



**PLANNING COMMISSION
CITY OF BROOKLYN CENTER
REGULAR MEETING
JUNE 8, 2023**

Optional public access to the Webex meeting is below:

Online: logis.webex.com | Phone: (312) 535-8110

Meeting Number (Access Code): 2634 490 4947

Passcode: BCPC06082023

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- 1. Call to Order – 7 p.m.**
 - 2. Roll Call**
 - 3. Approval of Agenda**
 - a. Motion to Approve Planning Commission Meeting Agenda for June 8, 2023
 - 4. Approval of Minutes**
 - a. Motion to Approve Regular Meeting Minutes for April 13, 2023
 - b. Motion to Approve Regular Meeting Minutes for May 11, 2023
 - 5. Chairperson's Explanation**

The Planning Commission is an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.
 - 6. Planning Items**
 - a. An Ordinance Amending Chapter 35 of the City Code of Ordinances relating to the submission of construction plans and calculations with applications for land disturbance permits (**PUBLIC HEARING**)
 - 7. Discussion Items**
 - a. City Council Meeting Re-cap and Upcoming Items
 - b. Upcoming Planning Commission Meetings
 - 8. Adjournment**

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

APRIL 13, 2023

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:03 p.m.

2. ROLL CALL

Chair Alexander Koenig and Commissioners Randy Christensen, Peter Omari, Steve Schonning, Stephanie Jones, and Paris Dunn. Commissioner Stan Leino was absent and excused. City Planner and Zoning Administrator Ginny McIntosh was also present.

3. APPROVAL OF AGENDA – APRIL 13, 2023

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen, to approve the agenda for the April 13, 2023 meeting as presented.

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

4. APPROVAL OF MINUTES – MARCH 23, 2023 SPECIAL JOINT MEETING

There was a motion by Commissioner Jones, seconded by Commissioner Schonning, to approve the minutes of the March 23, 2023 meeting as presented.

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

5. CHAIR'S EXPLANATION

Chair Koenig explained the Planning Commission's role as an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

6. PLANNING APPLICATION ITEMS

6a. Planning Commission Application No. 2023-001 (PUBLIC HEARING)

Applicant | Property Owner: JO Companies, LLC | EDA of the City of
Brooklyn Center

Property Address: 6107 Brooklyn Boulevard, 6101 Brooklyn Boulevard, 3600

61st Avenue North, and 3606 61st Avenue North | 34-119-21-43-0049, 34-119-21-43-0050, 34-119-21-43-0051, and 34-119-21-43-0052

Summary:

The Applicant is requesting review and consideration of a proposal to re-plat and re-develop the approximately 1.77-acre Subject Property into a four-story, 54-unit multi-family residential building and related site improvements. The Subject Property is owned by the Economic Development Authority of the City of Brooklyn Center (EDA) and is comprised of four (4) vacant lots located at the northwest corner of Brooklyn Boulevard and 61st Avenue North.

City Planner Ginny McIntosh explained as proposed, the redevelopment would result in the construction of a new four story, 54-unit multi-family residential rental development and related site improvements. Due to the nature of the request, approval of a preliminary and final plat, site and building plan, Planned Unit Development (PUD) amendment and rezoning, and 2040 Comprehensive Plan Amendment is required.

Ms. McIntosh reviewed a request for review and consideration for a proposal that would allow for a consolidation of four vacant parcels owned by the Economic Development Authority (EDA) of the City of Brooklyn Center and redevelopment of said site, which comprises 6107 Brooklyn Boulevard, 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3606 61st Avenue North (“the Subject Property”). The Subject Property encompasses approximately 1.77 acres and is located at the northwest corner of Brooklyn Boulevard and 61st Avenue North, and east of Wangstad Park.

Ms. McIntosh stated as part of the application process, a public hearing notice was submitted to the *Brooklyn Center Sun Post* for publication on March 30, 2023, and notices were mailed to property owners and residents within vicinity of the Subject Property. The Applicant also underwent a separate community engagement process, which was led by Local Initiatives Support Corporation (LISC).

Ms. McIntosh noted Applicant JO Companies began discussions with City staff regarding a proposed redevelopment of four parcels owned by the Economic Development Authority of the City of Brooklyn Center (EDA) in 2019 and went before City Council for a concept review in January 2020. The Subject Property had previously generated interest from Thor Living LLC (later Coalition Development LLC) in 2018, where it was initially presented to City Council as a 113-unit, mixed income apartment building. Although Coalition Development LLC secured a Preliminary Development Agreement and Purchase Agreement from the City, they were unable to follow through with the contingency period conditions outlined under the Purchase Agreement (i.e. secure financing, receive all necessary land use approvals from the City); therefore, the Purchase Agreement became invalid.

Ms. McIntosh pointed out the Applicant initially proposed a smaller, 83 to 88-unit multi-family apartment building. In February 2020, City Council issued a letter of support that was to accompany a grant application submittal to Hennepin County by the Applicant, and later that

month, the EDA approved a Preliminary Development Agreement with the Applicant to allow them the ability to: conduct due diligence on the Subject Property, obtain financing, prepare plan sets, obtain any necessary approvals from the City, negotiate an agreement on the sale of the Subject Property, and proceed with a request for public subsidy. This agreement was originally set to expire on February 28, 2021, but was later extended by amendment to allow the additional time necessary to work through the aforementioned items.

