

Council Worksession
City Hall Council Chambers
March 25, 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. Miscellaneous Discussion Items**
- 3. Adjourn**

**CITY COUNCIL
MEETING**

City Hall Council Chambers
March 25, 2024

AGENDA



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

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

2. Roll Call

3. Pledge of Allegiance

4. Informal Open Forum

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

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

a. Meeting Decorum

5. Invocation - Jerzak

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*

- *March 11 Worksession*
- *March 11 Regular Session*
- *March 11 EDA/Work Session*

b. Approval of Licenses

- *Motion to approve the licenses as presented.*

c. Resolution Approving Settlement Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

- *Motion to approve a resolution approving a settlement agreement for*

Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05.

- d. Resolution Identifying the Need for Livable Communities Act (LCA) Pre-Development Funding and Authorizing Application for Grant Funds for the Brooklyn Center Community Center
-Motion to approve the resolution identifying the need for Livable Communities Account Predevelopment funding and authorizing an application for grants funds.
- e. Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-05, 65th Avenue Storm Sewer Rehabilitation
- Motion to approve the resolution accepting the lowest responsible bid and award a contract to SAK Construction, LLC, for Improvement Project No. 2024-05, 65th Avenue Storm Sewer Rehabilitation.

7. Presentations/Proclamations/Recognitions/Donations

- a. 2023 Fire Department Annual Review
- Staff requests that Council accepts the 2023 Annual Review of the Brooklyn Center Fire Department.

8. Public Hearings

- a. An Ordinance Amending Chapter 23 of the Brooklyn Center City Code Regarding Special Events
- Motion to:
 - open the public hearing*
 - take public comment*
 - close the public hearing*
- Motion to approve an ordinance amending chapter 23 of the Brooklyn Center City Code regarding Special Events
- b. An Ordinance Vacating a Portion of the Dedicated Right-of-Way in the Plat of Joslyn Addition (2nd Reading and Public Hearing)
- Motion to open the Public Hearing, take public input, close the Public Hearing and consider the requested ordinance vacating a portion of the dedicated right-of-way in the plat of Joslyn Addition.

9. Planning Commission Items

- a. Resolution Regarding the Recommended Approval of Planning Commission Application No. 2024-002 Submitted by Icon LLC for an Amendment to the 2011 Shingle Creek Crossing Planned Unit Development and Major Site and Building Plan Amendment for Conversion of an Approximately 7,322-Square Foot Former Discount Tire on Building Site A to an Icon Beauty Retail Store within the Shingle Creek Crossing PUD (1450 Shingle Creek Crossing)
- Motion to adopt a resolution approving Planning Commission Application No. 2024-002 for amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would allow for conversion of the former Discount Tire located on

Building Site A and commonly addressed as 1450 Shingle Creek Crossing to an Icon Beauty retail store, based on the findings of fact and submitted documentation, and as amended by the conditions of approval in the resolution.

10. Council Consideration Items

11. Council Report

12. Adjournment



COUNCIL MEETING DECORUM

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

- A. Decorum. Persons who attend meetings must avoid conduct that disrupts, interferes with, or disturbs the orderly conduct of the meeting or the ability of other attendees to observe and participate as appropriate. To that end, persons who attend meetings are subject to the following:
 - (1) Members of the public may only speak during meetings when allowed under Council Rules and only after being recognized by the presiding officer. The presiding officer may establish time limits for the acceptance of public comments or testimony.
 - (2) Public comments or testimony must be addressed to the presiding officer and not to other Council Members, staff, or others in attendance.
 - (3) All elected officials shall be referred to by their proper title and surname.
 - (4) Public comments should avoid personal accusations, profanity, or other improper content for a public meeting.
 - (5) Intimidating behaviors, threats of hostility, or actual violence are disallowed.
 - (6) Audible demonstrations intended to disrupt the meeting should be avoided, including stomping of feet, snapping of fingers, clapping of hands, and other conduct that may be intimidating or threatening to others.
 - (7) Holding, displaying, or placing banners, signs, objects, or other materials in any way that endangers others, prevents the free flow of individuals within the chamber, or obstructs or prevents the viewing of the meeting by others is not allowed.
- B. The presiding officer shall request any person(s) who disrupt, interfere with or disturb the orderly conduct of a meeting to cease the conduct and, as necessary, shall issue an oral warning to the individual(s) found to be in violation. If the individual(s) persists in disrupting, interfering with, or disturbing the meeting, the presiding officer may have the individual(s) removed or, under appropriate circumstances, temporarily clear the gallery. If for any reason the presiding officer fails to take such action, a majority vote may be substituted for action by the presiding officer to maintain order and decorum over the proceedings.
- C. The Council Chambers capacity is 76 persons per fire code.

Council Regular Meeting

DATE: 3/25/2024

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*
 - *March 11 Worksession*
 - *March 11 Regular Session*
 - *March 11 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
3.11 Worksession	3/18/2024	Backup Material
3.11 Regular Session	3/18/2024	Backup Material
3.11 EDA/Work Session	3/18/2024	Backup Material

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

WORK SESSION
MARCH 11, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council met in Work Session called to order by Mayor Pro Tem Lawrence-Anderson at 6:03 p.m.

ROLL CALL

Mayor Pro Tem Kris Lawrence-Anderson and Councilmembers Marquita Butler (arrived at 6:09 p.m.), Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent and excused. Also present were City Manager Reggie Edwards, Interim Police Chief Tony Gruenig, Assistant City Manager/City Clerk Barb Suciu, and City Attorney Jason Hill.

MISCELLANEOUS DISCUSSION ITEMS

Councilmember Jerzak asked if there was a consensus for the City Clerk to oversee a timer during the Open Forum. Mayor Pro Tem Lawrence-Anderson confirmed there was a consensus for a timer during the Open Forum.

Assistant City Manager/City Clerk Barb Suciu noted the Council didn't determine the length of time for the Open Forum timer. Councilmember Jerzak and Mayor Pro Tem Lawrence-Anderson stated the agreement was for two minutes.

City Manager Reggie Edwards stated the first item to discuss is strategic planning. The employee survey revealed a desire for more clarity. Dr. Edwards explained they also need to discuss a new structure for Councilmembers notifying him regarding discussion items for meetings. It allows time for Staff and Council to prepare.

Councilmember Marquita Butler arrived at 6:09 p.m.

Dr. Edwards added he wanted to have a conversation to reflect on the temporary Work Session schedule requested by the Council.

Councilmember Kragness stated the April retreat will be an appropriate opportunity to speak freely about the trial period of the Work Session and Regular Session scheduling.

Mayor Pro Tem Lawrence-Anderson noted she wants to dive into the long list of pending

discussion items. There isn't a structure with the current Work Session format, and it would be helpful. Dr. Edwards stated the Work Session following the Regular Session is intended to cover items from the pending list. However, the Work Session prior to the Regular Session is supposed to be an open discussion for the Council.

City Attorney Jason Hill stated there should only be one Work Session, and it is supposed to start at 6:00 p.m. and cover specific agenda items. There could be an opportunity for miscellaneous discussion afterward. Also, there should be a separate packet for each meeting.

Dr. Edwards stated the Council can do as they desire. The suggestion by Mr. Hill is already in place. The Council can discuss items on the second Work Session during the first Work Session. The Council wants an allotted time for open discussion.

Councilmember Jerzak noted he is confused. There was a previous draft submitted to the Council, and he wanted to discuss it with the Council. He had asked Dr. Edwards how to get the discussion on the agenda, and he looks forward to a specific process. Councilmember Jerzak pointed out he wants to receive an update on the new grocery store.

Councilmember Kragness agreed the explanation of the Work Sessions made it worse. She understood the change to be for two separate Work Sessions, but Mr. Hill's explanation is different than what Dr. Edwards explained to the Council. The Council needs to understand the purpose of the meeting to appropriately use the time and determine if the new process is working.

Mr. Hill stated the purpose is to cover specific items as requested by Staff and Council and also allow for miscellaneous discussion. However, there doesn't need to be two separate agendas. The Council's goal is to have a discussion without an open forum. If the Work Session happens to go long, then the Council can continue the discussion after the Regular Session. There needs to be clarity on how the Council can request topics for the agenda.

Councilmember Kragness requested that Dr. Edwards determine a different name for the first Work Session. Mr. Hill asked why there needed to be a different name. Councilmember Kragness stated she wants there to be an open dialogue, and it needs to be differentiated from the other Work Sessions.

Dr. Edwards clarified if there were one Work Session, it would include the listed discussion items and have an item for miscellaneous discussion. He pointed out the second Work Session is currently recorded while the first Work Session is not recorded for public viewing.

Councilmember Butler stated the community does not appreciate the new format. She suggested reinstating the public viewing of the entire meeting.

Mayor Pro Tem Lawrence-Anderson pointed out the time has been unproductive due to the confusion. She suggested the issue be addressed again at the next meeting.

Dr. Edwards explained he would like an opportunity for Staff to discuss strategic planning with the Council. Then the Directors can get into action planning. He requested the Council determine a 90-minute time where they could discuss strategic planning.

Councilmember Butler asked if there could be a virtual meeting during the day. Mr. Hill stated that is not an option.

Councilmember Kragness stated she doesn't want to meet on a Saturday and she would prefer to meet prior to a previously scheduled meeting.

Mayor Pro Tem Lawrence-Anderson noted her preference to meet before a scheduled meeting rather than adding another Monday to the schedule.

Dr. Edwards explained there is an issue with scheduling due to the already busy schedules. He asked if the Council was available to meet on March 18, 2024. Otherwise, it would need to be on the April schedule.

Mayor Pro Tem Lawrence-Anderson stated she would be open to meeting on March 18, 2024. It needs to be done sooner than later.

Councilmembers Butler, Kragness, and Jerzak confirmed they are available on March 18, 2024 at 6:00 p.m.

Dr. Edwards asked if the Council is willing to commit to two hours. There was no objection from the Council.

Mayor Pro Tem Lawrence-Anderson asked for an update on the search for a new Police Chief. Dr. Edwards explained they have posted the position, and they have received a number of applications. They hope to move onto the next step at the end of the month. Due to capacity, they have not begun the search for a new Deputy.

Mayor Pro Tem Lawrence-Anderson asked why the Deputy position cannot be posted. Dr. Edwards stated Staff goes out to receive proposals (RFPs) from search agencies before listing a job posting. Human Resources is currently too busy to seek out another set of RFPs.

Councilmember Butler asked if community members and other stakeholders would be included in the hiring process for the Police Chief. Dr. Edwards stated they will continue with the same format with hiring Directors in recent years. They will seek out community representatives, professionals from the field, and other parties. There are also focus groups planned.

Mayor Pro Tem Lawrence-Anderson pointed out that she was not previously allowed to listen to the final interviews with the last set of candidates. Community members thought she was "pulling rank" and was, therefore, not allowed in the meeting although it was open to the public. Dr. Edwards confirmed Staff will be making such interviews more accessible.

Councilmember Jerzak stated he would like to discuss a Business Investment District (BID) and the option to use Tax Increment Financing (TIF) funds for such an effort. It could help support security, cameras, and the like. It could be a tool to support development and safety in Brooklyn Center. Dr. Edwards noted there were previous mentions of BID during discussions about litter. It was not acted on at the time because of COVID-19 complications.

Councilmember Jerzak asked if the Council could receive an update on alternative response strategies prior to the upcoming discussion on the item. It sounds like there are some potential changes in Brooklyn Park's program. Also, he would like a refresher on the two ongoing pilot programs.

Dr. Edwards stated there is not currently an expanded response or alternative response effort in place. There will be a discussion on the topic at the next Council meeting. There will be presentations from the providers of both pilot programs.

Councilmember Jerzak pointed out another County social worker was hired and the County was seeking another Emergency Medical Technician. He asked if those were considered alternative responses. Dr. Edwards confirmed the County has hired another social worker. However, there is no one responded to calls for service other than police officers. After the presentation, Staff can move forward with developing contracts and then seeking out options.

Councilmember Jerzak asked how there is a Social Worker on Staff without a contract. Dr. Edwards stated the person is employed by the County.

Interim Police Chief Tony Gruenig explained the City has had an embedded social worker for quite some time. They receive referrals from police officers for follow-up opportunities. The County has another Social Worker who had been working in Brooklyn Park and was recently reassigned to Brooklyn Center. Also, North Memorial was looking to hire an additional Paramedic to allow for a team-based response of a Paramedic and a Social Worker. The next step is for Mr. Hill to review the contract before bringing it to the Council.

Councilmember Jerzak asked if the positions were included in the previous budget. Dr. Edwards stated the pilots are primarily grant-funded. A small amount of money was set aside in the budget to support the pilots as well.

Councilmember Jerzak asked if the program is an alternative response being dispatched out of the Police Department. Interim Chief Gruenig stated there isn't office space available at the Police Department currently. The Social Worker has been hired, but they are still waiting for the Paramedic. Once the contract is reviewed by Mr. Hill and approved by the Council, then the two positions will be housed within the Police Department.

Mayor Pro Tem Lawrence-Anderson pointed out that the *Sun Post* has an article about a youth violence intervention group that covers both Brooklyn Park and Brooklyn Center. She asked if Interim Chief Gruenig had more information on the program. Interim Chief Gruenig stated he

would have to read the article.

Councilmember Kragness asked if there was a timing issue with the hiring of the new positions because the time Brooklyn Center needed them to work was not their normal working hours. Dr. Edwards explained there are two models. One model will be addressing time. There is an option for morning to late afternoon and another shift for late afternoon until 1:00 a.m.

Interim Chief Gruenig stated North Memorial is not able to provide anyone past 7:00 or 7:30 p.m. The model with the Paramedic and Social Worker would only be offered until the early evening. Dr. Edwards added the other pilot includes a Community Mental Health Worker and a Paramedic who would work during the evening until about 1:00 a.m.

Mayor Pro Tem Lawrence-Anderson requested there be adequate time for discussion of the pilot programs at the coming Council meeting.

Councilmember Jerzak asked if the Council would be voting on the programs directly after the presentations. Dr. Edwards stated the intention is to have a discussion and answer questions about the pilot programs at the coming meeting. The following meeting would then include a vote and finalized contracts.

Councilmember Jerzak noted he was quoted in the *Star Tribune*. He stated he did not sit for an interview. The quote was from previous meeting minutes.

Dr. Edwards suggested an item from the second Work Session be addressed with the available time.

Mayor Pro Tem Lawrence-Anderson stated she would prefer there be a break before the regular session.

ADJOURNMENT

Mayor Pro Tem Lawrence-Anderson closed the Work Session at 6:53 p.m.

Motion passed unanimously.

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

REGULAR SESSION
MARCH 11, 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 Pro Tem Lawrence-Anderson at 7:00 p.m.

2. ROLL CALL

Mayor Pro Tem Kris Lawrence-Anderson and Councilmembers Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor April Graves was absent and excused. Also present were City Manager Reggie Edwards, Zoning Administrator Ginny McIntosh, Communication Coordinator Angel Smith, Assistant City Manager/City Clerk Barb Suci, and City Attorney Jason Hill.

3. PLEDGE OF ALLEGIANCE

This item was addressed after item 4. Informal Open Forum began.

4. INFORMAL OPEN FORUM

Mayor Pro Tem Lawrence-Anderson began to explain the purpose and rules of Open Forum.

Dr. Edwards suggested Mayor Pro Tem Lawrence-Anderson clarify the time limit for commenters and noted the Pledge of Allegiance was not completed.

Mayor Pro Tem Lawrence-Anderson confirmed the comments would be limited to two minutes per person.

3. PLEDGE OF ALLEGIANCE (cont.)

The Pledge of Allegiance was recited.

4. INFORMAL OPEN FORUM (cont.)

Mayor Pro Tem Lawrence-Anderson and Councilmembers reviewed the Rules of Conduct and Decorum for Informal Open Forum.

Councilmember Jerzak moved and Councilmember Kragness seconded to open the meeting for the purpose of Informal Open Forum.

Gretchen pointed out one of her concerns was addressed by Community Development Director Jesse Anderson. She asked if there were any updates on Emerging BC. Mayor Pro Tem Lawrence-Anderson suggested she follow up directly with Dr. Edwards.

Peg stated the Monarch Garden has plants coming up. Mayor Pro Tem Lawrence-Anderson noted that Peg put a lot of work into the Monarch Garden.

Assistant City Manager/City Clerk Barb Suciú stated the Zoom call received a chat asking for the Council to address the dead grass on Brooklyn Boulevard and 65th Avenue.

Mary M. thanked the Police Department Staff for following up with her regarding the issue of stray cats in the community. She noted if people approach Staff and Council with respect, then they will see things come to fruition. She thanked the Council and noted Brooklyn Center needs to be fixed.

Laurie B. agreed there needs to be enough time for Council to thoroughly discuss alternative response options and there needs to be an opportunity for community members to participate in the hiring process for the next Police Chief.

Councilmember Kragness moved and Councilmember Jerzak seconded to close the Informal Open Forum at 7:11 p.m.

Motion passed unanimously.

5. INVOCATION

Councilmember Kragness read a poem by an unknown author,

“Be thankful that you don’t already have everything you desire. If you did, what would there be to look forward to? Be thankful when you don’t know something, for it gives you the opportunity to learn. Be thankful for the difficult times, during those times you grow. Be thankful for your limitations, because they give you opportunities for improvement. Be thankful for each new challenge, because it will build your strength and character. Be thankful for your mistakes. They will teach you valuable lessons. Be thankful when you’re tired and weary, because it means you’ve made a difference. It’s easy to be thankful for the good things. A life of rich fulfillment comes to those who are also thankful for the setbacks. Gratitude can turn a negative into a positive. Find a way to be thankful for your troubles, and they can become your blessings.”

6. APPROVAL OF AGENDA AND CONSENT AGENDA

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

6a. APPROVAL OF MINUTES

1. February 26, 2024 – Work Session
2. February 26, 2024 – Regular Session
3. February 26, 2024 – EDA/Work Session

6b. LICENSES

MECHANICAL

Super 8 6445 James Circle N

MECHANICAL

Wencl Services 8148 Pillsbury Avenue S
Bloomington 55420

RENTAL

INITIAL (TYPE II – two-year license)

4018 58th Avenue N Mains'l Properties Llc

RENEWAL (TYPE IV – six-month license)

3614 50th Avenue N Devlin Wubbena

1900 Brookview Drive Ih3 Property Minnesota Lp

4307 66th Avenue N Fyr Sfr Borrower Llc

4522 Kathrene Drive Ejimadu Properties Llc

4600 65th Avenue N AUX Funding LLC

5701 James Avenue N Sunset View Rentals Llc

6012 York Avenue N MNHOMES2GO LLC

6106 Aldrich Avenue N Home Sfr Borrower Llc

6225 Unity Avenue N HPA CL2 LLC

6436 June Avenue N Spirit Properties, LLC

6618 Colfax Avenue N Dhanraj Khemraj

RENEWAL (TYPE III – one-year license)

4207 Lakeside Avenue N, #138 Patrick Hall

5312 Northport Drive SFR II BORROWER 2021-3 LLC

5728 Logan Avenue N	Konstantin Ginzburg
6325 Kyle Avenue N	Cuong Pham
<i>RENEWAL (TYPE II – two-year license)</i>	
6100 Summit Drive	Lux Apartments Llc
5420 Fremont Avenue N	Herman Capital Ptnrs Iii
<i>RENEWAL (TYPE I – three-year license)</i>	
3200 63rd Avenue N	Adedamola O Ogundipe
3412 62nd Avenue N	Excel Properties Llc
5344 Twin Lake Boulevard E	Takasi Sibuya

6c. AMENDING THE 2024 CITY COUNCIL MEETING SCHEDULE

6d. RESOLUTION IDENTIFYING THE NEED FOR LIVING COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) FUNDING AND AUTHORIZING AN APPLICATION FOR GRANT FUNDS FOR THE CENTRE FOR ASIAN PACIFIC ISLANDERS (CAPI)

6e. RESOLUTION ACKNOWLEDGING AWARDED FUNDS FOR THE HENNEPIN COUNTY ACTIVE LIVING TECHNICAL ASSISTANCE PROGRAM AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS

Motion passed unanimously.

7. PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS/DONATIONS

None.

8. PUBLIC HEARINGS

None.

9. PLANNING COMMISSION ITEMS

9a. AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING THE CRYSTAL AIRPORT ZONING ORDINANCE, FENCE PERMITS AND STANDARDS, COMMERCIAL VEHICLE STANDARDS, DIMENSIONAL AND STRUCTURAL STANDARDS IN THE R1, R2, R3 AND R4 ZONING DISTRICTS, NONCONFORMING STRUCTURES AND USES, PUBLIC

NOTICE SIGN REQUIREMENTS AND USE AMENDMENTS FOR LICENSED DAY CARES, LICENSED GROUP FAMILY DAY CARES, LICENSED RESIDENTIAL FACILITIES, AND MASSAGE AND SAUNA ESTABLISHMENTS (SECOND READING)

Dr. Edwards introduced the item and invited Planner and Zoning Administrator Ginny McIntosh to continue the Staff presentation.

Ms. McIntosh explained prior to January 2023, the City's zoning code had not been meaningfully updated since the 1960s. In 2019, the City adopted the 2040 Comprehensive Plan and embarked on a major overhaul of the City's zoning (Chapter 35), sign (Chapter 34), and platting (Chapter 15) codes with consultant Bolton & Menk, as these chapters presented significant barriers, difficulties, and confusion in their ease of use and overall accessibility for not only City staff, but residents, business owners, and prospective developers as well. Further, these chapters were out of compliance with state law, opening the City up to legal risks. City Staff worked with Bolton & Menk to merge the three chapters into one, unified document, which was adopted in January 2023.

Ms. McIntosh noted during the adoption process for the City's current Unified Development Ordinance (UDO), City Staff recognized that no UDO is perfect and that updating and writing land use policies is as much an "art" as it is a technical process. Given the fact that the City was attempting to re-write a 1960s code to address the needs of "now," the intent of the updated UDO was to serve as a robust living, breathing document that modernizes City land use policies, and that can be further revised and evolve over time.

Ms. McIntosh explained City Staff was of the understanding that the UDO should be reviewed on a regular basis. In keeping with this, City Staff has identified a number of proposed changes to the UDO. It should be noted that the majority of proposed changes address general cleanup; however, the driver for these amendments at this time is primarily due to the recent update to the Crystal Airport Zoning Ordinance and its adoption, and a surge in interested parties wanting to open larger daycares in the City. Also, it was found the new UDO does not cover larger daycare centers.

Ms. McIntosh pointed out public hearing notice was published in the Brooklyn Center *Sun Post* on January 25, 2024, and a copy of the notice was published on the City of Brooklyn Center website. Additional notification was sent to the Minnesota Department of Natural Resources (DNR) for the proposed modifications to the MRCCA Overlay District provisions and the Metropolitan Airports Commission (MAC) for the proposed adoption of the Crystal Airport Zoning Ordinance.

Ms. McIntosh explained the Crystal Joint Airport Zoning Board (JAZB) was formed in 2021 with the intent to update the Crystal Airport's zoning ordinance, which had not been updated since 1983. Minnesota State Statutes 360.063, Subd. 3(2)(b) requires that "a joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved, two from each county or municipality, in which the airport hazard area is located, and in addition a chair is

elected by a majority of the members so appointed.” For the Crystal Airport, these member cities included: Crystal, Brooklyn Park, Brooklyn Center, New Hope, Minneapolis, Robbinsdale, and the Metropolitan Airports Commission (MAC).

Ms. McIntosh noted the Joint Airport Zoning Board ultimately convened numerous times between October 2021 and November 2023 to develop an updated airport zoning ordinance that would achieve a reasonable level of safety while considering compatible community development and social and economic costs of redistricting land uses. This ordinance was also crafted in response to certain improvements made at the Crystal Airport in 2020, including lengthening the main runway, converting the parallel runway to a parallel taxiway, and shortening the turf runway.

Ms. McIntosh stated a public comment period commenced on April 4, 2023, and closed on May 3, 2023. During this time, a draft copy of the Crystal Airport Zoning Ordinance was made available to the general public at Brooklyn Center City Hall and on the City’s website, and the Metropolitan Airports Commission (MAC) mailed notices to those affected parcels and property owners. A public hearing and open house were held on April 19, 2023, at the Crystal Community Center in Crystal, Minnesota, in which 44 people were present, 25 of whom were members of the public. On June 15, 2023, the Joint Airport Zoning Board elected to submit the draft Airport Zoning Ordinance to the MnDOT Commission of Transportation for review and approval.

On September 24, 2023, the Joint Airport Zoning Board received notice that the Crystal Airport Zoning Ordinance was approved. On November 8, 2023, the Crystal Joint Airport Zoning Board met and considered the Commissioner’s Order; the draft Airport Zoning Ordinance approved by the Commissioner; and the Final Statement of Legal Authority, Findings of Fact, Conclusions of Law, and Order. Ultimately, the JAZB elected to approve the aforementioned documents with the understanding that each municipality would need to incorporate the new Crystal Airport Zoning Ordinance into their respective zoning ordinances and update their official zoning map to reflect the new airport zones.

Ms. McIntosh explained that following a discussion with the City Attorney, City Staff agreed to create a new overlay district within Chapter 35 of the City Code. The major change would be for the new Ordinance to be adopted as an appendix. The new Ordinance would create height restrictions and restrictions on uses that create or cause interference with the operations of radio or electronic facilities. There would also be height restrictions to prevent projection into the Airport’s airspace surface. Also, there are provisions for existing, new, and nonconforming structures and maximum allowable heights.

Ms. McIntosh noted fence permits are required prior to any installation of fencing—these requirements are namely to ensure fences are installed in compliance with the City’s regulations regarding materials, height, and setbacks off property lines. Prior to January 2023, the City did not have a fence permitting process. As requested, the identified amendments would provide clarity on when permits are required, and the specific requirements in the residential, Business Mixed-Use (MX-B), and General Industry (I) Districts. Additional language has been added regarding the addressing of potential visual obstructions and vehicle queuing in the right-of-way.

Ms. McIntosh pointed out that when Chapter 35 was adopted in January 2023, accommodations were made to allow residents who drive commercial vehicles and reside in the R1 or R2 District to park their vehicle at their place of residence, subject to certain requirements. As one of the requirements outlines restrictions to the dimensions of a commercial vehicle, City Staff initially proposed a definition that followed the Minnesota Department of Transportation's vehicle classification scheme. However, this has proven difficult to utilize and fails to capture some of the vehicles City staff thought options for parking should be afforded.

Ms. McIntosh stated although City Staff had wholly intended and noticed for proposed changes to this section, City Staff will require additional time to work through the current language in Chapter 35 and additional language found in Chapter. The provided amendment language contains some light cleanup under Section 35-4402 but otherwise remains the same.

Ms. McIntosh added following the adoption of the new Chapter 35 in January 2023, City Staff noted that a provision regarding a minimum 18-foot width and depth requirement for primary dwellings in the R1 and R2 District, which had been in place for decades, was no longer in the document. City Staff is requesting language regarding minimum width and depth requirements for a dwelling in the R1 and R2 Districts be re-introduced to Sections 35-2201, 35-2202, and 35-5501.

Ms. McIntosh stated the adoption of the new Chapter 35 also introduced two new overlay districts: MRCCA (Mississippi River Corridor Critical Area) and Shoreland. MRCCA was adopted pursuant to certain authorizations and policies contained in Minnesota State Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010-6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapters 462 and 473.

Ms. McIntosh noted the Legislature of Minnesota delegated responsibility to local governments of the State to regulate the subdivision, use, and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems, and provide for the wise use of these areas.

Ms. McIntosh added similarly, that the Shoreland Ordinance regulations adopted by the City of Brooklyn Center serve as an important land use regulation to help protect surface water quality, near shore habitat, and shoreland aesthetics. In utilizing the new Unified Development Ordinance, City Staff determined that the only definition for "height" was the definition provided by the DNR which defines the "height of the structure."

Ms. McIntosh stated City Staff debated creating another definition for height for those parcels located outside the MRCCA Overlay District; however, with the requested adoption of the Crystal Airport Zoning Ordinance, which also contains a definition for height, this would have resulted in three different definitions of "height." City Staff is requesting the removal of the language "average height of" as there have been a couple of occasions now where, despite the maximum height of a detached accessory structure being 16 feet, plans for detached garages have resulted in garages that are, in fact, taller than 16 feet, but meet the requirements by definition due to the "average height" language. With the requested removal of the "average height" language from the

definition for “height of the structure,” City Staff is also requesting that the maximum height provisions for principal structures located in the R1 and R2 Districts be modified from 25 feet to 32 feet.

Ms. McIntosh noted City Staff also requested an amendment to the outlined density range within Section 35-2203. The current density range provided for in the R3 District is 3-10 dwelling units per acre. However, Section 35-5100 provides for a density range of five to 15 dwelling units per acre for the R3 District. In reviewing the density ranges for the surrounding zoning districts, and the density ranges identified in the 2040 Comprehensive Plan future land use designations, City Staff believes the adjustment to five to 15 dwelling units per acre is supported.

Ms. McIntosh explained in the process of updating the City’s zoning code provisions to the new Chapter 35, nonconformity provisions were included under Sections 35-3101, 35-3103, and 35-6300. However, no general provisions for nonconformities were provided for elsewhere in Chapter 35. Although nonconformity provisions are outlined within Section 462.357 of the Minnesota State Statutes, City Staff wanted clear language referenced within Chapter 35. Following discussions with the City Attorney, language was crafted under a new section that outlines potential scenarios and how each situation should be handled in the case of an existing nonconformity. There would also be an amendment to Section 3101.k.1.E for the removal of assessor language.

Ms. McIntosh added City Staff is requesting changes to the language currently outlined under Section 35-7500 specifically in instances where a notification sign is to be installed in advance of a scheduled public hearing. Currently, Section 35-7504 dictates that a sign shall be installed in cases where a proposal will result in a district boundary change of five acres or more. City Staff is recommending that notification signage be installed whenever there is a proposed re-zoning. Installation of a public notice sign is already required for construction or major alteration of the structure, except one and two-family dwellings, and buildings accessory thereto.

Ms. McIntosh pointed out the current provisions stipulate that the property owner of a subject property under review as part of the Planning Commission application install said public notice sign with content to be approved by the City’s Zoning Administrator. City Staff is requesting that this language be altered as the City has purchased heavy-duty metal signs with the language “Development Proposal Under Review” and contact information for the City’s Community Development Department.

Ms. McIntosh stated following the adoption of the new Chapter 35, Staff became aware that the provisions outlined for daycares did not account for larger daycares. City Staff is requesting a new use category be added to Section 35-4103, which would allow for licensed daycare facilities in the R3, R4, R5, MX-N1, MX-N2, MX-C, and TOD Districts through approval of a conditional use permit or CUP. Larger daycares would also be permitted through the issuance of, or amendment to, a conditional use permit for places of religious assembly and public and private elementary and secondary schools in the R1 and R2 District.

Ms. McIntosh noted that as proposed, the requirements outlined for licensed day care facilities under Section 35-4302 (c) would also be updated to align with Minnesota State Statute

requirements outlined under Chapter 245A and Minnesota Rules Chapter 9502. Additional requirements are outlined to restrict the size of a licensed daycare to allowable occupancies the availability of parking, and the location of pick-up and drop-off areas.

Ms. McIntosh pointed out that per Minnesota Statutes, Section 462.357, subdivision 7, and with limited exceptions, a State-licensed residential facility serving 6 or fewer persons, often referred to as group homes, is considered a permitted single-family residential use of property. In reviewing Section 35-4103, Staff noticed that the maximum occupancies of Licensed Residential Facilities did not align with either the City's allowable density range for certain zoning districts or the City's 2040 Comprehensive Plan. Therefore, City Staff is requesting the table be updated to remove the "Licensed Residential Facility (six and fewer persons)" use from the R4, MX-N1, MX-N2, and TOD Districts, as the allowable density ranges conflict with and do not align with the use. There is also a request for the addition of the use to the R3 District.

Ms. McIntosh added the City of Brooklyn Center has historically been extremely restrictive with allowing massage and sauna establishments. Under the City's old zoning code, "sauna establishments and massage establishments, provided they do not abut any residential district, including abutment at a street line," were allowed in the C2 District by the issuance of a special use permit only. In the Central Commerce Overlay District, which was retired as part of the adoption of the new Unified Development Ordinance in January 2023, sauna and massage establishments were outright prohibited within this overlay district. As the majority of C2 properties were located within the Central Commerce Overlay District, this effectively prohibited the establishment of one in the City. Further, Brooklyn Center's current massage establishment licensure provisions and fees, as outlined under Chapter 23 of the City Code, make it difficult to establish a massage business in the City and when comparing the use regulations and licensing fees in other neighboring cities.

Ms. McIntosh noted although the City's new UDO does allow for "sauna and massage establishments" as an accessory use in the MX-N2, MX-C, TOD, and C Districts, this again makes it difficult for someone to establish a business in the City as use must be "incidental and subordinate to the principal use on the same lot." Most recently, a business owner was looking to expand their business in the City with a float spa and massage establishment; however, due to the accessory use restrictions, the business owner was looking at other cities that allowed for the use and who had lower annual licensing fees.

Ms. McIntosh explained as a comparison, in addition to the allowance of massage and sauna establishments as an accessory use only, the City's annual licensing fee for a massage establishment is \$3,000, with an investigation fee of \$1,500, and additional fees for masseurs/masseuses and their individual investigation fee. It is thousands of dollars more affordable in neighboring cities. Although City staff understand potential concerns regarding the operations of massage establishments, the City should potentially look at revisions to the licensure process to not only make the City competitive with other cities by reviewing the fees as compared to surrounding cities but also other methods of ensuring the City has quality massage and sauna establishments. Such changes could potentially include placing a maximum cap on the number of licenses in the City, which would be addressed through licensing.

