

Council Worksession
City Hall Council Chambers
May 28, 2024

AGENDA



The City Council requests that attendees turn off cell phones and pagers during the meeting. A copy of the packet is available on the city's website.

- 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
May 28, 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.

5. Invocation - Kragness

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*

- *05/13/24 Worksession*
- *05/13/24 Regular Session*
- *05/13/24 EDA/Work Session*

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Resolution Acknowledging Awarded Funds from the Minnesota Department of Health Source Water Protection and Authorizing Acceptance of Grant Funds

- *Motion to approve a resolution acknowledging the awarded funds from the Minnesota Department of Health Source Water Protection and Authorizing Acceptance of Grant Funds.*

- d. An Ordinance Amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances Regarding Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) Zoning District - First Reading
- Motion to approve a first reading regarding the adoption of an ordinance amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances, and as outlined under Planning Commission Application No. 2024-008, to allow for Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) zoning district, and set the second reading for June 10, 2024.

7. Presentations/Proclamations/Recognitions/Donations

- a. Proclamation Acknowledging and Proclaiming the Month of June 2024 as "Pride Month"
- Motion to approve a proclamation acknowledging the month of June 2024 as "LGBTQ+ Pride Month"

8. Public Hearings

9. Planning Commission Items

- a. Resolution Regarding Planning Commission Application No. 2024-003, Submitted by Lin Shuang LLC, for Issuance of a Conditional Use Permit for a Tire Installation and Auto Detailing Shop (5927 John Martin Drive)
- Motion to adopt a resolution approving Planning Commission Application No. 2024-003 for issuance of a Conditional Use Permit at 5927 John Martin Drive for a tire installation and auto detailing shop, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.
- b. Resolution Regarding Planning Commission Application No. 2024-005, Submitted by Brookdale Covenant Church and Bright Future Child Care Center, for Issuance of a Conditional Use Permit for an Existing Place of Religious Assembly and New Child Care Center (5139 Brooklyn Boulevard)
- Motion to adopt a resolution approving Planning Commission Application No. 2024-005 for issuance of a Conditional Use Permit for a Place of Religious Assembly and Child Care Center (Licensed Daycare Facility - 13 and Greater Persons in association with a Place of Religious Assembly) for 5139 Brooklyn Boulevard, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.
- c. Resolution Regarding Planning Commission Application No. 2024-004, Submitted by Keshia Deon (Treasure Hunt Early Learning Center), for Issuance of a Conditional Use Permit to Allow for an Early Learning Child Care Center (6098 Shingle Creek Parkway)
- Motion to adopt a resolution approving Planning Commission Application No. 2024-004 for issuance of a Conditional Use Permit at 6098 Shingle Creek Parkway that would allow for an early learning child care center,

based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

10. Council Consideration Items

11. Council Report

12. Adjournment

Council Regular Meeting

DATE: 5/28/2024

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*
 - 05/13/24 Worksession
 - 05/13/24 Regular Session
 - 05/13/24 EDA/Work Session

Background:

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

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Provide quality services with fair and equitable treatment

ATTACHMENTS:

Description	Upload Date	Type
5.13 Worksession Meeting	5/22/2024	Backup Material
5.13 Regular Meeting	5/22/2024	Backup Material
5.13 EDA/Worksession Meeting	5/22/2024	Backup Material

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

WORK SESSION
MAY 13, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority Worksession was not called to order as both agenda items were discussed at the May 13, 2024 City Council Work Session.

**DISCUSS AMENDMENTS TO CHAPTER 12 AND CHAPTER 19 (FENCES,
COMMERCIAL VEHICLES, FIREWOOD, MAILBOXES, AND COMMERCIAL
ADDRESSING)**

This item was discussed at the May 13, 2024 City Council Work Session and it was the majority consensus of the City Council to decline the Staff recommendation regarding firewood regulations.

**PROJECT UPDATE AND CONSIDERATION FOR POTENTIAL REZONING OF 1297
SHINGLE CREEK CROSSING (FORMER SEARS)**

This item was discussed at the May 13, 2024 City Council Work Session and whether TOD would be an appropriate zoning for the area as it allows more flexibility and options.

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
MAY 13, 2024
CITY HALL – COUNCIL CHAMBERS

1. INFORMAL OPEN FORUM WITH CITY COUNCIL

The Brooklyn Center City Council met in Informal Open Forum called to order by Mayor April Graves at 7:03 p.m.

2. ROLL CALL

Mayor April Graves and Councilmembers Marquita Butler and Dan Jerzak. Councilmembers Kris Lawrence-Anderson and Teneshia Kragness were absent and excused. Also present were City Manager Reggie Edwards, Director of Fiscal & Support Services Angela Holm, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM

Mayor Graves reviewed the meeting decorum and opened the meeting for the purpose of Informal Open Forum.

Michelle F. explained there is a Little Free Library at the Duante Wright Memorial which is deeply valuable to the community. It is an international phenomenon to share books. Read in Color is a program that started in Minnesota and has spread throughout the country. The program promotes diversity through books. The Little Free Library will be providing new books for the Duante Wright Memorial through the Read in Color program. She encouraged the community to expose themselves to experiences different than their own.

Katie W. introduced herself as the Chair of the Duante and Kobe No More Names Initiative and City resident. She pointed out that Councilmembers are elected officials. If they are known for misconduct toward Staff and Commissions, they shouldn't be serving on the Council. She stated the Councilmember needs to be removed.

Mayor Graves asked for Katie W. to move on to a new topic. Katie W. stated she has First Amendment rights and she isn't using the Councilmember's name. She noted she emailed City staff twice without a response. She requested a response from them. Mayor Graves stated her time limit was up.

Emily T. stated she would like the City to accept the nuance of the “historical figure” Earle Brown. Many community members are not looking at the person as a whole person. Earle Brown was a mediocre, white supremacist landowner whose wealth and power were stolen and used to kill black, brown, and indigenous people. The City’s asked to hold two truths about Earle Brown upholds the lie that racism is something of the past. She said he used his race and wealth to maintain power. Police still terrorize people of color while allowing white supremacists. In the last meeting, a commenter defended the KKK.

Mayor Graves stated it was the end of the allotted time. Emily T. stated it is the community’s responsibility to promote truth rather than racism.

Mary O. stated Councilmember Jerzak is doing a great job serving the City. Staff people need to help the elected officials as that is what they are paid to do.

Lori B. explained when she studied German, she was able to spend time abroad in Germany. They are proud people, but they are not proud of their country’s contribution to the Holocaust. Germany has since implemented several initiatives to eliminate hate speech, offer reparations, and promote the rebuilding of impacted communities.

Lori B. explained the Holocaust is similar to the actions of the KKK that are still in effect today. Hate speech, racial profiling, and killings remain prominent. The community needs to follow in the footsteps of Germany. Mayor Graves stated the time limit has been reached. Lori B. stated the Council needs to condemn white supremacy.

Julie B. thanked the Council and Staff for accommodating her needs in the space. She noted there is a sticker in City Hall that promotes unity and community. It was part of an art project, and the Artist-in-Residence has added a lot to the community. Her projects engage the youth well, especially Julie B.’s daughter.

Diane S. thanked the Fire Department for their work in the community such as responding to vehicle fires. She thanked the City for addressing the blight she mentioned at the previous meeting.

Diane S. noted there are eight newborns on her street and over 20 children. The park nearby had its sand digger removed. She asked what could be done to replace the sand digger.

Amity D. explained when the Wright family settled out of court after the killing of Duante Wright, the City stated they would work towards completing all of the promises in the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. That has not happened and now the Implementation Committee is being sunsetted.

Amity D. added if a Councilmember is known to have committed egregious acts against the community and Staff, their voting power should be revoked. The community knows why the traffic stop policy wasn’t passed.

Councilmember Jerzak moved and Councilmember Butler seconded to close the Informal Open Forum at 7:25 p.m.

Motion passed unanimously.

5. INVOCATION

Mayor Graves pointed out it is Mental Health Awareness Month. Mental health is extremely important, and she has experienced mental health concerns such as depression and anxiety. Her ability to heal has included a regular practice of mental wellness. She explained exercising, healthy foods, sleeping, taking responsibility, mindfulness, meditation, prayer, boundary-setting, positive community, and gratitude are ways that can promote mental wellness.

Mayor Graves shared a quote, “We cannot control the winds, but we can adjust our sails.” She added, “Turn your face toward the sun, and the shadows will fall behind you.”

6. APPROVAL OF AGENDA AND CONSENT AGENDA

Councilmember Jerzak moved and Councilmember Butler seconded to approve the Agenda and Consent Agenda, as amended, with amendments to the April 22, 2024 Work Session minutes as emailed to the City Clerk, and the following consent items were approved:

6a. APPROVAL OF MINUTES

1. April 22, 2024 – Worksession
2. April 22, 2024 – Regular Session
3. April 22, 2024 – EDA/Work Session

6b. LICENSES

HOSPITALITY ACCOMMODATIONS

Quality Inn	1600 James Circle N
Travelodge by Wyndam	6415 James Circle N

GASOLINE SERVICE STATION

Christy's Auto Service	5300 Dupont Avenue N
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GARBAGE HAULER

Walters Recycling & Refuse	2830 101st Avenue NE Blaine, MN 55449
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Midwest Grease	220 Ponderosa Road Redwood Falls, MN 56283
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MECHANICAL

ANC HVAC LLC	4249 Edinbrook Terrace
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	Brooklyn Park 55443
Affordable Comfort Mechanical	1167 Viking Drive E. Maplewood 55109
All Climate Mechanical	298 Coon Rapids Boulevard NW Coon Rapids 55435
Anderson's Residential Heating & A/C	1628 County Road 10 #34 Spring Lake Park 55432
Associated Mechanical	1257 Marschall Road Shakopee 55379
Boys Electric LLC & Boys Mechanical	9609 Girard Avenue S Bloomington 55431
BWS Plumbing Heating and Air	6321 Bury Drive Eden Prairie 55346
CB Mechanical LLC	15658 150th Avenue Foreston 56330
Endless Quality And Comfort	1010 Newton Avenue N Minneapolis 55411
GV Heating & Air Inc.	5182 West Broadway Crystal 55429
Heating & Cooling Design Inc.	13234 Urbank Court NE Blaine 55449
Marsh Heating & A/C	6248 Lakeland Avenue N Brooklyn Park 55428
McQuillan Home Services LLC	1727 Highway 36 E St. Paul 55109
Northern Heating & A/C Inc.	9431 Alpine Drive NW Ramsey 55303
Northern Plumbing & Softening	7401 Central Avenue NE Fridley 55432

Perfection Heating & Air	1770 Gervais Avenue N Maplewood 55109
Preventive Mechanical Service	1875 Buerkle Road White Bear Lake 55110
South-town Refrigeration	6325 Welcome Avenue N, Suite 200 Brooklyn Park 55429
Sun Mechanical Inc.	10834 178th Circle Elk River 55330
 <u>RENTAL</u>	
<i>INITIAL (TYPE IV – six-month license)</i>	
3713 54th Avenue N	Abdullahi Maow
3906 61st Avenue N	Zinfandel Properties LLC
6424 Perry Avenue N	Raphael Bidahor
6801 Ewing Avenue N	ANTOINETTE S/HAROLD A BARRY
7121 Knox Avenue N	Seigonghyr W Korti
<i>INITIAL (TYPE III – one-year license)</i>	
3301 62nd Avenue N	The TDW Organization LLC
5419 Morgan Avenue N	NORTHDALÉ HOME HEALTH LLC
6633 Xerxes Place N	BEREKET S GEBREMARIAM
7237 Oliver Avenue N	Sukurat Oparemi
<i>INITIAL (TYPE II – two-year license)</i>	
4207 Lakeside Avenue N, #331	KATHERINE E VALENTINE
4510 Kathrene Drive	Mekic Adis
6000 Girard Avenue N	ROBERT FORD & JAYNE FORD

RENEWAL (TYPE IV – six-month license)

3012 51st Avenue N	Sri Lakshmi Valiveti
2613 65th Avenue N	Stephen Zekpa/Gregory Slah
3207 67th Avenue N	Elijah G Nyambane
3701 Woodbine Lane	Rose Blalock
6324 Scott Avenue N	Sayndee Sando
7019 Morgan Avenue N	CANDLEWOOD HOME BUYERS

RENEWAL (TYPE III – one-year license)

6737 Humboldt Avenue N	Humboldt Square Ventures Llc
4708 Twin Lake Avenue N	Michael N Mohs
5327 Colfax Avenue N	Pensco Trust Co Custodian
5332 Morgan Avenue N	Jmw Investments Llc
5410 Girard Avenue N	Cel Monton LLC
6018 Admiral Place	Lutheran Social Srvc Of Mn
6430 Major Avenue N	CHRISTAL PACHEE HER

RENEWAL (TYPE II – two-year license)

6001 Earle Brown Drive	Evercare Senior Living Llc
3307 63rd Avenue N	Rosemond Coleman
6100 Girard Avenue N	Peter Hoeben & Maria Hoeben

6809 Fremont Place N

786 Homes-f09 Llc

RENEWAL (TYPE I – three-year license)

5601 Lyndale Avenue N	Zoe M Hildreth
1217 54th Avenue N	Jackson Hurst & Cierra Hurst

5200 France Avenue N	Christian D Knutson
6819 Noble Avenue N	Dandrew Llc
7212 West River Road	Jason L Ingbretson
1612 69th Avenue N	Prosperous Property Llc
6437 Kyle Avenue N	UNITED HMONG INVESTMENT
7001 Perry Avenue N	Fred Hanus Llc
<u>SIGNHANGER</u> Resolution Graphics, Inc.	3770 Dunlap Street N Arden Hills 55112
Veo Sign LLC	6353 Martin Avenue NE Otsego 55301

6c. RESOLUTION 2024-57 APPROVING THE PARTICIPATION OF THE HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY IN AN AFFORDABLE HOUSING PROJECT

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

7a. RESOLUTION 2024-58 RECOGNIZING MAY 12 THROUGH MAY 18, 2024, AS POLICE WEEK AND MAY 15, 2024, AS POLICE OFFICERS MEMORIAL DAY

Mayor Graves read in full a Resolution declaring May 12 through May 18, 2024, as Police Week and May 15, 2024, as Police Officer's Memorial Day.

Councilmember Jerzak moved and Councilmember Butler seconded to adopt RESOLUTION 2024-58 May 12 through May 18, 2024, as Police Week and May 15, 2024, as Police Officers Memorial Day.

Motion passed unanimously.

7b. RESOLUTION 2024-59 DECLARING MAY 19-24, 2024, NATIONAL PUBLIC WORKS WEEK IN THE CITY OF BROOKLYN CENTER

Mayor Graves read in full a Proclamation declaring May 19 through May 24 of 2023 as National Public Works Week.

Councilmember Butler moved and Councilmember Jerzak seconded to adopt RESOLUTION 2024-59 declaring May 19 through May 24, 2024, as National Public Works Week in Brooklyn Center.

Motion passed unanimously.

7c. PROCLAMATION ACKNOWLEDGING AND PROCLAIMING THE MONTH OF MAY 2024 AS "MENTAL HEALTH AWARENESS MONTH"

Mayor Graves read in full a proclamation declaring May 2024 as Mental Health Awareness Month.

Councilmember Jerzak moved and Councilmember Butler seconded to approve a PROCLAMATION acknowledging and proclaiming the month of May 2024 as "Mental Health Awareness Month".

Motion passed unanimously.

7d. RESOLUTION 2024-60 RECOGNIZING THE CONTRIBUTIONS AND SERVICE COMPLETED BY THE DAUNTE WRIGHT AND KOBE DIMOCK-HEISLER IMPLEMENTATION COMMITTEE

Mayor Graves noted she became Mayor in the middle of the Implementation Committee's work. She worked closely with the Committee to create recommendations. There are still some frustrations among the Committee and others. However, the discomfort is a sign of folks getting out of their comfort zones. She thanked the Director of Community Prevention, Health, and Safety LaToya Turk for her work and commitment despite some difficulties.

Mayor Graves read in full a Proclamation recognizing the contributions of the Implementation Committee.

Councilmember Butler moved and Councilmember Jerzak seconded to adopt RESOLUTION 2024-60 directing the adoption of the recognition, contributions, and service completion of the Daunte Wright and Kobe Heisler-Dimock Implementation Committee.

Motion passed unanimously.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

None.

10. COUNCIL CONSIDERATION ITEMS

10a. RESOLUTION 2024-61 AWARDING THE SALE OF \$12,020,000 GENERAL OBLIGATION IMPROVEMENT AND UTILITY REVENUE BONDS, SERIES 2024A FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

Director of Fiscal & Support Services Angela Holm introduced the item and invited Mikayla Huot, representative of Baker Tilly, to continue the presentation.

Ms. Huot showed a table showing the bids received for the bond issuance. Fidelity had the best bid. She showed a table with the past bond sale results. The rates have mostly gone down over time.

Ms. Huot stated that the deposit to the project construction fund is \$11,792,000. There are several different repayment sources for the \$10,820,000 par amount such as the property tax levy, assessments, Water Fund, Sanitary Sewer Fund, and Stormwater Fund.

Ms. Huot noted Brooklyn's Center credit rating has been reaffirmed as AA, which is a high quality. She showed a graph depicting the Standard and Poor's Credit Rating factors.

Mayor Graves asked what the high percentage of economic and management bars on the graph means. Ms. Huot explained the graph shows that the Rating is weighted toward economic and management factors for all cities. As for Brooklyn Center, the City's stable local economy has steady growth likely in the near term. There is also strong liquidity and general fund reserves in accordance with its 52 percent fund balance policy. The management is very strong and there is a strong institutional framework score. Additionally, the manageable debt burden with manageable additional debt plans, pensions, and other post-employment benefits. Brooklyn Center is consistent with its debt practice.

Dr. Edwards stated the only cities that typically have a rating higher than AA are large metropolitan cities. Ms. Huot agreed AA is a very quality rating. It is challenging for Brooklyn Center's size to get a higher rating.

Councilmember Jerzak moved and Councilmember Butler seconded to adopt RESOLUTION 2024-61 awarding the sale of \$12,020,000 General Obligation and Utility Revenue Bonds, Series 2024A fixing their form and specifications; directing their execution and delivery; and providing for their payment.

Motion passed unanimously.

11. COUNCIL REPORT

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

- Discussed Hwy 252 with some Advisory Group members.
- Recorded Mayor's Minute for CCX.
- Working on a State of the City address.
- Attended the Northwest Tourism happy hour.
- Attended the neighborhood meeting at North Court along with other members of the Council.
- Met with Dr. Edwards.
- Met with the Law Enforcement Action Partnership and Canopy Roots.
- Attended the first budget meeting with the Finance Commission and the Council.
- Worked with the Community Development Department to bring some projects to a session with other Mayors.
- Pointed out there is a neighborhood meeting at Firehouse Park coming up.
- Added there will be a Safe Communities Summit attended by some Council and Staff.

12. ADJOURNMENT

Councilmember Jerzak moved and Councilmember Butler seconded adjournment of the City Council meeting at 7:56 p.m.

Motion passed unanimously.

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL/ECONOMIC
DEVELOPMENT AUTHORITY OF THE CITY OF BROOKLYN CENTER
IN THE COUNTY OF HENNEPIN AND
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WORK SESSION
MAY 13, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority Worksession was not called to order as both agenda items were discussed at the May 13, 2024, City Council Work Session.

**DISCUSS AMENDMENTS TO CHAPTER 12 AND CHAPTER 19 (FENCES,
COMMERCIAL VEHICLES, FIREWOOD, MAILBOXES, AND COMMERCIAL
ADDRESSING)**

This item was discussed at the May 13, 2024, City Council Work Session and it was the majority consensus of the City Council to decline the Staff recommendation regarding firewood regulations.

**PROJECT UPDATE AND CONSIDERATION FOR POTENTIAL REZONING OF 1297
SHINGLE CREEK CROSSING (FORMER SEARS)**

This item was discussed at the May 13, 2024, City Council Work Session and whether TOD would be an appropriate zoning for the area as it allows more flexibility and options.

Council Regular Meeting

DATE: 5/28/2024

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.

Hospitality Accommodations

Country Inn & Suites
2550 Freeway Blvd

Gasoline Service Station

Kabalan Co DBA: Pump N Munch
1505 69th Ave N

Temporary Fireworks

TNT Fireworks
3245 Co Rd No

Renaissance Fireworks
6350 Brooklyn Blvd

Garbage Hauler

Darling Ingredients
9000 382nd Avenue, Blue Earth, MN 56013

Curbside Waste
4025 85th Ave N, Brooklyn Park, MN 55443

Mechanical

Electric Sign & Lighting Inc.
11328 Zane Ave N, Champlin 55316

Heating & Cooling Two Inc.
18550 County Rd 81, Maple Grove 55369
Homeworks Services LLC
915 Blue Gentian Rd, Eagan 55121
Shac, LLC
1240 Trapp Rd, Eagan 55121
Watson Mechanical LLC
1781 Sunrise Circle, Mayer 55360

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Sign Hanger's

Fastsigns
300 Central Ave, Osseo 55369

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	5/22/2024	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 5.28.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
3207 Quarles Rd	Single	Initial	GW Funding LLC	14	Type IV	N/A	Type IV	N/A	0
5601 Dupont Ave N	Single	Initial	Damien Francis Morgan	0	Type I	N/A	Type II	N/A	N/A
5621 Humboldt Ave N	Single	Initial	Abad Martinez	11	Type IV	N/A	Type IV	N/A	0
7019 Dallas Rd	Single	Initial	Janet Ibe	8	Type III	N/A	Type III	N/A	N/A
700 66th Ave N	Multiple Family 24 Bldgs 92 Units	Renewal	Georgetown-bc Company Lllp	383 = 4.16 per unit	Type IV	10/29/23 Disorderly Conduct	Type IV	Type IV	2
5401 63rd Ave N	Multiple Family 1 Bldg 3 Units	Renewal	Ayodeji Gbayisomore	7 = 2.3 per unit	Type III	0	Type III	Type III	N/A
6700 Humboldt Ave N	Multiple Family 4 Bldgs 54 Units	Renewal	MIMG CLXXXIV STERLING SQ SUB	97 = 1.80 per unit	Type III	2/25/24 Noise	Type IV	Type IV	2
6807 Humboldt Ave N	Multiple Family 3 Bldgs 36 Units	Renewal	Cmcb Llc	84 = 2.3 per unit	Type III	0	Type IV	Type IV	2
5245-47 Drew Ave N	Two Family	Renewal	JESSE FORSELL	2	Type I	0	Type I	Type II	N/A
4207 Lakeside Ave N, #220	Condo	Renewal	Matthew F Blackler Rhea J O'Connor	0	Type I	0	Type I	Type I	N/A
3141 49th Ave N	Single	Renewal	CCF3 LLC	5	Type II	0	Type IV	Type IV	3
3812 58th Ave N	Single	Renewal	M Y Issa/f Abdullahi/m Issa	7	Type III	0	Type III	Type II	N/A
5112 70th Ave N	Single	Renewal	Ih3 Property Minnesota Lp	7	Type III	0	Type IV	Type IV	5
5144 Ewing Ave N	Single	Renewal	Gracelands Llc	0	Type I	0	Type I	Type IV	N/A
5200 63rd Ave N	Single	Renewal	Smc Real Estate Llc	0	Type I	0	Type III	Type III	N/A
5553 Aldrich Dr N	Single	Renewal	Njeri Enterprises Llc	1	Type I	0	Type I	Type II	N/A
5833 Pearson Dr	Single	Renewal	Kou M Farngalo	4	Type II	0	Type III	Type III	N/A

5857 Colfax Ave N	Single	Renewal	Cel Monton LLC	12	Type IV	0	Type IV	Type II	0
5925 Zenith Ave N	Single	Renewal	SFR BORROWER 2022-1 LLC	8	Type III	0	Type III	Type II	N/A
6019 Camden Ave N	Single	Renewal	Inang Ekah	1	Type I	0	Type IV	Type IV	4
6106 Quail Ave N	Single	Renewal	Almamy Momo Toure	6	Type III	0	Type III	Type III	N/A
6230 Quail Ave N	Single	Renewal	Kurt Templin & Mary Templin	3	Type II	0	Type II	Type II	N/A
6307 Scott Ave N	Single	Renewal	Iasis Vii LLC	4	Type II	0	Type II	Type IV	N/A
6661 Xerxes Pl N	Single	Renewal	Mn Housing I LLC	5	Type II	0	Type II	Type II	N/A
6807 Quail Ave N	Single	Renewal	Paul Pham	21	Type IV	0	Type IV	Type III	0
6809 Perry Ave N	Single	Renewal	Janvier Ngoy & Emelie Ngoy	12	Type IV	0	Type IV	Type II	0
6913 Toledo Ave N	Single	Renewal	Fred Hanus	5	Type II	0	Type II	Type I	N/A
7141 Newton Ave N	Single	Renewal	Ih2 Property Illinois Lp	15	Type IV	0	Type IV	Type IV	3
7225 Morgan Ave N	Single	Renewal	SRFF LLC	4	Type II	0	Type IV	Type IV	2
7236 Noble Ave N	Single	Renewal	Caleb J Moses/nicole A Moses	3	Type II	0	Type II	Type II	N/A

*CFS = Calls for service for renewal licenses only (Initial licences 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 months

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 5/28/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Micheael Weber, Public Utilities Supervisor

BY: Elizabeth Heyman, Director of Public Works

SUBJECT: Resolution Acknowledging Awarded Funds from the Minnesota Department of Health
Source Water Protection and Authorizing Acceptance of Grant Funds

Requested Council Action:

- Motion to approve a resolution acknowledging the awarded funds from the Minnesota Department of Health Source Water Protection and Authorizing Acceptance of Grant Funds.

Background:

In 2023, at the request of the Department of Natural Resources, City staff went in search of an old abandoned well that was still listed as 'active.' Staff found the abandoned well in the middle of the south bound lane of Xerxes Ave., between Nash Rd. and Mumford Rd. After a thorough review of old records, it was determined that the well is the property of the City and therefore the City's responsibility to maintain. Per state health and safety regulations, all wells need to be sealed and abandoned if not in use. Sealing this well is estimated to cost the city between \$10,000 - \$25,000, however there is the potential to cost more if any currently unknown issues are discovered during the excavation process.

This \$10,000 grant will help offset the cost of sealing the well.

Budget Issues:

Sealing the abandoned well is estimated to cost \$10,000-\$25,000 and will be paid for from the Water Utility Fund. The Source Water Protection Grant will cover \$10,000 for the project.