Ms. McIntosh stated resolution of support and authorization to submit a Livable Communities Demonstration Account (LCDA) application to the Metropolitan Council was later passed by City Council in May 2020. This application request was for community engagement, market and site analysis, including a planning and financial analysis, and stipulated a monetary commitment from the City of Brooklyn Center. Grant funding was eventually awarded for the project in June 2020.

Ms. McIntosh explained in March 2021 an update was provided to City Council on the status of the project, which now contemplated a further reduced 54-units of multi-family housing on the Subject Property. Although the four-story height remained, the revised plans would offer expanded greenspace and community amenities. It was at this point that the unit mix was also updated to increase the likelihood that the project would be awarded tax credits from Minnesota Housing Finance Agency (MHFA). An updated proforma with sources and uses was provided at this time, along with a unit mix table, and revised site plan. The Applicant indicated plans to work with LISC (Local Initiatives Support Corporation) to lead their engagement efforts.

Ms. McIntosh noted in June 2021, the EDA approved a resolution supporting the use of Tax Increment Financing (TIF), and in advance of the Applicant's initial application to Minnesota Housing Finance Agency (MHFA) for the proposed redevelopment of the Subject Property. It was at this same meeting that the EDA also approved a resolution approving an Option Agreement with Applicant JO Companies as well as a term sheet.

Ms. McIntosh pointed out, subsequently, the Applicant facilitated a virtual community engagement process in June 2021 to gather input on the proposed redevelopment of the Subject Property, to be known as Wangstad Commons. 400 flyers were distributed throughout the adjacent area to residents and businesses, along with email notifications to over 100 contacts, and support from local community organizations to share the information among their networks. Promotional materials were also provided in English, Spanish, and Hmong. Approximately thirty participants attended the virtual community meetings, including representatives from CAPI and ACER, and presentations were provided by City staff, providing context for the site and information about city goals for the area and housing.

Ms. McIntosh noted it was during this time that the Applicant received notification that their initial application to MHFA was unsuccessful. A second application was submitted in July 2022 and ultimately received approval for the issuance of funding in December 2022.

Ms. McIntosh added in March 2023, a discussion was held during a City Council/EDA Work Session to work through certain financing gaps and direction was requested as to a further write down of the land. Based on the feedback received, City staff has begun preparing a formal TIF

agreement based on the revised terms and the creation of a new Housing Tax Increment Financing District.

Ms. McIntosh stated the four EDA-owned parcels would be re-platted to one parcel to accommodate the 54-unit multi-family residential building and site improvements. The minor edits requested from Staff for updating the preliminary plat include a revised Planning Commission report made by the Applicant to address City Staff comments, an amendment or creation of a new, a required dedicated easement for shared access drive off of Brooklyn Boulevard, a vacation of utility easement running through the center of the property, and any requirements outlined by Hennepin County.

Ms. McIntosh added a Comprehensive Plan amendment is required when a community changes any part of a municipality's adopted Comprehensive Plan, including land use changes to allow for a proposed development. The requested amendment comes as matter of timing as the Applicant was just beginning conversations with the City as the 2040 Comprehensive Plan Process was wrapping up. The property was future land use designated as a mix of commercial (C) and low-density residential (LDR) due to their former land uses of an overflow lot for former Brookdale Chrysler-Plymouth dealership and single-family homes.

Ms. McIntosh explained the requested re-designation of the property is to neighborhood-mixed use (N-MU), which was a new future land use designation under the 2040 Plan and guides for a mix of residential, retail, and commercial uses. During the Comprehensive Plan engagement process, some residents were vocal about the desire for more diverse housing.

Ms. McIntosh stated there is also a request to remove the northernmost parcel located in the Subject Property from PUD/C2 and re-zone it to match with the current zoning of the other three parcels. The Planned Unit Development (PUD) was amended in 2016 to remove dealership restrictions and allow for the Sanctuary, but this parcel was not removed from the PUD and remained in EDA ownership.

Ms. McIntosh stated there is also a request to remove the northernmost parcel located in the subject property from PUD/C2 and re-zone it to match with the current zoning of the other three parcels, which are zoned MX-N1. The Planned Unit Development (PUD) was amended in 2016 to remove dealership restrictions and allow for the Sanctuary, but this parcel was not removed from the PUD and remained in EDA ownership.

Ms. McIntosh showed the site and building plan. The proposal for the development is 54 units at affordability bands of between 30 and 60 percent AMI. The unit mix is 24 percent one-bed, one-bath; 50 percent two-bed, one-bath; 17 percent three-bed, two-bath; and 9 percent four-bed, two-bath.

Ms. McIntosh stated Staff reviewed the dimensional standards, and all plans fall within zoning requirements. As for traffic and access, Staff submitted plan to Hennepin County. The County proposed addressing sight lines, issuance of a ROW permit, and the proposed turnaround. There will be additional submissions to the County. Fire truck access was provided as part of submittal.

Ms. McIntosh noted parking requires a maximum of 108 spaces to be provided, assuming 54 units. The surface lot has 49 spaces, underground parking has 47 spaces, and there is a total of 96 parking spaces. The minimum standards for parking dimensions and drive aisles are met. Sidewalk connections and bicycle facilities are also provided. The photometric plan and fixture schedule was submitted and reviewed by Staff. As for trash, there would be a central trash chute system and trash would be rolled out for regular pickup.

Ms. McIntosh stated Staff reviewed the submitted architectural set against the City's building materials, and all requirements were met. Staff provided feedback throughout 2023 which required adjustments to building orientation, setback, parking garage location, and the like. The Applicant has submitted a landscaping plan, but it has yet to be reviewed by Staff. Also, no specific signage requests were made for new or revised signage.