Ms. McIntosh stated the Planning Commission held a public hearing on February 8, 2024, regarding the requested amendments. No comments or questions were relayed to City Staff in advance of the public hearing. A few members of the general public were present virtually for the meeting but presented no concerns regarding the outlined amendments. One resident had general questions regarding the fence permitting process. The Commissioners engaged in discussion of the Crystal Airport Zoning Ordinance approval process and some direction City staff was seeking regarding the proposed new primary structure height maximums in the R1, R2, and MRCCA RN Districts.

Ms. McIntosh explained as proposed, City Staff recommended the height maximums adjust from 25 feet to 30 feet; however, City Staff was also amenable to allowing for up to 32 feet. Conversation was held regarding how height is calculated and certain assumptions for a typical home and the Commissioners appeared to be generally supportive of offering greater flexibility to residents at the 32-foot height maximum. Following the close of the public hearing, the Planning Commission unanimously recommended the City Council approval of the requested amendments.

Councilmember Jerzak noted there wasn't a previous permitting process for fences. He suggested Staff engage with the community on the subject. Also, the proposed fence portion of the Ordinance is problematic due to the orientation and material components. He asked how the Staff would determine what is in "good condition" per the Ordinance, noting it was subjective. Plus, treated wood warps and might not be considered "good" by all people. He added he would not support the fence portion of the proposed changes.

Ms. McIntosh pointed out that the orientation of the fence and the material requirements for the fence is already in the Code. There was clarification added for certain Districts' needs. The section Councilmember Jerzak was referring to is just being renumbered. The Council has the option to request language changes, but that is not the proposal before the Council currently.

Councilmember Jerzak requested the item returned to the Council for further consideration.

Councilmember Kragness thanked Staff for their work and noted the amount of work the revisions would have taken.

Councilmember Jerzak asked if Ms. McIntosh believes the parking restrictions are understandable and enforceable. Many community members do not have a place to park their work vehicles and they often resort to parking in public lots. Ms. McIntosh explained the first attempt was intended to be a total rewrite and to remove the language borrowed from the Minnesota Department of Transportation. Staff ran into the issue with Chapter 19 and supremacy, and they need to return to the language and disentangle it.

Councilmember Jerzak pointed out community members may be on-call for their jobs and need to access their vans or trucks. He requested that Staff reconsider the parking portion of the UDO.

Councilmember Jerzak stated he would feel comfortable voting on time-sensitive matters, but he would not vote in favor of the parking and commercial vehicle portion until further review is done.

He asked if Chapter 19 revisions would address the concerns. Mr. Hill agreed Councilmember Jerzak's concerns can be addressed at a later date. The document is intended to be changed as needed over time.

Ms. McIntosh stated the fence impacts are minimal in the proposed action. She noted she is open to further discussion about the fences with the City Attorney, inspectors, and other interested parties.

Councilmember Kragness asked which portion of the proposal is time-sensitive. Ms. McIntosh explained the document from the 1960s was updated in January 2023. However, the Staff is still trying to clean up the language. The Crystal Airport, daycares, and height requirements for upcoming developments are all time-sensitive.

Councilmember Jerzak stated enforcement tends to be reasonable and fair. He trusts Staff will act in good faith, though the changes are confusing.

Councilmember Butler moved and Councilmember Jerzak seconded to approve the second reading and adopt ORDINANCE NO. 2024-01, an ordinance amending Chapter 35 of the City Code of Ordinances regarding the Crystal Airport Zoning Ordinance, fence permits and standards, commercial vehicle standards, dimensional and structural standards in the R1, R2, R3, and R4 zoning districts, nonconforming structures and uses, public notice sign requirements, and use amendments for licensed daycares, licensed group family daycares, licensed residential facilities, and massage and sauna establishments.

Motion passed unanimously.

Councilmember Butler moved and Councilmember Kragness seconded to adopt RESOLUTION NO. 2024-38, a resolution for summary publication of the aforementioned ordinance amendments in the Brooklyn Center *Sun Post*.

Motion passed unanimously.

10. COUNCIL CONSIDERATION ITEMS

None.

11. COUNCIL REPORT

Councilmember Butler asked for Staff to calculate how much money the City has saved due to less salting and its impact on the next year's budget.

Mayor Pro Tem Lawrence-Anderson pointed out there was an article in the *Star Tribune* regarding how the Minnesota Department of Transportation plans to store their excess salt.

Dr. Edwards confirmed he would gather the information to report back to the Council.

12. ADJOURNMENT

Councilmember Butler moved and Councilmember Kragness seconded the adjournment of the City Council meeting at 7: 54 p.m.

Motion passed unanimously.

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

WORK SESSION
MARCH 11, 2024
CITY HALL – COUNCIL CHAMBERS

CALL TO ORDER

The Brooklyn Center City Council/Economic Development Authority (EDA) met in Work Session called to order by Mayor/President Pro Tem Lawrence-Anderson at 7:54 p.m.

ROLL CALL

Mayor/President Pro Tem Kris Lawrence-Anderson and Councilmembers/Commissioners Marquita Butler, Dan Jerzak, and Teneshia Kragness. Mayor/President April Graves was absent and excused. Also present were City Manager Reggie Edwards, Community Development Director Jesse Anderson, City Attorney Jason Hill, and City Clerk Barb Suci.

SPECIAL TIF LEGISLATION FOR THE OPPORTUNITY SITE UPDATE

City Manager Reggie Edwards introduced the item and invited Jason Aarsvold, EDA Project Manager with Ehlers, to continue the presentation.

Mr. Aarsvold explained there is a need for special legislation as Tax Increment Financing (TIF) use and flexibility will be necessary for the financial feasibility of the project. The Alatus Phase 1 project is in the City's existing TIF District No. 7. Some increment is already being collected which started the clock on the district's duration. There will likely be less than 18 years of increment left by the time Alatus moves forward. Based on the previous financial review of the project, that will not be enough time to achieve all of the objectives. Mr. Aarsvold noted many buildings throughout the Opportunity Site have or will be torn down. The TIF Statute requires districts to be established before building demolition.

Mr. Aarsvold stated the team kicked off the process to request special legislation in Fall 2023. A Bill was drafted to meet the City's needs and was sent to the City's Senator and Representative for review and discussion. Senator Pha engaged with the City's team and proposed alterations to the Bill to earn support.

Mr. Aarsvold noted on March 4, 2024, Senator Pha introduced S.F. No. 4586: A bill for an act relating to taxation; tax increment financing; providing special tax increment financing authority for the city of Brooklyn Center. The bill allows for the creation of one or more redevelopment TIF districts within the Opportunity Site, even if those areas cannot qualify based on existing statutory requirements. The proposed legislation also provides flexibility for spending tax increments

throughout the Opportunity Site to cover areawide costs such as infrastructure, stormwater, and parking.

Mr. Aarsvold explained if this bill passes, the City will be able to decertify parcels from TIF District No. 7 and create a new redevelopment TIF district for Alatus' phase 1 project. This will help with the financial feasibility of that project. In addition, the City would be able to create additional redevelopment TIF districts, as needed, throughout the entire Opportunity Site even in areas where buildings have already been removed. This will provide an effective tool for the City to meet its goals within the Opportunity Site.

Mr. Aarsvold noted next steps include continuing to work with the Senate and House to advance the Bills and City representatives will testify and answer questions at hearings.

Councilmember/Commissioner Jerzak asked if a companion bill is in the House. Mr. Aarsvold stated they haven't had an opportunity to meet with Representative Vang or the lobbyist to create a Bill for the House.

Councilmember/Commissioner Jerzak pointed out at the September 11, 2023 City Council/EDA meeting, that the developer stated they would not be able to build unless the interest rates decrease. They may need to remove the City-owned business incubator to make the project work. He asked if the project could be altered to make it more palatable for funding. Dr. Edwards stated Staff is working through the suggestion as a possibility.

Councilmember/Commissioner Jerzak added there is urgency to write a Bill for the House due to the timing of the legislative session.

Mr. Aarsvold noted Staff is in regular communication with the developer, and they are hopeful about the project. The Bill does give the City authority to create new districts through 2030.

Councilmember/Commissioner Jerzak asked if there is a backup plan in the scenario the Bill doesn't go through. Mr. Aarsvold stated the backup plan is to bring the proposal back to the next legislative session. Staff is continuing to look for other financial resources for the project.

Councilmember/Commissioner Kragness noted that special legislation was needed no matter what. Mr. Aarsvold confirmed that this is correct.

REVIEW OF THE DRAFT OPPORTUNITY SITE MASTER PLAN

Dr. Edwards introduced the item and invited Community Development Director Jesse Anderson to continue the presentation.

Community Development Director Jesse Anderson explained since 2019, City Staff have been working on progressing a Master Plan for the 80-acre Opportunity Site. From the beginning, this Master Plan intended to shift development expectations within the Opportunity Site towards

community serving in their process and outcomes. As such, the buildout of the Opportunity Site is intended to be a collaborative endeavor between the City and developers who seek to join the City in improving the quality of life for all who call the Brooklyn Center home. He introduced Mike Thompson, a representative of Bolton & Menk, and asked him to continue the presentation.

Mr. Thompson showed the schedule of the Opportunity Site schedule. They are currently working on completing the Master Plan. From there, they will work to finalize some details. He explained the Master Plan includes an Executive Summary, a Vision for a New Downtown, a Public Realm, Access and Connectivity, Neighborhood and Economic Development, and an Implementation Plan. There are also a number of Appendices included.

Mr. Thompson invited Andrew Dressner to continue the presentation. Mr. Dresdner explained the land use for the site is ultimately two neighborhoods, referring to primarily housing. There are a series of complementary and compatible uses which will exist between the two neighborhoods. The residences are arranged in a way to allows for a variety of building types and densities.

Mr. Dresdner pointed out the function of transportation is beyond circulation. There are various forms of roads such as neighborhood streets, a parkway, a garden street, and a main street. They prioritized walkability and bike use. He showed graphics of each street type.

Mr. Thompson added open space is one of the first things they did to plan the area. There are key public space opportunities throughout the site with two larger parks, one of which is more active and one is more passive. The regional stormwater system is a critical sustainability feature, and they plan for it to also be an opportunity for community gatherings. Streetscaping is also thoughtful to promote togetherness in the neighborhood.

Mr. Thompson stated they will continue to refine the Master Plan. From there, they will submit a Master Plan for consideration. After a recommendation by the Planning Commission, there would be a public hearing with Council/EDA action.

Councilmember/Commissioner Jerzak asked if the completion of the infrastructure is still anticipated. He also asked for an update on the grant process.

Mr. Anderson stated the intention was for Alatus to build the infrastructure. Funding sources are coming in and being sought out to further fund the infrastructure. Resurrecting Faith Ministries did not get the last set of grants, but it would not have been used for infrastructure. Project for Pride in Living has received some grants with coming deadlines.

Councilmember/Commissioner Jerzak asked what the City can do to move the project forward. Breaking ground will be very impactful. Mr. Anderson stated Staff is looking at a plethora of options. Resurrecting Faith World Ministries and Project for Pride in Living are both awaiting infrastructure to start their planning efforts. Staff is working toward solutions to support Alatus with infrastructure efforts.

Prior to her time on the City Council/EDA, Councilmember/Commissioner Kragness thought the project was further along. She asked what needs to be done to get the process moving as it is very

slow-going. Mr. Anderson stated the Master Plan is a guiding principle rather than a development plan. If there is groundbreaking on Phase One, then another developer will likely show interest in the Target site or other properties.

Councilmember/Commissioner Jerzak asked if other developers have shown interest if Alatus can't deliver. Also, he asked if Staff has been proactive to reach out to potential developers. Mr. Anderson stated Staff has been engaging with developers about portions of the site that remain unplanned. However, the developers are in the same position as Alatus currently. There have been conversations about starting something at the Target site as it requires less infrastructure.

Councilmember/Commissioner Jerzak stated interest rates are unlikely to change before the coming election. If it does change, it is predicted to only decrease a half-point.

Mr. Thompson noted his agreement with the desire to get the project moving. The Master Plan is an effort to remove some barriers for potential developers, which is an attractive quality in a project area.

Councilmember/Commissioner Jerzak stated he is interested in moving projects if it is financially feasible. He encouraged the Staff and Consultants to make every effort to promote progress.

PENDING LIST FOR FUTURE WORK SESSIONS UPCOMING ITEMS

- Memorial Policy
- Special Assessment Policy/Franchise Fees (referred to Financial Commission)
- Beautification and Public Art Commission
- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (referred to Park & Rec Commission November)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Interveners Impact
- Revisit Resolution 2021-73
- Planning Application Process
- Group Homes

ADJOURNMENT

Councilmember/Commissioner Kragness moved and Councilmember/Commissioner Jerzak seconded the adjournment of the City Council/Economic Development Authority Work Session at 8:29 p.m.

Motion passed unanimously.

Council Regular Meeting

DATE: 3/25/2024

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.

-
On-Sale Intoxicating

Dos Hermanos II
1400 Brookdale Mall

-
On-Sale Sunday

Dos Hermanos II
1400 Brookdale Mall

Mechanical

ANC HVAC LLC
4249 Edenbrook Terrace, Brooklyn Park 55443

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

ATTACHMENTS:

Description	Upload Date	Type
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Rental Criteria
Rentals

6/20/2023
3/18/2024

Backup Material
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 3.25.24

Location Address	License Subtype	Renewal/Initial	Owner	Property Code Violations	License Type	Police CFS*	Final License Type**	Previous License Type***	Consecutive Type IV's
5440-44 Bryant Ave N	Two Family	Initial	Traiten Gunderson	4	Type II	N/A	Type II	N/A	N/A
700 58th Ave N	Single	Initial	WILBUR HUBBARD	16	Type IV	N/A	Type IV	N/A	0
3121 Lawrence Rd	Single	Initial	Empire Care Systems	15	Type IV	0	Type IV	N/A	0
5211 Xerxes Ave N	Multiple Family 2 Bldgs 24 Units	Renewal	Bmw Holdings Llc Met Requirements	134 = 5.58 per unit	Type IV	0	Type IV	Type IV	7
4748 Twin Lake Ave	Two Family	Renewal	Rco Holdings Llc	19	Type IV	0	Type IV	Type I	0
7111 Riverdale Rd	Two Family	Renewal	A & V Olson	5	Type II	0	Type II	Type II	N/A
4207 Lakeside Ave N, #229	Condo	Renewal	Angelo C Lazarakes & G Faue Met Requirements	1	Type I	0	Type I	Type III	N/A
1706 71st Ave N	Single	Renewal	Patricia & Richard Sandeen	0	Type I	0	Type I	Type I	N/A
1821 Irving La N	Single	Renewal	R Hailemariam & A Balcha Did not meet requirements	11	Type IV	0	Type IV	Type IV	2
2406 Ericon Dr	Single	Renewal	G B Homes Llc Did not meet requirements	7	Type III	0	Type IV	Type IV	2
2912 Nash Rd	Single	Renewal	SFR BORROWER 2022-A LLC Met Requirements	3	Type II	0	Type II	Type III	N/A
3349 49th Ave N	Single	Renewal	Incobex Homes Llc	7	Type III	0	Type III	Type II	N/A
4906 Howe La	Single	Renewal	Mccloud Llc Met Requirements	1	Type I	0	Type I	Type III	N/A
5321 71st Cir.	Single	Renewal	Pramod Khakural	4	Type II	0	Type II	Type I	N/A
5350 Logan Ave N	Single	Renewal	Ccf3 Llc Did not meet requirements	3	Type II	0	Type II	Type III	N/A
5316 Colfax Ave N	Single	Renewal	Home Sfr Borrower Llc	15	Type IV	0	Type IV	Type II	0

5406 Sailor Ln	Single	Renewal	JMW Investments LLC Met Requirements	14	Type IV	0	Type IV	Type III	0
5819 Knox Ave N	Single	Renewal	G.b. Homes Llc Did not meet requirements	4	Type II	0	Type IV	Type IV	2
5943 Colfax Ave N	Single	Renewal	Warren Terry & Juliana Koe	0	Type I	0	Type I	Type I	N/A
6018 Camden Ave N	Single	Renewal	Gb Homes Llc Did not meet requirements	9	Type III	0	Type IV	Type IV	7
6213 Chowen Ave N	Single	Renewal	Nazneen H Khatoon Did not meet requirements	0	Type I	0	Type IV	Type IV	3
6407 Orchard Ave N	Single	Renewal	Hpa Borrower 2018-1 Ms Llc Met Requirements	8	Type III	0	Type III	Type IV	N/A
6436 Fremont Ave N	Single	Renewal	Excel Properties, LLC	5	Type II	0	Type II	Type I	N/A
6937 Palmer Lake Dr W	Single	Renewal	Michael T Brooks Met Requirements	2	Type I	0	Type I	Type IV	N/A
7018 France Ave N	Single	Renewal	Cmcb Llc	13	Type IV	0	Type IV	Type II	0
7021 Unity Ave N	Single	Renewal	Geri L Williams	1	Type I	0	Type I	Type II	N/A
7024 Morgan Ave N	Single	Renewal	Mcclure Properties Llc Met Requirements	0	Type I	0	Type I	Type IV	N/A

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

**License type being issued

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

All properties are current on City utilities and property taxes

Council Regular Meeting

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: Resolution Approving Settlement Agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05

Requested Council Action:

- Motion to approve a resolution approving a settlement agreement for Brooklyn Boulevard Corridor Project Phase 2 Improvements, Project No. 2021-05.

Background:

On March 25, 2019, the City Council directed staff to proceed with the preliminary design, environmental documentation, easement acquisition, and final design work for the Brooklyn Boulevard Corridor Project Phase 2 Improvements (Bass Lake Road to Interstate 94), Project No. 2021-05.

- In order to construct the improvements, permanent drainage, utility, sidewalk, and trail easements and/or temporary construction easements were required from 47 separate parcels adjacent to the corridor. Parcel numbers are identified on the right-of-way plan prepared for the project. Agreement for acquisition of easements was reached voluntarily with 33 affected property owners. In order to meet the anticipated development schedule condemnation was pursued on 14 parcels where no agreement could be met. The following parcels under condemnation have reached a settlement agreement.

Parcel No. 46; 6390 Brooklyn Blvd: This parcel required both permanent easements and temporary construction easements with total compensation agreed upon in the amount of \$20,000.

Budget Issues:

The Brooklyn Boulevard Corridor Project Phase 2 Improvement (Bass Lake Road to Interstate 94) has a project cost estimated to be \$17,355,411.92. The total appraised value for all easements on the project are estimated to be approximately \$824,676. The total value of the permanent easements and temporary construction easements for Parcel 46 is \$20,000 which is being funded out of the Capital Projects Fund.

To date, including the above parcel, agreements have been met with 45 out of 46 parcel owners with the total value of the permanent easements and temporary construction easements for the project being \$771,558.32.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/15/2024	Resolution Letter
Settlement Agreement	3/15/2024	Backup Material

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO. _____

RESOLUTION APPROVING A SETTLEMENT AGREEMENT FOR
BROOKLYN BOULEVARD CORRIDOR PROJECT PHASE 2
IMPROVEMENTS, PROJECT NO. 2021-05

WHEREAS, the City of Brooklyn Center and Hennepin County have planned the improvement of Brooklyn Boulevard between Bass Lake Road (County Road 10) and Interstate 94 within the City of Brooklyn Center, Minnesota in 2021; and

WHEREAS, the City, in order to acquire title and meet its anticipated development schedule, commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (the "Action"); and

WHEREAS, to facilitate the Project, the Action included acquiring certain real property interests 6390 Brooklyn Blvd and as defined as Parcel 46 within the Action (the "Property"); and

WHEREAS, subject to approval by the City Council, representatives of the parties have negotiated a Settlement Agreement, a copy of which is attached hereto as Exhibit A, which resolves all outstanding claims and issues between the parties related to the Property; and

WHEREAS, the City Council has fully considered the terms of the Settlement Agreement and has determined that it is in the best interests of the community to approve it as presented.

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

1. The Mayor and City Manager of the City are hereby authorized and directed to execute all appropriate documents and take all necessary actions to facilitate the settlement contemplated herein, with all such actions to be in accordance with the terms and conditions set forth in this Resolution and the incorporated Settlement Agreement.
2. The Mayor and City Manager of the City, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

March 25, 2024

Date

Mayor

RESOLUTION NO. _____

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.

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230
Judge: Susan N. Burke

Petitioner,

vs.

**STIPULATION OF SETTLEMENT
AGREEMENT FOR PARCEL 46**

WSK Professional Bldg., L.L.C. et al.,

Respondents.

This stipulation of settlement (the “**Agreement**”) is entered into by and between Petitioner City of Brooklyn Center (“**City**” or “**Petitioner**”); EJA Trust – Brooklyn, LLC, a Minnesota limited liability company (“**Owner**”); and Walgreen Co., an Illinois corporation (“**Tenant**”) (collectively, the “**Parties**”) on this ____ day of _____, 2024.

RECITALS

1. The City commenced a condemnation action in Hennepin County District Court, Court File No. 27-CV-20-15230 pursuant to a Petition filed November 19, 2020, as amended on January 12, 2021 (“**Condemnation Action**”).

2. On February 23, 2021, the District Court filed the Order Approving Petition and Transfer of Title and Possession (“**Order**”) that, among other things, transferred certain property interests on Parcel 46 for the City’s Brooklyn Boulevard Corridor Project Phase 2 Improvements (“**Project**”), including without limitation a permanent easement for drainage, utility, sidewalk, and trail purposes and a temporary construction easement as described in **Exhibit A** to the Order (“**Property Interests**”).

3. EJA Trust – Brooklyn, LLC, a Minnesota limited liability company, is the fee owner of record of Parcel 46.

4. Walgreen Co., an Illinois corporation, is both a tenant and an easement holder on Parcel 46.

5. The following parties are identified in the Petition as having or potentially having an interest in Parcel 46 but are not parties to this stipulation (the “**Third Party Respondents**”):

- a. BCK Enterprises, LLC, a Minnesota limited liability company, an easement holder on Parcel 46;
- b. AutoZone Development Corporation, a Nevada corporation, an easement holder on Parcel 46;
- c. Sun Foods, Inc., d/b/a Sun Foods Supermarket, a Minnesota corporation; an easement holder on Parcel 46;
- d. Femon Travel & Tours LTD, a Minnesota corporation, an easement holder on Parcel 46;
- e. Dollar Tree Stores, Inc., a Virginia corporation, an easement holder on Parcel 46;
- f. John Hancock Insurance Agency, Inc., d/b/a John Hancock Life Insurance Company, a Delaware Corporation, a mortgagee on Parcel 46; and
- g. All other parties unknown, together with unknown heirs or devisees and spouses, if any.

6. On or about February 25, 2021, in accordance with the terms of the Order, the City deposited with the Court the approved appraised value of the Property Interests of \$14,800.00 for

Parcel 46 (the “**Quick-Take Payment**”), and title and possession to the Property Interests transferred to the City.

7. The Parties wish to both conclude matters relating to just compensation damages due and owing to all parties interested in Parcel 46 because of the Condemnation Action. To this end, the Parties enter into this Stipulation.

TERMS OF THE AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **RECITALS.** The recitals set forth above are true and accurate and are each incorporated and are material terms of this Agreement.

2. **SETTLEMENT AMOUNT.** The Parties stipulate and agree to a full settlement and award of damages for and related to the taking of the Property Interests described as Parcel 46 and shown in **Exhibit A** to the Order in the amount of amount of **\$20,000.00** (“**Settlement Amount**”), payable as set forth in Paragraph 5 below.

3. **STIPULATION TO AWARD.** The Parties agree to the issuance by the court-appointed commissioners of a report of commissioners for the Property Interests equal to the Settlement Amount, with payment divided between the Owner and the Tenant, with zero dollars payable to all other respondents, in substantially the form attached as **Exhibit 1** (“**Report of Commissioners**”). Once the Commissioners have signed the Report of Commissioners, the City shall file it with the District Court. Subject to the contingency in Paragraph 4 of this Agreement, the Parties agree not to appeal this Agreement, the Settlement Amount, or the award made in the Report of Commissioners.

4. CONTINGENCY. This Agreement is contingent on the filing of the Report of Commissioners awarding the Settlement Amount as specified in Paragraph 2 above, and on the expiration of the statutory appeal period without an appeal. All known respondents who may claim an interest in the taking of the Property Interests will be given notice of the Commissioners' Hearing and of the filing of the Report of Commissioners. If any Third-Party Respondent objects to the entry of the Report of Commissioners, then this Stipulation shall terminate and Petitioner and Respondents each reserve their right to proceed with a contested Commissioners' Hearing on damages and to pursue appeals from the final award of Commissioners; PROVIDED that Owner and/or Tenant may (at its option) (a) negotiate a resolution to any claim by a Third-Party Respondent ("**Third-Party Claim**") and secure a waiver or release reasonably satisfactory to the City of any Third-Party Claim ("**Third-Party Release**") or (b) bring any and all necessary motions to the Court seeking to secure an order from the Court disposing of or liquidating the claims of any other Third-Party Respondent ("**Third-Party Motion**"). The City agrees not to object to the Third-Party Motion. If the Owner and/or Tenant is successful in obtaining a Third-Party Release or in disposing of Third-Party Claims, then the City and Owner and Tenant agree to be bound by this Agreement. If an appeal of the commissioners' award is filed within the statutory appeal period, this Agreement shall be null and void and the Parties agree to proceed to conduct a de novo jury trial before the Minnesota District Court.

5. PAYMENT OF SETTLEMENT AMOUNT. Within 15 business days after expiration of the 40-day appeal period following the filing of the Report of Commissioners without Third-Party Claims, or upon entry of a final judgment as provided in Paragraph 4 above (after the Owner and/or Tenant obtains either a Third-Party Release or disposes of Third-Party Claims) the City shall pay the Settlement Amount by issuing checks as follows:

- a. A check in the amount of \$10,200.00 shall be made payable to “EJA Trust – Brooklyn, LLC” and delivered to the Owner by U.S. Mail to the following address: EJA Trust – Brooklyn, LLC; C/O Larry Abdo; 601 Marquette Ave. South, Suite 100; Minneapolis, MN 55402.
- b. A check in the amount of \$9,800.00 shall be made payable to “Walgreen Co.” and delivered to the Tenant by U.S. Mail to the following address: Douglas D. Noreen, Howard Stallings Law Firm, PO Box 12347, Raleigh, NC 27605.

6. QUICK TAKE DEPOSIT. The Owner and Tenant hereby assigns to the City all of their right, title and interest in the Quick-Take Deposit. The City may apply to the Court at any time after the delivery of the Settlement Check, and resolution of any Third-Party Claims, for disbursement to the City of the Quick-Take Deposit, together with any interest that has accrued thereon, without further notice to the Respondents. The Parties hereby agree to the entry of a Court order directing disbursement to the City alone of the Quick-Take Deposit, together with any interest that has accrued thereon.

7. WAIVER OF HEARING RIGHTS. In consideration of this Agreement and settlement, the Parties agree to waive any rights they may have to a hearing before the Commissioners to determine just compensation and waive any rights to appeal an award of just compensation damages awarded consistent with a Commissioner’s Report awarding the Settlement Amount, except as otherwise provided in Paragraph 4 of this Agreement.

8. ENTIRE AGREEMENT & WAIVER. Owner and Tenant agree that this Agreement, upon completion of conditions and satisfaction of contingencies, if any, fully and finally settles all claims that were made or could have been made in the Condemnation Action,

including attorney's fees, interest, litigation expenses, appraisal fees, and other expert fees and related costs. Owner and Tenant agree that payment and acceptance of the Settlement Amount constitutes full accord and satisfaction for all claims for damages, past, present, and future, of any kind or nature, occasioned by the taking, that were made or could have been made in the Condemnation Action, including without limitation for construction interference damages, and all damages, if any, to the remaining lands, and are hereby intending to forever settle all claims that were made or could have been made in the Condemnation Action.

9. ADDITIONAL CITY OBLIGATIONS. After issuance of the Report of Commissioners and expiration of the statutory appeal period, the City will file a Final Certificate in this action and record a discharge of notice of *Lis Pendens* with respect to the Property Interests in the Office of the Hennepin County Recorder or Registrar of Titles.

10. BINDING EFFECT AND CAPACITY TO SIGN. The persons signing this Agreement in their representative capacities represent and warrant by signing this Agreement that it is their intent to bind their respective principals to the terms and conditions set forth herein, that the persons signing in their representative capacity have been authorized to bind their respective principals to such terms, and that it is the respective principals' intent to be so bound.

11. CITY COUNCIL APPROVAL. This Agreement is contingent upon approval of the City Council of the City of Brooklyn Center.

12. VOLUNTARY EXECUTION. Owner and Tenant have either consulted or had the opportunity to consult with an attorney prior to executing this Agreement. The undersigned state and represent that they have fully read this Agreement, and that each know and understand the consequences and legal effect thereof. This Agreement contains the entire agreement of the Parties with regard to the matters set forth herein.

13. ATTORNEY FEES. The parties shall be responsible for their own attorneys' fees associated with this matter.

14. MODIFICATIONS. This Agreement may only be amended in writing and signed by each party.

15. COUNTERPARTS. This Agreement may be executed in counterparts which, taken together, shall constitute one agreement.

IN WITNESS WHEREOF, the parties, intending to be legally bound, execute this Stipulation as of the corresponding date written below.

{Remainder of Page Intentionally Left Blank; Signature Pages to Follow}

Dated: _____, 2024

CITY OF BROOKLYN CENTER

By: _____
_____, Mayor

ATTEST: _____
City Clerk

Dated: February 29, 2024.

KENNEDY & GRAVEN, CHARTERED

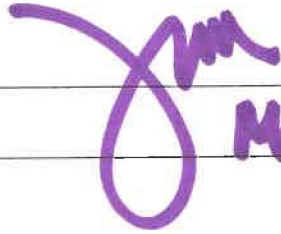
By: 
Joshua P. Weir (#0402328)
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9219
jweir@kennedy-graven.com

ATTORNEYS FOR PETITIONER

{Owner's Signature Page to Stipulation of Settlement Agreement for Parcel 46}

EJA TRUST -- BROOKLYN, LLC

Dated: 2/28, 2024.

By: 
Its: MGP.

{Tenant's Signature Page to Stipulation of Settlement Agreement for Parcel 46}

WALGREEN CO.

Dated: February 28, 2024.

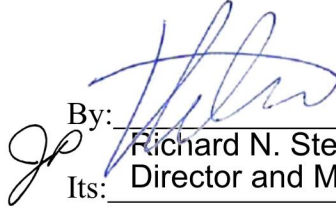
By: 
Its: Richard N. Steiner
Director and Managing Counsel

EXHIBIT 1

Form of Report of Commissioners

[Attached]

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
Case Type: Condemnation

The City of Brooklyn Center, a municipal corporation
under Minnesota law,

Court File No. 27-CV-20-15230

Judge: Susan N. Burke

Petitioner,

vs.

WSK Professional Bldg., L.L.C. et al.,

**REPORT OF COMMISSIONERS
PARCEL 46**

Respondents.

We, the undersigned Commissioners, appointed in this matter by Order of this
Court, do hereby report as follows:

I.

We met as directed by this Court and each took the oath prescribed by law.

II.

After notice, we viewed the property identified as Parcel 46 described on Exhibit A of the
Order Approving Petition and Transfer of Title and Possession (“Order”) as to Parcel 46, filed on
February 23, 2021.

III.

After notice of meeting and an opportunity for possible claimants to be heard, we make the
below award for damages as to Parcel 46 arising from the Order. The award is based on the
commissioners’ viewing of said real estate and the Stipulation of Settlement Agreement for Parcel
46, attached hereto as Exhibit A, which we received and accepted. We heard no testimony relative
to this taking nor reviewed any appraisal or other evidence of fair market value or damages related

to the taking, other than the Stipulation, Exhibit A:

TO: EJA Trust – Brooklyn, LLC	\$10,200.00
TO: Walgreen Co.	\$9,800.00
TO: BCK Enterprises, LLC	0
TO: AutoZone Development Corporation	0
TO: Sun Foods Inc., d/b/a Sun Foods Supermarket	0
TO: Femon Travel & Tours LTD	0
TO: Dollar Tree Stores, Inc.	0
TO: John Hancock Insurance Agency, Inc., d/b/a John Hancock Life Insurance Company	0
TO: All other parties unknown, together with unknown successors, assigns, heirs, devisees and spouses, if any	0
TOTAL DAMAGES TO ALL PARTIES:	\$20,000.00

The foregoing award assumes that the above-referenced property is free of all pollutants, contaminants and hazardous wastes. We have not assessed any damages for the presence of pollutants, contaminants, and hazardous wastes on the subject property. This award is made with the express understanding that the Petitioner, the City of Brooklyn Center, has reserved all rights to recover damages, testing costs and cleanup-costs attributable to the existence of pollutants, contaminants or other hazardous wastes on the property from the Respondents in a separate legal action.

Dated: _____, 2024

Joel Seltz, Commissioner

Dated: _____, 2024

Richard Black, Commissioner

Dated: _____, 2024

Craig Harrington, Commissioner

Council Regular Meeting

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Jesse Anderson, Community Development Director

SUBJECT: Resolution Identifying the Need for Livable Communities Act (LCA) Pre-Development Funding and Authorizing Application for Grant Funds for the Brooklyn Center Community Center

Requested Council Action:

-Motion to approve the resolution identifying the need for Livable Communities Account Predevelopment funding and authorizing an application for grants funds.

Background:

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

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

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

For this funding round, staff is seeking authorization to apply for a Pre-Development grant that would support the Brooklyn Center Community Center renovation and expansion project. If awarded, \$150,000 will be used to fund pre-development costs for the Community Center expansion project (including architectural design services, site investigation, stormwater design, and community engagement). The

Community Center expansion project includes the renovation of current facilities and an expansion of approximately 57,000 sq-ft, including new premier and multi-court gyms, a new indoor play area, new meeting rooms, a new teen center, and updated locker rooms and lobby.

Staff believes the project is eligible for Pre-Development, and staff believes they will make a competitive application.

