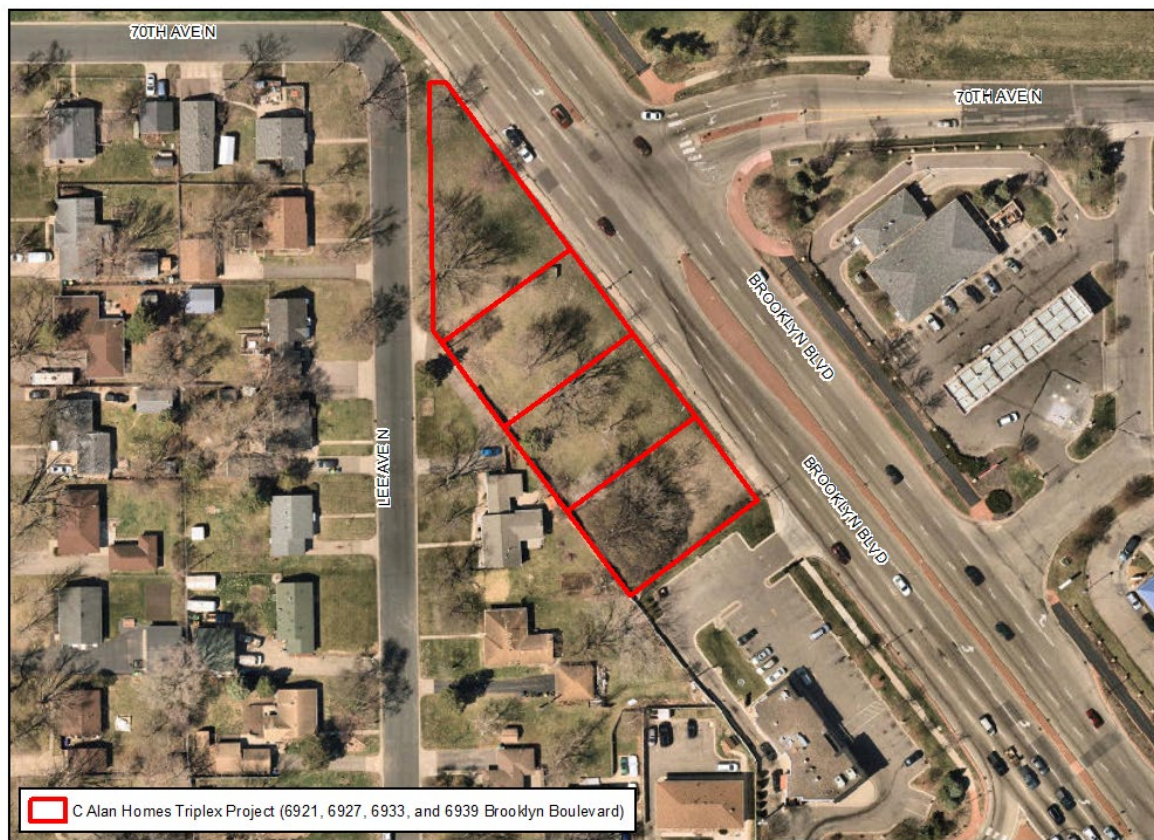


Planning Commission Report
Meeting Date: May 9, 2024
Revised: June 13, 2024

- Application Filed: 04/09/2024
- Review Period (60-day) Deadline: 06/08/2024
- Extension Declared: Yes
- Extended Review Period Deadline: 08/07/2024

Application No. 2024-007
Applicant: C Alan Homes LLC
Location: 6900 Block of Brooklyn Boulevard (6921, 6927, 6933, and 6939 Brooklyn Boulevard)
Requests: Preliminary and Final Plat (Re-approval)



Map 1. Subject Property Location.

REQUESTED ACTION

C Alan Homes LLC (“The Applicant”) is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION (Exhibit A), which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068—refer to Exhibit B. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of six (6) triplexes and related site improvements on what was formerly land owned by the City of Brooklyn Center Economic Development Authority (EDA), and commonly addressed as 6921, 6927, 6933, and 6939 Brooklyn Boulevard (“The Subject Property”).

Although the Applicant successfully purchased the Subject Property in late 2020, and a single Purchase and Development Agreement was executed for both sets of properties, the Applicant ran into delays on the South Site, which was the first to go under construction. This was following a request by Hennepin County that certain property contained within the plat be quit claimed to the County for right-of-way purposes. This resulted in the need for a partial release of the Purchase and Development Agreement and Declaration of Restrictive Covenants and Quit Claim Deed for that property in March 2022.

In total, the Subject Property, known as “the North Site” (refer to Planning Commission Application No. 2020-005) and South Site (refer to Planning Commission Application Nos. 2024-006 and 2020-004) were to provide a total of 13 triplexes and 39 dwelling units.

It was during this time frame that the Applicant’s lender stopped funding the project and the Applicant entered into two years of litigation to keep the development afloat. The request for re-approval of the preliminary and final plats is more imminent at this time as the Applicant and Property Owner recently entered into a voluntary foreclosure proceeding with a short redemption period.

The Applicant has indicated that they are now in the process of re-financing the project and have partnered with developer Devean George; however, the preliminary and final plats require a re-approval from the City and the Applicant will also separately require approval of an Amended Development Agreement from City Council as they are currently in default given the project was not completed within the timeframe outlined.

Due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024 (Exhibit C). Mail notifications were sent to those property owners and residents located in vicinity of the Subject Property, and public hearing notice uploaded to the City’s website. A link to the public hearing notice was also published on the City’s website and sent out by email to subscribers of the City’s weekly events bulletin. To date, the City is in receipt of two emails from the general public and public commentary received at the below noted May 9 Planning Commission meeting.

Although the public hearing was scheduled for the May 9, 2024 Planning Commission meeting, the Applicant requested the public hearing be continued to the June 13, 2024 Planning Commission meeting following phone and email communication received, and as the Applicant was unable to attend the May 9 hearing. A 60-day letter of extension was issued to the Applicant on May 10, 2024 outlining that the review period had been extended to August 7, 2024, and per Minnesota Statutes Section 15.99. Subd. 3(f).

Since the original approvals, a new Unified Development Ordinance has been adopted (January 2023). As such, City staff went ahead and reviewed the preliminary and final plats against the updated provisions.

City staff has been in communication with the Applicant’s surveyor, W Brown Land Surveying, who prepared the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION. The attached final plat had already been approved by Hennepin County for filing. In reviewing County filings, City staff further confirmed that certain easements vacated in conjunction with the original plat approvals in 2020 were filed with the County (Exhibit B). These include a 4-foot wide sidewalk easement, as well as certain drainage and utility easements.

Site Data

| | |
|----------------------------|---|
| 2040 Land Use Plan: | N-MU (Neighborhood Mixed-Use) |
| Neighborhood: | <i>Willow Lane</i> |
| Current Zoning: | MX-N2 (Neighborhood Mixed-Use) District |
| Site Area: | 0.88 acres |

Surrounding Area

| Direction | 2040 Land Use Plan | Zoning | Existing Land Use |
|------------------|--|--|--|
| North | High Density Residential (HDR) | R5 (High Density Residential) | Apartments |
| South | Neighborhood-Mixed Use (N-MU) | PUD/C2 (Planned Unit Development/Commerce) | Commercial |
| East | Right-of-Way Neighborhood Mixed-Use (N-MU) | Right-of-Way (ROW) Planned Unit Development/Commerce (PUD/C2) Neighborhood Mixed-Use (MX-N2) | Right-of-Way (Brooklyn Boulevard) Commercial Undeveloped (City EDA Land) |
| West | Low Density Residential (LDR) | R1 (Low Density Residential) | Single Family Detached |

Note: The Subject Property is located within the identified Brooklyn Boulevard Overlay District under the 2040 Comprehensive Plan.

PRELIMINARY AND FINAL PLAT (RE-APPROVAL)

The proposed preliminary and final plat for what would be known as *ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION* would subdivide four (4) lots into six (6) new parcels to accommodate the six (6) triplexes at the Subject Property located just north of 69th Avenue North and west of Brooklyn Boulevard.

As noted previously, the Applicant and Property Owner ran into delays both with Hennepin County and with their lender which resulted in their preliminary and final plats, which were approved by City Council in 2020, being considered void as outlined under Section 35-8107.5 (*Final Plat*). City staff reached out Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two (2) years have passed since the initial approval, they would require updated/current title work, which the City also requires, as well as the most recent copy of the plat.

As part of the 2020 application and review, it was requested that legal descriptions and easement vacations for all existing easements and certain vacations of existing public easements, as determined by the City, be submitted.