Inclusive Community Engagement:

N/A

Antiracist/Equity Policy Effect:

N/A

Strategic Priorities and Values:

Maintain and enhance public places

Council Regular Meeting

DATE: 5/28/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: An Ordinance Amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances Regarding Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) Zoning District - First Reading

Requested Council Action:

- Motion to approve a first reading regarding the adoption of an ordinance amending Section 35-4103 (Allowed Use Table) of the City Code of Ordinances, and as outlined under Planning Commission Application No. 2024-008, to allow for Public and Private Elementary and Secondary Schools Offering a Regular Course of Study in the Transit Oriented Development (TOD) zoning district, and set the second reading for June 10, 2024.

Background:

Independent School District #286 ("the Applicant") and commonly known as Brooklyn Center Community Schools, is requesting an ordinance amendment to Chapter 35 of the City Code to allow for "public and private elementary and secondary schools offering a regular course of study" as a conditional use within the City's Transit Oriented Development (TOD) zoning district. This use is currently permitted as a conditional use within the City's R1 (Low Density Residential), R2 (Medium Low Density Residential), and R5 (High Density Residential) zoning districts.

Due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located within 350 feet of the Subject Property per direction of the City Attorney, although the proposed amendment would affect the entire TOD District, which is comprised of 23 properties. Of these, five (5) properties are owned by the City of Brooklyn Center's Economic Development Authority (EDA). A public hearing notice was also uploaded to the City's website, and a link to the public hearing notice was sent out by email to subscribers of the City's weekly events bulletin.

The request for an amendment stems from City staff being contacted by the Applicant in April 2024 regarding the District's plans to relocate its regular and special education preschool programming from Brooklyn Center Elementary School, located at 1500 59th Avenue North and within the City's R1 (Low Density Residential) District, to 5910 Shingle Creek Parkway, which is located within the City's TOD (Transit Oriented Development) District. This property was re-zoned in January 2023 with the adoption of the City's new Unified Development Ordinance and had previously been zoned C2 (Commerce) District. The C2 District has since been retired.

The Applicant had already proceeded with interior remodeling to the second floor of the building located at 5910 Shingle Creek Parkway, in anticipation of relocating the Early College Academy (ECA) upstairs to accommodate the existing Centaurs Daycare and preschool programs on the main level of the building, along with a District Welcome Center, when the Applicant was notified that public elementary schools were not permitted within the TOD District.

Although City staff, in conversation with the City Attorney, explored options of interpreting the preschool use as that of a "day care," a review of information from the Minnesota Department of Education noted that voluntary prekindergarten (VPK) and school readiness plus (SRP) programs are publicly funded prekindergarten programs that may be incorporated into a school district or charter school's E-12 system as a "new grade level" and are therefore considered an extension of the elementary programming overseen by the Department of Education. Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Schools (ISD #281) both offer pre-kindergarten programming and have TOD District properties that fall within their respective districts.

A public hearing was held at the May 9, 2024 Planning Commission meeting, and those Commissioners in attendance were supportive of the requested ordinance amendment. No public comments were provided for in advance of or at the public hearing. The Commission inquired on whether there were any buildings located within the City's designated TOD District that would be conducive to re-using for a school use. The Commission later indicated that given the City's demographics and increasingly younger population, that there is almost a paramount importance to provide educational opportunities to the City's young residents and ensuring young families stay here.

An additional comment presented was that there was a general surprise that we as a City did not catch this during conversations on the 2040 Comprehensive Plan or the Unified Development Ordinance update, but that if we are intending to have a large amount of our population concentrated within the TOD District, as it is the City's most dense district, that a provision for schools was almost necessary. General questions were presented on other uses currently within the 5910 Shingle Creek Parkway building, which is the Applicant property.

Following close of the public hearing, the Planning Commission elected to unanimously (4-0) recommend City Council approval of the requested ordinance amendment to Section 35-4103 (*Allowed Use Table*) to allow for public and private elementary and secondary schools offering a regular course of study as a conditional use within the City's Transit Oriented Development (TOD) District.

A copy of the Planning Commission Report for Planning Commission Application No. 2024-008, dated May 9, 2024 and ordinance amendment language is included with this memorandum.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities

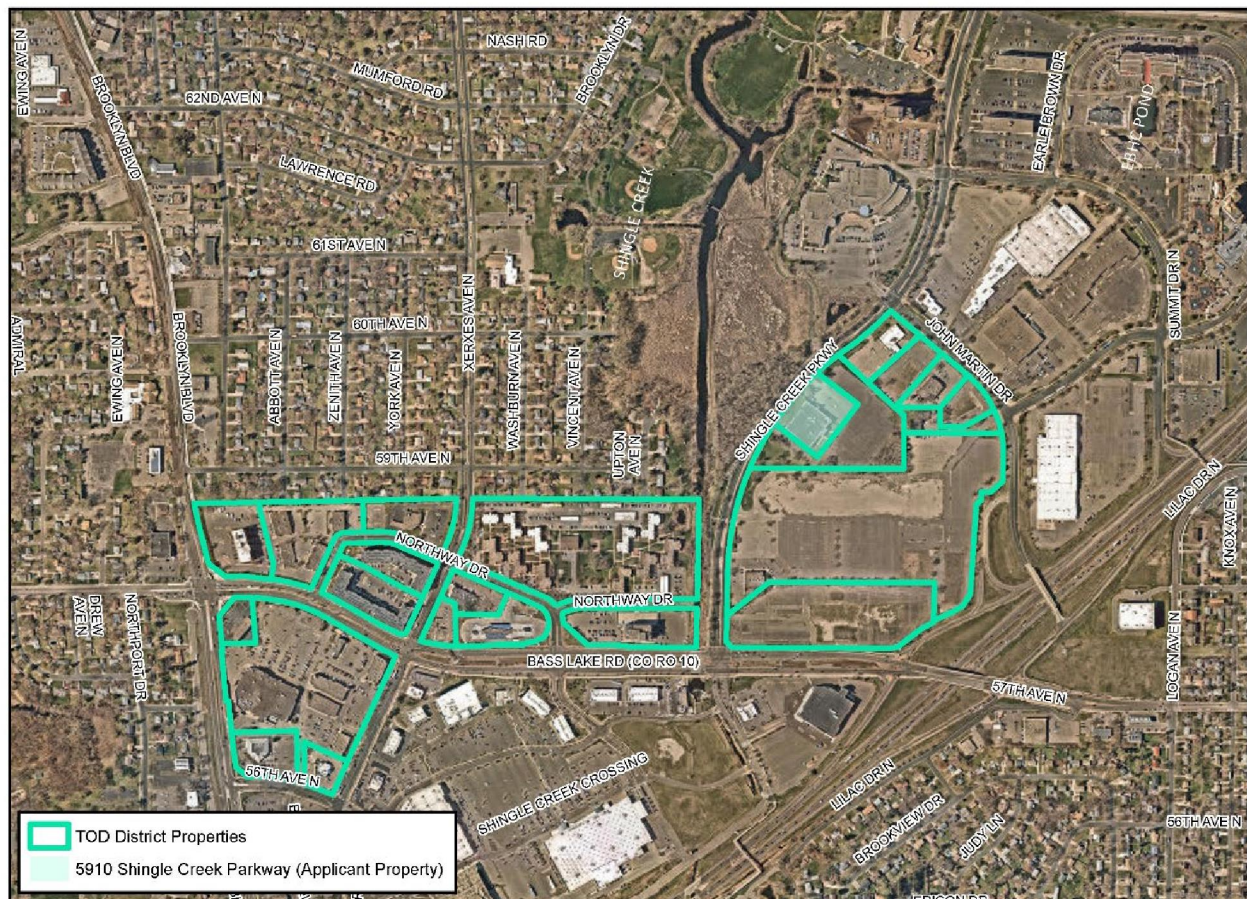
ATTACHMENTS:

Description	Upload Date	Type
Staff Reports and Exhibits - Ordinance Amendment to Allow for Schools Offering Regular Course of Study in TOD District	5/21/2024	Backup Material
Public Hearing and Ordinance Amendment Language - Schools in TOD District	5/21/2024	Ordinance

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-008
Applicant: Independent School District #286 (Brooklyn Center Community Schools)
Request: Ordinance Amendment (Text)



Map 1. Transit-Oriented Development (TOD) District Properties.

REQUESTED ACTION

Independent School District #286 (“the Applicant”) and commonly known as Brooklyn Center Community Schools, is requesting an ordinance amendment to Chapter 35 of the City Code to allow for “public and private elementary and secondary schools offering a regular course of study” as a conditional use within the City’s Transit Oriented Development (TOD) zoning district—refer to Exhibits A and B. This use is currently permitted as a conditional use within the City’s R1 (Low Density Residential), R2 (Medium Low Density Residential), and R5 (High Density Residential) zoning districts.

Due to the nature of the request, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024 (Exhibit C). Mail notifications were sent to those property owners and residents

App. No. 2024-008

PC 05/09/2024

Page 1

located within 350 feet of the Subject Property per direction of the City Attorney, although the proposed amendment would affect the entire TOD District, which is comprised of 23 properties. Of these, five (5) properties are owned by the City of Brooklyn Center's Economic Development Authority (EDA). A public hearing notice was also uploaded to the City's website, and a link to the public hearing notice was sent out by email to subscribers of the City's weekly events bulletin.

ORDINANCE AMENDMENT (TEXT)

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. In this particular case, the Applicant contacted the City regarding proposed changes to their building located at 5910 Shingle Creek Parkway, which was purchased by the Applicant in 2022. The Applicant had long been a tenant of the building, and served as the home of its Centaur Beginnings Child Care and Early College Academy (ECA), and desired a consolidation of their district offices and childcare services into one building.

Per Planning Commission Application No. 2022-002, the intent at that time was to house an Early Learning Center (birth until school age) at this location, as well as a community service center, wellness, center, and elder's room. In facilitating purchase of the property, the City of Brooklyn Center's Economic Development Authority acquired approximately 5.45 acres of the approximately 8-acre property for future developable land within the Opportunity Site when the property was re-platted to BCCS 5910 SHINGLE CREEK ADDITION. This resulted in an approximately 2.5-acre new home for Brooklyn Center Community Schools.

City staff was contacted by the Applicant in April 2024 regarding the District's plans to relocate its regular and special education preschool programming from Brooklyn Center Elementary School, located at 1500 59th Avenue North and within the City's R1 (Low Density Residential) District, to 5910 Shingle Creek Parkway, which is located within the City's TOD (Transit Oriented Development) District. This property was re-zoned in January 2023 with the adoption of the City's new Unified Development Ordinance and had previously been zoned C2 (Commerce) District, which has since been retired as a district.

The Applicant had already proceeded with interior remodeling to the second floor of the building located at 5910 Shingle Creek Parkway, in anticipation of relocating the Early College Academy (ECA) upstairs to accommodate the existing Centaurs Daycare and preschool programs on the main level of the building, when the Applicant was notified that public elementary schools were not permitted within the TOD District.

As proposed, the Applicant would be seeking a text amendment to Chapter 35 (Unified Development Ordinance) that would allow for "public and private elementary and secondary schools offering a regular course of study" as a **conditional use** within the City's Transit Oriented Development (TOD) District. As proposed, the following would be modified within Section 35-4103 (*Allowed Use Table*):

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-4103 ALLOWED USE TABLE OF THE CITY CODE
OF ORDINANCES REGARDING PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY
SCHOOLS OFFERING A REGULAR COURSE OF STUDY IN THE TRANSIT ORIENTED
DEVELOPMENT ZONING DISTRICT

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following double-underlined language:

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	M X- N1	M X- N2	MX- C	TOD	C	MX- B	I	O	
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools							C	C	P	P	P			
Public and private elementary and secondary schools offering a regular course of study	C	C			C				C					
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I			I									35-4408

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

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;
- 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.

2040 Comprehensive Plan

All impacted properties located within the City's TOD zoning district are future guided under the 2040 Comprehensive Plan as "TOD (31.01-130 DU/Ac.)," which is a new future land use designation. The TOD designation was a direct response to the opening of the Metro Transit C and D 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.

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)	
Transit Oriented 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 this 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.

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.

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."

Unlike the broader region, in which the population continues to age rapidly, Brooklyn Center's population grew younger between 2000 and 2010, due to an increase in the number of persons aged 25 to 34, many of which are starting families and having children. Increases in the number of young families ultimately place demands on schools, housing affordability, and the types of retail goods and services needed. In the case of the TOD future land use designation, where 75% of the lands are likely to provide higher density housing, it is assumed that the demand for school and daycare services will only *increase*. In the case of those lands future guided as "Transit Oriented Development" under the City's 2040 Comprehensive Plan, those affected school districts include Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Public Schools (ISD #281).

Although the 2040 Comprehensive Plan noted a median age of residents as 32.8 (2016), the 2020 census identified a median age of 32.4 in Brooklyn Center. The median age in Minnesota is 39. The American Community Survey estimates (2022) identify approximately 9% of Brooklyn Center's population as being under 5 years of age, and approximately 29.3% of the City's population as being under 18 years of age. In the state of Minnesota, and per ACS estimates (2022), approximately 5.7% of the state's population is under 5 years of age, and approximately 22.5% of the state's population is under 18 years of age.

Unified Development Ordinance | Transit Oriented Development Zoning District

When the City was initially approached by the Applicant, City staff engaged with the City Attorney to determine whether or not "preschools" could be interpreted as "licensed daycare facilities (13 or greater persons)," as Centaur Beginnings Child Care was issued a special use permit from the City in 2014 and has continuously operated at 5910 Shingle Creek Parkway since 2015.

However, in reviewing information from the Minnesota Department of Education, it was eventually determined that the voluntary prekindergarten (VPK) and school readiness plus (SRP) programs are publicly funded prekindergarten programs that may be incorporated into a school district or charter school's E-12 system as a "new grade level" and are therefore are considered an extension of the elementary programming overseen by the Department of Education. Brooklyn Center Community Schools (ISD #286) and Robbinsdale Area Public Schools (ISD #281) both offer pre-kindergarten programming.

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.

The district intends 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. The further 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.

Uses currently allowed within the City's Transit-Oriented Development District, either as permitted or conditional uses, that City staff has determined as similar to "public and private elementary and secondary schools offering a regular course of study," and targeting similar demographics, include: community centers, libraries and art galleries, nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, and licensed day care facilities (13 or more persons).

In reviewing the 23 properties currently zoned "Transit Oriented Development," 9 of these properties are located within the City's designated Opportunity Site, five (5) of which are owned by the City's Economic Development Authority.

For those properties located outside the Opportunity Site, all of these properties are currently developed at this time, and in many cases, City staff does not foresee any opportunity to utilize these properties for educational purposes, which limits the ability for school districts to address the needs of an increasingly young population in a district intended for the greatest housing density within the City, and encompassing the majority of lands intended for what is envisioned as the City's downtown, walkable core.

Examples include: Brooklyn Center Transit Center (2900 County Road 10), Gateway Commons Apartments (2850 Northway Drive), Sonder House and Sonder Point (5801 and 5803 Xerxes), and Cub Foods shopping center (3245 County Road 10). Although there are two large office complexes zoned Transit-Oriented Development (3300 County Road 10, 5701 Shingle Creek Parkway), there are inherent complications and constraints in envisioning these locations for use as "private or public elementary and secondary schools offering a regular course of study" given building and fire code restrictions on how many stories up in a building an educational/institutional use can be located, fire sprinkler requirements, exiting/egress, etc. This ultimately limits the locations in which schools are able to serve students within the City's TOD District, unless a full redevelopment were contemplated.

RECOMMENDATION

Based on the above noted findings, and in response to Section 35-71304 (Amendment Criteria) of the City Code, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-008, which would amend Section 35-4103 (Allowed Use Table) of the City Code of Ordinances regarding public and private elementary and secondary schools offering a regular course of study in the Transit Oriented Development zoning district.

Any subsequent approval by City Council for the above-requested amendment to Chapter 35 (Unified

Development Ordinance) shall require that any applicant, including the Applicant for Planning Commission Application No. 2024-008, submit a separate application for review and consideration of a conditional use permit (CUP).

Attachments

Exhibit A- Planning Application No. 2024-008 narrative, prepared by Brooklyn Center Community Schools.

Exhibit B- Map and spreadsheet noting Transit Oriented Development district properties.

Exhibit C- Public Hearing Notice, published in the Brooklyn Center *Sun Post*, and dated April 25, 2024.

BROOKLYN CENTER COMMUNITY SCHOOLS

5910 Shingle Creek Parkway
Brooklyn Center, MN 55430
P: (763) 450-3386
F: (763) 560-2647

In addition to owning and operating two school buildings, Brooklyn Center Community Schools District 286 had rented space to operate Early College Academy programming, Centaur Beginnings programming, and the District Office since 2015. As we came out of the pandemic, our district explored ways to invest money back into our community.

In July 2022, our school board approved the purchase of 5910 Shingle Creek Parkway which allowed our district the ability to fully own and operate three buildings and continue investing in students' education without raising homeowner's taxes. Through this purchase, our district is able to expand their programming facilities while also creating intentional gathering spaces to allow for further relationship building and resource distribution with our community.

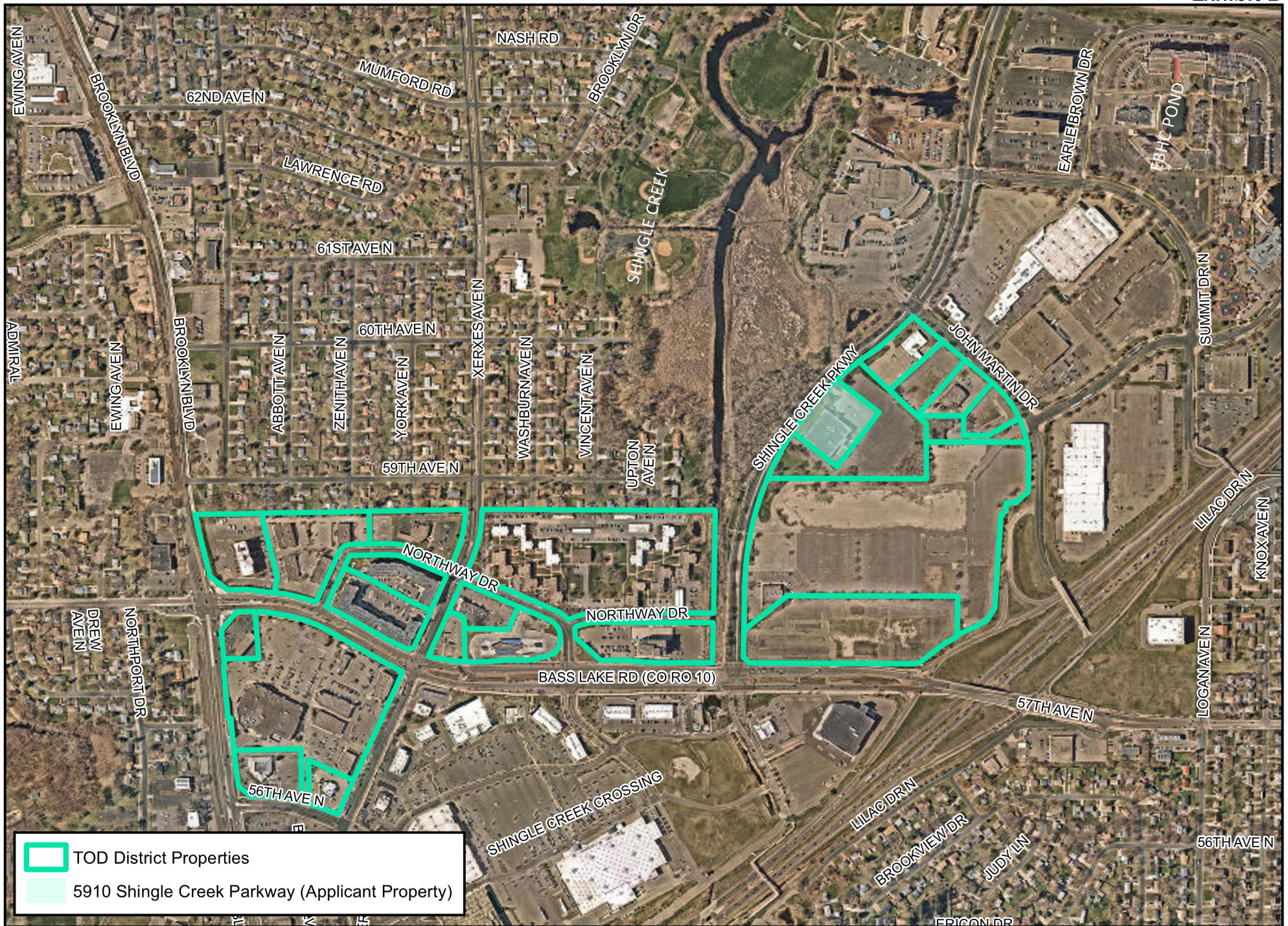
By the start of the 2024-2025 school year, our district is preparing to run all our Early Childhood Programming (20,922 sq ft) at 5910 Shingle Creek Parkway. Our design plans allow for all our students and families who attend birth-five year old programming to be located in one space. By building these spaces to be specifically geared towards our young learners on the Opportunity Site, we can cater to their development and support them in building lifelong connections as they prepare for Kindergarten.

Additional programs and operations that will be housed in the building include:

- The Early College Academy Alternative Programming (9611 sq ft)
- An Elder's Community Room (413 sq ft)
- A Family Resource Room (497 sq ft)
- Adult Basic Education Classrooms (3008 sq ft)
- A Welcome & Enrollment Center (2164 sq ft)
- Common Spaces (5940 sq ft)
- Board Room (2586 sq ft)
- District Office (7141 sq ft)

Common spaces include multiple workstations, group tables, and conference rooms. These spaces are intentionally created for any staff members to use collaboratively when they visit the district office.

Brooklyn Center Community Schools District 286 is excited about the future of our Early Childhood and Alternative Programming at 5910 Shingle Creek Parkway. We look forward to opening our doors to the community in the fall!



Applicant | Property Owner: Independent School District #286 (Brooklyn Center Community Schools)
Request: Ordinance Amendment

Transit Oriented Development (TOD) District Properties									
PROPERTY ID	PROPERTY OWNER	ADDRESS	CITY STATE ZIP CODE	TAXPAYER	TAX_2	TAX_3	TAX_4		
22 02-118-21 12 0011	ECON DEVEL AUTH BROOKLYN CTR	5915 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	ECON DEVEL AUTH OF	BROOKLYN CENTER MN	6301 SHINGLE CREEK PARKWAY	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0002	5930 SHINGLE CRK PKWY MN LLC	5930 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	5930 SHINGLE CRK PKWY MN LLC	C/O JANI-KING INTERNTL INC	16885 DALLAS PKWY	ADDISON TX	75001	
22 02-118-21 21 0005	GROUP HEALTH PLAN INC	5901 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	HEALTHPARTNERS	REAL ESTATE	PO BOX 16115	ST LOUIS PARK MN	55416	
22 02-118-21 21 0014	ECON DEVEL BROOKLYN CENTER	5939 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	ECON DEVEL BROOKLYN CENTER	ATTN: CURTIS BOGANEY	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0015	LIN SHUANG LLC	5927 JOHN MARTIN DR	BROOKLYN CENTER MN 55430	NEW KING BUFFET	5927 JOHN MARTIN DR	BROOKLYN CENTER MN	55430		
22 02-118-21 21 0019	INDEPENDENT SCHOOL DIST #286	22 ADDRESS PENDING	BROOKLYN CENTER MN 00000	INDEPENDENT SCHOOL DIST #286	5910 SHINGLE CREEK PKWY	DOOR 7	BROOKLYN CENTER MN	55430	
22 02-118-21 21 0020	EDA BROOKLYN CENTER	22 ADDRESS PENDING	BROOKLYN CENTER MN 00000	EDA BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 02-118-21 23 0015	G B HOMES LLC	2802 NORTHWAY DR	BROOKLYN CENTER MN 55430	MKT EQTS-GATEWAY COMMONS LLC	810 MILL AVENUE	WATERTOWN MN	55388		
22 02-118-21 23 0016	FTKD PROPERTIES INC	5701 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	FTKD PROPERTIES INC	6000 BASS LAKE RD #200	CRYSTAL MN	55429		
22 02-118-21 23 0022	KS ENTERPRISE LLC	5810 XERXES AVE N	BROOKLYN CENTER MN 55430	KS ENTERPRISE LLC	1199 SUMMER ST	ROSEVILLE MN	55113		
22 02-118-21 23 0024	METROPOLITAN COUNCIL	2900 CO RD NO 10	BROOKLYN CENTER MN 55430	METRO TRANSIT COMM	ATTN: METRO TRANSIT FINANCE	560 6TH AVE N	MINNEAPOLIS MN	55411	
22 02-118-21 24 0019	ECON DVLPT ATHY BROOKLYN CTR	2500 CO RD NO 10	BROOKLYN CENTER MN 55430	ECON DVLPT ATHY BROOKLYN CTR	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 02-118-21 24 0020	ECON DEV AUTH BROOKLYN CENTE	5900 SHINGLE CREEK PKWY	BROOKLYN CENTER MN 55430	ECON DEV AUTH BROOKLYN CENTE	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER MN	55430		
22 03-118-21 14 0001	KENT J ERICKSON REVOCABLE TR	5740 BROOKLYN BLVD	BROOKLYN CENTER MN 55429	KENT J ERICKSON	C/O BROOKDALE HEALTH	5740 BROOKLYN BLVD #100	BROOKLYN CENTER MN	55429	
22 03-118-21 14 0026	HONEYWELL EMPLY CREDIT UNION	5825 XERXES AVE N	BROOKLYN CENTER MN 55430	CONNEXUS CREDIT UNION	PO BOX 8026	WAUSAU WI 54402			
22 03-118-21 14 0030	TCF BANKING & SAVINGS F A	2950 CO RD NO 10	BROOKLYN CENTER MN 55430	TCF NATIONAL BANK	ATTN: CORP REAL ESTATE	PO BOX 182334 55441	COLUMBUS, OH	43218	
22 03-118-21 14 0033	BC CROSSING/INVENTURE P LLC	3300 CO RD NO 10	BROOKLYN CENTER MN 55429	BC CROSSING LLC	INVENTURE PROPERTIES LLC	3105 1ST STREET S	ST CLOUD MN	56301	
22 03-118-21 14 0034	BC CROSSING/INVENTURE P LLC	3220 CO RD NO 10	BROOKLYN CENTER MN 55429	BC CROSSING LLC	INVENTURE PROPERTIES LLC	3105 1ST STREET S	ST CLOUD MN	56301	
22 03-118-21 14 0035	BROOKDALE CORNER LLC	3245 CO RD NO 10	BROOKLYN CENTER MN 55429	BROOKDALE CORNER LLC	705 MARQUETTE AVE S STE 900	MINNEAPOLIS MN	55402		
22 03-118-21 14 0036	BROOKLYN CENTER AH II LLLP	5803 XERXES AVE N	BROOKLYN CENTER MN 55430	BROOKLYN CENTER AH II LLLP	C/O REAL ESTATE EQUITIES LLC	579 SELBY AVE	ST PAUL MN	55102	
22 03-118-21 14 0037	BROOKLYN CENTER AH I LLLP	5801 XERXES AVE N	BROOKLYN CENTER MN 55430	BROOKLYN CENTER AH I LLLP	C/O REAL ESTATE EQUITIES LLC	579 SELBY AVE	ST PAUL MN	55102	
22 03-118-21 41 0001	MARQUETTE BANK BROOKDALE	5620 BROOKLYN BLVD	BROOKLYN CENTER MN 55429	WELLS FARGO BANK	C/O DELOITTE TAX LLP	PO BOX 2609	CARLSBAD CA	92018	
22 03-118-21 41 0002	IHOP PROPERTY LLC	5601 XERXES AVE N	BROOKLYN CENTER MN 55430	IHOP PROPERTY LLC	C/O DINEEQUITY INC	450 N BRAND BLVD	GLENDAL CA	91203	
	Owned by City of Brooklyn Center EDA Applicant Property (ISD #286)								

**CITY OF BROOKLYN CENTER
NOTICE OF PUBLIC HEARING**

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, May 9, 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 amending Chapter 35 of the City Code to allow public and private elementary and secondary schools offering a regular course of study as a conditional use in the City's Transit Oriented Development zoning district. Public hearing materials 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 Ginny McIntosh, Planning Manager at gmcintosh@brooklyncentermn.gov or (763) 569-3319 up until 4:30 pm on the day of the hearing.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-4103
ALLOWED USE TABLE OF THE CITY CODE OF
ORDINANCES REGARDING PUBLIC AND PRIVATE
ELEMENTARY AND SECONDARY SCHOOLS OFFERING
A REGULAR COURSE OF STUDY IN THE TRANSIT
ORIENTED DEVELOPMENT ZONING DISTRICT

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following underlined language:

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE

	Residential					Commercial/ Mixed Use				Nonresidential				
	R1	R2	R3	R4	R5	MX- N1	MX- N2	M X- C	TO D	C	MX- B	I	O	Use- Specific Standards
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools						C	C	P	P	P				
Public and private elementary and secondary schools offering a regular course of study	C	C		C				<u>C</u>						
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I		I										35-4408

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

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

Dated this 25th day of April, 2024

April Graves, Mayor
ATTEST: Barb Suci, City Clerk

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

CITY OF BROOKLYN CENTER

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, May 9, 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 amending Chapter 35 of the City Code to allow public and private elementary and secondary schools offering a regular course of study as a conditional use in the City's Transit Oriented Development zoning district. Public hearing materials 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.

