shall hold such hearing as it deems appropriate regarding the matter. The City Council shall act upon the development plan within the time limits established by Section 35-210 of this ordinance.

Approval of the development plan shall constitute rezoning of the property to PUD and conceptual approval of the elements of the plan. In addition to the guidelines provided in Section 35-208 of this ordinance, the City Council shall base its actions on the rezoning upon the following criteria:

1. Compatibility of the plan with the standards, purposes and intent of this section;

2. Consistency of the plan with the goals and policies of the Comprehensive Plan;

3. The impact of the plan on the neighborhood in which it is to be located; and

4. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.

The City Council may attach such conditions to its approval as it may determine to be necessary to better accomplish the purposes of the PUD district.

d. Prior to construction on any site zoned PUD, the developer shall seek plan approval pursuant to Section 35-230 of this ordinance. In addition to the information specifically required by Section 35-230, the developer shall submit such information as may be deemed necessary or convenient by the City to review the consistency of the proposed development with the approved development plan.

The plan submitted for approval pursuant to Section 35-230 shall be in substantial compliance with the approved development plan. Substantial compliance shall mean that buildings, parking areas and roads are in essentially the same location as previously approved; the number of dwelling units, if any, has not increased or decreased by more than 5 percent; the floor area of nonresidential areas has not been increased or decreased by more than 5 percent; no building has been increased in the number of floors; open space has not been decreased or altered from its original design or use, and lot coverage of any individual building has not been increased or decreased by more than 10 percent.

e. Prior to construction on any site zoned PUD, the developer shall execute a development agreement in a form satisfactory to the City.

f. Applicants may combine development plan approval with the plan approval required by Section 35-230 by submitting all information required for both

simultaneously.

g. After approval of the development plan and the plan approval required by Section 35-230, nothing shall be constructed on the site and no building permits shall be issued except in conformity with the approved plans.

h. If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 12 months after the issuance of building permits no construction has commenced on the area approved for the PUD district, the City Council may initiate rezoning of the property.

i. Any major amendment to the development plan may be approved by the City Council following the same notice and hearing procedures specified in this section. An amendment shall be considered major if it involves any change greater than that permitted by Subdivision 5d of this section. Changes which are determined by the City Council to be minor may be made if approved by the Planning Commission after such notice and hearing as may be deemed appropriate by the Planning Commission.

Exhibit B

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on **June 13, 2024** at **7:00 p.m.** at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 to hear from the public, discuss, and make a recommendation upon an ordinance re-zoning the property located at 1297 Shingle Creek Crossing (PID # 03-118-21-44-0026) from Planned Unit Development/Business Mixed-Use District (PUD/MX-B) to Transit Oriented Development (TOD) District.

Public hearing materials, including a copy of the ordinance, can be accessed and will be available in advance of the meeting by visiting the City of Brooklyn Center's website at: https://www.brooklyncentermn.gov/. Interested persons are welcome to attend the hearing and be heard regarding this matter.

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

Meeting Number (Access Code):
2634 491 4414
Password: BCPC06132024
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Respectfully,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
May 30, 2024
1399020

Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-76

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

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

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

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

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

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

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

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

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

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

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

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

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

the City Council.

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

2. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's review memorandum, dated June 17, 2022.
    a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.
    b. Any requirements as outlined in reviews conducted by Hennepin County, the Minnesota Department of Transportation (MnDOT), and the Watershed Commission.

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

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

RESOLUTION NO. 2022-76

lot lines.

ii. All utilities and storm water management facilities to be located within said drainage and utility easement.

iii. Additional dedication of a utility easement is requested on the plat for the private water main and sanitary to allow for maintenance access per the Utility Facilities Easement Agreement.

b. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting).*

c. Any final plat comments and/or requirements as provided by Hennepin County.

d. Any final plat comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.

e. The successful recording of said plat (mylar) ~~with Hennepin County~~.

August 8, 2022
Date

Mayor

ATTEST:
City Clerk

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

Exhibit D

Taft/

2200 IDS Center, 80 South 8th Street
Minneapolis, MN 55402-2210
Tel: 612.977.8400 | Fax: 612.977.8650
taftlaw.com

Affirmative Action, Equal Opportunity Employer

Patrick J. Lindmark
612.977.8573
PLindmark@taftlaw.com

June 12, 2024

VIA EMAIL

Ginny McIntosh
Planning Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199

Re: Planning Commission Application No. 2024-009; Consideration for Rezoning of 1297 Shingle Creek Crossing

Dear Planning Manager McIntosh:

The undersigned, on behalf of TF Brooklyn Center MN LLC (a.k.a "Transformco"), submits this letter to voice objection to City of Brooklyn Center (the "City") Planning Commission Application No. 2024-009. Planning Commission Application No. 2024-009 recommends the re-zoning of the former Sears site located at 1297 Shingle Creek Crossing (the "Property") from a Planned Unit Development/Business Mixed-Use District (PUD/MX-B) to a Transit Oriented Development (TOD) District. Transformco is the owner of the Property and, in reliance upon historical and well-reasoned approvals granted by the City, intends to develop the Property in accordance with uses permitted within the existing Planned Unit Development/Business Mixed-Use District (PUD/MX-B).

On February 16, 2022, Transformco, through its then-development partner Scannell Properties, submitted an application for planning consideration to the City. Tranformco's application formed the basis of Planning Commission Application No. 2022-004, which recommended approval of a preliminary and final plat, site and building plan approvals, a Zoning Code amendment, and a re-zoning and establishment of a Planned Unit Development for the Property. Planning Commission Application No. 2022-004 also recommended a corresponding amendment to the City's 2040 Comprehensive Plan to guide the Property for Business Mixed-Use (B-MU) to accommodate an office/warehouse (business park) use. The recommended re-guiding stemmed from, and followed, the closure of the Sears department store upon the Property, market analysis for the feasible

re-use of the Property, concepts reviews by the City Council, and community input. (*See* Resolution No. 2022-76).

On August 8, 2022, the City Council approved the totality of Planning Commission Application No. 2022-004, including both the preliminary and final plat approvals, a Planned Unit Development for the Property, and the recommended amendment to the City's 2040 Comprehensive Plan. Of note, on July 24, 2023, the City Council again approved, via ratification, the preliminary and final plat applications. The City's broad approvals concerning the Property were accomplished through adoption of Resolution No. 2022-76, and were based upon clear findings of fact and voluminous material submittals provided in support of Planning Commission Application No. 2022-004 (the "Approval Record"). Both the Planning Commission and the City Council found the Approval Record satisfied the standards and criteria prescribed by City Ordinance and complied with the general goals and objective of the City's 2040 Comprehensive Plan. (*See* Resolution No. 2022-76).

Planning Commission Application No. 2024-009 now seeks to undermine the historical City findings and approvals concerning the Property, and in a manner that is contradictory to principles contained in applicable law. Foremost, Minn. Stat. § 462.358, Subd. 3c. provides, in pertinent part, that "for two years following final [plat] approval … no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved [plat] application. The City granted Transformco final plat approval twice, first on August 8, 2022, and then again on July 24, 2023. Accordingly, pursuant to Minn. Stat. § 462.358, Subd. 3c, the re-zoning proposed in Planning Commission Application No. 2024-009 would neither apply to nor affect the approvals granted by the City via Resolution No. 2022-76 until July 24, 2025.

Furthermore, the City's new Unified Development Ordinance (as well as the City's predecessor zoning ordinance) recognizes and contemplates the need for "procedures and standards to allow more creativity and flexibility in [certain] site plan design than would be possible under conventional zoning standards." (Unified Development Ordinance, Section 35-8301). Likewise, Minn. Stat. § 462.358, Subd. 3c acknowledges the complexity and necessary commitments associated with planned and staged developments. Specifically, Minn. Stat. § 462.358, Subd. 3c provides that "[i]n connection with a subdivision involving planned and staged development, a municipality may by resolution or agreement grant the rights referred to [in § 462.358, Subd. 3c] for such periods of time longer than two years which it determines to be reasonable and appropriate." (emphasis added). The City's findings and approvals concerning the Property, each of which were clearly articulated by the City in Resolution No. 2022-76, acknowledge the need for creativity and flexibility at the Property. Future creativity and

flexibility at the Property will be threatened if the City were to adopt the re-zoning recommendations contained in Planning Commission Application No. 2024-009.

Moreover, at their core, planned unit developments are a form of conditional use permit. *See* Minn. Stat. §462.3595, Subd. 1. Accordingly, uses permitted in a planned unit development run with the land and remain in effect as long as conditions imposed upon the use are observed. Minn. Stat. §462.3595, Subd. 2; *See also Northpointe Plaza v. City of Rochester*, 465 N.W.2d 686, 689 (Minn. 1991). Just like in the case of the City's historical platting approvals, then, the re-zoning proposed under Planning Commission Application No. 2024-009 would neither apply to nor affect the Planned Unit Development approvals granted to Transformco under Resolution No. 2022-76.

In conclusion, City approval of the re-zoning recommended in Planning Commission Application No. 2024-009 would contradict the City's prior findings and approvals concerning the Property. While such approval would not directly affect the permitted use of the Property as approved under Resolution No. 2022-76, it would inherently remove useful avenues for future creativity and flexibility - which the City has rightly found necessary for the Property. In sum, City approval of Planning Commission Application No. 2024-009 would simply create needless hurdles and unnecessary confusion surrounding the Property at a time when both the City and Transformco should be focused on developing the Property to a productive use. Tranformco, accordingly, hereby (i) objects to the recommendations contained in Planning Commission Application No. 2024-009, (ii) requests that the City deny said recommendations, and (iii) asks the City to work in partnership with Transformco on achieving redevelopment of the Property in accordance with the market analysis for the feasible re-use of the Property, concept reviews performed by the City Council, and the community input relied upon in the City's findings of facts and approvals as contained in Resolution No. 2022-76.

Sincerely,

Taft Stettinius & Hollister LLP

Patrick J. Lindmark

PJL:lsd
cc: City Attorney Sarah J. Sonsalla (ssonsalla@kennedy-graven.com)

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

JUNE 13, 2024

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:03 p.m. The meeting was conducted in person and via Webex.

2. ROLL CALL

Chair Alexander Koenig, Vice Chair Randy Christensen, and Commissioners Stephanie Jones (arrived at 7:22 p.m.), Paris Dunn, and Stephen Schonning were present. Planning Manager Ginny McIntosh, Associate Planner Krystin Eldridge, Community Development Director Jesse Anderson, and Economic Development Manager Ian Anderson were also present.

Commissioner Stan Leino was absent and excused.

3. APPROVAL OF AGENDA – JUNE 13, 2024

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the agenda for the June 13, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4. APPROVAL OF MINUTES

4a. May 9, 2024 Regular Meeting Minutes

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to approve the minutes of the May 9, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

4b. March 14, 2024 Regular Meeting Minutes

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the minutes of the March 14, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, and Dunn, voted aye. The motion passed unanimously.

6c. Planning Commission Application No. 2024-009 (PUBLIC HEARING)

Applicant | Property Owner:	City of Brooklyn Center | Transformco
Property Address:	1297 Shingle Creek Crossing (03-118-21-44-0026)
Summary:	Consideration for a potential re-zoning of the Subject property located at 1297 Shingle Creek Crossing and commonly known as the former Sears site. As proposed, the Subject property would be re-zoned from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District.

Planning Manager Ginny McIntosh explained the Sears Department Store and Auto Center, located at 1297 Shingle Creek Crossing closed in 2018, and is the last remaining piece of the former Brookdale Mall. The Property Owner, Transformco, conducted a market analysis in 2020, and in partnership with local brokers, to determine a feasible re-use for the property. A request for proposals (RFP) was circulated thereafter and Scannell Properties, Inc. was ultimately selected, along with their proposal for a speculative light industrial redevelopment at the subject property.

Ms. McIntosh stated the City of Brooklyn Center City Council held a number of concept reviews with Scannell Properties, Inc. of which emphasized that any reuse provide for a greater mix of uses, a site layout and design that would add value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with four-sided architecture and a focus on enhancing the Highway 100 frontage.

Ms. McIntosh noted in August 2021, City Council authorized an application to the Metropolitan Council's Tax Base Revitalization Account (TBRA) for funding to assist with environmental remediation on the Subject property and for asbestos and petroleum remediation. Although the City did not receive funding in the first round, funding was awarded in January 2023 in the amount of $863,400. Additional funding was also awarded in the amount $163,000 from the Hennepin County Environmental Response Fund (ERF) for assistance in preparing a Phase I Environmental Site Assessment (ESA), a Phase II ESA, Response Action Plan (RAP), and associated consulting and fees with the Minnesota Pollution Control Agency (MPCA).

Ms. McIntosh pointed out in August 2022, City Council approved Planning Commission Application No. 2022-004 (City Council Resolution No. 2022-76), which granted approval to re-zone the Subject property from what was then PUD/C2 (Planned Unit Development/Commerce) District to PUD/MX-B (Planned Unit Development/Business-Mixed Use) District. This re-zoning, in addition to approvals to re-plat and a recommendation to re-guide the Subject property under the 2040 Comprehensive Plan, were to provide a path for a speculative light industrial development totaling approximately 230,000-square feet between two buildings.

Ms. McIntosh noted although the City of Brooklyn Center had already adopted the 2040 Comprehensive Plan in 2019, which effectively re-guided the Subject property to a new future land use designation of "Transit-Oriented Development" or "TOD," the City's zoning code, which was in the midst of a major update, had not yet been adopted. It should be noted that, in 2022, PUDs were still considered re-zonings (ordinance amendments). The new Unified Development Ordinance, adopted in January 2023, now considers PUDs to be conditional use permits.

Ms. McIntosh stated Staff continued to work with Scannell Properties, Inc. following their approval in August 2022; however, communication became more sporadic thereafter. By December 2022, Scannell Properties, Inc. indicated the market had shifted away from speculative light industrial type development projects to user-focused ones. They further indicated a financial infeasibility to forward the project unless a request for consideration of tax increment financing (TIF) were considered by the City. A work session was held with City Council on the requested TIF in July 2023 and a request to ratify the previously approved plat was approved, but contact with Scannell Properties, Inc. again faltered.

Ms. McIntosh stated due to the lack of communication and identified potential changes, including contemplated lot line adjustments and alterations to the approved site and building plan to the project following its approval in August 2022, the recommended Comprehensive Plan Amendment was never forwarded to Metropolitan Council. Scannell Properties, Inc. never executed on the Planned Unit Development Agreement approved by Council in August 2022, and the request for TIF was never forwarded.

Ms. McIntosh added in March 2024, City Staff was contacted by another developer who was interested in taking over the project from Scannell Properties, Inc. and indicated that the property would be re-listed for sale. City Staff was further contacted by other due diligence companies and attorneys seeking information on the project approved in August 2022 and what was needed to take over the project. Given this new information, Staff reviewed the Planned Unit Development provisions with the City Attorney and under the City's preceding zoning code (Section 35-355), which identified the following:

> "If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 12 months after the issuance of building permits no construction has commenced on the area approved for the PUD District, the City Council may initiate rezoning of the property."

Ms. McIntosh explained Staff held a work session with City Council on May 13, 2024. Although the discussion was non-binding, there appeared to be a general consensus of the three Councilmembers present that consideration for a re-zoning of the property from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District be forwarded to the Planning Commission.

Ms. McIntosh stated City Staff and the City Attorney held a meeting on June 6, 2024 with representation of the property owner (Transformco) and their attorneys and relayed plans to consider a potential rezoning of the Subject property. A general hesitancy to re-zone the property

was relayed to the City given certain approvals had been granted in August 2022. City Staff indicated at that time the option to relay their concerns at the public hearing scheduled for the June 13, 2024 Planning Commission meeting. As of June 12, 2024, the City is in receipt of a letter of opposition from attorney Patrick Lindmark (Taft Stettinius & Hollister LLP) who represents Property Owner Transformco.

Ms. McIntosh noted due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on May 30, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the property, and a public hearing notice was also uploaded to the City's website.

Ms. McIntosh explained in reviewing requests for ordinance amendments, certain amendment criteria shall be considered as outlined under Section 35-71304 (Amendment Criteria). The Planning Commission and City Council shall review the necessary submittal requirements, facts, circumstances of the proposed amendment, and make a recommendation and decision on the amendment based on, but not limited to, consideration of certain criteria and policies. The criteria includes whether there is a clear and public need or benefit, whether the proposed amendment is consistent with and compatible with surrounding land use classifications, whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property, whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned, whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals, whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts, whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location, whether the rezoning will result in the expansion of a zoning district, whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel, the specific policies and recommendations of the Comprehensive Plan and other City plans, the purpose and intent of the UDO, and the adequacy to buffer or transition between potentially incompatible districts.

Ms. McIntosh pointed out the subject property was originally zoned B-2 (Regional Business District) in 1961, but by 1972 the property had been rezoned to C2 (Commerce) District. Prior to approval of Planning Commission Application No. 2022-004 in August 2022, the property, which was once part of the former Brookdale Mall, had been zoned Planned Unit Development/Commerce (PUD/C2) District since the late 1990s.

Ms. McIntosh stated the PUD was originally approved in 1999 and comprehended, "new site and building plan approvals for the expansion, redevelopment, and rejuvenation of the Brookdale Regional Shopping Center," and certain variations to allow for reduced green strips, non-major thoroughfare setbacks, parking dimensional standards, parking ratios, and increases in allowable restaurant use and freestanding signage." Although a new Planned Unit Development was approved in 2011, when the majority of the former Brookdale Mall lands were split off and redeveloped to Shingle Creek Crossing shopping center, the Subject property retained the PUD/C2 District designation to allow for the continued operations of the then Sears Department Store and

Auto Center following demolition of the mall, redevelopment of the surrounding lands, and certain nonconformities.

Ms. McIntosh added it should be noted that the C2 (Commerce) District was retired with the adoption of the new Unified Development Ordinance in January 2023. Had no PUD been in place for the property, the property would have been re-zoned to Transit-Oriented Development (TOD) District.

Ms. McIntosh stated similarly, and as noted previously, Planned Unit Developments were considered re-zonings (ordinance amendments) under the preceding zoning code, and in the case of the 2022 approval granted for the Subject property. With adoption of the new Unified Development Ordinance in January 2023, Planned Unit Developments are now considered "conditional use permits." Had the development contemplated under Planning Commission Application No. 2022-004 requested and been approved for a Planned Unit Development under the current code provisions outlined in Section 35-8305 (PUD Approval), the applicant would have had 12 months following City Council approval to obtain building permits and commence construction; otherwise, City Council is similarly granted provisions to initiate revocation of a conditional use permit.

