



PLANNING COMMISSION

Work Session Meeting Agenda

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Wednesday, August 26, 2020
7:00 P.M.
Council Chambers

**If due to a disability, you need auxiliary aids or services during a Public Hearing Meeting,
please provide the City with 48-hour notice by calling 763-493-8012**

- 1. CALL TO ORDER**
- 2. DISCUSSION ITEMS**
 - A. Zoning Code Updates
- 3. INFORMATION ITEMS**
 - A. None
- 4. OTHER BUSINESS**
 - A. None
- 5. ADJOURNMENT**

If you need these materials in an alternative format or need reasonable accommodations for a Planning Commission meeting, please provide the City with 72-hour notice by calling 763-424-8000 or emailing Josie Shardlow at josie.shardlow@brooklynpark.org.

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Memorandum

To: Brooklyn Park Planning Commission Members
CC: Cindy Sherman, Planning Director

From: Erin Perdu, Planning Consultant

Date: 08/20/2020

Re: Zoning Update
WSB Project No. 015207

Project Update/Overview

Since our last meeting (just before COVID-19), we have been working to implement the zoning changes discussed as part of the Zoning Diagnosis. Those have focused on changes required by the comprehensive plan, including updating density requirements in some districts and creating a transit station-area overlay. Other work has been done on modifying/creating mixed use districts to meet the intent of the Comprehensive Plan as well as adding some additional standards to the TOD district.

We have had much help from planning staff, and we have met with both planning and housing and economic development staff for feedback. We are now bringing forth the work done to date for confirmation, feedback and direction from the Planning Commission.

Residential Densities

First, we revised minimum lot sizes in the existing zoning districts to match with the future land use categories in the Comprehensive Plan (shown in Attachment A). Note that these minimum lot sizes/maximum densities are carried over into the proposed district consolidations discussed in the next section. These changes mean that the maximum allowable densities in the comprehensive plan would be allowed in the associated zoning districts.

Also, to conform to the Comprehensive Plan's requirement that density within ½ mile radius of the new light rail station areas must be at least 25 units per acre, we have created a Light Rail Station Overlay District (Attachment B).

Residential Consolidations (Attachment C)

Districts R-2, R-2A, R-2B, R-3, and R-3A were consolidated into one district, R-2. Those districts essentially shared the same purpose: accommodating detached single-family structures. Aside from minor location standards, the most significant difference between them was the minimum lot area. And among those districts, there are already lots that do not meet their respective district's minimum lot area requirement. So, to avoid a significant number of nonconforming lot sizes after consolidation, the minimum lot area for the new R-2 District is 9,750 square feet.

The current R-4B District has been maintained and renamed R-3. Consolidation was not warranted as lots within this district are approximately 5,000 square feet and exclusively feature detached, single-family residential structures.

Districts R-4 and R-4A were consolidated into one R-4 District. This new district now has both detached and attached single-family residential structures. It is set up with a minimum lot area standard that differs based on residential type. If a lot in the new R-4 District holds one townhome

unit as part of multiple townhome development, the minimum for that single unit is 3,600 square feet. If there is detached residential structure on a lot in the R-4 District, the minimum area of that lot is twice that of a townhome lot, or 7,200 square feet. This consolidation recognizes that some lots accommodating townhomes are mixed among lots with detached single-family structures, or are immediately adjacent to detached, single-family residential developments.

The proposed consolidation now shows only two multifamily districts as opposed to the current three. R-5 and R-6 are now R-5; R-7 has been renamed R-6. A significant difference between the new R-5 and R-6 is the density range for each, R-6 having a higher range than R-5. In addition to consolidation, some standards were altered, such as the removal of height restrictions, a lower minimum lot width, and smaller setbacks.

As part of this consolidation, we have also posed some questions that will help us address equity issues as we move forward with zoning updates. These are on the last page of the attachment and restated below.