Ms. McIntosh added engineering reviewed plans and provided a memo. An MPCA NPDES permit is required along with a construction management plan and agreement utility easement agreement before any permits can be issued. The Building Official conducted a cursory review of the submission and provided a memo with comments and conditions of approval. A Crime Prevention through Environmental Design (CPTED) review is to be completed by City Staff, and plan sets were reviewed by the County with preliminary comments provided.

Ms. McIntosh explained as part of the application process, a public hearing notice was submitted to the *Brooklyn Center Sun Post* for publication on March 30, 2023, and notices were mailed to both property owners and physical residents of addresses within vicinity of the Subject Property. Development proposal signage was also installed on-site, notifying the public of the development proposal. The Applicant also underwent a separate community engagement process, which was led by Local Initiatives Support Corporation (LISC). Topics discussed during this engagement covered: pedestrian and traffic flow; housing needs; proximity to Wangstad Park; security, property management, services, and tenant screening; project financing, timeline, and terms of affordability; and project quality, aesthetics, and amenities.

Ms. McIntosh noted City Staff received one public comment via email in advance of the public hearing from resident Susan Jorgensen, who was also in attendance and spoke at the public hearing on April 13, 2023. A separate public comment was received via the City's general email inbox from resident David Jorgensen the evening of the public hearing, but City staff did not receive the comment until the day after.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2023-01

Chair Koenig opened public hearing on Application No. 2023-01.

Ms. McIntosh noted she received an email from Susan Jorgenson and offered to read the email. Chair Koenig asked for Ms. McIntosh to summarize the email.

Susan Jorgensen stated her email and attendance were to request the Planning Commission to deny the request. The neighborhood hasn't received any updates since 2021; however, her primary concern is safety. There hasn't been an updated traffic study to reflect the latest patterns on Brooklyn Boulevard. Many of the pedestrian intersections are dangerous and were not improved by 2022 updates to Brooklyn Boulevard. She felt adding 50 or more families to the area will only grow the issue.

Susan Jorgensen noted there is already a dangerous entry to the area due to lack of visibility. That will be particularly more dangerous with more children in the area wanting to access the nearby park.

Susan Jorgensen pointed out the site is no longer that close to retail, which was the purpose of the original location choice. There are a number of failing businesses nearby, and there is no guarantee the 54 units will shop in Brooklyn Center. We should want new residents to be able to thrive in the City, but the City is not in a place to help new families to thrive due to current conditions.

Chair Koenig noted the resident seems to have concerns about the community along with safety and suggested the Applicant could speak to their desire to utilize the property in light of closing retail in the area. He noted he identifies with her concerns.

Susan Jorgensen explained she has chosen to stay in Brooklyn Center due to the community. However, it may not be beneficial for new families to move to the community. It would be a lot of people to be absorbed into a small neighborhood without additional amenities to access.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen seconded by Commissioner Dunn to close the public hearing on Application No. 2023-001.

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

Johnny Opara, CEO of JO Companies, introduced himself. Taylor Rumpf, Project Engineer for WSB, explained they pushed the access as far as they could to allow adequate space and worked extensively with City engineering to ensure visibility. As for Brooklyn Boulevard, there will only be access with a right turn off the Brooklyn Boulevard shared access drive. That is a much safer alternative than a left turn. There is also adequate site distance to both the North and South.

Mr. Opara noted there has not been a traffic study completed. They can address that with the City if that is a concern. There are some concerns with businesses in the area leaving, but the development has been underway for a number of years. Brooklyn Center is in need of affordable housing units, and this is an opportunity to create 54 homes.

Mr. Opara added they hope to work closely with law enforcement to ensure the living area is a safe environment. They will be intentional with design and team selection as well. It is important to JO Companies to listen to the needs of the community and serve them well.

Mr. Opara added the community has asked for more diverse housing options. Wangstad Commons meets that desire and promotes multi-generational living. They look forward to continue serving people of various backgrounds and cultures.

Commissioner Omari inquired on the concerns relating to traffic and whether a traffic study should be required. Ms. McIntosh noted that while the City Engineers were not present at the meeting it was to her understanding that the project did not meet the minimum thresholds necessary to warrant a traffic study. No every project received by the City requires a traffic study to be completed.

Mr. Opara stated the project is very complicated, and it is not uncommon to not be selected on the first round of applications for a Minnesota Housing Low Income Housing Tax Credits or LIHTC. They decreased from 88 units to 54 units because of their application for tax credits and noted the sweet spot on these types of applications was between 40 to 60 units. Based on the federal government's calculations of residents needing affordable housing, they adjusted the number of units. They have also received funding from the County and other sources.

There was discussion surrounding the minimum needs around parking. Mr. Opara confirmed there would be lot parking and underground parking. They want to ensure there is enough parking for residents and guests. They have worked with the City extensively to work out the details to avoid any street parking.

Commissioner Schonning asked if the parking ratio at the Sonder House and Sonder Pointe multi-family residential development is 1.7 also. Ms. McIntosh stated the ratio is actually closer to 1.2 there. There were concerns expressed by the Council in the past regarding the parking ratio. Ultimately, and in surveying multi-family properties across the City, the parking issues more often stemmed from the overall management of the parking lots, such as the placement of snow piles and maintenance during the winter, and concerns regarding the assumed safety of properties. In these cases, there might be sufficient parking, but residents would concentrate parking nearest main , and safety of the living area. A minimum parking ratio of 2 parking spaces per dwelling unit was previously required under the preceding zoning regulations; however, the new Unified Development Ordinance has a maximum of 2 parking spaces per dwelling unit in multi-family residential developments.