Ms. McIntosh noted although the property is considered a priority site within the City, it is privately owned. During the undertaking of the 2040 Comprehensive Plan, the property was still in operation as a Sears Department Store and Auto Center. The former Sears Department and Auto Center businesses closed into the updating of the City's Comprehensive Plan and given the properties had continuously operated since 1962, ownership had not provided clear direction as to their potential reuse, and a market study had not yet been completed, the City guided the Subject property to TOD given its proximity to the Bus Rapid Transit (BRT) line and stops, and its ability to offer a broad mix of land use options, with a minimum of 75% slated for high density residential use, and supporting retail, office, and commercial usage. Additionally, the surrounding properties are, for the most part, guided as Transit- Oriented Development.

Ms. McIntosh stated the property is identified within the 2040 Comprehensive Plan as a "potential area of change." With the adoption of the 2040 Comprehensive Plan in 2019, the City future guided the Subject property to a new designation of "Transit-Oriented Development" or "TOD," which allows for a density range of 31.01 to 130 dwelling units per acre. The TOD designation was a direct response to the opening of the Metro Transit C (opened in 2019) and D (opened in 2022) lines and the land use designation specifically guided redevelopment within ¼ mile of the planned station stops and a vision that these areas create a vibrant, accessible and diverse land use pattern. Given the C line only opened the year the City of Brooklyn Center adopted its 2040 Comprehensive Plan and one year following Sears' closure, and the D line did not open until December 2022 (post approval of Planning Commission Application No. 2022- 004), this was very much a time of transition in the City, and for this area.

Ms. McIntosh explained the majority of the City's forecasted growth, as outlined in the City's 2040 Comprehensive Plan, was anticipated to occur within the City's major redevelopment areas guided primarily as Transit Oriented Development (TOD) and Commercial Mixed-Use (C-MU).

The TOD future land use designation is ultimately intended to create a walkable, bikeable, vibrant core within the City of Brooklyn Center, and encompasses properties located within the City's Opportunity Site, and along Bass Lake Road (County Road 10) and Xerxes Avenue North.

Ms. McIntosh added the City's Comprehensive Plan further notes that, increasingly, access of neighborhoods, housing, services, and experience-based retail by efficient and frequent transit services is becoming a highly desirable and sought-after amenity within development and redevelopment areas. Metro Transit's C and D Bus Rapid Transit (BRT) Lines recently opened lines that begin at the Brooklyn Center Transit Center located at 2900 County Road 10, run down Xerxes Avenue North (adjacent to the Subject Property), before turning at 55th Avenue North and Brooklyn Boulevard. These lines terminate in downtown Minneapolis (C Line) and at the Mall of America (D Line).

Ms. McIntosh pointed out the Institute for Transportation & Development Policy notes that, "Transit Oriented Developments are inherently intended to integrate urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connections between them and near-excellent transit service to the rest of the City."

Ms. McIntosh explained as part of the approvals in August 2022 under Planning Commission Application No. 2022-004, the approved Planned Unit Development outlined additional restrictions to the use of the property and to the underlying Business Mixed-Use District (MX-B) District designation. Specifically, City Council Resolution No. 2022-076 stipulated that the Applicant, Scannell Properties, Inc. would enter into a PUD Agreement with the City of Brooklyn Center, and that said agreement would assure the following as part of the approximately 230,000-square foot speculative light industrial proposal. First, there may be no outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted; second, are that warehousing and wholesaling shall not exceed 80-percent of the total floor area. The remaining 20-percent of the total floor area shall be non-warehouse uses, such as a combination of uses including, but not limited to: office, manufacturing, production, research and development, and lab or showroom; and thirdly, distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that received packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.

Ms. McIntosh noted these restrictions were intended to address concerns regarding the volume of semi-truck traffic anticipated to navigate the entrance and exit points to the property, and potential conflict points between truck traffic and pedestrians who frequent the adjacent Shingle Creek Crossing shopping center. Further, the entrance to the subject property was identified as 55th Avenue North, which is a four-way stop that also serves the Metro Transit Bus Rapid Transit (BRT) line, and receives traffic entering the slip ramps on and off Trunk Highway (TH) 100. While proximity to transit was identified as a potential perk in providing jobs access for employees, these concerns were nonetheless raised by City Staff.

Ms. McIntosh stated given the visibility from Trunk Highway 100, there were also concerns raised, and back and forth communication and revisions made, to address the potential visual impacts from the highway of the proposed truck court and screening to mitigate the intensity of use, and requested enhancements to the overall architecture of the two buildings.

Ms. McIntosh stated Section 35-2402 (Business Mixed Use) of the City's Unified Development Ordinance notes that the, "purpose of the MX-B district is to accommodate land for a mix of business and light industrial uses, with allowances for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supportive retail/commercial uses towards encouraging a more dynamic and connected experience for workers. This land use does not plan for residential uses may include limited live-work opportunities as established through supporting official controls."

Ms. McIntosh noted the Business Mixed-Use District, for the most part, replaced the City's longstanding I1 (Industrial Park) District in January 2023, but offered greater flexibilities in potential use to allow for a more dynamic working environment, instead of the oftentimes isolation found in many business parks across the metro.

Ms. McIntosh explained although there are some similarities in uses permitted for both the Business Mixed-Use and Transit-Oriented Development districts, a key distinction is that the Business Mixed-Use District, with the exception of limited live-work space, does not permit any kind of residential use. Despite being the City's most dense district, the TOD District does allow for townhouses, as well as multi-family residential at a density range of 31-130 dwelling units per acre. The TOD District also allows for indoor amusement centers, and banquet, event, and conference facilities. Conversely, the Business Mixed-Use District allows for manufacturing, assembly, and the processing of products, and wholesale trade, where the TOD District does not.

Ms. McIntosh stated the City's Transit Oriented Development zoning district was created as a district response to the City's adoption of the 2040 Comprehensive Plan in 2019. The purpose of the TOD (Transit Oriented Development) district is to support opportunities for dense, transit-supportive and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. To that note, the TOD District, unlike the MX-B District, places restrictions on the maximum percentage of impervious surfacing, the size of a block, emphasis on public spaces, placement of buildings towards the street, and the types of allowable parking.

Ms. McIntosh added Section 35-2304 of the City's Unified Development Ordinance notes that the, "purpose of the TOD district is to support opportunities for dense, transit supportive, and transit-oriented development. The TOD district requires intensities and patterns of development that support vibrant pedestrian activity, and discourages land uses and development patterns that could decrease walkability or interfere with future growth of transit-oriented development and transit ridership. The district intends to promote sustainable urban places that include places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. The

district intends to foster job creation and economic growth in near proximity to transit, and provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction."

Ms. McIntosh pointed out while adjacent Shingle Creek Crossing shopping center was designed with automobiles in mind, it too is future guided as "Transit-Oriented Development" under the 2040 Comprehensive Plan. City Staff has been looking at way to increase density and activity within the overall area as the shopping center has yet to fully build out, and given recent activity within the shopping center with the reopening of the former Walmart to Empire Foods, build outs of tenant spaces with more local food options, as well as the recently approved conversion of the former Discount Tire to an Icon Beauty retail beauty supply store.

Ms. McIntosh stated with the closure of Walmart in April 2023, City Staff has looked at the possibilities of converting the seas of parking into future developable areas that might fuel more foot traffic at those business establishments located within the shopping center. This exercise has been seen all across the country as both indoor and outdoor shopping centers grapple with changes in consumer spending habits, the effects of the pandemic, etc.

Ms. McIntosh added the TOD district is intended to promote sustainable urban places that includes places to live, work, shop, and recreate, reduce reliance on automobiles, and encourage the use of public transit. Although job creation and economic growth within close proximity to transit is highly desired, so too are the options to provide citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-009

There was a motion by Commissioner Christensen, seconded by Commissioner Jones, to open the public hearing on Application No. 2024-009.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, Jones, and Dunn voted aye. The motion passed unanimously.

No one wished to address the Planning Commission.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Jones, seconded by Commissioner Schonning, to close the public hearing on Application No. 2024-009.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, Jones, and Dunn voted aye. The motion passed unanimously.

Patrick Lindmark, attorney representing Transformco, and Chris Wood, representative of Transformco, introduced themselves.

Commissioner Jones referenced the submitted letter provided as Exhibit D and asked how there is an effort to limit creativity by rezoning the subject property. Mr. Lindmark stated he doesn't believe the City can do what they are trying to do under Statute. Forcing the area back to a TOD hamstrings Transformco because it has been marketed for a light-industrial use. The only thing left to do is the Comprehensive Plan amendment. The property owner has solely seen interest in light-industrial use.

Mr. Wood explained Transformco is a retail company. They haven't been able to find interest in retail spaces, but the market is interested in a light-industrial site.

Commissioner Christensen asked if there is a huge difference between MX-B and TOD. Ms. McIntosh explained the new zoning for the subject property was brought through before the new zoning code was approved. The key differences are TOD allows for housing while MX-B allows for manufacturing. TOD also has a cap on impervious surfacing or pavement. The 2040 Comprehensive Plan included new mixed-use future land use designations, which did not exist previously. The update to the Zoning Code then followed suit.

Commissioner Christianson asked if Transformco is trying to rebuild the area. Mr. Lindmark stated they are present at the meeting to oppose Staff's recommendation. They are seeking to keep the subject property as MX-B for a light-industrial use. A new building hasn't been put up yet, but they have been marketing the light-industrial use. The property owner nor the market wants the change. It was originally two industrial buildings. Sometimes industrial buildings are thought of negatively, but it will be a nicely finished mixed-use space.

Mr. Wood added a zoning change would require them to start over the marketing and planning process to realize the potential of their property.

Commissioner Jones asked if Transformco is going to do anything with the property themselves. Mr. Wood stated there is no longer a joint agreement with Scannell, but other businesses are interested in the property. The rezoning would eliminate the potential of a light-industrial use.

Ms. McIntosh showed the site plan on the screen. When the proposal was approved in 2022 for a light-industrial use, it was later determined the project didn't fit on site. There was a condition of approval for Transformco to work with neighboring property owner Gatlin Development Company to obtain a parking easement to meet the parking requirements. There are two pad sites to the north owned by Gatlin that have yet to be developed, and these require certain minimum parking to be maintained. In the last discussions with Scannell, there was a proposal to revamp the site and meet the parking requirements. Gatlin is uninterested in sharing parking between a restaurant site and an industrial site. In reviewing the last revision to the subject property to make parking feasible, the major changes would have required a new application to be reviewed by the Planning Commission.

Mr. Lindmark pointed out the use Scannell was considering would have required changes to the parking offered.

Chair Koenig asked what the harm is in changing the zoning. It could open up more options for Transformco. Mr. Lindmark stated Transformco and their joint venture partners have put in a lot of money into the property. The plat and PUD were approved with the zoning Transformco was interested in. The recommendation from the Staff would unilaterally change the zoning of the area, which is a problem.

Mr. Lindmark explained as for the flexibility of use, the market shows a need for light-industrial use. A TOD zoning would not allow for a light-industrial use. If someone were to purchase the property for a multi-family use, the City would have no issue rezoning the area to TOD to accommodate such a desire. Transformco went through the proper channels to have their property zoned for a use they determined would be best for the market.

Chair Koenig asked if Mr. Lindmark believes the recommended action from Staff is misaligned with State Statute. Mr. Lindmark noted Minnesota Statute 462.358 c(3) prohibits the City from making such an action.

Ms. McIntosh stated the ratification last year was for the plat. She asked for Sarah Sonsalla, attorney representing the City, to provide comment.

City attorney Sarah Sonsalla noted her disagreement with Mr. Linmark's application of the Statute. The City is able to make zoning changes. There is a Statute that does not allow the City to change any official development controls, but that is not the case in this situation.

Chair Koenig asked why the City desires to change the zoning. Ms. Sonsalla stated the desire is to bring the property in line with the Comprehensive Plan. The property owner may later ask the City to rezone the property at any time.

Chair Koenig stated there doesn't seem to be an urgency in a rezoning. Ms. McIntosh stated there has not been much or any communication with the property owner. It was surprising to see the property re-listed and advertised. Ms. McIntosh noted that in July 2023, it was found a light-industrial project was not feasible. A City Council work session showed there wasn't support for a full TIF district. From there, Staff ratified the plat to keep the door open. However, there has only been one communication follow-up since then.

Chair Koenig asked if the lack of communication constitutes a breech in the agreement. Ms. McIntosh stated there is language in the Code this development was approved under that allows for a re-zoning after 12 months of no progress.

Mr. Lindmark explained just because the Code allows for something doesn't mean it must be done. There isn't a requirement for the City to rezone the property under the Code. There also isn't a requirement for them to have a regular check-in with City Staff. The property owner is trying to do something with the site. It has been approved and ratified, and now the City is trying to pull the rug out from under them.

Mr. Wood stated the rezone does not allow for any uses the market currently demands. A zoning change would force the owner to sit on the property. Mr. Lindmark stated they have already applied for a rezoning, it has been approved, and it has been ratified. It is not in the best interest of the property for it to be rezoned. Mr. Wood added it sends a message to the market that Brooklyn Center is not willing to work with light-industrial uses.

Mr. Lindmark pointed out if TOD was the best use for the property, the property owner would be the first to request a rezone.

Chair Koenig noted there are a number of similar uses in nearby cities. The City doesn't have a lot of light-industrial uses currently, and it would be a positive for Brooklyn Center to promote light-industrial uses. It would promote jobs and shoppers.

Commissioner Christensen asked if the property owner would be required to create a new proposal. The previous proposal is a nice example of light-industrial use, and he would like to see it remain as an attractive build option.

Ms. McIntosh stated there may need to be some redesign requirements because a new developer would come forward since Scannell is no longer involved. Parking and easements would also have to be revisited. The Comprehensive Plan amendment still needs to be submitted to the Metropolitan Council and the PUD agreement would need to be executed. A new developer would have to come through the Planning Commission with a revised Site and Building Plan. There could be modifications implemented to fit it on the site with the current parking spots.

Chair Koenig asked if Scannell was one of the Sam's Club developers. Mr. Lindmark stated Scannell was not involved in developing Sam's.

Chair Koenig asked what options Transformco has moving forward. Mr. Wood stated they could sell the property or work with a new developer.

Commissioner Jones noted a rezoning could be requested at any time by either party. In the scenario a multi-family build showed interest, both the City would need to approve a re-zoning and Transformco would have to be willing to work with them. Mr. Lindmark confirmed that is correct. They wouldn't like do a joint venture with a residential use, but they would seek out a zoning change as needed to support a use for the site.

Ms. McIntosh pointed out if the Commission votes against the recommendation, Transformco still has outstanding steps to handle that would go before the Planning Commission again.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-009 SUBMITTED BY THE CITY OF BROOKLYN CENTER

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to recommend City Council approval of Planning Commission Application No. 2024-009, which would rezone the Subject property commonly addressed as 1297 Shingle Creek Crossing from

Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District.

Voting on the motion: Commissioner Schonning voted aye.

And the following voted against the same: Chair Koenig and Commissioners Dunn, Christensen, and Jones.

The motion failed (1-4).

7. DISCUSSION ITEMS

7a. City Council Updates

Ms. McIntosh stated the daycares and the tire shop recently reviewed by Planning Commission were all approved through Council. Staff is working through the paperwork and permits.

Community Development Director Jesse Anderson noted a TIF consideration and bonding bill were reviewed by the legislature. Neither were approved, which creates some difficulty for the Opportunity Site. There was consideration for the City to fund some of the infrastructure, but the Council decided against it. Alatus is continuing to seek out funding as well. Project for Pride in Living and Resurrecting Faith World Ministries are ready to move forward, but they are unable to fund the infrastructure. Therefore, they cannot move forward without the infrastructure being complete.

Mr. Anderson added the demolition of the Target building is underway and should be fully covered by insurance money. They are looking to host some events there while they seek out development opportunities.

Ms. McIntosh pointed out the City has hired a new Economic Development Manager.

Ian Alexander, Economic Development Manager, introduced himself and noted his interest in meeting with the Planning Commissioners.

Commissioner Schonning thanked Ms. McIntosh for her work and professionalism throughout recently stressful meetings.

7b. Upcoming Planning Commission Applications

Ms. McIntosh stated there is a new application in for the July meeting, so plan to meet on July 11. It is a Conditional Use Permit for a re-use of the old bowling alley. City staff noted the Planning Commission had previously reviewed three applications for this site. The proposal is for a new location of Los Campeones gym. The majority of their locations are in Minneapolis, but they are expanding. If approved, this site would be their largest location.

8. ADJOURNMENT

There was a motion by Commissioner Christianson, seconded by Commissioner Jones, to adjourn the Planning Commission meeting.

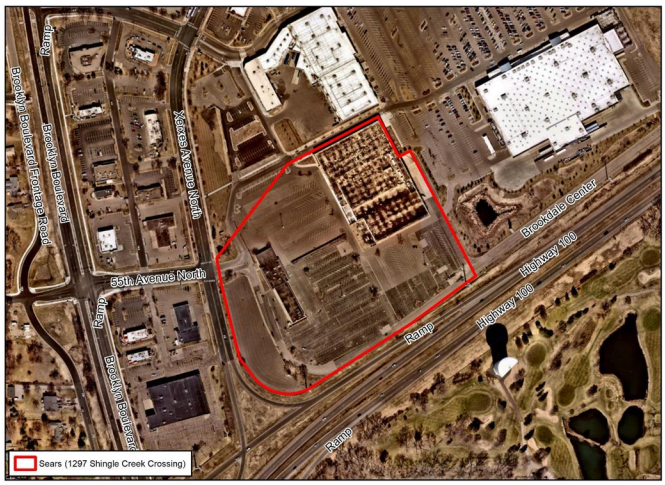
Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, Jones, and Dunn voted aye. The motion passed unanimously.

The meeting adjourned at 9:53 p.m.

_____ _____

Ginny McIntosh, Secretary Alexander Koenig, Chair

1297 Shingle Creek Crossing (Former Sears Site)



REQUEST:

Rezoning –1st Reading

City Council Meeting| July 8, 2024
Ginny McIntosh, Planning Manager













Background

2018-2020

Sears Department Store and Auto Center, located at 1297 Shingle Creek Crossing ("the Subject Property") closed in 2018, and is the last remaining piece of the former Brookdale Mall.

Property Owner, Transformco, conducted a private market analysis in partnership with local brokers to determine a feasible re-use for the Subject Property and a request for proposals (RFP) was circulated in late 2020.

- Scannell Properties, Inc. and their proposal for a speculative light industrial redevelopment on the Subject Property was selected – entered into an agreement with the Property Owner to forward the project.