Former Assistant City Engineer, Andrew Hogg, initially reviewed the plats and provided a memorandum and redlined set of comments, dated August 4, 2020 (Exhibit D). A 10-foot drainage and utility easement was noted as required for dedication around the entire perimeter of the Subject Property. An additional utility easement shall be dedicated on the plat to allow for any future maintenance of private water mains and sanitary sewer per Development Agreement requirements. City staff conducted an updated review of the plats to ensure all comments have been addressed. In reviewing the 4-foot sidewalk easement vacated, City staff requested the surveyor ensure no new sidewalk easement is required. In reviewing the plats and aerials of the property, it appears the sidewalk is entirely located within right-of-

way.

The plat approved by the County denotes Drainage and Utility Easements to be dedicated along the west side of the Subject Property for infrastructure, as well as a detailing noting a 10-foot wide easement for adjoining right-of-way (ROW), unless otherwise indicated, and a 5-foot wide easement along the adjoining lot lines. The final plat provided, which had been approved by Hennepin County, appears to reflect this.

It should be noted that an as-built survey will be required upon project completion, and inspection for the private site improvements is to be performed by the Applicant's design/project engineer with certification required upon project completion.

CONDITIONS OF APPROVAL

City Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-007 for the Subject Property located within the 6900 Block of Brooklyn Boulevard and comprised of 6921, 6927, 6933, and 6939 Brooklyn Boulevard, and for re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION:

1. Re-approval of the preliminary and final plats for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION are contingent upon the addressing of any remaining comments by Assistant City Engineer Hogg in his memorandum dated August 4, 2020.
2. The preliminary plat, final plat, and mylar shall be subject to the provisions as outlined under Chapter 35 (*Unified Development Ordinance*), Section 35-8106 (*Preliminary Plat*) and Section 35-8107 (*Final Plat*).
 - a. Preliminary plat shall be reviewed against the most recent version of the final plat approved by Hennepin County and updated accordingly.
 - b. Preliminary plat shall be updated to reflect the existing zoning classification and total approximate acreage.
3. Any comments and/or requirements as provided by Hennepin County.
4. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title/title commitment.
5. The successful recording of said plat (mylar) with Hennepin County.

The aforementioned comments are provided based on the information submitted by the Applicant and Property Owner at the time of this review and specifically for the requested preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

RECOMMENDATION

Based on the above noted findings and conditions above, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-007 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION for the Subject Property located on what is currently known as 6921, 6927, 6933, and 6939 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Attachments

Exhibit A- Planning Application No. 2024-007 and documentation, submitted by C Alan Homes, LLC, and dated April 9, 2024.

Exhibit B- City Council Resolution Nos. 2020-068, 2020-092, and copy of Hennepin County Recorded Document No. 5773522.

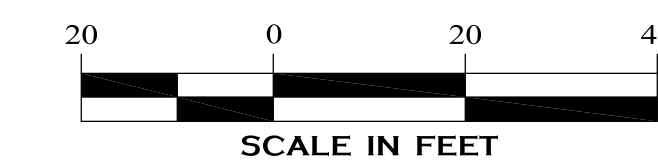
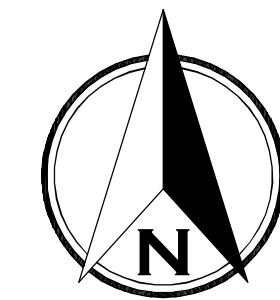
Exhibit C- Public Hearing Notice, dated April 25, 2024, as published in the Brooklyn Center *Sun Post*, 60-day letter of extension, dated May 10, 2024, and public comments (to date).

Exhibit D- Memorandum and Exhibits, prepared by Assistant City Engineer Andrew Hogg, and dated August 4, 2020 for Planning Commission Application No. 2020-005.

ELNICKY'S ADD.

PRELIMINARY PLAT ROBERTSON & BREKKE'S BROOKLYN BOULEVARD SECOND ADDITION

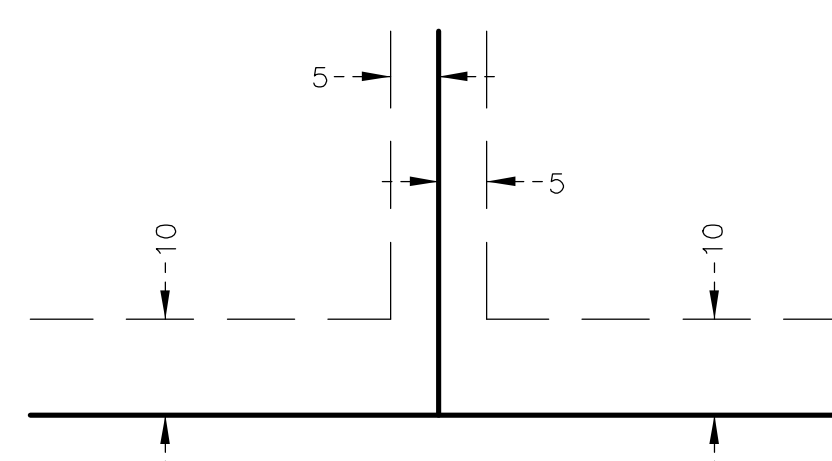
Exhibit AA



LEGEND

- Fence
- UE --- Underground Electric
- STS --- Storm Sewer
- SAN --- Sanitary Sewer
- WTR --- Water Main
- GAS --- Underground Gas
- ⊠ Electric Vault
- ⊞ Catch Basin
- ⊙ Sanitary Manhole
- ⊙ Storm Manhole
- ⊙ Electric Manhole
- ⊙ Light Pole
- ⊙ Power Pole
- ⊙ Hydrant
- ⊙ Gate Valve
- ⊙ Traffic Sign
- ⊙ Existing Elevation
- x900.0C Top of Curb Elevation
- x900.0G Gutter Elevation
- 900- Existing Contour
- Found Iron Monument
- Set Iron Monument
- Inscribed R.L.S 15230
- Deciduous Tree

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, ADJOINING LOT LINES, AND 10 FEET IN WIDTH, ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED.

PROPERTY DESCRIPTIONS:

Parcel 5: All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119 North, Range 21 West distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1427277.

Parcel 6: Lot 2, except that part thereof which lies Northeastly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119 North, Range 21 West distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 minutes 37.5 seconds with said South Section line for 800 feet and there terminating, Block 1, Sunset Manor, Hennepin County, Minnesota.

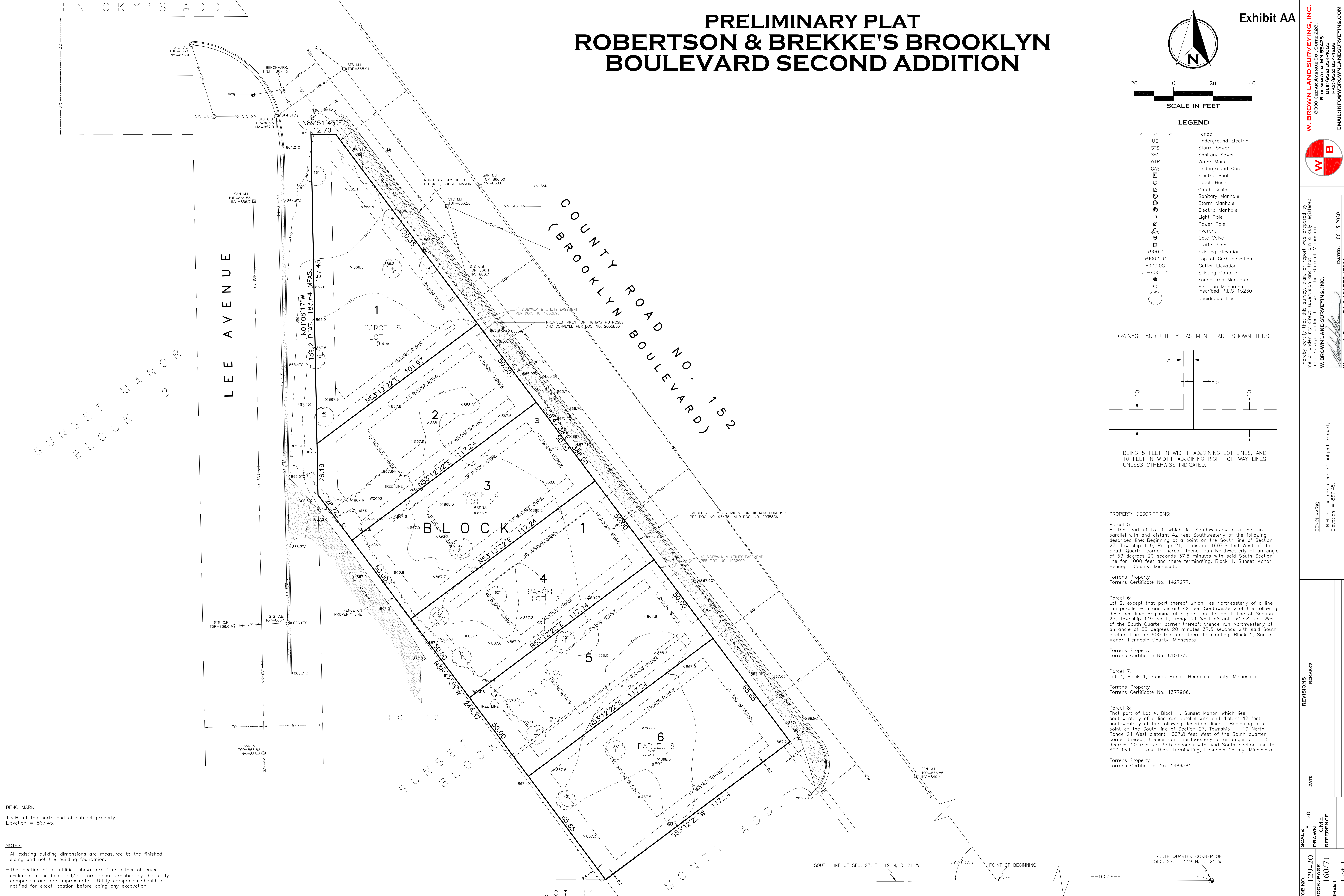
Torrens Property
Torrens Certificate No. 810173.

