



**PLANNING COMMISSION
CITY OF BROOKLYN CENTER
REGULAR MEETING**

July 11, 2024

Optional public access to the Webex meeting is below:

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

Meeting Number (Access Code): 2633 722 6330

Passcode: BCPC07112024

1. Call to Order — 7 p.m.

2. Roll Call

3. Approval of Agenda

- a. Motion to Approve Regular Meeting Agenda for July 11, 2024

4. Approval of Meeting Minutes

- a. Motion to Approve June 13, 2024 Meeting Minutes

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. Planning Commission Application No. 2024-010 (**PUBLIC HEARING**)

Applicant | Property Owner: Loehrer Acquisitions LLC | ODAA Center LLC
Address (PID): 6440 James Circle North | 35-119-21-41-0008
Summary: The Applicant is proposing to convert the former Earle Brown Bowling Alley to a Los Campeones Gym ("Indoor Recreation Fitness Center or Club"). Upon review of the proposal, it was determined the Applicant will require approval of a conditional use permit (CUP).

The Subject Property was rezoned to Planned Unit Development/Business Mixed-Use (PUD/MX-B) District in 2021 to allow for a proposed 64,000-square foot light industrial redevelopment. Given the intended reuse of the existing building, a request to rezone the Subject Property to Business Mixed-Use (MX-B) District is being made since the PUD designation is no longer necessary.

7. Discussion

- a. City Council Updates
b. Upcoming Planning Commission Applications

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

JUNE 13, 2024

1. CALL TO ORDER

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

2. ROLL CALL

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

Commissioner Stan Leino was absent and excused.

3. APPROVAL OF AGENDA – JUNE 13, 2024

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

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

4. APPROVAL OF MINUTES

4a. May 9, 2024 Regular Meeting Minutes

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

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

4b. March 14, 2024 Regular Meeting Minutes

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

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

4c. February 8, 2024 Regular Meeting Minutes

There was a motion by Commissioner Dunn, seconded by Commissioner Schonning, to approve the minutes of the February 8, 2024 meeting as presented.

Voting on the motion: Chair Koenig and Commissioners Christensen, Schonning, 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. 2024-006 (PUBLIC HEARING – CONTINUED)

Applicant | Property Owner: C Alan Homes LLC
Address (PID): 6025, 6031, 6037, and 6045 Brooklyn Boulevard (03-118-21-12-0016, 03-118-21-12-0015, 03-118-21-12-0098, and 03-118-21-12-0087)

Summary: The public hearing was continued at the May 9, 2024 Planning Commission meeting to the June 13, 2024 meeting. This was per the request of Applicant C Alan Homes LLC.

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin 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).

Planning Manager Ginny McIntosh explained the item was continued from the previous Planning Commission meeting. C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION, which was

initially approved by City Council under Planning Commission Application No. 2020-004 and City Council Resolution No. 2020-067. Said application also included requests for approval of a site and building plan and establishment of a Planned Unit Development for a series of seven 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 6025, 6031, 6037, and 6045 Brooklyn Boulevard. The south site is 1.65 acres, the site is in a PUD/Neighborhood Mixed Use zoning district, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties intended for a scattered site triplex development, the applicant and property owner ran into delays with the property, 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 this property in March 2022.

Ms. McIntosh stated 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.

Ms. McIntosh stated 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 as they are currently in default given the project was not completed within the timeframe outlined.

Ms. McIntosh showed an overview of the plats and pointed out the issue with the triplexes being on one parcel. She pointed out City Staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two years have passed since the initial approval, they would require current title work, which the City also requires, as well as the most recent copy of the plat.

Ms. McIntosh stated 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. The applicant shall also provide and maintain a current abstract of title and title commitment for City Attorney and Hennepin County review.

Ms. McIntosh noted former Assistant City Engineer, Andrew Hogg, initially review the plats and provided a memorandum and redlined set of comments dated August 4, 2020. A 10-foot drainage and utility easement were noted as required for dedication around the entire perimeter of the 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. The trail will also need to be addressed.

Ms. McIntosh showed the list of conditions of approval. The plats, trail easement, and other items are addressed.

Ms. McIntosh added due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located 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. City Staff is in receipt of one public comment received by email.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-006

There was a motion by Commissioner Christensen, seconded by Commissioner Dunn, to re-open the public hearing on Application No. 2024-006.

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

Keith Kogo, 6920 Lee Avenue North, asked if the south site is required to follow external maintenance requirements. Ms. McIntosh stated the site must follow any City regulations regarding weeds, grass, and the like. If the owner has not already been notified, he will be.

Mr. Kogo asked how many business days it takes for the owner to be notified of the violation. Ms. McIntosh explained once a violation is found and City staff is notified, a letter is sent, and a follow-up inspection scheduled. Although she would need to confirm, the owner usually has seven to 14 business days.

Chair Koenig added the property owner may be able to handle it themselves.

Mr. Kogo asked for clarification regarding No Mow May. Ms. McIntosh stated No Mow May is a period of time where grass violations are not addressed until June. It is an attempt to support pollinators during the spring. Inspectors have begun responding to complaints.

Mr. Kogo asked if No Mow May is a City policy. Chair Koenig stated multiple cities have implemented the effort. The commenter's point is duly noted and the concern will be addressed.

Mr. Kogo stated he has more concerns about the property, but the Chair interjected. Mr. Kogo again asked if Brooklyn Center has a policy supporting No Mow May. Chair Koenig confirmed it is a City policy.

Mr. Kogo asked how many days had elapsed since May. Chair Koenig stated it is June 13, 2024. Mr. Kogo stated the property owner has had ample time to take care of the lawn. Chair Koenig reiterated the commenter's point has been made.

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. 2024-006.

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

Commissioner Christensen asked if they were just considering a replat. Ms. McIntosh confirmed only the replat is before the Commission, not site and building approval. The information on the County's platting was provided as background. On June 24, 2024, the Council will consider the project as both a Council and an Economic Development Authority as there is a separate amended Development Agreement for consideration.

Commissioner Christensen asked if the additional trail requirements are interfering with the initial plat. Ms. McIntosh stated the applicant's surveyor and engineers were made aware of any trail requirements before site planning began and provided with the revised road sections as part of the Phase II Brooklyn Boulevard project. The trail is not currently reflected on the plat map, however.

Chair Koenig asked if the City Council's discussions regarding the Development Agreement will be public. Ms. McIntosh confirmed the item will be covered during a public meeting.

Commissioner Schonning stated making seven lots in the area is logistically interesting. Ms. McIntosh clarified there were previously commercial and apartment buildings on this site. It was not all single-family homes.

Chair Koenig asked if the north site is experiencing similar issues. Ms. McIntosh stated the City would allow for mixed use on both sites. The north site would increase from four to six lots.

Chair Koenig noted his concern regarding the increased number of lots. A selling point was luxury homes. They are likely to appear like a single-family home with green space. The sites will contribute to congestion in the area.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION NO. 2024-006 SUBMITTED BY C ALAN HOMES

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to recommend City Council approval of Planning Commission Application No. 2024-006 for the requested re-approval of the preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD ADDITION for the Subject property located on what is currently

known as 6025, 6031, 6037, and 6045 Brooklyn Boulevard, based on the findings of fact and subject to the Applicant complying with the Conditions of Approval as noted above.

Voting on the motion: Commissioners Christensen, Jones, and Dunn voted aye.

And the following voted against the same: Chair Koenig and Commissioner Schonning.

The motion passed (3-2).

6b. Planning Commission Application No. 2024-007 (PUBLIC HEARING – CONTINUED)

Applicant | Property Owner: C Alan Homes LLC
Property Address: 6921, 6927, 6933, 6939 Brooklyn Boulevard (27-119-21-33-0014, 27-119-21-33-0013, 27-119-2133-0012, and 27-119-21-33-0011)
Summary: The public hearing was continued at the May 9, 2024 Planning Commission meeting to the June 13, 2024 meeting. This was per the request of Applicant C Alan Homes LLC.

C Alan Homes LLC is requesting review and consideration for the re-approval of preliminary and final plats originally approved by the City of Brooklyn Center in 2020. As the final plat was not recorded with Hennepin 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).

Ms. McIntosh explained C Alan Homes LLC is requesting re-approval of a preliminary and final plat for ROBERTSON AND BREKKE BROOKLYN BOULEVARD SECOND ADDITION, which was initially approved by City Council under Planning Commission Application No. 2020-005 and City Council Resolution No. 2020-068. 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 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 north site is 0.88 acres, is zoned PUD/Neighborhood Mixed Use, and the future designation is Neighborhood Mixed Use.

Ms. McIntosh noted although the applicant successfully purchased the property in late 2020, and a single Purchase and Development Agreement was executed for what were two sets of properties

intended for a scattered site triplex development, the applicant and property owner ran into delays with the property, 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 this property in March 2022.

Ms. McIntosh stated 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.

Ms. McIntosh stated 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 as they are currently in default given the project was not completed within the timeframe outlined.

Ms. McIntosh pointed out City Staff reached out to the Hennepin County Survey Division and they confirmed they still have the plat information on file; however, because two 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.

Ms. McIntosh stated 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. The applicant shall also provide and maintain a current abstract of title and title commitment for City Attorney and Hennepin County review.

Ms. McIntosh noted former Assistant City Engineer, Andrew Hogg, initially review the plats and provided a memorandum and redlined set of comments dated August 4, 2020. A 10-foot drainage and utility easement were noted as required for dedication around the entire perimeter of the 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. Although the existing sidewalk appears to be outside property lines, its placement should be verified.

Ms. McIntosh showed the list of conditions of approval. The plats, easements, and other items are addressed.

Ms. McIntosh added due to the nature of the requests, a public hearing notice was published in the Brooklyn Center *Sun Post* on April 25, 2024. Mail notifications were sent to those property owners and residents located 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. City Staff is in receipt of two public comments received by email. Ms. McIntosh added there are additional comments provided at the previous Planning Commission meeting, which are reflected in the minutes.

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-007

There was a motion by Commissioner Schonning, seconded by Commissioner Dunn, to re-open the public hearing on Application No. 2024-007.

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

Luba Evarts, 6936 Major Avenue North, stated the short sale is concerning. A bankrupt builder doesn't make sense. Also, the amount of people in the small space would negatively impact Lee Avenue and increase congestion. The 30 parking spots for 18 units is concerning. Overnight parking isn't allowed on the street. It is ridiculous for the Commission to put such a burden on the community.

A resident located off Major Avenue North stated he is only one block away from the site. However, he was not notified of the hearing. There are 18 habitable units, but the number of sleeping spaces may vary. Ms. McIntosh stated there is maximum occupancy per living space.

Chair Koenig stated there are three units per building. Each unit is three bedrooms. Ms. McIntosh stated there are leasing requirements and Code requirements that determine how many people could reside in each bedroom.

The resident stated if there was one person living in each bedroom, that would be more than 80 people. Chair Koenig stated he doesn't know the specific Code regulations that dictate the occupancy rates. The resident pointed out the purpose of a Planning Commission is to plan projects, so they need to know the specifics in order to properly plan.

Ms. McIntosh stated building, zoning, and fire code all inform the occupancy.

The resident added the maintenance of the area has deteriorated over recent years. The number of tires and televisions on the property in question is concerning. The resident explained he has received notices to cut his grass. He asked if the property has received the same notices. Ms. McIntosh explained inspectors rely on notifications from residents to send out notices.

The resident asked if there is a record of notices sent. Ms. McIntosh stated she can check, but she doesn't have the information available presently.