- City Council held a number of concept reviews with Scannell Properties, Inc.
  - **City Council requested:** greater mix of uses, a site layout and design that would add value to the adjacent Shingle Creek Crossing shopping center, and an overall high finish level on the buildings, with 4-sided architecture and focus on enhancing Highway 100 frontage.

3

Background (Cont.)

August 2021: Council authorized an application to Met Council's Tax Base Revitalization Account (TBRA) for funding to assist with environmental remediation on property (e.g. asbestos, petroleum) iao $863,400. Funding awarded to City in January 2023.

August 2022: Council approved Planning Commission Application No. 2022-004 (Council Resolution No. 2022-76), which was submitted by Scannell on behalf of Property Owner Transformco for a: re-plat, rezoning, and establishment of a PUD, and recommended approval of a Comprehensive Plan Amendment for a speculative, approximately 230,000-SF light industrial/business park complex.

- Approval granted to formally re-zone the Subject Property (ordinance amendment) from Planned Unit Development/Commerce (PUD/C2) to Planned Unit Development/Business Mixed-Use (PUD/MX-B) District

  NOTE: New zoning code provisions, effective January 2023, now consider PUDs to be Conditional Use Permits (CUPs) and ***not*** re-zonings.

4

Background (Cont.)

August – December 2022

- City staff worked between Scannell and neighboring property owner Gatlin Development Company to sort through parking easements needed to make minimum parking work for Sears redevelopment.
- In December, City staff contacted by Scannell with a request for consideration of tax increment financing (TIF) due to rising construction costs and interest rate increases – project had become financially infeasible.

July 2023

- City Council held work session on request for Tax Increment Financing (originally in amount of $4m)
- City Council approved ratification of plat (as it would have gone void in August 2023)

5

Background (Cont.)

March 2024: City staff contacted by another developer who was interested in taking over the project from Scannell Properties and indicated re-listing of property. City staff receives additional contact from due diligence companies/attorneys regarding status of development.

- City staff reviewed the Planned Unit Development provisions with the City Attorney and under the City's preceding zoning code (Section 35-355), the following was noted:

  "If within 12 months following approval by the City Council of the development plan, no building permits have been obtained or, if within 12 months after the issuance of building permits no construction has commenced on the area approved for the PUD District, **the City Council may initiate rezoning of the property."**

May 2024: City staff held work session with City Council on May 13. Although discussion was non-binding, there appeared to be a general consensus of the 3 Councilmembers present that consideration for a re-zoning of the Subject Property from PUD/MX-B to TOD (Transit-Oriented Development) District be forwarded to the Planning Commission.

6

Background (Cont.)

June 2024: City staff and City Attorney hold meeting on June 6 with representation of the Property Owner (Transformco) and their attorneys and relayed the proposed re-zoning. A general hesitancy to re-zone the Subject Property was relayed to the City given certain approvals had been granted in August 2022. City staff indicated their concerns could be relayed at the scheduled public hearing.

- City staff is in receipt of a letter of opposition from Attorney Patrick Lindmark (Taft Stettinius & Hollister LLP) who represents Transformco – refer to Exhibit D.

7

Rezoning

- In reviewing requests for ordinance amendments, certain amendment criteria shall be considered as outlined under Section 35-71304 (*Amendment Criteria*). The Planning Commission and City Council shall review the necessary submittal requirements, facts, circumstances of the proposed amendment, and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria and policies.
  - Whether there is a clear and public need or benefit;
  - Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
  - Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;

8

Rezoning (Cont.)

- Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;
- Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
- Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;
- Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
- Whether the rezoning will result in the expansion of a zoning district, warranted by:
  - Comprehensive Planning;
  - The lack of developable land in the proposed zoning district; or
  - The best interests of the community.

9

Rezoning (Cont.)

- Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
- The specific policies and recommendations of the Comprehensive Plan and other City plans;
- The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
- If applicable, the adequacy to buffer or transition between potentially incompatible districts.

Subject Property originally zoned B-2 (Regional Business District) in 1961, but rezoned to C2 (Commerce) District by 1972. Subject Property was zoned PUD/C2 in 1999 to allow for "new site and building plan approvals for the expansion, redevelopment, and rejuvenation of the Brookdale Regional Shopping Center." When Brookdale Mall was demolished and Shingle Creek Crossing was underway, Subject Property kept PUD/C2 designation to allow for continued operations of Sears Department/Auto Store.

10

Rezoning (Cont.)

- C2 (Commerce) District was retired with adoption of new Unified Development Ordinance in January 2023.
- Similarly, Planned Unit Developments were considered re-zonings (ordinance amendments) under the preceding zoning code, and in the case of the 2022 approval granted for the Subject Property. Under the new code, PUDs are considered "conditional use permits."
- Had no PUD been in place for the Subject Property, the property would have been rezoned to Transit-Oriented Development (TOD) District, which would be in alignment with 2040 Comprehensive Plan.

Rezoning (Cont.)

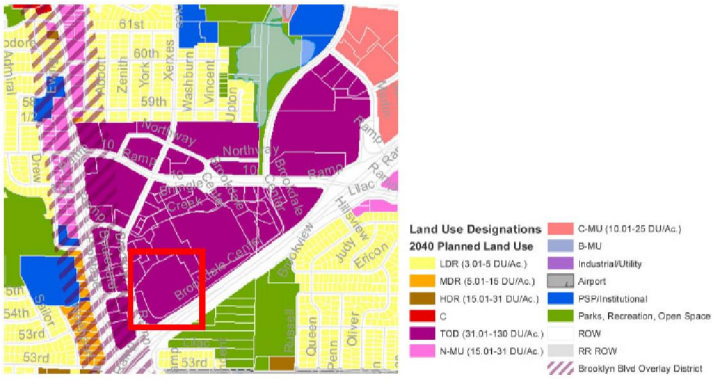
2040 Comprehensive Plan

- Subject Property is privately owned. During under taking of 2040 Comprehensive Plan, the Subject Property was still in operation as a Sears Department Store and Auto Center. The former Sears Department and Auto businesses closed well into updating of Comprehensive Plan and given the properties had **(1)** continuously operated since 1962, **(2)** ownership had not provided clear direction as to their potential reuse, and **(3)** a market study had not yet been completed, the City guided the Subject Property to TOD given its proximity to Bus Rapid Transit (BRT) lines and stops, its ability to offer broad mix of land use options (75% high density residential, supporting office, retail, and commercial usage).
- Majority of surrounding properties are guided TOD.
- Subject Property identified within 2040 Comprehensive Plan as "potential area of change."
- Metro Transit C Line opened year City adopted its 2040 Plan and one year following Sears' closure, and D Line did not open until December 2022 (post-approval of PC Application No. 2022-004).

Rezoning (Cont.)

2040 Comprehensive Plan

- Majority of City's forecasted growth to take place within TOD and C-MU future land use designations.
- TOD intended to create walkable, bikeable, vibrant core within City and including properties within City's Opportunity Site, along Bass Lake Road (Co Ro 10), and Xerxes Avenue North.



Rezoning (Cont.)

2022 Approvals

- Approvals under PC Application No. 2022-004 outlined additional restrictions to the use of the Subject Property and to the underlying MX-B zoning district designation. City Council Resolution No. 2022-076 stipulated that Applicant, Scannell Properties, Inc. would enter into a PUD Agreement with City of Brooklyn Center and assure the following for the approximately 230,000 SF speculative light industrial proposal:

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

  2. Warehousing and wholesaling shall not exceed 80% of total floor area. The remaining 20% of the total floor area shall be non-warehouse uses, such as combination of uses including, but no limited to: office, manufacturing, production, research and development, and lab and/or showroom; and

Rezoning (Cont.)

Unified Development Ordinance

> **3.** Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory us is permitted only when it occurs from manufacturing facility or warehouse where product is made or packaged on-site.

Restrictions intended to address concerns regarding volume of semi-truck traffic anticipated to navigate entrance and exit points to Subject Property and use, and potential conflict points between truck traffic and pedestrians who frequent adjacent Shingle Creek Crossing.

- Entrance point also serves as Metro Transit BRT line, and entrance/exit to slip ramps off TH 100.
- Proximity to transit noted as a perk in providing jobs access, but concerns raised nonetheless.

Rezoning (Cont.)

2022 Approvals | Unified Development Ordinance

- Concerns regarding intensity of use and potential visual impacts from TH 100 for proposed truck court, which led to screening to mitigate intensity of use, and requested enhancements to overall architecture of two light industrial buildings.

Section 35-2402 (*Business Mixed-Use)* notes that, "purpose of MX-B district is to accommodate land for mix of business and light industrial uses, with allowances for supporting retail/service uses. This designation encourages redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supportive retail/commercial uses towards encouraging a more dynamic and connected experience for workers."

MX-B District, for most part, replaced City's I1 (light industrial) District in January 2023, but offered greater flexibilities in potential uses.

Rezoning (Cont.)

Unified Development Ordinance

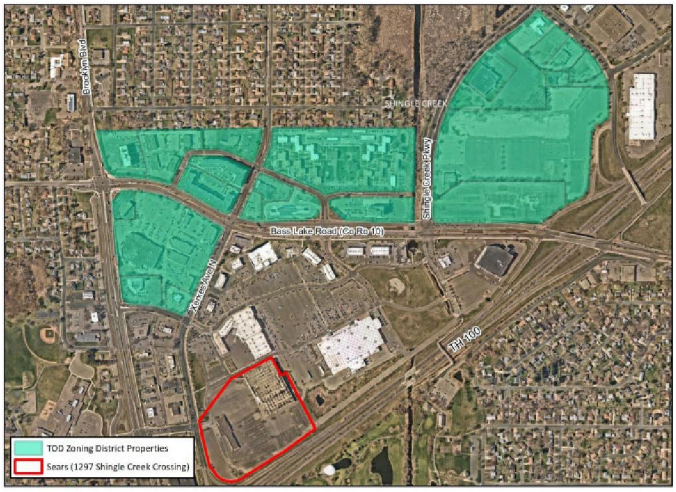
- There are some similarities in uses permitted (either by-right or as a conditional use) for both Business Mixed-Use and Transit-Oriented Development districts (e.g. certain educational facilities, medical and health uses, eating establishments, hospitality lodging, and indoor recreation centers), a key distinction is that:
  - **Business Mixed-Use:** Limited residential (only live-work), and ability for manufacturing, assembly, processing of products, and wholesale trade.
  - **Transit-Oriented Development:** Greater housing options (townhouses up to multi-family residential), and ability for indoor amusement centers, and banquet, event, and conference facilities.
- TOD District intended to support opportunities for dense, transit-supportive and oriented development that supports vibrant pedestrian activity.

Rezoning (Cont.)

Unified Development Ordinance

- While neighboring Shingle Creek Crossing shopping center was designed with automobiles in mind, it too is future guided as "Transit Oriented Development" under 2040 Comprehensive Plan and staff has been looking at options to increase density and activity within overall area as shopping center has yet to fully build out.
- There are 23 properties currently zoned "Transit Oriented Development" District.

Rezoning (Cont.)



Summary

- A public hearing notice was published in the Brooklyn Center *Sun Post* on May 30, 2024. Mail notifications were sent to those located within 350 feet of the Subject Property, and a notice was uploaded to the City's website.
- No public comments were made during the hearing.
- Following close of the public hearing, representation of the Property Owner (Chris Wood, Transformco) and an attorney representing Transformco (Patrick Lindmark, Taft Stettinius & Hollister LLP) were present and engaged in conversation with the Planning Commission.
- Mr. Lindmark expressed he did not believe the City of Brooklyn Center had the right to re-zone the Subject Property per MN State Statute; however City Attorney Sarah Sonsalla was present virtually for the meeting and disagreed with Mr. Lindmark's interpretation. She provided additional clarification post meeting.

Summary (Cont.)

- Mr. Wood noted that forcing the Subject Property to be re-zoned to TOD would require them to start over with their marketing and planning process, and confirmed that Scannell Properties, Inc. was no longer part of a Joint Venture Agreement with the Property Owner, but that other businesses held an interest in the Subject Property.
- Questions raised by the Planning Commission, both in relation to comments made at the meeting and with regard to the submitted letter, included: **(1)** How the Property Owner felt the rezoning was an effort to limit the creativity of the Subject Property, **(2)** what the major differences between the MX-B and TOD Districts were, **(3)** what efforts were being made to rebuild the area, and if the Property Owner was going to do anything with the property themselves, and **(4)** what harm there might be in changing the zoning and that perhaps it could open up more options for Transformco.
- Additional questions regarding the urgency in rezoning the Subject Property, and a general comment that the City does not have many light industrial properties, which could be a positive in the City, were made by Commissioners.

Summary (Cont.)

- The Commissioners further inquired if Property Owner Transformco would be required to create a new proposal now that Scannell is no longer involved, and what other options the Owner had in moving forward.
- Planning Commission ultimately **recommended (1-4) denial** of the proposed re-zoning of the Subject Property at this time.
- As a note from City staff, although Property Owner indicated "light industrial" as the highest and best use, City staff never was provided with copy of the private market analysis, and Scannell reached out to City staff post approval regarding the financial feasibility of the proposed light industrial development due to changes in the market. Former developer Scannell indicated that the development would require TIF. City staff does not know if market conditions have shifted since.

Note: The rezoning request to rezone from PUD/MX-B to TOD **would not prevent** the Property Owner from requesting their property be re-zoned some time in the future.

Any future application would require Council approval to conform with new UDO.

Recommendation

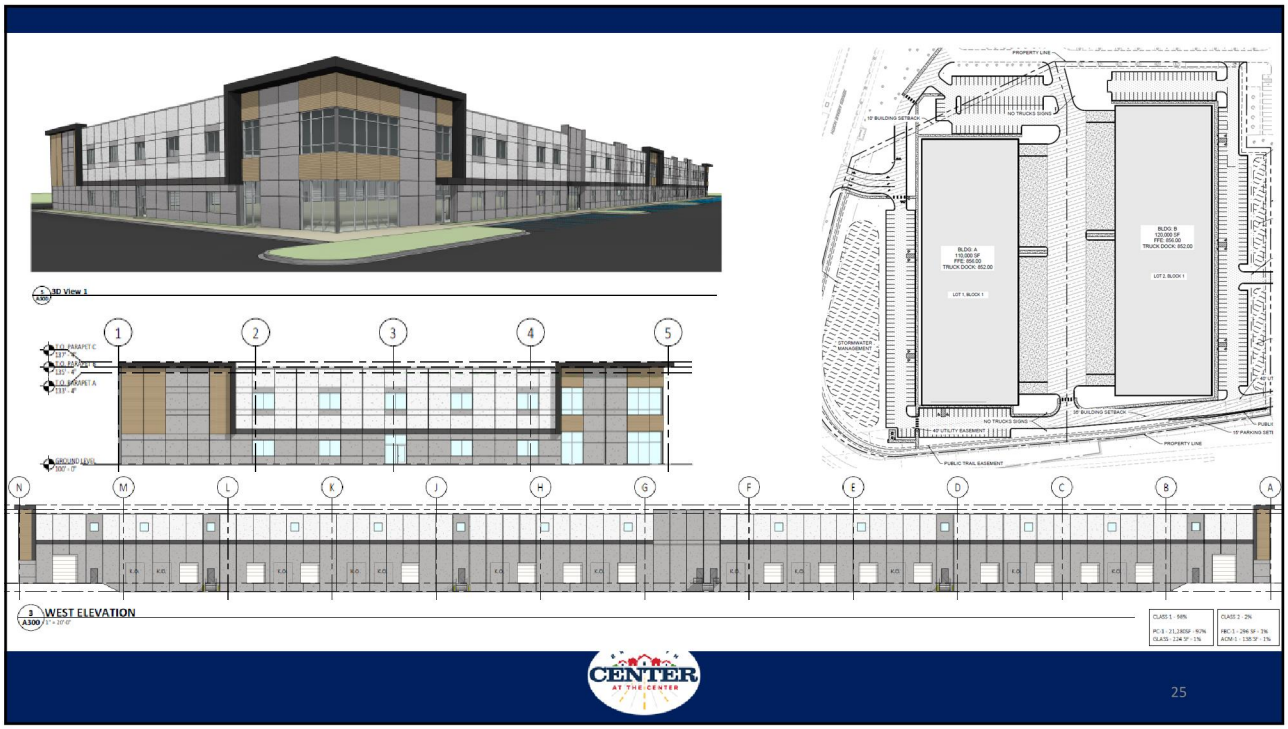
Motion to approve a first reading regarding the adoption of an ordinance re-zoning of certain property located at 1297 Shingle Creek Crossing and as contemplated under Planning Commission Application No. 2024-009 from Planned Unit Development/Business Mixed-Use (PUD/MX-B) District to Transit-Oriented Development (TOD) District, and set the second reading to July 22, 2024.

Comparison Chart of MX-B vs TOD District Uses

Example Uses

	Townhouses	Apartments (MF)	Educational Facilities (ALCs, business/trade schools)	Medical/Health Uses	Eating Establishments	Banquet, Event, or Conference Facility	Hospitality Lodging	Amusement Center (Indoor)	Indoor Recreation Fitness Center or Club (Indoor)	Financial Institutions	Contractor's Offices	Manufacturing, Assembly, and Processing of Products
TOD	P	P	P	P	P	C	C	P	P	P		
MX-B			P	P	P	A	C		C		P	P

P = Permitted
C = Conditional
A = Accessory


1 A300 3D View 1
1
2
3
4
5
EQ. PARAPET C
EQ. PARAPET A
GROUND LEVEL
PROPERTY LINE
10' BUILDING SETBACK
NO TRUCK SIGNS
BLDG A
110,000 SF
FFE: 856.00
TRUCK DOCK: 852.00
LOT 1, BLOCK 1
BLDG B
120,000 SF
FFE: 856.00
TRUCK DOCK: 852.00
LOT 2, BLOCK 1
STORMWATER MANAGEMENT
40' UTILITY EASEMENT
20' BUILDING SETBACK
PUBLIC TRAIL EASEMENT
N
M
L
K
J
H
G
F
E
D
C
B
A
3 A300 WEST ELEVATION
CLASS 1 - 94%
PC-1 - 21,230SF - 92%
GLASS - 224 SF - 1%
CLASS 2 - 2%
FBC-1 - 296 SF - 1%
ACM-1 - 138 SF - 1%
CENTER
AT THE CENTER
25

Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for CAPI

Requested Council Action:

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) Development funding and authorizing an application for grants funds.

Background:

Livable Communities Act (LCA) grants are awarded to communities that participate in the Livable Communities Program in the seven-county metro region. Through different grant programs, LCA grants help communities achieve development goals that create more housing choice, support living wage job creation, and connect jobs, housing, and regional amenities to create a more equitable region.