Parcel 7: Lot 3, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 1377906.

Parcel 8: That part of Lot 4, Block 1, Sunset Manor, which lies southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119 North, Range 21 West distant 1607.8 feet West of the South quarter corner thereof; thence run northwesterly at an angle of 53 degrees 20 minutes 37.5 seconds with said South Section line for 800 feet and there terminating, Hennepin County, Minnesota.

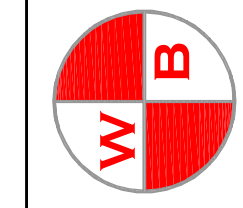
Torrens Property
Torrens Certificates No. 1486581.



BENCHMARK:
T.N.H. at the north end of subject property.
Elevation = 867.45.

NOTES:
- All existing building dimensions are measured to the finished siding and not the building foundation.
- The location of all utilities shown are from either observed evidence in the field and/or from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

W. BROWN LAND SURVEYING, INC.
8030 CEDAR AVENUE SO., SUITE 228,
BLOOMINGTON, MN 55425
TEL: (612) 854-4266
FAX: (612) 854-4268
EMAIL: INFO@WBROWNLANDSURVEYING.COM



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.
W. BROWN LAND SURVEYING, INC.
WOODROW A. BROWN, R.L.S., MN REG 15230
DATE: 06-15-2020

BENCHMARK:
T.N.H. at the north end of subject property.
Elevation = 867.45.

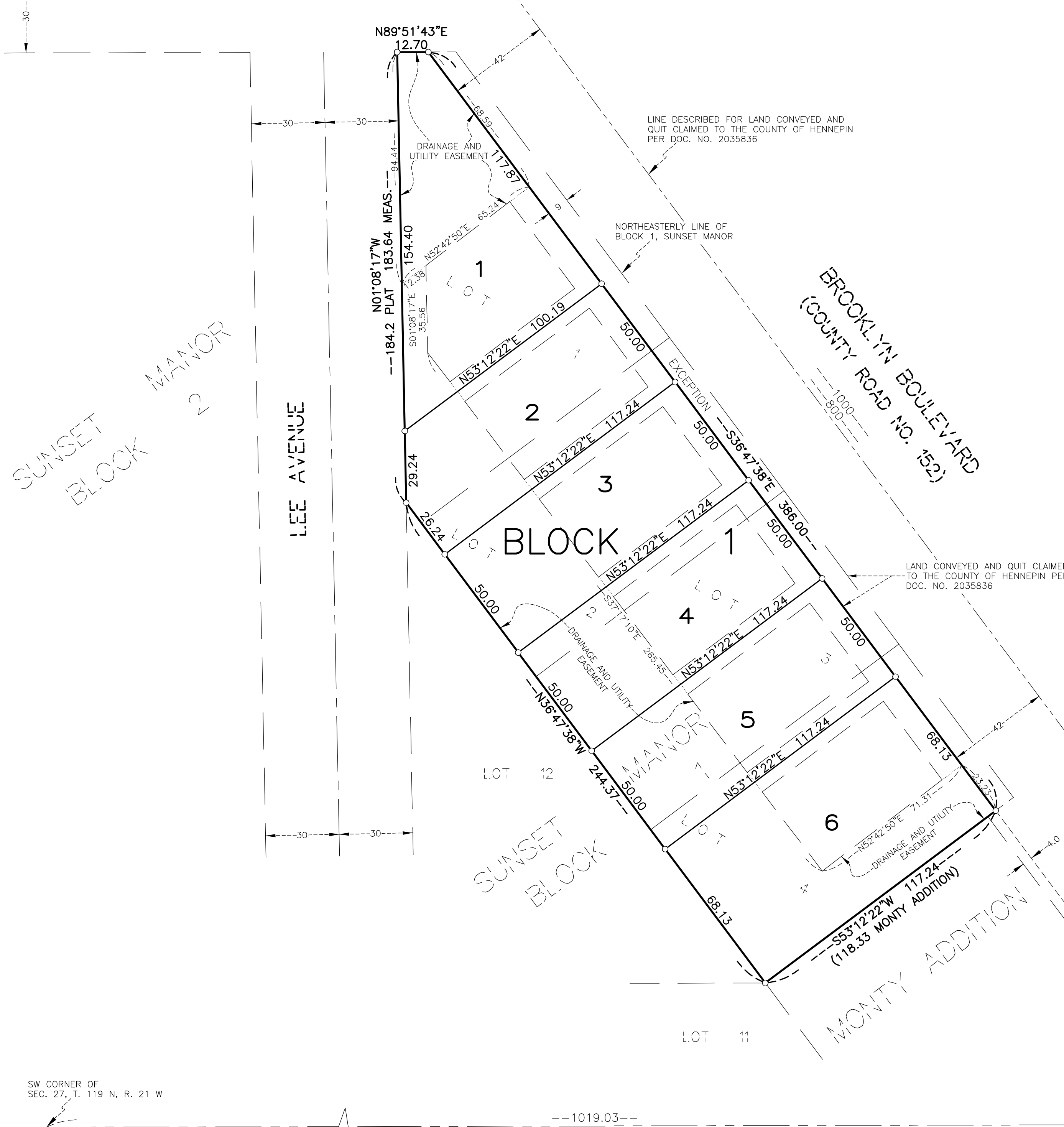
| JOB NO. | SCALE | DATE | REVISIONS | REMARKS |
|-----------|-----------|------|-----------|---------|
| 129-20 | 1" = 20' | | | |
| BOOK/PAGE | DRAWN BY | | | |
| 160/71 | REFERENCE | | | |
| SHEET | | | | |
| 1 of 1 | | | | |

ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION

R.T. DOC. NO. _____

ELNICKY'S ADDITION

70TH AVENUE NORTH



KNOW ALL PERSONS BY THESE PRESENTS: That C. Alan Homes, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to-wit:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 minutes 37.5 seconds with said South Section line for 1000 feet and there terminating, Block 1, SUNSET MANOR, Hennepin County, Minnesota.

Lot 2, except that part thereof which lies Northeasterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the south line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 minutes 37.5 seconds with said South Section Line for 800 feet and there terminating, Block 1, SUNSET MANOR, Hennepin County, Minnesota.

That part of Lot 3, Block 1, Sunset Manor, which lies southwesterly of a line run parallel with and distant 42 feet southwesterly of the following described line: Beginning at a point on the south line of Section 27, Township 119, Range 21, distant 1607.8 feet west of the south quarter corner thereof; thence run northwesterly at an angle of 53 degrees, 20 minutes, 37.5 seconds with said south section line for 800 feet and there terminating

That part of Lot 4, Block 1, SUNSET MANOR, which lies southwesterly of a line run parallel with and distant 42 feet southwesterly of the following described line: Beginning at a point on the south line of Section 27, Township 119, Range 21 West distant 1607.8 feet West of the South quarter corner thereof; thence run northwesterly at an angle of 53 degrees 20 minutes 37.5 seconds with said South Section line for 800 feet and there terminating, Hennepin County, Minnesota.

Has caused the same to be surveyed and platted as ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION and does hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof, said C. Alan Homes, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: C. Alan Homes, LLC

Terry Robertson, President

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me this _____ day of _____, 20____, by Terry Robertson, President of C. Alan Homes, LLC, a Minnesota limited liability company.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
My Commission Expires _____

I, Woodrow A. Brown, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat. Dated this _____ day of _____, 20____.

Woodrow A. Brown, Licensed Land Surveyor
Minnesota License No. 15230

STATE OF MINNESOTA
COUNTY OF HENNEPIN
This instrument was acknowledged before me this _____ day of _____, 20____, by Woodrow A. Brown.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA
This plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION was approved and accepted by the City Council of the City of Brooklyn Center, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2.