The City is allotted 6 applications to Met Council for LCDA and has already approved CAPI.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

The Metropolitan Council has developed new scoring criteria, which heavily focuses on equity and anti-racist outcomes for projects which are to receive funding. Criteria includes demonstrated outreach to impacted and underrepresented communities, identification of specific residential and/or workforce development community needs addressed by the project, project teams which reflect and are responsive to those most impacted by the project. These projects are likely to score well in these criteria relative to others they will compete against.

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Project Overview	3/15/2024	Backup Material
Grant Details	3/15/2024	Backup Material
Resolution	3/15/2024	Resolution Letter



Brooklyn Center Community Center

Perkins&Will



Overview



In 2021, Brooklyn Center residents voiced a desire to improve our Community Center, adding new spaces and updating amenities so it better meets the needs of Brooklyn Center families, youth, and adults.



In Spring of 2023, we secured \$5.1M from the State of Minnesota for this renovation, which requires a 1-to-1 match. We also secured the opportunity to pursue funding for the remaining cost through a Local Option Sales Tax.

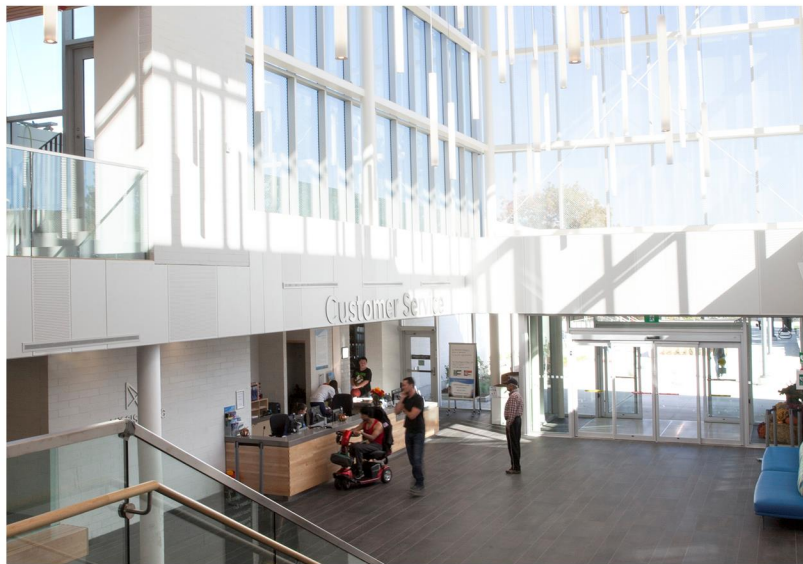


Based on the secured State funds and the projections for revenue from the LOST bond, we anticipate a project budget of \$37.5M. This Fall, we worked with Perkins&Will, Hunden Strategic Partners, Ehlers, and Element Commercial Real Estate to right-size the concept plan for this budget, prioritizing community goals and operational opportunities.



In January 2024, City Council approved a ballot referendum for November 2024 that will let the voters decide on the Local Option Sales Tax to support the Community Center renovation and expansion.

Preferred Planning Option



Doubles the size of the building

Supports and expands existing cultural and fitness programming

Renovates aging locker room facility and improves safety

Attracts hard court sport tournaments to generate revenue

Project Overview

New Spaces

- One Premier Gym
- Two Multi-Court Gyms
- Teen Area
- Indoor Track
- Indoor Play Area

Renovated Spaces

- Locker Rooms
- Lobby/ Restrooms
- Offices

Existing Spaces

- Event spaces/ conference rooms

Site Improvements

- Expanded Parking

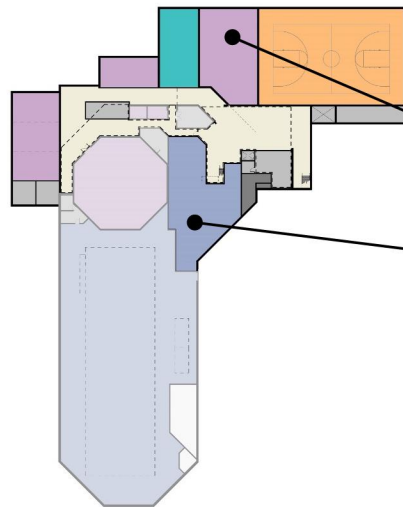
BUILDING

EXISTING AREA: 35,031 SF

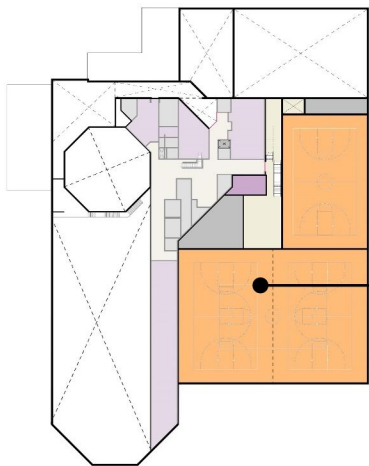
RENOVATED AREA: 5,077 SF

EXPANDED AREA: 56,781 SF

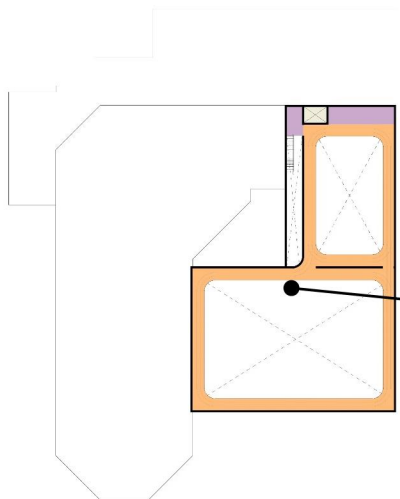
TOTAL AREA: 96,899 SF



Level 01



Level 02



Level 03

Site Plan

- Entry located toward parking area to allow for safer drop off and access
- Access drive is improved but remains in existing location
- Expand parked at the north lot and along the west connector road

BUILDING	
EXISTING AREA:	35,031 SF
RENOVATED AREA:	5,077 SF
EXPANDED AREA:	56,781 SF
TOTAL AREA:	96,899 SF

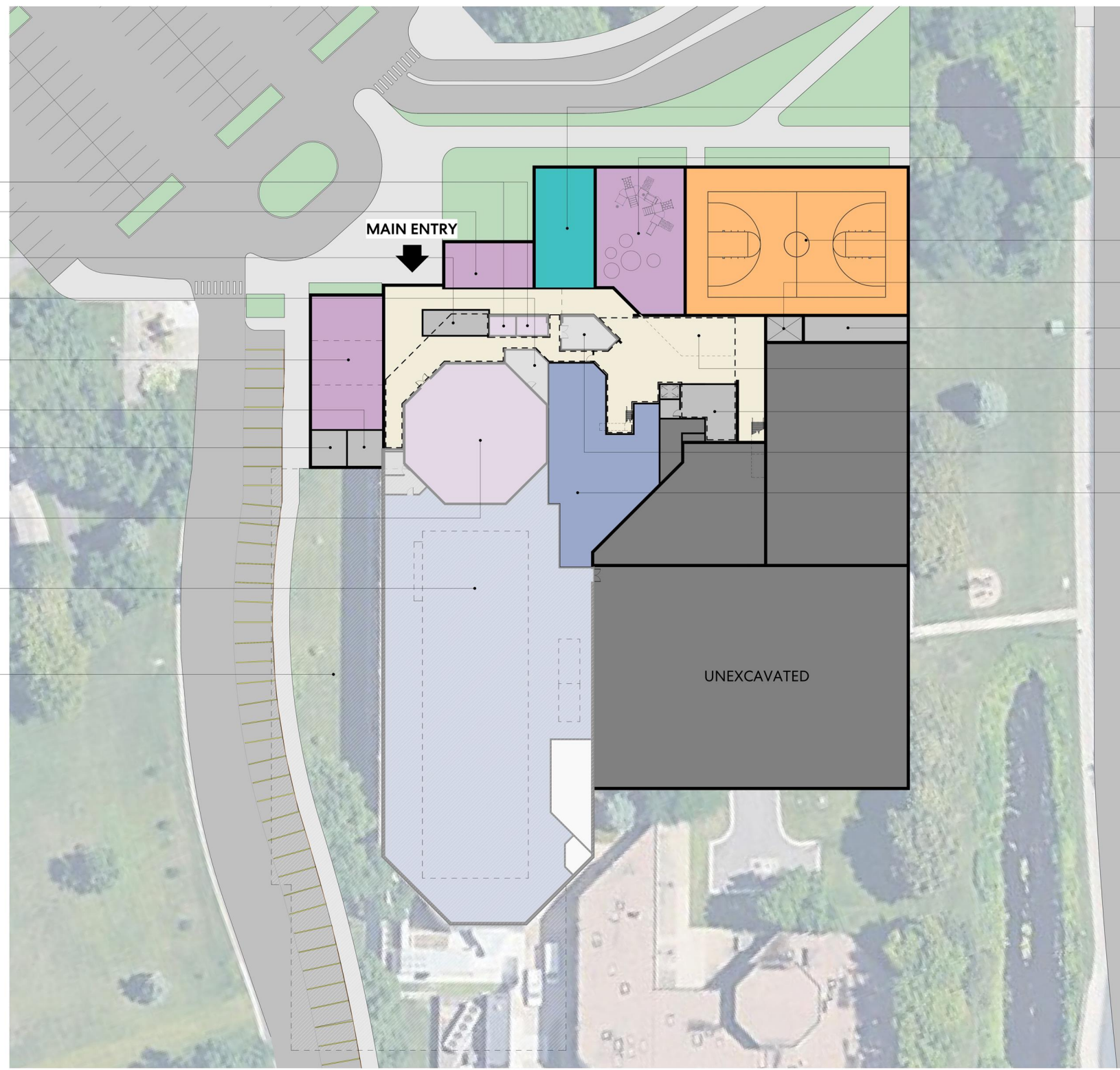


Level 01

- Meeting Rooms, Constitution Hall, and Restroom positioned to allow for separate control of potential rental spaces
- Indoor playground located to get ample northern daylight
- Renovated locker rooms to increase safety and provide an updated amenity
- New passenger/service elevator
- Existing pool to remain with some repairs and updated lifeguard equipment

LEVEL 01	
EXISTING AREA:	23,900 SF
RENOVATED AREA:	5,077 SF
EXPANDED AREA:	19,501 SF
TOTAL AREA:	48,478 SF

RESTROOM
RESTROOMS
RECEPTION
KITCHEN
MEETING ROOMS
STORAGE
CATERING
CONSTITUTION HALL
EXISTING POOL
FUTURE NATATORIUM



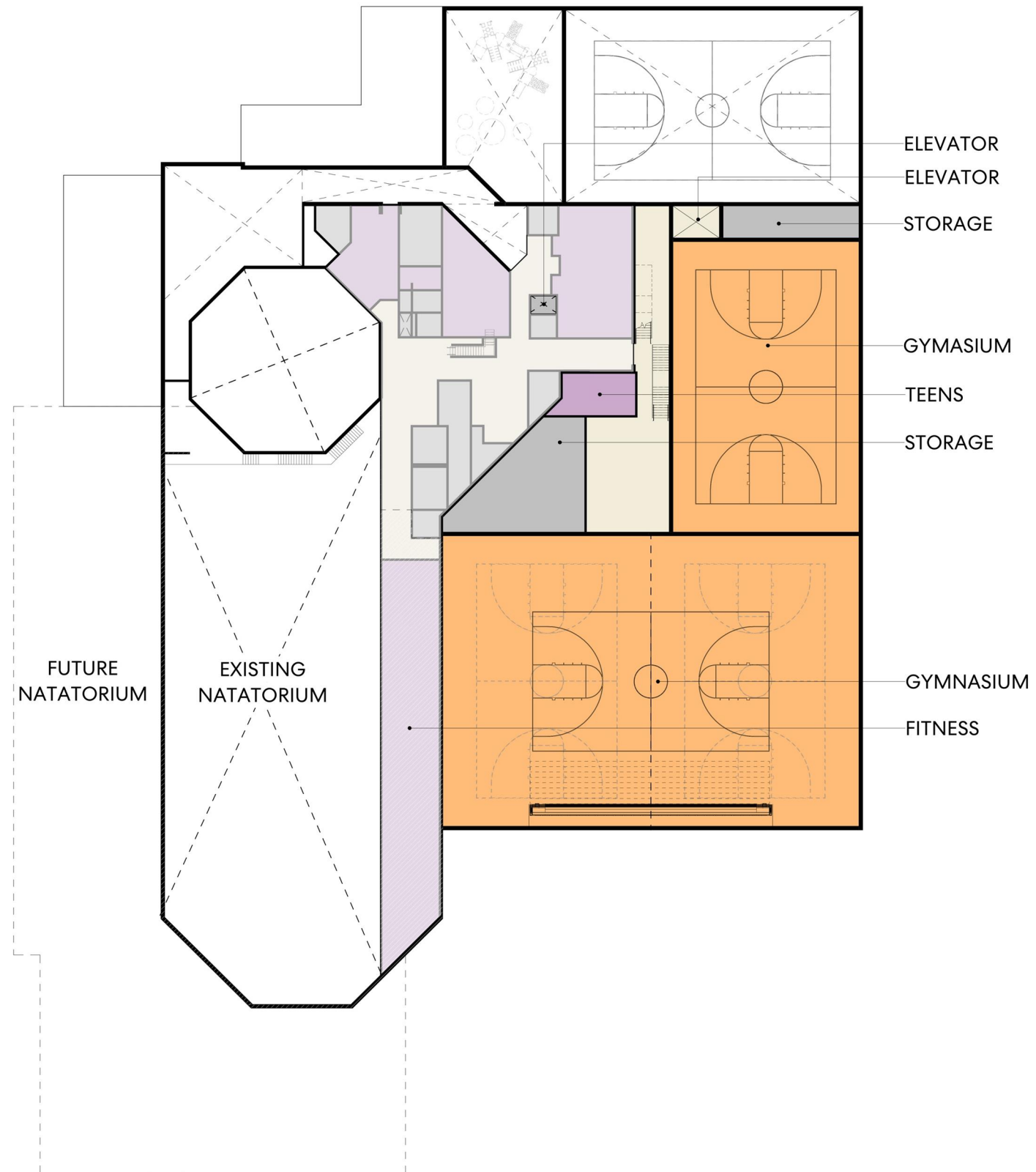
ADMINISTRATION
INDOOR PLAYGROUND
GYMNASIUM
ELEVATOR
STORAGE
PARENT LOUNGE
STORAGE
MECHANICAL
RENOVATED LOCKER ROOM

Program Legend

- Administration
- Circulation
- Community
- Gymnasium
- Pool
- Support
- Unexcavated

Level 02

- (3) courts at the second level to allow for tournament play
- Renovation allows for connection between existing and addition at second level
- Teen room located adjacent to gyms for after school activities
- Ample storage to support gymnasium functions and tournament rentals



LEVEL 02	
EXISTING AREA:	11,131 SF
RENOVATED AREA:	0 SF
EXPANDED AREA:	24,433 SF
TOTAL AREA:	36,594 SF

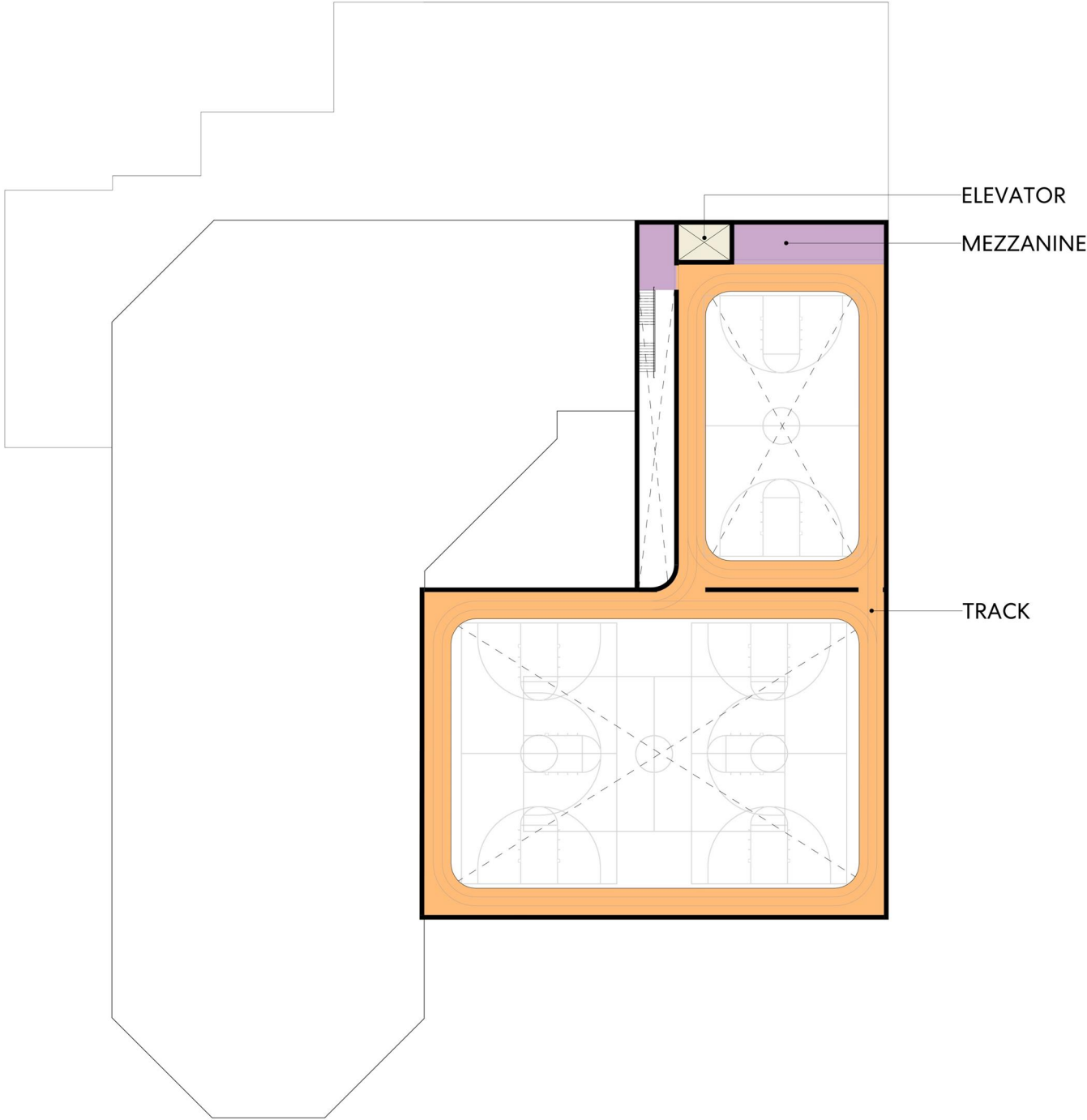
Program Legend

- Circulation
- Community
- Gymnasium
- Support

0 5' 10' 20' 40'
Scale: 1" = 20'

Level 03

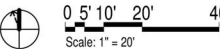
- Large gym volumes located at the east to preserve look and feel from the park to the west and provide new face along Shingle Creek Parkway
- Track around three gyms is 1/8th of a mile and would allow for different configurations and paths
- Mezzanine provides cubbies and stretching area for users



LEVEL 03	
EXISTING AREA:	0 SF
RENOVATED AREA:	0 SF
EXPANDED AREA:	8,847 SF
TOTAL AREA:	8,847 SF

Program Legend

- Circulation
- Community
- Gymnasium



Addressing Community Feedback

	Top Recommendations	Plan Addresses the Need
	Basketball / Volleyball Courts	
	Indoor Track	
	Tutoring	
	Improved Locker Rooms	
	Event Center	
	Game Room / eSports	
	Kids Programming	
	Indoor / Outdoor Waterpark	
	Learning Center	
	Computer Center	
	Maker Space	
	Warmer Water	
	Splash Pad	

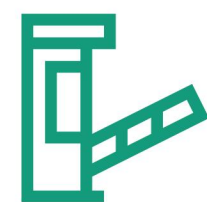
 Strongly supports programming

 Supports programming

 Supports programming in some ways

Cost of Expansion & Renovation of Existing Building

Total Project	61,850 improved sq-ft.	\$37.5 million
---------------	------------------------	----------------



Project Development Costs include:

- State of Minnesota Pre-Design Design & Engineering Fees
- Full Design and Engineering Fees
- Fixtures, Furnishings & Equipment Cost Assumptions
- Site & Building Testing/Reports
- Survey, Geotech, Environmental, traffic, testing & inspections
- Development Expenses
- Consultants, utility fees, permits & other soft costs



Sources:

- \$5.1M secured from the State of Minnesota for this renovation, which requires a 1-to-1 match.
- Opportunity secured to pursue funding for the remaining cost (\$32.4M) through a Local Option Sales Tax.

Preliminary Estimated Project Costs

Construction Costs \$27.2M

Project Development Costs \$7.2M

Owner Contingency (10%) \$3.1M

Over \$2M of near-term maintenance updates are included in the construction budget

PRE-DEVELOPMENT

Funding

Available Funding: \$2,000,000

Award Limit: \$300,000 per city per round

Application Limit: No more than six per city per round

Local Match: None

Grant Term: Two years (up to one year extension possible)

Distribution: 50% of the award may be disbursed upfront when an agreement is signed between city and project team*

**Not all cities will participate. Contact city staff to learn more.*

Key Dates

Round One Due: April 22, 2024

Round One Decision: June, 2024

Round Two Due: July 22, 2024

Round Two Decision: September, 2024

Pre-Development Eligible Costs

WHAT: PROPOSED PROJECT OUTCOMES

Environmental Sustainability

- Soil testing to determine feasible land uses (not environmental testing)
- Project-specific or district-wide stormwater management plans, district-wide heating and cooling plans, and district-wide waste management plans that conserve natural resources and mitigate impacts on climate change
- Passive building design and energy efficient improvement planning
- Development of Travel Demand Management Plan or other strategies to reduce emissions in and around the project site
- Landscaping plans that will conserve natural resources, increase greenspace, and prioritize native plants and pollinators
- Sustainability assessments, design and engineering (for example project/district stormwater management and district heating/cooling)

Site Planning

- Development of site plans, public realm plans, and/or outdoor recreation plans
- Public art design process to create an intentionally designed piece of public art. The design process should include an artist or arts organization.
- Phasing or staging plans for an identified parcel or multiple contiguous parcels
- Site selection between 2 -3 potential sites
- Additional design work to include Universal Design or other accessibility features beyond local requirements
- Culturally specific site design and planning to best reflect priorities of the community/ies being served by the project
- Alternative Urban Areawide Review (AUAR)
- Architectural design services (schematic design, design development and construction documents)

Program Coordinators

stephen.klimek@metc.state.mn.us (Hennepin County)

hannah.gary@metc.state.mn.us (all other counties)



PRE-DEVELOPMENT

Eligible Costs

WHAT: PROPOSED PROJECT OUTCOMES

Acquisition and Preservation/Rehab

- Physical or capital needs assessment or energy audits for rehab of affordable housing buildings and/or units (only eligible for units affordable at 60% of AMI with income restrictions in place for a minimum of 15 years) or economic opportunity projects that meet outlined scoring criteria.
- Appraisal for site acquisition
- Strategies for site acquisition

Financial Models

- Financial modeling to determine finance structure for project development and long-term management of affordable housing and jobs projects located in low income areas
- Feasibility studies to determine project feasibility, a housing mix that increases housing choice or commercial mix to support living wage jobs, or a market study to determine the demand for the proposed development project or project elements

HOW AND WHO: PROPOSED PROJECT PROCESS AND PROJECT PARTNERS TO SUPPORT EQUITABLE DEVELOPMENT STRATEGIES

- Design workshops and community engagement activities that center those least represented and most impacted by historic racial inequities (including but not limited to compensation for consultants leading work, participants, advisory committee members, childcare, food for engagement events)
- Community Benefits Agreement, Health Impact Assessment, displacement risk assessment and/or mitigation plan, Displacement prevention planning, equity analysis impact analysis, wealth building planning
- Developer mentoring for new and/or small developers (have completed three or fewer development projects)
- Project management for new and/or small developers (have completed three or fewer development projects OR have a development team of five people or fewer)

Ineligible Costs

- Corridor, small area or station area plans
- Strategies for land banking
- Permits, legal fees not directly related to producing an eligible activity, or fees for processing construction documents and project applications
- Administrative overhead and soft costs which are not directly related to an awarded grant activity
- Work done before the grant was awarded

Program Coordinators

stephen.klimek@metc.state.mn.us (Hennepin County)
hannah.gary@metc.state.mn.us (all other counties)



PRE-DEVELOPMENT

Pre-Development Scoring Table

While we recognize there are different types of inequities based on identity and circumstance, LCA is focused on addressing racial inequity in the region given race is the largest predictor of inequitable outcomes in jobs, housing, and other LCA goals. Projects addressing racial equity will be prioritized in scoring. Projects addressing other inequities will earn points towards how they address those inequities but will not receive full points unless they also consider the intersection of racial inequity.

What: Pre-Development Project Outcomes

The goals and vision of the proposed project would meet one or more of the following LCA and/or Thrive goals:

Criteria:		Points
LCA and Thrive Goals	Add new housing types and create or preserve affordable housing. Priority for projects with deep affordability and/or serving populations who have barriers to finding housing	16
	Create or preserve long-term living wage jobs or support economic opportunity for communities of historic wealth extraction	
	Increase or preserve (for preservation/rehab projects) density on the site and make it easier for people with mobility barriers to easily access housing, jobs, services, and amenities	
	Minimize climate change and/or environmental impact for residents in areas most negatively impacted by environmental justice	
How: Pre-Development Project Process		
Process	Show an understanding of who will benefit most from the project and in what ways, and use this understanding to shape equitable development strategies and outcomes	14
	The project reflects the culture and needs of the community it is intending to serve	
	The strength of the partnership between the applicant (City/County/HRA/EDA) and development partner(s), including the level of support and engagement the applicant has with the project	
Total		30
Applications must score at least 20 of the 30 points available		

Member
and moved its adoption:

introduced the following resolution

RESOLUTION NO. _____

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

WHEREAS, the City of Brooklyn Center is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2024 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (Collectively, "TOD") funds; and

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

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

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

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

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

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

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

Brooklyn Center's Community Center Expansion Project

RESOLUTION NO. _____

2. Finds that that LCDA Project component(s) for which Livable Communities LCDA funding is sought:

- a. Will not occur solely through private or other public investment within the reasonable foreseeable future; and
- b. Will occur within the term of the grant award (two years for Pre-Development grants, and three years for Development grants,) only if Livable Communities LCDA funding is made available for this project at this time.

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

March 25, 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: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Lydia Ener, P.E., Principal Engineer

SUBJECT: Resolution Accepting Bid and Awarding a Contract, Improvement Project No. 2024-05, 65th Avenue Storm Sewer Rehabilitation

Requested Council Action:

- Motion to approve the resolution accepting the lowest responsible bid and award a contract to SAK Construction, LLC, for Improvement Project No. 2024-05, 65th Avenue Storm Sewer Rehabilitation.

Background:

Bids for the Improvement Project No. 2024-05, 65th Avenue Storm Sewer Rehabilitation were received and opened on March 14, 2024. The bidding results are tabulated below:

<u>Bidder</u>	<u>Total Base Bid</u>
SAK Construction, LLC	\$ 897,209.00
Insituform Technologies USA, LLC	\$1,010,470.38
New Look Contracting, Inc.	\$1,247,090.00

Of the three (3) bids received, the lowest bid of \$897,209.00 was submitted by SAK Construction, LLC of O'Fallon, Missouri. SAK Construction, LLC has the experience, equipment and capacity to qualify as the lowest responsible bidder for the project.

Budget Issues:

The bid amount of \$897,209.00 is 26.7% lower than the Engineer's Estimate in the 2024 budget. The total estimated budget including contingencies, administration, engineering and legal was \$1,607,565.00 and is amended to \$1,184,316.00 (see attached Resolution – Costs and Revenues tables).

Inclusive Community Engagement:

NA

Antiracist/Equity Policy Effect:

NA

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/18/2024	Resolution Letter

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT,
IMPROVEMENT PROJECT NO. 2024-05, 65TH AVENUE STORM SEWER
REHABILITATION

WHEREAS, pursuant to an advertisement for bids for Improvement Project No. 2024-05, bids were received, opened and tabulated by the City Clerk and Engineer on the 14th day of March, 2024. Said bids were as follows:

<u>Bidder</u>	<u>Total Base Bid</u>
SAK Construction, LLC	\$ 897,209.00
Insituform Technologies USA, LLC	\$1,010,470.38
New Look Contracting, Inc.	\$1,247,090.00

WHEREAS, it appears that SAK Construction, LLC of O'Fallon, Missouri is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with SAK Construction, LLC of O'Fallon, Missouri in the name of the City of Brooklyn Center, for Improvement Project No. 2024-05, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.
2. The estimated project costs and revenues are as follows:

<u>COSTS</u>	<u>Amended Estimate (1/25/24)</u>	<u>Amended per Low Bid</u>
Contract	\$1,224,695.00	\$ 897,209.00
Contingency	\$ 122,470.00	\$ 89,721.00
Subtotal Construction Cost	\$1,347,165.00	\$ 986,930.00
 Admin/Legal/Engr.	 \$ 260,400.00	 \$ 197,386.00
Total Estimated Project Cost	\$1,607,565.00	\$1,184,316.00
 <u>REVENUES</u>	 <u>Amended Estimate (1/25/24)</u>	 <u>Amended per Low Bid</u>
Capital Project Funds	\$1,607,565.00	\$1,184,316.00
Miscellaneous (plan sales)	\$ -0-	\$ -0-
Total Estimated Revenue	\$1,607,565.00	\$1,184,316.00

RESOLUTION NO. _____

March 25, 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: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Todd Berg - Fire Chief

SUBJECT: 2023 Fire Department Annual Review

Requested Council Action:

- Staff requests that Council accepts the 2023 Annual Review of the Brooklyn Center Fire Department.

Background:

Second annual presentation of the Brooklyn Center Fire Department yearly review.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

ATTACHMENTS:

Description	Upload Date	Type
2023 Fire Department Annual Report	3/22/2024	Backup Material



2023 ANNUAL REVIEW



BROOKLYN CENTER FIRE DEPARTMENT

Todd Berg, Fire Chief

Chief's Message:

Citizens of Brooklyn Center,

On behalf of the members of the Brooklyn Center Fire Department, I am pleased to present the annual review for the department. It presents a year end summary for 2023. As a department we continue to review, refine and refocus our model. I am very proud of everyone on our department. Their efforts allowed us to remediate all that was placed before us and provide a level of service our community expects and deserves.

I want to thank all department members for their professionalism and commitment at every level of the organization. I would also like to thank the City Council, City Manager, Dr. Reggie Edwards, all other city staff and mutual aid partners that help support the fire department. And the last 'thank you' goes to our community, with your support we have become a department you can be proud of. It is appreciated.

In 2024, we look forward to celebrating with our community, current and retired members, our 75th year as a fire department. Save the date for our open house on September 21.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Berg', written in a cursive style.

Todd Berg, Fire Chief

BROOKLYN CENTER FIRE DEPARTMENT

Mission:

Our mission is to protect the lives and property in the community from emergencies involving fire, medical, hazardous materials, and environmental causes. We accomplish our mission through education, fire prevention, fire suppression, emergency medical services, and other non-emergency activities.

Visions:

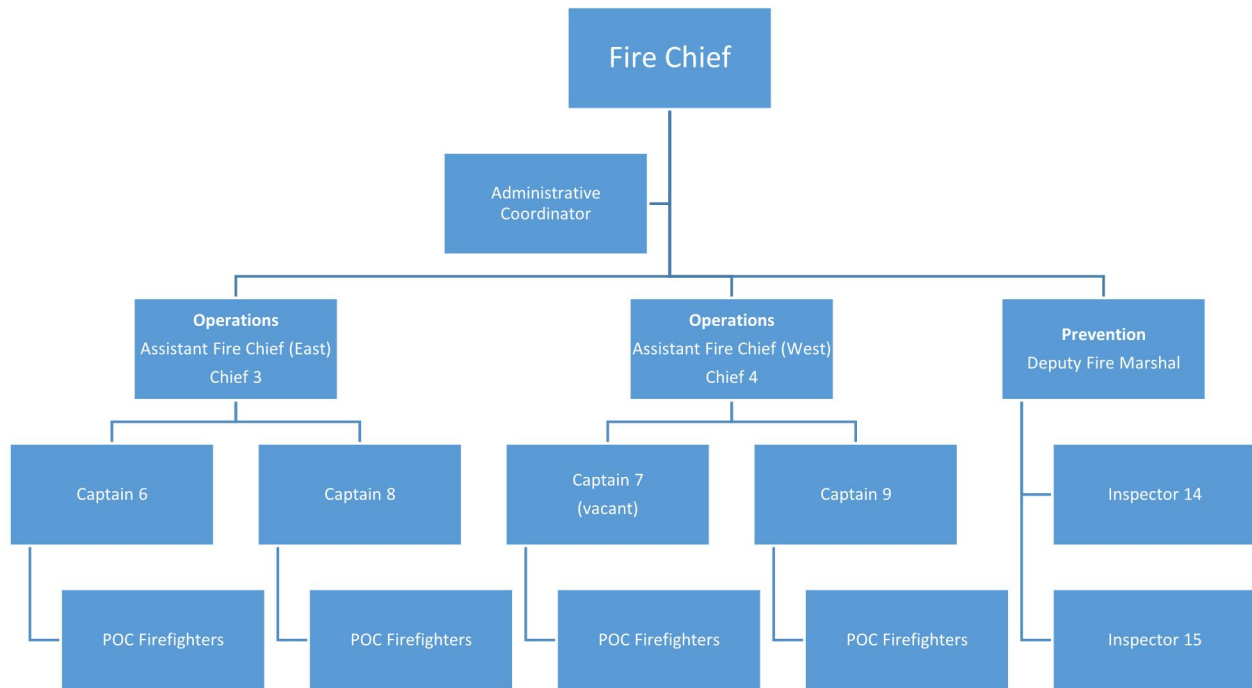
By 2026:

- Apply and be accepted for a federal SAFER grant to help with funding to initiate a 24-hour duty crew.
- Continue to work with other emergency responder groups to deliver equitable and professional response to our community for all types of calls for service.
- Help support our staff's emotional and physical wellbeing.
- Continue recruiting paid-on-call firefighters.
- Celebrate our 75th year of serving the community of Brooklyn Center.