The resident asked what the original plan was for the land after it was purchased by the Economic Development Authority. Ms. McIntosh explained single-family homes have been removed from County roads all over the Metro area. The goal is to eliminate curb cuts onto the Boulevard to

promote safety. The sites in question were not eminent domain, and the previous owners elected to sell.

Daniel Dempsey, 6915 Major Avenue N, asked if a traffic study has been completed. Ms. McIntosh stated engineers have threshold requirements to trigger a traffic study. In this case, a traffic study wasn't required. The studies typically look at peak traffic and doesn't usually trigger for smaller residential developments. Ms. McIntosh gave an example of the 54-unit Wangstad Commons development underway off Brooklyn Boulevard and how that did not trigger a traffic study.

Genevieve Veigel, 6939 Major Avenue North, explained there is no parking on the north side of 70th. It was her understanding Lee would only be for entrance or exit. As it stands, there isn't enough room for cars to pass one another. Adding more cars into the area seems unrealistic. Plus, adding more lots appears to be a money grab. The number of children in the existing neighborhood should be considered with the increased car traffic, snow routes, access to the park, and school bus stops.

Jamie Teske, 6945 Lee Avenue North, added the neighborhood also receives traffic from group homes next to Slim's. They use the residential streets to park during the day shift because there isn't enough parking at the group homes. The neighborhood has also spoken with the car dealerships about the test drives. The development seems like an affordable housing break. The units are just being stuffed into one small area, and there has to be a better location for them.

Sean Sullivan, 6933 Major Avenue North, noted his agreement with the previous comments. There are plenty of available apartment buildings and rental homes. On top of that, a "luxury" build across the street from a gas station that has regular shootings doesn't make sense. Mr. Sullivan pointed out there are several children in the neighborhood running around the area.

Luba Evarts stated there are only 0.88 acres there and they are trying to put six buildings on the area. It is a discrepancy.

Mike Vang, Major Avenue North, pointed out his family is newer to the area. The development would add traffic onto Lee and then potentially the other street. He asked if there is a plan to update the 69th Avenue North thoroughfare, a roundabout, updated traffic signal, or other traffic implement. Ms. McIntosh stated the Public Works Department would need to address any traffic implements as part of their Capital Improvement Plan.

Mary Bornholt, 6939 Lee Avenue North, explained she is concerned about snow removal. She asked where the new buildings would put the snow. If they keep it on their property, they will lose parking spots. If they put their snow on the street, then it will impact the space to drive.

Keith Kogo asked if the attorney is representing the residents, the Planning Commission, or the developer. Ms. McIntosh stated the City Attorney represents the City of Brooklyn Center.

Mr. Kogo asked who the alderman is. Ms. McIntosh stated the City has no alderman.

Chair Koenig explained there are five Councilmembers, and they each represent the entire City.

Mr. Kogo stated the owner can't afford someone to maintain their lawn. It is unreasonable to expect the owner to afford building a unit and paying the City. The development isn't a good decision. There is a lot of greed. The single-family homes pay taxes to the City and contribute to Brooklyn Center. He asked if they are just a transaction to the City.

Mr. Kogo added he has seen a lot of death on Brooklyn Boulevard. There are regular gunshots. Law enforcement ran through his yard in a chase and ruined his shed. A recent murder hasn't even been solved yet. There is no reason to put luxury homes in the midst of all of the crime.

A resident, residing on Major Avenue North, asked how short the foreclosure period is. Chair Koenig stated he did not know.

Terry Robertson, representative of C Alan Homes, explained he was looking forward to the meeting to address any questions and concerns. The foreclosure period is 60 days.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to close the public hearing on Application No. 2024-007.

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

Chair Koenig thanked the commenters for sharing and explained their comments have been included on the record. The public comment period is now closed.

Commissioner Christensen stated he also has concerns about parking as well. When the project was originally recommended, he was not part of the Planning Commission. He has similar questions to those raised by the commenters. He stated he lives on 70th and Regent and grew up nearby as well. He is familiar with the area.

Commissioner Schonning added he also wasn't on the Planning Commission when the project was originally recommended, though he has been on the Planning Commission on and off for 13 years, with a four-year gap. The role of Planning Commissioner is purely voluntary and costs the City nothing. He noted he was offended by anyone who questions his authenticity, motives, or anything that happens in this group of people. The Commission is here out of their own concern for the City and its residents.

Commissioner Schonning stated he also has concerns about the snow removal.

Commissioner Jones asked why the project has taken so long to get started. Mr. Robertson explained there was a delay with the County. The City hadn't previously resolved the title work, and the developer doesn't have any control over it. There was funding secured previously. The

lender ran into technical difficulty with the financing. His project had equity because they didn't charge a developer, builder, or construction management fee. He has continued to work on the project because he is not at fault for any of the delays. The funder stopped taking payments, which resulted in the property going into default.

Mr. Robertson stated he grew up in the area. He only left the area to live where his wife grew up. He explained he is also passionate about Brooklyn Center. The goal isn't to pack people in. It is not a high-density project. There could be an opportunity to go after higher density, but he didn't. Mr. Robertson is committed to the project because he wants to build a nice place to live.

Mr. Robertson pointed out there is a lot of misinformation about the project. Someone mentioned the new development would be over Mr. Kogo's home. As this is false information, he sent over the preliminary plat that received unanimous support from both the Planning Commission and the Council. Out of 39 units, only seven are considered affordable.

Mr. Robertson stated he has met with neighbors such as Lisa Teske to address any concerns they have had. There are LOIs for all 39 apartments. It will be a success for the City and the developer. No one likes change. Where Mr. Robertson lives, there is concern a home will be built close to his property.

There was a comment from someone in the audience. Chair Koenig asked for the audience to remain quiet.

Mr. Kogo stated he was conversing with Mr. Robertson. He mentioned some inaccuracies with the two homes on the plat. Chair Koenig suggested the questions be asked after the meeting.

Commissioner Jones asked what Mr. Robertson is doing to prevent a similar issue with the lender or with the County. Mr. Robertson stated he doesn't control what the County does. The title work had to be corrected by the City, and it is completed. The lender is predatory, and they lent out more money than they had to loan. Mr. Robertson left several million dollars on the table as a benefit to Brooklyn Center. You can never make everyone happy. However, his goal is to make a development that everyone can be proud of.

Mr. Robertson stated another developer, Devean George, offered to back the project financially. Commissioner Jones asked if he has worked with Mr. George previously. Mr. Robertson stated he has worked with Mr. George on more expensive residential projects.

Commissioner Dunn asked how many units are planned to be built. Mr. Robertson stated there are seven buildings on the south site and six buildings on the north site. In total, there are 39 apartments. However, he could have fit in more units or focus on low-income housing. There is no tax increment financing attached to either property, and he did not ask out of his respect for Brooklyn Center. Additionally, Mr. Robertson paid \$200,000 in attorney fees fighting to keep the project afloat. There is a lot of misinformation about the projects.

Commissioner Dunn asked if there will be fencing around the buildings to ensure the residents exit a certain way. Mr. Robertson stated they plan to put fencing around the development on 61st. They originally intended a gated community, but decided against it because of malfunction potential of gates. There cannot be a gated entry on 69th.

An audience member asked for Mr. Robertson to address the misinformation. Mr. Robertson explained he is answering the questions one at a time as asked by the Commissioners. He wants to address all of the concerns. For example, the lawn has been mowed on 69th. An audience member stated it was mowed poorly.

Chair Koenig asked for Mr. Robertson to continue answering the questions of the Commission. Commissioner Dunn stated he had more questions.

Mr. Robertson agreed the grass could be cut better. Chair Koenig asked for Mr. Robertson to listen to Commissioner Dunn's question.

Commissioner Dunn asked where the residents will enter and exit the property. Mr. Robertson stated the only entrance is on Lee Avenue North.

Commissioner Dunn noted there are concerns about safety and crime in the area. It sounds like the gas station is the issue. Perhaps the gas station situation needs to be addressed.

Mr. Kogo asked how they could address the gas station crime. There is also a halfway house nearby. Chair Koenig asked for the members of the public present to allow the Commission to continue speaking.

Mr. Robertson stated the development on 61st will be fenced in. The 69th development will also be fenced. There will also be security measures such as cameras. Commissioner Dunn asked if there would be security personnel on-site. Mr. Robertson stated the buildings are set up similarly to single-family homes, so each have their own security cameras.

Mr. Robertson added they are trying to attract a different demographic, and they will be selective of the tenants. They are pulling from downtown professionals.

Mr. Kogo stated that is going to be a lot of traffic and lights streaming into his backyard. Chair Koenig asked for Mr. Kogo to stop engaging with Mr. Robertson.

Commissioner Christensen explained the issue at hand is the re-plat.

Ms. McIntosh stated a number of topics have been addressed, but most of them will be handled separately by the EDA on June 24. The topic at hand is considering the dimensions of the lot and various easements. Hennepin County already approved the plat to be filed. Any title work has been corrected as well. Nothing has significantly changed since the proposal was considered and approved in 2020. The EDA may not support the amended development agreement, but again,

that is a separate item for consideration. If the Planning Commission were to recommend approval, it doesn't ensure the proposed developments will be built.

Commissioner Jones asked how the snow will be handled. Mr. Robertson stated there is green space available for snow storage. There is also an option to put snow between the buildings. No snow will be put onto the residential streets. All parking will be by permit. Anyone without permits will be towed.

Mr. Kogo stated all of that is in his backyard.

Mr. Robertson stated the goal was to bring a luxury product to Brooklyn Center that no one has. The project can be plugged and played throughout the country. The affordable units are coming out of his own pocket as it was requested by Council and he is taking a hit to offer it.

Commissioner Dunn asked for Mr. Robertson to explain the exits and entrances. Mr. Robertson pointed out the entrance from Lee and the emergency vehicle entrance on Brooklyn Boulevard.

Ms. McIntosh stated any County highway requires any curb cuts be for emergency vehicles only.

Mr. Robertson pointed out that the residents had expressed concerns about residents of a nearby apartment building parking on 70th Avenue North, but with a recent change in property management, they haven't been having as many issues lately. A property management team will be running the triplex development. He offered to provide his personal cell number for anyone with questions or concerns. After the lawn was mowed recently, the mower contacted him and explained he did it quickly but not well. The mower planned to return to fix the job. Mr. Robertson stated he wants to work with the community to benefit everyone.

Chair Koenig stated the item needed to be wrapped up as the comments are getting repetitive.

ACTION TO RECOMMEND APPROVAL OF PLANNING COMMISSION APPLICATION
NO. 2024-007 SUBMITTED BY C ALAN HOMES

There was a motion by Commissioner Christensen, seconded by Commissioner Schonning, to 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.

Voting on the motion: Commissioner Christensen voted aye.

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

The motion failed (1-4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPEN TO PUBLIC COMMENTS – APPLICATION NO. 2024-009

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

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

No one wished to address the Planning Commission.

MOTION TO CLOSE PUBLIC COMMENTS (HEARING)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Voting on the motion: Commissioner Schonning voted aye.

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

The motion failed (1-4).

7. DISCUSSION ITEMS

7a. City Council Updates

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

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

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

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

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

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

7b. Upcoming Planning Commission Applications

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

8. ADJOURNMENT

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

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

The meeting adjourned at 9:53 p.m.

Ginny McIntosh, Secretary

Alexander Koenig, Chair

Planning Commission Report
Meeting Date: July 11, 2024

- Application Filed: 06/10/2024
- Review Period (60-day) Deadline: 08/09/2024
- Extension Declared: No
- Extended Review Period Deadline: N/A

Application No. 2024-010
Applicant | Property Owner: Loehrer Acquisitions, LLC | ODAA Center, LLC
Location: 6440 James Circle North, Brooklyn Center, MN 55430
Requests: Conditional Use Permit | Rezoning



Map 1. Subject Property Location.