CITY COUNCIL, CITY OF BROOKLYN CENTER, MINNESOTA

By: _____ Mayor By: _____ Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By: _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to MN. STAT. SEC. 383B.565(1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By: _____

REGISTRAR OF TITLES, Hennepin County, Minnesota
I hereby certify that the within plat of ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION was filed in this office this _____ day of _____, 20____ at _____ o'clock _____ M.

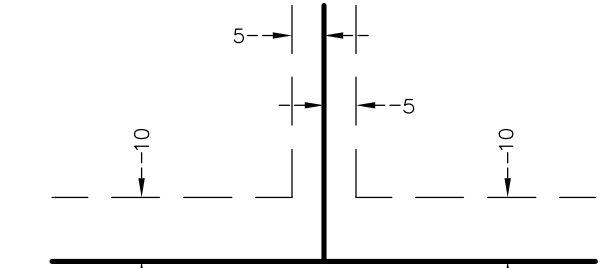
Angie Bougie, Registrar of Titles By: _____ Deputy

LEGEND

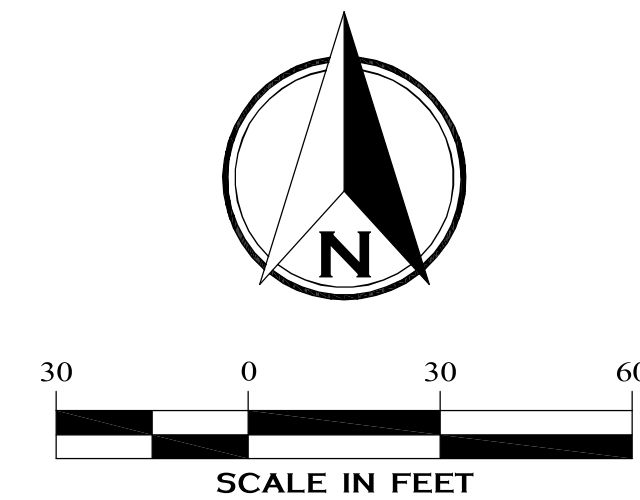
- DENOTES SET IRON PIPE MONUMENT
1/2 INCH x 14 INCH INSCRIBED RLS 15230
- ⊕ DENOTES HENNEPIN COUNTY CAST IRON MONUMENT NOT FOUND
- PLAT DENOTES RECORD DISTANCE PER SUNSET MANOR

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW 1/4 OF SEC. 27, T. 119 N, R. 21 W HAVING AN ASSUMED BEARING OF N89°51'45"E.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, ADJOINING LOT LINES, AND BEING 10 FEET IN WIDTH, ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.



SW CORNER OF SEC. 27, T. 119 N, R. 21 W

SOUTH LINE OF THE SW 1/4 OF SEC. 27, T. 119 N, R. 21 W

SOUTH QUARTER CORNER OF SEC. 27, T. 119 N, R. 21 W

To: City Council Members
From: Terry Robertson
With: C Alan Homes, LLC
Re: Development Agreement

City Council Members,

We wanted to reach out to you to request having our Developer Agreement extended to allow our company to finish the Development located at 61st and Brooklyn Blvd and 69th and Brooklyn Blvd. Our Development was derailed by the lender when they stopped funding our project under the guise of claiming they did not know there was infrastructure on the project. The City staff at the time quickly exposed them for being less than honest. Infrastructure is on all the plans, the proforma, they paid the infrastructure bills, convinced us to do the infrastructure in a piece meal fashion instead of finishing all the work at once and they monitored the project on a weekly basis. Thus overseeing the infrastructure. What followed was 2 years of litigation where we spent over \$200,000 fighting to keep our Development from being taken from us. We fought because we did not do anything to be in default. Ultimately, after a prolonged fight they agreed to give the project back to us. We are now in the process of getting it refinanced. We signed a voluntary foreclosure in order to stop the bleeding. But it gave us additional time to get the project funded and beat the foreclosure timeline of June 15th, 2024.

I have secured a successful developer and friend of mine (Devean George) to partner with us in order to get funded and help push the project through to the finish line. We feel he is a tremendous addition to our team.

When funded this will allow us to pay off subs, pay off the lender and finish the infrastructure at both sites in the first phase. This should take 3-4 weeks. The second phase will involve finishing the items remaining to get the certificate of occupancy on the two buildings/6 apartments that are currently constructed. We project this will take approximately a month. We will then start construction on the remaining 5 buildings/15 apartments on 61st and Brooklyn Blvd. We will start three of the five and when we get to interior rough in we will start the remaining two buildings. Building the 5 buildings/15 apartments will take approximately 1 year. We will try and start construction on the 6900 Block site right after we get the remaining two buildings at the first site framed. Our excavators, concrete crews and framers will be scheduled to move from the first site immediately after digging, concrete work and framing down to the second site to start the 6900 site in that order. If we plan it right, we should be able to button up the complete development (39 Luxury apartments) within 18-20 months.

Our team is prepared to get the final plats signed off on as soon as we can get the Council's approval to move forward on finishing the project. We feel with the addition of Devean George to our team it will bring an added expertise to the project. Also, the lenders we are interviewing now have all been vetted better than we did before with the previous lender. So, we don't anticipate any problems from the new lender.

We have fought with our time and money to try and see this project (our vision) through to the end. We believe this will help give the City of Brooklyn Center a higher profile around the Twin Cities. We look forward to seeing this project to completion.

Terry Robertson
President
C Alan Homes, LLC
763-228-1785

Member Ryan introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-068

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2020-005 FOR PRELIMINARY AND FINAL PLAT AND SITE AND BUILDING PLAN APPROVALS AND THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT FOR THE SUBJECT PROPERTIES LOCATED IN THE 6900 BLOCK OF BROOKLYN BOULEVARD AND KNOWN AS 6921, 6927, 6933, AND 6939 BROOKLYN BOULEVARD

WHEREAS, Planning Commission Application No. 2020-005, submitted by C Alan Homes (“the Applicant”), requests review and consideration for approval of a preliminary plat, final plat, and site and building plan, and establishment of a Planned Unit Development (PUD) for four properties currently owned by the Economic Development Authority (EDA) of Brooklyn Center, Minnesota, located just north of 69th Avenue North and west of Brooklyn Boulevard, and known as 6921, 6927, 6933, and 6939 Brooklyn Boulevard (“the Subject Property”); and

WHEREAS, the Subject Property is currently zoned C1 (Service/Office) District under the City’s Zoning Code; and

WHEREAS, the Applicant appeared before the City Council of Brooklyn Center, Minnesota on May 11, 2020 for a concept plan review of their proposed development of six (6) triplexes and related site improvements on the Subject Property, in conjunction with a second proposal from the Applicant to construct another seven (7) triplexes and related improvements to the south of the Subject Property at 6025, 6031, 6037, and 6045 Brooklyn Boulevard, and submitted for separate consideration under Planning Commission Application No. 2020-004; and

WHEREAS, on June 22, 2020, the City Council of Brooklyn Center, Minnesota approved a Preliminary Development Agreement with C Alan Homes, LLC for the two aforementioned sets of properties located along Brooklyn Boulevard to allow the Applicant time to review the properties, obtain financing, work through City land use approvals, and negotiate with the EDA on the purchase of the properties pending approval of the aforementioned Planning Commission Application No. 2020-005; and

WHEREAS, a public hearing for Planning Commission Application No. 2020-005 was initially scheduled for July 9, 2020; however, City staff exercised its rights under Minnesota Statutes Section 15.99, Subd. 3(f) to extend the review period for an additional sixty (60) days to allow the Applicant additional time to reconcile adjustments necessary to the site plan for additional easements and determine the ability for driveway access off Brooklyn Boulevard from Hennepin County; and

WHEREAS, on August 13, 2020, the Planning Commission of the City of

Brooklyn Center, Minnesota received and reviewed a planning report on the proposed preliminary plat, final plat, site and building plan, and Planned Unit Development proposals for the proposed new construction of seven triplexes and related site improvements on the approximately 0.98 acre site; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on August 13, 2020, whereby a planning staff report was presented and public testimony regarding the proposal were received. Notice of such public hearing was published in the official newspaper and notices were mailed to adjacent property owners as required by City Code, and notification signage was installed on the Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the requests in light of all testimony received, the guidelines and standards for evaluating the preliminary and final plat under Chapter 15 (*Platting*), site and building plans under Chapter 35 (*Zoning*) and specifically Section 35-230 (*Plan Approval*), and Planned Unit Developments as contained in Section 35-355 (*Planned Unit Development*) of the City's Zoning Code, including compliance with the guidelines for re-zoning properties, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan; and

WHEREAS, the Subject Property would be re-zoned from C1 (Service/Office) District to PUD/N-MU (Planned Unit Development-Neighborhood/Mixed Use) District, which is consistent with the future land use designation and density outlined in the 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2020-005, submitted by C Alan Homes, be approved based upon the findings of fact in the August 13, 2020 planning report and submitted plans, as amended by the following conditions of approval:

Anticipated Permitting

1. The Applicant shall apply for and receive a City Land Disturbance permit prior to commencing any grading or land clearance activities on the site.
2. The Applicant shall obtain any required permits from Hennepin County for work in the County right-of-way.
3. The Applicant shall meet all requirements of the Shingle Creek Watershed Commission, including incorporation of water quality measures, as specified by the City.
4. The Applicant shall apply for and receive all applicable City building permits prior to commencing construction of any work.
5. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
6. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
7. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

Plat Review

8. Approval of the preliminary and final plats are contingent upon the addressing of comments by Assistant City Engineer Hogg in his memorandum dated August 4, 2020.
 - a. The Applicant shall complete the vacation of any identified easements and ensure notice of completion of vacation is recorded with Hennepin County prior to recording of final plat and mylar.
9. Final plat and mylar shall be subject to the provisions of Chapter 15 of the City Code of Ordinances (*Platting*).
10. Any comments and/or requirements as provided by Hennepin County.
11. Any comments and/or requirements from the City Attorney's office, and specifically regarding an updated certified abstract of title.
12. The successful recording of said plat (mylar) with Hennepin County.