Current Department Staffing:

The Fire Department is staffed by 5 full time employees and 25 paid-on-call firefighters. We operate a 12- hour duty crew comprised of paid-on-call firefighters out of our West Station from 10 am to 10 pm daily. We are authorized to have 40

paid-on-call firefighters. Finding paid-on-call firefighters is getting harder each year. This is a nationwide problem, not just Brooklyn Center.



Vacant Target Store - Arson Fire



Highlights and Successes: 2023

- 2,207 Total call responses
 - 2297 calls in 2022,
 - 77% of these calls were handled by our duty crew
- 1,186 Medical related responses
- 1,021 Fire related responses
 - 35 structure fires
 - Zero related fire deaths
 - Auto/mutual aid received: 25
 - Auto/mutual aid provided: 22
- 15,409 hours of service provided by our paid-on-call firefighters
 - 1,662 hours of training by paid-on-call firefighters
- Conducted 508 fire inspections, with 231 re-inspections
- Attended 70 events providing public education to the community including 5,167 people trained in hands only CPR since 2016.
- 1,233 students took part in Fire Prevention Week and learned fire safety

- We sold our 17- year old Ladder truck. It was purchased new in 2007 for \$700,000 and sold it for \$450,000. The truck went to a department in South Dakota and is their first aerial truck in their fleet.



- The Department will be celebrating our 75th Anniversary this year. We have many special events planned, like bringing back birthday parades, new duty uniform shirts, and a fire station community open house.



- Our service dog (Brooklyn), has passed her certification and is trained to be a compassion dog to be used both internally and externally. She is making a difference in the people she meets.



Anticipated Challenges and Goals: 2023 – 2025

1. Increase staffing levels

- Our community is growing, the services required of our firefighters are increasing and it is becoming harder to find willing people to be paid-on-call firefighters. Firefighter recruitment and retention is one of the most significant issues facing the Minnesota Fire Service. The time demand of being a firefighter and the monthly training requirements and dangerous working conditions are among the many barriers organizations face.
- Actively continue to recruit new paid-on-call members. We currently have 20 paid-on-call firefighters and 5 in the recruit phase. We are able to have 40 per our City Charter.
- We will be applying for a Federal SAFER grant in 2024 to help offset the cost of staffing a 24-hour duty crew. Most of our paid-on-call

firefighters have other careers and having a 24-hour duty crew will help minimize the number of calls our firefighters would be paged out to during the nighttime hours.

2. Fire truck replacement planning

- We have had funding issue that has resulted in many years of progressive cost increases by the truck manufacturers and our funding is not keeping up with the actual costs.
- We currently have a truck on order that is replacing two trucks, one that is 39 years old and another that is 25. This new truck will be in service by fall of 2024 and will be used by both the police and fire departments.
- We also have three trucks that are or will be over 20 years old within the next two years that will be replaced. They will take 27 months to be built. We have a contract with Fire Safety USA for these three trucks and should see them around the summer of 2026. The reasons that these trucks need replacement besides age include new safety features and to keep up with industry standards and regulations.

3. Firefighter Safety

- Emotional and physical health and wellbeing of our firefighters is important. We are incorporating yearly emotional wellness checks as well as medical checks. We make improvements to the fire stations, turnout gear and have truck retrofits for continued employee safety.
- We utilize Brooklyn for emotional support to both our firefighters and the public.

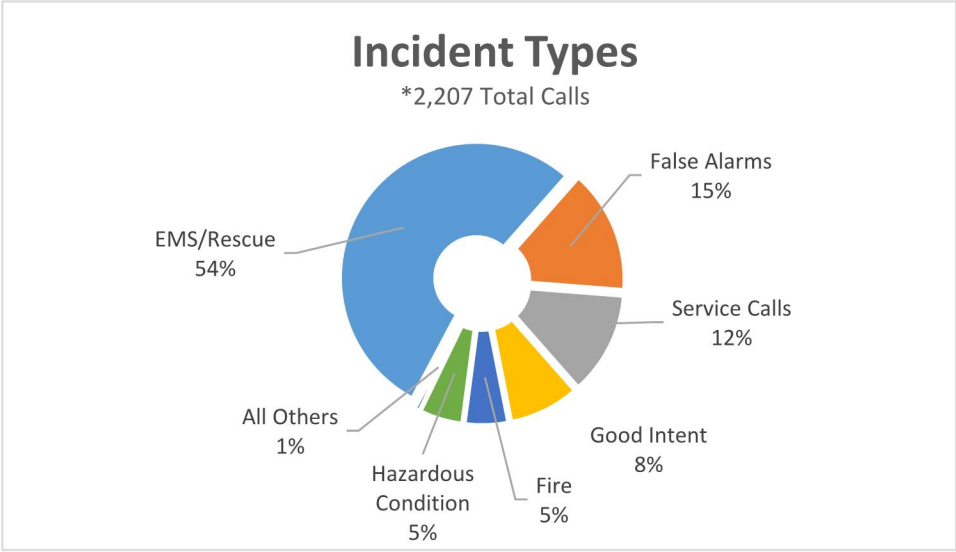
4. Community Engagement

- We have a new Fire Inspector/Community Liaison person with the department. This position will represent the fire department at more public functions as a representative of the fire department. The increased volume of calls for service has become harder for our duty crew to attend such events.

- The City received one-time Public Safety Assistance dollars from the State to use for recruitment, training, prevention and mental health. Our plan for the use of those dollars include many new things for our department and community. Some examples are: conducting annual mental health checks for our firefighters, starting a junior firefighter program to encourage young community members to become interested in firefighting, purchasing training supplies and fire prevention supplies.
- We added three electronic message signs throughout the city to better enhance the opportunity to get important messages and communications out to our community members. The new signs are located at both fire stations and city hall.



How do we compare?



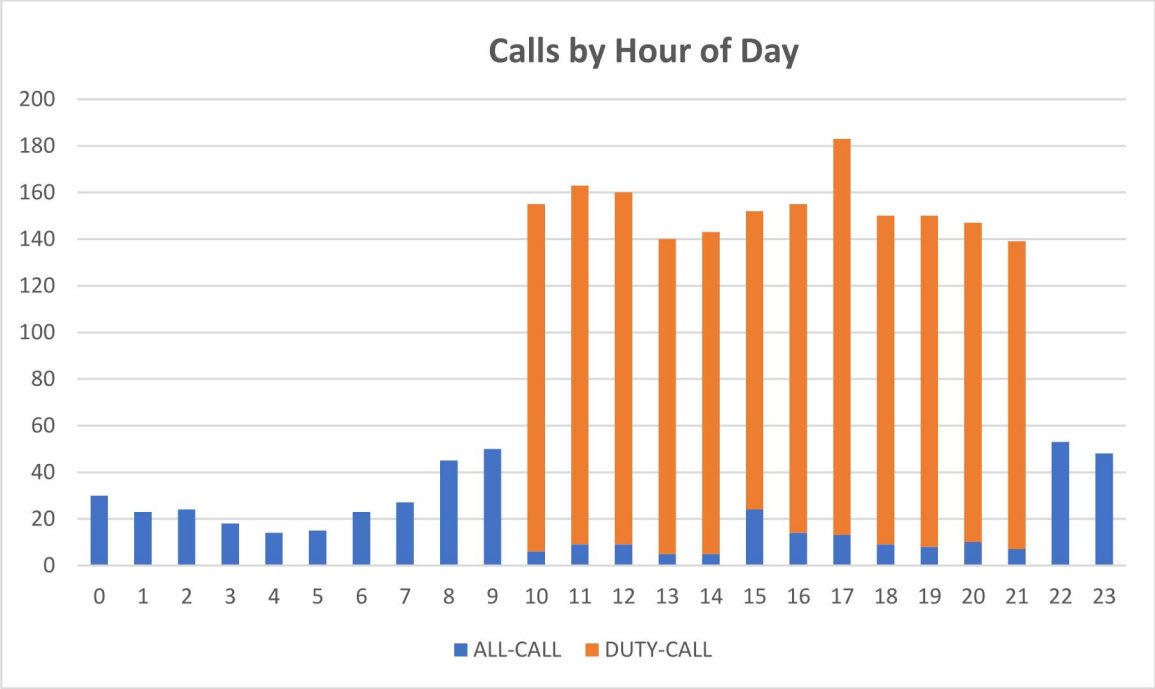
State of MN Average

EMS:	66.1%
Good Intent:	10.0%
False Alarms:	8.0%
Service Calls:	6.9%
Fires:	4.9%
All Others:	4.1%

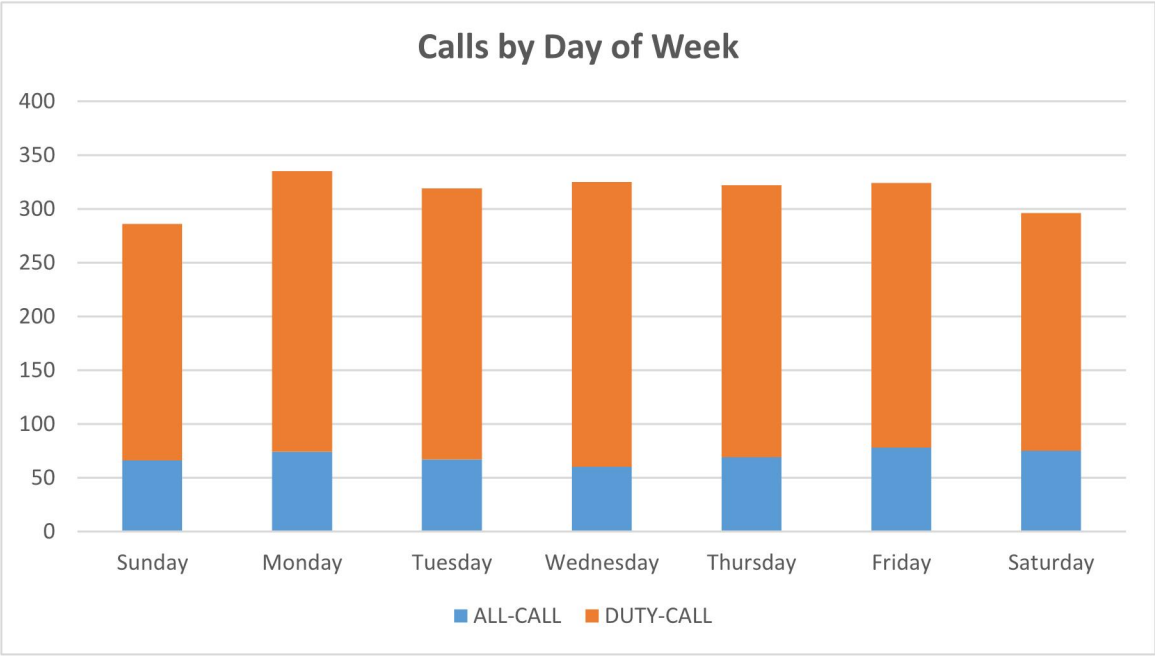
National Average

EMS:	65.4%
Good Intent:	11.5%
False Alarms:	7.8%
Service Calls:	7.7%
Fires:	3.7%
All Other:	3.9%

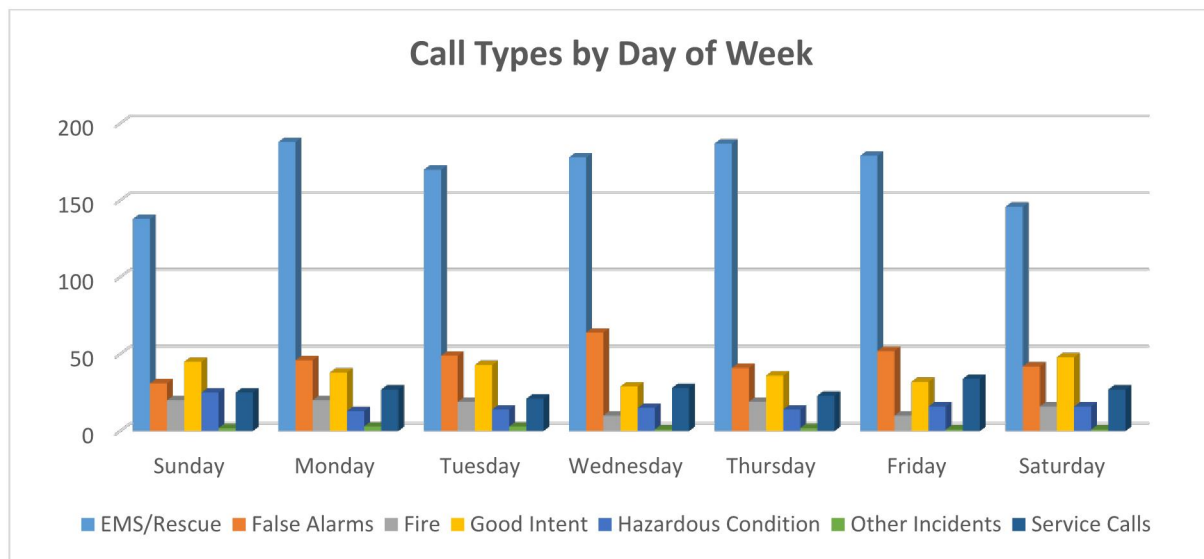




The busiest hour of the day in 2023 was Five PM.



Our busiest day of the week in 2023 were Mondays.



54% of our calls in 2023 were medical related.



Vehicle Extrication drill night.

Council Regular Meeting

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Barb Suciu, Assistant City Manager/City Clerk

SUBJECT: An Ordinance Amending Chapter 23 of the Brooklyn Center City Code Regarding Special Events

Requested Council Action:

- Motion to:

- open the public hearing*
- take public comment*
- close the public hearing*

- Motion to approve an ordinance amending chapter 23 of the Brooklyn Center City Code regarding Special Events

Background:

At the February 26, City Council meeting there was the first reading of an ordinance amendment for Chapter 23 -2600 Special Events. Tonight is the public hearing for this ordinance amendment.

As you recall in 2021, the City Council passed the Special Events ordinance for the purpose of regulating the impact the events can have on the city and its residents. We modeled our Special Events Permit around a neighboring city.

At this time, staff is proposing some minor amendments to the ordinance for better functionality within the city.

Budget Issues:

- None

Inclusive Community Engagement:

- None

Antiracist/Equity Policy Effect:

- None

Strategic Priorities and Values:

Improve community and employee safety

ATTACHMENTS:

Description	Upload Date	Type
Powerpoint	3/19/2024	Cover Memo
Ordinance 2024-01 Marked up	3/19/2024	Ordinance

Ordinance Amendment - Special Events



Brooklyn Center City Council Meeting March 25, 2024
Barb Suciu, Assistant City Manager/City Clerk

HISTORY

- In 2021-22, the City Council passed Ordinance 2021-04 to allow and regulate Special Events within the City. (Chapter 23-2600)
 - Required a permit for functions/activities with the projected attendance of 50 or more people



Proposed Amendments

- 23-2601 - Activity – enhanced the definition to include language for an activity on city streets requiring detailed plan of the route and traffic control arrangements
- 23-2601 - Increased the number of participants from 50 to 100
- 23-2602 - Large scale events (1,000) or more people need to submit 90 days in advance



3

Proposed Amendments continued

- 23-2615 Traffic Barricades; requiring city approved vendor to supply barricades; establishing a detour for street closures for an event lasting over 15 minutes; and creating an emergency plan
- 23-2615 – removing outdoor tents



4

Tonight's Actions

- Motion to open the public hearing
- Take public comment
- Close the public hearing
- *Motion to approve Ordinance 2024-01; Amending Chapter 23 Special Events*



23-2615CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 25th day of March, 2024, at 7:00 p.m. or as soon thereafter as the matter may be heard to consider an ordinance related to tenant protections. City Council meetings are being conducted by electronic means under Minnesota Statutes, section 13D.021 and information on how to connect to the meeting is provided on the City's website. Please notify the City Clerk at 763-569-3306 if there are any questions about how to connect to the meeting.

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING CHAPTER 23 SPECIAL EVENTS

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

ARTICLE I. Brooklyn Center City Code Chapter 23 is hereby amended by adding Sections 23-2600 through Section 23-2616 as follows:

SPECIAL EVENTS

Section 23-2600. PURPOSE. The purpose of these Sections 23-2600 through 23-2616 (collectively, these "Sections") is to set forth procedures required to be followed by organizers of special events within the City. Special events can be disruptive to neighboring properties and place a strain on City resources, particularly if they are conducted on City parks or streets. These Sections impose reasonable regulations on special events to address the impacts such events can have on the City and its residents. Persons wishing to sponsor or hold a special event in the City are required to obtain a special event permit from the City and to comply with the requirements of these Sections and the City Code generally.

Section 23-2601. DEFINITIONS. For the purposes of these Sections, the following terms shall have the meaning given them in this section.

- A. "Activity" means a parade, event, procession, carnival, community picnic, celebration, dance, promotional or fundraiser event, performance, entertainment or amusement event, party, dance, market, concert, large assembly, or other similar event. For an activity on City streets, you must submit a detailed plan of the route and traffic control arrangements. A certified vendor should prepare this plan following the standards outlined in the Manual of Uniform Traffic Control Devices.
- B. "Ancillary activities" means the use or presence of any of the following at a special event: mobile food unit; commercial tent or stand; inflatable device; search or spot light; live music or a band; or sales of food, beverages, or merchandise.

- C. “City” means the City of Brooklyn Center, Minnesota.
- D. “City property” means any property owned or controlled by the City including, but not limited to, City parks, City rights-of-way, or other real property in which the City has a property interest.
- E. “Inflatable device” means an amusement device that employs a high strength fabric or other material that achieves its strength, shape, and stability by tensioning from internal air pressure. The term includes, but is not limited to, bounce houses, slides, obstacle courses, movie screens, pools, and other devices that need to be inflated for proper use.
- F. “Event organizer” means any person or entity who conducts, manages, promotes, presents, sponsors, organizes, aids, or solicits attendance at a special event.
- G. “Preapproved event” means a special event the City has agreed to provide some support services to without a charge. The preapproved events currently include the following, but the City Council may designate others by resolution:
 - 1. Dudley Softball Tournament;
 - 2. Brooklyn Center Community Celebration;
 - 3. Music in the Park;
 - 4. Movies in the Park; and
 - 5. National Night Out.
- H. “Right-of-way” means all portions of a city street, including the traveled surface, parking areas, sidewalks, ditches, and all other portions in which the City has an interest.
- I. “Special event” or “event” means a temporary, organized activity sponsored by an event organizer involving the gathering of people to attend, participate in, or observe an activity occurring entirely or partly outside on City property or private property, and which is reasonably anticipated to involve one or more of the following:
 - 1. Support services from the City;
 - 2. Obstruct, delay, or interfere with the free and normal use of a right-of-way;

3. Attendance of ~~100~~ 50 or more people;
4. Ancillary activities; or
5. Sound amplification, public address system, loud speaker, or other audio devices likely to result in noise levels that will unreasonably disturb others in the immediate area or that constitutes a nuisance in violation of Chapter 19.

This term does not include activities occurring entirely within an enclosed building.

- J. “Special event permit” or “permit” means the permit that must be obtained from the City to conduct a special event in the City.
- K. “Support services” means City services or equipment requested by the event organizer or that is otherwise reasonably needed to support the special event that exceeds the normal level of service provided by the City in conducting its regular service duties. Support services include, but are not limited to, additional services provided by the City police, fire, public works, or parks departments to perform activities such as closing streets, crowd control, security, or traffic control. Support services also includes City equipment used to support the event, such as barricades to close streets and related signage.

Section 23-2602. SPECIAL EVENT PERMIT REQUIRED.

- A. An event organizer is required to obtain a special event permit from the City at least 45 days prior to holding a special event in the City. For large-scale events involving 1,000 participants or more, applications must be made 90 days in advance.
- B. If a special event requires more than one permit from the City, the City Manager, or designee, is authorized, but not required, to:
 1. Waive the requirement to obtain a special event permit if the other required permit or permits are obtained. The City Manager, or designee, may add conditions to the permits issued for the event to address the purpose of the special event permit.
 2. Waive the requirement to obtain one or more other permits if a special event permit is obtained. The City Manager, or designee, may add conditions to the special event permit as needed to address the purpose of the other permits.

The waiver of the requirement to obtain one or more permits is not valid unless the waiver is specifically noted in the permit issued for the event.

- C. Special events occurring on the same property shall not extend for more than three consecutive days unless the City Manager, or designee, determines the event organizer has demonstrated as part of the application process that special circumstances exist to justify allowing an event to extend beyond three days. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.
- D. Special events that are scheduled to occur on a regular basis, or continuously, throughout an entire season or other extended period of time may seek a single special event permit for the entire period, not exceeding 12 months. The event organizer must specifically identify the extended period being requested and the City Manager, or designee, shall determine the actual length of the special event permit. The City Manager is not obligated to grant a special event permit for the entire period requested by the event organizer. The special event permit must indicate the allowed period of the event. An event exceeding the specifically allowed period shall constitute a violation of the City Code.

Section 23-2603. EXCEPTIONS. A special events permit is not required for any of the following, but all such activities shall be conducted in accordance with the City Code and all applicable laws.

- A. Expressive Activities. Rallies, marches, demonstrations and picketing which take place on public sidewalks, crossing streets only at pedestrian crosswalks in accordance with traffic regulations and laws applicable to use of public sidewalks.
- B. Outdoor Demonstrations on Public Property. Demonstrations on publicly owned property (other than public rights-of-way), unless:
 - 1. The activity is likely to obstruct, delay, or interfere with the free and normal use of such public property or the public rights-of-way; or
 - 2. The activity is likely to result in the need for the City to provide support services in response to or arising out of the special event.
- C. Block Parties. A block party occurring with a permit issued pursuant to Sections 25-901 through 25-908 and conducted in compliance with those sections.

- D. City Activities. An event conducted by or at the request of the City. The City agreeing to cosponsor an event does not exempt the event from the requirements of these Sections.
- E. Funeral Processions. Funeral processions by a licensed mortuary or funeral home.
- F. Wedding Processions. Wedding processions conducted on public rights-of-way in compliance with applicable traffic regulations, laws, and controls.
- G. Regularly Scheduled Athletic Events. Regularly scheduled outdoor athletic events conducted on property where such events are normally held.
- H. Governmental Activities. Activities conducted by a governmental entity acting within the scope of its authority.

Section 23-2604. APPLICATION. An application for a special event permit is available from the City Clerk's office and, if approved, the application shall become a part of the permit. Incomplete applications will be returned without processing.

Section 23-2605. PERMIT FEE. The event organizer is required to pay the permit fee determined by the City to obtain a special event permit for the event. The permit fee includes the administrative costs, support services costs, and the other costs required to be prepaid by the event organizer under these Sections. The City Council shall establish all such rates and costs as part of the City's fee schedule. The City will determine the amount of the required permit fee within 10 business days of the submission of a complete application based on the information provided in the application. The City will provide the event organizer written notice of the permit fee amount, which shall be paid in full to the City within 10 days of the notice. Failure to timely submit the required permit fee shall be deemed an automatic denial of the requested special event permit. The City will provide the event organizer written notice of denial for failure to submit the required permit fee.

Section 23-2606. INSURANCE. Except for marches, demonstrations, and other events protected by the First and Fourteenth Amendments of the U.S. Constitution, the event organizer must secure and maintain in full force and effect throughout the duration of the event the types and amounts of insurance coverages required in this section.

- A. Commercial General Liability Insurance. Commercial general liability insurance or equivalent special event coverage protecting it from claims for damages for bodily injury and property damage which may arise from or in connection with the event and the use of any City property. The policy shall be written on an occurrence basis and provide not less than \$1,000,000 per occurrence, combined single limits, and \$2,000,000 aggregate, unless waived by the City. The insurance policy shall be written

on an occurrence basis and shall be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event. The City shall be named as an additional insured on the policy if any portion of the event is conducted on City property.

- B. Automobile Insurance. If automobiles will be used during the event, automobile liability insurance with a minimum combined single limit of \$1,000,000 per occurrence. Coverage shall include liability for owned, non-owned, and hired automobiles.
- C. Alcohol Liability. If alcohol will be sold or served as part of the event, liquor liability (dram shop) insurance in the minimum amount of \$1,000,000 per occurrence.
- D. Certificate of Insurance. The event organizer must submit to the City a certificate of insurance showing the required coverages and the additional insured endorsement if applicable. The certificate of insurance shall require written notice be provided to the City for at least the same period of notice required to the insured of cancellation or nonrenewal.
- E. Modifications. The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.

Section 23-2607. SUPPORT SERVICES. The event organizer is responsible for identifying in the application materials any support services it is requesting from the City related to its event. The event organizer is strongly encouraged to contact the City prior to submitting an application to help determine the needed amount and availability of support services for a proposed event. The rates for support services are set out in the City's fee schedule. The City shall review the request and determine if it has sufficient resources to provide the requested support services or if the amount of support services actually needed for the event will likely exceed those requested. The City may deny a permit if it determines it does not have sufficient resources available to provide the needed support services for the event. The City will identify the support services it intends to provide and the costs of such services as part of the permit fee notice. The City does not guarantee it will be able to provide the identified support services for the event if those services are needed to respond to an emergency or other incident requiring an immediate response from the City.

Section 23-2608. CITY SUPPORT SERVICES FOR PREAPPROVED EVENTS. The City will provide basic support services to preapproved events without charge. Any additional support services that may be needed, as determined by the City, will be charged as part of the permit fee. The City will notify the event organizer of a preapproved event in the permit fee notice if it determines more than basic support services will be needed for the event and the associated costs.

Section 23-2609. CITY SUPPORT SERVICES FOR CO-SPONSORED EVENTS. The City may agree to co-sponsor certain events with other organizations if the City Council determines the proposed event is in the general interest of the public and advances the City's public image. The City may provide financial support to these events as determined in the annual budget appropriation. These events must meet the other requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of the support level authorized by the budget appropriation. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2610. CITY SUPPORT SERVICES FOR NON-PROFIT EVENTS. The City may provide support services to assist a special event conducted by a non-profit organization without charge up to the amount established in the City's fee schedule. The event must comply with the requirements of these Sections and the event organizer is required to pay as part of the permit fee any City costs in excess of this support level. An event organizer submitting an application for a non-profit event submit a current IRS 501(c)(3) statement with its application. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2611. CITY SUPPORT SERVICES FOR FOR-PROFIT EVENTS. The City may allow a special event operated by a for-profit event organizer that are beneficial to the City and the public. The event is subject to an additional use charge per day for the use of the public property as established in the City's fee schedule, must pay 100% of all City costs related to the event, and shall comply with all other requirements of these Sections. The costs will be set out in the permit fee notice. Approval of an event does not require the City to approve similar events or a repeat of the same event. Each event will be reviewed separately.

Section 23-2612. FEES FOR SUPPORT SERVICES.

- A. Hourly Rates. The event organizer shall be responsible for paying the City for any support services for which it is responsible under these Sections based on an hourly rate associated with the type of support services provided. The hourly rates are established by the City Council in the City's fee schedule and are subject to change without notice. The hourly rates shall include expenses related to the City's employee, including any applicable benefits.
- B. Purchased or Rental Materials. The event organizer shall be responsible for paying the City for the actual costs of all materials purchased or rented by the City for use at the event.
- C. Equipment Charges. The event organizer shall be responsible for paying the City for all equipment used by the City for the event at the current equipment usage rates as established by the City.

- D. Replacement Costs. The event organizer shall be responsible for paying the City for any of its equipment or supplies that end up missing or damaged as a result of the event.

Section 23-2613. ISSUANCE. The City Manager, or designee, shall determine whether to issue a special event permit based on criteria identified in the following section. Approval of a permit is at the City's sole discretion. The City may impose conditions on the permit and the event organizer shall be responsible for ensuring compliance with all such conditions, the requirements of these Sections, and of all other applicable laws, rules, regulations, and ordinances. Issuance of a permit in no way indicates City sponsorship of the event and does not obligate the City to approve similar events in the future. Each application for an event will be reviewed and acted on separately.

Section 23-2614. CRITERIA. The City Manager, or designee, shall consider the following criteria with respect to the proposed special event and any ancillary activities to determine whether to issue a special event permit. The City Manager, or designee, must determine with respect to the special event and any ancillary activities that they:

- A. Will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the special event;
- B. Will not cause noise, light, or glare which unreasonably impacts surrounding uses;
- C. Will not endanger the participants, spectators, or the public;
- D. Will not unreasonably interfere with rights-of-way or vehicular or pedestrian traffic flow at the proposed location;
- E. Are supported by adequate plans for parking that meet the need generated by the proposed special event;
- F. Are supported by adequate plans for sanitation and refuse facilities that meet the need generated by the proposed special event;
- G. Are supported by adequate plans to return the area or routes to the same condition or cleanliness as existed prior to the event;
- H. Are supported by adequate proof of insurance; and
- I. Do not exceed the resources available for the City to provide the support services requested by the event organizer or that the City determines are otherwise needed for the special event.

Section 23-2615. REGULATIONS AND PROCEDURES.

- A. Legal Compliance. The event must be conducted in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. The event organizer is responsible for obtaining all other permits or permissions that may be required related to the event.
- B. Traffic Control Measures. The event organizer is required to pay all costs for traffic control measures and traffic control personnel.
- C. Traffic Barricades. The event organizer ~~shall, through a bona fide~~ must hire a city approve vendor to provide, install, and remove all equipment required by the City's public works department. The installation and removal of barricades by the public works department is subject to the hourly rates established by the City.

A detour must be established and signed for street closures lasting over 15 minutes to provide an alternative route. A certified vendor should create a detailed plan following the Manual of Uniform Traffic Control standards.

Events with street closures must include an emergency plan, written by a certified vendor, that ensures access to emergency vehicles. Road closures are only permitted in areas with alternate access options for businesses or residents.

- D. Notice to Property Owners. The event organizer may be required to provide notice to surrounding owners about a special event as stipulated by the City Manager or designee.
- E. Indemnification. The event organizer shall indemnify, defend, and hold the City harmless against any claims, demands, actions, causes of action, charges, and expenses, including reasonable attorney fees, arising out of the event or by reason of conducting the event. This obligation shall not apply to claims arising solely from the City's own negligence.
- F. Damages. The event organizer shall be responsible for reimbursing the City for all damages that may result to any real or personal property of the City as a result of an event.
- G. Supervision. The event organizer is required maintain adult supervision of the event at all times. The event organizer shall provide security for the event as stipulated by the City's Chief of Police or designee. Any security provided by the City as part of its support services will be billed at the established hourly rate.

- H. Clean-up. The event organizer shall, at no cost to the City, immediately clean up, remove, and properly dispose of all litter or material of any kind, which is placed or left on City property because of the event. If the event organizer neglects or fails to proceed with clean up of City property within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the City may conduct the cleanup and charge event organizer at the established hourly rate.
- I. Trash Disposal. The event organizer will provide plans for trash disposal including the company contracted for trash disposal as part of the special event permit application.
- J. Restrooms. The event organizer shall provide plans for providing restrooms including the company contracted for supplying restrooms as part of the special event permit application.
- K. Use of City Utilities. The event organizer shall not use City utilities for any event, unless permission has been granted by the City.
- L. Food Permits. If required, the event organizer shall obtain a Minnesota Department of Health food license and shall comply at all times with the applicable health codes and regulations. Proof of license shall be provided to the City Clerk at least seven days before the event and kept on site for immediate inspection.
- M. Mobile Food Units. If one or more mobile food units will be used at the event, the event organizer shall provide a mobile food unit license to the City prior to the event.
- N. Alcoholic Beverages on Public Property. The sale of alcohol at an event may only occur if approved as part of the permit and then only if all required liquor licenses are in place. The event organizer shall obtain a temporary liquor license for the sale of any alcohol in accordance with Section 11-111. The event organizer is required to follow the City's procedures and policies regarding the use of City property. All of the following apply to any special events involving the sale of alcohol:
 - 1. Fencing surrounding the defined area for the service of alcoholic beverages will be secured to establish the outdoor event area. All liquor sales and containers used for consumption must remain in the defined space.
 - 2. There should be controlled access to the event with event security personnel to identify and wrist band those of legal age to consume. The gate/emergency exit of the fenced area will need to be

continuously staffed to prevent patrons from leaving with alcoholic beverages.

3. Events are “21 and over” after 9 p.m. when alcohol is being served.
4. All alcohol service will cease at 10 p.m. All patrons must exit the defined space by 10:30 p.m.
5. Event security will assist the police department in clearing the event at closing time. The closing time should be prominently displayed throughout so there is no confusion at the end of the evening when patrons are asked to leave.
6. Event organizers may be required to hire uniformed police officers to supplement their security staff. Monitoring of those consuming alcohol will be done by the event organizer and the City’s police officers who have been hired to assist with the oversight of the event.

O. Outdoor Music. No outdoor music or amplified sound is allowed during the hours of 10 p.m. and 7 a.m. The City’s Police Chief or designee has the ability to direct the event organizer to control the level of noise and/or terminate the event at any time. Any plans for outdoor music or amplified sound must be described in the special event permit application.

P. Outdoor Tents. ~~A building permit must be obtained for any tents exceeding 200 square feet. Erection of tents, canopies, or similar structures as part of the event is allowed; however, the event organizer cannot drive stakes, nails, screws, posts, or otherwise disturb paved City parking lots, or either paved or unpaved surfaces within a right-of-way to secure such features.~~

Q. Waivers. The event organizer may request a waiver from the strict application of one or more requirements of these Sections. The event organizer shall submit the waiver request in writing, identify the specific requirement to be modified, describe the requested modification, and the factors that the City Manager, or designee, should consider when determining the proposed waiver. The City Manager, or designee, is authorized to deny, approve, or approve with modifications the requested waiver. Waiver requests must be submitted with the special event permit application. Approval of a waiver does not require the City to approve similar waivers for any future events. Each waiver will be reviewed separately.