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Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-4103 ALLOWED USE TABLE OF THE CITY CODE OF ORDINANCES REGARDING PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS OFFERING A REGULAR COURSE OF STUDY IN THE TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT

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

Article I. Brooklyn Center City Code, Chapter 35, Section 35-4103 Allowed Use Table is amended by adding the following double-underlined language:

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	M X-N1	M X-N2	M X-C	TO D	C	MX-B	I	O	
EDUCATIONAL FACILITIES														
Nonresidential educational uses including Area Learning Centers (ALC), post-							C	C	P	P	P			

secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools														
Public and private elementary and secondary schools offering a regular course of study	C	C			C				<u>C</u>					
Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study	I	I			I									35-4408

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

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

Adopted this ____ day of _____, 2024.

April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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



Proclamation

DESIGNATING THE MONTH OF JUNE 2024 AS LGBTQ+ PRIDE MONTH

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has long been coming for many Americans. Some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society; and

WHEREAS, in the movement toward equal rights for lesbian, gay, bisexual, and transgender (LGBTQ+) people, a historic turning point occurred on June 28, 1969, in New York City, with the onset of the Stonewall Riots. During these riots, LGBTQ+ citizens rose up and resisted police harassment that arose out of discriminatory criminal laws that have since been declared unconstitutional. In the four decades since, civil rights for LGBTQ+ people have grown substantially, and LGBTQ+ pride celebrations have taken place around the country every June to commemorate the beginning of the Stonewall Riots; and

WHEREAS, while civil rights are advancing, there is still further progress needed; it is essential to recognize and celebrate the substantial gains that have been achieved; and

WHEREAS, LGBTQ+ residents in Brooklyn Center represent our families, friends, neighbors, teachers, employees, and community leaders. Across all religions, races, and communities, LGBTQ+ people are helping us become a perfect union in reaching our ideals proclaimed in our Declaration of Independence that all “people” are created equal and deserve to be embraced and treated as equals.

NOW, THEREFORE, I, April Graves, Mayor of the City of Brooklyn Center, on behalf of the Brooklyn Center City Council and residents of Brooklyn Center, do hereby proclaim June 2024 as “LGBTQ+ Pride Month” in the City of Brooklyn Center and call upon its residents to eliminate prejudice everywhere it exists and celebrate the diversity of our community.

May 28, 2024

Date

Mayor

ATTEST: _____

City Clerk

Council Regular Meeting

DATE: 5/28/2024

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. 2024-003, Submitted by Lin Shuang LLC, for Issuance of a Conditional Use Permit for a Tire Installation and Auto Detailing Shop (5927 John Martin Drive)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-003 for issuance of a Conditional Use Permit at 5927 John Martin Drive for a tire installation and auto detailing shop, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Background:

Property Owner Lin Shuang LLC (“the Applicant”) is requesting review and consideration for issuance of a conditional use permit to allow for a tire installation and auto detailing shop at 5927 John Martin Drive (“the Subject Property”). The approximately 3,700-square foot space was formerly home to Tires Plus, who occupied the space from the early 1990s until 2022. The space has remained vacant since their closure. As the use was vacant for a period greater than 12 months, a new conditional use permit is required per Section 35-7700 (*Conditional Use Permits*).

Although the Applicant’s preference had been to utilize the space for retail, the Applicant indicated that after a year of searching for prospective tenants, and even offering the Subject Property for sale, that almost all of the inquiries received were for automobile repair and service. The only other non-automotive related proposals that were deemed, “not a good fit,” were for uses including, but not limited to a: cannabis dispensary, motorcycle shop, pallet recycling warehouse, car graphics shop, and restaurant/night club.

As part of the application process, a public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on April 25, 2024, and notices were mailed to property owners and physical locations within 350 feet of the Subject Property. A link to the public hearing notices was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin.

A public hearing was held at the May 9, 2024 Planning Commission meeting, and those Commissioners in attendance were generally supportive of the outlined request. The Commissioners asked clarifying questions as to whether any full-service auto repair would be taking place, requests from City staff to upgrade the non-conforming exterior site lighting, and not allowing for the parking of customer or staff vehicles on the City EDA lot to the west (5939 John Martin Drive). Additional questions were posed to the Applicant regarding the hours of operation, and how the automotive use would be complementary to the existing restaurant and buffet in the adjacent tenant space. No modifications to the proposed conditions

were made by the Planning Commission.

In discussions with the Planning Commission and Applicant, it was clarified that the intensity of use should be less than the former occupant (Tires Plus) as no full-service automotive work would be conducted and the business would focus on tire installation and repair. Although the Applicant indicated the tenant proposes an accessory automotive detailing shop within the space, the Applicant clarified that no vehicles would be washed on-site and no work or cleaning would take place out in the parking lot.

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 Tires Plus space located at 5927 John Martin Drive as a tire installation and automotive detailing shop.

A copy of the Planning Commission Report for Planning Commission Application No. 2024-003, dated May 9, 2024 and City Council resolution regarding the aforementioned request is 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 - 5927 John Martin Drive (Conditional Use Permit)	5/21/2024	Backup Material
Resolution - CUP for 5927 John Martin Drive	5/21/2024	Resolution Letter

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-003
Applicant | Property Owner: Lin Shuang LLC
Location: 5927 John Martin Drive, Brooklyn Center, MN 55430
Request: Conditional Use Permit



Map 1. Subject Property Location.

Requested Action

Property Owner Lin Shuang LLC (“the Applicant”) is requesting review and consideration for issuance of conditional use permit to allow for a tire installation and auto detailing shop at 5927 John Martin Drive (“the Subject Property”)—refer to Exhibit A. Tires Plus had long been a tenant of the Subject Property until 2022 when they closed. As the use was abandoned for a period greater than 12 months, a new conditional use permit is required per Section 35-7700 (*Conditional Use Permits*).

As part of the application process, a public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on April 25, 2024 (Exhibit B), and notices were mailed to property owners and physical locations within 350 feet of the Subject Property. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin.

Site Data:

2040 Land Use Plan:	Transit-Oriented Development (TOD)
Neighborhood:	Centennial
Current Zoning:	Transit-Oriented Development (TOD) District
Site Area:	Approximately 1.36 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Commercial	MX-C (Commercial Mixed-Use)	Commercial (Restaurant Depot Strip Mall)
South	ROW N-MU (Neighborhood Mixed-Use)	TOD PUD/TOD (Planned Unit Development/Transit- Oriented Development)	Office (Brooklyn Center Community Schools Administrative Offices Brooklyn Center Early College Academy Centaur Beginnings Childcare) Undeveloped (City of Brooklyn Center EDA)
East	N-MU (Neighborhood Mixed-Use)	TOD	Undeveloped (City of Brooklyn Center EDA/former Perkins site)
West	Parks, Recreation, Open Space	TOD	Undeveloped (City of Brooklyn Center EDA/former St. Louis Park Clinic)

Existing Conditions



Image 1. Existing Site Conditions at Subject Property.

Background

The Subject Property originally received site and building plan approval in 1979 under Planning Commission Application No. 79035 for what was originally a Berger Brothers sporting goods shop. As originally contemplated, the building was to primarily serve as an approximately 8,820-square foot retail shop, with approximately 1,425-square feet of storage area. At the time, the Subject Property was zoned C2 (Commerce) District, which allowed for retail uses, and contemplated 85 on-site parking spaces for the retail store.

In 1991, the formerly single use retail building received a proposal to convert into a two-tenant building when a Tires Plus auto shop expressed interest in locating on the Subject Property and following closure of Berger Brothers. Tires Plus ultimately took approximately 3,700-square feet of the west side of the Subject Property, with the remaining approximately 6,500-square feet left available for a new user. The remaining space has long functioned as a restaurant and buffet (currently New King Buffet). The Subject Property lost five (5) parking spaces as the restaurant and buffet required a separate trash enclosure area, leaving a total of 80 on-site parking spaces.

The current Property Owner and Applicant, Lin Shuang LLC, purchased the property in 2007. Tires Plus closed their location at the Subject Property in 2022 and the Subject Property was listed for sale shortly thereafter. In August 2023, a Planning Commission was submitted for conversion of the approximately

10,200-square foot building to a restaurant and bar (nightclub); however, the request was denied by City Council in October 2023.

The existing restaurant and buffet business was recently conveyed to a new owner and a new lease executed; however, the Property Owner and Applicant has been courting proposals for the former Tires Plus space for a year. Many of the proposals were for automotive repair shops, which are conditional uses in the Transit-Oriented Development (TOD) District where the Subject Property is located. As the former automotive shop use was abandoned for a period of greater than 12 months, a use permit is required.

The Subject Property is centrally located within the City's designated approximately 80-acre Opportunity Site. A draft Opportunity Site Master Plan has been underway for a number of years and at present the plans are to move towards a final adoption this year. In July 2021, the City of Brooklyn Center City Council adopted an Infrastructure Framework for the Opportunity Site, which serves as a proactive, guiding document and focused on four core components (stormwater, access and connectivity, parks and open space, and land use). While the Framework is intended to help inform decision making, it was also designed to provide certain flexibilities and dependent upon market conditions.

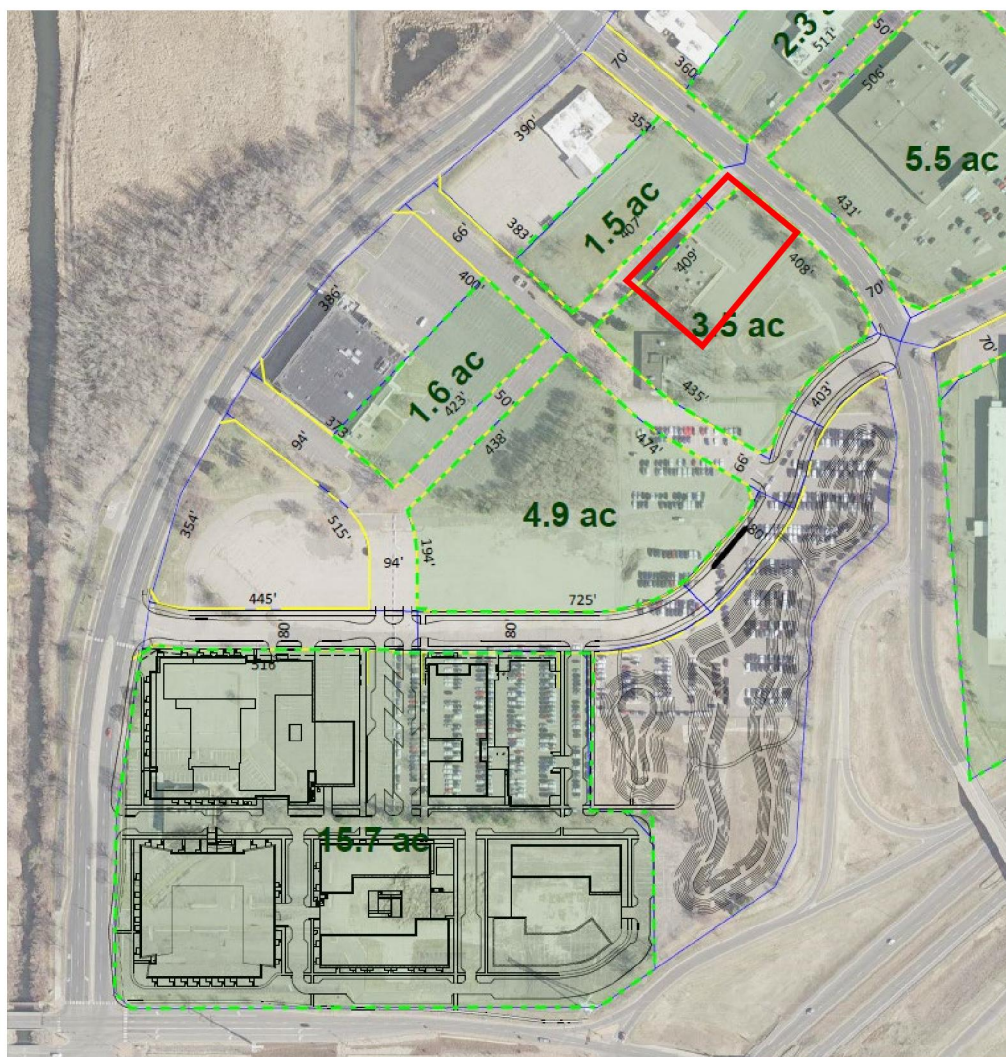


Image 2. Aerial Map Noting Location of Subject Property (in red) in Relation to Infrastructure Framework for Connectivity.

CONDITIONAL USE PERMIT

Business Operations

The Applicant indicated in their project summary plans to lease the former Tires Plus space located on the Subject Property to the former owner and operator of Affordable Tires in Brooklyn Park, as his old space was sold, and as the Applicant felt he was a, “good fit for this space as he has experience, a good crew, and already established loyal customers.”

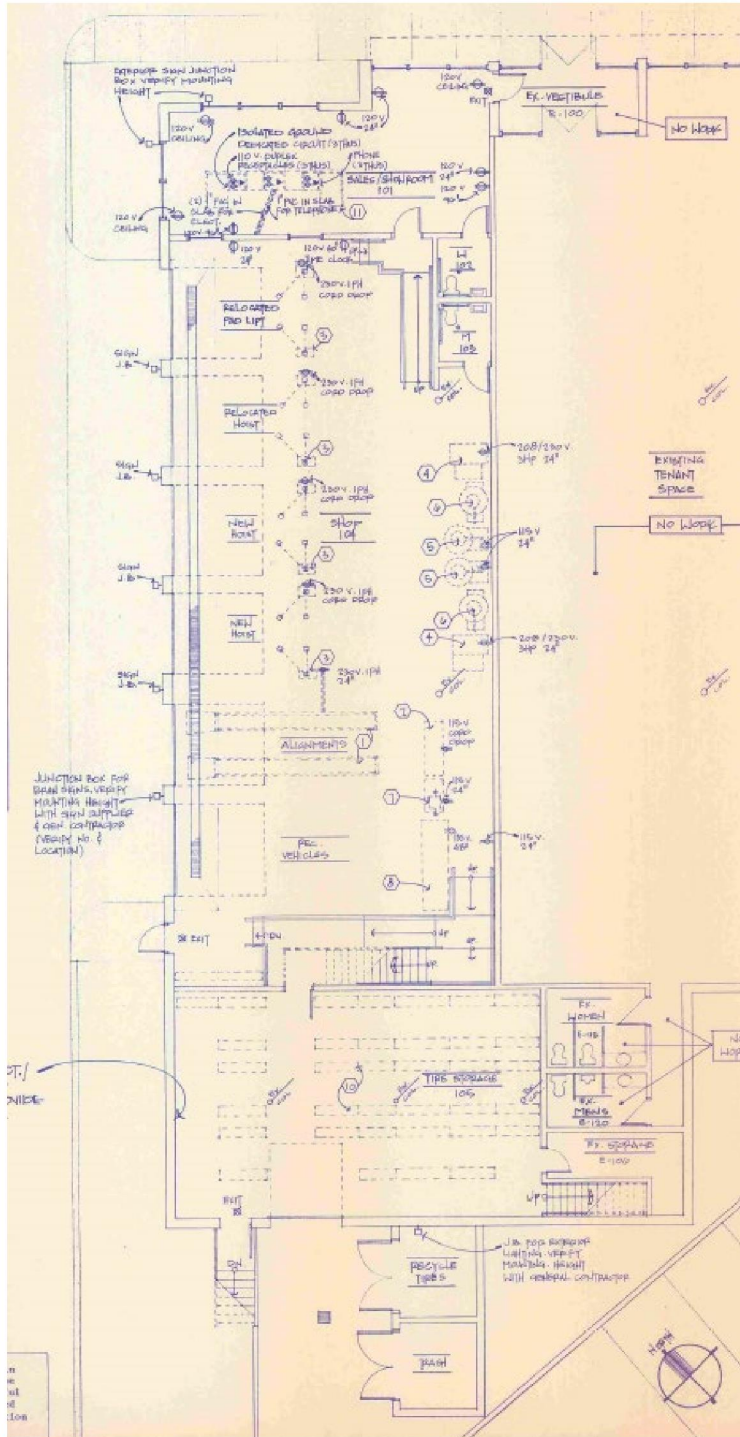


Image 3. Existing Interior Floor Plan (1991).

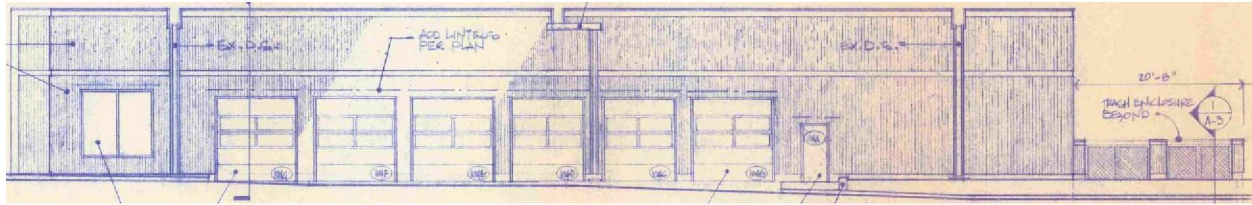


Image 4. Building Exterior – West Elevation (1991).

As proposed, the business would operate Monday through Friday from 9 a.m. to 8 p.m. and Saturday from 10 a.m. to 6 p.m. The Applicant and intended business operator indicated a maximum of 6 employees on shift and approximately 15 to 30 customers per day between the tire installation and auto detailing business. The business would provide tire repair and installation services, with no plans to conduct automotive repairs on-site. This is a notable distinction between the proposed use and the former Tires Plus use as Tires Plus *did* provide repair services (e.g. brakes, alignment, engine repair).

For the auto detailing side of the business, the Applicant indicated that this would be provided by the same operator and that similar services were provided at the proposed tenant's former Affordable Tires location off Bottineau Boulevard (County Road 81) and 73rd Avenue North in Brooklyn Park. The Applicant indicates that no water usage would be required as the auto detailing services would be limited to interior cleaning, vacuuming, and detailing. Exterior detailing would be limited to buffing and polishing. City staff stressed to the Applicant that no detailing work should take place in the parking lot.

When presenting the space to the proposed tenant, the Applicant and Property Owner was clear that no parking was to occur on the adjacent property, which is owned by the City's Economic Development Authority.

With respect to the intensity of the use, City staff reviewed documentation on file for the former Tires Plus (Exhibit C), which indicated a range of two to six employees on duty at any one time. Regarding hours of operation, the hours proposed by the new tenant would be slightly more limited than the former Tires Plus, which operated slightly later in the evenings (until 9 p.m. Mondays through Fridays) and on Sundays from 10 a.m. to 5 p.m.

Building and Site Modifications

For the interior of the space, the hoists, trench drain, and oil/sand interceptor, if required, would require re-installation as the Applicant had removed these given the Applicant's preference had been to utilize the space for retail. The Applicant indicates in their submitted project summary that, after a year of searching for prospective tenants and even offering the Subject Property for sale, that almost all of the inquiries received were for automobile repair and service. The proposed tenant would be responsible for providing any and all tenant furniture and equipment.

In conducting a review of the Subject Property, City staff noted potholes in the parking lot and within the drive access area shared between the Subject Property and adjacent property located at 5939 John Martin Drive, which is owned by the City's Economic Development Authority. Certain areas of the main parking lot had faded parking lot striping. In discussing these, the Applicant and Property Owner indicated a willingness to fill in any potholes and re-stripe the parking lot as necessary.

City staff further noted that the previously non-compliant site lighting, which was last reviewed in 2023 as part of an earlier Planning Commission Application for the Subject Property, had either gone missing

(i.e. spotlights located on the existing freestanding sign) or been replaced with non-compliant lighting (i.e. two globe light posts with residential-style heads). City staff conveyed that the lighting would need to be addressed to comply with City lighting standards as outlined under Section 35-5400 (*Exterior Lighting*). Although there are existing wall-pack style lights located over the automotive bay doors, City staff reiterated that the Applicant and Property Owner should ensure they are functional. If not, replacements shall be proposed for review and approval by City staff.

An existing trash enclosure located at the south end of the Subject Property is in poor condition. City staff is requesting its removal. If the proposed tenant requires a separate, exterior trash enclosure, the Applicant and Property Owner can propose the new enclosure and specifications (e.g. materials, setback off property line) to City staff. Any exterior enclosure will need to fully screen any dumpster and provide a fully opaque fencing/material complementary to the building.

In reviewing the front (north) elevation of the building, City staff noted a residual imprint of the former Tires Plus wall sign, despite its removal. City staff requested the Applicant and Property Owner complete some touch up paint so that it is not visible. Any new wall or tenant panel signage on the freestanding sign will need to comply with the City's sign provisions as outlined under Section 35-6000 (*Signs*).

The Applicant and tenant will need to coordinate with the Minnesota Pollution Control Agency (MPCA) and Hennepin County for any necessary permitting and/or licensure requirements.

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 Comprehensive Plan, and the regulations, purposes, and procedures of this Unified Development Ordinance.

A Conditional Use Permit may not be granted by the City Council unless the following criteria have been satisfied (**Note:** Applicant responses transcribed from submitted narrative—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: The tire shop and car detailing would fit the objective because it's a service-based business that would ultimately help bring people to the area to eat/shop in the area.

City Staff Response: The Subject Property is located within the City's new Transit-Oriented Development (TOD) District, and is also future guided as Transit-Oriented Development under the City's 2040 Comprehensive Plan. The TOD zoning district and future land use designation of TOD are brand new to the City as of 2023 and 2019, respectively.

The purpose of the TOD District, as outlined under the City's Unified Development Ordinance (Section 35-2304), 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 provides citizens with new housing and lifestyle choices with a high level of amenities and spaces for social interaction.”

The Applicant and Property proposes no major alterations to the exterior of the existing building or existing access off John Martin Drive. Although City staff welcomes any opportunities to enhance the overall pedestrian friendliness, there are also no plans for modifications and “automotive and truck rental repair and service stations” are permitted through issuance of a conditional use permit in the TOD District.

As the Subject Property exists today, there are six (6) existing bay doors located on the west elevation of the building and served by a shared drive running between the Subject Property and adjacent property to the west (5939 John Martin Drive), which is owned by the City of Brooklyn Center’s Economic Development Authority. An existing loading dock is located on the south elevation of the building, along with an existing used tire enclosure.

As conveyed earlier in the report, the existing trash enclosure located at the south end of the property is in poor condition and City staff has requested its removal. If the new tenant requires an exterior trash enclosure, any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and a detail sheet provided. Any outside tire storage shall be screened and in compliance with Minnesota Building and Fire Code standards.

In reviewing the existing site, City staff noted that some of the main parking lot site lighting, which was already non-compliant during the last review of the property under Planning Commission Application No. 2023-006, is now either missing (i.e. spotlights located on the freestanding sign) or been replaced with non-compliant heads. City staff is requesting a proposal for lighting in compliance with Section 35-5400 (*Exterior Lighting*) be provided. The west elevation, which features the automotive bay doors, does have existing wall pack lights in place; however, their functionality should be verified.

City staff further requested that the Applicant and Property Owner address potholes present in the parking lot and shared drive areas as well as parking lot striping that is fading.

- 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: The tire shop and car detailing would help provide 6 jobs locally. The owner previously owned and operated the Affordable Tires for numerous years and have the experience to ensure the site would be operated in a clean, safe, and responsible manner.

City Staff Response: The former Tires Plus space located on the Subject Property has been vacant since 2022; however, prior to its closure, the automotive repair shop had operated at this location since the early 1990s. Although the Applicant and Property Owner had sought out a retail type

use for the space and made strides to make the space more presentable for this type of user, the retail type uses inquiring were deemed to be “not a good fit” per the Applicant and included a cannabis dispensary and motorcycle shop. Other uses who inquired on the space included a pallet recycling warehouse, car graphics shop, and restaurant/night club.