Commissioner Schonning asked if the driveway exit onto 61st matches up with Ewing Avenue North. Mr. Opara stated the streets are offset. Ms. McIntosh noted there has been a lot of conversation about the exit onto 61st and noted that if they were any closer, a complete alignment of the drive and Ewing Avenue North would've been required.

Commissioner Schonning noted his appreciation for the balconies.

Commissioner Jones asked how many units would be affordable. Mr. Opara stated all of the units will be affordable and at between 30 to 60 percent of the Area Median Income (AMI).

Commissioner Jones inquired on CPTED or Crime Prevention through Environmental Design. Ms. McIntosh explained police used to handle more CPTED items, but now Community Development works more closely with its principles and integrates CPTED into its reviews for new development as well as rental licensing and focuses on providing lighting, cameras, and other security elements to mitigate crime and issues surrounding safety. The Applicant has a few security elements proposed as part of the development.

Mr. Opara agreed crime prevention is important, and the whole point is for residents to feel safe. It is an important issue, especially in Brooklyn Center. Residents at Wangstad Commons would have a fob that require entry to all building entrances and amenities. Wangstad Commons also has 68 cameras. The developer and management cannot ensure a completely safe environment, but they can make every effort to collaborate with the community and prioritize prevention.

Commissioner Jones inquired on the historic use of the Subject Property. Ms. McIntosh stated the site was previously home to three single family homes acquired by the City's Economic Development Authority that were subsequently demolished and an overflow parking and display lot that was for an old car dealership that is now home to the Sanctuary at Brooklyn Center. The City has been strategically acquiring properties on Brooklyn Boulevard to promote redevelopment to the highest and best use for years now. The current and intended zoning for the Subject Property is Neighborhood Mixed-Use or MX-N2 District and would allow for multi-family residential, townhouses, or perhaps a mix of commercial and multi-family residential.

Commissioner Christensen noted he always has questions about snow placement. Mr. Opara stated the turnaround on the west side doesn't have a curb, so the snow plow can push all of the snow toward the property line.

Commissioner Dunn asked if there is additional parking available to guests. Mr. Opara stated parking for guests might be an issue around holidays; otherwise, there should be enough parking. Commissioner Dunn further explained he had concerns about the parking spots in light of the larger bedroom units. Ms. McIntosh stated that under City Code there is a maximum of 2 parking spaces per unit, and that this ratio has historically been called out as a high number of parking spaces per unit. With respect to the larger units, it is likely that children and dependents would occupy these rooms given the income restrictions.

Ultimately, the Applicant will need to look to best practices for enforcing parking. As an example, the Crest Apartments, which was approved in the 1970s only ever installed half of their required parking and provided proof of parking elsewhere on site were it ever needed.

Commissioner Dunn asked if the entrance from Brooklyn Boulevard is wide enough to allow for multiple cars entering and exiting at the same time. Ms. McIntosh stated Hennepin County provided some preliminary comments related to the turnaround area that are still to be addressed.

Mr. Opara pointed out, on the topic of parking, some of the smaller units would only need one parking space. Ms. McIntosh stated the unit mix is 24 percent one-bed units, 50 percent two-bed units, 17 percent three-bedroom units, and nine percent four-bed units.

Commissioner Omari asked if there will be some sort of vegetation or divider between the building area and the park. Mr. Opara stated there are not plans in place for such a divider because the building is family-oriented. The engagement process showed a desire for easy access to the park area. If that is a concern, a solution can be discussed; however, those living in a multi-family residential should have the same access to the public parks.

Commissioner Omari noted he foresees issues with parking. They don't want people to end up parking on the street or facing tickets. Mr. Opara stated the maximum parking allowed on the site given 54 units is 108 parking spaces. He would be shocked if residents had three or four cars for one unit. There is that possibility always, and they can look at the costs to add the additional 12 parking spots.

Chair Koenig asked for details on units for high-priority homeless individuals. Mr. Opara stated the units are intended to be affordable and some are geared toward the high-priority homeless population. There are folks working without access to housing, for example, that need placement. The developer would partner with Simpson Housing to provide ongoing services. Wangstad Commons would have property managers on-site along with Simpson Housing representatives.

Chair Koenig noted the security cameras are a good idea. There was a public comment about the loading dock area inquiring if there was a better set-up as it may block resident's access. Mr. Rumpf explained there is a trash access area that would become striping instead of certain concrete to promote flow. The other loading aisle has room for two-way traffic on either side of it.

Chair Koenig asked if the emergency vehicle access was properly addressed. Ms. McIntosh stated the diagram was submitted to Staff with minimal comments. There weren't any concerns from City Staff.

Commissioner Christensen added he is excited about the potential completion timeline.

Commissioner Jones inquired on the construction timeframe and questioned whether there had been communications with the Sanctuary regarding the project and shared access. Commissioner Christensen pointed out The Sanctuary would have been notified as part of the public hearing process. Ms. McIntosh confirmed that was correct, and noted the shared access has been reviewed by Hennepin County.

Chair Koenig stated the Planning Commission has received the concerns mentioned by public commenter Susan Jorgensen. If the project were to continue with a recommendation to the City Council meeting, there is another opportunity for her to share her concerns at that public hearing. He explained her perspective is very important and thanked her for attending.