PUD / Site Plan Review

13. Any significant changes or modifications made to this request can only be made by an amendment to the approved Planned Unit Development as approved by the City Council.
14. The Applicant shall enter into a Purchase Agreement with the Economic Development Authority of Brooklyn Center prior to the execution of the Final Plat.
15. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center prior to the execution of the Final Plat.
16. The Applicant shall distribute Section 8 units through each of the identified three floors of triplex buildings identified for Section 8 voucher holders so as to prevent designating a particular level for such units.
17. The Applicant shall enter into a Performance Agreement with supporting financial guarantee approved by the City shall be executed prior to the issuance of any permits.
18. The Applicant shall enter into a Construction Management Plan and Agreement and provide a separate deposit for any non-compliance.

Engineering Review

19. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated August 4, 2020.
 - a. Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.

Fire Inspector/ Building Official Review

20. The Applicant shall work to ensure all applicable 2015 Minnesota Fire Code requirements have been met as part of any plan approval, including installation of a minimum 20-foot wide drive aisle.
21. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
22. The Applicant shall apply for a SAC determination from the Metropolitan Council. Said determination shall be forwarded to the City and paid for upon issuance of any City permits.
23. The Applicant shall work with the Building Official to address all minimum requirements for accessibility as they relate to units, parking, accessible routes, etc.

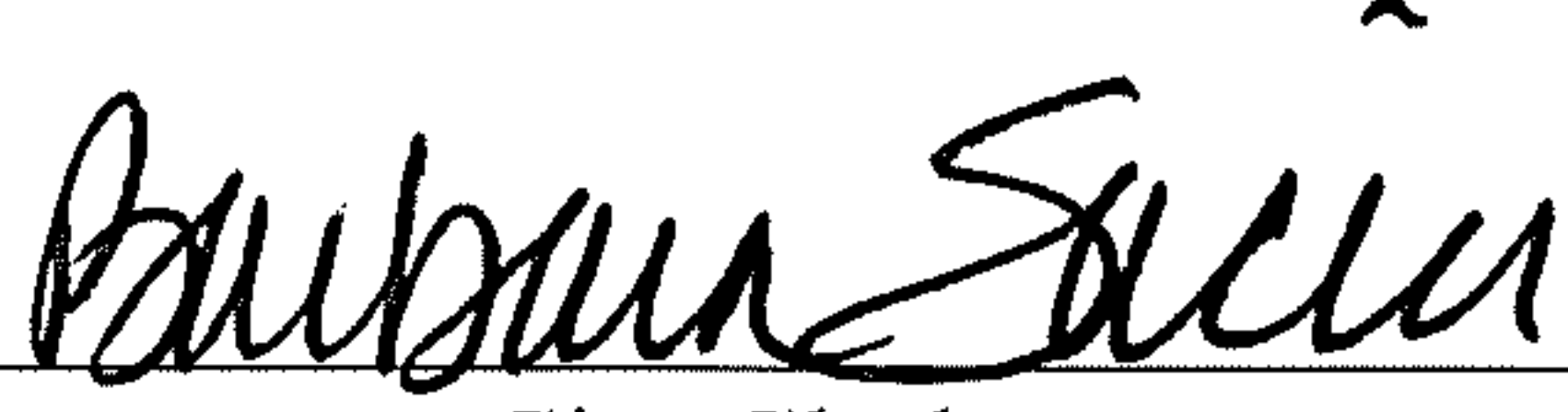
August 24, 2020

Date



Mayor

ATTEST:



City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Graves

and upon vote being taken thereon, the following voted in favor thereof:

Butler, Elliott, Graves Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.

Member Ryan introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-092

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 1, BLOCK 1, SUNSET MANOR, HENNEPIN COUNTY, MINNESOTA AND LOT 3, BLOCK 1, SUNSET MANOR, HENNEPIN COUNTY, MINNESOTA.

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard Second Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6927 Brooklyn Blvd and 6939 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

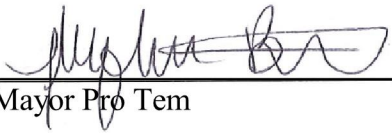
WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;


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

1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. 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; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard Second Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020



Mayor Pro Tem

ATTEST: 

City Clerk

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

Exhibit A
Legal description of the Properties

Parcel 5:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor.

Torrens Property
Torrens Certificate No. 1427277.
PID: 2711921330011

Parcel 7:

Lot 3, Block 1, Sunset Manor.

Torrens Property
Torrens Certificate No. 1377906.
PID: 2711921330013

Exhibit B
Legal description of the Vacated Easements

Vacated Easement over Parcel 5:

All that part of the following described lot:

Lot 1, Block 1, Sunset Manor, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, the title thereto being registered and evidenced by Certificate of Title No. 332416, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

Beginning at a point on the south line of section 27, township 119 north, range 21 west, distant 1607.8 feet west of the south quarter corner thereof; thence run north westerly at an angle of 53° 20' 37.5" with said south section line for 1000 feet and there terminating.

Vacated Easement over Parcel 7:

All that part of the following described lot:

Lot 3, Block 1, Sunset Manor, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway; which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

Beginning at a point on the south line of section 27, township 119 north, range 21 west, distant 1607.8 feet west of the south quarter corner thereof; thence run northwesterly at an angle of 53° 20' 37.5" with said south section line for 800 feet and there terminating.

Certificate of Title

Certificate Number: 1427277

Created by Document Number: 5363941

Transfer from: 1098511

Originally registered February 14, 1948 Volume: 414, Certificate No: 127088, District Court No: 8650

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, Minnesota, a Minnesota public body corporate and politic, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430-2113;

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor.

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

| Memorials | | | | |
|-----------------|--------------------------|--|--------------|---|
| Document Number | Document Type | Date of Filing Month Day, Year Time | Amount | Running in Favor Of |
| T1032893 | Easement | Jun 2, 1972 11:10 AM | | City of Brooklyn Center (a MN municipal corp) Granting an easement for sidewalk purposes &c over pt of above land. (See Inst) |
| T3655001 | Mortgage | Jan 2, 2003 11:00 AM | \$131,750.00 | Mortgage Electronic Registration Systems, Inc. (a DE corp) P.O. Box 2026, City of Flint, State of Michigan |
| T4782351 | Amendment of Mortgage | Aug 26, 2010 10:00 AM | | Between Jacob L Yanish and Mortgage Electronic Registration Systems, Inc. Amending Mortgage document no(s) 3655001 (See Inst) |
| T5368614 | Satisfaction of Mortgage | Jul 29, 2016 4:11 PM | | Satisfies Mortgage document no(s) 3655001 |



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 20th day of July, 2016.