R. Cancellation. The event organizer may cancel an event by giving at least 10 days written notice to the City. The City will refund the unused portion

of permit fee to the event organizer. If less than 24 hours' notice is given to cancel an event that required support services, staff will be compensated for a 2-hour minimum charge. City staff has the authority to cancel or stop an event, or place additional restrictions on the event, in order to protect public health, safety, or welfare. The City will notify the event organizer as soon as is practically possible if it cancels the event or if it modifies the conditions imposed on the event. The City may also immediately terminate an event in an emergency if needed to protect public safety. Any such cancellation or termination of an event by the City constitutes a revocation of the permit. It is a violation of these Sections to conduct, or continue to conduct, the event once it is cancelled or terminated by the City.

- S. Additional Requirements. City staff may place any additional requirements on any event. These requirements may include specific staff levels for police, fire, public works, or other personnel. Expenses for any additional support services will be invoiced to the event organizer as additional costs as provided in these Sections.

Section 23-2616. ADDITIONAL COSTS.

- A. Addition Costs. The event organizer shall be responsible for reimbursing the City for any additional costs the City incurs related to a special event. Additional costs are any costs the City incurs that exceed the permit fee and include, but are not limited to the following:
 - 1. Damage to or loss of any City equipment or property related to the event;
 - 2. Support services exceeding the planned for level of support; and
 - 3. Clean up costs if the event organizer fails to clean up and restore City property to its pre-event condition.
- B. Invoicing. The City will provide an itemized invoice for the additional costs the event organizer is required to pay the City. The invoice will identify the specific types and amounts of additional costs. The event organizer shall pay the full amount of the additional costs within 15 days of the date of the invoice. Failure to timely pay the additional costs may result in the denial of any future special event permit applications for the same or similar event or submitted by the same event organizer.
- C. Collection. All amounts the event organizer is required to pay the City under these Sections shall constitute a service charge collectable by the City under Minnesota Statutes, section 366.012, which is available to the City under Minnesota Statutes, section 415.01, subdivision 1, on any

property the event organizer owns in the state. Any portion of the service charge not paid, including collection costs, may be certified for collection on the property taxes of the event organizer. The City may also pursue any other options available to it under law to recover the amounts owed by the event organizer, including the costs of collection.

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

Adopted this ____ day of _____ 2024.

ATTEST: _____
City Clerk

Date of Publication _____

Effective Date _____

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

Council Regular Meeting

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Elizabeth Heyman, Director of Public Works

BY: Ahmed Omer, P.E., City Engineer

SUBJECT: An Ordinance Vacating a Portion of the Dedicated Right-of-Way in the Plat of Joslyn Addition (2nd Reading and Public Hearing)

Requested Council Action:

- Motion to open the Public Hearing, take public input, close the Public Hearing and consider the requested ordinance vacating a portion of the dedicated right-of-way in the plat of Joslyn Addition.

Background:

City staff received a request to vacate a portion of city right-of-way that is encroaching upon an existing privately-owned storm retention pond on 4849 Azelia Avenue North. The portion of the right-of-way to be vacated is indicated in Exhibit B.

The area of the right-of-way proposed to be vacated appears to have been dedicated as a cul-de-sac, which has not been constructed and is not in alignment with the existing constructed road surface and use of Azelia Avenue North. City staff has determined that there is no public need to retain the proposed Vacated ROW and the current dedicated right-of-way interferes with the existing stormwater retention pond, which is necessary for drainage in the area.

Budget Issues:

There are no budget issues to consider.

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Maintain and enhance public places

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	3/15/2024	Ordinance
Exhibit	3/15/2024	Exhibit

CITY OF BROOKLYN CENTER

Please take notice that the City Council of the City of Brooklyn Center will hold a public hearing on Monday, _____, 2024 at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. Said public hearing will include a second reading and proposed adoption of an ordinance vacating a portion of Azelia Avenue North within the plat of Joslyn Addition. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.ci.brooklyn-center.mn.us/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF AZELIA AVENUE NORTH IN THE PLAT OF JOSLYN ADDITION IN THE CITY OF BROOKLYN CENTER, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the City of Brooklyn Center (the "City") is a municipal corporation, organized and existing under the laws of Minnesota and the City Charter of Brooklyn Center, Minnesota (the "Charter"); and

WHEREAS, ERG-CP France Ave BP Owner LLC ("Owner") is the fee owner of certain real property located at 4837 Azelia Avenue North (PID 10-118-21-23-0006) and 4849 Azelia Avenue North (PID 10-118-21-24-0032) in the City and legally described in the attached Exhibit A (the "Property"); and

WHEREAS, the Owner submitted an application to vacate a portion of the dedicated right-of-way in the plat of Joslyn Addition ("Plat"), as legally described in the attached Exhibit B and as depicted in the attached Exhibit C ("Vacated ROW"); and

WHEREAS, the area of the right-of-way proposed to be vacated appears to have been dedicated as a cul-de-sac, which has not been constructed and is not in alignment with the existing constructed road surface and use of Azelia Avenue North; and

WHEREAS, a stormwater retention pond is located on the Property and encroaches upon the proposed Vacated ROW; and

WHEREAS, City staff has determined that there is no public need to retain the proposed Vacated ROW and the current dedicated right-of-way interferes with the existing stormwater retention pond, which is necessary for drainage in the area; and

WHEREAS, the City Council does not object to the vacation of the proposed Vacated ROW; and

WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated ROW will no longer be needed and it is in the public interest to vacate the Vacated ROW.

NOW, THEREFORE, the City Council of the City of Brooklyn Center does ordain as follows:

Section I. Recitals. The above recitals are hereby adopted as findings and incorporated into this Ordinance.

Section II. Right-of-Way Vacation. The Vacated ROW described above and in Exhibit B and Exhibit C is hereby vacated.

Section III. Effective Date. This Ordinance shall be effective after adoption and thirty days following its legal publication.

Section IV. Notice of Completion. Upon the Ordinance becoming effective, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings and to record it with the Hennepin County Recorder or Hennepin County Registrar of Titles, as appropriate.

Adopted this ____ day of _____, 2024.

April Graves, Mayor

ATTEST: _____
Barbara Suciu, City Clerk

Date of Publication _____

Effective Date _____

EXHIBIT A
Legal Description of the Property

PID No. 10-118-21-23-0006:

Lot 1, Block 1, Joslyn Addition, Hennepin County, Minnesota.

PID No. 10-118-21-24-0032:

Lot 2, Block 1, Joslyn Addition, Hennepin County, Minnesota.

EXHIBIT B
Legal Description of Vacated Right-of-Way

That part of the dedicated Azelia Avenue North, JOSLYN ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying West of the following described line:

Commencing at the Southeast corner of Lot 1, Block 1, of said plat; thence on an assumed bearing of North 00 degrees 34 minutes 44 seconds West along said East line of said Lot 1, a distance of 176.05 feet to the Point of Beginning of the line herein described; thence northeasterly 26.49 feet along a non-tangential curve, concave to the northwest, radius of 40.00 feet, central angle of 37 degrees 57 minutes 01 seconds, chord bearing North 19 degrees 02 minutes 01 seconds East, 26.01 feet; thence North 01 degrees 54 minutes 27 seconds West, 118.70 feet more or less to the northerly right of way of Azelia Avenue North and there terminating.

Subject area contains 0.15 acres, more or less (6,731 SF)

EXHIBIT C
Depiction of Vacated Right-of-Way

(attached hereto)

RIGHT OF WAY VACATION EXHIBIT

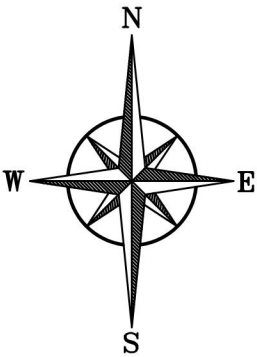
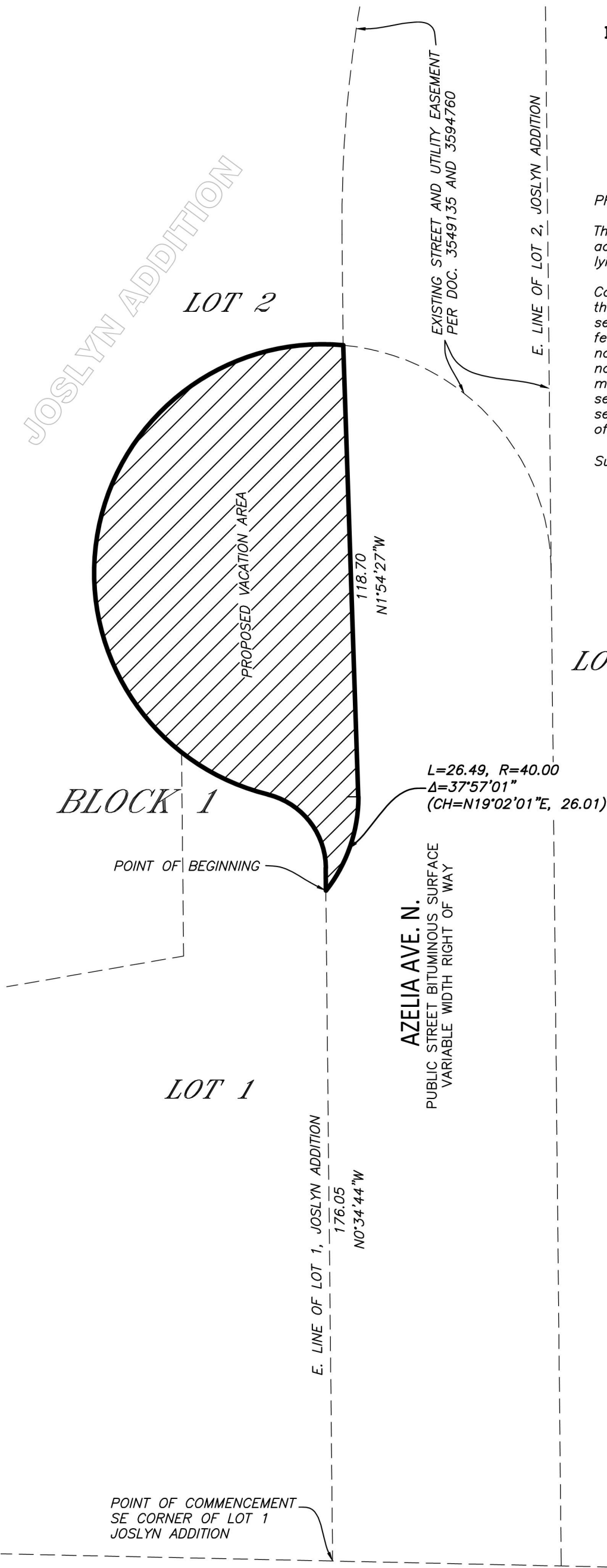
FOR A PORTION OF AZELIA AVENUE NORTH,
DEDICATED ON THE PLAT OF JOSLYN ADDITION,
HENNEPIN COUNTY, MINNESOTA

PROPOSED DESCRIPTION FOR RIGHT OF WAY VACATION:

That part of the dedicated Azelia Avenue North, JOSLYN ADDITION,
according to the recorded plat thereof, Hennepin County, Minnesota,
lying West of the following described line:

Commencing at the Southeast corner of Lot 1, Block 1, of said plat;
thence on an assumed bearing of North 00 degrees 34 minutes 44
seconds West along the East line of said Lot 1, a distance of 176.05
feet to the Point of Beginning of the line herein described; thence
northeasterly 26.49 feet along a non-tangential curve, concave to the
northwest, radius of 40.00 feet, central angle of 37 degrees 57
minutes 01 seconds, chord bearing North 19 degrees 02 minutes 01
seconds East, 26.01 feet; thence North 01 degrees 54 minutes 27
seconds West, 118.70 feet more or less to the northerly right of way
of Azelia Avenue North and there terminating.

Subject area contains 0.15 acres, more or less (6,731 SF)



SCALE
1"= 30'



BEARINGS ARE BASED ON NAD83(2011)
HENNEPIN COUNTY COORDINATE SYSTEM



AMERICAN NATIONAL
VACATION EXHIBIT

JOB#:	23699G	DRAWN BY:	TJB
FILENAME:	23699G		
REV#	DESCRIPTION	DATE	

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED
LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

KALEB J. KADELBACH (LIC. NO. 57070)

DATE:

Council Regular Meeting

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: Jesse Anderson, Community Development Director

BY: Ginny McIntosh, Planning Manager

SUBJECT: Resolution Regarding the Recommended Approval of Planning Commission Application No. 2024-002 Submitted by Icon LLC for an Amendment to the 2011 Shingle Creek Crossing Planned Unit Development and Major Site and Building Plan Amendment for Conversion of an Approximately 7,322-Square Foot Former Discount Tire on Building Site A to an Icon Beauty Retail Store within the Shingle Creek Crossing PUD (1450 Shingle Creek Crossing)

Requested Council Action:

- Motion to adopt a resolution approving Planning Commission Application No. 2024-002 for amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would allow for conversion of the former Discount Tire located on Building Site A and commonly addressed as 1450 Shingle Creek Crossing to an Icon Beauty retail store, based on the findings of fact and submitted documentation, and as amended by the conditions of approval in the resolution.

Background:

Icon, LLC (“the Applicant”) is requesting review and consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would ultimately convert the former Discount Tire located at 1450 Shingle Creek Crossing (“the Subject Property”) into a beauty and cosmetics retail store. The Subject Property is a one-story, approximately 7,322-square foot former tire retail store that provided on-site installation services. The Applicant, already a tenant of Shingle Creek Crossing shopping center at 1090 Shingle Creek Crossing, and neighbor to Aspen Dental and Domino’s Pizza, has indicated a desire to not only expand their retail footprint, but purchase property within the shopping center.

A public hearing notice was published in the Brooklyn Center *Sun Post* on February 29, 2024 and notices mailed to surrounding properties. The Planning Commission held a public hearing regarding the requests at their meeting on March 14, 2024. No public comment was provided either in advance of the meeting or at the public hearing with the exception of business owner Matt Durand (Holiday Station Store, Pop! Car Wash), who submitted an email to City staff in support of the proposed conversion at 1450 Shingle Creek Crossing.

The Commissioners engaged with project architect, Philip Briggs (Firm Ground), regarding the proposed conversion of the former tire and wheel installation and repair shop to a customer-focused retail space and how those uses function differently with respect to site circulation and pedestrians. An extended discussion was held regarding the east elevation, which would be modified to remove the three (3) existing automotive bays. City staff and the Applicant had engaged previously regarding whether or not the existing sidewalk and curbing, which terminates just past the main entrance, should be extended. City staff ultimately recommended certain alterations to the east and south elevations to address the changes in pedestrian flow from the parking lot and adjacent sidewalks given the new user. Additional requests were made to

incorporate foundational plantings, where possible.

The Planning Commission indicated in these discussions a strong desire to extend the sidewalk and curbing along the east elevation and make modifications to the south elevation as the existing curbing is comprised of a rock bed with no actual sidewalk. Given that parking is provided along three (3) sides of the building, the Commissioners appeared in general consensus that pedestrian flow and safe access to the store be addressed. Additional comments were made regarding concerns of customers parking alongside the east elevation given the oversized drive aisle and current issues along the 56th Avenue North entrance into Shingle Creek Crossing with people parking along the side of the road, rather than in the nearby parking areas.

Additional time was dedicated towards architectural revisions to the east elevation, which would remove the existing three (3) automotive bays and whether there would be any windows. The project architect noted that there would be no windows along this side due to the necessity of wall racking and the fact that the point of sale (POS) counters would be located along the east elevation. City staff noted that the Shingle Creek Crossing Architectural Guidelines outline that there should be no blank, faceless walls, hence City staff's request to provide some kind of foundational plantings to break up that particular elevation.

The only other proposed modification would be to paint the existing red aluminum panels black. The Commissioners inquired if a change in paint color would be of concern under the Planned Unit Development (PUD) Architectural Guidelines. City staff noted that the change in color did not appear to be of concern.

The Planning Commission ultimately recommended City Council approval (4-0) of Planning Commission Application No. 2024-002 for amendment to the 2011 Shingle Creek Crossing Planned Unit Development (PUD) and a major site and building plan amendment that would allow for conversion of the former Discount Tire located on Building Site A and commonly addressed as 1450 Shingle Creek Crossing to an Icon Beauty retail store, subject to the changes requested by Planning Commission to extend the east elevation sidewalk and curbing and modify the south elevation to incorporate a sidewalk for clear pedestrian access.

Attached for your review are copies of the March 14, 2024 staff report, and a draft copy of the Council resolution.

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

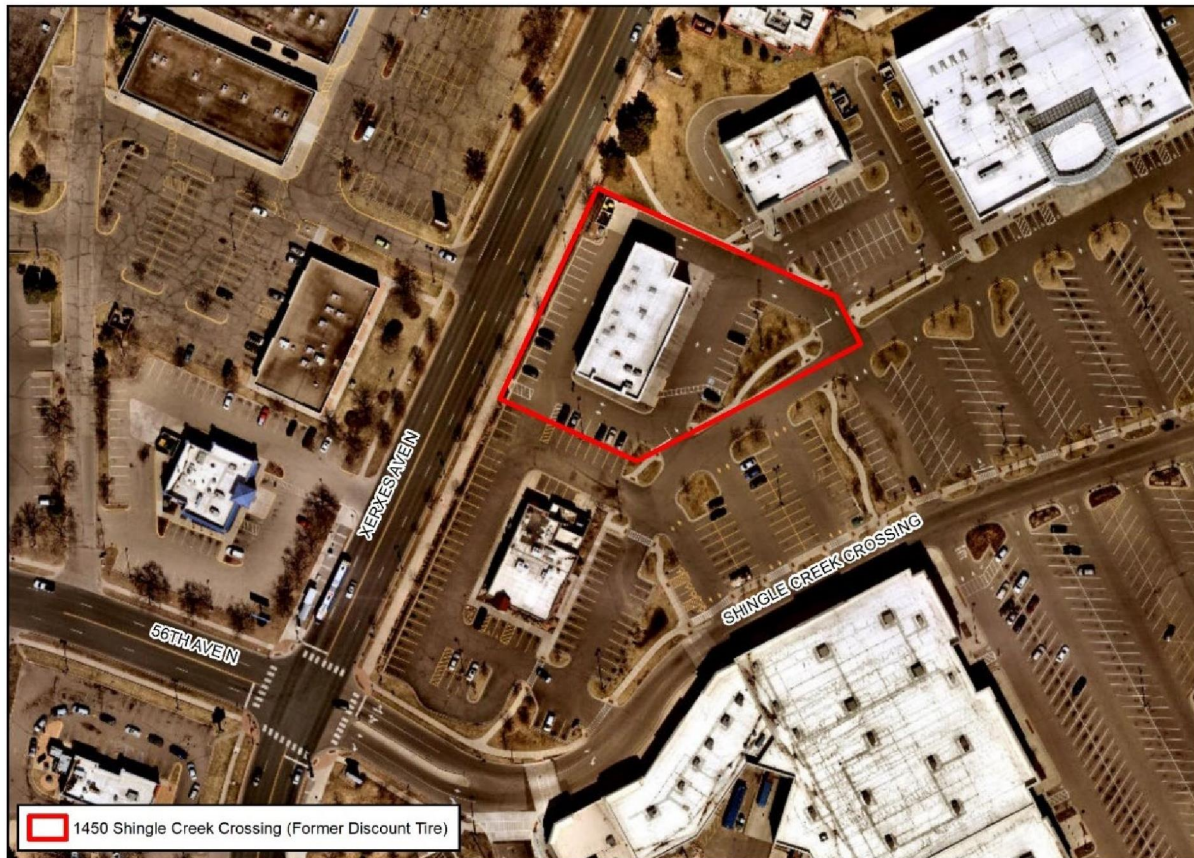
ATTACHMENTS:

Description	Upload Date	Type
Staff and Exhibits - 1450 Shingle Creek Crossing	3/20/2024	Backup Material
Resolution - 1450 Shingle Creek Crossing - PUD and Major Site and Building Plan Amendments	3/20/2024	Resolution Letter

Planning Commission Report
Meeting Date: March 14, 2024

- Application Filed: 02/13/2024
- Review Period (60-day) Deadline: 04/13/2024
- Extension Declared: No
- Extended Review Period Deadline:

Application No. 2024-002
Applicant | Property Owner: Icon LLC | Halle Properties
Location | PID: 1450 Shingle Creek Crossing | 03-118-21-41-0037
Requests: Site and Building Plan (Major) and Planned Unit Development Amendments



Map 1. Subject Property Location.

Requested Action

Icon, LLC (“the Applicant”) is requesting review and consideration of site and building plan (major) and Planned Unit Development (PUD) amendments which would ultimately convert the former Discount Tires located at 1450 Shingle Creek Crossing (“the Subject Property”) into a beauty and cosmetics retail store—refer to Exhibit A. The Subject Property is a one-story, approximately 7,322-square foot former tire retail store that provided on-site installation services. The Applicant, already a tenant of Shingle Creek Crossing shopping center at 1090 Shingle Creek Crossing, and neighbor to Aspen Dental and Domino’s Pizza, has indicated a desire to not only expand their retail footprint, but purchase property within the shopping center.

Although the majority of the shopping center and tenant spaces falls under the ownership of Gatlin Development Company, certain sites, including Empire Foods (formerly Walmart), Panda Express, Pop! Car Wash, the future site of Pollo Campero, and the Subject Property, are under private ownership but subject to the architectural and signage guidelines, easements, covenants, and restrictions, and PUD Agreement originally approved for the shopping center in 2011.

A public hearing was published in the Brooklyn Center *Sun Post* on February 29, 2024 (Exhibit B), posted on the City's website, and notifications mailed to adjacent properties and property owners. To date, City staff is in receipt of one comment from business owner Matt Durand (Exhibit C).

Existing Conditions



Image 1. Existing Site Conditions at Subject Property.

Background

The Subject Property is being considered for the retail sale of beauty and cosmetic items. The Subject Property originally received approval as a pad site for Gatlin Development Company under what was then the 2013 Shingle Creek Crossing Planned Unit Development Master Plan. The then proposed approximately 7,322-square foot Discount Tire (identified as Building Site A) ultimately received approval under Planning Commission Application No. 2013-017 and City Council Resolution No. 2013-130.

The Subject Property had earlier been contemplated for a slightly larger 8,400-square foot building; however, as has occurred numerous times throughout the development of the shopping center, amendments were made to the size of the building, although the general configuration and parallel orientation to Xerxes Avenue North remained the same between the original 2011 PUD plan and the approved 2013 PUD plan for Building Site A.

The Subject Property currently sits on a 1.02-acre parcel and was approved with 36 on-site parking stalls (4.92 stalls of parking per 1,000 square feet). The existing building was approved with three (3) bay doors to accommodate tire and wheel repair and replacement. Parking was provided for on three (3) sides of the property, with a dedicated two-way drive aisle on the north end of the site, which also provided access to the trash enclosure located on the northwest side of the Subject Property. The property is accessed internally via the 56th Avenue North entrance located on the west end of the Shingle Creek Crossing shopping center, and directly off Xerxes Avenue North.

The existing interior of the former Discount Tire building provides for approximately 1,980-square feet of front entry sales and display area, including offices and restrooms. The majority of the building was reserved for automotive bays, with a small portion of the building dedicated for dead tire storage. A mezzanine level is located above the bay area.

In August 2022, Discount Tire closed its Brooklyn Center location. The Subject Property has remained vacant since.

The Applicant and development team approached City staff in May 2023 regarding the potential reuse of the Subject Property. City staff talked through the high-level changes and provided feedback to the development team with the intent of proceeding with submittal of a Planning Commission application by late summer; however, conversations stalled for a time. The Applicant re-engaged with City staff in early February of this year.

Site Data:

2040 Land Use Plan:	Transit-Oriented Development (TOD)
Neighborhood:	Centennial
Current Zoning:	Planned Unit Development/Commercial 2 (PUD/C2)
Site Area:	Approximately 1.02 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Transit Oriented Development (TOD)	PUD/C2 (Planned Unit Development/Commercial) District	Commercial (Jimmy John's)
South	Transit Oriented Development (TOD)	PUD/C2 (Planned Unit Development/Commercial) District	Commercial (Future Dos Hermanos)
East	Transit Oriented Development (TOD)	PUD/C2 (Planned Unit Development/Commercial) District	Commercial (Parking)
West	Transit Oriented Development (TOD)	Transit-Oriented Development (TOD)	Commercial (IHOP)

REQUESTS

PLANNED UNIT DEVELOPMENT AMENDMENT

Under the City's new Unified Development Ordinance (UDO), which became effective in January 2023, Planned Unit Developments (PUDs) established after this date are processed as Conditional Use Permit (CUPs); however, PUDs established prior to this date required a formal re-zoning and ordinance amendment. Per Section 35-2103.e (*General Use Regulations*), "Planned Unit Developments, and parcels zoned as a Planned Unit Development, in accordance with prior zoning regulations, shall remain in effect and shall remain subject to any and all agreements, conditions, and standards applicable to the Planned Unit Development. Amendments shall be processed in accordance with the procedures identified for Planned Unit Developments in this UDO."

As proposed, the Applicant intends to convert the approximately 7,322-square foot former Discount Tire, which was approved with approximately 1,980 square feet of front entry sales and display (retail), office, and restrooms, and remaining approximately 5,342-square feet of automotive repair area and storage, to an all retail use with ancillary storage (no change).

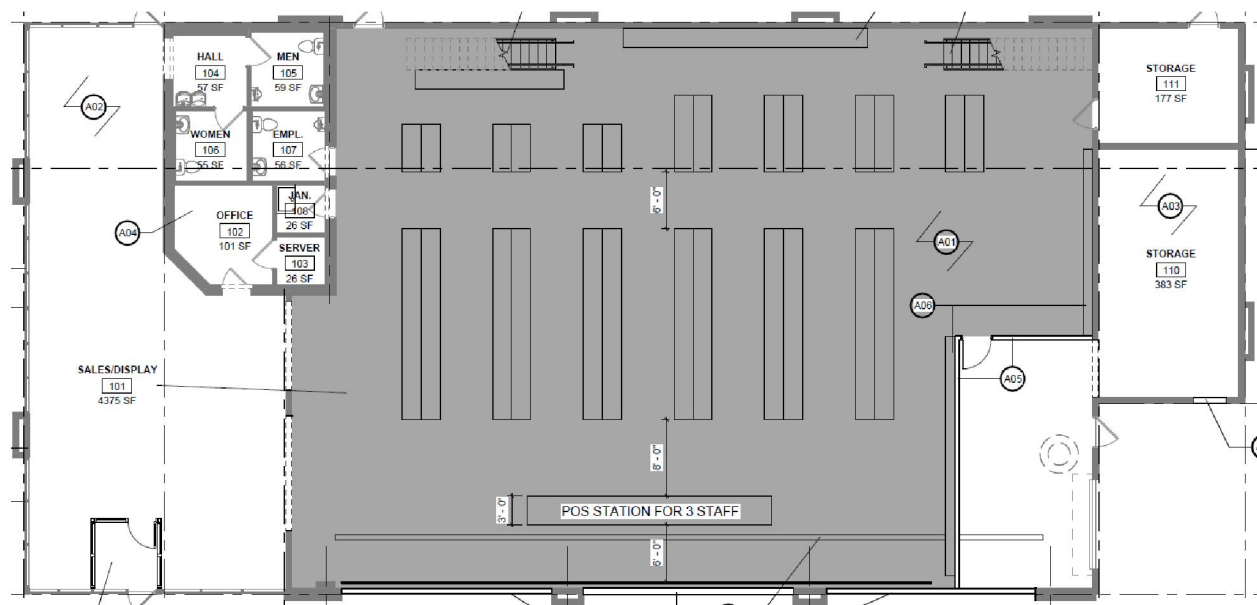


Image 2. Proposed Area of Use Modification (in grey).

A request to amend the existing Shingle Creek Crossing Planned Unit Development and any master plan documents is required as the City's Unified Development Ordinance requires Council action any time the following "major amendment" thresholds are triggered:

1. Any decrease in the amount of approved open space;
2. **Ten (10) percent or greater change in floor area of any one (1) structure;**
3. Ten (10) percent or greater change in the approved separation of buildings;
4. Any change in the original approved setbacks from property lines;
5. Five (5) percent or greater change in the ground area covered by the project;
6. Five (5) percent or greater change in the number of parking spaces;
7. The introduction of new uses not included in the PUD approval.

While the former Discount Tire store was approved under Planning Commission Application No. 2013-017

with a retail component, the proposed changes to the floor area of the building and renovation of the former automotive bays to retail use is greater than ten (10) percent, thus triggering the necessity of an amendment to the Shingle Creek Crossing Planned Unit Development (PUD).

SITE AND BUILDING PLAN AMENDMENT (MAJOR)



Image 3. Existing Subject Property and Access.

ACCESS & PARKING

There are no plans to modify or remove any of the access points. The north side of the Subject Property provides for two-way circulation around the site, as well as access to trash enclosure and fire access. The Subject Property is accessed internally via the 56th Avenue North entrance located off Xerxes Avenue North and on the west end of the shopping center property. Additional access to the site is available off County Road 10 (Bass Lake Road) by utilizing the private road network within the shopping center. The south end of the site is not curbed, which allows for cross-flow between the former Applebee's at 1400 Shingle Creek Parkway, which is currently under renovation for use as a Dos Hermanos Mexican Grill & Bar. The northeast corner of the Subject Property also contains cross access with neighboring Building Site B, which includes a Jimmy John's with drive-thru.

As noted previously, the Subject Property currently sits on a 1.02-acre parcel and was approved with 36 on-site parking stalls (4.92 stalls of parking per 1,000 square feet). The original 2011 approvals of the shopping center stipulated that a minimum of 4.5 stalls of parking be provided for every 1,000-square feet of building or buildings be provided for retail uses. Assuming the conversion of the former Discount Tires and bay areas to retail space with some ancillary storage space, a minimum of 33 parking spaces would be required. It appears there are currently 35 parking spaces on-site today, which satisfies the minimum parking necessary for the expanded retail use.

As proposed, the three (3) existing bay doors would be removed and the walls modified on the building's east elevation. Given the bay doors, no curbing is currently in existence. As proposed, this elevation would be revised with curbing. Once installed, the above site plan indicates a 35-foot drive aisle, which is well beyond the minimum 24-foot wide drive aisle requirement to allow for two-way traffic.

Given the former use of the Subject Property, City staff did notice some oddities surrounding existing pedestrian crossings and navigation towards the entrance. City staff requests that the Applicant review opportunities to re-stripe crossings at existing sidewalk connections and in orienting customers towards the entrance from their respective parking spaces. Similarly, the provided site plan below does not provide

sufficient detailing regarding any proposed curbing or sidewalks.

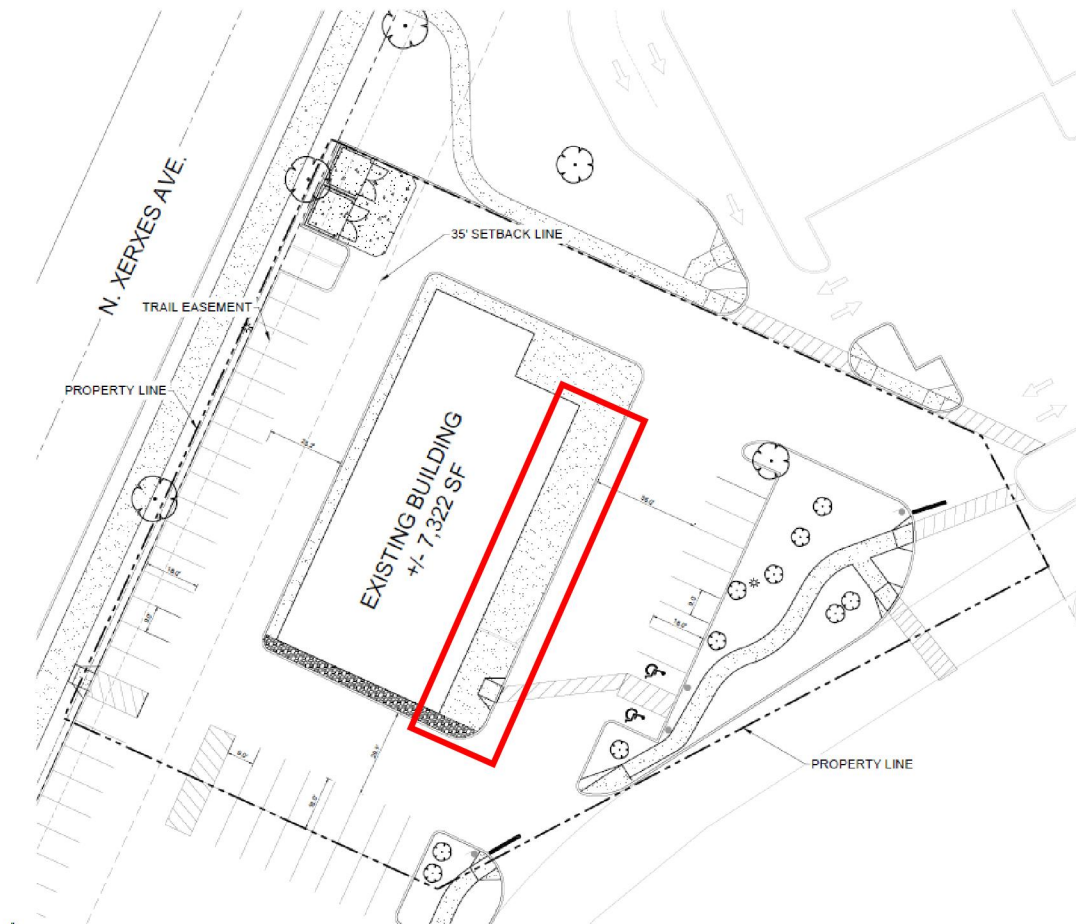


Image 4. Site Plan for Subject Property with Curbing Revision (in red).