It is presumed the conditional use would promote and enhance the general public welfare by re-filling a space that has been vacant for some time. Most of the surrounding businesses are open during similar times; however, their uses appear to be complementary to one another and the proposed use should not be detrimental to or endanger the public health, safety, morals or comfort. The proposed auto detailing shop would take place within the existing space and the proposed automobile repair use would be less intense as the business would focus on tire installation, rather than a full-service automotive repair shop. The Applicant indicates that vehicles would not be stored on-site for any extended period of time.

“Automobile and truck repair and service stations” as outlined under Section 35-3103 are subject to special requirements outlined within Section 35-4303 (a), which provides additional regulations for vehicle and equipment uses. These include provisions for the outside storage of trash, parts, or tires, and restrictions on the length of a time a vehicle being serviced may be parked on the premises (maximum period of 48 hours).

- 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: Tires Plus was previously operating at this site for over 20 years and closed down post COVID due to labor shortages. Them being here definitely help keep this forgotten portion of Brooklyn Center alive. Having a successful business in this corner of the city would help property values in the area versus having another vacant building that is both an eye sore and contribute to declining property values in this area.

City Staff Response: Based on a review of City records, the former Tires Plus had existed in the proposed space for approximately 30 years. As proposed, the new tenant’s tire installation and auto detailing shop would be a less intense use than the former Tires Plus location, which provided automotive repair services. There would be no long-term storage of vehicles, and there could be no longer term storage of vehicles on-site as City Code provisions do not allow for vehicles to be parked on the premises for longer than 48 hours.

Although the Applicant and Property Has indicated a desire to refill the tenant space as quickly as possible, they are also cognizant of the City’s priorities with the Opportunity Site and will re-evaluate their use of the Subject Property dependent on any future development around the property. Despite this, City staff did convey requests to address striping in the parking lot, the filling in of potholes, and site lighting.

- 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: Our shop wouldn’t delay or prevent in any way the improvements and development of the surrounding area. We are supportive of the development to come!

City Staff Response: The Subject Property is surrounded on three sides by properties owned by the City's Economic Development Authority (EDA), which are intended for the future creation of new, walkable blocks and development within the Opportunity Site. As is contemplated in the Council-adopted Infrastructure Framework, John Martin Drive, on which the Subject Property abuts, is identified as a future "Main Street" and the Framework identifies a future potential Garden Street that would run perpendicular to John Martin Drive and generally between the Subject Property and EDA-owned 5939 John Martin Drive. These properties are currently served by a single, shared driveway.

There are no proposed major alterations to the exterior of the building, other than what already exists. City staff did convey that as this is a shared driveway with a property line running down the middle of the drive aisle, that there was a concern that vehicles would park in the parking spaces located directly across from the bay doors and as had occurred in the past when Tires Plus was still in operation.

The Applicant noted in their application summary that in showing the property to the proposed tire installation shop and detailing operator, they conveyed that no staff or customers would be allowed to park on EDA property and as part of the lease agreement. The Applicant further indicates that no new improvements are needed as the space was previously utilized as an automotive repair shop by Tires Plus.

- 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: Our parking is shared with the restaurant next door and we have more than adequate parking on site. The restaurant has an extremely high volume of take-out and catering instead of dine in and therefore parking is plentiful. We are not a high-volume customer business so therefore don't require a whole lot of parking.

City Staff Response: As noted above, the Subject Property and neighboring EDA-owned 5939 John Martin Drive share a common driveway and easements off John Martin Drive. No secondary access points are available for either property. As no exterior modifications are proposed, it is expected that there would be minimal to no traffic congestion in the public streets (John Martin Drive).

As there are 6 automotive bay doors located some distance back from John Martin Drive and an assumed 15-30 customers per day, City staff has minimal concerns of potential traffic congestion in the public streets given there are 80 existing parking spaces. As a typical customer would park their vehicle in the main lot before proceeding to the main entry and waiting area located on the north end of the building, there should be no queuing of vehicles in front of the bay doors.

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

Applicant Response: Our business is a "softer" and less intrusive than the previous Tires Plus as we don't do any car repairs or maintenance. We only do tire replacement and interior car cleaning. We are quieter and cleaner on site and don't believe will cause any problems with our

hours or noise complaints. Our hours are: M-F 9 a.m. to 8 p.m. and Saturday 10 a.m. to 6 p.m.

City Staff Response: The proposed hours of activity are generally in line with the hours outlined by the former Tires Plus, with the exception that the proposed tenant would not operate on Sundays.

With respect to potential noise, it is assumed that noise levels would be similar to that of the former tenant. It is expected that there would be occasional noise from equipment typically found in an automotive shop (e.g. air compressors, impact wrench) and for the auto detailing, any vacuuming for interior cleanings.

City staff has requested that the Applicant and Property owner address the current site lighting as it is non-compliant or missing.

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

Applicant Response: Our shop would be a great complement to this area and future development. A major complaint of our customers is the fact that they don't have any restaurants or places to shop near where they are waiting for cars. Instead we have to provide them loaner vehicles to go out and get something to eat/drink. Essentially, we could keep the customers here and spend more money next door at the restaurant while they wait for their cars. Lifting spending and businesses in the area together.

City Staff Response: The proposed use of a tire installation and repair shop and auto detailing business is substantially similar to the former Tires Plus that had been located in this space for around 30 years. Although City staff is generally supportive of designing developments to increase the overall pedestrian friendliness of the Subject Property, and to align with the overall mission of the Transit-Oriented Development District and Opportunity Site Framework (2021), there are no plans at this time to make any major modifications to the Subject Property and the proposed use is a listed "conditional use" in the TOD District.

The Applicant and Property Owner is aware of their location within the Opportunity Site and is prepared to re-evaluate usage on the Subject Property if any when the properties around them are redeveloped but are wanting to re-fill their vacant space in the meantime. As the proposed use is not an "unknown" for the fact a similar type business co-existed with the adjacent restaurant and buffet for years, the Applicant indicated that this would likely provided the most realistic path for re-filling the space. The Applicant further acknowledged that the proposed use would provide additional foot traffic to neighboring restaurants next door and at Shingle Creek Center (to the north) as customers wait for their vehicles to be serviced.

ANTICIPATED PERMITTING AND CONDITIONS

City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-003 for the Subject Property located at 5927 John Martin Drive and for issuance of a conditional use permit to operate a tire installation and auto detailing business:

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 for the tire installation and auto detailing shop, 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.

- i. No auto detailing work shall take place in the parking lot or drive areas.
 - ii. Per Section 35-4303 (*Non-Residential Uses*), motor vehicles which are being serviced may be parked in an appropriate outdoor location on the Subject Property for a maximum period of 48 hours at any one time.
2. Any major changes or modifications made to the 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.
 - i. Applicant and Property Owner shall work with City staff to provide exterior site lighting in accordance with Section 35-5400 (*Exterior Lighting*).
 - ii. Applicant and Property Owner shall work with City staff to address the filling of any potholes located within the parking lot and shared drive areas, and any re-striping shall comply with Section 35-5504 (*Parking Space Standards*) and Minnesota Accessibility Code provisions.
 - iii. The existing trash enclosure located at the south end of the Subject Property shall be removed as it is in poor condition. Should a replacement enclosure be required, the Applicant and Property Owner shall work with City staff to ensure the enclosure fully screens any dumpsters, meets setback requirements, and utilizes fully opaque screening.
3. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - i. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - ii. Any outside tire storage shall be screened and in compliance with Minnesota Building and Fire Code standards.
4. The Applicant and proposed tenant shall coordinate with the Minnesota Pollution Control Agency (MPCA) and Hennepin County Hazardous Waste for any requirements relating to the tire installation and auto detailing shop, including, but not limited to: reinstallation of sand and oil interceptor, trench drains, etc.
5. 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 recommends City Council approval of Planning Commission Application No. 2024-003 for approval of a conditional use permit (CUP) for a tire installation and auto detailing shop at 5927 John Martin Drive, subject to the Applicant complying with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-003 Plans and Documents, submitted April 9, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated April 25,

2024.

Exhibit C – Interior Floor Plans and Approval Documentation for Former Tires Plus space, and Site Plan for Subject Property (1991).

Tire Replacement and Auto Detailing and Cleaning

Additional information:

Hours of operation:

Monday - Friday 9am - 8pm

Saturday 10am - 6pm

Employ 6 people at max shift

Expected to have 15-30 customers/day depending on weather combine between the tires and car cleaning together.

Lots of our previous customers want a place to eat/drink while they wait for their vehicles. This would definitely help bring more customers next door to the restaurant. We are closed earlier on weekends so would be out of the restaurant's way on weekends when they are busier. Even our staff would enjoy the close restaurant next door for lunch. Talking to the restaurant next door, they further verify that this was true and common back when Tires Plus was open. They are extremely supportive of another tire shop opening next door.

After Tires Plus closed down December 2022, we had removed all the hoist and had the trench drains filled-in because our preference of filling the space was for retail. Unfortunately, after a full year of searching for prospective tenants, we realized that over 95% of the inquiries for this space is for auto repair and service. There were several other interested parties like a pallet recycling warehouse, cannabis dispensary, car graphics shop, motorcycle shop, and night club. We don't feel any of these tenants are a good fit for us. Due to the extended search for the optimal tenant, our initial CUP for autoshop expired. We are realizing that at this point in time we don't have the luxury of being able to pick the perfect retail tenant. We finally decided that realistically this space was gonna be vacant or another auto user at this point in time. Rather than having another vacant space in this area of the city, having a service-based tire shop would complement our restaurant neighbor next door. We came across Joanes which used to own the Affordable Tires. He seemed upbeat on the area and was looking for a new space for his business as the old one was sold. This is a successful business he operated in the past and wanted a bigger location. We felt he is a good fit for this space as he has experienced, a good crew, and already established loyal customers. Therefore after over a full year of searching we are back here requesting to have our CUP approved as a auto tire shop again.

We understand that the city owns the property next door to ours and have concerns on our customers parking there. At our first showing with Joanes we have stated clearly to him that those parking spaces are not ours and absolutely no staff or customers we be allowed to park there. Furthermore, we will incorporate that into our lease as well as to not be a nuisance to neighbors or city resource.

There are no improvements required for the new tire shop as this was previously occupied by Tires Plus so as-is this space is already perfectly fitted for the tire shop and car cleaning service. Joanes will just need to bring in their own furniture and equipment. We could update some of the lighting on the building to better illuminate the parking lot.

Please provide responses on each of the following criteria as outlined under Section 35-7703 (*Conditional Use Permit Criteria*):

SECTION 35-7703 CONDITIONAL USE PERMIT CRITERIA. A conditional use permit may not be granted by the City Council unless the following criteria have been satisfied:

- 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

The tire shop and car detailing would fit the objective because it's a service-based business that would ultimately help bring people to the area to eat/shop in the area.

- 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

The tire shop and car detailing would help provide 6 jobs locally. The owner previously owned and operated the Affordable Tires for numerous years and have the experience to ensure the site would be operated in a clean, safe, and responsible manner.

- 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

Tires Plus was previously operating at this site for over 20 years and closed down post Covid due to labor shortages. Them being here definitely help kept this forgotten portion of Brooklyn Center alive. Having a successful business in this corner of the city would help property values in the area versus having another vacant building that is both an eye sore and contribute to declining property values in this area.

- 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

Our shop wouldn't delay or prevent in any way the improvements and development of the surrounding area. We are supportive of the development to come!

- 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

Our parking is shared with the restaurant next door and we have more than adequate parking on site. The restaurant has an extremely high volume of take-out and catering instead of dine in and therefore parking is plentiful. We are not a high-volume customer business so therefore don't require a whole lot of parking.

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

Our business is a "softer" and less intrusive than the previous Tires Plus as we don't do any car repairs or maintenance. We only do tire replacement and interior car cleaning. We are quieter and cleaner on site and don't believe will cause any problems with our hours or noise complaints. Our hours are: M-F 9am – 8pm & Saturday 10am – 6pm.

- g. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located (Transit-Oriented Development/TOD District)

Our shop would be a great complement to this area and future development. A major complaint of our customers is the fact that they don't have any restaurants or places to shop near when they are waiting for their cars. Instead we have to provide them loaner vehicles to go out and get something to eat/drink. Essentially, we could keep the customers here and spend more money next door at the restaurant while the wait for their cars. Lifting spending and businesses in the area together.

**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, May 9, 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:

Lin Shuang LLC

PROPERTY ADDRESS | PID:

5927 John Martin Drive,
Brooklyn Center, MN 55430 |
02-118-21-21-0015

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting issuance of conditional use permit to allow for a tire installation and auto detailing shop at the Subject Property. Tires Plus was a long-term tenant of the Subject Property until 2022 when they closed. As the use was abandoned for a period greater than 12 months, the use was abandoned. A conditional use permit is therefore required per Section 35-7700.

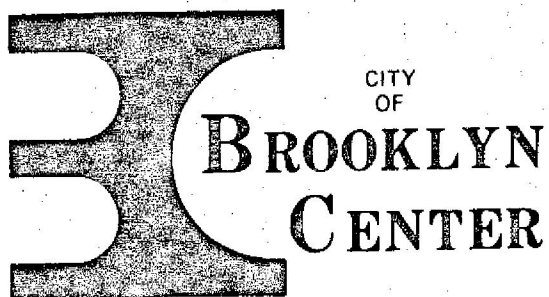
Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning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

Meeting Number (Access Code):
2630 082 8737
Password: BCPC05092024
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
April 25, 2024
1389666



6301 SHINGLE CREEK PARKWAY
 BROOKLYN CENTER, MINNESOTA 55430
 TELEPHONE 561-5440
 EMERGENCY - POLICE - FIRE
 911

INSPECTION DEPT - PLAN REVIEW

JOB NAME TIRES PLUS
 ADDRESS 5927 John Martin Drive
 OWNER/TENANT Condura Tire Corp. PHONE 612-333-6713
 ARCH/ENG Arch Plus PHONE (507)334-6034
 CONTRACTOR Varley Construction PHONE (507)334-6034
 PROPOSED USE Retail

CERTIFICATE OF OCCUPANCY REQUIRED Yes ARCHITECT SIGNATURE 9898 Yes

1. Occupancy Classification B-1
2. Area of building/space 3,700 Sq. ft.
3. Construction type II-N
4. Basic allowable area Open area Sprinklers
 Total allowable floor area
5. Number of stories or height 1 Allowable
6. Sprinkler system required Yes
7. Valuation 70,000
8. Occupant load 49 Density
9. Number of exits required 2
10. Comments
 1. Stairs, handrails, ramps and guardrails must comply with UBC Req. - 44" wide max. 7" rise, min. 11" run, handrails both sides.
 2. Doors E100A & E100B must have locks which comply with UBC 3304 (c)
 3. Detail 3/A2 - Add vertical Grab bar per state handicapped rules - typical both toilet rooms
 4. Rooms 102,103 - shall have ceramic tile floor and wall covering at all areas. Tile must extend 4' high on walls.
 5. Trench drain shall drain to an approved flammable waste trap UBC 702(b).





**CARDINAL
DEVELOPMENT
CORPORATION**

September 23, 1991

Mr. Ronald A. Warren, Director of Planning & Inspection
Mr. Gary Shallcross, Planner
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430

Gentlemen:

re: Proposed site for Tires Plus at 5927 John Martin Drive
Our client: Condura Marketing Corporation / Tires Plus

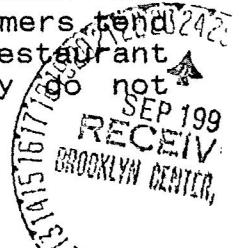
Tires Plus, a division of Condura Marketing Corporation, The Condura Tire Groupe, is a 37 unit group of tire stores located throughout the upper midwest. There are both franchised and company operated stores with several additional units currently under development.

The stores have evolved from their original locations which were converted service stations to the current generation of modern, state of the art facilities which are built to, or converted to, Tires Plus exacting specifications.

The facilities are intended to be modern, clean, well lit, attractive, efficiently operated stores that will be a place that all potential customers, men and women, young and old, will be comfortable visiting. The remaining older, non-conforming units are being converted to this standard as quickly as contractual commitments and financial constraints permit.

The proposed location, in part of the former Burger Brothers Building on John Martin Drive, will be a replacement for the old location at 69th and Brooklyn Boulevard. That was the original Tires Plus store and is a converted service station. It does not bear any resemblance to the current generation of stores, such as the location at Winnetka Commons in New Hope or on Cliff Road just west of I-35E in Eagan.

Tires Plus operation is different from that of other recognized major brand tire stores. Only tires, batteries and wheel related items are sold, with the only service work being the installation and service related to those items, such as alignments, brake work, etc. Because of this limitation, the average customer is only on the premises for a very short period of time, usually under one hour. This means that, unlike most service garages, customers tend to wait for their cars. They may visit a neighboring restaurant or retailer while the car is being serviced, but they do not normally drop off their car and leave it all day.



Page 2 - September 17, 1991 - Mr. Warren - Mr. Shallcross

At the proposed site, customers will be directed to park their cars in the area in front of the building. This will be the logical place for them to park as the only customer entrance will be through the main building lobby located at the center of the front side. As is the policy at all Tires Plus locations, only company personnel are allowed to drive vehicles into or out of the service bays.

The number of employees on duty at one time will range from a minimum of two up to a maximum of six. The planned hours of operation are 7:00 AM - 9:00 PM Monday through Friday, 7:30 AM - 5:00 PM Saturday, and 10:00 AM - 5:00 PM on Sunday.

This location is large enough to ensure that all work will be done inside the service bays, and it is understood that will be a city requirement. There is also sufficient inside storage to handle all the inventory of tires and batteries. Total inside tire storage capacity will be 2400 tires which is over 3 times the total storage capability at the old location, and considerably larger than is available at most of the newer stores.

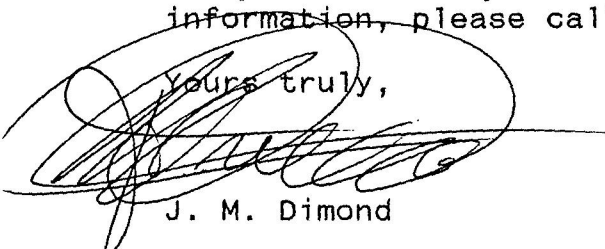
Trash and junk tires will be handled through the trash storage facility to be constructed adjacent to the existing loading dock at the rear of the building. As indicated in the plans, this will be built to be compatible with the existing building. There will be two areas in the facility, one for regular trash, and one for recyclable materials such as tires. These will be picked up on a schedule that will ensure that the capacity of the enclosure is not exceeded. The junk tires are, in accord with State law, sent to a recycler and are currently being used to fuel a Wisconsin paper mill.

Tires Plus understands that all signs and displays on the premises must be in accord with the ordinances of the City of Brooklyn Center.

Tires Plus looks forward to providing the residents of the area with a new, modern facility where they can continue to obtain tires and batteries, with the quickest service, at the lowest prices.

If you have any further questions, or need any additional information, please call me.

Yours truly,

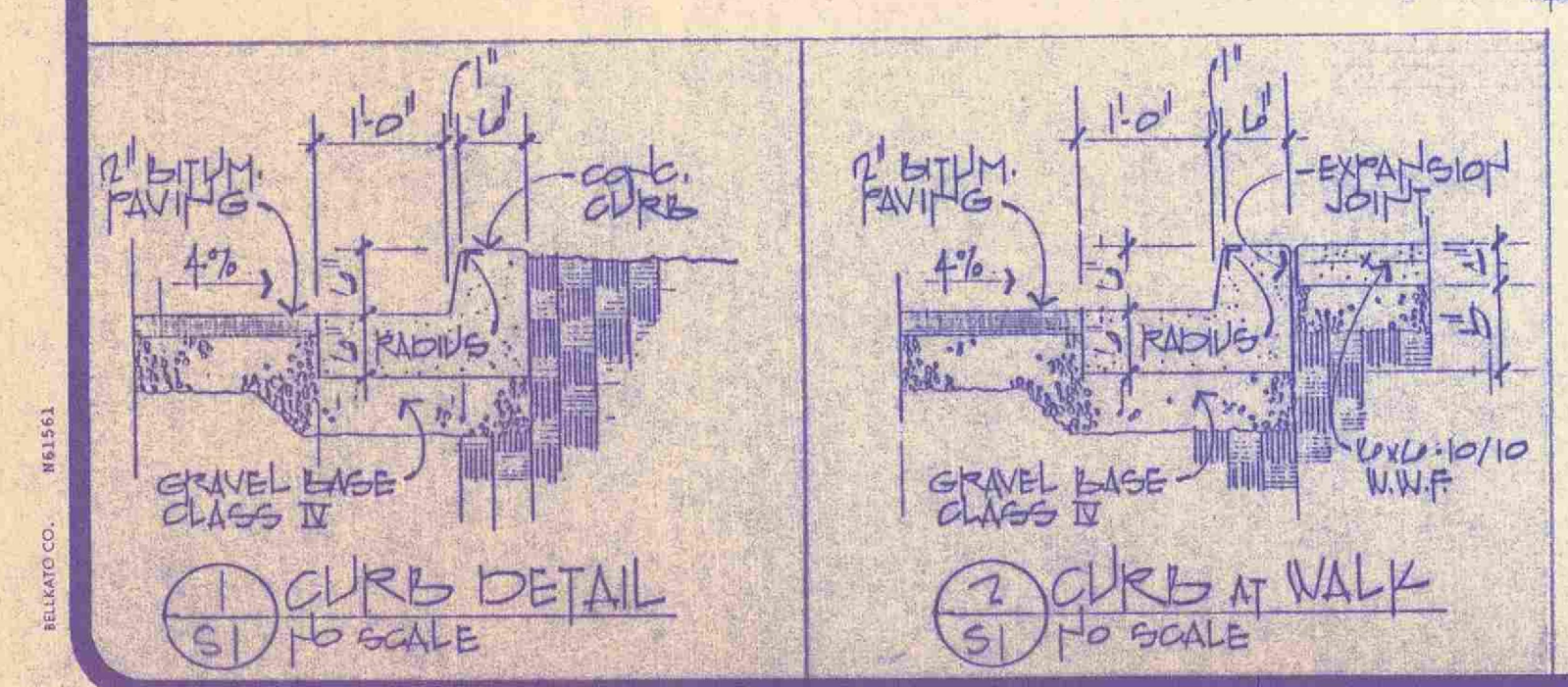
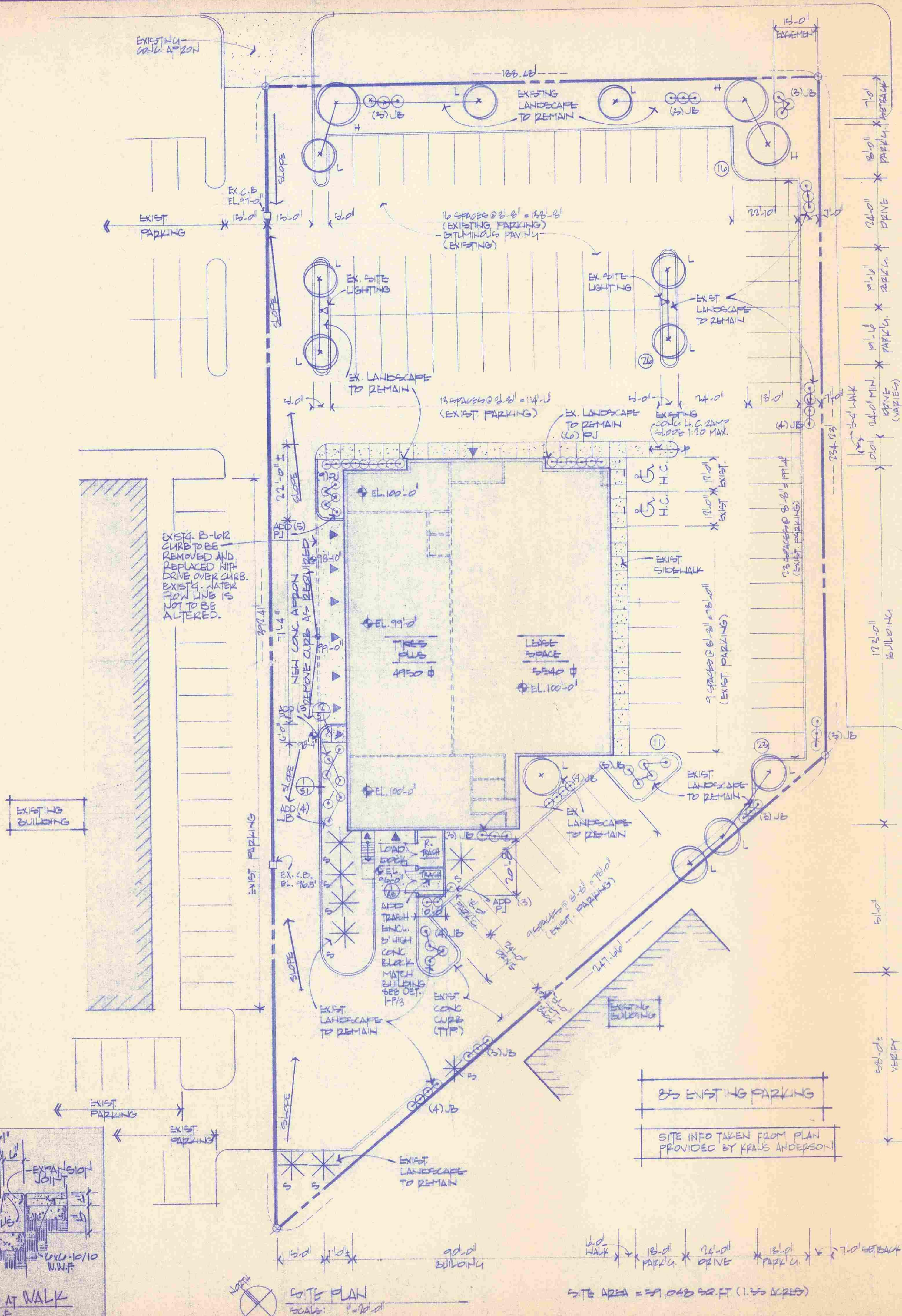