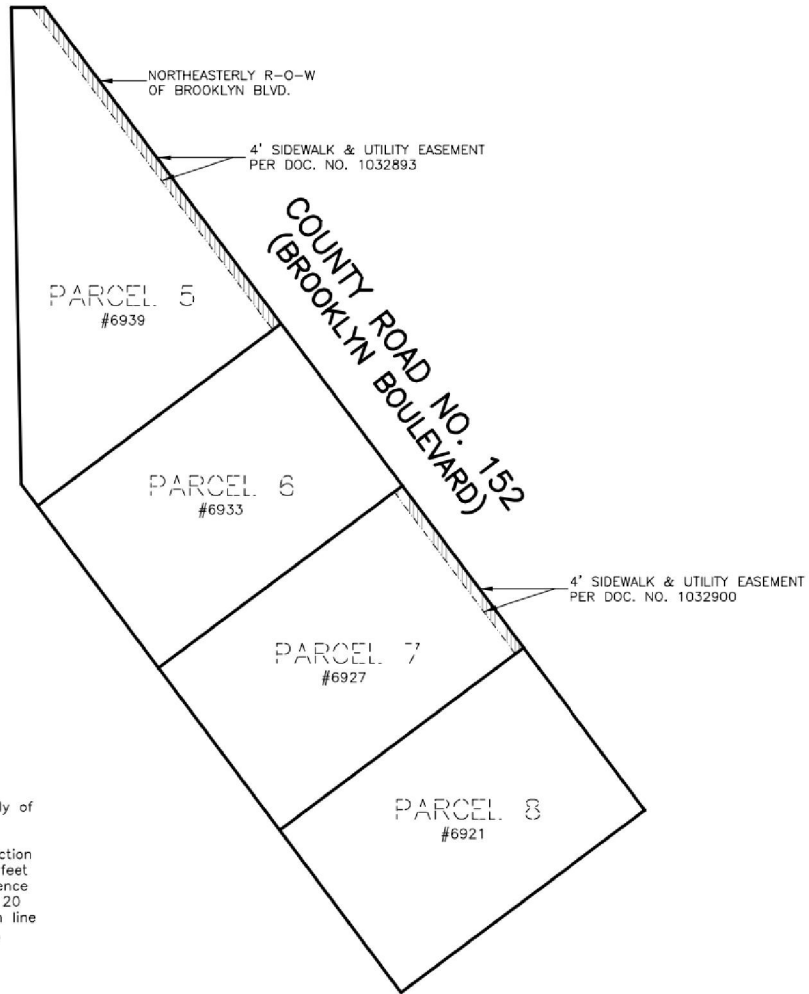
Martin McCormick

Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.

Exhibit C
Depiction of the Vacated Easements

EXHIBIT



PROPERTY DESCRIPTIONS

PARCEL 5:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1427277.

PARCEL 7:

Lot 3, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1377906.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown

DATED: 08-28-2020

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.

8030 CEDAR AVENUE So., SUITE 228.

BLOOMINGTON, MN 55425

Bus: (952) 854-4055

FAX: (952) 854-4268

EMAIL: INFO@WBROWNLANDSURVEYING.COM

Certificate of Title

Certificate Number: 1377906

Created by Document Number: 5130269

Transfer from: 1106815

Originally registered February 14, 1948 Volume: 414, Certificate No: 127088, District Court No: 8650

State of Minnesota

County of Hennepin



S.S.

Registration

This is to certify that

Economic Development Authority of Brooklyn Center, whose address is 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, 55430;

is now the owner of an estate in fee simple

In the following described land situated in the County of Hennepin and State of Minnesota:

Lot 3, Block 1, Sunset Manor.

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

| Memorials | | | | |
|-----------------|-------------------|--|--------|---|
| Document Number | Document Type | Date of Filing Month Day, Year Time | Amount | Running in Favor Of |
| T934384 | Final Certificate | Jan 30, 1969 12:05 PM | | State of Minnesota. For trunk highway purposes. (See Inst) Parcel No. 87 |
| T1032900 | Easement | Jun 2, 1972 11:10 AM | | City of Brooklyn Center. Granting an easement for sidewalk purposes over pt of above land. (See Inst) |
| T2035836 | Quit Claim Deed | Aug 29, 1989 10:00 AM | | County of Hennepin from State of Minnesota for highway purposes. Land in Doc. No. 934384 |

Indexes Verified through 8/11/2020



In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 5th day of November, 2013.

Martin McCormick

Registrar of Titles,

In and for the County of Hennepin and State of Minnesota.



LAND TYPE Torrens (T)

DOC NUM 5773522

Certified, filed and/or recorded on
Nov 24, 2020 8:00 AM

Office of the Registrar of Titles
Hennepin County, Minnesota
Martin McCormick, Registrar of Titles
Mark Chapin, County Auditor and Treasurer

| | |
|------------------------------------|-----------------|
| Deputy 26 | Pkg ID 2116344E |
| Document Recording Fee | \$46.00 |
| Multiple Certificates Affected Fee | \$20.00 |
| <i>Document Total</i> | \$66.00 |

Existing Certs
1427277, 1377906

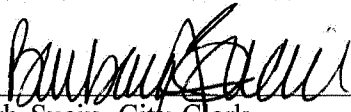
**CITY OF BROOKLYN CENTER
HENNEPIN COUNTY, MINNESOTA**

NOTICE OF COMPLETION OF VACATION PROCEEDINGS

The undersigned City Clerk of the City of Brooklyn Center does hereby certify:

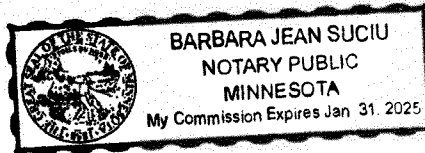
1. That the City Council of the City of Brooklyn Center held a public hearing on October 12, 2020, regarding the vacation of certain easements, located on Lot 1, Block 1, SUNSET MANOR, Hennepin County, Minnesota and Lot 3, Block 1, SUNSET MANOR, Hennepin County, Minnesota (the "**Easements**").
2. That due notice of the public hearing was given to affected property owners as required by state law at the time of the vacation.
3. That due notice was published in the City's official newspaper and posted at least two weeks prior to the date of the public hearing as required by state law at the time of the vacation.
4. That following the public hearing, the City Council approved a resolution vacating the Easements (the "**Vacation Resolution**").
5. That a true and correct copy of the Vacation Resolution adopted by the City Council is attached hereto as Exhibit A.
6. That the vacation proceedings complied in all respects with the procedures specified by the City Charter and state law at the time of the vacation.

Dated this ___ day of October 2020.


Barb Suci, City Clerk

STATE OF MINNESOTA)
 SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 21st day of October 2020, by Barb Suci, the City Clerk of the City of Brooklyn Center, Minnesota, a municipal Corporation under the laws of the State of Minnesota.



Drafted By:

Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
Certified Copy of the Vacation Resolution

Member Ryan introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-092

A RESOLUTION VACATING CERTAIN EASEMENTS WITHIN LOT 1, BLOCK 1, SUNSET MANOR, HENNEPIN COUNTY, MINNESOTA AND LOT 3, BLOCK 1, SUNSET MANOR, HENNEPIN COUNTY, MINNESOTA.

WHEREAS, the Planning Commission has recommended approval for the plat entitled Robertson and Brekke's Brooklyn Boulevard Second Addition (the "Plat") based on certain conditions as set forth in the City Council Resolution No. 2020-067 and Planning Commission Resolution No. 2020-005; and

WHEREAS, the Plat includes certain real property situated in Hennepin County located at 6927 Brooklyn Blvd and 6939 Brooklyn Blvd all located within the City of Brooklyn Center and as legally described on the attached Exhibit A (the "Properties");

WHEREAS, certain public easements currently exist on the Properties which as a result of the Plat are either no longer needed, or are being replaced by new easements covering the Properties within the Plat; and

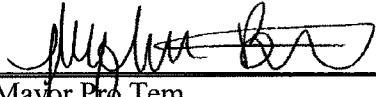
WHEREAS, the specific easements proposed to be vacated are as legally described on the attached Exhibit B and as depicted on the attached Exhibit C (collectively the "Vacated Easements"):

WHEREAS, after due notice and public hearing, the City Council has determined that the Vacated Easements will be no longer needed once the Plat is recorded; and the vacation of the Vacated Easements is in the public interest;

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

1. The City hereby declares that the Vacated Easements described in the attached Exhibit B and as depicted on the attached Exhibit C are hereby vacated.
2. 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; provided, that this resolution will only take effect upon the release and filing of the final plat of Robertson and Brekke's Brooklyn Boulevard Second Addition, execution and filing of associated and separate rededicated easements, and upon execution and filing the subdivision agreement for said associated development.

Adopted this 12th day of October, 2020



Mayor Pro Tem

ATTEST: 

City Clerk

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

Exhibit A
Legal description of the Properties

Parcel 5:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor.

Torrens Property
Torrens Certificate No. 1427277.
PID: 2711921330011

Parcel 7:

Lot 3, Block 1, Sunset Manor.

Torrens Property
Torrens Certificate No. 1377906.
PID: 2711921330013

Exhibit B
Legal description of the Vacated Easements

Vacated Easement over Parcel 5:

All that part of the following described lot:

Lot 1, Block 1, Sunset Manor, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, the title thereto being registered and evidenced by Certificate of Title No. 332416, except State Highway, which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

Beginning at a point on the south line of section 27, township 119 north, range 21 west, distant 1607.8 feet west of the south quarter corner thereof; thence run north westerly at an angle of 53° 20' 37.5" with said south section line for 1000 feet and there terminating.