Mixed Use District (Attachment D)

The Comprehensive Plan includes a new mixed-use district designation. The designation is located mostly in the City's northwest corner and so is written with that area in mind. Consistent with the Comprehensive Plan guidance for the new designation, highlights of the Northwest Mixed-Use District (NWMUD) district include the following:

- Residential density between 12 and 50 units per acre
- Medium to large scale development consisting of medium to high intensity office, residential, retail, restaurant, and service uses in a suburban setting
- At least 30% of the land area is to be developed with residential uses
- Outside the highway 610 and 169 corridors, a mix of residential densities and unit types may be considered mixed use
- Compliance with the Mixed-Income Housing Policy is required and bonus residential density up to 10% may be considered by the City Council

Removal of Town Center District (Attachment E)

As part of the strategy for changing how the City regulates Mixed Use, we discussed several options for changing the Town Center District to better reflect the aspirations of the Comprehensive Plan. In the end, the consensus from the team was to work toward eliminating the Town Center district and reverting to other existing districts. We came to this conclusion largely based on the fact that the Town Center district has not produced the type of development that was envisioned. Town Center also requires a Conditional Use Permit for all uses established in the district, something Planning Commission and staff want to move away from.

The proposed rezoning of lots within the Town Center District was informed by conversations with staff, alignment with the underlying land use described in the 2040 Comprehensive Plan, and observation of existing development patterns within the area.

A map showing the proposed rezonings is in Attachment E.

Questions and Considerations for Discussion

As you read through the attached materials in preparation for the work session, please consider the following questions that we will discuss at the meeting:

- Do you have any concerns with the proposed district consolidations? Are there any development rights that you see are being lost? Does any of the additional flexibility or density concern you?
- Are you in favor of eliminating any/all of the items mentioned in Attachment C to help address equity concerns?

- The Northwest Mixed-Use District (NWMUD) would be the only reference in the zoning ordinance to the City's Mixed-Income Housing Policy. Do you have any concerns that the policy is not established formally elsewhere in the ordinance?
- Based on the anticipated market for residential development in the northwest corner of the City, it is likely that the higher end of the guided residential density (50 u/ac) will be the exception and that most residential land area may consist of single-family units. While it is possible to achieve an overall average density of 12 u/ac (the minimum guided density) this should be monitored and understood that to reduce the guided density in the NWMUD would require a comprehensive plan amendment.

Next Steps

Once we complete the sections, we are reviewing with you at this meeting, we will be tackling the following:

- Revisions to B2 District to include mixed use as is contemplated in the district's intent
- Additions to the Transit Oriented Development District to include minimums for density and activity in non-residential areas as well as some additional design standards
- Revisions to Use Tables to de-emphasize the use of Conditional Use Permits and simplify the lists of uses
- Review for statutory and case law compliance
- Reorganization into UDC
 - Review of performance standards

ATTACHMENT A

Comp Plan District	Zoning Districts
Low Density Residential	R-1, R-2, R-2A, R-3, R-3A
Medium Density Residential	R-4, R-4A, R-4B
Medium-High Density Residential	R-5, R-6
High Density Residential	R-7, Convalescent Centers

REQUIRED LOT AREA AND DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

§ 152.220 PURPOSE.

The purpose of this section is to establish minimum area and dimensional requirements for residential properties to allow conformance with the residential densities and policies of the Comprehensive Plan, promote open space around structures, provide green area and space for enjoyment by residents, and protect public easements.

(Ord. 2000-936)

§ 152.221 STANDARDS.

The following standards are established for all lots in the residential zoning districts (R-1, R-2, R-2A, R-2B, R-3, R-3A, R-4, R-4A, R-5, R-6, and R-7) and lots in the residential portions of the PCDD and PUD. Lots in residential portions of the PCDD and PUD may be further governed as defined elsewhere in City Code.

(A) No required lot area, yard or open space allocated to a structure or lot in compliance with this chapter may be used to satisfy the minimum lot area, yard, or open space requirement for any other structure or lot, unless modified by this chapter.

(B) The maximum total building footprint, including principal and accessory buildings, may not exceed 25% of the lot area. The maximum amount of impervious surface in front yards, as measured from the public right-of-way to the front facade of the principal building, may not exceed 40%.

(C) Minimum lot area and width for each residential zone are defined in the following table:

Figure 152.221.01 Required Minimum Lot Width and Area <i>in Residential Districts</i>		
Zoning District	Minimum lot area in square feet (unless otherwise specified)	Lot width in lineal feet as measured at the front setback
R-1	20 Acres	330 feet*
R-2 <u>(LDR)</u>	13,500	100*
R-2A <u>(LDR)</u>	12,825	95*
R-2B <u>(LDR)</u>	11,475	85*
R-3 <u>(LDR)</u>	10,800	80*
R-3A <u>(LDR)</u>	9,750	75*
R-4 (lots for single-family dwellings) <u>(MDR)</u>	8,500	70*
R-4 <u>(MDR)</u> lots for two-family dwellings (for lots of record prior to	10,800	80

<p>2/1/80 and on which two-family dwellings were existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record prior to 2/1/80 and on which two-family dwellings were existing on the effective date of this chapter)</p>	<p>5,400</p>	<p>40</p>
<p>R-4 <u>MDR</u> lots for two-family dwellings (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter) Each half of two-family dwelling to be subdivided (for lots of record after 2/1/80 and on which two-family dwellings were not existing on the effective date of this chapter)</p>	<p>16,200</p> <p>8,100 <u>3,630 or 12 units per acre maximum</u></p>	<p>120</p> <p>60</p>
<p>R-4A for townhouse (<u>MDR</u>)</p>	<p>8,700 <u>3,630 or 12 units per acre maximum with basements, 10,890 without basements</u> (buildable land only, excludes wetlands, surface waters, flood plains)</p>	<p>NA</p>
<p>R-4B (<u>MDR</u>)</p>	<p>5,000 <u>3,630 square feet or 12 units per acre maximum</u></p>	<p>45</p>
<p>R-5 for multiple family dwellings (<u>MHDR</u>)</p>	<p>22,000 or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,300 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater <u>1,742 sf. per dwelling unit or 25 units per acre maximum</u></p>	<p>120</p>
<p>R-6 for multiple family dwellings (<u>MHDR</u>)</p>	<p>160,000 or 2,400 square feet for each 1 bdrm. unit, 3,000 square feet for each 2 bdrm unit, and 3,500 square feet plus 500 square feet for each bdrm over 3; whichever is greater <u>1,742 sf per dwelling unit or 25 units per acre maximum</u></p>	<p>400</p>

R-7 for multiple family dwellings <u>HDR</u>	5 acres or 3,400 square feet for each 1 bdrm unit, 4,500 square feet for each 2 bdrm unit, and 6,800 square feet for each three bdrm unit plus 500 square feet for each bdrm over 3; whichever is greater <u>871 sf. per dwelling unit or 50 units per acre maximum</u>	500
R-5, R-6, and R-7 for Care centers and convalescent homes <u>HDR</u>	750 square feet of lot area for each person cared for (design capacity)	See District Requirements Above
*See § 152.275.04 for additional lot width requirements on corner lots		

(D) In order to promote individual ownership of two-family dwellings the minimum lot areas and lot widths contained in this section do not apply to lot splits along the common wall where an existing two-family dwelling is being converted into two separate, attached single-family dwellings.
(Ord. 2000-936; Am. Ord. 2001-961, passed 11-26-01; Am. Ord. 2004-28, passed 12-13-04; Am. Ord. 2006-1055, passed 2-6-06)

ATTACHMENT B

Overlay district or modification of existing districts to meet minimum 20-acre density requirement within the station area overlay districts shown on the 2040 FLU Map.

Title XV: Land Usage

Chapter 152: Zoning Code

Section 152.037: Zoning Overlays

152.495 Light Rail Station Area Overlay

The intent of this designation is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station. The boundary of the overlay extends 0.5 miles outward from each transit station. The overlay area is established and shown on the City's official Zoning map.

(Ord. _____)

Light Rail Station Area (LRSA) Overlay

152.575 Purpose.

The purpose of the Lightrail Station Area (LSA) Overlay is to ensure that development within the designated overlay occurs at appropriate densities as a result of proximity to a light rail transit station.

152.576 Uses.

Within the LSA overlay, permitted, conditional, and accessory uses are determined by the underlying zoning district and in harmony with the Comprehensive Plan. Section 152.342 provides the use tables allowed within business districts.

152.577 Applicability

(A) All provisions of the Zoning Code shall apply to the properties in the overlay, however, in any instance where the provisions of the overlay zoning conflict with the provisions of a primary zoning district, the more restrictive provisions take precedence and govern.

152.578 General Requirements

(A) Density

(1) Residential Development

(a) Residential development projects located within the LSA Overlay shall achieve a minimum density of 20 units per acre.

(2) Mixed-Use Development

(a) That portion of the development dedicated to residential use shall achieve a minimum density of 20 units per acre.

(1) In this case density shall be measured based on the land area dedicated to residential use.

(B) Design Guidelines

(1) Development shall be designed in accordance with the Brooklyn Park Station Area Plan to ensure a focus is placed on connectivity, land use, and placemaking.

ATTACHMENT C

Existing District	Purpose	Guided	Uses	Lot Area	Lot Width	Front Setback	Side Setback ¹	Rear Setback ²	Height	Proposed District	Purpose	Density (units/acre)	Lot Area	Lot Width	Front Setback	Side Setback ³	Rear Setback	Height	
R-2	Det SF estate	Low	Same R2-R3	13,500	100	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-2	Det SF	Min 1.5 Max 3	9,750	75	25	I - 7.5 C - 20	30	3 St or 40	
R-2A	Det SF	Low	Same R2-R3	12,825	95	75, 30 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-2B	Det SF	Low	Same R2-R3	11,475	85	75, 40 or 40	I - 7.5 C1 - *	S1 - 75 S2 - 30 S3 - **	3 St or 40										
R-3	Det SF	Low	Same R2-R3	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-3A	Det SF	Low	Same R2-R3	9,750	75	50, 30 or 25	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4B	SF	Low-Med		5,000	45	50 or 30			3 St or 40	R-3	Det SF	Min 3 Max 8	5,000	50	25	I - 7.5 C - 20	30	3 St or 40	
R-4	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1980	8,500	70	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40	R-4	Det/Att SF	Min 3 Max 12	Det - 7,200 Att - 3,600	60	25	I - 7.5 C - 20	30	3 St or 40	
R-4 <2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	10,800	80	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4 >2/1/1980	Det/Att SF	Med	Same as R3, plus Att SF & TH <7/1/1985	16,200	120	50 or 30	I - 10 C1 - *	S1 - 50 S2 - 30 S3 - **	3 St or 40										
R-4A w/ BSMT	TH	Med	Same as R3, plus Att SF & TH	8,700	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-4A w/o BSMT	TH	Med	Same as R3, plus Att SF & TH	10,890	NA	75 or 30	75 or 30	75 or 30	3 St or 40										
R-5	2 St MF	Med-Hi	MF, TH	22,000	120	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40	R-5	≥2 St MF	Min 12 Max 25	22,000	120	25	I - 15 C - 25	40		
R-6	>2 St MF	Med-Hi	MF, TH	160,000	400	50	I - 15 C1 - 25	S1 & S2 - 40 S3 - 50	3 St or 40										
R-7	MF	High	MF, TH	5 acres	500	50	50	S1 & S2 - 40 S3 - 50	3 St or 40	R-6	≥2 St MF	Min 25 Max 50	22,000	120	25	I - 15 C - 25	40		

1 I = Interior lot
 C1 = Corner Lots - Principal, "A" or "B" Minor Arterials, or Class I Collector streets or any other public streets when the adjacent lot fronts the side street
 C2 = Corner Lots - All other public streets when the adjacent lot does not front the side street

2 S1 = Rear setback from Principal, "A" and "B" Minor Arterial and Class I Collectors
 S2 = All other public streets and interior property lines
 S3 = Double frontage lots

3 I = Interior lot
 C = Corner lot

* Front setback of the adjacent property

** Same as front setback of any adjacent residential zoned properties

Residential Standards – Equity Considerations

Consider Eliminating These to Address Equity

- (A) Basement requirement
- (B) Unit and bedroom minimum size requirement
- (C) Interior storage requirement
- (D) SF Attached - Two units side by side only and each unit with an exterior front door
- (E) Consider eliminating garage requirement
- (F) Front yard garden

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ATTACHMENT D

Northwest Mixed-Use District

§ XX PURPOSE. Mixed-Use districts promote and allow the emergence of complete neighborhoods with a mix of residential, commercial, and office activities. These districts de-emphasize use restrictions. Instead, design standards are used to promote and maintain the desired scale, connectivity, and character of the area. The Northwest Mixed-Use District (NWMUD) is guided Mixed-Use on the 2040 Future Lane Use Plan. The intent of the Northwest Mixed-Use District is to promote an integrated development pattern in a generally suburban setting that accomplishes the following objectives:

- (A) Establish a mixed-use land use pattern and neighborhood design that is consistent with the vision, goals, and policies of the Brooklyn Park comprehensive plan.
- (B) Medium to large scale development consisting of medium to high intensity office, residential, retail restaurant, and service uses in a suburban setting.
- (C) An overall mix of uses occurring both horizontally and vertically, on a common site, development area, or within the same building. In individual developments the mix of uses shall be complimentary and compatible.
- (D) Residential uses shall make up at least 30% of the land area in the district. The district shall consist of a range of housing options that respond to the needs of residents in each stage of their life.
- (E) Compliance with the Mixed-Income Housing Policy to meet the city's goal of preserving and promoting economically diverse housing options.

§ XX PROCEDURES. To ensure that the desired mix and connection of uses occur in the NWMUD, approval of a Master Plan is required to guide individual developments within the district. Master Plans require Site Plan approval pursuant to Section 152.033. Individual development consistent with an approved Master Plan may be approved administratively pursuant to the Administrative Site Plan Review procedures.

§ XX USES. All land uses within the district shall conform to the type and location of uses described in an approved Master Plan, and:

- (A) Along highways 169 and 610 there shall be a mix of land uses
- (B) Elsewhere in the district, a mix of residential unit types and densities may be considered mixed use
- (C) Mixed use shall be measured by acreage in the district

§ XX PERFORMANCE STANDARDS. The design of all sites and buildings within the district shall conform to the design guidelines established in the Master Plan. Variations from the Master Plan may be approved by Administrative Site Plan Review if the approval criteria are met and the variation is generally consistent with the Master Plan. The General Performance Standards of this chapter shall be considered the minimum standards. In addition, the following shall apply in the NWMUD:

- (A) Lot area, lot width and yard requirements
 - (1) There is no minimum lot size or width
 - (2) The Master Plan shall establish the build-to line
 - (3) Maximum block size
- (B) Residential use. The district shall consist of a minimum residential density of 12 units per acre and a maximum of 50 units per acre. Residential development shall address the City of Brooklyn Park Mixed-Income Housing Policy. Bonus residential density up to 10% may be considered by the City Council.

(C) Building and site design. The Master Plan shall address:

- (1) Building height
- (2) Minimum frontage build-out
- (3) Parking and loading setbacks
- (4) Façade types
- (5) Minimum glazing

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