J. M. Dimond

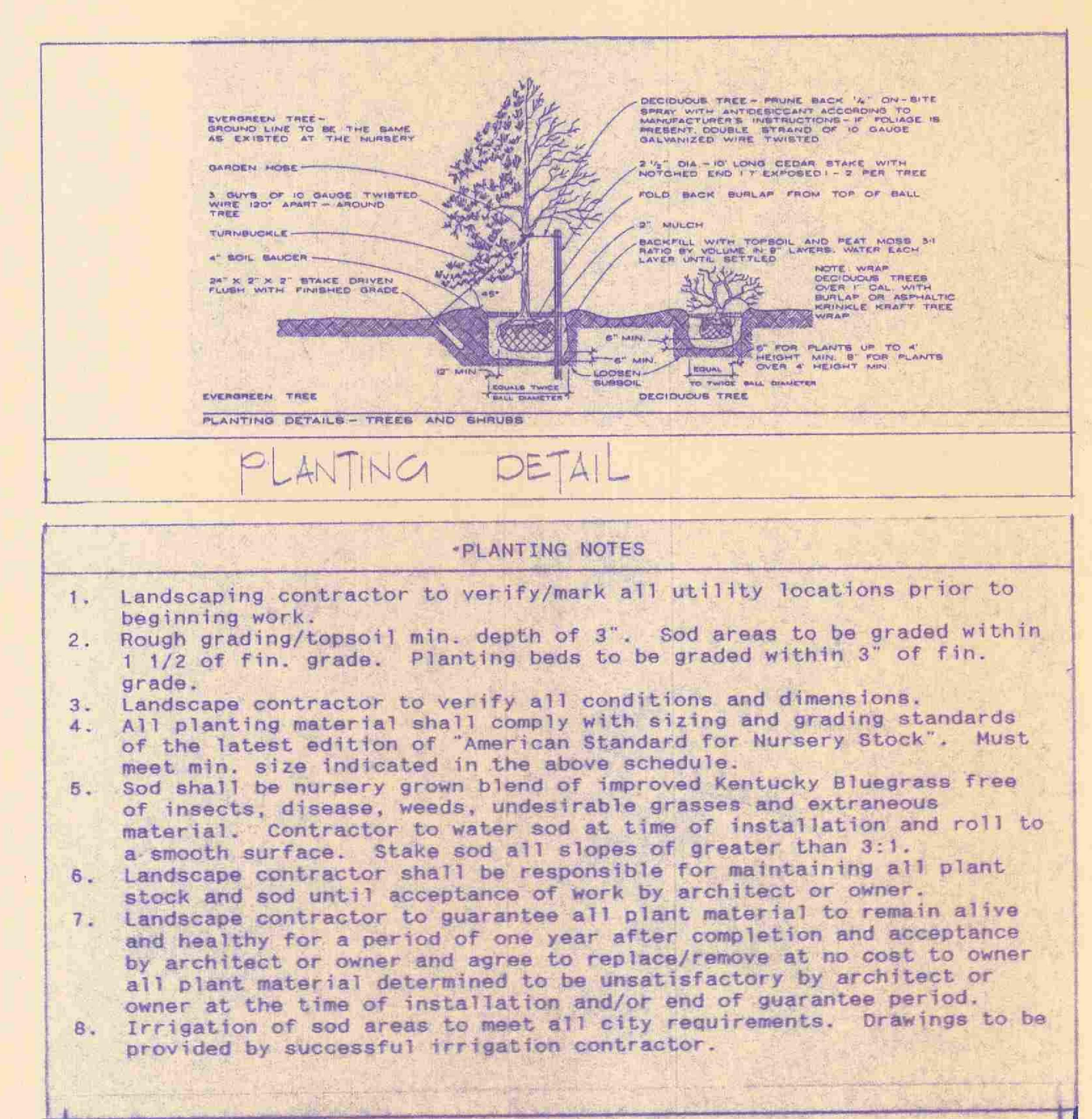
JMD:ms

cc: Don Gullett

Patricia A. Weller



PLAN REVIEW RECORD	
P.C.#	91019
P/I DEPT.	
City Planner	<u>Garry Spallone</u> Date <u>11-22-91</u>
Bldg. Insp.	<u>Lee</u> Date <u>12-10-91</u>
HVAC Insp.	Date
Fire Sprinkler	Date
Engineering	Date
Fire Dept.	Date
Sanitarian	Date



LEGEND	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	POINTS	REMARKS
H	3	HACKBERRY	CELTIS OCCIDENTALIS	2 1/2"-3"	10/30	EXISTING
L	11	SKYLINE LOCUST	GLEDITSIA TRIACANTHOS 'SKYLINE'	2 1/2"-3"	10/110	EXISTING
S	8	BLACK HILLS SPRUCE	PICEA GLAUCA DENSATA	3 1/2"-4"	6/48	EXISTING
PJ	19	PFITZEN JUNIPER	JUNIPER CHINENSIS PFITZERIANA	18"-24"	5/9.5	EXISTING
PJ	// (Add)				5/5.5	NEW
JB	38	JAPANESE GREEN LEAF BARBERRY	BERBERIS THUNBERGI	18"-24"	5/19	EXISTING
JB	4 (Add)				5/2	NEW
TOTAL					224	

1/2 ACRES RETAIL SERVICE SITE = $1/2 \times 20 = 100$ POINTS
REQUIRED = 100 POINTS
PROVIDED = 224 POINTS

DESIGNED DJM
DRAWN CGL
CHECKED DJM
PROJECT 1499
REVISIONS
14 NOVEMBER 1991

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of MINNESOTA.

ARCHITECTURAL SEAL

Reg. No. 9590
NOV 14 1991

I HEREBY CERTIFY THAT THIS
PLAN WAS PREPARED BY ME OR
UNDER MY DIRECT SUPER-
VISION AND THAT I AM A
DULY REGISTERED ENGINEER
UNDER THE LAWS OF THE
STATE OF MINNESOTA

(STRUCTURAL ONLY)

REG. NO. _____
DATE _____

**LARSON ENGINEERING
OF MINNESOTA**
3524 Labore Rd.
White Bear Lake, MN 55110
612/481-9120

TRES PLUS
BOOKING CENTER
MINNEAPOLIS

architects plus
12 n.e. third st.
faribault, minn.
507/334-2251 55021
812/333-6713

DATE PLAN

S-1

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION APPROVING PLANNING COMMISSION APPLICATION NO. 2024-003 FOR ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW FOR A TIRE INSTALLATION AND AUTO DETAILING SHOP (5927 JOHN MARTIN DRIVE)

WHEREAS, Planning Commission Application No. 2024-003, submitted by Lin Shuang LLC (“the Applicant”) requests review and consideration of an application requesting issuance of a conditional use permit for the approximately 3,700-square foot former Tires Plus tenant space located at 5927 John Martin Drive (“the Subject Property”), as legally described in Exhibit A attached hereto, that would allow for the re-use of the space as a tire installation and auto detailing shop; and

WHEREAS, the Subject Property is situated in the City’s TOD (Transit Oriented Development) District, and following a review of Section 35-4103 (*Allowed Use Table*), the use is categorized as an “automobile and truck repair and service station,” 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 April 25, 2024, mail notifications were sent to adjacent property owners and physical properties, and notice was provided for on the City’s website and email bulletins; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on May 9, 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 permits 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, the Opportunity Site Infrastructure Framework, 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 Application No. 2024-003, submitted by Applicant Lin Shuang LLC:

- a) The proposed use is substantially similar in nature to the former occupant of the tenant space, Tires Plus, who operated at the Subject Property for approximately 30 years and adjacent to a restaurant and buffet, which occupies the other tenant space to this day, and its potential impacts on the surrounding community as an “automobile and truck repair and service station” are addressed as set forth within Section 35-4103 (*Allowed Use Table*);

RESOLUTION NO.

- b) The proposed use is allowed through approval of a conditional use permit in the TOD District;
- c) The conditional use, as proposed, will be in accordance with the general objectives of the City's Comprehensive Plan and the City's Unified Development Ordinance;
- 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 designated tenant space and not out in the parking lot;
- 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 or as the Opportunity Site, where the Subject Property is located, develops out in the future;
- g) Adequate measures have been taken to provide ingress, egress, and parking so designated as to minimize traffic congestion in the public streets, and to ensure no customer or staff parking is permitted on 5939 John Martin Drive, which shares a driveway and access with the Subject Property, but is intended for future redevelopment;
- 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. 2024-003 for the requested conditional use permit, which would allow for a tire installation and auto detailing shop at 5927 John Martin Drive, 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 for the tire installation and auto detailing shop, 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. No auto repair or detailing work shall take place in the parking lot or drive areas.
 - b. Per Section 35-4303 (*Non-Residential Uses*), motor vehicles which are being

RESOLUTION NO.

served may be parked in an appropriate outdoor location on the Subject Property for a maximum period of 48 hours at any one time.

2. Any major changes or modifications made to the 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 and Property Owner shall work with City staff to provide exterior site lighting in accordance with Section 35-5400 (*Exterior Lighting*).
 - b. Applicant and Property Owner shall work with City staff to address the filling of any potholes located within the parking lot and shared drive areas, and any re-striping shall comply with Section 35-5504 (*Parking Space Standards*) and Minnesota Accessibility Code provisions.
 - c. The existing trash enclosure located at the south end of the Subject Property shall be removed as it is in poor condition. Should a replacement enclosure be required, the Applicant and Property Owner shall work with City staff to ensure the enclosure fully screens any dumpsters, meets setback requirements, and utilizes fully opaque screening.
3. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - a. A SAC Determination shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - b. Any outside tire storage shall be screened and in compliance with Minnesota Building and Fire Code standards.
4. The Applicant and proposed tenant shall coordinate with the Minnesota Pollution Control Agency (MPCA) and Hennepin County Hazardous Waste for any requirements relating to the tire installation and auto detailing shop, including, but not limited to: reinstallation of sand and oil interceptor, trench drains, etc.
5. 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.

RESOLUTION NO.

May 28, 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.

Council Regular Meeting

DATE: 5/28/2024

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. 2024-005, Submitted by Brookdale Covenant Church and Bright Future Child Care Center, for Issuance of a Conditional Use Permit for an Existing Place of Religious Assembly and New Child Care Center (5139 Brooklyn Boulevard)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-005 for issuance of a Conditional Use Permit for a Place of Religious Assembly and Child Care Center (Licensed Daycare Facility - 13 and Greater Persons in association with a Place of Religious Assembly) for 5139 Brooklyn Boulevard, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Background:

Brookdale Covenant Church and Bright Future Child Care Center (together, “the Applicant”) are requesting approval of a conditional use permit (CUP) for a place of religious assembly that has been located at 5139 Brooklyn Boulevard (“the Subject Property”) since 1955, and a proposed child care center. Both requests are considered conditional uses within the R1 (Low Density Residential) District where the Subject Property is located.

In reviewing City records and 1951 and 1957 zoning provisions on file for the then Village of Brooklyn Center, it appears “churches” were at one time considered a permitted use within the R1 District. Today, “Places of Religious Assembly” are considered conditional uses within the R1 District. Although the approximately 29,429-square foot Brookdale Covenant Church may continue to operate as a legal nonconforming use, it was suggested by the City Attorney that the church could apply for approval of a conditional use permit to set a baseline for use on the Subject Property and in conjunction with a request by Denise Fadina to operate within Brookdale Covenant Church as Bright Future Child Care Center, which also requires a conditional use permit.

A public hearing notice for the conditional use permit request was published in the Brooklyn Center *Sun Post* on April 25, 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 link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin.

Denise Fadina of Bright Future Child Care Center originally reached out to City staff in November 2023 regarding her plans to enter into an agreement with Brookdale Covenant Church to operate her child

care facility out of two nursery rooms located within the church. For context, Brookdale Covenant Church originally received approval in 1978 to operate a nursery school in the mornings, three days per week; however, the nursery school no longer operates within this space.

Through conversations with the Applicant, as well as other individuals and businesses seeking space for daycares in the same timeframe, City staff realized the provisions under the City's new Unified Development Ordinance (UDO) no longer accounted for larger day cares (13 or more persons).

City staff worked with the City Attorney to process an amendment to the UDO that would allow for the addition of a new use category for licensed daycare facilities (13 or more persons) in the City's multi-family residential and mixed-use districts, as well as provisions for licensed day cares (13 or more persons) in association with places of religious assembly and public and private elementary and secondary schools.

Although City staff began the amendment process in January 2024, the new language for daycares was not adopted by City Council until March 2024, and the ordinance language did not go into effect until late April 2024. As adopted, daycares with 13 or more persons are considered a "conditional use" in the R1 District when in association with places of religious assembly, hence the application request.

City Staff met with both Applicants in a pre-application meeting to address any anticipated changes to the church floor plan and to address any concerns with meeting building, fire, and zoning code provisions in early March 2024. City Staff asked the applicant to identify exit plans, kitchen/meal prep locations, play areas, pick up and drop off areas, and any agreements with surrounding properties (e.g. New Millennium Academy). The Applicants worked together to prepare the space for the proposed child care center in two of the nursery rooms located on the main level. Brookdale Covenant Church also sent a detailed schedule of services and times and the number of people in attendance on its busiest days.

Brookdale Covenant Church was originally founded in the Camden neighborhood of Minneapolis in 1899 and moved to its existing location at the Subject Property in 1955. Their membership stands at 143, but the narrative provided notes 300 members as calling "BCC" their church home. Currently, Brookdale Covenant Church's main office is typically open from 10 a.m. to 5 p.m. and shares its building with two other church congregations for Sunday service.

As the church currently operates, rooms are utilized for adult small groups on Monday afternoons, and Tuesday, Wednesday, and Friday nights. A mom's support group and adult 60+ group meet monthly for socializing and service projects. Wednesday nights provide programming for neighborhood kids ages 3 through 12th grade, and various other events are held periodically throughout the year, including: weddings, funerals, baby showers, birthday and anniversary celebrations, recitals, and concerts. Brookdale Covenant Church also hosts coat drives, food shelves, has on-site community gardens, etc. With respect to the intensity of use, most traffic generated by the church occurs on Sundays for the church services, followed by smaller weeknight activities.

Bright Future Child Care Center seeks to expand their existing Brooklyn Center based in-home child care into a portion of Brookdale Covenant Church. As proposed, the Applicant would be seeking licensure for a maximum capacity of 27 children. With respect to the proposed operations for the child care center, typical drop offs would take place at 7:30 a.m., with pick up occurring around 5 p.m., Monday through Friday. The child care center has indicated a desire to minimize impacts to the surrounding area and uses, including the church and neighboring New Millennium Academy. As proposed, the childcare center would utilize two former nursery rooms located on the main floor and a nearby bathroom. A kitchen located in the lower level would be utilized to prepare meals during the day.

The Subject Property currently has three curb cuts on its property. A curb cut located off the northwest

corner of the Subject Property and Lilac Drive North provides access to the main entrance, as well as limited parking lot with a loop road for pick-ups and drop-offs. This entrance is located closest to where the proposed childcare would operate from, and the Applicant notes that this area would be utilized for primary pick-up and drop-offs. It is noted that the northwest elevation facing Lilac Drive North would serve as the primary access. If parents need to go inside, the main parking lot and entrance would be used. Currently, there are approximately 126 on-site parking spaces.

Full access is provided off Brooklyn Boulevard for both the Subject Property and New Millennium Academy, which is a Kindergarten through 8th grade charter school. In reviewing Planning Commission Application No. 2015-004 for approval of New Millennium Academy, it was noted that that New Millennium Academy and Brookdale Covenant Church officials had a mutual agreement to share parking areas between the properties for special school or church events, or Sunday services, as needed. School bus traffic for the adjacent New Millennium Academy is typically generated between 8:30-9 a.m. and 4-4:30 p.m. Monday through Friday. There is one curb cut that services the Subject Property and a separate, wider curb cut for New Millennium Academy to accommodate the buses and increased traffic needs on their site during this time.

A public hearing was held at the May 9, 2024 Planning Commission meeting, and those Commissioners in attendance were generally supportive of the outlined requests. The Commissioners addressed the Applicant regarding design of the exterior exit points for the child care center and how it impacts the church façade and operations. The Applicant indicated they have been working with City staff, including the City Building Official, and the State Fire Marshal on licensure and exiting requirements to address any necessary updates. At this time, it is likely a direct exit door will be required from one of the rooms with a landing and tie in to the existing private sidewalk. Additional questions were also raised as to secured access and separation.

City staff reviewed the proximity of the Subject Property to Happy Hollow Park. Although it appears minimum distancing requirements are met for an outdoor activity area and the Applicant indicated they own a 15-passenger van for transportation for field trips and inclement weather, but stated the desire to build a fenced in outdoor activity area sometime in the future. The Applicant noted, at this time, that accessibility and egress needs to be addressed first before other improvements can be envisioned.

The Commissioners inquired on access and how the existing church and proposed child care center will remain complementary to the neighboring New Millennium Academy, which the Commission indicated can get quite busy during drop off and pick up. The Commission indicated that the more availability of child care, the better, especially given national shortages. Additional questions were noted on any anticipated growth and expansion within the church space, and whether any family of neighboring schools would utilize the child care center.

No public comments were provided for in advance of or during the public hearing with exception to verbal support provided at the hearing from representation of Brookdale Covenant Church. 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 existing Brookdale Covenant Church (Place of Religious Assembly) and Bright Future Child Care Center (Licensed Daycare Facility - 13 and Greater Persons associated with Places of Religious Assembly).

A copy of the Planning Commission Report for Planning Commission Application No. 2024-005, dated May 9, 2024 and City Council resolution regarding the aforementioned request is 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 - 5139 Brooklyn Boulevard (CUP)	5/21/2024	Backup Material
Resolution - 5139 Brooklyn Boulevard (CUP)	5/21/2024	Resolution Letter

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-005
Applicant(s) | Property Owner: Bright Future Childcare Center and Brookdale Covenant Church | Brookdale Covenant Church (BCC)
Location: 5139 Brooklyn Boulevard, Brooklyn Center, MN 55429
Request: Conditional Use Permit



Map 1. Subject Property Location.

Requested Action

Brookdale Covenant Church and Bright Future Child Care Center (together, “the Applicant”) are requesting approval of a conditional use permit (CUP) for a place of religious assembly that has been located at 5139 Brooklyn Boulevard (“the Subject Property”) since 1955, and a licensed daycare facility. Both requests are considered conditional uses within the R1 (Low Density Residential) District where the Subject Property is located—refer to Exhibit A.

In reviewing City records and 1951 and 1957 zoning provisions on file for the then Village of Brooklyn Center, it appears “churches” were at one time considered a permitted use within the R1 District. Today,

“places of religious assembly” are considered conditional uses within the R1 District. Although the approximately 29,429-square foot Brookdale Covenant Church may continue to operate as a legal non-conforming use, it was suggested by the City Attorney that the church could apply for approval of a conditional use permit to set a baseline for use on the Subject Property and in conjunction with a request by Denise Fadina to operate Bright Futures Child Care Center, which also requires a conditional use permit, from the Subject Property.

A public hearing notice for the conditional use permit request was published in the Brooklyn Center *Sun Post* on April 25, 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. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin.

Existing Conditions



Image 1. Existing Site Conditions at Subject Property.

Background

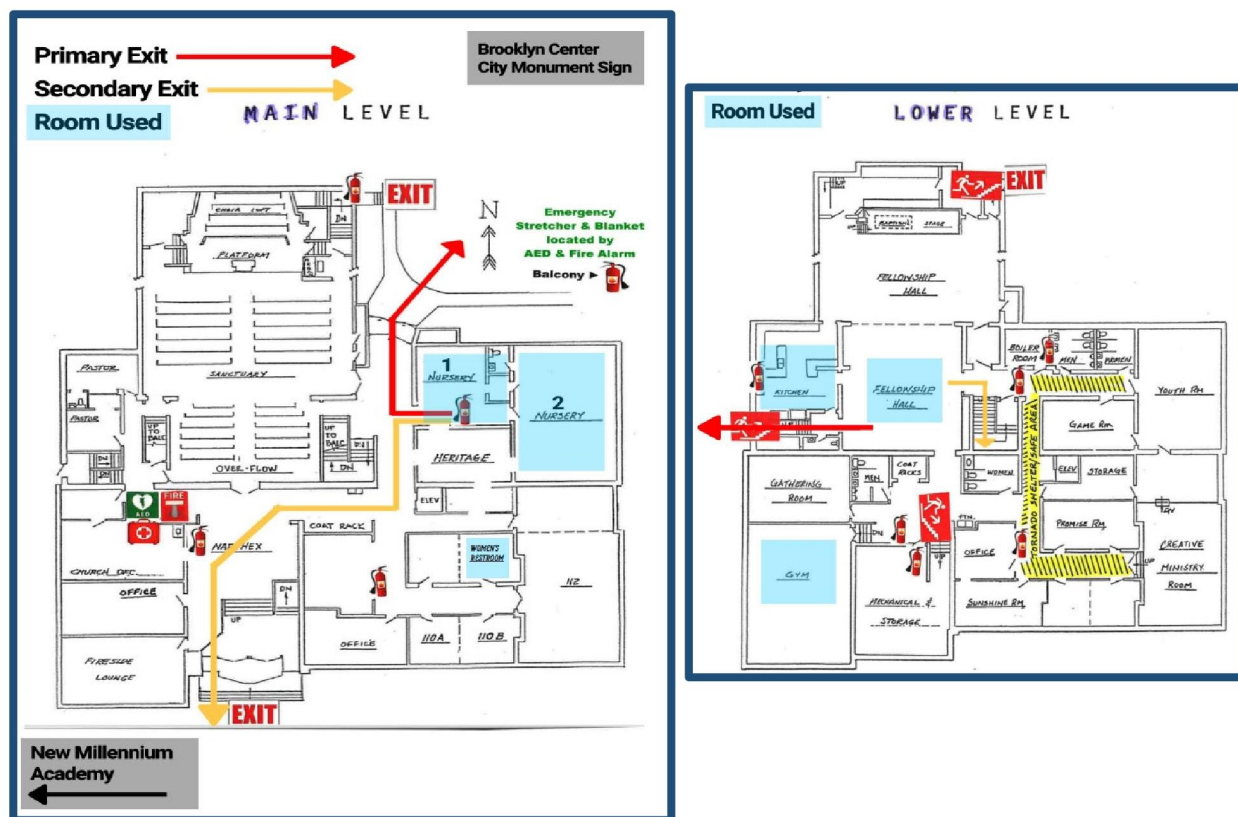
Denise Fadina of Bright Future Child Care Center originally reached out to City staff in November 2023 regarding her plans to enter into an agreement with Brookdale Covenant Church to operate her child care facility out of two nursery rooms located within the church. For context, Brookdale Covenant Church originally received approval in 1978 to operate a nursery school in the mornings, three days per week.

It was through these conversations with the Applicant, as well as other individuals and businesses seeking space for daycares in the same timeframe, that City staff realized the provisions under the City's new Unified Development Ordinance (UDO) no longer accounted for larger day cares (13 or more persons).

City staff ultimately worked with the City Attorney to process an amendment to the UDO that would allow for the addition of a new use category for licensed daycare facilities (13 or more persons) in the City's multi-family residential and mixed-use districts, as well as provisions for licensed day cares (13 or more persons) in association with places of religious assembly and public and private elementary and secondary schools in the R1 and R2 Districts.

Although City staff began the amendment process in January 2024, the new language for daycares was not adopted by City Council until March 2024, and the ordinance language did not go into effect until late April 2024. As adopted, daycares with 13 or more persons are considered a "conditional use" in the R1 District when in association with places of religious assembly, hence the application request.

City Staff met with both Applicants in a pre-application meeting to address any changes to the church floor plan and address any concerns with meeting building, fire, and zoning code in early March. City Staff asked the applicant to identify exit plans, kitchen/meal prep locations, play areas, traffic flow, and any agreements with surrounding properties. The Applicants worked together to prepare the space for the proposed child care center in two of the existing nursery rooms located on the main level. Brookdale Covenant Church also sent a detailed schedule of services and times and the number of people in attendance on its busiest days.



Site Data:

2040 Land Use Plan:	Low Density Residential (LDR)
Neighborhood:	Happy Hollow
Current Zoning:	R1 (Low Density Residential)
Site Area:	Approximately 2.44 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	ROW	N/A	Major Highway (TH 100) and ROW (Brooklyn Boulevard)
South	Commercial	Planned Unit Development/Mixed Use	Institutional (New Millennium Academy)
East	ROW High Density Residential (HDR)	R5 - Multifamily	ROW (Brooklyn Boulevard) Apartments (Xerxes Apartments)
West	ROW (TH 100) High Density Residential (HDR)	R5 - Multifamily	Major Highway (TH 100) and Apartments (Lakepointe)

CONDITIONAL USE PERMIT

As previously stated, Bright Future Childcare approached City staff in November 2023 regarding a partnership with Brookdale Covenant Church to host a childcare center and expand its current operation from the Applicant's place of residence. The Applicant notes that the great location off Interstate 694 and TH 100 would allow for an easy transition for current and future clientele.

Brookdale Covenant Church (Places of Religious Assembly)

Brookdale Covenant Church was originally founded in the Camden neighborhood of Minneapolis in 1899 and moved to its existing location at the Subject Property in 1955. Their membership stands at 143, but the narrative provided notes 300 members as calling "BCC" their church home.

Currently, Brookdale Covenant Church's main office is typically open from 10 a.m. to 5 p.m. and shares its building with two other church congregations for Sunday service. As the church currently operates, rooms are utilized for adult small groups on Monday afternoons, and Tuesday, Wednesday, and Friday nights. A mom's support group and adult 60+ group meet monthly for socializing and service projects. Wednesday nights provide programming for neighborhood kids ages 3 through 12th grade, and various other events are held periodically throughout the year, including weddings, funerals, baby showers, birthday and anniversary celebrations, recitals, and concerts. Brookdale Covenant Church also hosts coat drives, food shelves, has on-site community gardens, and more.

Although a review of historical zoning provisions appears to confirm that churches were, at the time, a permitted use in the R1 District when Brookdale Covenant Church moved into the then Village of Brooklyn Center, "Places of Religious Assembly" today are considered *conditional uses* in the R1 District where the Subject Property is located.

With respect to the intensity of use, most traffic generated by the church occurs on Sundays for the church services, followed by smaller weeknight activities.

Denise Fadina of Bright Futures Child Care Center seeks to expand her existing daycare into a portion of Brookdale Covenant Church. As proposed, she would be seeking licensure for a maximum capacity of 27 children. With respect to the proposed operations for the child care center, typical drop offs would take place at 7:30 a.m., with pick up occurring around 5 p.m., Monday through Friday. The child care center has indicated a desire to minimize impacts to the surrounding area and uses.

Site Access and Circulation

Full access is provided off Brooklyn Boulevard for both the Subject Property and New Millennium Academy, which is a Kindergarten through 8th grade charter school. In reviewing Planning Commission Application No. 2015-004 for approval of New Millennium Academy, it was noted that that New Millennium Academy and Brookdale Covenant Church officials had a mutual agreement to share their parking areas between the properties for special school or church events, or Sunday services, as needed. School bus traffic for the adjacent New Millennium Academy is typically generated between 8:30-9 a.m. and 4-4:30 p.m. Monday through Friday. There is one curb cut that services the Church and a separate, wider curb cut for New Millennium Academy to accommodate the buses and increased traffic needs on their site during this time.