LANDSCAPING

There is an approved landscape plan on file from the 2013 approval of Discount Tire, which at the time noted the installation of 12 new shade and ornamental trees, consisting of seven (7) honey locusts, two (2) river birch, two (2) crabapple, and one (1) quacking aspen. These trees were to be planted primarily along the eastern edge of the Subject Property in the designated island surrounded by two driveway access points. The plans presented under Planning Commission Application No. 2013-017 further noted a row of “existing shrubs,” later noted as perennials and spirea, that were planted along the westerly lot line and fronting Xerxes Avenue North, which were initially planted as part of streetscape improvements made along Xerxes Avenue North and Bass Lake Road (County Road 10) in the years preceding the 2013 proposal.

Although no revised landscape plan was submitted, the provided site plan notes that the landscaping is consistent with the Shingle Creek Crossing PUD exhibits. As part of any approval, City staff requests that an updated inventory be provided noting all existing landscaping (i.e. trees, shrubs) and their condition. The provided site plan identifies certain plantings; however, their type and species are not identified. Should any plantings be missing from the approved landscape plans, the Applicant shall submit proposed replacements for review and approval by City staff.

The staff report provided for Planning Commission Application No. 2013-017 notes that the trash enclosure, given its location at a lower elevation than the adjacent trail, was not very well screened for its location at the northwest corner of the site. It was noted at the time that evergreen trees and shrubs should be installed along the back side of the enclosure to, “soften the views from the adjacent street and trails.” Although it appears plantings were installed, they do not appear to have grown enough to provide any kind of screening, as the tops of the dumpsters appear to be visible from the trail and street right-of-way (Xerxes Avenue North). The Applicant should assess the condition of the existing shrubs and identify options to perhaps replace the plantings with a more suitable, natural screening.

As the Applicant intends to close off the former garage bay doors and install curbing, City staff requests and updated plan that considers installation of foundational plantings to break up the revised wall on the eastern elevation of the building and with respect to the 2011 Shingle Creek Crossing Architectural Guidelines. Similarly, the Applicant may look at alternative options to rock along the south elevation and entrance areas. Consideration should be given in emphasizing native and resilient plant types, where possible as outlined within Section 35-5602 (*Landscaping Requirements Generally*).

LIGHTING & TRASH

The Applicant did not submit any photometric plans and has no plans to make alterations to the existing exterior lighting. Per Planning Commission Application No. 2013-017, two (2) 39-foot poles and one (1) 28-foot pole were approved for the Subject Property and were to provide downcast lighting with cut off luminaires—this lighting shall be maintained. Six (6) low profile LED wall pack lights were affixed over the automotive bay door areas and above doorway entries to the building. Although wall pack lighting is *not permitted* per City Code except for loading and service areas, this lighting may remain assuming it is operational. Given the proposed new use of the building, City staff would not be opposed to upgrading the lighting, and particularly given the proposed modifications to the east elevation.

The existing trash enclosure appears to be in good condition and no plans for modification were presented. With the exception of addressing the plantings located on the backside of the enclosure (as noted in the *Landscaping* section above), City staff has no comments other than to ensure the enclosure remains in good condition.

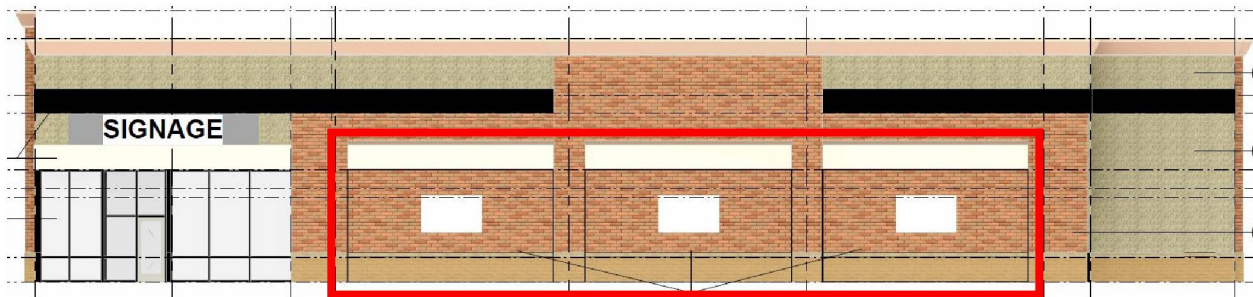
ARCHITECTURAL MATERIALS

The Shingle Creek Crossing Planned Unit Development (PUD) has an approved “Architectural Design Guidelines” plan that regulate building materials on buildings located within the shopping center. The key elements of this plan are that all new buildings would need to provide four-sided architecture in their designs, meaning all four elevations must provide a nice, consistent use of material on all four sides of the buildings, including rear elevations. Buildings, and Building Site A (Subject Property) specifically, are required to incorporate at least 50% or more of Class 1 and remaining Class 2 materials as part of their elevations. With the demolition of the bays, new materials and calculations or percentages have been reconfigured.

Elevation	Class 1 Percentage	Class 2 Percentage	Notes
North	58 %	42%	No Changes
South	83%	14%	No Changes
East	71%	27%	Bay Doors Removed
West	65%	33%	No Changes

Table 1. Updated Building Materials Calculations for Subject Property.

The original 2013 approvals denoted the north (53%), south (83%), and west (64%) elevations as meeting the Class I minimums and the east elevation, which features the bay doors, as providing 53% of Class I materials. This assumed a use of brick, glass, and stucco as Class I materials. As proposed, there are no plans to modify the north, south, or west elevations. The only revisions would occur on the east elevation through removal and replacement of the bay doors with a new wall section comprised of brick and stucco (Class I) with remaining areas replaced using integral color CMU (Class II).



CLASS 1 EXISTING EAST ELEVATION: TOTAL AREA: 3329.14 SF BRICK: 680.45 SF GLASS: 327.99 SF STUCCO: 751.80 SF AREA OF CLASS 1: 1760.24 SF CLASS 1 PERCENTAGE: 53%	CLASS 1 NEW EAST ELEVATION: TOTAL AREA: 3329.14 SF BRICK: 504.28 SF STUCCO: 78.00 SF AREA OF OTHER: 582.28 SF OTHER PERCENTAGE: 18%
CLASS 2 EXISTING EAST ELEVATION: TOTAL AREA: 3329.14 SF SPLIT-FACE CMU: 366.00 SF INTEGRAL COLOR CMU: 336.64 SF AREA OF CLASS 2: 702.64 SF CLASS 2 PERCENTAGE: 21%	CLASS 2 NEW EAST ELEVATION: TOTAL AREA: 3329.14 SF INTEGRAL COLOR CMU: 208.74 SF AREA OF OTHER: 208.74 SF OTHER PERCENTAGE: 6%

Image 5. Proposed Building Modification to East Elevation of Building Exterior (area of change in red).

Building Official Review

Building Official Dan Grinstein conducted a cursory review on March 4, 2024 for the proposed reuse of the former Discount Tires located at 1450 Shingle Creek Crossing and for the intended reuse of the building as a beauty and cosmetics retail store. Given the re-classification of the building, it is anticipated the building will require issuance of a fire sprinkler permit and potential modifications to sprinkler heads. It was noted that the existing mezzanine's open grates remain open for fire protection and, if covered, fire protection will be required under the mezzanine area per NFPA 13. The flammable interceptors noted on the original plans and given the former automotive use will require that they be properly abandoned and all floor drains, trench drains, and floor sink capped as specified in the provided memo.

Additionally, the building's automotive bay area was categorized as an existing S1 occupancy and as such, the space was *not* conditioned. The reuse of this area for retail will require certain alterations to comply with MN ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers)—**refer to Exhibit D.**

Assistant City Engineer's Review

Assistant City Engineer James Soltis reviewed the preliminary plans as submitted in a memorandum dated February 27, 2024. No site work or land disturbance is anticipated; however City Code requires ground disturbance of greater than 10,000-square feet to have an approved erosion control plan in place and issuance of a City land disturbance permit. Any disturbance greater than 0.5 acres would require the incorporation of permanent water quality best management practices (BMPs) to meet Shingle Creek Watershed Commission standards.

The Applicant is also responsible coordinating any anticipated private utility work—**refer to Exhibit E.**

Signage

No specific proposals were made as part of the Planning Commission Application submittal for signage, and no requests or provisions were made as part of the Discount Tire approvals under Planning Commission Application No. 2013-017. As such, any proposed signage, including directional signage, will need to comply with the adopted Shingle Creek Crossing Signage Guidelines for a pad tenants. In cases where the guidelines do not clearly address certain signage types or requirements, said signage shall remain subject to the City's signage provisions.

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. 2024-002 for the Subject Property located at 1450 Shingle Creek Parkway and approval of certain site and building plan (major) and PUD amendments that would convert the former Discount Tire to an approximately 7,322-square foot Icon Beauty retail store:

1. 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, as approved by the City Council. The Applicant and Property Owner shall:
 - i. Provide a detail sheet for any proposed new curbing and private sidewalk areas.
 - ii. Revise internal pedestrian crossings to provide clearer connections to the building's entrance, where needed.
 - iii. Submit a revised site plan or landscape plan with inventory in accordance with the approved 2013 landscape plan and review options for introducing foundational plantings along the east and south elevations of the building. Any missing plantings shall be reviewed for replacements in coordination with City staff.
 - iv. Review the existing landscaping located along the west side of the existing trash enclosure to determine the condition of plantings and possible landscaping alternatives to screen the enclosure.
 - v. Irrigation systems shall be maintained regularly where necessary to facilitate the maintenance of existing and any proposed site landscaping and green areas.
2. Unless amended otherwise or under separate agreement, all existing provisions, standards, and variations provided for under the 2011 Shingle Creek Crossing Development and any subsequent amendments shall remain in effect for the entire Shingle Creek Crossing Planned Unit Development.
3. Building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits, and with respect to the cursory review comments provided in the Building Official's memorandum dated March 4, 2024.

4. The Applicant and Property Owner shall comply with all conditions and provisions as noted in the Assistant City Engineer's memorandum, dated February 27, 2024.
5. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per Shingle Creek Crossing Architectural Guidelines and City Code requirements.
6. Signage is subject to the provisions outlined within the Shingle Creek Crossing Signage Guidelines and City signage requirements.
 - i. Any proposed signage shall require approval and issuance of a permit in advance of installation.

RECOMMENDATION

Based on the above noted findings, City staff recommends the Planning Commission recommend City Council approval of the requested site and building plan (major) and Planned Unit Development (PUD) amendments to allow for conversion of the former Discount Tire, located at 1450 Shingle Creek Crossing and identified within the Shingle Creek Crossing Master PUD plans and documents as Building Site A, to an approximately 7,322-square foot Icon Beauty retail store, subject to the Applicant complying with the outlined conditions of approval.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-002 Plans and Documents, submitted February 13, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated February 29, 2024.

Exhibit C – Email of Project Support, provided by Matt Durand, and dated March 11, 2024.

Exhibit D – Review Memorandum, prepared by Building Official Dan Grinstein, and last revised March 4, 2024.

Exhibit E – Review Memorandum, prepared by Assistant City Engineer James Soltis, and last revised February 27, 2024.

“Your well-built project begins and endures on Firm Ground.”

February 13, 2024

Icon Beauty Supply – Project Narrative

The project is a renovation of the building at 1450 Shingle Creek Parkway, within the Shingle Creek Crossing PUD, for Icon Beauty Supply, a retail store selling beauty and cosmetic items. Their current retail location is located just to the north in a retail store at 1090 Shingle Creek Parkway, Suite 110, Brooklyn Center.

Icon Beauty has purchased the new property to create a larger retail store as they have outgrown their current location. The Applicant, Brian Yi, the owner of Icon Beauty, wants his business to remain in Brooklyn Center to maintain its local clientele and to be able to provide a greater variety of items for sale, and to be able to stock more of each item, and be able to present their merchandise in an more appealing and spacious environment.

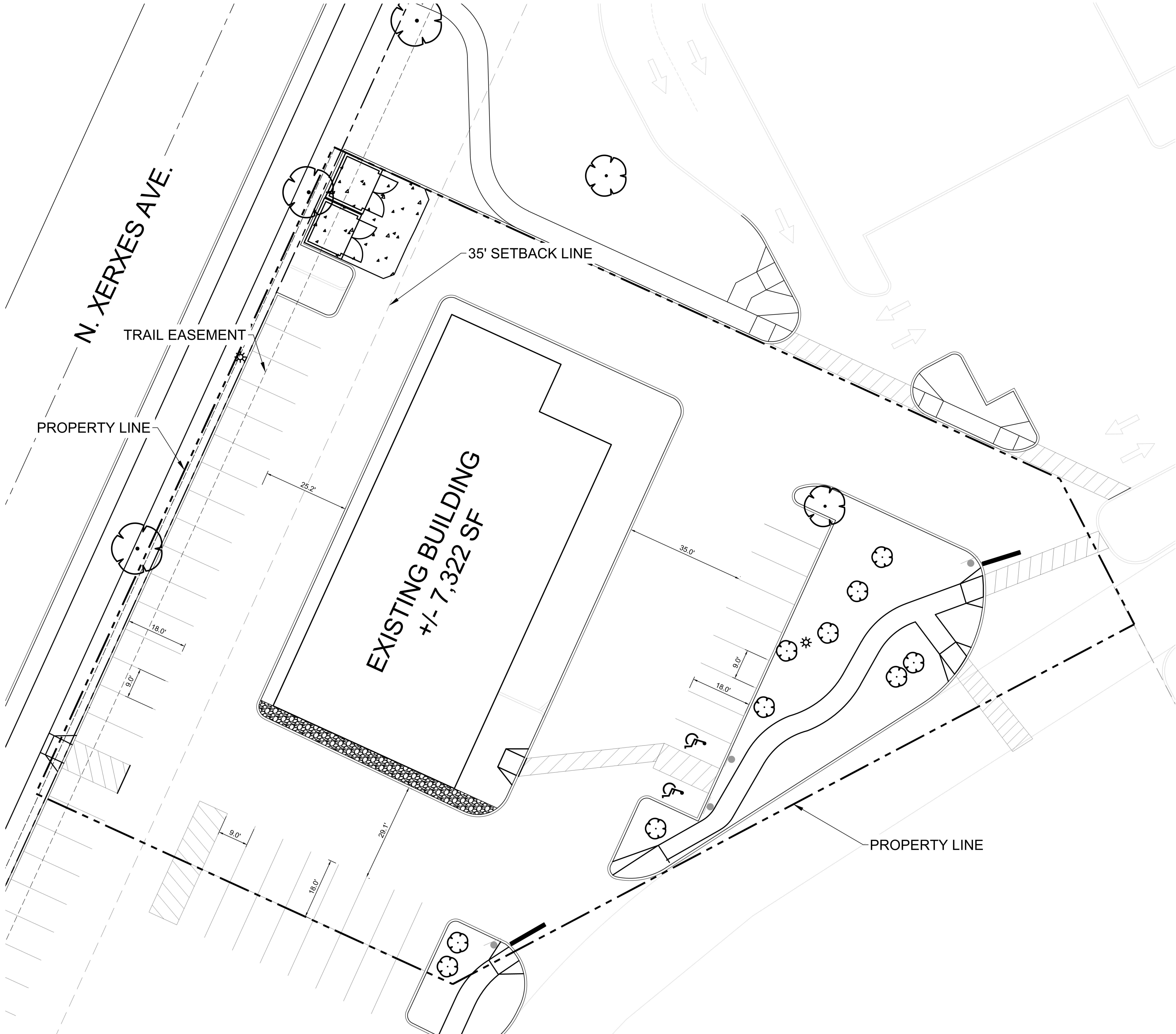
The existing building was formerly a Discount Tire location, and has a footprint of 7,000 square feet, plus some support spaces on a mezzanine level for a total building area of 7,374 square feet. The existing space had a waiting area and point of sales counter on the south side of the building, with the rest of the space being a garage space with vehicle lifts, storage racks, and support spaces for utilities and storage.

The proposed renovation of the space would consist of the following main modifications:

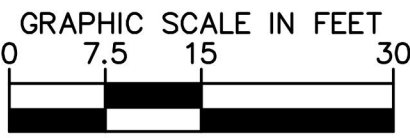
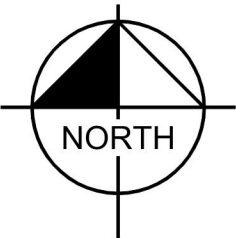
- Removal of the three large garage doors on the east side of the building and infilling those openings with a wall assembly that is in keeping with the existing exterior materials palette.
- The refinishing of the existing aluminum storefront framing to be black instead of red.
- New exterior signage on the main (east) and street-facing (west) sides of the building.
- Opening up or deleting entirely the existing wall that subdivides the existing waiting and point of sale areas to the rest of the building.
- Removal of existing vehicle lifts, equipment, and storage racking. Potential re-use of existing metal stairways to access the mezzanine levels on the west and east sides of the building for storage and back-of-house functions.
- New room at the east corner of the building to create a secured receiving area, making use of an existing eastward-facing overhead door.
- Reconfiguring the space for a retail layout, with shelving, point-of-sale counters, and display cabinets. New interior finishes throughout the space.
- Mechanical and electrical systems will be modified to suit the new function of the space. The existing fire sprinkler system will be adjusted as needed for the new layout.

The occupancy of the building would be M – Mercantile, with accessory occupancies for product storage, office and staff spaces, and mechanical room.

The building’s prior occupancies were M for its waiting / point of sale area and S for its vehicle maintenance space.



Know what's below.
Call before you dig.



LEGEND	
	PROPERTY LINE
	SETBACK LINE
	DRAINAGE AND UTILITY EASEMENT

BUILDING DATA	
TOTAL BUILDING AREA	7,373 SF
PARKING SUMMARY	
TOTAL PARKING	35 SPACES
TOTAL ACCESSIBLE PARKING	2 STANDARD SPACES
REQUIRED PARKING (4.5/1,000)	33 SPACES

****EXISTING SITE PLAN, PARKING, LANDSCAPING, UTILITIES, AND LIGHTING ARE CONSISTENT WITH SHINGLE CREEK CROSSING PUD EXHIBITS****

****NO LAND DISTURBANCE IS EXPECTED AS PART OF THE PROPOSED PROJECT****

PRELIMINARY - NOT FOR CONSTRUCTION

DISCOUNT TIRE
EXISTING SITE
PREPARED FOR
FIRM GROUND
ARCHITECTS

EXISTING SITE
PLAN

KHA PROJECT 161030008	DATE 08/17/2023	SCALE AS SHOWN	DESIGNED BY KJA	DRAWN BY KJA	CHECKED BY BMW
KIMLEY-HORN AND ASSOCIATES, INC. 787 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114 PHONE: 651-445-4197 WWW.KIMLEY-HORN.COM					

Kimley»Horn
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787 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114
PHONE: 651-445-4197
WWW.KIMLEY-HORN.COM

REVISIONS		DATE	BY
No.			

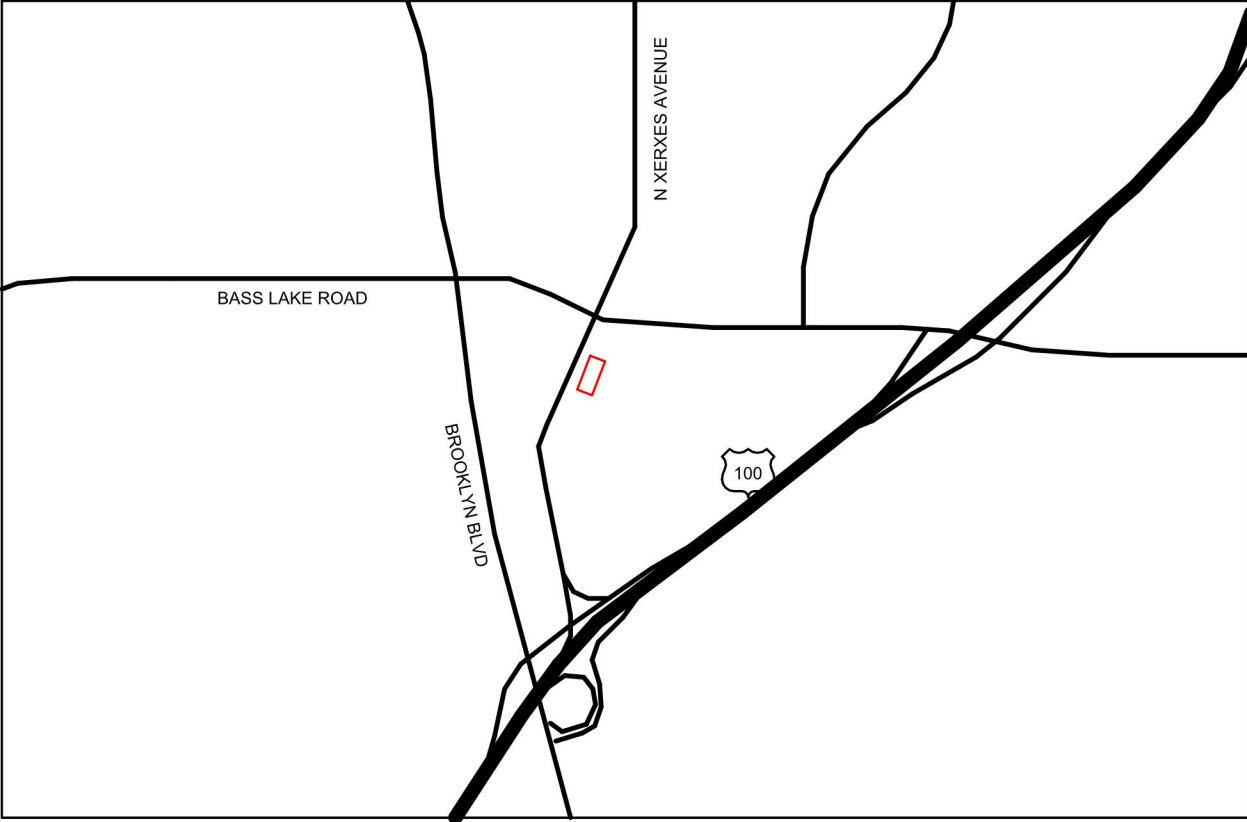
Icon Beauty Supply Store

1450 Shingle Creek Crossing
Brooklyn Center, MN 55430

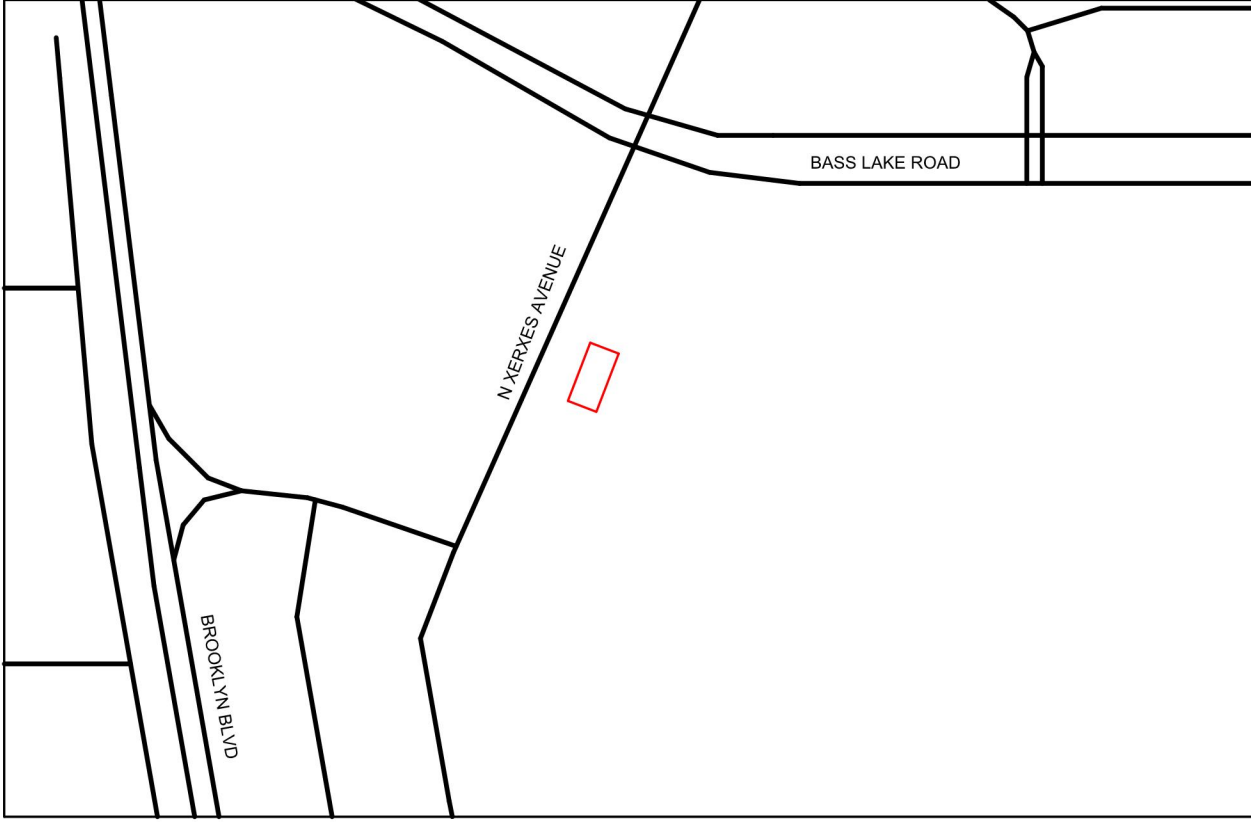
PROJECT IMAGE



SITE LOCATION MAP



SITE MAP



GENERAL CONSTRUCTION NOTES

- These documents are intended to communicate design standards for renovations to meet the needs of the client. With permitting use of these documents may be used as design documents for permit and/or construction purposes.
- General contractor (GC) shall be responsible for all qualified personnel and subcontractors, and all construction work required for the demolition, construction, and refurbishment in accordance with this set of improvements.
- Final cleaning will be required by the GC prior to substantial completion. GC shall include in this proposal the cost to complete the final cleaning. The final cleaning shall include, but not limited to, vacuuming carpets, wiping down millwork and door openings, cleaning window interiors, etc., as required for a complete final cleaning of the space.
- GC shall obtain and pay for all costs associated with securing and expediting the building permit that is necessary for the completion of the work. Bonds, permits, licenses etc., required for conducting business, shall be provided by and paid for by the GC.
- GC shall be responsible for advising the client, and it's consultants, of all laws, ordinances, rules, regulations, orders, state, and local building codes or requirements of authorities having jurisdiction over the project. If GC performs work under the contract knowing it to be contrary to the requirements of the authorities having jurisdiction over the work, and without advising the client nor their consultants of such requirements, GC shall assume full responsibility of such work and associated costs for appropriate modifications which may be required by authorities having jurisdiction over work.
- GC shall clean up all waste materials, rubbish and debris resulting from its operations at such frequencies as required to maintain a clean and safe working job-site. GC shall coordinate the preferred route and/or procedures for the removal of construction debris with the tenant and shall coordinate all necessary additional cleanup as part of construction operations such that the building common areas are maintained free from accumulations of waste material, rubbish and debris.
- GC shall be responsible for the structural integrity of the building during, and related to its construction operations. All structural modifications must be reviewed and approved through the owner.
- Costs and/or scheduled changes to the lump sum price consists of additions, deletions, or modifications shall be authorized by written scope change signed by client. GC shall provide detailed back up and pricing so that the costs and/or scheduled claim for the revisions can be properly evaluated.
- General Contractor shall provide a minimum 4'x4' jobsite sign as designed by Firm Ground. Sign will be larger if other logos are to be added such as contractor, bank, etc.
- General Contractor (GC) shall provide, but not limited to, the following activities as part of their proposed scope of services:

- A. Construction Services
- Review documents to building code issues and requirements under local municipal jurisdiction. Advise and comment to client of issues which may be of influence to securing the building permit.
 - Submit permit documents to all required governing municipalities and follow-up to secure and expedite the building permit.
 - Establish a shop drawing control system to expedite and track shop drawings, product submittals, samples, etc.
 - Schedule, monitor and implement the flow of all documents and materials for the proper sequence of approvals by the Architect so as to prevent delays in the progress of the work.
 - Verify proposed new wall locations and raise any concerns to Firm Ground, including any dimension busts or unforeseen obstructions. All proposed modifications to room sizes or wall locations must be approved by Firm Ground & owner prior to implementing; otherwise GC shall assume all costs for related thereafter.
 - Coordinate and exercise regulatory control over all subcontractors. Coordinate and supervise the efforts of all subcontractors and material to ensure that the scope of work is on schedule and constructed in accordance with the contract documents.
 - Oversee, manage, supervise and initiate all safety precautions and programs in connection with the performance of the contract in accordance with all governmental agencies having jurisdiction.
 - Maintain a record-keeping system to monitor and track the progress of the work.
 - Manage, observe and constantly review the adequacy of the subcontractor's supervision, personnel, materials and equipment on the jobsite.
 - Chair progress meetings with client to discuss coordination efforts, procedures, progress, problems, scheduling and open issues.
 - Receive, manage and review all requests for change orders and obtain written approval from client prior to commencement. Provide adequate supporting backup to justify pricing as required for review and approval. Contact and schedule all required inspections by governing municipalities.

- B. Post Construction Services
- Manage and coordinate the completion of project punchlist in accordance with the approved and accepted schedule for punchlist completion.
 - Prepare documentation for Certificate of Substantial Completion and Final Completion, as well as, procure applicable governmental certificate of occupancy requirements.
 - Compile in an organized manner subcontractor and materialmen close-out documents, such as guarantees, warranties, operation manuals, testing reports, as-built drawings, attic supply and submit to client for review and approval.
 - Close all subcontractor and materialmen subcontracts and purchase orders in an expeditious manner and resolve claims/disputes for the final contract acceptance.
 - Prepare final progress payment for all subcontractors and materialmen with a sufficient trade payment breakdown to allow for verification of work completed in the field and summarization of contract values.
 - The GC shall provide record drawings including three (3) sets of paper copies and one (1) set of electronic files to the Owner, in both PDF & DWG formats. These drawings shall represent the current conditions of the facility at the time the Owner takes possession and completion of the project.
 - The GC shall provide the Owner three (3) sets of all operation and maintenance manuals for installed equipment and materials, as well as any applicable manufacturer warranty information.
 - The GC shall provide to the owner all copies of final lien waivers including subcontractors and suppliers.

PROJECT DIRECTORY

OWNER	ARCHITECT
Icon Beauty 12989 Bauer Drive N Champlin, MN 55316 Brian Yi 612-791-1552 bhyl1022@gmail.com	Firm Ground Architects & Engineers 275 Market Street, Suite 368 Minneapolis, MN 55405 Philip Briggs 612-819-1835 pbriggs@firmgroundae.com
GENERAL CONTRACTOR	STRUCTURAL ENGINEER
COMPANY ADDRESS LINE 1 ADDRESS LINE 2 CONTACT NAME NUMBER EMAIL	Kimley-Horn and Associates 767 Eustis Street, Suite 100 St. Paul, MN 55114 Brian Wurdeman 651-643-0444 brian.wurdeman@kimley-horn.com
CIVIL ENGINEER	LANDSCAPE ARCHITECT
COMPANY ADDRESS LINE 1 ADDRESS LINE 2 CONTACT NAME NUMBER EMAIL	COMPANY ADDRESS LINE 1 ADDRESS LINE 2 CONTACT NAME NUMBER EMAIL
CONSULTANT	CONSULTANT
COMPANY ADDRESS LINE 1 ADDRESS LINE 2 CONTACT NAME NUMBER EMAIL	COMPANY ADDRESS LINE 1 ADDRESS LINE 2 CONTACT NAME NUMBER EMAIL

SHEET LIST

SHEET NUMBER	SHEET TITLE
1) GENERAL	
T1	TITLE SHEET
T2	CODE ANALYSIS
2) DEMOLITION	
D101	FIRST FLOOR DEMOLITION PLAN
D102	MEZZANINE FLOOR DEMOLITION PLAN
3) ARCHITECTURE	
A101	FIRST FLOOR PLAN
A102	MEZZANINE FLOOR PLAN
A401	EXTERIOR ELEVATIONS
A402	EXTERIOR ELEVATIONS COLOR



275 Market Street, Ste. 368
Minneapolis, MN 55405

612.819.1835 www.firmgroundae.com

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

Philip J. Briggs
MM/DD/YYYY 44387
Date Signed License No.