Each of the multiple LCA programs and each have a different focus.

- Livable Communities Demonstration Account (LCDA) supports development and redevelopment projects that link housing, jobs and services, and use community and regional infrastructure efficiently
- LCDA - Transit Oriented Development (LCDA-TOD) grants are focused on high density projects that contribute to a mix of uses in TOD-eligible areas.
- The Tax Base Revitalization Account (TBRA) helps clean up contaminated land and buildings for subsequent development. These grants are intended to provide the greatest public benefit for the money spent, strengthen the local tax base, and create and preserve jobs and/or affordable housing. TBRA has three different funding opportunities: Contamination Cleanup, Site Investigation, and SEED.
- The Local Housing Incentives Account (LHIA) helps expand and preserve lifecycle and affordable housing, both rented and owned. LHIA applications are submitted through the Minnesota Housing Super RFP, as opposed to directly to Met Council.
- Pre-Development grants are for teams who are defining or redefining a project that will support Livable Communities goals. Eligible costs are for early-stage activities like design workshops, financial studies, project impact analyses, and community engagement. The Pre-Development award limit per city per-round is $300,000 and no match is required.

CAPI's seeks to expand the Immigrant Opportunity Center (IOC) to build wealth in BIPOC communities residing in Northwest Hennepin County. Key design features of CAPI's expansion include spaces for (1) technology and resource center; (2) new entrepreneur training, technical assistance, and financial services

to develop and expand BIPOC-led small businesses in childcare, urban farming, and other sectors; (3) expanded public benefits eligibility screening, tax assistance, financial coaching, and homebuyer services; (4) outdoor play area, expanded parking, and unattached greenhouse surrounded by community garden plots, (5) community and training rooms, (6) work stations for 30+diverse staff including potential tenant/ training partners, (7) park-like setting with greater connections to the neighborhood and commercial corridor.

Met Council approved CAPI for a grant amount of $296,000 on June 14, 2024, and previous grants for this Development. CAPI is seeking $2,000,000 this round to continue with development, hoping to begin construction by mid-summer 2025.

Budget Issues:

No budget issues to consider at this time

Inclusive Community Engagement:

Completed a participant engagement study with NEOO partners with previously granted funds.

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment, Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/16/2024	Resolution Letter
Previous City Support	7/16/2024	Backup Material
Capital Campaign Brief	7/16/2024	Backup Material

Member _____introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- ___

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA Livable Communities Demonstration Account; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant and;

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Livable Communities Demonstration Account grants are intended to fund development projects through the construction phase of a development.

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities Demonstration Account LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA is sought:
    a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
    b. Will occur within the term of the grant award (three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds a for the project components identified in the application.

July 22, 2024
Date

Mayor

ATTEST: _____
City Clerk

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.

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-36

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT ("LCDA") FUNDING AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2022 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (Collectively, "TOD") funds; and

WHEREAS, the City has identified a proposed project within the City that meets LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, he City has the institutional, managerial and financial capability to adequately manage an LCDA grant; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCDA grant funding.

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

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA project to occur at this particular site at this particular time:

   Center for Asian and Pacific Islanders (CAPI)

2. Finds that that LCDA Project component(s) for which Livable

RESOLUTION NO. 2024-36

Communities LCDA funding is sought:

a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and

b. Will occur within the term of the grant award (two years for Pre-Development grants, and three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds for the LCDA project components identified in the application, and to execute such agreements as may be necessary to implement the LCDA Project on behalf of the City.

March 11, 2024
Date

Kris Lawrence-Anderson
Mayor Pro Tem

ATTEST: Barbara Dacy
City Clerk

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

CAPI

guiding self-determination & social equality

CAPITAL CAMPAIGN CASE FOR SUPPORT



"CREATING A WELCOMING SPACE FOR ALL"

MISSION

CAPI's mission is to guide refugees and immigrants in their journey toward self-determination and social equality.

VISION

Our vision is that all refugees and immigrants can lead successful lives and exercise fully their civic rights and responsibilities.



Donate or make a pledge to CAPI's Immigrant Opportunity Expansion:

www.capiusa.org

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LETTER FROM THE CEO

Mary Niedermeyer



During the height of the COVID-19 pandemic, Olufunmilayo Abiodun, a single mother of two, lost her job. She turned to CAPI for help and found more than just food support. CAPI provided her with a unique opportunity to learn new skills through online classes, despite her initial difficulties with technology. The program not only helped her overcome these obstacles but also provided her with a sense of community and support. "CAPI taught me how to fish so I can eat throughout my life," she said. Olu and her classmates were a part of CAPI's first-ever virtual graduation ceremony. She now hopes to pursue a career in healthcare by continuing her education in nursing.

As a non-profit organization dedicated to assisting immigrant and refugee communities, CAPI has been a fixture in the Twin Cities for over 40 years. By moving to Brooklyn Center in 2018, we have become more accessible to those who need our services the most. We take pride in the trust we have built with our participants, like Olu, and strive to be a positive force in their lives.

CAPI's building expansion will become a vital community resource hub for immigrants, refugees, and other local communities. The goal is to see an increase in job creation, greater financial empowerment opportunities for our participants, increased food shelf capacity, and support for small business growth. Furthermore, the addition of a greenhouse and community gardens will provide a much-needed green space to the neighborhood.

CAPI is an established organization with a nationally recognized proven impact. Our desire is not to create a bigger CAPI, but to better serve the growing needs of our communities. We seek to create more opportunities for learning and collaboration amongst the few, but dedicated organizations in Brooklyn Center. This will allow us to share resources, knowledge, and build a brighter future for our communities.

Sincerely,

Mary Niedermeyer

SECTION 1: CAPI USA

CAPI USA was founded in 1982 as The Centre for Asian and Pacific Islanders by a coalition of church groups dedicated to helping Southeast Asian refugees settle in Minnesota in the aftermath of the Vietnam War.



The organization initially began as a culturally specific food shelf but evolved to meet the changing needs of the communities calling Minnesota home.



In 2008, The Centre for Asian and Pacific Islanders became CAPI USA, or simply CAPI. This change reflected the increasingly multicultural focus and diverse client base of the organization as it embraced new refugees and immigrants from all over the world, including East and West Africa, India, Nepal, Myanmar, Bhutan, Thailand, and Burma, among others. In 2018, CAPI moved its headquarters to the heart of Brooklyn Center and today serves more than 12,000 individuals through its integrated basic needs, economic empowerment, civic engagement, and refugee services programming.

Margret is a mother of four in a single-parent household. While working two jobs, Margret made the time to educate herself and obtain stable housing for her family. She came to CAPI seeking assistance in our Financial Services department after visiting the food shelf, where she saw the opportunity to acquire more financial education, especially surrounding her credit and savings.

After working with the Financial Services team, she is now a homeowner in the city of Brooklyn Park. Margret's oldest son said, "Thank you for helping my mom. I finally have my own room!"



CAPI'S 4 PILLARS

CAPI is a social services nonprofit with a mission to serve immigrants and refugees in the greater Twin Cities metro. We do this through our 4 pillars which provide holistically integrated services to our community members.

Basic Needs

Our Basic Needs department includes a number of programs such as our culturally-specific food shelf; community health initiatives; benefits enrollment center; and more. Our food shelf is typically the first point of entry for many of our participants and how they begin to connect with our other departments to utilize the services provided.



Economic Empowerment

CAPI's Economic Empowerment department focuses on longer-term family stability through providing credentialed training and job placement services; financial and homeownership programs; and also working with community members in the Minnesota Family Investment Program (MFIP), the state's welfare reform program for low-income families with children.

"CAPI helped me a lot and I'm thankful there is CAPI to help people like me."
-Zang Yang



Refugee Services

CAPI's Refugee Services department works primarily with the Afghan community on housing stability, employer engagement, and English language acquisition. CAPI is also preparing to launch the Community Friend Program which will partner interested Afghan families with community members for social support, language practice, job search help, and other activities to help them feel more at home.

Civic Engagement & Public Policy

Our Civic Engagement and Public Policy team is dedicated to making voting more accessible through our phone banking, canvassing, educational events, roundtables, and more. They also participate in moving legislation forward at the Capitol through advocacy work with the community.

RECOGNITION

CAPI is recognized as a community leader for its work in the refugee and immigrant communities. In 2022, CAPI was selected as a recipient of the inaugural Hometown Hero Award by Major League Soccer (MLS), Minnesota United FC, and Black Players for Change. This award recognized CAPI's work in the field of food security and also acknowledged and celebrated the work of four other diverse, innovative, and impactful leaders making positive change in the Minneapolis-Saint Paul communities.

In 2023, CAPI was a recipient of the Twin Cities Business Magazine's Community Impact Award in the area of Community Building. CAPI received this award in recognition of its resettlement efforts for newly arriving Afghan refugees, culturally-specific food shelf, and other critical services provided by the organization to immigrant and refugee communities.



(from left: Paul Andrighetti, Victor Yang, Tambryanna Williams, Sec. of State Steve Simon, Mary Niedermeyer, Sarah Silva)

CAPI also received the National Association of Secretaries of State (NASS) Medallion Award which honors individuals, groups, or organizations with an established record of promoting the goals of NASS.

In July of 2023, CAPI's Communications Director, Monique Hernandez, received the L'Etoile Du Nord (Star of the North) award from MN UFC. This award is given to a community member who represents the values of the soccer club: resilience, inclusivity, dedication, passion, teamwork, and respect.

SECTION 2: VISION FOR THE FUTURE

In our 41-year history, CAPI has built strong relationships and trust in Minnesota. We now have the opportunity to sink our roots deep into the Brooklyn Center community and serve as an anchor in the Northwest Suburbs, to provide capacity to other nonprofits and strengthen our neighbors around us.



CAPI USA proposes to build a 3-story, 16,000 sq. ft. expansion to its Immigrant Opportunity Center (IOC 2.0) to create new wealth-building services on a vacant .84-acre parcel of land owned by CAPI at 5950 Brooklyn Boulevard in Brooklyn Center.



CAPI's 16,000 sq. ft. expansion is expected to cost $7.5 million to complete, financed by bonding, contributions, and CAPI reserves. Ground-breaking is expected to begin by 5/2025, with a 6/2026 completion date. In its first year of operation, CAPI expects to provide wealth-building services to more than 5,000 individuals, creating more than 75 new jobs, supporting more than 20 small businesses, and realizing a significant economic impact in the Brooklyn Center area.

EQUITABLE DEVELOPMENT

CAPI's Immigrant Opportunity Center Expansion will respond to the rapid growth in community demand for CAPI's services while positioning the region to respond to current and future needs.

According to the latest census and Metropolitan Council data, Brooklyn Center has the second-highest poverty rate of all MN cities (39.5%), and 65.5% of its residents identify as BIPOC. The proposed redevelopment at 5930/5950 Brooklyn Boulevard is centrally located, transit-accessible, and within an area designated 'economically distressed' by the Community Development Financial Institutions (CDFI) Fund.



REGIONAL RESILIENCY

With a decades-long history of supporting immigrants and refugees, CAPI is increasingly sought by local, state, and federal agencies to support the resettlement of newly arrived refugees. With mass displacement from conflict and climate crises continuing to surge globally, these local resettlement pressures will assuredly escalate in coming years. CAPI's Immigrant Opportunity Center Expansion creates a dignified 'welcome center' and critical infrastructure to support Minnesota's ability to effectively resettle newcomers seeking refuge here.

THE IMMIGRANT OPPORTUNITY CENTER EXPANSION

Community is at the heart of everything CAPI does. As we embark on this endeavor, one quickly sees that this is about building a better future for our communities. Our revitalized Immigrant Opportunity Center will be a 16,000-square-foot expansion to our existing building in Brooklyn Center. The purpose of this expansion is to serve as a community resource hub, increase food access, and build wealth in our community.

When you first walk into the Center, you will step into a café, which will face Brooklyn Boulevard and provide a welcoming space to community members and visitors. Right next door, there will be retail space for an immigrant small business.



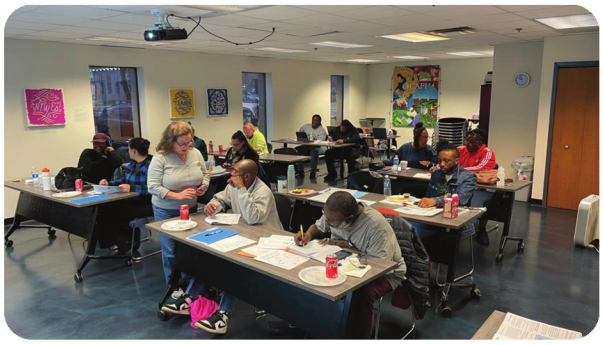
When you walk outside, you will find a patio where folks are eating, drinking, and socializing. Around the corner, you will find community gardening plots and a beautiful greenhouse.

The new CAPI greenhouse and community gardens will offer our participants the opportunity to grow culturally-specific food year-round and allow them to provide for their families, sell produce to the café, and donate surplus produce to the CAPI food shelf.



These two social enterprises, our new café and greenhouse, plus business incubator space, will create at least 20-30 new jobs in the community.

We envision a place where our community feels safe and welcome. A place where they can access multiple services in one location that address their needs holistically, find avenues that empower them toward self-sufficiency, and access additional services through partner tenants housed in the Center: an immigration law firm, mental health professionals, and other specialized services.



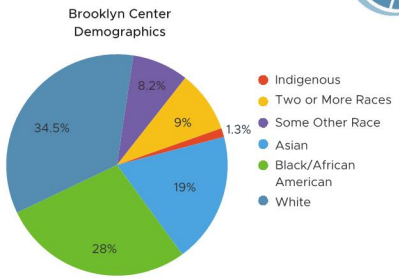
Our desire is to foster organic relationships where we are not duplicating our services but rather, finding intersections with other providers. To establish a community covenant with all tenants where the services that we collectively provide truly get to the root of the needs in the community.



This new community hub for our participants means when they walk through the doors, they will discover, not just a new building, but a place that has been intentionally created to be a welcoming space for people to come in and have their needs met holistically.

THE GROWING COMMUNITY NEED

The Brooklyn Center community houses a 65.5% BIPOC-identifying population as seen in the graph on the right; and people who are Hispanic or Latino make up 13.8% of the city's population, making it the most ethnically diverse city in the state of Minnesota. Over the last 25 years, Brooklyn Center has seen an exodus of jobs, decline in median income, and a rise in poverty.



With 2 major grocery stores in the area shutting down (Aldi and Walmart), the residual economic impact from the pandemic, and the arrival of new refugee and immigrant communities settling in the Twin Cities – the demand for CAPI's services has increased. As a result of that demand, CAPI has nearly tripled in size since 2018.

In 2021, the Twin Cities saw an influx of refugees arriving from Afghanistan. These individuals and families starting from ground zero needed housing, transportation, stable employment, and help enrolling their children into school. This is a minor list of basic needs that needed to be met, and in which CAPI played a role in meeting. The longer-term support of finding community and a place to belong is something that our residents at large can participate in.

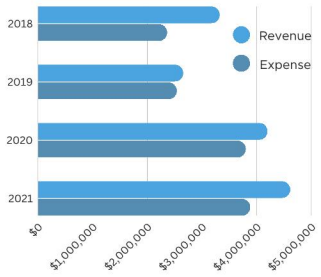
As our communities secure education, training, and employment, the entire state benefits from this. As of 2018, there were over 18,000 immigrant entrepreneurs, employing 53,239 workers. There are significant financial barriers for immigrants seeking to start their own business—through the resources that CAPI provides in our financial services department and through the many relationships we have developed with financial institutions, the opportunity to build a system of knowledge and equity is strengthened.

SECTION 3: FINANCIALS

GROWING TO MEET DEMAND

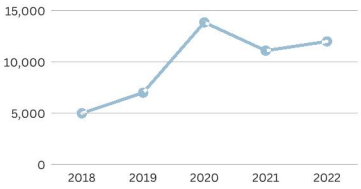
Since 2018, CAPI's annual revenue increased by 26.1% and expenses by 17.15%, demonstrating both demands for services and community support. Sources of revenue include Hennepin County; the State of Minnesota; United Way; private grants and contributions from foundations, corporations, and individuals.

Yearly Revenue vs. Expenses



	Revenue	Expense
2018	$3,320,886	$2,361,016
2019	$2,653,215	$2,536,775
2020	$4,195,472	$3,799,534
2021	$4,611,394	$3,880,783
Total % Growth	26.10%	17.15%

Total Participants Served Across Programs



The number of community participants served has grown 25% since 2018.

As an immigrant and BIPOC-led organization, CAPI mobilizes 55 FTE staff (76% staff of color), more than 12 different sub-granted partners, 2 tenant agency partners and more than 200 volunteers to advance the social and economic position of diverse constituents. CAPI's $6.3MM annual budget is stewarded by its diverse 8-member management team (70% BIPOC) and governing board of directors (75% BIPOC).

ESTIMATED FINANCIALS FOR CAPITAL PROJECT

CAMPAIGN BUDGET	
Construction	$ 5,256,250
Contingency	$ 561,750
Fixtures, Furnishings & Equipment (FFE)	$ 358,500
Architecture/ Design	$ 474,781
Environmental including soil borings	$ 11,349
Survey	$ 10,200
SAC/ WAC Fees	$ 19,800
Project Management & Consulting Fees	$ 231,253
Insurance and Legal Fees	$ 70,544
Soft Cost Contingency	$ 11,250
Construction Loan Fees & Interest	$ 54,323
Site Costs (greenhouse, fencing, terrace, landscaping)	$ 400,000
Entitlement Costs	$ 40,000

Total Development Cost
$7,500,000

BUILDING AND SITE PREPARATION

Acquisition of land was accomplished in 2018 resulting in no acquisition fees for the building. Building construction costs are estimated at $325 per square foot for a 16,000 square foot expansion project.

FOUR YEAR OPERATING HISTORY

Revenue	2018	2019	2020	2021
Contributions and grants	$3,276,399	$2,587,955	$4,042,911	$4,504,253
Program service revenue	$36,269	$44,990	$142,232	$0.00
Investment income	$513	$357	$507	$15,377
Other revenue	$7,705	$19,913	$9,822	$91,764
Total revenue	$3,320,886	$2,653,215	$4,195,472	$4,611,394
Expenses	**2018**	**2019**	**2020**	**2021**
Grants and similar amounts paid	$0.00	$0.00	$568,671	$314,813
Benefits paid to or for members	$0.00	$0.00	$0.00	$0.00
Salaries, other compensation, employee benefits	$1,150,107	$1,207,753	$1,702,285	$2,090,207
Total fundraising expenses	$193,161	$79,001	$130,568	$242,311
Other expenses	$1,162,234	$1,209,494	$1,528,578	$1,448,088
Total expenses	$2,361,016	$2,536,775	$3,779,534	$3,880,783
Revenue less expenses	$959,870	$116,440	$415,938	$730,611
Total assets	$4,546,920	$4,426,585	$4,936,142	$5,356,141
Total liabilities	$1,285,922	$1,049,147	$1,162,766	$825,124
Net assets or fund balances	**$3,260,998**	**$3,377,438**	**$3,773,376**	**$4,503,987**

**Information from CAPI's Form 990 2018-2021 and can be found at capiusa.org*

SECTION 4: CREATING A WELCOMING SPACE FOR ALL

CAMPAIGN PREPARATION

August 2023-October 2023

CAPI will establish a Capital Campaign Committee and an Internal Steering Committee. The internal steering committee will consist of board members and senior leadership and function as support and structure for the Capital Campaign Committee. The Capital Campaign Committee will develop the capital campaign and appeals strategy and be paramount in engaging substantial donorship through personal networks.

APPEALS STRATEGY

October 2023-October 2026

CAPI will draw upon the strength of its long history, established community relationships, and innovative approach to raise the remaining funds.

FUNDING PROGRESS

$4.1M+ currently secured through Capital Bonding Appropriation, Foundations, Business and Individual Giving.



Fundraising Goals:

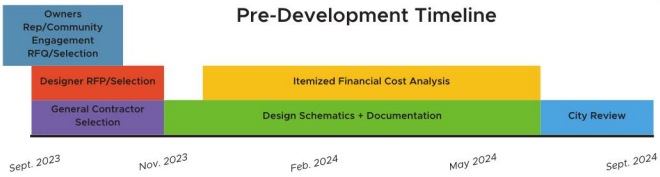
- Year 2024: $600,000
- Year 2025 : $800,000
- Year 2026: $1,000,000

TOTAL: $2,400,000

**$1M of New Market Tax Credits is still pending*



CAPITAL PROJECT TIMEFRAME



Expansion	September 2023	June 2026
Project Management Planning	September 2023	October 2024
Public Engagement	November 2023	April 2024
Design	November 2023	July 2024
Pre-Construction	October 2024	April 2025
Construction	March 2025	May 2026
Closing	May 2026	June 2026

SECTION 5: APPENDIX

BOARD OF DIRECTORS

Board Chair

Vinothini Ambrose
Deployment Consulting Director, Marcus Buckingham Company

Vice-Chair

Mike Thorsteinson
Retired Executive Director at Three Rivers Community Action

Treasurer

Valerie Bosmans
Senior Vice President & Chief Audit Executive at DXC Technology

Secretary

Nkechi Anyamele
Assistant Vice President & Development Consulting Director, Wells Fargo

Milton Liu
CEO at Stir Foods

Lucky Wagner
Manager of Compliance Vendor Oversight at Medica

Louiza Kiritopoulos-Adams
Organizational Psychologist at LK2Connect

Sillys Heilman
Homemaker

Ali Tranvik
Lead Pastor at Cross of Glory Church in Brooklyn Center

Laura Martin
Managing Director, US Head of HR, BMS Group

Bernadette Theis
Administrator at Jardin, Logan & O'Brien P.L.L.P.

Ellisun Wolterstorff
Chief Experience Officer at Allegro Group Inc.

KEY STAFF MEMBERS

Interim CEO

Mary Niedermeyer
CAPI USA

Development Director

Paul Andrighetti
CAPI USA

Director of Finance and Operations

David Monterrosa
CAPI USA

CAPI Immigrant Opportunity Center:
5930 Brooklyn Blvd, Brooklyn Center, MN 55429

CAPI South Minneapolis:
3702 East Lake Street, Minneapolis, MN 55406

CAPI

guiding self-determination & social equality

Scan the QR code to donate or make a pledge to CAPI's Expansion Project. Or visit our website:

www.capiusa.org

Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for New Generations LLC- Veterans Housing

Requested Council Action:

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) Development funding and authorizing an application for grants funds.

Background:

In June 2023, Met Council granted New Generations LLC with $1,000,000 and will be going for it second application to MHFA for 9% LIHTC funding this year, which scored high in the first round. It is likely to get selected this year but to stay on track with they will need to submit for LCDA Development to Met Council LCDA this year.

The Metropolitan Council is the regional policy-making body, planning agency, and provider of essential services in the seven-county Twin Cities metro area. Through this work they'll generate economic growth, build stronger communities, enable land use and development. This funding from Metropolitan Council is allocated each year and funding is highly competitive for real estate development. Metropolitan Council's Livable Communities Grants offers grant programs.

- The **Livable Communities Demonstration Account (LCDA)** supports development and redevelopment projects that link housing, jobs and services and use community and regional infrastructure efficiently.
- **LCDA – Transit Oriented Development (LCDA-TOD)** grants are focused on high density projects that contribute to a mix of uses in the TOD-eligible area. TOD-eligible areas can be along light rail, commuter rail, bus rapid transit, and high frequency bus corridors.
- **Pre-development grants** are for teams who are defining or redefining a project that will support Livable Communities and Thrive MSP 2040 goals.
- The **Policy Development program** provides funding to participating cities to support locally adopted policies that influence physical development and further both LCA and Thrive MSP 2040 goals with an emphasis on equitable development.
- The **Tax Base Revitalization Account (TBRA)** helps clean up contaminated land and buildings for subsequent development. These grants are intended to provide the greatest public benefit for the money spent, strengthen the local tax base, and create and preserve jobs and/or affordable housing. TBRA has three different funding opportunities: Contamination Cleanup, Site Investigation, and SEED.
- The **Local Housing Incentives Account (LHIA)** helps expand and preserve lifecycle and affordable

housing, both rented and owned.
- The **LHIA Affordable Homeownership Pilot** will provide grants to support affordable homeownership development, including acquisition and rehabilitation.

As previously presented, this is a mixed-use 4 story residential/commercial development will have ground floor commercial space that will serve our veterans. The Community Corner's commercial space will be composed of the following: 5,055 SF of commercial space for a workforce center that provides vocational rehabilitation services and career resources to the community and future residents, 2,140 SF space for youth programming, and 1,060 SF for a youth-lead coffee shop. New Generations is partnering with Intentions a 501c3 nonprofit organization whose mission is to partner with the community to provide quality programs for youth at and their families. The coffee shop & space for youth programming will be run by Intentions, a local nonprofit.

This project is situated near the site of the civil unrest, highlighting a need for restoration. New Generations LLC is in the capital stacking phase and is working diligently with Hennepin County and the State of Minnesota to bring the project into fruition.

New Generations LLC was previously awarded funds for this project for over $1,000,000 showing continued support for the project. This round they are requesting $2,000,000 from Met Council.

Budget Issues:

No budget issues to consider

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/16/2024	Resolution Letter
Previous City Support	7/16/2024	Backup Material
2023 Award Letter	7/16/2024	Backup Material

Member _____introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- ___

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA Livable Communities Demonstration Account; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant and;

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Livable Communities Demonstration Account grants are intended to fund development projects through the construction phase of a development.

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:
    a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
    b. Will occur within the term of the grant award (three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds a for the project components identified in the application.

July 22, 2024
Date

Mayor

ATTEST: _____
City Clerk

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.

Member Jerzak introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-24

RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR LIVABLE COMMUNITIES ACT LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT DEVELOPMENT FUNDING AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR NEW GENERATIONS LLC

WHEREAS, the City of Brooklyn Center, Minnesota was a participant in the Livable Communities Act ("LCA") Local Housing Incentives Account Program for 2023, as determined by the Metropolitan Council, and was therefore eligible to apply for Livable Communities Demonstration Account ("LCDA") funds; and

WHEREAS, only a limited amount of grant funding is available through the Metropolitan Council's LCA initiatives during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of LCA grant funding; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and the proposal submitted by New Generations LLC for a project located at 1500 69th Avenue North is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has traditionally supported grant applications by agreeing to act as legal sponsor for the project; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota formally identified the need for Livable Communities Demonstration Account funding and authorized City staff to submit on behalf of the City an application to said account for New Generations LLC on March 27, 2023 and under City Council Resolution No. 2023-48; and,

WHEREAS, the City-supported New Generations LLC development at 1500 69th Avenue North was ultimately awarded $1,000,000 in LCDA grant funds on December 13, 2023; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples, or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement.

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

1. The development proposed by New Generations LLC and for 1500 69th Avenue North contains components for which LCDA funding was awarded and:
   a. Will not occur solely through private or other public investment within the reasonably foreseeable future; and
   b. Will occur within the term of the grant award two years for Development grants) expiring December 31st, 2026.

2. It authorizes its City Manager to accept the awarded funds on behalf of the City for the application for the Fall 2023 funding cycle for Metropolitan Council Livable Communities Demonstration Account grant funds, for the project components identified in the application, and to execute such agreements as may be necessary to implement the project on behalf of the City.

February 12, 2024
Date

Kris Lawrence-Anderson
Mayor Pro Tem

ATTEST: Barbara Succi
City Clerk

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

December 15, 2023

The Honorable April Graves
Mayor, City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, 55430

RE: Livable Communities Demonstration Account Development Grant Awards

Dear Mayor Graves,

I am pleased to inform you that the Metropolitan Council has awarded the City of Brooklyn Center two grants under the Livable Communities Demonstration Account Development grant category for the following projects: $1,000,000 to New Generations, LLC – 1500 69th Ave and $600,000 to the Innovation and Catalyst Center.

The Livable Communities grants administrator, Samuel Johnson, will draft a grant agreement for the City's review within the next few weeks. The grant agreements will specify the payment procedures and reporting requirements. If you have questions about the grant administration procedures, please contact Sam at Samuel.johnson@metc.state.mn.us.

The City's projects were among those that best met several goals in a competitive process. This process favors projects that create livable communities through expanding housing choice, connecting housing and jobs, and advancing the goals of *Thrive MSP 2040*, the Council's metropolitan development guide.

Congratulations on your successful applications. The Metropolitan Council is pleased to assist local communities through its Livable Communities programs with projects that help achieve both local and regional goals.

Sincerely,

Charles Zelle
Chair

CC: Jesse Anderson, Director of Community Development, City of Brooklyn Center
Krystin Eldridge, Associate Planner, City of Brooklyn Center
Anjuli Cameron, Metropolitan Council Member, District 8
LisaBeth Barajas, Community Development Director, Metropolitan Council

Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Identifying the Need for Livable Communities Demonstration Account (LCDA) funding for Resurrecting Faith World Ministries

Requested Council Action:

- Motion to approve the resolution identifying the need for Livable Communities Demonstration Account (LCDA) funding and authorizing the
submission of application for grant funds.

Background:

Livable Communities Act (LCA) grants are awarded to communities that participate in the Livable Communities Program in the seven-county metro
region. Through four different grant programs, LCA grants help communities achieve development goals that create more housing choice, support
living wage job creation, and connect jobs, housing, and regional amenities to create a more equitable region.

Each of the four LCA programs have a different focus.

- Livable Communities Demonstration Account (LCDA) supports development and redevelopment projects that link housing, jobs and services, and use community and regional infrastructure efficiently
- LCDA - Transit Oriented Development (LCDA-TOD) grants are focused on high density projects that contribute to a mix of uses in TOD-eligible
  areas.
- The Tax Base Revitalization Account (TBRA) helps clean up contaminated land and buildings for subsequent development. These grants are intended to provide the greatest public benefit for the money spent, strengthen the local tax base, and create and preserve jobs and/or affordable housing. TBRA has three different funding opportunities: Contamination Cleanup, Site Investigation, and SEED.
- The Local Housing Incentives Account (LHIA) helps expand and preserve lifecycle and affordable housing, both rented and owned. LHIA applications are submitted through the Minnesota Housing Super RFP, as opposed to directly to Met Council.

Resurrecting Faith World Ministries seek to apply for LCDA funds to support their portion of Opportunity Site Phase I development with commercial suites for small businesses and an event center. Specifically, funds would be used to offset physical infrastructure costs associated with the event center, commercial construction and site acquisition. Any funds awarded would help offset any financial gap that the project is

facing, thus reducing the need for tax increment financing.

This project was previously awarded by Met Council for $300,000 and is wanting to apply for $2,000,000 this round.

Budget Issues:

No budget issues to consider

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/16/2024	Resolution Letter
Background Material	7/16/2024	Backup Material
2023 Award Letter	7/16/2024	Cover Memo

Member _____introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024- ___

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA Livable Communities Demonstration Account; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial and financial capability to adequately manage an LCDA grant and;

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Livable Communities Demonstration Account grants are intended to fund development projects through the construction phase of a development.

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities Demonstration Account initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:
    a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
    b. Will occur within the term of the grant award (three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds a for the project components identified in the application.

July 22, 2024
Date

Mayor

ATTEST: _____
City Clerk

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.

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-71

RESOLUTION IDENTIFYING THE NEED FOR LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT AND PRE-DEVELOPMENT FUNDS AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2023 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Predevelopment grant funds; and

WHEREAS, the City has identified proposed projects within the City that meet LCDA purposes and criteria and is consistent with and promotes the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

WHEREAS, the City has the institutional, managerial, and financial capability to adequately manage an LCDA grant and Predevelopment grant; and

WHEREAS, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges LCDA grants are intended to fund projects or project components that can serve as models, examples, or prototypes for LCDA development or redevelopment elsewhere in the Region, and therefore represents that the proposed project or key components of the proposed project can be replicated in other metropolitan-area communities; and

WHEREAS, the City acknowledges Met Council Predevelopment Livable Demonstration Account grants are intended to fund development projects through predevelopment work.

WHERES, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities LCDA initiative and Predevelopment grants during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of grant funding.

NOW, THEREFORE, BE IT RESOLVED that, after appropriate examination and due consideration, the governing body of the City:

1. Finds that it is in the best interests of the City's development goals and priorities for the following proposed LCDA projects to occur at this particular site at this particular time:

   Resurrecting Faith World Ministries Conference/Event Center

2. Finds that LCDA Project component(s) for which Livable Communities LCDA and Predevelopment funding is sought:
    a. Will not occur solely through private or other public investment within the reasonably foreseeable future; and
    b. Will occur within the term of the grant award (two years for Pre-Development grants, and three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

3. Authorizes the City Manager to submit on behalf of the City an application for Metropolitan Council Livable Communities LCDA grant funds and Predevelopment grants funds for the project components identified in the application, and to execute such agreements as may be necessary to implement the Project on behalf of the City.

July 10, 2023
Date

April Graves
Mayor

ATTEST: Barb Swanson
City Clerk

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

METROPOLITAN COUNCIL

September 14, 2023

The Honorable April Graves
Mayor, City of Brooklyn Center
6301 Shingle Creek Pkwy
Brooklyn Center, MN 55430

RE: Livable Communities Act Pre-Development Grant Award

Dear Mayor Graves,

I am pleased to inform you that the Metropolitan Council has awarded the City of Brooklyn Center a Livable Communities Act Pre-Development grant in the amount of $300,000 for the Brooklyn Center Opportunity Site Round One – Resurrecting Faith project.

This project is among those that best met several goals in a competitive selection process. The process favors projects that create walkable, moderate to high density development with a mix of housing, retail, and employment choices, and advance the goals of *Thrive MSP 2040*, the Council's comprehensive development guide.

The Livable Communities grants administrator, Samuel Johnson, will draft grant agreements for the city's review within the next few weeks. The grant agreement will specify payment procedures and reporting requirements. If you have questions about the grant administration procedures, please contact Samuel at samuel.johnson@metc.state.mn.us.

Congratulations on your successful application. The Metropolitan Council is pleased to assist local communities through its Livable Communities programs with projects that help achieve both local and regional goals.

Sincerely,

Charles A. Zelle
Chair

CC: Jesse Anderson, Deputy Director of Community Development, City of Brooklyn Center
Vong Thao, Economic Development Coordinator, City of Brooklyn Center
Anjuli Cameron, Metropolitan Council Member, District 8
LisaBeth Barajas, Executive Director, Metropolitan Council Community Development Division

Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Amy Loegering, Economic Development Coordinator

SUBJECT: Resolution Accepting the MN Department of Transportation Grant for IIJA Grants Technical Assistance

Requested Council Action:

-Motion to approve a resolution accepting the MN Department of Transportation Grant for IIJA Grants Technical Assistance.

Background:

During recent meetings between Economic Development and representatives of MN Department of Transportation ("MNDoT") to discuss its planned repair of Trunk Highway 100 ("Hwy 100"), it was discovered that MNDoT planned to remove the John Martin Drive overpass of Hwy 100 and vacate related ramps, requiring realignment of John Martin Drive and affecting connection between neighborhoods bordering Hwy 100, interrupting Brooklyn Center's trail system and affecting the alignment of John Martin Drive in the Opportunity Site.

Economic Development learned that MNDoT offers technical assistance grants to enable smaller communities to apply for federal grant funds available through the Infrastructure Investment and Jobs Act (IIJA), specifically through the Reconnecting Communities and Neighborhoods Program. Economic Development applied for a grant from MNDoT for this purpose and recently received an award. The City of approved for $30,000 in technical assistance grant funds. These funds will be used to do the necessary work to apply for the federal grant.

If Brooklyn Center is successful in its application, the IIJA Reconnecting Communities and Neighborhoods Grant will provide funding for a robust study of the area between Bass Lake Road and John Martin Drive currently severed by Hwy 100, in light of the need to maintain and improve connection and safety between neighborhoods bordering Hwy 100 at John Martin Drive. This technical study will also collect information necessary to the study of realignment of John Martin Drive.

The deadline to apply for IIJA Reconnecting Communities and Neighborhoods grant program is September 30, 2024, therefore if Brooklyn Center should seek to apply for this grant as soon as possible.

Budget Issues:

There are no budget items to consider at this time. No funding match is required for the use of grant funds.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities, Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/17/2024	Resolution Letter
Application	7/17/2024	Backup Material
Award Letter	7/17/2024	Backup Material
Summary of Grant Program	7/17/2024	Backup Material

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-____

RESOLUTION ACCEPTING MINNESOTA DEPARTMENT OF TRANSPORATION GRANT FUNDS THROUGH THE INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) TECHNICAL ASSISTANCE GANT.