A map (Image 3 above) was provided, which identifies how families arrive to the Subject Property and indicated that 21 families at maximum would likely arrive on-site during the busiest traffic times. Families that need to park will be routed to the easterly portion of the parking lot. Currently, there are approximately 126 parking spaces on site, and the applicant suggests the families will most likely use the northwest corner of the property for direct entry to the proposed childcare center. Although the northwest entrance is the most convenient, parents/guardians can utilize the main parking lot for pick-up and drop-off, if necessary.

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—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: Brooklyn Center's 2040 plan describes the desire to "revitalize and reinvigorate" neighborhoods through proper land use and redevelopment as stated:

"Enhance and maintain existing neighborhoods through proper land use designations and clear supportive zoning that makes reinvestment and rehabilitation easy for residents.

Recognize that many areas in the community are aging and may require reinvestment, redevelopment, or reimagining and that all scales and sizes of opportunity have merit to further support the community's future."

City Staff Response (Finding): The Subject Property is located in the R1 (Low Density Residential) District, where both places of religious assembly and licensed daycare facilities are permitted via approval of a conditional use permit. As proposed, the childcare center would provide a service that would provide a service that benefits both the community and allows the Church to provide a vital service to its community.

City Staff recognizes the younger demographic of the area, with an estimated 9% of the City's population ages 5 and under, which an additional 9.1% between the ages of 5 and 9 years old (American Community Survey, 2022). As the child care center would provide childcare to children 12 years of age and younger, this would seemingly target a large portion of Brooklyn Center's population and childcare service needs.

Additionally, City Staff acknowledges the flexibilities needed to address shrinking congregations and adaptive reuse and collaboration in these spaces. The Subject Property is adjacent to a major thoroughfare and a Bus Rapid Transit stop.

- 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: I believe through the intended use of this child care program located adjacent to the area described as the city's center, it will aide the employees hired by the businesses that will come through that redevelopment, as well as provide a high-quality service to support those that not only work but also live in Brooklyn Center. Further Bright Future Child Care Center will be located very close to two different elementary schools, which would allow their families to be able to have a simple morning and afternoon commute due to the proximity when dropping off and picking up.

City Staff Response (Finding): In consideration of the existing operations of Brookdale Covenant Church, its schedules for church services and activities, and its length of history at this location, City staff has minimal concerns regarding the continuing operations for the church building and grounds.

With respect to the proposed child care center, City staff initially expressed concerns regarding the distance to an outdoor play area, as the preceding zoning code had always required outdoor playground areas. In discussing with the State and licensing requirements, it was determined that Happy Hollows Park would meet the distancing requirements as outlined for licensure.

Given the majority of activity does not occur at the church until the evening and weekend hours, the presence of the child care center would bring additional activity to the space. As the center would be limited to no more than 27 children, its impacts on the neighboring uses, including New Millennium Academy, should be minimal, and particularly if children are picked up and dropped off via the northwest entrance points off Lilac Drive.

- 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: The operations of Bright Future Child Care Center will take place during regular business hours. The use of public parks or sidewalks for example, will occur and be used in such a manner as to teach children social responsibility while using community spaces. The use of community property within the vicinity of Brookdale Covenant Church will not be injurious nor substantially diminish or impair property values of the neighborhood.

City Staff Response (Finding): With respect to the existing Brookdale Covenant Church (Places of Religious Assembly), there are no proposed plans to alter the existing operations of the church and its grounds. Rather, Brookdale Covenant Church wishes to obtain a conditional use permit to establish a "baseline" for its operations and make it more conforming than it currently is. It is understood that Brookdale Covenant Church has some shared usage and understanding with neighboring New Millennium Academy.

With respect to the proposed child care center, the proposed hours of operation during the daytime hours would help maximize the use of the Subject Property during off-peak hours. The intensity of the child care use and intended capacity of no more than 27 children should result in

the use not being 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.

Applicant Response: Bright Future Child Care Center wishes to make no changes to the property at this time instead to simply use the classroom spaces already available for day to day operations. Therefore, will not impede on the normal and orderly development and improvement of surrounding property for permitted uses.

City Staff Response (Finding): At this time, neither Brookdale Covenant Church nor Bright Futures Childcare Center proposes any changes that would impede upon the normal and orderly development and improvement of surrounding property for uses permitted in the district. New Millennium Academy is situated on what was formerly Malmberg's Nursery. As New Millennium Academy averages around 800 students currently and is the only property directly adjacent to the Subject Property, City staff considers this to be the more intense use. If anything, the right-of-way modifications made as part of the Phase I Brooklyn Boulevard project and resulting extension of Lilac Drive to the west and north of the site and impacts to the parking lot, have resulted in greater constraints to the Subject Property.

In discussions with the State Fire Marshal and City Building Official, it appears an exterior door will need to be installed with stair/ramp to existing sidewalk, but this would be the only exterior modification to the Subject Property to allow for the use.

- 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: Bright Future Childcare is committed to ensuring that our operations do not have a negative impact on the surrounding areas. To minimize congestion, a curved driveway that continues in a loop to allow traffic to flow in one direction is provided to families for pick-up and drop-off. If families need to park and enter the building, they will be directed to utilize the parking lot on the east side of Brookdale Covenant Church.

City Staff Response (Finding): The Applicants and Property Owner have been in discussion with City staff regarding the mitigation of any potential traffic congestion during pick-up and drop-off times. The Applicant of the child care center proposes pick up and drop off times that have been strategically made to avoid the typical pick up and drop off times for students at the neighboring New Millennium Academy, located at 5105 Brooklyn Boulevard. As the Subject Property is served by multiple ingress/egress points, City staff has minimal concerns for any congestion or queuing of vehicles in the public streets so long as the operator of the child care center is clear with designated pick up and drop off points and the moving of vehicles through the pick-up and drop-off line.

Assuming the northwest drop off area were the designated pick up and drop off area, it appears there is approximately 200 feet of drive lane before the right-of-way (Lilac Drive) is reached. City staff approximated this length to ensure a sufficient bypass area/drive aisle width is provided. If

one were to assume a typical 18-foot length for a standard parking space, one would be able to fit upwards of 11 vehicles before potential backing out onto Lilac Drive.

If a conditional use permit were approved by the City and the designated pick up and drop off area was found to be inadequate, the Subject Property has a secondary access point off Lilac Drive that enters into the main parking lot and provide an alternative access into the church building.

- 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 have implemented measures such as scheduled outside play time to minimize noise disturbances, prioritizing a peaceful environment for the community. Our main entrance, which will be the primary pick-up and drop-off entrance for all families, will be on the northwest side of Brookdale Covenant Church along Lilac Dr N.

City Staff Response (Finding): Bright Future Child Care Center has addressed its desire to use Happy Hollow Park for its designated outdoor activity area. Given the hours of operation, it is unlikely insufficient lighting will be of concern, even in the winter months. The Applicant and Property Owner should determine whether the provision of additional exterior lighting is warranted given it appears the northwest end of the property and main entrance contain no exterior site lighting. If lighting is required, all lighting shall conform to the City's exterior lighting standards under Section 35-5400.

City staff has no immediate concerns regarding excessive levels of noise or hours of activity, as they are limited to daytime 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 will uphold the utmost respect to the members of the neighborhood and conform to all applicable regulations of the R1 district where located.

City Staff Response (Finding): City staff would appreciate any opportunities for the Applicant(s) to meet current neighbors and submit any formal documentation that exists to avoid future miscommunication for access through Happy Hollow Park, traffic congestion issues for event parking, or landscaping (mowing of grass, clearing of snow) for easier access to the park during inclement weather.

The Applicant's required licensure will govern administration of the child care center and all regulations necessary for operation. Rather, "conditional uses" are generally a *permitted* use with the caveat of being subject to additional requirements, as necessary. As such, City staff's review accounts for potential impacts given a use's location, magnitude, and overall design, and its complementarity with the 2040 Comprehensive Plan and ability to meet the requirements of the City's Unified Development Ordinance.

Building Official Review

The Building Official has been working with the Fire Marshall to bring the child care center up to proper code. Bright Future has been notified an exterior door is needed off Nurse Room #2. The

Applicant and Property Owner have engaged with the State Fire Marshal as part of the Department of Human Services (DHS) child care inspections process and with the City Building Official—refer to Exhibit C.

ANTICIPATED PERMITTING AND CONDITIONS

Following a review of the submittal materials and the request, City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-005 for the Subject Property located at 5139 Brooklyn Boulevard and approval of a conditional use permit to operate a place of religious assembly and child care center (licensed day care facility) within the R1 (Low-Density Residential) District:

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. The day care facility shall maintain a valid license and a copy of said license and application shall be submitted to the City annually. Failure to maintain a license shall be subject to the conditions as outlined under Section 35-7700.
2. The Applicant shall ensure designated drive aisles are not blocked during pick up and drop off times, and that no queuing occurs in the public right-of-way. Should any issues arise, City staff may request a review of on-site operations.

RECOMMENDATION

Based on the above-noted findings, Planning Staff recommends the Planning Commission recommends City Council approval of Planning Commission Application No. 2024-005 for approval of a conditional use permit (CUP) for a Place of Religious Assembly and Licensed Childcare Center, and located at 5139 Brooklyn Boulevard, subject to the Applicant complying with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-005 Plans and Documents, submitted April 9, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated April 25, 2024.

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

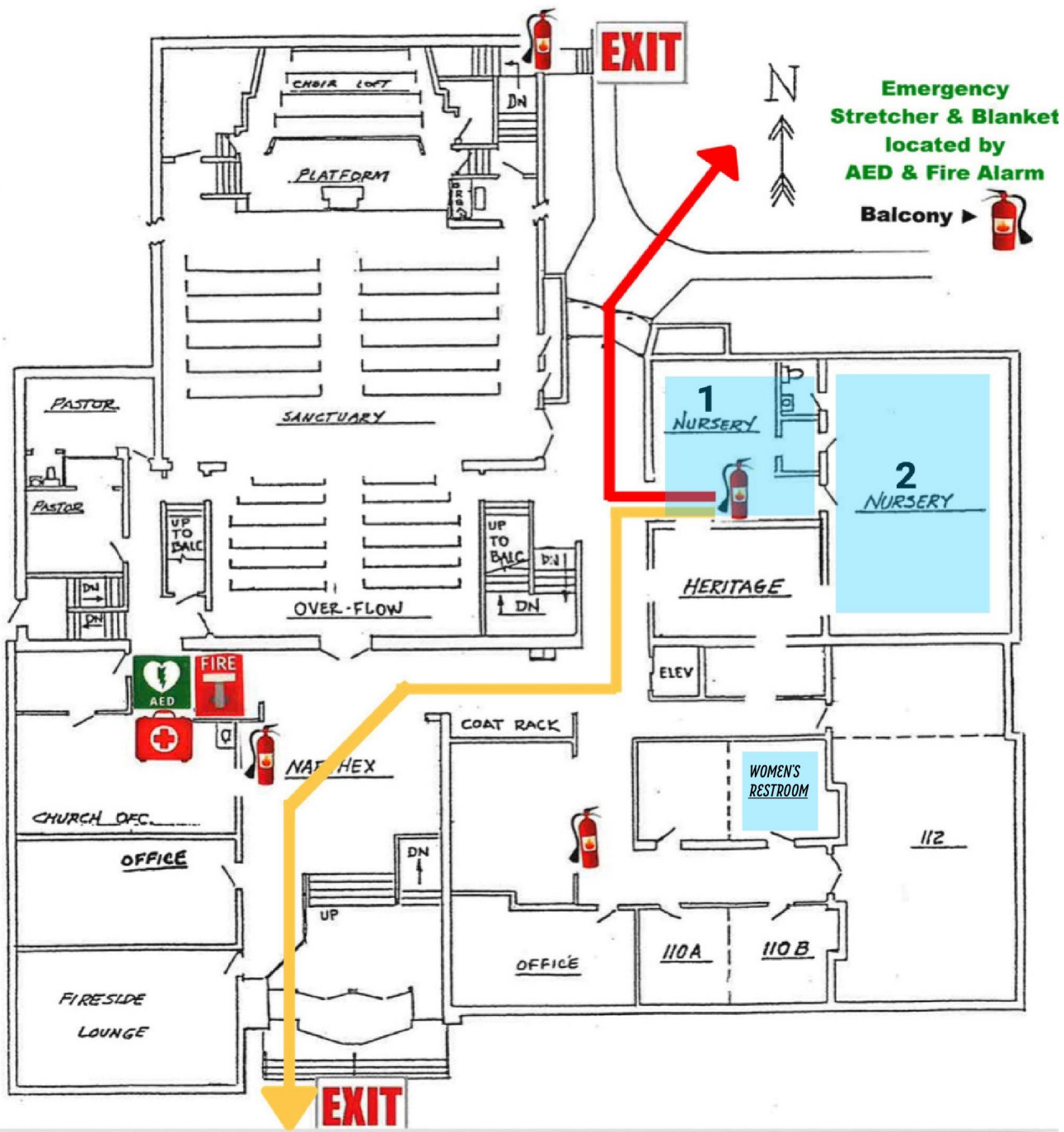
Primary Exit →

Secondary Exit →

Room Used

MAIN LEVEL

Brooklyn Center
City Monument Sign



New Millennium
Academy



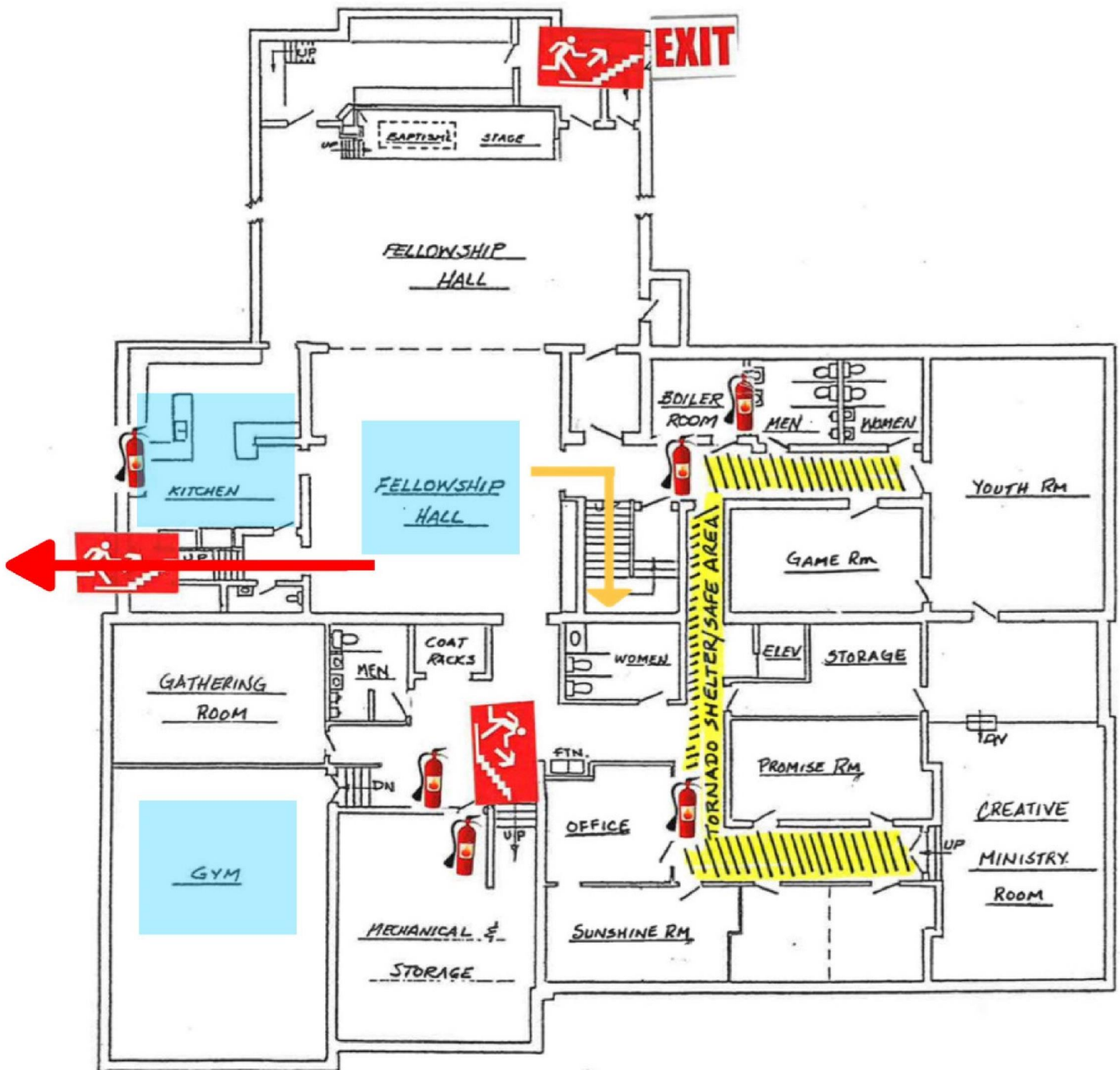
Primary Exit →

Secondary Exit →

Room Used

LOWER LEVEL

Brooklyn Center
City Monument Sign



New Millennium
Academy



Denise Fadina, Director
Bright Future Child Care Center
5139 Brooklyn Blvd
Brooklyn Center, MN 55429

March 11, 2024

Re: Brooklyn Center Conditional Use Permit Application

To: City of Brooklyn Center Zoning Administrator

The project before you is the request to open a child care center in Brookdale Covenant Church with a capacity of 27 children. The process for this project requires licenses and permits from the following entities: DHS Child Care Licensing, Hennepin County Public Health, Brooklyn Center City Planning and Zoning, and MN State Fire Marshal. Once all of these requirements have been met, Bright Future Child Care Center can open and begin serving families in Brooklyn Center and surrounding areas.

I, Denise Fadina, the applicant, currently operate an award-winning family child care program in Brooklyn Center, which opened in 2019. At this time, due to the success of the program, I am in need of an expansion. Brookdale Covenant Church is a great location due to the proximity to my current program which allows for an easy transition for the families I now serve. It is also an ideal location due to the visibility and ease of access from the freeways for those commuting to and from work using 694 or Hwy 100.

Currently there are child care deserts all over Minnesota, these are areas where child care is highly needed but not accessible. The following table shows the areas I intended to serve and fill this need with a high quality child care program:

Zip Code	Percent of households with children	Population of children ages 1yr – 6yrs	Current # of children that can be served in child care	Remaining # of children in need of child care
55429	36%	2787	796	1991
55430	37%	2156	693	1463
55422	27%	2106	1007	1099
55412	36%	2274	968	1306

This information was retrieved from childcaredeserts.org; unitedstateszipcode.org; and DHS Licensing Lookup.

The intended use of Brookdale Covenant Church is to provide high quality child care for residents of Brooklyn Center, as well as nearby families in need of child care. We will serve ages 0-12 with a specific focus on early childhood development.

Bright Future Child Care Center will be made available in support of the general public, to enhance the community's public health, safety, morals and comfort. This business will operate with local residents in mind, to fill a need for child care, and provide a safe and nurturing space to thrive for the children of Brooklyn Center and surrounding areas.

Brooklyn Center's 2040 plan describes the desire to "revitalize and reinvigorate" neighborhoods through proper land use and redevelopment as stated:

Enhance and maintain existing neighborhoods through proper land use designations and clear supportive zoning that makes reinvestment and rehabilitation easy for residents.

Recognize that many areas in the community are aging and may require reinvestment, redevelopment, or reimagining and that all scales and sizes of opportunity have merit to further support the community's future.

I believe through the intended use of this child care program located adjacent to the area described as the city's center, it will aide the employees hired by the businesses that will come through that redevelopment, as well as provide a high quality service to support those that not only work but also live in Brooklyn Center.

Further Bright Future Child Care Center will be located very close to two different elementary schools, which would allow their families to be able to have a simple morning and afternoon commute due to the proximity when dropping off and picking up.

The operations of Bright Future Child Care Center will take place during regular business hours. The use of public parks or sidewalks for example, will occur and be used in such a manner as to teach children social responsibility while using community spaces. The use of community property within the vicinity of Brookdale Covenant Church will not be injurious nor substantially diminish or impair property values of the neighborhood.

Bright Future Child Care Center wishes to make no changes to the property at this time instead to simply use the classroom spaces already available for day to day operations. Therefore will not impede on the normal and orderly development and improvement of surrounding property for permitted uses.

Adequate measures have been implemented to facilitate ingress and egress parking at Bright Future Child Care Center. Our main entrance, which will be the primary pick-up and drop-off entrance for all families, will be on the northwest side of Brookdale Covenant Church along Lilac Dr N. To minimize congestion, a curved driveway that continues in a loop to allow traffic to flow in one direction is provided to families for pick-up and drop-off. If families need to park and

enter the building, they will be directed to utilize the parking lot on the east side of Brookdale Covenant Church.

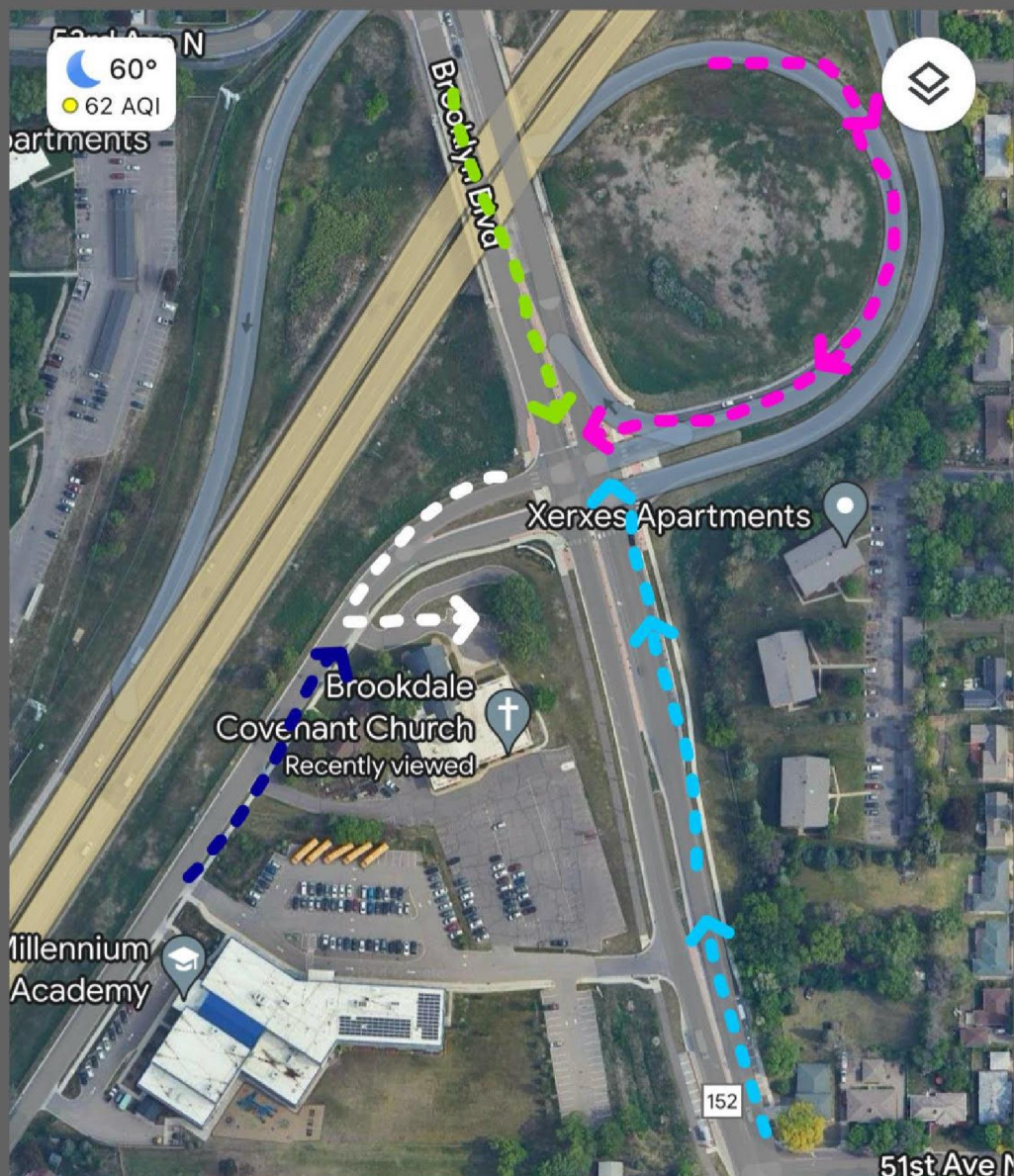
Our designated entrance has been chosen to bypass and not interfere with New Millennium Academy's school bus traffic. Their bus traffic is typically from 8:30-9am as well as approximately 4-4:30pm. Further, my experience in the last 5 years has shown that our expected number of families, or vehicles dropping off in a day is consistently equal to about 75% of our enrollment. If we are requesting to get licensed for 27 children, then that is approximately 21 families, or vehicles added to the morning and afternoon traffic.

Attached to this application is a map showing the various ways families can travel to get to Lilac Dr N and arrive at our main entrance, the northwest side of Brookdale Covenant Church. All routes shown in the various colors lead to Lilac Dr N.

Bright Future Childcare is committed to ensuring that our operations do not have a negative impact on the surrounding areas. Our hours of operation are 7:30am – 5pm; Monday through Friday except holidays. We have implemented measures such as scheduled outside play time to minimize noise disturbances, prioritizing a peaceful environment for the community. We will uphold the utmost respect to the members of the neighborhood and conform to all applicable regulations of the R1 district where located.

Legend:

-  ***Lilac Dr N, all routes lead here to our main entrance***
-  ***Heading south on Brooklyn Blvd, HWY 100 S Exit***
-  ***Heading north on Brooklyn Blvd***
-  ***HWY 100 N Exit***
-  ***Heading north on Lilac Dr N***





*Thank
You*

**FOR VOTING
US #1
CHILDCARE
IN BROOKLYN PARK**

Our diverse program
provides hands-on learning
and creative cultivation of
the brilliance in each child.

brightfuture.care

(612) 486-2812



Brookdale Covenant Church

5139 Brooklyn Boulevard, Brooklyn Center, Minnesota 55429

Mission Statement: Guided by the Bible to be a Holy Spirit-led congregation that invites our neighbors to experience Christ's love and transformation through relationships and spiritual development

Vision Statement: An expanding family of believers with a relevant presence in the community living out our love for Jesus and neighbors

Brookdale Covenant Church (BCC) celebrates its 125th anniversary this year, beginning in the Camden neighborhood in 1899 and moving to Brooklyn Center in its current location in 1955. Our membership stands at 143, but about 300 would consider BCC their church home.