Commissioner Jones inquired on the lease up period. Mr. Opara provided context as he is currently wrapping up another multi-development residential project in St. Paul called the Hollows and it is exceeding expectations for lease-up. He noted that there is a lot of pre-leasing occurring. Additional questions related to the proposed interior and exterior community amenities for the development and occupancy of the community room space.

Commissioner Omari asked if there would be safe wheelchair access at night, particularly those with power wheelchairs and in utilizing the trail access along Brooklyn Boulevard. Chair Koenig noted his familiarity with the concern.

Mr. Rumpf affirmed the concern. They can continue to speak with The Sanctuary to communicate about any potential issues. Ms. McIntosh confirmed Staff has been in contact with residents at The Sanctuary with similar concerns with access to services along Brooklyn Boulevard and Bass Lake Road. They will continue to work with The Sanctuary during the development process. There are requirements with respect to providing ADA accessibility and routing and the intended zoning of the Subject Property has provisions in place to maximize pedestrian and alternative access, such as shifting away from having parking lots in the front of buildings.

Chair Koenig stated there haven't been efforts made by development near Brooklyn Boulevard to be more accessible for those with disabilities.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2023-001 SUBMITTED BY JO PROPERTIES

There was a motion by Commissioner Schonning, seconded by Commissioner Jones, to recommend City Council approval of Planning Commission Application 2023-001 for approval of a Preliminary and Final Plat, PUD Amendment and Re-zoning, Site and Building Plan, and a recommended 2040 Comprehensive Plan Amendment for the Subject Property located at 6107 Brooklyn Boulevard, 6101 Brooklyn Boulevard, 3600 61st Avenue North, and 3606 61st Avenue North.

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

And the following voted against the same: None

The motion passed unanimously.

Commissioner Omari thanked the attendees for their participation in the meeting.

7. DISCUSSION ITEMS

7a. City Council Meeting Re-cap and Upcoming Items

Ms. McIntosh stated the City Council had a recent Work Session item regarding potential bonding for the Opportunity Site. There have been higher costs for construction materials and higher interest rates, both of which have had impacts not only on Brooklyn Center development projects, but projects elsewhere in the metro and nationwide. Alatus is working with City Staff to close the funding gap on the Opportunity Site. The goal is to continue the project without sacrificing any community benefits. The project may be resubmitted to the Planning Commission if there are significant changes. The hope is for construction to begin by Fall 2023.

Ms. McIntosh added the Council has an upcoming Work Session regarding Walmart and Shingle Creek Crossing area.

7b. Upcoming Planning Commission Meetings

Ms. McIntosh stated the next Planning Commission meeting is May 11, 2023. There is a potential submittal for a new restaurant that will be considered.

8. ADJOURNMENT

There was a motion by Commissioner Omari seconded by Commissioner Christensen to adjourn the Planning Commission meeting.

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

The meeting adjourned at 8:56 p.m.

Ginny McIntosh, Secretary

Alexander Koenig, Chair

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

MAY 11, 2023

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chair Koenig at 7:16 p.m.

2. ROLL CALL

Chair Alexander Koenig and Commissioners Randy Christensen, Peter Omari, Steve Schonning, Stephanie Jones, and Stan Leino. Commissioner Dunn was absent. City Planner and Zoning Administrator Ginny McIntosh was also present.

3. APPROVAL OF AGENDA – MAY 11, 2023

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to approve the agenda for the May 11, 2023 meeting as presented.

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

4. CHAIR'S EXPLANATION

Chair Koenig explained the Planning Commission's role as an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

5. PLANNING APPLICATION ITEMS

5a. Planning Commission Application No. 2023-002 (PUBLIC HEARING)

Applicant: La Palma Properties II LLC
Property Address: 1340 Shingle Creek Crossing | 03-118-21-41-0043
Summary: The Applicant is requesting review and consideration of a proposal to construct an approximately 2,678-square foot Pollo Campero restaurant and drive-thru within the Shingle Creek Crossing shopping center.

Planner and Zoning Administrator Ginny McIntosh provided an overview of Planning Commission Application No. 2023-002. La Palma Properties II LLC is requesting review and consideration of a proposal that would develop what is known as Building Site R within the Shingle

Creek Crossing shopping center, and commonly addressed as 1340 Shingle Creek Crossing, to an approximately 2,678-square foot Pollo Campero restaurant and drive-thru. The Subject Property encompasses approximately 1.03 acres and is located to the east of Xerxes Avenue North and south of 56th Avenue North.

Ms. McIntosh explained a monetary contribution was provided by shopping center developer Gatlin Development Company in 2019 as part of the construction of the new Brooklyn Center Liquor Store and adjacent EDA-owned space (1350 Shingle Creek Crossing) to allow for completion of the remaining parking lot, utility connections, and final grading for the City project as well as the three remaining pad sites along the west side of the shopping center, and of which includes the Subject Property. The Applicant purchased the Subject Property from Gatlin Development Company in January of this year.

Ms. McIntosh showed some photos of the Subject Property in question. She also showed an aerial image of the site.

Ms. McIntosh stated Planning Commission Application No. 2023-002 was submitted to the City for consideration of an amendment to the 2011 Shingle Creek Crossing Planned Unit Development plans and documents as well as site and building plan approval for the approximately 2,678-square foot restaurant and drive-thru.