WHEREAS, the Minnesota Department of Transportation intends to remove the John Martin Drive overpass for Trunk Highway 100 during its planned maintenance of Trunk Highway 100, currently scheduled for 2028, necessitating a realignment of Trunk Highway 100; and

WHEREAS, Brooklyn Center Economic Development applied for, and Brooklyn Center has been awarded funds through the Minnesota Department of Transportation technical assistance grant funds to use to prepare an application for an Infrastructure Investment and Jobs Act (IIJA) grant to study alternatives to the John Martin Drive overpass to improve connectivity between surrounding communities and create a safer environment.

WHEREAS, the City has the institutional, managerial, and financial capability of adequately manage the grant awarded by the Minnesota Department of Transportation and any future award that may be granted through the Infrastructure Investment and Jobs Act; and

WHEREAS, the City will comply with all applicable laws and regulations as stated in the grant agreement; and

WHEREAS, the City acknowledges the Minnesota Department of Transportation grant is intended to fund technical assistance in applying for the Infrastructure Investment and Jobs Act grant; and

WHEREAS, only a limited amount of grant funding is available through the Minnesota Department of Transportation; and

WHEREAS, the deadline for applying for the Infrastructure Investment and Jobs Act grant filing deadline is September 30, 2024.

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

1. Council finds it is the best interest of City goals and priorities to seek funding sources to study alternatives to the John Martin Drive overpass of Trunk Highway 100.

2. Counsel finds that it is in the best interests of City goals and priorities to accept the Minnesota Department of Transportation technical assistance grant funds to use to prepare an application for an Infrastructure Investment and Jobs Act (IIJA) grant to study alternatives to the John Martin Drive overpass to improve connectivity between surrounding communities and create a safer environment.

3. Counsel authorizes the Economic Development Manager to proceed with acceptance of the Minnesota Department of Transportation technical assistance grant funds to use to prepare an application for an Infrastructure Investment and Jobs Act (IIJA) grant and to do all things necessary and prudent to secure and manage these grant funds.

_____ _____

Date Mayor

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.

Amy Loegering

From: Ian Alexander
Sent: Wednesday, June 26, 2024 11:07 AM
To: Amy Loegering
Subject: FW: IIJA Grants Technical Assistance Application

Ian L. Alexander, Esq.
Economic Development Manager
6301 Shingle Creek Parkway | Brooklyn Center, MN 55430
Office: (763) 569-3305
Mobile: (763) 286-9449
ialexander@brooklyncentermn.gov

From: State Aid <noreply+9d3a7b2948168f01@formstack.com>
Sent: Wednesday, June 26, 2024 10:37 AM
To: Ian Alexander <ialexander@brooklyncentermn.gov>
Subject: IIJA Grants Technical Assistance Application

formstack

Formstack Submission For: IIJA Grants Technical Assistance Application
Submitted at 06/26/24 10:36 AM

Name of Agency:	City of Brooklyn Center
Address of Agency:	6301 Shingle Creek Parkway Brooklyn Center 55430
Name:	Ian Alexander
Address:	6301 Shingle Creek Parkway Brooklyn Center, MN 55430
Phone:	(763) 569-3305
Email:	ialexander@brooklyncentermn.gov

Project Description. Include a brief description of the project for which federal funds are being sought.:	The City of Brooklyn Center is seeking federal funding to study opportunities for community connectivity in the area of from Bass Lake Road to John Martin Drive that is currently severed by Trunk Highway 100. The City will request planning grant dollars to complete project administration, public and agency engagement, concept development, concept evaluation, preliminary design, and preliminary environmental documentation for a determined solution. The project would connect two publicly owned par
Federal Discretionary Grant Program Being Pursued.:	Reconnecting Communities and Neighborhoods Program, Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program
Name of Federal Awarding Agency:	DOT, FHWA
State Funds Requested for IIJA Grants Technical Assistance. $30,000 is the max, and not more than one grant per local agency per year. Tribes are eligible for more than one grant per year.:	30000
Consultant, if known. If consultant has been selected, include name here. If not, write "consultant not selected yet." Note that grant agreement cannot be executed until a consultant is selected and the anticipated necessary grant amount is known.:	Bolton & Menk
Anticipated start date of consultant contract. Note that any consultant costs incurred before a state funded grant agreement is executed are not eligible for re-imbursement.:	7/8/2024
Anticipated closing date of federal grant opportunity. Include actual due date of federal grant application, if known. If not known, including estimated date and "(estimated).":	9/30/2024

Mitigate the impacts of climate change in reducing emissions or improving infrastructure resiliency.:	The project will reduce VMT by encouraging non-motorized transportation across Trunk Highway 100 via a solution that provides safe, accessible, and convenient connection between the future Brooklyn Center Opportunity Site and an EDA-owned parcel to be redeveloped. Further the solution would aim to provide a connection from the commercial, housing, and institutional uses of downtown Brooklyn Center to the Elementary School across Hwy 100.
Provide benefit to areas of persistent poverty or historically disadvantaged communities.:	50% of the project area is located in a disadvantaged census tract. The area is in the 80th percentile for environmental burden and the 74th percentile for impervious surfaces. The solution seeks to reduce disparities and provide benefits to the residents in these census tracts by studying additional pedestrian and vehicle access points across Hwy 100 and promote increased greenspace. Improved multimodal connectivity will contribute to reduced emissions from vehicles, promoting public health.
Improve safety for all users.:	In the past 10 years, the project area experienced 33 injury or serious injury crashes and 3 pedestrian and bicycle crashes. All ped/bike crashes occurred in the past 5 years. A determined solution will aim to improve connectivity across Hwy 100 with fully protected pedestrian and bicycle access across the highway. Reduced local trips on Hwy 100 will contribute to a reduction in fatal and serious injury crashes, contributing to Minnesota's Toward Zero Deaths policy and promoting safety for all.

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

DEPARTMENT OF TRANSPORTATION

State Aid for Local Transportation
395 John Ireland Blvd., MS 500
St. Paul, MN 55155
Phone: 651-366-3800

June 27, 2024

Ahmed Omer
Brooklyn Center City Engineer
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

In reference to:
Infrastructure Investment and Jobs Act (IIJA) Technical Assistance Grant
SAP 109-589-001

Dear Mr. Omer,

Thank you for applying for state funding for IIJA technical assistance. Your application has been approved for up to $30,000.00 in state funds. Note that these funds will require a grant agreement and eligible costs will be paid on a reimbursable basis only after the grant agreement has been executed. The State Aid Project number for this grant will be 109-589-001.

The process to access state funds is detailed in the IIJA technical assistance information sheet. Your immediate next step is to work with your District State Aid Engineer to execute a "state funded professional/technical force account agreement" to document the consultant name, eligible costs, and scope. The force account agreement should include the one-page form from the State Aid Agreements website (https://www.dot.state.mn.us/stateaid/agreements-info.html) and the consultant scope, schedule, and budget as an attachment. This must be complete before a funding letter can be issued. When the force account agreement is signed by the DSAE and grantee, the DSAE will send a request to me to issue a funding letter. The funding letter will include further instructions on assembling the draft grant agreement.

Important: only eligible consultant costs incurred after the date of the funding letter will ultimately be eligible for reimbursement, though payment cannot be made until a grant agreement is executed.

Please note that this funding is intended primarily for hiring consultants to develop federal IIJA discretionary grant applications. See IIJA – State Aid – MnDOT for a list of potential discretionary grant opportunities. Note however that this may not be a comprehensive list.

Some work types that are not eligible for this state funded technical assistance include:

- General planning studies and preliminary engineering for one or more corridors that may or may not result in applications for IIJA transportation related discretionary grant applications
- Applications to an MPO or ATP for Transportation Alternatives, Surface Transportation Block Grant, or other federal funds that are distributed through the MPO or ATP
- Applications that are submitted directly to US Senators or House of Representative seeking Congressionally Directed Spending (CDP)
- Applications for state programs such as Local Road Improvement Program, Safe Routes to School, Active Transportation, Local Partnership Program, Corridors of Commerce, State Park Road Account, etc.

Sincerely,

Marc D Briese Digitally signed by Marc D Briese
Date: 2024.06.27 09:26:18 -05'00'

Marc Briese
State Aid Programs Manager

copy: Ian Alexander, City of Brooklyn Center Economic Development Manager
Dan Erickson, Metro District State Aid Engineer
Luke Lortie, Metro District State Aid Programs Engineer
Elisa Bottos, State Aid Project Delivery Engineer
Olga Kruglova, State Aid Programs

State Funding for IIJA Technical Assistance

APPLICATION OPEN

The new state funded Infrastructure Investment and Jobs Act (IIJA) technical assistance application is now open and can be accessed at: https://www.dot.state.mn.us/stateaid/iija-state.html.

This program will provide **state funds** to grantees to hire consultants in helping to identify and ultimately apply for federal transportation-related discretionary grant opportunities. See below for more information.

In the 2023 legislative session (Chapter 68, Article 4 Section 110 and Article 1 Section 2 Subd. 5(a)), the legislature appropriated $2 million in general funds that is available for grants to townships, small cities, state aid cities, counties, and tribal governments to hire consultants to provide technical assistance in identifying and applying for

transportation-related federal discretionary grants. Of this amount, at least 15% must be reserved for grants to tribal governments and at least 15% must be reserved for grants to small cities. Technical assistance grants may not exceed $30,000, and no more than one grant can be awarded to each local government in a calendar year. More than one grant may be awarded to a tribal government in a calendar year.

The following will be required by local agencies in accessing **state funds** for IIJA technical assistance.

• A **state grant agreement** will be required, which will generally follow the process outlined in the State fund grantee user guide (PDF).

• Grants to townships and small cities will require county sponsorship as documented in the state aid manual, Chapter 5.3, section X. At a minimum, the county will need to act as the fiscal agent, with funds flowing from MnDOT to the county to the small city/township.

• State Aid will assign a State Aid Project (SAP) number after the application is approved for funding.

• A force account agreement will need to be executed between MnDOT District State Aid and the grantee that documents consultant costs. This is required before the funding letter can be issued.

• After the SAP number has been assigned and the force account agreement has been executed, State Aid will issue a funding letter with further instructions.

○ *Eligible consultant costs incurred after the date of the funding letter will ultimately be eligible for reimbursement, though payment cannot be made until a grant agreement is executed.*

• A pre-award audit of the consultant, performed by MnDOT Audit, will be required before the grant agreement can be executed. State Aid staff will request the audit and will work with the grantee's consultant as necessary.

• Finally, the grant agreement will be executed and the grantee can submit for eligible costs. Note that grant funds will be paid on a reimbursable basis.

Please contact Marc Briese (marc.briese@state.mn.us) or Elisa Bottos (elisa.bottos@state.mn.us) with questions.

MAT Contact Info

800-228-0296

info@mntownships.org

Fax: 763-497-3361

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Mail Delivery Address

PO Box 267
St. Michael MN, 55376

Office Location

805 Central Ave E
St. Michael MN, 55376

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Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: N/A
BY: Angela Holm, Director of Fiscal & Support Services

SUBJECT: An Ordinance Amending the Mayor and Council Salaries for 2025 and 2026 (second reading)

Requested Council Action:

- *Motion to:*
  - *open the public hearing*
  - *take public comment*
  - *close the public hearing*
- *Motion to approve an ordinance amending the salaries for Mayor and City Council for 2025 and 2026.*

Background:

Tonight is the public hearing for an ordinance amendment for Mayor and City Council salaries for 2025 and 2026 respectively.

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

Budget Issues:

The budget amounts will be included in the 2025 and 2026 budgets respectively.

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
Mn Statute 415.11	10/2/2022	Backup Material
Ordinance	7/15/2024	Ordinance

415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

History: *Ex1967 c 42 s 1,2; 1976 c 44 s 34; 2009 c 152 s 17*

Notice is hereby given that a public hearing will be held on the 22nd day of July, 2024, at 7 p.m. or as soon thereafter as the matter may be heard at the City Hall, 6301 Shingle Creek Parkway, to consider An Ordinance Amending Ordinance 2016-08 Regarding Council Salaries for 2025-2026.

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.

CITY OF BROOKLYN CENTER

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING ORDINANCE NO. 2020-08 REGARDING COUNCIL SALARIES FOR 2025-2026.

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

Section 1. City of Brooklyn Center Ordinance No. 2020-08 which amended the amount of the annual compensation to be paid to the Mayor and Council Members to become effective January 1, 2025, is hereby amended.

Section 2. Effective January 1, 2025, the annual salary for the Mayor shall be ~~$13,079~~ $14,857 and the annual salary for Council Members shall be ~~$10,013~~ $11,158.

Section 3. Effective January 1, 2026, the annual salary for the Mayor shall be ~~$13,341~~ $15,302 and the annual salary for Council Members shall be ~~$10,214~~ $11,493.

Section 4. This ordinance shall be effective after adoption and thirty days following its legal publication.

July 22, 2024
Date

Mayor Pro Tem

ATTEST: _____
Assistant City Manager/City Clerk

First Reading: June 24, 2024
Publication: July 4, 2024
Adopted:
Effective

Council Regular Meeting

DATE: 7/22/2024

TO: City Council
FROM: Dr. Reggie Edwards, City Manager
THROUGH: Jesse Anderson, Community Development Director
BY: Krystin Eldridge, Associate Planner

SUBJECT: Resolution Regarding Planning Commission Application No. 2024-010, Submitted by Loehrer Acquisitions, LLC for the First Reading of an Ordinance Rezoning and Issuance of a Conditional Use Permit for a Los Campeones Gym (6440 James Circle North)

Requested Council Action:

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

(2) *Motion to approve Planning Commission Application No. 2024-010 for issuance of a conditional use permit to operate a Los Campeones gym at 6440 James Circle North, based on the findings of fact and submitted documentation.*

Background:

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

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

As the new zoning code provisions have since been adopted, the Planned Unit Development is no longer necessary as “indoor recreation” is an allowed use in the MX-B district through approval of a conditional use permit. It should be noted that, while this is not a site and building plan request, the Applicant has provided certain background information and plans (e.g. landscape, photometric, architectural) to better inform the request for issuance of a conditional use permit and address existing code compliance issues.

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

A public hearing was held at the Planning Commission meeting on July 11, 2024 where neighboring property owner Simone Chambliss (Jambo Africa) expressed support for the use and as a potential neighbor. The Commissioners present at the meeting were generally supportive of the project and noted the Applicant’s willingness to bring the property into compliance and value back to the currently vacant site. The Applicant, who was present at the meeting, was questioned on the number of anticipated gym members for the proposed Brooklyn Center location, the membership model for Los Campeones and ability to use other locations, and the type of gym Los Campeones was and how it differs from other gyms. Benjamin Loehrer, owner of Los Campeones, noted that the Brooklyn Center location would likely pull some members from a current location in Northeast Minneapolis.

Additional questions posed by the Commissioners concerned the gym’s expansion plans, whether any gyms had closed, and any historical issues with safety at other locations, and given the extended hours of operation.

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

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

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Strengthen and diversify business development and housing

ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Exhibits - PC Application No. 2024-010 (6440 James Circle North)	7/16/2024	Backup Material
Ordinance Rezoning - 6440 James Circle North - 1st Reading	7/17/2024	Ordinance
Resolution - 6440 James Circle North - Conditional Use Permit	7/17/2024	Resolution Letter
presentation	8/27/2024	Presentation

Planning Commission Report
Meeting Date: July 11, 2024

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

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



Map 1. Subject Property Location.

Requested Action

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

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

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

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

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

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



Image 1. Existing Conditions at Subject Property.

Background

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

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

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

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

Site Data:

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

Surrounding Area:

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

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

REQUESTS

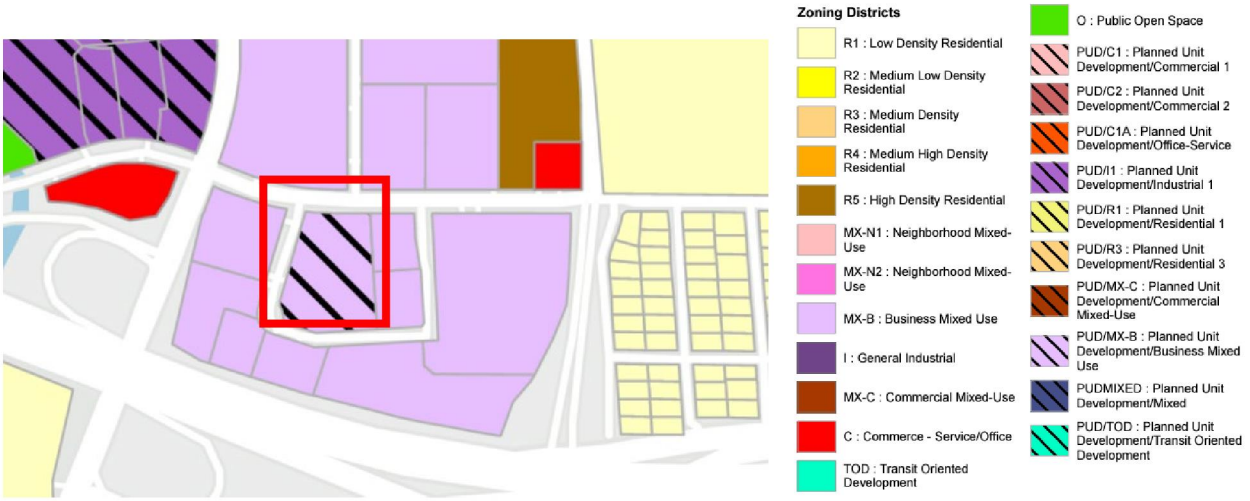
Rezoning

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

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

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

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



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

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

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

Conditional Use Permit

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

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

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

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

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

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

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

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

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

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

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

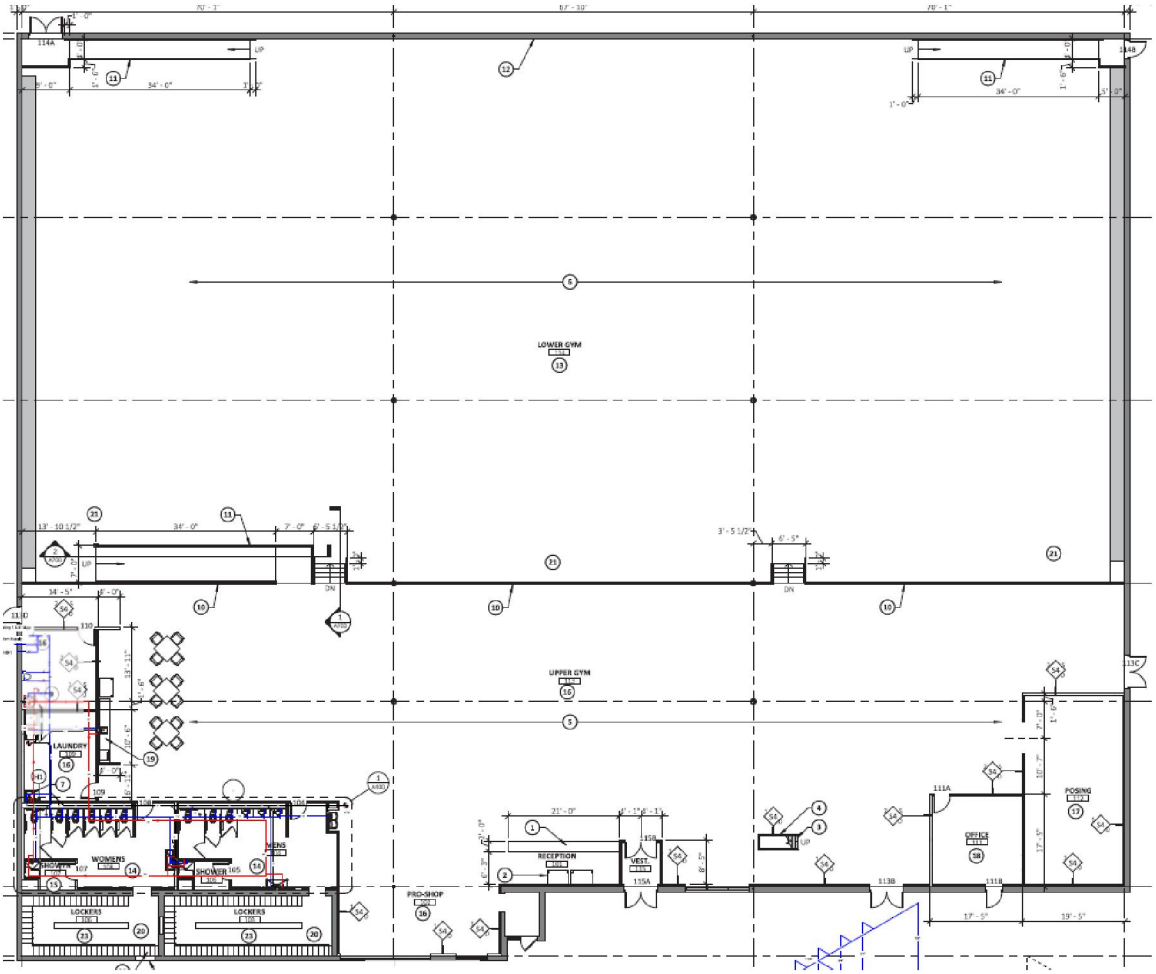


Image 3. Proposed Los Campeones Gym Interior Floor Plan as per Submitted Plumbing Plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as to minimize traffic congestion in the public streets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building Official Review