PARTNERS/CONSULTANTS

OWNER

Brian Yi

12989 Bauer Drive N
Champlin, MN 55316

PROJECT
Icon Beauty Supply Store

1450 Shingle Creek Crossing
Brooklyn Center, MN 55430

PROJECT NO. 23.101
DRAWN BY E. EGBERT
CHECKED BY T. WASMOEN

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PLANNING SUBMITTAL
02/13/2024

ISSUE/REVISION DATE

NOT FOR CONSTRUCTION

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T1

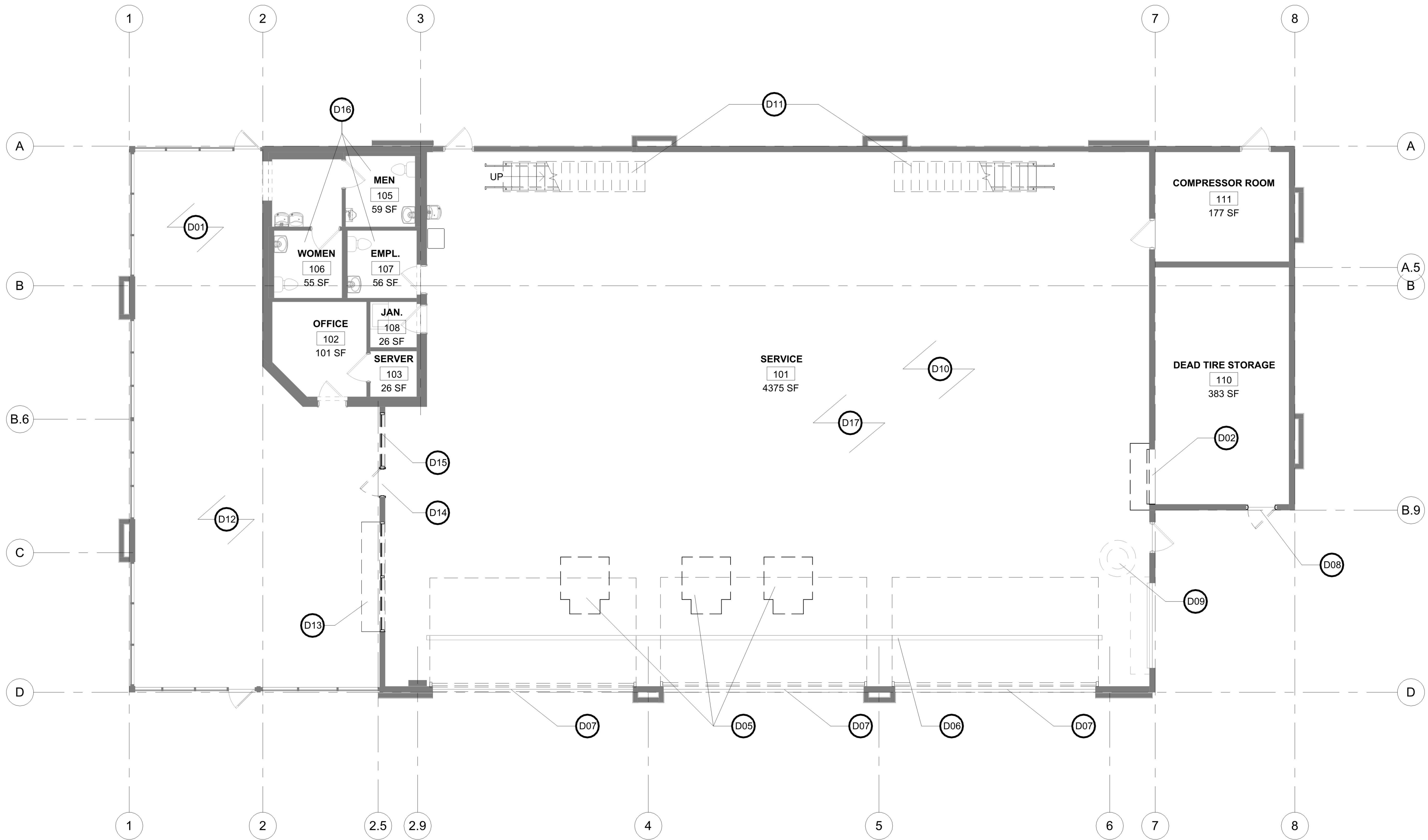
FIRM GROUND
architects & engineers

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1
D101

FIRST FLOOR DEMOLITION PLAN

1/8" = 1'-0"



DEMOLITION PLAN NOTES

- THIS DEMOLITION PLAN REPRESENTS AS COMPLETE A PICTURE OF DEMOLITION FOR THE PROJECT AS POSSIBLE. HOWEVER, THE DEMOLITION SCOPE INCLUDES ALL DEMOLITION REQUIRED TO PRODUCE THE DESIGN REPRESENTED BY THESE DRAWINGS. CONSULT ARCHITECT WITH QUESTIONS OR DISCREPANCIES.
- THE DEMOLITION CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH AND AND ALL LAWS, REGULATIONS, ORDINANCES, AND CODES RELATED TO DEMOLITION AND MATERIAL REMOVAL INACTED AND ENFORCED BY APPLICABLE FEDERAL, STATE AND LOCAL AGENCIES WITH JURISDICTION AT THE SITE.
- THE DEMOLITION CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING DESIGN AND CONSTRUCTION OF ALL SHORING COMPONENTS USED TO SAFELY SHORE THE STRUCTURAL SYSTEMS DURING DEMOLITION. ANY AND ALL SHORING IS TO BE ENGINEERED BY A LICENSED MN ENGINEER UNDER A SEPERATE CONTRACT UNLESS OTHERWISE NOTED IN THESE DOCUMENTS.
- THE DEMOLITION CONTRACTOR SHALL REPORT THE DISCOVERY OF ANY FOUND DEFECTS IN MATERIALS OR SYSTEMS TO REMAIN OR HAZARDOUS MATERIALS ENCOUNTERED TO THE OWNER AND THE ARCHITECT IN A TIMELY MANNER.
- THE G.C. SHALL VERIFY THE LOCATION OF ALL UTILITIES AND SERVICES ON THE SITE AND TO THE BUILDING PRIOR TO BEGINNING DEMOLITION/CONSTRUCTION ON THE SITE. IF ANY OF THE ARE FOUND TO BE IN CONFLICT WITH THE PROPOSED NEW CONSTRUCTION CONTACT THE ARCHITECT IMMEDIATELY.
- THE DEMOLITION CONTRACTOR SHALL VERIFY ALL LOCATION OF NEW WALLS, DOORS, OPENINGS, ETC. WITH THE FLOOR PLAN PRIOR TO DEMOLITION.
- PATCH ALL WALLS, FLOORS, CEILINGS, ETC. TO REMAIN AS REQUIRED TO BE READY TO RECEIVE NEW FINISH MATERIALS, INCLUDING THOSE DAMAGED DURING DEMOLITION.
- REMOVE ALL EXISTING FINISHES AND EQUIPMENT AS REQUIRED TO ACCOMMODATE NEW FINISHES AND EQUIPMENT.

Please review demolition plan notes with your project architect and remove any not applicable to your project, then delete this note.

DEMOLITION PLAN LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE DEMOLISHED
- EXISTING DOOR TO BE DEMOLISHED

DEMOLITION KEYNOTES

NOTE NUMBER	NOTE TEXT
D01	DEMOLISH AND DISPOSE OF EXISTING TILE FLOORING AND PREPARE FOR NEW FINISH
D02	DEMOLISH AND DISPOSE OF EXISTING COIL OVERHEAD DOOR
D03	EXISTING FANS TO REMAIN AND BE CLEANED
D04	REMOVE AND SALVAGE DOOR SLAB AND HARDWARE, DISPOSE OF EXISTING FRAME
D05	DEMOLISH AND DISPOSE OF EXISTING LIFTS
D06	DEMOLISH AND DISPOSE OF EXISTING DRAIN
D07	DEMOLISH AND DISPOSE OF EXISTING ENTIRE OVER HEAD DOOR ASSEMBLY
D08	DEMOLISH AND DISPOSE OF EXISTING EXTERIOR DOOR
D09	DEMOLISH AND DISPOSE OF EXISTING WASTE TRAP
D10	DEMOLISH AND DISPOSE OF ALL EXISTING LIGHTING FIXTURES IN THIS SERVICE AREA
D11	REMOVE AND SALVAGE EXISTING STAIRS FOR RE-INSTALLATION LATER IN PROJECT. REPAIR SLAB AS REQUIRED TO FLUSH CONDITIONS
D12	DEMOLISH AND DISPOSE OF EXISTING ACT SYSTEM AND LIGHT FIXTURES IN THIS AREA
D13	DEMOLISH AND DISPOSE OF EXISTING COUNTER AND WINDOW
D14	DEMOLISH AND DISPOSE OF EXISTING DOOR
D15	DEMOLISH AND DISPOSE OF EXISTING WINDOW
D16	FLOOR TILE IN RESTROOMS TO REMAIN
D17	DEMOLISH AND DISPOSE OF EXISTING OVERHEAD HEATING UNITS
D18	CREATE OPENING FOR REUSED DOOR SLAB AND NEW FRAME
D19	DEMOLISH AND DISPOSE OF ALL RACKING AND METAL GRATE CATWALKS



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Philip J. Briggs
MM/DD/YYYY 44387
Date Signed License No.

PARTNERS/CONSULTANTS

OWNER

Brian Yi

12989 Bauer Drive N
Champlin, MN 55316

PROJECT

**Icon Beauty Supply
Store**

1450 Shingle Creek Crossing
Brooklyn Center, MN 55430

PROJECT NO. 23.101
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CHECKED BY T. WASMOEN
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SHEET TITLE

**FIRST FLOOR
DEMOLITION
PLAN**

SHEET NUMBER

D101
FIRM GROUND
architects & engineers



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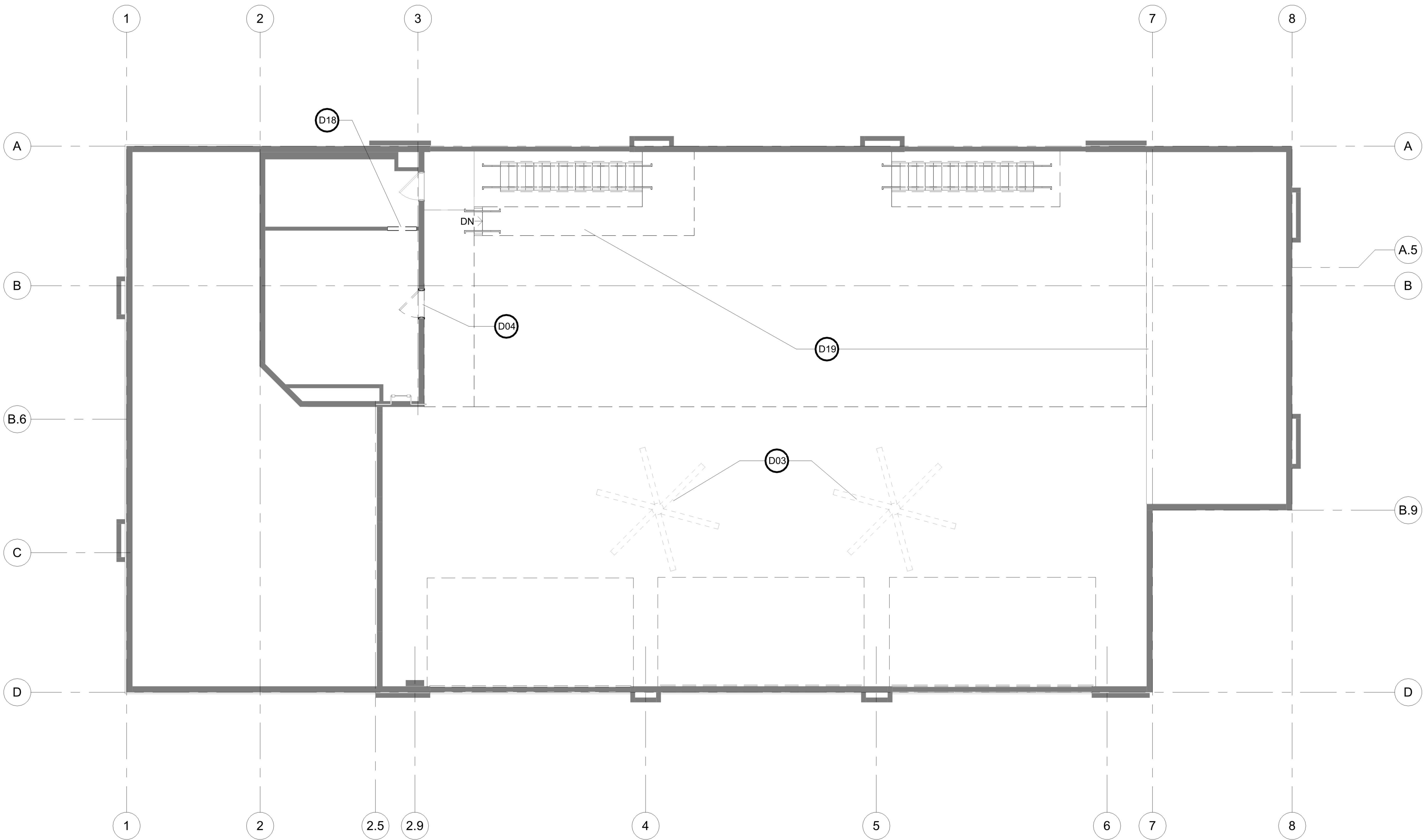
SHEET TITLE
**MEZZANINE
FLOOR
DEMOLITION
PLAN**

SHEET NUMBER

D102
FIRM GROUND
architects & engineers



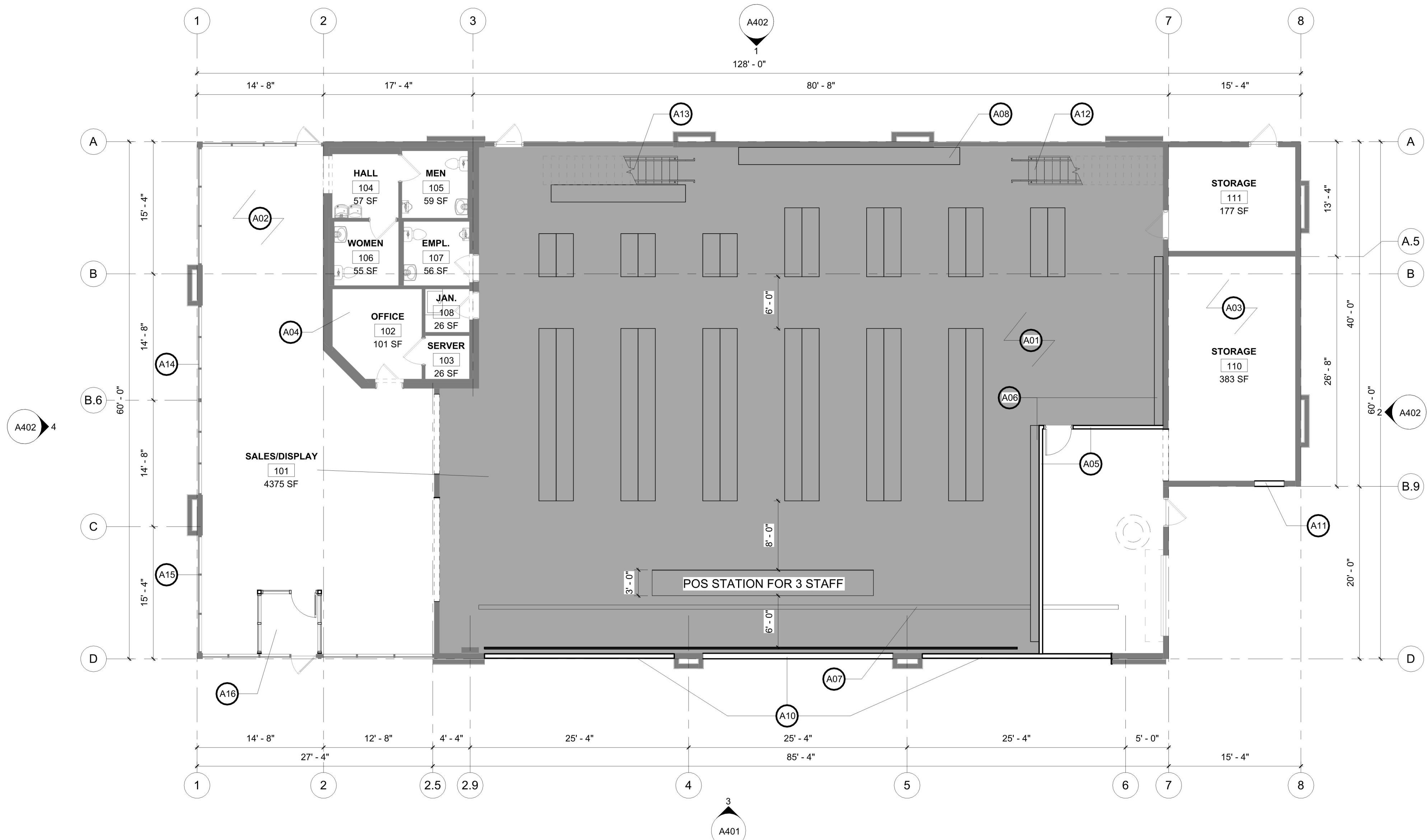
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D19	DEMOLISH AND DISPOSE OF ALL RACKING AND METAL GRATE CATWALKS



1
D102
MEZZANINE DEMOLITION PLAN
1/8" = 1'-0"

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GENERAL NOTE:
PROVIDE AND INSTALL NEW
LIGHTING THROUGH MAIN FLOOR.
VERIFY EXISTNG ROOF
CONDITIONS.



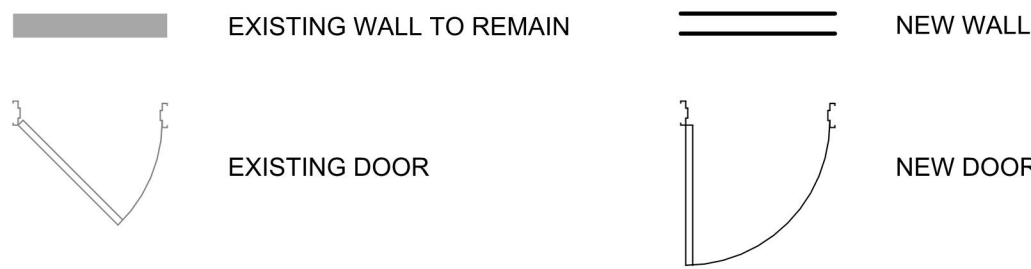
FIRST FLOOR CONSTRUCTION PLAN
16
A101 1/8" = 1'-0"

CONSTRUCTION PLAN NOTES

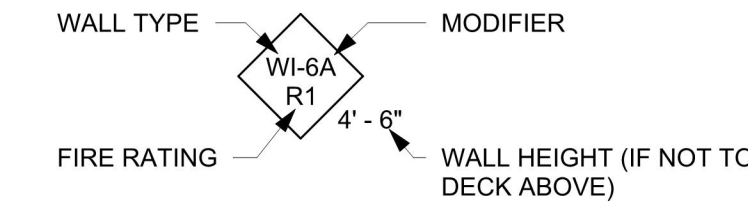
- DO NOT SCALE DRAWINGS FOR CONSTRUCTION DIMENSIONS. NOTIFY ARCHITECT OF DISCREPANCIES AND MISSING INFORMATION AS REQUIRED.
- IN THE CASE OF AMBIGUITIES, DISCREPANCIES, OR IRREGULARITIES IN THE DRAWINGS AND/OR SPECIFICATIONS, THE CONTRACTOR SHALL SUBMIT A WRITTEN REQUEST FOR INFORMATION (RFI) FROM THE ARCHITECT BEFORE PROCEEDING WITH WORK.
- NEW WALLS ARE DIMENSIONED AS FOLLOWS:
EXTERIOR: TO EXTERIOR FACE OF SHEATHING
INTERIOR: TO CENTERLINE OF WALL STUDS
- EXISTING EXTERIOR AND INTERIOR WALLS ARE DIMENSIONED FROM FINISHED WALL FACE. NOTE TICK MARK LOCATIONS.
- GRID LINES ARE ALIGNED TO WALLS AS FOLLOWS UNLESS NOTED OTHERWISE:
EXTERIOR: FACE OF FOUNDATION
INTERIOR: CENTERLINE OF WALL STUDS
- LOCATE DOOR ROUGH OPENINGS 3" FROM FACE OF ADJACENT WALL
- SEE LEGEND FOR SHADING CONVENTIONS FOR NEW AND EXISTING WALLS
- ALL NEW DOORS ARE SHOWN OPEN AT 90-DEGREE ANGLE.
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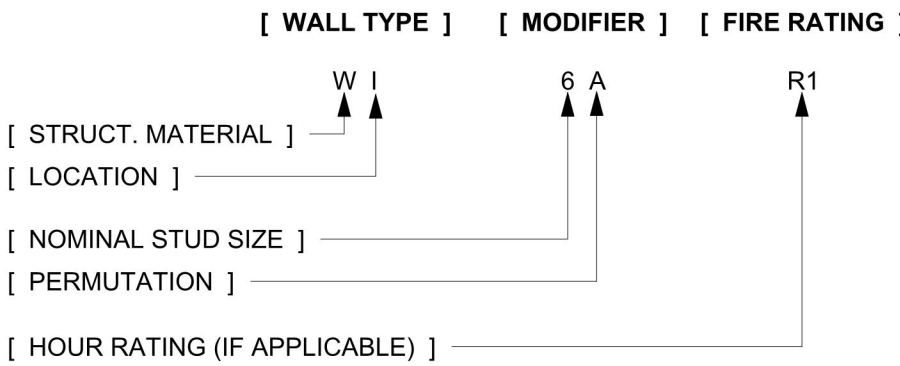
CONSTRUCTION PLAN LEGEND



WALL TAG SYMBOL EXPLANATION:



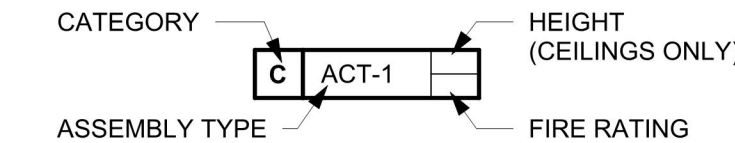
WALL TYPE LABELING CONVENTIONS:



WALL TYPE ABBREVIATION KEY:

(W) - WOOD (E) - EXTERIOR (S) - STEEL (M) - MASONRY (F) - FURRING (I) - INTERIOR permutation abbrev examples

HORIZONTAL ASSEMBLY SYMBOL EXPLANATION:



HORIZONTAL ASSEMBLY ABBREVIATION KEY:

CATEGORIES: (F) - FLOOR (C) - CEILING (R) - ROOF CEILINGS: (ACT) - ACOUSTIC CEILING TILE (GB) - GYPSUM BOARD (WD) - WOOD CEILING (WDS) - WOOD SLAT CEILING FLOORS: (CONC) - CONCRETE (WDP) - WOOD PLANK

FLOOR PLAN KEYNOTES

NOTE NUMBER	NOTE TEXT
A01	PRICE DIFFERENCE BETWEEN POLISH CONCRETE AND EPOXY
A02	KEEP AS IS WITH NEW LIGHTING OR RAISE HVAC TO DECK WITH NEW LIGHTING. FINISH INSIDE FACE OF EXTERIOR WALLS AND RAISE CEILING.
A03	MODIFY HVAC SYSTEM AS REQUIRED
A04	KEEP EXISTING CASEWORK IN OFFICE, ALL FINISHES TO REMAIN. CLEAN-UP CEILING TILES AND VENTS.
A05	NEW WALL UP TO DECK
A06	WIG DISPLAY WALLS
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A09	STEEL METAL RAILING ALONG WALL TO BE PAINTED BLACK
A10	INFILL WALLS WHERE EXISTING DOORS WERE DEMOLISHED IS BUILT USING STEEL STUDS
A11	INFILL OPENING TO MATCH EXISTING WALL
A12	REINSTALLED SALVAGED STAIRS FOR DIRECT ACCESS TO MEZZANINE STORAGE
A13	REINSTALL STAIRS AND MODIFY AS REQUIRED TO WORK WITH SLIGHTLY ELEVATED PLATFORM
A14	PROVIDE AND INSTALL 3M SECURITY FILM - S70 ON ALL STOREFRONT WINDOWS AS AN ALTERNATE
A15	PAINT OVER EXISTING RED ALUMINUM STOREFRONT FRAME SYSTEM TO BLACK
A16	CREATE NEW VESTIBULE WITH STOREFRONT SYSTEM AND MATCH IN HEIGHT TO EXTERIOR SYSTEM
A17	INFILL OPENING WITH MATCHING MATERIALS
A18	NEW STEEL METAL RAILING
A19	INSTALL NEW FRAME AND SALVAGED DOOR SLAB AND HARDWARE



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PROJECT

**Icon Beauty Supply
Store**

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Brooklyn Center, MN 55430

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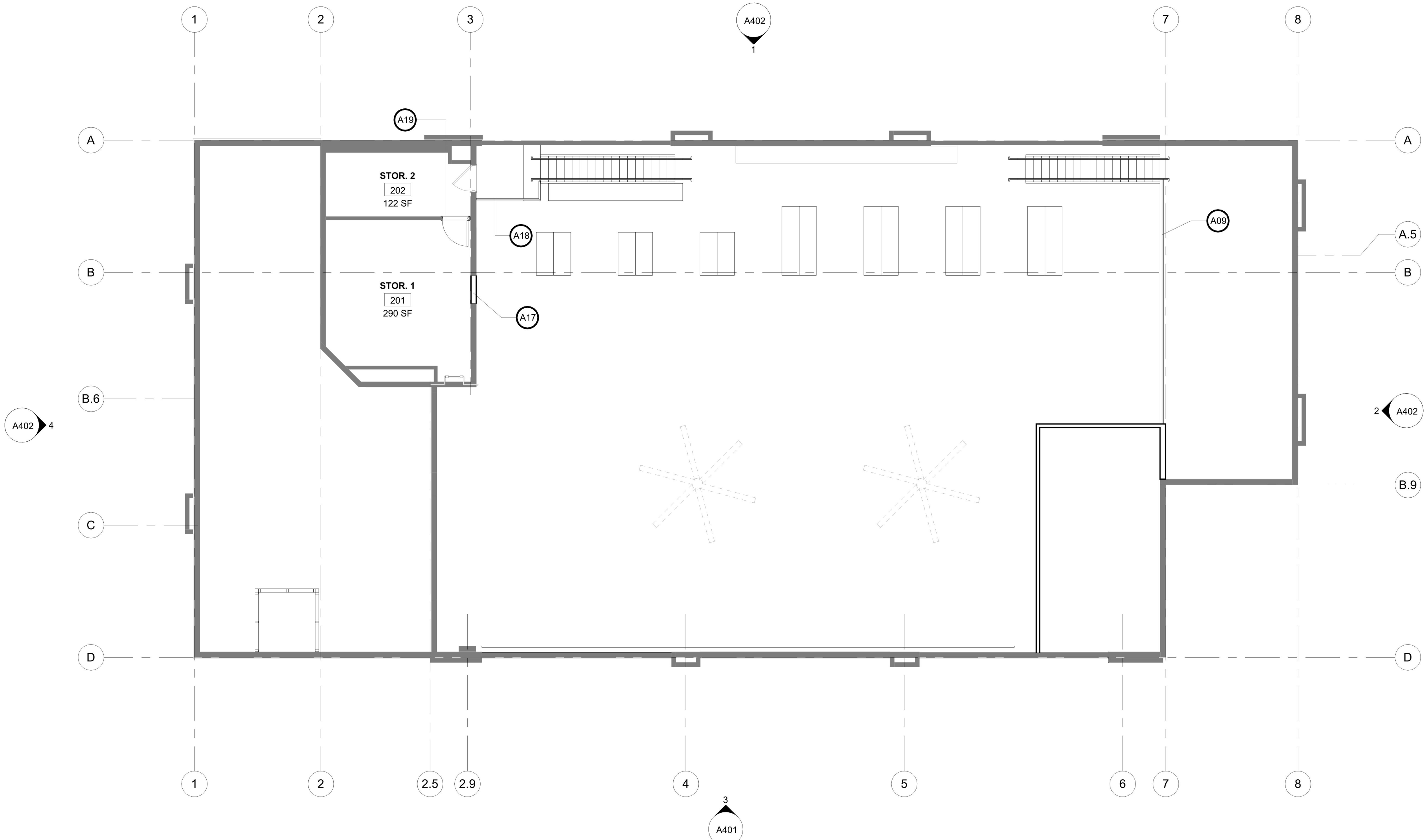
**FIRST FLOOR
PLAN**

SHEET NUMBER

A101

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architects & engineers

GENERAL NOTE:
PROVIDE AND INSTALL NEW
LIGHTING THROUGH MAIN FLOOR.
VERIFY EXISTNG ROOF
CONDITIONS.



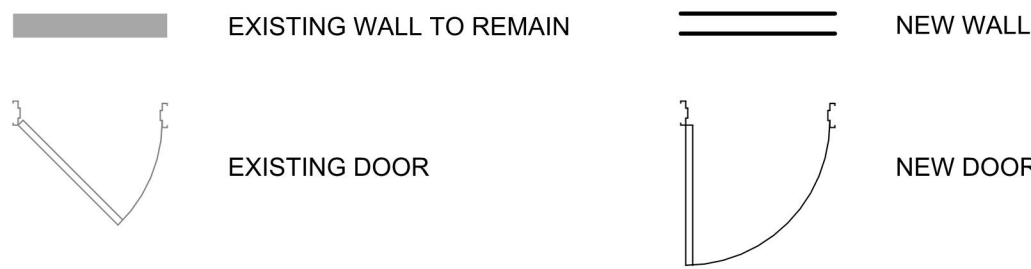
MEZZANINE CONSTRUCTION PLAN
1/8" = 1'-0"

CONSTRUCTION PLAN NOTES

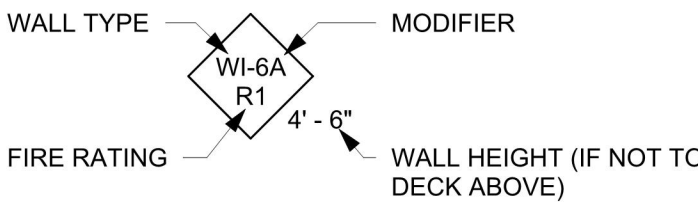
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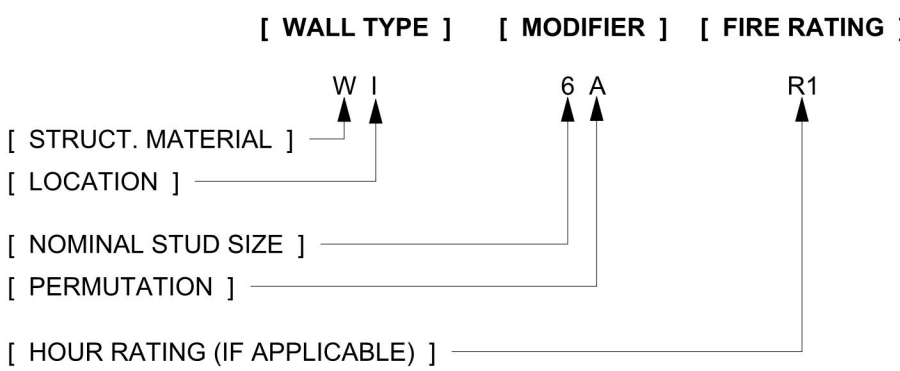
CONSTRUCTION PLAN LEGEND



WALL TAG SYMBOL EXPLANATION:



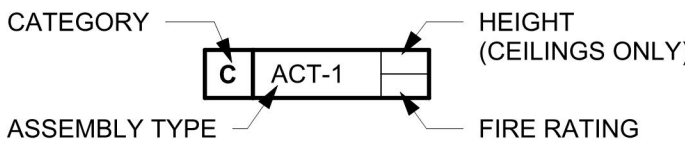
WALL TYPE LABELING CONVENTIONS:



WALL TYPE ABBREVIATION KEY:

(W) - WOOD (E) - EXTERIOR (1) - INTERIOR
(S) - STEEL (I) - INTERIOR
(M) - MASONRY
(F) - FURRING

HORIZONTAL ASSEMBLY SYMBOL EXPLANATION:



HORIZONTAL ASSEMBLY ABBREVIATION KEY:

CATEGORIES: (F) - FLOOR (C) - CEILING (R) - ROOF
CEILING: (ACT) - ACOUSTIC CEILING TILE (GB) - GYPSUM BOARD (WD) - WOOD CEILING (WDS) - WOOD SLAT CEILING
FLOORS: (CONC) - CONCRETE (WDP) - WOOD PLANK

FLOOR PLAN KEYNOTES

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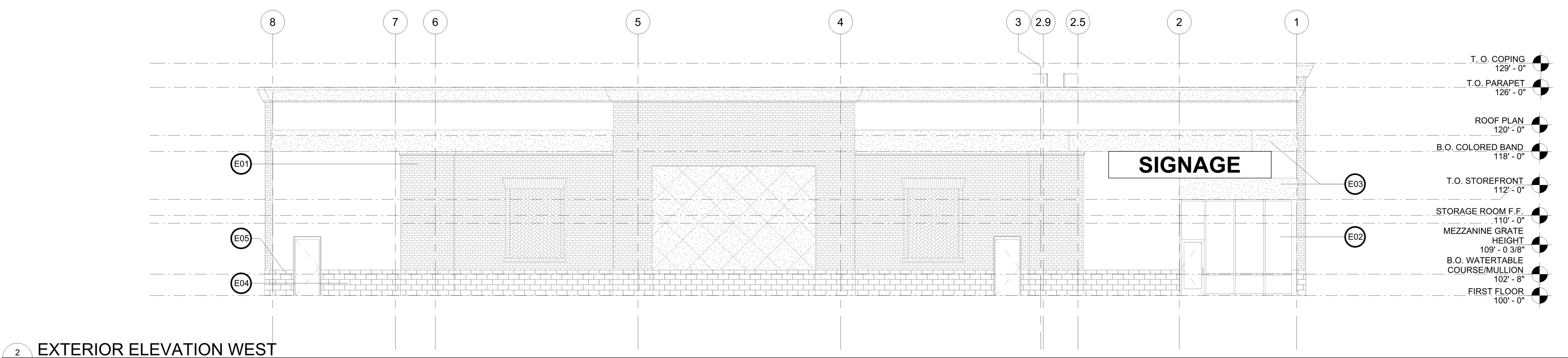
SHEET TITLE

**MEZZANINE
FLOOR PLAN**

SHEET NUMBER

A102
FIRM GROUND
architects & engineers

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2
A401
EXTERIOR ELEVATION WEST
1/8" = 1'-0"

CLASS 1	
EXISTING WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
BRICK:	1171.61 SF
GLASS:	175.30 SF
STUCCO:	804.67 SF
AREA OF CLASS 1:	2151.58 SF
CLASS 1 PERCENTAGE:	65%

CLASS 2	
EXISTING WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
PAINTED SPLIT-FACE CMU:	724.91 SF
INTEGRAL COLOR CMU:	336.85 SF
AREA OF CLASS 2:	1061.76 SF
CLASS 2 PERCENTAGE:	33%

OTHER	
NEW WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
SIGNAGE:	67.78 SF
AREA OF CLASS 2:	67.78 SF
OTHER PERCENTAGE:	2%