Vacated Easement over Parcel 7:

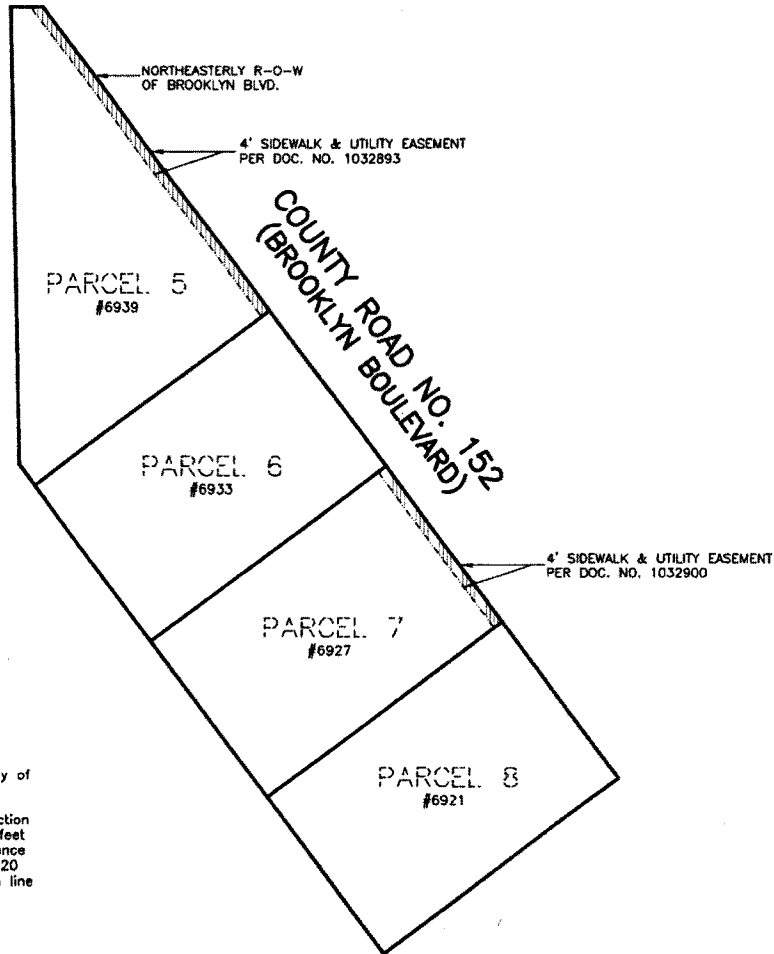
All that part of the following described lot:

Lot 3, Block 1, Sunset Manor, according to the duly recorded plat thereof, situate in Hennepin County, Minnesota, except State Highway; which lies northeasterly of a line run parallel with and distant 46 feet southwesterly of the following described line:

Beginning at a point on the south line of section 27, township 119 north, range 21 west, distant 1607.8 feet west of the south quarter corner thereof; thence run northwesterly at an angle of 53° 20' 37.5" with said south section line for 800 feet and there terminating.

Exhibit C
Depiction of the Vacated Easements

EXHIBIT



PROPERTY DESCRIPTIONS

PARCEL 5:

All that part of Lot 1, which lies Southwesterly of a line run parallel with and distant 42 feet Southwesterly of the following described line: Beginning at a point on the South line of Section 27, Township 119, Range 21, distant 1607.8 feet West of the South Quarter corner thereof; thence run Northwesterly at an angle of 53 degrees 20 seconds 37.5 minutes with said South Section line for 1000 feet and there terminating, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1427277.

PARCEL 7:

Lot 3, Block 1, Sunset Manor, Hennepin County, Minnesota.

Torrens Property
 Torrens Certificate No. 1377906.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown

DATED: 08-28-2020

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.
 8030 CEDAR AVENUE So., SUITE 228.
 BLOOMINGTON, MN 55425
 Bus: (952) 854-4055
 FAX: (952) 854-4266
 EMAIL: INFO@WBROWNLANDSURVEYING.COM

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

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, May 9, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST:

Preliminary and Final Plat
**APPLICANT | PROPERTY
OWNER:** C Alan Homes LLC
**PROPERTY ADDRESSES
|PIDS:**
6921, 6927, 6933, and 6939
Brooklyn Boulevard, Brooklyn
Center, MN 55429 |
27-119-21-33-0014,
27-119-21-33-0013,
27-119-21-33-0012, and
27-119-21-33-0011

**BRIEF STATEMENT OF CON-
TENTS OF PETITION:** The Ap-
plicant and Property Owner is
requesting a review and consid-
eration of certain preliminary and
final plats approved by the City of
Brooklyn Center in 2020. As the fi-
nal plat was not recorded with Hen-
nepin County within one (1) year
following City Council approval,
the final plat is considered void and
re-approval of the plat is required
per Section 35-8000 (Subdivisions
and Planned Unit Developments).

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

Meeting Number (Access Code):
2630 082 8737
Password: BCPC05092024
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Respectfully,
Ginny McIntosh
Planning Manager



May 10, 2024

C Alan Homes LLC
Attn: Terry Robertson
19782 Henning Avenue
Lakeville, MN 55044

RE: City of Brooklyn Center, MN Planning Commission Application No. 2024-007
Request for Re-Approval of the Preliminary and Final Plats for Robertson and Brekke Brooklyn
Boulevard Second Addition

Mr. Robertson,

Pursuant to Minnesota Statutes Section 15.99, the City of Brooklyn Center is required to approve or deny a written request for certain land use actions within sixty (60) days from receipt of an application. Community Development Department records indicate the City received the above-referenced application and documentation on April 9, 2024, which means the City's 60-day time limit would expire on June 8, 2024.

By allowances granted under Minnesota Statutes Section 15.99, Subd. 3(f), the City of Brooklyn Center is hereby providing official notice that the review period has been extended an additional sixty (60) days per email and phone communication received from you on May 9, 2024 that noted your inability to attend the scheduled public hearing at the May 9, 2024 Planning Commission meeting, and your request to continue the public hearing to the June 13, 2024 Planning Commission meeting so that you could attend. The new deadline for completing the review and final action on this application is now August 7, 2024.

As the public hearing had already been published in the Brooklyn Center *Sun Post* for the May 9, 2024 Planning Commission meeting, the Planning Commission opened the hearing to receive public comment as there was representation from the public and elected to continue the public hearing to the June 13, 2024 Planning Commission Meeting, to be held at 7 p.m. at Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430.

If you have any questions or concerns, please feel free to call me at (763) 569-3319 or by email at: gmcintosh@brooklyncentermn.gov.

Sincerely,

Ginny McIntosh
Planning Manager

From: [REDACTED]
Sent: Wednesday, May 8, 2024 2:11 PM
To: Ginny McIntosh
Subject: Re;C Alan Homes LLC for final plat 6921, 6927, 6939 Brooklyn Blvd

I have several concerns about this project that I would like addressed at the meeting tomorrow. I would also like to discuss with you prior to the meeting.

First I would like to say that the last meeting you had regarding this issue was very frustrating as I felt most of the concerns of the current neighboring residents were not addressed or considered in approving this project.

I live on Lee Ave, right in front of this land they want to build on. I will have a parking lot right across from my house which will bring alot of noise and unwanted traffic. We already have to deal with noise and traffic from Willow Lane apartments and now we will have this too?

As it stands now these people park on our street at all hours of the day and night, and never get ticketed. I have watched them clean out their cars and throw the trash in the grass or the street. My own family regularly are out there picking up trash as no one else nor the city seem to care.

I am very concerned about the traffic this project most definitely will bring to Lee and Major Ave. There are alot of young children here and I am concerned for their safety.

Why would you allow this to be built on this small area of land, literally boxing in the adjacent houses when directly kitty corner across Brooklyn Blvd is a wide open space and an apartment building that clearly has no one living in it, except a few squatters, that should be torn down which would be a great space and it would not intrude on any houses like it will in this space. There is also no way you can build a big enough parking lot with enough spaces to accomodate that many 3 bedroom units. That means parking on our streets that we as homeowners are not allowed to park on overnight but yet all these other people seem to get away with it on the daily.

I understand Brooklyn Center needs more affordable housing units, and more housing units in general, however there are so many already wide open areas in the city that I see no reason to cram these buildings into such a small space knowing how it will have a negative impact on the residents who own homes here.

Lisa

From: Luba Evarts [REDACTED]
Sent: Thursday, May 9, 2024 5:57 AM
To: Ginny McIntosh
Subject: C Alan homes

Council members

I would like to open this letter by reminding our Mayor of an article dated Nov. 2023 about how frustrated she was with the planning process and was quoted as saying

"It doesn't feel like you've listened"

to Mike Lindberg of MNDOT.

When this was first proposed I was very against the overcrowding (as I see it) of my neighborhood, still am. Please understand that I am not against the development of this property, I am against the overcrowding, the lack of parking, the lack of green space that would be available to the residents. It was proposed to have 30 parking spaces available for 18 residences. I believe the city of Brooklyn center requires 2 parking spaces per residence. You, city of Brooklyn center council members has rejected other housing proposals because of parking issues. This was an office building to change into an apartment building, but was rejected for concerns of parking. And a couple other things.