Ms. McIntosh pointed out that City staff published the hearing notice as a proactive measure while identifying whether a separate use permit would be required for the drive-thru or not. Although it was finally determined by the City Attorney that a separate use permit was not necessary and therefore a public notice was not required, the notice had already been submitted to the newspaper.

Ms. McIntosh noted City staff continued forward with the public process and sent mail notifications to neighboring taxpayers and physical addresses per City Code and statute requirements, and development proposal signage was installed on the Subject Property. No public comments were received in advance of the public hearing or at the public hearing.

Ms. McIntosh explained the requested amendments are due to modification requests to over 10 percent change in approved floor area structure, some changes to the parking and circulation, and a request to comply with City signage provisions as opposed to Shingle Creek Crossing signage guidelines. Ms. McIntosh showed proposed signage and exterior elevations of the building.

Ms. McIntosh explained the plan is for a 2,678 square foot restaurant with a drive-thru. City Staff worked through multiple versions of the proposal prior to their application submittal. As proposed and with exceptions to the building footprint, drive-thru, and select parking lot revisions, the plans are still generally in alignment with the 2014 approvals for Building Site R. There is a minimum setback of 35 feet off Xerxes Avenue North, which is met. Staff also reviewed the plans against City Code and other architectural and signage guidelines.

Ms. McIntosh noted primary site access is off Xerxes Avenue North via 55th or 56th Avenue North. There were conversations surrounding a potential driveway access off Xerxes Avenue North;

however, this was not supported due to traffic conditions along Xerxes. A garbage truck layer was provided as part of submittal to reflect turning movements. Only 27 on-site parking spaces are required assuming a parking ratio of 10 spaces per 1,000 square feet; however, the proposed configuration offers 45 spaces. It would have been ideal to have reintroduced green space to this area; however, City staff is also cognizant of the recent completion of the parking lot areas during construction of the liquor store and EDA-owned space. The minimum standards for parking dimensions and drive aisles are met. Also, sidewalk connections and bicycle facilities are provided.

Ms. McIntosh stated a photometric plan and fixture schedule was submitted. The plans require some revisions to address continuity and consistency. There is a trash enclosure on the north end of the site. Ms. McIntosh also noted that receptacles should be provided at main access points and gathering spaces, such as the outdoor patio. All roof-mounted and ground-mounted equipment also requires screening. The proposed drive-thru lane shall be screened with berming, landscaping, or fencing per the Shingle Creek Crossing Architectural Guidelines. The application proposed installation of landscaping for full length of drive-thru with aluminum edging.

Ms. McIntosh pointed out Staff reviewed the submitted architectural set against the City's building materials and other guidelines. There is a proposed mix of stucco, porcelain tile, and aluminum composite paneling. An elevation-by-elevation material breakdown was provided to Staff. It primarily consisted of stucco, which is a Class I material. The building is 21 feet tall with the highest parapet at 25 feet. There are canopies at select locations and architectural projects were incorporated. Staff noted a fair amount of wall space; however, wall lighting and material changes were incorporated to promote visual interest.

Ms. McIntosh showed an aerial view of the building and site plan and also more detailed building material images. She noted the colors and specifications of masonry and stucco are to be consistent throughout the development. Pollo Campero has been rolling out a brand refresh that incorporates a vibrant color and referenced the corporate branding provisions under the architectural guidelines.

Ms. McIntosh noted a landscape plan was submitted. A mix of both native and non-native and pollinator and non-pollinator friendly options. Irrigation systems will be required to be installed and maintained.

Ms. McIntosh added City engineering reviewed the plans and provided a memo dated April 27, 2023. An MPCANPDES permit is required and a Construction Management Plan and Agreement, and Utility Facilities Easement Agreement shall be submitted to the City pending City approvals and before any permits can be issued.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2023-002

There was a motion by Commissioner Christenson, seconded by Commissioner Omari, to open the public hearing on Application No. 2023-002.

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

No one wished to address the Planning Commission. Ms. McIntosh noted that she received no prior comments in advance of the meeting and development proposal signage had been installed on-site.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Schonning, seconded by Commissioner Christensen, to close the public hearing on Application No. 2023-002.

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

Commissioner Christensen stated he always has concerns about snow placement. He asked if there is a snow plan in place. Ms. McIntosh stated the site plan includes operational notes regarding snow removal. It is somewhat vague, but it is addressed. While the site is privately owned, it is part of the larger development and removal will need to be coordinated.

Commissioner Omari asked if the existing curb and gutter will have to be dug up for the project. Luis Gutierrez, owner of the Subject Property, stated they will try to keep as much of the curb and gutter in place as possible.

Commissioner Omari asked how much of the business is expected to be sit-down in comparison to drive-thru. Mr. Gutierrez stated it would be about half and half.

Commissioner Omari asked how many cars are expected to access the restaurant daily. Mr. Gutierrez estimated 150-200 cars are expected to use the drive-thru daily and based on traffic at their other Pollo Campero location.

Commissioner Omari asked where the other locations of the chain are at. Mr. Gutierrez stated the only other location in Minnesota is in West St. Paul.

Luis Gutierrez introduced himself along with his brother Carlos Gutierrez and noted that they are the owners of the Subject Property and operate the West St. Paul location, which is the only other Pollo Campero location in Minnesota. Jeff Stromgren, representative of Rice Stromgren Architects, also introduced himself.

Commissioner Jones asked how many employees the West St. Paul location has. Mr. Gutierrez stated there are around 21 employees.

Commissioner Schonning asked if the site will be a similar size to the West St. Paul location. Mr. Stromgren stated the proposed site is slightly bigger. The first location is undergoing a renovation currently to become current with Pollo Campero's re-branding efforts.

Mr. Gutierrez stated the restaurant is a great option for families to eat lunch and dinner.

Commissioner Jones asked how long the West St. Paul location has been open. Mr. Gutierrez stated the first location has been open for over a decade.

Chair Koenig asked if the food is primarily chicken. Mr. Gutierrez confirmed the menu is primarily chicken dishes with a number of unique side dishes such as beans and rice, yuca fries, etc.

Chair Koenig asked for details about the signage. Ms. McIntosh stated the Applicant must currently comply with regulations set by the Shingle Creek Crossing development. There could only be one sign on an elevation, and there are size and length constraints. She referenced the proposed signage submitted with the application and an image outlining the pad tenant requirements for signage that the Applicant would need to comply with.

Ms. McIntosh added there wasn't a lot of forethought for the secondary sites in the Shingle Creek Crossing area. She spoke with Mr. Frank Gatlin, owner of the shopping center, about the difficulties of the sign restrictions for the pad sites. The sign allowances make sense for the strip mall stores or shop tenant users, but not for standalone buildings. She noted the City Code has an allowance of up to 15 percent coverage utilizing the underlying C2 zoning provisions, which is much greater than the Shingle Creek Crossing allowances. They also wouldn't be able to have a monument sign due to the Shingle Creek Crossing restrictions; whereas, the City's sign regulations would allow for one.

Chair Koenig asked for details about the trash enclosure and the way it faces. Ms. McIntosh stated the original plan was to have the garbage area closer to the building, but changes were made to allow for clear trash pickup and movements and to keep the garbage trucks away from the main parking lot and drive-thru. The doors of the enclosure face away from the restaurant, which Staff noted was a concern; however, it will be up to the Applicant to ensure the doors remain closed and secured. She further noted the Applicant should ensure sufficient lighting is provided.

Chair Koenig stated it is important to keep the trash enclosure area emptied because the garbage is near public transportation and will likely receive additional trash from the public. Ms. McIntosh agreed there is a lot of pedestrian traffic in the area.

Commissioner Jones asked when the anticipated opening would be. Mr. Stromgren stated the hope is to have it open before the next year, but it depends on when construction could start.

Commissioner Omari how many of the employees at the St. Paul location are full-time. Mr. Gutierrez stated about 14 employees are full-time. He further inquired if there can be any requirements for the restaurant to employ people who live locally. Ms. McIntosh stated the City does not have a local hiring requirement in place and they are not requesting subsidy. In general, this is a good question; however, it is not in the purview of the Planning Commission with respect to decision making.

Commissioner Leino asked why it took so long to open a second location. Mr. Gutierrez stated the corporate offices have been doing some changes such as changing branding and the menu, so they haven't allowed more locations to open in the interim.

Commissioner Leino noted there were previous concerns of the Planning Commission about adding drive-thrus to the Shingle Creek Crossing area when it was first being developed and when he previously served on Planning Commission; however, times have changed. This doesn't mean it might not come up as a concern.

Ms. McIntosh stated that, although she was not with the City then, in reading the earlier approvals, Shingle Creek Crossing was developed as a shopping center catered for national tenants and users. With the recent closing of Walmart and the diversity in and around Brooklyn Center, it makes sense to see some of the users now expressing interest in the shopping center, including La Micholandia, Krak Boba Tea, and now Pollo Campero.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2023-002 SUBMITTED BY LA PALMA PROPERTIES II LLC

There was a motion by Commissioner Christensen, seconded by Commissioner Leino, to recommend City Council approval of the requested amendment to 2011 Shingle Creek Crossing Planned Unit Development for the proposed approximately 2,678-square foot restaurant and drive thru, and related site improvements, and request to observe the sign code provisions as outlined within the City of Brooklyn Center City Code, as opposed to the adopted 2011 Shingle Creek Crossing Signage Guidelines, subject to the Applicant complying with the outlined Approval Conditions, and approval of the related site and building plan request.

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

And the following voted against the same: None

The motion passed unanimously.

Chair Koenig thanked the applicants for their interest in Brooklyn Center.

6. DISCUSSION ITEMS

6a. City Council Meeting Re-cap and Upcoming Items

Ms. McIntosh stated there was a recent work session regarding the Opportunity Site and requests to bond. She further outlined the proposed options presented to Council and the bonding amounts as well as discussions surrounding ownership of the proposed Entrepreneurial Market Plaza or EMP.

Ms. McIntosh added the Wangstad Commons application was approved by City Council at their meeting earlier in the week, and the developer is working on a construction timeline.

6b. Upcoming Planning Commission Meetings

Ms. McIntosh stated there are some pending applications, but there might not be a June Planning Commission meeting. She will let the Commission know if there is no meeting.

7. ADJOURNMENT

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

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

The meeting adjourned at 8:20 p.m.

Ginny McIntosh, Secretary

Alexander Koenig, Chair

COMMISSION ITEM MEMORANDUM

DATE: June 1, 2023

THROUGH: Elizabeth Heyman, Director of Public Works

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

SUBJECT: An Ordinance Amending Chapter 35 of the City Code of Ordinance Regarding Application Requirements for Land Disturbance Permits

Recommendation:

Motion to open the public hearing, take public input, close the public hearing, and consider approval of an ordinance amending Chapter 35 of the City Code of Ordinances relating to the submission of construction plans and calculations with applications for land disturbance permits.

Background:

As part of the cities required National Pollutant Discharge Elimination System (NPDES) permit regulated by the United States Environmental Protection Agency and the Minnesota Pollution Control Agency (MPCA), the City of Brooklyn Center is obligated to develop and implement policies and ordinances to minimize the discharge of pollutants through its municipal separate storm sewer system (MS4).

Due to changes in the state regulations as part of the MPCA General Permit (MNR040000), the City is required to revise the regulations and requirements with regard to land disturbance permitting. The City is already carrying out these practices; however, they need to be codified in ordinances to be in compliance with our NPDES (National Pollutant Discharge Elimination System) permit. To meet these requirements, amendments to Chapter 35 of the City Code of Ordinances must occur.

Compliance with the NPDES permit program is crucial for protecting and improving the quality of our nation's waters, and failure to comply with the permit requirements could result in penalties and enforcement actions. Hence, it is imperative that the City revise our ordinances promptly to meet regulatory requirements and maintain environmental protection.

CITY OF BROOKLYN CENTER

Notice is hereby given that a public hearing will be held on the 8th day of June, 2023, at 7:00 p.m. or as soon thereafter as the matter may be heard during the regular Planning Commission meeting at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430, to consider an ordinance amending Chapters 35 of the City Code of Ordinances relating to the submission of construction plans and calculations with applications for land disturbance permits.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF ORDINANCES REGARDING APPLICATION REQUIREMENTS FOR LAND DISTURBANCE PERMITS

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

Article I. Brooklyn Center City Code, Chapter 35, 35-7901 is amended by adding the following double-underlined language:

35-7901 Applicability.

No construction, reconstruction, development, redevelopment, grading, excavation, or other activity shall occur without first securing a permit from the Community Development Department if such activity causes a land disturbance of 10,000 square feet or more of land.

For certain construction activity, various other permits may also be required. The applicant of construction activity is responsible for obtaining any other required permits from the City and other State, Federal, or local governmental agencies having any authority over the work to be performed. Typically, such agencies may include, but are not limited to, Shingle Creek and West Mississippi Watershed Management Commissions, the U.S. Army Corps of Engineers, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, and the State Historical Preservation Office.

Article II. Brooklyn Center City Code, Chapter 35, Section 39-7903 is amended by adding the following double-underlined language and deleting the ~~stricken~~ language:

35-7903 Required Plans.

The applicant shall submit construction plans and supporting calculations. The submittals shall comply with the following requirements:

- (a) ~~The plans shall meet the requirements of the Shingle Creek and West Mississippi Watershed Management Commission's Rules and Standards, and the Minnesota Pollution Control Agency's Construction Permit. Alternative treatment best management practices must be considered where any of the following apply:~~ Permanent stormwater management system designs, including calculations shall be provided with the plans.
- 1) ~~Where industrial facilities are not authorized to infiltrate industrial stormwater under a National Pollutant Discharge Elimination System/State Disposal System Permit;~~
 - 2) ~~When receiving runoff from fueling and vehicle maintenance areas, unless the infiltration practices is designed to allow for spill control;~~
- (b) ~~The infiltration practice shall be 10 feet away from all buildings, or;~~ When a land disturbance permit is required, a satisfactory erosion control and grading plan consistent with the Minnesota Stormwater Manual must be approved by the City Engineer before a grading or building permit is issued for construction.
- (c) ~~The infiltration practice shall not be used within fifty (50) feet of a City or private well, unless specifically allowed by an approved wellhead protection plan. The grading and erosion control plan must provide spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. Areas where the finished slope will be steeper than five units horizontal to one vertical shall be specifically noted. Also, location and type of erosion control devices shall be clearly labeled.~~
- (d) ~~The plan shall provide 2-foot contour lines with spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. The location and type of erosion control devices shall be clearly labeled. Every effort shall be made to minimize disturbance of existing ground cover. No grading or filling shall be permitted within 40 feet of the ordinary high water mark of a water body unless specifically approved by the City. To minimize the erosion potential of exposed areas, restoration of ground cover shall be provided within five days after completion of the grading operation.~~
- (e) ~~The plan shall address the management of post-development runoff and means of assuring the long-term maintenance and operation of best management practices and storm water management structures, devices and methods. Every effort shall be made during the grading permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as normal inspections are performed.~~
- (f) All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction. Noncompliance with the grading and erosion

control plan shall constitute grounds for an order from the City to halt all construction.

(g) All grading and construction activity that requires a land disturbance permit shall comply with Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Construction Activity No. MNR100001, the Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Small Municipal Separate Storm Sewer Systems No. MNR040000, and the Minnesota Stormwater Manual.

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

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

Adopted this ____ day of _____, 2023.

April Graves, Mayor

ATTEST: _____
Barb Suciu, City Clerk

Date of Publication _____

Effective Date _____

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

CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on **June, 8th, 2023** at approximately 7:00 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 to hear from the public, discuss, and make a recommendation upon an ordinance amending Chapter 35 of the City Code relating to the submission of construction plans and calculations with applications for land disturbance permits. 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.

Comments and questions may be forwarded to the City's Public Works/Engineering Division at publicworks@ci.brooklyn-center.mn.us or (763) 569 - 3340 up until 4:30 pm on the day of the hearing. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code):
2634 490 4947
Password: BCPC06082023
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Respectfully,
Ginny McIntosh
City Planner and Zoning
Administrator

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