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

ANTICIPATED PERMITTING AND CONDITIONS

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

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

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

RECOMMENDATION

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

to the Applicant complying with the Approval Conditions.

ATTACHMENTS

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

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

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

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

Exhibit A

Dear Sir/Madam,

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

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

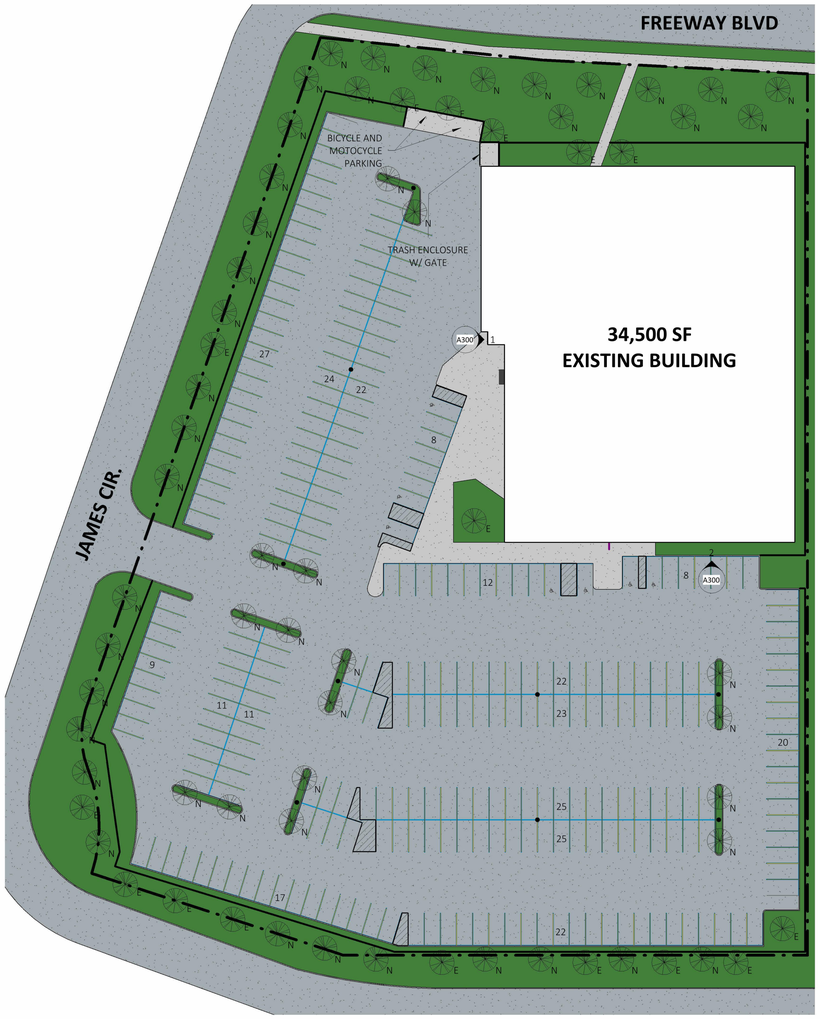
Our gyms are open from 5 AM to 11 PM during the week and 7am to 7pm on the weekends and are always staffed with knowledgeable personnel to ensure everyone has a safe and welcoming experience. We always have 2-5 staff members on duty to service customers and keep the interior and exterior nice and tidy.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

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

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

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

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



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

PARKING CALCULATIONS

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

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

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

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

E = EXISTING TREE

N = NEW TREE

= SHRUB BEDS

= PROPERTY LINE

LANDSCAPE SCHEDULE:

TREES:

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

PARKING ISLAND TREES: STREET KEEPER HONEYLOCUST

SHRUBS:

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

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

EDGING OF SHRUB BED TO HAVE COMMERICAL GRADE VINYL EDGING.

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

MOHAGEN HANSEN
Architecture | Interiors

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

MohagenHansen.com

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

LOS CAMPEONES
THE BEST GYM IN TOWN

LOS CAMPEONES - BROOKLYN CENTER

6440 JAMES CIR. NORTH BROOKLYN CENTER, MN 55430

NO.	DESCRIPTION	DATE

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

ARCHITECTURAL SITE PLAN

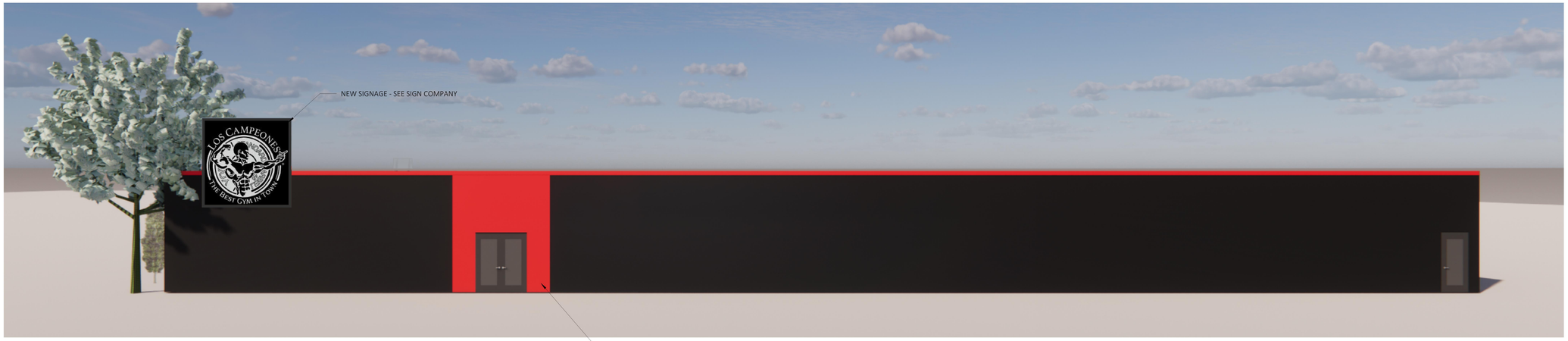
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A050

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EXTERIOR ELEVATION - WEST



EXTERIOR ELEVATION - SOUTH



LOS CAMPEONES - RICE STREET

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

MOHAGEN HANSEN
Architecture | Interiors

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

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LOS CAMPEONES - BROOKLYN CENTER

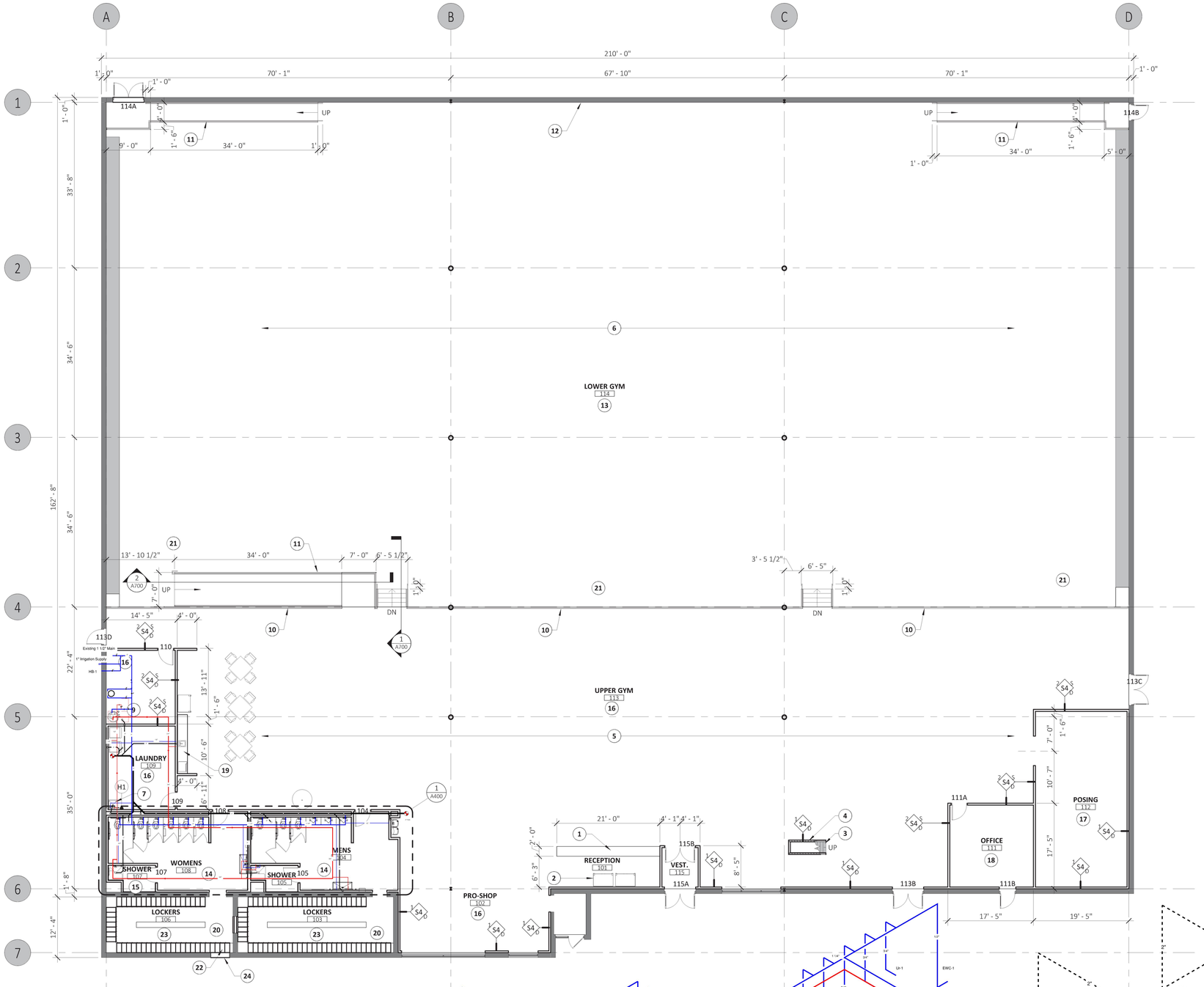
6440 JAMES CIR. NORTH
BROOKLYN CENTER, MN
55430

NO.	DESCRIPTION	DATE

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

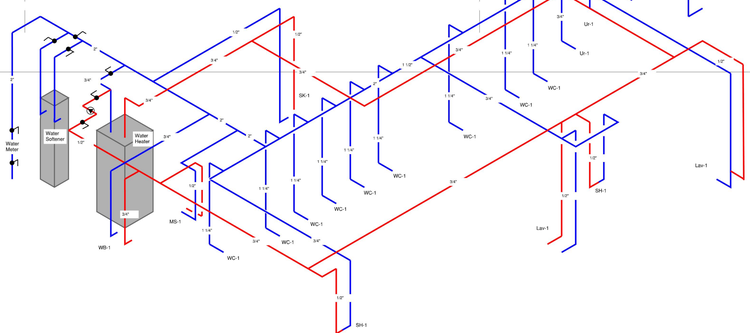
EXTERIOR ELEVATION RENDERINGS

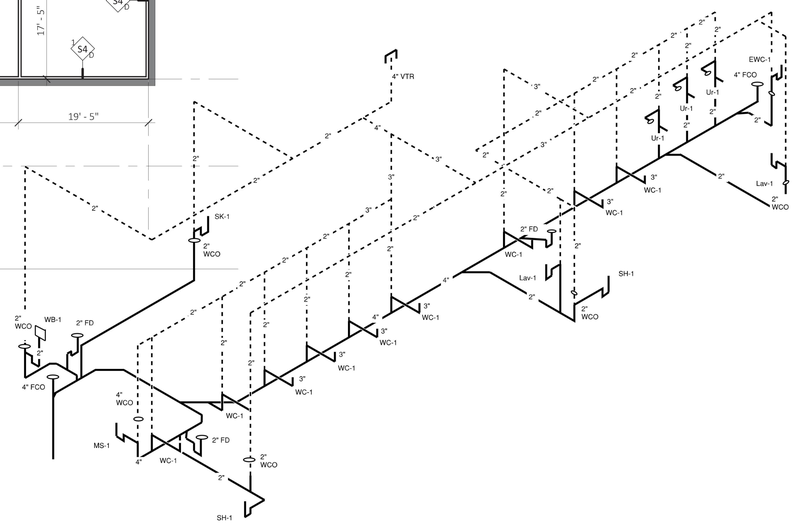
A051



1 A201 FLOOR PLAN

3/32" = 1'-0"





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B&D

Plumbing, Heating & Air Conditioning

4145 Mackenzie Ct. NE.
St.Michael, MN 55376
Phone:763-497-2290

Certification or Seal:

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

Joe Barbeln

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

LOS CAMPEONES - BROOKLYN CENTER

6440 JAMES CIR. NORTH BROOKLYN CENTER, MN 55430

P1

LAYOUT AND BOM ARE SUBJECT TO APPROVAL

Calculation Summary

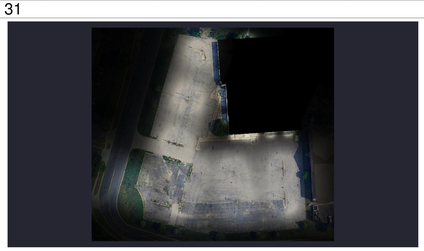
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpcLr	PtSpcTb	Meter Type
CalcPts_4	Illuminance	Fc	14.20	14.2	14.2	1.00	1.00		10	10	Horizontal
CalcPts_5	Illuminance	Fc	1.87	14.1	0.0	N.A.	N.A.	Readings Taken 0'-0" AFG	10	10	Horizontal

Luminaire Schedule

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

Expanded Luminaire Location Summary

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



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

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

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

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

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



The Lighting Analysis, Estimate, Energy Analysis and/or Visual Simulation "Lighting Design" provided by ROUZER represents an anticipated prediction of lighting system performance over time under ideal conditions based on the information provided by others at the time the Lighting Design was performed. Actual performance may differ as a result of changes to the environment and/or luminaire performance. Field verified to confirm existing conditions. ROUZER neither warrants nor guarantees the accuracy of information provided by others nor the performance of luminaires not supplied by ROUZER. ROUZER neither warranties, either implied or stated, nor represents that any energy or cost savings will be realized as a result of the Lighting Design. ROUZER assumes no responsibility for the specification or performance of luminaires not specified by ROUZER. Any code requirements with the exception of those specifically stated on drawings created and submitted by ROUZER are the responsibility of others. This Lighting Design is for illustrative purposes only and is not intended for construction and is not to be used as a part of a project's construction documentation package.

Scale: as noted
Date:7/8/2024
Filename: 6440 James Circle N.AGI
Drawn By: Bailey Ganske

Job Name: 6440 James Circle N. Brooklyn Center, MN
Lighting Layout
Version A

Prepared For: Burnsville

Filename: C:\Users\bailey\Rouzer Group\Rouzer Inside - Rouzer Inside Documents\RAB\Rouzer Layouts\Baileys AGI\Ganske - AGI\6440 James Circle N.AGI

ROUZER GROUP

A22-150



Color: Bronze

Weight: 13.0 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

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

LED Info

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

Technical Specifications

Field Adjustability

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

Compliance

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

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

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

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

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

Performance

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

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

Electrical

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

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

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

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

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

Surge Protection:
6kV

Construction

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

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

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

Lens:
Polycarbonate lens

Housing:
Die-cast aluminum

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CDLED6W-40W-80D940-Z



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

Color: Bronze

Weight: 9.6 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

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

LED Info

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

Technical Specifications

Compliance

UL Listed:
Suitable for wet locations

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

Electrical

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

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

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

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

Optical

Optics:
80°

Performance

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

LED Characteristics

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

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

Construction

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

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

Lens:
Solite Glass Lens and Microprismatic Diffusion Lens

Reflector:
Vacuum-metalized polycarbonate

Housing:
Extruded aluminum

Mounting:
Wall direct/indirect light

Gaskets:
High-temperature silicone

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

Finish:
Formulated for high durability and long-lasting color

Other

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

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

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SLIM



Color: Bronze

Weight: 2.9 lbs

Project:	Type:
Prepared By:	Date:

Driver Info

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

LED Info

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

Technical Specifications

Field Adjustability

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

Compliance

UL Listed:
Suitable for wet locations

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

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

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

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

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

Performance

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

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

LED Characteristics

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

Electrical

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

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

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

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

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

Surge Protection:
4kV

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Exhibit B

CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

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

TYPE OF REQUEST: Conditional Use Permit

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

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

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

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

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

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

Respectfully,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
June 27, 2024
1404566

Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-165

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 2021-165

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

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

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

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

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

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

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

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

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

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

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

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

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

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

by the City prior to issuance of a Building Permit.

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

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

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

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

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

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

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

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

RESOLUTION NO. 2021-165

December 13, 2021
Date

Mayor

ATTEST:
City Clerk

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

Exhibit D

Community Development
763-569-3300

July 9, 2024

6440 James Cir N. (Former Bowling Alley)

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

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

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

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

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

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

Sincerely,

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

CITY OF BROOKLYN CENTER

Notice is hereby given that the City Council of the City of Brooklyn Center will conduct a first reading of an ordinance related to the rezoning of the property located at 6440 James Circle North at its July 22, 2024 meeting.

ORDINANCE NO. _____

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

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

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

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

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

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

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

Adopted this ___ day of _____, 2024.

_____
April Graves, Mayor

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION APPROVING PLANNING COMMISSION APPLICATION NO. 2024-010 FOR ISSUANCE OF A CONDITIONAL USE PERMIT TO OPERATE A LOS CAMPEONES GYM (6440 JAMES CIRCLE NORTH)

WHEREAS, Planning Commission Application No. 2024-010, submitted by Loehrer Acquisitions, LLC ("the Applicant") requests review and consideration of an application requesting issuance of a conditional use permit for the approximately 35,000-square foot former AMF Earle Brown Lanes bowling alley and restaurant located at 6440 James Circle North ("the Subject Property"), as legally described in Exhibit A attached hereto, that would allow for the re-use of property as a Los Campeones gym; and

WHEREAS, the Subject Property is currently zoned Planned Unit Development/Business Mixed-Use (PUD/MX-B) District, and following a review of the proposed use, it was recommended that the Subject Property be re-zoned to remove the Planned Unit Development designation, as it was originally intended for an earlier proposed light industrial development that is no longer being considered, and as there is no need for the flexibility of a Planned Unit Development the Applicant desires its removal; and

WHEREAS, Planning Commission Application No. 2024-010, in addition to the conditional use permit, contemplates an ordinance rezoning of the Subject Property from the aforementioned Planned Unit Development/Business-Mixed Use (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and following a review of Section 35-4103 (*Allowed Use Table*), the use is categorized as an "indoor recreation fitness center or club," which is allowed through approval of a conditional use permit in the aforementioned district; and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on June 27, 2024, mail notifications were sent to adjacent property owners and physical properties, and notice was provided for on the City's website; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on July 11, 2024, whereby a planning staff report was presented and public testimony regarding the conditional use permit were received; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the conditional use permit request in light of all testimony received, the guidelines and standards for evaluating the conditional use permit contained in Section 35-7700 (*Conditional Use Permit*), the City's 2040 Comprehensive Plan, as well as information provided by the Applicant with respect to the proposed use's operations and any potential impacts, and the request generally satisfies the criteria as outlined within the above Sections; and

WHEREAS, the City Council finds as follows regarding Planning Commission

RESOLUTION NO.

Application No. 2024-010, submitted by Loehrer Acquisitions, LLC:

a) The proposed use, in terms of intensity, is substantially similar in nature to former occupant AMF Earle Brown bowling alley and restaurant, who operated at the Subject Property for nearly 40 years before its closure in 2015 and its potential impacts on the surrounding community as an "indoor recreation fitness center or club" are addressed as set forth within Section 35-4103 (Allowed Use Table) and with respect to the minimum parking needs for an "indoor recreation use" as outlined in Section 35-5506 (*Required Parking Spaces*);
b) The proposed use is allowed through approval of a conditional use permit in the MX-B District, which the Applicant has requested the Subject Property rezone to as part of submitted Planning Commission Application No. 2024-010;
c) The conditional use, as proposed, will be in accordance with the general objectives of the City's 2040 Comprehensive Plan and the City's Unified Development Ordinance given the Subject Property's future land use designation under the 2040 Comprehensive Plan is "Business Mixed-Use" (B-MU) and the Applicant has requested the Subject Property be rezoned to Business Mixed-Use (MX-B) District;
d) The establishment, maintenance, or operation of the conditional use will promote or enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort, and the Applicant has indicated that all work will take place within the existing building, that no business operations will take place in the parking lot, and any and all noise will be contained within the building;
e) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
f) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
g) Adequate measures have been taken to provide ingress, egress, and parking so designated as to minimize traffic congestion in the public streets;
h) Impacts such as noise, hours of activity, and exterior light have been either sufficiently addressed to mitigate impacts on nearby uses, or will be addressed as a condition of approval; and
i) The conditional use will conform to the applicable regulations of the district in which it is located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that it hereby approves Planning Commission Application No. 2024-010 for the requested conditional use permit, which would allow for an indoor recreational fitness center to be known as Los Campeones gym at 6440 James Circle North, and conditioned on compliance with all of the following:

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

RESOLUTION NO.

July 22, 2024
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.

Loehrer Acquisitions, LLC



REQUESTS:

Conditional Use Permit

Rezoning – 1st Reading

City Council Meeting| July 22, 2024
Krystin Eldridge, Associate Planner

Requested Action

Loehrer Acquisitions, LLC ("the Applicant") is requesting approval of a:

(1) Rezoning

(2) Conditional Use Permit

These requests would allow for a new Los Campeones gym location at 6440 James Circle North.

The Subject Property was formerly home to the AMF Earle Browne Lanes as well as a restaurant and bar, which abruptly closed in 2015. ODAA Center, LLC purchased the property in 2017. A request to rezone from the Planned Unit Development/Business Mixed Use (PUD/MX-B) designation is because it is no longer necessary for the "indoor recreation" use.

- **Subject Property (Acres):** 4.03
- **Current Zoning District:** PUD/MX-B (Planned Unit Development/Business Mixed-Use)
- **2040 Comprehensive Plan Future Land Use Designation:** B-MU (Business Mixed-Use)

2









3

Background

- The approximately 35,000-square foot building was originally approved for and constructed in 1978 for use as the bowling alley with restaurant under Planning Application Nos. 78023 and 78024 following site/building plan and Special Use Permit approvals by the Planning Commission and City Council.
- The approval of the special use permits (SUP) under these applications allowed for live entertainment and a bowling alley in what was then zoned I1 (Industrial Park) District. This allowed for the Subject Property to function as a bowling alley, restaurant, and game room/recreational facility.
- Additional Planning Commission applications were subsequently approved by the City over the years and included the:
    1. Expansion of lounge area and exterior remodeling of Earle Brown Bowl (1982);
    2. Addition to café for new cooler storage service area and waiting room (1987); and
    3. Requests to build a temporary outdoor patio, and outdoor sand volleyball courts for summer league (1991).

4

Background (cont.)

- Prior to the current application, the Subject Property had been proposed for re-use as an **(1)** event center (2018 and 2019 applications), and **(2)** an approximately 64,000-SF speculative light industrial redevelopment (2021 application).
- Benjamin Loehrer of Loehrer Acquisitions, LLC and broker Mike Fidler reached out to City in May 2024 regarding plans to purchase the Subject Property from the current Property Owner for a new Los Campeones gym. The Applicant and Property Owner had initially anticipated a June closing; however, City staff informed the Applicant at that time that a conditional use permit would be required to permit the use.
- City Staff has been in communication with the Applicant's architect and general contractor regarding the existing site conditions, including the building's exterior, landscaping, site lighting, and parking lot.
- The site has been subject to deterioration and vandalism as it has not been in operation since 2015. The Applicant has already factored in renovation costs to re-open the building for an indoor recreation use and obtain a new certificate of occupancy.
- The submitted application is **not** requesting new site and building plan approvals; however, the Applicant did provide preliminary architectural plans, site plan with landscaping, and photometric plans to support conditional use permit request.

5

Rezoning

The Subject Property was re-zoned to Planned Unit Development/Business Mixed-Use (PUD/MX-B) District in 2021 as a matter of timing, as the current Property Owner, ODAA Center, LLC had applied for redevelopment of the Subject Property to an approximately 64,000-square foot speculative light industrial building. **As this use is no longer being proposed, a rezoning is requested to remove the PUD.**

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

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Rezoning (Cont.)

- Whether there is a clear and public need or benefit;
- Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
- Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;
- Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;
- Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
- Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;

Rezoning (Cont.)

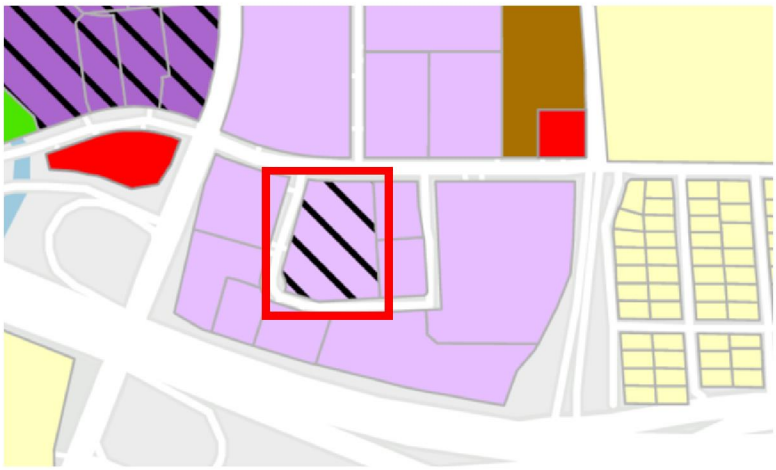
- Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
- Whether the rezoning will result in the expansion of a zoning district, warranted by:
  - Comprehensive Planning;
  - The lack of developable land in the proposed zoning district; or
  - The best interests of the community.
- Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
- The specific policies and recommendations of the Comprehensive Plan and other City plans;
- The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
- If applicable, the adequacy to buffer or transition between potentially incompatible districts.

Rezoning (Cont.)

- Although light industrial uses (e.g. manufacturing, warehousing) are *now permitted* within the City's Business Mixed-Use District as of 2023, the District had not yet been formally adopted as a district.
- The City's 2040 Comprehensive Plan adopted in 2019 future guided the Subject Property as "Business Mixed-Use (B-MU)."
- City staff ultimately considers the requested rezoning to be more of an administrative clean-up to the Subject Property, if anything, as the property's current underlying zoning of Business Mixed-Use District (MX-B) **will remain the same**.
- As the Subject Property is not contemplated for redevelopment and there is no request from the Applicant for certain flexibilities to be granted, City staff, in discussion with the City Attorney, **determined the PUD no longer served a purpose.**
- The requested rezoning is therefore intended to remove a restriction on the Subject Property that only permits a use of the aforementioned light industrial building. Removing the Planned Unit Development (PUD) designation frees the Subject Property for any use within the Business Mixed-Use District.

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Rezoning (Cont.)



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Conditional Use Permit

Business Operations

- The Applicant indicated a desire to expand to the Subject property for its sense of community and noted its gym offers a safe and friendly environment for people of all fitness levels feel motivated and encourage to achieve their goals. The Applicant believes Brooklyn Center is ideal for the business and plans to make improvements on site.

  Hours of Operation: Monday to Friday (5 a.m. to 11 p.m.) and Saturday and Sunday (7 a.m. to 7 p.m.) – potential to adjust weekend hours to 6 a.m. to 8 p.m. in future, but not currently.

  Staffing: 2-5 staff members on duty. In addition, potentially 15-20 personal trainers, coaches, and physical therapists.

  Peak Traffic | Membership: 100 members per hour during peak hours (6 a.m. to 8 a.m. and 5 p.m. to 8 p.m.) | 3,000 members at BC Location

  Note: *Brooklyn Center would be Los Campeone's largest gym. They currently have 7 Twin Cities gyms, as well as locations in Austin, Texas; Denver, Colorado; Bismarck, North Dakota; and Sioux Falls, South Dakota.*

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Conditional Use Permit

Additional Information

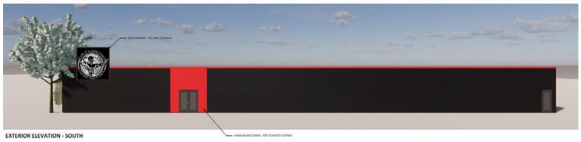
- City staff has been in contact to address existing non-conformities at Subject Property and in addressing the conditional use permit criteria:
  - ***Site Plan*** – no plans for site alterations other than to seal coat and re-stripe. "Indoor Recreation" use requires minimum of **133 parking spaces**. As proposed, there are **286 existing spaces.**
  - ***Landscape Plan*** – provided draft landscape plan to address missing landscaping, but will require revisions (e.g. landscape schedule with plant species, sizing).
  - ***Photometric Plan*** – provided photometric plan with lighting specifications for new wall sconces and replacement of parking lot heads. Lighting currently non-functional. Will revise as necessary.
  - ***Building Elevations*** – plans to paint building black with accent red Hardie board over entrance/exit points.
  - ***Signage –*** will address separately. City staff in discussions with Applicant as current freestanding signage in poor condition.

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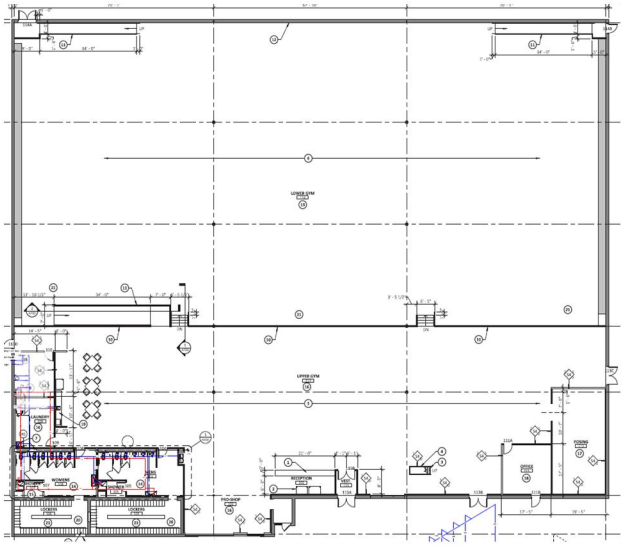
Conditional Use Permit



EXTERIOR ELEVATION - WEST



EXTERIOR ELEVATION - SOUTH



Conditional Use Permit

PARKING CALCULATIONS

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

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

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

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

E = EXISTING TREE

N = NEW TREE

= SHRUB BEDS

= PROPERTY LINE

LANDSCAPE SCHEDULE:

TREES:

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

PARKING ISLAND TREES: STREET KEEPER HONEYLOCUST

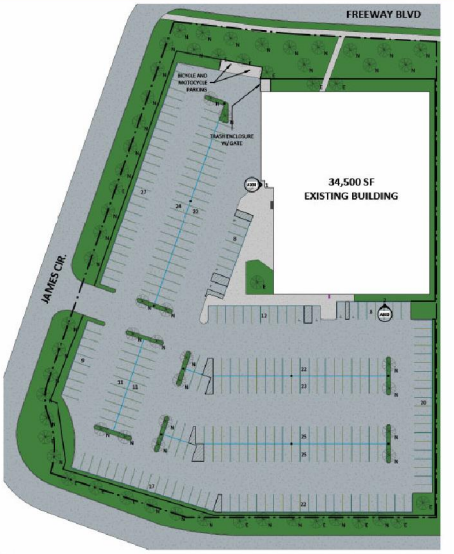
SHRUBS:

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

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

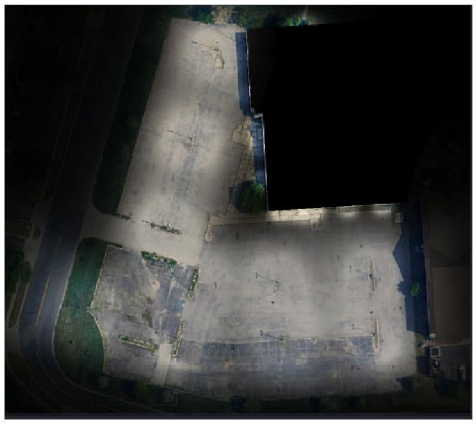
EDGING OF SHRUB BED TO HAVE COMMERICAL GRADE VINYL EDGING.

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



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

Conditional Use Permit





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Conditional Use Permit

- Proposed use is categorized as an "Indoor Recreation Fitness Center or Club," which requires a conditional use permit in the MX-B District where the property is located.

- Conditional Use Permits, as outlined under Section 35-7700, are those uses which have been identified because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission and approval by City Council.
- Conditional Use Permit process regulates: location, magnitude, and design of conditional uses consistent with the Comprehensive Plan, and the regulations, purpose, and procedures of the City's Unified Development Ordinance (UDO).
- A Conditional Use Permit ***may not*** be granted by City Council unless the following criteria have been satisfied:

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Conditional Use Permit (cont.)

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

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

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

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

e. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets;

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

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

Summary and Notifications

- Public hearing notice was published in the *Sun Post* on June 27, 2024 and mail notifications sent to taxpayers and physical properties located within 350 feet of the Subject Property. Public notice published to City website.
- Planning Commission held the public hearing at their July 11, 2024 meeting:
  - 1 – Neighboring property owner Simone Chambliss (Jambo Africa) showing support for the use and welcomed the potential neighbor.
  - Planning Commissioners inquired on:
    - Number of gym members and if membership can be used at other locations
    - How the gym differs from other gym locations
    - How other gyms operated and with recent expansion if the business had experienced any closures
    - Issues with safety given hours of operation and other locations
- Planning Commission expressed general support for requests and recommended unanimous approval **(4-0)**
- Since Planning Commission met, City Staff is in receipt of a new signage proposals and anticipating revised landscaping plans.

Recommendation

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

(2) Motion to approve Planning Commission Application No. 2024-010 for issuance of a conditional use permit to operate a Los Campeones gym at 6440 James Circle North, based on the findings of fact and submitted documentation.

Council/EDA Work Session
City Hall Council Chambers
July 22, 2024

AGENDA

ACTIVE DISCUSSION ITEMS

1. 2024 Park Capital Investment Plan – Update and Dog Park Project
   - Staff asks the Council to consider options for moving forward with a dog park project and to find consensus on next steps for the project.

PENDING LIST FOR FUTURE WORK SESSIONS

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