We share our building with two other churches – all with worship times on Sunday. Beginning with the Brookdale Church service at 9:30 and continuing well into Sunday afternoon, the whole building is in use with back-to-back worship services in the sanctuary, religious education classes in various classrooms, and coffee & refreshments in the fellowship hall.

During the week, the church office is open from approximately 10 am – 5 pm. Adult small groups use space for Bible Studies on Monday afternoons and Tuesday, Wednesday and Friday nights. A mom's support group meets once a month. A 60+ group also meets monthly for socializing and service projects. On Wednesday night we offer a program for neighborhood kids age 3 through 12th grade that includes a meal, crafts, games and Bible lessons. Various other events are held in the church building throughout the year – weddings, funerals and memorial services, baby showers, birthday and anniversary celebrations, recitals and concerts.

Brookdale Church reaches out to the Brooklyn Center community in various ways:

- a yearly coat drive for New Millennium Academy
- providing a collection bin and closet space for Project 6:8, a ministry that focuses on helping homeless friends in the Minneapolis area
- a small food shelf for anyone in need
- participating in the Panera Bread Dough-nation program – to pick up their day-old bread at the end of the day – much of this bread being made available on our food shelf and served at the Wednesday night meal
- a community garden on the church grounds – church family and neighbors are invited to participate in growing produce which is distributed to families who need it
- a Harvest Festival every October when many neighbor families come to enjoy a free meal, trick-or-treat, games and a costume parade.

We are thankful to be an established entity in Brooklyn Center (even before the City of Brooklyn Center was incorporated) and hope to continue being a relevant and essential part of our community into the future.

**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, May 9, 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:

Brookdale Covenant Church/
Bright Futures Child Care

PROPERTY OWNER:

Brookdale Covenant Church

PROPERTY ADDRESS (PID):

5139 Brooklyn Boulevard,
Brooklyn Center, MN 55429 |
10-118-21-11-0010

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting a review and consideration of a conditional use permit for an existing church, which has been at the above location since 1955, and a proposed licensed day care facility (13 or greater persons), known as Bright Futures Child Care, in the Low Density Residential (R1) District. As the proposed uses are considered conditional uses within the District in which they are located, approval of a conditional use permit is required as outlined under Section 35-7700.

Comments and questions may be forwarded to gmclintosh@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):
2630 082 8737

Password: BCPC05092024

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
April 25, 2024
1389659



Community Development
763-569-3300

April 9, 2024

5139 Brooklyn Blvd Bright Future Child Care Center

This building review comment letter addresses the requirements and items for the newly proposed use of a Daycare to be located in an Existing building located at 5139 Brooklyn Blvd.

The space intended to be used inside the existing Church located at this address, has a total of 27 children with various ages from 16 months to 12 years of age as indicated by the Minnesota Department of Human Services Interagency request form provided to the building department for inspection.

1. Zoning – All requirements and process for approval of use by zoning and City Council shall be obtained.
2. Signed building plans from an architect registered in the State of Minnesota shall be provided along with the building permit application. A full main floor plan submitted, shall have a code analysis and floor layout. Plans shall indicate the area to be used, doors installed and walkway construction to complete a plan review for the new space intended to be used.
3. Prior to a building permit being issued. A SAC determination for the new use located inside the existing building shall be completed by MET Council and a SAC determination letter received.
4. Completion of items listed on the State Fire Inspectors review letter shall be completed. State Fire Inspector will need to inspect for compliance before sign offs can be completed on the Interagency request form from the Health Department.
5. All building permits shall have passed their final inspections before a sign off on the Interagency request form is completed by the Building Official.
6. All Requirements for license approval by DHS shall be completed.

Floor Plan Information:

- 1) Proposed daycare: (7) children 16 months to 33 months, (10) 33 months – kindergarten, (10) kindergarten – 12 years = **I-4 Occupancy**
- 2) Requirements for “E” Occupancy
 - Facility provided care for more than 5 but not more than 100 children 2-1/2 months years or less of age. **(Yes - complies)**
 - The rooms in which the children are cared for are located on the level of exit discharge serving such rooms. **(Yes – complies)**
 - Each room providing day care has an exit door directly to the exterior. **(No – a door shall be provided to the exterior and walkway to sidewalk- see exit requirements below)**

Exit requirements “E”

1. MNBC 1007.1.1 -- Where (2) two exits are required from any portion of the space, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the space served measured in a straight line between them. **(Measure overall diagonal of space on plans) (Exit doors shall be half the overall diagonal distance apart)**
2. Definition of room: A space or area bounded by any obstruction over 6 feet in height which at any time encloses more than 80 percent of the perimeter of the area. Unobstructed perimeter, openings less than 3 feet in clear width and less than 6'-8" inches (doors) shall not be considered. **(Removal of doors indicated on plan would make Nursery 1 & 2 as one room, instead of 2 rooms) (example 24' wall minus 5'-6" for doors = 18'-6" of wall, 18.5/24= 77%)**
3. MNBC 1010.1.9.1 -- Door hardware pulls, lever handles and locks/latches shall not require tight grasping, tight pinching or twisting of the wrist to operate. **(Lever hardware is allowed, panic hardware is not required as occupant load is less than 50)**
4. MNBC 1013.1 -- Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. **(Exit signs shall be placed above exit doors)**
5. MNBC 1028.5 -- The exit discharge shall provide a direct and unobstructed access to a public way. **(A walkway shall be constructed from the exit door to the sidewalk. The width shall not be less than 36" inches)**

Sprinkler requirements “E”

1. Brooklyn Center adopted 1306 subp 2- Fire sprinklers with 2,000 or more gross square feet of floor area or with two or more stories in height. **(Not required- area is approx.. 1120 sq. ft.)**
2. MNBC 903.2.3 – sprinkler system if all group “E” fire areas: **(Not required – all met)**
 - a. greater than 12,000 sq ft in area **(1120 sq ft)**
 - b. Located on a floor other than a level of exit discharge **(E on main floor)**
 - c. Group “E” fire area has an occupant load of 300 or more **(Occupant load 32 – License for 27)**

Fire Alarm requirements “E”

1. MNBC 907.2.3 -- A fire alarm system shall be installed in Group “E” occupancies having an occupant load of 50 or more. **(Not required – 32 occupants – License for 27)**

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Grinsteinner', with a stylized flourish at the end.

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



COMMUNITY DEVELOPMENT – PLAN REVIEW

Plan analysis based on

2018 IBC/2020 MN State Building Code, ANSI A117.1-2009, MN Chap 1323 Energy, MN State Fire Code

Permit Number:	BU24-XXXX	Date:	3/29/2024
Project Name:	Bright Future Child Care	Contractor:	
Address:	5139 Brooklyn Blvd	Phone:	
Valuation:	\$	Architect:	
Occupancy:	A3 Bldg with I-4 accessory uses	Engineer:	
Construction:	IIB?	Occupant Load:	(27) 7- 16 mo to 33 mo 10-33 mo to Kinder 10 Kinder to 12 yrs
Area Square Ft:		Sprinklers	NO
SAC Charges:	?	Report by:	Dan Grinsteinner

Nursery room (Existing space I-4, 10 occupants max 75' egress travel distance)

Proposing Option 1 or Option 2

MNBC 308.5.1.3 A child day care facility shall be classified as Group E where all of the following conditions apply

- Facility provided care for more than 5 but not more than 100 children 2-1/2 years or less of age.
- Rooms in which the children are cared for are located on the level of exit discharge serving such rooms.
- Each room providing day care has an exit door directly to the exterior.

Group E

Fire Sprinkler

- 1) Existing Bldg Code - "Change of Occupancy" 1004.1 **Fire protection requirements of section 1011 shall apply** where a building or portions thereof undergo change of occupancy classification **or** where there is a change of occupancy within a space where there is a **different fire protection system threshold requirement in Chapter 9 of the Minnesota Bldg Code.**
 - EBC 1011.2 Fire protection systems shall be provided in accordance with Sections 1011.2.1 & 1011.2.2.

1011.2.1; Where a **change in occupancy classification occurs** that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with **MN Rules Chapter 1305 (MN Bldg Code)**, such system shall be provided throughout the area where the change of occupancy occurs.

- MNBC 903.2.3 An auto sprinkler system shall be provided for Group E as follows:
 - All group E fire areas greater than 12,000 square ft in area.
 - Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.
 - The Group E fire area has an occupant load of 300 or more
- MNBC 903.2.6 Ex #2 An auto sprinkler system is not required where group I-4 daycare facilities are at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.

Exits

- 2) Existing Bldg Code – Means of egress – 1005.1 Means of egress in portions of building undergoing a change of occupancy classification shall comply with section 1011.
 - Where a change of occupancy classification is made to an equal or lesser hazard category as shown in table 1011.4, existing elements of the means of egress shall comply with Section 905 for the new occupancy. **Newly constructed or configured means of egress shall comply with Chapter 10 or the MN Building Code.**

If you have any questions please do not hesitate to call me at 763-569-3313.

Sincerely,

Dan Grinsteinner
Building Official
City of Brooklyn Center

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION APPROVING PLANNING COMMISSION APPLICATION NO. 2024-005 FOR ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN EXISTING PLACE OF RELIGIOUS ASSEMBLY AND NEW CHILD CARE CENTER (5139 BROOKLYN BOULEVARD)

WHEREAS, Planning Commission Application No. 2024-005, submitted by Brookdale Covenant Church and Bright Future Child Care Center (together, “the Applicant”) are requesting review and consideration for approval of a conditional use permit at 5139 Brooklyn Boulevard (“the Subject Property”), as legally described in Exhibit A and attached hereto, for Brookdale Covenant Church, which has continuously operated at the Subject Property since 1955, and Bright Future Child Care Center; and

WHEREAS, Applicant Denise Fadina of Bright Future Child Care Center initially approached City staff with a desire to locate their child care center within existing Brookdale Covenant Church; however, City staff realized that the provisions outlined within the City’s new Unified Development Ordinance no longer accounted for larger day cares (13 or more persons); and

WHEREAS, an ordinance amendment was requested and subsequently adopted by the City Council in March 2024 to allow for “licensed day care facilities (13 and greater persons) associated with Places of Assembly or Public and Private Elementary and Secondary Schools Offering a Regular Course of Study” as a conditional use in certain zoning districts within the City, and the language became effective in April 2024; and

WHEREAS, a review of City records determined that while churches were once considered permitted uses within the City’s R1 District, and during which time Brookdale Covenant Church located from the Camden neighborhood of North Minneapolis to Brooklyn Center, “Places of Religious Assembly” are now considered a conditional use within the City’s R1 District, and the church desires to address this nonconformity; and

WHEREAS, the Subject Property is situated in the City’s R1 (Low Density Residential) District, and following a review of Section 35-4103 (*Allowed Use Table*), the identified uses require issuance of a conditional use permit in the aforementioned district; and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024, mail notifications were sent to adjacent property owners and physical properties, and notice was provided for on the City’s website and email bulletins; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on May 9, 2024, whereby a planning staff report was presented and public testimony regarding the conditional use permit were received; and

RESOLUTION NO.

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 existing church and proposed child care center 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 Application No. 2024-005, submitted by Applicants Brookdale Covenant Church and Bright Future Child Care Center:

- a) The existing church has been at its present location on the Subject Property for nearly 70 years in co-existence with the surrounding neighborhood and the proposed child care center, which is categorized as a "Licensed Day Care Facility (13 or greater persons) associated with Places of Assembly or Public and Private Elementary and Secondary Schools Offering Regular Course of Study" and any potential impacts on the surrounding community have been substantially addressed through the documentation provided by the Applicant surrounding the proposed child care center, and the existing church has indicated no plans for alteration of its operations with exception of the proposed child care center;
- b) The existing and proposed uses are allowed through approval of a conditional use permit in the R1 (Low Density Residential) District;
- c) The conditional use, as proposed, will be in accordance with the general objectives of the City's Comprehensive Plan and the City's Unified Development Ordinance and the proposed child care center is additionally subject to separate licensing requirements for the use;
- d) The establishment, maintenance, or operation of the conditional use will promote or enhance the general public welfare by filling a need for childcare in the City of Brooklyn Center, and with a cognizance for surrounding residents and users, including the neighboring New Millennium Academy charter school, and will not be detrimental to or endanger the public health, safety, morals, or comfort, and will be in accordance with City Code provisions, including those outlined in Section 35-7700 (*Conditional Use Permits*), and any additional licensing and safety requirements for the child care center;
- 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 as all church and child care activities take place on the Subject Property with exception to outings to the playground and parks and field trips;
- 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 as this area is substantially developed;
- g) Adequate measures have been taken to provide ingress, egress, and parking so designated as to minimize traffic congestion in the public streets, and by

RESOLUTION NO.

minimizing congestion by utilizing the Lilac Drive North loop road located at the northwest corner of the Subject Property for the majority of drop-off and pick-ups for the child care center, and for the church, in accordance with any shared access or parking provisions with the adjacent New Millennium Academy (5105 Brooklyn Boulevard);

- h) Impacts such as noise, hours of activity, and exterior light have been sufficiently addressed to mitigate impacts on nearby uses; 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. 2024-005 for the requested conditional use permit, which would allow for an existing place of religious assembly (Brookdale Covenant Church) and new licensed day care facility of 13 and greater persons in association with a place of religious assembly (Bright Future Child Care Center), 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. The day care facility shall maintain a valid license and a copy of said license and application shall be submitted to the City annually. Failure to maintain a license shall be subject to the conditions as outlined under Section 35-7700.
2. The Applicant shall ensure designated drive aisles are not blocked during pick up and drop off times for the child care center, and that no queuing occurs in the public right-of-way. Should any issues arise, City staff may request a review of on-site operations.

RESOLUTION NO.

May 28, 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.

Council Regular Meeting

DATE: 5/28/2024

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. 2024-004, Submitted by Keshia Deon (Treasure Hunt Early Learning Center), for Issuance of a Conditional Use Permit to Allow for an Early Learning Child Care Center (6098 Shingle Creek Parkway)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-004 for issuance of a Conditional Use Permit at 6098 Shingle Creek Parkway that would allow for an early learning child care center, based upon the findings of fact and submitted application, and as amended by the conditions of approval in the resolution.

Background:

Keshia Deon ("the Applicant") is requesting approval of a conditional use permit that would convert the former FastSigns space in Shingle Creek Center, and located at 6098 Shingle Creek Parkway ("the Subject Property"), into an early learning child care center (licensed day care facility-13 and greater persons). The Subject Property is a one-story, approximately 3,500-square foot former office/retail space that was previously occupied by FastSigns, who provided sign design and installation services. The Applicant submitted this application in agreement with Property Owner Brooklyn's Cultural Village, LLC, who has been in communication with City staff and is working with the Applicant before any lease is secured on the space.

A public hearing notice for the conditional use permit request was published in the Brooklyn Center Sun Post on April 25, 2024 and properties located within the notification area received a copy of the notice and map, along with a link to the scheduled virtual Planning Commission meeting. The notice was also published on the City's website and provided for in the City's email bulletin.

Keshia Deon of Treasure Hunt Early Learning Center initially approached the City in October 2023 with a desire for a new daycare in Shingle Creek Center shopping center. It was through conversations with the Applicant, and other prospective daycares also seeking space in the same timeframe, that City staff realized the provisions under the City's new Unified Development Ordinance (UDO) no longer accounted for larger day cares (13 or more persons).

City staff worked with the City Attorney to process an amendment to the UDO that would allow for the addition of a new use category for licensed daycare facilities (13 or more persons) in the City's multi-family residential and mixed-use districts, of which includes the MX-C (Commercial Mixed-Use) District where the Subject Property is located. Although City staff began the amendment process in January 2024, the new language for daycares was not adopted by City Council until March 2024, and the ordinance language did

not go into effect until late April 2024.

As adopted, daycares with 13 persons or greater are now considered a “conditional use” in the MX-C District, hence the application request. The interior floor plan presented by the Applicant requires minimal interior changes necessary to run the child care center in the former FastSigns as the space was set up for office/retail space. Most of the proposed alterations address the re-configuration of walls, additional bathrooms, and a kitchenette to prepare food for the children. The Applicant will need to coordinate and has already begun discussions with the Building Official to address any necessary modifications to the fire sprinkler system/heads, plumbing for additional bathrooms, etc.

In the case of the Applicant’s request, City staff reviewed Minnesota State Statute 9503.0155 (Child Care Center), which requires an outdoor activity area of at least 1,500-square feet and certain minimum square footage requirements per child or transportation provided by the license holder. In no case shall the outdoor activity area be farther than one-half (1/2) mile from the child care center.

Although this is a licensure requirement, City staff did review the location against the nearest “outdoor activity area,” which is Centennial Park, located to the west of Brooklyn Center City Hall (6301 Shingle Creek Parkway). Per Licensure requirements Centennial Park would be sufficient for outdoor activity area, and the Applicant did indicate plans to purchase a commercial van to transport children to and from Centennial Park and for field trips. The Applicant will ultimately need to satisfy any licensure requirements to obtain a license and operate the child care center.

The Applicant proposes 10 staff members for the facility, including teachers and a director. The number of children that would be expected would be no more than 41 children, at maximum, based on State Statute provisions requiring a minimum of 35-square feet of indoor space for each child in attendance.

A public hearing was held at the May 9, 2024 Planning Commission meeting, and those Commissioners in attendance were generally supportive of the outlined request. The Commissioners questioned the Applicant's awareness of future plans to demolish the former Target (6100 Shingle Creek Parkway) this summer and any potential impacts to the proposed child care center. City staff did notify the Applicant and Property Owner of these plans and the Applicant stated that they would temporarily close the center, if needed, and were in conversation with their architect and contractor regarding any short term impacts.

As is outlined in the Applicant’s narrative, the intent is to have 15 parking spaces designated for the proposed early child learning center. The Applicant indicated that parents and guardians would be dropping their children off and parking would be reserved for staff. City staff did not have any major concerns with the existing parking other than to ensure parents and guardians are parking in designated parking spaces and not parking along the existing drive aisles. The Commissioners confirmed their expectation that parking spaces be used for drop off and pick up, and to ensure queuing was not taking place in the drive aisle.

The Commissioners were supportive of the Applicant's plans to offer extended child care hours of between 6 a.m. and 11 p.m. as it was noted that it is oftentimes hard to find child care hours for those working non-traditional shifts. 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 early learning child care center (licensed day care facility-13 and greater persons), and subject to the noted approval conditions.

A copy of the Planning Commission Report for Planning Commission Application No. 2024-004 dated March 9, 2024 and City Council resolution regarding the aforementioned request is included with this

memorandum.

Budget Issues:

None to consider at this time.

Inclusive Community Engagement:

There are no budget issues to consider at this time

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Be an effective partner with other public entities

ATTACHMENTS:

Description	Upload Date	Type
Staff Report and Exhibits - 6098 Shingle Creek Parkway (CUP)	5/21/2024	Backup Material
Resolution - 6098 Shingle Creek Parkway (CUP)	5/21/2024	Resolution Letter

Planning Commission Report
Meeting Date: May 9, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-004
Applicant | Property Owner: Keshia Deon (Treasure Hunt Early Learning Center)| Brooklyns Cultural Vill LLC
Location: 6098 Shingle Creek Parkway (Shingle Creek Center)
Requests: Conditional Use Permit



Map 1. Subject Property Location (in blue).

Requested Action

Keshia Deon of Treasure Hunt Early Learning Center (“the Applicant”) is requesting approval of a conditional use permit (CUP) that would convert a tenant space within Shingle Creek Center shopping center, and commonly addressed as 6098 Shingle Creek Parkway “(the Subject Property)”, into an early learning child care center (licensed day care facility)—refer to Exhibit A.

The Subject Property is a vacant, approximately 3,500-square foot retail space that was previously leased to FastSigns, which provided sign design and installation services. The Property Owner (“Brooklyns

Cultural Vill LLC”) purchased the entire shopping center in October 2023 and has been engaged with the Applicant for a number of months regarding this space.

A public hearing notice for the conditional use permit request was published in the Brooklyn Center *Sun Post* on April 25, 2024—refer to Exhibit B. Notifications were mailed to those physical addresses and property owners located within a 350-feet of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin.



Image 1. Existing Site Conditions at Subject Property.

Background

Site Data:

2040 Land Use Plan:	Commercial Mixed-Use (C-MU)
Neighborhood:	Centennial
Current Zoning:	Commercial Mixed-Use (MX-C)
Site Area:	Approximately 2.8 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Commercial Mixed-Use (C-MU)	MX-C (Commercial Mixed-Use) District	Commercial (Former Target)
South	Commercial Mixed-Use (C-MU)	MX-C (Commercial Mixed-Use) District	Commercial (Strip Mall)
East	Commercial Mixed-Use (C-MU)	MX-C (Commercial Mixed-Use) District	Commercial (Former Office/Retail Building-Vacant) Restaurant Depot)
West	Public-Semi-Public/Institutional (PSP/I)	MX-C (Commercial Mixed-Use) District	Public-Semi-Public/Institutional (Hennepin County Service Center Brookdale Library)

The Applicant originally approached City Staff in October 2023 with a desire for a new daycare in Shingle Creek Center shopping center, and located at the southeast corner of Shingle Creek Parkway and Summit Drive. It was through these conversations with the Applicant, as well as other individuals and businesses seeking space for daycares in the same timeframe, that City staff realized the provisions under the City's new Unified Development Ordinance (UDO) no longer accounted for larger day cares (13 or more persons).

City staff ultimately worked with the City Attorney to process an amendment to the UDO that would allow for the addition of a new use category for licensed daycare facilities (13 or more persons) in the City's multi-family residential and mixed-use districts, of which includes the Commercial Mixed-Use District (MX-C) where the Subject Property is located. Although City staff began the amendment process in January 2024, the new language for daycare was not adopted by City Council until March 2024, and the ordinance language did not go into effect until late April 2024. As adopted, daycares with 13 persons or greater are considered a "conditional use" in the Commercial Mixed-Use District, hence the application request.

With the extended timeframe in mind, the Applicant has been in communication via email and in-person regarding the process for City permits (assuming approval) and potential requirements for the space, and a pre-application meeting was held in advance of the application submittal.

CONDITIONAL USE PERMIT

The site plan presented by the Applicant requires minimal interior changes necessary to run the daycare as the former Fast Signs location was set up for office/retail space. Most of the proposed alterations address the reconfiguration of walls, additional bathrooms, and a kitchenette to prepare food for the children, although the Applicant would need to coordinate with the Building Official to address any necessary modifications to the fire sprinkler system/heads, plumbing for additional bathrooms, etc.

With the recent amendments to the UDO and daycare provisions, and in discussions with the City Attorney, the code was also updated to reference State Statute as it outlines specific licensure requirements for daycare programs, and as the City's provisions were not in alignment with certain licensure requirements at the state and county levels (e.g. playgrounds).

In the case of the Applicant's request, City staff reviewed Minnesota State Statute 9503.0155 (Child Care

Center), which requires an outdoor activity area of at least 1,500-square feet and certain minimum square footage requirements per child or that the proposed outdoor activity area for use by children under school age must be located within 2,000 feet of the center or transportation provided by the license holder. In no case shall the outdoor activity area be farther than one-half (1/2) mile from the child care center.

Although this is a licensure requirement, City staff did review the location against the location of the nearest “outdoor activity area,” which is Centennial Park, located to the west of Brooklyn Center City Hall (6301 Shingle Creek Parkway). In discussions with the State of Minnesota Department of Human Services (DHS), it was determined that the Applicant should be close enough to Centennial Park to move forward with licensure at this location, subject to City approval for the conditional use permit.

The Applicant has also indicated plans to purchase a commercial van to transport children to and from Centennial Park and for field trips; however, the Applicant indicated a desire to create a dedicated outdoor activity area in the future.

As previously stated, the Applicant approached City staff in late October regarding the potential conversion of the former FastSigns to a child care center (daycare). During these initial discussions, the Applicant indicated an interest in the Subject Property for the “high need of childcare in the area” and the capacity to offer quality childcare at affordable rates to the Brooklyn Center community.

The Applicant proposes 10 staff members for the facility, including teachers and a director. The number of children that will be able to attend has yet to be determined; however, based on finished space and State Statute provisions requiring a minimum of 35-square feet of indoor space for each child in attendance (and excluding hallways, closets, utility rooms, lavatories, water closets, kitchens, and space occupied by cribs), and in reviewing Image 2 below, it would be expected that no more than 41 children would be present, at maximum.

The Applicant provided City staff with an interior floor plan which identifies the approximately 3,500-square foot space, with a proposed office and lobby in the front of the building, a common hallway running the full length of the space, an infant room (with cribs), a toddler room, pre-school room, and infant room. Two sets of bathrooms are shared between these four spaces. The rear of the space would provide for a kitchenette, additional storage, and a staff bathroom.

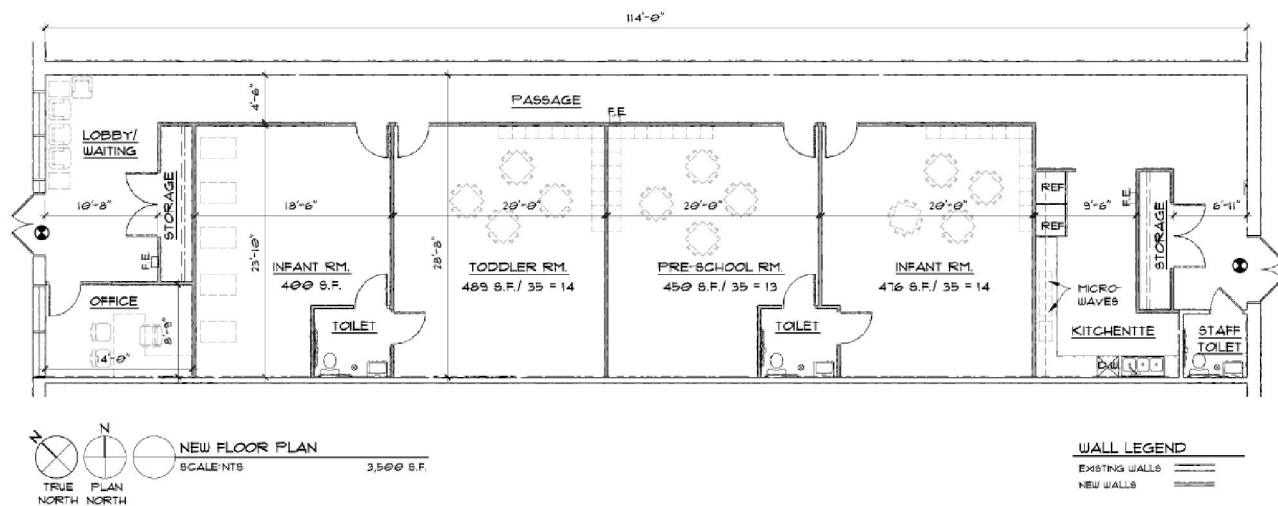


Image 2. Interior Floor Plan for Proposed Daycare (Treasure Hunt Early Learning Center).