TOTALS	
EXISTING CLASS 1:	65% = 65%
NEW CLASS 1:	0% = 0%
EXISTING CLASS 2:	33% = 33%
NEW CLASS 2:	0% = 0%
NEW OTHER:	2% = 2%

EXTERIOR KEYNOTES

NOTE NUMBER	NOTE TEXT
E01	BRICK
E02	GLASS
E03	E.I.F. S.
E04	PAINTED SPLIT-FACE CMU
E05	INTEGRAL COLOR CMU
E06	NEW BRICK AND INTEGRAL COLOR CMU INFILL

CLASS 1	
EXISTING NORTH ELEVATION:	
TOTAL AREA:	1460.19 SF
BRICK:	443.68 SF
GLASS:	0 SF
STUCCO:	395.36 SF
AREA OF CLASS 1:	839.04 SF
CLASS 1 PERCENTAGE:	58%

CLASS 2	
EXISTING NORTH ELEVATION:	
TOTAL AREA:	1460.19 SF
PAINTED SPLIT-FACE CMU:	101.99 SF
INTEGRAL COLOR CMU:	519.06 SF
AREA OF OTHER:	605.79 SF
OTHER PERCENTAGE:	42%

CLASS 1	
EXISTING EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
BRICK:	680.45 SF
GLASS:	327.99 SF
STUCCO:	751.80 SF
AREA OF CLASS 1:	1760.24 SF
CLASS 1 PERCENTAGE:	53%

CLASS 2	
EXISTING EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
SPLIT-FACE CMU:	366.00 SF
INTEGRAL COLOR CMU:	336.64 SF
AREA OF CLASS 2:	702.64 SF
CLASS 2 PERCENTAGE:	21%

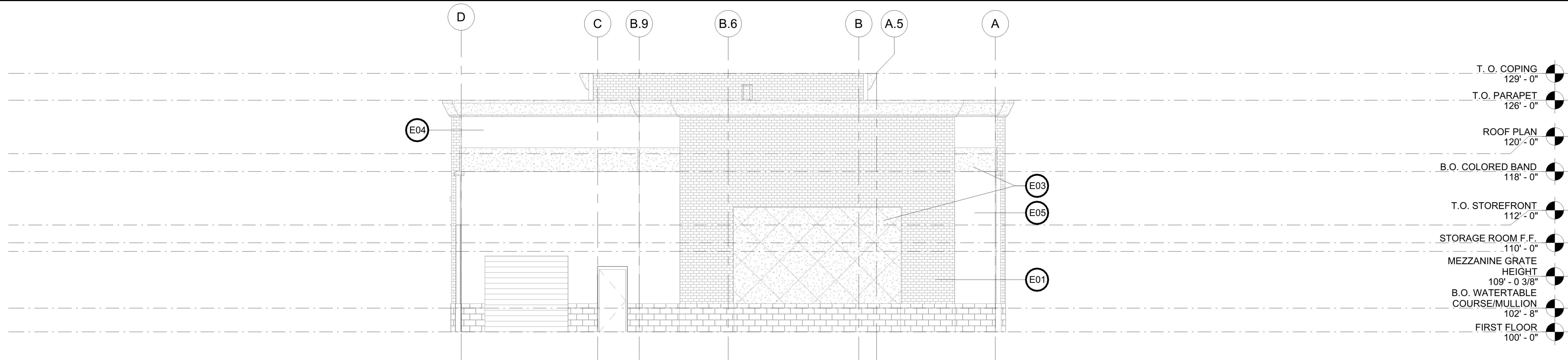
CLASS 1	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
BRICK:	504.28 SF
STUCCO:	78.00 SF
AREA OF OTHER:	582.28 SF
OTHER PERCENTAGE:	18%

CLASS 2	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
INTEGRAL COLOR CMU:	208.74 SF
AREA OF OTHER:	208.74 SF
OTHER PERCENTAGE:	6%

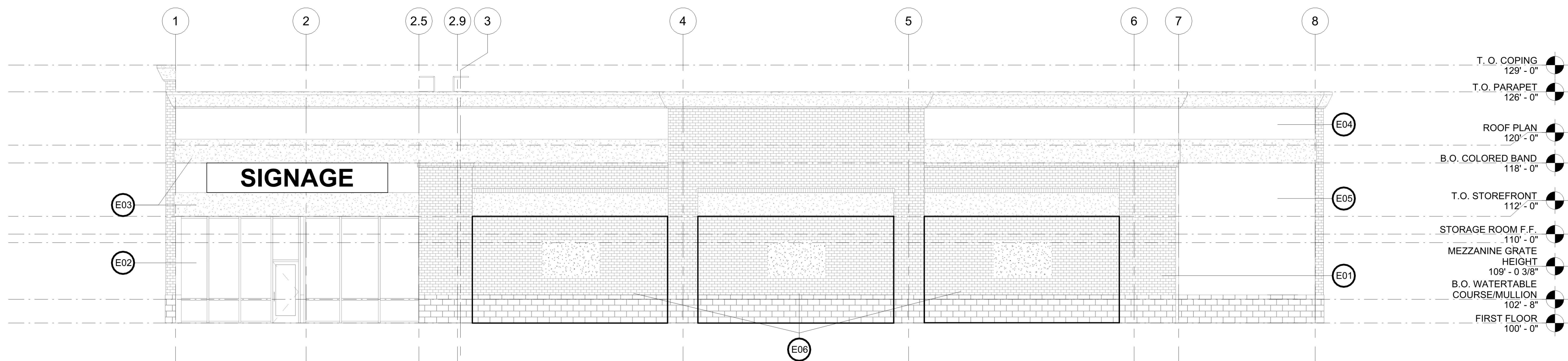
OTHER	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
SIGNAGE:	67.78 SF
AREA OF OTHER:	67.78 SF
OTHER PERCENTAGE:	2%

TOTALS	
EXISTING CLASS 1:	53% = 71%
NEW CLASS 1:	18% = 18%
EXISTING CLASS 2:	21% = 27%
NEW CLASS 2:	6% = 6%
NEW OTHER:	2% = 2%

1
A401
EXTERIOR ELEVATION NORTH
1/8" = 1'-0"



3
A401
EXTERIOR ELEVATION EAST
1/8" = 1'-0"

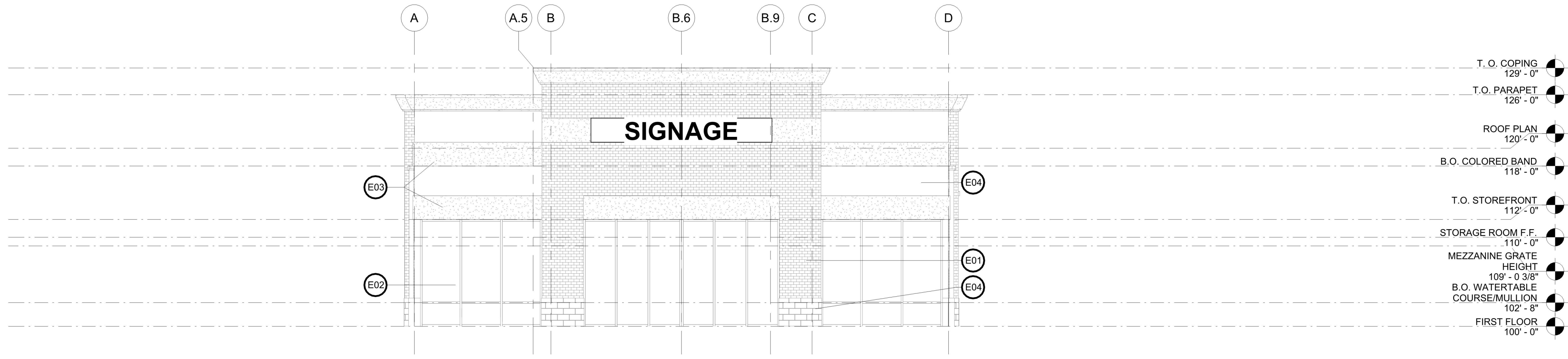


CLASS 1	
EXISTING SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
BRICK:	415.43 SF
GLASS:	606.72 SF
STUCCO:	357.34 SF
AREA OF CLASS 1:	1379.49 SF
CLASS 1 PERCENTAGE:	83%

CLASS 2	
EXISTING SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
SPLIT-FACE CMU:	195.58 SF
INTEGRAL COLOR CMU:	34.28 SF
AREA OF OTHER:	229.83 SF
OTHER PERCENTAGE:	14%

OTHER	
NEW SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
SIGNAGE:	54.86 SF
AREA OF OTHER:	54.86 SF
OTHER PERCENTAGE:	3%

4
A401
EXTERIOR ELEVATION SOUTH
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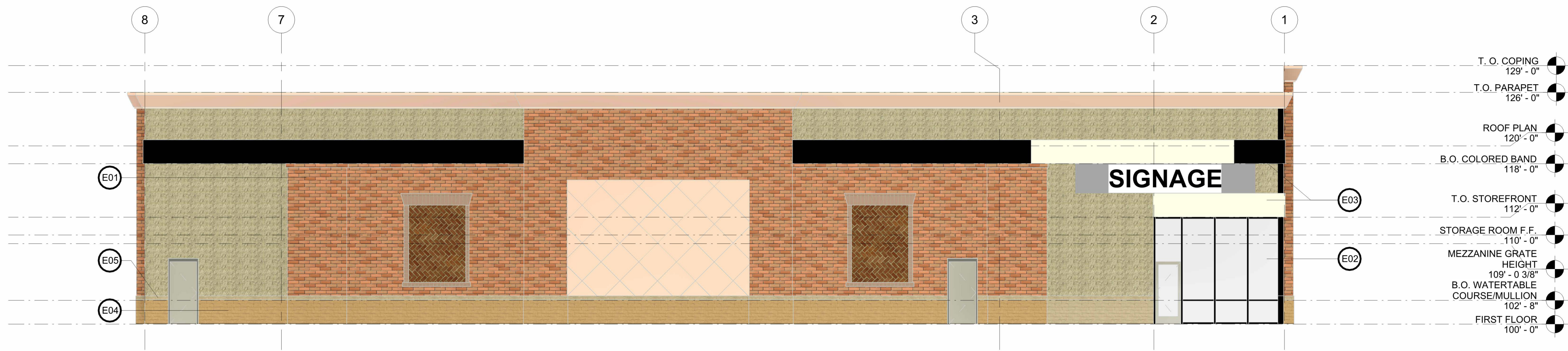
SHEET TITLE

EXTERIOR ELEVATIONS

SHEET NUMBER

A401
FIRM GROUND
architects & engineers

C:\Users\EG\p\Documents\23-10 IconBeautySupply\Store Central_E\egant.rvt
2/13/2024 3:05:46 PM



CLASS 1	
EXISTING WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
BRICK:	1171.61 SF
GLASS:	175.30 SF
STUCCO:	804.67 SF
AREA OF CLASS 1:	2151.58 SF
CLASS 1 PERCENTAGE:	65%

CLASS 2	
EXISTING WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
PAINTED SPLIT-FACE CMU:	724.91 SF
INTEGRAL COLOR CMU:	336.85 SF
AREA OF CLASS 2:	1061.76 SF
CLASS 2 PERCENTAGE:	33%

OTHER	
NEW WEST ELEVATION:	
TOTAL AREA:	3331.72 SF
SIGNAGE:	67.78 SF
AREA OF CLASS 2:	67.78 SF
OTHER PERCENTAGE:	2%

TOTALS	
EXISTING CLASS 1:	65% = 65%
NEW CLASS 1:	0% = 0%
EXISTING CLASS 2:	33% = 33%
NEW CLASS 2:	0% = 0%
NEW OTHER:	2% = 2%

EXTERIOR KEYNOTES

NOTE NUMBER	NOTE TEXT
E01	BRICK
E02	GLASS
E03	E.I.F.S.
E04	PAINTED SPLIT-FACE CMU
E05	INTEGRAL COLOR CMU
E06	NEW BRICK AND INTEGRAL COLOR CMU INFILL

CLASS 1	
EXISTING NORTH ELEVATION:	
TOTAL AREA:	1460.19 SF
BRICK:	443.68 SF
GLASS:	0 SF
STUCCO:	395.36 SF
AREA OF CLASS 1:	839.04 SF
CLASS 1 PERCENTAGE:	58%

CLASS 2	
EXISTING NORTH ELEVATION:	
TOTAL AREA:	1460.19 SF
PAINTED SPLIT-FACE CMU:	101.99 SF
INTEGRAL COLOR CMU:	519.06 SF
AREA OF OTHER:	605.79 SF
OTHER PERCENTAGE:	42%

CLASS 1	
EXISTING EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
BRICK:	680.45 SF
GLASS:	327.99 SF
STUCCO:	751.80 SF
AREA OF CLASS 1:	1760.24 SF
CLASS 1 PERCENTAGE:	53%

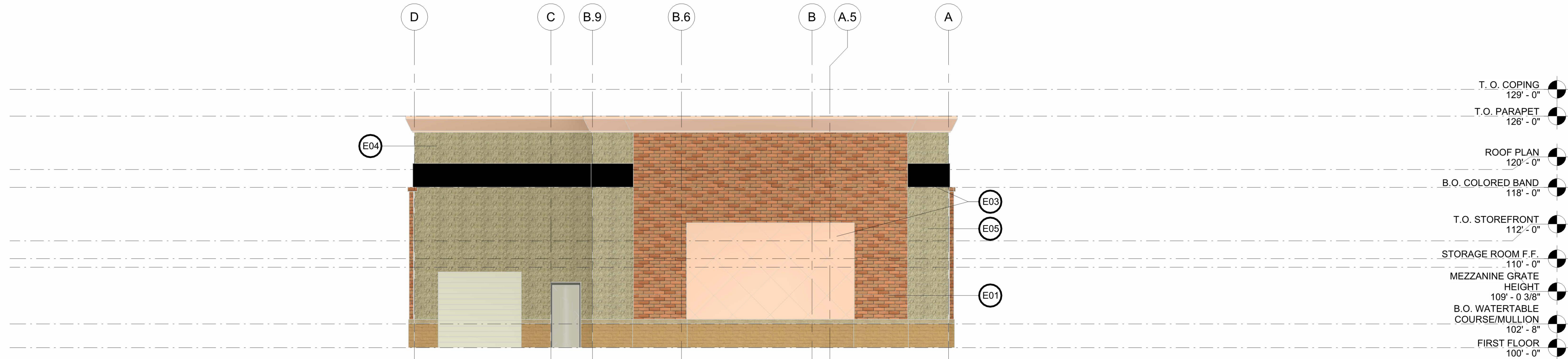
CLASS 2	
EXISTING EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
SPLIT-FACE CMU:	366.00 SF
INTEGRAL COLOR CMU:	336.64 SF
AREA OF CLASS 2:	702.64 SF
CLASS 2 PERCENTAGE:	21%

CLASS 1	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
BRICK:	504.28 SF
STUCCO:	78.00 SF
AREA OF OTHER:	582.28 SF
OTHER PERCENTAGE:	18%

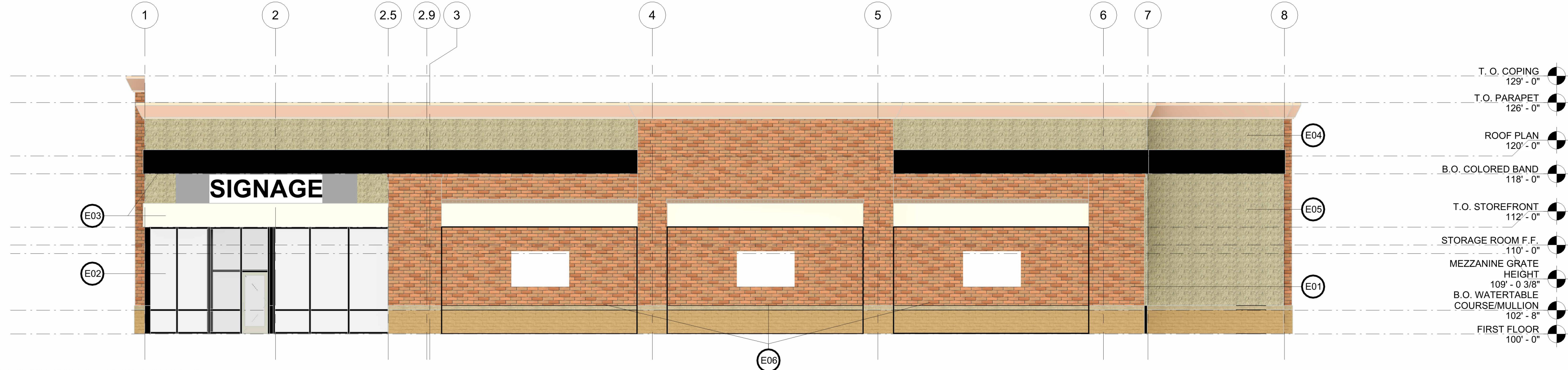
CLASS 2	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
INTEGRAL COLOR CMU:	208.74 SF
AREA OF OTHER:	208.74 SF
OTHER PERCENTAGE:	6%

OTHER	
NEW EAST ELEVATION:	
TOTAL AREA:	3329.14 SF
SIGNAGE:	67.78 SF
AREA OF OTHER:	67.78 SF
OTHER PERCENTAGE:	2%

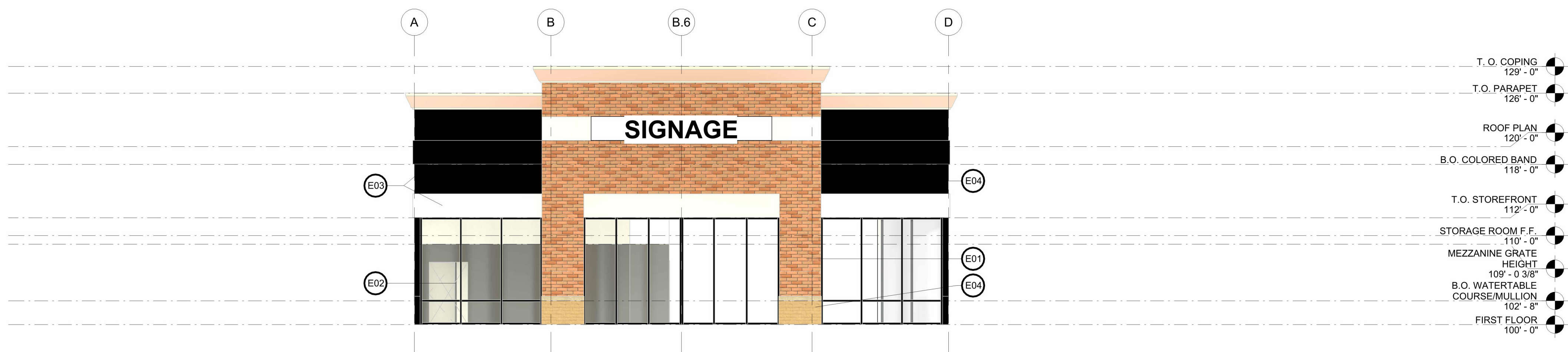
TOTALS	
EXISTING CLASS 1:	53% = 71%
NEW CLASS 1:	18% = 27%
EXISTING CLASS 2:	21% = 27%
NEW CLASS 2:	6% = 2%
NEW OTHER:	2% = 2%



EXTERIOR ELEVATION NORTH COLOR



EXTERIOR ELEVATION EAST COLOR



CLASS 1	
EXISTING SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
BRICK:	415.43 SF
GLASS:	606.72 SF
STUCCO:	357.34 SF
AREA OF CLASS 1:	1379.49 SF
CLASS 1 PERCENTAGE:	83%

CLASS 2	
EXISTING SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
SPLIT-FACE CMU:	195.58 SF
INTEGRAL COLOR CMU:	34.28 SF
AREA OF OTHER:	229.83 SF
OTHER PERCENTAGE:	14%

OTHER	
NEW SOUTH ELEVATION:	
TOTAL AREA:	1660.64 SF
SIGNAGE:	54.86 SF
AREA OF OTHER:	54.86 SF
OTHER PERCENTAGE:	3%

EXTERIOR ELEVATION SOUTH COLOR



275 Market Street, Ste. 368
Minneapolis, MN 55405

612.819.1835 www.firmgroundae.com

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

Philip J. Briggs
MM/DD/YYYY 44387
Date Signed License No.

PARTNERS/CONSULTANTS

OWNER

Brian Yi

12989 Bauer Drive N
Champlin, MN 55316

PROJECT

**Icon Beauty Supply
Store**

1450 Shingle Creek Crossing
Brooklyn Center, MN 55430

PROJECT NO. 23.101
DRAWN BY E. EGBERT
CHECKED BY T. WAGMOEN
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**PLANNING
SUBMITTAL
02/13/2024**

ISSUE/REVISION DATE

**NOT FOR
CONSTRUCTION**

SHEET TITLE

**EXTERIOR
ELEVATIONS
COLOR**

SHEET NUMBER

A402
FIRM GROUND
architects & engineers

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, March 14, 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 REQUESTS: Site and Building Plan and PUD Amendments

APPLICANT: Icon, LLC
PROPERTY OWNER: Halle Properties, LLC
PROPERTY ADDRESS | PID:
1450 Shingle Creek Crossing,
Brooklyn Center, MN 55430 |
03-118-21-41-0037

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is requesting review of a proposal to convert the former Discount Tire located within the Shingle Creek Crossing shopping center to an Icon Beauty retail store.

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 681 9880

Password: BCPC03142024

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.

Ginny McIntosh
Planning Manager

Published in the
Sun Post
February 29, 2024
1376928

From: Matt Durand <mattdurand@holidayss1.com>
Sent: Monday, March 11, 2024 12:15 PM
To: Ginny McIntosh
Subject: New Tennant at Discount Tire

Hi Ginny,

Hope all is going well with you! I just received the letter in the mail regarding the new tenant to occupy the Discount Tire. As an owner of two business located near this, I wanted to express my 100% support of the new Icon Beauty retail store. I believe this business will do very well in that space and am looking forward to the Discount Tire space being filled. Please use this letter to reflect a local business who supports this new occupancy.

Hope to see more of these letters in the near future.

Regards,

Matt Durand
Holiday Stationstore Franchise President/Owner
mattdurand@holidayss1.com
[REDACTED]



Community Development
763-569-3300

March 4, 2024

Icon Beauty

Building review comments for a newly proposed Icon Beauty to be located at 1450 Shingle Creek Crossing

1. Prior to a Building permit being issued. A SAC determination for the new building use will need to be done by MET Council and SAC determination letter received.
2. Separate permits and signed plans required for Building, Mechanical, Plumbing & Electrical. A Fire sprinkler permit with plans may be required to be submitted to the Building Department for this building review. The Community Development department must be contacted on all proposed signage for this building. Permits are required for all exterior signage.
3. The Existing S1 occupancy side (Repair Garage) was not constructed as a conditioned space and will be used as a retail space. Exterior CMU walls were not insulated. MN ASHRAE 90.1 requires Alterations of existing buildings or changes in space conditioning shall be brought into compliance with all the applicable requirements that would apply to the building envelope as if the building was new.
6. Flammable interceptors as indicated on original plans shall be properly abandoned. All floor drains, trench drains and floor sink shall be capped at inlet and piping at discharge before entering the flammable interceptor. The Flammable interceptor shall have its openings capped/sealed and the discharge pipe leading to the City Sanitary.
7. Open grates on mezzanine floor shall remain open for fire protection or if covered, Fire protection shall be provided under mezzanine per NFPA 13.

Sincerely,

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

MEMORANDUM

DATE: February 27, 2024

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: James Soltis, P.E., Assistant City Engineer

SUBJECT: Preliminary Site Plan & Preliminary Plat Review – 1450 Shingle Creek Crossing-Icon Beauty (former Discount Tires)

Public Works staff reviewed the following documents submitted for review for 1450 Shingle Creek Crossing-Icon Beauty (former Discount Tires)

- Preliminary Plans dated February 13, 2024

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

SWPPP & Erosion Control:

1. No site work plan was submitted, an engineering review was not performed. Should the applicant disturb more than 10,000 square feet, an erosion control plan is needed.

General Comments

2. The applicant shall be responsible for coordinating site development plans with all private utility companies (Xcel Energy, CenterPoint Energy, CenturyLink Communications, Comcast, etc.). Any further easements necessary to provide utility service to the proposed site development shall be dedicated to the public for public use with the final plat.

Anticipated Permitting

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

Prior to Issuance of Land Alteration

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

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

Member
moved its adoption:

introduced the following resolution and

RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-002 SUBMITTED BY ICON LLC FOR AN AMENDMENT TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND A MAJOR SITE AND BUILDING PLAN AMENDMENT FOR AN APPROXIMATELY 7,322-SQUARE FOOT FORMER DISCOUNT TIRE ON BUILDING SITE A TO AN ICON BEAUTY RETAIL STORE WITHIN THE SHINGLE CREEK CROSSING SHOPPING CENTER (1450 SHINGLE CREEK CROSSING)

WHEREAS, Planning Commission Application No. 2024-002, submitted by Icon LLC (“the Applicant”) requests review and consideration for approval of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents to allow for the conversion of the approximately 7,322-square foot former Discount Tire on Building Site A located within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1450 Shingle Creek Crossing (“the Subject Property”) to a beauty and cosmetics retail store; and

WHEREAS, the Subject Property is situated in the PUD/C2 (Planned Unit Development/Commerce) District, and the underlying C2 (Commerce) District was effectively removed from the City’s new Unified Development Ordinance, which became effective in January 2023; and

WHEREAS, the City’s new Unified Development Ordinance contains provisions under Section 35-2103.e (*General Use Regulations*) for those Planned Unit Developments established prior to adoption of the new code in that, “Planned Unit Developments, and parcels zoned as a Planned Unit Development, in accordance with prior zoning regulations, shall remain subject to any and all agreements, conditions, and standards applicable to the Planned Unit Development,” and “amendments shall be processed in accordance with the procedures identified for Planned Unit Developments in this UDO;” and

WHEREAS, retail uses were identified as a permitted use within the underlying C2 (Commerce) District; and

WHEREAS, the City Council of the City of Brooklyn Center has amended the Shingle Creek Crossing Planned Unit Development numerous times since the adoption of City Council Resolution No. 2011-85, which was the first amendment to the previously approved 1999 Brookdale Mall Planned Unit Development and established the new Shingle Creek Crossing Planned Unit Development, Master Plan, and certain allowances and development standards that would govern over the PUD; and

WHEREAS, the proposal as contemplated under Planning Commission Application No. 2024-002 comprehends additional adjustments to the 2011 Shingle Creek Crossing Planned

RESOLUTION NO.

Unit Development Master Plan and Agreements that are considered a major amendment to the 2011 Shingle Creek Crossing Planned Unit Development as outlined under Section 35-8306 (*PUD Amendments*), including a ten (10) percent or greater change in the floor area in any one (1) structure; and

WHEREAS, the proposal further contemplates interior modifications to the overall floor area of the existing building in excess of 25-percent, which triggers a major amendment to the approved site and building plan as outlined under Section 35-7605 (*Amendments*); and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on February 29, 2024, and mail notifications were sent to surrounding properties; and

WHEREAS, the Planning Commission of the City of Brooklyn Center held a duly called public hearing on March 14, 2024, whereby a staff report, and Building Official and Assistant City Engineer's memorandums were presented, and public testimony regarding the requested amendments to the 2011 Shingle Creek Crossing Planned Unit Development and site and building plan for the conversion of the approximately 7,322-square foot former Discount Tire, which closed in August 2022, to a beauty and cosmetics retail store, for the Subject Property known as Building Site A within the Shingle Creek Crossing Planned Unit Development and commonly addressed as 1450 Shingle Creek Crossing were received and considered by the Planning Commission; and

WHEREAS, the Planning Commission of the City of Brooklyn Center considered the aforementioned requests in light of all testimony received, including the guidelines for evaluating the aforementioned requests as contained in Section 35 of the City's Code, and more specifically Sections 35-2103.e (*General District Regulations-Existing Planned Unit Developments*), 35-7600 (*Site & Building Plan Approval*), 35-8306 (*PUD Amendments*), the 2011 Shingle Creek Crossing Architectural and Signage Guidelines, and in consideration of the goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the Planning Commission of the City of Brooklyn Center considers the amendment to the 2011 Shingle Creek Crossing Planned Unit Development and major site and building plan requests to be an appropriate and reasonable request to the currently vacant building and property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center finds the submitted plans for the Subject Property to be consistent with the General Development Plans for the overall Shingle Creek Crossing Planned Unit Development and intended use of the Subject Property, as it remains in general alignment with the plans last approved for Building Site A in 2013 under Planning Commission Application No. 2013-017 and City Council Resolution No. 2013-130, as there are no plans for exterior modification to the site with the exception of the removal of the existing three (3) automotive bay doors to accommodate the retail use, and proposed modifications to extend existing curbing and sidewalk.

RESOLUTION NO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that the requested amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents and site and building plan, as contemplated under Planning Commission Application No. 2024-002, be approved based subject to the considerations as outlined under Sections 35-7604 (*Site and Building Plan Approval Criteria*) and 35-8304 (*PUD Criteria*), and subject to the following conditions:

1. 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, as approved by the City Council. The Applicant and Property Owner shall:
 - a. Provide a detail sheet for any proposed new or expanded curbing and private sidewalk areas along the east and south elevations of the building.
 - b. Revise internal pedestrian crossings to provide clearer connections to the building's entrance, where needed.
 - c. Submit a revised site plan or landscape plan with inventory in accordance with the approved 2013 landscape plan and review options for introducing foundational plantings along the east and south elevations of the building. Any missing plantings shall be reviewed for replacements in coordination with City staff.
 - d. Review the existing landscaping located along the west side of the existing trash enclosure to determine the condition of plantings and possible landscaping alternatives to screen the enclosure.
 - e. Irrigation systems shall be maintained regularly where necessary to facilitate the maintenance of existing and any proposed site landscaping and green areas.
2. Unless amended otherwise or under separate agreement, all existing provisions, standards, and variations provided for under the 2011 Shingle Creek Crossing Development and any subsequent amendments shall remain in effect for the entire Shingle Creek Crossing Planned Unit Development.
3. Building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits, and with respect to the cursory review comments provided in the Building Official's memorandum dated March 4, 2024.
4. The Applicant and Property Owner shall comply with all conditions and provisions as noted in the Assistant City Engineer's memorandum, dated February 27, 2024.
5. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per Shingle Creek Crossing Architectural Guidelines and City Code requirements.
6. Signage is subject to the provisions outlined within the Shingle Creek Crossing Signage Guidelines and City signage requirements.
 - a. Any proposed signage shall require approval and issuance of a permit in advance of installation.

RESOLUTION NO.

March 25, 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/EDA Work
Session**

City Hall Council Chambers
March 25, 2024

AGENDA



ACTIVE DISCUSSION ITEMS

1. Brooklyn Blvd. Failed Sod Discussion
Staff ask that the Council to consider preliminary information regarding potential strategies for replacing the dead sod on Brooklyn Boulevard.
2. Alternative/Expanded Response Pilot
Staff seeks a consensus of the City Council regarding a two-year pilot of an Alternative/Expanded Response program.

PENDING LIST FOR FUTURE WORK SESSIONS

1. Upcoming Items
 - Memorial Policy
 - Special Assessment Policy/Franchise Fees (*referred to Financial Commission*)
 - Beautification and Public Art Commission
 - Food Truck Ordinance/License
 - Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
 - Opioid Settlement
 - ARPA Funds
 - Grants: Revenues & Expenses
 - Purchasing Policy
 - Revisit Resolution 2021-73
 - Planning Application Process
 - Group Homes
 - Fences
 - Off Street Parking of Commercial Vehicles

Council/EDA Work Session

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Elizabeth Heyman - Director of Public Works

SUBJECT: Brooklyn Blvd. Failed Sod Discussion

Requested Council Action:

Staff ask that the Council to consider preliminary information regarding potential strategies for replacing the dead sod on Brooklyn Boulevard.

Background:

During the reconstruction of Brooklyn Boulevard, sod was installed in many locations in the corridor without an accompanying irrigation system. There are approximately 2.1 acres of publicly owned unirrigated sod in the corridor, but approximately 6.3 acres of the unirrigated sod is privately owned and the responsibility of the abutting property owner. During the construction, a flyer was sent to each property along the corridor explaining their duties and sod care best practices. Unfortunately, much of the unirrigated sod, both publicly and privately owned, is dead. Public Works is aware of the issue and is exploring alternative approaches to managing sod in the corridor. Specifically, staff are researching sod options that are low maintenance, salt resistant, and can withstand the extreme weather conditions we are experiencing due to climate change.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Council/EDA Work Session

DATE: 3/25/2024

TO: City Council

FROM: Dr. Reggie Edwards, City Manager

THROUGH: N/A

BY: Dr. Reggie Edwards, City Manager

SUBJECT: Alternative/Expanded Response Pilot

Requested Council Action:

Staff seeks a consensus of the City Council regarding a two-year pilot of an Alternative/Expanded Response program.

Background:

May 15, 2021, Resolution No. 2021-73: The Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act, called for creation of the Department of Community Response. The department would consist of trained medical and mental health professionals, social workers, or other staff and volunteers, and by a dispatch system routing appropriate calls to the Community Response Department rather than the Police Department.

On October 11, 2021 the Hennepin County Sheriff's Department and Dispatch Center presented the start of a pilot Alternative Response Program. The pilot was initiated with a grant by Hennepin County in Brooklyn Park.

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

Council/EDA Work Session

DATE: 3/25/2024

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*)
- Beautification and Public Art Commission
- Food Truck Ordinance/License
- Emerald Ash Borer Policy Review (*referred to Park & Rec Commission November*)
- Opioid Settlement
- ARPA Funds
- Grants: Revenues & Expenses
- Purchasing Policy
- Revisit Resolution 2021-73
- Planning Application Process
- Group Homes
- Fences
- Off Street Parking of Commercial Vehicles

Background:

Budget Issues:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values: