

Planning Commission Report

Meeting Date: July 14, 2022

Updated: August 8, 2022

- Application Filed: 06/14/2022
- Review Period (60-day) Deadline: 08/13/2022
- Extension Declared: 07/21/2022
- Extended Review Period Deadline: 10/12/2022

Application No. 2022-003

Applicant: Alatus LLC, Project for Pride in Living (PPL), and Resurrecting Faith World Ministries (RFWM)

Property Owner: Economic Development Authority (EDA) of the City of Brooklyn Center

Location: 2500 County Road 10 and 5900 Shingle Creek Parkway

Requests: Preliminary and Final Plat, Zoning Code Amendment to Remove Subject Property from Central Commerce Overlay District, Rezoning and Establishment of a Planned Unit Development, and Site and Building Plan Approvals (4)



Map 1. Subject Property Location.

Requested Action

Alatus, Project for Pride in Living, and Resurrecting Faith World Ministries (“The Applicant”) is requesting review and consideration of a proposal to re-develop approximately 16 acres of property owned by the Economic Development Authority (EDA) of the City of Brooklyn Center and part of the City’s larger 80-acre “Opportunity Site.” The property under consideration is located at the northeast corner of Shingle Creek Parkway and Bass Lake Road (County Road 10), and is a largely vacant and impervious site, with the exception of a standalone restaurant (Ocean Buffet) that has an existing lease with the EDA of Brooklyn Center. In order to carry out the approximately 16-acre redevelopment contemplated under Planning Commission Application No. 2022-003, a re-plat of approximately 32 acres is also necessary to accommodate the full build-out of certain public infrastructure, including an approximately 1,800-foot new multi-modal roadway, semi-regional

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stormwater system and ponding, and replacement and upgrading of water, sewer, and storm utilities.

The Applicant is requesting full approvals for the construction of 543 dwelling units across three multi-family residential buildings (278, 205, and 60 units, respectively), an event center, 24-hour childcare center, and wellness and barber suites. The submittal would also contemplate plaza and gathering space, a flex street, trail and sidewalk connections to existing community assets, and other related site improvements, and approve the platting and flexibilities necessary to advance a proposed entrepreneurial market, three smaller multi-family residential buildings (70, 60, and 70 units, respectively, for a total of 200 units), an approximately 3.5-acre regional park (Three Rivers Park District), and future phasing on the Opportunity Site (Exhibit A).

The Applicant originally submitted Planning Commission Application No. 2022-003 on May 10, 2022; however, City staff determined the submittal to be incomplete. A letter of incomplete was issued to the Applicant on May 23, 2022, along with a detailed checklist outlining missing submittals and documentation. An application was re-submitted on June 14, 2022 for consideration and deemed complete. A public hearing notice was published in the Brooklyn Center *Sun Post* on June 30, 2022, mail notifications were mailed to nearby taxpayers, residents, and businesses per Code requirements, and development proposal signage installed on the property by the City; however, the Planning Commission failed to meet quorum on July 14, 2022, and therefore a public hearing was not held, and no recommendation could be provided.

In order to keep the application progressing and within the review requirements under state statute, a 60-day review extension letter was provided to the Applicant on July 21, 2022, and a new public hearing notice was published in the *Sun Post* on July 28, 2022, for the August 8 2022, City Council meeting (Exhibit B).

Development Pattern



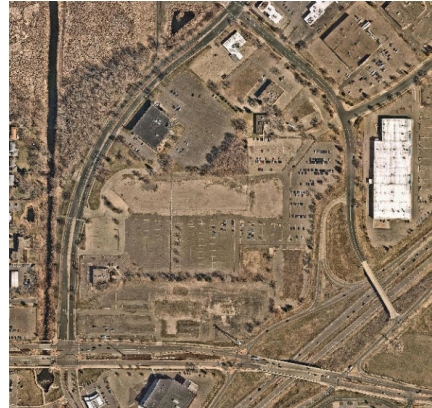
1956 Imagery



1967 Imagery



1971 Imagery



2021 Imagery

Image 1. Historical and Current Imagery of Opportunity Site-Phase I Area (Courtesy: MHAPO, Hennepin County).

Existing Conditions



Image 2. Existing Site Conditions at Subject Property.

Site Data:

2040 Land Use Plan:	TOD (31.01-130 Dwelling Units per Acre)
Neighborhood:	Centennial
Current Zoning:	C2 (Commerce) District Central Commerce Overlay District
Site Area:	Approximately 16 Acres (Redevelopment) 32 Acres (Re-Plat)

Surrounding Area:

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	TOD (31.01-130 DU/Ac.)	C2 (Commerce) District Central Commerce Overlay District	Commercial Office Undeveloped
South	ROW TOD	ROW (Bass Lake Road/County Road 10) PUD/C2 (Planned Unit Development/Commerce) District Central Commerce Overlay District	(ROW) Commercial
East	ROW C-MU (10.01-25 DU/Ac.)	ROW (John Martin Drive) C2 (Commerce) District Central Commerce Overlay District	(ROW) Commercial
West	ROW TOD, and Parks, Recreation, Open Space	C2 (Commerce) District and Central Commerce Overlay District Central Commerce Overlay District	(ROW) Apartments Commercial Park, Recreational, or Preserve

BACKGROUND

The Opportunity Site is an approximately 80-acre area west of Highway 100 and east of Shingle Creek Parkway, and bounded on the south by Bass Lake Road (County Road 10) and north by Summit Drive.

The City first began planning for redevelopment of this area in the early 2000s. In partnership with the Metropolitan Council, the area was included in a regional study designed to examine how aging retail centers could redevelop to better serve the communities they are in. The resulting 2002 Calthorpe Study introduced the concept of a mixed-use, walkable town center as a vision for the area.

The Subject Property under consideration for redevelopment was formerly home to Brookdale Ford auto dealership (2500 County Road 10), an approximately 185,000-square foot Brookdale Square retail center and movie theater (Brookdale 8 Cinema), and an existing, standalone restaurant (Ocean Buffet) located at 5900 Shingle Creek Parkway, and encompasses approximately 32-acres located at the northeast junction of Bass Lake Road (County Road 10) and Shingle Creek Parkway. The aforementioned properties are just two of the key properties located within the larger 80-acre area known as the City of Brooklyn Center's "Opportunity Site." As contemplated under this application, approximately 32-acres would be re-platted to accommodate an approximately 16-acre initial (Phase I) development, with the remaining acreage earmarked to accommodate necessary infrastructure and phasing and the ultimate buildout of the overall Opportunity Site.

In 2008, the City of Brooklyn Center's Economic Development Authority (EDA) began proactively acquiring property within the identified Opportunity Site, including the Subject Property, and in 2013, the EDA purchased the approximately 23-acre Brookdale Square site (5900 Shingle Creek Parkway). All buildings were subsequently demolished with the exception of Ocean Buffet, who leases from the Economic

Development Authority of the City of Brooklyn Center and has a Relocation Assistance Agreement in place with the City pending approval of Planning Commission Application No. 2022-003. In April 2018, the EDA entered into an agreement with Alatus, LLC to master develop 35 acres of EDA-owned land within the Opportunity Site, and conduct due diligence on an initial phase of development.

The City has solicited interest from numerous developers over the years, all who offered a vision for the Opportunity Site, but whose proposals never became a reality. It was in late 2017 and early 2018 that three developers came forward with concept plans for the master planning and redevelopment of the Opportunity Site. Following a meeting in February 2018, the City Council selected Alatus, as their vision aligned well with past planning efforts and the vision created under the City's 2006 master plan (Damon Farber & Associates) for the site, and addressed the concept of a walkable town center area with mixed-use development that was most likely to benefit the community and its residents. In April 2018, the EDA entered into an agreement with Alatus, LLC to master develop 35 acres of EDA-owned land within the Opportunity Site, and conduct due diligence on an initial phase of development.

By early 2019, Alatus had refined their overall concept for the site and were moving forward with early planning for an initial phase of development that would include approximately 300-units of housing and a mix of commercial space on the ground floor. The concept was presented to the City Council and direction was given to renew the Preliminary Development Agreement (PDA) with Alatus.

It has been through an iterative process over these past years that Alatus' vision has evolved following work with the City and community partners through an extensive community engagement process, meetings with City staff and City Council, and an ultimate partnership with Resurrecting Faith World Ministries (RFWM), and Project for Pride in Living (PPL).

The Applicant (Alatus, Resurrecting Faith World Ministries, and Project for Pride in Living) proposal for the Phase I development of the Opportunity Site, as it stands today, contemplates the re-platting of approximately 32 acres and the framework and plan approvals necessary to re-develop approximately 16-acres of the Opportunity Site. The current Phase I proposal would accommodate: 743 multifamily housing rental units (342 rental units with designated affordability at or below 80% AMI), at least 20,000 square feet of commercial space as a dedicated Entrepreneurial Market (EMP), an event center and social care facility (including a 24-hour childcare center, barber and wellness suites—of which include therapy and counseling offices).

It is important to note that the Phase I development of the Opportunity Site contemplates the implementation of significant infrastructure improvements and investments, including the construction of large, semi-regional stormwater facilities that will not only serve the Phase I development (anticipated to require 20-percent of the total system), but future phased development to the north, the creation of a new street and pedestrian network to serve the immediate Phase I development, as well as a crucial public roadway extension outlined in the Opportunity Site Infrastructure Framework, and adopted by City Council on July 12, 2021 under City Council Resolution No. 2021-90. This roadway extension would run east to west along the north end of the Phase I development from Shingle Creek Parkway to John Martin Drive. As contemplated within the submittal, the Applicant intends to construct approximately 1,800-feet of the extension as part of this development (Exhibit C).

A more in-depth summary of the planning that has occurred regarding the Opportunity Site and in advance of the submittal as contemplated under Planning Commission Application No. 2022-003, is attached as Exhibit D.

Community Engagement Process

In 2019, Alatus LLC, in partnership with the City of Brooklyn Center, enlisted Twin Cities LISC Corridor Development Initiative (CDI) to facilitate a series of community workshops. The goal of the workshops was to identify development guidelines for Phase I of the Opportunity Site, and specifically the Subject Property. The development guidelines and final recommendations were summarized in the Opportunity Site Corridor Development Initiative Summary Report, and presented before City Council in June 2019.

Engaging the community in the Opportunity Site planning and development has been a priority of the City and development team, and an integral part of this process. The scale and reach of community engagement on this proposed project have exceeded that of any past effort in the City's history, and the intent is to ensure that the outcomes truly benefit the residents of Brooklyn Center, which necessitates a much deeper, more thorough, and more inclusive engagement strategy.

The first phase of engagement, beginning in 2019, worked to establish core values, goals, and priorities for the development of the Opportunity Site and through this process, LISC created Development Guidelines for future Opportunity Site development (Exhibit E).

For the second phase, still on-going in 2022, and initiated through approval of a resolution authorizing execution of a community engagement pilot program with community partners for the Opportunity Site and the commitment of funding to advance the pilot program (City Council Resolution No. 2021-84), the City partnered with community-based organizations and leaders to dive deeper into conversations with community, particularly in communities that have historically been overlooked by engagement efforts. This work focused on deeper conversations about community benefits, public safety, and wealth building, and how the development can support these goals.

The wide range and reach of the involved community partners have led to a variety of community engagement activities to gather the feedback and input necessary to inform and shape the proposed development in a way that is authentically inclusive and representative of local community voices in Brooklyn Center. The engagement work has also informed and shaped the community benefits requested from future public and private investments and the creation of a Community Benefits Plan for the Opportunity Site.

For full details of the Community Engagement process, please refer to Exhibit F.

Environmental Review Process

Projects that meet or exceed a threshold as set in Minnesota Rules Part 4410.4300 are mandated to complete an Environmental Assessment Worksheet (EAW). The size (i.e. square footage) of the proposed buildings contemplated under the application submittal, and the multi-use nature of the project as a whole, meet or exceed the thresholds, which necessitated the completion of an EAW.

An EAW is a document designed to review and evaluate a proposed project and ultimately determine whether an Environmental Impact Statement (EIS) is needed. The EAW provides information necessary to determine if the project will have significant environmental impacts, informs the public about the project, provides permitting information, and identifies ways to protect the environment.

In the spring of 2022, the draft EAW was submitted to the City of Brooklyn Center, and the City initiated a preliminary review for completion. The EAW was then published and made public, and distributed to other affected regional jurisdictions for a 30-day public review and comment period. During this time, a

noticed virtual public meeting was held to provide an opportunity for public comment. Comments were collected and included in an additional supplemental document and were responded to accordingly. No comments requested an EIS or additional analysis or specific impacts. On June 13, 2022 City Council approved City Council Resolution No. 2022-061, declaring there was no need for an Environmental Impact Statement for the Opportunity Site Phase I development (i.e. Record of Negative Decision), and the EAW was made final. No further environmental review is therefore required for the proposed project (Exhibit G).

COMPREHENSIVE PLAN

The Subject Property currently has a future land use designation of Transit-Oriented Development (TOD), which allows for a range of 31.01 to 130 dwelling units per acre, and is a new land use designation under the 2040 Comprehensive Plan. Given previous studies and planning efforts, proximity to transit, and in consideration of the renewed efforts to redevelop the Opportunity Site during the undertaking of the 2040 Comprehensive Plan, the Subject Property was guided with the TOD designation.

