

## APPROVED MINUTES

### MINUTES OF THE BROOKLYN PARK PLANNING COMMISSION Regular Meeting – March 10, 2021



#### 1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

#### 2. ROLL CALL/PLEDGE OF ALLEGIANCE

Those present were: Commissioners Husain, Kiekow, Kisch, Lee, Mohamed, Muvundamina, and Vosberg; Council Liaison Jacobson; Director of Community Development Berggren; and Senior Planner Larson.

Those arrived late: None

Those not present were: None.

#### 3. EXPLANATION BY CHAIR

Chair Kisch read aloud a statement that advised that the public hearings are recorded and televised live on cable. The audio system will not pick up comments from the seating area. If you want to be heard and made a part of the public record, please sign the Public Hearing Log Book. At the podium speak into the microphone, stating your full name and giving your address. Please note that the agenda for tonight's meeting indicates that the Commission Chair has the prerogative to invoke a time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time. He thanked those present for their cooperation and explained that the Commission consists of nine volunteer resident members that have been appointed by the City Council to advise them on planning and land use issues. The Commission discusses and evaluates development proposals based on zoning regulations and Comprehensive Plan policies and the vote taken is a recommendation that will be forwarded to the City Council for official and final action.

#### 4. APPROVAL OF AGENDA

MOTION VOSBERG, SECOND KIEKOW TO APPROVE THE MARCH 10, 2021 AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 5. CONSENT AGENDA

##### A. Minutes – February 10, 2021

MOTION HUSAIN, SECOND VOSBERG TO APPROVE THE MARCH 10, 2021 CONSENT AGENDA.

*MOTION CARRIED UNANIMOUSLY.*

#### 6. PUBLIC HEARING

##### A. Friends of Excell Academy (Karen Stovall) – Variance #20-126 to place monument sign 9 feet closer to the 65<sup>th</sup> Avenue right-of-way at 5800 65<sup>th</sup> Ave. North.

Senior Planner Larson introduced the application for the variance request by Excell Academy. He explained that the site has two driveways and the eastern driveway is the one that leads people into the visitor parking lot. He explained that the applicant is looking to build a monument sign meets all the City design requirements, but the location that they would like is something that would require a variance. He stated the City requirement is that it be setback be 15 feet and they are requesting a 6-foot setback. He noted that the boulevard for 65<sup>th</sup> Avenue is larger than typical and in this case is about 32.5 feet rather than the usual 14 feet between the curb line and the property line. He stated that if the variance was approved and brought from the required 15 feet down to 6 feet, the sign will appear further back than other comparable signs. Because of the larger than usual right-of-way, so staff is comfortable recommending approval of this request. He explained that this has taken a bit of time in order to ensure the location of the utilities and noted that they will need to remove a tree for the placement of the sign and one of the conditions is that the tree be replaced somewhere on the property.

Craig Kepler (the applicant's representative) introduced himself and stated that the school building has two entrances. For drop off and pick up purposes, parents and buses flow into the west entrance and out the east entrance, but for application and administrative purposes, the main entrance to the administrative offices is on the east side of the school which is where this sign would be located. One of the purposes of a sign like this is for marketing purposes for the school so people seeking it out for the first time can find it, which is why the school would prefer the sign near the east entrance. He stated that the reason that they prefer the east side of the driveway versus the west is because it requires the removal of only one tree and it is more visible in the proposed location to traffic regardless of whether they are traveling eastbound or westbound. He stated that the school is in complete agreement with the condition that the one tree removed be replaced on their property. He stated that they have spent quite a bit of time using scopes and underground radio transmitters to locate the underground utilities with a high degree of precision so they can locate the sign in a spot that does not interfere with any of those utilities. He stated that their variance application was modified slightly in order to move the sign a bit further away from the entrance because of the location of the utilities and also moves it a bit further away from the edge of the road. He noted that this sign, if approved in their proposed location, will appear to be further from the road than it would be if it were placed at the west end of the building even it was compliant with the setback requirement.

Commission Chair Kisch opened the public hearing.

Seeing no one approach the podium, Commission Chair Kisch closed the public hearing.

Commissioner Mohamed asked about the sidewalk from Fair Oaks that ends near this location. He noted that the City had been considering extending that sidewalk all the way down to Zane Avenue. He asked if this sign would impede those sidewalk plans.

Senior Planner Larson gave an overview of the trail location and noted that the trail will be located within the right-of-way and would not interfere with the proposed sign location.

Commission Chair Kisch asked if there was a reason behind the abnormal setback beside just random platting at the time. He asked if there had been plans for expansion of 65<sup>th</sup> Avenue that would require the larger distance.

Senior Planner Larson stated that there was not an expansion plan to widen the street and is just a result of some different plat lines.

MOTION MUVUNDAMINA, SECOND LEE TO RECOMMEND APPROVAL OF SIGN VARIANCE #20-126 FOR SETBACKS FRO A MONUMENT SIGN AT 5800 65<sup>TH</sup> AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

Senior Planner Larson stated the public hearing item is scheduled to be reviewed at the City Council meeting on March 22, 2021.

**B. Enclave Companies (Brian Bochman) – Conditional Use Permit #21-104 for a 146-unit apartment building at 5505 96<sup>th</sup> Avenue North.**

Senior Planner Larson introduced the application for a Conditional Use Permit request for a 146-unit apartment building on a 4.5-acre parcel at 5505 96<sup>th</sup> Avenue N. He stated that a few months ago, the Commission saw a proposal for Twin Cities Orthopedics, and Raising Cane's was also approved just to the west of that parcel. He noted that he has spoken with quite a few of the neighbors in the area so he can give a little background on the site. He stated that in 2011, the property from 610/Zane Avenue on the west, all the way up to Oak Grove Parkway around 96<sup>th</sup> Avenue was taken back via foreclosure by TCF Bank, who didn't really want the property. He stated that they were trying to sell it and the City had told them that they could not just carve it off in little pieces. He stated that the City had TCF Bank go through a master plan effort to figure out what this property could be and which was based on earlier concepts and development plans. He showed renderings of the southern portion of the development plan that was approved in 2011. He stated that plans never materialized and then last year, the Commission saw a request to modify the development plan for smaller sites for actual real users, such as Panera and Raising Cane's, which left a 17-acre portion which included the proposal back in December for the Twin City Orthopedics building and there was a development plan for the remainder of the site that showed a few different concepts. He stated that there could be an office building, a smaller retail building, a hotel or multi-family site and a southern office/retail/hotel as well. He noted that one small site was set aside for a future affiliated clinic for Twin City Orthopedics. He stated that development plans need to be in conformance with the Comprehensive Plan and after the site in 2011 was guided for community/commercial which was something that would be a draw for a very large area as opposed to a neighborhood scale project. When the 2011 plan did not really go anywhere in the market, there was a planning study that was done that included many residents in the area and what was determined for this site was that rather than a big box retailer, there was a concept called 'Flex' which is a flexible land use designation that takes on what is around it and serves as more of a transitional item that is able to respond to market forces. He reviewed the commercial properties to the west and transitioning to the residential properties to the east. He noted that the northern portion of Wickford Village on the Comprehensive Plan is considered high density residential and the southern portion is considered medium density. He stated that proposal being presented tonight is for a CUP for an apartment building and noted that next month there will be a proposal for a higher education building on another parcel in the area. He reviewed the site plan for the proposed apartment building and noted that the access will be through a shared driveway with the Twin City Orthopedic site and noted the location of the entrance to the underground parking lot and the secondary parking lot along the east side of the building. He

noted that there was a series of neighborhood meetings where the development team met with the homeowner's associations around the site and got some feedback and this site plan reflects many of the comments that were given by the neighbors. He gave a brief overview of the grading plan and noted that along the property line with Wickford Village it was thought during the neighborhood meetings that it would be a good spot to put in a landscape berm, however after the survey work was completed, the ground drops off on the Wickford Village side of the property line, so putting in a berm would create drainage issues, so now there will be a drainage way in that area as well as some evergreens and shrubbery for screening. He stated that they have a pretty robust landscaping plan that meets City code, but noted that there is a bit of a gap on the northern end of the property. He stated that the developer has indicated that they will revise the plan in time to go before the City Council and will include some street trees and doing something in the stormwater basin. He stated that the lighting plan met City code in the way of light levels for parking lot areas, however, the police department has asked for some better lighting on the south side of the building, the dog park area, and also on the north end in the courtyard so the developer is planning to add some architectural downlights in that area. He reviewed some renderings of the three-story design from different angles.

Brian Bochman (the applicant), introduced himself and noted that the City staff has been very good to work with on this project. He stated that they knew going into this project that they would need to be respectful of the existing neighbors in the area and their input has been very helpful. He stated that they are happy with how the project has come together and explained that they were hoping for a more residential look and did not want to attempt to have the urban look with flat roofs and feel this proposal will blend into the neighborhood a bit better. He stated that Enclave has been in business for 10 years and have built about 3,000 apartment buildings, about 1,000,000 square feet of retail/commercial and currently have about 2,000 units under construction as well as another million square feet of commercial space spread throughout North Dakota, South Dakota, Nebraska, Washington, Minnesota as well as a few in Arizona and Texas. He explained that they are a full-service contractor and are also a property manager which makes their projects unique because they are the developer, contractor, manager, and the owner of their own projects. He noted that they have not yet sold one of their properties and are long term hold developers. He stated that he feels this makes them more cognizant of the up-front decision of things like how things are built and decisions that are made surrounding design and construction as well as how properties are managed. He stated that they try to be good neighbors to all of their neighbors because they plan on owning the properties long-term.

Commission Chair Kisch opened the public hearing.

Octavio Chung, 4958 142<sup>nd</sup> Cir. N., Hugo, stated that he works as an organizer for LIUNA, Labor International Union of North America. He stated that it is a labor organization that seeks to advance the welfare of union and non-union construction workers in Minnesota. Their members do all kinds of construction from demolition to asbestos removal and is diverse. He stated that they are very excited about this proposal from Enclave and noted that in the past, Enclave has hired a subcontractor on a few projects who is a contractor out of Wisconsin. He explained that his team has heard troubling and allegations from that company's workers. They also know that they rely heavily on the H2B Visa program to import temporary guest workers and leaves workers vulnerable since their temporary visas are entirely tied to their employer. The workers they have spoken to has told them that the company houses a dozen workers in a 3-bedroom, 1 bathroom house in Eau Claire, WI. He stated that they spoke to workers about these issues because it is their goal to protect their workers and make sure that there is a fair playing field in the construction

industry for all workers. No workers should be worried about discrimination, nor should they be packed into houses like animals. He invited the Commission to visit [www.buildbettermn.org](http://www.buildbettermn.org) to find detailed information on their concerns. There are members of LIUNA that live in Brooklyn Park and in the area that would love to work on this project. Housing is needed, but so are good jobs for local workers and both can happen through this project but only if Enclave uses responsible contractors. He reiterated that LIUNA is deeply troubled by the allegations they have heard. He asked for assurance from Enclave that this type of mistreatment and discrimination will not happen as part of this project and asked the City to make them do better if they are going to work in Brooklyn Park.

Woodrow Piner, 4117 99<sup>th</sup> Ave. N., stated that he is a taxpaying resident of Brooklyn Park but is also here as a business representative with North Central States Regional Counsel of Carpenters. He stated that he has spent the last 20 years of his life in construction and is always excited about new projects because it means more jobs for men and women that provide good pay with benefits as well as providing families with stability. He stated that he has spent the last 4 years in the Twin Cities on the tax fraud team and through partnering with law enforcement agencies, he has learned that all job sites are not equal. He stated that a study by Midwest Economic Policy Institute showed that nearly 1 in 5 construction workers in Minnesota faced some sort of wage theft at an annual cost to Minnesota taxpayers of over \$136 million/year. This includes a range of illegal practices from improperly classifying employees as independent contractors, not making required payroll taxes, unemployment insurance and workers compensation contributions, or paying off the books or under the table in cash. North Dakota based Enclave is a self-contained developer and general contractor which means they pitch a development and typically manage a property after it is built and will also oversee construction process while being responsible for hiring subcontractors who perform the various works. With three projects within the Twin Cities that are nearing completion or ongoing, Enclave's choice of subcontractors has raised some concerns. Icon Construction is a wood-frame subcontractor from Illinois and more than 50 percent of their workforce are H2B Visa workers with the other portion coming from Texas, Illinois, and California. H2B visa workers were brought in by permit to work in Illinois and as of yet, their legal counsel has checked with the Minnesota Department of Labor to see if permits for the work force have been pulled in the State, but have come up empty handed. Workers have been seen transported to job sites in cargo vans where there will be 10-15 workers in one van without wearing face masks. He stated that this is just one example of a subcontractor that they have seen at an Enclave site in the Twin Cities. He stated that as Brooklyn Park taxpayers, elected or appointed officials, development is encouraged in the community and he feels it is their responsible to make sure that the people who will take up residency in these projects are treated properly, but also the men and women who will build them.

Linda Wood, 9603 Scott Cir. N., stated that she has been reading the documents and had been unable to get logged on for the neighborhood meeting with Wickford Village. She asked about the term 'market rate apartments' and 'affordable apartments' and asked for an explanation so she could have a better understanding of the price points.

Commission Chair Kisch stated that he will make sure that this issue is addressed. He noted that he had received an e-mail from Tom Heinrich regarding this project who stated that he was not in support of the additional multi-family project in this area and would prefer a big box concept.

There being no additional public comments, Commission Chair Kisch closed the public hearing.

Commission Chair Kisch stated that one thing he wanted to bring up right away is that the union relationship issues are outside of the Commission's purview. He stated the Planning Commission is charged with reviewing planning policies and long-range vision. He stated that there can be a conversation on that issue and noted that there may be some questions that may have some impact relative to potential EDA funding, but outside of that, he wanted the Commission to know that is on the periphery of their responsibilities as a Planning Commission. He stated that for those who commented on this issue, he wanted to assure them that the Commission heard their concerns loud and clear.

Senior Planner Larson noted that he is available to answer Commission questions and noted that he had something to add to the comments made by Ms. Wood. This project is a mixed income proposal and the EDA on March 15 will discuss the affordability levels and amounts as well as the public assistance that the City may contribute towards making those units happen. He stated that it is likely that there will be a few more conditions that will be added to the resolution to the project after that EDA discussion and before it comes before the City Council on March 22.

Commission Chair Kisch asked if the City typically ties any workforce utilization ratios to EDA money.

Director of Community Development Kim Berger stated that this is something that has become a topic of conversation at the EDA level. In the past, they have not tied their EDA investments to standards related to workforce, but it has been a growing conversation so there may be a time in the future when the EDA chooses to do that. This project, as it is proposed, is the first that they will be considering a market rate proposal that would need to comply with the mixed income policy of the City.

Commission Chair Kisch noted that he thinks that is a good conversation to have because it relates to utilization of tax dollars.

Commissioner Lee asked if it would be within the Planning Commission's purview to make a recommendation regarding that issue.

Commission Chair Kisch stated that he thinks the Commission could make a recommendation that it be considered and discussed, but is not something that they can tie directly to the resolution relative to planning, Code, and policy.

Commissioner Mohamed stated that his understanding is that about 42 percent of the occupancy will be 1-bedroom apartments and asked how many units there will be.

Senior Planner Larson stated that his understanding is correct and there are 146 proposed units in total. He referenced the information in the packet that outlines the unit types, the areas, and the percentage in the building. He noted that there are 62 1-bedroom units, with three different styles available, which equals 42 percent of the whole building.

Commissioner Mohamed stated that 42 percent will be 1-bedroom and 21 percent of the units will be studio-like units. He stated that he is not comfortable with this proposal at all in that area. He stated that he has been in that area and would have preferred something that would have some type of commercial space below because of the area that it is situated. In terms of parking, he

read something that says there are some issues with 610 Crossings and asked what those issues were.

Senior Planner Larson stated that this proposal is for 1.9/unit and 610 Crossings is about 1.4/unit. He stated that what they have heard from 610 Crossings management is that the underground parking lots are full and there are around 10-12 cars that are spilling over onto the LA Fitness property.

Commissioner Mohamed stated that he read through the ratio of 1.76 and the bedroom side is 1.25. He stated that he has an issue with the City giving variances or CUPs for less parking than required because he is one of the residents that has suffered with those kinds of criteria having a parking issue with apartment complexes next to homes. He reiterated that he is not comfortable with it because he knows with this ratio of 1-bedroom and studio apartments there will be couples living there and he will not be supporting this project because of parking as well as because he does not see this as good fit for this specific area.

Commissioner Kiekow stated that he has some thoughts regarding the general wisdom of more apartments in Brooklyn Park. He stated that the City already has over 5,200 rental units that have more than 100 units complex, will be adding another 207 with the Urbana project, and this project would add another 146 units. As Commissioner Mohamed stated, over 53 percent of these units will be 1-bedroom or studio apartments which history has shown that 1-bedroom units end up being problems. He referenced Huntington Place and their 834 1-bedroom units and noted that the City should be aware of the problem it is having in that situation. He stated that he questions whether the City is going down the same path as it did in the early 1960s and 1970s with apartment building after apartment building. He stated that Brooklyn Park is not just an apartment City because there are also houses. He questioned whether there is too much focus being put on apartments and not enough on single family residences. He stated that he is not in favor of another apartment building.

Commissioner Vosberg asked if a map could be shown that gives a better idea of the whole area so the Commission can get a better idea of some of the development around the area. She stated that she knows that there is Wickford Villages, the apartment complex, St. Therese. She asked how close this is to the 610 apartments and Urbana.

Senior Planner Larson stated that he does not have a map available that shows the larger area. He stated that St. Therese's is a few hundred feet to the northeast and 610 West apartments are about a half-mile due west, to the south on the other side of 610 between 93<sup>rd</sup> and 94<sup>th</sup> Avenue are the Urbana Place Senior Living apartments and the Urbana Court Apartments.

Commissioner Vosberg stated that she brought this up because the City tends to get similar type product on one area, so both sides of 610 will be multi-family housing. She stated that she wants to make sure that the Commission is thinking about how it is developing. She noted that she is a proponent of not putting all of the same kind of thing in the same area because if something goes wrong then the whole area will go down and it should instead, be balanced. She stated that this type of housing should be spread around so there is an opportunity for folks to live all over the City and not just clustered in one area. She stated that while she understands it is not in the purview of the Commission to discuss the issue, but she would like to better understand what 'market rate' means. She stated that she would like to understand what it means to someone who wants to live there, to transportation, or other types of amenities in the area. She asked why

all the outside surface parking was needed if there is underground parking. She asked for details on the stoplight or traffic lights coming in and out of this development.

Senior Planner Larson stated that the City requires a certain number of parking spaces per unit and in Brooklyn Park it is 2.5 spaces/unit. The parking calculations were included in the code in 2000 and were carried over from previous codes and what every developer has told the City over the years is that is an old standard and that modern apartments do not need that much parking. He stated that the City's goal in development is to get it right and not have so much parking that there is just a sea of pavement that sits unused. He referenced some big box retailers that were built under old standards which have those parking spaces turn into mounds of snow during the winter months and trash during the summer months. He stated that on the other side of the coin, they do not want to have too little parking where there are complexes or businesses that are short of parking spaces. He stated that places such as the 610 West Apartments, which has 484 units is about 10-12 spaces short with the ratio of 1.4 and if they had those 10-12 spaces it would calculate out to about 1.45. He stated that this proposal of 1.9/unit is quite good and noted that half of the parking needs to be underground or enclosed. He stated that guest or visitor parking needs to be surface parking and not in the underground garages so those spaces can be kept secure. The City knows that management has a big impact on apartment complex parking and the City does have a few older complexes that have enough parking but it is not necessarily designed well in relation to where the doors are located so people may find it is easier to park in the street than it is in the parking lot. In some cases, they do not allow guest parking at all within the parking lot which forces people out into the street. He stated that the City does not want that and wants apartments to be able to manage their guests and tenants so they do not spill into the neighborhood. He reiterated that staff is very comfortable with the proposed parking ratio based on what they have learned over time.

Commissioner Vosberg asked how the City would be controlling traffic in and out of this area.

Senior Planner Larson stated that he had received a lot of calls from neighbors asking about the traffic situation and this area. He stated that the 2011 Master Plan, was based on a community/commercial plan such as a big box retailer which has very high traffic volumes and demands. He stated that what was built with the streets on 96<sup>th</sup> Avenue, Xenia Avenue, Oak Grove Parkway were all based on those assumptions. The property owner put together a traffic study that shows a comparison with what was approved in 2011 with these proposed uses and noted that the City Transportation Engineer reviewed it earlier today and agreed with their findings. He stated that the Commission has the report and noted that it would be included with the information for the City Council as well. He stated that this use is less than what was proposed, so the roads that were built for more can handle it.

Commissioner Vosberg stated that she is more interested in what will happen when people are coming in and out and asked if there would be a stop sign.

Senior Planner Larson stated that 96<sup>th</sup> Avenue provides access to the site and noted that all of the driveways are stop sign driveways. He noted that there is a signal at Xenia Avenue and a stop sign at Oak Grove Parkway and will be right in/right out on Zane Avenue. The site is subject to a signal assessment agreement for the potential of a new signal at Regent Avenue just to the east if traffic would get to that level, but since what is proposed is less than what was approved, he is not sure if a traffic signal will be needed there.

Commissioner Vosberg asked what kind of accessibility the City would offer with regard to transportation and asked if there was a nearby bus route or sidewalks.

Senior Planner Larson stated that this is part of the Town Center zoning district in which the City places a large emphasis on pedestrian connectivity. He stated that 96<sup>th</sup> Avenue has sidewalks on both sides of the street and the site also has walkways that connect to the public streets. He stated that there is a bike rack out front and one of the building amenities is a bike storage room. He stated that there is currently no bus route along 96<sup>th</sup>, but the 722 goes up Zane Avenue and then turns west onto Oak Grove Parkway over to the Target campus. He noted that there are no bus stops along Zane because the buses need to be in the left lane to make the turn. The nearest bus town would be at Colorado Lane and Oak Grove Parkway and runs, generally hourly, and has good connections with express buses. He stated that people could walk and cut through the bike paths to get to the Noble Park and Ride to catch an express bus downtown and suspects that would be about a 10-minute walk. Light rail is a bit over a mile away so it would probably not be very convenient for that access, but it would be bikeable.

Commission Chair Kisch asked the applicant to address the question regarding market rate.

Mr. Bochman stated that they have been working with the City and the EDA on some different plans to fulfill the affordable housing mandate that is in Brooklyn Park. He stated that there are a few options that will be laid out at the EDA meeting on Monday that will provide different unit amounts depending on which version is selected. He noted that the bulk of the project will be market rate which is a nice way of saying that it is just a normal apartment building and rents are driven by what the market will bear. He explained that their typical way of looking at markets is to try to find areas where they can come in and provide housing that is at a slightly lower price point than some of the others around them. They know they cannot compete with 610 West on amenities even though they have almost all the same amenities, but they are trying to build the project on a more affordable scale in order to offer another type of multi-family housing in areas that sometimes only have the really high-end products. One of the things that Enclave liked about the area when they looked at Brooklyn Park was the 610 corridor and all of the new employment in the area. Currently the City has a 2.6 percent vacancy rate which is essentially almost no vacancy because they usually have between 1.5 percent and 2 percent of the units being flipped from one tenant to the next. He stated that the market is still in dire need of new apartment buildings. He explained that one of the things that has happened in many metro cities, including Brooklyn Park, is there was a large influx of apartments, then there were none, and now there is a gap of having either new or old apartments with nothing in between. Their goal is not to be the lowest end like some of the older properties, but to come in and be competitive with their rates to try to provide something a bit different than their neighbors. He stated that this area of Brooklyn Park continues to grow and they felt like this was a really good mix for the area with the nearby medical and higher education building and will continue the housing transition between what the retail area was and Wickford Village. He stated that retail was challenging before COVID-19 and after is beyond challenging and is downright scary, and is even more so with tuck-under retail that would have apartments above. He stated that they had considered that style however, their marketing studies stated that this would not be the highest and best use in this area because there is already enough retail in the area and noted that the area to the north is still owned by the grocery store company, so they will see what that brings. He reiterated that they just felt like their project fit in nicely in the area and have found that when there are neighborhood residential tied in with neighborhood retail, it really helps props up the retail in the area because the people that live here will walk to Panera, Raising Cane's, and walk or bike to LA Fitness. He stated that they