Yet you council members passed this ridiculousness. You city council members, shut us down - you did not take into consideration our concerns.

It doesn't feel like you've listened.

Hmmmm

C Alan homes seems to be having a difficult time finishing the first two (of seven) buildings at 60th and Brooklyn Blvd. It has been 4 YEARS since it has begun and but not yet completed or opened for rent. Their reliability is questionable. This is such a disservice to our community. I really don't want to live in a continuous construction zone. If it takes 4 + years to complete 2 triplexes, how long will it take to complete 7? Or 13?

And why can't I attend a meeting

IN PERSON????

A concerned 30+ year resident

Luba Evarts

M E M O R A N D U M

DATE: August 17, 2020

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Preliminary Site Plan & Plat Review –
Brooklyn Boulevard 6900 Brooklyn Blvd Tri-plexes (**Revised**)

Public Works staff reviewed the following documents submitted for review for the proposed 6900 Brooklyn Blvd Tri-plexes (Planning Commission Application No. 2020-005):

- Preliminary Plans and plat submitted 07/23/2020

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

C000 Title Sheet

1. No comments.

C100 Removals Plan

2. Right of Way along Brooklyn Blvd is owned by Hennepin County. Obtain necessary permits prior to work with in Hennepin County Right of Way.
3. Removal for utility connections in street shall extent curb to curb or to drive lane, no partial width removals.
4. Remove driveways and existing sidewalk adjacent to Brooklyn Blvd.
5. Protect existing bus stop sign along Brooklyn Blvd. Coordinate with Metro Transit to maintain bus service.
6. Remove existing service stubs to back of curb.
7. Missing existing street light in front of Lot 2, review/adjust location as required.

C200, 202 and 202 – SWPPP Plans

8. Silt fence line type is hidden under property line type.

C210 and 211 – Erosion Control Plans

9. No comments.

C300 – Site Plan

10. Overall some of the linetypes/thickness makes text hard to read.
11. Site triangles at entrance/exits of development shall be free and clear of any obstructions.
12. Use City Detail for City driveway aprons.
13. Developer to provide 10' boulevard with a 5' sidewalk and maintenance strip, matching the properties to the north and south. Review site ensure grades and site feature still fit.
14. Install signage to discourage residents/guest from trying to access Brooklyn Blvd.
15. Verify clearance from curb to existing street light at south exit.
16. Provide parallel sidewalk along back side of new curb if possible
17. Add sidewalk to proposed parking stalls along Lee.
18. All utilities to be within a drainage & utility easement.
19. Add No Right Turn sign on Brooklyn Blvd for south emergency access.
20. Show location of ADA stalls & access routes.

21. Only 30 stalls shown on plans for 18 units (1.7/unit) – should provide 2.5 stalls per unit
22. 18' wide drive lane is inadequate for 2-way traffic or meeting fire code. Work with Fire Inspector and Planning to establish lane width. Minimum fire access lane width is 20' per code
23. Add bollards to west end of access lane and sign to prevent traffic from heading down dead end.

C400 – Grading and Drainage Plan

24. All city roadway embankment material installed within pavement patching areas of existing roadways shall be placed in lifts not to exceed 8-inches and compacted to a minimum of 100 percent of maximum density regardless of depth below the final pavement surface. The Engineer shall take a minimum of three (3) compaction tests at varying elevations within the pavement patch area.
25. Applicant will coordinate with Hennepin County for road embankment material installed within Brooklyn Blvd Right of Way.
26. Storm sewer to be privately owned & maintained.
27. Incorporate permanent water quality BMP's.
28. No catch basin manhole on Lee at location shown – install new catch basin manhole.
29. Can storm sewer be installed without encroaching on adjacent property?
30. Review SW corner of access drive for slopes & drainage.
31. Provide 1.0% minimum slope on bituminous pavement.
32. Add missing spot elevations.

C500 – Utility Plan

33. 8" watermain to be looped out to Brooklyn Blvd.
34. Provide separate service line to each bldg. or provide joint maintenance agreements for service lines.
35. They don't make 2" DIP, adjust notes accordingly.
36. Existing watermain on Lee Ave is 6", adjust wet tap note accordingly.
37. All on-site utility lines to be privately owned and maintained.
38. Verify water service sizes.
39. Provide on-site fire hydrant.
40. No sanitary sewer manhole on Lee at location shown – install new manhole.
41. Minimum sanitary sewer service pipe size to be 4".

C900, 901, 902 and 903 – Details

42. All work performed and materials used for construction of utilities must conform to the City standard specifications and details. The City's standard details must be included in the plan.
43. Update to use current City plates.

Preliminary Plat/Final

44. Drainage & Utility easements shall be adjusted to cover all shared/common utility lines (sanitary sewer, watermain, storm sewer) along with any storm water management features.
45. City & County will review permanent rights of way and easement needs along Brooklyn Blvd (Plats to be reviewed by Hennepin County Engineer).
46. Provide required separate cross access/cross parking easements.
47. Provide required separate trail & sidewalk easements.

48. Change Bloomington to Brooklyn Center in signature areas.
49. It appears that all property is Torrens, adjust Document block and signature blocks accordingly
50. Need working copy of the preliminary plat to show all vacated easements, proposed easements, existing and proposed utilities and provide all easement documents for the City for review. A 10' drainage and utility easement must be dedicated on the plat around the entire perimeter of the site. An additional utility easement must be dedicated on the plat for the private water main and sanitary to allow for maintenance access per the Developers Agreement.
51. Legal descriptions and easement vacation documents must be obtained for all existing easements. Existing public easements as determined by the City must be vacated, and proposed easements must be dedicated as part of the preliminary and final platting process. The formal vacation document must contain an easement vacation description and depiction exhibit signed by a professional surveyor.
52. An updated certified abstract of title or registered property report must be provided to the City Planner and City Attorney for review at the time of the preliminary plat application (within 30 days of preliminary plat application). Additionally, this will need to stay current and be updated through the approval process as required to maintain and be current within 30 days of the release of final plat.
53. The applicant is responsible for coordinating site development plans with Xcel Energy, CenterPoint Energy, Qwest Communications and other private utility companies. 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.

Miscellaneous

54. See redlines for additional site plan comments.
55. Provide landscape and irrigation plan.
56. Upon project completion, the applicant must submit an as-built survey of the property, improvements and utility service lines and structures; and provide certified record drawings of all project plan sheets depicting any associated private and/or public improvements, revisions and adjustments prior to issuance of the certificate of occupancy. The as-built survey must also verify that all property corners have been established and are in place at the completion of the project as determined and directed by the City Engineer.
57. Inspection for the private site improvements must be performed by the developer's design/project engineer. Upon project completion, the design/project engineer must formally certify through a letter that the project was built in conformance with the approved plans and under the design/project engineer's immediate and direct supervision.(see attached template letter) The engineer must be certified in the State of Minnesota and must certify all required as-built drawings (which are separate from the as-built survey).
58. The total disturbed area is less than one acre; an NPDES permit is not required. In addition, the total disturbed area is less than 1 acre, per Shingle Creek Watershed Management Commission rules, the applicant should incorporate water quality measures.
59. Provide traffic memo highlighting a review sight lines and site distances for exiting the site. Documenting the anticipated traffic generated by the proposed site and a discussion on the parking needs on a daily use and for guest parking for events and holidays.

60. The City has submitted the plans to Hennepin County for review. Applicant must meet requirements from Hennepin County's review.

Prior to issuance of a Land Alteration

61. Final construction/demolition plans and specifications need to be received and approved by the City Engineer in form and format as determined by the City. The final plan must comply with the approved preliminary plan and/or as amended by the City Engineer.
62. A letter of credit or a cash escrow in the amount of 100% of the estimated cost as determined by City staff shall be deposited with the City.
63. During construction of the site improvements, and until the permanent turf and plantings are established, the developer will be required to reimburse the City for the administration and engineering inspection efforts. Please submit a deposit of \$2,500 that the City can draw upon on a monthly basis.
64. A construction management plan and agreement is required that addresses general construction activities and management provisions, traffic control provisions, emergency management provisions, storm water pollution prevention plan provisions, tree protection provisions, general public welfare and safety provisions, definition of responsibility provisions, temporary parking provisions, overall site condition provisions and non-compliance provisions. A separate \$2,500 deposit will be required as part of the non-compliance provision.

Anticipated Permitting:

65. A City of Brooklyn Center Land Disturbance Permit is required.
66. Applicant to obtain required permits to work in County right-of-way.
67. Other permits not listed may be required and is the responsibility of the developer to obtain and warrant.
68. Copies of all required permits must be provided to the City prior to issuance of applicable building and land disturbance permits.
69. A preconstruction conference must be scheduled and held with City staff and other entities designated by the City.

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