Requested Action

Loehrer Acquisitions, LLC (“the Applicant”) is requesting approval of a conditional use permit (CUP) that would allow for a new Los Campeones gym location at 6440 James Circle North (“the Subject Property”). The Subject Property was formerly home to the AMF Earle Browne Lanes as well as a restaurant and bar, which abruptly closed in 2015. The Subject Property was later purchased by current Property Owner, ODAA Center LLC, in 2017 and went before the City’s Planning Commission and City Council for two different proposals. A proposal to convert the Subject Property into an approximately 64,000-square foot light industrial development was approved by Council in 2021 (refer to Planning Commission Application No. 2021-006), and prior to that, an event center (refer to Planning Commission Application Nos. 2018-002 and 2019-018). City staff had not seen any forward movement from the current Property Owner for

some time and the Subject Property was subsequently listed for sale.

In reviewing the request with the City Attorney, it was suggested that a re-zoning request be made in conjunction with the conditional use permit (CUP) request. This is as the Subject Property was re-zoned to Planned Unit Development/Business-Mixed Use (PUD/MX-B) District as part of the 2021 request to redevelop the Subject Property with a 64,000-square foot speculative light industrial development. Although the 2040 Comprehensive Plan had been adopted in 2019, which guided the Subject Property with a future land use designation of “Business Mixed-Use” (B-MU), the new zoning code provisions, which would have eventually re-zoned the Subject Property to Business Mixed-Use (MX-B) District, were not adopted until January 2023.

The establishment of a Planned Unit Development in 2021 effectively provided a path for the light industrial development in advance of the City’s new Unified Development Ordinance and zoning districts. As the new zoning code provisions have since been adopted, the Planned Unit Development is no longer necessary as “indoor recreation” is an allowed use in the MX-B district through approval of a conditional use permit.

It should be noted that, while this is not a site and building plan request, the Applicant has provided certain background information and plans to better inform the request for issuance of a conditional use permit. These include preliminary plans for the updating of the Subject Property’s landscaping, a photometric plan, and building exterior—refer to Exhibit A. All plans are subject to final review and approval by City staff and in accordance with the City’s zoning, building, and fire code regulations.

A public hearing notice was published in the Brooklyn Center *Sun Post* on June 27, 2024—refer to Exhibit B. Notifications were mailed to those physical addresses and property owners located within a 350-foot radius of the Subject Property, and a copy of the public hearing notice was published to the City of Brooklyn Center website.



Image 1. Existing Conditions at Subject Property.

Background

The existing, approximately 35,000-square foot building is situated on 4.03 acres and was originally approved for and constructed in 1978 for use as a bowling alley and restaurant under Planning Application Nos. 78023 and 78024 following site and building plan and special use permit approvals by the City Council. The approval of the special use permits under these applications allowed for live entertainment and a bowling alley in what was then zoned I-1 (Industrial Park) District. This allowed for the Subject Property to function as a bowling alley, restaurant, and game room/recreational facility. Additional Planning Commission applications were subsequently approved by the City over the years and included the:

1. Expansion of lounge area and exterior remodeling of Earle Brown Bowl (1982);
2. Addition to café for new cooler storage service area and waiting room (1987); and
3. Requests to build a temporary outdoor patio, and outdoor sand volleyball courts for summer league (1991).

Unfortunately, the bowling alley closed in 2015 and purchased in 2017 by the current Property Owner.

Benjamin Loehrer of Loehrer Acquisitions, LLC (“the Applicant”) and broker Mike Fidler originally reached out to City staff in May 2024 regarding plans to enter into an agreement to purchase the Subject Property and establish a new Los Campeones gym. City Staff was further placed in contact with the Applicant’s architect and general contractor to address certain deficiencies on the property currently, including the Subject Property’s lighting (which is non-functional), the state of the landscaping, and the building’s exterior. Additional discussions were held with the Applicant’s architect and general contractor regarding the existing parking lot, as it is in disrepair. Since the closure of the former bowling alley approximately almost 10 years ago, the property has deteriorated, and is currently registered with the City as a vacant building. As proposed, the Applicant proposes renovations to the exterior as well as interior to establish the indoor recreational use, and address certain building and fire requirements to allow for issuance of a new certificate of occupancy.

Site Data:

2040 Land Use Plan:	Business Mixed-Use (B-MU)
Neighborhood:	Shingle Creek
Current Zoning:	Planned Unit Development/Business Mixed-Use (PUD/MX-B)
Site Area:	Approximately 4.03 acres

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Business Mixed-Use (B-MU)	N/A	ROW (Freeway Boulevard) Industrial and Utility (Business Park)
South	Business Mixed-Use (B-MU)	Planned Unit Development/ Business Mixed Use	Commercial and Undeveloped (CES Imaging Denny’s EDA Lot)
East	Business Mixed-Use (B-MU)	Business Mixed-Use	Commercial and Institutional (Quality Inn Hotel Jambo Africa Restaurant & Bar FBI Regional Headquarters)

West	Business Mixed-Use (B-MU)	Business Mixed-Use	Commercial (Super 8 Hotel by Wyndham Travelodge)
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REQUESTS

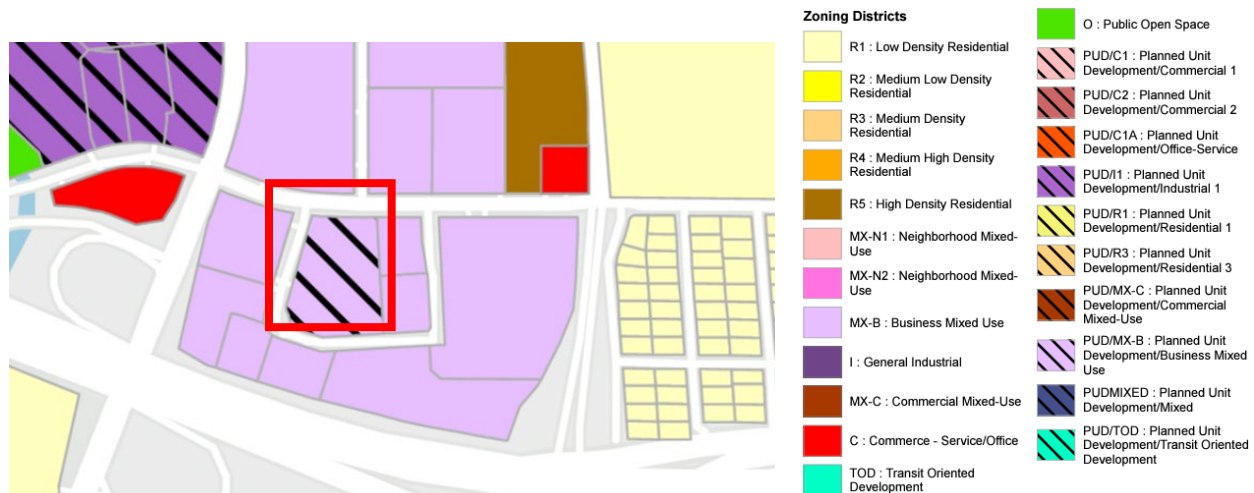
Rezoning

Per Section 35-71301 (*Applicability*), an amendment of the City’s Unified Development Ordinance may be initiated by the City Council, Planning Commission, or a City property owner. As noted earlier in the report, the Subject Property was re-zoned to Planned Unit Development/Business Mixed-Use (PUD/MX-B) District in 2021 as a matter of timing, as the current Property Owner, ODAA Center, LLC had applied for redevelopment of the Subject Property to an approximately 64,000-square foot speculative light industrial building—refer to Exhibit C.

Although light industrial uses (e.g. manufacturing, warehousing) are now permitted within the City’s Business Mixed-Use District, the District had not yet been formally adopted as a district. The City’s 2040 Comprehensive Plan adopted in 2019 future guided the Subject Property as “Business Mixed-Use (B-MU).” Although the current Property Owner communicated a willingness to apply for the re-zoning as part of the proposed sale, City staff noted that it would be more efficient to incorporate the rezoning request as part of the application for the conditional use permit.

Although Planned Unit Developments are now considered conditional use permits as of January 2023, the Subject Property was re-zoned under the preceding zoning code. PUDs under this code were considered formal re-zonings. City staff ultimately considers the requested rezoning to be more of an administrative clean-up to the Subject Property, if anything, as the property’s current underlying zoning of Business Mixed-Use District (MX-B) will remain the same. As the Subject Property is not contemplated for redevelopment and there is no request from the Applicant for certain flexibilities to be granted, City staff, in discussion with the City Attorney, determined the PUD no longer served a purpose.

The requested rezoning is therefore intended to remove a restriction on the Subject Property that only permits a use of the aforementioned light industrial building. Removing the Planned Unit Development (PUD) designation frees the Subject Property for any use within the Business Mixed-Use District.



Map 2. Existing Zoning of Subject Property (in red) and Relation to Surrounding Property Zoning.

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

- a. Whether there is a clear and public need or benefit;
- b. Whether the proposed amendment is consistent with and compatible with surrounding land use classifications;
- c. Whether all permitted uses in the proposed zoning district can be contemplated for development of the subject property;
- d. Whether there have been substantial physical or zoning classification changes in the area since the subject property was zoned;
- e. Whether there is an evident, broad public purpose in the case of City-initiated rezoning proposals;
- f. Whether the subject property will bear fully the UDO development restrictions for the proposed zoning districts;
- g. Whether the subject property is generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location;
- h. Whether the rezoning will result in the expansion of a zoning district, warranted by:
 - 1) Comprehensive Planning;
 - 2) The lack of developable land in the proposed zoning district; or
 - 3) The best interests of the community.
- i. Whether the proposal demonstrates merit beyond the interests of an owner or owners of an individual parcel.
- j. The specific policies and recommendations of the Comprehensive Plan and other City plans;
- k. The purpose and intent of this UDO, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
- l. If applicable, the adequacy to buffer or transition between potentially incompatible districts.

Conditional Use Permit

The Applicant and their broker approached City staff in May 2024 regarding a potential purchase of the Subject Property to establish a new Los Campeones gym location. Per City staff interpretation, the closest associated use would be that of an “indoor recreation fitness center or club,” which is defined as:

Indoor Recreation. A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this Unified Development Ordinance. This use includes but is not limited to health clubs, bowling, skating, swimming, tennis, teen clubs, health and fitness centers, gyms, escape rooms, haunted houses, stadiums, and similar indoor activities. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreational activity.

P = PERMITTED USE, C = CONDITIONAL USE, I = INTERIM USE, A = ACCESSORY USE														
	Residential					Commercial/ Mixed Use				Nonresidential			Use-Specific Standards	
	R1	R2	R3	R4	R5	MX-N1	MX-N2	MX-C	TO-D	C	MX-B	I		O
ENTERTAINMENT AND RECREATION														
Indoor Recreation Fitness center or club, Indoor						C	P	P	P	P	C			35-4302(d)

Image 2. Section 35-4103 (Allowed Use) Table.

Conditional use permits, as outlined under Section 35-7700, are those uses which have been identified, because of their nature, operation, location, special requirements or characteristics, and that may only be allowed in a particular zoning district after submittal of an application, review, and recommendation by the Planning Commission, and approval by the City Council.

The conditional use permit process regulates: the location, magnitude, and design of conditional uses consistent with the 2040 Comprehensive Plan, and the regulations, purposes, and procedures of this Unified Development Ordinance (UDO).

A conditional use permit **may not** be granted by the City Council unless the following criteria have been satisfied (**Note:** Applicant responses are transcribed from the submitted narrative and additional email communication—Exhibit A):

- a. The conditional use will be in accordance with the general objectives, or with any specific objective, of the City’s Comprehensive Plan and this UDO.

Applicant Response: We always abide by all building codes, safety regulations, and strive to make our business have a positive impact on every community we interact with. We always strive for the highest quality in everything we do.

City Staff Response (Finding): The existing building located on the Subject Property was originally approved by City Council in 1978. Although there have been proposals for redevelopment over the past few years following closure of the AMF Earle Brown Lanes, the Applicant proposes to purchase the Subject Property from the current Property Owner and renovate the existing, approximately 35,000-square foot building. As such, a new site and building plan approval is not required; however, the Applicant brought on an architect and general contractor as part of the planned acquisition to address certain deficiencies with the property, including, but not limited to: the state of the existing site lighting, which is currently non-functional, the necessity of a landscaping overhaul, and upgrades to the building’s exterior.

There are no current plans to expand or modify the footprint of the building, nor are there any other plans at this time to alter the existing site improvements with exception to addressing non-conformities. The use, as proposed, is permitted through issuance of a conditional use permit.

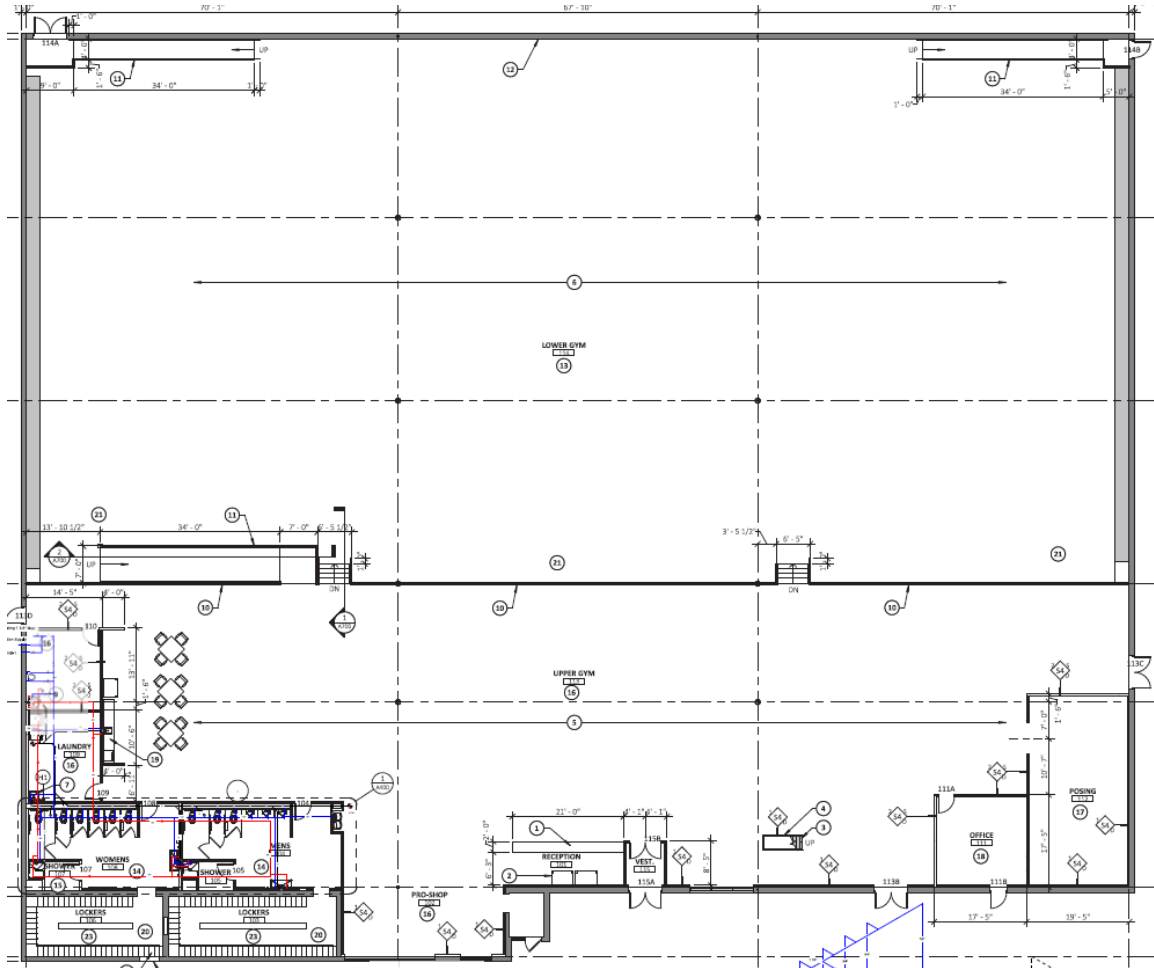


Image 3. Proposed Los Campeones Gym Interior Floor Plan as per Submitted Plumbing Plans.

The interior of the building is effectively a shell at this time given interior demolition work completed in 2020, and the bowling lanes were removed following closure of the bowling alley in 2015. Given this, the Applicant intends to install new electrical, plumbing (e.g. locker rooms), mechanical upgrades (i.e. due to aging systems, lack of use, and vandalism over the years), and re-install of the fire sprinkler system. These upgrades will ultimately be necessary in order to receive issuance of a new certificate of occupancy.

As proposed, the interior would feature a main reception area off the entrance, as well as a small retail space (“pro shop”). The gym would be broken out into an upper and lower gym, seating for members, and a water fountain with water bottle refill station. Locker rooms with bathroom facilities would be provided, as well as an in-house laundry space for towels, etc.—Refer to Image 3 above. It should be noted that accessory retail spaces are permitted as part of “Indoor Recreation” uses when in association with the principal use (e.g. food, beverages, supplements, gym attire and accessories) under the City’s Unified Development Ordinance.

In 2019, the Subject Property, as well as the properties surrounding it, were future re-guided to “Business Mixed-Use” (B-MU) under the 2040 Comprehensive Plan, which is a new land use designation that guides for a, “mix of business, light industrial, and supporting retail/service uses.” This designation encourages redevelopment or development of commercial, office, general

business, and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers. The entire area located off the James Circle North loop is identified with this future land use designation and is further noted as a “potential area of change” in the 2040 Comprehensive Plan. Although this is not a redevelopment, the Applicant’s willingness to rehabilitate a property that requires reinvestment and reimagining for a second life address the City’s *2040 Land Use & Redevelopment Goals*.

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

Applicant Response: We are very excited to take a neglected building and make it a new pride of the neighborhood. Our facility is always a safe and inviting space for all kinds of people. Many people going through struggles of all kind find refuge and recovery through our fitness facilities. We absolutely expect our location in Brooklyn Center to have a large and positive impact on all who live in the entire area. All are truly welcome.

The operation of this gym will only revitalize the area and not be a public nuisance. Our use is about promoting the health of the human body.

City Staff Response (Finding): The Subject Property has been vacant for almost a decade, and it is assumed any functional reuse of the Subject Property will promote and enhance the general public welfare. In discussions with the Applicant and their team, as well as the information provided with their application, they noted their gyms are open from 5 a.m. to 11 p.m. during the regular work week and 7 a.m. to 7 p.m. on weekends. Their typical peak hours of operation are from 6 a.m. to 8 a.m. and 5 p.m. to 8 p.m. As their longest days of operation are 18 hours in length, it is assumed there will be a consistent presence of people in this area.

The Applicant noted that, should this request be approved, the proposed Brooklyn Center location would be Los Campeone’s 16th location in the nation, and the gym’s largest location, as the building is approximately 35,000-square feet. The Applicant currently projects 3,000 members for this location. Los Campeones has been expanding in the last few years and currently has 15 other locations, including seven (7) locations in the Twin Cities metro, Austin, Texas; Denver, Colorado; Bismarck, North Dakota; and Sioux Falls, South Dakota.

As noted earlier in the report, although the Applicant plans to make minor improvements to the building’s existing exterior (i.e. paint the building, incorporate select Hardie board siding around entrances and exits), the Applicant will enhance the Subject Property by incorporating new landscaping, site lighting, addressing the existing trash enclosure, and repairing the parking lot.

- c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Applicant Response: Absolutely. We always strive to be inclusive and generous with our time and resources to help out everyone in our surrounding area. We want the entire neighborhood and area to be as clean, welcoming and positive as possible, both for our benefit and for the benefit of everyone that comes into contact with us.

City Staff Response (Finding): City Staff is working with the Applicant to bring the landscaping plan and lighting plan into conformance, not only to ensure safety, but to enhance the current state of the property. Some minor exterior improvements were mentioned such as paint and select red Hardie board around the entrance and exit points to enhance the building's exterior. City Staff identified possible other opportunities to utilize the notable wall space for a mural or creative branding to improve the façade, as most of the exterior walls will be painted black. The Applicant had initially noted an interest in enhancing the south building elevation given its visibility from Interstate 694. As this building has historically attracted graffiti in the past, this, along with a continued presence on-site, might serve as a deterrent.

City Staff noted the trash enclosures at the northwest corner of the building is missing its gate and a new opaque door will need to be installed in conformance with City screening requirements.

The Applicant also provided a preliminary landscape plan, which identifies existing tree locations, as well as proposed new planting locations for trees and shrubs. 17 trees and shrubs are noted as "existing," with another 49 trees and shrubs identified for install. As proposed, there would be a mixture of Princeton Elms, Northwood Maples, Prairifire Crabapple, and Taylor Junipers. The plans submitted note installation of a 5-foot wide shrub bed with rows of plantings, edging, and mulch. Given the current state of the landscaping on the Subject Property, this would noticeably improve the property.

City Staff has asked the Applicant to provide a schedule with the tree and shrub locations, sizing, and species types so City staff can review the plans against any filed landscape plans and current landscaping requirements under Chapter 35 (*Unified Development Ordinance*). City staff will also review the locations to ensure they stay outside any recorded utility easements. City staff is unaware as to whether there is a functional irrigation system or not; however, City Code requires the installation and maintenance of one as part of any landscape plan.

- d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Applicant Response: We strive to only have a positive impact on all of our neighbors. We keep a very clean and orderly facility inside and out.

City Staff Response (Finding): With the exception of the vacant lot owned by the City's Economic Development Authority (EDA), located at 1601 James Circle North, the area off the James Circle North loop was developed with a mix of hotels, restaurants, services (e.g. CES Imaging), and the FBI Regional Headquarters between the late 1970s and mid-2000s. The Subject Property appears the oldest remaining development in this loop following its construction in 1978. As this area is noted as a "potential area of change" in the City's 2040 Comprehensive Plan, and given the re-guiding of this area under the City's 2040 Comprehensive Plan and Unified Development Ordinance, City staff is supportive of efforts to improve and reinvest in the Subject Property.

City Staff does not foresee this business model interrupting the normal or orderly operations of surrounding property for the uses permitted within the Business Mixed-Use (MX-B) District. If anything, it may create more eyes on this area, as it is fairly isolated.

- e. Adequate measures have been or will be taken to provide ingress, egress, and parking so designed

as to minimize traffic congestion in the public streets.

Applicant Response: We have long hours of operation which helps spread the usage of our facility out throughout the entire day. Being open from 5 AM to midnight provides plenty of opportunity for people of all kinds and needs to make it to the facility when it's convenient for them. The parking on the property is very large and will meet all our needs. We work with architects' engineers and contractors to ensure everything will operate as smoothly as possible in the short term and the long-term. And every new customer gets a very detailed tour and orientation of how they are too within the facility and outside the facility when coming and going.

City Staff Response (Finding): In consideration of the provided narrative operations of Los Campeones gym, "indoor recreation" type uses require a minimum parking of:

Indoor Recreation	Twenty spaces for the first 1,000 sq. ft. of gross building floor area, plus one space per 300 sq. ft. of gross floor area in excess of 1,000 sq. ft. plus two (2) spaces per outside tennis court.
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Assuming a building size of approximately 35,000-square feet, a minimum of **133 parking spaces** are required for the use. Although the existing striping has faded, the submitted site plan and a 2017 survey on file for the Subject Property appear to reflect 286 parking spaces, which is more than double the amount needed for the use. The Applicant has indicated plans to sealcoat and re-stripe the parking lot.

Although there is only one full access point off the western edge of the Subject Property, City staff similarly does not have major concerns regarding ingress and egress as this same drive was utilized during the building's former life as a bowling alley, restaurant, and bar. This is further reinforced following a 1991 application for a proposed temporary volleyball court and patio at the Subject Property, which reflected a greater need of 180 parking spaces purely to serve the 36 bowling lanes.

The former bowling alley installed two enclosures off the northwest corner of the building and the Applicant has noted a desire to designate the larger enclosure for bicycle and motorcycle parking; however, City Staff will need further review with the Building and Fire Officials to ensure code requirements are met, and that it won't impede on proper minimum distancing measures regarding combustibles (i.e. in proximity to the nearby trash enclosure). If permitted, this would provide even more parking opportunities.

For comparison, LA Fitness, which is located within the Shingle Creek shopping center, is required to provide 187 on-site parking spaces for their 38,000-square facility. They offer similar hours of operation to the proposed Los Campeones gym. Even assuming a peak check-in of 100 members an hour (i.e. 6-8 a.m., 5-8 p.m.), City staff presumes sufficient parking for members and gym staff, trainers, physical therapists, etc. and assuming an overlap in member visits.

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

Applicant Response: We work with well qualified, architects and engineers and contractors to ensure everything is the highest quality and we have all the boxes to comply with every

foreseeable need. We only want to make a positive impact on everyone and all vicinity for the long term.

The main entry is the only door permitted to be used during business hours for member sign-ins, so any noise would be contained internally. Most people going to our gym travel alone and are quietly traveling to and from their vehicles, so we don't anticipate any outside noise disturbances as well.

City Staff Response (Finding): As previously stated, City Staff is working to ensure proper lighting is installed and brought to code. As the Applicant intends to work off existing parking lot fixture locations, City staff has been in communication regarding how lighting can be brought as closely to compliance as possible given the new lighting provisions adopted in January 2023. The Applicant has proposed installing 21 new wall and parking lot fixtures in total. As proposed, existing wall lighting would be replaced with LED wall sconces and the older shoebox-style parking lot heads replaced with direct cutoff LED heads. City staff did emphasize the minimizing of light spraying off property and specifically given the location of nearby hotels.

Although the business would operate with extended hours, City staff confirmed there should be no excessive noise or music emanating from the building. This was a concern again due to the proximity of nearby hotels, including the adjacent Quality Inn (1600 James Circle North), and extended hours.

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

Applicant Response: We always ensure we follow every regulation applicable in every territory we operate within. Safety and compliance are absolutely mandatory. Providing a safe and dependable work environment is vital to our success.

City Staff Response (Finding): City staff will continue to work with the Applicant pending approval of the requested conditional use permit to ensure the building and property nonconformities are addressed. As is the case with any other property in the City of Brooklyn Center, should any business operations, nuisance or property complaints arise, the City would address these through the typical channels (e.g. code enforcement).

Building Official Review

Building Official Dan Grinsteinner provided a high-level review memorandum as part of this application request—refer to Exhibit D. Signed architectural plans will be required as part of any plans for renovation, and a SAC determination submitted to Metropolitan Council and a determination letter received in advance of any building permit release. Separate mechanical and electrical plans will be required, and plumbing plans shall be forwarded to the Minnesota Department of Labor and Industry (DLI) for separate review. Given the state of the fire sprinkler and monitoring system, the building will require re-installation or updating of the system, which was damaged around 2020 and taken out of service.

ANTICIPATED PERMITTING AND CONDITIONS

Following a review of the submittal materials and requests, City staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2024-010 for the Subject Property located at 6440 James Circle North and with respect to

approval of a rezoning from Planned Unit Development/Business Mixed-Use District (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and a conditional use permit to operate a Los Campeones gym (“Indoor Recreation Center or Club”):

1. The Applicant and Property Owner shall adhere to the provisions as outlined under Section 35-7700 (*Conditional Use Permit*), and shall coordinate with City staff to file a copy of the City Council resolution approving the requested conditional use permit, along with a legal description of the Subject Property for which the permit was issued, and list of any conditions set forth by City Council as a condition of said conditional use permit. A certified copy shall be recorded by the Applicant with the Hennepin County Recorder-Registrar of Titles within 60 days of approval of said resolution.
 - a. Any music shall be contained to the confines of the building, and shall not project beyond property lines.
2. Any major changes or modifications made to the previously approved site and building plan, and as outlined within the City Code, can only be made by an amendment to the approved site and building plan as approved by the City Council.
 - a. Applicant shall work with City staff to provide functional exterior site lighting in accordance with Section 35-5400 (*Exterior Lighting*), and provide revised photometrics and fixture specifications, as necessary.
 - b. Applicant shall work with City staff to replace missing plantings in accordance with any approved landscape plan on record and any other landscaping requirements as outlined under Section 35-5600 (*Landscaping, Screening, and Fencing*). The Applicant shall update the submitted landscape plan to reflect a landscape schedule with types, sizing, and species for City record. The Applicant shall further identify if an existing irrigation system is in place, and if not, provide shop drawings for any new system.
 - c. Applicant and Property Owner shall work with City staff to address the filling of any potholes and pavement maintenance required within the parking lot and drive areas, and any re-striping shall comply with Section 35-5504 (*Parking Space Standards*) and Minnesota Accessibility Code provisions.
 - d. The Applicant shall work with City staff to ensure the existing trash enclosure proposed for re-use fully screens any dumpsters, meets setback requirements, and utilizes fully opaque screening. The requested reuse of the second enclosure for motorcycle and bicycle parking shall be subject to separate review for code compliance.
 - b. The building plans are subject to review and approval by the Building and Fire Officials with respect to applicable codes prior to the issuance of permits and per the memorandum dated July 9, 2024.
3. The Applicant shall submit a Sign Permit Application for any proposed signage (e.g., wall, freestanding) and receive issuance of a permit prior to any installation. All signage shall conform to City requirements.

RECOMMENDATION

Based on the above-noted findings, City staff recommends the Planning Commission recommend City Council approval of Planning Commission Application No. 2024-010 for the Subject Property located at 6440 James Circle North and with respect to approval of a (1) rezoning from Planned Unit Development/Business Mixed-Use District (PUD/MX-B) District to Business Mixed-Use (MX-B) District, and (2) a conditional use permit to operate a Los Campeones gym (“Indoor Recreation Center or Club”), subject

to the Applicant complying with the Approval Conditions.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2024-010 plans and documents, submitted June 10, 2024.

Exhibit B – Public Hearing Notice, submitted for publication in the Brooklyn Center *Sun Post*, and dated June 27, 2024.

Exhibit C – City Council Resolution No. 2021-165.

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

Dear Sir/Madam,

I am writing to you on behalf of Los Campeones Gym, a well-known fitness brand in the Twin Cities with 7 locations currently operating locally. We are looking to expand our business and are very interested in opening a new location in the city of Brooklyn Center.

As you know, Brooklyn Center is a thriving and growing city with a great sense of community. We believe that our brand and business philosophy would be a perfect fit for the people of Brooklyn Center! Our gyms offer a safe and friendly environment in which people of all fitness levels feel motivated and encouraged to achieve their goals. Our business motto is "Where Strength Meets Community" and we pride ourselves on boosting the communities around each of our locations.

Our gyms are open from 5 AM to 11 PM during the week and 7am to 7pm on the weekends and are always staffed with knowledgeable personnel to ensure everyone has a safe and welcoming experience. We always have 2-5 staff members on duty to service customers and keep the interior and exterior nice and tidy. We pride ourselves on hiring locally and employing people living nearby. In addition to staff members, we also expect 15-20 personal trainers, coaches and physical therapists to use the space as well.

Our typical peak hours are 6 AM to 8 AM and 5 PM to 8 PM, but there will always be staff on duty during all business hours ensuring that members are safe and attended to.

We are anticipating 3000 total members joining. Being open 19 hours, a day allows a steady flow of customers all day. At peak hours in our other locations, we experience approximately 100 check-ins an hour.

With the vast parking lot, we expect to always have more than adequate parking and will not interfere with any other businesses' parking or affecting traffic in any manner.

We currently have 15 locations and this will be the 16th location nationwide, including Austin, Texas, Denver Colorado, and North Dakota and South Dakota. We are very excited to bring our awesome gym to Brooklyn Center!

We understand that there are other gyms operating in Brooklyn Center, but we believe that there is a need for a gym that offers the unique services and environment that Los Campeones Gym provides. We anticipate that our gym would attract a large and diverse population of members and would be a great addition to the community.

The prospective location at 6440 James Circle N. Brooklyn Center MN is ideal for our business. The building is currently in rough shape and is having a negative impact on the neighborhood. No one likes to see such a large vacant building in disrepair. We have a thorough plan to make the building look like new again inside and out!

In conclusion, we are confident that a Los Campeones Gym location in Brooklyn Center would be a great asset to the community. We believe that our brand and business philosophy would be well-received, and we would be honored to have the opportunity to serve the people of this great city. Thank you for considering our proposal

1000 Twelve Oaks Center Drive
 Suite 200, Wayzata, MN 55391
 T: 952-426-7400
 F: 952-426-7440

[MohagenHansen.com](https://mohagenhansen.com)

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.



**LOS CAMPEONES -
 BROOKLYN CENTER**

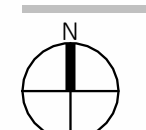
**6440 JAMES CIR. NORTH
 BROOKLYN CENTER, MN
 55430**

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 24113
 DRAWN BY: P.MOFFETT
 CHECKED BY: B. BAILEY/T. MOHAGEN
 DATE: 04/18/2024

COMPUTER DIRECTORY:
 K:\JOBS\LOS CAMPEONES BROOKLYN CENTER\DWG

**ARCHITECTURAL
 SITE PLAN**



A050



PARKING CALCULATIONS
 INDOOR RECREATION: (20) SPACES FOR THE FIRST 1,000 SF; (1) SPACE PER 300 SF IN EXCESS OF 1,000 SF; (2) SPACES PER OUTDOOR TENNIS COURT
 PARKING REQUIRED: (20) + (33,500 / 300) = 131.667 PARKING SPACES
 PARKING PROVIDED: (279) REGULAR STALLS + (7) HANDICAP STALLS = 286 STALLS

LANDSCAPE REQUIREMENTS:
 (1) TREE PER 750 SF OF LANDSCAPE PLANTING AREA
 (1) SHRUB PER 75 SF OF LANDSCAPE PLANTING AREA
 (1) TREE PER ISLAND WITHIN PARKING AREA

TOTAL LANDSCAPE AREA: 50,145 SF
 TREES REQUIRED: 50,145 / 750 = 66.86 TREES
 SHRUBS REQUIRED: 50,145 / 75 = 668.6 SHRUBS

E = EXISTING TREE
 N = NEW TREE
 = SHRUB BEDS
 = PROPERTY LINE

LANDSCAPE SCHEDULE:

TREES:
 PERIMETER TREES: MIXTURE OF PRINCETON ELMS, NORTHWOODS MAPLE, PRAIRIFIRE CRABAPPLE, AND TAYLOR JUNIPERS
 PARKING ISLAND TREES: STREET KEEPER HONEYLOCUST

SHRUBS:
 5' WIDE SHRUB BED W/ TWO ROWS OF PLANTS. SHRUB'S SPACED AT 3' ON CENTER.
 SHRUB SPECIES TO INCLUDE LOW SCAPE MOUND CHOKEBETTY, BOBO HYDRANGEA, CHICAGOLAND GREEN BOXWOOD AND LITTLE DEVEIL NINEBARK.
 EDGING OF SHRUB BED TO HAVE COMMERCIAL GRADE VINYL EDGING.
 ALL BEDS TO BE MULCHED W/ 3" OF SHREDDED HARDWOOD MULCH.

1 ARCHITECTURAL SITE PLAN
 A050 1" = 40'-0"



MOHAGEN HANSEN
Architecture | Interiors

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**LOS CAMPEONES -
BROOKLYN CENTER**

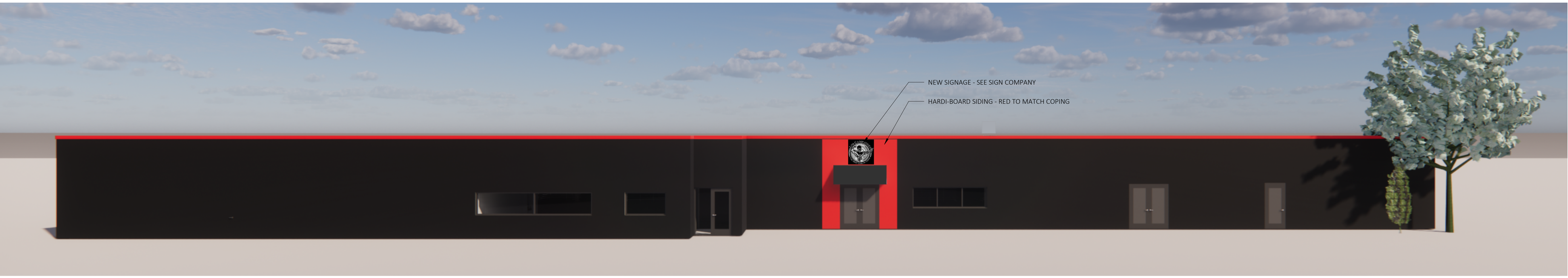
**6440 JAMES CIR. NORTH
BROOKLYN CENTER, MN
55430**

NO.	DESCRIPTION	DATE

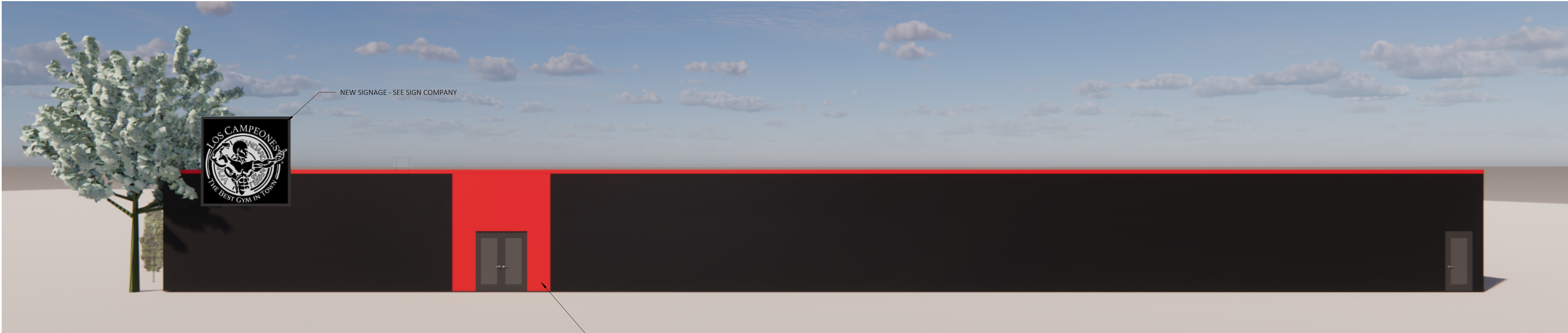
PROJECT NUMBER: 24113
DRAWN BY: Author
CHECKED BY: Checker
DATE: 04/18/2024
COMPUTER DIRECTORY: K:\JOBS\LOS CAMPEONES BROOKLYN CENTER\DWG

**EXTERIOR
ELEVATION
RENDERINGS**

A051



EXTERIOR ELEVATION - WEST



EXTERIOR ELEVATION - SOUTH



LOS CAMPEONES - RICE STREET

C:\Revit Projects\24113_LosCampeonesBrooklynPark_Master_Enscape_kranbrook@mohagenhansen.com.rvt

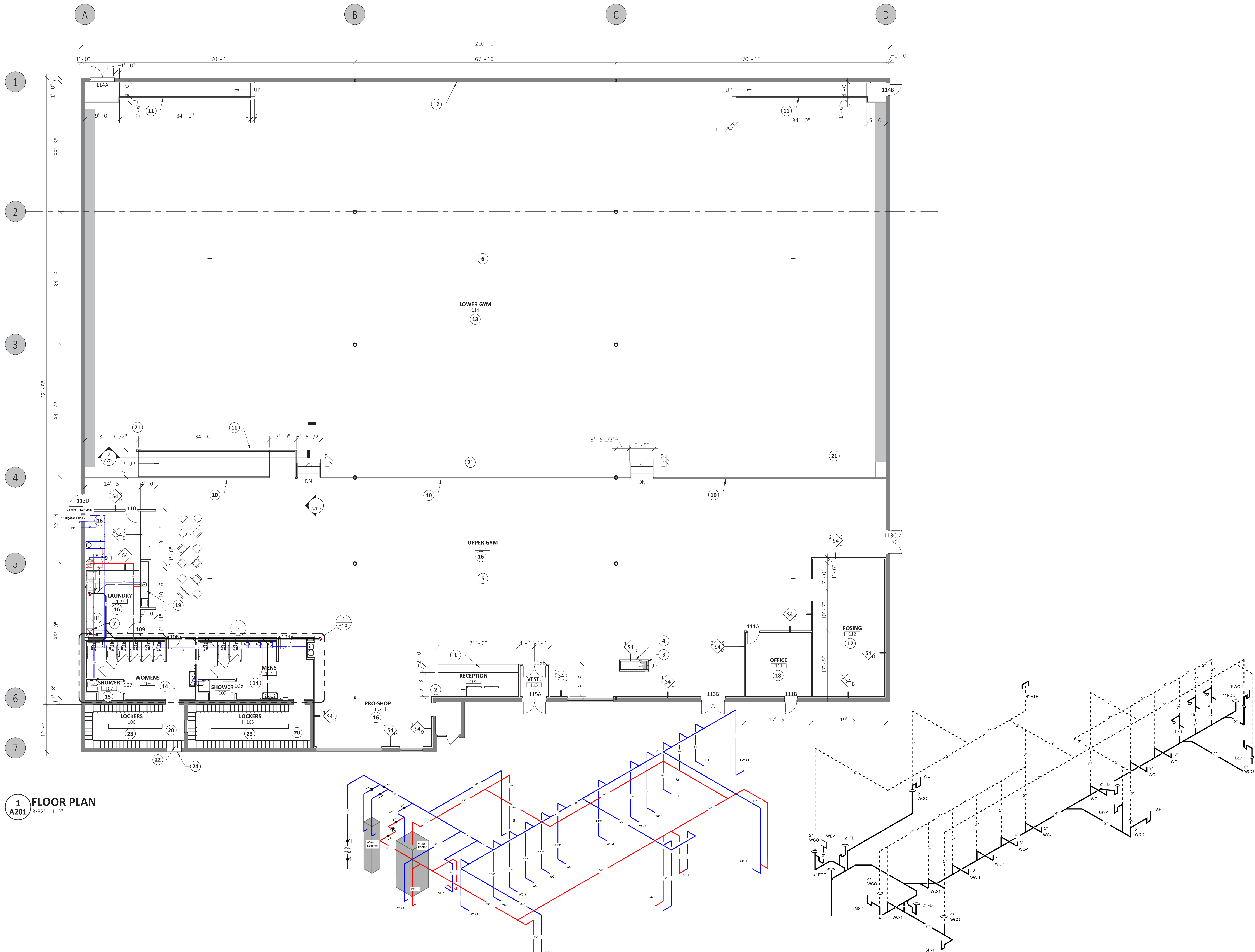
Certification or Seal:
I hereby certify that this plan,
specification, or report was
prepared by me or under my direct
supervision and that I am a duly
registered Master Plumber under
the laws of the State of Minnesota

Joe Barbelin

Joe Barbelin
Date: 5/24/24 Registration No. 061157-PM

LOS CAMPEONES -
BROOKLYN CENTER

6440 JAMES CIR. NORTH
BROOKLYN CENTER, MN
55430



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*****LAYOUT AND BOM ARE SUBJECT TO APPROVAL*****

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpcLr	PtSpcTb	Meter Type
CalcPts_4	Illuminance	Fc	14.20	14.2	14.2	1.00	1.00		10	10	Horizontal
CalcPts_5	Illuminance	Fc	1.87	14.1	0.0	N.A.	N.A.	Readings Taken 0'-0" AFG	10	10	Horizontal

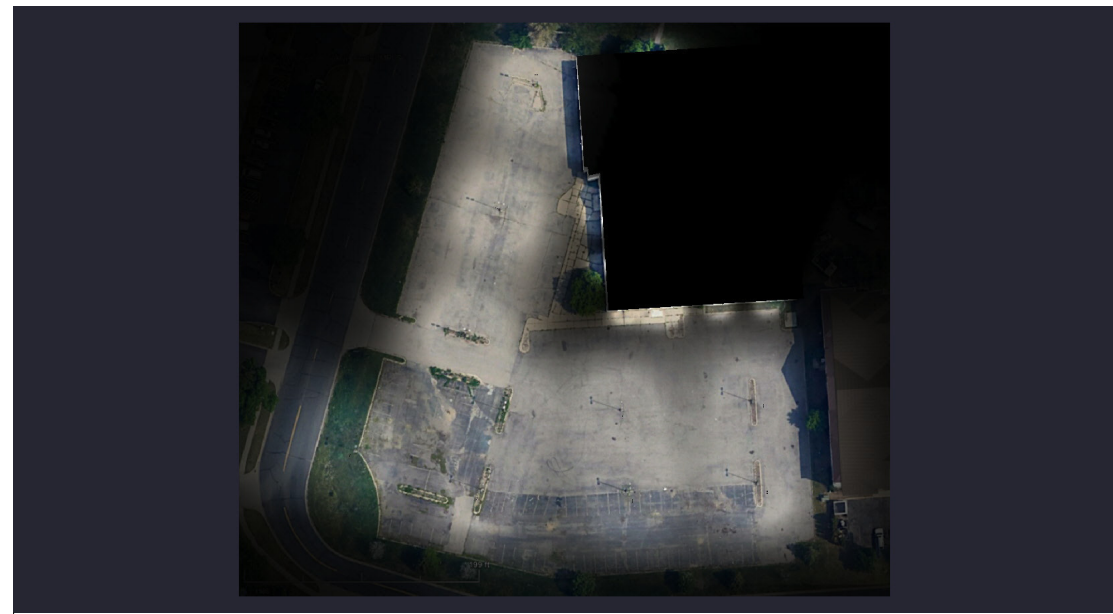
Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Filename
	3	S	slim-18w-5000k_ dlf2308108-6a	Single	3291	3291	1.000	SLIM_18W_5000K	22.8	22.8	68.4	slim-18w-5000k_dlf2308108-6a.ies
	10	A2	A22 @80W5000K_ IESNA2002_NTCLR	Back-Back	11789	23578	1.000	A22 @80W5000K 2 @ 180	83.2	166.4	1664	A22 @80W5000K_IESNA2002_ NTCLR23110109MOD3T.IES
	8	C	CDLED6W-40W-80D940-Z	SINGLE	3353	3353	1.000	CDLED6W-40W-80D940-Z	34.6	34.6	276.8	rab04544mod9040.ies

Expanded Luminaire Location Summary

LumNo	Tag	X	Y	MTG HT	Orient
1	A2	253.992	432.871	28	352.569
1	A2	252.008	433.129	28	172.569
2	A2	221.939	324.656	28	339.864
2	A2	220.061	325.344	28	159.864
3	A2	193.894	221.553	28	333.435
3	A2	192.106	222.447	28	153.435
4	A2	437	166	28	90
4	A2	437	164	28	270
5	A2	225.336	158.942	28	70.346
5	A2	224.664	157.058	28	250.346
6	A2	323	157	28	90
6	A2	323	155	28	270
7	A2	102.329	125.944	28	70.821
7	A2	101.671	124.056	28	250.821
8	A2	440	96	28	90
8	A2	440	94	28	270
9	A2	205.329	90.944	28	70.821
9	A2	204.671	89.056	28	250.821
10	A2	331	89	28	90
10	A2	331	87	28	270
11	C	287	428	12	0
12	C	289.6	381.1	12	0
13	C	306.549	317.684	12	0
14	C	308.797	279.056	12	0
15	C	448	249.8	12	0
16	C	406.977	247.174	12	0
17	C	366.946	244.472	12	0
18	C	326.746	242.272	12	0
19	S	352.104	456.024	12	90.804
20	S	305.159	335.265	12	182.947
21	S	354.2	243.6	12	271.79

Total Quantity: 31



NOTES:

* The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLD is the result (quotient) of mean lumens / initial lumens per lamp manufacturers' specifications.

* Illumination values shown (in footcandles) are the predicted results for planes of calculation either to the plane of calculation.

* The calculated results of this lighting simulation represent an anticipated prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of the designer.

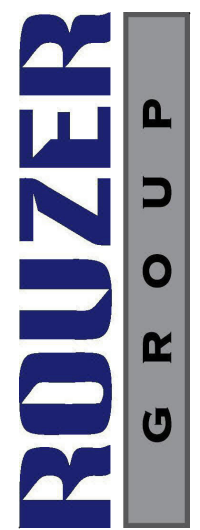
* Mounting height determination is job site specific, our lighting simulations assume a mounting height (insertion point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations.

* RAB Lighting Inc. luminaire and product designs are protected under U.S. and International intellectual property law. Patents issued or pending apply.

The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLD is the result (quotient) of mean lumens / initial lumens per lamp manufacturers' specifications.

Job Name: 6440 James Circle N, Brooklyn Ceg@elle, as noted
 Lighting Layout Version A
 Date: 7/8/2024
 Filename: 6440-James Circle N.AGI
 Drawn By: Bailey Ganske

Prepared For: Burnsville
 Filepath: C:\Users\bailey\Router_Group\Router_iesids - Router_iesids\Documents\RAB\Router_Layouts\Bailey_AGI\6440 James Circle N.AGI





Color: Bronze

Weight: 13.0 lbs

Project:	Type:
Prepared By:	Date:

Driver Info		LED Info	
Type	Constant	Watts	150/120/100W
120V	1.25A/1.00A/0.83A	Color Temp	3000K/4000K/5000K
208V	0.72A/0.58A/0.48A	Color	80-84 CRI
240V	0.63A/0.50A/0.83A	Accuracy	
277V	0.54A/0.43A/0.36A	L70 Lifespan	100,000 Hours
Input Watts	99.4-151.4W	Lumens	15,009-22,117 lm
		Efficacy	132.4-163.1 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:

Field Adjustable Light Output:
150W/120W/100W (factory default: 150W)
Color Temperature Selectable:
3000K, 4000K and 5000K (factory default:4000K)

Compliance

UL Listed:

Suitable for wet locations. Suitable for mounting within 4ft (1.2m) of the ground.

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

IP Rating:

Ingress protection rating of IP66 for dust and water

Trade Agreements Act Compliant:

This product is a product of Cambodia and a "designated country" end product that complies with the Trade Agreements Act

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: S-TJWR13

Performance

Lifespan:

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:

150W: Replaces up to 400W Metal Halide (MH) or 400W High Pressure Sodium (HPS)
120W: Replaces up to 400W Metal Halide (MH) or 310W High Pressure Sodium (HPS)
100W: Replaces up to 400W Metal Halide (MH) or 310W High Pressure Sodium (HPS)

Electrical

Driver:

Constant Current, Class 1, 120-277V, 50/60 Hz:
150W: 120V: 1.25A, 208V: 0.72A, 240V: 0.63A, 277V: 0.54A
120W: 120V: 1.0A, 208V: 0.58A, 240V: 0.5A, 277V: 0.43A
100W: 120V: 0.83A, 208V: 0.48A, 240V: 0.42A, 277V: 0.36A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:

4.16% at 120V, 6.59% at 277V

Power Factor:

99.8% at 120V, 96.3% at 277V

7-Pin Receptacle with Shorting Cap:

ANSI C136.41 7-pin receptacle, compatible with wireless control systems

Surge Protection:

6kV

Construction

IES Classification:

The Type III distribution is ideal for roadway, general parking and other area lighting applications where a larger pool of lighting is required. It is intended to be located near the side of the area, allowing the light to project outward and fill the area.

Cold Weather Starting:

The minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in up to 40°C (104°F)

Lens:

Polycarbonate lens

Housing:

Die-cast aluminum



Cylinders are a complete design solution. They are available in various sizes, mounting options, colors and beam angles, and suitable for indoor/outdoor use.

Color: Bronze

Weight: 9.6 lbs

Project:	Type:
Prepared By:	Date:

Driver Info		LED Info	
Type	Constant Current	Watts	40W
120V	0.30A	Color Temp	4000K (Neutral)
208V	0.22A	Color Accuracy	90 CRI
240V	0.19A	R9	52
277V	0.14A	L70 Lifespan	50,000 Hours
Input Watts	34.6W	Lumens	3,353 lm
		Efficacy	96.9 lm/W

Technical Specifications

Compliance

UL Listed:

Suitable for wet locations

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Electrical

Driver:

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.30A, 208V: 0.22A, 240V: 0.19A, 277V: 0.14A

Dimming Driver:

0 - 10V (at 120-277V), TRIAC and ELV (at 120V only)

THD:

12.7% at 120V, 19.7% at 277V

Power Factor:

98.4% at 120V, 89.7% at 277V

Optical

Optics:

80°

Performance

Lifespan:

50,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED Characteristics

LEDs:

Long-life, high-efficacy, surface-mount LEDs

Color Stability:

LED color temperature is warranted to shift no more than 200K in color temperature over a 5-year period

Construction

Cold Weather Starting:

The minimum starting temperature is -30°C (-22°F)

Maximum Ambient Temperature:

Suitable for use in up to 40°C (104°F)

Lens:

Solite Glass Lens and Microprismatic Diffusion Lens

Reflector:

Vacuum-metallized polycarbonate

Housing:

Extruded aluminum

Mounting:

Wall direct/indirect light

Gaskets:

High-temperature silicone

Green Technology:

Mercury and UV free. RoHS-compliant components.

Finish:

Formulated for high durability and long-lasting color

Other

Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.



Color: Bronze

Weight: 2.9 lbs

Project:	Type:
Prepared By:	Date:

Driver Info		LED Info	
Type	Constant	Watts	26/18/12W
120V	0.26A/0.20A/0.13A	Color Temp	3000K/4000K/5000K
208V	0.13A/0.10A/0.07A	Color	82-85 CRI
240V	0.17A/0.09A/0.06A	Accuracy	
277V	0.11A/0.08A/0.06A	L70 Lifespan	100,000 Hours
Input Watts	15.2-30.5W	Lumens	2,175-4,389 lm
		Efficacy	135.1-150.6 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:

Field Adjustable Light Output:
26W/18W/12W (factory default 26W)
Color temperature selectable 3000K, 4000K and 5000K (factory default 4000K)

Compliance

UL Listed:

Suitable for wet locations

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

ADA Compliant:

Meets ADA Requirements for wall-mounted luminaires.

IP Rating:

Ingress protection rating of IP65 for dust and water

Trade Agreements Act Compliant:

This product is a product of Cambodia and a "designated country" end product that complies with the Trade Agreements Act

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: S-IHR6QX

Performance

Lifespan:

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:

26W: Replaces up to 175W Metal Halide (MH) or 150W High Pressure Sodium (HPS)
18W: Replaces up to 125W Metal Halide (MH) or 100W High Pressure Sodium (HPS)
12W: Replaces up to 100W Metal Halide (MH) or 70W High Pressure Sodium (HPS)

LED Characteristics

LEDs:

Long-life, high-efficiency, surface-mount LEDs

Electrical

Driver:

Constant Current, Class 2, 120-277V, 50/60 Hz
26W: 120V: 0.26A, 208V: 0.13A, 240V: 0.12A, 277V: 0.11A
18W: 120V: 0.20A, 208V: 0.10A, 240V: 0.09A, 277V: 0.08A
12W: 120V: 0.13A, 208V: 0.07A, 240V: 0.06A, 277V: 0.06A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:

26W: 3.4% at 120V, 4.68% at 277V
18W: 2.95% at 120V, 5.3% at 277V
12W: 3% at 120V, 8.42% at 277V

Power Factor:

26W: 99.8% at 120V, 96.5% at 277V
18W: 99.7% at 120V, 94.6% at 277V
12W: 99.4% at 120V, 89.6% at 277V

Photocell:

120-277V selectable photocell that can be turned on and off.

Surge Protection:

4kV

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

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, July 11, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Conditional Use Permit

APPLICANT | PROPERTY OWNER: Loehrer Acquisitions, LLC | ODAA Center LLC

PROPERTY ADDRESS | PID:
6440 James Circle North, Brooklyn Center, MN 55430 | 35-119-21-41-0006

BRIEF STATEMENT OF CONTENTS OF PETITION: The Applicant is proposing to convert the former Earle Brown Bowling Alley to a Los Campeones Gym ("Indoor Recreation Fitness Center or Club"). Upon review of the proposal, it was determined that the Applicant will require approval of a conditional use permit.

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

Meeting Number (Access Code):
2633 722 6330
Password: BCPC07112024
By Phone: 1 (312) 535-8110
(Enter Access Code)

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

Respectfully,
Ginny McIntosh
Planning Manager

Member Elliott introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-165

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2021-006 FOR THE REZONING AND ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT TO ALLOW FOR CONSTRUCTION OF AN APPROXIMATELY 64,000-SQUARE FOOT MIXED OFFICE/LIGHT INDUSTRIAL BUILDING AND RELATED SITE IMPROVEMENTS (6440 JAMES CIRCLE NORTH)

WHEREAS, Planning Commission Application No. 2021-006, submitted by McGlynn Partners LLC (“the Applicant”) requests review and consideration to re-develop the former Earle Brown Bowl property, located at 6440 James Circle North (“the Subject Property”), to an approximately 64,000-square foot mixed office and light industrial building with related site improvements on an approximately 4.03-acre site; and

WHEREAS, the Subject Property is the site of the former Earle Brown Bowl bowling alley, which was originally issued a special use permit to allow live entertainment and the bowling alley use in 1978 under Planning Commission Application Nos. 78023 and 78024; and

WHEREAS, prior to the 1978 approvals, the City’s 1975 official Zoning Map indicated that the Subject Property had been zoned I1 (Industrial Park) District; and

WHEREAS, the Earle Brown Bowl subsequently closed in 2015 and the approximately 35,462-square foot building and property has remained vacant since; and

WHEREAS, Tashitaa Tufaa/ODAA Center LLC (“the Property Owner”) purchased the now C2 (Commerce) District-zoned Subject Property in 2017 and initially pursued a request for issuance of a special use permit under Planning Commission Application No. 2018-002 in 2018 to operate an event center and ancillary restaurant and bar out of the existing building, which was approved by City Council under City Council Resolution No. 2018-64; and

WHEREAS, as special use permits require work to commence within one (1) year following City Council approval of the special use, the Property Owner was required to apply for re-issuance of said special use permit when no work was undertaken and the permit approved under Planning Commission Application No. 2018-002 expired; and

WHEREAS, the Property Owner subsequently filed for re-issuance of the special use permit under Planning Commission Application No. 2019-018 and received approval by City Council under Resolution No. 2020-12; however it subsequently expired again on January 13, 2021 after it was determined that work has still not commenced on the event center use; and

WHEREAS, the Property Owner ultimately partnered with Applicant McGlynn Partners LLC to redevelop the Subject Property into a mixed office and light industrial product; and

RESOLUTION NO. 2021-165

WHEREAS, the request contemplated under Planning Commission Application No. 2021-006 would require site and building plan approval, as well as a re-zoning, and establishment of a Planned Unit Development; and

WHEREAS, the 2040 Comprehensive Plan identifies the Subject Property and surrounding area with a future land use designation of "Business Mixed-Use," which is a new land use designation that guides land for a mix of business, light industrial, and supporting retail/service uses that encourages the redevelopment or development of commercial, office, general business, and light industrial uses in coordination with supporting retail/commercial uses to encourage a more dynamic and connected experience for workers; and

WHEREAS, the 2040 Comprehensive Plan notes the Subject Property and immediate surrounding areas as a potential area of change and redevelopment within the next 20 years under Chapter 3 (Land Use & Redevelopment) of the Comprehensive Plan; and

WHEREAS, on November 18, 2021, the Planning Commission of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested site and building plan and establishment of a Planned Unit Development, which would ultimately re-zone the Subject Property from C2 (Commerce) District to Planned Unit Development/Business Mixed-Use (PUD/BM-U) for the proposed construction of the approximately 64,000-square foot mixed office and light industrial building and related site improvements on the approximately 4.03-acre Subject Property; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on November 18, 2021, and public testimony regarding the proposal was received; and

WHEREAS, notice of the public hearing was published in the official newspaper and mailed to the Applicant and properties falling within the notification area as required by the City and Minnesota State Statute, and signage was placed on the Subject Property indicating that a development proposal was under review; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), 35-230 (*Plan Approval*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, and the request complies with the general goals and objectives of the City's 2040 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2021-006, submitted by McGlynn Partners LLC, be approved based upon the findings of fact in the November

RESOLUTION NO. 2021-165

18, 2021, planning report, and submitted documents and plans as amended by the following conditions of approval:

1. The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits; and the final location or placement of any fire hydrants or other fire-related building code items shall be reviewed and approved by the Fire Inspector.
 - a. Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council. Per City staff comment, the following shall be revised:
 - i. Update the submitted civil set to remove the proposed new curb cut along Freeway Boulevard;
 - ii. Provide and maintain sidewalk access from Freeway Boulevard and identify opportunities to provide pedestrian level lighting along this connection;
 - iii. Provide space for installation of a bike rack/bike facilities given Subject Property proximity to the Shingle Creek Regional Trail as well as bus stops located off-site along Freeway Boulevard;
 - iv. Provide clear, internal crosswalk connections for those parking spaces indicated along the east portion of the Subject Property;
 - v. Provide four-sided architecture, with articulation and architectural consideration on all four sides and in consideration of the City's Architectural Design Guidelines;
 - vi. Provide additional glazing, and enhanced design elements, particularly focused around entrances and the building front, including, but not limited to: metal canopies, and architectural ornamentation attached to exterior panels;
 - vii. Provide enlarged glazing along rear (east) portion of property, in the upper area over the loading bays; and
 - viii. Install fencing along rear (east) property line between loading area and adjacent properties using enhanced materials such as cedar, ornamental metal, or other product as approved by the City.
2. Compliance with all conditions or provisions noted in the City Building Official's Building Review dated November 12, 2021.
3. Compliance with all conditions or provisions noted in the City Engineer's Review memorandum and redlined plan set dated November 10, 2021.
4. Verification that the proposed building and site has met all City Code requirements and specifications.
5. A pre-construction conference shall be held with City staff and other entities designated

RESOLUTION NO. 2021-165

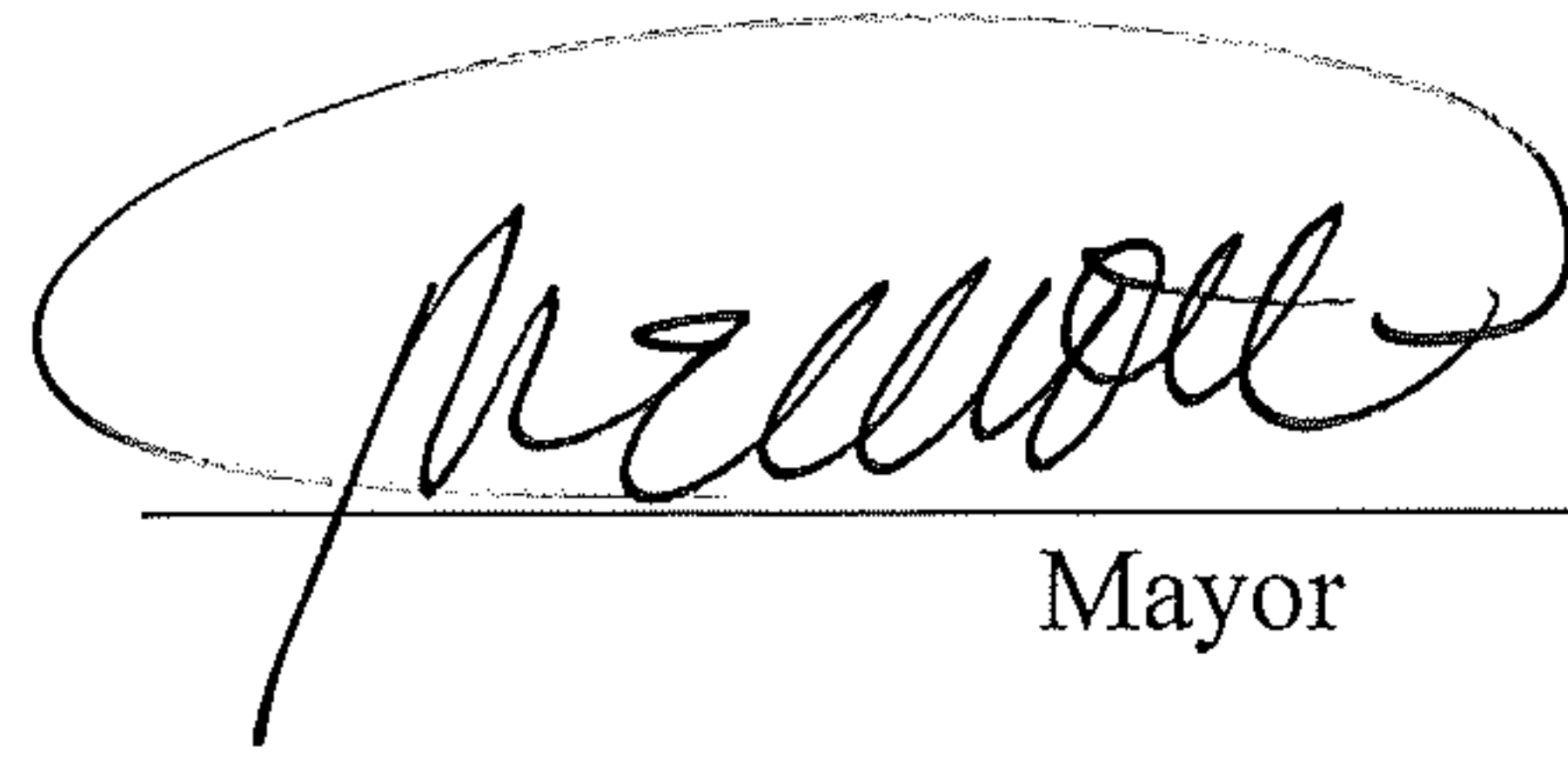
by the City prior to issuance of a Building Permit.

6. Distribution facilities are not a permitted use. For the purposes of this Planned Unit Development (PUD), a distribution facility is defined as a business that receives packages, sorts, and delivers them without product storage. Distribution as an accessory use is permitted only when it occurs from a manufacturing facility or a warehouse where a product is made or packaged on-site.
7. No outdoor storage or display of materials, equipment, or products accessory and necessary to a principal and permitted use is permitted.
8. The Applicant shall enter into a PUD agreement with the City of Brooklyn Center. This agreement is to be reviewed and approved by the City Attorney prior to the issuance of building permits. The agreement shall further assure compliance with the development plans submitted with this application.
9. The Property Owner/Developer shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under the submitted site and building plan.
10. Any outside trash disposal facilities and rooftop or ground mechanical equipment shall be appropriately screened from view per City Code requirements and with materials complementary to the principal building, and an updated details sheet provided.
11. Provide a revised photometric plan that reduces the maximum foot candles along the east portion of the property to three (3) foot candles or less, and furnish fixture specifications of proposed light installations as part of the Building Permit submittal and in compliance with the City's Architectural Design Guidelines and Chapter 35-712 (*Lighting*) of the City Code.
12. An irrigation system shall be installed and maintained on-site and irrigation shop drawings shall be provided to the City for review and approval prior to installation.
13. A sign permit application shall be submitted for any proposed signage as part of the development proposal. Signage is subject to the provisions of the City Code.

RESOLUTION NO. 2021-165

December 13, 2021

Date



Mayor

ATTEST:



City Clerk

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

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

Butler, Elliott, Lawrence-Anderson, Ryan

and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted.



Community Development
763-569-3300

July 9, 2024

6440 James Cir N. (Former Bowling Alley)

Building review comments for the newly proposed use of this Existing building located at 6640 James Cir N.

1. Signed plans from an architect registered in Minnesota is required per MN Admin. 1300.0130 & Rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, Chapter 1800 and Minnesota Statutes, Section 326.02 to 326.15.
2. Prior to a Building permit being issued a SAC determination for the new building will need to be done by MET Council and SAC determination letter received.
3. Separate permits and signed plans required for Mechanical, Plumbing & Electrical. Plumbing plans shall be submitted to the Department of Labor and Industry Plumbing plan review Department for review and approval. The Plumbing permit is applied for with the City of Brooklyn Center. The Community Development department must be contacted on all proposed signage for this building. Permits are required for all exterior signage.
4. The Building will require to be sprinklered per City adopted special sprinkler provision 1306 .0010 Subp. #2. The building currently has a sprinkler system in place that has been taken out of service which was approved by Fire.

The City of Brooklyn Center has adopted the special Fire Sprinkler provisions of 1306.0020 Subp. 2. An automatic sprinkler system for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition with the structure. The requirements of this subpart apply to structure that fall within the occupancy classifications established in part 1306.0030 items A to D.

Sincerely,

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