try to make their projects, at minimum, bikeable to amenities because they understand that walkability is always important, but is a bit more difficult in suburbs as things get a bit more spread out. He explained that what they use as a standard with their parking in a suburban project like this is somewhere between 1.7 and 1.8 per unit or more importantly 1.0 per bedroom which is really the better metric to use. He stated that in their holdings about 50 percent of the 1-bedroom, studios, or alcoves are occupied by one person and the other are occupied by 2 individuals. He noted that there are very few more important things to them than parking because it is one of the more important points for renewals. New buildings always fill up quickly just because they are new, however, keeping it filled up can be very difficult in projects where people are having challenges with the parking situation and have to park in the street or in a nearby parking lot. He stated that it is important for the Commission to realize that they have access to every parking spot in the rest of this area so there is an adequate amount of parking on their site and also have the ability to overflow into the neighboring properties if that would ever become necessary, so they really feel comfortable with parking in this project.

Commissioner Mohamed asked if the underground parking would have a separate charge than rent or be inclusive.

Mr. Bochman stated that he is unsure and it will depend on the market. He gave the example of the project they are doing in Richfield where most have broken that out separately. He noted that there will be enough parking underground to have one per unit.

Commissioner Mohamed asked if they did a study on having 1-bedroom or studios over than having 3-4 bedrooms be the majority in this building.

Mr. Bochman stated that studios and 1-bedrooms are, by far, the lowest vacancy rates in Brooklyn Park. He stated that their typical unit mix is 65-70 percent of studios, alcoves, and 1-bedroom units, 25-30 percent 2-bedrooms and about 5-10 percent 3-bedrooms. He explained that 3-bedroom units were the hardest to rent because they are the largest space, are the most expensive, and are typically higher than home ownership.

Commissioner Mohamed stated that Mr. Bochman had made an earlier comment about moving away from a more urban look and asked it that was based on feedback from the neighborhood.

Mr. Bochman stated that was the feedback they received from both staff and the neighboring communities. He explained that they wanted to try to not make this look urban and instead complement the neighborhood rather than dominate it.

Commissioner Lee asked Senior Planner Larson what the City does in terms of a having a strategy for its growth with relation to housing units and buildings.

Senior Planner Larson stated that part of Brooklyn Park's reputation is that they have a lot of the same apartments that were built in the same time period between 1968 and 1972 and were almost all 1-bedroom apartments. He stated that there was no diversity in the housing stock and didn't really adapt with the times which has led to some problems. He stated that Minnetonka has a lot more apartment units than Brooklyn Park, by a few thousand units, however their situation is different because their units were built over multiple years with a diverse stock so they are able to fluctuate with the times better than Brooklyn Park. A few years ago the Planning Commission worked on some design criteria and one of the requirements was a diversity of unit styles so you

could not dominate with all 1-bedroom units and studios and needed a mix of larger units as well. He stated the applicants proposed unit mix complies with the existing design requirements.

Commissioner Kiekow asked what was expected to happen with the property directly to the south of this property.

Senior Planner Larson stated that it may be for higher education college nursing program that the Commission will see next month.

Commissioner Kiekow asked how many square feet the education building be.

Senior Planner Larson stated that it will be 2-story building and believes it will be around 30,000 square feet.

Commission Chair Kisch stated that with regard to the traffic study, for the sake of this application, he would like to focus on Outlots C and D relative to the overall parcel, because he understands that overall it shows a decrease, but in those Outlots it shows an increase from 2,734 net trips to 4,331 net trips. He stated that the mid-rise apartments that will be reviewed tonight are not the big piece of that and would like to point out the previous conversations around drive-thru in this area which are the biggest impact to that net increase. He stated that as the City is looking at these Master Plans and one-off applications, he thinks the Planning Commission needs to be mindful of those traffic study impacts to the overall area. He stated that he is only saying that because other uses in the area would generate a higher traffic volume than the multi-family apartments that are proposed. He stated that in terms of a site utilization standpoint and impact on the surrounding neighborhood, multi-family is a good thing in this area relative to what it could have been. He noted that had this stayed as a home improvement or retail area, rather than 761 trips a day, there would be 2,404 trips a day. He stated that multi-family is not the driver in terms of what will be driving negative traffic impact. He stated that he would also like to be mindful as the Commission looks at any future proposals in terms of drive-thru destinations, those have a significant impact. He asked about the fire access and explained that he would like to make a recommendation that whatever motion moves forward include an amendment to add that a platted access easement be made for the fire access in order to maintain it since it lands outside of the property itself.

Senior Planner Larson stated that Mr. Bochman alluded to having rights to the parking in the area. He explained that within all the properties south of 96<sup>th</sup> Avenue, there is already shared access and parking agreements in place. He noted that the gate is there to prevent student traffic from cutting through the apartments in a way that isn't desirable and funnel it out towards the shared access on the west.

Commissioner Chair Kisch stated that it is important to have the fire access delineated in any plat so any future development to the south needs to accommodate that and is a safeguard.

Mr. Bochman stated that they have that and also have a maintenance agreement with them because they thought it was important so they did not stack snow in this area either. He clarified that they have both a maintenance and access agreement for the area.

Commissioner Chair Kisch stated that he does feel that multi-family is an appropriate use in this area given the overall development and what the impacts could be. He stated that considering

the diversity of housing stock and density, if the City is looking for areas to bring in sit down dining and retail, having more units in the area is what will drive that use. The City is moving towards a full build out and does not have a lot of single-family zoned areas left, so to get some of the population density to support those other amenities that are desired, he thinks offerings like this that are appropriate in scale will be part of how the City gets more of what it wants in the other areas that are undeveloped. He stated that while he understands the concerns shared by some of the Commissioners, he is in support of this proposal.

Commissioner Vosberg stated that right now across the street is zoned for big box and is concerned that if that does not go in another large apartment or multi-family complex will just be plunked in. She stated that she would rather see more small ones and agrees that scale makes a difference. She stated that she is trying to understand the whole thing and reiterated her concern that the City will fill in with the same type of thing every time there is an open spot. She stated that she wants to make sure the Commission looks at the whole picture and understands what is intended so they don't just chip away a little at a time until they have the same situation here that they ended up with off of Brooklyn Boulevard. She stated that she expects that what was done in 1968 was done with good intent, but it has created a problem.

Commission Chair Kisch asked if Senior Planner Larson could explain any of the plans for Outlot A and B.

Senior Planner Larson stated that they really don't know what will happen with the area north of 96<sup>th</sup> Avenue and noted that it had been a while since they had spoken with any representatives for Meijer. He stated that Meijer would like to expand into Minnesota, but need a handful of locations in order to move forward. and this is the only location that they have currently secured. He stated that the property to the north still has the community/commercial designation so an apartment building could not just be put on it. He noted that there is a small portion along Oak Grove Parkway that does have a flex or high-density residential designation. He explained that if that area wants to go residential it would require a Comprehensive Plan amendment and public hearings.

Commissioner Mohamed stated that there have been many conversations in the City over and over again with big families throughout the City looking for places to live. He stated that he feels approving an apartment complex with 1 bedroom or studio apartments that comprise about 60 percent of the building is doing an injustice for the people of Brooklyn Park. He stated that in his opinion, when the Commission has heard over and over again that they need apartments for big families as well as adequate parking, the Commission needs to make a stand. He stated that maybe this is the time to make a stand so any projects moving forward would know what kind of expectation the Commission has. He stated that this project could set a precedent that the Commission may not want.

Commissioner Husain asked if the applicant could change the number of 2- or 3-bedroom units and revise the unit/size mix for this project.

Mr. Bochman stated that they could take a look but noted that they have already studied it pretty intensively. He stated that their projects in their entire portfolio have a 98.9 percent occupancy rate which has proven that they are pretty good at picking out what they need to do for different projects with relation to both unit mixes and rent prices. He explained that they are betting about \$34 million on this project that they are doing the right mix. He gave an overview of what their

market study looked at including job creation and age of people in the jobs along this corridor. He noted that he did not doubt that there is a need for 3 bedroom or perhaps larger apartments in the City, however their data just doesn't show it, so it would be difficult for them to make that change without the supporting data. He stated that internally they may be able to look at this in a different manner without adding a bunch of square footage or cost. He stated that adding the larger bedroom units would exacerbate the parking issue that people are worried however, this project is unique because of the amount of parking that is available for spill over.

Commissioner Husain stated that he does not have concerns about parking but would like more of the 2- and 3-bedroom units. He stated that he would rather have this as a multi-family building than a retail space, so he will support this project.

Commissioner Muvundamina stated that he believes that a multi-family site similar to this would stabilize the area, especially with regard to traffic patterns as opposed to adding in more drive-thru or retail space that would cause more congestion and potentially make this place less livable for those already in the area. He stated that he would also prefer larger unit sizes, but he understands that the applicant made that decision with input from an outside party. He stated that he would also assume that creating more 2- and 3-bedroom units would probably raise the rate for the smaller units making this almost outside of the affordable housing.

Mr. Bochman stated that assumption is correct. He stated that one of the things they looked at and they tasked their management team with looking at when considering this site was that they have to be able to do this and deliver a product that can compete with neighbors, but are less expensive than the neighbors. They wanted to be able to not have to set the market on their rents to make the project work and their goal was to provide as close to 'naturally occurring affordable' housing as they could while also having affordable units.

Commissioner Muvundamina asked if there was a 4-bedroom unit, what would the approximately monthly rent be for that unit.

Mr. Bochman stated that he does not know because they have never built one with a 4-bedroom unit.

Commissioner Muvundamina asked if the 3-bedroom units would be around \$2,500 - \$2,700 per month.

Mr. Bochman stated that would be correct and noted that they have different sized units available from 1,400 square feet to 1,600 square feet, so the price would depend on that, but the range he stated was fairly accurate.

Commissioner Muvundamina stated that if there were more 3- or 4-bedroom units that would not help with anybody who is looking to have more affordable rent.

Commissioner Lee stated that he keeps coming back to the subject of data. He stated that it is a concern to him because if fellow Commissioners are hesitant about this project because of the lack of multi-bedroom units. He stated that he supports this project, but asked what can be done about the data for future applicants. He asked if the City could look into this and get the data in order to be able to better address this as well as be better informed for future projects.

Community Development Director Berger stated that, similar to what the developer shared, the City is hearing this from the development community in general. She stated that what the community is asking for is affordable housing for people who are looking for 2- and 3-bedroom units and these market rate products are not producing affordable living for 2- and 3-bedroom units. As Commissioner Muvundamina just highlighted, those rents would exceed what would typically be paid for a single-family home. She stated that about 10 percent of the single-family housing, which are 2,3-, or 4-bedroom homes, are being rented out so there is access to relatively affordable multi-bedroom units within the single-family space. There is a limited amount of it constructed with governmental subsidy but there is not enough affordable housing dollars in existence to produce a lot of that type of product.

Mr. Bochman stated that his architect has already sent him a plan that shows they could switch 9 of their 1-bedroom units to 2-bedroom units. He noted that this would mean they lose some of their internal storage space, but thinks it should be possible.

Senior Planner Larson stated that this conversation may be overlapping with the conservation the EDA will be having on Monday night.

Commissioner Chair Kisch suggested that those ratios be part of the conversation with the EDA because it would be very beneficial, but noted that it is good to hear that it is a possibility to have larger units.

Commissioner Vosberg stated that she does not want to ram in 4-bedroom apartments if there is not the demand for it nor does she want to force the developer to build something that is not going to be affordable. She stated she sees the sense in some 2- and 3-bedroom units, but does not want to develop a 'unicorn' just because the Commission thinks it is a good idea. She stated that she wants to make sure the Commission listens to the market and the developer and not put a lot of stipulations around the number of bedrooms so it becomes unreasonable.

Senior Planner Larson stated that he had reversed the land use when he was describing it earlier. He stated that along 96<sup>th</sup> Avenue it is currently zoned for medium density residential and community/commercial to the north.

**MOTION HUSAIN, SECOND MUVUNDAMINA TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #21-104 FOR A 146-UNIT APARTMENT BUILDING AT 5505 96<sup>TH</sup> AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

**ROLL CALL VOTE:**

*Commissioner Muvundamina – Aye*

*Commissioner Husain – Aye*

*Commissioner Vosberg – Aye*

*Commissioner Kiekow – Nay*

*Commissioner Mohamed – Nay*

*Commissioner Lee – Aye*

*Commissioner Chair Kisch – Aye*

**MOTION CARRIED.**

Commission Chair Kisch stated that this will be on the EDA on March 15, 2021 and reviewed at the City Council meeting on March 22, 2021.

**C. Park Place Promenade Medical Office Building (Mark Davis, Davis Healthcare Real Estate) – Conditional Use Permit #21,105 for a 45,000 square foot medical office building at 6001 96<sup>th</sup> Lane North.**

Senior Planner Larson introduced the application for a Conditional Use Permit for a 45,000 square foot, 2-story medical office building. He reviewed renderings of the proposed building and landscaping plans and noted that the site is impacted by the transmission line. Staff is recommending approval.

Mark Davis (the applicant), introduced himself and explained that this is a project with Allina and Surgical Care Associates who plan to bring a very nice full operating room surgery center to community. He stated that their facilities typically attract a multi-specialty group of physicians that are currently in the community or want to come to the community. They have done a lot of projects around the metro area and build Class A medical buildings which typically do not ask for variances. He noted that they also use local union contractors to build their product.

Commission Chair Kisch opened the public hearing.

There being no public input, Commission Chair Kisch closed the public hearing.

Commission Chair Kisch asked how storm water is being handled for the overall three parcel development.

Senior Planner Larson stated that Park Place Promenade has a stormwater management plan that is in place and does have a central basin that holds water and everything from Zane to Hampshire flows into it and is all accounted for here.

**MOTION VOSSBERG, SECOND MUVUNDAMINA TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT #21-105 FOR A MEDICAL OFFICE BUILDING AT 6001 96<sup>TH</sup> LANE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.**

*MOTION CARRIED UNANIMOUSLY.*

Commission Chair Kisch stated the public hearing item is scheduled to be reviewed at the City Council meeting on March 22, 2021.

**D. 610 Junction (United Properties/Connor McCarthy) – Update to the development plan, plat, and site plan review #21-103 for three business park buildings northeast of 93<sup>rd</sup> Avenue and Decatur Drive.**

Senior Planner Larson introduced the application for an update to the development plan, plat and site plan review for three business park office buildings. He stated that the Commission had seen 610 Junction about a year ago and while there have been a few different proposals for the site throughout the years, everything up until now has been very speculative. He reviewed the plans that had been presented in 2017 and in early 2020. He stated that the property owner has found a user for the site, however the buildings approved in 2020 do not meet their needs. He stated

that the request is to modify the plans to something that is very similar to 2017 with two of the buildings being designed for use by one tenant each and a multi-tenant unit for the third building. He stated that 94<sup>th</sup> Avenue is currently just a dirt road to provide access to the Fischbach property to the east was platted as a public roadway but the roadway is in the way of the building, so the access is being shifted to the north to what was formerly a shared driveway and will now become the public access point. He stated that it was presented to the Fischbach's with the possibility of having this be a shared private roadway, however that did not work out. He explained that this has had a last-minute change to make this a public roadway called 95<sup>th</sup> Avenue. He stated that this change does have some impact on the site because there are setback requirements for parking areas from public rights-of-way of 15 feet as well as proper screening. He stated that if this were a private road, what is shown on the drawings would work just fine, however, as a public road it does not meet the setback requirements so there is a variance that is included with the site plan review for the setbacks to that road. He noted that the landscaping and lighting plans meet City requirements. He stated that the buildings are similar to what the Commission saw last year although they have more of the second story mezzanine that the Commission had previously requested.

Connor McCarthy of United Properties (the applicant) introduced himself and thanked City staff for working through the site and application with them. He stated that United Properties have been working on development plans for this property since about 2018 and before that worked on the North Cross Business Park development across 169. He stated that they are excited about the new plans that have changed due to their partnership with Juno Pacific and their project for a new headquarters.

Commission Chair Kisch opened the public hearing.

There being no public testimony, Commission Chair Kisch closed the public hearing.

Commissioner Kiekow stated that originally there was to be a service station on the southwest corner of 93<sup>rd</sup> and asked if that was still included in the plans.

Senior Planner Larson stated that when the applicant was working on developing the plans that were reviewed last year, there was a desire for some other mix in this area other than just the big warehouse type buildings and the thought was to put a placeholder on the map for a potential gas station or a small retail strip building. He explained that in the current plan, there is not any room for a service station.

Commissioner Mohamed stated that the property on the east side belongs to Fischbach and asked what would happen if 94<sup>th</sup> Avenue is removed and whether it would stop any access to any outlying buildings.

Senior Planner Larson stated that Charlie's Corn Stand is a mobile stand that is located at the south end of the property convenient to the current right of way that probably could be moved fairly easily.

Commissioner Mohamed asked if there had been any feedback from the property owner about the proposed change.

Senior Planner Larson stated that staff was involved a bit in some of the conversations and explained that is really a private matter between the two property owners.

Mr. McCarthy stated that they had originally proposed 95<sup>th</sup> Avenue as a private access drive and worked with Julie Fischbach on that however after a few discussions, they came to the resolution that dedicating that street for public use felt like the best path forward.

Commissioner Mohamed confirmed that the current plan is what the Fischbach's have agreed on.

Mr. McCarthy stated that this was correct.

Commissioner Chair Kisch stated that he had questions surrounding the expansion of building #3 including what will drive the expansion. He asked why the expansion would be to the south versus the reverse and having a more courtyard/front door access area to the north. He stated that he asks this in relation to the street presence to the south.

Mr. McCarthy asked Pete Herman to answer the question regarding what will cause the expansion. He explained that the reason behind the north or south position of the expansion is that the north portion of the proposed building #3 has a 2-story mezzanine component of about 45,000 feet on the north side so as Senior Planner Larson mentioned, there are 2 story glass and good visibility to the highway and frontage to the road with company signage. He stated that it feels more appropriate to have the more prominent entrance on the north side of the site given the way the design has progressed over the last few months.

Pete Herman, Juno Pacific, explained that they are growing at about 15-20 percent per year and the total occupancy of the existing facility will be moving to this location, which will encompass about 150,000 of the total 250,000 total square feet available. He explained that they felt it was appropriate to take a bite sized chunk of expansion and then find the balance to where they have enough room to expand for the next 8 to 10 years without taking the full 10 years to fill up and occupy the additional 100,000 square feet.

Commissioner Chair stated that looking from the south to the north, the elevations of building #2, is treated more like a true street edge façade and the south elevation of building #3 seems to be treated in almost the same manner as the rear elevations of the building. He stated that his concern is that the expansion doesn't happen and there is not the street edge presence or visibility and asked that the south elevation be looked at in context with the adjacent building and how it will be viewed from the south street in terms of overall composition.

Mr. McCarthy stated that they can certainly take a look at that and noted that there are offset design in terms of materials or styles with paneling and glass that is in the south elevation and is definitely a higher design than the rear side of the building.

Commission Chair Kisch stated that he understands that on surface value it meets the design guidelines in terms of material articulation, but from a presence and giving back to the street edge context in relation to building #2, he thinks the two should play a bit more together in terms of overall composition. He stated that he appreciates their willingness to take a look at it and he doesn't want to dictate anything but would appreciate them looking at it and possibility presenting a revised plan to the City Council. He asked if the City was okay with setbacks and the right-of-way with the current proposal.

Senior Planner Larson stated that City staff is okay with the current proposal and are willing to sacrifice the setbacks in order to make the whole access configuration work.

Commissioner Lee stated that he thinks Noble Academy is just down the road a bit and asked if there would be any considerations made for school or foot traffic on Decatur.

Senior Planner Larson stated that this area was developed initially in the gateway plan as business park, multi-family, office, and a little bit of neighborhood scale retail use. He stated that adding the school was a change that came later, so the school kind of bought into being in a business area which was what they wanted. Decatur Drive is a collector road and is designed to handle more traffic and noted that there are walkways on both sides and there is also a multi-use bike path on the school side.

MOTION MUVUNDAMINA, SECOND MOHAMED TO RECOMMEND APPROVAL OF DEVELOPMENT PLAN AMENDMENT FOR “610 JUNCTION” AT THE NORTHEAST CORNER OF 93<sup>RD</sup> AVENUE AND DECATUR DRUVE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

MOTION MUVUNDAMINA, SECOND MOHAMED, TO RECOMMEND APPROVAL OF PLAT #21-103 OF “GATEWAW 5<sup>TH</sup> ADDITION” AT THE NORTHEAST CORNER OF 93<sup>RD</sup> AVENUE AND DECATUR DRIVE, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

*MOTION CARRIED UNANIMOUSLY.*

MOTION MUVUNDAMINA, SECOND MOHAMED, TO RECOMMEND APPROVAL OF SITE PLAN REVIEW WITH VARIANCES FOR #21-103 FOR THREE BUSINESS PARK BUILDINGS AT 8800, 8801, AND 8701 95<sup>TH</sup> AVENUE NORTH, SUBJECT TO CONDITIONS IN THE DRAFT RESOLUTION.

Commission Chair Kisch stated the public hearing item is scheduled to be reviewed at the City Council meeting on March 22, 2021.

## **7. OTHER BUSINESS**

## **8. DISCUSSION ITEMS**

## **9. INFORMATION ITEMS**

### **A. Council Comments**

Council Liaison Jacobson stated that the Council passed the land use actions for Pura Vida Elite Training, the Scannell properties for North Park buildings #5 and #6, and the four lane Taco Bell.

### **B. Commission comments**

Commissioner Mohamed stated that this will be his last meeting and wished the Commission well. He stated that he has had fun being on the Commission and is honored to have shared this space with everyone. He noted that he had appreciated the leadership of Commission Chair Kisch as well as the other members who have subbed in different capacities.

Commission Chair Kisch thanked Commissioner Mohamed for his service and noted that his voice would be missed.

Commissioner Muvundamina stated that this will also be his last meeting because they have sold their property and will have a quick closing. He stated that it has been fantastic serving with this group and noted that he has learned a lot and thinks the Planning Commission has done a lot of good work. He stated that it is good to see that the City has a lot of people that are dedicated to its improvement and concerned about seeing it develop in a way that is promotive of the best mission of the City and the community, at-large.

Commissioner Chair Kisch stated that Commissioner Muvundamina's voice will also be missed. He stated that he did not want to let any other Commissions speak, just in case others decide to leave the Commission.

Senior Planner Larson noted that this past Monday, the Council made their appointments and one of them was to fill former Commissioner Morton-Spears' position who should begin next month.

### **C. Staff Comments**

Senior Planner Larson stated that there is no work session in two weeks because they have decided to wait until the new Commissioners join for the revamping of the zoning code discussion. He noted that the April meeting will be action packed with four development items on the agenda including the higher education building next to the Enclave building, Building #7 of the North Park Business Center, a CUP for modifications to the old golf dome by Fleet Farm, and a lot split in the northeastern part of town.

Community Development Director Berger stated that she wanted to acknowledge the two departing Commissioners because it is a big deal to serve and they will be missed. She stated that she also wished to acknowledge the work of Senior Planner Larson because with the recent staff transitions there has been a lot of extra work and he has really picked up the slack and will continue to do so until they can get another staff person on the team.

## **10. ADJOURNMENT**

Commission Chair Kisch adjourned the meeting at 9:15 PM.

Respectfully submitted,

Todd A. Larson,  
Senior Planner