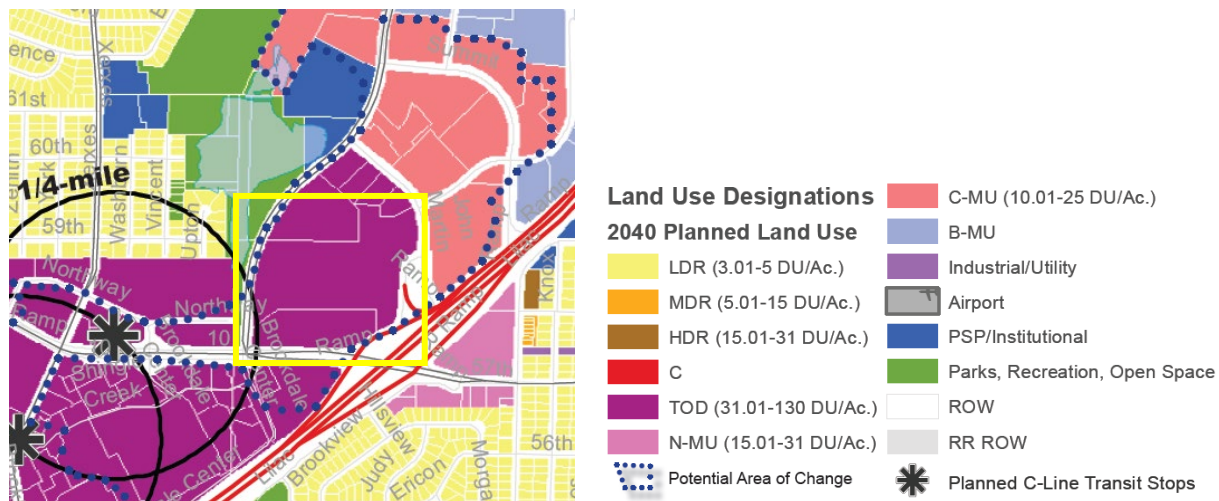
Mixed-Use Designations

Map Designation	Residential Density	Description
Transit Oriented Development (TOD)	31.01-130 Dwelling Units per Acre	TOD is a new land use designation that is planned for a mix of residential, commercial, office and retail uses. Land is generally within a ½-mile of the Brooklyn Center Transit Station (Transit Station) is designated as TOD to capitalize on the proximity of redevelopment sites to the transit stops. The planned Bus Rapid Transit C-Line has two stops within the area designated as TOD (the Transit Station is last northerly stop) that will provide access to adjacent land uses with frequent, and efficient bus/transit services providing connections to the area and broader region. A minimum of 75% of the land within this designation is planned to be developed with high-density residential use and the remaining land developed with supporting retail, office and commercial uses. Redevelopment will focus on connecting to the Transit Station and C-Line stops, future D-Line stops, as well as creating a walkable, bikeable, vibrant core in the City.

Image 3. Transit-Oriented Development (TOD) Description as Outlined in the 2040 Comprehensive Plan.

The 2040 Comprehensive Plan notes that the City has experienced significant change in the past decade with respect to its changing demographics and land use patterns. With the closure of the Brookdale Mall and numerous supporting retailers and service providers, and the major shifts and changes to bricks and mortar retail, the City's core economic engine effectively fizzled out, leaving a large contiguous area of vacant and underutilized land in the core of the City.

The 2040 Comprehensive Plan clearly indicates the Subject Property and full 80-acre Opportunity Site as a "potential area of change" (Refer to Map 2 below). As the 2040 Comprehensive Plan was the first comprehensive plan in the City's history to incorporate mixed-use land use designations (i.e. Neighborhood Mixed-Use, Commercial Mixed-Use, Business Mixed-Use, and Transit-Oriented Development), considerable time and effort was spent in detailing the integrating of uses, vision, and goals of these land use designations.



Map 2. 2040 Future Land Use Plan and Redevelopment Areas with Subject Property (highlighted in yellow).

The TOD land use designation was specifically created as previous planning efforts were historically silent on the “utilization of transit as a means to organize redevelopment efforts.” Transit and accessibility have always been a consideration of the City’s Comprehensive Plan, but as noted previously, have not served as a physical organizing feature of the Land Use Plan. The Comprehensive Plan notes that while previous efforts have simply addressed transit and mode choice such as walking or biking as part of its Transportation Chapter, current trends suggest that transit and mode choice are one of the principal components of a desirable, amenity rich community.

The City has the opportunity to capitalize on this shift in what can be considered the heart of Brooklyn Center given its current transit system (i.e. proximity to Metro Transit Center Station, multiple bus stops, and access to Bus Rapid Transit) and the availability of redevelopment land. The designated Opportunity Site likely serves as the City’s greatest opportunity to address a desire to regain Brooklyn Center’s competitive edge, and a carefully considered plan for redevelopment would likely drive traffic, be it in the form of residents, visitors, or workers, back to the City’s core.

Chapter 3 (*Land Use and Redevelopment*) of the 2040 Comprehensive Plan also specifies that the TOD land use designation, “encourage a vibrant, integrated mix of uses in this area, which means the City is willing to let the market help shape how the area is developed,” and that, “paramount to the success, regardless of density, is that the mix of uses includes more households of a variety of types, at various levels of affordability,” which were reinforced during the community engagement process for the Opportunity Site and reiterated by the Applicant in their submitted narrative and summary of housing and community comment integration diagrams. These documents highlight the need for a “housing spectrum more representative of community standards” and references the draft Opportunity Site Master Plan’s Housing Goals.

Table 3-6 within the 2040 Comprehensive Plan (noted as Table 1 below) anticipates the construction of 1,922 new residential units within the Transit-Oriented Development future land use designation by 2040, with the overwhelming majority of units projected for completion between 2021 and 2030.

Table 3-6. Anticipated Developable Acres and Residential Units by Decade

Future Land Use	2019-2020			2021-2030			2031-2040			2019-2040
	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	Est. Total Acres ^a	Residential Acres ^a	HH (Min)	Total New HH
Transit Orient Development 31.01-130 DU/A	12	9	279	48	36	1,116	22	17	527	1,922

Table 1. 2040 Comprehensive Plan – Anticipated Developable Acres and Residential Units within TOD Designation by Decade.

Of central theme to transit-oriented developments are the parking policies implemented that ultimately shape travel behavior, community design, and the economics of a development. While some cities have eliminated minimum parking requirements entirely, it is recognized that the City of Brooklyn Center is a first ring suburb that was overwhelmingly developed in a pattern that has been for the most part, auto-dependent.

The 2040 Comprehensive Plan further references the Institute for Transportation and Development Policy in outlining the elements unique to a transit-oriented development (TOD)—refer to Image 4 below.

What is TOD?

TOD, or transit-oriented development, means integrated urban places designed to bring people, activities, buildings, and public space together, with easy walking and cycling connection between them and near-excellent transit service to the rest of the city. It means inclusive access for all to local and citywide opportunities and resources by the most efficient and healthful combination of mobility modes, at the lowest financial and environmental cost, and with the highest resilience to disruptive events. Inclusive TOD is a necessary foundation for long-term sustainability, equity, shared prosperity, and civil peace in cities.

- Institute for Transportation
& Development Policy

WALK

DEVELOPING NEIGHBORHOODS THAT PROMOTE WALKING

OBJECTIVE A. The pedestrian realm is safe, complete, and accessible to all.
OBJECTIVE B. The pedestrian realm is active and vibrant.
OBJECTIVE C. The pedestrian realm is temperate and comfortable.

CYCLE

PRIORITIZE NONMOTORIZED TRANSPORT NETWORKS

OBJECTIVE A. The cycling network is safe and complete.
OBJECTIVE B. Cycle parking and storage is ample and secure.

CONNECT

CREATE DENSE NETWORKS OF STREETS AND PATHS

OBJECTIVE A. Walking and cycling routes are short, direct, and varied.
OBJECTIVE B. Walking and cycling routes are shorter than motor vehicle routes.

TRANSIT

LOCATE DEVELOPMENT NEAR HIGH-QUALITY PUBLIC TRANSPORT

OBJECTIVE A. High-quality transit is accessible by foot. (TOD Requirement)

MIX

PLAN FOR MIXED USES, INCOME, AND DEMOGRAPHICS

OBJECTIVE A. Opportunities and services are within a short walking distance of where people live and work, and the public space is activated over extended hours.
OBJECTIVE B. Diverse demographics and income ranges are included among local residents.

DENSIFY

OPTIMIZE DENSITY AND MATCH TRANSIT CAPACITY

OBJECTIVE A. High residential and job densities support high-quality transit, local services, and public space activity.

COMPACT

CREATE REGIONS WITH SHORT TRANSIT COMMUTES

OBJECTIVE A. The development is in, or next to, an existing urban area.
OBJECTIVE B. Traveling through the city is convenient.

SHIFT

INCREASE MOBILITY BY REGULATING PARKING AND ROAD USE

OBJECTIVE A. The land occupied by motor vehicle is minimized.

- Institute for Transportation & Development Policy

Image 4. 2040 Comprehensive Plan-Chapter 3 Land Use (TOD).

REQUESTS

PRELIMINARY AND FINAL PLAT

As proposed, the Applicant intends to re-plat the Subject Property to accommodate the creation of separate lots for the multiple proposed buildings, including outlots intended to accommodate necessary public infrastructure, amenities, and future phasing. The re-platting of the Subject Property aligns with the greater Opportunity Site Infrastructure Framework, and accounts for lands necessary to build out an approximately 1,800 feet public roadway extension, future 3.5-acre urban-regional park (Three Rivers Park District), semi-regional stormwater ponding intended to serve the Phase I development and future phasing to the north, and other developable lands contemplated for future phasing and buildout of the Opportunity Site, which would be retained by the City/Economic Development Authority of Brooklyn Center until otherwise determined.

City staff conducted a review of the submitted preliminary and final plat against City Code requirements, and specifically Section 15 (*Platting*) of the City Code of Ordinances. City Engineer Mike Albers and Webb Surveying conducted a review of the application submittal documentation and plats (Exhibit A). Comments regarding the preliminary and final plat can be found in the memorandums dated July 8, 2022 and June 28, 2022 (Exhibit H).

It is noted in the attached memorandum that the City recommends providing exhibits reflecting the vacation of certain easements that will be rededicated on the new plat. An easement vacation application is required for separate submittal to the Engineering Division of Public Works and approval by City Council in advance of any plat recording.

Further review is recommended for the lot line located between Lots 1 and 2, Block 4, as portions of proposed building (Site 4) courtyard and other site features appear to encroach across the proposed lot line, and the Applicant will need to consider access easement provisions with regard to the proposed structured parking between Sites 4 and 5, which will straddle the proposed lot line. Additional comments addressed inquiries on the anticipated ownership model and necessity of further separation for Lot 1, Block 1 (Site 1) as this area is contemplated for construction of an approximately 278-unit multi-family residential building (Site 1A), entrepreneurial market (Site 1B), and common plaza and amenity space. As Site 1B is still underway in its design and community engagement process, separate site and building approvals are required prior to any construction, and City staff will know at that point whether approval of a separate vertical subdivision/Registered Land Survey (RLS) or Common Interest Community (CIC) plat is the path for separating the Site 1 uses and ownership.

Other minor corrections on the proposed graphics and dedication pages are noted in the referenced memo from Webb Surveying, dated June 28, 2022.

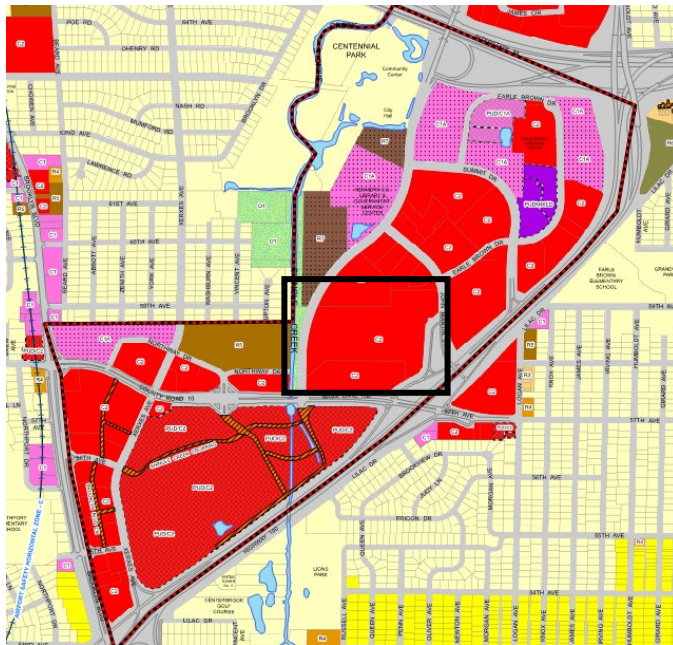
Per preliminary comments provided to the City by Hennepin County on July 5, 2022, comments were outlined addressing the dedication of certain right-of-way (e.g. sidewalks, clear view triangle), and a recommendation to add curb work at the northeast intersection of Bass Lake Road (County Road 10) and Shingle Creek Parkway, which would extend the sidewalk space by tightening the roadway radii to slow right-turning vehicles as they cross through the intersection. Any final plat comments or requirements will have to be addressed as a condition of approval prior to any recording with Hennepin County.

The Applicant will also need to provide an updated certified abstract of the title or registered property report to the City Planner and City Attorney for review.

Based on the above noted findings, City staff recommends approval of the requested preliminary and final plat for the OPPORTUNITY SITE ADDITION, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related amendment to the City's Zoning Code to remove the Subject Property from the Central Commerce Overlay District, rezoning and Establishment of a Planned Unit Development, and site and building plans (4).

ZONING CODE AMENDMENT

Overlay districts generally apply an extra level of regulations or development criteria above the standard underlying zoning district. The Central Commerce Overlay District is an area roughly bounded by I-694 on the north, Highway 100 on the south and east, Brooklyn Boulevard on the west, and Shingle Creek on the north, and includes a specific list of permitted and prohibited uses.



Map 3. Central Commerce Overlay District and Subject Property (highlighted in black).

The Applicant is requesting an amendment to the Zoning Code and associated map (refer to Map 3 above) to remove the Subject Property from the Central Commerce Overlay District, and whose uses are outlined in Section 35-2240 (*CC Central Commerce Overlay District*), as residential uses are not currently permitted within the Overlay District.

As part of the ongoing Zoning Code update, the Central Commerce Overlay District is slated for removal; however, as that work is not yet complete, the submitted proposal requests the removal of this property from the Overlay District. In 2019, a similar request was made and approved by City Council as part of the redevelopment of the former Jerry's Foods site (5801 and 5803 Xerxes Avenue North) into a combined 270-units of housing across two multi-family residential buildings, and approval of the Crest Apartments expansion in 2021 (6221 Shingle Creek Parkway) required removal from the Overlay District as well. Other existing residential properties located within the Central Commerce Overlay District that pre-date the establishment of the Central Commerce Overlay District include the Lux Apartments (6100 Summit Drive North), Gateway Commons (2850 Northway Drive), and Ecumen Prairie Lodge (6001 Earle Brown Drive).

None of the uses contemplated within the Phase I Development are uses explicitly prohibited under

Section 35-2240.4 (CC Central Commerce Overlay District), of which include: sauna and massage establishments, currency exchanges, pawn shops, secondhand goods dealers, auto repair establishments, gas stations, truck and trailer establishments, and indoor storage establishments.

Based on the above noted findings, City staff recommends approval of the requested amendment to the City's Zoning Code to allow for the removal of the Subject Property, located at 2500 County Road 10 and 5900 Shingle Creek Parkway, from the City's Central Commerce Overlay District, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related preliminary and final plat, rezoning and Establishment of a Planned Unit Development, and site and building plans (4).

REZONING | PLANNED UNIT DEVELOPMENT

The Applicant requests approvals to re-zone and establish a Planned Unit Development (PUD) for the Subject Property located at the northeast intersection of Bass Lake Road (County Road 10) and Shingle Creek Parkway. These requests are integral to the submitted application requests to facilitate the Applicant's plans to subdivide and re-develop the Subject Property into a mixed use, commercial and residential Transit-Oriented Development (TOD). Prior to approval of the 2040 Comprehensive Plan, the City of Brooklyn Center had largely developed out through Euclidean zoning or "single use" zoning, which divides a municipality up by a set of permitted uses and ultimately "zoning districts."

PUDs may only contain uses consistent with the City's Comprehensive Plan and the uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities, and the approval of a land subdivision may be subject to modifications from the City ordinances generally governing them—essentially the City Council may approve plans that are *not in compliance* with the usual standards, specifications, or ordinance requirements where it is found that such are not required in the interests of residents or the City, although plans shall comply with all watershed, state, and federal, stormwater, erosion control, and wetlands requirements.

Presently, the Subject Property is zoned C2 (Commerce) District, which generally allows for various retail uses, service/office uses, medical and health uses, construction and contractor uses, and non-residential educational uses. The Applicant's proposed residential uses across three multi-family residential buildings and future multi-family residential phasing across three additional lots is not a permitted use in the existing C2 District. Additionally, group day care (childcare) facilities and event centers are only permitted in the C2 zoning district through issuance of a Special Use Permit, and are subject to special requirements per Section 35-412 (*Special Requirements in C2 Districts*) of the Zoning Code.

As stated above, the request to re-zone and establish a PUD would allow for the redevelopment of the Subject Property into a mixed-use, Transit-Oriented Development (TOD) that would incorporate approximately 743 housing units, a 24-hour childcare center, event center, commercial space, open and amenity spaces in a format that is not currently contemplated within the City's existing 1960s-era Zoning Code. The re-zoning to an underlying TOD District designation is in line with the City's adopted 2040 Comprehensive Plan, which designates the Subject Property as TOD (31.01-130 Dwelling Units per Acre) and the draft Zoning Code Update and forthcoming Unified Development Ordinance, which intends to designate the Subject Property as TOD.

Section 35-355 (*Planned Unit Development*) of the City's Zoning Code notes that upon the rezoning for a PUD, the district shall be designated by the letters "PUD" followed by the alphanumeric designation of the underlying zoning district, which may be either the prior zoning classification (PUD/C2) or a new classification (PUD/TOD). Given that the major update to the City Zoning Code is currently underway and

changes to districts are anticipated in order to align with the 2040 Comprehensive Plan, the request would be to re-zone following guidance from the 2040 Comprehensive Plan future land use designations for the Subject Property to a TOD. This allows for flexibility within the Zoning Code for developments which are either not defined or outlined as a use under the existing regulations. PUDs are often used to achieve a higher quality development, or achieve other City goals, in exchange for zoning flexibility from the City Code.

The plans submitted under Planning Commission Application No. 2022-003 would require certain flexibilities to account for the mixed-use nature of the four proposed buildings in the initial phase, additional housing developments and entrepreneurial market contemplated in future phasing, and infrastructure needs. As the current Zoning Code does not contemplate mixed-use transit-oriented developments or mixed-use developments in general, the establishment of a Planned Unit Development is requested to provide parameters in granting these and other flexibilities.

In conjunction with the proposed redevelopment application process, the City, community partners and stakeholders, and the Applicant completed a thorough and extensive community engagement process, which identified community priorities and desires for the future of the Opportunity Site development as a whole. The Phase I development intends to incorporate many community benefits and amenities that align with City goals, the Opportunity Site Master Plan, and community feedback received to date, and outlined community amenities and benefits, some of which are noted below in Table 2 below.

In return, the Applicant requests for certain deviations from the existing Zoning Code and other design standards to forward this proposal. Where possible, City staff has referenced the draft Unified Development Ordinance (UDO) and Zoning Code update provisions, and specifically, those provisions drafted for the Transit-Oriented Development District, in its review of Planning Commission Application No. 2022-003.

The integration of the above-referenced community benefits, and how they align with community input and City goals, is demonstrated in Table 2 below:

Community Feedback	Project Community Amenity/Benefit	Opportunity Site Master Plan and City Goals
Inclusive gathering places and open spaces	Trail and sidewalk connections to existing community assets, including a new park developed by Three Rivers Park District. Flex street that can be easily closed off for pedestrian friendly events, located between the Entrepreneurial Market Place and Event Center. Privately-owned and maintained plaza adjacent to the Entrepreneurial Market Place. Integration of public art into development and buildings.	The pedestrian network in Downtown Brooklyn Center is designed to provide access to daily needs within walking distance of all residents and visitors. By connecting to regional trails and providing safe streets and appropriate support facilities, cycling can be an efficient, healthy, and environmentally friendly means of transportation.
A housing spectrum that is more representative of Community	A mix of multi-family housing developments with shared amenities	Promote a diverse housing stock that provides safe, stable, and accessible

standards	and providing a spectrum of affordability levels and types (i.e. market, mixed-income, affordable, family-sized units), including 260 affordable housing units, 205 Mixed Income Units (40% of units at between 60-80% AMI, 60% Market Rate), 278 Market Rate Units.	housing options to all residents, including a mix of incomes with affordability integrated. Housing near amenities (health and social services, transportation, education, and quality job opportunities) that promote walkability, livability, and community.
Local Community business focus and integration of underserved residents	Entrepreneurial Market Place to be owned and programmed via community stakeholders and the City of Brooklyn Center. Barber, beautification, and wellness suites—including therapy and counseling offices for development by RFWM.	Downtown will feature several areas of commercial, retail, and civic activity that residents of the community and throughout the region will help activate throughout the week and year. The City also has multiple Economic Development and Employment goals that will be engaged through this development.
Need for more childcare options	24-hour childcare center	Downtown will feature several areas of commercial, retail, and civic activity that residents of the community and throughout the region will help activate throughout the week and year.
Innovative stormwater management strategies and alternative energy strategies	Sustainable stormwater strategies that are intended to be experienced through integrated landscape design, trails and places to gather. Stormwater system to be tied into the greater regional system, and with capacity to integrate future phasing and build-out of the Opportunity Site to the north. On-site renewable and alternative energy sources and high efficiency building systems, supplementing electricity and utility usage with 30% +/- reduction of utility bills for occupants.	Downtown will feature a stormwater system that manages rainwater throughout the Opportunity Site and district while also serving as a health, recreational, and aesthetic amenity for residents and visitors.

Table 2. Community Engagement Integration within Application Submittal.

The proposed Planned Unit Development would ultimately approve the framework necessary for the Phase I redevelopment of the City's Opportunity Site, which contemplates site and building plan approvals for three (3) separate multi-family developments (278-units, 205-units, and 60-units, respectively) across a spectrum of affordability levels, an approximately 27,000-square foot development containing an event center (approximately 6,600-square feet) with 24-hour childcare center (approximately 5,254-square feet), wellness and barber suites, and shared public amenities and infrastructure to support development of the project, including plaza space, a community flex street, on-street/shared parking, semi-regional ponding, sidewalks and trails.

Approval of the re-zoning, PUD, and plat requests would also provide the framework necessary for a proposed City-owned entrepreneurial market (Site 1B), which would be constructed adjacent to the 278-

unit multi-family development (Site 1A), and three future phases of smaller-scale multi-family affordable housing developments proposed by Project for Pride in Living and Resurrecting Faith World Ministries (Sites 5, 6, and 7).

It should be emphasized that approval of the Phase I Opportunity Site development, as contemplated under Planning Commission Application No. 2022-003, would frontload a substantial portion of public infrastructure work necessary to build out and expedite future phases of the overall 80-acre Opportunity Site.

The creation of a transit-oriented development on the Subject Property incorporates mixed housing and commercial uses with densities that can support public and alternative transit opportunities and is in proximity to an existing transit center with Bus Rapid Transit (C-Line, and proposed D-Line service). The development at this location also provides an opportunity for reduced automobile dependency with the Subject Property's adjacency to the Shingle Creek Crossing shopping center and grocery options and services nearby. With this said, the intensity of a transit-oriented development requires certain increased densities, reduced building setbacks, and parking ratios, in order to bring people, activities, buildings, and public space together in a format conducive to walking and cycling, and with a mix of uses that will activate a place.

The Applicant would also require certain flexibility to incorporate signage for the proposed buildings at each development, and referenced on Sheet G005 of the overall PUD set. The existing Sign Code, which is also underway with an update, currently restricts multi-family buildings to no more than one (1) wall sign per building, not to exceed 10-square feet in area, and cluster developments with more than 36-units are entitled to either one (1) freestanding sign no greater than 36-square feet in area and no more than 10-feet above ground level, or two (2) identical freestanding signs located at opposite sides of the entrance not greater than 18-square feet in area and each not more than five (5) feet above ground level. The existing sign code is also not conducive to more current design standards for signage (e.g. blade signage).

Although considered perhaps early in the planning phase, City staff recommended that the Applicant provide a signage schedule to address proposed locations and maximum square footage of each respective monument, wall, or wayfinding sign on the Phase I Opportunity Site, and particularly due to the constraints posed currently for multi-family residential. In review of the proposed signage locations, City staff noted that the proposed ground-mounted signage (i.e. monument, wayfinding) would require further reviewed to ensure sight-lines are maintained and to verify that no easements will be encroached upon. Sign locations would be subject to final City review for overall scaling, placement, and approval conditions, and subject to separate City sign permit approvals. The new sign code provisions, currently underway, intend to provide greater flexibilities for multi-family residential users than currently permitted.

As approval of any development plan for the Subject Property shall constitute a re-zoning to PUD, approvals to establish a PUD require the City Council to base its actions on the re-zoning under the following criteria:

1. Compatibility of the plan with the standards, purposes, and intent of this section (Section 35-355);
2. Consistency of the plan with the goals and policies of the Comprehensive Plan;
3. The impact of the plan on the neighborhood in which it is to be located; and
4. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, and buffering and landscaping.

With regard to the intended rezoning, Section 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), outline that it is the City's policy that:

- a. Zoning classifications must be consistent with the Comprehensive Plan; and
- b. Rezoning proposals shall not constitute "spot zoning," defined as a zoning decision which discriminates in favor of a particular landowner, and does not relate to the Comprehensive Plan or to accepted planning principles.

Furthermore, requests for re-zonings should be assessed against a series of guidelines outlined under the City's Zoning Code:

- a. Is there a clear and public need or benefit?
- b. Is the proposed zoning consistent with and compatible with surrounding land use classifications?
- c. Can all permitted uses in the proposed zoning district be contemplated for development of the Subject Property?
- d. Have there been substantial physical or zoning classification changes in the area since the Subject Property was zoned?
- e. In the case of City-initiated rezoning proposals, is there a broad public purpose evident?
- f. Will the Subject Property bear fully the ordinance development restrictions for the proposed zoning districts?
- g. Is the Subject Property generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location?
- h. Will the rezoning 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. Does the proposal demonstrate merit beyond the interests of an owner or owners of an individual parcel?

Based on the above noted findings, City staff recommends approval of the requested re-zoning of the Subject Property from C2 (Commerce) District to establish a Planned Unit Development (Planned Unit Development/Transit-Oriented Development District) for the Subject Property located at 2500 County Road 10 and 5900 Shingle Creek Parkway, subject to the Applicant complying with the outlined Conditions of Approval, and approval of the related requests for an amendment to the City's Zoning Code to remove the Subject Property from the Central Commerce Overlay District, preliminary and final plat, and site and building plans (4).

SITE AND BUILDING PLANS (4)

The Phase I Opportunity Site, as contemplated under Planning Commission Application No. 2022-003, will encompass a significant area of land located at 2500 County Road 10 (PID: 02-118-21-24-0019) and 5900 Shingle Creek Parkway (PID: 02-118-21-24-0020), which are both currently owned by the City of Brooklyn Center's Economic Development Authority (EDA). The approximately 16-acre redevelopment, as proposed, contemplates full site and building plan approvals for four buildings (Sites 1A, 2, 3, and 4) with their respective site and Phase I improvements, and the PUD approvals and flexibilities necessary to effectively placeholder additional phasing within the Phase I development.

Sites 1B, 5, 6, and 7 are reflected in the submitted requests to re-plat, re-zone, and establish a Planned Unit Development, but will require separate site and building plan approvals, due to project timing. While the proposed Entrepreneurial Market (Site 1B) will require site and building plan approvals in the near term given its adjacency to the proposed 278-unit multi-family building (Site 1A) and anticipated

construction by Alatus (the Applicant), Sites 5, 6, and 7 are affordable multi-family residential developments that will seek outside funding to further the proposals (e.g. LIHTC credits). The submitted PUD plan set provides a breakout of the potential project phasing and interim site conditions (e.g. sodding/seeding). Refer to Table 3 below.

Site	Building Name	Stories	Gross Area	Dwelling Units	Acres	Phase
1A	Alatus Multi-Family Housing 1	6	415,100	278	2.61	1A
1B	Entrepreneurial Market	2	19,110	0	0.71	1A
2	RWFM Event Center	1	26,500	0	1.87	1A
3	Alatus Multi-Family Housing 2	6	300,100	205	2.48	1C
4	PPL + RFWM Family Housing	5	72,000	60	0.87	1B
5	PPL + RFWM Workforce Housing	4	79,000	70	0.78	1D
6	Family Housing	4	72,000	60	0.72	1E
7	Family Housing	4	72,000	70	0.86	1F
A	Outlot A	-	-	0	5.02	1A – 1E
TOTALS				743	15.92	

Full Approvals: (1) Site and Building Plan, (2) Removal from Central Commerce Overlay District, (3) Rezoning and Establishment of a Planned Unit Development, and (4) Re-plat

Partial Approvals: (1) Removal from Central Commerce Overlay District, (2) Rezoning and Establishment of a Planned Unit Development, and (3) Re-plat | ***Separate Approvals Required for Site/Building Plan***

Table 3. Opportunity Site-Phase I Project-Specific and Phasing Information.

Site Design



Image 4. Submitted Overall PUD Site Plan for Subject Property.



Image 5. Submitted Rendering of Overall Phase I Opportunity Site Development.

The submitted Phase I development of the Opportunity Site would encompass approximately 16-acres and provide primary vehicular access off Shingle Creek Parkway, with future access and connection via an extension to John Martin Drive. As proposed, no access would be provided for off Bass Lake Road (County Road 10) and an existing driveway would be removed. Preliminary comments received back from Hennepin County indicate support for the removal of the existing driveway, proposed internal sidewalk additions, and recommended additional connectivity to the existing sidewalk running along Bass Lake Road.

The Applicant worked through multiple iterations of the project proposal between 2018 and today. As the proposal stands today, the Phase I development would eventually be bounded on two edges by a proposed, approximately 3.5-acre urban-regional park, to be owned and maintained by Three Rivers Park District, and a semi-regional stormwater park, complete with sidewalk and trail connections to the existing Shingle Creek and Twin Lakes Regional Trails, which are conveniently located at the intersections of Bass Lake Road (County Road 10) and Shingle Creek Parkway. Pending approval and construction of the Three Rivers Park District park, contemplated for construction just north of Site 1, a regional trail re-alignment would likely take place to provide direct access to this amenity.

The Applicant notes in their narrative that the development, as submitted, is intended to provide a series of interactive, outdoor spaces and amenity spaces to allow for people to connect with one another and their surroundings. It is with guidance from the 2040 Comprehensive Plan, previous planning efforts and studies of the Opportunity Site, extensive community engagement, and a major Zoning Code update currently underway, which would re-zone the Subject Property from its existing C2 (Commerce) District designation to TOD (Transit-Oriented Development), that the Applicant has re-envisioned the Subject Property to the proposal as submitted.

Additionally, the site plans were reviewed against the Active Living Guidelines established for the Opportunity Site under City Council Resolution No. 2015-154, (Exhibit I), which approved an Opportunity Site specific Planning and Development Application, and provides a checklist that addresses building design standards, and provision of pedestrian-level infrastructure and elements.

Per the checklist, proposed buildings should be located near the front street (ROW) line wherever

possible, with entrances located off this front edge, and sited in ways to make entries or intended uses clear and convenient to pedestrians. Further, entrances should be well-lit for user security, and parking lots are encouraged to be underground, in parking structures, or located behind buildings if possible, and designed to facilitate shared parking between uses. Proposed building locations and site connectivity decisions should be informed using CPTED (Crime Prevention Through Environmental Design) principles, including connections to well-lit sidewalks buffered by street trees or other amenities.

At the core of the Phase I Opportunity Site's design are the community benefits outlined within a series of exhibits, diagrams, and schedules, which the development has oriented itself around (Exhibit A).

Setbacks / District Requirements

As proposed, the Subject Property would be re-platted. The following building setbacks are indicated on the newly proposed lots to serve the Phase I development:

Minimum Setbacks (Feet)	TOD District-Draft	Site 1(A) Multi-Family (Alatus)	Site 2 Event Suites (RFBM)	Site 3 Multi-Family (Alatus)	Site 4 Multi-Family (PPL +RFBM)
<i>Front Build-to</i>	0-10	13	12	12	4
<i>Front (Interior)</i>	N/A	-	-	-	-
<i>Secondary Front (Corner)</i>	0-10	-	-	-	-
<i>Side (Interior)</i>	10-50	40 +/- (varies)	21 17	36	10
<i>Rear</i>	10-50 5 (alley)	13	108	52	30-60 (varies)

Table 3. Existing and Proposed Setbacks for the Submitted Site and Building Plans (Subject Property).

Sites 1 (Multi-family, Alatus), 2 (Event Center, RFBM) and Site 3 (Multi-family, Alatus) are all proposed with building setbacks that slightly exceed the building setback provisions as outlined in the draft TOD District requirements; therefore, a request is made to deviate from these provisions as part of the PUD approval request. Per City staff review, some of the deviations are due to the architectural projections on Sites 1A and 3, which result in a deeper setback requirement for the building, as building setbacks are measured from a wall. In the case of the proposed event center (Site 2), greater setbacks are provided in order to incorporate on-site surface parking, a proposed playground for the 24-hour childcare center, and some spacing requirements for the outlined flex street (Outlot A), to be located between the event center (Site 2) and the proposed entrepreneurial market (Site 1B).

The maximum outlined impervious coverage as outlined in the draft TOD provisions is 85-percent. The existing Subject Property is approximately 90-percent impervious and comprised almost entirely of remnant parking lot. The Applicant worked with City staff to reduce the impervious coverage down to the outlined maximum 85-percent coverage.

The draft TOD requirements specify that any new blocks established are between 300 and 500 feet in length as a means to address pedestrian-oriented design and to maximize overall walkability within a development. Maximum block perimeters shall be no greater than 2,000 feet. The new blocks contemplated as part of the application submittal meet these requirements.

Furthermore, the draft TOD District density provisions specify a range of 31 to 130 dwelling units per acre, which is in alignment with the future land use designation provisions for the TOD as outlined within the

City's adopted 2040 Comprehensive Plan. Based on a review of the submittal, the overall densities within the residential components of the development range from between 68 and 107 dwelling units per acre and therefore comply with this standard. Refer to Table 4 below.

Site	Building Name	Stories	Gross Area	Dwelling Units	Acres	Phase	Density (DU / Acre)
1A	Alatus Multi-Family Housing 1	6	415,100	278	2.61	1A	107
1B	Entrepreneurial Market	2	19,110	0	0.71	1A	-
2	RWFM Event Center	1	26,500	0	1.87	1A	-
3	Alatus Multi-Family Housing 2	6	300,100	205	2.48	1C	82.7
4	PPL + RFWM Family Housing	5	72,000	60	0.87	1B	68.9
5	PPL + RFWM Workforce Housing	4	79,000	70	0.78	1D	89.7
6	Family Housing	4	72,000	60	0.72	1E	83.3
7	Family Housing	4	72,000	70	0.86	1F	81.4
A	Outlot A	-	-	0	5.02	1A – 1E	-
TOTALS				743	15.92		

Table 4. Showing Gross Areas, Units and Density for Proposed Phase I Opportunity Site Development.

Architectural Design

City staff reviewed the four developments requesting full site and building approvals (Sites 1A, 2, 3, and 4) against the draft provisions outlined within the draft Zoning Code update and Unified Development Ordinance (UDO) underway, as well as the City's existing Architectural Design Guidelines, which require at least 50-percent of each elevation (face) of a building to be constructed of Class I materials, with the remainder constructed of Class II materials.

Material Breakdown	Site 1 Multi-Family (Alatus)	Site 2 Event Center Childcare Suites (RFWM)	Site 3 Multi-Family (Alatus)	Site 4 Multifamily (PPL + RFWM)
North Elevation				
Class I (%)	45%	72%	62%	50%
Class II (%)	55%	28%	38%	50%
South Elevation				
Class I (%)	53%	77%	52%	34%
Class II (%)	47%	23%	48%	66%
East Elevation				
Class I (%)	45%	65%	66%	46%
Class II (%)	55%	35%	34%	54%
West Elevation				
Class I (%)	45%	68%	60%	51%
Class II (%)	55%	65%	40%	33%

Table 5. Proposed Building Material Breakdown per Building (Subject Property).

An elevation by elevation breakdown of Class I and Class II building materials for each of the prospective developments contemplated under Planning Commission Application No. 2022-003 were provided by the Applicant per City staff request and have undergone multiple revisions and tweaks following City staff and community input. Refer to Table 5 above for a building-by-building breakdown of materials.

Each of the buildings is unique in its massing, articulations, materials, and amenities. For Alatus' developments, Site 1A proposes a primary Class I composition of Low-E glass, brick face, aluminum composite, and select public wall art; whereas a mix of Low-E glass, dark brick, light-colored stone, aluminum composite, and public wall art would be combined to satisfy the Class I requirements for Site 3.

Sites 2 (Resurrecting Faith World Ministries) and 4 (Project for Pride in Living and Resurrecting Faith World Ministries) propose a majority of Low-E glass and dark brick for each elevation. While Site 2 appears to meet the minimum 50-percent Class I threshold, Site 4 appears to reflect slight deficiencies on the south and east elevations.

In earlier conversations with the Applicant and Applicant Architect, it was determined that at least two of the proposed multi-family buildings (namely Sites 1 and 3) had set aside sections of wall space for the integration of public art and had earmarked it as a "Class II" material. It was through these conversations that City staff determined that public art, as determined through selection of an artist for originally-commissioned work, as opposed to the application of commercially available graphics, could request consideration for Class I determination. The submitted plans appear to now identify these areas as "Class I." Refer to Image 6 below.

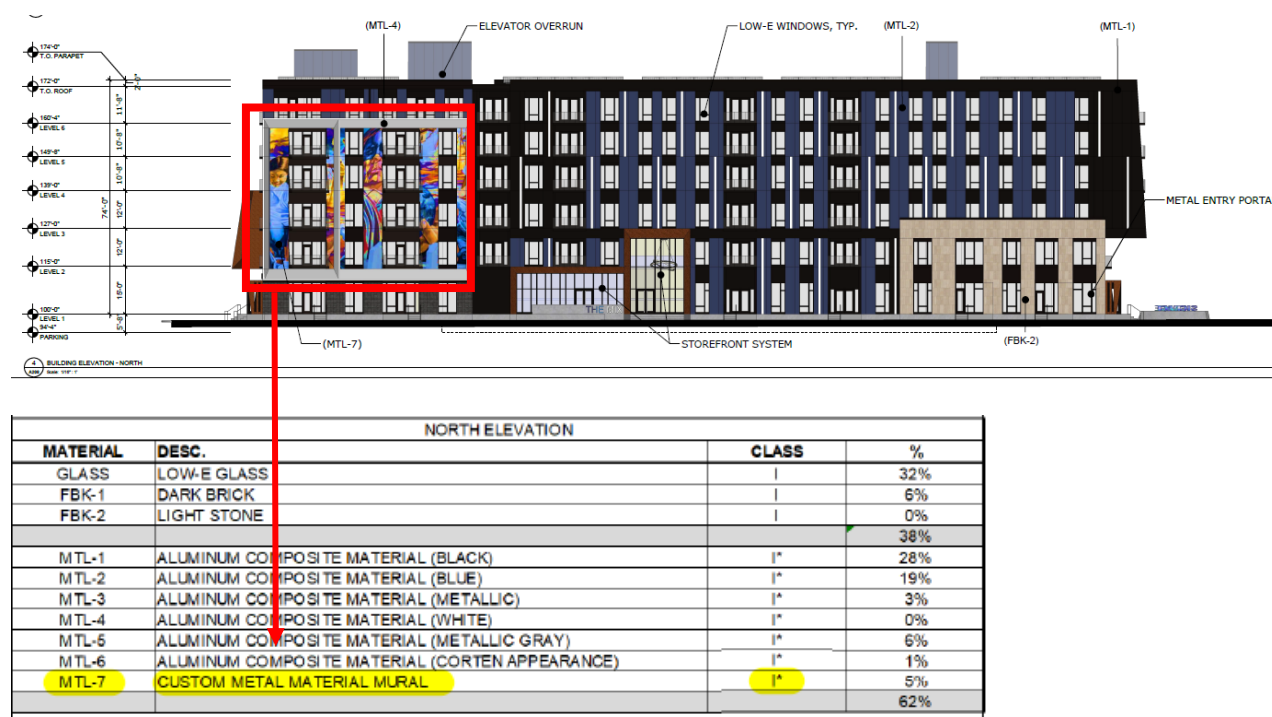


Image 6. Example of Public Art Application as Class I Material (Site 3).

While some sets reflect breakdowns of both Class I and Class II materials (i.e. Sites 2 and 4), other sets only reflect Class I materials (i.e. Sites 1A and 3). City staff requests that the Applicant revise the elevation-

by-elevation renderings to reflect not only a Class I breakdown of materials, but Class II as well. Furthermore, any deficiencies in minimum Class I materials shall be corrected to meet the 50-percent threshold or Class II materials interpreted to be Class I (i.e. public wall art).

Traffic / Access / Parking / Circulation / Connection

Traffic / Access

As proposed, no access would be provided for along Bass Lake Road (County Road 10) and an existing driveway would be removed. Primary access to the Phase I development would be gained via an existing signalized intersection located on Shingle Creek Parkway, with northbound traffic utilizing a dedicated right turn lane into the development, and southbound traffic utilizing an existing dedicated left turn lane at the signal. Said access is proposed for extension to John Martin Drive, and the Applicant has incorporated plans for the construction of approximately 1,800-feet of roadway, intended for acceptance as public right-of-way post construction, as part of this submittal.

Northbound traffic on Shingle Creek Parkway would also have the option of utilizing an access point to the south of the existing traffic signal. It is from these access points that residents and visitors would gain access to the network of private streets. For clarity's sake, the Applicant should provide an exhibit displaying parking and street/drive aisle dimensions with respect to direction of traffic, and any proposed directional or street signage.

Refer to the Opportunity Site Traffic Report (dated February 8, 2021) by Bolton & Menk, and memo dated June 28, 2022, and provided by Bryan Nemeth (Bolton & Menk), in review of the submittal as contemplated under Planning Commission Application no. 2022-003 and with respect to Opportunity Site Traffic Report (Exhibit H).

The 2021 Opportunity Site Traffic Report notes that the existing traffic capacities noted along Shingle Creek Parkway and Bass Lake Road (County Road 10) provide for between 26,900 and 32,200 vehicles per day based upon the existing roadway typical section and outline a volume to capacity ratio of less than 0.85, which is considered of acceptable capacity.

Per City Engineer's Mike Alber's memorandum, dated July 8, 2022 (Exhibit H),

"The submitted PUD is slightly different than the Opportunity Site Traffic and Transportation Analysis, but similar to the Environmental Assessment Worksheet (EAW) with minor revisions to the development mix sizes. The review provided by Bolton & Menk indicated no major changes in comparison to the Opportunity Site Analysis and the EAW, especially in the critical evening (PM) peak hour.

It is not likely that the difference will result in unacceptable traffic operations for the area. The proposed access to Bass Lake Road as identified in the Opportunity Site Analysis is now *not* included as part of the project. The traffic results from the Opportunity Site Analysis should be updated for the change in trip distribution and access use with this and other development changes in the area in comparison to the original study, especially as it relates to the roadway lane needs into and out of the area, and to verify that safety and operations are not negatively impacted."

A loading exhibit was provided with the overall PUD submittal set (Sheet G006), indicating the proposed locations of interior trash rooms, loading docks, trash staging, and designated delivery areas. City staff

requests that the Applicant provide detailed exhibits outlining proposed garbage truck, delivery truck, and fire truck routing and turn radiuses.

As part of the review, City staff requested a review by the City of Brooklyn Center Fire Department of the proposed community flex street, which indicates two one-way drive aisles of approximately 16.5 feet in width and angled parking on either side. Per Fire Inspector Brandon Gautsch's review, it is requested that the Applicant refine the drive aisle widths as necessary to accommodate the City's fire truck equipment. With regard to the Fire Code and specifically Appendix D (*Aerial Apparatus Access*), the Applicant will need to ensure sufficient fire protection coverage and street widths wide enough to accommodate the extension of the outriggers on the City's tower apparatus. In addition, the Applicant will need to ensure adequate clearance of overhead obstructions and a ground clearance of just under 50 feet for the truck. It is further requested that the Applicant provide an exhibit that demonstrates a turning radius of approximately 36.5 feet to accommodate the fire truck.

Parking

The purpose of the TOD (Transit Oriented Development) District is to support opportunities for dense, transit-supportive and transit-oriented development. The TOD district therefore 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 the future growth of transit-oriented development and transit ridership. While it is not uncommon in TOD-designated areas to completely eliminate parking minimums, City staff is cognizant of the City's primarily auto-dependent development pattern as a first ring suburb overwhelmingly built out between the 1950s and 1970s.

One of the primary goals of a transit-oriented development is to minimize the land occupied by motor vehicles so as to provide higher quality amenities and services within said development. The City's transit center, which is one of the busiest boarding locations in the Metro Transit system, and providing Bus Rapid Transit (BRT) service, is located between $\frac{1}{4}$ and $\frac{1}{2}$ mile of the Subject Property, depending on one's location. Even with transit as a consideration, it is hoped that residents and visitors will access the shopping off Bass Lake Road (County Road 10) and on-site amenities via alternative forms of transportation.

The Applicant provides a rationale for the parking provided in their narrative (Exhibit A) and indicates that while the progressive components of a TOD should be considered, it is also "crucially important to consider current transit and vehicular considerations."

The Applicant provided a breakdown of the parking contemplated as part of the Phase I development of the Opportunity Site in Table 6 below; however, City staff noted discrepancies in the total parking provisions and submitted plan sets—indicated in Table 7 below. The Applicant shall work with City staff to ensure all narratives and plan sets provide a clear and consistent application of parking throughout the Subject Property and as a flexibility granted within the requested PUD.

City staff reviewed the submitted plan sets against the Opportunity Site Traffic Report (dated February 8, 2021) by Bolton & Menk, and traffic review memo dated June 28, 2022 provided by Bryan Nemeth (Bolton & Menk), and in response to the plans submitted as part of the Phase I redevelopment of the Opportunity Site. It should be noted that the aforementioned reports and memos and trip generation estimates were determined utilizing a combination of historical traffic data, in conjunction with provided development strategies, and methods provided by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Edition.

Site	Phase	Building Name	Parking Spaces	Type of Parking
1A	1A	Alatus Multi-Family Housing 1	395	Structured
1B	1A	Entrepreneurial Market	60	Street
2	1A	RWFM Event Center	104	Surface Lot
3	1C	Alatus Multi-Family Housing 2	294	Structured
4	1B	PPL + RFWM Family Housing	43	Structured
5	1D	PPL + RFWM Workforce Housing	41	Structured
6	1E	Family Housing	38	Structured
7	1F	Family Housing	38	Structured
A	1A – 1E	Outlot A	154	Street
TOTALS			1,167	

Table 6. Breakdown of Parking Types and Spaces Allocated for Opportunity Site-Phase I.

Parking Use	Required Parking Spaces (Draft TOD)	Provided Parking Spaces (in bold)	Parking Ratio
Site 1A-Multi-Family Housing with Site 1B- Entrepreneurial Market Space	2 Spaces per Dwelling Unit <u>Max</u> 278 units x 2 = 556 Spaces Max Entrepreneurial Market: Assumes 4 spaces per 1,000 SF (Spaces 10,000 SF+) @ approximately 20,000 SF for “retail development” = 80 spaces	Structured Parking: 395 Note: Site 1B- Entrepreneurial Market indicates 60 on-street parking spaces, which are accounted for in <u>shared parking</u> count column below. (Minimum parking to be further evaluated as part of future site and building plan submittal.)	1.4
Site 3-Multi-Family Building (Alatus)	2 spaces per unit max 205 units x 2 = 410 spaces Max	Structured Parking: 294 (Noted as 290 elsewhere)	1.43
Site 4-Multi-Family Building (PPL + RFWM)	2 spaces per unit max 60 units x 2 = 120 Spaces Max	Structured Parking: 51 (Verify total parking and construction of proposed structured parking with Site 5/project timing). Future shared site buildout with Site 5 to provide additional parking)	1.18
Site 2-Event Center 24-Hour Daycare Wellness + Barber Suites (RFWM)	Assembly: 300 attendants + assumed 10% or 30 staff (Catering TBD 7 Non-Event Staff Max/Daytime) = 330 @ 1 space per 3 people = ~110 Spaces Childcare: based on max staff on shift (indicated 7 staff 3 pick-up/drop-off) Retail (Barber Wellness): Less than 10,000 SF = 3 spaces per 1,000 SF - 3,124 SF /1,000 SF x 3: 10 Spaces TBD but assumption of 120+ spaces total	Surface Lot: 104 (Anticipates necessity of overflow parking along private streets depending on event center needs— see below)	0.86
Shared Parking + Private Streets		41 + 38 + 38 (Future Housing/Site 4+5 to be verified) + 154 Unassigned (Street) + 60 (Entrepreneurial Market-Street) = 331 Spaces	--
ADA	TBD	TBD per MN Accessibility Code	
Total Required Parking			
Total Provided Parking		1,175 Spaces	

Table 7. Minimum and Provided Parking.

The review of parking contemplated below is with respect to the above report and memo, data and plan sets provided as part of the application submittal, the parking and Transit-Oriented Development provisions outlined in the draft Unified Development Ordinance (UDO) currently underway, existing Zoning Code provisions outlined under Section 35-704 (*Minimum Parking Spaces Required*), and the 2040 Comprehensive Plan.

At first glance, and if taking a purely mathematical review, it may appear that the parking is insufficient; however, a parking reduction of 10-percent was applied per the provided traffic memo due to the Subject Property's proximity to transit stops, reducing the overall parking need to a minimum of 1,881 spaces (2,090 spaces, as identified in traffic review memo x 0.90). Even with this reduction, the proposed 1,167 spaces do not appear to be consistent with City Code, as there is an identified deficiency. However, the proximity of shopping in the area could be considered for further an additional reduction of 10-percent (for a total of 20-percent), or 505 parking spaces, as outlined through the site.

With that said, City staff has additional considerations to in terms of the minimum of 2,090 parking spaces outlined within the traffic review memo provided by Bolton & Menk that should be addressed. The provided traffic review memo assumes the following:

- Multi-family residential requires two (2) parking spaces per dwelling unit plus 0.5 for each unit for guest parking
 - **City Staff Response:** *The draft parking provisions as contemplated under the draft Unified Development Ordinance assume up to two (2) parking spaces maximum per dwelling unit, not minimum, for multi-family residential buildings. Assuming construction of all 743 units as contemplated under the Phase I development (Sites 1A, 3, 4, 5, 6, and 7), and staff interpretation of parking, to be provided within structured parking garages, a parking ratio of 1.15 spaces per unit would be achieved. Alatus indicates an average of 1.4 parking spaces per dwelling unit within its two multi-family residential developments (Sites 1A and 3), which encompasses 65-percent of the total proposed multi-family residential units contained in Phase I.*
- Retail development is one (1) space per 200-square feet
 - **City Staff Response:** *Parking minimums for the proposed entrepreneurial market (Site 1B) will be determined by the final programming and usage, which is wrapping up. For planning purposes, City staff reviewed the completed Brooklyn Center Entrepreneurship Market Strategy, prepared by ACER Inc. and NEOO Partners, Inc. which outlines the anticipation of "office space and supporting uses (conference rooms, phone/breakout areas), two to three food service areas, and small footprints of retail space" in the Facility and Infrastructure Needs portion of the document (Exhibit D).*

Although the Entrepreneurial Market (Site 1B) is contemplated for platting, re-zoning and PUD approvals, which would outline a flexibility in terms of project size of 20 to 30,000-square feet (currently proposed at approximately 20,000-square feet in submitted plans), Site 1B will require formal site and building plan approvals from the City under a separate application submittal. With this in mind, City staff utilized calculated potential parking needs utilizing the drafted "other retail stores or centers," which would require four (4) parking spaces per every 1,000-square feet in developments greater than 10,000-square feet in size. This is as opposed to the minimum of one (1) parking space per every 200-square feet as outlined in the traffic review memo, which would require a minimum of 100

spaces. Assuming 20,000-square feet and a 100-percent of the space calculated with a “retail store” designation, which seems unlikely, a minimum of 80 parking spaces would be required (60 are currently proposed).

- Office areas are required to have from 5 to 5.5 spaces per 1,000 SF
 - **City Staff Response:** The draft provisions for “office buildings, exclusive of those uses otherwise listed” requires a minimum of three (3) parking spaces for every 1,000-square feet. This would apply to the limited ancillary space within the proposed event center and a designated therapy office (Site 2) and Entrepreneurial Market (Site 1B). Per City staff review of the proposed Entrepreneurial Market, it is likely that some of the outlined office spaces will serve existing users and staff of the respective buildings in the form of meeting rooms and workspace. Further analysis of the minimum parking needs for the Entrepreneurial Market would take place as part of a forthcoming site and building plan application, and pending approval of this application.
- Event centers likely fit into the category of one space for every 2.5 seats, but seats are unknown
 - **City Staff Response:** Per City staff discussions with the Applicant and Applicant Architect, the main gathering space identified within the event center was designed to seat 300 occupants, and the identified pre-event and outdoor event spaces are intended to serve said gathering space, rather than for separate reservation. Assuming a calculation of 1 space for every 3 seats, which is the City’s current and proposed calculation for “assembly” type uses, a minimum of 100 parking spaces would be required to serve the main event space within the event center, along with additional parking spaces reserved for some identified office space and the 24-hour childcare center. As 104 on-site parking spaces are currently contemplated for Site 2, there is an expectation that some visitors would utilize the parallel parking located along the private streets surrounding the site.

Although there are proposed wellness and barber suites within Site 2 (event center building), which are proposed to occupy approximately 3,124-square feet of the Site 2 building, the entrance is oriented towards the flex and private streets, and it is likely that these spaces would be the most desirable for serving parking needs. As proposed, the therapy office would be open from 8 a.m. to 8 p.m. and the barber suites would operate from 6 a.m. to 6 p.m. A maximum of 7 non-event center staff are proposed to work from 7 a.m. to 5 p.m., Monday through Friday, and any event or catering staff would likely utilize the on-site or adjacent private street parking. As proposed and outlined below, the parking for the childcare center staff and parents/guardians (maximum of 7 staff and 3 pick-up/drop-off spaces), would be dedicated.

- For childcare centers, it is assumed that, “1 space per employee plus one space per seven children” is required
 - **City Staff Response:** Current City Code provisions do not specifically outline childcare centers (or schools for that matter) as a use for parking purposes, and historically, minimum parking needs have been through allocation of sufficient parking to serve maximum staff levels on shift, as well as sufficient pick-up and drop-off spaces. City staff relayed to the Applicant and Applicant Architect an expectation that parking in proximity to the center be dedicated for childcare center staff and those picking up or dropping off children, particularly given the adjacent event center and hours of operation.

As is indicated in the submitted narrative, the Applicant assumed a maximum of 7 staff at any one time for the proposed 24-hour childcare center, and would be open Monday through Saturday. Seven (7) parking spaces would be dedicated for childcare center staff and an additional three (3) spaces dedicated for pick up and drop off.

As PUDs allow for a certain deviation or flexibility of standards, a parking reduction (deficit) is acceptable to create a less automobile-dependent project. Most importantly, parking requirements for multi-family residential developments are outlined in the draft provisions of the Zoning Code update are not **Minimums**, but rather **Maximums** in order to further this multi-modal objective. In previous reviews of existing multi-family developments throughout the City, it was determined that there was not necessarily a shortage of parking, but that rather it came down to the overall management and maintenance of quality parking (e.g. designated parking spaces, snow removal) and the location of spaces (e.g. proximity to building, overall sense of safety and adequate lighting). Thus, having a parking deficit for the housing portion of this PUD/TOD development is acceptable, although City staff will require that the Applicant work through a CPTED (Crime Prevention Through Environmental Design) review. City staff believes that despite less parking in the multi-family developments, the parking number will be more reliable given the structured (protected) parking format.

As noted above, City staff requested dedicated parking in close proximity to the proposed 24-hour childcare center, and specifically for staff and pick-up/drop-off, and with respect to the adjacent event center. Per discussions with the Applicant, and provided the orientation of the proposed wellness/barber suites, whose access fronts along the proposed flex street, it is assumed that visitors and staff are more likely to utilize the street parking (10 parking spaces minimum). City staff worked with Applicant to provide additional on-site parking for event center use. The original submittal contemplated 87 on-site, surface lot spaces; whereas, the submitted plan set provides for 104 spaces (+ 17 spaces added). It should be noted that maximum usage of Site 2 is dependent upon the scheduling of events, and is therefore fluid in its use. The mix of uses on Site 2 appear to provide enough flexibility and compatibility (e.g. hours of operation, access to building) that City staff do not foresee a major conflict in the demand for parking.

The proposed event center, 24-hour childcare center, and barber/wellness suites (Site 2) provide for 104 on-site surface lot spaces, which would result in a deficiency of 16 spaces, although it should be noted that customers and staff for the proposed barber and wellness suites are more likely to utilize on-street parking, which would leave Site 2 deficient by 6 parking spaces, assuming a minimum of 120 spaces. As noted previously, on-street, parallel parking is proposed for install on all frontages abutting Site 2.

Of the 1,167 parking spaces identified in the Applicant's narrative for the Phase I development, 773 are located in an enclosed, structured parking garage and would be of high value during the winter months (e.g. no snow removal, constraints to parking, snow storage).

City staff further reviewed the outlined the proposed on-street parking, structured parking, drive aisles and widths with respect to existing City Code requirements. In reviewing the on-street parking, the drive aisles appear to meet the minimum requirements with respect to Fire Code and specifically fire access roads. City staff requests that the dimensions provided along the eastern portion of the Phase I development be revised to address overlap between the indicated drive aisle widths and proposed parallel (0 degree) parking. The Applicant shall work with City Fire and Building to address potential revisions to the outlined community flex street and turning radius requirements for the proposed private streets.

The parallel on-street parking (private) meets the minimum dimensional requirements outlined under Section 35-702 (*Parking Space Standards*) of 8-feet in width by 24-feet in length, although the drive aisles are reduced assuming two-way traffic. Similarly, the angled parking indicated along the proposed community flex street appears to meet minimum dimensional standards, although plan sets should denote the angle of parking. For the Site 2 surface lot, the minimum two-way drive aisle requirement of 24-feet in width is met, as well as the minimum parking space dimensional standards for perpendicular 90-degree parking of 8.6-feet in width by 18-feet in length.

The structured parking contemplated for the multi-family residential buildings contemplates the provision of select compact parking along the outer perimeters of the parking garage with a reduced space depth of between 16 and 17-feet, and drive aisle widths of 22-feet. The parking plans should be revised to reflect minimum dimensions for proposed ADA parking and loading spaces, as the typical standards presented in the submittal indicate 9-foot widths and 5-foot loading stalls, and the circulation of traffic within the garage (e.g. one-way vs. two-way).

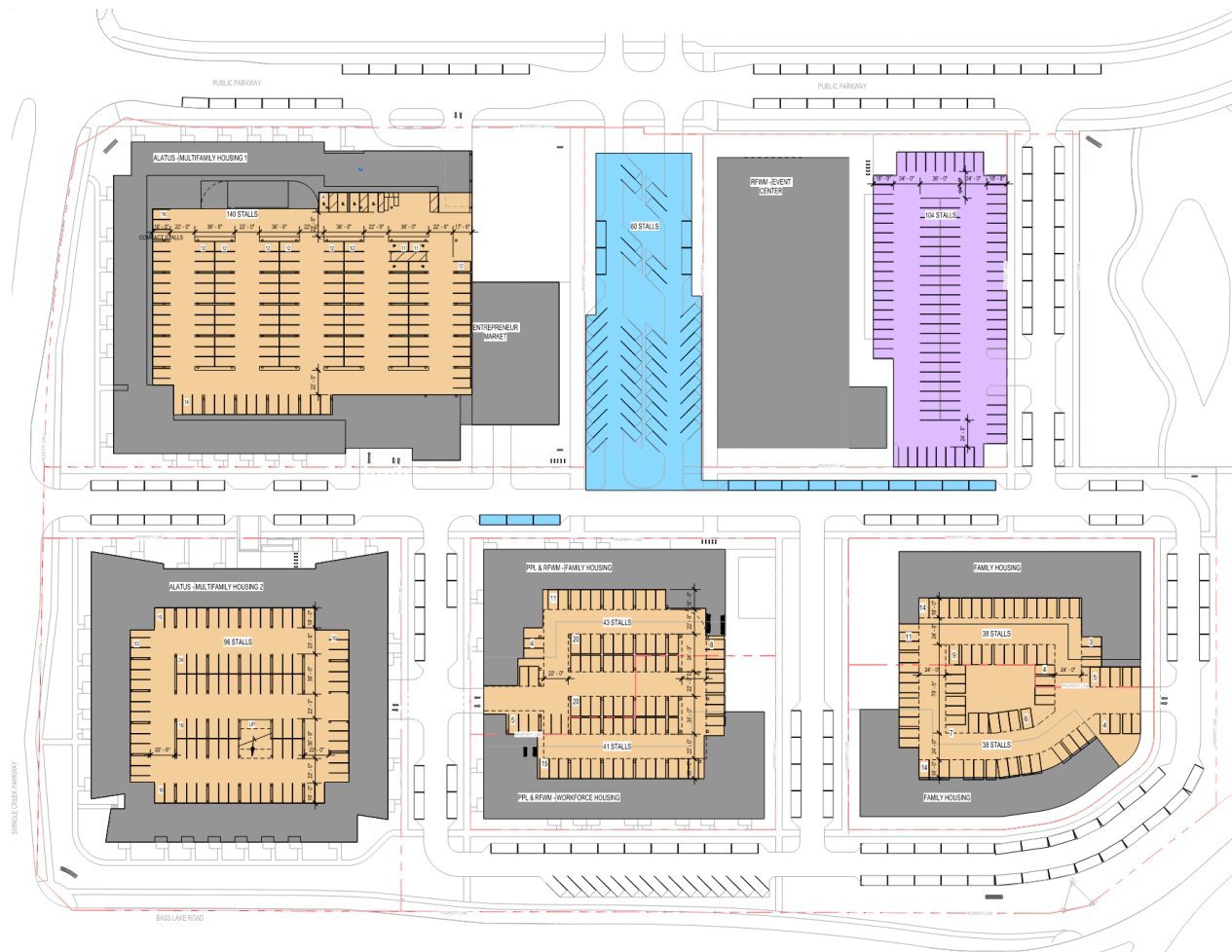


Image 7. Phase I Overall Structured, Surface, and Street Parking at Main/Lower Levels.

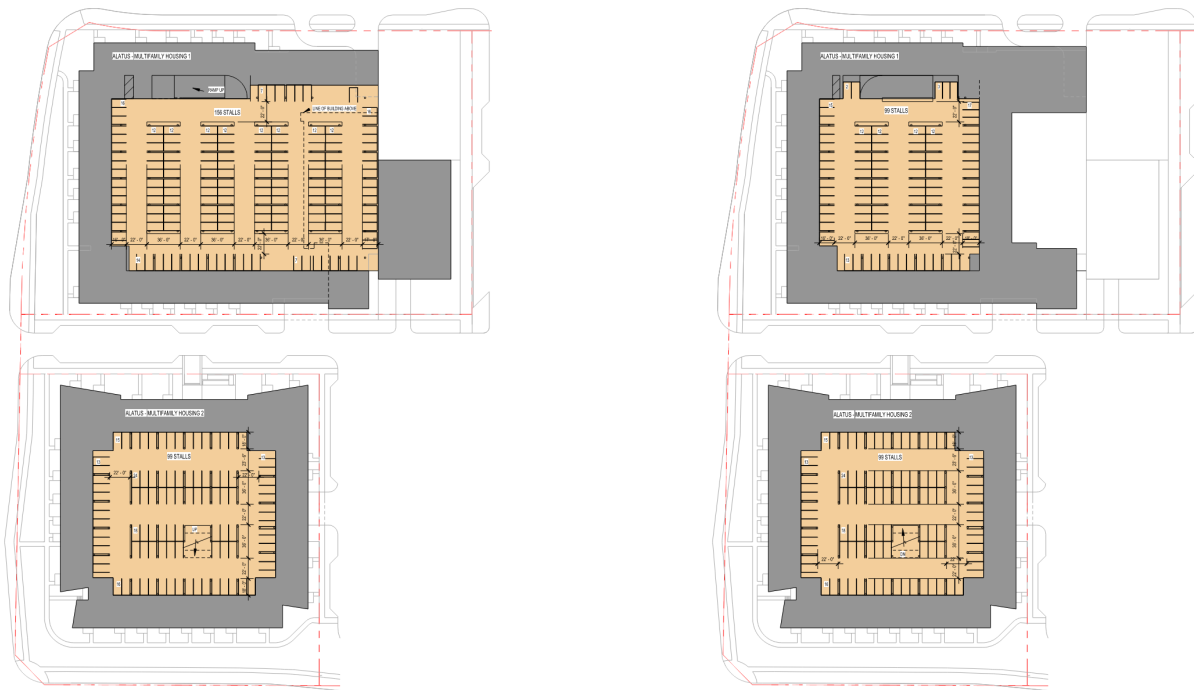


Image 8. Phase I Overall Structured, Surface, and Street Parking at Upper Levels.

Connections / Circulation

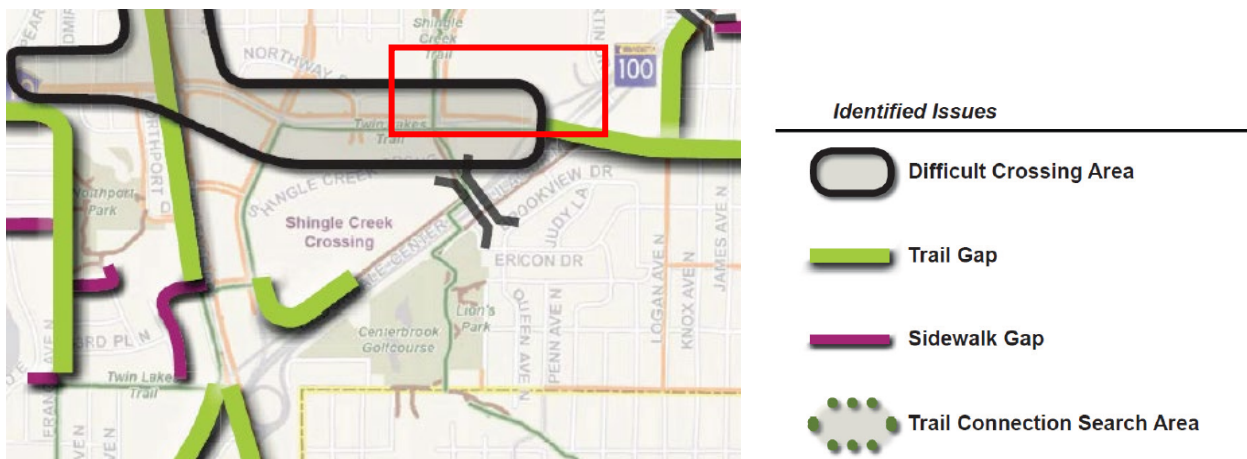
Supporting the central purpose of a PUD is proximity to transit, prioritization of non-motorized transport networks, and the development of neighborhoods that promote walking through a dense network of streets and paths in a mixed-use development. Bus access is readily accessible to the south along Bass Lake Road for Routes 22 and 801, which also has an existing regional bike trail (Twin Lakes Regional Trail, which leads to North Mississippi Regional Park) and sidewalk, while Shingle Creek Parkway, which also has an existing sidewalk and regional bike trail (Shingle Creek Regional Trail) and the nearby transit center, serve Route 722. The transit center also provides existing Bus Rapid Transit service (existing C-Line, with proposed D-Line), and service to Routes 5, 717, 721, 723, and 724.

Per City Code, bicycle and pedestrian facilities shall be constructed and connected to existing adjacent bicycle and pedestrian infrastructure, including the provision of bicycle parking. Following a review of the submittal, City staff requests that the Applicant provide a detailed exhibit noting all marked crosswalks and connections.

City staff recommends that the Applicant re-visit proposed pedestrian and trail connections to account for additional crosswalks and pathways for access to on-site amenities, existing nature trails, bike trails and sidewalks. Refer to Image 9 below. This will be of greater importance with the approximately 3.5-acre Three Rivers Park District park proposed just north of Site 1, as there will likely be re-alignments to existing regional trails to provide direct access to the park site. Refer also to Map 4 below, which outlines existing trail gaps under the 2014 Brooklyn Center Bicycle and Pedestrian Plan.



Image 9. Proposed connections within Phase I Opportunity Site to existing trails and sidewalks.



Map 4. 2014 Brooklyn Center Bicycle and Pedestrian Plan, as outlined in the 2040 Comprehensive Plan (highlighted in red).

The Applicant shall also conform to the Active Living Guidelines established for the Opportunity Site under City Council Resolution No. 2015-154, which approved an Opportunity Site specific Planning and Development Application and checklist with various Active Living components and/or improvements to be incorporated as part of any proposals within the Opportunity Site, and through a Statewide Health Improvement Program (SHIP) Grant with Hennepin County. The principles outlined under this application outline the following principles:

1. The planning, design, and redevelopment of tracts within the City's Opportunity Site should be in the form of complete and integrated communities, which may contain a mix of new housing, shops, workplaces, parks, and civic facilities essential to the daily life of residents.
2. New plans and developments within the City's Opportunity Site should be designed so that housing, jobs, daily needs and other activities are within easy walking and bicycling distance of each other.
3. New development should contain as many active living elements and improvements as possible, especially new trails, bike lanes, and sidewalks, which are interconnected and located within easy walking distance of transit stops and trails connecting to major metropolitan destinations.

Further, developers should address the following for projects located within the Opportunity Site:

- Locate a mix of uses in close proximity to encourage fewer automobile trips;
- Build the pedestrian and bicycle infrastructure that accommodates these forms of transportation; and
- Assure that residents have access to recreational areas and mass transit.

A series of requested pedestrian and bicycle connections are further broken out to address sidewalk and cross walk connections of parking to building entrances, provision of benches and seating, crosswalk striping and signage, and outdoor seating and sales areas incorporated to foster placemaking, where possible. Exterior bicycle parking should be provided in close proximity to building entrances and indoor bicycle racks and controlled access storage rooms provided as an option for longer term bicycle parking.

As proposed, the Applicant intends to install outdoor bike racks at Sites 1A and 1B, 2 and 4. The Applicant should consider opportunities to relocate the bike rack proposed to the southeast of the Entrepreneurial Market (Site 1B) near main building entry points. Further, the Applicant should explore opportunities to provide dedicated bike parking and storage *within* the proposed structured parking for the multi-family residential developments and in consideration of Minnesota's winter season. Additional opportunities should be explored to expand upon bike parking opportunities—for instance, Site 4, which is intended for larger, family-style units, seems to only provide enough parking for 10 bikes.

Sites 1A, 3, and 4 propose main level walk-up units with patios with direct access to private sidewalks that will link to public sidewalk and trail connections. Site 2 will provide entrances on three sides of the building to serve all the uses, with direct access to sidewalks.

Hennepin County provided an initial review and comments on July 5, 2022, and expressed appreciation for the removal of an existing mid-block driveway along Bass Lake Road (County Road 10), as it promotes a more bicycle and pedestrian friendly environment with reduced points of conflict and safer overall vehicle operations. Hennepin County further indicated support of the proposed new sidewalk connections within the Phase I development and recommended additional connectivity between the proposed internal private sidewalks and existing sidewalks along Bass Lake Road (County Road 10).

Lighting

Given the intent to re-zone the Subject Property to Transit-Oriented Development (TOD), City staff reviewed the submittal against the draft lighting requirements as contemplated in the City's draft Zoning Code update that will ultimately be incorporated into a Unified Development Ordinance (UDO), as well as

the existing Zoning Code lighting requirements (Section 35-712, *Lighting*), which are fairly minimal. The Applicant shall work with City Staff through a CPTED (Crime Prevention Through Environmental Design) review for all exterior building and site lighting, but also internal lighting (e.g. structured parking garages, stairwells, trash areas), public/private streets and connections (e.g. sidewalks, trails), gathering spaces (e.g. plazas), and other amenities (e.g. playgrounds for proposed 24-hour childcare center, Site 4/5 playground).

The Applicant should ensure sufficient lighting is provided and distributed over all entrances and exits, walkways, and within structured parking garages, and consistent lighting provided along all sidewalk, trail, and bike path connection points within and along the outer perimeter of the Subject Property and fronting along Shingle Creek Parkway, Bass Lake Road (County Road 10), and the proposed roadway extension between Shingle Creek Parkway and John Martin Drive.

In reviewing the draft lighting requirements, “mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic and pedestrian safety on public streets and sidewalks. Illumination cast from lighting of the subject parcel shall not exceed one (1) foot-candle as measured from the centerline of a public street or residential property line.” For comparison, the lighting provisions outlined under the existing Zoning Code allow for a maximum three (3) foot-candles when abutting residential properties, or a maximum of ten (10) foot-candles when abutting on-residential or City Right-of-Way (ROW).

In terms of proposed lighting, the draft lighting provisions note that, “light poles located within landscaped areas and plazas shall have a maximum height of 20 feet, measured from grade,” and that “poles within these areas may be set on pedestals no more than eight (8) inches in height.” Additionally, “poles in parking lots shall have a maximum height of 24 feet measured from finished grade.” Wall packs are to be used only in areas intended for loading or service (e.g. trash); however, lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements (e.g. public art), or to help establish scale or provide visual interest (e.g. above entrances or landscape features).

An overall photometric (lighting) plan was provided with the submitted application, as well as photometric plans for each site requesting site and building plan approvals (Sites 1, 2, 3, and 4). Refer to Image 10 below.

As proposed, the Applicant intends to install a cohesive set of 11 wall sconces at approximately 10-feet in height on buildings across all four sites. As these sconces provide up-down lighting, the Applicant shall ensure that the up-portion of lighting is shielded sufficiently so as not disperse light towards the sky (e.g. shielding/cut offs). 73, 12-foot high light poles on a 6-inch base are proposed for installation throughout the Phase I development along the new streets and pedestrian ways. 37 single head light poles, 20-feet in height with a 6-inch base are also proposed for installation along the new streets and pedestrian ways, as well as 7 double head light poles, 20-feet in height with a 3-inch base, intended for install in the middle of the proposed flex street.

The aforementioned light poles are LED-style lighting that are minimalist in design and integrate a backlit shield to concentrate light towards the ground in outdoor areas. They are also sustainable in design in that only the components require replacement, rather than the full luminaire. 7 wall-packs are also proposed for installation over proposed entrances and exits to the structured parking garages and loading areas, at approximately 10-feet in height.

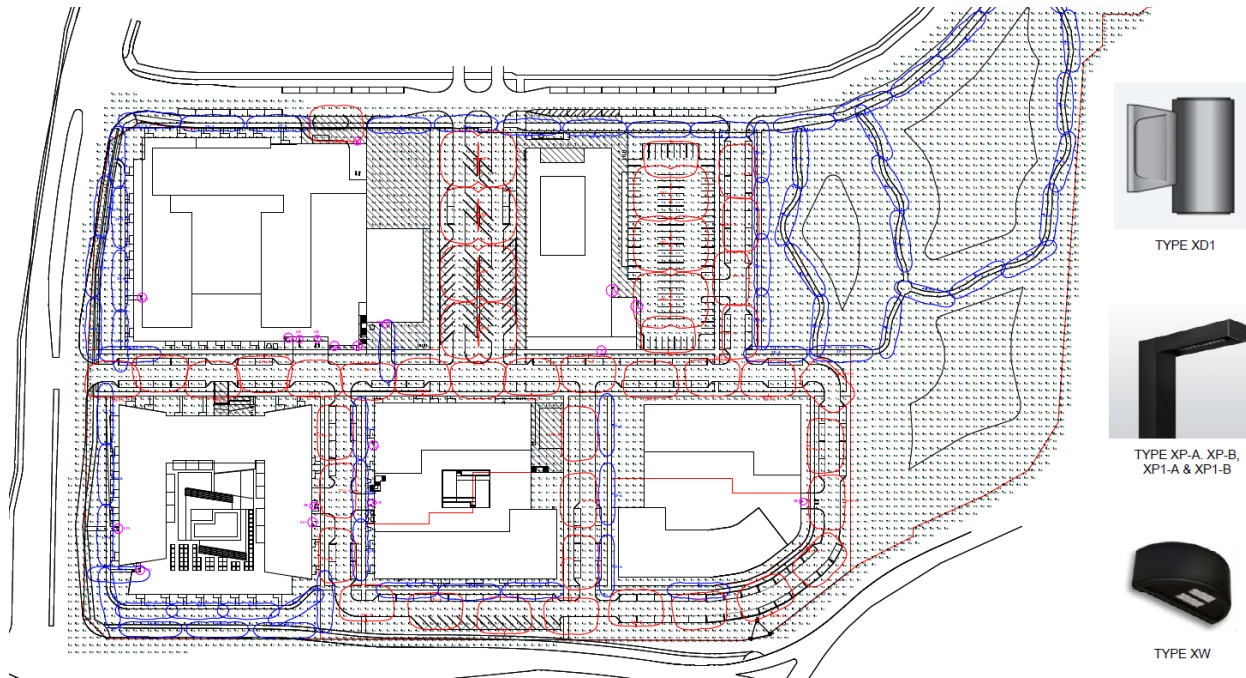


Image 10. Submitted Overall Photometric Plan with Proposed Lighting.

Although early in the process, the Applicant may want to explore opportunities to highlight public art features proposed in certain locations using light. As the City intends to establish streetscape and lighting standards as part the overall master plan for the Opportunity Site, the Applicant should coordinate street lighting with the City’s proposed standards.

Provided the above information and the submitted photometric sets, City staff has the following comments:

1. Revise overall PUD photometric plan to clearly note property lines on the overall PUD plans, and indicated on Sheet E015 (*Electrical Site Photometrics*). Minimum, maximum, and average foot-candles are presented in a table format and indicate maximum foot-candles at the property lines of between 0.01 to 2.8 foot-candles, which may require adjustment.
2. The Applicant shall coordinate with the City, as the City intends to establish streetscape and lighting standards as part the overall master plan for the Opportunity Site.
3. Provide individual (site) photometric plans as part of any sets submitted for permit review.
4. Coordinate with City staff for CPTED review, including incorporation of lighting that aligns with Illuminating Engineering Society (IES) standards for sidewalks, parking lots, parking ramps, etc. Uniformity in lighting throughout these areas should be considered as well as the use of wall packs or alternative methods at entrances or areas where sufficient lighting is difficult to achieve by way of a light pole.

Trash / Screening

All ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent public rights-of-way and properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the materials used on the primary building. Roof-mounted equipment shall also be screened from view through use of parapets, wall/ fencing materials, or paint to match surrounding colors when visible from the public right-of-way.

In reviewing the proposed trash facilities, it appears the multi-family residential buildings (Sites 1A, 3, and 4) intend to store their trash within the structured parking areas of their respective buildings. Each submitted site plan indicates dedicated concrete pads for the rollout of trash containers on pickup days to the sides of parking garage entrances and exits. Site 2 indicates a trash and loading area just north of the proposed playground for the 24-hour childcare center and an entry door on the east side of the property. It is to City staff's understanding that this trash area would be shared between all users of Site 2 (i.e. event center, childcare center, barber/wellness suites).

City staff requests additional detailing that clearly displays how trash pickup would be handled as it is in proximity to ADA parking and loading spaces and the entrance to the childcare center. Should it be determined an exterior trash enclosure is required, the Applicant will need to work with City staff to provide a revised site plan with detailing sheet for construction of the enclosure.

The Applicant shall revise plan sets as necessary to provide sufficient screening for all ground-mounted equipment, as the submitted PUD plan set (Sheet A001) indicates some areas with screening (i.e. Site 1A, which outlines an "architectural metal screen with gate" for a proposed generator and transformer); whereas other areas of the sheet indicate transformers without any apparent plans for screening (e.g. Site 2 on Sheet A002 and Site 3 on Sheet A003).

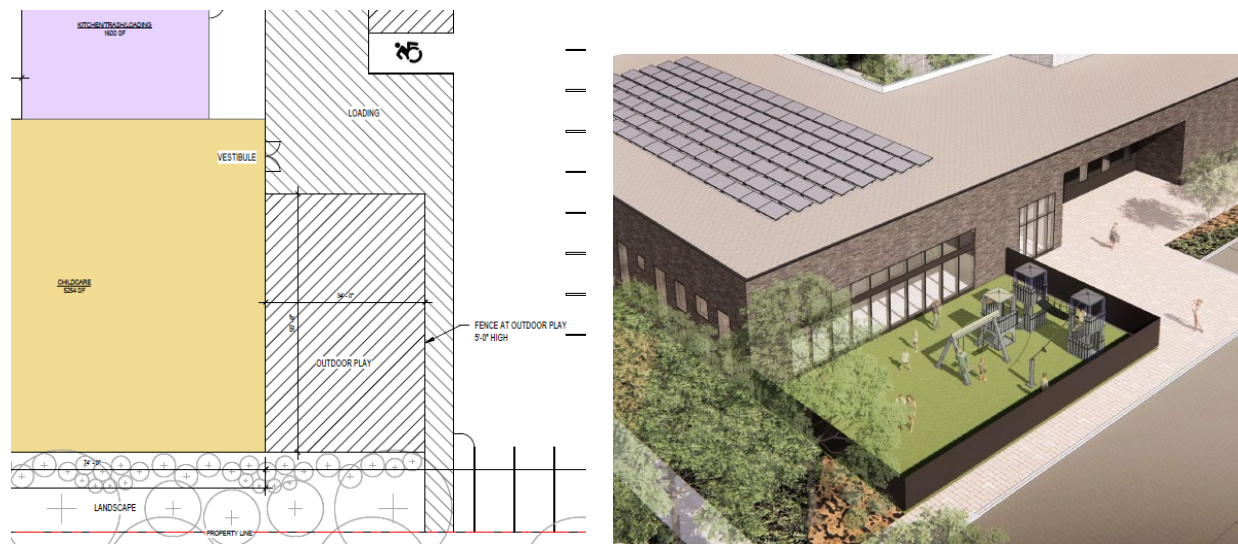


Image 11. Submitted Plans for Outdoor Playground at 24-Hour Childcare Center (Site 2).

As proposed, the 24-hour childcare center (Site 2) indicates installation of an approximately 5-foot high fence. Per existing Zoning Code requirements, outside recreational facilities shall be appropriately separated from the parking and driving areas by a wood fence not less than four (4) feet in height, shall be contiguous to the daycare facility, and not located in any yard abutting a major thoroughfare, unless buffered appropriately. No more than half (50-percent) of the playground area shall be of impervious

surfacing, and shall be bounded on no more than two sides by parking and driving areas.

A second playground area is proposed for Sites 4 and 5, as outlined Image 12 below. As is indicated in the submittal plans, Site 4 proposes construction of a 60-unit multi-family residential building that would be catered to family-style units, with 75-percent of the units committed to units two-bedrooms and above. A second multi-family residential building (Site 5) to be constructed in the future, would ultimately share parking and select site improvements and amenities. The Applicant shall provide detailing that demonstrates fencing provisions given proximity to the street, as well as sidewalk connections to the playground from the building. It should be noted that an approximately 1,000-square foot interior play area is proposed for Site 4 as well.

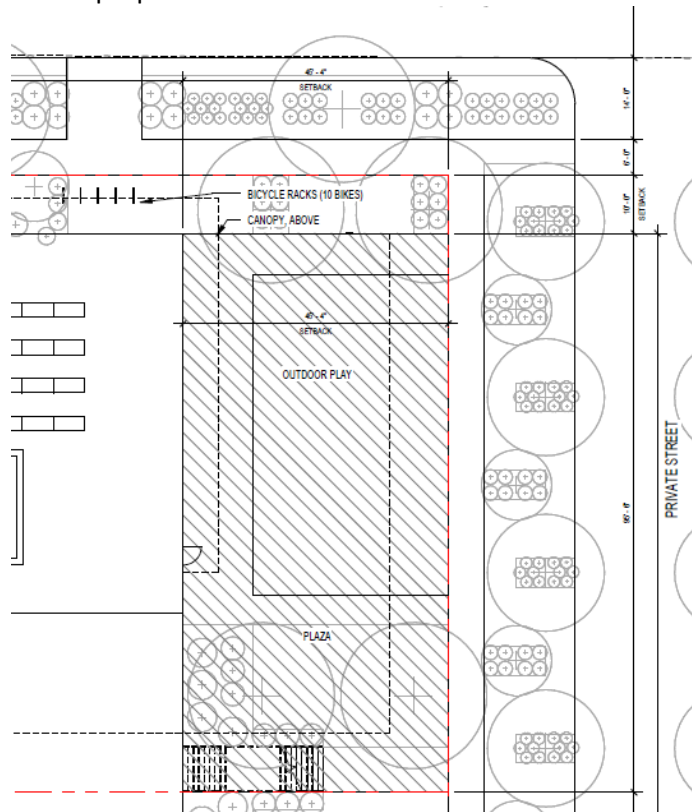


Image 12. Submitted Plans for Outdoor Playground at Sites 4 and 5 (Multi-Family Residential).

Landscaping / Green and Amenity Spaces

As proposed, the landscaping demonstrates commitments to streetscaping, public art, and/or placemaking elements, in addition to connections to existing trails and sidewalks. This generally meets City Code and Active Living requirements outlined and intended to promote social interaction, leisure opportunities, public gathering and activities, and the provision of focal points and activity nodes within the development, although there are opportunities to improve.

As is outlined in the project narrative (Exhibit A), the Applicant approached the outlined landscaping, green and amenity spaces proposed for within this application with the recognition that the redevelopment was intended to serve a larger overall re-development of the City's designated Opportunity Site, which encompasses approximately 80-acres of Brooklyn Center's core. A semi-regional "stormwater park," located to the eastern edge of the proposed Phase I redevelopment, is contemplated under this application submittal. Additionally, the Phase I development was designed knowing that an

approximately 3.5-acre park, to be owned and managed by Three Rivers Park District, is forthcoming and slated for certain property located to the north of Site 1.

Portions of Outlot B, as outlined in the OPPORTUNITY SITE ADDITION and Lot 2 of BCCS 5910 SHINGLE CREEK ADDITION, recently approved for under Planning Commission Application No. 2022-002 and a portion of which is intended for purchase by the City, would provide the lands necessary to accommodate future phasing (including the proposed Three Rivers Park District park), developable lands, and infrastructure needs.

The Applicant's narrative outlines a Green Sustainability Plan and integration of district and semi-regional stormwater systems (minimum of 20 percent to serve Phase I development with remaining 80 percent to serve future phasing), plazas, and pavilions. Playground spaces are contemplated as part of the 24-hour childcare center (RFWM/PPL), as well as the first phase of the 60-unit affordable multi-family development (PPL), which would focus on providing family-oriented units of up to four (4) bedrooms.

The project submittal includes two (2) two site-specific landscape plans with planting schedules for Sites 2 and 4, as well as an overall landscape plan (Sheet L-000) as part of the PUD submittal set. The site-specific landscape plans for Sites 1A and 3 appear to be missing and require submittal to City staff for review. The aforementioned PUD landscape plan provides detailing on proposed public and private amenity spaces, including public plazas, private courtyards, and proposed seed mixes for the semi-regional stormwater park; however, a Phase I-wide landscape planting schedule is absent. A provided phasing plan also outlines plans to sod/seed certain future phasing (i.e. Sites 5, 6, and 7) in the interim.

For the purposes of this review, City staff reviewed the submittal against the City's existing Landscape Point System Policy guidelines, as well as the draft landscaping provisions contemplated under the Zoning Code update currently underway, and specifically for the underlying TOD District. Although City Code does not have any specific requirements on the species of landscaping, the City has operated under and held new and redeveloped areas to complying with the City's adopted Landscape Point System policy, which assigns points to a given site based on the acreage and type of development. In discussions with the Applicant, and in consideration of the draft landscaping requirements outlined within the City's draft Unified Development Ordinance (UDO), City staff requested that the Applicant explore opportunities to diversify the landscaping and provide native and resilient plant types where possible.

The Landscape Point System outlines requirements for uses such as "multi-family residential," and "restaurant/retail/service/entertainment/hotels," and requires a specific amount or number of landscaping units based on the maximum percentage of certain materials (i.e., 50% shade trees; 40% coniferous trees; 35% decorative trees; and 25% shrubs). City staff reviewed landscaping for the two submitted site-specific landscape plans (Sites 2 and 4), as well as the proposed overall PUD landscape plan, which incorporate future phasing as part of the PUD.

The overall PUD landscape plans should provide for a consistent character within the site, contemplating not only project scale, but cohesion in landscape character provided the adjacent developments and open spaces. No more than 40-percent of the total number of trees provided shall be of the same species in order to promote species diversity and resilience, and landscape vegetation should use native and resilient plant types where possible as a mitigative approach in promoting landscape resiliency and reducing on-going site maintenance requirements.

The outlined draft provisions for Transit-Oriented Development (TOD) Districts also contemplate the

following minimum landscape requirements and are based on project valuation:

Project Value	Landscape Minimums
Below \$1,000,000.00	2 percent
\$1,000,000.00—\$3,000,000.00	\$20,000.00 + 1 percent of total project value
\$4,000,000.00—\$5,000,000.00	\$40,000.00 + .50 percent of total project value
Over \$5,000,000.00 value	1 percent + .25 percent of total project value

Table 8. Minimum TOD District Provisions for Landscaping (based on valuation).

The Applicant should revise the overall PUD landscape plan (Sheet L-000) to provide a comprehensive plantings schedule for the Phase I development, as contemplated under Planning Commission Application No. 2022-003. The individually-submitted landscape plans shall have their schedules revised as necessary and provide clear representation of the specific locations for plantings.

As has been addressed in earlier sections, City staff requested the Applicant go through a CPTED review to identify opportunities to increase the overall safety of the development and keeping eyes on the street by ensuring sight lines are maintained through the selection of more decorative trees, and incorporation of certain vegetation along building walls, entrances, and windows.

The Applicant should ensure adequate Clearview Triangles are provided at all street intersections per City Code Section 25-802, and the Applicant should verify the placement of trees and other landscaping within proximity to proposed utilities. The Applicant should also consider stepping certain landscaping back at and near intersections and pedestrian crossings to provide adequate visibility for both motorists and pedestrians.

Engineering Review

Mike Albers, City Engineer, reviewed the plans and provided a memorandum, dated July 8, 2022 (Exhibit H). His review summarizes comments and requested revisions with respect to the submitted civil and PUD plan sets, including: storm sewer, sanitary sewer, watermain, SWPPP and erosion control, roads, trails, and sidewalks, traffic, lighting, platting, and overall comments. In addition, a set of redlined sheets are included for the Applicant to address.

Building| Fire Review

Building Official Dan Grinsteinner conducted a cursory review of the submitted plan sets and provided a memorandum dated July 8, 2022 (Exhibit J). Pending approval of the requests, the Applicant will need to submit full construction plans, including but not limited to: architectural, structural, mechanical, plumbing, electrical, civil, landscaping, and photometric plans to the City for review.

A fire sprinkler and monitoring system is required for installation and is to be maintained at all times for each of the buildings, and sufficient fire hydrants and shall be provided. It is requested that the Applicant provide an exhibit noting the minimum clearance around each of the development's hydrants, and as outlined in the Fire Code. Any construction sets shall reflect any proposed fire riser rooms or ground/wall mounted fire access connections (e.g. wall PIV, OS & Y).

Building Official Dan Grinsteinner and Fire Inspector Brandon Gautsch request an exhibit noting an approximately 36.5-foot turning radius for the City's fire truck for all private streets within the Phase I Opportunity Site development and request revisions to the proposed flex street to ensure adequate drive aisle widths for the outrigger.

The Applicant will also need to meet any minimum ADA requirements with regard to the building and site improvements, and prior to issuance of any building permits, a SAC determination shall be submitted to the Metropolitan Council and any associated fees shall be paid at time of permit issuance.

All building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.

CPTED Review

City staff requests that as part of any construction set review, a CPTED (Crime Prevention Through Environmental Design) review be completed by City staff. High-level commentary was provided by Housing and Community Standards Supervisor, Xiong Thao. It is requested that the Applicant address potential improvements to lighting, landscaping (and specifically foundational plantings), traffic measures (e.g. install of speed tables in ramps or select streets), signage, fencing, bicycle facilities, and playgrounds. Additional considerations should be contemplated for the on-going maintenance of the development, including but not limited to litter, landscaping, etc.

External Reviews

The submitted plan sets were forwarded on to contacts at Hennepin County, the Minnesota Department of Transportation (MnDOT), and the Watershed Commission review. Any approval of Planning Commission Application No. 2022-003 is subject to the Applicant complying with any requested revisions or recommendations as outlined by the aforementioned authorities.

The Watershed Commission anticipates review of the Phase I Opportunity Site submittal, as contemplated under Planning Commission Application No. 2022-003, at their August 11, 2022 Watershed Commission meeting.

Based on the above noted findings, City staff recommends approval of the four (4) submitted site and building plans provided for Sites 1A, 2, 3, and 4 , as outlined in the proposed redevelopment of the approximately 16-acre Subject Property located at 2500 County Road 10 and 5900 Shingle Creek Parkway, subject to the Applicant complying with the outlined Conditions of Approval, and approvals of the related preliminary and final plat, amendment to the City's Zoning Code to remove the Subject Property from the Central Commerce Overlay District, re-zoning and Establishment of a Planned Unit Development.

APPROVAL CONDITIONS | ANTICIPATED PERMITTING

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2022-003 for the Subject Property located at 2500 County Road 10 and 5900 Shingle Creek Parkway, and commonly identified as the Phase I Opportunity Site:

1. The building plans are subject to review and approval by the Building Official as noted in the memorandum dated July 8, 2022, and with respect to applicable codes prior to the issuance of permits; and the final location or placement of 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 the approved site and building plans and overall PUD plan can only be made by an amendment to the approved site and building plan as approved by the City Council.
 - i. Revise plan sets to address comments and requirements as outlined by the Building Official, Fire Inspector, City Planner, and City Engineer. All plan sets shall

- be consistent in the information provided (e.g. number of units, parking provisions), and to address/remove inaccurate information (e.g. easements to be vacated but reflected on submitted site and building plans, revisions to drive lane widths along eastern edge of Phase I development).
- b.** The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval.
 - i. Fire sprinkler system are required to be installed for all buildings and shall be maintained on a consistent basis per City Code requirements.
 - ii. A clearance exhibit is to be provided for all proposed fire hydrants.
 - iii. A turning exhibit shall be provided to reflect minimum turning radius for fire apparatus on private streets outlined in Phase I Opportunity Site development.
 - c.** SAC Determinations shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
 - d.** A cursory CPTED review was provided for the submittal; however, the Applicant shall work with City to address any outstanding comments and revisions to site and building plans prior to permit release.
 - e.** The Applicant shall revise the submitted overall PUD landscape plan per City staff comment to incorporate Phase I planting schedule, and provide site-specific landscape plans for review and approval in advance of permit release.
 - f.** The Applicant shall install irrigation systems where necessary to facilitate maintenance of site landscaping and green areas, and irrigation shop drawings shall be submitted for review and approval prior to installation.
 - g.** The Applicant shall revise the submitted overall PUD photometric plan to clearly identify all property lines, revise illumination levels, and address provisions of additional lighting, as necessary. Site-specific photometrics are required for submittal in advance of permit release.
 - i. The Applicant shall coordinate street lighting with the City's proposed standards for lighting and streetscaping.
 - h.** 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 a revised site plan and details sheet provided.
 - i. Provide additional detailing for trash pickup for Site 2.
 - ii. Adequate spacing of trash staging area from building.
 - i.** 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 comply with the City's Sign Code provisions.
- 2.** The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's review memorandum and redline comments, and dated July 8, 2022.
 - a.** Final grading, drainage, utility, and erosion control plans and any other site engineering related issues are subject to review and approval by the City Engineer for City site and building plan approval and prior to the issuance of permits.
 - b.** Approval and issuance of an MPCA NPDES permit.
 - c.** Approval and issuance of a Hennepin County Right-of-Way (ROW) permit.
 - 3.** The Applicant shall address any comments and requirements as outlined by Hennepin County, the Minnesota Department of Transportation (MnDOT), and Shingle Creek and West Mississippi

Watershed Management Commission.

4. Agreements:

- a.** The Applicant shall enter into a Development Agreement with the City of Brooklyn Center, to be reviewed and approved by the City Attorney prior to the issuance of any building permits.
 - i.** Provision of a Community Benefits Plan.
 - ii.** Financial guarantee, to be approved by the City and executed in advance of any building permit release, to ensure the Phase I Opportunity Site development will be constructed, developed, and maintained in conformance with the plans, specifications, and standards.
- b.** 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 any building permits. The agreement shall further assure compliance with the development plans submitted with this application, and future phasing contemplated within the Phase I Opportunity Site development. Said agreement shall acknowledge the various modifications to City ordinances, the framework of the PUD (Development Plans and Exhibits), cross parking, access, and encroachment agreements, responsibilities for private and public infrastructure, improvements, and their continued maintenance, and any conditions of approval to assure compliance with the approved development plans.
 - i.** The Applicant is allowed flexibility in the future development of Site 1B to accommodate a proposed entrepreneurial market of between 20,000 and 30,000-square feet, subject to separate site and building plan approvals by the City.
 - ii.** Administrative approval to address any necessary revisions and alterations to proposed design and implementation of public infrastructure, including, but not limited to: proposed semi-regional stormwater ponding, roadway extension, sidewalk and trail connections and alignments, etc.
 - iii.** Public wall art shall be reviewed on a case-by-case basis by City staff for consideration as a Class I building material. In these cases, the Applicant shall work with the City's public art consultant, or other, through selection of an artist to implement said artwork.
- c.** The Developer shall submit an as-built survey of the property, improvements, and utility service lines prior to release of any Performance Agreement financial guarantee.
- d.** A Utility Facilities Easement Agreement is required for submittal to the City prior to issuance of any permits.
- e.** A Construction Management Plan and Agreement and associated escrow are required for submittal prior to the City prior to issuance of any permits.

5. Platting:

- a.** Approval of the preliminary and final plat for the OPPORTUNITY SITE ADDITION are contingent upon the addressing of comments by City Engineer Mike Albers in the memorandum dated July 8, 2022, by Charles Webb, Webb Surveying LLC, in a memorandum dated June 28, 2022, and any comments or requirements provided by the City Attorney's office, and Hennepin County.
- b.** The successful recording of said plat (mylar) with Hennepin County.

RECOMMENDATION

Based on the above-noted findings, City staff recommends the following:

Motion to approve resolutions for the (1) the preliminary and final plat for the OPPORTUNITY SITE ADDITION, (2) the submitted site and building plans for Sites 1A, 2, 3, and 4, as contemplated under Planning Commission Application No. 2022-003, (3) an amendment to the City's Zoning Code to remove the Subject Property, located at 2500 County Road 10 and 5900 Shingle Creek Parkway, from the Central Commerce Overlay District, and (4) a re-zoning of the Subject Property from C2 (Commerce) District to establish a Planned Unit Development (Planned Unit Development/Transit-Oriented Development District), based on the submitted plans and findings of fact, as amended by the Conditions of Approval in the July 14, 2022 Planning Commission Report, and last updated for the August 8, 2022 City Council meeting.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2022-003 Plans and Documents, originally submitted May 10, 2022, and re-submitted June 14, 2022.

Exhibit B – Public Hearing Notice, as published in the Brooklyn Center *Sun Post*, and dated June 30, 2022.

Exhibit C – City Council Resolution No. 2021-90, dated July 12, 2021, and Opportunity Site Infrastructure Framework.

Exhibit D – Opportunity Site Summary of Planning Activities.

Exhibit E – LISC Development Guidelines for Future Opportunity Site Development.

Exhibit F – City Council Resolution No. 2021-84, dated June 28, 2021, and Community Engagement Process.

Exhibit G – City Council Resolution No. 2022-61 (A Resolution Making a *Negative Declaration of the Need for an Environmental Impact Statement for the Brooklyn Center Opportunity Site #1*), and dated June 13, 2022.

Exhibit H – Traffic and Engineering Reports/Memos: Review Memorandum and redlined set, prepared by City Engineer Mike Albers, dated July 8, 2022, Opportunity Site Traffic Review Memo, prepared by Bolton & Menk, and dated June 28, 2022, and Opportunity Site Traffic and Transportation Analysis Summary Report, prepared by Bolton & Menk, dated February 8, 2021.

Exhibit I – City Council Resolution No. 2015-154 (*Resolution Establishing Active Living Guidelines for the Opportunity Site*), dated October 12, 2015.

Exhibit J – Review Memorandum, prepared by Building Official Dan Grinstein, and dated July 8, 2022.