

Member introduced the following resolution and moved its adoption:

#### RESOLUTION NO.

RESOLUTION REGARDING THE RECOMMENDED DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2022-003 FOR A RE-PLAT, 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 TO ALLOW FOR A PHASE I REDEVELOPMENT OF THE CITY'S OPPORTUNITY SITE (2500 COUNTY ROAD 10 AND 5900 SHINGLE CREEK PARKWAY)

WHEREAS, Planning Commission Application No. 2022-003, submitted by Alatus, LLC, Project for Pride in Living, and Resurrecting Faith World Ministries (Collectively, "the Applicant"), requests review and consideration of requests relating to certain property under the ownership of the Economic Development Authority (EDA) of the City of Brooklyn Center, and located at 2500 County Road 10 and 5900 Shingle Creek Parkway; and

WHEREAS, said requests as contemplated under Planning Commission Application No. 2022-003 include a re-plat of approximately 32 acres, an amendment to the City's Zoning Code to remove the Subject Property from the Central Commerce Overlay District, and the re-zoning and establishment of a Planned Unit Development, which would allow for an approximately 16-acre Phase I redevelopment of the City's larger 80-acre Opportunity Site; and

WHEREAS, the Subject Property is situated in the Central Commerce Overlay District and pursuant to a determination by City staff, the proposed mixed-use development, and specifically the residential component of the project, is not a defined use within the District; and

WHEREAS, given the Zoning Code update currently underway, and guidance from the City's 2040 Comprehensive Plan, a request is made to remove said property from the Central Commerce Overlay District; and

WHEREAS, additional requests are made to re-zone the existing Subject Property, which is currently located within the C2 (Commerce) District, and establish a Planned Unit Development with an underlying designation of Transit-Oriented Development (Planned Unit Development/Transit-Oriented Development), which is in alignment with the identified future land use designation of the Subject Property as outlined in the City's 2040 Comprehensive Plan, and falls within the allowable density range of 31 to 130 dwelling units per acre; and

WHEREAS, the requests, as contemplated under Planning Commission Application No. 2022-003 would provide the full site and building plan approvals necessary to construct a 278-unit multi-family residential building (Site 1A), approximately 27,000-square foot event center with 24-hour childcare center, wellness and barber suites (Site 2), a 205-unit multi-family residential building (Site 3), and a 60-unit multi-family residential building (Site 4), along with their respective site improvements and infrastructure necessary to forward the project; and

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WHEREAS, the requests contemplated under the application also account for the lots and flexibilities necessary as part of the re-plat and Planned Unit Development requests to place holder future development and site improvements under the Phase I Opportunity Site redevelopment, including an entrepreneurial market (Site 1B), and three additional phases of multi-family residential on Sites 5 (70-units), 6 (60-units), and 7 (70-units), but of which will require site and building plan approvals under separate application from the City of Brooklyn Center to advance; and

WHEREAS, projects that meet or exceed a threshold as set in Minnesota Rules Part 4410.4300 are mandated to complete an Environmental Assessment Worksheet (EAW), and the size of the proposed project, as contemplated under Planning Commission Application No. 2022-003, and multi-use nature of the project, meets or exceeds these thresholds, which necessitated the completion of an EAW; and

WHEREAS, a draft EAW was submitted to the City of Brooklyn Center for preliminary review and consideration, published, and distributed to affected regional jurisdictions for a 30-day public review and comment period, and a virtual public meeting held; and

WHEREAS, on June 13, 2022, the City Council of the City of Brooklyn Center approved City Council Resolution No. 2022-061, declaring no need for an Environmental Impact Statement (EIS) for the Opportunity Site Phase I development, which finalized said EAW; and

WHEREAS, a public hearing notice was published in the Brooklyn Center *Sun Post* on June 30, 2022, notifications were mailed to property owners and residents within the identified area of notification, as outlined in Minnesota State Statute and City Code requirements, and development proposal signage was installed on the Subject Property by the City of Brooklyn Center; and

WHEREAS, the Planning Commission of the City of Brooklyn Center, Minnesota failed to meet quorum at the meeting scheduled for July 14, 2022, the public hearing was not held, and a recommendation was unable to be provided; and

WHEREAS, a new public hearing notice was submitted to the Brooklyn Center *Sun Post* for publication on July 28, 2022, and updated notifications were mailed to property owners and residents within the identified area of notification; and

WHEREAS, by allowances granted under Minnesota Statutes Section 15.99, Subd.3(f), a 60-day letter of extension was provided to the Applicant on July 21, 2022, to allow for the additional time necessary for review and consideration of the application, and to conduct the public hearing; and

WHEREAS, on August 8, 2022, the City Council of the City of Brooklyn Center, Minnesota received and reviewed a planning report on the requested re-plat, Zoning Code

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amendment, re-zoning, and establishment of a Planned Unit Development, and site and building plan requests for identified Sites 1A, 2, 3, and 4, and related Phase I site improvements, as contemplated within the submittal documentation; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota held a duly noticed and called public hearing on August 8, 2022, whereby a planning report was presented and public testimony regarding the proposal were received; and

WHEREAS, the City Council of the City of Brooklyn Center, Minnesota considered the application requests in light of all testimony received, and the guidelines and standards as outlined under Sections 15 (*Platting*), 35-202 (*Comprehensive Planning*) 35-208 (*Rezoning Evaluation Policy and Review Guidelines*), 35-210 (*Rezoning Application Procedures and Reconsideration*), 35-230 (*Plan Approval*), and 35-355 (*Planned Unit Development*) of the City's Zoning Ordinance, draft provisions City's Zoning Code update and forthcoming Unified Development Ordinance, and specifically the district requirements for Transit-Oriented Development (TOD), and the Opportunity Site Active Living guidelines and associated checklist as approved by City Council Resolution No. 2015-154; and

WHEREAS, the submitted application was further reviewed against the adopted Opportunity Site Infrastructure Framework, approved under City Council Resolution No. 2021-90, and the draft Opportunity Site Master Plan, and the request complies with the general goals and objectives of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota to recommend that Planning Commission Application No. 2022-003, submitted by Alatus, LLC, Project for Pride in Living, and Resurrecting Faith World Ministries, be approved based upon the findings of fact in the July 14, 2022, planning report, last revised for August 8, 2022, and the submitted documents and plans as amended by the following conditions of approval:

1. The building plans for Sites 1A (278-unit multi-family residential building), 2 (approximately 27,000-square foot event center with 24-hour childcare center, wellness, and barber suites), 3 (205-unit multi-family residential building), and 4 (60-unit multi-family residential building), 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.
  - b. 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.

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- c. The Applicant shall work to ensure all applicable Minnesota Fire Code requirements have been met as part of any site plan approval.
    - a. Fire sprinkler systems 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.
  - d. Turning exhibits shall be provided prior to permit issuance to reflect minimum turning radius for fire, garbage, and delivery trucks on private streets outlined in the Phase I Opportunity Site development.
  - e. SAC Determinations shall be submitted by the Applicant to the Metropolitan Council and any associated fees paid at time of any permit issuance.
  - f. A cursory CPTED review was provided for the submittal; however, the Applicant shall work with City to address any outstanding comments and revisions to individual site and building plans prior to permit release.
  - g. The Applicant shall revise the submitted overall PUD landscape plan per City staff comment to incorporate a Phase I planting schedule, and provide site-specific landscape plans for review and approval in advance of permit release.
  - h. 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.
  - i. 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 for the Phase I development with the City's proposed standards for lighting and streetscaping.
  - j. 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.
    - a. Provide additional detailing for trash pickup for Site 2.
    - b. Adequate spacing of trash staging area from all buildings.
  - k. 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.

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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. 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.
  - a. The development agreement shall include provisions for community benefits, based on recommendations by the Citizen Advisory Taskforce. The community benefits shall be incorporated into the Development Agreement as legally enforceable and shall be recorded against the property.
  - b. 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.
5. 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, easement, 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.
  - a. 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.
  - b. 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. Sites 1B, 5, 6, and 7, as identified in the submittal documentation, shall be subject to separate site and building plan approvals by the City.
    1. 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.

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6. 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.
7. A Utility Facilities Easement Agreement is required for submittal to the City prior to issuance of any permits.
8. A Construction Management Plan and Agreement and associated escrow are required for submittal prior to the City prior to issuance of any permits.
9. 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.
  - a. The successful recording of said plat (mylar) with Hennepin County.

August 8, 2022

Date

Mayor

ATTEST: \_\_\_\_\_  
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member  
and upon vote being taken thereon, the following voted in favor thereof:  
  
and the following voted against the same:  
whereupon said resolution was declared duly passed and adopted.