The shopping center, where the Subject Property is located, is subject to a Reciprocal Easement Agreement (REA) with the adjacent former Target located at 6100 Shingle Creek Parkway, which is owned by the City of Brooklyn Center's Economic Development Authority (EDA). The REA, in part, establishes certain shared parking and access provisions. In reviewing the 1985 approvals outlined under Planning Commission Application No. 85001, which provided site and building plan approval for the construction of a 105,000-square foot Target store and approximately 34,160-square feet of attached retail space, the plans accounted for 880 parking stalls.

It should be noted that the separate retail space located along John Martin Drive was not accounted for in these figures. In reviewing current provisions for parking as outlined under Section 35-5506 (*Required Parking Spaces*), the maximum allowable parking shall be no more than four (4) parking spaces per 1,000-square feet. No additional parking spaces beyond those allowed in the retail formula shall be required of restaurant uses which altogether do not occupy more than 15% of the gross floor area of the center. Assuming the approximately 34,160-square foot center where the Subject Property is located, *no more than* 137 parking spaces would be required. In reviewing the existing parking layout, it appears the shopping center is already parked at maximum for retail center use.

As is outlined in the Applicant's narrative, the intent is to employ 10 staff members. As parents and guardians would be dropping their children off and providing at pickup throughout the day, City staff does not have any major concerns with the existing parking other than to ensure parents and guardians are parking in designated parking and not blocking the existing drive aisles. For those parents/guardians utilizing public transit, the Subject Property is located in proximity to the 722 line, which provides service up to the Target headquarters in Brooklyn Park as well as connections at the Transit Center off County Road 10/Bass Lake Road.

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—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: Yes, 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.

City Staff Response (Finding): As noted above, the Subject Property is located within the City's Commercial Mixed-Use (MX-C) District, and is future guided as Commercial Mixed-Use (C-MU) under the City's 2040 Comprehensive Plan. This zoning district and future land use designation are brand new to the City as of 2023 and 2019, respectively. The use, as proposed, is permitted within this district as a conditional use per Section 35-4103 (*Allowed Use Table*), following the recent adoption of code

amendments to accommodate licensed daycare with 13 or greater persons.

The Commercial Mixed-Use future land use designation under the 2040 Comprehensive Plan is guided to allow for a mix of commercial, office, retail, service and residential uses. As the Subject Property is located within the City's designated Opportunity Site, which is approximately 80-acres in size, City staff reviewed the comprehensive plan and focus on creating a central spine, which embraces opportunities to create a walkable, transit connected, experience-based place that offers new opportunities to existing and future residents, and encourages the integration of land uses—hence a desire for a mix of uses.

The 2040 Comprehensive Plan acknowledges that the Commercial Mixed-Use future land use designation should focus on creating more active and vibrant centers. While the Subject Property is located in a 1980s strip mall, the addition of a child care center will almost certainly bring more foot traffic to the shopping center, which has long been isolated from the rest of the City. This may also provide a service to those either working in proximity to the shopping center or residing nearby.

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

City Staff Response (Finding): City staff initially expressed concerns regarding the distance to an outdoor play area, as the preceding zoning code had always required outdoor playground areas. In discussing with the State and licensing requirements, it was determined that Centennial Park would meet the distancing requirements as outlined for licensure. Further, the Applicant indicated plans to purchase a commercial van to not only provide transportation, as necessary, to the park for large motor play, but also for field trips.

It is assumed the proposed child care center will not be detrimental to or endanger the public health, safety, morals, or comfort as the business (child care center) as the use will be contained, for the most part, to the interior of the approximately 3,500-square foot space. As this will be a licensed facility, the Applicant is beholden to certain safety protocols and staffing ratios for the children under care at the center.

- 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: Agreed, 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. In fact, the conditional use will add value economically and community through job creation, childcare service, and outreach.

City Staff Response (Finding): The Subject Property is located in a strip mall, which was recently sold to an entity (Brooklyn's Cultural Village) whose business model is to create an Innovation and Catalyst

Center (ICC) that would serve as an accessible economic hub and workforce center in the City of Brooklyn Center. The proposed use has thus been reviewed by the Property Owner and lessor and established it as consistent with their goals.

Most of the businesses in the immediate vicinity are public services (e.g. Hennepin County Service Center, Brookdale Library, Brooklyn Center City Hall and Community Center), office users (e.g. 6200 and 6300 Shingle Creek Parkway, 6160 Summit Drive), and other small business owners and restaurants located in Shingle Creek Center. Although the City's Economic Development Authority owns the former Target building, which is located immediately adjacent to and shares a wall with the proposed child care center, the City intends to demolish the former Target later this summer and has eventual plans to redevelop the property sometime in the future.

Although City staff has had logistical conversations with the Applicant and Property Owner regarding temporary impacts to her business, City staff is cognizant of the new Property Owner's desire to refill shopping center and once again create vibrancy in this area of the city. With respect to the use, this space has been vacant for some time, and given the proposed hours of operation (6 a.m. to 11 p.m.), the proposed use would provide extended activity and presence at the site while providing a service to local residents and workers who might not work typical daytime hours.

- 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: Correct, 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.

City Staff Response (Finding): The child care center will be open from 6 a.m. to 11 p.m. and plans to use 15 parking spaces per the lease agreement provided by the Property Manager of Shingle Creek Center. The proposed use would be contained to the existing approximately 3,500-square foot tenant space.

The Subject Property has two full access points, one on John Martin Drive and another on Summit Drive, and limited access (right turn only) off Shingle Creek Parkway. There are no plans at this time to conduct any exterior renovations to the area outside the tenant space, and the shopping center where the Subject Property is located is part of a Reciprocal Easement Agreement (REA) with the City EDA-owned Target site, which outlines shared responsibilities and provisions for parking and access.

City Staff has notified the Applicant of the former Target's imminent demolition in the summer of 2024 and has discussed temporary impacts to the business, which may or may not have implications on the business and is dependent on when the Applicant obtained their licensure and completed the proposed renovations. As the space shares a wall with the former Target, restoration to the north end cap wall of the shopping center where the tenant space is located will need to take place.

- 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: Yes. Adequate measures will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.

City Staff Response (Finding): City Staff has no major concerns regarding potential traffic congestion for the proposed use in the public streets. It is rather assumed that any traffic impacts will be minimal given the extended hours of operation for the day care facility. Although the parking lot is private, City staff wants to reiterate that any parents/guardians park in designated parking spaces to avoid parking along the main drive aisle located in the front of the businesses.

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

Applicant Response: Yes. Adequate measures will be taken to avoid impacts such as noise, hours of activity, and exterior lighting will be addressed to mitigate negative impacts on nearby uses.

City Staff Response (Finding): City Staff would ask the Applicant and Property Owner to ensure site lighting remains on to provide proper lighting to the exterior and the parking lot, as the Applicant intends to operate from 6 a.m. to 11 p.m. Currently, the former Target's parking lot lights are on 24/7; however, there may be temporary impacts during construction and as the building is demolished and as the parking lot lights are controlled from within the building. City staff has discussed purchasing an astrological timer, which would operate based off the assumed hours of sunrise and sunset.

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

Applicant Response: Agreed, the conditional use will, in all other respects, conform to the applicable regulations of the district in which it is located.

City Staff Response (Finding): The Applicant's required licensure will govern administration of the center and all regulations necessary for operation. Rather, "conditional uses" are generally a *permitted* use with the caveat of being subject to additional requirements, as necessary. As such, City staff's review accounts for potential impacts given a use's location, magnitude, and overall design, and its complementarity with the 2040 Comprehensive Plan and ability to meet the requirements of the City's Unified Development Ordinance.

Building Official Review

Building Official Dan Grinsteiner conducted a cursory review of the proposed use of the tenant space at 6098 Shingle Creek Parkway and for the intended use as a child care center—refer to Exhibit C.

ANTICIPATED PERMITTING AND CONDITIONS

Following a review of the submittal materials and the request, City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-004 for the Subject Property located at 6098 Shingle Creek Parkway and approval of a conditional use permit to operate a child care center (licensed day care facility):

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.

- i. The day care facility shall maintain a valid license and a copy of said license and application shall be submitted to the City annually. Failure to maintain a license shall be subject to the conditions as outlined under Section 35-7700.
2. The Applicant shall ensure parking spaces are utilized during designated drop off and pick up times. Vehicles shall not be left unattended or to queue along the front of the building in the shared drive aisle. Should any issues arise, City staff may request a review of on-site operations and installation of no parking signage.
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 recommends City Council approval of Planning Commission Application No. 2024-004 for approval of a conditional use permit (CUP) for the Subject Property located at 6098 Shingle Creek Parkway for a child care center (licensed day care facility), subject to the Applicant complying with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-004 Plans and Documents, submitted April 9, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated April 25, 2024.

Exhibit C – Review Memorandum, prepared by Building Official Dan Grinsteinner, and last revised May 8, 2024.

03/11/2024

Hi, my name is Keshia Deon, I am the owner of The Treasure Hunt Early Learning Center. I am planning to open a childcare center at 6098 Shingle Creek Parkway, Brooklyn Center MN, 55430 upon your approval.

I will hire a licensed Plumber, Electrician, Sprinkler Adjuster, HVAC staffer, and a Contractor for my buildout process. Each licensed provider will submit permit requests to the City Inspector and wait for his approval before beginning their work.

I am currently working with an Architect to create my floor plans and lay out designs. The architect is assisting me with - Preliminary floor plans - Building codes- life safety information- Site plans- Zoning information and Coordinating with city planning and commission staff.

Based on the high need of childcare in the area I really believe that I will be an asset to the community by improving the quality of everyday life of those who need childcare.

I believe one of the key ingredients to a successful childcare center is an understanding of the business. I know that I cannot be everything to everyone. However, I have the experience, education, and love for the field. In addition, I plan to offer my services at a price that will be affordable for working families, something that this community really needs.

My goal is to give each hard-working parent the opportunity to do their work without the hassle of worrying about their childcare needs and affordability. I want each parent to have peace of mind knowing that their child is getting the same skills, experience, love, education, and treatment as children in higher income families.

I plan to be to provide high quality, affordable childcare to families, single mothers, and single fathers. To accomplish this, I will follow DHS licensing Rule 3 guidelines and manage the childcare professionally. I plan to provide an activity-based learning environment that mirrors those used at colleges, universities and vocational centers around the nation. The environment I hope to create will promote healthy physical, emotional, and social development for each child while providing fun educational opportunities. I will establish a community of professional care givers with the credentials to not only enhance children's early social skills, but to also teach them advanced studies in the arts and sciences found at childcare centers at institutions of higher learning. I will provide affordable, first-class care giving and education by providing a broad range of integrated programs and services and innovative learning approach.

My center will offer full-day services as well provide all meals and snacks to the children we serve. I plan to be open from 6:00 a.m. until 11:00 p.m. with parents who work the second shift in mind. I will offer field trips, computers, books, learning toys, and other educational services all in a loving, fun, and safe environment. Furthermore, all my staff will be trained or will hold a childcare certificate from well-known schools or colleges.

I plan to hire 10 staff members from the community. 1 Director 1 Assistant Director 4 Teachers and 4 Teacher's Aides.

I will utilize the assigned 15 parking spaces per my lease agreement.

I plan to purchase a commercial van to transport the children back and forth to Centennial Park until the city allows me to build an outdoor space for the children large motor needs.

Here at The Treasure Hunt Early Center we love kids and are fully committed to this plan.

For every CUP that we bring through, we have to ask the questions below. Please answer to the best of your ability or knowledge.

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: **Yes, 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**

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

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: **Agreed, 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. In fact the conditional use will add value economically and community through job creation, childcare service, and outreach**

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: **Correct, 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**

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: **Yes. Adequate measures will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets**

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

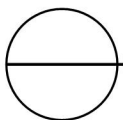
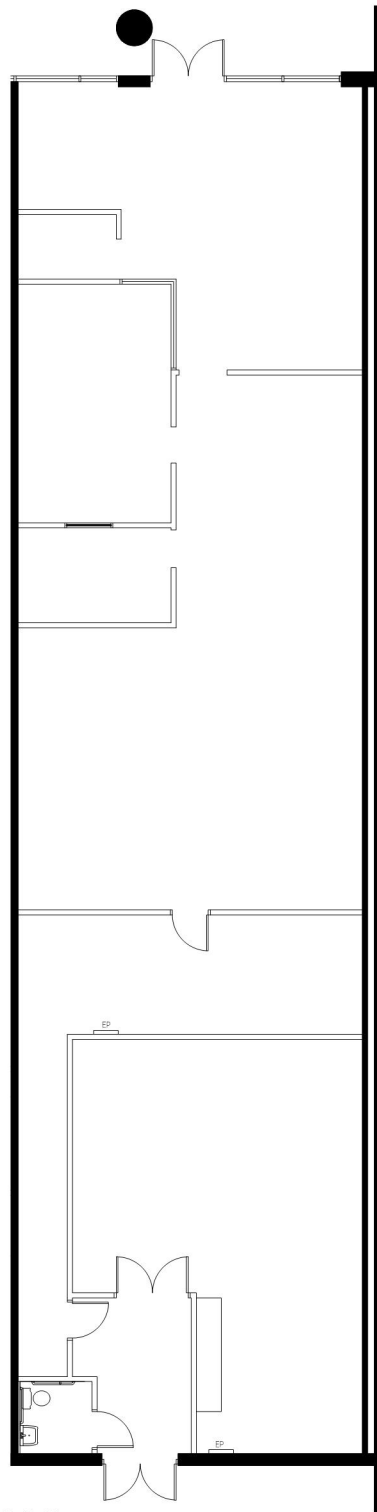
Applicant Response: **Yes. Adequate measures will be taken to avoid Impacts such as noise, hours of activity, and exterior lighting will be addressed to mitigate negative impacts on nearby uses**

The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located (Transit-Oriented Development/TOD District)

Applicant Response: **Agreed, the conditional use will, in all other respects, conform to the applicable regulations of the district in which it is located.**

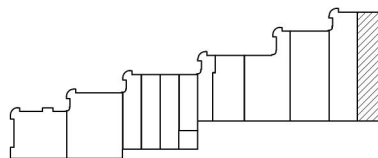
Thank you!

Keshia Deon



VACANCY - SUITE #6098

0 2 4 8 16



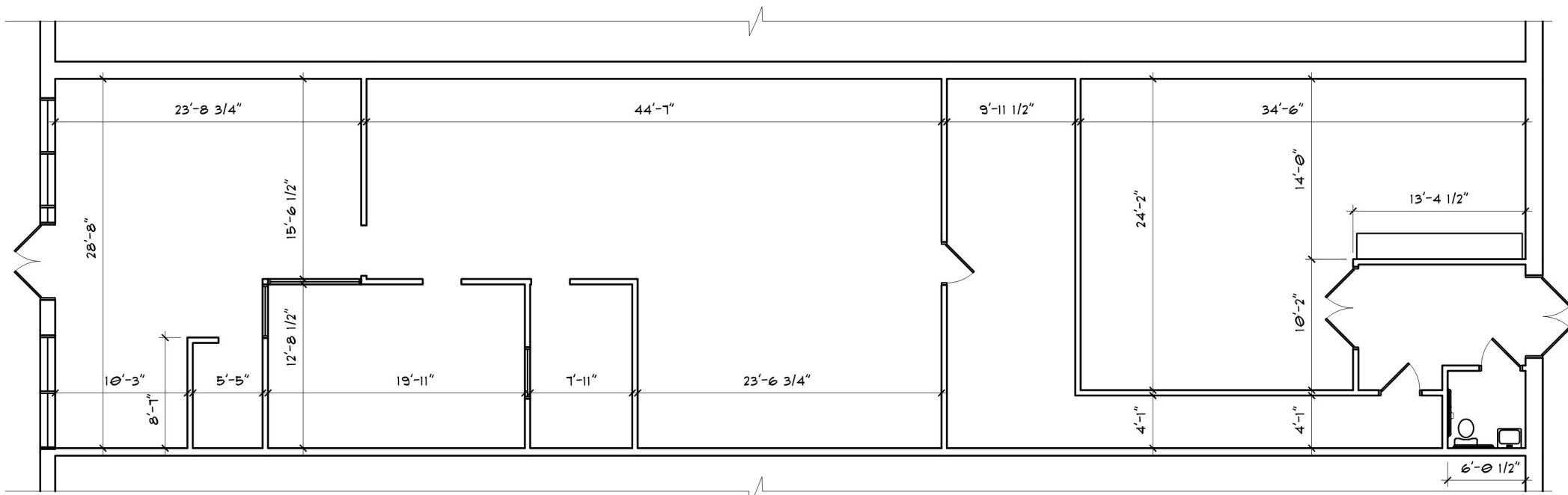
SHINGLE CREEK CROSSING CENTER

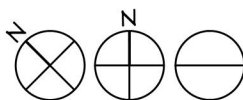
6056-6098 SHINGLE CREEK PARKWAY

BROOKLYN CENTER, MN 55430

02/28/24

3,525 RSF




EXISTING FLOOR PLAN
 SCALE: NTS 3,500 S.F.
 TRUE NORTH PLAN NORTH

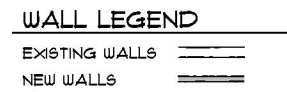
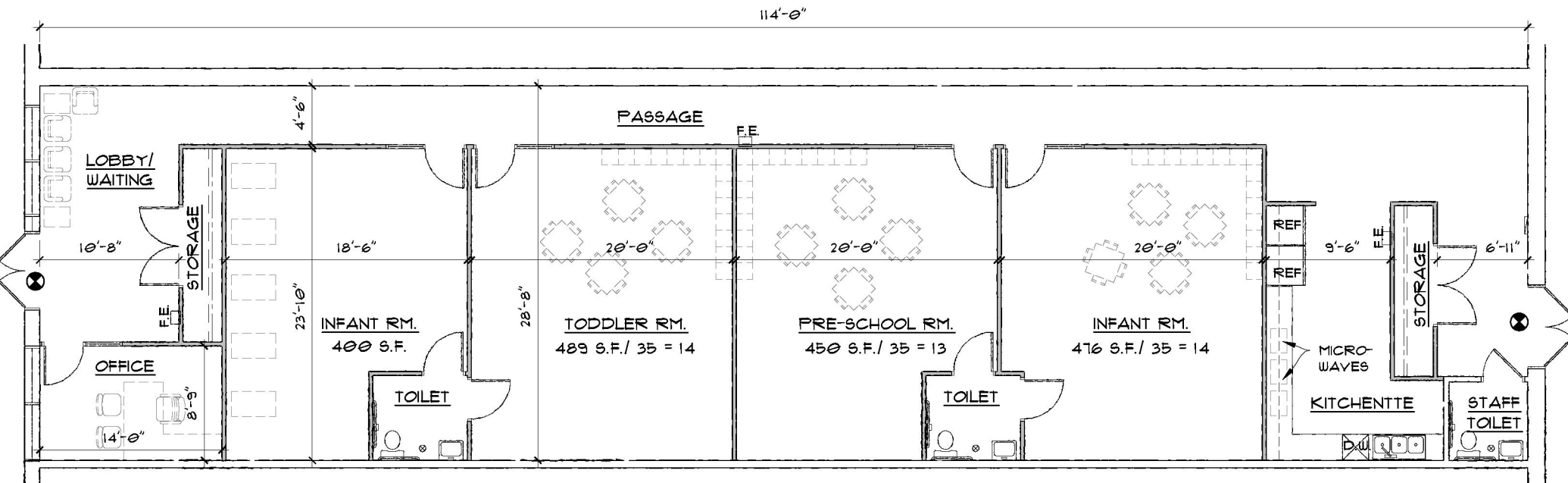
PROPOSED DESIGN OF:

TREASURE HUNT EARLY LEARNING CENTER

6098 SHINGLE CREEK PARKWAY
BROOKLYN CENTER, MINNESOTA

TIM STONE
ARCHITECTS

715 ELM STREET ANOKA, MN 55303 | PHONE: 701.541.9653 | EMAIL: tstonearch@timstonearchitects.com



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**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, May 9, 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: Keshia Deon (Treasure Hunt Early Learning Center) | Brooklyn's Cultural Vill LLC

PROPERTY ADDRESS | PID:

6098 Shingle Creek Parkway,
Brooklyn Center, MN 55430 | 02-118-21-12-0015

BRIEF STATEMENT OF CONTENTS OF PETITION:

The Applicant is requesting a review and consideration of a conditional use permit that would allow for a licensed day care facility (13 or greater persons) in a tenant space located at 6098 Shingle Creek Parkway in Shingle Creek Center shopping center. As the proposed use is considered a conditional use within the Commercial Mixed-Use (MX-C) District where the property is located, approval of a conditional use permit is required as outlined under Section 35-7700.

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: legis.webex.com

Meeting Number (Access Code):

2630 062 8737

Password: BCP05092024

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



Community Development
763-569-3300

May 8, 2024

6098 Shingle Creek Pkwy
Keshia Deon – Treasure Hunt Early Learning Center

Building review comments for the remodel/change of occupancy for the Proposed Space (Daycare) to be located at 6098 Shingle Creek Pkwy.

Previous Building Occupancy Classification: B (Business) use.

Proposed Building Occupancy Classification: E or I4 (Daycare) pending the age of the occupants and amount per licensing.

1. The building may be required to have a sprinkler permit where changes to the system involves the ceiling being removed or if any new rooms are added to provide the proper coverage per NFPA 13.
2. A Building permit will be required with signed architectural plans. Plans shall include a code analysis and floor layout showing the existing and new rooms.
3. A SAC determination is required by MET Council. A determination letter is required to be received before a permit is issued.
4. The Health Department is required to review plans and provide an approval letter prior to permit issuance for any food services being provided.
5. Separate permits may be required for and plumbing, electrical or mechanical work that is to be done.
6. All signage on site will need a sign permit from zoning and approval.

Sincerely,

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

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION APPROVING PLANNING COMMISSION APPLICATION NO. 2024-004 FOR ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW FOR AN EARLY LEARNING CHILD CARE CENTER (6098 SHINGLE CREEK PARKWAY)

WHEREAS, Planning Commission Application No. 2024-004, submitted by Keshia Deon of Treasure Hunt Early Learning Center (“the Applicant”) requests review and consideration of an application for a conditional use permit that would convert an approximately 3,500-square foot space formerly occupied by a FastSigns signage and graphics shop and located at 6098 Shingle Creek Parkway (“the Subject Property”), as legally described in Exhibit A and attached hereto, to an early learning child care center; and

WHEREAS, the Applicant initially approached City staff with a desire to locate within Shingle Creek Center, where the Subject Property is located; however, City staff realized that the provisions outlined within the City’s new Unified Development Ordinance no longer accounted for larger day cares (13 or more persons); and

WHEREAS, an ordinance amendment was requested and subsequently adopted by the City Council in March 2024 to allow for “licensed day care facilities (13 and greater persons)” as a conditional use in certain zoning districts within the City, and the language became effective in April 2024; and

WHEREAS, the Subject Property is situated in the City’s MX-C (Commercial Mixed-Use) District, and following a review of Section 35-4103 (*Allowed Use Table*), the proposed use is categorized as a “licensed day care facility (13 or greater persons)” and requires issuance of a conditional use permit in the aforementioned district; and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024, mail notifications were sent to adjacent property owners and physical properties, and notice was provided for on the City’s website and email bulletins; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on May 9, 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, the Opportunity Site Infrastructure Framework, 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;

RESOLUTION NO.

and

WHEREAS, the City Council finds as follows regarding Planning Commission Application No. 2024-004, submitted by Applicant Keshia Deon (Treasure Hunt Early Learning Center):

- a) The proposed use is categorized as a “licensed day care facility (13 or greater persons)” and any potential impacts on the surrounding community have been substantially addressed through the documentation provided by the Applicant surrounding the proposed early learning center;
- b) The proposed use is allowed through approval of a conditional use permit in the MX-C (Commercial Mixed-Use) District;
- c) The conditional use, as proposed, will be in accordance with the general objectives of the City’s Comprehensive Plan and the City’s Unified Development Ordinance and is subject to separate licensing requirements for the use;
- d) The establishment, maintenance, or operation of the conditional use will promote or enhance the general public welfare by filling a need for childcare in the City of Brooklyn Center and with extended hours of operation, and will not be detrimental to or endanger the public health, safety, morals, or comfort, and will be in accordance with City Code provisions, including those outlined in Section 35-7700 (*Conditional Use Permits*), and any additional licensing and safety requirements for the child care center, and a valid license and copy of said license shall be submitted to the City for recordkeeping;
- 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 as all child care activities will take place within the approximately 3,500-square foot space with the exception of outings to the playground and parks and field trips;
- 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 or as the Opportunity Site, where the Subject Property is located, or adjacent 6100 Shingle Creek Parkway, which is owned by the City’s Economic Development Authority (EDA), develops out in the future as there are no proposed exterior modifications;
- g) Adequate measures have been taken to provide ingress, egress, and parking so designated as to minimize traffic congestion in the public streets, and by minimizing congestion within the internal parking lot drive aisles by ensuring designated parking spaces are used by parents/guardians during drop-off and pick-up windows;
- h) Impacts such as noise, hours of activity, and exterior light have been sufficiently addressed to mitigate impacts on nearby uses; and
- i) The conditional use will conform to the applicable regulations of the district in which it is located.

RESOLUTION NO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota that it hereby approves Planning Commission Application No. 2024-004 for the requested conditional use permit, which would allow for an early learning center at 6098 Shingle Creek Parkway, 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. The day care facility shall maintain a valid license and a copy of said license and application shall be submitted to the City annually. Failure to maintain a license shall be subject to the conditions as outlined under Section 35-7700.
2. The Applicant shall ensure parking spaces are utilized during designated drop off and pick up times. Vehicles shall not be left unattended or to queue along the front of the building in the shared drive aisle. Should any issues arise, City staff may request a review of on-site operations and installation of no parking signage.
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.

May 28, 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.



ACTIVE DISCUSSION ITEMS

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
 - Memorial Policy
 - Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
 - Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
 - Opioid Settlement - 6/24
 - ARPA Funds - 6 /10
 - Grants: Revenues & Expenses
 - Purchasing Policy
 - Revisit Resolution 2021-73
 - Planning Application Process
 - THC Drinks at Golf Course - 6/10

Council/EDA Work Session

DATE: 5/28/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Upcoming Items

Requested Council Action:

- Memorial Policy
- Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
- Opioid Settlement - 6/24
- ARPA Funds - 6 /10
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73
- Planning Application Process
- THC Drinks at Golf Course - 6/10

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: